THE LAST DAYS OF SIR WALTER RALEIGH

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THE whole story of the life of Sir Walter Raleigh after the arrival as King of England of the "Scottish Solomon", King James I and VI, makes painful reading. Charged in 1603 with high treason in conspiring to deprive the new king of his throne, and to make Arabella Stuart queen; to alter religion and bring in the "Roman Superstition", and to procure foreign enemies to invade the kingdom, he was placed on trial before a Commission of judges and peers, and a jury (of whom he said when asked if he challenged any "I know none of them; they are all Christians and honest gentlemen; I except against none"). The prosecuting counsel was the celebrated Sir Edward Coke (whom some writers persist in calling "Lord" Coke, which he never was), who covered himself with eternal infamy by his preposterous and cruel language toward the prisoner during the whole trial:

> I will prove you the notoriest Traitor that ever came to the bar....thou art a monster....Why did ye urge...the most horrible practices that ever came out of the bottomless pit of Hell?....All that he did was by thy instigation, thou Viper.... for I *thou* thee, thou Traitor: Thou hast a Spanish heart, and thyself art a Spider of Hell: the confidentest Traitor that ever came at a bar....the most vile and execrable Traitor that ever lived: I want words sufficient to express thy viperous Treasons.

and so on. With a court so constituted, and such a prosecuting counsel, the poor sick man had not the slightest chance of acquittal —and, indeed, it may be said that in those days no one accused of treason was ever acquitted, unless the king so desired.

He was not executed at once, but committed to the Tower to await the king's pleasure: treated with leniency in his prison, the Bloody Tower, he was allowed to have his wife and son with him most of the time, along with personal attendants. There he stayed for nearly thirteen years after his conviction.

After some seven years' imprisonment, and in 1610, he asked to be allowed to conduct an expedition to the Orinoco, assuring the king that he could go to"a mountain of gold", and if he failed, "let the Commander have a commission to cut my head off there".

It would seem that James believed him; at all events, he gave Raleigh leave to go.

All this is common knowledge, the story of the trial being found in Howell's *State Trials*, Vol. II, coll. I, *sqq*. The publication by the Stationery Office of the *Acts of the Privy Council* (Colonial Series) enables us to add something to the story of his latter years.

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At a meeting of the Privy Council, holden at Whitehall, March 19th, 1617, were present "Lord Tresorer, Lord Admirall, Lord Chamberlaine, Mr. Secretary Winwood, Mr. Secretary Lake, Mr. Chancellor Exchequer".[1] At that meeting was framed "A Letter to Sir Walter Raleigh", in the following terms:

> His Majestie out of his gratious inclination towards you, being pleased to release you of your emprisonment in the Tower to goe abroade with a Keeper to make your provisions for your intended voyage, wee thinke good to admonishe you (though wee do not prejudicate your owne discretion so much as to thinke that you would attempt it without leaue) that you should not presume to resort either to his Majesties Court, the Queenes, or Princes[2], nor goe into any publique assemblies wheresoever,

1. The Lord Treasurer was Lord Thomas Howard, first Earl of Suffolk, and first Baron Howard de Walden (1561-1626), who distinguished himself against the Spanish Armada, 1588; was in command in attack upon the Azores Fleet (1591) and took part in the Cadiz expedition (1596): was Lord High Treasurer 1614-1618, and was fined and imprisoned for Embezzlement, 1619. His crime was not materially different from that charged against Lord Melville, which was the subject of the last impeachment in British History, 1806.
   The Lord High Admiral was Charles, second Baron Howard of Effingham and first Earl of Nottingham (1536-1624), who was one of the Commissioners for the Trial of Mary, Queen of Scots; was first in command against the Spanish Armada; was Lord High Admiral 1585-1618, and retired (or was retired) to make way for Buckingham.
   The Lord Chamberlain was William Herbert, third Earl of Pembroke (of the third creation), who had the little intrigue with Mary Fitton, was the friend and patron of Ben Jonson, Massinger, Inigo Jones and others; Lord Chamberlain from 1615 to 1625. It is his highest title to fame that it was to him and his brother, Philip, that the first Folio of Shakespeare was dedicated. As to whether he was the "Mr. W. H." of the Sonnets, commentators are not—perhaps, never will be —agreed.
   Mr. Secretary Winwood was Sir Ralph Winwood (1563?-1617), a diplomatist of note, who became Joint Secretary with Sir Thomas Lake in 1616, and is credited with being largely responsible for Raleigh's release. Mr. Secretary Lake was Sir Thomas Lake, Latin secretary to King James, who took office with Winwood; but being found guilty of defaming the Countess of Exeter, he was fined, imprisoned and dismissed from office in 1619—some were malicious enough to say "the greater the truth, the greater the libel". He lived 1567? to 1630.
   The Chancellor of the Exchequer was the second Lord of the Treasury; I have not been able to identify him.
2. It was well known at the time that the Prince of Wales, Henry Frederick, eldest son of King James, who had died in 1612, was a strong friend, great admirer and ardent advocate of Sir Walter Raleigh's, and it seems to have been feared that Raleigh would make his way into the affections of the new Prince, later King Charles II. Raleigh always had much fascination for the young; but there should have been no fear, for Charles, like all the Stuarts outside the pages of Romance, knew quite well on which side his bread was buttered. Henry seems to have been different from the others: but "The good die young".

without especiall licence obtayned from his Majestie for your warrant. But onely that you vse the benefitt of his Majesties grace to followe the businesse which you are to vndertake, And for which vpon your humble request his Majestie hath beene gratiously pleased to graunt you that freedom. 1 *Acts*, &c., pp. 9, 10.

That Raleigh respected this warning is a matter of history, as is his success in collecting what seemed to be a satisfactory fleet. It is not quite certain what he really intended, but undoubtedly an attack on Guiana, the present Venezuela, was included in his plan. His want of success is also well known, due as it may have been to the want of loyalty to him of his officers; there is one episode, however, which seems to have been overlooked by writers on the subject, which indicates the want of confidence in him of one of his captains, a feeling which may have been more widespread than is apparent, and a feeling which manifested itself a short time after the expedition left England in June, 1617.

He had bad luck from the beginning, foul and adverse winds prevented him reaching the Canaries before August: putting in at Lancerota (or Lanzarote), the most north-eastern of the Larger Canaries, one of his captains deserted with his ship and returned to England, where he made many statements in private and semi-publicly against the loyalty of Raleigh, and made his alleged disloyalty the ground of his desertion. Captain John Bayly (or Baylie), the deserter, having come to England, his ship was seized by the authorities with the captain and cargo. Bayly was ordered to be examined before the Privy Council to give an account of his conduct; but the Lord High Admiral being indisposed, the examination was postponed, the Lord High Admiral in the meantime to make enquiry concerning Bayly and his allegations. Bayly's ship having been seized, direction was given that it might be released "vnto Captaine Baylie, hee putting in sufficyent caution ....to giue satisfaction vnto all such as shall make any just clayme to haue interest in her or the goods....": November 18th, 1617; I *Acts*, &c., p. 13.[3]

3. The Councillors present at this meeting were "The Lord Treasorer, Lord Carew, Mr. Secretary, Master of the Rolls".
The Lord High Treasurer was still Thomas, Earl of Suffolk:
Lord Carew was George Carew, Baron Carew of Clopton and afterwards (in 1626) Earl of Totness, whose vigor—not to say cruelty—in putting down the Irish Rebellion in the first years of the 17th century was suitably recognised and rewarded: and it is not forgotten in some quarters yet.
Winwood and Lake were still joint Secretaries of State—I think, however, Winwood is meant.
The Master of the Rolls was Sir Julius Caesar, who had been Chancellor of the Exchequer: he has a good reputation for Law, but is otherwise unknown.

The Judge of the Admiralty made enquiry into Bayly's conduct and statements; and he reported to the Council, January 11th, 1618,[4] the Journal kept by Bayly from his leaving England till his desertion of the expedition at Lancerota, of which he had distributed "severall Copies vnto some of his particular freindes after his returne into England". He had also taken examinations and depositions bearing upon the matter, which he laid before the Council. Then Bayly was heard "himselfe *viva voce*. . . . what he Could saye in his owne iustification and Defence". He did not make much of a success, as their Lordships concluded

> that the sayd Captaine Bayly hath behaved himselfe vndutifully and Contemptuously not only in flying from his Generall vpon some false and other frivolous suggestions without any iust Cause at all, but also in Defaming his sayd Generall in the before mentioned Journall or Relation, wherein he Chargeth him with Cousenage and layeth vpon him other fowle and base imputations. It was also reported that Bayly had but three days before the Sitting uttered Certeyne threatning Speeches against. . . Raleigh. . . the effect of which Speeches were. . . . That he Could Charge Sir Walter Raleighe and other greate ones with matter of Treason against his Majesty Committed or conceived about a Twelvemoneth since. . . .

Their Lordships interrogated him concerning this statement, and he said that

> hee never sayde he could Charge any greate ones other than Sir Walter Raleigh with Treason, nor him neyther, but out of the Mouth and Reporte of one Mr. Hastinges Brother vnto the Earle of Huntingdon, who is gone with Sir Walter Raleigh this Journy, and at Plimouth told the said Bayly (as hee affirmeth) that hee had matter of Treason to Charge Sir Walter Raleigh withall, but in what particular Bayly knoweth not.

After this exhibition, it is not wonderful that

> their Lordshipps haue thought him worthie of Imprisonment. . . . and howbeit it should soe fall out that he might be acquitted touching the sayd Matter of Treason, and noe Cause founde in that respect deteyne him. . . . in Close Prison, Yet is it ordered that hee shall neverthelesse there Continew vnder Restraint for his demeanor towardes his Generall Sir Walter Raleigh, and bee proceeded withall otherwise according to Lawe.

Directions were given for proceedings by "his Majesties learned Councell for the further examination of him and suche others as were present when the sayde wordes were spoken". I *Acts*, &c., pp. 15, 16.

4. The names of those present at this meeting of Sunday, January 11th, 1618, do not appear.

Instructions were given to Sir Henry Yelverton, the Attorney-General, afterwards Justice of the Common Bench, that "concerning Captaine Bayly....there is other matter layd to his Charge ....Forasmuch as the same toucheth vpon matter of Treason", the Attorney-General was as soon as possible to examine Bayly "vpon that point and of such wittnesses also as heard the same, and are readie to testifie it against him...."[5] Bayly, however, was in a few weeks granted the "liberty of the prison" on the petition of his wife representing that close confinement had much impaired his health; *ibid.*, p. 17. Even this "liberty of the prison", which was permission to be in any part of the prison "limits", and consequently a sort of freedom, Bayly lost in three weeks by having had exhibited "a contemptuous and insolent petition", and on February 23rd he was again "comitted close prisoner". He seems to have learned his lesson, for four days thereafter an order was made that as he "hath made an humble acknowledgement vnder his hand of his offence, and harty sorrowe for the same, and withall humbly craued his Majesties pardon....Theis shalbe to will and require you to enlarge and sett at Liberty the person of the said John Baylie vpon Bond" to appear at any time before the Council on ten days' notice. This Petition alleged that Bayly had deserted Raleigh's expedition because he thought that Raleigh "did not proceed according vnto his Majesties Commission"; that their Lordships had decided that he had "much offended not only in leaueing his Majesties Commission, but also in defameing Sir Walter Raleigh"; that he "doth humbly confesse and acknowledg his punishment to be most iust and is very hartly sorrie for his said offence"; that he prayed forgiveness, and that he "had sustained greate losse by his said departure and indured long imprisinment for his said offence"; *ibid.*, pp. 17-19.[6]

5. At this meeting, January 13th, 1618, were present:—"Lord Archbishop, Lord Chancellor, Lord Treasorer, Lord P. Seale, Lord Steward, Lord Bishop of Ely, Lord Carew".
   The Lord Archbishop (of Canterbury) was George Abbot (1562-1633), who was at this time objecting to the scheme of marrying Prince Charles to the Spanish Infanta, though he afterwards reluctantly consented to it. He is best and most favorably known by his opposition to Charles's arbitrary government, which resulted in his being deprived of his archepiscopal authority in 1637: while he was restored to favor, he afterwards lived in retirement. He was a somewhat voluminous writer of controversial religious works, now quite forgotten.
   The Lord High Chancellor was the famous Francis Bacon.
   The Lord Privy Seal was Edward Somerset, fourth Earl of Worcester (1553-1628), who had become such in 1616, and was afterwards Great Chamberlain at the Coronation of Charles II.
   The Lord Steward was Charles Howard, first Earl of Nottingham, already mentioned (1536-1624).
   The Lord Bishop of Ely was Lancelot Andrews, quite unknown to fame.
   Lord Carew has already been mentioned.
6. The names of those present at the three meetings of February 1st, 23rd and 27th, 1618, are not given.

The unsuccessful adventurer came back to England, arriving at Plymouth about the middle of June, 1618. He knew that he had placed his life upon the success of his expedition, and it is not easy to understand his return to England, where death was awaiting him. Perhaps he thought that he would not be wanted in France, or perhaps he hoped that the King would be merciful—if the latter, he trusted to a broken reed, and did not understand the utter implacability of the Stuart when his own interests had suffered. Arriving at Plymouth, he set out for London, and was arrested by his cousin, the Vice-Admiral of Devon, Sir Lewis Stukeley, but was allowed considerable personal liberty. Stukeley received a sharp letter from the Privy Council, July 23rd, rebuking him for his conduct in respect of

> the person of Sir Walter Raleigh knight touching whome and his safe bringing hether before vs of his Majesties privey Council you haue received sondry directions signifying his Majesties pleasure and Comaundement. Notwithstanding wee finde noe execution thereof as had becomed you, but vayne excuses vnworthie to be offered vnto his Majestye or to those of his Counsell from whome you received his pleasure.

And he was commanded

> all Delayes and excuses sett aparte (of which wee will heare noe more, you doe safely and speedily convey hether the person of the sayd Sir Walter Raleigh, to answere befor vs such matters as shall be obiected against him on his Majesty's behalfe. And of this you are to be carefull as you may answer the contrary at your perill. *bid*, pp. 19, 20.[7]

A week after, July 30th, the unfortunate man having been brought up to London from Plymouth, the Council instructed the Lieutenant of the Tower to take him into his charge "with that Liberty as

7. Those present were:—"Lord Archbishop of Canterbury, Lord Chancellor, Lord P. Seale, Lord Chamberlen, Earl of Arundell, Lord Carew, Mr. Treasorer, Mr. Vice Chamberlen, Mr. Secretary Naunton".
The Lord Archbishop of Canterbury, Lord Chancellor, Lord Privy Seal have been mentioned in Note (5), *supra*.
The Lord Chamberlain in Note (1) *supra*; Lord Carew in Note (3) *supra*: the Lord Treasurer was still the Earl of Suffolk, mentioned in Note (1) *supra*, but he was to be displaced by a Commission headed by the Archbishop of Canterbiry in the course of the year. Mr. Vice-Chamberlain was Sir John Digby (1580-1634), who took an active part in the Spanish Marriage scheme, and was in 1622 created the first Earl of Bristol—he died in Paris in exile, having gone thither after the capitulation of Exeter.
Mr. Secretary Naunton was Sir Robert Naunton (1563-1635), the author of the MS. account of Queen Elizabeth's courtiers once in great vogue and still occasionally consulted in one or other of its several editions.
The Earl of Arundel was Thomas Howard, fourteenth Earl of Arundel, second Earl of Arundel and Surrey, the well known art collector, he of the Arundel Marbles.

hee enjoyed when he was last discharged..."[8] It is said that he had attempted to escape to France while in the friendly custody of his cousin. King James wanted him tried for the new offences he was said to have committed, but was informed that he being under sentence of death could not legally be tried; accordingly he was brought up on a writ of Habeas Corpus from the Tower, October 26th, 1618, and sentenced by Coke, now Lord Chief Justice, sentence being moved for by Yelverton,[9] A-G. The king issued a special warrant for decollation instead of the horrible Common Law punishment for high treason, and Raleigh was beheaded in the Old Palace Yard at Westminster three days thereafter. Whether he was guilty of high treason must always be a matter of opinion and of definition—*quien sabe?*

8. The names of those present are not recorded.

9. Sir Henry Yelverton (1566-1629) was created Attorney-General in 1617, but was suspended from office on the ground that he had given his official approval of a Charter to the City of London which contained unauthorised provisions. Bacon, who was Lord Chancellor at the time (1620), stayed the issue of some four Charters approved by Yelverton: we find the king, James I, saying in the House of Lords "Die Sabbathi 10 Martii", Saturday 10th, 1621:—"THE KING iustified my Lord Chancellor as having staied 4 patents, and remembered Sir H. Yelverton being then my attorney told of it, assuring that these patents weare good. He was (a) rashe Attorney. I was forced to put him owt of my service". In 1625, however, he was made the fifth Justice of the Court of Common Bench, a position which he retained until his death in 1629.