

SUMMARY: The document below is the schedule attached to a letter dated 11 January 1597 from Oxford to Sir Robert Cecil concerning a petition by Thomas Gurley (also spelled Gurlyn or Gurling) to the Privy Council against Oxford's wife, Elizabeth (nee Trentham), Countess of Oxford. The schedule explains the circumstances which formed the background to the petition.

Sir Thomas Shirley (1564–1633/4), whose lack of funds from the Crown to pay the gunners serving in the Low Countries gave rise to Gurley's scheme, was the eldest son of Sir Thomas Shirley (c.1542-1612) of Wiston, Sussex, and Anne Kempe (c.1542–1623), the daughter of Sir Thomas Kempe of Olantigh in Wye, Kent. In 1585 Shirley accompanied his brother, Anthony, and his father to the Low Countries, where he commanded a company of cavalry. According to the *ODNB*:

In January 1588 he saw his only engagement. Encamped outside the walls of the city of Zwolle, Thomas's company was attacked late one evening after a day spent drinking. In the ensuing battle, only twenty horses and thirty men escaped slaughter at the hands of the Spanish. Despite the fact that Shirley's incompetence was largely to blame for this deadly fiasco, the privy council granted him an allowance to rebuild his company. Within two months Thomas had returned to England and his brother Anthony had taken command of the remnants of his company.

Shirley returned to the Low Countries as a captain in 1593. However his family's financial difficulties forced him to relinquish his command to his brother-in-law, Thomas Vavasour (brother of Oxford's former mistress, Anne Vavasour).

It was during this latter period of service in the Low Countries that Shirley served as Under-Treasurer, and Thomas Gurley bought the interest in the gunners' back pay mentioned in the schedule below.

For Gurley's letter to Sir Robert Cecil dated 30 January 1597 see CP 173/27. For a letter from Gurley to Robert Devereux, 2nd Earl of Essex, dated 17 January 1599, see CP 176/64. For a petition from Gurley to King James in 1608 in which he claimed a pension of £200 a year, see CP 195/76. For a warrant from King James to Sir Robert Cecil dated 12 April 1611 concerning Gurley's prosecution of recusants, see CP 129/54. In King James' warrant Gurley is referred to as 'Thomas Gurlyn, gentleman'.

For litigation after Oxford's death between Oxford's widow, Elizabeth Trentham, and Thomas Gurling, see TNA E 133/94/83, and three interlocutory orders at:

http://www.uh.edu/waalt/index.php/E124-6_for_1603-1613--A

The ground whereon Thomas Gurley, plaintiff to the Council, maketh his petition

In Flushing and in the Low Countries thereabout were certain poor men which had a long time served her Majesty in place of gunners, which being behindhand for want of their pay, and not able to sustain the long delay which then happened at that time (upon what occasion I know not), and for want of friends despairing to recover the same, to supply their poor estate in time sold their interest to this Thomas Gurley, who to compass the commodity of this bargain came unto me offering £300 if I could get my Lord Treasurer's allowance thereof and his letter to Sir Thomas Shirley, Under-Treasurer then for the Low Countries.

Upon this offer I became suitor to my Lord, and pretending that this Gurley owed me £300, I could not by reason of his bare estate hope otherwise how to come by this money.

After some process of time my Lord, examining the testimonials of this debt, found it due, and therefore in favour of me (after he had often spoken with Gurley, who did also acknowledge his debt to me) did not only give allowance thereto but also wrote his letter to Sir Thomas Shirley for to see it paid. But for that Sir Thomas Shirley was yet unfurnished (sith he was to attend my Lord Treasurer's dispatches in those matters), there grew an interim wherein, for that I had occasion at this time to use money, Gurley offered me if I would make him my receiver of the annuity in the Exchequer, he would find the means to take up so much money as should serve my turn till the other money should be paid by Sir Thomas.

To this I consented, and he brought me £200 which he was to pay of the £300 (as he said), and at the quarter's end he hoped to bring in the other £100. But at this quarter's end Sir Thomas Shirley was not yet dispatche[d] by my Lord Treasurer, wherefore I sending to the Exchequer could there receive no more than £50 for that Gurley had received thereof beforehand (by virtue of my warrant) £200.

So here it may appear plainly enough that the money which Gurley pretendeth to be parcel of the £300 was only but mine own, and that acquitted to the receivers at the quarter's end, so that this so allowed (as it was), he was still behindhand with me for the £300.

But for that time he satisficed me with excuse that yet Sir Thomas Shirley could not help him to his money, and therefore he would take up again aforehand £200 for the mean season, and by the next quarter he doubted not but to have his money to my full satisfaction.

This quarter being run out as the other, as I did before I received from the Exchequer but £50 by the former reason, so (the £200 also being there discharged) now Gurley yet was to bring in his three hundred pounds.

In this quarter he had received his money, but came not at me (as he wont to do but seldomer), and then put me off from day to day, till at the last, being assured he was paid by Sir Thomas Shirley, I pressed him for his money. With a notorious impudency he denied his promise and said he had only promised to lend me so much, which he had

already performed, and a hundred pound more for which I was in his debt, and for this he alleged the £400 which he had at two several times paid unto me, at every time £200.

And as for my Lord Treasurer, he denied that ever he received any other favour than that which he was to do him by justice: for me, he had but my good word, which the long delays considered ere he did effect his suit, it stood him in little stead.

Thus he replied I should have first set down upon my position, for that I had objected unto him how he had made me both speak and write oftentimes earnestly to my Lord, and the principal colour I had was for that his estate was so bare as I could not else tell how to come by £300 which he owed me, as himself also, under that shadow, had often come to the speech of my Lord and had acknowledged it to him.

Here is the very state of the cause plainly set down, and the very ground of his pretended debt by me to him, which for that he knows I can remember and that my wife is not acquainted with the cause, it seemeth he frameth his petition the boldier against her.

But sithence that time by those former warrants how he hath prevented me by taking up aforehand divers sums through the friendship of Taylor, who notwithstanding I (upon this aforesaid dealing) called for my warrants in again (as none knows better than yourself what the patent is and how it runs), yet would aver them to be good, and flatly wrote unto me he had my hand and warrant which was sufficient for his discharge in law.

But after he had paid this Gurley divers sums in this manner, and that he better had looked into my patent (besides hearing I meant to call him before my Lord Treasurer), then he submitted himself by a letter, sent in my warrants, and surceased his further payments to Gurley, who now claiming of a £140 from my wife as bound by condition to see those his warrants discharged, shows that all which he acknowledgeth to be paid already, so much he hath robbed me of by this means, which is a £260, for he says of the £300 he lent me yet is due to him a £140 by my wife, and that 400 which he brought me (as the premises show) was all mine own money, discharged and allowed unto Taylor and the officer then in the Exchequer.

Many pranks besides he hath played me which at this time I forbear till it shall be my hap to speak with you at one time or other, for that in such a trifle methinks I have been already too long, yet I could not choose, to make it plain unto you.