

SUMMARY: The document below is the draft of a bill to be put before Parliament on behalf of Henry de Vere (1593-1625), 18th Earl of Oxford, concerning the great garden property near Aldgate purchased by his father, Edward de Vere (1550-1604), 17th Earl of Oxford. The bill states that the Earl and his tenants have 'quietly enjoyed' the great garden property '30 years or more'. Since Oxford purchased the great garden property from Benedict Spinola on 15 June 1580, the bill can be dated to shortly after 1610. Oxford died on 24 June 1604, and some of his tenants had come and gone in the intervening 30 years between 1580 and 1610 as well. The statement '30 years or more' is obviously not meant to suggest continuous occupation by Oxford and his tenants for 30 years, but merely to identify, in broad terms, the period of time which had elapsed from Oxford's original purchase until the time of the draft bill, and to emphasize that during that entire 30 years the Master and Fellows had always accepted the rent and delivered an acquittance for it --always, that is, until the Master of Magdalene College, Dr Barnaby Goche (d.1626), attempted to reassert the College's title to the property in 1607.

The stated purpose of the bill is the confirmation of the original grant by the Master and Fellows of Magdalene College to Queen Elizabeth in 1574, and in consequence the validity of the Queen's conveyance to Benedict Spinola in 1575, and Benedict Spinola's to Oxford in 1580, and by extension the validity of Oxford's leases to his tenants and their leases to their under-tenants, all of which depended on the validity of the original grant from the Master and Fellows to the Queen. The Journal of the House of Commons records such a bill on Friday, 13 May 1614 in wording which parallels that of the document below:

An Act for the Confirmation of a Grant made by the Master and Fellows of Magdalen College, in the University of Cambridge, to the late Queen Eliz. in the 17th Year of her Reign, of an House and Garden, lying in the Parish of St. Bottolphe without Algate, London.

However it does not appear that the bill was enacted by Parliament in 1614.

The following statement in the draft bill is informative:

And the said Earl & his tenants & under-tenants have expended £10,000 at the least in buildings & fences in & about the said garden;

The document states that it was both Oxford and his tenants who expended £10,000 on the great garden property. The statement thus provides an important indication of where at least some of the money Oxford realized from the sales of his inherited lands went, that is, into purchasing and improving this London property and then leasing it out. On the other hand, there is also an indication that Oxford had partly encumbered the property, and that the full extent of the encumbrances had not yet been calculated:

The which estate by divers mean conveyances came to the late Edward de Vere, Earl of Oxenford, who for divers great sums of money did lease the same to several persons, charging the same with rentcharges & annuities not yet determined.

Purnell's transcript of the document below (see pp. 76-7) begins with the words 'A draft of the deed', rather than 'A brief of an Act', and lacks the two endorsements.

For further discussion of Oxford's great garden property and the proceedings in the courts and in Parliament, see Purnell, Edward Kelly, *Magdalen College*, pp. 67-73, 76-7, and Cooper, Charles Henry, *Annals of Cambridge*, Vol. III (Cambridge: Warwick and Company, 1845), pp. 89-92, both available online. See also The Case of the Master and Fellows of Magdalen College in Cambridge in *English Reports*, Vol. 77 (Edinburgh: William Green & Sons, 1907), pp. 1235-52, and The Earl of Oxford's case in Chancery in *English Reports*, Vol. 21, pp. 485-9; the inquisition post mortem taken on Oxford's Great Garden property in 1608, TNA C 142/305/103; documents from the Magdalene College Archives on this website; TNA REQ 2/178/60; STC 1057; and the will of Thomas Audley (1487/8–1544), TNA PROB 11/31, ff. 3-6.

A brief of an Act for the confirmation of a grant made by the Master & Fellows of Magdalene College in Cambridge to the late Queen Elizabeth in the 17th year of her reign of a house & garden lying in the Parish of St. Botolph's without Aldgate, London;

Showeth that whereas the Master & Fellows of the foresaid College the xiiijo die Decembris Anno 17 Elizabethe Regine [=13 December 1574], being seised in fee of the aforesaid house containing about 7 acres then in lease for 50 years at £9 per annum, in respect of the immediate increase of the rent from £9 to £15 did give & grant the said house & garden to the said Queen Elizabeth, rendering perpetually the yearly rent of £15 to the said Master & Fellows & their successors, being then the uttermost value that it was worth;

The which estate by divers mean conveyances came to the late Edward de Vere, Earl of Oxenford, who for divers great sums of money did lease the same to several persons, charging the same with rentcharges & annuities not yet determined;

And the said Earl & his tenants & under-tenants have expended £10,000 at the least in buildings & fences in & about the said garden;

The said Earl of Oxon' & his tenants have quietly enjoyed the same 30 years & more, & every succeeding Master & Fellows have always accepted the said rent of £15 & delivered them acquittances;

And by the death of the said Earl of Oxon' the reversion of the premises descended to Henry, now Earl of Oxenford;

Now for that some questions have been stirred & moved by the aforesaid Master whether the said conveyance to the late Queen Elizabeth were good, the evicting whereof would tend to the great damage of the now Earl and to the utter undoing of the now tenants;

In consideration whereof the said Earl doth pray that the said grant made to the late Queen's Majesty be good & effectual in the law against the Master & Fellows & their successors;

Saving to the King, his heirs and successors, & to every other person & persons etc.

Endorsed: Earl of Oxford

A breviat of the Earl of Oxenford & his tenants' bill