

SUMMARY: The bill of complaint of Judith Ruswell alleging that a debt of £1000 had been owing by Oxford to her late husband, the tailor William Ruswell, for the past 12 years was filed in the Court of Chancery on 21 May 1598. In his answer Oxford denied the debt, and averred that not only had Ruswell not been employed by him for at least the past 18 or 19 years, but that Judith Ruswell's claims that she took out administration of her husband's estate in the Prerogative Court of Canterbury and that she had been granted the Queen's permission to sue Oxford in Chancery are false. Moreover Oxford states that he last heard of William Ruswell 18 years earlier, i.e. in 1580, when Ruswell was given materials belonging to Oxford worth £800 for the purpose of making garments and ran off with them. In *Johnson v. Countess of Oxford* in 1610 (see TNA REQ 2/388/288), Oxford's widow, Elizabeth Trentham, states that the Ruswell case was fraudulent and that it had been disproved at trial, and that any debt which Oxford had ever owed Ruswell was demonstrated at trial to have been fully paid and discharged:

*for the said Countess saith that in all the time sithence she married with the said late Earl, she to her now remembrance never heard of any workman or other person whatsoever that ever made demand or challenge of any debt owing to him by the said late Earl except one by one (blank) [=William Ruswell], who having been a tailor for the said late Earl his servants, did first demand & after sue for a certain debt he pretended to be due & owing unto him by the said Earl, supposing the same Earl could not have proved any payment or satisfaction of that debt, but yet prevailed not for that when that cause came to trial one Hubberd, then one of the Six Clerks of the Chancery, who formerly had been employed in the said Earl his affairs, did make plain & manifest proof when & how the said debt was clearly & fully satisfied & discharged.*

Moreover although Judith Ruswell states in her bill of complaint that the debt grew principally because William Ruswell took up on his own credit silks and lace for making garments for Oxford and his servants, an entry in the schedule of Oxford's debts in 1575 (see ERO D/DRg2/25) shows a debt of Oxford's for £99 of lace delivered to Ruswell for Oxford's use, indicating that the usual practice was for such materials to be taken up on Oxford's credit, not Ruswell's. For the depositions of several witnesses in the case, see C 24/269.

Vicesimo primo Maij 1598 [=21 May 1598]

To the right honourable Sir Thomas Egerton, Knight, Lord Keeper of the Great Seal of England.

Humbly complaining showeth unto your good Lordship your oratrix Judith Ruswell, widow, the late wife and administratrix of the goods and chattels of William Ruswell, tailor, her late husband, deceased, that whereas your oratrix' late husband was in his lifetime servant and tailor to the right honourable Edward, now Earl of Oxenford, and by reason thereof did by his honourable appointment and to his Lordship's use take up in

London upon his own credit at sundry times as need required divers and sundry parcels of silk, silver and gold lace, silk and other stuffs for the garments as well of the said Earl as of his servants to his use, which amounted with the workmanship thereof near the sum of one thousand pounds, as may appear by the several books of account of her said late husband's, deceased, late come to your said oratrix her possession, whereof there is allowed in one of the said three books for good and due debt under the hand of one of the said Earl's officers the sum of five hundred and eight pounds and upwards, which said debt of one thousand pounds or thereabouts hath been due unto your oratrix her husband above the space of this twelve years or thereabouts, and after Ruswell, your oratrix' said husband, died intestate, the said debt nor any penny thereof being satisfied or paid unto him in his lifetime, sithence whose decease the administration of all the goods, chattels and debts of her late husband's, deceased, were granted unto your said oratrix out of the Prerogative Court of Canterbury, by force of which said letters of administration your said oratrix is and ought to have the said debt of the said Earl of Oxenford as aforesaid which he, the said Earl, was and stood indebted unto your oratrix' said husband, deceased, at the time of his death as aforesaid;

But now so it is, right Honourable, that albeit the said Earl well knoweth that he was so much indebted unto your oratrix' said late husband, deceased, and that your oratrix hath been a continual suitor unto his Honour by several petitions delivered unto his Lordship by your poor oratrix for payment of the said debt to th' end your oratrix might in some small manner make some satisfaction to her said husband's creditors and might have something to relieve her, your said oratrix, and her poor children, being infants who have ever since the death of her said husband lived and been maintained by the devotion of good people, not having anything at all otherwise to relieve them withal, yet the said Earl hitherto hath not paid nor satisfied the said debt unto your said oratrix nor any part thereof, but hitherto refused to pay or satisfy the same, contrary to all right, equity and good conscience;

And thereupon your said oratrix, about April last [=April 1598] delivered a petition unto the Queen's most excellent Majesty declaring her poor estate & her case, and most humbly craved leave of her Highness to sue the said Earl for the recovery of the said debt, and thereupon it pleased her said Majesty of her gracious goodness to vouchsafe to refer your subpoena to sue before your Lordship in her Highness' Court of Chancery the said Earl for the said debt *in forma pauperis*, in tender consideration of all the said premises, and for that your said oratrix, in respect of her great poverty, is not able by the strict rules and course of the common laws of this realm to compel the said Earl to satisfy and pay unto her the said debt of one thousand pounds or thereabouts due unto her as administratrix unto her said late husband, deceased, and for that your said oratrix hath not such sufficient proof in writing under the hand and seal of the said Earl as by the said strict rules of the common laws of this realm is required to testify the same to be a true and a just debt, may it therefore please your good Lordship, the premises considered, and for the causes afore recited, and for the speedy relief of your oratrix and her poor children herein, to grant unto your said oratrix her Majesty's most gracious writ of subpoena to be directed to the said right honourable Earl of Oxenford, commanding him thereby personally to appear before your good Lordship in her Majesty's High Court of Chancery

then and there to answer the premises and to stand to and abide such further order and direction therein as to your good Lordship shall seem to agree with right, equity and good conscience, and your said poor orator shall daily pray for the preservation of your good Lordship in health long to continue.

25 Octobris 1598

The answer of the right honourable Edward, Earl of Oxon, defendant, to the bill of complaint of Judith Ruswell, widow, complainant.

The said defendant, saving and reserving unto himself all advantage of exception to the uncertainty and insufficiency of the said bill of complaint, doth say that the said bill of complaint containeth many untruths and is very uncertain and insufficient in the law to be answered unto for divers and sundry apparent causes and manifest imperfections therein appearing;

For answer unto the said bill of complaint he, this defendant, doth say that true it is that the said William Ruswell in the said bill of complaint named, late husband of the said complainant, about twenty years now last past was servant and tailor unto this defendant, and did for some time make divers garments and apparel for this defendant and some of his servants, but what or how many this defendant doth not now certainly know nor remember, being long sithence, for this defendant saith that he, this defendant, is very sure that the said William Ruswell hath not made any garment for him, this defendant, nor for any of his servants by this defendant his appointment at any time within the space of eighteen or nineteen years now last past, as he this defendant remembereth;

And this defendant further saith that he, this defendant, hath paid and satisfied unto the said William Ruswell for all such work as the said William Ruswell did for this defendant or any of his servants by the direction or appointment of this defendant, neither did the said William Ruswell at any time take up by this defendant his appointment or to his use upon the credit of the said Ruswell any silk, silver or gold lace, silks, or other stuff for any the garments of this defendant or any of this defendant's servants by the appointment of this defendant, neither was the said William Ruswell at any time of such credit as he could so do;

And this defendant further saith that the said William Ruswell, about seventeen or eighteen years sithence, having received certain cloth of gold and silver and other stuff of this defendant to the value of eight hundred pounds or thereabouts to this defendant's use, did run away (long blank) with the same, sithence which time this defendant, albeit he, this defendant, hath many times caused diligent enquiry to be made for him, the said Ruswell, hath not seen him nor never received nor had the said cloth of gold and silver and stuff nor any satisfaction or recompense for the same, nether did the said Ruswell at any time demand the said supposed debt or any part thereof of this defendant, and this defendant further saith that there is not any part of the said supposed debt allowed in any

of the said three supposed books for good and due debt by any authority from this defendant so to do, nor by any of his officers in that behalf;

Without that that the supposed debt of one thousand pounds in the said bill of complaint mentioned or any part thereof hath been due unto the said complainant or the said William Ruswell, her late husband, as in and by the said bill of complaint is very untruly surmised and alleged. And without that that after the decease of the said William Ruswell the administration of all the goods, chattels and debts of him, the said William Ruswell, were granted unto the said complainant out of the Prerogative Court of Canterbury, or that by force of the said supposed administration the said complainant is or ought to have the said supposed debt or any part thereof of the said defendant as in and by the said bill of complaint is very untruly surmised and alleged. And without that that this defendant knoweth that the said supposed debt or any part thereof was due and owing by him, this defendant, unto the said William Ruswell, late husband to the said complainant, or that the said complainant hath been a continual suitor unto this defendant by several petitions delivered unto him by the said complainant for the payment of the said supposed debt as in and by the said bill of complaint is very untruly surmised and alleged. And without that that the said complainant delivered a petition unto the Queen's most excellent Majesty declaring thereby her poor estate and case, or that upon the said petition it pleased her Highness of her gracious goodness to vouchsafe to refer the said complainant to sue the said defendant in this honourable court for the said supposed debt as in and by the said bill of complaint is very untruly surmised and alleged. And without that that any other matter or thing in the said bill of complaint mentioned material or effectual for this defendant to answer unto and before herein not sufficiently confessed and avoided, denied or traversed is true, all which matters this defendant is ready to aver and prove as this honourable court shall award, and prayeth to be dismissed out of this honourable court etc.

The replication of Judith Ruswell, complainant, to the answer of the right honourable Edward, Earl of Oxon, defendant.

The said complainant for and by way of replication saith and will aver and justify her said bill of complaint and all and every the matters and things therein contained to be just and true in manner and form as in the said bill the same are set forth and truly declared, and that the said defendant's answer and the matters therein contained are most untrue, uncertain, and not worthy to be replied unto, th' advantage thereof to her, this complainant, now and at all times hereafter being saved, all which this complainant is and will be ready to aver justly and prove as this most honourable court shall award, and humbly prayeth as in her bill.