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#### **Title**

A Good Death: The Rebirth of Sir Walter Raleigh

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Reflective Essay

**UCLA Library Essay Contest** 

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I was intrigued when a classmate made me aware of the Capstone Seminar on Pirates of the Caribbean in the 17<sup>th</sup> and 18<sup>th</sup> centuries. When I learned it was within the gilded walls of the Clark Library, I quickly applied for admission. After an interview with Dr. Carla Pestana, I was offered a seat in the class.

The first class was not held at the Clark Library, but at the Charles E. Young Research Library on the main campus. The class was led by Librarian Marta Brunner, and we learned how to delve the depths of databases. During the class session, we developed our own research database. I was already familiar the Journal Storage (JSTOR) and Project Muse from previous research, but the librarian introduced us to databases and archives that were specific to our subject matter, location and time period. Added to my research arsenal were sources like the Early English Books Online and the Eighteenth Century Collections Online. Many of the sources used for my research project were found in those collections.

The first class session at the Clark Library was an eye opener. A selection of beautiful documents, including a few maps, were chosen as teaching aids. Dr. Pestana showed the value of a simple tide map and how it could be used in research. The books were chosen with purpose, and we were taught how to read the different types of typography. We also learned how to handle fragile documents. I was drawn to the old maps and books stored in the vaults of the Clark Library. The stained pages and bold type brought out my childhood love of history.

The environment of the Clark Library and the small class size assisted in the research process.

Classmates would share successful research tips, like rephrasing the subject, using alternate spellings or coupling search terms for more tailored results. We discussed our research and goals in class, giving updates weekly. The updates were critical, since our theses would change with newly found material. This way we could alert our fellow students if any pertinent information relating to their research was found.

We also helped each other while searching through the card catalogues at the Clark Library, some of which

are not accessible online.

My research topic changed several times before I found my niche. In the process of gathering material, I would find an article on the Elton B. Stephens Co. Host or JSTOR that mirrored my proposed project. Several weeks into the task with no defined thesis, I was worried. Thankfully, Dr. Pestana was able to assist me. She narrowed my focus, allowing me to salvage the research that I had already collected. I quickly learned how fluid the research process could be. It is hard to know what questions to ask until you have a familiarity in the material. One also had to understand how major historical events during the time period may have influenced material.

With the help of Dr. Pestana, I looked at correct primary documents. I searched for material released by the English Crown and its affiliates; i.e. treaties, transcripts of trials, royal proclamations, admiralty court records and the accounts of the Ordinary. These documents gave me a solid understanding of the Crown's rhetoric concerning pirates and acts of piracy during the 17<sup>th</sup> and 18<sup>th</sup> centuries. At the same time I was mindful of the Crown's intent when releasing these writing for public consumption.

Gauging the public's perceptions, I searched for scaffolding speeches, ballads, poems and popular stories relating to pirates and acts of piracy. This allowed me to measure the public's perception of piracy and some of its key figures, like Sir Walter Raleigh. By looking at the Crown's posture and the popular media surrounding piracy, I could decipher the change of perception over time. The material at the Clark Library was crucial to the success of my paper. Several items I used in my paper were only available at the Clark. My bibliography tells the tale of time. The sources show the changing and complicated views of piracy by both the public and the Crown.

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Michael Stinson

Professor Carla Pestana

History 191 C

December 20, 2014

A Good Death: The Rebirth of Sir Walter Raleigh

Sir Walter Raleigh proved there is such a thing as a good death for a pirate. In the seventeenth and eighteenth centuries convicted prisoners needed to face death fearlessly in front of a rapt crowd. Prisoners who were at peace with God were expected to beckon the executioner's axe happily. Sir Walter Raleigh died such a death and, in the years after, his image was recreated into that of an English Protestant Hero. The hero myth that formed around Raleigh in the days and decades after his death created a positive view of pirates. This improved image protected English pirates, such as Captain Henry Morgan, as the Crown was unable to counter the myth of the English Protestant hero-pirate. The Crown only started to develop a discourse to fight this myth with the case of Captain Every in 1696. This rhetoric against the protestant hero-pirate was in full force by the time of the death narratives of Captain William Kidd.

Sir Walter Raleigh was not considered a devout Protestant (much less a Protestant hero) in life. According to Jesuit provincial Robert Persons who was a political enemy of Raleigh, he was an atheist. This serious accusation led to Raleigh being interrogated by a Crown-sanctioned ecclesiastical commission, about his friends, family and religious beliefs. After answering questions, several people testified that Raleigh was an atheist, including Nicholas Jefferies who said many reported that, "Sir Walter Raleigh and his retinue are generally suspected of

<sup>&</sup>lt;sup>1</sup> Jean Stone, *Studies from Court and Cloister* (London, 1905), 164. In a book by Jesuit Priest Robert Person in 1592, Raleigh was connected to a group that was called "The School of Atheism" where Moses and Jesus were mocked.

atheism."<sup>2</sup> It seems that popular opinion during his lifetime placed Raleigh not as a Protestant hero, but an unbeliever. The Bishop of Salisbury accused Raleigh of refusing to pay rents, and therefore deserved no respect.<sup>3</sup> It was even rumored that Raleigh was friends with English playwright Christopher Marlowe who was arrested for blasphemy, but that connection was tenuous.<sup>4</sup> Regardless of his connection to Marlowe, popular opinion seemed to have condemned Raleigh, either from his writings or connections. Although Raleigh was never charged in criminal court, his faith as a Protestant was often called into question.

Raleigh lacked a patriotic idolization of all things English, something one would expect from an English Protestant hero. Hardly an anglophile, Raleigh praised Spain in his writings. Most prominently, Raleigh lavished the Spanish with the highest extolment in his *Histories of the World*, saying this of Ferdinand the Catholic, "the politick king, who sold heaven and his own honour, to make his son the greatest monarch." In another piece Raleigh exalts the courage of the Spanish. Additionally, he had perhaps another connection to the Spanish. In 1593 an Irish Sea captain named Richard Butler was arrested in Lisbon. Not only did Butler claim to be a member of Raleigh's household, but he was to reveal English plans to the Spanish with Raleigh's permission. While this claim has never been substantiated, there does seem some merit to it. An unrelated source discussing the colony of Roanoke off the coast of current day North Carolina, mentions an Irish man, Richard Butler, who was a boy-page for Walter Raleigh and

<sup>&</sup>lt;sup>2</sup> Ibid., 164-172. There is a record of nine different questions that were asked of Raleigh and includes a report of the Royal Commissioners, which records multiple accusations of atheism against Raleigh.

<sup>&</sup>lt;sup>3</sup> Nicholls and Williams, Sir Walter Raleigh in Life and Legend (London, 2001), 164.

<sup>&</sup>lt;sup>4</sup> Ibid., 86-87.

<sup>&</sup>lt;sup>5</sup> Walter Raleigh, *An Abridgment of Sir Walter Raleigh's History of the World, in five books* (London, 1628), Clark library Rare Book Stacks, preface.

<sup>&</sup>lt;sup>6</sup> J.N Hillgarth, *The Mirror of Spain, 1500-177* (Ann Arbor, 2003), 374-5. In the *Discoverie of Guiana* after Raleigh berates the Spanish for their treatment of the indigenous people, he goes on to compliment them for their successes. Raleigh also proclaims that Spain was rewarded for "invincible constancy" in the new world in *History of the World.*<sup>7</sup> Ibid., 37. Richard Butler was condemned to being a spy and was sentenced to death in Lisbon, a sentence that was later reduced by Phillip II.

accompanied him to spy out the land. <sup>8</sup> It is unclear if this is the same Butler who was caught in Lisbon. Regardless, if Butler was sent by Raleigh, there was enough to call into question Raleigh's patriotism. Raleigh even admitted that he tried in vain to escape to France in 1618, avoiding King James I after his failed trip to Guiana in South American looking for gold.<sup>9</sup> Instead of Raleigh's devotion to England being undying, it seems to start when he died, with the birth of the English protestant hero-pirate.

Sir Walter Raleigh served England well under Queen Elizabeth I, but was put on trial in 1603 for treason under James I. While Queen Elizabeth was alive, he benefited from her protection. Shortly before her passing, Raleigh's strongest supporter in court, Sir Robert Cecil, distanced himself. This left Raleigh with few supporters. With Elizabeth's death in 1603, Raleigh lost his patron and his protection. Raleigh tried to contact James I before Queen Elizabeth's death, but apparently had little effect. Raleigh, like other prominent nobles in England, was fearful of the future successor James I and tried to court favor early. Any attempt by Raleigh to court James I's favor was countered by the letters of Henry Howard, who accused Raleigh of being an atheist and a threat to James I's ambitions to the Crown. When James II came to power, Raleigh's fate seemed sealed. He was stripped of his captaincy of the guard, replaced on the Privy Council and relegated to the last group to congratulate James I on his succession.

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<sup>&</sup>lt;sup>8</sup> Donald Akenson, *An Irish History of Civilization, Volume 1* (Montreal, 2006), 245-246. Richard Butler had a long history with Raleigh, accompanying him to Roanoke Island and would later go back to Roanoke with Sir Richard Grenville, a cousin of Raleigh.

<sup>&</sup>lt;sup>9</sup> Nicholls and Williams, Sir Walter Raleigh in Life and Legend, 319.

<sup>&</sup>lt;sup>10</sup> Ibid., 170, 181,184-7. This communication was conducted through the Duke of Lennox and a show Raleigh was aware of possible persecution with the change of leadership in England.

<sup>&</sup>lt;sup>11</sup> Ibid., 183. These accusations were made by Henry Howard through an intermediary and also included Raleigh's friend Lord Cobham and Henry Percy, Ninth Earl of Northumberland. Howard had teamed up with Sir Robert Cecil to gain favor with James I. Cecil was once friendly with Raleigh, but disassociated himself with Raleigh near the end of the 16<sup>th</sup> century.

<sup>&</sup>lt;sup>12</sup> Ibid., 192-3.

The stage was set for Raleigh to be accused as a traitor. He was on the outside of court looking in. His allies Lord Cobham and the Earl of Northumberland were accused of being part of a plan to kidnap the king. On July, 1603, Raleigh was placed under arrest. The prosecution only had one piece of evidence against Raleigh, and that was a redacted statement by Cobham. <sup>13</sup> The statement by Cobham was enough and Raleigh was sentenced to death for the crimes of being a traitor on the 17<sup>th</sup> of November, 1603. <sup>14</sup> Besides his last trip to Guiana, Raleigh would spend the remainder of his life in the Tower until his execution in 1618. Found guilty of betraying the English to the Spanish Catholics, few would have guessed the mythical standing Raleigh would achieve in the coming years.

The image of Raleigh as the English protestant hero started shortly after his death in 1619 and was based in part on his scaffold speech. Public executions were communal events. People would take time off work to see a public and grisly death. As in a play, the convicted was judged for their speeches and body language. It is said that Raleigh contemplated suicide, but he wanted his chance to speak out against his accusers. To be remembered well, one had to face death bravely. The scaffold speech was also his chance to appeal to the people directly. Without a doubt Raleigh understood the importance of his last speech and chose his words with care.

By examining the letters, missives and narratives describing Raleigh's execution one can see when the myth started to form.<sup>17</sup> One such letter which described his execution was written by Thomas Larkin in 1618. The letter described the brave face put on by Raleigh, who reassured

<sup>&</sup>lt;sup>13</sup> Ibid., 193-9. It was called the Bye plot and was connected to two Catholic priest who wanted to kidnap the King for assurances that Catholics could freely practice in England. The ties with Raleigh were tenuous at best. <sup>14</sup> Ibid., 214-5.

<sup>&</sup>lt;sup>15</sup> Anna Beer, Sir Walter Ralegh and his Readers in the Seventeenth Century (New York, 1997), 90.

<sup>&</sup>lt;sup>16</sup> Nicholls and William, Sir Walter Raleigh in Life and Legend, 308.

<sup>&</sup>lt;sup>17</sup> Sir Francis Drake had his part in establishing the legend of the English Protestant hero. But what is interesting is the transformation of Raleigh after his death to fit into that mold.

the executor and even kissed the axe. <sup>18</sup> Facing death bravely often convinced the crowd of the person's innocence. It was popular belief that the actions of the convicted at their execution determined if one went to heaven or hell. <sup>19</sup> How you died was sometimes more important than the evidence provided at the trials. By dying well Raleigh was no longer branded a traitor to the English. Writer John Fords who witnessed the execution noticed that a "...great muttering went through the multitude never died a braver spirit." <sup>20</sup> This innocence went beyond the court ruling, and meant you were at peace with God. This proof of peace with God was his first step at shaking off the atheist label.

The next step in shedding his non-believer reputation and becoming the hero was prayer and penance. An anonymous letter records the powerful effect Raleigh's execution had on the public. This letter described that Raleigh spoke from his notes, invoked God to witness his performance and even led the crowd in prayer. Raleigh hit the mark, and the author of the letter wrote, "The hated atheist became their priest." Additionally, another who claimed to have witnessed the execution thought that Raleigh spoke with great "zeal and adoration" and was, "a-Christ, not an atheist." While they admitted he was a known as an atheist, Raleigh's scaffold speech trigged a transformation of his image. After his death, he was relabeled as a pious man. Another witness described Raleigh, "Going to and fro upon the scaffold, on every side he prayed the company to pray to God to assist him and strengthen him." While it cannot be discerned if

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<sup>&</sup>lt;sup>18</sup> Vincent Harlow, *Ralegh's Last Voygae* (London, 1932), 313. This is a letter written by Thomas Larkin to Sir Thomas Puckering and is not dated.

<sup>&</sup>lt;sup>19</sup> Anna Beer, Sir Walter Ralegh and his Readers in the Seventeenth Century, 91.

<sup>&</sup>lt;sup>20</sup> John Fords edited by Anna Beer, Sir Walter Ralegh and his Readers in the Seventeenth Century, 96.

<sup>&</sup>lt;sup>21</sup> Ibid. 88-91.

<sup>&</sup>lt;sup>22</sup> Nicholls and William, *Sir Walter Raleigh in Life and Legend*, 320. The full quote is, "That he spake not one word of Christ, but of the incomprehensible God, with much zeale and adoration, so that he concluded that he was an "a Christ, not an atheist."

<sup>&</sup>lt;sup>23</sup> Vincent Harlow, *Ralegh's Last Voygae*, 320.

this speech showed true penance, a calculated measure or simply stories created after his death, the narratives circulated about his death overwhelmingly supported Raleigh.

Examining the death narratives, Raleigh had shed the traitor and atheist badges. Popular approval of his actions at the execution swayed many. Even the Crown had to admit as early as 1619 in a published response that "he died like a souldier & a saint, & therefore then to be beleeued, not only against me, but against the attestation of the state." By admitting he was remembered as a soldier, all past rumors and accusations fell silent. After Raleigh's death he was considered a loyal Englishman, not a possible turncoat. This shift in public opinion led many to believe that the king had just murdered a loyal English subject. Raleigh went from traitor to the quintessential patriot. Interestingly, none of the narratives record Raleigh having ever admitted to the crimes he was convicted of nor did he mention Spain or Catholicism. Raleigh was now thought of as a devout worshipper and was even being compared to saints. With his death, people interpreted his words with their own biases. With a Catholic candidate looming to take the English Crown, many looked for a Protestant hero and found it in Raleigh. The making of the Protestant English hero was in its inchoate form and would grow in the decades after.

The formation of the hero myth was noted in the poems written shortly after his death, a testament to the changing attitude towards Raleigh's deeds. These poems showed the transformation of Raleigh, from guilty to innocent, from traitor to hero. One such is an anonymous epigram of Raleigh. Not only does it say he was killed by the Crown, but only after his death were his great deeds realized.<sup>27</sup> This epigram states that he died not in a lawful death,

<sup>24</sup> Anna Beer, *Sir Walter Ralegh and his Readers in the Seventeenth Century*, 92. This was the official response written by Sir Lewis Stukeley in 1618.

<sup>&</sup>lt;sup>25</sup> Nicholls and William, Sir Walter Raleigh in Life and Legend, 322.

<sup>&</sup>lt;sup>26</sup> Ibid. 318.

<sup>&</sup>lt;sup>27</sup> Rudick, Michael, *The Poems of Sir Walter Raleigh* (Tempe, 1999), 192-3. The epigram includes such pertinent lines as, "Yet thou might'st dy in favour of thy prince" and "And then wert lost, when it was understood, thou might'st doe harme, but could'st not doe more good."

but a politically driven one. It also shows how Raleigh's prestige was climbing in the eyes of the English people. Another epitaph acknowledges the transformation saying, "None ever liv'de so ill, that seem'd to dye so well." As the details of his execution spread, so did his renown.

Raleigh's religiosity also went through a transformation, demonstrated in the poems after his execution. Past events in Raleigh's life were now shown in a religious light. Raleigh's trip to find gold in Guiana was rebranded as a religious journey. The trip to Guiana was now one in which "right and religion please my cause," and later he would be granted a "Crowne of purest gould [a marty's crown]."<sup>29</sup> Raleigh no longer took the trip for riches or to trick King James I. The trip became a religious venture. Even though his undertaking ended in failure, he was still crowned, given a holy halo. Supporters now compared accounts of Raleigh's life to Jesus and used heavily religious language. One such poem calls one of Raleigh's betrayers Judas.<sup>30</sup> Gone are any notions that Raleigh was an atheist or only an average believer. He was now under God's employ, doing holy work. An abridgment to Raleigh's *History of the World* was also seen as a religious work in 1634. A poem describes Raleigh's work as, "guided by divinitie," and his hand was guided by God during its creation.<sup>31</sup> Raleigh's works now gained religious significance. The authors who asserted that his actions were guided by divinity granted his works a new authority. These new versions of Raleigh eclipsed any atheist accusations placed on him in life.

Besides showing a change in his religiosity, the poems connect Raleigh directly to heroes of the past. Roman and Greek culture were in vogue and his admirers drew comparisons

<sup>&</sup>lt;sup>28</sup> Ibid., 191.

<sup>&</sup>lt;sup>29</sup> Michael Rudick, *The Poems of Sir Walter Raleigh*, 196-7. A poem called *Upon Sir Walter Rawleigh*, unknown date.

<sup>&</sup>lt;sup>30</sup> Ibid., 198-9. A work of unknown date called *Upon Sir Walter Raleighe*, Stuckeley was said to have betrayed Raleigh when he tried to escape and was now being described as a Judas, inferring that Raleigh was Christ.

<sup>31</sup> Ibid., 204-5. An abridgement of *The History of the World*, it even appears to have a reference to the Garden of Eden.

between Raleigh and these timeless figures. In a piece of poetry written after a comet, the poet compares Raleigh to old heroes, as if he was one of Homer's characters. The piece extolls Raleigh's bravery and wit and calls him, "Englandes Muse," and described him as "Spaines arch foe." The comet also influenced the poem's religious significance, an omen that Catholicism would overtake Protestantism. It seems his death was also seen as a bad omen to Protestantism.

Another poem accentuates the hero qualities of Raleigh, even calling him an incomparable hero in the title.<sup>33</sup> Like the prior poem, it compared Raleigh to a prominent Greek figure, this time Socrates. It compares their deaths, both being executed by overzealous governments. Their life works were not appreciated in life, only in death. The poem exalts Raleigh's *The History of the World*, as a divinely inspired gift that will survive for posterity. It also argues that, like Socrates, Raleigh will be remembered as a timeless national hero. This sacred praise shows the hero-myth in full force.

The next step in the martyr-making of Raleigh would come with the writing of *Vox Populi or Sir Walter Raleigh's Ghost* in 1621. This hugely popular work by Thomas Scott was published nine times alone in the first year.<sup>34</sup> In this work Raleigh's posthumous image displays his newfound hero qualities. In the book, Raleigh' ghost interrupts a conversation between the Spanish Ambassador Gondomar and a Jesuit priest.<sup>35</sup> Raleigh implores the English to fight off the Catholics and popery. As the *Vox Populi* was republished for many decades; it was occasionally revised to include additions related to religion, as in a 1653 version. That title page

<sup>32</sup> Ibid., 200. From a piece called *On Sir Walter Raleigh who was beheaded before the appearance of a commett*, the comet passed in 1618.

<sup>&</sup>lt;sup>33</sup> Michael Rudick, *The Poems of Sir Walter Raleigh*, 203-4. The piece is titled *On the death of that Incomparable Hero, Sir Walter Rawleigh Knight*, and was published in 1650; but the date of authorship is unclear.

<sup>&</sup>lt;sup>34</sup> Anna Beer, Sir Walter Ralegh and his Readers in the Seventeenth Century, 118.

<sup>&</sup>lt;sup>35</sup> Thomas Scott, Sir Walter Rawleighs Ghost or Englands Forewarner (London, 1626).

declared it was "written against the atheists," but the piece is mainly against popery and Spain.<sup>36</sup> Raleigh went from being known as a likely atheist to the antithesis. The choice of Raleigh as a ghost is interesting in itself. The scaffolding speech, the death narratives and poems made Raleigh appear as the perfect vehicle for this anti-Catholic writing. *Vox Populi* not only attached itself to the budding Protestant hero myth, but helped build it.

Raleigh's acclaim continued to grow in the seventeenth century. Succeeding generations would be influenced by this myth. Children would grow up listening to the hero narratives, glorifying the acts of piracy. Francis Osborn, in 1673 said this of Raleigh's execution, "death was by him managed with so high and religious resolution, as if a Roman had acted a Christian or rather a Christian a Roman."37 Raleigh was seen as a religious role model, complete with Roman bravery. The hero myth continued to strive and blended with other role models. Another interesting connection comes from an epitaph written in 1683 for the Earl of Shaftesbury after the Popish Plot. This Plot created an Anti-Catholic hysteria, as the English people believed Charles II was to be assassinated and replaced by a Catholic monarch. The Earl fought against what he saw as Catholic influences in England and considered himself one in a line of Protestant heroes. Titled "Raleigh Redevivus," or Raleigh reborn, the piece equated challenges faced by the Earl with those of Raleigh.<sup>38</sup> Like the poems about Raleigh, the Earl was equated with Roman heroes. Raleigh was like a founding father, and political figures tried to connect themselves to the hero myth. The process that made Raleigh a hero was a great blueprint and others attempted to copy the method of posthumous recreation.

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<sup>&</sup>lt;sup>36</sup> Leonardus Lessius, Sir Walter Rawleigh's ghost; or, His apparition to an intimate friend, willing him to translate into English, this learned book of L. Lessius entituled, (De providentiâ numinis, & animi immortalitate.) Written against the atheists and polititians of these days (London, 1651), title page. This edition included many additions concerning religion, over 140 pages.

<sup>&</sup>lt;sup>37</sup> Nicholls and William, Sir Walter Raleigh in Life and Legend, 320.

<sup>&</sup>lt;sup>38</sup> Philanax Milopappas, Rawleigh Redivius or the Life and Death of the Right Honourable Anthony Late Earl of Shaftsbury (London, 1683), 4.

After Raleigh's execution in 1618, the government did little to combat piracy until Captain Kidd. James I had inadvertently created a hero and by doing so, Raleigh's image was elevated in the eyes of the common people. In the Raleigh myth, going to sea and fighting England's enemies was venerated, promoted as a way of life for young men. The actions of piracy were romanticized. The government used this to its advantage, using privateers in their conflicts against the Spanish and in the Anglo-Dutch wars in the 16<sup>th</sup> and 17<sup>th</sup> centuries. Commissions could and were given by the English to attack merchant ships, treasure conveys, and sometimes settlements. As long as the Crown could direct it, the hero myth was beneficial. English pirates usually were allowed to retire with their booty, not hung from a rope.

From Raleigh to Captain Kidd, the Crown only conducted one trial for piracy, and it was principally against two Irish men in 1670. The narrative described the crime, execution and scaffold speeches of three Irish and two Englishmen. The writing declared the Irish were the ringleaders and the English were duped into following. Their speeches at the scaffolds were also dramatically different. The Irish tried to exonerate the English and took full blame for presuming to act above their station. While they were still executed, the English were described as dying bravely like Raleigh. Like Raleigh, the English pirates were forgiven, given a proper burial dressed in white. The English pirates were still benefiting from Raleigh's hero myth. The Irish were not forgiven and their heads were displayed on the gates to warn others. Being denied a Christian burial consigned them to hell. The trial seemed to be less about piracy and more about keeping the Irish subservient.<sup>39</sup>

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<sup>&</sup>lt;sup>39</sup> D.M., *A new and perfect relation of the takeing and apprehending five pyrates* (London, 1670). In this narrative, the Irish pirate P.F. designed a scheme where he would kill the owners of the boat and act like an Irish Lord. A large portion of his scaffold speech was concerned with class, not acts of piracy. Perhaps this narrative was influenced by the levellers movement because of its focus on class and repeated mention of the Irish acting above their station. Interestingly this narrative does include some of the elements displayed in the narratives after Captain Kidd, cautioning young men against piracy and declaring the acts were against God and the lifestyle one must live to be a

England's governance would shift its perceptions on piracy in 1670. The political atmosphere in Europe had changed, as had their relationship with Spain. Spain was ready to capitulate on some of its claims in the Americas and in return receive protection from English pirates. King Charles II of England and his Spanish counterpart King Charles II approved the treaty which allowed England to keep all lands currently in its possession. Consequently it was in the English government's best interest to stop acts of piracy or the fragile treaty might become undone.

The treaty went to great lengths to cover any possible contingency or possible excuse for piracy. They were sure to mention that this counted for land and sea, including island plantations. The third article's sole purpose was to stop plundering; it even went to the trouble to say, "by land as by sea, and in fresh waters, every where."40 The fourth article was aimed at the local governors and other leaders giving commissions outside of the Crown's strict control. It voided any commission, letters of reprisal or any type of legal paperwork used in acts of piracy, issued not only to English citizens, but also to "inhabitants or strangers." The treaty was attempting to snuff out any possible excuse for acts of piracy. Article four of the treaty accounted for any of the inevitable violations, saying any offender would not only be punished criminally, but they also had to provide retribution for any losses. England now had legal control of the American colonies and piracy needed to be discouraged. The Crown subsequently had to develop a discourse against the Protestant English Hero myth of Raleigh.

good Christian. Nicholls and William, Sir Walter Raleigh in Life and Legend, 333. From time to time, Raleigh was mentioned in levellers pamphlets.

<sup>&</sup>lt;sup>40</sup> England and Wales, A treaty for the composing of differences, restraining of depredations, and establishing of peace in America: between the Crowns of Great Britain and Spain. Concluded at Madrid the 8th/18 day of July, in the year of our Lord, 1670. Translated out of Latin. Published by His Majesties command (London, 1698), 5. <sup>41</sup> Ibid., 5-6.

A problem would arise shortly after the ink dried on the treaty, caused by Henry Morgan. He was already a successful solider, well versed in acts of piracy before the treaty was signed. Henry was popular and would benefit the English hero myth. Sailing out of Port Royal, he worked with and sometimes worked for Sir Thomas Modyford, governor of Jamaica. On July second, days before the treaty was signed, Modyford gave Morgan a commission to defend the island and gave him power to enforce marshal law bearing the date of July twenty-second. <sup>42</sup> It also gave him the authority to write his own commissions. Producing a dated commission from the Spanish dated the twentieth of April, 1670, Modyford justified the need for defense of Jamaica. <sup>43</sup> It was impossible that Modyford was aware of the ratification of the treaty and he took the steps he felt were needed to defend Jamaica. Modyford assembled boats under the commanded of Morgan in response to the finding of the Spanish Commission. The gathering of boats was not going to physically defend the island, but it appeared Modyford had the idea of a preemptive attack on the Spanish.

Henry Morgan was in Bluefields Bay, on the south-west side of the Jamaica, when word came from London, commanding Modyford to stop all acts of piracy. A letter was sent by Lord Arlington, which arrived in Port Royal on 18 August, 1670. According to British historian Dudley Pope, Modyford replied to Arlington that he had met with Morgan and claimed he would observe the new orders. The end of Modyford's reply to Arlington was closer to the truth, alluding that Spain would need to suffer before they would sue for peace. <sup>44</sup> The command from London did little; the original plan for attack was not halted. Morgan left with his ships and made his way to Panama with support from Modyford, who sent additional ships to help Morgan near

<sup>42</sup> Anon, *The present state of Jamaica* (London, 1683), 40, 74. Thomas Modyford arrived to govern Jamaica in June, 1664. Shortly after his arrival Modyford encouraged privateers, even promoting Henry Morgan to Admiral.

<sup>&</sup>lt;sup>43</sup> Ibid., 63. The commission from the Spanish crown granted the bearer the authority to attack British ships.

<sup>&</sup>lt;sup>44</sup> Dudley Pope, *Harry Morgan's way* (London, 1977), 203-5.

the end of October.<sup>45</sup> Neither Modyford nor Morgan seemed too concerned with the edict from London.

Using the commission from Modyford, Henry Morgan attacked Panama. After crossing the isthmus, Morgan arrived on January 1671. Once the town was fully looted, Morgan started his trip back to Jamaica on 14 February 1671. While the treaty didn't official start in the West Indies until 18 July, the attack on Panama was contrary to what Charles II commanded in the letter, and Modyford was arrested. The English authorities were keen to Spanish pressure and wanted to make an example of Modyford and Morgan. While the Crown was initially eager to charge them, the political will to prosecute would be lost. The hero myth covered both Modyford and Morgan. Official records showed Morgan was not kept in the Tower, but writings afterwards claimed he was. Perhaps the records were altered to connect Morgan with Sir Walter Raleigh, who also spent time in the Tower. It would make sense that Morgan, who benefited from the Raleigh myth, would be linked to him in other ways. Morgan received support from many prominent people and was never charged with any crime. Not only that, Morgan was knighted and made governor of Jamaica when Modyford's replacement became a liability.

Perhaps the government was scared of executing pirates, afraid they were about to make another ghost, another martyr for the people. But political sensitivity made them at least pay lip service to Spanish representatives. Morgan and others might be arrested, even imprisoned, but very rarely executed or tried in court. Any berating seems to be done behind closed doors and

<sup>45</sup> Ibid., 207.

<sup>&</sup>lt;sup>46</sup> Ibid., 245.

<sup>&</sup>lt;sup>47</sup> Ibid., 214,245.

<sup>&</sup>lt;sup>48</sup> Ibid., 264.

<sup>&</sup>lt;sup>49</sup> Ibid., 264, 271.

not in the public sphere. The English government still found acts of piracy useful in the new world but detrimental to trade in Asia.

Pressured by powerful merchant companies, the English government started to fight piracy in the public sphere with Captain Every. The problems started when Captain Every took a ship belonging to the Great Mughal of India in 1695. In a letter from the East India Company, Sir John Gayer, governor of Bombay, described an account of piracy that enraged the Indian court. Gayer wasn't just the governor, but also the chief executive of the East India Company. Every did not attack traditional European enemies, but valued trading partners. While the pirates themselves might have become enriched, the politicians and powerful trading magnates were losing money.

Driven by the printing press, poetry and ballads romanticized the acts of Captain Every, much like they did those of Raleigh. The most prominent of these was a play performed at the Theatre on Drury Lane called *The Successful pyrate.*<sup>51</sup> The work vindicated his actions while it critiqued the legal system of England. Popular culture still venerated acts of piracy when performed by English subjects. He would be used by popular British author Daniel Defoe and publications that claimed to be written by the Captain were in circulation.<sup>52</sup> Ballads appeared as early as 1694, one of which claimed to be penned by Every. This was a popular ballad, reprinted several years later in two separate London newspapers. The song proclaimed not only Every

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<sup>&</sup>lt;sup>50</sup> East India Company letter from Bombay, 12 October 1695, TNA: PRO Privy Council Unbound Papers, 1/46. In this letter it described a horrible suicide scene, where women belonging to the royal family, were abused and committed suicide so they would not have to face their husbands in shame. The daughter of the Great Mughal was sexual assaulted in the act. Employees of the East India Company were put in chains and cut off from outside communication shortly after the event.

<sup>&</sup>lt;sup>51</sup> Charles Johnson, *The successful pyrate*. A play. As it is acted at the Theatre-Royal in Drury-Lane, by Her Majesty's servants (London, 1713). This was the second printed edition of the play. The date of the first edition is unknown, some scholars putting it as early as 1709.

<sup>&</sup>lt;sup>52</sup> John Every, *The life and actions of that famous English Pirate captain Avery publish'd for the satisfaction of the world to prevent the many falsities that lies under* (London, 1710).

innocence, but his patriotic ties with England.<sup>53</sup> Another work turned the act of piracy against the Great Mughal into a love story.<sup>54</sup> These narratives not only extolled the works of Every and supported the English Protestant hero, but attempted to delegitimize the English government. These works followed the blueprint started by the creators of Raleigh's English Protestant hero myth.

The English government now found it needed to fight the myth created by Raleigh and needed to do so in the public sphere to be effective. The trial, the announcement of the crimes, the attack of prosecutors and decrees from legal experts would be made public in an attempt to fight Every. At first a large number of printed copies of the trial were ordered for wide distribution, but that was rescinded when the verdict of innocence was announced. The trial was supported by the Magna Carta and was a perfect vehicle for the state to develop a narrative. The message would also be seen as coming from the people, a jury of his peers, and not something developed by the state. The trial accounts allowed the Crown to create a commanding historical narrative of piracy. According to historian Douglas R. Burgess Jr. who specialized in maritime and legal history, there was a difference between trials of pirates and others. Burgess described the publication of pirate trials as singular because, "[it] was the government's motive throughout: the deliberate attempt to manufacture and, if necessary, alter public opinion on

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<sup>&</sup>lt;sup>53</sup> John Every, *A Copy of Verses, Composed by Captain Henry Every, Lately Gone to Sea to seek his fortune* (London, 1694).

<sup>&</sup>lt;sup>54</sup> Adrian Van Broeck, *The Perfidious P—(anonymous. The glorius life and actions of St. Whigg (anonymous). The life and adventures of Captain John Avery* (Dublin, 1785). This work was printed in three different editions, 1702, 1708 and 1709. The work described Every as benevolent leader who the daughter of the Great Mughal falls in love with, rather than being raped by him.

<sup>&</sup>lt;sup>55</sup> Douglas Burgess, *Piracy in the Public Sphere: The Henry Every Trials and the Battle for meaning in the Seventeenth-Century Print Culture* (London, 2008), 901, 907. In fact, the there is no official mention of the first trial. In the printing of the second trial, there is an oblique three line sentence to explain the first trial. <sup>56</sup> Ibid., 893.

piracy through the trial medium."<sup>57</sup> The government did not just want a conviction to sooth the Great Mughal of India; they wanted to change a culture that praised pirates.

The trial was singular for other reasons. It was conducted with a common law jury but under jurisdiction of the admiralty court. According to Burgess, a large cast of legal experts from every branch of law was gathered. It was held in admiralty court because acts of piracy were a grey area in common law.<sup>58</sup> The new rules and a new court showed the length to which the authorities would go to show the importance of fighting piracy. The English government now worked on ways to sway public opinion. The authorities realized they needed to win in the court of public opinion to combat piracy at its root.

The first trial of Every did little to change public opinion or to convince the jury of his guilt. He could not be apprehended and the trial was in tried in absentia. The trial did not take place until a year after the acts were committed, long enough for the crimes of Every to be romanticized by the public. Burgess would claim "long before the October trials, popular media in the form of poetry and ballads extolled Every's courage and daring as a paradigm of English maritime supremacy." Henry Every was thus placed in the pantheon of "noble pirates." His trial showed the difficultly of prosecuting pirates under the shadow of the hero myth created by Raleigh. Burgess sums up the situation, "the government's attempt to channel the Every story to their own ends competed and collided with another, equally potent myth of patriotic pirates." Even with the government stacking the deck against him and his crew, the jury disagreed. The representatives of the public still supported the English Protestant hero image or patriotic pirates

<sup>57</sup> Ibid., 890.

<sup>&</sup>lt;sup>58</sup> Ibid., 897. The pirates also had no legal council, handicapping them in court.

<sup>&</sup>lt;sup>59</sup> Ibid., 888.

<sup>60</sup> Ibid., 888.

<sup>&</sup>lt;sup>61</sup> Ibid., 888.

as Burgess called them. Common law juries would not convict pirates until the English government could effectively change the public's perceptions.

The second trial of Every was more successful. Already bending the rules of laws almost to the breaking point, the government changed the rules again. Although the crimes he was charged with were similar, he was not charged with piracy against a far away noble, but mutiny against an Englishmen. By making the victim an Englishman, Sir Charles Hedges, Chief Justice of the High Court of Admiralty, circumvented the public's attitude on piracy. By changing the crime, the victim was now an English subject not a distant Mughal. The Crown was doing everything in its power, legal or otherwise, to get a conviction. They were also showing a resilient new attitude that they would be tough on acts of piracy.

The presumption of innocence, a staple of the common law trial, did not apply in the trial of Every and his crew. Hedges would be quoted as telling the jury, "You are not obliged in all cases to require a clear and full evidence, but only to exercise till you find, and are satisfied in your consciences, that there is sufficient and just cause to put the party accused upon his trial." The government wanted to make sure to get a conviction but at the same time appear to be following at least some of the common laws. The Navigation Act of 1696 was passed in order to give them more legal options to arrest and try pirates. They were willing to use new tactics to fight the English Protestant hero myth. Ultimately the Crown was successful and on 15 November 1696 six of Every's crew were executed.

The testimony of Every's crew spoke to the level of acceptance of pirates in the colonies.

The crew said they arrived at both Virginia and New Providence in the Bahamas and their visit

<sup>&</sup>lt;sup>62</sup> Ibid., 901. By changing the crime, it made the English people the victim.

<sup>&</sup>lt;sup>63</sup> Ibid., 903.

went unreported.<sup>64</sup> Not only did the pirates enjoy the support of the commoners, but also government officials in England's colonies. Chief Justice Hedges decried that England was "being a harbour, receptacle, and a nest of pirates." Captain Every was never caught and neither was the rest of his crew, which proved Hedges' statement. Their ability to evade the Crown, even with a huge bounty, showed the support that pirates enjoyed.

The published trial was not enough to combat the hero myth, the authorities had to widen their public discourse. This effort would lead to the utilization of the Ordinary of Newgate. The Ordinary worked in the largest Prison in London as a Chaplain. The Chaplain was in charge of giving those condemned to death their last rites. More importantly, the Ordinary of Newgate would record the behavior, confessions and last words and published them in pamphlets that were consumed by the public. The report would be a perfect medium to convey the anti-piratical message. The Ordinary was a man of God, adding spiritual authority to the account. The Ordinary was also a city official, appointed to a position controlled by the Lord Mayor and the Court of Alderman. Furthermore, the dying man was thought to be completely honest. So any political statement made in the Ordinary's account would have added weight as the true sentiments of the condemned. The account was purchased by the common man, the exact people the Crown targeted with their new anti-piracy message.

The second Ordinary's account that dealt with piracy was that of Captain William Kidd. The first was published a week before that of John Shears. Before he was a pirate, Kidd was respected in England. According to historian Willard Hallam Bonner, Kidd was sent by some of the most prominent colonists and Englanders to crush the pirate scourge in Madagascar. With

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<sup>64</sup> Ibid., 904.

<sup>65</sup> Ibid., 907.

<sup>&</sup>lt;sup>66</sup> Andrea McKenzie, From True Confessions to True Reporting? The Decline and Fall of the Ordinary's Account (London, 2005), 55.

<sup>&</sup>lt;sup>67</sup> Ibid., 56.

the authority of King William III, Kidd left New York in 1696 on a mission to capture Captain Tew and other Madagascar pirates. Instead of fighting the pirates, Kidd befriended them. For over two years Kidd captured ships and adopted the pirate lifestyle. Eventually he was lured to Boston in 1699 by a false promise of clemency. Kidd was then shackled and sent to England. After a trial, Kidd was hung in London in 1701.<sup>68</sup> Kidd betrayed the trust of the English. Instead of fighting pirates in Madagascar he became one. The circumstances made his case ideal to fight the Protestant hero myth. The account of the Ordinary of Newgate would complement the trial proceedings and later ballads, all tools to combat the hero myth.

The Ordinary of Newgate's account of Kidd's imprisonment and execution was written by Paul Lorrain.<sup>69</sup> Besides the last words of Captain Kidd, comments by Darby Mullins, a crewmate of Kidd, and two French pirates were included in his accounts. In a document, Lorrain described piracy as an evil lifestyle and the condemned pirates as facing "the severe wrath and terrible judgment of God."<sup>70</sup> Later, Lorrain described the life of Mullins. Lorrain explains how Mullins tried to defend himself and claimed he was a commissioned privateer, and attacked only "enemies of Christianity."<sup>71</sup> Lorrain rejoined, "but now he being shew'd that those [privateers or pirates] were the greatest enemy of Christ and his religion...contrary to the laws of Christianity."<sup>72</sup> The Ordinary's account released right before Kidd's trial claimed piracy was a sinful lifestyle against Christianity. In it, pirate John Shears warned others not to follow his path.<sup>73</sup>. This account of a convicted pirate's last words adopted the government's rhetoric

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<sup>&</sup>lt;sup>68</sup> Willard Hallam Bonner, *The Ballad of Captain Kidd* (United State, 1944), 362-6.

<sup>&</sup>lt;sup>69</sup> Paul Lorrain, The Ordinary of Newgate His Account of the Behaviour, Confessions, and Dying- words of Captain William Kidd, and Other Pirates, That Were Executed at the Execution-Dock in Wapping, on Friday May 23. 1701 (London, 1701).

<sup>&</sup>lt;sup>70</sup> Ibid., front page.

<sup>&</sup>lt;sup>71</sup> Ibid., front page.

<sup>&</sup>lt;sup>72</sup> Ibid., front page.

<sup>&</sup>lt;sup>73</sup> Paul Lorrain, The Ordinary of Newgate His Account of the Behaviour, Confessions, and Dying-words of John Shears, A Seaman, that was Executed at Tyburn, on Friday, May the 16<sup>th</sup>, 1701 (London, 1701) page two.

against the English Protestant hero. Now acts of piracy were against God's law. Lorrain would go on to explain that these acts were crimes not just against England but the world. Privateers would no longer be acceptable, commissioned or otherwise. The Ordinary's account countered unprincipled governors who often gave sailors commissions.

Besides the official narrative of Kidd's execution, an anonymous portrayal condemned his actions. While the unsigned recountal seems to be based on the Ordinary's account, new information was added to compliment it. This version focused on Kidd's murder charge, that of killing an Englishmen, William Moor. The writing started off by announcing the murder of Moor and piracy was only mentioned second. The commentary brought the crimes of Kidd home. Moor was not a far-away victim, but a protestant from the terra of England. No longer did pirates appear to be noble men who attacked England's enemies, but instead were portrayed as enemies against the world.

The anonymous account of Kidd's execution also attacked the romantic lifestyle of privateers and pirates. In that tale, Captain Kidd is said to tell the onlookers, "to pray for him, and to take warning by him." In the same story, Captain John Eldrige is said to have made a similar statement, which cautioned others not to follow his example. Darby Mullin, crewmate of Kidd, was reported to say, "with many tears and lamentable sighs, desiring all young men, especially sailors, to take timely warning." This would be seen over and over again in the rhetoric to counter the English Protestant hero myth. Pamphlets would be printed that attacked the lifestyle and warned young men not to follow the sinful profession. They were doing their best to make pirates enemies of the Crown and the cross, not a hero for the people to emulate.

<sup>&</sup>lt;sup>74</sup> Anonymous, *The True Account of the Behaviour, Confession and Last Dying Speeches, of Captain William Kidd, and the rest of the Pirates that were Executed at Execution Dock in Wapping, On Friday the 23<sup>rd</sup> of May, 1701 (London, 1701).* 

<sup>&</sup>lt;sup>75</sup> Ibid., Front page.

<sup>&</sup>lt;sup>76</sup> Ibid., Second page.

The Captain Kidd ballads showed pirates in a sinful light. The hero myth was propped up by ballads and could also be dismantled by them. One such ballad, called *The Dying Words of Captain Kidd* was so popular it crossed into the colonies. The ballad shows the Crown's rhetoric against acts of piracy. It attacked the lifestyle of the pirate from stem to stern. In this ballad, gone was the treasure and glory of piracy. They were replaced with the description of cruel Captains and perilous voyages, where death and sickness were common. No longer could you retire quietly like Henry Morgan. Pirates would be "bound in iron bands" and face the harsh judgment of God and the hangman's noose. No longer would those who committed acts of piracy be celebrated; they would be hung.

Dishonoring one's family and disobeying parents was also a theme in the ballad. The Crown's new rhetoric which placed the victim at home, instead of in Spain or India, made pirates an enemy of England. The ballad was clear; acts of piracy were crimes against your parents. Pirates cursed their father and mother, bringing dishonor to their family. Christianity and piracy, the ballad argued, could not be reconciled. In a sure attempt to brand piracy as unchristian, it reads, "I'd have a bible in my hand by my father's great command, but I sunk it in the sand when I sail'd." Like other rhetoric against acts of piracy, the ballad cautioned young and old to take warning and not follow his path or they would end up in hell.

The anti-pirate rhetoric crossed into the colonies and into the writing of preacher Cotton Mather. In a piece by Mather, all the elements in the Kidd example were present.<sup>80</sup> The work is

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<sup>&</sup>lt;sup>77</sup> Anon, *The Dying Words of Captain Kidd, a Noted Pirate, Who Was Hanged at Execution-Dock*, (New-London, 1800). Started shortly after his death in 1701, the ballad enjoyed popularity in both England and her colonies, with slightly different versions.

<sup>&</sup>lt;sup>78</sup> Ibid.

<sup>79</sup> Ibid.

<sup>&</sup>lt;sup>80</sup> Cotton Mather, Useful Remarks an Essay upon Remarkables in the Way of Wicked Men.: A Sermon on the Tragical End, Unto Which the Way of Twenty-six Pirates Brought Them; at New Port on Rhode-Island, July 19, 1723. With an Account of Their Speeches, Letters, & Actions, before Their Execution. [Two Lines from Deuteronomy] (New-London, 1723).

much like the account of the Ordinary, recording their last words, confessions and a record of spiritual guidance of pirates. Unlike the Ordinary's account, it was steeped in religious justification for outlawing acts of piracy. Mather warned of the sinful lifestyle, and the negative effects it had on one's family and community. The pirates in Mather's piece echoed his warnings of the sinful pirate life and how especially the young should avoid the path of hell. The authorities and the pulpit made great progress in fighting the Protestant hero myth.

When Raleigh was executed, the idea of public space was in its fledging state. The English authorities had no idea what Raleigh would say. They had no idea they unleashed the Protestant hero myth. Quickly they found out though, through the scaffold speeches and items written about Raleigh posthumously that there was indeed a shift in public perception. James I's desire to appease the Spanish would end and the government then focused the myth to their benefit. The new generation born in the aftermath of Raleigh's myth would be used to fight England's Catholic enemies. Spain had prohibited any legal entry into the new world and the myth was useful. Pirates and privateers helped the English to start colonies. They also enriched the crown by robbing Spanish merchants and treasure ships. Valuable trade inroads were also accomplished by using pirates and privateers.

With the treaty of 1670, the benefit of English pirates in the new world ended. 1670 marked a time of great change. The rise of companies like the East India Company denoted a shift in thinking. The attack on piracy was part of a large program, to promote and protect trade while it brought colonies under their control. The English Protestant Hero had outlived it's usefulness to the Crown. The English authorities would enact several legal measures to curb piracy; they offered blanket pardons, passed navigation acts and bent laws in court proceedings

as shown at Kidd's trial. Legal measures did little to stop the support of acts of piracy among the commoners.

The Crown explored new tactics. Raleigh's myth was partially built on death narratives, ballads, poems and pamphlets. The Crown would do the same to diminish the myth, through the Ordinary's account and the creation of anti-piracy narratives. At first, the crown attempted to change public opinion by releasing the trial proceedings of pirates. But trials also showed political statements made by the defendants along with their defense. In these trials the defendants declared themselves innocent. In the Ordinary's accounts, they were contrite enemies of the state and God, who often freely admitted their guilt. In the trials they defended their actions as state sponsored piracy and cited commissions as justification for their actions as in the Darby Mullins case. The Ordinary accounts created the perfect anti-hero.

Anti-piratical narratives accomplished the goals needed to quiet the myth, but not kill it completely. Much like children of today who want to be firefighters, those of England wanted to be pirate heroes fighting for glory and booty. The Ordinary and anonymous accounts, Kidd's last's words, D.M.'s trial and Mather's piece all attacked the lifestyle of the pirate and privateer. It warned young people not to follow the path. The Crown wanted to stop the next generation of pirates and newly developed tactics were effective. Pirates no longer enjoyed a positive legacy. The English authorities turned it into a dishonorable profession, one that would curse your family. Someone who considered piracy had to think twice. They were no longer just endangering themselves; piracy would shame the whole family. The rhetoric against pirates was tied back to religion, which made it a crime against God and Protestant England. Protestant priests used to encourage English pirates to raid the Spanish. Now pirates were argued to be anything but an English Protestant Hero by the clergy.

One can argue how effective the measures taken by the English authorities were in stopping piracy. It did show that the Crown took the problem very seriously and was committed to its end. The state elicited the help of the clergy with continued efforts to protect trade. These clergy helped convert the commoner to the side of the state. But the myth still lived on, although it changed. Raleigh could be seen as a free thinking atheist or a devout Protestant. During wars with Spain and France Raleigh's myth served the Crown. Raleigh was anybody's hero, ready to be recreated.

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