

The Last Days of Pirates

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Thesis
Submitted to the Faculty of the
Department of History of Vanderbilt University
In partial fulfillment of the requirements
For honors
In
History

1998

On the basis of this thesis and of
The written and oral examinations

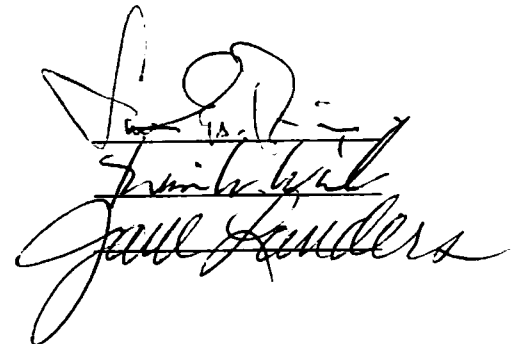
Taken by the candidate on

8 April 1998 And on 23 April 1998

We, the undersigned, recommend

That the candidate be awarded

High Honors In History:



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Introduction

The Act of Union of 1707 brought the kingdom of Scotland together with England and Wales to form the nation of Great Britain. London became the center of politics, commerce, and justice in this new nation. “The Thames that flowed through it, carrying every kind of craft from royal barges, private pleasure boats, naval gunships and merchantmen loaded with the world’s goods, was a constant reminder of the city’s unique diversity and of the foundation of its and the nation’s wealth.”¹ So too, then, the spectacle of a man being executed for piracy along the banks of that same river served as a reminder of the dangers of threatening the nation’s commerce. In the first half of the eighteenth century many pirates were indeed hanged at the Execution Dock along the banks of the river Thames.

The first half of the eighteenth century was an important period in the development of Great Britain as a nation and world empire. Throughout the eighteenth century, the country became slowly more unified and integrated. The Act of Union broke down all internal trade barriers allowing for completely open trade. Militant anti-Catholicism was another unifying factor working to bring the people of Great Britain into a common existence. These values were also passed across the Atlantic as the people of the mother country and the colonies fought together in wars against their common enemies and also through the extensive and exclusive trade that was carried on between Britain and America. The period from 1700 to 1750 was one of nation-building and the consolidation of power. Trade became a cornerstone of that power as customs and excise taxes contributed 60 to 70 percent of the government’s revenue. At the end of the War of Spanish Succession in 1714, England was poised to become the dominant naval power in the world. “Before that war England was one of the sea powers; after it she was *the* sea

¹ Linda Colley, Britons: Forging the Nation, 1707-1837, (New Haven, CT: Yale UP, 1992) 64.

power, without any second."² Spain and France's navies were decimated and exhausted from the war and Holland disappeared from among the Great Powers of Europe. England combined the world's most powerful navy with the world's most vigorous commercial activity. Imports from the American colonies quadrupled in the first half of the century and that tremendously increased their importance to the mother country.³

This half-century was also characterized by the highest incidence of piracy of any period in British history. The decade from 1716-1725 was the most active decade; it is estimated that during this time there were five thousand people employed in piracy.⁴ The high number of pirates was due to three factors: high unemployment levels following periods of war, rising trade and increased commercial shipping, and poor treatment of sailors on merchant ships. Pirates raided enemy shipping during wartime, serving to damage the enemy's ability to resupply and carry on commerce. During periods of peace, pirates continued to raid ships of other nations, a practice the government tacitly accepted for centuries. In the eighteenth century, because of these changes going on internally and externally to Britain, pirates were no longer seen as patriots; they were now criminals. As they were given the status of criminal, pirates started to raid English shipping in addition to that of other countries, furthering the need for tightened control over the seas. Piracy was also particularly a problem in the early eighteenth century because it threatened British relations with other states and territories. Trade increased with India, Spain, and at some points France, and in order to maintain trade, piracy had to be curbed. The leaders

² Capt. A.T. Mahan, The Influence of Sea Power Upon History 1660-1783, (Boston: Little, Brown, and Co., 1916) 225.

³ Colley, 69.

⁴ Marcus Rediker, "'Under the Banner of King Death': The Social World of Anglo-American Pirates, 1716-1726," William and Mary Quarterly, 38 (1981) p. 203.

of these countries or states threatened Britain with a cessation of trade if pirates continued to raid their merchant ships.⁵

Piracy threatened not only trade, but also the political and social order of the mother country and her colonies. As Great Britain matured into a nation-state, the colonies became more strongly linked to the mother country. The American colonies were transformed from a borderland into an integrated part of the British Empire. Their economy, politics, law, and culture were tied increasingly to those of the mother country. This meant that British law was enforced and colonial officials were required to ensure that criminals were convicted and taxes were collected. Pirates were a particular problem because they broke the law, hurt trade, smuggled goods into the colonies, and created a romantic, rebellious image. Daniel Defoe writing in 1724 observed of the images of pirates:

They were exaggerated by the wide coverage given the privateering adventures of Captain William Kidd in his subsequent trial for murder and piracy in 1701, and enhanced by the developing myth of a fabulous pirate commonwealth, replete with housekeeping Moslem maids in a tropical paradise, and by the mounting notices of the vast pirate holdings of gold and silver, jewels, silks and muslins which, for a pardon, the pirates seemed willing to share with a depleting English Exchequer.”⁶

Starting in 1700, the British and colonial governmental authorities began to enforce the “Act for the More Effectual Suppression of Piracy”. Pirates were captured, tried, and hanged publicly.

The courts and ministers used the last days of pirates as an opportunity to give messages about crime, sin, order, and obedience. This thesis will show the importance of the process of the public trial, the last sermon, and the hanging of pirates. British and Anglo-American judges, ministers, and government representatives used these acts as a pedagogical exercise. They were to show foreign nations and trading partners that the British were in control of the seas and in

⁵ Frank Sherry, *Raiders and Rebels*, (New York: Hearst Marine Books, 1986) 103.

⁶ Daniel Defoe, *A General History of the Pyrates*, ed. Manuel Schonhorn (1724, 1728; reprint Columbia, SC, 1972), p. xix. This book was written by the *Robinson Crusoe* author under the pseudonym Captain Charles Johnson.

control of their own country and colonies. The lesson was also to show colonists that they were no longer in a far off borderland, but instead that they were a part of the British Empire and they would now be required to follow the laws and pay the taxes required of British subjects. The Court, the Church, and the Executioner sought to destroy the heroic image of pirates through their rhetoric and the demonstration of their mortality. Pirates were convicted, sermonized, and hanged, their corpses publicly displayed in order to show that while pirates were criminals that were in some ways very extraordinary, they were in fact sinners, and their sins were common sins of mankind. Thus, the average person must be careful not to fall down the wrong path which could end in death, if not physical, then eternal damnation.

The pedagogical lesson is important because during this period, ritual and theatrics were an integral part of everyday culture. The hunt, trials, church services, and attire – including the way that the wealthy wore wigs and powdered their faces – constituted part of the ritual world.⁷ The trial, sermon, and execution were all vital to the makeup of society. Here the public saw the court's power to maintain order and impart justice, the church's power to help sinners find redemption and to enforce moral norms, and the King's power to punish or extend mercy. Pirates were particularly important because they operated on a borderland, and as the government struggled to consolidate power, the borderland had to be brought under control. In the first half of the eighteenth century, there was no longer room for pirates to operate freely on the high seas. Pirates also disturbed the authority of the British government in the colonies by trading their goods illegally. The last days of pirates were characterized by a struggle for authority. The government, represented by the courts, the church, and the executioners, struggled to reassert its control over pirates. The pirates struggled to remain defiant in the face of their impending punishment and the government's rhetoric.

Due to the increased threat, the British government encouraged the Royal Navy to more actively combat piracy. The government also pushed colonial governors to prosecute pirates. After the capture, the last days of pirates consisted of a three-step process. Each section of the thesis will examine one of the three steps. The first section will look at how the courts attempted to show people the dangers of piracy. The courts were important because they defined the crime of piracy, who pirates were, and the threat of piracy. They established that pirates were extraordinary criminals and instilled a fear in the people. This fear was important because it explained the need for execution. The second section of the thesis will discuss the sermons given before the execution of pirates. This portion of the pedagogical exercise links the legal aspects with the religious. Pirates were not just criminals they were sinners. Their punishment did not end on the scaffold; they would also endure the judgement and punishment of God. The ministers gave observers a connection with pirates by explaining that the sins of pirates were very ordinary. The sermons of Cotton Mather, the most influential and prolific pastor in eighteenth century America, will provide the basis for the second section. The final section examines the execution of pirates, the treatment of their corpses, and the strong symbolism evoked on the scaffold. It emphasizes the power of the state and its ability to exercise control over criminals and their bodies. The basis for this chapter will be accounts of executions and of how the bodies were displayed.

Pirates existed in a borderland and the British government tried to consume this borderland as a central part of their empire. Control of the seas and of the colonies was vital to British trade and finance; thus the pedagogical lesson was essential to the Crown's authority. As Peter Linebaugh stated, "The hanging was one of the few occasions (coronations were another)

⁷ E.P. Thompson, Customs in Common (London: Merlin Press, 1991) 45.

that united the several parts of government (monarchs, courts, Parliament, City and Church).”⁸

These parts of government came together to form a dramatic struggle for authority. In each step of the campaign, pirates strove to maintain their bravery and noble defiance in conflict with the part that the courts and ministers intended them to play for the crowd – penitent criminals and sinners. The last days of pirates demonstrates rituals designed to impart a lesson. Through the rhetoric of the courts and the church, one can see the threat that pirates posed to commerce, religion, and social order. In all three steps, the authorities tried to dispel any romantic image of pirates. The three moments also exposed several ambiguities of piracy. The first was the notion that piracy was a crime that at one level affected only a few individuals who lost property and at another level affected the commerce and relations of entire nations. Another ambiguity was the idea of a spectrum of sinners where Christians could learn from the sins of devil-worshipping pirates. A third ambiguity was the use of punishment that by causing extraordinary pain and suffering demonstrated the mortality of the condemned. Pirates were extraordinary criminals and sinners, but they committed ordinary sins.

⁸ Peter Linebaugh, The London Hanged: Crime and Civil Society in the 18th Century (London: Cambridge UP, 1992) xx.

Step One: From the Seas to the Prisons

“In all frontier settlements, in all parts of the world, at all times, there exist irrepressible and lawless elements sloughed off by more perfectly controlled governments.”¹ Pirates operated on the seas outside the borders of Britain, but they traded with the British colonies and attacked British shipping. At the beginning of the eighteenth century, pirates became an impediment to the British government as the Crown attempted to consolidate and control the seas and its colonies. The British Empire was linked primarily through trade, and pirates directly obstructed and indirectly subverted that trade. They attacked merchant ships and stole their cargoes, then illegally sold the goods to the colonies undermining the British monopoly on trade with her colonies. The monopoly allowed British merchants to keep prices on goods high, but the pirates sold their booty at much lower costs and also evaded the customs duties and taxes required on imports.

In a trial of twenty eight pirates in Newport, Rhode Island, a pirate was defined as “one who to enrich himself either by surprise or force, sets upon merchants and others trading by the sea, to spoil them of their goods and treasure, often times by sinking their vessels.”² The courts had the responsibility of defining piracy, who pirates were, and the threat that piracy posed. The decade 1716-1725 saw the highest amount of piratical activity of any period in history. During this time there were more than five thousand active pirates.³ The vast majority of these pirates were British and came from the ranks of merchant seamen or from the crews of privateering vessels. Privateers were ships commissioned by the government to legally seize the shipping of enemy nations. They were similar to pirates except that privateers were only allowed to seize

¹ George Francis Dow and John Henry Edmonds, The Pirates of the New England Coast 1630-1730, (New York: Dover Publications, 1996) 6.

² Dow and Edmonds, 297.

ships of certain declared enemies during wars, and their activities had to stop during peacetime. Privateering was a necessary and useful tool of seventeenth and eighteenth century warfare. It was very expensive to build naval warships, but privateers cost very little, because their payment was a percentage of the prizes they captured. Privateers were also able to sell many of their goods to the American colonies in direct violation of the Navigation Acts of 1651.⁴

In 1692, there was a major political shift in England. For many years the English had been in a state of war with Spain, but with the accession of William of Orange to the British throne, war with Spain ceased. Spain became an ally and France was replaced as the nation's archenemy. This shift left many colonial privateers without employment. They had previously made huge profits from raiding the Spanish Main, the convoy of ships that carried the riches of the New World back to Spain. The privateers had become accustomed to a great deal of freedom and independence, thus the pirate life was particularly appealing. There were very few privateering commissions available.

During wartime, there was a high need for seamen. They were needed to man merchant ships, warships, and privateering vessels. The need for seamen often outnumbered the amount of willing and able-bodied seamen; thus the government had to turn to impressment to force men to serve on ships. Conditions on naval vessels and merchant ships alike were extremely oppressive and dangerous. Many seamen ran away from their ships or at other times, entire crews mutinied and took over their ships.⁵ These mutineers or runaways were likely recruits for pirates. Many men who were forced into service during wartime found themselves out of work when peace was established. They returned to England or the colonies to an economy that was overloaded with

³ Marcus Rediker, "'Under the Banner of King Death': The Social World of Anglo-American Pirates, 1716-1726," in *William and Mary Quarterly* 38: (1981) 203.

⁴ Frank Sherry, *Raiders and Rebels*, (New York: Hearst Marine Books, 1986), 24.

unemployed labor.⁶ Unable to find jobs, many out of work seamen returned to the sea and committed acts of piracy upon the nation that had forced them into service and then left them jobless. There was an old saying that “Peace makes Pirates.”⁷ Daniel Defoe argued in 1724 that the reason that there were very few Dutch pirates was because the Dutch employed their seamen in the national fishery. He proposed the creation of an English national fishery to give unemployed seamen work.⁸ The end of the War of Spanish Succession in 1713 was the principal cause for the high amount of piratical activity during the period of 1716-1725, because of the very high level of unemployment that followed the peace.⁹

As pirates became a prominent problem, maritime trade was also becoming a central component of the English economy. The pirates provided the colonies with an unending supply of black market goods that severely undercut the British monopoly.¹⁰ English merchants put pressure on the government to end this illegal trade. It became imperative to eliminate piratical activity in order for England to tighten the grip on her colonies. The government began to capture and arrest pirates. Rewards were offered by many colonial governors for the capture of pirates, with more notorious pirates receiving higher rewards. In 1718, the Lt. Governor of Virginia, Alexander Spotswood, offered a reward for the capture or murder of Blackbeard or any other pirate.¹¹ The institution of a form of vigilante justice demonstrates the desperate situation the colonial governments were faced with. The Royal Navy could not spare too many ships for

⁵ For a discussion of the oppressive conditions of maritime life see Marcus Rediker Between the Devil and the Deep Blue Sea, (Cambridge: Cambridge UP, 1987).

⁶ Captain Charles Johnson, A General History of the Robberies and Murders of the Most Notorious Pyrates, Manuel Schonhorn, ed., (Columbia, SC: USC Press, first edition 1724, 1972). This is the foremost primary source on pirates and the original author is believed to be Daniel Defoe. Cited hence as Defoe.

⁷ George Francis Dow and John Henry Edmonds, The Pirates of the New England Coast 1630-1730, (New York: Dover Publications, 1996), xix.

⁸ Defoe, 4.

⁹ Philip Gosse, The History of Piracy, (New York: Tudor Publishing, 1932) 177.

¹⁰ Gosse, 176.

¹¹ Defoe, 91-92.

fear of a French attack, so the government needed the colonies to protect themselves. The pirates who were captured alive were tried for piracy, a capital offence.

The court was the first forum for a public confrontation between captured pirates and the government. The courts were responsible for defining piracy, explaining the threat of piracy to the public, and demonstrating the sovereignty of England by convicting and sentencing pirates. They had the authority and the public stage needed to convey the message to the maritime community and anyone else that might have considered piracy as an occupation that the British government would not tolerate piracy.

The Courts and their Rhetoric

Eighteenth century courts were, like the pulpit and the scaffold, a stage on which the struggle for authority and control could be played out. The theatre defined the crime in question, explained to the audience the dangers of such a crime, and the climax of the drama came with a verdict and punishment. Douglas Hay argues that “the flavour of paternalism was important, for usually the charge was also directed at the wider audience in the courtroom. It was often a secular sermon on the goodness of whichever Hanoverian chanced to be on the throne, the virtues of authority and obedience, the fitness of the social order.”¹² The judge spoke to the criminals and the audience as an authority figure explaining the need for order in society. The judge had the duty and responsibility to speak to the audience about the crimes committed. These secular sermons had reached a place of prominence at least equal to that of religious sermons. “Too many Englishmen,” Hay stated, “had forgotten the smell of brimstone.”¹³ Fire and brimstone from the pulpit had for centuries kept people in line, but the Church had lost some

¹² Douglas Hay, “Property, Authority and the Criminal Law,” in Douglas Hay et al., ed. *Albion’s Fatal Tree* (New York, 1975), p. 28. E. P. Thompson also cites courts as being ritualistic and paternalistic in *Customs in Common*, (London: Merlin Press, 1991) 45.

¹³ Hay, 29.

of its power. The theatre of the courts helped maintain both the civil and moral order by reminding the people of the vices that led to crime and their consequences.

Law and the courts were particularly important during the first half of the eighteenth century. During this period, the monarchy was weak and the bureaucracy corrupt. E.P. Thompson characterizes the higher courts as superb actors who put on a show of impartiality, but in reality were as corrupt as the other parts of government.¹⁴ The trial was functional but at the same time there was an element of theater. Some of the accused could be acquitted, but more often than not they were found guilty. One French judge observed of the English system that “state officials appear to attach no importance to a discovery of the causes which may have induced the prisoner to commit the crime.”¹⁵ The trial was concerned with the criminal act, its victim, and the punishment.

The crimes of pirates occurred on the high seas outside the jurisdiction of the common law courts, which put them under the jurisdiction of the admiralty. In England, there was a High Court of the Admiralty and lower Vice-Admiralty courts. In 1701 under an act of William III, the colonial governors were given special commissions to set up vice-admiralty courts. Prior to this all people accused of piracy or other crimes on the high seas, along with any witnesses involved had to be transported to England for trial in the High Court of the Admiralty.¹⁶ This process was costly and slow, which precipitated the act to give the colonies the ability to try pirates. There were eleven courts of vice-admiralty in the North American colonies. The royal governors were given the title of vice-admiral and allowed to appoint the judges of their court.¹⁷

¹⁴ E.P. Thompson, Customs in Common, (London: Merlin Press, 1991), 34.

¹⁵ Hay, 40.

¹⁶ Gosse, 209.

¹⁷ Carl Ubbelohde, The Vice-Admiralty Courts and the American Revolution (Chapel Hill, 1960), 7.

Vice-Admiralty courts spent most of their time hearing cases concerning prizes from wrecks and privateering efforts. Piracy required the formation of a special court of vice-admiralty.¹⁸ In these cases the colonial governor or a specially appointed official of the government would preside. The special courts of vice-admiralty had the full power to hear cases and give a sentence of death.¹⁹

The vice-admiralty courts convened to try accused pirates.²⁰ Captured pirates first faced a grand jury that decided if there was sufficient evidence to go to trial. After arraignment, the jury was selected and the indictments read. In the indictment of pirates, the first article often began with the statement that the said pirates “not having the fear of God before their Eyes, but being instigated by the Devil,” did commit piracies on certain dates.²¹ Englishmen understood that breaking the law was a violation of God’s commandments.

The judge then asked the prisoners to plead guilty or not guilty. After a plea of not guilty, the clerk of the court asked the question, “How wilt thou be tried?” To this inquiry the prisoner was required to answer, “By God and this Country.”²² This exchange publicly showed that the crimes were offences against not only the laws of the country, but also the laws of God. It established the sovereignty of the King and provided justification for his ability to hand out

¹⁸ Dorothy S. Towle, Records of the Vice-Admiralty Court of Rhode Island 1716-1752 (Washington, 1936), 4.

¹⁹ Towle, 4.

²⁰ The following examination of trials of pirates is based on the accounts of six trials including: “The Tryals of Joseph Dawson, William Bishop, Edward Forseith, James Lewis, William May, and John Sparkes,” (London: John Everingham, 1696), “The Trials of Eight Persons Indicted for Piracy,” (Boston: October 18, 1717), “Trials of Thirty-Six Persons for Piracy,” (Boston: Kneeland, 1723), “Trials of Five Persons for Piracy,” (Boston: Fleet for Gerrish, 1726), “The Tryals of Sixteen Persons for Piracy,” (Boston: Joseph Edwards, 1726), and the Trial of Captain Kidd, Graham Brooks, ed., (London, 1930). There are also accounts of trials included in Defoe’s A General History of the Pyrates.

²¹ “The Tryals of Five Persons for Piracy,” Printed by T. Fleet for S. Gerrish, (Boston, 1726) pp. 5, 20. Cited Hence as “The Tryals of Five Persons for Piracy.” Also “The Tryals of Sixteen Persons for Piracy,” Printed for Joseph Edwards, (Boston, 1726) pp. 9, 12, 16. Cited Hence as “The Tryals of Sixteen Persons for Piracy.”

²² “The Tryals of Joseph Dawson, William Bishop, Edward Forseith, James Lewis, William May, and John Sparkes,” printed for John Everingham (London, 1696) p. 9. Cited hence as “The Tryals of Joseph Dawson, et al.”

punishment or mercy. The judge acting as an agent of the crown was endowed with the authority to hear cases.

After the plea, the case proceeded with the Advocate-General, comparable to a prosecutor, giving an opening statement for the government. This statement was an important part of the ritual because it defined the crime and the victims. The opening statements followed several important themes: the characterization of pirates as subhuman, the unique victims of piracy, and the importance of convicting pirates of their crimes. The statements often contained all three themes, because the themes helped the court illuminate the dangers of piracy.

In 1718, there was a trial of eight men in Boston who were accused of piracy. The Advocate-General, in his opening statement declared that pirates were a group set apart from society. "The Laws of all Nations, that have settled into regular Governments, define & declare a Pirate to be an *Enemy of Mankind*. And therefore he can claim the Protection of no Prince, the privilege of no Country, the benefits of no Law." Pirates often indiscriminately attacked the trading vessels of various nations, disturbing trade and the relations of those nations. By declaring pirates the "enemies of mankind" the Advocate was declaring that piracy was a problem not just for rich merchants or the government, but for all of society. He continued, describing the nature of a pirate, "He is denied common humanity and the very rights of Nature, with whom no Faith, Promise nor Oath is to be observed." The loss of humanity symbolized the passage from civilized society into an uncivilized borderland. England was attempting to civilize that borderland by establishing control of the seas and integrating her colonies more closely into the empire. "Nor is he to be otherwise dealt with, than a wild & savage Beast, which every Man may lawfully destroy."²³ The image of savages and monsters is prevalent in the trials of piracy.²⁴

²³ "The Trials of Eight Persons Indited for Piracy," Printed by B. Green for John Edwards, (Boston, 1718) p. 8. Cited Hence as "The Trials of Eight Persons Indited for Piracy."

In the opening of the 1718 trial, the Advocate-General further goes on to say, “and to finish the hateful character of this Monster. He is perhaps the only Criminal on Earth, whose crime cannot be absolutely pardoned, nor his punishment remitted by any Prince or State whatever.”

According to the court, pirates had moved so far away from culture, society, and authority that now they were savage beasts. The imagery is of an uncontrolled and vicious creature that threatens the existence of those that come in contact with it.

Hateful monsters, wild and savage beasts, and the enemies of mankind are extremely pejorative terms. These terms describe a character that had far exceeded the evil of the average criminal and they contrast strongly with the heroic images that many people of the eighteenth century associated with pirates. Pirates were romanticized in many ways. As Frank Sherry reports, “The people of Newport – from shopkeepers to leading citizens – hailed Captain Thomas Tew and those that sailed with him as heroic adventurers.”²⁵ Sherry also tells of the legends about the pirate captain Henry Avery. Stories in London claimed he married an exotic princess and offered the king to pay off the national debt of England in exchange for a pardon. He was also the subject of a popular play and novel. “Every had become in the public mind, the personification of all pirate captains: dashing, daring, cruel, and cool – the very model of a pirate villain.”²⁶

Pirates became what Hobsbawm defines as “social bandits”. Social banditry is a form of peasant protest against oppression or poverty and is manifested in a cry for vengeance against the rich and oppressed.²⁷ Hobsbawm lays out certain necessary conditions for social bandits: a rural

²⁴ “The Trials of Five Persons for Piracy,” 31, “The Trials of Eight Persons Indited for Piracy,” 8, “The Tryals of Sixteen for Piracy,” 14, and Hugh Rankin, The Golden Age of Piracy, (Williamsburg: Holt, Reinhart, and Winston, 1969) 75.

²⁵ Frank Sherry, Raiders and Rebels, (New York: Hearst Marine Books, 1986), 29.

²⁶ Sherry, 80.

²⁷ E. J. Hobsbawm, Primitive Rebels: Studies in Archaic Forms of Social Movement in the 19th and 20th Centuries (New York: Norton & Co., 1959) 5.

setting, traditional societies where the poor do not have adequate means for agitation, and disturbance of traditional equilibrium in society.²⁸ The social bandit is particularly dangerous to governments because he is lionized by the poor and oppressed elements of society. Peasants tend to add superhuman characteristics and exploits to the bandit, while in truth the savagery of the bandit greatly exceeds the noble myth.²⁹ All of the characteristics of social bandits can easily be applied to pirates. They definitely operated in a rural setting. Their crimes were on the high seas and the peasants they came in contact with were usually in the colonies, far from the center of civilization. The period examined in this study can also be characterized as one in which the traditional equilibrium had been disturbed because of the high frequency of wars. The social bandit threatened the authority of the government and the effectiveness of the government's intended message in the campaign against pirates. The poor might see pirates as heroic figures and their crimes against the government as noble form of protest. To counter this image of social bandits, the government employed the strong rhetoric of the courts along with later admonitions from the clergy and the visual spectacle of executions.

The second theme of the opening statements defined the victims of piracy.³⁰ The "victim" was not an individual but a concept. Pirates threatened the national interests of Britain, especially the interests of the elite. In London, at the trial of six pirates who had robbed Moorish ships in the Red Sea, the Advocate-General stated: "*Piracy, which by so much exceeds Theft or Robbery at Land; as the Interest and Concerns of Kingdoms and Nations, are above those of private Families, or particular Persons.*" Piracy was a unique crime because it affected the relations of one state to another. By hurting trade relations and possibly inciting war, pirates

²⁸ Hobsbawm, 23-25.

²⁹ Hobsbawm, 15.

were a severe threat to Britain's power. The elites of Britain understood that commerce was the key to Britain's power and keeping trading partners relatively happy was key to trade.³¹ Trade linked the colonies to the mother country and piracy severely threatened that connection. Pirates carried on an illegal trade with the colonies, breaking the monopoly and evading taxes and customs duties.³²

The Advocate-General continued on the second theme, "*And if they shall go away unpunished, when it is known whose Subjects they are, the consequence may be, to involve the Nations concerned, in War and Blood, to the Destruction of the Innocent English in those Countries, the total loss of the Indian Trade, and thereby, the Impoverishment of this Kingdom.*"³³ The Indian trade provided England with many exotic and luxury goods like silk, gems, spices, and saltpeter, and the East India Company had a monopoly on trade with the Mogul rulers of India. This trade relationship depended on the toleration of the Great Mogul and the pirate menace was causing great losses to the Mogul.³⁴ Pirates had captured several Mogul ships robbing them of huge amounts of money and savagely treating the women causing the Mogul to make demands for action by the English government. The Company was one of the largest creditors of the British government, along with the Levant Company and the Russian Company, thus they wielded great influence in the Parliament and with the Crown.³⁵

The Advocate-General in "Trial of Eight Persons" of 1718 addressed the third theme of why it was necessary to convict pirates: "Now as piracy is in itself a complication of Treason, Oppression, Murder, Assassination, Robbery and Theft, so it denotes the Crime to be perpetrated

³⁰ Trial of Captain Kidd, Graham Brooks, ed., (London: 1930), 94, "Tryals of Thirty-Six Persons for Piracy," 3, "The Trials of Five Persons for Piracy," 31, "The Tryals of Joseph Dawson et al.," 4, 8, and "The Trials of Eight Persons Indicted for Piracy," 8.

³¹ Linda Colley, Britons Forging the Nation 1707-1837 (New Haven: Yale Press, 1992) 62.

³² Colley, 65.

³³ "The Tryals of Joseph Dawson, et al" 4.

³⁴ Sherry, 103.

on the High Sea, or some part thereof, whereby it becomes more Atrocious.” At its simplest definition, piracy is robbery at sea, but the courts saw piracy as a deeper issue. Piracy was treason because the pirates attacked the ships of their own nation causing harm to commerce, monetary loss to individuals, and injury to the sovereign. Captains acted with commissions from the King as public officers, and by attacking these Captains, pirates directly challenged the authority that the King had invested in his officers.³⁶ Murder and assassination refer to the way that pirates often dealt with ship captains. This third theme of the opening is closely linked to the first. Pirates were characterized as a “super-villain.” They were more atrocious than other criminals were and their crimes were combinations of all of the worst crimes.

Conviction of pirates was essential to the discipline and order of the maritime community. There was also a hope that all criminals would mend their ways when they witnessed the convictions and executions. The Advocate-General of the 1718 trial in Boston stated, “...and if Providence had not raised the Winds & Waves for our deliverance, who can say, but these vile Remains of that abominable Crew, reserved in a wonderful manner for Publick Justice, that others may be amended and deter’d by their example.”³⁷ The Advocate praised God that the criminals had not been killed, but instead were preserved for the public ritual of trial and punishment. Deterrence was vital to the justice system of England in the eighteenth century and public conviction and punishment were the components of deterrence. People were expected to learn the consequences of crime by witnessing the trial and execution of criminals.

England’s trading partners put pressure on the British Crown to curb piracy. The international importance of convicting pirates was vividly clear in “The Tryals of Joseph

³⁵ Colley, 64.

³⁶ “The Trials of Eight Persons Indicted for Piracy,” 9.

Dawson, William Bishop, Edward Forseith, James Lewis, William May, and John Sparkes” that took place in London, 1696. Although the pirates were acquitted at their first trial, the Crown had them indicted upon a different set of charges. The Advocate-General warned the jury that they must find the pirates guilty, or else “the barbarous Nations will reproach us as being a Harbour, Receptacle, and a Nest of Pirates, and our Friends will wonder to hear that the Enemies of Merchants and of Mankind, should find a Sanctuary in this ancient Place of Trade.”³⁸ The Advocates of the court continually impressed upon the jury the need to convict pirates. Concern for trade was the obvious reason for the necessity of conviction, but trade concerns alone did not require the officers of the court to employ such virulent language. The strong rhetoric chiseled away at the myth of swashbuckling bandits of the Robin Hood image.³⁹ This strong erudite language set the stage for the accounts of the pirates’ actions.

Following the opening, the Advocate-General presented the King’s evidence. In trials of piracy, the King’s evidence was often a pirate of the company who had either confessed or plea-bargained for a lesser sentence in exchange for testifying against his shipmates. Eyewitnesses were required by law in order to convict someone of a capital crime.⁴⁰ The witnesses had the obligation to identify the accused and whether they were willful members of the pirate crew. The accused pirates had to cross-examine the state’s witnesses themselves. This was significant, because while the state had trained lawyers to argue and examine witnesses, the pirate, who had no legal training, had to challenge the direct examination of the Advocate-General.

The prisoner then gave his defense. The simple unrefined language of the pirates was a strong contrast to the elaborate speeches of the Advocate. The accused was allowed counsel by

³⁷ “The Trials of Eight Persons Indited for Piracy,” pp. 8-9.

³⁸ “The Tryals of Joseph Dawson, et al,” p. 8.

³⁹ Hugh Rankin, *The Golden Age of Piracy*, (Williamsburg: Holt, Rinehart, and Winston, 1969) 23.

⁴⁰ Gosse, 209.

the permission of the court for the purpose of arguing points of law, but the lawyers could not examine witnesses or present evidence. The accused could not give testimony in their own defense, nor call others accused of the same crime.⁴¹ This made it extremely difficult for someone accused of piracy to prove his innocence, because most of his shipmates were either dead or on trial with him. The most common defense was that they had been forced by other pirates and could not escape for fear of death.⁴² Without proof on an escape attempt or that they had not received a share of the plunder, the accused had little hope of escaping guilt by association. In “The Tryals of Joseph Dawson, William Bishop, Edward Forseith, James Lewis, William May, and John Sparkes,” the accused all claimed they had been forced. This exchange between Edward Forseith and the Lord Chief Justice Holt is illustrative of the defense:

Forseith: “... as we are but poor Sea-faring Men, and do not understand the Law, you will take it into consideration.”

L.C.J. Holt: “But all you Sea-men understand that Law, that it is not lawful to commit piracy, and he that doth deserves to be hang’d.”

Forseith: “My Lord, I never did.”

L.C.J. Holt: “Did you think it no piracy to rob?”

Forseith: “I was forc’d to do what I did.”

L.C.J. Holt: “You all compell’d one another.”⁴³

Forseith claimed ignorance and coercion, but the Lord Chief Justice Holt rebutted the defense by showing that the seamen did have understanding that their actions were unlawful and that they were guilty because they at least passively agreed to the crimes. The pirates did not present a heroic image, but instead a pitiable, weak image. They claimed to be forced into crimes and appealed for the mercy of the court. The coercion defense seldom worked, though some seamen

⁴¹ Graham Brooks, *Trial of Captain Kidd* (London, 1930) 43.

⁴² “The Tryals of Joseph Dawson et al.,” 13, 21, 23, 24, 25; “The Trials of Eight Persons Indicted for Piracy,” 14, “The Tryals of Sixteen Persons for Piracy,” 7, 9, 11; “The Trials of Five Persons for Piracy,” 12; and “Tryals of Thirty-Six Persons for Piracy,” 4.

⁴³ “The Tryals of Joseph Dawson et al.,” 21.

with specialized skills, for instance a pilot or doctor, could prove that they had been forced because the pirates needed them in order to operate the ship effectively.

Upon conclusion of the prisoner's defense, the Advocate-General summarized the facts presented and asked the jury for a verdict. In this statement, he would counter the points of law raised by the counsel for the defense, if they had counsel, and respond to the arguments and testimony of the pirates. In the closing, the Advocate-General again used rhetoric to reiterate the themes presented in the opening and also tried to show the error of the pirates' defense. In the 1718 "Trials of Eight Persons Indicted for Piracy," the Advocate-General responded to the pirates' defense of coercion by saying, "that their pretence of being forced out of the respective Ships and Vessels. they belonged to. by *Belamy* and *Labous*. if it was true, can never excuse their Guilt. Since no case of Necessity can justify a direct violation of the Divine and Moral Law. and give one the liberty of *Sinning*."⁴⁴ Not only does he point out that coercion is not an excuse for committing a crime, but he also reasserts that their actions are not just against the law, but they are sins against God. The court treated these men as traitors for not resisting the pirates. In the trial of Joseph Dawson and his comrades, the advocate stated, "Now if you allow what they say, That they were forced to go away; then you must never convict, at any time, one or two Highway Men that robs in the Company of four or five; for they may say too that they were over-power'd. and forc'd by their Company." The court feared setting a dangerous precedent whereby any criminal could claim coercion as justification for his actions.

Following the closing statement and the judge's instructions, the jury would deliberate and return the verdict. The great majority of pirates tried were convicted, and the death sentence was the climax of the drama of the courtroom.⁴⁵ This was the final pronouncement of the power

⁴⁴ "The Trials of Eight Persons Indited for Piracy," p. 15.

⁴⁵ Hay, p. 28.

and authority of the state over its subjects and a statement that members of society, represented by the jury, also condemned the crime. In order to be acquitted, accused pirates had to prove that they had tried to escape, that they had never been part of the piratical activities, or that they did not take any share of the pirate booty. Even the men who brought pirates to justice were often tried. Usually they were members of the crew who tricked the pirates. These men were tried first, acquitted, and then used as witnesses against the accused pirates.⁴⁶

After the verdict but prior to sentencing, the convicted pirates were allowed to give a last defense as to why they should not be given the sentence of death. Most said nothing or maintained that they had been forced into piracy and did not deserve death.⁴⁷ William May, one of the convicted pirates in the 1696 trial pleaded, "My Lord, I being a very sickly Man, never acted in all the Voyage. I have served my King and Countrey this thirty Years, and am very willing to serve the East India Company where they please to command me; and desire the honourable Bench to consider my Case, and if I must suffer, I desire to be sent into India to suffer there."⁴⁸ May and his cohorts had been convicted for raiding ships of the East India Company and for harming their trade, and now he desired to serve them in order to escape death. He maintained his innocence of piracy and sought to show that he deserved a light sentence. The other convicted pirates tried with May responded similarly, "I am an ignorant Person, and leave my self to the King's Mercy."⁴⁹ Ignorance, coercion, and pleas for mercy were not sufficient explanations to save the pirates from their punishment.

Execution by hanging was the punishment for someone convicted of piracy. A few lucky souls received the lesser sentence of transportation, but transportation was not a viable option for

⁴⁶ "The Tryals of Sixteen Persons for Piracy."

⁴⁷ Defoe, 53.

⁴⁸ "The Tryals of Joseph Dawson, et al." 28

⁴⁹ "The Tryals of Joseph Dawson, et al." 28

pirates who committed crimes in the West Indies and the American colonies. The Court decree the death sentence: “that you shall go hence to the Place from whence you came, and from thence you shall be carryed to the Place of Execution, and there you and each of you, shall be hanged up by the Neck until you & each of you are Dead: And the Lord have Mercy on your Souls.”⁵⁰ This statement was an important part of the ritual and drama of the courtroom as the judge pronounced the criminal’s punishment. It was important that the criminal was hanged near where the crime was committed to remind people who saw the hanging of the reason for the execution.

Upon pronouncing sentence, the Lord Chief Justice of the vice-admiralty court would give a speech that examined the crimes committed and the sinful nature that caused them. These secular sermons were of varying lengths, and in some trials the judge only gave the aforementioned formal statement condemning the pirates. The strongest example of this sort of secular sermon was at the sentencing of Major Stede Bonnet, a wealthy man from the island of Barbados who decided to turn pirate and was later captured in South Carolina and convicted of piracy. The Lord Chief Justice Trott said to Bonnet, “You know that the Crimes you have committed are *evil* in themselves, and contrary to the *Light* and Law of Nature, as well as the Law of God...”⁵¹ The justice made no mention of the law of Great Britain but instead spoke of moral laws. He continued, “And consider that Death is not the only Punishment due to *Murderers*; for they are threatened to have *their Part in the Lake which burneth with Fire and Brimstone, which is the second Death...*”⁵² Justice went beyond the realm of the law to explain that not only did the pirate have to suffer the punishment of man, but he also faced eternal punishment. He concluded with this statement: “I only heartily wish, that what, in Compassion

⁵⁰ “The Trials of Eight Persons Indited for Piracy,” 16.

⁵¹ Defoe, 107

to your Soul, I have now said to you upon this sad and solemn Occasion, by exhorting you in general to *Faith and Repentance*, may have that due Effect upon you, that thereby you may become a true *Penitent*.”⁵³ Lord Chief Justice Trott prepared the pirate for the next stage, whereby the ministers would try to convert him and ensure that he would go to his execution as a penitent and remorseful sinner.

The Trial of Captain Kidd

In 1701, the trial of Captain William Kidd received a high amount of publicity in Britain and the colonies because of the notorious reputation of Kidd and because of the politics involved in the case. According to Philip Gosse, the name William Kidd was “the most famous name in the annals of piracy.”⁵⁴ This trial was an effective forum for the government to present its views of pirates. The themes of the pirate trial were all present in Kidd’s trial: the need to make an example of the pirates, the international nature of the crime, and the characterization of pirates as a group outside of civilized society. Kidd’s defense was also similar to those of other pirates, and his struggle with the authorities showed the small probability of a pirate escaping conviction. Kidd’s trial is the perfect example of the ambiguities associated with piracy. He was sent out to fight pirates and turned pirate himself. He had backing from the government, but the leaders of Parliament became his greatest adversaries. He was extraordinary because of his political connections, but he was prosecuted as a representative of all pirates.

Captain Kidd achieved great notoriety. He was sent out with a commission from the King and money from private investors to fight the pirate menace in the Red Sea, but he disobeyed this commission and turned pirate to secure great wealth. The King contributed three thousand pounds to the expedition and most of the other investors in the venture were influential

⁵² Defoe, 108.

⁵³ Defoe, 109.

political figures.⁵⁵ Kidd and his men were guaranteed income only if they succeeded in capturing pirates or French vessels. However, this was not an attractive task because pirates typically were very well armed and their ships were well manned. Thus, after months at sea without pay, Kidd and his crew decided to turn to piracy. They robbed several Moorish ships in the Red Sea that brought them huge prizes, and it also brought them the scrutiny of the British government and the East India Company.⁵⁶ The company had a monopoly on the lucrative trade with the Moguls. Aurangzeb, the Great Mogul of India, seized the East India Company's trading forts and jailed fifty of their employees. The Moguls blamed Kidd for their losses and they expected the East India Company to stop him.⁵⁷

Kidd quickly became infamous and reports poured into New England of the huge treasure that Kidd was amassing. Upon his return to New York in 1699, the governor Lord Bellomont, one of Kidd's patrons, had him arrested. Captain Kidd fell victim to Britain's effort to tighten control of her colonies. In earlier years, pirates had been warmly welcomed in New York and other colonies, but now the Crown was pressuring colonial governors to reform or else they would be replaced. Kidd was then returned to England for trial because he became the center of a political struggle. Many of Kidd's investors were influential Whig politicians in London, and their enemies made a scandal out of the fact that they invested in a pirate's venture. Just five years earlier, it was very common for the wealthy and influential of London and the colonies to invest in privateering expeditions, but now attacks on Moorish ships were seen as piracy. Some pirates still tried to justify that this was a legal action because the ships that they were capturing were not Christian and thereby they were enemies. This justification was not sufficient because

⁵⁴ Gosse, 180.

⁵⁵ Brooks, 7.

⁵⁶ Robert Ritchie, Captain Kidd and the War Against the Pirates, (Cambridge, 1986) 103.

⁵⁷ Sherry, 108.

the Mogul rulers of India had put pressure on the English to eliminate the piratical activity in the Red Sea or else trade with them would halt, because the trade depended on the toleration of the Mogul.⁵⁸

Because of the political struggle between the Whigs and their opponents, the trial could not commence until Parliament reconvened. The Parliamentary leaders needed to question Kidd to determine if there had been any impropriety among their members. Kidd was forced to spend over a year in prison awaiting trial. He was arrested the 6th of July 1699 and did not go to trial until the 8th of May 1701.⁵⁹ He faced four separate trials in two days: one for murder, and three for individual acts of piracy. Kidd was charged with murdering his gunner, but the public and international outcry was against his robberies at sea, not the murder. The court had to convict him of piracy to satisfy the Moguls and the East India Company. By having four trials with four separate juries, the court was nearly assured of a conviction.

A conviction was extremely important in this case. The Advocate-General in one of the trials for piracy stated: "This, gentlemen, is the crime he is indicted for, piracy: the growing trouble, disturbance, and mischief of the trading world, and the peaceable part of mankind, the scandal and reproach of the European nations and the Christian name."⁶⁰ Violence and barbarity carried out by Englishmen upon the Indians, reflected savagery and lack of discipline upon the English. He continued by noting the particular evil of Captain Kidd's deeds: "This is the person that stands indicted at that bar, than whom no one in this age has done more mischief, in this worst kind of mischief, or has occasioned greater confusion and disorder, attended with all the circumstances of cruelty and falsehood, and a complication of all manner of ill."⁶¹ In fact, there

⁵⁸ Sherry, 103.

⁵⁹ Brooks, 39.

⁶⁰ Brooks, 94.

⁶¹ Brooks, 94.

were pirates operating at the same time that had taken many more ships and killed more people, but because of the high publicity of Kidd's exploits, he was characterized this way. This Advocate-General finished his statement: "If, therefore, these facts shall be proved upon him, you will then, gentlemen, in finding him guilty do justice to the injured world, the English nations (our common country), whose interest and welfare so much depend on the increase and security of trade."⁶² Maritime commerce was a vital interest to England and it was imperative that the jury find Kidd guilty to establish justice on the seas.

In his defense, Kidd tried to show that the ships he took were legal prizes because they had French passes, which their captains had given him. If they were French ships, he could have legally taken them, because England was at war with France and he had a commission from the King. Kidd allegedly had two of the passes, but they were taken from him and despite his repeated admonitions to the court, he had to go to trial without them. Hundreds of years later, the passes were indeed found in London, so it is apparent that someone did keep them from him.⁶³ These would not have cleared Kidd on all counts, but it does show that he was denied his proper defense. The East India Company had however, made it clear that it was vital that Kidd be convicted and executed to show the Indian government that England would not protect him. Kidd had come to represent all pirates to the Indians.

In the charge to the jury, the Lord Chief Justice, stated: "Gentlemen, this must be observed: if this is a capture on the high sea, and these were the goods of persons in amity with the King, and had no French pass, then it is a plain piracy."⁶⁴ Thus, it is apparent that if the passes had been allowed to Kidd, he might have been acquitted. After systematically discounting all of Kidd's defense the Justice ended simply, "So that, gentlemen, as to Captain

⁶² Brooks, 94.

⁶³ Ritchie, 209.

Kidd, I must leave to you whether he is guilty of piracy or no. If you believe him guilty upon the evidence, you will find him so; if not, you will acquit him."⁶⁵ It is also important to note that Kidd had already been convicted of murder and sentenced to death, so these other three trials were not completely necessary. Yet, they were still carried out because they were trials for piracy. Kidd had to be tried for piracy to appease the East India Company, the Mogul rulers, and to show the maritime community and the general public that the English government was not willing to tolerate lawlessness, especially piracy. Kidd would not be remembered for murdering his gunner, but he would be remembered for being a pirate.

Thus, the usual death sentence was brought down. To which Kidd replied, "My lord, it is a very hard sentence. For my part, I am the innocentest person of them all, only I have been sworn against by perjured persons."⁶⁶ The case ended as many others did with the convicted criminal proclaiming his innocence. Kidd was condemned as much for the actions of others as for his own actions. Piracy had become a serious problem to the English trading companies, and they were pressuring the government to deal with the pirate menace. In order for the British government to curb piracy, it was necessary to actively and publicly capture, prosecute, and punish pirates. In the person of William Kidd, the Courts found an infamous pirate that could be used as representative of other pirates. His execution sent a message to observers that the government would not tolerate piracy.

Conclusions

The Admiralty courts of the eighteenth century were a very important piece of the ritual display of authority. In these courts a drama was played out with many different actors. The government asserted its power over the seas and it also demonstrated that the pirates were

⁶⁴ Brooks, 122.

⁶⁵ Brooks, 125.

actually vicious criminals, not dashing swashbucklers through rhetoric and punishment. It was here that the government defined piracy and set pirates apart as the “common enemies of mankind” in an attempt to destroy the social bandit image. The courts were the setting for the government to ritually demonstrate that Great Britain was a sovereign and powerful state with laws that extended beyond the natural borders of England across the seas and throughout her colonies. The Admiralty courts established that they had jurisdiction over all the seas and that those seas were needed for commerce with the colonies.

The jury as a representative of society was another actor in the drama. They were present to listen to the evidence presented and make an “honorable” decision that would not bring scorn upon Britain. The court placed tremendous responsibility upon the shoulders of the jury. There was a clear declaration of the expectations of the court. In one case, the Advocate explained to the jury that a prior jury had acquitted the accused and thereby done “dishonour to the Justice of the Nation.”⁶⁷ The jury also served as the representatives of society in the courtroom. A conviction showed that the populace would not allow piratical actions to go unpunished.

The pirates, the third actor of the courtroom drama, attempted to defend themselves, but with little understanding of the law and few or no witnesses, they had little hope of absolution. The pirates realized the desperate situation they faced. They did not try to defy the authority of the court but instead upon being pronounced guilty they threw themselves at the mercy of the court. They tried to prove innocence by claiming that other pirates coerced them into submission, but the court dispensed with that excuse.

Omnipresent in the court and her rhetoric was the link between God, the King, and the courts. A crime was a direct assault on the King and God, and the court was the instrument of

⁶⁶ Ritchie, 187.

⁶⁷ “The Tryals of Joseph Dawson, et al,” 11.

justice. The courts went a long way toward destroying any romantic or heroic images associated with eighteenth century pirates and the rhetoric of the Church was consistent. Following sentencing condemned pirates returned to prison to await execution. During the wait, ministers visited the criminals to try to convince them to repent and publicly pronounce the error of their lives.

Step Two: Sermonizing Pirates

In the eighteenth century, crime was sin, and many sins were crimes. It is very difficult to separate the law of man from the law of God, and it is equally difficult to separate the Advocate-General's rhetoric about crime from the minister's. Following a conviction, pirates returned to jail to await their execution. As Philip Gosse described, "almost every hour between the passing of sentence and the carrying out of the execution was devoted to the spiritual salvation of the condemned."¹ Ministers visited the prison to prepare the pirates for their execution and the afterlife, and then they presented an execution sermon for the pirate before their congregation and other interested observers. The ministers were strongly correlated with the Advocate-General of the courts. The Advocate-General's duties included interpreting the law, presenting the evidence against the accused, and explaining to the jury why the accused should be convicted. The minister's had similar purposes in their execution sermons: interpreting God's word and explaining it, presenting the evils and consequences of sin, and explaining to the congregation the need to punish sinners. The similarity in the purposes of the advocate and the minister is reflected by the continuity of their rhetoric. Both actors used rhetorical devices and moral statements to define piracy and to delineate the victims of piracy.

The courts established the extraordinary nature of piracy as a crime. According to the courts, piracy exceeded the atrocity of other crimes.² The church similarly defined pirates to be the worst of sinners. The chief voice of the church in eighteenth century America was a Puritan minister named Cotton Mather. According to Kenneth Silverman, "by 1710 he may well have

¹ Philip Gosse, *The History of Piracy* (New York: Tudor, 1932) 209

² "The Trials of Eight Persons Indicted for Piracy," (Boston: October, 18, 1717) 8.

become the best-known man in America."³ Mather, like the Advocate-Generals, used very strong rhetoric in the characterization of pirates, but an interesting contradiction appears. Pirates were at once extraordinary criminals and ordinary sinners. The courts deliberately defined pirates as the worst of all criminals in order to communicate to the jury the necessity of convicting and punishing them. Cotton Mather used his pulpit to define pirates as the worst of sinners, but he also enumerated the ordinary sins that led them to that extreme. Cotton Mather conveyed to his listeners the concept of a gradation of sinners. The righteous resided at one end of the spectrum, with pirates at the opposite end. The average man could find himself somewhere in between, but Mather was attempting to show that even the most common sins could move a person toward the evil end of the gradation where pirates resided. He also explained that the punishment for sinners at the far end was eternal damnation, while the righteous could expect rewards in heaven.

There is also a correlation between the ritual of the courts and the church. The court employed drama and ritual to demonstrate the power and authority of government. Ritual was also an integral part of religious services. The Sunday service, days of fasting, and days of thanksgiving all were part of religious rituals.⁴ The execution sermon was highly ritualized and Cotton Mather was the master of this ritual. Execution sermons were given the last Sunday before the execution was scheduled to occur. People would apply for and purchase tickets to hear the sermon and to witness the condemned and their behavior as death approached.⁵ In Boston, the sermons were preached in the minister's church. During the sermon, the condemned were dressed in black and placed at the front of the church. A coffin was placed in front of them, for

³ Kenneth Silverman, *The Life and Times of Cotton Mather* (New York: 1984) 198.

⁴ Perry Miller, *The New England Mind from Colony to Province* (Cambridge, Mass: Harvard UP, 1953) 20.

⁵ V.A.C. Gatrell, *The Hanging Tree*, (Oxford: Oxford UP, 1994) 44.

both the condemned and the congregation to ponder.⁶ In this way, the sermon was a funeral before the criminal was executed. Instead of giving a eulogy, the minister expounded on the terrible consequences of the sinful life. Many pirates would never receive a true funeral because their bodies would be hanged in chains after the execution.

Ritual and sermons were not the only method Cotton Mather employed to convey his message. He was also a prolific writer, publishing 388 works including his sermons on piracy.⁷ This chapter focuses on Cotton Mather's sermons in the context of the colonial city of Boston. Many people heard Cotton Mather's voice whether they attended his church or not. His North Church congregation of approximately 1500 members, the largest in New England, heard his sermons weekly, but Mather also traveled to many other churches and presided over public occasions.⁸ He published five sermons on piracy along with an account of his meetings with the pirates and their last testimonies. Boston provided a good backdrop for the execution of pirates, both because of its large maritime community and because it served as the commercial center of New England. Boston in this period is very useful for examining the British Empire, because it was closely tied to London, but located in the American colonies. This location between the mother country and the frontier made Boston important both commercially and socially. Boston brought together the culture of London with the culture of the colonies.

In the context of this maritime culture, Cotton Mather took the pulpit to give the last sermons for condemned pirates. There are several apparent reasons to explain the need for Mather to address piracy including: the need for a moral deterrent to crime, the threat to the social order of New England, the threat to the Puritan family, pirates' defiance of Church custom and authority, and for the protection of the community.

⁶ Robert Ritchie, Captain Kidd and the War Against the Pirates (Cambridge: Harvard UP, 1986) 223.

⁷ Silverman, 197.

Every condemned criminal received an execution sermon to explain the reason for the execution. The sermon gave moral authority to the legal authority that condemned the person for his or her actions. The minister instructed the audience in the errors of the criminal's life and warned that the unrepentant sinner faced eternal damnation. By explaining the consequences of sin in addition to the legal consequences of crime, ministers added moral strength to the deterrent of crime.

Ministers also sermonized pirates because of the threat they posed to the social order of New England. As Perry Miller has noted, "Economic prosperity would be not a cause but a result of piety. Yet anyone who knew the history of Europe, particularly in the last two centuries, knew that men were prone to transpose cause and effect."⁹ Ministers found it threatening that many people might covet the riches that pirates reaped. Piety was a central concept to Puritanism, because after all that was what Puritans should strive for in their lives. The pious man then would receive their just rewards from God. Pirates were far from pious, yet stories abounded in England and the colonies of the huge fortunes that pirates amassed.¹⁰ The execution sermon was important to show that these ill-gotten gains had a high price associated with them: eternal death.

Pirates also disturbed the social order of New England because they were not part of a family. The central unit of authority in New England was the family and the government legislated that all bachelors and maids live with a family so that they were under a paternal authority.¹¹ Pirates lived outside of family authority and that gave them a certain freedom that other members of the community did not have. The sermon helped to reinforce the need for a

⁸ Silverman, 194.

⁹ Perry Miller, *The New England Mind from Colony to Province* (Cambridge, Mass: Harvard UP, 1953) 5.

¹⁰ Gosse, 179.

¹¹ Morgan, 145.

strong family and parental authority and used pirates as the perfect example of what happens when men are not responsible to a family.

*“You cowards, what do you think to go to Heaven and do such Actions as these? No, I will make you Officers in Hell under me.”*¹² This statement by pirate Captain George Cusack to his crew illustrates another reason why the ministers’ sermons addressed the evils of piracy. Not only did pirates not follow traditional church practices, as Cusack’s statement demonstrates, the pirates often identified themselves with the devil. Ministers responded to this outright defiance of Church authority by explaining that pirates were the servants of the devil and would pay the consequences for their actions. Black-Beard, for example, also declared that he revered Hell more than heaven. At one point, he resolved to make the hold of his ship into Hell. He placed pots full of burning brimstone in the hold and then went down there with some of his crewmembers to see how long they could stay.¹³ The themes of demonic possession and devil worship were not unfamiliar to Puritan ministers and their congregations. Witches were executed for their communion with the devil and pirates received a similar punishment.

Finally, sermons on piracy were necessary because the Puritan people believed they had a covenant with God whereby they received temporal prosperity in exchange for obedience to God’s law.¹⁴ Criminals destroyed this covenant, threatening instead to bring God’s wrath upon the entire community. The Puritans saw certain terrors like disease, attack, and famine as punishment for crimes and disobedience.¹⁵ “By publicly punishing him [the criminal] the group testified to their disapproval of his actions and so escaped responsibility for them.”¹⁶

¹² “The Grand Pyrate: Or, the Life and Death of Capt. George Cusack,” (London, 1675) 7.

¹³ Daniel Defoe, *A General History of the Pyrates*. Manuel Schonhorn, ed. (London, 1724) 85.

¹⁴ Morgan, 9 and Miller, 22.

¹⁵ Miller, 29.

¹⁶ Morgan, 10.

Cotton Mather took the stage to address the dangers of piracy before his congregation. His sermons typically lasted between an hour and a half and an hour and three-quarters. His sermons on piracy began with a general discussion of the need for sinners to repent outlining the consequences of sin. Mather wove pertinent scriptures throughout the sermon to reinforce his points. After a more general discussion of the nature of sin, Mather turned to the specific transgressions of the pirates. This portion centered on the sins committed by the pirates and how sin had caused them to meet their end upon the scaffold. In the published versions of the sermons, Mather included any personal discussions he had with the condemned along with the dying words and last wishes of the pirates. He also gave a short account of the actual execution and the behavior of the pirates upon the scaffold. In these pamphlets, the last dying speeches were combined with the moral message of sermons. The dying speeches gave the pamphlet popular appeal as a form of entertainment and helped to sell Mather's long sermons.

Mather's sermons contained several important themes in order to combat the threat of piracy. First, Mather characterizes pirates as a group outside of civilization and sets them apart as the worst of sinners. He also explains the sins that pirates committed using their own words in addition to his message. There is a struggle between the first and second theme. Mather was trying to show how extraordinarily evil pirates were while concurrently trying to show that any sinner risked following a similar course. The third theme of the sermons was the consequences that awaited an unrepentant sinner.¹⁷ Mather's sermons also show strong continuity with the rhetoric of the Advocate-Generals of the Admiralty courts.

¹⁷ This characterization and following analysis are based on the five sermons by Cotton Mather: "Faithful Warnings to Prevent Fearful Judgements," (1704), "Instructions to the living from the condition of the dead," (1717), "Useful Remarks: An Essay upon remarkables in the way of wicked men," (1723), "The Converted Sinner. The Nature of a Conversion to Real and Vital Piety," (1724), and "The Vial Poured out upon the Sea," (1726).

Characterizing Pirates

Mather used several different terms to categorize pirates. In his words, “All Nations agree to treat your Tribe, as the *Common Enemies of Mankind*, and Extirpate them out of the World.”¹⁸ Mather used this term often to refer to pirates, and it represents the threat that Mather recognized in pirates.¹⁹ The courts similarly branded pirates as the “enemies of mankind,” showing the continuity of court and church rhetoric, and the links between their legal and moral separation from society. Pirates operated outside the law that bound society together, but they also were outside the moral order of society. By breaking the law pirates became defined as criminals, by disobeying the teachings of the church the pirates became sinners. As a combination of criminals and sinners, Mather saw pirates as the “common enemies of mankind.” The courts saw the pirates as a threat to commerce and the authority of the King, while Mather saw the pirates as a threat to the authority of God and the religious bonds of the community. “God himself was called a king, and kings were called gods by the Bible. All persons in authority, whether in a family, church, or state, stood in the place of Christ.”²⁰

Mather used several other terms to describe the pirates consistent with the courts, including: “merciless Monsters,” “*Unmerciful Creatures*,” and “*Sea-Monsters*.”²¹ All of these envisage pirates as sub-human. In his sermon, “The Converted Sinner: the Nature of a Conversion to Real and Vital Piety,” Mather stated: “A generation of *Pirates*, have of late Years, been an Uncommon *Terror of them that haunt the Sea*. O! may our *Seafaring People* duely

¹⁸ Cotton Mather, “Instructions to the Living from the Condition of the Dead,” (Boston: John Allen, 1717) 17. Cited hence as “Instructions.”

¹⁹ Cotton Mather, “The Vial Poured out upon the Sea,” (Boston, 1726), p. 9. Cited hence as “Vial.” And Cotton Mather, “The Converted Sinner. The Nature of a Conversion to Real and Vital Piety.” (Boston, 1724), p. 39. Cited hence as “Converted Sinner.”

²⁰Morgan, 20.

²¹ “Vial,” pp. 1, 18, 44. And Cotton Mather, “Useful Remarks: An Essay upon remarkables in the way of wicked men.” (New London: T. Green, 1723) 22. (cited hence as “Useful Remarks”) and “Converted Sinner,” p. 1.

consider the Growing & Grievous Judgements of God upon them!"²² Pirates were like a plague sent from God to move seamen to reform their sinful ways, but Mather was addressing more than just the sea-faring people. He used pirates as an example to the rest of the community that they needed real piety or else they could expect punishment. Mather continued, "But a strange Blast of Heaven has followed that Generation of *Sea-Monsters*. We know of several Thousands, that in a little Time have *Perished Wonderfully!* And no where more *Wonderfully* than on the Coast of *New England*, where the *Prayers* against them, have Distinguishing Ardours."²³ Mather realized the genuine threat that pirates posed to commerce and he and his congregation prayed for deliverance. He was pleased that the prayers had been answered and many of the "sea-monsters" had perished as an example of God's power.

Furthermore, Mather denounced pirates as the servants of the devil. He proclaimed that they were in the "*Hands of the Destroyer*."²⁴ In speaking to one pirate Mather stated: "his [the Devil] having such an *Advantage* on you, and such a *possession* of you, as appeared in your being thus *Led Captive by him to do his will*."²⁵ In "The Converted Sinner," Mather, stated that a group of pirates was under the command of "one Philips (and Satan)."²⁶ Philips was the captain of the pirates, but in Mather's opinion they served Satan as master. Cotton Mather was a believer in demonic possession, so it can be taken literally when he said that pirates were under the possession of the devil. Mather defended the authorities who administered the Salem Witch Trials. He believed that there was a plot by Satan and his demons to destroy the religious stronghold of New England.²⁷ Witchcraft and demonic possession were at the far end of the spectrum of sinners. The more ordinary sins like drunkenness and swearing were in the middle

²² "Converted Sinner," 1.

²³ "Converted Sinner," 1.

²⁴ "Instructions," 36.

²⁵ "Vial," 9.

of the spectrum in between the righteous and those who were servants of the devil. Pirates were as far out on the spectrum as any sinner. They committed all sorts of sins without any reverence for God, but they could still be related to the ordinary person because of the gradation of sins. In light of this gradation of sins, Mather elucidated the individual sins of pirates.

The Sins of Pirates

While the categories that Mather used set pirates apart from society, by speaking of their sins, he tried to make their lives applicable to society. "...the Glorious God fetches *Good* out of the *Greatest Evil*, and makes the *Sins* and *Woes* of the *Wicked*, an *Occasion of Benefits* unto His Chosen."²⁸ Mather broke down the sins of the "enemies of mankind" into many common sins that any man or woman might have committed. This is a crucial shift because Mather could not have expected people to relate themselves to the demon-possessed seamen unless he showed how the ordinary sins could lead to the outer limits of the spectrum of sin. He first set out to show how evil the pirates had been, and then he attempted to show that they had become evil by committing very ordinary sins. Each listener or reader might see that they were in danger of falling under the possession of the devil, which might bring them to an end at the gallows. Pirates were at the extreme end of a spectrum of sinners and saints and Mather showed that it was a preponderance of sin that led them to the characterization as "sea-monsters" and the servants of the devil.

Mather used the words of the pirates that he had counseled to reinforce his points. He entreated the pirates to tell the world of their errors:

"And they were told, that if they did believe in the Glorious Redeemer unto the saving of their Souls & the pardon of all their Sins; They would Love Christ much, & shew their Love to Christ by shewing concernment for the Salvation of the Souls of their Fellow

²⁶ "Converted Sinner," 1.

²⁷ Silverman, 107.

²⁸ "Converted Sinner," p. 2.

Sinners... And they would be willing to warn other Sinners to keep clear from those Paths of Destruction, that had brought them so far into Ruine."²⁹

The message of the drama could be much more effectively told through the voices of the pirates. According to Mather, it was the duty of the condemned pirates to teach others about how they had erred. This was a prerequisite if they hoped to escape eternal torment in Hell.

In his sermon, "Useful Remarks: An Essay upon Remarkables in the Way of Wicked Men," Cotton Mather discussed the individual sins that he believed were most prevalent in pirates. He used the dying lamentations of pirates and turned them into maxims for the people to live by if they wished to avoid a similar fate as pirates. The condemned pirates fearing eternal damnation followed Mather's counseling and espoused lists of sins that similarly mirrored his list of their vices. According to Mather's account, the sin that most pirates, mentioned first was children disobeying their parents. He stated, "Among the dolorous Ejulations of the Dying *Pirates*, how often do you hear them Confessing; *My Grieving & Leaving & Scorning of my Parents, has been that which has brought the dreadful Vengeance of GOD upon me!*"³⁰ In his "Useful Remarks," Mather recounts nine different instances of pirates warning children to "mind the Admonitions & sweet Instructions of your natural Parents" or similar warnings.³¹ Puritan parents were responsible for the soul as well as the physical needs of their children. The children were born with an evil nature that could only be changed by a proper upbringing.³²

The parent-child relationship was important because it provided the basis for all other relationships of authority. The Fifth Commandment, "Honor thy father and mother: that thy days may be long upon the land," was the statement that established the principle of respect for

²⁹ "Useful Remarks," 30.

³⁰ "Useful Remarks," 24

³¹ "Useful Remarks," 30, 36, 37, 38, 39, 40, 41, 42.

³² Morgan, 87-94.

authority. Puritans believed that it applied to any relationship of superior and inferior.³³ Order meant husbands over wives, parents over children, masters over servants, ministers and elders over the church, and rulers over subjects. The child who disobeyed his or her parents was likely to break all of these other relationships.

“But if all People, and Especially Young People, in this Land, are not, by these Tremendous Dispensations of God, Excited unto Earnest Endeavours... What Dreadful Things may be readily Expected?”³⁴ This is the last paragraph of Mather’s sermon “Useful Remarks: An Essay upon Remarkables in the way of Wicked Men.” He concluded with the thought that if children did not see the terrible end that the pirates came to as a deterrent, then society was in danger. Of the nine different specific statements or letters from pirates included in the “Useful Remarks” sermon, seven of them were addressed to “young people” or mention them in their first paragraph.³⁵ Through his meetings with the pirates, Mather convinced them that they had fallen away from God when they were young. Edmund Morgan explained this Puritan way of thinking: “When education was neglected in childhood, the error could not be redeemed in age: evil nature could be trained into good habits only if the training started early.”³⁶ One of the primary purposes of Puritan sermons was to ensure the salvation of children. Other Christian sects often criticized Puritans because they placed too much emphasis on the salvation of their own families and not enough on the outside world.³⁷ They did not completely neglect the world around them because they did ensure that sinners were punished publicly.

Mather discussed several other sins in his sermons on piracy. “How many of the Dying *Pirates* do you hear Crying out, *My Prophanation of the Lord's Day, was the Inlet of all the*

³³ Morgan, 17-19.

³⁴ “Useful Remarks,” 44.

³⁵ “Useful Remarks,” 31, 35, 37, 39, 40, 41.

³⁶ Morgan, 95.

Wickedness that has brought me to this Evil Day!"³⁸ Breaking the Sabbath was a sin, but one could not expect that seamen should take the Sabbath off while at sea. This statement is obviously aimed at the general congregation and is also a statement of authority. Resting on the Sabbath was an easy to follow law, but it also served to demonstrate whether a person truly followed God's laws or not. Breaking the Sabbath was another sin at the more common end of the gradation of sins. "I would have my Uncles & Aunts Warn their Children, against all Sin, especially the Sin of Sabbath-Breaking, lest it bring them to Ruin as it has done me," stated one condemned pirate.³⁹ Pirates followed Mather's example and admonished people not to profane the Lord's day. In the five Mather sermons examined here, there are at least eleven instances of pirates warning people of the dangers of breaking the Sabbath.⁴⁰

The most talked about evil of pirates by both Mather and the pirates themselves was drunkenness. Mather said, "Their *Excessive Cups* have been worse than *Rats-bane* in their Bowels, when GOD has come at length to put His Cup of *Trembling* into their Hands. Having *Marked* this in the *Way of the wicked men*, Will you not have done with the *Intoxicating Bottel?*"⁴¹ There were ten warnings by pirates not to drink to excess in addition to Mather's continued exhortation against alcohol.⁴² The pirates knew that life was not bearable on board ship without alcohol. One pirate simply stated, "Live soberly, and let not yourselves be overcome with Strong Drink... Alas it's a Sad thing, a too reigning Vice among Men, the Inlet of Numberless Sins & Evils, the Ruin of a great many Families."⁴³ Pirates consumed great amounts of alcohol, as did most seamen because it dulled the pain of life at sea, thus Mather was either

³⁷ Morgan, 173.

³⁸ "Useful Remarks," 25.

³⁹ "Remarks," 40.

⁴⁰ "Vial," 48. "Converted Sinner," 38, 39. And "Useful Remarks," 30, 36, 37, 39, 40, 41.

⁴¹ "Useful Remarks," 25.

⁴² "Vial," 9-10. "Converted Sinner," 38, 39, 48. "Useful Remarks," 30, 35, 37, 39, 41.

⁴³ "Useful Remarks," 32.

feeding the pirates answers or simply misrepresenting their testimonies in order to reinforce the points he wanted to make. Mather once excommunicated a woman for public drunkenness.⁴⁴ Drunkenness became a general problem for New England society at the turn of the eighteenth century, and people were often seen walking the streets intoxicated.⁴⁵ Mather addressed a general social problem, not just pirates or the maritime community, but the whole of Boston society. It was impossible to create the utopian religious community that the Puritan founders had in mind without remedying some of the general problems.

Swearing and cursing were also foremost among the minds of the condemned pirates and Cotton Mather. They mentioned this sin ten times in Mather's account of their last speeches.⁴⁶ One pirate exclaimed in his letter, "Give not your Minds to that Scandalous Abominable Vice of Swearing and Lying, Scandalous in the Society of Men, & Crying Sins before the Great and Glorious God."⁴⁷ These pirates either experienced an extreme life change or they realized the desperateness of their situation and are making an attempt at penitence. Mather also addressed the sin of swearing: "When the *Pirates* have been going to draw their *last breath*, with what Remorse have they look'd back on the *Oathes* which they had in their *Impious Breath* belch'd out, with a Contempt & Challenge of their Maker? When their *Mouth* has been going to be stopp'd, with what Remorse have they thought, how full their *Mouth* has been of *Cursing*?"⁴⁸ This sin was particularly important to Mather because swearing and blaspheming was a direct verbal challenge to God's authority and law. This, too, was very common among sailors, both

⁴⁴ Silverman, 46.

⁴⁵ Miller, 306.

⁴⁶ "Vial," 9. "Converted Sinner," 38. And "Useful Remarks," 30, 35, 37, 39, 41.

⁴⁷ "Useful Remarks," 34.

⁴⁸ "Useful Remarks," 26.

merchant and pirate. Swearing along with technical jargon became a virtual dialect among seafaring people.⁴⁹

Mather and the pirates cautioned listeners of several other sins as well including: lust, greed, and prostitution. Throughout all of these warnings, never once do the pirates or Mather mention murder, robbery, and piracy. Mather and coincidentally the pirates were more interested in ensuring that young people grew up fearing God and following their parent's rules than keeping people from piracy. The theme was not teaching people to avoid piracy, but teaching people to follow the rules of the Church and society. By committing more sins, people moved farther along the spectrum of sinners. Pirates in many ways represented a challenge to the authority of the Church. Their sins, as dictated by Mather, were in direct contradiction with the laws of God. Cotton Mather could only describe these challenges as the work of the devil. New England was supposed to be a "visible godly kingdom," and the pirates threatened the existence of such a kingdom.⁵⁰

The Challenge of William Fly

In at least one case, Mather faced a pirate who refused to repent and consequently the question of how to use this man in his lessons on piracy and society. He chose to show how foolish it was to go to death without a confession of one's sins. William Fly became a sort of arch-pirate. Not only did he commit piracy and murder, but he also defied the Church and the courts by refusing to accept his guilt and repent his sinful nature. William Fly defied the authority of his captain by instigating a mutiny and thereby defied the King's law. He also defied the Church by refusing to repent or accept his scripted role for his execution. Mather and Fly were locked in a struggle for authority. The struggle between Mather and Fly also

⁴⁹ Marcus Rediker, *Between the Devil and the Deep Blue Sea*, (Cambridge: Cambridge UP, 1987) 162.

⁵⁰ Morgan, 3.

demonstrates the gradation of sinners. Fly was not only a sinner, but Mather had taught him the path to redemption and he chose not to follow it. This put Fly on the far end of the spectrum bound for Hell, while Mather, ever representative of the righteous, was at the near end. Mather countered the romantic, heroic image of piracy, with the foolish, ignorant image of a pirate going to his death without God's forgiveness. Mather described Fly: "he had been all along, a most uncommon and amazing Instance of Impenitency and Stupidity."⁵¹

In 1726, Fly along with several other crewmembers threw overboard their captain and first mate and began pirating. A pilot eventually tricked them into sailing to New England where they were captured, tried, and condemned. Mather went to see Fly and the other two pirates who were condemned with him. As in his usual encounters with pirates, Mather told them about salvation and forgiveness, inviting them to repent. In order to be saved the pirates had to confess their sins, accept Jesus, and forgive their enemies. They all seemed willing to seek redemption, but when Mather charged them with committing murder, Fly declared his innocence despite the other two pirates admitting guilt. "*Fly*, I am astonished at your stupidity," Mather observed. "I cannot understand you. I am sure, you don't understand yourself."⁵² Mather was bewildered that a man could remain unrepentant and without sorrow even though he had been convicted, faced hanging and eternal judgment. Fly did not seem to understand that he was a mortal, a sinner, and about to be condemned to Hell.

William Fly represented a great challenge to Cotton Mather because he refused to admit his guilt. Mather thought him obstinate, disrespectful, and seemingly unconcerned with his eternal condition. In regard to the murder of his captain, Fly stated, "I can't Charge myself, ----- I shan't own myself Guilty of any Murder, --- Our Captain and his Mate used us Barbarously.

⁵¹ "Vial," 47.

⁵² "Vial," 9.

We poor Men can't have Justice done us. There is nothing said to our Commanders, let them never so much abuse us, and use us like Dogs. But the poor Sailors ----"⁵³ Fly challenged the concept of justice. He felt that he had not committed murder because the captain had treated the crew poorly. This justification of crime is consistent with the definition of social banditry of E.J. Hobsbawm.⁵⁴ The social bandit was dangerous to the Church because they acted in disregard for the law and then used justification that appealed to the lower classes. The Church taught respect for authority and social bandits undermined that authority and developed the allegiance of the people.

When Mather questioned Fly if he could wish well to all men in the world, Fly replied that there was one man he could not wish well upon, the pilot who had tricked them into being captured. After further disagreement on this point Fly exclaimed, "*But for all that, I cannot Forgive that Man. GOD Almighty Revenge me on him! --- 'Tis a Vain thing --- I won't dy with a Lye in my mouth.*" To which Mather replied "Thou talkest like a Madman!"⁵⁵ Fly had a moral code that would not allow him to forgive the pilot who betrayed him to the authorities, but neither would it allow him to lie to Mather proclaiming his forgiveness of the man. Mather could not understand this foolishness: why a person would go to his death without penitence and forgiveness in his heart.

The conflict between Mather and Fly became a personal confrontation. Mather asked the condemned pirates to read his sermon "The Converted Sinner" to assist in their preparation for the scaffold. Fly replied to Mather, "*I read that Book before ever I was brought hither!*" Fly claimed Mather's campaign against pirates was ineffective, questioning Mather's ability to deter

⁵³ "Vial," 21.

⁵⁴ E.J. Hobsbawm, Primitive Rebels: Studies in Archaic Forms of Social Movement in the 19th and 20th Centuries, (New York: Norton & Co., 1959) 16.

⁵⁵ "Vial," 16.

sinners. Mather replied, “And yet, come *hither!* An Aggravation of the Crimes that have brought you *hither!*”⁵⁶ By directly rejecting the teachings of the church, Fly moved even further out on the spectrum of sinners.

It became apparent that Fly would go to his death without playing the proper role of a remorseful sinner upon the scaffold. At this rhetorical impasse, Mather published a sermon, showing that Fly not only committed many sins, but that by refusing to confess them, he would be punished and suffer eternal damnation. Mather explained that punishment:

How tremendous *pains*, will be then inflicted on you! Yea, The *Lord GOD Omnipotent* will not only Banish you from all comfortable Enjoyments, but with more immediate Impressions of His Wrath, make you the Everlasting Triumphs of His Vengeance, and shoot intolerable Coruscations of it into your Enlarged Minds, and keep all the Anguish of a Tormenting Fire upon Them.”⁵⁷

The sinner at the far end of the spectrum could expect anguish and tormenting fire. Mather contrasted the repentant pirates with Fly’s rebellious attitudes, constantly referring to Fly as stupid, foolish, rebellious, and wicked. The repentant pirates had the opportunity for salvation and eternal life in heaven. Fly rejected that opportunity because he would not submit to Mather’s teaching.

Although Mather had the last word, Fly went to the execution defiantly. In Mather’s words, “He seemed all along ambitious to have it said, *That he died a brave fellow!*”⁵⁸ Climbing onto the stage, he corrected the hangman for mistying the noose, and then when asked to speak, he said, “*That he would advise the Masters of Vessels to carry it well to their Men, lest they should be put upon doing as he had done.*”⁵⁹ He hoped that his fellow mariners and pirates would continue to defy society through their actions. They should continue to curse, drink, fornicate,

⁵⁶ “Vial,” 17.

⁵⁷ “Vial,” 23.

⁵⁸ “Vial,” 47.

⁵⁹ “Vial,” 48.

and if any ship captain treated them poorly they should kill him. Mather destroyed the heroic image that Fly was attempting to promote: "But it was observed and is affirmed, by some Spectators, that in the Midst of all his affected *Bravery*, a very sensible *Trembling* attended him; His hands and his *Knees* were plainly seen to *Tremble*."⁶⁰ This was an attempt by Mather to show that perhaps his teaching had instilled a fear in Fly.

Fly refused the role that the ministers hoped to play before the crowds gathered at the execution, that of the sorrowful criminal. His rebellious attitude contrasted the proper image and thus, the ministers used Fly as an example of the wrong way to go to one's death. While the other pirates were also far out on the spectrum of sinners, they were redeemed and brought back into society. Fly remained defiant and thus suffered the consequences. Fly thought that he was maintaining his dignity and a heroic image by defying the ministers, but in the end, they used his obstinacy as an example of stupidity. Fly had no chance of redemption because he had not admitted his guilt. According to the ministers, he could not break free from the demonic possession that had caused him to live such a sinful life.

Conclusions

The church in the eighteenth century was the moral authority of the community. Ministers built upon the rhetoric of the courts to further separate pirates from society. The Advocate-General of the court set pirates apart as extraordinary criminals and the ministers explained that pirates were also extraordinary sinners. The continuity of their rhetoric demonstrates that in the early eighteenth century British world sin and crime were inextricably intertwined. Living a pious life included following the law, and to follow the law, was often to follow the laws of God.

⁶⁰ "Vial," 48.

Ministers played an important role in the drama of the last days of pirates. They taught pirates how to prepare for the next life and then used them as an example of penitence or foolishness depending on how the pirates reacted to teaching. The minister gave God's authority to the ritual of the execution. By explaining the ordinary sins that pirates committed, the minister re-connected pirates to the people. Consequently, the people could empathize with pirates on the scaffold. The ministers explained that while pirates were the worst of sinners, even the average Christian could find himself in a similar situation by committing an abundance of sins.

The trial focused observers on the crimes of pirates, the sermon focused on the sins, and the execution focused on the punishment. The moral message, the consequences of sin, was hammered home when the people saw a pirate hanging from a rope.

Chapter Three: The Fatal Example

The scaffold represented the culmination of the campaign against pirates. Here all the actors came together to witness and take part in the dispensation of justice. The rhetoric of the courts and the church were preparation for the visual spectacle of the hanged pirate. The advocate-generals and ministers had the duty to prepare the pirate and the people for the drama. The court taught people to fear pirates because of the threat they posed to commerce, order, and the nation. This explained to the jury the need to convict and explained to the crowd the need for extreme punishment. The church used its rhetoric to connect the crowd to the pirate by showing that the pirates had become so "evil" by committing very common sins. The combination of this rhetoric made pirates someone that the crowd feared, but also empathized with.

The pirates had a scripted role on the scaffold of penitence and sorrow for their evil ways. The ministers and advocates prepared the crowd for the execution by explaining the crime committed and why it threatened society. They also prepared the pirates for the scaffold by explaining that they had to show penitence if they wished to have a chance for salvation. These preparations helped set the stage for the intended message on piracy. The scaffold thus provided the final setting for the continuing struggle between pirates and the government for authority. The ministers and advocates expected pirates to play a submissive role in the drama to show their final capitulation to authority. Many pirates did not play that role and instead remained defiant to show that they still would not bow to authority.

Justice in the eighteenth century was brutal, violent, and public. The courts and church had explained that pirates were separated from society because of their evil actions and the execution was the public ritual of excluding pirates from society. Michel Foucault writing about executions said, "It was as if the punishment was thought to equal, if not exceed, in savagery the

crime itself.”¹ Punishment was intended to provide a lasting deterrent not just to criminals but to all observers. Foucault continued that executions were, “to accustom the spectators to the frequency of crime, to make the executioner resemble a criminal, judges murderers, to reverse roles at the last moment, to make the tortured criminal an object of pity or admiration.”² The execution accustomed the people to the brutality of the government. Just as God was capable of wrath, the government could pour out wrath upon criminals. The sheer power of the government was manifested in the scaffold ritual.

Lessons of Executions

Executions were an important part of English and Anglo-American legal culture in the eighteenth century. Colonial Vice-Admiralty Judge Nicholas Trott stated to some condemned pirates in South Carolina, “no further Good or Benefit can be expected from you but by Example of your Deaths,”³ Execution was the strongest penalty that the court could prescribe, thus it was used in cases where the crimes dictated a harsh punishment including murder, treason, and piracy. The punishment had a greater purpose than to punish the individual, because it was intended to show the power and authority of the King. “It is a ceremonial by which a momentarily injured sovereignty is reconstituted.”⁴ A contemporary account explained this relationship: “All grandeur, all power, all subordination rests on the executioner: he is the horror and the bond of human association. Remove this incomprehensible agent from the world, and at that very moment order gives way to chaos, thrones topple, and society disappears.”⁵ Execution was thus a vital power of government in order to maintain civil order. In the ritual of execution,

¹ Michel Foucault, Discipline and Punish, translated by Alan Sheridan, (New York: Pantheon, 1977) 9.

² Foucault, 9.

³ Marcus Rediker, “Under the Banner of King Death: The Social World of Anglo-American Pirates, 1716-1726,” in William and Mary Quarterly 38 (1981), p. 218.

⁴ Foucault, 48.

the executioner had the supreme power of ending a person's life. The executioner was acting by mandate of the court and with the support of the church. This brought together governmental and religious authority to demonstrate that together they could exercise power over life and death.

Michel Foucault explained four purposes for public execution. The first was that the guilty man would be the "herald of his own condemnation." It was much more effective to show the public how the criminal was punished, than to simply allow him to wither away in a jail out of the public view. The second purpose of public execution was that the gallows served as a moment of truth. Here many criminals would confess their crimes or sins or they might name their accomplices. This helped show the effectiveness of the justice system and helped the government to capture other criminals. The third purpose was to provide restitution to the victims of crime by displaying the corpse at or near the scene of the crime. The fourth purpose was to provide a juncture between the judgement of man and the judgement of God. The man who died quickly on the scaffold was the recipient of God's mercy, while the man who languished in pain was not.⁶

Hanging was a very painful method of execution. Some criminals struggled for hours before they finally expired. Michel Foucault explained, "the very excess of the violence employed is one of the elements of its glory: the fact that the guilty man should moan and cry out under the blows is not a shameful side-effect, it is the very ceremonial justice being expressed in all its force."⁷ Execution was intended to cause pain on the body in order to show that the criminal received his due punishment. The pain was the culmination of justice as the criminal

⁵ Peter Linebaugh, "The Tyburn Riot against the Surgeons," in Douglas Hay et al., ed. *Albion's Fatal Tree*, Pantheon: New York, 1975, p. 67.

⁶ Foucault, 43-46.

⁷ Michel Foucault, *Discipline and Punish*, Translated by Alan Sheridan, (New York: Pantheon, 1977) 34.

was made to feel pain similar to what he had inflicted upon others. While there has been a shift in modern times from causing bodily pain to depriving the individual of liberty, there is still a trace of “torture” evident in the present system. There is a desire that the criminal should suffer more than the average person, which is usually manifested through deprivation.⁸ In the eighteenth century, torture and slow death were intended to put a mark of infamy on the criminal. Captain Kidd understood the disgrace attached to hanging and he petitioned the court to face the firing squad instead of the gallows, but his request was denied.⁹ The firing squad provided a much quicker, less painful, and consequently more honorable way to die.

As in trials and churches, eighteenth century executions employed ritual. The condemned recognized the ritual drama and used it for their own purposes. Pirates used their manner of dress as one method of evading their scripted role in the ritual. Peter Linebaugh compared executions to weddings. The condemned man or woman was obstinate about having a new suit of fine clothes to be hanged in. These clothes were not dark and somber but often bright and colorful. Two condemned pirates demonstrated this trend: “Macarty ‘ascended the Stage, with as much Agility and in a Dress of a Prize-Fighter.’ He ‘wore long blue ribbons at his Neck, Wrists, Knees, and Cap.’ Not to be outdone, William Lewis, ‘a hardy Pyrate’ and fighter, was brilliantly adorned with red ribbons.”¹⁰ These were hardly somber clothes, but on the contrary they were quite flashy, like bridal attire. Wearing bright and flashy clothes was an effort by the pirates to make themselves appear happy and resilient. As the procession continued bells were rung and the condemned were given a bouquet of flowers, which they often tossed to the crowd before their final demise.¹¹

⁸ Foucault, 16.

⁹ Frank Sherry, *Raiders and Rebels*, (New York: Hearst Marine Books, 1986) 186.

¹⁰ *A General History of the Pyrates*, 659.

¹¹ Linebaugh, p. 112.

Hanging was, like a wedding, a public symbol of a relationship being consecrated. The wedding represented a relationship between two people who loved one another, while the hanging represented the relationship between the criminal and the state. This was a relationship of mutual antagonism. The state was attempting to show the general public that they controlled their subjects and kept order. The public execution was a manifestation of the power of the state over its subjects. It was not just a judicial procedure but also a political act. The criminal had challenged the sovereign's power, and the King had to reassert his power publicly through the execution of the criminal.¹² Criminals tried to maintain their dignity by going to the gallows without admitting their wrongs. The final act of defiance showed that they were still not willing to submit to the authority of the King. The government had the last word in the drama.

“Executions had the capacity to implant the law's presence, power, and moral messages in the collective mind.”¹³ In order for the execution to implant anything upon the collective mind, people had to witness the execution or read the written accounts of it. Executions of minor criminals typically drew several thousand spectators in the eighteenth century, but rich men and more notorious criminals drew some of the largest crowds ever in London consisting of thirty to one hundred thousand people. People packed the area of execution and also lined the streets along which the procession followed.¹⁴ As described in one account from Boston, the place of execution was “crowded and thronged on all sides with Multitudes of Spectators.”¹⁵ The crowd was made up of a cross-section of society with the lower classes being more strongly represented. Written accounts were published and sold of the executions and last words of the criminals, thus many people could be exposed to the message of the execution. The state used

¹² Foucault, 47.

¹³ Gatrell, 90.

¹⁴ Gatrell, 56.

¹⁵ “An Account of the Behaviour...” p. 1.

this arena to show how it retained power and maintained the law. This was important in eighteenth century England and her colonies because there was no standing police force.¹⁶

Crowds played an important role in the drama of the scaffold. They would cheer at the execution of vicious criminals and maintain solemn reverence for those criminals that they respected or could identify with. For instance, at the execution of a servant who murdered his master, the crowd was “markedly respectful,” because they could relate to his circumstances.¹⁷ Violence often broke out as crowds tried to at least secure the body of the executed for proper burial. The main role of the crowd at the execution was simply to witness the ill effects of breaking the law and learn from the mistakes of the condemned. “They were mounted for the people, and the crowd’s functions was to bear witness to the might of the law and the wickedness of crime and to internalize those things.”¹⁸

The many actors of the scaffold drama came together to witness the execution of pirates. They each played an important role and several lessons are evident. The execution provided punishment to the pirate and a deterrent to observers. The drama was intended to re-establish the authority of the government and the church. It also served as a display of the power of the government.

Executing Pirates

The execution was ritualized and followed certain standard procedures. The pirate was first marched in a procession from the jail, through the streets to the place of execution. The executioner walked before them carrying a silver oar because it was the symbol of the admiralty

¹⁶ Hay, 56.

¹⁷ Gatrell, 101.

¹⁸ Gatrell, 90.

court.¹⁹ The executioner was masked and his identity preserved to avoid repercussions against the individual. The gallows were located near the water. In London the place was called Execution Dock and in Boston executions occurred along the banks of the Charles River. It was tradition that all pirates be hanged within the ebb and flow of the sea, because then they were technically under the jurisdiction of the admiralty.²⁰

The condemned mounted the scaffold along with the executioner and a minister presented a prayer for the dying. The dying men or women were allowed last words and then they were fit into their nooses. The official then tripped either a trap door or pulled a platform out from under the criminal. Death by hanging was extremely painful and usually caused people to lose control of their bodily functions, which further added to the shame of hanging.²¹ The painful and revolting show helped the state to show that the criminal was not a romantic hero, but instead a human being with fears and flaws. The loss of control over one's body symbolically showed that the state had full control of the criminal. It also caused shame to the criminal. This helped combat the image of the social bandit. The mortality of the pirate contrasted the supernatural characteristics that the poor attributed to social bandits. Some victims of hanging endured for up to two hours before expiring, and in England there were often attempts by family members to cut down the body and take it to a doctor to try to resuscitate the dead. These attempts did have occasional reported success, but usually were fruitless.²²

The majority of pirates executed went penitently to their deaths, but some did remain obstinate. Many pirates refused to play their assigned part and instead tried to maintain a heroic,

¹⁹ "An Account of the Behaviour and last Dying Speeches of the Six Pirates, that were Executed on *Charles River*, *Boston side* on Fryday *June 30th*, 1704, p. 1. Cited hence as "An Account of the Behaviour..."

²⁰ George Francis Dow and John Henry Edmonds, *The Pirates of the New England Coast 1630-1730*, (New York: Dover Publications, 1996) 367.

²¹ V.A.C. Gatrell, *The Hanging Tree*, (Oxford: 1994) 45.

²² Peter Linebaugh, "The Tyburn Riot against the Surgeons," *Albions Fatal Tree*, ed. Douglas Hay (New York: Pantheon, 1975) 74.

rebellious image. "... The further a man is removed from repentance, nay, the more void he seems to be of all religion, and the less concern he discovers for futurity, the more he is admired by our sprightly people."²³ This contemporary statement shows that the people did respect the man who challenged the ministers and government officials expectations. This threatened the intended message of the state, and it also gave the appearance that the pirate could successfully challenge the authorities that put him on the scaffold.

It has been noted that most criminals went to their death drunk and even stopped for drinks at taverns along the procession.²⁴ Pirates, being known for their drunkenness, followed this pattern and went to the scaffold after consuming alcohol to dull the pain and shock of the event. This is particularly interesting because often the message that the minister had given before the execution concerned the errors of pirates' lives and drunkenness was foremost among those errors and sins. Many pirates mentioned drunkenness in their last words upon the scaffold, thus casting some doubt on the sincerity of their repentance. As Cotton Mather recounted the execution of two pirates: "They desired the Spectators to take warning by them. And they mentioned Profane Swearing and Cursing, with Drunkenness and Sabbath-breaking, as Crimes which were now particularly grievous to them."²⁵

On Friday June 20th, 1704 all of the pertinent actors gathered in Boston to observe the execution of six pirates.²⁶ The prisoners moved in a procession through the city from the jail toward the waterfront. The procession included the Silver Oar of the admiralty, the town constables, the Provost Marshal, his officers, two ministers (one Cotton Mather), then the prisoners guarded by forty musketeers. The procession was certainly a spectacle for the gaping

²³ Bernard Mandeville, "An Enquiry into the Causes of the Frequent executions at Tyburn," 1725 as cited in V.A.C. Gatrell, The Hanging Tree, p. 33.

²⁴Gatrell, 37.

²⁵ Cotton Mather, "The Vial Poured out upon the Sea," (Boston: N. Belknap, 1726) 48.

crowds. The soldiers reasserted the presence of the King and his power to maintain order. The prisoners were put in a boat and rowed to a small island where the gallows had been erected. The crowd was huge. Judge Sewall wrote in his diary, “When I came to see how the river was covered with People, I was amazed. Some say there were 100 Boats. 150 Boats and Canoes saith Cousin Moodey of York.”²⁷ Upon the island, Cotton Mather presented one last loud tirade in the form of a prayer as the onlookers kneeled in respect. He reminded the crowd of the evil the men had done and consequently, the reason for their executions. He exclaimed:

Oh! Let us beg it of our God, that He would not be so Provoked, at their Multiplied and Prodigious Impieties, and at their obstinate Hardness under means of Good formerly afforded them, as to withhold those Influences from them! We cry to thee, O God of all Grace, That thou wouldest not Suffer them to continue in the Gall of Bitterness and Bond of Iniquity, and in the Possession of the Devil. Oh! Knock off the Chains of Death which are upon their souls; Oh! Snatch the prey out of the Hands of the Terrible.”²⁸

Mather gave a very long prayer that was very similar to his sermons. This prayer served as a reminder to the pirates that they had to repent if they wished for redemption.

The prisoners were then allowed to speak their last words. The magistrate pardoned one of the pirates. This act was deliberately held until the criminals mounted the scaffold because it showed that not only did the King have the power and authority to condemn criminals to death, but he also had the power to give life to those who had forfeited their rights. There was no explanation for the pardon, only that the pirate received the King’s mercy. Two of the pirates “appeared very penitent”²⁹ as they gave their last words. The captain, John Quelch, when brought to the scaffold, “pulled off his Hat, and bowed to the spectators, and not Concerned, nor behaving himself so much like a Dying man as some would have done.”³⁰ He also warned the

²⁶ Philip Gosse, *The History of Piracy*, (New York: Tudor, 1932) 209.

²⁷ Judge Sewall’s diary as cited in Gosse, p. 211.

²⁸ “An Account of the Behaviours...” 2.

²⁹ “An Account of the Behaviours...” 2.

³⁰ “An Account of the Behaviours...” 2.

onlookers not of the sins he committed, but “*They should also take care how they brought Money into New-England, to be hanged for it!*”³¹ As a contemporary account of the execution stated: “Captain Quelch was a disappointment to the ministers, for instead of repeating the usual platitudes about regret for past wickedness and warning his hearers to take heed by his bad example he ‘seem’d to brave it out too much.”³² These defiant pirates made the application of pain even more important, destroying the heroic image of the criminal and reducing him to a vulnerable human being. Erasmus Peterson, another of the condemned, cried out that he had been done an injustice because a man’s life should not be taken for such a little gold. Both of these men were unwilling to admit their guilt, perhaps because they did not understand how they had committed any crimes.

Then the crucial moment came: the pirates hanged. “When the scaffold was let to sink there was such a screech of the Women that my wife heard it sitting in her Entry next the Orchard, and was much surprised at it; yet the wind was sou-west, our house a full mile from the place.”³³ This execution had apparently been the gruesome spectacle that it was intended to be. The booty of the pirates was then divided between the important actors. The judge received 25.7.0 pounds, the advocate-general 36.0.0, the defense attorney 20.0.0, the sheriff 5.0.0, the executioner 2.0.0 and even Cotton Mather received some share of the money.³⁴ Wealth inspired the government to capture and prosecute pirates and financial concerns also affected the actors in the scaffold drama.

There were many other executions of pirates in the colonies and England. In the trial of some one hundred sixty five pirates on the coast of Africa, the condemned pirates had their

³¹ “An Account of the Behaviours...” 2.

³² Gosse, 210.

³³ This excerpt is from the diary of Judge Sewall as cited in Gosse, 211.

³⁴ Gosse, 211-212.

hands tied behind their backs. This was so unusual that one of the pirates “observed, that he had seen many a Man hang’d, but this Way of the Hands being ty’d behind them, he was a Stranger to, and never saw before in his Life.”³⁵ The tied hands made the pirates appear to be in complete submission to the authorities that had captured them.

In 1718, nine men were sentenced to execution for piracy in Providence, the capital of the Bahamas. The gallows were erected and the governor flew the Jolly Roger, the flag of pirates featuring skull and crossbones on a black field symbolizing the end of piracy. The Jolly Roger was often flown over the gallows as pirates hanged.³⁶ The Jolly Roger had been the symbol of the pirates independence and defiance, and by displaying it on the scaffold, the government showed that attempts to operate outside law and authority were not without consequences. Providence was a longtime center for piratical activities, and Governor Woodes Rogers was sent there to destroy the pirate menace, thus this execution was quite important. Rogers was sending a message to the pirates that he would be vigilant in his prosecution of pirates, unlike his corrupt predecessors. “The spectators crowded as near to the foot of the gallows, as the Marshall’s Guard would suffer them.”³⁷ This crowd was particularly important because there were a large number of pirates present who had the choice of accepting the King’s pardon or continuing their evil ways. Rogers hoped that the execution might spur some to quit piracy. One man expressed regret that in times past the other men would not have stood by and “suffer him to dye like a dog,” while another lamented not having committed more piracies. At the last moment, the governor gave mercy to one of the men who had ties to England, and then the other eight pirates were hanged. Rediker stated that “piracy had come to a symbolic end on the island that had once

³⁵ A General History of the Pyrates, 286.

³⁶ George Francis Dow and John Henry Edmonds, The Pirates of the New England Coast 1630-1730, (New York: Dover, 1996) 308.

³⁷ Marcus Rediker, Between the Devil and the Deep Blue Sea, (Cambridge: Cambridge Press, 1987), 56-57.

served as its greatest rendezvous.”³⁸ Woodes Rogers clearly conveyed the message that he would not allow pirates to control the Bahamas and that the punishment for their crimes would be death. The condemned remained defiant. One pirate exclaimed, “*I do heartily Repent; I Repent I had not done more Mischief, and that we did not cut the Throats of them that took us, and I am extremely sorry that you an't all hang'd, as well as we,*” and two others expressed their agreement.³⁹

There are other examples of pirates who refused to go to their deaths penitently. The famous Captain Kidd was drunk as he approached the gallows. In his last words, he claimed false evidence had been given against him and that he had been betrayed, and he warned sailors to use caution in their affairs. He was attached to his noose and dropped, but the rope broke. Kidd was strung up again and this time he died.⁴⁰ Another pirate, Mary Read, declared, “as to hanging, she thought it no great hardship, for, were it not for that, every cowardly Fellow would turn pyrate, and so infest the Seas, that Men of Courage must starve.” She defiantly accepted execution as an institution that actually kept piracy from becoming overcrowded.⁴¹ There was little occupation for her as a widow in England, so she disguised herself as a man and went to sea. The pirates Mary Read and Anne Bonny represent that some women also engaged in a struggle with the authorities.

The public execution was vital to eighteenth century concepts of order and justice. Huge crowds gathered to witness the end of the pirates and what they saw was a horrifying spectacle of pain and humiliation. Many of the pirates remained defiant and proclaimed their innocence, but in the end the rope dropped and the crowds shrieked in horror as the pirates fought for their last

³⁸ Rediker, 57.

³⁹ A General History of the Pyrates, 53.

⁴⁰ Robert Ritchie, Captain Kidd and the War Against the Pirates, (Cambridge: Harvard Press, 1986), 226-227.

breath. It seems that more pirates were defiant on the scaffold than were to the ministers. This perhaps suggests that some pirates simply cowed to the minister in an attempt to secure a pardon. Cotton Mather recognized that some pirates did this. When one pirate proclaimed, "I would chose Death, rather than return to such a Life as I have Lived," Mather replied, "'Tis a Good and a Great Speech; But such as I have heard uttered by some, who after a *Reprieve*, (which you cannot have) have returned unto their Crimes."⁴² The ministers had the last word because they published their account of the last words of the pirates along with the last sermon and an account of the execution. The state punished particularly notorious pirates and also the defiant ones by hanging their corpse in a public place for passersby to observe.

The Public Display

Displaying the carcass in a public place was a common means of making an example of the pirate. Hugh Rankin described this:

"Bodies of the more notorious captains were embalmed in tar, encased in an iron framework or chains, and then hung from a gibbet at some prominent point along the water's edge, there to sway in the wind until nothing was left of the body, a gruesome example to those who might yield to the temptations held out by piracy."⁴³

This was a sort of punishment that carried the penalty for crime even beyond death. It showed the harsh penalty of piracy, put shame on the pirate, demonstrated the state's power, and provided a reminder for many observers of the fate of pirates.

"*Captain Kid, Nicolas Chuchill, James How, Gabriel Loff, Hugh Parrot, Abel Owen, and Darby Mullins*, were executed at Execution-Dock, and afterwards hung up in Chains, at some Distance from each other, down the River, where their Bodies hung exposed for many Years."⁴⁴

⁴¹ Mary Read's interesting story and her cohort Anne Bonny, another female pirate, can be found in A General History of the Pyrates, pp. 117-134.

⁴² Cotton Mather "Instructions to the Living, from the condition of the Dead," (Boston: John Allen, 1717) 20.

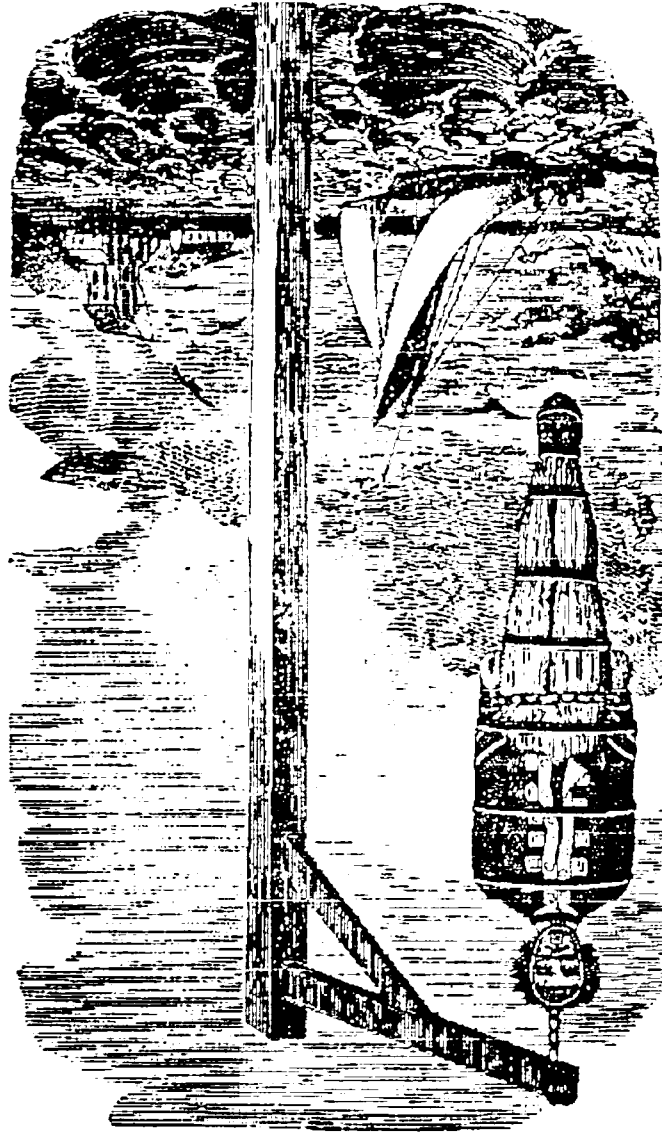
⁴³ Hugh Rankin, The Golden Age of Piracy, (Williamsburg: Holt, Reinhart, and Winston, 1969) 41.

⁴⁴ A General History of the Pyrates, 451.

⁴⁵ A General History of the Pyrates, 264, 286, 296, 300, 369, 451.
⁴⁶ Sherry, 194.

River in London.⁴⁶

This figure depicts the corpse of the notorious Captain Kidd hanging in a gibbet near the Thames



There are many examples of pirates being hung up in chains for the world to see.⁴⁵ Sometimes the corpses were left hanging in the sun for years.

Michel Foucault understood the reason for displaying a corpse. The violence of the ritual deterred: “Hence no doubt those tortures that take place even after death: corpses burnt, ashes thrown to the winds, bodies dragged on hurdles and exhibited at the roadside. Justice pursues the body beyond all possible pain.”⁴⁷ This violence evoked pity and disgust from the crowd. The advocate-generals and ministers had prepared the people for the violence with their rhetoric. The rhetoric explained that the extraordinary criminals deserved such punishment because of the extreme harm they had done and the threat they caused.

The carcass was very important to popular beliefs concerning death in the eighteenth century. Many people, especially the poor, believed the corpse to have supernatural powers. They also believed in a period of limbo between death and judgment, that made burial very important. If a person did not receive a proper burial, there was a chance that they might not ascend to heaven or purgatory after death.⁴⁸ There was also a common belief in the powers of the corpse. “The individual could have a dynamic relationship with this power. One could receive from it cures for sickness – sometimes from the corpses of hanged felons – warnings of death, assurances of blissful afterlife.”⁴⁹ The colonial authorities were asserting their power over even such supernatural belief. They denied the people the ability to touch this power.

“The same raw nerve also underlies the judicial adoption of punishments inflicting damage or destruction upon the corpse. The infliction of damage upon the corpses of executed criminals – the quartering of traitors, and the use of dissection upon murderers – historically constituted a deliberate judicial breach of society-wide norms and values.”⁵⁰ Birds, decay, and erosion destroyed the corpses of the pirates for the public to observe as the days passed. “The

⁴⁷ Foucault, 34.

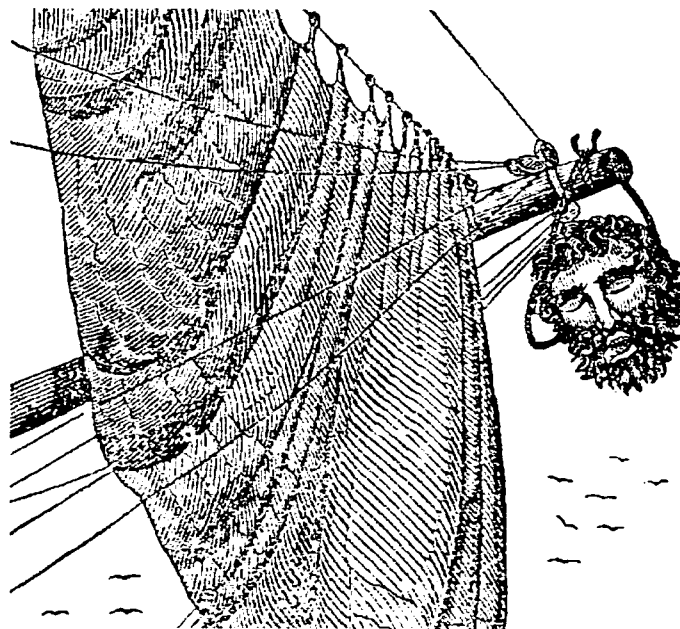
⁴⁸ Ruth Richardson, *Death, Dissection, and the Destitute*, (London: Penguin, 1988) 8.

⁴⁹ Richardson, 14.

⁵⁰ Richardson, 29.

very fact that such methods were enlisted and maintained in the armoury of judicial terror – and against the worst of transgressors – reveals the cultural importance of the taboos such punishments violated.”⁵¹ It was a severe punishment to hang a corpse in chains and not allow the deceased to be buried. The courts dictated that piracy was “the worst of crimes,” ministers called pirates the “worst of sinners,” and thus, hanging alone was not punishment enough.

The notorious pirate Edward Thatch, commonly known as Blackbeard, became quite infamous by marauding up and down the coast of South Carolina. He was seen as such a threat that an act was passed which instituted a sort of vigilante justice offering a reward for him or other pirates dead or alive. Thus, when Thatch was caught and killed, his head was cut off and placed on the bowsprit of the ship that captured him.⁵²



Blackbeard's Head Hanging from a Bowsprit⁵³

Captain John Phillips was captured and killed by Captain Haraden. Haraden decapitated Phillips and pickled his head in order to preserve for display upon his return to the colonies.⁵⁴ Captain

⁵¹ Richardson, 29.

⁵² A General History of the Pyrates, 96.

⁵³ This image is a from the website “Beej’s Pirate Image Archive” at www.ecst.csuchico/~beej/pirates/

Fenn was hanged in Antigua and then put up in chains. Three pirates who were captured, convicted, and condemned in Virginia were hanged and left hanging until the ropes rotted.⁵⁵ At another trial in Virginia in 1720, six pirates were convicted and condemned. They were very insolent and cursed the members of the court and vowed to kill anyone who fell into their hands in the future. The Lieutenant Governor, Alexander Spotswood, ordered that two of them be hanged in chains at Tindall's Point on the York River and two be hanged in chains at Urbanna on the Rappahannock.⁵⁶

All of these hangings did bring shame to the victims and pirates recognized the shame. Captain Bartholomew Roberts stated that he never would, "be hang'd up a Sun drying, as Kidd's and Braddish's Company were; but if they should ever be overpowered, they would set Fire to the Powder, with a Pistol, and go all merrily to Hell together."⁵⁷ Pirates did not want to fall back under the control of the authorities, nor did they wish to allow themselves to become actors in the drama of the scaffold. The pirates struggle with the government was hopeless, because they would not be reprieved. They thus tried to remain brave and defiant as their death approached.

Conclusions

All of these pirates were made an example of first in their execution, and then later in the public display of the corpse. Executions, though they had less rhetoric involved and more visual symbols than trials and sermons, completed the tri-part act of putting pirates to death. The ritual and visual spectacle of the execution provided a triumphant completion to the campaign against pirates. The fatal example was a powerful visual symbol that was burnt into the eyes of the crowd. Captain Charles Johnson summarized this:

⁵⁴ Dow and Edmonds, 313.

⁵⁵ Rankin, 75.

⁵⁶ Rankin, 133.

⁵⁷ Dow and Edmonds, 43.

“Thus we see what a disastrous Fate, ever attends the Wicked, and how rarely the Punishment due to their Crimes, who abandon themselves to such a profligate Life, as to rob, spoil, and prey upon Mankind, contrary to the Light and Law of Nature, as well as the Law of God. ‘Tis to be hoped that the Examples of these Deaths, may stand like Marks, or fatal Rocks and Sands, to warn others from the same Shipwreck and Ruin for the Future.”⁵⁸

Johnson’s statement shows that the “wickedness” of pirates necessitated such strong actions as execution and then the public display of the corpse. This wickedness, as the courts and ministers explained, was to cause a threat to commerce and the vital interests of the nation in addition to the injury that pirates inflicted upon the individual ship owners whose property they robbed. The wickedness in a more general sense was defying the authority of the government and the Church. Pirates did this through their own statements, crimes, and legends. In the execution, the government and also the church re-established their authority by the display of control and power. Colonial officials felt the need to post corpses in a very public place so that, like a lighthouse, they could keep people from straying too close to danger. The pirate faced extremely harsh punishment that extended even beyond their death. The scaffold and the gibbet provided the visual lesson of punishment, deterrence, and authority.

⁵⁸ A General History of the Pyrates, 168.

Conclusions: What the Lessons Taught

The last days of pirates were marked by ritual intended to help define the relationships of power and authority of the eighteenth century British Empire. God was the highest authority and thus moral law was omnipresent in the three steps. The King received his authority from God and he then granted power to the Parliament, the courts, and his appointed colonial officials. In convicting, sermonizing, and executing pirates the authorities derived their power from the King and ultimately from God. These relationships defined an order for society and pirates were placed at the bottom. They were the “enemies of mankind” and “savage beasts.”

The three-step process sought to demonstrate that pirates were both extraordinary criminals and representative sinners. The message presented by the authorities was applicable to many different listeners. Other pirates learned that they faced death should they be captured. Other criminals learned that eternal damnation awaited the unrepentant. Other sinners learned that even seemingly harmless sins could lead to extreme separation from God. Ministers defined pirates as the worst of sinners and the minions of the devil, but Christians had to learn from their errors. Following similar courses could lead Christians to the far end of the spectrum of sinners leading to eternal punishment.

The rhetoric of the Church defined pirates as extraordinary sinners who committed ordinary sins. The rhetoric of the Admiralty Courts defined pirates as extraordinary criminals. The courts instilled fear in the crowd and helped them to understand that pirates were deserving of severe punishment. They instilled the fear by explaining the threat of piracy to Great Britain’s commerce and her relations with other nations. They also explained the need for public punishment of pirates and gave the King’s authority to carry out an execution. The church’s rhetoric categorized pirates as extraordinary sinners that were demon-possessed. This also

instilled fear in the crowd. Ministers explained to listeners that pirates could hurt the community's covenant with God. Public punishment of pirates demonstrated that the community condemned criminal actions. The courts and ministers both explained to the crowd that pirates were not members of society. They defined pirates as creatures that were subhuman and the enemies of mankind. All of this rhetoric prepared the crowd to witness the execution by showing that pirates deserved harsh punishment. Pirates would be finally removed from society on the scaffold.

While the courts and ministers used their rhetoric to explain that pirates should be excluded from society, they also used pirates to teach people lessons about crime and authority. Ritual was as important as rhetoric in this process. Ritual was essential to eighteenth century demonstrations of power. The execution brought together the authority of the courts and church and thereby the King and God to demonstrate the power of these actors. The condemned played a role in the ritual by either showing penitence or defiance. The penitent criminal showed that all men had a chance at redemption. They still had to suffer temporal punishment, but they could hope for eternal salvation. The defiant criminal demonstrated the foolishness of challenging the law of man and God. They had no hope for salvation and eternal torment awaited them.

Pirates were an important part of the ritual for the part they played on the scaffold, but also for the way that they responded to the rhetoric of the courts and the ministers. In the courts, pirates tried to maintain that they had been coerced into piracy. This was not a heroic act, but an attempt to secure an acquittal. In their dealings with ministers, pirates again claimed coercion or else they simply admitted their guilt. Pirates, possibly in an attempt to secure a pardon, lamented their sins and how they came into their piratical courses. A few pirates acted defiantly throughout the three steps. William Fly and William Kidd are the most notable. Kidd never

ceased declaring his innocence and that he had been mistreated. Fly admitted taking part in the murder of his captain, but claimed that it was not really a murder because of the way the captain had treated them. Neither of the pirates acted remorseful or penitent on the scaffold. These pirates that struggled with authority throughout the three moments of the last days of piracy were responsible for the social bandit image of pirates.

Pirates as social bandits exercised a form of collective action against the wealthy and propertied classes of the British Empire. As Peter Linebaugh has noted, "At the fulcrum of eighteenth-century class relations was the exchange between living labour and those that exploited it."¹ The workers of England had no form of collective action. The Riot Act of 1715 and the Combination Act of 1721 kept workers from demonstrating or forming trade unions. Pirates were important because they defied the laws that restricted sailors and illegally created their own form of collective action. Sailors endured harsh punishment at sea and from press gangs. Linebaugh observed: "And these punishments, when combined with the violence of the profession and the isolation from other kinds of people, produced a worker who was on shore perhaps the most volatile, dangerous and creative of eighteenth-century working class subjects."² Pirates represented the extreme elements of sailors. They were more volatile and dangerous than the average sailor.

Ritual displays of power were particularly important in Britain's colonies in the eighteenth century. Great Britain was attempting to move the American colonies from the periphery into a more central position. Trade and tax revenue increased from the colonies and thus Britain sought to have greater political control. This meant trying to end the corruption that

¹ Peter Linebaugh, *The London Hanged: Crime and Civil Society in the 18th Century*, (Cambridge: Cambridge UP, 1992) xxiii.

² Linebaugh, 67.

had been characteristic of many of the colonial governors.³ Pirates were another symptom of the corruption. They smuggled illegal goods into the colonies, evaded taxes, and sold them to merchants for lower prices than English imports. This harmed the control that Britain wished to exercise. The execution of pirates in the colonies helped the crown to show that it exercised power and control in the colonies and to demonstrate that commerce was vital to the British Empire.

Control of the seas was critical to the development of the British Empire. At the end of the War of Spanish Succession, Britain had the opportunity to take control of the seas. Spain, France, and Holland had all lost their naval power. The only remaining threat to Britain's naval supremacy was piracy.⁴ Pirates benefited from the defeat of the other European sea powers because now there were fewer combatants to regulate the seas. The emergence of Britain as the dominant power also hurt pirates because they emerged as the only real enemy left for Britain on the seas. The Royal Navy could now focus its efforts at destroying the pirate menace. The British Government sent the Royal Navy in force to combat pirates in the 1720s.⁵ The concurrent increase in the level of piratical activity and the British navy's ability to focus their efforts of combating pirates led to the hanging of 400-600 pirates in the first three decades of the eighteenth century.

Peter Linebaugh described the British Empire: "Of the Hanoverian accession of 1714 we can say that it represented peace among the European imperialist powers, slavery for Africa and America, and repression at home."⁶ Pirates operated between all of these worlds. In this context, the British government used the trials, sermons, and executions of pirates as examples.

³ Robert C. Ritchie, Captain Kidd and the War Against the Pirates, (Cambridge, Mass.: Harvard UP, 1986) 38.

⁴ Capt. A.T. Mahan, The Influence of Sea Power Upon History 1660-1783, (Boston: Little, Brown, and Co., 1916), 225.

⁵ Frank Sherry, Raiders and Rebels, (New York: Hearst Marine Books, 1986) 216.

The struggle for authority between pirates and the government ended in the hanging of the pirate and then the public display of his corpse. It is difficult to assess the success of the campaign against piracy. By 1750 the days of Captain Kidd, William Fly, Black-Beard, and the other infamous pirates had come to a close. Piracy had all but become extinct and Britain had established control of the seas. The British government was never completely successful in de-romanticizing piracy or integrating the American colonies into the center of their empire. The colonies only remained part of the empire for another twenty-five years. The government won the struggle for authority that took place in the courts, churches, and on the scaffold because they destroyed piracy, but the pirates also won. They demonstrated defiance and their romantic, rebellious image was not destroyed. Pirates died on the scaffold but their legends continued long after death.

⁶ Peter Linebaugh, *The London Hanged: Crime and Civil Society in the 18th Century* (London: Cambridge UP, 1992) 16.

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