

SUMMARY: The document below is the report of the coroner's inquest taken on 24 July 1567 at St. Martin's in the Fields after the death of Thomas Brincknell.

Lord Burghley described the incident in a note made many years later:

Thomas Brincknell, an under-cook, was hurt by the Earl of Oxford at Cecil House, whereof he died, and by a verdict found felo-de-se, with running upon a point of a fence sword of the said Earl.

The term 'felo-de-se' is defined in the *OED* as:

One who 'deliberately puts an end to his own existence, or commits any unlawful malicious act, the consequence of which is his own death' (Blackstone).

A foil is defined as:

A light weapon used in fencing; a kind of small-sword with a blunt edge and a button at the point.

Brincknell is described in the report as a 'yeoman', a household servant:

A servant or attendant in a royal or noble household, usually of a superior grade, ranking between a sergeant and a groom or between a squire and a page.

The inquest report below states that on the evening of 23 July 1567 Brincknell was drunk, and fatally wounded himself by running onto the 17-year-old Oxford's foil while Oxford and Edmund Baynham, 'not intending nor having in mind injury of any person', were practicing fencing in the back yard of Cecil House in the Strand. The report employs the legal formula of the time for death caused by a person's own actions, i.e. that Brincknell caused his own death, 'not having God before his eyes, but moved & deceived by diabolic instigation' (the same legal formula is used in *Hales v. Petit*, which influenced Shakespeare's *Hamlet*). In his intoxicated condition Brincknell may have believed that Oxford and Baynham were fighting in earnest and attempted to part them, thereby sustaining a fatal injury, since severance of the femoral artery can result in death within minutes. Mercutio's death in *Romeo and Juliet* comes about in a similar way: *Why the dev'l came you between us? I was hurt under your arm.*

Oxford's fencing partner, Edmund Baynham, is identified in the coroner's report as a resident of the city of Westminster. He may have been the Edmund Baynham of the parish of St Clement Danes in the Strand who had licence on 2 November 1577 to marry Ellen Esselbee of the parish of St Dunstan's in the West. See Foster, Joseph, ed., *London Marriage Licences 1521-1869*, (London: Bernard Quaritch, 1887), p. 102 at:

<https://books.google.ca/books?id=Xf8cAAAAAYAAJ&pg=PA101&lpg=PA101&dq=%22Baynham%22+%22Merchant+Taylor%22&source=bl&ots=zHbk6Wp6mz&sig=7XQK3>

m4WprCu3IIF8VxagPwHfXs&hl=en&sa=X&ei=BdFMVbi-NMjHogSGuIHADg&ved=0CD8Q6AEwCQ#v=onepage&q=%22Baynham%22%20%22Merchant%20Taylor%22&f=false.

He may also have been related to Edmund Baynham, gentleman, described in one document as 'of London'. On 1 October 1557 the 16th Earl of Oxford leased the manor of Sheriffs in Colne Engaine and White Colne to Edmund Baynham, and on 19 September 1573 Oxford leased the same manor to him for 42 years. See ERO D/DSx/47. On 20 November 1582, Oxford leased the manor of Battleswick alias Battles Hall in Donyland, parcel of the manor of Wivenhoe, to Edmund Baynham, gentleman, for a term of 21 years. See ERO D/DYf/8. The manor of Battles Hall in Donyland should not be confused with the manor of Battles Hall in Stapleford Abbots, which Oxford sold by indentures dated 8 April 1580 to John Byrd; see TNA C 54/1093, Part 23, and *A History of the County of Essex* at:

<http://www.british-history.ac.uk/vch/essex/vol4/pp223-228>.

The Harvard Law Library also has a deed of confirmation by Oxford, dated 29 January 1575, of leases made by him in the 14th and 15th years of the reign of Queen Elizabeth to Edmund Baynham of London, gentleman; the document confirms Baynham in all his rights in the manor of Sheriffs, the farms of Newers and Battleswick, and the park of Bentley. See Hollis BDV2557, and the WorldCat entry at:

<http://www.worldcat.org/title/confirmation-of-lease-1575-jan-29/oclc/236058486>.

Oxford's fencing partner, Edmund Baynham, may also have been related to Frances Baynham, who was in the service of Elizabeth de Vere, Countess of Oxford, widow of the 13th Earl. In her 1537 will, TNA PROB 11/27/144, the Countess left her a bequest of £5:

Item, I give and bequeath to Frances Baynham, one of my maidens, five pounds in ready money.

Frances Baynham (d.1583) was the granddaughter of Sir William Kingston (d. 14 September 1540), second husband of the Countess' sister, Mary Scrope, and married the testatrix' grandson, Sir Henry Jerningham (d. 6 September 1572), Mary Scrope's eldest son and heir by her first marriage to Sir Edward Jerningham (d.1515). For the will of Frances Baynham Jerningham, see TNA PROB 11/66/340.

Another female member of the Baynham family who may have been connected to Oxford's fencing partner was in service to Queen Elizabeth. Cotton MS. Titus A. xxiv contains a poem by Richard Edwards (d.1566), compiler of *The Paradise of Dainty Devises*, entitled *The prayse of eight Ladyes of Queen Elizabeth's Court*, in which the fourth verse reads:

Baynam is as bewtifull

*As nature canne devyse;
Stedfastenes posesse her harte,
And chastitie her eyes.*

See Harington, Henry, *Nugae Antiquae*, (London: J. Wright, 1804), Vol. II, pp. 392-3.

For the verses see also King, Ros, *The Works of Richard Edwards*, (Manchester: Manchester University Press, 2001), p. 188 at:

<https://books.google.ca/books?id=eLesSrzp6-AC&pg=PA188&lpg=PA188&dq=%22Baynam+is+as+beautiful%22&source=bl&ots=L0qh5PBtp7&sig=MMARkBNKMF7RKe6rAKRw7uH4tDA&hl=en&sa=X&ei=CFNKVZixI4jHogT934DAAg&ved=0CB0Q6AEwAA#v=onepage&q=%22Baynam%20is%20as%20beautiful%22&f=false>.

In earlier transcriptions, the Christian name of Oxford's fencing partner has invariably been given as 'Edward'. However in the original document the name appears only once, and is there abbreviated as 'Edus'. Since the Christian name 'Edmund' was more common in the Baynham family than 'Edward' (although the two were sometimes used interchangeably for the same person in the Elizabethan period), it seems preferable to transcribe the name of Oxford's fencing partner as 'Edmund Baynham'.

Oxford's fencing companion is described in the report as a tailor, and may have been a member of the London livery company known as the Merchant Tailors. Surviving documents indicate, however, that he was not professionally connected to the Court of Wards, as his name is not found in the records authorizing expenditures for the making of clothing for the Queen's wards who resided at Cecil House, including Oxford. See TNA SP 15/19/38, ff. 89-90, and similar documents.

It is clear that Oxford's fencing companion was not the notorious Sir Edmund Baynham, born on or about 18 November 1577, the only son of William Baynham (d. 5 November 1597) of Boxley, Kent, who was involved in both the Essex Rebellion and the Gunpowder Plot. See Sprott, S.E., 'Sir Edmund Baynham', *Recusant History* 10 (1969) 96, and the History of Parliament entry at:

<http://www.historyofparliamentonline.org/volume/1558-1603/member/baynham-edmund-1577>,

The date of this incident, 23 July 1567, clarifies that the master of fence who instructed Oxford was likely William Joyner, who according to Adams established a school of fence in the western range of the Blackfriars in 1563. Oxford's instructor in the art of defence in 1567 could not have been Rocco Bonetti (d.1587), since Bonetti did not arrive in England until 1569. See Folger MS L.b.352, and Adams, Joseph Quincy, 'The Conventual Buildings of Blackfriars, London, and the Playhouses Constructed Therein', *Studies in Philology*, Vol. 14, No. 2 (April 1917), pp. 64-87 at p. 85; and Smith, Irwin, *Shakespeare's Blackfriars Playhouse* (New York University Press, 1964), p. 156:

Bonetti had come to England from Italy about 1569. He first lived in Warwick Lane. Later he acquired several parcels of real estate in the Blackfriars precinct.

Inquisition indented taken at St. Martin's in the Fields in the county of Middlesex on the 24th day of July in the ninth year [=24 July 1567] of the reign of Elizabeth by the grace of God of England, France & Ireland Queen, Defender of the Faith etc. before Richard Vale, one of the coroners of the said Lady Queen in the county aforesaid, upon a view of the body of Thomas Brincknell, late of the city of Westminster in the county aforesaid, yeoman, there lying dead, by the oath of John Martyn, William Waters, Anthony Harris, John Whitehead, William Boseley, Humphrey Mote, John Tother, John Bates, William Fletcher, Randolph Holinshed, John Bagleyne, Thomas Sedon, George Hodges, James Seward, William Wakefield, James Parkes, & Robert Bottell, good & law-worthy men of the county aforesaid;

Who say upon their oath that where on the twenty-third day of July in the ninth year abovesaid, between the seventh & eighth hours after noon of the same day, Edward, Earl of Oxenford, and a certain Edmund Baynham of the city aforesaid, tailor, were together in a certain place called le backyard within the mansion house of William Cecil, knight, at St. Clement Danes in the county aforesaid, not intending nor having in mind injury of any person then and there being, and either of them having a sword of iron & steel called foils, with the same swords called foils either of them with the other then & there played at the science of defence;

The foresaid Thomas Brincknell came there to the place aforesaid, and the same Thomas then & there, being drunk, & not having God before his eyes, but moved & deceived by diabolic instigation, desperately ran & fell upon the point of the foresaid sword called a foil to the value of 12d which the foresaid Edward, Earl of Oxenford, then & there had & held in his right hand with the said intention to play, as is aforesaid;

By reason of which the forenamed Thomas with the same sword called a foil in the front part of his left thigh then & there feloniously pierced & stabbed himself, & he then & there gave himself with the sword aforesaid one fatal stroke of the depth of four inches & the breadth of one inch, of which certain fatal stroke the said Thomas then & there instantly died;

And thus the jurors aforesaid say upon their oath that the foresaid Thomas Brincknell at St. Clement Danes aforesaid in the county aforesaid on the said twenty-third day of July in the ninth year abovesaid in manner & form aforesaid feloniously & wilfully slew & killed himself against the peace of the said Lady Queen, her crown & dignity;

And thus the same Thomas Brincknell came to his death, & not otherwise nor by any other manner than as is abovesaid;

In testimony of which thing so the foresaid coroner as the jurors aforesaid to this inquisition alternatively have affixed their seals on the day & year first abovesaid.

By me, Richard Vale, coroner.

Endorsed. By the hand of the within-written coroner on the Friday next after the quindene of Saint Martin [=28 November 1567] in this same term before the Lady Queen at Westminster this record was delivered here in the court to be determined etc.

1 Inquisicio Indentata capta apud St Martynes in Campis in Comitatu Middlesexie xxiiijto die Iulij anno regni Elizabeth dei gratia Anglie & Hibernie

2 Regine fidei defensoris & Nono Coram Ricardo Vale vno Coronariorum districtus Domsine Regine in Comitatu predicto super visum Corporis Thome Brinckenell nuper de Ciuitate

3 Westminster in Comitatu predicto yoman ibidem iacentis mortui per sacramentum Iohannis Martyne Willielmi Waters Anthoni Harrys Iohannis Whitehedd Willielmi Boseley Humfridi Mote

4 Iohannis Tother Iohannis Bates Willielmi ffletcher Randolphi Holynshedd Iohannis Bagleyne Thome Sedon Georgij Hodges Iacobi Seward Willielmi

5 Wakefeld Iacobi Parkes & Robberti Bottell proborum & legallium hominum de Comitatu predicto Qui dicunt super sacramentum suum quod vbi vicesimo tertio die Iulij anno

6 nono super districto inter horas septimam & octauam post meridiem eiusdem diei Edwardus Comes Oxonie Et quidam Edmundus Baynam de Ciuitate

7 predicta Taylor fuerunt insimul in quodam loco vocato le Backe yarde infra domu Mansional Willielmi Cecyll Militis apud St Clementes Danes

8 in Comitatu predicto non intendentes nec in animo habentes dampnum alicuius persone tunc et ibidem existent Et vtique eorum habens gladium de ferro & Calibe

9 vocatum ffoyles cum eisdem gladijs vocatis ffoyles alter eorum cum altero tunc & ibidem luserunt ad scienciam defensionis Ibi venit predictus Thomas

10 Brinckenell ad locum predictum Et idem Thomas tunc & ibidem ebrius existens & deum pro oculis suis non habens set instigacione diabolica

11 mot{us} & seduct{us} desperant{er} ip{s}e incurbat & cecidit sup{er} punct{um} p{re}d{i}c{t}i gladij voc{ati} a ffoyle ad valent{em} xijd quem p{re}d{i}c{t}us Edwardus Comes

12 Oxon{ie} in manu sua dextra tunc & ib{ide}m h{ab}uit & tenuit ea intenc{ione} ad ludend{um} vt p{re}fert{ur} R{ati}one cuius p{re}fat{us} Thomas cum eodem

13 gladio vocat{o} a ffoyle in ant{er}iore p{ar}te sui ip{s}ius sinistri femoris tunc & ib{ide}m felonice seip{su}m p{er}cussit & pupugit & sibi ipsi [sic?] dedit tunc

14 & ib{ide}m cum gladio p{re}d{i}c{t}o vnam plagam mort{a}lem profunditat{is} quatuor pollic{iorum} & latitudinis vnus pollic{ij} de qua quidem plaga mort{a}l{i}

15 d{i}c{t}us Thomas tunc & ib{ide}m instant{er} obijt Et sic Iur{atores} p{re}d{i}c{t}i dicunt sup{er} sacr{amentu}m suu{m} q{uo}d p{re}d{i}c{t}us Thomas Brinckenell apud St

16 Clement{es} Danes p{re}d{i}c{t}am in Com{itatu} p{re}d{i}c{t}o d{i}c{t}o vicesimo t{er}cio die Iulij anno nono Sup{ra}d{i}c{t}o modo & forma p{re}d{i}c{t}is felonice & voluntar{ie}

17 seips{u}m int{er}fec{it} & occidit cont{ra} pacem d{i}c{t}e d{omi}ne Regine Coron{am} & dignitat{em} suas Et sic idem Thomas Brinckenell ad mortem suam

18 deuenit & non alit{er} neq{ue} aliquo alio modo q{u}am vt Sup{ra}d{i}c{t}um est In Cuius Rei Test{imonium} t{a}m p{re}d{i}c{t}us Coron{arius} q{u}am Iur{atores} p{re}d{i}c{t}i huic inquisic{ion}i

19 Sigilla sua alt{er}nat{io} apposuer{unt} Dat{o} die & anno primis sup{ra}d{i}c{t}is.

P{er} me Ric{hardu}m Vale Coron{arium}

(Endorsed)

P{er} manus Coron{arij} infrascript{i} die ven{er}is p{ro}x{ime} post xvam S{an}c{t}i Martini isto eod{e}m t{er}mi{n}o coram d{omi}na Regina apud West{monasterium} delib{er}at{um} fuer{it} hoc record{um} hic in Cur{ia} t{er}minand{um} &c