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## Piracy in decline, 1680-1727

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PIRACY IN DECLINE 1680-1727

by Howard W. Buckwalter

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## INTRODUCTION

Spanish gold, muskets, and coral-encrusted cannon are the last vestiges of the rich pirate heritage of America. All that is left besides these grim reminders of that bygone age are records of some of the deeds of these seagoing bandits. These exist in historical documents, classics in literature,<sup>1</sup> and some remain buried as treasures, both literary and spendable.<sup>2</sup>

Pirates existed in abundance, for down through the ages, the pirate has plagued man's maritime affairs to a point of distraction. Yet, great as the discomfort of the maritime populace was, and vast as the monetary suffering of the merchants and governments may have been, the pirate was not suppressed with any degree of consistency until about 1727 in the colonial era.

Some of the first recorded pirates were the Greeks. Indeed, they go back to ancient Phoenicia and perhaps even farther. Pirates have existed as long as man would go down to the sea in ships. The very word pirate is from the Greek perian meaning to attack.

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<sup>1</sup>To cite but one example, Robert Louis Stevenson's Treasure Island is a fine example of pirate literature.

<sup>2</sup>At the present time the Oak Island money pit supposedly holds the spendable treasure of today. The treasure has been sought after for almost 170 years. On this small question-mark shaped island just off the southern shore of Nova Scotia, some 1,500,000 dollars have been spent in some twenty attempts to excavate this treasure. The names of Kidd, Blackbeard, and Henry Morgan are associated with the island and the reputed treasure. See, David MacDonald, "Oak Island's Mysterious Money Pit," The Rotarian, January, 1965.

Pirates were first successfully suppressed by the Romans, much earlier than colonial times, following the opening of the port of Delos to trade by the Roman Senate at the close of the struggle between Rome and Perseus.<sup>3</sup> Until this time the Romans had relied upon the navy of Rhodes to subdue the pirates who were found in the Eastern Mediterranean. When Delos was declared a free port by Rome, Rhodes lost much in revenue from the Eastern Mediterranean that she could not maintain a fleet against the pirates. This happened in 167 B.C., and piracy grew unnoticed by Rome until 102 B.C., when Marcus Antonius began a campaign of suppression against them.<sup>4</sup> In 100 B.C. this plan was supplemented by the closing of all ports in the Empire and allied states to the pirates.<sup>5</sup> The pirates gained a foothold because of the neglect of the Roman government which was embroiled in the Mithridatic War and civil conflict within the republic itself. The pirates' ships increased in numbers to over 1000 and some 400 cities fell to their onslaught.<sup>6</sup> Pompey suppressed the pirates and dispersed them. With the aid of 6000 attic talents in money, "120,000 foot", "4000 horse", and 270 ships, he completed the suppression within two or three months' time.<sup>7</sup>

What was done by the Romans contrasted greatly with the colonial methods of suppression. Their efforts were more organized and represented a greater investment in money, and men, in addition to the fact that they were directed toward a smaller area than were the colonists' efforts.

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<sup>3</sup>Naphtali Lewis and Meyer Reinhold (eds.), Roman Civilization, (New York: Columbia University Press, 1951), I, p. 193.

<sup>4</sup>Ibid.

<sup>5</sup>Ibid., p. 325.

<sup>6</sup>Ibid., p. 327. Also see, John and William Langhorne (eds.), Plutarch's Lives, (Cincinnati: Applegate and Co., 1850), pp. 412-415.

<sup>7</sup>Ibid., p. 414. Plutarch states the time as about three months.

In the colonial period in America, the fight against the pirate took place along a frontier which extended from the American coast into the West Indies, and on to the Red Sea and the Indian Ocean, a half world away. Nevertheless, in both cases, the piracy was so flagrant, something had to be done.

Pompey's authority for suppression of pirates was given him by a law, proposed by one of his intimate friends named Gabinius, which created him "not admiral but monarch and invested him with absolute power. The decree gave him the Empire of the Sea as far as the pillars of Hercules and of the land for 400 furlongs.<sup>8</sup> One might say Pompey was armed with the weapons necessary for suppression, both military and legal.

The colonists were at a disadvantage due to immature settlement and no positive legal authority with which to suppress the pirates. They needed a clarification of maritime laws, and a more consistent pattern of piratical jurisprudence.<sup>9i</sup>

In order to proceed with the complexities of the laws which influenced the pirate, it is necessary to establish some definitions which will clarify the interpretations of that day. A pirate was a person who committed robbery on the sea, or by descent from the sea, within the juris-

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Ibid.

<sup>9</sup>A most interesting letter was obtained from the British Museum that deals with the proposals made in the year 1701 for stopping pirates. The letter was addressed to Parliament and suggested such suppressionary items as "greater share of prizes for seamen, better hospital care for sick sailors, certificates indicating the last ship on which they sailed, bounty payments, pardons backed up by men of war, breeding of servants and slaves to fill colonial ships' companies, and better officers backed by ships' chaplains to aid the wayward sailors to keep them from wasting their substance in drunken debauch. The letter is in possession of the author on microfilm. Anon, "Piracy Destroyed, A Short Discourse showing the rise growth and causes of piracy of late with a sure method of how to put a speedy stop to that growing evil." British Museum, Department of Printed Books, (London, 1701).

diction of the Admiralty Courts. These were established by the Privy Council at the request of the Board of Trade as an arm of the Admiralty Courts in England and were erected to oversee the maritime affairs in the colonies.<sup>10</sup> They were opposed by the colonists because they felt it violated their rights to be tried under common law because the Attorney General declared that the Vice-Admiralty courts should operate without juries.<sup>11</sup> They were established to try cases of violations of the Acts of Trade. Violators were called smugglers.

Privateers were private warships employed on national business and were sometimes called the "militia of the sea." A person was considered a privateer if he had been granted recognized authority from his government in the form of a privateering commission called a letter of marque and reprisal to commit acts of violence against the enemies of the sovereign state to which he belonged.

In a letter of marque and reprisal, a person was granted by the law of nations the right, when he was oppressed or injured by a person from another state, to seize the bodies or goods of the person from the offending state wherever they happen to be found until satisfaction was made.<sup>12</sup> A letter of marque gave authority to cross frontiers in order to take something from a foreign power. In some instances, the letters of marque would be granted to one individual who would, in turn, for a

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<sup>10</sup>The first West Indian governor to be given a commission as an Admiral was Lord Windsor in 1662. Alan Burns, History of the West Indies, (George Allen and Unwin LTD., 1954), p. 271.

<sup>11</sup>Oscar Theodore Barck and Hugh Talmage Lefler, Colonial America, (New York: Macmillan Co., 1958), pp. 243-245.

<sup>12</sup>Burns, History, pp. 289-290.e

price in time of peace, hand it over to another.<sup>13</sup> Sometimes governments granted letters to persons of a different nationality.<sup>14</sup>

A buccaneer did not carry such legal sanction and as a rule had no written commission. Buccaneers were international in the sense that men of many nations who had adopted the buccaneer way of life lived together. The name originated from the word boucan meaning the small huts in which the meat was cured which these hog and cattle killers sold to passing ships.<sup>15</sup> Spaniards were attacked at all times, but the buccaneer rarely attacked his own people. Buccaneers fell into disrepute with the Treaty of Madrid in 1670, when Spain began to recognize England's right to possess colonies in the West Indies and in return, England attempted to suppress the buccaneers. The buccaneers then turned to outright piracy.

As Portugal, Spain, Holland, France and England became involved in a quest for empire and colonies, and as trade increased, navies were needed, in addition to maritime regulations governing the sea. With this came the growing idea that the nations of the world had a responsibility not only to their own sovereignty but internationally as well. Nations began to recognize that pirates were criminals against all nations as violators of the laws of nations. In general, maritime law was convoked

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<sup>13</sup>Hugo Grotius, The Rights of War and Peace, trans. A. C. Campbell and David J. Hill, (Washington: Walter M. Dunne, 1901), p. 289.

<sup>14</sup>Violet Barbour, "Privateers and Pirates of the West Indies," American Historical Review. (April, 1911) XVI, p. 530. See, Burns, History, pp. 289-290.

<sup>15</sup>Robert Carse, The Age of Piracy, (New York: Rinehart and Company, 1957), p. 15. See, Burns, History, pp. 289-290.

when common law proved unable to handle the maritime cases.<sup>16</sup> In 1357 the Admiralty began as a prize tribunal, because the courts of common law had failed.<sup>17</sup> It was not until the sixteenth century that formal condemnation of the prizes began with little or no effect on piracy.<sup>18</sup> The first law which dealt seriously with the pirate as an international criminal was the law of 1536, which insisted that the prize taken at sea be brought in and adjudicated as a check on piracy. It had far reaching effects because most subsequent laws, both English and colonial, were based upon this parent legislation. This law also recognized pirates as capital offenders to be punished by death. Admiralty Courts had been erected in America as early as 1615. In 1638, in the almost forgotten Puritan attempt to colonize Providence Island in the western Caribbean, Nathaniel Butler was given a commission of Vice Admiral.<sup>19</sup> These were special grants, but attempts persisted for in about 1675, Massachusetts attempted enforcement of their 1673 law, and again in 1692, but the laws were disallowed, and considered only temporary expedients.

In 1699, the law of William III, patterned after the 1536 law, extended to the colonies the Crown's authority to appoint colonial commissioners and erect Vice Admiralty courts to punish pirates as capital offenders. In 1721, the law of 1699 was extended to include:

<sup>16</sup>Early in the 14th century, cases at sea were directed to be tried under maritime law by the king and council. R. G. Marsden, "Early Prize Jurisdiction and Prize Law in England," English Historical Review, XXIV, (1909), p. 680.

<sup>17</sup>Ibid., p. 679.

<sup>18</sup>Ibid., p. 680.

<sup>19</sup>This is not to be mistaken for New Providence (Nassau) in the Bahamas. The island is now owned by Colombia and named Santa Catalina. See, John Franklin Jameson, Privateering and Piracy in the Colonial Period, (New York: Macmillan Co., 1923), pp. 1-8.

All commanders or masters of ships who shall trade with, by truck, barter or exchange with any pirate, if foundt guilty, such persons will be esteemed pirates.<sup>20</sup>

This study has been limited to the mid-colonial period of piracy. This roughly falls into the period between the latter 1680's to about the 1720's, for piracy in the colonial sense of the word ended about 1727. That piracy existed in some form or degree after this date is not denied; nevertheless, the days of pirates en masse, when shipping was slowed to a trickle because of their action, were ended. While every effort has been made to be as complete and accurate as possible, time and space impose their limits.

Piracy was a business, with a fundamental and basic element, quest for wealth, as a motivating factor which included geography, politics, and rebellious dogmas to encompass an entire pirate sociology. At times, piracy was condoned, countenanced, and even encouraged in the form of questionable privateering activities. It might be truly said that "war made the pirate and peace hanged him."<sup>21t</sup> To summarize the pirate feelings is the piratical utterance of Edward Bellamey, the arch New England pirate, when he said:

Tho, damn ye, you are a sneaking puppy and so are all those who will submit to be governed by Laws which rich men have made for their own Security, for the cowardly whelps have not the courage otherwise to defend what they get by their Knavery, but damn ye altogether: Damn them for a parcel of henhearted num-skulls. They villify us the scoundrells do, when there is only this Difference, they rob the Poor under the Cover of law, forsooth and we plunder the Rich under the protection of our Courage.<sup>22t</sup>

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<sup>20</sup> Philip Gosse, The History of Piracy, (New York: Longmans Green and Co., 1932), p. 315.

<sup>21t</sup> Roger Burlingame, "War Makes Pirates and Peace Hangs Them," American Heritage, (February, 1957), p. 13.t

<sup>22</sup> Ibid.



## CHAPTER I

### THE MARITIME FRONTIER

Though Barea blasts and Neptune's waves,  
Have tossed me to and fro,  
In spite of both by God's decree,  
We anchor here below.  
Here now do I at anchor lie  
With many of our fleet.  
Yet once again we must set sail,  
Our Saviour Christ to meet.<sup>1</sup>

Legally, a privateer is an armed vessel, (or its commander) which in time of war, though owners, officers, and crew are private persons, has a commission from a belligerent government to commit acts of warfare on vessels of its enemy.

Legally, a pirate is one who commits robbery or other acts of violence on the high sea (or on the land through descent from the sea) without having any authority from and independently of any organization government or political society.

If the two definitions stated above could have been applied to all the cases where acts of maritime violence had been committed during the age of piracy, then suppression would have been a simple matter indeed. These are, however, merely academic definitions both of which are susceptible to academic debate. It is a well known fact that the pirate and the privateer were first cousins, and separation of the two was at times most difficult.

The reasons for the existence of the pirate in Colonial America

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<sup>1</sup>Arthur Pierce Middleton, Tobacco Coast, A Maritime History of Chesapeake Bay in the Colonial Era (Newport News, Virginia: The Mariners Museum, 1953), p. 285.

would be most difficult to examine at best, but probably one of the best reasons that can be cited is the fact that in general the colonists along the maritime frontier were not landsmen.<sup>2</sup> The colonist was not a landsmann for a variety of reasons, one of which is simply that he was not born into a land environment. Though the early settlers of Colonial America were not made up predominantly of seamen, nevertheless by heritage and background Colonial America was of the sea. Geographically the America of the 17th and early 18th centuries was, as one might say, oriented to the sea if not by nature, certainly by economic structure.<sup>3</sup> For though the sea was indeed a difficult antagonist, it was not nearly so difficult as the rocky, Indian infested hinterland of New England. From the point of view of England in general and the English merchant in particular, a peaceful trade was most desirable. Peaceful trade had become a most necessary ingredient to the merchants.

To the Mother Country mercantilistic trade and a free sea were essential. Great Britain had to trade, and by this time she was becoming annation of merchants with royal attention shifting to the urban established businessman and large trading companies. It was inevitable that should Britain become embroiled in a period of great naval activity, she must stay strong in a maritime sense to achieve her mercantilistic design.

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<sup>2</sup>Charles M. Andrews, "Colonial Commerce," American Historical Review, n XX (October, 1914), p. 53.

<sup>3</sup>Boston in 1631 launched the ship Blessing of the Bay, and by 1670 Massachusetts had turned out some 730 vessels, and in about sixteen years from 1696 to 1713 the colony had produced 1,118 vessels with a total tonnage of 69,500 tons. Curtis Nettles, The Roots of American Civilization, (New York: F. S. Crofts and Company, 1939), p. 246. Production of ships ranging from twelve ton coastal ships to 400 tons of ocean-going craft were being used. See Charles M. Andrews, The Colonial Period of American History: The Settlements (New Haven: Yale University Press, 1934), I, pp. 512-514.

In order to accomplish this, a strong navy was essential. This fact pointed up the need for a steady supply of seamen.

Your trade is the mother, the nurse of your seamen, your seamen are the life of your fleet, and your fleet is the security and protection of your trade, and both together are the wealth strength and security of Britain.<sup>4</sup>

With the establishment and need of a naval force to maintain and protect the growing trade, one might say Britain was advancing along the maritime frontier. And piracy could be described as a frontier condition, a way of life which could result only with help such as bases, booty, and a relative immunity from the law. These conditions could readily be found in early America and the West Indies; it is small wonder that the pirate existed. The navy that was called upon to move along this frontier was not always strong. During the time of the restoration, the navy was alternately good and bad. The naval force established by the Naval Act of 1677 went from a fairly formidable force by the addition of thirty new ships to one of decay and ruin within five years. As stated by Samuel Pepys:

The holds were not cleaned nor aired but for want of gratings and opening their hatches and scuttles suffered toadstools growing in the most considerable of them as big as my fists.<sup>5</sup>

By 1685, at the accession of James II, Samuel Pepys (Secretary for the Affairs of the Admiralty of England) proposed that a special commission of experts should be appointed to repair and restore the Navy. The

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<sup>4</sup>Sir Hubert Richmond, The Navy As An Instrument of Policy 1558-1727, Ed. E. A. Hughes, (Cambridge: The University Press, 1953), p. 344.

<sup>5</sup>J. G. Marcus, A Naval History of England, The Formative Centuries (Boston: Little, Brown and Company, 1961) p. 175.

King approved and 400,000 pounds was allotted. By 1687, after some two years of work and prudent management, the naval expense was reduced to some 172,000 pounds. By the year 1688, the battle fleet had been repaired.<sup>6</sup>

During this period pirates roamed almost at will, for there was in reality nothing to stop them as far as a naval force was concerned. In addition to the general decline of the Navy at this time, another practice was growing that could have had rather dire consequences with regards to the apprehension of pirates by the Royal Navy in colonial waters. This was the habit of Royal Naval ships carrying freight to the personal profit of the Captains.<sup>7</sup> The pay of the captains was supplemented in this manner. Though the pay allowance was made greater in the years after the restoration period, the practice of the "Good Voyages" (as the policy came to be known) continued in the West Indies and off the North Atlantic coast for many years.<sup>8</sup> In Queen Anne's War Admiral Walker permitted his captains to carry Negroes and merchandise to sell on the Spanish Coast duty free and was thereby ruining the legitimate trade of the Jamaicans.<sup>9</sup>

If the trading went freely without fear of pirates, the protection of the Royal Navy would not be necessary. If the need for this navy were stopped, it would be less profitable for the Royal Navy captains. It is little wonder that the captains were found somewhat less than enthusiastic about the removal of piratical threats to the merchant convoys. Moreover the demand for money from the merchants to convoy ships seemed to be

<sup>6</sup>Ibid., p. 179.

<sup>7</sup>Ibid.

<sup>8</sup>Ruth Bourne, Queen Anne's Navy in the West Indies, (New Haven: Yale University Press, 1939), p. 255.

<sup>9</sup>Ibid., pp. 131-133.

an inhibitory factor in the arresting of pirates by the captains on station in the West Indies and along the coast of North America.

Commodore Kerr on the West Indian station demanded 1500 pounds for protecting a convoy to the Spanish coast. One William Wood representing the merchants was ready to pay Kerr 600 pounds to protect a convoy to the Spanish coast of South America, whereas Kerr found that he could not spare ships for the convoy after all. As a result of this inaction Charles Gandy, the trader most esteemed by the Spanish, was lost and four ships had been taken at a loss of some 40,000 pounds. Kerr was returned to England and held for trial before the Court of Queen's Bench and then before the House of Lords. The merchants accused Kerr of wanting to fill his pockets with gold from the Spanish trade. In addition to his current charge of neglect, his failure to protect the fleet the year before had cost some twenty ships.<sup>10</sup>

The courts found that it was illegal and "oppressive" to the merchants and traders to demand money for convoy duty. As a result all possible care was urged to prevent abuses in the future.<sup>11</sup>

In all fairness to Kerr it must be added in his defense that most of his crews were dead. The ship sent to provision Kerr was wrecked off the coast of Ireland.<sup>12</sup> He had lost many men and on coming out to Jamaica in 1706 he had suffered tremendous damage. So great had his trouble become that on all of his ships, he "stripped off fishes" to equip the

<sup>10</sup>Marcus, Naval History, p. 238.

<sup>11</sup>George Macaulay Trevelyan, England Under Queen Anne, Ramillies and the Union with Scotland, (London: Longmans, Green and Company, 1932), II, p. 323.

<sup>12</sup>Bourne, Queen Anne's Navy, p. 132.

returning Suffolk that had been ordered home by the Admiralty. (A fish is a strip of metal used generally to repair cracks or fasten masts together.) By this time Commander Kerr's crew was in extremely bad condition. The crew was so far reduced by distemper that his fleet could not stir from the harbor for want of hands. In addition to these hardships, Kerr himself was desperately ill, and the hospitals on the West Indian station had attained a status slightly above a pest house. Kerr wrote that:

It hath been the destruction of most man who have been sent thither for besides the perniciousness of the air of the place. Her Majesty's allowance is not so honestly disposed of as ought to be.<sup>13</sup>

It might be concluded that even though Kerr was accused and dismissed for neglect, it would seem he had some justification for his failure to accomplish what might well be called an impossible task.<sup>14</sup> Conversely, one might add or rather speculate, as to the possibility of where Kerr might find the ships to sail for 1500 pounds when he said he could not find them for the 600 pound fee offered by the merchants.

The hardship of the service and the exacting of fees for convoy service by the admirals was the product of what might be termed governmental bureaucratic squabbles. The Acts of Parliament forbidding impressment, for example, did not find a favorable climate in the Admiralty office. They listened to the captains on the difficulties of obtaining men and were not convinced that the colonies could not furnish men to the Royal Navy. The Admiralty felt it crippled the service. The view held

<sup>13</sup>Ibid., p. 95.

<sup>14</sup>Ibid., p. 88.

by Parliament after listening to the merchants was that the desertions caused by impressment led to piracy which seriously hampered the trade of the colonies and caused them to prey on the ships' convoys and on the ships from the Spanish coast of South America. The colonial governors were not generally in favor of this suppression policy because they could not press men into the service.

Governor Crowe of Barbados in 1703 communicated with the Board of Trade on his criticism of the suppression of impressment when he said:

I cannot but observe to your Lordships, the inconvenience that may happen by the Parliamentts taking away the Governor's power of pressing men for H. M. ships. If they should happen in a cruice to meet with, (sic) an enemie that destroys them any number of men or by sickness or by any other accident disabled the fleet will be without any thing to guard it; so that two French ships will take all our northern trade and starve us. Neither has the country money or credit to fit out vessels.<sup>15</sup>

Also Captain Kerr stated:

I believe Governor Coll. Handasyd is very well inclined to assist me with men, but I find there is no men to be had off the island so much to the contrary that they the Islanders will rob us of what they can for carrying on their slooping trade. --- His Excellency will lend some of his regiment if necessary and if that is our only dependence I fear the greater part of the squadron will lie here unless for want of men.<sup>16</sup>

So far an attempt has been made to show one of the basic reasons why piracy flourished during the latter part of the seventeenth century and early part of the eighteenth. To make a broad generalization one might say it was a case of naval mismanagement. However this is probably too strong a statement, for imbedded within this term of mismanagement

<sup>15</sup>Ibid.

<sup>16</sup>Ibid., p. 97.

are many factors which are contributory. England for example was fighting what might be called a European conflict as well as a colonial struggle. Her desire to protect and secure her trade from the North American as well as the West Indian colonies was only a part of the whole struggle. Her Navy was extended to protecting her own coastline, in addition to fighting in the Mediterranean. Moreover, the allies upon whom England was depending for some military and naval assistance did not live up to their agreement.<sup>17</sup> The situation then was not what one could call ideal for the suppression of piracy. Indeed, the activities described led to many pirates going "on account."<sup>18</sup> Paradoxically however the very things that at first contributed to the piracy in America and the West Indies also contributed to the collapse of piracy in these same areas. For one thing the need for the employment of the naval force in these areas called the attention of the Mother government to the conditions that would allow pirates to flourish. The war focused attention on these areas. The lack of cooperation between the colonial governors and the Royal Naval commanders over the right to prizes seized from the enemy emphasized the need for closer inspection. It called attention to the proximity of some colonial governors and pirates. Virginia's Commander Crofts was most abusive to his men. Some of his captains complained of ill usage by Crofts to Governor Howard, who sent him a summons to appear before him to answer the charges. Crofts refused to appear and was supported by his superior in command, Captain Allen, who claimed that Governor Howard had no authority to summon a naval officer before the Council of Jamestown.

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<sup>17</sup>Samuel R. Gardiner, A Students History of England (London: Longmans Green, and Co., 1910), p. 675, also see: Marcus, Naval History, p. 212.

<sup>18</sup>Pirates used this term when they went to sea to seek plunder.



Such differences (he exclaimed) should be submitted to the King or tried by Court-martial for I do not think the council here competent to deal with affairs of the Navy.<sup>19</sup>

Such difficulties were detrimental to law and order on the high seas and indicated a lack of mature policy.

The principal reason indicated here for the growing concern of piracy was money. In the Kerr case this was brought out and again the very cause of English entrance into the War of the Spanish Succession was a balance of power based on a fear of commercial impediments to English trade with Spain.

It is not the intention here to create the impression that piracy was not noticed in the colonies previous to this time. Governor Lynch in Jamaica in 1684 was carrying on a rather vigorous and fairly effective campaign against pirates.<sup>20</sup> He complained however, that all his efforts at piratical suppression were being thwarted by the asylum given to privateers and pirates in Carolina, New England, and the other continental colonies. More specifically, Lynch charged that Jacob Hall had been given freedom in Carolina, that the colonies were full of pirates and money, and "from Boston I hear that the privateers have brought in 80,000 pounds."<sup>21</sup>

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<sup>19</sup>George Louis Beer, The Old Colonial System 1660-1754, (New York: Pete Smith, 1933), I, 313.

<sup>20</sup>R. G. Marsden, "Early Prize Jurisdiction and Prize Law in England," English Historical Review, XXVI (January, 1911), p. 51.

<sup>21</sup>This was the second time for Lynch in Jamaica. His previous attempt had been in 1670 armed with a pardon to men who would come in and surrender within a reasonable time. The Lieutenant Governor Molesworth was also involved in the action making use of two naval ships to run the pirates down. See, Robert Carse, The Age of Piracy (New York: Rinehart and Company, 1957), p. 211. The project was not a success because of the opposition to the project by the colonial residents. See Herbert Osgood, The American Colonies in the Eighteenth Century (New York: Columbia University Press, 1924) I p. 527. Also consult Beer, The Old Colonial System, II, p. 74.

The efforts of Governor Lynch in 1683-84 were of questionable value at stopping the pirates and his charge that South Carolina was aiding pirates was probably not without valid grounds.<sup>22</sup>

In 1687 Sir Robert Holmes was sent out with a fleet to aid Lynch in suppressing pirates and privateers whereupon the now familiar charges against the northern colonies in general and South Carolina in particular for aiding pirates was repeated. This fact was in part true; however there were some extenuating circumstances. While efforts by South Carolina had been made at stopping the pirates in 1685, the law passed in that year against the freebooters was nearly impossible to enforce. The physical conditions alone made it very difficult to end piracy in the area.<sup>23</sup> With limited support of any sort of naval force and the many bays and inlets along the coast, suppression was most difficult.<sup>24</sup> It is not so remarkable then that in 1687 Sir Robert Holmes should level his charges against the proprietary colonial colony. In addition to the usual charges, South Carolina was accused of violations of the Acts of Trade and bringing the pirates to trial before evidence was ready, while at the same time clever attorneys were employed by the merchants for their defense.

South Carolinian conduct in regards to pirates is defended against the charges.

The South Carolinian rebuttal against this charge is formulated on

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<sup>22</sup>Patrick Pringle, Jolly Roger, (New York: W. W. Norton and Co., Inc., 1953), p. 93.

<sup>23</sup>Beer, Old Colonial System, II, p. 193.

<sup>24</sup>Ibid.

the premise that she had no legal system at the time to try pirates. They had no vice admiralty courts, no marshal, no clerk, and no court organized for the purpose.<sup>25</sup> These were the arguments offered that explained away the lack of legal prosecution; as to the physical lack of effort of suppression in South Carolina it is said that:

Were the people of South Carolina able to aid Sirr Robert? If so, with what were they to aid him? The home government was too weak to do anything about the pirates by way of protection on the high seas, and the threat of the Indians and French in the land and state government in a state of civil turmoil little wonder not much could be done.<sup>26</sup>

A quite different opinion of the Carolinas will be found in other books where the proprietary provinces had fostered pirates at this time largely for their own interest.<sup>27</sup> Furthermore the proprietors were too busily engaged in created titles such as landgraves and caciques to spend much time on the practical business of stopping pirates.<sup>28</sup> When one considers the situation as a whole, it is true that the problems between the Indians, Spanish and South Carolinians were gargantuan in nature. A judgment of the colony should hit somewhere in the middle ground.

Probably some of this effort to stem the tide of piracy in the West Indies was to have repercussions along the coast. For one found

<sup>25</sup>Edward McCrady, The History of South Carolina under the Proprietary Government 1670-1719, (New York: The Macmillan Company, 1897), p. 258.

<sup>26</sup>Ibid.

<sup>27</sup>Arthur Harris, Pirate Tales from the Law (Boston: Little, Brown and Company, 1923), p. 120.

<sup>28</sup>McCrady, History of South Carolina, p. 258.r

that Governor Nicholson in 1688 imprisoned pirates in Boston in an attempt at stopping pirates in that area.<sup>29</sup>

Suppression of pirates might at this time be said to be in its adolescent stage of development. While some experience had been gained and some effort made, much more of both would be needed before piracy would be controlled in the colonies. While piracy of the late 60's and early 70's had been used by the English government as a colonizing catalyst against the Spanish and French, it now became a nefarious practice to be stopped. A foothold had been gained in the West Indies which was to be blessed trade in the eyes of the English merchant of the day. While it may well be true that piracy was condoned to some degree in South Carolina, it is also true that pirates were being entertained in Massachusetts, Rhode Island, New York, and Pennsylvania as well during this period under study. It is probably also true that the Colonial World was about to embark on what might be considered a golden age of piracy which over a period of years from 1687 - 1718 would oscillate between outright piracy in time of peace to the dark shadow of privateering in time of war. This last mentioned facet of the maritime activity, privateering, would place considerable emphasis on the adjudication of prizes and the erection of Admiralty courts to hear and try piracy under the law.

Throughout any discussion of piracy, regardless of the phase one wishes to discuss, the constant thread that is found in the central theme of the discussion is commercialism. The values of the colonies to England

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<sup>29</sup>Maude Wilder Goodwin, Dutch and English on the Hudson, VII, The Chronicles of American Series, Ed. Allen Johnson (New Haven: Yale University Press, 1919), p. 168.

were, to say the least not aesthetic, rather they were commercial. The wars of the period were commercial in nature with an ever ready eye to the balance of power in Europe.<sup>30</sup> Yet when one thinks of England and Commercialism, their thoughts will in most cases have to be turned to the British navy, for this was the instrument of British power.

From the point of view of piracy and its suppression, a brief consideration of the conditions under which seamen had to operate while in the navy is important. The importance lies in the fact that some of the Royal Navy men resorted to piracy. The following is a brief account at the time of Elizabeth.

The quality of the food was very bad. The beer was the cheapest small beer, and never kept good at sea owing to the continual motion of the ship. It became acid and induced dysentery in those who drank it, though it was sometimes possible to rebrew it after it had once gone sour. The water which was carried in cask was far from wholesome and became offensive so that none could drink it. However water was not regarded as a drink for human being until the beer was spent.<sup>31</sup>

Food was of course to suffer the same ill fate as the drink. The victuallers often killed the animals during the summer months and as a result the meat would not take salt and many casks spoiled. And although antiscorbutics were known, sailors seemed to resent any change in their usual mundane pound and pint.<sup>32</sup>

To clean the ship, decks were washed with vinegar and sand, and sluiced with saltwater. Bilge water reeked and rotted in the bilges.

<sup>30</sup>C. M. Andrews, Colonial Commerce, p. 47.

<sup>31</sup>John Masefield, On The Old Spanish Main, (New York: The Macmillan Company, 1925), p. 258.

<sup>32</sup>Ibid., p. 59.

So much so, that one would find it extremely difficult to exaggerate the word reek.<sup>33</sup>

Such conditions may be considered as contributory factors in piracy but one must bear in mind that the conditions on all ships privateer, merchant, Royal Navy, and pirate were difficult at best. But the tangible factors of greater freedom and more money that could be had sailing on the privateer, merchant, or pirate as opposed to doing the same work with sterner discipline on one of His Majesty's Ships of War for a set wage is an inducement that cannot be ignored. It was free enterprise as opposed to working for wages, that might not even be paid.<sup>34</sup>

In 1705 the House of Lords established a Whig sponsored Naval Investigative Committee. The committee gave notice that the difficulty in obtaining men for the naval service in spite of Bounties and press gangs, the higher rates of wages offered by the merchant service stifled efforts at obtaining personnel. The administration of the Navy was shown to be defective and cost had risen way out of proportion.<sup>35</sup> One economy measure proposed was the reduction of the beer allowance from one gallon to three quarts a day. But it was reported that they would only save 21,000 pounds a year and that it might be taken as an additional deterrent to seamen. The seamen generally received an allowance of money in lieu of the part of the gallon due them which was sometimes more than they wished to drink. As mentioned earlier drink was an important part

<sup>33</sup>Ibid., p. 261.

<sup>34</sup>Bourne, Queen Anne's Navy, pp. 18-23.

<sup>35</sup>Trevelyan, England, II, pp. 19-20.

of the sailor's life. The committee's report contained the facts that while 6,500,000 pounds had been voted by Parliament for the maintenance of the navy for three years, the Admiralty was spending over 300,000 pounds a year in excess of its appropriation. Yet the seamen had not been paid in full. The Navy at this time consisted of 40,000 men, many of them unpaid.<sup>36</sup> Wages were then a great factor in contributing to the sailor's joining a privateer or piratical service. It probably could be safely said that money talked.

Discipline was swift and severe upon the man of war. Moreover, the erring sailor was more likely to get his punishment once it was determined he was involved in an offense of some sort. And he really had slight redress of grievances. Discipline was very arbitrary and individual punishments were formulated according to the "laws and customs used at sea," and were not generally in the official regulations. The Naval Discipline Act of 1661 dealt only with serious crimes and court-martial, mutiny for example.<sup>37</sup>

Whether one can say that the discipline on board men-of-war and merchants was arbitrary or not is a matter of debatable character. However, pirates considered it of enough import to pay attention to it when they captured a ship. The colonial shipmasters felt abused enough by 1722 to petition the Virginia Assembly to establish a court where Captains could gain a hearing of shipmasters against their sailors. In addition they wanted punishments awarded by the court to aid them in keeping ships'

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<sup>36</sup>Bourne, Queen Anne's Navy, pp. 129-130.

<sup>37</sup>Henry Teonge, The Diary of Henry Teonge, Ed. Denison Ross and Allen Power (New York: Harper and Brothers, 1927), pp. 23-24.e

companies in obedience. Their great fear being:

Pyrats deliver men from the punishment of ships captain--besides far greater hazards which we ran, in case of meeting with pyrats where we are sure to suffer all the tortures which such an abandoned crew can invent upon the least intimating of our striking of any of our men.<sup>38</sup>

As a concluding point concerning discipline as a cause for piratical skullduggery, it might be fitting to recall the concluding remarks of John Rose Archer as an individual on June 2, 1724, when from the scaffold after blaming his piracy on everything from swearing to unchastity he said:

I could wish that masters of vessels would not use their men with so much severity as many of them do, which exposes them to great temptations.<sup>39</sup>

And so it was with pirates along the Maritime Frontier.

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<sup>38</sup>Virginia, Calendar of Virginia State Papers and Other Manuscripts 1625-1781, Ed. William Palmer, (Richmond, 1875), pp. 202-203.

<sup>39</sup>Pringle, Jolly Roger, p. 250.



## CHAPTER II

### CONFUSION BEFORE THE LAW

Amid the sound of the singing swish of the cutlass and crash of cannon that gives pirate literature its appeal in American folklore, one must consider piracy before the law. For an important factor in piratical suppression was which authority rightfully belonged to the Crown as opposed to that allowed the colonial officials in prosecuting pirates. To describe the situation that existed during the 1690's with the word confusion is a gross understatement.<sup>1</sup>

Yet, like the tide that would ebb and flow against the shores of the Bay of Fundy, so went relations between the home government and the colonies. To say the least, a state of near anarchy existed when one considers colonial adjudication and admiralty jurisdiction of the day. For example one finds the colony of Massachusetts Bay Company being accused of "high demeanor" for erecting an unauthorized admiralty court in 1683. It was said to be an invasion of the rights of the Duke of York (James) who was acting in the position of Lord High Admiral.<sup>2</sup> James issued commissions of Vice Admiral to colonial governors. Though he was no longer in office as Lord High Admiral in England, he remained in charge of Admiralty affairs of His Majesty's dominions in New England.<sup>3</sup> In

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<sup>1</sup>Charles M. Andrews, "Records of the Vice Admiralty Court of Rhode Island 1716-1725," American Legal Records, (Washington D.C., American Historical Association, 1936), III, pp. 6-7.

<sup>2</sup>R. G. Marsden, "Prize Law," English Historical Review, XXVI, p. 55.

<sup>3</sup>John Franklin Jameson, Privateering and Piracy in the Colonial Period (New York: Macmillan Company, 1923)(N) p. 143.

direct contrast however one finds in September 1683, a commission that created a court to try pirates being granted to "Thomas Dongan, Governor of New York."<sup>4</sup> The issuance of this commission was in response to an emergency situation created by the piracy of the ship Camelion, under the command of Nicholas Clough.<sup>5</sup> Clough had seized the Camelion which was a slave trading ship off the coast of Africa and sailed to the coast of the West Indies. Then Clough in a mild seizure of audacity issued a letter entitled "An Agreement to Commit Piracy."<sup>6</sup> When they reached the West Indies, the pirates busied themselves with the seizure of a ship at Nevis. They were now formally "on the account." They were seized at Sandy Hook and bound over for trial under Dongan's Commission.<sup>7</sup> When sentence was passed eight men were given twenty lashes, and Clough was sent to England to give his account to the officials of the Royal African Company.<sup>8</sup> The result was a great deal of indignation on the part of the Royal African Company and a censure was applied to Massachusetts Bay. Background for this 1683 censure is found in the earlier law of 1673 when Boston took it upon itself to conduct its own trial for piracy. In this year Boston engaged in its first struggle to try pirates legally as capital offenders subject to the pain of death. The sentence to hang was passed down to three men involved in piracy off the Spanish American Coast in the ship Antonio.<sup>9</sup> The three principals in the case were accused of rebellion

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<sup>4</sup>Ibid.

<sup>5</sup>Ibid., p. 144.

<sup>6</sup>Ibid., p. 141.

<sup>7</sup>Ibid., p. 144.

<sup>8</sup>New York, Calendar of Council Minutes 1668-1783, (Albany: University of the State of New York, 1902), p. 34.

<sup>9</sup>Jameson refers to this as the case of the "St. Anthony." See, Jameson, Privateering, pp. 68-73.

against a Captain William Terry whom they said treated them most harshly. They put the captain adrift and sailed to Boston, then they went to Charlestown and stopped at the home of one Major Nicholas Shapleigh (a prominent merchant in Charlestown). Shapleigh accepted part of the goods and began to sell them. Meanwhile the long boat with the Antonio's captain came floating into Boston Harbor. The pirates were then seized and bound over for trial.<sup>10</sup> Major Shapleigh was fined 500 pounds; pleadingo poor, he was only required to pay 300 because he was supposedly poverty stricken.<sup>11o</sup>

This stimulated the Colonial Act of October 15, 1673, to be passed that stated:

The court observing the wicked and unrighteous practices of evil men to increase, some piratically seizing of ships, kitches, and with their goods and others by rising up against their commanders, officers and employees seizing their vessel and goods at sea.<sup>12</sup>

The act went on to mete out the penalty of death to any one seizing a ship at sea or in the harbor.<sup>13</sup> The law further states that anyone who:

Shall rise up in rebellion against the master officers, merchants or owners of any such ship or other sea vessels and goods, and dispoyle or dispossess (sic) them thereof and excluding

<sup>10</sup>Edward Rowe Snow, Pirates and Buccaneers of the Atlantic Coast, (Boston: The Yankee Publishing Company, 1944), pp. 144-150.

<sup>11</sup>Though the sentence of death was passed on John Smith and Edmund Cooke they were pardoned in the General Court on December 10, 1673. Massachusetts Bay, Records, IV, pt. II, p. 573.

<sup>12</sup>This law did not make adequate provisions for adjudication of prizes on land or on the sea and this was where much of the trouble resulted. For if a ship was seized in a harbor it was not considered piracy but was punished under common law, as infra Corpus, Comitatus. See, George Francis Dow and John Henry Edmonds, The Pirates of the New England Coast 1630-1730, (Salem, Massachusetts: Marine Research Society, 1923), p. 364.

<sup>13</sup>This act and a fairly complete summary of the act regulating piracy can be seen in Captain Charles Johnson, A General History of the Robberies and Murders of the Most Notorious Pirates, (New York: Dodd, Mead and Company, 1926), pp. 593-594.

the right owner or those entrusted therewith every such offenders, together with their accomplices if found in jurisdiction shall be apprehended and being legally convicted thereof shall be put to death: provided always that any such of said company (who through fear or force have been drawn to comply in such wicked action) that shall upon their first arrival in any of our parts or harbors, by the first opportunity repair some magistrate or others in authority and make discovery of such practice shall not be liable to the afore said penalty of death.<sup>14</sup>

Another case contemporary with the time was the Rodrigo and Rhodes case of 1675. This case involved a Dutchman by the name of Juriaen Arentsen who took possession of the region between Castin and St. John during war between France and the Netherlands in 1674. Arentsen gave a commission of some sort to Peter Rodrigo and John Rhodes who proceeded in a most piratical manner along the coast of New England.<sup>15</sup> They seized the ship Trial of Kittery belonging to Major Nicholas Shapleigh of the St. Anthony fame. The pirates were seized and bound over for trial by a Captain Mosely who had been sent out by Massachusetts to stop them. The pirate ringleaders who were involved in addition to Peter Rodrigo and John Rhodes, (Peter Grant, a Scotchman and Richard Fowler and Randolph Judson, Englishmen), were pardoned.<sup>16</sup>

Probably the most outstanding feature of the two cases selected is the fact that the pirates were tried not under Courts of the Vice Admiralty but in the Massachusetts Courts of Assistance. And although the action did not curb piracies along the New England Coast, they can be held up as examples of some efforts being made to stop piracy. These actions might have acted as a warning to future pirates that it would

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<sup>14</sup>Dow and Edmonds, Pirates of New England, p. 26.

<sup>15</sup>Jameson, Privateering, p. 74.

<sup>16</sup>Massachusetts Bay, Records, v. pp. 40, 54, 66.

not be a healthy thing to become too aggressive with the colonial trade. For the colonial officials would tolerate piracy if it were remunerative and it was known that these cases were slightly less than financial bonanzas. In the two cases Major Nicholas Shapleigh was the only one who gained any profit and he did not keep that for long.

One can see similarities in the 1673 law to the subsequent laws as the colonists attempted to set up legal machinery to suppress pirates. An interesting point of the 1673 law was the provision made for forced men, (those who were forced into piratical ways by pirates against their will). This was to become a very sore point in the future regarding piratical trials. Admittedly, there were forced men and it would seem that about everybody found on a pirate ship claimed to be a forced man; therefore the provision was a necessary one.

The law of 1673 was supplemented in 1684 by what might be called an anti-pirate and mutiny law. Basically, the 1673 law was extended to include prosecution of merchants involved in aiding pirates. It became unlawful for any person to:

Enterteyne (entertain) harbor, council, trade or hold any correspondence by letter or otherwise with any person or persons that shall be deemed or adjudged to be privateers, pirates, or other offenders within the construction of this Act.<sup>17</sup>

This proclamation directed the colonies to pass laws that were to be patterned after the Jamaica Act of 1683.<sup>180</sup>

<sup>17</sup>Beer, Old Colonial System, I, p. 74.

<sup>18</sup>Jamaica published another act as a follow up that was essentially the same as the 1683 act. In 1687-88 an act was passed by the Jamaica Assembly for "reforming and punishing privateers and pirates." It further stated that they "do continually go off from this island and sail under their commissions." See, William B. Weedon, Economic and Social History of New England 1620-1789, (New York: Hillary Publishers LTD., 1963), I, p. 345.

These laws were not what could be considered an answer to the great problem of suppressing piracy. Indeed these laws were only a temporary measure in the restraint of piracy as they regarded the colonies. One finds that in 1692, Massachusetts passed an additional act punishing pirates with death.<sup>19</sup> The Crown disallowed the act. Judge Sewall in the council in turn protested by saying that he knew of no power that stated men should be sent out of the province to be tried.

The disallowance of this act by the English government was understandable enough at the time, when one considers the possibility, however remote, that such an act might weaken the control of the home government over the colonies. It should probably be recalled that these laws were passed during a period of ever tightening imperial control. It is generally conceded by historians that a more or less growing desire for greater colonial control was sweeping into the British government via the London merchants. The English merchants believed that the government in the colonies should be in the hands of a royal governor appointed by and responsible to the Crown.<sup>20</sup> The revocation of the Massachusetts Charter in 1684 seems to fit nicely with the royal proclamation of the same year indicating a desire on the part of the English government prodded by a rising mercantilistic class to suppress pirates in the colonies.

It would appear then that what Massachusetts did to stop pirates on her own in 1673 and what she was ordered to do in 1684 was one thing, but what she attempted to do in 1692 was quite another matter. Not

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Jameson, Privateering, p. 217.

20J. B., "A Letter To A Member of Parliament, concerning the Suppression of Piracy" Letter-Book of Samuel Sewall, Massachusetts Historical Society Collections, vol I, series 6, pp. 221-222.

because pirates had become any greater or less numerous, but rather because the attention and attitudes paid to the colonies by the home government had changed. In 1673 England was embroiled in difficulties not the least of which was the third Dutch War 1672-1674. Conversely in 1684, the proclamation to suppress pirates was issued at the command of the English government with strict orders of enforcement. By 1692, the frustration in England over the violation of the Navigation Acts, flagrant misuse of gubernatorial authority on the part of the colonial governors (reports of which reached England via the letters of Randolph), knowledge that the pirates were on the increase, the ever increasing influence of the merchant class who were being injured by the pirates, all created a body politic whose demands for suppression became increasingly loud. By the 1680's and on into the 1690's piracy in the colonies was beginning to prick the British in the pocketbook. In addition the two sides of the Atlantic were looking at the issue through different colored glasses. The colonial governor and merchants looked upon the pirate as a specie gathering instrument. By way of contrast, the mother country was beginning to experience a national stench. Piracy was beginning to take on a drab color in England. Probably the attempts of the governors and merchants to circumvent the acts of trade and navigation by countenancing of pirates did much to stimulate the home government to a national awakening.

The growing trend toward imperial control and the tendency toward centralization and royalization are seen in the attacks made on the

colonial charters in 1680. It appears that the stimulation toward greater imperial control was in part caused by pirates, smugglers, their cohorts the colonial governors, and merchants in their efforts to circumvent the acts of trade. The attitude prevalent in the colonies in general and Massachusetts in particular, with regards to the Acts of Trade would seem to bear this out. The 1684 suspension of the Massachusetts Charter followed by the creation of the Dominion of New England would provide fairly solid evidence of this fact.<sup>21</sup> Dovetailing into this suspension was the royal proclamation that pirates were not to be entertained and the colonial governors were ordered to enforce this. At the same time it was ordered that laws in the Northern colonies be passed to suppress pirates in accordance with the Jamaica Act of 1683. The outstanding feature of this act was that punishment should take place according to the law of Henry VIII.

R. G. Marsden states that this act in 1536 was the first attempt at regulating pirates and recognizing pirates as specialized criminals which should be tried in special admiralty courts.<sup>22</sup>

One may ask the question as to why the British government should insist on colonial passage of laws to stop pirates when it became rather obvious that such laws were violated with rather frequent consistency. And since such laws which had been passed at an earlier time had proved only partially successful, why should such a questionable piece of legislation be relied upon?

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<sup>21</sup>Theodore Oscar Barck and Hugh Talmage Lefler, Colonial America, (New York: The Macmillan Company, 1958) p. 155.

<sup>22</sup>Marsden, "Early Prize Law," English Historical Review, XXVI, p. 55.



The answer is that although at this time the laws themselves did very little to actually stop the pirates and prevent their depredation on the high sea, the legal tools for stopping the pirates were being forged. Though the laws were spasmodically enforced and skullduggery was rampant, it should not be overlooked that the framework of the engine that was to ultimately destroy piracy was being erected.

One could properly conclude therefore that jurisdiction in prize cases, clear cut authority for prosecution, and a directing force were essential for the smooth working of piratical suppressing efforts.

It might also be recalled with a certain propriety that Captain Kidd's commission was definite on the point that he was to return with all prizes to Boston for adjudication. The fact that he was not able to do this went against him at his trial.

In 1696 the Crown sent out Peter Jennings who was commissioned to investigate reported concealments and embezzlements of prizes since 1689 in Maryland and other colonies.<sup>23</sup> In 1704 the Betty commanded by Richard Johnson of Maryland was seized by a French privateer and taken to Martinique. Johnson was put upon the French barque L'Ortolan and shipped to France. Evidently Captain Johnson was a man of temper for after much goading by the French captain (one Pierre Rolleau) who was constantly debunking the fighting qualities of the English sailor, Johnson threw Rolleau overboard. When Johnson took the ship to port, the officials did not know

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<sup>23</sup>Middleton, Tobacco Coast, p. 339.

how to handle the prize; they did not know who was to receive the money after adjudication of the prize.<sup>24</sup>

These cases are cited merely to show the confusion that existed in piracy and privateering under the law. Thus, it could not be suppressed as one would surgically remove a limb. It was not until the year 1700 that a pirate could be legally hanged in the Colonies. This situation considerably dampened suppressionary measures in Colonial America.<sup>25</sup>

Until that time the punishment was held in the hands of the Admiralty office in London and even there agreement could not always be reached as to who might have the power to try maritime cases.

This confusion and perversion of justice, coupled with the British government's attitude which tended to use the pirate rather than to suppress him, permeated British thinking until the latter half of the seventeenth century. The injury suffered by the East India Company brought about a change in this attitude and increasing demands by the British merchants and traders to suppress the pirate.

Piracy died first in the Red Sea, and as a result of its death there, it also perished in Colonial America. If one could point to any single force that instigated piratical demise in the colonies, it would likely have to be the persistent desire to have it permanently suppressed, not merely stunted for a period of time only to be used again as an auxiliary naval force in time of war, then neglected again until the hue and cry of the British and colonial merchant would bring out the forces of the British navy to stop this nefarious business.

<sup>24</sup>Ibid., p. 340.

<sup>25</sup>Marsden, English Historical Review, XXIV, p. 681.

This desire to suppress the pirates in the Red Sea was stimulated by Captain Avery who tampered with the Mogul shipping and caused so much pressure at Whitehall, that things began to happen. Piracy itself was hanging by a thin web on the verge of severance, soon to be plummeted into the abyss of all things dead. It began with Captain Avery.

## CHAPTER III

### BEGINNINGS OF TRUE DECLINE OF PIRACY

In considering the decline of piracy a name that comes to the front is Captain Henry Avery, alias Every, alias Bridgeman.<sup>1</sup> Regardless of the precise name used by this pirate, the man and his crew created enough trouble to cause the English government to post a 500 pound reward for his capture.<sup>2</sup> He focused attention onto the Red Sea pirates and ultimately led to Captain Kidd's being turned off at Wapping Old Stairs.<sup>3</sup>

Complaints regarding Avery began drifting into official circles in 1695. A letter of the East India Company dated October 12, 1695 indicates the company predicament. The letter deals with some of the action taken against the factor of the East India Company in Surrat.

We are informed that one Englishman in Surrat carrying to prison was so wounded by the Rabble that he died three days after and that several others

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<sup>1</sup>Philip Gosse, The History of Piracy, (New York: Longmans, Green and Co., 1932), p. 178. Also see, A. B. C. Whipple, Pirate: Rascals of the Spanish Main, (New York: Doubleday and Company, Inc., 1957), p. 27.

<sup>2</sup>This reward was issued by the English government on July 18, 1696. The offer was doubled by the East India Company which was to become the early prime mover in piratical suppression. Ibid., p. 71.

<sup>3</sup>Gosse, History, p. 180.

were so barbarously used. It is certain the pirates, which these people affirm were all English, did do very barbarously by the people of the Gunsway and Abdul Gofor's ship to make them confess where their money was, and there happened to be a great umbrow's wife (as we here) (sic) related to the King, returning from her pilgrimage to Mecha, in her old age. She they abused very much and forced several other women which caused one person of quality his wife and nurse to kill themselves to prevent their husbands seeing them (and their being) ravished. All this will raise a black cloud at court, which we wish may not produce a severe storm.<sup>4</sup>

Complaints were coming in rapid succession as the tempo of piratical activity increased in the Red Sea area. In 1697 another letter was sent to the Lords of Trade by the East India Company complaining that the natives in India were accusing them of being in league with the pirates. The Company then accused interlopers of trying to break down the monopoly of the East India Company trade.<sup>5</sup> Evidence was beginning to pile up that pirates were fitting out in America and coming to the Red Sea to plunder Mogul shipping, whereupon they were meeting at St. Mary's and Madagascar to trade with ships sent out by the colonial merchants. This could be considered clear violation of the Acts of Trade at the very least. Indeed the pirate round was in force.<sup>6</sup> Captain Avery was one who used Madagascar as a place of refuge and St. Mary's as a place to "share out" after a successful voyage. Johnson

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<sup>4</sup>Jameson, Privateering, p. 159.

<sup>5</sup>Osgood, American Colonies, I, p. 542.

<sup>6</sup>Charles Johnson, A General History of the Robberies and Murders of the Most Notorious Pirates, (4th Ed., New York: Dodd Mead and Company, 1926), p. 32.

speaks of Avery following his plundering of the Mogul's ship:

Our successful plunderers agreed to make the best of their way back to Madagscar, intending to make the best of their magazine or repository of all their treasure.<sup>7</sup>

Captain Avery and crew decided against the above mentioned course of action and made their way to America. Just why they decided to do this is rather hard to place in a proper light. Although things were open in New Providence Island (in the Bahamas) at this time and a pirate could live relatively undisturbed, he would have trouble converting some of his ill-gotten gains to cash. It is probably an accurate assumption to say that Avery's crew decided to come to America because they were not well-known in this area. Avery was not an American pirate in the strictest sense of the word but he did have some intelligence (obtained from Captain Thomas Tew, the well-known New York pirate) regarding possible treatment he might receive along the New England coast. Upon his arrival in New Providence, and before sailing up the New England coast, Avery decided to get rid of his heavily armed ship, lest it be recognized and cause inquiry. He then made a deal to sell his ship, and as a corroborating story to belay the suspicions of the buyers that they were not dealing for a pirate ship, Avery invented the tale that the ship had been fitted out as a privateer. Not having any success he was instructed by the owners to sell her to the best advantage. He sold the ship and bought a sloop.<sup>8</sup>

On his journey up the New England coast Avery touched at several

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<sup>7</sup>Ibid., pp. 27-28.

<sup>8</sup>Ibid., p. 29.

spots but was reluctant to land for any length of time to try to convert his wealth in jewels into spendable cash. Jewels attracted attention in New England.<sup>9</sup> It would seem that the pirate was from his time forward going to have a hard time in New England. During his journey up the coast of America Avery was allowing members of his crew to take their shares and leave the ship. One of Avery's men ended up marrying Jane Markham, daughter of the acting Governor of Pennsylvania in Philadelphia.<sup>10</sup>

Governor Markham was acting in the absence of William Penn. He had been at verbal sword's point with Edward Randolph, the perennial pirate-hunter and surveyor-general of New York over Admiralty cases. He was accused of harboring pirates and his daughter's marriage did not help him exonerate himself. He was ordered suspended from office in August of 1699. The issue was settled by William Penn's return when he superseded Markham as governor. He was appointed Register-General at Penn's request in 1703 but died before the appointment was confirmed.<sup>11</sup>

Avery had been made to pay the piper since his arrival in colonial waters, so it is not surprising that he was using caution as he moved from the West Indies up the American coast. At his arrival in New Providence (Bahama Islands) Avery was required to pay Nicholas Trott (the cousin to Chief Justice Nicholas Trott of South Carolina who was later to sentence the infamous Stede Bonnett to hang). The Avery crew

<sup>9</sup>Jameson, Privateering, p. 153.

<sup>10</sup>Neville Williams, Captains Outrageous: Seven Centuries of Piracy (London: Barrie and Rockliff, 1961), p. 136.

<sup>11</sup>Dictionary of American Biography, VI, pp. 285-286.

took up a collection of twenty pieces of eight per man and Captain Avery contributed forty to the governor for protection and sanctuary. In addition Trott's pay included "elephants' teeth and some other things worth 1000 pounds."<sup>12</sup> Governor Trott defended himself by stating that there were only sixty men on New Providence as against 113 men of Avery's crew, and it is only to be assumed that the governor felt that discretion was the better part of valor.<sup>13</sup> On up the coast things were not shaping up favorably for Avery. While it is true that Bellomont would not assume his governorship until April 2, 1698, and Governor Fletcher was still collecting pay for illicit aid to the piratical gentry, there was a growing colonial consciousness in some official circles that piracy would have to stop.<sup>14</sup> The early efforts at stopping pirates however would of necessity originate in the Mother country and be stimulated by the East India Company's cry of pain that was shrieking out from the Red Sea. The suppressionary philosophy of the day, it would seem, was to stop the nefarious Red Sea round, thus killing piracy at its source and keeping East India trade secure. Further evidence that the situation was growing acute for the East India Company might be brought out by further examination of the closing paragraph of the letter referred to previously:

The Pirates being neglected of all hands begin  
to grow formidable and if some course be not taken to

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<sup>12</sup> From the testimony of John Mann a crew member of Avery's who was seized by the authorities in Rochester, England on August 3, 1696. See, Jameson, Privateering, pp. 165-171.

<sup>13</sup>Ibid, N, p. 172.

<sup>14</sup>Fletcher was accused of his relationship with the notorious Captain Tew. Fletcher said he wanted to stop his swearing and that he found him a man of "courage". See, Jameson, Privateering, p. 167.



distroy them they will yearly increase having found their trade (sic) so beneficial, and how soon the Companys servants as well as there trade may be sacrificed to revenge the quarrel of the sufferers, they know not.<sup>15o</sup>

In the same year, Peter De La Noy in his charges against Governor Fletcher in England said:

We have a parcel of pirates called Red Sea Men in these Parts who get a great booty of gold. The Governor encourages them since they make due acknowledgement.<sup>16</sup>

The situation had no doubt gone beyond the bounds of official toleration. Piracy was carrying within it the seeds of its own destruction. The work of Avery had excited a powerful force by raising the anger of the East India Company. His action brought into vivid focus the inadequacies in colonial governors, like Governor Fletcher and Nicholas Trott, Sr.<sup>17</sup>

Stimulated by the East India merchants, the English government set out to stop Colonial piracy. The stage was now set for the man of the hour.

<sup>15</sup>Ibid., p. 159.

<sup>16</sup>Osgood, American Colonies, I, p. 531.o

<sup>17</sup>Nicholas Trott, Sr. was governor of the Bahama Islands from 1693-1696 when he was taken from office because of his dealing with pirates. Upon being dismissed he went to London and married the daughter of Thomas Amy and gained a share of the Carolina proprietorship as a result of this marriage. Nicholas Trott, Jr. went to London in 1690 from Bermuda but returned in the same year. From becoming secretary in 1693 he graduated to assembly membership in 1696. He fell into disfavor with Governor Richier, but was upheld at Whitehall. He left Bermuda in 1699 for South Carolina and left a multitude of unfinished laws pending. In South Carolina he held about every type of job in the colony. The jobs ranged from Attorney General to Chief Justice and Judge of the Vice-Admiralty Court. See, Andrews, The Colonial Period, IV, p. 224.

## CHAPTER IV

### THE MEN OF THE HOUR

A tall aristocratic looking man with a pointed chin and a more or less distinguished looking nose addressed the New York Council.<sup>1</sup> Amongst his accomplishments during his life to date, he had aided William of Orange to the throne of England and he had married a young girl of twelve when he was middle-aged.<sup>2</sup> He was Richard Coote, Earl of Bellomont, who was sent to defend the King's interests against pirates in the colonies.<sup>3</sup>

In his opening address Bellomont noted that the Government in England was aware of the fact that New York had been a clearinghouse for pirates. He stated:

It had been represented to the government in England that this province hath been a noted receptical (sic) of pirates and that the trade of it was under no restriction but the Acts of Trade violated by the neglect and connivance of those whose duty it was to have prevented it.<sup>4</sup>

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<sup>1</sup>Opinions as to Bellomont's appearance in terms of whether he was taller than medium height seem to vary. The picture of a tall aristocratic looking man is purely academic. For support of this view see, Robert Payne, The Island, (New York: Harcourt Brace and Company, 1958), p.112. For the opposing view one should consult Dunbar Maury Hinrichs, The Fateful Voyage of Captain Kidd, (Bookmans Associates, Inc., 1955), p.28. He describes Bellomont as "medium height with a pointed chin, flabby cheeked with effeminate hands." Probably this would fit many persons of Bellomont's stature of that period.

<sup>2</sup>Payne, The Island, p. 112.

<sup>3</sup>New York, Messages from the Governors 1683-1776, (Albany: J. B. Lyon Company, State Printer, 1909), I, p. 75.

<sup>4</sup>Ibid.

Bellomont here condemned the government for condoning pirates and violations of the Acts of Trade. In this age it was impossible to think of smuggling without considering piracy, for a pirate was in some instances a special type of smuggler. Bellomont further declared that piracy, in addition to being the "worst sort of robbery", is generally attended by the "horrid sin of murder."<sup>5</sup> Bellomont went on to declare that piracy is a crime detested by all the nations of the world.<sup>6</sup> He then continued his speech giving evidence that the government in England chose well from a standpoint of spirit, if not in physique, in sending Lord Bellomont to the colonies to suppress pirates. That he was not completely successful was not his fault alone. Lack of cooperation and old age seriously hampered Bellomont. In his correspondence to the Lords of Trade he constantly referred to his ill-health.<sup>7</sup> Near the conclusion of his opening address to the Council, Bellomont expressed his determination to suppress pirates.

It is not only injurious to the honor of His Majesty and the English nation, but also highly prejudicial to the trade of England and particularly to the East India Company, and the Gentlemen of the Council here present will bear witness that my orders from His Majesty are very strict for inquiring into and effectually preventing for the future that lawless and vile trade of piracy within my government.

As I have declared against piracy and all unlawful trade, so I must assure you I will give you all the encouragement I can possibly, in carrying on a lawful trade and everything else that will make you

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<sup>5</sup>Ibid.

<sup>6</sup>Ibid.

<sup>7</sup>Jameson, Privateering, p. 190.

happy and flourishing.<sup>8</sup>

Bellomont followed his "happy" and "flourishing" statement with the phrase that piracy is a trade without (outside) his government, and continued with resounding words to the effect that piracy was being suppressed for the good of all, particularly the East India merchants. As explained previously the pirate round was still in force and this was proving a great embarrassment to the East India Company trade.<sup>9</sup>

Lord Bellomont's statements were not just idle boasts. He was indeed dedicated to the eradication of piracy, and enforcement of the laws of trade. The fact that he came armed to fight took his words out of the category of idle boasting and gave them real substance. Lord Bellomont was paid a prodigious salary considering gubernatorial stipends of the day.

In all fairness to the colonial governors involved to a greater or lesser degree with pirates, it must be born in mind that in general they were not adequately paid. The salary a colonial governor received in most cases was granted by the colonial assemblies. Acquisition of the

<sup>8</sup>New York, Messages of the Governors, I, p. 75.

<sup>9</sup>What came to be called the "pirate round" as referred to above, was a ship fitted out in a New England port which would sail to the Red Sea via the West Indies, though not always. This trade took various forms. Sometimes colonial merchants would send a ship to St. Marys to trade with pirates on the scene. St. Marys during the days of Adam Baldrige acted as a clearing house for the colonial pirate and colonial merchant. For the story of Adam Baldrige, see, Jameson, Privateering, p. 180. Treatment regarding the merchants of North Carolina can be found in Hugh Rankin, Pirates in North Carolina, (Raleigh: State Department Archives and History, 1960), pp. 17-18. In all probability the situation can best be summed up in the remarks of Edward Randolph who said: "This is every year one or two vessels fitting to the Red Sea on Pretence of going to the West India Plantations, "See, Gosse, History, pp. 3, 177-178.

salary depended in large measure on how well the governor pleased the colonial assembly. Bellomont was getting the unheard of sum of 800 pounds a year.<sup>10</sup> Difficulties between colonial governors and their legislatures over pay were manifest in many instances in the colonial period. Governor Robert Hunter for example was forced to accept an annual grant for his salary in 1715.<sup>11</sup> So it was with Governor Jonathan Belcher of Massachusetts in 1730.<sup>12</sup> Some governors went so far against the grain of the colonial assemblies that they were forced into "arrears" on their salary.<sup>13</sup>

The salary of the colonial governor was an important enough consideration to be rather forcefully alluded to in a letter entitled "A Letter to a Member of Parliament Concerning the Suppression of Piracy."

It was stated:

The officers (Civil and Military not accepting the Council nor the Governor) endeavour to do nothing that may disoblige their electors, lest the next year they are deprived of their Dignities.<sup>14</sup>

<sup>10</sup>There is some question about Bellomont's salary and his obligations to the colonies.

"Owing to his conciliatory course, he won an unprecedentedly large grant from the General Court for his maintenance in a proper state"... See, Charles W. Parson, Magazine of American History, XIII, (Jan. - June 1885), p. 348.

<sup>11</sup>Barck and Lefler, Colonial America, p. 257.

<sup>12</sup>Ibid.

<sup>13</sup>Gabriel Johnston was fourteen years in arrears on his salary in North Carolina. See, Ibid.

<sup>14</sup>The letter is signed with the initials "J. B." See Massachusetts Historical Society Collection, The Letter Book of Samuel Sewall, (2 vols. Series 6, Boston 1911), I, N. pp. 221-222. As to the author of the letter, clues point to "John Burchett" a member of the Vice Admiralty board who wrote to Governor Nicholson of Virginia complimenting him on the action of the ship Shoreham against the La Paix. See, Maryland Archives, Proceedings and Acts of the General Assembly of Maryland, April 26, 1700 to May 3, 1704, (Baltimore Historical Society, 1904), XXIV, p. 143.

Lord Bellomont himself had hinted rather bluntly on several occasions that he could turn his government into very profitable enterprise if he countenanced pirates and illegal trade. His position is stated as follows:

No man of quality who is honest can live on the profits of this government, and I do not see how I can make 800 pounds per annum of the salary and prerequisites; though it is true that if I would make New York the mart of piracy confederate with merchants, wink at unlawful trade, pocket the off-reckonings, make 300 pounds a year out from victualling of the poor soldiers, muster half-companies, pick an assembly which would give me what money I pleased, and pocket a great deal of public money, I could make the government more valuable than that of Ireland which I believe is reckoned the best in the King's gift.<sup>15</sup>

The situation of colonial legislatures and governors was to remain a sensitive point of colonial administration. While a complete discussion cannot be entered into here, it was a point that needed attention. Attention by the English government was necessary for if the crown was unwilling to pay the colonial officials, then men of impeccable honesty would have to be sent out to rule. However, honesty is more easily found when proper incentive is added. From the onset, Bellomont pursued the pirate with the most spirited tenacity. Colonial governors as well as pirates came under his stern surveillance. In 1698 Governor Cranston presented the dictum to the Rhode Island Assembly that it was necessary for them to prepare a reception for Governor Bellomont who was going to visit the colony.<sup>16</sup>

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<sup>15</sup>Pringle, Jolly Roger, p. 167.

<sup>16</sup>Rhode Island, Records of the Colony of Rhode Island and Providence Plantations in New England 1673-1706, (Providence: Knowles, Anthony and Company, 1858), III, p. 345.

Governor Bellomont arrived in Rhode Island with the authority and instructions to investigate and to "inquire into" the various disorders and irregularities tolerated and practiced by the governor and company.<sup>17</sup> Bellomont was to examine and try to determine the extent of misdemeanors of the colony and send a report back to England.<sup>18</sup> In addition to that, he was to have copies made of all the laws and records of the colony to be sent back to England for examination. A copy of the charter was also to be sent to England, so it could be examined and evaluated regarding the power of the colony to exercise Admiralty jurisdiction and to check on Rhode Island enforcement of the Acts of Trade.<sup>19</sup> Complaints of Rhode Island and Governor Cranston had been filtering back to England for a period of time prior to Lord Bellomont's proposed visit. In 1695, Edward Randolph, Surveyor-General of New York (perennial pirate-hunter), wrote a letter to England naming dates, names and places concerned with pirates up and down the Atlantic Coast and the West Indies.<sup>20</sup> On May 30, 1698, Randolph was in Rhode Island where he complained in a letter to the Board of Trade that:

Not long before my landing at R. I. eight pirates came from Fishers Island (belonging to Connecticut Colony) with a great deal of money and East India Company commodities which they brought in their brigantine from Madagascar now lying in New York.<sup>21</sup>

Randolph went on to make the complaints against Rhode Island look very

<sup>17</sup>Ibid., p. 363.

<sup>18</sup>Ibid.

<sup>19</sup>Ibid.

<sup>20</sup>Gosse, History, pp. 320-321.

<sup>21</sup>Rhode Island, Colonial Records, III, p. 339.

formidable. By explaining that the failure of Rhode Island to set up an Admiralty Court was due to the fact that Walter Clarke, the Governor, went to the Assembly and complained that to set up an Admiralty Court would violate the Rhode Island Charter.<sup>22</sup> He bitterly complained of Governor Clarke's failure to take the oath "enjoyed him by the Acts of Trade" and stated that Samuel Cranston, who was now the Governor, was a nephew of Walter Clarke and there must be collusion in the government. "Management of the government is in the hands of the Quakers and Anna-baptists."<sup>23</sup>

Randolph's letter or report to the Board of Trade did not miss any people in the province in this scathing denunciation. He accused Weston Clarke, brother of Governor Walter Clarke, of "having countenanced pirates and enriched themselves thereby."<sup>24</sup> Randolph, in discussing the eight pirates infesting Rhode Island, said that two were captured and the remainder escaped.

Albert Munday and George Cutler were captured. The governor seized 14 or 1500 pounds of silver and gold. Which as the governor tells me is in his custody.<sup>25</sup>

Munday and Cutler were put in jail and released on bail on the order of Governor Cranston. Complications arose following the discovery that Gresham Clarke (an uncle of Cranston) was willing to extend security for the pirates. Randolph did not fail to mention that at least three or

<sup>22</sup>Ibid.

<sup>23</sup>Ibid.

<sup>24</sup>Weston Clarke was serving as recorder of the court. Ibid., pp. 338-339.

<sup>25</sup>Ibid.



four vessels had "been fitted out from thence (Rhode Island) to the Red Sea."<sup>26</sup>

In closing the letter Randolph is rather pointed in his recommendations as to how the colony should be handled regarding their violations of the Acts of Trade and piracy.

There are a great many men of good estates in Rhode Island groaning under the oppression of the lawless government who would do His Majesty's faithful service, if either put under His Majesty's immediate government or annexed to the province of the Massachusetts Bay colony. They offered to allow 500 pounds per annum towards support of a person appointed by His Majesty to be governor over them. Till that's done tis not possible for Earl of Bellomont (the governor of the Province of Massachusetts Bay) to suppress illegal trade and piracy, which were formerly most notoriously countenanced and supported in the place, and to this day continued in Rhode Island Colony.<sup>27</sup>

Randolph proposed that the copies of all the laws of Rhode Island be made and sent to England. He complained further that they were "now kept in loose papers." He proposed that before the documents were shipped they should be examined and compared by "Col. Peleg Sanford, Judge of His Majesty's Admiralty Court and Mr. Francis Brinly, a man of great estates in that government."<sup>28</sup> Randolph seemed to feel nothing but utter contempt for the Rhode Island officials' ability to make their own laws, and said that they were in "no way capable to govern the people in that colony."<sup>29</sup> As a postscript to the letter, Randolph added a note concerning the pirates Munday and Cutler:

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<sup>26</sup>Ibid.

<sup>27</sup>"They" is probably in reference to the people of quality Randolph is talking about in the first sentence when he asks for royalization of the colony. Ibid., III, p. 140.

<sup>28</sup>Ibid., p. 340.

<sup>29</sup>Ibid.

The governor of Rhode Island intends to appoint a court to try the pirates whose money he has in case nobody appears to prosecute them four (sic) of piracy, to acquit them and deliver their money.<sup>30</sup>

Rhode Island had passed an Act to punish pirates in the colony on May 4, 1698, and to punish anyone who brought "foreign coin, gold bullion, silver merchandise and other treasure, in addition to specifications as to the amount of men and arms that would be used in the piratical suppression enterprise."<sup>31</sup> A copy of the Act was mailed to the Lords of Trade along with Cranston's letter in which he attempted to explain the situation in Rhode Island. Cranston explained that the ship of one William Mayse had been seized by the pirate Avery and plundered. He urged that all who were involved in the guilt should be sought out and punished. Cranston also stated that Robert Munday and George Cutler had been seized and that they would search out the truth and bring the culprits to trial.<sup>32</sup>

It was at this point that Surveyor General Randolph arrived in Rhode Island and began his short investigations from which he gained his bountiful supply of material which he promptly sent to the Lords of Trade in the form of the letter of May 30, 1698.<sup>33</sup> Stimulated by such correspondence as Randolph's and later Lord Bellomont's on the crest of Avery's investigation, the English governmental machinery began to intensify its investigations of piracy and violations of the Acts of Trade. Prior to the issuance of an order of Quo Warranto or any other proceedings for the

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<sup>30</sup>Ibid., III, p. 340.

<sup>31</sup>Ibid., p. 335.

<sup>32</sup>Ibid., p. 337.

<sup>33</sup>Rankin, Pirates, North Carolina, p. 19.

removal of the evils complained of in Randolph's correspondence, Bellomont was sent to Rhode Island armed with a long list of interrogations.<sup>34</sup>

Bellomont arrived in Rhode Island in September 1699, and began his interrogation "upon oath, to the several queries inserted in His Majesty's said instructions for them respectively to make answer unto."<sup>35</sup>

Bellomont questioned all the important people in Rhode Island regarding their respective parts in anything involving piracy or the Acts of Trade.<sup>36</sup> He had a full list of questions of a specific nature for such people as: Walter Clarke (former Governor), John Green (Deputy Governor who issued commissions with and without the governor's knowledge to such men as William Mayes, Thomas Tew and Peter Lawrence during King William's War), John Easton (another former Governor), and Peleg Sanford (Vice Admiral whose commission had been burned by Walter Clarke). Another important person he questioned was Samuel Cranston himself.

The investigation covered two principal phases of Rhode Island's activity in commercial affairs. One phase was the violations of the Acts of Trade and Navigation. The other was the one which concerned the granting of commissions for privateering that in many cases seemed to result in piracy as far as Rhode Island was concerned.

In light of his investigation, Bellomont did not have a very high opinion of Rhode Island nor her officials. He claimed John Green, the Deputy Governor, to be a brutish man who granted commissions "unto

<sup>34</sup>Osgood, American Colonies, I, p. 536.

<sup>35</sup>Rhode Island, Colonial Records, III, p. 390.

<sup>36</sup>For the specific list of questions, see, Rhode Island, Colonial Records, III, pp. 363-373.

private men of war (otherwise pirates) against the will of the Governor."<sup>37</sup>

Governor Bellomont was very sure of his accusation of the "countenancing" of and "harboring" pirates in Rhode Island.

The government is notoriously faulty in countenancing (sic) and harboring of pirates, who have openly brought in and disposed of their effects there whereby the place has been greatly enriched.

All that has been done by them on pretense of seizing and taking up of known pirates has been so slender and weak and not pursued to effect as plainly demonstrates it was more in show than out of any hearty zeal or desire to suppress and bring such notorious criminals to justice.<sup>38</sup>

Clearly then Bellomont was here to make things as difficult for Rhode Island as he possibly could and very likely with some grounds. If one were to put a title on Bellomont's visit to Rhode Island, it would very likely be entitled "An Investigation in the Colony of Rhode Island to Test the Royal Influence."

Governor Cranston responded vigorously in his defense to these charges. In a letter dated October 5, 1699, to Bellomont regarding his visit, Cranston inserts a rather provocative sentence regarding loyalty to the Crown.

And we cannot but acknowledge your Lordship's moderation and favor towards us His Majesty's poor and contemptible subjects. Yet I dare behold to say loyal whatever we may be otherwise represented.<sup>39</sup>

Cranston also commented on Bellomont's request during the investigation that a copy of the laws be sent over to England for examination.

<sup>37</sup>Ibid., p. 387.

<sup>38</sup>Ibid.

<sup>39</sup>Ibid., p. 394.

Evidently he was also to send a copy to Bellomont for examination, in addition to sending a copy to England.<sup>40</sup> This was also urged by Bellomont stimulated by Randolph's earlier visit and by instructions received before departure from England.

Cranston had been defending his actions to the Board of Trade prior to Bellomont's visit. In a letter dated May 27, 1699, some six months before the one he had written to Bellomont, he defended Rhode Island's actions regarding pirates by pleading that the "sins of ignorance ought to be forgiven." In this instance, Cranston defended former Governor Walter Clarke for the privateering commissions which were issued on the grounds that they had been issued without the knowledge of the Governor.<sup>41</sup> Whereupon he is remonstrated by the Board of Trade for not having better knowledge. In effect the Board of Trade told Cranston that he should display better knowledge of his job or not have it.

Cranston defended his government against charges of many sorts. These charges range from aiding pirates to borderline treason. He probably did not convince anyone in particular either in the colonies or in England of Rhode Island's innocence, but guilt was extremely difficult to prove. As a result nothing was done from the English side of the Atlantic. Probably the chief value in all these proceedings was that it let the colonial governors and merchants know that there was someone on the scene who would look after the interests of the English government. Bellomont filled the roll as though he were born to it. The only defect

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<sup>40</sup>Ibid., p. 340.

<sup>41</sup>Ibid., pp. 373, 375, 377.

in the whole affair of the piratical suppressing career of Bellomont was that he did not live long enough to see his program through.

And what of Governor Cranston's part in such things as privateers who turned pirate, particularly with commissions issued by the Deputy Governor of Rhode Island? Bellomont and the Lords of Trade in England made quite an issue on this point, for the entire philosophy regarding pirates and the political implications of being involved with pirates had changed. It was now wrong commercially and politically to know pirates. This caused the government to issue Captain Kidd his "Tyburn ticket" as a result of official panic in 1701.<sup>42</sup> In 1704 Governor Cranston is again involved in issuing privateering commissions in the case of Captain Halsey and the ship Charles.<sup>43</sup>

The latter part of the 1690's were most illuminating years for Colonial piracy. What had previously only been suspected was now known to be fact. Friend could now whisper in a behind the hand sort of way to a friend with a fair degree of certainty regarding aid, comfort, and commercial dealings with pirates by the colonial governors. Piracy had emerged into the open in officialdom.

The exciting years featured Captain Kidd's expedition into infamy and his ultimate death at Wapping in 1701. These years probably quickened ever so slightly the pulse of Edward Randolph and gave him increased zeal in the quest for the piratical suppressionary grail. At least it is fair

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<sup>42</sup>"Tyburn Square" in London, a famous place of execution.

<sup>43</sup>Halsey promptly ran off to the Red Sea and turned pirate. See, Dictionary of American Biography, IV, pp. 161-162.

to assume that on May 8, 1698, Randolph experienced some of these emotions. This was the date Governor Fletcher and William Nicolls were censured before the New York Council for suspected dealings with pirates, but best of all, from Randolph's point of view, he was with due "solomity" sworn into the council under an oath of secrecy to hear the proceedings. He was overjoyed to hear William Nicolls pronounced suspended from the Council. Clearly the pace is quickening to hasten piracy to its demise.<sup>44</sup>

Bellomont might be considered the man of the hour as far as suppression of Colonial pirates is concerned, for into this turbulent scene he stepped armed with Royal Guarantee of sufficient sustenance and a mighty determination to suppress piracy as only Captain Kidd would know.

In summation it might be said that Bellomont's arrival was another step down a road that was to culminate in the ultimate destruction of piracy. While Bellomont did not live to see his goal reached, he established a standard for colonial governors to follow concerning piratical suppression. Though he probably did not deal with Captain Kidd in a fair manner, his enthusiastic efforts to represent the Crown fairly might well be his epitaph.

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<sup>44</sup>New York, Calender of Council Minutes 1668-1783, (Albany: State University of New York, N.D.), p. 130.

## CHAPTER V

### THE ENIGMA OF WILLIAM KIDD

The man hesitantly took the step up the first rung of a ladder, and paused as if gathering the strength to proceed. He squared the shoulders of his slightly emaciated form, displaying the rather obvious effects of an illness probably brought about by long confinement; he then finished his journey up the ladder. A rope was placed around his neck and he was swung, but the rope broke. The procedure was repeated though not in the same detail, for this time the man received some spiritual comfort from a churchman, and the rope did not break. "So it was that Captain William Kidd, a gentleman of New York, third husband of Sarah Bradley was dead on May 23, 1701."<sup>1</sup>

As a point of interest it might be added that on May 16, 1691, (the day Kidd and Sarah Bradley obtained their marriage license), Jacob Leisler and Jacob Milbourne were executed. Kidd and Robert Livingston were present and just before Milbourne was "turned off," he pointed to Livingston and accused him of bringing him (Milbourne) to this sorry state. The interest is in the light of the relationship which later developed between Captain Kidd and Livingston. In these later developments because of this

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<sup>1</sup>Sarah Bradley had been married on two previous occasions. Her first husband, William Cox died in 1689. The second husband John Oort, died in 1691. Sarah then married Captain William Kidd on May 16, 1691. See: New York, Wills and Abstracts 1665-1707, (New York Historical Society, 1892), Vol. I, pp. 158-159. Sarah Kidd's next husband was Christopher Rousby.



relationship, Captain Kidd was also forced to take the fatal step into eternity.<sup>2</sup> This date ends one of the most bizarre cases in the annals of piracy. While it ended for Kidd at execution dock at Wapping Old Stairs, the case was popularized completely out of proportion by poets who were contemporary with the Kidd period and by politicians in their attempts at saving face. Captain Kidd's death ended an adventure which started one day in the year 1695 in England and continued in an almost unbroken trail to the hangman.

On the surface it would appear that the story of Captain Kidd is simply the case of a privateer gone astray. Upon more stringent examination, this supposition is shown to be an oversimplification which will not suffice to explain certain questions which arise. For example, one must go beyond the pure physical aspect of what Kidd did, or supposedly did, while on his cruise. The political ramifications that enter into his seizure and treatment in England must be examined because there were so many people in high places involved in Captain Kidd's venture that the political overtones cast upon his capture and his trial are natural. They are natural enough now but to the people outside the official syndicate who were considering Kidd in a contemporary light, they were invisible. This was especially so when such consideration could have proven embarrassing.<sup>3</sup>

Who was Captain Kidd? Little of his early background is known before he came to New York. Even his birthplace is subject to question.<sup>4</sup>

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<sup>2</sup>Dunbar Maury Hinrichs, The Fateful Voyage of Captain Kidd (Bookman Associates, Inc., 1955), p. 22.

<sup>3</sup>Ibid., pp. 180-183.

<sup>4</sup>Jameson, Privateering, p. 190.

But this is of small concern since the main emphasis shall be placed on Kidd and his activities concerning his unfortunate experience. Captain Kidd had engaged in privateering exercise before his ill-fated voyage in 1697.<sup>5</sup> On April 16, 1691, Governor Henry Sloughter of Massachusetts along with the Council cite Captain William Kidd for services rendered in the cause of the Province and recommended as follows that:

Gabriel Monville, Esquire and Thomas Willet, Esquire are appointed to attend the House of Representatives and acquaint them of the many good services done to this Province by Captain William Kidd in his attending here with his vessel before His Excellency's arrival and that it would be acceptable to His Excellency and the Board that they consider of some suitable reward for his good service.<sup>6</sup>

Kidd had been in command of a small squadron in charge of protecting the provincial commerce at this time. Evidently he had been successful in this task, for on May 14, 1691, in the same Journal one finds:

Ordered that His Excellency be addressed unto to order the Receiver General to pay to Captain William Kidd One Hundred and Fifty Pounds current money of the Province as a suitable reward for the many good services done to this Province.<sup>7</sup>

Evidently Kidd's services were so well appreciated by the Massachusetts Bay Colony that on June 8, 1691, one finds that Kidd is asked to punish pirates who were pestering the shipping of Boston and Salem.<sup>8</sup> Under a

<sup>5</sup>Hinrichs, Voyage of Captain Kidd, p. 181.

<sup>6</sup>New York, Messages From the Governors 1683-1776, Charles Z. Lincoln, ed., (Albany: J. B. Lyon Company, State Printer, 1909), I, p. 21.

<sup>7</sup>Ibid.

<sup>8</sup>Ralph D. Paine, The Book of Buried Treasure, (New York: The Macmillan Company, 1922), p. 42.

proposal by the Governor and Council that:

Proposals offered to Captain Kidd and Captain Walkington to encourage their going forth in their Majesties Service to suppress an enemy privateer now upon this coast.

That they have liberty to beat up drums for forty men apiece to go forth on this present expedition, not taking any children or servants without parent's or Master's consent. A list of the names of such as go in said vessel to be presented to the governor before their departure.

That they cruise upon the Coast for a space of ten or fifteen days in search of the said Privateer, and then come in again and land the men supplied them from hence.

That what Provisions shall be expended within the said time, for so many men as are in both the sail vessels be made good them on their return in case they take no purchase (prize). But if they take the Privateer or any other vessels then only a proportion of Provisions for so many men as they take in here.

If any of our men happen to be wounded in the engagement with the Privateer, that they be cured at the public charge.

That the men supplied from thence be proportionable sharers with the other men belonging to said vessels of all purchase that shall be taken... besides the promise of a gratuity to the captain's twenty pounds apiece in money.<sup>9</sup>

Kidd's reply to these terms indicates his business acumen as he set down his own requirements under which he would sail.

Imprimis, to have forty men, with their arms, provisions (sic) and ammunition (sic). Secondly, all men that shall be wounded which have been put in by the country shall be put on shore and the Country to take care of them. And if so fortunate as to take the pirates and her prizes, then to bring them to Boston. Thirdly, for myself, to have One Hundred Pound in money; thirty pounds thereof to be paid down, the rest upon my return to Boston; and if we bring in said ship and her prizes, then the same to be divided amongst our men. Fourthly, the Provisions

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<sup>9</sup>New York, Messages from the Governors 1683-1776, I, p. 21

put on board must be ten barrels of flour, two hogheads of peas, ten barrels of Pork and Beef, and one barrel of Gunpowder for the great guns. Finally, that I will cruise on the coast for ten days' time; and if so that he is gone off the coast, that I cannot hear of him, I will then at my return take care and set what men on shore that I have had and are willing to leave me or the ship.<sup>10</sup>

Kidd drove a good bargain. It seems to shed light on Kidd's character as a shrewd dealer. This would give some credence to the fact that he was forced into his deal with Bellomont. The above mentioned document is certainly not the "no prey, no pay" contract he was forced to agree to in 1697. Was pressure used to force Kidd into his ill-fated voyage? From this evidence, it would seem that it was.

These documents it would appear give some substance to Kidd's ability as a seaman and a somewhat successful privateer. In a word, the colonial officials thought well of Captain Kidd's ability. That he was sent out on these various ventures seems to attest to that. It might be added that this maritime skill displayed by Captain Kidd played a great part in his being selected to make the voyage to the Red Sea for Richard Coote, Earl of Bellomont, and the London investors in the Kidd Fiasco. The list of investors was illustrious as well as long. This is not strange because fitting out a privateering ship was no small matter.

It would appear that there were two groups of investors involved in the case. First were the actual men of influence and official power involved. These included Edward Russell, Earl of Oxford who was the younger brother to the Duke of Bedford. He was raised to the peerage in

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<sup>10</sup>Paine, Buried Treasure, p. 44.

1697 and helped fit Kidd out for sea. John Somers, keeper of the Great Seal of England who became Lord Chancellor in 1697 and was leader of the Whig Party, subscribed one thousand pounds toward the financing of the Adventure Galley. Somers was aided by Lord Shrewsbury, Secretary of State, in gaining the authority to put the imprint of the Great Seal on Kidd's Commission. Charles Talbot, Earl of Shrewsbury, was the Secretary of State at this time and aided the enterprise behind the scenes. Charles Montagu (later Lord Halifax, Chancellor of the Exchequer) had a financial partnership in the Enterprise; Lord Romney also involved, was master of the King's Ordinance.

In addition to these men and Lord Bellomont, there were several other rather obscure people involved in the enterprise that really have little more than a financial interest in the affair. Bellomont did not have a substantial enough purse to put forth much money himself in the venture so he appears to have obtained the aid of some other gentlemen and merchants. Mentioned in the commission Kidd carried, one finds the following names: Edmond Harrison, merchant and one of the directors of the East India Company; Samuel Newton, Gentleman; William Rowley, Gentleman; George Watson, Gentleman; and Thomas Reynolds of St. Martins. These men aided Bellomont with monetary contributions in outfitting the Adventure Galley for sea in return for prospective profit.

Robert Livingston's part in the enterprise seems to be twofold. First he wanted a monetary return. Secondly he furnished the Captain for the ship. As he is purported to have said, "I would rather be called Knave Livingston than a poor man."<sup>11</sup>

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<sup>11</sup>Hinrichs, Voyage of Captain Kidd, p. 27.

Most interesting of all was the agreement between Bellomont, Livingston, and Captain Kidd drawn up and dated October 10, 1695. The agreement consisted of some ten articles and it would appear Captain Kidd did not fare too well in any of them. In article one, Bellomont agreed to get the commissions Captain Kidd needed to sail. In article three, Bellomont agreed to pay "Four-fifth parts, the whole in five parts to be divided of all monies which shall be laid out for the buying such goods and sufficient ship afore said."<sup>12</sup> Bellomont agreed to advance the sum of 1,600 pounds toward hurrying the ship to be completed. Captain Kidd and Robert Livingston were to pay down 400 pounds which would represent their share in the undertaking. Livingston and Kidd were to help in financing the ship's furniture and victualling to the tune of one fifth. The other four-fifths was to be furnished by Bellomont. Probably the most interesting phase of the agreement is article number ten, which discusses the share out of the prize after Captain Kidd's return, provided he was successful. The crew was to get a fourth part to be divided among them. The other three parts were to be divided into five equal parts, "whereof said Earl is to have, to his own use four full parts."<sup>13</sup> Captain Kidd could keep the ship if he were to be fortunate enough to bring in prizes worth 100,000 pounds or more.<sup>14</sup> As for Bellomont, it must be admitted in all fairness that he did contribute significantly to the organization and it must be added that he had investors to pay off, namely the merchants and gentlemen for Bellomont, as stated before,

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<sup>12</sup>Cornelius Neale Dalton, The Real Captain Kidd (New York: Duffield and Company, 1911) 9 pp. 240-241.

<sup>13</sup>Ibid., p. 245.

<sup>14</sup>Ibid., p. 246.

did not use his own money in this outfitting.<sup>15</sup> He had none to use.<sup>16</sup>

These backers, both official and financial, took on all the aspects of a syndicate. This syndicate of two parts (one official and the other financial) had a common motivating factor, money. As for Bellomont, he was not a wealthy man, and the enterprise had to succeed for him as well as for Captain Kidd who faced terrific financial losses, bordering on ruin if the mission were unsuccessful.<sup>17</sup> Captain Kidd said he was pushed into the voyage by Bellomont, and it seems that he was reluctant to accept the responsibility.<sup>18</sup> It would appear that Kidd went because it seemed that the voyage would be a profitable one. It is hard to believe as some have said that Captain Kidd turned pirate solely because he was afraid he would wind up unemployed or that he feared his owners and their demand for an immediate return on their investment.<sup>19</sup> These factors probably had some bearing on the fact that Kidd seized ships illegally, but they could not be stated as the sole reasons for Kidd's alleged turn on society. It is doubtful if Kidd would be poverty stricken or run the hazard of unemployment. His affiliations in New York would likely have been strong enough to secure a job. Besides this, his wife was not a

<sup>15</sup>Hinrichs, Voyage of Captain Kidd, p. 27.

<sup>16</sup>Ibid.

<sup>17</sup>To say that Captain Kidd would be completely ruined is perhaps too strong a statement. The conditions of Captain Kidd's finances were good but in no sense could Kidd be considered an outrageously wealthy man. As to Sarah his wife she inherited 155 pounds worth of goods from her husband. See New York, Wills and Abstracts 1665-1707, I, p. 204. The total charge of goods and chattels which appeared to be in the whole estate was about 274.356d. Hardly a vast inheritance but adequate for the day.

Ibid., p. 206.

<sup>18</sup>Paine, Buried Treasure, p. 47.

<sup>19</sup>Johnson, History, p. 390.

pauper. It is probably more reasonable to assume that Kidd was afraid of his crew, as well as the prospect of coming back empty handed, for while it would be a terrible financial blow for Captain Kidd it would not be a complete tragedy.<sup>20</sup>

Captain Kidd sailed from Plymouth with his commissions in April 1696 and some nine months later arrived in the area of Madagascar.<sup>21</sup> Kidd in his written testimony said he left Plymouth on April 23.<sup>22</sup>

On his way to Madagascar and the Red Sea (which was to be his area of operation) he stopped to take on wine in the Madeira. Here he took wine, then he proceeded to Bonavista in the Cape Verde Islands for salt.<sup>23</sup> From there he went to St. Jago, another of the Cape Verde Islands, to obtain other provisions. It was at this time and in this area that an incident of questionable significance occurred.<sup>24</sup> At this time in the latter end of February, he sailed for Johanna where they arrived on March 18th. Here he found four East India Merchantmen outward bound, watered there,

<sup>20</sup>Jameson, Privateering, pp. 205-213.

<sup>21</sup>Johnson, History, p. 389.

<sup>22</sup>The pirates Captain Kidd wanted to find were not in port but were apparently out on the account. Ibid.

<sup>23</sup>Ibid., pp. 388-389. On his way to Madagascar somewhere off the southeastern coast of Africa Captain Kidd met and sailed with Captain Thomas Warren, in company with H.M.S. Windsor, Advice and Tyger for about a week. Captain Warren was also on a piratical suppressing expedition. See Jameson, Privateering, pp. 206, 190-195. After leaving Warren, Captain Kidd appeared at the Port of Telere on the southwest coast of Madagascar. He arrived there about the 26th of January, 1697. Johnson says February, 1697. See, Ibid., Johnson, p. 389.

<sup>24</sup>All Captain Kidd would say of this incident was that: "There came in a sloop belonging to Barbados loaded with rum, sugar, powder, and shott, one French Master (his name not his nationality) and Mr. Hatton and John Balt (merchants) and said Hatton came on board the Galley and was suddenly taken ill and died in the cabin." See, Hinrichs, Voyage of Captain Kidd, p. 54.



and stayed altogether about four days.<sup>25</sup> Evidently, Captain Kidd had not decided to turn pirate yet, for he stayed in the company of the East India Merchants.e

About April 25, 1697, Captain Kidd made his way to the coast of India. The next statement made in his narrative we find Kidd off the coast of Malabar at the beginning of September of that year. What happened between April and September is absent from Captain Kidd's narrative and is left open to some speculations. There is, however, a statement in the Log Book of one Edward Barlow who was the chief mate on the East Indiaman, Specter, who took command of the ship when the captain died.<sup>26</sup>

This account dated August 15, 1697, relates an encounter that was to have taken place between Captain Kidd's ship and a trading fleet made up of Moorish ships.<sup>27</sup>

Being got past the small Bab. Island in the morning betimes we espied a ship more than out compeney all most gotten into the midell (middle) of oure fleet, for being a littel parted there was a vahensey (vacancy) in the midell that a ship might pass all most out of shot reach of any of oure fleet. He showed no colers (colors) but comjaging (coming) on with his courses held up under two topsails, having more sails furled than usely ships carrey, namely a miz on to galonsail (gallant) and a spritsail, topgalonsail, which made us jug (judge) presently what he was, a prety frigate built ship as we understood afterward built at Bedford called the Adventure Galley.<sup>28</sup>

<sup>25</sup>Jameson, Privateering, p. 206.e

<sup>26</sup>Gosse, History, p. 318.

<sup>27</sup>This encounter took place off Bab-a-Mandal in the Red Sea. See, William R. Sheppard, Historical Atlas, (Pikesville, Maryland: The Colonial Affect Co., Inc., 1961), p. 3.

<sup>28</sup>Gosse, History, p. 318.

There is a puzzling factor concerning this document that is rather disconcerting in the historical sense. If this was a logbook, it was written after the event described took place. The term logbook generally denotes a day by day account of the ship's business. One might say a log is the diary of a ship. Furthermore, Mr. Barlow was in the employ of the East India Company who were anything but friendly to Captain Kidd. The relations between the East India Company and the Moors was very strained at best.<sup>29</sup>

A few shots were exchanged between Captain Kidd's ship and one of the Moorish vessels. In addition the Specter hoisted her colors "and let fly two or three guns at him (Captain Kidd) well shotted." Shortly after this, Barlow goes on to explain:

The pirate being frustrated in his desins (sic) and their seeing a good convoy along with the mores ship mad (made) saile for the coast of India. <sup>30</sup>

How Barlow knew the ship was going to the coast of India could only be explained by the fact that this log was written after the incident took place and Mr. Edward Barlow probably heard that Kidd went to India and so stated this in his log. Notice should also be taken that Mr. Barlow does not hesitate to add:

The Mores shipes seming very thank ful for being secured at the time from ye pirrat. Whose commander being called William Kid as we heard after. And the next morning being the 16 of August he was gon out of sight. <sup>31</sup>

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<sup>29</sup>As a reprisal against the piratical depredation the Great Mogul was confining the English factors.

<sup>30</sup>Gosse, History, p. 319.

<sup>31</sup>Ibid.

It is rather hard to find evidence of piracy here. According to the log, shots were fired but no booty was taken. In a later entry in the logbook we find that the Specter followed Captain Kidd to Carwar on the Indian coast and that two or three of Kidd's men had left him.

One of them a jew which the Company Ketch had carried to Bumbay. The Jew referred to here was Benjamin Franks who was put ashore in exchange for a fur hat.<sup>32</sup>

The Specter arrived after Kidd had left and most of the evidence seems to have been based on hearsay.

This document or extraction from Barlow's logbook is very likely true and the evidence may be valid but the reference to Kidd as being a pirate does not necessarily follow. Philip Gosse, the great pirate historian, seems to feel that this is proof that Captain Kidd committed piratical acts much earlier than had been previously realized.<sup>33</sup> But again one comes to the fine line of division as to what could constitute a privateer and a pirate and the incident points up the fine line between the two.

On the assumption that this incident is significant enough to warrant the claim that Kidd was a pirate much earlier than had previously been assumed, then one might point out that the roadways of the pirates were becoming increasingly difficult due to the more effective convoy system. That Barlow's action prevented Kidd from taking any ships out of the convoy speaks well of the system (if one can rely on the accuracy of a document which was written by a man in the employ of the East India

<sup>32</sup>Jameson, Privateering, pp. 190-195.t

<sup>33</sup>Gosse, History, p. 184.

Company) has been explained. Barlow makes further reference to Kidd's Commission and the high authority it carried:

He had got a comishon with the Kings hand to it how he cum by it is best known to them that proquired (procured) it for him and he was desired to dwo mischief and no good with it.<sup>34</sup>

One can read additional ramifications into the Barlow statement. It could be a face saving attempt, for an action that had taken place in 1696. In November of this year a Dutch pirate by the name of Derick Clever from New York had gone into Calicut roads and taken two ships in sight of land which belonged to the Great Mogul. Reaction was so great that the English factors felt that they would have their collective throats cut from ear to ear. Barlow's narrative would make excellent propaganda.<sup>35</sup>

The existence of political pressure at home in England seems to be in ample evidence. Barlow's reference to Kidd's Commission may have fanned the flame when he is quoted in context as saying: "That for deny- ing him a request for supplies at Calicut, he would make it known at Whitehall when he arrived in England."<sup>36</sup> This smacks of heavy political overtones which gives credulity to the politics involved in Captain Kidd's case.

It cannot be denied with any validity that the incidents portrayed in the document happened. They very well could have and in part probably did occur. The fact that Kidd is classified as a pirate is based appar- ently on hearsay evidence. It seems that the document was written after the events occurred at a time when Captain Kidd was beginning to attract

<sup>34</sup>Paine, Buried Treasure, p. 319.

<sup>35</sup>Hinrichs, Voyage of Captain Kidd, p. 65.

<sup>36</sup>Gosse, History, p. 319.

public attention. It might indicate presumably a quest for notoriety on the part of the author. This would have increased his stature at home and with his own company. Conversely, if this document had been generally known, why wasn't Barlow summoned as witness for the Prosecution? He most certainly would have made an excellent one. Were the investors, and Whigs in the government so sure of a conviction that they did not need his testimony? This probably can be accepted as a postulate that Barlow's evidence was not needed for Kidd was tried for murder not piracy. Following Kidd's narrative concerning the incidents previously described, namely the fight with the Moorish Convoy and the incident of the Loyal Captain, Captain Kidd captured the first ship.<sup>37</sup> About the first of February off the coast of Malabar Kidd met with what he called a "Bengall Merchantman" alias "the Quedah Merchant."<sup>38</sup> From these two ships the passes came which Captain Kidd wanted very badly during his trial. (Later mention will be made of this significance to Captain Kidd.) While all of this is transpiring the famous Captain Gulliford arrived and was supposed to have consorted with Kidd. Kidd's crew was growing more mutinous by the day. It was here that ninety of Captain Kidd's men deserted him. Some of Gulliford's men came on board the Adventure Galley and took guns, powder, shot, arms and sail. Some people say Kidd sold them to Gulliford.

The crew then (according to Captain Kidd) mutinied and carried away some ten ounces of gold, forty pounds of plate, 370 pieces of eight,

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<sup>37</sup>Pringle, Jolly Roger, p. 152.

<sup>38</sup>Paine, Buried Treasure, p. 109.

the narrator's journal and a great many papers belonging to him and to the people of New York who fitted him out.<sup>39</sup>

About June 15, 1698, the Mocha Frigate left and Captain Kidd had to leave the Adventure Galley because she was leaking badly. His crew then transferred to the prize, the Quedah Merchant, and after a five month wait for a favorable wind, Kidd sailed for home. He arrived at Anguila in the West Indies the beginning of April 1699 where he heard the shocking news that he and his crew had been proclaimed pirates.<sup>40</sup>

While here in the West Indies, Captain Kidd met with Mr. Henry Bolton, a prominent West India Merchant from whom he purchased a sloop, the St. Anthony, and sailed for New York. He left the Quedah Merchant at St. Katherine on the southeast part of Hispaniola. As the bow of the St. Anthony pointed northward, it is probably a fair assumption that Captain Kidd may have felt some misgivings. If this assumption is at all accurate, subsequent developments were to prove him right.

Captain Kidd sailed away from the West Indies to his death. He arrived at Gardiner's Island (New York), left his gold, and began his fight to gain respectability once again. This respectability was to prove unredeemable.

In a letter dated July 8, 1699, Governor Bellomont wrote to Mr. Gardiner:

Captain Kidd had been secured in the Goal (jail) of this town, and some of his men. He has been examined by myself and the council and has confessed among other things

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<sup>39</sup>Payne, The Island for lading of Kidd, p. 137-138.

<sup>40</sup>Paine, Buried Treasure, p. 111.

that he left with you a parcel of gold made up in a box and some other parcels besides all of which I require you in His Majesty's name immediately to fetch hither to me, that I may secure them for His Majesty's use and I shall recompense your pains in coming hither.<sup>41</sup>

The subject of the treasure Kidd brought back seems to have very little bearing on the conduct of his case. A complete listing of the items can be found in Ralph D. Paine's book.<sup>42</sup>

Captain Kidd was lured in and the goods of the ship Antonio (St. Anthony renamed) were seized. The story of the seizure, trial and hanging of Captain Kidd illustrates two things. The first was the extent to which a government embarrassed was willing to go to suppress pirates. In New York in Fletcher's day, Captain Kidd would very likely have come off free of the piracy charges. Instead, however, one sees a complete reversal in form in the fact that now a man is seized and sent to England for trial on charges that are extremely doubtful even under most favorable circumstances to the government. Captain Kidd was not tried on charges of piracy but rather he was tried for and convicted of murder. This murder was very likely manslaughter when considered in the worst possible light.<sup>43</sup> Murder would assure capital conviction.

Secondly, the Kidd case was the official beginning of the end for colonial piracy. It is true that pirates had been tried and sentenced to hang in the colonies and in England before Captain Kidd's unfortunate

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<sup>41</sup>Ibid., p. 84.

<sup>42</sup>Ibid., pp. 84-85.

<sup>43</sup>As Lord Chief Baron, Sir Henry Ward, who presided over the Kidd trial, explained: "If there be a sudden falling out, and fighting and one is killed in the heat of blood, then our law calls it manslaughter." But he then explained that Kidd had no reason to kill William Moore simply because Moore said that Kidd had ruined him. Therefore the charge had to be murder. See, T. B. Howell's State Trials, (London: Printed by T. C. Hansard, for Longman, et. al., 1812), p. 146.

episode.<sup>44</sup> Nevertheless, this is very likely the first true attempt by the British Government to control piracy in the Colonies. To get a better understanding of the determination in England to hang Captain Kidd, a brief examination of the highlights of his trial is in order.

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<sup>44</sup> See Chapter II, p. 26 as cited in the Antonio Case. It should be noted however, that although sentence to hang was passed, it was not carried out in the cases previously cited.



## CHAPTER VI

### PRELUDE--THE DANCE OF DEATH

"William Kidd, hold up thy hand," to which Kidd objected with pluck.<sup>1</sup>

"May it please your Lordship, I desire you to permit me to have counsel."

Whereupon the Recorder said, "What would you have counsel for?"<sup>2</sup>

Kidd then went on to mention that he did not have his evidence ready and wanted to "put off my trial as long as I can till I can get my evidence ready."<sup>3</sup>

"I beg your Lordship's patience till I can procure my papers. I had a couple of French passes which I must make use of." Kidd then goes on to state that he had sent for the passes but they had not been given to him in time for his trial.

The Recorder: "This is not a matter of law. You have had long notice of your trial and might have prepared for it. How long have you had notice of your trial?"<sup>4</sup>

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<sup>1</sup>It took courage to refuse to plead at this time because of the fact that the punishment for refusing to plead was pressing. See, Pringle, Jolly Roger, pp. 11-23.

<sup>2</sup>People were not permitted to have counsel during trials of this sort. The counsel could act in an advisory capacity only at a major trial. The Recorder was Sir Salathiel Lovell, a prominent Whig. See, Howell's State Trials, XIV, p. 127.

<sup>3</sup>Ibid.

<sup>4</sup>Ibid.

Kidd's insistence that he be allowed the use of the passes leaves little doubt that Kidd felt he was to be tried for piracy not murder. For this murder indictment, the Crown reached back to a day in November when Captain Kidd was cruising upon the coast of India in the year 1697. He met one Captain How in the ship Loyal Captain, an English ship belonging to Maddarass bound to Surrat. When he examined and found the pass good, he decided to let the Loyal Captain pass about her affairs

But having two Dutchmen on board they told the narrator's men that they had divers Greeks and Armenians on board, which caused his men to be very mutinous and got up their arms and swore they would take the ship, and two-thirds of his men voted for the same.<sup>5</sup>

The crew at this time was so very violent that Kidd was in great straits to control them. The mutiny referred to at this time was later brought out in the testimony given at Kidd's trial regarding the murder of William Moore, his gunner. This incident is important since it indirectly led to Captain Kidd's demise.<sup>6</sup>

The first witness for the Crown was Joseph Palmer who had first informed Governor Bellomont of the incident surrounding Moore's death:

Mr. Coniers (one of the Solicitors for the Crown) asked, "What was the gunner's name?"

<sup>5</sup>Jameson, Privateering, p. 208. A portion of the murder indictment reads: "Then and there did being, feloniously, voluntarily, and of his malice afore thought then and there did make an assault in and upon one William Moore." See, Howell's, State Trials, XIV, p. 130.

<sup>6</sup>Paine, Buried Treasure, p. 119. It is believed in some quarters that Moore might have died anyway because he had been ill previous to the incident that supposedly caused his death. See, Willard Hallam Bonner, "Pirate Laureate:" The Life and Legends of Captain Kidd, (New Brunswick, New Jersey: Rutgers University Press, 1947), p. 11.

Whereupon Palmer answered, "William Moore. And Captain Kidd came and walked on the deck, and walked by this Moore and when he came to him, says, 'How could you have put me away to take this ship?' 'Sir' says William Moore, 'I never spoke such a word, nor thought such a thing.' Upon which Captain Kidd called him a lousie (sic) dog. And says William Moore, 'If I am a lousie dog, you have made me so. You have brought me to ruin and many more.' Upon saying this, says Captain Kidd, 'Have I ruined you, ye dog?' And took a bucket bound with iron hoops and struck him on the right side of the head of which he died the next day."<sup>7</sup>

Next to testify on the incident was Robert Bradingham who had been the surgeon of the Adventure Galley, who then testified that the wound was small but that the gunner's skull had been fractured. The testimony ran as follows:

Mr. Cooper: "Had you any discourse with Captain Kidd after this about the man's death?"

Bradingham stated that:

Sometime after this, about two months, by the coast of Malabar, Captain Kidd said 'I do not care so much for the death of my gunner as for other passages of my voyage, for I have good friends in England, who will bring me off for that.'<sup>8</sup>

Captain Kidd was now allowed to make his defense. He was asked by the court what evidence he had to defend himself. Whereupon Kidd stated:

I have to prove that it is no such thing (murder was Kidd's reference here) if they may be admitted to come hither. My Lord, I will tell you what the case was. I was coming up within a league of the Dutchman (the Loyal Captain) and some

<sup>7</sup>Howell's, State Trials, XIV, p. 138.

<sup>8</sup>Ibid.

of my men were making a mutiny about taking her, and my gunner told the people he could put the Captain in a way to take the ship and be safe. Says I 'How will you do that?' The gunner answered 'We will go aboard the ship and plunder her and we will have it under their hands that we did not take her.' Says I, 'This is Judas-like. I dare not do such a thing!' Says he, 'We may do it. We are beggars already.' 'Why,' says I, 'may we take the ship because we are poor?' Upon this a mutiny arose, so I took up a bucket and said 'You are a rogue to make such a notion.'<sup>9</sup>

Captain Kidd's next witness was a man called Abel Ownes who was asked what prompted Kidd to throw the bucket. Ownes claimed he had not heard the argument preceding the blow that killed the gunner, but that he arrived in time to hear Moore utter:

"You have brought us to ruin and we are desolate." "And says he, (Captain Kidd) have I brought you to ruin? I have not done an ill thing to ruine you; you are a saucy fellow to give me these words. And then he took up the bucket and did give him the blow."<sup>10</sup>

Captain Kidd pressed the questioning about the mutiny and Ownes testified that the bigger part were for taking the ship and made the statement that Kidd told the crew that if they went aboard the ship, "You shall never come aboard again."

Lord Chief Baron asked, "When was this mutiny you speak of?"

Whereupon Ownes said, "When we were at sea about a month before the man's death."<sup>11</sup>

Captain Kidd's next witness was Richard Barlicorn who was not hanged for piracy by virtue of the fact that he was an apprentice servant

<sup>9</sup>Ibid., p. 139.

<sup>10</sup>Ibid.

<sup>11</sup>Ibid., p. 141.

of one of the men and under the law was not responsible for his actions. He also testified that when asked to take the ship, Captain Kidd refused. The second question Kidd proposed to Barlicorn was pertinent when he said "Do you think William Moore was one of those that was for taking her?"

Barlicorn answered: "Yes. And William Moore lay sick a great while before this blow was given and the doctor said when he visited him that this blow was not the cause of his death."<sup>12</sup>

Further testimony by Hugh Parrott was called and his testimony paralleled the others:

Parrott:

I shall tell you how this happened to the best of my knowledge. My commander fortun'd to come up with this Captain How's ship and some were for taking her and some not. And afterwards there was a little sort of mutiny and some rose in arms, the greater part: and they said they would take the ship and the commander was not for it, and so they resolved to go away in the boat and take her. Captain Kidd said, 'If you desert my ship, you shall never come aboard again, and I will force you into Bombay and I will carry you before some of the Council there.' In as much that my commander stilled them again and they remained on board. And about a fortnight afterwards there passed some words between this William Moore and my commander, and then says he (Moore) 'Captain, I could have put you in a ways to have taken this ship and been never the worse for it.' He says, (Kidd) would you have had me take this ship?' I cannot answer it. They are our friends; and with that I went off the deck and I understand afterwards the blow was given, but how I cannot tell.<sup>13</sup>

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<sup>12</sup>Tbid.

<sup>13</sup>Paine, Buried Treasure, p. 123.

It was shortly after the killing of the gunner William Moore that Kidd is said to have really begun his piratical career.<sup>14</sup> For it is said that on November 27, 1697, Captain Kidd seized the Maiden, and embarked on his piratical career. He roamed the seas and seized three small ships for provisions. Then it is said as a climax to his piratical interlude, he laid hands on a ship called the Quedagh Merchant. In reality the ships the Maiden and Quedagh Merchant were sailing under French passes both were taken as prizes and both were owned by Armenians.<sup>15</sup>

During his trial Kidd kept saying he could not properly pleade his case without the two French passes he had taken from ships he had captured.<sup>16</sup> Bellomont received the passes from Captain Kidd through an attorney: "Mr. Emmot delivered me that night (June 13, 1699) two French passes which Kidd took on board the two Moorish."<sup>17</sup> The letter further states the passes or copies of the passes were sent to England:

"One of the passes wants a date in the original as is the copy I sent your Lordship, and they go (No. 1) and (No. 2)"<sup>18</sup>

<sup>14</sup>Gosse, History, p. 182. But Johnson states that: "We cannot account for the sudden change in his conduct, otherwise than by supposing that he first meant well, while he had hopes of making his fortune by taking pirates, but now, weary of ill-success and fearing that his owners, out of humour at their great expense, should dismiss and he should want employment and be marked out for an unlucky man." See, Johnson, History, p. 390.

<sup>15</sup>"The following, Coja Quanesse, Coja Jacob, Armenian; Macodas, of the ship Cara Merchant, which the Armenian merchant Agapiris Kalender has freighted in Surate from Coheray"--See, Paine, Buried Treasure, p. 104. The name by which the ship was known was Quidah, Quedah, Queda, and Quehagh. These various names refer to a small native state of the Malaya Peninsula that today is spelled Kedah. See, Ibid., p. 105.

<sup>16</sup>Paine, Buried Treasure, p. 104.

<sup>17</sup>Ibid., p. 73.

<sup>18</sup>Jameson, Privateering, p. 251.

There is no doubt that Admiralty in England had the passes in their possession. They were found by Ralph D. Paine in the Public Records Office in London.<sup>19</sup>

It has been suggested that though the passes proved that Kidd was not a pirate, at least when he took the two ships with French passes, they were useless as far as his defense was concerned. This judgment is arrived at by the fact that Kidd was tried and convicted of murder and then, in a separate trial, convicted of piracy on five counts. The trial on the piracy charges was really anti-climax and Kidd did not even attempt to defend himself to any great extent. For it would appear that politically he was on the wrong side.<sup>20</sup>

The political temper of England at the time of Captain Kidd's trial was at the very least, hostile. The Tory and Whig political factions were having great difficulties in many quarters of the political arena. England herself was in an age of revolution that began in 1603 with the ascension of James I. For the English government was emerging as a government by Parliament. The very fact that Parliament could ask a rather arbitrary King James II to step aside and invite two others to take his place namely William and Mary, will attest to this. Now with

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<sup>19</sup>The principal copy is entitled: "We, Francois Martine Esquire, Councillor of the Royal Director, Minister of Commerce for the Royal Company of France in the Kingdom of Bengal, the Coast of Coramandel, and other dependencies. To all those who will see these presents." See Paine, Buried Treasure, p. 104.

<sup>20</sup>Howell's, State Trials, p. 182. "But Kidd, was his lordship's (Bellomonts) chief objective. His own reputation and that of several of his friends depended upon his seizure being, the only effectual way of removing the jealousies and unjust surmises not only against several of the ministry, but even against the King himself." Thomas Hutchinson, The History of the Colony and Province of Massachusetts Bay, Lawrence Shaw Mayo, ed. (Cambridge, Massachusetts: Harvard University Press, 1936) p. 87.

The emergence of Parliamentary power, it would then be more or less natural that the parties involved in the Government would become involved in a political power fight. Each one would try to oust the other. To control Parliament was to control the country.<sup>21</sup>

It is unfortunate for William Kidd that he happened along into the fight between the two warring political factions just when the government happened to be in a turmoil over the incident of the Darien bubble.<sup>22</sup> This was an attempt to found a colony on the Darien Coast at the Isthmus of Darien. The scheme was the brain child of William Paterson, a Scotchman, who had previously proposed the National Bank for England which had worked out rather well.<sup>23</sup> The settlement was to be used as a way-station between India and Scotland, with the objects of superseding the power of the East India Company in India.

<sup>21</sup>In general Tory landowners had to pay a tax on land while in the towns a truly acceptable tax on commercial interest had not yet been developed. As the national debt mounted the government came more under the power of the Whigs and dissenters in the city. See Richmond, Navv, p. 283. However by the middle of 1700 William was obliged to appoint a Tory ministry. Their chief political ideals were maintenance of peace abroad, and the preeminence of the Church of England at home. See, Gardiner, Students History, p. 672.

<sup>22</sup>Macaulay, History, VI, p. 2907. An indirect result of the failure of the Darien Bubble was the execution of Captain Thomas Green for piracy in 1705. Green had been seized by the Scots in reprisal for a ship taken in England. Captain Green's ship belonged to the East India Company. The Scots maintained that Scottish blood should not go unrevenged. For the complete story of the seizure and trial of Captain Green, see, Howell's State Trial, XIV, pp. 1199-1327.

<sup>23</sup>G. N. Waller, Samuel Vetch: Colonial Enterpriser, (Chapel Hill: The University of North Carolina Press, 1960) p. 16. Also see Macaulay, History, VI, p. 2907, and, Gardiner, Student's History, pp. 670-671.



The colony failed for a variety of reasons and a great many of the investors in the plan were left out in the frigid cold of financial ruin and angry dispare. One may ask how poor Captain Kidd is connected to this affair. The answer is not merely that Captain Kidd was a Scot and Scotchmen in England were not being greeted with what one might call ringing popularity by the time Captain Kidd was tried. In addition Bellomont in his letter to the Lords of Trade, dated July 26, 1699 stated that Kidd had proposed going to the Scottish settlement, but his crew had refused to do this. It is then far from likely that by this statement in his letter Bellomont made Captain Kidd's name a virtuous by-word in either English or colonial maritime circles.<sup>24t</sup>

Poor Kidd was probably the victim of a hate campaign, brought about by his association with the Whig leaders in Parliament and the general unsettled political temper of the country. Probably Macaulay best described the political conditions of the period when he said:

Private calamities, private brawls, which had nothing to do with the disputes between court and country, were turned by the political animosities of that unhappy summer into grave political events.<sup>25</sup>

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<sup>24</sup>Jameson, Privateering, p. 231.

<sup>25</sup>Macaulay, History, VI, p. 2935. The fourth point in the Act of Settlement in 1701 stated that no pardon was to be pleadable at the bar of impeachment so that the King could not protect his ministers from Parliament. See, Gardiner, Student's History, p. 670. This is interesting when one considers that Lord Somers, one of Captain Kidd's chief backers, was later the victim of impeachment proceedings by the Tory controlled Parliament. See, Osgood, American Colonies, I, p. 542.t

In addition to the bursting of the Darien bubble, the Tory attempt to discredit Spencer Cowper, brother to prominent Whig William Cowper who had trouble maintaining his seat in Commons against the face of a strong Tory minority from Hertford Borough. The incident used to discredit Spencer Cowper involved the actual or imagined romantic attentions from a young lady of a Quaker family named Staut. She was evidently obsessed with young Cowper and was fairly panting for his attention. Cowper's feelings for her were, regrettably for the young lady, not mutual. Chance however threw them together when in 1699 he was to deliver her some money due to her on a mortgage. She wanted him to be a guest of her family which he refused. The morning after delivering the gold, the young lady was found dead. Cowper, having been the last one to see her, was accused by the Staut family of having murdered her and thrown her body into the water. The Tories were jubilant at the happy prospect of winning two seats in the Commons from the Whigs.<sup>26</sup>

So it was into this hostile political climate that one William Kidd was injected for trial in May 1701. Why was Captain Kidd sent to England for trial at all? Governor Bellomont says that it is because New York did not have capital punishment jurisdiction at this time. Bellomont was given special authority to punish pirates in a Bill sent which commissioned him for that purpose. However the Council refused to pass the Bill.<sup>27</sup> Bellomont's testimony seems rather confusing on the point regarding punishment of pirates in the colonies, when examined in the light

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<sup>26</sup> The young girl's body was supposed to have been found floating in the Priory River. See, Macaulay, History, VI, pp. 2936-2937.

<sup>27</sup> Jameson, Privateering, p. 231.

cast by the Imperial Act of 1698 which gave the colonies the right to punish pirates in America. The act gave Admirals, Vice-Admirals and Commanders of Kings' ships the right to punish pirates on the spot.

Under this authority, New York, Virginia, Massachusetts, and Jamaica, passed this act through their colonial legislatures on March 31, 1698, April 18, and May 22, and June 1699.<sup>28</sup> Can one help but wonder whether Captain Kidd was sent back to England into the political inferno by design? Was he sent so that the Whig political forces could use him in a vindictive political career saving show? Was he just too hot an item for a colonial official to handle in light of the political pressure in England? It is humbly submitted that this was the way it was for William Kidd, Gentlemen of New York.

As the sands of time pile higher over the Kidd incident and cloud the issues from memory and as the tools of the historian are sharpened in the dim light of the past, one can probably say with accurate perceptibility that William Kidd was a privateer who was slightly, but only slightly, piratical.

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<sup>28</sup>Marsden, "Prize Law," English Historical Journal, XXVI (1911), p. 56.

## CHAPTER VII

### POST-KIDD PERIOD

Amid the tumult and the shouting of Captain Kidd's persecution, an incident was taking place in the area off St. Marys that would become a factor in the suppression of colonial piracy.

In 1699 a blow was struck that inflicted a deep wound on piracy in the colonies. The blow did not fall in the colonies however, but rather it fell in the Madagascar area. Thomas Warren, who it will be remembered had sailed in the company of Captain Kidd for a week, turned up off the coast of St. Marys with three men-of-war. The pirate population was some fifteen hundred men. As soon as the pirate lookouts reported the squadron moving toward the coast, they sank some vessels across the harbor and fled to the interior as was usual in these cases. The end result was that St. Marys fell without a shot being fired.<sup>1</sup> This action alone would not have been enough to stop the pirates except that Warren continued to cruise off the coast of Madagascar for almost a year. Even when he left he had two ships posted which continued to patrol the area. By this time however Queen Anne's War was on the verge of breaking out and many of the pirates would continue their activity as privateers. Now however, the scene of action would be the West Indies.<sup>2</sup>

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<sup>1</sup>Jameson, Privateering, pp. 191-192.

<sup>2</sup>Pringle, Jolly Roger, p. 173.

This action ended one of the most profitable eras during the age of piracy.

The area of conflict now shifted to the American coast. The year, 1700, was filled with the turbulent activity of piracy following King William's War.

Along the coast of Virginia, Governor Francis Nicholson was informed of pirates that had begun terrorizing the coast in April of 1700.<sup>3</sup>

In an order issued on April 28, 1700, Nicholson was informed by Captain John Aldred, Commander of the Royal Navy guard ship Essex Prize,<sup>4t</sup> (a sixteen gun ship on station off the Virginia coast) that three or four pirate ships were operating in Lynhaven Bay.<sup>5</sup> This report began a strange episode in piratical suppression. It began the famous La Paix piracy fight. It was strange because it was probably the first time in colonial history that a colonial governor took to the ships to enter combat against an armed pirate. Though the accounts of Governor Nicholson's part in the action differ, nevertheless he was present on deck of H.M.S. Shoreham during the fight with La Paix.<sup>6</sup>

Immediately after the news of the pirates reached Governor Nicholson, he began issuing orders for the colonies to have militias ready for

<sup>3</sup>Francis Nicholson came as close to being a professional colonial official as anyone apparently could be according to the Dictionary of American Biography, pp. 499-501; also see, Jameson, Privateering, N, p. 259.

<sup>4</sup>The Essex Prize escorted some 57 ships in convoy back to England on June 9, 1700. A complete list of ships' men and fighting instructions can be found in Middleton, Tobacco Coast, p. 470.

<sup>5</sup>Lynhaven Bay on the south side of Chesapeake between Cape Henry and Willoughby Spit. Shepard's Historical Atlas, 8th ed. (1956), p. 193.

<sup>6</sup>Robert Beverley, The History and the Present State of Virginia, ed. Louis B. Wright (Chapel Hill: The University of North Carolina Press, 1947), pp. 109-111.

instant action. He rounded his orders with a resounding statement ringing with determination and a promise that:

I do hereby promise to any person or persons who shall take or kill any pyrate that shall belong to either of these three or four ships---a reward of twenty pounds sterling for each pyrate that they shall either take or kill.<sup>7</sup>

On April 29, 1700, the Shoreham sailed forth to do battle with the La Paix. The Essex Prize was on careen at the time and under orders to return to England, and so the Shoreham was left to fight the La Paix alone. The Shoreham and the La Paix closed to fight in the very water that would witness the Merrimac - Monitor fight 162 years later. As the Shoreham and the La Paix came within fifty yards of each other they began pouring out thundering broadsides at each other. The fight raged from seven in the morning until about four o'clock in the afternoon. Captain William Passenger, Commander of the Shoreham, acquitted himself and his crew very well in the engagement considering they were fighting men who were desperately battling for their lives. Governor Nicholson was on board urging the men to greater efforts.<sup>8</sup>

<sup>7</sup>The most formidablenship in the pirate arsenal was the La Paix which was a twenty-four gunnship of about 140 tons. See, Jansenon, Privateering, p. 261.n

<sup>8</sup>Nicholson was supposed to have urged the crews onto the ship and practically goaded them into fighting the La Paix. See Pringle, Jolly Roger, p. 173. This point of view contrasts rather sharply with the view presented by Robert Beverley who states that after news of the pirate ship had been received by the governor and Captain Passenger, Captain Passenger proceeded to the ship leaving a boat behind for the Governor to follow. According to Beverley it was "within night, before his excellency went aboard, staying all that while ashoar upon some weighty pretance." Beverley, History, p. 110. Very likely Nicholson was justified in this delay because he was trying to summon the militias into a state of defense. Then, too, Robert Beverley was not an admirer of Mr. Nicholson whom he called along with the members of the House of Burgesses "a pack of rude, unthinking, willful, obstinate people, without any regard to Her Majesty or her interest." See, Ibid., p. XV.

Indeed the fighting gained such desperate straights that before the surrender the pirates had placed some thirty barrels of gun powder about the decks in an attempt to blow up the ship with the English prisoners on board. Nicholson conjoled the pirates into giving up and being sent to England and submitting to the King's mercy if they would surrender quietly.<sup>9</sup> The condition of the La Paix dictated that surrender was the course to take for she had been battered so badly, steering was impossible. The rigging was shot away and she had run aground. Under these conditions, the pirates struck the Jolly Roger. In all, 114 men were captured alive. The decks of the La Paix were washed with waters of the bay and the blood of thirty-nine dead pirates strewn about the gun positions.<sup>10</sup> The fifty English prisoners were redeemed and their testimony was added to that of Joseph Man who had been promised some five months pay by Governor Nicholson if he would join in the fight. Three of the prisoners were held for trial in Virginia and tried under the Virginia Commission of Oyer and Terminer.<sup>11</sup> The actions of Governor Nicholson in this instance must be considered rather unique in the annals of piratical suppression in America. As stated before this is probably the first time in Colonial history that a Governor went onto a ship in a heated action to stop a pirate. Governor Nicholson was no doubt proud of his action and attached great importance to it as well he might have done. This was such an extreme change over previous governors. His action during the battle (although he stood on

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<sup>9</sup>Beverley, History, p. 110.

<sup>10</sup>Middleton, Tobacco Coast, p. 110.

<sup>11</sup>Jameson, Privateering, p. 226.

the deck throughout the fight) should not be viewed in the light that Nicholson was a fighting governor. A more accurate projection might be gleaned from the testimony given at the trial of the three pirates.

The Attorney General extoll'd his excellency's mighty courage, and conduct, as if the honour of taking the Pyrate had been due to him. Upon this, Captain Passanger took the Freedom to interrupt Mr. Attorney in open court, and said, that he was Commander of the Shoram; that the Pyrates were his prisoners; and that no Body had pretended to command in that Engagement but himself:

He further desired that the Governour would do him the Justice to confess, whether he had given the least word of Command all that Day, or directed any one thing during the whole fight. Upon this, his Excellency tamely acknowledged that what the Captain said was true; and so fairly yielded him all Honour of that Exploit.<sup>12</sup>

But it is probably best to say in judgement due to these acts that Nicholson as well as Bellomont in New York might be termed the new breed of colonial official. Certainly these governors caused ripples in the main stream of piratical suppressionary history. Indeed at the very least it was a blow to the colonial pirate during the period of piracy between King William's and Queen Anne's Wars. For piracy was a cyclical thing and followed intensive activity after a war. This may be considered the end of piracy for the post bellum period following King William's War.

This act represented a phase of decline for the pirates in America and in the Madagascar area. Due to the action of Warren in 1699 a great step toward ultimate collapse can be seen. The die was now cast, the pirate would indeed be suppressed. For if the lucrative Red Sea trade in

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<sup>12</sup>Beverley, History, pp. 110-111.



Arabian Gold was nearly stopped, the pirate would have few places he could operate other than the West Indies and American coast. With the Red Sea piracy inhibited there was small doubt that this benefitted the English merchant. However, in the process the colonial merchant would lose their value as markets because of their inability to pay. Similarly, if the colonists could not purchase manufactured goods from England, they might well start to manufacture them on their own. If this should eventually lead to a surplus of manufactured goods, then what would prevent the colonists from trading the products with the southern tobacco colonies, and even the West Indies?<sup>13</sup> It is not the intent nor is space available to indulge too greatly in this type of economic digression, nevertheless this need for gold of spendable specie suggests itself as a possible reason why the colonial merchant so heavily entangled himself in piracy. It follows that with the elimination of the Red Sea base the pirate would turn to the American coasting trade and get into serious trouble after 1700.

It has been suggested that piracy declined during the War of Spanish Succession because the pirates turned into privateers. While this is true, it should not be made so strong that one would be led to believe that no other action was taken to stop pirates during this period. Other measures were going on simultaneously with the war.

The year 1704 was a memorable one in the annals of piratical suppression. The West Indies was the scene of greatly stepped up naval activity as a result of this war. The work of the navy was confined to the

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<sup>13</sup>Nettels, Roots of American Civilization, p. 379.

defensive measures against the French privateers and the pirates who were inflicting great losses along the coast of North America.<sup>14</sup> Though the desire for naval protection was nothing new, the war centered attention again on the West Indies.<sup>15e</sup>

In Virginia in 1705, in response to a request from the Governor of Maryland the following proclamation was issued:

And I do require all collectors and naval officers in their several districts within the colony to make dilligent enquiry after the said sloop. And if she arrives in any of their districts the same to seize as also the persons therein. And to return an account thereof as above said to me Given under my hand and the seal of the colony this sixth Day of September in the fourth year of Her Majestie's Reigne Anno Dom. 1705.<sup>16</sup>

The most likely conclusion one can draw from this evidence is that by the year 1707, the war which brought in the influx of French privateers and pirates had stimulated a degree of cooperation among the colonies. In addition it is an indictment against the pirates and shows some

<sup>14</sup>By the middle of 1705 Massachusetts had lost 140 ships. In 1704 out of a convoy of 100 ships no less than forty-three were taken. Richmond, Navy, p. 110. By 1711, protection in America had increased to nineteen warships. With a petition of the merchants to prohibit the warships habit of "good voyages." See, Richard Lawrence Beyer, "American Colonial Commerce and British Protection," The Journal of American History, XXII (1928), pp. 265-269.

<sup>15</sup>In 1683 Lord Howard Effingham had been appointed Governor of Virginia in succession of Lord Culpepper, and urged the necessity of sending a frigate to protect the colony and suppress pirates. The Lords of Trade accepted Effingham's recommendations and in 1684 the ketch Quaker under Captain Allen was sent to Virginia on the Service. See, Beer, The Old Colonial System, I, p. 310. For a more interesting account see, Gosse, History, p. 176.

<sup>16</sup>The letter is in response to notification from Governor Seymore of Maryland concerning John Staples of Philadelphia and John Tylor a tall browne man and Thomas Sparrow, a flaxen haired youth of middle stature and one Richard Clark of Arundale County in Maryland. These men had taken a sloop called the Little Hannah, and turned pirate. Governor Seymore was issuing a call for aid in their apprehension. See, Virginia, Executive Journals of the Council of Virginia, May 1, 1705, to October 23, 1721, e III, p. 69.

determination on the part of colonial officials to put an end to this notorious trade. One might be led to think that this is a case where the privateer was being confused with the pirate. However, in the light of the Laroux Case, it would seem that the colonial officials used fairly stable judgement in the examination of cases concerning privateering. The fact that many of the documents of the period usually referred to the French privateers and pirates that infested the coast, one has to conclude that the colonial officials were not always biased in their judgments of privateers. Seymore was active again in 1707 because in that year he complained that the coast had been without guard-ships for the past year and was exposed to the insults of "rascally pyrates or privateers."<sup>17</sup> In the same year Colonel Jennings was found reporting to the Lords of Trade that two privateers could stop all trade from Virginia and added further that "The very name guardship would prevent bold attempts at the harassment of Chesapeake trade."<sup>18</sup> Yet, both Seymore and Jennings proved unequal to the task of protection for they both wrote to Lord Cornbury of New York requesting aid from a warship to correct the attacks of the privateers. Cornbury acted with promptness and sent the ship Triton's

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<sup>17</sup>Laroux was a French privateer who had seized a Captain Bay of Boston on March 3, 1704. He took Bay to Martinico where his ship was sold and he (Bay) was left stranded. Laroux meanwhile had been seized and taken to Boston and thrown into the goal. He was subsequently tried for piracy and acquitted on evidence "viva-voce, proving him to be bornt in France," which in the eyes of the law made him not a pirate but a French privateer. Lyman Horace Weeks and Edwin M. Bacon, Boston Newsletter, An Historical Digest of the Provincial Press, Boston: Massachusetts Historical Society, p. 109. Middleton, Tobacco Coast, p. 319.

<sup>18</sup>Ibid.

Prize only two days after receiving the news. Upon arrival, she took a ship stolen by a French privateer four days before.<sup>19</sup>

An additional example of cooperation in the colonies in the catching of pirates was the Quelch case when Governor Cranston:

Issued forth warrants to seize and search for them whereupon one of the said crew was apprehended and sent from constable to constable in order to be sent to Boston.<sup>20</sup>

This is rather unusual situation considering Governor Cranston's background, which is supposed to be linked with pirates.<sup>21</sup> Governor Cranston had been examined by Bellomont in 1698 regarding piratical and political activities in Rhode Island. At this time Bellomont was on a tour of the colonies in New England where he had jurisdiction. Bellomont's instructions stated:

Authorizing and empowering and requiring you to inquire any irregularities countenanced and practiced by the Governor and company of our colony of Rhode Island and Providence Plantations in New England in America.<sup>22</sup>

It is rather hard to link Cranston into piracy but there is some grounds for the suspicion. As in most of the other cases accusations were made, fingers were pointed, and threats traversed the Atlantic, but none of the Governors were ever punished severely for aiding pirates.<sup>23</sup>

With the concentrated effort of the British navy in the Caribbean area and growing sensitivity of the colonial officials, England began to

<sup>19</sup>Ibid., p. 320.

<sup>20</sup>Weeks and Bacon, Boston Newsletter, p. 109.

<sup>21</sup>Rhode Island, Colonial Records, III, p. 363.

<sup>22</sup>Ibid.

<sup>23</sup>Governor Fletcher, who was very much in league with Thomas Tew, was recalled and dismissed largely on this account.

initiate the convoy system as previously mentioned. Warships were detailed to the colonies listed "for the annoying of pyrates and the Security of Trade."<sup>24</sup> From Pennsylvania, Governor Logan complained that the colony was not getting a "third of the rum" that used to arrive from the West Indies because of the activities of pirates.<sup>25</sup>

While it is true that abuses existed in the navy and the naval convoy system, nevertheless, pirates hesitated to attack the convoys as pirates. They would attack as privateers, because they were less likely to be hanged if caught, as in the case of young Laroux.

One of the leading instruments in the suppression of pirates was the employment of the navy in conjunction with the Royal Governors to stop piracy. In addition piratical suppression had begun to change in basic character. Prior to Queen Anne's War the suppression of pirates was to a large extent a private thing with a commission for privateering being granted in a most indiscriminate manner. More and greater responsibility was placed on the shoulders of the colonial governors and the Royal Naval captains. While it is true they did not cooperate very well in most cases and there were questions regarding division of authority, nevertheless concrete steps were being taken to hasten the demise of the piratical brethren. Gone were the days when piracy was given only casual attention by the

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<sup>24</sup>George Woodbury, The Great Days of Piracy in the West Indies, (New York: W. W. Norton and Company, Inc., 1951), p. 141.

<sup>25</sup>Logan complained that because of the "supinity" of the governor and the men-of-war not one-half of the ships setting out from that islandr ever reached port. See, Bourne, Queen Anne's Navy in the West Indies, p.r 202.r

Royal Navies.<sup>26</sup> The pattern was now established that would end piracy. The day was gone when it would be regarded with a raised eyebrow and a knowing glance among colonial officials and naval personnel. Pirate literature of the period was not what one might call voluminous, nevertheless the pamphleteers and writers of the day were expressing their opinions. In 1685 the Governor and Council at Boston on April 2 issued a Broadside forbidding intercourse with vessels cruising in the neighborhood, believed to have been taken by pirates.<sup>27</sup>

On December 22, 1691, at the General Court for the colony of Massachusetts Bay upon adjournment, a Broadside was issued proclaiming a duty on "imports to Defend sea against pirates," and prohibiting French trade in the colony.<sup>28</sup> In 1699 another is issued in the name of Governor William Staughton ("a proclamation for the arrest of Joseph Brandish and associates for acts of piracy and felony.")<sup>29</sup> So, it would not be strange to find a proclamation against Quelch and other pirates issued on May 24, 1704.<sup>30</sup>

The pirate was not only beginning to be suppressed, he was also being granted a great deal more publicity that he could not well afford.

Ye Pirates who against God's law did fight,  
Have all been taken which is very right.  
Some of them were old and others young  
And on the flats of Boston they were hung.<sup>31</sup>

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<sup>26</sup>Violet Barbour, "Privateers and Pirates in the West Indies," American Historical Review, XVI, (April 1911), p. 529.

<sup>27</sup>Massachusetts, Broadside and Ballads, (Boston: Massachusetts Historical Society Collections 1922), LXXV, p. 102.

<sup>28</sup>Ibid., p. 186.

<sup>29</sup>Ibid., p. 229.

<sup>30</sup>Weeks and Bacon, Boston Newsletter, pp. 78-79, 91.

<sup>31</sup>Ralph D. Paine, The Ships and Sailors of Old Salem, (Boston: Charles E. Lauriat Co., 1923), p. 42.

It was Friday, June 30, 1704, when a group of forty musketeers, surrounding six men, with the silver oar proceeding them walked through the town of Boston in a solemn parade to the gallows at Scarlets Wharff.<sup>32</sup> The silver oar was the symbol of Admiralty authority and proceeded all pirates to their hangings. The six men about to die on this June day in 1704 were the crew of John Quelch and company. His hanging was published almost as extensively as was Captain Kidd's.

Quelch died rather unrepentant in spite of the exhortations of Cotton Mather who prayed for the soul of the pirates from the scaffold. Yet, in spite of this Quelch's dying words contained only a caution to other would-be pirates that it was a bad thing for men to bring so much money into the colony "only to be hanged for it."<sup>33</sup>

The stiffness of death had hardly clutched Quelch and his men, when the Boston Newsletter carried an advertisement that:

There is now in the Press, and will speedily be Published the Arraignment, tryal and condemnation of Captain John Quelch, and others of his company etc. For Sundry Robberies and murder, committed upon subjects of the King of Portugal, Her Majesties Allie, on the Coast of Brazil etc, who upon full evidence were found Guilty, at the Court-House in Boston, on the 13th of June 1704. With the Arguments of the Queen's Council and Council for the Prisoners, upon the Act for the more effectual Suppression of Piracy. With an account of the Ages of the several Prisoners,

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<sup>32</sup>A map showing the exact location of Scarletts Wharfe (Scarlets Wharff) can be found in: Arthur Gilman, The Story of Boston, (New York: G. P. Putnam's Sons, The Knickerbocker Press, 1894), p. 186.

<sup>33</sup>Jameson, Privateering, p. 279.

and the Places where they were Born. Printed and Sold by  
Nicholas Boone, 1704.<sup>34</sup>

This little pamphlet caused Governor Dudley some embarrassment because it was published before he could send official copies of the trial and particulars of the case to the Board of Trade. He defended his actions by vigorously asserting that he would not have directed the printing of such an item:

But to satisfy and save the clamour of a rude  
people, who were greatly surprised that anybody should  
be put to death that brought gold into the Province.<sup>35</sup>

Gold or not, the pirates hanged.

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<sup>34</sup>Weeks and Bacon, Boston Newsletter, p. 93.

<sup>35</sup>Jameson, Privateering, p. 284. The entire trial of John Quelch can be found in Howell's State Trials, XIV, pp. 1070-1072.



## CHAPTER VIII

### MONEY AND PARDONS--A SECOND SUPPRESSION

By 1717 the pirates were forced to shift the center of their attentions from the Indian Ocean and the Red Sea to the coasting trade of North America and the West Indies. The Colonial governments were now beginning to get more help with piratical suppression in the form of more government ships and better pay for volunteers. In Governor Belcher's message to the House of Representatives on June 4, 1717, one finds the following:

Since the last session of this Court the Coast having been infested with pirates, the Government man'd and sent forth a sloop for security of the navigation and give twenty shillings per man to such as listed voluntarily in that service which sloop having been on cruise is returned and is now waiting to be paid off.<sup>1</sup>

It was during this same session of the Massachusetts House that a bounty was put on the pirates. It was

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<sup>1</sup>"The pay consisted of a Captain's allowance which was seven shillings per diem, the Lieutenant was allowed three shillings and six pence per diem, Warrant Officers, two shillings and six pence per diem, and Mariners eighteen pence per diem. For the vessel an allowance of seven shillings per ton per month and that a sloop with a suitable number of men be continued in service for the defense of the coast until His Majesty's ship expected for this station shall arrive." See, Massachusetts, Journal of the House of Representatives of Massachusetts 1715--1717, (Boston: Massachusetts Historical Society, 1919), I, pp. 187-188. The ship for which the colony was waiting was the ship Squirrel of twenty guns which had been ordered to replace the ship Rose also of twenty guns. They were ordered to "join upon occasion for annoying the pirates, and the security of trade." See, Johnson, History, pp. 11-12. This joining spoken of was to take place before the Rose left for home.

resolved that there be allowed and paid out of the public treasury a bounty to ships and crews, five pounds for every pirate they shall kill or take, and ten pounds for any great Gun they shall take in any pirate vessell mounted at the time of capture.<sup>2</sup>

The offer of ten pounds for the capture of the "Great Guns" in contrast to the offer of five for the pirate is not a surprising thing for this period. Queen Anne's War had not been terminated more than four years and heavy industry was not developed along the northern border; therefore additional cannon were obtained to arm the ships of the colony in this manner.

The increasing sincerity of the colonists to suppress pirates might be summed up in use of bounty payments which seemed to indicate a desire to reform the then prevalent system of privateering. Under the general articles of a privateer, the sailing had been done on the rather uncertain basis of "No prey no pay."<sup>3</sup> Even if a successful capture was made, the wait to collect monetary rewards was in some cases quite lengthy. The prize had first to pass through the Admiralty Courts to be adjudicated, then the goods were turned over to the people involved in the capture. By way of contrast the colonies were now offering bounties, rather than depending on the off chance that the crew would be paid by what they had captured. By no means is it the intent here to create the impression that because a colonial government made a statement of promised payment

<sup>2</sup>Massachusetts, Journal of the House, I, p. 188.

<sup>3</sup>"No prey no pay," simply meant the people involved on the ship out to catch the pirates did not gain any wages if they did not capture any of the pirates' goods. Emphasis had shifted.

for an act against pirates that money was to flow forth immediately. In many instances people waited months or years to see money.<sup>4</sup>

In 1718, the famous proclamation against pirates contained a clause which said:

any person who should cause to be captured any pirate that did not take advantage of the pardon should be given a reward. Commanders received 100 pounds Lieutenants masters, boatswains, carpenters (sic), and gunners forty pounds. For every inferior officer the sum of thirty pounds, and for every private man the sum of 20 pounds.<sup>5</sup>

A second feature of the act is worthy of note. By 1718 rewards were being offered as a standard procedure to induce members of the crew to turn in the captain of a pirate craft. In short, attempts were now being made to bribe the crews into giving themselves up and turning in their leaders. The reward consisted of some 200 pounds to be paid by the Lord Treasurer.<sup>6</sup> The reward was great--because of the risk involved. Revelation of a pirate traitor was tantamount to high treason and could end only in death. Punishment for traitorous acts could range from being hacked to pieces with cutlasses to marooning.<sup>7</sup> This represents a genuine attempt by the home government to subdue the pirates. Money played a part in the lives of men who turned pirate, so money was to play a part in the suppression of the pirate.

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<sup>4</sup>As an example one finds the Rhode Island Assembly on May 1, 1739 paying a bill for pirates captured in October 1738. See Rhode Island, Colonial Records, IV, p. 558. This is incidentally one of the isolated cases of piracy that occurred after 1727.

<sup>5</sup>Dow and Edmonds, Pirates of the New England Coast, pp. 381-382.

<sup>6</sup>Ibid.

<sup>7</sup>The pirate would be placed ashore on an isolated key and left with a pistol, one charge of powder, one ball, and a bottle of water. When the water ran out he could resort to the pistol.

As the governments developed a more settled character and wealth began to flow into the governmental exchequer, governments began to develop navies of more national character. Privateers who had lost a source of employment began to turn on ships of the very governments which had employed them. So, it was that for the second time in the eighteenth century the English government came to recognize pirates as something that should be inhibited. In the Mediterranean and in the channel inhibitory bludgeons were employed. Due to persistent handicaps, colonial suppression of pirates was another matter. The geographic conditions (irregular coastlines, and distance from England) of piracy's genesis remained unchanged in 1717<sup>8</sup>. Some of the economic and political conditions remained in mutational form. For example, the need for spendable specie by the individual singly and collectively in the colonies, though still present, was being immersed in the stigma of piracy.<sup>9</sup> The more businesslike management by the merchant centered civilization was replacing governmental bureaucracy and awkward colonial management, although suppressive mercantilistic acts of trade still existed.

These conditions can probably be summed up into a few basic facets of causation. First, the people in the colonies needed and wanted piracy. Secondly, the British government wanted to use the pirate in the form of privateers. Since the distance from England was great, she never came to grips with the evolution of the privateer into a pirate nor with its meaning to colonial trade. Eventually England had to learn how to suppress

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<sup>8</sup>See p. 3 of this thesis.

<sup>9</sup>See p. 30 of this thesis.

piracy in the colonies, as she had previously done in the Mediterranean.

Having reviewed the basic causes for renewal of piracy, one can make a good case for piratical suppression simply by elimination of the causes. The fact that the people in the colonies needed and wanted pirates is not hard to understand. Pirates paid in gold and specie. These payments the colonists needed badly were of sufficient enough impact that mints were used for melting down the gold into spendable specie. In fact the mint owned by Samuel Sewall was used to mint Arabian Gold.<sup>10</sup> Lack of spendable money was in reality a great handicap to the colonies. The rage of the colonists against anyone who attempted to prevent their getting this money is quite understandable. Bellomont was accused by his enemies of keeping some 100,000 pounds out of the colony in less than a year.<sup>11</sup> In 1684 when the ship La Trompeuse, captained by Michel Breha (an arch pirate) was seized and he was executed, Samuel Shrimpton and other Boston merchants declared that they would gladly "beat out the brains" of the Spanish naval officers who had captured him.<sup>12</sup> Similarly Quelch's men were stated to have brought "considerable quantity of gold dust, and some bar and coined gold" into the colony.<sup>13</sup> Moreover one has Quelch's own testimony given at his hanging when he chastised the crowd and forewarned prospective pirates about the treatment afforded a person who brought money into the colony.<sup>14</sup> However, it should be pointed out

<sup>10</sup>Goodwin, Dutch and English, p. 168.

<sup>11</sup>Curtis P. Nettels, Roots of American Civilization, p. 377.

<sup>12</sup>Williams, Captains Outrageous, p. 132.

<sup>13</sup>Weeks and Bacon, Boston Newsletter, IV, p. 176. Mr. John Noyes a goldsmith received a lot of gold from John Quelch to be melted down in his shop, of which he recognized some to be "Portugal money." See, Howell's, State Trials, XIV, p. 1076.

<sup>14</sup>Jameson, Privateering, p. 279.

that the crime for which Quelch was hanged and that of Breha were separated by some twenty years of time. From Breha's time to that of Quelch the situation regarding piracy had changed somewhat; the gold, though scarce, was losing some of its magic.

Between 1652 and 1684, Massachusetts minted the Pine Tree shilling. She lost this privilege with the revocation of her charter in 1684. The merchants managed to get Queen Anne to issue a proclamation to establish a ratio between foreign coin and the shillings. In 1708 this proclamation was reinforced by an "Act for ascertaining the Rates of Foreign coins in Her Majesty's Plantations in America."<sup>15</sup> The difficulty of enforcement of these acts and the need of the colonial merchant and trader had made the pirates welcome in new colonial ports. To try to justify the disappearance of piracy in direct proportion to the increase in gold in the colonies is to oversimplify the case. The colonies lacked an adequate gold supply beyond the Revolution. Nevertheless gold was a factor to be considered and where a supply could be obtained, one could generally find intercourse between the pirate and the colonial merchant. England's commercial policy was maturing. Her interpretation of mercantilism as seen embodied solely in the exchange of manufactured goods for gold was changing to a more realistic policy designed along more modern international trade lines. Gold by the 1720's was losing some of its old time significance and was losing its position as a panacea for the mercantilists. Merchant fleets and powerful navies were by this age the

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<sup>15</sup>This Act imposed a heavy penalty on colonists for violation of the coin ratio. The practice of clipping and sweating was resorted to resulting in the milling of coins. See, Barck and Lefler, Colonial America, pp. 372-373.

order of the day and in commercial fashion. With control of the sea and a profitable carrying trade, England would be strong. To have this, pirates in the colonies must be stopped. This included pirates in the universal sense also, for piracy was increasingly recognized as an international crime.<sup>16</sup>

Another factor to consider is the importance attached to the idea of the self sufficient commonwealth of trade. England felt that the divisions of the colonies into groups and that trade between herself and these groups would make her less dependent on foreign trade.<sup>17</sup> It would seem that the chief value here lies in the fact that if one considers the mercantilists' point of view England depended on one section to trade with another while she might benefit from the whole. The islands in the West Indies depended for example on the northern or the "provision" colonies for everything from fruits to horses. If then the pirate was using the colonies as bases and raiding the colonial trade the commonwealth would be injured.

Samuel Vetch stated in 1708,

There is no island the British possess in the West Indies that is capable of subsisting without the assistance

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<sup>16</sup>The American Society of International Law, "Draft convention and comment on piracy in International Law of Harvard Law School a collection of Piracy Laws from various countries," American Journal of International Law, January and April 1932, XXVI, Sup., (Concord N. H., The Rumford Press), p. 749.

<sup>17</sup>England seemed to be embarking on the policy of a self sufficient empire whereby the colonial empire would be organized into certain areas of production. Barbados, Jamaica, and the Leeward Islands were to produce sugar. Maryland, Virginia and the Carolinas were to gear production toward tobacco, rice, indigo, furs, and naval stores. The "provision" or "bread colonies" were in general to include: Pennsylvania, New York, and New England, and Newfoundland was to handle the fishing industry. See, Charles M. Andrews, The Colonial Period of American History, (New York: Yale University Press, 1938), IV, p. 346.

of the continent, for to them we transport their bread, drink, and all the necessaries of humane life, their cattle and horses for cultivating their plantations, lumber and staves of all sorts to make casks for their rum, sugar, and molasses, without which they could have no ships to transport their goods to the European markets, nay in short the very houses they inhabit are carried over in frames, together with the shingles that cover them, in so much that their well being depends almost entirely upon the continent.<sup>18</sup>

It also might be noted that the pirates in the crew of Captain Francis Spriggs in 1720 took a ship from Rhode Island bound for St. Kitts. Johnson relates the tale as follows:

Within two or three days they (Spriggs) took a ship coming from Rhode Island to St. Christopher's laden with provision and some horses. The pirates mounted the horses and rid (rode) them about the deck backwards and forwards at full gallop, like madmen at Newmarket, cursing swearing, and halloing at such a rate that made the poor creatures wild; and at length two or three of them throwing their riders, they fell upon the ships crew and whipped and cut them in a barbarous manner telling them it was for bringing horses without boots and spurs, for want of which they were not able to ride them as gentlemen.<sup>19</sup>

By 1717 the colonial merchant was beginning to feel the sting of the piratical trade. No longer was the English merchant and trader to bear the brunt of the pirates alone. Now piratical activity was coming close to home. Captain Kidd were he sailing in this era would not have to go to the Red Sea in order to pursue pirates. The scene of operation had changed. The question however is not whether piracy existed. That it did exist in plenty is common knowledge, but the scene of operation had changed so that those people the pirate had traded with before, he was now plundering with increased regularity. He must be stopped. It

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<sup>18</sup>Ibid., p. 347

<sup>19</sup>Johnson, History, p. 320. Cochran, Pirates of the Spanish Main, p. 84.



was no longer fashionable nor profitable to trade with pirates. The pirate was beginning to look bad in the colonial eyes.

One method for suppressing the pirate which had been used during the younger days of the English maritime ascendancy was a direct assault on island settlements. This was not very successful because it only made the pirates retreat into the jungles where they could not be found.<sup>20</sup> Captain Johnson cites the case of Captain Martel who was cornered on the Northwest part of Barbadoes by H. M. S. Scarborough. Captain Martel was driven ashore after he set fire to his ship, burning it and some twenty negroes on board. As for Captain Martel and the remainder of his crew (nineteen escaped in a sloop), nothing is known of Martel himself except that he escaped into the jungle.<sup>21</sup>

St. Marys Island in charge of Adam Baldrige was a pirate haven of the first water.<sup>22</sup>

One of the most debatable methods of piratical suppression was the granting of pardons. These were granted in the hope that pirates would turn themselves over to the authorities by a specified date in lieu of forgiveness for past sins.

<sup>20</sup>Cyrus H. Karraker, Piracy Was a Business, (Rindge, New Hampshire: Richard R. Smith Publisher Inc., 1953), p. 124.

<sup>21</sup>Johnson, History, p. 40.

<sup>22</sup>Adam Baldrige arrived on the island of St. Marys in the ship Fortune in the year 1691. For about eight years he supplied pirate ships as well as traders from New York with goods necessary for the Red Sea trade. He left the island and could not return due to a negro uprising which resulted in the murder of most of the white inhabitants of the island. Bellomont was quite taken with him until he was informed by the Lords of Trade about Baldrige's activities. See, Jameson, Privateering, pp. 180-181.

One of the defects of this method in the early days was the fact that it was used to lure a pirate to his capture. Sir John Eliot, Vice-Admiral of Devon, lured the pirate Nutt in on pretense of pardon.<sup>23</sup> The worth of pardon became almost valueless as far as suppression was concerned in the early days of colonial piracy. Sir Thomas Lynch during his first term as Governor of Jamaica in 1670 came out from England equipped to offer pardons.<sup>24</sup> As Henry Mainwaring had commented better than a half century before, the ease with which pirates might gain pardons made them worthless and he spoke of personal knowledge.

If they can get 1000 pounds or two, they doubt not but to find friends to get their pardons for them. They have also a conceit that their needs be wars with Spain within a few years and they think they shall have a general pardon.<sup>25</sup>

In general Mainwaring advised against pardons as something to be avoided.

The East India Company representatives opposed the blanket pardon on grounds that this encouraged piracy rather than undermined it.<sup>26</sup> In 1690, encouraged by the pardons, seamen were actually running away to join the pirates.<sup>27</sup> Pirates in many cases would hear of a pardon about to be issued and would plan how much time they had to raid before the time limit on the pardon ran out and they were subject to hanging. Many pirates would come into port and establish a liaison with authorities and surrender only on condition that they could keep the booty they had previously taken.

<sup>23</sup>Gosse, History of Pirates, p. 133.

<sup>24</sup>Robert Carse, The Age of Pirates, (New York: Rinehart and Company Inc., 1957), p. 211.

<sup>25</sup>Dow and Edmonds, Pirates of New England, p. 3.

<sup>26</sup>Karraker, Piracy Was a Business, p. 125

<sup>27</sup>Osgood, American Colonies, I, p. 530.

In a letter written on July 24, 1718, Charles Vane said:

Your Excellency may please to understand that we are willing to accept His Majesty's most gracious pardon on the following terms viz;

That you will suffer us to dispose of all our goods now in our possession. Likewise to act as we think fit with everything belonging to us, as His Majesty's Act of Grace specifies.

If your Excellency shall please to comply with this, we shall, with all readiness, accept of His Majesty's Act of Grace. If not, we are obliged to stand on our defense. So conclude,

Your humble servants,  
Charles Vane and Company<sup>28</sup>

Governor Johnson of South Carolina stated that we are having several of our inhabitants that unwarily and without due consideration have engaged in that ill course of life are resident at the Bahama Islands and other places adjacent, I think it a duty incumbent on me, with all speed to send His Majesty's proclamation thither to let our people see that they embrace his Majesty's royal favor.<sup>29</sup>

Captain Yeats, a pirate who was sailing with Vane at the time, sent a message to the Governor to find out if he could come in and surrender to the pardon. Permission was granted. Vane meanwhile in order to seek vengeance on Yeats for taking the pardon, laid off coast at Charleston in order to kill Yeats when he sailed out of the harbor. Instead of killing Yeats, Vane plundered two ships coming out of the harbor. Johnson asked for the aid of Colonel Rhett (Bluet) to seek out and destroy Vane. Due to a misunderstanding Rhett was directed southward after Vane but Vane had in reality proceeded northward where he ran into Blackbeard. Rhett meanwhile went southward where he ran into Stede Bonnet.<sup>30</sup>

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<sup>28</sup>Charles Vane ran out of the harbor after writing this note to Rogers. The rest of the pirates submitted to the pardon and some were used by Rogers to garrison the fort. See, Johnson, History, pp. 105-117, 557-592.

<sup>29</sup>McCrary, South Carolina, p. 586.

<sup>30</sup>Johnson, History, p. 107.

The value then of the pardon was at best very questionable. Out of the men pardoned by Rogers many began with a pseudohonorific intent but soon returned like "dogs to their vomit."<sup>31</sup>

In spite of the criticism of the pardon, it did have some practical value. In 1709 in the West Indies the estimates as to the number of pirates operating was somewhere in the neighborhood of 500. In this Admiral Handasyd was authorized to issue a proclamation pardoning the crimes of all pirates. The pirates were invited to return to Jamaica to increase the manpower. Governor Drummer complained "that the pardon would have very little effect for since the Governor of Carolina would give the pirates privateering commissions they would go there instead of Jamaica."<sup>32</sup> Handasyd however learned that they did not have to fear the pirates for their numbers had decreased over what they had previously been recorded. There were now only about 200 pirates in the area. He gives a rather enlightening description of them as follows:

Perished for want of support or dispersed elsewhere there is not now above 200 that I can hear of upon the Spanish coast and there is 37 of them come in hear (poor sorry fellows) upon proclamation. Poor sorry miserable creatures that is in want both for their backs and bellys.<sup>33</sup>

In 1718 Governor Rogers used the threat of Spanish invasion in order to get the pirates to work at repairing the fort which was an almost impossible task. In reality he was afraid of a pirate revolt more than Spanish conquest or invasion. Pirates were lured in to be hanged by pardons, and

<sup>31</sup>George Woodbury, The Great Days of Piracy in the West Indies, (New York: W. W. Norton and Company, Inc., 1951), p. 144.

<sup>32</sup>Bourne, Queen Ann's Navy, pp. 185-186.

<sup>33</sup>Ibid.

granted pardons to fulfill manpower shortages in various colonial areas. Another use was to send a thief to catch a thief which was granting a pardon to a pirate for the express purpose of searching out other pirates, because of his specialized knowledge of piratical habits and abodes.

It can probably be concluded that the use of a pardon in stopping pirates was an excellent method of suppression in time of war. The effect of the pardon however was temporary and generally would only last the duration of a conflict. Pardons were generally issued in time of war and did little more than create privateers who returned to piracy at the cessation of hostilities. Governor Johnson of South Carolina commented on this situation in 1718:

Those people who are accustomed to this easy way of living that nothing can reclaim, and most of these that took up with the proclamation are now returned to the same employment, which has proved more of an encouragement than anything else, there being now three for one there was before the Proclamation was put out. They are now come to such a head that there is no trading in these parts, it being almost impossible to avoid them and nothing but considerable force can reduce them, which at first might have been done at easy charge, had the government rightly appraised what sort of people they generally are and how most of them that first turned pirates are being such as had always sailed in these parts as privateers that being so near akin to their present way of living.<sup>34</sup>

It cannot be said that in suppressing piracy that a pardon was of no value and that pirates did not surrender. Pirates did surrender. The question that confronts one writing in this area is: How long did they stay that way and submit to the rigors of discipline and work on the sea that might be termed a form of maritime servitude?

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<sup>34</sup>Pringle, Jolly Roger, p. 195.

The various surrender proclamations were not without value as previously mentioned. In Virginia the effects of Woodes Rogers' Act of Grace were felt.

The Governor acquainted the Council that:

Sundry pirates from ye Island of Providence were come in hither and had made application for the liberty of surrendering themselves up to his Maty's (Majesty's) mercy (sic) pursuant to his Matys proclamacon (sic) The sd:Pirates were called in and examined who confessed that they took a Dutch ship abt (about) December, and thereupon they withdrew and for as much as it appears that the benefit of the sd. Proclamation is not extended to any piracys committed after September 8, 1718. The consideration of the proper measures to be taken on this head is referred till a fuller council.<sup>35</sup>

In the final analysis it is probably safe to say that a proclamation of pardon had some limited value in suppressing pirates, depending on the time it was granted. The proclamation of pardon referred to above was granted in time of relative peace and therefore its success was limited. Nevertheless the proclamation had in its favor the permanent settlement of the West Indies which was to sound the death knell of piracy in this area. This, coupled with death of Blackbeard in 1718, aided the work of the proclamation of pardon whereby it was partly successful.<sup>36</sup> This is a prime example of an instrument of suppression being able to work notn because the proclamation itself was particularly effective but rathern because it was made to work by other more effective measures. The bestn of these measures then was man and his willingness to extend his authorityn added to the experience gained by the Crown in the application of thisn authority.

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<sup>35</sup>Virginia, Calendar of State Papers, I, p. 193.

<sup>36</sup>Lawrence Henry Gipson, The British Empire Before the American Revolution, (Caldwell, Idaho: The Caxton Printers, Ltd., 1936), II, p. 238.

In a paper entitled "A Discours about Pyrates, with Proper Remedies to Suppress them," written in 1696, Edward Randolph indicates that he is in favor of pardons as a method of subjection of piracy but he lists also a short critique of what will make a pardon work.

That His Majesty be pleased to send a first rate frigott under command of a sober person well acquainted with the Bahama Islands and other places where the pyrates usually resort, with a commission to Grant pardons to all such, who will give security to settle quietly in the plantations. That his Majesty grant a Pardon to one of Tews men now in England, who can make great discoveries of all the In-treagues (sic) of the pyrates.<sup>37</sup>

Again, send a pirate to catch a pirate. It might then be concluded that the pardon might only be as good as the men who enforced it. But in the larger sense pardons probably played a part in subjecting pirates to peace and honest trade.

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<sup>37</sup>Gosse, History, pp. 321-322.

## CHAPTER IX

### DEATH OF A TITAN: FINAL DECLINE

On that White Caribbean Key,  
Uncharted, lost these hundred years.  
Rest in the keeping of the sea,  
The secrets of the Buccaneers.<sup>1</sup>

With a mighty roar a giant of a man clamored over the side of the small sloop commanded by Lieutenant Robert Maynard, 1st Lieutenant of His Majesty's ship Pearl on station in Virginia. The roaring statement spewing from the man's lips was as follows: "They were all knocked on the head except three or four; lets jump on board and cut them to pieces."<sup>2</sup>

The man making the statement was Blackbeard, the pirate, alias Teach, alias Tach, alias Thacth; he had been called various names throughout his infamous career.<sup>3</sup> It does not really matter much as to his name, for the man was identified and his deeds were recorded for history.

As to Blackbeard's background little is known. Some persons have said that he immigrated to the West Indies from Bristol and became a pirate under Hornigold. He is also said to have been a native of the Carolinas, while one person states that he was born into a fairly good Jamaican family.<sup>4</sup> There is something that might shed some light on Blackbeard's

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<sup>1</sup>From the poem, "Treasure Island," by Frank L. Pollock.

<sup>2</sup>A. B. C. Whipple, Pirate: Rascals of the Spanish Main, (New York: Doubleday and Company, Inc., 1957), p. 203. Johnson, History, p. 54.

<sup>3</sup>Virginia, Calender of State Papers, I, p. 51, Pringle, Jolly Roger, p. 190.

<sup>4</sup>Ibid.



background and that is the fact that he could write. One would hardly expect such an accomplishment of an urchin from the streets of Bristol.

Irregardless of his lineal background and name, he began to appear in the colonial records about the end of the year 1716.<sup>5</sup> His piracy ended in Ocracoke Harbor in 1718.

Blackbeard has been painted as a hairy person who would kill on the slightest provocation. He is said to have had matches that he would light and stick in his hair turned up like two glowing devil's horns when he attacked a ship. Maynard's account of his fight with him does not do this theory justice; perhaps this was because Blackbeard was fighting for his life and not merely taking a prize.

Blackbeard plundered the coastal shipping of North America and the West Indies from 1717 until January of 1718. In that time he had taken several ships and aided in the training of one pirate Stede Bonnet.<sup>6</sup> His favorite grounds of operation were in North Carolina. For several reasons North Carolina was still taking care of her pirates in a kindly manner. First, North Carolina did not have the flourishing trade that was found in Virginia and South Carolina at this time. Therefore, North Carolina needed the pirate trade. Secondly, there were excellent harbor facilities available which were out of the way places where a pirate could careen his ship with safety. Finally, no middle-man had to be paid to distribute

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<sup>5</sup>Virginia, Executive Journals of the Council of Colonial Virginia, May, 1705 - October 23, 1721, III, p. 493.

<sup>6</sup>Pringle, Jolly Roger, p. 191.

the stolen goods because the pirates in North Carolina could sell directly to the people.<sup>7</sup>

In 1718 Blackbeard while lying off the coast of Charleston took some eight or nine ships and had the entire state bottled up so tightly that shipping was at a standstill. He seized a ship coming into Charleston and removed a prominent citizen by the name of Samuel Wragg. He held him for a ransom. The startling thing about the incident is the ransom to be paid, which was a chest of medical supplies.<sup>8</sup> Blackbeard sent a passenger named Marks from the captured ship recently taken and his second in command, Richards, to deal with the Charleston officials who after some discussion gave in to Blackbeard's demand. He appears to have threatened to kill all the prisoners he had taken and those other passengers if they were late returning with supplies. Why did Blackbeard demand medical supplies instead of money? Perhaps Blackbeard was a drug addict seeking relief from his habit. That Blackbeard did not ask for money is no particular mystery since he had just successfully concluded the rifling of some eight or nine ships, the last of which was valued at some 6000 pounds. Money was no problem. Probably the best answer would be the brothel casualties were higher than usual and some mercurial preparation was needed for the treatment of the pirates' favorite recreational disease--syphilis.

Blackbeard then released the prisoners and headed for Topsail Inlet where the Queen Anne's Revenge and the Adventure ran aground. Black-

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<sup>7</sup>Ibid., p. 193.

<sup>8</sup>Johnson, History, p. 47.

beard had a small flotilla of ships, the Queen Anne's Revenge, the Adventure, and Stede Bonnet's ship, the Revenge plus a small sloop and two small tenders.<sup>9</sup> Evidently, this was chosen as a place to share out their plunder for the pirates broke up at this time and went their separate ways. Stede Bonnet came back to Topsail Inlet however, and found that Blackbeard had marooned some seventeen of his men who happened to be on his ship at the time of the share cut. Irregardless, Bonnet began to stalk Blackbeard as an enemy. During the course of this he ran into Colonel Williams Rhett (or Bleut as some historians label him) and kept his date with the hangman in Charleston along with some thirty of his men.<sup>10</sup> The crew was hanged on November 12, 1718, but Bonnet's trial was delayed due to the fact that he had attempted an escape and he was executed on December 10, 1718.

Meanwhile Blackbeard continued his piracies, even after accepting the pardon granted to him by Governor Eden of North Carolina. An interesting point can be made here as to the character of Governor Eden who was very much maligned and condemned for his association with Blackbeard. Probably the most accurate evaluation would go as follows:

I have been informed since, by very good hands, that Mr. Eden always behaved, as far as he had power, in a manner suitable to his past, and bare the character of an honest man.

But his misfortune was the weakness of the colony he commanded, wanting strength to punish the disorders

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<sup>9</sup>By this time Blackbeard had acquired a flotilla of ships. See, Ibid., pp. 48-49.

<sup>10</sup>A complete listing of Bonnet's crew and his trial will be found in Ibid., p. 75. An interesting account of Bonnet's trial and hanging can be found in Karraker, Piracy Was A Business, p. 168.

of Teach, who lorded it at pleasure, not only in the plantation, but in the Governor's own habitation; threatening to destroy the town with fire and sword, if any injury was offered to him or his companions.<sup>11</sup>

That Eden was implicated is probably true to a point. The fact that he was laboring under the handicap of weak colonial backing and that he was not of the stuff of which heroes are made probably had a great bearing on his conduct regarding Blackbeard. An accusing finger might also be pointed at the men-of-war Lyme and Pearl that had been on station at Virginia for some ten months for they had done nothing to stop the piracy of Blackbeard.

After taking the Act of Grace from Governor Eden, Blackbeard was given control of a ship he had taken previously by having the ship condemned as a legal prize. He then lived in North Carolina entertaining the populace to insure his popularity, as some stated. In June 1718 he sailed out again and once again began to commit piracy on the high seas. He brought in one ship, a Frenchmen, that Blackbeard said they found at sea with no one on board and had it condemned as prize. He spent the next four months sailing in and out of the North Carolina inlets doing largely as he pleased. As time went on and his revelries among the planters became obnoxious (particularly the attention Blackbeard and his crew were supposedly paying to the planters' wives), it became evident something had to be done.

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<sup>11</sup>Johnson defends Eden with a Machiavellian concept as he says regarding the conduct of Governor Eden "These proceedings show that Governors are but men." See, Johnson, History, p. 48.

Realizing Governor Eden was powerless in this situation either willingly or otherwise, the planters sent a plea to Governor Alexander Spotswood of Virginia for help. Virginia had the two men-of-war on station at this time as previously mentioned. Spotswood issued a proclamation on November 14, 1718 entitled "Proclamation, Publishing the Rewards Given for Apprehending or Killing Pirates."<sup>12</sup> Governor Spotswood offered one hundred pounds reward for "Edward Teach, commonly called Captain Teach or Blackbeard." He then began to lay his plans with the two captains of the men-of-war on station at Virginia.<sup>13</sup>

Events now moved with uncommon rapidity. On November 17, 1718, Lieutenant Maynard's little heavily armed sloop sailed out of the James River in search of Blackbeard whom he sighted on the evening of November 21, engaged on the 22nd and enshrined his name in gold letters upon the tablet of piratical suppressors. Blackbeard had previous knowledge that Maynard was coming because of a letter sent to him by Tobias Knight, Eden's secretary. If Blackbeard were afraid, he did not show it for he waited for Maynard's sloop to close with him. The fight was on.

Going into the fight Maynard was afraid of running aground so he sent a boat ahead of him to take soundings. He had worked his way to with-

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<sup>12</sup>Ibid. This was probably a follow-up to the expiration date of the 1717 Act of Grace which expired on September 5, 1718. See, Dow and Edmonds, Pirates of New England, p. 381.

<sup>13</sup>Ibid.

in gunshot of Blackbeard, when he hoisted the King's colors.<sup>14</sup> Blackbeard's sloop in its attempt to set up a running fight had grounded. Maynard could not get in close enough to do him any damage so he made his sloop lighter by throwing out everything that would not be needed in the impending battle. The situation at this point found Blackbeard run aground and the Ranger attempting to get at him over a sandbar in a becalmed state. (The wind had died.) Maynard's sloop finally cleared the sandbar and came up on Blackbeard's ship under the power of her own oars. Blackbeard retaliated this action with a blasting broadside that found his cannon filled with everything from grape shot to nails. Twenty men went down on Maynard's ship killed or wounded. Certainly this action against the Ranger could not be considered a very auspicious beginning for a piratical suppressing action.

Blackbeard's men threw a series of what was commonly referred to as grenades, or grenadoes, into Maynard's ship which was by this time closed with the pirate attempting to board.<sup>15</sup> The grenadoes, as an anti personnel weapon did little damage to the main part of Maynard's crew because most of them were below decks. Blackbeard and his men then boarded Maynard's sloop as the sloops by now were hull to hull.

In the fight that followed Blackbeard was wounded some five times

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<sup>14</sup>Ibid, p. 53.

<sup>15</sup>Grenadoes were bottles filled with gun powder and small shot with a wick in the end. The pirate would cut the length of wick desired and throw the device onto the deck of the ship with which they were fighting.

by pistol shots and had some twenty sword wounds of various degrees of severity on his body. At the conclusion of the fight Maynard had Blackbeard's head severed from his body and taken back to Bath to show the people and get relief for his men.<sup>16</sup> On board the sloops Blackbeard had sailed there were papers implicating Governor Eden, Secretary Tobias Knight and the Collector of Customs.<sup>17</sup>

A piratical Titan was now dead and with him went the Golden Age of Piracy. In his case one finds several things evident that help stop the piratical activity along the American coast. The pirate had lost another base. North Carolina had received only slight support from the British Navy at this time. Since the Red Sea trade had stopped, New England had lost considerable interest in pirates and as a result of Nicholson's action off the coast of Virginia, North Carolina was about the only refuge open to the pirate.

Secondly, money played a part in the stopping of Blackbeard and his crew. Governor Spotswood had offered a reward for their apprehension as mentioned earlier in his proclamation. It evidently was a heavy inducement to the crews who pursued him. The payment of the money did not come for about four years after Blackbeard's death. Lieutenant Maynard evidently had a dispute with Captain Gordon of the Pearl and Captain Brand of the Lyme over what proportion of the share out would go to each crew. Maynard's claim was that it should go only to the crew who had been engaged with the pirates. The captains won their case and received equal shares.<sup>18</sup>

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<sup>16</sup>Johnson, History, p. 55.

<sup>17</sup>Ibid.

<sup>18</sup>Pringle, Jolly Roger, p. 206.

A unique feature of the action was that this was the first time that one of the colonial governors had crossed into the territory of another by sea in order to suppress pirates. The colonists' asking for help from another colonial governor and getting it is indeed a unique facet of American piratical suppression.

Piracy was stopped by colonial initiative, the actions of the governors, and willingness of the naval captains to cooperate for money, the collapse of bases, and the fact that piracy as a business was becoming less profitable than it had in previous years. A cargo of hogs from New York was harder to convert into spendable cash for use than was Arabian gold. Blackbeard's sloop and cargo was adjudicated to the sum of 2500 pounds.<sup>19</sup> The pirate was allowed to flourish in the early days of piracy since they brought Arabian gold into the colonies. During the last days of mid-colonial piracy 1713-1725, the pirate was attacking the coastal trade. It was discovered by the colonial merchant and officials that they were just too expensive to be tolerated. While a pirate might not consider a cargo of hides of sufficient value for which one might be willing to risk his neck, the colonial merchant did. It was the merchants' sole support. In short, the prospective pirate began to feel it just was not worth the risk of being caught.

The expenses incurred by the colonists for stopping the pirate were not what one could call light. Nevertheless pirates were taken and the expenses for their capture and executions were accepted by the colonists. For example a bill of twenty three pounds, eight shillings and

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<sup>19</sup>Hardly a respectable prize. Ibid. Also, see, Johnson, History, p. 59.



ten cents was submitted by Edward Stanbridge, Provost Marshal for Massachusetts Bay, after the executions of John Rose Archer and William White on June 2, 1724, at Bird Island.<sup>20</sup> The itemized bill included everythingt from the executioner's fee of twelve pounds to Mary Gilbert's bill of three pounds, fifteen shillings and eight cents for refreshments after the executions.<sup>21</sup> The year prior to the hanging of Archer and White,t Cadwallader Colden commenting on the trade from New York stated:

The staple commodity of the Province is Flower and bread which is sent to all Ports of the West Indies we are all allowed to trade with. Besides wheat, pipe staves and a little Bees Wax to Mederia, we send likewise a considerable quantity of Pork, Bacon, Hogshead staves, some Beef, butter, and a few candles to the West Indies, The great Bulk of our commoditys in proportion to their value, is the reason we cannot trade with the Spanish coast as they do from the West Indies it being necessary to employ armed vessels to prevent injuries from Spaniards and Pirates.<sup>22</sup>

By 1725 piracy along the coast was very nearly dead due to the actions previously discussed. The decade between 1720-1730 was a depression decade. Trade was somewhat limited. John Phillips (the pirate involved in the John Rose Archer incident) cruised for three months in the West Indies without taking a ship.

The pirates came off Barbadoes the beginning of October (1723) and cruised there and among other islands about three months, without speaking with a vessel; so that they almost starved for want of provisions.<sup>23</sup>

<sup>20</sup>New England, History and Geneology Register, Vol. XV, p. 202.t

<sup>21</sup>Mary Gilbert had a license to sell hard liquor in Boston at Fish Street. See Jameson, Privateering, p. 345.

<sup>22</sup>O.tE. B. O'Callaghan, ed., Documentary History of New York, (Albany: Weed Parsons and Co., Public Printers, 1849), I, p. 715.

<sup>23</sup>Johnson, History, p. 308.t

An indication of lack of piracy on the high seas might be found in the raid of Bartholomew Roberts (one of the world's greatest pirates) on the port of Trepassy, Newfoundland. Roberts then left for the West Indies and from there departed for the Guinea coast probably because the prizes were better and supplies more plentiful.<sup>24</sup> Roberts was killed in action against the H. M. S. Swallow captained by Chaloner Ogle in January 1722. It is said that he left the American coast because he had driven the merchant shipping off the sea. This has plausibility when one considers the depression of the 1720's and 1730's. Roberts was fairly successful, for it is said that during his piratical days, (which lasted about four years) he took some 400 ships.<sup>25e</sup>

From Maine to the West Indies, pirates were putting aside the Jolly Roger and turning to other pursuits. The play is over and piracy is dead. While it is true that acts of piracy continued a length of time after 1725, they seem to be isolated cases and piracy was not as general or as wholesale as it had been in previous years. In addition the length of time pirates were permitted to operate had been reduced in many cases to a matter of months.<sup>26</sup> Hangings were taking place during the latter 1720's with a more or less increasing regularity. John Baptist was hanged at Charlestown Ferry on December 7, 1726.<sup>27</sup> Rhode Island Recordse

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<sup>24</sup>Ibid., p. 189.e

<sup>25</sup>Pringle, Jolly Roger, p. 243. See, Karraker, Piracy was a Business, p. 227. For a complete list of Roberts' crew and their hangings, see, Johnson, History, pp. 218-220, 252.

<sup>26</sup>Hugh Rankin, Pirates in Colonial North Carolina, (Raleigh: Department of Archives and History, 1960), pp. 63-64.

<sup>27</sup>John Baptist had been acquitted of piracy in June 1724. Massachusetts, Journal of the House of Representatives, VII, p. 17. Baptist two years later, December 7, 1726, was hanged. According to Jameson, using the New England Genealogical Register, XV, p. 311, one John Battis was hanged on November 2, 1726. The dates and names do not agree. See, Diary of Jeremiah Bumstead, New England Historical and Genealogical Register, XV, p. 311. Also Jameson, Privateering, N., p. 344.e

mentioned hanging in 1739.<sup>28</sup> Pennsylvania had a hanging for piracy in 1781.<sup>29</sup> It is believed that these were more or less isolated cases, a refuse of piracy, rather than the solid core of professional piracies committed between 1713-1725.

Between 1742 and 1889 for example in the Vice Admiralty Court Records of Jamaica only fifteen cases were tried at courts of Oyer and Terminer, and only one was judged to be a case of piracy.<sup>30</sup>

It would seem that the date of 1725 can be considered the end of organized colonial piracy. The following statement of Weeden can best illustrate the point.

About 1725 there was some trouble from the depredations of French and Indian pirates off the coast of Maine and extending to Labrador. Pirates never ceased to interfere with Commerce on the high seas. But the days of Kidd and Blackbeard had passed away.<sup>31</sup>

Most historians however do not accept this date since they feel that piracy continued long after, but they do not seem to distinguish the

<sup>28</sup>"Voted the first wensday in May, 1739 that charges arising on the imprisonment and execution of the pirates, in November last past be paid out of the general treasury." See Rhode Island, Records 1707-1740, IV, p. 558.

<sup>29</sup>"Thomas Wilkinson is to be hanged for piracy May 23, 1781 between the hours of 10 of the clock in the forenoon and two of the clock of the afternoon of the said day on the island called Windmill Island." But, it seems to be an isolated case and does not rate in relative importance with the earlier days. Pennsylvania, Colonial Record, May 1779 to June 12, 1781, XII, p. 730.

<sup>30</sup>Andrews, Colonial Period, IV, N., p. 249.

<sup>31</sup>William Weeden, Economic and Social History of New England, (Boston: Houghton, Mifflin and Company, 1891), II, p. 565.

type of pirates or that piracy was a cyclical thing.<sup>32</sup>

Throughout the period covered by this paper, men had died in screaming agony; pirates had been forced to make their declarations from the scaffold and to listen to the prayers of Cotton Mather for in America the Golden Age of Piracy had passed into time as would the Indian and the Frontier.

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<sup>32</sup>They tend to lump isolated cases of piracy together and do not distinguish the later flurries of piratical activity when there were a few isolated cases reported along the coast and in the West Indies. It was about a hundred years between the piracy of the Golden Age and the pirates of 1820-1832. See, Francis Bradley "The Suppression of Piracy in the West Indies 1820-1832," Essex Institute Historical Collections, (1922), LVIII, p. 307.

## CONCLUSION

Trying to write a complete history of piracy is comparable to an attempt at constructing a universal history written according to law. At the present time it is impossible to do. Piracy varied in different ages and places because it was one of the social, economic, and moral maladies of man which traveled a cyclical course. The pirate was a special type of sea robber, smuggler, and a businessman. Piracy was a study in parallels and contrasts. It was a parallel, in the sense that the pirate was considered an international criminal. It was considered a contrast in the various efforts and spasmodic desires to stop the pirate. Piracy was a way of villainy and a way of government. A pirate was a villain who robbed to gain freedom economically, and once he had that freedom, he realized he had to control it governmentally. Hence the attempt to draw up rules of procedure.

As to the necessity of government, he was restricted by the close confines of a ship, which imposed restrictions that covered everything from a share out to modus operandi (method of operation). The pirate thought himself free of the laws of men, responsible only to the law of the sea.

The pirate was a rebel with but one cause--his own. He was a social and economic indictment of the age in which he lived, an age of the sea. He was a by-product of the ambitions of governments and men who used his naval skills when they were needed and ignored him when they

were not needed. Indeed, piracy was a product of the times in which it existed. This is not an attempt to eulogize the pirate. That pirates were criminals, there can be no doubt, for they violated the law of nations, but it should be remembered when one considers piracy that there were two sides to the coin, and that not all the laws were broken by the pirates.

The pirate was a person in rebellion against the laws of man. The rebellious nature of the pirate can be found in the names of the ships they sailed. Such rebellion goes against the laws of mankind and cannot be tolerated particularly when man in general and the colonial and East India Company merchants in particular no longer benefited from the gratuitous bounty of piratical activity.

Piracy in Colonial America began its true decline with the attention aroused by Captain Avery in the Red Sea and Indian Ocean. This action stirred the East India merchant into a frenzied protest that could be heard in America. This began the decline of piracy in the colonies in the final sense. It might be said that in America the curtain was raised on the final act, and the pirate was going into the finale, or the opening bars of a piratical swansong.

Avery's actions in the Red Sea and the threat of the economic reprisals that might result was surely more than the East India Company merchants were willing to stand. Something had to be done. As a result in 1695, Bellomont, Livingston and the rest of the syndicate called on the well-beloved Captain Kidd to stop the pirate in the Red Sea. But even as Kidd's expedition began, piracy was declining in the Red Sea and Captain Warren administered the final blow for this period with his action

against St. Marys. This stopped the pirate round and drove the pirate to America.

And what of poor Captain Kidd the slightly piratical privateer who cannot in all good conscience be described as a pirate? He paid the price of the Whig syndicate. Truly his expedition could not have come at a worse time, for piracy had become an odious thing in the eyes of the colonial officials. The East India factors were in a very precarious position all along the Indian Coast where the word pirate had become synonymous with Englishman. This was indeed a very untimely decade to become accused and get convicted as a pirate, for suppressionary measures were beginning to sprout teeth and made the life of a pirate a hazardous one.

Feeling in England was running high because of the bursting of the Darien bubble. The fact that Captain Kidd was a Scot did not help his case. The merchants resented any attempt to tamper with their trade either from a Scottish trading company or pirates. In spite of the apparent injustice of the Kidd case and the manipulations of Bellomont, the case served to lay a strong foundation on which piracy was to be suppressed in future years.

The actions of Governors Nicholson and Spotswood of Virginia, Governor Woodes Rogers in New Providence and Governor Johnson of South Carolina served to toughen colonial administration in the 1700's and accentuated the growing unhealthfulness of the colonial climate for piratical growth. The pirates were forced to go elsewhere for sustenance, but there was no where else to go. The arteries that fed life to the piratical gentry were being slowly but surely cut.

The pirate during this period was finding a steady decline in profit. The holds of the coasting trade did not carry the gold and goods that could be marketed as readily as the Red Sea Trade. Violations of the acts of trade and smuggling continued but it was not as widespread as one is usually led to believe. Pirates were smugglers but the penalty for the pirates was greater than that of the smuggler. So one can only conclude that piracy between the Treaty of Utrecht in 1713 and 1725 was just not worth the risk one had to endure to stay in the game.

Naval ships were now playing a greater part in piratical suppression; the Shoreham had a distinguished career and Captain Ogle in the Swallow turned in a great performance against Bartholamew Roberts. Smaller ships were coming to the fore with the result that the pirate could no longer rely on hidden sand bars for defensive purposes against deeper draft Royal Naval ships.

Willingness to invest money in the stopping of the piratical trade was another factor in stopping the pirate, and as large financial returns were responsible for the pirate going on the account so money was to play a part in ending of the pirate--money in payment for everything from suppressing of pirates to their confinement to await trial and hanging. The colonies were finding out that it was more expensive for a pirate to run loose than it was to catch and hang him.

The end of the pirate signals the passing of a maritime frontier. Conditions were becoming more settled, and the colonial merchant now could carry the title of merchant and not pirate tender for the later appendage was not necessary.



Cooperation between colonial governors of the respective colonies had a lasting effect on the colonial suppression of piracy. The case of Cranston aiding Bellomont by taking pirates belonging to Captain Kidde aided in the demise of piracy.

Lastly it should be mentioned that the colonies were learning how to stop pirates and most important, were displaying a willingness to employ this knowledge in putting the pirate out of business. Elimination of the pirate bases is a sign of the policy. The Red Sea, the West Indies, and the American Coast, three important areas, were gone, so the pirate wase to go.

No mention has been made of the Guinea pirates and the slave trade, with only a brief mention of the pirate flurry that sprang up in the West Indies in the early 1820's as space and time would not permit it.

The green waters of the Caribbean still wash the white beaches of the Spanish main, but the ghostly galleons no longer sweep out through the windward passage. The pirate has disappeared into Limbo and the creak of the shoreline gibbet is no longer heard. An era had come to an end.

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