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Francis Drake and Francis Fletcher

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The World Encompassed by Sir Francis Drake : Being his Next Voyage to that to Nombre de Dios

The publications of the Hakluyt Society (founded in 1846) made available edited (and sometimes translated) early accounts of exploration. The first series, which ran from 1847 to 1899, consists of 100 books containing published or previously unpublished works by authors from Christopher Columbus to Sir Francis Drake, and covering voyages to the New World, to China and Japan, to Russia and to Africa and India. This account of Drake's circumnavigation of the world in 1577–80 was first published by his nephew in 1628 and appears to derive from notes made by Francis Fletcher, the chaplain to the expedition, although a surviving manuscript account by Fletcher is not identical. The introduction to this edition (published in 1854) discusses textual problems, and also puts the narrative into the context of Drake's career as one of the privateers who carried on England's unacknowledged war with Spain in the decades before the Armada.

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Frontmatter

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Frontmatter

[More information](#)

The World Encompassed by Sir Francis Drake : Being his Next Voyage to that to Nombre de Dios

*Collated with an Unpublished Manuscript of
Francis Fletcher, Chaplain to the Expedition*

FRANCIS DRAKE

FRANCIS FLETCHER

EDITED BY WILLIAM SANDYS WRIGHT VAUX



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Frontmatter

[More information](#)

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Frontmatter

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The Hakluyt Society.



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M.DCCC.LIV.

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Francis Drake and Francis Fletcher
Frontmatter
[More information](#)

VERA TOTIVS EXPEI
*Discriptio D. Franc. Draci qui 5 navibus probè instructis, ex Anglia sive 13 Decembris an-
teris portum fluminis, partim fluctibus correptis, in Angliam rediit 27 Septembris 1580.
Angli, qui eundem Draci cursum fecerunt, etiam ex Anglia per universum orbem, sed vi-
quinto Septembris 1588 in patria portum Plimouth, unde prius exierat, magni*



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Francis Drake and Francis Fletcher
Frontmatter
[More information](#)

DITIONIS NAVTICÆ
no 1577. terrarum orbis ambitum circumnavigans, unia tantum navi, ingenti cum gloria...
ADDITA est etiam vera delineatio navigationalis Thomæ Cavendish nobilis
viri danno & temporis spacio; viginti primo enim Julij 1586 navem confendit. & decimo
s. divitijs & cum omnium admiratione reversus est. Iudocus Hondius.



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Voyage to that to Nombre de Dios

Francis Drake and Francis Fletcher

Frontmatter

[More information](#)

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BY
SIR FRANCIS DRAKE,
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COLLATED WITH AN UNPUBLISHED MANUSCRIPT OF

FRANCIS FLETCHER,

CHAPLAIN TO THE EXPEDITION.

WITH APPENDICES ILLUSTRATIVE OF THE SAME VOYAGE,

AND

Introduction,

BY

W. S. W. VAUX, Esq., M.A.

LONDON:
PRINTED FOR THE HAKLUYT SOCIETY.

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Francis Drake and Francis Fletcher
Frontmatter
[More information](#)

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CONTENTS.

INTRODUCTION	PAGE i
THE VOYAGE ABOUT THE WORLD - - -	5
APPENDIX I. Documents relating to Mr. Thomas Doughty	165
APPENDIX II. Memoranda, apparently, relating to this voyage	175
APPENDIX III. Short abstract of the present voyage, in hand- writing of the time -	178
APPENDIX IV. Narrative of John Cooke, entituled “For Francis Drake” - - - -	187
APPENDIX V. Extracts from Hakluyt’s Voyages	
I. The course of Sir Francis Drake to California and Nova Albion -	219
II. The famous voyage of Sir Francis Drake into the South Sea and about the whole globe in 1577	227
III. Relation of a Voyage made by a Pilot called NUNO DA SILVA.....wherein is set downe the course and actions of Sir Francis Drake, etc., etc. -	254

Cambridge University Press
978-1-108-00811-2 - The World Encompassed by Sir Francis Drake: Being his Next
Voyage to that to Nombre de Dios
Francis Drake and Francis Fletcher
Frontmatter
[More information](#)

CONTENTS.

	PAGE
iv. Voyage of M. John Winter into the South Sea, by the Streight of Magellan, in concert with M. Francis Drake, begun in the yeere 1577.....written by Edward Cliffe, mariner -	269
v. Extracts from “ A Discourse on the West Indies and South Sea, written by Lopez Vaz, a Portugal”, etc., etc. -	285

Cambridge University Press

978-1-108-00811-2 - The World Encompassed by Sir Francis Drake: Being his Next Voyage to that to Nombre de Dios

Francis Drake and Francis Fletcher

Frontmatter

[More information](#)

INTRODUCTION.

THE maritime adventures of Sir Francis Drake have ever been a theme of much popularity in England, and it is probable, that till a recent period of our history, no English Admiral has filled so large a place in the admiring eyes of his countrymen.

Nor is this admiration, in itself, a matter for wonder. The deeds of individual daring which he had himself performed ; his conflicts with and expeditions against the Spaniards—a people, at the period in which he lived, in the popular belief at least, England's most deadly and unappeasable enemies ; his voyage round the world,—the first in an English ship ; and, last of all, the efficient part which he played in the greatest achievement of Elizabeth's reign—the destruction of the Spanish Armada,—all served to make him the most distinguished naval hero which a nation of sailors had as yet produced.

Nor were these the only reasons which naturally tended to make Drake a marked man. The times in which he lived were eminently suited for bringing into prominent notice those abilities which he possessed in so remarkable a degree. Then it was, that

b

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Francis Drake and Francis Fletcher

Frontmatter

[More information](#)

for the first time in English history, ample scope was given for the exertions of the English navy; distant expeditions being then, for the first time, fitted out, in great measure from private resources, though in some degree with the countenance, or at least tacit consent, of the Queen's government. Previous, indeed, to the reign of Elizabeth, the naval history of England can boast of few achievements beyond our own seas and their adjacent shores.

The causes which led to this great outburst of naval enterprise are easily traceable, and were doubtless in some measure due, to the state of undisguised hostility between the people of England and the subjects of Philip of Spain, which gradually arose during the first years of the reign of Elizabeth: an hostility which, without amounting to actual warfare between the two countries, in many cases indirectly influenced, in others was the real motive of the actions of those Englishmen, who, like Drake and many other adventurers of his day, pursued their path to fame upon the great waters.

It is so important to the correct appreciation of Drake's personal character, and to a fair judgment of his personal history, as developed in the voyage we are now editing and in others which have been previously published, that we shall pause for a few moments to consider, in some detail, the course of the history of England and Spain for the few years immediately preceding 1577, the date of the commencement of this voyage.

Now it is perfectly clear that, at the close of Mary's

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Francis Drake and Francis Fletcher

Frontmatter

[More information](#)

INTRODUCTION.

iii

reign, the international enmity, which a few years later so entirely possessed the English and Spanish people, had not as yet arisen. English and Spanish forces cooperated against the French at the battle of St. Quentin,—the Pope congratulated the French king on the fall of Calais and the humiliation of Queen Mary,—and when, a short time subsequently, Elizabeth ascended the throne of England and refused to marry Philip because he was a Roman Catholic, the Spanish monarch, so far from showing any ill will to her, demanded of the French the restoration of Calais to England, on the ground that the war in which that fortress had fallen, had been mainly undertaken by England on his account. Nor, indeed, had Elizabeth at that time any hostile feelings against Spain. She well knew that her real enemy was Henry II of France, who had attempted, on the death of Mary, to place the Queen of Scots on the English throne, while Philip was no less sensible of the advantage that would accrue to him from the weight of England's assistance against the aggrandizement of France.

Still later, when, on the death of Francis II, the political ties between England and Spain were materially shaken, Elizabeth pursued an even course of public neutrality, promising, and subsequently, in 1573, fulfilling her promise, to restore to the Duke of Alva certain moneys which, in 1568, had been detained in England on the suspicion that they were not really, as had been averred, the property of the Spanish government: while, about the same time,

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Francis Drake and Francis Fletcher

Frontmatter

[More information](#)

we find her issuing proclamations against those privateers which, from English ports, had plundered the ships of Spain, in retaliation for the seizure by the Duke of Alva of the goods of English subjects resident in the Low Countries.

Again, when the Spanish ambassador complained that privateers belonging to the Netherlands were harboured in English ports, the Queen immediately allowed the justice of the complaint, and the Netherlands were compelled to quit the English harbours; though, at the same time, she refused to permit English sailors to serve in the Spanish fleet against the Netherlands, to allow other ships belonging to the Low Countries to attack the Spaniards from her own ports, or to give up to the Duke of Alva those emigrants who had fled for refuge to England.

Still more remarkably was this desire to play a neutral, yet, at the same time, an independent part, exhibited in the Queen's famous defence of Drake himself, from the charge of having brought home a large amount of treasure, the plunder of the subjects of the King of Spain. The Queen replied with dignity, that if Drake had committed aught against the laws, he should be forthcoming whenever called upon; and that the property he had brought to England was set apart, and should be restored to any just and well proven claimants. Indeed, of the money which Drake had amassed, some portion was actually repaid to Don Pedro Sebura, who acted as agent for the parties interested; but who, nevertheless, it is said by Camden, never himself gave it back to the rightful owners.

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978-1-108-00811-2 - The World Encompassed by Sir Francis Drake: Being his Next Voyage to that to Nombre de Dios

Francis Drake and Francis Fletcher

Frontmatter

[More information](#)

INTRODUCTION.

v

But though the Queen did her utmost to ward off an open rupture with Spain, she must have early foreseen that the injuries inflicted on her merchantmen, of which abundant instances were known ; the intolerance the Spaniards exhibited in excluding from their trade all who were not Roman Catholics, the extravagant claims they founded on the Papal grant to them of the Western Hemisphere, and, above all, the excess of cruelty with which they attempted to enforce these extraordinary pretensions, must sooner or later have ended in open warfare. Hence the encouragement she gave, tacitly at first, afterwards more openly, to those adventurers, who promised by their courage or their success to extend the naval renown of their country: and hence, too, the bold assertion of prerogative in her reply to the Spanish ambassador, that she could not recognize the Pope's claim to enfeoff Spain with the lordship of the Indies, or permit the Spaniards to interfere with her sending colonies or trading to whatever part of the world she pleased.

There can be little doubt that it was the insolent behaviour of the Spaniards, and the neglect of the Spanish government to punish effectively the misdeeds of its subjects, which in the first instance created the privateering spirit which arose among the English sailors : while the continuance of the same causes during many years, affords, perhaps, the best excuse that can be offered for the general practices or the individual acts of many of the adventurers who preceded, or were contemporary with Drake himself. The unsettled state of the relations between the

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Francis Drake and Francis Fletcher

Frontmatter

[More information](#)

two countries,—the decision of the Inquisition that all heretics whom it could reach were amenable to its laws,—the frequent confiscation of English property, and the imprisonment and ill-usage of English subjects, tended naturally to confound the ideas of right and wrong in the minds of these adventurers ; while the deeds of Drake, and of others who went far further than he did, appeared to the actors themselves but just retaliation for the iniquities perpetrated on others by the Spanish flag. They forgot, in the warmth of their indignation, that their reprisal on private persons and unoffending parties, was neither an adequate nor a just retribution for the injuries which had been inflicted by the agents of the King of Spain ; and that the great bulk of the Spanish people knew nothing at all of the grievances and losses to which the English traders had been subjected, and which might have been some justification for such buccaneering expeditions, had they been directed against the ships or the property of the Spanish government only.

It is remarkable that but little is known of the early history of Sir Francis Drake, even the exact year of his birth having been a matter of dispute among his biographers. It seems, however, certain that he was born in Devonshire, on the banks of the Tavy, in or about the year 1544 ; that he was early sent to sea, and that he saw good service on the coast of Zeeland and France. A little later, we know from his own statement in the preface to his third voyage, written by himself and revised by his nephew, that he

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978-1-108-00811-2 - The World Encompassed by Sir Francis Drake: Being his Next Voyage to that to Nombre de Dios

Francis Drake and Francis Fletcher

Frontmatter

[More information](#)

INTRODUCTION.

vii

must have visited the West Indies, as he speaks of the wrong he suffered with Captain Lovell in the years 1565 and 1566, at Rio de la Hacha. The first place, however, in which he appears in actual command, was on board the *Judith*, a small vessel of Sir John Hawkins' fleet, to whom, probably, the experience he had acquired in his previous voyage had recommended him. This fleet had been employed in 1568 at S. Juan de Ulloa and other parts of the Spanish West Indies, on what would now be considered privateering, if not piratical warfare; though the professed object of Hawkins in this, and in the two former voyages he had made in 1562 and 1564, was the procuring negro slaves in Guinea to be sold again in the West Indies.

Sir Francis Drake was at this time about twenty-three years of age, or, at all events, in his twenty-third year. The voyage, which commenced in October 1567, was singularly unfortunate; not only did the adventurers meet at its commencement with weather so bad as seriously to endanger their enterprise, but after they had, with some difficulty and loss of life, procured a cargo of negroes on the Guinea coast sufficient for their purpose, the Spaniards, owing chiefly to Hawkins's presumption and insane daring, fell upon the fleet in the Port of S. Juan de Ulloa, with a force so superior to that of the English, that only two of their ships were ultimately with much difficulty saved. One of these was Drake's ship, the *Judith*: how she escaped we know not, as it is remarkable that the name of her commander is not

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978-1-108-00811-2 - The World Encompassed by Sir Francis Drake: Being his Next Voyage to that to Nombre de Dios

Francis Drake and Francis Fletcher

Frontmatter

[More information](#)

viii

INTRODUCTION.

mentioned in the narratives of the voyage subsequent to the great disaster at S. Juan de Ulloa ; Hawkins himself, in his own account, only remarking that “the same night the *Judith* likewise forsook us”. Of these voyages Camden only remarks, that Drake made two or three voyages to the West Indies, in which he made much money “by playing the seaman and the pirate”.

He next appears to have made two voyages to the West Indies in 1570 and 1571, but what their result was is not known ; probably it was not great, or, at all events, was not deemed by him to compare with his after achievements, as we find him entitling his next voyage the *third*, though it was really his *fifth* expedition.

The object of this third (or fifth) voyage, commonly called that to Nombre de Dios, is clearly stated in the Introduction to have been, personal vengeance on the part of Drake for injuries done to him by the Spaniards at Rio de Hacha in 1565 and 1566, and to have been more particularly directed against the viceroy of Mexico, Don Martin Henriques, in retaliation for the misfortunes brought about by his treachery at S. Juan de Ulloa in 1567 and 1568. It is there stated that he was compelled to act for himself, because he had in vain sought recompense of Spain by his own means and by her Majesty's letters. He commenced this voyage in 1572, and sailed to Nombre de Dios, then the granary of the West Indies, where he met with small success ; thence onward to Carthagena ; and thence, after opening communica-

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978-1-108-00811-2 - The World Encompassed by Sir Francis Drake: Being his Next Voyage to that to Nombre de Dios

Francis Drake and Francis Fletcher

Frontmatter

[More information](#)

INTRODUCTION.

ix

tions with the outcast negros who had fled from the Spaniards, and who were known by the general name of the *Cimarrones*, Symerons, or Maroons, arrived safely in England in August 1573.

The most interesting incident of this voyage was the view which Drake, for the first time, obtained of the Pacific Ocean, while making an expedition across a narrow part of the Spanish main. It is said that he was conducted by some of the natives to a very tall tree which stood on the top of a hill, and that, having ascended to its summit, he enjoyed at one time the double view of the Atlantic and Pacific Oceans. Need we wonder that a sight so inspiring should have haunted his mind day and night, and that he was, as Camden states, “so vehemently transported with desire to navigate that sea, that falling down there on his knees, he implored the Divine assistance that he might, at some time or other, saile thither and make a perfect discovery of the same.” This Ocean itself had, as is well known, been discovered many years before, in 1513, by Vasco Nuñez de Balboa. It was first sailed on, two years later than this voyage, by an English vessel under the command of John Oxenham, who had served under Drake in the expedition against Nombre de Dios.

On Drake’s return to England he seems to have rested awhile, “having gotten”, as Camden remarks, “a pretty store of money”, and did not for some years make any other distant expeditions. He is known, however, to have materially assisted his friend, Walter, Earl of Essex, in his reduction of several places

c

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978-1-108-00811-2 - The World Encompassed by Sir Francis Drake: Being his Next Voyage to that to Nombre de Dios

Francis Drake and Francis Fletcher

Frontmatter

[More information](#)

x

INTRODUCTION.

in Ireland ; though, on the whole, Essex's plans were not successful, owing, it is said, to the personal hostility of his rival the Earl of Leicester. To Drake himself, his Irish adventures would appear to have been so far beneficial, that they afforded him the means of a personal introduction to Sir Christopher Hatton, then the Queen's vice-chamberlain, and ultimately to the Queen herself. Hence the strong probability that he obtained from Elizabeth special licence for his next voyage (the one we are now editing), if not, as many of the old narratives would seem to imply, her personal injunctions to carry on the war of reprisal against the Spaniards, with some assistance in money from herself, towards the expenses of the preparations and outfit required for it.

That this was the general object contemplated by Drake there seems no reason to doubt. We know from the commencement of the narrative, that great secrecy was observed as to the destination of his fleet, those on board not being aware, till some time after the ship had left the English coast, to what part of the world they were about to sail. Two probable reasons may be assigned for this secrecy ; one, that the Spaniards might not be led to suspect the motive with which the force had been got together, and the object at which it was directed—it not being the Queen's policy, even at this time, to permit what, with her public sanction, would have amounted to a declaration of war ; or, secondly, the unwillingness of Drake himself to be again anticipated by other adventurers, as he had been two years before by his former companion, John Oxenham.

Cambridge University Press

978-1-108-00811-2 - The World Encompassed by Sir Francis Drake: Being his Next Voyage to that to Nombre de Dios

Francis Drake and Francis Fletcher

Frontmatter

[More information](#)

INTRODUCTION.

xi

The original work, of which the present volume is a reprint (the original spelling, too, having been preserved, as is the custom in other works of this Society), was published in 1628, in a small quarto, collected by the nephew of the Admiral out of the notes of Francis Fletcher, who was the chaplain on board Drake's ship. It is probable that but few copies were printed, and that on this account the work has now become exceedingly rare. To this reprint are added, in the form of foot-notes, extracts from a manuscript which exists in the British Museum [Sloane. No. 61], written, as appears from a notice in the last page of it, in 1577, and professing to be a literal copy of the notes first made by the said Francis Fletcher. This manuscript is headed with the words,—“The first part of the second voiage about the world, attempted, continued, and happily accomplished within the tyme of three yeares, by M. ffrancis Drake, at her highness command, and his company, written and faithfully layed downe by Ffrancis Ffletcher, Minister of Christ and Preacher of the Gospell, adventurer and traveller in the same voyage.” On the flyleaf of the same manuscript, are the words,—“Ex libris Joh. Conyers, Pharmacopolist,” and, to a very rude map of England which appears on the second page, is added,—“This is a mapp of England, an exact copy of the originall to a haire, and that done by ffrancis Ffletcher in Queen Elizabeth's tyme:—this cotype by Jo. Conyers, cittizen and apothecary of London, togeather with the rest and by the same hand as follows.”

It is, indeed, perfectly clear, that from this or from

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978-1-108-00811-2 - The World Encompassed by Sir Francis Drake: Being his Next
Voyage to that to Nombre de Dios

Francis Drake and Francis Fletcher

Frontmatter

[More information](#)

some other copy of this same journal, Sir Francis Drake, the nephew, must have compiled his narrative ; for there is no one who compares the two stories but will at once perceive, that the notes extracted from the Museum manuscript, must have been before the compiler of the printed account ; not a few of the actual sentences, and the greater part of the details, being preserved in the printed work and the manuscript in almost the same words. There are, however, some important differences to which we must call attention, and which would seem clearly to demonstrate that the compiler and the chaplain were by no means of one mind ; and that the former has felt little scruple in omitting some, and modifying other passages, which, as they appear in the chaplain's notes, were considered by him as in some degree derogating from his uncle's memory.

A considerable portion of what is now published will probably prove new to general readers, as Mr. Barrow, though he had access to the manuscript, and has inserted some extracts from it in his life of Sir Francis Drake, has not deemed it necessary to give all, or, as it would seem, the most important passages. We have therefore thought it right to print the manuscript *in extenso*, in the form of foot-notes at the bottom of the page, in every case where there was any real variation in feeling or language between the printed and the manuscript narrative ; or where, as not unfrequently happens, the manuscript account is more copious than the narrative in the text.

Besides this manuscript narrative of Mr. Fletcher,

Cambridge University Press

978-1-108-00811-2 - The World Encompassed by Sir Francis Drake: Being his Next Voyage to that to Nombre de Dios

Francis Drake and Francis Fletcher

Frontmatter

[More information](#)

INTRODUCTION.

xiii

which, it is a matter of real regret, extends only to the end of what he calls the first part of the voyage,—viz., to the account of the Patagonian giants,—we have added some detached Notes which exist in handwriting of the time among the Harleian MSS., and which appear by some chance to have escaped the notice of Mr. Barrow, together with a long and very interesting document, to which we must allude in more detail hereafter, and which professes to be a narrative of Sir Francis Drake's voyage drawn up by one John Cooke. This manuscript is in the handwriting of Stowe, the well-known antiquary.

We have thought it best to arrange these Notes in three Appendices, the first containing documents relating to the mysterious case of Mr. Thomas Doughty; the second, some detached memoranda apparently referring to this voyage; and the third, a brief abstract of the events which took place during the voyage, which, on the whole, coincides with the statements of Mr. Fletcher, though it adds some things not noticed by him. In a fourth appendix, we have placed John Cooke's narrative; and in the fifth, various statements which have been, indeed, already printed in Hakluyt's large collection, but which, from the connexion they have with this voyage, and the scarcity of the collection in which they are entombed, seemed worthy of being reprinted here. With regard to the Notes printed in the first three Appendices, we may remark that they are all in the handwriting of the reign of Elizabeth; but that there is no clue from their contents by whose orders they were drawn up, or

Cambridge University Press

978-1-108-00811-2 - The World Encompassed by Sir Francis Drake: Being his Next Voyage to that to Nombre de Dios

Francis Drake and Francis Fletcher

Frontmatter

[More information](#)

who was the writer of them. They have, however, some interest as being, together with Cooke's narrative, in all probability the oldest contemporary manuscript records which we possess of Drake's voyage.

It is not so easy to determine what purpose those which we have placed in Appendix I and II may have been intended to serve; yet this much is we think clear from the tone which pervades them, as well as the short abstract of the voyage in Appendix III, that they were put together by some one who was not friendly to Sir Francis Drake, or who, in the quarrel with Doughty, had taken part with him against his accusers. It is indeed possible that the memoranda in Appendix II, relative to the case of Mr. Doughty, may have been *pièces justificatives* collected by Fletcher himself, to confirm the statement of the proceedings of the trial, as described in the manuscript of the Museum; while those in Appendix I may have been used originally as information for Sir F. Drake himself, when about to bring Doughty to trial. In either case, if taken by themselves, it is hardly possible now to form any satisfactory conclusion about them. They are evidently fragments, without beginning or end, a few sheets remaining of what was once perhaps a bulky volume of evidence. They must, in fact, be considered at present as no more than what they are called in the Harleian volume—Memoranda.

The third Appendix contains the brief abstract of Drake's voyage, to which we have alluded. There is no hint given as to who was the writer of it, but it is, like the other documents, in the handwriting of

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Francis Drake and Francis Fletcher

Frontmatter

[More information](#)

INTRODUCTION.

xv

the same period. It does not commence till after the passage of the Straits of Magellan, but it is continued from that time till the return of Drake to England in 1580. From the language used in it towards Drake, it is clear, as we have already stated, that the writer was not well disposed towards him. It is probably the production of some one who had sailed in the fleet with him, as it confirms, sometimes in the very same words, other narratives of this voyage which have been already printed.

We have also the pleasure of laying before our readers a copy of a very curious map of this voyage, published in Holland by J. Hondius, a well-known maker of maps towards the close of the sixteenth century. To this remarkable map, which is an exceedingly fine specimen of the engraving of the day, and believed to be unique, is appended in Dutch a long account of the voyage itself, which, from the similarity of the descriptions in it, would appear to have been translated and condensed from some narrative then extant, in nearly the same words as that we are now editing. The map itself is a very valuable one; it is spread out into one large sheet, and contains on the border around it smaller maps of the port of New Albion, the port of Java the Greater, and of the Island of Gillolo, together with two pictures of Drake's own ship, in one instance at anchor, in the other when stranded upon the rocks.

At the beginning of the Dutch narrative, which commences with the words "Corte beschryvinghe van die seer heerlicke voyagie der Capiteyn Draeck", is a por-

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Francis Drake and Francis Fletcher

Frontmatter

[More information](#)

xvi

INTRODUCTION.

trait of Drake himself, and at the end of the account of Drake is a short notice of Mr. Cavendish's voyage, to which is also prefixed a portrait of that traveller. The whole of the Dutch narrative has been translated and published by Mr. Wright in 1742, with a dedication to Admiral Vernon. Mr. Wright, however, did not engrave the map, but has inserted a much inferior though later one, while he has not alluded to the Dutch text from which he has taken his own version. It has not been deemed requisite to re-engrave for this volume more than the portion which contains the maps of the two hemispheres.

We have reserved till now some account of the narrative of the voyage which we find in Appendix IV, and which, as we have stated, is preserved in the handwriting of Stow, and is signed with the name of John Cooke, and dedicated to "Fraunses Drake, Knyght, sone to Sir Drake, Vickar of Vp-churche in Kent". Who this John Cooke was, we have now no means of telling—yet, if his statements are not to be rejected as altogether false, (which, from their general consistency, and their agreement with the notices and language of other documents, seems to be impossible,) we must conclude that he was one of the company in Drake's squadron. His name, indeed, occurs among the list of witnesses to three of the charges against Mr. Doughty, and he on more than one occasion distinctly asserts, that he was present at the events which he describes. This manuscript account is, indeed, a very remarkable one, and it is, to say the least, a little curious that it

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Francis Drake and Francis Fletcher

Frontmatter

[More information](#)

INTRODUCTION.

xvii

should so wholly have escaped the notice of those who have so repeatedly searched our manuscript collections for new matter relating to the History of Sir Francis Drake. The most distinguishing feature of it is the light that it throws on the death of Mr. Doughty: and it cannot be denied, that if it be in the main a true narrative, which we are inclined to think it is, the character of Sir Francis for impartiality and justice is materially impeached. It seems hardly possible to avoid the conclusion, that, though doubtless himself persuaded of the honesty of the course which he was pursuing, the Admiral allowed himself to be swayed from the strict course of justice by the cavils and jealousies of persons who were envious of Mr. Doughty's character and abilities.

The language of the writer is coarse and vehement, more befitting that of a partisan than a true historian; but at the same time, it must not be forgotten, that in the two manuscript narratives of Fletcher and Cooke alone do we find any details on the subject of Mr. Doughty's execution; that in the printed voyage originally edited by Sir Francis Drake's nephew, the name of the gentleman executed is not even mentioned; that, in the shorter notice of this voyage in Hakluyt (see Appendix V, No. 11) the story told resembles that given by Fletcher, though with the name of the criminal, and with far greater brevity; that in Edward Cliffe's account of Mr. Winter's voyage, (see Appendix V, No. 14) it is simply stated, that "the last of June, M. Thomas Doughty was brought to his answer, and

d

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Francis Drake and Francis Fletcher

Frontmatter

[More information](#)

xviii

INTRODUCTION.

convicted of certaine articles, and by M. Drake condemned”: though, if, as stated by Cooke, Mr. Winter was the foreman of the jury who were empanelled to try Doughty, he must have been able to give fuller details on the subject, had he so chosen. While, in the “Discourse of the West Indies and South Sea, written by Lopez Vaz,” (see Appendix V, No, v) the name of Doughty is not given; but the writer states, that “there also hee (Sir Francis Drake) put to death a gentleman of his company, because he would have returned home”.

The silence of the nephew in his edition, and the scanty notice in the published narrative of Mr. Winter’s voyage, together with their entire difference from the manuscript accounts of Fletcher and Cooke, to say nothing of the different motive assigned for the punishment of Doughty by Lopez de Vaz, cannot fail to throw some suspicion on the printed accounts which have come down to us.

The whole story of the trial and execution of this unfortunate man is so remarkable, that it seems worth while to take a particular view of all that has been discovered relative to his case, and to contrast and bring out into distinctness, so far as it is possible, the several accounts which may be traced in the different narratives.

Thus, if we take the stories in the order in which they are printed in this volume, we find it stated in the pages we are now editing, that at Port St. Julian, a remote harbour in the southern extremity of South America, a conspiracy against Drake was publicly

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Francis Drake and Francis Fletcher

Frontmatter

[More information](#)

INTRODUCTION.

xix

declared ; which, however, had been long known, and had even been discovered to the General (as he is usually called) himself before he left Plymouth : again, we learn, that so far from treating the suspected person with any severity, or setting any watch on his movements, Drake had advanced him in various ways,—had made him acquainted with all his counsels ; nay, had even shown anger at those who, from time to time, had preferred fresh complaints against him. We are further told that it was not till he found all his lenity and kindness were misplaced, and the treasonable practices from day to day increasing, that he resolved to call the offender to account ; and having placed a guard over him, and assembled the chief men of the squadron, that he laid the whole case before them. We are then informed, that no sooner were these active steps taken, than the prisoner at once admitted his guilt, begging he might receive as soon as possible the punishment so justly his due ; and, that a jury of forty persons selected from the ships' companies were unanimous in their decision against him, declaring that it only remained for the General to determine when and in what manner the sentence of death should be carried into execution.

The narrative proceeds to relate that Sir Francis Drake, having accepted the decision of this jury, offered the prisoner three alternatives, to be executed on the island, where they then were,—to be set on shore on the mainland of South America,—or to be sent home and reserved for the decision of the Lords of the Queen's