

SUMMARY: The documents below from 1602 consist of two related items. The first is a two-page account of the treatment of Oxford's servant and secretary, Michael Cawley, by Sir Edmund Carey (d.1637) in connection with the Danvers escheat case. The second is a one-page draft letter from Oxford to the Queen requesting that she grant him her interest in the Danvers escheat so that he can properly follow the case on her behalf. Similarities in the spelling of the two documents suggest that both were written by the same individual, likely Michael Cawley. Many words in the documents have been crossed out by the writer in the course of composition; most of these have been omitted in the modern spelling version below.

The unchecked harassment of Michael Cawley described in the first document, and the Queen's failure to provide Oxford with a legal grant of her interest so that he could properly follow the case on her behalf described in the second, are likely attributable to the Queen's reluctance to proceed against Sir Edmund Carey, who was the son of Queen Elizabeth's first cousin (and according to some sources, her half-brother) Henry Carey, (1526-1596), 1<sup>st</sup> Baron Hunsdon. Sir Edmund Carey had married the widowed Lady Danvers, and was working vigorously and unscrupulously to prevent the Danvers lands from escheating to the Crown.

For background concerning Oxford's involvement in the Danvers escheat case see CP 181/99 and documents mentioned there.

For Michael Cawley, see also CP Petitions 787.

In this passage from the document below the 'Lord Chamberlain' whose warrant Baynard claimed to have was Sir Edmund Carey's elder brother, George Carey (26 February 1548 - 8 September 1603), 2<sup>nd</sup> Baron Hunsdon, who was then Lord Chamberlain:

*Then the said Cawley repaired unto the court, lying then at Greenwich, unto the Earl of Oxford's lodging in the friary, where attending on his Lord and master until 11 of the clock that night, the said Baynard, not without the privity of his master, Sir Edmund, & by his procurement, caused watch to be laid at the Earl's lodging for the said Cawley by divers of his own men & sundry of the Lord Scrope's men, and so chased the said Cawley unto his lodging, where they beset the house and said that they had the Lord Chamberlain's warrant for the said Cawley, and caused one of the Marshal's men (blank) to arise out of his bed & to put the said Cawley's name in a blank warrant & to go apprehend the said Cawley.*

The 'Lord Scrope's men' mentioned in the passage would appear to have been the servants of Sir Edmund Carey's brother-in-law. Sir Edmund Carey's sister, Philadelphia Carey (d.1627), married Thomas Scrope (d. 2 September 1609), 10th Baron Scrope of Bolton, the son of Henry Scrope (d. 13 June 1592), 9th Baron Scrope of Bolton, by Oxford's first cousin, Margaret Howard, the daughter of Oxford's aunt, Frances de Vere (d.1577), and her husband Henry Howard (1516-1554), the poet Earl of Surrey. See the History of Parliament entry for Thomas Scrope, 10th Baron Scrope of Bolton, at:

<http://www.historyofparliamentonline.org/volume/1558-1603/member/scrope-thomas-1567-1609>.

A brief note how Cawley hath been used by Sir Edmund Carey & others since he followed Danvers' escheat for her Majesty & the Earl of Oxenford.

First, Cawley, in July last, was arrested by Sir Edmund Carey's procurement at the suit of one Jerome Ham, & was by the gentlemen of the Inner Temple first rescued. The morrow after, by one George Baynard's procurement, his servant, by a false suggestion a warrant was directed from the Lord Mayor & the Recorder to bring the said Cawley out of the Temple liberties unto the sessions-house, and was by the said warrant again apprehended & by the said gentlemen again rescued.

Then the said Cawley repaired unto the court, lying then at Greenwich, unto the Earl of Oxford's lodging in the friary, where attending on his Lord and master until 11 of the clock that night, the said Baynard, not without the privity of his master, Sir Edmund, & by his procurement, caused watch to be laid at the Earl's lodging for the said Cawley by divers of his own men & sundry of the Lord Scrope's men, and so chased the said Cawley unto his lodging, where they beset the house and said that they had the Lord Chamberlain's warrant for the said Cawley, and caused one of the Marshal's men (blank) to arise out of his bed & to put the said Cawley's name in a blank warrant & to go apprehend the said Cawley. The said Marshal's man thereupon went unto Cawley's lodging & brake open doors & searched the house for the said Cawley & found him and carried him to the Marshal's ward at 12 of the clock in the night, from whence by a special message from Sir Edmond Carey the said Cawley was carried unto the Marshalsea by water by 3 of the clock in the morning, where he had not remained scarce one hour but Sir Edmund Carey entered an action of the case against the said Cawley of £5000, & without the privity of the said Ham, charged the house with his action also.

2 The said Earl complained hereof to her Majesty, whereupon Sir Edmund was called before Master Secretary Cecil & Sir John Stanhope, who blamed much Sir Edmund for entering into these courses, and take order for setting Cawley at liberty and granted him protection against all arrests for six months.

3 Notwithstanding the said Cawley was again arrested in London, after he had protection, by the said Baynard's procurement, Sir Edmund's servant, and detained almost a whole day, & at last by Sir John Fortescue delivered, the serjeant confessing before Sir John Fortescue that the said Baynard promised him £5 for the said arrest.

4 The morrow after this arrest the said Cawley was attached again by some of the bailiffs of Middlesex, who presently upon the sight of the said protection discharged the said Cawley, but confessed that they were set on by a man of Sir Edmund Carey's, namely the

said Baynard, & not by Ham. And the said Ham was at Bristol at the 3 last times of arrest, so that Cawley was thrice arrested without Ham's privity.

Since that time the said Baynard assaulted the said Cawley in Fleet Street, and had not 2 ministers taken hold of him, he had with his dagger stabbed the said Cawley, which was proved by the said 2 ministers before the Lord Treasurer & the Lord Chief Justice by oath.

Afterwards the said Cawley early in a morning was assaulted again, & had he not slipped out of their hands, being 3 unknown fellows, he had been murdered no doubt by some of their procurements, the said Cawley having no faction or quarrel with any others.

Since that, by false suggestions unto the Lord Treasurer, they procured his allowance to break open the said Cawley's study, as though he had been a traitor or felon, and so carried away all the said Cawley's writings, the most of them concerned [sic] Danvers' cause & some letters of the Earl's, which must give the world cause to mistrust [+the] said honourable Earl, that(?) Cawley, being his secretary & solicitor, should have his study broke up & searched in such manner. The like precedent hath not been showed except in cases of treason (blank) or suspicion thereof.

Then I [sic] said Cawley was called before the Lords by warrant under 9 of their hands, where he, before he was attached, voluntarily appeared, & there was laid to his charge an incitement of one Atkinson against the Lord Treasurer & some other Councillors to complain unto her Majesty of sundry abuses, whereupon day was given by the Lords at the Lord Keeper's to the said Cawley to make his appearance at Richmond, where order was given unto the keeper at Newgate to bring Atkinson sure to ensure to accuse Cawley. There they met, & Cawley acquitted himself of all those false accusations, & was with favour & good opinion of the Lords discharged.

Now the said Cawley is by the Queen's Attorney joined in a slanderous bill importing many misdemeanours committed by the said Cawley combining with the said Atkinson, which information is exhibited in the Attorney-General his name in the Star Chamber, and a pursuivant sent by the said Attorney to serve Cawley with process, which is done of purpose to vex & molest the said Cawley, and to impoverish & undo him, having spent in the suit of Danvers above 200 marks, having had no allowance of her Majesty at all for the space of 15 months. Besides divers plots are laid to arrest the said Cawley, having no protection, of purpose to make him desist from following of this cause, seeing that they cannot allure him to forsake the prosecution of this cause by promise of rewards, which have been(?) offered him to the value of a 1000 marks if he would have betrayed the Earl his Lord & master in this cause, as shall be proved directly.

[CROSSED OUT IN ORIGINAL: To desire her Majesty]

That considering by Act of Parliament made in the 33<sup>rd</sup> year of your Highness' father's reign you may grant me your title to Danvers' lands, which cannot be dishonourable in regard there are infinite precedents of such grants, except it shall be dishonourable to grant it unto me, neither prejudicial to Danvers, that pretendeth to be interested in the lands, for that th' effect of your Majesty's grant must be quantum in nobis est, so that if nothing be escheated there nothing passeth, therefore I humbly desire your Majesty's grant of th' escheated lands & all other escheats due unto your Highness by Danvers' attainder, and I shall be contented to yield unto your Highness the sum of £5000 so soon as I shall have recovered the said lands, and think myself much bound unto your Majesty for the grant, let fall out what shall happen.

As the case is now managed by your Attorney by way of reseisance, which breedeth nothing but delays without any profit to your Majesty as th' experience of 14 months past doth manifest, there will never come any profit to your Highness nor to me in respect I know this course of reseisance was devised to break the neck of the cause in that now the Attorney requires a new case to be agreed on between your Majesty's counsel, my counsel, and Danvers' counsel. It is most evident that Danvers' counsel will never agree to any case against themselves except my counsel will join with your Highness' counsel to agree to a false case to overthrow your title; otherwise it shall remain in dispute, & so by degrees forgotten & overslipped, & nothing come of it.

If it please your Majesty to make me a grant of your interest, I can follow it in a judicial course with expedition, and then your Majesty shall see how you have been used in other your titles of greater moment.

[CROSSED OUT IN ORIGINAL: The last case was made by your Attorney, and collected out of Danvers' deeds, which ought to have been by the Attorney made authentical or detained to your Majesty's use, seeing they belonged unto your Majesty by Danvers' attainder.]

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