THE POLITICS OF PIRACY:  
PIRATES, PRIVATEERS, AND THE GOVERNMENT OF ELIZABETH I, 1558-1588

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# TABLE OF CONTENTS

ABSTRACT ................................................................................................................. iv 

DEDICATION .............................................................................................................v 

INTRODUCTION .........................................................................................................1 

CHAPTER 1: THE NETHERLANDS: 
ANGLO-SPANISH RELATIONS FRACTURED ..................................................6 

CHAPTER 2: RISE OF PIRACY ................................................................................15 

CHAPTER 3: ON THE BOOKS .................................................................................27 

CHAPTER 4: CARIBBEAN RAIDS ..........................................................................68 

CHAPTER 5: THE PRIMROSE’S THORN ...............................................................76 

CONCLUSION ............................................................................................................87 

WORKS CITED ..........................................................................................................92 

APPENDIX ................................................................................................................105
ABSTRACT

This thesis addresses the distinctions between “pirates” and “privateers” and the reasons for and usefulness of these distinctions. The consolidation of power and the compromises enacted to quell religious disputes in sixteenth-century England allowed Queen Elizabeth to assess the problem of piracy. In doing so, she determined that by sanctioning piracy through official letters of marque and reprisal thereby bringing pirates under some sort of government control as "privateers," she could add to her dwindling naval forces and add to her coffers with the spoils of these missions.

Elizabeth’s navy had become an important issue because of the threat of Spanish attack and possible invasion of England. While Elizabeth had wanted to focus her attentions internally on England itself, she was drawn into continental affairs—most the rebellion in the Spanish Netherlands. Elizabeth found herself torn between maintaining peace with Spain and aiding fellow Protestants in the Netherlands. During this time, the issue of pirates and privateers became most important. Elizabeth had to avoid conflict because she had insufficient military forces. Realizing that at her disposal were dozens of experienced sailors with their own ships, she began to sanction piracy by creating and encouraging a fleet of privateers, including Sir Francis Drake and Sir John Hawkins. Such an act allowed Elizabeth to whittle away at Spanish hegemony in the Atlantic, thereby increasing her own influence, culminating in the defeat of the Spanish Armada.

The most interesting part of this creation of a privateering corps, is that all the while, Elizabeth and her council were issuing more stringent laws against pirates and those who aid pirates. She even allowed Sir Julius Caesar to completely reform the Court of Admiralty in order to make the capturing and prosecuting of pirates more efficient. It is this dichotomy in the context of English foreign policy that I will be exploring as well as the ultimate effects of these policies as they relate to the establishment of a tried and true Royal Navy and as they contribute to the formation of English trading companies like the Levant Company.
DEDICATION

Always first and foremost, to my family who have supported this passion of mine,
to the friends who listened when they did not always understand,
and to the professors who helped me through.
Introduction
The English government and the lives of its subjects were transformed over the first half of the sixteenth century. Henry VIII, ruling from 1491-1547, began the religious troubles that plagued England for over half of a century by breaking away from the Catholic Church and establishing the Church of England. Militarily, Henry realized the importance of a strong navy and poured money into the fleet and the newly formed administrative board. His son, Edward (1537-1553) did little during his short reign to ease religious tensions and extended his father’s religious reforms.¹ Henry’s eldest daughter, Mary, from his Spanish first wife, came to the throne in 1553 with her main agenda being the restoration of Catholicism in England. She took whatever steps she felt necessary to achieve that goal—to a point. Despite her very pro-Catholic views and actions, Mary did not demand a Roman Catholic succession.

When Elizabeth, Henry’s youngest daughter and middle child, finally succeeded to the throne of England upon her sister’s death in 1558, she inherited a kingdom torn apart by religious discord, with weak defenses, a practically empty treasury, and vulnerable to more powerful and unified European states—chiefly the Spanish empire. Aside from Catholic-Protestant schisms, Elizabeth faced intraprottestant divisions within her Parliament, with many wanting her to champion religious reform and protestant interest abroad in the form of the brewing Dutch Revolt before they would grant her any revenues. As she had little royal revenue, she struggled to find money without having to give up her own agendas.

 Shortly after ascending to the throne, Elizabeth I found herself navigating an intricate web of foreign politics and diplomacy while trying to settle her own

domestic issues. Queen of an island nation, Elizabeth began to recognize that the sea was where she could find power and influence and constructed policies that would keep England’s enemies at bay while she built up a suitable force to defend her struggling nation. Alongside diplomacy, Elizabeth supported and licensed men who had previously been pirates in English waters, turning them into state-sponsored privateers practicing legal piracy against England’s enemies. These men gained valuable experience on the seas and, when needed, used their military skills to strengthen the diminutive Royal Navy. These maritime policies serve as a window into the formation of Elizabethan foreign policy. Though Elizabeth may have fallen into a foreign policy that capitalized on existing practices (piracy) as a short term reaction/solution to the problems she faced, the way that she expanded and improved upon that policy constituted a departure from established maritime practices and diplomacy thus becoming a new and distinct method of foreign policy.²

The distinction between “pirate” and “privateer” especially that arose under Elizabeth in the 1560s was crucial. Nearly 10,000 pirates operated in England during the 1560s.³ By licensing certain pirates through the issuance of letters of reprisals and commissions, Elizabeth created a fleet of privateers that number over sixteen

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² G.J. Marcus supports the idea that these policies became a factor of state policy and were taken up on an unprecedented scale under Elizabeth. A Naval History of England: The Formative Centuries, (London: Little, Brown and Company, 1961). G.J. Marsden, Naval History of England: The Formative Centuries, (Boston: Little, Brown and Company, 1961), 49. Furthermore, D.W. Waters argued that the skill and ability of English seamen in the later decades of Elizabeth’s reign were the “conscious products of a national policy carefully nurtured as it was deliberately begotten.” D.W. Waters, Mariner’s Mirror, Society for Nautical Research, (Cambridge: Cambridge University Press, 1949), vol. XXXV, 41. During wartime, piracy was generally state-sanctioned, but Philip Gosse claimed that Elizabeth’s policies were new in the fact that she “connived” at piracy while England was at “peace with the world.” History of Piracy, (New York: Tudor Publishing Company, 1946), 113. See also Clark Hulse, Elizabeth I: Ruler and Legend, (Urbana, IL: University of Illinois Press, 2003).

thousand by 1582.\(^4\) These seamen weakened Spain by waging an unofficial war on Spanish shipping at little cost to the English state. All the while, the Queen countered Spanish complaints about these “privateers” (most of which came to be known as “Sea Dogs”) by issuing a series of proclamations increasing the penalties for those found guilty of less useful sorts of piracy and publicly denouncing attacks on Spanish property. The English Channel had a tradition of piracy and with the increase of commerce in the sixteenth century, that tradition had grown proportionately. In assessing the extent of this piracy and recognizing the difficulty of controlling of prosecuting such acts, Elizabeth found a way to bend pirates to her will. She had little funds at her disposal to try so many men for piracy, nor effectively enforce any piracy policy. After all, England’s revenues were a tenth of Spain’s. Therefore, somewhat more reactively than proactively at least in the beginning, she embraced pirates and worked to alter their agenda to more long-range piracy against England’s enemies instead of raiding home waters.\(^5\) By bringing pirates under her control, thus


making them privateers working in relationship to the state, Elizabeth utilized already skilled sailors and used their expeditions as a revenue base to replace the taxes Parliament would not grant her. Elizabeth was thus creating a mercenary navy out of former criminals and funding the building of royal ships as well as financing other royal agendas through the exploits of privateers.

The Queen also established a number of commissions with the express purpose of seeking out pirates and those who aided pirates as well as to discover corrupt Admiralty Court officials. While these endeavors appeared to be directed at curbing piracy, they were primarily designed to place the actions of privateers more directly under royal control. In the 1580s, Elizabeth even appointed a new High Judge of the Admiralty, Julius Caesar, with much authority to reform the nation’s Admiralty Courts and strengthen piracy laws.

Elizabeth’s policies towards piracy and her creation of privateers provided her with an inexpensive way to build up English naval forces during a time of rising tensions with Spain while, at the same time, the language of her piracy legislation and her diplomatic endeavors to maintain plausible deniability and seeming distaste for the continuation of English expeditions throughout the Atlantic and Spanish Main helped to appease Philip II of Spain for a time, thereby avoiding war for over twenty years despite Philip and his ambassadors’ obvious distrust of the Queen’s participation in such affairs.
Chapter 1:

The Netherlands: Anglo-Spanish Relations Fractured
In the years leading up to 1588, the Elizabethan government could not escape the rebellion in the Netherlands, Spanish attempts to maintain control in those provinces while conquering the New World, or their efforts to sustain Spanish hegemony in European politics. All of Elizabeth’s efforts to re-establish the authority of the Church of England made England both a sought after ally and a threat. Catholic Spain, already dealing with Protestant discontent and uprisings in the Netherlands, certainly did not welcome the Protestantization of England, while the Dutch hoped that religious affinity would persuade the English to help the Dutch emancipate themselves from Spanish rule. Apprehensive of another Catholic neighbor but also wary of provoking Philip’s anger should she declare support for the Dutch, Elizabeth had to carefully weigh her options and the opinions of her court advisors and Parliament. Elizabeth did not approve of rebels even on the grounds of religion, but she could not allow Spain to regain its foothold across the English Channel.

William Cecil, Elizabeth’s Secretary of State, shared most of the queen’s moderate views. He was willing to compromise when necessary to ensure peace and stability and authored much of Elizabeth’s official policy and correspondence. Elizabeth’s court officials had their own ideas about religion and how to approach foreign policy, but under Cecil, they commonly deferred to decisions that would benefit England as a whole—not just further their particular interests. This is not to say that there was never any dissent within Elizabeth’s council, because there

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certainly was opposition among the councilors. On many occasions, the Queen was beleaguered by the various requests and plans of her councilors. However, the “hottest” opposition to Elizabeth’s policies came from Parliament. The Elizabethan Parliament was made up of many fairly militant anti-Catholic members. These men wanted decisive, aggressive action against Catholics and official military support and approval for Protestant rebellions such as that in the Netherlands. Men like Cartwright called for “the full and whole deliverance” of Protestants everywhere.

But Parliament was itself divided. The “politiqe Machiavels” that had helped bring about the shift towards Protestantism, focused their attentions on England’s international situation and how that affected the future of their religion and power. They also saw the need to suppress political dissidence within English borders. The “hot Gospellers” remained overly concerned with specific doctrine and forms of church government. These divisions within Parliament and between Parliament and the court obviously led to inefficient governance. Elizabeth could get few bills pushed through Parliament because she also refused to choose either side of the argument. So, facing a wall in Parliament, Elizabeth found circuitous means to get what she wanted. What she wanted, and desperately needed, was money and the creation of a privateering fleet gave her that as well as greater military defenses.

7 Read, Cecil, 131-133.
9 MacCaffrey, Queen Elizabeth and the Making of Policy, 16-18.

The Lord Keeper Bacon, for example, opened the Parliament of 1563 with a speech concerning the lack of discipline within the Church and the “lax regard” for ceremony. 42.

It can be argued that Elizabeth’s council, by attempting to create compromises between the factions of Parliament, saw less the need to push their own agendas and beliefs and more the need to secure domestic stability from that experience. For instance, Knollys, “the most reform-minded” of Elizabeth’s councilors, put aside his own agenda to constantly warn members of Parliament whose speech intruded on royal prerogative. 60-63.
In this situation, her policies towards pirates and privateering gained importance and quickly became a cornerstone of her Dutch-Spanish diplomacy. English pirates naturally attacked Spanish ships carrying supplies and monies meant to fund the Spanish armies in the Netherlands thus, in essence, conveniently aiding the Dutch without the need for any formal declarations of war on Spain or support for the rebels.

Through Austrian Habsburg marriage alliances, the Netherlands came under the control of the Holy Roman Empire. In 1506, Charles V, grandson of Maximilian and Mary, son of Philip the Handsome, the first Habsburg prince in Spain, and Joanna the Mad of Castile, inherited the Netherlands from his father. In 1516, Charles became the first king of a united Spain at the death of his grandfather Ferdinand of Castile whose marriage to Isabella of Aragon in 1469 had brought the largest regions of Spain into alliance. Charles ruled until 1566 when he abdicated Spain to his son Philip II.

As Charles, known as the “universal monarch,” had vast and diverse territories under his control, he left much of the governance of the Netherlands, a

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10 The Austrian Habsburgs were the hereditary emperors of the Holy Roman Empire. The Burgundian Provinces (the Netherlands) were acquired through the marriage of the Archduke Maximilian to the Duchess Mary of Burgundy, the daughter of Charles the Bold, Duke of Burgundy, on 18 August 1477. (Burgundy proper went to France’s Louis XII.) Maximilian became Holy Roman Emperor in 1493 after the death of his father Emperor Frederick III. E.M. Lichnowsky, Geschichte des Hauses Habsburg, (Vienna: Schaumsberg and Cie, 1836-1844), 8 vols., and Paula Fichtner, The Habsburg Monarchy, 1490-1848: Attributes of an Empire, (New York: Macmillan, 2003)
13 Charles inherited the traditional lands of the Holy Roman Empire including Germany, Austria-Hungary, and the Netherlands as well as Spain and its numerous colonies. Due to the problems of ruling this immense amount of land, when Charles decided to abdicate in 1556, the lands and Habsburg family were split into an Austrian branch and Spanish branch. For more on this history, see Lichnowsky, Fichtner, and Bérenger, History of the Habsburg Empire.
fairly quiet province, to the customary rule of local assemblies. By the sixteenth century, the city of Antwerp in the northern portion of the Netherlands had become one of the most important trading centers in Europe. With the influx of so many nationalities, Antwerp also became an intellectual capitol of Europe as the city remained open-minded and compromising in order to encourage trade. Protestantism found a home in this environment. During the Reformation that was sweeping through Europe during this period (the early 1500s), merchants were usually the first groups to embrace Protestantism as it offered them more of a reconciliation with the cut-throat practices of a mercantilistic life than did Catholicism—and Antwerp was flooded with merchants.

When Philip II succeeded Charles in 1556, he found his rule unwelcome in the Netherlands. Under a new king, the States-General decided to test their power and voice their discontent with their current situation. In 1556, they and the Dutch nobility censured Spain’s war with France and in 1558, the State-General insisted on their right to be taxed only by “commissioners appointed by and responsible to the States.” Philip ignored these measures. In addition to disregarding these political assertions of the Dutch assembly, Philip did not indulge the Protestant faith in his territories as his father had. Upon the failure of his personal inquisition in the Netherlands in 1559, Philip reorganized the Church there and pushed Catholic

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absolutism. Almost instantly, Dutch Protestants began to organize against Philip and to solicit aid and support from Elizabeth, the strongest Protestant leader in Europe. Elizabeth had reason to aid the Dutch not just because of some religious affinity, but also out of fear of growing Spanish power. Philip reigned over a very rich empire that encompassed numerous colonies. In 1559, as a condition of the Treaty of Cateau-Cambrésis, which ended the long Italian Wars between France and Spain, Philip also married the Princess Elisabeth of Valois, the daughter of the French Catholic King Henri II. Now England faced a potential Catholic alliance consisting of Philip and his Inquisition and Henri II, who actively persecuted and executed Protestants. Elizabeth had to begin assessing her resources and reevaluating her domestic and foreign policies based on these developments.

In the Netherlands, the Catholic regent Margaret, half-sister to Philip II, made her dislike of Protestant England known. Hoping to strike at England economically, Margaret issued an embargo on all English trade in 1563. Margaret claimed that her actions were in response to English merchants’ protection of heretics and English acts of piracy in the Channel. But Philip, preoccupied with Turkish threats in the Mediterranean, and without ample evidence of such claims, ordered Margaret to lift

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16 Hale, J.R., War and Society in Renaissance Europe 1450-1620, (London: Fontana, 1985), 18-19; Philip also sanctioned the Inquisition in Flanders again in 1570. CSP Foreign, 1569-1571, no. 135.
17 During his reign, from 1547-1559, Henri II actively persecuted Protestants for speaking their beliefs by imprisoning them for life, cutting out their tongues, or burning them at the stake. Henri received a mortal wound in a tournament to celebrate his daughter’s marriage to Philip II in 1559. His son Francis II succeeded him. Frederic Baumgartner, Henry II, King of France, 1547-1559, (Durham, NC: Duke University, 1998).
18 Margaret of Parma was the illegitimate daughter of Charles V. Charles acknowledged her in 1553, allowing her to take the Habsburg family name of “Margaret of Austria.” She served as Regent of the Netherlands from 1559-1567. In 1567 she resigned her post to the Duke of Alva on Philip’s orders. Alva was also put in charge of the Spanish militia in the Netherlands to quell the Dutch Revolt. Felix Rachfahl, Margaretha von Parma, Statthalterin die Niederlande, 1559-1567, (München: Drud und Berlag von Oldenbourg, 1898).
19 Ramsay, Queen’s Merchants, 101.
the embargo “unconditionally” in 1565. Besides, the embargo had proved ineffective. When Antwerp closed, English merchants found various other outlets for their merchandise and Antwerp actually suffered the loss of English trade more profoundly than did England.

English merchants established trade with countries like East Friesland, one of the few areas outside of Spain’s jurisdiction. However, most of the expansion of English trade took merchants to the New World and to Africa—areas that Spain claimed rule over. As early as the 1530s and 1540s Englishmen traded goods through Spain to America. During these decades the practice of trading directly from England to Brazil also grew. Iberian traders in England helped to establish direct English trade with Morocco as well.

Some merchants had even begun trading with Guinea in West Africa in the 1550s, but Mary I had banned commercial voyages there in response to Philip’s numerous protests. On 27 October 1555, the council to the king wrote that the Portuguese ambassador complained often of English ships trading at Elmina in Guinea. As the ambassador offered no direct proof as to the nationality of the ships, the council, “[thought] it fair nothing should be tried which is contrary to justice or impedes the amity which has long existed between this realm [England] and Portugal,” and did not advise the king to stop the trade. If such trade was hindered, “it would injure the fortunes of many distinguished merchants of [Philip’s] city of

21 Doran, *Elizabeth I and Foreign Policy*, 15.
22 Ramsay, *Queen’s Merchants*, 104.
This correspondence came as response to Philip’s agreement during the previous months to meet Portuguese objections to English designs on the Guinea trade. By December, the situation had changed. On 18 December 1555, the council wrote instead that: “after various consultations [they] thought good to signify to [Philip] that [the English merchants] should be ordered to refrain from departing, as was commanded in the names of your majesties at the start of last summer.” The council wrote further that:

By command of the queen we discussed the case of Antonio Guarras, who sought licence to trade in this realm and pay the same tax as natives. We noted that in the reigns of Henry VIII, and Edward VI and the queen such licenses were granted to various men, whereby your majesties’ taxes were diminished, and the merchants of this realm injured (of which many of them have complained). We heard many in the last parliament complain of these and similar licences. Therefore, to avoid many deceits always done under pretext of these licences, the queen, by our advise, desires that many of these licences be redeemed from those to whom they were granted for which the queen will pay large sum.

The king, with support of his English queen, had thus bound English subjects to the Treaty of Tordesillas.

Elizabeth, however, felt no such obligation and paid little regard to the Treaty of Tordesillas of 1494 nor to the papal bulls surrounding the treaty that divided the New World between Spain and Portugal. Even more galling to Philip was the fact that Elizabeth’s refusal to police piracy against Spain in the colonies and throughout

25 Knighton, CSP, Domestic, Mary, CSP 11/14, no. 4, 124.
26 Horatio Brown and G. Cavendish Bentink, eds, Calendar of State Papers, Foreign Series of the Reign of Elizabeth and Manuscripts Relating to English Affairs Existing in the Archives and Collections of Northern Italy, (London, 1864-1898), henceforth the CSP, Venetian, vi, 251.
27 Knighton, CSP, Domestic, Mary, CSP 11/6, no. 78, 141.
28 Knighton, CSP, Domestic, Mary, CSP 11/6, no. 78, 14.
the Atlantic also directly challenged the authority he had claimed for himself (and the King of Portugal) in “all the territories in the Western ocean, island or mainland, discovered or undiscovered” in the Treaty of Crépy in 1544.\(^{30}\) On 29 January 1559, in discussing English negotiations with France, Cecil related that: “as to the reports made by Spaniards concerning a treaty[Mary and Philip’s marriage treaty] whereby the realm of England rests bound to them, [Elizabeth] (thanked be to God) remain[ed] a free prince and owner of her crown and people.”\(^{31}\) Elizabeth further claimed that she would include the Spanish in English matters only in “matters expedient.”\(^{32}\) English maritime expansion constituted such a matter, but Elizabeth felt the need to secure the right of expansion for her subjects (by denying the earlier treaties) before she opened any serious communication with Spain. Philip’s ambassador in London wrote in 1558 that the King “deeply resented being interfered with” in his western “navigations.”\(^{33}\) This English incursion into Spanish trade routes by merchants and pirates exacerbated ever-deepening religious and political divisions straining the peace between Spain and England. Spanish response to these actions and Elizabeth’s seeming refusal to intervene and discourage Englishmen from engaging in this trade led to unacknowledged open conflict on both sides that brought piracy and privateering to the forefront of Elizabeth’s many concerns.

\(^{30}\) Quoted in Herbert Richmond, *The Navy as an Instrument of Policy, 1558-1727*, (Cambridge, UK: Cambridge University, 1953), 7.
Chapter 2:

Rise of Piracy
A crucial element of the Netherlands conflict, exploits of English pirates and privateers during the 1560s and 1570s disrupted funds and goods sent to sustain Spanish forces. Spanish funds and supplies to Catholic volunteers in England and Scotland were also disrupted. These volunteers had been recruited to incite rebellion in Britain and aid in a possible invasion of the island. There were numerous plots, real and imagined, to incite rebellion in England, Ireland, and/or Scotland during the period of Anglo-Spanish hostilities leading to the Armada in 1588 including the Rebellion of the Northern Earls in 1569.34

Not only did English pirates and privateers hinder Philip’s ability to quickly put down the Dutch Revolt, but Elizabeth also unofficially aided the Protestant provinces in the Netherlands by sending men and money. Dealing with the Netherlands in this way, Elizabeth not only hoped to thwart Spanish operations, but she also worked to disrupt Spanish communications with her already uneasy Catholic ally France (Treaty of Blois) who was undermining English authority in Scotland. Furthermore, this dealings helped to head off criticism of Elizabeth’s religious settlement and lack of enthusiasm for conflict with Catholicism from the “hotter” Protestants who were so eager in many cases for opportunities to privateer. England desperately needed an ally and strove to avoid being neighbors with yet another Catholic power.35


35 Elizabeth’s concern of “yet another Catholic power” was that France and Spain might unite with that power and invade England. Whatever religion the Netherlands was to be, Elizabeth needed that country as a buffer.
Still, Elizabeth had to proceed carefully. Keeping Spain distracted on the continent also allowed Elizabeth to expand her own power and influence, particularly commercially, in the confusion. Since English efforts disrupted Spanish attempts to subdue the Dutch Revolt quickly, Philip had to concentrate on the Netherlands more than he had originally planned and more than he wanted to as he saw the possibility of war with England approaching by the 1570s. His distraction hampered his ability to combat English privateers. Once again, Elizabeth found a means to undermine Spanish power. English interference in the Netherlands, by drawing Philip’s attention away from the “war” in the Atlantic, allowed for an expansion of English privateering efforts that helped England prepare for possible war.

As many have pointed out, there were more issues contributing to war with Spain than just religion. Piracy had been a problem for the English government for over a century and the nations of Europe had experienced much the same dilemma as the English of how to combat and curb the practice. With the rise of commerce had come a rise in piracy. The English Channel was a particular problem as ships of all nations came through the Channel to trade in Antwerp making the stretch of water particularly lucrative.

Piracy was no “novel trade” for an English seaman and did not constitute an “original Protestant sin” which helped the practice’s popularity. Early in the fifteenth century, the *Debate of Heralds*, written by a Frenchman, disputed the English boast that they were “kings of sea,” saying that an Englishman’s only warfare was “plundering poor merchants who passed up and down the Channel.”

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36 Pollard, *Political History*, 305.
37 Quoted in Pollard, *Political History*, 305.
century Englishmen held the same beliefs as their forefathers. Coupled with the Anglo-Spanish power struggle in the Netherlands, and as many pirates became privateers under Elizabeth, “piracy” took on a whole new significance in international policy. As cases of piracy in international waters grew, the need increased for a court to address these grievances. At this time, England had the only such established court to deal with these cases, but that Admiralty Court needed reform and instruction.

The Admiralty Court of England was created in 1260 and covered all manner of maritime concerns from fishing rights to piracy.38 Theoretically, at the inception of the court, all maritime rights belonged to the Crown. Every wreck, every piece of wreckage, and any fish or bird caught off the coast belonged to the king. The king also held the responsibilities of regulating fishing, collecting port dues, and maintaining ports.39 By the sixteenth century, many of these rights had passed into the hands of private corporations and private individuals through grants, “actual or implied,” from the Crown.40 In fact, Edwin Welch stated that as the king’s authority passed into private hands, the royal powers over domestic maritime cases were also transferred.41 Most of this transference of power took place in the Middle Ages. Wherever sufficient need of a maritime court existed, that borough or district then applied for a “fee farm” from the Crown. The subsequent “farming of royal revenues” meant that each borough then had royal courts within them. Most of the boroughs applying for fee farms were coastal boroughs and the royal revenues they collected went to maintaining their ports and enforcing the king’s admiralty laws.

40 Welch, Southampton, xi-xii.
41 Welch, Southampton, xii.
The borough courts of admiralty grew out of the subsequent joining of maritime and other jurisdictions in these ports.42

This handing over of rights to local parties often led to the corruption of the courts of admiralty. The courts maintained sole jurisdiction in their county and were the ultimate authority since the king had transferred his maritime rights. Without fear of repercussion local officials began cooperating with those seamen and merchants who operated in their jurisdiction. Some corruption was expected as officials went unpaid. As evidence of this corruption, in 1578, for example, even though officials of the Admiralty Court brought some 900 pirates to trial, only three of those convicted faced the gallows. The other 897 either received pardons from local officials who were likely the pirates’ business partners, or they simply bribed the officials outright.43 The vice-admirals were expected to make a profit out of fees and requisitions but bribes remained far more profitable and as counties were practically autonomous in maritime matters, under-the-table deals were common. For this reason, throughout the sixteenth century, “the admiralty was looked upon mainly as a source of profit,” not as an instrument for enforcing law.44

With the door open to agreements for exchange of goods or percentages of shipments, officials often applied the same practices to their dealings with pirates in their ports in exchange for non-prosecution. In 1536, Henry VIII passed the first Act of Piracy in an attempt to regain control of the coast. The act created the position of the “Vice-Admiral of the Coast” who was to “proceed in matters of

42 Welch, Southampton, xii.
44 R.C. Marsden, “The Vice-Admirals of the Coast,” English Historical Review., (1907), xxii.
piracy...according to the order of the laws.” 45 During the same year, Henry added statute laws and courts to eliminate the “complications and contradictions” of the existing civil and common law. 46 Dissatisfied with the way in which his officials dealt with “Traytors, Pirates, Thieves, Murtheres and Confederates upon the Sea,” Henry and his Parliament passed an act claiming that in the future all such offences were to be tried by new commissioners appointed by the Crown. 47 These new offices included that of Lord High Admiral, his lieutenant or deputy, and three of four other “substantial persons.” 48 Much still depended on the integrity of the office holders, and Henry’s his first appointees were little more than pirates themselves.

By Elizabeth’s time, this situation had changed little. In fact, a majority of local Admiralty court officials and justices were not only easily bribed, but were often involved in pirate ventures themselves through personal connections and even direct investment. 49 If the government could not even control their appointed officials, it certainly could not expect to control pirates darting in and out of coastal cities. Facing little to no consequence for their actions, and as trade continued to expand, pirates branched out of local waters and tried their hands at international piracy. Henry’s desire to regulate and reorganize the courts was, in this case, as with so many others during his reign, hampered by his constant need to raise revenue and create support for his extremely controversial reign. Offices created by administrative and legal reforms often wound up in the hand of the wealthy and powerful. The office of the Lord High Admiral was no exception. Eight Lord High Admirals served under

45 Quoted in Gosse, History of Piracy, 315
46 Welch, Southampton, xiii.
47 Welch, Southampton, xiii.
48 Welch, Southampton, xiii. (Act 28 Henry VIII, c. 15)
49 Gosse, History of Piracy, 315.
Henry, only three of whose careers lasted ten years or longer.\textsuperscript{50} By 1563, over 400 known pirates operated in the four seas around England.\textsuperscript{51} Laws were difficult to enforce and the profits of piracy far outweighed the cost of business such as the paying of bribes to local officials for pardons and to ignore certain comings and goings. This is the situation that Elizabeth found herself facing in the 1560s.

When Elizabeth gained the throne, Edward Clinton held the position of Lord High Admiral. Clinton had previously served as Lord High Admiral from 1550-1554 during the end of Edward VI’s reign and beginning of Mary I’s reign.\textsuperscript{52} Having supported Northumberland in his attempts to bar Mary from the succession, Clinton lost his position, but over the next four years, worked his way back into the monarch’s good graces. Philip actually campaigned for Clinton’s reappointment as Lord High Admiral in 1558 and appointment to Mary’s Privy Council, although Clinton was, as the Spanish ambassador Count de Feria wrote to Philip, “a double-dealer and principally concerned with his own interests.”\textsuperscript{53} This double-dealing helped Clinton transition into the government of Elizabeth just as it had helped him


\textsuperscript{51} Mark Oppenheim, “The Royal and Merchant Navy Under Elizabeth,” in \textit{The English Historical Review}, vol. 6, no. 23, (July 1891), 465-494, 473.

\textsuperscript{52} Clinton served as Lord High Admiral until 1585, encompassing the height of the piracy issues discussed in this paper. He seems to have supported all of Elizabeth and her council’s policies on piracy as he rarely makes his way into studies on the subject. Clinton was much more active in naval affairs under Mary and Philip. \textit{DNB}, Anne Duffin, “Clinton, Edward Fiennes de.”

under Mary. Clinton’s willingness to stay in the good graces of the monarch made him a useful Lord High Admiral for Elizabeth.

At the start of Elizabeth’s reign, the English navy suffered from a lack of ships. Henry VIII had spent much revenue in building a navy. Whereas in 1509, Henry had only five ships in royal service, he built a remarkable forty seven between 1509 and 1547. During that same period, he acquired thirty-five more by purchase and capture.54 Not all of these vessels remained in the king’s service as evidence by the fact that in 1547, when Edward VI came to the throne, the royal navy consisted of thirty ships over 300 tons each, fifteen twenty-ton boats, and numerous smaller craft.55 Edward and his successor Mary found themselves too concerned with other matters of state to continue Henry’s plans for the English navy and, by 1558, as Elizabeth began her regency, the navy consisted of only twenty-one of the original 300 ton ships, not all of which held active commissions, and six smaller vessels.56 As

55 Records of the Admiralty, Naval, Forces, Royal Marines, Coastguard, and Related Bodies for the year 1558. As quoted in Gosse, History of Piracy, 152. See also Oppenheim, “The Royal and Merchant Navy” 465-466.
56 Even by 1603, the Royal Fleet numbered only twenty-nine vessels. Records of the Admiralty as quoted in Gosse, History of Piracy, 152. See also Oppenheim, “The Royal and Merchant Navy”, 465-466.

H. Lawrence Swinburne’s numbers differ slightly from those of Oppenheim concerning England’s fleet. Swinburne notes that in 1517, Henry VIII’s ships numbered twenty one. In 1548, under Edward VI, the king had 53 ships amounted to just over 11,000 tons though the majority of those ships were only pinnaces and rowbarges good for patrol small ports but incapable of battle and long voyages. By 1578, Elizabeth had only 24 ships of 10,506 tons. At her death, Elizabeth had built the fleet up to 42 ships of over 17,000 tons. H. Lawrence Swinburne, The Royal Navy, (London: Adam and Charles Black, 1907), 29.

1557 contributed significantly to this diminution of the number of English ships. Thanks to Philip, as he was husband to Mary I at this time, England was pulled into the Franco-Spanish quarrel and eventually, through this connection, the French attacked and captured the English holding of Calais in northern France. After this battle, England had to “[lay] down” several large ships. Marcus, Naval History of England, 81.
Elizabeth tried to assign funds to rebuild and repair her fleet, she also had to overcome the over £7000 debt to the Admiralty still lingering from the reign of Mary I. Rather than simply raising taxes to pay for her needed expenditures, Elizabeth frequently hired out her ships to private adventurers for trading, exploring, or privateering enterprises. She had inherited what no other sovereign in the world possessed—a fleet with a permanent organization to maintain and administer it. However, the rampant corruption in that organization and the chaos left from the preceding reign, kept Elizabeth struggling just to keep England on its feet financially, leaving her little resources for the Navy. Therefore, the defense of England relied largely on ships that might be supplemented in an emergency from the merchant marine and private owners. The innovation in this practice under Elizabeth rested in the fact that even though she employed her own shipwrights, the sailors who hired her ships were also expected to repair and outfit the ship as they saw fit. The opportunity to use royal ships to stiffen privateering ventures encouraged the practice of privateering. In this way, Elizabeth moved towards the notion of a self-financing navy since Parliament’s intractability in granting taxes had forced her to seek other means of revenue.

Aside from a lack of adequate ships, the English navy also suffered from shortages of men and resources. Under Edward VI, 7,731 soldiers and mariners served England. Twenty years into Elizabeth’s reign, only 3,760 seamen and 1,900

57 Oppenheim, “Royal Navy,” 468.
60 Swinburne, Royal Navy, 28.
soldiers served the state. This decrease in manpower grew out of Elizabeth’s choice not to finance an unofficial navy and also, in large part, due to the attractions of piracy. The lure of prizes and large profits tempted many captains to commandeer their English ships and turn to a life of raiding. Life as a pirate was quite often preferable to life as a sailor in the Royal Navy in the mid-sixteenth century. Sailors were impressed into both professions on many occasions, but at least as pirates they earned a share of the ship’s profits. Discipline was also less severe on board pirate ships. Pirate crews had captains but each man depended upon every one of his comrades in their missions to plunder and avoid capture. Therefore, captains could not impose severe punishment on their crews if they did not want those men reporting to the authorities or mutinying. Unlike Spain and Portugal, who, according to Richard Hakluyt, “had full employment for their sailors and [therefore] bred no pirates,” England did not offer her seamen steady professions as naval officers before the mid-sixteenth century. Even though Elizabeth had issued a handful of reprisal letters in 1562 encouraging privateers to include Spain among their targets, the practice did not become a commonplace occurrence in the 1560s.

Due to the weakness of England’s naval forces, the state could not effectively patrol the English coast. In the absence of authority, the English coast quickly grew in popularity as a haven for pirates. Englishmen constituted the majority of the pirates operating in the English Channel and North Atlantic and often used English ports as bases of operation (usually their hometowns), finding aid and support from

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61 Swinburne, Royal Navy, 29.
62 Granted, should a pirate turn on his crew or make himself a problem he could be dealt with very harshly—possibly even killed. This was more extreme punishment than practiced in the navy, but there were not as many rules and middling punishments on board pirate ships.
63 As quoted in Gosse, History of Piracy, 104.
friends serving as local port officials. In 1564, Elizabeth, for example, issued “an open letter” to “all Mayors, Sheriffs, Justices of Peace, etc, to aide and assist to the best of their powers the Mayor, Aldermen and certain citizens of Bristow to whom a Commission is awarded out of the Court of Admiralty to furnish and set to the seas certain ships for the repressing and apprehending of pirates haunting the seas between Silley and the port of Bristow.” Following this action, in 1565, for the first time Elizabeth appointed special commissions in every coastal county to “discover cases of piracy, and to report on receivers of plunder and identify all aiders and abettors, not least [of all] those selling rovers essential supplies.” This Privy Council act outlined in detail the duties of port officials and the offenses they were to prosecute. The act also stated that officials must report to the queen and Privy Council once a month with their findings. But much the same as before, these commissions had very little initial effect as numerous “aiders and abettors” still served as town officials, justices of the peace, and local officials of the Admiralty Court that had escaped punishment for decades and were still just as reluctant as they had been under Henry to turn in those making them great profits.

Admiralty law and its enforcers seemed indifferent to this despite the changing letter of the law under Elizabeth. The threat of more stringent prosecution for such offences did not encourage adherence to the law. However, as the number of reprisal letters and commissions increased in the late 1560s, Admiralty Court officials

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64 There were also a number of Dutch pirates operating in the North Sea, English Channel, and North Atlantic. See John Hattendorf, and J. Worth Estes, eds., War at Sea in the Middle Ages and the Renaissance, (New York: Boydell Press, 2003).
65 APC, 1558-1570, 164.
66 Henry had failed to establish such a system. APC, 1558-1570, 164. 62; Hattendorf, War at Sea, 78-82.
67 APC, 1558-1570, 278-290.
were no longer in charge of seamen’s fates. Men with letters did not have to bribe local officials and, since their actions were no longer illegal. The number of “aiders and abettors” decreased slightly simply from the change in legal language and punishment, but mostly from the decrease in the incidence of “piracy” due to Elizabeth’s encouragement of privateering.
Chapter 3:

On the Books
The effectiveness of Elizabeth’s privateering policies rested on her ability to establish her authority over her subjects. Therefore, on 11 December 1558, barely a month after coming to the throne, Elizabeth issued a general proclamation addressing the issues of reprisal letters under Mary I and piracy within the realm. Elizabeth had to make privateers from Mary’s reign beholden to the new queen. Mary had been very strict on piracy in the last few years of her reign. This interest of the queen came more from her husband then herself. Philip and Spain had many more ships at sea than England and had little physical protection. Stringent piracy laws and effective enforcement of those laws meant a great deal to a man looking to protect his treasure-laden fleets. Elizabeth, however, would change these practices.

Mary’s marriage to Philip had been unpopular in England. Aside from religious unease, the Spanish connection had brought England into the Franco-Spanish conflict. Though the marriage treaty had stated that “England shall not be entangled with the war between the emperor [Charles V] and the French king,” Mary did indeed join the fray. England and France had long been enemies and Mary was eager to please her husband. The marriage treaty stipulated that: “Philip, as much as he can, shall see peace observed between France and England, and give no cause of breach, but may assist in defense of his lands and revenge of his injuries.”68 On this last statement came the justification for English involvement. In June and September of 1556, the council to the king, and the king writing to Mary from Ghent addressed the presence of and attacks by pirates. Mary had immediately sent out ships against the pirates.69 This action began English intervention for the Spanish cause. On 9

69 Knighton, CSP Domestic, Mary, 124, 239-240. CSP 11/9, nos. 13, 33.
June 1557, Mary and Philip issued a proclamation licensing privateers.\(^70\) The proclamation allowed subjects to: “equip ships at their own charges for the annoyance of the French…without penalty.”\(^71\) Despite this licensure and its proposed purpose, the ships were not to be armed, nor munition taken from any ship.\(^72\) This proclamation was very specific and followed her earlier appeasement of Philip’s entreaties for the discontinuation of English attacks on his ships and their disruption of Spanish trade.\(^73\) Mary still remained more concerned with religious affairs in England than any other matter.

However, Elizabeth made a point to claim that any of these acts and letters issued under Mary “[were] by reason of the said Queen’s highness death determined, and of no force.”\(^74\) However, those men who, “going unto the seas…by color or pretence to repress, apprehend, and annoy [ships] without regard of duties belonging to good subjects [and] have invaded, spoiled, injured and robbed…her Highness’ subjects [as well as her] friends and [those] allied to her Majesty” will find themselves subject to “confiscation and forfeiture of their ships and goods, and of imprisonment of their bodies” should they continue in their practices.\(^75\) Any mission, whether “on warfare, merchandise, or otherwise,” required licenses from the high court of Admiralty.\(^76\) Finally, the proclamation ended with an entreaty to all officers to comply or “every of them will answer for the contrary at his extreme peril.”\(^77\) This

\(^{73}\) A number of Spanish complaints and letters can be found in the *CSP Domestic, Mary*, as well as *CSP Spanish*, for the same years.
\(^{74}\) Declaration 1558, EEBO.
\(^{75}\) Declaration 1558, EEBO.
\(^{76}\) Declaration 1558, EEBO.
\(^{77}\) Declaration 1558, EEBO.
proclamation did not specifically address pirates though it can certainly be inferred that they were the main target of this legislation. Even so, the avoidance of the term was obviously deliberate. By not labeling the men addressed here as “pirates,” Elizabeth gave them the benefit of the doubt. Her claim to the throne was unpopular enough without her attacking an influential group of her subjects by suddenly disallowing them a trade they had indulged in for years and attacking them with the connotation-laden term of “pirate” (though pirates were exactly what most of them were). It is also important to note that this proclamation did not proscribe any severe punishments for the offense of sailing without a proper license. The worst penalty was imprisonment as men could replace ships and thereby retrieve more goods. Additionally, this proclamation did not declare that men could not receive licenses anymore, but rather they simply had to bring their old letters to the Admiralty Court and receive new letters under Elizabeth’s seal. By offering only mild punishments for crimes of piracy, this proclamation did not greatly discourage the practice—it only altered the target. Elizabeth was not beholden to Philip and Spain as Mary had been and therefore she did not specifically restrict reprisals against Spanish shipping. More importantly, Elizabeth used this proclamation as an assertion of her own royal authority in reversing Mary’s policies.78

Two years later, in 1560, Elizabeth issued a proclamation meant to begin the process of controlling the practice of piracy. Numerous Spanish complaints flooded

78 Elizabeth and the Privy Council, later in December 1564, also rejected and pronounced void various licenses issued under Mary and Philip that allowed Englishmen to trade in Muscovy. APC, 1558-1570, 178.
the English courts and Privy Council and Elizabeth had to answer them. In the same vein as her 1558 proclamation, this proclamation remained moderate in treatment and language towards pirates by offering clemency to those willing to come forward. On report from “some of the subjects of her good brother the king of Spain,” Elizabeth acknowledged the large number of pirates operating along her shores despite “the severity of Justice” her Majesty’s courts prescribed for the offences. This wording is again important. As mentioned earlier, Elizabeth’s 1558 proclamation had provided for only mild punishments of pirates. But, Elizabeth chose to claim that she had in fact meted out severe penalties for piracy. Whether the Spanish believed these punishments were indeed severe is another story, did respond to Spanish complaints. In the 1560 proclamation she reiterated the invalidity of “certain old letters of reprisals” issued before 1558. This proclamation further stated that:

Before her Majesty will extend her force of arms or Justice against any of these sundry Pirates, her Majestie warneth them all to return with speed, either to their dwelling places, or to the next port that they may attain unto after the notice hereof, and there to geve knowledge of their names and dwelling places, and of all their enterprises done either by themselves, or by such in whole company they were, while they were upon the Seas.

If they did so, they would receive pardons from Admiralty Court proceedings they would have faced if captured by the Queen’s ships. Once again, in closing, the Queen charged her officers to “have a diligent and carefull eye” for any such piratical

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79 See various Spanish complaints of piracy in John Dasent, ed, Acts of the Privy Council of England, New Series, 1558-1570, (London: Eyre and Spottiswoode, 1893), vol. vii, 23; Stevenson, ed, Calendar of State Papers Foreign, 1558-1559; Calendar of State Papers Spanish, 1558-1567; Lemon, ed, Calendar of State Papers Domestic of Edward, Mary, and Elizabeth, 1547-80, 85, 85, 86, 136, 164, 169, 176, 203, 219, 226, etc. Though the largest numbers of complaints were still to come.

80 Declaration 1560/1, EEBO.

81 Declaration 1560/1, EEBO.

82 Declaration 1560/1, EEBO.

83 Declaration 1560/1, EEBO.
offences “as [officials] will answer for the contrary at their utmost peril.” Elizabeth acknowledged Spanish complaints and made political overtures to address the subject of those grievances, but the 1560 proclamation was even less threatening than that of 1558. Before issuing any more “severe” punishments for piracy, Elizabeth first gave all pirates an opportunity to turn themselves in and legalize their exploits. Submission to Elizabeth’s royal authority was emphasized over actual punishment. With this legislation Elizabeth also began to draw the thin line between pirates and privateers.

As in the previous document, Elizabeth remained very conciliatory towards pirates in her realm. She offered them a way to escape prosecution simply by returning to port and admitting their transgressions. Records of identified pirates could also serve as a pool of potentially useful privateers in the future. If pirates did as suggested, “her Majesty [would be] content to show favor and mercy” to them. Should they not take this opportunity, they would be suffer “extreme punishments as they [had] deserved, to the example of all others” though none of these “extreme punishments” were specified. Matters of religion within England, especially during the first years of Elizabeth’s reign, often overshadowed any of these proclamations on piracy and Admiralty Court issues and thereby also overshadowed any efforts to enforce such legislation. This is part of the reason behind the language of the documents. Elizabeth did not have the time and resources to effectively deal with these problems and hoped that by enticing pirates to gain new letters and turn in other

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84 Declaration 1560/1, EEBO.
85 Declaration 1560/1, EEBO.
86 Declaration 1560/1, EEBO.
pirates with the promise of pardon for their own actions that she might be able to remedy the problem to some extent.

Another reason for the lack of enforcement in these cases lay simply in the fact that Elizabeth realized that damage done to a powerful but potentially antagonistic country like Spain was not all bad. Should England and Spain become full-blown enemies, the damage done to Spanish shipping by pirates would work to England’s advantage. There was little reason for Elizabeth to alienate a part of her population that she could use quite productively should diplomatic measures with Spain fail. Furthermore, as Elizabeth had decided against building a Royal Navy, she realized that she may need these men and their ships in the future. Therefore, she certainly did not want to imprison or execute them unless she absolutely had to. Besides, if these pirates confined themselves to piracy only against foreign countries, England could benefit from the revenue from their exploits. At the least, her subjects, and the Spanish ambassadors, could not complain that she did make any efforts to act on their complaints. This practice of appeasement would continue to help Elizabeth on an even larger scale in the coming years.

A number of Spaniards also found themselves subject to these laws. On 25 February 1563, special commissioners of the Admiralty Court heard a number of complaints from Spanish subjects seeking return of goods and reprisal for spoiled goods and ships.87 The English Court ruled that the Spanish had seized other goods “contrary to [the Queen’s] proclamation” and they therefore forfeited their goods

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87 See, for example, ACP, 1558-1570, 106, 107; CSP Domestic, 1547-1580.
stated in this particular case. Such proceedings did not satisfy Spain and in 1564, Philip sent an ambassador to propose a conference at Bruges to discuss maritime jurisdiction. Philip objected to the English “constituting themselves judges of the seas as the high seas were common property.” Interestingly, a decade prior, when the Spanish had quarreled with the French over a similar situation, the Admiralty Court had been proposed as “a suitable tribunal” to try the case as England possessed the only maritime court system in Europe. This case referred to occurred in 1554. In that year, a French man-of-war captured a Venetian ships bound for Antwerp. At this time Spain, under Charles V, was at war with France. Venice was not part of Charles’ Italian holdings but the French still captured the ship on the grounds that it carried vital supplies to Spanish assemblies in the Netherlands. After the French had taken the ship, Dutch pirates then captured the French. The Spanish and French appealed to the English courts as to the Dutch’s legal claim to the goods. The courts ruled that the Venetian ship was never lawful prize to the French, therefore the Dutch could not retain it. Venice recovered its goods. This case served to legitimize English maritime courts’ authority yet again. Philip’s father had recognized English maritime jurisdiction once and the English continued to argue that they had precedent for such claim since they had held such jurisdiction since the reign of Henry VIII. Under Henry, English jurisdiction generally only included the waters immediately surrounding England but with this particular 1544 case, the courts’ rule expanded and supported the Elizabethan argument for maritime jurisdiction.

89 Calendar of State Papers Spanish, 1558-1567, 356-357.
90 Calendar of State Papers Foreign, 1547-1553
91 Knighton, CSP, Domestic, Mary, 11/4, no. 42, 385.
The Elizabethan Admiralty Court had grown substantially since that time and with the expansion of English maritime endeavors into the Atlantic, New World, and to the Indies, English courts saw it as only natural to extend their jurisdiction to all maritime affairs affecting English property and subjects. Philip saw this as an audacious and illegal move on the part of the courts and Spain’s relationship with England greatly changed in the course of the decade. Mary no longer sat on the English throne and Philip could not expect a favorable judgment from the court now. Legally, however, Philip had no other recourse but to officially accept the English court’s decision as he tried to hold on to some semblance of amity with England.

Rising tensions with the Spanish contributed to the issuance of yet another piracy proclamation on 31 July 1564. The opening of this proclamation asserted the Queen’s “good and perfect peace with all Princes and Countreys” and her desire “with the assistaunce of almighty God, to continue in the same.” Specifically addressing the Spanish situation of the previous year, Elizabeth commanded that “all manner of ships and vessels armed for war…shall with all speed return from the Seas and unarm themselves.” The English claimed the right to seize ships that came into English ports or threatened the Channel with guns unless they had “already given good and sufficient surety not to offend any of the Subjects of the Kings and Princes with whom her Majesty [was] in amity.” Again, the language of this proclamation is extremely important especially considering the rising tensions in the Netherlands. This proclamation would be crucial to English maritime policy in a few very short years from its publication. In asserting the English right and practice of protecting

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92 1564 Proclamation, EEBO.
93 1564 Proclamation, EEBO.
94 1564 Proclamation, EEBO.
not just English subjects, but all of the subjects of England’s allies from attack and spoil at sea, Elizabeth claimed the right to protect shipping and prevent threats upon the Netherlands as the Dutch were subjects of the Spanish king. Elizabeth and her “good brother” Philip claimed alliance and Philip had no grounds to argue against this legislation. After all, Elizabeth claimed she was protecting his subjects.

Though Philip could not argue with the first part of Elizabeth’s 1564 proclamation, he no doubt had concerns about the second assertion of the Queen. Whereas the Queen maintained that no ships in the Channel should carry arms, she gave allowance to English ships to arm themselves if necessary, as long as their captains obtained permission from the Crown, and promised to keep the “common peace.” Elizabeth therefore asserted that only English ships had license to arms themselves. If only English ships were armed they would certainly control the Channel. Needless to say, this portion of her proclamation did little to curb piracy. First, other nations’ ships paid little heed to the Queen’s statements as they did not recognize her authority. By offering Englishmen the opportunity of obtaining license to arm themselves on top of the licenses for reprisal she afforded them in previous declarations, Elizabeth laid the foundation for privateering. Still, Elizabeth did not openly encourage privateering. In 1565, the special commissions she established to “discover cases of piracy” did little to pirates but again showed her willingness to address foreign grievances by taking more steps towards curbing piracy.

Events in the Spanish Caribbean in 1568 changed the nature and importance of Elizabeth’s earlier proclamations concerning piracy. Due to the activity of English
pirates, Spain had lost numerous shipments of gold and silver from their colonies meant to finance Spanish efforts in subduing the Dutch.\(^{97}\) England and Spain had debated nations’ rights to trade for years. Elizabeth had never accepted Spanish sovereignty on the seas and had in fact asserted sovereignty over the Channel. The English argued that the seas were free and Englishmen had the right to trade “where there was water to float [their] ships” while the Spanish continued to cite centuries-old papal bulls, royal proclamations, and the theory of occupation to affirm their sole right to trade with their possessions overseas.\(^{98}\) In 1561, Philip’s ambassador informed him that Cecil, Elizabeth’s secretary, had claimed that “The Pope had no right to partition the world and to give and take kingdoms to whomever he pleased.”\(^{99}\) This statement again expressed English disregard of Spanish claims when it came to trade for as the ambassador also wrote Philip: “Nothing will bring these people to their senses. They claim to have a right to go to all lands or provinces belonging to friendly states without exception.”\(^{100}\)

The English had already answered Portuguese ambassadors who complained about Englishmen trading along the coast of Africa with the argument that only effective occupation meant the English could not trade in a particular place. So long as English traders stayed away from forts and traded with independent parties, they could go wherever they pleased.\(^{101}\) Such beliefs underpinned Admiralty Court decisions as evidenced earlier. Since the English Admiralty Court handled practically

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\(^{97}\) To be fair, a number of Dutch pirates also attacked Spanish shipping during this time. However, Philip, due to religious issues, English interaction in the Netherlands, and the impossibility of bending Elizabeth to his will after he had enjoyed such power over English politics with Mary, concerned himself more with the English pirates and Elizabeth in turn made that concern necessary.


\(^{100}\) Quoted in Woodrooffe, *Enterprise of England*, 26

all complaints of piracy and reprisal, they more often than not found for their 
countrymen. Spaniards constantly found themselves on the losing end of these 
decisions. Philip could not ignore the partiality of the English courts. Additionally, 
as the Admiralty Court had grown under Elizabeth, it extended its jurisdiction to 
include the expanding areas of English trade in the Atlantic, the New World, and the 
Indies. This gave English pirates the opportunity to broaden their operations and 
attack every avenue of Spanish trade. Facing bankruptcy because of English pirates 
on top of the enormous expenses to maintain his large empire, Philip constantly 
complained to Elizabeth and demanded her intervention in the matter. The Queen 
offered him only lip service and ambiguous proclamations and commissions.

Annoyed that Elizabeth did little to stop English pirates, in September 1568, 
Philip approved an attack on an English fleet led by John Hawkins in the port of San 
Juan de Ulúa, the entrance to the harbor at Vera Cruz in New Spain.\footnote{Present Day Mexico, Gulf of Mexico coastline, 300 miles from Mexico City. Doran, \textit{Elizabeth I and Foreign Policy}, 28. Hawkins, especially in the eyes of the Spanish, was a pirate.} Hawkins’ 
fleet had come to the New World to sell slaves acquired from the African coast—a 
trade Philip had explicitly denied to Englishmen based on the Treaties of Tordesillas 
and Crépy.\footnote{After delivering and selling his slaves at the port of Santa Marta and various other ports along the 
Mexican coast, Hawkins’ fleet began the trip back to England in August, 1568. A series of storms 
forced the ships south towards the Caribbean and Hawkins had to take shelter in the Spanish port of 
San Juan de Ulúa. Having claimed the sole right to this trade, the Spanish highly resented the flagrant 
disregard of their authority—especially since Hawkins’ shipments created a price competition in what 
had been a Spanish monopoly.} Elizabeth paid little heed to Philip’s declarations and did not 
discourage individuals from pursuing various trade missions. She even lent Hawkins 
two 700 ton ships to undertake the voyage.\footnote{Philip Gosse, \textit{Hawkins: Scourge of Spain}, (New York: Harper Brothers, 1930), 12.} With royal ships as escorts, such
voyages lost their peaceful appearance and by setting out armed seemed almost
“designed to fight.” Hawkins voyage in 1568 was one such expedition. Elizabeth
could continue to turn a blind eye to the attacks and skirmishes that always seemed to
accompany Hawkins’s ventures (and others like him), but she knew well enough what
these privateers did while on the seas.

Before Hawkins had left Plymouth Sound in England to begin his voyage to
the Indies, several Spanish warships had approached the harbor while his crew
prepared for their journey. As the fleet lay in harbor, seven Spanish warships
entered the sound. Already on guard as he was aware of de Silva’s suspicions of him
and the international complications brought about by his voyages, Hawkins observed
the warships closely and told his own ships and crew to make ready in case of a fight.
Custom dictated that ships should lower their flags when approaching an ally’s fleet
as a mark of respect but the Spanish ships, due to their own arrogance (according to
English sources) towards the Englishmen and in defiance of English expectations, did
not strike their flags in the presence of Hawkins’ fleet. Rather than arrogance, the
Spanish ships’ actions were conceivably meant to be a provocation. They wanted the
English to fire first.

The Proclamation of 1564 acknowledged that English commerce needed protection and ships could
equip themselves for such purposes. For larger scale commercial voyages like those undertaken by
Hawkins or various other English merchants and traders, endeavors that Elizabeth herself often
invested in, Elizabeth even lent her royal ships to “stiffen” the professedly peaceful expeditions.
CT: Greenwood, 1927), 132-133.
Either way, taking the action as an insult, Hawkins ordered his men to fire upon the “insolent flag” until the Spanish finally struck their flags. After putting in to anchor, the commander of the Spanish ships, the Flemish Admiral Baron de Wachen, sent emissaries to Hawkins conveying Wachen’s “great surprise at being fired upon in a friendly port.” Ever the politician, Hawkins replied that “great as [is] the friendship between [Englishmen] and the subjects of King Philip,” any who entered an English port must obey the known rules and authorities. Stating his position as commander of the Queen’s ships, Hawkins claimed that he had simply done his duty in enforcing such obedience. Hawkins also declared that he “had rather Her Highness found fault with me for keeping her ships and people to her honour, than to lose them to the glory of others.” In light of this earlier incident, Hawkins was certainly worried about the consequences of docking his ships in San Juan. Elizabeth had reprimanded him for his actions at Plymouth and instructed him to change his behavior if he found himself in such a position again. Hawkins did find himself in such a position again at San Juan with his hands tied by the Queen’s reaction to Plymouth.

On 16 September, Hawkins made his way to San Juan and immediately dispatched a letter to the governor of Vera Cruz explaining his situation:

112 *State Papers Domestic, Elizabeth*, vol. 44, no. 13.
113 Williamson claims that the tragedy of San Juan was “predestined from the day which saw de Wachen brought to anchor.” *Hawkins*, 136.
I have touched in your island only to the intent to refresh my men with fresh victuals, which for my money or my wares you shall sell me, meaning to stay only 5 or 6 days here at the furthest. In the which time you may assure yourself, and so all other, that by me or by any of mine there shall no damage be done to any man; the which also the Queen’s Majesty of England, my mistress, at my departure out of England commanded me to have great care of, and to serve with my navy the King’s Majesty of Spain, my old master, if in places where I came any of his stood need.  

By making the decision to come to terms with the governor rather than destroy the Spanish fleet on sight, Hawkins made the distinction “between compulsory trade and flagrant piracy.” At the least, he obeyed his queen and avoided another act of war. The English certainly put it to good use alongside their arguments for the right to trade on any sea. Of course, the Spanish saw things quite differently. No matter how friendly or innocuous Hawkins claimed his intentions to be, tensions still ran very high between the two parties. How could the Spanish allow this pirate and enemy of Spain to receive safe harbor? Yet, how could they justify attacking him after his request for a truce when the two sides were not technically at war? Certainly the incident at Plymouth was in their minds.

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Letter quoted in Gosse, *Scourge of Spain*, 60-61. Hawkins’ father, William, had served as a member of Parliament for Plymouth in 1539, 1547, and 1553. In 1554, Mary pardoned him for his alleged involvement in a plan to keep Philip II from landing in Plymouth. He also helped build ships for Mary, the most notable being the Jesus of Lübeck that his son would make famous. *DNB*, Basil Morgan, “William Hawkins.” William’s service under Mary and Philip allowed John, who had accompanied his father on numerous trading voyages until his father’s death in 1555, to claim that he had once called Philip “master.” Hawkins had also continued trading on his own during Mary and Philip’s reign.


116 Hawkins explained his situation and assured the governor he had come in peace and would pay the current prices for all of his provisions, water, and ships’ materials. As soon as the repairs were completed, he would leave the harbor and never return. “True Declaration,” found in Beazley, *Voyages*, 96-97.
The next morning, a Spanish merchant fleet from Seville escorted by two warships arrived at the mouth of the harbor. Hawkins sent immediately to the general of the fleet that: “Before [Hawkins] would suffer [the Spanish fleet] to enter the port, there should be some order of Conditions passed between us, for [the English fleet’s] safe being there, and maintenance of peace.”\textsuperscript{117} The urgency of Hawkins’ attempts for an agreement with the government was heightened by this Spanish presence. Finally, after three days of negotiations with the new Viceroy of New Spain, Don Martin Enriquez, Hawkins received permission to complete his repairs and leave. In exchange, he allowed the Spanish ships to enter their harbor.\textsuperscript{118} After three days, Hawkins and the Viceroy reached an agreement including the exchange of ten hostages. “Forthwith a trumpet was blown” to signify the conclusion of the truce talks and each side saluted one another “as the manner of the sea [required].”\textsuperscript{119} However, by 23 September, Hawkins noticed that the Spanish had cut new ports in the sides of the largest merchant ship.\textsuperscript{120} This served as proof of the “accustomed treason” of the Spanish that Hawkins had feared.\textsuperscript{121} Robert Barrett, the master of Hawkins’ flagship was sent to complain about these actions by the Spanish and, on his second trip to protest the activities of the Spanish, Enriquez arrested Barrett and gave the order for attack.\textsuperscript{122} Both sides suffered extensive damage and lost ships. The Spanish killed several Englishmen in the town, men were lost on both sides during the sea fight, Hawkins sank one Spanish ship-of-war and burned two others,\textsuperscript{117} Hawkins, as quoted in Beazley, Voyages, 97.\textsuperscript{118} Gosse, Scourge of Spain, 14-16. See also Williamson, Hawkins, 132.\textsuperscript{119} Hawkins, as quoted in Beazley, Voyages, 99.\textsuperscript{120} Williamson, Hawkins, 134; Gosse, Scourge of Spain, 91-92.\textsuperscript{121} Hawkins, as quoted in Beazley, Voyages, 98.\textsuperscript{122} Williamson, Hawkins, 134. Barrett was later burned at the stake in the Inquisition. Williamson, Age of Drake, 91.
and the Spanish destroyed Hawkins’ flagship—the Queen’s ship—the *Jesus of Lübeck*. Francis Drake, Hawkins’ cousin and second in command, managed to make his way back to England on 20 January 1569. Hawkins arrived at Plymouth on 15 January 1569 and reached London on 4 February 1569.

These attacks on Hawkins’ fleet enraged English sailors and many of Elizabeth’s councilors. The “hotter” Protestants of England saw this act by the Spanish as a declaration of war and justification for a crusade against the Spanish. But cooler heads prevailed and Elizabeth was able to avoid an open declaration of war. She sent letters to Philip expressing her regret for this incident. Philip accepted her overtures of peace partly because he recognized that his agents’ held some guilt in the matter, partly because he found himself consumed with other pressing matters in the Netherlands and in the Eastern Mediterranean, and he feared an unchecked full-scale privateering campaign. One less enemy was readily welcome. Still, all the while she offered peace, Elizabeth encouraged English merchants to remain involved in African and New World trade and began issuing the first privateering commissions against Spain.

The “troublesome voyage” of Hawkins ended all hopes of recognized English trade in the Indies. Williamson argues that it also ended any shred of alliance and amity between England and Spain. It was an important turning point in Anglo-Spanish relations as the English never forgave the “treachery of San Juan,” but the

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125 Gosse, *Scourge of Spain*, 92.
126 Williamson, *Age of Drake*, 93
issuing of commissions in and of themselves did the most to strain Anglo-Spanish relations. Letters of reprisal against Spanish ships had been issued for decades. Evidence for the issuance of a reprisal letters had to be brought before the Admiralty Court and such letters could only be issued for the amount of goods lost. The new letters of marque and commissions that Elizabeth now issued contained no such limitations. Hawkins’ voyage and diplomatic entanglements and distrust that followed it helped to spur this practice. It can be easily argued that after 1568-1569 a state of war existed between the two powers despite the continued diplomatic and political maneuverings of both sides in the 1570s. Spanish actions in San Juan created a privateering fervor in England and Elizabeth obliged eager captains with licenses. She even invested in a number of expeditions herself.127

In the midst of this fervor, in November 1568, Spanish ships carrying bullion supposedly amounting to upwards up £150,000 to pay troops under the Duke of Alva in the Netherlands took shelter from bad weather in the Channel in English ports.128 English authorities, eager to seize this opportunity, and in full knowledge of the fact that Spain had borrowed the money from Genoese bankers, instantly raised questions about the ownership of the bullion. Legally, the money belonged to the Genoese still as the loan did not become effective until the money reached Antwerp.129 The English exploited this technical loophole. As a “precaution against theft,” English authorities had the treasure unloaded.130 Don Gerau de Spes, the Spanish ambassador

128 Amount of the loan stated in Pollard, Political History, 284. CSP Foreign, 1569-1571.
129 Williamson, Age of Drake, 99.
130 Ramsay, Queen’s Merchants, 103.
in London, believed that Elizabeth had confiscated the treasure for the express purpose of damaging Spanish efforts in the Netherlands. De Spes was likely correct in this assumption but the seizure of the Spanish bullion was also in response to the recent attack at San Juan and the gold became a hostage for reparations.

On 3 December 1568, Hawkins brother William had written to Secretary William Cecil claiming that he had received news of the destruction of his brother’s fleet in the Indies. William Hawkins pushed for a “stay [to be] made of King Phillip’s treasure…in these parts, till there be sufficient recompense made for the great wrong offered, and also other wrongs done before this.” Elizabeth and Cecil had no official news of Hawkins’ defeat, therefore, they could not assert rights to the Spanish treasure based on reprisal for that mission. Legally, they already had a good defense for their seizure of the Spanish bullion. De Spes, however, frustrated that he could not prove his initial beliefs that Queen had acted on hearsay accounts of San Juan and scoffing at the English courts’ assertions of a need to protect the treasure from pirates, reacted forcefully in December when he convinced Alva to confiscate English ships and property in the Netherlands as means of reprisal. Existing treaties stated that an arrest of English goods was lawful only after a formal complaint of grievance and denial of redress. The Spanish carried out no such process before confiscating English goods. For this reason, Elizabeth could technically claim “a breach of treaty and unwarranted aggression” which gave her justification for seizing

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131 Ramsay, *Queen’s Merchants*, 103.
132 Beazley, *Voyages*, vol. 1, 83.
133 Beazley, *Voyages*, vol. 1, 84. From the *State Papers, Domestic, Elizabeth*, vol. 48, no. 50.
134 Beazley, *Voyages*, vol. 1, 84. From the *State Papers, Domestic, Elizabeth*, vol. 48, no. 50. The embargo by Alva began on 29 December 1568. Oakeshott, *Founded Upon the Seas*, 50; *CSP, Foreign*
Spanish goods in England and placing de Spes under house arrest for his part in the affair.\textsuperscript{136} Since Brussels consorted with the Spanish in this matter, Elizabeth had the right to seize their goods abroad as well.\textsuperscript{137} This entire situation was a crucial breaking point in Anglo-Spanish relations putting the nations on the brink of war. Legal maneuvering and written correspondence had thus far helped to delay any open aggression but now, with the physical responses of both nations in seizing one another’s ships coupled with the events at San Juan, the possibility of war drew closer than ever.

On 6 January 1569, all trade was suspended between England and the countries ruled by Spain.\textsuperscript{138} Elizabeth’s proclamation referred to “circumstances relating to the arrest of her subjects, and their goods in the Low countries” and protested that their seizure “was done in retaliation of the stay of certain Spanish ships and money [and] was not correct.”\textsuperscript{139} The proclamation further claimed that “the said [Spanish] vessels were protected from the French.”\textsuperscript{140} Asserting her authority, Elizabeth also stated that: “by all lawful custom and usage she had a right to borrow the said money, it being the property of private merchants, and being saved from the perils of the sea on her territory.”\textsuperscript{141} Though this action may seem defensive on the part of Elizabeth, it was arguably her first offensive move towards official

\begin{footnotes}
\footnotetext{136}{MacCaffrey, \textit{Shaping of the Elizabethan Regime}, 188-195; Williamson, \textit{Age of Drake}, 99. CSP, Foreign, 1569-1571, 11, no. 41}
\footnotetext{137}{Ramsay, \textit{Queen’s Merchants}, 90-111.}
\footnotetext{139}{CSP Foreign, 1569-1571, 5.}
\footnotetext{140}{CSP Foreign, 1569-1571, 5.}
\footnotetext{141}{CSP Foreign, 1569-1571, 5.}
\end{footnotes}
involvement in the Netherlands and acceptance of the likelihood of war with Spain—
though she would certainly continue to delay that war as long as possible.

Even though this move was offensive, Elizabeth still shrouded it in a flurry of
diplomatic activity expecting, or rather hoping, to continue to avoid war through
diplomatic means. On 18 January 1569, Elizabeth wrote to Philip expressing sorrow
for the “turbulent condition” of his Dutch territories. \(^{142}\) After this opening, she
complained of Alva’s seizure of English goods and men “in direct violation of
different treaties.” \(^{143}\) She closed the letter by expressing her “good will and desire
for keeping peace.” \(^{144}\) Elizabeth showed Philip that she regretted recent events
though she felt she had reason to act as she did, and she also showed that she
remained open to negotiations with the King.

The closing months of 1568 had a profound effect on English policy in
coming years. The events at San Juan and Elizabeth’s response demonstrated the
inevitable intertwining of the issues of maritime law and foreign policy. It was quite
clear from this point on, policies towards the Netherlands, towards pirates, and
towards Spain could no longer be separated despite Elizabeth’s rhetorical efforts to do
so. Elizabeth could no longer ignore attacks on Spanish shipping and constantly had
to answer Philip’s complaints and demands for reparation. More importantly, piracy
had now developed into an official aspect of the Queen’s policy and she devised new
ways of exploiting it. Legal distinctions helped Elizabeth maintain her public, neutral
position towards Spain alongside her behind-the-scenes efforts to undermine Spanish

\(^{142}\) CSP Foreign, 1569-1571, 15, no. 58
\(^{143}\) CSP Foreign, 1569-1571, 15, no. 58
\(^{144}\) CSP Foreign, 1569-1571, 15, no. 58
power. Furthermore, this legislation increased Elizabeth’s authority over matters of the state without her having to rely on and acquiesce to Parliament.

By 1569, all of these issues had also become entangled with religion, trade, and diplomacy. One example of the intertwining of these events can be found in the Northern Rebellion of 1569. A group of nobles, encouraged by Spain and Pope Pius V, began a rebellion to overthrow Elizabeth. The pope had even expressed his intent to issue a formal bull denouncing Elizabeth. On 25 February 1570, Pope Pius issued the Regnans in Excelsis bull excommunicating Elizabeth and any subject who remained loyal to her. Unfortunately for the rebels, the bull did not become public until after the rebellion had already been put down. Elizabeth had called for the surrender of the rebel earls on 22 December 1569. By 30 December, most of the rebels were in custody. The rebellion found less support than Spain and the pope had anticipated—due in large part to the policy of non-resistance and civil obedience voiced by earlier Catholic officials. Perhaps because of the failure of the rebellion, Philip denounced the papal bull and thereby kept his peace with Elizabeth.

De Spes wrote to Philip that the English “demand [that they] shall enjoy their liberties…that they shall be free to go with merchandise to the Indies, and neither in Flanders nor in Spain shall they be molested in person or property for their

145 Papal aid offered in CSP, Foreign, 1569-1571, 212, nos. 784-785.
147 CSP, Foreign, 1569-1571, 155, no. 556.
148 CSP, Foreign, 1569-1571, 157-158, no. 566.
149 See page 6. Pope Gregory XIII, in 1580, issued an addendum to Pius’ bull stressing civil obedience until a more suitable opportunity for the overthrow of the Queen presented itself. See Fletcher, Tudor Rebellions. See also CSP Domestic, Foreign, and Spanish for terms and responses to Gregory’s bull.
150 Similar to 1559, Philip decided against action in England. Parker, Grand Strategy, 149.
According to de Spes, these were “absurd pretensions,” just as the previous arguments of the English to trade rights upon the sea were fallacious and illogical. Philip also thought it absurd that the English ambassador expected to follow his own religion in Spain since the Spanish Inquisition was meant to make the position of heretics intolerable in Spanish dominions. Philip expanded his restriction to Spanish colonies thus attaching religious justification to his prohibition of English trade “on pain of death.”

Following these principles, Philip also expelled Elizabeth’s ambassador Dr. John Man from Spain. “That dogmatising scamp,” as Philip called him, had no entitlement to insist upon his right to English church service or to make disrespectful comments about the pope. As Pollard claims, this policy “provoked the counterresolve to make an end of Spanish dominion” whenever and wherever possible. Increasingly aggressive English commercial expansion assumed a “character of a political and religious contest” lacking elsewhere for the English (particularly referring to the Netherlands). Even so, English maritime expansion remained more political than religious. Englishmen could use religious beliefs as justification for encroaching upon and raiding Spanish shipping but anticipated revenues outweighed religiosity. Philip continued to deny Englishmen trading rights but English privateers, encouraged by Elizabeth, continued to defy his authority to do so.

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151 Spanish Calendar, ii, as quoted in Parker, Grand Strategy, 194-195.
152 Spanish Calendar, ii, as quoted in Parker, Grand Strategy, 194-195.
154 Quoted in Pollard, Political History, 312.
155 Quoted in Pollard, Political History, 285. Man had supposedly called the Pope a “canting little monk.” Quoted in Parker, Grand Strategy, 156.
In 1569, Elizabeth found herself at another important crossroad. She had encouraged sailors and pirates like John Hawkins and Francis Drake to continue trading in and with the Spanish colonies but Philip had become much more vocal and threatening about the consequences of these actions should Elizabeth openly support such a policy. Such complaints had led to back-and-forth seizures of ships and embargoes. Even official commissions based on documented reprisal hearings did not change the matter. Though much of her council pushed for a continuance of these and even more aggressive policies, Elizabeth still did not believe that her forces could withstand a war with Spain at this time.

In light of all this, in August 1569, Elizabeth and her council issued a proclamation “against the maintenance of Pirates.” The proclamation called for the “staying, ceasing, and suppressing of all occasions of piracies” and for the prosecution of those who received “private gain or favor by feigned colors or pretence of ignorance” in cases against pirates. Additionally, Elizabeth declared that citizens could not offer provisions or relief to “[any] maner of person coming from the sea” unless the merchants unloaded their goods according to the laws of the land and captains paid duties on their goods. These measures targeted corrupt port officials and local Admiralty court judges and provided evidence of rampant corruption. With this proclamation, Elizabeth also made citizens accountable for the continuance of piracy by ordering that any merchants who ignored port and piracy

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157 See various CSP, Foreign and Domestic for this year.
160 Elizabeth, Maintenaunce, EEBO.
161 Elizabeth, Maintenaunce, EEBO.
laws would be prosecuted as pirates themselves. Such a position constituted a severe departure from established practice before 1569. Not only was the government targeting pirates, but also those who enabled them. There was a need to curb piracy and since previous legislation had not deterred pirates, the government had to find another way to do so. By undertaking a campaign against the infrastructure of piracy, Elizabeth and her council hoped to weaken support for piracy and assert her authority at the same time. These proclamations were not aimed at eliminating piracy altogether. Rather, as with the previous proclamations of 1558 and 1560, Elizabeth aimed to focus acts of piracy against non-English shipping and, by offering legal recourse/legitimacy for pirates, she hoped to bring pirates more under her control—fostering a sort of allegiance in exchange for this legitimacy and remission of punishment. These actions did not constitute a constructive response to Philip’s entreaties.\(^{162}\)

But there was yet another purpose behind this proclamation. In light of the success of the Sea Dogs,—men like Hawkins, Drake, and Martin Frobisher who constantly sailed the Atlantic in search of Spanish ships to attack in the name of

\(^{162}\) In fact, a number of scholars claim that Elizabeth had no clear of constructive foreign policy at all. Charles Wilson is among this group that claimed that Elizabeth simply “muddled” her way through international politics. Wilson, *Revolt of the Netherlands*, 6.

R.B. Wernham also supported the belief that Elizabeth had no distinct policy. He deviated from Wilson’s depiction of Elizabeth in that he, along with Thomas Woodroffe, believed that even though Elizabeth had no clear or even aggressive foreign policy plan, she did at least fully recognize and exploit her situation. Wernham, *Making of Policy*, 420; Woodroffe, *Enterprise of England*, 60.

As Maria Perry argued, Elizabeth pursued numerous avenues of policy in an attempt to reconcile with Spain. When those failed, Elizabeth fell back on her previous policies and worked to mold them to her needs. Perry, *Prince*, 230. Elizabeth may not have had an overarching plan, but her ability to adapt her policies and strike at Spain in more subtle, yet still deliberate ways, proved to be just as effective a policy. She found a foreign policy that cost her little, gained her control over her subjects and finances, while all the while allowing her to sidestep the radical Protestants in Parliament and do as she pleased.
England—a large number of former pirates saw a way to become legal and make money at the same time by simply gaining commissions from the Crown and confining their exploits to Spanish shipping. Supporting this claim, Gosse claimed that:

If Elizabeth was on the whole severe with pirates operating in home waters, she was more than indulgent with those who venture further afield. As the national hostilities with Spain increased, she shut her eyes to their aggressions against the Spaniards.  

By issuing such a proclamation, Elizabeth not only addressed the complaints of her own subjects, but more importantly, she publicly addressed the complaints of the King of Spain. Philip could not argue that Elizabeth had not made an attempt to curb the practice of piracy by Englishmen. England’s Admiralty Court remained rife with corruption and a system of bribes and favors persisted. Pirates also skirted this legislation quite often by operating with letters of reprisal. The majority of pirate legislation in England from 1568 until the early 1580s served more to appease Spain than actually address problems in English ports. And, as always, behind the obvious aims of this legislation in regards to Spain, it also served to strengthen Elizabeth’s control over her subjects.

Ostensibly, these reforms did work. A 1570 proclamation claimed that “no manifest Pirates [were] known at this present to resort [or report] to any her Majesty’s Ports.” Those found had been executed. To ensure continued success in capturing pirates, Elizabeth ordered that previous proclamations be “newly published

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163 Gosse, *History of Piracy*, 113. Proof of this fact lies in the numerous entries about piracy complaints in the Calendars of State Papers and Acts of the Privy Council for Elizabeth. Dozens of entries contain complaints and requests for reprisal and/or reimbursement, but very few entries actually contain judgments awarding such requests.

164 1570 Proclamation, EEBO.

165 1570 Proclamation, EEBO.
observed."\(^{166}\) This proclamation actually asserted that previous legislation had reduced piracy. This assertion, in part, served as an answer to Philip’s complaints that piracy remained unchecked in English waters. However, the success claimed in this 1570 proclamation does not seem evident in yet another proclamation of 1 March 1571.

In this document, the Queen “command[eth] all the Sea Rovers, commonly called Freebooters…to depart, and avoid all her highness’ Ports, Roads, and Towns, with all speed…not to return to any of the same again."\(^{167}\) As stated in previous proclamations, any of these “Sea Rovers” or pirates that were captured, would forfeit their ships and goods and face imprisonment.\(^{168}\) As “manifest breaker[s] of the common peace between the Realme and other Realms and Countries,” these men would also find themselves subject to martial law, not just the civil law of the Admiralty Court.\(^{169}\) Concluding this proclamation, Elizabeth stated that any English who, found assisting the Freebooters, denied his involvement, would “suffer death by Martial law."\(^{170}\) Confession meant a pardon for their offenses.\(^{171}\) Still, as ever before, little evidence exists to suggest that Elizabeth or the courts spent a great deal of time and energy enforcing these laws. Piracy against English shipping dwindled but attacks on Spanish shipping did not. In fact, they multiplied prompting Don Gerau De Spes, the Spanish ambassador, to write in 1570 that:

The whole Channel from Falmouth to the Down is infested…They [pirates and rovers] assail every ship that passes, of whatever nation, and after

\(^{166}\) 1570 Proclamation, EEBO.

\(^{167}\) 1571 Proclamation, EEBO.

\(^{168}\) 1571 Proclamation, EEBO.

\(^{169}\) 1571 Proclamation, EEBO.

\(^{170}\) 1571 Proclamation, EEBO.

\(^{171}\) 1571 Proclamation, EEBO.
capturing them equip for their own purposes, by this means continually
increasing their fleet, with the intention on the part of the queen thus to make
war on his majesty through these pirates without costing her anything and
under the specious pretence that she is not responsible. 172

De Spes hit on the Queen’s exact intentions. With her own navy in disrepair she did
not have the strength to oppose Spain openly but pirates could fight her war for her.

Philip seemed to share de Spes’ opinion. Writing to Alva in January of 1570,
Philip “angrily” reminded his commander of the recent confiscation of Spanish goods
(the Genoese loan). He also reminded Alva of the fact that Elizabeth had welcomed
Dutch rebels and had “licensed attacks on any ships sailing through the Channel
under Spanish colors.”173 Philip claimed that: “By contrast, the damage which she,
her kingdom and her subjects have received from us is so little that it hardly
counts…so that one could justly say that she has declared war on us, but we are at
peace with her.”174 Claims in the Admiralty Court and Privy Council for Spanish
losses for these two years alone were in the hundreds of thousands of pounds.175

Seeming to have forgotten the Spanish attack on John Hawkins two years
prior, Philip disregarded his own culpability in the situation. Still, neither side
declared war and Elizabeth continually issued proclamations that ostensibly
addressed Spanish complaints.176 Philip had reason enough to justify war against
England based on Hawkins’ attack at Plymouth, the seizure of the Genoese loan,
English aid to Dutch heresy, and constant privateering. The English could just as
easily argue that the Spanish had been at fault in Plymouth for not observing common

172 Quoted in Pollard, *Political History*, 312.
175 ACP, 1558-1570, and 1570-1572, CSP, Foreign, 1569-1571.
176 From 1569-1571, almost forty complaints of piracy came from the ambassador de Spes alone. CSP,
Foreign, 1569-1571. The number of complaints more than double to the Court of Admiralty. ACP,
1558-1570, and 1570-1572.
practice. Though the legal explanation of the Genoese seizure was shaky, the English could argue that the Spanish responded hastily. English aid to the Dutch remained an unofficial policy of Elizabeth’s and Philip would have to have expended even more effort to dredge up and document irrefutable proof of the Queen’s involvement in order to declare war upon her. And, as had been discussed, Elizabeth did make public and official shows of addressing privateering complaints, though her sincerity in their enforcement was certainly questionable. The fact that Elizabeth was so careful to avoid appearing aggressive or confrontational coupled with the selective language of her proclamations kept Philip at bay—at least for a time. Philip had also seen the failure of the 1570 Papal Bull in its attempts to incite rebellion in England and oust Elizabeth. Philip had to make sure that he had substantial justification and proof of English aggression if he decided to declare war so that his efforts would garner more support than attempts such as the Northern Rebellion.

Along with all of this, Philip faced growing deficits, continuing difficulties in subduing the Dutch, and growing threats in the Mediterranean. Elizabeth had only a small military and was only just beginning to see some profits from her privateering investments. Both sides continued to make outward shows of peace while working covertly to weaken each other’s power.

Based on correspondences from his ambassadors, Philip did not believe that Elizabeth truly meant to enforce the piracy policies she enacted, but the appearance of intervention might be preferable to open war. Aside from Philip’s problems in the Netherlands, he also faced an ever-growing threat from the Ottoman Turks in the Mediterranean. The Ottomans had conquered much of Bohemia and even marched
on the city of Vienna in 1570. Expanding their dominions also meant expanding their influence over trade. Venetian trade dwindled as the Turks took over all trade routes east to Asia and India. Practically all of Europe had depended on and/or benefited from the Venetian-Asian trade.\footnote{177 See Eliyahu Ashtor, \textit{East-West Trade in the Medieval Mediterranean}, (London: Variorum Reprints, 1986); Paul Coles, \textit{The Ottoman Impact on Europe}, (New York: Harcourt, Brace and World, 1968); Daniel Goffman, \textit{The Ottoman Empire and Early Modern Europe}, (Cambridge, UK: Cambridge University, 2002); Molly Greene, \textit{A Shared World: Christians and Muslims in the Early Modern Mediterranean}, (Princeton: Princeton University, 2000).} As Spain was the most powerful nation in Europe with the greatest resources, including the formidable Armada, the Pope called on Philip to make a crusade against the Turks.\footnote{178 Garrett Mattingly, \textit{The Armada}, (Boston: Houghton Mifflin, 1959).} 

On 7 October 1571, Philip’s Armada under the command of his half-brother Don Juan of Austria sailed into the Eastern Mediterranean and defeated the Turkish forces at Lepanto.\footnote{179 See Hugh Bicheno, \textit{Crescent and the Cross: The Battle of Lepanto 1571}, (London: Cassell, 2003); G.K Chesterton, \textit{Lepanto}, (San Francisco: Ignatius Press, 2004).} The victory earned the Armada the moniker “the Invincible Armada” and solidified the position of Spain as the most powerful European nation as well as made Philip the true defender of the Christian Faith in the eyes of Catholics. While Philip gained even more prestige through this venture, he also gained more responsibility and yet another cause to uphold. A very “hands-on” ruler, Philip found himself stretched thin simply going over all of his council’s domestic business let alone the correspondences of his foreign ambassadors. All of this, on top of the rebellion in the Netherlands, the harassment of Spanish ships in the Atlantic by English privateers, and constant pressure from the Pope for an “Enterprise of England,” kept Philip and Spain too distracted to effectively deal with any one issue.
Because of his many obligations and various spheres of engagement, Philip actually took a cue from Elizabeth and became more involved in covert actions towards England.

Most of Europe saw Elizabeth as a heretic who should not occupy the throne of England. Since 1568, the Pope had pressured Philip to invade England.\textsuperscript{180} By 1569, Philip considered, “for the first time in ten years,” ways to restore Catholicism in England by force if necessary. He wrote in that year: “it appears to me that, after my special obligation to maintain my own states in our holy faith, I am bound to make every effort in order to restore and preserve it in England as in former times.”\textsuperscript{181} In January 1570, Philip wrote to Alva about his frustrations with Elizabeth and her policies. Feeling that the Queen had already declared war upon Spain, Philip reiterated his belief that his position “required” him to defeat Elizabeth and place a Catholic queen in her stead.\textsuperscript{182} Writing again to Alva in the Netherlands (from whence the invasion of England would most likely begin), Philip claimed that he had to intervene to liberate Mary since

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God has already granted that by my intervention and my hand that has previously been restored to the Catholic faith once…Certainly we [Spanish Catholics] could not avoid remaining with great guilt in our souls and great regret, if because I failed that queen [Mary] and those Catholics—or, rather, the faith—they suffered and she was lost.\textsuperscript{183}
\end{center}

Pope Pius V, pleased that Philip had finally made up his mind about the English crusade, supported the King and the cause by issuing a papal bull in April of

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\textsuperscript{180} Parker, \textit{Grand Strategy}, 157.
\textsuperscript{181} Quoted in Parker, \textit{Grand Strategy}, 157.
\textsuperscript{182} Quoted in Parker, \textit{Grand Strategy}, 159.
\textsuperscript{183} Quoted in Parker, \textit{Grand Strategy}, 159.
\end{flushright}
1570 that excommunicated Elizabeth and deprived her of all political authority.\textsuperscript{184} Philip did not rejoice at this act. Rather, he regarded the bull as an attempt to force him into action against England before he had sufficiently prepared and therefore did not allow its publication in his territories.\textsuperscript{185} Despite Philip’s aversion to the bull, it fostered a policy of resistance in English Catholics rather than the policy of non-resistance that they had practice for the previous decade.\textsuperscript{186} Catholic opposition to Elizabeth was now legal and even necessary. More importantly, the issuance of this bull initiated the debate over the succession of Mary Stuart throughout the courts of Europe. This was no longer just an English or an English-Spanish issue, it was an issue for every Protestant and Catholic in Europe. And so the plots against Elizabeth’s life and throne began.

From 1570-1572, Philip was involved in numerous conspiracies against Elizabeth centering on Mary Stuart, Queen of Scots. The heir of James V of Scotland and the French Mary of Guise, widow of Francis II of France, and cousin to Elizabeth, Mary occupied an unparalleled political position in Europe. At one time, she could claim the right to three separate thrones. Raised as a Catholic in the French Court, Mary caused Elizabeth no small amount of concern. If Mary could somehow gain the support of France or Spain, she could possibly usurp the throne of England and throw the country into religious turmoil once more. Mary did not have to look for support. It came to her. Philip and his general Alva were implicated in practically all of these plots with Mary Stuart, but one of the most notorious was the Ridolfi plot.

\textsuperscript{184} Peter Holmes, \textit{Resistance and Compromise: The Political Thought of the Elizabethan Catholics}, (Cambridge: Cambridge University Press, 1982), 23-4. This is the \textit{Regnans in Excelsis} bull discussed earlier.
\textsuperscript{185} Williamson, \textit{Age of Drake}, 104.
\textsuperscript{186} Holmes, \textit{Resistance and Compromise}, 24.
Roberto Ridolfi, an Italian banker from Florence, brought Philip a plan involving an English Catholic rebellion, invasion of England, assassination of a queen, and the installment of Mary Stuart as Queen of England. With the help of the Alva, Ridolfi pushed for an invasion of England from the Netherlands that he claimed would be accompanied by an uprising of Catholics in England and Ireland such as Norfolk’s Rebellion in 1569 (also referred to as the Northern Rebellion). Philip agreed to support the plan only after such an uprising occurred. Alva informed Philip of his skepticism about the reliability of Ridolfi, but the two continued their involvement in the development of the plot. Philip felt it his duty to restore Catholicism to England and if he could so without waging a large scale war, all the better. In 1571, the Duke of Tuscany, having learned of Ridolfi’s plans, informed Elizabeth of the plot. Ridolfi escaped punishment for his part in the plot as he was in Paris when his messenger confessed and the conspirators were placed under arrest. Elizabeth also expelled Don Gerau de Spes, the Spanish ambassador also implicated in the plot. Mary remained in prison where she had been since 1567.

The issue of Mary, Queen of Scots was settled internationally in 1572. England and France met at Blois, France in April of that year to discuss a number of concerns. First, the treaty severed French ties with Mary, “leaving [her] out in the cold.” In ending France’s Scottish alliance, the treaty also allowed Elizabeth free

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187 Fraser, *Mary Queen of Scots*, 424. See earlier discussion of this rebellion.
188 Fraser, *Mary, Queen of Scots*, 425.
189 Fraser, *Mary, Queen of Scots*, 427.
191 Mary was originally imprisoned on suspicion of the murder of her husband Lord Darnley. In the summer of 1568, she had escaped and managed to raise a small army. Mary’s forces were defeated at the Battle of Langside 11 days after her escape. The Queen was arrested and moved to a new prison where she remained for several years. Fraser, *Mary, Queen of Scots*.
reign to support James VI of Scotland, Mary’s Protestant son, with military assistance
against various Catholic factions. Finally, France and England agreed to provide
“mutual defence of both realms” without creating any sort of offensive against
Spain. Upon returning to England, Elizabeth ordered the Dutch Sea Beggars whom
she had allowed to use English ports since the Dutch Revolt to leave England. This
action served as an attempt to once more placate Spain in the wake of the alliance.

At this time, the arguably legitimate Queen of Scotland sat in an English prison.
Many Catholics throughout Europe were upset by this fact, not just the Spanish.
However, in light of the tensions between Spain and England, the issue of Mary
occupied an important place in Philip’s correspondence. Elizabeth’s expulsion of the
Sea Beggars, she hoped, would assuage Philip against action despite his discontent
with Mary’s situation. England and Spain reached a truce in 1572 and thereby each
nation discontinued arrests and restored commerce to its normal channels.

For the first time, the Queen actually sent her ships out against Channel
rovers. This campaign resulted in the capture of dozens of ships and hundreds of
men proving just how easily Elizabeth could have dealt with “pirates” should feel so
inclined. But, it is right to assume that, just like her earlier piracy legislation, these
acts were likely all for show to keep Philip off guard and stave off open war—
Elizabeth’s primary aim throughout the first part of her reign. However, at the same time that Elizabeth decided to “crack down” on piracy, her Sea Dogs and the banned Sea Beggars brought the maritime conflict between Spain and England to another critical point. English privateers led the way.\footnote{197}{See also previous discussion of 1578, when, out of over 900 pirates captured, only 3 went to the gallows.}

Though Elizabeth’s piracy legislation served chiefly to appease Spain, her proclamations did attempt to correct the problem of piracy \textit{in England}. Elizabeth attempted to assert royal authority over English piracy and use it to her benefit. As Gosse was quoted before, Elizabeth practiced more leniency towards pirates who ventured into Spanish waters than she did with pirates in English waters.\footnote{198}{See previous arguments.} Those pirates operating in international waters often became privateers and therefore gained exemption from Elizabeth’s piracy proclamations. All of the proclamations from the 1560s and 1570s dealt exclusively with pirates on the coasts of England. In the context of international relations of the time, those captured as “pirates” were not generally Englishmen. English sailors, for one, knew the Admiralty Court procedures and frequented ports where they knew the Admiralty officials. Also, Elizabeth’s earliest proclamations provided avenues for English pirates to gain official letters of reprisal thus removing their “pirate” status. The Spanish, of course, had little such insight into the English system nor did the English courts frequently offer them reprisal letters due to national hostilities.

While Elizabeth did not attempt to prosecute pirates vigorously, she did make an effort to reform the Admiralty Court. Every single proclamation mentioned in this paper ends with a warning to Admiralty officials that should they abuse their office
by aiding pirates or by not actively pursuing English pirates they “[would] answere [for their actions] at theyr uttermost peryll.”

By the end of Henry VIII’s reign the Admiralty Court operated independently. Cases tried in these courts only went to the state and King’s Courts if the offenses were particularly egregious. The same remained true under Elizabeth, but she made the officials subject to state law.

Upon her ascension to the throne, Elizabeth had hoped to focus primarily on a domestic agenda—strengthening and uniting the English nation that had suffered so much civil strife under her predecessors. Streamlining and correcting the abuses of the court system was one of her priorities, but, as has already been argued, these domestic programs suffered at the hands of more pressing international affairs. It was not until the 1580s that the Admiralty Court began to undergo reform.

Son of a court doctor to Mary and Elizabeth and an ambitious lawyer and statesmen, Julio Cesare Adelmere, known simply as Julius Caesar, was charged with reforming Elizabeth’s Admiralty Court. In 1581, Caesar earned the appointment of “Commissioner for Piracy Causes.” When Caesar began his Admiralty career, pirates and local Admiralty official openly mocked Admiralty law. In most coastal towns, intricate networks of investors, receivers of plunder, and suppliers of provisions existed with the active help of Admiralty officials who profited from their

199 1560, 1561, 1564, 1570, 1571 Proclamations, EEBO.
200 See Welch, Southampton, etc.
201 There is some mention of charges being brought against officials, but few ended in any severe punishment, if any punishment at all. See Welch, Southampton and Lemon, CSP, Domestic, Edward, Mary, and Elizabeth, 1547-1580.
202 See P.S. Crowson, Tudor Foreign Policy, (New York; St. Matin’s Press, 1973); MacCaffrey, Shaping of the Elizabethan Regime; Sanborn, Origins of the Early English Maritime and Commercial Law; Williams, Sea Dogs.
assistance. Between 1558 and 1578, the courts executed no more than 106 English pirates. Even in 1578, out of over 900 pirate trials, only three men went to the gallows. One of Caesar’s first actions included establishing a system analogous to the system of public information already in place in England to discover pirates and their partners on shore. In exchange for testimony against such men, informants could claim up to two-thirds of the fines imposed upon the convicted. Still, one must always remember that only a fairly small percentage of sailors and merchants fit the legal definition of “pirates.”

Caesar resented the issuance of such letters that deprived him of defendants. He claimed that these “private warrants or letters [were] in truth not warranted by the law.” He also claimed that the ease with which men obtained these letters “blunted and disgraced [the letters’ authority and purpose] in the opinion of the people.” Furthermore, those in possession of such documents believed themselves (and in many cases were):

[free] from the sharp warrants of the law [and] careless of [the authority] of the Judge and Lord Admiral…and use those private warrants as they list, and when they list, [so that the warrants are] rather as props to disordered affections than as mean means for the furtherance or execution of justice…which hath bred so general contempt in [England] as the like have not been seen in former times of peace.

Caesar wanted power and he not only lacked the means to assert that power, but he also saw his position undermined by the queen’s privateering policies. On numerous occasions, he was powerless to prevent the issuance of such private warrants.

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204 Williams, *Sea Dogs*, 149.
205 Williams, *Sea Dogs*, 150.
206 Williams, *Sea Dogs*, 150. See also Baker, *The Office of the Vice-Admiral of the Coast*.
207 Williams, *Sea Dogs*, 150.
208 Williams, *Sea Dogs*, 150.
occasions, the Privy Council also intervened in Admiralty-reprisal cases in the interest of foreign relations.\textsuperscript{212} So not only did Caesar have to compete with individual ports for jurisdiction over trials, but he also found himself overruled by the Privy Council “in the interest of foreign relations.”\textsuperscript{213} Caesar’s complaints of state control over piracy issues suggest that Elizabeth had effectively asserted her authority in such matters through her various proclamations and licensing policies. Perhaps Caesar felt that reprisal letters had served a purpose once, but in the 1580s, as he tried to make a name for himself in the Admiralty Court, Caesar saw these letters as a hindrance to justice and to his own pursuit of glory.

Interestingly, Caesar did not maintain this outlook. For one, in 1583, much of his discontent was overshadowed by his new appointment as judge of the High Court of Admiralty.\textsuperscript{214} In this new position of power over all the Admiralty Court and finding that Elizabeth supported his ideas on reform, Caesar reevaluated his opinions. In that same year, Caesar expressed a nationalistic attitude towards pirates for the first time. When the queen’s ships captured seventeen rovers in 1583, the Privy Council interceded in their examination and this time Caesar agreed with the Council’s decision against mass executions. The decision stated that because open war with Spain loomed near, the execution of a great reserve of skilled mariners that could help defend England would be a mistake. Nine of the rovers were executed and the rest pardoned.\textsuperscript{215} However, this turn did not stop Caesar’s reforms.

\textsuperscript{212} The Privy Council intervened to ensure that the queen’s privateering policies were upheld and to maintain state control over such proceedings.
\textsuperscript{213} Andrews, \textit{Elizabethan Privateering}, 27. See also Hill, \textit{Bench and Bureaucracy}.
\textsuperscript{214} Hill, \textit{Bench and Bureaucracy}, 54.
\textsuperscript{215} Williams, \textit{Sea Dogs}, 157.
In 1582, Elizabeth asserted her authority over Caesar when she suspended the jurisdiction of the Admiralty Court in all towns for the space of three years and offered immunity to pirates.\textsuperscript{216} Caesar wanted to establish a central Admiralty Court with over a hundred central commissioners and a traveling court circuits.\textsuperscript{217} Finally, the Queen allowed Caesar to begin his program in 1588 on condition that he fund it himself. The Queen had disapproved of the project because of the strain she expected it to place on her treasury.\textsuperscript{218} It could also be argued that the Queen did not support such a program because a stricter, more observant Admiralty Court might hinder her privateers. The privateers had contributed a great deal to Elizabeth’s treasury, reputation, and to the strengthening of England’s naval resources. Elizabeth and her Council pardoned more sailors than Caesar approved of. Caesar’s response was to write to the Council, saying that: “in answer to the complaint of depredations committed by English pirates… [in the future] all cases of piracy should be dealt with by the Lord High Admiral…and that his powers should be amplified accordingly.”\textsuperscript{219}

However much progress Caesar made in creating and enforcing law against pirates and piracy in the early seventeenth century, the decline of piracy came about thanks more to war with Spain in the 1580s and 1590s than to governmental policies and practices. With the coming of war, the Lord Admiral, with the government’s backing, issued numerous licenses to merchant men and captains to attack and loot Spanish ships at sea in response to like acts by the Spanish upon English vessels.

\footnotesize{\textsuperscript{216} Marsden, \textit{Select Pleas}, vol. 1, xvi-xvii.  
\textsuperscript{217} Williams, \textit{Sea Dogs}, 151  
\textsuperscript{218} Williams discussed this issue in \textit{Sea Dogs}, 151, but Frederic Sanborn has a more extensive discussion of this program in \textit{Origins of the Early English Maritime and Commercial Law}, (New York: Century Co, 1930), 110-113.  
Those prosecuted for the peacetime crime of piracy, were now heralded as wartime heroes. Caesar also had to admit that these “wartime heroes” had done a great deal for England militarily and financially. In 1590, Caesar wrote that “her Majesty hath gotten and saved…over two hundred thousand pounds” due to the issuance of reprisal letters and wartime letters of marque.220

Caesar’s career in the Admiralty Court and English government had only just begun under Elizabeth. After the Spanish war, he succeeded in rooting out hundreds of pirates from England as well shutting down several “pirate bays.”221 Little scholarship exists on the early career of Caesar under Elizabeth and studies of his life and work under the Stuart monarchs are still few and far between. Caesar appears as a side note in a number of works on Elizabeth government, but even in the majority of studies on the maritime expansion of the Elizabethan Age and the legislative reforms and innovations of Elizabethan England Caesar is too often ignored. Granted, Caesar obtained higher offices and more titles and power under the Stuarts, leading scholars to associate him more with this age than the previous, but his role in the Court of Admiralty under Elizabeth served as yet another important innovation of Elizabeth’s foreign policy and statecraft. Part of the reason that Elizabeth finally threw her support behind Caesar’s reforms lay in the fact that she wanted once again to make English seamen beholden to her. She offered them letters of reprisals and commissions in earlier proclamations and in 1583, by allowing Caesar to increase

punishments and prosecution of pirates, she forced men to either suffer at the hands of the court or come to her for a legal way to continue their raids.
Chapter 4:

Caribbean Raids
One of Elizabeth’s most famous privateers was Sir Francis Drake. Like many others in the 1560s, he took advantage of the queen’s new maritime policies. In looking at his Caribbean raids alone, the impact of the privateers as a means of policy becomes clear. A fiery, unabashedly anti-Spanish sailor, Drake had accompanied his cousin John Hawkins on the “troublesome voyage” of 1568. He used his experience at San Juan as a launch point for his personal privateering campaign in the Caribbean against Philip II from 1571-1573. Drake took full advantage of the queen’s privateering policies and in turn helped prove the validity and success of those policies in undermining Spanish authority and weakening that great power.

In 1571, Drake raided the towns of Nombre de Dios and Venta de Cruces near modern Panama. General Diego Flores de Valdés had managed to keep the French and English pirates outside of the cities at bay in early 1571. But, by March, he handed command over to his Admiral, Gerónimo de Narváez.222 The French had given up trying to take Venta de Cruces because of Valdés, but Drake paid close attention to the new general, recognized his impotence, and made the decision to raid the town. A 1575 Spanish list of raids states that in 1571, “franciso drak” stole over 50,000 ducats worth of goods.223 (pound to ducat exchange rate?) The merchandise and slaves acquired by the English grew to such a load that the ships could not even hold it all and the English had to find places to sell some of their goods before they could even set sail.224

222 Williamson, Age of Drake, 40-41.
223 Williamson, Age of Drake, 41.
224 Williamson, Age of Drake, 41. There are accounts that Drake murdered several of his prisoners and even allowed a captured friar to be stripped and humiliated as he continued his raids. Cummins claims that this is out of character for the Drake that circumnavigated the world and become the “Queen’s pirate.” However, Cummins does allow that this young and “fiery” Drake, still angry about the
Sir Francis Drake Revivied presented Drake’s voyage to the Indies in 1572-1573 as an expedition of revenge and retribution against Philip and the Viceroy Enquiquez of San Juan.\footnote{Drake, quoted in Cummins, \textit{Drake}, 44.} On 24 May 1572, Drake sailed once again for Nombre de Dios.\footnote{Cummins, \textit{Drake}, 45.} Much more care and planning went into this mission than Drake’s previous raids in Panama. After scouting the location offshore for a number of days, Drake landed his ships at Port Pheasant some miles south of the city. Drake assembled some men to help him scout the land and on their way they found a letter for Drake nailed to a tree.\footnote{Cummins, \textit{Drake}, 46.} Written shortly before Drake docked at Port Pheasant, the letter, from another English captain John Garret, read: “Captain Drake, if you fortune to come to this port, make hast away, for the Spaniards which you had with you here the last year have betrayed this place, and taken away all that you left here.”\footnote{John Garret, quoted in Cummins, \textit{Drake}, 46} Of course, upon hearing that Spaniards had betrayed him once again as they had in 1568, Drake furiously set about planning his raid of Nombre de Dios. Personal emotions overlaid his purpose to disrupt Spanish trade and finances. Unfortunately for Drake and England, this mission failed miserably and gained none of the gold anticipated.\footnote{Cummins, \textit{Drake}, 48-49.} Drake did manage to capture some Spanish ships as he left Nombre de Dios.\footnote{Cummins, \textit{Drake}, 50.} Even though these raids were not dramatically successful, they offered Drake and his crew valuable experience in seamanship, supply, and siege tactics that would prove crucial in the coming years.

treachery of San Juan only three years prior, may have allowed such atrocities during these early Caribbean raids. 41-42.

\footnote{Drake, quoted in Cummins, \textit{Drake}, 44.}
\footnote{Cummins, \textit{Drake}, 45.}
\footnote{Cummins, \textit{Drake}, 46.}
\footnote{John Garret, quoted in Cummins, \textit{Drake}, 46}
\footnote{Cummins, \textit{Drake}, 48-49.}
\footnote{Cummins, \textit{Drake}, 50.}
In 1573, Drake joined with a French fleet for a raid on Nombre de Dios—specifically the mule trains there that would be loading and unloading the Spanish Plate Fleet’s stores of gold and silver. Drake received news of that the Spanish fleet arrived on 5 January 1573.\textsuperscript{231} As Drake camped outside of Panama City planning his next move, he made alliances with the local cimaroons.\textsuperscript{232} This relationship proved very beneficial to Drake. The cimaroons supplemented his dwindling manpower and had a valuable knowledge of the land that aided his planning. Though a number of men were lost in this attack, the fleets made off with a good deal of gold and silver equaling approximately £20,000.\textsuperscript{233} What they could not carry they buried to recover at a later date.\textsuperscript{234} Passing Carthagena on his way out of the Caribbean, Drake rode boastfully in front of the Spanish ships there, sailing with his flag of St. George proudly displayed and every streamer, flag, and sail flying.\textsuperscript{235} Drake sailed back into England on 9 August 1573 a rich man with a growing reputation as a competent sailor, fearless leader, and, to Spanish authorities, a brutal corsair.\textsuperscript{236}

Even though these raids of 1571-1573 did not result in any resounding defeat of Spanish forces, they did put Philip on edge. A young brash English captain had repeatedly sacked Spanish towns in Mexico, captured Spanish ships, and had made no effort to conceal his hatred of Spain. Drake caused constant disruption in Philip’s

\textsuperscript{231} Cummins, \textit{Drake}, 55.
\textsuperscript{232} Cummins, \textit{Drake}, 55-56.
\textsuperscript{233} Woodroofe, \textit{Enterprise of England}, 81.
\textsuperscript{234} Cummins, \textit{Drake}, 61-63. The Spanish found part of this buried treasure, but the Englishmen did find thirteen bars of silver and some gold. 63.
\textsuperscript{235} Cummins, \textit{Drake}; Woodroofe, \textit{Enterprise of England}, 80-81
\textsuperscript{236} The Spanish were also worried about the relationship established between Drake the cimarrons of the Indies. Drake had traded with them, achieved their help in the mule train raids, and had honored his alliances with them. As Cummins states, Drake was the first European who had “used [the cimarrons] without abusing them.” This certainly alarmed the Spanish that subsequent English voyages to the Indies might be aided by these inhabitants that were, after all, Spanish subjects. Cummins, \textit{Drake}, 64.
finances and communications. In fact, these privateering voyages of Drake’s and subsequent expeditions inspired by him during these years, helped contribute to the bankruptcy of Spain in 1575.\footnote{Of course, Philip’s expenditures in the Netherlands to pay and supply troops for nearly twenty years at this point also contributed to this state of bankruptcy.} During the course of his Panama raids from 1571-1573, Drake reportedly netted almost £40,000.\footnote{Williamson, \textit{Age of Drake}, 128.} Philip grew angry at these affronts (and the fact that his gold and silver was now used to pad his enemies coffers) and Elizabeth saw the power balance shifting in her favor.

As a response to these English privateering missions, the Spanish occupied Netherlands prohibited all trade with that nation except under special license.\footnote{Richmond, \textit{Navy as an Instrument of Policy}, 13.} Once again, Elizabeth was forced to find new markets for English goods. Again in 1576, the Dutch declared a blockade of all “Spanish” ports.\footnote{Richmond, \textit{Navy as an Instrument of Policy}, 14.} Elizabeth denied their right to do by saying that this action was not “in conformity with the Law of Nations.”\footnote{Richmond, \textit{Navy as an Instrument of Policy}, 14.} Citing precedent and established practice, Elizabeth declared the Netherlands had no authority with which to declare such a blockade.\footnote{Richmond, \textit{Navy as an Instrument of Policy}, 14.} The two sides seized one another’s ships within their respective ports (the Dutch followed by English retaliation and then Dutch retaliation) until Elizabeth’s advisor Walsingham convinced the Dutch to reply to Elizabeth that they would seek French help if she did not recall her threats of war and stand down.\footnote{Richmond, \textit{Navy as an Instrument of Policy}, 14-15.} Walsingham supported English intervention in the Netherlands more than his queen. Elizabeth was trying to play the
Spanish and the Dutch off of one another and Walsingham took this opportunity to try and force her hand for aiding the Dutch cause.\textsuperscript{244}

War was headed off but resentment lingered. On top of this disturbance, following Drake’s raids, the Spanish ambassador had applied to Elizabeth for the restoration of goods “illegally” taken. Denying his claim, Elizabeth argued that the seizure of these goods had been a “justifiable retaliation” for Spanish assistance to Catholic rebels under English rule, as, for example, in the previously mentioned Norfolk’s Rebellion.\textsuperscript{245} Underlying this retaliation argument was the same argument already expressed by the English about their right to trade with any unoccupied territories, once again ignoring and rejecting the Pope’s right to partition the world between Spain and Portugal.\textsuperscript{246}

While Drake had camped outside of Panama City in 1573, the cimaroons had taken him to see a sight that would change Drake’s future. On 11 February of that year, Drake had seen the “Great South Sea.”\textsuperscript{247} This experience convinced him of the possibility of sailing into those waters to reach the vast Asian empire of the Spanish. Now Drake planned to disrupt Spanish power in all waters. By 1577, Elizabeth approved Drake’s proposed voyage to the East Indies that resulted in his circumnavigation of the world.\textsuperscript{248} Obviously, this expedition was meant to not only discover new trade opportunities for English merchants, but also to annoy Philip in the Indies as in the Caribbean. Drake’s circumnavigation “stimulated enterprise,
showed a contempt for Spanish strength, and raised the reputation of England throughout Europe and made the various princes wonder whether Spain were not vulnerable. 249 Upon Drake’s triumphant return to England, he had amassed a fortune worth over £1,500,000. 250 Elizabeth herself had a share in this voyage amounting to enough money to pay off the entire national debt with £42,000 left over to invest in the Levant trading company. 251 Philip and his ambassador de Mendoza expressed their outrage at Drake’s actions. As Elizabeth had already told them, she reiterated that the Spaniards had brought this upon themselves and forced her to make reprisal for the money she had to spend putting down Spanish-aided rebellions in the northern parts of her realm. 252 Her response also included the knight ing of Drake in 1580 aboard his flagship, the *Golden Hind*. 253

Philip, already smarting from the losses to his colonies and his coffers, now had to face the affront that a Sea Dog had received knighthood for his plunder. Drake, the “Master Thief of the Unknown Sea,” as Mendoza had labeled him, and the man that Burghley thought of as a pirate, gained support from practically all Englishmen and therefore from the Queen. Elizabeth was less than thrilled with some of Drake’s methods, but she could not argue with his results as they filled her coffers with treasure meant for Spain. Englishmen gained strength on the seas and Elizabeth’s enemy lost thereby. Elizabeth’s policies of supporting privateers had helped to drastically change England’s position in European politics. Though she still tried to avoid war for another decade, Elizabeth had much more power with which to

negotiate. Certainly, she had not expected nor approved of some of Drake’s tactics, but she could little argue with the unexpected success of his raids in weakening Spain.
Chapter 5:

The Primrose’s Thorn
The traditional date for the start of the Anglo-Spanish War is 26 May 1585. On that date, Spanish officials seized English ships in the port of Seville, Spain. Small skirmishes, embargoes, and seizures of goods had characterized the relationship between England and Spain for almost thirty years, but on this date, the King of Spain directed and organized an overt attack on his enemy. What’s more, the King made no excuses for his actions. He had finally committed to the “Enterprise of England” and no amount of diplomacy and political scrambling on the part of the Queen could delay it any more.

Existing English accounts of the events in Seville come primarily from the one ship that escaped port—the Primrose. As the Primrose unloaded her stores surrounded by several other English ships, a group of Spaniards dressed as merchants made their way towards the ships. Upon entering the port, the Captain Foster of the Primrose had warned his men to keep a look out for anything suspicious. The advancing group of Spaniards put all of the men on guard. As the Spanish neared, many of the English sailors had taken station in the lower decks and fired on the Spanish through hatches. Once the “merchants” reached the English ship, a group of them boarded the Primrose, grabbed Captain Foster, and held daggers to his throat as they ordered the crew to surrender. By the evening, one Englishmen and several Spaniards lay dead on the decks. The Englishmen rallied and attacked the Spaniards,

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254 As early as 30 January 1584, Walsingham received the following letter: “Report by Jacob Whiddon of great preparation in the fitting out of a large fleet at Lisbon and the collecting of large ships in other parts of Spain and Portugal for the making of the hugest army by sea that ever was set forth by Spain. To be commanded by the King in person, to accomplish some acceptable service to God by the subversion of religion in England.” Sir Geoffrey Carey to Walsingham. Lemon, ed, CSP Domestic, Elizabeth, 1581-1590, 156.

255 Woodroffe, Enterprise of England, 163.

256 Woodroffe, Enterprise of England, 163.
“[bundling] them over the side to be drowned.”257 As the *Primrose* raised her sails and began her getaway, Foster and his men heeded the cries of five Spaniards floundering in the water beside the ship. This would be a lucky turn for the men—one of those five was the Governor with his orders tucked in his boot. To prove his own innocence in the matter once the ship had arrived in England, the Governor produced his orders which revealed the fact that the English ships had been seized “upon personal order of the King so as to provide shipping for an invasion of England.”258 Another of the Spaniards, upon interrogation in London, stated that the King “[meant] by this arrest to [frighten] the English from aiding [the Dutch].”259

Within days of the *Primrose*’s return, Elizabeth commissioned Drake to organize a fleet to rescue the other English ships seized by Spain.260 By 1 July 1585, Elizabeth’s council had convinced her to broaden the scope of Drake’s mission in order to “cripple” the King’s invasion fleet before it was ready. The Queen accordingly signed a new commission for Drake.261 Andrews does not believe that Elizabeth decided to accept war after the Seville attack. He claims that merchants who lost goods in Spain, upon examination by the Admiralty and with sufficient proof of losses, received individual letters of reprisal to set forth armed vessels for the capture of Spanish goods at sea.262 Issuing individual letters acknowledged the attacks in Seville as “private wrongs” according to him, not “an act of war.”263 In light of the Queen’s orders to Drake, I have to disagree with Andrews’ assessment.

Elizabeth had known for years that war would eventually come with Spain. She had seen that despite her best efforts to maintain an outward show of neutrality and compromise, her acceptance and continuance of support for privateering endeavors—coupled of course with her support for the Dutch—had pushed Philip to action. Philip had to deal with constant attacks on his Indies shipping which undermined his authority, weakened his finances, and brought criticism upon him from all of his Catholic allies who constantly badgered him to use his vast resources to squash the insolent English. Elizabeth’s privateering policies, however, had provided her a formidable “navy” with which to act.

Drake’s expedition did not leave until September of 1585 due to Elizabeth’s indecisiveness as to exactly how she planned to wage war with the Spanish. Since his first objective was to recover the lost English ships, he decided to wait until Spain to stop at all. Once there, he harassed the local governor at Vigo and learned that the English ships he sought had all either escaped or been released. So he began making his way towards the Caribbean where he developed a plan to attack San Domingo.

The journey to San Domingo alone almost destroyed Drake’s men. A few days after leaving the Cape Verde Islands, yellow fever struck the crews. By the time Drake reached his destination he had lost dozens of men and morale suffered. To let his crew recover and to supply his ships, Drake spent Christmas in St. Christopher. By New Year’s, Drake was in sight of his target. A captured Greek

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264 Parker, *Grand Strategy*.
267 Cummins, *Drake*, 142-143.
pilot warned the English captain that the Spanish had erected defenses at San Domingo and prepared an arsenal to meet the English.\textsuperscript{268} Undeterred by such news, Drake landed a group of men at the mouth of the Hayna River approximately ten miles west of his the city.\textsuperscript{269} Having prepared all their defenses on the seaward side of the city, the Spanish found themselves were vulnerable. Despite the fact that the English land troops had just marched for over four hours in intense heat through dense jungle and had not had a drop of water the whole time, the “inspirational” leadership of their commanders led them to victory.\textsuperscript{270} The Primrose journal reported that “the Spaniardes gave us the towne for a Newyeers gifte.”\textsuperscript{271} Spanish accounts did not hide their surprise. One letter stated that “the city was entirely unprepared for this.”\textsuperscript{272}

Drake could never be described as subtle—he held a deep hatred of Spain and its subjects—and his ransom of San Domingo proved this fact once again in its ruthlessness. But for Drake, and most Englishmen, that ruthlessness had the purpose of teaching Spain a lesson and letting Philip know that the conflict with England would be costly. John Hooker, an Elizabethan lawyer and writer, stated that “Drake’s voyage in September 1585 inflamed the whole country with a desire to adventure unto the seas, in hope of the like good success [so] that a number prepared ships, mariners and soldiers and traveled every place where any profit might be had.”\textsuperscript{273}

\textsuperscript{268} Cummins, \textit{Drake}, 147.  
\textsuperscript{269} Cummins, \textit{Drake}, 147.  
\textsuperscript{270} Cummins, \textit{Drake}, 148.  
\textsuperscript{271} Quoted in Cummins, \textit{Francis Drake}, 148.  
\textsuperscript{272} Quoted in Cummins, \textit{Francis Drake}, 149.  
Overall, Drake’s raids succeeded and though the investors in the expedition and the sailors received a relatively small return, this expedition did much to discredit Philip financially as well as militarily. Still hoping to avoid war, Elizabeth sent Philip a letter of apology for Drake’s conduct saying that she had sent him orders to avoid any hostility. However, she added that she could not disarm her ships nor prohibit her subjects from trying to recoup their losses by reprisals so long as Philip made plans to invade England.\textsuperscript{274} By 1586 the bank of Seville and Valencia went bankrupt.\textsuperscript{275} The Venetian ambassador Paravici wrote to Walsingham on 11 September 1587 that:

\begin{quote}
As to the voyage of Sir Francis Drake, I have always considered the disturbance, the loss and diversion of the enemy as much as the booty which he might bring: because from these result in so many ways such advantages as are of the highest importance to the conclusion of the War. Since he [the King of Spain] thus loses much of his revenues, greatly increases his expenses, and occupies so many of his men of which at present he is very short. It being certain that one year of War in the Indies will cost the Spaniards more than three in the Low Countries.\textsuperscript{276}
\end{quote}

All money to the Netherlands stopped and the so far successful Spanish advance there stalled. Philip found his great Spanish forces struggling on two fronts. Elizabeth’s support of privateers (incorporating numerous English “pirates”) over the previous decade helped her sailors gain valuable experience in seamanship and gunnery which they made good use of against the Spanish in 1587.

Englishmen and Spaniards alike expected raids on colonial outposts but in April of 1587 Drake’s fleet sailed into the Spanish port of Cadiz to begin waging war

\textsuperscript{274} Richmond, \textit{Navy as Instrument of Policy}, 20.
\textsuperscript{275} Woodroffe, \textit{Enterprise of England}, 184.
\textsuperscript{276} H. Paravici to Walsingham, 11 September 1587 (\textit{Cal. S.P. Spain}, 1586-7) as quoted in Richmond, \textit{Navy as Instrument of Policy}, 18
on Spain. On 9 April 1587, the Queen sent a Privy Council-signed letter partially countermanding Drake’s commission from March. The Queen certainly knew that Drake had left England but this letter could be used for deniability to Spain. In the letter, Elizabeth encouraged Drake to:

> doe your best endeavor…to get into your possession, avoiding as much as may lie in you the effusion of Christian blood, such shipping of the said Kings or his subjects as you shall find at seas; either going from thence to the East or West Indies or returning from the said Indies into Spain…[and not to] enter forcibly into any of the said King’s ports or havens, or to offer violence to any of his towns or shipping within harbor, or to doe any act of hostility upon the land.

Basically, Elizabeth allowed Drake to seize as much shipping as he possibly could but to avoid violence and not repeat Santo Domingo. When Philip’s complaints arrived, the Queen could produce this letter and claim that she had attempted to dissuade Drake.

By 19 April 1587, Drake caught sight of Cadiz Bay. In the harbor before his fleet laid some sixty ships including a great Genoese argosy, one of the Spanish Armada commander Marqués de Santa Cruz’s carracks, and various ships loaded for the Indies and for the provisioning of the Spanish fleet at Lisbon. Elated by this sight, Drake rushed into the harbor “with more speed and arrogance than any pirate as ever shown.” On 27 April 1587, Drake wrote to Elizabeth from on board his ship, the *Elizabeth-Bonaventure*:

> The 19th of April we arrived within Cádiz Road, where we found much shipping; but, among the rest, thirty two ships of exceeding great burthen, laden, and to be laden, with provision and prepared to furnish the King's

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277 The commission is dated 15 March 1587. *CSP, Domestic, Elizabeth*
278 Elizabeth and Privy Council to Drake as quoted in Cummins, *Drake*, 164.
279 Cummins, *Drake*, 165.
280 As related by customs office Agustín de Horozco of the fort of Matagorda opposite the channel from Cadiz. Quoted in Cummins, *Drake*, 167.
Navy, intended with all speed against England; the which, when we had boarded and there furnished our ships with such provision as we thought sufficient, we burned; and, although for the space of two days and nights that we continued there we were still endangered, both with thundering shot from the town, and assaulted with the roaring canons of twelve galleys, we yet sunk two of them and one great argosy, and still avoided them with very small hurt so that at our departure we brought away four ships of provision, to the great terror of our enemies and honor to ourselves.281

The damage reported on the Spanish coast reached 300,000 ducats.282 If Philip had thought Drake audacious and bold before, this attack on Cadiz convinced him of that fact.283 The attack at Cadiz set the Armada preparations back a year.284 The experience Drake and his men had gained during their privateering exploits in the Caribbean and the East Indies helped make these attacks successful. Without such a privateer navy, Elizabeth could not have taken the offensive against Spain. Of course, Elizabeth had still found a way to distance herself from the Cadiz expedition as part of her diplomatic maneuvering.

Despite the devastation of Spanish ships in Cadiz harbor, the Spanish found a way to turn the incident into a victory for themselves by focusing on the fact that Drake had not actually taken the city of Cadiz. One such account claimed:

so valiant was the resistance made by Don Pedro de Acuna [a Spanish commander] that not only did the heretic fail to take Cadiz, but he lost many of his ships and a large number of Englishmen were killed. Thus were the

282 Andrews, Trade, Plunder, 53
283 In 1588, Don Diego Pimentel, a senior Armada commander captured by the English, told his captors that: “The reason why [Philip] undertook this war [against England] was that he could not tolerate the fact that Drake, with two or three rotten ships, should come to infest the harbours of Spain whenever it pleased him, and to capture its best towns in order to plunder them.” Quoted in Parker, Grand Strategy, 176. This certainly was not Philip’s main reason for going to war, but the voyages of Drake did contribute significantly to the Spain’s final break with England and the decision to go to war.
284 Doran, Elizabeth I and Foreign Policy, 54
thresholds of the gate of Spain watered with the blood of those wolves, in order that the scent might keep their fellows away from our doors.285

This myth of Spanish victory may have helped Spanish morale, but Cadiz had only remained untaken because of Elizabeth’s orders. The taking of the town would have been an unnecessary provocation. The message had been sent that war with England would be unpredictable, costly, and Spanish command of the seas could not be assumed.

If the “singing of the beard of the King of Spain” pushed back Philip’s preparation for war, it also assured him even more of its necessity. In the familiar form of Mary, Queen of Scots in 1586-1587, Philip found even more justification. Always conniving, Mary wrote to Philip’s ambassador Mendoza in Paris in May 1586 expressing her desire to name Philip as her successor instead of her son James.286

Having suffered Mary’s constant intrigues and plots to overthrow her, Elizabeth finally signed the Scottish queen’s death warrant following this incident.287 Once her execution date was set, Mary wrote to Philip, the Pope, and any of Philip’s ambassadors that she could to make it known that she died as a Catholic martyr.288

On 18 February 1587, Mary was executed.289 These were all last-ditch attempts to entice Spain to come to her rescue. Philip did not come to Mary’s rescue but he used her execution as the ultimate justification for an invasion of England. After all, Mary had appointed Philip her successor, and he, as the champion of Catholicism, an ally to the vigorous Pope Sixtus V and the newly strengthened Catholic League, as well as

285 Fray Pedro Simón, quoted in Cummins, Drake, 170.
286 Fraser, Mary, Queen of Scots, 490.
287 Fraser, Mary, Queen of Scots, 501.
289 Fraser, Mary, Queen of Scots, 538; MacNalty, Daughter of Debate, 201.
the sufferer of repeated attacks of English privateers, had to respond to this outrage
by the Protestant Queen of England.\footnote{See also Wilson, \textit{Transformation of Europe}, 170, and Parker, \textit{Grand Strategy}, 221-222; Cummins calls the execution of Mary a “burning of boats” for both Elizabeth and Philip. \textit{Drake}, 163.} Pope Sixtus V also offered Philip financial support for the preparation of his Armada.\footnote{The Pope stipulated that the bulk of Philip’s aid would only be delivered after the successful invasion and the Pope expected success. Martin Hume, ed, \textit{Calendar of Letters and State Papers Relating to English Affairs}, Preserved in the Archives of Simancas, (London: Eyre and Spottiswoode, 1899), vol. iv, \textit{Elizabeth}, 1587-1603, 3-5, 8.}

Elizabeth, elusive to the last, insisted that she was not explicitly involved in the decision to execute her cousin Mary, and that she had in fact been shocked and horrified by the execution referring to it as the “late accident of the Queen of Scots’ death.”\footnote{Hume, \textit{Calendar of Letters and State Papers, Elizabeth}, 1587-1603, 401.} Elizabeth had in fact known of the order for Mary’s execution—she had signed it. However, as she often did, Elizabeth gave no specific instructions as to the delivery of the letter—no directions for its delivery or enactment. A secretary by the name of Davison, quite possibly at the behest of some of Elizabeth’s closest advisors, delivered the warrant straightaway. For his action, he found himself on trial.\footnote{On 29 March 1587, Walsingham wrote to the Earl of Warwick relating “the particulars of the trial of Secretary Davison for transmitting the warrant for execution of Mary Queen of Scots without sufficient directions from Her Majesty.” Robert Lemon, ed, \textit{Calendar of State Papers, Domestic Series of the Reign of Elizabeth, 1581-1590}, Preserved by the Public Records Office, (London: Longman, Green, Longman, Roberts, and Green, 1865), 398.}

Davison was sent to the Tower.\footnote{Conrad Russell, \textit{The Crisis of Parliaments: English History, 1509-1660}, (Oxford, UK: Oxford University Press, 1971), 242.} Elizabeth’s ambiguity and misdirection in this matter was a ploy to help her avoid censure particularly from the French, so often allied to the Scots, and from the Scots themselves. Philip actually used the execution as moral justification for the invasion of England.\footnote{See previous arguments.}

The execution of Mary, in fact, mirrored Elizabeth’s policies towards privateering. Every move Elizabeth made was calculated and well thought out.
There had been numerous reasons for Elizabeth to have Mary killed for years before the execution actually took place. The reason that Elizabeth finally decided on this course of action in 1586-1587 rested in the fact that Philip had taken official steps towards war in 1585, and thanks to English privateers, Elizabeth hoped she had the naval strength needed to withstand a Spanish offensive. Mary was no longer of use to Elizabeth, who prepared her privateer navy for the long anticipated Spanish attack.
Conclusion
The issuing of letters of marque during wartime has been common practice throughout history. However, the extent to which Elizabeth used her privateers in the buildup to war was indeed remarkable. For her, piracy and privateering were not solely “incidental concomitants of war” but rather a necessary and very profitable military tactic.\(^{296}\) Her letters of marque and commissions were generally so vague that they resembled simple reprisal letters. Complaints from England’s enemies could be lost in the legal system due to this ambiguity and to the fact that England controlled the court processes. Elizabeth was fully aware of England’s weaknesses and used her privateers to allow her time to correct those deficiencies. The image of Elizabeth that has survived the centuries is often that of a very shrewd, calculating politician. Her public policies in conjunction with (and often in seeming opposition to) her private policies of encouraging and supporting the actions of privateers prove that perception.

Though the prevalence of piracy with its flaunting of authority had seemed emblematic of weak royal power, the end results of piratical practices as they became state-sanctioned and controlled under Elizabeth proved decisive in the war with Spain. Besides achieving the defeat of Spain, crown finances benefited from privateering missions. In the 1540s the English treasury was in dire straits, but by the 1580s, Elizabeth had filled her coffers with tremendous gains from her investments in privateering missions. With profits from privateering, Elizabeth, for one, invested in the Levant Company which established English trade in the Mediterranean. The profits from the Levant Company were then used to finance the East India Company,

one of the most successful trading companies in the seventeenth and eighteenth century.\textsuperscript{297}

The contribution of English pirates to the development of English naval supremacy and the British empire cannot be denied. The establishment of privateers helped defeat England’s greatest enemy, alleviated the crown’s financial conundrums, and set in motion a chain of events that would create the great British Empire of the eighteenth and nineteenth centuries. Elizabeth’s privateering policies constituted her most constant and successful foreign policy despite its simple beginning as a way to circumvent Parliament and gain support for the new queen’s rule. Privateers weakened Spanish power, disrupted Spanish finances at home and in the Netherlands, and formed the basis of a revitalized and much more efficient and experienced Royal Navy without Elizabeth having to publicly or aggressively pursue such issues. Being able to pursue such ends fairly quietly, Elizabeth avoided open war for thirty years and made England better prepared for the fight when it came.

In using the existing strengths of English to create a privately funded, if difficult to control, navy, Elizabeth also created a new model of government. In outsourcing naval operations to freelancers, she extended her royal prerogative among other things. This endeavor inaugurated a new kind of partnership between the crown and entrepreneurs. Granted, she did not begin her reign with any specific plan to use pirates, nor did she necessarily expect to extend and expand that policy in the beginning.\textsuperscript{298} However, once Elizabeth realized that she could control this policy without having to give in to the more radical demands made by her Parliaments, and

\textsuperscript{297} Wood, History of the Levant Company, 135.
\textsuperscript{298} See previous arguments in introduction.
that in using pirates as she was, she was creating a navy from already experienced
seamen at no expense to the crown, she and most of her council embraced this system
and made these men quasi-state agents.

English privateers continued to play a significant role in the Anglo-Spanish
conflict through the turn of the seventeenth century. A number of privateers were
knighted, gained peerages, and even more amassed significant fortunes. Despite all
the fame and respect many of these men had earned under Elizabeth and all that
privateers had done for the English nation, when James I ascended the throne in 1603,
privateers lost their favor. Within months of coming to the throne, James issued
proclamations reversing much of Elizabeth’s privateering policies. Pirates who had
become privateers under Elizabeth were now simply pirates again under James. On
the assumption that the main aim of privateers, chiefly the acquisition of booty, was
the same aim as pirates, James refused to continue the issuance of commissions and
letters of marque to merchant vessels that Elizabeth had practiced. 299 Approximately
fifty thousand English seamen were affected by James’ legislation. 300 It is important
to note that some of the men who had served as privateers before the Anglo-Spanish
war, had returned to piracy in the 1590s due to the lack of opposing authority left
after Spain’s decline, thus justifying some of James’ policies. Still, the new Stuart
monarch targeted all private sailors, not just those that had returned to piracy.

In the wake of James’ proclamations, the English, who had grown accustomed
to plunder at sea, found themselves forbidden from taking prizes under any
circumstances. A few English pirates gained letters of marque from foreign

299 C.M. Senior, A Nation of Pirates: English Piracy in its Heyday, (Newton Abbot: David and
Charles, 1976), 150.
countries, however, the English government soon issued another royal proclamation in 1605 stating that “all English subjects found serving aboard foreign privateers [would be] unhesitatingly treated as pirates.”

Finding themselves outlaws once again, many English privateers and pirates left England for the Caribbean hoping to continue the lucrative lifestyle that had enjoyed for decades. This new generation of English seamen helped to create the pirate culture so famous, or infamous, during the seventeenth and eighteenth centuries.

Though James revoked privateering licenses, he did sustain the general practice of crown licensure. As Elizabeth had used reprisal letters and letters of marque as a means of extending her prerogative, James issued charters for colonizing expeditions and the establishment of plantations. Similar to privateering missions, these colonizing voyages were largely privately funded. Like his predecessor, James used licensure to circumvent a parliament he did not always agree with and establish his own prerogative at little cost to the crown. The entrepreneurial partnerships of the crown with privateers under Elizabeth had proved successful and James used that same partnership idea in his own way. It was this innovation that also greatly aided the creation of the British Empire. Nations like France and Spain used government funds to finance expeditions and therefore financed only a limited number of endeavors. England, on the other hand, by contracting out such missions, was able to have a greater number and variety of expeditions underway at one time without draining all of the crown’s finances. In this atmosphere, Englishmen covered the globe.

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301 Senior, *Nation of Pirates*, 127.
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94


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By the Queene.

Hereas by diverse and sundrie proclamations secretely published, set forth and proclaime, in the time of the excellent Prince Queene Mary, late of famous memory, restraint was given and made, that no Shippes, Cruises, Tesselts, Ship-makers, Mariners or sea-faring men whatsoever, of this Realme of England, or the Citties of the same, should without special licence first obtained and had, under the great seal of Chadmirallie, pase into the seas, either on venturing, merchandises, or otherwise, or should by any wages or means misuse, sustain, robber, spoile or hurt any subject of this Realme or stranger, being friend with the said late Queenes Maiestie, under certain penalties and paines in the foresaid proclamations expressed and contained: which proclamations, are by reason of the said Queenes highnesse death determined, and of no force.

The Queenes Maiestie being presently enformed, that likeness the same, divers and sundrie her highnesse subjects of this Realme, going into the seas (as well under licence as without) by color of pretence to repulse apprehend, and among the enimie without regard of dutties belonging to good subjectes, have invaded, spoile, injured and robbed, as well her Highnesse subjectes as strangers, being friends and alied to her Maiestie, contrary to her Highnesse expectation, and the good league and amity of friends. Her Highnesse therefore mourning the repulse and reformation of the premisses, doeth by this her Maiesties proclamation expressely charge and command, that from henceforth no subject of his her Highnesse Realme whatsoever other then such as have alreadie obtained and gotten licence under the scale of her Maiesties court of Chadmirallie, upon paine of confiscation and forfeiture of their shippes and goods, and of imprisonment of their bodies; with indignation of her Highnesse, do by any wages or means attempt to set forth into the seas, any ship or vessel, either on warfare, merchandised or otherwise, without special licence and grant be first obtained under the said great Scale of her Maiesties high court of Chadmirallie. And that no person or persons asforesaid under the like paines, do presume or attempt to spoile, robbe, (within or out of) any of her Highnesse said subjectes being at the seas, nor any other strangers, being friends confederates, and in league with her Maiestie, their shipps or goods, by any wages or means.

And furthermore, her Maiestie doeth straitly and expressely charge and command, all vice-admirals, Maiors, Sherifles, Bailiffes, and other head officers and governours of Cities, Countes, Boroughs, Townes or places, by the Sea coasts of her Highnesse said Realme of England and Wales, that every of them all respects st ape, and as they tender her Maiesties favor, do eftectfullyArray that this her Maiesties proclamation, may be with all expedition dulye published, and also truely obeyed, kept and observed, as every of them will answer for the contrary at his extreme peril. Yea even at Strond place the xxii. day of December, the first yeare of our reign.

God save the Queene.

Imprinted at London by Richard Ivge,
Printer unto the Queenes Maiestie.

Cum privilegio ad imprimentum solvm.
By the Queene.

The Queene's Bannet, giveth all manner her subjectes to understand, that of late at Bruges in Flandres, the Commissioners sufficiently authorised on the part of her Majesty, and of the King of Spain, her good brother, have suspended, postponed, and continued the trate lately had there for the matters of Entercourse of marchaudnise, betwixt her Majesty and the said King, or either of them, till by their letters declare to the other, that the progression of the said trate, shall cease and take end. During which time, and until the said declaration halfe made, as aforesaid, it is by either or the princes. It is also acceded by the said Commissioners, that nothing halfe chaunged concerning the agreementes for: the entercourse made here to beget between her Majesty, and the Duchesse of Tournai, or the lowe Countepes, 11th of December, the fest of the Lord God, 1524, but that the same shall remayne sure and stable, and in that case wherein byther to the same hath ben. And that the subjectes of both sides halfe honestly, friendly, and favourably treated. And that it be pro"uced to have the seas kept free from Pirates. And ye any thing halfe attempted, contrary to the agreementes, the same halfe for thy with remedied, according to the lawes and entercourses. And of both the Princes or any one of them, shall declare their pleasure to have the progression of the trate to ceale: In that case it shall lawfull for the Subjectes of either Prince, during the space of sixte dapes next following the knowledge of the said declaration given to the other Prince, to depart freely with their goods, wares, and marchaudnises, to dispose of them at their willes.

In which agreementes were also ordey by the said Commissioners to be notified and proclaimed in the Cities of London and Indwarpe the 17th of July. For per formaunce therof, her Maiestie granted the Subjectes to understand the contentes of the premises, to the intent that the entercourses and trate of marchaudnise may be continued betwixt her Maiesties dominions, and the lowe Countepes of the said King of Spain her good brother, and both the subjectes, as hyther they haue. While her Maiestie willeth to be observed, until her Maiestie and the said King, to either of them, according to the agreementes aforesaid, shall declare their pleasures in any thing to the contrary.

Prayen at our Manour of Saint James, the 17th day of July, the 17th year of our reigne.

GOD save the Queene.

Imprinted at London in Poyles Churchyard, by Richard Juge, and John Calwood, Printers to the Queene's Maiestie.

Cum privilegio Regis Maiestatis.
By the Queene.

A Proclamation against the maintenauce of Pirates.

The Queene knoweth that although by her former commandementes noisilied by proclamation to all her subjects, and namely to her officers in her ports, for the slaying, robbing, and surprizing of all occasions of pirates; yet some numbers of thieves armed with certaine swindled persons mixt of sundry nations, do still haunt the narowe seas, and refuse secretly into small creeks and obscure places of this Realme for refuges of vitable, and such like: And for their better defence to escape apprehension, do colourably pretend that they be licenced to serve on the seas, and are not to be accounted culpable as pirates. For remedie whereof, and to the intent no manner of pretexet that serve either such persons to commit piracies, or any other that shall rescue them for private gaine of favour by armed colours or pretence of ignorance: Her Maiestie straightly chargeeth and commandeth all manner officers and ministers, having rule and charge within any port, or having authentick to make deputys under them in any creeke or landing place whatsoever the same be, that from henceforth no manner of person comming from the sea, be suffer to have any vitable, munition, or any other refuges for hym selfe, his company, or vessel, except be such as are notously known to appertain to marshauntes, shippes, passengers, or fishermen, having neede thereof. Neither that any person do bre or receive any wares or goodes of any person directly or indirectly comming from the seas, until the same wares or goodes be brought and landed openly according to the laws of this Realme in places accustomed, with content of the officers of the customs, and that all duties be first payde; for the same, according to the usage of marshauntes, upon payne that whosoever shall do the contrary, or be contenting thereof, shalbe upon due information committed to prison, there to remaine without bale, until inquiry be made (according to the laws of the Realme) of them and their facts, as in cases of piracies, and to be adjudged and executed as pirates, as by lawe ordered. And whosoever shall utter information hereof against any officer of the customs, or any their deputys, and shalbe able to prove the same, if any wyte the Informer be meete to exercise the same office, they shal be abused the same: or otherwise shalbe burly and liberally recompened according to their deservings.

Furthmore her Maiestie wouldth and commandeth all manner her officers, and specially wardens of ports, viceadmiralles, constables, or Capitaines of castles at the seas, and all other having any office in port townes or places of landing; that they shall soothly with as they will aunstere at their bettermost peril, to do their bettermost in their jurisdictions to inquerie, lay waste, and thereby apprehende all manner of persons that do haunt the seas with any knede of beestles armed, begyn not an apparaunt marshauntes, and better to lay all others making preparation thereof, and their vessels, other then such only as shalbe openly knowne to be ordinarie marshauntes, passengers, or suall fishermen; and not from henceforth to allow or admit any allegation of licence to bale upon the seas with any beestel armed, but such as are notously belonging to her Maiestie, and may be sent to the seas for keeping the same free from pirates. And if any manner of person shall herein be founde culpable, or manifestly negligent: her Maiestie leteth them certainly to understande, that their punishment shalbe pounted against them with such severitie, as the example thereof shall hereafter remagne for others to beware howe in such cases to offend.

Queene at Overtande the thirde day of August. 1669. in the eleventh yeere of her Maiesties raigne.

God save the Queene.

Imprinted at London in Poyles

Churchyarde by Richard Fugge and John Carwood,
Printers to the Queene's Maiestie.
By the Queen.

The Queenes Maiestie being informed, that where the last yere in the month of August, by her speciall proclamation given at Petlande, her Maiestie directed sundrie good orders to her postrs, for the removing and expelling of all pirats out of the narrow Seas upon the coales of her Realmes, whereupon it followed that sundrie euill persons having been apprehended in her postrs, by means of the said proclamation, have been (as it is notorious) of late time executed as pirats, so as though no manred pirats are known at this present to resist to any her Maiesties postrs, yet it is supposed that by the frauds and gredinesse of some negligent officers in some small postrs of Creakes of the Realme, certaine goodes a Marchandisie are secretly brought into the said postrs (as it is sayde) from some Shippes of warre of other countreys, being upon the high Seas, and out of the daunger of her Maiesties Castles; Bulwarke, to be staped, and are thought to be there taken by the said Shippes of warre by force of armes from Marchantines passing through the norwe Seas: a matter much misdelyed by her Maiestie. For remedie whereof her Maiestie both cistones most straungely charge a communter all manner persons, to have a more earne thynkynge to the obturcation of all things contained in the foresaid proclamation, upon the certaine paynes therein contained: and that same proclamation be in every postr of her Realme newly published a person.

And therunto this her Maiestie presently addeth, that if any officer in any postr; or Creake, shall have any knowledge of information gotten of any person, that directly or indirectly shall be or any worse attayne to any manner goodes of Marchandisie brought in, otherwise then ordinarilie and publikly by Marchantines Shippes, as lawfully tradyng Marchandisie: that the sayde officers for not apprehending the offenders, and for not withthesyng such fraudes, shall be both depriued of their offices, and committed to prisone without bale, if their officers be of her Maiesties gyve. And if they have continuance of their offices or jurisdiccon by grant of corporation, the whole libertys of the corporation for such mistyes shall be lesed into her Maiesties handes, and be extinguished. And wholesoeuer shall geve any true information to her Maiesties puitive Councell against any such officers to offending., the same shall be dely and largely rewarded to his comfort and satisfaction, and to the encouraging of others to detect such offences and fraudes.

This at Hampton Court the first day of June, 1570, in the twelfth yere of her Maiesties raigne.

God save the Queene.

Imprinted at London in Powles
Churchyarde by Richard Iugge and Iohn Cawood,
Printers to the Queens Maiestie.

Cum privilengio Regne Maiestatis.
The fourme of the Proclamation

to be published in the port townes, and market townes,
or other publice places, within the limittes of the Commision
guen by the Queenes Maiestie, the first of March, 1571,
to sundry persons of credite, for reformation of
 disorders upon the sea coasts.

The Queenes Maiestie doth stragightly change and com-
mande in all the Sea Kourts, commonly called Rebell-
ters, of what nation or country soever they be, to de-
part, and auopde all her hyghnes Postes, Rodes, and
Towene, with all spices, and hereafter not to returne
to any of the same agayne, upon paine of sequestration of
their shipes and goodes, and imprisonement of their
bodies at her Maiesties pleasure.

And that no subiect of her Maiestie, nor any other inhabitant of this Realme,
do sente or convey any victualls, munitions, or other necessaries to them, or any
of them, or by any wayes, meane, by directlie, or indirectly, do traffique with them,
or buie any wares, marchandises, or other thynges of them, upon paine of death.

And her Maiesties pleasure is, that ye any shall do to the contrary in any place,
the chiefe officer of the Towne or Post suffering the same, shalbe committed to pri-
son, to remayne at her hyghnes pleasure, or her Counsel: and ye the Towne be
incorporate, the same shalbe leade to her Maiesties hands.

And whosoever shalbe manife stely convicted to offende, after the proclamation
herof, in the premises, shall therefore suffer Marshal lawe, as a manife st breaker
of the common peace between this Realme, and other Realms and Countries.

Finally, ye any of her Maiesties subiectes, traffique with any of the said Rebell-
ters, do transport and auopde from due service, within true dayes after knowledge
had herof, they shall have pardoe of their offences for their former offences. And ye
they shall refuse to returne, or not obey the same, they shall suffer death by Marshal
lawe, as afose is sayde for the lyke considerations.

God save the Queene.

Imprinted at London in Powles Church yarde, by Richard
Iuget, and John Cavood, printers to the Queenes Maiestie,
Cum privilegio Regie Maiestatis.
Articles for the due execution of the Statutes

of Apparel, and for the reformation of the outrageous excess thereof, grown of late time within the Realm; Deposed upon the Queens Maiesties commandement, by abuse of her Counsell, the bl. of Wap. An. 1661.

Left the Queens highest pleasure is, that the lawes heretofore made touching the reformation of the excess of Apparel, namely the lawes made in Anno. 1661, menri, bili, and in Anno. 1662. Philippis Marte, be observed, and withall diligence put in execution.

And forasmuch as no sort of people have so muche exceeded, or do day by day more exceed in the excess of Apparel, contrary to the same Statutes, then suche as be the meaners sort, and be least able with their livings to maintain the same; Her Maiesties pleasure and straight commandement is, that all Justices and officers to whom the reformation thereof may appertaine, have speciall regard to the observation and execution, with all seuerite of the lawes made. Anno. 1662. Philippis Marte, purposely for that respect.

For the better order in the due execution of whose Statutes: for her highnes Chambre, it is ordaine, the Lord Chaumberlaine, the Vicechaumberlaine: And for her Maiesties Household, the Lord Steward, the Treasurer, and the Comptroller, to appoint such truely officers, as they shall thinke fit to have in those two places speciall regarde to all suche as shall after, rust, do whatsoever pynish the publication of this ordinance, presume to enter into the Court, or else appere, to be punished by the said naturall, and straitly appere and to commit them to warde, there to remaine, till they haue due punished for their offenses, and restrayn suche tune, as they shall have so muche or more, shall haue hurt the cause written, after the publication of this ordinance, written the said apparel, who are the master, and the length they haue served him, and how long he hath ben, that he hath knowne them to wear any part of the same Apparel, upon which examination, the master straitly to be sent for, to appere, if the offence be found in the Chaumber, before the Lord Chaumberlaine, or Vicechaumberlaine, and before the Lord Steward, Treasurer, and Comptroller, it be found in the houholls. And in case it shall appere by any due manner, that the said officer had knowledge of the said transgusses done, so long time as in the said naturall is prescribed, then to take of him a hande of two hundred marke, to the Queens higheest use, to answer the forsequestred fallen upon him by the said naturall, which hande be he shall refuse, then to commit him to warde, there to remaine till he shall have satisfied the penalty. The said examination and obligation to be sent to one of the Queens higheest remembrances in the Chrequer, to be by them called upon, according to the effect of the said naturall. The parties appertaining to this execution, to haue for their paynes, the moiety of the forsequestred appoynted by the lawe. Provided that in case it shall haue thought fitt, to be dispenced withall within the Court for any person upon reasonable cause, the Lord Chaumberlaine, or the Lord Steward, knowing such highness pleasure, shall and may licensen them by waiving subscribed with one of their handes, fulfilling their Maiesties hard pleasure, for saying that none of them do thereby be any apparell inhibited into them, but during suche time as they shall attende upon her highnes person.

In London.

And within the City of London and the Liberties of the same, the Maior and Court of Aldermen shall take and observe the like order, That is to say, appoynt in every warde foure substantiall and well meaning men, to see the said naturall executed, in suche sort as it is ordained in the Court, and the said foure, or any of them, to examine all offendors in the said abused written, apprehanding them, to bring them to the Alderman of the warde, he to commit them to prisson, and to certify the examination and confesstion, and such knowledge of judgement of the truth of the matter, as he can attayne unto, as well touching the matter, as the man, to the Maior and Court of Aldermen: and they to certify the same indelately into the Chrequer, to thumint the forsequestred may be answered. The said foure following the execution of the naturall, to haue the moiety of the forsequestred.

The said order to be taken and followed within the foure Innes of Court, and in all the houses of Chauncery by the principalls and ancients of the houses, where are noted to be so great disorders at this present, as behooves to be looked upon.

The same order to be followed in lyke sort in the Suburbs, out of the liberties of London, and in Westminster, and in all other removed places, by the officers of those places.

In all Cities, Townes, and villages throughout the Realm. In all Cities and Townes, the order to be executed by the Maiors, Bailiffes, and other head officers. In all in Townes and villages, the Justices of peace in every severall Shire, to follow the like order, for the apprehension, examination, taking of handes, committing to prisson, and certify into the Chrequer, according as is above said. The moiety of the penalty to fall to the officer and officers, appointed to the execution of the lawe.

The Countrie Patent of Lancastre and Chelte, to make certificate into the Chrequer there, and the Chrequer there, to the Chauncelour of the Duchy, and by to certify the same into the Chrequer here, to thumint abowt the same.
The bynges herein of all officers as well in the Court, as in London, in Cities and Townes corri-
orate, and of the Justices of all other places through the Realme, to be certifie during the first two mo-
ntes after the publication of this ordinance to bee made, to the Lord Chancellor of Englande, or
to the Lord keeper of the great Seale, every 7th. dayes, and after the space of two moneths expired, the
same to be made every 7th. dayes, during the space of one whole yer, and to continue as by the sayde
Lord Chancellor, or Lord keeper, shall prefere. And finally that all Justices of Assize in all the
Circuits, do enquire specially hereof.

It is not meant by any byngs above written, to take the libertie from any man, to make informa-
tion against any offendour in the piemisses, and to entrip, in part of the partie for compition, suche part of the
penalty as by the sayde lawe is appointed, suspecting that no man be twise convicted for one offen-
cer.

And to thentent such as albte appointed in the Court to execution of the piemisses, may make
the more certainlie; It is ordaine that they shall have delivered unto them a picture of the said piemisses, the
lie also to be deliverd and sent printed by them seules, to all partes and partes, where the particular
knowledge thereof may be thought fitte, for the better execution of the sane.

And for the reformacion of the yse of the monstrosus and outrageous greatness of bozen, crept a late
into the Realme, to the grete clande therof, and the belonage of a number bying brye-
ten for the maganytencage therof, to seek suche buttel elie wassen, as by theye owne consciencs have
brought them to destruction; It is ordaine that all suche be, after the day of the publication hereof, shut put any more cloth in any one
page of bozen for the outside, then one parad and a halfe, or at the moste, one parad and three quarters
of a parad of harsely, or of any other cloth, lether, or any other kind of suche above that quantity. And in
the same bozen to be put only one page of harsely, besides linen cloth next to the legge, of any halfe
or less, to be doped, the sayde harsely not to be look, nor to be bolsterd, but to be tied into thin legges, as
in ancient time was accustomed: Also, any other like thing bled to be woman, and to be pulshed out of
the furniture of the bozen, not to be taken in the name of the sayde harsely. Nep-
ter any man under the degree of a Baron, to wear within his bozen any Donet, Satin, or any other
suche above the elimination of Satin, or Taffeta.

For the due and better execution and obsercion hereof, the Mays of London, and the rulers
and officers of the Suburbers, and of Westminster, a other exempied partes, shall immediately after this
Proclamation make call before them in every of their severall jurisdictions, all Hoxter of all Counters
making bozen, working within the precincts of the same, and shall bide every of them in the same
of, st. pouche or more, as cause shall require, to the Mays of the sayde bozen, to obtayn this part of this
sayde Proclamation touching bozen, without any maner of force; and if suche banders as any shall
be founde to offend contrary to this ordinance they shall certifie into the Exchequer, with the name of the
private suche offendour. All other Cities of Townes in the same, the Mays and head officers, shall
be in all points the same: And in all other places, the Justices of peace, the officers of the Exchequer,
to certifie the Lord of the Quenes hignesse prince counsell at the beginning of every monthe, whose
bandes have come, or have been sent into that office, touching the piemisses of that day, and what
number of them have been executed.

If any Hoxter shall refuse to enter into suche bandes, to be immediately committed to wardes, and to
be suffered no more to continue his occupation.

The Mays of London, and all other officers in their jurisdiction and liberties, to make so cause to
be made searche once within every bitt. dayes in every Hoxters house, to see what kind of bozen they
shall make, and sending any suche as he be inhibited by these orders, to see the punishment thereof, as
is above written.

Finally, noe man shall print with, in such sort as is above saide, so be harde after, or in any other
place within this Realme, in any page of bozen, putting the Pse above said: that is to say, conteyning
in the nether fasskes and upper fasskes, more then one parad and a halfe, or about one parad and three
quarters at the most of the disposed harsely, or with any other suche beyond that proportion, or with no
leuninges then one, and that pyne and tull to the legges, as is above saide, nepth with any suche
basing double ruffles, either at the coler or the leaves, which ruffles shall not be more otherwise than
one, and the single to be bee in a due and meanes sorte, and as was formerly, and comely bide the byng
shewinge in the outrageous double ruffles, which are by late aerecept in. Or byng under the degree
of a knight, with any garded spours: or any damasking or gyll doubke, rapier, or baser, upon
pyne of losapparance of the same, and of imprisonment and fine at the Quenes hignesse pleasure for
every suche offenste, to be executed within the Court, by such as holsse appointed, in fort as is above said,
by the Lord Chamberlaine, Secretchamberlaine, the Lord Warden, and the other officers and
head officers of the Court, and the liberities therof, to be executed by the Sergeantes, and suche others
as shall be passes in this ordinance by the Mays and Aldermen. In the Suburbers, wedding,
other and other privileged places, by the oficers, rulers, and government of them. In all other places,
by the head officers and Justices of peace.

In the two universitities, the Chancellor, or in his absence the Masterchancellor or Consilie, to
see the execution of the sayde Statutes, and all the other orders; and noe other Justice or officer
thereto to meddle, but as holsse by them or one of them appointed. In other places to thought wee
have an audience of apparell, according to every seuerall occupation.
The bedes of colleges and hawles of the sacre universities, to be warned by them to see the scol
lers under their government to observe throughly the sacre statues and orders, and to abate the
ruffles and other intemely excesses and to have in them apparell referde to the observation of the
statues, and to the beceree of using of them feines them, as hereof you have been told: where he you
other the matter shall fore to forget his due, or the scoller to lacke obedience, the quenes highnes
wolde forse to appoynt another to see to the due punishment of both the fortes.

Ladies and gentilwomen attending upon the quene, or resitting to the court, and their gentil
women, to be appareled according to the quantite order of the court, where the orders in tym past
be put in use, by the gentilmen others, at the appoyntment of the lord chamberlaine, to thinkent
there may be a difference of estates knowen by them apparell, after the commendable custome in tymes
past used in the court, which order is to be fough, renewed, and out of hande to be put in use by
the said lord chamberlaine, or other wryte to be devised for a certynyte of all degrees.

And where as ane slage is crept in, contrary to former orders, of wearing of long swords, and
kappers, harpened in suche sort, as may appeare the slage of them can not tende to defence, which
ought to be the very meaning of wearing of weapons, in tymes of peace: but to murder, and evident
death, when the same smale occupied, her Majesties pleasure is, that no man shall after x. days not
following this proclamation, wear any sword, kaper, or any weapon in their head, parallelly the
length of one yard a half, a quarter of blade, at the vitternott: neither any dagger above the length
of xii inches in blade: neither any buckler, with a sharpe point, or with any arent above two inches
of length, upon pane of glassing the sword or dagger pacling the clap length, or the buckler made
otherwise then is prescribed, to woumstoure will ofte upon it, and the appoyntment of his body, that
smale found to weare any of them, to make fume at her Majesties will and pleasure. And all buck
er or other artificer, shall after the day of the publication hereof, sell, or haue within his shop or house
to be solde, or that make or cause to be made, any kaper, sword, dagger, or buckler, contrary to this
order, to solfe the same, his body to be imprisoned, to make fume at the quenes highnes pleasure,
and to remayne in prison, till the clap time be fully faciitised, a being taken with the fault the second
time, never to be permitted after, to use that occupation which in the court is to be executed by the
officers before named. In the citie and liberties by the maisters and court of libran, and such as by them
smale appointed in that sort, at well serenantes as others before named. In the minister, the stuburbs,
and other privilegd places, by the officers of the same. In townes corporate, by the maisters and other
head officers, and in all other places, by the justices of peace.

And finally her Majesties straitly chargeth all the said lord stewarde, Treasurer, and Com
trroller of the houhode, as the lord chamberlaine, vice chamberlaine, and such as under them
smale appointed and signified, the maister of London and all other maistres, shysters, battelices, con
stables, and all justices of peace, all principals and auncientes of the quenes of court, and chamber
ery, the chauncelour and vicechauncelour of both the univerities, and the bedes of hawles, and colleges
of the same, and all her highnes officers and ministers, ech of them in their siffications, to se
these orders being set forth and confirmed by her Majesties proclamation, to be duly and speedly exec
uted in fourme aforeigne, as they shall answere to the contrary at their perilles, and will awake
her highnes displeasure and indignation.

God save the quene.

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