
SUMMARY: The document below is a memorandum by Oxford dating from 1601 or 1602 describing Sir Edmund Carey's actions in the Danvers escheat case, concerning which Oxford says he had written to the Queen, although that letter has apparently not survived.

The Lord Treasurer mentioned in the memorandum is Thomas Sackville (c.1536-1608), 1st Baron Buckhurst.

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

1 First, that he [=Sir Edmund Carey] abused the commission it is proved; whereas he should have used the same for the benefit of her Majesty, he made it an instrument to defraud and exclude her from all Sir Charles Danvers' lands.

Secondly, whereas there were sufficient commissioners, he wrought so that they did not appear, and so made a tales gathered out of a number of his own servants and tenants, which was an extreme injury and abuse offered to her Majesty.

Thirdly, he caused and countenanced a lawyer, whose name I take to be Hyde, to plead against her Majesty, notwithstanding that the sheriff opposed against it, her Majesty having none there to plead for her.

Fourthly, he procured the Lord Treasurer's letters to this effect, that all favour should be showed to Sir Edmund Carey, and that his witnesses should be accepted.

All which approve her Majesty to be greatly abused, with many proofs more, as in their place shall be declared.

The second point

That Cawley was put in danger and how he was evil dealt withal I leave it to Cawley, who can make proof thereof.

The third point

That there were three of Sir Edmund Carey's men which have continually watched Cawley and that he narrowly escaped them three times and that they vaunted they would take him at my heels, it is proved by him to whom they spake, who acknowledged their vaunts to him before the Recorder of London, and offered his oath thereon if it had pleased the Recorder to have taken it.

The fourth point

That he termed me a promoter, Arthur Miles [=Milles?] mine author.

The fifth point

That there were of the Guard in the tumultuous assault of Cawley's lodging it is true, but for want of time their names yet cannot be so soon learned, yet thus much is known, that he is a keeper, I know not whether in Waltham Forest or where else, but it is very true, as shall be upon straiter inquire and more respite of time found out.

The sixth point, that he hath done it upon malice to Cawley for following her Majesty's service, thus I prove it:

An outlawry was made on Michael Cawley in a foreign county; the law is it should be at the church door of his own parish and in the county where he was born and dwelleth, but when men would steal it privately out without the knowledge of the party, they take such unjust courses, whereof this is one, and if any judge had been in town it had been a matter but of 40s to have reversed it, but no judge being in town, they have taken thereby advantage.

The outlawry did not appertain to Sir Edmund Carey; if he came by it, it was that he bought it, or else to countenance it useth his own name, which is plain champerty.

Besides, I do not think that any private man upon his own authority without the Council's or other sufficient warrant can in so tumultuous a sort break into the house or lodging of any man, all which of these things Sir Edmund Carey hath done.

Seventhly

Whereas he told her Majesty that he arrested Cawley for railing of him, and boldly avouched the same, I answer:

First, that he did not arrest him for railing on him, which suggestion he is yet to prove, but for this action of outlawry wherein he abused her Majesty's ears with a great falsehood.

And if he did it for that Cawley had railed at him, this quarrel, if it were true as he suggesteth, why did he not then arrest him beforetime, but now, whilst he was busied in her Majesty's service, whereby it appeareth plain that it was not Cawley's railing at him, which he will hardly prove, but upon very malice for doing his dutiful service in her Majesty's behalf.

So that there is nothing written in my letter but I justify with authority and proof, whereby it appeareth that Sir Edmund Carey carrieth a malicious and spiteful tongue in his head, and hath notably abused her Majesty in defacing her title and interest to the traitor's lands, Sir Charles Danvers.

And thus much to justify what I have written in my letter to her Majesty, which is much less than he hath either deceitfully done towards her Majesty or slanderously calumniated myself.

A contradictory in his own speech

First, as Arthur Miles reported to me, these were his words: ‘That I followed it now with fire and sword, & that I was of a strange and vild nature that would pursue a cause in this sort as a promoter against another, and yet reaping no benefit to myself sith her Majesty had given me nothing’, yet he yesternight averred to her Majesty that he arrested Cawley for his railing at him and saying that the tenants should return to my Lord of Oxford and not to the Queen, here, to Arthur Miles he said I had no benefit thereby.

Names known of some of the parties in the apprehension of Cawley:

The Marshal's man, and his man.

The Lord Scrope's footman.

Endorsed: Earl of Oxford