

SUMMARY: The document below is a letter dated 10 October 1603 from Sir John Peyton (1544–1630) to Sir Robert Cecil (1563-1612) enclosing his account of his discussions concerning the succession to the English Crown with Henry Clinton (1540-1616), 2<sup>nd</sup> Earl of Lincoln, shortly before and after 24 March 1603, the date of Queen Elizabeth's death.

### ***Oxford and Sir John Peyton***

A descendant of Robert de Vere, 3<sup>rd</sup> Earl of Oxford, Sir John Peyton was the second son of John Peyton (d. 22 October 1558), esquire, of Knowlton, Kent, and Dorothy Tyndall, daughter of Sir John Tyndale.

On 8 June 1578, he married Dorothy Beaupre (d. February 1603), widow of Sir Robert Bell (died c. 26 July 1577), Chief Baron of the Exchequer, and only child and heir of Edmund Beaupre (d. 14 February 1568), esquire, of Beaupre Hall in Outwell, Norfolk, by his second wife, Katherine (nee Bedingfield) Winter, the daughter of Philip Bedingfield. Sir John Peyton's father-in-law, Edmund Beaupre, was connected to the Earls of Oxford through his mother. He was the son of Nicholas Beaupre (d.1511) and Margaret Foderingay (d. 20 February 1514), whose sister, Christian Foderingay (born c.1481 – d. before 14 November 1498), was the first wife of Oxford's grandfather, John de Vere (c.1482 – 21 March 1540), 15<sup>th</sup> Earl of Oxford. See Richardson, Douglas, *Magna Carta Ancestry*, 2<sup>nd</sup> ed., 2011, Vol. II, pp. 89, 327; the *ODNB* entry for Sir Robert Bell and his will, TNA PROB 11/59/455; the will of Edmund Beaupre, TNA PROB 11/51/33; the *ODNB* entry for Sir John Peyton, and the History of Parliament entry at:

<http://www.historyofparliamentonline.org/volume/1558-1603/member/peyton-john-i-1544-1630>

For Edmund Beaupre, see also the inquisition post mortem taken at Stratford Langthorne on 18 January 1563, five months after the death on 3 August 1562 of John de Vere (1516-1562), 16<sup>th</sup> Earl of Oxford, TNA C 142/136/12:

*And the foresaid jurors moreover say that before the death of the foresaid late Earl & after the making of the said Act of Parliament a certain Edmund Beaupre and Edward Thursby, esquire, recovered against the said late Earl the foresaid manors of Barwicks and Scotneys in the county of Essex by writ of the Lady Queen of forma donatio in le descendere, and by virtue of that recovery the same Edmund Beaupre and Edward Thursby were thereof seised in their demesne as of fee-tail, and thus being seised, the foresaid late Earl and the forenamed Lady Margery, his wife, now Countess of Oxford, purchased for them and the heirs of the same late Earl of the same Edmund & Edward the foresaid manors of Barwicks and Scotneys . . . .*

For Margaret Foderingay, widow of Nicholas Beaupre, see also Weller, John B., 'The Wives of Sir James Hobart (1440-1517), Attorney-General 1486-1507', pp. 235-6, available as a pdf file online,

At the time of his discussions with the Earl of Lincoln, Peyton had been Lieutenant of the Tower of London since 1597. At the date of his letter below, he was Governor of Jersey. See the History of Parliament entry:

*By [1601] Peyton was complaining of the expenses of his office, which had caused him to sell '£180 a year' of his estate. . . .*

*Early in 1603, when James VI was intent on securing his succession, he wrote to Peyton, possibly overestimating the importance of his office. Peyton avoided committing himself but, when James had been proclaimed King, sent his son John to Edinburgh with professions of loyalty. As lieutenant, Peyton served as one of the knights of the canopy at Elizabeth's funeral, but he wished to exchange his Tower office for the governorship of Jersey, 'a place', he told Robert Cecil, 'of all others best agreeing with my desires'. He left England in September 1603. In the following month and again in January 1604 his loyalty was suspect owing to the indiscreet activities of his son John, who had been his assistant at the Tower; but nothing came of the rumours that father or son was to be disgraced, and Peyton kept the privilege, granted to him at the beginning of James's reign, of having access to the privy chamber at all times.*

### ***Contemporary and posthumous reputation of Henry Clinton, 2<sup>nd</sup> Earl of Lincoln***

According to the History of Parliament, 'by modern standards Lincoln would be adjudged insane' at least during the final years of a life characterized by 'wickedness, misery, craft, repugnance to all humanity, and perfidious mind'. See:

<http://www.historyofparliamentonline.org/volume/1558-1603/member/clinton-sir-henry-1616>

See also Sisson, Charles J., ed., *Thomas Lodge and Other Elizabethans*, (New York: Octagon Books, 1966), p. 263:

*This peer [Lincoln] is one of the riddles of his time. He was a most eccentrically quarrelsome man, but his excuse may have been insanity.*

The reason for Oxford's meeting with the unstable Earl of Lincoln just prior to the Queen's death lies in the fact that in order for Sir Robert Cecil to bring about King James' peaceful accession to the English throne it was necessary to determine the views of members of the nobility, and to eliminate in advance all possible opposition to King James' accession. The family ties between Oxford and Lincoln gave Oxford a plausible excuse for inviting Lincoln to dine and to sound him out regarding his potential support for his nephew Henry Hastings' claim to the throne.

Lincoln had married into a family with royal blood. His first wife, Katherine Hastings, was the eldest daughter of Francis Hastings, 2<sup>nd</sup> Earl of Huntingdon, by Katherine Pole, a descendant of George, Duke of Clarence, brother of Edward IV.

Through his first marriage, Lincoln was the brother-in-law of Henry Hastings (d. 14 December 1595), 3<sup>rd</sup> Earl of Huntingdon (whose claim to the throne was in his lifetime secretly promoted by Leicester, according to the anonymous author of *Leicester's Commonwealth*, published in 1584), and George Hastings (1540 – 30 December 1604), 4<sup>th</sup> Earl of Huntingdon. Henry Hastings had no issue. However George Hastings had issue by his marriage to Dorothy Port (d.1607). See the will, TNA PROB 11/39/245, of Sir John Port (d. 6 June 1557) of Etwall, Derbyshire, and the *ODNB* entry for Francis Hastings, 2<sup>nd</sup> Earl of Huntingdon:

*Huntingdon died at Ashby-de-la-Zouch on 20 June 1560 (the date on his monument is a year out), leaving five sons and five daughters, most of them still under age. In addition to the marriage of his eldest son, he had also contracted the alliance of his eldest daughter, Katherine, to Lord Clinton's heir, and that of his second son, George, to a Derbyshire heiress, Dorothy Porte.*

By Dorothy Port, George Hastings, 4<sup>th</sup> Earl of Huntingdon, was the father of Francis Hastings (d. 17 December 1595), who married Sarah Harington (d. September 1629), the daughter of Sir James Harington (d. January 1592) of Exton, Rutland, and Lucy Sidney (c.1520-c.1591), and by her was the father of Lincoln's nephew, Henry Hastings (24 April 1586 – 14 November 1643), 5<sup>th</sup> Earl of Huntingdon.

Lincoln's first marriage had thus given him a 'nephew of the blood royal'.

Lincoln's second marriage allied him to Oxford. His second wife, Elizabeth Morrison (d.1611), by her first marriage to William Norris (d. 25 December 1579) was the mother of Oxford's son-in-law, Francis Norris (1579-1622), 2<sup>nd</sup> Baron Norris of Rycote. For a letter dated 14 May 1600 from Francis Norris to Sir Robert Cecil (1563-1612) concerning wrongs done to his mother by the Earl of Lincoln, see CP 79/48. For a letter dated 30 May 1600 from Oxford's daughter, Bridget Vere, to Sir Robert Cecil on the same topic, see CP 79/86.

### ***Peyton's account of his meetings with Lincoln***

In his account below, Peyton recalls that his first discussion with Lincoln took place some six days prior to the Queen's death. According to Peyton, he used this opportunity to sound out Lincoln's views on the accession of King James, and succeeded in extracting from him a promise that he would support James, and would come to the Tower with his servants when the Queen died.

Their next discussion took place two days before the Queen's death, and on this occasion Lincoln reported to Peyton that the previous day Oxford had invited him to dine at Hackney, and after dinner had raised the possibility that Lincoln could send his nephew 'of the blood royal', Lord Henry Hastings (1586–1643), later 5<sup>th</sup> Earl of Huntingdon, into France where he would find friends to aid him. Oxford had also inveighed against the Scots, and questioned King James' title to the throne of England, as a result of which Lincoln broke off the discussion.

It seems clear that Oxford was sounding out Lincoln's position regarding the succession, and in particular was attempting to determine whether Lincoln would actively support a claim to the throne by his nephew Henry Hastings, 5<sup>th</sup> Earl of Huntingdon.

The task was a delicate one. Lincoln was utterly unpredictable and might have chosen to spirit his nephew into France where he might find support against King James. Moreover Lincoln had been in recent discussions with the French ambassador, Christophe de Harlay, Comte de Beaumont. Both Peyton and Oxford appear to have been well aware of these facts, and each in his own way tried to sound out Lincoln's views, although Oxford did so more indirectly and subtly than did Peyton.

Two days after Oxford's meeting with the Earl of Lincoln the Queen died. Lincoln kept his promise to repair to the Tower, where he and Peyton had a third conversation. By this time Edward Bruce (1548-1611), 1st Lord Kinloss, had arrived in England, whom King James had dispatched, along with David Foulis (d.1642), immediately after learning of Queen Elizabeth's death. During this third conversation, Peyton says he urged Lincoln to report his conversation with Oxford to Lord Kinloss, and claims that he himself dropped hints to Lord Kinloss, to David Foulis, and to James(?) Hudson about what Lincoln might tell them. Peyton was obviously anxious to clear himself of the implication that he had been derelict in his duty in failing to personally report Oxford's conversation with Lincoln to the authorities, and by way of further explanation for his inaction he says that he knew Oxford was too weak in health, funds and alliances to 'raise any combustion in the state', and it was therefore safe to ignore him.

It is clear that both Peyton and Lincoln were thoroughly taken in by Oxford's indirect method of sounding out Lincoln's loyalties, since five or six days after the Queen's death Peyton and Lincoln had a fourth and final conversation in which Lincoln expressed surprise that Oxford's name had been on the proclamation of James as King of England on March 24<sup>th</sup>. Neither Peyton nor Lincoln was aware that Oxford was very likely the person designated as "40" in the secret correspondence between King James and a few select individuals in England prior to the Queen's death. On the other hand, Sir Robert Cecil, to whom Peyton addresses both his letter and report, was the person designated as "10" in that secret correspondence, and would have known that Oxford was "40" and that his loyalties lay with King James, and that Oxford was acting on James' behalf in sounding out Lincoln's position. The rewards Oxford received immediately after King James' accession also support the view that Oxford was "40".

---

For the letter dated 3 June 1602 from King James to Sir Robert Cecil in which Oxford is referred to as “40”, see CP 135/63. For the letter dated 29 July 1602 from King James to “40”, see CP 135/101.

See also TNA SP 14/3/77, f. 134, the Earl of Lincoln’s report dated 21 September 1603 of his discussions with Peyton and the French ambassador which gave rise to Peyton’s letter and report.

[f. 27] Right honourable my very good Lord, your letters of the 4th of this instant I have received, in the which there is contained your noble nature and honourable care to continue his Majesty’s gracious good opinion towards me, by the which you have extended my former bands of affection, love and service beyond the bounds of limitation. What therefore I shall want in external means or power, I will supply with my prayers to God that he may multiply all honours and blessings upon you and your posterity.

Touching the Earl of Lincoln’s his imputations laid upon me, his fashion is to condemn the world if thereby he might excuse himself. I have therefore sent your Lordship here enclosed a true relation of all his discourses with their original motives & circumstances depending upon them, having with the first wind dispatched this bearer, Mr Fowles [=Foulis], with them, desiring not to live one minute longer than I may rest assured of my dear Sovereign his favour, whom the Lord preserve with all his royal progeny in happiness and triumph over the iniquities of these malicious times.

Thus humbly recommending myself and fortunes to the support of your honourable favours, I humbly take my leave. Jersey, this 10th of October, 1603.

Your Lordship’s to do you all service,

John Peyton

Endorsed: (1) To the right honourable the Lord Cecil, Principal Secretary to his Majesty and one of the Lords of his Highness’ most honourable Privy Council, at the court; (2) 10 October 1603, Sir John Peyton to my Lord with a relation of certain speeches passed betwixt my Lord of Lincoln and his son.

ff. 28-29

A true relation of such speeches as passed between my Lord of Lincoln and me some few days before her Majesty’s decease and within few days after

The Earl of Lincoln about some six days before her Majesty’s death (as I remember) coming to visit me at the Tower discoursed of her Majesty’s weakness, concluding there

was no hope of her recovery, the which I well understood from an eminent person in the state unto whom I daily sent my son to court for that purpose. This occasion thus offered, and my former understanding (from some of his Majesty's ministers) of the Earl of Lincoln's good affection to our now Sovereign, moved me in general to sound his resolution in the point of succession, carrying myself in covert terms for that I was not ignorant of the nature of the question, neither of the disposition of my Lord of Lincoln, neither of any other person with whom I had conference upon that subject. In the end he concluded, protested and vowed that next her Majesty he would maintain and defend the just right of our gracious Sovereign that (by God's merciful providence for the universal good of the Briton kingdom) doth now reign over us. This his resolution I approved & fortified by as many arguments both out of laws divine, the laws of nations, public utility & private security (which I knew he did somewhat respect) as I could. I further persuaded him that to wish and protest well was not sufficient unless he did cooperate as occasion should require, adding that he was a great nobleman & therefore it was expected that he, in so just & noble a cause, should prepare and furnish himself nobly, advising him (that when God should determine of her Majesty's time) to address himself with his means & attendants unto some such place as might be of most importance for his Majesty's service. Hereupon he determined to send his money, plate and jewels unto me into the Tower & to come thither himself with his servants and attendants, which afterward he performed, & this was all that at that time passed in conference between us, save that at his parting I advised him to observe the dispositions and affections of those of his rank and of such others as he should confer or discourse withal.

About 4 days after, as I remember (for at that time all the wits and faculties I had were both night and day kept waking and so laboured as I might both forget the time and also some material circumstances), my Lord of Lincoln came to me again (and as I remember lodged in the Tower that night), being, as I take it, two days before her Majesty's decease. He then told me it was time to look about us for he had discovered an opposition against his Majesty's title, and that there was a great nobleman had opened himself upon that point, and had dealt with him to join as a party in the action, not naming unto me the person or his purpose. Out of this his general report, for that I could make no certain judgment either of the danger itself or of means to oppose and prevent it, I replied unto my Lord's relation in this sort, that if the great person with whom he had this conference were one eminent in authority in the state and potent in affiance, friends and means, no time might be omitted in interposing against his purpose, although with some danger in regard of the present time, and therefore desired his Lordship to conceive what was to be done in that case, praying him to particularize the cause and person in more open terms, whereupon his Lordship told me as followeth.

That he had been invited (the day before, as I remember) by a great nobleman to Hackney where he was extraordinarily feasted, at the which he much marvelled for that there was no great correspondence between them, this nobleman having precedence of him in rank, whereby he told me I might know him, there being only but one of that quality dwelling there. This nobleman and he being (after dinner) retired apart from all company, began (as the Earl of Lincoln said) to discourse with him of the impossibility of the Queen's life, and that the nobility, being peers of the realm, were bound to take care for the

common good of the state in the cause of succession, in the which himself, meaning the Earl of Lincoln, ought to have more regard than others because he had a nephew of the blood royal, naming my Lord Hastings, whom he persuaded the Earl of Lincoln to send for, and that there should be means used to convey him over into France, where he should find friends that would make him a party, of the which there was a precedent in former times. He also, as the Earl of Lincoln said, inveighed much against the nation of the Scots, and began to enter into question of his Majesty's title, whereupon my Lord of Lincoln (as he told me) brake off his discourse, absolutely disallowing all that the great nobleman had moved, in such sort as he desisted from any further speech in that matter.

My answer unto this relation of my Lord of Lincoln's was thus. I told him that I was sorry that he had so suddenly showed his disliking of the great nobleman's discourse, wishing that he had contained himself until such time as he might have fully discovered the foundation of the project and all the parties concurring in that action, which at that instant he seemed much to repent that he had so hastily cut of off the great nobleman his discourse.

I also advised the Earl of Lincoln to use all his endeavour to understand what he could, and to be vigilant what persons had conference or recourse unto that great nobleman, and wherther [sic] there were any messages or meetings between the French ambassador and him, whom I must confess I suspected.

At the first apprehension of my Lord of Lincoln's discovery I was much moved and troubled, but when he had made me understand what great person it was whom he meant, I knew him to be so weak in body, in friends, in ability, and all other means to raise any combustion in the state as I never feared any danger to proceed from so feeble a foundation, but added a more vigilancy and care unto the safety of the place under my charge without further conference of that cause, I being also at that instant to give order for the bringing in of wine, beer, bread, meat, butter, fish & other provisions for the victualling of such extraordinary assistants as were to be drawn into the Tower, for that it was certainly informed both to myself and to my Lord of Southampton, from whom I did not conceal in discourse, that her Majesty could not live 24 hours.

Within less than two days after (as I remember), it pleased God to call her Majesty to his mercy, and our dear Sovereign was proclaimed, and the proclamation shortly after printed, and the former-specified great nobleman's name attested in the said proclamation as joining in the same with the rest of the Lords, at the which time my Lord of Lincoln, being then with me at the Tower, seemed to wonder, and this (according to my remembrance) was 5 or 6 days after her Majesty's decease, at which time my Lord of Lincoln spake not any more of that matter.

The 3rd time of my conference with my Lord of Lincoln was after my Lord of Kinloss his arrival, at which time he being with me in the Tower, I told him that now we might discourse with more freedom and leisure than when her Majesty lived, and then I asked him these questions.

First, whether he had discovered any other persons to be consenting unto the purpose of sending his nephew, the Lord Hastings, into France.

Secondly, whether he knew of any second person unto whom the great Earl had participated his intention.

Unto both these he answered that he could not understand of any person interested in that matter but only that Earl that had the first conference with him. Hereupon I advised him to make himself known unto my Lord of Kinloss, and to acquaint him with such advertisements as might any way concern his Majesty's service, and so left the discovery of his own knowledge to himself, conceiving that if he should fail in the performance thereof, he would also deny his report made unto me, rather than to avouch it upon the other Earl, who, as himself doubted, would absolutely disavow the same; upon this consideration also, that the nobleman whom he accused was with the Council and the other Lords at the proclamation of his Majesty, no likelihood of proof or other circumstances but only my Lord of Lincoln's report, and the danger, in all apparences, being past. The which notwithstanding, I acquainted my Lord of Kinloss with thus much, that all the great persons some few days before her Majesty's decease were not of one mind, and -- I hope he will remember -- I spake also to him of my Lord Hastings, and that my Lord of Lincoln would relate the particulars thereof when he came unto him, and if my memory do not much deceive me I acquainted Sir David Foulis and Mr Hudson also with this speech of my Lord of Lincoln's before their going to his Majesty.

Touching the Catholics, my Lord of Lincoln, at that time when he acquainted me with his discourse at Hackney, told me that the papists were resolved to urge a toleration, but I do [+not?] remember that he named any particular man or manner, the general suspicion and dangerous reports of the recusants being at that time common and public.

To this report of my Lord of Lincoln's I answered that their evil affection was not to be doubted, but the dissipation [sic?] between the Jesuits and priests had raised such a faction and disunited their body so as they could not resolve of any head to serve their turn before his Majesty's title and right were settled, except her Majesty's sickness (which was unlikely) should prove languishing & continue a long time so as the priests' faction might solicit their party in France, which I most feared in regard of vicinity and propinquity. Touching the discovery of the Catholics their pretenses, I wrote unto his Majesty that Charnock and divers others had access unto Mr Ashfield, then prisoner in the Tower, whom I knew to be faithful to his Majesty, and therefore held intelligence with him for the discovery of their practices. The letter I sent either by Sir David Foulis or by Mr Hudson, in the which I humbly desired that his Majesty would direct his pleasure for that Mr Ashfield without some warrant was loath to entertain any further correspondence with them.

And this is all, both in substance and circumstance, that I can remember touching the causes before specified.

I have ever loved his Majesty's person and hated his enemies.

I have feared no danger nor refused any hazard to interpose against them.

I will ever with a loyal and an entire heart serve his Majesty, and his commands shall be my law until the breathing out of my last spirits.

John Peyton

Endorsed: Sir John Peyton's relation of such speeches as passed between him and the Earl of Lincoln some few days before her Majesty's death.