

‘Piratical Schemes and Contracts’: Pirate Articles and their Society, 1660-1730

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Abstract

During the so-called 'golden age' of piracy that occurred in the Atlantic and Indian Oceans in the later seventeenth and early eighteenth centuries, several thousands of men and a handful of women sailed aboard pirate ships. The narrative, operational techniques, and economic repercussions of the waves of piracy that threatened maritime trade during the 'golden age' have fascinated researchers, and so too has the social history of the people involved. Traditionally, the historiography of the social history of pirates has portrayed them as democratic and highly egalitarian bandits, divided their spoil fairly amongst their number, offered compensation for comrades injured in battle, and appointed their own officers by popular vote. They have been presented in contrast to the legitimate societies of Europe and America, and as revolutionaries, eschewing the unfair and harsh practices prevalent in legitimate maritime employment. This study, however, argues that the 'revolutionary' model of 'golden age' pirates is not an accurate reflection of reality. By using the 'articles' or shipboard rules created by pirates, this thesis explores the questions of pirates' hierarchy, economic practices, social control, and systems of justice, and contextualises the pirates' society within legitimate society to show that pirates were not as egalitarian or democratic as they have been portrayed, and that virtually all of their social practices were based heavily on, or copied directly from, their experiences in legitimate society, on land and at sea. In doing so, this thesis argues that far from being social revolutionaries, pirates sought to improve their own status, within the pre-existing social framework of legitimate society.

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Introduction.

‘As trade followed the flag, so the black flag followed trade’.¹

Piracy, loosely defined as robbery at sea, is as old as maritime trade and has, at one time or another, occurred on virtually every waterway in the world. One period, however, has become so notorious in the history of piracy that it has become known as the ‘golden age’ of piracy. The exact limits of the ‘golden age’ have proven hard to define: at its longest, some historians have seen the ‘golden age’ as lasting from the Elizabethan period until the eighteenth century,² while others have chosen the narrowest definition, beginning no earlier than 1714 and ending no later than 1726, encompassing a great wave of Atlantic and, to a lesser extent, Indian Ocean piracy, when the most notorious pirates, such as Blackbeard and Bartholomew Roberts, were active.³ A wider definition, encompassing several waves of piracy in the later seventeenth century and first quarter of the eighteenth century, has also been adopted.⁴

The difference in definitions of this ‘golden age’ of piracy arises partly from differences in *how* the golden age is defined, be it numbers or notoriety of active pirates, or differences in the pirates’ operational techniques, and partly from the whims or interests of individual authors. This study, which is primarily concerned with the social history of piracy as illuminated by the ‘articles’ or shipboard rules, adopts a loose definition of the ‘golden age’ based largely on the ages of sets of articles that have survived to the present day, and other references to the use of articles by pirates, from the period immediately following the Restoration of the Stuart dynasty to the throne of England in 1660 to the end of the last great wave of Anglo-American piracy some time in the 1720s.

¹ Patrick Pringle *Jolly Roger* (Mineola, 2001), p. 9

² Pringle, *Jolly Roger*, p. 9

³ Peter Earle, *The Pirate Wars* (London, 2004), pp. 159, 176; Colin Woodard, *The Republic of Pirates* (Orlando, 2007), p. 1

⁴ Russell K. Skowronek and Charles R. Ewen (eds). *X Marks the Spot: The Archaeology of Piracy* (Gainesville, 2006), p. 3; Patrick Lizé, ‘Piracy in the Indian Ocean: Mauritius and the *Speaker*’, in Skowronek and Ewen, *X Marks the Spot*, p. 81

This study will focus primarily on the activities and social history of Anglo-American pirates for four reasons. Firstly, the availability and accessibility of English-language primary sources regarding pirates is much greater than that of non-English language sources. Secondly, all of the sets of pirate articles known to have survived were created by predominantly Anglophone pirate companies. Thirdly, the historiography within which this study must be situated has largely concerned Anglo-American pirates. Fourthly, and in many ways related to the previous point, an overwhelming majority of pirates active during the period under study were English speakers. No analysis of the nationalities of pirates from the whole of the period 1660-1730 has been undertaken, and to do so would be beyond the scope of the present study, but Marcus Rediker's excellent analysis of the nationalities of Atlantic pirates in the 1716-1726 period will amply illustrate the point. According to Rediker's analysis, 47.4% of pirates were English, 9.8% were Irish, 6.3% were Scottish, and 4% were Welsh, that is, 67.5% came from the British Isles; 'about one-quarter' came from the Americas, including the West Indian and North American colonies; only 6.9% originated in other European countries or Africa. Rediker acknowledges that his analysis is not perfect or complete, but the preponderance of Anglophone pirates in the eighteenth century is well illustrated.⁵

Some difficulty is also attached to the definition of 'pirate' itself, and the words 'pirate', 'buccaneer', and sometimes 'privateer' have, at times, been used indiscriminately. Privateers, whilst sharing some operational similarities with pirates, especially being primarily concerned with raiding commerce at sea, differed from pirates most by being legally sanctioned. David Starkey defined privateers as 'privately owned vessels licensed by the state to set out with the specific intention of seizing enemy property on the high seas'.⁶ That is to say, not only did privateers operate in possession of a legal commission or 'Letter of Marque' issued by the state, but they were discriminatory, at least in theory, in their choice of targets, and limited their attacks to the shipping of an enemy

⁵ Marcus Rediker, *Villains of all Nations: Atlantic Pirates in the Golden Age* (London, 2004), pp. 51-53

⁶ David J. Starkey, 'The Origins and Regulation of Eighteenth-Century British Privateering', in C.R. Pennell (ed.), *Bandits at Sea, a Pirates Reader* (New York, 2001), p. 69

state specified in their commission. On occasion, a privateer exceeded the terms of its commission and turned to piracy, at which point it became, both morally and legally, a pirate and was no longer considered a privateer.⁷

Pirates were not always indiscriminate in their choice of victims: Benjamin Hornigold, for example, was an associate and possibly mentor of a number of well-known pirates of the 'golden age', such as Blackbeard and Samuel Bellamy, but 'refused to take and plunder English vessels'.⁸ However, pirates frequently had no scruples about attacking ships of any nationality, or made any distinction between them. What really set pirates of the 'golden age' apart from privateers of the same period, then, was the fact that when they attacked shipping they did so illegally, without sanction from any state.

Buccaneers, however synonymous with 'pirates' the term has since become, were originally a loose community of soldiers, seamen, and hunters, dedicated to attacking Spanish interests in the Americas, sometimes by sea, but more often on land. The first buccaneer companies grew from bands of French settlers on Tortuga, forced to turn to armed defence in response to Spanish attempts to extirpate them in the second quarter of the seventeenth century. Over the subsequent decades the French buccaneers were joined by English and Dutch 'outcasts', until international forces numbering several thousands of men could be raised for large campaigns. In the years following the English settlement of Jamaica in 1655, colonial governments, particularly the English and French, recognised the value of the large amphibious irregular forces the buccaneers could provide, not only to augment regular forces in their attacks on Spanish interests, but also in a defensive and deterrent capacity to safeguard their often precariously held colonies against Spanish encroachment.⁹ In support of this policy the French government of Tortuga and the English government of Jamaica regularly issued letters of marque to buccaneer companies, making them legitimate belligerents in the wars against Spain. Spurred on by official sanction of their depredations, the

⁷ N.A.M. Rodger, *Command of the Ocean, a Naval history of Britain, 1649-1815* (London, 2004), pp. 289-290.

⁸ *The Trials of Eight Persons Indited for Piracy* (Boston, 1718), p. 23

⁹ Joel Baer, *Pirates* (Stroud, 2007), pp.29-31; Peter Kemp and Christopher Lloyd, *Brethren of the Coast, the British and French Buccaneers in the South Seas* (London 1960), pp. 1-3, 7-10

buccaneers made the acquisition of such documents of legality an important feature of many of their expeditions. Commissions were bought and sold, and when no legitimate commissions were available because of periods of nominal peace with Spain the buccaneers were not beyond using forged or expired documents.¹⁰ One buccaneer wrote

This [commission] we had purchased at a cheap rate, having given for it only the sum of ten ducats, or pieces of eight. But the truth of the thing was that at first our commission was made only for the space of three months, ...whereas among ourselves we had contrived to make it last for three years – for with this we were resolved to seek our fortunes.¹¹

One company were happy ‘to list [them]selves in the service of... the Emperor of Darien’, a Cuna Indian and escaped slave waging a war of resistance against Spain, in their quest for legitimacy.¹²

These attempts to retain a veneer of legitimacy whatever their actual legal status, the nature of the depredations, extending many miles inland as well as on the sea, and their practice of generally restricting their attacks to Spanish targets, all set the buccaneers apart from the pirates of their own time and later. What links buccaneers and pirates is that they were often the same people in practice: among the first of the European raiders to exploit the riches of the Red Sea and Indian Ocean in the 1680s and 1690s were former buccaneer companies who had been forced to operate further afield by the diminishing returns from raids on Spanish America. The famous buccaneer William Dampier carried out part of his first circumnavigation with Captain Swan’s company as they sailed to the Philippines and Madagascar,¹³ and the crew of the *Jacob* moved from buccaneering in the Caribbean to piracy in the Indian Ocean, by way of a spell of privateering against the French around North America.¹⁴ The ‘golden age’ of piracy that is the focus of this study,

¹⁰ Kemp and Lloyd, *Brethren of the Coast*, p. 3

¹¹ Alexander Esquemeling, *The Buccaneers of America* (London, 1684: Glorieta, 1992 reprint), pp. 257-258

¹² Kemp and Lloyd, *Brethren of the Coast*, p. 35

¹³ Kemp and Lloyd, *Brethren of the Coast*, pp. 114-121

¹⁴ Robert C. Ritchie, *Captain Kidd and the War Against the Pirates* (Cambridge, Mass., 1986), pp. 32-37

then, does not include the activities of either privateers or buccaneers, except when those people exceeded the terms of their commissions, or gave up land raiding to take to the sea, and became, in the true sense of the word, pirates.

If pirates of the 'golden age' were mostly Anglophones, they also mostly shared other demographic traits. Referring again to Marcus Rediker's analysis of eighteenth-century pirates, they were mostly men in their twenties, and were more likely to be older than younger. They came, overwhelmingly, from a maritime background, 'almost all pirates had been working in a seafaring occupation, probably for several years', before turning to piracy. And they were, on the whole, unmarried. And, 'almost without exception [they] came from the lowest social classes'.¹⁵ There were, of course, exceptions to every one of these trends: trial accounts list defendants in their thirties, and a few in the forties as well as some teenagers;¹⁶ some pirate companies contained landsmen in varying proportions, such as George Lowther's company which included numerous soldiers as well as seamen;¹⁷ And a number of pirates, albeit a very small number, were described as 'gentlemen'.¹⁸ These, then, were the men who made up the pirate companies which form the subject of this study.

Throughout the text I will refer both to pirate 'companies' and pirate 'crews'. Except when quoting directly from another source, I will use the word 'crew' to denote the collection of individuals sailing on one particular vessel, and 'company' to denote a collection of individuals operating under a single command structure. Frequently, a pirate 'company' consisted of only one 'crew', and the terms could be used interchangeably, but often several vessels were used simultaneously by the same group of pirates unified under the command of a single captain, and in these cases the distinction between 'crew' and 'company' will become relevant.

¹⁵ Rediker, *Villains of all Nations*, pp. 49-50

¹⁶ see, for example, *The Arraignment, Tryal, and Condemnation of Capt. John Quelch and Others of his Company* (London, 1704), p. 24

¹⁷ [Charles Johnson], Manuel Schonhorn (ed.). *A General History of the Pyrates* (Mineola, 1999), pp. 304-307

¹⁸ for example, William Snelgrave, *A New Account of Some Parts of Guinea, and the Slave Trade* (London, 1734), p. 199

The Social World of Anglo-American Pirates, an Historiographical Problem

Contemporary publications and Captain Charles Johnson's *General History*

The study of piracy has such a long tradition that it is difficult to determine to point at which contemporary reports of pirate activity gave way accounts of pirate history. Long before the mass outbreak of piracy which took place in the early eighteenth century occurred, former buccaneers began to put quill to paper and record their experiences for the edification of the reading public, whose appetite for such accounts was, to judge by the number of publications, voracious. The earliest significant publication by a former buccaneer was published in Amsterdam in 1678 under the title of *De Americaensche Zeerovers*, written by Alexander Esquemeling, a surgeon who had crossed the Isthmus of Panama with the famous Welsh buccaneer, Sir Henry Morgan in 1670. It was translated into Spanish in 1681, and into English in 1684, under the title of *The Buccaneers of America*, and remains in print today. The second English edition, also published in 1684, contained an additional number of chapters relating to another English buccaneering voyage into the Pacific, and penned by Basil Ringrose, who had accompanied the expedition.¹⁹ In the following years, numerous first-hand accounts of buccaneer ventures around the coast of America went into print, such as William Hack's collection of 'voyages', and Raveneau de Lussan's journal, translated from the French.²⁰

The sensationalising of pirate activity in second-hand accounts, published for popular consumption, has perhaps a longer history. In 1674 the arrival of the Irish pirate George Cusack, who had been plundering shipping in the waters around England, so close to the capital as Leigh-on-Sea in Essex, and his subsequent arrest, caught the imagination of the public. Cusack and his men were tried in London in January 1675 and a printed account of their trial appeared soon afterwards, followed some months later by an anonymous

¹⁹ Esquemeling, *Buccaneers of America*, p. v

²⁰ William Hack. *A Collection of Original Voyages* (London, 1699); Raveneau de Lussan. *A Journal of a Voyage Made into the South Sea* (London, 1698)

account of Cusack's life and career. The information contained in the account exhibits a level of detail suggestive either of extensive interviews with Cusack and his crew, and other witnesses, or of extensive fabrication: quite possibly a mixture of the two.²¹ Whenever a pirate rose to prominence in the public's attention one or more accounts of their life were sure to follow, and this is exemplified best by the spate of publications concerning the career of Henry Every, an English pirate who conducted a short, but highly successful, piratical cruise in the Indian Ocean. The first ballad about Every appeared in print within weeks of the mutiny which sparked his piratical career, and even before he had actually committed any further act of piracy.²² Every's spectacular career and subsequent disappearance enabled two early eighteenth-century authors to compose highly fictionalised accounts of his life, which were presented to their readers as fact, the first supposedly written by one of Every's captives and the second on the form of two letters, purportedly by Every himself.²³

By far the fullest, and subsequently most significant, of these early second-hand accounts, was published in 1724, in the closing years of the 'golden age' of piracy, and deserves a more detailed examination. *The General History of the Robberies and Murders of the Most Notorious Pyrates*, by the pseudonymous Captain Charles Johnson, published in May of that year, was popular enough to warrant a second, corrected and expanded edition in August. A third, slightly expanded, edition followed in 1725, and a fourth, with minor corrections, in 1726. A second volume of new material was published in 1728.²⁴

The *General History* consists of short biographies of the most famous pirates of the day, including relatively successful pirates such as Henry Every and Bartholomew Roberts, alongside less successful men like Richard Worley and Jack Rackham. Volume I deals mostly with pirates active between 1716 and

²¹ *The Grand Pyrate: or, the Life and Death of Capt. George Cusack* (London, 1675)

²² Joel Baer. 'Bold Captain Avery in the Privy Council: Early Variants of a Broadside Ballad from the Pepys Collection', *Folk Music Journal*, 7 (1995), p. 4

²³ Adrian van Broeck. *The Life and Adventures of Captain John Avery* (London, 1709); *The King of the Pirates: Being an Account of the Famous Enterprises of Captain Avery* (London, 1719)

²⁴ Johnson, *General History*, pp. xxxiii-xxxvi

1724 in the Caribbean and Atlantic (with one or two exceptions), while volume II is more concerned with pirates of the Indian Ocean, several of whose careers began and ended in the closing years of the seventeenth century. In all, chapters on thirty-five pirates make up the bulk of the *General History*.²⁵ The *General History* has been used so extensively, by popular and academic historians, that scarcely a page of it has not been cited several times, and in some cases whole books have been written based almost entirely on it. This is all the more surprising considering its reputation for poor levels of factual accuracy: one historian, who freely cites the work, labelled its author (whose real identity has been extensively debated) 'the greatest liar that ever lived'.²⁶ In fact, much of the information contained in the books is more-or-less factually accurate, or at least, compares well with other independent sources, but an equally significant proportion of it is demonstrably embellished, factually incorrect, or just pure fantasy. Considering the *General History*, Joel Baer was 'inclined to doubt what is not otherwise corroborated'.²⁷

Johnson almost certainly interviewed several people well placed to give him information, including John Atkins, register of the court at the mass trial of Bartholomew Roberts' men, and Woodes Rogers, privateer and Governor of the Bahamas charged with eradicating piracy from the colony.²⁸ Johnson's claim to have spoken to captured pirates also has a ring of truth about it. In the years immediately prior to the publication of the *General History* a number of pirates languished in Newgate or Marshalsea prison, London. Walter Kennedy, for example, was arrested in March 1721 and held in Newgate until his execution in July, a period of almost five months.²⁹ Corrections made between the first and second editions in the chapters relating to Howell Davis, Roberts, and Thomas Anstis were coincidental with the imprisonment of Thomas Jones who sailed under those captains and was held in the

²⁵ Johnson, *General History*, pp. vii-viii.

²⁶ Jan Rogozinski, *Honor Among Thieves: Captain Kidd, Henry Every, and the Pirate Democracy in the Indian Ocean* (Mechanicsburg, 2000), p. iii

²⁷ Baer, *Pirates*, p. 27

²⁸ Johnson, *General History*, p. 371; John Atkins, *A Voyage to Guinea, Brasil, and the West-Indies* (2nd ed. York, 1737), p. 48, 188; Colin Woodard, *The Republic of Pirates* (Orlando, 2007), p. 348

²⁹ Aubrey Burl, *Black Barty: Bartholomew Roberts and his Pirate Crew 1718-1723* (Stroud, 2006), pp. 98-99

Marshalsea for several months from his arrest in late 1723 until his death in May 1724.³⁰ The debate about the identity of Johnson may be particularly relevant to the question of potential interviewees: the candidate with the best supporting evidence is Jacobite journalist and printer Nathaniel Mist, who was actually incarcerated in Newgate at the same time as Walter Kennedy.³¹

Johnson also noted in the preface to the second edition that

...several Persons who had been taken by the Pyrates, as well as others who had been concerned in taking of them, have been so kind to communicate several Facts and Circumstances to us, which had escaped us in the first Impression.³²

As noted above, certain corrections and alterations were made to the text between 1724 and 1726, and it seems reasonable that Johnson was being honest about his sources when he ascribed the new information to witnesses and victims of the pirates. Included in Volume II was also a large appendix of more information, newly received by Johnson from similar sources, relating to the pirates discussed in Volume I.

In his edition of the *General History*, Manuel Schonhorn has compared Johnson's text with other published material available at the time and has shown that a great deal of information contained in the book tallies with previously published matter. Schonhorn notes Johnson's use of printed trial reports such as those of Stede Bonnet, John Rackham, Charles Vane, and their crews, as well as his use of London and colonial newspapers such as *The Post-Boy*, *Mist's Weekly Journal*, *Boston News-Letter*, and *The Weekly Journal: or British Gazetteer*.³³ Schonhorn also suggested that Johnson had interviewed Woodes Rogers or someone else in a similar position, but acknowledged that at times Johnson was reporting 'common gossip'.³⁴ The second volume of the *General History* is perhaps less reliable than the first, not least because a large part of it is devoted to the story of Captain Misson, a

³⁰ Johnson, *General History*, p. xxxiii

³¹ Arne Bialuschewski, 'Daniel Defoe, Nathaniel Mist, and the General History of the Pyrates', *Papers of the Bibliographical Society of America*, 98 (2004), p. 28

³² Johnson, *General History*, p. 7

³³ Johnson, *General History*, pp. xxxiv-xxxv, 669

³⁴ Johnson, *General History*, pp. 667, 673

French pirate whose settlement on Madagascar was run on somewhat radical principles of liberty and equality, but whose life, career, and very existence are entirely unsupported by any independent primary source. Schonhorn was able to dismiss Misson's story as 'a fiction to which [the author] gave the illusion of history by introducing a few easily recallable facts'.³⁵

It seems clear, then, that 'Johnson' had access to sources, probably including oral interviews with pirates imprisoned in London, no longer available for corroboration, and so it is likely that the book is a more accurate account of events than can be proven. Doubt remains because of the entirely fictional nature of some sections of the book, but Baer's stance above, is probably too simplistic to be of real value. So, too, is the stance adopted by numerous historians that the *General History* can be seen as largely accurate. When Johnson was able to interview witnesses to, or participants in, the piracies he described, we may expect a greater degree of accuracy in his reporting that can fully be corroborated. He almost certainly repeated errors that were made either deliberately or unwittingly by his interviewees, but in this respect Johnson's work need not be considered any better or worse than any other contemporary source. Johnson, of course, edited the interviews to a greater or lesser extent in order to include the information he was given in the *General History*, but this too is a potential problem with many other sources. In some cases, the identity of Johnson's witness can be found stated within the text, and in other cases can be inferred from the information given. Pirate John Massey, for example, is never mentioned by name as a source of information in the *General History*, but Johnson's account of the mutiny led by Massey and George Lowther tallies so closely with Massey's own account that, given the fact that Massey was imprisoned and tried in London in the early 1720s when the *General History* must have been in preparation, Massey seems a likely source.³⁶ In other cases, the identity of a witness may be obscure, but the information given by Johnson makes it clear that *somebody* was interviewed. Without knowing, in detail, who was interviewed by Johnson, or who exactly Johnson was, it is impossible to determine how much information

³⁵ Johnson, *General History*, p. 683

³⁶ Johnson, *General History*, pp. 304-309, 678; National Archives, EXT 1/261, ff. 197-199

he was given, how accurate it may have been, or how much it was edited, but it would be unwise to simply dismiss without further investigation any of Johnson's work that cannot be otherwise corroborated, just as it would be to accept his every word as factually accurate.

Johnson's portrayal of pirates in the first volume is one of muted neutrality, and the pirates are described as both 'bold Adventurers' and 'Tyrant like'; 'rogues' who would torture a man until he revealed his valuables or in 'justice' for his mistreatment of others. The pirates' society is several times described as a 'Commonwealth', and frequent references are made to pirates voting on important matters.³⁷ When it came to the matter of choosing a captain, it was argued

That it was not of any great Signification who was dignify'd with Title; for really and in Truth, all good Governments had (like theirs) the supream Power lodged with the Community , who might doubtless depute and revoke as suited Interest or Humour. *We are the Original of this claim* [said one of the pirates].³⁸

The pirates of Johnson's first volume, then, lived in a unique pioneering community in which each man was imbued with equal rights and rights of equality, was able to express his opinion through voting. Captains and other officers had no powers that were not vested in them, and liable to be taken away, by the rest of the community. Johnson may or may not have intended his portrayal of pirates to be seen in contrast to the mores of legitimate society in England, but if he did then the message was perhaps too subtle for his readers. In August, 1724, an article appeared in *The Weekly Journal, or Saturday's Post*, a London newspaper published by Johnson candidate Nathaniel Mist, in the form of a (probably apocryphal) letter telling how a country gentleman and Justice of the Peace, upon being read the *General History*, flew into a rage over the 'impudent Libel upon great Men', perceiving the book to be a thinly veiled attack on the ruling elite.³⁹

³⁷ For example, Johnson, *General History*, pp. 117, 139, 145

³⁸ Johnson, *General History*, p. 194

³⁹ *The Weekly Journal, or Saturday's Post*, 29/8/1724

The second volume of the *General History* contains accounts explicitly, and favourably, contrasting pirates' society and legitimate society. In his account of Samuel Bellamy, Johnson describes the pirates, allegedly in their 'own Terms', as 'Marine Heroes, the Scourge of Tyrants and Avarice, and the brave Asserters of Liberty'. Words placed in Bellamy's own mouth by Johnson were used to damnify

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... I am a free Prince, and I have as much Authority to make War on the whole World, as he who has a hundred Sail of Ships at Sea, and an Army of 100,000 Men in the Field; ...but there is no arguing with such sniveling Puppies, who allow Superiors to kick them about Deck at Pleasure; and pin their Faith upon a Pimp of a Parson; a Squab, who neither practices nor believes what he puts upon the chuckle-headed Fools he preaches to.⁴⁰

The radical sentiments espoused by Captain Misson in the second volume's lengthiest chapter are even more explicit. Misson's pirates, 'Men who were resolved to assert that Liberty which God and Nature gave them', settled a colony, which they called 'Libertalia', in which 'every man was born free, and had as much Right to what would support him, as to the Air he respired'.⁴¹ So attractive were the charms of Libertalia, where all men were equal, regardless of race or nationality, and slavery was abolished, that many of the pirates' victims leaped at the chance to join them. When animosity between the English and French members of the community of Libertalia broke out, the

Commanders propos'd a Form of Government, being taken up, as necessary to their Conservation; for where there were no coercive Laws, the weakest would always be the Sufferers, and every Thing must tend to Confusion: That Men's Passions blinding them to Justice, and making them ever partial to themselves, they ought to submit the Differences

⁴⁰ Johnson, *General History*, pp. 587, 588

⁴¹ Johnson, *General History*, pp. 389, 392

which might arise to calm and disinterested Persons, who could examine with Temper, and determine according to Reason and Equity: That they look'd upon a Democratic Form, where the People were themselves the Makers and Judges of their own Laws, the most agreeable; and therefore, desired they would divide themselves into Companies of ten Men, and every such Company choose one to assist in the settling a Form of Government, and in making wholesome Laws for the Good of the whole: That the Treasure and Cattle they were Masters of should be equally divided.⁴²

Neither Misson nor the egalitarian commune of Libertalia really existed, but by this fiction, presented to his readers as fact, Johnson imbued the pirates with enlightened principles radically different from, and in stark contrast to, the implied tyranny of the European *ancien régime*. Taken as a whole, then, Johnson's pirates lived as part of a community (or communities), run along highly egalitarian principles, in which spoil was evenly divided, major decisions settled by majority vote; where officers were the servants of the people and had few, if any, rights of social superiority, and could be, indeed were, replaced by popular vote if they overstepped their strictly delineated bounds or failed to live up to their crew's expectations. The significance of the *General History* to the historiography of piracy cannot be underestimated, for until comparatively recently it remained the principal source from which historians drew, rightly or wrongly, much or all of their information about the pirates of the early eighteenth century, and the society in which they lived.

Modern Historiography.

Narrative history dominated the study of piracy for most of the twentieth century, much of it related to a specific geographical area or time-period. Among the earliest publications of the last century G.F. Dow and J.H. Edmonds' *The Pirates of the New England Coast 1630-1730*, originally published in 1923, stands out: partly as a comprehensive study of a region

⁴² Johnson, *General History*, pp. 432-433

and era well populated by pirates, but also because of the authors' pioneering use of manuscript and other sources in their research. Much of Dow and Edmonds' work was based on accounts from Johnson's *General History*, but a greater amount was based on printed trial accounts, the published accounts of pirates' victims, contemporary newspapers such as the *Boston Gazette* and *Boston News-Letter*, and manuscript sources from the Massachusetts State Archive, and from other archive sources relating to the various courts of law operating in New England.⁴³ Several long sections of the book consisted of transcriptions from Johnson's *General History*, and the memoirs of George Roberts, Philip Ashton, and Nicholas Merritt, all captives of pirate Edward Low and his associates. The following year *The Pirates' Who's Who*, by general practitioner and naturalist Philip Gosse,⁴⁴ was published. Gosse's 'encyclopaedia-like treatment' of pirate history was clearly drawn from numerous sources, including, but not limited to, the *General History*. Internal evidence suggests that Gosse was familiar with the numerous buccaneers' published accounts, as well as with a multitude of other sources, but his failure to cite any references makes it extremely difficult to determine the extent of his scholarship.⁴⁵ A decade after the publication of Dow and Edmonds' book, Indian Army officer Charles Grey published *Pirates of the Eastern Seas (1618-1723): a Lurid Page of History*, using a similar methodology to Dow and Edmonds to tell the story of European pirates in the Indian Ocean and Red Sea. Grey himself saw the book as 'a continuation and amplification of Johnson's "History of the Most Notorious Pirates"... adding some unknown to him and additional details to the history of others, gleaned from sources inaccessible to, or unknown to Johnson.' These sources were largely published accounts by buccaneers such as William Dampier and others collected by the Rev. Harris, pirates' captives including William Snelgrave, and naval officers like Sir William Monson and midshipman

⁴³ George Dow and John Edmonds. *Pirates of the New England Coast* (Mineola, 1999), pp. vi, 138, 144, 157-199, 218-276,

⁴⁴ Raymond Lister, 'Gosse, Philip Henry George (1879-1959)', in *Oxford Dictionary of National Biography* (Oxford)

⁴⁵ Philip Gosse, *The Pirates' Who's Who* (London, 1924); C.R. Pennell, 'Brought to Book: Reading about Pirates', in Pennell, *Bandits at Sea*, p. 5. In his introduction (pp. 7-8) Gosse acknowledged the works of various buccaneer authors, as well as modern works, including that of Dow and Edmonds.

Clement Downing, but also included manuscript sources from the records of the East India Company. Like Dow and Edmonds, Grey quoted contemporary accounts of piracy at length, some from previously published sources such as the *General History* and Clement Downing's *Compendious History of the Indian Wars*, and others from manuscript sources, such as Richard Lazenby's narrative, written for the East India Company, of time spent with pirate John Taylor.⁴⁶

By breaking away from a reliance on the *General History* and introducing new sources which, until that time had remained unused by historians, Grey, Dow and Edmonds, and to a lesser extent Gosse, were able to look beyond the image of pirates provided by Johnson, and at some aspects of pirate history largely overlooked in Johnson's work. Charles Grey devoted a number of pages to inquiring firstly why some men chose to turn to piracy – essentially attracted by the potential for large profits, and to escape excessive and sometimes arbitrary punishment found in legitimate employment - and secondly, why many men chose not to. Dow and Edmonds concluded their study with a chapter entitled 'Pirate Life and Death', in which they explored the 'well-ordered government' and social structure of the pirate crew, the significance of pirate flags, the law as it related to piracy, and the experience of captured and condemned pirates. These early works, among the first to take pirate history beyond pure narrative, not only pioneered a more scholarly level of research, but also the first tentative steps towards the academic study of piracy.

The standards set by Grey, Dow and Edmonds were maintained (though by no means universally) in the second half of the twentieth century, which saw the publication of numerous works similar to the earlier geographically-specific studies, amongst which Peter Kemp and Christopher Lloyd's *Brethren of the Coast, the British and French Buccaneers in the South Seas* stands out as a fine example of an analytical, narrative, and 'biographical approach'⁴⁷ to

⁴⁶ Charles Grey, *Pirates of the Eastern Seas 1618-1723: a Lurid Page of History* (London, 1933), pp. v, viii, 316-327

⁴⁷ Pennell, 'Brought to Book', p. 7

Pacific piracy in the seventeenth and eighteenth centuries.⁴⁸ A much greater step from the narrative to the academic approach to pirate history was taken by Patrick Pringle, whose 1953 publication *Jolly Roger: the Story of the Golden Age of Piracy* contained a fair amount of narrative history, but placed it alongside chapters relating to the causes of waves of piracy and their decline, the social and professional background of pirates, their social structure and the government of their ships, and 'The Character of the Pirate'.⁴⁹

Dow and Edmonds saw pirate society as an 'ideal commonwealth where everything is held in common and where everyone has an equal voice in public affairs', a 'well-ordered government', very much in the manner of Johnson's pirates. Captains and quartermasters were elected, and could be deposed, and the quartermaster acted as a 'magistrate', defending the interests of the crew who had elected him. Merchant seamen were protected from abusive captains by pirate justice, but the fate of a ship could be decided 'by a caprice or through sheer destructiveness' on occasion.⁵⁰ Pringle, in his all too brief analysis, took a much more prosaic approach: 'the pirates were conservative and imitative... They had no discipline, and therefore much self-discipline... had no sentimental feeling for their ship and no love of piracy. Their motive was gain, and those who saved their share of the plunder retired as soon as they could'.⁵¹ Pringle made a far greater effort to break free from a reliance on Johnson's *General History* than any of his predecessors, and indeed many of his successors, and though his conclusions about pirate society were brief and perhaps simplistic, it is significant that he was one of the earliest historians to dispute the egalitarian, anti-authoritarian model of pirate society which has persisted since 1724.

In 1977 B.R. Burg published an article entitled 'Legitimacy and Authority: A Case Study of Pirate Commanders in the Seventeenth and Eighteenth Century', in which he posited the idea that trends in the social background and earlier experience of pirate and buccaneer captains could be detected, and

⁴⁸ Kemp and Lloyd, *Brethren of the Coast*

⁴⁹ Pringle, *Jolly Roger*

⁵⁰ Dow and Edmonds, *Pirates of the New England Coast*, pp. 353-361

⁵¹ Pringle, *Jolly Roger*, pp. 272-273

used to explain, to some extent, their decision to turn to piracy and subsequent actions.⁵² Using demographic and anecdotal information, Burg attempted to explain 'why pirates would adopt a style of command that was contrary to their own experiences at sea', noting in the process that 'there is not a scruple of evidence to explain the growth of a democratic command system by charging pirates with an excess of Lockean liberalism or of premature Enlightenment social concern.'⁵³ Burg failed to question whether the notion of pirate democracy that he found himself presented with by various works of popular history was an accurate representation, but nevertheless produced some interesting conclusions. A demographic survey of thirty pirate captains showed that they came overwhelmingly from the lower classes, and that almost all had been low-ranking officer-mariners prior to turning pirate. The facts that Burg drew heavily on the *General History* for his information, and that at least two of his thirty captains were, in fact, fictional characters, does not necessarily impair the truth behind the general trends he detected, though his simplistic association of skilled sea-officers with the working class would stand revision. As a result of the same survey Burg was able to argue that many of the pirate captains came from seafaring communities, in which work meant more than subsistence labour, and in which it was natural to try to improve one's own position by the accumulation of wages and trade-profit. Furthermore, many of those communities, he argued, were hotbeds of religious dissent, and it was from these dissenting communities that pirates drew their own ideas of democratic government by the will of the governed. Since 1981 the study of piratical society in the early-eighteenth century has been dominated by the work of Marcus Rediker. In his groundbreaking article "'Under the Banner of King Death": The Social World of Anglo-American Pirates, 1716-1726', Rediker introduced ideas which have been dominant in his own later writings, and in the work of others.⁵⁴ Rediker argued that a large bank of evidence, 'a plentiful body of written testimony' by 'officials and

⁵² B.R. Burg. 'Legitimacy and Authority: A Case Study of Pirate Commanders in the Seventeenth and Eighteenth Centuries', *American Neptune*, 37 (1977), 40-51

⁵³ Burg, 'Legitimacy and Authority', p. 43

⁵⁴ Marcus Rediker, "'Under the Banner of King Death": The Social World of Anglo-American Pirates, 1716-1726', *The William and Mary Quarterly*, Third series, 38 (1981), 203-227

merchants', had hitherto been underused by historians,⁵⁵ and that by making fuller use of it, together, it must be added, with a certain amount of evidence gathered from printed works, including a significant measure from Johnson's *General History*, a case could be made for presenting pirates of the early eighteenth century as lower class men rebelling against 'harsh, often deadly' experience in legitimate employment, and creating a community 'in defiant contradistinction to the ways of the world they left behind them'.⁵⁶ To support his interpretation Rediker drew attention to the role of the quarter-master aboard pirate ships as an arbiter between the crew and their captain, who in any case had been elected by common consent, and as an overseer of the division of the pirates' spoil, which was apportioned fairly to each man, according to his share, with strict impartiality. Attention was also drawn to the establishment of a common fund, into which went a part of the spoil, as the basis for a welfare system for the support of injured pirates. A new social order was 'deliberately constructed' along egalitarian lines 'that placed authority in the collective hands of the crew'.⁵⁷ Pirates, according to Rediker's analysis, conform to the 'social bandit' model proposed by Eric Hobsbawm, in which 'revolutionary traditionalists' sought a 'world in which men were justly dealt with' and rallied to a 'protest against oppression and poverty: a cry for vengeance on the rich and the oppressors'.⁵⁸ What drove Rediker's social bandit pirates to establish their defiantly contradistinctive society was this 'cry for vengeance', aimed primarily against the masters and owners of the vessels they captured, objects by proxy of the 'justice' inflicted by pirates in response to the poor conditions and arbitrary discipline that they had experienced in the merchant, naval, and privateer vessels on which they had formerly served. These young men banded together in a 'fraternity', a distinctive community, linked and defined by the symbolism of their flags, their distinctive language, and, more convincingly, their mutually supportive actions.

⁵⁵ Rediker, 'The Banner of King Death', p. 203

⁵⁶ Rediker, 'The Banner of King Death', pp. 214, 226

⁵⁷ Rediker, 'The Banner of King Death', pp. 208-211

⁵⁸ Rediker, 'The Banner of King Death', p. 214

Apart from his demographic analysis, which was far more detailed and far-reaching than Burg's, and was further expanded (though with much the same conclusions) in his 2004 book, *Villains of All Nations*,⁵⁹ the most significant part of Rediker's study is his identification of two 'lines of descent', each comprising pirate companies connected by having sailed together, used the same bases on land, shared crew members, or splintered from one another. The two 'lines of descent', one beginning with the arrival of several pirate companies in the Bahamas around 1715, and the other springing from the alliance formed between George Lowther and Edward Low's companies in 1722, incorporated, by Rediker's calculation, over seventy percent of the Anglo-American pirates active during the decade covered by his study.⁶⁰ These 'lines of descent' are crucial to Rediker's own interpretation of the pirate community, extending across several companies over a period of several years, but are also crucial to understanding the flow of ideas between different pirate companies, irrespective of Rediker's interpretation.

Rediker's study of the social history of pirates in the early eighteenth century was expanded in *Villains of All Nations*, in which he made even greater use of the same set of sources used in his earlier work, to add considerable detail to the arguments presented in 'Under the Banner of King Death'. Explored in much greater detail were the demographic background of the pirates, their motivations for turning to piracy, the social organisation of pirate companies, and the 'justice' meted out by pirates to those whom Rediker views as their oppressors. New aspects of pirate lifestyle scrutinised by Rediker in this fuller study included the role of women in the pirate community, and the way in which that community was perceived by the government and mercantile community, leading to their attempted extermination of the pirates. The new arguments and evidence presented by Rediker do nothing to contradict his earlier work, but rather maintain his interpretation that pirates

were rebels. They challenged, in one way or another, the conventions of class, race, gender, and nation. They were poor and in low

⁵⁹ Rediker, *Villains of all Nations*, pp. 49-53

⁶⁰ Rediker, 'The Banner of King Death', pp. 212-214

circumstances, but they expressed high ideals. Exploited and often abused by merchant captains, they abolished the wage, established a different discipline, practiced their own kind of democracy and equality, and provided an alternative model for running the deep-sea ship... opposed the high and mighty of their day.⁶¹

Rediker's work is not without its critics. Several of the ideas behind his interpretation of pirates were called into question in a roundtable review of his work on eighteenth century sailors (including pirates), *Between the Devil and the Deep Blue Sea*.⁶² Not least among the issues raised was Rediker's assessment of seamen's protest as a response to the rise of capitalism. Lewis Fischer and Sean Cadigan both argued that the state of capitalism was not sufficiently advanced in the early-eighteenth century to be considered the major factor in seamen's collectivisation and protest, as Rediker posited.⁶³ Rediker's analysis was based, at least in part, on the similarities between the ship as a workplace and later factories that were the scenes of class-conscious protest, but Cadigan argued that the resemblance was purely superficial. In fact, the nature and extent of the 'acquisitive, intimidating and oppressive character of capitalist accumulation... taken for granted at every turn' by Rediker, and used by him to explain the behaviour of seamen, was also called into question. The master of the sailing ship, like the crew an employee of the owners, 'was rarely the "Devil" invoked to shape the labour force into a submissive factor of production', argued David Starkey.⁶⁴

Burg's theme of religious dissent, and indeed political dissent, as a progenitor of piratical democracy, was continued by Christopher Hill and J.S. Bromley in their respective essays 'Radical Pirates?' and 'Outlaws at Sea, 1660-1720: Liberty, Equality, and Fraternity among Caribbean Freebooters'. Hill looked for, and found, evidence of large numbers of religious and political radical

⁶¹ Rediker, *Villains of All Nations*, p. 176

⁶² Daniel Vickers, Lewis R. Fischer, Marilyn Porter, Sean Cadigan, Robert Lewis, Peter Narváez, Peter Pope, David J. Starkey, and Marcus Rediker, 'Roundtable: Reviews of Marcus Rediker, *Between the Devil and the Deep Blue Sea: Merchant Seamen, Pirates and the Anglo-American Maritime World, 1700-1750*, with a Response by Marcus Rediker', *International Journal of Maritime History*, 1 (1989), 311-357

⁶³ Vickers et al, 'Roundtable', pp. 315-316, 321

⁶⁴ Vickers et al, 'Roundtable', p. 336

dissenters emigrating to the Caribbean colonies in the wake of the English civil war, and used that as the basis for arguing that the piratical democracy may have been born of the ideologies of the Ranters, Levellers, Quakers, and other groups and sects. His argument is principally focussed on the influence of post-Revolution idealists on the buccaneers of the third quarter of the seventeenth century, and he is quick to note that many of the men who accompanied Henry Morgan across the Isthmus of Panama wore 'the faded red coats of the New Model Army'.⁶⁵

Bromley, whose essay first appeared in Krantz (ed.)'s *History From Below, Studies in Popular Ideology in Honour of George Rudé*, also found evidence of the presence of French and English radicals in the Caribbean colonies, and was able to place these radicals, more convincingly than Hill, in the ranks of the buccaneers.⁶⁶ His main argument, however, was concerned with the apparently egalitarian way that buccaneers, and later pirates, divided their plunder, and only to a lesser extent with the nature and origins of their society.

Hill's pirates followed very much the model provided by Johnson, which can be explained by Hill's almost uncritical use of the *General History*, and his acceptance of the story of Libertalia as essentially grounded in historical fact. In both 'Radical Pirates?' and a later essay,⁶⁷ Hill argued, based on his readings of the *General History* and other contemporary works such as Esquemeling's *Buccaneers of America*, that pirates were highly democratic, egalitarian, and were the champions of slaves and the oppressed. Bromley's pirates were much in the same mould, 'they practised notions of liberty and equality, even of fraternity':⁶⁸ they carefully and equally divided their spoil, elected their officers, and voted on important issues. Most importantly for Bromley, they were at great pains to provide financial compensation for those of their comrades who were wounded or disabled in action. Bromley and Hill,

⁶⁵ Christopher Hill, 'Radical Pirates?', in Margaret C. Jacob and James R. Jacob (eds), *The Origins of Anglo-American Radicalism* (London 1984), p. 27

⁶⁶ J.S. Bromley, 'Outlaws at Sea, 1660-1720: Liberty, Equality and Fraternity among Caribbean Freebooters', in J.S. Bromley, *Corsairs and Navies, 1660-1760* (London, 1987), pp. 8-9

⁶⁷ Christopher Hill, 'Pirates', in Christopher Hill, *Liberty Against the Law* (London, 1997), 114-122

⁶⁸ Bromley, 'Outlaws', p. 10

like Rediker, both drew attention to the similarities between buccaneers and pirates and the 'social bandits' described by Eric Hobsbawm.⁶⁹

Dow and Edmonds were writing before Hobsbawm formulated his social bandits model, but their pirates, as well as Rediker's, Hill's and Bromley's, would have fitted into the model as much as Pringle's would not. Social banditry, as described by Hobsbawm in his 1969 work, *Bandits*, is 'one of the most universal phenomena known to history', in which the landless poor, 'oppressed and exploited' by their class- or economic-superiors, turn to banditry and manage, by means of primitive rebellion, to ascend above the level of 'common criminal' in public opinion.⁷⁰ Pirates, according to Rediker et al, shared many of the features of Hobsbawm's social bandits, and not only in their 'protest against oppression' and 'cry for vengeance' identified by Rediker. Social banditry, for example, 'tended to become epidemic in times of pauperisation and economic crisis', and men were often driven to piracy by post-war slumps in trade and consequent unemployment and low wages, as we have been told by historians from Johnson to Rediker.⁷¹ Inasmuch as a social bandit gang 'is outside the social order which fetters the poor, a brotherhood of the free, not a community of the subject',⁷² the pirates described by Rediker, Hill, and Bromley fit rather well, if perhaps superficially, into the model.

Hobsbawm's description of social banditry is not without its critics, foremost among whom is Anton Blok, who considered the many forms of banditry not included in Hobsbawm's analysis, and pronounced social banditry to be 'a construct, stereotype, or figment of human imagination'.⁷³ Blok argued that the true social bandit did not, in reality, exist, but that bandits who did not (perhaps could not) actually fit into Hobsbawm's model might be raised to the status of social bandit in the consciousness of the peasants they moved amongst. Blok's argument was rooted in the assumption that no bandit could

⁶⁹ Hill, 'Radical Pirates?', p 30. ; Bromley, 'Outlaws', p. 14

⁷⁰ Eric Hobsbawm, *Bandits* (London, 2001), pp. 19, 21-23

⁷¹ Hobsbawm, *Bandits*, p. 26; Johnson, *General History*, p. 4; Rediker, *Villains of All Nations*, pp. 23-24

⁷² Hobsbawm, *Bandits*, p. 91

⁷³ Anton Blok, 'The Peasant and the Brigand: Social Banditry Reconsidered', *Comparative Studies in Society and History*, 14 (1972), pp. 494-500

survive for long without the support of a powerful, non-peasant, protector. Once a bandit was drawn into a state of protection by some overlord, he was no longer a social bandit in Hobsbawm's sense.⁷⁴

The labelling of pirates as social bandits is problematic, and not only because of the criticisms of Hobsbawm's model. Even accepting that model, the extent to which pirates can really be fitted in needs some reassessment. It is significant that Hobsbawm himself did not include pirates in his own study of the social bandit phenomena, and even wrote that England 'has no record of actual social bandits after, say, the early seventeenth century'.⁷⁵ Pirates were not, as Rediker concedes, rural peasants as Hobsbawm's social bandits are,⁷⁶ and they fail to fulfil other criteria set forth by Hobsbawm for the true social bandit. The pirates' banditry was not always directed only at their superiors, or 'oppressors', but at times also at their social and economic equals, the crews of merchant ships. Most important, is the idea that social bandits are 'outlaws whom the lord and state regard as criminals, but who remain within peasant society, and are considered by their people as heroes, as champions, avengers, fighters for justice, perhaps even leaders of liberation'.⁷⁷ Pirates were certainly regarded as criminals by lord and state, but did not spend much of their time living, in a physical sense, 'within peasant society'. Most of their time was spent at sea, or amongst pirate-friendly communities in remote locations, only re-entering society on any permanent basis if they were fortunate enough to be able to retire from their banditry. Whether pirates were seen 'by their people' in the positive light required for inclusion in the social bandit model is also in doubt. Some pirates, at some times, acted in a way likely to inspire the hearts and minds of the crews of vessels they captured: as Rediker highlighted, they sometimes cast themselves as avengers or 'fighters for justice' on behalf of the crew against cruel masters and owners of merchantmen. The fact that many captured merchant sailors voluntarily joined pirate crews suggests that to some they were considered heroic to some extent, but to counter this argument it could be suggested that such

⁷⁴ Blok, 'The Peasant and the Brigand', p. 499

⁷⁵ Hobsbawm, *Bandits*, p. 22

⁷⁶ Rediker, 'The Banner of King Death', p. 214

⁷⁷ Hobsbawm, *Bandits*, p.20

volunteers were lured by the prospect of quick riches and an easy work-load rather than lofty ideals, and that a very significant number of merchant-sailors chose not to join the pirates at all.⁷⁸

The model of pirate society, first put forward by Dow and Edmonds, but most deeply explored and illustrated by Rediker, has largely been accepted by historians whose primary focus has not necessarily been the social order of pirates, but upon whose work that social order has had some bearing. The two most recent studies of the groups of pirates who infested the Indian Ocean and the Caribbean respectively in the seventeenth and eighteenth centuries, have each borne hints of Rediker's pirate social order in their titles: Jan Rogozinski's *Honor Among Thieves: Captain Kidd, Henry Every, and the Pirate Democracy in the Indian Ocean*, and *The Republic of Pirates*, by Colin Woodard. Both books, in fact, are less about democracy and republicanism in the pirates' social order than about the narrative history of piracy in particular regions, but nonetheless the egalitarian and democratic nature of pirate society espoused by Rediker et al influenced the way Rogozinski and Woodard perceived and understood the pirates' activities. Woodard described Caribbean piracy of the eighteenth century as 'resistance, a maritime revolt that shook the very foundations of the newly formed British Empire... fuelling the democratic sentiments that would later drive the American revolution. At its centre was a pirate republic, a zone of freedom in the midst of an authoritarian age', and it was this quest for 'freedom' and democracy that drove Woodard's pirates.⁷⁹ On the other side of the world, in the Indian Ocean, Rogozinski's pirates 'created a way of life totally unlike anything back home or on other vessels', leading ultimately to 'absolute democracy'.⁸⁰ For Rogozinski, the pirates' democratic and egalitarian society was not necessarily what drove men to piracy, but was what enabled pirates to operate successfully for years on end, as lone crews and in consortship, at sea and ashore in their settlement at St. Mary's Island, Madagascar.

⁷⁸ Grey, *Pirates of the Eastern Seas*, pp. 13-17

⁷⁹ Woodard, *Republic of Pirates*, p. 1

⁸⁰ Rogozinski, *Honor Among Thieves*, pp. 166-167

Other historians, taking a more academic, less narrative, approach to pirate history, have also accepted Rediker's model of a democratic and egalitarian pirate society. Kenneth J. Kinkor, in his study of racial tolerance and black pirates, assumes without explanation that pirates were social bandits, and a 'socially deviant subculture engaged in an inchoate maritime revolt'.⁸¹ Kinkor's pirates, black and white, 'adopted social mechanisms which can be summarized as libertarian, democratic, federal, egalitarian, fraternal, and communal', in which men rejected the monarchical authority of the *ancien régime* in favour of a multi-cultural and international community, free from the hierarchies imposed by Church and state. It should be no surprise that Kinkor's endnotes are filled with references to Hill, Bromley, and Rediker, but none of those authors are cited as often as Johnson. One important feature of Kinkor's study, though, is that despite his central argument that 'the deck of a pirate ship was the most empowering place for blacks' in the eighteenth century, he is prepared to acknowledge that the lot of a black man captured by pirates was unpredictable, and he might just as easily be sold into slavery as invited to join the pirate crew.⁸² This admittance that the nature of pirate tolerance, their notions of equality and fraternity, might vary from ship to ship, might have been carried further had not the study been concerned primarily with the position of black pirates but with the nature of piratical society as a whole. Nonetheless, Kinkor used the evidence of a high proportion of black crewmen and even a few black officers on pirate ships to conclude that pirates were 'unselfconsciously engaged in a unique social experiment', but 'were not a fully organized society of their own despite their conscious separation from society at large'.⁸³

Kinkor's argument, and by association his interpretation of pirate society as truly egalitarian, has recently been criticised by Arne Bialuschewski who used an examination of the activities of one particular group of pirates to argue that pirates did not differ significantly from other inhabitants of the Atlantic world in their prejudice towards, and treatment of, black Africans and slaves. The

⁸¹ Kenneth J. Kinkor, 'Black Men under the Black Flag', in Pennell, *Bandits at Sea*, pp. 195-196

⁸² Kinkor, 'Black Men', pp. 198, 201

⁸³ Kinkor, 'Black Men', p. 204

Anglo-American pirates who raided on the West-African coast in the few years after 1718, according to Bialuschewski, made no attempt to liberate the human cargo of captured slave-ships, but on the contrary exhibited an equal, or greater, disdain for their well-being. Slaves captured by pirates might be bartered for other commodities or simply abandoned, black women were objects of lust, and free black Africans who fell into the pirates hands might be sold into slavery. Pirates, according to Bialuschewski, 'could embrace the brutal and atrocious practices of the slave trade'.⁸⁴ In this article, and others, Bialuschewski questions the general acceptance of the egalitarian social revolutionary model of pirate society and the accepted motivations for the creation of that society, stating, for example, that 'it is not so clear whether pirates and their associates ashore operated, over a longer time period, under their own hierarchies, and apart from traditional and legal structures', and that 'there can be little doubt that a large number, probably an overwhelming majority of sea rovers, were driven by plain mercenary motives'.⁸⁵ Excepting his work on pirates' racial tolerance, or lack of it, Bialuschewski has not sought, however, to provide an answer to his questions about the nature of pirate society to any meaningful extent.

Peter Earle and Joel Baer have been less concerned with the nature of pirate society than with the means and reasons for the suppression of piracy, and the relationship between pirates and the British legal system respectively. Nevertheless, their work could not be completed without reference to that society, and they too have largely accepted Rediker's interpretation, insofar as they have accepted any. In attempting to answer the question of what motivated men to turn to piracy in the first place Earle gives the attraction of the pirate lifestyle more attention than potential monetary gain. A large part of this attraction was the relatively easy life, with a reduced workload and plentiful food and drink, the fact that a pirate 'ship always sailed in pleasant weather', freedom from 'irksome discipline', camaraderie, and an easy

⁸⁴ Arne Bialuschewski, 'Black People under the Black Flag: Piracy and the Slave Trade on the West Coast of Africa, 1718-1723' *Slavery and Abolition*, 29 (2008), p. 464

⁸⁵ Arne Bialuschewski, 'Pirates, markets and imperial authority: economic aspects of maritime depredations in the Atlantic World, 1716-1726', *Global Crime*, 9 (2008), pp. 52, 63

informality.⁸⁶ On the other hand, Earle also argued that there was a ‘political and ideological motive for joining a pirate crew’, in order to escape from the authoritarian and arbitrary discipline found in legitimate service, and to enter, instead, a community in which officers were routinely elected, and held in check by the threat of removal from office, and in which ‘collective decisions’ were made by majority vote.⁸⁷ Baer, too, considered the egalitarian system enshrined in the pirates’ articles of agreement to be one of the causes of their long-term success, even suggesting the removal of a ship’s upper deck – a common practice amongst pirates – was as much about levelling class distinctions by the removal of officers’ cabins, as it was about improving the handling and speed of the vessel.⁸⁸

Not all of Rediker’s interpretations of the lot of eighteenth-century seamen have, as we have seen, met with universal acceptance, but only with the 2007 publication of ‘Nascent Socialists or Resourceful Criminals?’ by Crystal Williams⁸⁹ have his interpretations of pirate social history been directly challenged. Using evidence culled from printed trial reports, Rediker’s own work, and extensively from Johnson’s *General History*, Williams argued that ‘Rediker obscures the truth by insisting on finding noble motivations behind the activities of pirates’.⁹⁰ Instead, she argued that pirates were driven primarily by financial avarice rather than by lofty ideals. To Rediker’s arguments that pirates were banded together in a community, Williams responded by highlighting a number of desertions and mutinies that occurred aboard pirate vessels, and the high incidence of forced conscripts in the pirates’ ranks, to argue that there was ‘no common ethos’ to be found amongst the pirates, whose ‘ships were characterized by a lack of unity in purpose’.⁹¹ Williams accepted Rediker’s assessment that the social order of pirate ships was ‘unique’, but suggested that it was far from being as

⁸⁶ Earle, *Pirate Wars*, p. 168

⁸⁷ Earle, *Pirate Wars*, pp. 126, 169

⁸⁸ Baer, *Pirates*, pp. 206-209

⁸⁹ Crystal Williams, ‘Nascent Socialists or Resourceful Criminals? A Reconsideration of Transatlantic Piracy’, in Paul A. Gilje and William Pencak (eds). *Pirates, Jack Tar, and Memory: New Directions in American Maritime History* (Mystic, 2007) 31-50

⁹⁰ Williams, ‘Nascent Socialists’, p. 32

⁹¹ Williams, ‘Nascent Socialists’, pp. 32, 37

egalitarian as Rediker posits, pointing to the arbitrariness and cruelty of some pirate captains such as Blackbeard. Rediker's interpretation of the 'justice' inflicted by pirates upon ship masters who had mistreated their crews was convincingly countered by the citation of several instances of pirates cruelly treating, even torturing and murdering their captives of all ranks for numerous reasons, including 'purely for pleasure'.⁹² Williams concluded that piracy was a product of 'aberrant, criminal personalities rather than simple dissatisfaction with the social order' of legitimate society. Rediker's interpretation, she concluded, may hold true for certain pirates, 'operating in large crews in the short time-frame prior to 1726', but are 'less valid' for other pirates who did not fit into Rediker's parameters.⁹³

By broadening the focus of research from the ten years examined by Rediker to a thirty-six year period, Williams drew attention to, but did not fully exploit, one of the critical weak-points of Rediker's work: that the limits of his study do not allow for a proper exploration of the nature of Anglo-American pirate society as a whole, which certainly existed prior to 1716, or the ways in which the pirates' social order developed and evolved over time. Williams' study, while it presented several material facts omitted by Rediker, failed to overturn Rediker's interpretation, but has provided an alternative model of pirates as greedy and bloodthirsty villains. As a study of pirate social history in its own right, Williams' essay is a credible and well-reasoned analysis, but is marred firstly by the limited amount of archival source material, and secondly by an uncritical use of other sources, particularly Johnson's *General History*, which she accepts as 'mostly factual'.⁹⁴

The most recent development in the study of pirate society is to be found in the work of economist Peter T. Leeson. In a series of articles and a book, which contains a significant distillation of several of his earlier articles, Leeson has employed economic theory to explain the motivations behind certain pirate activities and some aspects of their social system. Leeson's central argument is that the reasons for the pirates' systems of democracy, racial

⁹² Williams, 'Nascent Socialists', p. 41

⁹³ Williams, 'Nascent Socialists', pp. 42-43

⁹⁴ Williams, 'Nascent Socialists', p.45

tolerance, behaviour towards their victims, and the institution of articles of agreement, can best be explained by means of 'rational choice' decision making processes. The theory of 'rational choice' as applied by Leeson to pirates, argues firstly that individuals (including pirates) are essentially self-interested, secondly that they will choose the best (or most rational) way to achieve their self-interested ends, and thirdly that the rationale behind those choices will be based to some extent on the balance between the cost and benefit of any given activity: thus, the most rational decision for the self-interested individual to make may vary over time as the costs and benefits of different activities fluctuate.⁹⁵ Leeson argues 'not just that economics *can* be applied to pirates, but that rational choice is the *only* way to truly understand flamboyant, bizarre, and downright shocking pirate practices'.⁹⁶ As a means of understanding why pirates behaved in the ways they did, Leeson's application of 'rational choice' is sensible, and to some extent self-evident. Exactly why certain choices made by pirates can be considered 'rational' is the subject of Leeson's work, and his arguments are compelling. His assertion that

while greater liberty, power sharing, and unity did prevail aboard pirate ships... these were piratical *means*, used to secure cooperation within pirates' criminal organization, rather than piratical *ends*, as they're often depicted,⁹⁷

is a refreshing foil to the traditional historiography.

However, if Leeson's work presents an interesting new interpretation of *why* pirates behaved in certain ways, it has made little attempt to re-assess *how* they behaved. For all that Leeson provides an alternative interpretation of pirate motives, his understanding of pirates' activities and the nature of their social order is essentially the same as that of Rediker and Johnson, whom he cites freely and regularly. Leeson's pirates routinely elected and deposed their officers, made important decisions by majority vote, were scrupulously

⁹⁵ Peter T. Leeson, *The Invisible Hook. The Hidden Economics of Pirates* (Princeton, 2009), p

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⁹⁶ Leeson, *Invisible Hook*, p. 6

⁹⁷ Leeson, *Invisible Hook*, p. 11

egalitarian in their division of plunder, and, like Kinkor's maritime revolutionaries, were remarkably racially indiscriminate.

The historiography of piratical society has, from the eighteenth century until today, largely been a picture of egalitarian and democratic community in which spoil was evenly shared and a hierarchical authority was eschewed in favour of elected officers, whose separated powers ensured that they could not abuse the power given to them by the collective will of the crew. Decisions not requiring an immediate resolution were referred to a public ballot in which universal suffrage ensured that the majority vote truly represented the will of the community. Punishment, when necessary, was only inflicted for infractions of the pirates' own rules and sense of justice, and each infraction was judged impartially by a committee of pirates before punishment was carried out in the prescribed manner by the officer elected for that purpose. To a great extent, the nature of pirate society has been seen as a reaction to the undesirable elements of life in legitimate seafaring society, which could be cruel and arbitrary for the inhabitants of the lower deck, or, indeed, life in legitimate European society in general. By breaking with perceived societal norms the pirates created a unique and progressive community with enlightened ideas and ideals, far in advance of their time, from workers' compensation to universal plebeian suffrage. Some historians have taken this contradistinction between pirate society and legitimate society as significant of a revolutionary spirit, in which pirates deliberately contravened the mores of their time as much for the sake of doing so as for any material benefit to be gained thereby. Recently, others have rejected this interpretation, such as Arne Bialuschewski, who wrote that the 'trend in historiography to romanticize pirate bands as revolutionaries is not particularly helpful'.⁹⁸ Nevertheless, the image of pirate communities as essentially egalitarian, democratic, and libertarian has dominated historiography. There has been some debate over the origins of, and motivations behind, this social system, but the model itself remains virtually intact.

⁹⁸ Arne Bialuschewski, 'Pirates, Slavers and the Indigenous Population in Madagascar, c. 1690-1715', *International Journal of African Historical Studies*, 38 (2005), p. 402

In this thesis I will use pirates' articles, or shipboard rules, to argue that the historiographical trend of portraying piratical society as somehow unique and defiant towards the mores of legitimate society is unrealistic. I will argue firstly that several of the concepts which have dominated the study of pirate social history, such as their perceived democracy and egalitarian division of profit, have been over-stated and that they were, in fact, much less prevalent than hitherto believed. Secondly, I will argue that pirates were not the innovative radicals with progressive ideas and social systems that they have been portrayed as, but that virtually all of their social systems were adopted or adapted from the systems of the legitimate societies of which they had been members before turning to piracy. Thirdly, I will argue that the actions of the pirates are most indicative of their desire to improve their own personal standing within the framework of legitimate society, that their society was formed not in 'contradistinction' to legitimate society but in emulation of it, and that their principal motivation in creating their piratical society in the manner in which they did was to elevate themselves to the 'middling sort'.

Primary sources.

In addition to the much-used *General History* there are numerous primary and contemporary sources relating to pirates' activities in the seventeenth and eighteenth centuries. There are, for example, many witness accounts written or dictated by the victims of piracy and those who were captured and spent time as prisoners of the pirates. Some, such as the accounts of William Snelgrave and Philip Ashton were published as books or pamphlets,⁹⁹ others were written as private correspondence, often to employers, others were dictated to the forces of law and order under the auspices of the High Court of Admiralty, the Royal Navy, or colonial governments. Many appeared in the numerous newspapers printed in London, the provinces, and the colonies. Most of these accounts are naturally defensive and in many cases are likely to exaggerate the force of the pirate company, or their cruelty or fearsomeness,

⁹⁹ Snelgrave, *New Account*; John Barnard, *Ashton's Memorial, or an Authentick Account of the Strange Adventures and Signal Deliverances of Mr Philip Ashton* (London, 1726)

to show the writer in the best light. In the case of correspondence between, say, a ship's master and the vessels owners, the future employment of the writer might depend in great measure on his appearing blameless in the loss of his employers' ship. But accounts written for the general public, either as pamphlets or as pieces for a newspaper, suffer the same problem: anybody who was not confident of hiding their own faults was unlikely to put pen to paper to broadcast their shortcomings. Accounts given by pirates' victims to agents of the state, such as colonial governors or officers of the High Court of Admiralty, are even more loaded. Although some of these official witness statements were given by ships' masters, many were also given by junior officers and foremastmen¹⁰⁰ who were unlikely to be held responsible for the loss of their vessel or the cargo it carried. Nevertheless, by placing themselves in the hands of the authorities they risked being accused of complicity, and so as well as the natural desire to show oneself in the best light, they also had to avoid any hint that they might have been anything but completely unwilling victims. It was literally more than their life was worth to give even a suggestion of admiration or approval of anything the pirates did. This is particularly unfortunate for the researcher of pirate social history, as there were doubtless aspects of the pirates' lifestyle about which these victim-witnesses could have told a great deal had it been in their interests to do so.

This is a problem with most sources relating to the pirates' every day life: it was rarely in anybody's interest to say anything good about piracy. The papers of the High Court of Admiralty, and some of the correspondence between colonial officials and their overseers, the Lords of Trade and Plantations, contain many witness reports given not only by the pirates' victims, but also by captured pirates themselves. For the pirates, the only real hope of mercy lay in gaining the sympathy of the court that was to try them, which was unlikely if they appeared to fond of the piratical life. Nonetheless, many witness accounts do contain numerous useful details about how pirate society was organised and how piratical communities operated on a day to day basis. Frequently this collateral information is used to illustrate the

¹⁰⁰ *foremastman*: a common sailor, an unranked ordinary seaman.

witness's innocence, or for some other purpose of either self-defence or vilifying the pirates, and there must be cases where a hidden agenda exists but is undecipherable to the modern researcher, but on the whole much of the information about social aspects of the pirates' life is believable and realistic, especially where more than one independent source makes the same point, even if it must sometimes be treated with caution.

Written transcripts of trials for piracy are also a bountiful source of information about pirate society, especially as they often contain dialogue between both victims and accused, but again caution must be exercised because of the highly charged nature of the event. For the pirates it was a matter of life and death to be seen in the best light, and it was often in the witnesses' interests to paint the pirates in the worst light possible. Even pirates who had managed to acquire a pardon or early acquittal in exchange for testifying against their former shipmates had an interest in keeping the court happy and seeing the men they had betrayed executed.

The primary sources used in this study include many witness statements and statements from the pirates themselves. In manuscript form the Oyer and Terminer 'informations' (statements voluntarily given) and 'examinations' (statements obtained by interrogation) given in Doctors' Commons are the most numerous and are preserved in the papers of the High Court of Admiralty at the National Archives (HCA 1/51 – HCA 1/56), and others may be found in correspondence between colonial officials and the Lords of Trade and Plantations, also preserved in the National Archives (CO series). Other documents held at the National Archives include a number of trial transcripts, also found in the colonial correspondence and in the High Court of Admiralty papers (HCA 1/99), and in-letters from Royal Navy captains to the Lords of the Admiralty held in the ADM series, along with other useful Admiralty correspondence.

Other piracy trials were of sufficient interest to the public, or politically important enough, to warrant printing and publication. There is no way to tell how much, if at all, the transcripts of the trial were edited before they were published, and how much information may have been expunged as a result.

However, the trial of Bartholomew Roberts' crew appeared in no fewer than three different sources: a manuscript transcript was sent to the High Court of Admiralty and is preserved in HCA 1/99; a second version was printed for general publication;¹⁰¹ and the third was given to Johnson for his *General History*,¹⁰² presumably by John Atkins who originally transcribed the trial. Differences between the three accounts are minimal and insignificant, so if one trial can be taken as indicative of the others we may conclude that there was very little editing between the trial itself and the publication of its transcript. Several printed trial accounts include copies of testimonies given before the trial, and some include biographical or demographical information about the defendants.

In this study I shall also make extensive use of the many newspaper reports of piratical activity, a printed resource which has been much neglected.

Newspapers preserved in the Burney Collection and other collections contain literally hundreds of references to pirates, some of which contain very significant amounts of detail. These newspaper articles take a number of forms, from first-hand witness reports and second-hand articles based on witness reports, to anecdotes whose original source is unclear and may be little more than hearsay. Like most of the sources used, consideration must be given to the whims and mores of the editor and his intended audience, but taken as a body the newspaper reports are a very valuable resource.

A full list of primary sources used in this study, both printed and manuscript, will be found in the bibliography.

The 'Golden Age' of Piracy.

The chronological limits of this thesis, determined largely by the survival of several sets of articles from the period between 1660 and 1730, are more or less coincidental with a period of maritime lawlessness that has come to be known as the 'golden age' of piracy. Historians have ascribed different limits

¹⁰¹ *A Full and Exact Account of the Tryal of all the Pyrates, Lately taken by Captain Ogle* (London, 1723)

¹⁰² Johnson, *General History*, pp. 250-287

to the 'golden age', from the very broad, such as Patrick Pringle's 'great age' of piracy which 'began in the reign of Queen Elizabeth I and ended in the second decade of the eighteenth century,'¹⁰³ to the very narrow, ten years or so from the middle of the second decade of the eighteenth century to the middle of the third decade, espoused by Rediker, Earle.¹⁰⁴ A more moderate middle-ground can be found in the works of Joel Baer and others, whose 'golden ages' begin sometime in the second half of the seventeenth century and end in the 1720s.¹⁰⁵

If there is no consensus on *when* the 'golden age' was, there is little argument on *what* it was. Most historians who have considered the question are unlikely to argue with Sherry's assertion that during the 'golden age' the 'world experienced the most intense outbreak of [Anglo-American] seaborne banditry ever recorded.'¹⁰⁶ But the intensity of piracy during the 'golden age' was not merely a result of the number of pirates active during the period. Rediker's quantitative analysis of the 'golden age' suggests that at its peak, between 1719 and 1724, as many as 2,400 Anglophone pirates may have been active globally, but only around 4,000 in total for the decade between 1716 and 1726,¹⁰⁷ while Bialuschewski estimated that up to 1,500 European and American pirates were active in the Indian Ocean between 1695 and 1700. Between 1716 and 1725, by way of comparison, the Royal Navy employed around 13,000 seamen, and between 38,000 and 45,000 men sailed on merchant vessels from the British Isles alone.¹⁰⁸ The number of pirates was formidable during the 'golden age', but not exceptionally high when compared to other periods in which piracy was rife, such as the early years of the seventeenth century when William Bishop was appointed admiral of a pirate fleet believed to number eleven ships and 1,000 men, who were expected to meet up with a further ten pirate companies, and Peter Easton alone was

¹⁰³ Pringle, *Jolly Roger*, p. 9

¹⁰⁴ Rediker, *Villains of all Nations*, p.8; Earle, *Pirate Wars*, p. 163

¹⁰⁵ Baer, *Pirates*, p. 17; Frank Sherry, *Raiders and Rebels. The Golden Age of Piracy* (New York, 1986), p. 7

¹⁰⁶ Sherry, *Raiders and Rebels*, p. 7

¹⁰⁷ Rediker, *Villains of all Nations*, pp. 29-30

¹⁰⁸ David J. Starkey, 'Voluntaries and Sea Robbers: A review of the academic literature on privateering, corsairing, buccaneering and piracy', *Mariners Mirror*, 97 (2011), pp. 141-142

rumoured to command 2,000 men.¹⁰⁹ Quantitative analysis is therefore not enough to explain the phenomenon of the 'golden age', and the features that differentiate the period from other outbreaks of Anglophone piracy must be found in qualitative analysis.

Several reasons can be found for the intensity of pirate activity during the 'golden age' and its effect on English trade. In the first place, the growth of the English shipping enterprise during the seventeenth century meant that there were a great many more vessels on which pirates could prey. Between 1629 and 1686 the total tonnage of English shipping nearly tripled, from 115,000 tons to 340,000 tons, making potential targets substantially more numerous. Not only was there an absolute increase in shipping, but there was also a relative and absolute increase in vessels making deep-sea trans-oceanic voyages as the seventeenth-century colonisation of North America and the Caribbean served to increase trans-Atlantic trade, and the activities of the East India Company and its rivals had the same effect on trade with the Indian Ocean region.¹¹⁰ There were thus more English ships plying the world's oceans, away from the immediate protection of the Royal Navy or other friendly ally and vulnerable to pirates, at the end of the seventeenth century than at the beginning.

A second distinct feature of the 'golden age' of piracy was the establishment of a succession of bases, close to busy trade routes but remote from centres of authority and defensible enough to prevent easy capture, to which pirates could return to resupply and realise the value of their accumulated spoil. The first of these bases, and probably the most successful, was established on St. Mary's Island, Madagascar, by Adam Baldrige, an agent of New York merchant Frederick Phillipse, in 1691. From then until 1697 pirate ships cruising in the Indian Ocean and Red Sea regularly visited Baldrige's fortified trading post to exchange their spoil for food, drink, gunpowder, and a variety of commodities supplied from New York including clothes, tools and books. Under the protection of Baldrige's guns, pirates could beach their vessels for

¹⁰⁹ *Calendar of State Papers, Ireland*, 1608-1610, item. 469; Earle, *Pirate Wars*, p. 162

¹¹⁰ Ralph Davis, *The Rise of the English Shipping Industry in the Seventeenth and Eighteenth Centuries* (Newton Abbot, 1972), pp. 15, 16-17, 26-27

cleaning and refitting.¹¹¹ After Baldrige as forced to flee St. Mary's following a violent disagreement with the local Malagasy, to subsequent attempts to re-establish a pirate base on the island met with some reasonable success, from 1698-1708 and again in 1720-1722.¹¹² In the Caribbean, the arrival of pirates under Hornigold's command at New Providence in the Bahamas in late 1715 marked the beginning of the settlement of that island by pirates who continued there, turning it into what one contemporary observer described as 'a second Madagascar', until the arrival of Woodes Rogers in 1718 with a squadron of naval warships and a company of soldiers to restore order and reclaim the island for the crown.¹¹³ Several other locations, such as the mouth of the Sierra Leone in Africa and Ocracoke Island in North America, were used as rendezvous and short-term bases by pirates throughout the 'golden age' of piracy, and the existence of these bases fundamentally changed the nature of piratical operations. Prior to the establishment of Baldrige's trading post most pirates sailed on short cruises, from anywhere between a few months and a year or two, but always eventually returning to a 'home' port in England or the colonies, but once the market and stores of St. Mary's became available to them pirates could cruise for prolonged periods, with many years elapsing between visits to legitimate ports. During the 'golden age', many men managed to spend their entire piratical careers away from a 'home' port. In some cases this meant several years: Robert Culliford, for example, left Rhode Island aboard the pirate ship *Jacob* in December 1690 and remained in the Indian Ocean until accepting a pardon nearly nine years later, having visited St. Mary's island on several occasions in the intervening time.¹¹⁴

The fact that these bases were spread across the world illustrates the expansion of the spatial limits of Anglo-American piracy, beginning in the second half of the seventeenth century. Although various individual ships made long voyages across the Atlantic or into the Indian Ocean, up to the middle of the seventeenth century the majority of English piracy occurred in

¹¹¹ J.F. Jameson (ed.), *Privateering and Piracy in the Colonial Period: Illustrative Documents* (New York, 1923; 2009 ed.), pp. 206-213

¹¹² Pringle, *Jolly Roger*, pp. 173-174; Rogozinski, *Honor Among Thieves*, pp. 142, 186, 211

¹¹³ *CSPC*, 1716-1717, item. 240. i; Earle, *Pirate Wars*, p. 190

¹¹⁴ Earle, *Pirate Wars*, pp. 30-32; Rogozinski, *Honor Among Thieves*, pp. 15-16, 148.

the waters around Europe and North Africa, preying on shipping in the Mediterranean, English Channel, Irish Channel, and Eastern Atlantic.¹¹⁵ However, during the latter half of the seventeenth century pirates gradually abandoned their hunting grounds around Europe, though some piracy still occurred there, and began to explore the opportunities presented by the expansion of English trade with the Americas and East Indies, and by the end of the 'golden age' Anglo-American pirates had threatened shipping from Newfoundland to the Red Sea. On a scale not seen before or since, pirates broke out of essentially local waters, and groups of pirates, many of them known to one another, sailed many thousands of miles in search of spoil. Within three years of the arrival of Woodes Rogers in the New Providence, for example, pirates who had at some time used the Bahamas as a base had plundered shipping in the waters surrounding Newfoundland, West Africa, East Africa, India, North America, South America, the Caribbean, and the East Indies.¹¹⁶

¹¹⁵ Earle, *Pirate Wars*, pp. 24-33

¹¹⁶ Baer, *Pirates*, pp. 168-170, 203; Rogozinski, *Honor Among Thieves*, pp. 204, 208, 212

1. Pirate Articles.

Pirate articles, by the simplest definition, were sets of rules, drawn up by pirates to maintain order and regulate behaviour that might be prejudicial to the safety of their vessel or the harmony of their community. Different groups of pirates drew up different sets of articles according to their differing convictions and circumstances, each set placing more or less emphasis on different aspects of their professional and social lives. Articles were formulated to apply to one pirate crew (that is, a collection of pirates all sailing on one vessel), but as crews grew bigger and eventually subdivided, the articles of the original crew might be applied to the whole company (a group of pirates sailing on two or more vessels, but under one overall command structure).¹¹⁷ On other occasions, when a pirate crew split into two or more separate crews, each under their own command, entirely new sets of articles might be drawn up,¹¹⁸ or the old articles revised.¹¹⁹ The evolution of pirate articles will be explored more fully in the Chapter 1.5. Rogozinski suggests that the fact that new crews tended to draw up their own articles rather than rely on those drawn up by their predecessors points to the important status these ship-board rules were imbued with by the pirates, who 'did not simply copy the articles used on prior voyages. They discussed the usefulness of various provisions, adding or deleting as seemed best to the company'.¹²⁰ Nevertheless, points of correlation between the articles of Anstis and Philips, and especially between Lowther and Low's articles, suggests that this was not always the case.

What proportion of pirate crews made use of articles to regulate their society is impossible to quantify, but evidence suggests that an overwhelming majority did so. The surviving articles account for only a small fraction of the number of pirate crews active in the period, but other references to the use of articles by other pirate companies suggest that the practice was widespread.

¹¹⁷ *Tryals of Thirty-Six Persons for Piracy* (Boston, 1723), in Joel Baer (ed.), *British Piracy in the Golden Age: History and Interpretation, 1660-1730* (London, 2007), vol. 3, pp. 191-192

¹¹⁸ Rediker, 'The Banner of King Death', p. 212; Compare, for example, the articles of Bartholomew Roberts and Thomas Anstis, Appendices 6 and 7

¹¹⁹ Compare the articles of Thomas Anstis and John Phillips, Appendices 7 and 8

¹²⁰ Rogozinski, *Honor Among Thieves*, p. 172

Stede Bonnet's articles do not survive, for example, but the signing of articles was an important indicator of guilt in the trial of some of his men.¹²¹ Phillip Lyne's pirates forced captured sailors of the merchantman *Thomasine* to sign their articles in 1725;¹²² John Fenn's company, which consisted of the remnants of Thomas Anstis' company, had a contract 'according to which they manag'd'.¹²³ Du Bucquoy, the memorialist captive of John Taylor's company, declared that every pirate 'band or association has its laws and statutes'.¹²⁴ Bonnet and Fenn both belonged to the first 'line of descent' described by Rediker, along with Davis, Roberts, Anstis, Taylor and Phillips, and Lyne was a protégé of Low and Lowther, members of Rediker's second line. The use of articles by these numerous pirates from both of the major groups operating in the eighteenth century suggests that the use of articles was widespread amongst them. Evidence for the use of articles amongst earlier pirates is more scant, but nevertheless suggests that articles were employed by them. Cusack's company and the crew of the *Camelion* had little contact with other pirates of the age, but the fact that both crews independently drew up articles is indicative of common practice. Before setting off on his disastrous privateering voyage, Captain William Kidd and his backers agreed the ship's articles, and at New York Kidd supplemented his crew with extra men, many of whom were recruited from amongst former buccaneers, privateers and pirates. Four days out of port the new elements of the crew insisted on altering the ship's articles, bringing them more in line with the buccaneering articles they were familiar with.¹²⁵ Some of the pirates operating in the Indian Ocean, which Kidd was sent to hunt down, had connections with the Caribbean buccaneers, whose use of articles was, according to Esquemeling, widespread.¹²⁶

¹²¹ *The Tryals of Major Stede Bonnet and Other Pirates* (London, 1719), p. 31

¹²² *Daily Journal*, 2/11/1725

¹²³ *London Journal*, 28/9/1723

¹²⁴ Alfred Grandidier and Guillaume Grandidier, *Collection des Ouvrages Anciens concernant Madagascar*, vol. 5 (Paris, 1907), p. 114

¹²⁵ Ritchie, *Captain Kidd*, pp. 63-67; *Calendar of State Papers Colonial, America and the West Indies*, 1700, item 354. xvii

¹²⁶ Esquemeling, *Buccaneers of America*, p. 59

1.1. *The Origin and History of Pirate Articles.*

The idea of a community of outlaws drawing up rules and regulations on such a large scale seems, at first, a little incongruous. Nevertheless, the evidence that several hundreds, if not thousands, of pirates did so is extensive. It is difficult for pirates to be credited with much originality in this respects, as many occupational groups were, at this time, in the habit of using rules or articles similar to those of the pirates, and the existence of articles amongst these other groups has led to speculation whether pirates were inspired to create their own articles by one or more of them. Many of the pirate companies who cruised in the Indian Ocean during the 1680s and early 1690s had their origins in the bands of Caribbean buccaneers displaced from their cruising grounds around South America,¹²⁷ and so it is reasonable to assume, as some historians have, that pirate articles had their origins in the buccaneering articles, such as those described by Esquemeling.¹²⁸ There are, however, some problems with the application of this hypothesis to other pirates. While it is probable that some sets of pirate articles were influenced in their content by earlier buccaneering articles, it is unlikely that the concept of creating articles was passed directly from buccaneers to the majority of pirates. Of the *pirate* crews whose articles survive, none had any direct root in the buccaneer companies of the seventeenth-century Caribbean, or indeed with Indian Ocean pirates of the 1690s. More importantly, the earliest recorded pirate articles (George Cusack's) are roughly contemporaneous with the earliest recorded buccaneer articles (those described by Esquemeling), suggesting that pirate articles and buccaneer articles shared a common predecessor.

This is the stance taken by Pringle, who states that 'like the articles of the buccaneers, [pirate articles] were based on the articles normally in force on privateers, with which many of the pirates were familiar', a view shared by

¹²⁷ Rogozinski, *Honor Among Thieves*, pp. 4-10, 14-17

¹²⁸ Rogozinski, *Honor Among Thieves*, pp. 169-170; Peter T. Leeson, 'The Calculus of Piratical Consent: the myth of the myth of the social contract', *Public Choice*, 139 (2009), pp. 449-450

other historians.¹²⁹ Many buccaneers and pirates alike were familiar with the practices of privateers: the buccaneers because they went to such lengths to secure the status afforded by privateering commissions, and pirates because many of them had served on privateers before turning to piracy.¹³⁰ Privateers frequently operated under codified articles, and the practice went back at least to the Elizabethan period. The set of privateer articles preserved in the tracts of Sir William Monson contains several clauses very similar to those found in the articles of later privateers and pirates, dealing with matters such as mutiny, fighting amongst the crew, division of plunder, and theft from the company or comrades.¹³¹ The presence of these similar clauses in many, or most, sets of articles suggests a rough continuity about some of the kinds of issues that articles were intended to deal with.

Privateers' articles were the closest in form to those adopted by buccaneers and pirates, but almost every seaman would, at some point, have come into contact with some form of written agreement, or formalised rules governing behaviour. Any sailor passing through the Royal Navy after the Restoration would have found themselves subject to the various regulations and instructions introduced at various times from 1663 and eventually codified and printed in 1731.¹³² Wage contracts for merchant seamen were not regulated by act of Parliament until 1729,¹³³ but had been employed by ship-masters increasingly throughout the seventeenth and early-eighteenth centuries. These wage contracts usually stipulated the nature of the voyage to be undertaken, destination and ports of call, and, of course, the wages payable to each man.¹³⁴ Similar contracts, stipulating shares rather than wages, were also regularly used in the Newfoundland fishery from the second half of the

¹²⁹ Pringle, *Jolly Roger*, p. 110; Baer, *Pirates*, p. 207; Sherry, *Raiders and Rebels*, p. 125

¹³⁰ Rediker, *Villains of all Nations*, pp. 19, 35, 64

¹³¹ M. Oppenheim (ed.), *Naval Tracts of Sir William Monson*, vol. IV (Navy Records Society, 1913), pp. 200-201

¹³² Rodger, *Command of the Ocean*, p. 320

¹³³ Marcus Rediker, *Between the Devil and the Deep Blue Sea: merchant seamen, pirates, and the Anglo-American maritime world, 1700-1750* (Cambridge, 1987), pp. 140-141; Davis, *English Shipping Industry*, p. 142

¹³⁴ Davis, *English Shipping Industry*, pp. 140-141

seventeenth century and throughout the eighteenth.¹³⁵ On occasion, the crews of privateering vessels signed individual contracts in place of their communal articles, and in these cases the contracts might also be used to regulate behaviour. Sailors of the ‘Spanish Expedition’ of 1694, for example, signed contracts which set down their monthly wage and the destination and duration of the proposed voyage, but also required them to ‘civilly and courteously behave and demean’ themselves toward the officers, to render a ‘just and true Account’ of all money and goods which came into their hands, and to ‘observe all such Rules as the Commander shall direct’.¹³⁶ It could be argued that the content of privateering articles was influenced by pirate articles, but the similarities between pirate articles and earlier privateering articles, such as those described by Sir William Monson in the early seventeenth century suggest that privateering articles influenced the content of pirate articles, rather than the other way round.¹³⁷

If pirates were inspired directly by privateering practice in their creation of articles to regulate behaviour, the same cannot be said of other, non-maritime criminal groups. As early as 1657, before Cusack’s pirates or Morgan’s buccaneers drew up their articles, highwaymen and other robbers around the London area were, according to a pamphlet purporting to have been written by a retired highwayman, operating under a codified set of practices. The pamphlet was ostensibly written to inform the public of the practices of highwaymen and other robbers so that they might be on their guard, but it also served to vilify the criminal underworld, and the inclusion of the oaths and rules adopted by highwaymen was part of that process, to terrify the reading public by highlighting just how well organised the criminal gangs were. Nevertheless, the fact of their inclusion serves to show how widespread the use of formal articles was, even at that relatively early date.

New robbers admitted to a gang were administered an oath

¹³⁵ Paul A. Gilje, *Liberty on the Waterfront, American maritime culture in the Age of Revolution* (Philadelphia, 2004), p. 27; Daniel Vickers and Vince Walsh, *Young Men and the Sea: Yankee seafarers in the age of sail* (New Haven, 2005), p. 46

¹³⁶ *Contract of William May, 1/8/1694, CO 388/4, f. 61*

¹³⁷ Oppenheim, *Monson Tracts*, pp. 19-20;

by reading a charge of secrecy that what ever misfortune happens to cloud their freedom by rendering them as an object to Justice and Law, they shall conceal their complices to the death, burying in oblivion not onely his confederates, but also the manner of his enterance into that accursed way, and further they proceed to swear him, that if the Judges should further presse you on to a discovery of particulars, then you must cunningly create some men in your fancy... nor must conscience trouble you, but dispence with every impiety, and glory in the greatest iniquities.¹³⁸

With such an oath, the highwaymen sought to preserve the integrity of their outlaw community, and their declared intention to 'grow old in the most exquisite practice of vice' is similar to, for example, Cusack's pirates' resolution 'to live and die with them in this their present design', or the second of John Taylor's articles, obliging 'all to remain loyal and to assist their brethren in danger, on pain of death'. But oaths alone were not enough to ensure the integrity they sought, and the 'converted' highwayman went on to outline 'some of the laws and customes of the City Thieves'.

they are Governed by Laws and Orders, as an historian of that fraternity relateth. First, they have a Captain or Superior, whom all Thieves observantly obey, and he is the cunningest and oldest of that Trade; who appoints each man his station, reserving the wisest for the most desperate and most dangerous thefts, which their Law makes them submit unto, not passing his limits, nor undertaking greater matters than he is capable of.¹³⁹

Thus, within the 'fraternity' of highwaymen, a hierarchy was established, each man knowing his place as, as we shall see in Chapter 2, was the practice amongst pirate companies. To maintain the 'fraternity' highwaymen were required, like pirates, to suborn their personal quarrels, and 'they never fall out one with another unlesse feignedly to avoyd suspicion'. Avoiding suspicion was an elementary practical requirement of remaining in trade as a

¹³⁸ *The Devil's Cabinet Broke Open, or, a New Discovery of the High-Way Thieves* (London, 1657), pp. 6-7

¹³⁹ *Devil's Cabinet*, p. 39

highwayman, and just as some pirate articles dealt with the practical matters of remaining afloat, so the laws and orders of the highwaymen laid down rules governing how many of their number could visit taverns together, and how frequently. 'Neither must they go two of them together through the City, or to speak familiarly together when they meet'. Instead, 'they have their certain meeting places on every Saturday night, to give account of each exploit, the manner and the purchase of it'. For each successful robbery, like the pirates whose articles demanded frank and careful accounting, the highwaymen were required to declare all that they had taken, so that, like the pirates, it might be divided 'amongst themselves according to their several shares'.¹⁴⁰ If the content of the *Devil's Cabinet* can be believed, then, highwaymen saw the cohesion and integrity of their society, the establishment of their hierarchy, the fair and proper division of spoil, and the practical requirements of their trade as important as the pirates did when it came to codifying their regulations.

Other criminal groups may not have codified their practices into a set of written rules, but had similar concerns that were addressed in similar ways. The Blacks, a phrase used to describe several gangs of poachers and deer-stealers who ravaged private parks in Hampshire and Berkshire in the early 1720s, established their own hierarchies by electing their leaders and 'Kingly Government'. Oaths were administered to new members, binding them to promises of obedience to 'King John' and their other leaders, and 'to stand by one another to the last Extremity'.¹⁴¹ One young Black was sworn to 'obey orders... and to make a faithful oath to be true.'¹⁴²

It appears then that articles, written or verbal, were used not only by pirates, but by other outlaws as well, to establish chains of command or hierarchies, and to prevent indiscipline that might lead to anarchy. But the necessity for order might also be felt by those who, while not in themselves criminals, were nevertheless outlaws in the sense that they were beyond the reach of the laws they would otherwise have been subject to, and protected by. One of the most

¹⁴⁰ *Devil's Cabinet*, p. 40

¹⁴¹ *The History of the Blacks of Waltham in Hampshire; and those under the like Denomination in Berkshire* (London, 1723), p. 3

¹⁴² E.P. Thompson, *Whigs and Hunters: the origin of the Black Act* (London, 1990), p. 149

striking examples of these groups comprised the American seamen, naval and privateer, who were captured and held as prisoners of war in English prisons during the American War of Independence (1775-1783) and the War of 1812 (1812-1814). In the course of those two conflicts many thousands of American seamen were captured and incarcerated in prison ships or purpose-built prisons such as Dartmoor.¹⁴³ In overcrowded and unpleasant conditions these men were forced, for their own survival, to co-exist as peacefully as possible. As Dartmoor inmate Charles Andrews explained, 'honesty and integrity are but mere chimeras in dire necessity. Such was our situation, that it resembled more a state of nature than a civilised society', and in order to 'provide a remedy against this evil, we appointed a legislative body, to form a code of laws'.¹⁴⁴ Similar practices had been used in the Mill Prison during the War of Independence, where 'the prisoners... adventured to form themselves into a republic, framed a constitution and enacted wholesome laws, with suitable penalties'.¹⁴⁵

The articles drawn up by prisoners of war held in the Mill and aboard the prison ship *Jersey* during the War of Independence, and in Dartmoor during the War of 1812 largely dealt with the familiar subjects of the preservation of the community and the practical necessities of surviving confinement. In the Mill and in Dartmoor gambling was prohibited, and in Dartmoor and on the *Jersey* smoking was restricted to outside spaces, and theft and fraud punished severely. Personal cleanliness held a high priority for men confined in close proximity to one another: aboard the *Jersey* 'personal cleanliness should be observed, as far as was possible', and in Dartmoor anyone found washing in the communal well was fined. Likewise, in Dartmoor, any prisoner 'found guilty of making any nuisance [i.e. defecating] (except in the Necessary), shall be made to clean the same and pay one Shilling'. These articles were enforced by the prisoners themselves and overseen by their own elected representatives. In Dartmoor a 'committee' was elected by majority

¹⁴³ Gilje, *Liberty on the Waterfront*, pp. 116-117, 176

¹⁴⁴ Charles Andrews, *The Prisoner's Memoirs, or Dartmoor Prison*, (New York, 1852), pp. 23-24

¹⁴⁵ Andrew Sherburne, *Memoirs of Andrew Sherburne: a pensioner of the Navy of the Revolution* (Providence, R.I., 1831), p. 83

vote, while in the Mill two men from each ship's crew were appointed for the task. Aboard the *Jersey*, each punishment was approved by general consensus, with the senior officer present acting as judge. In each of these cases the articles were written down and, in the Mill and on the *Jersey* at least, were read out to the assembled prisoners before being 'stuck up', and before any punishment for their infraction was carried out.¹⁴⁶ The extent to which these voluntary laws were adhered to is difficult to gauge.

It is an astonishing fact that any rules, thus made, should have so long existed and been enforced among a multitude of men situated as we were; so numerous, and composed of individuals of that class of human beings who are not easily controlled, and usually not the most ardent supporters of good order

but on the *Jersey* they seem to have been voluntarily complied with, even by the 'many foreigners among our number'.¹⁴⁷

1.2. Drawing Up and Signing Articles.

Because of the practical necessity of maintaining some kind of order aboard any ship, including pirate vessels, the drawing up of articles was often among the first acts of a new pirate crew. The 'obligation' subscribed to by Cusack's crew was drawn up on the very day of the mutiny which led to their piracy, and the crew of the *Camelion* drew up their articles only a day after their own mutiny.¹⁴⁸ According to Charles Johnson, Howell Davis's crew drew up their articles immediately after taking over their ship and electing Davis commander. Johnson probably had a good witness in John Massey for his account of the early part of Lowther's career, so is fairly credible when he describes how Lowther and his crew drew up their articles shortly after getting

¹⁴⁶ Benjamin F. Palmer, *The Diary of Benjamin F. Palmer, privateersman: while a prisoner on board English war ships at sea, in the prison at Melville Island and at Dartmoor* (New Haven, 1914) pp. 244-246; Albert G. Greene, *Recollections of the Jersey Prison-Ship: taken, and prepared for publication, from the original manuscript of the late Captain Thomas Dring, of Providence, R.I.* (New York, 1831), pp. 102-104; Charles Herbert, *A Relic of the Revolution* (Boston, 1847), pp. 145-146

¹⁴⁷ Greene, *Recollections*, p. 103

¹⁴⁸ *The Grand Pyrate*, pp. 6-7; Jameson, *Privateering and Piracy*, p. 160

to sea, following their mutiny on the African coast.¹⁴⁹ Not all of the surviving sets of articles were drawn up at the beginning of piratical cruises. John Gow's articles make reference to his ship being aground, suggesting that they were drawn up towards the end of his short career, and at a time when his hitherto autocratic command was disintegrating.¹⁵⁰ Bartholomew Roberts' articles, according to Johnson, were also drawn up long after the start of that pirate's command, following the supposed desertion of Kennedy, his Irish lieutenant, and also perhaps at a time when the command structure and former articles were slipping into disarray.¹⁵¹ In these cases, the articles were drawn up not to establish order, but because the system of maintaining order which had already been in place was becoming, or believed to be becoming, progressively less stable. The similarity of Low's articles to Lowther's suggests that the former crew adopted their articles when they met the latter, probably as a condition of being allowed to join with them, and retained them after the two crews parted company.

Having established the need for some mechanism to maintain order the pirates' next task was to draw up the content of their articles. Whether this was done by one person, a select committee, or by the whole crew, varied from ship to ship. Cusack and his lieutenant perhaps devised the obligation subscribed to by Cusack's crew.¹⁵² The articles aboard the *Revenge* 'were written with Gow's own Hand', while John Copping, a member of the crew with no apparent command role, drew up the articles of the *Camelion*.¹⁵³ In the case of John Phillips and his crew, Johnson recounts that 'the first Thing they now to do, was to choose Officers, draw up articles, and settle their little Commonwealth', suggesting that, at least in a small crew (Phillips and his crew numbered only five at this point), articles might be the product of the collective will.¹⁵⁴ Whoever devised and wrote the articles, though, was less significant than the fact that they had to be agreed upon, more or less, by the

¹⁴⁹ Johnson, *General History*, pp. 167-168, 307

¹⁵⁰ [Daniel Defoe], *An Account of the Conduct and Proceedings of the Late John Gow* (London, 1725; Edinburgh, 1978 reprint), p. 54

¹⁵¹ Johnson, *General History*, p. 210

¹⁵² *The Grand Pyrate*, pp. 6-7

¹⁵³ Defoe, *John Gow*, p. 55; Jameson, *Privateering and Piracy*, p. 161

¹⁵⁴ Johnson, *General History*, p. 342

whole company if they were to be subscribed to. The signing of articles was a ceremony conducted in a solemn and earnest manner, usually attended by the company making an oath in turn, which was 'sworn to upon the Bible', perhaps consummated with a glass of sea-water and gunpowder.¹⁵⁵ The articles of John Taylor's company were 'agreed by consensus and signed by the interested parties who intend to uphold them by placing, in the English fashion, two fingers on a bible'.¹⁵⁶ John Phillips' company were somewhat less orthodox and, having drawn up their articles, 'all swore to 'em upon a Hatchet for want of a Bible'.¹⁵⁷

For newly joined members of a pre-existing pirate company, subscription to the articles was an important part of their induction. Clement Downing wrote 'when ever any enter on board of these [pirate] ships voluntarily, they are obliged to sign all their Articles of Agreement'.¹⁵⁸ This was certainly true of Roberts' crew, in which 'all are obliged' to sign articles, and of many others.¹⁵⁹ In the courts appointed for the trial of pirates the signing of articles was just as significant an indicator of guilt as actually having taken part in piratical robbery. William Ingrams, a volunteer pirate whose claims to have been forcibly conscripted were dismissed at his trial, claimed that upon his capture he was forced 'to sign their Articles of Piracy, and also to swear to be true to that Crew'.¹⁶⁰ The court chose not to believe him and he was 'Condemn'd for voluntarily, going on board a pirate-ship... and signing the Articles'.¹⁶¹ William Blades tried, albeit in vain, to use the fact that he had not signed articles as a defence in court.¹⁶² Some new recruits 'signed the Pyrates Articles very willingly', even 'with a great deal of Alacrity',¹⁶³ but not all new members of a pirate company were willing volunteers: many were men forcibly conscripted either because of their specialist trade or to make up numbers. These men

¹⁵⁵ Johnson, *General History*, p. 307; Clement Downing, *A Compendious History of the Indian Wars* (London, 1737), p. 93

¹⁵⁶ Grandidier, *Madagascar*, p. 114

¹⁵⁷ Johnson, *General History*, p. 342

¹⁵⁸ Downing, *Indian Wars*, p. 107

¹⁵⁹ *Trial of the Pyrates taken by Captain Ogle*, p. 27

¹⁶⁰ *The Examination of William Ingrams*, 17/9/1724, HCA 1/55, f.76

¹⁶¹ *A True and Genuine Account of the Last Confession and Dying Words of John Gow, alias Smith, Captain of the Pirates* (London, n.d.), p. 7

¹⁶² *Tryals of Thirty-Six Persons*, p. 181

¹⁶³ *Trial of the Pyrates taken by Captain Ogle*, pp. 35, 43

were also required to sign the articles, but often needed persuasion, the threat of violence, actual violence, or a combination of those things, as encouragement to do so. When Phillip Ashton was taken by Ned Low's pirates, Low 'according to the Pirates usual Custom, and in their proper Dialect, asked me *If I would sign their Articles, and go along with them*'. Later Low 'came up to us again, and asked the old Question, Whether we would sign their Articles', and when Ashton persisted in his refusal he 'was assaulted with Temptations of another kind, in hopes to win me over'. Despite being plied with drink and promised spoil, Ashton continued to refuse and was finally dragged up on deck where Low pointed a pistol at him and exclaimed 'if you will not sign our Articles, and go along with me, I'll shoot you thro' the Head'. Still Ashton refused, but the pirates continued 'once a Week of Fortnight, as the Evil Spirit moved them, to... anew demand my signing their Articles and joining with them'.¹⁶⁴ Bridstock Weaver was called into the cabin of the Roberts' ship, from where, 'two Negroes with loaded Pistols were presently afterward called', where 'they put Pistols to the Breaste of the Examinee', and threatened to shoot 'if they refused to sign their Articles'.¹⁶⁵ The threat of violence to induce unwilling conscripts to sign articles was common but the method used could be more subtle. When William Phillips was captured by Roberts' crew he was 'obliged to Sign the Pyrates Articles that Night, for that a pistol was laid upon the Table to force him to it'.¹⁶⁶ William Ingrams described a highly elaborate ceremony, in which he was probably a participant, but probably not the victim as he claimed: 'When I came on board the *Good Fortune*, they gave me their articles to sign, seating me with a Bible to swear upon before a large looking-glass, and placing two men behind me with loaded pistols to shoot me if I refused'.¹⁶⁷ While the original members of a pirate company drawing up articles may have had some say in their content, new subscribers to the articles, whether volunteer or forced, had no means at

¹⁶⁴ Barnard, *Ashton's Memorial*, pp. 11, 14-16, 22

¹⁶⁵ *The Examination of Thomas Lawrence Jones*, 13/2/1723, HCA 1/55, f. 51; *The Examination of Bridstock Weaver*, 13/2/1723, HCA 1/55, f. 53

¹⁶⁶ *Trial of the Pyrates taken by Captain Ogle*, p. 11

¹⁶⁷ *The Proceedings on the King's Commission of Oyer and Terminer, and Goal-Delivery for the Admiralty of England, held at Justice Hall in the Old Bailey, on Wednesday and Thursday, being the 26th and 27th Days of May, in the Eleventh Year of His Majesty's Reign* (London, 1725), p. 2

their disposal to dictate any part of them before signing, and indeed may not have even known their contents before agreeing to sign: in Low's company, new recruits were kept 'ignorant of our Articles, we never exposing them to any till they are going to sign them'.¹⁶⁸

1.3. *The Stated Importance of Articles.*

The question remains, though, whether, having drawn up articles, agreed to them and signed them, pirates afterwards paid any heed to them, or whether they could be conveniently ignored as it suited their purposes. Ned Low told George Roberts that the articles 'cemented them together', and 'were signed and swore to by them all, as the standing rule of their duty, by which only they could decide and settle controversies and differences among themselves; the least breach of which would be a precedent for the like infractions', while another member of his company explained that 'if it were once admitted that a man, through passion, or the like, should be excused breaking [the articles], there would be an end to their society'. Strong sentiments indeed, and perhaps not entirely devoid of rhetoric, but Roberts' experiences as a prisoner of Low suggest that the articles really were applied with rigour. Roberts was approached by three of his old shipmates who had turned to piracy and told that if he pretended to be married he could not be forced to join Low's crew, for they had all sworn an article 'not to force any married man, against his will'. Furthermore, the three men hoped that Roberts would be freed and while they wished they could go with him they could not, for it was forbidden by the articles. They also begged Roberts not to tell anyone they had spoken to him, as another article made it punishable by death 'to hold any secret correspondence with a prisoner', and they 'were sure it would cost them no smaller a price... than their lives'.¹⁶⁹ Philip Ashton also knew enough of the pirates' adherence to their articles to be relieved for his physical safety when

¹⁶⁸ George Roberts, *The Four Years Voyages of Captain George Roberts* (London, 1726), p.

53

¹⁶⁹ Roberts, *Four Years' Voyages*, pp. 52-53, 61-62, 74, 78

he learned that 'it was one of their Articles, Not to draw Blood, or take away the Life of any Man, after they had given him Quarter'.¹⁷⁰

Adherence to the articles was not limited to Low's company, and William Snelgrave's experiences as a captive of Cocklyn and Davis were similar in this respect to George Roberts'. On Davis' ship it was a rule not to allow women, nor to rape any woman they came across, and 'being a good political rule, to prevent disturbances amongst them, it is strictly observed'. On another occasion, when Cocklyn's boatswain attempted to kill Snelgrave, many of the crew voted to have him flogged for violating 'that maxim established amongst them, not to permit any ill usage of their prisoners after quarter given'.¹⁷¹ Evidence given at the trial of Bartholomew Roberts' crew suggests that articles specifying rewards rather than punishments were also applied in practice, each member of a boarding party actually receiving the suit of clothes to which he was entitled.¹⁷²

Low's powerful sentiments notwithstanding, the general adherence to the articles does not necessarily mean that they were inviolable. In the incident mentioned above between Snelgrave and the pirate boatswain, the transgressor of the articles was saved from punishment by Snelgrave's own intervention. Du Bucquoy noted that Taylor's article guaranteeing the safety of those who surrendered was 'not generally applied to pirates who are drunk'.¹⁷³ Neither were the articles immutable, and in cases where one individual clause came into conflict with another, there was plenty of room for the articles to be manipulated to serve a particular purpose. Quartermaster John Russell, for example, was accused of trying to break the articles, which his office was charged to uphold, when he tried to force George Roberts to serve as a navigator to the pirate company. Russell then resolved to make Roberts volunteer (which was perfectly permissible) by making his alternative prospects as bleak as possible, allowing Roberts the return of his vessel and a boy to help sail her, but not his stores or mate, who had entered with the

¹⁷⁰ Barnard, *Ashton's Memorial*, p. 22

¹⁷¹ Snelgrave, *New Account*, pp. 219, 256-257

¹⁷² *Trial of the Pyrates taken by Captain Ogle*, p. 39

¹⁷³ Grandidier, *Madagascar*, p. 115

pirates. This might, claimed some of the pirates, be construed as condemning a man who had been given quarter to a lingering death from starvation at sea, a violation of a second article not to harm surrendering prisoners. Russell, however, successfully argued his case, that to force the mate to go with Roberts, after he had volunteered to join the pirates, was equally an infraction of their articles. He was, in fact, upholding the articles in the face of opposition from many of the rest of the company: if he was not to be permitted to break the articles for the good of the company, then he would prevent anyone else from doing so for the good of their victim.¹⁷⁴

Russell's gun-deck lawyering aside, pirates knew that the articles had been drawn up for the good of the company, regulating behaviour that was, or might turn, prejudicial to the ongoing cohesion and success of their community. If pirates had been willing to ignore or dispense with the articles when they did not suit their immediate whims then there would have been no point in creating them in the first place.

1.4. The Surviving Articles.

Of all the sets of pirate articles that must have existed in the seventeenth and eighteenth centuries only nine have survived in a complete form to the present day: those of George Cusack and Nicholas Clough from the seventeenth century, and from the eighteenth century, those of John Taylor, Bartholomew Roberts, Thomas Anstis, George Lowther, Edward Low, John Philips and John Gow. Other pirate articles, particularly those of Howell Davis and Thomas Cocklyn have survived in partial form. Numerous sets of privateer articles have also survived, including at least two sets used by privateer companies who later turned to piracy: of these, it is not at all clear that Thomas Tew's privateering articles remained in force after the transition from legitimate plundering to piracy, but evidence from the trial of William Kidd

¹⁷⁴ Roberts, *Four Years' Voyages*, pp. 53-54, 80-82

suggests that his privateering articles were retained after his privateering company turned pirate.¹⁷⁵

Of the surviving sets of pirate articles, those of Roberts, Lowther, and Philips have been most often quoted by historians,¹⁷⁶ not because they possess any intrinsic value, but because they were originally printed in the *General History*, and are thus the most accessible and familiar. Low's articles, originally printed in the *Boston News-Letter* and reprinted in Dow and Edmonds' *Pirates of the New England Coast*,¹⁷⁷ have also been quoted on occasion. The other surviving sets of articles have been virtually overlooked: Clough's articles were quoted in full by Pringle;¹⁷⁸ Taylor's articles formed part of the basis for Rogozinski's discussion of pirate social structure;¹⁷⁹ and Peter Earle appears to have been the first historian to recognize the existence of Anstis' articles.¹⁸⁰ With those exceptions, none of the articles written by the companies of Cusack, Clough, Taylor, Anstis, or Gow have received any attention from historians. The reason for this omission is explained by the fact that the articles printed in the *General History*, and to a lesser extent Low's articles, are so much more easily accessible. This sub-chapter will consider the origin and means of survival to the present day of all nine sets of pirate articles.

The arrest in the Thames of George Cusack and several of his, largely Irish, pirate crew was the cause of a minor sensation in 1674. The trial of the captured pirates in January 1675 was one of the earliest piracy trials to appear in print for the consumption of the general public. Through the printed trial account and two contemporaneous news pamphlets, the details of the latter part of Cusack's piratical career are well attested to. The first of these pamphlets, *News from Sea: or, The Takeing of the Cruel Pirate*, was published

¹⁷⁵ *The Arraignment, Tryal, and Condemnation of Captain William Kidd, for Murther and Piracy* (London, 1701), p. 22

¹⁷⁶ Grey, *Pirates of the Eastern Seas*, p. 20-21; Pringle, *Jolly Roger*, pp. 111-112; David Cordingly, *Life Among the Pirates, the Romance and the Reality* (London, 1995), pp. 120-122; Sherry, *Raiders and Rebels*, pp. 124-127; Angus Konstam, *Blackbeard: America's Most Notorious Pirate* (Hoboken, 2006), pp. 55-56; Dow and Edmonds, *Pirates of the New England Coast*, pp. 315-316, 356-358; Baer, *Pirates*, p. 206; Earle, *Pirate Wars*, pp. 172-174

¹⁷⁷ Dow and Edmonds, *Pirates of the New England Coast*, pp. 146-147

¹⁷⁸ Pringle, *Jolly Roger*, pp. 110-111

¹⁷⁹ Rogozinski, *Honor Among Thieves*, pp. 172-173

¹⁸⁰ Earle, *Pirate Wars*, p. 173

between the pirates' arrest and their trial, and describes in detail the chain of events leading to their downfall. It also hints that Cusack's career as a pirate had begun much earlier, and that he had for some time practised his trade in the Caribbean.¹⁸¹ The six-page pamphlet contained all the information then available, but being printed so soon after the arrest of the pirates, the anonymous author had little time to flesh out the earlier part of Cusack's career.

Readers interested in Cusack's early life had to wait until the publication, following his trial, of a second, considerably longer, pamphlet entitled *The Grand Pyrate: or, the Life and Death of Capt. George Cusack*. Claims about Cusack's early career in the Caribbean were given more detail in this second pamphlet, which detailed Cusack's career from the time he turned pirate in 1668. According to *The Grand Pyrate*, Cusack, then gunner of the *Hopewell* of Tangier, led a violent mutiny in the Atlantic and took command of the vessel. The officers and men opposed to the mutiny were cast adrift in the ship's long-boat, while the mutineers rifled the captain's papers and possessions. Resolved to embark on a course of piracy, Cusack and the mutineers drew up an 'Obligation', or charter, agreeing on the division of spoil and declaring obedience to Cusack, as captain, and one Richard Parslow as lieutenant.¹⁸²

How accurate the story of Cusack's early career, as told in *The Grand Pyrate*, may be, is hard to determine. The level of detail given by the 'Impartial Hand' who penned the account suggests a certain amount of research or a great dedication to meticulous invention. Where the *Obligation* is concerned, for example, *The Grand Pyrate* not only lists the members of the crew who signed the document, but also whether they were willing volunteers or constrained to do so, as well as listing all those crew members that did not sign. About the latter part of Cusack's career, *The Grand Pyrate* is substantially in agreement with both the earlier pamphlet and the printed account of the trial, but since both those accounts were readily available before the publication of *The Grand Pyrate*, this correlation tells us little about

¹⁸¹ *News from Sea: or, The Takeing of the Cruel Pirate* (London, 1674), pp. 1-2

¹⁸² *The Grand Pyrate*, pp. 5-7

the veracity of the latter pamphlet, except that its author chose to use accurate source material when it was available. Other small points may indicate that Cusack's early career was well researched. For example, the account contains a transcript of a letter from one Richard Wharton of New England.¹⁸³ Not only was Wharton a genuine inhabitant of Boston, he was involved in the shadier side of that city's maritime economy and was described by a contemporary as 'a great undertaker for pirates and promoter of irregular trade'.¹⁸⁴ Whether or not Wharton really wrote the letter attributed to him, he was certainly a person who might have done, so if that part of the account is not true then it is, at least, an entirely believable piece of fiction.

The same conclusion can be drawn of the *Obligation* written by Cusack's crew. There is no empirical corroborative evidence that 'Impartial Hand's' sources of information were reliable, but neither is there any real reason to doubt them. The anonymous author would certainly have had the opportunity to meet and interview Cusack and his pirates while they were incarcerated in the Marshalsea prison awaiting trial, and it may be that, if his account of the *Obligation* was not pure invention, it came from the personal recollection of Cusack or another. Two key facts stand out that may be indicative of how reliable *The Grand Pyrate* might be in respect of the existence and contents of Cusack's *Obligation*. Firstly, there is nothing in the *Obligation* that might be deemed particularly progressive or radical for the time in which they were supposedly written. The most unusual thing about the *Obligation* is that it was drawn up by pirates. This in itself is the second point of interest. Accepting that the *Obligation* really existed, and in the form presented in *The Grand Pyrate*, it is the earliest such agreement recorded as being created and used by pirates. Even if the *Obligation* was invented for the purposes of the story, it was still the first such agreement to appear in print. Thus, the pirates, or the author, were not drawing on an earlier tradition, and the *Obligation* was not inserted into the text to make it more believable to readers.

¹⁸³ *The Grand Pyrate*, pp. 16-18

¹⁸⁴ quoted in Dow and Edmonds, *Pirates of the New England Coast*, p. 19

We can be on much surer ground with the articles drawn up by the crew of the *Camelion*, a London slave-ship who mutinied against the ship's owners and turned to piracy in 1683 under the command of Nicholas Clough, who had been master of the ship since she left London. Following their capture, Clough and his company were tried in New York and the original signed copy of their articles was preserved amongst the indictments. It was originally reprinted in 1892, along with other documents relating to the case, in a collection of legal documents from the Surrogate's Office, New York,¹⁸⁵ and again in Jameson's *Privateering and Piracy* in 1923. Clough's articles are the only set to have survived intact.

No pirate articles have survived from the great wave of piracy in the Indian Ocean in the 1690s, or from the early part of the eighteenth century, and the next sets of articles of whose content we are aware are those of Howell Davis and Thomas Cocklyn, from 1719. Howell Davis left New Providence in 1718 as mate of the *Buck*, a privateer sent out by Woodes Rogers, by that time Governor of the Bahamas, on a trading voyage. On the coast of Hispaniola he led a mutiny, took command of the vessel, and led the crew on a course of piracy that ranged from the Caribbean to the coast of Africa until his death in July 1719.¹⁸⁶ During his career Davis consorted and associated with a number of other pirate crews, including those of Thomas Cocklyn and Oliver la Buse, who had been members of the Flying Gang.¹⁸⁷ The articles of Howell Davis' company, unfortunately, have not survived in any complete form, but three clauses were recorded by William Snelgrave, one time captive of Thomas Cocklyn, which may have been in force in Davis' crew.¹⁸⁸ Of all the pirate-captive memorialists, Snelgrave appears to have been the most straightforwardly honest. To be sure, he was writing for an audience who were antagonistic towards pirates, but characterised individual pirates in a good light nearly as often as he condemned them. There was also undoubtedly an element of self-justification in his work, though it was published 15 years after

¹⁸⁵ *Abstracts of wills on file in the Surrogate's Office, City of New York, vol. 1 (1665-1707)* (New York, 1892), pp. 84-85; Jameson, *Privateering and Piracy*, pp. 160-161

¹⁸⁶ Burl, *Black Barty*, pp. 10-12, 62-64; Rediker, *Villains of All Nations*, p. 77

¹⁸⁷ Snelgrave, *New Account*, pp. 197-198

¹⁸⁸ Snelgrave, *New Account*, pp. 219-221, 256-257

the events it describes, but this need not have affected the collateral information contained in his account.

John Taylor's articles, too, were recorded by a captive, who, like Snelgrave, painted a very balanced picture of life aboard the pirate ship, praising Taylor for his qualities as well as criticizing him for his faults. Taylor was one of the crew of the *Buck* who joined in the mutiny led by Davis, and by the time they captured William Snelgrave held the rank of sailing master.¹⁸⁹ In the early summer of 1719 Davis was deposed from his command and Taylor elected in his place. Taylor's first stint in command of a pirate crew was short-lived, and within a few days he too was voted out of office and Davis resumed command. Apparently dissatisfied by this turn of events, Taylor and some of his followers left Davis' crew and transferred themselves to the ship commanded by Thomas Cocklyn, which was then sailing in consort with Davis.¹⁹⁰ Shortly afterwards, Cocklyn and la Buse parted company with Davis,¹⁹¹ and sailed for the Indian Ocean, where Cocklyn died and Taylor was elected to replace him.¹⁹² In July 1720, now sailing in consort with Edward England, they met with two East India Company vessels and fought a fierce engagement, during which the *Cassandra* was captured and the *Greenwich* fled.¹⁹³ Following the battle, England was deposed from his command and Taylor eventually transferred himself to the refitted *Cassandra*.¹⁹⁴

While cruising in the Indian Ocean Taylor's company attacked a small Dutch settlement in Delagoa (now Maputo) Bay, Mozambique, and carried off many of the settlement's officers, including a hydrographer named Jacob de Bucquoy, whose account of his time as a captive of the pirates, first published in French in 1744, is enlightening. De Bucquoy spent several months in the company of Taylor and his men, mingling freely, and sleeping in the captain's cabin.¹⁹⁵ His commentary on the personality of Taylor, and the social mores of the pirate company, as well as the narrative of their activities, is insightful and

¹⁸⁹ Burl, *Black Barty*, pp. 14-16; Snelgrave, *New Account*, p. 272

¹⁹⁰ Burl, *Black Barty*, p. 46

¹⁹¹ *Weekly Packet*, 12/12/1719

¹⁹² *The Examination of Richard Moore*, 31/10/1724, HCA 1/55, ff. 94-95

¹⁹³ *Post Boy*, 25/4/1721; Downing, *Indian Wars*, pp. 43-44

¹⁹⁴ Grey, *Pirates of the Eastern Seas*, pp. 316, 327-328; Snelgrave, *New Account*, p. 272

¹⁹⁵ Rogozinski, *Honor Among Thieves*, p. 207; Grandidier, *Madagascar*, pp. 103-139

extensive. De Bucquoy, naturally, claimed to detest the pirates' chosen career, but comes across as very fair-minded and honest when describing Taylor personally. His portrayal of Taylor as a tough and efficient sailor and a leader of great courage is also borne out by descriptions of the pirate written by other captives who had met him, such as the East India Company officer Richard Lazenby,¹⁹⁶ and particularly William Snelgrave, who described Taylor as 'brisk and courageous'.¹⁹⁷ There need be little doubt, then, of the integrity of this observant memorialist in the matter of his recitation of the articles in force under Taylor's command.

Another of Davis' protégés, Bartholomew Roberts, entered a life of piracy when the merchantman, of which he was an officer, was captured by Davis, and he and several others joined the pirates. When Davis was killed during an attack on the Portuguese island of Principe, Roberts was elected to take over command.¹⁹⁸ At some point during Roberts' extensive career, possibly (according to Charles Johnson) following the supposed desertion in late 1719 of one of Roberts' lieutenants, Walter Kennedy, with most of the company's accumulated spoil, new articles were drawn up.¹⁹⁹ According to Johnson, Irishmen were excluded 'from the benefit of' the articles, on account of Kennedy's desertion.²⁰⁰

The articles drawn up by Bartholomew Roberts' crew are quoted in the *General History*, and thus the accuracy of their recording is in some doubt. However, a careful analysis of the articles themselves and the background to Johnson's chapter on Roberts' crew suggests that they were faithfully recorded. In the first place, although Johnson wrote chapters about the exploits of thirty-four different pirate crews, he only included descriptions of their articles in three chapters. Thus, it can be surmised that Johnson was not habitually inclined to invent articles (as he did so much other material) where none were available for him to recount. In itself, this does not prove the

¹⁹⁶ 'The Narrative of Richard Lazenby' is reprinted in Grey, *Pirates of the Eastern Seas*, pp. 316-325

¹⁹⁷ Snelgrave, *New Account*, p. 272

¹⁹⁸ *Weekly Journal or Saturday's Post*, 2/5/1724

¹⁹⁹ Johnson, *General History*, p. 210; Burl, *Black Barty*, p. 102

²⁰⁰ Johnson, *General History*, pp. 210-212

accuracy of Johnson's recording, but it is suggestive. In the second place, Johnson has been described as 'more reliable about Bartholomew Roberts than of other pirates'.²⁰¹ As well as his probable association with captured pirates from Roberts' crew such as Thomas Jones, Johnson almost certainly met and interviewed John Atkins, who was not only present at the eventual destruction of Roberts' gang, but also acted as Register at their trial in 1722.²⁰² It was probably from Atkins that Johnson received his information about the content of the articles, so some doubt must still exist as to how much Atkins could have learned about the articles from the pirates he met, who would have been in no way keen to provide him with evidence against themselves, but several of Roberts' men had been forced into the company and may have chosen to provide Atkins with information in the hopes of proving their own innocence. Furthermore, the published account of the trial contains evidence that directly corroborates some of the material in Johnson's version of the articles. For example, Thomas Stretton deposed that 'it was death or marooning to be found' consulting with one another about 'some manner of escape', and two others deposed that each pirate was called in turn aboard a prize and 'was allowed a shift... that is, a suit from top to toe'.²⁰³ By comparison, the articles recorded by Johnson include clauses stipulating that 'No man [was] to talk of breaking up their way of living', and that 'Every man [was] to be called fairly in turn, by list, on board of prizes... [and] allowed a shift of clothes'.

The early careers of Thomas Anstis and many of his crew were spent as members of the crew of Howell Davis and subsequently Bartholomew Roberts.²⁰⁴ In April 1721 Roberts ordered Anstis to take command of the *Good Fortune*, one of his consort vessels, with a crew of about forty pirates, including a number of forced men and Thomas Jones, who had earlier fought with Roberts and been severely punished. Charles Johnson claimed that Anstis himself was also discontented with Roberts' command because of 'the inferiority he stood in, with respect to Roberts, who carried himself with a

²⁰¹ Burl, *Black Barty*, p. xi

²⁰² Johnson, *General History*, p. 676

²⁰³ *Trial of the Pyrates taken by Captain Ogle*, pp. 28, 39

²⁰⁴ Burl, *Black Barty*, pp. ix, 64

haughty and magisterial air' and 'left [the crew of the *Good Fortune*] no more than the refuse of their plunder'. Johnson's evidence here is, as always, inherently unreliable, and no other evidence exists to corroborate Anstis' motives, but there was certainly some disagreement between Roberts and Anstis, for three nights after being appointed to command the *Good Fortune*, Anstis and his followers slipped away in the dark.²⁰⁵

Anstis and his men later claimed that they ran away from Roberts in order to petition for a pardon, but their petition was not written until they had pursued an independent course of piracy for fourteen months. After sending their petition by a ship they met with, the pirates proceeded to the island of Rattan, where they waited for a response and their hoped-for pardon. When no such response was forthcoming after eighteen months they put to sea again and enquired for news of the first English ship they came across. Informed by the crew of that ship that there was no news of a pardon, nineteen pirates elected to return to England in order to surrender themselves to 'the King's Mercy'.²⁰⁶ These pirates came ashore near Minehead in Somerset and dispersed.²⁰⁷ Several were apprehended or voluntarily surrendered themselves: two were tried and condemned, and one, Thomas Jones, died in the Marshalsea prison before being brought to trial.²⁰⁸ One of those pirates who surrendered was William Whelks, a sea-officer from Minehead, who claimed to have been captured by Anstis' crew in 1721 and kept prisoner for a period of twenty months, during which time he was 'compelled' to sign the crew's articles. From the evidence given by other pirates of Anstis' crew it seems that all new recruits were required to sign the articles, at gunpoint if they were unwilling,²⁰⁹ so it is certain that Whelks would have seen the articles and as an officer of merchantmen would probably have been literate enough to have been able to

²⁰⁵ CSPC 1722-1723, item 331.i; *Examination of Thomas Lawrence Jones*, 20/3/1723, HCA 1/55, ff.51-52; *Weekly Journal or Saturday's Post*, 2/5/1724; Johnson, *General History*, pp. 224-225. It is quite possible that Johnson acquired his account of Anstis' desertion of Roberts from Thomas Jones, who was in prison in London while the *General History* must have been in preparation.

²⁰⁶ CSPC 1722-1723, item 331.i; *Examination of Thomas Lawrence Jones*, 20/3/1723, HCA 1/55, f.51

²⁰⁷ *Letter of Charles Delafaye*, 13/5/1723, National Archives, ADM 1/4104

²⁰⁸ *Proceedings on the King's Commission*; *Weekly Journal or Saturday's Post*, 2/5/1724

²⁰⁹ *Proceedings on the King's Commission*, p. 2; *Examination of Thomas Lawrence Jones*, 20/3/1723, HCA 1/55, f.51

read and understand them.²¹⁰ Appended to the deposition given by Whelks to Somerset magistrate William Blake is a copy of the 'Articles made on board the *Good Fortune*'.²¹¹

The accuracy of Whelks' memory cannot, of course, be determined, except to say that in other respects his testimony correlates well when compared to the testimony given by the other pirates of Anstis' crew, and there seems little reason to doubt Whelks' honesty, at least as far as the substance of the articles is concerned. One piece of evidence corroborating at least part of Whelks' recollection of the articles can be found in a contemporary newspaper report of the capture of Anstis' successor, John Fenn. Fenn and the remnants of Anstis' crew were taken to Antigua where the public learned of the contents of their articles, which had been found among their papers when captured. The ninth clause of the articles recounted by Whelks specified execution for any pirate who should 'meet with any gentlewoman or lady of honour and should force them against their will to lie with them', while Fenn and his men gained popularity amongst the women of Antigua because of the clause in their articles stating that they should not 'abuse any woman that should fall into their power'.²¹² Of the sets of articles dating from the 1720s Anstis' are the only set recorded by someone who actually signed them. This does not necessarily make Whelks' testimony as to their contents any more or less reliable, but his apparent innocence of piracy suggests that he had little reason for deliberate fabrication or omission.

Like Roberts' articles, the preserved version of George Lowther's articles also originated in the *General History*, and like Roberts' can also be partly corroborated from other sources, suggesting a substantially accurate rendition. In the early summer of 1721 the *Bumper* was engaged in transporting stores and soldiers on behalf of the Royal African Company from England to the company's settlement on the river Gambia. Dissatisfied with the conditions they found there, the crew, led by second mate George Lowther and captain of the soldiers John Massey, mutinied and turned to

²¹⁰ Rediker, *Between the Devil and the Deep Blue Sea*, p. 158

²¹¹ *The Information of William Whelks*, 23/4/1723, ADM 1/4104

²¹² *The London Journal*, 28/9/1723

piracy.²¹³ According to Charles Johnson's account, Lowther and his crew drew up their articles very shortly after their mutiny.²¹⁴ Near the end of the year Lowther was cruising around the Cayman Islands where he met with a smaller pirate crew commanded by Edward Low. Low had been gathering logwood in the bay of Honduras when he and some of his crewmates stole a boat and turned to piracy. Both pirate crews were in need of more men, and since Low's crew were ill supplied for an independent cruise they agreed to join Lowther's, with Low serving as lieutenant.²¹⁵ On 19 May 1722 Low took command of a brigantine, *Rebecca*, and left Lowther's company.²¹⁶ Lowther continued his career of piracy until 5 October 1723, when he and his crew were surprised ashore by a Barbados sloop commanded by Walter Moore. Sixteen of Lowther's crew were taken to St. Kitts and tried, while Lowther himself committed suicide.²¹⁷

The articles of Edward Low's company were printed in the *Boston News-Letter* of 8 August 1723,²¹⁸ following the capture and trial of Low's consort, Charles Harris, and his crew. They were printed along with a list of ships captured by the pirates, supplied in the form of a deposition by one of Harris' crew who had recently been executed. This is the source from which they have usually been quoted, however, they were also included as an appendix to the printed account of the trial of Harris and his crew, also published in 1723. Although the two versions tally almost exactly, there are some slight differences of wording, and the individual clauses are not listed in exactly the same order. Neither was the accompanying deposition printed in the *Boston News-Letter* printed in the trial account, suggesting that the editor of that newspaper may have had a source of information other than the trial account. There is no indication in the newspaper who that source might have been, but one or more of the pirates might have been interviewed in prison during the month between their capture and trial, or the week between their trial and execution, or one of the acquitted men might have been interviewed in Boston

²¹³ *The Petition of John Massey and George Lowther*, 22/7/1721, EXT 1/261, ff. 197-199,

²¹⁴ Johnson, *General History*, p. 307

²¹⁵ Dow and Edmonds, *Pirates of the New England Coast*, pp. 143-144

²¹⁶ *Boston News-Letter*, 11/6/1722

²¹⁷ *Daily Courant*, 12/6/1724

²¹⁸ *Boston News-Letter*, 8/8/1723

during the four weeks between their trial and the publication of the newspaper. We can be on surer ground with the version of the articles printed in the trial account, which were provided, 'to the best of his remembrance' by John Kencate, a surgeon who had been forced to join the pirates and 'had often seen them'.²¹⁹ The fact that two versions of Low's articles have been preserved in apparently independent sources, and the fact that both versions are identical in spirit, but not quite identical in text suggests a reasonable measure of accuracy in their recording.

Of the ten articles ascribed to Low's company, eight were ascribed to George Lowther's company the following year in Johnson's *General History*.²²⁰ Because of the association between Lowther and Low there is nothing surprising about their articles being similar, except for the dissimilarities already mentioned between the articles of other pirates who sailed together, such as Roberts and Anstis. As noted, there is no reason to suppose that Johnson deliberately fabricated any of the sets of articles he recorded, and it seems unlikely that he copied Lowther's articles from either version of Low's then printed: if he did, then he did not copy them in full and he inexplicably ascribed them to the wrong pirate crew. More likely is that he had a third source of information, possibly connected with arrest of Lowther's associate, John Massey, whose trial took place in London in 1723. In the early part of Johnson's account of Lowther a long description of Massey's exploits is prominent, which, together with many similarities between Johnson's account and the petition written by John Massey,²²¹ tend to support the hypothesis that Johnson interviewed Massey at some point during the proceedings. That being the case, and Lowther's articles being described by Johnson during the early part of his account, it is likely that the articles were described to Johnson by Massey himself, who probably had a hand in their creation.

Of the three sets of articles recorded in the *General History*, John Phillips' is the least corroborated by other evidence. However, some points may give clues as to Johnson's accuracy as far as Phillips' articles are concerned.

²¹⁹ *Tryals of Thirty-Six Persons for Piracy*, pp. 191-192

²²⁰ Johnson, *General History*, pp. 307-308

²²¹ Johnson, *General History*, pp. 304-307; EXT 1/261, ff. 197-199

Firstly, as we have seen, Johnson does not appear to have been in the habit of inventing articles, and based on the corroborative evidence supporting the authenticity of the other sets of articles in the *General History*, it seems Johnson only included descriptions of articles if he had some source of information about them. Who or what the source for Johnson's rendition of Philips' articles might have been is uncertain, but it would not be unreasonable to assume, based on the argument above, that some source existed. Without knowing where Johnson got his information about Philips' articles it is impossible to determine how reliable his source might have been, but it seems reasonable to conclude that Johnson at least found him credible. Secondly, the articles themselves are fairly typical, and do not contain any clauses which cannot be found in a similar form in other, better attested, articles. Thirdly, seven of the nine clauses which comprised Phillips articles were similar, in some cases almost identical, to clauses in Anstis' articles. Philips began his piratical career as carpenter in Anstis' company,²²² and presumably his own articles were influenced by those of his mentor. Crucially, though, Johnson does not appear to have been aware of the content of Anstis' articles, so the high incidence of correlation between the two sets suggests a degree of authenticity to Philips' articles that cannot otherwise be corroborated.

The last surviving set of articles to be drawn up during the 'golden age' of piracy was that belonging to the company of John Gow. Gow was serving as second mate and gunner of a merchantman when, in November 1724, he led a mutiny that resulted in the deaths of the ship's captain and doctor, and took command of the vessel.²²³ His subsequent spate of piracy was marked with cruelty and a marked lack of regard for his fellows. When he quarrelled with James Williams, the pirates' lieutenant and his confederate in the mutiny, the latter was locked in irons and surrendered up to the master of the next English merchantman they met, with instructions to hand him over to a British man of war so that he could be taken home for trial.²²⁴ After a short cruise Gow made

²²² *The Information of Henry Treehill*, 13/2/1723, HCA 1/55, f. 65

²²³ *Proceedings on the King's Commission*, pp. 5-6

²²⁴ *Weekly Journal or British Gazetteer*, 27/2/1725

his way to his native Orkney Islands, under the pretence of being a legitimate trader, to careen the hull of his ship. Part way through the cleaning process several of his men deserted, and their confessions to the local authorities forced Gow to set sail for another island, but he ran his ship aground and, helpless, was eventually arrested in February 1725.²²⁵ While the ship was aground, Gow apparently drew up a set of articles, 'written with [his] own hand', and regulating conduct aboard the stranded pirate vessel.²²⁶

Gow turned to piracy after the publication of the *General History*, and by that time the public's appetite for tales of piracy had been whetted, so that when Gow was arrested and tried a spate of publications about his career appeared, including *An Account of the Conduct and Proceedings of the Late John Gow*, which contains a record of Gow's articles.²²⁷ The *Account* was published within a few weeks of the pirates' execution, and has since been attributed to Daniel Defoe. That attribution was first made in 1869, based on the idea that Defoe was an employee of John Applebee, the *Account's* publisher. Since then, both the specific attribution and the notion of Defoe working for Applebee have been called into question.²²⁸ No other corroboration of these articles exists, so their potential accuracy relies on the accuracy of the rest of the *Account*. Fortunately, the sheer amount of material relating to Gow and his men allows the information in the *Account* to be cross-checked against newspaper reports, trial accounts, and an account written by the Ordinary of Newgate who attended the pirates during their incarceration. The *Account* bears up well to such scrutiny, which, together with the fact that John Applebee, who has been described as 'the official printer of Newgate',²²⁹ was the publisher suggests that the author was able to interview some of the key characters in the episode. According to the *Account*, the articles were found with the rest of the pirates' papers after their capture, drawn up but not signed. Nevertheless, despite the apparent accuracy of the *Account*, some

²²⁵ *Daily Post*, 13/3/1725; *Weekly Journal or British Gazetteer*, 3/4/1725

²²⁶ Defoe, *John Gow*, pp. 53-55

²²⁷ Defoe, *John Gow*, p. 54

²²⁸ P.N. Furbank and W.R. Owens, 'The Myth of Defoe as "Applebee's Man"', *The Review of English Studies*, New Series, 48 (1997), p. 204

²²⁹ Defoe, *John Gow*, p. v

doubt must remain about the accuracy of the articles, as they represent one of the few details that cannot be corroborated from another source.

1.5. The Evolution of Articles.

Pirate articles were neither immutable nor standardized: although the surviving sets all share certain similarities, they are all unique to a greater or lesser degree. The most significant similarity shared by all of the articles is that every surviving set can be seen to have been drawn up in accordance with the pirates' experiences in legitimate society. Through their emulation of legitimate systems of hierarchy and authority, social control, justice and punishment, and even the very use of a contract to define and maintain their rules, pirates based their society on the societies in which they had grown up and lived before turning to crime. Although Rediker's excellent analysis of the nationalities of pirates in the early eighteenth century suggests that more than 93% were Anglophones,²³⁰ even within the English-speaking world the different societies of England, Scotland, the various North American colonies, and numerous colonies in the West Indies all contributed to the pirates' collective experience. Rediker concedes, too, that the actual number of non-Anglophone pirates was probably higher than the recorded 6.9%, and these pirates would have brought still different experiences into the pirates' communities.

Even within an individual society, one person's body of experience is unlikely to be the same as another's, and so it is unsurprising that different pirate companies produced different articles, usually similar in scope and style, but differing in the details. Philips' company and Lowther's company, for example, both originated in the legitimate community of Anglophone deep-sea sailors of the 1720s, and the similarities in their articles, such as division of profit, provision for the injured, restrictions on gambling, and fear of fire below-decks, reflect this shared background. However, the two companies originated on opposite sides of the Atlantic Ocean; Philips was a carpenter who had

²³⁰ Rediker, *Villains of all Nations*, pp. 51-53

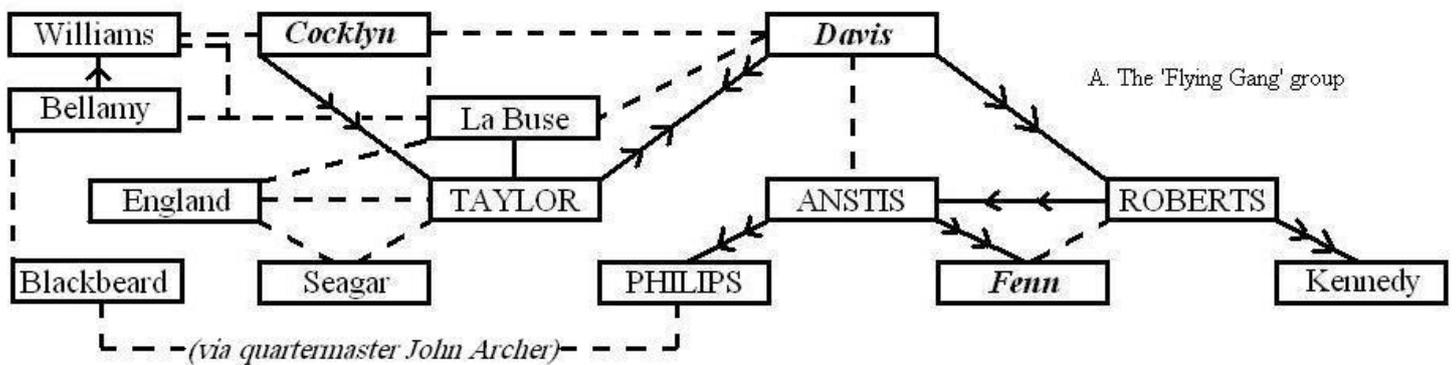
previously been a pirate himself while Lowther was an officer who had not; Lowther's company contained soldiers as well as seamen, which Philips' did not, and a myriad other differences between the collective experience of the two companies existed, and this is reflected in the good quarters guaranteed to victims by Lowther's articles and the injunctions against desertion and disobedience included in Philips'.

However, these differences in previous experience are not enough to explain the differences that exist between the articles of pirate companies which evolved from one another. Specifically, Roberts' and Taylor's companies both had roots in Howell Davis' company, and Thomas Anstis' company originated in Roberts', yet the articles of all of these companies are different. John Philips himself had been a member of Anstis company, though his men had not, and his articles are different still. There are two likely explanations for these differences between the articles of pirate companies with a shared origin: firstly, each set of articles was drawn up at a different time, and in the intervening periods new recruits joined the pirate companies, bringing with them their own experiences and ideas, and secondly, in the same periods the pirates who had been members of the company since the previous articles were drawn up gained new experiences themselves.

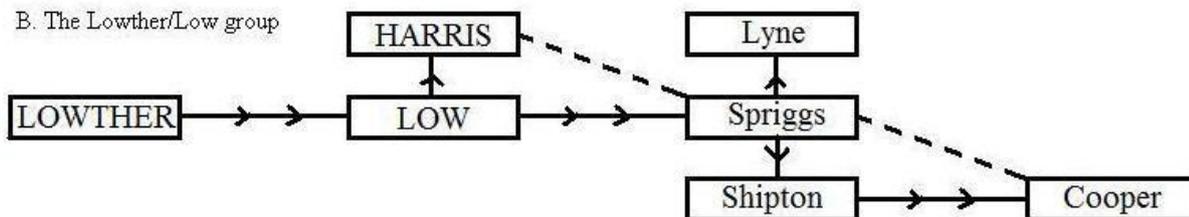
To facilitate an understanding of how each of the companies whose articles have survived in full, Figure 1 shows the relationships between those pirate companies who were members of either the 'Flying Gang' group or the Lowther-Low group, and their relationship to other pirate companies whose articles have survived in part or not at all. Cusack, Clough, and Gow, whose articles have survived, all sailed independently and so are not included in Figure 1, but all of the other companies whose articles have survived were members either of the Flying Gang group, which forms part A of Figure 1, or the Lowther/Low group, which forms part B. The pirate companies in Figure 1 include only those within two degrees of connection to a company whose articles have survived: Benjamin Hornigold, for example, is not included in Figure 1, despite his close association with Blackbeard, Bellamy, and Williams. Even so, Figure 1 serves to illustrate the complexity of the

interconnections between companies This is more pertinent to the Flying Gang group: the Lowther/Low group was relatively small, and all of the companies associated in any way with the group are shown in Figure 1, but the Flying Gang group consisted of many more companies than are shown in Figure 1, some of whose articles may have influenced, or been influenced by, the surviving articles of Taylor, Roberts, Anstis and Philips

Figure 1. Connections between article-writing companies.



B. The Lowther/Low group



Key: Names in uppercase denote pirate companies whose articles have survived complete. Names in italics denote companies whose articles have partially survived. Names in plain text denote companies whose articles have not survived.

→ → → direct 'descent', such as division of the company or replacement of captain

- - - - - sailed in consort together.

Sources. Snelgrave, *A New Account*, pp. 198, 257-258, 272; Grey, *Pirates of the Eastern Seas*, p. 316; Jameson, *Privateering and Piracy*, p. 388; *Trial of Eight Persons*, p. 23; Burl, *Black Bart*, pp. 14, 51, 64, 190, 197; Dow and Edmonds, *Pirates of the New England Coast*, pp. 132, 135, 156, 277, 279, 287; Rediker, *Villains of all Nations*, p. 80

1.5.1. Case study: Thomas Anstis' articles.

According to Johnson, Thomas Anstis was one of the original crew members of the *Buck* when Howell Davis led a mutiny and turned to piracy. As an old hand he was a respected member of the company and one of the 'lords' of Davis' council. Upon Davis' death Anstis may have been one of those proposed as his successor, and was certainly present at the election of Roberts.²³¹ Thus, when Anstis rose to command on his own account, in April 1721,²³² he himself and some of his men had lived bound by two sets of articles – Davis' and Roberts' – and the rest of his men had been bound at least by Roberts' articles. After parting company with Roberts, Anstis' company drew up their own articles. By examining Anstis' articles in the light of the shared experience of his company since its beginning under the command of Howell Davis, and comparing them with the articles of Davis and Roberts, as well as those of John Taylor, who also sailed under Davis, it is possible to track how and why certain changes in the articles were made, and whether specific incidences and people contributed to those changes.

When Davis and Anstis, along with a handful of others, stole the *Buck* in 1718, the great days of the pirates' base at Nassau and the original Flying Gang were past. Woodes Rogers had arrived with a company of soldiers and the might of the Royal Navy and convinced the Bahamian pirates to surrender or leave the islands.²³³ The company of the *Buck* had sailed from England as part of Woodes Rogers' expeditionary force to suppress the pirates, but at least one of the crew, Walter Kennedy, later claimed that he had joined the expedition precisely because he 'coveted to be one of those Petty Princes',²³⁴ and it is likely that during the weeks they spent at Nassau some of the company came under the influence of former members of the Flying Gang. Even if they were not influenced by former Flying Gang pirates at this stage, they certainly entered the sphere of the Flying Gang pirates who had left the Bahamas before Rogers' arrival when, in early 1719, they met and temporarily

²³¹ Johnson, *General History*, pp. 194, 288

²³² *Weekly Journal or Saturday's Post*, 2/5/1724

²³³ Earle, *Pirate Wars*, pp. 190-192; Johnson, *General History*, pp. 38-42; Woodard, *Republic of Pirates*, pp. 262-268

²³⁴ *The Weekly Journal: or British Gazetteer*, 29/7/1721

joined with Thomas Cocklyn's and Oliver la Buse's companies at the mouth of the Sierra Leone river.²³⁵

The articles in force at this stage of Anstis' pirate career have not survived, except for Johnson's assertions that 'according to Davis's Articles, it was agreed, that Quarters should be given whenever it was called for, upon Pain of Death', and that 'according to their Articles, he who first espies a Sail, if she proves a Prize, is entitled to the best Pair of Pistols on board, over and above his Dividend'.²³⁶ No articles relating to the pre-1718 Flying Gang have survived in full, so it is impossible to make any comparison which might determine the influence the Flying Gang pirates had over Davis' company, but Cocklyn's company, with whom Davis' men consorted, had a 'maxim established amongst them, not to permit any ill usage to their prisoners after quarter given,' which, though not exactly the same as Davis' article above, is similar enough in spirit to suggest that pirates in both companies placed the same sanctity on the promise of good quarter.

How many other clauses were shared by the articles of Davis' and Cocklyn's companies remains unknown because of the incomplete nature of both sets. However, some light may be shed on Cocklyn's articles at least by an examination of John Taylor's. Taylor succeeded Cocklyn on the latter's death, but had earlier served as sailing master in Davis' company,²³⁷ and the articles employed by his company are probably the earliest set from the eighteenth century that have survived in a complete form. Three articles are ascribed to Cocklyn's company in William Snelgrave's account of his time as a captive of Cocklyn: firstly the article prohibiting abuse of prisoners quoted above, secondly an article prohibiting members of the company renouncing their membership, and thirdly an injunction against women being allowed aboard ship.²³⁸ Taylor's articles also include all three of these clauses, suggesting that, to some extent at least, the company commanded first by Cocklyn and

²³⁵ Snelgrave, *New Account*, pp. 197-198; *The Last Speech and Dying Words of Richard Luntly* (Edinburgh, 1721), p. 1

²³⁶ Johnson, *General History*, p. 191

²³⁷ *The Examination of Richard Moor*, 31/10/1724, HCA 1/55, f. 94; Snelgrave, *New Account*, p. 272

²³⁸ Snelgrave, *New Account*, pp. 219, 220-221, 256-257

later by Taylor, retained their articles despite the transition of command. Furthermore, several of the clauses in Taylor's articles can be compared to the behaviour or expressed attitudes of the company when it was under Cocklyn's command. Taylor's articles, for example, enjoined the pirates to 'put to death any who resist or defend themselves,' while Cocklyn's boatswain was recorded by Snelgrave as saying that 'no Quarter should be given to any Captain that offered to defend his ship'.²³⁹ Under Taylor's command the company's articles specified that 'all plunder taken from a prize must be handed over to the quartermaster', and when Cocklyn, la Buse, and Davis took three coats from Snelgrave, 'without leave from the Quartermaster, it gave great Offence to all the Crew'.²⁴⁰ Nothing contained in the rest of Taylor's articles contradicts anything known about the mores of the company when it was under Cocklyn's command.

What is significant about this fact is that Taylor succeeded Cocklyn when the latter died;²⁴¹ there was no conflict, no acrimonious deposition of one captain and replacement with another, no trauma that led to a change in command. The smooth transition between commanders meant that no circumstances arose in which alterations to the article became necessary, and there is no evidence that any such alteration took place. It is not at all clear that pirates always chose to rewrite their articles even when a captain was deposed acrimoniously, or that they never rewrote their articles when a captain was replaced amicably. It is one of the limitations of the available evidence that no complete sets of articles have survived which show continuity of articles following and acrimonious or violent change in command, or, with the minor exception of Low's additional clauses not found in Lowther's articles, discontinuity following an amicable change in command. If the articles were satisfactory but the captain was not, there would have been no need to change the articles, only the captain. The evidence of the surviving articles, however, shows that, as in the case of Cocklyn and Taylor, a change of command did not necessarily entail a change of articles. The same is true of

²³⁹ Snelgrave, *New Account*, p. 206

²⁴⁰ Snelgrave, *New Account*, p. 257

²⁴¹ *The Examination of Richard Moor*, 31/10/1724, HCA 1/55, f. 94

Davis and his ultimate successor, Bartholomew Roberts: Roberts rose to command following the death of Davis at the hands of the Portuguese at the island of Principe in 1719.²⁴² There is no evidence to suggest that Roberts or his company instigated any new articles, or abandoned any of their old articles, at the time of the change in command. Up to that point the articles already in force had, presumably, served their purpose well, and in the absence of any dissatisfaction there was no reason to change them. A similar state of affairs existed in the group of pirate companies commanded originally by George Lowther and Edward Low. Lowther and Low joined forces early in 1722 and sailed together until May of that year, when, finding that they could not agree, they parted amicably.²⁴³ Lowther's articles, reported to Johnson by his erstwhile colleague John Massey, consisted of eight clauses, all of which were adopted by Low when his company parted from Lowther's. Lowther's company adopted two additional articles proscribing drunkenness in battle and 'Snapping²⁴⁴ of Guns in the Hould'. These same ten articles were also used by the men sailing under Charles Harris, a consort of Low. Harris himself had originally turned to piracy when he was captured by Lowther and Low in January 1722, and several of his crew had also served with Lowther before joining Low.²⁴⁵ Despite the divisions that occurred in the companies descended from Lowther's, Johnson believed that a spirit of friendship and camaraderie was maintained amongst them. The original split of Low's company from Lowther's was, apparently, the result of a vote in which each man was free to choose which captain to follow, and even after Low's demise, the men who had followed him still considered Lowther a 'Friend and Brother.'²⁴⁶ The use of virtually identical articles by Lowther, Low and Harris is reflective of the amicable way in which Lowther's company was divided in two on Low's departure, and the state of consortship that existed between Low and Harris.

²⁴² Burl, *Black Barty*, pp. 63-64

²⁴³ Dow and Edmonds, *Pirates of the New England Coast*, pp. 143-146

²⁴⁴ Snapping: test-firing a flintlock weapon without powder to ensure the flint was properly producing sparks

²⁴⁵ *Boston News Letter*, 7/5/1722; *Tryals of Thirty-Six Persons*, pp. 180-181, 187

²⁴⁶ Johnson, *General History*, pp. 314, 355

Pirates, then, did not see the need to rewrite their articles at every opportunity or break in continuity, but if the division of a company was acrimonious or some other trauma occurred, then a revision of the articles to reflect changed attitudes was a possible course of action. This is seen most clearly in the articles of Bartholomew Roberts' and Thomas Anstis' companies.

Roberts took over command of Davis' company on the latter's death, but, according to Johnson again, it was not until Walter Kennedy and several of his followers deserted the company, taking with them a large proportion of the company's accumulated wealth, that Roberts and the remains of the band, which included Thomas Anstis,

formed a [new] Set of Articles, to be signed and sworn to, for the better Conservation of their Society, and doing Justice to one another; excluding all Irish Men from the Benefit of it, to whom they had an implacable Aversion upon the Account of Kennedy.²⁴⁷

The fragmentary nature of Davis' surviving articles prevents any assessment of how radically different Roberts' new articles were from his old ones, but five of the eleven clauses contained in the new articles are also present, in slightly modified form, in Taylor's articles, perhaps suggesting a common root in the articles of Cocklyn and Davis. Four of these five articles, which between them restrict or prohibit gambling, fighting and desertion, and stipulate division of shares (albeit the actual size of shares are different in each set) are also contained, sometimes in a modified form, in several other sets of articles, including Anstis' and Philips', suggesting further a continuity which might have extended back to Davis' articles aboard the *Buck*, and even to the Flying Gang of New Providence. However, four of the clauses in Roberts' articles are unique amongst surviving articles, and were probably the new additions to the articles. They are the clauses guaranteeing each man 'a vote in the affairs of the moment', granting each member of a boarding party the right to choose a new suit of clothes from among the plunder, and those stipulating lights out at eight o'clock in the evening and preventing musicians from playing on a Sunday.

²⁴⁷ Johnson, *General History*, pp. 206-210

Of these, the last is virtually the only evidence of sabbatarianism amongst pirates, and has caused Roberts to be credited with a reputation for deeper religious tendencies than is strictly supported by other evidence, but which may not be inaccurate for all that. Patrick Pringle, as usual, summed up the situation when he wrote,

The Sabbath was made for man, not man for the Sabbath. The original purpose of the Jewish Sabbath was to give people a weekly rest from work. In the eighteenth century, as now, Sunday was the usual day off from work. There is no reason to believe that Roberts was a sabbatarian. Nor was he a puritan or an ascetic.²⁴⁸

However, the real point in Roberts' article was not to ensure that the musicians were able to rest once a week, or to prevent gaiety on a holy day, but is summed up in the second half of the article which stipulates that 'the other six Days and Night, [no rest] without special Favour.' The article was designed therefore, not only to ensure a day of rest for some of the crew, but also to ensure that they fulfilled their duties the rest of the time. Roberts' choice of Sunday as the day of rest may have been a religious decision, but may simply have been based on the pirates' experience of general practice in most Anglophone society.

The article stipulating 'lights and candles to be put out at eight o'clock at night', and insisting that any late-night carousers did so on the open deck, was a practical measure to prevent disastrous fires that might have been caused by drunken pirates stumbling below decks with naked flames, but may, particularly in its second part, have been a product of Roberts' own tendencies. According to Johnson, Roberts 'was a sober Man himself', who 'drank his Tea constantly',²⁴⁹ and in addition to the very real risk of fire may have sought peace and quiet below decks by banishing the drinkers to the upper levels. If he had hoped to discourage his men from drunkenness then he faced a stiff challenge, for these were the very men who, under Davis' command plundered Snelgrave's ship and

²⁴⁸ Pringle, *Jolly Roger*, p. 239

²⁴⁹ Johnson, *General History*, pp. 211, 213

hoisted upon Deck a great many half Hogsheads of Claret, and French Brandy; knock'd their Heads out, and dipped Canns and Bowls into them to drink out of: And in their Wantonness threw full Buckets of each sort upon one another. As soon as they had emptied what was on the Deck, they hoisted up more: And in the evening they washed the Decks with what remained in the Casks. As to bottled Liquor of many sorts, they made such havock of it, that in a few days they had not one Bottle left.²⁵⁰

For Joseph Mansfield, one of Roberts' company, drink was even a professed motive for having joined the pirates: 'he was drunk and asleep, and aforesaid [had] been too guilty of that Vice, which had a great Share in drawing him into such Company.' On the day of the pirates' final battle against HMS *Swallow* Mansfield claimed in his defence to have been so drunk that he didn't venture from below decks until the battle was lost, 'and it was some time before they [the rest of the company] could persuade him to the truth of their Condition.'²⁵¹ Small wonder, then, that Roberts 'found at length, that all his Endeavours to put an End to this Debauch, proved ineffectual.'²⁵²

Nevertheless, the restriction on drinking after eight o'clock may not have been anathema to many members of the company, for as the day's drinking could commence over breakfast, late nights may have been the exception in any case. Aboard Ned Low's ships, George Roberts observed,

Before it was quite dark, every one repaired on Board their respective Vessels, and about Eight a-Clock at Night I went to my Hammock, without observing, as I remember, any thing worth remarking, save, that Captain Loe, and I, and three or four more, drank a couple of Bottles of Wine after the Company were gone, before we went to Sleep.²⁵³

Roberts' article granting boarders the right to choose a new suit of clothes from amongst the plunder of a captured vessel is unique in its particulars, but not unusual in its spirit. Bravery and skill were rewarded in many sets of articles, both privateer and pirate: in Kidd's articles the man who first sighted a

²⁵⁰ Snelgrave, *New Account*, p. 234

²⁵¹ *Trial of the Pyrates taken by Captain Ogle*, p. 51

²⁵² Johnson, *General History*, p. 211

²⁵³ Roberts, *Four Years' Voyages*, p. 60

prize was granted one hundred pieces of eight in addition to his share, while Woodes Rogers' articles were less generous and only awarded twenty pieces of eight for the same service, providing that the prize was greater than fifty tons; Davis, Lowther, and Low all granted the 'best pair of pistols' to the man who spotted a prize. Explored more deeply in Chapter 3.1, the significance of clothing to pirates was threefold: firstly it served a practical purpose, and stolen clothing enabled pirates to replace their own worn out clothing with new, while far away from any regular supply; secondly, clothing was a valuable commodity and so constituted a form of portable wealth, the worth of which could be realised in almost any legitimate community; and thirdly, clothing was an important signifier of social status, so the wearing of new clothes, especially clothes taken from ships' officers or passengers, was one of the ways in which pirates could assert their own 'middling sort' status. Roberts' article offering a reward of clothing to members of a boarding party encouraged men to take a vigorous part in the action and resulted in such enthusiasm for boarding that the only fair way to determine the make up of boarding parties was to call each man 'fairly in Turn, by List', ensuring that every man had the opportunity to earn himself a new 'shift, as they call it, that is, a Suit from top to toe'. The effectiveness of the system at producing willing volunteers for the sometimes dangerous job of boarding can be judged by the assertion of one conscripted member of the company 'that they are so far from being forced upon his turn, that they often jangled among themselves, and challenged it before it was really their due.'²⁵⁴

The last of Roberts' unique articles is by far the most contentious, and probably the most often quoted, guaranteeing universal suffrage. The broader implications of this article will be explored at length in Chapter 2.3, but its place in the chronology of Roberts' company will bear further examination here. Voting on important matters certainly took place before Roberts' articles were redrawn, so the concept of each man having a vote (with the exceptions noted in Chapter 2.3) was not new: according to Johnson, Davis was originally elected 'by a great Majority of legal Pollers', and Roberts himself was elected

²⁵⁴ *Trial of the Pyrates taken by Captain Ogle*, p. 39

to command.²⁵⁵ But on lesser issues, prior to the composition of the new articles at least, a decision was often reached by a selected jury or committee of men, as, for example, when ‘Cannady and eleven others of [the] Crew were chose by [the] said Crew to determine whether the Informant’s said ship should be kept or burnt and they all voted her to be burnt and she was burnt’.²⁵⁶

The decision by Roberts’ company to make future decisions by the vote of the whole company, or at least such of the company as were actually given a vote, rather than by the vote of a select committee, following the departure of Kennedy and his supporters, is difficult to explain satisfactorily. In practice, the new article did not necessarily extend the franchise to include those members of the company who, for one reason or another, had no right to vote under Davis’ command as outlined in Chapter 2.3, the inclusive wording of the clause notwithstanding, but it did theoretically enlarge the scope of issues on which they might vote, though exactly what constituted ‘Affairs of Moment’ remained ambiguously defined. Perhaps some decision reached by a select committee of the company had gone awry and the article was intended to prevent a similar occurrence in the future, or perhaps it was intended to mollify members of the company who were rarely or never chosen to sit on such a committee; in either case, no reasonable explanation is recorded in the relatively voluminous body of evidence relating to Roberts’ company.

Roberts’ article guaranteeing universal suffrage, and the extent to which it was applied, both by pirates in general and by Roberts’ company in particular, will be discussed in Chapters 2.2 and 2.3. Despite the fact that six of the eleven clauses contained in Roberts’ articles, including the suffrage clause, are unique, Roberts’ articles have been quoted often, and described as ‘typical’ on several occasions.²⁵⁷ The frequency with which Roberts’ articles alone have been quoted by historians is rooted in the fact that, having been printed in the *General History*, they are easily accessible and, of the three sets in the *General History*, are the most comprehensive. The question of just how

²⁵⁵ Johnson, *General History*, pp. 167, 195

²⁵⁶ *The Information of Thomas Grant*, 28/4/1721. HCA 1/54, f. 120

²⁵⁷ Sherry, *Raiders and Rebels*, pp. 124-125; Konstam, *Blackbeard*, pp. 55-56

'typical' Roberts' articles were has not previously been satisfactorily examined, or even really questioned: indeed, Konstam wrote of Roberts' articles that although 'not all articles were as detailed, the basic tenets were the same'.²⁵⁸ Comparison with other surviving sets of articles, even with the other two sets included in the *General History*, shows that Roberts' articles, including the guarantee of universal suffrage, were far from typical.

What is most significant, though, about the rights of suffrage apparently granted to Roberts' company is that the system was found to be unworkable in practice, at least by the forty or so men who, along with Thomas Anstis, deserted Roberts in a brigantine in April 1721.²⁵⁹ Anstis' company's articles bear no trace of a guarantee of suffrage in 'affairs of moment' to anybody, and in fact take the diametrically opposite stance that 'if any man should Disobey and Lawful Command of the Commanding Officers' then they would be punished. Only under two circumstances do Anstis' articles suggest any kind of collective voice for the company: those who disobeyed such 'lawful commands' were to suffer whatever punishment 'the Company and Captain' thought meet, and anyone wishing to leave the company and join another pirate company required 'the consent of the Company'.

Anstis' men also did away with Roberts' two articles establishing a routine timetable on board ship. No longer was the company encouraged to go to bed at eight o'clock, or forced onto the open deck if they would not, and Sunday held no promise of rest for anyone. Anstis presumably did not share Roberts' sober tendencies, or lacked the force to impose his will if he did, and in any case, Roberts so failed to impose sobriety on the rest of his company that the article was observed mostly in the breach, and just as unworkable in practice as endless referenda and universal suffrage.

Of the twelve clauses that were included in Anstis' articles, nine followed more or less the conventions that were common in other companies' articles, and were included in Roberts'. The first article dealt with the familiar subject of dividing spoils into shares, and other articles covered theft, desertion,

²⁵⁸ Konstam, *Blackbeard*, p. 56

²⁵⁹ *The Examination of Thomas Lawrence Jones*, 13/2/1724. HCA 1/55, f. 51; *Weekly Journal or Saturday's Post*, 2/5/1724

cowardice, maintenance of arms, treatment of women, compensation for wounds received, and surrendering plunder to the quartermaster. One new innovation that appeared for the first time in Anstis' articles was the prohibition of snapping or cleaning their weapons below decks. Presumably this was a precaution against fire, and although a similar clause was included in Low's articles it was not to be found in any other of the surviving articles, and there is no evidence to suggest that Low's and Anstis' companies ever met or shared members in common, so it appears to have been independently thought of by both companies.

Apart from abandoning the notion of always voting on important issues and strict routines of work, recreation, and rest, the most radical difference between Anstis' articles and Roberts' was probably a reflection of one of the reasons behind Anstis' desertion. Roberts' articles stipulated that no man was to 'talk of breaking up their way of living, till each had shared one thousand pounds', and while that sum was not strictly unobtainable, the size of Roberts' company if nothing else virtually precluded it. It would have been natural for at least a portion of the company to tire of crime and start to think about rejoining legitimate society, but the articles prohibited even discussing the matter. Even if they had dared to broach the subject it is unlikely that Roberts himself would ever have agreed to seeking a pardon, for according to Walter Kennedy, Roberts often 'us'd to say, nothing from the King of England should content him, but the Government of the Leeward Islands'.²⁶⁰

Roberts placed Anstis in command of his consort vessel, the brigantine *Good Fortune*, and included several forced men in her crew, as well as disaffected elements like Thomas Lawrence Jones who had fought with Roberts and been punished for it.²⁶¹ Anstis himself, as one of the original members of the company that had stolen the *Buck*, may have hoped for command following Davis' death, and, according to Johnson, was discontent because of 'the Inferiority he stood in, with Respect to Roberts, who carry'd himself with a

²⁶⁰ *Weekly Journal, or British Gazetteer*, 29/7/1721

²⁶¹ *The Examination of Thomas Lawrence Jones*, 13/2/1724. HCA 1/55, f. 52; Johnson, *General History*, pp. 224-225

haughty and magisterial air, to him and his Crew'.²⁶² The ambitious captain, disaffected pirates, and forced men between them conspired to steal the *Good Fortune* and, Jones later claimed, 'agreed to run away with her to the West Indias and to live a marooning Life till they could have an Answer to a Petition to his Majestie for a Pardon'.²⁶³

Such a course of action would have been entirely contrary to Roberts' articles, and although it sounds like an attempt at self-justification by a man being interrogated for piracy, Anstis' company did in fact submit such a petition, via Sir Nicholas Lawes, Governor of Jamaica.²⁶⁴ The petition was not drawn up and signed until more than a year had passed since their desertion of Roberts, but the willingness of Anstis' men to accept a pardon, even if they were not at first eager to seek one, was enshrined in the last of their articles which granted that if at any time they heard of an Act of Pardon, 'they that are amind to receive it shall go with their money and goods.'

This clause, more than the other differences between Roberts' and Anstis' articles, points to the difficulties pirates faced when they opposed or disagreed with the tenets of their articles. Some, such as Bridstock Weaver, had not been members of the company when Kennedy left and the new articles were drawn up, and had probably signed the articles only under threat of death.²⁶⁵ They could not be expected to agree to an article that kept them bound to the pirate company, as far as they knew for the rest of their lives, but they courted the risk of severe punishment if they even discussed an alternative. The only way they could abandon an article with which many of them disagreed was to abandon the pirate company, which, as soon as they were able, they did.

Anstis was eventually turned out of command, possibly murdered in his bed, and John Fenn was chosen to replace him.²⁶⁶ Under Fenn there appears to have been no drastic changes made to the articles. At least some of Anstis'

²⁶² Johnson, *General History*, p. 225. Johnson's source for this statement was probably Jones himself, who had no love for Roberts.

²⁶³ *The Examination of Thomas Lawrence Jones*, 13/21724. HCA 1/55, f. 52

²⁶⁴ CSPC, 1722-1723, item. 333.i

²⁶⁵ *The Examination of Thomas Lawrence Jones*, 13/2/1724. HCA 1/55, f. 51; *The Examination of Bridstock Weaver*, 13/2/1724. HCA 1/55, f. 53

²⁶⁶ *The Information of Henry Treehill*, 21/3/1724. HCA 1/55, f. 67; Johnson, *General History*, p. 296

articles were still in place when the remnants of Fenn's company were captured and brought to trial,²⁶⁷ and the article allowing members of the company to seek a pardon was invoked after Anstis' demise when nineteen men, despairing of a response to their petition, elected to ship themselves aboard a prize vessel and sail for England in the hope of obtaining a pardon.²⁶⁸ One of these nineteen men was John Philips, carpenter of the company, who had been captured just the day after Anstis had left Roberts, and had joined the pirates.²⁶⁹ In England, several of the men who had returned were arrested and, according to Johnson, when news of this reached Philips he fled to Newfoundland where, having recruited a handful of fellows, he stole a schooner and set off with his new company, embarked upon a new course of piracy.²⁷⁰

Phillips was the only one of the new company who had served under Anstis and, until the arrival in the company of one of Blackbeard's former crewmen, the only man who had been a pirate, so his experience was probably significant in the drawing up of his company's articles. As Philips had not served under any captain except Anstis and Fenn, his experience did not include any earlier set of articles than Anstis'. It is therefore unsurprising that Philips' articles follow Anstis' articles so closely in their scope and content and, in places, even in their wording. Only two of Anstis' articles were omitted from Philips', that which proscribed cowardice in battle and that which granted members of the company the right to seek a pardon. Philips had been one of those who had invoked the right to seek a pardon, and it had done him little good, so the omission of that clause from his own articles can probably be explained as a result of that experience. Only one new clause was added to Philips' articles, stipulating that no 'Man shall strike another whilst these Articles are in force.' As a precaution against faction and division, the prohibition of physical violence was a sensible and practical rule, but it is difficult to identify any particular incident that led to its inclusion in Philips'

²⁶⁷ *The London Journal*, 28/9/1723

²⁶⁸ *The Information of Henry Treehill*, 21/3/1724. HCA 1/55, f. 68

²⁶⁹ *The Information of Henry Treehill*, 21/3/1724. HCA 1/55, ff. 65, 68; Johnson, *General History*, p. 341

²⁷⁰ Johnson, *General History*, pp. 341-342; Jameson, *Privateering and Piracy*, p. 386

articles. Certainly, physical violence between crewmates had occurred amongst the pirates with whom Philips learned his trade: the fight between Jones and Roberts which led to Jones joining Anstis' deserters, for example. Whether this incident, or one like it, was enough to inspire Philips to suggest the clause in his articles, or whether it was suggested by one of his less experienced company as nothing more than a sensible precaution, is impossible to tell.

That some of Philips' recorded articles so closely follow those of Anstis and Fenn, even in their very wording,²⁷¹ suggests most strongly that Philip's articles were, by and large, drawn from those of his piratical mentor and applied to a completely new company. As in the case of Cocklyn and Taylor, or Davis and Roberts, no conflict or trauma existed between Fenn and Philips, and so, with the exception of the clause relating to seeking a pardon, which Philips' experience suggested was not worth including, the articles remained virtually unchanged, and those changes that were made can be ascribed to the input of new members with no former experience of pirate articles.

Discounting Philips' articles, which were drawn up at a time and place removed from the influence of any existing pirate company's articles, Anstis' articles are the last complete surviving set in a chain beginning with the incomplete articles of Howell Davis, drawn up by men, of whom some at least, had lived under three different sets, each changed to suit their circumstances and new experiences. Some clauses were included, albeit in modified forms, in each subsequent set of articles, and these must represent the articles that the pirates found most useful, most workable, or touched subjects they considered most important, such as theft from the company and the division of pay. Other articles were found to be unworkable or impractical, or went against the general feeling of the company who subscribed to them, and so were altered, sometimes drastically, or simply abandoned. Roberts' experiments at keeping his men sober and early to bed, for example, were

²⁷¹ for example, compare Anstis', 'If any time we shall come in Company with any other Marooner and they shall offer to sign their articles without the consent of the Company shall be Marooned, or run away shall receive the same', with Philips' 'If at any Time we should meet another Marrooner that Man that shall sign his Articles without the Consent of our Company, shall suffer such Punishment as the Captain and Company shall think fit.'

half-hearted and ineffectual in the face of the company's general love of drunkenness and mayhem, and so were abandoned by Anstis' men at the first opportunity.

The personalities of the captains and members of constantly evolving companies may also have had an influence in the alteration of articles. Of Davis' articles which have survived, only that one which proscribed desertion was included in every subsequent set, while the articles set out to protect the lives and health of the pirates' victims were abandoned by Roberts and not reinstated by Anstis. Davis himself was described by Snelgrave as 'a generous man, [who] kept his Crew, which consisted of near 150 men, in good order', and who was 'ashamed to hear how [Snelgrave] had been used' by Cocklyn's men.²⁷² John Taylor's articles also contained a clause protecting prisoners, and he too was described by his captive, du Bucquoy, as a gentleman, a former Royal Navy officer and 'skilful politician', who 'was polite towards prisoners.'²⁷³ Neither Roberts nor Anstis are particularly recorded as being bullies in the mould of the 'basest and most cruel Villains that ever were,' as Cocklyn's company were described,²⁷⁴ but neither do they seem to have been noted for their humanity and generosity, and the absence of clauses in their articles protecting their victims, with the exception of Anstis' article prohibiting the rape of 'gentlewomen' or 'ladies of honour', may reflect that flaw in their personalities.

1.6. *The Literacy of Pirates.*

The study of the significance of a set of written documents to members of an occupational group must inevitably involve the study of literacy within that group. More than one study of the literacy of English speaking seamen of the seventeenth and eighteenth centuries has already been undertaken, based largely on what has been described as 'signature literacy', or the ability to either sign one's own name or only to make a mark in place of a signature. In

²⁷² Snelgrave, *New Account*, pp. 199, 225

²⁷³ Grandidier, *Madagascar*, pp. 107, 118

²⁷⁴ Snelgrave, *New Account*, p. 199

his study of English merchant seamen, 1650-1775, Peter Earle calculated that 'some two thirds of ordinary foremastmen and over 90 percent of men who held any type of office in a ship could sign their names'.²⁷⁵ These figures accord very well with Marcus Rediker's more detailed breakdown of literacy amongst seafarers, 1700-1750, which suggests that all masters, mates, and surgeons were able to sign their name. Even when taken in conjunction with the less literate boatswains, gunners, carpenters and coopers, the signature literacy of officers and skilled workers reached 95.6 percent. Among the lower ranks, Rediker found that literacy levels varied from 100 percent (amongst cooks and quartermasters) to 62.5 percent (apprentices), with ordinary foremastmen displaying signature literacy levels of 67.6 percent, or around two thirds, as Earle suggests. Signature literacy of merchant seamen of all ranks and grades, according to Rediker's figures, was 75.4 percent.²⁷⁶

These figures seem fairly straightforward: more seamen were 'literate' than were not, and among the officers the 'literate' were in an overwhelming majority. The reasons for these high levels of literacy are not hard to see. For masters, mates, and to a lesser extent, quartermasters, navigation was a skill essential to their trade, requiring the reading of charts, tables, and navigational treatises, as well as the writing up of the ship's log book. A ship's master also needed to be able to read and understand the owners' instruction, and was frequently called upon to undertake commerce in foreign ports on their behalf.²⁷⁷ Boatswains, and other low ranking officers not required to navigate, were also required to engage with the written word during the course of their professional activity: stores and cargoes were listed, and the boatswain had some responsibility in that direction, as well as having to be able to give receipts for goods delivered aboard. Some level of literacy amongst ordinary foremastmen is not particularly surprising, in spite of the fact that the ability to read and write did not constitute an essential skill for the conduct of their labour. Free or cheap schooling was available in most parts of

²⁷⁵ Peter Earle, *Sailors: English Merchant Seamen, 1650-1775* (London, 1998), p. 20

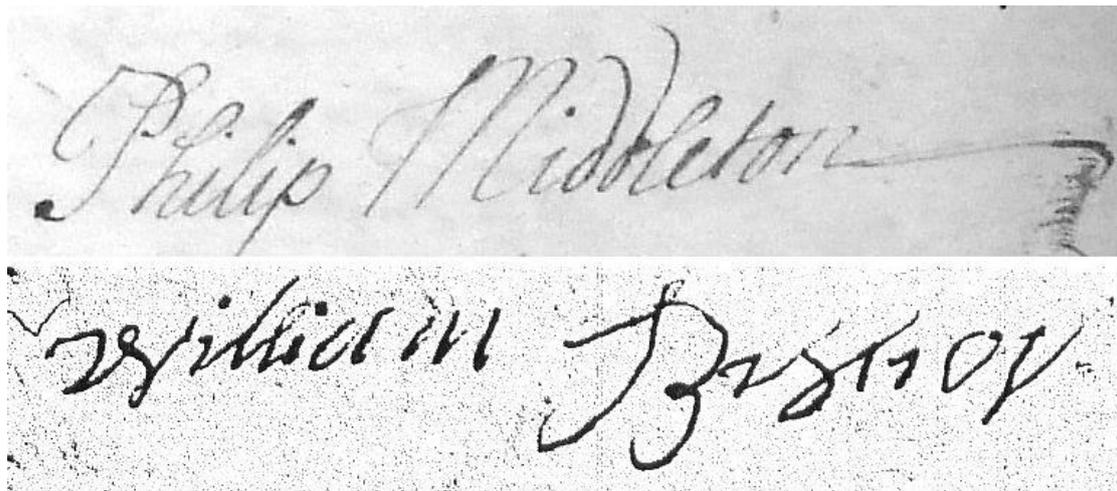
²⁷⁶ Rediker, *Between the Devil and the Deep Blue Sea*, p. 307. Rediker's figures are based on an analysis of 394 men who signed or marked documents held amongst the papers of the High Court of Admiralty and colonial Vice-Admiralty Courts.

²⁷⁷ Earle, *Sailors*, p. 43; Davis, *English Shipping Industry*, p. 127

England and the American colonies, providing at least a basic primary education to the majority of children, and children might also learn some level of literacy in the less formal environment of the home.²⁷⁸

The use of signature literacy as a means of measurement has two distinct advantages: firstly, the number of signatures or marks as a proportion of the number of signatories is an easily quantifiable set of data, allowing the creation of sets of comparative tables and easily understood percentages, such as those of Rediker and Earle. Secondly, it is 'universal, standard and direct',²⁷⁹ and signatures or marks gathered from a spectrum of different sources can be used for comparison by geography, chronology, and social status, for example.

Figure 2. The signatures of Phillip Middleton and William Bishop. Source: HCA 1/53.



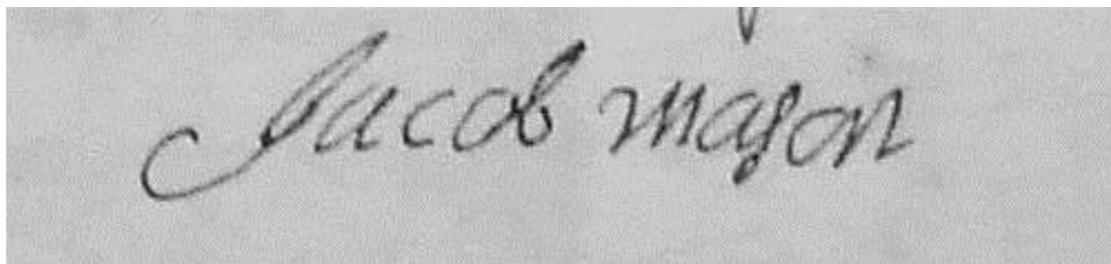
Nevertheless, in many other respects the use of signature literacy as a measurement is seriously flawed for a number of reasons, not the least of which is that the ability to write one's own name is not necessarily indicative of the ability to write anything else. Figure 2 shows the signatures of Phillip Middleton and William Bishop, both pirates who sailed on the *Fancy*,

²⁷⁸ Earle, *Sailors*, pp. 20-21; Deborah Keller-Cohen, 'Rethinking Literacy: Comparing Colonial and Contemporary America', *Anthropology and Education Quarterly* 24 (1993), p. 293

²⁷⁹ R.A. Houston, 'The Development of Literacy: Northern England, 1640-1750', *Economic History Review*, 35 (1982), p.200

commanded by Henry Every, and who were both signature literate. Middleton's signature is elegant and suggests confidence and an easy familiarity with the pen. Bishop's, on the other hand, is shaky and is *suggestive* of a signature learned but not comprehended: in other words, Bishop perhaps learned only how to write his own name, without any great understanding of the individual letters, or how they could be used to write other words. Indicative though the quality of individual signatures might be, it cannot be measured accurately and thus cannot be used to precisely quantify the functionally literate among the signature-literate. The problem is further compounded by men like Jacob Mason, who was able to sign his own name in a hand less elegant than Middleton's, but nonetheless clear and confident (Figure 3), but claimed in his deposition that he 'cannot read written hand'.²⁸⁰ Thus, the ability to sign one's name cannot be taken as a reliable indicator of the ability to write, or even to read.

Figure 3. The signature of Jacob Mason. Source: HCA 1/55, f. 33



The second problem with trying to use signature literacy to ascertain the level of literacy within any one group is that, even if it were possible to accurately ascertain the number of people who were able to write, the skills of reading and writing were not inextricably linked in the seventeenth and eighteenth centuries. The ability to read does not necessarily imply the ability to write, and so the inability to write does not necessarily imply the inability to read. This is not just a theoretical truth, for in the eighteenth century reading and writing were taught separately and consecutively, and instruction in writing

²⁸⁰ HCA 1/55, ff.32-33; Rediker, *Between the Devil and the Deep Blue Sea*, p. 158

was only begun 'once the art of reading had been mastered'. Numeracy, essential to the understanding and practice of navigation, was taught only after a pupil had successfully mastered writing.²⁸¹ Sea-officers, whose work required them to be literate, may have learned to write as well as read at one of the many specialist schools available, or at the instruction of their master during the long period of their apprenticeship.²⁸² For the foremastman who received his education in a free school or at home, that education may well have stopped once proficiency in reading was attained. In the rhetoric of seventeenth- and eighteenth-century educators the ability to read was closely linked with religion. Children were taught to read so that they might engage with the Bible and other religious texts,²⁸³ for which no skill at writing was necessary. The ability to understand the law was also important, and also required the ability to read, but not necessarily to write. In some colonies, this attitude was enshrined in law in the seventeenth century, and children were to be taught 'to read and understand the principles of religion & the capitall lawes of this country'. No similar reasons could be found for teaching children to write.²⁸⁴

The third problem with the use of signature literacy in a non-comparative way, such as within one occupational group confined to one relatively small period, is that if the ability to sign one's own name tells us little about actual ability to read and write, it tells us even less about the *practice* of literacy. The fact that a man once signed his own name cannot tell us, for example, whether he wrote letters to his wife, read newspapers, or owned books. Such information might be gleaned from anecdotal evidence, or the existence of letters, or wills which mention the ownership of books, but this kind of information is impossible to quantify, and thus cannot be used for comparative purposes in the same way that signature literacy is. In this study, however, we are not concerned with comparing the literacy of seamen or pirates with other occupational groups so much as with the practice of literacy within their

²⁸¹ R.S. Schofield, 'The Measurement of Literacy in Pre-industrial England', in J. Goody (ed.) *Literacy in Traditional Societies* (Cambridge, 2005), p. 316; Earle, *Sailors*, p. 21

²⁸² Earle, *Sailors*, pp. 21-22; Davis, *English Shipping Industry*, pp. 117-119, 124-126

²⁸³ David Cressy, *Literacy and the Social Order: Reading and Writing in Tudor and Stuart England* (Cambridge, 1980), pp. 42-43, Schofield, 'Measurement of Literacy', p. 316

²⁸⁴ Keller-Cohen, 'Rethinking Literacy', p. 291

occupational group. Not all seafarers were able to sign their name, and a proportion of those who could were unable to write any more than that. The proportion of seamen who could write was less, perhaps significantly so, than the two thirds suggested by Earle and Rediker. But the proportion of seamen who could read was probably greater than the proportion of those who could write. It is impossible to quantify with any degree of accuracy the number of seamen who could read, but it seems reasonable to suppose that more than half of foremastmen, and most officers who were required by the necessities of their employment to read, were able to do so.

In some respects a pirate vessel was no different than any other sailing ship, inasmuch as the ability to read and write were practical requirements for the successful prosecution of some necessary tasks, and thus a required skill for some pirate officers. Many of these tasks precisely mirrored the responsibilities of officers aboard merchant and Naval vessels. The ability to navigate, with its attendant requirements of reading and writing, for example, was essential for at least some members of a pirate crew, in order for them to be able to successfully cruise between islands or to cross oceans, find places suitable for careening and cleaning their vessels, and to place themselves in the vicinity of the trade routes that were their hunting grounds.²⁸⁵ The day-to-day engagement with the written word in a working context extended beyond navigation to include, even on pirate ships, the administration of the vessel and its personnel. Like the crews of most ships, pirates divided themselves into watches,²⁸⁶ in order to distribute evenly the labour required in working their vessel. Watch-bills were kept,²⁸⁷ and it was by these lists that men were selected for boarding parties and called fairly in turn to receive their share of spoil.²⁸⁸ The names of all newly recruited pirates, willing volunteers and conscripts, were entered into 'their Roll-Book'.²⁸⁹ Pirates also made use of written text in ways more specific to the course of their work. When a ship was captured it was common for the master of the victim to be ordered aboard the

²⁸⁵ Lizé, 'Piracy in the Indian Ocean', p. 90; Wayne R. Lusardi 'The Beaufort Inlet Shipwreck Artefact Assemblage' in Skowronek and Ewen, *X Marks the Spot*, pp. 207-209

²⁸⁶ *Tryals of Thirty-Six Persons*, p. 182; *Trials of Eight Persons*, p. 10

²⁸⁷ *Trials of Eight Persons*, p. 13

²⁸⁸ *Tryal of all the Pyrates taken by Captain Ogle*, p. 39

²⁸⁹ Barnard, *Ashton's Memorial*, p. 16; Roberts, *Four Years Voyages*, p. 51

pirate vessel to give them an account of his ship and cargo, and he was often required to take his ship's papers with him in order to verify the truth of his account. Whether papers were volunteered or not, the pirates 'always took care to seize upon' them.²⁹⁰ When Thomas Cocklyn's pirate company took William Snelgrave he was asked about the sailing qualities of his ship, and thought it best not to lie for fear the pirates would compare what he told them with what was written in his journal.²⁹¹ Pirates might also use the written word to assist their victims if they felt so inclined. Three men who were unwilling to assist in a mutiny and subsequent piracies aboard the East-Indiaman *Adventure* were given a certificate testifying to their innocence,²⁹² and merchant captain George Roberts was offered a forged bill of sale and other papers necessary to prove his apparent legal ownership of a vessel and cargo Ned Low's pirates proposed to give him.²⁹³

Several copies of letters written by pirates to colonial governors have survived, indicating that pirates considered themselves literate enough to enter into formal correspondence. When a pardon was offered to pirates in 1717, several wrote to Governor Bennett of Bermuda intimating their desire to surrender themselves. One such letter, from Captain Leslie, begins 'most humbly asking Pardon for my rudeness in troubling you at this present', suggesting that someone amongst his crew knew not only how to write, but how to write well.²⁹⁴ In 1720 Bartholomew Roberts sent an indignant and threatening letter to Lieutenant-General Mathew of St. Kitts, outlining the strength of his force and demanding fair treatment of an innocent 'poor fellow' imprisoned on the island.²⁹⁵ Pirates' correspondence could also be more personal: when the Committee of Trade and Plantations instigated an investigation into the mutiny and piracy of the *Fancy*, Henry Every's wife was summoned to appear before them, bringing with her the letters she had

²⁹⁰ *Trials of Eight Persons*, p. 9; *Tryals of Major Stede Bonnet*, p. 12; Roberts, *Four Years Voyages*, p. 66

²⁹¹ Snelgrave, *New Account*, p. 213

²⁹² *A True Relation of a most Horrid Conspiracy and Running away with the Ship Adventure* (London, 1700), p. 3

²⁹³ Roberts, *Four Years Voyages*, p. 66

²⁹⁴ *Thomas Nichols to Benjamin Bennett*, 10/1/1717, and *F. Leslie to Benjamin Bennett*, 7/1/1717, National Archives, CO 37/10, ff. 23, 25

²⁹⁵ *Bartholomew Roberts to Lt.-General Mathew*, 27/9/1720, CO 152/13, f. 34

received from her husband.²⁹⁶ Pirates who cruised for extended periods, but who used a semi-permanent base such as St. Mary's Island or New Providence may have been in a position to receive letters from home. In 1698 Samuel Burgess commanded the *Margaret*, a vessel set out by New York merchant Frederick Phillipse to trade with pirates in the Indian Ocean, and carrying a cargo of commodities suitable for that purpose. Sarah Horne took the opportunity presented by Burgess' departure for St. Mary's to send a letter to her pirate husband, Jacob, with news of his family and neighbours.²⁹⁷ Had Jacob Horne received his wife's letter, he would have been able to write back to her, perhaps purchasing some of the three reams of writing paper also carried by Burgess in the *Margaret*.²⁹⁸ Phillipse's first shipment of trade goods to St. Mary's was carried by the *Charles*, commanded by John Churcher, and consigned there to Adam Baldrige, a former pirate who acted as a local factor, stockpiling desirable European commodities and sending back to New York slaves and pirate spoil. The cargo of the *Charles*, which Baldrige must have considered viable for trade with the pirates, included 'some books, Catechisms, primers and horn books, [and] two Bibles'.²⁹⁹ While the books suggest that pirates not only exercised their reading skills, sometimes perhaps even using them to engage with religion as their childhood instructors had intended, the presence of horn books, a type of teaching tool used to inculcate the rudiments of reading, suggests that the pirates of St. Mary's sought either to improve literacy skills amongst their own number, or possibly to begin to teach the local Malagasy to read English.

Pirates also realised that written text could be dangerous to them and their community, either because of its potentially divisive nature, or because it might be used as evidence against them in the event of their capture. When two large chests full of books were found aboard William Snelgrave's ship,

one of the pirates, upon opening them, swore 'There was Jaw-work enough (as he called it) to serve a Nation, and proposed they might be

²⁹⁶ CO 388/4, f.52

²⁹⁷ *Sarah Horne to Jacob Horne*, 5/1/1698, HCA 1/98, f. 118

²⁹⁸ *Invoice of sundry goods*, 9/6/1698, HCA 1/98, f. 135

²⁹⁹ Jameson, *Privateering and Piracy*, p. 208

cast into the sea; for he feared, there might be some Books amongst them, that might breed Mischief enough; and prevent some of their Comrades from going on in their Voyage...'³⁰⁰

So the books were heaved out of the cabin window into the river below.

The fear of writings being used against them in court was perhaps even greater. The crew of the *Adventure*, having given certificates of innocence to their three unwilling crew-mates, later agreed to destroy all of the journals and other written documents aboard, 'which they did by putting them into a Bagg, and sinking them with Shot, saying, *They should not rise up against them.*'³⁰¹ Matthew Pymer, 'a skilful Mariner', who secured his acquittal in court by giving evidence of the piracies committed by his crew-mates following the death of their captain, refused to hand over his journals to his fellows, who feared that he 'had Writ something that might do them damage'. The new captain, John Quelch, tore the potentially dangerous pages out of the journal.³⁰²

Pirates, then, engaged in the practice of literacy in several ways: officers professionally, in their work with navigation and the administration of their vessels, as well as in their correspondence with colonial governments and dealing with their victims; others socially, in their reading the books and Bibles supplied by Adam Baldrige and in their letters to and from their wives and families; educationally in their use of horn books to teach others to read; and negatively in their destruction of potentially incriminating documents. But as Rediker's and Earle's figures show, not all pirates were able to sign their own names, and many probably could not read. For these men, engagement with the written word was nonetheless possible with the assistance of their more literate crew-mates, and this collaborative literacy was an important feature of ship-board life. When pirate John Taylor accidentally received correspondence intended for the Royal Navy squadron pursuing him, he had it read out at the mast, so that the whole company would know its contents. The members of the company who were not able to read the letters for themselves were thus able to understand them just as well as those who could read them.

³⁰⁰ Snelgrave, *A New Account*, p. 227

³⁰¹ *A True Relation*, p. 3

³⁰² *Trial of John Quelch*, pp. 8, 10

The same pirates, now aware of the Naval squadron's rendezvous, left a taunting note there for their pursuers.³⁰³ Collaborative literacy could extend into the realms of social engagement with writing. For example, a *matelotage*³⁰⁴ agreement between Francis Hood and John Beavis, by which they made each other mutual beneficiaries in the event of one of their deaths, was signed by Hood, while Beavis marked only with his initials, but appears to have actually been written by Robert Arnott, one of the witnesses (Figure 4).³⁰⁵ Contemporary satirist Ned Ward wrote that sailors and their wives enjoyed a regular correspondence, and that if the wife was unable to write for herself she could employ 'some two-penny scribe' to take down her dictation.³⁰⁶ In the close community of a ship, in which some men could write and others could not, the same must have been possible. While pirate Phillip Roche languished in Newgate 'he very much delighted himself with the Exercise of his Pen, ...often assisting his Fellow Prisoners in writing letters or whatever else they wanted.'³⁰⁷

Rediker suggests that one reason for seamen learning to sign their own names, but little else, was because of the importance of the contract, 'so essential to free wage labour, [which] loomed large in the sailor's life'.³⁰⁸ There may be some truth in this, but the sailor who could not read what he was signing might find himself at a serious disadvantage, if he could not rely on the collaborative literacy of his crew-mates. One of the complaints alleged by the mutinous crew of the *Speedwell* in 1719 was 'that the articles we signed to at Plymouth, were never read in our hearing', neither were the literate members of the crew allowed to read them for themselves.³⁰⁹ For some, the latter complaint may have been more significant, but for the *Speedwell's* company as a whole, it was the restriction of their collective, collaborative literacy that caused affront. The men were accustomed to having

³⁰³ Downing, *Indian Wars*, pp. 52, 62

³⁰⁴ *Matelotage*: an agreement between two persons, usually seamen, to share possessions and resources, or making each other mutual beneficiaries in the event of one partner's death.

³⁰⁵ HCA 1/98, f. 193

³⁰⁶ Edward Ward, *The Wooden World Dissected* (London, 1707), p. 97

³⁰⁷ *The Lives of the most Remarkable Criminals* (London, 1735), vol. 1, p. 263

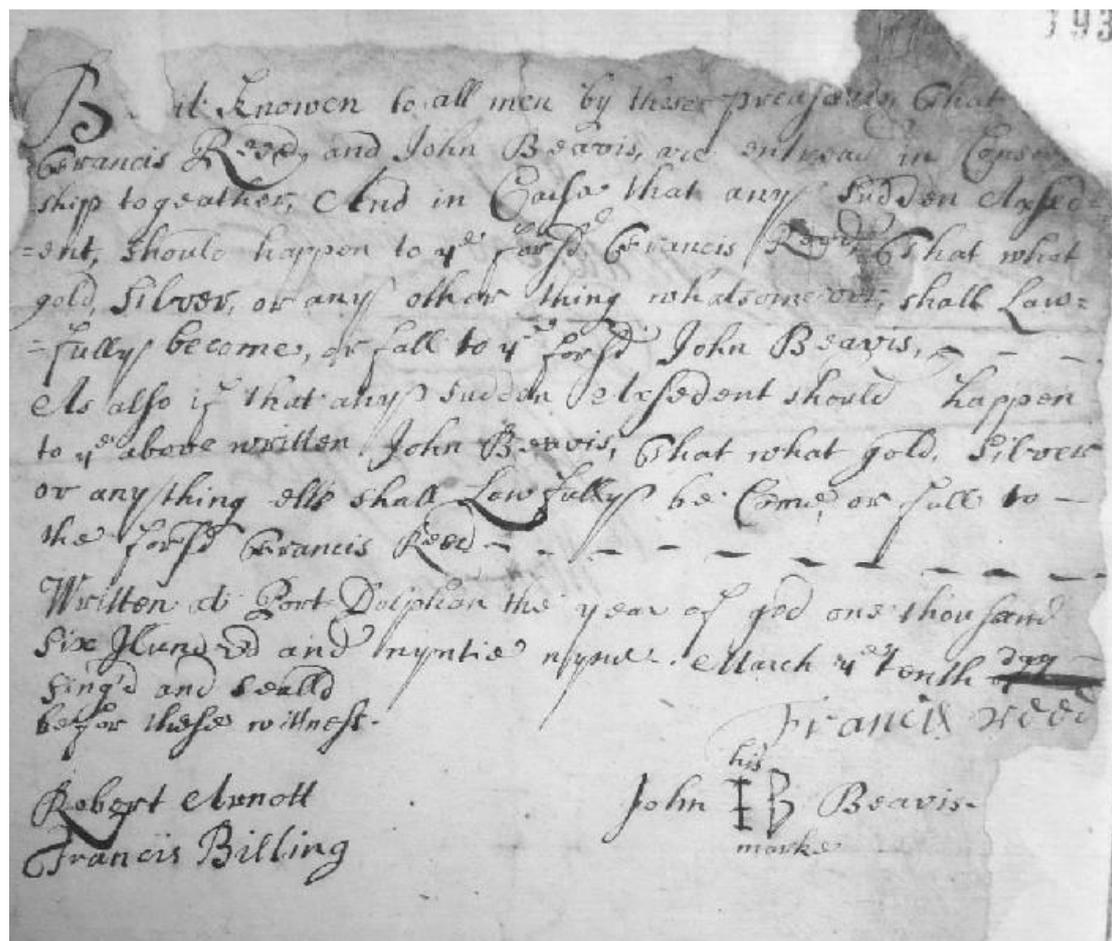
³⁰⁸ Rediker, *Between the Devil and the Deep Blue Sea*, p. 158

³⁰⁹ George Shelvocke, *A Voyage round the World, by way of the Great South Sea* (London, 1726), p. 32

the articles they were required to sign read out loud, and by this mean the literate and illiterate alike could understand the written document. Unless the whole of a crew were totally unable to read (which, given the general levels of literacy outlined above, was unlikely) the literacy of the individual assumes a diminished importance. Letters could be understood, and written, by those who could not read or write; incriminating journals could be enough to hang anyone, literate or not; and books could be enjoyed in a communal setting. Most importantly, for this study and for many seventeenth- and eighteenth-century seamen, contracts and articles of agreement could be read by some, signed by many, but engaged with and understood by all.

Figure 4. Matelotage agreement between Francis Hood and John Beavis.

Source: HCA 1/98, f. 193



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Pirates' articles, then, were an important document, written and implemented by many, probably the majority, of pirate crews. The ability of the individual to personally read the articles was of limited importance because the articles were, above all, a collective document, sometime devised by individuals, but often the product of group consultation, and in either case, subscribed to collectively by the group to whom they applied. Subscription to the articles, voluntary or coerced, was a requirement of admission into the group. The concept of using articles to regulate behaviour was probably transmitted directly to pirates by their experience of privateering and other maritime service. They were created at times when a pirate company felt the need to establish a regular order, which was frequently at the very beginning of their piratical enterprise, but could be revised or entirely rewritten at times of crisis when the already established order seemed in danger of breaking down. The maintenance of social order was necessary, not just for pirates, but for other outlaw groups such as highwaymen and prisoners of war, who were equally divorced from external law, and amongst these groups the physical safety and social cohesion of the community was regulated by the use of written articles or some similar mechanism. The content of the individual sets of articles were determined largely by the experience of the men who created them, sometimes drawing directly on their experience of 'legitimate' articles, such as those of the privateers, but also suited to the unique circumstances each group or pirate company found themselves in. The articles were drawn up voluntarily, devoid of external pressure, and were, for the most part, willingly adhered to. Adherence by pirates to their articles is indicative of the fragility of their society, and of their awareness of that fragility, for 'if we once take the Liberty of Breaking our Articles and Oath, then there is none of us can be sure of any thing'.³¹⁰

³¹⁰ Roberts, *Four Years' Voyages*, p. 54

2. Command, Hierarchy, and the Pirate 'Democracy'

It should be self-evident that a sailing vessel required a large degree of coordinated collaborative labour in its management. Every day tasks such as trimming and balancing sails, steering the ship and maintaining the ship's fabric, as well as extraordinary tasks like loading and unloading cargo and supplies, or manning cannon in battle, all required coordination and direction, and so it was inevitable that some kind of command structure should exist to provide them. The nature and size of this command structure varied depending on a number of factors, such as whether the vessel was a naval one or merchant, the size of the vessel, and the nature of her employment. The largest command structures were employed by naval vessels, and the smallest by small merchantmen and fishing vessels: the largest naval ships at the end of the seventeenth century might carry as many as ninety-four officers of all classes, including specialist tradesmen, while a medium-sized merchantman of the same period employed perhaps only half a dozen, and the smallest merchantmen perhaps only two.³¹¹ The way these command structures functioned also varied. On a naval vessel or very large merchantman with a large officer contingent and a large crew to be managed, orders were passed down a definite chain of command, or command hierarchy, supposed to ensure that jobs were correctly allocated to the right people, while on a small merchantman the master or mate, having decided what was to be done and given orders to that effect, might then join in with the physical work himself if the task was a heavy one.³¹²

All ships required a commander, a leader whose decisions were final. In ships with a primarily combative role such as naval vessels or privateers the supreme command fell to the captain, often assisted by one or more lieutenants. The master, who in turn was usually assisted by one or more mates, carried out the tasks of actually managing the ship and directing navigation. In most non-combative ships such as merchantmen and fishing

³¹¹ Rodger, *Command of the Ocean*, pp. 620-621; Davis, *English Shipping Industry*, p. 110; Vickers and Walsh, *Young Men*, p. 90; Ian Hustwick, *The George of Port Seton* (Latheronwheel, 2000), pp. 40-41

³¹² Vickers and Walsh, *Young Men*, pp. 89-91

vessels, the master was the highest-ranking officer and fulfilled the role of commander, usually taking the title of 'captain' to reflect this. Somewhere beneath the master's mates came the apprentices, or their naval equivalent midshipmen, men and boys learning the arts of seamanship and command. The exact position of these young officers in the command structure was often ambiguous and could vary from ship to ship. The senior of the ship's petty officers was the boatswain, who acted rather as a foreman of the vessel, but was also responsible for the ship's boats and the maintenance of the rigging. Other specialist tradesmen also contributed to the smooth running of the vessel: the carpenter, a trained shipwright, maintained the vessel's wooden fabric; the gunner maintained the ship's armament and often trained the crew in its use; the cooper was responsible for the casks which contained many of the ship's stores and much cargo; and the sailmaker oversaw work repairing and replacing sails. On larger vessels these tradesmen, including the boatswain, were often assisted by mates or a 'gang' of seamen detailed to their department. Quartermasters were, on most vessels, petty officers who undertook duties related to the navigation and steering of the vessel, and to the stowing of cargo, and naval crews habitually included a coxswain, who commanded the smaller of the ship's boats. Naval rations were ultimately the responsibility of the purser, an officer who kept the ship's accounts of stores and men, but were tended to in practice by the steward, who released foodstuffs to the ship's cook, who in turn rationed them out to the crew. Merchant vessels generally made do with a cook only, though the role of the naval purser was often fulfilled by the merchant supercargo, whose duties included marine accountancy. The arduous work of actually sailing the vessel – heaving lines, trimming sails, raising and lowering the anchor, and a thousand other tasks – was carried out by the foremastmen who made up the largest and lowest group in the command structure. Foremastmen might be experienced seamen, landsmen on their first voyage, or boys working for a pittance in exchange for the skills and experience that would later enable them to gain employment as men.³¹³

³¹³ Rodger, *Command of the Ocean*, pp. 53, 119, 623-624; N.A.M. Rodger, *The Wooden World, an Anatomy of the Georgian Navy* (London, 1988), pp. 19-28; Davis, *English Shipping*

External to the ship existed another, more senior command structure. While the captain and his officers were responsible for the running of the vessel itself, only rarely was the captain in sole control of such matters as where the vessel sailed or what tasks it performed when it got there. These decisions were generally made by agencies not found on the ship itself. In the case of naval vessels, the captain received orders about where to sail and who to fight from his commanding admiral, who in turn received his orders from one or more of the many agencies with jurisdiction over the navy: the Admiralty, the Navy Board, Parliament, the Privy Council, the Council of Trade and Plantations, Secretaries of State, or the Crown.³¹⁴ Privately owned merchant or privateer vessels were managed, ultimately, by the owners, investors, and charterers.³¹⁵ The captain or master naturally had some leeway as to how orders were to be carried out, and this is particularly true of merchant ships whose master often had a great deal of autonomy in determining which ports to visit, but ultimately, whether naval ship or merchant, the commander was responsible to a higher, external, authority.

Parallel to the shipboard command hierarchy ran a hierarchy determined by the wage scale of the crew, and frequently a social hierarchy, which did not always reflect precisely either the chain of command or pay hierarchy. To take a naval example, the position of midshipmen in the command structure and hierarchies of the ship could be ambiguous. Midshipmen, in the latter half of the seventeenth century, were sometimes young men of good patronage who were secured the post in order to make possible their progression to lieutenant and command, but could also be experienced hands who had risen through the lower decks and were on their way to becoming a mate, and eventually master. A midshipman's duties were those of a lower ranking officer, below the mates and lieutenants, but an officer nonetheless, but his

Industry, pp. 111-114, 117-121; Rediker, *Devil and the Deep Blue Sea*, pp. 83-86; Earle, *Sailors*, pp. 42-43; Oppenheim, *Monson Tracts*, pp. 13-25, 32-35, 45-46, 55-56, 59-61; W.G. Perrin (ed.), *Boteler's Dialogues* (Navy Records Society, 1923), pp. 12-16, 19-20, 23-25, 28-34

³¹⁴ Rodger, *Command of the Ocean*, pp. 181-184

³¹⁵ Davis, *English Shipping Industry*, pp. 159-161

pay was only the same as that of some of the senior lower-deck hands.³¹⁶

Thus, the midshipman stood below the mate and above the boatswain in the chain of command, might be socially inferior or superior to both of them, and was paid less than either of them.

The command hierarchy extended downwards from the captain, through the officers and petty officers, and ultimately to the foremastmen who constituted the labouring force of the vessel. However, not all foremastmen were considered equal, and the lack of a rigid and regularized chain of command amongst the lower-deck seamen was filled with a third, professional, hierarchy. Again, this is best exemplified by the naval system, but similar situations could be found on most vessels, even outside the naval regulations. In the Royal Navy pay scale, able seamen were paid more than ordinary seamen, and almost twice the wage of landsmen, who in turn were paid more than boys.³¹⁷ Socially there was little to tell between the orders of the lower decks, but it was natural that labour should be divided according to ability. On merchantmen the differences in wages between different grades of seaman were less marked, if at all, but occasionally existed according to experience, and frequently wages differed between men and boys.³¹⁸ There existed, then, in virtually every sailing vessel of the seventeenth and eighteenth centuries, command and pay hierarchies, and in all the largest and many of the smaller vessels, additional social and professional hierarchies.

Pirate ships were much like any other sailing vessel, inasmuch as their management required collaborative and collective labour, which in turn required coordination by some form of command structure. For the pirates, the biggest difference between their command structure and those of legitimate vessels was that the pirates' command structure had to be maintained by the pirates themselves without any external agency at work. In the navy, officers were appointed by the Admiralty, and so were able to maintain their command

³¹⁶ H.W. Hodges and E.A. Hughes (eds), *Select Naval Documents* (Cambridge, 1922), pp. 71-72; Bernard Capp, *Cromwell's Navy, the Fleet and the English Revolution, 1648-1660* (Oxford, 1992), p. 206; Rodger, *Wooden World*, pp. 26, 54, 216-217; Rodger, *Command of the Ocean*, p. 620

³¹⁷ Rodger, *Command of the Ocean*, pp. 621, 624

³¹⁸ Rediker, *Devil and the Deep Blue Sea*, pp. 116-121; Davis, *English Shipping Industry*, p. 135; Vickers and Walsh, *Young Men*, pp. 81, 265; Hustwick, *The George*, p. 41

with the support of the State; the master of a merchantman was usually appointed by the vessel's owners, if he were not an owner himself, while the junior officers were appointed either by the owners or by the master, and the command structure was thus maintained by virtue of the ownership of the vessel and the wages paid by owner to crew.³¹⁹ Pirates were not able to turn to the State for help in maintaining their command structure, and neither did pirate vessels have wage-paying owners, except for the pirates themselves, but they nonetheless required a command structure to ensure their successful operational management. The other hierarchies found in legitimate seafaring, while strongly related to the command structure, were not a matter of purely practical necessity in the same way as the command structure was. This is an important distinction: the command structure was a function of the ship itself, and the need for such a structure remained unchanged, though the form that structure took might not, regardless of who sailed the vessel and to what purpose. The hierarchies, however, were functions of the crew, and not only the nature of the hierarchies, but their very existence, might depend on the social make-up of the crew, the nature of their social order, and the methods by which their social order was maintained. Theoretically at least, the pay and social hierarchies could be dispensed with without impairing the efficient running of the vessel, and the effects of the professional hierarchy could be suborned if the crew were made up entirely of men with similar levels of skill and experience. Traditional pirate historiography has highlighted the equality prevalent on pirate ships, and argues that the division of power pirates practised reduced the command structure to such an extent that it could be managed effectually by the whole crew, entirely doing away with the social hierarchy attendant on the command structures of legitimate seafaring.³²⁰ This chapter will explore the nature of pirates' command structures, and attempt to reassess the extent and significance of their social and professional

³¹⁹ Rediker, *Devil and the Deep Blue Sea*, pp. 118-119; Davis, *English Shipping Industry*, pp. 140-142, 154-155; Earle, *Sailors*, pp. 30-34, 36-38, 55-57; Vickers and Walsh, *Young Men*, pp. 81-83, 196-197

³²⁰ Dow and Edmonds, *Pirates of the New England Coast*, pp. 353-356; Pringle, *Jolly Roger*, pp. 106-110; Sherry, *Raiders and Rebels*, pp. 122-125; Bromley, 'Outlaws at Sea', pp. 9-11; Hill, 'Radical Pirates?', pp. 20-22, 28-30; Rediker, *Villains of all Nations*, pp. 60-70, 79-82; Rogozinski, *Honor Among Thieves*, pp. 167-179; Burg, 'Legitimacy and Authority', pp. 41-43; Leeson, *Invisible Hook*, pp. 33-37, 179; Kinkor, 'Black Men', pp. 196-200, 204

hierarchies. Pirates' pay hierarchies, because of their essentially economic interest, will be dealt with separately in Chapter 3.4.

2.1. *The Hierarchy of Command*

The senior officer of the shipboard command structure on any sailing vessel might be termed 'captain'. In the naval command structure the captain and master were two different people, the master responsible for navigation and handling the vessel and the captain in overall command. On most merchantmen the same individual usually exercised the offices of captain and master.³²¹ Pirates employed both methods at different times and under different circumstances.

Charles Johnson wrote that the rank of captain of a pirate ship was 'obtained by the suffrage of the majority', and another contemporary account recorded that pirates 'chose a Captain from amongst themselves'.³²² References such as these to the democratic selection of commanders have led to two general assumptions: firstly that the election of pirate officers was a routine, perhaps even universal practice within such vessels, and, secondly, that anyone within the company might be considered a candidate under the right circumstances.³²³ In fact, the evidence of elected captains is limited to a minority of pirate companies,³²⁴ though the practice may well have been more widespread. Pirate captains rose to command under myriad different circumstances – at the formation of an entirely new pirate company, on the division of an existing pirate company into two or more companies, or on the death or deposition of their predecessor, for example – and the method of their taking command might depend heavily on the nature of those circumstances.

³²¹ Rodger, *Wooden World*, p. 20

³²² Johnson, *General History*, p. 214; *Remarkable Criminals*, vol. 1, p. 56

³²³ see, for example, Rediker, *Villains of All Nations*, pp. 78, 81; Leeson, *Invisible Hook*, pp. 23-24, 29-30; Earle, *Pirates Wars*, p. 164; Burg, 'Legitimacy and Authority', p. 42

³²⁴ see Appendix 16. A sample of 82 pirate captains active 1660-1730 reveals only 19 elected by their company.

In the event of a completely new pirate company being formed, either when a whole ship's crew turned to piracy from legitimate employment, or when a portion of the crew mutinied against their officers prior to turning pirate, the person most likely to become commander of the new pirate crew was the person that had held the highest office onboard before the shift from legitimacy to piracy. Thomas Tew and other Indian Ocean pirate captains began their voyages as commanders of privateers, and retained their command when they led their men into piracy, Thomas Shafto and Nicholas Clough, masters of a merchantmen, likewise remained in command when their crews turned to piracy.³²⁵ Captain Kidd's men were 'very desirous to put off their yoak' of his command, even before their transition from pirate-hunting to piracy, but he nevertheless retained the command to which his privateering commission appointed him.³²⁶ After the death of Captain Plowman of the privateer *Charles* in 1703, the crew turned to piracy under the command of John Quelch, formerly the *Charles*' lieutenant.³²⁷ Of the pirate captains, such as Jennings and Hornigold, whose arrival in the Bahamas in 1715-1716 sparked a great wave of piracy, several had begun their piratical careers in possession of Jamaican privateering commissions.³²⁸

It was not uncommon for mutinies to be led by one of the ship's officers or petty officers, or for them to assume command when the turn to piracy occurred. Cusack was the gunner of his vessel before leading a mutiny in which all of the senior officers were thrown overboard, and in the subsequent piracies command was exercised by Cusack and one of the mates, the only other officer to survive.³²⁹ Henry Every's spectacular career as a pirate captain began when, as first mate of a privateer, he led a mutiny that overthrew the captain.³³⁰ William Fly was only the boatswain of the *Elizabeth*

³²⁵ Baer, *Pirates*, p. 99; *The Tryals of Thomas Shafto et al at the Marshalsea in Southwark* (London, 1687), p. 3; *Abstract of Wills*, pp. 85-87

³²⁶ Ritchie, *Captain Kidd*, p. 102

³²⁷ *Tryal of John Quelch*, p. 5

³²⁸ *CSPC 1716-1717*, items 158. v, 240. i, 308. i; Earle, *Pirate Wars*, p. 160

³²⁹ *The Grand Pyrate*, pp. 5-7

³³⁰ *The Tryals of Joseph Dawson, Edward Forseith, William May, William Bishop, James Lewis, and John Sparkes*, in *A Compleat Collection of State Trials and Proceedings upon Impeachments for High Treason, and other Crimes and Misdemeanours, from the Reign of King Henry the Fourth, to the end of the Reign of Queen Anne: The Fourth Volume* (London,

when he led a mutiny in 1726 but, once the master and mate had been killed, was the senior remaining officer and took command.³³¹ George Lowther and John Massey seem to have shared command over a mixed crew of seamen and soldiers following their seizure of the *Bumper*, having previously been second mate of the ship and second in command of the soldiers respectively.³³² Howell Davis, whose turn to piracy was the beginning of one of the most successful and long-lived pirate companies of the period, was a mate before he ‘took command’ of the *Buck*.³³³

When a pirate company divided itself into two or more crews, the original commander of the company often appointed the commanders of the new crews. Blackbeard was a member of Hornigold’s crew and, according to Johnson at least, was given his first command by Hornigold, with whom he sailed in consort for some time.³³⁴ Thomas Anstis, having been ‘sometimes quartermaster, and often Boatswain, and foremastman’, was placed by Bartholomew Roberts in command of a consort vessel before he used her to desert Roberts’ company. When Roberts later placed another of his officers, lieutenant Walter Kennedy, in command of a prize, exactly the same thing occurred and Kennedy made off with the vessel and a large part of Roberts’ company.³³⁵

None of this is to say that pirates did not elect their commanders, and several of those mentioned above may well have been elected into the position that would naturally have been theirs, but it does suggest that command of a new crew or company was frequently taken, assumed, or granted, rather than invested by majority vote. Appendix 16 contains data relating to the career paths of 82 pirate captains. It is impossible to gauge accurately the exact proportion of pirate captains active between 1660 and 1730 represented by this sample. Contemporary estimates of 30-32 companies active at the height

1719), pp. 222-224; *The Humble Petition of Jane May et al*, CO 388/4, f. 49; *Information of William Dampier*, 24/5/1695, HCA 13/81, f. 256

³³¹ *The Tryals of Sixteen Persons for Piracy* (Boston, 1726), pp. 14-15

³³² *The Petition of John Massey*, EXT 1/261, ff. 197-198

³³³ Rediker, *Villains of All Nations*, p. 77; *The Examination of Walter Cannady*, 28/4/1721, HCA 1/54, f. 121

³³⁴ Johnson, *General History*, p. 71; *CSPC 1716-1717*, item 635

³³⁵ *Humphrey Orme to the Admiralty*, 17/5/1723, ADM 1/2242; *Examination of Bridstock Weaver*, HCA 1/55, f. 53; Burl, *Black Barty*, pp. 81-82

of piratical activity seem a little enthusiastic and can only be reconciled with difficulty with other estimates of the number of individual pirates active at the same time, and not at all with any list of pirate captains known by name. Rediker quotes one contemporary estimate of 2,000 pirates, and calculates that 32 pirate ships would be crewed by approximately 2,400 men (an average of 75 men per crew). However, the estimate of 2,000 pirates related to a two-year period, and the highest figure quoted by Rediker for pirates active at one time was 1,500. Using Rediker's calculations, this suggests a figure closer to 20 pirate companies active at one time.³³⁶ Rediker's figures address the number of pirates active in one the busiest parts of the 'golden age' of piracy, between 1716 and 1726. Based on contemporary estimates, Bialuschewski suggests that between 1695 and 1700, when Indian Ocean piracy was at its height, around 1,500 pirates may have been active in the region.³³⁷ Accepting that many pirate captains' names may have been lost to posterity, and that an estimate of 30 pirate companies represents the maximum number at the very peak of piratical activity, it seems reasonable to suppose that a sample of 82 captains represents more, probably much more, than half of the number of pirate captains active. Of these captains, then, the method by which they arrived at command can be ascertained in 64 (78.1%) cases. 39 (60.9%) of these captains either retained the previously-held command, or rose to command from a position of superior rank, without any evidence that they did so democratically, while only 19 (29.7%) were voted into command. The remaining 6 (9.4%) captains were given command by a superior.

However, without recourse to any higher authority than themselves, even those captains who were not initially voted into their command must have commanded by the consent of the crew, or at least, by absence of dissent. This point is well illustrated by the fact that several pirate commanders were voted *out* of their post, and their successors nominated by popular vote. Edward England was 'turned out of command' and replaced by Jasper Seagar, who then sailed in consort with John Taylor. Taylor had briefly

³³⁶ Rediker, *Villains of all Nations*, p. 29.

³³⁷ Bialuschewski, 'Pirates, Slavers', p. 408

replaced Howell Davis in command and later succeeded Thomas Cocklyn on the latter's death.³³⁸ Cocklyn had originally risen to command when a small band of pirates 'chose' him as their captain, though the exact manner of his selection is unclear. La Buse, who consorted with Cocklyn and Taylor, had been elected into his command after his predecessor had been overthrown and set adrift in a boat, and was eventually deprived of his command by the will of a pirate 'council'.³³⁹ Many of Hornigold's crew did not share his principles about not attacking English shipping, and so Samuel Bellamy 'was chosen by a great Majority their Captain, and Hornygold departed'.³⁴⁰ Ned Low's company 'disbanded Low from his office and sent him away... and put one Shipton Capt[ain] in his Stead'.³⁴¹ Some pirate captains, then, rose to command at the formation of a new crew because it was a natural progression that they should do so, having previously been in a position of authority, as commander or a senior officer, before any piracy was committed. But when an existing crew required a new captain, because the former captain had been deposed or had died, some form of democratic election was sometimes, though by no means always, used to select him.

The captain's position in the command structure and hierarchies of the pirate ship was ambiguous. Charles Johnson, in relating the 'principal Customs, and Government, of this roguish Commonwealth', first explained the role, not of the captain, but of the quartermaster, 'who claims all Authority... (excepting in Time of Battle)', by virtue of having been elected by the company. According to Johnson, the quartermaster not only held supreme command, but was also the overseer of law and justice, and 'trustee' of the company's accumulated spoil. The captain was reduced to purely military command, when the pirates entered the fray of battle, but otherwise had 'truly very little' authority, except apparently over the treatment of prisoners. Ambiguous syntax makes it unclear whether Johnson's words are meant to apply to pirates in general, or specifically Roberts' company, but a later chapter adds that 'on board the

³³⁸ *The Examination of Richard Moor*, 31/10/1724, HCA 1/55, f. 95; Burl, *Black Barty*, p. 46

³³⁹ Snelgrave, *New Account*, pp. 197-198; Grandidier, *Madagascar*, p. 103

³⁴⁰ *Trials of Eight Persons*, p. 23

³⁴¹ Seybolt, Robert Francis (ed.). 'Captured by Pirates: two diaries of 1724-1725', *New England Quarterly*, 2 (1929), p. 659

West-India privateers and Free Booters... the Captain can undertake nothing which the Quarter-Master does not approve'.³⁴² Johnson's words, and similar evidence from other contemporary reports, have been used by subsequent historians to depict a pirate command structure in which the captain commanded only in battle, and the day-to-day command of the vessel was exercised by the quartermaster, a separation of power designed to restrict the captain's opportunity for predation upon the company. The fact that both captain and quartermaster were, according to traditional historiography at least, elected by common consent, further restricted the power of the officers and placed more control in the hands of the company as a whole.³⁴³ The role of the company in collective long-term planning and decision-making will be explored more fully later in this chapter, but on a day-to-day basis, whether they were implementing their own long-term intentions or the collective will of the company, it appears that the captain and quartermaster between them exercised command.

There are, however, a number of problems with this hypothesis, not the least of which is that many pirates sailed independently of others and may have used systems more suited to their own circumstances and experience. Virtually all pirate ships were commanded by a captain but not all companies appointed a quartermaster. Other ships had many more officers besides captain and quartermaster, all of whom must be fitted into the chain of command in order to understand how pirate authority was constructed. Stede Bonnet, for example, was supported in his command not only by a quartermaster, but also by a 'chief mate', gunner, boatswain, gunner's mate, and boatswain's mate, and his sometime consort Blackbeard's company of around twenty men included a sailing master, quartermaster, gunner, boatswain, carpenter, and sailmaker. On some pirate ships a lieutenant also

³⁴² Johnson, *General History*, pp. 213-214, 422-423

³⁴³ for example, Rediker, *Villains of All Nations*, pp. 65-68; Leeson, *Invisible Hook*, pp. 23-26, 34-37; Baer, *Pirates*, p. 207; Dow and Edmonds, *Pirates of the New England Coast*, pp. 353-356; Earle, *Pirate wars*, p. 164; Pringle, *Jolly Roger*, pp. 104-107; Burg, 'Legitimacy and Authority', pp. 42, 48; Sherry, *Raiders and Rebels*, pp. 123, 129; Rogozinski, *Honor Among Thieves*, pp. 176-177; Hill, 'Pirates', p. 117

assisted the captain.³⁴⁴ Some sets of articles, too, make mention of various officers: the captain of the *Camelion* was entitled to have a ‘master under him’, Taylor’s articles established the presence of a boatswain, gunner, pilot (navigator) and quartermaster, Anstis’ and Philips’ articles both provided for a master, gunner, carpenter and boatswain, and those of Lowther and Low mention, amongst other officers, a master, master’s mate, gunner and boatswain, besides the captain. William Snelgrave summed up the situation: ‘Besides the Captain and Quarter-master, the Pirates had all other Officers as is usual on board Men of War’.³⁴⁵

Of these officers, the carpenter, gunner and sailmaker probably only exercised any form of command within their own spheres of expertise, but the lieutenant, master or pilot, mate, quartermaster, boatswain, and boatswain’s mates were functional roles in the operational command of a vessel in legitimate seafaring, and this practice was probably reflected on pirate vessels as well – if it had not been then their presence would have been superfluous. In some cases these officers may have been appointed to a purely functional role, without any form of authority beyond that necessary for the performance of their immediate duties, and this is best illustrated by examples of pirate ‘officers’ who were not necessarily volunteer pirates. Bridstock Weaver, having been forcibly conscripted into Anstis’ company, was ‘forced by the pirates to be commander’ of their consort vessel, and at the same time William Whelks, another forced man, was made quartermaster.³⁴⁶ Henry Glasby, whose forced status was attested to by several witnesses at his trial, ‘acted as Master of the said Pyrate-ship’.³⁴⁷ These forced officers wielded no authority in terms of long-term decision-making, and since their role was, in these cases, purely a functional one, the fact that they were not willing volunteers was relatively insignificant. The sailing master was quite able to direct the working and navigation of the vessel, acting under orders from the other authority figures in the pirate company, just as the quartermaster was

³⁴⁴ A. Cracherode to the Lords Commissioners of His Majesty’s Treasury, 18/3/1719, National Archives, T 1/227; Ellis Brand to the Admiralty, 6/2/1719, National Archives, ADM 1/1472; *The Tryals of Stede Bonnet*, p. 11; *Information of Thomas Grant*, 28/4/1721, HCA 1/54, f. 120.

³⁴⁵ Snelgrave, *New Account*, p. 200

³⁴⁶ *The Information of Henry Treehill*, 21/3/1723, HCA 1/55, f. 67

³⁴⁷ *Tryal of the Pyrates taken by Captain Ogle*, p. 21

able to oversee the division of spoil and the maintenance of discipline, even if he did so under duress. The appointment of forced men as pirate officers leads to the conclusion that such appointments were made primarily, and occasionally solely, on the basis of skill and experience, rather than popularity or ambition. This, in turn, explains why so many pirate captains had formerly possessed legitimate officer status before turning to piracy, enabling them to bring the requisite skills of seamanship and leadership to their piratical command.

Forced officers, however, were in a minority, and most men selected for any kind of command position were voluntary pirates. Volunteers would, in general, make more loyal and efficient officers since their own interest was to ensure the greatest possible success of the company, as opposed to an unwilling conscript whose first thought might be to remain alive long enough to escape his situation. Did volunteer officers, then, fill only a functional role, or did their status enable them to exercise command? Given that the running of a sailing vessel requires at least some people to wield authority, it is logical that that authority was wielded by the officers, and this is borne out by the presence, in various sets of pirate articles, of clauses calling for general obedience to the officers. The very first clause of John Phillips' articles demands that 'every man shall obey civil Command', which article was probably inherited from those of Phillips' mentor, Thomas Anstis, whose second clause gives the company the right to punish any man who 'should Disobey any Lawful Command of the Commanding Officers'. The articles of John Gow are the most specific on this point, stating that 'every Man shall obey his Commander in all Respects, as if the Ship was his own, and we under Monthly Pay'.

The recreation on pirate vessels of the style of command hierarchy employed in legitimate shipping is an important indicator of how pirate companies functioned. While Gow's crew and others perhaps modelled their command structure on their experience in merchant shipping, with the crew enjoined to behave as though they were 'under Monthly Pay', and Gow himself

considered the 'Sole Director, as well as Commander',³⁴⁸ other companies, such as that of Bartholomew Roberts, modelled their command structure along lines more akin to that of the Royal Navy. The rank of lieutenant was primarily a martial one, found only on vessels, such as naval ships and privateers, whose principal employments entailed combat. Some pirate companies, including Roberts', appointed a lieutenant, whose duties mirrored that of his counterpart in a legitimate vessel. A lieutenant was supposed to assist the captain in his duties and deputize for him in the case of the latter's absence or death, and this was exactly the role filled by Roberts' lieutenant, Walter Kennedy, who, for example, was given command of the pirates' flagship and one already captured prize while the captain took a faster vessel to pursue another prize.³⁴⁹ Moreover, in battle, while a naval captain directed the fighting from the quarterdeck, the lieutenants were placed on the other decks to oversee the operation of the ship's guns: Kennedy, as the pirates' lieutenant, 'commanded upon the main deck'.³⁵⁰ Similarly, the place of a naval quartermaster in battle was at the helm,³⁵¹ and Charles Johnson explained that a pirate quartermaster was 'to be at the Helm in Time of Chase or Engagement, according to the Rules of the Pyrates'.³⁵² William Main, the boatswain of Roberts' flagship, also behaved in a manner that reflected that of his counterpart in naval service. An officer of HMS *Swallow*, rounding up survivors of the pirates' last battle noted 'a Silver Call hang[ing]' at his waist: the boatswain's call, or whistle, was a functional item used to transmit orders, but was also a symbol of the boatswain's authority. At his trial, Main was described as 'acting briskly on all Occasions, on board the Pyrate Ship, like a Man of War's Officer'. The cooper of the same crew maintained the authority of his own office with 'a Rattan like an Officer'.³⁵³

³⁴⁸ Defoe, *John Gow*, pp. 30, 54

³⁴⁹ Oppenheim, *Monson Tracts*, pp. 16-17; Burl, *Black Barty*, p. 81

³⁵⁰ Rodger, *Wooden World*, p. 54; *The Information of Thomas Grant*, 28/4/1721, HCA 1/54, f. 120

³⁵¹ Perrin, *Boteler's Dialogues*, pp. 12, 29; Oppenheim, *Monson Tracts*, p. 59; Rodger, *Wooden World*, p. 54

³⁵² Johnson, *General History*, pp. 465-466

³⁵³ Johnson, *General History*, p. 241; N.A.M. Rodger, *Safeguard of the Seas, a Naval History of Britain, 660-1649* (London, 1997), p. 319; *Trial of the Pyrates taken by Captain Ogle*, pp. 18, 48

The adoption of a naval style command structure by pirates was certainly logical, as pirate and naval vessels shared several operational similarities: both types of ship were engaged primarily in martial exercise rather than trade, or at least had to be prepared for martial exercise, and both enjoyed, on the whole, relatively large crews amongst whom discipline had to be maintained. Nevertheless, contemporaries, such as the privateer officers William Betagh and George Taylor, compared the command structures of pirate ships unfavourably to that of a 'well regulated private ship of war', and concluded that pirates had 'no regular command among them'.³⁵⁴ These comments, however, should not be taken at face value. In the first place, both observers were using pirates to illustrate the degeneration of their own commanders' command. Similar arguments could be made about other observers, such as John Atkins, who was attempting to highlight the perceived natural superiority of the Royal Navy when he wrote that 'the Pyrates, tho' singly Fellows of Courage, yet wanting such a tie [tie] of Order, some Director to unite that Force, were a contemptible Enemy'.³⁵⁵ In the second place, such observers were often writing from a very limited experience of pirate society, or nothing more than hearsay, and were confusing a less formal discipline with a lack of command structure. And thirdly, it is very likely that they mistook an absence of visual signifiers of hierarchy for an absence of command hierarchy itself. True, William Main wore his boatswain's call, but, as noted above, the call served a functional as well as symbolic process. Although the Royal Navy had no specified uniform to distinguish officers at this time, officers were nonetheless expected to clothe themselves in a fashion appropriate to their rank. A midshipman was not allowed to assume his post until he was able to 'appear properly as a quarter deck officer', and contemporary satirist Ned Ward wrote that 'to walk the Quarter-deck in Quirpo³⁵⁶ is to walk against the rules of the Navy'.³⁵⁷ On some privateers the officers were given items of uniform by which they could be distinguished: on Shelvocke's voyage the officers were given scarlet suits, and sea officers

³⁵⁴ William Betagh, *A Voyage round the World* (London, 1728), pp. 37, 148

³⁵⁵ Atkins, *Voyage*, p. 192

³⁵⁶ *Cuerpo*: not in full dress.

³⁵⁷ Rodger, *Wooden World*, p. 25; Ward, *Wooden World*, p. 90

were distinguished from marine officers by different coloured silk facings on the pocket flaps and cuffs. Even the petty officers and boat's crew were given silk waistcoats, caps and breeches.³⁵⁸

Pirates, by contrast, had no such dress code, and their clothing was determined by what was available to them as much as anything else. Pirate captains and officers had no hierarchical right, much less responsibility, to dress better than their crews, and indeed there was nothing to prevent even the lowest member of a pirate company from dressing how he pleased. When William Snelgrave was captured by pirates he had in his possession 'three second hand embroidered Coats'. The captains of the three pirate ships present, learning of these coats, decided to appropriate them in order to impress the African women ashore, which being done 'without leave from the Quartermaster, it gave great offence to all the Crew'. The following morning, when the captains returned from their amorous adventures, 'the Coats were taken from them, and put into the common Chest, to be sold at the Mast', to any pirate who wanted to buy them.³⁵⁹ In outward appearance, then, there was little to tell between the captain and a foremastman of a pirate ship, but that does not imply that there was no difference between them, or that a command hierarchy almost as formalised as that of the navy did not exist.

2.2. The external command problem and pirate 'democracy'.

If pirates adopted internal command structures similar to those found in naval and merchant shipping, they could not do the same with their external command structure. And yet, the external command structure was just as much a function of the ship as the internal. Like legitimate shipping, pirate ships needed to be directed, decisions had to be made regarding destinations, operations, and policy. In the absence of any external agency such as Admiralty, State, or owner, these decisions had to be made internally, by the pirates themselves. These decisions could have been made by the pirates' captain, but this would have led to what Leeson has identified as a

³⁵⁸ Betagh, *Voyage*, pp. 30-32

³⁵⁹ Snelgrave, *New Account*, pp. 255-257

piratical 'paradox of power', which is to say that a pirate captain unchecked by any external agency could have acted entirely in his own self-interests, and some form of external agency had thus to be fabricated internally to prevent this happening.³⁶⁰ As the de facto owners of their vessels, each member of a pirate company had a theoretical right to consultation in the decision making process. In practical terms, however, this might not always be possible. A pirate ship with a large crew could be 'owned' by several hundred men, far in excess of the traditional maximum in merchant shipping enterprise of sixty-four owners' shares. In the field of merchant shipping even this number was found to be unwieldy for the purposes of decision-making and strategy-forming, and a smaller core of 'managing owners' was usually employed to actually direct the ship's operations.³⁶¹ Pirates, at different times, used all three methods: autocratic captain's command, command by a committee of shareholders, and command by every shareholder.

The first of these, autocratic command, is best exemplified by the case of the infamous Captain William Kidd. Kidd's piratical cruise began as a private pirate-hunting expedition when he left New York in September 1696 in possession of a Royal Patent and a mixed crew of seamen, landsmen, former privateers, and would-be pirates.³⁶² Four days after leaving New York, Kidd's crew demanded a new set of articles, depriving the owners of some of their shares and redistributing them to the crew.³⁶³ Acquiescence to the new articles by Kidd served both the crew and the captain. By agreeing to the demands of the crew Kidd empowered them to make more demands later, but at the same time was firmly established in his command, not only by the will of the owners, but also by the consent of the crew. Kidd's style of command left no doubt, no room for popular politics. William Mason, an acquaintance of Kidd and sometimes a pirate himself, reported, after encountering the pirates, that

³⁶⁰ Leeson, *Invisible Hook*, pp. 26-29

³⁶¹ Davis, *English Shipping Industry*, pp. 82-83, 159

³⁶² Ritchie, *Captain Kidd*, pp. 63-69

³⁶³ CSPC, 1700, item 354. xvii

Kidd carries a very different command from what other pirates use to do, his commission having heretofore procured respect and awe, and this being added to by his own strength, being a very lusty man, fighting with his men on any little occasion, often calling for his pistols and threatening anyone that durst speak of anything contrary to his mind to knock out their brains, causing them to dread him.³⁶⁴

Kidd, then, kept his crew in order, not so much by allowing them a voice in the decision-making processes that directed the ship, but by the use of strong words and physical violence. When some of Kidd's men were in favour of attacking a pirate ship during their cruise, Kidd refused, and threatened the men. Later, accused of 'ruining' his men by this action he called the gunner a 'lousie dog' and struck him on the head with an iron-bound bucket.³⁶⁵ At Madagascar, Kidd moved from his leaking vessel into one of his prizes, and managed to retain command in the process; though many of his men deserted him at the first opportunity, they did not, or could not, remove him from his command.³⁶⁶

Mason was right to highlight Kidd's command style as unusual, but it was far from unique. Johnson's anecdote that Blackbeard once shot at two of his officers during a drinking session, because 'if he did not now and then kill one of them, they would forget who he was',³⁶⁷ might well be as fanciful as it sounds, but, when faced with discontentment amongst his own crew, John Taylor would throw 'himself boldly into the midst of the mutinous pirates whom he struck left and right'. Taylor was well liked and respected by his men though, 'in spite of the severity that he deemed necessary'.³⁶⁸ John Phillips, by contrast, was 'so arbitrary as to be hated by his own crew'.³⁶⁹

The other system of external command structure – command by shareholders, either a managing committee or the whole body – is commonly

³⁶⁴ quoted in Ritchie, *Captain Kidd*, p. 102

³⁶⁵ *Trial of Captain Kidd*, pp. 7-9, 12

³⁶⁶ *Trial of Captain Kidd*, pp. 21, 28

³⁶⁷ Johnson, *General History*, p. 84

³⁶⁸ Grandidier, *Madagascar*, p. 117

³⁶⁹ John Fillmore, *A narrative of the singular sufferings of John Fillmore and others, on board the noted pirate vessel commanded by Captain Phillips*, in Frank H. Severence (ed.). *Millard Fillmore Papers, vol 1*. (Buffalo, 1907), p. 34

suggested as the most usual amongst pirates.³⁷⁰ In legitimate shipping, whether naval or merchant, the selection of officers, employment terms of seamen, and long-term operational planning, were all functions of the external command agency that exercised control over any given vessel. This is also true, to some extent, of determining the punishments meted out to recalcitrant seamen, which were laid down by the laws of the State and the orders of the Admiralty. The external command agencies of pirate ships therefore had to exercise fundamentally the same functions as their counterparts in legitimate shipping, the only major difference between them being that the pirates' external command structure was physically located within the ship in a way that it usually was not in legitimate ships. The functions of the internal command structure, from the captain down, were also essentially the same on pirate ships as in legitimate shipping. A pirate vessel, though, had no owners or shareholders. Prior to being turned into a pirate vessel each ship had a legitimate owner or owners, but from the moment the vessel began to be used for piracy, whether by capture or mutiny, the original owners could no longer exercise any control over the vessel or crew. De facto ownership of the vessel, marked by the ability to exercise control over it, then devolved to the crew. Seamen on pirate vessels therefore filled two different roles. As individuals, they were employees of the ship in exactly the same sense as seamen employed in legitimate shipping, ruled by the internal command structures that took the same form, more or less, in both pirate and legitimate vessels. As a group, however, they were the de facto co-owners of their own vessels and often constituted the 'external' command structure, by which the officers of the internal command structure were ruled.

The clause in Bartholomew Roberts' articles guaranteeing that 'Every man has a vote in affairs of moment' has frequently been cited as evidence of universal suffrage amongst pirate crews. Much of the evidence relating to a democratic voting process concerns the election or deposition of officers: Bridstock Weaver 'was Voted to' the post of sailing master, and Roberts' crew voted for their mate, quartermaster, boatswain's mate, and presumably other

³⁷⁰ Rediker, *Villains of all Nations*, p. 68; Leeson, *Invisible Hook*, p. 29; Rogozinski, *Honor Among Thieves*, pp. 165-166

officers as well.³⁷¹ But pirate crews, in their capacity as de facto owners, also voted on other matters of policy, such as where best to hunt for prizes. Edward England proposed attacking the Portuguese settlement at Goa, so the matter was put up for discussion amongst the company. A pirate crew in the South Atlantic in 1690 ‘putt to the Vote’ whether to sail East into the Indian Ocean, or West to South America and the Pacific. More detailed long-term planning was also decided by popular opinion: Ned Low’s company called ‘a Consultation where to go [and] they Concluded to go through the Gulf & so on the American coast to the Northward and from thence to Ruby and there to heave down and [careen]’.³⁷²

One other thing that pirate companies regularly voted on was the punishment of offenders, and their right, or duty, to do so was enshrined in several sets of articles. Disobedience and mutiny on Kidd’s *Adventure Galley* were to be punished by ‘such corporall punishment as the Capt and major part of the company shall think fit’, and a similar phrase appears several times in the articles of Anstis, Lowther, Low, and Phillips, relating to infractions such as desertion, fraud, concealment of plunder, and brawling with weapons. This practice, which will be explored more fully in Chapter 5.3 may have been more widespread than the sample of articles suggests; for example, Thomas Cocklyn’s crew voted to have their boatswain whipped for mistreating a prisoner.³⁷³ Aside from punishments, the fates of individual members of the company were also at stake when pirates voted on matters that might best be called ‘terms of employment’: whether an individual should be allowed to join or leave a pirate company, and what share of spoil they should receive for their service. When Harry Glasby attempted to move from one crew to another, within the same company, the captain and quartermaster, ‘conceived a jealousy, [and] put it to the Vote of the Company, and Glasby was stopt’. When a Dutchman tried to join the company of John Quelch, ‘the Company voted he should not have a full share’, and when he then threatened to inform

³⁷¹ *Proceedings on the King’s Commission*, p. 2; *Tryal of the Pyrates taken by Captain Ogle*, pp. 26, 46, 74

³⁷² Rediker, *Villains of all Nations*, pp. 68-69; *The Case of Samuel Burgess*, The National Archives, SP 34/36, f. 35; Seybolt, ‘Captured by Pirates’, p. 660

³⁷³ Snelgrave, *New Account*, p. 219

the authorities of the company's piracy, 'they Voted him to be put on Shoar'.³⁷⁴ The fate of the pirates' victims might also be a matter for referendum: one captured master who hoped for decent treatment was told that 'all Business of this Nature must be done in Publick, and by a Majority of Votes by the whole Company'.³⁷⁵

Despite the phrasing of the articles, it is clear that punishments were not always decided on by the vote of the whole company. Four forced men who attempted to escape from Roberts' company were 'tried by them for their lives by a Jury of twelve men'. On another occasion a jury of twelve of Roberts' company sentenced three other deserters to death.³⁷⁶ The use of a jury to try offenders was also the practice in John Taylor's company: the role of prosecutor was filled by the quartermaster, 'in front of a jury of a dozen members, of whom half are chosen by the accused'.³⁷⁷ The use of a jury or selected group of 'managing owners' by pirates was not limited to the conviction and sentencing of wrong-doers, however, and neither were juries on land. Throughout Britain and the colonies trial by jury was one of the safeguards that theoretically prevented abuse of position by arbitrary judges, and its use was standard in most criminal and many civil cases, but some juries, and in particular the county grand juries, also fulfilled an administrative function at a local level.³⁷⁸ Non-judicial functions were also served by pirate juries, as, for example, when Thomas Grant's ship was captured, Walter Kennedy and 'eleven others of [the pirate] Crew were chose by her said Crew to determine whether the Informant's said ship should be kept or burnt & they all voted her to be burnt'.³⁷⁹ Bartholomew Roberts, according to Johnson, was assisted in his command by a committee of select pirates, 'that were

³⁷⁴ *Trial of the Pyrates taken by Captain Ogle*, p. 69; *Trial of John Quelch*, p. 10

³⁷⁵ Roberts, *Four Years Voyages*, p. 40

³⁷⁶ *The Information of Edward Evans*, 10/10/1723, HCA 1/18, f. 37; *Trial of the Pyrates taken by Captain Ogle*, p. 56

³⁷⁷ Grandidier, *Madagascar*, p. 115

³⁷⁸ Frank McLynn, *Crime and Punishment in Eighteenth-Century England* (New York, 1989), p. xi; Lucilius A. Emery, 'Government by Jury', *Yale Law Journal*, 24 (1915), p. 265; Neal Garnham, 'Local Elite Creation in Early Hanoverian Ireland: The Case of the County Grand Jury', *Historical Journal*, 42 (1999), pp. 627-628; Gwenda Morgan, 'Law and Social Change in Colonial Virginia: The Role of the Grand Jury in Richmond County, 1692-1776', *Virginia Magazine of History and Biography*, 95 (1987), p. 453

³⁷⁹ *The Information of Thomas Grant*, 28/4/1721, HCA 1/54, f. 120

distinguish'd by the Title of Lords',³⁸⁰ and John Taylor sought the advice of a 'council' before launching an attack against a far superior force.³⁸¹ John Phillips' crew was directed by a cabal consisting of the captain, sailing master, and two other pirates.³⁸²

Whether they ran their ship by vote of the whole company or by a select committee, the concepts of elected officers and occasional referenda were neither new nor unique to pirates, of course. The very word 'democracy' has its origins in ancient Greece, and by the end of the seventeenth century voting was, in one form or another, a feature of life for many adult males. If a pirate company is considered as an institution or a community then the enfranchisement of part or all of the company is comparable with common practice elsewhere in society. In medieval England, for example, until at least the seventeenth century, meetings were convened in many rural villages for the election of local officials and 'there was a custom for the inhabitants to assemble regularly to draft by-laws for the common good'.³⁸³ In larger towns and cities the establishment of by-laws was the prerogative of the corporation, a group of officers including mayor and aldermen, who were chosen by the town's electorate.³⁸⁴ How far down the social and economic scales the franchise was extended in these towns and villages varied, from only the most significant property-owners in some cases to 'the whole township' in others, but it is clear that the concept, and often the practice, of democratic choice would have been familiar to most English pirates before they embarked on their criminal careers.

Similar traditions were carried to the New World by the early colonists, and remained features of government throughout the American colonial period. William Penn, at the founding of Pennsylvania in 1682, wrote that 'any Government is Free to the People under it... where the Laws rule and the

³⁸⁰ Johnson, *General History*, p. 194

³⁸¹ Grandidier, *Madagascar*, p. 109

³⁸² Jameson, *Privateering and Piracy*, p. 387

³⁸³ Warren O. Ault, 'Open-Field Husbandry and the Village Community: A Study of Agrarian By-Laws in Medieval England', *Transactions of the American Philosophical Society*, New Series, 55 (1965) p. 43

³⁸⁴ William Shephard, *Of Corporations, Fraternities and Guilds* (London, 1659), pp. 10-11, 13-14, 56-59, 81-82

People are a party to those Laws'. From the beginning of the colony, laws were enacted by the Provincial Council of 72 freemen and a General Assembly of two hundred representatives, both bodies having been elected by the freemen of the colony. Qualification as a freeman required either that an inhabitant owned and cultivated a certain amount of land, or simply that he paid taxes.³⁸⁵ Between 1682 and 1701 the constitutional basis for the government of the colony went through several revisions, but freemen retained the right to elect their representatives to the General Assembly, as well as local officers such as sheriffs and coroners, throughout the eighteenth century.³⁸⁶ In Massachusetts the town meeting, first enshrined in legislation in 1635, existed as a forum in which 'every man, whether inhabitant or foreigner, free or not free, shall have liberty' to raise issues or complaints, present petitions, and propose motions, and although only the freemen of the town had the right to vote on the issues raised, from the middle of the seventeenth century at least, the qualifications for freemanship were as liberal as Pennsylvania's.³⁸⁷ In Virginia, representatives to the General Assembly were 'chosen by the inhabitants', though the franchise became more restricted in the second half of the seventeenth century; in Maryland new laws required the 'advice, assent, and approbation of the freemen of the... province, or the greater part of them'; prospective colonists of Carolina were promised a representative assembly as an incentive; and in Bermuda the assembly of 48 representatives was elected by 'persons over eighteen who owned at least one 25-acre share of land'.³⁸⁸ Rhode Island, described in 1705 as 'a receptacle of pirates', enjoyed a government that proclaimed itself

³⁸⁵ William Penn, *The Frame of the Government of the Province of Pennsylvania in America* (London, 1682), pp. ii, 1-3, 7

³⁸⁶ Chester Raymond Young, 'The Evolution of the Pennsylvania Assembly, 1682-1748', *Pennsylvania History*, 35 (1968), pp. 149-151; Merrill Jensen (ed.), *English Historical Documents, vol. IX: American Colonial Documents to 1776* (London, 1955), pp. 192-194

³⁸⁷ Jensen, *Colonial Documents*, p. 279; Timothy H. Breen, 'Who Governs: The Town Franchise in Seventeenth-Century Massachusetts', *William and Mary Quarterly*, Third Series, 27 (1970), p. 471

³⁸⁸ Jensen, *Colonial Documents*, pp. 87, 183, 186; Bernard Bailyn, 'Politics and Social Structure in Virginia', in Karen Ordahl Kupperman (ed.), *Major Problems in American Colonial History*, (Lexington, 1993), pp. 215-216; Virginia Bernhard, 'Bermuda and Virginia in the Seventeenth Century: A Comparative View', *Journal of Social History*, 19 (1985), p. 66

'democratical; that is to say, a government held by the free and voluntary consent of all, or the greater part of the free inhabitants.'³⁸⁹

There existed, then, a tradition on both sides of the Atlantic of communities, and eligible individuals within each community, taking control of purely local affairs, exercising democratic decision making in the creation of laws by which their community was regulated, and in the election of officers to maintain the laws and lead the community. Moreover, the tradition was so widespread that virtually every pirate of Anglophone origin must have been aware of it, even if they had not participated in it directly.

The tradition existed too at a micro-level within institutions whose jurisdiction and electorate were smaller than the local governments outlined above. The practice of incorporation was not limited to towns and cities, but might also be applied to guilds,

groups of men, pursuing a specific craft, [who] joined with their fellows in exclusive associations which were designed to protect their interests against competition as well as to provide mutual support and friendship.³⁹⁰

The guilds served social functions, bringing together individuals with a common interest and 'relating households to the community', and charitable functions, such as the provision of almshouses and 'relief' to distressed members.³⁹¹ Their most ostensible purposes however were related to their trade, and included governing apprenticeships, regulating prices, and the 'defence of an occupational jurisdiction', by which they sought to minimise competition, maintain standards of work, and punish, usually by means of a fine, transgressors and 'delinquent members'.³⁹² The regulations by which the guilds were governed were maintained, enforced, and revised by the guild's own officers, led by a master, who was assisted by a select body of members

³⁸⁹ CSPC 1704-1705, item 975. i; Jensen, *Colonial Documents*, p. 226

³⁹⁰ Heather Swanson, 'The Illusion of Economic Structure: Craft Guilds in Late Medieval English Towns', *Past and Present*, 121 (1988), p. 30

³⁹¹ Swanson, 'Craft Guilds', p. 30; Alwyn A. Ruddock, 'The Trinity House at Deptford in the Sixteenth Century', *English Historical Review*, 65 (1950), p. 466

³⁹² Michael C. Burrage and David Corry, 'At Sixes and Sevens: Occupational Status in the City of London from the Fourteenth to the Seventeenth Century', *American Sociological Review*, 46 (1981), pp. 377-378

known variously as wardens, brothers, or by some other title. These officers were chosen from within the guild's membership by an electorate that often included all guild members who had completed their apprenticeship and advanced beyond the stage of journeyman, or day worker, to conduct their own business, but sometimes consisted of 'a select number of the principal' members.³⁹³ That guild elections and votes were intended to be honest and free from external coercion is suggested by the fact that they were, by the seventeenth century, often secret: Charles I professed an 'utter dislike' of 'the use of balloting boxes, which is of late begin to be practised by some corporations and companies'.³⁹⁴

At an institutional level though, a better comparison to pirate companies might be made by dissenting churches, those which did not subscribe to Anglican tenets. Indeed, Burg argued that such democratic principles as were practiced by pirates might have had their genesis in the practices of the dissenting and Congregationalist churches prevalent in southern England and the American colonies, who

chose their own ministers, ignored legally constituted ecclesiastical authority, gave legitimacy to their churches by founding them with the consent of the membership, and usually subscribed to a covenant, a set of written articles in which all agreed to worship together and observe the regulations and practices specified by their own elected leaders.³⁹⁵

Congregationalist churches faced similar external command problems to pirates. Without an Episcopal hierarchy extending far above and beyond the confines of the individual congregation, there was no instruction in matters of church policy, practice, or the appointment of leaders, forthcoming from outside the church itself. Each church had therefore to solve these leadership problems internally. In 1648 a synod of the Congregationalist churches of Massachusetts and Connecticut went some way to overcoming the external command problem by subscribing to the 'Cambridge Platform', and other

³⁹³ Burrage and Corry, 'Sixes and Sevens', pp. 376-378; Sheppard, *Corporations*, p. 59 and *passim*.

³⁹⁴ Charles Gross, 'The Early History of the Ballot in England', *American Historical Review*, 3 (1898), p. 458

³⁹⁵ Burg, 'Legitimacy and Authority', p. 48

similar 'platforms' appeared in other colonies in ensuing decades. The Cambridge Platform was an attempt to produce a church constitution to limit the authority of the clergy and place some measure of the control of each church in the hands of its congregation. In practice, the Cambridge Platform ratified practices that had been commonplace amongst its subscribers and in other Congregationalist churches for some decades.

Like the pirates, Congregationalist churches each drew up an agreement, the 'covenant', which gave church members the right to exercise 'Church power one over the other mutually', and was intended to put parishioners 'in minde of our mutual duty, and stirreth us up to it'. The Cambridge Platform insisted that church officers should be chosen 'by a free election', and argued that 'if the Church have power to chuse their Officers and Ministers, then... they have power also to depose them'.³⁹⁶

There was nothing especially radical, then, about the systems employed by pirates to ensure that their ships functioned properly; they were simply the systems long employed in legitimate seafaring and in land-based communities, adapted to suit a company in which the crew were also de facto owners, and the pirates filled both roles at different times and in different circumstances. The 'democracy' extant in some pirate crews is therefore comparable to the decision-making processes utilised by the owners, or managing owners, of legitimate private ships, and was based on the pirates' experiences as members of legitimate society.

2.3. *The extent of pirate 'democracy'.*

If the actual methods by which pirates directed their activities were not radical, but instead were based on practices commonly found elsewhere in the maritime world or in society at large, the extension of the franchise to the entire company may have been. However, it is not at all certain that pirates *did* offer the right to participate in the decision-making to everyone that those decisions would affect. The extent to which Roberts' article guaranteeing

³⁹⁶ *A Platform of Church Discipline* (Cambridge, Mass., 1649), pp. 5, 10-11

universal suffrage 'in affairs of the moment' is indicative of similar practice in other pirate companies is unclear. Not all owners of merchant vessels took an active role in the direction of their vessel's affairs, and there is little reason to suppose that the owners of pirate vessels operated any differently. Of all the surviving sets of pirate articles, Roberts' is the only one to include such a clause, and although other pirates' articles do place the right to make decisions on certain issues, such as punishment of wrong-doers, in the collective hands of the company, they also call for general obedience to officers' commands.

Moreover, it is not at all clear that the right to vote on important issues was extended to *every* man. It is unsurprising that a boy in Quelch's company 'had no Vote with the rest of the Company',³⁹⁷ since children have rarely been considered mature enough to take part in democratic process. Surgeons in Taylor's crew 'had no vote',³⁹⁸ presumably not because pirates bore a particular animosity to members of the medical profession, but because surgeons, on the whole, were rarely volunteer members of a pirate company.³⁹⁹ Allowing forced men to vote on affairs relating to the direction of the company and ship might have disastrous consequences, especially for companies in which forced men constituted a majority. The evidence given by Thomas Davis, a forced member of Bellamy's company, reinforces this point:

When the company was called together to *Consuls*, and each Man to give his Vote, they would not allow the forced men to have a Vote. There were one hundred and thirty forced Men in all, and Eighty of the Old company; and this examine being a forced Man had no opportunity to discover his Mind.⁴⁰⁰

In addition to the forced men there were other groups within various pirate companies who had no right to vote. Several pirate companies kept slaves to carry out the arduous, unskilled, labour such as cleaning and pumping, such as the black men on Philip Lyne's ship, 'whom they forced to do all the

³⁹⁷ *Trial of John Quelch*, p. 18

³⁹⁸ *The Examination of Richard Moor*, 31/10/1724, HCA 1/55, f. 96

³⁹⁹ *Trial of the Pyrates taken by Captain Ogle*, p. 35

⁴⁰⁰ *Trials of Eight Persons*, p. 24

Work',⁴⁰¹ and, on occasion, pirates treated free men, both black and white, in a manner that was, to all intents and purposes, slavery, and put them to menial tasks.⁴⁰² It is highly unlikely that slaves had any right to vote in the affairs of the pirate ship, and probable that the 'free' menial servants were also denied suffrage. Newly recruited members of a pirate company may also have had to prove themselves before being granted a vote in shipboard affairs: according to Johnson, 'the old Pyrates were always jealous of the new Comers'.⁴⁰³ In some cases other, less obvious, groups were treated with such contempt by the pirates that it is difficult to imagine they were given a voice in the running of the ship. In Roberts' crew, for example, soldiers and Irishmen were theoretically prohibited from joining, and if they did manage to work their way into the crew were so discriminated against in general that they might as well have been treated as forced men.⁴⁰⁴ Even in Roberts' ostensibly egalitarian crew, which included large numbers of forced men, several slaves, 'free' men treated as slaves, some soldiers, and a steady influx of new recruits, suffrage was not universal.

There were some good sound reasons for not including every person on board a ship in the decision-making process. Forced men and slaves had no interest in promoting the well being of the pirate company in which they found themselves, and neither necessarily did menial servants. In some cases slaves were unable to understand sufficient English to comprehend the issues being voted on: when a captured pirate tried to enlist the aid of several black men to escape, he was forced to converse with them in 'a Smattering he had of the *Angolan* Language'.⁴⁰⁵ Boys and soldiers may have been denied voting rights on the practical grounds that they did not possess sufficient knowledge or experience of nautical affairs to make an informed decision, and new recruits may not have had a sufficient understanding of the exigencies of piracy, besides the fact that the older hands regarded them with caution.

⁴⁰¹ *Parker's Penny Post*, 23/6/1725

⁴⁰² Arne Bialuschewski, 'Black People', p. 467; *Tryals of Stede Bonnet*, p. 29; *Tryal of the Pyrates taken by Captain Ogle*, p. 38

⁴⁰³ Johnson, *General History*, p. 346

⁴⁰⁴ *Tryal of the Pyrates taken by Captain Ogle*, pp. 37, 50

⁴⁰⁵ Johnson, *General History*, p. 247

None of these exclusions from the decision making process are surprising: children, servants, and slaves, were rarely, if ever, given the vote in contemporary society. In general terms, the right to vote, whether in matters of local government, corporate or guild policy, or church practices, was awarded to those who had shown themselves eligible by their commitment to the community. Land owners and tax payers had a physical and financial investment in the community, qualified craftsmen had made both a professional and a financial investment in their trade, and church members made a spiritual (and often financial) commitment to their church. This was not always the case; in some villages byelaws were enacted by all the inhabitants, regardless of property, and it was argued during the Parliamentary franchise reform movement of the 1620s 'that in the absence of specific provisions to the contrary, every man had the right to vote'.⁴⁰⁶ Nevertheless, although they were sometimes easily obtained, as in the case of Pennsylvania noted above for example, there were usually qualifications for membership of the electorate. This is as true of pirates as it is of town meeting or Congregationalist church: voters had to be of a certain age; they had to be free men and not servants; they had to have voluntarily entered into the company; and they must have made some outwardly recognisable commitment of membership such as swearing an oath, signing articles, or serving a probationary period. Without these qualifications and commitments a man on board a pirate ship had no more freedom to take part in making the decisions that affected his life than his counterpart on land. The extent of pirate suffrage was no greater than that of the suffrage enjoyed by men on land. Of the 210 men on board Bellamy's ships in 1717, according to Thomas Davis, only thirty-eight percent enjoyed voting rights. By way of comparison, it has been argued that between 28.4 and 41 percent of the adult male population of a colonial Massachusetts town had the right to vote, and possibly as many as 77.6 percent did.⁴⁰⁷

⁴⁰⁶ Ault, 'Open Field Husbandry', pp. 42-43; Richard L. Bushman, 'English Franchise Reform in the Seventeenth Century', *Journal of British Studies*, 3 (1963), p. 39

⁴⁰⁷ Arlin I. Ginsburg, 'The Franchise in Seventeenth-Century Massachusetts: Ipswich', *William and Mary Quarterly*, Third Series, 34 (1977), pp. 448-452

Table 1 shows the number of forced men, slaves and boys on board fourteen eighteenth-century pirate ships compared with the total crew sizes. Where the information regarding forced men has been taken from trial accounts it has been assumed, perhaps arbitrarily, that men who managed to convince the court of their forced status genuinely were unwilling conscripts, while those who claimed to have been forced but were unable to convince the court were voluntary members of the company. It is quite probable that the various courts made errors in the matter of forcing, but on the whole courts were unwilling to accept that a defendant truly had been forced unless he could produce satisfactory witnesses that it was so, therefore any error in Table 1 is likely to skew the data in favour of a larger proportion of willing volunteers. Data drawn from sources other than trials may include a significant number of forced men who are not recognised as such, skewing the proportion still further. The question of black crew-members is equally problematic, as their status has been shown to have varied greatly from company to company.⁴⁰⁸ Some black men appear to have enjoyed all the rights of membership of the company, such as receipt of a share of the spoil, and were fully trusted to carry arms. In other cases, black men were kept as slaves, deprived of free will and forced to menial service before, often, being sold. Only black pirates who appear to have been kept in a state of slavery have been considered in Table 1. It is possible that some pirate companies may have included free blacks and slaves together, in which case the data may be slightly skewed in favour of a larger proportion of non-voters. Finally, only four boys appear in Table 1, and it is probable that several boys whose ages were not clearly recorded have been included as willing volunteers, when in fact they had no vote. For these reasons, the data is most likely to be skewed most heavily in favour of a larger proportion of eligible voters, and the percentages given should be considered approximately the maximum. Nevertheless, despite these problems, the data are broadly accurate and, assuming that boys, slaves and forced men did not enjoy voting privileges, show the varying extent of piratical suffrage, from 18 percent of the community, to 87 percent. Doubtless there were pirate companies in which every man was a voluntary enfranchised adult, and

⁴⁰⁸ Kinkor, 'Black Men', p. 201; Bialuschewski, 'Black People', p. 461

others, such as John Gow's, in which formal voting does not appear to have taken place at all. In Roberts' company, 'every man' had the right to vote in theory, but less than half did in practice.

Table 1. Suffrage in pirate companies, 1704-1724

Captain	Date	Crew Size	Forced men, slaves, boys.	Others (presumed voters)	% voters
Quelch	1704	31	7	24	77
Bellamy	1717	210	130	80	38
Williams	1717				50
Greenway	1718	56	20	36	64
Jones	1718	12	2	10	83
Yeats	1718	110	90	20	18
Teach	1718	100	60	40	40
Taylor and Seagar	1720	300	40	260	87
Condent	1720	195	60	135	69
Roberts	1722	267	144	123	46
Phillips	1723	8	3	5	62
Phillips	1724	19	12	7	37
Spriggs	1725	70	20	50	71
Lyne	1725	44	18	26	59

Sources: *Trials of Eight Persons*, p. 24; *Boston News Letter*, 11/8/1718; *Minutes of the Provincial Council of Pennsylvania*, vol. 3 (Philadelphia, 1852), pp. 50-53; *Boston Gazette*, 4/5/1724; *Boston Gazette*, 17/5/1725; *Boston News Letter*, 18/8/1718; *Weekly Journal or Saturday's Post*, 6/12/1718; *Tryals of Stede Bonnet*, p. 46; *Tryal of John Quelch*; Johnson, *General History*, p. 285; Rogozinski, *Honor Among Thieves*, p. 208; *Tryal of the Pyrates taken by Captain Ogle*; Grey, *Pirates of the Eastern Seas*, p. 318; *Weekly Journal or British Gazetteer*, 10/8/1717; *Parker's Penny Post*, 23/6/1725

Regardless of who was and was not allowed a vote, there were other practical concerns which allowing the entire company to take part in the decision-making process would have entailed. Even with a traditional maximum of sixty-four owners, the management of legitimate shipping was found to be unwieldy if every owner were allowed a say in the running of a vessel: 'the owning group was often too large to exercise control efficiently'.⁴⁰⁹ One debate, over whether to sink a captured vessel or return it to its master, was reported to have lasted five hours.⁴¹⁰ For pirate companies such as that

⁴⁰⁹ Davis, *English Shipping Industry*, p. 159

⁴¹⁰ *The Original Weekly Journal*, 27/12/1718

commanded by Thomas Cocklyn, which contained only twenty-five men,⁴¹¹ this would not have presented such a problem, and decisions could have been made by the whole company fairly simply based on a brief discussion and a show of hands. For a company such as Blackbeard's which, at its height, consisted of over 400 men,⁴¹² such a simple system could easily have become impractical, debates might have lasted days, and the voting process would have been impossible to monitor effectively. In such cases a council consisting of chosen representatives, officers, or a number of the older members of the company may have been the only practical solution if the captain himself did not take sole control of planning and decision-making. The drawing up of articles, which set out pre-agreed responses to particular events or circumstances, alleviated the need to call the whole company to vote except on extraordinary issues.

Allowing the whole company to vote could also have potentially divisive effects. One of the most powerful pirate companies in the Indian Ocean was rent asunder in 1722 when they voted on whether to remain in the region and continue pillaging or make for the Caribbean in search of a pardon and retirement. No unanimous decision could be reached so 156 men, led by John Taylor, left in one ship for the Caribbean while the rest of the company remained in the Indian Ocean in a larger vessel with Oliver La Buse.⁴¹³ If the company were unwilling or unable to divide after a hung ballot then they might be forced to agree to differ, which could result in them sailing aimlessly until some other decision could be reached, as happened when England's crew could not agree about whether to attack Goa.⁴¹⁴

Even when a decision was reached by common vote, there was no guarantee that it would be adhered to if the officers who controlled the vessel did not support it. When Kidd's crew were invited to vote on whether to return their prize, the *Quedah Merchant*, to its owners or take it to Madagascar, Kidd's party prevailed and the prize was carried off, in spite of the fact that less than

⁴¹¹ Snelgrave, *New Account*, p. 196

⁴¹² *CSPC 1717-1718*, item 551

⁴¹³ *The Examination of Richard Moor*, 31/10/1724, HCA 1/55, f. 96

⁴¹⁴ Rediker, *Villains of all Nations*, p. 69

a quarter of the crew had voted to do so.⁴¹⁵ Kidd's command, we have seen, was perhaps more autocratic than many other pirate captains, but the man who highlighted that point, William Mason, was involved in a similar incident when a pirate captain himself. Faced with the decision of whether to sail East to the Indian Ocean or West to the Pacific, the officers voted for the East while the majority of the foremastmen voted for the West,

it was carried for the Westward, which the officers were all against, and when we steered Westward they refused to take Charge of the Ship, so that we were forced to submit to them, and our Course was directed round the Cape and so to Madagascar.⁴¹⁶

The officers, in this case, were able to impose their will against the wishes of the crew, not through force, but because they alone possessed the necessary skills to successfully direct the navigation of the ship.

The external command of pirate vessels, then, was sometimes, but not always, placed in the hands of the de facto owners of the vessel, the company themselves. In some cases the company exercised external command as a body, but not all the members of the company were necessarily considered owners. Forced men, slaves, and new recruits, amongst others, had little or no stake in the vessel and thus no say in its direction. In other cases, a group of managing owners was found from within the company to manage affairs of external command, whose decisions were implemented by the internal command structure led by the captain and officers. As in legitimate shipping, the ownership of a share in a vessel did not necessarily entail a say in the decision making process, largely for reasons of practical management efficiency. Also as in legitimate shipping, the commander of a vessel was in a position to overrule the wishes of the external command agency if he chose to do so. In both legitimate and criminal shipping enterprises, he might risk incurring the displeasure of his employers by doing so, but, as the senior member of the internal command structure, was well placed to impose himself on the direction of the vessel if he felt it expedient, and the wrath of the

⁴¹⁵ *Trial of Captain Kidd*, p. 26

⁴¹⁶ *The Case of Samuel Burgess*, SP 34/36, f. 35

shareholders could only be exercised *after* their decisions had been overturned and the captain's new commands executed. The pirate company, as shareholders in the vessel, may have technically been the highest authority commanding the direction of the vessel, but at times their seniority was purely theoretical.

2.4. Professional hierarchy.

Parallel to, and extending beneath, the chain of command in legitimate shipping lay a more informal professional hierarchy, in which men were respected, and often rewarded, for their professional abilities, but did not necessarily obtain any formalised authority over others by it. This is particularly evident amongst the foremastmen of a ship who, in naval or merchant service, were distinguished from one another and rated as boy, landsman or grommet, ordinary or half seaman, or able seaman.⁴¹⁷ When the rank of able-seaman was introduced into the navy in the seventeenth century, it carried a slightly higher wage than the rank of ordinary seaman and was applied to men 'fit for helm, lead, top, and yards'⁴¹⁸ – the tasks which required a greater degree of skill than mere hauling on ropes, and thus carried a correspondingly greater responsibility. It was thus a higher position than ordinary seaman and landsman in both the pay hierarchy and professional hierarchy, and able seaman status constituted membership of 'the natural aristocracy of the lower deck'.⁴¹⁹ It is probable, at least in this case, that seniority in the professional hierarchy carried with it a certain measure of informal authority based on greater experience and skill, but was not distinguished by formalised authority in the command hierarchy. On naval ships that carried marines as part of their complement, the marines were exempted from the skilled work of the seaman, and were not assigned to watches with the rest of the crew, but were nevertheless employed in the least-skilled physical labour of hauling ropes and turning the heavy capstan. It

⁴¹⁷ Earle, *Sailors*, pp. 42, 44; Rodger, *Command of the Ocean*, pp. 621, 624-625; Davis, *English Shipping Industry*, p. 113

⁴¹⁸ quoted in Capp, *Cromwell's Navy*, p. 259

⁴¹⁹ Rodger, *Command of the Ocean*, p. 452

was hoped at one time that marine regiments would prove to be a 'nursery of seamen', and marines were encouraged to acquire maritime skills. In practice, the nursery produced few graduates, and the marines' duties consisted largely of unskilled labouring and providing musketeers in battle.⁴²⁰ That the Admiralty, as much as their shipmates, viewed marines as unskilled labourers is illustrated by their employment as dockyard labourers when they were not assigned to ships at sea.⁴²¹ The position of the cooper on some merchant vessels is also illustrative of the nature of the professional hierarchy. The cooper had no formalised authority outside his own department, but was nonetheless a crucially important member of the crew: many tradable commodities were stored and transported in casks, as were the victuals of the crew, and it was the cooper's special responsibility to keep these casks in good repair. Without his work the crew might starve and the cargo be lost, in either case leading to a disastrous voyage, so the cooper was therefore essential in a way that no other member of the crew was, not even the master (whose navigational skills were usually shared at least by the mate). The professional importance of the cooper was usually reflected in his higher wage, in some cases higher even than the master's.⁴²²

A similar hierarchy existed aboard pirate ships. For example, cooper Abraham Harper used his rattan cane 'directing about the provisions, and what else immediately related to his Office'⁴²³ without fear of retribution, not because the cane was a practically essential tool to his job, but because his professional skills were fundamental to the well-being of the whole company. One of the most telling clues regarding the value and importance ascribed to specialist officers such as coopers, 'Carpenters, Cawlkers, Armorers, Surgeons, and Musicians',⁴²⁴ was the regularity with which they were forced to join a pirate crew against their will. Until volunteer recruits started to become scarce in the 1720s, pirates were often reluctant to conscript unwilling men. At the height of their strength, Bellamy's company, for example, 'said they would take nobody

⁴²⁰ Rodger, *Wooden World*, p. 28; Rodger, *Command of the Ocean*, pp. 129, 210-211

⁴²¹ R.D. Merriman (ed.). *The Sergison Papers* (Navy Records Society, 1950), p. 316

⁴²² Vickers and Walsh, *Young Men*, p. 64

⁴²³ *Trial of the Pirates taken by Captain Ogle*, p. 48

⁴²⁴ Johnson, *General History*, p. 489

against their wills',⁴²⁵ and earlier Henry Every granted 'Liberty for any of them that' were not voluntary pirates.⁴²⁶ Nevertheless, Bellamy conscripted a carpenter, Every conscripted a cooper, and Bellamy's consort, Paul Williams, forced a carpenter and a drummer.⁴²⁷ Other pirate crews were not averse to forcing specialists; many carpenters and surgeons were conscripted, and one pirate acquitted in court because of his forced status claimed that he was conscripted 'because he could play upon a violin'.⁴²⁸ In general, there were good reasons for pirates to avoid conscripting if possible: forced men could not wholly be trusted, were opposed to the pirates and their principles, would undermine the cohesion of the company, would be more likely than volunteers to give evidence in court in the event of capture and, if sufficient in number, might rise up against their pirate masters. Pirates, then, quite naturally preferred not to force men to join them if it could be avoided, but still they regularly forced specialist officers. Because their skills were essential or highly desirable to the practical well being of their ships and company, pirates were willing to risk the dangers inherent in forcing skilled men.

Apart from the specialist officers, pirates used different markers to those used in legitimate shipping to differentiate between stations in their professional hierarchy. Experience as a pirate was just as important, perhaps more so, as years spent at sea in any other form of employment. When John Rose Archer joined John Phillips' company he, 'having been a Pyrate under the famous Black-beard, was immediately preferr'd over other People's Heads, to be Quarter-Master to the company'.⁴²⁹ John Miller bragged to his comrades in John Quelch's company that he had formerly been a pirate under Henry Every, and Peter Divine of Roberts' company told anyone who would listen that he 'had been twice a Pyrating before'.⁴³⁰ Long-term members of a particular pirate company might also enjoy respect that was not paid to newer members, the older hands who were so jealous of the newcomers mentioned

⁴²⁵ *Trials of Eight Persons*, p. 11

⁴²⁶ *The Tryals of Joseph Dawson*, p. 222

⁴²⁷ *Trials of Eight Persons*, p. 20; *The Information of Thomas Joy*, 16/8/1699, HCA 1/53, f.55; *Weekly Journal or British Gazetteer*, 10/8/1717

⁴²⁸ *The Tryals of Thirty-Six Persons*, p. 190

⁴²⁹ Johnson, *General History*, p. 343

⁴³⁰ *Tryal of John Quelch*, p. 18; *Tryal of the Pirates taken by Captain Ogle*, p. 10

earlier were 'consequently observant of their behaviour'.⁴³¹ Before their first engagement, Thomas Cocklyn told new recruits 'That now they should learn to smell Gunpowder, and caned them heartily', and in Roberts' company, 'no New-Comer amongst the company were suffered to go plundering of any prize'.⁴³² New recruits had, therefore, to prove themselves before they could earn the respect of their comrades, and pirates of particularly long standing, or who had previously belonged to the companies commanded by particularly notorious pirates such as Every or Blackbeard, were accorded an even greater degree of professional respect. As in legitimate shipping, specific maritime experience also contributed to an individual's professional status in a pirate company, and one observer remarked that pirates were 'the very flower of our Sailors'.⁴³³ Being a prime seaman may even have been one of the requirements for joining some pirate companies, such as Roberts', who 'took none but Sailors into their Company', and in which 'most of the Company of Pyrates were against entering' soldiers, though they did occasionally accept some 'out of pure Charity'.⁴³⁴ Roberts' company, however, was sufficiently large to allow them to discriminate in their choice of new recruits and, other companies may not have been so exclusive: for example, soldiers made up a proportion of the men who mutinied and turned pirate under George Lowther and John Massey.⁴³⁵ Lowther, the leader of the seamen-mutineers, took command though. A striking example of the professional hierarchy extant on pirate ships is the respect accorded to Paul Williams, both on account of his maritime experience and skill, and of his association with the well-known pirate Samuel Bellamy. Despite Williams having fallen from command, Snelgrave was nonetheless advised to address Williams as 'Captain', as the other pirates did.⁴³⁶ Williams had been a silversmith rather than a seaman before he began his piratical career as a close associate of Bellamy in 1716, and for a short while the two men sailed in consort with other pirates, including Oliver La Buse. After La Buse left their company Bellamy and Williams

⁴³¹ Johnson, *General History*, p. 346

⁴³² Snelgrave, *New Account*, p. 261; *Trial of the Pyrates taken by Captain Ogle*, p. 11

⁴³³ *The Observer*, 10/3/1703

⁴³⁴ *Trial of the Pirates taken by Captain Ogle*, pp. 13, 50

⁴³⁵ *The Petition of John Massey*, 22/7/1721, EXT 1/261, ff. 197-198

⁴³⁶ Snelgrave, *New Account*, p. 258

continued to sail together, and captured the large slave ship *Whydah* in early 1717, which they fitted out as a pirate vessel under Bellamy's command, while Williams took command of the vessel they had formerly shared.⁴³⁷ Within only a few weeks Bellamy and Williams lost contact, and Bellamy, aboard the *Whydah*, was drowned with almost all of his crew when the ship was wrecked in a storm. After the loss of the *Whydah*, Williams continued to cruise southwards down the American coast towards the pirates' haven at New Providence. In his cruise he took several ships and for a short time renewed his consortship with La Buse. Discord broke out between those members of Williams' company who were in favour of remaining at sea and those who wanted to go ashore, in the midst of which, the forced men, who constituted half of the company, rebelled against the pirates. Five or six forced men were killed during the ensuing fight, and Williams re-established his command by hanging three more for mutiny.⁴³⁸ By the time Williams reached New Providence his ship was in a sorry state, battered by the ravages of sea and storm, and his crew were rent asunder by dissent and probably more than a little dismayed at the fate of their comrades.⁴³⁹ They appear to have temporarily settled amongst the other pirates, and when Captain Pearse of HMS *Phoenix* arrived at the island with news of a Royal pardon in February 1718, Williams was the ninth man to surrender himself.⁴⁴⁰ However, he soon repented of his decision and joined the crew of William Moody, along with his old colleague La Buse who had abandoned his own ship when confronted by HMS *Scarborough* in June 1718. In due course La Buse took over command from Moody, and Williams became his quartermaster, retaining the courtesy title of 'captain' in recognition of his not inconsiderable achievements.

⁴³⁷ Woodard, *Republic of Pirates*, pp. 95, 125, 144-145, 157-158

⁴³⁸ *Weekly Journal or British Gazetteer*, 29/6/1717; *Weekly Journal or Saturday's Post*, 29/6/1717; *Weekly Journal or British Gazetteer*, 10/8/1717; *London Gazette*, 24/9/1717; *Weekly Journal or Saturday's Post*, 5/10/1717

⁴³⁹ Woodard, *Republic of Pirates*, pp. 196-197

⁴⁴⁰ *List of the Names of such Pirates as Surrendered themselves at Providence to Capt. Vincent Pearse*, ADM 1/2282

2.5. Social Hierarchy.

The command hierarchy was entirely, and the professional hierarchy mostly, a function of the ship rather than of the crew itself. The management of a sailing vessel required that some men were in positions of authority over others, and that some men possessed skills and experience which were not essential prerequisites of every member of the crew and which thus gave their possessors a certain unofficial seniority. The social divisions that were prevalent in legitimate shipping to a greater or lesser degree were, however, a function of the crew rather than the ship. Theoretically, the successful management of the ship did not require the captain and officers to have their own cabins and living space, first pick of the food supplies, or the bonus gratuities of *average* and *portage*.⁴⁴¹ Nevertheless, officers in both naval and merchant service regularly enjoyed these perquisites.⁴⁴²

It has been argued that pirates discarded the social hierarchies of legitimate shipping in favour of 'a rough, improvised, but effective egalitarianism',⁴⁴³ and there is some compelling evidence that this was so. On Cocklyn's ship, for example, 'every one lay rough, as they called it, that is, on the Deck; the Captain himself not being allowed a bed'.⁴⁴⁴ According to Johnson, in Roberts' company the pirates 'separated to his [Roberts'] Use the great Cabin... but then every Man, as the Humour takes him, will use the Plate and China, intrude into his Apartment, swear at him, seize a Part of his Victuals and Drink, if they like it'. That Roberts had no right to extra or special victuals over any other member of the company was the practical application of his company's article granting every man 'equal Title to the Fresh Provisions, or strong Liquors'.⁴⁴⁵ Naval officer Clement Downing observed that the quartermaster of pirate ships in the Indian Ocean divided

⁴⁴¹ *Average*: a gratuity paid to a master for taking cargo over the specified amount. *Portage*: a payment made by Customs officials to masters for correctly reporting their cargoes.

⁴⁴² Ward, *Wooden World*, p. 7; Christopher Lloyd, *The Nation and the Navy* (London, 1965), p. 71; Henry Teonge (G. E. Manwaring, ed.), *The Diary* (London, 1928), p. 44; Davis, *English Shipping Industry*, p. 146

⁴⁴³ Rediker, *Villains of all Nations*, p. 61

⁴⁴⁴ Snelgrave, *New Account*, p. 217

⁴⁴⁵ Johnson, *General History*, pp. 211, 213-214

all things with an Equality to them all, every Man and Boy sharing alike; and not even their Captain, or any other Officer, is allowed any more than another Man; nay, the Captain cannot keep his own Cabbin to himself, for their bulkheads are all down, and every man stands to his Quarters, where they lie and mess, and they take the liberty of ranging all over their ships.⁴⁴⁶

Pirates' structural alterations to their vessels such as the levelling of upper-works and removal of bulkheads, Joel Baer has argued, might have resulted in the 'the reduction of distinctions between the officers and people'.⁴⁴⁷ However, it is more likely that any reduction of distinctions was a mere by-product of improving the ship's sailing or fighting qualities, matters of great practical importance to pirates. Removing the upper decks of a large vessel would make her faster and more manoeuvrable, an important consideration for men whose livelihood and personal safety depended on being equally able to catch a fleeing prize or escape from a naval pursuer. It was usual aboard legitimate ships, when combat was imminent, for a ship's captain to order 'the Bulkhead and Cabbins knock'd down, the Deck clear'd Fore and Aft, for every Man to have free access to his Business',⁴⁴⁸ so for pirates, whose articles often enjoined them to 'keep their piece, pistols, and cutlass clean and fit for service', keeping their ship ready for action would have been a natural extension of sensible working practice. The absence of beds on Cocklyn's ship was also probably more to do with fighting efficiency than social levelling, for the same account tells us that 'there was not in the Cabbin either Chair, or any thing else to sit upon; for they always kept a clear Ship ready for an Engagement'.⁴⁴⁹

Nevertheless, evidence such as this has been seized on by historians to portray piratical society in an egalitarian light, as a society devoid of social

⁴⁴⁶ Downing, *Indian Wars*, p. 108

⁴⁴⁷ Baer, *Pirates*, p. 96

⁴⁴⁸ Edward Ward, *A Collection of the Writings of Mr. Edward Ward*, vol. 2 (London, 1717), p.

158

⁴⁴⁹ Snelgrave, *New Account*, p. 216

differences.⁴⁵⁰ Even accepting, though, that the structural alterations and public nature of captains' cabins were primarily social, rather than practical, phenomena, there is still a large body of evidence pointing to the fact that social differences did exist aboard pirate vessels. Downing had never spent any time aboard a pirate ship himself, so his evidence was probably based on hearsay, and it is clear that other pirate captains, in the Atlantic and Indian Oceans, did have the use of cabins. Roberts, we have seen, had the use of the great cabin, even if he was not allowed to keep it private, and du Bucquoy, who did spend a prolonged time on a pirate ship, wrote that Taylor was 'often discarding his prerogatives as captain by coming down into the 'tween-decks to converse, play, eat from the common pot or drink with' the rest of the company. Taylor, then, not only had a cabin, but also was able to retain his privacy except when he himself chose not to. In fact, Taylor ran his cabin like an officer in legitimate service, inviting officer-captives to dine 'at his table', and sharing his cabin only with du Bucquoy himself during the time of the latter's captivity.⁴⁵¹ Edward Low ran his cabin within an even more formalised social hierarchy. When a captive was brought aboard Low's ship he was met first by the gunner, 'who, by his Department, acted as though he had been Master of the Ceremonies', and was told that he 'must go to pay my Respects to the Captain, who was in the Cabbin'. The gunner conducted him to the cabin door, introduced him to Low, 'and then withdrew out of the Cabbin'. Low invited him to sit in one of the many chairs in the cabin, and after commiserating him on his loss, rang 'the Cabbin-bell, and one of his Valet de Chambres, or rather Valets de Cabins, appearing, he commanded him to make a Bowl of Punch'.⁴⁵²

Low was not the only pirate officer to have servants. Richard Barlicorn, for example, had been Captain Kidd's servant for six years before his arrest, and Darby Mullins received only a half share of the pirates' spoil because of his status as Kidd's servant.⁴⁵³ Nor was it only pirate captains who kept servants:

⁴⁵⁰ Rediker, *Villains of All Nations*, p. 65; Baer, *Pirates*, p. 96; Leeson, *Invisible Hook*, p. 33; Sherry, *Raiders and Rebels*, p. 123; Pringle, *Jolly Roger*, pp. 107-108

⁴⁵¹ Grandidier, *Madagascar*, pp. 107, 118

⁴⁵² Roberts, *Four Years' Voyages*, pp. 39-41

⁴⁵³ *Trial of Captain Kidd*, pp. 22, 31

the quartermaster of Cocklyn's company had a boy servant who was used to fetch things from the quartermaster's chest, the boatswain of Roberts' ship had a 'boy' who was employed 'chiefly as Yeoman of his Stores', and one of Kidd's company was indentured as a servant to another, and forced to give his share of spoil to his master.⁴⁵⁴ The position of boys on some pirate ships was ambiguous and some undoubtedly acted as cabin servants. James Sparks originally shipped as a captain's cabin boy, but after the mutiny led by Henry Every 'was kept onb[oar]d by ye Comp[any] but as a kind of slave to wash their clothes, sweep ye Decks and light their pipes'.⁴⁵⁵ Several witnesses at the trial of Charles Harris' pirate company deposed that 'John Fletcher was as a Boy on Board, and no otherwise',⁴⁵⁶ suggesting that his status was similar to Sparks'. John Templeton's status in Quelch's company was determined by the fact that he was not only a boy, but also an indentured servant. He was required to cook for the pirates, 'was ordered as everyone pleased', and his share of spoil was handed over to his master on shore when the pirates landed at Boston.⁴⁵⁷

The most marked social differences to be perceived in legitimate shipping were found in the Royal Navy where, throughout the second half of the seventeenth century the great social debate of 'gentleman' versus 'tarpaulin' officers raged. Briefly, the question centred on whether it was better for a ship's company to be led by a gentleman, 'the natural leaders of society, possessors of the hereditary military virtues of honour and courage', or by professional seamen, 'tarpaulin' officers, who stemmed largely from the middle, and sometimes from the lower, class, and had often begun their careers in merchant ships. Recently it has been argued that the debate was more about political rhetoric than practical exigency, but to some contemporaries, notably Samuel Pepys, the matter was of extreme importance. Pepys, a gifted naval administrator and himself from a middle-class background, tended to side with the 'tarpaulins', but his opinion was not

⁴⁵⁴ Snelgrave, *New Account*, p. 250; *Trial of the Pyrates taken by Captain Ogle*, p. 68; *Trial of Captain Kidd*, p. 22

⁴⁵⁵ *The Examination of John Sparks*, 10/9/1696, HCA 1/53, f. 13

⁴⁵⁶ *Trial of Thirty-Six Persons*, p. 189

⁴⁵⁷ *Trial of John Quelch*, p. 18

universal. Related to the question was the system of patronage, by which influential connections were used to further a sea-officer's career, and here the well-born perhaps had a slight natural advantage over those officers who had risen from the lower-deck. 'Tarpaulin' officers who ascended to seniority were, of course, in a position to bestow their patronage on other social climbers, but the path was perhaps harder.⁴⁵⁸ Social status ashore, then, was reflected to some extent aboard ship in the Navy, but perhaps less so in the merchant service, for two reasons. Firstly, only in the largest merchant ships was there room for social division: officers may have enjoyed private cabins, but they were rarely large enough to house more than a bunk, chest, and desk. Officers were thus forced to pass whatever social time they had in the same physical space as the rest of the crew. Often they worked alongside the rest of the crew, and usually they ate the same food.⁴⁵⁹ Secondly, although the master of a merchant ship might have obtained his post through the influence of his contacts in the ship-owning community, often he, and regularly the other officers, were men who had worked their way up through the ranks and had no natural superiority of birth over the men they commanded, and being even master of a merchantman was not considered a respectable career for anyone who was born above the middle-class.⁴⁶⁰ A seaman who was able to ascend from foremastman to master raised himself from the working-class into middle-class respectability, but no higher. The master of a merchantman who transferred to the Navy often took with him a diminished sense of social difference, and it was common for 'tarpaulin' captains to dine and drink with their lower-ranking officers.⁴⁶¹ A middle-class 'tarpaulin' officer who had learned his trade in the merchant service might adopt the trappings of nobility if he was lucky enough to obtain command in the Navy, but he was never 'likely to be reckoned a gentleman'.⁴⁶²

Any attempt to explore the significance of social class by birth within a pirate company is fraught with difficulty, partly because such biographical data is

⁴⁵⁸ Rodger, *Command of the Ocean*, pp. 112-116

⁴⁵⁹ Vickers and Walsh, *Young Men*, p. 91

⁴⁶⁰ Davis, *English Shipping Industry*, pp. 114, 121-122, 126-128; Earle, *Sailors*, pp. 42-45; Rodger, *Wooden World*, p. 253

⁴⁶¹ Rodger, *Command of the Ocean*, p. 55

⁴⁶² Rodger, *Wooden World*, p. 264

lacking for the vast majority of pirates, and partly because where such data exists it tends to show an overwhelming preponderance of plebeian backgrounds.⁴⁶³ This is hardly surprising, as the majority of pirates were drawn from the ranks of merchant seamen, soldiers, indentured servants, and naval deserters.⁴⁶⁴ Some petty officers in legitimate service gave up their hard-gained position to join a pirate company, but almost no masters and even fewer naval officers did. The reasons that officers were more reluctant to join pirates than their crews were are not hard to imagine. Officers generally received a higher wage than their men, giving them more financial security which they may have been reluctant to abandon, and the right of officers on many ships to carry a private cargo of their own bound their own fortunes up with the fate of their vessel in a way that the crew's fortunes were not.⁴⁶⁵ It is probable, too, that marine officers had risen in rank at least partly due to some show of honesty and integrity that were not conducive to criminal undertaking. There were doubtless many dishonest officers, but for the most part they were on a path to social and financial betterment that was surer and less risky than any opportunity piracy was likely to offer them.

Nevertheless, there were some exceptions, and the experiences of those few pirates who did not come from a working-class origin may shed some light on the pirates' perceptions of social order. Paul Williams, whose career is outlined above, expected and received the respect of a courtesy title and, from the very beginning of his career was appointed to the post of quartermaster, for which his former experience did not qualify him. By the time Snelgrave met Williams and was instructed to humour him by addressing him as 'captain', Williams had served several years as a pirate, some time as a captain, and was associated with other well-respected pirates such as Bellamy and La Buse. But at the beginning of his career in 1716 Williams had no experience of piracy, no experience of seamanship, and no experience of military command, and yet was appointed quartermaster under Bellamy, and later captain. In fact there is no suggestion that Williams ever served as a

⁴⁶³ for example, Burg, 'Legitimacy and Authority', pp. 44-45

⁴⁶⁴ Rediker, *Villains of all Nations*, pp. 42-46

⁴⁶⁵ Davis, *English Shipping Industry*, pp. 147-150; Vickers and Walsh, *Young Men*, p. 91; Earle, *Sailors*, pp. 59-62

pirate foremastman during his whole career, a fact probably not unrelated to his social status as the son of Rhode Island Attorney-General and merchant, John Williams, owner of a mansion in Boston and estates in Rhode Island.⁴⁶⁶ Williams was the 'gentleman' officer to balance the 'tarpaulin' captain Bellamy, and pirates, it would seem, were more ready to accept the inherent leadership skills of gentle birth than Pepys was.

Captain Kidd, before turning pirate, was a well-known figure in New York society, and described as 'gentleman' in such official documents as, for example, his licence to marry wealthy society widow, Sarah Oort.⁴⁶⁷ Kidd was a ship-owner as well as a captain, and we have seen how he was able to retain the traditional trappings of command after he and his crew turned to piracy. As well as retaining his servants Kidd was allowed to receive substantial personal gifts from other pirate captains, which were not divided amongst the crew, but kept for Kidd's own use, and when he brutally assaulted a crew-member nobody attempted to intervene, accepting, apparently, Kidd's right to behave in that way. When Kidd's crew demanded the drawing up of new articles they were content to allow Kidd forty shares, or one quarter of the total profit.⁴⁶⁸

Henry Every had spent some time serving as a midshipman and mate in the Royal Navy before turning to piracy, but was also the owner of 'some Estate' in Devon. Every's 'estate' cannot have been very large, for his home was in a small village, but it was, perhaps, enough when coupled with his naval service and master-mariner status, to elevate him above the rest of the company socially.⁴⁶⁹ Certainly, Every also possessed valuable seamanship skills, but other members of the company could have navigated and handled the ship, so it may have been because Every came from a class supposed to be naturally imbued with leadership skills that disgruntled seamen on the *Charles II*, singled Every out and proposed that he lead them in a mutiny. Another

⁴⁶⁶ Woodard, *Republic of Pirates*, pp. 95-96, 125; George Andrews Moriarty jr., 'John Williams of Newport, Merchant, and his Family', *The Genealogical Magazine*, 3 (1915), pp. 4-12

⁴⁶⁷ *Abstracts of Wills*, p. 180

⁴⁶⁸ *Trial of Captain Kidd*, pp. 7-11, 24, 25

⁴⁶⁹ Joel Baer, "'Captain John Avery' and the Anatomy of a Mutiny", *Eighteenth-Century Life*, 18 (1994), pp. 3-4; *The Voluntary Confession of William Phillips*, 8/8/1696, SP 63/358, f. 131

pirate captain who claimed to have previously been a Royal Naval officer was John Taylor.⁴⁷⁰ Taylor, as we have seen was allowed his own cabin and other perks of command, and when wealthy and distinguished prisoners were brought aboard his ship they were entertained in his cabin with ‘witty conversation and his kind of music’.⁴⁷¹ Distinguished prisoners, after their entertainment, were carried ashore in the captain’s barge, the ownership of which was another perk Taylor would have been familiar with from his Navy days. Du Buquoy’s assertion that Taylor sometimes left his cabin to eat from the common pot implies that sometimes he did not, preferring to eat his own food in the sanctity of his private cabin. When Taylor tired of piracy he sought and received a Spanish pardon and, allowed to keep most his spoil, retired to a plantation that he bought on Cuba, and ended his days a wealthy land- and ship-owner.⁴⁷²

Perhaps the most remarkable ‘gentleman’ pirate captain was a wealthy Barbadian planter, militia officer, and slave-owner, Major Stede Bonnet. Even as the leader of a pirate band Bonnet preferred to retain his militia rank, and is referred to frequently as ‘Major Bonnet’, rather than the more appropriate ‘captain’, a practice adopted by at least one other pirate proud of his place in colonial society, Major Penner.⁴⁷³ At Bonnet’s trial the Attorney-General of South Carolina described him as ‘a Gentleman, a Man of Honour, a Man of Fortune, and one that has had a liberal Education.’⁴⁷⁴ Bonnet was a most unusual pirate, not only because of his social standing, but also because he began his piratical career by buying and outfitting a sloop specifically for the purpose. What drove him to undertake such a surprising course of action is unclear, he certainly had no need of the money. Friends and neighbours believed that for some time before he took to sea they had been able to detect in him some ‘Disorder in his Mind’, and which the uncharitable attributed to

⁴⁷⁰ Grandidier, *Madagascar*, p. 107

⁴⁷¹ Grandidier, *Madagascar*, p. 111

⁴⁷² Grandidier, *Madagascar*, pp., 114, 118

⁴⁷³ for example, *CSPC 1717-1718*, items 737, 787; *Boston News Letter*, 18/8/1718; *Weekly Journal or British Gazetteer*, 27/12/1718; *Original Weekly Journal*, 17/1/1719; *Weekly Journal or Saturday’s Post*, 14/12/1717

⁴⁷⁴ *Tryals of Stede Bonnet*, p. 9; *CSPC 1710-1711*, item 541. ii

'some Discomforts he found in a married State'.⁴⁷⁵ Whether or not his wife really did drive him to insanity, he left her and their small children and embarked on a short piratical cruise before meeting the notorious Blackbeard. Bonnet's lack of skill and experience probably became apparent during his cruise, because Blackbeard took over command of his sloop, and Bonnet remained a supernumerary passenger until Blackbeard was able to capture a large slave-ship, which he converted for use as his flagship. During the time that Blackbeard commanded Bonnet's sloop Bonnet does not seem to have been demoted and put to work as other deposed pirate captains might be, but instead strolled about the deck 'in his Morning Gown, and then to his Books, of which he has a good Library on Board'.⁴⁷⁶ That Bonnet was allowed to enjoy a life of leisure may have been because he was the owner of the sloop, but it seems unlikely that pirates would have such respect for property, and it was more likely due to Bonnet's own social standing. Once again, pirates faced with a choice between 'gentleman' and 'tarpaulin' commander chose the seaman, but as with Paul Williams, the gentleman was allowed to retain some of the privileges of rank, and was eventually reinstated to command.

The nature of the social hierarchy aboard pirate ships, therefore, was varied. At times, the captain was not even able to keep his cabin for his own private use, but in some cases this was probably no more than a by-product of the pirates' desire to keep their vessels in a state of fighting efficiency and readiness. The fact that Taylor often discarded his 'prerogatives' to join his company in their messes below decks implies that he did manage to retain the use of his cabin for himself and that he had an access to supplies of food which would have been anathema to the pirates of Roberts' company, who claimed equal share of all provisions. Other pirate officers kept servants, in some cases more than one servant, who fetched and carried and made bowls of punch on demand, and if bound by indenture had to give their share of spoil to their masters. Perhaps most significantly, the apparent lack of social hierarchy is an illusion caused by the essentially plebeian nature of most pirate companies, and when 'gentlemen' did join the pirates they were

⁴⁷⁵ Johnson, *General History*, p. 95

⁴⁷⁶ *Boston News Letter*, 11/11/1717

accorded the respect and privileges of their rank, allowed as a courtesy to retain titles which were not strictly relevant or accurate, allowed on occasion to behave as if they were paying passengers rather than members of a pirate company, and were generally treated in the way to which they were accustomed.

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To deal with a community, especially so complex a community as a shipboard one, in terms of a single hierarchical structure is to overlook the different ways in which status can be defined, economically, socially, professionally, or in terms of authority. It would be similarly naïve to confuse authority with, say, social status, for although the two often, even usually, go hand in hand, they are not the same thing. The hierarchies of a shipboard community ran more or less parallel, but not entirely: a man might be allocated extra responsibility, extra rights, and extra rewards, based on his skill and experience, without being awarded extra authority; or in a different scenario he might be allotted less responsibility and fewer rewards without losing any of the basic rights enjoyed by his shipmates. This was certainly the case in legitimate shipping and, we have seen, in pirate companies as well.

Pirates, then, ran their ships more or less in imitation of their experience in legitimate shipping enterprises and adopted practices wholesale, particularly command structure, from naval or merchant service. In the absence of an external authority pirates had to construct their own, and they naturally did so internally. Fears of captains and other officers exceeding the authority granted them by the ship's owners – the pirates themselves – were concerns of the pirate company on two counts, both as the crew under the captain's authority, and as the owners with authority over him. The restrictions that pirates placed, then, on their officers' authority can be seen in the light of either stance. The articles suggest that pirates, as a crew, preferred their officers to be invested with the authority that enabled them to do their jobs effectively, and demanded obedience to the officers by the company to ensure the day-to-day smooth running of their vessel, and if the captain or any other officer exceeded his

remit then it was a matter for the owners to deal with. It was only in their capacity as owners that pirates were able to exercise authority over their officers, and then usually only in matters of long-term policy. Like merchant or naval captains, pirate captains were allowed to exercise day-to-day control over their crews, giving orders, directing operations, and instigating punishments for minor violations of discipline. More serious infractions were referred to the external command agency in legitimate and pirate companies. Since pirate vessels most closely resembled naval or privateer vessels it was natural that that should be reflected in their command hierarchy, and having established such a hierarchy it was natural that it should operate in the same way. The only real difference between the command of a pirate ship and command in legitimate shipping was the immediate presence of the external command authority which, by means of its physical presence within the ship, was much more able to interfere with the captain's authority while the vessel was in transit. Nevertheless, the pirate-owners, like merchant ship-owners or the Admiralty, were not always able to effectively restrict the captain or officers, and those officers were sometimes able to over-rule the owners by superior skill or use of force.

Professional and social hierarchies, too, were just as prevalent in pirate companies as they were in legitimate shipping, though perhaps less obviously so, and were perhaps more mitigated by the peculiar circumstances pirates lived in. The need for fighting efficiency, for example, was relatively more important than the maintenance of the markers of social hierarchy to pirates, and this led to some pirate captains having to give up their rights to a private cabin, and the fact that pirates' food supplies for both officers and men were maintained from the same sources, the merchant ships they captured, effectively levelled any social distinction in victuals. Still, pirate officers were able to maintain some level of social superiority when, in other cases, they did retain the use of a cabin, or kept boys and servants to wait upon them. Similarly, experience at sea did not, in legitimate service, automatically lead to a greater degree of formal authority, but did lead to greater responsibilities and respect, as well as a presumed level of informal authority. In pirate companies a similar system existed in which possession of valued skills,

experience at sea, and especially experience of piracy, was reflected in a higher status, greater respect, and more informal authority, even if it did not necessarily entail greater rewards. In respect of the various hierarchies prevalent in shipboard communities, then, the only real differences between legitimate shipping and piracy were brought about by purely practical demands and, from a certain viewpoint, were not great.

3. Pirate Economy.

If the prevalence of a particular clause in several different sets of pirate articles can be taken as indicative of the importance ascribed to that issue by pirates, then the division of spoil must have been the most important concern of pirates, for it is dealt with by every surviving set of pirate articles bar one. This in turn suggests that from the pirates' own point of view, their activities were primarily economic, rather than social or political. Whatever their feelings about social injustice or political dissent may or may not have been, the most important goal of their criminal lifestyle was the accumulation of spoil.⁴⁷⁷ This historical truism is, of course, reflected most strongly by popular portrayals of pirates in literature, film, and the media, which have highlighted the pirates' quest for Spanish bullion, Oriental jewels, and the ubiquitous buried treasure. In the light of the historical and fictional importance of pirate spoil, it is surprising, then, that historians have traditionally either ignored or briefly skimmed over the questions of what commodities pirates actually sought to plunder, how they converted their spoil into usable wealth, how they divided it amongst themselves, how and where they spent it, and what they spent it on. John L. Anderson, David J. Starkey, Arne Bialuschewski, and others have considered piracy within the broader context of seventeenth and eighteenth-century economics,⁴⁷⁸ and pirate biographers such as Robert C. Ritchie and Clifford Beal have considered specific examples of piracy within specific sets of economic circumstances,⁴⁷⁹ but little satisfactory work has been undertaken on the question of economic activity within the broader context of seventeenth and eighteenth-century piracy. Peter T. Leeson's book, subtitled 'The Hidden Economics of Pirates', barely touches on the questions outlined above.⁴⁸⁰

The clauses in pirate articles relating to their spoil largely deal with two themes: the establishment of a common fund out of the gross profits of their

⁴⁷⁷ David J. Starkey 'Pirates and Markets', in Pennell, *Bandits at Sea*, p. 107; Arne Bialuschewski, 'Pirates, markets and Imperial Authority', p. 52

⁴⁷⁸ John L. Anderson, 'Piracy and World History, an Economic Perspective on Maritime Predation', in Pennell, *Bandits at Sea*, pp. 82-106; Starkey, 'Pirates and Markets'; Bialuschewski, 'Pirates, markets and Imperial Authority'

⁴⁷⁹ Ritchie, *Captain Kidd*; Clifford Beal, *Quelch's Gold, piracy, greed, and betrayal in colonial New England* (Westport, 2007)

⁴⁸⁰ Leeson, *Invisible Hook*

cruises, out of which were paid the expenses of maintaining vessel and company, and particularly establishing a system of payments for men seriously injured in the course of their criminal activities; and the division of spoil, assigning each member of the company a specific proportion of their net profits for his own use, creating the pay hierarchy mentioned in Chapter 2. To understand how the profits of piracy were employed and distributed, it is first necessary to understand just what those profits consisted of, the commodities on which the pirate economy was based, and how the value of those commodities was realised. This chapter will explore each of these questions in turn, first examining the nature of pirates' spoil and the markets in which its value was realised, then examining how the gross profits accruing from the spoil was employed in a common fund, and finally exploring the nature of the pirates' pay hierarchies and the distribution of their net profits.

3.1. Pirate Spoil.

Piracy was essentially an opportunistic crime, insofar as pirates were not able to decide in advance which ship to attack and at what time: their attacks on merchant shipping were determined only when their victim appeared on the horizon. They did not know until they had captured the ship what cargo they would find aboard, or what resistance they would meet with, unlike, say, a house-breaker, who could plan his raid, taking into account the layout of the house, the number of inhabitants, and the most profitable time for the robbery to occur, all of which factors could be ascertained long in advance of the crime being committed.

Nevertheless, despite the uncertainty inherent in piracy, pirates did not merely cruise aimlessly hoping to snap up a prize here and there, but, in general, chose specific areas of ocean in which to cruise, in which they could expect to meet vessels carrying particular commodities. Their choice of hunting grounds was, therefore, dictated to some extent by the kinds of spoil they were hoping to accumulate. There were other factors, too, which pirates necessarily had to take into consideration, including the nature of the opposition or resistance they were likely to meet, and, particularly, the access to a market for their

stolen commodities. It is probably true, then, that the kinds of commodities the pirates sought can be ascertained by an examination of the commodities they actually took. Pirates' spoil can be divided into four categories: personal necessities; professional necessities; tradable goods and commodities; and expendable currency such as precious metals and cash money. The first two of these categories included the things that enabled the pirates firstly to survive, and secondly to operate successfully and profitably. The third and fourth of these categories enabled pirates to accumulate enough wealth to enjoy life and, if they were lucky, retire from crime.

Table 2 shows the nature of goods taken from vessels in eighty-eight piratical attacks. Since many accounts of these attacks record only the nature of the stolen goods and not their quantities the figures provided relate to the number of attacks involving the theft of a particular commodity rather the amounts and the value of the goods taken. This is significant, for example, in considering the theft of precious metals, which varied in quantity from 'gold and silver to the value of one thousand pounds',⁴⁸¹ to smaller amounts which were probably the portable wealth of individual seamen. Coined money, too, was taken in varying quantities from, for example, the 1,000 pistoles taken by Ned Low's pirates from a Jamaica sloop, to the private money stolen from the crew of the *Samuel* by Bartholomew Roberts' men, which probably amounted to a much smaller sum.⁴⁸² In the case of coined money, those seizures that included large sums of money have been treated separately in Table 2, while the theft of small sums from individual seamen has been treated as 'plunder',⁴⁸³ along with items such as watches, buckles, and rings. The relative importance of the lost goods to the original owners who were, in most cases, the authors of the reports from which the data have been drawn, may also have served to skew the data somewhat, for it is probable that when the master of a merchantman was reporting the loss of a valuable cargo of sugar, slaves, or gold dust, the fact that the pirates had also taken a couple of barrels

⁴⁸¹ HCA 1/55 f. 76

⁴⁸² *Weekly Journal or British Gazetteer*, 31/8/1723; *Boston News Letter*, 22/8/1720

⁴⁸³ 'Plunder', at least on privateering cruises such as Woodes Rogers' voyage, specifically referred to privately owned goods seized from the decks and cabins of a privateer's victim and treated as a perk of the crew, as opposed to the victim's cargo, which went first to the privateer's owners before being divided between investors and crew.

of beef or the crew's spare shirts was too insignificant to warrant mention in some cases. The figures given in each category do not add up to the total because in many cases commodities of more than one type were taken in a single attack, and the 'total' figure relates to the number of attacks rather than the number of different commodities taken.

Table 2. Goods stolen in 88 piratical seizures, 1690-1726

Personal Necessities		<i>Clothing</i>		<i>Provisions</i>	<i>Alcohol</i>	<i>Medicine</i>	Total		
Number		15		29	16	2		46	
Percent.		17%		33%	18%	2%		52%	
Professional Necessities		<i>Rigging and cordage</i>	<i>Sails</i>	<i>Small Arms</i>	<i>Artillery</i>	<i>Powder and Shot</i>	<i>Instruments Tools and Books</i>	<i>Other Ship's Equipment</i>	Total
Number		10	6	6	4	4	2	6	21
Percent.		11%	7%	7%	5%	5%	2%	7%	24%
Tradable Commodities		<i>Tobacco</i>	<i>Sugar</i>	<i>Cloth</i>	<i>Flour</i>	<i>Slaves</i>	<i>Other goods</i>	<i>Total</i>	
Number		3	13	10	5	10	16		37
Percent.		3%	15%	11%	6%	11%	18%		42%
Expendable Wealth		<i>Gold and Silver</i>		<i>Coined Money</i>	<i>Precious Stones</i>	<i>Plunder</i>	<i>Total</i>		
Number				16	9	2	9	33	
Percent.				18%	10%	2%	10%	38%	

Sources: *Boston News Letter*, 11/8/1718, 18/8/1718, 22/8/1720, 29/8/1720, 21/11/1720, 23/4/1724, 7/5/1724; *Daily Courant*, 15/11/1717, 31/8/1720, 21/3/1722; *Boston Gazette*, 4/5/1724; *Weekly Journal or British Gazetteer*, 22/12/1716, 27/12/1718, 31/8/1723; *Weekly Journal or Saturday's Post*, 5/10/1717, 14/12/1717; *Post Boy*, 31/7/1718; *American Weekly Mercury*, 17/3/1720; *London Journal*, 2/8/1720, 10/8/1723, 5/10/1723; *Daily Post*, 20/1/1721, 22/6/1721; *Dublin Mercury*, 21/2/1724; *Evening Post*, 29/8/1724; *Tryal of John Quelch*, pp. 2-4; *Tryals of Thirty-Six Persons*, p. 175; CO 37/10, ff. 35, 36, 168; *The Tryals of Captain John Rackham, and other Pirates* (Jamaica, 1721), pp. 18, 21, 49); HCA 1/55 ff. 54, 76; *Tryal of Captain Kidd*, p. 40; *Trials of Eight Persons*, pp. 3, 9, 24-25; *Tryals of Sixteen Persons*, p. 4; Johnson, *General History*, pp. 67, 71, 74, 75, 76, 130, 298, 399; Jameson, *Privateering and Piracy*, pp. 170, 190-191, 206, 208, 210, 337, 340, 373-4, 379, 380; *Proceedings on the King's Commission*, p. 5; *At a Court Held at Williamsburg*, 15/8/1728 HCA 1/99; *At a Court of Admiralty held at Williamsburg* 14/8/1729, HCA 1/99; *Tryals of Stede Bonnet*, pp. 7, 21; *At a Court of Admiralty held at Nassau*, 11/10/1722, CO 23/1 f. 32; *The Humble Petition of Francis Sittwell*, CO 28/15, f. 390

It is clear from the Table 2 that the most commonly pillaged commodities were the personal necessities, such as food and clothing, which were recorded as taken in over half of the attacks, and in particular provisions (which, for the purpose of Table 2 can be taken to include food and water but not alcoholic beverages), which were taken in one third of piratical seizures. Uncoined gold and silver, and alcoholic drinks such as wine, brandy and rum, were the next most commonly taken commodities, but were seized in considerably fewer attacks than provisions were. The 'other goods', which were also taken in 18% of attacks, cannot be counted as a single commodity, as the data includes such various commodities as logwood, ivory, molasses, kettles, and indeterminate articles described under such headings as 'English goods'. Only slightly less regularly taken was clothing, which the pirates sought out rapaciously: the crew of one merchantman claimed to have been robbed 'of all they had, even to their very Shoes'.⁴⁸⁴ The relative prevalence of the theft of these items of personal necessity and expendable wealth may be due in part to the fact that these commodities were present on most or all merchant vessels, whatever their primary cargo and whichever region of the world they were trading in, whereas commodities such as tobacco and slaves were each associated with a particular region or trade route. This is borne out in part by the fact that arms and ships' equipment such as cordage, sails, and anchors, when considered as a single homogenous commodity, were taken in nearly a quarter of piratical seizures – more often than coined or uncoined specie, and less frequently only than provisions. It is easy to understand the importance ascribed to all of these commodities by pirates. Provisions were an absolute necessity for men who might wish to remain at sea indefinitely, and strong drink, while not exactly a necessity of life, was probably a necessity of lifestyle. The upkeep of their vessels and weapons enabled pirates to continue their business, and indeed preventing their vessels from sinking beneath their feet or floundering in a storm was of vital importance, so the theft of ships' equipment and arms with which pirates could repair and enhance their vessels, or replace worn-out parts, should also be considered a necessity.

⁴⁸⁴ *Daily Courant*, 15/11/1717

I have treated clothing as a personal necessity because seamen must be clothed, the 'simple exercise of keeping warm is indeed one of the basic needs of the human species,'⁴⁸⁵ and although a seaman 'has the least Occasion of any Man living for [a wife], for he has everything made and dress'd to his own Hand; and he that cannot be his own Laundress, is no Sailor',⁴⁸⁶ worn-out clothing had to be replaced from somewhere. However, clothing might, in some cases, also be considered a tradable commodity.

Popular consumerism swept through England during the early modern period, centring first on appropriate apparel. Attractive clothing was the article of choice among the middling and labouring classes: this held true as much for shoppers in the marts around the kingdom, as it did for thieves working in town and country.⁴⁸⁷

Clothing played an important role as a signifier of status, it 'was the apparent making of the man or woman – by all public calculations at any rate'.⁴⁸⁸ The great desire across all classes for a good wardrobe gave rise to a flourishing market for second-hand clothes,⁴⁸⁹ which, although well supplied by legitimate means, also gave rise to a flourishing trade in stolen clothes. 'Clothing was the most sought-after, and at the same time, the most easily disposable commodity in this period'.⁴⁹⁰ For seamen, the cost of new clothing can be ascertained from the numerous contracts awarded throughout the seventeenth and eighteenth centuries by the Admiralty to clothing suppliers to supply the 'slop' clothing to ships' pursers for eventual resale to the seamen who manned the ships of the navy. The slop contracts specified not only the type of clothing to be offered and the materials to be used in its construction, but also the retail value of each item, from neckcloths at 5d and stockings at 3s each, to kersey waistcoats at 7s and broadcloth breeches at 12s, with the most expensive item being broadcloth coats, which sold for £1 at the turn of

⁴⁸⁵ Margaret Spufford, 'The cost of apparel in seventeenth-century England, and the accuracy of Gregory King', *Economic History Review*, 53 (2000), p. 678

⁴⁸⁶ Ward, *Wooden World*, p. 96

⁴⁸⁷ Beverly Lemire, 'The Theft of Clothes and Popular Consumerism in Early Modern England', *Journal of Social History*, 24 (1990), p. 255

⁴⁸⁸ Lemire, 'Theft of Clothes', p. 257

⁴⁸⁹ Woodward, Donald. "'Swords into Ploughshares": Recycling in Pre-Industrial England', *Economic History Review*, 38 (1985), pp.178-179

⁴⁹⁰ Lemire, 'Theft of Clothes', p. 257

the eighteenth century, when an ordinary seaman was paid only 19s per month.⁴⁹¹ The value of second-hand clothing for the seaman is indicated in the probate inventory of Joseph Haycock, owner of a sailors' 'slop shop', where 26 waistcoats, 23 jackets, five pairs of breeches and 11 pairs of stockings (albeit of different materials to those specified in the slop contracts) were valued at only £7 10s 10d.⁴⁹²

The monetary value of clothing, even second-hand clothing, to pirates, must not therefore be underestimated. For pirates seeking new clothing to wear, stolen garments were not only cheaper but also more accessible, and they also possessed a monetary value that could easily be realised at a later date: 'a good wardrobe could be the equivalent to a savings account.'⁴⁹³ Neither should the status value of clothing be overlooked. Pirates of the 'golden age' lived in a society which placed great emphasis on being seen in the best clothes, and eighteenth century commentators criticised the desire of even the poorest members of society to own and wear the 'correct dress.'⁴⁹⁴ For pirates, then, who stole clothing from their victims or were awarded a 'suit from top to toe'⁴⁹⁵ for having taken part in a boarding party, clothes had a threefold value: firstly, they served their most basic purpose in keeping out the cold and wet; secondly they served as a form of very portable wealth which could be realised easily if and when the pirate reached a market; and thirdly, they served to signify to any observer that the wearer was a man of means, and thus worthy of respect.

Table 3 shows the same data used in Table 2, broken down differently, to illustrate the number of piratical seizures in which *only* necessities such as provisions and ships' equipment were taken, compared to the number of seizures in which *only* tradable commodities or expendable wealth were taken, and seizures in which the stolen goods included both necessities and

⁴⁹¹ L.G. Carr Laughton, 'Notes', *Mariners Mirror*, 10 (1924), p.300; G.E. Manwaring, 'The Dress of the British Seaman from the Revolution to the Peace of 1748', *Mariners Mirror*, 10 (1924), pp. 33-39; Rodger, *Command of the Ocean*, p. 624

⁴⁹² *Inventory of Joseph Haycock's Shop*, 1699, London Metropolitan Archives, Orphans Inventory 2330

⁴⁹³ Lemire, 'Theft of Clothes', p. 270

⁴⁹⁴ Lemire, 'Theft of Clothes', p. 257

⁴⁹⁵ *Trial of the Pyrates taken by Captain Ogle*, p. 39

wealth. In Table 3, data concerning the theft of low-value plunder, such as rings and personal cash, have been ignored, as none of the eighty-eight seizures considered resulted in the theft of *only* small plunder, and its theft was a crime of opportunity rather than the primary object of the pirates' capturing a vessel. Whether the other goods taken were necessities or wealth, their value generally far outstripped the value of the plunder.

Table 3. Necessities, commodities and wealth stolen in piratical seizures

<i>Personal and Professional Necessities Only</i>	<i>Tradable Commodities and Expendable Wealth Only</i>	<i>Both</i>
45	30	13
51%	34%	15%

Sources: as in Table 2.

From Table 3 it is clear that in around half of their attacks the pirates' primary aim was to maintain their stores and their vessels, and in less than half the total number of attacks did they take the valuable commodities that provided them with their 'profit'. Nevertheless, the prospect of illicit riches must have been a more attractive lure to potential pirates than the prospect of illicit bread, or pitch. Bartholomew Roberts' articles make this point explicitly by defining the pirates' goal of £1,000 accrued wealth per man before they allowed themselves to retire. This accrued wealth was to be found in many forms, the most obvious and apparently preferred of which were either coined money or uncoined gold and silver, both of which were taken in a statistically significant number of attacks. The attraction of specie and uncoined metals lay in their universal acceptance as currency in virtually every market the pirates were likely to encounter: gold was valuable to the natives of East-Africa, in colonial American markets, and to masters of trading vessels who could be persuaded to sell part of their cargo or provisions to pirates at sea. Its high value and low bulk also made it the most easily portable form of

wealth that pirates could hope to accrue, an important consideration for those who wished eventually to retire from piracy and slip ashore unnoticed. However, such simple profit was not always to be found on a captured merchantman, and the pirates' spoil frequently took the form of cargoes, which could later be exchanged for other goods, including provisions and supplies, with ships they met at sea, or traded in markets on land.

These commodities naturally included the kinds of articles that were carried in bulk in trans-Atlantic and inter-colonial merchant vessels, and it is unsurprising, in an economy as heavily dependent on tobacco and sugar as the colonial economy was, that those commodities should represent a considerable proportion of the pirates' spoil. Occasionally, valuable commodities were misused by pirates in place of essential supplies which, while much lower in value, were temporarily unavailable for the pirates' use. Captain Kidd's men, for example, used £15 worth of exotic myrrh as a substitute for pitch, and the company of the *Nicholas* under the command of John Eaton replaced their worn out sails with new ones of Chinese silk. Splendour did not make for efficiency, as Eaton's men exchanged their silk sails for canvas as soon as they could, and Kidd's ship leaked so much that it had to be abandoned.⁴⁹⁶

One commodity, apart from clothing, that served a useful purpose onboard ship and yet retained a resale value was a human one. Slaves could be employed in arduous tasks such as pumping or rowing, but could also be exchanged for cash if a suitable market could be found, and the social value of slave-ownership must not be overlooked. Furthermore, slaves did not even require the same amount of effort to unload from the ship as, say, tobacco or sugar. It is no wonder, then, that a self-propelled, labour-saving, form of spoil attracted many pirates. Of course, slaves presented other difficulties to the pirates: the presence of large numbers of slaves might have posed a grave physical danger, and this may explain why slaves were often taken only in small numbers such as the 'ten Negroe Slaves' taken by John Rackham's company, the 'one Negro Man Slave named Dick of the value of Fifty Pounds'

⁴⁹⁶ *Trial of Captain Kidd*, p. 40; Grey, *Pirates of the Eastern Seas*, p. 102

taken by Charles Harris, or the 'Negro Man Slave named Francisco, of the value of One hundred pounds' taken by John Phillips' men.⁴⁹⁷ Rackham, Harris, and Phillips all commanded relatively small pirate companies, but there is evidence to suggest that larger companies occasionally employed significant slave forces. When Bartholomew Roberts' company was defeated in battle the Royal Naval victors found onboard his ships 'about 200 Englishmen, [and] 60 or 70 stout Negro slaves', and Henry Every's company carried 90 slaves from the French island of Réunion to the Bahamas, where they probably constituted part of a large bribe paid to Governor Trott in exchange for safe passage.⁴⁹⁸ Slaves, and the realisation of their value, will be more fully considered in a case-study below.

3.2. *Realising Profits*

The great difficulty pirates faced when dealing with tradable commodities was how to realise their value. Pirates who captured a cargo consisting of 120 barrels of flour,⁴⁹⁹ for example, might use some of it to replenish their store of bread, but probably sought to use the major part either to trade for other provisions or more valuable commodities, or to sell for cash profit. However, pirates, by their very nature, were disbarred from most legitimate market places, and without access to a market the pirates' captured commodities were entirely devoid of value. Pirates therefore sought to exploit illicit markets, where fewer questions were asked, or they used their strength and firepower to force trade upon unwilling partners. They did this in a number of ways. Firstly, they traded with ships they met at sea. Sometimes the merchant masters who traded with pirates did so under threats of violence and the terms of the barter were largely dictated by the pirates, but frequently ship masters were only too happy to trade with pirates, often making a handsome profit. Secondly, they were able to trade on land, either secretly, or with the compliance of corrupt local officials, of whom there were many, or by force

⁴⁹⁷ *The Tryals of Captain John Rackham, and other Pirates* (Jamaica, 1721), p. 21; *Tryals of Thirty-Six Persons*, p. 175; Jameson, *Privateering and Piracy*, p. 379

⁴⁹⁸ Atkins, *Voyage*, p. 193; Grey, *Pirates of the Eastern Seas*, p. 162-163; CSPC, 1696-1697, item 517. iii

⁴⁹⁹ *Weekly Journal, or Saturday's Post*, 5/10/1717

and threats of violence. Finally, the pirates could attempt to slip ashore singly or in small groups, and use whatever spoil they had brought with them to establish themselves in legitimate society.

The simplest and most convenient method was to trade with ships met with at sea. When pirates took Captain Knott's ship bound from Virginia for London, for example, they 'took what they wanted out of the Merchantman and gave him Money and goods of a very considerable value for the same'.⁵⁰⁰ The payment of money, or exchange of goods, worth more than the commodities being bartered for was a common feature of trading encounters between pirates and merchantmen. The *Mitchel* was captured in the mid-Atlantic by pirates, who kept the master prisoner for a short while, but freed him 'after taking out some provisions, and other necessaries, which [they] paid [him] well for'.⁵⁰¹

Not all pirates were so generous, and sales or trade were often forced on unwilling merchants by threats of force: the crew of one captured fishing vessel were forced to accept only two bottles of brandy in exchange for £10 worth of their catch.⁵⁰² On land as at sea, it was not necessary that the pirates' trading partners were willing and corrupt. Pirates were quite willing to use violence, or the threat of violence, to force through a transaction. When Henry Every arrived at the Isle of May, for example, he had onboard plenty of water and bread, but only one barrel of beef and a little fish with which to feed his crew. Three English merchant ships were anchored at the island, from which they took various provisions, an anchor and a cable. They also took some linen, presumably part of a cargo intended for legitimate trade on the African coast. The linen was immediately taken ashore by the pirates, who forced the inhabitants to buy it from them at twice its value.⁵⁰³

Nevertheless, the general willingness of pirates to pay excessive sums for provisions and other supplies encouraged merchants to set ships out in the

⁵⁰⁰ *Bermuda, May 31st 1720, a News Paper*, CO 37/10 f. 85

⁵⁰¹ *The Post Man*, 5/8/1697

⁵⁰² *Weekly Journal, or British Gazetteer*, 1/7/1721

⁵⁰³ *The Voluntary Confession of William Philips*, 8/8/1696, SP 63/358, f. 127; *The Information of John Dann*, 8/9/1696, HCA 1/53, f. 10; *The Examination of John Sparks*, 10/9/1696, HCA 1/53, f. 13

specific hope of meeting with pirates to trade with. Near the Bahamas, in 1718, pirates spoiled the cargo of a merchantman in order to pay for goods supplied by a ship which had sailed from Providence for that purpose.⁵⁰⁴ Governor of the Bahamas, Woodes Rogers, impounded the ship, and colonial officials clearly saw the trade between pirates and colonial merchants as a serious obstacle to the eradication of piracy, for one wrote later that it was essential

to find out some Expedient to prevent the Trade with them [the pirates] from Rhoad [sic] Island, New York, Pensilvania [sic] etc. for the Pirates themselves have often told me that if they had not been supported by the Traders from thence with Ammunition and Provisions according to their Direction, they could never have become so formidable, nor arrived to that degree that they have.⁵⁰⁵

The willingness of unscrupulous traders to deal with pirates went so far as to include trading with pirates on land as well as at sea where there were fewer witnesses.⁵⁰⁶ The inhabitants of Gardner's Island, New York, were more than once embroiled in scandals involving the receipt of pirate goods. In 1699 William Kidd arrived at Gardner's Island and exchanged several pieces of valuable fabric and some Arabian gold coins for a barrel of cider and six sheep, and left four slaves and a multitude of other goods for safekeeping with John Gardner, the owner of the island. Gardner excused himself by denying the knowledge that Kidd was a pirate and delivered the goods Kidd left to Governor Bellomont.⁵⁰⁷ The island was obviously a suitable point for pirates sailing the American coast to resupply, for in 1717 pirates 'landed on Gardner's Island, purchased some fresh Provisions, and [were] gone again'.⁵⁰⁸ John Quelch and his men secured the services of a goldsmith in Puritan, but cash-starved, Boston to melt down Portuguese moidores into less distinctive and incriminating bullion, which may have reduced the value of the

⁵⁰⁴ *Original Weekly Journal*, 27/12/1718

⁵⁰⁵ *Gale to Council of Trade and Plantations*, 4/11/1718, CO 23/1, f. 48

⁵⁰⁶ Anderson, 'Piracy and World History', p. 95; Starkey, 'Pirates and Markets', p. 114; Douglas R. Burgess, *The Pirates' Pact* (New York, 2008), p. 169; Bialuschewski, 'Pirates, Markets, and Imperial Authority', pp. 56-57

⁵⁰⁷ Jameson, *Privateering and Piracy*, pp. 245, 251-253

⁵⁰⁸ *Boston News Letter*, 6/5/1717

gold, but nevertheless made it safer to dispose of.⁵⁰⁹ These, and other examples of illicit trading between pirates and land-based merchants, came to light either because the pirates were captured or the traders themselves reported their activities to the authorities, but there were doubtless many more incidents that never made it into the paper record.

Illicit trading was made easier, and the evidence more easily suppressed, when it involved the collusion of the very officials supposed to prevent it. At the same time as some of his men were hunting down Blackbeard in bloody battle, Royal Navy Captain Ellis Brand devoted some of his attention to uncovering evidence of collusion between pirates and customs officials in Virginia and North Carolina. In Virginia, Collector of Customs Richard Fitzwilliams acted as an 'agent and soliciter for the Pirats in those parts', going so far as to have a writ taken out against Captain Pearse of HMS *Phoenix* and having Captain Gordon of HMS *Pearl* arrested for false imprisonment. For a fee of three ounces of gold dust, Blackbeard's quartermaster, William Howard, retained Fitzwilliams' services as a lawyer. Pirates were assisted in North Carolina by Tobias Knight, Collector of Customs, Council member, Secretary to the Colony, and former Chief Justice. In a letter to the pirates, Knight described himself as Blackbeard's 'real ffriend [sic] and Servant', and his services to the pirates included not only obstructing Brand's investigations, but also storing and concealing stolen sugar and cotton in his own barn.⁵¹⁰ On occasion, even colonial governors were not above corruption by pirates: Nicholas Trott's government of the Bahamas crumbled in the face of charges that he had allowed Henry Every and his men to settle and trade in the islands in return for a hefty bribe. Trott's defence rested on the facts that he could not be sure the men were pirates, and that in any case he did not have the forces at his disposal to oppose the pirates' landing.⁵¹¹ Benjamin Fletcher's government of New York was even more embroiled in 'corrupt and unjust

⁵⁰⁹ *Trial of John Quelch*, p. 7

⁵¹⁰ *Ellis Brand to the Admiralty*, 28/11/1718 and 14/7/1719, ADM 1/1472; Robert E. Lee, *Blackbeard the Pirate: a Re-appraisal of his Life and Times* (Winston-Salem, 1974), pp. 143-146

⁵¹¹ *CSPC*, 1697-1698, item 928

practices', and his dismissal occurred in the wake of no fewer than twelve specific charges of connivance with pirates.⁵¹²

Neither were corrupt traders willing to engage in illicit trade found only in the American colonies. When Thomas Shafto and his company arrived in Torbay with a cargo of stolen merchandise they were met by a trader, 'one Matthews of Brixham', who agreed to find buyers for their wares. Matthews travelled to Exeter, where he persuaded two 'tradesmen', Mr Vicary and Mr Yard, to meet with Shafto and negotiate the sale of several hundred pounds' worth of cinnamon, cloves, and nutmeg, 'for 6d in the pound less than they could buy of the Merchant, upon the account of ready money'.⁵¹³ A few years earlier, George Cusack had sold some stolen deal boards in Aberdeen for £219, and a captured ship and her remaining cargo 'for betwixt 2 and 3 hundred pound, though she was esteemed worth about three thousand pound'. Sailing south, Cusack sold more of his spoil at Alford Creek in Lincolnshire, before putting into Leigh-on-Sea, where he and his crew were captured while spending their profits.⁵¹⁴

The willingness of pirates to sell their spoiled cargoes at prices well below the market standard, and of unscrupulous traders to exploit the illicit trade for the sake of the large profits, led to such encounters occurring all over the world. In Africa, for example, the fragile monopoly of the Royal African Company encouraged independent traders to transact commerce with visiting pirate companies. William Snelgrave discovered that 'several parcels of Goods' taken from him by Cocklyn's company had found their way into the possession of Edward Hogbin, a roguish Englishman living on the banks of the Sierra Leone river.⁵¹⁵ In fact, according to Johnson, the river was a favourite spot for pirates to anchor, re-supply, and clean their vessels precisely because

the Traders settled here, are naturally their Friends. There are about 30 English Men in all, Men who in some Part of their Lives, have been either

⁵¹² CSPC, 1697-1698, items 473, 904, 1,007, 1,077

⁵¹³ *The Tryals of Thomas Shafto*, pp. 3-4; *The Examination of Moses Porter*, 17/6/1687, HCA 1/52, ff. 118-119

⁵¹⁴ *News From Sea*, p. 3; *The Grand Pyrate*, pp. 22-23

⁵¹⁵ *The Information of William Snelgrave*, 20/6/1721, HCA 1/54, f. 128

privateering, buccaneering, or pyrating, and still retain and love the Riots and Humours, common to that Sort of Life... Here lives at this Place an old Fellow, who goes by the name of Crackers, who was formerly a noted Buccaneer, and while he followed the Calling, robb'd and plundered many a Man; he keeps the best House in the Place, has two or three Guns before his Door, with which he salutes his Friends, the Pyrates, when they put in, and lives a jovial Life with them, all the while they are there.⁵¹⁶

In the Indian Ocean, Dutch traders were willing to supply pirates with necessary goods such as pitch and tar in exchange for pirated goods, not only because of the financial benefits of the transactions, but also because the depredations of apparently English pirates weakened the standing of the English East India Company with the Mughal court in India, and improved their own relative standing. In particular, one Dutch broker named Malpa was accused by one of the pirates' victims not only of colluding with the pirates in the disposal of their spoil, but also providing them with intelligence on suitable targets in the vicinity.⁵¹⁷

One of the most remarkable places that pirates were able to trade their spoil for supplies and European commodities was a trading post on St. Mary's Island, Madagascar, run by former buccaneer Adam Baldrige and financed by New York merchant Frederick Phillipse, for the ostensible purpose of slave-trading, but in reality situated by a defensible anchorage to facilitate trade with pirates. Baldrige arrived at St. Mary's in July 1690, immediately forged a friendship with the local Malagasy inhabitants, and accompanied them to war against other rival Malagasy who lived to the North. Equipped with cattle and slaves, the spoils of his military exploits, he returned to St. Mary's and began a settlement. In October 1691 the pirate company commanded by George Raynor in the *Batchelor's Delight* arrived at St. Mary's to clean their ship and were supplied by Baldrige with cattle in exchange for five cannon, which he used to fortify his settlement. A year later he

⁵¹⁶ Johnson, *General History*, p. 226

⁵¹⁷ *The Case of Captain Thomas Green* (London, 1705), pp. 20-21

augmented his fortification with six more guns from the pirate ship *Nassau*, and was joined by around thirty pirates. In the summer of 1693 the first of several vessels sent by Phillipse arrived at St. Mary's with a cargo of European clothes, spirits and wine, tools, gunpowder, agricultural supplies, and 'two old stills', for which Baldrige paid 1,100 pieces of eight, 34 slaves, and some beef: the coined money was almost certainly the proceeds of Baldrige's trade with pirates.⁵¹⁸ From then until the end of the century a regular trade was maintained between the pirates and the New York merchant, with Baldrige acting as a middle-man, supplying Phillipse with slaves and money, and supplying the pirates with a bewildering array of commodities, from clothing, spirituous liquor, guns and tar, to scissors, thread, combs and writing paper. Governor Bellomont of New York was moved, in 1698, to report

the frequent trade between this [port] and Madagascar; the pirates, who fitted out in this port, bringing their spoils taken in the East Indies and the Red Sea to that island, whence merchant-ships from this port, publicly loaded with goods useful to the pirates, brought them back here for sale.⁵¹⁹

Baldrige's trading post was so well established as an entrepôt that he was able to offer credit to pirates whose voyages had been unsuccessful. By the time Phillipse sent his last shipment of goods to Baldrige, the latter had been forced to desert his settlement after hearing that several of the pirate inhabitants had had their throats cut by the Malagasy in revenge for Baldrige's having unscrupulously sold many of his neighbours into slavery. However, a new agent, Edward Welsh, was soon ready to take over, and the trading post at St. Mary's remained a successful business venture for all concerned until the end of the century.⁵²⁰

The disposal of spoil and the realisation of its value depended, of course, on the availability of a market, so when the St. Mary's trading post finally went out

⁵¹⁸ Jameson, *Privateering and Piracy*, pp. 206-213

⁵¹⁹ CSPC, 1697-1698, item. 593

⁵²⁰ Jameson, *Privateering and Piracy*, pp. 212-213; *Invoice of Sundry goods*, 9/6/1698, HCA 1/98, ff. 135-137; *A List of the Prices that Capt. Jacobs sold Liquors and other goods att, at St. Mary's*, 9/6/1698, HCA 1/98, f. 142; Ritchie, *Captain Kidd*, pp. 113-116

of business sometime around 1700 the Indian Ocean pirates were unable to make full use of the treasure they had accumulated. By 1707 the heyday of piracy in the Eastern seas was over, but many pirates had settled on St. Mary's and the Madagascan mainland, and one of the concerns voiced in England about their permanent settlement of the island was that their treasure 'now lies buried or useless', as 'unprofitable as the Earth that covers it'.⁵²¹ Buried treasure has traditionally been the preserve of the novelist rather than the historian, but contemporary belief in buried pirates' treasure was surprisingly widespread, and affected several otherwise credible people, in addition to the author of the pamphlet quoted above, who was probably Admiral Lord Carmarthen. In 1701, Secretary of State James Vernon gave instructions to the justices of Cornwall to search there for 'treasure said to be hid by some of the pirates of Every's crew', and offered a reward for its recovery.⁵²² In the summer of 1723 the British vice-consul at Vigo went even further, and, having been assured 'by a Mulatto, a Native of St. Antonio one of the Cape de Verde Islands, that he knew of a considerable Treasure which had been buried in that Island by a Crew of Pyrates', set sail with thirteen other Englishmen to recover it.⁵²³ In this case the 'treasure' was a ruse by the Cape Verde islander to secure a free passage home, and the actions of the vice-consul sparked a diplomatic incident with the Portuguese crown but, along with other incidents, it shows that there was a contemporary awareness that pirates could not always realise the value of their spoil and were, on occasion, forced to conceal it until, presumably, a favourable opportunity could be found.

3.2.1. *The market for slaves: a case study.*

Slaves, treated as a form of spoil, make an interesting case study, illuminating some of the problems pirates faced when trying to realise the value of their profits, as well as some of the ways in which pirates used great ingenuity to make the best possible advantage for themselves. One of the great attractions of slaves to pirates must have been that their value was not restricted solely to

⁵²¹ *Reasons for Reducing the Pyrates at Madagascar* (London, 1707), p. 2

⁵²² *Calendar of State Papers Domestic, 1700-1702*, p. 216

⁵²³ *London Gazette*, 22/10/1723

their inherent monetary worth, and by putting captured slaves to work aboard their ships pirates were able to realise part of their value without necessarily endangering their ultimate resale value. Other commodities might also have had a practical value to the pirates in addition to their monetary value but, in the case of cloth for example, the realisation of the practical value to, say, make clothes as John Quelch's company did with a consignment of spoiled silk,⁵²⁴ may have reduced or negated the ultimate resale value. Slaves, by contrast, could be used for pumping or other arduous work, and still be sold at a later date.

The great difficulty that pirates faced in the sale of slaves was the availability of a suitable market. In 1719, for example, the pirate companies of Cocklyn, England, and la Buse spent several weeks capturing slaving vessels on the West coast of Africa, from which they selected 900 of the most valuable slaves. Since the pirates were at that time en route to the Indian Ocean it is probable that they hoped to sell the slaves to the Portuguese in Africa, but a recent violent clash between other pirates and Portuguese settlers on the island of Principe prevented any possibility of such a trade taking place. Unable to sell their slaves in Africa, and unwilling to cross the Atlantic to sell them in the Americas, the pirates were forced to abandon most of their human cargo before rounding the Cape.⁵²⁵ Of other pirates who raided amongst the slavers of the African coast, it was 'thought they design to range the Coast, and then go to Brasil [sic] with their Negroes'.⁵²⁶ The difficulty of finding a suitable market, even in the West Indies, sometimes made the sale of slaves more trouble than it was worth as, for example, when a pirate company 'got ashore with their Riches, leaving on board fifteen Negroes' near the island of St. Thomas in 1720.⁵²⁷

The pirates' difficulty in finding a market for captured slaves stemmed largely from the necessity of finding corrupt customers willing to purchase from pirates, and corrupt officials willing to oversee or affect ignorance of the sale.

⁵²⁴ *Trial of John Quelch*, p.11

⁵²⁵ Bialuschewski, 'Black People', p. 465

⁵²⁶ *Post Boy*, 31/7/1718

⁵²⁷ *Weekly Journal, or Saturday's Post*, 25/6/1720

The high-bulk nature of slaves made it difficult for their sale to be conducted covertly, and so their sale was perforce limited to markets in which demand was high enough to overcome scruples and fear of legal retribution. Such markets could occasionally be found and exploited by pirates, but perhaps none so successfully as Blackbeard found in North Carolina. In May 1718 Blackbeard blockaded Charleston, South Carolina, and 'took a Brigantine with Negroes' and several other vessels. A few days later, around 10 June, his flagship, *Queen Anne's Revenge*, was lost when she ran aground on a sand bar at the entrance to Topsail (now Beaufort) Inlet, North Carolina. Blackbeard shifted his command to a smaller vessel and left the inlet with 'forty White Men, and sixty Negroes', leaving the majority of his company stranded on a stretch of coast where 'there was no Inhabitant, nor Provisions'.⁵²⁸ From Topsail Inlet Blackbeard sailed north along the coast and arrived in Bath, North Carolina's principal town, later in the same month, where he and his company surrendered themselves to Governor Eden and received pardons from him, the terms of which they breached flagrantly over the following months. From June until November the company based themselves in the Pamlico Sound, sometimes visiting Bath, but establishing themselves principally on Ocracoke Island at the entrance to the Sound.⁵²⁹

In the five months that the pirates spent in the Pamlico Sound their numbers dwindled until, by the time they were defeated by a Royal Navy squadron in November, there remained in the company only 'thirteen White and six Negroes' who stayed onboard their vessel, and a further six pirates who were arrested ashore at Bath.⁵³⁰ The 21 white pirates who left Blackbeard's company presumably took their pardons and settled ashore, in North Carolina or elsewhere, but the fate of most of the 54 unaccounted-for black men is less certain. It has been suggested that in many cases black men aboard pirate vessels were treated as free men,⁵³¹ and it has been argued that the 'sixty Negroes' who accompanied Blackbeard from Topsail Inlet are evidence of a

⁵²⁸ *Tryals of Stede Bonnet*, pp. 45-46; *Ellis Brand to the Admiralty*, 12/7/1718, ADM 1/1472

⁵²⁹ Lee, *Blackbeard*, pp. 56, 66-90

⁵³⁰ *Ellis Brand to the Admiralty*, 6/2/1719, ADM 1/1472

⁵³¹ Kinkor, 'Black Men', p. 198; Bialushcewski, 'Black Men', p. 461; Rediker, *Villains of all Nations*, pp. 53-56; Leeson, *Invisible Hook*, pp. 161-162; Lee, *Blackbeard*, p. 114

multiculturalism and racial tolerance practised by pirates.⁵³² However, records indicate categorically that at least four of those black men were treated as slaves: when William Howard was arrested in Virginia, he had with him 'two negroes which he own'd to have been piratically taken', and the corrupt Tobias Knight admitted the purchase of two more slaves from members of Blackbeard's company.⁵³³ North Carolina's principal economic crutch was the production of tobacco and, like its neighbouring colonies of South Carolina and Virginia, was a plantation economy, which relied on a labour force of slaves to produce the export crop.⁵³⁴ Thus it is unlikely that the pirates' arrival in North Carolina offered any expectation of freedom for the black men brought away from Topsail Inlet, and in the light of evidence that at least some of their number were either kept or sold as slaves, it is likely that that was also the fate of the other fifty.

The terms of the general pardon under which Blackbeard and his company surrendered only covered offences committed prior to January 1718, so by their actions at Charleston and elsewhere the pirates had made themselves ineligible. Nevertheless they made no delay in sailing to North Carolina to seek pardon, suggesting that they thought their chances of finding a governor compliant enough to overlook their most recent crimes were higher in that colony than elsewhere. In North Carolina there existed a unique set of circumstances that made the colony an absolutely ideal market for the pirates' slaves. In the first place, Governor Eden and Tobias Knight, and possibly other figures of authority in the colony, were probably corrupt. Captain Ellis Brand certainly complained that Eden and Knight had been obstructive towards him, and that Knight had been deeply involved with the pirates, to the extent that the Admiralty complained to the Lords of the Treasury about 'how their two Officers have misbehaved themselves, to the...incouragement [sic] of Pyrates.'⁵³⁵ Knight was actually put on trial for his involvement with pirates,

⁵³² Kinkor, 'Black Men', p. 201

⁵³³ CSPC, 1717-1718, item. 800; William L. Saunders (ed.), *The Colonial Records of North Carolina, vol. II, 1713-1724*, (Raleigh, 1886), p. 347

⁵³⁴ Saunders, *Colonial Records*, p. xii

⁵³⁵ *Ellis Brand to the Admiralty*, 12/3/1719, and *Ellis Brand to the Admiralty*, 14/7/1719, ADM 1/1472

but a weak prosecution and spirited defence secured his acquittal.⁵³⁶ The fact that North Carolina was a proprietary colony, administered not by the Crown but by private owners, meant too that it was that far removed from the power of a central authority. In the second place, North Carolina was a plantation colony, and so the pirates must have known that there was a market for slaves. In the third place, and most significantly, North Carolina had no well-established deep water port to facilitate the importation of slaves, and the planters of the colony were forced to buy their labour force from the markets of South Carolina and Virginia, where they found only slaves who were both over-priced and poor quality.⁵³⁷ Thus, when Blackbeard and his company arrived in Bath in possession of sixty slaves, they found a market that was not only willing, but also probably eager to trade with them. Moreover, because of the prevailing circumstances in the colony, the value of slaves was over-inflated to an incredible degree. For example, in September 1718, while Blackbeard and his company were dividing their time between Ocracoke and Bath, three slaves were exchanged for a 400-acre plantation with waterfront access facing Bath, immediately neighbouring Governor Eden's own property.⁵³⁸ The high value of slaves in North Carolina would, in itself, have been a good enough reason for Blackbeard to have chosen the colony as the ideal place to sell his slaves.

3.3. *The 'Common Chest': Rewards, Pensions and Compensation.*

Pirates' spoil and plunder, having been removed from their victim's vessel, was handed over *en bloc* to the charge of an appointed officer, usually a quartermaster, who was responsible for keeping strict accounts. Several sets of articles codified this procedure, and laid down strict punishments for those who failed to adhere to it, such as John Taylor's articles which specified that 'everything taken from a prize must be delivered up to the quartermaster, under pain of a flogging and forfeiture of all possessions'. In Thomas Anstis'

⁵³⁶ Lee, *Blackbeard*, pp. 143-155

⁵³⁷ Saunders, *Colonial Records*, p. xii; Lee, *Blackbeard*, pp. 67, 71-72

⁵³⁸ Allen Hart Norris (ed.). *Beaufort County, North Carolina Deed Book I, 1696-1729: Records of Bath County, North Carolina* (Washington, N.C., 2003), item. 552

company the quartermaster was even required to oversee the plundering while it was in progress, and their articles required that nobody 'should go on board of any Prize and should break open any Chest without the knowledge of the Quarter Master'. Before any division was made of the spoil it was gathered together so that a proper account could be made. When Bellamy's company took the *Whydah* they captured a large amount of coined money which 'was counted over in the Cabin, and put up in bags'.⁵³⁹ Goods which were not easily divided, such as William Snelgrave's three embroidered coats and his gold watch, were 'put into the common Chest, to be sold at the Mast'.⁵⁴⁰ The main mast was the traditional place for auctions or sales held on board ships: slop clothing on Royal Naval ships was 'sold always above deck, at the mainmast', and the effects of seamen who died during the course of the voyage were likewise 'sold at the Mast according to Custome'.⁵⁴¹ In the case of pirates selling goods at the mast it is probable that the proceeds were placed with the rest of the spoil in the common fund. The quartermaster, acting as 'custodian and distributor', then took charge of the spoil and stored it 'in Chests between Decks without any guard, but none was to take any without the Quarter Master's leave'.⁵⁴²

The spoil having been gathered, counted, and recorded, there were numerous calls on it before it could be divided up amongst the pirates. When pirates captured Captain Knott's ship, for example, and 'took what they wanted out of the Merchant Man and gave him money and goods of a very considerable value for the same', the money and goods would have come from the common chest.⁵⁴³ Similarly, some of Richard Shivers' company victualled their ship out of their own pockets, but when they later captured a ship in the Indian Ocean they took 'out of her abt two hundred pounds in mony and some provisions, they let her go, all ye said mony being paid to the men that bought provision at Madagascar and Nicobar to proceed upon this voyage'.⁵⁴⁴ On some privateers the vigilance of the first man to sight a prize was rewarded

⁵³⁹ *Trial of Eight Persons*, p. 25

⁵⁴⁰ Snelgrave, *A New Account*, pp. 211, 257

⁵⁴¹ Teonge, *Diary*, pp. 109, 271; Rediker, *Devil and the Deep Blue Sea*, p. 197

⁵⁴² Grandidier, *Madagascar*, p. 114; *Trial of Eight Persons*, p. 25

⁵⁴³ *Bermuda, May 31st 1720, A News Paper*, CO 37/10, f. 85

⁵⁴⁴ *The Examination of John Barrett*, 27 August, 1701. HCA 1/53, f. 102

with a lump-sum bonus, ranging in size from the twenty pieces of eight offered by Woodes Rogers on his circumnavigation, to the 'one hundred pieces of eight to be paid out of the whole stock before any dividend be made' stipulated by the articles of Kidd's *Adventure Galley*. This practice may have been adopted by some pirate companies: though none of the surviving articles stipulate a cash reward, the articles of Lowther and Low assign 'the best Pistol or Small Arm, on board' to 'he that sees a Sail first'. Any cash sum used to reward vigilance or courage within a pirate company would probably have also come from the common chest, as it did on Kidd's ship.

One practice that was certainly employed by both privateers and pirates was the reservation of some funds in the common chest to be paid out to individuals wounded in action. Morgan's articles stipulated that wounded men should receive 'recompense or reward', and Kidd offered 'smart money' of 600 pieces of eight for the loss of an eye or limb, and 100 pieces of eight for the loss of a toe or finger, or a flesh-wound, 'to be paid out of the whole stock before any dividend be made'. The amount of smart money offered by pirate companies was remarkably consistent, both with other pirate companies and with privateer companies such as Kidd's. Roberts, Anstis, and Phillips all awarded 800 dollars (or pieces of eight) for the loss of a limb, and for the loss of a joint Anstis awarded 200 dollars, while Phillips offered 400 dollars. The amount of smart money offered is one of the few differences between the articles of Lowther and Low: Low's articles offered 600 dollars for the loss of a limb, while Lowther's specified a recompense of £150. However, with a rough exchange rate of about 4s 6d per dollar, established in 1704,⁵⁴⁵ Lowther's smart money amounted to approximately 667 dollars, roughly equitable with Low's.

It has been suggested that the pirates' employment of such a rudimentary 'social security system' was an 'astonishing' anticipation of a 'modern idea',⁵⁴⁶ but while modern readers might find it astonishing, it is doubtful than any contemporary with an understanding of marine affairs would have thought it

⁵⁴⁵ Jensen, *Colonial Documents*, pp. 426-427

⁵⁴⁶ Rediker, *Villains of all Nations*, p. 73

so. As early as 1590 Admirals Hawkins, Howard, and Drake had founded the Chatham Chest, a welfare fund for naval seaman into which every man employed by the navy paid sixpence per month out of his wages, and which in turn paid out pensions to seamen injured in the course of their service.⁵⁴⁷

English privateers and merchantmen may have established a common fund, the 'poor man's box', even earlier, into which were paid fines for swearing and similar offences.⁵⁴⁸ Earlier still, from 1514, members of the guild of mariners at Trinity House, Deptford, were required to pay a part of their wages to the guild who, in return, maintained almshouses for the relief of distressed seamen.⁵⁴⁹

From 1696 onwards, all seamen, whether serving in the Royal Navy or the merchant marine, were required to pay sixpence per month out of their wages, for the upkeep of the newly founded Greenwich Hospital.⁵⁵⁰

Thus, by the time Lowther's or Roberts' articles established a common fund for the payment of smart money, every single working seaman would have been intimately familiar with the idea, and the pirates' common fund and smart money payments can be considered an extension of a common practice, carried out by men who were cut off from the benefits of the official funds and free of their obligation to surrender a part of their monthly wage, but who saw enough merit in the system to make it worthwhile emulating. The administration of both the Chatham Chest and Greenwich sixpences were criticised by contemporaries for their many practical failings. Throughout the seventeenth century the Chatham Chest was used regularly to provide private loans to individuals, including Charles I, leaving it short of funds with which to pay those eligible for a pension, and many of those who were paid from the Chest received their money in arrears.⁵⁵¹ The Greenwich hospital nominally was founded for the relief of all seamen, but in practice was limited to supporting those injured in the service of the crown which, while it might include men serving in merchant ships hired by the government, largely precluded merchant seamen from reaping the benefits of their monthly

⁵⁴⁷ Lloyd, *British Seaman*, p. 47; Peter Kemp, *The British Sailor: a social history of the lower-deck* (Littlehampton, 1971), p. 22

⁵⁴⁸ Oppenheim, *Monson Tracts*, p. 200

⁵⁴⁹ Ruddock, 'Trinity House', pp. 462, 464-466

⁵⁵⁰ Lloyd, *British Seaman*, pp. 176-179; Earle, *Sailors*, p. 35

⁵⁵¹ Lloyd, *British Seaman*, p. 91; Kemp, *British Sailor*, p. 22

contribution unless they later served in the Royal Navy and were injured. Moreover, the number of places available at the hospital was limited, and they were quickly filled.⁵⁵² Nevertheless, for all their faults, the seamen's welfare systems employed by the government worked, to a degree, and injured and needy seamen had some access to rudimentary relief. It is not at all clear, however, that the pirates' systems were any more effective practically: Rediker found only one example of a pirate who actually received smart money.⁵⁵³ It is likely that other sums were paid, and it may be that the judicial nature of much of the available evidence resulted in other payments escaping notice, it not being in the court's interest to broadcast the fact that pirates took on a duty of care amongst themselves: but that only one example can be found is surprising nonetheless, unless such payments actually were uncommon. A probable reason for this apparent lack of practical application was that the sums of smart money mentioned in the articles were all relatively large in comparison to the amount of money actually available to the pirates. For an exceptionally fortunate pirate company, such as Bellamy's, who had a reputed haul of £30,000 stowed in their hold, the problem may not have been so acute, but for most companies whose coffers were less full the strain of paying the full amount may have been impractical. After one engagement Anstis' men each received a share of about £20, or around 87 dollars, so a lump sum of 800 dollars for a man who lost a leg or arm would have been hard to find, and even a payment of 200 dollars for a lesser injury would have strained the company's finances.⁵⁵⁴

3.4. Division of Spoil – the pay hierarchy.

Once the spoil from a capture had been accounted for, usually by the captain and quartermaster together, though on John Quelch's cruise the carpenter also took part in the process,⁵⁵⁵ the responsibility for the common chest usually lay with the quartermaster. In the case of a pirate company spread over more than one ship, a man might be made 'Quarter Master to the Whole

⁵⁵² Lloyd, *British Seaman*, p. 177; Earle, *Sailors*, p. 35

⁵⁵³ Rediker, *Villains of all Nations*, p. 73

⁵⁵⁴ *Trial of Eight Persons*, p. 24; *Proceedings on the King's Commission*, p. 2

⁵⁵⁵ *Trial of John Quelch*, p. 11

Company', as a 'mulatto' called Josephus was in the three-vessel company commanded by Richard Holland.⁵⁵⁶ In this case, the common chest was probably usually kept aboard the squadron's flagship: for example, when Charles Harris and his crew were captured there was found on their ship only 'provisions and arms, the company's chest (as they call it) being on board the other [vessel] with their commander'.⁵⁵⁷ The greatest call on the common chest was the distribution of rewards to the pirate crew. In some cases this was a solemn occasion in which the whole crew paraded to receive the whole of the share due to them: Kidd 'called every Man by the List, and they came with their Hats in their Hands, and he gave them their Money, and they swept it up, and went away', and after a successful cruise John Taylor's company 'usually come to recuperate at Madagascar, where they divide of spoils which they dissipate in no time. This division is made by the quartermaster, overseen by four crew-members'.⁵⁵⁸ In other companies the practice was not to share out the whole of the common chest at once, but to keep the accumulated spoil together and allow individuals to draw from their own share of the fund whenever they wished, such as William Jones of Low's company, who admitted at his trial that 'he had Eleven Pounds of the Quarter-Master at one time, and Eight Pounds at another'.⁵⁵⁹ Such practice must have made the pirate quartermaster as much an accountant as he was arbiter of justice or deck officer, indeed, in Bellamy's company each man 'might have what money they wanted from the Quarter Master who kept a book for that purpose'.⁵⁶⁰

Like the pirates' supposedly radical welfare system, their division of spoil has been seen as highly enlightened and progressive:

[The pirates'] pay system represented a radical departure from the practices in the merchant service, Royal Navy, and privateering. It levelled an elaborate hierarchy of pay ranks and decisively reduced the disparity between the top and the bottom of the scale. Indeed, this must

⁵⁵⁶ *The Deposition of Richard Taylor*, 3/7/1718, CO 23/1, f. 42

⁵⁵⁷ *Peter Solgard to the Admiralty*, 12/6/1723, HCA 1/2452

⁵⁵⁸ *Trial of Captain Kidd*, p. 45; Grandidier, *Madagascar*, p. 116

⁵⁵⁹ *Tryals of Thirty-Six Persons*, p. 181

⁵⁶⁰ *Trials of Eight Persons*, p. 24

have been one of the most egalitarian plans for the distribution of resources to be found anywhere in the early eighteenth century.⁵⁶¹

As far as the surviving articles show, the pirates' pay system was indeed fairly egalitarian, and the greatest disparity in pay between captain and crewman is to be found in Roberts', Lowther's and Low's articles stating that the captain should receive two whole shares, compared to the crewmen's single share apiece. Thomas Anstis' articles are the most egalitarian in terms of rewards, being the only surviving set in which every man was allotted the same sum, regardless of rank. Nevertheless, three questions arise from this evidence and its use by historians to support comments such as that quoted above. Firstly, were the scales of shares set forth in the surviving articles rigidly adhered to? Secondly, were other pirates, whose articles have not survived, so egalitarian in their distribution of spoil as those whose articles have survived? And finally, was such an 'egalitarian plan for the distribution of resources' really so unusual in the decades surrounding the turn of the eighteenth century?

The first question can be answered only unsatisfactorily: if the articles had not been adhered to in their division of spoil then there would have been little point in the pirates' using them to set forth a scale of pay, but it is clear that there were exceptions. The articles of Bartholomew Roberts, for example, though they do not explicitly guarantee a full share of spoil for each pirate, do guarantee an 'equal title' to other resources for 'every man', and the specification that the company was not to be broken up 'till each had shared one thousand pounds', suggests an intent to award a full share to everyone. Yet soldiers who volunteered to join the pirates were so looked-down upon by their crew mates that they were given 'only a fourth part share to shew their Contempt of them'.⁵⁶² In Anstis' company the articles stipulated that the whole company should receive one full share, regardless of rank, and one forced man testified that he was awarded a share that he did not want, and so gave it away to others.⁵⁶³ On the other hand, William Ingrams, who served as a gunner under Anstis, did not dispute the statement made at his trial that 'he

⁵⁶¹ Rediker, *Villains of all Nations*, p. 70

⁵⁶² *Trial of the Pyrates Taken by Captain Ogle*, p. 50

⁵⁶³ *The Examination of Bridstock Weaver*, 13/2/1723, HCA 1/55, f. 53

(as being an Officer) receiv'd for his Part of [the spoil] one Share and a Quarter'.⁵⁶⁴

Such exceptions to the written rules do not appear to negate the essential egalitarianism of the pirates' division of spoil – the award of an extra 25 percent to an officer is hardly an excessive disparity, and the mere quarter share given to the soldiers of Roberts' crew is matched by the quarter share given to boys according to Taylor's articles. Other pirate crews also certainly practised a division of spoil that was similarly egalitarian. The articles of the *Camelion*, written nearly forty years before those of Roberts' or Taylor's companies, awarded two and a half shares to the captain, and Henry Every received only two shares in 1695.⁵⁶⁵ The sailing masters of both companies received one share and a half. John Quelch's share as captain in 1704 was reckoned to be 'at least double to any other'.⁵⁶⁶ The relative parity of the size of shares awarded to pirate captains over several decades suggests a continuity of common practice. There are, however, some exceptions worth noting. When Kidd's crew insisted on drawing up new articles, for example, Kidd himself was awarded five shares because he was the captain, and 35 'for the... ship', out of a total of 160 shares, one quarter of the total profit, and testimony at his trial suggests that he really did receive forty shares in practice. The master was awarded two full shares, and other officers received a share and an additional 'gratification', the size of which was willed by Kidd. By contrast, 'some of the Men had whole shares and some only half shares'.⁵⁶⁷ Such a disparity between the pay of a pirate captain and a pirate foremastman might be thought staggering and unprecedented, and after all, Kidd was an unusual pirate captain. However, when Thomas Shafto led his crew to piracy, 'after some arguing it was agreed that the master should have for himself and his son a third part of the aforesaid money and five pieces of broad gold, and that the rest should be divided amongst the rest of the ship's

⁵⁶⁴ *Proceedings on the King's Commission*, p. 2

⁵⁶⁵ *CSPC*, 1696-1697, item 517. iv

⁵⁶⁶ *Trial of John Quelch*, p. 7

⁵⁶⁷ *Trial of Captain Kidd*, p. 22

company'.⁵⁶⁸ The reason for such exceptions is difficult to discern. It could be noted that both Kidd and Shafto were legitimate captains who led their companies into piracy and retained command in the process, thus giving them a certain natural authority with which to back their claims to excessively large shares. Nicholas Clough, however, also retained command in similar circumstances, and yet was awarded only two and a half shares. Alternatively it might be argued that Kidd and Shafto operated entirely removed from the influence of other pirate companies at the time the division of shares was agreed, and so escaped the influence of the spirit of financial egalitarianism that pervaded other pirate companies, but the same is also true of Clough's and Lowther's companies. It is possible, of course, that Clough's and Lowther's companies had heard of other pirates' egalitarianism via the sailors' scuttlebutt and demanded a similar division of resources, but in that case it is surprising that Kidd's and Shafto's companies had not heard similar rumours. Whatever the root cause of the disparity, the divisions of shares laid out in the surviving articles are not only similar to one another, but are also representative of many, but by no means all, other pirate companies.

The question of whether the pirates' pay scales were significantly more egalitarian than, or a radical departure from, the pay scales of the merchant service, Royal Navy, and privateers, can only be answered by direct comparison. Table 4 shows the comparative rates of pay on twenty-five different vessels or types of vessels from 1590 to 1746, including pirate vessels, privateers, Royal Navy ships, and merchantmen, both coastal and deep-sea, English and colonial. The companies of the pirate and fishing vessels, privateers, and the merchantman *Ann*, were paid by shares, while the companies of Naval vessels and the other merchantmen were paid fixed wages. Amongst the wage paying companies some were paid a monthly salary while others were paid a fixed sum per voyage. For the sake of comparison the data have been compiled in an indexed form: whether paid by share or wage, the return awarded to the various officers listed has been calculated as a product of the return awarded to an able seaman in the same

⁵⁶⁸ *The Examination of Moses Porter*, 17/6/1687, HCA 1/52, f. 119; *Tryals of Thomas Shafto*, p. 3

ship, while the return awarded to an able seaman in each ship has been reduced to a constant of one. Thus, what is measured in Table 4 is the scale of the relative rewards of captains, officers, and seamen within each service or company, rather than the parity or disparity between the pay of men in the same position in different services. Table 4 is not complete, inasmuch as the Royal Navy and some privateers instituted many more ranks than the twelve listed. The twelve ranks listed were selected on the basis that they are all the ranks mentioned in the pay scales laid down in surviving pirate articles. Scales listed in pirate articles are signified by bold text in the table. Wages of the Royal Navy varied depending on the size of the vessel: in Table 4 the pay scales of fifth- and sixth-rate ships, roughly equivalent to the largest and smallest pirate vessels, have been used.

Table 4. Comparative rewards, 1590-1746

	Captain	Master	Mate	Pilot	Quarter Master	Boatswain	Gunner	Carpenter	Doctor	Able Seaman	Ord. Seaman	Boy
Tudor privateers, c. 1590	3.3	2.3–2.6	1.6		1.3	1.6	1.6	1.6	1.6	1	0.6	0.3
Stuart privateers, c. 1643	4.5	4	3		2	2	2	2	2	1		
<i>William</i> (privateer), 1667	2									1		
Morgan's buccaneers, c. 1670	5-6		2							1		0.5
<i>Hopewell</i> (merchantman), 1679	1.4		1.3			1.1				1		
<i>Camelion</i> (Clough), 1683	2.5	1.5							1.5	1		
<i>Ann</i> (merchantman), 1685	2									1		
<i>George</i> (merchantman), 1688	2.9		1.8							1		
<i>Salem</i> (privateer), 1695	3	1							1	1		
<i>Fancy</i> (Every), 1695	2	1.5								1		
<i>Adventure</i> (Kidd), 1696	5	2								1		
New England fishermen, 17 th –18 th century	1-2									1		
Royal Navy, 1700 (5 th rate)	9.3	4.3	1.75	2.9	1.2	1.9	1.9	1.9	4.2	1	0.8	
Royal Navy, 1700 (6 th rate)	7	3.3	1.75	2.9	1.1	1.6	1.6	1.6	4.2	1	0.8	
Woodes Rogers, 1709	9.6	4	2.4	3.2	1.2	2.4	2.4	2.4	4	1	0.6	

John Taylor, 1719-1722	1.25			1.25	1	1.25	1.25			1	0.5	0.25
Bart. Roberts, 1719-1722	2	1.5			2	1.5	1.5		1.25	1		
Thomas Anstis, 1721-1723	1	1				1	1	1		1		
George Lowther, 1721-1723	2	1.5	1.25			1.25	1.25		1.25	1		
Edward Low, 1722-1724	2	1.5	1.25			1.25	1.25		1.25	1		
John Philips, 1723-1724	1.5	1.25				1.25	1.25	1.25		1		
<i>Revenge</i> (privateer), 1741	2.5	1.5	1.25		1-1.25	1.25	1.25	1.25	1.5	1		
<i>Terrible</i> (privateer), 1746	12	5	4		1.5	3	3	3	4	1	0.75	0.75
<i>Royal Family</i> (privateers), 1747	14	4	3		1.25	3	3	3	4	1	0.75	0.5
London merchantman (peace)	4.8		3.2			1.6	1.2	2.4		1		
London merchantman (war)	2.2		1.6			1.2	1	1.6		1		

Sources: Oppenheim, *Monson Tracts*, pp. 19-20; Perrin, *Boteler's Dialogues*, pp. 39; *Abstract of Wills*, pp. 82, 84; Esquemeling, *Buccaneers of America*, pp.59-61; George Francis Dow (ed.). *Records and Files of the Quarterly Courts of Essex County, vol. VIII*, (Salem, 1921), p. 77; Davis, *English Shipping Industry*, pp. 133, 138; Hustwick, *The George*, p. 41; Howard M. Chapin, *Privateer Ships and Sailors, the First Century of American Colonial Privateering* (Toulon, 1926), p. 85; CSPC, 1696-1697, item 517. iv; Graham Harris, *Treasure and Intrigue: the legacy of Captain Kidd* (Toronto, 2002), pp. 313-316; Gilje, *Liberty on the Waterfront*, p. 22; Rodger, *Command of the Ocean*, pp. 623-624; Edward Cooke, *A Voyage to the South Sea and Round the World* (London, 1712), p. xiv; Grandidier, *Madagascar*, p. 116-117; Johnson, *General History*, pp. 212, 307, 342; *Trial of the Pyrates Taken by Captain Ogle*, p. 43; *Articles made on board the Good Fortune*, ADM 1/4104; *Boston News-Letter*, 8/8/1723; Wyndham Beawes, *Lex Mercatoria Rediviva* (London, 1773), pp. 197-198; David J. Starkey, *British Privateering Enterprise in the Eighteenth Century* (Exeter, 1990), pp. 327-329

One fact that is immediately apparent from Table 4 is that the rewards for pirate captains, when laid down in articles, varied from a single share to no more than two and a half times the share of a foremastman. Only Thomas Anstis agreed to complete financial equality with his company, but we have seen that other officers in the company received larger shares, so it is probable that in practice Anstis did too. Anstis' gunner received an extra quarter share, as gunners in the companies of Taylor, Lowther, and Low did. Anstis and Taylor both began their piratical careers in the company commanded by Howell Davis, so it is likely that in fact he may have received an extra quarter share as Taylor did, but possible that he received a whole extra share as Lowther and Low did. Whatever Anstis actually received, the size of the shares given to the pirate captains in surviving articles were roughly comparable: more than one share, and no more than two and a half. This holds true of Henry Every, the only other pirate captain apart from Kidd listed in Table 4. Kidd's 35 shares 'for the... ship' have been discounted in the table, which takes no account of any extra income other captains may have derived from ownership or part-ownership of their vessel. Nevertheless, even the five shares that he was awarded as captain stand out as being the largest captain's share amongst the pirate crews listed.

Kidd's five shares are comparable with the five or six shares awarded to Henry Morgan's buccaneer captains in 1670, and they too received extra shares if they owned their own vessels.⁵⁶⁹ So, while Kidd's crew may have been influenced by the buccaneers when they drew up their new articles, the

⁵⁶⁹ Bromley, 'Outlaws at Sea', p. 11

other pirates listed were not. What was it, then, in the pirates' experience, that inspired the apparently egalitarian division of spoil that they practised? Some pirates who had served previously as seamen in the Royal Navy would have experienced a much greater disparity between their own wages and the pay of their captains, as would men who had earlier served on privateering voyages with reward scales akin to Woodes Rogers'. It is possible, therefore, that the pirates' apparent egalitarianism was a reaction against the relatively poorer prospects that they faced in such legitimate service, as Rediker and others have suggested.⁵⁷⁰

However, the men who became pirates had, as a group, a considerably broader seafaring experience than just the Royal Navy and certain privateers. Many, perhaps the majority, had served on merchantmen sailing from British and colonial ports, others were recruited from the fishing fleets that worked the Newfoundland coasts, and many more served at some point in their career on privateers, where the pay scale was not always so top-heavy as on Rogers' ship.⁵⁷¹ Given the essentially transient nature of seamen's employment, it is probable that many men had served in more than one type of vessel before turning to piracy.⁵⁷² This varied experience would have given pirate crews a wide variety of traditions and practices on which to draw when creating their articles and devising their scales of pay. Twelve of the captains in Table 4 received no more than five times the pay of an able seaman, making them as, or more, egalitarian than Kidd. Even in peacetime, when masters' wages remained constant but seamen's wages fell considerably lower than their wartime equivalents, masters of merchant ships sailing from London were likely to receive around 4.8 times the pay of their crew, slightly less than Kidd. In wartime, when the crew's wages rose again, the same masters might receive only slightly more than twice the pay of their crews, proportionally less than Nicholas Clough was entitled to.⁵⁷³ Except for John Taylor, and Thomas Anstis who may have received more in reality than his articles suggest, Captain Patrick Evans of the merchantman *Hopewell*

⁵⁷⁰ Rediker, *Villains of all Nations*, pp. 43, 45, 155

⁵⁷¹ Rediker, *Villains of all Nations*, pp. 42-46

⁵⁷² Earle, *Sailors*, pp. 41-42; Rodger, *Wooden World*, p. 113

⁵⁷³ Davis, *English Shipping Industry*, p. 138

received proportionally lower pay than any of the pirate captains.⁵⁷⁴ The pay of several merchant and privateer captains listed in Table 4 is comparable to most pirate captains. This relatively egalitarian division of rewards to merchant-ship captains had a long history, at least as far back as the thirteenth century when the 'Laws of Oleron', which formed the basis of much of English maritime custom, were first compiled, and which awarded shipmasters a double share of any profit accruing from prizes taken in the course of a voyage.⁵⁷⁵ The reference to the Laws of Oleron in Cusack's 'obligation' shows explicitly how pirates were influenced in their division of spoil by prevailing maritime tradition.

Similar trends are visible in the pay of other officers listed in Table 4. Except for those serving on some privateers, boatswains and gunners in any service could expect less than twice the pay of their able seamen shipmates, usually a fractional extra share. Roberts' company was apparently the only one in which the quartermaster received a share comparable to the captain's, and it is remarkable, given the extra duties and responsibilities that fell on the quartermaster's shoulders, that he was not compensated for his services in other pirates' articles. Even in legitimate service the quartermaster generally received a slightly higher pay as a reflection of his status. It is possible that other pirate companies emulated John Taylor's, in which the 'quartermaster gets only one share, but everyone adds something for his trouble'.⁵⁷⁶ One trend that Table 4 makes clear is the relatively low rate of pay enjoyed by pirate carpenters and doctors, probably resulting from the fact that so many were forced men. Only Clough's, Low's and Lowther's articles award an extra part-share to the doctor, suggesting that those companies may at one point have enjoyed the ministrations of a volunteer doctor. Roberts' company certainly contained two volunteer doctors who, despite not being awarded any extra shares by the articles, in practice received an extra quarter-share.⁵⁷⁷ Similarly, only in Philips' company did the carpenter receive an extra part-

⁵⁷⁴ George Francis Dow (ed.). *Records and Files of the Quarterly Courts of Essex County, vol. VIII*, (Salem, 1921), p. 77

⁵⁷⁵ Rodger, *Safeguard of the Seas*, p. 141; R.G. Marsden (ed.), *Documents Relating to the Law and Custom of the Sea, vol. I., A.D. 1205-1648* (Navy Records Society, 1915), p. 2

⁵⁷⁶ Grandidier, *Madagascar*, p. 117

⁵⁷⁷ *Trial of the Pyrates taken by Captain Ogle*, pp. 35, 43

share. According to Johnson, when Philips' crew turned to piracy the carpenter, Thomas Fern, was present when the articles were devised, and so presumably he was able to argue for his own inclusion amongst those receiving extra shares.⁵⁷⁸

The actual value of a share on a pirate ship varied enormously depending on how successful a particular cruise had been, and how many shares the accumulated profit was divided into. At one end of the scale, Anstis and his men shared out the gold and silver taken from a prize and each man received 'about ten or twelve pounds', and on another occasion shared about £20 per man.⁵⁷⁹ Even Bellamy's company, with thousands of pounds in the common chest, could only 'put up in bags, Fifty pounds to every Man's share'.⁵⁸⁰ Fifty pounds, to a foremastman in the merchant service, might represent a little over eighteen months' pay at wartime wage levels, or forty months' at peacetime wage levels, but against this must be weighed the fact that it took many months of work by the pirates to accumulate their haul.⁵⁸¹ Anstis and his company had never really achieved any great success, and had certainly never taken any especially rich prize, and so had little spoil to share out. Bellamy and his men, on the other hand, had had a very successful cruise, culminating in the capture of the slave ship *Whydah*, which carried a substantial amount of gold and other valuable commodities, but the remarkable haul had to be shared between so many men that although individual shares were large compared to earnings in legitimate employment, they were not spectacularly so. One significant appeal of serving on a pirate ship as opposed to serving on a privateer may have been the fact that in privateering practice the division of shares amongst the ship's company only occurred after the net proceeds of the voyage had been divided between the vessel's owners, the company, and sometimes the victuallers of the expedition. The amount reserved for the owners and victuallers of privateers varied but was usually substantial, ranging from one-quarter to three-quarters

⁵⁷⁸ Johnson, *General History*, p. 342

⁵⁷⁹ *The Examination of William Ingrams*, 17/9/1724, HCA 1/55, f. 76; *Proceedings on the King's Commission*, p. 2

⁵⁸⁰ *Trials of Eight Persons*, p. 25

⁵⁸¹ Davis, *English Shipping Industry*, p. 138

of the net proceeds.⁵⁸² Pirates, as owners and victuallers of their own vessels, kept the whole of the proceeds of their depredations. The actual value of shares awarded to Antis' and Bellamy's companies make Roberts' company's declared goal of acquiring £1,000 per man seem like a pipe-dream, especially as Roberts' company contained 267 men, but such amounts were not entirely unobtainable. In 1720, Edward Condent led his men in the capture of an Indian ship carrying a cargo of gold, coins, and other expensive articles. One of Condent's crew later claimed that when they shared out the spoil it 'came to nine hundred pounds for each man'.⁵⁸³ Earlier, in 1693, Thomas Tew and his company captured an Indian ship and 'took as much in her as made the whole share run 1200 l. a man', while Tew's own share was reported as having been £8,000.⁵⁸⁴ When Henry Every and his men shared out the spoil taken from two Indian vessels, 'some had 1000 l., some 500, others 3000'.⁵⁸⁵

3.5. *Disposal of spoil.*

With such wealth at their disposal, and so few opportunities to spend it, what did pirates do with their money? Small sums might be spent on board the ship at the sales of plunder conducted at the mast on frequent occasions, and where the pirates could buy articles such as clothes or 'a very good going Gold Watch'.⁵⁸⁶ From time to time an occasion arose in which a pirate was able to send some of his money home to support his family: at his trial Henry Glasby acknowledged that he had given to Captain Lean, a sometime prisoner of the pirates, 'two or three Moidores, desiring he would give 'em to his Wife'.⁵⁸⁷ Ashore, the first thought for many pirates was to spend their money in debauchery and drink. The buccaneers of Esquemeling's acquaintance, on their return to Jamaica,

⁵⁸² Starkey, *British Privateering*, pp.75-76

⁵⁸³ *The Information of Richard Moor*, 31/10/1724, HCA 1/55, f.97

⁵⁸⁴ Jameson, *Privateering and Piracy*, p. 208; CSPC, 16916-1697, item. 517. i

⁵⁸⁵ *The Tryals of Joseph Dawson*, p. 225

⁵⁸⁶ Snelgrave, *A New Account*, pp. 211, 257

⁵⁸⁷ *Trial of the Pyrates taken by Captain Ogle*, p. 22

wasted a few days in taverns and stews all they had gotten, by giving themselves to all manner of debauchery with strumpets and wine. Such of these [buccaneers] are found who will spend 2 or 3 thousand pieces of eight in one night, not leaving themselves peradventure a good shirt to wear on their backs in the morning. Thus upon a certain time I saw one of them give unto a common strumpet five hundred pieces of eight only that he might see her naked. [Another] would buy, on like occasions, a whole pipe of wine, and, placing it in the street, would force every one that passed by to drink with him; threatening also to pistol them, in case they would not do it. At other times he would do the same with barrels of ale or beer. And, very often with both his hands, he would throw these liquors about the streets, and wet the clothes of such as walked by, without regarding whether he spoiled their apparel or not, were they men or women.⁵⁸⁸

Pirates certainly liked to spend their money in the same way if they could, and stories of their drunken follies regularly appeared in newspapers and other accounts to heighten the impression of the pirates' depravity. When Roberts' company cruised amongst the fishing fleets on the Newfoundland coast, '40 or 50 of his Men go on Shore at a Time, and get all Hands drunk along with such Fishermen as remains in the Harbour', and from there planned to sail South to New Providence, 'where they intend to spend their Money with the Portuguese Negro Women'.⁵⁸⁹ Four pirates came ashore in Virginia in 1720 and

brought in with them 3 Negro Men and a Boy, a considerable Sum of Money, and Some Gold Dust, but as they were some Days revelling about the Country before they were apprehended, they found Means to lodge Part of their Effects in the Hands of some of the Inhabitants.⁵⁹⁰

These four pirates might have escaped detection were it not for their excessive spending, for

⁵⁸⁸ Esquemeling, *Buccaneers of America*, pp. 74-75

⁵⁸⁹ *Daily Post*, 24/11/1720; *Boston News Letter*, 22/8/1720

⁵⁹⁰ *Daily Courant*, 31/8/1720

their first care was to find out a Tavern, where they might ease themselves of their Golden Luggage. They soon found a place to their mind, where for some time they lived very profusely treating all that came into their Company, and there being in the House English Women Servants, who had the good fortune by some hidden Charms, to appear pleasing to these Picaroons, they set them free, giving their Master 30 Pounds, the price he demanded for their time. Their Extravagant way of living soon discovered they were not Passengers from *London*, as they pretended, but rather Pyrates, accordingly they were taken up and Committed on suspicion, as such, to the County [Jail].⁵⁹¹

For many pirates who were lucky enough to make their fortune, comfortable retirement was the greatest ambition. When John Taylor's company arrived at the French colony of Réunion in 1721, a forced surgeon, Richard Moor, met with several of Edward Condent's company who 'had got Riches enough (by pirating) to maintain them handsomely as long as they lived and that therefore they had broak up, meaning they had left off pirating'.⁵⁹² Several of Condent's company had already left Réunion for France by the time Taylor visited the island, and shortly afterwards Condent himself followed them. Condent settled in Normandy, married, and lived in provincial respectability and moderate wealth.⁵⁹³ John Taylor, formerly an officer in the Royal Navy, ended his days in possession of a Spanish pardon and living comfortably on Cuba, the owner of a plantation and a trading ship.⁵⁹⁴ Several of Every's company used their new-found wealth to purchase estates in the colonies, including several in Pennsylvania where one foremastman married the governor's daughter and another purchased a house neighbouring the governor's own residence. A bribe of £100 per man, paid to the governor on arrival, secured the pirates' freedom from prosecution.⁵⁹⁵ In this case the scope of the available evidence is limited by the fact that the pirates who made the most success of their retirement were likely to be the ones who escaped notice. It is certain that

⁵⁹¹ *American Weekly Mercury*, 17/3/1720

⁵⁹² *The farther Information of Richard Moor*, 5/11/1724, HCA 1/55, f. 97

⁵⁹³ Rogozinski, *Honor Among Thieves*, pp. 208-210; Grey, *Pirates of the Eastern Seas*, pp. 302-303

⁵⁹⁴ Grandidier, *Madagascar*, pp. 107, 113-114

⁵⁹⁵ *CSPC*, 1696-97, item. 1,331; *CSPC*, 1697-1698, item. 451

more pirates managed to retire ashore in some comfort than were recorded: none of the 21 men who left Blackbeard's company in North Carolina were ever captured, and so presumably managed to integrate themselves into legitimate society, and Henry Every came ashore in England with £3,000 in his possession and was never seen again.⁵⁹⁶

• • •

Pirates, then, operated a complex economy in which the accumulation of riches was the ultimate goal, but one that could only be fulfilled once the fundamental problems of feeding and clothing a large number of men, and maintaining vessels far away from regular dockyard facilities had been overcome. In extreme circumstances the necessities of survival at sea resulted in the relative value of different commodities becoming altered: when Kidd's company were forced to use several pounds' worth of myrrh in place of several shillings' worth of pitch, for example, the actual worth of pitch, had it been available to the pirates, would have been considerably higher than its retail value in any legitimate port. By necessity, the pirates were forced to ransack vessels for food, drink, clothes, and equipment when they would doubtless have preferred to be hunting ships laden with coins and specie or other valuable commodities. Commodities, when they were seized, were only of value to the pirates if they could be either exchanged for provisions and equipment, or sold for a cash profit, but the unavailability of suitable markets again reduced the market value of most commodities, and this in turn made it very attractive for unscrupulous merchants to deal with pirates, either at sea, away from the watchful eyes of the authorities, or ashore, with the connivance, and sometimes assistance, of corrupt officials. The restrictions and difficulties placed in the way of pirates' trading endeavours meant the creation of an illicit market which suited well both buyer and seller. When the pirates were selling it was as useful for them to have a buyer who would ask no questions as it was for the buyer to have access to a supplier whose prices were heavily discounted. When the situation was reversed, and the pirates

⁵⁹⁶ Baer, *Pirates*, p. 105; Rogozinski, *Honor Among Thieves*, pp. 89-91

sought supplies from illicit merchants, they derived the benefit of being able to supply their wants without having to run the risk of capture and arrest, while the merchant could make a profit far in excess of the norm by charging the pirates a higher price for his wares than he could selling only in legitimate market places.

Once tradable commodities had been converted into cash or other expendable wealth, the pirates adopted practices with which they had been familiar in regular employment and created a welfare system which was in all essential points the same as that from which some had perhaps benefited and to which virtually all had contributed, during their earlier careers as seamen in legitimate service. Rudimentary and often ineffective as the Chatham Chest and Greenwich sixpences had been as welfare systems, when pirates came to consider the same problem of providing for their wounded colleagues they came to the same solution, and do not appear to have been any more effective in their implementation of it than the authorities responsible for the maintenance of the legitimate welfare systems.

Contributions to the 'common chest' having been made, the remaining profit was divided into shares of pay, which were distributed in an apparently egalitarian manner. The distinctive egalitarianism of the pirates' pay hierarchy is, however, something of an illusion, perhaps created by comparison with naval pay scales or those of certain privateers such as Woodes Rogers' company, but revealed as such when compared with the pay scales of many other privateers and merchantmen. The pirates therefore distributed their wealth, not in a new and progressive way, but in the way most favourable to themselves that they had encountered in legitimate employment. Exceptions existed in which pirate captains received pay relatively far in excess of that enjoyed by captains in any branch of legitimate service, and only one pirate company is known to have attempted a complete levelling of the pay hierarchy, an experiment that failed when it came to implementation, and in which company some officers are known to have received larger shares than foremastmen, despite the assurances of complete equality offered by their articles.

4. Social Control and the Maintenance of Community.

'The purpose of the pirate enterprise was not to achieve a "shipshape" environment, but to ensure maximum personal liberty for each of its members.'⁵⁹⁷

The personal liberties enjoyed by pirates have been cited frequently as one of the principal attractions of piracy to seamen, but the extent to which personal liberty was granted or exercised is unclear. Maximum personal liberty was impossible on a ship whose crew's lives depended on at least some of them working, and the continued existence of a community requires that at least some personal liberties are restricted for the benefit of others in the community.

For pirates, both the integrity of the community and the rights of the individual were protected by the articles, but the relative prevalence of articles restricting the freedom of the individual for the benefit of the company shows most clearly that, contrary to the quotation above, the 'shipshape' community was of far greater importance than individual liberty. With the exception of Roberts' article supposedly guaranteeing every man a vote in 'affairs of the moment', and Anstis' article offering the right for any member of the company to seek a pardon if he so chose, and one was on offer, it is only in the division of plunder and victuals that any of the surviving articles offer anything to the individual pirate. By contrast, virtually all of the surviving sets of articles contain at least one clause, and usually more, restricting the individual rights of members of the company, such as the prohibition of gambling, fighting, or 'meddling with' women. Perhaps the greatest stricture placed by many surviving articles on their signatories was the restriction of the individual's right to voluntarily leave the company.

This chapter will explore the extent to which pirates balanced the rights of the individual against the well being of their community, and the ways in which this was achieved. That the articles were used primarily to restrict the rights of the individual does not imply that the community was *always* given

⁵⁹⁷ Sherry, *Raiders and Rebels*, p. 130

precedence over the individual, and this chapter will consider the freedoms granted to individual pirates as well as the restrictions placed on them for the benefit of the company.

4.1. Liberties.

Paul Gilje has persuasively argued that for the most part sailors of the eighteenth century perceived 'liberty' as inherently rooted in the every day. Even on the eve of the age of revolution, a seaman's liberty was personal and tangible rather than lofty and abstract. It was 'personal independence', the liberty to 'drink, gamble, fight, and curse', and to choose where he worked. The legitimate seaman did not, of course, enjoy all of these liberties at all times: drunkenness was a delight that could be indulged only sporadically, and more often ashore than afloat, and gambling and fighting were also generally restricted on board ship. The ability of a seaman to dictate his own working environment was limited to his right to choose for himself which vessel to sign aboard, and even this right might be curtailed by financial necessity or naval impressment. In theory, however, the seaman's bondage to his ship was temporary and, at the expiration of his contract or when his ship was paid off, he was able, all things being equal, to choose for himself whether to enlist again on the same ship or a different one, or leave off the sea altogether and pursue a life ashore.⁵⁹⁸

If these were the liberties sought by most seamen, it is not surprising that pirates' ideas of personal liberty were similarly rooted in the every day. Pirates delighted in drinking and swearing, and if, as discussed below, gambling, fighting, and leaving the ship were restricted activities, alcohol and bad language were allowed to flow freely. William Snelgrave, no stranger himself to the mores of seamen, professed himself shocked by the language he encountered amongst the pirates:

the execrable Oaths and Blasphemies I heard among the [pirate] Ship's Company, shock'd me to such a degree, that in Hell it self I thought there

⁵⁹⁸ Gilje, *Liberty on the Waterfront*, pp. 34, 127-129

could not be worse; for tho' many Seafaring Men are given to swearing and taking God's Name in vain, yet I could not have imagined, human Nature could ever so far degenerate, as to talk in the manner those abandoned Wretches did.⁵⁹⁹

Snelgrave's description of the pirates' language is perhaps a little sensational, and he might easily be thought guilty of exaggerating in his published account, were it not for the many other references to pirates' excessive swearing made by those who came into contact with them. Reported dialogue of pirates in legal statements and witness accounts is frequently filled with interjections of 'damn you', 'by God', and 'God damn',⁶⁰⁰ and George Roberts, for example, was abused by his pirate captors as a 'Rascally Son of a B----', before they went on to insult the king 'in such a virulent Manner, as is not fit to be repeated'.⁶⁰¹ Prowess at swearing was even a desirable skill in some companies, and according to Johnson, Lowther's company made no small effort

to take their Diversion, which consisted in unheard of Debaucheries, with drinking, swearing, and rioting, in which there seemed to be a kind of Emulation among them, resembling rather Devils than Men, striving who should outdo one another in new invented Oaths and Execrations.⁶⁰²

Neither was bad language limited to the lower deck: when Governor Benjamin Fletcher of New York met pirate captain Thomas Tew, he thought him a 'very pleasant man', but wished 'in particular to cure him of a vile habit of swearing'.⁶⁰³

The other reason to accept the substance of Snelgrave's account is that, although he was certainly writing for an audience who were largely unsympathetic towards pirates, as he was himself, he comes across as a fair observer who, when he discovered some laudable attribute of his pirate captors', was at pains to include it in his text. For these two reasons -

⁵⁹⁹ Snelgrave, *New Account*, p. 217

⁶⁰⁰ for example, *Tryals of Thirty-Six Persons*, p. 181; Jameson, *Privateering and Piracy*, p. 352; Roberts, *Four Years Voyages*, pp. 72-73; Johnson, *General History*, p. 587 etc

⁶⁰¹ Roberts, *Four Years Voyages*, pp. 72-73

⁶⁰² Johnson, *General History*, p. 312

⁶⁰³ CSPC, 1697-1698, item. 1,077

Snelgrave's own apparent honesty in reporting, and confirmation by other observers – his description of the drunken revels enjoyed by the pirates can also be accepted as broadly accurate. They

made such Waste and Destruction, that I am sure a numerous set of such Villains would in a short time, have ruined a great City. They hoisted upon Deck a great many half Hogsheads of Claret, and French Brandy; knock'd their Heads out, and dipp'd Canns and Bowls into them to drink out of: And in their Wantonness threw full Buckets of each sort upon one another. As soon as they had emptied what was on the Deck, they hoisted up more: And in the evening washed the Decks with what remained in the Casks. As to bottled Liquor of many sorts, they made such havoc of it, that in a few days they had not one Bottle left: For they would not give themselves the trouble of drawing the Cork out, but nick'd the Bottles, as they called it, that is, struck their necks off with a Cutlace; by which means one in three was generally broke: Neither was there any Cask-liquor left in a short time, but a little French Brandy.⁶⁰⁴

Snelgrave's experience was fairly typical. When Stede Bonnet's company captured a vessel, for example, the first thing they did was make 'Bowls of Punch, and went to Drinking... Then sung a Song or two'.⁶⁰⁵ George Roberts recounted that Edward Low 'order'd the great Bowl to be fill'd with Punch, and Bottles of Wine to be set on the Table in the Cabbin, to which we all resorted', and tiring of the 'discourse, broke it off by singing a Song, and enjoining every one present to do the same'.⁶⁰⁶ These accounts by non-pirate observers were perhaps intended to illustrate to their audiences the pirates' deplorable lifestyle, epitomised by their drunkenness, but the theme of hard drinking is so universal in sources relating to pirates, and indeed seamen in general, that there is no reason to doubt their substance.⁶⁰⁷

While drunkenness in battle was prohibited by many privateering articles such as Kidd's and Rogers', it is significant that drunkenness under any

⁶⁰⁴ Snelgrave, *New Account*, p. 234

⁶⁰⁵ *Tryals of Stede Bonnet*, p. 13

⁶⁰⁶ Roberts, *Four Years' Voyages*, p. 82

⁶⁰⁷ Gilje, *Liberty on the Waterfront*, pp. 7-10, 20; Pringle, *Jolly Roger*, pp. 119-120

circumstances was prohibited only by one of the surviving sets of pirate articles, and then only in battle. Indeed, in Taylor's company, inebriation was an accepted excuse (perhaps the only one) for regularly breaking an article, in this case, that clause prohibiting violence towards prisoners, which was otherwise 'forbidden on pain of death'.⁶⁰⁸ Nevertheless, excessive and unrestricted drunkenness could be detrimental, even disastrous, to a pirate company. The captive crew of a prize taken by pirates in the Indian Ocean, for example, 'found means to secure the Ship's Arms and to kill 50 of the Pyrate Crew at a time they were making merry and were got drunk'.⁶⁰⁹ A crew sent onboard a prize by Samuel Bellamy 'drank plentifully of the Wine on board', and when a storm blew up were too drunk to prevent her being run ashore.⁶¹⁰

But these freedoms, swearing and drinking, were not new to pirates: they were enjoyed to some extent by most seamen. What set the 'liberties' of the pirates apart from those of their counterparts in legitimate shipping, then, was not the nature of the freedoms, but the extent to which they were practised. Swearing was commonplace enough on most ships, but was not always unrestricted. Isaac Webb of HMS *Bristol* was tied to the rigging for 'an hour, and had *speculum oris*⁶¹¹ placed in his mouth for saying to a seaman in the Captain's hearing: "Thou liest, like a son of a whore."⁶¹² Even on privateers swearing was not always acceptable: on Elizabethan privateers

Whosoever do talk any beastly or filthy talk at his meat, he shall have a cobkin [beating] of his mess... whosoever do swear or blaspheme the name of God at cards, dice, or at his meat, shall pay a penny for every oath to the poor man's box.⁶¹³

A century later, Daniel Plowman's instructions when he took over command of the *Charles* enjoined him to ensure 'that Swearing, Drunkenness and

⁶⁰⁸ Grandidier, *Madagascar*, p. 115

⁶⁰⁹ *Daily Courant*, 31/5/1722

⁶¹⁰ *Trial of Eight Persons*, p. 10

⁶¹¹ *Speculum Oris*: a surgical instrument used to force and hold open a patient's mouth, also used on slaving ships to hold open a slave's mouth for the purpose of force-feeding: Gomer Williams, *History of the Liverpool Privateers and Letters of Marque: with an account of the Liverpool slave trade* (Cambridge, 2010), p. 533

⁶¹² Teonge, *Diary*, p. 219

⁶¹³ Oppenheim, *Monson Tracts*, vol. IV, p. 200

Prophaneness be avoided',⁶¹⁴ and Woodes Rogers had ferrules made 'to punish Swearing, by which we found the Men much cured of that Vice'.⁶¹⁵

Swearing on pirate ships, far from being restricted, was taken to such an extreme as to become competitive, and shocked even so veteran a seaman as William Snelgrave in its frequency, intensity and variety. Drunkenness, too, was nothing new to most seamen, but was, for the most part, associated with time ashore or specific periods of rest.⁶¹⁶ Pirates by contrast, in the absence of any external authority, as outlined in Chapter 2.2, were free to drink to excess as often as they chose, and this dramatic enlargement of one of the seamen's favourite liberties was perhaps one of the strongest attractions to the piratical lifestyle for many foremastmen.

The liberties of drunkenness and language were among a series of petty freedoms long associated with communities who lived partly or wholly outside the law, such as highwaymen and beggars, epitomised by the lifestyle enjoyed in the greenwood by the doyen of English outlaws, Robin Hood, and his band of 'merry men'. In the seventeenth century the beggar's life was heralded in verse as fit

...for a king.

Eat, drink, and play, sleep when we list,

Go where we will...⁶¹⁷

These 'greenwood' freedoms are more romantic than tangible, but certainly held appeal for a contemporary audience. Numerous popular works such as plays and ballads extolled the relative freedom of the outlaw over the hidebound restrictions on the propertied. Two very different ideas of 'freedom' existed: that which centred on the lofty freedoms of property and suffrage, which was upheld by the law; and that which was rooted in the every day, and perhaps baser, freedoms of drink and play, which was, according to some contemporaries' perception, maintained in opposition to the law.⁶¹⁸ One

⁶¹⁴ *Trial of John Quelch*, p. 20

⁶¹⁵ Edward Cooke, *A Voyage to the South Sea and Round the World* (London, 1712), p. 123

⁶¹⁶ Gilje, *Liberty on the Waterfront*, pp. 5-6

⁶¹⁷ quoted in Hill, *Liberty Against the Law*, p. 3

⁶¹⁸ Hill, *Liberty Against the Law*, pp. 3-18

significant distinction between the outlaw and those living within legitimate society is geographical, free from ties to the land, the outlaws were free to 'go where we will'. Beggars and Robin Hood's men lived on the roads and in the woods,⁶¹⁹ that is, on the routes trodden by merchant and traveller, and in the wildernesses visited by neither. For pirates, the sea served the same purpose, crossed with regular trade routes which formed the pirates' hunting grounds, but also filled with expanses of maritime wilderness where the pirates could find a relative sanctuary.

Reports of pirates pretending to be 'Robbin Hoods Men'⁶²⁰ have been interpreted as the pirates identifying themselves as social bandits who rob the rich to feed the poor,⁶²¹ but the context of the original statement is ambiguous to say the least, and it could equally be a reference to the nature of the freedoms enjoyed by pirates, compared to those of the romantic greenwood outlaws, used as an enticement to others to join their company. It is in this context of opposing views of the nature of 'liberty', the one upheld by the law and the other opposed to it, that the observations of Snelgrave and others must be considered. By highlighting the pirates' excessive drinking and swearing, contemporary observers were, consciously or not, placing pirates in the company of beggars, highwaymen, and forest outlaws: amusing subjects for works of popular fiction and May-Day misrule perhaps, but at root enemies of true civilisation and the freedoms of the propertied. This does not mean, of course, that the drunkenness describe by Snelgrave, for example, did not occur: there is nothing unlikely about a group composed predominantly of young men getting out of hand when confronted with an abundant supply of alcohol.

4.2. Breaking up the Company.

Joining a pirate company was a process similar to naturalisation, 'a legal process involving a form of contract between the individual who chose a new

⁶¹⁹ Hill, *Liberty and the Law*, pp. 4-5; Joseph Falaky Nagy, 'The Paradoxes of Robin Hood', *Folklore*, 91 (1980), p. 199

⁶²⁰ Jameson, *Privateering and Piracy*, p. 348

⁶²¹ Rediker, *Villains of all Nations*, p. 85

allegiance and a community that consented to adopt him as a member'.⁶²² As we saw in Chapter 2, in order to become a 'citizen' of a pirate company, and enjoy fully the benefits and rights stipulated in the articles, it was a prerequisite that a new pirate was a volunteer, and 'chose a new allegiance' to the company and his new comrades, who, in turn, had to willingly accept the new pirate into their ranks. The articles themselves, which a new recruit was required to sign in order to be admitted into the company, formed the contract guaranteeing him the freedoms of pirate 'citizenship' on the one hand, while regulating and restricting his behaviour within the community on the other.

One right that the new pirate frequently signed away when he joined the pirate community was the right to leave it. It is an odd ambiguity that pirates, who recognised that their communal integrity rested in large measure on the volitional membership of all concerned, should so vehemently oppose the right of their members to leave the company if they became disillusioned or dissatisfied. Nevertheless, several of the surviving sets of articles contain forthright and clear clauses prohibiting the individual leaving the company, or prohibiting the company, or elements of it, voluntarily disbanding. The punishments for such actions could be severe. John Philips' articles stated that if 'any man shall offer to run away... he shall be marroon'd with one Bottle of Powder, one Bottle of Water, one small Arm and shot', and when some new recruits to Thomas Cocklyn's company began to have second thoughts they begged captive William Snelgrave 'to intercede for them, that they might be cleared again; for they durst not themselves mention it to the Quarter-master, it being death by their articles'.⁶²³ Low's company were so afraid of the spectre of men wanting to leave the company that they were willing to abandon any kind of due process of law to prevent them, and formulated an article stating

That if any man shall advise, or speak any thing tending to the separating or breaking of the company, or shall by any means offer or endeavour to desert or quit the company, that person shall be shot to

⁶²² James H. Kettner, 'A Development of American Citizenship in the Revolutionary Era: The Idea of Volitional Allegiance', *The American Journal of Legal History*, 18 (1974), p. 210

⁶²³ Snelgrave, *A New Account*, pp. 220-221

death by the quarter-master's order, without the sentence of a court martial.⁶²⁴

The risks to the pirate company of keeping dissatisfied members against their will were similar to the risks, explored in Chapter 2, of forcing men to join. Like forced men, disillusioned volunteer pirates could not wholly be trusted, had as much or more interest in escaping the company than they did in helping to ensure the company's success, were more likely to agree to give evidence in court if captured and, since volunteers were generally entitled to bear arms, might rise up in violent protest if sufficient in number. Despite these problems, the risks of allowing members to leave at will were, or were at least perceived as, a greater threat to the operational efficiency and communal integrity of the pirate company. Disgruntled members who were allowed to leave the company and who succeeded in re-entering legitimate society would also have been potential witnesses against the remaining pirates if they were captured, and moreover, might be in a position to supply the authorities with information about the pirates' bases, strength and future plans which would facilitate their capture in the first place. Pirates who quitted one company in order to join another not only deprived the first company of their manpower and expertise, but also augmented that of the second company, impairing the efficiency of their original company whilst making the 'competition' more efficient. Furthermore, if one member were allowed to quit the company it might provide inspiration for others to follow, beginning a tide of desertion which would be hard to stem.

That the impairment of operational efficiency was, in some cases at least, perceived as a greater threat than the potential dangers arising from pirates deserting to legitimate society is suggested by Bartholomew Roberts' article prohibiting any 'man to talk of breaking up their way of living, till each had shared one thousand pounds'. Once Roberts' pirates had achieved their self-appointed target each man was, in theory, free to do as he chose, be it continue with the company, join a different company, or seek a pardon ashore, but until that time each man was committed to remain with the

⁶²⁴ Roberts, *Four Years' Voyages*, p. 62

company, and it was a commitment that could not be cast aside. Once the company had made enough money for each man to receive a thousand pounds, the danger posed by those who chose to go ashore and re-enter legitimate society to those who chose to remain pirating was not perceived as serious enough for the pirates to legislate against it. This state of opinion also found voice in the articles of one of Roberts' successors, Thomas Anstis, whose articles are the only surviving set to establish explicitly the right of a pirate to leave the company if he chose, and which read, in part,

11th: If any time we shall come in Company with any other Marooner [pirate] and they shall offer to sign their articles without the consent of the Company shall be Marooned, or run away shall receive the same.

12th: But if any time we shall hear from England an Account of an act of Grace [pardon] they that are amind to receive it shall go with their money and goods, and the rest have the Privateer.

Here too, although no financial or time constraint is specified, men who chose to seek a pardon were entitled to leave the company, but desertion in order to join a rival pirate company was punishable with marooning, as it was in John Philips' company. There was, then, a clear distinction between leaving off piracy altogether and leaving a pirate company in order to join another. The former was forgivable, even understandable; the latter was to be severely punished. The form of the punishment, marooning a malefactor in an uninhabited place with minimal supplies, barely enough to survive, may help to explain the pirates' attitude towards desertion. Clearly, a marooned man was no longer of any use to the company that marooned him, so the issue was less about retaining his manpower and expertise than it was about, firstly, depriving a rival pirate company and, secondly, making a clear statement that desertion would not be tolerated, discouraging others from trying.

Two of Anstis' company were later captured and tried, and evidence given at their trial indicates that the spirit, if not the letter, of the articles was observed by the pirates in relation to desertion. When a Portuguese member of the company attempted to escape, one of the pirates, William Ingram, used deadly force to try to prevent him:

While we were at Cuba on board the *Good Fortune*, we had a Portuguese with us, his Name was Mayork: This fellow desir'd leave to go ashore, which being granted him, he took his Gun with him and went; but Ingram had a mistrust that he intended to escape, and therefore he presently follow'd him. We lay so nigh the Shore that I could plainly see Mayork run off, and in running he dropt his Gun, which I believe he did designedly that he might make the more haste. Ingram ran after him with a drawn Cutlass in his Hand, and coming to the Gun he took it up and fir'd it at him, but the Portuguese made his Escape without receiving any Hurt. Ingram return'd to the Ship in a great Rage, and swore if he could have catch'd him he would have cut him in two for offering to run away.⁶²⁵

The articles, however, only prescribed punishment for those who tried to desert 'without the consent of the Company', and the same evidence quoted above goes on to make it clear that the necessary consent was sometimes given, but that it had to be unanimous.

One Benjamin Sapes was very desirous to leave the Ship and go home, all the Company voted in his favour except Ingram; and the Man was detain'd upon his Opposition alone, for every single Man among us had a Power to hinder any other from going aways.

On another occasion, perhaps hoping to rid the company of its least committed members, 'Captain Anstis openly declar'd, That he would keep no Man against his Inclination, and if any one was willing to go away, no body should hinder him', upon which several men took the opportunity to quit the company. One man who tried to leave was told 'you came on board voluntarily, and now you are leaving us' as he was beaten, but does not appear to have been detained. Leaving the ship to seek a pardon ashore was not always as simple as the articles suggest though. When a group of forced men 'made an agreement among themselves' to take a boat and proceed to the nearest harbour in search of a pardon their plan was given away and they were prevented by the timely arrival more committed pirates. Shortly

⁶²⁵ *Proceedings on the King's Commission*, p. 2

afterwards, another group of forced men stole a boat from the pirates and succeeded in escaping. Later, however, after Thomas Anstis had been removed from command, his successor, John Fenn, gave permission for nineteen men, including forced men and disillusioned volunteers, to take a sloop and quit the company.⁶²⁶ There is no obvious reason for this change in attitude, and none of the relevant sources give any indication of why it occurred: it may simply have been that Fenn was personally less inclined to keep men against their will than Anstis and the change in leadership enabled men to freely quit the company if they chose, or it may have been a growing realisation of the danger to the company, outlined in Chapter 2, of forcibly keeping disillusioned or unwilling men aboard.

Despite proscription in the articles and the risk of punishment, men nevertheless did successfully leave other companies, often with the consent of their comrades. John Taylor began his career in the company commanded by Howell Davis and, since he possessed the necessary navigation and seamanship skills to be appointed sailing master, must have been a valued member of the company.⁶²⁷ After he briefly replaced Davis in command of the company, and was deposed after only a few days, he transferred himself to the company commanded by Thomas Cocklyn, then sailing in consort with Davis'.⁶²⁸ Under Cocklyn, Taylor retained a position of authority, commanding a consort vessel for a time before succeeding Cocklyn as commander of the company.⁶²⁹ Later, however, when Taylor's consort, la Buse, planned to quit the company, Taylor had him demoted and flogged.⁶³⁰ Such ambiguities are difficult to reconcile, and cases like Taylor's were exceptional. The willingness of Davis' company to let Taylor quit to join Cocklyn's company was probably due in part to the fact that the two companies were at that time working together, and in part to the fact that Taylor, described later by du Bucquoy as severe, violent, and 'easily angered',⁶³¹ was a volatile personality whose

⁶²⁶ *The Information of Henry Treehill*, 13/2/1723, HCA 1/55, ff. 66, 67-68

⁶²⁷ Snelgrave, *A New Account*, p. 272

⁶²⁸ Burl, *Black Barty*, p. 46

⁶²⁹ *The Examination of John Matthews*, 12/10/1722, HCA 1/55, f.20; *The Examination of Richard Moor*, 31/10/1724, HCA 1/55, f. 95

⁶³⁰ Grandidier, *Madagascar*, p. 103

⁶³¹ Grandidier, *Madagascar*, p. 117

presence as a subordinate aboard Davis' ship, having once sampled command, was likely to become a source of strife and dissent. Later, secure in his own command, Taylor's opposition to la Buse's attempted desertion was rooted in the fact that, had they been successful, la Buse and his supporters would have become competitors rather than allies.

On occasion, however, a group of men wishing to quit a pirate company was large enough to form, if not a majority, a significant minority, and their desertion could not be so easily suppressed by the remaining loyal members of the company. In these instances it was better for the pirate company to suspend the articles against desertion to avoid bloody, potentially fatal, internecine conflict, and to give their consent to the division of the company. Charles Vane's company, for example, quarrelled after they attacked, and were beaten off by, a French warship. Vane himself, and the captain of a consort vessel, Robert Deal, together with fifteen others, set off in one vessel, while John Rackham, formerly quartermaster to the company, commanded the pirates left in the other vessel.⁶³² Irreconcilable differences, which Charles Johnson attributed to charges of cowardice against Vane,⁶³³ meant that the pirates had little choice but to break up their company and go their separate ways. On another occasion 'upon a difference arising amongst the English Pirats because Hornygold refused to take and plunder English vessels', Bellamy was elected to replace Hornigold, who 'departed with 26 hands in a Prize Sloop'.⁶³⁴ Such good natured partings were not always the case, however, and when a significant proportion of Paul Williams' company argued in favour of disbanding the company and settling ashore they were opposed by the majority of the company who wanted to remain at sea. Fighting broke out, in which several men were killed and wounded, and once the uprising had been quelled three men were 'condemn'd to the hang'd for Mutiny'.⁶³⁵ The difference in attitude here may be explained as a quantitative issue, when enough men simultaneously wanted to quit the company there was nothing their comrades could practically do, short of using physical force, to prevent

⁶³² *The Tryals of John Rackham*, p. 36

⁶³³ Johnson, *General History*, pp. 138-139

⁶³⁴ Jameson, *Privateering and Piracy*, p. 336

⁶³⁵ *The Weekly Journal or British Gazetteer*, 10/8/1717

them, but that explanation is not entirely satisfactory as Williams' men were quite prepared to use force against their own men to preserve the company. An alternative explanation is that the dissidents in Vane's and Hornigold's company wanted to split off into new companies, leaving their erstwhile comrades free to continue their own piracy, while those in Williams' company were in favour of the whole company quitting piracy altogether, leaving their more committed comrades no alternative to conflict.

The theoretical problems raised by pirates wishing to quit the company were rooted in one of the ambiguities of allegiance at the beginning of the eighteenth century. At the beginning of the previous century 'subjectship', in England at least, was a matter of perpetual allegiance based on a subject's birth within a fixed and immutable hierarchy, and in a legal sense this attitude remained more or less in force until well into the eighteenth century. But throughout the course of the seventeenth century the revolutions and counter-revolutions had shown that allegiance was also based on self-volition and consent. Thus, by the time the articles of Roberts', Anstis and others were drawn up 'on the one hand, society and government theoretically rested on individual consent and compact; on the other hand, the legal status and obligations of the individual remained natural, perpetual, and immutable.'⁶³⁶ The issue faced by pirates was reconciling the notion that a contract voluntarily entered into could not be voluntarily discarded – to enjoy the freedom of choice of allegiance, pirates had to surrender their freedom of choice of allegiance.

Pirates who, as far as the evidence shows, were not great readers of Locke, perhaps struggled less with this thorny and abstract problem than the later revolutionary governments of America and France who faced great difficulty in ensuring the liberty of the individual against tyrannical and dictatorial government while simultaneously protecting their existence against the detrimental effects of dissent and desertion. In America the individual had the right to choose their allegiance, but once the choice was made and the protection of the new government accepted, there was no going back and no

⁶³⁶ Kettner, 'American Citizenship', pp. 209-210

prescribed right to renounce newly found citizenship.⁶³⁷ In France ‘legislators had to distinguish between the principle of liberty and the principle that justifies suspending liberty’, and the Revolutionary government’s argument that ‘the state was the supreme guarantor of free circulation, a temporary limitation on that freedom in order to combat threats to the state was a restriction aimed at defending the very freedom to emigrate’ led to the adoption of anti-emigration laws somewhat less draconian than the pirates’.⁶³⁸

The fact that pirates apparently struggled less than other groups when faced with the same problem and that different pirate companies independently came to the same conclusion, that quitting the company could not be allowed or tolerated, is strongly indicative that pirates gave substantially less consideration to the liberties of the individual than they did to the efficiency and integrity of the company as a whole. For pirates, the question of whether the individual should be forced to surrender their personal rights for the benefit of the community was a simple one. Although the end result was the same – that once membership of the community was accepted it could not simply be discarded – the rules of the pirates were more akin to the attitudes found in bodies such as the Royal Navy of their own time than they were to those expressed by liberty-loving revolutionary governments half a century later. For pirates, desertion and quitting the company were activities that threatened operational efficiency and communal integrity, and could not be tolerated, regardless of the loss of personal liberty that their curtailment might entail.

However, this state of affairs was often temporary, and lasted only until the company had achieved their object of accumulating enough wealth to retire. Although absent from other sets of articles, this was embodied in Roberts’ article proscribing the breaking up of the company until each man had shared £1,000, but implicitly allowing it after that goal had been achieved, and the actions of other pirates outlined below suggest that Roberts’ company simply codified a common aim. Roberts’ company was defeated in battle, its survivors tried, and many of them executed before they achieved their self-

⁶³⁷ Kettner, ‘American Citizenship’, pp. 225-234

⁶³⁸ Ladan Boroumond, ‘Emigration and the Rights of Man: French Revolutionary Legislators Equivocate’, *Journal of Modern History*, 72 (2000), pp. 81, 93, and *passim*

imposed goal, but other companies did achieve enough success to consider disbanding their company and retiring from piracy. In 1720 a pirate company who had taken a ship containing 'at least fifteen thousand moidores', and 'haveing divided their plunder to the Windward of Barbados... it is concluded they have broke up and are shifting for themselves by dropping some in one place some in another.'⁶³⁹ Henry Every's company, after dividing their haul of several hundred thousands of pounds worth of spoil, sailed for the Bahamas where they each went their own way, either individually or in small groups, having already left some of their crewmates at the French colony of Réunion.⁶⁴⁰ Even John Taylor, who had earlier ordered the flogging of his comrade Oliver la Buse, consented to the division of the company under his command after they had shared an estimated £900,000, and he too sailed for the Caribbean and retirement, leaving half his company in the Indian Ocean under la Buse's command.⁶⁴¹

4.3 Freedom of Speech.

Articles placing restrictions on desertion or breaking up the company extended, in some cases, to the mere discussion of such acts. In Low's company, for example, the death penalty, without the benefit of trial, could be imposed on any man who 'shall advise, or speak any thing' that suggested leaving the company, and disaffected members of Cocklyn's company 'durst not themselves mention it to the Quarter-master' for fear of being executed for it.⁶⁴² Discussion of leaving the company and of disaffection in general was, perhaps, just as likely to breed further discontent and faction amongst the members of the company as the act itself, and so was discouraged in the strongest terms, but the permission of free speech in other respects might also prove detrimental to the integrity of the company and was often restricted.

⁶³⁹ *A Newspaper* 31/5/1720, CO 37/10, f. 85

⁶⁴⁰ Jameson, *Privateering and Piracy*, pp. 191-192

⁶⁴¹ Grandidier, *Madagascar*, pp. 110-113, Rogozinski, *Honor Among Thieves*, p. 215

⁶⁴² Roberts, *Four Years' Voyages*, p. 62; Snelgrave, *A New Account*, pp. 220-221

Unsurprisingly, it was often the forced men aboard pirate vessels who suffered the most from restrictions on their freedom of speech. Forced men allowed to speak quietly and confidentially amongst themselves could, and did, plot the overthrow of their pirate masters and the sabotage of the pirates' designs. John Fillmore, forced aboard John Philips' ship, conspired with other forced men to kill Philips and the other pirate officers and 'were incessantly seeking opportunities to confer with each other upon some mode of escape; but no proper opportunity occurred, nor indeed were [their] measures properly concerted' until much later, when 'a favourable opportunity now seemed to offer for us to improve in conferring upon some means for our escape', and they 'got together [and] held a consultation' while the pirates were drunk.⁶⁴³ It was fortunate that their plans were ultimately brought to fruition, for their 'consultations' were in direct violation of one of the company's articles, which stated that if 'any man shall... keep any Secret from the Company, he shall be marroon'd with one Bottle of Powder, one Bottle of Water, one small Arm and shot.'

Prisoners of the pirates, while perhaps not allowed so much freedom around the vessel as forced men, were similarly seen as a potential threat to the well being of the company if they were allowed to communicate too freely with one another, and a potentially divisive influence if they were allowed to speak too freely with members of the company. Captain Read, captured by Stede Bonnet's company, 'discours'd freely' with a man he assumed to be a fellow prisoner, but was compelled to keep his conversation secret and hoped the other man would do likewise because 'if he had discover'd [ie. revealed it], it had done me an Injury'.⁶⁴⁴ Such injuries might have been fatal in some cases. In Low's company, for example, it was 'one of their articles, it being punishable by death, to hold any secret correspondence with a prisoner.'⁶⁴⁵ Even innocuous conversation could arouse a certain paranoia in the pirates. Captain Michael Cole was captured in 1700 by pirates who

⁶⁴³ Fillmore, 'Narrative', pp. 36-37

⁶⁴⁴ *Tryals of Stede Bonnet*, p. 33

⁶⁴⁵ Roberts, *Four Years' Voyages*, p. 61

would not suffer him to Speake to any of [the other prisoners], but was threatened to be Shot for Speaking only to one and asked (and that softly) what are you, who answered, I am a Carpenter who belonged to a vessel of about 110 Tons loaded in York River which they sunk.⁶⁴⁶

The mechanisms by which the dangers of prisoners and forced men communicating with one another or with the rest of the company were minimised varied. The simplest method, and probably the most common in companies with few forced men or prisoners to worry about, was simply vigilance on the part of the rest of the company. Fillmore and his co-conspirators found it impossible at first to plot the overthrow of their pirate captors simply because the pirates were constantly present around them, and only when the pirates were distracted by drink were they able to form their plans. Ned Low kept a prisoner locked in his cabin while the rest of the company were busy, and to ensure no secret conversation occurred 'left nobody, and ordered nobody but the boy Jack, and him I bid stay at the Cabin Door, with-out-side, and not to go in or stir from the Door, 'til I bid him'.⁶⁴⁷ Naturally, prisoners and forced men could not be kept apart indefinitely, but 'should any two of these be seen to whisper together', they were subsequently interrogated separately, and if 'upon Examination, [they] should differ in the Account of what they whisper'd about, they would be set ashore...on an uninhabited Island'.⁶⁴⁸

Restrictions on free speech were not limited to forced men and prisoners. The injunction in Philips' articles against keeping secrets from the company was aimed as much at the volunteers as the forced men, perhaps more so since forced men did not sign the articles. Immediately after taking command, according to the testimony of one of his crew at his trial, John Gow declared that 'if hereafter I see any of you whispering together' they could expect to have their throats cuts and their bodies thrown overboard.⁶⁴⁹ On board Samuel Bellamy's ship *Whydah*, 'no Man was suffered to write a word, but

⁶⁴⁶ Jameson, *Privateering and Piracy*, p. 309

⁶⁴⁷ Roberts, *Four Years' Voyages*, p. 56

⁶⁴⁸ *British Journal*, 22/8/1724

⁶⁴⁹ *Proceedings on the King's Commission*, p. 6

what was Nailed up to the Mast'.⁶⁵⁰ These examples of volunteer pirates suffering from a restriction of free speech are particularly interesting because, unlike injunctions against secret correspondence held by forced men and prisoners, their purpose was not only the protection of the pirate company itself, but also the maintenance of the status quo of the pirate company's command structure, illustrating an, at times, dictatorial approach to maintaining authority and status by pirate captains but, in the case of Philips' articles at least, supported by the original members of the company who had a hand in drawing up the articles. The most striking example of measures taken by a serving pirate captain to preserve the status quo was that employed by John Taylor to keep control of the disparate national groups that made up his company:

he divided his men into squads [messes] of seven men, consisting, for example, of a Frenchman, a Swede, a Portuguese and three or four Englishmen, so that the English, on whom he could depend, were always in the majority, and could warn him of all that was done or said on board.⁶⁵¹

Freedom of speech could also, though, be restricted in the interest of maintaining a harmonious community, and one of the most curious restrictions of pirate liberty was the clause in John Taylor's articles forbidding discussion and disputes of a religious nature which, it was supposed, might lead to serious quarrelling amongst members of the company.⁶⁵² One of the principal charges against pirates made by contemporary commentators, apart from the obviously illegal nature of the activities, was their general ungodliness,⁶⁵³ and yet there is evidence of religion amongst many pirate companies, albeit rudimentary and half-hearted. Much of this evidence is of too moralising a nature to be taken too seriously, such as an account given at their trial that some of Bellamy's company, in fear of their lives during a great storm, begged

⁶⁵⁰ *Trial of Eight Persons*, p. 24

⁶⁵¹ Grandidier, *Madagascar*, p. 118

⁶⁵² Grandidier, *Madagascar*, p. 116

⁶⁵³ see, for example, Cotton Mather, *A Vial Poured out upon the Sea* (Boston, 1726); Cotton Mather, *Useful Remarks: An Essay upon Remarkables in the Way of Wicked Men* (New London, 1723). George Cusack was accused of throwing the ship's Bible out of the cabin window, *The Grand Pyrate*, p. 7

one of their prisoners 'to Read to them the Common-Prayer book'.⁶⁵⁴ And if the accounts of the ministers who tended to pirates in their final hours can be believed, virtually every pirate found God on his way to the gallows. Nevertheless, more prosaic sources suggest that pirates did not entirely abandon God and the church, even during the course of their crimes. Goods sent to Adam Baldrige's trading post on St. Mary's Island in 1693, for example, included catechisms and two Bibles,⁶⁵⁵ and there are numerous references to oaths being sworn on Bibles.⁶⁵⁶ Du Bucquoy, who spent time with the very pirates who legislated against religious discussion, believed that religion was of little real importance to them:

They take oath upon the Bible, but they never read it. The only custom they observe which seems to show any respect towards God was that whenever they are able they rest on Sundays. When one of them dies they chant a psalm or canticle while escorting the body, but that it rather a custom left over from their earliest education than a sign of their submission to God.⁶⁵⁷

This may have been what du Bucquoy saw, but if it had truly been the limit of the pirates' religiosity they would hardly have needed to legislate against religious discussion, and firm opinions about God have never been dependent on the practice of formal religion. Nevertheless, it is a view which accords well with observations of other companies such as Roberts', whose articles stipulated that musicians were not to play on Sundays, but all other work carried on as usual, again suggesting that adherence to the rites and forms of the church by pirates was minimal, but without eliminating the personal faith of individual members of the company – in fact, that Roberts' company actually compiled any rule that paid lip-service to the sanctity of the Sabbath, however minimal, is a strong indicator that personal faith was common amongst them. Bellamy's men damned a prisoner for a 'Presbyterian Dog', suggesting that

⁶⁵⁴ *Trial of Eight Persons*, p. 10

⁶⁵⁵ Jameson, *Privateering and Piracy*, p. 208

⁶⁵⁶ For example, Grandidier, *Madagascar*, p. 114; *Proceedings on the King's Commission*, p.2

⁶⁵⁷ Grandidier, *Madagascar*, p. 117

they held members of some churches in more contempt than others,⁶⁵⁸ and late night drinking sessions aboard Low's ship involved an 'abundance of Discourse concerning Church and State', though when some of the company suggested that a prisoner should join them as a chaplain others exclaimed 'No, they wanted no Godliness to be preach'd there.'⁶⁵⁹

4.4 Quarrels and Arguments.

Whether caused by religious differences or other disagreements, arguments which might erupt into violence between two members of the company, or worse, factionalise the company, were a serious threat to the harmony and, in the worst case, continued existence of the piratical community. Thus, several of the surviving sets of articles contained one or more clauses designed to keep quarrelsome behaviour to a minimum and to formalise the procedures by which disputes could be settled without engulfing the whole company.

If the prevalence of an issue in the surviving sets of articles can be taken as a measure of the prevalence of the problem that necessitated legislation to control it, then the greatest threat to the harmony of a pirate company was likely to come from gambling. John Taylor's article not only prohibited religious dispute, but 'in order to preserve the peace and union necessary between members of the' company, all forms of 'quarrels and insults...[and] gambling for money is also forbidden'.⁶⁶⁰ No form of punishment is specified by Taylor's article for gambling, and the same applied according to Roberts' articles which forbade gambling 'at cards or dice for money'.

Other articles, however, not only prescribed punishments, but also allowed some leeway in the matter, permitting gambling if it were limited to small sums. The sum and the punishment varied from company to company and, in the surviving sets at least, the severity of the punishment was in proportion to the sum it was permitted to gamble. In the companies commanded by Anstis and Low, men were permitted to gamble provided the sums involved were

⁶⁵⁸ *Trial of Eight Persons*, p. 20

⁶⁵⁹ Roberts, *Four Years' Voyages*, pp. 60-61; 67

⁶⁶⁰ Grandidier, *Madagascar*, p. 116

less than one Reale (Spanish silver currency, widely accepted as tender in American colonies, and worth approximately six or seven pence),⁶⁶¹ and those who exceeded that sum were to be punished with thirty-nine lashes or 'what Punishment the Captain and the Majority of the Company shall see fit.'

Lowther's articles also left the choice of punishment to the captain and company, but permitted gambling for sums less than one shilling (twelve pence). The punishment imposed by the captain and company may have varied depending on the extent of the crime, that is, the size of the sums being gambled. Both the largest permissible sum and the most severe punishment were set forth by Philips' articles, which permitted wagers of up to one piece of eight (eight Reales, or four shillings and six pence), but gambling for amounts in excess of that sum was punishable by being 'marroon'd or shot'.

Nevertheless, it was inevitable that quarrels should arise despite the best efforts of pirate companies to prevent them. By no means could every potential cause for dispute be legislated against. So to make sure that quarrels did not spill over into violent affray, several sets of articles legislated instead against the indiscriminate use of weapons and force. Lowther and Low, for example, adopted the following clause in their articles:

He that shall be found guilty of taking up any unlawful Weapon on board the Privateer, or any prize, by us taken, so as to strike or abuse one another, in any regard, shall suffer what Punishment the Captain and the Majority of the Company shall see fit.

And John Philips' article specified thirty-nine lashes for any man 'that shall strike another whilst these Articles are in force'. However, proscription of indiscriminate in-fighting did nothing to resolve or arbitrate any disputes which might have arisen, and it is likely that many pirate companies endeavoured to formalise combat resulting from internal strife in the way that, for example, Roberts' company did when they agreed to an article prohibiting 'striking one another on board, but every man's quarrels to be ended on shore, at sword and pistol'. The formalisation of this combat was taken even further by Taylor's company, for

⁶⁶¹ Jensen, *American Colonial Documents*, pp. 426-427

When... quarrels arise on board, and the offence requires settling by force of arms, the quartermaster and the captain preside over the duel, which ends only with the death of one of the antagonists. A flag is then waved over the head of the victor.⁶⁶²

The death of one of the combatants was not always necessary for the satisfaction of honour, and on other occasions 'the first to draw blood would be declared the victor'.⁶⁶³

Pirates were not the only seamen to adopt the practise of going ashore to settle their arguments by combat. In 1722, for example, two merchant-ship masters,

Isaac Parker and Samuel Parsons, who having some Words and Difference, in their anger and rage challenged one the other to Fight with firelocks, and accordingly they went on shore, and at some Distance presented their Pieces, and Parsons shot Parker in his shoulder or breast, that he died of his wounds in five Days after.⁶⁶⁴

Even amongst pirates the practise was a long-standing one. As early as 1684 John Gursford and John Bell 'went on shore to fight with their guns', and Bell was killed.⁶⁶⁵

Rediker has argued that by removing the scene of combat from the ship to the shore the pirates were consciously promoting 'harmony in the crowded quarters belowdecks', and thus taking the conflict 'symbolically off the sea'.⁶⁶⁶ This may be true to some extent, but three other explanations for the practise also offer themselves. In the first place, a pirate ship was a crowded place, with limited space at the best of times, few clear fields of fire in which to shoot pistols without risking damage to the ship or injury to bystanders, and almost nowhere that a sword could be swung freely without first having to take the position of rigging, bulkheads and deckheads, and comrades into account. It was not, therefore, physically the most suitable place for such formalised

⁶⁶² Grandidier, *Madagascar*, p. 116

⁶⁶³ Rediker, *Villains of All Nations*, p. 75

⁶⁶⁴ *Boston News Letter*, 7/5/1722

⁶⁶⁵ *The Information of Josua Bloudworth*, HCA 1/52, f. 28

⁶⁶⁶ Rediker, *Villains of all Nations*, p. 75

combat to take place. Secondly, by insisting that disputes, if they had to be settled with violence at all, were settled on land, pirate companies ensured that combats did not take place in the rage of the moment, and in the intervening time between the combat being agreed upon and a suitable landing being made both protagonists had an opportunity to regain calm and settle their disputes peaceably. How many pirate deaths were avoided by this method is, of course, impossible to say, but it is likely that faced with the prospect of mortal combat at least some men chose to bury their differences before blood was shed. When, for example, an argument in John Taylor's cabin became heated and he declared "I am ready; come on and I'll give you satisfaction with pistol or sword, whatever you please." No one breathed a word, for all knew well enough not to dare to hazard single combat with him.⁶⁶⁷

Thirdly, the similarity between the formalised combats of pirates and the duels that were prevalent in legitimate society at the time cannot be overlooked. Duels to settle affairs of honour and disagreements on land were invariably conducted in cold blood and at some neutral and secluded spot, in order to avoid witnesses to, and arrest for, what was, since 1613, an illegal activity.⁶⁶⁸ Pirates doubtless had little fear of being arrested for duelling, but the practice of removing the site of the combat away from the place at which the dispute arose was such an integral part of the formalised process that pirates may well have emulated without giving thought to the real reason behind the tradition. Furthermore, duelling by gentlemen ashore and formalised combats by pirates share other significant similarities.

The duel, like the minuet, was above all a formal and well-mannered event. It contained and gave form to the passions which generated and animated it. By giving the passions a limited mode of expression,

⁶⁶⁷ Grandidier, *Madagascar*, p. 112

⁶⁶⁸ Robert Baldick, *The Duel: A History of Duelling* (London, 1970), p. 65; Donna T. Andrew, 'The Code of Honour and Its Critics: The Opposition to Duelling in England, 1700-1850', *Social History*, 5, (1980), p. 412

duelling substituted a conventionalised, well-demarcated conflict for a potentially endless state of war.⁶⁶⁹

The duel had developed in Europe in response to the 'killing affrays' involving large gangs of supporters or hired blades to settle disputes, which often resulted in multiple deaths and injuries, the 'potentially endless state of war'.⁶⁷⁰ So, too, did pirates use formalised combats between single protagonists to prevent friends and supporters becoming involved in the disputes of individuals and the factions that were likely to develop from such a situation.

As well as localising and limiting the violence arising from a quarrel, the duel served other purposes which were thought to be beneficial to society and which would also have been beneficial to pirates. The practice of duelling was thought to help produce a society of good fighters, inured to the fears that combat produces in most people, to whom self-preservation is an overriding concern.⁶⁷¹ By encouraging men to settle their disputes with sword and pistol pirate companies helped to suborn the natural instinct to shy away from combat. Conversely, but perhaps just as importantly, duelling was also thought to improve manners, and the fear of being 'called out' may have prevented disputes being taken too far in the first place. For pirates, like many others who found self-expression in duelling in the early eighteenth century, the ritual of formalised combat was also a mark of gentility, class, and status. With the rise of what has been described as the 'urban gentleman', whose gentility rested not on their lineage or lands but on their wealth and behaviour, duelling was a way of demonstrating their new-found status.⁶⁷² That pirates also adopted duelling as their principal method of settling disputes indicates most strongly that they too sought to improve their status, and demonstrated the fact by adopting the practices of those whom they had formerly considered their 'betters'.

⁶⁶⁹ Andrew, 'Code of Honour', p. 411

⁶⁷⁰ Baldick, *The Duel*, p. 63

⁶⁷¹ Andrew, 'Code of Honour', p. 414

⁶⁷² Robert B. Shoemaker, 'The Taming of the Duel: Masculinity, Honour and Ritual Violence in London, 1660-1800', *The Historical Journal*, 45 (2002), p. 526

4.5 Women, Boys, and Sex.

The jealousies and rivalries caused by the presence of one or a few women in a large gang of young men, and their potentially disastrous consequences, should not be hard to predict, and the risk was certainly well realised by the pirates cruising the African coast in 1719 who would not

allow Women to be on board their Ships, when in the Harbour. And if they should take a Prize at Sea, that has any Women on board, no one dares, on pain of death, to force them against their Inclinations. This being a good political Rule to prevent disturbances amongst them, it is strictly observed.⁶⁷³

Nevertheless, it would be surprising if men who gave such free abandon to satisfying their lusts for alcohol and gluttony were willing to exercise such complete control over their physical desires for sex and female company. It can be noted that however strictly the 'good political rule' mentioned above was observed, it does not, on the face of it, include women on prizes whose inclinations were to willingly provide for the pirates' sexual desires, and the corollary to the ban on women aboard ship in harbour was that the pirates were free to go ashore in search of women if they chose to. This section will explore the nature of pirates' relationships with women, the place of women who, contrary to expectations, did travel on board pirate vessels, pirates' treatment of female victims and captives, their relationships with women in the ports and harbours they visited, and the issue of homosexuality within a pirate company.

The articles themselves make several references to women. The successors of the pirates quoted above had similar rules preventing the rape of unwilling female captives: if Philips' company should have chanced to 'meet with a prudent Woman, that Man that offers to meddle with her, without her Consent, shall suffer present Death', and death was also specified as the punishment for rape in the articles of Bartholomew Roberts and Thomas Anstis.

⁶⁷³ Snelgrave, *New Account*, pp. 256-257

This does not mean, of course, that pirates never committed rape. When Henry Every's company captured an Indian ship, there were on board numerous pilgrims returning from the Hajj and a troupe of young women destined to be concubines of the ship's captain.⁶⁷⁴ As soon as the ship reached port the news spread of the pirates' depredations, particularly against the women, one of whom was reputed to be a noblewoman 'in her old age. She they abused very much, and forced severall other Women, which Caused one person of Quality, his Wife and Nurse, to kill themselves to prevent the Husbands seing [sic] them (and their being) ravished'.⁶⁷⁵ Rumours of such atrocities are liable to exaggeration, even when reported by the representative of so august an institution as the East India Company, so that by the time some of Every's company were executed in London a year later, the author of their 'last words' was able to assert that they were very penitent of their 'Ravishing and Deflowering the Virgins and Women, and then turning them out naked, to starve upon shore', and that they had 'most inhumanly Ravisht a Young Princess, and the rest of her Female train'.⁶⁷⁶ Whether the most notable victim of the pirates' lusts was an elderly noblewoman or a young princess (or neither), the rumours were undoubtedly based in fact. It would be surprising if all of a large gang of young men who had been more than two years at sea could retain self-control after a fierce battle when faced with so many women, and although most of the pirates glossed over the few days following the capture in their subsequent depositions, one, a lad whose tender years may have prevented him taking an active part in the sexual frenzy, admitted that 'the men lay with the women aboard, and there were several that, from their jewels and habits, seemed to be of better quality than the rest'.⁶⁷⁷

Such large-scale piratical orgies were not common by any means, but this is most likely due to the relative rarity of so many female passengers being

⁶⁷⁴ Grey, *Pirates of the Eastern Seas*, p. 160

⁶⁷⁵ Jameson, *Privateering and Piracy*, p. 181

⁶⁷⁶ *An Account of the Behaviour, Dying Speeches, and Execution of Mr. John Murphey, for High Treason; and William May, John Sparcks, William Bishop, James Lewis and Adam Forseith, for Robbery, Piracy and Felony; at the Execution-Dock: On Wednesday 25th of November, 1696*, in Baer *British Piracy*, p. 87

⁶⁷⁷ quoted in Grey, *Pirates of the Eastern Seas*, p. 159

captured on the same vessel. Nevertheless, even when fewer women were available the pirates frequently exercised no better control, the threat of death prescribed by their articles notwithstanding. Even amongst those companies whose articles specifically forbade mistreatment of women, rape was a common occurrence: Roberts' company captured a ship in 1720 and 'abused several Women that were Passengers on Board',⁶⁷⁸ and it was reported that on another occasion '21 of those Brutes [pirates] had forced a Woman Passenger one after another, and afterwards broke her Back, and flung her into the Sea'.⁶⁷⁹ According to Johnson, when some of Robert's men were led to the gallows, one of them, David Simpson, spotted a woman in the crowd whom he recognised and exclaimed that 'he had lain with that B——h three times, and now she was come to see him hanged'.⁶⁸⁰ And Charles Vane's company kept two captured women 'for their own Entertainment, contrary to the usual Practice of Pyrates, who generally sent them away, least they should occasion Contention'.⁶⁸¹ The practice of sending women away only worked when there was a vessel available to send them in, but if the pirates decided to keep a captured vessel for their own use, any women found aboard had, according to Johnson again,

a Centinel immediately [put] over her to prevent ill Consequences from so dangerous an Instrument of Division and Quarrel; but then here lyes the Roguery; they contend who shall be Centinel, which happens generally to one of the greatest Bullies, who, to secure the Lady's Virtue, will let none lye with her but himself.⁶⁸²

That the preservation of the pirate company's harmony was a more important consideration than the physical well being of female prisoners or any chivalric notions regarding a lady's honour and virtue, is shown by John Taylor's article which, while prescribing 'severe punishment' for any pirate who was violent towards a female prisoner, also specified that women who could not conveniently be put ashore should be 'given up to the hazards of the sea'.

⁶⁷⁸ *London Journal*, 15/10/1720

⁶⁷⁹ *London Journal*, 13/1/1722

⁶⁸⁰ Johnson, *General History*, p. 286

⁶⁸¹ Johnson, *General History*, p. 620

⁶⁸² Johnson, *General History*, p. 212

Not all women who fell into the pirates' hands, of course, were unhappy about their prospects. When Richard Worley's crew captured a ship carrying transported felons, for example, it was reported that 'some women... during so short a Space of Time as between there [sic] being taken by, and retaken from the Pirates, had got husbands among them'.⁶⁸³ In this case the future for the passengers after entering port was not particularly appealing, bound as they were for a life of forced labour not far removed from slavery,⁶⁸⁴ for a period measured in years. For the men on board, piracy was a far more attractive prospect and, having been freed from their shipboard incarceration by Worley's men, most of them embraced piracy and 'were observ'd to fight very desperatly' when a ship sent to capture the pirates came up with them a few days later. Some were killed in the fight and several more were executed with the pirates. The rest were sold in the market-place of South Carolina.⁶⁸⁵ The women, too, saw a better future as the 'wives' of pirates than as the slaves of planters. The observer's assertion that the women had 'got husbands' in the pirate company may be too strong a phrase, though the few days they spent in company would have been enough for them to extract the verbal promises sealed with sexual intercourse that constituted the most basic form of marriage in the early eighteenth century,⁶⁸⁶ but it certainly implies a (probably) monogamous and long-term sexual union voluntarily entered into by women in immediate need of protection. Coming, as they did, from a criminal background of one sort or another, few of the women involved probably felt any scruples about settling down with a pirate, and any scruples they may have felt might have been overcome by contemplation of the alternative.

The admittance of around thirty women into the pirates' shipboard community was unusual, but so too was the capture by pirates of a vessel carrying such a number of women willing to marry them. Like the mass rape of Indian women

⁶⁸³ *Whitehall Evening Post*, 5/2/1719

⁶⁸⁴ 'Robert Beverley on the Servants and Slaves in Virginia, 1705', in Kupperman, *American Colonial History*, pp. 98-99; Anthony Vaver, *Bound With an Iron Chain* (Westborough, 2011), p. 162

⁶⁸⁵ *Original Weekly Journal*, 24/1/1719

⁶⁸⁶ Rebecca Probert, 'The Impact of the Marriage Act of 1753: Was It Really "A Most Cruel Law for the Fair Sex"?' , *Eighteenth-Century Studies*, 38, (2005), p. 247

by Every's men, the mass marriage to English women by Worley's men may have been extraordinary because of the dictates of circumstances rather than because of any deliberate decision on the part of the pirates. It is true that there exists a large body of evidence suggesting that pirates preferred not to allow women to form a permanent part of their community at sea, but a letter written by a gentleman of South Carolina to the author of the *General History of the Pyrates* suggests that the wives of Worley's company were not intended to remain on board ship indefinitely, but were

designed to have been landed on one of the uninhabited Bahama Islands, where there was a proper Port for these Rovers to put in, at any Time, to refresh themselves, after the Fatigue of the Sea. And thus a most hopeful Colony would have commenced.⁶⁸⁷

Another letter to Johnson, this time by Captain Evans of the *Greyhound*, relates the temporary presence of two women on the pirate ship that had captured him, female passengers from another ship taken by the pirates: 'how they pass'd their Time I need not say; tho' I fancy, as they had formerly made a Trip or two to the Bay [of Campeche], there was no Rape committed.'⁶⁸⁸ In the early eighteenth century the Bay of Campeche was largely inhabited by an almost entirely male community of logwood cutters, including many former seamen, known collectively as 'baymen', many of whom subsequently turned to piracy; so the fact that these two women had formerly spent time amongst the rough and ready baymen was enough to label them as 'loose' women.⁶⁸⁹ These incidents, although illustrating that pirates' objections to women in their community were sometimes overruled and the 'good political rules' sometimes flouted, also serve as exceptions that prove the rule. In both cases the presence of the women within the essentially masculine environment of the pirate ship was temporary, voluntary, and opportunistic. The pirates involved did not deliberately seek women willing to provide for their sexual needs at sea, and having fortuitously found them did not seek to permanently integrate

⁶⁸⁷ Johnson, *General History*, p. 303

⁶⁸⁸ Johnson, *General History*, p. 69

⁶⁸⁹ Rediker, *Villains of All Nations*, pp. 43, 45

them into their communities, but nonetheless eagerly turned the women's willingness to their own best advantage.

On three occasions in the 1720s, however, records show women as having been permanent members of a pirate community. Most famously, Anne Bonny and Mary Read sailed with John Rackham's company in late 1720, and less well known, Martha Farley and Maria Critchett were captured on board pirate vessels and tried for piracy in 1727 and 1729 respectively.

The story of Anne Bonny and Mary Read has been recounted numerous times in a variety of contexts. It appears in histories of piracy, gender, and of sex and sexuality.⁶⁹⁰ Briefly, the story of Bonny and Read as it is usually told is one of two women who disguised themselves as men and, by coincidence, found themselves aboard the same pirate ship, commanded by Rackham, in the Caribbean in 1720. Bonny had shipped aboard as Rackham's lover, while Read joined the crew when the ship she was travelling on was captured by Rackham's pirates. In battle the women were fearsome hellcats who kept the deck when their comrades fled below, shouting and cursing and brandishing their weapons. Finally, when the pirates were captured and brought to trial, Bonny and Read's true identities were revealed to the world.

That modern renditions of Bonny and Read's exploits differ so little from one another is unsurprising, since almost all are based principally on the account first published by Charles Johnson. Johnson's chapters are the fullest contemporary account of the activities of the female pirates, and undoubtedly the most accessible. Moreover, Johnson's is the only contemporary account to outline the lives of Bonny and Read prior to their turning pirate.⁶⁹¹

This version of the Bonny and Read story fits neatly into a genre of stories, common in the seventeenth and eighteenth centuries, of women disguising themselves as men in order to pursue traditionally male-dominated careers. Conversely, recent scholarship has shown that women went to sea during the

⁶⁹⁰ See, for recent examples, Rediker, *Villains of all Nations*, pp. 103-126; David Cordingly, *Heroines and Harlots: Women at Sea in the Great Age of Sail* (London, 2001), pp. 89-98; and Julie Peakman, *Lascivious Bodies, A sexual history of the eighteenth century* (London, 2005), pp. 224-230

⁶⁹¹ Johnson, *General History*, pp. 153-165

age of sail in a surprising number of capacities, and in their own right as women. The wives and relations of officers and sometimes seamen were tolerated onboard merchant and naval vessels.⁶⁹² Crucially, though, the duties of these seagoing women were generally restricted to feminine activities and except in extreme circumstances they were not considered active members of the ship's crew. To be allowed to haul a rope or swing a cutlass it seems, then, that women had to resort to disguise.

The issue of women disguising themselves as men to gain admittance to a ship's crew has raised a number of questions, many of them relating to personal hygiene and toilet issues. Given the cramped confines of a sailing ship and the communal way of living, how did women successfully maintain their disguise? The problem must have been exacerbated on a pirate ship, which were usually small vessels with large crews. However, in Bonny and Read's case these questions are not strictly relevant, for Johnson's account contains at least one major error of fabrication: Bonny and Read were never disguised as men.

According to the appendix of Johnson's second volume, Bonny was well known on New Providence and was instrumental in the pirates' theft of the sloop *William* belonging to John Haman.⁶⁹³ This was her first act of piracy, and it appears that Mary Read was also involved, for immediately the theft became known governor Woodes Rogers issued a proclamation, declaring Rackham and his crew pirates, and naming 'two women... Ann Fulford alias Bonny and Mary Read'.⁶⁹⁴ Thus, from the very beginning of their piratical careers Bonny and Read were known to be women, and known by name. Witnesses at their trial likewise made it clear that Bonny and Read were not disguised as men. Dorothy Thomas, captured by Rackham's company, stated that while Bonny and Read 'wore Men's Jackets, and long Trouzers, and Handkerchiefs tied about their Heads', she recognized them as women 'by the

⁶⁹² Cordingly, *Heroines and Harlots*; Suzanne J. Stark, *Female Tars: Women Aboard Ship in the Age of Sail* (Annapolis, 1996); Joan Druet (ed.), *Hen Frigates: Wives of Merchant Captains under Sail* (London, 1998); Margaret S. Creighton, *Iron Men and Wooden Women: Gender and seafaring in the Atlantic World 1700–1920* (Baltimore, 1996)

⁶⁹³ Johnson, *General History*, pp. 623–626

⁶⁹⁴ *Boston Gazette* 17/10/1720

largeness of their Breasts'. Two Frenchmen, also captured by Rackham, deposed that when the pirates 'gave Chase or Attacked, they [Bonny and Read] wore Men's Cloaths; and, at other Times, they wore Women's Cloaths'.⁶⁹⁵ There is no doubt, then, that while Bonny and Read dressed in men's clothes for practical reasons when circumstances demanded, they were never disguised in the sense that by wearing men's clothes they were not attempting to conceal their gender or identities, which were well known to the authorities, to their victims and to the rest of the pirate company.

This fact dramatically changes our understanding of the nature of Bonny and Read's presence on board Rackham's ship: no longer can they be considered in the light of other cross-dressing women as outlined above, but instead must be considered as women who overcame the pirates' general antipathy towards the presence of women at sea, and established themselves, as women, in the otherwise masculine environment of the pirate ship. And although Bonny and Read remain the best known of the 'female pirates', they were not alone. In the summer of 1727 a band of pirates led by John Vidal engaged in a short-lived spree of piracy around Ocracoke Inlet. Vidal's crew included Thomas Farley who, two days after their first successful capture, was joined by his wife Martha and her two children. Martha Farley does not seem to have taken such an active militant role in the business of capturing ships as Bonny and Read did, but she was certainly aboard when at least one capture took place, and was believed to have been used by the crew to eavesdrop on their prisoners' conversations.⁶⁹⁶ Two years after Martha Farley's trial the Vice-Admiralty court at Williamsburg again sat to hear a trial for piracy against five men and a woman, Mary Critchett, who had been taken on suspicion of piracy by Captain Long of HMS *Shoreham*. Five of the pirates, including Critchett, were transported felons who had run away from their labour in Virginia, stolen a boat on the Rapahannock river, and made their way into Chesapeake Bay where they captured the small sloop *John and Elizabeth* in the dead of night, quickly overpowering the old man and boy that they found

⁶⁹⁵ *The Tryals of John Rackham, and other Pirates* (Jamaica, 1721), pp. 27-28

⁶⁹⁶ *Att a Court held at Williamsburg the fifteenth day of August in the ffourteenth year of the Reign of our Sovereign Lord George of Great Britain*, HCA 1/99

aboard. Mary Critchett was certainly involved in the initial capture of the *John and Elizabeth*, and when a boat appeared to be heading towards them some days later the prisoners were bundled into the cabin and kept there by Critchett sitting on the scuttle so that it could not be opened. A day or so later the old man and boy were released, but Critchett 'blamed the rest of the crew for suffering them to go ashore', fearing the consequences of leaving potential witnesses to their crimes.⁶⁹⁷

Several factors contributed to the pirates' willingness to allow these women into their communities, and in doing so to overturn the proscription, common in surviving articles, against having women on board ship. At their trial, Bonny and Read were sentenced to death, but escaped the noose by informing the court 'that they were both quick with Child', which, upon medical examination, proved to be true.⁶⁹⁸ Since their trial took place less than three months after their first act of piracy, this suggests that they became pregnant before they became pirates. Johnson's account romantically linked Bonny with Rackham, and Read with an unnamed member of Rackham's company and, under the circumstances, it seems likely that the fathers of the children were indeed to be found among the pirates. Martha Farley joined the pirates alongside her husband, and Maria Critchett was certainly a member of the runaway gang before they became pirates, and it cannot be ruled out that she was more permanently attached to one of them. Secondly, all three companies that included women were unusual in that they were each formed in one place with the specific intent to commit piracy. Most pirate companies originated once a vessel was actually at sea and the crew chose to mutiny or turn to piracy,⁶⁹⁹ so if no women were aboard already, they could only join the pirate community after it had been formed, and for many companies that was directly prohibited by the articles. Thirdly, unlike the wives of Worley's crew or the two women who had spent time in the Bay of Campeche, whose 'duties' were essentially womanly, Bonny and Read were apparently 'very profligate, cursing and swearing much, and very ready and willing to do any Thing on

⁶⁹⁷ *At a Court of Admiralty held at Williamsburgh the fourteenth day of August 1729*, HCA 1/99

⁶⁹⁸ *The Tryals of John Rackham*, p. 29

⁶⁹⁹ Rediker, *Villains of all Nations*, pp. 46-47

Board', such as carrying arms and handing 'Gun-powder to the Men'.⁷⁰⁰ As the authorities stepped up their efforts in the war against piracy in the late 17-teens and early 1720s, so the popularity of piracy waned and volunteer pirates were harder to come by. This problem for the pirates became acute as the 1720s progressed, but even by the time Rackham and his company left the Bahamas in a stolen vessel in September 1720 those islands had been pacified by governor Rogers for over two years and most of the committed pirates had already departed for other bases.⁷⁰¹ The fact that these women were willing volunteers may therefore have been more important to the pirates than the fact that they were women.

The status of women already established as stable consorts of one of the company may have defrayed the jealousies that could be expected to arise had they tried to join, as newcomers, a previously extant company. In this respect, it is worth noting that the pirate companies whose articles specifically forbade the presence of women on board their ships – Davis, Taylor and Roberts – all had their genesis in the mutiny led by Davis aboard the *Buck*, which was already at sea and away from port when the piracy began, and were all active at a time when new volunteer recruits were relatively easy to come by. They therefore had no women already established as part of their community before they turned pirate, nor any need to recruit women in place of men.

The articles prohibiting women on board ship, however, did not apply on shore. The pirates encountered by Snelgrave on the African coast

went on Shore to the Negroe-women, who were very fond of their Company, for the sake of the great Presents they gave them. Nay some White Men that lived there, did not scruple to lend their black Wives to the Pirates, purely on account of the great Rewards they gave.⁷⁰²

Roberts' men declared their intention to spend their money 'with Portuguese negroe women' of New Providence. These encounters, and others, were not

⁷⁰⁰ *The Tryals of John Rackham*, p. 28

⁷⁰¹ Rediker, *Villains of all Nations*, pp. 49, 172

⁷⁰² Snelgrave, *A New Account*, p. 257

just romantic incidents, but also financial transactions, in which pirates were less likely to form permanent attachments than they might otherwise have done had the encounters primarily been based on mutual attraction followed by a period of courtship. Such permanent ties were to be avoided where possible if a man were to commit fully to the community offered by his pirate company. In some cases the pirates' apprehension of the disruptive effects of women present onboard ship was extended to women ashore to whom members of the company felt or owed some loyalty. Married men, and those with children, might be reluctant to abandon their families as a piratical career demanded, such as William May, for example, who convinced a court of his innocence by claiming that 'he had a Wife and Family, that was too near to him, to think of leaving for such a Life as Pyrating',⁷⁰³ and it was a fairly common practice for pirates to avoid conscripting married men. Samuel Bellamy's company, for example, captured nine seamen who 'were sent away being Married Men',⁷⁰⁴ and when George Roberts was taken by Ned Low's company he was informed 'we have an Article which we are sworn to, which is, not to force any married Man, against his Will, to serve us'.⁷⁰⁵ Six masters of fishing vessels were also taken by Low, who 'with Pistol in hand, and with a full Mouth demanded, *Are any of you married Men?*', and it appeared that 'his Design was to take no married Man away with him'.⁷⁰⁶ Philip Ashton, taken aback by the surprising query, admitted that he was unmarried, but Roberts, forewarned, lied that he 'had been married about ten Years, and had five Children when I came from Home, and did not know but I might have six now, one being on the Stocks when I came from Home', in a successful attempt to avoid conscription.⁷⁰⁷

Pirates, then, were prepared to legislate against their own sexual desires towards women for the preservation of the company, but only in Roberts' articles is there any suggestion of a restriction of homosexual intercourse – a rather ambiguous proscription of allowing boys aboard. Whether Roberts'

⁷⁰³ *Trial of the Pyrates taken by Captain Ogle*, p. 15

⁷⁰⁴ *Trial of Eight Persons*, p. 24

⁷⁰⁵ Roberts, *Four Years' Voyages*, p. 53

⁷⁰⁶ Barnard, *Ashton's Memorial*, pp. 13-14

⁷⁰⁷ Roberts, *Four Years' Voyages*, p. 55

injunction against boys really related to homosexuality, and whether the absence of similar clauses in other articles is indicative of pirates' acceptance of homosexuality, are questions that deserve examination.

Despite the occurrence of several cases of homosexuality which were brought before Admiralty courts throughout the seventeenth and eighteenth centuries and probably others which remained either undetected or were not prosecuted,⁷⁰⁸ there is not enough evidence of maritime homosexuality to assert that 'there was a recognised penchant for buggery at sea' in the eighteenth century.⁷⁰⁹ On the eve of the golden age of piracy, between 1703 and 1710, only 6 men were convicted of buggery in Admiralty courts, a tiny percentage of the tens of thousands of men in the service.⁷¹⁰ Nevertheless, acceptance of the fact that buggery undoubtedly occurred at sea (as it did on land) paved the way for B.R. Burg's seminal work, *Sodomy and the Pirate Tradition*, in which he argued primarily that the lack of direct and unambiguous evidence of homosexuality amongst pirates could be rectified by a comparison between various elements of piratical society and modern communities in which homosexuality and pederasty occur with a greater frequency or intensity than in society as a whole, particularly prisons. Such comparisons ought, according to Burg, to shed light on unrecorded homosexual conduct amongst pirates, and enable the correct interpretation of possible but ambiguous references to homosexual interaction in pirate communities. Despite the many differences between pirates of the seventeenth and eighteenth centuries on the one hand and modern convicts on the other, Burg argued that in several important respects – absence of women, long hours of monotony, lack of personal privacy and 'few familiar social situations that call for sexual responses' – the two groups are comparable. Some of these factors may serve to increase the incidence of homosexual contact while others serve to discourage it, but as long as the same factors are effective in both prisons and pirate ships comparisons can be drawn. On this basis, Burg used figures relating to prison studies, which showed that between thirty and forty-five

⁷⁰⁸ Arthur N. Gilbert, 'Buggery and the British Navy, 1700-1861', *Journal of Social History*, 10 (1976), pp. 74-76

⁷⁰⁹ Peakman, *Lascivious Bodies*, p. 155

⁷¹⁰ Gilbert, 'Buggery', p. 79; Rodger, *Command of the Ocean*, pp. 636-637

percent of inmates experienced homosexual contacts during their incarceration, to argue that homosexuality was rife amongst pirates.⁷¹¹

In considering same-gender sex under these circumstances a clear distinction must be drawn between homosexual preference, that is, the tendency of some men to prefer sex with other men even when sex with women is available, and the situational practice of homosexuality by men who, under other circumstances exhibit predominantly or entirely heterosexual behaviour, but participate in homosexual sex when separated from women for prolonged periods, and revert to their heterosexual preferences when their circumstances change, for example, on release from prison or when their ship comes into port.⁷¹² In the first case, it is probable that among the thousands of men who became pirates in the seventeenth and eighteenth centuries some were homosexual by preference, and it is equally probable that, when two of these homosexual pirates met and recognised each other as such, some form of sex occurred. How many pirates were gay, how often they met, what form their sexual contact took, and how regularly, are questions which cannot be answered in any satisfactory way due to the complete absence of evidence of homosexual practice on pirate ships.⁷¹³

We can, however, give some consideration to the likelihood of situational homosexuality occurring amongst pirates. Based on Burg's comparison of pirate communities to prison culture it seems likely that situational homosexuality occurred, and may even have involved as many as between one third and one half of pirates. But, Dr. Johnson's famous equation of ships with prisons notwithstanding, the comparison is far from perfect. There are numerous differences between a pirate ship and a prison, most significantly perhaps the length of time that an inmate of either could expect to remain in the exclusively male community. Most convicts measure their incarceration in periods of months and years, often several years. Pirates, although they

⁷¹¹ B.R. Burg, *Sodomy and the Pirate Tradition* (New York, 1984), pp. 107-111

⁷¹² Burg, *Sodomy and the Pirate Tradition*, p. 111

⁷¹³ Hans Turley, *Rum, Sodomy and the Lash* (New York, 1999), p. 2; Burg, despite writing a lengthy monograph on the subject of pirates and sodomy, was unable to produce a single unambiguous record of a homosexual act occurring on a pirate vessel or amongst pirates ashore.

sometimes undertook long journeys from one hunting ground to another, generally measured their separation from land in periods of days, weeks, and occasionally months.

Although the cruise of Henry Every and his company, for example, began in Spain in May 1694 and ended in the Bahamas just under two years later, the longest passage between landfalls, while rounding the Cape of Good Hope from the Atlantic to Indian Oceans, lasted only twelve weeks.⁷¹⁴ Richard Worley's company began their piratical careers in New York at 'the latter End of September, 1718', and were all captured or killed by the end of November, having in that space of time barely left sight of land for more than a few days at a time.⁷¹⁵ Pirates cruising up and down the African coast regularly put into shore to replenish their supplies, and pirates in the Indian Ocean had a more or less permanent base at St. Mary's Island where many of them engaged in relationships with Malagasy women.⁷¹⁶ Not every visit to shore involved meeting women, of course: when pirates stopped at uninhabited islands or stretches of coast to clean or refit their ships or to gather wood and water, there were no women to be found. Neither did every encounter with women on shore result in sex, but heterosexual pirates nonetheless did not have to face the prospect of years devoid of female company in the same way that convicts do. Women the pirates met with at sea, as we have seen, frequently became either the victims of rape or willing bedfellows to the pirates.

The major factor, then, that encourages men into situational homosexual practice against their normal preference was, if not entirely eliminated from pirate cruises, at least reduced to a level far below that found in prisons. Additionally, although pirates worked perhaps less than their other maritime contemporaries, their labour was still arduous, and this may have reduced their sexual ardour and helped them to get through weeks at sea devoid of women without resorting to homosexual practice to dispel their sexual frustrations.

⁷¹⁴ *Confession of William Phillips*, SP 63/358, f. 128

⁷¹⁵ Johnson, *General History*, pp. 297-303; *Whitehall Evening Post*, 5/2/1719

⁷¹⁶ *Reasons for Reducing the Pyrates*, p. 1

One important indicator of the relatively low incidence of situational homosexuality amongst pirates is the almost total absence of situational homosexuality in the Royal Navy where it 'seems to have been rare, intensely disliked by the men, and very difficult to conceal'.⁷¹⁷ However, it has been argued that because pirates were free of any external authority, unlike seamen in the Navy, they enjoyed 'freedom from social and behavioural constraints', and a modern 'sense of sexual liberty, which their articles did little to regulate', and that pirates cared little 'one way or another about their fellow rogues' sexual proclivities'.⁷¹⁸ As I argued in Chapter 2 though, pirates were not entirely free of external authority, but rather they created their own 'external' authority themselves within the physical confines of their ships. So to understand whether or not same-gender sex was more permissible or widely accepted on board pirate ships than it was in the Royal Navy, it is necessary to explore the pirates' own attitude towards homosexuality.

Burg's assertion that most pirates grew 'to adolescence or adulthood in a society where sexual experiences with members of the same sex were not as emphatically proscribed as is the case in the England or America of today' is untrue.⁷¹⁹ Between 1533 and 1861 sodomy was a crime in English common law punishable by death, a 'monstrous sin against nature'. Naturally, sodomy occurred despite the law, but numerous publications in the popular press and the violent and humiliating treatment received at the hands of the multitude by sodomites sentenced to stand in the pillory attest to the general populace's antipathy towards homosexuality.⁷²⁰ The willingness, sometimes eagerness, of seamen to testify as witnesses against their sodomite shipmates in the Admiralty Courts supports Rodger's claim that homosexuality was 'strongly abhorred' by seamen, who shared the antipathy exhibited by the populace ashore.⁷²¹ Whether seamen or landsmen, pirates were conditioned by their former experiences to revile homosexual behaviour and those who practiced

⁷¹⁷ Rodger, *Command of the Ocean*, p. 407

⁷¹⁸ Burg, *Sodomy and the Pirate Tradition*, p. 110; Rediker, *Villains of All Nations*, p. 74; Leeson, *Invisible Hook*, p. 171

⁷¹⁹ Burg, *Sodomy and the Pirate Tradition*, p. 110

⁷²⁰ Peakman, *Lascivious Bodies*, pp. 148-153

⁷²¹ Gilbert, 'Buggery', pp. 74-75; Burg, *Sodomy and the Pirate Tradition*, pp. 145-149; Peakman, *Lascivious Bodies*, p. 156; Rodger, *Wooden World*, p. 80

it. In the only example Burg was able to present of a buccaneer or pirate being accused of sodomy, the charge was levelled against buccaneer Edmund Cook in an attempt to discredit him during an internal power-struggle – hardly the actions of a group of men to whom homosexuality was an accepted and acceptable mode of behaviour.⁷²²

Only Bartholomew Roberts' articles contain any hint that homosexual practice was common enough to require legislation in the clause stating 'No boy or woman to be allowed amongst them. If any man were to be found seducing any of the latter sex, and carried her to sea, disguised, he was to suffer death', but this clause is ambiguous in the extreme. Certainly, the juxtaposition of boys and women in the article is suggestive of a sexual problem that had to be addressed, but it could equally be a question of masculinity and the article might be rephrased more simply as 'men only'. Space, food, and water were all finite commodities on board a pirate ship, and perhaps Roberts' article is a reflection of the pirates' desire to ensure that every mouth that required feeding was also capable of pulling its weight in battle or the general labour of the ship. Furthermore, the pirate ship was not only an exclusively male environment, it was also a predominantly masculine one in which the ability to fight aggressively, drink heavily and swear fluently were held in high regard. Boys and women, either of whom might disrupt the essential manliness of the company, were not welcome. Homosexuality, which in the eighteenth century was closely associated with effeminacy, would have been seen as equally disruptive to the masculine nature of the pirate company, and so was probably just as unwelcome.⁷²³

That no other surviving set of articles addresses the question of boys joining the company suggests further that pirates in general did not find the presence of boys amongst them distracting or divisive. Several companies are known to have included boys in their ranks without any observable detriment to the harmony of the community. James Sparks was a boy aboard the privateer *Charles II* when the company mutinied, remained a member of the

⁷²² Burg, *Sodomy and the Pirate Tradition*, p. 148

⁷²³ Peakman, *Lascivious Bodies*, pp. 150-151

subsequent pirate company throughout Every's cruise, and was executed for piracy in 1696.⁷²⁴ Sam Bellamy's crew included the boy John King,⁷²⁵ and there were boys in the companies of John Quelch, Thomas Cocklyn and Ned Low. Even Roberts' company, the only company known to have legislated against boys, actually included at least one.⁷²⁶ Boys were common enough in Taylor's company that the articles stipulated the size of their share of the pirates' spoil, and it is most likely that boys served in other pirate companies but went unrecorded as such.⁷²⁷ Boys, then, were generally an accepted feature of pirate companies in a way that women were not, and their presence was not seen by pirates as particularly disruptive to the harmony of the community. They were not, therefore, considered in the same way as women, their presence was not generally seen in any kind of sexual light, and there is no reason to conclude that pederasty was more rife amongst pirates than in any other contemporary group of men.

What evidence there is for homosexuality amongst pirates, either between adult men or involving boys, is both sparse and ambiguous. Simon Jones, Captain Snelgrave's first mate, volunteered to join Cocklyn's pirates to free himself from 'a Wife whom he could not love', which might indicate that he preferred the company of men, but might equally just mean that he had married the wrong woman.⁷²⁸ John Wilson and Thomas Powell, a forced man and the gunner of Charles Harris' crew, were alone together at the top of the mast when Powell declared to Wilson that 'I wish you and I were both ashore here stark naked', but what exactly he meant by the comment is unclear.⁷²⁹ Even if Powell's desire was sexual in nature, such isolated and fragmentary records are hardly evidence of any kind of widespread piratical homosexuality.

The group of sources in which the absence of accusations of pirate homosexuality is most telling consists of the numerous pamphlets and articles written by clergymen and other authors denouncing the pirates' behaviour in

⁷²⁴ *The Examination of John Sparks*, 10/9/1696, HCA 1/53, f. 13

⁷²⁵ Woodard, *Republic of Pirates*, pp. 148-149

⁷²⁶ *Trial of John Quelch*, p. 18; Snelgrave, *A New Account*, p. 250; *Tryals of Thirty-Six Persons*, p. 189; *Trial of the Pyrates Taken by Captain Ogle*, p. 68

⁷²⁷ Grandidier, *Madagascar*, p. 117

⁷²⁸ Snelgrave, *A New Account*, pp. 219-220

⁷²⁹ *Tryals of Thirty-Six Persons*, p. 186

general. Most of these writers, from the Mather family of clerics in New England to the Ordinaries of Newgate who tended the pirates' spiritual needs in their last days, sought to highlight for the readers the corruption and wickedness of the pirates they met. Their sermons contain seemingly endless lists of the sins committed by pirates, from disrupting lawful trade to murder, rape, and general ungodliness, but nowhere is there any evidence of widespread homosexual practice, a charge which the pious ministers would hardly have overlooked. Cotton Mather, in one such pamphlet, mentioned 'the abominable Sin of Uncleanness', a phrase which can be indicative of homosexual practice, but read in context might simply refer to any form of sex outside wedlock. In any case 'uncleanness' is mentioned in a long list of sins to be avoided by readers, not a specific accusation against pirates.⁷³⁰ Other references of this nature are elusive, and the lack of them is strongly indicative of an absence of any widespread piratical acceptance of homosexuality. If pirates' tolerance of either homosexuality or situational homosexual practice had been greater than the norm then it is remarkable that nobody mentioned it when cataloguing the pirates' many sins. Observers like Snelgrave, Richard Hawkins, George Roberts, Philip Ashton, John Filmore and Jacob du Bucquoy spent prolonged periods in the company of pirates and wrote pages and pages detailing the transgressions of their captors, yet none of them mentioned even a single incident of homosexual practice. If homosexuality or situational homosexual practice was tolerated more by pirates than by society at large these captive-observers can hardly have failed to have been aware of it, and if they had been aware of it would have most certainly mentioned it in their texts. That they did not mention it can only mean that they did not observe it, and if they did not observe homosexual practice then it either did not occur, or occurred only behind closed doors. It is therefore safe to conclude, despite Burg's hopeful thesis, that in general terms homosexual practice was neither common nor especially tolerated on board a pirate vessel. In itself, this fact is unsurprising: as I have argued throughout, pirates created their society and the articles by which it was governed by drawing on systems and prejudices that they had experienced in legitimate

⁷³⁰ Mather, *Useful Remarks*, p. 32; Gilbert, 'Buggery', p. 72

society, prior to turning to piracy, and this is as true for their attitudes towards homosexuality as for democracy or economics. The fact that only one set of articles so much as hints at homosexuality (and then only ambiguously and in a negative way) is not indicative of pirates' greater tolerance than society at large, but that they considered the subject too insignificant to warrant attention.

• • •

Pirates, then, did not seek to create a community in which the personal liberties of the individual took precedence over a 'shipshape environment'. On the contrary, they imposed more restrictions upon themselves than they guaranteed themselves liberties, and some of those restrictions, such as the limitation of the right of the individual to renounce his pirate 'citizenship' and quit the company, were aimed at liberties that others at different times considered fundamental. The 'freedom of the seas', which has inspired an almost pathological sense of romance in so many people was, by and large, a myth. It is a construct based in fiction and misty-eyed nostalgia, supported by some evidence of pirates' activities, but contradicted by an overwhelming body of similar evidence. Pirates, like almost every other community, sought refuge in rules and regulations to prevent disharmony and disintegration. Complete personal liberty could not be enjoyed in a community which needed to function on a practical level if it was to survive, and the personal survival of the individual depended in great measure on the survival of the community. Willingly, then, the pirates agreed to restrictions of their own freedoms for the benefit of the company; they agreed not to gamble for excessive sums which might breed discord, they agreed not to give in to their lusts and allow the presence of women to disrupt the masculine solidarity of their ship-board communities, they agreed not to allow the disputes which would inevitably arise to engulf the company. To be sure, they enjoyed the rights to drink and swear to their hearts' content, but for men who had often experienced the restriction of even these rights, perhaps that was enough.

5. Justice and Punishment.

Any organized community, especially one in which men live and work as close to one another, and depend on teamwork as much, as they did in the Navy, is bound to encounter the need to define and repress crime.⁷³¹

Pirates, as well as merchantmen and privateers, lived in close communities, and their need to define and repress crime was no less than that of the Royal Navy, and indeed society at large. And yet, the supposed brutality of discipline and punishment in both naval and merchant service has often been cited as one of the principal reasons for seamen to turn to piracy.⁷³² Captains in legitimate service, wrote Frank Sherry,

possessed the power of life and death over their crews, and savage mistreatment of helpless sailors formed an integral part of life aboard ship, whatever flag it might fly. All ordinary seamen, whatever their nationality, knew and feared the brutal discipline that called for whipping a man to death for losing an oar. Sadistic and psychopathic officers could – and did – indulge with impunity in the most atrocious mistreatment of sailors under their command... Under the lash, even loyalty to king and country eroded, until by the late seventeenth century thousands of resentful and rebellious sailors manned the ships of the seagoing nations. But life at sea did offer one escape route: if they became bitter enough, or rebellious enough, they could seize their ship and turn pirate.⁷³³

This assessment is not a new one. Several contemporaries of the pirates, and indeed some pirates themselves, associated the ease with which pirates recruited seamen with the cruelty, arbitrariness, and brutality of masters in legitimate service. Howell Davis complained to William Snelgrave that ‘their Reasons for going a pirating were to revenge themselves on base Merchants

⁷³¹ Rodger, *The Wooden World*, p. 218

⁷³² for example, Rediker, *Between the Devil and the Deep Blue Sea*, pp. 258-259; Pringle, *Jolly Roger*, p. 101; Leeson, *Invisible Hook*, p. 18; Sherry, *Raiders and Rebels*, p. 55; Hill, *Liberty Against the Law*, pp. 117-118; Woodard, *Republic of Pirates*, p. 3; Konstam, *Blackbeard*, pp. 49-50

⁷³³ Sherry, *Raiders and Rebels*, pp. 53, 55

and cruel Commanders of Ships'.⁷³⁴ Pirate William Fly had taken command of his company after leading a mutiny and murdering the ship's captain and, according to Cotton Mather, delivered a haranguing oration at the gallows, advising 'the Masters of Vessels to carry it well to their Men, lest they should be put upon doing as he had done.'⁷³⁵ Three years earlier, Mather had reported another pirate's desire 'that Masters would not be Harsh and Severe to their Servants':⁷³⁶ evidently the plight of those oppressed by their superiors struck a chord with the puritan divine. The anonymous author of a 1701 pamphlet was not so credulous:

The real Cause [of men turning to piracy] is undoubtedly, the general depravation of Seamen's manners, and their little or no sense of Religion. The *Pretended* one, what the Pyrats usually alledge themselves, and are such as follow.

1. The hard usage they met with at home during the War, by being press'd, and haled from their Families like Dogs on board the Men of War, and then for little or no faults cruelly beat and abus'd by their Officer...⁷³⁷

Whether the abuse of seamen by their captains in legitimate service was a reason for turning pirate or an excuse, the implicit corollary is that discipline and punishment were more lax, less brutal, and less regular on pirate ships than on ships in legitimate service. In fact, however, the severity of the discipline meted out by naval and merchant captains has been questioned by historians.

The first codified naval regulations were not put into force until 1731, but at that time were largely based on rules that had previously been in use but not collected in one publication.⁷³⁸ These regulations did not replace the criminal law of the land, but added to it, including nearly twenty extra offences

⁷³⁴ Snelgrave, *New Account*, p. 225

⁷³⁵ Cotton Mather, *A Vial*, p. 48

⁷³⁶ Mather, *Useful Remarks*, p. 41

⁷³⁷ *Piracy Destroy'd: Or, a short Discourse shewing the Rise, Growth, and Causes of Piracy of late; with a sure Method how to put a speedy stop to that growing Evil* (London, 1701), p. 3

⁷³⁸ *Regulations and Instructions Relating to His Majesty's Service at Sea* (London, 1731), p. ii

punishable by death.⁷³⁹ Nicholas Rodger has persuasively argued that, despite the apparent severity of the regulations in punishing often minor offences, Naval officers often preferred to exercise discretion in the application of punishments. Seamen accused of relatively serious offences which, by the regulations, warranted court martial proceedings, were punished with a dozen lashes, avoiding troublesome courts martial where the culprit might be sentenced to hundreds of lashes or death. Even when courts martial were convened there was a great deal of leeway employed, improbable excuses were accepted by judges who wanted to avoid the imposition of the death penalty, and legal loopholes were found to the benefit of the accused. Some men were punished severely, of course, and the death sentence was handed down with regularity, but in general naval discipline of the eighteenth century was characterised by 'relative leniency and great flexibility'.⁷⁴⁰ Discipline on merchant vessels was much less codified, relying instead on the often ill-defined 'custom of the sea' which, it was generally accepted by masters and men alike, required seamen to obey the master's 'commands in all lawful matters relating to the navigation of the ship and the preservation of good order'. Seamen who failed to obey the master's commands could be punished at the master's discretion or, on occasion, after a 'consultation' amongst the ship's officers which took a form similar to a naval court martial, with confinement, flogging, or one of a variety of minor 'corrections', which will be outlined below.⁷⁴¹

An impression of the frequency and severity of naval punishment in the seventeenth century is gleaned from the diary of Henry Teonge. In the eighteen months that Teonge served as chaplain of HMS *Assurance*, between 27 May 1675 and 17 November 1676, he recorded only four incidents of corporal punishment being meted out: two men who stole beef from the ship's store were tied to the main mast for two hours with a piece of beef hanging around each of their necks, which every member of the crew rubbed in their faces in turn; two men and a boy guilty of swearing were trussed up for an

⁷³⁹ Rodger, *Wooden World*, p. 225

⁷⁴⁰ Rodger, *Wooden World*, pp. 218-225

⁷⁴¹ Earle, *Sailors*, pp. 147-155

hour on deck, each with an iron marlinspike tied in their mouths; on 'Black Monday' the ship's boys were 'whipped with a cat with nine tails for their misdemeanours, by the boatswain's mate'; and one man who went on shore without permission was ducked in the sea. Earlier in the voyage another man was found ashore without leave and sentenced to a ducking, but while he was stood on the side of the ship with his hands tied awaiting his punishment, some of the officers argued that since he was a known cuckold 'he had injuries enough already as having a wife a whore and a scold to injure him at home, ergo had the more need to be pitied abroad', and he was reprieved.⁷⁴² In general, the chances of being reprieved under naval law were higher than the chances of being reprieved under criminal law ashore: the number of actual executions following death sentences ashore varied according to time and location, but averaged at around 50 percent in the eighteenth century, while under naval discipline the figure was around 5 percent in the same period.⁷⁴³

Of the punishments mentioned by Teonge, by far the most severe, it would appear, was the flogging of boys with a cat o' nine tails for their petty misdemeanours, which seems paradoxically harsh considering the far milder punishments inflicted for the relatively serious offences of theft and unauthorised absence, and it therefore deserves further examination. Much has been written of the brutality of naval floggings with the feared cat o' nine tails. By Nelson's day, tradition had it that a cat o' nine tails had tails measuring two feet long, capable of reducing a man's back to a 'discoloured, raw-beef-hued appearance', so that one observer reckoned 'they had better shoot a man at once: it would be greater lenity'.⁷⁴⁴ Flogging boys for their boyish offences, had this truly been the effect of the cat o' nine tails, seems unreasonably harsh. However, when Hogarth's idle 'prentice was turned away and sent to sea in 1747, he was taunted in the boat which carried him off to his ship with a cat whose tails were only a few inches long (Figure 5). While no doubt unpleasant enough, it would hardly have been capable of inflicting

⁷⁴² Teonge, *Diary*, pp. 39, 55, 79124-125, 196.

⁷⁴³ McLynn, *Crime and Punishment*, pp. 258-259; Rodger, *Wooden World*, p. 225

⁷⁴⁴ Dudley Pope, *Life in Nelson's Navy* (London, 1981), p. 221; Kemp, *British Sailor*, p. 190; Lloyd, *British Seaman*, p. 222

the injuries of its longer-tailed cousin. It is probable then, that the cat o' nine tails used to whip boys on Teonge's ship was not the fearsome instrument of popular lore. This view is supported by Nathaniel Butler, who wrote in the early part of the seventeenth century that

the waggery and idleness of the ship boys [is] paid by the Boatswain with the rod. And commonly this execution is done upon the Monday mornings, and is so frequently in use that some mere seamen and sailors believe in good earnest that they shall not have a fair wind until the poor boys be duly brought to the chest; that is, be whipped every Monday morning.⁷⁴⁵

Figure 5. William Hogarth, The Idle 'Prentice turn'd away and sent to sea, c. 1747



By Teonge's day the rod had been replaced with a whip, but the effect was the same. Both writers described 'Black Monday' in much the same spirit as

⁷⁴⁵ Perrin, *Boteler's Dialogues*, p. 19

they might have described a schoolboy being caned by a master, or a lazy apprentice being thrashed.⁷⁴⁶ In this sense, the flogging of ships' boys was less a punishment *per se* than an educational encouragement. To raise a wind it was not unheard of for boys to be made to flog one another, and one seaman recalled a practice known as 'running the hoop' in which the ship's boys had 'their left hand tyed to a hoop, and in their right hand a cat-of-Nine-Tails to flog the boy before them'.⁷⁴⁷

Discipline in the merchant service could be hard, and Rediker has illustrated ample cases of sadistic cruelty and excessive violence on the part of merchant officers against their men, but notes that they were 'extreme cases, and in fact are preserved among admiralty records because they represented transgressions of both custom and law'. In general, discipline on merchantmen was characterised by paternalism rather than sadism, and the presence of cases of cruelty in Admiralty Court records shows that cruelty occurred on occasion, but was generally kept in check by the law as well as the masters' own attitudes.⁷⁴⁸

Ashore in England the severity of the punishment of criminals, and the number of crimes for which they could be punished, increased throughout the period. The 'Bloody Code', as English criminal law was known, gradually became more encompassing and the number of felonies which carried the death penalty grew from fifty, in 1688, to 160 by 1765, with around fifty capital felonies being added in May 1723 with the passage of the notorious Black Act.⁷⁴⁹ But on land, as at sea, the number of offences for which a sentence of death could be imposed in theory bore little relation to the number of executions actually carried out. Certainly, many men and women were hanged or suffered lesser punishments for a variety of crimes, but

⁷⁴⁶ C.B.Freeman, 'The Children's Petition of 1669 and Its Sequel', *British Journal of Educational Studies*, 14 (1966), p. 217; Gwenda Morgan and Peter Rushton, 'Visible Bodies: Power, Subordination and Identity in the Eighteenth-Century Atlantic World', *Journal of Social History*, 39 (2005), pp. 51, 53

⁷⁴⁷ Vickers, *Young Men*, p. 238

⁷⁴⁸ Rediker, *Devil and the Deep Blue Sea*, pp. 212-221; Davis, *English Shipping Industry*, p.

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⁷⁴⁹ McLynn, *Crime and Punishment*, p. ix; Thompson, *Whigs and Hunters*, pp. 22-23

it would be a travesty of eighteenth-century history to suggest that the grisly ritual at Tyburn was inevitable and unending. One hundred executions a year in England was thought to be the limit the [Bloody] Code could order without bringing the entire notion of justice into disrepute. Judges and juries mitigated the law's sanguinary provisions by discretionary actions. Often juries would flagrantly flout the evidence placed before them in order to avoid sending a felon to the gallows.⁷⁵⁰

Patterns of law enforcement and judicial punishment in the American colonies are harder to summarise, largely because there was no uniform code of law applicable across the colonies and the relative youth of the colonies themselves meant that their systems of law were in a process of rapid evolution throughout the period, so that

From a modern and somewhat ahistorical perspective... to choose between living in New Haven or Maryland in the seventeenth century would have been to choose between tyranny and chaos.⁷⁵¹

In puritan New England the greatest concern was with offences against morals which could be punished with excessive severity, such as the man who was executed in the New Haven colony for public masturbation, and similar trends can be detected in other 'religious' colonies, such as Quaker Pennsylvania where, for a few years at the turn of the eighteenth century, sodomy and rape could theoretically be punished by castration.⁷⁵² For most of the seventeenth century the colonies of New York, Maryland, and Virginia were marked by a certain level of lawlessness and the regular operational failure of law enforcement, and little heed was paid to moral offences: for example, only one conviction for fornication occurred in Maryland throughout the whole of the seventeenth century. Crimes against person or property were considered more serious offences, but even so, the punishment of them was

⁷⁵⁰ McLynn, *Crime and Punishment*, pp. xi-xii

⁷⁵¹ Douglas Greenberg, 'Law Enforcement, and Social Control in Colonial America', *The American Journal of Legal History*, 26 (1982), 293-325, p. 303

⁷⁵² Greenberg, 'Law Enforcement', p. 298; Herbert William Keith Fitzroy, 'The Punishment of Crime in Provincial Pennsylvania', *The Pennsylvania Magazine of History and Biography*, 60 (1936), 242-269, p. 249

often haphazard and more often than not took the form of restitution and public service rather than penal sentences.⁷⁵³

In most of the colonies, the sentencing of convicted criminals was tempered, as in England, by the discretion of judges and juries. In Massachusetts, over twenty-five offences were prescribed sentences in the 1648 code, *Laws and Liberties of Massachusetts*, ranging from small fines for swearing to fifteen offences for which the death penalty was imposed, but also included scope for 'such punishment as the Court of Assistants or County Court shall think meet to inflict.'⁷⁵⁴ In Pennsylvania, judicial castration was never actually carried out, and forty-eight percent of death sentences ended with pardon or reprieve during the course of the colony's existence. Sentences requiring the forfeiture of property were sometimes mitigated by the jury finding that the defendant 'hath no goods or chattels', and often floggings could be avoided by the alternative payment of a fine.⁷⁵⁵ In North Carolina in the eighteenth-century three quarters of cases brought before the courts ended in acquittal or dismissal.⁷⁵⁶

This, then, is the backdrop against which pirates' notions of crime and punishment must be measured. In Britain, the colonies, and at sea, codes of law often called for strict punishment of offences, many of which were quite trivial by modern standards, but which left plenty of opportunity for leniency. A proper understanding of pirates' systems of crime and punishment must be based on comparison with the same systems in legitimate society which were frequently inconsistent. At one end of the scale on land, a man could be executed for public masturbation while, at the other end of the scale, a stolen purse containing several guineas could be valued by a jury at less than forty shillings in order to secure a less severe punishment for the convicted thief than their capital crime would otherwise have warranted.⁷⁵⁷ The collective experience of pirates encompassed all of these variations: pirates like Ned

⁷⁵³ Greenberg, 'Law Enforcement', pp. 300-304

⁷⁵⁴ Mark D. Cahn, 'Punishment, Discretion, and the Codification of Prescribed Penalties in Colonial Massachusetts', *The American Journal of Legal History*, 33 (1989), 107-136, pp. 133-135

⁷⁵⁵ Fitzroy, 'Punishment of Crime', pp. 255, 258, 262

⁷⁵⁶ Greenberg, 'Law Enforcement', p. 311

⁷⁵⁷ McLynn, *Crime and Punishment*, p. xii

Low who, according to Johnson, grew up with a career-criminal brother and himself operated a juvenile extortion racket,⁷⁵⁸ would have been familiar with the English judicial system from the point of view of the petty criminal; the many pirates who at one time or another inhabited the colonies would each have had very different experiences of the process of law; and there can be little doubt that the majority of pirates were intimately familiar with naval punishments and the discipline of merchantmen.

This chapter will consider how these experiences were combined, adopted, and altered by pirates to form their own codes of law and, especially, punishment. By examining the nature of the crimes legislated against in the pirates' articles, it will address the issue of what constituted unacceptable behaviour. By exploring the nature of punishments specified in the articles, and comparing them to punishments employed outside the pirate communities, some understanding may be reached concerning the relative abhorrence with which certain crimes were viewed, as well as an understanding of the previous experiences of different systems of justice which influenced the pirates in the creation of their own judicial codes. And by exploring the way in which punishments were inflicted, as well as their incidence, this chapter will attempt to draw conclusions about the way the concepts of crime and punishment were viewed by pirates. It will argue that pirates' codes of punishment were, at times, every bit as harsh as those laid down in the statutes of English and colonial law, and naval codes of discipline. Further, it will argue that, like other relatively closed communities such as the puritan colonies of New England, sentences handed down by a pirate 'court' were less likely to be mitigated by the discretion and mercy of the judiciary than they were in other communities. Finally, it will explore the role of judicial punishment in the social construction of the pirate company, and seek to show how the articles were used as tools of power and control.

⁷⁵⁸ Johnson, *General History*, p. 318

5.1. *The Process of Justice.*

The chain of events which led a criminal (or indeed, an innocent person) to punishment in British and colonial law varied depending on the exact circumstances of the crime, and the place where the crime was committed. The details of the process were not always the same in the colonies as they were in England, Scotland, or in other colonies, nor, for seamen, and particularly for those in the Royal Navy, was it necessarily the same process as they might experience on land. Nevertheless, an explanation of the process can be simplified by examining the common features: trial, conviction, and sentencing.

Criminal trials, especially in England, were affairs of great pomp and ceremony, from the judges dressed in scarlet and ermine gowns and full bottomed wigs to the constables, attorneys and other officials that made up party of the court. Legalistic Latin phraseology added to the mystique of the ritual, and the prescribed order of addresses and indictments and the eloquence of the speakers all contributed to the ceremony. In the counties, the twice-yearly assizes were great occasions of considerable local importance. People flocked to the town where the assizes were held, not just practitioners of law there to conduct their business, but tradesmen and labourers to enjoy the celebration and watch the proceedings. Local worthies came out in force, and sent their carriages to act as escorts to the arriving judges, who entered the town to the sound of bells and trumpets.⁷⁵⁹ In London, where criminal courts sat more regularly and the sense of occasion was presumably diminished as a result, the spectacle was maintained by the Old Bailey, site of most trials, being an open-air structure, so that 'so far as the Old Bailey was concerned, "theatre" is less a metaphor than a literal description.'⁷⁶⁰

⁷⁵⁹ Douglas Hay, 'Property, Authority and the Criminal Law', in Douglas Hay, Peter Linebaugh, John G. Rule, E.P. Thompson, and Cal Winslow. *Albion's Fatal Tree: Crime and Society in Eighteenth Century England* (New York, 1975), pp. 26-28

⁷⁶⁰ Gerald Howson, *Thief-Taker General: the Rise and Fall of Jonathan Wild* (London, 1970), p. 27

The spectacle of the court was intended to impress onlookers with the awesome majesty and power of the judiciary, probably even more than it was intended to overawe the defendant, and the point is driven home by the opening addresses given by judges. Ostensibly provided as a reminder to the jury of the magnitude of the offences with which the defendants were about to be charged and the necessity for them to do their duty according to the law, the judges' addresses were generally made in such a way as to similarly remind all of the spectators, and indeed the readers of the published accounts of criminal trials which regularly appeared, of the power of the law and the respect which it ought to be accorded. They were also intended, for the benefit of both jury and crowd, to clarify the legal arguments which they, as laymen, could not be expected to fully understand in many cases.⁷⁶¹

Following the opening address came the indictments, in which the crimes of the defendant were detailed, their nature and the location and date of their being committed. This too could be a highly formalised affair, employing prescribed formulae of language, and frequent references to religion: many crimes apparently were committed by persons 'not having the fear of God before their eyes'. Evidence was then heard for the prosecution, the nature of which naturally varied from case to case, but which usually (except, of course, in murder trials) involved statements from the victims of the crime as well as witnesses, and the defendant was given a chance to cross-examine them. When the evidence against them was complete, defendants were invited to speak in their own defence and, if they could, call their own witnesses. A further speech from the judge usually followed, exhorting the jury to do their duty honestly, after which the jury considered their verdict. In the case of a guilty verdict, the trial ended with the judge's sentencing the defendant.

During the whole process of bringing an accused criminal to justice, from identification and prosecution to sentencing, the fate of the accused thus rested successively in many hands, from the victim of the crime who, in the absence of a regular police force could, in many cases, choose not to

⁷⁶¹ Hay, 'Property', pp. 28-29; McLynn, *Crime and Punishment*, p. 261

prosecute at all, or to settle the matter without going to court,⁷⁶² to the jury and judge who could exercise doubt or leniency, or indeed severity, if they felt so inclined.⁷⁶³ When sentence of death was passed down by a judge, a defendant might still be able to appeal to some interested party to prevail upon the crown for a pardon, or petition the crown directly, in which case their fate rested further in the hands of others, who might be merciful or severe as circumstances or whim dictated.⁷⁶⁴ Between crime and punishment there were four stages, five in capital cases, at which leniency or mercy might be employed – the victim might choose not to prosecute; a judge might choose not to try; a jury might acquit or downgrade the crime to one carrying a lesser sentence; if they did not then the judge might choose to pardon or mitigate the sentence; if a death sentence was given, the crown might decline to ratify it – and if mercy was employed at any one of these stages then the process stopped. Only if all four (or five) stages were carried out with the full rigour of the law was a criminal brought to punishment. Of course, many criminals were punished to the full limit of the law, and in England alone around one hundred people were hanged each year, but many more who might have been hanged were not, and mercy was as much a characteristic of eighteenth-century justice as relentless prosecution was.⁷⁶⁵

Pirates' methods of dealing with transgressors from within their own ranks were based on the procedures that they had witnessed or experienced in legitimate society, but in a much modified form. Although the evidence relating to pirate trials is fragmentary and incomplete, the most obvious difference between a trial on land and a trial aboard a pirate vessel must have been a considerably reduced level of pomp and ceremony. Pirates, like other seafarers, had no ready-made courtrooms, and no local worthies flocked in their finery to attend a pirate assizes. Even a full Naval court martial was carried out with a level of pomp far below that of a court on land.⁷⁶⁶ Few pirate ships, if any, can have contained the necessary scarlet and ermine robes to

⁷⁶² Hay, 'Property', p. 41; McLynn, *Crime and Punishment*, p. 279

⁷⁶³ McLynn, *Crime and Punishment*, pp. 259, 261-262, 277-280

⁷⁶⁴ McLynn, *Crime and Punishment*, pp. 258-259

⁷⁶⁵ McLynn, *Crime and Punishment*, pp. xi-xiii

⁷⁶⁶ Rodger, *Wooden World*, pp. 222-224

give the presiding judges the necessary appearance of majesty. Indeed, Johnson related that when pirates were play-acting a trial, their judge was dressed in a shaggy thrum cap in place of a wig and 'a dirty Tarpaulin hung over his Shoulders' for a robe.⁷⁶⁷ The other issue that influenced naval use of courts martial, and must have been a consideration for pirates as well, was the impairment to efficiency and unprofitable use of time that resulted from important officers being tied up for long periods in elaborate trials.⁷⁶⁸

Not only were most of the rituals of legitimate trials on land impractical for pirates, they would also have been superfluous. One of the main purposes of the ceremony of trials on land was to impress upon the onlookers and defendants the majesty of the law, the lawmakers, and the bench, and to widen the gulf between the judiciary and the populace, giving the judges an air of power that was almost holy in appearance.⁷⁶⁹ If this was effective on land, it would have been almost farcical on a pirate ship, where all of those present at the trial, including jury, defendant and spectators, all lived in close proximity with one another on a day to day basis. Defendant and judge would have known each other personally, even intimately, and under other circumstances probably called one another by their first names or even nicknames. There was every chance that the defendant had sat next to members of the jury to eat and drink, and this every-day familiarity must have substantially limited the awesome effects of any attempts by pirates to incorporate much, if any, of the 'mummery' of legitimate courts.

This is not to say that pirate trials were entirely informal, though some doubtless were. As we saw in Chapter 2.2 one of the features of legitimate courts that pirates did adopt was the jury of twelve members, and the evidence of the presence of juries in trials held aboard a number of different pirate ships suggests that the practice was fairly widespread.⁷⁷⁰ The best description of trials held aboard a pirate ship illustrates well the level of formality that was possible for them:

⁷⁶⁷ Johnson, *General History*, p. 292

⁷⁶⁸ Rodger, *Wooden World*, p. 222

⁷⁶⁹ Hay, 'Property', pp. 26-30

⁷⁷⁰ *The Information of Edward Evans*, 10/10/1723. HCA 1/18, f. 37; *Trial of the Pyrates taken by Captain Ogle*, p. 56; Grandidier, *Madagascar*, p. 115

When a crime has been committed by a member of the band, the quarter-master proceeds against him in the name of the law in front of a jury of a dozen members, of whom half are chosen by the accused. The latter, having presented his defence, retires, and the jurors pronounce judgement which the quarter-master executes with fairness and impartiality.⁷⁷¹

Pirate juries were not, however, always limited to twelve men, and the surviving articles make frequent references to punishments being determined by 'the Captain and the Majority of the Company'. This collective voice in the punishment of malefactors, the decisions of which will be explored more fully below, is indicative of one of the other major differences between pirate and legitimate trials, the personal interest of members of the court in the crime and its punishment.

Unlike crimes committed on land, which might escape punishment through mitigating circumstances or the clemency of the judiciary, there was no real mechanism in place for mercy to be extended in pirate trials. Certainly there was no option of formal pardon, and nor was there likely to be, because in the enclosed community of the pirate ship there was no higher authority to which convicted wrong-doers could appeal than the court which had convicted them. Similarly, since many of the offences covered by the articles were crimes against the community there was little or no scope for the 'victims' to choose not to conduct some form of trial, since any consultation amongst the victims over whether to pursue a punishment would have been, de facto, a trial of sorts. Transgressions committed against individuals within the pirate community might have been overlooked or excused by the victim, but offences against the company could not be. And once a pirate was brought to trial for some infraction against the articles the jury trying him was always made up of members of the company who, naturally, had a personal interest in his crime. In John Taylor's company, whose trial process is quoted above, the defendant had the right to choose six of the twelve jurors himself, but there was no escaping the fact that pirate jurors could not be entirely

⁷⁷¹ Grandidier, *Madagascar*, p. 115

disinterested – on land, jurors may not always have been disinterested, but on board a pirate ship they never were. The nature of the evidence precludes any possibility of a quantitative analysis of acquittals and convictions in pirate trials, but such records as there are suggest that few, if any, outright acquittals occurred.

The pirate accused of a crime, then, was on a much more certain path towards punishment than his counterpart in a legitimate court, and his only real hope of escaping punishment was through the intercession of an influential ally. Rowland Sharp, sentenced to be shot by Stede Bonnet's company, was lucky enough to be supported by the boatswain who 'went about to get Hands to beg [him] off', and Harry Glasby, also sentenced to be shot by Bartholomew Roberts' company, 'escap'd it only by one of the leading Pyrates being his Friend, and bullying the rest'.⁷⁷²

5.2. *Punishments.*

The nature of punishments inflicted by legitimate authorities in criminal cases in the seventeenth and eighteenth centuries can be broadly described as serving one or more of four purposes: retribution against the wrong-doer; prevention by example; reform of the wrong-doer; and protection of the person, moral sensibilities and property of law-abiding members of society. Most common punishments served at least two, and usually more, of these purposes. For example, the public execution of a criminal, it was hoped by some, would serve as a warning to others not to imitate the offence,⁷⁷³ but alongside the deterrent effect execution was at least partly retributive by its very nature and, also by its very nature, helped to protect the law-abiding, if only in a very limited way, by permanently removing a known criminal from the community. It did not, could not, contribute to the moral reform of the criminal of course. On the other hand, a death sentence that was subsequently commuted to a lesser punishment such as transportation might have given the condemned time and reason to reflect on the folly of law-breaking, while still

⁷⁷² *Tryals of Stede Bonnet*, p. 30; *Tryal of the Pyrates taken by Captain Ogle*, p. 22

⁷⁷³ McLynn, *Crime and Punishment*, p. 258

serving the purposes of retribution and protection of the innocent, but at the same time reducing (though not eliminating) the deterrent effect of the punishment.⁷⁷⁴

In practice, almost all forms of punishment imposed by courts in legitimate society served all four purposes to some degree or another. Any punishment which was unpleasant for the culprit served as a deterrent to some extent, and any deterrent effect that a punishment had worked, at least indirectly, towards the protection of the law-abiding. Unpleasant punishments, and surely all punishments are unpleasant, also served a retributive end, and it was to be hoped that by suffering a punishment the criminal might be inspired to behave better in the future. The difference between the purposes of different punishments was therefore in the emphasis ascribed to each purpose. The imposition of a fine, for example, was primarily retributive and, for poorer members of society perhaps also helped towards reform, but as a very private form of punishment did not necessarily have such an exemplary effect as more public punishments might. Corporal punishment, such as a flogging or a stint in the pillory, was usually a very public punishment and served as a very visual example to others, while also offering the public retribution against the criminal, but only served indirectly to reform the criminal or protect the innocent.

Pirate articles specified only four different kinds of punishment, all of which had some parallel in legitimate systems of punishment: loss of a share, which was roughly comparable with a fine, albeit a large one; flogging or beating, which is directly comparable with similar punishments on land and at sea in legitimate service; marooning which, as the forcible removal of a wrong-doer from the community, can be equated to the transportation of criminals employed by legitimate courts; and execution, the effect of which on the criminal is ultimately the same whenever it is used as a punishment. Each of these punishments, their severity, frequency, and comparison to their legitimate counterparts, will be considered here. Additionally, this chapter will also address the question of 'corrections', that is, informal minor punishments

⁷⁷⁴ McLynn, *Crime and Punishment*, pp. 277-279

such as a blow with a cane, used on an every-day basis in most ships, and indeed many parts of society.

5.2.1. Corrections.

As Rodger observed, discipline, such as it was on ships in the eighteenth century, was largely a product of the

collective understanding of seamen. A ship at sea under sail depended utterly on disciplined teamwork, and any seaman knew without thinking that at sea orders had to be obeyed for the safety of all.⁷⁷⁵

This is not to say, of course, that officers in the Royal Navy did not chastise, verbally and physically, the men under their command for tardiness, clumsiness or ignorance, and there was a certain level of violence that was acceptable not only to officers but also to the seamen under their command, perhaps because they understood so well the very real need for prompt obedience and efficiency at sea. A lieutenant who struck a cooper with a stick was exonerated because the cooper was idle and drunk, and other similar cases illustrate the general acceptance by mariners of a certain amount of physical encouragement or 'starting'.⁷⁷⁶

A similar state of affairs existed in merchantmen, where masters and seamen both accepted that an officer had the right to 'lawfully correct in a reasonable manner' dawdling and inefficient seamen, but that 'there were limits to such correction'. Most ships, Earle reckoned, 'got along with no more than a lot of shouting, [and] the occasional punch or blow from a rattan or rope's end'.⁷⁷⁷ Seamen rarely, if ever, objected to the use of informal correction while it remained within the limits of the 'custom of the sea', which was only loosely defined but more or less understood by all. Several of the cases cited by Rediker as examples of maritime brutality involve masters or other officers exceeding acceptable limits of correction, rather than excessive formal punishment for more serious misdemeanours. These cases were brought to

⁷⁷⁵ Rodger, *Wooden World*, p. 207

⁷⁷⁶ Rodger, *Wooden World*, pp. 212-215

⁷⁷⁷ Earle, *Sailors*, pp. 148, 163

court (and thus recorded), not because they involved men being struck by their officers, but because they involved men being struck too often, too viciously, too many times, or with unusually cruel weapons, and thus represent the extreme, the excessive, and the unacceptable. Captains who beat their men to the extent that they could not fulfil their duties, or were left partially crippled or deformed, or who struck their men with a knife, marlinspike, stone jar or dried elephant's penis, were guilty of overstepping the limits of acceptable violence, but a master who gave a man a moderate number of strokes with a rope's end or cane was unlikely to be censured or to arouse the enmity of his men.⁷⁷⁸

Given the arguments, outlined at the beginning of this chapter, that many men turned to piracy because of the cruelty of officers in both naval and merchant service, it is important to understand this distinction between acceptable and unacceptable levels of every day 'correction' when considering the way in which similar corrections were used on board pirate ships. Just as seamen in legitimate service accepted a certain level of physical violence as being a necessary, or at least customary, part of life aboard ship, so, it seems, did pirates. John Taylor 'struck left and right' to resolve quarrels, but 'was well loved by his people',⁷⁷⁹ and nobody seems to have complained when Taylor's predecessor, Cocklyn, rebuked some of the newer members of his company who expressed their apprehension before a battle, 'and caned them heartily.'⁷⁸⁰ In Roberts' company, William Main, the boatswain, acted 'briskly on all Occasions on Board the Pyrate Ship, like a Man of War's Officer', which included beating men 'for not being brisk enough', and the cooper, Abraham Harper, 'always had a Rattan like an Officer in his Hand', with which he directed the men working under him.⁷⁸¹

Minor corrections were so much a part of the accepted lifestyle of seamen that on some pirate ships they became almost a joke. Richard Hawkins, captured by Spriggs' company, reported that

⁷⁷⁸ Rediker, *Devil and the Deep Blue Sea*, pp. 215-217; Earle, *Sailors*, p. 153

⁷⁷⁹ Grandidier, *Madagascar*, p. 117

⁷⁸⁰ Snelgrave, *New Account*, p. 261

⁷⁸¹ *Trial of the Pyrates taken by Captain Ogle*, pp. 18, 48

In the Morning they enquire who was drunk the last Night, and whosoever is voted so, must either be at the Mast-Head four Hours or receive a Ten-handed Gopty, (or ten Blows in the Britch) from the whole Watch. I observ'd it generally fell on one or two particular Men; for were all to go aloft that were fuddle over Night, there would be but few left to look out below. They seldom let the Man at Mast-Head cool upon it, but order him to let down a Rope to hawl up some hot Punch.⁷⁸²

Like seamen in legitimate service though, pirates were less ready to accept what they perceived as excessive or unwarranted violence from their officers, and this is best exemplified by the case of Captain Kidd. Kidd was not averse to using threats and violence to keep his crew in order, and though they had little enough respect for him they put up with it for the most part.⁷⁸³ Kidd really lost control of his crew however in the autumn of 1697, and the turning point may have been occasioned by Kidd's striking the gunner of his ship, William Moore, with an iron-bound bucket, apparently without any real provocation beyond some slightly disrespectful words. The gunner died the following day, and the ship's surgeon attested to the company that the blow with the bucket had been the cause of death. From that point on the company often overruled Kidd in operational matters, and as soon as an opportunity presented itself all but thirteen of the company deserted Kidd's command. When Kidd was brought to trial in 1701, the first indictment against him was not for the piracies he had committed, but for the murder of the gunner, and several of the crew were prepared to testify against him.⁷⁸⁴

5.2.2. *Losing Shares.*

Monetary fines were one of the least aggressive forms of formal punishment available to dispensers of justice in legitimate society, and were imposed for a variety of relatively minor, usually 'civil', offences. In Britain, theft of goods worth less than a shilling, as might minor assaults, for example, might be

⁷⁸² *The British Journal*, 22/8/1724

⁷⁸³ Ritchie, *Captain Kidd*, p. 102

⁷⁸⁴ *Trial of Captain Kidd*, pp. 7-12; Jameson, *Privateering and Piracy*, pp. 236-239

punishable with a fine.⁷⁸⁵ Fines, it was stipulated, should not exceed the amount that the culprit could afford to pay without endangering his livelihood, and if the culprit was unable to pay the required amount the court could order instead that they be flogged. A similar system was employed in the colonies where, in Massachusetts for example, punishments for public drunkenness varied according to whether it was a first, second, or third offence of its kind: the first offence being punishable with a fine of ten shillings, the third with a fine of thirty shillings, but in the case of those unable to pay, a flogging was substituted, with one stroke of the whip being equivalent to one shilling.⁷⁸⁶ The exchange rate in Pennsylvania, where one stroke of the whip was equivalent to nine shillings and six pence, was more likely to encourage whipping as a punishment, for there fornication and producing a bastard were punishable either by twenty-one lashes or a £10 fine. The wide variety of crimes punishable in Pennsylvania by a fine is only matched by the staggering variation in the size of fines payable. Petty theft and some forms of riot might carry a fine of as little as six pence, while offences such as illegally trading with Indians or cutting ferry ropes carried a fine of £50, and in extreme cases grand larceny might be punished by a fine of over £800.⁷⁸⁷

In general, but in the colonies particularly, fining convicted criminals was an attractive form of punishment for magistrates and justices. In the first place, fines could form a significant part of the local revenue which, when public money was relatively scarce, made fines one of the few punishments that actually served a positive purpose, by strengthening the local economy and funding public works. Secondly, the imposition of a fine was thought to be a truly effective deterrent. And thirdly, it did not reduce the manpower available in the area, as flogging, imprisonment, and execution did. In Pennsylvania, the imposition of fines in some cases actually served to augment the indentured workforce, because in the case of an indentured servant being unable to pay a fine, it could be paid by their master in exchange for an increase in the term of the indenture.

⁷⁸⁵ McLynn, *Crime and Punishment*, pp. 91, 281

⁷⁸⁶ Cahn, 'Punishment', p. 133

⁷⁸⁷ Fitzroy, 'Punishment of Crime', pp. 262-263

At sea, the protection of the available manpower was an even greater concern, but fining was a less practical punishment to impose because the ability of a seaman to pay a fine was largely dependent on their employer paying them. The solution was to withhold wages or shares as an equivalent to a fine, though small fines might still be payable for very minor offences. Men who swore or blasphemed aboard Elizabethan privateers, for example, were required to 'pay a penny for every oath to the poor man's box',⁷⁸⁸ another example of fines being used for the public good. In general, though, larger fines had to be taken from the wages that were due to a seaman rather than from the small change in his pocket. Withholding pay was not a common punishment in the Navy, but it occurred occasionally, as, for example, when some officers lost their pay and two petty officers were sentenced to 'forfeit all pay due to them' as well as receive a flogging for concealing a mutiny in 1698.⁷⁸⁹ In merchantmen, however, fines were regularly used. Stoppage of pay when the seamen were held responsible for damaged or perished cargo was commonplace, but more often than not this was a deduction taken from the wages of the whole crew rather than individuals.⁷⁹⁰ Fines were also used against individuals who transgressed the shipboard rules or damaged ship's equipment, the most common being a fine of 2s 6d for each unauthorised night spent ashore.⁷⁹¹

Aboard privateers, who were usually paid by shares, the loss of part or all of their share was equivalent to a fine, and the same system was used by buccaneers of the seventeenth century. Raveneau de Lussan related how the buccaneers of his acquaintance 'enacted orders whereby those were condemned to lose their share of the booty got in the place, that should be found guilty of Cowardice, Violence, Drunkenness, Disobedience, Theft, and straggling from the main body without orders.'⁷⁹² Woodes Rogers' articles, adopted by George Shelvocke's company, stipulated the loss of a share, of the plunder only, for a variety of offences including drunkenness in action,

⁷⁸⁸ Oppenheim, *Monson Tracts*, vol. IV, p. 200

⁷⁸⁹ Kemp, *British Sailor*, p. 88

⁷⁹⁰ Davis, *English Shipping Industry*, pp 144-145; Rediker, *Devil and the Deep Blue Sea*, pp. 144-145; Earle, *Sailors*, p. 36

⁷⁹¹ Earle, *Sailors*, pp. 35-36

⁷⁹² de Lussan, *Journal*, pp. 61-62

disobedience, cowardice, and concealing plunder. Pirates like Captain Kidd and his company, who began their cruise operating under privateering articles, and retained the same articles when they degenerated into piracy, would therefore have been familiar with the use of fines to punish some offences. Like Rogers' and Shelvocke's articles, Kidd's articles specified loss of share as a punishment for disobedience, drunkenness (specifically, before any prisoners taken were secured – presumably drunkenness in the aftermath of battle was acceptable), cowardice, and theft from the company, as well as mutiny or riot aboard ship.

Other pirates, who had no pre-formulated privateering articles to fall back on, also specified the loss of a share as a punishment for various infractions. Anstis' company's articles specified that 'If any p[er]son or p[er]sons should be found guilty of neglecting in keeping their Arms clean unfitting for an Engagement [he] shall lose his share or shares.' John Philips' articles prescribed the same punishment for the same offence, but left the clause open for the culprit to receive an additional unspecified punishment as well. John Taylor's articles imposed the biggest fine of all by specifying that any pirate who failed to hand over plunder to the quartermaster was to forfeit 'all possessions to the good of the company,' as well as being flogged. This combination of fining alongside another punishment for pirates, and indeed for some privateers, such as Kidd, who also imposed fines in addition to another punishment, did not prioritise the preservation of manpower as highly as other groups who imposed fines as an alternative to other punishments. For mutiny and disobedience, Kidd's articles specified a fine in addition to 'corporall punishment', and those who stole from the company were fined *and* marooned. The other benefit of fining, then, the swelling of the communal coffers, was apparently much more significant to the pirates, and with good reason. Since all of the money accrued by a pirate company eventually found its way into the pockets of the company itself rather than some external authority or the ship's owners, the fining of one man meant an increase in the size of share for everybody else. There was therefore a certain amount of cupidity involved in the system, and its attraction to pirates was rooted in direct personal advantage.

5.2.3. *Flogging.*

Flogging has popularly been seen as a peculiarly maritime form of punishment, but the application of the whip to punish a variety of crimes and misdemeanours was more or less universal in the seventeenth and eighteenth centuries. We have seen that in England and the colonies flogging could be ordered as an alternative or supplement to a fine, but it could be, and was, administered as a punishment in its own right. Sometimes the flogging was administered behind the walls of a prison, but more often it was a public spectacle, in which the culprit was tied to the back of cart and paraded through the streets, while the public hangman or a constable administered the flogging as they travelled along a prescribed route. Opponents of public flogging drew attention to the arbitrariness of the punishment, for there were many variables that could determine the severity of each individual flogging: no number of strokes was specified by civilian courts, so the number of lashes each culprit had to endure could depend on how quickly or slowly the cart was drawn, and the injury inflicted by each lash could be varied according to the temper of the man responsible for administering the punishment. The variety of crimes for which a flogging was ordered was similarly varied, from petty thefts to incest or body-snatching.⁷⁹³

In the colonies there seems to have been a greater effort to regulate the practice of flogging and for the most part specific crimes were punishable by a specific number of strokes with the whip. In the colonies, flogging was considered

the method best adapted to frontier conditions; it was expeditious, following immediately on the sentence; it was extremely painful and was therefore a punishment to be avoided; and the fact that floggings were public gave this penalty a further deterrent quality. However, it had the virtue of releasing the culprit for work to be done within a reasonable time, and it was especially attractive to the propertied magistrate,

⁷⁹³ McLynn, *Crime and Punishment*, pp. 281-282

because, unlike imprisonment, it did not burden the taxpayers with the costs of maintenance.⁷⁹⁴

It may have been the relative popularity of flogging as a form of punishment that led to its stricter regulation in the colonies. In Massachusetts, only the 'vicious and profligate' could be flogged, and the number of strokes was restricted to the Biblical precedent of forty.⁷⁹⁵ In Pennsylvania, rape was punishable by 39 lashes, a somewhat traditional number, specified so that in the event of an accidental miscounting the number of strokes actually applied would not exceed the Biblical forty, and the same punishment was inflicted for other offences such as horse-theft, serious perjury, and a second conviction for theft. Pennsylvanian Quakers may have been less pious than New England Puritans, because some crimes merited more than the prescribed forty lashes: a third conviction for theft was punishable by up to fifty strokes, for example. Usually, floggings were administered at the public whipping post, but on occasion were carried out 'at the cart tail' as in England, but even then the actual number of strokes as well as the route was specified, such as 'one square of the city of Philadelphia with five lashes on his bare back at each corner'. Moreover, the arbitrariness of the severity of each stroke was reduced by enjoinders that floggings should be administered 'on the bare back well laid on'.⁷⁹⁶

In the Royal Navy too, regulation of floggings removed some of the arbitrariness inherent in civilian floggings. Officially, captains were limited to sentencing seamen to a maximum of twelve lashes on their own authority, and serious offences meriting more serious punishment had to be referred to a court martial. In practice, captains often exceeded the twelve-stroke maximum, but rarely ordered more than twenty-four. Courts martial could order several hundred lashes if they felt it the appropriate punishment for the crime, but these tended to be exceptional cases, and in general captains preferred to avoid troublesome court martial proceedings if possible. However, the points remain, that whether imposed by a captain on his own

⁷⁹⁴ Fitzroy, 'Punishment of Crime', p. 260

⁷⁹⁵ Cahn, 'Punishment', p. 132

⁷⁹⁶ Fitzroy, 'Punishment of Crime', pp. 249, 260-262

authority or by a court martial, the number of lashes was specified and they were applied with an almost ceremonial formality, and that for 'every-day' offences the Royal Navy seaman was unlikely to suffer more than two dozen strokes, and often fewer.⁷⁹⁷

Formal punishment by flogging on merchantmen was likely to be less frequent, but perhaps no less severe, than in the Royal Navy. The need for discipline was the same in both merchant and naval vessels, but generally higher wages offered aboard merchantmen and the entirely volunteer nature of their crews probably served to reduce the incidence of criminal activity and thus the incidence of formal punishment. Peter Earle's analysis of floggings ordered aboard East-Indiamen and slavers of the eighteenth century paints a picture of harmony in which floggings were a relatively unusual occurrence, only 37 floggings being ordered in twenty years' voyages. Nevertheless, when floggings were ordered these tended to be in the same order of severity as those ordered in the Royal Navy: a man found stealing water while the ship was on short allowance was sentenced to thirty lashes, and his three accomplices sentenced to ten each; five recaptured deserters received a dozen lashes each; thirty-six strokes were ordered for a man who sold ship's supplies for his own profit; and a mutinous petty-officer on a slaver was given 'two dozen stripes'. Taken as a whole, the recorded punishments analysed by Earle suggest that twelve was the most common number of lashes ordered aboard merchantmen.⁷⁹⁸

By contrast, the use of flogging by pirates was likely to be both more arbitrary than in the Royal Navy and more severe than on naval or merchant ships. Thomas Anstis' and John Philips' articles are the only ones to specify the number of lashes to be inflicted, in both cases 'Moses Law (that is 40 stripes lacking one) on the bare Back', for carelessly risking fire on the vessel or, in the case of Anstis, gambling, and in the case of Philips, brawling. There is no suggestion that this represented a maximum number that could be inflicted, it was simply the stipulated punishment for crimes which, in legitimate society,

⁷⁹⁷ Rodger, *Wooden World*, pp. 218-220

⁷⁹⁸ Earle, *Sailors*, pp. 154-157

were unlikely to be punished so severely. 'That man that shall strike another' would, provided the assault were not a serious one, probably suffer a fine on land, or a dozen lashes in the Royal Navy. The relative severity of these punishments is probably indicative of the increased threat they posed to members of a fragile pirate community, where the creation of factions could be disastrous.

The other articles that mention flogging as a form of punishment, Kidd's and Taylor's, make no specification about the number of strokes that could be applied. In some cases this may have meant that lesser infractions were punished by fewer strokes, but equally, there was no upper limit to the number that could be administered. It is also probable that some pirate companies, whose articles have not survived, used flogging as a form of punishment, such as Stede Bonnet's company, in which two 'Men was ordered to the Mast to be whipt' for an unspecified offence,⁷⁹⁹ or Thomas Cocklyn's, who voted their boatswain to be flogged for mistreating a prisoner in contravention of 'that Maxim strictly established amongst them'. In the boatswain's case, it was the fact that he had broken the articles rather than his mistreatment of the prisoner that raised the pirates' ire against him, though Snelgrave, the prisoner in question, 'thought it prudent to plead for him' and, arguing that drunkenness was the cause of the boatswain's behaviour, successfully had his sentence commuted to a general rebuke.⁸⁰⁰

That flogging, even when not specified by the articles, was a common punishment is attested to by the number of floggings ordered by various pirate companies, and when unrestricted by the regulation of the articles, pirate floggings could be severe. Peter Hooff, recaptured after attempting to desert Bellamy's company 'was severely whipped,'⁸⁰¹ and the chief mate of the Lloyd Galley, captured by Roberts' company in 1721, was 'brought... to the Gears, and Whipt... within an inch of his life.'⁸⁰² This may well be hyperbole, but the excessive number of lashes inflicted by, and upon,

⁷⁹⁹ *The Tryals of Stede Bonnet*, p. 14

⁸⁰⁰ Snelgrave, *New Account*, p. 219

⁸⁰¹ *Trial of Eight Persons*, pp. 24-25

⁸⁰² *Daily Post*, 22/6/1721

members of Roberts' company is well attested to. At the Cape Corso trial of the survivors of Roberts' company, witnesses testified that Benjamin Jeffrys 'had 6 Lashes of every Man'. Shortly before that punishment was delivered Roberts' company, split over two ships, was reckoned to consist of '250 Men and 50 Negroes' in one ship, and '46 Men and 20 Negroes' in the other. Depending on whether the witness was including black men or not, and whether or not both ship's crew were present at the flogging, the total number of lashes might have been anything from 1,500 to over 2,000. Not surprisingly, Jeffrys 'sicken'd, and continu'd so three or four months' after the punishment.⁸⁰³ Jeffrys claimed that the flogging had been inflicted on him for decrying the pirates' criminal ways, but that was most likely a poor attempt to influence the court in his favour, and his actual crime was probably something far more serious. According to Johnson, a few months earlier, Thomas Jones (who himself probably related the story to Johnson) threw Captain Roberts over a gun and beat him, for which he was sentenced to only 'two Lashes from every one of the Company'.⁸⁰⁴ According to one of his later victims, Jones in turn was wont to order excessive punishments: two men who attempted to desert from Anstis' crew were sentenced by a jury, of which Jones was a member, 'to receive five hundred Lashes each'.⁸⁰⁵ Such punishments were not limited to Roberts and his associates however: Charles Dimmock, mate of the *Perry Galley*, testified that when he was captured by pirate Joseph Cooper and his company in the *Night Rambler*, he was 'tied to the Geers, and received two hundred Lashes with a Cat and nine Tails, which the Prisoner Upton had made for that Purpose; after which they pickled me.'⁸⁰⁶ A forced man in Spriggs' company was asked whether he would prefer to stay with the company or take the opportunity to leave onboard a merchantman they had captured. On answering that, given the choice, he would prefer to leave, 'Yes, yes, they said, you shall go, and we will give you your Discharge on your Back; whereupon he was sentenced to receive ten

⁸⁰³ *Trial of the Pyrates taken by Captain Ogle*, pp. 73-74; *Daily Post*, 22/6/1721

⁸⁰⁴ Johnson, *General History*, pp. 224-225, 676

⁸⁰⁵ *The Information of Edward Evans*, 10/10/1723. HCA 1/18, f. 37

⁸⁰⁶ *Remarkable Criminals*, vol. 1., pp. 113-114

Lashes with a Mannatie Strap from every Man and Boy in the Ship, which was rigorously executed.⁸⁰⁷

5.2.4. Marooning.

Marooning, that is the forced expulsion of a member of a pirate company, usually onto an uninhabited island or stretch of coast, while not entirely unique to pirates, was a practice employed often enough by them, and rarely enough by others, to have influenced their very language. In their articles, for example, Thomas Anstis' company referred to themselves and other pirates as 'marooners', and Thomas Jones described how they determined to 'to live a marooning Life'.⁸⁰⁸ When Woodes Rogers arrived to take up the government of the Bahamas he 'was received with a great deal of seeming Joy, by those that stile themselves Marrooners',⁸⁰⁹ and one pirate company even 'had a Ship of thirty Guns, called, the *Murrune galley*'.⁸¹⁰

Forms of marooning did occasionally occur in merchant shipping, such as the case of Thomas Powell, who was put ashore in West Africa with 'nothing upon him but a shirt, wastcoate, a cap, a hat, a pair of trousers, and pair of shoes and a pair of buckles'.⁸¹¹ In the Royal Navy, marooning was virtually unheard of, and on the exceptional occasions when it did occur was enough to ruin professionally the officers involved.⁸¹² Nevertheless, despite occasional incidents of marooning in legitimate seafaring service, it was not a practice that ever gained much popularity and, for the most part, remained a characteristic 'pirate' punishment.

On land, however, the principal of marooning, that is, the physical removal of a troublesome criminal from society, and his relocation to a distant environment, found expression in the practice of transporting criminals from England to the colonies. From the early seventeenth century, when the

⁸⁰⁷ *The British Journal*, 22/8/1724

⁸⁰⁸ *The Examination of Thomas Lawrence Jones*, 13 February 1723. HCA 1/55, f. 52

⁸⁰⁹ *Pomeroy to the Admiralty*, 3/9/1718, ADM 1/2282

⁸¹⁰ *The Last Speech and Dying Words of Richard Luntly* (Edinburgh, 1721), p. 1

⁸¹¹ Earle, *Sailors*, p. 59

⁸¹² Rodger, *Command of the Ocean*, p. 494; Pope, *Nelson's Navy*, pp. 216-219

transportation of convicts began, the system was employed by courts as a useful half-measure between execution and pardon, but the number of criminals actually transported remained fairly low.⁸¹³ From the middle of the seventeenth century onwards transportation was seen not only as a way of punishing malefactors, but also as a way of removing large numbers of political undesirables, such as the 850 or so of the Duke of Monmouth's adherents who were transported in the wake of his failed uprising, mostly to the Caribbean colonies.⁸¹⁴ In the second half of the seventeenth century the number of criminals transported to the American colonies, both the Caribbean island colonies and those in the North American mainland, was in excess of 4,500.⁸¹⁵ The Transportation Act of 1718 brought about radical changes in the number of felons sentenced to be transported to the colonies, which rose to around 30,000 people in the first half of the eighteenth century. Following the introduction of the act, 'judges began to use transportation sentences routinely unless good cause could be shown why' some other form of punishment was more appropriate.⁸¹⁶ Even in the colonies, whence transported convicts were sent from England, banishment could be used as an alternative to the death penalty and in eighteenth-century Pennsylvania, for example, a high proportion of convicted felons were pardoned on the condition that 'the guilty party leave the province never more to return'.⁸¹⁷

When a pirate determined to make a man 'Governor of the first Island he came to',⁸¹⁸ it could be a very formal affair. Anstis' and Philips' articles both stipulate that a marooned man should be supplied with 'one Bottle of Powder, one Bottle of Water, one small Arm and shot'. It has been suggested that the gun and powder were provided so that the marooned man could take his own life in preference to dying of starvation or thirst,⁸¹⁹ and if that were the case

⁸¹³ Abbot Emerson Smith, 'The Transportation of Convicts to the American Colonies in the Seventeenth Century', *American Historical Review*, 39 (1934), pp. 233-236; McLynn, *Crime and Punishment*, p. 285

⁸¹⁴ Peter Earle, *Monmouth's Rebels. The Road to Sedgemoor, 1685* (London, 1977), pp. 178-179

⁸¹⁵ Smith, 'Transportation', pp. 238-239

⁸¹⁶ McLynn, *Crime and Punishment*, pp. 286-287

⁸¹⁷ Fitzroy, 'Punishment of Crime', pp. 255-256, 259

⁸¹⁸ *Tryals of Stede Bonnet*, p. 30

⁸¹⁹ for example, Pringle, *Jolly Roger*, p. 117; Sherry, *Raiders and Rebels*, p. 127

then supplying a marooned man was a cruel refinement intended to prolong his agony. However, the fact that he was also given a bottle of powder suggests that marooning was not intended to be a certain death sentence, and that by supplying a marooned man with enough water to survive, even though perhaps only for a few days, and enough ammunition to kill more than just himself, pirates were giving a marooned man a fighting chance of survival. If he could survive a few days on his wilderness island, a marooned man might have a chance to find fresh water and learn what food stuffs the island could provide, before he died of thirst or hunger. Deserters from John Taylor's company who were 'condemned to have their ears and noses slit and be marooned naked on a deserted island' stood less chance of survival, but for the most part, marooned pirates were not sure to die on their islands. The essential idea that a marooned pirate was expected to survive was made clear by Johnson, when he wrote

if they Defrauded the Company to the Value of a Dollar, in Plate, Jewels, or Money, Marooning was their Punishment. This was a barbarous Custom of putting the Offender on Shore, on some desolate or uninhabited Cape or Island, with a Gun, a few Shot, a Bottle of Water, and a Bottle of Powder, to subsist with, or starve. If the Robbery was only betwixt one another, they contented themselves with slitting the Ears and Nose of him that was Guilty, and set him on Shore, not in an uninhabited Place, but Somewhere, where he was sure to encounter Hardships.⁸²⁰

Johnson's description of marooning, especially the idea that the victim was to 'subsist or starve' was probably culled from the trial testimony of Joseph More, which described marooning in almost exactly the same words, and further added that marooning was a punishment roughly equivalent to receiving two lashes from each member of the company.⁸²¹

In this sense, then, marooning might be viewed in comparison to sentences of transportation imposed by legitimate courts. The culprit was guilty of an

⁸²⁰ Johnson, *General History*, p 211

⁸²¹ *Trial of the Pyrates taken by Captain Ogle*, p. 48

offence that warranted a harsher sentence than a regular flogging or other corporal punishment, but not so villainous as to justify execution, and so they were removed by society from their respective community and deposited in a place where life would be hard, but not impossible.

While some pirates who suffered marooning for their infractions against their comrades surely died, alone on their island, the records naturally speak most strongly of those who survived to tell their tale. Samuel Burgess, for example, was turned out of his position as quartermaster and marooned on the coast of Madagascar in August 1691, for supposedly cheating the company over provisions. In March the following year, though 'destitute of Cloaths and the very Necessaries of Life and without any meanes to obtaine a reasonable sufficiencie' thereof, he was still alive when his old ship arrived back on the coast and he was allowed to rejoin the company.⁸²² Edward England, deposed from his command for showing perhaps too much humanity to a prisoner with whom he had formerly been acquainted, was at the same time marooned on Madagascar. He managed to join up with another former pirate, John Plantain, who had set himself up as ruler of a petty kingdom, and with whom he lived for a while, but 'being very weak... he did not live above a Month'.⁸²³ Whether England's death was ultimately caused by his being marooned, or was a natural end, it was not the solitary suicide to avoid starvation that is traditionally associated with marooning.

Even when a man was marooned on an uninhabited island there was no certainty that he would die, as is proven by the case of Alexander Selkirk, the most widely known desert island denizen of the eighteenth century and probable model for Robinson Crusoe. Selkirk was an officer of a privateer, the *Cinque Ports*, engaged on a cruise in the Pacific Ocean when, in the autumn of 1704, at the island of Juan Fernandez, he fell out with the captain,⁸²⁴

⁸²² Rogozinski, *Honor Among Thieves*, p. 177; *The Case of Samuel Burgess*, SP 34/36, f. 35

⁸²³ *Post Boy*, 27/4/1721; *The Examination of Richard Moor*, 31/10/1724, HCA 1/55, f. 95; Downing, *Indian Wars*, p. 135

⁸²⁴ Diana Souhami, *Selkirk's Island* (London, 2001), pp. 76-79

which together with the Ship's being leaky, made him willing rather to stay there than go along with him at first, and when he was at last willing to go, the Captain would not receive him.⁸²⁵

Despite his entreaties, he was not permitted to rejoin the ship and the captain ordered ashore 'his Cloths and Bedding, with a Firelock,⁸²⁶ some Powder, Bullets and Tobacco, a Hatchet, a Knife, a Kettle, a Bible, some practical Pieces, and his Mathematical Instrumens and Books'. He was therefore better provided for than many other marooned men, but not much. The pound of gunpowder with which he had been left enabled him to hunt the goats that ran wild on the island, and when it ran out he took to chasing them on foot. His diet of goats was supplemented with crayfish, turnips, cabbage, and peppers, and he shared his goat meat with wild cats that had bred on the island until they were tame enough to live with him and protect his feet from the rats which gnawed at them while he slept. In all, Selkirk lived alone on Juan Fernandez for four years and four months before another privateer, commanded by Woodes Rogers, arrived at the island in 1709 and he was rescued.⁸²⁷

The chances of survival for a marooned man could be greatly increased by other factors: on occasion groups of men were marooned together and so were able to pool their resources and strength, and marooning did not always involve a desolate island. Thomas Cocklyn's company originated when,

having been with one Captain Moody, a famous Pirate, some Months before, in a Brigantine, which sailed very well, and took the *Rising Sun*, they were marooned by him, (as they call it) that is forced on board that Ship, and deprived of their share of the Plunder, taken formerly by the Brigantine. These People being obliged to go away in her, with little Provision and Ammunition, chose Cocklyn for their Commander, and made for the River Sierra Leon; where arriving, they surprised in his Sloop, one Segnor Joseph, a black Gentleman, who had been formerly

⁸²⁵ *Providence Display'd, Or a very Surprising Account of one Mr Alexander Selkirk* (London, 1712), pp. 4-5

⁸²⁶ *Firelock*: a musket.

⁸²⁷ *Providence Display'd*, pp. 3-7; Kemp and Lloyd, *Brethren of the Coast*, pp. 165-168

in England, and was a Person of good account in this Country. This Man's Ransom procured the Pirates a sufficient supply of Provision and Ammunition. Moreover, several Bristol and other Ships arriving soon after, were likewise taken.⁸²⁸

Three men forced by Ned Low's company into an open boat about eighty miles from land also survived their ordeal, 'having with them a Compass, some Water, and a few Biskets, and it being good Weather, they providentially got safe to Nantucket, beyond all Expectations'.⁸²⁹ They may not have been entirely expected to come through safely, but by providing them with a compass and provisions the pirates ensured they had a chance. It is harder to discern the intentions or expectations of Blackbeard when he marooned seventeen men together 'on a small Sandy Hill or Bank, a League distant from the Main; on which Place there was no Inhabitant, nor Provisions.'⁸³⁰ Only three miles from the mainland any resolute swimmer could have gone ashore and found a boat for his stranded comrades, but there was no need for anyone to do so because, between the sand bank and the shore, Stede Bonnet was anchored with his ship. The marooned men nevertheless spent two uncomfortable nights on the sand bank before Bonnet sent a boat to pick them up. Why Bonnet waited so long is unclear, but it is fairly certain that Blackbeard didn't intend the marooned men to die.

If the majority of pirate maroonings were not intended or expected to result in the death of the marooned men, that was by no means the case on every occasion. When a company of pirates consisting 'mostly of foreigners' abused English seamen they had captured, it came to the attention of Henry Jennings, the 'commodore' of the New Providence Flying Gang. Jennings set out in pursuit of the foreign pirates and captured them, 'and afterwards setting the Crew on a Rock a few Leagues off Cuba, the Men all perish'd'.⁸³¹

Perhaps the most vindictive marooning (in the sense of evicting a man from the pirates' community) of a pirate occurred after John Gow declined battle

⁸²⁸ Snelgrave, *New Account*, pp. 196-197

⁸²⁹ *Weekly Journal or Saturday's Post*, 21/9/1723

⁸³⁰ *Tryals of Stede Bonnet*, p. 46

⁸³¹ *Weekly Packet*, 19/1/1717

with a French merchantman whose spirited crew put up ‘a Shew of Defence’ when the pirates tried to capture her. Gow’s lieutenant, James Williams, accused him of cowardice and threatened to shoot him. When two of the company managed to prevent him carrying out his threat he ran to the powder store, apparently with the intention of blowing the ship up. There he was apprehended, hand-cuffed, and imprisoned below decks. Two days later the pirates took a Bristol ship and, having taken provisions and supplies, agreed to let her go, on condition that her captain agreed to take Williams with him and hand him over to the authorities on land or transfer him to the first Royal Naval vessel he met with at sea. Williams was eventually handed over to Captain Bowler of HMS *Argyle* and carried to England for trial, but in the meantime Gow and the rest of the company were captured in the Orkneys and arrived in London in time to stand trial with him.⁸³²

5.2.5. Execution.

Gow’s handing over of Williams was certainly intended as a de facto death sentence, but that being the case, they could just as easily have shot him, hanged him or cut his throat themselves. Why they did not is something of a mystery, unless it was pure vindictive spite, for pirates in general were not averse to punishing members of their own community with death. In fact, execution is mentioned in more sets of articles than any other sentence, and it is only absent from Lowther’s articles.

The pirates’ willingness to execute malefactors mirrored trends then prevalent in legitimate judicial systems, where execution was a punishment that could be inflicted for a wide variety of offences. The ‘Bloody Code’, as England’s judicial code was known, was so-called because of the number of capital offences it encompassed, and although, as we have seen, juries and judges were often reluctant to impose sentence of death for many offences for which, by law, it was prescribed, there were a number of offences for which death

⁸³² Defoe, *John Gow*, pp. 21-26; *British Journal*, 6/2/1725; *British Journal*, 20/2/1725; *Proceedings on the King’s Commission*, pp. 4-7

was the most usual punishment, including highway robbery, treason, murder, burglary, forgery and, of course, piracy.⁸³³

In the colonies, where the Bloody Code was not always in force, the number and scope of capital offences differed. When William Penn founded Pennsylvania along Quaker principles it was argued by Quaker thinkers that the death penalty was unsupportable, and so in Pennsylvania's first penal code it was applied only to the crime of murder, and this remained the case until the colony brought its own code more in line with English law in 1718.⁸³⁴ Puritan Massachusetts, by contrast, was possessed of a code which stipulated fifteen capital crimes, which included such moral offences as 'cursing or smiting parents, rebelling against one's father, and raping a "maid or single woman"'.⁸³⁵ Capital offences in other colonies followed no set pattern: in New Haven men were executed for public masturbation and bestiality, but not, apparently, for murder (it may have been that the radical Puritanism of the colony and the closed community combined to produce a society in which murder did not occur, even when they failed to prevent men having sex with pigs), and in Maryland, despite 'unusually severe punishments', a serious labour shortage meant that convicted thieves who might have been executed in England were required only to make restitution.⁸³⁶ In virtually all of the colonies in which men (and occasionally women) were actually brought to trial for piracy, the sentence of the court was invariably death for all or most of the defendants who were found guilty.

The willingness, even eagerness, of courts on both sides of the Atlantic to convict pirates and inflict the supreme punishment upon them can be explained by a number of factors. The ancient labelling of pirates as *Hostis Humani Generis*,⁸³⁷ enemies of all mankind, summed up the general attitude of the courts towards pirates, 'with whom neither faith nor oath is to be

⁸³³ McLynn, *Crime and Punishment*, pp. 36, 157, 262

⁸³⁴ Fitzroy, 'Punishment of Crime', pp. 244-245, 247, 250. It has been suggested that treason was also punishable by death under Pennsylvania law, but in fact treason was not legislated against in Pennsylvania's earliest laws: treason in Pennsylvania was punishable by death, but under English law.

⁸³⁵ Cahn, 'Punishment', pp. 132-133

⁸³⁶ Greenberg, 'Crime', pp. 298-99, 303

⁸³⁷ *Tryals of Stede Bonnet*, p. 3

kept'.⁸³⁸ Their crimes were not only against the individual or his property, but against society as a whole. The whole economic stability of Britain and her colonies rested in large measure on maritime commerce, and by disrupting that commerce pirates were attacking the whole country, and everyone who lived within it, and so heinous was the crime that it was 'allowed to be lawful for those who take them, to put them to Death, if they cannot, with Safety to themselves, bring them under some Government to be try'd'.⁸³⁹

Conversely, however, in many ways the very fact that so many of the courts which sat to try pirates had a deep seated personal interest in the crimes of the pirates made their conviction and subsequent execution virtually assured. Throughout the later seventeenth and early eighteenth century many pirates were tried in London, and indeed up until the opening years of the eighteenth century the mechanisms for trying pirates in the colonies were so unwieldy as to make it simpler to send pirates to London for trial than to try them at or near the place of their capture. Until Jamaica passed its own piracy law in 1681, no colony had the jurisdiction to try pirates, which was the prerogative of the High Court of Admiralty, and although the Jamaica law was urged on other colonies in 1684 the lack of a single encompassing law that covered all colonies left plenty of room for doubt.⁸⁴⁰ In 1690, for example, William Coward, arraigned for piracy before a Massachusetts court, did not deny the charges against him, but argued that

The Crimes and offences in the said Indictments supposed to be done [and] committed by the said Wm Coward, If any such there were, [were] done and Committed in or upon the sea or in some haven, river, Creek, or place where the Admiralty hath or pretends to have power, Authority, or Jurisdiction etc. not within the Jurisdiction of this Court.⁸⁴¹

The Massachusetts Bay colony at that time had no Royally commissioned Vice-Admiral available to exercise the Admiralty's jurisdiction, and Coward walked free. In 1700, however, a new Act made effective provision for the

⁸³⁸ *A Discourse of the Laws Relating to Pirates and Piracies* (London, 1726), p. 4

⁸³⁹ *Discourse of the Laws*, pp. 4-5

⁸⁴⁰ Baer, *Pirates*, p. 25

⁸⁴¹ Jameson, *Privateering and Piracy*, p. 166

establishment of Vice-Admiralty Courts in the colonies, and trial overseas became the norm for pirates captured away from the immediate reach of the High Court of Admiralty in London.⁸⁴² The majority of pirates tried between 1700 and 1730, then, were tried in the colonies, or occasionally in courts set up by naval officers with the single purpose of trying captured pirates, as was the case at Cape Corso, Africa, in 1722, when 52 of Roberts' company were convicted and executed by a court presided over by Captain Herdman of HMS *Weymouth*, in the largest mass-execution of pirates of the eighteenth century.⁸⁴³

Colonial Vice-Admiralty courts were invariably presided over by members of the colony's ruling body, or other officials, who naturally had a deep, and often personal, interest in the protection of the trade on which their colonies relied. 36 ships, of nearly 4,000 tons altogether, were taken by pirates en route to or from South Carolina alone between 1717 and 1721, some of them by Blackbeard and Bonnet while they lay offshore near Charleston for five or six days in 1718.⁸⁴⁴ The problem of piracy was felt so acutely in South Carolina that several private vessels were fitted out at the expense of the colony to cruise in search of the pirates. The first expedition, led by a local militia officer, Colonel William Rhett, succeeded in capturing Stede Bonnet, and the second, led by Governor Johnson himself and utilising Bonnet's old sloop along with other local vessels, captured Richard Worley and his company.⁸⁴⁵ When Bonnet and his crew were brought to trial the court was presided over by the Chief Justice of South Carolina, Nicholas Trott, whose zeal and evident bias against the accused during the trial may have been rooted in a desire to purge his family name of the opprobrium it attracted when his cousin and namesake was embroiled in a scandal involving the protection of Every's company in the Bahamas.⁸⁴⁶ The ten 'Assistant Judges' had less familial, but no less personal, concerns in the trial. That eight of them

⁸⁴² Baer, *Pirates*, pp. 164-168

⁸⁴³ *Trial of the Pirates Taken by Captain Ogle*, p 85

⁸⁴⁴ *London Journal*, 24/2/1722; *Tryals of Stede Bonnet*, p. 45

⁸⁴⁵ Johnson, *General History*, pp. 300-303; *Weekly Journal or Saturday's Post*, 6/12/1718; *Original Weekly Journal*, 17/1/1719; *Whitehall Evening Post*, 5/2/1719; *Weekly Journal or British Gazetteer*, 28/2/1719

⁸⁴⁶ Baer, *Pirates*, p. 175

were landowners in South Carolina is not surprising but, given the statistics quoted above, meant that they had a vested interest in securing the colony's trade against depredation. Furthermore, of those eight, George Logan was a 'prominent merchant', member of the Governor's Council and Speaker of the Assembly; Benjamin de la Consequere was a member of the Assembly; Samuel Dean and Edward Brailsford were merchants; Alexander Parris was a merchant and one-time Receiver of Customs; John Croft was a one-time Assistant Collector of Customs and a personal friend of Colonel Rhett. The remaining two assistant judges were sea captains, whose ships had been used by the colony in the capture of Worley and his company, and whose abhorrence of piracy requires no further explanation.⁸⁴⁷ In the trial of Blackbeard's quartermaster, William Howard, in Virginia, two of the three judges were Royal Navy captains, Ellis Brand and George Gordon, who were actively involved in pirate-hunting expeditions at the same time,⁸⁴⁸ and similar trends of employing merchants, sea captains, naval officers, and customs officials can be found in other colonial piracy trials which resulted in mass executions in the early eighteenth century.

Charles Johnson's account of the activities of Thomas Anstis and his company contains an interesting anecdote which may shed light on the pirates' views on the capital punishment inflicted upon members of their community by legitimate courts. While ashore on an uninhabited island near Cuba, the pirates conducted mock trials as a form of entertainment, taking it in turns to portray the defendant, judges and attorneys. Johnson's version of the event might easily be dismissed as a fanciful, if amusing, fiction, the but author himself claimed that he 'had an Account given me of one of these merry Tryals', and it should be noted that several members of Anstis' company, particularly Thomas Jones, were to be found in London at the very

⁸⁴⁷ *Tryals of Stede Bonnet*, p. 1; Stuart O. Stumpf, 'Edward Randolph's Attack on Proprietary Government in South Carolina', *South Carolina Historical Magazine*, 79 (1978), p. 14; Mabel L. Webber, 'Colonel Alexander Parris, and Parris Island', *South Carolina Historical and Genealogical Magazine*, 26 (1925), pp.138-141; Edward McCrady, *The History of South Carolina under the Proprietary Government, 1670-1719*, vol. 2 (New York, 1897), pp. 566-567, 571; Bessie M. Lewis, 'The Wiggs of South Carolina', *South Carolina Historical Magazine*, 74 (1973), p. 81; Johnson, *General History*, p. 301

⁸⁴⁸ Lee, *Blackbeard*, p. 104

time he was preparing the story for print.⁸⁴⁹ The 'judge' having heard of the 'defendant's' crimes of piracy, rape and - 'worse Villainies than all of these' - drinking weak beer, insisted that they proceed straight to sentencing, when the defendant pleaded that the court listen to reason:

Judge: D'ye hear how the Scoundrel prates? What have we to do with Reason? I'd have you know, Raskal, we don't sit here to hear Reason; we go according to Law. Is our Dinner ready?

Attorney General: Yes, my Lord.

Judge: Then heark'ee, you Raskal at the Bar; hear me, Sirrah, hear me. You must suffer for three Reasons: First, because it is not fit I should sit here as Judge, and no Body be hang'd. Secondly, you must be hang'd, because you have a damn'd hanging Look: and thirdly, you must be hang'd, because I am hungry; for know, Sirrah, that 'tis a Custom, that whenever the Judge's Dinner is ready before the Tryal is over, the Prisoner is to be hang'd of Course. There's Law for you, ye Dog. So take him away Gaoler.⁸⁵⁰

This somewhat comic view of the legal process that led to execution must be tempered by the observation that pirates were not the only people in the early eighteenth century who took such a view. Alexander Pope, for example, wrote that 'wretches must hang, that jurymen may dine', and at least one modern historian has observed that a

well-known problem about trials on capital charges was that they usually took place in the afternoon, after the jurymen had dined and drunk liberally. Many fell asleep during the proceedings and were prodded awake merely to give a verdict on evidence they had not heard.⁸⁵¹

Given that pirates lived so surely in the shadow of the noose, and were apparently so aware of the fact, it is small wonder that they so readily embraced the death penalty in their own legal codes. What is remarkable, however, given the very personal nature of the prosecution of pirates in

⁸⁴⁹ Johnson, *General History*, pp. 292, 677

⁸⁵⁰ Johnson, *General History*, pp. 293-294

⁸⁵¹ Mclynn, *Crime and Punishment*, p. 261

legitimate courts, is that the transgressions for which pirate articles prescribed the death penalty were frequently those committed by pirates against people who were not part of their own community, rather than crimes committed against one another. John Taylor's articles, for example, prescribed death for the mistreatment of prisoners who had surrendered, and according to Johnson it was written in Davis' articles 'that Quarters should be given whenever it was called for, upon Pain of Death', which was adopted to some extent by Cocklyn's company who had a 'Maxim established amongst them, not to permit any ill usage to the Prisoners after Quarter given'.⁸⁵² The crime for which death was most commonly prescribed in the pirates' articles was rape or the mistreatment of female prisoners (which presumably amounted to much the same thing). The 'good political rule' established by Cocklyn's company, not to force women taken at sea 'against their inclinations' was obeyed 'on pain of death',⁸⁵³ and Anstis' articles stipulated that 'if any p[er]son or p[er]sons shall go on board of a Prize and meet with any Gentlewoman or Lady of Honour and should force them against their will to lie with them shall suffer death.'. John Philips, who adopted many of the articles he was familiar with from his time in Anstis' company, also had enshrined in his own articles that 'if at any time you meet with a prudent Woman, that Man that offers to meddle with her, without her Consent, shall suffer present Death.'

The crimes against the pirates themselves that were punishable by death according to the articles tended to be those likely to most damage the communality of the company. Roberts' articles made no provision for the punishment of rape, but did order death for any pirate found 'seducing any [woman], and carried her to sea' to 'prevent ill Consequences from so dangerous an Instrument of Division and Quarrel'.⁸⁵⁴ John Philips' articles, the bloodiest of all the surviving sets (excepting John Gow's, dealt with below), not only stipulated death as the punishment for raping female prisoners, but also for theft and gambling. In that case, death by shooting was prescribed as an alternative to marooning: presumably the severity of the punishment was

⁸⁵² Johnson, *General History*, p 191; Snelgrave, *New Account*, p. 219

⁸⁵³ Snelgrave, *New Account*, pp. 256-257

⁸⁵⁴ Johnson, *General History*, p. 212

determined by the value of the goods stolen or wagered, the circumstances of the crime, the nature of the transgressor, or perhaps even just the whim of the company in the moment.

The other crime punishable by death in some pirate articles was disloyalty to the company, which in practice meant desertion. John Taylor's second article 'obliges all to remain loyal and to assist their brethren in danger, on pain of death', and in Robert's company 'to desert the ship or their quarters in battle, was punished with death'. Low's company reportedly had an article, though not codified into their written articles, that any man that 'shall by any means offer or endeavour to desert or quit the company, that person shall be shot to death by the quarter-master's order', without even the benefit of a trial.⁸⁵⁵

Of the articles prescribing death for offences likely to damage or destroy the communality of the pirate company none were more encompassing or draconian than those of John Gow, whose articles were last of the surviving sets to be drawn up. Gow's articles list only five crimes: disobedience, unequal disposal of the ship's provisions, revealing their piracy to others, unauthorised absence from the ship, and failure to adhere to the designated times of duty. All of which were offences against the pirate community rather than outsiders, and all of which offences 'shall be punish'd with Death, or otherwise, as we shall find proper for our Interest.' The reason for the relative severity of Gow's articles could be one, or more, of several. Gow and his company appear to have been unusually violent, even by pirates' standards, and their treatment of their lieutenant, Williams, is suggestive of an unnatural vindictiveness. It ought to be noted, perhaps, that Gow's articles are the only surviving set drawn up by pirate who had left England after the passage of the notorious Black Act which added so many capital offences to the 'Bloody Code',⁸⁵⁶ and it is possible that they were influenced by its sanguinary approach to law and order. Most likely, though, is that at the time the articles were drawn up the company were in grievous peril, their ship stranded on a sand bank within shooting range of the shore, from where in fact they were

⁸⁵⁵ Roberts, *Four Years' Voyages*, p. 62

⁸⁵⁶ Thompson, *Whigs and Hunters*, pp. 21-23

eventually overcome and captured.⁸⁵⁷ The tension and fear caused by their precarious and virtually defenceless position made the cohesion of the company of even more immediate importance to them than it normally was to pirates, and any threat to that cohesion was to be discouraged in the strongest possible way.

In practice, desertion or mutiny were the crimes for which a pirate was most likely to be sentenced to death by his comrades. Despite the strictures of the articles, no case of the death penalty actually being applied by pirates in cases of rape or gambling appears to exist, and we saw in Chapter 4.5 that rape did occur on pirate ships, apparently without being prosecuted by a pirate judiciary. By contrast several cases exist of pirates sentenced to death, or actually executed, for attempting to desert or stir up mutiny. A group of mutineers on Paul Williams' ship, for example, were overcome by force and several of them killed in the affray, 'and 3 other were condemn'd to be hang'd'.⁸⁵⁸ The mention of hanging is unusual, and most of the other records of pirate executions, if they mention a method at all, tend to describe convicted men being shot, or at least sentenced to be shot. Carpenter Richard Luntly was fortunate to escape with his life when he and some of his comrades were overheard planning to desert. Roberts and the quartermaster were informed of their plan and the company was assembled to debate the would-be deserters' fate. 'Some of them was for shooting of us, other some not, and so they consented to put us away upon a Desolate Island.' In the end, the chance appearance of a potential prize put paid to the pirates plans to maroon Luntly and the others, and they were spared, in Luntly's case only to be hanged for piracy in Scotland a few months later.⁸⁵⁹ Had the prize not put in its fortuitous appearance it is likely that the pirates would have carried out their punishment, for pirate justice was as swift as it was brutal. Four attempted deserters from Anstis' company were recaptured and tried by a jury of twelve pirates, 'and two of the said four persons were by the said jury

⁸⁵⁷ Defoe, *John Gow*, pp. 52-55

⁸⁵⁸ *The Weekly Journal or British Gazetteer*, 10/8/1717

⁸⁵⁹ *Dying Words of Richard Luntly*, p. 2

ordered to be shott to death which was immediately executed on them.⁸⁶⁰

Three deserters from Roberts' company were also recaptured and tried by a jury who 'sentenced [them] to Death over a Bowl', and two of them 'were actually shot'.⁸⁶¹ The third was fortunate enough to secure the support of one of the principal pirates, and so escape execution. Similarly fortunate was Rowland Sharp of Stede Bonnet's company, who was saved from being shot by the intercession of the boatswain, Ignatius Pell, but had already been told that he 'was to be shot, and... had the liberty to chuse the four Men that should do it.'⁸⁶²

5.3 'As the Majority of the Company Think Fit'.

Several pirate articles prohibited certain actions without specifying a particular punishment, substituting instead the catch-all and ambiguous statement that transgressors should 'suffer what Punishment the Captain and the Majority of the Company shall think fit.' The kinds of offences that merited such potentially arbitrary punishment varied from company to company and included, in Philips' band, joining a rival company or failing to keep weapons clean and 'fit for an Engagement', or in Low's company, cowardice, drunkenness in battle, gambling, or brawling. Several of the offences punishable according to the decision of the company illustrate one probable reason for the pirates' not laying down specific punishment in the article, the fact that the same crime might be of variable seriousness depending on circumstances. Punishment for, say, drunkenness in battle might depend on just how drunk the culprit was: a man who was too drunk to shoot straight might still contribute to the pirates' success simply by being seen on deck and firing at a victim, whereas a man who was too drunk to stand contributed nothing. Similarly, in Anstis' company, fraud and disobedience were punished according to the will of the company, and their decision probably rested to some extent on the amount by which they were defrauded or the seriousness of the disobedience.

⁸⁶⁰ *The Information of Edward Evans*, 10 October, 1723. HCA 1/18, f. 37

⁸⁶¹ *Tryal of the Pyrates taken by Captain Ogle*, p. 56

⁸⁶² *Tryals of Stede Bonnet*, p. 30

Sadly, there is little or no evidence to tell us exactly how a pirate company chose to punish those who broke those rules that specified a collective decision over punishment. Philips' company never met with any other pirates during the whole of their existence, and nobody seems to have left their guns to rust; perhaps nobody in Anstis' company did 'Disobey any Lawful Command of the Commanding Officers', or if they did and were punished for it, nobody recorded it for posterity. We can, however, begin to guess at the severity with which a pirate company might punish its members by examining one or two examples of punishments meted out for crimes not covered by the articles. We have already seen that Thomas Jones received 'two Lashes from every one of the Company' for fighting with Captain Roberts, and Benjamin Jeffrys received six lashes from each man in the same company, allegedly for nothing more serious than 'telling these Pyrates, that none who could get their Bread in an honest way would be on such an Account.'⁸⁶³ When Richard Luntly and his co-conspirators were caught merely *planning* to desert, the debate that followed was whether they should be shot or marooned.⁸⁶⁴ 'If any one' in Spriggs' company 'commits an Offence, he is tried by the whole Company', and it was probably by such collective will that a man was sentenced to ten lashes from the whole company, for no more than expressing a desire to leave.⁸⁶⁵

Sometimes, though, the will of the company could be used to mitigate the punishment laid down in the articles for a serious offence, and on at least two occasions men escaped death despite breaching articles which supposedly required a capital response. The case of Cocklyn's boatswain was mentioned earlier, in which the victim of an unlawful beating, William Snelgrave, successfully protected his attacker from punishment by persuading the pirate company that he had been drunk and should be forgiven.⁸⁶⁶ They had, however, been debating whether to flog him for the crime of giving 'ill usage to their Prisoners' which, at least in the articles of Cocklyn's consort, Howell

⁸⁶³ Johnson, *General History*, pp. 224-225; *Trial of the Pyrates taken by Captain Ogle*, pp. 73-74

⁸⁶⁴ *Dying Words of Richard Luntly*, p. 2

⁸⁶⁵ *The British Journal*, 22/8/1724

⁸⁶⁶ Snelgrave, *New Account*, p. 219

Davis, was punishable with death.⁸⁶⁷ On another occasion, Oliver la Buse and several of his officers plotted to desert Taylor's company (in which la Buse appears to have been captain of a consort vessel and subservient to Taylor), but were discovered. The pirates on la Buse's ship who 'did not hold the same opinions, fired a cannon shot and displayed the black flag' as a signal for Taylor to come to their aid. According to Taylor's articles, desertion was an offence punishable with death, but on this occasion the pirates held 'an enquiry [and] degraded la Buse who was, along with his accomplices, condemned to be flogged at the foot of the mainmast, and all that they possessed to be confiscated into the common stock.'⁸⁶⁸

Limited though this evidence is, it does suggest that when they held a consultation amongst the company to determine the proper punishment for a wrong-doer, pirates chose to inflict the same punishments laid down in the articles for other offences. Floggings, beatings, marooning, forfeiture of goods and execution were all used, or at least considered, as suitable punishments for offences which had no set response specified by their articles and which, in some cases, could be of variable heinousness.

5.4 Transgressions.

According to the surviving articles, pirate legislated against seventeen different offences. The partial nature of Davis' articles limit the analysis of offences somewhat, but is unlikely to make any substantial difference to some trends. In nine surviving sets of articles (Kidd's, Davis', Roberts, Taylor's, Anstis', Lowther's, Low's, Phillips' and Gow's) the offence most commonly legislated against was defrauding the company, usually by hiding plunder rather than handing it over to the quartermaster or whoever else was responsible for its safekeeping and fair division, which was legislated against in six sets of articles. Desertion and rape were each mentioned in five sets of articles, and cowardice and gambling in four sets each. Disobedience to superior officers, theft and brawling were proscribed and carried attendant

⁸⁶⁷ Johnson, *General History*, p.191

⁸⁶⁸ Grandidier, *Madagascar*, p. 103

punishments in three sets of articles, and mistreatment of prisoners, joining a rival company, neglecting arms, risking fire and drunkenness in battle were all mentioned in two sets. Finally, four offences were mentioned only in John Gow's articles, at least three of which probably related specifically to the circumstances the pirates were in when they drew up the articles, and other odd articles, such as Low's article 'punishable by death, to hold any secret correspondence with a prisoner'⁸⁶⁹ can be found in various sources but were not included in the surviving sets of articles and are not replicated in other sets.

In order to understand the significance ascribed by pirates to individual offences it is necessary to examine not only the frequency with which they were legislated against in the articles, but also the severity of the punishments the articles prescribed for them. Table 5 shows the punishments associated with the thirteen offences mentioned in the complete sets of articles of Roberts, Taylor, Anstis, Lowther, Low and Philips, with information from Davis's partial set of articles and Kidd's prescribed punishments for the offences mentioned, included by way of comparison. Gow's articles, which list four offences not found in any other set, and prescribe death for every offence, have not been included. The entries have been arranged in decreasing order of the severity of the punishments associated with them, assuming death to be the severest sentence, followed by marooning, flogging, as the company think fit (which we have seen usually resulted in a flogging at least) and finally loss of a share, in that order.

From Table 5 it can be seen that the rape of female victims and desertion were the crimes most abhorred by pirates, and both offences were legislated against in five sets of articles. The next three offences most abhorred, according to the punishments prescribed in the articles at least, were mistreatment of prisoners, theft from fellow pirates, and defrauding the company. The five offences most rigorously punished, therefore, were those which either directly attacked the communal integrity of the company itself, or those which were committed against the pirates' victims.

⁸⁶⁹ Roberts, *Four Years' Voyages*, p. 61

Table 5. Crimes and Punishments.

<i>Crime</i>	Kidd	Davis	Roberts	Taylor	Anstis	Lowther	Low	Phillips
<i>Rape</i>		Death	Death	'severe punishment'	Death			Death
<i>Desertion</i>			Death or Marooning	Marooning	Marooning		Death	Marooning
<i>Mistreatment of prisoners</i>		Death		Death				
<i>Theft</i>			Marooning		Marooning			Marooning or death
<i>Fraud</i>	Marooning		Marooning	Loss of share and flogging	As the company think fit	As the company think fit	As the company think fit	
<i>Cowardice</i>	Loss of share				Marooning	As the company think fit	As the company think fit	
<i>Gambling</i>					Flogging	As the company think fit	As the company think fit	Marooning or death
<i>Joining rival company</i>					Marooning			As the company think fit
<i>Risking fire below decks</i>					Flogging			Flogging
<i>Striking one another</i>						As the company think fit	As the company think fit	Flogging
<i>Disobedience</i>	Loss of share or as the company think fit				As the company think fit			
<i>Neglect of arms</i>					Loss of share			Loss of share or As the company think fit
<i>Drunkenness</i>	Loss of share						As the company think fit	

Nevertheless, despite the severity of the punishments laid down by the articles, crime against non-members of the community were committed regularly, and with impunity. For example, we have seen in Chapter 4.5 that rape was not uncommon amongst pirates, even those who legislated against it: the gang-rape of one woman by 21 pirates was probably committed by Roberts' company.⁸⁷⁰ The fact that so many of the company joined in the atrocity suggests that Roberts and his men were prepared to turn a blind eye. In fact, although the records mention numerous cases of rape being committed by pirates on their female victims, they appear to be entirely devoid of any record of a pirate being punished for it.

Pirates' attitudes towards the mistreatment of prisoners were ambiguous. Although surviving articles suggest that it was a capital offence, it is only mentioned in two sets: Davis' and Taylor's. According to William Snelgrave, Thomas Cocklyn's company had a 'Maxim established amongst them'⁸⁷¹ prohibiting the mistreatment of prisoners and carrying an attendant punishment. Whether this constituted a formal article or not is impossible to determine, but the punishment suggested for a man who broke the maxim was flogging, and when the pirate boatswain, who was a 'great favourite' of the company, threatened Snelgrave with a cutlass it was only by Snelgrave's intervention that he escaped being whipped. During his confinement, Snelgrave also met Howell Davis, 'a brave generous Man' who 'kept his Ship's Company in good order', who expressed his regret that Snelgrave had been mistreated by fellow pirates.⁸⁷² Walter Kennedy, at that time quarter master of Davis' company, gave Snelgrave some useful advice:

never to dispute the Will of a Pirate: For, supposing I had cleft your Scull asunder for your Impudence, what would you have got by it but Destruction? Indeed you may flatter your self, I should have been put to death for killing a Prisoner in cold Blood; but assure your self my Friends would have brought me off on such an Occasion.⁸⁷³

⁸⁷⁰ *London Journal*, 13/1/1722

⁸⁷¹ Snelgrave, *New Account*, p. 219

⁸⁷² Snelgrave, *New Account*, pp. 225-226

⁸⁷³ Snelgrave, *New Account*, p. 236

John Taylor, who had sailed under both Davis and Cocklyn before rising to command, had an article stating that it was 'forbidden on pain of death to kill or wound in cold blood anyone who has surrendered', and for the most part this article seems to have been observed. His captive, du Buquoy, wrote that:

He was polite towards prisoners and received the officers at his table, advising them to resign themselves to their fate and sometimes warning them not to whisper amongst themselves, so as to avoid the ill-will of the crew.⁸⁷⁴

Even when angered by perceived defiance from a captive, Taylor appears to have kept his temper. When Captain McCrae was captured, after a stiff fight, by a pirate band that included Taylor's company he

obtain'd Leave to go on board the Pyrates, and a Promise of Safety, several of the Chief of them knew me, and some of them had sailed with me, which I found of great Advantage; because notwithstanding their Promise, some of them would have cut me, and all that would not enter with them, to Pieces,⁸⁷⁵

In the end, though, McCrae and the majority of his company were given a ship and allowed to proceed on their way. The injunction not to kill or wound did not, however, cover minor beatings. When Thomas Grant was captured by Roberts, Walter Kennedy hit him 'with great Violence upon his Mouth which occasioned his nose and mouth to bleed.'⁸⁷⁶ Richard Lazenby, second mate of McCrae's ship, was detained by Taylor to act as a navigator his inability to tell Taylor the private signals used between East India Company ship angered Taylor, 'whereupon he abused me, calling me scurrilous names shook his broadsword at me, and said he would plague me like the dog I was,'⁸⁷⁷ but still did not actually harm him. When Lazenby again aroused Taylor's wrath he was not so fortunate, but was saved from any worse a fate than a stiff caning by other members of the pirate company:

⁸⁷⁴ Grandidier, *Madagascar*, p. 118

⁸⁷⁵ *Post Boy*, 27/4/1721

⁸⁷⁶ *The Information of Thomas Grant*, 28/4/1721, HCA 1/54, f. 120

⁸⁷⁷ quoted in Grey, *Pirates of the Eastern Seas*, p. 317

According to his desire Captain Taylor fetched his cane and began to belabour me so unmercifully that in the end some of the people hindered him and said that he should be ashamed to so abuse me.⁸⁷⁸

Despite the beating he received, Lazenby was fortunate to have been captured by Taylor, whose articles protected him from serious injury, and perhaps even saved his life. To some extent, though, Lazenby's escape rested on his general acquiescence to the pirates' demands, and the protection that Taylor's victims received from the articles was dependent on that. Lazenby reported another occasion when the crew of a captured ship would not, or could not, give Taylor's pirates the information they demanded, so the pirates 'squeezed their joints in a vice to extort confession.'⁸⁷⁹ Other pirates, whose articles did not prescribe any punishment for the mistreatment of prisoner, could be vicious and unrelenting in their abuse of their victims, and apparently considered it no crime to do so. Edward Green and his ship's crew were all 'barbarously treated' when they were captured by Charles Vane's company, who abused them

by beating them and using other cruelties particularly to one, who they bound hands and Feet and ty'd (upon his Back) down to the Bowspritt with Matches to his eyes burning and a Pistol loaded (as he supposes) with the Muzzle into his mouth, thereby to oblige him to Confess what money was on board.⁸⁸⁰

Richard Hawkins was captured by Francis Spriggs' company and

was surrounded by fifteen Men with keen Cutlashes in their Hands, who all made at me, and soon laid me on the Deck, some giving me the Edge, others favour'd me with severe Blows with the Flat.

He escaped with his life, but only through the intervention of one of the pirates who had previously sailed with him and begged for him to be spared. Later, in the evening, when the pirates were 'very merry',

⁸⁷⁸ Grey, *Pirates of the Eastern Seas*, p. 321

⁸⁷⁹ Grey, *Pirates of the Eastern Seas*, p. 318

⁸⁸⁰ *The Deposition of Edward North*, 22 May 1718. CO 37/10, f. 37

they wanted a little more Diversion, for Mischief is their sole Delight: I was sent for down to the Cabbin to Supper; what should be provided for me but a Dish of Candles, which I was forc'd to eat, they having a Pistol at my Head, and a naked Sword to my Breast, whilst others beat me with Swords call'd Tucks. After that I had eat to their Satisfaction, I was buffeted and tump'd forwards to the Bag, among the rest of the Prisoners, who had much the same Fare with myself.

Then they consulted for more Diversion, which was to sweat me: It was agreed on and all Preparations made thereto. The Manner of a Sweat is thus: Between Decks they stick Candles round the Mizen-Mast, and about twenty five Men surround it with Points of Swords, Penknives, Compasses, Forks, etc. in each of their Hands: Culprit enters the Circle; the Violin plays a merry Jig; and he must run for about ten Minutes, while each Man runs his instrument into his Posteriors.⁸⁸¹

'Sweating' was just one of several refined tortures used by pirates, some of which were probably designed to cause psychological as well as physical trauma in their victims. Charles Vane's company captured the crew of the merchantman *Diamond*, and 'hang'd up one of them by the neck until they thought he was almost dead and then let him down upon the deck and cut him with a Cutlass over his collar Bone.'⁸⁸² Edward Green, captured by Roberts' company, suffered a similar fate when they

put a Rope about his Neck and drew him up under the main top and kept him hanging there about a Minute and then let him down again and then put a Rope round his Head and tyed it cross his Ears and twisted it until he was almost blind and insensible.⁸⁸³

The catalogue of beatings, murders and tortures committed by pirates against their victims is too exhaustive to list completely, but some examples stand out and serve to show that such behaviour was not limited to one pirate or group of pirates. Henry Hunt was captured by Edward England's company, later

⁸⁸¹ *The British Journal*, 8/8/1724

⁸⁸² *The Deposition of John Tibby*, 24/5/1718, CO 37/10, f. 47

⁸⁸³ *The Information of Edward Green*, 29/4/1721, HCA 1/54, f. 123

consorts of John Taylor, who 'beat him with their Cutlaces',⁸⁸⁴ Charles Vane's company 'beat a boy' to extract information from him,⁸⁸⁵ and on another occasion one of Stede Bonnet's company 'fell to beating and cutting the People with his Cutlash, and cut one Man's Arm.'⁸⁸⁶ When Captain Lone was captured by pirates in 1717 the 'Pyrates said, that about 5 Days before they had taken a Vessel, which when they had plunder'd, they burnt, and shot the Men at the Mast.'⁸⁸⁷ Philip Lyne, a cohort of Francis Spriggs, admitted after his own capture 'that he had kill'd 37 Masters of Vessels, besides Foremast Men, during the Time of his Piracy,'⁸⁸⁸ and Edward Low, also an associate of Lyne and Spriggs, had a reputation for excessive cruelty founded on accounts that he and his company had committed atrocities such as having 'whipped some Men to Death, and slit and cut off the Ears and Noses of several.'⁸⁸⁹ Low's quartermaster, Nicholas Lewis, admitted that Low had once captured a ship and 'cutt off the said Masters lipps and broyl'd them before his face, and afterwards murder'd the whole crew being thirty two persons.'⁸⁹⁰ In the catalogue of beatings, torture, and death meted out by pirates to their victims there is little distinction made between different types of prisoner, foremastmen, passengers, and masters alike were subject to physical violence if they crossed their pirate captors, as I have shown above. Not even rank served as a protection: 'The Account of the Life, Behaviour &c of Walter Kennedy', published in a newspaper after his execution, includes an admission to the murder of the 'French Governor of an American Island'.⁸⁹¹ None of these incidents, or indeed any other incidents of mistreating prisoners, with the exception of the whipping that Cocklyn's boatswain was threatened with for mistreating William Snelgrave, appear to have resulted in any kind of punishment or even censure for the perpetrator. Since most pirate articles did not legislate against the mistreatment of prisoners nor punish it when it occurred, it must be assumed that it was not considered an offence by

⁸⁸⁴ *The Examination of Henry Hunt*, 27/9/1720 HCA 1/54, f. 115

⁸⁸⁵ *The Deposition of William Hall*, CO 37/10, f. 51

⁸⁸⁶ *Tryals of Stede Bonnet*, p. 23

⁸⁸⁷ *Original Weekly Journal*, 31/8/1717

⁸⁸⁸ *Evening Post*, 28/5/1726

⁸⁸⁹ *Evening Post*, 28/11/1723

⁸⁹⁰ CSPC, 1724-1725, item. 102

⁸⁹¹ *Weekly Journal or British Gazetteer*, 29/7/1721

the majority of pirate companies. On the other hand, those few companies who did legislate against the mistreatment of prisoners prescribed the sternest punishment in response to it. This apparent contradiction is hard to explain. Possibly it lay in the nature of the commanders: John Taylor claimed to have been an officer in the Royal Navy, and may have been possessed of some notion of honour about the treatment of prisoners,⁸⁹² and Howell Davis, while not exactly a gentleman, 'was a generous Man.' Thomas Cocklyn, by Snelgrave's account, had risen to command 'on account of his Brutality and Ignorance', but his company may have continued using the articles originally drawn up under their previous 'Gentleman-like Commander.'⁸⁹³ This explanation is profoundly unsatisfactory for, as we have seen, the gentleman-pirate Stede Bonnet did not (although, perhaps he could not) prevent his men cutting victims with their cutlasses, and the articles of George Lowther, drawn up under auspices of Lowther himself, who had been a ship's officer, and John Massey, who had been a military captain, contained no clause protecting their victims. Rediker has argued that pirates became more violent towards their victims as time progressed, and particularly after early 1722, in response to the increased intensity of the authorities' war against them.⁸⁹⁴ This may well be true of the level of depravity in their violence, for there are no records of pirates slicing off their victims lips before 1722,⁸⁹⁵ but it might be as simple as that Low and his associates were more psychopathic in their tendencies than earlier pirates, and it does not address the fact that pirates prior to 1722, such as the companies of Charles Vane and Edward England, though less imaginative in their tortures, were no less willing to abuse captives, and did so without fear of retribution from their shipmates.⁸⁹⁶

In practice, the most common offence for which pirates were routinely punished under the articles seems to have been desertion, legislated against specifically by five sets of articles, but abhorrent to any pirate company. The difficulty with establishing the incidence of desertion and its attendant

⁸⁹² Grandidier, *Madagascar*, p. 107

⁸⁹³ Snelgrave, *New Account*, p. 199.

⁸⁹⁴ Rediker, *Villains of all Nations*, pp. 170-172

⁸⁹⁵ Johnson, *General History*, p. 326; CSPC, 1724-1725, item. 102

⁸⁹⁶ *The Examination of Henry Hunt*, 27/9/1720 HCA 1/54, f. 115; *The Deposition of William Hall*, CO 37/10, f. 51

punishment is that most of the sources that describe desertion are compromised in some way. Many pirates and forced men who were captured claimed in their depositions or in the court room that they had either tried to desert themselves,⁸⁹⁷ and been punished for it, or had witnessed someone else being severely punished for attempting to desert.⁸⁹⁸ In the former case, a failed attempt to desert was a good explanation as to why they were still in the company of pirates at the time of their capture, without compromising the illusion of unwillingness that they tried to maintain. The punishment that they had received for trying to desert once was an implicit reason for their not having tried a second time. In the latter case, by highlighting the danger to life and limb of a failed attempt to desert, they were paving the way for their own excuses as to why they had not tried themselves to leave the pirate company. Even innocent witnesses, or those who had successfully escaped, often had a vested interest in highlighting the difficulty and risk that they had been put to.⁸⁹⁹

Even so, tales of desertion and subsequent punishment cannot all be dismissed out of hand. At his trial, several witnesses appeared in defence of Harry Glasby: one witness had been told by a forced surgeon in Roberts' company that Glasby, 'with two more were sentenced to Death, for attempting an Escape from them, and that the other two were really shot for it,' and another witness was told by no less a person than the pirates' 'Quarter-master, "he is a very good Man, and we never venture him from on board, being suspicious that he designs to make his Escape, for," says he, "he once endeavoured it before.'" Glasby himself declared that

making his Escape once in the West Indies, and being taken, he was sentenced with two more to be shot, and escap'd it only by one of the leading Pyrates being his Friend, and bullying the rest. A second time he ran away at Hispaniola, carrying a Pocket Compass, but the Barbarousness of than part of it he fell upon, and unacquainted with what path to follow, obliged him down to the Water-side again, where some of

⁸⁹⁷ *Tryal of the Pyrates taken by Captain Ogle*, p. 22; *Proceedings on the King's Commission*, p. 2

⁸⁹⁸ *Trials of Eight Persons*, pp. 24, 25

⁸⁹⁹ *Tryals of Thirty-Six Persons*, pp.188-189; *Proceedings on the King's Commission*, p. 3

the Pyrates found him, and challenged him for running away, he was forced to protest he did not design it, for fear of their shooting him.⁹⁰⁰

Given the testimony, albeit second-hand, from two other members of the pirate company, that he only narrowly escaped execution for trying to desert, Glasby's testimony has a ring of truth about it, and the execution of two deserters from Roberts' company can be taken as fact. William Williams also claimed at his trial to have been punished with two lashes from every member of Roberts' company for attempting to desert, which, the court noted, 'was confessed by the other Prisoners.'⁹⁰¹ Similarly, Edward Evans, captured by Anstis' company, was under no compunction to give evidence at all when he voluntarily testified against Thomas Lawrence Jones, saying the Jones had been instrumental in the execution of two men for desertion, and the flogging of two others.⁹⁰²

Of the other two offences which pirates considered the most serious, theft and fraud, there is very little evidence either of the offence being committed or an offender being punished. Perhaps 'honour among thieves' was a feature of life on a pirate ship, and members of a pirate company, recognising the communal nature of their society, were unwilling to steal from their fellows. Or perhaps, realising that theft or fraud would have been difficult to conceal for long in the close confines of the ship, the severity of the punishments prescribed and a fear of being marooned were enough to deter would-be thieves. In all likelihood, it was a combination of both. The most notable example of pirates attempting to defraud one another occurred shortly after Henry Every's company, in consort with other vessels, had taken the fabulously wealthy *Gang-i-Sawai*. After the gold and silver taken from the Indian vessel were divided up between the ships' companies, the crew of the *Pearl*, one of Every's consorts decided to stay in the Indian Ocean and continue robbing while Every's own company elected to sail to the Americas and endeavour to break up and go ashore. 'For the conveniency of Carriage,' Every's men exchanged that part of their share which was made up of silver for the *Pearl's* gold of equal value but smaller bulk. However, before the

⁹⁰⁰ *Trial of the Pyrates taken by Captain Ogle*, pp. 21-22

⁹⁰¹ *Trial of the Pyrates taken by Captain Ogle*, p. 19

⁹⁰² *The Information of Edward Evans*, 10/10/1723. HCA 1/18, f. 37

exchange took place, the *Pearl's* company clipped their gold coins, that is, shaved small slivers of the precious metal from the edge of the coins. When Every's company discovered the fraud they used the threat of their overwhelming fire power to demand the return of both gold and silver, gave the *Pearl's* company 2,000 pieces of eight to purchase provisions, the equivalent of less than a boy's share, and sent them on their way, in effect, collectively marooning them.⁹⁰³

5.5 The role of punishment in social control.

In the discussion of eighteenth-century law, much has been made of the class element, that laws were made and maintained by one class of people, the elite and the propertied, in order to control another class, the unpropertied commoners. Douglas Hay argued that the 'Glorious Revolution of 1688 established the freedom not of men, but of men of property',⁹⁰⁴ and the very first sentence of Thompson's study of the Black Act states that 'the British state, all eighteenth-century legislators agree, existed to preserve the property and, incidentally, the lives and liberties of the propertied.'⁹⁰⁵ Hay and Thompson, and other writers, have a number of contemporary observers from whom to quote in support of their argument. John Locke, for example, wrote that 'Government has no other end but the preservation of property,' and legal commentator William Blackstone declared that 'there is nothing which so generally strikes the imagination, and engages the affections of mankind as the right of property.'⁹⁰⁶ Even the Levellers of the seventeenth century argued that suffrage, and thus the right to participate in law-making, should be denied to servants, wage-labourers, and anyone who was not a householder.⁹⁰⁷ It is difficult, then, if not impossible, to argue with the assessment of Hay, Thompson, and others, that English law was a tool of the propertied. And a powerful tool it was too. Frank McLynn explained that as far as the law was

⁹⁰³ Jameson, *Privateering and Piracy*, p. 191; *The Voluntary Confession and Discovery of William Phillips*, 8/8/1696, SP 63/358, f. 129

⁹⁰⁴ Hay, 'Property', p. 18

⁹⁰⁵ Thompson, *Whigs and Hunters*, p. 21

⁹⁰⁶ quoted in Hay, 'Property', pp. 21-22

⁹⁰⁷ Don M. Wolfe (ed.), *Leveller Manifestoes of the Puritan Revolution* (London, 1944), pp. 297, 403

concerned, 'deterrence was not the primary purpose of the elite. What they aimed for, above all, was an ordered hierarchy of authority, deference, and obedience... Their principal aim was social control.'⁹⁰⁸ The severity of the 'bloody code', he argued, was necessary for the propertied class because

The grip exercised by the eighteenth-century elite was precarious, reflecting the 'half-State' twilight characterized by parasitism when a ruling class has not yet sunk its roots deeply enough. What was needed was an ideology to provide social cement and legitimate the entire system... To fill the ideological gap, the elite invoked the law, insinuating the idea that every man was equal before the law, that the law was dispassionate, impartial, and blind to social stratification. As Gramsci was later to explain it, social hegemony is only truly attained when a ruling class can persuade those it rules that the norms and sanctions of society, which in reality benefit only the privileged few, are devised for the good of all.⁹⁰⁹

But how does this apply to the laws of pirates? In theory, like English law, the articles applied equally to everyone who lived within their influence, but we saw in Chapter 2 that pirate society was hierarchical, and so the question of whether, or to what extent, the pirates' articles were a tool of the pirate 'elite' and 'propertied' must be considered. The pirate equivalent of the 'elite' was a cadre of men that usually included the captain, quartermaster, other officers, and perhaps a few of the 'old hands'. But just as the propertied class of legitimate society encompassed a much larger body of people than the 'elite', so too did the number of 'propertied' pirates extend beyond the pirate 'elite'. By dint of their part-ownership of the very vessel in which they sailed and their right to a share in the profits of the voyage, the majority of volunteer pirates constituted a propertied class, similar to the householders and incorporated tradesmen ashore who, while they were not members of the ruling cadre per se, nonetheless had a say in its creation and actions. Parallels can be drawn further: just as on shore it was the propertied class who enabled the creation of laws which applied to the unpropertied who had no hand in their creation,

⁹⁰⁸ McLynn, *Crime and Punishment*, p. 258

⁹⁰⁹ McLynn, *Crime and Punishment*, p. xv

so on a pirate ship it was the volunteer pirates who created the articles which applied not only to themselves, but also to the slaves, forced men, boys, soldiers, and landsmen who made up the pirate unpropertied. And just as on land the actual implementation of the law fell to judges and justices drawn from the ruling elite, assisted by juries drawn from the propertied class, so on pirate ships the quartermaster or other members of the 'elite' became judges and attorneys, while juries were drawn from the ranks of volunteer pirates, or included every voting pirate.

Like McLynn's conception of the eighteenth-century elite, the pirates' elite also exercised a grip that was perilous, and except in a few cases, had sunk its roots barely any depth at all. The captain, quartermaster, officers, and a few 'old hands' might have formed the basis of a ruling class, but they were usually outnumbered by the majority of the company who could, at any time, rise and overthrow them. And in many cases, the 'unpropertied' elements of a pirate community formed a majority, or at least a significant minority. The very nature of pirate justice explored in this chapter is an indication of the perilous nature of the grip exercised by the pirate 'elite' and 'propertied' classes.

McLynn observed a stark contrast in the prosecution of crimes by the servants of aristocratic masters, whose position in society was virtually assured, compared with the prosecution of crimes by the servants of the 'middling sort', many of them urban, whose social superiority was more fragile and often newly-acquired. Aristocratic masters, on the whole, preferred not to punish their servants with the law, knowing firstly that in many cases it would lead to the servant's execution, and secondly that they had other means of punishment at their disposal, such as dismissal and refusal to give a reference, leading to disgrace in the local community. Urban masters, on the other hand, did not have such tools at their disposal since the anonymity of the city diminished any disgrace they could inflict upon their miscreant servants, which meant that most eighteenth-century

prosecutions for theft by servants were not by the rich but by middling farmers or traders, who wanted exemplary sentences to cow their

employees, since they lacked the power or status to disgrace them informally.⁹¹⁰

By invoking the power of the law to defend their property, these 'middling' men were therefore using it to protect, and even enhance, their status in the community. The pirate 'elite' also lacked the power and status to disgrace those who committed offences against the articles, and therefore had to invoke the articles in order to assert their superiority. Merely admonishing a transgressor of the articles would not have had much effect on the lowest members of the pirate community such as the forced men and slaves, so in order to establish the superiority of the pirate 'elite' and 'propertied' classes exemplary punishments were necessary.

It is significant, therefore, that most of the evidence of men being punished for infractions of the pirate articles relates to the punishment of forced men. William Whelks, 'severely whipp'd' with two others was a forced man,⁹¹¹ and so was the member of Spriggs' company who was given ten lashes from each of the crew with a manatee strip. Bridstock Weaver was found guilty at his trial, but pardoned after several people testified to his forced status, 'was twice confined in irons at Sea (to wit) at the first time about five Days and the other time about 2 Days.'⁹¹² Harry Glasby, also a forced man, escaped exemplary punishment, but his co-offenders did not and Glasby himself had restrictions placed upon his movement by the rest of the company. By contrast, volunteer pirates, especially those who were members of the 'elite', had little fear of punishment. Walter Kennedy, quartermaster under Davis, lieutenant under Roberts, and eventually captain in his own right, was confident that his 'Friends would have brought [him] off', even if he had murdered a captive, and although Snelgrave imputed the escape from punishment of Cocklyn's boatswain to his own intervention, only part of the company was in favour of having him flogged, for 'he was a great Favourite of several others'.⁹¹³ Richard Hawkins reported that when 'a Man was killed on board of Loe in cold Blood; which being contrary to their Articles, Spriggs

⁹¹⁰ McLynn, *Crime and Punishment*, p. 92

⁹¹¹ *The Information of William Whelks*, 22/4/1723. ADM 1/4104, f. 76

⁹¹² *The Examination of Bridstock Weaver*, 13/2/1724. HCA 1/55, f. 53

⁹¹³ Snelgrave, *New Account*, pp. 219, 236

insisted upon having the Murderer hang'd.' Spriggs was Low's quartermaster at the time of the incident, but despite his position as the nominal dispenser of justice, Low overruled him and the murderer went free.⁹¹⁴

Pirate punishments, then, were directed primarily at the 'unpropertied' men aboard the pirate ship, the forced men who had no ownership stake in the vessel and were not part of the ruling 'elite'. Their punishment under the articles, by the 'propertied' volunteers of the company was a demonstration of the power of the 'propertied' over them, who used the articles, their own form of law, in the same way that the propertied and elite of legitimate society enforced their own superiority through the use of law. The few cases of volunteer pirates being formally punished by their comrades bear this point out. When Oliver la Buse was flogged and disrated for attempting to leave John Taylor's company it was, nominally, for an infraction of the articles, but it is clear that Taylor himself was instrumental in the punishment, preserving his own status as commander of the two-ship company. La Buse and Taylor were arguing over their drink one evening, reported their captive, du Bucquoy, when

la Buse came to provoke Taylor, and challenged him to a combat between their vessels. Taylor, who was easily angered, told him that the proposition was absurd and shameful and asked if, perhaps, he had made it from rancour that he had previously been reduced, with his accomplices, to serve as common sailors for having plotted desertion. 'It was I,' he said, 'who punished you, so it is not for my crew to pay on my behalf.'⁹¹⁵

When Thomas Lawrence Jones was sentenced to be flogged by the whole of Roberts' company for throwing Roberts over a gun and beating him, it was because 'the Majority of the Company were of Opinion that the Dignity of the Captain, ought to be supported on board.'⁹¹⁶ For crimes against others, 'propertied' pirates were likely to escape punishment, and it was only when

⁹¹⁴ *The British Journal*, 22/8/1724

⁹¹⁵ Grandidier, *Madagascar*, p. 112

⁹¹⁶ Johnson, *General History*, pp. 224-225

they threatened the hierarchical structure of the pirate community that they risked prosecution by their shipmates.

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Pirates, for all their talk of revenging themselves on the cruel and arbitrary punishments and corrections meted out by masters and officers in legitimate service, recognised that their own ships required discipline, and that in order to attain that discipline they too required a judicial code which set down the potential offences that might be committed within or against their community, and stipulated the punishments to be inflicted on offenders. Moreover, in accepting the need for a certain level of discipline they also accepted, like seamen in legitimate service, that a certain level of violence was concomitant with the maintenance of discipline. When men made the transition from being seamen in legitimate service to being pirates, their notions of what constituted an acceptable level of violence on the part of their operational superiors did not change, so while a pirate captain using his cane to chivvy along new recruits who were afraid before their first battle was acceptable, a pirate captain beating a man to death with a bucket for minor insubordination was not. John Taylor could use his fists to maintain order, just as could a captain or mate of a merchantman, without arousing either the wrath or enmity of the company under his command.

When pirates came to draw up their formal codes of punishment for more serious offences, they utilised punishments that they were familiar with from their experience of legitimate society: fines, flogging and execution. Only marooning was a peculiarly 'pirate' punishment, but even so, it was not entirely unheard of in legitimate seafaring, and in many ways was the pirates' answer to transportation, inasmuch as it served to remove unwanted persons from the community and inflict hardship upon them, without necessarily, or even often, entailing death. In their judicial process of trial by jury, pirates also followed forms they were familiar with, though their circumstances and the intimate nature of their courts, forced them to dispense with much of the

frippery designed to overawe and impress the multitude attendant on trials held in a legitimate court.

What set the pirates' systems of justice and punishment apart from those prevalent on land and in legitimate seafaring practice was, firstly, that all of the offences legislated against by pirates were 'criminal' offences, and no regular provision was made in the articles for dealing with the 'civil' offences which were less likely to occur frequently on a pirate ship. Secondly, the excessive force of the punishment transgressors were likely to have inflicted upon them, was much greater than the punishments for similar offences in legitimate society. Finally, pirates' systems of justice and punishment were notable for the lack of any real mechanism whereby mercy might be extended to a culprit. Once a member of a pirate company had been formally accused of an offence, his only real hope of escaping punishment was the rather arbitrary favouritism which existed on a pirate ship, so that three men might be tried for the same offence and while two were immediately shot to death the third escaped scot-free because he was possessed of a powerful friend and supporter. A pirate convicted of an offence against the company or an infraction of the articles could expect, on the whole, a more severe punishment than his counterpart in legitimate society. A pirate who was deprived of his share of the company's profit might lose anywhere between twenty and 1,000 pounds, depending on the success the company had enjoyed, an amount far in excess of the shillings that constituted most fines in legitimate society. While twelve lashes was the theoretical maximum that could be inflicted upon a seaman in the Royal Navy on the captain's authority alone, and was the usual, though not the maximum, number inflicted on merchantmen, pirate articles stipulated thirty-nine lashes as the standard number, even in response to some relatively minor offences. And though, by means of a court martial, a naval seaman might be sentenced to several hundred lashes, pirate juries handed down sentences in excess of one thousand lashes on a regular basis.

Finally, it was widely accepted that laws in legitimate society were in place for the protection of the propertied class against crimes committed by the 'unpropertied', and pirates also adopted this aspect of the law they had

experienced before leaving legitimate society. Most pirates would have been drawn from the 'unpropertied' class in legitimate society, but instead of recognising the inherent unfairness in a system which, although all men were supposed to be equal, served some people better than others, they chose to emulate it rather than discard it. By directing the actual imposition of punishments primarily against the lowest strata of their own society, and largely allowing their volunteer comrades, and especially the 'elite' favourites among the company, to escape punishment they too sought to reinforce the gulf between propertied and 'unpropertied' members of their community through the power of the law. In the hands of pirates, the law became not just a means of maintaining and enforcing the discipline that was necessary on board ship, but like the law on land, a means of social control.

Conclusion.

Throughout this thesis I have shown that pirates established their laws and their society in emulation of the legitimate Anglo-American society in which they had lived before turning to piracy. In Chapter 1 I showed that pirate society of the later seventeenth and early eighteenth centuries emerged as a distinct entity, in some respects similar to, but by no means the same as, buccaneer society, the so-called 'brethren of the coast', whose communities were run along the lines of the ill-defined 'Jamaica Discipline'. There was some integration between buccaneers and some of the earlier pirates who sailed the Indian Ocean in the 1690s, but it was limited. Pirates of the eighteenth century, and many of their seventeenth-century predecessors, had little or no contact with buccaneering culture. Despite this, several historians such as Christopher Hill, Jan Rogozinski, and J.S. Bromley,⁹¹⁷ have suggested that pirate culture evolved directly from buccaneering culture, but the similarity between the articles of Cusack and Morgan, and the reference to the medieval Laws of Oleron in Cusack's articles, suggests that both groups were influenced independently by earlier privateers.

In Chapter 2 I addressed the issues of pirate hierarchies and the democracy practiced by pirates, and argued that it is inaccurate to consider the structure of a ship's crew in terms of a single hierarchy. First, I examined the command hierarchy of a pirate company, and how authority and command filtered from the commander or captain of a vessel down to the foremastmen. Particular attention was paid to the selection of pirate officers, especially captains, and their career paths, arguing that although some officers were elected into their position, that was only one of several ways in which they might attain command and that their status prior to becoming captain was an important consideration in their selection.

In Chapter 2.2 I showed that, unable to turn to any higher authority to settle their problems of command, pirates created their own higher authority, located within their immediate community rather than external to it, but functioning

⁹¹⁷ Hill, 'Radical Pirates?', pp. 28-30; Rogozinski, *Honor Among Thieves*, pp. 169-170; Bromley, 'Outlaws at Sea', pp. 13-15

nonetheless in much the same way. They filled a dual role, as workers on the vessel on which they sailed, but also as owners of it, and they fulfilled the functions of both roles simultaneously, but separately. When the day to day running of the ship required their obedience to the captain and officers, they gave it, and moreover they promulgated punishments for themselves should they fail to give it, but when they had need of recourse to a higher authority they took that authority on themselves.

But in giving themselves that authority they endeavoured to act in the same way that they had seen merchant ship-owners act, with the same license and restrictions. Chapter 2.3 explored the issue of pirates 'democracy' and showed that even as owners of their vessel, not everyone in the company was allowed as say in how the vessel was run, and not everybody aboard the vessel was considered an owner. By limiting the power of decision making to just a proportion of the ship's crew, and by investing more power in some hands than in others, they recreated in miniature the hierarchical system of the society they had abandoned. The pirates' professional hierarchy was examined in Chapter 2.4, in which I showed that aboard a pirate ship the officers, skilled tradesmen such as gunners and carpenters, old hands, and volunteer members of the company received rights and privileges denied to the forced men, slaves, and boys: they voted on important issues, looked forward to accruing profit from their voyages, and, by and large, escaped the punishments that their system of justice inflicted on their less fortunate shipmates. Finally I considered the pirates' social hierarchy, and will argue that for all their talk and gestures of egalitarianism pirates employed a social hierarchy in which men were respected for their rank and status as well as for their merits.

All of this argued against some of the most deeply-held tenets of the Rediker-dominated historiography, and effectively overturned the ideas that pirates created a new and original social order, characterised by 'their own kind of democracy and equality', and 'class hostility'.⁹¹⁸ In fact, pirates ran their societies along hierarchical, sometimes arbitrary, lines, and exhibited a certain amount of respect for social class as well as professional merit. There was

⁹¹⁸ Rediker, *Villains of all Nations*, pp. 61-62, 176

little new or revolutionary about pirate society, it was influenced almost entirely by the experience of pirates in legitimate society. The importance of this new assessment is far-reaching. The democratic and egalitarian model of pirate society has not seriously hitherto been challenged, and has been accepted widely by historians as the basis for their own assessments of pirate culture, as explained in the Introduction.

The theme of pirates' emulation of pre-existing systems was continued in Chapter 3, in which I showed that the economic systems employed by pirates followed very closely those of legitimate seafarers, both in their use of money to provide a 'common chest' from which expenses could be met and from which injured members of the company might be compensated, and in their pay hierarchy which, while more egalitarian than some contemporary maritime pay hierarchies such as that of the Royal Navy and certain privateers, was roughly comparable to those found in other services, such as the Newfoundland fishing enterprise, various privateers, and the merchant shipping industry. Both of these practices were rooted in common maritime practice with which pirates would have been very familiar and which, far from creating their own unique systems of reward and compensation, pirates adopted and adapted only slightly, if at all, to fit their own unique circumstances. Finally, I considered the question of what pirates actually spent their wealth on, and argued that the accumulation of wealth, along with the seizure of certain commodities, especially clothing, was one of the ways in which they sought to elevate their social standing. This elevation was, I have argued throughout the thesis, the main aspiration of many or most pirates. Piracy was, for most of them, the means to an end rather than an end in itself. Men did not turn to piracy in the hope that they would find a new egalitarian or libertarian society on the pirate ship, but because piracy was, for them, the simplest and quickest way to climb a rung or two on the ladder of respectable and legitimate society.

This view is reinforced in Chapter 4, in which I argued that pirates' articles restricted their behaviour far more than they guaranteed liberties. First I examined what kind of freedoms were guaranteed by pirate articles, and how extensive those freedoms were compared to the liberties enjoyed by seamen

in legitimate service. Secondly, I explored the articles denying individual pirates the right to leave the company, and argued that for many pirates this was a most unwelcome restriction which was sometimes found to be unworkable in practice. I also tackled the question of freedom of speech aboard pirate vessels, and argued that pirates' restrictions of free speech were sometimes far more draconian than those found in legitimate seafaring. Fourth, I looked at how pirates sought to restrict and control potentially divisive quarrels and arguments, and minimise the impact of internecine conflict. Finally I explored the articles' stance on women and sex, and dispelled the myth of pirates' sexual libertarianism by showing that the presence of women on pirate ships was severely restricted and that homosexuality and situational homosexual practice were, contrary to the arguments of B.R. Burg, no more common amongst pirates than any other group of seafarers. The maintenance of their community was so important to pirates that, far from enjoying unparalleled freedoms, pirates imposed upon themselves social controls and restrictions that in all significant respects followed, and sometimes exceeded, those found in legitimate society. Apart from the rights to drink heavily and swear profusely, pirates enjoyed no greater level of social freedom than any other group in the early-modern period. Faced with the same problem of the conflict between establishing the rights of the individual and restricting them for the benefit of the community as a whole, pirates and legitimate societies reacted in comparable ways.

In Chapter 5 I will explore the articles' role as codes of 'criminal' law, and their use in punishing malefactors. By comparing the sequence of events from crime to punishment in legitimate society and in pirate society, with particular attention to the pirates' manner of trying transgressors against the articles, and the nature of punishments inflicted by pirates on members of their own community, I argued that pirates' systems of justice were, again, largely copied from the systems with which they were familiar in legitimate society, but were frequently more severe in their punishment and contained no real mechanism by which mercy might be extended to a malefactor. Fines, flogging, and execution were common sentences handed down by legitimate and pirate juries alike, and pirates adopted the practice of transportation as a

punishment, and adapted it to suit their own peculiar circumstances, by marooning errant members of their company in inhospitable territories. Moreover, the actual use of punishments by members of the pirate 'elite' against 'unpropertied' members of their companies emulated one of the most complained-of abuses prevalent in the legitimate judicial systems of Anglo-American society. By maintaining laws for the protection of the 'propertied' volunteer pirates and officers against the 'unpropertied' forced men and slaves, members of the pirate 'elite' placed themselves on the other side of the judicial fence from that on which they had found themselves in legitimate society, but made no effort to break the fence down.

Traditionally, pirate society has been depicted as original, a hitherto untried experiment: pirates 'dared to imagine a different life, and they dared to try to live it.'⁹¹⁹ But this thesis has cut through the romance and ideology of previous interpretations of pirate society, and has continually shown that in reality there was nothing new or original about any of the methods by which a pirate ship was run. The emulation of legitimate systems of government and society by pirate crews was, to some extent, rooted in the fact that pirate communities faced many of the same problems and dilemmas as communities in legitimate society: for entirely practical reasons, somebody had to take charge of the running of the pirate company; members of the community required money of their own and so had to have the opportunity to earn it; individual freedoms needed to be restricted to prevent the community dissolving in anarchy; and those who failed to respect the laws of the community had to be punished, both to prevent further transgressions and to discourage transgressions by others. However, the particular ways in which certain members of pirate companies were able to use the emulated systems to their advantage is indicative of a much deeper trend, the desire to improve their status. By taking on the role of shareholders in their ship, as outlined in Chapter 2.2, pirates immediately improved their status from that of waged employee to property owner, and by taking an active part in some aspect of the running of their community they adopted the status of the propertied freemen who enjoyed the

⁹¹⁹ Rediker, *Villains of all Nations*, p. 175

franchise in legitimate society. By owning of slaves, employing servants, and wearing new clothes, pirates broadcast their new status to all whom they met.

That pirates sought to acquire riches for themselves cannot be in doubt, but for many pirates that aim was not only based on the intrinsic value of their accumulated wealth, but also on what that wealth meant in terms of their relative status. The great heyday of social mobility may have been coming to an end by the late seventeenth century, but the rise of the merchant, especially after the Restoration, meant that wealth was becoming as important an indicator of status as birth.⁹²⁰ Coupled with, and related to, the rise of the merchant came the rise of the ambiguously-defined 'middle sort', that disparate group who existed somewhere between the commoners and the nobility. There is no clear consensus on what criteria established someone as of the 'middle sort', or even that any one criterion or set of criteria can be used to do so, but wealth certainly played a part. Other possible criteria for inclusion in the 'middle sort' include occupation, associations, and local office-holding.⁹²¹ Entry into the 'middling' class might be possible by commoners, including pirates, and was enough for many men to style themselves 'Gentleman'.⁹²²

This, then, was one of the goals of pirates, both in their accumulation of wealth and in their recreation of legitimate society in such a way as to improve their own local standing. Certainly, the ultimate goal of many, perhaps most, pirates was to retire and re-enter legitimate society with enough wealth to be able to establish themselves in at least 'middling' status. This can be seen clearly in the actions of those pirates who came ashore in Virginia in 1720, already in possession of a slave apiece, who used some of their wealth to purchase indentured servants,⁹²³ and Blackbeard's decision to end his piratical career dealing slaves in North Carolina suggests not only the pursuit of wealth but also the pursuit of gentility. Bartholomew Roberts' insistence on

⁹²⁰ Lawrence Stone, 'Social Mobility in England, 1500-1700', *Past and Present*, 33 (1966), pp. 34, 46

⁹²¹ H.R. French, 'Social Status, Localism and the "Middle Sort of People" in England, 1620-1750', *Past and Present*, 166 (2000), pp. 70-73

⁹²² Michael Mascuch, 'Social Mobility and middling self-identity: the ethos of British autobiographers, 1600-1750', *Social History*, 20 (1995), p. 51

⁹²³ *American Weekly Mercury*, 17/3/1720; *Daily Courant*, 31/8/1720

the acquisition of £1,000 per man before the company could be broken up, and his references to himself as future Governor of the Leeward Islands, differ from Blackbeard's aspirations only in terms of scale.⁹²⁴

But before they could hope to acquire sufficient wealth to retire as members of the 'middle sort', pirates endeavoured to place themselves in that status bracket as part of their recreation of legitimate society aboard their ships. On land, the existence of a 'middle sort' was essentially a local phenomenon in which status was defined by comparison to neighbours and associates, but bore little significance in wider society,⁹²⁵ and the same was true of the pirate propertied 'elite'. Away from their pirate community, their elevated status meant little, but aboard their own ships their status as local rulers was assured by their domination of the 'unpropertied' through established hierarchies and judicial systems, as outlined in Chapters 2 and 5. When Howell Davis promised prospective recruits that 'he would make Gentlemen of them all',⁹²⁶ there was no deliberate rhetoric in his words. On board the pirate vessel, volunteer pirates would be admitted to the local elite who would enjoy the franchise in local matters, were protected by the company's laws against those who were not members of the local elite, and from whose ranks local office-holders were drawn.

⁹²⁴ *Weekly Journal, or British Gazetteer*, 29/7/1721

⁹²⁵ French, 'Social Status', p. 77

⁹²⁶ *The Information of John Stephenson*, 9 November, 1721, HCA 1/55, f. 5

Appendices

Appendix 1. The 'Obligation' of George Cusack, 1667.

Following the arrest and trial of Cusack and his company in 1674, a pamphlet appeared in print, detailing Cusack's career and containing a description of an 'obligation' signed by the company.⁹²⁷ Very little corroborative evidence can be found to support the account, but neither is there any real reason to doubt its integrity. The anonymous author would certainly have had the opportunity to meet and interview Cusack and his pirates while they were incarcerated in the Marshalsea prison awaiting trial, and it may be that, if his account of the 'Obligation' was not pure invention, it came from the personal recollection of Cusack or another. Cusack's 'Obligation' was the first time the substance of pirate articles appeared in print, and the fact that there was no pre-existing literary tradition of including pirate articles in published accounts tends to support its authenticity. The 'Laws of Oleron' mentioned in the text was a code of laws established in England in the thirteenth century, which by the seventeenth century formed the basis of a 'custom of the sea'. The 'Laws of Oleron' established various rights and responsibilities for mariners and masters, including the division of spoil. Under the laws, half the value of any prize taken belonged to the owners of the captor vessel, while the other half belonged to the master and crew. The master received a double share, making Cusack's own share of any profit comparable with other pirate captains of the period, such as Roberts and Lowther.⁹²⁸ The text of the 'Obligation' follows.

...declaring their resolution of running away with the Ship and Cargo, and of taking or sinking all Ships or Vessels they should meet with belonging to any Nation, English only excepted: promising to all persons aboard that joined with them, their proportion and shares of the Ship and Cargo; together with all other Ships they should afterwards take or surprise, according to the Lawes of Oleron: to which end he ordered to

⁹²⁷ *The Grand Pyrate*, pp. 5-7

⁹²⁸ Rodger, *Safeguard of the Seas*, pp. 141-142; Marsden, *Law and Custom*, p. 2

be drawn up in Writing an Obligation to himself as Captain, and the said Parslow as Lieutenant, expressing the Resolutions of the Subscribers upon their Oaths to live and die with them in this their present design.⁹²⁹

⁹²⁹ *The Grand Pyrate*, pp. 6-7

Appendix 2. Articles aboard the *Camelion*, 1683.

*The crew of the Camelion, a London slave-ship who mutinied and turned to piracy in 1683, were tried for piracy in New York, and recorded amongst the indictments was a copy of an agreement drawn up and signed by the crew. This document is the closest thing surviving to an original copy of piratical articles, recorded in full with the names and marks of its signatories attached.*⁹³⁰

June the 30th day, 1683. Articles of Agreement between us aboard of the Camillion, Nich. Clough Comander, that wee are to dispose of all the goods thatt are aboard amongst us, every man are to have his full due and right share only the Commander is to have two shares and a half a share for the Ship and home [whom] the Captain please to take for the Master under him is to have a share and a half. Now Gentlemen these are to satisfy you, as for the Doctor a Share and half, and these are our Articles that wee do all stand to as well as on and all.

These are to satisfy you thatt our intent is to trade with the Spaniards, medling nor make no resistances with no nation that wee do fall with all upon the Sea. Now Gentlemen these are to give you notice that if any one do make any Resistances against us one any factory hereafter shall bee severely punish according to the fact that hee hath comitted and as you are all here at present you have taken your corporall oath upon the holy Evangelists to stand one by the other as long as life shall last.

⁹³⁰ *Abstracts of wills*, pp. 83-87; Jameson, *Privateering and Piracy*, pp. 160-161

Appendix 3. Articles of William Kidd, 1696.

Kidd's piratical voyage began in England as a privateering and pirate-hunting voyage, but his recruitment in New York of a number of former- and would be- pirates led ultimately to the company turning to piracy. The first sign that Kidd may have had difficulty controlling his company came four days after leaving New York, bound for Madagascar, when members of his company, still on the pretence of a privateering voyage, demanded that the articles they had signed be re-written as follows. The articles survived in Kidd's possession until they were confiscated from him on his return from the Indian Ocean by Governor Bellomont, who sent a copy to the Board of Trade and Plantations.⁹³¹

Articles of Agreement made and concluded upon this tenth day of September Anno Domini 1696 between Captain William Kidd, Commander of the good ship the *Adventure Galley*, on the one part, and John Walker, Quarter-master to the said ship's company, on the other part, as followeth:

Imprimus. That the above said Capt William Kidd shall receive for the above said ship (Hee finding the said ship in wear and tear) thirtie five shares; as also five full shares for himselfe, & his commission, of such treasure, wares and merchandises as shall from time to time be taken by the said ship & company by sea or land.

2ndly. That the master for his care shall receive two shares of all such treasures, and the Capt shall allow all the other officers a gratification above their owne shares out of the said ships shares as the said Capt or other in his place shall deem reasonable

3rdly. That the above ships company do oblige themselves to pay out of the first money or merchandise taken for all such provisions as were received on board the said ship in the River of Thames according to the tradesmens bills, and for what provisions the said Wm Kidd shall from time to time purchase for victualling the said ship and company in America or elsewhere, the said ships company do oblige themselves to pay for the said provisions such advance as shall be demanded by the inhabitants of the places where the said provisions shall be purchased.

4thly. That the said ships company shall out of the first purchase taken after the victualling of the said ship is paid, pay for the surgeon's chest and all ships debts by the said voyage contracted.

5thly. That if any man shall lose an eye, legg or arm or the use thereof in the ship or company service, shall receive as a recompense for the loss

⁹³¹ Ritchie, *Captain Kidd*, pp. 65-69; CSPC, 1700, item. 354. xvii

thereof six-hundred pieces of eight or six able slaves to be paid out of the whole stock before any dividend be made

6thly. That if any man shall receive a flesh wound or lose a finger or toe in the said ship or company service, he shall receive for smart money one hundred pieces of eight out of the whole stock before any dividend be made.

7thly. That if any man lose his life in time of engagement or by any accident in the ship, or company's service, his share shall be paid to his attorney for the use of his family or friend. And if no purchase twenty pounds out of the stock.

8thly. That man who shall first see a sayle, if she prove to be a prize, shall receive one hundred pieces of eight to be paid out of the whole stock before any dividend be made.

9thly. That whosoever shall disobey command shall lose his share or receive such corporall punishment as the Capt and major part of the company shall think fit.

10thly. That man that is proved a coward in time of engagement shall lose his share

11thly. That man that shall be drunk in time of engagement before the prisoners then taken be secured, shall lose his share.

12thly. That man that shall breed a mutiny or ryot on board the ship or prize taken shall lose his share, and receive such corporall punishment as the Capt and major part of the company shall think fitt.

13thly. That if any man shall defraude the Capt or company of any treasure, as money, goods, wares, merchandise or any other thing whatsoever to the value of one piece of eight either on board the man of war, prize or prizes taken shall lose his share and be put on shore upon the first inhabited island or other place that the said ship shall touch at.

14thly. That such men as go on board of any prize taken by the said ship, if such prizes should be retaken the men notwithstanding shall receive their share of what stock is left in the man of war or elsewhere.

15thly. That what money or treasure shall be taken by the said ship and company shall be put on board of the man of war, and there be shared immediately, and all wares and merchandise when legally condemned, to be equally divided amongst the ships company according to articles.

16thly. That what prizes shall happen to be taken by the said ship and company, that shall be found on board the said prize that may be convenient for the man of war as anchors, cables, sayles or riggen or

other things needful and necessary that the man of warr shall be supplied therewith for the better fitting of her to proceed her voyage.

17thly. That all those that have taken up arms of Capt Wm Kidd as guns, pistells, cartouche boxes, and cutlasses, shall pay for one gun, one pistell, one cartouche box and one cutlass six pounds, to be paid out of the first money that shall be shared, and the said Capt to find ammunition convenient for the said voyage.

18thly. That the said Capt doth oblige himself to use all proper meanes and take all diligent care to proceed from place to place where he shall think convenient for making himselfe and ships company a voyage, and not to return, want of provisions and other absolute necessities excepted before the said [voyage?] be made.⁹³²

⁹³² Harris, *Treasure and Intrigue*, pp. 313-316

Appendix 4. Fragments of the Articles of Howell Davis, 1719.

No complete set of the articles drawn up by Howell Davis' company has survived, which is to be lamented as Davis consorted and associated with a number of other pirate crews, including those of Thomas Cocklyn and Oliver la Buse, who had been members of the Flying Gang.⁹³³ More importantly, Davis, at one time or another, commanded John Taylor, Bartholomew Roberts, and Thomas Anstis – all of whom later went on to become pirate captains themselves, and all of whom created their own articles which have survived.⁹³⁴ Therefore, three sets of articles under consideration here may owe something of their conception and construction to the set in force in Davis' company. Three clauses were recorded by William Snelgrave, one time captive of Thomas Cocklyn, which may have been in force in Davis' crew. During the time that Snelgrave was a prisoner of Cocklyn, on the African coast in 1719, he spent an almost equal amount of time with Davis, whose company he seemed to enjoy and whom he described as 'a brave generous man'.⁹³⁵ When describing the pirates' articles where they were relevant to his narrative he couched his account in slightly ambiguous terms, leaving some doubt as to whether the articles he described belonged to Cocklyn's crew only, or to Davis' crew as well. The relevant extracts from Snelgrave's account run as follows:

'...that maxim established amongst them, not to permit any ill usage to their prisoners after quarter given'.⁹³⁶

'Several of these unhappy people... desired me to intercede for them, that they might be cleared again; for they durst not themselves mention it to the Quarter-master, it being death by their articles'.⁹³⁷

'It is a rule amongst the pirates, not to allow women to be on board their ships, when in the harbour. And if they should take a prize at sea, that has any women on board, no one dares, on pain of death, to force them

⁹³³ Snelgrave, *New Account*, pp. 197-198

⁹³⁴ Snelgrave, *New Account*, p. 272; Burl, *Black Barty*, p. 64; Rediker, *Villains of All Nations*, p. 80

⁹³⁵ Snelgrave, *New Account*, p. 226

⁹³⁶ Snelgrave, *New Account*, p. 219

⁹³⁷ Snelgrave, *New Account*, pp. 220-221

against their inclinations. This being a good political rule to prevent disturbances amongst them, it is strictly observed.⁹³⁸

Two clauses were also attributed to Davis by Johnson, in his General History:

According to Davis's Articles, it was agreed, that Quarters should be given whenever it was called for, upon Pain of Death

and

According to their Articles, he who first espies a Sail, if she proves a Prize, is entitled to the best Pair of Pistols on board, over and above his Dividend.⁹³⁹

⁹³⁸ Snelgrave, *New Account*, pp. 256-257

⁹³⁹ Johnson, *General History*, p. 191

Appendix 5. The Articles of John Taylor, c.1720.

John Taylor, protégé of both Davis and Cocklyn, commanded Cocklyn's company following that captain's death. Like Davis, Taylor consorted with a number of other pirates and became one of the most successful pirate captains operating in the Indian Ocean in the early eighteenth century. Taylor's articles were described, if not transcribed, by a Dutch captive, Jacob du Bucquoy, whose account of his time as a prisoner is both detailed and observant. His portrayal of Taylor as a tough and efficient sailor and a leader of great courage is also borne out by descriptions of the pirate written by other captives who had met him, such as the East India Company officer Richard Lazenby,⁹⁴⁰ and William Snelgrave.⁹⁴¹ There is, then, little reason to doubt the integrity of du Bucquoy in his description of Taylor's articles.

The first article of their code declares as enemies all those who are not part of their association, permits the use of force or guile to take their goods, commands each man to give no consideration or mercy to anyone and to put to death any who resist or defend themselves, even his own father.

The second article obliges all to remain loyal and to assist their brethren in danger, on pain of death.

All plunder taken from a prize must be handed over to the quartermaster, on pain of a flogging and forfeiture of all possessions to the good of the company

Women taken in a prize are to be put ashore or given up to the hazards of the sea. No violence is to be offered to female prisoners on pain of severe punishment

Deserters are condemned to have their ears and noses slit and be marooned naked on a deserted island.

No victim who surrenders is to be harmed, on pain of death. (It is necessary to observe that this article is generally not applied to the pirates who are drunk)

No man to be forced against his will

Arguments, insults, gambling, and discussion of religion are prohibited

Captain, boatswain, master-gunner, and pilot to have one share and a quarter. The rest of the crew to have one share, except for those held of

⁹⁴⁰ Grey, *Pirates of the Eastern Seas*, pp. 316-325

⁹⁴¹ Snelgrave, *New Account*, p. 272

no account, who are to have a half share, and boys, to have a quarter-share. The quartermaster is to receive one share, to which each man adds something for his pains.⁹⁴²

⁹⁴² Grandidier, *Madagascar*, pp. 114-117

Appendix 6. The Articles of Bartholomew Roberts, d. February 1722.

When Howell Davis was killed, Roberts was appointed his successor,⁹⁴³ and led the company on a spectacular cruise. At some point during Roberts' extensive career new articles were drawn up.⁹⁴⁴ The articles drawn up by Bartholomew Roberts' crew are quoted in Johnson's General History, and thus the accuracy of their recording is in some doubt. Three reasons exist, however, to suppose that their recording was substantially accurate. Firstly, Johnson, for all his faults, was not in the habit of inventing articles where none were available for him to recount, and 31 of the 34 chapters that make up his work are devoid of articles. Secondly, Johnson has been described as 'more reliable about Bartholomew Roberts than of other pirates'.⁹⁴⁵ As well as his probable association with captured pirates from Roberts' crew, Johnson almost certainly met and interviewed John Atkins, who was not only present at the eventual destruction of Roberts' gang, but also acted as Register at their trial in 1722, and it was probably from Atkins that he heard of the articles.⁹⁴⁶ Thirdly, the published account of the trial contains evidence that directly corroborates some of the material in Johnson's version of the articles.⁹⁴⁷

1. Every man has a vote in affairs of moment; has equal title to the fresh provisions, or strong liquors, at any time seized, and may use them at pleasure, unless a scarcity makes it necessary, for the good of all, to vote a retrenchment.
2. Every man to be called fairly in turn, by list, on board of prizes because, (over and above their proper share) they were on these occasions allowed a shift of clothes: but if they defrauded the company to the value of a dollar in plate, jewels, or money, marooning was their punishment. If the robbery was only betwixt one another, they contented themselves with slitting the ears and nose of him that was guilty, and set him on shore, not in an uninhabited place, but somewhere, where he was sure to encounter hardships.
3. No person to game at cards or dice for money.
4. The lights and candles to be put out at eight o'clock at night: if any of the crew, after that hour still remained inclined for drinking, they were to do it on the open deck;
5. To keep their piece, pistols, and cutlass clean and fit for service.

⁹⁴³ *Weekly Journal or Saturday's Post*, 2/5/1724

⁹⁴⁴ Johnson, *General History*, p. 210; Burl, *Black Barty*, p. 102

⁹⁴⁵ Burl, *Black Barty*, p. xi

⁹⁴⁶ Johnson, *General History*, p. 676

⁹⁴⁷ *Trial of the Pyrates taken by Captain Ogle*, pp. 28, 39

6. No boy or woman to be allowed amongst them. If any man were to be found seducing any of the latter sex, and carried her to sea, disguised, he was to suffer death;

7. To desert the ship or their quarters in battle, was punished with death or marooning.

8. No striking one another on board, but every man's quarrels to be ended on shore, at sword and pistol.

9. No man to talk of breaking up their way of living, till each had shared one thousand pounds. If in order to this, any man should lose a limb, or become a cripple in their service, he was to have eight hundred dollars, out of the public stock, and for lesser hurts, proportionately.

10. The captain and quartermaster to receive two shares of a prize: the master, boatswain, and gunner, one share and a half, and other officers one and quarter.

11. The musicians to have rest on the Sabbath Day, but the other six days and nights, none without special favour.⁹⁴⁸

⁹⁴⁸ Johnson, *General History*, pp. 211-212

Appendix 7. The Articles of Thomas Anstis, April 1721 – April 1723.

Thomas Anstis' company broke away from Roberts' company after some disagreement and spent fourteen months cruising on their own account before submitting a petition to be pardoned. Not receiving any response to their petition, nineteen pirates elected to return to England in order to surrender themselves to 'the King's Mercy'.⁹⁴⁹ One of those who surrendered was William Whelks, who claimed to have been captured by Anstis' crew in 1721 and kept prisoner for a period of twenty months, during which time he was 'compelled' to sign the crew's articles. Appended to the deposition given by Whelks to Somerset magistrate William Blake is a copy of the 'Articles made on board the Good Fortune'. The accuracy of Whelks' memory cannot, of course, be determined, except to say that in other respects his testimony correlates well when compared to the testimony given by the other pirates of Anstis' crew, and there seems little reason to doubt Whelks' honesty, at least as far as the substance of the articles is concerned. The ninth clause reported by Whelks is independently corroborated as being in use by Anstis' successor, John Fenn.⁹⁵⁰

1st: That the Capt. shall have one share as the rest of the Company. The Master, Gunner, Carpenter, and Boatswain the same.

2d: If any man should Disobey any Lawful Command of the Commanding Officers shall suffer punishment the Company and Capt. shall think fit.

3d: If any p[er]son or p[er]sons should go on board of any Prize and should break open any Chest without the knowledge of the Quarter Master shall suffer what punishment the Company and Capt. shall think fit.

4th: If any p[er]son or p[er]sons shall be found guilty of thievery from one another to the value of one piece of Eight shall be marooned on an Island with one Bottle of Powder, one Bottle of water and shot equivalent.

5th: If any p[er]son or p[er]sons should be found guilty of neglecting in keeping their Arms clean unfitting for an Engagement shall lose his share or shares.

⁹⁴⁹ CSPC 1722-1723, item. 331.i; *The Examination of Thomas Lawrence Jones*, 13/2/1723, HCA 1/55, f. 51

⁹⁵⁰ *The London Journal*, 28/9/1723

6th: If any p[er]son or p[er]sons should be found to snap their arms or cleaning in the hold shall suffer Moses' Law, that is forty lacking one.

7th: If any p[er]son or p[er]sons shall be found backwards in the time of an engagement shall be marooned.

8th: If any p[er]son or p[er]sons shall be found to game on board the privateer of the value of one Real plate shall suffer Moses' Law

9th: If any p[er]son or p[er]sons shall go on board of a Prize and meet with any Gentlewoman or Lady of Honour and should force them against their will to lie with them shall suffer death.

10th: If any p[er]son or p[er]sons should lose a leg or a limb or a joint shall for a limb have Eight hundred pieces of Eight, and for one joint 200.

11th: If any time we shall come in Company with any other Marooner and they shall offer to sign their articles without the consent of the Company shall be Marooned, or run away shall receive the same.

12th: But if any time we shall hear from England an Account of an act of Grace they that are amind to receive it shall go with their money and goods, and the rest have the Privateer.⁹⁵¹

⁹⁵¹ *The Information of William Whelks, 23/4/1723, ADM 1/4104*

Appendix 8. The Articles of George Lowther, May 1721 – October 1723.

George Lowther's articles were the second of three sets published in Johnson's General History, and so must be treated with caution. However, as noted in Appendix 6, there is no reason to suppose that Johnson deliberately fabricated any of the sets of articles he recorded. Johnson's most likely source of information regarding Lowther's articles was John Massey, Lowther's lieutenant, whose trial took place in London in 1723 (see Chapter 1.4) The similarity of Lowther's articles to his consort, Low's (see Appendix 9), is also indicative of their authenticity.

1. The Captain is to have two full Shares; the Master is to have one Share and a Half; The Doctor, Mate, Gunner and Boatswain, one Share and a Quarter.
2. He that shall be found guilty of taking up any unlawful Weapon on board the Privateer, or any prize, by us taken, so as to strike or abuse one another, in any regard, shall suffer what Punishment the Captain and the Majority of the Company shall see fit.
3. He that shall be found Guilty of Cowardice in the Time of Engagement, shall suffer what Punishment the Captain and the Majority of the Company shall think fit.
4. If any Gold, Jewels, Silver, &c. be found on Board of any Prize or Prizes, to the Value of a Piece of Eight, and the Finder do not deliver it to the Quarter-Master in the space of 24 hours shall suffer what Punishment the Captain and the Majority of the Company shall think fit.
5. He that is found Guilty of Gaming, or Defrauding another to the Value of a Shilling, shall suffer what Punishment the Captain and the Majority of the Company shall think fit.
6. He that shall have the Misfortune to lose a Limb in Time of Engagement, shall have the Sum of one hundred and fifty Pounds Sterling, and remain with the Company as long as he shall think fit.
7. Good Quarters to be given when call'd for.
8. He that sees a Sail first, shall have the best Pistol, or Small Arm, on board her.⁹⁵²

⁹⁵² Johnson, *General History*, pp. 307-308

Appendix 9. The Articles of Edward Low, May 1722 – Spring 1724.

The articles of Edward Low's company were printed in the Boston News-Letter,⁹⁵³ following the capture and trial of Low's consort, Charles Harris, and his crew. They were printed along with a list of ships captured by the pirates, supplied in the form of a deposition by one of Harris' crew who had recently been executed. This is the source from which they have usually been quoted, however, they were also included as an appendix to the printed account of the trial of Harris and his crew, also published in 1723. There is no indication in the newspaper who that source might have been, but we can be on surer ground with the version of the articles printed in the trial account, which were provided, 'to the best of his remembrance' by John Kencate, a surgeon who had been forced to join the pirates and 'had often seen them'.⁹⁵⁴ The fact that two virtually identical versions of Low's articles have been preserved in apparently independent sources, suggests a reasonable degree of authenticity. The text below is quoted from the Boston News-Letter version.

1. The Captain is to have two full Shares; the Master is to have one Share and one Half; The Doctor, Mate, Gunner and Boatswain, one Share and one Quarter.
2. He that shall be found guilty of taking up any Unlawfull Weapon on Board the Privateer or any other prize by us taken, so as to Strike or Abuse one another in any regard, shall suffer what Punishment the Captain and the Majority of the Company shall see fit.
3. He that shall be found Guilty of Cowardice in the time of Ingagements, shall suffer what Punishment the Captain and the Majority of the Company shall think fit.
4. If any Gold, Jewels, Silver, &c. be found on Board of any Prize or Prizes to the value of a Piece of Eight, & the finder do not deliver it to the Quarter Master in the space of 24 hours he shall suffer what Punishment the Captain and the Majority of the Company shall think fit.
5. He that is found Guilty of Gaming, or Defrauding one another to the value of a Ryal of Plate, shall suffer what Punishment the Captain and the Majority of the Company shall think fit.
6. He that shall have the Misfortune to loose a Limb in time of Engagement, shall have the Sum of Six hundred pieces of Eight, and remain aboard as long as he shall think fit.
7. Good Quarters to be given when Craved.

⁹⁵³ *Boston News-Letter*, 8/8/1723

⁹⁵⁴ *Tryals of Thirty-Six Persons*, pp. 191-192

8. He that sees a Sail first, shall have the best Pistol or Small Arm aboard of her.
9. He that shall be guilty of Drunkenness in time of Engagement shall suffer what Punishment the Captain and Majority of the Company shall think fit.
10. No Snaping of Guns in the Hould.⁹⁵⁵

In his account of his time as a prisoner of Low's company, George Roberts mentioned several other 'articles' which, if accurate, may have been unwritten rules rather than codified articles. Doubt has been cast on the authenticity of Roberts' account, but if it is indeed a fabrication it is at least a well-researched one, and I can find no satisfactory reason to ignore the account.

...we have an article which we are sworn to, which is, not to force any married man, against his will, to serve us.⁹⁵⁶

...one of their articles, it being punishable by death, to hold any secret correspondence with a prisoner.⁹⁵⁷

That if any man shall advise, or speak any thing tending to the separating or breaking of the company, or shall by any means offer or endeavour to desert or quit the company, that person shall be shot to death by the quarter-master's order, without the sentence of a court martial.⁹⁵⁸

...[the articles] enjoin you by all means, not repugnant to them, to increase and fill your company.⁹⁵⁹

⁹⁵⁵ *Boston News-Letter*, 8/8/1723

⁹⁵⁶ Roberts, *Four Years' Voyages*, p. 53

⁹⁵⁷ Roberts, *Four Years' Voyages*, p. 61

⁹⁵⁸ Roberts, *Four Years' Voyages*, p. 62

⁹⁵⁹ Roberts, *Four Years' Voyages*, p. 80

Appendix 10. The Articles of John Philips, August 1723 – April 1724.

John Philips began his piratical career as carpenter of Anstis' company, and was among those who returned to England with William Wheelks (see Appendix 7) before returning to piracy.⁹⁶⁰ Of the three sets of articles recorded in the General History, John Phillips' is the most difficult to analyse in terms of authenticity. The activities of Phillips' crew were well reported in contemporary newspapers, and it was probably from these that Johnson drew most of his information,⁹⁶¹ but none of these accounts recorded the articles used by Phillips, and there is no other corroborative evidence of the articles' contents. Thus, the credibility of Phillips' articles rests solely on the credibility of Johnson, but there are some points which may give clues as to Johnson's accuracy as far as Phillips' articles are concerned. Firstly, as noted above, Johnson does not appear to have been in the habit of inventing articles, and of the three sets in the General History, the other two can be shown probably to be fairly faithful recordings, so, it would not be unreasonable to suppose that Johnson's version of Phillips' articles is also substantially accurate. Secondly, seven of the nine clauses which comprised Phillips' articles were similar or virtually identical to clauses in the articles of Philips' mentor, Thomas Anstis. Nevertheless, the fact remains that Johnson's account cannot be corroborated.

1. Every man shall obey civil Command; the Captain shall have one full share and a half in all Prizes; the Master, Carpenter, Boatswain and Gunner shall have one Share and quarter.
2. If any man shall offer to run away, or keep any Secret from the Company, he shall be marroon'd with one Bottle of Powder, one Bottle of Water, one small Arm and shot.
3. If any Many shall steal any Thing in the Company, or game, to the Value of a Piece of Eight, he shall be marroon'd or shot.
4. If at any Time we should meet another Marrooner that Man that shall sign his Articles without the Consent of our Company, shall suffer such Punishment as the Captain and Company shall think fit.
5. That Man that shall strike another whilst these Articles are in force, shall receive Moses' Law (that is 40 stripes lacking one) on the bare Back.

⁹⁶⁰ *The Information of Henry Treehill*, 13/2/1723, HCA 1/55, ff. 65, 68; Johnson, *General History*, pp. 341-342

⁹⁶¹ Johnson, *General History*, p. 680

6. That Man that shall snap his Arms, or smoak Tobacco in the Hold, without a cap to his Pipe, or carry a Candle lighted without a Lanthorn, shall suffer the same Punishment as in the former Article.

7. That Man that shall not keep his Arms clean, fit for an Engagement, or neglect his Business, shall be cut off from his Share, and suffer such other Punishment as the Captain and the Company shall think fit.

8. If any Man shall lose a Joint in time of an Engagement he shall have 400 pieces of Eight; if a limb 800.

9. If at any time you meet with a prudent Woman, that Man that offers to meddle with her, without her Consent, shall suffer present Death.⁹⁶²

⁹⁶² Johnson, *General History*, pp. 342-343

Appendix 11. The Articles of John Gow. 1725.

By the time John Gow turned to piracy in late 1724 the publication of Johnson's General History had helped create an enormous public demand for tales of piracy. Thus, a great deal of printed material concerning Gow, as well as the manuscript copies of his crew's examinations, exists. The fullest account printed at the time, An Account of the Conduct and Proceedings of the Late John Gow, contains a record of the articles written aboard Gow's ship.⁹⁶³ There is no other source to corroborate the Account's version of the articles, but in general the Account compares well to the numerous other sources relating to Gow's career. Furthermore, the articles related in the Account are quite dissimilar to other articles, including those published in the General History the previous year. The author of the Account did not, therefore, copy or even draw inspiration from any published set available to him. There is therefore no evidence to show that Gow's articles were not a literary invention, but little reason to suppose that they should be.

I. That every Man shall obey his Commander in all Respects, as if the Ship was his own, and we under Monthly Pay

II. That no Man shall give or dispose of the Ships Provisions, whereby may be given Reason of Suspicion that every one hath not an equal share

III. That no Man shall open or declare to any Person or Persons what we are, or with what Design we are upon; the Offender shall be punished with Death upon the spot.

IV. That no Man shall go on Shore till the Ship is off the Ground, and in readiness to put to Sea.

V. That every Man shall keep his Watch Night and Day, and precisely at the Hour of Eight leave off Gaming and Drinking, every one repair to their respective Stations.

VI. Whoever Offends shall be punish'd with Death, or otherwise, as we shall find proper for our Interest.⁹⁶⁴

⁹⁶³ Defoe, *John Gow*, p. 54

⁹⁶⁴ Defoe, *John Gow*, p. 54

Appendix 12. Comparative table of pirate articles.

Table 6 is a summary of the information contained in Appendices 1,2, and 4-11. William Kidd's articles have been omitted as they were originally composed for a privateering voyage, even if they were later used by pirates. Davis' articles are problematic because of their incomplete nature. It should not be assumed, for example, that because no article relating to the division of shares is noted in Table 6 that no such article was adopted by Davis' company; it is quite probable that they predetermined how shares were to be divided, but the details escaped record. Finally, Low's articles as recorded by George Roberts have not been included because they are not all included in the canonical lists printed in the *Boston News Letter* and trial account, and may well have been verbal rules rather than codified articles.

Table 6. Comparative table of pirate articles.

	Cusack	Clough	Davis	Taylor	Roberts	Anstis	Lowther	Low	Phillips	Gow
Fair vote and equal provision					•					
Robbery from the company				•	•	•	•	•	•	•
Limitations on gambling				•	•	•	•	•	•	
Lights out					•					
Proper maintenance of weapons					•	•			•	
Bringing women and/or boys aboard			•		•					
Desertion and cowardice in action				•	•	•	•	•		
No fighting aboard				•	•		•	•	•	
Nobody to talk of breaking up the company					•					
Division of shares		•		•	•	•	•	•		
Set working/resting hours					•					•
Lawful						•			•	•

command to be obeyed										
Snapping arms in the hold						•			•	
Rape				•		•			•	
Compensation for injury						•	•	•	•	
Running away from the crew			•			•			•	•
Right to accept pardon if offered						•				
Quarter to be given when called for			•				•	•		
Extra shares/perks			•		•		•	•		
Drunkenness in action								•		
Loyalty to the company	•	•		•						
Good treatment of prisoners			•	•						
No man to be forced against their will.				•						
Oath of secrecy										•

Appendix 13. The buccaneering articles of Henry Morgan.

The articles drawn up by buccaneers under the command of Henry Morgan, together with the privateering articles in Appendices 15 and 16, are included for comparative purposes. Morgan's articles were recorded and published by Alexander Esquemeling, who accompanied Morgan across the Isthmus of Panama.

In this council, likewise, they agree upon certain articles, which are put in writing, by way of bond or obligation, which everyone is bound to observe, and all of them, or the chiefest, do set their hands unto... In the first place they mention how much the Captain ought to have for his ship. Next the salary of the carpenter or shipwright, who careened, mended, and rigged the vessel... Also a competent salary for the surgeon and his chest of medicaments... Lastly they stipulate in writing what recompense or reward each one ought to have that either wounded or maimed in his body... a very exact and equal dividend is made of the remainder among them all. Yet herein they have also regard unto qualities and places. Thus the Captain, or chief Commander, is allotted five or six portions to what the ordinary seamen have; the Master's Mate only two; and other Officers proportionable to their employment. After whom they draw equal parts from the highest even to the lowest mariner, the boys not being omitted... They observe among themselves very good orders. For in the prizes they take, it is severely prohibited unto every one to usurp anything in particular unto themselves. Hence all they take is equally divided, according to what has been said before. Yea, they make a solemn oath to each other not to abscond, or conceal the least thing they find amongst the prey. If afterwards any one is found unfaithful, and has contravened the said oath, immediately he is separated and turned out of the society.⁹⁶⁵

⁹⁶⁵ Esquemeling, *Buccaneers of America*, pp. 59-61

Appendix 14. The Articles of Woodes Rogers, October 1708.

Like Kidd's men, Rogers' privateering company also insisted on a new set of articles, though in Rogers' case there was no degeneration into piracy.

Impr. That all Plunder on board each Prize take by either ship, shall be equally divided between the Company of both ships, according to each Man's respective whole Share, as ship'd by the Owners or their Orders.

2. That what is Plunder shall be adjudg'd by the superior Officers and Agents in each Ship.

3. That if any Person on board either ship do conceal any Plunder exceeding one Piece of Eight in value, 24 hours after the Capture of any prize, he shall be severely punish'd, and lose his Shares of the Plunder.

The same Penalty to be inflicted for being drunk in time of Action, or disobeying his superior Officer's Comands, or concealing himself, or deserting his Post in Sea or Land Service.; except when any Prize is taken by Storm in Boarding, then whatsoever is taken shall be his own, as followeth: A Sailor or Landman 10 l. Any Officer below the Carpenter 20 l. A Mate, Gunner, Boatswain, and Carpenter 40 l. A Lieutenant or Master 80 l. And the Captains 100 l. over and above the Gratuity promis'd by the Owners to such as shall signalise themselves.

4. That publick Books of Plunder are to be kept in each Ship attested by the Officers, and the Plunder to be apprais'd by Officers chosen, and divided as soon as possible after the Capture. Also every Person to be sworn and search'd so soon as they shall come aboard, by such Persons as shall be appointed for that purpose: The Person or Persons refusing, shall forfeit their shares of the Plunder as above.

5. In consideration that Capt. Rogers and Capt. Courtney, to make both Ships Companies easy, have given the whole Cabin-Plunder (which in all probability is the major part) to be divided as aforesaid; we do voluntarily agree, that they shall have 5 per Cent. each of 'em, over and above their respective Shares, as a Consideration for what is their Due of the Plunder aforesaid.

6. That a Reward of twenty Pieces of Eight shall be given to him that first sees a Prize of good Value, or exceeding 50 Tons in Burden.

7. That such of us who have not sign'd already to the Articles of Agreement indented with the Owners, do hereby oblige our selves to the same Terms and conditions as the rest of the Ships company have done; half Shares and half Wages, &c.⁹⁶⁶

⁹⁶⁶ Woodes Rogers, *A Cruising Voyage round the World* (London, 1712), pp. 30-31

Appendix 15. Hypothetical Privateer Articles, 1746

Articles agreed between Captain A.B. Commander of the *Private Man of War*, called the *Terrible*, (with *twenty guns* mounted, carrying *nine pound* shot, *twenty brass pattereroes*, *four mortars*, and some *Wall-Pieces*, manned with *two hundred Men*, now lying at *Church Hole*, designed to cruize against the *French* and *Spaniards*) on the one Part, and the said Ship's Company on the other, witnesseth,

1. That the said Captain A.B. for himself, and in Behalf of the Owners of the said ship *Terrible*, shall put on board her, great Guns, Swivels, Powder, Shot, and all other warlike Ammunition necessary for them, as also small Arms, and Provisions sufficient for the said Ship's Company for a six months cruise at sea, from their Sailing from the *Downs*; in consideration of which, the Owners, or their Assigns, shall be reimbursed (out of the first Prize or prizes taken by the said ship *Terrible*, before any Dividend is made thereof) the whole Charge of warlike stores (great guns and small arms excepted), Victualling, Advance-Money, and the Expences the Owners are at for the Surgeon's Chest and a set of Musick; after which one half of the neat Proceeds of such Prize or Prizes as shall be taken, to be for the account of the Owners, and at the Disposition of the Managers; and the other half of such neat Proceeds to be the sole property of the Ship's Company; the Captain's share of which to be 6 (*in some 8*) per Cent. and the Residue to be divided in the Proportions mentioned in the eleventh Article of these Presents.

2. That for preserving a Decorum on board the said Private Man of War, no man is to quit, or go out of her, on board of any other vessel or vessels, or on Shore, without Leave obtained of the commanding Officer on board, under the Penalty of such Punishment as shall be esteemed proper by the Captain and Officers.

3. That it shall be entirely in the Captain's Power to cruise where he shall esteem most beneficial, for the Interest of the Owners, and Ship's Company.

(In some, it is, to cruise where the Managers, and in others, where the Owners shall direct.)

4. That if any Person be found a Ringleader of a Mutiny, or causing a Disturbance onboard, refuse to obey the Command of the Captain and Officers, behave with Cowardice, or get drunk in Time of Action, he or they shall forfeit his or their Share, to be divided amongst the Ship's Company; and be otherwise punished according to Law.

5. That all Clothes, Bedding, Watches, and Rings in wear, Buttons, Buckles, and what else is deemed small Plunder by Custom, is to be divided amongst the Ship's Company, according to their several Stations, the Captain not to interfere with them; the Cabin Utensils in present Use for the Commander.

6. That if any Person shall steal, or convert to his Use, and Part of the Prize or Prizes, or be found pilfering any Money or Goods, and be convicted thereof, he shall forfeit his Share to the Ship and Company.

7. The Captain has the Power of taking out of any Prize, or Prizes, whatever Stores he may judge necessary for the ship *Terrible*, without paying for them; provided the Prize is not disabled thereby.

8. That whoever first spies a Sail, which proves to be a Prize, shall have seven pounds (*in some only one Guinea, in others five*) and the first Man proved to board and Prize before she strikes, shall have a Gratuity of ten Pounds, (*in some ten, and in others fifteen Guineas*) for his Bravery, to be deducted out of the gross Sum of the Prize.

9. That if any Private Man shall lose a Leg, Arm or Eye in Time of Action, or in the Ship's Service, he shall, besides the Advantage at *Greenwich* Hospital, have a Gratuity of 25l. and in Proportion to the Officers, exclusive of shares (*in others only 20l. to a private Man, 50l. to the Captain, 40l. to the first Lieutenant, and 30l. to each of the other Lieutenants, Master and Surgeon*) the said sums to be deducted out of the gross Sum of the Prize; and in Case of Mortality under Cure, the said Gratuity and Share to be made good to their Assigns.

10. That for the farther Encouragement of the said Private Man of War's Company, it is agreed, that the chief Officers shall have *six Guineas*, the petty Officers and able Seamen *five Guineas*, able bodied Landmen *three Guineas*, and Boys *one Guinea*, advanced to them in the *Hope*, (*in some, the Officers and Seamen have only five Guineas, and the Landmen two.*)

11. That half of the neat Proceeds of all Prizes, taken by the Ship *Terrible* which is appropriated to the Ship's Company, be divided amongst the in the Manner following, after the Captain's 5, or 8 *per Cent.* (*as shall be agreed*) is taken thereout as above.

When the Captain has not the above-mentioned 6, or 8 *per Cent.* but divided with the Ship's Company, he commonly has twelve Shares, as follows, *viz.*

	Shares
The Captain	12
The first Lieutenant	5 ½ to 6
The second Lieutenant	4 ½ to 6
The third Lieutenant	3 ½ to 5
The Master	3 ½ to 5
The first Mate	3 to 4
The second Mate	2 ½ to 2
The Surgeon	3 to 4
The Surgeon's Mate	2 ½ to 2
The Lieutenant of Marines	3 to 4

The Gunner	3
The Gunner's Mates, to each	2
The Carpenter	3
The Carpenter's Mates, to each	2
The Boatswain	3
The Boatswain's Mates, to each	2
The Purser	3
The Cooper	1 ½ to 2
The Musick, to each of them	2
The Caulker	2
The Master at Arms	1 ½ to 2
The Armourer	1 ½
The Midshipmen, to each	1 ½ to 2
The Quarter Masters, to each ½	1
The Quarter Gunners, to each ¼ to 1 ½	1
The Corporals, to each ½	1 ¼ to 1
The Sailmaker	1 ½
The Yeoman of the Powder Room	2
The Ship's Steward	2
The Captain's Ditto	1 ½
The Master of Languages	1 ½
The Captain's Clerk	2
The Ship's Cook	1 ½ to 2
The Captain's Ditto	1 ½
The able Seamen, to each 1	1 1/10 to
The able Landmen, to each	¾
The Sea Boys, to each or ¾	½
The Land Boys, to each	⅓ to ½

12. That on the Death of the Captain, the Command to devolve on the next Officer, and so in Rotation; and for the Encouragement of the able Seamen, and others, on the Loss of Officers, they are to be replaced out of the Ship's Company, according to their gallant Behaviour, as the Captain shall appoint.

13. That whosoever deserts the said Ship *Terrible*, within the Time here under mentioned, shall forfeit his Prize Money to the Owners and Company, to enable them to procure others in their Room.

14. All and every one on board, does covenant and agree to serve on board the said Ship *Terrible*, the Term of six Months, beginning at the said Ship's Departure from the *Downs*.

15. And lastly, for the true Performance of all and every the aforementioned Covenants and Agreements; each, and every of the said Parties do bind themselves, their Heirs, Executors, and Administrators, in the penal Sum of *five hundred* Pounds, lawful Money of *Great-Britain*, firmly by these Presents: In Witness whereof, the said Parties to these Presents have hereunto severally set their Hands and Seals, the ... Day of ... in the Year of our Lord 1746, and the Twentieth Year in the Reign of our Sovereign Lord King *George the Second*.⁹⁶⁷

⁹⁶⁷ Wyndham Beawes, *Lex Mercatoria Rediviva* (Dublin, 1773), pp. 196-198

Appendix 16. Pirate Captains, 1660-1730

The following three tables represent data concerning the career paths of pirate captains, particularly their position prior to assuming piratical command, the method of their appointment as captain, and the way in which their command was terminated. Information concerning a sample of 82 Anglo-American captains has been collated, but is incomplete in some cases. The career path of each of the 82 captains has provided data for at least one table in every case, for two tables in twenty cases, and for all three tables in 43 cases. What exact proportion of the number of pirate captains active from 1660-1730 this data represents is impossible to ascertain: Rediker quotes 30-32 pirate crews active at once during the height of the pirates' strength,⁹⁶⁸ but these figures cannot be corroborated with lists of named pirate captains. The 82 pirate captains examined here represent the great majority of those who can not only be named, but about whose career paths something is known. In each table the captains have been divided into six groups, representing pirate captains active prior to 1690; captains involved in the mass-outbreak of Indian Ocean piracy between about 1690 and 1710, known colloquially as 'Red Sea Men'; their counterparts in the Atlantic and Caribbean from 1690-1715, during a relative lull in piracy in those regions; members of the Flying Gang, who rose to prominence in the Bahamas after 1715, and their direct successors; members of the group descended from the crews of George Lowther and Edward Low; and pirate captains active in the 1720s, but not associated with the Flying Gang or Lowther/Low group. Figures are given for each group, as well as totals for all of the groups combined.

The 82 captains included in all three tables are: **Pre 1690s**, George Cusack, Nicholas Clough, Joseph Bannister; **Red Sea Men, 1690-1715**, Henry Every, Thomas Wake, Richard Want, Joseph Farrell, William Maze, Thomas Tew, Robert Culliford, Richard Shivers, William Kidd, John Halsey, Richard Glover, Jacob Mason, George/Josiah Raynor, Edward Coats, Captain Bobbington, John Hore, John Kelley, George Booth, John Bowen, Thomas Howard, Nathaniel North, Thomas White, Thomas Mostyn, Joseph Bradish; **Atlantic**,

⁹⁶⁸ Rediker, *Villains of all Nations*, p. 29

1690-1715, Captain Burk, John Quelch, Thomas Pound, Thomas Shafto, James Allison; **Flying Gang and their successors**, Blackbeard, Charles Vane, John Rackham, Walter Kennedy, Howell Davis, Bartholomew Roberts, Thomas Anstis, John Fenn, Stede Bonnet, Henry Jennings, Leigh Ashworth, Francis Fernandez, Captain Leslie, Thomas Nichols, Captain Porter, James Fife, Benjamin Hornigold, Samuel Bellamy, Paul Williams, Thomas Cocklyn, William Moody, Edward England, John Taylor, Jasper Seagar, Robert Sample, Captain Lane, Edmund Condent, James Skyrn, John Phillips, John Cockram, John Martel, Captain Kennedy, Ignatius Pell , Richard Worley, Captain Burgess, John Augur; **Lowther/Low group**, George Lowther, Ned Low, Charles Harris, Captain Shipton, Frank Spriggs, Phillip Lyne, Joseph Cooper; **Post Flying-Gang group**, William Fly, John Gow , Philip Roche , John Evans, Edward Williams, John Vidal, and Alexander Wyat

Table 7. Pre-Command.

Table 7 sets out data concerning the position held by captains immediately prior to their assuming pirate command, taking no account of their earlier careers when such information is available. Henry Every and John Taylor, for example, both served as officers in the Royal Navy much earlier in their sea-going careers, but immediately prior to becoming a pirate captain were the mate of a privateer and sailing master of a pirate ship respectively. Henry Every therefore has been entered into this table as an officer in legitimate shipping, but Taylor has been entered as a pirate officer. Most of the ‘officers’ were either masters or mates, or, in the case of some of the pirate ‘officers’, quartermasters or lieutenants. ‘Petty Officers’ were mostly boatswains or gunners, but include one carpenter (John Philips).

Table 7. Pre-command

	Officer (legit.)	Officer (pirate)	Petty Officer (legit.)	Petty Officer (pirate)	Unknown
Pre 1690 (3)	1 (33%)	0(%)	1 (33%)	0(%)	1 (33%)
Red Sea Men (24)	15 (62.5%)	1 (4.2%)	3 (12.5%)	0	5 (20.8%)
Atlantic 1690-1715 (5)	4 (80%)	0	0	0	1 (20%)
Flying Gang (36)	11 (30.6%)	5 (13.8%)	0	2 (5.6%)	18 (50%)
Lowther/Low (7)	3 (42.8%)	2 (28.6%)	0	0	2 (28.6%)
Post Flying Gang (7)	4 (57.1%)	0	1 (14.3%)	0	2 (28.6%)
Total (82)	38 (46.3%)	8 (9.7%)	5 (6.1%)	2 (2.4%)	29 (35.4%)

Sources. *Abstract of wills*, pp. 83-84; *The Grand Pyrate*, p. 5; *The Petition of Jane May et al*, CO 388/4, f. 49; Jameson, *Privateering and Piracy*, pp. 167, 206-211; Chapin, *Privateer Ships*, pp. 71-73, 116, 119-120, 128, 179-181; Rogozinski, *Honor Among Thieves*, p. 191; *Tryal of Captain Kidd*, p. 27; Ritchie, *Captain Kidd*, p. 117; Dow and Edmonds, *Pirates of the New England Coast*, p. 54; *Tryal of John Quelch*, p. 5; *Tryals of Thomas Shafto*, p. 3; Snelgrave, *New Account*, pp. 272, 281; *The Information of Thomas Grant*, 28/4/1721, HCA 1/54, f. 120; *Tryals of Stede Bonnet*, pp. 44-46; *Boston Newsletter*, 11/11/1717; *Petition of Robert Massey*, EXT 1/261, ff.197-198; *Humphrey Orme to the Admiralty*, 17/5/1723, ADM 1/2242; *British Journal*, 22/8/1724; *Tryals of Sixteen Persons*, pp. 14-15; *Proceedings on the King's Commission*, pp. 5-6; *The Information of Henry Treehill*, 21/3/1723, HCA 1/55, f. 65; *Daily Journal*, 2/11/1725; *Weekly Journal or Saturday's Post*, 25/4/1724; *British Journal*, 17/8/1723; *Benjamin Bennett to Council of Trade and Plantations*, 31/5/1718, CO 37/10, f. 12; *Daily Courant*, 8/8/1722; *At an Especial Admiralty Sessions*, 10/12/1718, CO 23/1, f. 76; *A True Relation*, p. 1; CSPC, 1716-1717, items 240 i, 308 i, 411; Johnson, *General History*, pp. 64, 67, 114, 148, 337; *At a Court of Admiralty Held at the Court House at Nassau*, 2/8/1722, HCA 1/99

Table 8. Rising to Command.

Table 8 relates the ways in which men actually became pirate captains.

'Command from below' implies that the captain's rank and power were invested in him by the crew he subsequently commanded. In some cases this was in the form of a popular vote, but in other cases the exact method is hard to distinguish from such phrases as 'chosen to be captain' or 'was made their captain'. 'Command from above' has been applied in any case where there is clear evidence of a captain being appointed by a more senior captain, as was sometimes the case, for example, when the commander of a pirate company himself conferred command of a smaller consort vessel or prize on his own

chosen candidate. 'Progressed to command' has been applied to cases in which a man was the senior surviving officer on the death or other demise of the previous captain, and rose into command without any evidence of formal election, or in which the senior surviving officer took command following a mutiny. 'Retained command' implies that a man led a company into piracy, having formerly been their commander in legitimate employment.

Table 8. Rising to command

	Command from below	Command from above	Progressed to command	Retained command	Unknown
Pre 1690 (3)	0	0	1 (33%)	1 (33%)	1 (33%)
Red Sea Men (24)	6 (25%)	0	5 (20.8%)	13 (54.2%)	0
Atlantic 1690-1715 (5)	0	0	3 (60%)	1 (20%)	1 (20%)
Flying Gang (36)	10 (27.8%)	3 (8.3%)	4 (11.1%)	6 (16.7%)	13 (36.1%)
Lowther/Low (7)	2 (28.6%)	3 (42.8%)	1 (14.3%)	0	1 (14.3%)
Post Flying Gang (7)	1 (14.3%)	0	4 (57.1%)	0	2 (28.6%)
Total (82)	19 (23.2%)	6 (7.3%)	18 (21.9%)	21 (25.6%)	18 (21.9%)

Sources. *Abstract of wills*, New York, pp. 83-84; *The Grand Pyrate*, p. 5; *The Petition of Jane May et al*, CO 388/4, f. 49; Jameson, *Privateering and Piracy*, pp. 167, 206-211; Chapin, *Privateer Ships*, pp. 71-73, 116, 119-120, 128, 179-181; Rogozinski, *Honor Among Thieves*, pp. 95, 104, 187, 189, 191-192; *Tryal of Captain Kidd*, p. 27; Ritchie, *Captain Kidd*, p. 117; Dow and Edmonds, *Pirates of the New England Coast*, p. 55; *Tryal of John Quelch*, p. 5; *Tryals of Thomas Shafto*, p. 3; Snelgrave, *New Account*, pp. 197, 284; *The Examination of Richard Moor*, 31/10/1724, HCA 1/55, f.95; *The Examination of Walter Kennedy*, 28/4/1721, HCA 1/54, f. 121; *The Trials of Eight Persons*, p. 23; *Tryals of Stede Bonnet*, pp. 44-46; *Information of Henry Treehill*, 21/3/1723, HCA 1/55, f. 67; *Examination of Thomas Lawrence Jones*, 13/2/1723, HCA 1/55, f. 51; *Petition of Robert Massey*, EXT 1/261, ff.197-198; Seybolt, *Captured by Pirates*, p. 659; *British Journal*, 22/8/1724; *Tryals of Sixteen Persons*, pp. 14-15; *Proceedings on the King's Commission*, pp. 5-6; *Daily Post*, 17/9/1725; *British Journal*, 17/8/1723; *Benjamin Bennett to Council of Trade and Plantations*, 31/5/1718, CO 37/10, f. 12; *Daily Courant*, 8/8/1722; *At an Especial Admiralty Sessions*, 10/12/1718, CO 23/1, f. 76; *A True Relation*, p. 1; CSPC, 1716-1717, items 240 i, 308 i, 411; Grey, *Pirates of the Eastern Seas*, p. 308; Burl, *Black Barty*, pp. 81, 208; Johnson, *General History*, pp. 64, 67, 71, 148, 337, 342; *At a Special Court of Admiralty for the Tryal of Piracys Felonys and Robberys held at the Town House in Newport in the Colony of Rhode Island*, 24/2/1724, HCA 1/99; *At a court of Admiralty held at Williamsburg*, 14/8/1729, HCA 1/99

Table 9. End of command.

Table 9 charts the means by which tenure of command was terminated. 'Retired' includes those pirates who sought and accepted a pardon for their crimes, and those who deliberately slipped into obscure anonymity. The data presented in Table 9 is very probably skewed by the large proportion of pirate captains captured by the authorities, as much of the information contained in all three tables has been gathered from trial accounts, newspaper reports of naval success against pirates, and government correspondence, much of which deals, naturally, with captured and tried pirates. There is a similar body of official evidence regarding pardoned pirates, and this may, on the one hand, explain the large number of 'retired' pirates in this table but, on the other hand, helps to balance out the number of 'captured' pirates. Nevertheless, the death of a pirate captain in battle was equally newsworthy, especially if he died at the hands of the Royal Navy or privateers employed as pirate-hunters by a particular colony, and much of the evidence for pirates killed also comes from official sources. Yet, the number of pirates killed in action is relatively low, suggesting that the data might not be quite as skewed as they at first appear.

Table 9. End of Command

	Killed in action	Captured	Retired	Deposed by vote	Deposed violently	Natural death	Unknown
Pre 1690 (3)	0	3 (100%)	0	0	0	0	0
Red Sea Men (24)	4(%)	2(%)	9(%)	1(%)	0	4(%)	4(%)
Atlantic 1690-1715 (5)	0	3 (60%)	0	0	0	1 (20%)	1 (20%)
Flying Gang (36)	4 (11.1%)	8 (22.2%)	10 (27.8%)	4 (11.1%)	3 (8.3%)	2 (5.6%)	5 (13.8%)
Lowther/Low (7)	0	5 (71.4%)	0	1 (14.3%)	0	0	1 (14.3%)
Post Flying Gang (7)	0	6 (85.7%)	0	0	1 (14.3%)	0	0
Total (82)	8 (9.8%)	27 (32.9%)	19 (23.2%)	6 (7.3%)	4 (4.9%)	7 (8.5%)	11 (13.4%)

Sources. *Abstract of Wills, New York*, pp. 83-84; *The Grand Pyrate*, p. 23; Jameson, *Privateering and Piracy*, pp.206-211, 370; Chapin, *Privateer Ships*, pp. 179-181; Rogozinski, *Honor Among Thieves*, pp. 95, 148, 187, 190-191, 193; *Trial of Captain Kidd*; Grey, *Pirates of the Eastern Seas*, pp. 128-131, 307; Dow and Edmonds, *Pirates of the New England*

Coast, pp. 39, 65; *Trial of John Quelch*; *Tryals of Thomas Shafto*; Snelgrave, *New Account*, pp. 199, 284; *Tryals of Thirty-Six Persons*; *The Examination of Richard Moor*, 31/10/1724, HCA 1/55, f.95; *The Further Information of Richard Moor*, 5/11/1724, HCA 1/55, f.97; *The Trials of Eight Persons*, pp. 23, 24; *Tryals of Stede Bonnet, Grandidier, Madagascar*, p. 114; *Information of Henry Treehill*, 13/2/1723, HCA 1/55, f. 67; *The Examination of Walter Kennedy*, 28/4/1721, HCA 1/54, f. 121; *Tryals of John Rackham*; Seybolt, *Captured by Pirates*, p. 659; *Weekly Journal or Saturday's Post*, 26/7/1718; *Tryals of Sixteen Persons*; *Proceedings on the King's Commission*; *Weekly Journal or British Gazetteer*, 28/2/1719; *Weekly Journal or British Gazetteer*, 25/4/1719; *London Gazette*, 21/4/1718; *London Gazette*, 1/7/1718; *London Gazette*, 19/5/1687; *Evening Post*, 14/5/1726; *Evening Post*, 28/5/1726; *Weekly Journal or Saturday's Post*, 2/5/1724; *Daily Journal*, 15/8/1723; *Tryals of the Pyrates taken by Captain Ogle*, p. v; *At an Especial Admiralty Sessions*, 10/12/1718, CO 23/1, f. 76; *A True Relation*, p. 3; *A List of the Names of such Pirates as Surrender'd themselves at Providence to Capt. Vincent Pearse*, ADM 1/2282; Johnson, *General History*, pp. 67, 339; *At a court of Admiralty held at Williamsburg*, 14/8/1729, HCA 1/99; *At a Court held at Williamsburg*, 15/8/1728, HCA 1/99; *At a Court of Admiralty Held at the Court House at Nassau*, 2/8/1722, HCA 1/99

Bibliography

Published Primary Sources

- Abstracts of wills on file in the Surrogate's Office, City of New York, vol. 1 (1665-1707)* (New York, 1892)
- An Account of the Behaviour, Dying Speeches, and Execution of Mr. John Murphey, for High Treason; and William May, John Sparcks, William Bishop, James Lewis and Adam Forseith, for Robbery, Piracy and Felony; at the Execution-Dock: On Wednesday 25th of November, 1696,* in Baer, *British Piracy*, vol. 4, pp. 87-89
- An Account of the Tryals of J. Golden* (London, 1694)
- The Arraignment, Tryal, and Condemnation of Capt. John Quelch and Others of his Company* (London, 1704)
- The Arraignment, Tryal, and Condemnation of Captain William Kidd, for Murther and Piracy* (London, 1701)
- Calendar of State Papers Colonial Series, America and the West Indies* (45 vols, London, 1860-1994)
- Calendar of State Papers Domestic*
- The Case of Captain Thomas Green* (London, 1705)
- A Compleat Collection of State Trials and Proceedings upon Impeachments for High Treason, and other Crimes and Misdemeanours, from the Reign of King Henry the Fourth, to the end of the Reign of Queen Anne: The Fourth Volume* (London, 1719)
- The Devil's Cabinet Broke Open, or, a New Discovery of the High-Way Thieves* (London, 1657)
- A Discourse of the Laws relating to Pirates and Piracies* (London, 1726)
- A Full and Exact Account of the Tryal of all the Pyrates, Lately taken by Captain Ogle* (London, 1723)
- The Grand Pyrate: or, the Life and Death of Capt. George Cusack* (London, 1675)
- The History of the Blacks of Waltham in Hampshire; and those under the like Denomination in Berkshire* (London, 1723)
- The King of the Pirates: Being an Account of the Famous Enterprises of Captain Avery* (London, 1719)
- The Last Speech and Dying Words of Richard Luntly* (Edinburgh, 1721)
- The Lives of the most Remarkable Criminals* (3 vols, London, 1735)
- Minutes of the Provincial Council of Pennsylvania, vol. 3* (Philadelphia, 1852)
- News from Sea: or, The Takeing of the Cruel Pirate* (London, 1674)
- Piracy Destroy'd: Or, a short Discourse shewing the Rise, Growth, and Causes of Piracy of late; with a sure Method how to put a speedy stop to that growing Evil* (London, 1701)
- A Platform of Church Discipline* (Cambridge, Mass., 1649)
- The Proceedings on the King's Commission of Oyer and Terminer, and Goal-Delivery for the Admiralty of England, held at Justice Hall in the Old Bailey, on Wednesday and Thursday, being the 26th and 27th Days of May, in the Eleventh Year of His Majesty's Reign* (London, 1725)
- Providence Display'd, Or a very Surprizing Account of one Mr Alexander Selkirk* (London, 1712)
- Reasons for Reducing the Pyrates at Madagascar* (London, 1707)

- Regulations and Instructions Relating to His Majesty's Service at Sea* (London, 1731)
- A Select and Impartial Account of the Lives, Behaviour, and Dying Words, of the Most Remarkable Convicts, from the Year 1700, down to the Present Time* (London, 1745)
- The Trials of Eight Persons Indited for Piracy* (Boston, 1718)
- A True Account of the Late Pyracies of Jamaica* (London, 1716)
- A True and Genuine Account of the Last Confession and Dying Words of John Gow, alias Smith, Captain of the Pirates* (London, n.d.)
- A True Relation of a most Horrid Conspiracy and Running away with the Ship Adventure* (London, 1700)
- The Tryals of Captain John Rackham, and other Pirates* (Jamaica, 1721)
- The Tryals of Joseph Dawson, Edward Forseith, William May, William Bishop, James Lewis, and John Sparkes, in A Compleat Collection of State Trials*, pp. 217-232
- The Tryals of Major Stede Bonnet and Other Pirates* (London, 1719)
- The Tryals of Sixteen Persons for Piracy* (Boston, 1726)
- Tryals of Thirty-Six Persons for Piracy* (Boston, 1723), in Baer, *British Piracy*, vol. 3, pp. 167-192
- The Tryals of Thomas Shafto et al at the Marshalsea in Southwark* (London, 1687)
- A Vindication of the Late Governor and Council of Jamaica* (London, 1716)
- Andrews, Charles. *The Prisoner's Memoirs, or Dartmoor Prison*, (New York, 1852)
- Atkins, John. *A Voyage to Guinea, Brazil and the West Indies* (London, 1735)
- Baer, Joel (ed.). *British Piracy in the Golden Age: History and Interpretation, 1660-1730* (4 vols, London, 2007)
- Barnard, John. *Ashton's Memorial, or an Authentick Account of the Strange Adventures and Signal Deliverances of Mr Philip Ashton* (London, 1726)
- Beawes, Wyndham. *Lex Mercatoria Rediviva* (London, 1773)
- Betagh, William. *A Voyage round the World* (London, 1728)
- van Broeck, Adrian. *The Life and Adventures of Captain John Avery* (London, 1709)
- Cooke, Edward. *A Voyage to the South Sea and Round the World* (London, 1712)
- [Defoe, Daniel]. *An Account of the Conduct and Proceedings of the Late John Gow* (London, 1725; Edinburgh, 1978 reprint)
- Dow, George Francis (ed.). *Records and Files of the Quarterly Courts of Essex County, vol. VIII*, (Salem, 1921)
- Downing, Clement. *A Compendious History of the Indian Wars* (London, 1737)
- Esquemeling Alexander. *The Buccaneers of America* (London, 1684; Glorieta, 1992 reprint)
- Fillmore, John, *A narrative of the singular sufferings of John Fillmore and others, on board the noted pirate vessel commanded by Captain Phillips, in Severence, Fillmore Papers*, pp. 27-39
- Firth, C.H. *Naval Songs and Ballads* (Navy Records Society, 1908)
- Grandidier, Alfred, and Guillaume Grandidier. *Collection des Ouvrages Anciens concernant Madagascar, vol. 5* (Paris, 1907)

- Greene, Albert G. *Recollections of the Jersey Prison-Ship: taken, and prepared for publication, from the original manuscript of the late Captain Thomas Dring, of Providence, R.I.* (New York, 1831)
- Hack, William. *A Collection of Original Voyages* (London, 1699)
- Harris, John. *Navigantium atque Itinerantium Bibliotheca, or, a Complete Collection of Voyages and Travels* (London, 1744)
- Herbert, Charles. *A Relic of the Revolution* (Boston, 1847)
- Hodges, H.W. and E.A. Hughes (eds). *Select Naval Documents* (Cambridge, 1922)
- Jameson, J.F. (ed.). *Privateering and Piracy in the Colonial Period: Illustrative Documents* (New York, 1923; 2009 ed.)
- Jensen, Merrill (ed.). *English Historical Documents, vol. IX: American Colonial Documents to 1776* (London, 1955)
- [Johnson, Charles], Manuel Schonhorn (ed.). *A General History of the Pyrates* (Mineola, 1999)
- Lorrain, *The Ordinary of Newgate his Account of the Behaviour, Confession, and Last Speech of Capt. Alexander Dolzell* (London, 1715)
- de Lussan, Raveneau. *A Journal of a Voyage Made into the South Sea* (London, 1698)
- Marsden, R.G. (ed.). *Documents Relating to Law and Custom of the Sea*, 2 volumes (Navy Records Society, 1915-1916)
- Mather, Cotton. *Fearful Warnings to Prevent Fearful Judgements* (Boston, 1704)
- *Useful Remarks. An Essay upon Remarkables in the Way of Wicked Men* (New London, 1723)
- *A Vial Poured out upon the Sea* (Boston, 1726)
- Merriman, R.D. (ed.). *The Sergison Papers* (Navy Records Society, 1950)
- Norris, Allen Hart (ed.). *Beaufort County, North Carolina Deed Book I, 1696-1729: Records of Bath County, North Carolina* (Washington, N.C., 2003)
- Oppenheim, M. (ed.). *Naval Tracts of Sir William Monson, vol. IV* (Navy Records Society, 1913)
- Palmer, Benjamin F. *The Diary of Benjamin F. Palmer, privateersman: while a prisoner on board English war ships at sea, in the prison at Melville Island and at Dartmoor* (New Haven, 1914)
- Penn, William. *The Frame of the Government of the Province of Pennsylvania in America* (London, 1682)
- Perrin, W.G. (ed.). *Boteler's Dialogues* (Navy Records Society, 1923)
- Roberts, George. *The Four Years Voyages of Captain George Roberts* (London, 1726)
- Rogers, Woodes. *A Cruising Voyage round the World* (London, 1712)
- Saunders, William L. (ed.). *The Colonial Records of North Carolina, vol. II, 1713-1724*, (Raleigh, 1886)
- Severence, Frank H. (ed.). *Millard Fillmore Papers, vol 1.* (Buffalo, 1907)
- Seybolt, Robert Francis (ed.). 'Captured by Pirates: two diaries of 1724-1725', *New England Quarterly*, 2 (1929), 658-669
- Shelvocke, George. *A Voyage round the World, by way of the Great South Sea* (London, 1726)
- Shepherd, William. *Of Corporations, Fraternities and Guilds* (London, 1659)
- Sherburne, Andrew. *Memoirs of Andrew Sherburne: a pensioner of the Navy of the Revolution* (Providence, R.I., 1831)

- Snelgrave, William. *A New Account of Some Parts of Guinea, and the Slave Trade* (London, 1734)
- Steel, David. *The Shipmaster's Assitant, and Owner's Manual* (London, 1832)
- Teonge, Henry (G. E. Manwaring, ed.), *The Diary* (London, 1928)
- Ward, Edward. *The Wooden World Dissected* (London, 1707)
- A Collection of the Writings of Mr. Edward Ward, vol. 2* (London, 1717)
- Wolfe, Don M. (ed.), *Leveller Manifestoes of the Puritan Revolution* (London, 1944)

Secondary Sources

- Anderson, John L. 'Piracy and World History, an Economic Perspective on Maritime Predation', in Pennell, *Bandits at Sea*, 82-106
- Anderson, Olive. 'British Governments and Rebellion at Sea', *Historical Journal*, 3 (1960), 56-84
- Andrew, Donna T. 'The Code of Honour and Its Critics: The Opposition to Duelling in England, 1700-1850', *Social History*, 5, (1980), 409-434
- Appleby, John C., and Paul Dalton (eds). *Outlaws in Early Modern England: crime, government and society, c. 1066 - c. 1600* (Farnham, 2009)
- Appleby, John C. *Under the Bloody Flag. Pirates of the Tudor Age* (Stroud, 2009)
- Archer, John E. *Social Unrest and Popular Protest in England 1780-1840* (Cambridge, 2000)
- Arnold-Forster, F.D. *The Madagascar Pirates* (New York, 1957)
- Ault, Warren O. 'Open-Field Husbandry and the Village Community: A Study of Agrarian By-Laws in Medieval England', *Transactions of the American Philosophical Society, New Series*, 55 (1965), 1-102
- Baer, Joel. *Piracy Examined: A Study of Daniel Defoe's General History of the Pirates and Its Milieu* (unpublished doctoral thesis, Princeton University, 1970)
- "The Complicated Plot of Piracy": Aspects of English Criminal Law and the Image of the Pirate in Defoe', *Studies in Eighteenth Century Culture*, 14 (1985), 3-28
- "Captain John Avery" and the Anatomy of a Mutiny', *Eighteenth-Century Life*, 18 (1994), 1-26
- 'Bold Captain Avery in the Privy Council: Early Variants of a Broadside Ballad from the Pepys Collection', *Folk Music Journal*, 7 (1995), 4-26
- 'William Dampier at the Crossroads: New Light on the "Missing Years," 1691-1697', *International Journal of Maritime History*, VIII (1996), 97-117
- Pirates* (Stroud, 2007)
- Bailyn, Bernard. 'Politics and Social Structure in Virginia', in Kupperman, *American Colonial History*, 211-223
- Baldick, Robert. *The Duel: A History of Duelling* (London, 1970)
- Beal, Clifford. *Quelch's Gold, piracy, greed, and betrayal in colonial New England* (Westport, 2007)
- Benton, Lauren. 'Toward a New Legal History of Piracy: Maritime Legalities and the Myth of Universal Jurisdiction', *International Journal of Maritime History*, XXIII (2011), 225-240
- Bergstrand, Finn. 'Då Madagaskar Skulle Bli Svenskt - och England Katolskt', *Karolinska Forbundets Arsbok* (1997), 28-42

- Bernhard, Virginia. 'Bermuda and Virginia in the Seventeenth Century: A Comparative View', *Journal of Social History*, 19 (1985), 57-70
- Bialuschewski, Arne. 'Between Newfoundland and the Malacca Strait: a Survey of the Golden Age of Piracy, 1695-1725', *Mariner's Mirror*, 90 (2004), 167-186
- 'Daniel Defoe, Nathaniel Mist, and the General History of the Pyrates', *Papers of the Bibliographical Society of America*, 98 (2004), 21-38
- 'Pirates, Slavers and the Indigenous Population in Madagascar, c. 1690-1715', *International Journal of African Historical Studies*, 38 (2005), 401-425
- 'Pirate Voyages in History and Fantasy', *Global Crime*, 7 (2006), 256-259
- 'Pirates, Markets and Imperial Authority: Economic Aspects of Maritime Depredations in the Atlantic World, 1716-1726', *Global Crime*, 9 (2008), 52-65
- 'Black People under the Black Flag: Piracy and the Slave Trade on the West Coast of Africa, 1718-1723', *Slavery and Abolition*, 29 (2008), 461-475
- Black, Clinton V. *Pirates of the West Indies* (Cambridge 1989)
- Blok, Anton. 'The Peasant and the Brigand: Social Banditry Reconsidered', *Comparative Studies in Society and History*, 14 (1972), 494-503
- Bonner, William Hallam. 'The Ballad of Captain Kidd', *American Literature*, 15 (1944), 362-380
- Boroumond, Ladan. 'Emigration and the Rights of Man: French Revolutionary Legislators Equivocate', *Journal of Modern History*, 72 (2000), 67-108
- Botein, Stephen, Jack R. Censer, Harriet Ritvo. 'The Periodical Press in Eighteenth-Century English and French Society: A Cross-Cultural Approach', *Comparative Studies in Society and History*, 23 (1981), 464-490
- Breen, Timothy H. 'Who Governs: The Town Franchise in Seventeenth-Century Massachusetts', *William and Mary Quarterly*, Third Series, 27 (1970), 460-474
- Bromley, J.S. *Corsairs and Navies, 1660-1760* (London, 1987)
- 'The French Privateering War, 1702-1713', in Bromley, *Corsairs and Navies*, 213-241
- 'The Jacobite Privateers in the Nine Years War', in Bromley, *Corsairs and Navies*, 139-165
- 'Outlaws at Sea, 1660-1720: Liberty, Equality and Fraternity among Caribbean Freebooters', in Bromley, *Corsairs and Navies*, 1-20
- 'The Trade and Privateering of Saint-Malo during the War of the Spanish Succession', in Bromley, *Corsairs and Navies*, 279-295
- Burg, B.R. 'Legitimacy and Authority: A Case Study of Pirate Commanders in the Seventeenth and Eighteenth Centuries', *American Neptune*, 37 (1977), 40-51
- *Sodomy and the Pirate Tradition* (New York, 1984)
- Burgess, Douglas R. *The Pirates' Pact* (New York, 2008)
- Burke, Peter. *Popular Culture in Early Modern Europe* (New York, 1978)
- Burl, Aubrey. *Black Barty: Bartholomew Roberts and his Pirate Crew 1718-1723* (Stroud, 2006)

- Burrage, Michael C., and David Corry, 'At Sixes and Sevens: Occupational Status in the City of London from the Fourteenth to the Seventeenth Century', *American Sociological Review*, 46 (1981), 375-393
- Bushman, Richard L. 'English Franchise Reform in the Seventeenth Century', *Journal of British Studies*, 3 (1963), 36-56
- Butler, James Davie, 'British Convicts Shipped to American Colonies', *American Historical Review*, 2 (1896), 12-33
- Cahn, Mark D. 'Punishment, Discretion, and the Codification of Prescribed Penalties in Colonial Massachusetts', *The American Journal of Legal History*, 33 (1989), 107-136
- Capp, Bernard. *Cromwell's Navy, the Fleet and the English Revolution, 1648-1660* (Oxford, 1992)
- Carr Laughton, L.G. 'Notes', *Mariners Mirror*, 10 (1924), 299-301
- Chapin, Howard M. *Privateer Ships and Sailors, the First Century of American Colonial Privateering* (Toulon, 1926)
- Clark, G. N. 'War Trade and Trade War, 1701-1713', *Economic History Review*, 1 (1928), 262-280
- Clark, J.C.D. *Revolution and Rebellion. State and Society in England in the Seventeenth and Eighteenth Centuries* (Cambridge, 1986)
- Cordingly, David. *Life Among the Pirates, the Romance and the Reality* (London, 1995)
- *Heroines and Harlots, Women at Sea in the Great Age of Sail* (London, 2001)
- Course, Alfred George. *Pirates of the Eastern Seas* (London, 1966)
- *Pirates of the Western Seas* (London, 1969)
- Craton, Michael. *A History of the Bahamas* (London, 1962)
- Creighton, Margaret s. *Iron Men and Wooden Women: Gender and seafaring in the Atlantic World 1700–1920* (Baltimore, 1996)
- Cressy, David. *Literacy and the Social Order: Reading and Writing in Tudor and Stuart England* (Cambridge, 1980)
- Davis, Ralph. *The Rise of the English Shipping Industry in the Seventeenth and Eighteenth Centuries* (Newton Abbot, 1972)
- Dow, George, and John Edmonds. *Pirates of the New England Coast* (Mineloa, 1999)
- Druet, Joan (ed.). *Hen Frigates: Wives of Merchant Captains under Sail* (London, 1998)
- Duncie, John D. 'The Problem of Anglo-American Politics in Bellomont's New York', *William and Mary Quarterly*, third series, 26 (1969) 191-217
- Earle, Peter. *Monmouth's Rebels. The Road to Sedgemoor, 1685* (London, 1977)
- *Sailors. English Merchant Seamen, 1650-1775* (London, 1998)
- *The Pirate Wars* (London, 2004)
- Emery, Lucilius A. 'Government by Jury', *Yale Law Journal*, 24 (1915), 265-273
- Farr, James R. *Artisans in Europe, 1300-1914* (Cambridge, 2000)
- Fitzroy, Herbert William Keith, 'The Punishment of Crime in Provincial Pennsylvania', *The Pennsylvania Magazine of History and Biography*, 60 (1936), 242-269
- Freeman, C.B., 'The Children's Petition of 1669 and Its Sequel', *British Journal of Educational Studies*, 14 (1966), 216-223

- French, H. R. 'Social Status, Localism and the "Middle Sort of People" in England, 1620-1750', *Past and Present*, 166 (2000), 66-99
- 'The Search for the "Middle Sort of People" in England, 1600-1800', *Historical Journal*, 43 (2000), 277-293
- Fuller, Basil, and Ronald Leslie-Melville. *Pirate Harbours and Their Secrets* (London, 1935)
- Furbank, P.N. and W.R. Owens. 'The Myth of Defoe as "Applebee's Man"', *The Review of English Studies*, New Series, 48 (1997), pp. 198-204
- Fury, Cheryl A. *Tides in the Affairs of Men: the social history of Elizabethan seamen, 1580-1603* (Westport, 2002)
- Fury, Cheryl A. (ed.) *The Social History of English Seamen, 1485-1649* (Woodbridge, 2012)
- Garnham, Neal. 'Local Elite Creation in Early Hanoverian Ireland: The Case of the County Grand Jury', *Historical Journal*, 42 (1999), 623-642
- Gilbert, Arthur N. 'Buggery and the British Navy, 1700-1861', *Journal of Social History*, 10 (1976), 72-98
- Gilje, Paul A. *Liberty on the Waterfront, American maritime culture in the Age of Revolution* (Philadelphia, 2004)
- Gilje, Paul A., and William Pencak (eds). *Pirates, Jack Tar, and Memory: New Directions in American Maritime History* (Mystic, 2007)
- Ginsburg, Arlin I. 'The Franchise in Seventeenth-Century Massachusetts: Ipswich', *William and Mary Quarterly*, Third Series, 34 (1977), 446-452
- Le Goff, Jacques. *Time, Work and Culture in the Middle Ages* (Chicago, 1984)
- Goody, J. (ed.). *Literacy in Traditional Societies* (Cambridge, 2005)
- Gosse, Philip. *The Pirates' Who's Who* (New York, 1924)
- Greenberg, Douglas. 'Law Enforcement, and Social Control in Colonial America', *The American Journal of Legal History*, 26 (1982), 293-325
- Grey, Charles. *Pirates of the Eastern Seas 1618-1723: a Lurid Page of History* (London, 1933)
- Gross, Charles. 'The Early History of the Ballot in England', *American Historical Review*, 3 (1898), 456-463
- Hamilton, Christopher E. 'The Pirate Ship *Whydah*', in Skowronek and Ewen, *X Marks the Spot*, pp. 131-159
- Harris, Graham. *Treasure and Intrigue: the legacy of Captain Kidd* (Toronto, 2002)
- Hay, Douglas, 'Property, Authority and the Criminal Law', in Hay et al, *Albion's Fatal Tree*, 17-63
- Hay, Douglas, Peter Linebaugh, John G. Rule, E.P. Thompson, and Cal Winslow. *Albion's Fatal Tree: Crime and Society in Eighteenth Century England* (New York, 1975)
- Herrup, Cynthia B. 'Law and Morality in Seventeenth-Century England', *Past and Present*, 106 (1985), 102-123
- Hill, Christopher. 'Radical Pirates?', in Jacob, *Anglo-American Radicalism*, 17-32
- Liberty Against the Law* (London, 1997)
- 'Pirates', in Hill, *Liberty Against the Law*, 114-122
- Hobsbawm, Eric. *Bandits* (London, 2001)
- 'Social Bandits: Reply', *Comparative Studies in Society and History*, 14 (1972), 503-505

- Holmes, Geoffrey. *The Making of a Great Power. Late Stuart and Early Georgian England 1660-1722* (London, 1993)
- Houston, R.A. 'The Development of Literacy: Northern England, 1640-1750', *Economic History Review*, 35 (1982), 199-216
- 'Literacy and society in the west, 1500-1850', *Social History*, 8 (1983), 269-293
- Howson, Gerald. *Thief-Taker General: the Rise and Fall of Jonathan Wild* (London, 1970)
- Hustwick, Ian. *The George of Port Seton* (Latheronwheel, 2000)
- Jacob, Margaret C. *The Radical Enlightenment: Pantheists, Freemasons and Republicans* (London, 1981)
- Jacob, Margaret C. and James R. Jacob (eds), *The Origins of Anglo-American Radicalism* (London 1984)
- Jutte, Robert. *Poverty and Deviance in Early Modern Europe* (Cambridge, 1994)
- Kemp, Peter, and Christopher Lloyd. *Brethren of the Coast, the British and French Buccaneers in the South Seas* (London 1960)
- Kemp, Peter. *The British Sailor: a social history of the lower-deck* (Littlehampton, 1971)
- Keller-Cohen, Deborah. 'Rethinking Literacy: Comparing Colonial and Contemporary America', *Anthropology and Education Quarterly* 24 (1993), 288-307
- Kettner, James H. 'A Development of American Citizenship in the Revolutionary Era: The Idea of Volitional Allegiance', *The American Journal of Legal History*, 18 (1974), 208-242
- Kinkor, Kenneth J. 'Black Men under the Black Flag', in Pennell, *Bandits at Sea*, 195-210
- Konstam, Angus. *Blackbeard: America's Most Notorious Pirate* (Hoboken, 2006)
- Kupperman, Karen Ordahl (ed.), *Major Problems in American Colonial History*, (Lexington, 1993)
- Langelüddecke, Henrik. 'Law and Order in Seventeenth-Century England: The Organization of Local Administration during the Personal Rule of Charles I', *Law and History Review*, 15 (1997), 49-76
- Lee, Robert E. *Blackbeard the Pirate: a Re-appraisal of his Life and Times* (Winston-Salem, 1974)
- Leeson, Peter T. 'An-arrgh-chy: The Law and Economics of Pirate Organization', *Journal of Political Economy*, 115 (2007), 1049-1094
- *The Invisible Hook. The Hidden Economics of Pirates* (Princeton, 2009)
- 'The Calculus of Piratical Consent: the myth of the myth of the social contract', *Public Choice*, 139 (2009), 443-459
- Lemire, Beverly. 'The Theft of Clothes and Popular Consumerism in Early Modern England', *Journal of Social History*, 24 (1990), 255-276
- Lewis, Bessie M. 'The Wiggs of South Carolina', *South Carolina Historical Magazine*, 74 (1973), 80-97
- Linebaugh, Peter, and Marcus Rediker. *The Many Headed Hydra: The Hidden History of the Revolutionary Atlantic* (London, 2000)
- Lister, Raymond. 'Gosse, Philip Henry George (1879-1959)', in *Oxford Dictionary of National Biography* (Oxford)

- Lizé, Patrick. 'Piracy in the Indian Ocean: Mauritius and the *Speaker*', in Skowronek and Ewen, *X Marks the Spot*, pp. 81-99
- Lloyd, Christopher. *The Nation and the Navy* (London, 1965)
- Lusardi, Wayne R. 'The Beaufort Inlet Shipwreck Artefact Assemblage' in Skowronek and Ewen, *X Marks the Spot*, pp. 196-218
- Lydon, James. *Pirates, Privateers, and Profits* (Upper Saddle River, 1970)
- Mackie, Erin. 'Welcome the Outlaw: pirates, maroons, and Caribbean countercultures', *Cultural Critique*, 59 (2005), 24-62
- Manwaring, G.E. 'The Dress of the British Seaman from the Revolution to the Peace of 1748', *Mariners Mirror*, 10 (1924), 31-48
- Mascuch, Michael. 'Social Mobility and middling self-identity: the ethos of British autobiographers, 1600-1750', *Social History*, 20 (1995), 45-61
- McCrary, Edward. *The History of South Carolina under the Proprietary Government, 1670-1719*, vol. 2 (New York, 1897)
- McKenzie, Andrea. 'The Real Macheath: Social Satire, Appropriation, and Eighteenth-Century Criminal Biography', *Huntingdon Library Quarterly*, 69 (2006), 581-605
- McLynn, Frank. *Crime and Punishment in Eighteenth-Century England* (New York, 1989)
- Mitchell, B.R. and P. Deane. *Abstract of British Historical Statistics* (Cambridge 1971)
- Moore, John Robert. 'Daniel Defoe: King William's Pamphleteer and Intelligence Agent', *The Huntington Library Quarterly*, 34 (1971), 251-260
- Morgan, Gwenda. 'Law and Social Change in Colonial Virginia: The Role of the Grand Jury in Richmond County, 1692-1776', *Virginia Magazine of History and Biography*, 95 (1987), 453-480
- Morgan, Gwenda, and Peter Rushton, 'Visible Bodies: Power, Subordination and Identity in the Eighteenth-Century Atlantic World', *Journal of Social History*, 39 (2005), 39-64
- Morgan, Kenneth. 'Bristol and the Atlantic Trade in the Eighteenth Century', *English Historical Review*, 107 (1992), 626-650
- . *Slavery, Atlantic Trade and the British Economy, 1600-1800* (Cambridge, 2000)
- Moriarty, George Andrews jr. 'John Williams of Newport, Merchant, and his Family', *The Genealogical Magazine*, 3 (1915), 4-12
- Nagy, Joseph Falaky, 'The Paradoxes of Robin Hood', *Folklore*, 91 (1980), 198-210
- Norbert, Elias. *The Civilizing Process: Sociogenetic and Psychogenetic Investigations* (London, 2000)
- Oberwittler, Dietrich. 'Crime and Authority in Eighteenth Century England: Law Enforcement on the Local Level', *Historical Social Research*, 15 (1990), 3-34
- Peakman, Julie. *Lascivious Bodies, A Sexual History of the Eighteenth Century* (London, 2005)
- Pennell, C.R. (ed.). *Bandits at Sea, a Pirates Reader* (New York, 2001)
- . 'Brought to Book: Reading about Pirates', in Pennell, *Bandits at Sea*, pp. 3-24
- Pérotin-Dumon, Anne. 'The Pirate and the Emperor, Power and the Law on the Seas, 1450-1850', in Pennell, *Bandits at Sea*, 25-54
- Pope, Dudley. *Life in Nelson's Navy* (London, 1981)

- Pringle, Patrick. *Jolly Roger* (Mineola, 2001)
- Probert, Rebecca. 'The Impact of the MARRIGE Act of 1753: Was It Really "A Most Cruel Law for the Fair Sex"?', *Eighteenth-Century Studies*, 38 (2005), 247-262
- Rabin, Dana. 'Drunkenness and Responsibility for Crime in the Eighteenth Century', *Journal of British Studies*, 44 (2005), 457-477
- Rediker, Marcus. "'Under the Banner of King Death": The Social World of Anglo-American Pirates, 1716-1726', *The William and Mary Quarterly*, Third series, 38 (1981), 203-227
- *Between the Devil and the Deep Blue Sea: merchant seamen, pirates, and the Anglo-American maritime world, 1700-1750* (Cambridge, 1987)
- *Villains of all Nations: Atlantic Pirates in the Golden Age* (London, 2004)
- Ritchie, Robert C. *Pirates: myths and realities* (Minneapolis, 1986)
- *Captain Kidd and the War Against the Pirates* (Cambridge, Mass., 1986)
- Rodger, N.A.M. *The Wooden World, an Anatomy of the Georgian Navy* (London, 1988)
- *Safeguard of the Seas, a Naval History of Britain, 660-1649* (London, 1997)
- *Command of the Ocean, a Naval history of Britain, 1649-1815* (London, 2004)
- Rogers, Michael. 'Gerrard Winstanley on Crime and Punishment', *The Sixteenth Century Journal*, 27 (1996), 735-747
- Rogers, Nicholas. 'Popular Protest in Early Hanoverian London', *Past and Present*, 79 (1976), 70-100
- Rogozinski, Jan. *Honor Among Thieves: Captain Kidd, Henry Every, and the Pirate Democracy in the Indian Ocean* (Mechanicsburg, 2000)
- Ruddock, Alwyn A. 'The Trinity House at Deptford in the Sixteenth Century', *English Historical Review*, 65 (1950), 458-476
- Russell, Lord. *The French Corsairs* (London, 1970)
- Sanders, Richard. *If a Pirate I Must Be* (London, 2007)
- Schofield, R.S. 'The Measurement of Literacy in Pre-industrial England', in Goody, *Literacy in Traditional Societies*, 311-325
- Sherry, Frank. *Raiders and Rebels. The Golden Age of Piracy* (New York, 1986)
- Shoemaker, Robert B. 'The Taming of the Duel: Masculinity, Honour and Ritual Violence in London, 1660-1800', *The Historical Journal*, 45 (2002), 525-545
- Skowronek, Russell K. and Charles R. Ewen (eds). *X Marks the Spot: The Archaeology of Piracy* (Gainesville, 2006)
- Smith, Abbot Emerson. 'The Transportation of Convicts to the American Colonies in the Seventeenth Century', *American Historical Review*, 39 (1934), 232-249
- Souhami, Diana. *Selkirk's Island* (London, 2001)
- Spufford, Margaret. *The Great Reclotting of Rural England: Petty Chapmen and Their Wares in the Seventeenth Century* (London, 1984)
- 'The cost of apparel in seventeenth-century England, and the accuracy of Gregory King', *Economic History Review*, 53 (2000), 677-705

- Stark, Suzanne J. *Female Tars: Women Aboard Ship in the Age of Sail* (Annapolis, 1996)
- Starkey, David J. (ed.). *British Privateering Enterprise in the Eighteenth Century* (Exeter, 1990)
- Pirates and Privateers: new perspectives on the war on trade in the eighteenth century* (Exeter, 1997)
- 'Pirates and Markets', in Pennell, *Bandits at Sea*, 107-124
- 'The Origins and Regulation of Eighteenth-Century British Privateering', in Pennell, *Bandits at Sea*, 69-81
- 'Voluntaries and Sea Robbers: A review of the academic literature on privateering, corsairing, buccaneering and piracy', *Mariners Mirror*, 97 (2011), 127-147
- Stevenson, John. *Popular Disturbances in England, 1700-1870* (London, 1979)
- Stone, Lawrence. 'Social Mobility in England, 1500-1700', *Past and Present*, 33 (1966), 16-55
- Stumpf, Stuart, O. 'Edward Randolph's Attack on Proprietary Government in South Carolina', *South Carolina Historical Magazine*, 79 (1978), 6-18
- Swanson, Heather. 'The Illusion of Economic Structure: Craft Guilds in Late Medieval English Towns', *Past and Present*, 121 (1988), 29-48
- Tedder, H.R., rev. David Cordingly. 'Charles Johnson (fl. 1724-1734)', in *Oxford Dictionary of National Biography*
- Thompson, E. P. 'Eighteenth-century English Society: Class-Struggle without Class?', *Social History*, 3 (1978), 133-165
- *Whigs and Hunters: the origin of the Black Act* (London, 1990)
- Thomson, Janice. *Mercenaries, Pirates, and Sovereigns: State-Building and Extraterritorial Violence in Early Modern Europe* (Princeton, 1994)
- Turley, Hans. *Rum, Sodomy and the Lash* (New York, 1999)
- Vaver, Anthony, *Bound With an Iron Chain* (Westborough, 2011)
- Vickers, Daniel, Lewis R. Fischer, Marilyn Porter, Sean Cadigan, Robert Lewis, Peter Narváez, Peter Pope, David J. Starkey, and Marcus Rediker, 'Roundtable: Reviews of Marcus Rediker, *Between the Devil and the Deep Blue Sea: Merchant Seamen, Pirates and the Anglo-American Maritime World, 1700-1750*, with a Response by Marcus Rediker', *International Journal of Maritime History*, 1 (1989), 311-357
- Vickers, Daniel, and Vince Walsh. 'Young Men and the Sea: the sociology of seafaring in eighteenth century Salem, Massachusetts', *Social History*, 24 (1999), 17-38
- *Young Men and the Sea: Yankee seafarers in the age of sail* (New Haven, 2005)
- Walter, John, and Keith Wrightson. 'Dearth and the Social Order in Early Modern England', *Past and Present*, 71 (1976), 22-42
- Webber, Mabel L. 'Colonel Alexander Parris, and Parris Island', *South Carolina Historical and Genealogical Magazine*, 26 (1925), 137-145
- Wilkinson, Henry. *Bermuda in the Old Empire: A History of the Island from the Dissolution of the Somers Island Company until the end of the American Revolutionary War, 1684-1784* (Oxford, 1950)
- Williams, Crystal. 'Nascent Socialists or Resourceful Criminals? A Reconsideration of Transatlantic Piracy', in Gilje and Pencak, *Pirates, Jack Tar and Memory*, 31-50

- Williams, Daniel E. 'Puritans and Pirates: A Confrontation between Cotton Mather and William Fly in 1726' *Early American literature*, 22 (1987), 233-251
- Williams, Gomer. *History of the Liverpool Privateers and Letters of Marque: with an account of the Liverpool slave trade* (Cambridge, 2010)
- Witt, Jann M. 'Mutiny and Piracy in Northern Europe Merchant Shipping: Forms of Insurrection on board British and German Merchant Ships in the Late 17th and 18th Centuries', *Northern Mariner*, 18 (2008), 1-27
- Woodard, Colin. *The Republic of Pirates* (Orlando, 2007)
- Woodward, Donald. "'Swords into Ploughshares": Recycling in Pre-Industrial England', *Economic History Review*, 38 (1985), 175-191
- Young, Chester Raymond. 'The Evolution of the Pennsylvania Assembly, 1682-1748', *Pennsylvania History*, 35 (1968), 147-168

Manuscript Sources.

The National Archives, Kew

- ADM 1/1435.** Letters from captains, surname A. 1698-1702
- ADM 1/1438.** Letters from captains, surname A. 1713-1735
- ADM 1/1462.** Letters from captains, surname A. 1698-1700
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- ADM 1/1598.** Letters from captains, surname C. 1722-1727
- ADM 1/1754.** Letters from captains, surname E. 1698-1702
- ADM 1/1826.** Letters from captains, surname G. 1715-1722
- ADM 1/1871.** Letters from captains, surname H. 1698-1700
- ADM 1/1879.** Letters from captains, surname H. 1713-1719
- ADM 1/1880.** Letters from captains, surname H. 1720-1725
- ADM 1/1982.** Letters from captains, surname, I, J. 1714-1743
- ADM 1/2033.** Letters from captains, surname L. 1698-1702
- ADM 1/2096.** Letters from captains, surname M. 1717-1722
- ADM 1/2215.** Letters from captains, surname N. 1698-1715
- ADM 1/2242.** Letters from captains, surname O. 1714-1730
- ADM 1/2277.** Letters from captains, surname P. 1698-1702
- ADM 1/2282.** Letters from captains, surname P. 1717-1726
- ADM 1/2452.** Letters from captains, surname S. 1718-1723
- ADM 1/2453.** Letters from captains, surname S. 1724-1726
- ADM 1/2624.** Letters from captains, surname U, V. 1698-1729
- ADM 1/2646.** Letters from captains, surname W. 1710-1711
- ADM 1/2648.** Letters from captains, surname W. 1718
- ADM 1/2649.** Letters from captains, surname W. 1719-1720
- ADM 1/4104.** Letters from Secretaries of State, 1722-1724
- CO 5/1527.** Board of Trade correspondence, 1697-1699
- CO7/1.** Antigua and Montserrat correspondence, 1702-1820
- CO 23/1.** Bahamas correspondence, 1717-1725

CO 28/17. Barbados correspondence, 1720-1723
CO 37/1. Bermuda correspondence, 1692-1695
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CO 239/1. St. Kitts, Nevis and Anguilla correspondence, 1702-1812
CO 388/4. Petitions of merchants, 1695

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HCA 1/99. Proceedings of Vice-Admiralty Courts: America, West Indies, Africa, India. 1722-1739
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SP 34/36. State Papers Domestic, Anne

SP 63/358. State Papers Ireland, Elizabeth I to George III

T 1/227. *Treasury Board Papers and In-Letters, 1720*

Newspapers.

American Weekly Mercury, 17/3/1720 – 14/5/1724

Applebee's Original Weekly Journal. 25/7/1719 – 22/4/1721

Boston Gazette, 17/10/1720 – 17/5/1725

Boston News-Letter, 6/5/1717 – 22/4/1725

British Journal, 22/8/1724 – 3/1/1730

Daily Courant, 15/12/1715 – 12/6/1724

Daily Journal, 28/4/1721 – 2/11/1725

Daily Post, 17/10/1719 – 7/5/1729

Dublin Mercury, 21/2/1724

Evening Post, 22/1/1713 – 28/5/1726

Flying Post, or the Post-Master, 14/4/1698 – 21/5/1705

London Gazette, 10/5/1675 – 22/10/1723

London Journal, 2/7/1720-28/9/1723

New England Courant. 7/8/1721 – 7/5/1726

Observer, 10/3/1703

Original Weekly Journal, 31/8/1717 – 24/1/19

Parker's Penny Post, 23/6/1725

Post Boy, 18/8/1696 – 27/4/1721

Post Man, 10/10/1696 – 5/8/1697

Weekly Journal, or British Gazetteer, 10/12/1715 – 3/4/1725

Weekly Journal, or Saturday's Post, 5/10/1717 – 2/5/1724

Weekly Packet, 19/1/1717 – 30/1/1720
Whitehall Evening Post, 5/2/1719