

SUMMARY: The document below consists of notes in the hand of Lord Henry Howard (1540-1614), later Earl of Northampton, concerning allegations against Oxford. There are also extensive additional notes (shown in boldface type in the transcript below) in the hand of Francis Southwell (d.1581?), including a lengthy note at the end personally addressed by Southwell to Howard. It is thus clear from the structure of the document that it was not an official list of allegations submitted to the authorities concerning Oxford, but rather a preliminary attempt by Howard to ensure that his, Charles Arundel's, and Francis Southwell's allegations against Oxford were consistent, and that anything which any one of them alleged against Oxford would not bring them into danger themselves.

Francis Southwell was a younger son of Sir Robert Southwell (c.1503-1559), lawyer, member of Parliament, and Master of the Rolls, and Margaret Neville, daughter and heiress of Sir Thomas Neville (c.1484-1542, fourth son of George Neville (1436-1492), 2<sup>nd</sup> Lord Abergavenny (see the will of Sir Robert Southwell of Mereworth, Kent, TNA PROB 11/43, ff. 408-10). For Francis Southwell, see also the will, TNA PROB 11/151/729, of Mary Cornwallis (buried 17 May 1627), Countess of Bath, who may be 'the said lady' referred to in one of his notes below.

In his note to Lord Henry Howard below, Francis Southwell says he is a 'poor kinsman' of Howard's:

*I cannot so amply write, but in short assure your Lordship I will do like one that is your poor kinsman, and allied as you know.*

The precise relationship between Francis Southwell and Lord Henry Howard has not yet been traced.

Southwell's notes provide evidence of collusion with respect to his and Howard's allegations against Oxford. However although Southwell has no qualms about collusion with Howard, he expresses alarm about Charles Arundel, saying:

*I hear by you Mr Charles is my dear friend. In faith, my Lord, it is not best, for if the Earl could get one man to aver anything, we were utterly overthrown.*

It would appear that Southwell was well aware that all three had potentially treasonous activities to hide, and that he feared that Oxford might be able to persuade Arundel to come over to his side. Arundel's own evidence concerning the secret meeting between himself and Oxford on the night of 25 December 1580 (see TNA SP 15/27A/46, ff. 81-2) indicates that Oxford did in fact attempt to persuade Arundel to defect, but unsuccessfully. Instead of falling in with Oxford, Arundel fled that night with Howard to the house of the Spanish ambassador, Mendoza (Archivo General de Simancas Leg. 835, ff. 121-4). The fact that Southwell does not mention this attempt by Oxford to co-opt Arundel, and that he appears unaware that Arundel is firmly on their side, suggests that the document below dates from late December 1580, before Arundel's decision to throw

in his lot with Howard, not Oxford, was fully known to Southwell. In addition, Southwell's use of the phrases 'I never said', 'I only said', 'I have confessed', etc. indicates that he had recently been examined by the authorities, an examination which according to other documents took place before Howard and Arundel gave themselves up to the authorities on 28 December 1580. Moreover Southwell mentions that his sources tell him that the Queen has forgiven Oxford ('By my intelligence I hear the Queen's Majesty hath clearly forgiven him'), a statement which would also date Howard's list of allegations and Southwell's note to late December 1580.

On the other hand, the phrasing of one of Howard's allegations appears to date the document to *after* Easter Sunday (26 March) 1581: 'His device to carry away Nan Vavasour at Easter was a 12 month when he thought her first to have been with child'. BL Cotton Titus C.6, ff. 7-8 establishes that Oxford thought Anne Vavasour was pregnant during Lent 1580, and the natural reading of Howard's phrase is that Easter 1581 has already passed, and that he is referring to a time twelve months prior to Easter 1581. However it is possible that by the phrase 'at Easter was a twelvemonth', Howard meant that it would be twelve months at Easter next, i.e. Easter 1581.

At the end of his notes, Howard urges Southwell to add new allegations against Oxford:

*Add to this what particulars soever you have declared of him, and they shall be justified.*

Southwell's reluctance to do this is apparent throughout the document. He says he has no evidence apart from the 'open lewdness' of Oxford's own speeches to support Howard's allegations of 'pedication' against Oxford, and he retracts a claim of his own made earlier to Howard and Arundel concerning bestiality, calling it 'a lie':

*My good Lord, the lie of the bitch I told you and Mr Charles to see what a beast my Lord was, and how I kept him from desperation(?), being with so infinite faults loaden.*

Southwell also urges caution with respect to any allegations of treason, telling Howard that any such allegation would open them to charges of misprision of treason:

*I pray, my good Lord, in any matter of treason he may justly be charged withal, let us have care of misprision. By my intelligence I hear the Queen's Majesty hath clearly forgiven him, and therefore let us wisely and safely disable him.*

Apart from this note, no allegations by Southwell against Oxford survive, and it appears unlikely that Southwell made any independent allegations.

The credibility of the extensive allegations made by Lord Henry Howard and Charles Arundel against Oxford has to be carefully weighed against the other relevant documentary evidence. The evidence of the Spanish ambassador in England, Don Bernardino de Mendoza, is that Howard acted as a spy for Spain from the night of 25 December 1580 on (see Mendoza's letter of 25 December 1581 noted above, and other documents on this website). Moreover Mendoza himself suggested that one of the

reasons for both Henry Howard and Charles Arundel's flight from court on the night of 25 December 1580 was fear of arrest because of 'their having been very intimate with the French ambassador' (see Archivo General de Simancas, Leg. 835, f. 6). After he fled England in December 1583, Charles Arundel acted as a spy for both Spain and France (see Paris Archives K.1564.218 and other documents on this website), and was declared guilty of high treason in England (see Paris Archives K.1563.122). Lord Henry Howard was named in a letter of Mendoza's as one of the principals involved in the Babington (see Paris Archives K.1564.150). Moreover Oxford was never imprisoned for any of the allegations Howard and Arundel made against him, while Howard and Arundel were kept under house arrest for at least 7 months, and in July 1581 they Queen was still insisting that Oxford openly accuse Howard and Arundel of treason (see TNA SP 12/149/67, ff. 156-7). When all these facts are considered, it is evident that both Howard and Arundel might have had much to hide when they fled the court on the night of 25 December 1580 for fear of arrest, and that the flood of allegations they unleashed against Oxford, whom they considered had reported their treasonous doings to the Queen, was designed to discredit him as a witness by bringing his character into such disrepute that anything he might say against them would be viewed with suspicion. In the end, the strategy was partially successful, and both Howard and Arundel were eventually released.

#### Atheism

The Trinity a fable 1

Joseph a wittol 2

Nothing so defensible by scripture as bawdry 3 **Audivi.**

Scriptures for policy 4

The Turk only wise, who made his own Alcoran 5 **Audivi.**

**What a blessing Solomon had for his 300 concubines.**

**The Bible only to be to hold men in obedience, and man's device.**

#### Dangerous practices

A practice with Rowland Yorke for the destruction of Mr Walsingham, and to set division between him and Leicester, etc.

A devise one night, upon a brawl, to have killed Mr Vice-chamberlain [=Sir Christopher Hatton] as he was going to his chamber.

His protestation to make Leicester be killed at the garden stair as he landed from my Lord of Essex' etc., and to write upon the garden wall under his windows Palazzo di Castiti.

His devise with certain cutters to set upon Leicester in his way to Wanstead, and to murder him.

His practice to murder Sidney in his bed, and to scape by barge with calivers ready for the purpose.

His devise to carry away Nan Vavasour at Easter was a 12 month when he thought her first to have been with child, and on the tother side to have married her, disposing his bank of money to the purpose.

His daily railing of the Queen, and falling out with C{harles} A{rundel}, Fr{ancis} Southwell and myself for defence of her. **Audivi in poculis.**

His knowledge of a book against the Queen at Venice.

His saying that the Catholics were good Ave Mary coxcombs for yielding their heads which might be saved by rebellion. **Audivi.**

His detecting Shelley at Rome to the English fugitives for giving intelligence to my Lord Treasurer [=Lord Burghley].

[ ] he promised to sack London, and give me Day alderman's house then(?)

Continual railing on the Duke for coming up when he was sent for. **Audivi**

His often wishing that Dr Saunders were Pope, for he went into the quick; the rest were but hedge-priests. That he would give a thousand pound for such a chaplain.

That the Viscount of Baltinglass [=James Eustace (1530-1585, 3<sup>rd</sup> Viscount Baltinglass)] wrote the bravest letter to the Q{ueen's} Deputy that ever was, putting great difference between the Queen and Christ's mother, whom notwithstanding he would never make supreme head.

#### Buggery

Touching buggery, Orazio, the Italian boy, complained how horribly my Lord had abused him, and yet would not give him anything.

Hopton with tears lamented my Lord's ill life that way with so many boys that it must needs come out, at such time as he was commanded to keep young Henry Macwilliams till my Lord came down from the Privy Chamber. **Audivi sed nil de Macwilliams.**

Power hurt at Hampton Court, and would have revealed the matter to Baker, as with weeping tears he told some, if my Lord had not forbidden him, giving the boy salve which served his own legs at the same present.

He stands charged with more particulars touching this matter, as his speech to William Cornwallis [=Sir William Cornwallis (c.1551-1611)] that he would have a priest to whom he must confess buggery.

Add to this what particulars soever you have declared of him, and they shall be justified.

Here is nothing in this paper but may be avowed without danger, as hath been determined.

**My most honourable good Lord and dearest friend (if you will vouchsafe I may so call your Lordship), I never said you saw the book of pictures, nor that ever you gave any comment of those figures. This I only said of the said book, my Lord Oxford only showed me it in his great chamber, and made me the only exposition of it. Mr Charles A{rundel} was then in the bottom of the chamber very earnestly writing a letter, and never to my knowledge saw the said book.**

**I never heard you speak the prophecy of England etc., only this, to fray my Lord of Oxford, among other his vices to tell him of a device of his own, which was *Ante consum{a}tu{m} matrimonium*. This I have confessed came out of my Lord of Oxford's own forge, and you very friendly bid me put him in fear withal. And repeating the suspicion of some other faults of his generally, I have confessed, and to the death will maintain it, both of your Lordship and Mr Charles, that you are honourable, loyal and most just gentlemen, the Mass only in my chamber excepted, which was only the sacrament ministered unto us to make us friends, being at jar before through his wicked practice.**

**I cannot particularly charge my Lord with pedication, but with the open lewdness of his own speeches, neither with Tom Cook, nor Powers, nor any else.**

**I pray, my good Lord, in any matter of treason he may justly be charged withal, let us have care of misprision. By my intelligence I hear the Queen's Majesty hath clearly forgiven him, and therefo{re} let us wisely and safely disable him.**

**I hear by you Mr Charles is my dear friend. In faith, my Lord, it is not best, for if the Earl could get one man to aver anything, we were utterly overthrown. I cannot so amply write, but in short assure your Lordship I will do like one that is your poor kinsman, and allied as you know.**

**There is great wrong done me about the said lady. I never spake such a word. I deal not about her, nor anything else, so private a life I lead, and good my Lord, let**

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**them know so much. I would go a thousand miles on my bare feet it were to be done, for I love the house well, though my fortune hath caused them to hate me.**

**When we come face to face, stand to it lustily, for this is the day of honour forever, and I am ready *usque ad aras*.**

**My good Lord, the lie of the bitch I told you and Mr Charles to see what a beast my Lord was, and how I kept him from desperation(?), being with so infinite faults loaden.**