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Forced upon the account: Pirates and the Atlantic World in the Golden Age of Piracy, 1690-1726

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Forced Upon the Account: Pirates and the Atlantic World in the Golden Age of Piracy, 1690-1726

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A thesis submitted to the Graduate Faculty of JAMES MADISON UNIVERSITY In Partial Fulfillment of the Requirements for the degree of Master of Arts

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Abstract

This thesis discusses an observed phenomenon of ordinary sailors being forced to serve on board pirate ships in the eighteenth century Atlantic World. The main argument is that when pirates lost their connections to land-based communities in the Caribbean at the end of the seventeenth century they attempted to establish the same connections to communities along the North American coast. Pirates in the early eighteenth century ultimately failed to establish lasting connections with colonies in the north and had to force more ordinary sailors to serve on their crews in order to survive. Colonial and British trial records were the main primary sources used in this work along with newspaper articles, advertisements, official letters, captive narratives, and other government documents. The trial records however, stimulated the bulk of the historical questions and arguments made in this work. Fourteen trials were reviewed here and the abundance of witness testimony gave me the opportunity to find patterns in how forced pirates were perceived on the ship, in colonial governments, and in the British government. Historians have focused on the individual pirate, the pirate ship, and pirates’ connections to land-based communities and my work attempts to integrate each approach to obtain a more complete view of piracy by looking at forced pirates. Ultimately, during the Golden Age of Piracy there was also an underlying change to the ways pirate ships operated in the eighteenth century. Pirates had to adapt and survive without the resource of local communities. This created a whole new form of piracy which was more reliant on the community of piracy, more conscious of their identity as pirates, and more independent of any nation.
Introduction

People think of pirates as just criminals, but at its pinnacle in the seventeenth and eighteenth centuries, Atlantic piracy was not just a group of sea bandits interested in robbing for monetary gain. The simple criminality of piracy or banditry was not enough to explain some of the actions of pirates in this period. For example, Alexander Exquemelin provided in the seventeenth century a social aspect of the buccaneers fighting against internal poverty that does not conform to the classification of pirates as only bandits. Exquemelin described reports of his exploits as a buccaneer along with his observations of others of the buccaneers from about 1669 to 1674. At one point he said that if a fellow buccaneer “has nothing, the others let him have what he needs on credit until such a time as he can pay them back.” Exquemelin did not list any conditions or interests associated with these loans, and he did not feel the need to describe the circumstance if they were not paid back. If the buccaneers were simply bandits interested in monetary gain, then there would be no reason for them to be magnanimous towards those in their group who were less fortunate. The idea that the buccaneers would not let their fellows go destitute shows that they were creating a community, at least among others within the buccaneers.

The communal nature of pirates elevated piracy above the discourse of simple banditry, and this was as much a part of the seventeenth century buccaneers, as it was of the Golden Age pirates in the eighteenth century. In 1671, a group of buccaneers who had broken off from Sir Henry Morgan, which included Alexander Exquemelin, were

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attempting to make their way to Jamaica after an expedition to Panama. The buccaneers
ship was in need of repairs, and they were in need of provisions as a breakaway group
struggled against the wind along the northern coast of South America. On the course back
to Jamaica, the buccaneers suddenly found another ship “bearing down” on them and
“giving [them] chase.” Exquemelin explained that they were pursued by what they
thought was a Spanish troop carrier for about twenty-four hours until the ship overtook
them. Before any fire could be exchanged between the two ships, the buccaneers saw that
it was filled with their “own comrades.”

The situation did not escalate into conflict, but
instead each ship simply went its separate way after exchanging some pleasantries about
their origins and destinations. Similarly, in 1719 a pirate named Howell Davis was sailing
into the Sierra Leone River off the coast of West Africa when he came upon another ship
captained by the pirate Thomas Cocklyn. Davis and Cocklyn were
surprised to find each
other in the river and they prepared to fight. Instead, when they saw the black flags
flying, they were “easy in their minds” about the situation and eventually the ships
“saluted one another with their Cannon.”

If the buccaneers and pirates discussed above
were truly only bandits interested in plunder, then these encounters would have ended
differently. Piracy was not just a collection of bandits, but instead a communal bond
existed that connected pirates by something more than the pursuit of monetary gain. A
refusal to acknowledge these communal bonds as a substantial part of piracy or to ignore

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2 Ibid, 211.
them completely obscures the true nature of piracy. At least in the Atlantic, and likely more generally piracy needs to be discussed as something more than just banditry.

Historians of piracy have discussed individual pirates, the social and cultural dynamics on the pirate ship, and the political and economic relationship pirates had with land-based societies. These approaches to piracy have expanded historians understanding of a historical view of individual pirates, how they operated on board their ships, and how they interacted with the land.\(^4\) Now I want to bring the individual pirate, the dynamics of the pirate ship, and piracy’s connection to the land together and explain how they, in the late seventeenth century, transitioned from the Caribbean to the North American coast. Furthermore, how this transition forced pirates to change and these changes gave the Golden Age of piracy its unique characteristics in the eighteenth century.


The changes to piracy in the early eighteenth century caused an increase in pirates’ forcing more sailors to join their crews. By 1718, pirates completely lost access to land-based communities willing to support their operations. Until the end of the Golden Age of piracy around 1726, pirates had to force ordinary sailors to serve on board their ships in order to survive. The sailors who went aboard the pirate ships to serve unwillingly were not just forced to serve as part of the crew, but they were pushed to commit acts of piracy in order to bind them to the pirates. If any unwilling soul attempted to turn them in or escape from the pirates, then they in turn would be tried for piracy. This more desperate form of piracy in search of sailors to man their crews was the result of pirates being pushed out of the Caribbean and failing to maintain relationships with willing local land-based communities on the North American coast.

Historians have approached the Golden Age of piracy in three ways starting in about the 1980s, and each approach has had unique motivations behind it and has sent the study of pirates in new directions. These approaches are not mutually exclusive, and some historians employed multiple or all of the approaches in their works. The three approaches that will be discussed in this section will be the response to the popular image of pirates, the social and cultural dynamics on the pirate ship, and the political relationship pirates had with local land-based societies. It is important to look at these three approaches both chronologically and thematically, but to keep in mind that they were not necessarily progressive and just because an approach preceded another did not mean that it was necessarily born out of it. The true nature of piracy has always been obscured by popular culture. Recent scholarship regarding piracy is poised to move in the
direction of a historical interpretation rather than remain mired in popular culture and myth.

One way historians approached piracy was in response to the popular culture image of pirates. This approach attempted to separate out or examine the fabric of pirate myth by looking at the individual nature and specifics traits of pirates. David Cordingly published his still widely popular book in 1996 titled *Under the Black Flag: The Romance and Reality of Life Among the Pirates*. This book took the popular American culture image of piracy from literature and film and explained the origins of pirates’ popular image. Cordingly’s comparison between popular image and historical record allowed scholars and popular audiences alike to view the individual pirate in the historical context in which it operated. Cordingly’s work provided a better understanding of the social and cultural perspective of the individual pirate. Cordingly’s contribution allowed historians to build an understanding of the collective nature of piracy around his individual perspective of pirates. Since this approach was in response to the popular culture image of pirates, the analysis was based on a limited scope of questions, Cordingly focused on the individual pirate rather than on piracy collectively. Through this approach the pirates day-to-day activities become clearer, but piracy as a group with a shared culture, values, and practices becomes more obscured. This focus was in part because the historical questions generated by the popular culture image were confined to a narrow perspective of pirates.

In a similar manner, Hans Turley in his book titled *Rum, Sodomy, and the Lash: Piracy, Sexuality, and Masculine Identity* published in 1999 attempted to examine the way the popular culture image of piracy was woven into the historical reality of piracy.
Turley did not want to separate myth from reality like David Cordingly; instead, he wanted to examine the interconnections between the two perspectives to arrive at a more literary view of pirates. Turley’s strategy was to use literary analysis to reinterpret the primary sources written about pirates like William Kidd and Henry Avery. The records of Kidd’s trial are taken and explored by Turley against the narrative history of works like Captain Charles Johnson who wrote *A General History of the Pirates* published in 1724.\(^5\) Through these works, Turley explored the popular image of pirates in the eighteenth century, and how that image was transferred to the modern day interpretations. In Turley’s estimation, the popular image of pirates has influenced primary sources throughout history obscuring our view of them. Turley ultimately believed that the reader of pirate history did not want to know the reality of individual pirate daily life, but instead that even if the reader did want to know the truth about pirates the historian could not explain it due to a misunderstanding of the popular image of pirates in historical context. Turley brings the historical context of the popular image of individual pirates into view in his work, which challenges future historians of piracy to understand this as an obstacle when writing pirate history.

Historians David Cordingly and Hans Turley brought critical insights into the study of piracy by expanding our understanding of the individual pirate, but their approach obscured the true nature of piracy as a whole. Piracy was more than just a sum of its parts, and while the individual pirate is an important perspective to understand, it is not enough. Pirates must be discussed alongside the political, economic, and social

\(^5\) Charles Johnson, (Daniel Defoe), *A General History of the Robberies and Murders of the Most Notorious Pyrates*, ed. Arthur L. Hayward (London: George Routledge & Sons, 1926). The true author of *A General History of the Pirates* is still heavily debated but the consensus is that it was written by a man named Daniel Defoe.
dynamics of local communities. Furthermore, piracy must be discussed collectively through a shared culture. These two historians put individual pirates into proper historical context, but their approach cannot take into account systematic changes in how piracy operated due to changes in law and politics.

Another approach to piracy was a discussion of the social and cultural dynamics on board the pirate ship. The historian best known for this was Marcus Rediker in his book *Villains of All Nations: Atlantic Pirates in the Golden Age* published in 2004. Rediker used cultural ethnography and other social and cultural theory to discuss the relationships and composition of the pirate crew, the politics of the ship, and how pirates fit into the larger narrative of the Atlantic world. Rediker explored the reasons for sailors to turn pirate in the eighteenth century, and he began to discuss pirates as a collective group with a shared value system. The value system he discussed was based on the dynamic relationships of the pirate ship and was structured around the idea of a more democratic society. Based on Rediker’s discussion, the democratic nature of the pirate ship was key to understanding piracy in the Atlantic world in the early eighteenth century. Rediker developed the argument around the pirate ship and not the individual pirate, which had not been done before. Rediker’s work stimulated a great deal of discussion and in many ways revitalized the field. Later historians have been either trying to emulate his work or trying to disprove his arguments.

Rediker did pursue, among other themes, the idea of pirates as being more than just bandits, but his perspective was from the deck of the pirate ship. This approach did not allow him to discuss the relationship to local land-based societies, and therefore he did not fully develop the whole picture of piracy as more than just banditry. Rediker did
discuss the pirates’ use of terror to accomplish their goals and he simulated the field of piracy greatly, but he did not go far enough into discussing piracy as a collective group connected to the land.

A third approach, and the last I will discuss, started from the other side with an exploration of the political relationship pirates had with local land-based societies. Douglas Burgess used this approach first in his 2008 work titled *The Pirates Pact: The Secret Alliances Between History’s Most Notorious Buccaneers and Colonial America* and again in a 2014 book titled *The Politics of Piracy*. In both works, Burgess focuses on the dynamic relationship between pirates and local colonies in America juxtaposed against the legal view of piracy in England. He explores the political, economic, and legal view of pirates in the colonies and then discusses it against the competing national political, economic, and legal view of pirates in England. Burgess discusses the dynamics of the tide of national and local privateering and the strain it put on relationships between colonies along with the English Board of Trade. The main theme is a discussion of the politically changing nature of the legality of piracy across the Atlantic World.

Beyond that, the work by Burgess explores the society that was created by piracy through the legal and political land-based struggles in the American colonies and in England. Piracy as a whole comes into view amongst themes of the rise of the British Empire and yet somehow the pirate is obscured from view. Burgess fundamentally rejects the ideas of Rediker who argued that pirates should be viewed as more than simple bandits. Burgess challenges the “so-called pirate democracy” and that not every historian is as eager to “attribute the pirates’ activities to socioeconomic revolutionary sentiments”

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as is Rediker. Burgess’s approach is primarily the complete rejection of Rediker’s cultural approach to piracy. Burgess misrepresents piracy because he focuses only on the legal and political circumstances of it and he does not see pirates as more than just bandits. The focus of Burgess obscures the pirate from having any social or cultural connections to any other pirate outside the political and legal discourse, and in this way, his work is misguided.

The next prominent historian to explore the political relationships pirates had with land-based societies was Mark G. Hanna in his 2015 work *Pirate Nests and the Rise of the British Empire, 1570-1740*. Hanna, like Burgess, looked at the dynamic relationships pirates had with the British colonies in the New World. Hanna went farther, however, because he talked about the transitions of pirates from the west coast of England in the sixteenth century, to the British Caribbean in the seventeenth century and all the way to the North American colonies in the eighteenth century. The main argument of this book is about showing how piracy gave rise to the British Empire. A key element in this argument is the call for historians to focus on “the symbiotic relationship between maritime marauders and landed communities” to avoid misunderstanding the “origins and trajectory” of piracy. Hanna accomplishes these two arguments by methodically looking at the local political, economic, legal, and cultural connections of land-based communities with piracy within the discourse of the rise of the British Empire. Within this discussion, Hanna agrees at least in part with Rediker that piracy was more than just banditry. Despite Hanna’s agreement, he says that in order to understand

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pirates as more than just bandits it is important to focus on their “local circumstances on land.”

Another interesting dynamic to Hanna’s approach is his integration of local and national commissioned privateers. Unlike most historians of piracy, Hanna discusses the nature of state sponsored piracy and the frequent shifts into “illegal” piracy. The dynamics between privateers and pirates effortlessly integrates into a more holistic view of piracy when the land-based communities are discussed. Overall, the approach used by Hanna explains piracy on land and at sea from the perspective of the land-based communities and the British Empire. Hanna approached piracy as a vehicle for social, political, legal, and cultural change on land and because of his approach pirate culture on the ship was obscured in his work.

The most significant contribution made by Burgess and Hanna was thus a reorientation to pirates as irrevocably connected to local societies and not just the ocean. This idea is the third piece of the puzzle to a complete view of piracy, but in all the works discussed above that used the connections pirates had to local land-based communities something is still missing. It is almost like we have three sides of a triangle drawn, but it has not yet been colored in. On one side, we have a better understanding of the individual pirates, on another we have the dynamic relationships on the pirate ship, and on the final one we have the pirates’ connection to local land-based societies. In the center of the triangle we need to start shading in a more complete view of piracy in the Atlantic world, and the way its characteristics develop come out of these three defining edges.

The process by which a more complete understanding of piracy comes into view starts with defining it. To understand pirates as both a social community, and part of

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9 Ibid, 13.
larger political context, we need to realize that pirates are not simply criminals. The general definition of pirates is as sea robbers who have no commission from a “legal authority, who target all ships” using guerilla tactics “regardless of the national colors they fly,” but rely on a willing local community to support their operations at sea.\textsuperscript{10} More complexly, piracy is an ideological insurgency and a form of social banditry at sea and needs to be discussed more collectively and less individually. Therefore, a more fitting definition is that piracy is a collection of social bandits who work within local communities’ political systems to target either selected enemy ships or all ships, regardless of national colors, and with a reliance on willing local populations to support their operations at sea. Pirates will subsequently be defined as insurgents, guerillas, and social bandits throughout this work in order to establish a more holistic view of piracy. Defining pirates as more than just criminals by equating them with insurgents, guerillas, and social bandits is in an effort to work within the constraints of terminology when talking about them, while still providing a better understanding of piracy as whole. Pirates do not fit neatly into the definition of the three groups listed, but there is a significant amount of overlap to warrant some discussion. Piracy already has a problem with complexities in terminology, which will become clear in a later discussion of privateers and buccaneers. To the point, equating pirates with insurgents attempts to escape the individualistic paradigm of the pirate as a criminal, antihero, or radical and discuss a more collective paradigm of piracy. This new paradigm endeavors to bring these ideas together and show that pirates cannot be classified as simple criminals.

\textsuperscript{10} Gabriel Kuhn, \textit{Life Under the Jolly Roger: Reflections on Golden Age Piracy} (Oakland, CA: PM Press, 2010), 7. Part of this definition comes directly from that made by Kuhn in his discussion of the problems surrounding the definition of a pirate.
Instead, pirates have to be viewed through the paradigm of insurgents, guerillas, and social bandits.

An insurgent or guerilla is a rebel or a revolutionary who uses guerrilla tactics and terrorism to make war against a larger stronger force. In broader terms, an insurgency is a form of irregular war where a small non-state group attempts to win a war or at least survive without conforming to the rules of a nation state. Fundamentally, insurgencies are how the weak make war against the strong. An insurgency is not tied to a specific ideology, period, or culture. This is not to say that insurgencies have no ideology or culture, but that one insurgency is not necessarily ideologically connected to another. The thread that universally binds insurgences together is their use of guerrilla tactics and terror.\(^\text{11}\)

Pirates were similar to guerillas because of their use of tactics and reliance on local communities for support. The emergence of the term *guerrilla* originated from the early nineteenth century when small groups of Spanish resisted Napoleon’s occupation, and while this was not the first instance of the use of guerilla tactics, it is where the idea acquired its name.\(^\text{12}\) Generally, guerrillas do not try to fight an opponent directly in large battles but instead use a numerally superior force to attack a small group, outpost, or supply line to inflict damage and then retreat quickly. Similarly, pirates’ usually selected small quick vessels in order to capture vessels with speed, evade capture if outgunned or maneuvered, and hid in bays with shallow water.\(^\text{13}\) Guerrilla tactics employ surprise and

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the terrain to its advantage usually attacking away from population centers to isolate the opponent in order to defeat them quickly and quietly. Supply routes are preferred targets of guerrilla tactics because of their long-term effect on their opponents’ physical fighting condition and moral. The tactic is usually an ambush where the supply train is surprised using advantageous terrain features to the insurgent so the opponent has little or no chance of escape.\textsuperscript{14} Pirates employed similar tactics when they would ambush fishing vessels in the bays around Nova Scotia and Newfoundland in the eighteenth century. Another requirement for guerillas to survive is good relationships with local communities. Primarily this means good intelligence for guerillas in order to surprise the enemy and escape quickly. Since pirates operated at sea, the relationship to local communities was different then that of guerillas. Pirates had to rely on local communities for information, supplies, and recruits in order to survive.

Insurgents also use terror or terrorism as a tactic to win or survive against a larger and stronger force. Like guerilla tactics, this method employs small units as its major fighting force and the element of surprise is highly favored, but that is where the similarities end. The main objective of terrorism is to either kill or threaten the innocent as a way of coercing the strong to submit to their demands. The use of violence against civilians is intended to spread fear and intimidate populations and governments at the local and national level. Terrorism is fundamentally a tactic of a specific ideological insurgency just like the use of guerilla tactics.\textsuperscript{15} Despite this disconnection, Rediker classified pirates as terrorists when he wrote that piracy “was a terror of the weak against

\textsuperscript{14} Joes, \textit{Guerrilla Warfare}, 3-5.
\textsuperscript{15} Arquilla, \textit{Insurgents, Raiders, and Bandits}, 5; Kilcullen, \textit{Counterinsurgency}, 187.
He continued with this idea that pirates were terrorists because of the tactics they used on the pirate ship. This was the first discussion of the idea of pirates as something other than simple bandits, but it was not fully developed because Rediker only discussed this idea from the deck of the pirate ship. As we saw previously in the historiography, the idea of pirates as something more than simple bandits resurfaced when historians started to discuss pirates’ connections to local land-based communities. Pirates also used symbols to instill fear into their enemies and one example was the pirate flag. The pirate flag was raised when pirates were in pursuit of a prize to intimidate the opponent into surrendering without confrontation. Terror tactics played a major role in the success of piracy into the eighteenth century.

Piracy fits into this explanation of insurgents through the term *Social Banditry*. The problem is observed when attempting to classify pirates as rebels or revolutionaries and the main hurdle is to overcome the dominance of the pursuit of plunder in the pirate profession. In simple terms a revolutionary is defined as an individual who uses violence to bring about change to the “structure, policies, and leadership of government and society.”

Pirates were bandits interested in monetary gain on the surface, but they fit into this realm of revolutionaries based on what scholars of insurgents call *Social Bandits*. In short, this is a type of insurgency reserved for groups who have higher goals and attempt to “redress injustices within a society.” This first type of *Social Banditry* as it relates to pirates and their higher goals will be explored later in this work through their

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relationships with local colonial governments like South Carolina, Rhode Island, and Boston.

A second attribute of *Social Banditry* is the *Avenger* who strikes back at those who they see as their tormentors or to “prove that even the poor and weak can be terrible.”

As a way of partial explanation, we see that some sailors turned pirate in the eighteenth century because of the harsh treatment they received while on board merchant and naval ships. The harsh treatment caused sailors to rise up, turn pirate, and avenge themselves along with other sailors who continued to suffer under the torment of merchant captains. Therefore, pirates’ were unquestionably bandits interested in plunder, but this was only the most visible reason for their targeting of mostly merchant ships. A few other reasons they attacked these ships were to correct the problem they saw in society of merchant captain power, avenge the treatment they had received, and liberate others they felt were under the same torment. The sailors who turned pirate to fight their tormentors showed that pirates were interested in some form of social change and that piracy as a whole was more than just the pursuit of plunder. In this way, the perception that pirates were motivated solely by the pursuit of plunder can be questioned and a more holistic view of piracy can be achieved.

Scholars of insurgency and guerrilla warfare should talk about pirates as insurgents and guerilla warriors, but they do not because they have generalized the fundamental nature of piracy. These scholars define pirates as criminals only interested in monetary gain, but they have only dismissed pirates in this way because they do not fully

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20 Rediker, *Villains of All Nations*. Rediker argues that a reason for the willingness of sailors to turn pirate was because of the harsh treatment received by sailors on board merchant and naval ships during the eighteenth century.
understand the complex nature of piracy. If anything there is a need to take a deeper look at piracy not entirely focusing on the individual pirates, but on piracy as a whole. Piracy was far more complex than its most visible characteristic as criminals only interested in monetary gain. Historians of piracy do not talk about pirates as insurgents or Social Bandits despite the fact that most pirates were more than simple bandits. What has made historians of piracy dance around the prospect of classifying pirates in this way? The reason has been because the dominant discourse has placed the pirate operating at sea because most historians have disconnected the pirate from land-based societies, except for the buccaneers.

Terminology in the discussion of pirates in history has served to represent a one-dimensional caricature of the individual pirate and disconnects them from land-based communities. The complication in pirate terminology comes about when historians attempt to define a pirate. Cordingly defined a pirate as “someone who robs and plunders on the sea.”21 Defining piracy is often the most difficult, but most critical part of discussing pirates in historical context. Historians have often found it easier to start by eliminating the groups associated with piracy, but doing this leads to a misunderstanding of piracy. The definition of piracy given by Cordingly may sound logical, but it does not account for privateers. Privateers were officially sponsored pirates and commissioned to attack a government’s enemies. These privateers were individuals or organizations capable of outfitting a privately owned vessel with no financial assistance from the nation or political body granting the commission. The nation in return for granting commissions would be paid part of the privateers’ plunder. If two nations were at war, then one nation

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could commission privateers to attack the other’s trade or invade colonies, but historians have discussed privateers as something disconnected from piracy. In most cases, privateering has been attributed to a national tactic of war, and privateers were not considered pirates because they had a completely different social, cultural, economic, and political dynamic with the powerful nations across the globe. The simple definition of a pirate provided by Cordingly attempted to do just that because privateers robbed on the sea as well.

Gabriel Kuhn removed privateers in order to give a narrow definition of pirates. Kuhn wrote that pirates were “only those sea robbers who carry no license by any legal authority, who target all ships, regardless of the national colors they fly.” Kuhn removed privateers from being included in the definition of piracy by saying that only pirates had no commission or national allegiance, which is more narrow, but in terms of individual pirates and not piracy as a whole. During the seventeenth century, but less in the eighteenth, colonies and nations were consistently at war with each other either on a local or national scale. During times of relative peace between nations non-state sanction, no legal commissions, acts of aggression against trade was considered piracy. In the context of the seventeenth century it is almost impossible to completely separate privateering from piracy. No historian of seventeenth century piracy, to my knowledge, even attempts it. So then why is it so widely accepted when historians of the Golden Age of piracy in the eighteenth century attempt to separate the two? This is not something that will be discussed directly in this work, but pirate historians need to address this issue. An attempt will be made in this work to include the characteristics of privateers in the

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22 Kuhn, *Life Under the Jolly Roger*, 7-9. This whole concept of the wide and narrow definition of piracy is taken from the discussion Kuhn has in this book. In my opinion, of all the attempts at a definition of a pirate this one works the best for me.
discussion of pirates in order to provide a more complete view of piracy that Khun’s narrow definition obscures.

This work is organized into four chapters. The first chapter sets the stage for piracy in the eighteenth century by discussing its shift from the Caribbean to the North American coast. The rise and fall of pirate communities in Tortuga, Port Royal, Providence island, and New Providence island are discussed to show the power pirates held in the Caribbean in the seventeenth century. Also included in this chapter is what geographic characteristics were beneficial to pirates in the Caribbean. The next two chapters are case studies in different colonies of the North American coast. The colonies local political, economic, legal, and social relationships with pirates are explored starting in the seventeenth century and going into the eighteenth century. South Carolina and Rhode Island receive the most attention to show the success and failure pirates had in establishing strongholds along the North American coast. Boston is used as an example of a colony that was not friendly towards pirates going into the eighteenth century. Nova Scotia and Newfoundland are used as examples to show the limitations of pirates when they had no land-based communities to support them. Finally, the last chapter looks at how piracy changed when it was disconnected from the support of land-based communities. The result of this disconnection was that pirates had to force more ordinary sailors to serve as part of their crews in order to survive.
I. Caribbean Piracy in the Seventeenth Century

By the early eighteenth century, pirates of the Golden Age were geographically limited to the Atlantic, more specifically along the North American coast. All the world oceans, with minor exceptions, were closed to this group of pirates. With the signing of Treaty of Utrecht in 1713, which ended the War of Spanish Succession, pirates’ mobility declined and their ability to navigate the seas relatively free from national sovereignty was over. After the treaty was signed, groups of pirates, formerly privateers, broke off and went to the South Seas, the Indian Ocean, and the North American coast. The South Sea and the Indian Ocean pirates had limited success as long as they didn’t draw attention in the eighteenth century, but most successful pirates established themselves in the Atlantic Ocean.23

The West African Coast still offered some opportunities, but with the rise of the slave trade, nations defended those waters more furiously to protect their economic interests. The heightened defense of Africa’s West Coast signaled that pirate ships would not make it back and forth to the Indian Ocean with any constancy. Furthermore, by 1716, pirates were almost completely expelled from the Caribbean because of increasing economic interests requiring protection from powerful nations. This process is fundamental to an understanding of the Golden Age of piracy, which was shaped at a very basic level by the need to replace the lost pirate havens of the Caribbean, but the

23 The South Seas was controlled by the Spanish and pirates and buccaneers had found success in this area in the seventeenth century. The successful pirates and buccaneers always returned periodically to the Caribbean to sell their plunder in friendly ports. In the eighteenth century pirates were kicked out of the Caribbean and so with the South Seas still being controlled by the Spanish they had no safe place to go to sell their plunder. A similar situation was occurring in the Indian Ocean along with a greater number of European ships patrolling the waters off the African coast. Pirates could no longer outfit their ships in the Caribbean or the North American coast and safely make it to the Indian Ocean and back.
Golden Age pirate cannot be understood in historical context without a discussion of how this process occurred.

Throughout the seventeenth century the Caribbean was known as the hub of pirate activity where pirates controlled port cities like Tortuga, Port Royal, Providence Island, and New Providence Island. These pirate strongholds were fortified locations which provided pirates a safe place to resupply and repair their ships, but more importantly they were politically, economically, and social accepting of pirates. By the late seventeenth and early eighteenth centuries national powers forced pirates out of the Caribbean and into the fringes of the North American British colonies.

Piracy in the Caribbean throughout the seventeenth century was incontrovertibly connected to land-based communities. This was possible because of the shifting local, geopolitical, and economic struggles. Piracy thrived in the Caribbean because it was on the periphery of the global trade and because a power vacuum opened with the decline of the Spanish empire, opening space for colonies from other empires and culminating in a series of national conflicts, which continued in the Caribbean even after empires made their peace in Europe. Pirates or “brethren of the coast” rose out of these circumstances and influenced local trade, integrated into legitimate work on land, and assisted with the overthrow of colonies. Piracy grew to new heights starting in the mid seventeenth century across the globe, but pirates could not operate without willing local communities to support them in the Caribbean.24

In reference to pirates in the seventeenth century the term buccaneers is closely associated with piracy. Rather than attempt to separate pirates from buccaneers they need

24 Kris E. Lane, Pillaging the Empire: Piracy in the Americas 1500-1750 (Armonk, NY: M.E. Sharpe, 1998)
to be integrated into the definition in order to understand piracy as a whole. Most historians of piracy disregard pirates’ relationships with land-based societies and relegate pirates only to the sea. When land-based pirates are talked about in history the term *buccaneer* is most affectionately used to discuss pirates from the seventeenth century who plundered on land and at sea. A distinguishable characteristic of buccaneers was their ability to shift back and forth between raiding towns and plundering vessels in harbors to plundering vessels at sea, but more important was their ability to reintegrate into law-abiding land-based society through legitimate work like hunting and lumber cutting when needed. The ability to reintegrate into land-based social structures is the key difference that is used by historians to separate the eighteenth century Golden Age pirate from the seventeenth century Buccaneer. This difference, however, has become a net in which to catch all the other characteristics of the buccaneers and keep the connections pirates had to the land from being discussed in the Golden Age of piracy. The definition of piracy that includes nothing about the pirates’ relationship to land-based societies is destined to misinterpret the true nature of piracy. To start the discussion, we will explore how pirates in the late seventeenth century transitioned from the Caribbean to the North American coast. Then how this transition created a shock to pirates, which forced them to change, and these changes gave the Golden Age of piracy its unique characteristics.

In the seventeenth century, pirates in the Caribbean easily found refuge, recruits, provisions and places to repair their ships. After they were driven out of the Caribbean, pirates needed to find new locations along the North American coast that could serve these functions. In a pioneering study, Peter Galvin developed geographical patterns to explain the movement and connection to the land pirates had from the fifteenth to the
early eighteenth centuries. He did not, however, talk about the North American coast or how pirates operated after 1718. This cutoff was most likely due to the last pirate port at New Providence Island being destroyed in the Caribbean by 1718. His geographical analysis is useful to understanding how pirates were connected to the land into the Golden Age of piracy along the North America coast.

In order to better understand the Golden Age pirates’ connection to the land, we need to understand just what the pirates lost in the Caribbean. The first location type was the pirate island haunts, which were either islands or archipelagos with “fruits, fish, turtles, game, wood, and water, that served as refuges” or rendezvous for pirates. In the Caribbean, there were ten pirate haunts, including San Blas, Escudo de Veraguas, and the Bay Island along the northern coast of South America and the Ile a Vache, Saona, the Bahamas, the Caymans, Isle of Pines, and the South Cays around Cuba as well as the island of Hispaniola. These pirate island haunts became spots where pirates repaired their ships and marooned captives or sailors who were unwilling to join their crew. Pirates selected these spots for two reasons: first these were great places to careen their ships, and second they were the best turtling grounds in the Caribbean. These locations

25 Peter Galvin, Patterns of Pillage: A Geography of Caribbean-Based Piracy in Spanish America, 1536-1718 (New York: Peter Lang, 1999)
26 Ibid, 75.
27 Peter Earl, The Pirate Wars (London: Methuen, 2003), 51; Galvin, Patterns of Pillage, 84-85. Peter Earl wrote that careening was necessary to maintain the wooden hull of any sailing vessel. Galvin wrote that all manner of “assorted marine animals clinging to the sides and bottoms of ships reduced their speed and corrupted the planking.” In the tropical Caribbean, the worst was the teredo worm that dug into the wooden planks and destroyed the hull over a long voyage. The process of careening required several key resources, and therefore these were limiting factors in the locations pirates could choose. The characteristics of a careening spot as described by Galvin was a beach with a “tidal pattern … conducive to grounding, heeling, and re-floating the ship.” Heeling was the term used for tipping or leaning the vessel so the crew could work on the keel, the very bottom of the ship, to the waterline of both sides of a vessel. The resources required at these locations included wood, for propping up the ship and replacing damaged planks, along with “a good supply of pitch, tallow, or some other animal grease (seal, sea-lion, or turtle fat) for protective coating.” With these factors, the choices of locations for pirates was limited and therefore the best spots were continually used. Turtling was the when sailors or pirates would capture sea turtles from
had resources to help sustain pirate operations, but they were not close to any colonies or communities. The *pirate island haunts* were mostly useful to pirates for resources and safety while repairing their ships, but they did not offer much in the way of recruits.

The second location type described by Galvin was what he called the *pirate coast*, which was not clearly identified on the map but “consist[ed] of swampy, economically limited, serpentine shorelines that created perfect hideouts along the Caribbean and Gulf coasts.” These locations were less about the availability of provisions and more about safety. These locations were sometimes connected to pirates collecting of luxury resources for trade, as in the Bay of Honduras along the South American northern coast where buccaneers in the seventeenth century would go to cut logwood for the dye trade. The rivers and swampy regions from Florida to South Carolina shared many similarities with the northern coast of South America, which was the epitomy of the *pirate coast*. In addition, the rivers along the North American coast offered great locations for pirates to seek safety.

The third location type described by Galvin in the Caribbean represented the “pinnacle of pirate success” and was called the *pirate port*. The *pirate port* was an established port with some type of defensive battlements usually located on a small island. The characteristics of these locations shared much in common with the *pirate island haunts* with a few additions: “they had to be strategically located for maximum striking capability[,]… [with] a market for captured goods,” a population for recruits, and beaches or in the shallow water around islands. Turtles were excellent sources of food for sailors because turtles could be kept alive on board vessels for weeks if not months with little support. Pirates would combine careening their vessels with turtling in the Caribbean.

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28 Galvin, *Patterns of Pillage*, 75.
29 Logwood is a tree that when processed is used to naturally dye textiles and leather.
30 Galvin, *Patterns of Pillage*, 75.
a community friendly to pirates.\textsuperscript{31} A few other common characteristics were “good harbors, docking facilities, and the kinds of recreational opportunities that have always attracted sailors.”\textsuperscript{32} There were four pirate ports in the Caribbean which included Tortuga, Providence Island, Port Royal, and New Providence. These pirate ports flourished in the Caribbean “only briefly before being subsumed by the more legitimate colonial enterprises of the French, English, and Dutch.”\textsuperscript{33}

Pirates were ultimately displaced from the Caribbean due to increased unfriendly national interests and the destruction of their pirate ports. The rise of plantation farming in the Caribbean gave rise to large profits for powerful nations like Britain, Spain, Portugal, and France. In the eighteenth century, sugar plantations stimulated trade and the need for labor. Powerful nations took a harder stance on piracy in the Caribbean through legal and military measures because of the wealth generated by the colonies in this area. In order for pirates to survive they had to move and attempt to establish these ports in other areas. Pirates true strength was in their ability to plunder ships and influence trade to their advantage with the least amount of fighting required.

Before pirates were mostly expelled from the Caribbean because of increased national interests they held a significant amount of power in the seventeenth century to influence local trade. One example was the initial exchange pirates in the Caribbean had with Sir Thomas Modyford, the newly appointed governor of the English-controlled colony at Port Royal. By 1664, Sir Thomas Modyford in his first few months as governor attempted to stimulate open trade with the Spanish colonies in the Caribbean by punishing the buccaneers he found operating around Port Royal. Instead of retaliating

\textsuperscript{31} Ibid, 95.  
\textsuperscript{32} Ibid, 96.  
\textsuperscript{33} Ibid, 75.
against the governor or Port Royal, the remaining buccaneers left Jamaica for friendlier ports near Tortuga and Hispaniola. This caused such a sharp decline in the trade to Port Royal that the governor quickly altered his tactics and began supporting all forms of piracy in the Caribbean.\textsuperscript{34} Governor Modyford misjudged the buccaneers as simple bandits who were interfering with open trade with the Spanish, but it appeared that the buccaneers were helping trade. The buccaneers were indeed most likely helping trade, but they were keeping the power in their hands instead of the community. Modyford could either choose to accept the sharp decline in trade, which was possibly temporary, and pursue open trade with the Spanish or return to working with the buccaneers. The governor quickly returned to the economic stability of the buccaneers rather than risk failing with his long-term goal of open trade with the Spanish. This complete capitulation shows how much power the buccaneers held in the Caribbean on local trade, and they could exercise this power with beneficial results when they had more than one willing local community to retreat to.

The pirate society of the seventeenth century could also reintegrate into legitimate work on land, but this stratagem was less successful when they did not have a willing local community to trade with. An example of this characteristic of pirate society in the seventeenth century was the pirate stronghold known as Tortuga. Tortuga would come to be the most enduring and significant pirate stronghold in the Caribbean. Buccaneers of mixed nationalities starting on this island as early as 1603 were known for hunting feral cattle and pigs and then trading the meat and hides to individuals or local communities in close proximity. Throughout the seventeenth century, the island changed hands between Spanish, English, and French control almost half a dozen times, but the buccaneers

\textsuperscript{34} Lane, \textit{Pillaging the Empire}, 111.
always returned after a new political structure was established. Each time Tortuga was razed to the ground by the Spanish or when there was only a small contingent of Spanish to protect the island the buccaneers returned when another empire started sending colonists. In 1665, when the French West India Company took over control of Tortuga the buccaneers experienced their most successful time. The success of the buccaneers was not that the French took over the island and encouraged the buccaneers, but they allowed the buccaneers to trade openly, and the local government even commissioned them at some points. The open acceptance of buccaneers from about 1665-1675 allowed them to fluctuate between piracy and more legitimate endeavors, which stimulated the growth of piracy in the area. After 1676, however, the local community deteriorated when the colonial capital was moved to Port-de-Paix and no new colonists were brought into Tortuga. By 1691, Tortuga was completely devoid of a political structure, and the buccaneers had abandoned the island altogether.35

Providence Island was of little economic interest to the Spanish when it was first found in the sixteenth century, but in 1629 it was colonized by the English “pirate-minded Earl of Warwick” and the Providence Island Company. The island is located between the Bay of Honduras and Panama just off the coast of modern day Nicaragua. Pirates and privateers used the port established by the Providence Island Company to plunder the Spanish Panama trade until 1640. Spain captured Providence Island in 1640 and held it until 1670 when Sir Henry Morgan took it without firing a shot. Morgan and other buccaneers used this pirate port until 1671 to launch attacks on San Lorenzo and

35 Galvin, Patterns of Piracy, 119, 139-168.
eventually Panama. Before Morgan finally left the island in 1671, for Port Royal, he
destroyed the fortifications so it could not be used by the Spanish or the buccaneers.36

Another location in the Caribbean that became a pirate port was on the Island of
Jamaica. The Spanish had little interest in the Island of Jamaica because it did not offer
resources in gold or silver, but they did establish a small settlement called Santiago de la
Vega, modern day Spanish Town, in the sixteenth century. Pirates raided the shoreline
several times while the island was under Spanish control. By 1655, the conflicts between
England and Spain had escalated and Santiago de La Vega was taken by the English after
they had failed attempt to take Santo Domingo. Pirates and privateers were welcomed in
the English colony because they brought in lucrative trade. In 1664, when Thomas
Modyford became governor, piracy gained even more support and was able to spread
farther, after an initial setback with the governor. The acceptance of privateers and pirates
in Port Royal reached its highest level when Morgan, a notable buccaneer, was made
Lieutenant Governor in 1674. Into the 1680s, political and economic support of privateers
and pirates in Port Royal declined because of more reputable trade, but piracy was not
completely removed from the colony. In 1692, however, a massive earthquake sank most
of the town into the ocean and killed over a third of its population. Port Royal, Jamaica,
was not rebuilt, and pirates were no longer able to use it as a safe port.37

The final pirate port in the Caribbean was on New Providence Island, which was
located north of Cuba and about 180 miles east of the coast of Florida. The Bahama
Islands, to include New Providence Island, in the late seventeenth century was governed

37 Lane, Pillaging the Empire, 102-110; and Galvin, Patterns of Pillage, 102-106.
by the same proprietary government that governed the Carolinas. In 1684, the colony was burned to the ground by the Spanish, but was rebuilt in 1695 under Governor Sir Nicholas Trott and named Nassau. The pirate Henry Avery landed in Nassau in 1696 and brought in significant plunder from a cruise he had made to the Indian Ocean. Avery’s plunder allowed him to influence the government and turn into a *pirate port*. The colony suffered raids from the Spanish, during the War of Spanish Succession because of its pirate association. The governors that had been appointed by the Lord Proprietors when Trott left office in 1696 had failed to establish their authority, and the colony was without a formal government. Pirates and privateers continued to occupy Nassau into the eighteenth century.

In 1715, a Spanish treasure fleet wrecked off the coast of Florida after a devastating hurricane. Once news spread of the wrecked fleet, it created a boom in piracy around the Bahamas, drawing in pirates and privateers alike. One privateer named Henry Jennings sailed from Jamaica, to recover some of the treasure, but upon his return he found that he was branded a pirate. Instead of returning to Jamaica he sailed for the Bahamas and the Island of New Providence. Piracy increased in the Bahamas and up the North American coast until only one *pirate port* remained in the Caribbean at New Providence Island. Woodes Rogers, a former privateer, was given a commission in 1718 to sail to New Providence Island and re-appropriated it for England. When Rogers arrived

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38 *Proprietary* government was one of the ways a colony could be governed. The proprietary colonies were basically privately run governments where a group of lords would make decisions for how to run the colony. These colonies did not answer directly to the British government. Other forms of colonial governments were charter and royal colonies.

39 This was the uncle of Judge Nicholas Trott from South Carolina. Judge Trott of South Carolina will be discussed later in Chapter 2.


41 Earl, *Pirate Wars*, 160.
he took the island from the pirates and the Governorship. New Providence Island would no longer be a place for pirates to find safe harbor in the Caribbean, but the transition of pirates to the North American coast had begun before the destruction of this last *pirate port*.

The history of *pirate ports* in the Caribbean showed that in order for pirates to survive, influence trade, and generally be successful they had to have a local community willing to support them. When pirates controlled several *pirate ports* they were able to weld economic power in order to influence trade in an area. If an empire stopped sending colonists to a *pirate port*, then pirates were no longer able to survive in that area. The lesson learned from piracy in the Caribbean during the seventeen century was that piracy could not survive without local communities and the level of success was dependent on how many they controlled.
II. The Carolina Colonies and Pirates: 1696-1718

In order to survive pirates needed a place where they were welcomed and in the late seventeenth and early eighteenth centuries they were welcomed in the Carolinas. During the transition out of the Caribbean pirates were searching for strongholds along the British North American colonial coastline. Understanding the shifting economic, political, and social interests of the different groups in the Carolina colonies will help uncover how the pirates achieved temporary success in claiming South Carolinas as a stronghold, but how it ultimately ended in failure. The failure of pirates to maintain South Carolina as a stronghold shaped the future of piracy along the North American coast.

Limited primary sources exist to explain the extent of pirates’ role in the Carolina colonies history into the eighteenth century. Pirates either left little personal accounts of their exploits or they simply did not survive, which makes it difficult to understand the extent of pirate movements and operations in an area. The pirates that did leave records were from the seventeenth century, and they were not active on the North American coast. Therefore, using those records to talk about pirate activity into the eighteenth century along the Carolinas is difficult. Second, when American colonial governments had dealings with pirates they were operating outside the British law and therefore some would not document their transactions. The lack of primary source documents from both pirates and the colonial officials force the historian to look at third party observations of pirate activity, which are less effective and more biased in discussing historical change. Despite these limitations, these third-party records indeed showed that piracy was
observed in the Carolina colonies from the late seventeenth to the early eighteenth centuries.  

In order to explore the extent of the role pirates played in the Carolina colonies and how the region shaped the future of piracy it is necessary to examine late seventeenth century documented accounts of piracy in the Carolinas, the geographic resources that made the Carolina coast a suitable hide out for pirates, the role of piracy in the slave trade to the Carolinas into the eighteenth century, and finally the four pirate trials held in the Carolina colony of Charlestown. A look at these will show that the Carolina coast was a significant pirate hideout and the Carolina colonist had friendly dealings with pirates from the early years of the colony to the early eighteenth century. The main purpose of this chapter is to explore how pirates went from being welcomed in South Carolina to being cast out of the region. Pirates were cast out of South Carolina because they were no longer politically and economically contributing to the success of the colony. When pirates were cast out they increased their efforts to demand support from the colony, which ultimately failed. Pirates inability to generate lasting support in South Carolina caused them to become more violent and force more unwilling recruits onto their ships.

South Carolina was a unique colony because of its physical distance from the other American colonies and this created complex geopolitical dangers for the colony. On the frontier, the relationships between multiple Indian groups and European colonists around South Carolina continued to degrade until war broke out in 1715. The complex

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nature of the Yamasee War caused lasting economic problems for the South Carolina colony at Charlestown.\textsuperscript{43} Spain and France colonial holdings were seen as threats to English national and local interests because the Spanish were located in Florida and the French on the southwest frontier. After 1713, Spain and France were technically at peace with Britain and the American colonies, but the French continued to build outposts near South Carolina and they also supplied the Indians with weapons. The Spanish were not as great of a threat to South Carolina as the French, but from 1715 to 1719 Charlestown received intelligence that the Spanish were plotting to attack the colony.\textsuperscript{44} In the Atlantic, South Carolina was in danger from piracy. After the end of the War of Spanish Succession in 1713, known as Queen Ann’s War in the colonies, privateers turned to piracy and attacked all forms of trade along the North American coast.\textsuperscript{45}

The more recent scholarly works on the history of South Carolina discuss the proprietary government period as a time of complex struggle for the control of the colony. Historians agree that three groups were engaged in this struggle to include the colonist (mostly the elite planter class), the proprietors of the colony, and the Board of Trade. The colonists would rebel in 1719 and choose the Board of Trade as the body that should make decisions for the colony.\textsuperscript{46} In exploring this history, historians have focused on various explanations of the power struggle within the colony. M. Eugene Sirmans in

\textsuperscript{43} Steven J. Oatis, \textit{A Colonial Complex: South Carolina’s Frontiers in the Era of the Yamasee War, 1680-1730} (Lincoln: University of Nebraska Press, 2004), 1-11.


\textsuperscript{46} Weir, \textit{Colonial South Carolina}, 75.
his work *Colonial South Carolina: A Political History 1663-1763* and Richard P. Sherman in his work *Robert Johnson: Proprietary and Royal Governor of South Carolina* focused on the complex external problems to explain the struggle for control. These two historians concluded that it was the failure of the proprietary government to protect the colony against the Indians, other nations, and pirates that ultimately caused a rebellion in 1719. In 1983, Robert M. Weir support these historian’s conclusions in his book *Colonial South Carolina: A History*, with one alteration. Weir placed more emphasis on the threat of invasion from Spain, which he said was the spark that initiated the revolt in 1719. Hanno T. Scheerer published an essay in a collection titled *Creating and Contesting Carolina: Proprietary Era Histories* in 2013 that argued the reason for revolt was a conflict between the imperial merchant class and the planter class in South Carolina. Scheerer said that the “proprietors’ inability to protect their colony provided the backdrop for widespread popular sentiment against them” however, “the revolution itself was not a popular uprising against a neglectful government.” He concluded that it was a constitutional issue were the assembly rejected changes made by the proprietors to the constitution who had sided with the merchants in England.\(^47\) The events leading up to the colonies rebellion in 1719 underlined a complex set of perspectives that caused the colony to reject proprietary rule.

These historians have explored the economic and political motivations of the South Carolinians, but they have largely ignored the motivations of pirates. In the historiography of South Carolina pirates have been discussed as actors that motivated

historical change and pushed the colony to rebel. This chapter will focus on how the events in South Carolina leading up to the rebellion in 1719 affected the pirates and will uncover their motivations. Ultimately, pirates attempted to set up strongholds in North America like they had in the Caribbean but their failure would make the Golden Age pirate more desperate for willing crewmembers, adequate provisions, and safe harbors because they were no longer welcomed in colonies like South Carolina.

By the eighteenth century, a shift was underway in the locations where pirates found opportunities for plunder, shelter from weather, refuge from pirate hunters, and where they sought provisions, and repaired their ships. According to historian Mark Hanna the shift of piracy from the Caribbean to the South Carolina coast began as early as 1680 with the closing of Port Royal in the Caribbean.\(^{48}\) The pirate strongholds in the Caribbean originally included Tortuga, Port Royal, Providence Island, and New Providence Island, but by the early eighteenth century only New Providence remained under pirate control. In addition, the natural resources and geography of the Caribbean offered pirates the ability to find a haven even if they could not make it to one of the pirate strongholds. As was discussed in the introduction chapter, upwards of nine pirate hideouts across the Caribbean allowed pirates to hunt turtles for food while they repaired their ships using resources they found on secluded beaches. These locations helped enhance pirate operations during the seventeenth century, but by the early eighteenth century the resources were exhausted and powerful nations pushed the pirates from their hunting grounds in the Caribbean.\(^{49}\) Therefore, pirates sought new strongholds and

\(^{48}\) Hanna, “Protecting the Rights of Englishmen,” 295-296.

\(^{49}\) For a more detailed look at the pirates in the Caribbean during the seventeenth century see Peter R. Galvin, *Patterns of Pillage: A Geography of Caribbean-Based Piracy in Spanish America, 1536-1718* (New York: Peter Lang, 1999)
hideouts along the North American coast from which to continue their operations, and at least geographically the ones they found shared some characteristics of the locations in the Caribbean.

Pirate hideouts along the North American coast were in some ways similar to the ones from the previous century in the Caribbean, but the new locations did not always allow pirates the same flexibility. The Cape Fear River in North Carolina fit the characteristics that made it an acceptable location for pirates, and therefore it was not surprising that it happened to be a significant hideout for pirates and outlaws from 1717 up until 1727 (see Figure 1). In the early eighteenth century, the Cape Fear River was

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50 For information about Blackbeard setting up his base at the near the Cape Fear River see "Governor of South Carolina to the Council of Trade, October 1718," in COSP – A&WI, British History Online. For information on later pirates and outlaws hiding in the Cape Fear River see “Letter to Mr. Boone, America and West Indies: June 1720," in COSP – A&WI: Volume 32, 1720-1721, ed. Cecil Headlam (London: His...
inhabited by Indian tribes, and would not be settled by European colonists until 1726. In fact, at the turn of the eighteenth century the majority of the Carolina coast was sparsely populated by both Indians and European colonists alike. Some Indians villages were estimated to hold upwards of 500 houses, but great distances existed between the villages with only about 20,000 Indians throughout the entire region.\textsuperscript{51} The majority of European in South Carolina colonist settled in Charlestown with small groups of planters spread throughout the region. In North Carolina most of the American colonies were centered on the Pamlico Sound in the middle of the regions coastline.\textsuperscript{52} With the absence of American colonies near the Cape Fear River pirates would not have had to worry about colonists reporting their operations to the local government. The Cape Fear River thus offered pirates the ability to careen and repair their ship and gather a limited amount of resources away from the prying eyes of the American colonies.\textsuperscript{53} It seems likely that pirates also traded with the native tribes along the Cape Fear River for provisions, but no historical documents exist to support this conclusion. Since pirates were forced to mostly forage for their provisions along the Cape Fear River, the natural limitations hindered the pirates’ ability to gather enough food to support themselves for extended periods. This

\textsuperscript{51} Weir, \textit{Colonial South Carolina}, 12.


\textsuperscript{53} Careening was the processes of cleaning and repairing the bottom of a ship and was necessary to maintain the wooden hull of any sailing vessel. All manner of assorted marine animals clung to the sides and bottoms of ships, which reduced their speed and corrupted the planking. The process of careening required several key resources, and therefore these were limiting factors in the locations pirates could choose. The characteristics of a careening spot were a beach with a tidal pattern, which allowed a ship to be grounded, repaired and then re-floated. The resources required at these locations included wood, for propping up the ship and replacing damaged planks, along with pitch, tallow, or some other animal grease (seal, sea-lion, or turtle fat) for protective coating.
problem was not something pirates had had to contend with when they were based in the Caribbean because they had turtles to eat and multiple pirate strongholds to return to until they were pushed out of the Caribbean.

As previously mentioned, in the Caribbean pirates would combine the process of careening their vessels with hunting resources, but the unique characteristics of the North American coast offered varying degrees of flexibility and resources to the pirates. Peter Galvin argued that pirates’ success in the Caribbean was in part due to the availability of a natural food supply found from sea turtles. Unfortunately, no such resource existed along the North Carolina coast, and therefore pirates would have had to rely on provisions captured from vessels or friendly colonies willing to trade with them. Another factor that affected the pirates’ flexibility in hideouts like the Cape Fear River was the more limited escape routes when being pursued by pirate hunters. A pirate vessel could be easily trapped in the Cape Fear River by one or two vessels blockading the mouth of the river as was evident at the capture of Major Stede Bonnet in 1718.54 In this way, some of the hideouts along the Carolina coast offered less resources and flexibility to pirate operations in North America. Another example was Blackbeard, who established his base at Ocracoke Inlet just outside the Pamlico Sound, a group of barrier islands surrounding a part of the coast of North Carolina (see Figure 1). Blackbeard has become a popular figure in the romantic discussion of pirates because of his tactics and persona. Blackbeard is useful in the discussion of pirate hideouts because his choice of bases and hideouts represented the locations chosen by most pirates who were active between 1713 and 1726. The pirate base at Ocracoke gave Blackbeard the ability to observe trade coming

and going from North Carolina and resupply from the nearby friendly North Carolina colonies. Governor Charles Eden of North Carolina maintained a relationship with Blackbeard and supported his voyages from his base.\textsuperscript{55} The base also gave him multiple locations to careen and repair his ship using natural resources found on the coast. Although, this location lacked the food supply from sea turtles the pirates were closer to friendly ports from which to resupply. This location also allowed more flexibility in escape since the Sound had multiple exits to the Atlantic Ocean. These hideouts were key for enhancing pirate operations along the North American coast, but they weren’t enough the establishment of pirate strongholds was critical for the survival of piracy.

From as early as 1680 to 1716 pirates attempted to establish strongholds in port cities along the North American coast. In the context of South Carolina, this struggle was interwoven into the changing political, economic, and social motivations of the colony. The group of pirates who attempted to establish these strongholds drew their identity from the pirate society of the seventeenth century, which was based in the Caribbean.\textsuperscript{56} During this time pirates attempted to establish lasting bonds to the communities in North America, and into the early eighteenth century pirates found some success in turning Charlestown into a pirate stronghold. Pirates established dynamic relationship with local merchants, elite planters, and political leaders. These relationships revealed the process by which pirates attempted to establish a stronghold in the colony of Charlestown and was linked to the struggle for the future of South Carolina. Pirates were the fourth group locked in the power struggle for who would ultimately make decisions for South Carolina

\textsuperscript{55} Burgess, \textit{Politics of Piracy}, 220.
\textsuperscript{56} Rediker, \textit{Villains of All Nations}, 36.
which also included the local elite planter class, the Lord proprietors, or the British royal government.

Local merchants welcomed pirates into South Carolina in the late seventeenth century because they brought in money and trade. The local merchants were representative of the elite planter class and the Lord proprietors because there was no established staple crop in the colony. Local merchants struggled to find outlets for the goods produced by South Carolina in order to make the colony profitable. Local merchants welcomed pirates into South Carolina in the late seventeenth century because they brought in money and trade. The local merchants were representative of the elite planter class and the Lord proprietors because there was no established staple crop in the colony. Local merchants struggled to find outlets for the goods produced by South Carolina in order to make the colony profitable. Pirates offered some profitability because they were using the ports in Carolina to receive supplies, travel to the Red Sea, off the Indian Ocean, and plunder ships. For example, a 1696 report written by Governor Robert Robinson of Bermuda to King William III in Britain revealed two pirate vessels that made a profitable voyage to the Red Sea. This pirate voyage landed a profit of “£1,400 to each private seaman.” If each ordinary sailor received what today would equal a significant score of £200,000, then the profit to be made by the pirate captains and other officers was even greater. According to the articles of piracy, captains were entitled to as much as two and a half shares of the plunder and the other officers received one and a half to one and a quarter shares. The half share to

58 Historian Mark G. Hanna provided a detailed discussion of the South Carolina colonies dealings with pirates in the late seventeenth century in an essay cited above titled “Protecting the Rights of Englishmen: The Rise and Fall of Carolina’s Piratical State,” in Creating and Contesting Carolina: Proprietary Era History. This essay provided excellent detail on the rise of the pirates as friends of South Carolina but did not cover as detailed a discussion about how the pirates were cast out. This essay will complement Hanna’s work by discussing some specific details he did not highlight in the late seventeenth century. In addition, this paper will discuss some of the geographic conditions around the Carolinas that made it a good location for pirates to base themselves out of.
the captain was often used to resupply and repair the ship if needed and a successful voyage allowed the captain to facilitate this repair and resupply through a friendly port. After the successful voyage, these two pirate ships returned to the Carolinas where they were “fitted out” for another voyage to the Red Sea, according to Robinson. Successful pirate voyages were profitable for both the pirates and the local merchants that supplied them with provisions, because the pirates could pay for these provisions instead of taking them by force.

Reports from other local officials, both local royal governors and officials from Britain said that the reason that the Carolinas in the late seventeenth century were economically and politically accepting of pirates was because they were remote locations with a need for income. Governor Christopher Codrington the captain-general of the Leeward Island, also known as Antigua said that most of the pirates “generally find more remote islands and Carolina to shelter themselves in, rather than adventure themselves here [to Antigua].” Cordington implied that that only the Crown could put “a stop to… further piracies” in the Carolinas because the local merchants were directly profiting from pirate raids to the Red Sea.

Edward Randolph, who was a British customs official to the American colonies wrote a report in which he was attempting to expose the corruption of the colonial governments and lobby for more royal regulation described the northern part of the Carolina territory as a sparsely populated area by European colonists’ “under no regular

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61 “Sir Robert Robinson to the King,” British History Online.
63 “Sir Robert Robinson to the King,” British History Online.
Government. One Jarvis was appointed Governor by Colonel Ludwell, without salary.” It was for these reasons that Randolph said the colonists “were ready to harbour pirates.”

The small European population combined with the limited government made the Carolina colonies locations with limited regulations from the Crown and an excellent place for piracy to flourish. The Carolinas’ were a safe harbor for pirates because the local merchants and political leaders profited from the pirates by providing them with provisions and it was unlikely that they would willingly cut off any source of profit because of the lack of royal management.

In the context of Charlestown, Edward Randolph declared that in fact the political leaders in the colony accepted pirates as early as 1693. In a report submitted in August by Randolph to the Commissioners of Customs in Britain, Randolph stated that,

> About three years ago seventy pirates, who ran away with a vessel from Jamaica, came to Charleston with a vast quantity of gold from the Red Sea. They were entertained, and had liberty to stay or go to any other place.

According to Randolph, the pirates who came into Charlestown in 1693 were not just given liberty to come and go as they pleased, but were entertained. Randolph was not saying that the pirates were simply tolerated by the government, but that they were welcomed with hospitality and treated as guests in Charlestown. Randolph was not present when these pirates arrived in Charlestown and so the level of hospitality cannot be known; but they were clearly not treated as enemies of the colony.

Edward Randolph went on to say that in apparent contradiction the government of South Carolina, after letting the pirates go, seized their vessel and sold it without alerting

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65 Ibid.
the Crowns appointed tax collector. Randolph said that Mr. John Archdale, who was the governor of the colony of Charlestown with the permission of the proprietors knowingly, violated the “Acts of Trade” for profit when they seized and sold the pirate vessel.66

Pirates may have been given liberty in the colony, but they could not leave without giving the government a share. The government taking a share from pirates was not unlike the prize courts held by governments when privateers returned after plundering. The point of a prize court was to determine what cut of the plunder the government would take for issuing a commission to the privateers.67 What South Carolina did was like a non-official form of prize court with pirates rather than privateers. Through Randolph’s reports he ultimately connected the political leadership in Charlestown to both accepting socially and directly profiting from pirates.

Based on the evidence provided at the turn of the eighteenth century pirates had turned the Charlestown colony into a pirate stronghold, but political and economic interests would change as the new century dawned. In Charlestown, and other parts of the Carolinas, piracy was politically, economically, and social acceptable. Pirates could come and go as they pleased and expect a modicum of social acceptance when they brought in trade. According to third party observations the political leaders, planter elite, and the Lord proprietors of the colony sheltered, supplied, entertained, and directly profited from

66 Ibid.
67 A prize vessel is another word for a ship that a pirate successfully captured. British privateer vessels, as far back as the sixteenth century, returned to England after times of war to face a Prize Court. This court determined what percentage of the plunder England retained for granting a privateer their commission. Since privateer vessels by nature were privately funded, the British government could not simply take what they wanted from these vessels. Prize Courts were established to settle matters of the prizes taken. Pirates were often former privateers and so they took to calling them prize ships. Therefore, this term is used frequently in the historical record to describe a vessel captured by pirates. For more information see, Alfred P. Rubin, The Law of Piracy, 2nd ed. (New York: Transnational Publishers, 1998), 32.
piracy before the turn of the eighteenth century.\textsuperscript{68} Ultimately, pirates were welcomed into Carolina communities because they brought in money and the colony at Charlestown was well on its way to being a lasting pirate stronghold.

Into the eighteenth century, political and economic interests began to shift and the different groups in the Carolinas became unreliable or outright enemies of pirates. The political acceptability of dealing with pirates in South Carolina from 1700 - 1717 appeared to rest with the Governor, but the turnover rate created an inconsistent political climate. This frequent turnover was unique to the governors in the eighteenth century and it exposed a complex struggle for political control. Between 1700 and 1717 the colony had seven governors with five being appointed by the proprietors and only two appointed by the Council of South Carolina. Carolinas Governors willingness to do business with pirates somewhat depended on which group they decided to side with in the struggle for control of South Carolina. By about 1718 piracy in the colony was no longer politically acceptable.

James Moore was the temporary governor of South Carolina from 1700 to 1703 and during that time he was known for supporting and dealing with pirates. The Charlestown council appointed Moore as governor in 1700, but the Lord Proprietors never gave him an official commission.\textsuperscript{69} Governor Moore believed that the close proximity of South Carolina to the Spanish Empire allowed him to take less than legal methods to protect the colony. In 1702, the Spanish Empire threatened the colony of South Carolina because they were known to support piracy, and the intelligence was provided to

\textsuperscript{69} Sirmans, \textit{Colonial South Carolina: A Political History}, 76.
the Governor by pirates.\footnote{Hanna, \textit{Pirate Nest}, 315-316.} Governor Moore preemptively attacked the Spanish town of Saint Augustine at the beginning of the War of Spanish Succession because of their threats. One critic of the decision to attack the Spanish was from a man named John Ash who said that it was “a Project of Freebooting under the specious Name of War,… with hopes of mighty Plunder.”\footnote{John Ash, “The Present State of Affairs in Carolina, By John Ash, 1706,” \textit{Narratives of Early Carolina 1650-1708}, ed. Alexander Salley (rept. 1911, New York: Barnes & Noble, Inc., 1967), 272.} Moore’s attack failed, but his motivations for it showed an eagerness to protect piracy in the colony. Piracy was a part of South Carolina at the turn of the eighteenth century and Moore wanted to protect it.

Ultimately, by 1717 the incoming Governor Robert Johnson saw the pirates as a threat to the stability of the colony and petitioned the Board of Trade to send ships to protect the Carolina coast.\footnote{“Governor Johnson to the Council of Trade and Plantations June 18, America and West Indies: June 1718,” in \textit{COSP –A&WI: Volume 30, 1717-1718}, ed. Cecil Headlam (London: His Majesty's Stationery Office, 1930), 264-287. \textit{British History Online}, accessed August 9, 2017.} When Johnson took office as Governor in 1717, piracy had become an economic burden to the colony. Gov. Johnson sided with the proprietors in England, but he was frustrated that neither the Board of Trade or the proprietors would answer his request for assistance against the pirates. By 1718, no ships were sent from England to assist the colony and so Johnson sent two vessels after a group of pirates reported to be hiding in the Cape Fear River. Immediately after the voyage returned successfully with a group of pirates to stand trial Gov. Johnson personally led another expedition to capture pirates.\footnote{Richard P. Sherman, \textit{Robert Johnson: Proprietary and Royal Governor of South Carolina} (Columbia: University of South Carolina Press, 1966), 33-34.} Both privately funded pirate hunts showed that the political acceptance of piracy in the colonies was over by 1718. Pirates would continue to
operate along the North American coast, but they would find the colonies in South Carolina no longer politically willing to accept them.

Shifting away from the political aspects, the acceptance of piracy based on economic terms was through the slave trade, and pirates’ had relationships with the elite planter class in South Carolina. Gregory E. O’Malley used the intercolonial slave trade into the eighteenth century to explain the relationships pirates and smugglers had with the elite planter class in North America.\textsuperscript{74} Into the eighteenth century the economic interests of many of the North American colonies relied on the slave trade, but the trade was highly variable and so many groups in the American colonies turned to pirates, privateers, and smugglers to increase slave imports. In the early eighteenth century, the American colonies were not directly connected to the transatlantic slave trade. Pirate enterprises and illicit traders delivered slaves to the fledgling colonies in North America because no legitimate network of slave trading to the American colonies was established until the mid-eighteenth century. The Caribbean was the hub of the slave trade and the North American British colonies were on the fringes. Therefore, between 1670 and 1730 the American colonies received their slaves from pirates, privateers, and smugglers. The reason for the acceptability of the illicit slave trade to the northern British colonies was that it allowed them to increase their colony’s size and compete with the other nations, such as Spain and Portugal, who were beating the British in colonizing the New World.\textsuperscript{75} At the beginning of the eighteenth century, slaves were taken to ports in the Caribbean, and then some were transported to markets in the American colonies; however, the trade did not occur with any consistency. The conditions set by the unreliable official slave

\textsuperscript{74} Gregory E. O’Malley, \textit{Final Passages: The Intercolonial slave Trade of British America, 1619-1807} (Williamsburg, VA: University of North Carolina Press, 2014)

\textsuperscript{75} O’Malley, \textit{Final Passages}, 86-87.
trade to the American colonies forced the planter class to turn to pirates, privateers, and smugglers in order increase the growth and economic power of the colonies.

The Board of Trade in Britain was aware of this problem in the slave trade to the North American colonies and their actions subsequently opened the door for more illicit trade. In 1698, British Parliament opened the African slave trade to traders who were not a part of the Royal African Company. This opened the slave trade to the American colonies significantly by allowing non-Royal African Company ships to transport and sell slaves and this permitted those smuggling slaves to have more legitimacy and operate more freely. The Board of Trade likely opened the slave trade because they knew no direct slave routes between African and the American colonies existed, and they knew that the colonists were likely importing slaves illegally. The Board of Trade most likely supported these endeavors to increase the economic productivity of colonies South Carolina because it was these types of colonies that financially supported England. Charlestown, South Carolina exploited this reduced regulation and turned to pirates, privateers and smugglers to increase the slave trade to their colony.

The elite planter class in Charlestown took advantage of the reduced regulations on the slave trade to increase their slave import through the black market in order to increase their economic power. The planter class in Charlestown Carolina encouraged the slave trade through this black market from about 1704 to 1714, which assisted with the growth of the port at Charlestown. Ports in South Carolina in the first few years of the eighteenth century, especially Charlestown, were not very populated and were considered backwater ports. According to historian George O’Malley, South Carolina in 1704 was

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76 Sirmans, *Colonial South Carolina: A Political History*, 60.
the perfect location “where slaveholders looked to the black-market to obtain workers.”

The War of Spanish Succession coupled with the Navigation Act of 1696 and South Carolina’s rice being used for British Naval stores increased the need for slaves in the colony. The War of Spanish Succession, which began in 1703, proved to be a benefit for the South Carolina colony because the British Navy required significant provisions of rice. As a result two new ports at Beaufort and Port Royal Sound were created in 1711 to keep up with export and production. The combination of war, acceptability of illicit trade, and the opportunity for economic growth provided the mixture that led to the rise of slave imports into South Carolina from 1704 to 1714. These circumstances allowed the elite planter class to increase slave imports though unofficial means while still maintaining legitimacy and building economic power through trade in the port of Charlestown.

Primary sources do not exist that explicitly say the elite planter class was dealing with pirates, but a look at the official imports of slaves into South Carolina showed that the colony was receiving slaves from pirates, privateers, and smugglers. The number of slaves recorded as imports into South Carolina from 1703 to 1708 was far below the actual numbers, indicating that the colony was receiving slaves from unofficial channels. Based on some of the figures provided by Randolph and other colonial officials the Negro population in South Carolina in 1703 was about 3,250, but had grown to 4,100 by 1708. In those years, less than 400 slaves were on record as officially imported into the

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78 O’Malley, Final Passages, 99.
79 For information on the Navigation Act of 1969 see Sirmans, Colonial South Carolina, 73-74.
80 See Sirmans, Colonial South Carolina, 60., and Elizabeth Donnan, ed., “Governor and Council of South Carolina to the Board of Trade, 1709,” Documents Illustrative of the History of the Slave Trade to America (New York: Octagon Books Inc., 1965), 256.
Based on these estimates, the Negro slave population grew by 850 during this six-year period, which suggested that almost 450 slaves were illegally imported into the colonies between 1703 and 1708. These figures indicated that South Carolina was at the very least dealing with smugglers. Randolph then sent multiple reports of pirate activities and slave trading figures to the Crown and the Carolina proprietors until his death in 1703. The reports by Randolph combined with the figures of slave imports showed that it was more than likely the Carolinas were dealing with pirates to increase their slave imports.

By 1714, however, pirates, privateers, and smugglers were no longer a benefit to the elite planter class in Charlestown. Shifting economic interests caused the planters to become an unreliable trade partner with the pirates. In 1710, the first documented direct voyage from Africa to the South Carolina was recorded and over the next decade direct voyages would become more consistent. By the end of the war in 1713, the port of Charlestown was no longer a backwater port and so by 1714 it was not surprising that it no longer looked to the black-market to acquire slave labor. After 1714, the import of slaves dropped from 419 that year, to less than 100 a year until 1717 due to financial troubles in the colonies. Then in 1717, the slave trade resumed under more consistent and

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81 Estimates taken from Donnan, ed., “Negroes Imported Into South Carolina,” Documents Illustrative, 255. According to this document, only 99 slaves were imported into the colony between 1706 and 1708. Since the data does not exist or could not be found for 1703-1705, an eight year average (from 1706-1713) of 92 slaves a year was estimated for these three years. It was unlikely that during these three years more than 100 slaves a year were officially imported into the colony based on the demand from 1706-1713. In my opinion, this is a safe but overestimation of the official number of slaves imported from 1703-1705.


legitimate circumstances averaging about 472 a year until 1724.\textsuperscript{84} Pirates usefulness to the planter class in South Carolina degraded after 1714 in part because they no longer needed as many slaves to support their industry and in part because direct voyages occurred more frequently from Africa. The use of pirates for these black market dealings contributed to an increase in pirate activity along the North American coast; however this pirate activity did not decrease after the planter class stopped being a reliable trade partner with the pirates.

By 1716, piracy along the Carolina coast had increased to a point where what remained of the elite planter class became an enemy to pirates which signaled that Charlestown had more to fear from pirates than to gain. The decrease in black market trade to South Carolina occurred almost simultaneously with the increase in pirate activity along the North American Coast in 1715 due to the Spanish treasure fleet wrecks.\textsuperscript{85} In 1716, Charlestown was going through economic and territorial difficulties from the Yamasee War with the Native Americans, staggering debt, and a significant drop in rice production and export.\textsuperscript{86} Due to the problems in South Carolina and the increase in pirate activity along the coast of the colony the elite planter and imperial merchant classes became more fearful of pirates and saw them as a threat to the long term economic stability of the colony. This fear was because pirates along the South Carolina coast were targeting the only lifeline remaining for the colony, which was their trade with Britain.\textsuperscript{87} The changing economic interests of the elite planter class and the rising

\textsuperscript{85} Earl, \textit{The Pirate Wars}, 160-161.
\textsuperscript{86} For more on the problems in South Carolina see Sirmans, \textit{Colonial South Carolina}, 75-128.
\textsuperscript{87} Shirley C. Hughson, \textit{The Carolina Pirates and Colonial Commerce, 1670-1740} (repr. 1894, Spartanburg, SC: The Reprint Company, 1971)
presence of pirates along the coast turned pirates into an outright enemy of the colony’s economic interests. Thus by 1717, the political and economic interests of Charlestown were no longer aligned with pirates, and as a result the colony was no longer a pirate stronghold.

The British Board of Trade, the King of England, and the Lord Proprietors of the colony of South Carolina attempted to suppress piracy through legal measures throughout the eighteenth century, but the attempts exposed a controversial debate at the time. However, in 1717 the colony of Charlestown, South Carolina was not yet willing to directly combat the pirate threat or go to war with the pirates. This hesitation would complicate matters when the Lord proprietors attempted to remove the pirates through legal means. The legal situation was unique in South Carolina because it was a privately owned colony and so had no official royal commission. The struggle for the ultimate control of South Carolina played a role in in the legal battle against pirates. From the perspective of the Board of Trade and the Crown, piracy was a problem in the American colonies during the late seventeenth century and early eighteenth century. In 1700, the Board of Trade pushed an act through the British parliament at the behest of the King titled the “Act for the more effectual Suppression of Piracy,” which superseded the 1536 “Offences at Sea Act” for the prosecution of piracy.\(^8\) The two acts exposed an ongoing debate between whose interests should be served in the prosecution of pirates.

The common law which was favored under the 1536 act served the interests of local judges and colonists, but the 1700 took was under the civil law and took away these groups legal power. The term *colonists* is inherently ambiguous because the juries in each case could have been a mixture of elite and non-elite colonists, and without a detailed

look at the juries in each case, identification of their statues cannot be determined. Therefore, the term *colonists* simply referred to a combination of general local interests. On one side of the debate was the advocates for the common law, and this group was made up of the local judges both in England and the American colonies. The common law was unique in that the local judges developed their own interpretations of the law and specific customs depending on where they served. The common law gave local judges the power to determine how to prosecute pirates based on how they challenged local community affairs. On the other side of the debate was the advocates for civil law, which included the Admiralty, imperial merchants, and local elites who were connected to international trade. The civil law was different from common law because it replaced the local judge with an Admiral concerned with maritime law and the protection of the sea. Civil law was also different because it did not conform to local customs of law and it favored the royal interests over the local.\(^{89}\) The 1700 act removed the power from the local judges but it also took legal power away from American colonists who served on juries.

These two acts essentially changed the structure of the jury and the 1700 was more suited to serve the interests of the Board of Trade in England. According to the 1536 Piracy Act, the jury was comprised of local citizens from the district in which the trial was held with power to render a guilty or not-guilty verdict. On the other hand, the jury according to the 1700 Piracy Act was comprised of a seven-man council made up of naval officers, government officials, and merchants. The act limited the membership of the council to these groups of men because they all owed their position to royal posting and were therefore easier to influence. The difference between piracy courts held under

\(^{89}\) Ibid, 48.
the 1700 Act and other British courts was the replacement of an impartial jury for the seven-member council with greater imperial bias. This council acted as “investigator, indicter, judge, and jury” to those accused of piracy and they held almost absolute power over the outcome of any trial.\(^9\) The Board of Trade was trying to gain more legal control over the American colonies through the implementation of the 1700 Act. However, since the colonies in South Carolina were privately owned the proprietors could choose if they wanted to prosecute pirates.

Table 1. Execution Rate of Pirates in New World Colonies

<table>
<thead>
<tr>
<th>Location of Colony</th>
<th># Of Trials</th>
<th>On Trial</th>
<th>Executed</th>
<th>Execution Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charles Town, South Carolina</td>
<td>3</td>
<td>71*</td>
<td>49</td>
<td>69%</td>
</tr>
<tr>
<td>Boston, Massachusetts Bay, New-England</td>
<td>4</td>
<td>46</td>
<td>16</td>
<td>35%</td>
</tr>
<tr>
<td>New Providence, Bahama Islands, City of Nassau</td>
<td>1</td>
<td>10</td>
<td>8</td>
<td>80%</td>
</tr>
<tr>
<td>St. Jago de la Vega (Spanish Town), Jamaica</td>
<td>1</td>
<td>29</td>
<td>21</td>
<td>75%</td>
</tr>
<tr>
<td>Newport, Rhode-Island and Providence Plantations</td>
<td>2</td>
<td>46</td>
<td>26</td>
<td>57%</td>
</tr>
<tr>
<td>Total</td>
<td>11</td>
<td>202</td>
<td>120</td>
<td>63%</td>
</tr>
</tbody>
</table>

*23 pirates executed according to newspaper articles, but no trial documents exist.

In 1716, the proprietors made the choice to begin prosecuting pirates, which would send a clear message overtime that pirates were no longer welcome in South Carolina and that Charlestown was no longer a pirate stronghold. Based on a broad look at the four trials held in Charlestown of the 71 sailors tried for piracy there were 55 found guilty, and out of those found guilty 49 were executed.\(^9\) That was a 69% execution rate for the colony of Charlestown, which was the highest rate in the American colonies when compared to other locations that held pirate trials like Newport, Rhode-Island and Boston, Massachusetts (see Table 2). In 1718, the colony executed 46 pirates within a


month of each other, the largest number of pirates executed in any one colony. Some of the pirate bodies were even hung at White Point to intimidate other pirates. By 1718, it was clear that any lingering doubt held by the Board of Trade in England about Charlestown harboring pirates was gone and the message was clear to all pirates as well that it was no longer safe to attempt to turn Charlestown into a pirate stronghold as long as the English controlled the colony.

South Carolina was no longer willing to support piracy after 1718, but through a local view of the trials, the decision made by the proprietors to prosecute pirates in the way they did showed a new dimension of piracy. In an effort to suppress piracy along the Carolina coast the proprietors of the colonies decided to prosecute pirates under the common law and the 1536 act, which among other things went against the true economic and political interests of the colonists. In 1716, the proprietors appointed their longtime ally in the colony a man named Nicolas Trott to preside over the Vice-Admiralty courts in Charlestown. The decision made by the proprietors was an attempt to improve local relations, but by 1716 the elite planter class and the political leaders had advocated for more royal influence in the colony. The elite planter class and political leaders also wanted a swift end to the colonies acceptance of piracy. Nicolas Trott however, did not want to arbitrarily punish pirates unless they were guilty and he was the one who convinced the proprietors to commission for piracy trials to be held under common law.

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Trotts ultimate goal was to maintain legal power in the colony’s, and holding trials under civil law would remove him as the one to preside over the Vice-Admiralty court. His actions were motivated by a rejection of the Board of Trade attempting to circumvent his local authority with the implementation of the 1700 piracy act. Even so, it was unlikely that sailors who Trott determined to be guilty for piracy would escape execution even with the presence of an impartial jury in his court room.\textsuperscript{95} In hindsight the right choice for the proprietors would have been to allow pirates to be tried under the 1700 act which would have served the interests of elite colonists and the political leaders who were advocating for more royal control of the colony. The decision made by the proprietors would turn out to have damaging results for the colony because it left the prosecution of pirates in local hands and painted a target on the colony of Charlestown.

The first two trials held in Charlestown would send a message to pirates that they were no longer welcome in the colony and that if pirates continued to interfere in the trade along the coast they would be executed. Unfortunately, the first two trials held in 1716 and 1717 did not have any witness testimony and therefore only the charges and verdict can be used in this discussion. The first trial was held in 1716, and the nine sailors accused of piracy were brought before a jury and found not guilty.\textsuperscript{96} This first trial was significant not for its verdict, but because it sent a message to pirates that Charlestown was no longer willing to tolerate pirates and any suspicion of piracy would be brought before the court. Then in 1717, four more sailors were brought to Nicholas Trott’s court and all four were executed for piracy.\textsuperscript{97} This trial made the message even more clear to

\textsuperscript{97} Ibid, 50-67.
pirates that if they interfered with trade along the Carolina coast then they would pay for their piratical acts with their lives. The message was clear for pirates to find a new port other than Charlestown as their stronghold, but the colonies actions would change the tactics of pirates along the Carolina coast.


The two pirate trials in 1716 and 1717 signaled that Charlestown was no longer willing to accommodate pirates due to the changing economic and political interests, and piracy along the North American coast had to adapt to survive. In the summer of 1718, Edward Teach (also known as Blackbeard) and Major Stede Bonnet attacked the colony of Charlestown. Edward Teach used the mouth of the Cape Fear River, which was about
350 miles North East of the colony of Charlestown as a hideout and made his base farther north at a place called Ocracoke Inlet (see Figure 2).98 Due to the proximity of the colony of Charlestown to Blackbeard’s base and the fact that the colony had started executing pirates the colony became an opportune target. Blackbeard was known for visiting destruction “if any injury was offered to him or his companions.”99 Therefore, in June of 1718, Blackbeard and his crew successfully raided several ships protecting Charlestown harbor, and they proceeded to hold hostages demanding a chest of medicine from the blockaded port. The details were complex, but Blackbeard and his crew made their escape with the chest of medicine after dealing a personal and financial blow to the still struggling colony. Blackbeard was an example of the violent reaction to Charlestown being closed to pirates.

Ultimately, pirates had initial success in establishing South Carolina as a stronghold for pirate operations along the North American coast. The economic and political interests of the Carolina colonies in the late seventeenth century were aligned with pirates, and so pirates were welcomed into the colonies because they brought in profit. Charlestown was well on its way to becoming a lasting pirate stronghold, but into the eighteenth century the inconsistent political climate changed the colonies political interests. This change loosened the grip pirates had on the colony and by 1717 the governor of the colony who represented the political interests of the colony no longer supported piracy. In a similar fashion the elite planter class relied on pirates to increase economic growth and their power through illicit slave trading into the eighteenth century.

This reliance on pirates contributed to an increase of pirate activity along the North American coast and the growth of Charlestown as a major trading port. However, by 1715 the planter class became an unreliable trading partner with pirates because of the rise in more legitimate slave trade from Africa. Subsequently by 1716, with the problems in Charlestown caused by the Yamasee War and the ending of the War of Spanish Succession pirates were a greater threat to trade with England. The economic interests of the colony were therefore no longer aligned with supporting piracy. Then in 1716, the proprietors attempted to suppress piracy through legal means which ended with the violent attack on the Charlestown colony.

The initial success pirates had in turning Charlestown into a pirate stronghold in the eighteenth century contributed to an increase in the number of pirates operating along the North American coast. This increase was also caused by the pirates being forced out of their former home in the Caribbean because of more powerful nations that included Spain, England, and France who were protecting their transatlantic interests. This group of pirates along the North American coast also known as the ‘Golden Age’ pirate selected this region to rebuild the support network they had lost in the Caribbean. When the pirates’ effort to turn Charlestown into a stronghold failed they had no other location in which to escape, and so they had to adapt in order to survive. Pirates in the Atlantic World after 1716 would become more desperate for willing crewmembers, adequate provisions, and safe harbors because they failed to maintain Charlestown as a pirate stronghold.
III. Piracy in Rhode Island, Boston, and Nova Scotia

South Carolina was not the only place pirates attempted to establish a base. Pirates had some success before and after the turn of the eighteenth century in establishing a presence along the North American coast in places like Rhode Island and Nova Scotia. In Nova Scotia and Newfoundland, the national conflict, the ample fishing trade, and the lack of long-term colonies gave pirates a place to acquire volunteers for their crews and gather provisions. The lack of colonies however, left pirates with no local communities to build relationships with. A royal governor in Boston, Massachusetts, controlled the area around Nova Scotia. In Massachusetts, the royal charter and political stability in the colony left pirates as targets for legal prosecution. Pirates were not received well by the colony in Boston into the eighteenth century. In Rhode Island, pirates had initial success in turning the colony into a pirate haven, but eventually the colony expelled the pirates. Pirates were left with a recruiting problem, which they attempted to solve by plundering fishing vessels in the north for their crews. There was a change in the eighteenth century from pirates requesting volunteers to forcing more sailors to join the pirate crew. This was a marked difference from how piracy operated in the Caribbean. Pirates along the North American coast began attacking ships more and more for provisions and recruits.

In the midst of pirates trying to turn Charleston, South Carolina into a sanctuary for piracy, a similar progress was occurring in Rhode Island, Boston, and Nova Scotia. The British Board of Trade was less interested in these areas from a trade perspective. The Caribbean and the southern American colonies was where the real economic interests lay. The North American coast was not a lucrative asset for Britain, even in the southern
colonies like South Carolina that produced a significant amount of rice for Britain. Until the cultivation of more lucrative trade in the south like indigo during the mid-part of the eighteenth century and cotton after the American revolution the North American coast was less critical for the development of Britain. Virginia became more of an economic asset to Britain because of their export of Tobacco, but by in large the Northern American colonies produced limited trade goods and were not seen as very lucrative economic assets for Britain.¹⁰⁰

Much of the North American coast was considered peripheral to the growing British Empire in the Atlantic in the early eighteenth century. In other words, trade in the northern American colonies was not critical for the British empire. Even so, some communities in this area were more dependent on external trade then others. Rhode Island was one such community and pirates made initial success integrating into the trade and into Rhode Island society at the end of the seventeenth century. Political leaders in Rhode Island made a show of attempting to suppress piracy, but ultimately they used pirates to support trade. In to the eighteenth century Rhode Island started to support pirates less after 1718 until in 1723 when they executed 26 pirates, which was the second single largest execution of pirates in the colonies.

As pirates moved to the North American coast they had some initial success in turning South Carolina, Rhode Island and Nova Scotia into willing communities, but they ultimately failed. It was not enough for pirates to maintain economic and political connections to one local community, but pirates’ needed multiple communities to maintain their influence. Pirates were able to influence a short-term economic deficit in

trade if the community was willingly working with pirates. Remember the example of Port Royal, Jamaica in the seventeenth century. When piracy was no longer accepted in the area they simply left and trade suffered causing the Governor to again willingly work with pirates. This strategy only worked because the pirates had another willing pirate haven to go to that had an ample trade network and was economically dependent on sea based trade. Along the North American coast, this strategy was almost not feasible in the eighteenth century.

If the northern colonies were amenable to being pirate havens, then there were reasons for pirates to pursue a relationship with these northern colonies. One of the reasons there was not as much of a violent reaction from pirates, as in South Carolina, when piracy was cut from these communities was because the north was relatively economically isolated. This isolation would suggest that pirates would have desired to turn these northern colonies into strongholds, if they could, rather than plunder the mediocre trade. Rhode Island was however, more dependent on external sea based trade in the early eighteenth century than other northern American colonies. Prior to about 1718, the general economic situation in the more northern colonies caused pirates to focus more on turning them into strongholds rather than significantly plundering trade in the area. Any victory made in turning these areas into pirate stronghold would be beneficial for pirates to recruit crews, acquire provisions, and influence trade in other areas. South Carolina had a good amount of exports and a need for imports that made it similar to the colonies in the Caribbean. Rhode Island and Massachusetts had a much smaller need for imports and limited exports until the 1730s. Pirates soon came to realize

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that the northern colony’s had little to offer in lucrative external trade, but that they could leverage Rhode Island’s reliance on trade to gain some influence in the colony.

Pirates were making a conscious effort to turn communities along the North American coast into strongholds by exploiting political and economic opportunities. Initially pirates had some success in the late seventeenth century in working with these colonies which kept piracy alive in the area until the beginning of Queen Ann’s War in 1702. At that time the occupation of privateering remerged as national recognized and the illegality of piracy faded into the background of war. When the war ended in 1713 with the signing of the Treaty of Utrecht piracy began to remerge as illegal behavior. Pirates continued their attempts to maintain or build their relationships with local communities along the North American coast, but pirates fell into chaos when political and economic interests began to shift and pirates where shunned. Pirates responded to the gaps in the political and economic structure of late seventeenth and early eighteenth century North American colonies in a deliberate effort to turn these communities into pirate strongholds like they had in the Caribbean. Pirates only rarely made their intentions known in the historical record, therefore the way to explore pirates aim in an area is to observe their dealings and relationships with local communities. Since this played out markedly differently in different communities, I look at events in Rhode Island, Boston, and Nova Scotia.

**Rhode Island**

Rhode Island was an example of a colony that was politically accepting of piracy despite its geographic proximity to royal colonies opposed to piracy in New England. The
political relationship between Rhode Island and the British government was turbulent towards the end of the seventeenth century, which caused a strain on intercolonial relations and created an opening for piracy. Rhode Island was originally founded in 1636 as a charter colony. The major centers of population, wealth, and government were located at Newport and Portsmouth. The relatively independent charter colony existed for almost fifty years with its people bound together by religion. In 1686, James II, the British Monarch, reduced Rhode Island’s government “to the statues of a county” under the control of New England lead by a governor in Boston, Massachusetts. Two years later, King James II was overthrown and the colony resurrected the old charter without British approval and under the nose of the governor in Boston. Rhode Island had success in pulling the colony back under the original charter government, but this action created an ongoing power struggle for control between Rhode Island, Massachusetts, and the British government.102 This political struggle for control had undertones of the struggle happening simultaneously in South Carolina.

The colonial Rhode Island government was willing to resist when the British government began to “encroach upon what they regarded as their charter privileges.”103 In fact, when it came to political and economic dealings Rhode Island was not always on the level, which earned it the nickname “Rogues’ Island.” For Rhode Islanders this name was not taken as an insult but as point of local pride to denote their ability to take care of themselves removed from other colonial and national interests.104 This struggle for

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103 Ibid, 11.
104 Ibid, 10.
control created an opening for piracy to gain acceptability with the political institutions in Rhode Island.

Deputy Governor of Rhode Island in the 1690s, a man named John Greene was notorious for his liberal issuing of privateer commissions, but despite his motivations for issuing them the open ended nature of the commissions built a political acceptance of piracy in the colony. Like a majority of the American colonies this practice of working with pirates, issuing privateering commissions, and holding establishing local prize courts unsanctioned by Britain started in the late seventeenth century. One commission issued Greene in 1691 gave the power “to annoy the enemy according to his Majesties’ royal commands… as shall at any time hereafter attempt or enterprise the destruction, invasion, detriment, or annoyance of the said inhabitants or plantations.”¹⁰⁵ This commission allowed the recipient to attack any vessel they believed was or would ever be an enemy of the colony, and they were also not bound to any geographical location.

Usually commissions denoted a specific nation to target like the commission for John Quelch in 1705, which allowed him to attacked “and make prize… of subjects and vessels of France and Spain.”¹⁰⁶ Quelch was ultimately tried for piracy because he did not limit his attacks to the nations in his commission. Greens open-ended commissions would have been alluring to pirates because it did not limit attacks to a specific nation. This commission taken to its extreme could have been used to justify an attack on British trade to other colonies if the recipient had been so bold. No records exist however, to prove that any recipient of Greene’s commissions ever went so far, but the possibility would

have been very alluring to pirates. Overall, this type of commission was not common among the American colonies and it signified that Rhode Island was politically open to dealing more directly with pirates. Pirates who went to Rhode Island to receive a commission would have more free range to choose targets and still be granted legal protection. This willingness to grant pirates such open-ended commissions was the foundation that brought pirates to the area and enabled the pirates to enjoy some initial success in turning the colony into a pirate stronghold.

The political relationship with pirates continued when Samuel Cranston became governor of Rhode Island in 1698, despite the increased protest of the practice by British High Court of Admiralty in England. In 1700, Governor Cranston deemed lawful a privateering commission that Greene had issued before the turn of the century. Cranston’s certification of the commission granted the holder the power to “take, slay, burn and utterly destroy his Majesty’s enemies’ vessels, goods, etc.” At the time however, England was at peace and by declaring this a lawful commission, Cranston was telling the pirates that he would be just as welcoming to them as Greene had. In some ways, piracy was even more ingrained in the political dealings with the colony under Cranston’s government. The main reason was that it should have been clear to the colonial governors, especially Cranston, by 1701 that granting privateering commissions and supporting piracy was not acceptable to the British government. Cranston however, decided to continually disregard the illegality of his commissions, to the benefit of pirates.

107 James, Colonial Rhode Island, 117.
Cranston continued to support piracy even though the British Board of Trade continued to threaten Rhode Island. For example, two years before Governor Cranston was appointed in Rhode Island the Board of Trade sent several letters to the colony regarding piracy. The Board was concerned about the colonies actions in granting commissions and working with pirates. From one message in 1696, they made it clear “that no pirates or sea robber be any where sheltered or entertained” within the colony.\textsuperscript{109} Cranston would have been keenly aware of these letters because the same year he was appointed governor an investigation was started into the colonial governments dealings with pirates. In a similar fashion, the Board of Trade pushed an act through the British parliament, in 1700, at the behest of the King titled the “Act for the more effectual Suppression of Piracy.” This act first declared that any person who “either on the Land, or upon the Seas, knowingly … aid or assist, … receive or take into his Custody any Ship, Vessel, Goods or Chattels” from pirates should be tried and receive the same punishment as the pirates themselves, which was death. The second, more pointed condition to the political leaders of the colonies was that any “Governors … or Person in Authority” who refuse to yield to this act would lose the “Charters granted” to their colony.\textsuperscript{110}

Colonies who had dealings with piracy were at risk of losing their local government altogether. These two articles in the 1700 piracy act were directed generally at the governors in the colonies. This act combined with the multiple messages from the Board of Trade sent directly to Rhode Island should have made it clear to the colony that Britain did not approve of piracy under the disguise of privateer commissions. Governor

\textsuperscript{109} Ibid, 322; see also page 327-328 for another example.  
Cranston however, continued to deal with pirates and when the war began in 1702 it was documented that he continued to grant commissions until at least 1705. Cranston granted his last recorded commission in 1705, but it was not likely he stopped issuing them all together because he would not outwardly turn against pirates until 1722. What was more likely was that he stopped allowing copies to make it into the public record, which suggested that his support of piracy most likely continued after the end of Queen Ann’s War.

In the early years, Samuel Cranston’s strategy for the colony of Rhode Island used pirates as a way to accomplish his objectives. Cranston’s political strategy was to move out from under the control of New England and maintain Rhode Island’s charter autonomy. Simply put the government of Rhode Island would make it appear they were complying with the directives of the local British officials in the colony without fully making the changes at the colonial government level. One example was that while Rhode Island sent soldiers to help fight Britain’s wars, they would not allow a non-Rhode Islander to be in command. Another implication of Cranston’s strategy was that the opposite was also occurring with regards to piracy. In other words, the Rhode Island colonial government implemented changes to its legal policies to appear in compliance with the British government’s stance on piracy while not intending to suppress piracy.

The most significant example of this superficial compliance was an act against piracy issued by Rhode Island in the late seventeenth century. According to historian Douglas Burgess the government in Rhode Island issued the act, and narrowed the definition of piracy so much “that it not only exonerated all Rhode Island pirates but redefined piracy itself.” This narrow definition supposed that piracy was more closely

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111 James, *Colonial Rhode Island*, 123-124.
related to treason and a pirate was one who sold their services to “foreign princes.”\textsuperscript{112} The significance of this act was that it would be the last, even superficial, act issued to suppress piracy in Rhode Island until 1723. This was a struggle between the local and national interests exposed by the issue of piracy. Cranston continued to risk relationships with piracy and in return British government would send hollow threats but do little to stop him.

Unfortunately, the records do not exist to show that Cranston directly supported piracy between 1706 and 1723, but the policies and actions he made towards piracy between 1698 and 1705 suggest that he did. Nothing after 1706 would have significantly changed Rhode Island’s dealings with pirates and so it was more likely that Cranston simply got better at obscuring the truth from New England and the British Board of Trade. One example of the likelihood of this was a show trial of pirates held in the colony in 1698. Two sailors accused of piracy named Robert Munday and George Cutler were brought to trial in 1698 and ultimately acquitted of all charges. The town recorder when asked to provide a copy of the trial record to one of the attorneys said he “forgette to enter it upon Record.”\textsuperscript{113} The Board of Trade also requested a copy based on an investigation into the colonies dealings with pirates, but the trial record was delayed and not received until almost a year later.\textsuperscript{114} This same type of obstruction continued through Cranston’s term as Governor until he turned against pirates. Subsequently, Rhode Island’s political support of piracy would continue at varying degrees until about 1722.

\textsuperscript{112} Burgess, Politics of Piracy, 151.
\textsuperscript{113} Giles Sylvester’s Oath, Aug 27. 1705, Colonial Office(CO) 5/1263, no. 57xvi, as quoted in Hanna, Pirates Nest, 261.
Rhode Island’s support for piracy did not go unmarked at the time. Rhode Island was more dependent on external sea based trade in the early eighteenth century than some of the other northern American colonies, which created an opening for pirates to exploit. Edward Randolph sent a report that Rhode Island was trading with pirates at the end of the seventeenth century. In response to Randolph’s accusations in 1699, Richard Coote, the Earl of Bellomont and the new governor of Massachusetts went and inspected the colony and wrote a report, in support of Randolphs’, that Rhode Island was economically protecting piracy. The colonial elite held the economic power, however limited in the Rhode Island town of Newport. In general, what was considered good for the town of Newport was considered good for the rest of the colony.

Commerce in Rhode Island was focused mostly on local agriculture internal to the colony and New England with attempts made to increase exports. The drive to increase exports gave pirates the ability to influence the colony. Rhode Island developed trade networks slowly to the Caribbean with an increase in production of subsistence crops, livestock and shipbuilding, but it was not until about 1735 that it was able to even enter into some direct dealings with England. At the end of the seventeenth and into the early eighteenth, Rhode Island operated rather autonomously because of a rise of a new kind of pride in independent governance, which caused the colonies businesses to employ “risky expedients” in commerce. Needless to say Rhode Island did not have a major

115 Burgess, Politics of Piracy, 148.
116 James, Colonial Rhode Island, 156.
117 Ibid, 158.
118 James, Colonial Rhode Island, 10; Sydney James went on to argue that Governor Samuel Cranston was still in the process of making the colony inhospitable to pirates and was actually trying to comply with imperial laws by persecuting pirates. This is inconsistent however, with how James shaped the colony as defiant to imperial and local rule. Also, how James described the strategy of Governor Cranston as openly show compliance with imperial rule while subverting and protecting the autonomy of Rhode Island. It is unlikely, that the outward appearances Governor Cranston was trying to make can be taken at face value,
flow of trade in the early eighteenth century, but the commissions issued by the
governors stimulated trade. Pirates soon came to realize that that they could leverage
Rhode Island’s reliance on trade to gain some influence in the colony.

Between 1716 and 1723, Rhode Island had dealings with pirates on a less
documented nature, but it still occurred until 1723. For example, a witness at a trial in
Boston, Massachusetts in 1717 testified that pirates were still using Rhode Island in
which to escape and find shelter. Thomas Gyrald was the Mate of a ship named the *Mary
Anne* out of Dublin, which was taken by the pirate Samuel Bellamy and his crew off the
coast of New England. Gyrald testified that a pirate named John Brown and several
others were placed on the *Mary Anne* by Bellamy to command it. Soon after a storm hit
and the ship was forced to run a shore to ride out the storm. The pirates left the captives
on shore and continued on land “in a great hurry to go to Rhode Island the better to make
their Escape.” Another witness named John Cole said the pirates came to his house to
rest and once “they enquired the way to Rhode Island” they “made great haste from his
house.” Even by 1717 the colony at Rhode Island was still known by pirates as a safe
place to escape and find shelter. Rhode Island’s sheltered pirates and this allowed the
colony to maintain some autonomy from New England, but the colony would not always
be as welcoming to pirates.

but Sydney James believes Cranston wanted to remove piracy from the colony. James did not concede,
which was a mistake that working with pirates allowed the colony to maintain some of its autonomy. It was
not the underlying themes of the economic and political situation in Rhode Island that James analyzed
incorrectly, but it was his assumption about the relationship between piracy and the Rhode Island colony.
James’s conclusions about the political and economic situations in Rhode Island are supported by the
New England: From the Revolution of the Seventeenth Century to the Revolution of the Eighteenth* (New

120 Ibid, 305
Since New England was not as susceptible to the disruption on their sea trade by piracy, it was not surprising that it took until 1723 for the colony to respond to the changing piracy threat through legal actions. Piracy had started to change after 1718 on the rest of the North American coast, when pirates were no longer able to use South Carolina and New Providence Island as pirate havens. The result was a more desperate and violent society of pirates with very few places left where they were welcomed. Governor Cranston eventually recognized the need to suppress piracy around his colony and he commissioned volunteers to go after pirates in 1723.\footnote{Burgess, \textit{Politics of Piracy}, 223-224.}

When the 36 sailors were brought into Newport, Rhode Island in 1723 after being captured, it was still not clear to Royal Admiralty court officials if the colony could be trusted. Nine men were appointed to sit on the Vice-Admiralty court board to investigate and judge the pirates and only two on the board were from Rhode Island to include the Governor and the customs collector. The rest of the men were appointed from the colony of Massachusetts.\footnote{John H. Baer, ed., \textit{British Piracy in the Golden Age}, (London: Pickering & Chatto, 2007. vol. 3, 168-169.} In the end, it turned out that the board over zealously prosecuted the pirates, which resulted in the execution of 26 sailors for piracy. About eight of those executed were most likely forced to serve on the pirate ship (see Figure 2). Based on a look at five other pirate trials from Boston in the eighteenth century this extreme prosecution of pirates was not evident in any of the other trials. Therefore, it was likely that the influence of Governor Cranston or the customs officer from Rhode Island pushed the courts board to these extremes. It was evident that Governor Cranston after commissioning pirate hunters and subsequently executing captured pirates that Rhode Island was effectively finished being a welcoming community to pirates.
Despite flirting with piracy in the 1680s, Boston’s government never really supported piracy along the North American coast into the eighteenth century. The colony of Boston, Massachusetts was founded under a royal charter from the British government. In 1686, the Governor of Boston was given control of the Dominion of New England, which included modern day New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey and a small part of Maine. With the removal of King James II in 1688 the colonies who were subordinate to the Governor of Massachusetts mostly went back to more independent rule. The effects of this subordination of the colonies lasted into the eighteenth century. In 1698, Richard Coote, the 2nd Earl of Bellomont arrived in the colonies with a commission from British Parliament to reside as governor of Massachusetts Bay, New York, and New Hampshire. The Earl of Bellomont was a major financial supporter of a privateer named William Kidd who later turned pirate. Bellomont supported Kidd in privateering, but when he turned pirate and the other members of British Parliament who supported him came under scrutiny. Lord Bellomont took a hit to his reputation in Britain for supporting a privateer turned pirate and he was sent to the colony’s impoverished, which caused him to mistrust them when he became governor of Massachusetts. One example was that Bellomont organized the plan to capture Kidd in New York. Another example of this was that immediately upon Lord Bellomonts arrival to the Rhode Island colony in 1699 he started an investigation into

Rhode Island’s support of piracy. The political rejection, notably from Bellemont, of piracy caused the colony to not support pirates into the eighteenth century.

Another reason pirates were rejected from the colony in Boston was the persistence of the Massachusetts Bay’s royal colonial charter and the appointment of Joseph Dudley as the new governor in 1702. Joseph Dudley was a political advocate for the Boston colonial charter starting in 1682 and a noted pirate hunter. He was ostracized however, when he actually advocated for a royal charter instead of protecting the independence of the colony. The British Parliament saw Dudley as a royalist and rewarded his loyalty with the governorship of Massachusetts Bay in 1702, where he replaced Lord Bellomont. Dudley held the position of Governor until 1715 and one of his main positions was putting an end to “uncontrolled sea marauding.” Ultimately he believed that piracy “hindered New England’s long-term prosperity.” Piracy was not supported because of Joseph Dudley’s position as Governor of Boston and the persistence of the Massachusetts Bay’s royal colonial charter. This lack of support to piracy continued until all of the colonies along the North American coast rejected pirates.

Since pirates did not find any lasting support from the colony of Boston into the eighteenth century, the trials of them were less politically contentious. In other words, South Carolina and Rhode Island were known pirate ports in the late seventeenth century and so when they eventually turned against pirates the agents of the courts made a statement with the number of pirates they executed. In Boston, on the other hand, at least four trials were held between 1717-1726 with 74 pirates tried and only a 35% execution rate for pirates (see Table 1). In Boston pirates did not find as much support in the colony.

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127 James, Colonial Rhode Island, 124-125.
128 Hanna, Pirate Nests, 179.
129 Ibid, 304
from the beginning and so the trials were less about making a statement that the colony no longer supported piracy.

In colonies like Rhode Island and Boston, the support and dependency on piracy never reached the levels it had in places like the Caribbean in the seventeenth century or in other North American colonies like South Carolina in the eighteenth. The acceptance of piracy was minimally spurred on by the merchant elite’s desires for trade in slaves and other goods, which were only available through more illicit channels. In short, however, it was just not as economically advantageous for the northern colonies to support piracy because their economies were not as dependent on sea based trade. Colonies in New England had little to offer on the world market and so they developed around an internal community based agriculture system. This system did not require a large work force or complex trading networks to sustain its production. Pirates may have been able to gain some influence in trade, but not enough to hurt the colony economically if they stopped their illicit trading.

Piracy was not forcibly removed from Rhode Island and Boston, like it was in South Carolina, but it was simply unwarranted and so trailed off starting as early as 1717 because it was no longer useful. In 1717, Britain issued a proclamation for the capture of pirates that put a bounty on every pirate’s head to be paid by the Royal Navy. These payments were based on the quality of the pirate, and the proclamation read thus that it would pay

“one hundred pounds for the capture of every pirate captain, forty pounds for the capture of every lieutenant, master, boatswain,
carpenter, and gunner, thirty pounds for every “Inferior Officer,” and twenty pounds for every “Private Man.””

In the northern colonies, it became more advantageous for local political governments and merchant elites to capture or turn over information about pirates then to trade with them. When pirates understood that they were not welcomed in the northern colonies, it did not immediately escalate into violence like it had in South Carolina and they did not abandon the area. Instead, pirates found refuge in areas like the Capes of Virginia and Nova Scotia because these locations offered pirates a modicum of safety and provisions, but limited to communities to influence. Pirates had failed to effectively turn these northern colonies into pirate havens because they could not be manipulated through their dependence on sea trade.

**Nova Scotia**

Nova Scotia was a place in the early eighteenth century for pirates to pray on English and French fishing vessels. Europeans and Amerindians alike sparsely populated the island in the early eighteenth century. A few English and French fur trading and fishing communities existed on the coast of Nova Scotia but they were more

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independently organized, left ungoverned, and only seasonally inhabited. The French occupied two small fishing bases in the colony of Port Royal and Canso along with other small independent fishing communities in the region. The Mi’kmaq, who first inhabited the region, maintained a presence in similar small fishing and fur trading villages set up across Nova Scotia. English fishermen would set up small fishing communities as well around the region, but no English colonies would be established until the middle of the eighteenth century. The French and Mi’kmaq seemed to be on relatively amicable terms with each other because they sometimes combine forces to harass the English fishing enterprises in the area. Pirates, in the early eighteenth century, would ambush ships near Nova Scotia from the Bay of Foundry in the south to as far north as the southern coast of Newfoundland to plunder provisions and acquire recruits from the decks of fishing vessels. For example in 1720, the Boston News-Letter published an advertisement for a group of fishing vessels who were plundered in the area south of Newfoundland. The add was to inform the family, general public, and legal authorities that sailors had been taken as recruits of the pirates. This points to pirates using the area around Nova Scotia and Newfoundland as a hunting ground for crew and provisions away from the preying eyes of English colonies along the North American coast.

The perpetual conflict in and around Nova Scotia and Newfoundland between the colonies controlled by France and England, along with the Mi’kmaq allowed pirates to

operate more freely. France and England fought over the territory from the mid-seventeenth century to about a decade before the American Revolution. France was looking to create a monopoly of the fur trade in North America and was therefore not interested in creating lasting communities. The colonies that did exist under French control were not receiving regular colonists and were only established to control the fur trade. Britain was trying to enter the fur trade, but had to settle for exploiting the fishing in the area. The conflict in Nova Scotia and Newfoundland between the French, English, and Mi’kmaq made pirates a secondary concern for these groups. When the English discussed pirates around Nova Scotia and Newfoundland it was mostly in reference to the larger conflicts in the area, and it was almost an afterthought. For example, in 1714, The Board of Trade sent a letter to an English diplomat in France requesting consideration in having a “men of war be order'd every fishing season to cruize on the coast of Newfoundland for preventing the French to fish in any harbours, and from settling there.” The main objective for the Board of Trade was to stop the French from getting any more power or land. Secondary to the main object was the use of the men a war “for protecting the fishery from pirates, and preventing illegal trade.” For the English the main concern for this area was the French encroaching on their land and resources. Therefore, piracy was not the primary concern of the nation’s fighting over this area. Pirates exploited the conflict to operate with more liberty because the attention of Britain was divided between them and the French.


The coasts of Nova Scotia and Newfoundland were sparsely populated and loosely patrolled area for pirates to acquire recruits, collect supplies, and repair their ships. Nova Scotia particularly was heavily contested, loosely organized, and sparsely populated region in the early eighteenth century, which made it an excellent place for pirates to operate. In 1717, Samuel Bellamy and his crew of pirates were cursing along the Virginia coast near Cape Charles when they took a vessel called the Agnis. The captain of the Agnis a man named Andrew Turbett, and a passenger, Robert Gilmor, reported to the governor of Virginia after they made their escape. Lieutenant Governor Spotswood of Virginia, in the hope of getting help from the Board of Trade in England with stopping the pirates, sent Bellamy’s planned movements as reported by Turbett and Gilmor of the Agnis. The two crew members reported that Bellamy “intended to cruise for 10 days off Delaware Bay, and 10 days more off Long Island.” After a few more days of plundering Bellamy “then designed” to continue up the North American Coast to careen his ship “at Green Island, to the Eastward of Cape Sable,” Nova Scotia. Bellamy decided to use the capes of Nova Scotia to repair his vessel after plundering multiple ships, which meant that it was a relatively safe area for pirates to hide. Since however, there were not many colonies or long-term political structures for pirates to build relationships with, they only used this area as a hideout.

Instead of using Nova Scotia and Newfoundland to establish community-based havens, pirates utilized this area as a refuge to acquire supplies and recruits from English and French fishing vessels. Pirates were not able to use this area to set up pirate havens

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because there were only a handful of independent fur trading and fishing communities located on the coast with no significate colonies. After the turn of the eighteenth century, the area was governed by the Massachusetts colony in New England. The French still occupied the small colony at Port Royal and Cason, but a treaty gave control of the territory, at least temporarily, to the British.\textsuperscript{140} By 1712, England was aware of the potential for the area around Nova Scotia to become “a [receptacle] for pirates.” The Board of Trade in England commissioned a council made up of Admiralty Officers and other political elite to speak on the issue of removing some of the fortifications around Nova Scotia and Newfoundland to save on maintenance costs. The council was clear in their remarks that if any fortifications were removed from the area it would become even more infested with pirates, and they would “incommode and disturb our trade and fishery.”\textsuperscript{141} The planned reduction of investments in the area showed that the Board of Trade did not think it was worth investing in new fortifications or colonies, even if the experts cautioned them from removing any of the existing ones. The area around Nova Scotia and Newfoundland was important for trade, but ultimately not for settlement.

The coasts of Nova Scotia and Newfoundland were important to pirates for plundering fishing vessels and supported the continuation of piracy along the North American coast. In 1718, Massachusetts (which held primary responsibility for Nova Scotia) caught and tried eight pirates who were known for raiding ships in that area. The governor of Massachusetts, Samuel Shute, complained that trials along with other attempts to suppress piracy did not have the desired effect of keeping the pirates from

\textsuperscript{140} George A. Rawlyk, \textit{Nova Scotia's Massachusetts} (McGill-Queen's University Press, 1973)
plundering trade and fishing in the area.\textsuperscript{142} By 1720, more fishing vessels were being plundered in the area of Nova Scotia and Newfoundland. A pirate named Thomas Roberts and his crew took two vessels in the area, one named the \textit{Samuel} and the other the \textit{Snow Phoenix}. An advertisement published in the \textit{Boston News-Letter} even said that Captain Roberts and the pirates forced several sailors out of the \textit{Snow Phoenix} to serve on their crew.\textsuperscript{143} The practice of plundering fishing vessels was carried on by pirates into 1722 when Edward Low captured several fishing vessels and forced many sailors to join his crew.\textsuperscript{144} Another newspaper advertisement published 1723 in the \textit{Boston Gazette} said that the pirate John Nutt captured a fishing vessel near Newfoundland and “did carry away John Filmore one of the fishing Crew.”\textsuperscript{145} Recruits and supplies captured in the areas around Newfoundland and Nova Scotia sustained piracy for a time in the northern regions, but this type of refuge was inadequate in sustaining piracy indefinitely. Pirates needed local communities with political structures and economic interests that relied on external trade. If a region lacked those characteristics pirates could still carry on for a time, but pirates could not hold much power without willing local communities.


Conclusion

In conclusion, between the late seventeenth century and 1718 pirates had some success in establishing a presence along the North American coast in places like Rhode Island and Nova Scotia. Pirates found temporary refuge in Nova Scotia because of the national conflict and the ample fishing trade. These characteristics of Nova Scotia and parts of Newfoundland gave pirates a place to acquire crew and gather provisions, but there were no local communities to build relationships with in this area. Pirates could survive for a time in areas with no local communities, but not indefinitely. In fact, Boston had a history of not being friendly to pirates. Rhode Island on the other hand, was amenable to pirates. Through the political and economic gaps in the Rhode Island caused by conflicts with England and Massachusetts, piracy was able to infiltrate the colony. Eventually however, the colony violently turned against pirates and they were expelled from Rhode Island. Subsequently with the failure in Boston, Rhode Island, and Nova Scotia to build lasting relationships, pirates were left with a recruiting problem. Pirates attempted to solve the problem by plundering fishing vessels in the north for their crews. The manifestation of this change to piracy was brought about by local communities no longer willingly supporting pirates. Pirates began to force more sailors off the decks of other ships to join their crews instead of requesting volunteers from a local population. The shift to forcing more sailors was a change from how piracy operated in the Caribbean before the turn of the eighteenth century. A new trend had emerged in the Golden Age of Piracy. Pirates plundered ships along the North America coast less for monetary gain and more to obtain provisions and recruits.
IV. Forced Sailors in the Golden Age of Piracy

In 1721, a colonial merchant ship and her crew sat calmly anchored off the coast of St. Lucia. This island in the West Indies lay about a day’s sail north of the coast of South America. The ship and her crew had just made the voyage south from the colony of New Port, Rhode-Island and left behind the cold New England weather. St. Lucia most likely greeted the company with a refreshing island breeze and a warm sunny day while the crew went about their work on the deck of the small shipping vessel. With the relative safety of the island and the joy of reaching their destination, the crew may have been caught unaware when the notorious pirate Captain Bartholomew Roberts came upon their vessel. Captain Roberts and his pirate crew took the merchant ship, her captain, the first mate, and two sailors along with a myriad of untold items. These captives were held on board the pirate vessel for three days before the pirate crew made their purpose known. The pirates confronted John Daw, the first mate of the merchant vessel, who was described as “a man of short Stature, pretty thick and well set, and of a Light Complexion and fresh Colour.” Daw’s captors asked him if he would sign the pirate articles and join the pirate crew. Refusing to sign the articles, the pirates took a cutlass and drew the blade over Daw’s head several times. He was then tied bloodied to the mast of the ship and whipped almost to death while a pistol was held to his head. Eventually, he was subjected to “so much cruelty” that he was “compelled” under the threat of death, to sign the articles of piracy.\(^{146}\)

Unfortunately, the story of John Daw ends there in the historical record, and no sailors from the pirate ship made it to trial. We only have this story because one of Daw’s shipmates, Benjamin Norton, escaped from the pirates and he published Daw’s story in the *Boston News-Letter*. Norton was trying to prove Daw’s innocence, but since he never escaped or went to trial, nothing ever came of it. As these stories multiplied into the eighteenth century, it became impossible not to believe some of them. With the rise in stories about forced sailors on pirate ships, it was no longer correct to assume that everyone on a pirate ship was a pirate. Ultimately, it changes our understanding of what it meant to be on a pirate ship.

Before the pirates started to force more sailors to serve on their crews, recruits were obtained differently. In the seventeenth century and into the early eighteenth century recruits were obtained by pirates asking for volunteers from *pirate ports* and captured merchant vessels. Sailors volunteered for pirate vessels because they would often receive equal shares, better food, and less work. Another factor was the conflicts over the New World and increase in oceanic trade, which created a need for sailors across all the nations of the Atlantic World. When the wars ended however, sailors who had been employed in navies or on privateer vessels struggled to find work. These excess sailors collected at ports and sometimes at notorious *pirate ports*. In the seventeenth and early eighteenth centuries, pirates visited these locations or gathered volunteers from merchant vessels to fulfill their crew requirements. For example, Governor Samuel Cranston of Rhode Island said in 1708 that the colony encouraged their “youth to follow

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147 For a deeper discussion on the pros and cons of serving on a pirate ship verses a Navy or merchant vessel see, Marcus Rediker, *Between the Devil and the Deep*; Rediker, *Villains of All Nations*; Earl, *Pirate Wars*; Exquemelin, *The Buccaneers of America*. 
Before 1718, it was easier for pirates to find volunteers because they still had a connection to land-based communities willing to support them.

Pirates lost their supply of willing crewmembers when they were expelled from local land-based communities along the North American coast. As pirates lost their connections to local communities they started forcing more and more sailors from the decks of the vessels they plundered. Local governments stopped supporting piracy (albeit, to varying degrees) between 1716 and 1722. This played out in different ways in different colonies. In South Carolina, once piracy was no longer politically and economically accepted, their expulsion of pirates led to violent retaliation. This, of course, led to a large number of trials, and it was these trials, which exposed the beginnings of the phenomenon of pirates forcing more sailors to join their crews. In Rhode Island, on the other hand, when pirates became too much a threat to trade, they were hunted down; this sparked a surge in pirate trials there as well. One such trial, which took place off the coast of Africa, exposed the scope of the change in recruiting tactics of pirates. This led to a more general recognition of the issue of forced pirates from the Vice-Admiralty courts, the local governments, and even the Board of Trade. These groups put in place legal measures to account for the change in piracy and separate the forced from the willing pirate. Pirates began to understand these measures and they worked to circumvent them by making every sailor on the pirate ship, no matter how willing, culpable to piracy. Pirates in the eighteenth century changed to combat the loss of local communities willing to work with them, and they became more desperate to survive. This change to piracy manifested itself as pirates being more violent, more

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dependent on the community of piracy, and overall more desperate for sailors to serve on their crews.

The main type of primary source documents used in this work was pirate trials from the seventeenth to the eighteenth century. Other supporting information came from newspaper articles, advertisements, official letters, captive narratives, and other government documents. The trial records however, stimulated the bulk of the historical questions and arguments made in this work. At least, twenty-three pirate trial records exist published in various volumes with the dates of these trials as early as 1609 to at least 1738.¹⁴⁹ The bulk of the trial records exist from the eighteenth century specifically 1716 to 1726 and many were published for the public during the time. Countless, other pirate trials exist in the Vice-Admiralty court records in the archives of the British Maritime Museum in Kew, London, but an exact count is unknown by me at this time.

Fourteen trials were reviewed for this work and these trials were unique thanks to the growing popularity of piracy among the public in the early eighteenth century many pirate trials were published with extensive testimony from pirates and witnesses. The uniqueness of the trials published between 1716 and 1726 showed two sides of the pirate story: one was the pirates perspective and how they perceived themselves and the second was how witnesses perceived the pirate on the their ships. The published trial documents were published of a popular audience with limited legal jargon and more witness testimony. At each trial a sailor accused of piracy between two to six witnesses testify to

the accuracy of the accusation. Over the fourteen trials, there were 353 sailors accused of piracy. The abundance of witness testimony gave me the opportunity to find patterns in what was happening on the pirate ship, in colonial governments, and in the British government.

The trial documents showed that the British government tried pirates in special tightly controlled Vice-Admiralty courts. These Vice-Admiralty courts were comprised of a seven-man council made up of naval officers, government officials, and merchants. The Vice-Admiralty in Britain limited the membership of this council to these groups of men because they all owed their position to royal posting and were therefore easier to influence. The difference between the Vice-Admiralty courts and other British courts was the replacement of an impartial jury for the seven-member council previously mentioned. This council acted as “investigator, indicter, judge, and jury” to those accused of piracy.\(^{150}\) Other agents of the Vice-Admiralty courts included the Advocate General and the head prosecutor who were responsible for explaining the evidence and legal matters to the seven-man council. The prosecutors were important agents of the Vice-Admiralty courts because some of the council members were just as ignorant of the law as members of an ordinary jury in other cases around the British Empire during this time. In most Vice-Admiralty courts, no one was assigned to defend the accused sailor or at least no one who was very competent or enthusiastic. These Vice-Admiralty courts were not explicitly tied to any formal court house but could be held almost at any location; in one

case, the trial was held in a Tavern and in another, 169 sailors were tried on a ship off the coast of West Africa.\textsuperscript{151}

When a sailor was brought to one of these Vice-Admiralty courts and indicted for piracy, it meant that they were brought before the council and a clerk would read a list of piratical offenses the sailor was accused of committing. The sailor could then either enter a plea of guilty or not guilty to the acts of piracy; if the plea was guilty they were sentenced; but when the pleas was not guilty, their trial would begin almost immediately. A sailor found guilty of piracy could be sentenced to execution, the Marshalsea, or servitude in the Royal Navy.\textsuperscript{152} In some cases, a trial was too complicated for the Vice-Admiralty courts, so the sailor would receive a respite and would be transported back to London to stand trial. Finally, if a sailor was sentenced to death they could hope for a reprieve or pardon up until their execution. This shows that an accused sailor could expect a multitude of outcomes depending on the progression of the trial. The previously discussed biased nature of the Vice-Admiralty courts would have the largest impact on the outcome for the sailor’s accused of piracy who stood trial in the eighteenth century.

Historian Hugh Rankin was the first to discuss the forced sailor as part of the pirate crew in his book \textit{The Golden Age of Piracy}. Rankin claimed that only skilled workers like surgeons, carpenters, and cooks were forced to serve on board pirate ships. In later works historians like Peter Earl and Marcus Rediker estimated that a larger number of sailors were forced into service during the ‘Golden Age’ of piracy. They


\textsuperscript{152} The \textit{Marshalsea} was the name of a prison in London during the eighteenth century, see “Pirates Taken by Captain Ogle” \textit{British}, ed., John H. Baer, vol. 3, 164.
argued that there was an increase in forced pirates sometime in the early 1720s. Earl and Rediker claimed that a lack of willing volunteers during this age caused the increase, but they offer little explanation on how these sailors were forced into piracy and how they operated on the pirate ship. Rediker also claimed that the probability of mutiny on board eighteenth century pirate ships increased when more sailors were forced to serve in the pirate crew. Mark G. Hanna was the last historian to talk about the concept of forced pirates in his recent book the *Pirates Nest*. Hanna argued that the shift of pirates starting to force more ordinary sailors onto their ships occurred in the early 1720s because the New World colonies were experiencing increased pressure from Britain to suppress piracy. Hanna said that pirates needed to be connected to a coastal community for fresh recruits, supplies, information, and a safe place to hide from pirate hunters. With the increased pressure from Britain, these communities stopped their support, which resulted in fewer volunteers for the pirate crew.\(^{153}\) Hanna does not focus on the actual forced pirate in his work. Instead, he looks at the more violent nature of piracy when it was disconnected from the land and he uses forced pirates as an example of that. It is my intention to build on what Hanna did and look at what the existence of an unwilling pirate tells us about local and national governments perception of pirates, pirate suppression, and the operation of the pirate ship.

A Massachusetts man named Phillip Ashton can serve as a template for how pirates forced sailors to serve on their ships. Ashton was the captain of a fishing vessel

called the schooner *Milton* from Marblehead, Massachusetts. This vessel and her five-man crew fished for cod within thirty miles of Cape Sable, which was on the southernmost coast of Nova Scotia. In June of 1722, Ashton and the schooner *Milton* were unaware that the Pirate Edward Low was operating in the area. When the weeks fishing was finished Ashton and his crew sailed into harbor at Port Roseway to rest. While the crew was resting, among a collection of other fishing boats in the harbor, Lows men rowed towards Ashtons vessel. Ashton and his crew were still unaware that these men rowing towards them were pirates until they climbed aboard the fishing vessel and started giving orders. Four pirates welding pistols and cutlasses took Phillip Ashton and one of his crew, Joseph Libbey, back to Low’s ship. In total Low took thirty to forty fishermen that day, but after two days he released all except Ashton, Libbey, and four others. Edward Low brought the six captives on deck and made them kneel before him.\footnote{Fleming, *At the Point of a Cutlass*, 18-29.}

The captives refused to answer Lows questions, which Ashton said “kindled our new master into a flame.”\footnote{Ashton’s Memorial, as quoted in Fleming, *At the Point of a Cutlass*, 29.} Low became increasingly angry when Ashton continued to refuse to sign the articles of piracy and join the pirate crew. At several points Low pointed a pistol to Ashton’s head and said if you will not “go along with me, I’ll shoot you through the head!”\footnote{Ibid, 31.} This type of violence may have been common when pirates attempted to impress skilled labors like doctors or carpenters in the seventeenth and earlier eighteenth century, but it was not common for ordinary sailors. Pirates were desperate for sailors to operate their ships.

After some time of refusing Lows threats, the pirate crew tried to persuade Ashton and the other fishermen to succumb to the pirate life. Instead of threatening the fishermen...
with violence the pirates attempted to entice them with drink and “the strong allurement of the vast riches they should gain, and the mighty men they designed to be.”

Ultimately, the pirates were trying to say that their life was more rewarding then being a poor fishermen and more entertaining too. Captain Bartholomew Roberts said in a similar way that his motto as a pirate would be “a merry Life but a short one.” Ashton was not convinced by the pirates’ proposition and again refused to join with them.

Before the pirates left Port Roseway an opportunity presented itself for Ashton and a few of the other fishermen to escape. The pirates had left their dog on shore after collecting some fresh water and two of the recently captured fishermen volunteered to retrieve it. Ashton tried to volunteer as well, but was stopped. When the two fishermen reached the shore they immediately made their escape from the pirates, and Ashton was blamed for the incident because he attempted to go with them. The remaining fishermen on the pirate ship including Ashton and Libbey were forced to sail with the pirates. The ones who escaped took out a newspaper advertisement in the *Boston News Letter* to help their comrades and explain how Ashton, Libbey, and the other fishermen were forced to go with the pirates even “though they pleaded as much as they dared to.” This type of newspaper advertisement was increasingly used after 1722 to establish the forced nature of sailors taken by pirates.

Ashton would become familiar with the hardships of remaining forced on a pirate ship. Low and the pirates planned to travel to the Caribbean by way of the Azores Islands nearly two thousand miles across the Atlantic Ocean from Nova Scotia. The trip across

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157 Ibid, 30.
158 Johnson, History of Pirates, 244, 285-286; Fleming, At the Point of a Cutlass, 30-33.
160 Fleming, At the Point of a Cutlass, 33-34.
the Atlantic following the trade winds would eventually take them to the Caribbean once they set out from the Cape Verde Islands back across the Atlantic. The initial gentle persuasion used by the pirate crew to convince Ashton to join them disappeared when they got underway. Ashton said “they used once a week, or fortnight, as the evil spits moved them, to bring me under examination, and anew demand my signing the Articles, and joining with them.” Ashton did the drudgework on the pirate ship to include manning lines, raising sails, standing the cold night watch, and cleaning the ship. Many other forced sailors eventually signed the articles and joined the pirate crew because they could not take the constant beatings and fear of violence.

Ashton did not succumb to the pirates and continued in this manor until he made his escape in March of 1723. The story of Phillip Ashton did not end there and he would continue to struggle on a deserted island until he was rescued in 1725. Ashton struggled as a forced sailor for almost a year and was able to escape never signing the articles or being brought to trial. Ashton’s time as a forced sailor gave him a higher level of credibility than the sailors who were brought to trial and testified they were forced. First, he escaped from the pirates. Second, he did not have to write down his experiences to save his life from execution. Ashton serves as a template for the forced sailor on the pirate ship in the eighteenth century.

Starting about 1716, national governments, including the American colonies, attempted to suppress the growing problem of piracy across the Atlantic Ocean, but colonial governments and the agents of the Vice-Admiralty courts would soon discover that pirates were forcing sailors to join their crews. In an effort to suppress piracy the

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162 Ashton’s Memorial, as quoted in Fleming, *At the Point of a Cutlass*, 40.
163 Fleming, *At the Point of a Cutlass*, 40-43, 149.
British Board of Trade in conjunction with colonial governors started by offering an ‘Act of Grace’ or pardon to any pirate that would accept starting in 1716 and going up until 1718. At first, many pirates took the pardon including Blackbeard, Major Stede Bonnet, and others, especially around the Bahamas, but a majority of them soon returned to their piratical ways. Even though pardons failed to make a significant impact in the suppression of piracy colonial, officials like Woods Rogers continued to use them until 1718.\textsuperscript{164}

Table 2. Post 1716 Shift in Pirates Claiming Forced Status

<table>
<thead>
<tr>
<th>Trial Name</th>
<th>Year</th>
<th>Location of Trial</th>
<th>On Trial</th>
<th>Claimed Forced</th>
<th>Found Guilty</th>
<th>Found Not Guilty</th>
<th>Executed</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Trial of George North and Other Pirates</td>
<td>1716</td>
<td>Charles Town, South Carolina</td>
<td></td>
<td>9</td>
<td>9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Trial of Francis DeMont and Others</td>
<td>1717</td>
<td>Charles Town, South Carolina</td>
<td></td>
<td>4</td>
<td>3</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>The Trials of Eight Persons Indicted for Piracy</td>
<td>1717</td>
<td>Boston, Massachusetts Bay, New-England</td>
<td></td>
<td>8</td>
<td>8</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>The Trial of the Pirates at Providence</td>
<td>1718</td>
<td>New Providence, Bahama Islands, City of Nassau</td>
<td></td>
<td>10</td>
<td>6</td>
<td>9</td>
<td>8</td>
</tr>
<tr>
<td>The Trials of Major Stede Bonnet</td>
<td>1718</td>
<td>Charles Town, South Carolina</td>
<td></td>
<td>34</td>
<td>27</td>
<td>30</td>
<td>4</td>
</tr>
<tr>
<td>The Trials of Aaron Gibbens and William Bournal</td>
<td>1720</td>
<td>Sessions House, St. George's</td>
<td></td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>The Trials of Captain John Rackam and other Pirates</td>
<td>1721</td>
<td>St. Jago de la Vega (Spanish Town), Jamaica</td>
<td></td>
<td>29</td>
<td>10</td>
<td>27</td>
<td>2</td>
</tr>
<tr>
<td>The Tryal of all the Pyrates, Lately Taken by Captain Ogle</td>
<td>1722</td>
<td>British Ship named the Swallow, Coast of Africa</td>
<td></td>
<td>169</td>
<td>126</td>
<td>91</td>
<td>74</td>
</tr>
<tr>
<td>Trials of Thirty-Six Persons for Piracy</td>
<td>1723</td>
<td>Newport, Rhode-Island and Providence Plantations</td>
<td></td>
<td>36</td>
<td>20</td>
<td>28</td>
<td>8</td>
</tr>
<tr>
<td>The Trial of Nicholas Simmons and Others</td>
<td>1724</td>
<td>Newport, Rhode-Island and Providence Plantations</td>
<td></td>
<td>10</td>
<td>10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Case of John Rose Archer and Others</td>
<td>1724</td>
<td>Boston, Massachusetts Bay, New-England</td>
<td></td>
<td>17</td>
<td>16</td>
<td>4</td>
<td>13</td>
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<tr>
<td>The Trials of Birdstock Weaver and William Ingram</td>
<td>1725</td>
<td>Justice Hall - Old-Baily</td>
<td></td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>The Tryals of Five Persons for Piracy</td>
<td>1726</td>
<td>Boston, Massachusetts Bay, New-England</td>
<td></td>
<td>5</td>
<td>1</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>The Tryals of Sixteen Persons for Piracy</td>
<td>1726</td>
<td>Boston, Massachusetts Bay, New-England</td>
<td></td>
<td>16</td>
<td>12</td>
<td>4</td>
<td>12</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td>353</td>
<td>251</td>
<td>212</td>
<td>135</td>
</tr>
</tbody>
</table>

\textsuperscript{164} G. E. Manwaring, Woodes Rogers: Privateer and Governor (Nassau, Bahamas: The Deans Peggs Reseach Fund, 1975), 30-33; Cordingly, \textit{Pirate Hunter of the Caribbean}, 156.
Spanish Succession and knew the tactics of the pirates. These pirate hunters killed countless pirates and drove over 353 sailors to the British courts from 1717 to 1726 to be tried for piracy (see Table 2). It was when those 353 sailors testified, along with witnesses, that the agents of the colonial Vice-Admiralty courts and government officials began to realize the phenomenon of the forced sailor. Over the course of the decade it became more and more apparent to organizations in Britain like the Board of Trade, who despised piracy the most, that pirates were forcing innocent sailors to join their crews. One of the main reasons to believe that the agents of the British and colonial Vice-Admiralty courts recognized that pirates were forcing more sailors to work on their crews was because less than half of the 353 sailors put on trial for piracy were ultimately executed. This was a low number considering that most Atlantic nations considered pirates an “Enemy of Mankind” based on their political and economic perspective. The agents of the courts, who were supposedly acting on behalf of the political and economic interests of the Atlantic nations, realized that not all of the sailors on the pirate ship were pirates.

The colonial courts developed a set of relatively clear circumstances from 1716 to 1726 to determine if a sailor was truly forced to serve on a pirate ship or just pretending to be forced to escape execution. The foundation for these circumstances came from the 1700 British piracy act and evolved over the course of the decade. Based on the court records of twelve pirate trials accused sailors were judged guilty or innocent of piracy based on eight different circumstances. Each of these circumstances represented a specific action or inaction taken by the accused sailor while on board a pirate ship. The

circumstances were as follows: the sailor took a share of the plunder; they helped capture vessels or carried weapons while on board a pirate ship; they treated captured prisoners poorly; they appeared to be active on the pirate ship of accepting of the pirate life; they signed the articles of piracy; they carried an affidavit from a former Captain that said they were forced to go with the pirates or someone had put an article in the newspaper that claimed the same; they talked about or attempted an escape from the pirates; and finally they were threatened or tortured by the pirates to join the crew and sign the article. On a broad scale these circumstances were developed in the court room, and evolved over time.

The trials and development of specific circumstances can be broken down into two phases. The first phase was from 1717 to 1721, and was marked by a general skepticism of the phenomenon of the existence of the forced sailor operating on the pirate ship along with a stricter adherence to circumstances based on the law from the 1700 piracy act. The second phase was from 1722 to 1726. In this phase the agents of the courts recognized the phenomenon of the forced sailor on the pirate ship, and sought to understand it in more detail.

The witnesses who had a personal experience with pirates, and testified at their trials, helped the courts see the phenomenon of the forced sailor starting in the first phase from 1717 to 1721. In this context, by observing the actions of pirates, witnesses mostly decided the fate of pirates in the early eighteenth century trials. A majority of witnesses to pirate actions were former pirate captives who had personal encounters on the decks of pirate ships, and the captive’s contribution to the testimony, which varied based on the length and severity of their capture. The individualized nature of the encounters stood in
contrast to the political and legal experience that shaped the perspective of the courts. While these captives ultimately had different experiences, their testimony focused on two key conditions that spoke about the character of those accused of piracy. The first condition was a description of their treatment as captives and the second was a portrayal of the individual sailors emotional propensity for the pirate way of life.\textsuperscript{167} In simpler terms, did they look and act like a pirate?

A look at the composition and length of captivity of the witnesses that testified at pirate trials can help better understand their perspective. Pirates mostly captured officers, ordinary sailors, and passengers from sailing vessels across the Atlantic Ocean who, in turn, represented the majority of the witnesses who testified at their trials. These witnesses were either immediately released by the pirates or held captive for extended periods. Passengers traveling on vessels attacked by pirate ships were usually immediately released because they had no sailing experience, but those with special skills such as carpenters, surgeons and cooks were kept on board for long periods of time. Ship crews comprised of ordinary sailors are more difficult to generalize in this way because there was less consistency in their treatment. Sailors were often immediately released, held prisoner, volunteered to join pirate crews, or forced into service. This indeterminate nature made common sailors more complex when describing their testimony as witnesses.

\textsuperscript{167} Bartholomew Roberts, noted pirate captain, says that “a merry life and a short one” shall be my motto. Marcus Rediker describes the pirate life as search for plunder, followed by a search for gratification. Plunder was usually taken by as little force as possibly because pirates wanted to enjoy the fruits of their labor as quickly as possible. So after plunder came a search for gratification through excessive drinking, numerous sexual encounters, and all the vices of life. Pirates wanted to enjoy life in the moment, free from control, rather than save and suffer for a future they could not imagine, or more likely because they did not care about. For more information about the pirate life, see Rediker, \textit{Villains of All Nations}, 10 and Captain Charles Johnson (Daniel Defoe.), \textit{A General History of the Pirates}, ed. Arthur L. Hayward (London: George Routledge & Sons, 1926).
Captains and other officers of mostly merchant vessels made up the largest group of captives to be used as witnesses in pirate trials. By position, captains had an understanding of navigation and were usually familiar with the details of the waters in which they sailed or traded, to a lesser extent so did other officers. This was something the pirate crews were lacking because pirate hunters frequently forced them to move locations to avoid detection. Captains may have been kept longer onboard pirate ships to provide information on shipping practices and military operations in the area, but this is not expressly observed in the historical record. Captivity for longer periods was more likely because pirates were in need of experienced navigators, which is represented when merchant captains reported they were used as pilots to help navigate unfamiliar waters.\textsuperscript{168}

In this fashion, the groups of witnesses who were held captive longer could testify to the quality of their treatment as captives and the accused sailors’ emotional acceptance of the pirate life. While those groups who were immediately released could usually only speak on their physical treatment as a captive. The witnesses had a unique personal experience with the forced sailor on board the pirate vessel. Therefore, the captive as a witness was more likely to emphasize with the plight of the forced sailor and in turn testify on their behalf. The agents of the courts, on the other hand, operated from a seat of authority and viewed these sailors as less than human and more as a “wild & savage Beast, which every man may lawfully destroy.”\textsuperscript{169} An accused sailor could expect to be prejudged by the agents of the courts as soon as they set foot in the courtroom.

\textsuperscript{168} A pilot is sea faring terms is some one who helps navigate through unknown ports and channels. The term is still used today. For account of a Captain who was taken as a pilot, see “The Affidavit of Capt Peter Manwareing” \textit{British Piracy in the Golden Age}, ed., John H. Baer (London: Pickering & Chatto, 2007) vol. 2., 380.

In the first phase of the Golden Age of piracy the agents of the courts to include the Judges, prosecutors, defendants, juries, and councils were skeptical of the growing phenomenon of forced sailors on pirate ships. From 1717-1721 six pirate trials were held in the British colonies and these trials will be used to explain this initial skepticism. The trial of MAJ Stede Bonnet and other pirates in Charles Town, South Carolina was representative of the trials held during this phase. This trial was not held by a Vice-Admiralty council, but with a Judge and jury. The significance of this trial was that it exposed a set of four conditions that would ultimately determine for the courts if a sailor accused of piracy was forced or not. In the Bonnet trial, almost every sailor who claimed they were forced answered yes or no to the following four conditions: the sailor took a share of the plunder; they helped capture vessels or carried weapons while on board a pirate ship; they treated captured prisoners poorly; they appeared to be active on the pirate ship of accepting of the pirate life. These four conditions were the easiest to prove with witness testimony. So in the initial phase of the phenomenon of the forced sailor these were the ones used to determine if a sailor was forced or not because the courts were still skeptical.

The first condition the courts attempted to determine was if a sailor had simply carried arms while on board a pirate vessel. Somehow, if the court could prove a sailor carried a cutlass or wielded a pistol while on board a pirate ship it made them a pirate. To prove this condition judges and prosecutors made pointed statements like “you were always ready for an Engagement… [and] had [your] Arms always in Order,” or asked questions like “did you bear Arms on board?”[170] An accused sailors or witnesses answer to these questions determined if they were a forced sailor or pirate. If a sailor admitted to

this condition or if a witness claimed they fit these conditions, then they were a pirate and had almost no chance of being found not guilty. For example in the Bonnet trial 22 sailors were found to fit this condition and all were found guilty of piracy (see Table 2). This condition was by far the easiest to prove because witnesses who were not held captive for long could testify to it.

The second condition was to determine if a sailor accused of piracy ever took a share of the plunder. Acquiescence to this condition was proved when the trial prosecution would ask direct questions to the sailor accused like “had you not your Share?” or a more indirect question to the witnesses like “did he never share?” A sailor’s answers to these questions did not carry as much weight unless a witness was available to testify of their behalf. Therefore, it was observed that the courts did not respect, or place credence on, the word of a sailor accused of piracy, nor is it argued they should.\(^{171}\) Even more, this was not the easiest condition to prove because only the witnesses who had been captive on board a pirate ship could usually testify to this, but a majority of the time the accused sailor would say they had taken the plunder under force. In the MAJ Stede Bonnet trial a pirate named John Lopez had sailed with Edward Teach, \textit{Blackbeard}, before going with Bonnet. Lopez said he had not taken a share while on board Bonnet’s ship. Judge Nicholas Trott asked him “did you not share a little before you came to Cape

\(^{171}\) “The Tryals of Major Stede Bonnet” \textit{British Piracy in the Golden Age}, ed., John H. Baer (London: Pickering & Chatto, 2007) vol. 2, 347, 361.; Witness testimony: The courts more often than not, relied on the testimony of witnesses to convict pirates. Pirates could not easily find witnesses to testify on their behalf because they were usually put on trial far from their homes and almost immediately after they were captured. Also, very little physical evidence was produced by the prosecution or defense in pirate trials from 1609-1726. Therefore, witness testimony was required to convict a sailor accused of piracy. For one example of this out of nineteen trials, see “The Arraignment, Tryal, and Condemnation, of Capt. John Quelch” \textit{British Piracy in the Golden Age}, ed., John H. Baer (London: Pickering & Chatto, 2007) vol. 2, 257.
“Fear…” with Bonnet? To which Lopez replied “Yes; but it was against my Will.”

Despite the circumstances for receiving plunder or taking a share the court qualified a sailor who took a share as a pirate.

The third condition was met if an accused sailor treated captives poorly while on board a pirate ship. In the trial of Bartholomew Roberts crew, one passenger named Elizabeth Trengove, said a sailor named William Mead was “very rude to her, swearing and cursing, as also forcing her hoop’d Petticoat off.” Another sailor, in the same trial was accused of being “particularly cruel beyond the rest of the Pyrates.” In order to be found innocent of the poor treatment of captives an accused sailor had to have shown their willingness to protect those held by the pirates. One witness said that a accused pirate named Robert Lilburn had prevented a captive from having his ear cut off and he was “ready in serving anybody taken.” It was far more beneficial for a sailor who claimed they were forced to have a captive say something good about their treatment by an accused sailor, then nothing at all. When one or two witnesses testified to the same account that a pirate had been extremely cruel to them, then they were considered a pirate.

The fourth condition was proved if a sailor emotional accepted the pirate life. It was usually only witnesses who were held captive for longer periods of time that could testify to this condition. If a witness believed that an accused sailor was a pirate, it was simple to prove them emotional acceptance of the pirate life. All a witness needed to utter was that a sailor was “an Active Man aboard” a pirate ship in order to almost guarantee

the accused was found guilty of piracy.\textsuperscript{174} If a sailor was “Active” on a pirate ship it signified that they assisted with attacking ships, drank with the crew, and did things other than the drudge work.

On the other hand, it was extremely difficult for a witness or an accused sailor to prove that they were not accepting of the pirate life. For example, Henry Glasby found it difficult to prove he was not accepting of the pirate life. Glasby was one of 169 members of Bartholomew Roberts crew taken off the coast of West Africa and tried on board a British Navy ship named the Swallow. One witness testified that Glasby said, “he had a great deal of sorrow for being among such a Company of Rogues, that he had acted among them with a great deal of Reluctancey.” A Lieutenant in the British Royal Navy, who was the second witness to testify on Glasbys behalf, said he knew him to be of “very good Character” because he saved a ship from being blown up after being captured by members of his own crew. The pirate crew for some unknown reasons elected Glasby to the post of quartermaster immediately after he saved the merchant ship.\textsuperscript{175} This election put him as second in command of the pirate vessel and apparently this upset Glasby because a third witness testified that he “several times expressed a Regret for it, that it was imposed upon him.”\textsuperscript{176} By Glasby’s reaction, we can assume that he did not want to be charged with enforcing the rules associated with the pirate life. Based on the witness


\textsuperscript{175} \textit{Pirate Quartermaster}; Had more power than quartermasters on navy and merchant ships. The pirate quartermaster was charged with maintaining order on the pirate ship by giving punishments. Also, lead the boarding parties. \textit{Pirate ship democracy}; Historians like Hugh Rankin, Marcus Rediker, Gabriel Kuhn, Angus Konstam Benerson Little, and many others have described the democratic nature of the pirate crew during the ‘Golden Age’ of piracy. This is represented in the many the articles or rules of the pirate crew that show up in the historic record. Typical aspects of these articles include rules about how to divide the plunder, which office positions should be elected by the crew (usually the captain, quartermaster, and boatswain), how the elections should be contacted and what other types of decisions should be voted on.

\textsuperscript{176} “Pirates Taken by Captain Ogle” \textit{British Piracy} vol. 3, 99.
testimony in this trial, Glasby exhibited sadness, fear, and defiance in response to being a part of the pirate crew. Glasby was eventually found not guilty for the crime of piracy even though he fit the first two court conditions by going on board prize ships and taking a share of the plunder. Even though Glasby held an important position on the pirate ship his actions in saving a vessel from destruction proved, at least to the witnesses, that he was not accepting of the pirate life.

The agents of the Vice-Admiralty courts and the colonial governments fully recognized the phenomenon of more sailors being forced to serve on pirate ships in the Golden Age of piracy between 1722-1726. In this second phase, the majority of trials still favored the first four conditions, but four other conditions started to rise in relevance. The four conditions that rose in the second phase of the phenomenon of the forced sailor were almost not provable by witness testimony, except for one. The change was that in these conditions the courts had to take the accused sailor at their word. The conditions for the accused sailors were as follows: they signed the articles of piracy; they carried an affidavit from a former Captain that said they were forced to go with the pirates or someone had put an article in the newspaper that claimed the same; they talked about or attempted an escape from the pirates; and finally they were threatened or tortured by the pirates to join the crew and sign the article. The willingness to take the sailor more at their word showed that they were more accepting that innocent sailors were being forced to serve on pirate ships.

The first condition in the second phase was considered more subjective because it came directly from the accused sailors’ testimony. This condition rose to the level of the four previous conditions in the trials from prior to 1722. In this condition, a sailor who
did not attempt escape from the pirates was considered to be culpable to piracy. Sailors began to attempt escape more and more and they attempt to prove themselves innocent of this condition by telling their story. On one occasion a sailor named William Williams said that he attempted “to run away from them but was catch’d… and receiv’d two Lashes from every Man in the Company as a Punishment.” Williams story is likely true because some the pirates he accused of doing this to him confessed. \(^{177}\) Even so, the story did not save Williams from being found guilty and executed for piracy. In another instance a sailor named Thomas Stretton said “he would trust the Mercy of the Seas to obtain his Liberty, rather than stay" with the pirates. \(^{178}\) A witness named Thomas Castles who had served with the accused sailor testified to the same and Stretton was not charged with piracy. If an accused sailor did not discuss in their testimony that they had tried to escape from the pirates, then that sailor must be a pirate.

The second condition was the accused sailor failing to produce any type of documentary evidence to prove their forced statues. A sailor met this condition and was considered a possible pirate if they did not have an affidavit or a letter from a former captain saying they were forced. At other times, sailors asked fellow crewmembers not take by pirates to publish their forced statues in newspaper advertisement. \(^{179}\) If a sailor could not produce this document at trial they were considered more likely a pirate.

A problem existed with a newspaper advertisement or affidavit being produced to prove an accused sailors’ innocence at trial and that was because it was static evidence. This type of evidence was only a snapshot of an accused sailor being forced onto a pirate

\(^{177}\) “Pirates Taken by Captain Ogle” *British Piracy*, vol. 3, 97.

\(^{178}\) Ibid, 104.

ship at the point of capture. A letter or advertisement could not speak to how a sailor acted while on board the pirate ship and so this was less beneficial to the accused sailor than other forms of evidence. For example, when Phillip Ashton’s crewmate Joseph Libbey was captured and brought to trial in 1723 he produced the newspaper advertisement that claimed he was forced. Libbey had not escape from the pirates and had even became an “active Man among them.” The advertisement, which had signaled, that Libbey, Ashton, and other fishermen who were initially forced onto the pirate ship did not account for their actions while on board. This condition proved an accused sailor was more likely a pirate if they could not produce any document providing they had been forced. Even when they did provide a document it was really their actions on the ship that determined if they were considered pirates.

In the third condition, pirate captains wanted their crews to sign the ‘articles’ of piracy when they sailed with them under the black flag. The articles entitled every sailor to an equal share of the plunder, dictated how that plunder should be divided, and described the punishments for when the articles were violated. Forced sailors feared that the articles linked the fate of every person on the pirate ship. It is somewhat understandable why sailors thought this to be true because a signed copy of the articles in the hands of the court would be documentary evidence against the sailor. The minority of forced sailors said they flat out refused to sign the articles. Pirates were more likely to torture and subjugate sailors who refused to sign the articles however, if they could survive to stand trial they were more likely to be found innocent. In the event an

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181 Ibid, 181; “Pirates Taken by Captain Ogle” British Piracy, ed. vol. 3, 105.; Also for a historical accurate account of a forced pirate who escaped Captain Low’s pirate crew and survived on a deserted
accused sailor did sign the articles, they would testify on how much force was required to make them sign.

For example, Birdstock Weaver was a sailor who claimed he was forced to sign the pirate articles at his trial in 1725. He recounts his story as follows,

When I came on Board the *Good Fortune*, they gave me their Articles to Sign, setting 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, so that I was terrified into a Compliance.¹⁸²

Weaver’s testimony came towards the end of his trial and even with this story, he fulfilled enough conditions to cross the line into piracy. With this in mind and the little weight given to the testimony of sailors accused of piracy, it is reasonable to see why Weaver was found guilty and sentenced to death.¹⁸³ However, what happened next does not fit in the current conditions and criteria because Weaver was not executed but was pardoned a month after his trial. Weaver had obtained a letter from a former captain on his behalf and fulfilled a criteria that made the courts overturn their initial decision.¹⁸⁴

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¹⁸³ “The Examination of Thomas Lawrence Jones,” ed., E.T. Fox, *Pirates in Their Own Words: Eye-Witness Accounts of the ‘Golden Age’ of Piracy, 1690-1728* (Fox Historical, 2014), 155-160.; Thomas Lawrence Jones was examined in 1720 and testified on behalf of Weaver being a forced sailor but at the time Jones was incarcerated in the Marshalsea, a prison in Southern Britain, for acts of piracy. Therefore, it is not likely that the court took Jones’s examination seriously. Jones died in prison before he was brought to trial.; Fox, “Trials: Birdstock Weaver,” *Pirates in Their Own Words*, 320-329. Ten witnesses, including Thomas Lawrence Jones, offered testimony on Weaver. However, three offered only character references from before and after his time as a suspected pirate. Weaver spent almost two years on land in London before he was brought to trial. On the conditions and criteria: At Weaver’s trial, seven witnesses inadequately proved that he had taken a share of the plunder and carried a weapon while on board a prize vessel as part of the pirate crew, which fulfilled the courts conditions. Weaver also never produced a document from a former captain saying he was forced and witnesses claimed he most likely had opportunities to escape from the pirates. On the other hand, Weaver was overwhelmingly cleared of the conditions from the perspective of the witnesses because they testified that he had not mistreated them as captives or appear to emotional accept the pirate life. The count was five proved against Weaver and two, from the witnesses’ perspective, proved in his favor.
Until a sailor was executed for piracy, as seen in the trial of Birdstock Weaver there was still hope for a pardon.

The fourth condition in the second phase was almost entirely improvable by witness testimony and was a last resort for a sailor accused of piracy. If an accused sailor could not tell a story were they suffered undue hardship, like the one told by Birdstock Weaver, then they met this final condition. This was similar to the way forced sailors attempted to appeal to the captives on board a pirate ship by treating them civilly and showing an aversion to the pirate way of life. The story had to be a tale of how the accused sailor suffered extreme violence or torture at the hands of the pirates. Accused sailors attempted to appeal to the humanity of the agents of the courts and show that they did not met this condition by telling a convincing story of suffering.

An example came from the crewmember of a sailor who was forced to serve on a pirate ship, which was published in an advertisement in the Boston News-Letter around 1725. Crewmembers who escaped sometimes put out these ads to prove the innocence of a sailor who was forced to go with pirates. Ebenezer Mower was a sailor on the sloop Fancy on a voyage from Rhode-Island to the West Indies in the Summer of 1725. The Fancy was over taken by a pirate ship named the Sea Nymph commanded by Phillip Lyn. The pirate Lyn and his crew boarded the ship and took several captives to the Sea Nymph. On the pirate ship the prisoners were “all greatly abus’d,” but “one of the Pirates struck [Ebenezer] Mower many Blows on his head with the Helve of an Ax.” The pirates then preceded to hold Mower’s head over the opening to the lower decks and said that if he did not “Sign their Articles immediately, [they] would cut his Head off.” Eventually, after much more coercing Mower signed the articles. He told his fellow captives that he was
“ruin’d and undone… crying at the same time” because he signed the articles of piracy.\textsuperscript{185} These stories of suffering were appearing more and more in trials, captive narratives, and newspapers in the eighteenth century, so much so that they were hard for one not to believe. The forced pirate was starting to take on a humanized role on the pirate ship and courts in particular were not able to say that everyone on a pirate ship was a pirate.

Since not everyone on a pirate ship was a pirate a more nuanced look at the operation of the pirate ship showed a change when more sailors were forced to serve as part of the crew. In other words, there was a shift in the hierarchy of a pirate ships operation. The hierarchy changed from one based on race to one based on willingness. As seen from the story of Phillip Ashton those that were unwilling to join the pirate crew would be forced to do the drudge work. In addition, they would be subjected to routine torture and violence. Forced pirate crew members, like Ashton, were skilled sailors, but they were forced do the things that were considered menial to the willing pirate crew. This fundamentally changed how the pirate ship operated and was unique to the pirates of the Golden Age of piracy.

For example, Jonathan Clarke was a sailor who was tried along with Major Stede Bonnet and other members of his crew.\textsuperscript{186} The story of Clarke exemplified the change to a hierarchy of willingness on the pirate ship. Clarke and a group of several other sailors attempted their escape after being taken by Bonnet and his crew. This group testified that they had “travell’d four days in the Woods without eating of drinking, and could find the


\textsuperscript{186} “The Tryals Bonnet” \textit{British Piracy}, vol. 2., 325-380.
way to no Plantation... and with Hunger was forced to return again”¹⁸⁷ When Clarke returned he said he was immediately threatened by Major Bonnet. Clarke testified that if he did not sign the articles of piracy and “design to do as they did” by the following day Major Bonnet would either make him “Governor of the first island he came to... an leave [him] there,” or make him work as a slave. Major Bonnet supposedly assigned a guard to watch Clarke and force him to work the pumps below deck. Clarke said that his guard was “one of the Negros [who] came over and demanded me, and asked me why I did not go to the Pump, and told me that was my Business.”¹⁸⁸

Clarke describes his scenario as one of extreme hardship, having escaped only to be forced to return and threatened with a choice between starving on an isolated island or work among the slaves. His situation also resulted in a break from cultural norms when a slave was assigned to guard him and “the Negros insulted over him” as descried by Nicholas Trott the Judge in the trial. Judge Trott, also the Chief Justice of the Province of South Carolina, usually provide a short recap and spoke on the evidence provided by credible witnesses. In this trial Judge Trott, gave almost a full recap of the story told by Jonathan Clarke and highlighted the mention when a slave was placed in charge of him which constituted a break with cultural norms.¹⁸⁹ Clarke was eventually found not guilty of acts of piracy and released; his account was important to illustrate the change in the hierarchy and operation of pirate ships in the eighteenth century.

¹⁸⁷ Ibid, 360. This testimony comes from the combined testimony of Jonathan Clark and Rowland Sharpe, who escaped together with unnamed others. The fate of the others in this group is not known but at least three or four made an escape attempt.
¹⁸⁹ Ibid, 360 - 361. The “Negro” mentioned in this account is assumed to be a slave from the testimony of Cpt. Manwareing.
Conclusion

The Golden Age pirate was different than any other group of pirates in previous centuries. The eighteenth century pirate failed to maintain connections to local land-based communities willing to work with them. This disconnection from the land caused pirates to become more violent and force more sailors to join their crews. The British and colonial governments observed the phenomenon of the forced sailor and developed a set of conditions to separate the pirate from the forced sailor in the colonial courts. The first conditions began to develop starting round 1717. These conditions were based on what captives of pirates could easily observe while on the ship for short periods and then testify to. The second set of conditions started to rise to dominance around 1722 and was based more on the accused sailors’ testimony. The second set humanized the plight of the forced sailor and the willingness to take accused sailors at their word signaled the British and colonial governments recognized the phenomenon of the forced sailor. There was also an underlying change to the ways pirate ships operated. The pirate ship shifted from a hierarchy of race to a hierarchy of willingness. Pirates had to adapt and survive without the resource of local communities. This created a whole new form of piracy which was more reliant on the community of piracy, more conscious of their identity as pirates, and more independent of any nation.

Piracy in the eighteenth century was distinct from earlier forms of piracy because of the shift from the Caribbean in the seventeenth century and the failure to build relationships with local land-based communities on the North American coast in the eighteenth century. The basic problem was that no colonies both willing and suitable to
serve as a pirate base in North America, though several were tried. In South Carolina, at the turn of the eighteenth century pirates had some success in turning the colony into a pirate community because of the political and economic acceptance. Pirates assisted the Charlestown colony to grow and become a major rice producer for Britain. When pirates were no longer an asset however, they were expelled, which caused violent retaliations by them. These retaliations only served to harden the resolve on the colony against piracy. In Rhode Island, pirates also found some acceptance, but their influence was limited. The independent nature of the colony along with a reliance on external trade gave pirates some ability to build relationships with the colony. Rhode Island, however, did not offer much lucrative trade, and so was of little benefit to pirates; thus, when the colony began to turn against piracy, pirates simply abandoned their attempts at building relationships. In Nova Scotia and Newfoundland, no permanent stable colonies existed. Pirates could not build lasting relationships and so they used the area as hunting grounds for recruits and supplies. This type of hunting ground could sustain piracy for a time but without local counties it could not endure. When willing recruits became hard to find because of the loss of friendly local communities pirates used the area around Nova Scotia to steal supplies and force sailors onto their crews.

The shift and disconnection from the land caused pirates to become more violent and force more sailors to join their crews in order to survive. The phenomenon of forcing more sailors onto the pirate crew changed how the courts tried them and how the pirate ship operated. The courts adapted to ensure that innocent sailors were not sent to the gallows. The pirates adapted to forcing more sailors by changing their operations from a hierarchy of race to one of willingness. This made the pirate ship appear more democratic
in its operation. An emphasis was placed on making sailors on pirate ships culpable to piracy by making them sign articles, go on prize vessels in their turn, and assist with the operation of the ship. Instead of intentionally being more democratic the characteristics that made the Golden Age of piracy appear that way were because of a desperation to survive. Pirates forcing more sailors changed the operation of the ship, which resulted in a hierarchy of willingness rather than merely of class and race. This change in the operation led to an unintentional and dysfunctional democratic society on the pirate ship. The result was merely a byproduct of the loss of friendly communities willing to accept pirates in the Atlantic World.

The story, so far, has been one unique to the Atlantic World, and very much tied to local conditions. It seems likely, however, that this type of change was in many ways a global phenomena, though in each place dependent on local conditions. In China, for example piracy in the early eighteenth century was in a similar situation and it was “deeply integrated into the political economy of coastal China.” Thus a fuller examination of the relations between pirates and local communities, and the ways in which that relationship shaped pirate communities, might usefully involve global comparisons. In any case, however, it seems clear that piracy cannot be explained by looking solely at the pirates.

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## Appendix A (Chronological List of Trials with Reference Locations)

<table>
<thead>
<tr>
<th>Trial Name</th>
<th>Year</th>
<th>Location of Trial</th>
<th>Reference Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Tryal of Captain Thomas Green and his Crew</td>
<td>1705</td>
<td>Edinburgh, Scotland</td>
<td>Eighteenth Century Collections Online (Gale Cengage Learning)</td>
</tr>
<tr>
<td>The Trial of Francis DeMont and Others</td>
<td>1717</td>
<td>Charles-Town, South Carolina</td>
<td>Records of the South Carolina Court of Admiralty, 1716-32: Parts 1-2, A-B, National Archives, Microfilm, 50-67.</td>
</tr>
<tr>
<td>The Trial of the Pirates at Providence</td>
<td>1718</td>
<td>New Providence, Bahama Islands, City of Nassau Charles-Town, South Carolina</td>
<td>Johnson, Charles (Daniel Defoe). History of the Pirates.</td>
</tr>
<tr>
<td>The Trials of Aaron Gibbens and William Bournal</td>
<td>1720</td>
<td>Sessions House, St. George's?</td>
<td>Fox, E.T. Pirates in Their Own Words. (309-319)</td>
</tr>
<tr>
<td>The Tryal of all the Pyrates, Lately Taken by Captain Ogle</td>
<td>1722</td>
<td>British Ship Swallow off the coast of Africa</td>
<td>Baer, Joel. ed. British Piracy in the Golden Age, Vol. 3. (73-166)</td>
</tr>
<tr>
<td>The Trial of Nicholas Simmons and Others</td>
<td>1724</td>
<td>Newport, Rhode-Island and Providence Plantations</td>
<td>Fox, E.T. Pirates in Their Own Words. (329-342)</td>
</tr>
<tr>
<td>The Trials of Birdstock Weaver and William Ingram</td>
<td>1725</td>
<td>Justice Hall - Old-Baily</td>
<td>Fox, E.T. Pirates in Their Own Words. (320-328)</td>
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