Drake vs Drake: A Case of Mistaken Identity

1593-1615

The True Story of the Trials and Tribulations of Francis Drake, Esquire, Lord of the Manor of Esher and Walton-on-Thames

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Part 1: Two Divergent Recollections 1593

In late spring of 1593, at the age of thirteen, Francis Drake of Esher found himself in the formidable presence of his godfather Sir Francis Drake as they left London heading for the West Country. Queen Elizabeth's parliament had just been dissolved and the celebrated explorer, now MP for Plymouth and in a lull in his seagoing adventures, was journeying back to his home at Buckland Abbey. Accompanying them was the youth's father, Richard Drake, who was taking the opportunity to visit his relatives in Devon. He had suggested to Sir Francis that it might be a good opportunity for him to spend some time with his godson, and since a stay of several weeks was agreed, they had brought with them Samuel Pomfrett, a local gentleman from Esher, as a guardian. This arrangement was no casual proposition on Richard's part, as he was aware that Sir Francis was ageing and childless, and that although the birth of Sir Francis's nephews had complicated matters, there was still every possibility of a significant inheritance for his only son, and any rapprochement that might solidify its value was to be encouraged.

Near Axminster, Richard Drake bade his farewells and took the road towards Ashe. The fork in the road might have been a metaphor for the common ancestry of the Drakes of Ashe and the Drakes of Crowndale, from whom Sir Francis descended, but not even the heraldic visitations had discovered a link.

The Mythical Fork in the Road

The glory of Sir Francis's circumnavigation of the globe had brought with it formal recognition from Queen Elizabeth, and newly in possession of a knighthood, he had pursued the other symbols of gentrification, firstly by purchasing Buckland Abbey, a former Cistercian monastery a few miles to the north of the Plymouth, and then by creating a pedigree. Coming across the coat of arms of the Drakes of Ashe, who were established in the parish of Mulbury near Axminster, some seventy miles away, he adopted their ready-made shield as his own. He might have imagined that the head of that family, Bernard Drake, a sea captain himself, would have jumped at the chance to be associated with the man who had achieved one of the greatest feats of seamanship, but he was mistaken. Bernard Drake took offence, publicly, that a man of low birth (with a rustic West Country accent and less than courteous

manners) should claim kinship. Queen Elizabeth herself had to intervene, and before long Sir Francis was helping his adopted family out financially, including the purchase of the nearby Manor of Yarcombe from Richard Drake who needed the money to cover the expenses of his new role as a Groom of the Privy Chamber that included finding a suitably impressive home in the expensive Surrey countryside closer to the court in London.

The three months that the youthful Francis Drake spent in the company of Sir Francis Drake would have been a truly unique experience. Surely, no other man alive would have had such a treasure trove of stories from around the world to regale his godson with. He would undoubtedly have been introduced to Jonas Bodenham who had been brought up and educated in the household since boyhood, and was regarded as a family member — he was the son of Sir Francis's first wife's sister, almost the son he never had. Bodenham performed several jobs for his master including as a *'factor and special dealer in matters of great weight'* looking after his business interests, and an accountant responsible for Sir Francis's personal finances and property holdings. A frequent visitor would have been Sir Francis Drake's younger brother, Thomas Drake, who was physically a carbon copy: short and stocky with a clipped red beard and ruddy cheeks. Sir Francis and Thomas had a very close bond, as Thomas had accompanied him on the voyage of circumnavigation. By contrast, Thomas Drake and Jonas Bodenham had an uneasy relationship: friendly on the surface when with Sir Francis, but wary of each other when alone.

Twelve years later in 1605, in answer to the 'interrogatory' read out to him in the Court of the Exchequer, Samuel Pomfrett would recall the trip to Buckland Abbey and the conversation with Sir Francis Drake on their departure. He confirmed that he and the young Francis Drake were *'most kindly entertained'* and that *'the defendant [Francis Drake] did remain there for some 12 weeks and when he was ready to return home again Sir Francis Drake called this deponent [Pomfrett] unto him and requested him to desire the defendant's father [Richard Drake], that he would not think it amiss in that he had not at that point assured the defendant some lands as he had promised'.* The reason was that it would not be to the liking of his father-in-law, Sir George Sydenham, but he did hold out some hope *'saying further that some assurance of lands should be made hereafter'.* Further, Pomfrett remembered that Sir Francis Drake handed a jewel to his godson together with some coins in a purse as a leaving gift.

Departure from Buckland Abbey 1593

Two divergent recollections are evident in the court documents: firstly that Samuel Pomfrett's impression was that Sir Francis Drake's promises were vague and evasive; and secondly that Francis Drake of Esher had an entirely different memory of what was said, that had cemented over time into an incontestable truth, which was that he had been assured by Sir Francis Drake that he would make him *'his heir and to give him all his lands'* in his will. It was this assertion that had informed his expectations of life: great wealth and the elimination of the chronic indebtedness of his father; success and recognition at court; and the adventures that would surely follow as a result. It was this righteousness that would drive his actions, and his father's before him on his behalf, in pursuing the illegitimate claims of Thomas Drake (with the malevolent presence of Jonas Bodenham never far away) to deprive him not only of his just inheritance, but his sparkling future.

In Part 2, Sir Francis Drake's death, and a hastily written codicil, cause havoc.

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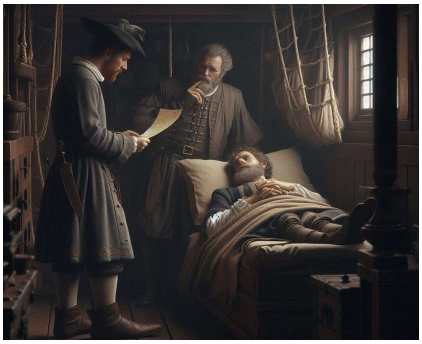
Part 2: A Codicil and its Aftershock 1596-1604

Sir Francis Drake had not been seen on the deck of his ship, moored off the northern coast of Panama, for several days. Instead, in his dimly lit cabin he lay dying of dysentery. A few hours before his death, Jonas Bodenham was at his bedside together with Thomas Rattenbury, a gentleman servant to Sir Francis. Bodenham told Rattenbury that he should go and fetch Thomas Drake, who was captain aboard another ship the 'Adventure'. This might have seemed an innocuous request given the circumstances, but Rattenbury hesitated *'distrusting his intent'* and would not depart, even when Bodenham offered him £100 [£30,000 at today's value]. An hour or two later, Thomas Drake arrived anyway to find Bodenham attempting to have a reluctant Sir Francis *'then languishing in manner speechless'*, set his seal upon some papers which upon investigation contained *'a release or general acquittance of all accounts and debts.'*



Death of Sir Francis Drake 1596

An argument broke out, but with little time remaining, Sir Francis signed his will and then dictated a codicil in which he bequeathed the manor of Yarcombe to his godson; but there was a catch — it came at a price. £2,000 [£600,000] was to be paid pay within two years. Whilst this represented a discount of around a third on the market value, it was hardly a gift.

The news of Sir Francis Drake's death and burial at sea came ashore with the return of the expedition whose ships had disbanded and arrived back, one by one, some weeks later. Thomas Drake must have come to curse the day he was appointed executor, which brought about an abrupt end to his cherished life at sea. Although forever in the shadow of his celebrated brother, his career had reached the same heights of the epic three-year voyage circumnavigating the globe. His relatives and noble creditors and debtors, however, did not care one iota about his exotic travels and prior achievements, and almost from the moment he set foot on solid Plymouth ground, there was trouble. His sister-in-law, Sir Francis Drake's wife Elizabeth, who was the main beneficiary, questioned the legality of the codicil, and it was only upon the unexpected deaths of both her and her father, Sir George Sydenham, a year or so later, that Thomas Drake's prospects brightened when he found himself quite unexpectedly resident in the magnificent Buckland Abbey with its formal gardens and deer park.

The Drakes of Esher were in shock. As a minor — now sixteen years old — Francis Drake's

interests were managed on his behalf by his father, Richard, who made a counteroffer of half the sum demanded for the Manor of Yarcombe. However, he still had cash flow problems, so Thomas Drake decided to keep the manor for himself and instead gave them a sum of £1,500 [£450,000], on the understanding that it would be the last he would see of them.

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At the beginning of 1603, marking seven years since the shock of Sir Francis Drake's codicil, the feeling of having been cheated was still festering at Esher Place. Queen Elizabeth I died in March (without giving a pension to Richard Drake), then in April, Francis Drake, now aged twenty-three, married Joan Tothill of Shardeloes near Amersham, and the £1,500 received from Thomas Drake in lieu of Yarcombe, was used as part of the marriage settlement. In July, Richard Drake died suddenly, and the newly married Francis, as an only son, found himself heir to Esher Place and to his father's debts, and without funds to pay them.

It is not documented who made the first approach, but by 1604 Francis Drake and Jonas Bodenham had joined forces against Thomas Drake, with the aim of depriving him of some of his inherited wealth that they deemed to be ill-gotten. Jonas Bodenham had assisted Sir Francis Drake for many years, but what was quite astounding was the level of autonomy given to him and the vast amounts of money (£20,000 or £6m today) that passed through his hands, even if he '*accordingly did from time to time give and desire unto Sir Francis a just, true and perfect account and reckoning thereof*'. Here was the crux of the matter: whether or not Bodenham acted in good faith?

An examination of the court papers reveals that Thomas Drake did his homework, as he made a series of accusations against Bodenham, of which the most damning was the purchase property in Ireland, which he had kept secret. The insinuation was that Bodenham was planning to abscond. Bodenham did not deny the purchase, but counter-claimed that he had bought it with his own personal money; to which Thomas Drake responded, cuttingly, that this was highly unlikely since *'being of mean parentage'* he would have had *'but small relief from any of his ancestors'* and nor would his wages have enabled him to do so. There was more: Thomas described Bodenham as an inveterate gambler, who over several years had been *'very magnificent in his expenses'* spending inordinate amounts of money for which he could not find paperwork, explaining that: *'finding himself backwards in his accounts [Bodenham] did voluntarily set fire to a great many of his own books and papers of reckonings and accounts, feigning that his chamber was casually set on fire by misadventure'*.

Fire by Misadventure

Despite any misgivings he might have had, Francis Drake set about establishing a case against his godfather, in collusion with Jonas Bodenham. The question was what exactly could they accuse him of? In Hilary term 1604 Francis Drake of Esher exhibited a Bill of Complaint in the Exchequer Court, addressed to the Chancellor of the Exchequer, against the estate of Sir Francis Drake, in which he declared as Plaintiff that his godfather had defrauded the crown on two occasions: He had *'embezzled and purloined over three thousand pounds [£900,000], part of the profits of the Santo Domingo voyage'* and also that he had *'detained for his own use some of the pistoletts [gold coins] on board Don Pedro de Valdes's ship'*.

In Part 3, the Drake vs Drake court case examines witnesses.

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Part 3: Drake vs Drake 1605

The selection of which of Sir Francis Drake's expeditions would offer the most potential for a plausible fraud had been carefully evaluated by Jonas Bodenham. Drake's earliest voyages to the Caribbean in the early 1570s had targeted the annual 'flota' — the fleet of galleons carrying Spanish silver and gold bullion across the Atlantic — and were little more than piratical raids; and the last voyages had been carried out under official orders of the Queen. This left the expedition to Santo Domingo and Cartagena in 1585-86 as the anomaly, as it sat squarely in the middle ground between privateering and royal assent. Furthermore, this had been a new type and scale of expedition — a complex naval / military joint venture involving a cast of thousands. Most pertinently, it was unusually, and therefore suspiciously, accounted a failure as it did not cover its costs.

Presented in one way, the voyage did sound like a long litany of carefully crafted excuses. Barely two months in, a deadly disease broke out and 2-300 men died. The depleted forces then attacked the Spanish colony at Santo Domingo where they discovered that the local economy ran mainly on copper coins, not silver and gold; then, in an attempt to speed up ransom negotiations, they were unable to burn down buildings since they were made of stone, and so had to accept a lower amount; and worse, the next target of Cartagena had been warned in advance which meant that the citizens had time to hide all their valuables.

The second 'fraud' was said to have taken place in 1588 during the initial skirmish with the Spanish Armada. One of the Spanish ships, the Nuestra Señora del Rosario, had collided with another vessel which caused enough damage that it became detached from the rest of its fleet. Recognising the stricken vessel as the flagship of one of the main commanders, Don Pedro de Valdes, Sir Francis Drake set off to capture it. By fortunate happenstance, Drake then discovered that the Rosario contained in its hold thousands of gold coins that had been meant for the wages of the Spanish; so he ordered that the treasure chest be broken open and the contents transferred to a skiff and rowed to his ship, where there would have been ample time to *'detain some for his personal use'*. Don Pedro, and a couple of his commanders, had afterwards been sent as prisoners to Esher Place, into the custody of Richard Drake, where they would remain for almost 5 years.

Gold Coins being Rowed to Drake's Ship

The Court of Exchequer, housed within the Palace of Westminster, dealt not with brisk trials by jury but a long-winded cycle of complaint and counterclaim, supported by witness depositions. Viewed as a whole, the selection of the nineteen witnesses is highly confusing. Any expectation of revelations of fraud during the main case — the voyage to Santo Domingo — was quickly dispelled, as only three witnesses referred to it, and then only from the perspective of the accounts that confirmed the losses, but not the reasons that lay behind them. The capture of the Rosario was the subject of four witnesses, amongst whom was George Hughes who provided a minute-by-minute eyewitness account of the chaotic handling of the Spanish chest of gold coins in which even before it left the Rosario *'some part of the treasure that was in the chest was embezzled away as well by Spaniards as English men'*. What remained in the chest was transferred into thin canvas bags, but *'there came so many in the boat with it that by reason of the swelling of the sea & overloading the boat [with people] … that there is great likelihood in such a confusion that some [more] of the treasure was purloined away*'. It was utter confusion, but even if his words echoed the language of Francis Drake of Esher's interrogatory which were designed to reveal criminal behaviour — *'embezzle', 'pilfer', 'purloin'* — they did not obscure the fact that if fraud was committed, it was not by Sir Francis Drake. However, the largest number of witnesses, ten in all, gave evidence solely on the 'imprisonment' of Don Pedro de Valdes, which included a recreation of life at Esher Place during this period, from Evan Owen, a local administrator. He described how Don Pedro received a series of noble visitors and '*had great entertainment in that house by the occasion of his being there, and the country people desiring to see the same…and Richard Drake he willing to give them content and no offence to the Spaniards, did often cause one to play upon a tabor and pipe in his hall and to set them to dancing and so brought in the Spaniards, to see them dance'*. Owen added, which maybe caused a ripple of laughter in court, that *'there was much beer drunk and much victuals spent in the house'*.

The 'Imprisonment' of Don Pedro

Evan Owen also provided an account of the final days at Esher Place, where Don Pedro became so sick that Richard Drake feared he would die, and a ransom, plus costs for *'diet and necessaries'*, of several thousand pounds was agreed. What emerged, therefore, was a court case that revolved around money: who received what sums? Did any money need to be paid back, and if so to who?

But how did this turnaround of events happen? Did Jonas Bodenham, bragging about his inside knowledge of Sir Francis Drake's financial affairs, give false hope to his godson? Was Bodenham propelled by the need of more money to fund his ongoing gambling habit or debts? What was revealed in court was that there had been a major rift between Jonas Bodenham and Francis Drake during which Bodenham had declared that without his testimony there was no case, and that unless his young partner did *'otherwise satisfy him'* that he would *'discover against him such matters as his whole estate could hardly answer'*. In response, Francis Drake revealing his naivety had '*conceived very unkindly of him, and used discourtesies to him, not fit to be there named*'. The outcome was that when the Court of Exchequer resumed after the long summer break, the hapless Francis Drake, at the age of twenty-five, was on his own.

In Part 4, Francis Drake of Esher finds comfort at last.

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Part 4: Comfortable in his own Skin 1606-15

The legal year of 1605 came to an end, and the truth was that it had been disastrous for Francis Drake of Esher. His accusations of fraud against his godfather, Sir Francis Drake, had not been proven in the slightest. Worse, he had put himself, and the finances of his household, in an extremely precarious position in that not only was any likelihood of a reward diminishing, but some of the money already paid out to his family in ransoms, or for the upkeep of Don Pedro, might have to be repaid.

A Precarious Position

In early 1606, the Attorney-General, Sir Edward Coke, was brought up to date with proceedings and felt it necessary to step in and direct the court henceforth to concentrate solely, with specific evidence not hearsay, on the recovery of the balance supposedly due to the crown relating to the Santo Domingo and Carthagena voyage. The evidence of the confusion surrounding the transfer of the Spanish gold coins by various thieving hands was just too embarrassing to be allowed to sully the victorious legend of the defeat of the Armada. Thomas Drake, who was residing at Westminster during the court case, stated that he needed to time consult a large quantity of bills, books, and notes which were stored at Buckland Abbey, and so it was agreed that it made sense to set up a commission to sit in Plymouth at Easter to review the new evidence. So, he hastened back to Devon, facing the elements in the coldest month of year on the tortuous two-hundred-mile journey. The first indication to the outside world that something was amiss was at the beginning of March, when a lawyer was called to assist in making his will since he was seriously ill. The Commissioners, along with Francis Drake and his witnesses, had already arrived in Plymouth when the news broke on the 4th of April 1606 that Thomas Drake was dead. There would have been stunned silence as the implications sunk in. The royal grant of a share of any money reclaimed had been brought against Thomas Drake personally, not against Sir Francis Drake's estate, and with his death there was no longer a case. Jonas Bodenham must have sighed inwardly with relief as he had escaped any further investigation into his questionable handling of Sir Francis Drake's affairs. For his former partner, on the contrary, this was a financial, and personal, disaster. His mood returning to

Esher Place empty-handed must have been black indeed, where his wife and his household were as yet unaware of the full force of his fury, like the citizens of a colonial city about to be taken by surprise by the seaborn arrival of his godfather.

After the outburst, a period of reflection may have been called for. Had it been too tall an order to dredge up these 'cold cases' of two decades ago? Was failure due not to the death of Thomas Drake, but to the lack of coherent witnesses and evidence? Hadn't that untrustworthy gambler, Jonas Bodenham, simply conned him into believing a fairy story? Ultimately, had it been a mistake to think that Sir Francis Drake's stellar reputation could be called into doubt?

What Francis Drake of Esher did between 1606, when the court case was lost, and 1615, when he was recorded by Dr John Hart chasing his wife up the stairs brandishing the great iron fork, did not make headlines. He had two children — William and Francis — and so became a family man with heirs of his own. He had his duties as a gentleman pensioner at court, and had responsibilities as a Lord of the Manor, where his name appears in surviving records of the manor courts. He became a Justice of the Peace for Surrey in 1608. These were all well before his parliamentary career, but he was clearly a busy man; yet none of these activities would have made him rich. There would still have been significant financial pressure on him, and he was never going to acquire all the gold and silver he once coveted.

A supposition — that Francis Drake's Puritan identity and beliefs matured and hardened during 1606-15 — makes sense, since by 1615 his Puritan 'leanings' had come to the fore, but were not yet fully formed. This was evident in his willingness to let Dr Hart orchestrate events for the attempted cure of his wife's spiritual anxieties, whereas if he had been a seasoned Puritan, he would already have been part of the Puritan network around the capital and would surely have known of the reputation of Mr Dod, whose long career of sermonising had resulted in well-regarded works, and a nickname: 'Decalogue Dod'. He would himself have known which Puritan divines to solicit. A growing Puritanical streak makes sense too because with no reward, only expenses, from the court case, belts had to be tightened, and there would be no unnecessary spending, or frivolous entertaining, at Esher Place, and sober clothes were to be worn. It would only be a short step from here for the household to turn inwards, and to seek God from within its own confines. For his wife, Joan Drake, this clampdown and burden of religious duties (added to her burgeoning physical and mental struggles) may have created a pressure-cooker environment from which she longed to be released.

Francis Drake was aware — not least from the well-publicised satirical pamphlets and plays — that to be a Puritan was to be open to some ridicule, but he seems to have found a place in society which provided him with a firm moral purpose and where, although still aggrieved at his misfortune, he felt increasingly comfortable in his own skin. It is unlikely that he had ever possessed the reckless masculinity of his seafaring godfather and his Plymouth crew; but seemingly nor did he hanker to imitate the 'effeminate' fellow courtiers whose only goal was to please the king. Maybe, his godliness was what enabled him to confront his past and to regain control of his life and of his household, and as 1615 approached and he discovered his wife was with child again, he had reason to believe that his troubles were over.

Comfortable in his own Skin

A full version of the Drake vs Drake story — based on detailed analysis of (and quotes from) the original 1605 court case, plus extensive research with footnotes of relevant associated facts, a list of sources, and an index — is available as a 'Flipbook' or pdf download in the 'Drakes of Esher' tab at:

https://casacolori.co.uk/