

Beyond the Line: Piracy, Sovereignty, and the Fate of Sir Walter Raleigh

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On 29 October 1618, Sir Walter Raleigh, the last great standard-bearer of Elizabethan England's maritime tradition, met his death on the scaffold in the Old Palace Yard at the order of King James I. Although James officially executed Raleigh under a fifteen-year-old death sentence for treason, in actuality his recent "crimes" against Spain in America were what had "stirred his Majesty's justice."¹ Raleigh had been convicted of the original offense shortly after James's ascension to the English throne in 1603, but the new king spared his life and instead confined him to the Tower of London. In 1616, after years of desperate pleading, Raleigh finally persuaded James to grant him not only release from captivity but also permission to travel to Guiana to search for a gold mine that he had allegedly discovered there two decades before. Spanish officials protested loudly against the expedition, claiming all of America by right of prior discovery and papal donation, and charging that Raleigh only intended to invade the West Indies to engage in piracy. Raleigh never managed to locate the mine, but did succeed in killing a number of Spaniards, including the local governor, before reducing the Spanish town of St. Thomé to ash.² Incensed, Philip III, King of Spain, demanded that James punish Raleigh for his piratical enterprise and the English monarch shockingly obliged.

Introduction: Reinterpreting Raleigh's Death at 400

James's contemporaries roundly condemned him for executing Raleigh and that verdict has stood into the present. Since the event itself the English monarch has been derided as an esurient, cowardly tool of the Spanish, who, solicitous for both their money and approval, offered them Raleigh's head in shameful obeisance. The most consistent charge over time has been that James was "blindly bent" on a marriage alliance with Spain and believed sacrificing Raleigh would favorably advance the negotiations.³ Another enduring view is that the Spanish simply manipulated and pummeled the "feeble king with threats" until he supinely submitted to their

demands for Raleigh's life.⁴ James was being far more calculating and courageous in his decision making than these unflattering interpretations allow.

A few scholars over the centuries have provided a more sympathetic reading of James's actions. They have suggested that in executing Raleigh the king had been guided by a concern to keep the peace and by principles of international law.⁵ Although these interpretations have great persuasiveness, they fall short in two particulars. First, they inadequately elucidate James's motives for authorizing such a provocative expedition hindered by such impracticable conditions.⁶ James authorized Raleigh to set sail for American territory claimed by Spain in command of the most heavily armed fleet ever sent there by the English during peacetime. For a monarch purportedly committed to maintaining amity with Spain at all costs, what did James hope to accomplish with this blatant act of bellicosity? Further, how were the English to avoid Spanish occupied territory as instructed when both Raleigh and James knew that a town sat less than three miles from the mine's presumed location? To address these questions historians have assigned James the role of indecisive or incompetent co-conspirator in the Guiana venture, who betrayed and then scapegoated Raleigh to exonerate himself when their flawed plan to find gold collapsed.⁷

Second, they evaluate James's slaying of Raleigh as a consequence of the latter having violated some transnationally recognized legal precept, which is to commit a serious anachronism, for no such standard then existed.⁸ In early seventeenth-century Europe, although the concept of the sovereign state had been recently articulated, there yet was no mutually agreed upon corpus of laws with which to adjudicate the conflicting territorial claims of sovereigns or to regulate the behavior of their subjects within New World spaces.⁹ Ultimately, the only preemptory norm that European rulers could mutually agree upon was a constant state of war existed in the Americas where the maxim of "no peace beyond the line" governed. This was because in the early seventeenth-century European monarchs were currently advancing two mutually hostile international regimes and vying with each other to determine which would serve as *the* law across the Atlantic.¹⁰ Raleigh's execution represented an important moment in that ongoing struggle for geopolitical supremacy, but it should be interpreted as a constitutive, not demonstrative, act of international lawmaking. It is rarely noted that a strong undercurrent of popular disapproval in England resulted from the disturbing legal innovation that James had made to punish Raleigh for his "piracy" against Spain in Guiana. With the execution James had

asserted international rights that Raleigh and most of his contemporaries neither comprehended nor internalized.

As the quadricentennial of Sir Walter Raleigh's execution in 1618 approaches this paper reexamines his fate in light of current trends in maritime, borderlands, and Atlantic historiography. More specifically, the following contextualizes Raleigh's last voyage within the period's politics of piracy, which, as scholars such as Richard Blakemore and Lauren Benton have recently shown, played an important part in the larger struggle for imperial sovereignty in the early modern Atlantic World. The European "search for sovereignty" in the Americas, writes Lauren Benton, "necessarily involved the search for legitimacy." It builds upon recent contentions that in the early seventeenth-century piracy was not a clearly identifiable phenomena, but both a "contested crime" and "a shifting category applied to or adopted by seafarers." As such, the politics of piracy played a critical role in these struggles as part of a trilateral dialogue between state leaders and their maritime agents "through which each attempted to legitimize their own and delegitimize" the activities of rivals within disputed Atlantic spaces.¹¹

Raleigh, and the outlaw sailors for whom he stood substitute on the scaffold, seriously complicated the process of transforming Atlantic borderlands, here understood as contested imperial spaces, into bordered lands, places where fixed lines of demarcation segmented sovereign political communities.¹² Their sheer presence blurred the lines distinguishing the law abiding merchant from the renegade rover, the commercial transaction from the criminal enterprise, the legitimate plantation from the perfidious pirates' nest. In these conditions the liminality of piracy allowed state leaders and their agents to instrumentally deploy as part of their imperial politics a discourse wherein accusations of "piraticity" served to discredit the activities of rivals and justify the punitive measures that they perpetrated upon them "beyond the line." However, the corollary of this arrangement was a situation in the Americas verging on anarchy, where "neither states nor people could be certain of which practices were backed by state authority and which were not."¹³

The piratical imperialism that Elizabethan England pursued as policy had thrived in these chaotic conditions and helped make Raleigh a national hero. However, as Jacobean England transformed into an imperial power piracy became a serious threat to James's commercial and colonial ambitions. As he asserted claims of sovereignty to places such as Virginia, the piratical

behavior of his subjects in the Americas seriously undermined his ability to legitimize those claims before an international audience. As scholars have observed, the formation of international order and the related legitimization of territorial claims to extra-European space that constituted imperial sovereignty results from the “practices of the collectivity of state rulers.” In this interpretation sovereignty is both internally constituted and externally conferred through the activities of official agents operating under the auspices of their sovereigns, and by state leaders articulating authority claims towards an inter-imperial audience affirming or disclaiming the actions of their subjects and those of other states.¹⁴ In executing such a powerful symbol in Raleigh, James was publicly asserting and repudiating a constellation of assumptions, actions, and claims that he hoped would be recognized and reciprocated by Spain.¹⁵

Proclaiming Pirates in the Early Modern Atlantic

In the sixteenth and early seventeenth-centuries Europe’s powers could not reach common agreement over their respective rights and responsibilities in the Americas. Spain, as the first arrival, asserted *imperium* over its entirety by right of discovery and as confirmed by papal donation and international treaty. Other European nations strenuously objected to Spain’s far reaching claims of possession. As did intrepid mariners, some sponsored by European rulers, who readily perforated the Iberian-imposed borders and turned the seas and territories that lay beyond them into violently contested borderlands.¹⁶

European statesmen only perpetuated the chaos in the Americas through mutual agreements that established what became known as “lines of amity,” one of which lay at the Tropic of Cancer, another along a meridian 300 miles west of the Azores. It was agreed that peace treaties would only apply within the northeast quadrant containing Europe, and that offenses committed against one another “beyond the line” could not be the cause of official complaint. Under this “separate spheres” doctrine, Europe was cordoned off as a zone of law, while the New World became a borderland “of competing jurisdictions and perpetual war.”¹⁷

Spain ferociously defended its claim over the New World by declaring all interlopers as *piratas* and punishing them as such. In November 1568, while at the port of San Juan de Ulloa off Veracruz, English slave traders Richard Hawkins and Francis Drake first discovered this when after agreeing to a truce with local authorities, they were fired upon without warning and

suffered the loss of 300 of 400 men and all but two of their ships. Hawkins and Drake limped back to England humiliated and burning for revenge.

The Battle of San Juan de Ulloa abruptly redirected English maritime intentions in the Iberian Atlantic from peaceful trade to violent plunder for the next four decades. Once open war broke out with Spain in 1585, England's illegal piracy seamlessly morphed into state-sponsored plundering as English seamen armed with letters of marque swarmed into the Atlantic in over 150 separate fleets before the war ended in 1603. These plundering voyages returned an estimated £100,000 annually to crews and investors; while the use of private men of war had saved the English state £40,000 a year in defense.¹⁸ By Elizabeth's death in 1603, in the course of over twenty years of conflict with Spain, piracy and its more legitimate derivations had been thoroughly interwoven into England's economic, social, and cultural fabric.¹⁹

James VI of Scotland, her successor to the English throne, fancied himself the peacemaker of Europe and immediately signaled his desire for reconciliation with Spain through royal proclamations criminalizing all sea-borne acts of violence against its people and possessions. He revoked previously granted letters of marque and declared that should any of his subjects continue to "take the ships, or goods of any subject in league or amitie with us, [they] shall be reputed and taken as pirates" and "shall suffer death as pirates."²⁰ Virtually overnight the piratical imperialism that under Elizabeth had been legitimate maritime activity for two decades was now declared illegal. James's blanket prohibition against engaging in seaborne plunder had left many thousands of English sailors unemployed and with little recourse but to return to a life of violence at sea. Consequently, unfairly or not, the English under James earned for themselves the notorious reputation of being "a nation of pirates."²¹

Peace with Spain in 1604 brought about a swift renewal of English interest in overseas trade and colonization that had been rendered dormant by the long war. Whereas Elizabeth's intentions in America had been limited to harassing Spain, James sought to extend his royal dominion into the New World through commerce and colonies. In the negotiations that led to the Treaty of London ending the war, James had remained adamant that England not be excluded from the Americas. Unable to agree, the two sides settled for purposeful ambiguity. The treaty made no mention of America, but its item nine stipulated that "there shall be...free commerce" between the two nations "where commerce existed before the war, agreeably and according to the use and observance of the ancient alliances and treaties before the war." The English interpreted that

serpentine clause as a “pregnant affirmative” of their right to travel to the New World, the Spanish as an explicit denial.²²

James never embraced the doctrine of no peace beyond the line or acceded to Spanish claims to all the Americas. Nevertheless, as the lesser and later imperial power England still had to operate within the parameters established by its more powerful predecessor in American colonization, Spain, which meant James had to contend with the imposed reality that his subjects traveled there at extreme risk. It was not as if Spain had abandoned its practice of treating intruders in the Indies as *piratas*. In fact, beginning in 1604, the Spanish redoubled their efforts to cleanse the New World of unwelcomed Europeans. With James’s tacit acquiescence, Spain proceeded to commit all manner of atrocities on English mariners in the Americas without fear of retaliation by proclaiming them as “pirates.” In 1611, Sir Thomas Roe, writing from Port of Spain in Trinidad, complained to the Earl of Salisbury that the Spanish there treat Englishmen “woorse than Moores.” He expressed his countrymen’s common resentment that because our “hands are bound” in their exchanges with “so wretched an enemy (for so he is here),” they suffer abuses and “wish that the state would not be offended if they made them selves recompense.”²³

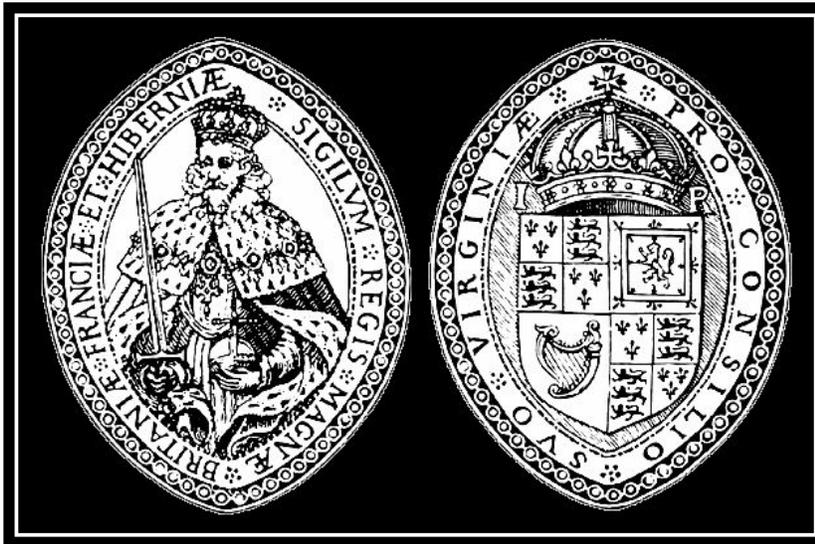
For now, James tolerated these affronts as minor impediments in his much larger imperial strategy against Spain. In the absence of mutually agreed upon criteria for the legal annexation of American territory, to fulfill his imperial ambitions James had to cautiously coax the Spanish into abandoning their hemispheric claim and separate spheres doctrine that they employed in its defense. Ultimately, that meant having to convince the Spanish that their two nations could peacefully coexist beyond the line and that it was in their mutual interests to do so.²⁴

The Politics of Piracy and the Settlement of Virginia

In 1606 James issued a charter to the Virginia Company of London to settle plantations in “that part of America commonly called Virginia.” In it, he took the unprecedented step for an English monarch in claiming territory between thirty four and forty five degrees north latitude “either appertaining unto us, or which are not now actually possessed by any Christian Prince or People.”²⁵ This assertion of imperial sovereignty by James was nothing short of a direct challenge to Spanish claims to possession over all the Americas.²⁶ In doing so he was playing a high stakes game of brinkmanship, wagering the lives of Virginians against the odds of Spain’s

willingness to call his bluff, declare the settlers *piratas*, and defend its claim by eradicating the colony.²⁷ England’s ambassador to Spain, Sir John Digby, after his consultations with Spanish officials over the matter, alerted James “it will be requisite that those of Virginia live in a continual expectation of being assailed.” When Virginia’s first settlers departed in December 1606, English policy makers well understood that “whosoever goes from England to America must provide go stronger; for if they be taken, they are to expect no remission.”²⁸

James and the members of the Virginia Company could proclaim the “lawful” and “honest” intentions of the Virginia colony all they wanted, but until Spain decided that the settlement was not a pirate nest its survival hung by a thread.²⁹ James’s imperial policies in regards to America perforce rested on maintaining peaceful coexistence with Spain there at all costs. Until 1612 James had so successfully managed to contain the vengeful ambitions of his subjects that



Virginia Company of London Seal.
Courtesy of the National Park Service.

internally Spain no longer deemed England’s presence in Virginia as a direct threat.³⁰

That all changed with the emergence of an anti-Spanish interest in the Virginia Company under the leadership of investor Sir Robert Rich, who began to redirect its objectives from peaceful trade and colonization to violent plunder. In the summer of 1612

he commissioned his man of war *Treasurer*, under Captain Samuel Argall, to attack the French Jesuit mission of St. Sauveur, claiming it lay within the Virginia grant and conveniently ignoring the fact that it had been limited to lands “which are not now actually possessed by any Christian Prince or People.”³¹ On 2 July 1613 without warning and during time of peace Argall assailed the mission claiming it sat upon English territory, killing two and wounding four colonists before forcing the rest to surrender. He then surreptitiously entered the absent governor’s quarters, unlocked his trunk, absconded with his royal commission for the settlement, and returned the rest of the documents and the lock to mask his theft. When the governor arrived the next day Argall

demanded to see his royal patent to confirm that they acted under the authority of the king of France. When the governor expectedly could not locate the stolen papers Argall declared them all “pirates” and used it as justification to threaten, rob, and take captive the mission’s inhabitants.³²

Argall and his activities exemplify the problems piracy posed for monarchs like James in their quest for imperial sovereignty and international order in the Americas. Argall was a prominent member of the Virginia Company and a skillful sea captain whose involvement in its colonization endeavor, whether in transporting settlers or in pioneering the shortest northerly route for them over the Atlantic, had proven vital to the colony’s survival. Yet, his participation in this private act of reprisal under the color his public authority seriously jeopardized the colony’s legitimacy. Argall’s depredations raised difficult questions regarding the capacity and the authority under which he acted when he spoiled St. Sauveur while asserting English jurisdiction over the area. Was he a legitimate agent of the state or a pirate operating outside the bounds of law?

Argall’s raid did not go unnoticed by the Spanish. In the spring of 1614, Don Diego de Molina, a Spanish spy held captive in Virginia, snuck out a number of letters to Don Diego Sarmiento de Acuña, Spain’s ambassador to England, about the Argall attacks that confirmed the diplomat’s worst fears about the settlement. “As those who commit the offence think they will never be within [the King of France’s] reach,” Molina observed, “they commit here shameless actions as if the forces of Rome and Carthage united were here assembled” and “these poor people who suffer from no fault of their own have nothing to rely upon.” He blamed the “notorious” reputation of the colony on its “own bad government, because if they wish to settle the country, they ought to do no harm to their neighbors.” After having described the anarchical and piratical nature of the colony, Molina went on to warn him “with much solicitude” that “they have also the intention of going to ‘la Florida’ and doing the same thing there.” Although Molina was hardly an impartial observer, his comments seemed far more credible in the wake of Argall’s devastation of the French settlements to the North.³³

As the 1610s progressed, anti-Spanish forces began to exert greater influence within the English government and the Virginia Company. In 1614, Sir Ralph Winwood, an implacable enemy to Spain, became England’s principal foreign secretary following the disgrace of Somerset. The following year an anti-Spanish faction led by William Herbert, the Earl of

Pembroke and the king's new favorite, George Villiers, assumed a position of preeminence in court. Meanwhile, within the Virginia Company factions were emerging with clashing visions for the future of the colony. One group, led by Rich, wanted Virginia to become a base of operations for amphibious attacks on the Spanish West Indies, while the other, headed by Sir Edwin Sandys, bitterly opposed having the colony serve as a pirate nest. As Wesley Frank Craven noted long ago, this division over the role piracy should play in the Company's operations eventually brought about the dissolution of the Company.³⁴ For now, in 1616, the ascendance of the anti-Spanish coalition in England had secured the release of Walter Raleigh to make it so that peace with Spain prevailed on neither side of the line.

“Piratas! Piratas! Piratas!”: The Fate of Sir Walter Raleigh

From the very start of his reign as king of England, James intensely disliked Raleigh. The English king's turbulent upbringing had conditioned him to abhor men of force, while as monarch he worried that the Elizabethan sea dog's reckless nature would threaten his peace with Spain. Traumatic personal experiences had also disposed James to be cautious, callous, and calculating in his interactions with others. “He learnt to trust nobody,” writes one of his biographers, and “to match double-dealing with double-dealing, and to move always obliquely and tortuously towards an objective.”³⁵ As noted, why James released Raleigh in 1616 to travel to Guiana remains a mystery. Myriad interpretations have been submitted over the centuries speculating on the “true” purpose of Raleigh's last voyage and on the “real” motives James had for allowing him to sail. One hypothesis never before advanced is that James intentionally sacrificed Raleigh to further his imperial strategy against Spain in the Americas.

There are the contradictory instructions and impossible conditions James set forth for Raleigh's voyage. The meticulously written charter that the king granted Raleigh specifically prohibited him from “inuad[ing] any of the Territories, occupate and possess by the Spaniards,” yet the mine was supposedly situated upriver only a few miles from the fortified town of St. Thomé. James had sent Raleigh into territory that he expected to contain Spaniards. When Spanish officials predictably objected to the expedition, claiming Guiana by right of first discovery and papal donation and contending that “Raleigh's intention be but...piratical... and tending to the breach of the peace between the two crowns,” James responded by compelling Raleigh to provide the exact details of his voyage, including a map indicating where he intended

to search for the mine. The king then secretly conveyed the documents to the Spanish for examination, along with a promise that he would deliver Raleigh to Madrid to be executed should he exceed his commission. James denied Raleigh's request for a pardon, leaving the death sentence in place "in order to control him and to punish him, if by new offenses he should make himself indigne of former mercies."³⁶ James had contrived circumstances so that Raleigh was much more likely to encounter Spaniards than gold along the banks of the Oronoco and be forced to engage in the very hostilities that the king had made clear would render his life forfeit.



1656 map of Guiana showing St. Thome inland from the archipelago on the upper left.

<https://commons.wikimedia.org/w/index.php?curid=14683944>

Raleigh, for his part, unquestionably anticipated that at some point during the voyage he would have to breach the limits of his commission and violently engage Spaniards. As early as 1607 he knew that the Spanish settlement of St. Thomé resided a short distance from the alleged mine and had for years been a place of bloody reprisals between English sailors and its settlers. When Raleigh arrived off the coast of Guiana in mid-November 1617 to find the settlement

fortified and on alert, he later admitted he and the rest of the expedition's leaders agreed "that we must have driven the Spaniards out of the town."³⁷ Given the official prohibition that James had imposed on the voyage against assaulting Spaniards the king likely misled Raleigh to believe that he could exceed his commission without penalty. In the aftermath of his ill-fated voyage, Raleigh repeatedly bewailed that he had been betrayed by James. At his examination before the Privy Council, Raleigh confessed to speaking disparagingly of James in telling others "that his confidence in the King [had been] deceived." In his final written words Raleigh bitterly declared that "if I had not...trusted in [the king's] goodness somewhat too much, I know that I had not now suffered death."³⁸

It remains to be elucidated why James sought Raleigh's destruction in this dramatic fashion when he could have simply executed the prisoner at pleasure under his old treason conviction. James intended to capitalize on Raleigh's international image as "that old *Pyrat*," whose exploits against Spain under Elizabeth helped supply the marrow of England's imperial identity, and whose execution would send a resounding message to interested observers at home and abroad of the king's foreign policy vision. All the court was aware that Raleigh's principal supporters hoped his voyage would drag England into a war with Spain against the king's desires. Also, Raleigh, as the last of the Elizabethan sea dogs, alone remained to personify the piratical imperialism against Spain beyond the line that James had strenuously, but futilely, labored to eliminate in England and that currently threatened to unravel the Virginia project.³⁹

James also used Raleigh in an effort to reformulate the peremptory norms framing Anglo-Spanish relations in the Americas. The two English statesmen had diametrically opposed imperial strategic visions. James wanted imperial sovereignty to rest not on the use of force, but on the integrity of mutually respected borders acquired through occupation and possession. Raleigh respected none of these diplomatic niceties; rather, he sought to violently uproot Spain's possessions in the New World in order to weaken its grip over Europe. This mindset deluded him into believing that James shared his view on England's claim to Guiana. Raleigh derived English title to Guiana based upon his 1595 voyage where he discovered the region and acquired the fealty of native leaders to Elizabeth by promising them protection from the Spanish. Operating under these assumptions, as Raleigh told Lord Carew, "I made no doubt that I might enter the Land by force, seeing Spaniards had no other title but force."⁴⁰ James, however, did not consider these valid acts of possession. Nor did he admit the separate spheres doctrine that Raleigh

evoked to justify his violent violation of Spanish occupied space.⁴¹ As king of England, he had consistently maintained that only effective occupation, which in this instance the Spanish had obviously accomplished with the existence St. Thomé, could confer rightful title to territory. James had carefully scrutinized the wording in the commission that he granted Raleigh: he had made no explicit claim to territory and specifically limited the voyage to parts of America “possessed and inhabited by heathen and savage people.”⁴²

With the Guiana voyage James had pinned the Spanish on the horns of a dilemma of their own making. Although they repeatedly threatened James that Raleigh’s expedition would “break the peace” between their two nations, both sides realized for that to occur first Spain would have to make the important concession that peace actually existed beyond the line. Instead, consistent with its policy regarding intruders into the Americas, Spain immediately proclaimed Raleigh’s voyage to be a piratical incursion by an “enemy” into its sovereign territory. After news of Raleigh’s depredations in Guiana reached London the Spanish ambassador, Count Gondomar, stormed into James’s chamber only shouting: “*Piratas! Piratas! Piratas!*”⁴³ In assuming that position, however, Spain now had to accept the “thesis that James and the English as a nation could not be held to blame” for Raleigh’s actions.⁴⁴ For James, the Spanish had for far too long enjoyed having it both ways in their dealings with him regarding the English presence in America. James was playing at the politics of piracy, but did not want a return to the days of Elizabeth. Instead, as the sovereign of a blossoming imperial power, James was attempting to bring some order to a chaotic international landscape. Destroying Raleigh was a dramatic and decisive measure to that end.

Raleigh offered many gestures at contrition following his voyage, but never admitted wrongdoing for his actions at St. Thomé or accepted the label of pirate foisted upon him by English and Spanish authorities. Indeed, Raleigh’s most effective line of defense for his actions in the *Apologie* was in exposing the hypocrisy of Spanish accusations. “That by landing in Guiana there can be any breach of peace, I thinke it (under favour) impossible,” he reasoned, “for to breake peace where there is no peace it cannot be” for “the Spaniards give us no peace there.”⁴⁵ Unfortunately for Raleigh, his embrace of separate spheres doctrine as a legal principal to justify his slaughter of Spaniards and sack of St. Thomé was precisely the defense that James wanted eliminated not perpetuated.

James's sanction of the Raleigh expedition and its anticipated aftermath had to some degree pushed the Spanish towards accepting his international system. Following Kenneth Andrews, James probably intended the voyage to be a "veiled threat" meant to demonstrate English naval power and Spanish vulnerability in the New World.⁴⁶ It worked. Despite knowing the exact details of the voyage, Spain proved incapable of marshaling the forces to intercept Raleigh's fleet or to prevent St. Thomé from being decimated. Also, every time the Spanish officially alleged that Raleigh intended to break the peace they were accepting *de facto*, if not *de jure*, James's position that amity prevailed between their nations beyond the line. Unsurprisingly, the occasion prompted renewed discussions between James and the Spanish ambassador, Count Gondomar, over their nation's respective rights and responsibilities in the Americas that lay at the heart of the international crisis precipitated by Raleigh's exploits. "James was willing to sacrifice the life of Sir *Walter* to the Advancement of Peace with *Spain*, but not upon such Grounds as the Ambassadour had design'd," recalled John Shirley, "for he desir'd a Judgment upon the pretended Breach of Peace, that by this Occasion he might sliely gain from the *English* an Acknowledgement of his Master's Right in those Places, and hereafter both stop their Mouthes, and quench their Heat and Valour." As much as James might have liked proceeding against Raleigh upon those grounds, pursuing a conviction in England for that offense would be next to impossible and only inflame popular animosity against Spain.⁴⁷

As we have seen, a great many English subjects accepted the principal of separate spheres, and on the Raleigh matter concluded "that neither the transgression of his Commission, nor anything acted beyond the Line, where the Articles of Peace between the two Crowns did not extend, could have in a legal course of Tryal shortened his days."⁴⁸ Raleigh had demonstrated in his previous treason trial an uncanny ability to turn popular sentiment in his favor through his wit and oratory. James had intended all along to avoid that danger by conveying Raleigh to the Spanish to be hung in Madrid for piracy. He did not anticipate Spain's rejection of that offer, and now had to fulfill his promise to Philip that he would discipline Raleigh with "immediate public and exemplary punishment."⁴⁹ The impossible challenge James faced was identifying what crime Raleigh had actually committed against Spain within an internationally recognized borderland generally considered by Europeans to be devoid of law.⁵⁰ Indeed, as James's judges advised, "the law tooke noe hold against him either for the voyage or his carriage," leaving the king to retreat to the old treason death sentence that he had presciently kept in place.⁵¹

Although some historians have argued that James dithered over what to do with Raleigh, worried that punishing him would be tantamount to admitting his own fault in permitting the voyage in the first place, there is no extant evidence to support that contention. Rather, the facts show that James saw himself as the offended party and coolly orchestrated events to arrange the outcome that he desired.⁵² He determined that Raleigh should have a private hearing before select members of the privy council, knowing from his previous trial that “a public calling... would make him too popular”; and further ordered that after Raleigh’s execution a narrative be produced outlining the “late crimes and offenses” that had led to his demise.⁵³

At Raleigh’s initial hearing examiners pressed him on events in Guiana, levelling accusations of exceeding his commission by directing his company to assail St. Thomé, which “belongeth to the Spaniards; they possessed it.” Raleigh denied giving such orders, but that was an untruth. At the second and final tribunal held for Raleigh’s sentencing, this time the questioners prevented him from speaking at all about the voyage, restricting his responses to why he should not be executed under the previous treason conviction. Despite denying Raleigh the opportunity to defend his actions in Guiana, the judges told the condemned knight while confirming the fifteen year old death sentence that “you might think it heavy if this were done in cold blood, to call you to execution; but it is not so; for new offenses have stirred up his Majesty’s justice to revive what the law hath formerly cast upon you.”⁵⁴ The proceeding made clear that Raleigh’s recent transgressions against Spain had led to his punishment, but also revealed the torturous route that James had to take to hold Raleigh accountable for his actions given the current international system in place.

The *Declaration* which James issued a few weeks after the execution is the best evidence available for deducing what the king hoped to achieve with Raleigh’s death. A remarkable historical artifact for the sheer novelty that it presents a king revealing “his intentions and Courses” to others, James clearly designed the *Declaration* to be juridical, polemical, and didactical. He directed it towards an international audience, announcing its purpose to be to “declare and manifest to the World, his proceedings in a case of such as nature [that] not onley concerns his owne people, but also a forreine Prince and State abroad.”⁵⁵

In the text, James couched his actions on principals of law and order while attempting to discredit the claims Raleigh had made in defense of his behavior, and which were now circulating through printed copies of his *Apologie*.⁵⁶ It was pointed out that Raleigh knew

Spaniards inhabited the area near the mine, but, because he “stands vpon a former title,” erroneously believed that allowed him to engage in actions which were in “no way compateble with his Commission.” The commission Raleigh received limiting him to unoccupied European space was provided, followed by a flat disavowal that it gave him “warrant, or colour to inuade any of the Territories, occupate and possest by the Spaniards, as it tended to a direction, rather of commerce, then spoile.” After denying the validity of Raleigh’s territorial claims to Guiana, the *Declaration* went on to decry his behaviors as “great and hainous offences” committed “upon his Majesties confederates” by an individual who “went his own way, and had his own ends.” In short, Raleigh had “so peruerted and abused [James’s] honourable intentions” on the voyage that the king resolved “he had made himself utterly unworthy of his... further mercy.” In denouncing and punishing Raleigh as an illegitimate transgressor of his sovereign authority—as a pirate—James was attempting to provide “true and solide grounds” for a concrete juridical precedent for the categorization of piracy in the Americas.⁵⁷

Indeed, the *Declaration* also offered James an official opportunity to impress upon foreign and domestic observers his system for international relations in the Americas. James had slain Raleigh in the furtherance of peace on a hemisphere scale. “[B]y [his] Legal punishment of the Offender,” James maintained that he had “giuen an example” to others of “the vprightnesse of... his intentions.” Domestically, it served as a “terroure to all his other Subjects, not to abuse his gracious meanings” and follow “contrary courses for... their own vnlawfull ends.” Internationally, Raleigh’s execution was meant as “Demonstration to all other forreigne Princes and States, whereby they might rest assured of his Majesty’s honourable proceedings with them.” James did not end Raleigh’s life simply to reassure foreign leaders, however, for he expected with his extraordinary gesture to be able to “claime an honourable concurrence, and reciprocally correspondence from them, vpon any the like occasion.”⁵⁸

Raleigh’s death triggered a marked, albeit brief, turn against piracy in the British empire.⁵⁹ Most English observers at home were stunned by Raleigh’s execution, convinced that he was either too popular or powerful for James to kill. The “death of this man,” reported the Spanish ambassador to Philip, “has produced a great commotion and fear here, and it is looked upon as a matter of the highest importance.” Nearly everyone agreed that Raleigh’s final speech on the scaffold, where he offered no apology for his actions in Guiana, “made all believe he was not guilty... of unjustly injuring the king of Spain.” Yet however strongly Englishmen still privately

disagreed with their king's novel designation of Raleigh's actions as "piratical," they could no longer claim ignorance of the consequences for such offenses against Spain beyond the line. This was certainly an instance where the application of the designation of "pirate" had rivaled in significance the act itself.⁶⁰

A Peace Beyond the Line

Raleigh's fate also brought a short cessation in hostilities between English and Spaniards in the Americas. By 1618 Virginia had persevered through its early starving times and, with the discovery of tobacco, was on its way to becoming a relatively stable and profitable plantation where piracy had no legitimate place. Spain, by that time, guided by foreign ministers adhering to a more pragmatic and pacific "reason of state," had also begrudgingly come to tolerate the settlement's existence even if it still did not recognize its legality. In England the anti-Spanish faction had fallen out of favor again, with former ambassador to Spain, Sir John Digby, largely overseeing foreign affairs. Now confident of the king's support, a decidedly anti-piracy faction emerged in Virginia and its Company that was determined to root it out from both entities.⁶¹

In April that year Rich, now Earl of Warwick, dispatched Captain Daniel Elfirth in the *Treasurer* from England under the cover of a provisioning mission to Virginia where Governor Argall, "more for love of gaine...then for any true love he bore to this plantation, victualled and manned anewe, and sent her...to raunge the Indies."⁶² When Elfirth returned to Virginia in early 1619 after seizing a Portuguese slave ship he found the environment much changed. In response to Spanish accusations of piracy (Portugal was then under the control of Spain) the Company had recalled Argall for questioning and replaced him with George Yeardly, who had instructions to detain Elfirth upon his appearance. Elfirth thus departed in haste, leaving a crew member behind who confessed that they had been "rob[bing] the King of Spain's subjects" at the "direction of my Lord of Warwick." The anti-piracy faction in Virginia sent a letter relating this information to Sandys, who, unbeknownst to Warwick, revealed the contents to the Spanish ambassador and the Privy Council. Warwick and Argall were hauled before High Court of Admiralty to answer allegations of piracy, and narrowly escaped with their lives.⁶³

James had taken great interest in Virginia from the start, but in order to adopt a position of plausible deniability with Spain and avoid direct responsibility for the colony he had played only an indirect role in its governance through the issuance of royal charters, leaving the task of

funding, administration, and recruitment to private joint-stock corporations. The king's removed role had left the relationship between England and Virginia undefined and the Spanish quite concerned "that a Compaine of Voluntarye and loose people...without the commande or interposition of their King, should goe forward with that which mighte in tyme prove of so muche inconvenience."⁶⁴ Indicative of the changing international context, by 1624 Spanish officials who had once dreaded James taking Virginia under his personal protection now implored him to do so, perhaps having recognized the benefits of ordered coexistence in the wake of Raleigh's execution and Rich's machinations.⁶⁵ Soon after war broke out between the two countries in 1624 James initiated *quo warranto* proceedings against the Company and "declared himself master of [Virginia]." The following year James's son Charles fulfilled his father's purpose in founding Virginia to "enlarg[e] his Royall Empire" by taking the colony under his immediate protection.⁶⁶ England had finally directly asserted its sovereignty in the Americas.

The Anglo-Spanish War from 1625 to 1630 rejuvenated the piratical spirit of the English, but the declared conflict allowed it to be channeled into state-sanctioned privateering against the Spanish. The war highlighted the vulnerability of Spain's American possessions that had been first exposed by Raleigh's voyage, and by its end the Spanish had been thoroughly reminded by the depredations of Warwick and others of the benefits of peace with England in the New World.

James's execution of Raleigh had helped impart an international order that temporarily came to fruition with the signing of the 1630 Treaty of Madrid ending the Anglo-Spanish War. In the negotiations that led to the treaty the main dispute again between the two nations was the legitimacy of England's presence in the Americas. Spanish officials were prepared to "allow the plantations of Virginia and others" if England would restrict its subjects to locations in the Indies where it could be proven that they had had legitimate access before 1585. The English refused to surrender the entirety of the Caribbean to the Spanish, and their agreement contained no explicit reference to the Indies. However, the treaty did tacitly acknowledge English legitimacy in the Americas by declaring peace beyond the line, providing for the restitution of prizes, and restraining the subjects of both parties from committing "depredations, captures, offenses, and spoils, both by land and sea and fresh water in all the kingdoms, dominions, places, and jurisdictions of the other, wherever situated."⁶⁷ In the treaty James's vision of an international

system with Spain based upon territorial integrity and sovereign jurisdiction had replaced one predicated on violence and the politics of piracy.

Conclusion

At the hearing confirming Raleigh's death sentence, Attorney-General Sir Henry Yelverton, speaking of the condemned declared that "he hath been a star at which the world hath gazed; but stars may fall, nay they must fall when they trouble the sphere wherein they abide."⁶⁸ Raleigh had died for committing an offense that he neither understood nor accepted. Still, his death marked an important early turning point in the history of the British overseas expansion. Raleigh's persona encapsulated the piratical imperialism under Elizabeth that was becoming an anachronism under James with the rise of England's commercial and colonial empire. His execution served as testament to all the practices that would have to change in England as it transitioned from being a piratical to an imperial nation, as well as providing a much greater degree of precision to what constituted "piracy" in the Americas. An examination of the circumstances surrounding Raleigh's demise has also provided a glimpse into the workings of the politics of piracy in early modern Europe and its central role in the European struggle for imperial sovereignty. It has revealed that definitions of piracy were fungible, contested, and formulated as much by the actions of individuals operating at the margins of empires as those at their centers. Finally, his fate demonstrates that the dimensions of piracy shifted rapidly with political circumstances, and what was once legitimate practice could quickly be condemned as something beyond the line.

Endnotes

¹ Francis Hargrave, ed., *A Complete Collection of state-trials, and proceeding for high-treason, and other crimes and misdemeanors...* 11 vols. (London, 1781), VIII: app. no. IV.

² The details of Raleigh's last voyage have been told numerous times before and it is not the intention here to recount them yet again. In what follows only aspects of the expedition that have bearing on the overall argument will be referenced. For thorough narratives of Raleigh's Guiana voyage see especially, V.T. Harlow, ed., *Raleigh's Last Voyage* (London: Argonaut Press, 1932); Samuel R. Gardiner, *History of England for the Ascension of James I to the Outbreak of the Civil War, 1603-1642*, 10 vols. (London: Longmans, Greene, and Co., 1895), III: 108-155; J.H. Adamson and H.F. Folland, *The Shepherd of the Ocean: An Account of Sir Walter Raleigh and his Times* (Boston: Gambit, 1969), 402-53; Raleigh Trevelyan, *Sir Walter Raleigh* (London: Henry Holt and Company, 2002), 456-553.

³ Patrick F. Tytler, *Life of Sir Walter Raleigh: Founded on Authentic and Original Documents...* (Edinburgh: Oliver & Boyd, 1923), 322; Margaret Irwin, *That Great Lucifer: A Portrait of Sir Walter Raleigh* (New York: Harcourt, Brace and Company, 1960), 290; Max Savelle, *The Origins of American Diplomacy: The International History of Angloamerica, 1492-1763* (New York: The Macmillan Company, 1967), 38; William McElwee, *The Wisest Fool in Christendom: The Reign of King James I and VI* (Westport, C.T.: Greenwood Press, 1974), 234-236; Trevelyan, *Sir Walter Raleigh*, 541.

⁴ Eugene Lawrence, *The Lives of the British Historians: Volume I* (New York: C. Scribner, 1855), 157; George M. Trevelyan, *History of England*, 3 vols. (Garden City, N.Y.: Doubleday & Co., 1953), II: 162; David Beers Quinn, *Raleigh and the British Empire* (New York: The Macmillan Company, 1949), 265; Philip Magnus, *Sir Walter Raleigh* (New York: The Macmillan Company, 1956), 154; John Winton, *Sir Walter Raleigh* (New York: Coward, McCann, & Geoghegan, 1975), 324; Adamson and Folland, *Shepherd of the Ocean*, 430-431.

⁵ James A. Williamson, *English Colonies in Guiana and on the Amazon* (Oxford: The Clarendon Press, 1923), 77; Harlow, ed., *Raleigh's Last Voyage*, 96; James Spedding, ed. et al., *The Letters and the Life of Francis Bacon*, 15 vols. (London: Longman, 1861-190?), VI: 352, 437, 440; David Mathew, *James I* (Tuscaloosa: University of Alabama Press, 1968), 263.

⁶ James's motives have been described by scholars as "obscure," "difficult to fathom," even "undiscoverable." Stephen J. Greenblatt, *Sir Walter Raleigh: The Renaissance Man and His Roles* (New Haven: Yale University, 1973), 161; Milton Waldman, *Sir Walter Raleigh* (New York: Harper & Brothers Publishers, 1928), 199; Williamson, *English Colonies in Guiana*, 77. The most common explanation offered is that his dire need for money eclipsed his willingness to placate the Spanish. Victor Harlow, in arguably the most detailed study of the voyage, contended that should a gold mine be discovered James secretly promised to support Raleigh in whatever violent actions he might take to maintain possession of the position. Kenneth Andrews has posited that besides the prospect of gold, James may have been making an oblique threat to Spain through a demonstration of English naval power. For those that consider finding gold James's primary motive see, Greenblatt, *Sir Walter Raleigh*, 4, 161; Adamson and Folland, *Shepherd of the Ocean*, 411-412; Winton, *Sir Walter Raleigh*, 298-300; Robert Lacey, *Sir Walter Raleigh* (New York: Atheneum, 1974), 345. For a discussion of the impossible conditions see below, and, Harlow, ed., *Raleigh's Last Voyage*, 38; Willard M. Wallace, *Sir Walter Raleigh* (Princeton: Princeton University Press, 1959), 263. As for Raleigh's true motives, it has been variously argued that his actual intent with the voyage was to discover the professed mine; turn pirate, rob the Spanish gold fleet, and buy sanctuary in France; or attack Spanish possessions in America in an effort to provoke a war between the two nations.

⁷ Gardiner, *History of England*, III: 42, 141; Ida Taylor, *Sir Walter Raleigh* (London: Methuen & Co., 1902), 179; Harlow, ed., *Raleigh's Last Voyage*, 35; J.P. Kenyon, *Stuart England* (New York: Penguin Books, 1978), 72; Wallace, *Sir Walter Raleigh*, 297; Greenblatt, *Sir Walter Raleigh*, 163; Adamson and Folland, *Shepherd of the Ocean*, 415.

⁸ Lewis Theobald, *Memoirs of Sir Walter Raleigh: his life, his military and naval exploits...* (London, 1719), 25; Spedding, ed., *Letters and the Life of Francis Bacon*, VI: 437.

⁹ For this very reason the Roman *ius gentium*, or the law of nations, proved difficult to apply, for it too supposed that consensus obtained between individuals regarding the collective norms governing human behavior. At best, as Olive Dickason has commented, there existed "an evolving practice." L.C. Greene and O.P. Dickason, *The Law of Nations and the New World* (Edmonton: University of Alberta Press, 1989), 175. See also, Violet Barbour, "Privateers and Pirates of the West Indies," *The American Historical Review*, 16 No. 3 (April, 1911): 529-566; David J. Starkey, "Volunaries and Sea Robbers: A review of the academic literature on privateering, corsairing, buccaneering, and piracy," *The Mariner's Mirror* 97 Vol. 1 (February, 2011): 135-139; Carl Schmitt, *The Nomos of the Earth in the International Law of Jus Publicum Europaeum*, trans. G.L. Ulmen (New York: Telos Press, 2006), 94; Hedley Bull, *The Anarchical Society: A Study of Order in World Politics* (New York: Columbia University Press, 1977), 31-32. For a recent differing opinion see, Ken MacMillan, *Sovereignty and Possession in the English New World: The Legal Foundations of Empire, 1576-1640* (Cambridge: Cambridge University Press, 2006), 46.

¹⁰ John T. Juricek, "English Territorial Claims in North America under Elizabeth and the Early Stuarts," *Terrae Incognitae* 7 No. 1 (1975): 8; see also his unpublished dissertation, "English Claims in North America to 1660: A Study in Legal and Constitutional History," (Ph.D. Dissertation, University of Chicago, 1970).

¹¹ Richard J. Blakemore, "The Politics of Piracy in the British Atlantic, c. 1640-1649," *International Journal of Maritime History* 35 No. 2 (December, 2013): 162, 171. As Blakemore notes, to date the history of the politics of piracy for Jacobean England has received little attention compared to other times and places. For other works that have begun to construct a historiographical framework see, Lauren Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400-1900* (Cambridge: Cambridge University Press, 2009), 58, 104-161; Benton,

“Legal Spaces of Empire: Piracy and the Origins of Ocean Regionalism,” *Comparative Studies in Society and History* 47 No. 4 (October, 2005): 700-724; Mark G. Hanna, *Pirates Nests and the Rise of the British Empire, 1570-1740* (Chapel Hill: The University of North Carolina Press, 2015), 58-101; Christopher Harding, “‘*Hostis Huani Generis*’—The Pirate as Outlaw in the Early Modern Law,” in Claire Jowitt, ed., *Pirates? The Politics of Plunder, 1550-1650* (New York: Palgrave, 2007), 20-38; John Appleby, *Under the Bloody Flag: Pirates of the Tudor Age* (Stroud, UK: The History Press, 2009), 13.

¹² Jeremy Adelman and Stephen Aron, “From Borderlands to Borders: Empires, Nation-States, and the Peoples in between in North American History,” *The American Historical Review* 104 No. 3 (June, 1999): 815-16.

¹³ Janice E. Thompson, *Mercenaries, Pirates, and Sovereigns* (Princeton: Princeton University Press, 1996), 44; see also, Samuel R. Rohrer, “When is a Pirate a Pirate? The Evolution of Piracy and Maritime Sovereignty,” *Coriolis* 5 No. 2 (2015): 28; Blakemore, “Politics of Piracy”; Benton, *Search for Sovereignty*, 113-114, 130; Alfred P. Rubin, *The Law of Piracy* (Newport: Naval War College Press, 1988), 17, 21, 25, 39; Kenneth R. Andrews, “Caribbean Rivalry and the Anglo-Spanish Peace of 1604,” *History* 59 No. 195 (February, 1974): 4; Harding, “‘*Hostis Humani Generis*,’” in Jowitt, ed., *Pirates? Politics of Plunder*, 20-38; Bryan Mabee, “Pirates, Privateers, and the Political Economy of Private Violence,” *Global Change, Peace & Security* 21 No. 2 (2009): 149; Anne Perotin-Dumon, “The Pirate and the Emperor: Power and law on the seas, 1450-1850,” in J.D. Tracy, ed., *The Political Economy of Merchant Empires* (Cambridge: Cambridge University Press, 1991), 198-198.

¹⁴ Benton, *Search for Sovereignty*, 58; Blakemore, “Politics of Piracy,” 162; Thompson, *Mercenaries, Pirates, and Sovereigns* (Princeton: Princeton University Press, 1994), 17, 19; Richard K. Ashley, “The Poverty of Neorealism,” *International Organization*, 38 No. 2 (Spring, 1984): 225-286; Anthony Giddens, *The Nation-State and Violence* (Cambridge: Polity Press, 1985).

¹⁵ Here I am following the thinking of Benton, who has argued that through such “staged legal acts” the “enduring presence of institutions and practices clearly sanctioned by sovereigns” was established. Benton, *Search for Sovereignty*, 57. For a similar argument from a different context see, Robert C. Ritchie, *Captain Kidd and the War against the Pirates* (Cambridge: Harvard University Press, 1999).

¹⁶ Kris R. Lane, *Pillaging the Empire: Piracy in the Americas, 1500-1750* (Armonk, N.Y.: M.E. Sharpe, 1998), 26; Kenneth R. Andrews, *Trade, Plunder, and Settlement: Maritime Enterprise and the Genesis of the British Empire, 1480-1630* (Cambridge: Cambridge University Press, 1984), 118; Kenneth R. Andrews, *The Spanish Caribbean: Trade and Plunder, 1560-1630* (New Haven: Yale University Press, 1978), 64-66; Appleby, *Under the Bloody Flag*, 41-43.

¹⁷ For the treaty negotiations see, Frances G. Davenport, ed., *European Treaties bearing on the History of the United States and its Dependencies to 1648*, 2 vols. (Washington: Carnegie Institute, 1917), I: 219-221. For “lines of amity” and their lasting impact see, Eliga H. Gould, “Zones of Law, Zones of Violence: The Legal Geography of the British Atlantic, circa, 1772,” *The William and Mary Quarterly* 60 No. 3 (July, 2003): 481; Savelle, *The Origins of American Diplomacy*, 21; Elizabeth Mancke, “Empire and State,” in David Armitage and Michael J. Braddick, eds., *The British Atlantic World, 1500-1800* (London: Palgrave, 2002), 175-186; Garrett Mattingly, “No Peace beyond What Line?,” *Transactions of the Royal Historical Society* 13 (1963): 145-162; Schmitt, *Nomos of the Earth*, 97.

¹⁸ David Loades, *England’s Maritime Empire: Seapower, Commerce and Policy, 1490-1690* (London: Pearson, 2000), 88, 114, 127; Lane, *Pillaging the Empire*, 40; Andrews, *Trade, Plunder, and Settlement*, 129, 250; Appleby, *Under the Bloody Flag*, 108-109, 127.

¹⁹ For the cultural influence of piracy in Jacobean England see especially, Claire Jowitt, *The Culture of Piracy, 1580-1630: English Literature and Seaborne Crime* (London: Ashgate, 2010); Mark Netzloff, “Sir Francis Drake’s Ghost: Piracy, Cultural Memory, and Spectral Nationhood,” in Jowitt, ed., *Pirates? The Politics of Plunder*, 137-150; Appleby, *Under the Bloody Flag*, 17, 187-191, 233, 246-248.

²⁰ “By the King. A Proclamation Concerning Warlike Ships at Sea, Greenwich, 23 June 1603,” in James F. Larkin and Paul L. Hughes, eds., *Stuart Royal Proclamations: Royal Proclamations of King James I, 1603-1625*, 2 vols. (Oxford: Oxford University Press, 1974), I: 30.

²¹ For general overviews of English piracy under James, see Clive Senior, *A Nation of Pirates: English Piracy in its Heyday* (London: Newton Abbot, 1976); David D. Hebb, *Piracy and the English Government, 1616-1642* (Aldershot: Scholar Press, 1994); Andrews, *Trade, Plunder, and Settlement*.

²² “Treaty of London,” in Davenport, ed., *European Treaties*, I: 256; National Archives United Kingdom, SP 78/51, fols. 253-54.

²³ “Sir Thomas Roe to Earl of Salisbury 28 February 1611,” in Harlow, ed., *Raleigh’s Last Voyage*, 104-105.

²⁴ Calvin F. Senning, "Piracy, Politics, and Plunder under James I: The Voyage of the 'Pearl' and its Aftermath, 1611-1615," *Huntington Library Quarterly* 46 No. 3 (Summer, 1983): 198; Mattingly, "No Peace Beyond What Line?," 159.

²⁵ "1606 Virginia Charter," in William W. Hening, ed., *The statutes at large; being a collection of all the laws of Virginia, from the first session of the legislature, in the year 1619*, 13 vols. (New York: Bartow, 1823), I: 65.

²⁶ The history of English claim making in the Americas is understudied. For the most thorough works see, Juricek, "English Territorial Claims," and his "English Claims in North America to 1660"; MacMillan, *Sovereignty and Possession*.

²⁷ As Tamara Herzog has argued, in the politics of early modern European territorial claim-making violent responses were "mandated by a legal logic that suggested that silence implied consent and reaction implied opposition." Herzog, *Frontiers of Possession: Spain and Portugal in Europe and the Americas* (Cambridge: Harvard University Press, 2015), 8.

²⁸ "Nicolo Molin, Venetian Ambassador in England, to the Doge and Senate, December 16 1604," in Horatio F. Brown, ed., *Calendar of State Papers Relating To English Affairs in the Archives of Venice, Volume 10, 1603-1607* (London, 1900), 194-204. *British History Online* <http://www.british-history.ac.uk/cal-state-papers/venice/vol10/pp194-204> [accessed 15 July 2016]; "Sir John Digby to King James, 5 March 1613, Madrid," in Alexander Brown, ed., *The Genesis of the United States*, 2 vols. (New York: Russell and Russell, 1964), II: 609; "Charles Cornwallis to Robert Cecil, February 1607, Madrid," British Library, Hartley MSS 1875.

²⁹ R[ichard] J[ohnson], *Nova Britannia, Offering Most Excellent fruites by Planting in Virginia* (London, 1609), B.

³⁰ William S. Goldman, "Spain and the Founding of Jamestown," *The William and Mary Quarterly* 68 No. 3 (July, 2011): 448.

³¹ Susan M. Kingsbury, ed., *The Records of the Virginia Company of London*, 4 vols. (Washington: Government Printing Office, 1906-1935), I: 367-368; Hanna, *Pirate Nests*, 69-73.

³² William J. Eccles, *The French in North America, 1500-1765* (New York: Harper & Row, 1972), 17-18; "Father Peter Biard's Relation," in Brown, ed., *Genesis*, II: 709-725.

³³ "Don Diego de Molina to Don Diego Sarmiento de Acuña, 30 April 1614, and 14 June 1614," in Brown, ed., *Genesis*, II: 741-745.

³⁴ Wesley F. Craven, *Dissolution of the Virginia Company: The Failure of a Colonial Experiment* (Gloucester, M.A.: Peter Smith, 1964), 26, 105-147. For the anti-Spanish faction and its role in the voyage see, Greenblatt, *Sir Walter Raleigh*, 161; L.H. Roper, *The English Empire in America, 1602-1658* (London: Pickering and Chatto, 2009), 38-39, 43, 74; Lacey, *Sir Walter Raleigh*, 337; Magnus, *Sir Walter Raleigh*, 131.

³⁵ McElwee, *The Wisest Fool in Christendom*, 55.

³⁶ [Francis Bacon], *A Declaration of the Demeanor and Cariage Sir Walter Raleigh...And the true motives and inducements which occasioned His Majesty to Proceed in doing Iustice vpon him, as hath bene done* (London, 1618), 5, 25.

³⁷ Greenblatt, *Sir Walter Raleigh*, 159-160; "Sir Walter Raleigh's Letter to his Wife, from Guiana, 14 November 1617," in Sir Walter Raleigh, *Sir Walter Raleigh's Sceptic* (London, 1651), E3; Sir Walter Raleigh, *Sir Walter Raleigh, His Apologie for his voyage to Guiana* (London, 1650), 63.

³⁸ Harlow, ed., *Last Voyage*, 300; Raleigh, *Apologie*. See insert, "Sir Walter Raleigh his Ansvver to some things at his Death," 69. This was the position most of his friends and family took after his execution as well. See, for example, Carew Raleigh, *A Briefe Relation of Sir Walter Raleigh's Troubles* (London: 1669), 8.

³⁹ "The bringing of Sir Walter Raleigh to Execution," in Harlow, ed., *Raleigh's Last Voyage*, 302;

[Thomas Scott], *Vox Populi: or Newes from Spayne* (1620): C; Barbara Fuchs, "Faithless Empires: Pirates, Renegadoes, and the English Nation," *ELH* 67 No. 1 (Spring, 2000): 45.

⁴⁰ Raleigh, *Apologie*, 59; see also, Anthony Pagden, *Lords of All the World: Ideologies of Empire in Spain, Britain, and France, 1500-1800* (New Haven: Yale University Press, 1995), 67; Greenblatt, *Sir Walter Raleigh*, 165.

⁴¹ Stenning, "Piracy, Politics, and Plunder," 198; Mattingly, "No Peace Beyond What Line?," 159.

⁴² [Bacon], *Declaration*, 9.

⁴³ "Gondomar to the King of Spain, 22 October 1617," in Harlow, ed., *Raleigh's Last Voyage*, 153.

⁴⁴ Charles H. Carter, "Gondomar: Ambassador to James I," *The Historical Journal* 7 No. 2 (June, 1964): 217.

⁴⁵ Raleigh, *Apologie*, 61, 62.

⁴⁶ Andrews, *Spanish Caribbean*, 123.

⁴⁷ John Shirley, *The Life of the Valiant and Learned Sir Walter Raleigh, Knight....* (London, 1677), 217; see also, Hannah, *Pirate Nests*, 70.

⁴⁸ Shirley, *Life of Raleigh*, 214.

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- ⁴⁹ Mary Greene, ed. et al., *Calendar of State Papers, Domestic Series of the Reigns of Edward VI, Mary, Elizabeth, and James I, 1547-1625*, 12 vols. (London: Longman, 1862-1872), IX: 547, 577.
- ⁵⁰ For a discussion of legal borderlands, see, Mary L. Dudziak and Leti Volpp, "Legal Borderlands: Law and the Construction of American Borders," *American Quarterly* 37 No. 3 (September 2005): 593-610.
- ⁵¹ Queen's College (Oxford), MS 121, fol. 512r; Benton, *Search for Sovereignty*, 83.
- ⁵² Trevlyan, *Sir Walter Raleigh*, 510; Kenyon, *Stuart England*, 72-73; Wallace, *Sir Walter Raleigh*, 297. For a similar interpretation to mine see, Mathew, *James I*, 263.
- ⁵³ Harlow, ed., *Raleigh's Last Voyage*, 295-296.
- ⁵⁴ Harlow, ed., *Raleigh's Last Voyage*, 298, 303.
- ⁵⁵ [Bacon], *Declaration*, 1.
- ⁵⁶ Anna Beer, "Textual Politics: The Execution of Sir Walter Raleigh," *Modern Philology* 94 No. 1 (August, 1996): 33.
- ⁵⁷ [Bacon], *Declaration*, A, D, 26, 31, 60.
- ⁵⁸ [Bacon], *Declaration*, 61-62.
- ⁵⁹ Thompson, *Mercenaries, Pirates, and Sovereigns*, 23; Wesley Frank Craven, "'The Earl of Warwick, A Speculator in Piracy,'" *The Hispanic American Historical Review* 10 No. 4 (November, 1930): 464.
- ⁶⁰ "Ulloa to King Philip," in Harlow, ed., *Raleigh's Last Voyage*, 314-315; Blakemore, "Politics of Piracy," 169.
- ⁶¹ Goldman, "Spain and the Founding of Jamestown."
- ⁶² "John Pory to Sir Dudley Carleton, 1619," in Lyon G. Tyler, ed., *Early Narratives of Virginia, 1606-1625* (New York: Charles Scribner's Sons, 1907), 282.
- ⁶³ Vernon A. Ives, ed., *The Rich Papers: Letters from Bermuda, 1616-1646: Eyewitness Accounts Sent by the Early Colonists to Sir Nathaniel Rich* (Toronto: University of Toronto Press, 1984), 279; Craven, *Dissolution of the Virginia Company*, 138; Craven, "The Earl of Warwick," 463-464; Kingsbury, ed., *Records of the Virginia Company of London*, I: 367-368.
- ⁶⁴ For example, John Speed in his 1611 account of what "the British Empire Containeth and Hath Now in Actuell Possession" made no mention of Virginia. John Speed, *The Theatre of the Empire of Great Britaine* (London, 1611), sig [1]r, 157; "Sir John Digby to Carleton, 10 October 1612," in Brown, ed., *Genesis*, II: 593.
- ⁶⁵ "The Discourse of the Old Company," in Tyler, ed., *Narratives*, 454.
- ⁶⁶ "13 May 1625, By the King. A Proclamation for Settling the Plantation of Virginia," in Clarence Brigham, ed., *British Royal Proclamations Relating to the America, 1603-1783* (New York: Franklin, 1911), 52-53.
- ⁶⁷ Davenport, ed., *European Treaties*, I: 313; National Archives United Kingdom, State Papers, 103/53, fols. 149-151.
- ⁶⁸ "The bringing Sir Walter Raleigh to Execution," in Harlow, ed., *Raleigh's Last Voyage*, 302.