

THE TRIAL AND EXECUTION OF SIR WALTER RALEIGH

PRECEDED BY AN ACCOUNT OF HIS RISE TO FAME
UNDER QUEEN ELIZABETH.

An ending as inglorious as his career had been splendid marked the life of this extraordinary man, whose talents and services have contributed an episode in English history. Contrary to the commonplace idea that his patron Queen Elizabeth encompassed his downfall, the facts are that his death was brought about, after her demise, as a result of his opposition to Essex, who sought to place James I. upon the throne while Elizabeth reigned.

His life, from the early age of 17, was a series of brilliant exploits, the greater part of which were adventures in the Queen's service. In the peaceful arts, he was a writer of great ability, and his impress has been left upon the literature of the period. He was born in 1552.

When 17 years of age, he served as a volunteer with his cousin, Henry Champernown, who embraced the cause of the Huguenots in France, and he was an eye-witness of the massacre of St. Bartholomew in 1572.

He returned to England at age 23, and acquired a residence in the Temple, although, if his own account is to be believed, he studied little law.

He took to the sea in his twenty-sixth year, having obtained a command as captain of the "Falcon" in a piratical adventure under the command of his step-brother, Sir Humphrey Gilbert, who had secured from the Queen a charter entitling him to take possession of any "heathen lands not actually possessed of any Christian prince or people". The voyage, however, was a failure.

His skill with the sword attracted the attention of the Earl of Leicester, the Queen's favorite, and this marked the commencement of his Court life. He fought with the Crown forces in suppressing the Irish rebellions in 1580, where he displayed conspicuous bravery and was mentioned in dispatches. Returning to England in 1581, Elizabeth became enamored of his handsome person and vivacious bearing. He was taken into her favour, received many concessions, and was knighted in 1584.

Fortune followed fortune. Upon the death of the Earl of Bedford, he was created Warden of the Stannaries. In 1585 he was instructed to dispatch an exploring expedition to America, during which he discovered Virginia and which territory he named in grateful remembrance of his queenly benefactress.

By now he was a strong contender with the Earl of Essex for the Queen's favoritism. He had great power, and obtained a pension for the poet, Edmund Spenser, together with royal aid for the publication of "The Faerie Queen."

At this time, however, a cloud fell upon him. In 1592 he was at sea on behalf of the Queen in an expedition against Spanish trade, when he was summarily recalled by Elizabeth, who had discovered that he had seduced her maid of honor, Elizabeth Throckmorton. On his return, he was imprisoned in the Tower, where, however, he was permitted to marry the maid. The Queen's displeasure was of short duration, and he was released to superintend the distribution of the booty gained in the expedition from which he had been recalled. He turned over the whole of his share of the enterprise to the Queen, who punished him for the affront to her honor by leaving him with not sufficient to recoup his expenses of the voyage.

He had, however, his Sherborne Estate in Dorsetshire, to which he now retreated. This Estate had previously belonged to the See of the Bishop of Salisbury, and history records that Elizabeth extorted it from that dignitary for the benefit of her courtier.

Having heard of the El Dorado of the Spaniards in Guiana, he set out in 1595 to the South American coast, with a view to repairing his fortunes. He found no gold, but on his return he wrote a romantic account of "The Discoverie of Guiana". This work is reputed to be the most brilliant of the Elizabethan stories of adventure.

He became definitely re-established in the Queen's favour after his participation in the attack on Cadiz, 1596, where he was wounded, after conducting himself with his usual outstanding courage. Restoration to favour led on to further success. The year 1600 saw him representing Penzance in Parliament, and becoming Governor of Jersey. In 1601, he avenged himself on Essex by aiding in the suppression of that nobleman's rebellion, and being instrumental in bringing about the execution of his rival.

The death of his patron Queen resulted in his complete ruin. James I. could not forgive Essex's "murder", and Raleigh was deprived of all his monopolies and estates, including the governorship of Jersey.

He was suspected of conspiring against the King in a plot to raise Arabella Stuart to the throne),¹ and was imprisoned

¹ Arabella Stuart was first cousin to King James I., being the daughter of Charles Stuart, Earl of Lennox, who was a younger brother of King James's father, Henry Lord Darnley.

in the Tower, 1603. He was brought to trial at Winchester in November of that year.

Raleigh's trial was marked by an outrageous brutality towards him on the part of the Attorney-General, Sir Edward Coke, afterwards the famous Lord Chief Justice of England. That Raleigh knew of the conspiracies is scarcely doubtful, but the evidence adduced against him clearly fell short of what, in modern jurisprudence, would be required to prove his guilt. In that period, however, mere knowledge of a crime was sufficient for conviction, with the juries intimidated into rendering precisely the verdict required by the authorities.

The trial was presided over by John Popham, Lord Chief Justice of England, who tried Guy Fawkes and associates for the gunpowder plot. Popham was an exceptional man, having risen from obscurity to high office in the State. He was reputed to have been, in his younger days, a "knight of the road". And, if this account be true, he atoned for it by his zeal in convicting all robbers who came before him. His attitude towards Raleigh was merciful, and he endeavored upon several occasions during the trial to repress Sir Edward Coke's vituperative conduct towards the prisoner. Raleigh's own bearing in the face of the shocking demeanor of the Attorney-General was gallant and dignified.

It must be recalled that procedure in the courts at the period in question was decidedly uncertain. An address to the court or to the jury was frequently punctuated with interruptions by the opposing parties, who were thus led into altercations between themselves. This irregular procedure would necessarily give rise to bitter recriminations, and the torrent of abuse which fell from the impatient lips of Sir Edward Coke is an example of "brow-beating" without parallel.

Coke was reviewing the evidence, and after reciting the alleged conspiracy, he entered upon a long dissertation concerning what acts constituted treason.

Raleigh took exception to the allegations against him, and called upon Coke to prove one thing with which he was charged.

Coke: "Nay, I will prove all; thou art a monster; thou hast an English face, but a Spanish heart."²

Continuing his argument, he went on: "... Now then see the most horrible practices that ever came out of the bottomless pit of the lowest hell."

² 2 How. St. Tr. 7.

Raleigh: "I will wash my hands of the Indictment, and die a true man to the king."

Coke: "You are the absolutest Traitor that ever was."

Raleigh: "Your phrases will not prove it."³

Coke then showed that Lord Cobham had written a letter to Lord Cecil after consulting with Raleigh, the purport of which was to procure money from Spain and raise a rebellion in England.

Raleigh: "Here is no Treason of mine done; if my lord Cobham be a Traitor, what is that to me?"

Coke: "All that he did was by thy instigation, thou Viper"⁴

Raleigh objected to the Crown putting in the "examinations" of certain persons, and begged that they be called. He said: "Do you bring the words of these hellish spiders, Clark, Watson, and others, against me?"

Coke: "Thou hast a Spanish heart, and thyself art a Spider of Hell."

Raleigh: "I never had intelligence with Cobham since I came to the Tower."

Coke: "Go to, I will lay thee upon thy back, for the confidentest Traitor that ever came at a bar."⁵

One of the Commissioners now interposed, saying: "Be not so impatient, good Mr. Attorney, give him leave to speak." The Reporter's note at this juncture is:

"Here Mr. Attorney sat down in a chafe, and would speak no more, until the Commissioners urged and intreated him. After much ado, he went on, and made a long repetition of all the Evidence, for the direction of the Jury; and at the repeating of some things, Sir Walter Raleigh interrupted him, and said he did him wrong."⁶

Coke: "Thou art the most vile and execrable Traitor that ever lived."

Raleigh: "You speak indiscreetly, barbarously and uncivilly."

Coke: "I want words sufficient to express thy viperous Treasons."

Raleigh: "I think you want words indeed, for you have spoken one thing half a dozen times."

³ Id. 9.

⁴ Id. 10.

⁵ 2 How. St. Tr. 26.

⁶ Id. 26.

Coke: "Thou art an odious fellow, thy name is hateful to all the realm of England for thy pride."

Raleigh: "It will go near to prove a measuring cast between you and me, Mr. Attorney."

Coke: "Well, I will now make it appear to the world, that there never lived a viler viper upon the face of the earth than thou."

And thereupon he drew a letter from his pocket—

Coke: "... Now, sir, you shall see whether you had intelligence with Cobham, within four days before he came to the Tower. If he be wholly Spanish, that desired a Pension of £1500, a year from Spain, that Spain by him might have intelligence, then Raleigh is a Traitor: He hath taken an apple, and pinned a Letter unto it, and threw it into my lord Cobham's window; the contents whereof were this, 'It is doubtful whether we shall be proceeded with or no, perhaps you shall not be tried'."

"This was to get a retractation'. Oh? it was Adam's apple, whereby the devil did deceive him."⁷

"Further, he wrote thus, 'Do not as my lord of Essex did; take heed of a Preacher; for by his persuasion he confessed, and made himself guilty' . . .

"If this be not enough to prove him a Traitor, the king my master shall not live three years to an end."⁹

In perusing the evidence, it is clear there was not a tittle of direct proof against Raleigh. All was circumstantial—and the scantiest of circumstantial—evidence, none of which could, upon any pretext, be admitted in a modern trial. For instance, one Dyer testified that he went to a merchant's home. In that house was a visitor, who asked Dyer if the King was crowned. Dyer answered no, but hoped he would be shortly. "Nay", said the visitor, "he shall never be crowned, for Don Raleigh and Don Cobham will cut his throat ere that day come."¹⁰ The admission of such preposterous evidence illustrates the harsh procedure of *laesae majestatis* trials then prevailing, and under

⁷ Raleigh produced a letter to the Court from Cobham, exonerating the former from any treason. But the Commissioners held it was obtained from Cobham under the hopes of a pardon.

⁸ 2 How. St. Tr. 27.

⁹ Id. 27.

¹⁰ Id. 25.

which an accused person was obliged to produce proofs of innocence.

The Jury retired, and returned almost immediately with a verdict of guilty, upon which Sergeant Heale moved for judgment against the prisoner. The diabolical sentence was:

"That you shall be had from hence to the place whence you came, there to remain until the day of execution; and from thence you shall be drawn upon a hurdle through the open streets to the place of execution, there to be hanged and cut down alive, and your body shall be opened, your heart and bowels plucked out, and your privy members cut off, and thrown into the fire before your eyes; then your head to be stricken off from your body, and your body shall be divided into four quarters, to be disposed of at the King's pleasure: And God have mercy upon your soul."¹¹

Sentence of death was not, however, carried out, the order for execution having been reprieved, and imprisonment substituted therefor.¹² For fourteen years Raleigh was incarcerated in the Tower, during which period he busied himself with writing and chemistry. A compendious History of the Whole World engaged his erudition and served to beguile weary waiting hours. This work has been described as one of the monuments of Elizabethan literature.

During this long period, Raleigh had not been idle in devising means for regaining freedom, by appealing to members of the Government ministry and the favorites at Court.

Finally, he decided to turn to account his knowledge of foreign parts. The King was distressed for want of money, and El Dorado seemed to furnish the hope. Raleigh succeeded in impressing Sir Ralph Winwood, Secretary of State, with the vision of a golden fortune to be obtained from Guiana. Winwood recommended the enterprise to King James "as a matter not in the air, or speculative, but real and of certainty; for that Sir Walter had seen of the ore of the mine, and tried the richness of it."¹³

The King's avarice was not allayed by the protestations of the Spanish agent. Count Gondomar, who represented to his majesty that the proposed enterprise was "predatory, intending a breach of peace between the two Crowns." Gondomar's objections merely served to make Raleigh's freedom more certain, as James was now positive that treasure was to be found.

¹¹ Id. 31.

¹² The King had power to pardon an impeached person in bar of execution. (See 15 How. St. Tr. 768, note).

¹³ 2 How. St. Tr. 32.

He appeased Spain by inserting a restriction in Raleigh's commission that "the Fleet should commit no outrages upon the King of Spain's subjects by land, unless they began first."

Armed with "the commission and the company of several brave captains and other knights and gentlemen of great blood and worth", Raleigh set sail with a fleet of twelve ships on March 17, 1617. He encountered contrary winds and lost several of his volunteers in the voyage, but arrived at Guiana November 17 of the same year. Raleigh was too ill to accompany the land expedition, which he entrusted to Captain Kemish, assisted by Sir Walter's own son. As they proceeded up the Orinoco the way was disputed by the Spaniards, and in the resulting fight Raleigh's son was killed. Kemish returned to the mouth of the Orinoco and, although in no way answerable, he was bitterly reproached by Raleigh for the loss of his first-born. Mortified beyond endurance, the disconsolate officer retired to his cabin and pistolled himself to death. These events, coupled with the ill-health of the leader of the expedition, made further progress impossible, and the ships returned home.

Raleigh's high sense of principle is reflected in his adherence to the bargain whereby he was granted his release, of which his guarantee was that he would find treasure. To return without it meant certain imprisonment. On the other hand the seas were at his command to go where he would. He chose to honor his obligation. The inevitable happened, and when he arrived at Plymouth, he was seized and brought to London. Even then, a continuance of his imprisonment was allowed him in his own house. But fearing that Gondomar would sooner or later destroy him, he attempted an escape to France. In this he was betrayed by Vice-Admiral Sir Lewis Steukly, and it was decided to take proceedings against him "upon his old condemnation."¹⁴

Accordingly, on October 28, 1618, he was brought before the court of King's Bench at Westminster, presided over by Lord Chief Justice Coke, the same man who, as Attorney-General fifteen years previously, had obtained the conviction which he was now called upon to turn to final account.

The Attorney-General, Henry Yelverton, asked for execution, saying :

"My lords, sir Walter Raleigh, the prisoner at the bar, was 15 years since, convicted of High-Treason, by him committed against the person of his majesty, and the state of this kingdom, and then received the Judgment of death to be hanged, drawn and quartered; his majesty

¹⁴ 2 How. St. Tr. 33.

of his abundant grace, hath been pleased to shew mercy upon him 'till now, that justice calls unto him for Execution. Sir Walter hath been a statesman, and a man, who, in regard of his parts and quality, is to be pitied; he hath been as a star, at which the world hath gazed; but stars may fall, nay they must fall, when they trouble the sphere wherein they abide. It is therefore his majesty's pleasure now to call for Execution of the former Judgment, and I now require order for the same."¹⁵

Sir Walter's reply to the question of what he had to say was to the effect that the judgment was outlawed since the King had made him an admiral of the fleet, and therefore he should be esteemed "rectus in curia and free from all old convictions."

The hardened lawyer Coke stopped him. "There was no word tending to Pardon in all your Commission", he said, "and therefore you must say something else to the purpose; otherwise, we must proceed to give execution."¹⁶

Raleigh: "If your opinion be so, my Lord, I am satisfied, and so put myself on the mercy of the king, who I know is gracious."¹⁷

Coke, after delivering a somewhat caustic consolatory message to the prisoner, sealed his doom with the words "Execution is granted."

The Warrant of Execution was more merciful than the judgment upon which it was founded, repealing the ignominious sentence of hanging and disembowelling, and ordering simply that he should be beheaded.

On the night before his execution, Raleigh wrote two letters, "the one to the King¹⁸, the other to his Wife"¹⁹. The latter is a most touching document and reveals the spirit of a strong man in adversity and a tender husband and father to the beloved ones he was leaving.²⁰

On October 29, 1618, at 9 a.m. he was taken to a scaffold erected in the old Palace yard at Westminster. He delivered an oration in disproof of the scandals raised against him. Then discarding his doublet and gown he asked to be shewn the axe, "... which not being suddenly granted unto him, he said, 'I prithee let me see it; dost thou think that I am afraid of it?' So it being given unto him, he felt along upon the edge of it, and

¹⁵ 2 How. St. Tr. 33-4.

¹⁶ Id. 34.

¹⁷ Id. 34.

¹⁸ Id. 38.

¹⁹ Id. 38.

²⁰ He had a second son then living.

smiling, spoke to Mr. Sheriff, saying: 'This is a sharp medicine, but it is a physician that will cure all diseases'."²¹

Then ". . . the executioner kneeled down and asked him forgiveness; the which laying his hand upon his shoulder he forgave him."²²

Being asked "which way he would lay himself on the block, he said, 'so the heart be straight, it is no matter which way the head lieth'."²³

"The Executioner struck off his head at two blows, his body never shrinking or moving. His head was shewed on each side of the scaffold, and then put into a red leather bag, and his wrought velvet gown thrown over it, which was afterwards conveyed away in a mourning coach of his lady's.—He was 66 years old."²⁴

C. F. DAVIE.

Duncan, B.C.

²¹ 2 How. St. Tr. 44.

²² Id. 44-5.

²³ Id. 45.

²⁴ Id. 45.