

## Warden Harmar and the Raleigh Trial<sup>1</sup>

On 3 November 1603, the warden of Winchester College received a letter signed by James I requiring the warden, fellows and scholars of Winchester College to remove themselves to other accommodation in order that his majesty's judges and serjeants could be housed 'for the time of their attending his special service this term in this place'. The 'special service' was the trial of Sir Walter Raleigh, which was held in the Great Hall of Winchester Castle on Thursday, 17 November.

The ten judges whom the King required to be housed in the college were: Thomas Howard, Earl of Suffolk; the Lord Chamberlain, Charles Blount, Earl of Devonshire; Henry Howard, who was created Earl of Northampton the following year; Robert Lord Cecil; Edward Lord Wotton, of Morley; Sir John Stanhope, vice-chamberlain of the Household and a privy councillor; the Lord Chief Justice and Speaker of the House of Commons, Sir John Popham, who also presided over the trials of the Earl of Essex (despite being a material witness for the prosecution), and the Gunpowder conspirators; Mr Justice Gawdy, who as Sir Francis Gawdy became Chief Justice of Common Pleas in 1605; and Sir Peter Warburton, a judge of the Court of Common Pleas. There was also the Lord Chief Justice of the Common Pleas, Sir Edmund Anderson, who had taken, says the *Oxford Dictionary of National Biography* (ODNB), 'a prominent role in the leading political trials of the second half of Elizabeth's reign, beginning with that of Dr William Parry in 1584 and that of Anthony Babington and his supporters in September 1586. His aggressive prosecution of the Babington trial helped to secure conviction, assisted by the inconsistency of the defence. Anderson was also involved in the proceedings against Mary, Queen of Scots, at Fotheringhay Castle, Northamptonshire, in 1586, and the trials of Philip Howard, thirteenth Earl of Arundel, in 1589, and Robert Devereux, second Earl of Essex, in 1601'.<sup>2</sup>

The serjeants—members of a superior order of barristers from whose ranks the Common Law judges were chosen until the late nineteenth century—included Sir John Heale, the King's Serjeant; Sir Edward Coke, the attorney-general, whose intemperate outbursts during the trial led to both Popham and Cecil intervening to advise him to have more patience; and a lawyer identified in the transcripts of the trial as Serjeant Phillips, who was probably Sir Edward Phelips, James I's serjeant-meane, a title which ranked him first among serjeants, and who, the following year, was elected Speaker of the House of Commons in succession to Sir John Popham.

The twelve members of the jury, too, may well have been housed in the college. They were Sir Thomas Fowler, the foreman, Sir Ralph Conisby, Sir Edward Peacock, Sir William Rowe, Henry Goodyer, Thomas Walker, Roger Wood, Thomas Whitby, Thomas Highgate, Robert Kempton, John Chawkey and Robert Bromley. It is perhaps a reflection upon the fact that the jury's decision, as at virtually all treason trials during Tudor and Jacobean times, was a foregone conclusion, that not one of these twelve good men and true has earned an entry in the *ODNB*.

Faced with this demand from the King, John Harmar had little choice. But the choice he made was unexpected. He did not entirely accede to the King's demands. On the fourth of November he wrote to Cecil acknowledging receipt of the King's communication, declaring that, contrary to his majesty's assumption that there was 'a place appointed by our founder in case of necessity', in fact there was 'only a part of a farm house reserved through our own providence by covenant for the placing of our scholars and some three or four governors with them on imminent danger of infection, which being in a tenant's occupation and out of necessary repair

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<sup>1</sup> This Note is an extract from a biography, which is near completion, of John Harmar, one of the principal translators of the King James Bible.

<sup>2</sup> David Ibbetson, 'Anderson, Sir Edmund (1530?-1605)', *Oxford Dictionary of National Biography* (23 September 2004) <<https://doi.org/10.1093/ref:odnb/469>>.

will by no possible means be suddenly fitted for them.' This was a building at Moundsmere to which schoolmasters during the previous century had more than once had to transfer the College during outbreaks of the plague in Winchester. Indeed there was a suggestion that the plague was once again approaching Winchester. Harmar neatly combined the judicial with the medical and declared:

Notwithstanding both for the present accommodating of his Majesty's officers of justice, and for the avoiding of that danger which we have special cause to fear (the infection creeping further) we have resolved the sooner to dismiss our scholars to such places with their friends as they may be safely sent unto, until they may be provided for where they are to meet together; and will draw ourselves into as narrow rooms as we may, to give place to his Highness's pleasure and commandment.

It may be that Harmar was being pragmatic. Treason trials were famously brief: the costs of transporting and accommodating the student body and the fellowship would have been considerable, and hard to justify for a matter of a few days. His decision transferred the costs of travelling to the pupils. It also meant that he himself stayed in Winchester and was thus in a position to attend the trial as a spectator.

Whether John Harmar did attend the trial of Sir Walter Raleigh cannot be proven. He was, however, actively engaged in the aftermath. Sir Walter Raleigh was sentenced to death together with his alleged fellow-conspirators, Lord Cobham, Sir Griffin Markham, and Thomas Grey, fifteenth Baron Grey of Wilton. Once the accused had been condemned it was incumbent on the authorities to provide spiritual consolation and the cleric on whom this mantle fell was Thomas Bilson, the Bishop of Winchester, who had preached at the coronation of James I. Though Thomas James, the first librarian of the Bodleian Library and a former pupil of Bilson's at Winchester, described him as 'one of the profoundest scholars' in the country, it would appear that Bilson lacked the degree of humaneness required in the care of the souls of the condemned men.

There was also a certain amount of confusion as to who was to be responsible for the pastoral care of the prisoners. On the third of December the Bishop of Chichester, Anthony Watson, wrote to the Privy Council for clarification, saying, 'finding that I am now directed to confer with George Brooke [who had been condemned for his part in the Bye Plot] and the Lord Cobham, and likewise that my Lord of Winchester is appointed to resort to the Lord Cobham and Sir Walter Raleigh (no mention being made of the Lord Gray), I conceive that there may be an error in the naming of my Lord Cobham the second time'. Bilson had indeed seen both Raleigh and Cobham, but his health and his less than sympathetic character were causing problems. On the fourth of December he wrote again to the Privy Council, reporting meetings he had had with Raleigh and Cobham, but adding that 'because neither my body is strong nor myself at this time in state of health sufficient to follow these things as I would' he wished to pass responsibility for Raleigh to one of his chaplains, whom the King had recently made Master of St Cross, Winchester, and who in 1613 was to become Warden of New College: Arthur Lake.

In a letter to the Privy Council of the sixth of December 1603, Bilson expanded on the problems he had been experiencing. As soon as Bilson appeared in the cells of the prisoners they not unnaturally leapt to the conclusion that he had come to announce their imminent execution:

My access to them breedeth a farther suspicion in them than my words any way express; and though I have been content to show them my letters of direction from your lordships, to decrease that fear that my coming unto them is mortal, yet they cease not to suspect that my presence 'abodeth' their death.

He went on to explain that he had ‘earnestly exhorted them so to prepare themselves as if they did look for their passage out of this life, since the whole now lay in the King’s breast, whose heart is in God’s hand’, an exhortation hardly likely to assuage the prisoners’ immediate concerns. And he had further explained to them that, by ‘yielding themselves into God’s hands’ and ‘renouncing of this world’, they ‘would make them the better Christians so long as they lived’. ‘So long as they lived’ was a qualification equally unlikely to improve the state of mind of the four men.

Though Bilson was temperamentally incapable of providing solace to the condemned men, he was sufficiently perceptive to be aware of his own inability in this matter. He told the Privy Council that he had appointed surrogates to carry out the pastoral care of the prisoners and concluded:

Your favourable respecting of my crazedness [*infirmity*] I most humbly thank you for, and think that my absence will keep them in some more quietness till his Majesty declare his will, since they so much misdoubt my presence to be the presage of their imminent danger.

In this letter he nominates John Harmar as the provider of solace to Lord Cobham, adding, almost as an afterthought: ‘I have left Mr. Harmar to attend the Lord Cobham, and two others of good gifts and gravity to perform the like office to Sir Walter Raleigh and Sir Griffin Markham’. One of the two others was Arthur Lake, the second has not been identified.

Even more curiously, it would appear that the Privy Council had been well aware for some time prior to his letter of Bilson’s short-comings in relation to the condemned. Bilson wrote to them on 6 December: they had already approached John Harmar. Ten days earlier, on 26 November three councillors, Charles Howard, first Earl of Nottingham, Thomas Howard, first Earl of Suffolk, and Robert Cecil, had sent him a short note: ‘Whereas the Lord Cobham is desirous to have conference with a Learned preacher. Wee have thought good to intreate you to goe unto him’. It would seem that Harmar’s qualities were widely recognised.

Not only had the Privy Council already approached Harmar before receiving the letter from Bilson, four days before the bishop wrote they had even received a full report from Harmar on his meetings with Cobham. John Harmar took his obligations seriously and quite clearly had considerably more success in the matter than the bishop. Harmar visited Lord Cobham daily. Cobham evidently appreciated the visits and was very open with his visitor, and manifested both remorse for what he had done and an awareness of the importance of making his peace with God. Harmar, in turn, expressed understanding for Cobham’s preference for life over death and in a letter to the Privy Council appealed to them to request a reprieve from the King. The letter, here set out in full, is a document which reveals a good deal about John Harmar’s essential humanity, modesty, and religious beliefs:

I could not but out of a Christian zeal inform you what a comfortable change the God of all spirits hath wrought by His own mighty power and my mean ministry in the Lord Cobham; for after he had (at my first aboarding of him for his last spiritual comfort, by warrant of the Council) poured out into my bosom, not without a stream of salt tears, his bitter moans how miserably he was ruined by the lewd complotments of an unnatural brother and a treacherous friend—they are his own terms—and rent his heart with mourning for harbouring therein, on discontentments held, he confessed, weakly by himself but strongly revived by others—disloyal thought against his most kind and gracious sovereign (for which he cried on bended knee God and him mercy), he meekly acknowledged the justice of God, Who by the equity of man’s law had brought upon him the punishment of his former sins. Since which time by my daily conference with him he hath grown into a Christian resolution of enduring this

affliction unto the end. Notwithstanding, I may not dissemble but that out of common frailty he desireth rather to prolong his affliction by life than to end it by death; in which desire out of Christian commiseration he hath, I must confess, myself inwardly – though openly I arm him to the contrary—a companion, which maketh me beg your continual mediation towards the King for his life. You shall win a brother in affinity to go beyond a natural brother in affection when he findeth that as you hate his fault (which with incredible vigilancy for the safety of his Majesty’s person you have painfully detected) so you love his person and tender his life. I again entreat you to mediate favour for his life by his Majesty.

On the seventh of December, Frances, Countess of Kildare, who, though married to Cobham, had retained the title she had acquired by her first marriage to Henry Fitzgerald, Earl of Kildare, wrote to the Privy Council, describing her husband’s remorse and declaring that he had made his peace with God. The tone and content of this letter show that John Harmar had been remarkably successful in reconciling Cobham to his fate:

I humbly beseech your Lordships that you will signify to the King that my dear Lord this day received the sacrament, and vowed he never meant ill to the King or his children; and the sheriff and the warden witness how he prays for the King and his posterity, and with his heart repents that ever he offended his Majesty, and humbly submits himself to his mercy. For God’s sake move the King to pity. For my Lord was drawn to this by Sir Walter Raleigh, as his own confession to the sheriff of some particulars shows. My Lord did at the sacrament affirm all to be true that he had charged him withal, and will die with the truth as he affirms afore these witnesses.

‘These witnesses’ are ‘the sheriff and the warden’—Sir Benjamin Tichborne, sheriff of Hampshire, and John Harmar, warden of Winchester—who both countersigned this letter. Harmar, in his pastoral capacity, had both reconciled the prisoner to his fate, where Bishop Bilson had failed, and administered the sacrament, thus preparing Cobham for the sentence which had been passed upon him.

When it came to the day of execution for Cobham, events took an almost farcical turn. On 10 December 1603 Markham, Grey, and Cobham were each in turn led out onto the scaffold, and each in turn told there was a reason for a delay—Markham was told he was clearly unprepared to die, and was going to be given two hours respite to contemplate his fate; Grey was told there had been a last minute change to the order of executions, and that Cobham was to predecease him; while Cobham, who ‘came to the scaffold with good assurance and contempt of death’ (possibly as a result of Harmar’s visits), was told that he was first to be confronted with other unnamed conspirators. The three men were recalled to the scaffold together and, after a dramatic interval as they stood there, were informed that the King had graciously been pleased to pardon them. This rather cruel act of mercy cannot really be attributed to Harmar’s letter appealing to the Privy Council to mediate with the King on Cobham’s behalf. The whole charade was witnessed from his confinement by Sir Walter Raleigh, and it is reasonable to suppose that it was orchestrated to discomfort the man seen as the principal offender.

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