

DIPLOMACY OF PIRATES: FOREIGN RELATIONS AND CHANGES IN THE
LEGAL TREATMENT OF PIRACY UNDER HENRY VIII

A Thesis
presented in partial fulfillment of requirements
for the degree of Master of Arts
in the Arch Dalrymple III Department of History
The University of Mississippi

by

JAMIE SESSIONS

August 2017

Copyright © 2017 by Jamie Sessions
All rights reserved

ABSTRACT

This work examines Henry VIII's contribution to the legal defining and treatment of piracy during his reign and his influence over subsequent Tudor monarchs' own relationship with piracy and privateering. Through examination of the shift in legal language, piracy as a crime to a paid profession, and the ambiguous definition of who a pirate was it becomes clear that Henry's reign witnessed a significant transformation in piracy which directly influenced diplomatic relations throughout Europe.

DEDICATION

This work is dedicated to my daughter, Praiselynn. Without you, this work would never have been written.

ACKNOWLEDGEMENTS

I first want to express my sincere gratitude to the Arch Dalrymple III Department of History and the University of Mississippi for the opportunity to study and complete my own research in the form of this thesis. More specifically, I want to thank my thesis committee. To Dr. Jeffrey Watt, thank you for all the advice and suggestions on numerous drafts of each chapter and patiently counseling me along the way. To Dr. Marc Lerner, thank you for allowing me to show up at your office unannounced and talk me through not only my thesis but life in general. Both of your interest and understanding toward the combined work of being a student and a parent was and still is greatly appreciated and is a testament to the care you have for your students to not only succeed professionally but personally. Another special thanks goes to Dr. Shelia Skemp for agreeing to be on my committee at the last minute due to unforeseen circumstances. I enjoyed my brief meeting with you immensely and appreciate your feedback. You quickly put at ease any nerves I had about defending my thesis in front of someone I had yet to meet.

To my parents, the thankfulness I feel towards you is unquestionable. Thank you so much for instilling in me the importance of education and hard work. From the time I was very little, you constantly encouraged me to push even harder where things came easy to me in order to be even better. When I faced hurdles, you reminded me that those were mere hills to climb. To my mom, thank you for constantly listening to me discuss my research and the nuances of what I was working on when you probably had no clue what I was talking about. Even though

you could not bounce back specific details of Henrician England you always found advice to give me that always helped in some way. I always appreciated your outstanding patience during those morning chats over coffee even though we were three hundred miles apart. To my dad, thank you for always emphasizing that no matter what anyone else said to pursue my education. Even when I moved away to attend the University of Mississippi, you said not to worry about you all missing us, that my education was something that could never be taken away so I should go without hesitation. Those words will never be forgotten and I have carried them with me these past two years when I faced my most challenging points. I love you both immensely and could not have asked for better support.

To Rob, thank you for being my toughest critic. You did not read every page but anytime I sent you a piece to ask your opinion, you never held back showing me my weak points, despite dealing with my anger and frustration afterwards. For that I am beyond thankful even if it did not seem like it. More than just feedback on my writing, you counseled me through all my many crises when I just wanted to give up. Without you I would have been a much bigger mess than I already was at times.

As the dedication suggests, my biggest thanks goes to my daughter, Praiselynn. You were only six when I started working on this thesis yet you seemed to understand how important it was daily. Your little commands of “Get to work!” “You need to quit watching Netflix and do your homework!” and “Mommy, just write and finish it!” not only added some humor but reminded me of the whole reason I was doing my thesis. It has been all for you. Unlike most six year olds, you have a patience beyond belief. You played quietly so many times when I know you would have rather had me in there with you playing as well. You offered to do chores of your own accord to help me out when I was exhausted from all my studying. Praiselynn, you are

the best thing to happen to me and I hope I show and teach you even a fraction of all the wonderful things you have shown and taught me in these short seven years. You are the reason for this thesis and that is why, despite your small size and young age, you deserve more recognition than anyone else.

TABLE OF CONTENTS

ABSTRACT.....	ii
DEDICATION.....	iii
ACKNOWLEDGEMENTS.....	iv
INTRODUCTION.....	1
CHAPTER 1: DIPLOMACY OF PIRATES: FOREIGN RELATIONS AND CHANGES IN THE LEGAL TREATMENT OF PIRACY UNDER HENRY VIII’S REIGN.....	20
CHAPTER 2: FROM PRIVATE THEFT TO ROYAL WARFARE: THE DEVELOPMENT OF PRIVATEERING IN ENGLAND DURING HENRY VIII.....	43
CHAPTER 3: ADMIRAL, FRIAR, PIRATE: BERNARDINE AND THE AMBIGUITY OF PIRACY IN HENRICIAN ENGLAND.....	71
BIBLIOGRAPHY.....	91
VITA.....	96

INTRODUCTION

PIRACY: THE PUSH TO TURN A HOLLYWOOD CHARACTER INTO A HISTORICAL FIGURE

Blackbeard, Henry Morgan, and even Disney's Captain Jack Sparrow are all names which come to mind when one mentions pirates. For most, a pirate represents a fictional character who separates himself from the chains of society to freely roam the sea and find hidden treasures that create an air of romance and adventure. Visit any coastal town and you can almost immediately find references to eye patches, peg legs, and parrots, all representing the caricature of the pirate created and expounded upon by Hollywood. Recently, however, historians have started challenging this popular image and examining pirates not as biopics but as serious characters among larger historical narratives. Pirates are no longer separate from society but agents who influenced and altered trade, diplomacy, and naval strategies whether they actively chose to impact those on land or not. Despite the push back from scholars against viewing piracy only as romanticized stories, there has still been a gap in the literature. The main focus of piracy resides in the field of Atlantic history during the reign of Elizabeth I (1558-1603). Despite piracy existing prior to Elizabeth, any serious study before her reign has largely been ignored. A new push to broaden the scope of piracy in history will further cause historians to take a field seriously which still faces resistance in academia.

The history of piracy began to emerge in the twentieth century. At that time, historians such as C. H. Haring, Cyrus H. Karraker, and Bernard Bailyn all contributed to an academic shift away from popular romantic notions of piracy by connecting piracy with imperial commerce. In 1910, C. H. Haring was the first historian to discuss piracy and connect buccaneers with the English colonies of the West Indies. His work focused on tracing the policies that the English and French governments pursued against buccaneers who acted without authority of the crown in European affairs. For Haring, these buccaneers were nuisances who prohibited trade between Europe and the colonies. Significantly, Haring refuted previous romantic notions of piracy through descriptions of buccaneers as “pack animals” attacking and targeting “prey” on the seas, which portrayed a violent image that should not be idolized. To strengthen his rejection of the popular portrayal of pirates, he focused on well-known pirates such as Captain Morgan and Blackbeard in his work and ignored smaller, lesser-known piratical acts.¹ Even though Haring’s work was met with positive reception, it would not be until the 1950s that his call for a more serious look at piracy received attention again. In 1953, Cyrus H. Karraker published *Piracy was a Business*, a work which refuted Haring’s argument that acts of piracy hindered trade. Karraker addressed the issue of previous historians examining only pirates’ anti-social elements and not focusing on their influence on society. Karraker argued that merchants and politicians were, in fact, in league with pirates and that piracy supplemented trade among imperial countries. He found that England, France, and Spain all used piracy to undercut each other’s power and that Francis I received help from Barbarossa, an Ottoman pirate, in war against Charles V.² Karraker found that rather than viewing merchants and pirates as separate entities, historians should explore the complexities of their relationship to further understand Atlantic trade. This

¹ C. H. Haring, *The Buccaneers in the West Indies in the XVII Century* (Gloucester: Dodo Press, 2007), 7 and 90.

² Cyrus H. Karraker, *Piracy was a Business* (Rindge: Richard R. Smith Publisher, Inc., 1953), 29-32.

connection moved the pirate from the popular sphere as a romantic, almost mythical figure, into the academic sphere, allowing historians to analyze pirates more seriously. Bernard Bailyn also argued in 1955 that piracy held a familiar source of revenue for merchants in the seventeenth century and that without piracy, merchants would have floundered.³ Bailyn's main argument in his book was that the failure to establish pious, devout merchants who furthered God's work actually led to the later success of New England's commerce. New England's relationship with interlopers helped establish a successful economic community that without illicit trade would have failed.⁴

Despite the importance of Haring, Karraker, and Bailyn for introducing piracy to the field of history, piracy remained a fringe topic of study among historians until Christopher Hill, renowned for his work on the English Revolution in the 1640s, wrote an article on piracy for a publication of collected works in 1984. In his article, Hill called for scholars to look closer at the social basis of piracy in addition to the economic and imperial lens already established.⁵ Through his use of a social lens, Hill found that instead of economic motivation, which Haring, Karraker, and Bailyn all stressed, piracy provided radicals after 1640 with a way to escape corrupt society and to practice democratic ideas. The West Indies gave increasing importance to Utopian ideas as well as offering a refuge for persecuted radicals fleeing from England. Three years after Hill's call for a more serious look at piracy, Marcus Rediker published his first book, *Between the Devil and the Deep Blue Sea*. Rediker, who is now known as the leading historian of maritime history and piracy, did not focus on piracy explicitly in his first publication but on

³ Bailyn, *New England Merchants of the Seventeenth Century* (Cambridge: Harvard University Press, 1955), 182-186.

⁴ *Ibid.*, 1-9.

⁵ Christopher Hill, "Radical Pirates?" in *The Origins of Anglo-American Radicalism*, ed. Margaret C. Jacob and James R. Jacob (New Jersey: Humanities Press International, Inc., 1984), 30.

the common “jack tar” or seaman experience. Despite this, he contributed an important aspect to the developing historiography through pointing out that the romantic image of seafaring had obscured important features of life at sea in the preromantic era of the eighteenth century, such as the development of an early system of democracy and social welfare that influenced labor reforms on land. The previously held romantic image caused historians to misrepresent the motives of men who cast their lot with the sea. Further, Rediker moved away from individual or national terms, as Christopher Hill used in his work, and instead utilized international terms to emphasize the communal aspect of maritime life. Rediker hoped to encourage other scholars to explore the full range of activities of seamen and to study them on their own terms in order to transform labor history into a working-class history.⁶

The link Hill created between piracy and ideological movements in consequence of the English Revolution, combined with Rediker’s work on labor, caused increasing interest in the field of piracy from numerous different focuses. Marcus Rediker continued to expand his work on piracy and Hans Turley and Kenneth Kinkor responded to Hill’s call for a broader examination of piracy with their own analyses of piracy’s effect on previously marginalized groups such as homosexuals, women, and blacks. Turley countered previous scholars who tried to uncover “real” pirates and instead attempted to uncover ways that the periodical press, pamphlets, trial records, confessions of pirates, and other sources established the pirates as the common enemy of all mankind. In 1999, Turley then used these sources to see how they contributed to fictional representations to make connections with other representations of masculine desire and individuality. From this method of analysis, he argued that eighteenth-century depictions of pirates provided insight to certain ideas of masculinity as came to be

⁶ Marcus Rediker, *Between the Devil and the Deep Blue Sea: Merchant Seamen, Pirates, and the Anglo-American Maritime World, 1700-1750* (Cambridge: Cambridge University Press, 1987), 4-8.

understood as appropriate and normal.⁷ Turley's work represented a move toward recognizing the importance of studying piracy to understand deeper social contexts on land despite his distinction of piracy as completely separate from landed society.

One year later, Peter Linebaugh and Marcus Rediker co-authored a book dedicated to Christopher Hill which focused on the use of the mythology of the many-headed hydra as a tool of the ruling class to justify violence against those outside of society the state viewed as a threat, which included pirates. Linebaugh and Rediker argued that their focus allowed a means of exploring multiplicity, movement, and connection to trace the currents of humanity. Additionally, they attempted to recover the lost history of the multiethnic class that they viewed as essential to the rise of capitalism and the modern global economy.⁸ Highly reflective of Rediker's previous work, this further emphasized the agency and necessity of seamen or pirates in shaping the outcome of history and strengthened the call for historians to look more seriously at maritime history and piracy.

Within the book, as in *Between the Devil and the Deep Blue Sea*, only one chapter focused on pirates. This one chapter, however, placed pirates in a larger role than simply deviants on the sea. Both authors echoed Hill with their assertion that the ship became an engine for capitalism and a setting of resistance from the ideas of revolutionaries, defeated and repressed by King Charles I and Oliver Cromwell, who left England and persisted in their ideologies. In fact, hydrarchy, as contemporaries labelled maritime society, rose as the era's most serious challenge to the rise of capitalism and specifically piracy remained the biggest issue

⁷ Hans Turley, *Rum, Sodomy, and the Lash: Piracy, Sexuality, and Masculine Identity* (New York: New York University Press, 1999), 1-2.

⁸ Peter Linebaugh and Marcus Rediker, *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic* (Boston: Beacon Press, 2000), 2-6.

facing Parliament and the Board of Trade.⁹ The assertion that hydrarchy became the most serious challenge to capitalism seems to refute piracy's role in serving the merchant community, but Linebaugh and Rediker offered a new concept of pirates' role in maritime trade. They put forth the idea of devolution where by pirates began their maritime role serving the needs of the maritime state and the merchant community from a top-down authority. When the devolution reached the bottom, pirates organized a social world apart from merchants and imperialists and attacked merchant property.¹⁰

Not only did Linebaugh and Rediker complicate pirates' relationship with merchants but they also recognized the role of Africans, both free and enslaved, working on board pirate ships, which broadened the social scope of piracy. The authors built on Hugh Rankin's point that a substantial number of people who became pirates did not seem concerned about color difference.¹¹ In opposition to royal ships combining factory and prison features, Linebaugh and Rediker argued that pirates built an autonomous, democratic, multiracial, social order at sea. Linebaugh and Rediker linked slave rebellions with the ideas of maritime society, which helped expand liberty with abolition in Haiti, France, Ireland, and England in the 1790s. These conceptions of humanity, they argued, did not evolve in isolation but in solidarity and connection within social movements and individuals. While the 1790s pushed back against expansive meanings of what it meant to be human as racism and fear spread, resistance to these white-elitist ideologies still remained among the waters.¹² The authors' connection of maritime life and piracy to world revolutions brought life back into the field of piracy that had remained for the

⁹ Ibid., 144-149.

¹⁰ Ibid., 156-157.

¹¹ Hugh F. Rankin, *The Golden Age of Piracy* (New York: Holt, Rinehart, and Winston, 1969); cited in Linebaugh and Rediker, *The Many-Headed Hydra*, 165.

¹² Ibid., 352.

most part stagnant in a discussion of the English Revolution, economics, and labor and initiated a new wave of interest. Pirates now moved from one-dimensional figures who all had to represent the same ideology to multi-dimensional figures who could represent numerous different historical implications.

In 2001 C. R. Pennell edited a collected work of historians' previously published research on piracy. Pennell argued against the uniqueness of cruelty among pirates because the seventeenth and eighteenth century they lived in was a violent world. He did not deny that some pirates were "violent sadists" but questioned if this propaganda was directed at pirates or serving writers' own ends.¹³ Pennell's introductory address of the problems which historians of piracy faced refuted the previously held idea that all pirates consisted of rebels in an unequal social order. To rectify this, Pennell urged scholars to try to understand this outsider society in its own terms and not through comparison of conventional western society despite the difficulty the field faced in achieving such an abstract analysis. While he acknowledged the historical issues, he also addressed the problem of history as a profession and the increased demand to publish, choosing quantity over quality, causing recurring mistakes in the work of piracy that held the field back from making progress.¹⁴ For this reason, Pennell stated the need for a collective work of some of the top publications that existed and began a collected effort for legitimizing the field.

Within Pennell's collected work two historians, Rediker and Kinkor, focused on women and Africans respectively in their two separate contributions. Both used the rejection of landed society on sea as the opening for both groups to enter and be treated equally but how women and Africans' inclusion at sea came to exist differed. Kinkor found that as long as blacks had some

¹³ C. R. Pennell, "Introduction: Brought to Book: Reading about Pirates," ed. C. R. Pennell, *Bandits at Sea: A Pirates Reader* (New York: New York University Press, 2001), 4-10.

¹⁴ *Ibid.*, 16.

acquaintance with European language, culture, or seamanship, they routinely joined pirate crews as freemen. Pirates rejected the divisiveness of the colonies and recruited an international crew. Pirates did not determine impressment based on color but on one's courage to volunteer. Kinkor's discussion on shared feelings of marginality breaking down racial barriers pushed against previous literature that argued that piracy viewed Africans as only servile. Instead, he presented race as not static; in some unique situations, such as piracy, blacks had the right to vote, were leaders of predominately white crews, and had an equal share to plunder based on their skills.¹⁵ Rediker's findings concerning women's place among pirate ships were quite different. In his analysis of Anne Bonny and Mary Read, the only two women to be convicted of piracy during the eighteenth century, Rediker found that customary maritime practice that forbade women to work on board typically withstood radical ideas of liberty and equality on pirate ships. While part of this can be attributed to the lack of physical strength and stamina that maritime life required of sailors, it was also rooted in gendered beliefs. Among sailors, a widespread belief prevailed that women and sexuality were inimical to both work order and social order on the ship. Despite the increased challenge women faced to be treated as equal on board a pirate ship in comparison to Africans relative ease at finding equality, Rediker asserted that through Bonny and Read women did find liberty under the Jolly Roger, although the prospect remained rare.¹⁶

After the publication of the collected works on piracy, Rediker published his first book that focused solely on pirates in 2004. His argument rested on the fact that ministers, royal officials, and pirates all consciously used terror to accomplish their aims in the name of their

¹⁵ Kenneth J. Kinkor, "Black Men under the Black Flag," in *Bandits at Sea: A Pirates Reader*, ed. C. R. Pennell (New York: New York University Press, 2001), 198-202.

¹⁶ Rediker, "Liberty Beneath the Jolly Roger: Anne Bonny and Mary Read," in *Bandits at Sea*, 302-303.

social order. Not only did he present this new way of viewing the motives of government sanctioned and unsanctioned, as Kinkor called for in his earlier contribution, but he divided the broad Golden Age of piracy into three distinct generations of pirates. The first generation he designated was from 1650-1680 and focused on buccaneers, which he defined as Protestant seadogs of England, northern France, and the Netherlands. The second generation focused on the 1690s and pirates in the Indian Ocean who built their base on Madagascar. The final generation and the pirates Rediker chose to concentrate on covered a time span from 1716-1726, which also marked the end of piracy.¹⁷ Rediker's division of pirates based on chronology allowed for a more simplified approach to the complex subject of piracy. Even though simplification can be problematic in history, Rediker's process of bringing motivations together with the specific period of his focus, revealed the necessity of not viewing all pirates as the same, under the same motives or consequences to their illicit practices. This brought out the need for historians to analyze more deeply the relationship between landed society and the social structures of piracy at sea creating a bridge connecting two entities predominately viewed as entirely separate.

Rediker's work not only differed from previous scholars' works in his organization and connection of accepted society with pirates' society but also through emphasizing the importance of the legacy of piracy over the reality. According to Rediker, pirates overall wanted a better life, including freedom, equality, harmony, and abundance. For a short time, pirates managed to make these ideals real. Contemporaries mistook this new order of rough but effective egalitarianism as disorder. Rediker reminded readers though that one should be careful about confusing official opinion with public opinion, as many people viewed pirates as the freest of

¹⁷ Marcus Rediker, *Villains of All Nations: Atlantic Pirates in the Golden Age* (Boston: Beacon Press, 2004), 5-9.

mankind, not a vile group to do away with. In his discussion on Africans and women, Rediker argued that while money did provide an incentive it was not their main reason for joining pirates. He asserted most became pirates to seek a life under a new social order under different growing assumptions.¹⁸ These assumptions directly influenced discourse about liberty during the revolutionary period of the late-eighteenth century. The emphasis on legacy versus reality extended the discussion of piracy beyond life on the water into larger ideological arguments that developed during the eighteenth century.

As the interest in piracy grew, Atlantic history created a context in which to examine piracy deeper. Even though Rediker and previous historians working on piracy touched on the Atlantic discussion of piracy, Bernard Bailyn sounded the official call for historians to conduct more work on the developing field of Atlantic history. The development of the Atlantic field allowed piracy to emerge as a dynamic focus of study open to a broader group of historians, further legitimizing a topic once believed to be outside the scope of academia. Unlike in his earlier work on merchants, Bailyn did not mention piracy at all in his book, *Atlantic History: Concept and Contours*, but he addressed themes that historians working on piracy have argued the entire time. Bailyn defined Atlantic history as the story of the creation of a vast new expansion of European civilization and conflict, using terms such as barbarous, savages, and uncultivated to describe natives and colonists. He argued for historians to describe not abstract, meta-historical structural elements within this imperial sphere but phasing of developments of the Atlantic world, its motion and dynamics to further grasp history as a process. Before this historical method could be achieved Bailyn warned of two limitations the field had to overcome: The assumption that Atlantic history is a combination of several national histories and expansion

¹⁸ Ibid., 56-62; 173-175.

overseas, and the assumption that formal, legal structures reflect reality. In an effort to distinguish patterns in the multicultural history, he also advised against exaggerating those patterns.¹⁹

Bailyn found within Atlantic history that the commercial economy so important to settling the Americas was made possible through illegal trade. This trade helped bind the widespread and intensely competitive Atlantic commercial world together because smuggling bypassed formal, nationalistic constraints through providing foreign products into different ports.²⁰ Without mentioning piracy, this strong statement toward the importance of illicit trade leaves historians unable to continue to ignore piracy as a relevant subject to larger historical contexts. Bailyn furthered the necessity of discussing piracy with his emphasis on the ideas of independence. These ideals, he argued, survived even if unrealized, ignored, or rejected, and continued to unify cultures of the Atlantic world.²¹ Again, without mentioning piracy, Bailyn created a link between the social distinction among pirates and their egalitarianism and the importance of Atlantic history for discovering the underlying ideology that incited revolutions. His address of these themes along with defining what Atlantic history helped legitimize the field of piracy that until this point remained largely on the fringe of historical research despite other scholars' push to broaden the discussion. Now scholars had a way not only to utilize the developing field of Atlantic history but also to legitimize their own analysis of piracy

In a collected work from 2009, Jack P. Greene and Philip D. Morgan lent support to Bailyn's call for an Atlantic historical field not only with positive contributions concerning the field but also with the critiques and hurdles the field faced. They opened their book with a

¹⁹ Bernard Bailyn, *Atlantic History: Concept and Contours* (Cambridge: Harvard University Press, 2005), 60-62.

²⁰ *Ibid.*, 87-89.

²¹ *Ibid.*, 108-111.

usable definition of Atlantic history, more straightforward than Bailyn's, stating that Atlantic history is an "analytic construct and an explicit category of historical analysis that historians have devised to help them organize the study of some of the most important developments of the early modern era."²² Within their work they addressed the five main critiques the field faced and effectively countered each while also acknowledging the weaknesses the field faced in these areas. Most important of the critiques was the sentiment that Atlantic history is merely imperial history in a more acceptable guise. This Greene and Morgan refuted with the support of Bailyn's previous statement that Atlantic history is not imperial history, just the sum of imperial histories. The authors also reasserted Bailyn's warning not to exaggerate connections or contrasts when utilizing this largely comparative approach. They recognized that different viewpoints highlight different influences and developments within the Atlantic world and, due to this, extreme caution must be utilized when analyzing trends between colonies and European imperialists.²³

Unfortunately, the field of piracy remained unaddressed in their work as it was in Bailyn's. Yet, there are mentions scattered throughout that emphasize the need to look further into the history of piracy and acts of piracy within the development of the Atlantic world. Laurent Dubois's contribution ignored pirates' role in providing British North American colonies' goods illegally to the French Caribbean. He did argue, however, that the economic result of illicit trade was pivotal for spurring the economy.²⁴ Carla Rahn Phillips's chapter supported this statement with a slightly more detailed analysis of smuggled bullion in the Atlantic world. Phillips found that while the total of smuggled bullion remains unknown some scholars have discovered that 10% of European treasure was never registered. Other historians

²² Jack P. Greene and Philip D. Morgan, "Introduction: The Present State of Atlantic History," in *Atlantic History: A Critical Appraisal*, ed. Jack P. Greene and Philip D. Morgan (Oxford: Oxford University Press, 2009), 3.

²³ *Ibid.*, 5-10.

²⁴ Laurent Dubois, "French Atlantic," in *Atlantic History*, 143.

have estimated an even higher percentage. From this, she argued that smuggling proved a pivotal part in the rise of the Atlantic economy and granted a large incentive with the added bonus of avoiding taxes for contemporaries.²⁵ Both of these accounts, while not directly calling for research on piracy, revealed the importance of illicit trade and smuggling in the development of the Atlantic economy and reasserted the indirect call Bailyn also issued for historians of piracy to bring the field outside of only a discussion of radicals on water.

The same year that Greene and Morgan issued their call for a more serious approach to Atlantic history and the legitimization of the field, Jon Latimer published his book which, more than any other historians' work discussed, brought together the events of the Caribbean with those occurring in Europe. From this perspective, he also managed to bring together previous historians' work in a way that created a unique and compelling argument further legitimizing the field of piracy. Latimer's work focused on the rise of the buccaneers and their essential role in the rise of Britain which coincided with the fall of Spain. Within his analysis, he differentiates between pirates and buccaneers, one illegal and one sanctioned, despite their common motive of plunder.²⁶ Latimer added fifteen years to Haring's designation of buccaneers becoming pirates stating that 1697, not 1682, marked the end of buccaneering due to the Treaty of Rijswijk, which recognized the French rights to the Caribbean and caused revolts on Madagascar.²⁷ This also fitted Marcus Rediker's previous designations of generations of piracy and the devolution from privateer to pirate.

Further, Latimer's numbers, which previous historians failed to look into, which revealed the profit buccaneers actually earned rather than the popular opinion of what their profits were

²⁵ Carla Rahn Phillips, "Europe and the Atlantic," in *Atlantic History*, 261-262.

²⁶ Jon Latimer, *Buccaneers of the Caribbean: How Piracy Forged an Empire* (Cambridge: Harvard University Press, 2009), 4-5.

²⁷ *Ibid.*, 278.

shattered the idealized image other historians built of a democratic, idealized commonwealth on the sea. Yet, one of the factors Latimer used to differentiate buccaneers from privateers did include a strong democratic element in buccaneers' command and reward structure. He did not deny democracy existed among those at sea as opposed to landed society but argued that scholars' perception of pirates' repeatedly egalitarian social structure was actually deeply flawed. Most importantly, Latimer argued that buccaneers were equally concerned with raiding on shore as they were at sea.²⁸ No longer did raiders on board ships remain separate from land.

Mark Hanna significantly expanded upon the pirates' shared existence on sea and on land in his recently published book. His work finally fully dissolved the idea of pirates as separate from society and brought them onto land as functioning, integral members of society who shaped the very authority previous historians believed they rejected. This, in essence, finally realized in full Christopher Hill's earlier call to recognize pirates' relationship with sociopolitical changes instead of viewing them only as rebels who simply rejected society on land for a life at sea. In his book, which is the most recent publication on piracy, Hanna focused on the symbiotic relationship between marauders and colonial communities. This allowed him to highlight not only pirates themselves but their importance in economic, legal, cultural, and political patterns of development in early America and the British Empire. For Hanna, the support of piracy, or lack thereof, largely masked complicated struggles over political power, the rule of law, and oppressive market regulations within the empire.²⁹ This departed from previous understandings of sea-based marauding that viewed piracy as entirely separate from land. Previously, scholars such as Kinkor and Rediker viewed pirates as detached from society, in rebellion with the norms

²⁸ Ibid., 6.

²⁹ Mark. G. Hanna, *Pirate Nests and the Rise of the British Empire, 1570-1740* (Chapel Hill: University of North Carolina Press, 2015), 25-30.

and hierarchies established on land. Hanna countered this notion with the statement that “not only simplifies notions of piracy at sea but also implies a homogenous society on land with shared social values and economic depression.”³⁰

Not only did Hanna view piracy’s relationship with land differently from previous historians, but in contrast to Latimer, he asserted that the Royal African Company did not suppress piracy. Instead, Hanna argued that it was actually the elimination of Britain’s monopoly over trade through the East India Trading Company which led to piracy’s demise. Using an imperial lens, Hanna found that without the East India Trading Company’s monopoly over trade, North American colonists no longer needed pirates to supply limited or undersupplied goods. Now merchants, along with legalized separate traders, could profit from trade on their own with support from the crown making illicit trade less appealing.³¹ Ports that had once been opened to pirates closed and executions without a jury were ordered. Where piracy once held appeal due to its financial rewards, fewer men were willing to leave their families and search for gold knowing that they would never be allowed to return to land and spend it. It was only when authorities and society severed the land and sea connection of pirates that the nature of piracy transformed. It was at this point that piracy transformed into the more popular image of fear and betrayal which people hold today. By 1740, five captains, including Blackbeard, named their ships *Revenge* and created an atmosphere of violence and terror which Rediker discussed earlier.³² Hanna found that after 1740, piracy sustained itself only for a few more years until it essentially disappeared, a few years later than the time that Rediker suggested in his work. Hanna’s findings revealed a more complex, nuanced view not only of how the social climate and

³⁰ Ibid., 7.

³¹ Ibid., 197.

³² Ibid., 408.

politics of land shaped piracy but how pirates responded to these changes and in turn shaped land as well. His work highlighted the social exchange between land and sea that emphasized the need for historians to use an imperial lens in order to quit denouncing pirates as irrelevant to their own research. Hanna's contribution finally made it impossible for scholars to ignore piracy in the British Empire without facing critique.

Even though Hanna achieved bringing piracy into larger historical discussions, historians conducting work in the field of piracy, including Hanna himself, largely continued to ignore the reign of Henry VIII only discussing the impact of 1536. The field of piracy predominately focuses on the "Golden Age" of piracy from the 1650s to the 1730s within the British Empire and takes an Atlantic approach.³³ Overall, scholars focusing on this period examine Henry VIII's contribution toward piracy only through his Statute of 1536. Unfortunately, this statute is generally discussed only in the context of imperial England and not during the reign of Henry VIII. Mark Hanna addresses Henry's statute the most in his recently published book but still fails to place it within its own historical context.³⁴ Hanna emphasizes that, in contrast to previous scholars' claims, piracy was not separate from political or economic discussions on land but in fact was an integral part of society which actively shaped government and trade regulations. Although he rightly pushes to recognize the importance of piracy as early as Elizabeth's reign, Hanna fails to connect Henry's statute, which laid the foundation for the modern Admiralty law, with any significant issue of piracy prior to Elizabeth, which also affected society on land and foreign relations. Other historians, such as Jon Latimer and David

³³ See for example, Bailyn, *The New England Merchants*; Peter Linebaugh and Marcus Rediker, *The Many-Headed Hydra*; Marcus Rediker, *Between the Devil and the Deep Blue Sea*; and Rediker, *Villains of all Nations*

³⁴ Mark Hanna, *Pirate Nests and the Rise of the British Empire* For other works that discuss Elizabeth I's role in piracy and privateering, see Barbara Fuchs, "Faithless Empires: Pirates, Renegadoes, and the English Nation," *English Literary History* 67, no. 1 (2000): 45-69; Harry Kelsey, *Sir Francis Drake: The Queen's Pirate* (New Haven: Yale University Press, 1998); David Mathew, "The Cornish and Welsh Pirates in the Reign of Elizabeth," *The English Historical Review* 9, no. 155 (1924): 337-348.

Starkey, mention Henry's role in piracy briefly, but do not connect foreign correspondence and complaints about piracy during Henry's reign causing piratical acts to seem like random events which lacked significant importance.³⁵

The scholars who most recognize the impact of Henry VIII on piracy are historians tracing not the development of piracy but the legal development of maritime law in general. Alfred P. Rubin is recognized within the field as one of the most important contributors to tracing this development.³⁶ In his book, he outlines major legal appointments and statutes authorized under Henry VIII, but since he focuses only on legal history, Rubin fails to recognize any social or diplomatic significance within these developments. Instead he focuses on the etymology of legal terms such as "piracy" and "pirates" but only within legal documents. As a result, his work does not concentrate primarily on the significance of the contribution of each monarch (or president as he gets into the modern era) but rather on the quantity of statutes and acts which addressed piracy during their reigns. Rubin spends more time on Henry VIII than other scholars have, yet even he dedicated no more than a few pages to tracing piracy under his rule.

Despite the lack of discussion of Henry VIII within the history of piracy, historians in more general fields such as history of religion, England, and trade are beginning to discuss piracy's effect on different areas of study. This trend is important for the growth of the field because it brings piracy into a broader discussion, which emphasizes the importance in studying

³⁵ See Jon Latimer, *Buccaneers of the Caribbean: How Piracy Forged an Empire* (Cambridge: Harvard University Press, 2009); and David J. Starkey, "The Origins and Regulation of Eighteenth-Century British Privateering," in *Bandits at Sea: A Pirates Reader* ed. C. R. Pennell (New York: New York University Press, 2001). David Starkey's lack of focus on Henry VIII becomes more significant when pointed out that his historical focus is on Henry VIII's reign and Tudor Policy including published works such as: *The Reign on Henry VIII: Personalities and Politics* (London: Vintage Books, 1985), *Henry VIII: A European Court in England* (Collins and Brown, 1991); and "Introduction," in *Henry: Man and Monarch* ed. Susan Doran and David Starkey (London: British Library, 2009).

³⁶ Alfred P. Rubin, *The Law of Piracy* (Honolulu: University of the Pacific Press, 2006).

piracy to reveal deeper, underlying causes of conflict between monarchs, diplomats, and merchants. One work which historians still widely refer to despite its age, is Gordon Connell-Smith's *Forerunners of Drake: A Study of English trade with Spain in the early Tudor Period*. Through the prism of trade, Smith's book from 1954 traces the rise of piracy within merchant circles, particularly focusing on two encounters which involved the English, Spanish, Portuguese and French in 1525 and 1545.³⁷ Peter Marshall also discusses encounters with English, Spanish, Portuguese and French ships but does not discuss piracy. Instead he focuses on how merchants and religious turmoil came together to shape each other as Spanish and English tensions escalated once Henry declared the Act of Supremacy in 1534. He very briefly mentions the culmination of these two factors in a conflict in 1539 between English and French ships anchored in Lisbon with Biscayans helping the French despite their own tensions.³⁸ While Marshall does not identify this conflict as piracy, he does cite Smith's work which did view the encounter as merchants acting in piratical ways. Marshall's brief foray into this conflict, however, does prove the necessity of considering the ways piracy could be interpreted and of not dismissing acts as simply mercantile conflicts. Overall, the works of Smith and even of Marshall, who did not focus on piracy at all, provide insightful evidence for agents acting outside of the authority of the crown against maritime law and treaties which directly affected foreign relations.³⁹ This also expands the traditional focus of Henrician scholars from religious tension

³⁷ Gordon Connell-Smith, *Forerunners of Drake: A Study of English Trade with Spain in the Early Tudor Period* (London: Longman's, Green and Co., 1954).

³⁸ Peter Marshall, "The Other Black Legend: The Henrician Reformation and the Spanish People," *The English Historical Review* 116 (2001): 39.

³⁹ See Janice Thomson, *Mercenaries, Pirates, and Sovereign: State-Building and Extraterritorial Violence in Early Modern Europe* (Princeton: Princeton University Press, 1994) for a discussion that indirectly brings the focuses of Connell-Smith and Marshall together in a *longue durée* history of violence and state-building in Europe and under Henry VIII.

inside England to outside forces, including acts of piracy, heightening that tension which altered European relations.⁴⁰

In contrast to these scholars who do not spend much time on Henry VIII and his relations with piracy, I argue that Henry's reign was pivotal for the legal development of piracy that would carry on into the reigns of subsequent English monarchs, including Elizabeth I. Not only did Henry pass the Acts of 1535 and 1536, the acts most scholars focus on, which created a special court for prosecuting piracy, but he also forever altered the crown's relationship with privateering through his public decree that he would use privateers in naval battles against the French. Henry's judicial contributions on prosecuting piracy, as well as the crown's relationship to piracy, can be seen to be repeated throughout Edward VI, Mary I, and Elizabeth I's reigns. All subsequent Tudor monarch's own decrees toward piracy and privateering, if they did not use the exact wording, heavily reflected their father's decrees in the early sixteenth century. The final case study of Friar Bernardine, a French admiral who the English considered a pirate, reveals the extent to which Henry contributed to the defining, and therefore treatment, of piracy at sea during his reign. The examination of Henry's contribution to piracy not only sheds new light on the history of pirates in the Henrician era, but also causes a new, complex view of Henry VIII's reign to emerge. Henry was best known for his wives and the creation of the Anglican Church, but new studies on diplomatic strategies and naval tactics can grant new insight to England as separate and distinct from the rest of Europe.

⁴⁰ For traditional literature on Henrician England see, G. W. Bernard, *The King's Reformation* (New Haven: Yale University Press, 2005); A. G. Dickens, *The English Reformation* (University Park: Pennsylvania State University Press, 1964); Eamon Duffy, *The Stripping of the Altars: Traditional Religion in England 1400-1580* (New Haven: Yale University Press, 1992); Christopher Marsh, *Popular Religion in Sixteenth-Century England: Holding Their Peace* (New York: St. Martin's Press, 1998); and Keith Thomas, *Religion and the Decline of Magic: Studies in Popular Beliefs in Sixteenth- and Seventeenth-Century England* (London: Penguin Books, 1971).

CHAPTER 1
DIPLOMACY OF PIRATES:
FOREIGN RELATIONS AND CHANGES IN THE LEGAL TREATMENT OF PIRACY
UNDER HENRY VIII

Early modern Europe witnessed the rise of piracy as a monarchical tool in diplomacy and warfare. During the early sixteenth century, Barbary corsairs grew influential under the Ottoman Empire but England, France, and Spain also increasingly legalized their relationship with and against piracy. For the purpose of this work, piracy involved any act of robbery or smuggling at sea, sometimes combined with violence, orchestrated either independently of or in accordance with a crown. In 1510, the treaty between France and England emphasized the need for the monarchs to work together in order to limit piracy on the sea. Within the treaty, as with the Treaty of London in 1518, negotiators viewed piracy as entirely independent of and perhaps even hostile to the crowns. Monarchs viewed joint prosecution of piracy as a way to strengthen their alliance. After Henry VIII issued the Statutes of 1535 and 1536 which developed the Court of Admiralty, one can detect a decisive shift in the accountability to which monarchs held each other in prosecuting and preventing acts of piracy against neighboring realms. Now piracy threatened to break alliances due to the increasing view that the English monarch was responsible for prosecuting subjects acting illicitly. Another major shift occurred in 1544 when Henry VIII declared England would use privateers, or crown-authorized pirates, as a naval

maneuver in war against the French. This move, as with 1536, from the English monarch completely altered once again how Europeans perceived the relationship between pirates and the crown. Tracing the development of piracy under Henry VIII is necessary in furthering one's understanding not only of piracy throughout the British Empire but also of the influences and meanings behind foreign relations and diplomatic developments of the early sixteenth century Europe. This paper seeks to examine not only the pivotal moment of 1536 that previous scholars have recognized but to argue that Henry's reign saw much more in the legal development of piracy than only one act.

Henry VIII's treaty with Louis XII, King of France, created the first major discussion and working definition of piracy in foreign relations during his reign. This treaty did not expect monarchs to prosecute their own subjects committing piracy under their own unique laws but to work collectively to rid the sea of piratical acts. The treaty was drafted on March 23, 1509 and then ratified and confirmed by Pope Julius II on March 23, 1510. While the treaty addressed disputes involved in the War of the League of Cambrai, it largely focused on England and France agreeing to prosecute acts of piracy within each of their realms and to work together when prosecuting these acts. Article 7 of the treaty comprised the largest portion of the overall document. This article consisted of six sentences in comparison to the articles negotiating general peace terms which consisted of only one sentence each. This article designated that the kings of England and France could not place armed soldiers in the specific towns of Calais, Ham, and Guines in English territory and Boulogne and Fiennes in France in addition to any other place under the crowns' authority in order to "perpetrate acts of robbery or piracy." Additionally, the treaty addressed how to handle these acts legally, stating that if "subjects of one of the contracting parties attack and rob subjects of the other contracting prince, by sea or land,

full reparation is to be given.”⁴¹ Connecting these two statements is important in understanding how contemporaries defined the concept of piracy before England created its own definition in 1536 which defined piracy more clearly and specifically. Using the term “piracy” specifically and describing the act as attacking and robbing gave both participating monarchs a way to accuse foreign vessels and subjects of piracy within a specific parameter. The definition of piracy which the treaty outlined did not specify the terms of piracy when acting under the authority of the crown, such as privateering that grew under Elizabeth’s reign. Instead, it described soldiers sent by a king participating in acts of robbery at land and sea. Despite the recognition that these piratical acts could be carried out by soldiers serving the crown, such acts were not viewed as a direct attack by the opposing crown that necessitated a declaration of war. Instead, the kings were expected to grant reparations peacefully for the action of their subjects against the offended country without any accusations of a calculated attack from the crown itself. By separating piracy from the crown, this simple definition acted to unite monarchs in their efforts to reduce piracy through joint prosecution instead of separating acts of piracy into legal jurisdictions which held each country responsible for acts of piracy committed within their realm and by their subjects.

Further exemplifying this point was the responsibility, or lack thereof, of all monarchs to prosecute piracy that had been perpetrated in their own realm by a foreign crown’s subjects. Article 7 clearly stated, “If a subject or subjects of one of the contracting princes is or are arrested by armed subjects of the other prince, and the case is not clear enough to be decided summarily, the conservators of this treaty will inquire into it, and set the arrested persons at

⁴¹ *Henry VIII, Treaty with Louis, King of France* (23 March 1510), in *Calendar of State Papers, Spain, Volume 2, 1509-1525*, ed. G. A. Bergenroth (London, 1866), 33-34. *British History Online* <http://www.british-history.ac.uk/cal-state-papers/spain/vol2/pp33-54> (accessed 13 October 2016).

liberty as soon as sufficient security is given for them.”⁴² This statement emphasized the need for an indisputable criminal act deemed as piracy to occur for the involvement of direct participants of the treaty in arrests. When the act of piracy was not clear, not only was the possible offender typically set free but in order to preserve peace between England and France, the case was removed from the two monarchs’ authority and into the conservators of the treaty. Not only did the monarchs avoid rising tensions, but they now moved piracy into a European scope.⁴³ Additionally, neither England or France could issue letters of marque and reprisal, government licenses which authorized the attack and capture of enemy ships, against either party except “against great and notorious criminals, or in the case of open denial of justice.” Due to this, the ability to restrict trade or to close sea routes against the other kingdom became a difficult diplomatic tool to use. The treaty’s emphasis on notorious criminals rather than the crown’s faithful subjects further separated acts of piracy from the monarch and created a unifying factor for which both kingdoms could prosecute together. The discussion of open denial of justice allowed for recognizing that a monarch could err in upholding the law but it still did not recognize piracy as a tool the crown itself was using or as an act that the crown was responsible for. Rather, it placed judicial treatment of piracy as the English and French crown’s priority. The failure to prosecute piratical acts when necessary did not deem the crowns as supporting piracy but simply as failing in their sovereign duties to uphold the law. The emphasis on uniting the two monarchs in efforts against piracy reveals the tension that pirates helped shape

⁴² Ibid.

⁴³ The conservators of the treaty included (for England): Pope Julius II, King and Emperor elect Maximilian, the Kings of Aragon, Hungary, Denmark, Scotland, Bohemia, and Portugal; Charles, Prince of Castile; the Dukes of Cleves and Juliers; the Bishop of Utrecht; and the German Hanseatic towns. (For France): the Princes Electors of the Empire; the Duke and the whole House of Bavaria; the Dukes of Savoy, Lorraine, Ferrara, and Gueldres; the town of Liege, the old and new League of Florence; and all the inhabitants and subjects of Tournay, Mortagne, and St. Armand; Ibid.

between England and France that would continue throughout Henry VIII's reign.⁴⁴ Even more importantly, the articles concerning piracy in the Treaty of 1510 brought the two monarchs together to address piracy under the same rules and expectations. It did not view each monarch as independently responsible for controlling piracy among his own subjects under their own unique laws.

To emphasize further the European scope of piracy on foreign relations beyond England, one can examine a letter from Scotland to Portugal. On June 24, 1511, James IV wrote to the Procurator of the King of Portugal at Antwerp, and stated, "The Scotch complain, not of a private Portuguese ship, but of the Portuguese fleet, which sailed for the purpose from Sluys and gratuitously robbed certain Scotchmen, cruelly slaughtering others—an act denounced by the senate of Burgundy. . . . Scotland. . . will send commissioners to Bruges to settle the affair."⁴⁵ The term "fleet" illuminated the fact that acts of piracy against foreign lands did not just happen sporadically from independent agents acting outside of their monarch's authority. An entire Portuguese fleet robbed and slaughtered these Scots. Whether the Portuguese monarch orchestrated this attack or, due to lack of control over his own fleets, the Portuguese crews came together under their own volition cannot be inferred from this document. What can be concluded, however, is that acts of piracy, even if possibly authorized in the form of privateering, or legally sponsored piracy, caused major strife in European relations which repeatedly led to outside forces negotiating between two kingdoms to arrange a settlement. Not

⁴⁴ Jon Latimer recognized in his work that Henry's foreign allies continuously became disrupted with piracy starting in 1522 when French privateers disrupted Spanish Atlantic trade. This led the way for the Spanish to respond and then in 1537 French pirates exacerbated tension in both Spain and England. His argument, while arguable only introductory to his larger focus on Atlantic trade, ignored the underlying tensions that already resided between the French and English concerning piracy in 1510. See Latimer, *Buccaneers of the Caribbean*.

⁴⁵ James IV to the Procurator of the King of Portugal at Antwerp, 30 July 1511, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 1, 1509-1514*, ed. J. S. Brewer (London: His Majesty's Stationery Office, 1920), 435-448. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol1/pp435-448> (accessed October 24, 2016).

only did Henry VIII and Louis XII create a treaty focusing on piracy, but James IV and Manuel I of Portugal also had to include outside powers to negotiate peace terms involving piracy. The focus on uniting European leaders against piracy also sought to preclude the possibility for a monarch to attack an enemy country and then deny involvement in the piracy. This would change after 1535 and 1536.

The appointment of John Hopton on October 20, 1511 to command a squadron against pirates further contributed to the legal development of piracy under Henry VIII. The necessity of Hopton's appointment reflected the growing extent of piratical activities in Europe during the early sixteenth century.⁴⁶ As with the 1510 treaty between England and France, Henry's use of the term piracy denoted a developing sense of how to label sea marauding in a legal sense despite the lack of a precise legal definition. Henry further addressed why Hopton's new position had become necessary revealing a couple of interesting concerns regarding piracy during this time. The appointment stated, "upon the relation of some of our lieges we are informed that many spoilers, pirates, exiles, and outlaws, arrayed in warlike fashion on the sea", England sought to reduce the attacks from pirates with Hopton as commander of the enterprise.⁴⁷ The first thing one notices from this is the description of pirates ordering themselves in warlike fashion, which reflected the complaints of James IV four months earlier. This strengthens the interpretation that James's letter referred to what foreign countries viewed as an act of piracy rather than a direct attack from a foreign king. More importantly, Hopton's appointment signified that these orchestrated piratical attacks happened frequently enough in 1511 that an

⁴⁶ *Appointment of John Hopton to Command a squadron against pirates* (20 October 1511), in *Documents Relating to Law and Custom of the Sea, Volume 1, 1205-1648*, ed. R. G. Marsden (London: Printed for the Navy Records Society, 1915), 146-147.

⁴⁷ The original Latin can be quoted as follows: "...*ex nonnullorum fidedignorum relatione informamur quod quamplures predones, pirate, exules, et banniti, modo guerrino supra mare arraiati existentes.*"

English monarch felt the need to address the situation despite his current alliance with Spain and the Holy Roman Empire against France and Scotland, where attacks had apparently occurred. From the accounts of piracy and the appointment of John Hopton, combined with larger historical understanding of shifting alliances, it becomes clear that the similarities between Henry's description of pirates arranging in a warlike fashion and James's earlier complaint concerning the Portuguese fleet committing acts of piracy did not equate the English monarch's actions to the attack of the Portuguese fleet. Due to the discord between England and Scotland, the occurrences of pirates using warlike tactics or naval fleets committing acts of piracy had to be more numerous than just a singular attack against Scotland to cause Henry to act. By 1511, the English and French Treaty of 1510 had diminished and renewed tensions emerged between the two kingdoms. Significantly, the French and Scots were allies from the Auld Alliance, also known as the *Vieille Alliance*, created in 1295. This alliance significantly affected Scots, French, and English relations. Due to the increasing tension between England and France and Scotland's alliance with the French, it is hard to believe that Henry VIII would have felt any compulsory need to defend the Scottish against piracy by appointing an English commander. From this, one can discern that Henry VIII did not appoint John Hopton as commander in response to the Scottish plight but rather to other occurrences which directly affected the English. This reveals how rapidly piracy was growing and involving itself in foreign affairs between European countries.

As foreign relations between England and France deteriorated, piracy increasingly became an issue for the two kingdoms. In *Under the Bloody Flag: Pirates of the Tudor Age*, John Appleby discusses English and French commissioners appointed in 1517 to resolve disputes over piracy in Calais and Boulogne, which signified how problematic piracy had become for

merchants trying to conduct trade.⁴⁸ The next year, in 1518, Thomas Wolsey oversaw the Treaty of London, which sought to unify European relations against threats from the east. A few historians have pointed to this document as addressing piracy within the European sphere.⁴⁹ Appleby further recognizes that despite the treaty's desired unification of European countries, piracy remained a divisive issue between England and France.⁵⁰ While the language does not directly refer to piracy within the document—and certainly piracy was not the focus—it remains important to look at this treaty due to the emphasis on monarchs' uniting against any acts outside of the kings' authority. Unlike previous documents there was a decisive shift in the focus on the consequences facing monarchs when they violated the treaty. While peaceful relations remained the principal desire, the treaty revealed that the crowns assumed responsibility for the actions of their subjects. In contrast, the section of the treaty concerning the actions of rebels, a term used commonly to refer to pirates since contemporaries viewed them as enemies of the crown, emphasized that these acts did not merit as acts of war even if attacking foreign property or possessions since these men were not acting under orders of the crown. Instead of becoming a reason to openly attack foreign kingdoms, the actions of rebels called for monarchs to quietly work together to confiscate rebels committing crimes within a monarch's own dominion and to then turn those rebels over to their own sovereign for punishment.

In contrast to dealing with rebels, Articles 2 and 3 emphasized the requirement of contracting parties involved in the treaty to wage war against any country that attacked any other member of the league. At first the attacked kingdom or dominion had to request formally,

⁴⁸ John Appleby, *Under the Bloody Flag: Pirates in the Tudor Age* (London: The History Press, 2009), 29-30.

⁴⁹ Thomas Henry Dyer, *A History of Modern Europe from the Fall of Constantinople* (London: Bell, 1901); Peter J. Gwyn, *The King's Cardinal: The Rise and Fall of Wolsey* (London: Pimlico, 1990); R. G. Marsden, "Introduction," *Documents Relating to Law and Customs of the Sea*, ed. R. G. Marsden vol I (London: Printed for the Navy Records Society, 1915), xv.

⁵⁰ Appleby, *Under the Bloody Flag*, 29-30.

through ambassadors, that the offending country desist all further aggression. If the aggressive acts continued, then “all the other confederates are bound to declare war with the aggressor or aggressors within one month after being summoned to do so. Within two months after the declaration of war, they are to begin actual hostilities by attacking or invading the dominions of the aggressor or aggressors with an army strong enough to conquer the enemy.”⁵¹ If the aggressor possessed land in the French, Spanish, English, or Baltic seas, then “the Kings of France, of Spain, and of England are bound to make war upon him, not only by land but also by sea. The fleets sent are to be so numerous, and so well provided with men, guns, and all other engines of war, as to be sufficiently strong to attack and conquer the fleets or armies of the enemy.”⁵² This language clearly viewed monarchs as responsible in aiding other allied countries under attack from other monarchs involved in the peace negotiations of 1518. A kingdom deserved peace only so long as it upheld peace itself.

Article 9’s language concerning rebels differed drastically. In Article 9, the last article of the treaty, was the only one to address any sense of piracy within one’s own realm. The article stated, “None of the contracting parties, or of those who are included in this treaty, are to permit the rebels and traitors of any other of the contracting parties, or of their confederates, to stay in their territories, nor are they and their subjects to assist and to aid them. When required to do so, each of the contracting parties is to deliver the rebels found in his dominions, within 20 days, to the other contracting party who claims them as his subjects.”⁵³ Significantly, there was no mention of a king’s participation or responsibility to intervene personally in any act of piracy

⁵¹ “Treaty of London” (2 October 1518) in *Calendar of State Papers, Spain, Volume 2, 1509-1525*, ed. G. A. Bergenroth (London: Her Majesty’s Stationery Office, 1866), 290-294, art. 2. *British History Online*, <http://www.british-history.ac.uk/cal-state-papers/spain/vol2/pp290-294> (accessed October 2, 2016).

⁵² *Ibid.*, art. 3.

⁵³ *Ibid.*, art. 9.

performed by foreign subjects as the treaty established in Articles 2 and 3 concerning definite attacks from another country. One can discern from this differentiation in treatment toward an authorized attack from a monarch and acts of piracy that, despite the tension piracy caused between kingdoms, especially the French and English, acts of piracy legally remained separate from the sovereign. Monarchs still had not established legal jurisdiction and procedures for prosecuting piracy so they could not be held responsible for crimes that pirates committed. This interpretation can be further strengthened through examining the usage of “rebel” in the treaty. Rebel, an umbrella term for any enemy of the crown, included pirates. The treaty did not address the possibility of monarchs working alongside and utilizing piracy to their own ends; rather, it concerned pirates who worked against the crown, and it prescribed alliances of different realms to work together to prosecute piracy.

Throughout the 1520s, piracy continued to create tension among the French, Scots, and English.⁵⁴ In 1535, Henry created a statute addressing piracy that historians commonly overlook in order to focus on the more influential Statute of 1536. While 1536 undeniably had a longer-lasting impact, it remains pivotal to examine 1535 to understand further the necessity that led to the creation only a year later of a revised statute aimed directly at piracy. The Act of 1535 *For pirates and robbers on the sea* began with a preamble clearly identifying the issues that arose with prosecuting piracy in admiral courts:

Where pirates, thieves, robbers, and murderers upon the sea, many times escape unpunished, because the trial of their offences both heretofore been ordered before the admiral, or his lieutenant or commissary, after the course of the civil laws, the nature whereof is, that before any judgment of death can be given against the offenders, either

⁵⁴ For more about conflicts at sea between kingdoms during the 1520s see: Gordon Connell-Smith, *Forerunners of Drake*; and Marshall, “Other Black Legend,” 39. While Marshall does not attribute the conflict between the French and English off of the Portuguese port of Lisbon to piracy, nor is piracy a part of his larger argument, it further emphasizes the growing tensions between the two kingdoms.

they must plainly confess their offence. . . or else their offenses be so plainly and directly proved by witnesses indifferent, such as saw their offenses committed.⁵⁵

Clearly stated in the preamble is the issue of commuting a death sentence onto pirates due to the difficulty of obtaining a necessary confession or eye-witness account.

In the outline of changes in the judicial treatment of piracy, several important points are made. One of the most significant points, and one that continued to be addressed in the following Act of 1536, was that acts of piracy were to be treated just as crimes of murder and theft on land were prosecuted. Further, a confession was no longer necessary to sentence an accused pirate to death. Instead, courts could announce a verdict based on evidence and testimonies with or without the actual statement from the accused that they did commit the crimes that they were on trial for. Problematically, this does not address the problem of pirates' incentive to murder witnesses as the preamble itself recognized. In addition to changes in how trials were handled the act recognized that sometimes acts of piracy had to be committed out of necessity, as Rubin points out in his analysis of the Act of 1535. It followed that these acts could not bring harm to anyone and must be repaid within a certain time frame: four months if done on the European side of the Strait of Marrok (now known as the Strait of Gibraltar), twelve months if done on the African side. There was no mention of the Atlantic, and it is not clear if this act applied only to English pirates or to acts of piracy in general.

Clearly increasing tension between kingdoms and pirates led Henry VIII to revise the Act of 1535 and to create a new act in 1536 entitled, *An Act for punishment of Pirates and Robbers of the Sea*. The creation of the Act of 1536 marked a pivotal transition for how acts of piracy were defined and how courts handled trials of piracy. As discussed earlier concerning the Act of

⁵⁵ *For Pirates and Robber on the Sea*, 1536, Danby Pickering, *The Statutes at Large from the First Year of King Richard III to the Thirty-First Year of King Henry VIII* (Cambridge: Printed by Joseph Bentham, 1763), 348.

1535, Mark G. Hanna points out in his work that prior to 1536, pirates could be convicted only through confession or the legal testimony of witnesses, which encouraged pirates to murder their victims in order to eliminate potential witnesses. Even more important, something as substantial as a stolen ship could not be used as evidence in vice-admiralty courts. Henry's act addressed these issues with the continued use of civil law but also the return of common law and popular use of a jury that could use a ship as evidence of piracy. Significantly, for the purposes of the present analysis, Hanna pointed out that pirates had to be tried in special courts of oyer and terminer "commissioned by the crown, but with a jury that accepted circumstantial evidence."⁵⁶

The commission of the crown signified a dramatic shift in the relationship between monarchs and piracy; previously, monarchs worked together to abolish piracy, whereas now the English king was alone directly responsible for prosecuting pirates in his realm. The language of the statute which Henry issued presented a stark difference from the language of treaties previously discussed. The statute of 1536 stated,

. . . all treasons, felonies, robberies, murders, and confederacies, hereafter to be committed in or upon the sea, or in any other haven, river, creek, or place where the Admiral or Admirals have or pretend to have power, authority, or jurisdiction, shall be enquired, tried, heard, determined, and judged in such shires and places in the realm as shall be limited by the King's commission. . . . And such commissions shall be had under the King's great seal directed to the Admiral or Admirals.⁵⁷

Now piracy became an act that the English monarch was directly responsible for prosecuting. Not only did it specify the role of the king but it created a distinction between English acts of piracy and pirates outside of the English realm through the designation of prosecuting pirates within the appointed Admiral's jurisdiction. Previously, the Act of 1535 only stated the right to

⁵⁶ Hanna, *Pirates Nests*, 31.

⁵⁷ *An Act for Punishment of Pirates and Robbers at Sea* (1536), 28 Henr. VIII, c. 15; *Statutes of the Realm*, iii, 671. This same wording is used in the Act of 1535 but the clarification of who the English are prosecuting brings a vague statement full of holes into one that has a strong implication of change and the need for the English crown to do something in an effort to control piracy within the English realm.

prosecute “upon the sea. . . river or creek where the admiral or admirals pretend to have jurisdiction.”⁵⁸ The Act of 1536 saw a decisive change in language as the Admirals no longer had to “pretend” to have jurisdiction, a situation that weakened any claim to jurisdiction that they had. Now, without the term “pretend” the Admirals’ power to hold trials increased. While legal jurisdiction at sea granted the crown more authority to prosecute piracy, it also granted other monarchs the ability to hold the English crown responsible for English piracy against their own ships. Now, other ruling monarchs could label piracy as English and, therefore, view the English monarch as complicit in piracy which it did not seek to actively prosecute. Since the Act of 1536 made England responsible for the prosecution of English pirates, if the English crown ignored piracy within his realm or pirates identified as English, other monarchs could now claim the king allied himself with pirates and sought to help them in attacks on foreign vessels. The Act allowed a way for England to prosecute piracy, but it also diminished the ability to deny involvement in piracy as an effective way to negate responsibility for pirates’ behavior against other countries. Piracy effectively had taken on new connotations of foreign diplomacy. Instead of a tool to unite realms and strengthen alliances, pirates became a way to justify attacks and to assert a king’s unwillingness to act in accordance to his own law.

Despite creating a clear legal process to prosecute piracy, the Statute of 1536 did not clear up the issue of the extraterritorial reach of the legislation. As Alfred Rubin points out, whereas the Statute of 1535 addressed the issue of necessary piracy with the Strait of Marrok as a demarcation line, the Statute of 1536 ignored any mention of juridical boundaries. The vagueness of where Admirals were responsible for prosecuting piracy created confusion among the English and their European neighbors. As discussed above, Rubin recognizes that authority

⁵⁸ Act of 1535, 349.

was restricted to places where the Admiral had jurisdiction under the law of England, but he argues that it was never clear whether it extended to foreign vessels on the high seas or on internal navigable waters of England which fell under the Courts of Common Law, not the Admiralty.⁵⁹ J. R. Tanner also recognizes that under the statute, even the coast of England became a point of confusion for the jurisdiction of different courts. Under the Act of 1536 the criminal jurisdiction of the Admiralty came to be exercised under the supervision of the Judges of the Courts of Common Law and had to act in accordance to these laws. This created the curious problem of coastal jurisdiction which fell under the Courts of Common Law when the tide was out and the Court of the Admiralty when the tide was in.⁶⁰ As both Rubin and Hanna recognized, the courts did not address the problem of foreign vessels at sea. English courts did not alter the legislation to state positively that it extended to foreign vessels outside of England's Common Law jurisdiction until the case of *Regina v. Keyn* in 1876.⁶¹

Hanna also discovered a loophole of the Statute which provided the foundation for his overall argument that the legal status of individuals on land directly fostered the proliferation of piracy at sea. For their accomplices to be deemed guilty, the pirates themselves first had to be found guilty regardless of any incriminating evidence against the accomplice that the court already held. Even further, if two crimes took place in two different jurisdictions, such as land and sea, Admiralty courts could not try accessories to the crime if their crime took place on land. While one might assume this placed the crime into Common Law Courts, that would be incorrect. Courts of Common Law could not try accessories to crimes of piracy either, because only the Courts of Admiralty could try principals of the crimes.⁶² Despite the problem of unclear

⁵⁹ Rubin, *The Law of Piracy*, 38

⁶⁰ J. R. Tanner, *Tudor Constitutional Documents, A. D. 1485-1603* (1922), 346-347.

⁶¹ *Regina v. Keyn*, 1876, 2 Ex. D. 63.

⁶² Hanna, *Pirate Nests*, 31.

jurisdictions and the question of how to prosecute accomplices effectively, the Statute of Henry VIII continued to be used and referred to without much question until the 1700 Piracy Act.⁶³ The tremendous significance of this act to determine 160 years of legal precedent cannot be ignored. This fact alone, even without the shift it caused in foreign relations involved in handling piracy, demands a closer examination of the development of piracy under Henry VIII than has been presently given.

After 1536, piracy took on a new role within Europe. The very same year that Henry VIII passed the act, Eustace Chapuys, the Holy Roman Imperial Ambassador at the English court, wrote to Charles V concerning a meeting with Henry VIII alongside the French ambassador, Jean de Dinteville. Henry expected both ambassadors to explain acts that defied previous treaties and to defend their monarchs. Dinteville was granted the right to speak first and immediately began defending France, stating that his sovereign had not committed any acts that broke the treaty. Dinteville went on to state that despite France not breaking the treaty, Charles V had invaded French territory “without regard to treaties or relationship.”⁶⁴ Significantly, Dinteville asserted that Charles V had broken the treaty because some of his subjects, not naval commanders, seized a French ship at Aigues Mortes. This is important because it shows an immediate use and response to the new Act that Henry VIII had passed, which created the link between piratical acts and the sovereign. The problem with Dinteville’s assertion of a ship being taken by subjects not under a sovereign’s direct command is that the Act addressed only piracy within England; it did not apply to all of Europe. Chapuys, aware of this, addressed Thomas Cromwell who claimed ignorance of any rumors of a French ship being

⁶³ Ibid., 341

⁶⁴ Charles to Chapuys, 1 July 1536, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 11, July-December 1536*, ed. James Gairdner (London: Her Majesty's Stationery Office, 1888), 2-19. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol11/pp2-19> (accessed October 21, 2016).

seized and stated that had the Emperor participated in any of the alleged transgressions around Provence, he would only have been invading and taking his own property.⁶⁵ Even though Cromwell ignored Dinteville's insistence that the Emperor had acted outside of treaties, any insinuation of utilizing acts of piracy now had to be justified as emphasized by Cromwell's insistence that Dinteville's complaint was irrelevant since the territory was under Charles V's authority. Cromwell did not defend Charles by arguing that these acts happened outside of imperial land but that they took place within the crown's own property. After Chapuys' letter to Charles, Cromwell wrote Chapuys the next month complaining that he "has been informed that the Emperor's subjects in the Netherlands rob and maltreat the English, especially by sea.... [He] begs him to write for redress in order that the friendship of the King and the Emperor may not cool."⁶⁶ The degree of the willingness of the Emperor to control piratical acts against Englishmen could now determine the political relationship between the two rulers.

Pirates themselves soon became aware of the power that treaties gave them as well as the power they had to affect alliances created by treaties. The fact that their crimes were under the crown's jurisdiction created a stronger incentive to prosecute piracy but also gave pirates a way to threaten and negotiate with monarchs. On February 6, 1539, Lord Lisle of Calais, who was Arthur Plantagenet, the son of Edward IV, wrote to Adrian Revel, a good friend and Captain of the Dieppe, warning him that "of late from the River of Thames, which runneth by. . . an English pirate with a galleon. . . which is an entirely new ship and hath long time. . . been equipped for as for war. . . and that aboard of this said pirate there are thirty fellows, and that their intention is to

⁶⁵ Ibid.

⁶⁶ Cromwell to Chapuys, 15 August 1536, in *Life and Letters of Cromwell, Volume 2, Letters from 1586*, ed. Roger Bigelow Merriman (Oxford: Clarendon Press, 1902), 25.

go to sea in order to pillage and harm the allies and friends of the King.”⁶⁷ Lord Lisle continued to request that Revel apprehend these pirates if he knew of their location or grant Lisle the knowledge so that he could acquire the means to garner their apprehension himself. One can derive from this letter that pirates set off with a clear agenda of which the motives cannot be discerned. What can be observed is that the pirates did not set out to attack English ships or enemies of the English crown. From this one can deduct that the pirates described in Lord Lisle’s letter attacked allies for an unknown reason with the knowledge that if England did not apprehend and prosecute them, it could damage any relationship the crown had with other monarchs. It goes without saying that they did not intend to be apprehended. If this does not reveal active agency in disrupting treaties, it does indicate the strategic attack specifically on allies of pirates’ knowledge of their own power. They could not attack an English ship but they also would not aid the English in attacking foreign enemies. These pirates were not privateers, unlike those attacking the Scots, yet the willingness to prosecute still held the key for upholding political alliances in both cases despite different the relationships between the monarchs and pirates.

The next year, October 12, 1540, Charles V wrote to James V of Scotland that he “Requires him to do justice in the case of certain fishermen of Ostend who have been robbed by Robert Fogo, a Scottish pirate, as appears by certificate enclosed.”⁶⁸ The letter made clear that a letter of reprisal for the pirate from the Scottish crown was found and that the act, or lack, of prosecution would determine the outcome of the situation. James V responded to the complaint

⁶⁷ Lord Lisle to Adrian Revel, 6 February 1539, in *The Lisle Letters: An Abridgement*, ed. Muriel St. Clare Byrne (Chicago: The University of Chicago Press, 1981), 357.

⁶⁸ Charles V to James V, 11 June 1540, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 15, 1540-1541*, ed. James Gairdner and R. H. Brodie (London: Her Majesty's Stationery Office, 1898), 364-376. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol15/pp364-376> (accessed January 12, 2017).

by denying the piracy of Robert Fogo was authorized by the Scottish crown. Instead James asserted that he arrested Fogo immediately upon his return and “Will do nothing contrary to the amity renewed between them a few years ago,” in reference to the renewal in 1529 of the commercial treaty between Scotland and the Netherlands.⁶⁹ James’ response exemplifies the new nuanced structure of piracy in diplomatic relations. Previously, James was able to complain about the King of Portugal’s hand in piracy only because it was Portuguese commanders and naval men acting in piratical ways. These were quite clearly men under the crown’s orders who questionably acted outside of those orders or in secret with the crown to conduct acts of piracy. No letters of marque or reprisal were involved. Now, in 1539, James was able to deny aiding in piracy against another kingdom with the defense that he prosecuted the very pirate Charles V complained about despite clear evidence stating otherwise. This shows again the shift seen after 1536 whereby the ability to accuse a monarch of working with pirates depended entirely on their ability to prosecute piracy. Steven Murdoch, who wrote on Scottish maritime warfare, asserts that it was quite clear for all contemporaries involved that James V did in fact work with Fogo. Murdoch points out that Fogo worked not only under letters of general reprisal from the previous year but that James V specifically listed Fogo’s name in the letters. He also found that despite this, James’s quick act of justice determined the outcome of the affair and its effect on any outstanding treaties.⁷⁰

Further representing the change in attitude toward piracy is the Rochepot Affair that Thomas Cromwell was accused of being involved with in 1540, the year of his death. The Rochepot Affair began in 1537, the year after Henry VIII’s act against piracy was passed, with a

⁶⁹ James V to Charles V, 12 October 1540, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 16, 1540-1541*, ed. James Gairdner and R. H. Brodie (London: Her Majesty's Stationery Office, 1898), 66-81. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol16/pp66-81> (accessed October 17, 2016).

⁷⁰ Steven Murdoch, *The Terror of the Seas: Scottish Maritime Warfare 1513-1713* (Leiden: Brill, 2010), 90-91.

skirmish between German merchants and French ships in the English Channel. The French ships sailed under letters of marque and reprisal to Rochepot whose brother, Anne de Montmorency, was a constable of France. Soon after the French murdered many on board and took the ship, English ships set sail after the prize ship the French had taken. The dispute became more complicated when the French claimed the Germans had contraband on board, allowing them to attack the ship, a claim which the Germans denied having any knowledge of. England then denied a remittal of the trial to a French court due to the statute 27 Edward III, cap. 13 which served as an alliance between the Hanseatic League and England. The Germans were allowed to pick the place in England where the trial would be held.⁷¹ This trial became even more complicated when one remembers the Act of 1536 which did not clarify how to handle prosecutions involving foreign vessels. For all purposes the English were not involved in this affair beyond the fact that it occurred in their waters so the logical solution would have been to remit the trial to France, amplifying the animosity the French felt toward England when it denied them that right.

The case seems to fade from record until Cromwell, who had in the meantime been preoccupied with Bibles, wrote letters to both Edmund Bonner, the Bishop of London, and Anne de Montmorency, Rochepot's brother, in 1539 concerning the affair.⁷² In the letter to Bonner he reiterated that the trial could not be moved to France and claimed that the allegations of the French ambassador and Monsieur de Dampont's, a French gentleman, about prolonging the case of Rochepot were false.⁷³ Cromwell's letter to Montmorency, on the other hand, expressed an

⁷¹ A. J. Slavin, "The Rochepot Affair," *The Sixteenth Century Journal* 10, no. 1 (1979): 5-6.

⁷² For the purposes of this work I will focus on the diplomatic and legal proceedings of the affair. For more on Cromwell's specific role with Bibles see Slavin, "The Rochepot Affair," 3-19.

⁷³ Cromwell to Bonner, 24 June 1539, in *Life and Letters of Cromwell, Volume 2, Letters from 1586*, ed. Roger Bigelow Merriman (Oxford: Clarendon Press, 1902), 230-233.

apologetic tone toward the circumstances which denied the return of the case to a French court. Cromwell's tone in his letter to Montmorency contrasted his tone used in his letter to Bonner which portrayed only distrust of the French. To Montmorency, Cromwell claimed that if he could he would use the small power that he had with the king, Henry, to help push the affair in the French favor in order to have the ship, still held by the English, returned to its rightful owner in France.⁷⁴ In December, less than six months later, Cromwell wrote Montmorency again but this time urged him to appeal to his brother Rochepot to accept the offers of Henry VIII.⁷⁵ These differing sentiments led to the accusation in 1540 that Cromwell actively worked to prolong the trial for his own personal benefit. The Lords of the Council asserted that Cromwell had been promised part of the prize from the attack on the German ship by the French in 1537. In a letter addressed to Council, Cromwell denied any such involvement stating, "but that ever I hade any partte of that pryse or that I wer promyssyd Any part theroff my lordes assure yourselffes I was not."⁷⁶ This plea was sent out four days before Cromwell's execution. In only four years, piracy shifted from a crime that required the Act of 1536 to assure death for those who committed crimes at sea to a crime that became a legitimate reason to condemn a high official to death who never touched the ship involved. Acts of piracy were no longer separate from land.

In 1544, piracy took on an entirely new role in England. Henry granted blanket authorization for privateering in an act of war against the French, as Janice Thomason found in her study of *longue durée* of piracy and state-building.⁷⁷ This grant did not require privateers to

⁷⁴ Cromwell to Montmorency, 24 June 1539, in *Life and Letters of Cromwell, Volume 2, Letters from 1586*, ed. Roger Bigelow Merriman (Oxford: Clarendon Press, 1902), 233-234.

⁷⁵ Cromwell to Montmorency, 9 December 1539, in *Life and Letters of Cromwell, Volume 2, Letters from 1586*, ed. Roger Bigelow Merriman (Oxford: Clarendon Press, 1902), 242-243.

⁷⁶ Cromwell to the Lords of the Council, 24 July 1540, in *Life and Letters of Cromwell, Volume 2, Letters from 1586*, ed. Roger Bigelow Merriman (Oxford: Clarendon Press, 1902), 277.

⁷⁷ Thomson, *Mercenaries, Pirates, and Sovereigns*, 23.

obtain a license nor did it grant security but called for them to attack any French ship that they spotted. Once piracy fell under legal jurisdiction of the English crown as a crime after 1536, a new opportunity for monarchs to issue decrees legalizing piracy for their own advantages arose. If one had the authority to deem an act illegal, one also had the authority to declare it legal under certain circumstances. This was just what Henry did at a time of war, and the need for more ships than his navy could provide forced him to find a supply elsewhere: among pirates. Now pirates played the role of essentially mercenaries at sea for the crown. Instead of denying granting any authority to acts of piracy as James V did with Charles V only five years earlier, Henry asserted not only his right to command the pirates under English jurisdiction but to use them in waging war against another kingdom. The question remains, though, why would pirates want to work with the crown when they could acquire prizes and loot on their own as they had already been doing? Henry VIII provided incentive with his statement that “they were to have the whole property in the prizes which they took, without any bonus for the Lord High Admiral or the Lord Warden of the Cinque Ports.”⁷⁸ Not only did pirates now have sanction from royal authority to attack French ships, but they got to keep the entirety of their prizes. In short, the Lord Admiral no longer could prosecute them for acts against the French. Without the threat of prosecution, pirates no longer had to worry whether they would be able to enjoy their loot. Importantly, Henry did not require a percentage of their prizes in return for sanctioning their piratical acts under the crown. Previously, smaller, local uses of privateering required privateers to share their prizes with a host of public officials. The decline of privateers contributing their men and services to the navy was due to privateers’ accomplishments, which favored the rise of the navy rather than privateers’ own advancement. The decline in their naval participation

⁷⁸ Francis R. Stark, *The Abolition of Privateering and the Declaration of Paris* (New York: Columbia University Press, 1897), 59.

necessitated the need for Henry to make clear that fighting for the crown benefitted privateers' before it benefitted the navy.⁷⁹ From this one can discern not only the weakness of the royal navy but the strength of privateers. The crown clearly recognized this strength and found that the predicted guarantee of defeating the French with the privateers' help far outweighed any negotiations of monetary gain. This finding is profound under a monarch whose treasury was known for being in debt.

The shift of piracy as completely separate from the crown in 1509 when the treaty between Henry VIII and Louis XII was drafted, to the English crown's sanctioning of piracy in warfare against the French establishes the magnitude of how piracy shaped foreign alliance and vice versa. Privateering became renowned under Elizabeth I with Francis Drake, but historians continue to ignore Henry's use of privateering. His reign witnessed the transformation from monarchs denying any association with piracy to publically proclaiming affiliation with pirates in matters of war. Incidents involving Scotland, Portugal, Spain, France and other kingdoms served as examples of how crowns viewed piracy as a secret tool which one must plausibly deny or at least appear to prosecute to keep peace. From these occurrences, England steadily broke away from this trend along with France as privateering became an increasingly useful tool in warfare. At this moment piracy quit being a nuisance to monarchs that united rulers in an effort to eradicate the practice and instead became an illegal entity that a monarch united with at times of necessity to defeat enemy countries causing a further divide among foreign alliances. These developments during the reign of Henry VIII later caused significant trouble under the reigns of Elizabeth I and the Stuarts as it became more and more difficult to differentiate between defining legal privateering and illegal piracy. The blurring of these two definitions and the crown's

⁷⁹ Thomson, *Mercenaries, Pirates, and Sovereigns*, 23.

responsibility to control piratical actions caused tremendous discord in foreign relations for the British Empire. Historians have rightfully focused and explored the issues that Elizabeth, the Stuarts, and the East India Trading Company faced when dealing with piracy. It cannot be ignored, however, that these issues arose from the shifting relationship between the crown and pirates that developed largely under Henry VIII and other European monarchs in the first half of the sixteenth century. Piracy after 1536 became legally defined and thereafter took on new connotations that could not be reversed. The crown created a symbiotic relationship with piracy that altered how foreign relations were maintained in the Henrician era.

CHAPTER 2
FROM PRIVATE THEFT TO ROYAL WARFARE: THE DEVELOPMENT OF
PRIVATEERING IN ENGLAND DURING HENRY VIII'S REIGN

Kingdoms secretly engaged privately owned ships or individuals outside of the navy in acts of war dating back to the fourteenth century. Henry VIII transformed privateering from a covert method of war into a crown-sponsored practice with his decree in 1544, which issued letters of marque to those who fought against the French. Henry's statement that England would sponsor privateering marked a pivotal change in how crowns associated themselves with privateering. It also marked a significant moment in Henry's reign which continued to influence and lead the development of privateering in England after Henry's death in 1547.

In the early portion of Henry's reign, privateering often consisted of individuals separate from the crown who could hold shares in private ships. Occasionally, men purchased shares with foreign enemies, such as with the ship "The Salvador of Cadiz," to split prizes and increase their incomes. This created a sense of financial independence from the ruling monarch. The custom of working with foreigners at sea gives insight as to why Frenchmen worked for Henry against France in the 1540s. In 1543, Parliament began to change the practice of privateering outside of the crown by issuing letters of marque and reprisal for certain individuals. Henry's decree in 1544 sought to use European Christian men as privateers, a definitive break from Francis I who used Barbary corsairs, non-Christians and foreign Turks. As sources will reveal,

Henry did not allow himself the option to deny association with privateers' acts at sea due to religious difference. While Francis could claim his lack of control over infidels, Henry gave himself no such option. Unfortunately for England, the king's policy of hiring predominately Frenchmen to work as English privateers led to betrayal, as was the case with Jean Rotz. French corsairs under Henry's command used tactics to earn back their own French king's favor and, therefore, maximized their profits.

After Henry's death, Edward VI, Mary I, and Elizabeth I's issued their own decrees which concerned privateering during their own respective reigns. These decrees, which included Edward's Proclamation of 1549, Mary's Proclamation of 1557, and Elizabeth's Proclamation of 1585, all of which mirrored their father's decrees, further signify the influence Henry VIII had on the legal development of privateering as crown-sponsored warfare which has previously been credited to Elizabeth alone. This chapter sets out to explore English relations with privateers and the importance of these developments under Henry VIII and after his reign. The development of privateering under the English crown began with private individuals which helps explain the king's decision to utilize pirates in warfare. Henry's declaration in the 1540s that England would officially sponsor privateering set the standard for subsequent monarchs when they issued their own proclamations concerning privateers.

To understand fully why French seamen were willing to work under Henry VIII against France in 1544, one must first understand sea life and ship-owning. Private ship-owning rarely resulted in one man purchasing a sole share in an entire ship. Instead, to lower risk and maximize profit, men purchased small shares of a ship, which was divided among a number of people depending on their personal wealth and the size of the ship itself. All decisions about purchasing and selling ships or goods in the business of merchants rested on profits. The wealth

of merchants, unlike that of the nobility, depended less on the king and more on their own abilities to calculate profit and risk margins. In other words, foreign alliances or rules dictated by the court did not necessarily determine merchants' personal transaction decisions, often leading them to ignore trade embargos that the crown issued. An example of this can be seen in a letter from Ferdinand of Aragon in 1513. In this letter, he reacted to Spanish vessels being sold to Henry VIII, ordering Don Luis Caroz, the Spanish ambassador in England, to "tell him [Henry] that, according to the laws of the country, Spanish subjects are forbidden to sell ships to foreigners. . . . The persons, therefore, who have sold the vessels to the King of England have incurred grave penalties."⁸⁰ From this letter a few points can be highlighted. One large point is that the potential profit of selling ships to the King of England outweighed any calculated risk of fees for the shipbuilding merchants if the Spanish crown discovered these transgressions. That some Spaniards decided to go against their crown's own law and sell ships to aid the English reveals their dedication to increasing their wealth and their favoring business over politics. From this, one gets a glimpse into how those working at sea had a different view of loyalty to their king than did landed nobles, who depended on the king's generosity to fund their expenses.

Another example of comradery at sea that demonstrated the refusal to work only for one's homeland can be discerned from a certificate of ships in the Thames in 1545. One ship, *The Christofer*, included men named Hans Martenbecke, Hans Nulke, Andrew Bucke, Johan de Sueta, and Walter Shosche. Of all these men, only Johan de Sueta's origin was labelled as "Hispanyarde," denoting his links to Spain.⁸¹ Despite this, one can safely conclude that Andrew

⁸⁰ King Ferdinand the Catholic to Diego de Quiros his Envoy in England, July 1513, in *Calendar of Letters, Despatches, and State Papers, Relating to the Negotiations Between England and Spain, Preserved in the Archives at Simancas and Elsewhere, Volume 2, Henry VIII, 1509-1525*, ed. G. A. Bergenroth (London: Longmans, 1886), 143-144.

⁸¹ Ships in the Thames, July 28, 1545, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 20 Part 1, January-July 1545*, ed. James Gairdner and R. H. Brodie (London: His Majesty's Stationery Office, 1905), 632-

Bucke was English and that Hans Martenbecke and Hans Nulke were of German, Dutch, or Scandinavian origin. The point that this record emphasizes is that even though some of their countries had tensions among them, these seamen could nonetheless come together on board a single ship in order to make a profit. This further explains the French incentive to work for the English. Even officials keeping record on land who recorded the diverse crews found the practice completely normal and unremarkable. With the ability to work for foreign vessels already available in the merchant community and trade, it is not shocking that pirates would do the same in acts of war.

Even further, a report from the same day written about a ship named “The Salvador of Cadiz” denoted the shared owning of a ship between an Englishman and a Spaniard:

Nic. de Harraria of Cadiz in Spain and Wm. Wilford, grocer, of London and Cadiz, owners of the ship *Salvador* of Cadiz, now at London, are bound to Martin de Astigarenia, of Motrico, pilot of the said ship, in 50 ducats received by exchange for victualling and apparelling the said ship, to be paid at Cadiz for his services in the pilotage of her thither.⁸²

This report reflected a lack of tension between Spanish and English ship owners despite Charles V’s betrayal of Henry VIII in 1544 in order to negotiate peace with Francis I, which led to a low point in Anglo-Spanish relations at this time. The report that a London grocer owned half of a Spanish ship included no allegation that the grocer was in any way betraying England. The report solely referred to business and the process of sending 50 ducats to a Spanish man by the name of Martin de Astigarenia. This report reveals an ability of those at sea or in the maritime

685. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol20/no1/pp632-685> (accessed April 1, 2017).

⁸² “The Salvador of Cadiz,” July 28, 1545, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 20 Part 1, January-July 1545*, ed. James Gairdner and R H Brodie (London: His Majesty's Stationery Office, 1905), 632-685. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol20/no1/pp632-685> (accessed April 1, 2017).

and merchant business to be able to put their countries' grievances aside in order to conduct business without any accusations of disloyalty to the crown or of treason. As a result, Henry had every right to assume that Frenchmen would remain loyal to an English cause in his efforts against France as long as he conducted his business correctly and promised them higher earnings. At the same time, it was also completely in the tradition of maritime business for the French to betray Henry if the price was high enough. This he did not count on, but these documents reveal that it was not inevitable that the French would betray Henry to their French king and that the possibility that they would remain completely loyal to an English king existed. This leads to a more nuanced understanding of the events that happened during the development of crown-authorized privateering.

The years leading up to the 1540s contrasted with the noticeable shift in legally sanctioned privateering, which occurred in 1543. Prior to 1543, merchants continuously complained to the king about robberies and pirate attacks on the sea that cost them any profit that they hoped to gain. In grants from September 1511 trade issues were recognized twice. John Sharp, the groom of the Privy Chamber, requested on September 2 to be the king's solicitor in the ports in order to prevent frauds practiced by merchant strangers, stating that because of these acts, "Henry VIII was defrauded of twelve ducats in the subsidy of three kerseys."⁸³ Sharp's request illustrated a need to regulate trade better and to keep theft of property from occurring in foreign ports and on the seas. Without a substantial number of occurrences of fraud or thievery, one can assume that the position would not have been granted. By September 29, the account of William Stafford, the Keeper of Change and Mint and Keeper of Coinage felt the need to denote

⁸³ Grants in September 1511: John Sharp, Groom of the Privy Chamber, September 2, 1511, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 1, 1509-1514*, ed. J. S. Brewer (London: His Majesty's Stationery Office, 1920), 455-465. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol1/pp455-465> (accessed April 1, 2017).

he was not responsible for reimbursing those who lost goods from fraud. His mint account stated, “He does not answer for. . .profits of coinage of 1oz of gold buillon bought by merchant strangers and exported elsewhere than to the staple of Calais.”⁸⁴ Stafford realized the crown could not afford financially to uphold the responsibility of reimbursing merchants every time fraud occurred with shipments. Significantly, he mentioned Calais, which was where the shipments were intended to be delivered. Calais, a place considered as a site of noble exile for contemporaries, dealt with acts of fraud and piracy on a regular basis. In January 1513, Jehan Velle, a merchant, wrote to the Deputy of Calais, Richard Wingfield, begging him to “explain to the Almoner [Wolsey] that he is unable to supply him with wine, his ship having been stopped at Rochelle and his herrings lost.”⁸⁵ This letter reflected certain knowledge of Wingfield’s possible sway with Cardinal Thomas Wolsey, the king’s administrator and most trusted advisor, whose prominence rose when in 1515 he became the Lord Chancellor. While revealing a personal connection with Wolsey, the letter also suggests that the Deputy of a major port town was accustomed to these grievances and would be better capable of relating the news of the lost goods to Wolsey in general.

In 1539, three years after Henry passed the Act of 1536, a shift in the language of the complaints issued started to occur. Instead of complaints of business fraud or complaints of thievery, “piracy” increasingly became the normal identifying term for these acts. On February 9, Thomas Vaughan, an influential English merchant and diplomat, wrote to Thomas Cromwell, another favorite of the king who in 1539 had many influential positions including, Lord Privy

⁸⁴ Mint Accounts: William Stafford, Keeper of the Change and Mint and Keeper of the Coinage, September 29, 1511, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 1, 1509-1514*, ed. J. S. Brewer (London: His Majesty's Stationery Office, 1920), 455-465. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol1/pp455-465> (accessed April 1, 2017).

⁸⁵ Jehan Velle to Deputy of Calais, January 3, 1513, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 1, 1509-1514*, ed. J. S. Brewer (London: His Majesty's Stationery Office, 1920), 1121-1131. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol1/pp1121-1131> (accessed April 1, 2017).

Seal, Chancellor of the Exchequer, and Principal Secretary, that Vaughan heard “of four ships the duke of Maghleburg has set to sea to take the merchants' ships now going to England from the cold mart. . . . The merchants' ships, being taken, would make a ‘fatt bote [booty]’ and being ‘such pevisse small vessels’ could make no resistance; so the merchants entreat me to desire your lordship's aid.”⁸⁶ In this warning to Cromwell and request for aid, Vaughan highlighted that a duke, a member of nobility, planned to use his ships in acts of piracy. It is important to note that the merchants on board the ship, whom Vaughan quoted, recognized that the Duke of Maghleburg knew they could not resist and planned to attack for the sole purpose of “booty.” The terminology changed from the earlier discussions of merchants who complained only of fraud in ports or stolen goods with little implication as to the circumstances of stolen goods. Now merchants readily pointed to deliberate acts of piracy for the purpose of monetary gain only. There was no mention of any tensions between crowns or merchant guilds that otherwise provoked the attack.

This interpretation of Vaughan’s letter is further solidified by his subsequent letter to Cromwell less than a week later in which he used the term “pirate” in reference to the same situation. In the letter, Vaughan mentioned an informer who had “been a common passenger in hoys between London and Antwerp, and who knows of certain pirates who purpose to take the merchant ships going from hence.”⁸⁷ Now there was a definite shift from dukes privately attacking ships to labelling a noble as a pirate. This marked a significant change in how

⁸⁶ Vaughan to Cromwell, February 9, 1539, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 14 Part 1, January-July 1539*, ed. James Gairdner and R. H. Brodie (London: Her Majesty's Stationery Office, 1894), 95-106. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol14/no1/pp95-106> (accessed April 1, 2017).

⁸⁷ Vaughan to Cromwell, February 13, 1539, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 14 Part 1, January-July 1539*, ed. James Gairdner and R H Brodie (London: Her Majesty's Stationery Office, 1894), 95-106. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol14/no1/pp95-106> (accessed April 1, 2017).

contemporaries during the reign of Henry VIII defined piracy and how authorities handled attacks on merchant ships and theft of goods. No longer was there the murky area of fraud, for which the crown had already denied responsibility. This was a definite illegal act of piracy that could be taken to court for prosecution and the return of stolen goods. Additionally, Vaughan gave a detailed description of the ships along with names of those who captained the ships, the number of men on each ship, and the routes they took to avoid suspicion. He also revealed that the galley ship under suspicion ran under a letter of marque from Yongher Baltezar whom he described as “of a country adjoining the land of the Grave of Emden.”⁸⁸ While the letter of marque is interesting, it must be kept in mind that it was issued by an individual noble outside of England, not by a monarch or within England. Accordingly, it did not mark any significant break from previous privateering that nobles conducted independently of the crown.

The most interesting aspect concerning Vaughan’s letter, however, was his warning to Cromwell about the merchants Vaughan was trying to protect. At the end of his letter he stated that he wrote “nothing of this to the merchants, who are no men to keep counsel.”⁸⁹ This statement, along with his use of a private informer after the complaints from the merchants themselves, points to the earlier point that above all else merchants were businessmen. Vaughan did not trust merchants not to be involved in piracy themselves that went against England’s interests if that piracy secretly benefitted them. Vaughan continued to emphasize to Cromwell that “If you take and execute these pirates you shall avoid piracy from that place: if they escape they will increase.”⁹⁰ Contemporaries recognized the influence of piracy and the advantage it gave those hoping to increase their wealth beyond that of which working with the crown could

⁸⁸ Ibid.

⁸⁹ Ibid.

⁹⁰ Ibid.

hope to offer. This reveals the strength of piracy at the time of Henry VIII and the increased need to respond to those acts with legal prosecution. It also shows how strong the allure was for others to start working with pirates.

Vaughan's letters are not the only examples of the increasing use of the term "pirate." Prior to Vaughan's complaints, in 1538 a clothworker of London, Wyllym Scarlet complained that London merchants Henry Davy and Lylyk "had lost 60/. in goods by Breton pirates."⁹¹ On April 12, 1540, Thomas Wyatt, acting as an English Ambassador within the Holy Roman Court, wrote to Cromwell, "As to the pirate, he [Charles V] said such men were not to be cherished, and he would see to his apprehension and justice," signifying a growing need to address piracy between monarchs.⁹² Two years later in 1542, William Paget, a member of the Privy Council who by 1543 was sworn as the secretary of state, wrote to Henry VIII discussing "certain London merchants lately spoiled by Robert Vall, a pirate."⁹³ All of these signify the growing frequency of piracy and the need to suppress such illicit acts on the sea. As these complaints continued into 1544, when Henry finally decreed legal privateering as an act of war, they increasingly focused on French acts of piracy. The tension these acts caused between the countries was undeniable.

The letter Paget wrote to Henry VIII indicated that the French king

said he was doing what he could to apprehend Vall, who had deceived him, for he promised to conquer the land of Canados, and for that purpose had received ships and furniture and as many prisoners as he would choose out of the prisons, for peopling the said country, and now left the enterprise, and lay upon the coast of Brittany, robbing all

⁹¹ Wyllym Scarlet, August 22, 1538, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 13 Part 2, August-December 1538*, ed. James Gairdner (London: Her Majesty's Stationery Office, 1893), 57-75. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol13/no2/pp57-75> (accessed April 1, 2017).

⁹² Wyatt to Cromwell, April 12, 1538, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 15, 1540*, ed. James Gairdner and R. H. Brodie (London: Her Majesty's Stationery Office, 1896), 209-251. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol15/pp209-251> (accessed April 1, 2017).

⁹³ Paget to Henry VIII, March 13, 1542, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 17, 1542*, ed. James Gairdner and R. H. Brodie (London: Her Majesty's Stationery Office, 1900), 71-84. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol17/pp71-84> (accessed April 1, 2017).

that came in his way. He should be hanged, and his lands converted to pay those whom he had robbed.⁹⁴

In the letter that Francis I wrote which Paget referenced, the French king admitted to supplying the person in question but denied any knowledge that Vall intended to use the royally sanctioned supplies for piracy. This became a recurring line of defense for Francis to deny involvement with piratical acts despite all other evidence of his full knowledge of French subjects' intentions against foreign countries, especially the English.

In September 1542, the Privy Council addressed a request from the French Ambassador for the return of two French ships that the English apprehended when caught committing acts of piracy. While a definitive answer was not granted to the French, the language denoted a certain tone of sympathy about the situation, which became more apparent as one reads further. The Council ordered the Deputy of Calais to release "a Frenchman [of unknown identity] imprisoned at Calais for robbing a Burgundian within the Pale," to De Bies.⁹⁵ The Council then reminded the deliverer of the letter that De Bies had only been gentle toward Sir John Wallop, who a year later would lead a troop of 5,000 men against the French to Calais under Henry's orders and therefore deserved the same treatment. Calais remained an important location for handling piracy as well as a place to send those who had fallen out of favor with the King, such as Wallop. It is also interesting to note that the English tended to show sympathy and a willingness to concede prisoners or ships captured that were involved in acts of piracy depending on the Frenchman's willingness to work with the English. From this, one can discern Henry worked handled cases of piracy differently when dealt with through individuals instead of the king of

⁹⁴ Ibid.

⁹⁵ Privy Council September 24, 1542, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 17, 1542*, ed. James Gairdner and R H Brodie (London: Her Majesty's Stationery Office, 1900), 448-463. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol17/pp448-463> (accessed April 1, 2017).

France. The treatment toward individuals was based on their own conduct and behavior after the crime, not primarily the crime itself.

On the very same day as the Privy Council sent out its order to release a French pirate from Calais, Chapuys, the Imperial Ambassador in England, wrote to the Queen of Hungary demonstrating a much different image of how Anglo-French relations stood at the time. After describing in detail the number of troops from different countries, Chapuys stated, “The French at the camp lamented the lack of victuals for their horses, especially of barley. This is agreeable news to the English, and although she may have heard it otherwise he thinks best to write it.”⁹⁶ Clearly, England’s relation with French pirates and noble individuals was different from the two countries’ relationship with each other. It is also notable that Chapuys stated that even abroad there might have been a belief that the English were not actively against the French. Here, is the sympathetic tone reflected in the earlier Privy Council statement. So England, for unknown diplomatic reasons beyond the scope of this paper, tried to give the illusion of wishing good will on the French at the same time that tensions between the two countries increased.

Chapuys’ letter revealed even more complexities of Henry’s foreign relations with France upon his mention of piracy. Chapuys informed the Queen of Hungary, “Besides the army by land, the King makes a great effort by sea, and his ships have already almost cleared this coast of the French pirates, having lately taken two, one French and the other Scotch, laden with artillery, harness, and other war provision.”⁹⁷ This piece of Chapuys’ letter is interesting because as we know, in 1536 Henry VIII decreed the Act against Piracy, holding England responsible for

⁹⁶ Chapuys to Queen of Hungary, September 24, 1542, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 17, 1542*, ed. James Gairdner and R H Brodie (London: Her Majesty's Stationery Office, 1900), 448-463. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol17/pp448-463> (accessed April 1, 2017).

⁹⁷ *Ibid.*

arresting and prosecuting piracy committed in its waters or by its subjects.

The Privy Council's response to Paget's earlier complaints came to fruition in the same month as Chapuys' letter. Yet again, piracy became a central issue about the amity between the English and the French. The response opened with,

The King has received his of the 7th, and seen the platt sent therewith. As it appears that the Admiral was "something moved" when he declared to Paget's man the taking of certain of their ships, whereof their ambassador and the vicomte of Depe had sent word, Paget shall take occasion to tell him that he has since written to the King to know the certainty, and is, in reply, commanded to declare that the King marvels that it should be thought he did anything against the amity, and that they set so little by that amity as to give credit to every flying tale against it.⁹⁸

Here, Henry denounced the complaints of merchants and diminished their credibility as witnesses to piracy, accusing the French ambassador of having "seemed rather disposed to sow division than to increase amity, by giving credit to flying tales of merchants and other light persons."⁹⁹ Cunningly, Henry turned the complaints of piracy as an act used to create discord rather than acknowledging his own apprehending of French ships. He also defended his belligerence toward France by denying holding a multitude of French ships that had not participated in piracy. The response continued, "The truth is that only four French ships are stayed here," and described in detail the act of piracy each ship committed, defending the crown's right to hold them. To further his case in apprehending the ships and ignoring the French merchants' complaints, Henry pointed out that "English merchants have suffered no small loss by Frenchmen since this war began, whereof the King makes not so great exclamations, and that Flemings (who, they say, are favoured in English ports) are no more favoured than Frenchmen, but the King will suffer no depredations to be made in his ports by

⁹⁸ Privy Council to Paget, September 21, 1542, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 17, 1542*, ed. James Gairdner and R H Brodie (London: Her Majesty's Stationery Office, 1900), 448-463. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol17/pp448-463> (accessed April 1, 2017).

⁹⁹ *Ibid.*

any nation.”¹⁰⁰ This closing statement is a testament to the diplomatic skills utilized in disputes over piracy. The Privy Council subtly, yet poignantly, offered a warning that complaints from the French needed to stop before the English issued complaints of their own. Furthermore, they denied any notion that because England was at war with France that the French merchants were being mistreated or targeted by courts for illegal acts any more than any other country that England was at peace with. The final statement speaks to the determination not only to avoid diplomatic turmoil but also to assert the desire to keep English ports free from illicit activities. From these letters, Henry held up the statute that he passed in 1536. Even though it seemed outwardly to other European countries that Henry was making extensive progress in ridding English waters from piracy his own actions within England speak otherwise.

Five months after Paget’s letter in March 1542, a petition to the Emperor's ambassador by Henry Dowe, of Bolswoert, in Friesland appeared. This petition described how “a French pirate boarded the ship, bound petitioner and his fellows and sailed with the prize to Cromer [a town in England], where they sold it to Thos. Wodhous for 60 cr., although it was worth 300 cr. Wodhous then permitted the pirate to depart, retaining the ship and goods, and sent petitioner and his fellows empty away.”¹⁰¹ It took four years for a trial to occur for Woodhouse after Dowe’s accusation of piracy but interestingly, despite questions concerning his involvement with pirates, Woodhouse still became a vice-admiral.¹⁰² The Woodhouse example provides a plethora of interesting points concerning piracy in England. Woodhouse was a noble who bought a stolen

¹⁰⁰ Ibid.

¹⁰¹ “Piracy,” October 31, 1542, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 17, 1542*, ed. James Gairdner and R H Brodie (London: Her Majesty's Stationery Office, 1900), 550-569. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol17/pp550-569> (accessed April 1, 2017).

¹⁰² Evidence of Woodhouse’s position as Admiral can be found in “Suffolk and Tunstall to the Council,” July 18, 1543, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 18 Part 1, January-July 1543*, ed. James Gairdner and R H Brodie (London: Her Majesty's Stationery Office, 1901), 489-501. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol18/no1/pp489-501> (accessed April 1, 2017).

ship from a French pirate. This not only aided a criminal and supported criminal activity but aided a foreign enemy, the French whom Henry was trying to clear the waters of. Even further, it took four years for the trial to occur, which then did not lead to any sort of conviction but instead led to his appointment as vice admiral. Despite the creation of the Act of 1536 in order to address the problematic issues in piracy trials before 1536 where a stolen ship could not be used as evidence without personal witnesses and the problem of prosecuting those who aided pirates on land, these loopholes maintained itself in the Woodhouse trial that was held ten years later. Not only were proceedings set by the king to aid in convicting those assisting pirates ignored but it led to helping the person involved in piracy now become one in charge of prosecuting it. The Admiralty was abusing its power and using it to gain from piracy, it was not alone in gaining from these illegal acts.

As French piratical activity increased in English waters, letters of marque issued from the Privy Council began to appear. April 1543 saw several letters of marque issued to Englishmen in order to attack the French and Scots. On April 15, there was mention of “John Fletcher, of Rye, who has letters of marque, to take only Frenchmen and Scots.”¹⁰³ Subsequently, Sir John Russel, Keeper of the Privy Seal, was issued letters of marque as well as John Bel., John Reynolds, Richard Caundishe, and Thomas Gye.¹⁰⁴ In December 1543, Henry “licensed all his subjects to esquipp as manie shippes & other vessels to the sea against his

¹⁰³ The Privy Council, April 15, 1543, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 18 Part 1, January-July 1543*, ed. James Gairdner and R H Brodie (London: Her Majesty's Stationery Office, 1901), 231-241. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol18/no1/pp231-241> (accessed April 1, 2017).

¹⁰⁴ “Undated Grants Of 34 Henry VIII,” and “Grants in April 1543, 35 Hen. VIII” in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 18 Part 1, January-July 1543*, ed. James Gairdner and R H Brodie (London: Her Majesty's Stationery Office, 1901), 272-287. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol18/no1/pp272-287> (accessed April 1, 2017).

enemies, Scotts & Frenchmen, as they shall thinke good.”¹⁰⁵ The country of England, not individual nobles, seemed finally to begin to take an interest in privateering as an act of warfare against its enemies. What is interesting about the development of privateering in England is the contrast with the privateers used by the French. From the records of April 1543, one can discern a heavy reliance on Englishmen, who were of course Christians, as privateers. This was in stark contrast to Francis I who largely used Turkish Barbary corsairs. Not only were these men not French but they were not Christian either, giving the French king a plausible denial in case any ships sent to attack the English were apprehended.

There were several references concerning Turks or Barbary corsairs working for the French in the English records. The first instance dated back to 1513 and Louis XII. In a letter to Christopher Bainbridge, the Cardinal of York and Ambassador at Borne, Henry VIII wrote of remarks the Scottish King, James IV, had said at court:

Recently the King of Scots addressed the following words to the English ambassador at his court, the Dean of Windsor [Nicholas West]: “I shall appeal against the letters of execution.” The ambassador answered that it was impossible to appeal from similar acts, as the Pope had no superior; to which the King replied: “I shall appeal to Prejean the Pirate and to the apostleship of the aforesaid formidable King of the French.”¹⁰⁶

The reference to Prejean the Pirate indicated the renowned pirate whom Louis XII sent from the Barbary Coast to protect trade routes. The Scottish monarch’s use of Prejean, who worked for the French, as a threat against the English reveals not only the knowledge that Barbary corsairs were being used but just how active and strong they were at sea.

The extent to which France used Turks became even more known during times of war.

¹⁰⁵ “Proclamation – Privateers,” 1543, in *Documents Relating to Law and Custom of the Sea, Volume 1, A.D. 1205-1648*, ed. R. G. Marsden (London: Printed for the Navy Records Society, 1915), 155.

¹⁰⁶ Henry VIII to Christopher Bainbridge, Cardinal of York, Ambassador at Borne, April 12, 1513, in *Calendar of State Papers Relating To English Affairs in the Archives of Venice, Volume 2, 1509-1519*, ed. Rawdon Brown (London: Her Majesty's Stationery Office, 1867), 96-101. *British History Online*, <http://www.british-history.ac.uk/cal-state-papers/venice/vol2/pp96-101> (accessed April 1, 2017).

In 1542, Edmund Bonner, the Bishop of London, wrote to Henry VIII that “Advice was given from Italy that three French galleys had passed to Constantinople, carrying three great personages as hostages, to bring the 60 Turkish galleys to Marseilles.”¹⁰⁷ Here the French not only worked with Turks in France but went all the way to Constantinople in order to assemble a larger Turkish armada in France. The letter continued, “the French ambassador at once obtained an order from the Turk for 60 or 80 galleys to be ready within a month to depart under Barbarossa [an Ottoman admiral who provided naval support to Francis I], who reckoned then to have with the foists and galleys of Barbary, 150 sail. The Turk also despatched succour to Buda, and an order to the Begliarbey of Grecia to look to the frontiers. Rather suspects the truth of these advices.”¹⁰⁸ Barbarossa had already been mentioned earlier in the letter as threatening Charles V. This fact added to the significance of Francis I, a Catholic, working with Turks under the Franco-Ottoman alliance to attack another Catholic monarch at a time of religious turmoil in Europe. Yet the fact that these corsairs were not, in fact, Christian, gave room for Francis’s denial or even a reason for rival monarchs to forgive France when the monarch’s actions were questioned.

On November 2, 1542, Chapuys wrote to Charles V a lengthy letter discussing his attempts to persuade Henry to ally with the Holy Roman Emperor. After a few pages, he invoked the plan to persuade the Pope to forgive Francis for his acts with the Turks in order to persuade Henry, Chapuys wrote, “And where we had said that if His Holiness were given cause of resentment, he might easily be gained over by Francis, with the offer of Naples, and persuasion that Francis only took intelligence with the Turk for lack of assistance from his

¹⁰⁷ Bonner to Henry VIII, September 14, 1542, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 17, 1542*, ed. James Gairdner and R H Brodie (London: Her Majesty's Stationery Office, 1900), 423-439. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol17/pp423-439> (accessed April 1, 2017).

¹⁰⁸ *Ibid.*

Holiness.”¹⁰⁹ Chapuys and the Emperor cunningly used the lack of proper assistance from the Pope, the one who was supposed to protect his flock, as forcing the French to use foreign heretics. This cleared the French of any guilt and created a trustworthy system for allying with them again despite their collaboration with the Ottoman Empire. Unfortunately for Chapuys, Henry did not trust the French enough to think this plan had any credence and told Chapuys that Spain was “ill informed of the affairs of France, and that Francis would be in no hurry to make such offers.”¹¹⁰ It appeared Henry’s mistrust was right because in 1544 another report of the French working with Turks at sea was written: “Captain Poleyn, the French king's agent with the Turk, escaped from Barbarousa with five galleys and is now sent hither to the Emperor to report ‘those affairs.’ It is said that he is appointed vice-admiral of France, and already vaunts that he will do wonders against you [Henry VIII] on the seas.”¹¹¹

The importance in looking at these instances of the French working with Barbary corsairs at sea is to recognize just how significant it was for Henry to choose to work with only Christian, Western European men. Due to his break from the Catholic Church in 1534, Henry could not claim the negligence of the Pope was the reason for allying with infidels. He was the head of the Anglican Church and there was no way to twist an excuse that the king had neglected himself. Even without the lack of a scapegoat, though, Henry’s choice to use Christian privateers emphasizes just how strong a statement Henry wanted to make to the French as well as other European countries.

¹⁰⁹ Chapuys to Charles V, November 2, 1542, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 17, 1542*, ed. James Gairdner and R H Brodie (London: Her Majesty's Stationery Office, 1900), 569-586. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol17/pp569-586> (accessed April 1, 2017).

¹¹⁰ *Ibid.*

¹¹¹ Hertford, Gardiner, and Wotton to Henry VIII, November 9, 1544, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 19 Part 2, August-December 1544*, ed. James Gairdner and R. H. Brodie (London: His Majesty's Stationery Office, 1905), 336-355. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol19/no2/pp336-355> (accessed April 1, 2017).

On December 20, 1544 Henry issued a proclamation for privateers in England “licensing all subjects to equip vessels to sea against the Scots and Frenchmen; enjoining upon officers of port towns to help that this liberty may have substantial effect; and forbidding the taking of mariners, munition or tackle from such as so equip themselves.”¹¹² Notice that Henry clearly stated that only subjects, i.e., Englishmen, not foreigners, were included in this proclamation. While we know that Henry did use French privateers, it is still clear that through this statement that England would not be using Turks or infidels as the French were. The English monarch boldly put in writing that his subjects, including English pirates, would now be mobilized at sea under the English crown’s authority against European enemies. This reflected a military strength and defiance toward the French methods of war that reveals a glimpse of what England’s navy would become. There would be no apologies or excuses made for England by other monarchs, and England was not expecting one.

The use of English privateers developed throughout the early 1540s but after Henry’s Proclamation of 1544, the attraction of working with French corsairs, or pirates, increasingly caught the king’s attention. Working in tandem with French pirates was not new in England. Many nobles, merchants, and admiralty, had been collaborating with foreign pirates to increase their profits throughout Henry’s reign. The crown, however, had actively opposed French pirates on the English coast, prosecuting so many as to elicit bragging from Chapuys to the Holy Roman Emperor and accusations of unfair prosecution from the French. After 1544, there was a shift from the need to prosecute French pirates to a need to commission the work of those considered enemies to England legally and diplomatically.

¹¹² Privateers, December 20, 1544, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 19 Part 2, August-December 1544*, ed. James Gairdner and R H Brodie (London: His Majesty's Stationery Office, 1905), 439-458. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol19/no2/pp439-458> (accessed April 1, 2017).

As early as 1542, there is record of Jean Rotz, a French cartographer who would ultimately betray Henry VIII and England. On October 7, 1542, Henry granted “Denization to John Rotz, a native of Paris, Coleta his wife, and their children.”¹¹³ Denization granted Rotz all rights held by a king’s natural subjects, even including the right to own land. This is representative of the amount of faith Henry had in Rotz and other Frenchmen he hired, but it also represented the king’s belief that bribery bought loyalty. By 1547, de Selve wrote to Francis “Sire, if any enterprise were to be found on the side of Normandy, the contractors would not stay because of the mariners, and pillagers from your kingdom, of which it has come, as we saw sixty in the service of this king [Henry VIII].”¹¹⁴ The English crown’s use of French ships and mariners was not going unnoticed by the French. Henry was building a vast fleet of foreign ships that attracted the attention of the very enemy he was taking them from. Interestingly, however, the French seemed more concerned with the individual Rotz who had been in England at that point for five years. The very next day, on January 11, de Selve wrote to the Admiral

A Dieppois named Jean Roze, now in the service of the King of England, who gives him 160 crowns a year, "a very good-natured man, and very well versed in matters by the navy and navigation," asked Selve to write to the king, to be able to return to France with his wife and children, offering to pay "the money and finances which have accustomed to be paid for such provisions." Selve notified the Admiral about this, pointing out that it would be useful to secure the services of this personage, who seems very experienced, or at least to deprive the King of England of him.¹¹⁵

¹¹³ John Rotz, October 20, 1542, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 17, 1542*, ed. James Gairdner and R H Brodie (London: Her Majesty's Stationery Office, 1900), 706-712. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol17/pp706-712> (accessed April 1, 2017). Rotz is also referred to as Roze in French correspondence.

¹¹⁴ Mm. de Selve et de la Garde au Roi, January 10, 1547, *Correspondance politique de Odet de Selve, ambassadeur de France et Angleterre, 1546-1549*, ed. Germain Lefèvre-Pontalis (Paris: F. Alcan, 1888), 84. Original French: “Sire, sy quelque entreprise s'addressoyt du costé de la Normandie, les entrepreneurs ne demoureroient pas a faulte de mariniers et pillotez de vostre royaulme dont it en est venu ainsy que nous sommes advertys soixante au service de ce roy.”

¹¹⁵ Ibid., Selve a l'Amiral, January 11, 1547, 85. Original French: Un Dieppois nomée Jean Roze, actuellement au service du roi d'Angleterre qui lui donne 160 écus par an, «homme de tres bon esprit et fort entendu au faict de la marine et de la navigation», a demandé a Selve d'écrire au roi pour obtenir de rentrer en France avec sa femme et ses enfants, offrant de payer «les deniers et finances qui ont accoustumé d'estre payés pour telles provisions.» Selve en avertit l'amiral, en faisant remarquer qu'il serait utile de s'assurer des services de ce personnage, qui parait tres expérimenté, ou tout au moins d'en priver le roi d'Angleterre.

The correspondence concerning Rotz is valuable to follow because it reveals several matters important to the argument of this paper. The first is the question of why Henry put faith into foreign subjects to protect his kingdom against their own native country. As discussed earlier, Henry was not being foolish to think paying more would attract the loyalty of French subjects. The letter which de Selve wrote was the first that any French ambassador had written to Francis concerning Rotz. Marillac, who served as the French Ambassador to England from 1537-1543, never wrote anything about Rotz. There is a gap in sources from 1543-1546 that is either lost or unable to be found that causes problems in a definite collection of data, but in de Selve's correspondence from 1546-1549, his letter dated January 11, 1547 contains the first mention of Rotz, which subsequently led to quite a few more.

Dieppe, Rotz's native town on the coast of Normandy, was a stronghold of pirates.¹¹⁶ There is no claim anywhere that Rotz himself ever committed acts of piracy, but he certainly would have been familiar with the trade. Additionally, Elizabeth Bonner, a scholar who studies the French navy, found that Henry VIII ordered Rotz to navigate vessels against the Scots and the French as an act of war in 1544 and 1545.¹¹⁷ Whether or not Rotz previously engaged in piracy, he acted as a French corsair under the English king. Further, even if a pirate, like many men at sea, Rotz's was motivated above all by monetary gain.

Rotz turned to Henry VIII for a position in England only after being denied a position in France by Francis I. While working under Henry, Rotz took the opportunity to map the Scottish and English coasts which he then began using as a negotiation tool to return to France and negotiate his. A year after Rotz's first offer to de Selve, the French ambassador wrote again

¹¹⁶ See David B. Quinn, *Explorers and Colonies: America, 1500-1625* (London: Hambleton Press, 1990).

¹¹⁷ Elizabeth Bonner, "The Recovery of St. Andrews Castile in 1547: French Naval Policy and Diplomacy in the British Isles," *The English Historical Review* 11 (1996): 582.

concerning the cartographer, noting “Selve reminded the constable of the offer of the *Dieppois*, Jean Rotz, of whom he had already spoken to the late king, and who would be able to give an account of all the ports and places of descent on the coast of England.”¹¹⁸ Letters followed in which the negotiation and arrangements for Rotz’s return were conducted.¹¹⁹ Yet, even when France agreed to his return, Rotz’s cunningness was apparent in a letter de Selve sent on May 29. In this letter, Rotz promised to leave in only three or four days to return to France but demanded that a royal officer of the French king apprehend him so that the English would not accuse him of treason.¹²⁰ Rotz protected his life but also ensured the possibility of returning to England if an offer ever came from the new monarch, Edward VI. The fact that Rotz waited until after Henry VIII’s death to leave England further suggested that Henry was correct in his assumptions concerning loyalty of French privateers. It also helps explain why he did not find it risky to build up such grand armadas of French ships that did not go unnoticed by the French. By supplying the French with his maps of English and Scottish coasts, Rotz also served to illustrate that privateers directly influenced foreign relations and war.

While Henry used French privateers against many countries, it seems that actual acts of war were limited to the French. In September of 1537, the Privy Council reported acts of piracy, specifically “General letters in favour of John de Canyon, as agent for recovery of the goods of Ant. Bonvixi, Ant. Macuelo and others spoiled out of the galleon of John del Campo and four Portuguese ships at Mungia in Calizia.”¹²¹ This report of the Privy Council indicated that a

¹¹⁸ Selve au Connétable, May 5, 1547, *Correspondance politique de Odet de Selve*, 138.

Original French: “Selve rappelle au connétable l'offre du Dieppois Jean Roze dont il avait déjà parlé au feu roi, et qui saurait bien rendre compte de tous les ports et lieux de descente de la cote d'Angleterre.”

¹¹⁹ Ibid., Selve au Connétable, May 6, 1547, 141; and Selve au Connétable, May 9, 1547, 143.

¹²⁰ Ibid., Mm. de Selve et de Vielleville au Roi, May 29, 1547, 148.

¹²¹ The Privy Council, September 3, 1547, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 21 Part 2, September 1546-January 1547*, ed. James Gairdner and R. H. Brodie (London: His Majesty's Stationery Office, 1910), 2-12. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol21/no2/pp2-12> (accessed April 1, 2017).

Frenchman, de Canyon, aided in recovery of goods from a total of five Portuguese ships at sea. The important aspect of this comes from the word “recovery.” Henry did not send men to attack the Portuguese in an act of war but to retrieve lost goods that Portuguese pirates stole from English merchants. It is significant that he did not employ the admiralty, probably due to jurisdiction issues about open sea, and that he did not contact Portugal to resolve the matter. Instead he chose his own privateers to resolve the matter but this was not by any means understood as an act of war. The contrast between this report and a letter that de Selve wrote in November of the same year was extraordinary. De Selve wrote to the Admiral of France:

many say that these are only preparations against next year when a great enterprise against Scotland both by sea and land is rumoured. At any rate I understand that the ships are still on this coast, and men being openly levied both here and on the Scottish frontier to go thither,—whether to defend or attack, I know not. . . Is just told that the Admiral of England has let certain foreign captains know that they might hold themselves in readiness to accompany him in the said enterprise of Scotland before Christmas.¹²²

The origin of the foreign captains that Selve mentioned cannot be known, so they cannot be labelled as French. Despite this, the warning Selve gave to France concerning their Scottish allies does show that using foreign hired privateers at sea was an act of war against the French. If these captains were not of French origin, it does not minimize Henry’s work with the French. A broader scope of foreign privateers suggests only that Henry had a much more extensive influence over men at sea than the sources available can say. One can safely assume, however, that a few of these were French and willing to attack the country’s allies, therefore, provoking France to war as well.

While a sense of nationalism had not developed during the reign of Henry VIII, there still

¹²² Selve to the Admiral of France, Nov 4, 1546, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 21 Part 2, September 1546-January 1547*, ed. James Gairdner and R H Brodie (London: His Majesty's Stationery Office, 1910), 169-188. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol21/no2/pp169-188> (accessed April 1, 2017).

existed laws against treason. The pursuit of wealth in support of one's own sovereign was presumably less risky than doing so against one's king. While Francis used Barbary corsairs in acts of war, his use of privateers was not limited to foreigners. The French king also utilized French privateers at times. Since privateers who worked under one's own king were safer legally, it was significant that the English monarch tapped into something that pulled these men to England. Clearly, Henry VIII developed a significant method of warfare that allowed him to increase his fleets without risking more English lives, but how he did that has yet to be fully understood and is not pertinent to this discussion.

Perhaps the long-term legacy of Henry's legal treatment of privateering was more significant than the actions during his own reign. After Edward VI's death in 1553, Mary Tudor ascended the throne to become Mary I. While popularly known for her persecution of Protestants, historian G. D. Ramsay found that Mary continued her father's alliance with piracy, according to accusations levelled against her from Amsterdam.¹²³ In the Proclamation declaring war on France in 1557, the Queen granted permission to all subjects, not only the navy or the military, to attack the French, stating, "We therefore command all Englishmen to regard Henry, the French King, and his vassals as public enemies of this kingdom and to harm them wherever possible, abstaining from trading or any other business with them."¹²⁴ The mention of trade, allowing "subjects and merchants forty days to leave this kingdom with such property as the law permits them to export," in addition to accusing the French of allying with "pirates, enemies of Christendom," signified the continued usage of Barbary corsairs. This language used in Mary's

¹²³ G. D. Ramsay, *The City of London in International Politics at the Accession of Elizabeth Tudor* (Rowman: Manchester University Press, 1975), 126.

¹²⁴ "The proclamation made in London on 7 June declaring war on France," June 7, 1557, in *Calendar of State Papers, Spain, Volume 13, 1554-1558*, ed. Royall Tyler (London: Her Majesty's Stationery Office, 1954), 293-300. *British History Online*, <http://www.british-history.ac.uk/cal-state-papers/spain/vol13/pp293-300> (accessed April 1, 2017).

proclamation strengthens the fact that this proclamation included the use of privateering in attacking French enemies even though it was not explicitly stated.¹²⁵

Moreover, Mary proclaimed only two days later that privateers

shall enjoye, to his and there one proper use, proffyt, and commoditie, al and singular such shippes, vessels, municion, marchaundyses, ware, victuals, and goodes, of what nature and qualitie soever it be, which they sall take of anye their Majestyes' sayde enemys, without making accoumpt in any court or place of this Realme, or any other their Majestyes' Realmes or dominions, for the same, and without paying any parte or share to the Lord Admirall of England, the lord Warden of the five portes, or to any other offycer or minister of their Majestyes.¹²⁶

This proclamation echoed, if not replicated, Henry's proclamation of 1544 which stated, as we saw in chapter one, that privateers "were to have the whole property in the prizes which they took, without any bonus for the Lord High Admiral or the Lord Warden of the Cinque Ports."¹²⁷

These statements from both the Tudor king and his daughter emphasized the reward in working for the crown. Privateers kept the total of their prizes and none had to be given to the Lord Admiral. Mary recognized that her father's promise to allow privateers to keep 100% of their confiscated goods was invaluable for utilizing this type of warfare. With this promise, privateers' goods that they won at war were protected by the crown. This protection provided a reason to work with the crown rather than independently where, if caught, their captured goods would be confiscated. This often overlooked proclamation by Henry which first allowed crown-sponsored privateering continued to be used with little to no alteration by subsequent monarchs, even by his daughter Mary who is not usually remembered for her work with pirates.

Elizabeth also mirrored her father in a proclamation issued in 1585 as hostilities between

¹²⁵ Ibid.

¹²⁶ "Proclamation licensing all subjects of the King and Queen to set forth ships against their enemies," June 9, 1557, *Documents Relating to Law and Custom of the Sea*, 162.

¹²⁷ Janice Thomson, *Mercenaries, Pirates, and Sovereign: State-Building and Extraterritorial Violence in Early Modern Europe* (Princeton: Princeton University Press, 1994), 23.

England and Spain rose. Despite the clear influence from Henry VIII, many historians still point to this proclamation in order to credit Elizabeth's innovative relationship with privateers. In a list of articles, the Privy Council laid out the guidelines for the restitution of goods stolen at sea. The Council made clear that the loss of goods had to be proven and then one could capture Spanish ships and goods for compensation at a time of war.¹²⁸ Interestingly, Elizabeth showed no interest in the goods being handed over to the crown, even though some of the cases involved merchants whose stolen goods likely were orders commissioned from England. Instead, the queen ordered that after bringing the goods back to England and taking inventory of them, the captor could keep all prizes.¹²⁹ Here is a clear repetition of Henry VIII's use of incentive when utilizing privateering as warfare. Elizabeth masked acts of war by giving the illusion that the main goal was only to grant those at sea the ability to retrieve stolen goods. Men attacked and robbed enemies of the crown at sea while gaining their lost goods and more in return.

Both Tudor daughters mirrored their father's use of privateering but what about the short reign of his son, Edward VI? Probably the most overlooked Tudor monarch, Edward even licensed several Englishmen to hire mariners and soldiers in order to attack "only against the Kinge's majesties enemyes, and not otherwise."¹³⁰ Edward passed only one order concerning privateering during his short reign but its significance is not lost. Since Henry's crown sanctioned the use of privateers against enemies at times of war, none of his children forgot the success England gained due to these naval mercenaries. Regardless of the length of their respective reigns, each Tudor monarch utilized privateering as an act of war. Arguably, one can

¹²⁸ Articles 1 and 2, "Instructions for Privateers," July 9, 1585, *Documents Relating to Law and Custom of the Sea*, 237.

¹²⁹ *Ibid.*, Articles 3 and 4.

¹³⁰ "Bond to be taken for the good behavior of ships licensed to pass the sea against the King's enemies," May 26, 1549, *Documents Relating to Law and Custom of the Sea*, 161-162.

make the case that Elizabeth's extensive use of it did not come from a unique naval strategy but rather reflected the influence of her father's success combined with the length of her reign. As these sources have proven, Elizabeth's use of privateering was anything but original in the line of Tudors. Instead the length of time that she had to develop and expand her use of privateers contributed to her fame as "Pirate Queen."

Beyond the legal proclamations concerning privateering, all of Henry's children also carried on his policy of hiring only European Christian men. Edward's proclamation granted money to men who agreed to provide privateers for the crown including: Christopher Savere, John Buggyns, John Wotton, Richard Foller, Alexander Colles, John Samys, William Harwell, Christofer of Totnes, George of Totnes, and John of Totnes, along with the Post of Dartmouth as recipients.¹³¹ Mary's proclamation in 1557 reflected her brother's use of English privateers specifying that they be "their subjects. . .that they and every of them maye at their liberties without incurring any losse daunger gergeytur or penalty, and without suing forth of any other lycence vidimus. . .prepare and equippe to the seas such and so many shippes and vessels, furnished for the warre, to be used. . .against their Graces sayd enemyes."¹³² Elizabeth's many letters of marque and reprisal all reveal Englishmen, such as William and George Wynter in 1569, John Kitchen in 1585, George Reyman in 1591, and John Hawkins and Francis Drake in 1595.¹³³ A step further in the path of her father's choice of privateers, Elizabeth was also known for her use of French Huguenots. This act became more significant as a reflection of Henry VIII's policy when compared to Henri II of France who continued to work with Turks at sea in

¹³¹ Ibid.

¹³² "Licensing Privateers," June 9, 1557, *Documents Relating to Law and Custom of the Sea*, 163.

¹³³ "Letters of Marque to William and George Wynter authorizing them to seize, within the realm, Portuguese ships and goods in recompense for their losses; with recognizance of the Winters to surrender the letters when their losses were satisfied," February 1, 1569, 184; "Letters of Reprisal to John Kitchen against Spain," July 11, 1585, 237; "Commission of Reprisals to George Reyman from the Queen," March 22, 1591, 270; "Commission to Sir John Hawkins and Sir Francis Drake against the Spaniards," January 29, 1595, 284.

the Ottoman-Franco alliance. Elizabeth, like her father, did not hide her acts of piratical warfare behind foreign non-Christian subjects. Instead, she put in writing the authorization of countless Englishmen to practice privateering at sea against her enemies. These subjects, regardless of crown authorization, would still be considered the responsibility of the monarch to prosecute due to Henry's act in 1536. Elizabeth's assertion that they worked under her orders reveals her determination to show Europe the strength not only of Christianity but England. Henry VIII's use of his own subjects, along with French subjects, was again reflected in Elizabeth's open utilization of privateers fifteen years later. The open British use of privateers by all Tudors shows the extent to which piracy had developed under Henry VIII, which in turn, influenced and affected not only life at sea but also life at court and on land.

The decision to order crown-sanctioned privateering in England took time to develop. First, it took new relationships being forged in the growing merchant community between men of different countries with the aim of owning ships and buying shares in ventures at sea in the hope of making profit through a privately funded form of privateering. This increasingly led to members of the nobility and the Admiralty starting to work with pirates in order to create their own wealth separate from the crown. As individual ventures of privateering grew within England, France strengthened its alliance with the Ottoman Empire. As a result, the number of Barbary corsairs harassing the English and other European Christian countries increased and tensions rose. As more and more complaints of French piracy were made in English jurisdiction, and Francis I issued complaints against England for holding ships, Henry found himself running out of options for dealing with the issue at sea.

This directly led to the unique development in England to declare publically through the Privy Council the order from the king for privateers to arm themselves and set sail under the

crown's sanction in order to attack the French. Not only did Henry VIII make his use of privateering as an act of war known throughout Europe, he utilized his own subjects and other Christian Europeans, predominately the French with whom he was at war. Furthermore, as evidenced by the case of Jean Rotz, he granted land and the full rights of an English subject to some of these Frenchmen. This voided any possibility of denying his hand in any attacks from pirates or privateers who were not English. Henry now had to take full responsibility for the actions of those sanctioned by the crown to attack enemies on the water unlike the French, who could claim negligence of the Pope caused their alliance with Turks and that the heretical Barbary corsairs were acting against their orders.

The actions of later Tudor monarchs, even more than the acts of Henry himself, strengthens the importance of the development of privateering. Edward VI, Mary I, and Elizabeth I all followed their father's precedent in the crown's relationship with privateering. All used privateers against their enemies and dealt exclusively with European Christians, even as the French continued using Barbary corsairs. These three monarchs not only revealed the importance of Henry's contribution to privateering, and inadvertently, to naval development, but also proved that historians have over-emphasized the importance of Elizabeth's role in working with pirates and crown-sanctioned privateering. Historians have focused on Henry VIII's impact on religious affairs, due to his decisive role in the Reformation through his break with Rome. As new aspects of his reign are uncovered, however, there is an increasing realization that Henry altered long-lasting practices in areas outside of the church in England.

CHAPTER 3

ADMIRAL, FRIAR, PIRATE: BERNARDINE AND THE AMBIGUITY OF PIRACY IN HENRICIAN ENGLAND

Prior to the development of a legal definition of piracy, which occurred in 1535 and 1536, the label of “pirate” was ambiguous. During the early portion of Henry’s reign, a man named Bernardine was an admiral to the French, a friar to the pope, and a pirate to the English. While he acted officially for one country, another country viewed his acts as illegal theft at sea. By conducting a case-study and examining correspondence written between 1512-1528 concerning this one figure, this chapter will make the importance of Henry’s contribution to the legal development of piracy even clearer.

Friar Bernardine, as he was known throughout Europe, allows an examination on just how imprecise the label of pirate could be before 1535. In France, Friar Bernardine was a French Admiral who commanded fleets of ships and helped guard the transportation of nobles across the sea. In England, however, Friar Bernardine was referred to as the “French pirate.” For the English, the acts Bernardine committed were not acts of an admiral at war but acts of theft, deceit, and self-gain. Complicating the image of Friar Bernardine even more was his relationship with the pope. While he was not explicitly listed as a member of a religious order, the fact that across Europe he was commonly referred to as a friar, along with the pope’s issuing a personal order to Bernardine to attack Turkey in defense of Christendom points to another

interesting and complex layer of the man whom England saw only as a pirate. This case-study seeks to reveal the different views of who a pirate was depending on which country was discussing the man in question. After 1535, and especially after 1536, this label became more uniform. After Henry's legal definition was established, all European countries recognized the same acts as piracy, regardless if the pirate himself worked under a multitude of identities. Friar Bernardine reveals that before 1535, a crown-sponsored official for one country could be viewed and treated as a pirate by another country.

The first mention of Friar Bernardine during Henry's reign came from John Stile, an English diplomat to Spain under Henry VII, who wrote to Henry VIII in 1512. The lengthy letter gave advice on English relations with Spain and France. Stile made many references to Henry's father, Henry VII, and his actions as king, and he advised the younger Henry to follow in his father's footsteps. The letter covered the 1512 military campaigns in Navarre and for the most part gave no specific names of enemies beyond the high nobility. Stile referred to a few specific names acting in defense of Navarre against the French, such as the Duke of Alva, Don John de Beaumonte, and Santy Steven, but referred to the French only as "Frenschemen" or "partys of France." The first actual name mentioned in regard to French forces was Friar Bernardine, or Bernaldino, at the end of the letter. That Stile did not name a Frenchman in a letter over five pages long until Bernardine is significant in itself. From this, one can conclude that Bernardine was a name that Stile assumed Henry would recognize and would understand the threat which Bernardine presented to the English in their endeavors. Stile closed his plea for Henry VIII to send an "armey" to combat Bernardine, and another naval officer, Perys Mogher, who had stolen

ten ships off the coast of Portugal and sought to attack the King of Portugal.¹³⁴ A closing plea should not be shrugged off as a last-minute note. This was Stile's last chance to convince Henry to follow Henry VII's foreign policy of allying with the Spanish. Stile's choice to use Bernardine as the closing plea for aid from Henry reveals the threat the friar represented not only to the English but also to their allies.

While it is important to recognize the notoriety of Bernardine's prowess at sea, it is even more important to examine how the English labelled Bernardine at this early point in Henry's reign. Stile did not label Bernardine a pirate. Instead Stile referred to him as a captain in charge of French men of war.¹³⁵ This letter was written two years after the English and French Treaty of 1510, and despite the diminishing peaceful relations, the treaty outlined piracy as involving acts separate from the two crowns. Bernardine represented this early definition in use by a contemporary. A man whom the English would later call a pirate, under the current definition outlined in 1510 was viewed as a legitimate naval officer acting under the French crown's orders. Bernardine did steal ships and set out to kidnap a king both acts of a piratical nature, but the difference in 1512 was that these acts were known to be orders from the crown, not acts carried out independently at Bernardine's own initiative.

The recognition of Bernardine as a legitimate member of the French navy continued until 1515. In 1513, Edward Echyngham, an English knight, wrote a letter to Wolsey informing the cardinal of an English admiral's death. Within this letter appeared the first mention of Bernardine's title of friar. Immediately after stating the need for a new admiral, Echyngham

¹³⁴ John Stile to Henry VIII, August 5, 1512, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 1, 1509-1514*, ed. J S Brewer (London: His Majesty's Stationery Office, 1920), 609-623. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol1/pp609-623> (accessed June 11, 2017).

¹³⁵ *Ibid.*

wrote that “Frere Barnardyn” was at Bordeaux.¹³⁶ The letter does not mention anything else concerning Bernardine but does contribute to the complexity of Bernardine’s identity and how the English viewed him, incorporating a religious title with recognition of his work in the navy. Another letter in 1513 from Thomas Howard to Wolsey again discussed Bernardine. Howard opened the letter informing Wolsey of ships carrying wine and linen in Brittany. He went on to state that “Friar Barnardyne” was searched for in Brittany and believed to have ten galleys, but Howard did not believe the claim. He stated that he had previously heard of Bernardine having only one galley and a foist.¹³⁷ Once again, Bernardine was the only specific name mentioned within the letter and there was no reference to piracy. The English knew who Bernardine was and knew that he was an admiral working for the French. The fact that the English did not refer to Bernardine as a pirate for several years strengthens the claim that the label pirate constantly changed and evolved under Henry VIII. What made the English, who knew Bernardine was a French admiral, suddenly start referring to him as a pirate?

The shift from admiral to pirate in the eyes of the English began in 1515. On March 30, Venetian Ambassadors in England, Andrea Badoer, Sebastian Giustinian, and Pietro Pasqualigo wrote to the Signory of Venice from Paris. The men informed the Signory that King Francis had dispatched Friar Bernardine and Prejean, a Turkish admiral, to Marseilles. There, the two admirals were to fit out twelve galleys in addition to the twelve that were already at Marseilles. The letter describes worries that the French would not keep their alliance with Venice, which the

¹³⁶ Edward Echyngam to Wolsey, May 5, 1513, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume I, 1509-1514*, ed. J S Brewer (London: His Majesty's Stationery Office, 1920), 840-847. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol1/pp840-847> (accessed June 11, 2017).

¹³⁷ Thomas Lord Howard to Wolsey, May 20, 1513, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume I, 1509-1514*, ed. J S Brewer (London: His Majesty's Stationery Office, 1920), 859-869. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol1/pp859-869> (accessed June 11, 2017).

two states had created under Louis XII. Francis argued that the previous French king's death in 1515 voided all treaties made under him.¹³⁸ The concern the men held about the new French king keeping his alliance with Venice derived from his orders for Friar Bernardine to prepare ships for battle. The ambassadors saw Bernardine acting under the orders of the king and, as such, did not view him as a pirate. It was not this letter but rather his association with Prejean that caused the English to change their perception of Bernardine from a French admiral to a rogue pirate.¹³⁹

The English, as discussed in chapter two, already knew of Prejean from the Scottish monarch, James IV in 1513. In a letter, Henry VIII wrote of James IV referring to the Turk as a pirate. Because of Prejean's Turkish origin and Francis I's use of Barbary corsairs, Prejean became known to other Europeans as a pirate, but this was not the case from his own perspective. Prejean considered himself an Ottoman admiral, just as Bernardine was a French admiral. It was only through shifting majority perceptions of what determined piracy that both came to be described as such. Bernardine's association with Prejean, who had been viewed as a pirate in England for at least two years, cast doubt upon the French admiral's legitimacy from the English perspective.

Further distrust and a developing image of deceit concerning Bernardine came in 1517 when Francis refused to send Bernardine to fight the Turks, who were preparing to attack western Europeans. Instead, a letter of unknown origin which relayed news from France to

¹³⁸ Giustinian, Pasqualigo, and Dandolo to the Signory, March 30, 1515, in *Calendar of State Papers Relating To English Affairs in the Archives of Venice, Volume 2, 1509-1519*, ed. Rawdon Brown (London: Her Majesty's Stationery Office, 1867), 231-236. *British History Online*, <http://www.british-history.ac.uk/cal-state-papers/venice/vol2/pp231-236> (accessed June 11, 2017).

¹³⁹ Sebastian Giustinian wrote a separate letter the same day to the Doge of Venice again mentioning that Francis I despatched Friar Bernardine and Prejean to Marseilles with orders to fit galleys. Sebastian Giustinian to the Doge of Venice, March 30, 1515, in *Calendar of State Papers Relating To English Affairs in the Archives of Venice, Volume 2, 1509-1519*, ed. Rawdon Brown (London: Her Majesty's Stationery Office, 1867), 231-236. *British History Online*, <http://www.british-history.ac.uk/cal-state-papers/venice/vol2/pp231-236> (accessed June 11, 2017).

England suggested that Bernardine, along with Peter Navarre, a Spanish admiral, would instead attack the English and advised that travel be reduced and carefully guarded.¹⁴⁰ Despite this still being recognized as orders of the French monarch, there was still a connection between Bernardine and the Turks, which caused Bernardine's European reputation as a respectable admiral to be diminished. As Bernardine continued to work for Francis, who allied himself with infidels which the English viewed as pirates, the friar's own image as an admiral of the French navy diminished. The English often referred to Francis I working with Barbary corsairs, or pirates, when he was in fact working with officials and admirals through a series of agreements between France and the Ottoman Empire. Further implicating Bernardine's dishonesty and deceit to the English was his supposed plans to attack Naples in 1519.¹⁴¹ As Bernardine increasingly worked with the Turks and against European interests, the English increasingly blurred his official status as admiral with that of a pirate just as the English did to the Ottoman Turks.

The next mention of Bernardine from English records came in 1522 and was the first to refer to him as a pirate. Richard Pace, the English ambassador in Venice, and Bishop John Clerk wrote to Wolsey informing him that Cardinal Medici's servant Felix Trophinus, who served as collector in England, was kidnapped by Bernardine, the "French king's pirate on the sea."¹⁴² Pace and Clerk testified to the increased tension between the French and other Europeans. They wrote that those who resided in the Italian states would not allow France to win any honor in

¹⁴⁰ "News from France," August 1, 1517, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 2, 1515-1518*, ed. J S Brewer (London: Her Majesty's Stationery Office, 1864), 1127-1134. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol2/pp1127-1134> (accessed June 11, 2017).

¹⁴¹ Sir Thomas Boleyn to Wolsey, April 9, 1519, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 3, 1519-1523*, ed. J S Brewer (London: Her Majesty's Stationery Office, 1867), 58-72. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol3/pp58-72> (accessed June 11, 2017).

¹⁴² Pace and Clerk to Wolsey, March 14, 1522, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 3, 1519-1523*, ed. J S Brewer (London: Her Majesty's Stationery Office, 1867), 893-902. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol3/pp893-902#highlight-first> (accessed June 11, 2017).

their enterprises at sea.¹⁴³ Pace and Clerk seemingly agreed to minimize the legitimacy and credibility of the French naval enterprises by of labelling one of the best French admirals as a pirate for the first time. If the French should have no honor, neither should their admiral who kidnapped a notable servant of a cardinal, not in a fair act of war but in an act of deception and malice.

A more interesting aspect of this letter was the overall religious tone to it. Further complicating Pace and Clerk's original referral to Bernardine as a pirate was their emphasis on his role as a friar. When describing who kidnapped Cardinal Medici's servant, they first described Bernardine as the "holy apostate friar Bernardo" before labelling him as a pirate.¹⁴⁴ As earlier correspondence has revealed, this was not the first time Bernardine was referred to as a friar but it was the first time his role in the church was emphasized. Pace and Clerk wanted to portray Bernardine not only as a deceitful man acting under the dishonorable French but as a man of the cloth acting against the church, and even further, against Christianity since he worked with the Turks. From this letter, Bernardine transformed from a respectable, skilled admiral working for a rival country to a man who was so unprincipled that he could not even follow his holy vows for the sake of Christendom. Clerk and Pace emphasized this fact in the beginning of their letter in which they wrote that "all is in confusion sufficient to subvert the authority of the Church."¹⁴⁵ Not only were kings not to be trusted to act in the Catholic Church's best interest but, as was the case they presented with Bernardine, neither were those who were ordained.

In contrast to the strongly worded letter from the English ambassador and bishop, the letter that Julius, the Cardinal de Medici, wrote to Wolsey concerning the same situation had a

¹⁴³ Ibid.

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

much different tone. For the Venetian cardinal, Bernardine remained an admiral. His secretary, Trophinus, was not kidnapped by a pirate but taken prisoner by a French admiral. Further, Bernardine did not act against church authority but acted under the authority of his king, Francis, with whom Cardinal de Medici requested Wolsey to intercede on his behalf in order to have his secretary released.¹⁴⁶ This does not contradict the above interpretation but instead presents the complexities of identities at sea during the early half of Henry's reign. English diplomats saw Bernardine as a pirate who acted maliciously against the church which he served. The Italian Cardinal, however, saw him only as an admiral following the orders of his king who believed his secretary held objectionable information which threatened the kingdom of France.

Further entrenchment of Bernardine's piratical traits of deceitfulness came from intelligence gathered from an unknown French spy. Writing from Calais, the spy informed English officials that he had been at Dieppe where several ships were being prepared secretly. The spy then travelled to Caudebec and then Honfleur, where Bernardine had been three weeks before the spy's visit.¹⁴⁷ The letter did not refer to Bernardine as either a friar or a pirate, but it emphasized the deceitfulness of the French. The spy wrote of Bernardine constructing harbors at Honfleur and Harfleur, both port towns on the northwestern coast of France that served as raiding posts to set out from and ransack English coasts. From these ports, the French went so far as to destroy parts of the towns in Kent. The significance of Bernardine building harbors becomes even more apparent with this knowledge. The English, who knew of the threat of raids from these locations, both naval and piratical, made this letter even more significant to their

¹⁴⁶ Julius Cardinal de Medici to Wolsey, March 22, 1522, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 3, 1519-1523*, ed. J S Brewer (London: Her Majesty's Stationery Office, 1867), 902-918. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol3/pp902-918> (accessed June 11, 2017).

¹⁴⁷ Intelligence from a French Spy, May 1, 1522, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 3, 1519-1523*, ed. J S Brewer (London: Her Majesty's Stationery Office, 1867), 943-959. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol3/pp943-959> (accessed June 11, 2017).

understanding of Bernardine's identity. Bernardine's work in these ports combined with the English predisposition to label him as a pirate only emphasized his own threatening role beyond that of a French naval official. The French spy emphasized Bernardine's manipulative nature and informed the English that Bernardine was to collect secretly the great ships of Brittany, which were to be located at the newly built harbors. Even further, he noted that Bernardine left his own galleys at sea to rid any suspicion the English might have.¹⁴⁸ While the spy recognized that these were French naval tactics and not Bernardine acting alone as a pirate, he did not portray him as a noble man following the orders of his misguided king but as someone who could not be trusted and was cunningly trying to manipulate and outsmart the English. This helped nurture the English perception that Bernardine fell under the definition of a pirate rather than that of a French admiral.

The entire time that the English increasingly viewed Bernardine as an unrespectable pirate, the French granted him more responsibilities under the crown. The day after the French spy wrote of Bernardine, Sir Thomas Cheyne wrote Wolsey with his own concerns. Cheyne served as Sheriff of Kent and, four years after this letter, would be granted the position of Justice of the Peace for Kent which he would hold until his death in 1558. As sheriff of Kent, a place that was already familiar with the dangers from Honfleur and Hafleur, Cheyne wrote a lengthy letter of his concerns about French maneuvers in the English Channel. Concerning Bernardine, Cheyne described his conversation with William Baxi, a merchant, who reported that Bernardine was leaving for Marseilles the next day. He would immediately take to sea fifty ships and galleys which Francis I had sent to Brittany and Normandy in order to make as many ships ready

¹⁴⁸ Ibid.

for war as possible.¹⁴⁹ Cheyne, someone who presumably had experience with French naval maneuvers at these locations, viewed Bernardine more respectably and as someone acting under a king's orders. The previous language of deceit and manipulation was absent from the letter, even concerning the French king. Even within England, there were differences of opinion about which traits and actions defined a pirate.

Revealing the complexities of defining piracy even more, Cheyne's letter described the French perspective of England and Francis's accusations that Henry VIII was involved in piracy. At the beginning of Cheyne's letter, he described his interaction with Francis I concerning English merchants and goods that the French king held in his possession. Francis responded to the English request of restitution of goods that nothing would be done to release them until England restored the stolen goods of his own subjects. Here the French king indicated that England was the one responsible for theft, piracy, and deceit and Francis's own actions were only in response to that. Cheyne specifically cited Francis's statement that Englishmen had taken three French ships off the coast of Dieppe, a known location of piracy among contemporaries.¹⁵⁰ Without saying the words, Francis all but accused the English of the same piracy of which they accused his own officials. The king even went on to accuse Henry VIII of setting out ships of war of his own with letters of marque to rob French subjects, followed quickly by Cheyne's denial of Henry's doing any such thing.¹⁵¹ The tone of the conversation between Cheyne and Francis I, combined with Cheyne's own interpretation of Bernardine's actions, further reveals how actions viewed as legal by one country could be interpreted as illicit

¹⁴⁹ Cheyne to Wolsey, May 2, 1522, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 3, 1519-1523*, ed. J S Brewer (London: Her Majesty's Stationery Office, 1867), 943-959. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol3/pp943-959> (accessed June 11, 2017).

¹⁵⁰ *Ibid.*

¹⁵¹ *Ibid.*

piracy by another. Additionally, the interpretation of what could be labelled a piratical act varied not only by country but by individual as well. At a time when no standard definition had been established, anyone could be accused of piracy, even a king.

While the northern half of Europe argued over who had conducted acts of piracy first, the southern states seemed unconcerned with any discussion of piracy. In 1522, the pope sent Bernardine to Rhodes to fight infidels. Robert Wingfield, an ambassador at the court of Margaret of Savoy in Brussels, wrote to Wolsey of Margaret's plans against Francis. At the closing of the letter, Wingfield informed the cardinal of the siege of Rhodes where Bernardine entered under the pope's order with 3,000 men.¹⁵² In the letter, despite the obvious ill intent toward the French, Wingfield recognized Bernardine again as a friar and not a pirate. The letter held a deeply religious tone due to the circumstances of Rhodes which shaped how he viewed and interpreted Bernardine's own identity. For the first time since Stile who served Henry VII, an Englishman referred to Bernardine as a notable man of war. Under the guidance of the pope, the father of Christendom, Bernardine's noble and respectable status was reinstated, at least for Wingfield.

The renewed respectability of Bernardine through his service to the pope caught hold in Spain as well as in Brussels. Three years later, the Duchess of Alençon, also known as Marguerite of Navarre, needed safe transportation to Madrid. Marguerite, sister to Francis I, was sent for when Francis fell ill during the time that Charles V held the king hostage in Spain after his capture at the Battle of Pavia. Marguerite, who was accompanied by the Grand Master of Rhodes, Phillipe Villiers de l'Isle-Adam, stayed there a couple of months. During this time, she

¹⁵² Sir Robert Wingfield to Wolsey, March 22, 1523, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 3, 1519-1523*, ed. J S Brewer (London: Her Majesty's Stationery Office, 1867), 1222-1233. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol3/pp1222-1233> (accessed June 11, 2017).

was escorted by Friar Bernardine, in addition to Andrea Doria, an Italian who had entered the service of the French in 1522, and Baron de Saint Brancard, another French vice-admiral.¹⁵³ Jean Jonglet, who wrote the letter, was Head of the Embassy in London and the ambassador of Margaret of Savoy to Henry VIII. From this, combined with Robert Wingfield's previous letter written at the court of Margaret of Savoy, one can conclude that Brussels did not hold the same antipathy toward Bernardine as England did. The letter, written by a man from Brussels who detailed a Spanish perspective, did not hold any tone of shock at the sister of the king being transported by Bernardine, or that he worked alongside two other well-respected and, in Doria's case, renowned admirals. Even Charles V did not express any concern at how the princess arrived in Spain even when he complained that a Spanish ship laden with merchandise had been captured by French ships off the English coast.¹⁵⁴ His concern did not reside with French pirates or, more importantly, Francis's association with Bernardine whom the English accused of being a pirate, but with Henry's failure to keep his coasts safe for merchants.

Less than three months later, the strongest allegation of piracy against Bernardine from the English comes in a letter written in January 17, 1526 by Rowland Tayler. The husband of William Tyndale's niece, Tayler later became Thomas Cranmer's chaplain and was eventually burned at the stake under Mary I. Tayler wrote from Lyons where he met with Cardinal Louis de Bourbon, uncle to Cardinal Charles II of Bourbon, a man the Catholic League would later support as the rightful King of France after Henry III's death in 1589. Tayler's impression of Cardinal Bourbon was not positive. He wrote that the Cardinal treated him so familiarly it

¹⁵³ Jean Jonglet, Siegneur des Maretz, to Madame, October 27, 1525, in *Calendar of State Papers, Spain, Volume 3 Part 1, 1525-1526*, ed. Pascual de Gayangos (London: Her Majesty's Stationery Office, 1873), 392-424. *British History Online*, <http://www.british-history.ac.uk/cal-state-papers/spain/vol3/no1/pp392-424> (accessed June 11, 2017).

¹⁵⁴ *Ibid.*

brought him shame. Afterwards, he met with another cardinal, Cardinal François Guillaume de Castelnau-Clermont-Ludève, the legate of Avignon. This meeting did not improve Tayler's negative impression of the Catholic Church or, consequently, of Bernardine.

During his conversation with Cardinal Clermont, Bernardine became a topic of conversation. Looking to impress Wolsey, the cardinal told Tayler of the rich prize of goods which Bernardine had taken from the Turks a Venetian ship coming from Constantinople. Tayler wrote bluntly and referred to Bernardine directly as "the pirate."¹⁵⁵ This letter, written directly to Wolsey, would have required a certain degree of formality, especially coming from someone with so many evangelical ties. That Tayler so casually labelled Bernardine a pirate in his letter was a testament to the English sentiment toward the French admiral. Regardless of positive, or at least neutral, sentiment from the papacy, the Holy Roman Emperor, and the Duchess of Savoy, England still saw Bernardine as deserving nothing more than the label of a thief and dishonorable man. The letter's tone did not improve when Cardinal Clermont described the goods, detailing a "peece of ryobarbe" as large as his head. Tayler retorted that there had been no good "ryobarbe" brought to England or Flanders for quite some time to which the cardinal immediately promised to send to Bernardine for some for Wolsey.¹⁵⁶ Tayler's response was not overly friendly and pointed out that whatever "ryobarbe" was, it was difficult to import. His statement combined with his tone, and his subsequent labelling Bernardine a pirate, let the cardinal know that he believed that the goods were not acquired in good faith. It seems once again that despite a large swath of Europe viewing Bernardine as an admiral, English

¹⁵⁵ Tayler to Wolsey, January 17, 1526, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 4, 1524-1530*, ed. J. S. Brewer (London: Her Majesty's Stationery Office, 1875), 831-849. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol4/pp831-849> (accessed June 11, 2017).

¹⁵⁶ *Ibid.*

officials viewed him as nothing but a pirate, which only reinforced Tayler's impression of the Catholic Church.

Tayler's letter is the last surviving legible letter to have been written about Bernardine while he was alive. In 1528, a letter was written in French with a quick reference to Friar Bernardine but is now too mutilated to detail who wrote it, whom it was for, or the specific dates.¹⁵⁷ The next mention of Bernardine came from Cardinal Jean du Bellay who acted as the French Ambassador in England from 1527-1534. Du Bellay wrote to Anne de Montmorency, who worked a year earlier with Wolsey to form an alliance between England and France. The letter contained typical diplomatic rhetoric, which included information concerning Wolsey. It was not until the very last sentence of the letter before du Bellay signed it that Bernardine was mentioned. The mention had little to do with Bernardine himself, only stating, "Petitions for the command of the galleys vacant by the death of Friar Bernardin, for his brother."¹⁵⁸ The French correspondence maintained a tone of complete neutrality toward the death of the admiral. There was no praise nor any negative remarks, a completely normal occurrence concerning the death of a naval man. Three years after the English blatantly labelled Bernardine a pirate, the French view had not changed, even with his death. To the French, in contrast to the English, Bernardine was a French official, an admiral in the navy.

Even after Bernardine's ships had been transferred to De Barbezieulx, another French admiral who set out to meet Doria at sea, Bernardine's name was still remembered. In a letter to Du Bellay, Francis listed the ships that De Barbezieulx used which previously belonged to Friar

¹⁵⁷ _ to _, 1528, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 4, 1524-1530*, ed. J S Brewer (London: Her Majesty's Stationery Office, 1875), 1672-1689. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol4/pp1672-1689> (accessed June 11, 2017).

¹⁵⁸ Du Bellay to Anne Montmorency, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 4, 1524-1530*, ed. J S Brewer (London: Her Majesty's Stationery Office, 1875), 1672-1689. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol4/pp1672-1689> (accessed June 11, 2017).

Bernardine, including thirteen galleys, specifically mentioning *La Grande Maistresse* and *La Branouse*.¹⁵⁹ Over a year after Bernardine's death, his name was still well-known enough to be mentioned in relation to his ships despite someone else now owning them. Further, the French could have used Bernardine as a scapegoat and claimed that any questionable acts unauthorized by the crown were of Bernardine's own making. During this time France already faced scrutiny for working with Barbary corsairs. Additionally, England, as shown throughout this study, viewed Bernardine as a pirate, so it would not have been difficult or unreasonable for Francis to assert that Bernardine acted of his own volition in order to put to rest diplomatic tensions between countries regarding affairs at sea. Francis did not, however, use Bernardine as a scapegoat. That the idea seemingly never crossed the French king's mind, nor any French official's mind, reveals the crown's sanction and respect for Bernardine as well as his own official status in the French navy. His identity, often vacillating for other Europeans among French admiral, pirate, and friar, never existed as anything but an admiral for the French. The disconnect between the French and other European countries shows the ambiguity of defining piracy prior to Acts of 1535 and 1536. Officials of one country could be, and were, viewed and treated as pirates by another country.

Through the case study of Friar Bernardine, the difficulty of determining who was committing acts of piracy and who was following the orders of their crown prior to Henry VIII's Acts of 1535 and 1536 becomes clear. While Bernardine's case has the best sources presently available, other cases shed light on the ever-shifting meaning of "pirate" among European

¹⁵⁹ Francis I to Du Bellay, December 20, 1528, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 4, 1524-1530*, ed. J S Brewer (London: Her Majesty's Stationery Office, 1875), 3130-3194. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol4/pp3130-3194> (accessed June 11, 2017).

contemporaries. Prejean, an Ottoman admiral who worked with the French, was called a pirate by the Scots and English.¹⁶⁰ Blurring the lines of piracy even more, Margaret of Savoy threatened English merchants with the label of pirates if they continued to smuggle banned religious texts.¹⁶¹ A pirate during the early half of Henry's reign did not necessarily refer to someone who chose to act illicitly on the sea independently from his crown. Someone whom one country denounced as a pirate could be working loyally for his king in another country.

Early treaties such as the Treaty of 1510 between the English and the French and the Treaty of London in 1518 attempted to define piracy in a way that allowed a systematic way for countries to work together in order to eliminate the dangers upon the sea which threatened merchants and travelers. These treaties defined pirates as parties who attacked and robbed subjects of another country. Crowns resolved these disputes by granting reparations to the victims and working together to apprehend the perpetrators. While legally these treaties addressed ridding the seas of piracy, they also enabled crowns to deny responsibility for attacks on other countries. This in itself created a multitude of problems, especially between the English and the French. Now a king could order an attack yet deny it with the defense that the men were pirates acting against his own wishes, a defense that the French actively used with the corsairs they employed. Moreover, as tensions increased and these treaties fell apart, monarchs could diminish the authority and reputation of officials from other countries by labelling them pirates, as was the case with Bernardine and Prejean. Regardless of their status in their country, the ability to call an admiral a pirate with no repercussion was a stronger weapon than one might

¹⁶⁰ Henry VIII to Christopher Bainbridge, Cardinal of York, Ambassador at Borne, April 12, 1513, in *Calendar of State Papers Relating To English Affairs in the Archives of Venice, Volume 2, 1509-1519*, ed. Rawdon Brown (London: Her Majesty's Stationery Office, 1867), 96-101. *British History Online*, <http://www.british-history.ac.uk/cal-state-papers/venice/vol2/pp96-101> (accessed June 11, 2017).

¹⁶¹ John Hackett to Wolsey, June 17, 1529, in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 4, 1524-1530*, ed. J S Brewer (London: Her Majesty's Stationery Office, 1875), 2509-2523. *British History Online*, <http://www.british-history.ac.uk/letters-papers-hen8/vol4/pp2509-2523> (accessed June 11, 2017).

suppose. During a time when communication was slow and unreliable, the labelling of an official as “pirate” could significantly alter the admiral’s ability to sail the sea safely, their reputation on land, and their treatment upon capture. The shifting definition of piracy which opened up possibilities to crowns for denying attacks now presented problems in controlling and protecting their navies.

The legal difficulties which emerged from plausible deniability and slander due to the lack of a definitive and clear definition of piracy became largely resolved in 1535 and 1536 when Henry VIII addressed the judicial treatment of piracy in England. The Act of 1535 made acts of piracy on sea liable to be treated the same as acts of theft on land. Further, a confession from the pirate was no longer needed to impose a death sentence. Juries now issued verdicts based on evidence and testimonies of witnesses. Further, with the Act of 1536, Henry brought in the use of common law and courts of oyer and terminer which could use circumstantial evidence in addition to direct evidence. This directly addressed the issue of vice admiralty courts not being able to use evidence, such as ships, during piracy trials.

More important to the present analysis was what the Acts of 1535 and 1536 did in changing the responsibility of the crown for piracy. Through these acts and the development of courts to prosecute piracy, Henry VIII created a shift in how piracy was perceived in relation to the crown. Now, piracy was no longer viewed as an independent act separate from the monarch but an act that required the monarch to act in order to diminish those in his realm who attacked and robbed those at sea. In the same way Hammurabi’s Code portrayed the king’s strength yet restricted his power at the same time, so too did Henry’s acts addressing piracy. The two acts in 1535 and 1536 strengthened the ability of England to prosecute piracy in their courts. Admirals’ jurisdiction was broadened and the ability of the courtroom to use evidence enhanced. At the

same time, however, Henry could no longer ignore complaints of piracy committed by his subjects. These acts were no longer something entirely separate from his crown but rather crimes that he was required to prosecute effectively in his courts.

While the issue of jurisdiction remained a problem until 1876 with *Regina v. Keyn*, the European perception of monarchs' role in piracy ultimately shifted with this English legislation through letters concerning Charles V, James V, and Lord Lisle's attempts to protect Calais. The Rochepot Affair, a dispute among the English, French, and German states, offers the most revealing piece of evidence for the change in connecting piracy with the crown on land. The affair culminated in the accusation of Thomas Cromwell being involved in the theft of a French ship. The accusation of piracy followed Cromwell to his trial, which ended with the sentence of death. While a complex situation within the English royal court provided the incentive to eliminate Cromwell, piracy still held enough sway to be listed as a reason to kill him. Henry changed piracy from a sea crime which was difficult to convict to a crime which could put a man to death even if he remained on land during the offense. Henry successfully legally defined piracy and connected legal disputes at sea to legal disputes on land.

The legal definition and connection to land provided the catalyst for another shift to occur during Henry's reign concerning the use of privateers. Prior to the 1540s, privateers did exist. There is no claim that Henry VIII created the occupation of crown-sanctioned pirating. However, Henry did shift the publicity with which the crown used these privateers. The French, known for their work with Barbary corsairs, kept their affairs secret. As portrayed in Chapter two, Francis I continuously denied any accusations of working alongside Ottoman Turks and corsairs at sea. In contrast, Henry declared England's use of privateers in a decree issued in 1544. Not only did Henry differ from the established protocol by openly declaring his use of

privateers but he added a religious element to the practice. Francis, who used Islamic Barbary corsairs among his privateers, did not consider religious beliefs when it came time to hire men to attack enemy countries. Henry, however, hired only Christians, including a large number of Frenchmen, in his endeavors against the French. This decision only magnified Francis's decision to work with infidels at a time of religious turmoil, an issue that Henry actively used this to his advantage. His heavy reliance on French privateers often came back to haunt him, as pirates such as Jean Rotz, often deceived him in order to regain the favor of the French monarch and return to France richer than when they left. Henry's public declaration of using these men only strengthened the reliability of their testimonies to the French king and, in turn, altered the French relation to privateering as well.

Many historians ignore these major shifts concerning piracy and privateering during Henry's reign, choosing to emphasize the impact of Elizabeth's reign instead. While the impact that Elizabeth had should not be ignored, comparing documents throughout the Tudor dynasty reveals that much legislation concerning pirates and privateers was directly influenced by her father's own decrees. Further, Elizabeth was not the only Tudor monarch after Henry to implement these decrees and maintain a relationship with privateers while also prosecuting piracy. Edward VI and Mary I both issued decrees that reveal striking similarities to those passed by their father. While neither Edward or Mary issued as many decrees as Elizabeth, this cannot solely be attributed to a lack of interest on their part or a unique interest on Elizabeth's. One must keep in mind the brevity of their reigns and the longevity of Elizabeth's. Through examining all three subsequent Tudor monarchs, Henry VIII's own influence and impact on England's, and even Europe's, judicial treatment of piracy and relationship with privateering cannot be ignored. The reign of Henry VIII saw decisive shifts in defining and prosecuting

piracy as well as its relation to the crown. With this shift, privateering also took on a new dynamic as Henry publicly declared his use of privateers within his naval maneuvers against enemy countries, predominately France. Henry VIII not only helped transform Christianity during his reign but transformed the legal approach and perception of piracy among courtrooms and officials which remained in place until the late eighteenth century.

BIBLIOGRAPHY

Primary Sources:

An Act for Punishment of Pirates and Robbers at Sea. 1536. 28 Henr. VIII, c. 15; *Statutes of the Realm*, iii, 671.

Calendar of Letters, Despatches, and State Papers, Relating to the Negotiations Between England and Spain, Preserved in the Archives at Simancas and Elsewhere, Volume 2, Henry VIII, 1509-1525, edited by G. A. Bergenroth. London: Longmans, 1886.

Calendar of State Papers, Spain, Volume 2, 1509-1525, edited by G. A. Bergenroth. London: 1866.

Calendar of State Papers, Spain, Volume 3 Part 1, 1525-1526, edited by Pascual de Gayangos. London: Her Majesty's Stationery Office, 1873.

Calendar of State Papers, Spain, Volume 13, 1554-1558, edited by Royall Tyler. London: Her Majesty's Stationery Office, 1954.

Calendar of State Papers Relating To English Affairs in the Archives of Venice, Volume 2, 1509-1519, edited by Rawdon Brown. London: Her Majesty's Stationery Office, 1867.

Correspondance politique de Odet de Selve, ambassadeur de France et Angleterre, 1546-1549, edited by Germain Lefèvre-Pontalis. Paris: F. Alcan, 1888.

Documents Relating to Law and Custom of the Sea, Volume 1, 1205-1648, edited by R. G. Marsden. London: Printed for the Navy Records Society, 1915.

For Pirates and Robbers on the Sea. 1535. Pickering, Danby. *The Statutes at Large from the First Year of King Richard III to the Thirty-First Year of King Henry VIII*. Cambridge: Printed by Joseph Bentham, 1763.

Letters and Papers, Foreign and Domestic, Henry VIII, Volume 1, 1509-1514, edited by J. S. Brewer. London: His Majesty's Stationery Office, 1920.

Letters and Papers, Foreign and Domestic, Henry VIII, Volume 2, 1515-1518, edited by J. S. Brewer. London: Her Majesty's Stationery Office, 1864.

Letters and Papers, Foreign and Domestic, Henry VIII, Volume 3, 1519-1523, edited by J. S. Brewer. London: Her Majesty's Stationery Office, 1867.

Letters and Papers, Foreign and Domestic, Henry VIII, Volume 4, 1524-1530, edited by J. S. Brewer. London: Her Majesty's Stationery Office, 1875.

Letters and Papers, Foreign and Domestic, Henry VIII, Volume 11, July-December 1536, edited by James Gairdner. London: Her Majesty's Stationery Office, 1888. *British History Online*.

Letters and Papers, Foreign and Domestic, Henry VIII, Volume 13 Part 2, August-December 1538, edited by James Gairdner. London: Her Majesty's Stationery Office, 1893.

Letters and Papers, Foreign and Domestic, Henry VIII, Volume 14 Part 1, January-July 1539, edited by James Gairdner and R. H. Brodie. London: Her Majesty's Stationery Office, 1894.

Letters and Papers, Foreign and Domestic, Henry VIII, Volume 15, 1540-1541, edited by James Gairdner and R. H. Brodie. London: Her Majesty's Stationery Office, 1898. *British History Online*.

Letters and Papers, Foreign and Domestic, Henry VIII, Volume 16, 1540-1541, edited by James Gairdner and R. H. Brodie. London: Her Majesty's Stationery Office, 1898.

Letters and Papers, Foreign and Domestic, Henry VIII, Volume 17, 1542, edited by James Gairdner and R. H. Brodie. London: Her Majesty's Stationery Office, 1900.

Letters and Papers, Foreign and Domestic, Henry VIII, Volume 18 Part 1, January-July 1543, edited by James Gairdner and R. H. Brodie. London: Her Majesty's Stationery Office, 1901.

Letters and Papers, Foreign and Domestic, Henry VIII, Volume 19 Part 2, August-December 1544, edited by James Gairdner and R. H. Brodie. London: His Majesty's Stationery Office, 1905.

Letters and Papers, Foreign and Domestic, Henry VIII, Volume 20 Part 1, January-July 1545, edited by James Gairdner and R. H. Brodie. London: His Majesty's Stationery Office, 1905.

Letters and Papers, Foreign and Domestic, Henry VIII, Volume 21 Part 2, September 1546-January 1547, edited by James Gairdner and R. H. Brodie. London: His Majesty's Stationery Office, 1910.

Life and Letters of Cromwell, Volume 2, Letters from 1586, edited by Roger Bigelow Merriman. Oxford: Clarendon Press, 1902.

The Lisle Letters: An Abridgement, edited by Muriel St. Clare Byrne. Chicago: The University of Chicago Press, 1981.

Regina v. Keyn. 1876. 2 Ex. D. 63.

Secondary Sources:

- Appleby, John. *Under the Bloody Flag: Pirates in the Tudor Age*. London: The History Press, 2009.
- Bailyn, Bernard. *The New England Merchants in the Seventeenth Century*. Cambridge: Harvard University Press, 1955.
- Bernard, G. W. *The King's Reformation*. New Haven: Yale University Press, 2005.
- Bonner, Elizabeth. "The Recovery of St. Andrews Castile in 1547: French Naval Policy and Diplomacy in the British Isles." *The English Historical Review* 11 (1996): 578-598.
- Connell-Smith, Gordon. *Forerunners of Drake: A Study of English Trade with Spain in the Early Tudor Period*. London: Longman's, Green and Co., 1954.
- Dickens, A. G. *The English Reformation*. University Park: Pennsylvania State University Press, 1964.
- Duffy, Eamon. *The Stripping of the Altars: Traditional Religion in England 1400-1580*. New Haven: Yale University Press, 1992.
- Dyer, Thomas Henry. *A History of Modern Europe from the Fall of Constantinople*. London: Bell, 1901.
- Fuchs, Barbara. "Faithless Empires: Pirates, Renegadoes, and the English Nation." *English Literary History* 67 (2000): 45-69.
- Gwyn, Peter J. *The King's Cardinal: The Rise and Fall of Wolsey*. London: Pimlico, 1990.
- Hanna, Mark. *Pirate Nests and the Rise of the British Empire, 1570-1740*. Chapel Hill: University of North Carolina Press, 2015.
- Kelsey, Harry. *Sir Francis Drake: The Queen's Pirate*. New Haven: Yale University Press, 1998.
- Latimer, Jon. *Buccaneers of the Caribbean: How Piracy Forged an Empire*. Cambridge: Harvard University Press, 2009.
- Linebaugh, Peter and Marcus Rediker. *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic*. Boston: Beacon Press, 2000.
- Marsden, R. G. "Introduction." *Documents Relating to Law and Customs of the Sea*, edited by R. G. Marsden vol I. London: Printed for the Navy Records Society, 1915.
- Marsh, Christopher. *Popular Religion in Sixteenth-Century England: Holding Their Peace*. New York: St. Martin's Press, 1998.

- Marshall, Peter. "The Other Black Legend: The Henrician Reformation and the Spanish People." *The English Historical Review* 116, no. 465 (2001): 31-49.
- Mathew, David. "The Cornish and Welsh Pirates in the Reign of Elizabeth." *The English Historical Review* 9, no. 155 (1924): 337-348.
- Murdoch, Steven. *The Terror of the Seas: Scottish Maritime Warfare 1513-1713*. Leiden: Brill, 2010.
- Quinn, David B. *Explorers and Colonies: America, 1500-1625*. London: Hambledon Press, 1990.
- Ramsay, G. D. *The City of London in International Politics at the Accession of Elizabeth Tudor*. Rowman: Manchester University Press, 1975.
- Rediker, Marcus. *Between the Devil and the Deep Blue Sea: Merchant Seamen, Pirates, and the Anglo-American Maritime World, 1700-1750*. Cambridge: Cambridge University Press, 1987.
- . *Villains of all Nations: Atlantic Pirates in the Golden Age*. Boston: Beacon Press, 2004.
- Rubin, Alfred P. *The Law of Piracy*. Honolulu: University of the Pacific Press, 2006.
- Slavin, A. J. "The Rochepot Affair." *The Sixteenth Century Journal* 10 (1979): 3-19.
- Stark, Francis R. *The Abolition of Privateering and the Declaration of Paris*. New York: Columbia University Press, 1897.
- Starkey, David J. *Henry VIII: A European Court in England*. Collins and Brown, 1991.
- . "Introduction." In *Henry: Man and Monarch*, edited by Susan Doran and David Starkey. London: British Library, 2009.
- . "The Origins and Regulation of Eighteenth-Century British Privateering." In *Bandits at Sea: A Pirates Reader*, edited by C. R. Pennell, 69-81. New York: New York University Press, 2001.
- . *The Reign on Henry VIII: Personalities and Politics*. London: Vintage Books, 1985.
- Tanner, J. R. *Tudor Constitutional Documents, A. D. 1485-1603*. 1922.
- Thomas, Keith. *Religion and the Decline of Magic: Studies in Popular Beliefs in Sixteenth- and Seventeenth-Century England*. London: Penguin Books, 1971.
- Thomson, Janice. *Mercenaries, Pirates, and Sovereign: State-Building and Extraterritorial Violence in Early Modern Europe*. Princeton: Princeton University Press, 1994.

VITA

JAMIE SESSIONS

217 N. Franklin Dr., Apt. 35 • Troy, AL 36081 • (334) 372-1518 • jsessions11@yahoo.com

EDUCATION

M.A., History, University of Mississippi, August 2017
Thesis: Diplomacy of Pirates: Foreign Relations and Changes in the Legal Treatment of Piracy Under Henry VIII

B.A., History, Troy University, May 2015

TEACHING EXPERIENCE

Instructor, August 2017-present
Troy University
Course: Western Civilization since 1648

Teaching Assistant, 2015-2017
University of Mississippi
Courses: Western Civilization before 1648, Western Civilization since 1648

HONORS AND FELLOWSHIPS

Honors Scholarship at University of Mississippi, 2015
Omicron Delta Kappa Honor Society, 2014
Phi Kappa Phi Honor Society, 2014
President, Phi Alpha Theta, The Honor Society for History, 2014
Alpha Lambda Delta Honor Society, 2012
Honor's Program at Troy University, 2011-2015
Chancellor's Scholarship at Troy University, 2011

PUBLICATIONS AND PRESENTATIONS

Sessions, Jamie (2015). Feminine Conformities within the Trial of Lizzie Borden: Social Expectations of Women in the Courtroom. *The Alexandrian*, v. 4 (Troy University), 37-46.
Sessions, Jamie (2015). The Complexities of Alexandra Feodorovna: Her Influence over Nicholas II. Conference on Politics and Society in Tsarist Russia (Troy University).