

SUMMARY: The document below is a letter dated 3 June 1602 from King James to Sir Robert Cecil referring to Oxford as “40”. For a letter dated 29 July 1602 from the King to “40”, see CP 135/101.

According to Akrigg, the code numbers used by King James, Sir Robert Cecil and Lord Henry Howard in their secret correspondence from early 1601 to early 1603 refer to the following individuals:

0 = The Earl of Northumberland
2 = Sir Walter Raleigh [?]
3 = Lord Henry Howard
7 = Lord Cobham
8 = Edward Bruce
9 = David Foulis
10 = Sir Robert Cecil
20 = The Earl of Mar
24 = Queen Elizabeth
30 = King James
40 = The Earl of Nottingham [?]

Akrigg comments:

Despite several risky moments, Queen Elizabeth never learned of the arrangements between King James and Cecil, and when she died on 24 March 1603, James succeeded to her throne as easily as he could have desired.

See Akrigg, G.P.V., ed., *Letters of King James VI & I*, (Berkeley: University of California Press, 1984), p. 10.

With respect to the identity of “40”, Akrigg comments:

At this point a new figure appears in the group, headed by Cecil, pledged to secure the accession of James. The identity of this new recruit, “40”, has never been established. The most likely conjecture is that he was the Earl of Nottingham, who, as Lord High Admiral, would obviously have been a valuable member.

For several reasons Oxford is a more likely candidate for “40” than Charles Howard, Earl of Nottingham:

(1) As a member of the Howard family, Nottingham would not have chosen Sir Robert Cecil as an intermediary between himself and King James. His kinsman, Lord Henry Howard, was already in direct secret communication with the King.

(2) Similarly, if Nottingham had been “40”, it would not have been necessary to keep his identity secret from Lord Henry Howard. Both King James' correspondence and that of

Lord Henry Howard indicate that Lord Henry Howard was kept completely in the dark about the fact that "40" was in contact with the King through Sir Robert Cecil.

(3) King James states that he will always think of Sir Robert Cecil and "40" as one. There were few if any links between Sir Robert Cecil and Nottingham which could have given rise to a comment of that nature. Sir Robert Cecil and Oxford were, however, closely allied as brothers-in-law.

(4) Nottingham appears to have been a passive individual with very close ties to Queen Elizabeth. Entering into a secret and dangerous correspondence with King James through Sir Robert Cecil was a bold move which would have been out of character for him, although not at all out of character for Oxford.

(5) King James amply rewarded Sir Robert Cecil and Lord Henry Howard, both of whom had secretly paved the way for a peaceful transition of the monarchy. In contrast, Nottingham did not benefit to any great degree from the King's largess, rendering it unlikely that he was "40". Oxford, on the other hand, received direct benefits shortly after King James' accession, and his death a little over a year after James came to the throne explains why the King did not confer additional benefits on him for his role as "40".

The hypothesis that Oxford was "40" provides perspective on his role in sounding out the views of Henry Clinton (1539-1616), 2nd Earl of Lincoln, concerning the succession. See TNA SP 14/4/14, ff. 27-9 and TNA SP 14/3/77 f. 134.

The transcript below is taken from Akrigg, pp. 192-4.

Mistake not, I pray you, my dearest 10 [Cecil], the honest sincerity of my meaning in case I seem by this paper somewhat to vary from these grounds and transcend these limits which first were promised and agreed upon betwixt us, in drawing on a more affectionately familiar, though lawful, correspondence betwixt us than was at our first dealing promised by me to be urged or by you to be performed. But ye may, notwithstanding hereof, boldly repose in that security of his upright and honourable intention that deals with you that, although sundry intervening accidents may in some sort change my style of writing, yet shall I never in substance vary one jot from these main points which at our first acquaintance I did promise and vow unto you.

For I must plainly confess that both ye and your faithful colleague 40 [Nottingham?] have by your vigilant and judicious care so easily settled me in the only right course for my good, so happily preserved the Queen's mind from the poison of jealous prejudice, so valiantly resisted the crooked courses of some seditious spirits who can never weary secretly to sting the heels of honest men whom they only envy for virtue's sake, and so carefully laboured to further all my reasonable and lawful ends, as the great proof I have had of your happy and honest concurrence for my weal doth force me, out of the

abundance of a thankful mind, to write in a more loving, plain, and familiar style than ever I was wont to do before; but not that hereby I have any intention to desire you or 40 (whom I always and ever shall account as one) anyways to alter either in form or substance your accustomed form of answering me. For although that I, in respect of my birth and place, cannot fall under the censure of any dangerous constructions (though I never with God's grace shall do anything in private which I may not without shame proclaim upon the tops of houses) yet, so dangerous is your state as subjects that, although your intention to your sovereign be never so upright, yet if the lion think your ears to be horns there will be no place admitted you for excuse. It shall therefore suffice me that ye rest in a full and certain persuasion of my love and thankful mind to you both, whereof this my handwrit shall serve for a witness unto you, assuring 40 that with God's grace he shall never be disappointed of his confidence in my honesty upon your relation. And as it never was nor shall be my course to press him or any beyond the bounds of their dutiful allegiance to their sovereign, so do I protest in God's presence that if I had wronged any of you so far as to have suspected you guilty of so great unworthiness, I would not have so far stained my conscience and honour as to have fostered so vile a motion, not for the gaining of the whole world's monarchy unto me.

I cannot also omit to display unto you the great contentment I receive by your so inward and united concurrence in all the paths that lead to my future happiness, most heartily wishing you to continue in that happy course as ye may be sure of my thankfulness towards you, whom I know to be only moved, for the respect of conscience and honour, to deserve so well at the hands of a lawful, natural and loving successor to your queen and country. And thus, praying 40 to be assured that by your means only he shall hear from me, that he may thereby discern if any other word come to him in my name that it is but false and adulterate coin, and persuading him of my entire affection towards him as to yourself, I bid you heartily farewell.

Your most assured loving friend, 30.

From Falkland the third of June 1602