

By Maxwell Hobbs McDaniel

**REPUBLIC OF THE BLACK FLAG: A MICROHISTORY OF LEGAL
PLURALSIM DURING THE GOLDEN AGE OF PIRACY FROM 1713-1723**

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Primary Supervisor: Tolga Esmer

Secondary Supervisor: Susan Zimmerman

Central European University Private University

Vienna Austria

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Abstract

The purpose of this essay is to show how legal pluralism negatively affect the British Empire by creating competing jurisdictions that both weakened centralized rule and strengthened local colonial administrators. To illustrate this point, the author uses pirates active in the Caribbean Sea from 1713-1723 as a tool to highlight the deficiencies of the imperial legal system during this time period. A significant amount of attention is allocated to analyzing the “Flying Gang” otherwise known as the “Pirate Republic of Nassau” and how this community of pirates navigated the legal labyrinth of the British Empire for its own benefit. This paper also focuses on the inability of certain colonial governors to properly act in defense of the empire due to the lack of legal power afforded to them. By engaging in a microhistory of a select group of historical actors the author is able to show the factors, laws, and institutions which allowed piracy to flourish.

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Lionel Pincus and Princess Firyal Map Division, The New York Public Library. "A new and correct large draught of the trading part of the WEST INDIES" New York Public Library Digital Collections.

1702-1707. Accessed May 20, 2025



Introduction

Thesis

The thesis of this paper shows how the effects of legal pluralism enabled a mass wave of piracy in the Caribbean between 1713 and 1723. This was done less so by the proactive efforts of pirates and more so by the legal ineptitude of the British Empire. While the agency of pirates did contribute to this phenomenon it was primarily as a reaction to the systemic issues of the British colonial network. The source of these systemic issues, and the primary interests of this paper, is the British Empire policy of jurisdictionalism across their colonies.¹ This legal philosophy created barriers that prevented the British authorities from properly apprehending and prosecuting pirates. The myriad law codes present among British colonies created a legal labyrinth of overlapping local, regional, and imperial jurisdictions which the British Empire had difficulty navigating. This problem was further exacerbated by the fact that pirates slowly began to learn the particular alcoves and bends of this legal labyrinth as time went on, making them harder to apprehend.² The structural integrity of this labyrinth was based on the pursuit of local interests which was promoted under jurisdictionalism. Colonial governors were allowed to craft laws around local needs and the unique circumstances of their colony. While this was initially considered a strength of the empire, it slowly transformed into a burden.

¹ Amirell, Stefan Eklöf, Bruce Buchan, and Hans Hägerdal. "Introduction: Piracy in World History." In *Piracy in World History*, edited by Stefan Eklöf Amirell, Bruce Buchan, and Hans Hägerdal, 9–34. Amsterdam University Press, 2021.

² Benton, L. (2021). Pirate Passages in Global History: Afterword. In S. E. Amirell, B. Buchan, & H. Hägerdal (Eds.), *Piracy in World History* (pp. 267–284). Amsterdam University Press.

Literature Review

Several notable historians have written about piracy during this time period which has influenced the topography of this subject. Historians like Marcus Rediker and Niklas Frykman of the University of Pittsburgh write at length about the labor relations of piracy and the underlying social causes that would prompt a sailor to turn pirate.³ Authors like Peter T. Leeson discuss pirates' place in the wider economic systems of mercantilism and Atlantic trade.⁴ Other scholars like J.L. Anderson approach the topic of piracy on a global scale looking at it through a comparativist lens.⁵ However, it is the works of Professor Lauren Benton that have perhaps had the largest impact on the subject. Benton's work with the legal history of early modern empires, specifically maritime law, has revealed previously unexplored lines of scholarship.

It is one of these unexplored lines of scholarship opened by Benton that I wish to discuss over the course of this paper. Throughout many of her writings such as *Maritime Practices in Global History*, *Legal Pluralism in Empires 1500-1850*, and *Legal Spaces in Empire: Piracy and the Origins of Ocean Regionalism* Benton develops a methodological framework she refers to as "legal pluralism". Benton defines legal pluralism as the differing dogma of legal doctrine adopted by empires and their colonies. The most prominent legal practice that emerged during this time was "jurisdictionalism" which was most commonly used in the British Empire.⁶ Under

³ Rediker Marcus, "Between the Devil and the Deep Blue Sea: Merchants, Seamen, Pirates and the Anglo-American Maritime World 1700-1750" *Cambridge University Press*, 2000 & Frykman Niklas, "Sailors in the Atlantic Fleets in the Age of Revolution," in *The Sea in History, Vol. III: The Early Modern World*, edited by Christian Buchet and Gérard Le Bouëdec. Woodbridge: Boydell Press, 2017

⁴ Leeson, Peter T. "An-Arrgh-chy: The Law and Economics of Pirate Organization." *Journal of Political Economy*, Vol 115, no. 6 (2007): 1049-94

⁵ Anderson, J. L. "Piracy and World History: An Economic Perspective on Maritime Predation." *Journal of World History*, Vol 6, no. 2 (1995): 175-99.

⁶ Benton, Lauren. "Colonial Law and Cultural Difference: Jurisdictional Politics and the Formation of the Colonial State." *Comparative Studies in Society and History* 41, no. 3 (1999): 563-88

this model, the empire would appoint colonial governors who would craft laws based on the local interests of the colony. While this decentralized approach made administration easier, it created a deeply fractious legal system in the empire as the laws in one colony could drastically differ from one another. This created a schism between local and imperial courts as common law was difficult to enforce across such a wide array of legal jurisdictions. This was further intensified by the fact that other empires outside the British also have competing legal jurisdictions, turning the Caribbean into a kaleidoscope of local interests playing against each other and their respective empires.⁷ It is in this chaos that historical actors like pirates thrive by carefully navigating these domains for their own personal benefit.

Benton herself frequently uses pirates as examples of historical actors who participated in this legal system by oscillating between imperial jurisdictions. However, Benton is largely concerned with a macroscopic theoretical framework and only engages in the microscopic to offer brief examples of historical events that corroborate her point. I want to be clear I am not accusing Benton of cherry-picking historical data but simply stating that these portions of her writings typically constitute two to three paragraphs. For example, in *Legal Spaces and Empire: Piracy and Ocean Regionalism*, she points to specific incidents in the careers of pirate captains Edward Mansfield, William Dampier, and Henry Morgan.⁸ These are wonderfully constructed argumentative points, but she only dedicates three paragraphs of her 25-page essay to this portion, giving a single paragraph to each captain. While these examples might be sufficient for Benton's big-picture theoretical analysis I find a more in-depth practical use of her theories

⁷ Benton, L. (2021). Pirate Passages in Global History: Afterword. In S. E. Amirell, B. Buchan, & H. Hägerdal (Eds.), *Piracy in World History* (pp. 267–284). Amsterdam University Press.

⁸ Benton, Lauren. "Legal Spaces of Empire: Piracy and the Origins of Ocean Regionalism." *Comparative Studies in Society and History*, Vol 47, no. 4 (2005): 700–724. Pg 710-711

would be beneficial to the field. I would like to fill this gap in the literature by stress-testing Benton's theories on a more microscopic level. In doing so I will not only be adding to the pre-existing legal pluralist literature by offering new case studies but also adding a unique element by offering insights into the labyrinthian nature of British Imperialism.

Structure

With this emphasis on a microscopic analysis in mind, the following essay has been written as a microhistory. By zooming in on certain historical actors we can better see the contours of the British imperial legal system and the overlapping jurisdictions which constitute it. The individuals we will be focusing on are predominantly related to the "Pirate Republic of Nassau," which was based in the Bahamas.⁹ The first chapter tracks pirate Captain Benjamin Hornigold and his role in forming the pirate republic. This section shows a bottom-up perspective on legal pluralism and the historical reality of legal pluralism. It also shows us the friction produced by competing jurisdictions between royal and proprietary colonies. The second chapter takes an essential detour to follow Edward "Blackbeard" Thatch and his misadventures in North Carolina. Blackbeard was a founding member of the Pirate Republic and learned under Hornigold as his second mate. Thatch illustrates several key points about legal pluralism. Chief among them is the inability of colonial leadership to direct law enforcement, the lack of accountability or inter-colonial prosecution, and the repeated institutional failure of the Lord Proprietors. Blackbeard's story also shows how legal pluralism facilitates corruption among the colonial administration. The third chapter focuses on the newly appointed Governor of New Providence, Woodes Rogers. This portion examines the many tribulations he faced as governor in reintegrating the Republic of Pirates back into the

⁹ Woodward Colin, "The Republic of Pirates" *Pan Books*, 2007. pg 8

imperial fold. In this section, we expose how fragile the legal authority of a colonial governor really was, and the lack of necessary jurisdictional authority afforded them. It also offers a top-down perspective on legal pluralism to contrast with Hornigold's. The conclusion of this paper will attempt to tie the various threads presented by these chapters together into a final succinct argument. That legal pluralism paradoxically gave colonial administrators both too much and too little power.

Terminology

Due to both the nebulous nature of antiquated historical terms and naval jargon, many differences of opinion have formed around the usage of certain words when discussing piracy. To avoid any potential confusion, I will explain precisely what these terms mean within the confines of this paper. I hope a more standard-issue lexicon becomes popular among historians of piracy but until such a time comes the following defines my personal vernacular. "Piracy" means an act of robbery on the sea or other aquatic body. The methods of piracy might differ from pirate to pirate, but they always will employ either ship-to-ship theft or coastal raiding. Theft is the act of robbery committed by a person while piracy is theft committed on a boat, similar to how there is a difference between manslaughter and vehicular manslaughter. A "pirate" is any such person who engages in the act of piracy without the explicit approval of the state, which as we will see later, was dubious at best. A "privateer" is an individual who engages in the act of piracy with the approval of a state. These individuals were often private citizens contracted as mercenaries who raided the vessels of an enemy state during times of war. Privateers were typically allowed to keep a portion of their spoils as payment and operated with a privateering license. "Corsair" is a phrase commonly associated with Mediterranean privateering but is occasionally used in the Atlantic context to describe French privateers. While not as commonly used, "Buccaneer" is a

term explicitly used to describe early French mariners in the 1660s-1680s who engaged in various illegal activities in the Caribbean during early colonization. This term is used in primary sources to describe a mariner who is a criminal but may or may not be a pirate. After this time period referring to such individuals as pirates or privateers became the standard again.

Historical Context

Since not all readers of the paper might be familiar with the political landscape of the 18th century, taking a moment to explain the historical context of this time period might be beneficial. Following the end of the War of Spanish Succession with the Treaty of Utrecht in 1713, a wave of piracy swept over the Caribbean. After the Peace of Utrecht, the British Navy downsized their personnel to peacetime numbers. This caused a large number of military-trained sailors to be laid off.¹⁰ The private sector abused the oversaturation in the workforce to lower wages for sailors until their plight was worse than what they received during wartime. Before the treaty, the median wage for a sailor aboard a merchant vessel was 2 sterling's. After the treaty, this was reduced to 1.20 sterling, making the average wage decrease by 30% in a single year.¹¹ Simply acquiring one's wages was a herculean task for sailors. Sailors rarely got paid any money upfront and were only compensated at the end of the voyage. This made sending money back to family members or dependents extraordinarily difficult, as they would have to either send a portion of their wages back on another ship or travel back themselves. The wives of sailors tried to collect their paycheck for them back at their home harbor, but most merchant vessel companies would

¹⁰ Rediker Marcus, "Between the Devil and the Deep Blue Sea: Merchants, Seamen, Pirates and the Anglo-American Maritime World 1700-1750" *Cambridge University Press*. pg 32

¹¹ Rediker Marcus, "Between the Devil and the Deep Blue Sea: Merchants, Seamen, Pirates and the Anglo-American Maritime World 1700-1750" *Cambridge University Press*. pg 304

not pay out until they had proof that the voyage was completed.¹² Confirmation could take months or even years to confirm leaving sailors families in a destitute state. Oftentimes ship captains would withhold sailors pay until the entire voyage was completed despite crew members only signing up for a portion of the cruise. This allowed captains to effectively keep sailors hostage as they traversed the new world.¹³ Even if they did make it back to their home the constant threat of impressment by the British Royal Navy, even during peacetime, made wandering around the streets a risk. It was not unheard of for a sailor to arrive home and on his way to collect his paycheck, only to be forced into service aboard one of his majesty's ships. Sailors were rarely compensated for this "civic duty," and by the time they made it back home, the company claimed the collection deadline, for their paycheck had expired.¹⁴ Furthermore, impressment could occur at any British dock, so if a sailor was impressed halfway through a voyage, the merchant ship captain was not liable to pay him on account of failure to complete his contract. Another common practice for merchant ship captains looking for cheap labor was to talk to a "spirit" or "crimp." These men would bail sailors out of debtor's prisons, which entitled them to their labor. They would then drag these sailors onboard a ship as an indentured servant where they would receive a commission for their labor. Several crimps and spirits also preyed on young men coming into the city from the countryside looking for work by having them sign contracts for apprenticeships. These apprenticeships would not be specified, and these men often

¹² Rediker Marcus, "Between the Devil and the Deep Blue Sea: Merchants, Seamen, Pirates and the Anglo-American Maritime World 1700-1750" *Cambridge University Press*. pg 34

¹³ Rediker Marcus, "Between the Devil and the Deep Blue Sea: Merchants, Seamen, Pirates and the Anglo-American Maritime World 1700-1750" *Cambridge University Press*. pg 31

¹⁴ Rediker Marcus, "Between the Devil and the Deep Blue Sea: Merchants, Seamen, Pirates and the Anglo-American Maritime World 1700-1750" *Cambridge University Press*, 2000. pg 32

found themselves “apprenticed” to a sailor. Contractual obligation prevented them from leaving, and attempting to do so was prone to land you a court date.¹⁵

It is also important to note the general increase in sailors over time. Since the mid-1500s the British government had been steadily increasing the enclosure movement on farmers. The enclosure movement was a series of market reforms passed by parliament that changed the empire's economy. As Britain's overseas colonies grew and became more incorporated into the British economy, their society transitioned from a feudal economic system to an early capitalist one. It is this transformation that created an abundance of sailors. These reforms were targeted at taking communally owned land and turning it into private property for more efficient usage. Unfortunately for many British peasants, this meant the land their family had used for substance farming for generations was now the property of a private landlord who was more interested in farming for profit rather than substance. This consolidated most arable farmland in Britain into a small number of hyper-large farms controlled by the landed gentry. The displaced farmers with no other alternative were forced into wage labor with nothing else to sell but their work. This created a mobile class of agricultural workers who moved from farm to farm for meager wages. Many farmers did not find this lifestyle desirable and moved to the cities where they tried to sell their labor to other employers. As it turned out many of these employers were maritime ventures which created a farmer-to-sailor pipeline.¹⁶

Another factor which exacerbated the number of unemployed sailors was privateers. These were non-military individuals who were given a license to plunder enemy nations' ships

¹⁵ Rediker Marcus, “Between the Devil and the Deep Blue Sea: Merchants, Seamen, Pirates and the Anglo-American Maritime World 1700-1750” *Cambridge University Press*, 2000. pg 43

¹⁶ Rediker Marcus, “Between the Devil and the Deep Blue Sea: Merchants, Seamen, Pirates and the Anglo-American Maritime World 1700-1750” *Cambridge University Press*, 2000. pg 17

and keep a percentage of the plunder. Privateering ventures were typically extremely lucrative and paid better than sailing on a naval vessel during wartime. After the conclusion of the war privateers were out of a job and forced into the oversaturated job market with the rest of industry. Many privateers understood the poor wages that would come from legitimate work and opted to continued illegally privateering after wartime. Using a variety of legal methods, they attempted to extend their contracts beyond their original parameters. It makes sense then that a large portion of the early pirates came from privateering backgrounds. These men simply continued their work without the shroud of legitimacy offered by wartime.

It is also worth noting the abysmal working conditions of merchant sailors during this period. Sailing has historically been a profession with a high mortality rate and is primarily undertaken by those with little to no economic alternatives. As the English writer Samuel Johnson put it, after a short time aboard a ship; “No man will be a sailor who has contrivance enough to get himself into a jail; for being in a ship is being in jail with the chance of being drowned. ... A man in jail has more room, better food, and commonly better company.”¹⁷ A crew of a standard-sized vessel typically ranged from 120-150, but it was not uncommon for some ships to have a crew of 200 or more. All these men would be crammed in a shared living space making even the smallest disease outbreak potentially catastrophic. Food was typically gruel or meat preserved in barrels of salt, but these were prone to contamination making rations aboard ships quite meager. Additionally, voyages could run over the allotted time if the crew encountered poor weather, technical difficulties, or some other type of conflict at sea. This caused food to spoil even with the help of preservatives, forcing many seamen to consume rotten or stale food, which further added to their poor health. Clean water was difficult to attain for non-sailors, leading to the

¹⁷ James Boswell, *The Life of Samuel Johnson*, London, 1791, pg. 86

widespread consumption of beer as a substitute. This struggle was even more arduous for sailors who rarely drank clean water due to the difficulty of its preservation. This led to the majority of sailors' liquid rations being alcohol, typically rum. This, in turn, led to a perpetual state of inebriation among sailors, which further contributed to workplace accidents and their historically high fatalities.¹⁸

However, despite the poor wages, wretched conditions, threat of impressment, and constant fear of drowning, none of these factors was the worst aspect of sailing. The proliferation and standardization of draconian punishments among merchant captains in the 1700's was beyond a shadow of a doubt the most dreadful aspect of marine life.¹⁹ Not only were ship captains prone to extreme physical punishment, but they were tyrannical in their management of the ship as well. Merchant captains were given full legal permission under British law to "correct" sailors however they deemed fit. On English vessels, this typically took the form of being tied down and flogged.²⁰ This made boats floating fiefdoms in which the captain, appointed by the company, wielded supreme authority over them. Potential mutineers dissatisfied with the captain's command could be legally executed, the most common method of which was hanging from the yardarm so their bodies could be seen by the whole crew.²¹ This despotic management system transformed the miserable conditions of sea life into a truly hellish environment. This violent management style emerged from the British Navy's use of extreme punitive measures to ensure compliance from their crew. While these draconian methods of

¹⁸ Rediker Marcus, "Between the Devil and the Deep Blue Sea: Merchants, Seamen, Pirates and the Anglo-American Maritime World 1700-1750" *Cambridge University Press*. pg 29

¹⁹ Rediker Marcus, "Under the Banner of the King of Death: The Social World of Anglo-American Pirates from 1719-1726", *The William and Mary Quarterly*, 1981, Vol 38 pg 206

²⁰ Rediker Marcus, "Between the Devil and the Deep Blue Sea: Merchants, Seamen, Pirates and the Anglo-American Maritime World 1700-1750" *Cambridge University Press*. pg 39

²¹ Rediker Marcus, "Between the Devil and the Deep Blue Sea: Merchants, Seamen, Pirates and the Anglo-American Maritime World 1700-1750" *Cambridge University Press*. pg 40

control might have been justifiable on a battleship in wartime, it was understandably less popular among sailors in peacetime aboard merchant vessels. Often the scale and scope of punishment were entirely dependent on the captain's temperament. While some captains resorted to physical punishment only, when necessary, others subjected their crew members to vicious beatings at minor infractions.

Atlantic History

Given the perimeters and aims of this project, I consider it to be a work of Atlantic history. The thematic environment of Atlantic history has also influenced the theoretical framework of this paper a great deal. Due to the somewhat nebulous usage of the term "Atlantic history" and the disagreement among scholars who call themselves Atlantic historians, it is necessary for me to define exactly what I mean. My understating of Atlantic history can largely be encapsulated in Alison Games outline of the field in her article "Atlantic History: Definitions, Challenges and Opportunities," in which she organizes the field into three main branches.²² The first is human migration, particularly that of African migrants forced into the new world. The emergence of transatlantic trade prompted the movement of scores of peoples to undertake voyages that would put them on the other side of the ocean. Europeans established ports on the west coast of Africa where they sent enslaved people to South America to work on plantations that displaced the native people, forcing them to move from land which they had inhabited for centuries. It is these changes in the landscape of human geography that form a central component of Atlantic history. The second branch is colonial history, which is focused on the formation of new societies primarily in the western hemisphere but also in parts of Africa. These historians

²² Games, Alison. "Atlantic History: Definitions, Challenges, and Opportunities." *The American Historical Review* 111, no. 3 (2006): 741–57.

study how colonial societies formed, what their relationship was with each other, and the polity which governed them. The final strain of Atlantic history is imperial history. It is in this third branch that I categorize my work. Imperial history in the Atlantic context tends to focus on two things. First, how larger empires represented themselves within smaller aspects of their domain. Second, how empires on the macro scale both operated and influenced their colonies. Any work calling itself Atlantic history typically contains all three strands but is typically concerned with one specialization.²³ Since this paper is explicitly concerned with the legal functions of empire I considered it part of the imperial branch of Atlantic history. However, most of the historical actors and environment of my case studies are colonial in nature. Further, sailors were perhaps one of the most transient workers in the Atlantic world, often taking jobs in Europe, the Americas, and Africa. Given the hyper-mobile nature of these people, it is also partly concerned with migration. These attributes qualify this paper to meet the requirements necessary of the Atlantic history label.

I would also like to take a moment to discuss the scholarly positioning of my work. To do this I will rely on Atlantic Historian David Armitage's classification of Atlantic historical literature.²⁴ Armitage sorts Atlanticist works into three categories: Circum-Atlantic, Trans-Atlantic, and Cis-Atlantic. Circum-Atlantic literature observes the Atlantic as a single entity with similar experiences preset across its entirety. Trans-Atlantic literature is comparativist and focuses on analyzing portions of the Atlantic world with one another. Cis-history focuses on a particular place within the Atlantic world and zooms into the peculiar phenomenon of that

²³ Games, Alison. "Atlantic History: Definitions, Challenges, and Opportunities." *The American Historical Review* 111, no. 3 (2006). Pg 741–57.

²⁴ David Armitage and Michael J Braddick, "Three Concepts of Atlantic History," *The British Atlantic World 1500-1800*, *Palgrave Macmillan* 2002. pg. 11–27.

section. It is in this last category of Cis-history that I place this paper. I am only working within the confines of the Caribbean and do not engage in macroscopic study of the Atlantic as a whole nor compare it to any of its other sub-regions.

New Imperial History

Given how I have now classified this paper as a work in imperial history within the Atlantic field, it is now necessary to situate it within the wider literary body of imperial history. Imperial history faded from academic popularity by the 1970s with the decolonization of former European colonies after World War II. However, a revival of imperial history in the late 90s and early 2000s prompted a resurgence in popularity among scholars.²⁵ Two significant factors contributed to this resurgence. First was the “global turn” which shifted the field towards producing world histories which attempted to incorporate disparate historical processes into a unified format. Second was a growing opposition to nationalist histories which many thought over-saturated the field.²⁶ Treating world history as a biography of empires proved to be a popular way to navigate the immense totality of world history. Additionally, the transregional nature of empires complicated national histories which operated within strict and, as many argued, arbitrary political confines.²⁷

However, imperial history did not remain static while it was not academically in fashion. Several developments occurred over the 20 odd years since its heyday which radically changed the topography of the field. Imperial history was no longer solely about top-down political or military history. In the wake of decolonization attention shifted away from studying the center of

²⁵ Kennedy Dane, “The Imperial History Wars” *Journal of British Studies*, Vol 54, no 1, (2015): Pg 5-22

²⁶ Durban Gnosha, “Another Set of Imperial Turns?” *The American Historical Review*, Vol 117, no. 3, (2012): Pg 772-793

²⁷ Kennedy Dane, “The Imperial History Wars” *Journal of British Studies*, Vol 54, no 1, (2015): Pg 5-22

empires and focused more on their edges. It was during this time that the well-known concepts of “core” “periphery” “informal empire” and “gunboat diplomacy” entered the historical dialog. This was done largely through the efforts of historians John Gallagher and Ronald Robison in their essay “*Imperialism of Free Trade*” and later in a full-length book *Africa and the Victorians*.²⁸ Gallagher and Robison's ideas would have a chokehold over the field that would dominate imperial scholarship for over a decade. Or as historian Dane Kennedy describes it, “The impact of their ideas resembled the black holes posited by physicists: they created such an overpowering gravitational field that a generation or more of imperial historians were sucked into their vortex. Dissertation after dissertation, article after article, book after book entered the void.”²⁹

To overcome the academic singularity spawned by Gallagher and Robinson's thesis imperial history would require substantial reform. To do this imperial history departed from its top-down political and military-centric methodology and turned its gaze away from metropolitan centers of the empire. In order to accomplish this task imperial historians began incorporating the ideas of Africanists, Asianist, and Carribeanists whose work in colonial history in the aftermath of decolonization produced new perspectives on empire. By synthesizing the view of the “periphery” with the “core” imperial historians were able to create a more holistic view of empires as fluid and multicentered entities.³⁰ Key to this updated imperial history was the belief that colonies and empires formed a reflexive relationship with one another. The narrative of the colonizer injecting their ideas into the colonized was outdated; thus, scholarship showed the

²⁸ John Gallagher and Ronald Robinson, “The Imperialism of Free Trade,” *Economic History Review*, 2nd ser., 6, no. 2 (1963): 1-15. & Ronald Robinson and John Gallagher with Alice Denny, “Africa and the Victorians: The Official Mind of Imperialism” (London, 1961).

²⁹ Kennedy Dane, “The Imperial History Wars” *Journal of British Studies*, Vol 54, no 1, (2015): Pg 5-22

³⁰ Durban Gnosha, “Another Set of Imperial Turns?” *The American Historical Review*, Vol 117, no. 3, (2012): Pg 772-793

relationship between the two went both ways. After adopting these new perimeters, imperial history shifted from top-down grand narratives of political and military history to bottom-up cultural histories.³¹

In the aftermath of this transformation, imperial history split broadly into two camps. The first is the “postcolonial” camp centered around Edward Said and his book *Orientalism*, which synthesizes his ideas with those of scholars like Gayatri Spivak, Homi Bhabha, and Walter Dignello. These scholars incorporated literary analysis along with the discourse analysis of Michel Foucault and the deconstructionism of Jacques Derrida into their study of empires. The second camp is the so-called “New Imperialists” like Ann Stoler, Fredrickson, Kathleen Wilson, Margaret Hunt, and Laura Tabili.³² These scholars are more engaged with the reflexive relationship between the empire and the colony I mentioned earlier but are also concerned with the cultural and ideological effects of these empires on material reality. It is for this reason that microhistory has become increasingly utilized by new imperial scholars. Historians of this branch have found zooming in on the lived experience of an individual who shows the historical reality of empires with acute precision. It is under the label of new imperialism that I categorize this paper. The primary purpose of this essay is to explore the legal realities of the British Empire and how the colonial administration of the Caribbean where to separate from imperial oversight leading to the development of mass piracy. Each chapter of this essay is also a microhistory showing how the empire affected the lived experience of individuals from a bottom-up perspective.

³¹ Midgley, Clare. Review of *New Imperial Histories*, by Antoinette Burton and Laura Tabili. *Journal of British Studies*, Vol 35, no. 4 (1996): 547–53

³² Tabili, Laura. “Colony and Metropole: The New Imperial History.” *The Historian*, vol. 69, no. 1, 2007, pp. 84–86.

Sources

I have two sets of primary sources which I will be drawing on for my thesis. The first is Captain Johnson's *A General History of the Pyrates* which is a biography of various pirate captains active during the golden age of piracy. This source has come under academic scrutiny recently despite being the most cited piece of pirate literature.³³ There are three primary reasons for this. First, the author of the book is anonymous; Captain Johnson was a pen name, which makes verifying several of the claims made in the book hard to substantiate. Additionally, we do not know the maritime or historical experience of the author putting his credentials into question. Secondly, most of the historical accounts used to construct the biographies in the book are from second and even third-hand sources.³⁴ The author interviewed former pirate crew members about their time as a pirate and even interviewed friends of pirates to develop his understanding of pirates. This makes his direct knowledge of the matters discussed extremely limited. He also interviewed hostages taken by pirates and sat in on trials of pirates to develop a more complete image. While the variety of data collection used by Captain Johnson is admirable, he fails to acquire firsthand accounts and constructs his biographies based on after-the-fact stories. Johnson also struggles to properly cite which of these sources he uses for which biography. The third reason is the author's hyperbolic tone which both romanticizes the pirates and satirizes them.³⁵ This tends to distort historical accounts by enhancing them with fantastical elements. One account even seems to be entirely fictional. Johnson discusses at length a pirate he refers to as Captain Avery which we have found no historical record of. Whether or not this captain did not

³³ Woodard Colin, "The Republic of Pirates" *Pan Books* 2007, Intro, pg 7

³⁴ Hughson, S. C. "Early Piracy and Colonial Commerce." *The Sewanee Review* 1, no. 1 (1892). pg 52–62.

³⁵ Frohock, Richard. "Satire and Civil Governance in 'A General History of the Pyrates' (1724, 1726)." *The Eighteenth Century*, Vol 56, no. 4 (2015) pg 467–83

actually exist or has simply been forgotten from the historical record is a matter of debate.

However, this does cast a questionable shadow over Johnson's book.³⁶

To overcome this hermeneutic obstacle, I have incorporated a second set of primary sources. This second set consists of three collections which allows me to navigate the empirical pitfalls of Captain Johnson's text. The first collection is *The Calendar of State Papers Colonial; America and the West Indies*. This is a digitized collection from the British National Archives, as are all the collections with which I engage. This calendar is a collection of state papers primarily written by the Council of Trade and Plantations, which was the bureaucratic body appointed by the British crown to economically develop their new world colonies. This organization was primarily comprised of colonial governors and financial experts who reported to parliament what legislation they thought would best improve the growth of the colonies. While the council lacked any formal executive power, they were considered central advisors to both the king and parliament regarding economic policy in the new world. Giving them significant decision-making capabilities over British colonies. During the surge of piracy between 1713-1725 the Council of Trade and Plantations was the primary agency attempting to combat the problem. Of course, the Royal Admiralty were the ones who apprehended the pirates, but as historical documents reveal they were doing so under the orders of the council.

This brings to our second collection *Records of the Admiralty, Naval Forces, Royal Marines, Coastguards and related bodies*, more specifically a catalog within the Admiralty portion known as the *Records of the Navy Board and the Admiralty*. These papers will be cited as "ADM" followed by their subdivision in accordance with the guidelines set forth by the British

³⁶ Frohock, Richard. "Satire and Civil Governance in 'A General History of the Pyrates' (1724, 1726)." *The Eighteenth Century*, Vol 56, no. 4 (2015) pg 467–83

National Archive in Kew. This collection of papers contains captain's logs, naval orders, and letters from the upper echelon of the British Royal Navy. By peering into these communications, we can see how legal pluralism hindered law enforcement in the apprehension of pirates.

The third and final collection is the *Records of the Colonial Office, Commonwealth and Foreign and Commonwealth Offices, Empire Marketing Board, and related bodies*. This massive collection is home to most of the government documents produced by the British Empire's colonies before 1800. The collection houses dozens of catalogs within it but one that is of particular interest to this thesis. The *Correspondence with the colonies, entry books and registers of correspondence relating to the administration of individual colonies* catalog holds the ingoing and outgoing dispatches of colonial governors during their tenure in office. By utilizing this source, we can examine the inter-imperial communication between colonies and their relationship with the bureaucratic center of London. These documents offer a top-down perspective on piracy in the Caribbean, as they detail the effects of piracy on the political elite and the overall economic health of the empire. Like the Admiralty papers these documents will be referred to as "CO" followed by their sub-division in accordance with the guidelines listed by the British National Archive on their database.

I would like to make one more comment regarding the source material in this essay. Both the *Records of the Navy Board and the Admiralty* and *Correspondence with the colonies, entry books and registers of correspondence relating to the administration of individual colonies* were unknown to me before reading Colin Woodward's seminal book *The Republic of Pirates*. This text was published by *Pan Books*, a British publisher who got their start publishing memoirs of the First World War and later joined with the German publisher MacMillian to print a variety of

novels.³⁷ Woodward's use of these sources, depiction of events, and chronology played an ostensible role in my understanding of the topic. The overwhelming majority of ADM and CO citations the reader will see over the course of this paper were first revealed to me through his work. It is also necessary for me to properly credit Woodward's chronological depiction of the Golden Age of Piracy as critical to the structure of this essay. The timeline he presents in *The Republic of Pirates* served as a blueprint for the following paper. Constructing a framework which accurately depicts these chains of events is exceptionally difficult and due to Woodward's efforts, this task has been made significantly easier for future scholars.³⁸ Both the chronological narrative of events and the scope of his bibliography provided the bedrock for large portions of this paper.

³⁷ Pan MacMillian.com, About Us, Imprint History

³⁸ Woodard Colin, "The Republic of Pirates" *Pan Books* 2007, Intro, pg 6

Chapter 1: Captain Benjamin Hornigold and the Republic of Pirates

The Caribbean in 1713

In 1713 wages among sailors had deteriorated into being barely livable. Jamaican merchant captains slashed wages by nearly 50% offering sailors only 22 or 23 shillings a month, which comes out to around 1.1-1.4 British pounds.³⁹ To make matters worse the continued harassment by the Spanish coastguard, or *Guardas Costa*, prevented sailors from fulfilling their contracts. Despite the signing of the Treaty of Utrecht, the Spanish navy continued to seize Jamaican vessels long after the war had been concluded. They did so under the guise of preventing smuggling by detaining any ship that had so much as a single Spanish coin on board. Their logic was that if English traders were using Spanish currency, they must have been illegally selling their goods to Spanish colonies. Any captain caught doing so was liable to have their goods and ship seized by Spanish authorities. The problem was that Spanish currency was the coin of the realm and was used across all Caribbean colonies. So, every trader was put in a position where possessing Spanish coins made them susceptible to Spanish search and seizure. Crews subjected to this treatment were often imprisoned for several months in Havana before being released with neither reimbursement for their lost money nor missing cargo. In the first

³⁹ Rediker Marcus, "Between the Devil and the Deep Blue Sea: Merchant Seamen, Pirates and the Anglo-American Maritime World 1700-1750" *Cambridge University Press*, 1987 pg. 33

two years after the Treaty of Utrecht, a total of 38 Jamaican ships were impounded by Spanish authorities, and some of their crews spent years inside of a Cuban prison.⁴⁰

Between the intolerable working conditions, unlivable wages, and continued harassment by the Spanish military, many British sailors began turning to more illicit means of survival. Benjamin Hornigold and Edward Thatch were two such sailors. Several British sailors took the Spanish coast guards' belligerence as an excuse to resort to a sort of vigilante piracy.⁴¹ This way they could take revenge on the Spanish for their crimes against British sailors and personally enrich themselves as well. Hornigold recruited several like-minded men to his cause and set out to establish a base of operations from which to illegally raid the Spanish. Hornigold decided on the abandoned town of Nassau in the Bahamas or, as it was known at the time, "New Providence".

New Providence

It was at this moment that Hornigold and his crew of Jamaican sailors transformed from potential Hobsbawmian social bandits into deeply complicated legal and imperial actors.⁴² New Providence inhabited a peculiar legal zone. This peculiarity stemmed from two main sources. Firstly, it was an abandoned colony. During the War of Spanish Succession, New Providence had been ransacked a total of four times by the French and Spanish. During these invasions the port

⁴⁰ CO137/12: Colonial Records Office, Jamaica Correspondence, 90iii, "A List of Some of the Many Ships, Sloops and other Vessels taken from the Subjects of the King of Great Britain in America by the Subjects of the King of Spain since the Conclusion of the last Peace." 1716, National Archives Kew U.K via Woodard Colin, "The Republic of Pirates" *Pan Books* 2007

⁴¹ Woodard Colin, "The Republic of Pirates" *Pan Books* 2007. pg 87

⁴² Social bandit here is a reference to Eric Hobsbawm concept of "Social Banditry," which he developed in his books *Primitive Rebels* (1959) and *Banditry* (1969). This theory posits that in pre-industrial societies certain forms of crime were undertaken by oppressed groups acting out against a larger power structure. The purpose of these illegal activities was not self-enrichment but rebellion against a perceived unjust social order.

of Nassau had been burned to the ground, its governor kidnapped, all of its African slaves stolen, and its forts cannons spiked. After these subsequent invasions most of the residents of the colony left leaving only a handful of survivors behind who lived in the woods. The British aristocrats who owned the island tried to re-establish a foothold there in 1704 when they appointed a new governor named Edward Birch. However, when Birch arrived in January of 1704, he found the smoldering ruins of the town completely abandoned, the fort derelict, and the remaining population living in makeshift huts in the woods. Birch concluded that the situation was completely unsalvageable and abandoned his post after 3 months. As English historian John Oldmixon put it, “He did not give himself the trouble of opening his commission” and “left the government to its own devices.”⁴³ This left the Bahamas in a state of lawlessness with no formal government for almost a decade. The second factor that contributed to its peculiar nature was the fact that it was overseen by the Lord Proprietors. Of course, this fact alone does not make it peculiar; the Lord Proprietors oversaw several colonies across the new world.

During this period, there were three categories of colonies within the British Empire. Charter colonies were established by settlers who signed a contract with the crown over the development of a particular area of land which they were granted self-governance over. Royal colonies were directly overseen by the British monarchy, and its governors were appointed by the King and his advisors. These territories were considered the property of the British king and by extension the British government. The third category was proprietary colonies. These colonies were given to individuals or companies in the private sector to govern for profit. These territories were highly autonomous and often differed greatly in terms of government and legal structure

⁴³ CO21/1: Colonial Office Records, Bahamas Correspondence, No 17 “Testimony of Samuel Buck” London December 2nd, 1719, National Archives Kew, U.K & Woodard Colin, “The Republic of Pirates” *Pan Books*, 2007. pg. 88

depending on the owner of said colony. Companies like the East India Company and the Hudson Bay Company were corporate entities whose entire business strategy relied on purchasing colonies from the crown which they ruled as their own personal kingdoms. It is in this third category in which the Bahamas were placed. The Council of Lord Proprietors was a group of British aristocrats who pooled their resources together to purchase colonies overseas. This group also owned the Carolinas and several other portions of the British Empire's territory in the New World. What makes New Providence peculiar is that it is both an abandoned and proprietary colony. The Council of Lord Proprietors deemed the Bahamas as no longer profitable and simply reallocated their resources to more profitable endeavors like the Carolinas, leaving the Bahamas a lawless no-mans-land. It was, however, still legally their property which is what made Hornigold's choice of location so fortuitous. Hornigold and his crew decided to run their criminal enterprise out of abandoned private property as squatters. This made the matter of evicting them significantly more difficult. If the Bahamas had been a royal or charter colony the British Admiralty could have simply thrown them out. However, due to the legally protected nature of proprietary colonies, they required several levels of approval, most notably from the office of the King and the Council of Lord Proprietors.

When Hornigold landed at New Providence in 1713, he found a similar situation that Edward Birch did almost a decade earlier. But instead of filling him with a feeling of frustration, it filled him with a sense of ambition. There were barely 30 families left, and they were all living in the woods away from the overgrown wreckage of the town allowing the soon-to-be pirates to operate without interruption.⁴⁴ The Bahamas further provided a perfect place for pirating. It was

⁴⁴ CO23/1: Colonial Office Records: Bahamas Correspondence, No 17 "Testimony of Samuel Buck" 1718, National Archives, Kew, UK. Via Woodard Colin, "The Republic of Pirates" *Pan Books* 2007

an amalgamation of almost 700 islands with dozens of tight channels and low-lying shoals that made sailing perilous for any but the most experienced navigators. This environment also allowed for a legion of potential hiding places. These inlets also provided them with fresh water, food, and space to make repairs on their boats. Additionally, the western portion of the Bahamas was directly positioned south of the Straits of Florida. This passageway was the most popular shipping lane for sailors entering the Caribbean. Spanish, British, French, and Dutch ships all traveled through the Straits of Florida to access the Atlantic portion of their empires. The Bahamas was a doorway into a pirate's most ideal hunting ground and by making it the center of their fledging criminal empire, Hornigold ensured they would have plenty of ships from which to steal.

Early Piracy

Hornigold spent his early days in Nassau attacking small French and Spanish merchant vessels with ships called *periaguas*. These were giant 30-man canoes originally designed by the indigenous tribes of the Caribbean and later adopted by Europeans settlers as a cheap means to travel short distances. Hornigold outfitted three of these ships allowing him to quickly ambush merchants traveling through the maze of Bahamian islands. He also took the occasional tangent to raid a Spanish sugar plantation. Hornigold assumed control of one canoe and gave Jonh Cockram control of the second and John West control of the third. These three units then scattered to raid, pillage, and steal whatever they could from Spanish ships. Over the course of six months Hornigold and his men managed to steal several bales of linens imported from

Silesia, Asian silks, rum, copper, sugar, silver, and 14 slaves taken from a Cuban plantation.

Overall, their first haul netted them around 13,175 British pounds.⁴⁵

Now Hornigold was faced with an entirely different problem, where to fence his stolen goods. Fortunately, the Bahamas had one last gift to bestow to these newly baptized pirates. Hornigold was made aware of a British settlement 50 miles to the North of New Providence called Harbor Island. Harbor Island was home to a community of merchants and some 200 people. Most notable among them was a man named Richard Thompson. Thompson was the wealthiest landowner and richest merchant on the island, and he had no love for the Spanish who had harassed British Caribbean colonies without mercy during the war. Fencing Hornigold's stolen goods offered him both a lucrative business opportunity and a means of getting revenge on the Spanish. This sentiment seemed to be the prevailing one among Harbor Island's shrewd population, as its merchants became the unofficial smugglers of New Providence pirates.⁴⁶ One of Hornigold's lieutenants, John Cockram, actually married one of Thompson's daughters and acted as an emissary of sorts between the pirates and smugglers.⁴⁷ This alliance allowed the pirates to operate on a much larger scale, since they could now move their stolen goods with more efficiency. The symbiotic relationship between the pirates of New Providence and the smugglers of Harbor Island was so strong that the denizens of the islands allowed the pirates to

⁴⁵ Cecil Headlam ed. *Calendar of State Papers Colonial America and the West Indies*, 651, "Henry Pulline to the Council of Trade and Plantations" Bermuda, April 22nd, 1714 (Vol 27) 1712-1714. London: His Majesty's Stationary Office.

⁴⁶ Leeson, Peter T. "An-Arrgh-chy: The Law and Economics of Pirate Organization." *Journal of Political Economy* 115, no. 6 (2007): 1049-94

⁴⁷ Cecil Headlam ed. *Calendar of State Papers Colonial America and the West Indies*, 651, "Henry Pulline to the Council of Trade and Plantations" Bermuda, April 22nd, 1714 (Vol 27) 1712-1714. London: His Majesty's Stationary Office.

seek refuge there when the Spanish authorities visited the Bahamas in 1714.⁴⁸ Hornigold and his crew's success had not gone unnoticed, and after months of raiding the governor of Havana dispatched several ships to flush out the pirate crew who had cost his colony so much money. This search did not provide the results the governor was hoping for, as the pirates fled to Harbor Island and laid low among the merchants until the Spanish gaze turned elsewhere.

The Imperial Gaze

Unfortunately for Benjamin Hornigold, the governor of Havana had not been the only one to notice his pirating. At the same time, the Council of Trade and Plantations was beginning to be made aware of the growing pirate menace in the Bahamas. It is in the letters of this organization that we start to see how the fragmented legal system of the British Empire acted against its own interests. On April 22nd, 1714, Lieutenant Governor Henry Pauline of Bermuda addressed the Council of Trade and Plantations about a pirate named "Hornygood" who had set down roots in the Bahamas. Governor Pauline expressed his anxiety about this development stating, "The Crown, in my opinion, can never take too much care of it (the Bahamas): and I dare affirm, without any peradventure, that, if an active enemy had it in possession, they would wholly ruin our American commerce."⁴⁹ Pauline discusses how three crew of pirates had been pillaging Spanish commerce in the area which has caused them "a great deal of prejudice

⁴⁸ Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies*, 651, "Hennry Pulline to the Council of Trade and Plantations" Bermuda, April 22nd, 1714 (Vol 27)1712-1714. London: His Majesty's Stationary Office.

⁴⁹ Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies*, 651, "Hennry Pulline to the Council of Trade and Plantations" Bermuda, April 22nd, 1714 (Vol 27)1712-1714. London: His Majesty's Stationary Office

amongst the Spaniards, who treat us with ye name of pyrates, and refuse to have any commerce with us.”⁵⁰

Pauline was also aware of the pirates' affiliation with the merchants of Habor Island, and he even knew about Cockram's and Thompson's connection: “Cockram has marry'd ye daughter of one Thomson, one of the richest inhabitants of Harbour Island, and sails in a sloop of his, between those Islands and Curaçao, loaden with brasiletto; which is doing a prejudice still to ye Crown, in defrauding ye Queen of her dutys, and is the spoiling of that trade, by letting ye Dutch into it.”⁵¹ This shows us three things. First, the British government was aware of the pirates in the Bahamas and their targeting of Spanish shipping; they even knew the names of some of their members. Second, they were aware of Harbors Island's complacency and selling of stolen Spanish goods. Third they were aware that Thompson and Cockram were using a ship to smuggle these stolen goods to a Dutch colony in Curaçao. Due to Pauline's astute intelligence gathering, the council was quickly made aware of every level of this criminal enterprise. Who is being robbed, who is doing the robbing, and who are they selling to. Normally this information would warrant the dispatch of the military or other law enforcement apparatus to arrest these criminal actors. However, the Bahamas was a proprietary colony, and as Pauline was painfully aware his authority came from a royal charter. He did not have the authority to sail into the Bahamas to arrest these renegades who threaten British trade. It is for this reason Pauline proposed that he be given the authority to annex the Bahamas, so his realm of legal authority extended to the afflicted area. “The people of this Island (Bermuda) have often endeavour'd to

⁵⁰ Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies*, 651, “Hennry Pulline to the Council of Trade and Plantations” Bermuda, April 22nd, 1714 (Vol 27)1712-1714. London: His Majesty's Stationary Office

⁵¹ Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies*, 651, “Hennry Pulline to the Council of Trade and Plantations” Bermuda, April 22nd, 1714 (Vol 27)1712-1714. London: His Majesty's Stationary Office

have ye Bahamas annex'd to this Government: and indeed that settlement was first made from hence, and we are ye onely people in a manner, that ever did or does trade with them. I am sensible it is a Proprietary Government, but as they have abandon'd 'em, as a derelict for many years, and never got a shilling by them, I cannot be persuaded that they wou'd be against H.M. reassuming them into her hands.”⁵² Pauline would never receive this legal authority and was forced to watch from the beaches of Bermuda as the nest of pirates in New Providence grew faster than anyone imagined.

Issues of Legal Pluralism and New Providence

Pauline’s predicament speaks to the chaotic legal system of the British Empire. Governors’ legal jurisdiction only extends as far as their territory. When issues from one jurisdiction bleed into another they are not equipped with the necessary tools to adequately deal with the problem. The negligence of the Lord Proprietors within their legal sphere spilled out into the wider British empire, but due to the legally protected nature of property colonies, none of the surrounding colonies could do anything about it. To make matters worse no extra-judicial or executive override granted members of the colonial establishment increased authority in emergencies.⁵³ Pauline attempted to do this by asking permission to annex the Bahamas but in reality, it was a mute gesture. The Council of Trade and Plantations did not have the authority to grant Pauline this power and was put in a position where they had to petition the King for this right. The combination of a deeply pluralistic legal code and a strict royal hierarchy created a

⁵² Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies*, 651, “Hennry Pulline to the Council of Trade and Plantations” Bermuda, April 22nd, 1714 (Vol 27)1712-1714. London: His Majesty’s Stationary Office

⁵³ Benton, Lauren. “Making Order out of Trouble: Jurisdictional Politics in the Spanish Colonial Borderlands.” *Law & Social Inquiry* 26, no. 2 (2001): 373–401

fractured environment that prevented issues that overlapped with multiple jurisdictions from being properly addressed.⁵⁴

The Thomas Walker Incident

After the aggrieved Spanish returned home to Havana in the summer of 1714 the pirates scuttled out from their hiding places in Harbor Island. While most were thankful for simply not being captured, Benjamin Hornigold emerged with newfound ambition. Perhaps he felt emboldened by evading the Spanish or simply more confident after successfully completing his first pirate cruise. Either way, Hornigold began to seek more glamorous prizes. To this end, he realized his three canoes would not be sufficient. He needed a real ship. During his time on Harbor Island Hornigold met a man named Jonathan Darvell. Darvell leant his sloop *Happy Return* to Hornigold in return for a percentage of the plunder they would acquire while sailing her.⁵⁵ This proved to be a wise investment, as Hornigold went on two cruises in the boat raking in a small fortune. Hornigold used his percentage to buy a second ship from an Eleutherin sailor. He then proceeded to use it to steal 11,500 pounds from a Cuban nobleman named Senior Barrihone who was transporting his wealth in a lightly maned canoe similar to the *periaguas* the pirates previously used.⁵⁶ It was after this escapade Hornigold had his first encounter with the

⁵⁴ Benton Lauren, Curlow Adam, Bain Atwood, "Protection and Empire: A Global History" *Cambridge University Press*, 2018. Pg 1-11

⁵⁵ CO5/1265: Colonial Office Records, Documents Relating to Woodes Rodgers appointment, No 16i: "Thomas Walker to Colonel Nicholson" March 14th, 1715 & No 17: "Thomas Walker to the Lord Proprietors of the Bahamas" New Providence March 14th, 1715. National Archives, Kew U.K Via Woodard Colin, "The Republic of Pirates" *Pan Books* 2007

⁵⁶ CO5/1265: Colonial Office Records, Documents Relating to Woodes Rodgers appointment, No17i: "A List of the men's names that sailed from Ilethria and Committed Piracies Upon the Spaniards on the Coast of Cuba Since the Proclamation of the Peace." Nassau March 14th, 1715, National Archives, Kew U.K Via Woodard Colin, "The Republic of Pirates" *Pan Books* 2007

colonial administration of the British Empire. Which provides us a second example of how fragmented the British empire really was.

Thomas Walker was a former justice of the Vice-Admiralty Court under King William.⁵⁷ He also happened to live in New Providence during the War of Spanish Succession and somehow managed to survive the four raids by the French and Spanish. At the time of Hornigold's arrival, he had taken up the position of deputy governor despite no record of the Lord Proprietors granting him this position.⁵⁸ In all likelihood, he was simply the last bureaucrat standing once the smoke cleared and took it upon himself to fill the position. Walker did not like the occupation of the colony by the pirates but tolerated it until Hornigold evoked a response from the Spanish government and went into hiding. Only to emerge and steal thousands of pounds from a Cuban nobleman. Walker probably feared Hornigold would bring the wrath of Spain down on him and his poor Bahamians a fifth time and using what little political power he had tried to evict him from the island.

Walker began his crusade by writing letters to anyone who would listen. The Admiralty, Lord Proprietors, his friend the Duke of Beaufort, the *Boston Newsletter*, and other nearby governors.⁵⁹ However, Walker's pleas either fell on deaf ears, or they responded too slowly for his liking, because in December of 1715 he decided to confront Hornigold himself. Walker

⁵⁷ Eleuthera was the name of a collection of Bahama islands which Harbor Island was a part of. Hornigold bought a ship from another settlement in this chain of islands. This was fairly common as during low tide a sandbar rose above water allowing one to walk between the islands for a short period of time.

⁵⁸ Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies*: 276ii, "Thomas Walker to Council of Trade and Plantations" 1715, March 14, (Vol 28) 1714-1715 London: His Majesty's Stationary Office

⁵⁹ CO5/1265: Colonial Office Records: Documents Relating to Captain Woods Rodgers's Appointment, No 16i, "Thomas Walker to Colonel Nicholson, Thomas Walker to the Proprietors of the Bahamas", March 14, 1715, National Archives Kew, UK Via Woodard Colin, "The Republic of Pirates" *Pan Books* 2007

gathered a posse, presumably of other Bahamians, and sailed to Harbor Island. Once they landed on Harbor Island Walker and his cadre moved quickly taking the pirates off guard. They managed to commandeer the *Happy Return* and capture eight pirates on board. Three of which were, Daniel Stillwell, a trusted member of Hornigold's crew who was left in charge of the *Happy Return* after Hornigold purchased his second ship. Zacheus Darvell, the teenage son of Johnathan Darvell lent Hornigold the ship. The boy had become enamored with the pirates and had joined their crew. It is also possible that Zacheus's father insisted his son travel with the vessel as a condition of his investment as a means of safekeeping. The last pirate captured was Matthew Low who was another senior member of Hornigold's crew. The rest of the pirates fled into the wilderness to avoid capture.⁶⁰

Despite his surprising success, Walker now had to deal with another dilemma: what to do with his three pirate captives. Walker's commission as a justice for the Admiralty expired ages ago, and none of the letters he wrote asking for permission to deal with the pirates were answered. Technically he was the active governor of the Bahamas, but his position had not been approved by the Lord Proprietors. This means that in spite of being able to capture eight pirates, Walker did not have the legal authority to prosecute or charge them with anything. In the eyes of the law Walkers' well-meaning intentions amounted to an act of vigilante justice. Walker realized this fact and decided to send them to the nearest person who could, the governor of Jamaica, Lord Archibald Hamilton. However, Walker did not want to offer these men to the governor empty-handed, perhaps in fear that they would be released without substantial evidence. Walker

⁶⁰ Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies*: 276ii, "Thomas Walker to Council of Trade and Plantations" 1715, March 14, 1715 (Vol 28)1714-1715 London: His Majesty's Stationary Office, National Archives, Kew, U.K

managed to convince the young Zacheus and Matthew Low to sign written depositions implicating Stilwell in the early raids on the Spanish.⁶¹ Walker gave these depositions and custody of Stilwell over to a man called Johnthan Chase who captained a boat called the *Portsmouth*. Walker told the man to sail straight to Jamaica and deliver the deposition straight to the governor. After which he took the *Happy Return* and sailed back to New Providence to get more men to hunt for Hornigold and the rest of his crew in the forest.

This plan was instantly abandoned upon Walker's return to New Providence when a local sailor who had been detained by the Spanish told Walker that the governor of Cuba, Laureano de Torres Ayala, was preparing for a full assault on New Providence. The governor had had enough of Hornigold's meddling and was frustrated that he had evaded capture after his patrols searched the Bahamas for him. Torres concluded the best way to eliminate this threat was to destroy whatever was still left of New Providence. Upon learning this information Walker immediately turned around, reboarded the *Happy Return*, and sailed for Havana in hopes of talking the governor down. Walker got lucky and arrived before the assault fleet departed. He was quickly granted an audience with Marquis de Torres who heard his plea for mercy and promises that the settlers of the Bahamas were trying to deal with the problem on their own. The Marquis was not only receptive to Walker's plea but seemed sympathetic, "I return your grateful thanks and likewise (to) all the inhabitants of Providence (because) you have taken care to detect such villains who make their evil practice to rob those who follow honest men to live."⁶² With this crisis averted the Marquis invited Walker to stay in Havana until the end of the month before

⁶¹ Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies*: 276ii, "Thomas Walker to Council of Trade and Plantations" 1715, March 14, (Vol 28) 1714-1715 London: His Majesty's Stationary Office, National Archives, Kew, U.K. Via Woodard Colin, "The Republic of Pirates" *Pan Books* 2007

⁶² CO5/1265: Colonial Office Records: Documents Relating to Captain Woods Rodgers's Appointment, No17iii "*Marquis de Cassa Torres to Thomas Walker*", February 15, 1715, National Archives Kew, UK. Via Woodard Colin, "The Republic of Pirates" *Pan Books* 2007

departing back to Nassau. The Spanish colonial government had ironically been more accommodating to Walker than his own. Alas, this appears to be when Thomas Walker's luck ran out. Soon after returns to New Providence, he was made aware that Daniel Stillwell never made it to Jamaica. Shortly after Walker left Harbor Island Hornigold and the rest of the pirates who fled into the woods doubled back and commandeered a ship. From that ship, they intercepted the *Portsmouth* and freed Stillwell and the written depositions implicating him. Hornigold was still at large, and the law was none the wiser.

Walker then writes a letter to the Council of Trade and Plantations in March of 1715 updating them about the situation in the Bahamas. He tells them, “For months past have I spent time in taking up pirates and routing them from amongst the islands. In this service, I shall preserve, until a governor arrives over me.”⁶³ Walker then details the acts of piracy against the Spanish which he has confirmed Hornigold, and his crew committed. Walker then gave the names, dates, and places of some of their activities and emphasized that Habor Island had become complicit with the pirates. Walker also bemoans that his legal commission under King William has run out leaving him with no legal powers, subtly asking the council if there was any official legitimacy they could give him. While this document is copied and circulated internally among all the council members no one granted Walker his wish.⁶⁴

⁶³ Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies*: 276ii, “Thomas Walker to Council of Trade and Plantations” 1715, March 14, (Vol 28) 1714-1715 London: His Majesty’s Stationary Office, National Archives, Kew, U.K.

⁶⁴ Benton Lauren, “Colonial Law and Cultural Difference: Jurisdictional Politics and Formation of the Colonial State.” *Comparative Studies in Society and History*, Vol 41, No. 3, July 1999. Pg 563-568

Legal Pluralism and Thomas Walker

Thomas Walker's rebellion against the pirates encapsulates the disastrous nature of British imperial management. We have already established the Lord Proprietor's negligence mixed with their protected legal jurisdiction created an environment rife with corruption. This predicament is further worsened by the failure of the Admiralty, fellow governorships, Council of Trade and Plantations, and merchants of Harbor Island. First off, Thomas Walker did not receive help from the British Navy in any capacity during this skirmish despite writing to the authorities' numerous times and over the course of several months. Not only were these pleas ignored, but no legal authority was given to Walker to handle the issue on his own. British authorities could have mailed a renewal of his Admiralty commission giving him the authority to prosecute the pirates as he wished. Or one of the nearby governors could have opened a privateering commission to hunt down pirates instead of enemy vessels. That way potential allies of Hornigold and company would turn into their primary hunters. They could have even sent Walker a privateering commission which would have allowed him to hire a crew by giving them a share of Hornigold's plunder after they had taken him into custody. For all his bravado, Governor Pauline offered nothing to Walker's cause despite being made aware of it. Secondly, whatever law enforcement mechanism that was present on Harbor Island clearly failed. Harbor Island was a colony within the Bahamas and also under the ownership of the Lord Proprietors but did not seem to have anything resembling a legal structure.⁶⁵ Why the Lord Proprietors had let this colony operate without any oversight is still a mystery. In the case of Nassau, the Proprietor's negligence is somewhat forgivable, as the town had been ransacked four times during the war and the governor

⁶⁵ Benton, Lauren. "Colonial Law and Cultural Difference: Jurisdictional Politics and the Formation of the Colonial State." *Comparative Studies in Society and History* 41, no. 3 (1999): 563–88.

abandoned his post. Harbor Island on the other hand was a functioning colony, seemingly untouched by the war. The fact that there were no deputies, justices, or other colonial officials speaks volumes to the inattentive nature of proprietary colonies. Harbor Island for all intents and purposes was just as lawless as New Providence.⁶⁶ They were just more organized and less overtly criminal than their fellow Bahamians. This law-abiding facade gave the pirates the perfect camouflage from which to conduct their business. Additionally, since Harbor Island was also a proprietary colony the surrounding British governors were just as powerless to deal with them as the pirates in New Providence. Making the choice to ignore Walker's authority as an insider trying to bring them down even more confounding. This shows that not only were the Lord Proprietors negligent, but that the governors and Admiralty were complicit in this negligence as well.

Growth of the Pirate Republic

After this conflict, Walker returned to New Providence to live with his family in their hut in the jungle, and Hornigold sailed for the coast of Florida. On July 13th, 1715, an entire Spanish treasure fleet had been sunk by a hurricane traveling from Cuba to Spain to deliver tribute. This 12-vessel convoy was carrying an estimated 1.7 million British pounds worth of cargo and 2,000 sailors.⁶⁷ Tragically, this convoy encountered a hurricane during the night which eviscerated the entire fleet. Word of this sunken treasure spread across the Americas like wildfire, and soon every sailor from the Yucatan to Boston descended upon the wreckage like a horde of vultures. Naturally, Benjamin Hornigold and his crew were among the first to scavenge the bones of the

⁶⁶ Benton Lauren, Curlow Adam, Bain Atwood, "Protection and Empire: A Global History" *Cambridge University Press*, 2018. Pg 1-11

⁶⁷ Woodard Colin, "The Republic of Pirates" *Pan Books*, 2007, Ch 4, pg. 103

treasure fleet. During this time Hornigold stole a Spanish ship from nearby salvagers and renamed it the *Benjamin* replacing the *Happy Return*. This was an improvement, as the *Benjamin* could hold up to 200 men and possessed more gunnery stations than his previous ship. Hornigold returned to New Providence in a stolen Spanish ship with a hull full of stolen Spanish riches.⁶⁸ Upon arriving Hornigold discovered his humble little pirate nest had grown in size. Intrepid sailors keen on claiming a portion of the Spanish treasure for themselves had started to use New Providence as a staging area. Word had gotten out that New Providence was a safe haven for mariners engaging in less than legal activities. Hornigold spent the rest of 1715 pirating across the Caribbean targeting Spanish merchants accruing both wealth and infamy. During this time Hornigold recruited more mariners to his cause. Privateers Henry Jennings and Charles Vane turned to piracy, Hornigold acquired the allegiance of the “Prince of Pirates” Samuel Bellemy, and made friends with a French pirate named La Buse; all joined the Nassau pirates.⁶⁹

Between Hornigold’s new pirate friends and the influx of salvagers, New Providence’s pirate population was beginning to rival that of the colonists. They had even given themselves a name: the Flying Gang. One day Thomas Walker sent his son, Thomas Jr, into town to run some errands. He had been away from the island for a while and was warned by his friends that the Flying Gang had begun shaking down colonists for money when they entered the town. Other colonists told him it was no longer safe for wives and daughters to enter Nassau unescorted. What had once been a roguish minority had grown into the violent majority on the island. Why Thomas Walker and his family did not relocate after his failed arrests, or why Hornigold and his men tolerated Walker on the island, is unknown. Through pure happenstance, Thomas Walker Jr

⁶⁸ Woodard Colin, “The Republic of Pirates” *Pan Books* 2007, Ch 4, pg. 104

⁶⁹ Woodard Colin, “The Republic of Pirates” *Pan Books* 2007, Ch 4, pg. 106

ran across the dreaded pirate captain on his way to the market. In a later statement, Walker Jr gave in Charleston, South Carolina he described the conversation as the following:

“Where is that old rouge your father?”

“My father is at home.”

“He is a troublesome old fart, and if I see him, I will shoot him and kill him.”

“My Father is at home, and if you have anything to say to him the best way would be to go and say it his face.”⁷⁰

Hornigold then warned the boy that if his family did not stay out of his way, he would burn down their house, kill his father, and whip the rest of them senseless. Given the resources at Hornigold’s disposal and the fact that he now captained a ship of 100 men, this was a credible threat.⁷¹ This incident also shows the shift in power dynamics between Hornigold and British authorities. Just a few months ago Hornigold had run into the woods on Harbor Island to avoid a confrontation with Thomas Walker. Now Thomas Walker was in the woods hiding from Hornigold.

In early June of 1716, Hornigold made his way back to New Providence after a two-month voyage only to find his young pirate nest had gone through yet another growth spurt. La Buse must have told his countryman about New Providence, because as Hornigold turned into the harbor he was greeted by a pack of ships flying French colors. Samuel Bellemey had also

⁷⁰ CO5/1265, Colonial Office Records: Documents Relating to Captain Woods Rodgers’s Appointment, No 52i “The Deposition of Tomas Walker Jr” Charleston, SC, August 6, 1716. National Archives Kew UK. Via Woodard Colin, “The Republic of Pirates” *Pan Books* 2007

⁷¹ CO5/1265 Colonial Office Records: Documents Relating to Captain Woods Rodgers’s Appointment, No 52i “Thomas Walker to the Council of Trade”, Charleston, SC, August 1716. National Archives Kew UK. Via Woodard Colin, “The Republic of Pirates” *Pan Books* 2007

picked up over a hundred English Baymen from Campeche Honduras during a cruise around the Yucatan Peninsula. Baymen were illegal English loggers who made smuggling encampments on the coast of Central America to sell timber to non-Spanish buyers who would not otherwise have access to it. Baymen had a reputation for being wild, partly due to being a hybrid between smuggler and lumberjack.⁷² Their encampment had been raided by the Spanish, and Bellemly just happened to float by and offered them a way out. Bellemly had also recruited some Dutch sailors who decided to take up the pirating life and made their way to New Providence.⁷³ Adding another flag to the collection which now anchored in New Providence. There were even some former Spanish privateers who decided their commissions about who they could and could not rob from were too restrictive and sought a place free from such petty rules. Perhaps the most interesting of New Providence's new inhabitants were escaped black and native slaves who fled from Jamaica, Cuba, and Hispaniola.⁷⁴ These individuals determined the best place to run from the law was to a place where the law did not exist. Sundry prostitutes had also moved in to open several brothels in town. These ambitious women rightly believed that a settlement of almost exclusively men with disposal income would be prime real estate.⁷⁵ All of these groups combined with the salvagers and pre-existing pirates on the island to form an amalgamation of miscreants. It was at this point that Hornigold finally decided to reinforce their position. Together with Thatch they put several cannons from captured ships into the dilapidated fort overlooking

⁷²Collin Wooward, "The Republic of Pirates" *Pan Books*, 2016. Pg 125 via King Emory, "The Great Story of Belize" Vol 1, *Tropical Books*, 1999

⁷³ CO137/12 Colonial Office Records: Jamaica Correspondence, 1716-1718, No 45iii "Deposition of Abijah Savage" Antigua November 30th, 1716. Via Woodard Colin, "The Republic of Pirates" *Pan Books* 2007

⁷⁴ Leaming Hugo "Hidden Americas: Maroons of Virginia and the Carolinas." pg.128-129 *Garland Publishing*, New York, 1995 & Sherry Frank "Raiders and Rebels: The Golden Age of Piracy" pg. 212-213 *William Marrow*, New York, 1986

⁷⁵ Rediker, Marcus. "'Under the Banner of King Death': The Social World of Anglo-American Pirates, 1716 to 1726." *The William and Mary Quarterly* 38, no. 2 (1981): 203-27

the harbor and established a garrison. It was at this point Nassau transformed from a simple pirate's nest into the infamous republic of pirates.

A Tumor on the Body of the Empire

Nassau had grown like a tumor on the body of the British Empire, and it was beginning to reach terminal stages. Hornigold and his cadre were firmly entrenched in the Bahamas, and with the recent population boom, re-manning of the fort, and growing armada of stolen ships, Hornigold's pirate republic was starting to look like a serious player on the political stage. The effects of this ascension could be felt throughout the British colonies. The governor of the Leeward Islands, Walter Hamilton was among the first to sound the alarm. Governor Hamilton had been tasked with taking a census of islands that make up the Leeward Islands and reporting on their status. Hamilton claimed that his intent was to, "recommended such particulars as I conceived most immediately for H.M. service and the publick good, and in particular the providing a remedy to supply the defects in their laws."⁷⁶ However, Governor Hamilton faced a major impediment to his mission. On March 1st 1716 he wrote a letter to the council, "I cannot yet inform your Lordships when I shall be able to visit the other parts of my Government for Capt. Soanes, Commander of H.M.S. the *Sea-horse* which is appointed to attend these Islands, has not been at any of them since my arrival here, nor do I know when to expect him." Further, he explains that "I do not think it adviseable to go from hence except upon an extraordinary occasion not knowing but that I may be intercepted by the pirates."⁷⁷ Hamilton then goes on to

⁷⁶ Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies*: 68 "Governor Hamilton to the Council of Trade and Plantations" Bermuda, March 1st, 1716 (Vol 29) 1716-1717 London: His Majesty's Stationary Office, National Archives Kew, U.K

⁷⁷ Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies*: 68 "Governor Hamilton to the Council of Trade and Plantations" Bermuda, March 1st, 1716 (Vol 29) 1716-1717 London: His Majesty's Stationary Office, National Archives Kew, U.K

comment that even if the H.M.S *Seahorse* were here it would do little good against the pirates who have been reported to be traveling in 36 gunned ships. For this reason, Hamilton requests that the Council speak to the Admiralty about sending a Man-O-War to the Caribbean to escort him and deal with the pirates. It is important to note that the Man-O-War ships were the best-armed ships in the British fleet. These ships were specifically outfitted for naval combat and were known for having both crews and cannons that number in the hundreds. Given the magnitude of this request, Hamilton must have been thoroughly intimidated by the pirates. This issue further shows the disjointed command structure of the British Empire, specifically in regards to the Admiralty relationship to colonial offices. The whereabouts of Captain Soane are never elaborated on and, due to his absence, the council must make a formal request from the Admiralty to send another ship. This request will likely take a month to approve and then the travel time it would take to deploy a new ship makes this lengthy request. Here again, we see legal pluralism cutting into the perseverance of the empire. The Council's struggles with the Admiralty represent the lack of jurisdictional authority afforded to the Council of Trade and Plantations.⁷⁸ While they are an office created by the king; they wield no executive power. Instead of directing the Admiralty themselves, they must relay their orders back to the office of the king, who then sends the request to the Admiralty, who may or may not write back about what ships they can send. This lack of proper authority forces the council into a bureaucratic quagmire, which directly impedes the maintenance of the empire.

Governor Hamilton would again beseech the council for help on June 12th, 1716.

Hamilton notified the council that he had begun issuing privateering commissions to hunt down

⁷⁸ Benton, Lauren. "Legal Spaces of Empire: Piracy and the Origins of Ocean Regionalism." *Comparative Studies in Society and History* 47, no. 4 (2005): 700–724.

the pirates. However, this was ultimately treating the symptoms and not a disease. As Hamilton notes, “my Lds. you will easily discern the difficultys I labour under in an affaire of this nature, with mutuall complaints and disorders; on the one hand the Spaniards have been the first aggressors and H.M. subjects in these parts have long suffered many and great losses, on the other our Buckaneers and seafareing people exasperate thereby and tempted by the allurements of rich wrecks, have at length I'm affraid, presum'd to make reprisals”⁷⁹ British sailors where feeling justified in attacking Spanish ships for the coast guards abuse of their merchants for so long. This in tandem with the wealth to be gained by such ventures makes preventing such crimes incredibly difficult. Furthermore, public sentiments seem to have been on the side of the pirates, Hamilton reports he sent a man to be executed for robbing a Spanish ship docked at Jamaica, but he was saved by a mob at Port Royal that started a riot over the man’s execution.⁸⁰ It was at this point the Council made a formal request to the King to send more ships to the Caribbean. In a letter written on June 22nd, the council sent a letter explaining that the British colonies in the Caribbean were “surrounded by French and Spanish” and “buccaneers and pirates that infest those seas.”⁸¹

The second voice to be raised against the pirates was another member of the council, Alexander Spotwood, the governor of Virginia. Spotswood reported on July 3rd that, “A nest of pirates are endeavoring to establish themselves at Providence” and “may prove dangerous to

⁷⁹ Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies*: No 203 “Governor Lord Hamilton to the Council of Trade and Plantations” Jamacia, June 12th, 1716 (Vol 29) 1716-1717 London: His Majesty’s Stationary Office, National Archives Kew, U.K.

⁸⁰ Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies*: No 203 “Governor Lord Hamilton to the Council of Trade and Plantations” Jamacia, June 12th, 1716 (Vol 29) 1716-1717 London: His Majesty’s Stationary Office, National Archives Kew, U.K.

⁸¹ Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies*: No 224 “Council of Trade and Plantations to the King” Jamacia, June 22nd, 1716 (Vol 29) 1716-1717 London: His Majesty’s Stationary Office, National Archives Kew, U.K.

British commerce if not timely suppressed.”⁸² Spotswood then attaches the deposition of a man named John Vickers who used to live in New Providence who explains the situation in Nassau. Vickers goes into detail about many of Hornigold's exploits and the abundance of wealth he brought into Nassau since last November from pirating Spanish ships. Vickers claimed Hornigold was now sailing with 200 men and that he claimed all pirates who lived on New Providence were “under his protection.” This protection typically manifested as burning down the houses of non-pirate inhabitants who crossed them and whipping those who continued to not comply. Vickers also confirms Dutch sailors were among the pirates staying at New Providence when he left.⁸³ This report confirms any vestige of the Lord Proprietor's colonial government had been complete supplanted by Hornigold and the Flying Gang. The Flying Gang had filled the void left by the proprietary government and was now the controlling force on the island. They had seized the fort and started issuing punishments indicating that they now controlled the legitimate use of force on New Providence. According to John Vickers, Captain Hornigold established his domain as all pirates in the Bahamas and justified it by claiming they are under his protection, meaning Hornigold's use of violence. It is in the testimony provided by Vickers that we see Hornigold and the republic of pirates begin to act closer to a legitimate state than a gang of outlaws. It is only in the legally insulated environment of a proprietary colony that this development occurs. The divorced status proprietary colonies have from the rest of the empire

⁸² Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies*: No 240 “Governor Spotswood to the Council of Trade and Plantations” Virginia, July 3rd, 1716 (Vol 29) 1716-1717 London: His Majesty's Stationary Office, National Archives Kew, U.K.

⁸³ Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies*: No 350 “Governor Hamilton to the Council of Trade and Plantations” Antigua, October 3rd, 1716 (Vol 29) 1716-1717 London: His Majesty's Stationary Office, National Archives Kew, U.K.

allows figures like Hornigold to completely hijack local jurisdictions to serve his own interest which were directly against those of the empire.

After three months Governor Hamilton finally received word back from the Council of Trade and Plantations that a Man-O-War would be dispatched to the Leeward Islands. On October 3rd Hamilton wrote a response letter to Mr. Burchett who notified him of the deployment. He was tremendously grateful but mentions, “till then am still a sort of a prisoner.”⁸⁴ He also informs the council that piracy has gotten worse and that he saw a French pirate ship with over 30 guns manned by “men of all nations.” One must assume he is talking about La Buse who after docking in Nassau recruited from its growing multi-national community of sailors.⁸⁵ Unfortunately for Hamilton, his Man-O-War would not arrive until May 15th, 1717, which was over a full year from when he initially asked for it and nine months since it had initially been approved by the Admiralty. When Governor Hamilton finally received his long-awaited Man-Of-War, he was disappointed. The *Seaford* was far past its prime, being a 20-year-old ship prone to frequent repairs and carrying a meager 20 guns.⁸⁶ Hamilton described it in his report as, “being such a small bable and the Captain acquainting me that if it blew anything hard he could hardly carry any of his guns out so as to make use of them.”⁸⁷ Due to the derelict nature of his warship, Hamilton had to cut his cruise of the British colonies short. Hamilton also wanted to survey the

⁸⁴ Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies*: No 350 “Governor Hamilton to the Council of Trade and Plantations” Antigua, October 3rd, 1716 (Vol 29) 1716-1717 London: His Majesty’s Stationary Office, National Archives Kew, U.K.

⁸⁵ Rediker Marcus, “Villains of All Nations: Atlantic Pirates in the Golden Age” *Verso*, 2012. Chp 2, pg. 19

⁸⁶ ADM51/877: Admiralty Records, Captains Log, *Seaford*, 19 Sept 1716 to 22 Sept 1720, National Archive, Kew U.K

⁸⁷ Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies*: No 203 “Governor Lord Hamilton to the Council of Trade and Plantations” Jamaica, June 12th, 1716 (Vol 29) 1716-1717 London: His Majesty’s Stationary Office, National Archives Kew, U.K.

Virgin Islands but was warned against it by Seaford's captain. Samuel Bellemy had been seen in the area in his 36-gun sloop which they feared would defeat them in an outright confrontation.⁸⁸

Captain Woodes Rogers

While Hornigold and the Flying Gang were busy gallivanting across the colonies a man named Joseph Addison was back in London drowning in reports. Addison was appointed by King George as the Secretary of State for the Southern Department. This included all the British Empire's "southern" holdings of which the Caribbean was counted. Whenever the Council of Trade and Plantations communicated to the office of the King, it was through Addison. So, all of Governor Alexander Spotswood's warnings about a "nest of pirates" that would "prove dangerous to British commerce if not timely surpassed" ended up on his desk.⁸⁹ Along with the cries for help by Governor Walter Hamilton begging for a Man-Of-War and imprisonment on his own island.⁹⁰ Addison also had to read the shocking accounts by the governor of Jamacia that "pirates take half of the ships and vessels" leaving their harbor.⁹¹ To make matters worse the Admiralty was reluctant to help. The captain of the H.M.S *Swift* based in Jamacia was too afraid to leave the harbor and confront the pirates.⁹² When he asked the Admiralty for a Man-Of-War

⁸⁸ ADM51/865: Admiralty Records, Captains Log, *Scarborough*, entry December 1st, 1716-31 January 1717. Via Woodard Colin, "The Republic of Pirates" *Pan Books* 2007

⁸⁹ Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies*: No 240 "Lieutenant Governor Spotswood to Council of Trade and Plantations." July 3rd, 1716 (Vol 29) 1716-1717. London: His Majesty's Stationary Office.

⁹⁰ Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies*: 188 "Governor Hamilton to the Council of Trade and Plantations" Bermuda, April 10th, 1716 (Vol 29) 1716-1717 London: His Majesty's Stationary Office, National Archives Kew, U.K

⁹¹ Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies*: No 411 "General Peter Heywood to the Council of Trade and Plantations", December 3rd, 1716, (Vol 29) 1716-1717. London: His Majesty's Stationary Office

⁹² Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies*: No 411 "General Peter Heywood to the Council of Trade and Plantations", December 3rd, 1716, (Vol 29) 1716-1717. London: His Majesty's Stationary Office

for Governor Hamilton, they dragged their feet for almost a year and then sent one of the oldest ships in the Armada. Other Captains like Soane abandoned their posts leaving the pirates to run rampant. The problem had grown so disastrously out of proportion that now other department heads and top diplomats were directly complaining to him, “Unless some effectual and immediate protection is sent the whole trade from Great Britain to those parts will not only be obstructed, but in imminent danger.”⁹³ Addison decided the problem of piracy needed to be quickly dealt with and so he decided to call in a specialist; Captain Woodes Rogers.

Rogers was already a household name by the time Addison reached out to him. In 1707 he was recruited by British privateer William Dampier to plunder Spanish ships.⁹⁴ This seemingly benign voyage turned into a three-year adventure that led Rogers to circumnavigate the entire globe. During this time, he and Dampier doubled the money given to them by investors.⁹⁵ Woodes Rogers wrote a book about his travels called *A Cruising Voyage Around the World* which was both widely read and profitable.⁹⁶ Rogers was also responsible for dislodging pirates in Madagascar in 1714 who established a settlement on the island and were using it as a forward operating base to launch raids on imperial commerce. Rogers planned to become governor of Madagascar after removing the pirates but was blocked by the East India Company.

⁹³ Cecil Headlam ed. *Calendar of State Papers Colonial America and the West Indies*: No 596 “Letter to Secretary Joseph Addison on the Council of Trade and Plantations” May 31st, 1717, (Vol 29) 1716-1717. London: His Majesty’s Stationary Office.

⁹⁴ Dampier Williams, “A New Voyage Around the World” Chapter XVII-XVIII, *James Knapp*, 1697. Digitized by Boston College on the *Internet Archive*.

⁹⁵ Alexander O Exquemelin, “The Buccaneers of America” Pantianos Classics, 1914. Originally published in English in 1684. Edited by George Alfred Williams

⁹⁶ Woods Rodgers, “A Cruising Voyage Around the World.” Prologue, Originally Printed by *Cassel and Company* in 1712, Reprinted in 1928 by *Seafarers Library*. Introduction and Notes by G.E Manwaring. Digitized by the *Gutenberg Project* on September 13th, 2017

Between his privateering and pirate hunting experience Rogers made an ideal candidate to be placed in charge of purging the Bahamas of the Flying Gang.

While Rodger's machinations for Madagascar fell short, he did catch the attention of Joseph Addison. Addison and Rodgers had been acquainted with each other since childhood, due to both men coming from noble families who were deeply engaged in Whig politics.⁹⁷ When Addison reached out to Rogers, he immediately jumped at the opportunity firmly believing his plans for Madagascar were just as applicable to the Bahamas. Rogers proposed a plan where a joint public-private partnership would oversee the reconstruction of the island. A corporation of private investors would provide the soldiers, ships, settlers, and governors while the crown provided a handful of frigates to assist with the initial landing and expulsion of the pirates. Under Rogers model, the crown would retake control of the Bahamas but outsource the management of the colony to a private corporation run by him.⁹⁸ Rogers also stipulated that the crown would have to provide a legal pardon to any pirates who willingly turned themselves over. This pardon played a massive role in altering the political landscape of the Caribbean, and I will discuss its effects shortly.

Rogers spent most of 1717 campaigning to become governor of the Bahamas. During this time, he was introduced to a wealthy merchant Samuel Buck. Buck was a former agent of the Lord Proprietors and had personally lost 2,700 British pounds worth of cargo to the Flying Gang. Buck and Rogers formed natural allies and together established the “The Copartners for Carrying

⁹⁷ CO23/1 Colonial Office Records: Bahamas Correspondence, 1717-1725, No 31 “*Memorial from the Copartners for Carrying on Trade & Settling the Bahama Islands.*” May 19th, 1721. National Archives, Kew U.K. Via Woodard Colin, “The Republic of Pirates” *Pan Books* 2007

⁹⁸ CO23/1 Colonial Office Records: Bahamas Correspondence, 1717-1725, No 31 “*Memorial from the Copartners for Carrying on Trade & Settling the Bahama Islands.*” May 19th, 1721. National Archives, Kew U.K. Via Woodard Colin, “The Republic of Pirates” *Pan Books* 2007

on Trade & Settling the Bahamas Islands,” which for the sake of brevity I will simply be referring to as “The Copartners” from now on.⁹⁹ Rogers and Buck got five other investors to join them and managed to convince 163 merchants to sign their petition to the king.¹⁰⁰ They even managed to persuade the Lord Proprietors to relinquish ownership of the Bahamas back to the crown. Rogers seemed to sway them by arguing that the continued existence of a pirate haven in the Bahamas posed a financial risk to their other colonial holdings in the Carolinas. The Lord Proprietors had more to lose in the long run with the continual raids by the Flying Gang than by turning over the Bahamas to the state. The Proprietors agreed with Rogers but negotiated to maintain their commercial and property rights in the Bahamas. This meant that legally speaking the Proprietors were leasing out the land of the Bahamas to Rogers.¹⁰¹

After months of campaigning the crown finally agreed to Buck and Rogers’ petition on September 3rd, 1717. However, the King had one condition: Rogers would have to work pro bono. The crown was willing to give Rodgers a royal commission and a squadron of frigates but not a salary.¹⁰² Rogers agreed to these terms and after months of paperwork, he finally received his royal commission on January 6th, 1718. King George opened the commission by stating, “Whereas by reason of the great neglect of the Proprietors of the Bahama Islands” he then goes

⁹⁹ CO23/1 Colonial Office Records: Bahamas Correspondence, 1717-1725, No 31 “*Memorial from the Copartners for Carrying on Trade & Settling the Bahama Islands.*” May 19th, 1721. National Archives, Kew U.K. Via Woodard Colin, “The Republic of Pirates” *Pan Books* 2007

¹⁰⁰ CO5/1265 Colonial Office Records: Documents Relating to Woodes Rodgers Appointment No 76iii “*Woodes Rodger Petition & Proposal to the King to Govern the Bahama Islands.*” July 1717; No 76iv “*Petition to the King from the Merchants*” 1717; No 76v “*Memorial to Joseph Addison for the Sundry Merchants*” 1717; No 76vii “*Petition of Merchants of Bristol to the King.*” 1717. National Archives, Kew, U.K. Via Woodard Colin, “The Republic of Pirates” *Pan Books* 2007

¹⁰¹ CO5/1265 Colonial Office Records: Documents Relating to Woodes Rodgers Appointment No 76iii “*Woodes Rogers proposal to the Lord Proprietors of the Bahamas.*” 1717, National Archives, Kew U.K

¹⁰² Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies*: “Letter of Secretary Joesph Addison to the Council of Trade and Plantations” Whitehall, London, September 3rd, 1717 (Vol 30) 1717-1718. London: His Majesty’s Stationary Office. Via Woodard Colin, “The Republic of Pirates” *Pan Books* 2007

on, “the said islands are exposed to be plundered and ravaged by pirates, and others and are in danger of being lost from our Crown of Great Britain. We by these presents do constitute and appoint you, Woodes Rodgers, to be our Captain General and Governor Chief.”¹⁰³ Shortly after receiving the King's blessing, Rogers departed for Nassau.

This chain of events shows the distorted thinking at the upper reaches of the empire. The King openly condemns the Lord Proprietors negligence in his official commission to Woodes Rogers even going as far as citing them for the reason the Bahamas has fallen to pirates. Yet the King and his court seem unable to grasp the fact that their negligence devolved to this point due to a private company running a proprietary colony. The King answers by commissioning Rogers and *another independent private company* to clean up the mess. While the Bahamas had been transferred over to the crown making it a royal colony the crown was still outsourcing management of the colony to the private sector. It is precisely this lack of direct royal presence that contributed to the Bahamas’ abandonment. As we have seen, private corporations like the Lord Proprietors cannot be trusted with the security of a colony, because they abandon it as soon as it becomes unprofitable. They are dedicated to increasing personal, profits not maintaining the security of colonial interests.¹⁰⁴ The jurisdiction afforded by a proprietary colony simply facilitates and promotes this compulsion.

Now that the Bahamas had been relabeled as a royal colony, the ease at which a private company could slide into negligence was diminished but not erased. Only a royal colony whose publicly appointed governor’s wealth is tied to the prosperity of the colony can prevent this from

¹⁰³ Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies*: No 314 “Copy of Governor Rodger Commission” January 16th, 1718, (Vol 30) 1717-1718. London: His Majesty’s Stationary Office.

¹⁰⁴ Stern J Philip “The Company-State: Corporate Sovereignty and the Early Modern Foundations of the British Empire in India” Oxford University Press, New York, 2011. Chp 9

happening. The politics in London do not understand this fact due to how far removed they were from the reality of colonial administration. This led to a distortion of thinking which produces the warped legal system we saw from other subjects.

I would now like to take a moment to discuss King George's pardon and the effect it had on piracy. This pardon was part of a wider anti-piracy movement undertaken, which is outlined in King George's Proclamation for Suppressing Pirates. This royal mandate issued three commands to confront the growing threat of piracy. First, any pirate who turned themselves in from September 5th, 1717, to September 5th, 1718, could be pardoned. These individuals would not face prosecution and could seamlessly rejoin British society. The second article of this proclamation declared a standing bounty on any pirate captain or crew member who continued to engage in piracy after the start of the grace period. The pardon would only extend to crimes committed before September 5th, 1717. Any crimes committed after would not be pardoned and would place a death warrant on the head of its perpetrators which could be paid out by any British colonial authority. The third and final article of the proclamation was that any pirate who turned in their fellow crew members or captains could receive both a pardon and a reward.¹⁰⁵ While this proclamation dealt with the symptoms of the diseases Woodes Rodgers would be working to cure the affliction at its source, Nassau.

Pardoning Chaos

King George's pardon did not have its intended effect. It did ultimately curtail the number of pirates, but not anywhere near the number they were hoping for. News of the royal edict

¹⁰⁵ The London Gazette "From Saturday September 14th to Tuesday September 17th, 1717." *His Majesty's Stationary Office*, National Archives, Kew, U.K. Via Woodard Colin, "The Republic of Pirates" *Pan Books* 2007

reached Boston first, and a copy of the Proclamation for Suppressing Pirates was copied in the *Boston Gazette* on December 9th, 1717.¹⁰⁶ After the King's decree was published in the papers, word quickly spread among sailors making its way to New Providence. We do not have any firsthand accounts of the pirates of Nassau's reaction to the pardon, but one can imagine their surprise. Most of them undoubtedly thought that by turning to a life of crime and rebellion they had committed for life. Most of the Flying Gang had accepted that a lifestyle of fortune and plunder would lead them to an early grave, but now they had a chance to go back. This dilemma was exactly what Rogers had been counting on. Rogers had previously used this strategy on Madagascar to pacify the pirate population, almost all of which took the pardon and gave up their life of crime. He assumed after his experience with the pirates in Madagascar that the pirates of the Bahamas would be similarly poor, destitute, and desperate to return to society. This was a miscalculation; Rogers had visited Madagascar after its heyday.

The great pirates of the Indian Ocean, like Henry Avery, had long since disappeared from its waters leaving Madagascar a shadow of its former self.¹⁰⁷ New Providence was still in its prime and many of the pirates who called it home had no inclination to rejoin society. While many pirates treated the king's pardon with disdain, a significant number of their cadre sought to leave the criminal life behind them. This division between the pirates created a rift that divided the Flying Gang into two factions. The pro-pardoners who were led by none other than Benjamin Hornigold himself. Against the anti-pardon group which consisted of Paulsgrave Williams, Jack Rackham, and they were led by perhaps the most vicious pirate of the time, Charles Vane.¹⁰⁸

¹⁰⁶ Woodard Colin, "The Republic of Pirates" *Pan Books*, 2007, Ch 9, pg. 226

¹⁰⁷ Dampier Williams, "A New Voyage Around the World" Chapter XVII-XVIII, *James Knapton*, 1697. Digitized by *Boston College* on the *Internet Archive*.

¹⁰⁸ "Weekly Journal or British Gazetteer, May 3rd, 1718. Via Woodard Colin, "The Republic of Pirates" *Pan Books* 2007

Tension came to a head when a general assembly was called among the pirates. According to a *General Life of the Pyrates*, “There was so much noise and clamor that nothing could be agreed on.” The author goes on to state the atmosphere of the meeting was so chaotic, “that their congress broke up very abruptly without doing anything.”¹⁰⁹ The Flying Gang dispersed shortly after this, Captain William Jennings almost immediately sailed to Bermuda with 15 men to ask for a pardon, Captain Christopher Winter and Nicholas Brown set out for Spanish-controlled water to hide from Rodger's impending fleet, Captain Edmund Condent loaded up a crew of 90 and set sail for Africa, while Charles Vane began secretly outfitting a ship to defend Nassau. Hornigold decided to stay in Nassau and await whatever British authority visited the island but sent 80 of his men to Jamacia to seek pardon and inform the governor of his surrender.¹¹⁰ Almost overnight the pirate republic evaporated as pirates began traveling to nearby colonies seeking pardon or fleeing to remote waters to continue their crimes.¹¹¹

¹⁰⁹ Captain Charles Johnson “A General History of the Pyrates” Chapter 6 Vane. Originally printed by T. Warner 1724. Retrieved from the *Gutenberg Project* scanned from Jens Sadowski August 15th, 2012.

¹¹⁰ Clinton & Black, “Pirates of the West Indies” *Cambridge University Press*, September 4th, 1989. Pg 129

¹¹¹ Benton, Lauren. “Making Order out of Trouble: Jurisdictional Politics in the Spanish Colonial Borderlands.” *Law & Social Inquiry* 26, no. 2 (2001): 373–401

Chapter 2: The Infection Spreads, Blackbeard and the Kings Pardon

Blackbeard and Legal Pluralism

The mass pardoning spree prompted by King George's proclamation would reveal yet another flaw within the pluralistic British legal system. Several pirates quickly discovered they could receive the King's pardon and go straight back to pirating. Colonial administrators did not check with one another before issuing pardons nor was there a central registry so pirates could receive pardons multiple times. This granted pirates a “grace period” where they were no longer being scrutinized by the crown in which they could commit piracy with even more impunity than before. For example, a pirate could receive the King's pardon in Bermuda and be forgiven of his crimes then sail to Virginia to commit more acts of piracy. If he were stopped along the way he would just show the pardon and say he was a normal sailor doing legitimate business. This not only allowed pirates to evade the law but also dock in port cities that were previously hostile to them. Blackbeard is perhaps the best example of this. The grievous abuse of the pardon and the plan he would enact illustrate a perfect example of the failings of legal pluralism.¹¹² It is, for this reason, I wish to monetarily pause our story on Hornigold and briefly take a tangent to follow Edward Thatch.

Edward Thatch had parted ways with his former captain Hornigold early in 1717. Several crew members were growing increasingly frustrated with Hornigold reluctance to pirate British

¹¹² Benton, Lauren. “Legal Spaces of Empire: Piracy and the Origins of Ocean Regionalism.” *Comparative Studies in Society and History* 47, no. 4 (2005): 700–724

ships. Hornigold's leadership was called into question, and the crew put it to a vote which ultimately replaced Hornigold with Thatch as captain.¹¹³ The standard pirate practice was to drop the former captain off at the nearest bit of dry land and maroon them. Thatch, however, gave Hornigold a stolen ship to travel back to Nassau while he continued pirating. Hornigold and a couple of loyalists departed leaving Blackbeard and the more hardline pirates to continue raiding. Both he and Hornigold operated out of Nassau for the following year and must have encountered each other at this time. Blackbeard was not at Nassau when news reached them of the pardon nor when Vane and Hornigold's factions came into conflict. Blackbeard nonetheless heard of the king's pardon from a captured ship captain named Henry Bostock whose vessel Blackbeard seized from the eastern end of Puerto Rico. Bostock informed Blackbeard of the King's pardon and Blackbeard immediately saw the writing on the wall; the republic of pirates was over.¹¹⁴ He knew Nassau's days were numbered and the impending arrival of a royal governor would surely spell the end of piracy in the Bahamas. Blackbeard, however, had no desire to stop pirating. To ensure this he began concocting a new scheme.

Blackbeard's New Nest

Thatch sailed to North Carolina stopping to raid and pillage along the way, even taking a brief detour to blockade the city of Charleston for 12 days. He then took one ship filled with only his most loyal crew to Bath, North Carolina, the colony's administrative center. Once there he met Governor Charles Eden. While we do not have any first-hand account as to the exact nature of this meeting, we do know that Blackbeard left the governor's estate with pardons for himself

¹¹³ Captain Charles Johnson "A General History of the Pyrates" Chapter 3 Teach. Originally printed by T. Warner 1724. Retrieved from the *Gutenberg Project* scanned from Jens Sadowski August 15th, 2012.

¹¹⁴ ADM1/1471-2649: Admiralty Records, Letters from Captains, *Scarborough*, folio 5 "Deposition of Hennry Bostock" 1718, National Archive, Kew U.K. Via Woodard Colin, "The Republic of Pirates" *Pan Books* 2007

and his entire crew.¹¹⁵ Edward Thatch would then settle down in Bath, bought a house on Plum Point, married a local girl, and became a frequent at the local taverns. By all appearances, he was a reformed upstanding citizen of the colony.¹¹⁶ Under the surface, Blackbeard was still engaging in his normal roguish activities. For Captain Thatch and Governor Eden entered into a pact. Thatch would continue robbing the merchants of the Atlantic and bring the spoils back to Bath, where they would be fenced by Governor Eden and his friends. Eden would also offer the pirates legal protection if the authorities came looking.¹¹⁷

After a few months of reveling Blackbeard went back to work in July of 1718. The stolen Spanish ship he sailed into Bath on was considered legal salvage and he had the custom papers to back it up, courtesy of Governor Eden.¹¹⁸ Blackbeard set sail for familiar hunting grounds, the Caribbean. Blackbeard captured several French ships and returned to Bath on September 12th. The following night he paid a visit to North Carolina's chief justice and his majesty's collector of customs Tobias Knight. Reports state that Blackbeard arrived, "about twelve or one o'clock in the night" and stayed there, "till about an hour before the break of day."¹¹⁹ During this meeting, Blackbeard presented Knight with several gifts including sugar, a bag of chocolate, and some cargo from the stolen French ships. This parcel of sugar was later found by the authorities hidden under Knight's barn. It is abundantly clear the nature of this meeting was like the one Thatch had

¹¹⁵ Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies*: 800 "Governor Spotswood to the Earl of Orkney" December 22nd, 1718. (Vol 30) 1717-1718 London: His Majesty's Stationary Office

¹¹⁶ Captain Charles Johnson "A General History of the Pyrates" Chapter 3 Teach. Originally printed by T. Warner 1724. Retrieved from the *Gutenberg Project* scanned from Jens Sadowski August 15th, 2012.

¹¹⁷ Saunders L William "Deposition of Governor Charles Eden of North Carolina Council", Chowan, NC: 30 December 1718, *Colonial Records of North Carolina*, Vol II, Raleigh, NC, 1896, Pg 322

¹¹⁸ Saunders L William "Deposition of Governor Charles Eden of North Carolina Council", Chowan, NC: 30 December 1718, *Colonial Records of North Carolina*, Vol II, Raleigh, NC, 1896, Pg 322

¹¹⁹ Saunders L William "North Carolina Council Minutes", May 27th, 1719, *Colonial Records of North Carolina*, Vol II, Raleigh, NC, 1896, Pg 341. Via Woodard Colin, "The Republic of Pirates" *Pan Books* 2007

with Governor Eden, bribing the colonial government to support his actions for a cut of plunder.¹²⁰ Knights' complicity can further be seen in the case of William Bell. On the very same day Blackbeard met with Knight he beat and robbed a man named William Bell. Bell was traveling by canoe with his son and native servant when they crossed paths with Blackbeard headed back to Ocracoke Island where he had docked his ship. According to Bell, Blackbeard jumped onto their canoe and stole anything of value they had. When Bell tried resisting Blackbeard beat him with the blunt end of his sword until it snapped. Bell then stumbled into Tobias Knight's house, beaten and bloody, in the early hours of the morning to report the crime to the local justice. According to Bell's later testimony, Knight listened to him and filed a report about the incident never mentioning once that Blackbeard had spent the night at his house.¹²¹ After mugging Bell, Blackbeard departed to Bath from Ocracoke Island where Governor Eden had his stolen French ship marked as salvage. Captain Thatch claimed he found the vessel abandoned floating in the ocean with a hull filled with valuables. Eden told Blackbeard to burn the boat for being a hazard to sailors, despite the fact they had sailed it back hundreds of miles without incident. Blackbeard complied and conveniently destroyed the only piece of physical evidence linking the piracy of a French boat back to the North Carolina governor.¹²²

This phase of Blackbeard's career is potentially one of the most blatant and heinous examples of legal pluralism being used against the empire. The king's pardon was meant to provide an exit strategy for pirates who wanted to return to a lawful existence. The crown did not anticipate pirates would use it as a legal shield to give them a reprieve before setting out pirating

¹²⁰ Leeson, Peter T. "An-Arrgh-chy: The Law and Economics of Pirate Organization." *Journal of Political Economy* 115, no. 6 (2007): 1049–94

¹²¹ Saunders L William "Testimony of William Bell" Chowan, NC: May 27th, 1719, *Colonial Records of North Carolina*, Vol II, Raleigh, NC, 1896, Pg 343

¹²² Saunders L William "Testimony of Tobias Knight", May 27th, 1719, *Colonial Records of North Carolina*, Vol II, Raleigh, NC, 1896, Pg 347. Via Woodard Colin, "The Republic of Pirates" *Pan Books* 2007

again. Thatch was a high-priority target for the empire that could have been arrested. Instead, he used the pardon to buy himself more time and re-established himself in North Carolina after the fall of Nassau. By shifting his base of operations from Nassau to Bath Blackbeard also was able to create an illusion of legal legitimacy with the help of the pardon which erased his criminal record. Even more egregious than this misuse of the pardon was his manipulation of the local government. Similar to how Hornigold brought in the merchant smugglers of Harbor Island in the early days of Nassau Blackbeard brought Charles Eden and Tobias Knight into the fold, turning them from potential rivals to accomplices. The key difference is that the merchants of Harbor Island wielded no legal power, whereas the men Blackbeard allied with did. Perhaps Thatch learned from watching Benjamin Hornigold struggle with Thomas Walker all those years ago and realized it was better to recruit members of the colonial establishment rather than fight them. With Eden and Knight in his pocket Blackbeard could rob people in broad daylight without ramifications. This level of independence shows that the colonial governors did not have sufficient oversight nor an imperial agent to hold them accountable for enforcing common British law.¹²³ one might recall in my discussion of Woodes Rodgers' appointment I also mentioned the Lord Proprietors' other colonial holdings. These other holdings were none other than North Carolina. *Edward Thatch had simply moved from one neglected Proprietary colony overseen by the Lord Proprietors to another*, Albeit to one with substantially more political management than the Bahamas.¹²⁴ This reiterates the neglectful nature of the Lord Proprietors

¹²³ Benton, Lauren. "Legal Spaces of Empire: Piracy and the Origins of Ocean Regionalism." *Comparative Studies in Society and History* 47, no. 4 (2005): 700–724

¹²⁴ Benton Lauren, *Law and Colonial Cultures: Legal Regimes in World History 1400-1900* Cambridge University Press, 2002. Chp 2

and shows their incompetence permeated into two different colonial spheres. This ineptitude lead to the empire catching the same affliction twice, an infection of pirates.¹²⁵

Governor Spotswood

Unfortunately for Blackbeard, the colonial administration had learned from their past mistakes. They knew if they allowed this infection in Bath to fester it would evolve into a second Nassau. Member of the Council of Trade and Plantations and Governor of Virginia Alexander Spotswood had been one of the first to sound the alarm about the pirates of the Bahamas. Now one of the most infamous of their brood had moved next door. Spotswood was aware Thatch had settled down in Bath and took the pardon from Governor Eden. However, the astute governor of Virginia did not think it was a coincidence that ships began to report being robbed outside North Carolina at an increased rate after he moved in. To confirm his suspicions, he had the captain of one of the naval frigates stationed in Virginia, Captain Ellis Brand of the HMS *Lyme*, send some of his men to spy on Blackbeard. Their mission was, “to make a particular inquiry after the pirates.”¹²⁶ During their reconnaissance, they managed to seize Blackbeard’s former quartermaster William Howard. Governor Spotswood then interrogated the man and discovered the cabal Blackbeard formed with Tobias Knight and Governor Eden.¹²⁷

This put Spotswood in a frustrating predicament. While he had tangible proof and an imprisoned witness to Blackbeard’s crime, these crimes had not occurred on Virginian soil. He

¹²⁵ Benton, Lauren. “Legal Spaces of Empire: Piracy and the Origins of Ocean Regionalism.” *Comparative Studies in Society and History* 47, no. 4 (2005): 700–724

¹²⁶ Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies*: 800 “Governor Spotswood to the Council of Trade and Plantations” December 22nd, 1718. (Vol 30) 1717-1718 London: His Majesty’s Stationary Office

¹²⁷ ADM51/4250: Admiralty Records, Captains Log, *Lyme*, Captain Ellis Brand,” Ellis Brand to Admiralty” July 14th, 1719. National Archives Kew, U.K. Via Woodard Colin, “The Republic of Pirates” *Pan Books* 2007

could not arrest a man for a crime in another's governor colony, nor could he request extradition since all the crimes had been committed in North Carolina. Even if Spotswood did have evidence of a crime Blackbeard committed in Virginia it was unlikely Chief Justice Tobias Knight would comply with the order, since he was complicit in the scheme. Unless Thatch made a mistake that happened to fall within Virginia state lines Spotswood hands were tied. The Admiralty could not insert themselves into civil matters so any chance of using the HMS *Lyme* and its crew required them to meet Blackbeard in open water. Given the formidable reputation of Blackbeard, it was unlikely Captain Brand would be willing to risk open confrontation at sea. Governor Spotswood decided Thatch and his brood presented too big a threat to the colony to simply ignore due to the matter of legal jurisdiction. Left with no alternatives Spotswood approached Captain Brand and his fellow frigate captain Geroge Gordon of the HMS *Pearl* about a daring plan to rid the empire of Blackbeard once and for all. They would invade North Carolina.

Needless to say, this plan was highly illegal. Neither governors nor officers of the Royal Navy had the authority to invade another colony. Legally speaking Edward Thatch had done nothing wrong, his past crimes had been pardoned by the king, he applied for legal salvage for the two "wrecked" ships he found and had yet to be formally indicted for any crime. Blackbeard was a model citizen in the eyes of the law.¹²⁸ The scope of Governor Spotswood's ambition is further made apparent by the fact that he told neither Virginia's governing council nor its colonial legislature his plan. He certainly did not inform Governor Eden or any member of the North Carolina establishment of his machinations. Spotswood was acting completely on his own without any legal legitimacy essentially dispatching vigilante justice onto fellow British

¹²⁸ Saunders L William "Testimony of Tobias Knight", May 27th, 1719, *Colonial Records of North Carolina*, Vol II, Raleigh, NC, 1896, Pg 347. Via Woodard Colin, "The Republic of Pirates" *Pan Books* 2007

citizens—not unlike what Thomas Walker tried to do to Benjamin Hornigold on Harbor Island three years prior. The key difference is Walker did not have two frigates or the office of governor at his disposal.¹²⁹

Legality of Spotswood Plan

There are several things I want to address regarding Spotswood's plot in relation to legal pluralism. Firstly, the fact that a colonial governor was able to mobilize stationed military personnel without notifying the colonial legislator is a massive oversight of the checks and balances of the office of governor. The fact that Governor Spotswood was able to direct servants of the crown without the approval of an elected body shows the overreach capable of the executive branch. Second, the fact that the admiralty is capable of having definitive proof of criminal activity but incapable of acting on it to make an arrest. This lack of power is somewhat understandable. The navy is empowered by the monarch, but the colonial courts are empowered by elected governors and legislatures. The navy cannot overstep its legal boundary, just as the King cannot arbitrarily insert himself into the matters of a colony. This self-determination was to a certain extent legally protected and prevented the overreach of the king. However, in an imperial system intentionally weakening the central powers allowed local actors to act in their own interest which, as we have seen with Charles Eden and Tobias Knight, sometimes diametrically opposed to the well-being of the empire as a whole¹³⁰. The ideal remedy to this situation would have been to have a royal agent legally empowered by the king to uphold common law across colonial lines. This “royal sheriff”, for lack of a better term, would have

¹²⁹ Lauren Benton and Richard Ross, “Legal Pluralism and Empires, 1500–1850” eds. *New York University Press*, 2013. Chp 1

¹³⁰ Benton Lauren, *Law and Colonial Cultures: Legal Regimes in World History 1400-1900* Cambridge University Press, 2002. Chp 2

been capable of enforcing the will of higher courts, like the Court of the Vice-Admiralty for example, into territories traditionally out of its reach. Due to the abundance of colonial legal jurisdictions, it made prosecuting highly mobile criminals difficult. This difficulty is further exacerbated when members from one jurisdiction act to protect someone, who is a criminal in another, as is the case with Edward Thatch. Thirdly, the level of corruption we see in the North Carolina government is only possible due to the lack of restrictions placed on regional colonial management.¹³¹ This entire situation could have been avoided if proprietary colonies had not afforded as much leniency. While it is understandable that the crown might want to privatize the imperial project to shift from public to private sectors, they still should have a standard they hold these private colonies too. A bare minimum of resources should have been allocated to ensure that colonies outside of the jurisdiction of the king still acted in his best interest.¹³² This could have been done in the capacity of a “royal advisor” who would report on the status of the proprietary colony to the office of the king. Such an apparatus would also serve as an internal affairs division preventing corruption and personal interest from taking root. While these issues stem from the pluralistic legal framework the British Empire adopted when running its colonies, they also stem from the fact that they allowed this plurality without any oversight. Such structural antagonism not only allowed but even promoted local factions of the empire to go rogue for their own personal enrichment, as we see in both North Carolina and the Bahamas.

¹³¹ Benton Lauren, *Law and Colonial Cultures: Legal Regimes in World History 1400-1900* Cambridge University Press, 2002. Chp 2

¹³² Benton Lauren, Curlow Adam, Bain Atwood, “Protection and Empire: A Global History” Cambridge University Press, 2018. Edited by Lauren Benton, Adam Curlow and Brian Attwood. Pg 47

Spotswood Anti-Pirate Coup

Spotswood's plan was not without justification, for as he wrote to the Council of Trade and Plantation, "many favorers of the pirates we have in these parts, some of them might send intelligence to Thatch."¹³³ A short time before this letter Thatch docked in Philadelphia upon which several local officials tried to arrest him, but as they reported to Spotswood, "could fine none to assist them in disarming and suppressing of that gang."¹³⁴ Whether or not law enforcement's reluctance to arrest the pirates was born out of fear or respect is a matter of speculation, but the fact still stands that other colonial leaders simply could not move against Thatch. Spotswood himself struggled with this. After arresting and detaining Thatch's former quartermaster William Howard, one of the judges of his own Vice-Admiralty court, a friend of Governor Eden named John Holloway, ordered the arrest of the captains who detained him. Holloway filed a civil suit on behalf of the pirate who he claimed had been detained unlawfully and filed for damages. Spotswood feared Howard might be acquitted so he tried the man himself, without a jury, and found him guilty.¹³⁵

Spotswood's plan was simple: Blackbeard lived in Bath but often docked his ship on Ocracoke Island, so Captain Brand would take a contingent of marines over land to Bath, while Captain Gordon's second in command, Lt Robert Maynard, would take a ship to Ocracoke. Gordon would stay behind but contributed to the project by donating money and supplies to Spotswood and Brand, who bought and outfitted two small sloops on their own dime. They hired

¹³³ Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies*: 800 "Governor Spotswood to the Council of Trade and Plantations" December 22nd, 1718. (Vol 30) 1717-1718 London: His Majesty's Stationary Office

¹³⁴ "Governor Spotswood to Lord Careret" Williamsburg Vringa February 19th, 1719, via Woodard Colin, "The Republic of Pirates" *Pan Books*, 2007, Ch 11, pg. 288

¹³⁵ ADM1/1427: Admiralty Records, Captain Letters, FI "Ellis Brand to the Admiralty" Whorstead, England, April 8th, 1721, National Archives, Kew, U.K. Via Woodard Colin, "The Republic of Pirates" *Pan Books* 2007

a crew under the promise that any sailor who participated would receive a share of whatever riches Blackbeard had on him. On November 17th, 1718, Maynard left for Ocracoke Island onboard the *Jane* and was followed by the *Ranger* while Brand traveled by horseback to Bath. On November 23rd Brand stormed into Governor Eden's manor and declared he was there to arrest Edward Thatch.¹³⁶ Eden was undoubtedly surprised at the detachment of marines appearing on his doorstep claiming they were going to arrest his most lucrative business partner, but he was not in a position to resist. Eden could only hope Blackbeard would make his escape.

Battle of Ocracoke

Captain Maynard had already arrived at Ocracoke Island two days earlier on the 21st. Maynard anchored his boats out of sight and watched the pirates on Ocracoke Island as they entertained the merchant. Maynard made the decision to attack the following morning in hopes of catching the pirates off guard, and hungover from the night's drinking. This cunning plan of attack was ruined when on the morning of the 22nd both the *Jane* and the *Ranger* ran aground on a sandbar.¹³⁷ This caused quite a commotion as the sailors started throwing anything they could overboard to make the ship lighter. The pirates woke up to the sounds of panicked yells and splashing water as there would be saboteurs struggled to dislodge their vessels. The more sober of them quickly realized that they were under attack. The pirates sprinted onboard Blackbeard's new 9-gun ship the *Adventure* and sailed directly at the entrapped ships. The crew of the *Ranger*

¹³⁶ ADM51/4250: Admiralty Records, Captains Log, *Lyme*, Captain Ellis Brand, FII "Ellis Brand to the Admiralty" February 6th, 1719, National Archives Kew, U.K. Via Woodard Colin, "The Republic of Pirates" *Pan Books*, 2007

¹³⁷ **Accounts of the Battle come from Captain Geroge Gordon who debriefed Maynard upon returning to Virginia. He later recounted these events to the Admiralty in London** ADM 33/311: Navy Board Pay Office, Ships' Pay Book, Paybook of the *Lyme*, p5 "Letter of Geroge Gordon to the Admiralty" September 14th, 1721. & ADM1/1826: Admiralty Records, Letters from Captains, p1 "Geroge Gordon to Admiralty of London" National Archives Kew, U.K. Via Woodard Colin, "The Republic of Pirates" *Pan Books* 2007

managed to break free of the embankment and rowed to meet them. According to *A General History of the Pyrates* the ships passed within 50 feet of each other and Thatch yelled out that he would neither, “give nor take quarter” and “yelled damnations at the crew”.¹³⁸ After Maynard refused to flee Blackbeard unleashed his broadside cannons across the deck of the *Jane*. The pirates followed up with several volleys of musket fire and after the smoke cleared 21 bodies lay strewn across the vessel.¹³⁹ Thinking the battle was over Blackbeard began boarding. The remaining crew members burst forth from the hold catching the pirates off guard. During the gunfire, Maynard had commanded the surviving crew members beneath decks where they waited until the pirates boarded before ambushing them. The subsequent melee has been depicted across the centuries in a variety of ways but ultimately end with the same conclusion, the death of Edward Thatch. The *General History of the Pyrates* claimed Blackbeard ultimately fell from succumbing to his wounds, “as he was cocking another pistol.”¹⁴⁰ This seems to be corroborated by Maynard’s letter to family members after the incident where he claims Thatch collapsed, “with five shot in him and 20 dismal cuts in several parts of his body.”¹⁴¹ After the battle, Maynard decapitated Thatch’s body and strung up his head on the *Adventures* bowsprit which he sailed back to Virginia to collect the bounty. Governor Spotswood gladly paid the man and

¹³⁸ Captain Charles Johnson “A General History of the Pyrates” Chapter 3 Teach, originally printed by T. Warner 1724. Retrieved from the *Gutenberg Project* scanned from Jens Sadowski August 15th, 2012.

¹³⁹ ADM 33/311: Navy Board Pay Office, Ships’ Pay Book, Paybook of the *Lyme*, p5 “Letter of Gerge Gordon to the Admiralty” September 14th, 1721. & ADM1/1826: Admiralty Records, Letters from Captains, p1 “Geroge Gordon to Admiralty of London” National Archives Kew, U.K. Via Woodard Colin, “The Republic of Pirates” *Pan Books* 2007

¹⁴⁰ Captain Charles Johnson “A General History of the Pyrates” Chapter 3 Teach, originally printed by T. Warner 1724. Retrieved from the *Gutenberg Project* scanned from Jens Sadowski August 15th, 2012.

¹⁴¹ Saunders L William “Abstract of Letter Robert Maynard to Mr. Symonds” *Colonial Records of North Carolina*, Vol II, Raleigh, NC, 1896, Pg 339

mounted Thatch's head on a pole on the west side of the Hampton River as a threat to any potential pirates.¹⁴²

Legal Aftermath

Maynard would rendezvous with Brand on November 27th in Bath. Brand had been dealing with Governor Eden and Tobias Knight who was, "Making an abundance of difficulty advising the governor not to assist me and constantly justifying the pyrates."¹⁴³ Knight also, "positively denied any (pirated) goods were about his plantation."¹⁴⁴ After commandeering the *Adventure* Maynard did an intensive investigation of the boat in hopes of finding anything that could be used in the trial of the pirates. When searching Blackbeard's quarters, he discovered a letter from Tobias Knight discussing their illegal operations. When Maynard confronted the chief justice with this evidence he immediately capitulated and told Brand where to find the contraband hidden on his property. Governor Eden, seeing his partner in crime cave under pressure, followed suit and turned over the fenced goods he had acquired from Blackbeard.¹⁴⁵ The subsequent legal battles between Brand, Maynard, Eden, Knight, Spotswood, would last for years. It is from these numerous trials that a plethora of historical documents were produced, many of which are used in this essay. Due to the flagrant breach of legal protocol much of the evidence accumulated against Eden and Knight was thrown out. Both Captain Brand and

¹⁴² Saunders L William "Abstract of Letter Robert Maynard to Mr. Symonds" *Colonial Records of North Carolina*, Vol II, Raleigh, NC, 1896, Pg 339

¹⁴³ Saunders L William "Tobias Knight to Edward Thatch" November 17th, 1718, *Colonial Records of North Carolina*, Vol II, Raleigh, NC, 1896, Pg 343

¹⁴⁴ ADM51/4250: Admiralty Records, Captains Log, *Lyme*, Captain Ellis Brand, FII "Ellis Brand to the Admiralty" February 6th, 1719, National Archives Kew, U.K. Via Woodard Colin, "The Republic of Pirates" *Pan Books* 2007

¹⁴⁵ ADM51/4250: Admiralty Records, Captains Log, *Lyme*, Captain Ellis Brand, FII "Ellis Brand to the Admiralty" February 6th, 1719, National Archives Kew, U.K. Via Woodard Colin, "The Republic of Pirates" *Pan Books* 2007

Lieutenant Maynard brought the evidence they had acquired on Tobias Knight to the North Carolina court. This was ultimately for naught; the court found him not guilty. A defining moment in the case was when Knight had the testimonies of four black members of Thatch's crew deemed inadmissible. He argued that the testimony of a black person did not contain, "any validity against a white person" and the judge agreed.¹⁴⁶ Without the personal testimony of these crew members, the rest of the evidence they acquired became circumstantial. Governor Eden tried to have Captain Brand prosecuted for trespassing on the lands of the Lord Proprietors, but no trial came of it. Governor Eden and Governor Spotswood traded blows for months about the illegality of the invasion but ultimately nothing came of it.¹⁴⁷ It is likely that had this invasion not ended with the death of Blackbeard, Spotswood would have likely faced major consequences for his actions. Luckily for Spotswood that never happened and now he was the hero who ordered the death of Blackbeard, one the greatest scourges to British trade. However, Spotswood would not escape the situation unscathed. The Virginia legislator was understandably furious that their governor invaded another colony without telling them. In September 1722 they managed to replace Spotswood as governor, and he retired from politics after.¹⁴⁸ Despite the fact that Eden was deemed blameless by the governing council of North Carolina it had little bearing on his life. He would only live for three more years before dying of yellow fever at the age of 49.¹⁴⁹

The aftermath of Ocracoke reveals even more flaws in the legal structure of the British Empire. Mainly, there is no political body to negotiate the line between royal and proprietary

¹⁴⁶ Saunders L William "North Carolina Council Minutes", May 27th, 1719, *Colonial Records of North Carolina*, Vol II, Raleigh, NC, 1896, Pg 341

¹⁴⁷ Saunders L William "North Carolina Council Minutes", May 27th, 1719, *Colonial Records of North Carolina*, Vol II, Raleigh, NC, 1896, Pg 341

¹⁴⁸ James Grant Wilson & James Fiske, "Appleton's Cyclopedia of American Biography" Vol V, New York *Appleton and Co*, 1888, pg. 63

¹⁴⁹ Woodard Colin, "The Republic of Pirates" *Pan Macmillan*, 2007. pg. 324

colony, nor is there a legal precedent indicating how to handle such matters. This makes issues like prosecuting someone from a royal colony for a crime committed in a proprietary colony extremely difficult, if not borderline impossible. The lack of accountability we see from either the governor of Virginia or North Carolina is a product of this discrepancy.¹⁵⁰ This issue is further complicated when the offending parties are part of the colonial administration for each state. Both the Office of the King and the Lord Proprietors would have to get involved to negotiate the creation of a neutral court to prosecute these individuals.¹⁵¹ We saw from the appointment of Woodes Rodger that these two institutions can take months and even years to produce results even after the private sector has done most of the legwork for them. As I stated previously, since the threat of Blackbeard and his crew had been removed these institutions were most likely willing to forgive any wrongdoing and let the situation fizzle out.

¹⁵⁰ Benton Lauren “Law and Colonial Cultures: Legal Regime in World History, 1400-1900” *Studies in Comparative World History*, Cambridge University Press, 2001. Chp 2

¹⁵¹ Lauren Benton and Richard Ross, “Legal Pluralism and Empires, 1500–1850” eds. *New York University Press*, 2013. Chp 1

Chapter 3: Woodes Rogers Implementing the Cure

Rogers Arrives

While this situation was unfolding in North Carolina Woodes Rogers finally landed in Nassau. On July 28th, 1718, the newly appointed governor sailed into the port of Nassau aboard his ship the *Delica* accompanied by five other vessels. Three of these vessels were the frigates promised by the crown and placed under the command of Commodore Peter Chamberlain. The HMS *Rose*, *Shark*, and *Milford* had been outfitted for battle and were prepared to confront the pirates by force if necessary. Commodore Chamberlain's flagship the *Milford* alone was equipped with 30 cannons making it a formidable force on the water. Rogers plan was to cut off the pirates' exit and wait until morning before landing on the beach. This would give him time to assess the status of the colony from the safety of his ship. He hoped that most of the remaining population of Nassau had either taken the King's pardon or were open to receiving it allowing his transition into governorship to be as bloodless as possible. This would have been a sound strategy if Charles Vane did not have other ideas in mind.

As soon as the *Rose* anchored in the harbor it was set upon by three shots from a stern-mounted cannon of a ship docked in the harbor, Charles Vane's ships. The Captain of the *Rose*, a man named Thomas Whitney, raised a white flag of truce and approached the belligerent ship in a longboat. As Whitney later reported in his logbook he inquired, to "know the reason" behind the pirate's attack. According to Whitney, Vane answered by stating, "he would use his utmost endeavor to burn us and all the vessels in the harbor."¹⁵² Whitney then reported that Vane gave

¹⁵² ADM51/801: Admiralty Record, Captains Log, *Rose*, entry of July 25th, 1718, National Archives, Kew, U.K. Via Woodard Colin, "The Republic of Pirates" *Pan Books* 2007

him a letter to give to Governor Rogers which outlined his demands of his truce. The contents of Vane's letter say he would be willing to receive the king's pardon and turn himself over to the crown if he were allowed to keep his ship and its ill-gotten contents.¹⁵³ It was unlikely Vane intended to honor this agreement and was most likely attempting to buy more time to plan his escape. As the sun set over the Bahamas Vane waited for the governor's answer but never received one. In the darkness of night, Vane made up his mind, if the governor had any intention of entertaining Vane's proposal he would have responded by now. If Vane wanted to escape Nassau harbor his normal tricks would be insufficient, he would have to run the blockade.

Captain Whitney was awoken in the middle of the night by one of his crewmen who came bursting into his quarters yelling the pirates were attacking. Whitney shot out of bed and ascended to the top deck only to be met with a horrifying scene. Charles Vane's ship was engulfed in a maelstrom of flames and headed straight towards them. As soon as the sun slipped over the horizon and night descended on Nassau Vane ordered his men to strip his ship bare and covered it in tar. Then load every cannon with all the gunpowder it could hold and two cannonballs. A handful of the crew stayed aboard to row it out of the dock before setting it ablaze and jumping overboard.¹⁵⁴ Vane was able to slip out of the harbor in the ensuing chaos as the blockade dispersed to avoid being consumed by the inferno. Rogers was disappointed in Vane's escape but was now able to dock at Nassau unmolested, which he did on the morning of the 27th.

¹⁵³ Charles Vane to Woodes Rodgers, Nassau: July 24th, 1718. Pg 142 of Captain Charles Johnson "A General History of the Pyrates", originally printed by *T. Warner* 1724. Retrieved from the *Gutenberg Project* scanned from Jens Sadowski August 15th, 2012.

¹⁵⁴ ADM51/801: Admiralty Record, Captains Log, *Rose*, entry July 25th, 1718, & ADM51/892: Admiralty Logs, Captains Logs, *Shark*, entry July 25th, 1718. National Archives, Kew, U.K. Via Woodard Colin, "The Republic of Pirates" *Pan Books* 2007

After almost five years of anarchic pirate rule royal authority was finally restored in New Providence.

New, New Providence

The first person to greet Governor Rogers was former justice Thomas Walker who had returned to the island after hearing of the imminent arrival of a royal governor. Ironically Walker was standing next to his old nemesis, Captain Benjamin Hornigold, who after taking the king's pardon was now a law-abiding subject of the crown. Hornigold introduced Rogers to several of the pardoned pirate captains who then escorted him to Fort Nassau where he read aloud his commission in front of a crowd of some 300 people.¹⁵⁵ An interesting fact is that Rogers made this speech on stage with Hornigold next to him. Hornigold also had several pardoned pirates with muskets who formed a running salute for Rogers as he walked to the fort.¹⁵⁶ These were not simply empty gestures to integrate himself into the new colonial governor. The salute was a recognition of the new governor's authority but also a display of force indicating Hornigold still had ample influence over the pirates. Rogers then spent the day pardoning some 200 pirates who had yet to take the king's pardon, most likely encouraged by Hornigold's display of loyalty towards the new governor. Governor Rogers also made a 12-man governing council to assist him with the reconstruction. He intentionally appointed members who had not had a past with piracy and gave political office to many of the colonists who accompanied him. Among the men appointed to the council was Richard Thompson, former smuggling boss of Harbor Island and

¹⁵⁵ Cecil Headlam ed. *Calendar of State Papers Colonial America and the West Indies*: 737 "Governor Rodgers to the Council of Trade and Plantations" October 31st, 1718, (Vol 30) 1717-1718. London: His Majesty's Stationary Office.

¹⁵⁶ Cecil Headlam ed. *Calendar of State Papers Colonial America and the West Indies*: 737 "Governor Rodgers to the Council of Trade and Plantations" October 31st, 1718, (Vol 30) 1717-1718. London: His Majesty's Stationary Office.

close ally to the Flying Gang. With Rodger's royal commission, Harbor Island and its community of merchants now fell under the jurisdiction of the crown.¹⁵⁷

Governor Rodger and his new council were primed to begin rebuilding the colony but were immediately beset by a series of disastrous events that would place both his governorship and colony in danger. Rogers would keep the Council of Trade and Plantations apprised of his misfortunes creating an abundant supply of primary documents we can use to analyze this phase. Governor Rogers sent a lengthy letter to the council on October 31st 1718 detailing many of the struggles of his early administration. Charles Vane continued to haunt the area around the Bahamas Rodgers had reallocated most of his fleet's resources to the reconstruction of the colonies' infrastructure and it left them ill-equipped for a pirate hunt. The three frigates were positioned around Nassau preventing a direct attack by Vane but left numerous islands and sea lanes around the Bahamas vulnerable. Victims of Vane's crimes began to trickle into Nassau with a message for Rogers. Vane has told his surviving victims to go to Nassau and tell Governor Rodgers tell he was planning to, "burn my guardship and visit me very soon to return the affront I gave him on my arrival by sending two sloops after him instead of answering him." as the governor quoted in his letters.¹⁵⁸ A few days later Rogers would receive a second, arguably more dire, threat from a Philadelphia sailor named Richard Taylor. Taylor claimed he was detained by Spanish privateers in the southern Bahamas who had been sacking English settlements on Catt and Crooked Island. The leader of the Spanish privateers had divulged to Taylor a new governor of Havana had been appointed, "with orders from King Philip to destroy all English settlement in

¹⁵⁷ Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies*: 737 "Governor Rodgers to the Council of Trade and Plantations" October 31st, 1718, (Vol 30) 1717-1718. London: His Majesty's Stationary Office.

¹⁵⁸ Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies*: 737 "Governor Rodgers to the Council of Trade and Plantations" October 31st, 1718, (Vol 30) 1717-1718. London: His Majesty's Stationary Office.

the Bahama Islands.” The privateers were instructed to deport any survivors to Virginia, and if they proved reluctant to send them to Havana where they would be imprisoned.¹⁵⁹

Between Vane and the Spanish, Rogers was faced with a war on two fronts. However, none of these threats were the most concerning to him. As he reported to the council, the longtime residents of Nassau were unwilling to conform to royal rule. Rodgers tried to man the fort to keep a watch posted in case of a Spanish or pirate attack but as he found out, “Most of them are poor and so addicted to idleness that they would rather almost starve than work.” This left the fort unguarded and unmanned for most of Rogers early governorship. Additionally, any form of agriculture or animal husbandry was slow to start, as Rodger put it, “They mortally hate it (work), for after they have cleared a patch that will supply them with potatoes and yams and very little else (and) fish being so plentiful and either turtle or on the neighboring islands, they eat instead of meat and covet no stock or cattle; thus live poorly and indolently.”¹⁶⁰ Governor Rodger's inability to properly organize the citizens of Nassau led to its being in an incredibly vulnerable spot, as they had no one defending the fort nor a surplus of food. Rodgers was not even able to accomplish the most basic tasks of government, according to him the pirates, “would rather spend all they have in a punch house than pay me (a tax) to save their families and all that is dear to them.” To make matters worse Rogers feared they might return to their criminal ways given the opportunity, “I don’t fear they will stand by me in case of any (invasion) attempt, except pirates. But should their old friends have strength enough to designe to attack me, I much

¹⁵⁹ Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies*: 737 “Governor Rodgers to the Council of Trade and Plantations” October 31rst, 1718, (Vol 30) 1717-1718. London: His Majesty’s Stationary Office.

¹⁶⁰ Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies*: 737 “Governor Rodgers to the Council of Trade and Plantations” October 31rst, 1718, (Vol 30) 1717-1718. London: His Majesty’s Stationary Office.

doubt whether I should find half of them to join me.”¹⁶¹ Governor Rodger had found out the hard way that the pirates of Nassau were nowhere near as cooperative as their counterparts in Madagascar. They had very little interest in rebuilding the colony or in reincorporating it back into civil society. His hold over the Bahamas was weak to begin with, but now it was slipping.

It was at this time Commodore Chamberlin decided to take his three frigates and depart from New Providence. It is reasonable to assume the commodore thought the colony was lost, between the impending threat of both a pirate and Spanish invasion Chamberlin was understandably eager to leave the Bahamas. This would however leave the struggling newborn colony open to attack from both Charles Vane and the new governor of Havana. When Chamberlin announced his plans to leave Governor Rogers was dumbfounded. The colony was at its most vulnerable state and the only keeping it alive right now was Chamberlin's protection. He begged the commodore to stay, but Chamberlin simply replied that he, “had no orders” to stay any longer. After what must have been a substantial amount of groveling the commodore agreed to leave the *Rose* behind for an additional three weeks while Rodger better fortified his position. The governor was forced to accept this meager compromise as he had no power over the deployment of navy personnel. On August 16th, 1718, Chamberlin left for New York with the HMS *Milford* and *Shark* and the *Rose* to follow shortly after.¹⁶²

¹⁶¹ Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies: 737* “Governor Rodgers to the Council of Trade and Plantations” October 31st, 1718, (Vol 30) 1717-1718. London: His Majesty’s Stationary Office.

¹⁶² Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies: 737* “Governor Rodgers to the Council of Trade and Plantations” October 31st, 1718, (Vol 30) 1717-1718. London: His Majesty’s Stationary Office.

Legal Pluralism and the Admiralty

This is not the first time over the course of this study we have seen members of the admiralty blatantly act against the interest of the empire and abandon their post. A recurring theme in the examination of piracy during this time period is the continued and repeated obstinance of the British Royal Navy. Commodore Chamberlain is just the most recent iteration of this pattern. Captain Soane's abandonment of his post which was discussed earlier in this essay and the Admiralty's reluctance to give Governor Hamilton a Man-O-War to curtail the machinations of Bellemy are other examples of their dereliction of duty. We have also seen other governors experience this institutional liability. The governor of Bermuda was among the first aware of the pirate nest in Nassau but was unable to act on it. Had he wielded power over the local deployments of the British navy he could have nipped this issue in the bud. Governor Spotswood's problems with Blackbeard also illustrate this. He was forced to pay out of pocket to procure ships which he could then deploy to arrest the pirates due to his inability to regulate navy ships. Local colonial governors had the knowledge and inclinations to stop piracy before it evolved into the multi-regional problem it became. They were unable to act on these largely due to the lack of authority afforded to them by the crown in commanding military personnel.¹⁶³ They were forced to send an appeal to London, which would go through numerous bureaucratic mechanisms before potentially being approved. By the time the admiralty in London responded it was typically too late for preventive measures. The Admiralty was a fundamental reactionary institution due to its reliance on the imperial core for direction.¹⁶⁴ It was also due to this

¹⁶³ Benton, Lauren. "Legal Spaces of Empire: Piracy and the Origins of Ocean Regionalism." *Comparative Studies in Society and History* 47, no. 4 (2005): 700–724

¹⁶⁴ Benton Lauren, Curlew Adam, Bain Atwood, "Protection and Empire: A Global History" *Cambridge University Press*, 2018. Pg 1-11

centralized command military personnel like Chamberlin were able to blatantly defy local authorities. Had governors of royal colonies been given the legal authority to command local garrisons and ships the Flying Gang might never have emerged.

The End of Piracy

Things continued to get worse for Rodgers. On September 8th, 1718, a boat made its way into the harbor of Nassau carrying Philip Cockram (the brother to pirate John Cockram) who had been pressganged into the service of the Spanish coast guard for over a month after they seized his ship. During this time the Spanish had been scouting the island of New Providence and were preparing for an attack. They released Cockram and his colleagues so that they could give Governor Rodger a message; Prove to us that you are a legitimate governor and not a pirate or expect the worst.¹⁶⁵ Panicked, Rodgers quickly wrote a letter to the new governor of Havana and loaded up the *Buck*, one of the boats from his company The Copartners, and sent them to Cuba. Ironically, and perhaps even hilariously, the *Buck* would never make it to Cuba because its crew mutinied and became pirates. Walter Kenndey, the son of an anchor smith, was one of the mutineers responsible for this and later testified in court. Kenndy claims that while he served in the British Navy, he would often hear stories of pirates and become quite enamored with the old legends of Sir Henry Morgan and Captain Avery. Kenndy thought, “he might be able to make as great a figure as any of these thievish heroes, whenever a proper opportunity offered.”¹⁶⁶ This opportunity presented itself in the form of Rogers letter to the governor of Havana. There were

¹⁶⁵ Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies*: 737 “Governor Rodgers to the Council of Trade and Plantations” October 31st, 1718, (Vol 30) 1717-1718. London: His Majesty’s Stationary Office.

¹⁶⁶ Osborn John, “Lives of the Most Remarkable Criminals” *Geroge Routledge & Sons*, London, 1735. Edited by Arthur Haywood in 1927

several former pirates from Nassau who had taken the king's pardon and required little convincing to revert back to their old ways. Kenndy led to mutineers and killed the *Bucks* captain, a man named Johnathan Bass, and sailed the stolen ship to Africa.¹⁶⁷ Rodger realized after he did not hear back from the governor of Havana something was amiss. He implored Captain Whitney and the *Rose* to stay behind another week, which he did. But then on the morning of September 14th, the *Rose* departed to rejoin the rest of its cohort in New York. New Providence was now left defenseless.¹⁶⁸

It was finally on the brink of losing everything that Rogers' fortune started to change. He received intelligence that Charles Vane was camping out near Abaco, a slender island 120 miles north of New Providence. Rogers knew he must act now before Vane disappeared into the Atlantic again, but he no longer had Chamberlain and his frigates to assist him. Left with no other options he turned to his only remaining ally, Hornigold, and the pro-pardon pirates. Benjamin Hornigold and John Cockram agreed to help Governor Rogers and hunt down their former brethren. Rogers outfitted a swift sloop with all the munitions and supplies he could spare and anointed the former pirates into pirate hunters.¹⁶⁹

While Hornigold departed for Abaco Rogers convened an emergency session of the governing council and declared martial law.¹⁷⁰ He forcefully organized the inhabitants of Nassau

¹⁶⁷ ADM51/801 Admiralty Records, Captains Logs, *Rose*, Entry on September 10th, 1718, National Archives, Kew U.K. Via Woodard Colin, "The Republic of Pirates" *Pan Books* 2007

¹⁶⁸ Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies: 737* "Governor Rodgers to the Council of Trade and Plantations" October 31st, 1718, (Vol 30) 1717-1718. London: His Majesty's Stationary Office.

¹⁶⁹ Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies: 737* "Governor Rodgers to the Council of Trade and Plantations" October 31st, 1718, (Vol 30) 1717-1718. London: His Majesty's Stationary Office.

¹⁷⁰ Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies: "Governor Rodgers to the Council of Trade and Plantations" October 31st, 1718, (Vol 30) 1717-1718. London: His Majesty's Stationary Office.*

to repair the fort and established, “a very strict watch” to maintain control over the island. The residents of the former pirate republic did not take kindly to this new method of government and Rodger claims that around 150 people deserted from the colony between the months of July and October. After not hearing back from Hornigold for several weeks Rodgers started to fear the worst, “he (Hornigold) was either taken by Vane or begun his old practice of pirating once again.”¹⁷¹ It was a welcomed surprise when Hornigold returned three weeks after his initial departure with a smattering of pirate prisoners in custody.

Hornigold reported to Governor Rogers that he had tracked Vane to Abaco as the intelligence report suggested but he was also accompanied by two stolen Carolina ships, the *Neptune* and the *Emperor*. With the addition of these vessels, Hornigold was severely outgunned and dared not risk a head-on assault. Hornigold stalked Vane for three weeks in Green Turtle Bay by Abaco waiting for an opportunity to strike. The former pirate captain thought such an opportunity presented itself when the pirates began preparing to release both the *Neptune* and the *Emperor* captive crews. They had stripped both ships for parts and valuables and saw no reason to keep them hostage any longer. Before Vane allowed these men to depart a fourth ship entered the bay. Hornigold recognized this ship as the *Wolf*, a vessel led by Captain Nicholas Woodall out of Nassau. Woodall had been one of the pardoned pirates and just before Hornigold’s departure was permitted by Governor Rodgers to go hunt sea turtles. Hornigold saw Woodhall and Vane meet and rightly assumed Woodhall was providing information to Vane about the status of Nassau. Vane and his gang were apparently not very pleased by what Woodhall had to say and instead of releasing their prisoners, they opted to maroon them on the island instead. The pirates

¹⁷¹ Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies*: 737 “Governor Rodgers to the Council of Trade and Plantations” October 31st, 1718, (Vol 30) 1717-1718. London: His Majesty’s Stationary Office.

then proceeded to destroy the *Neptune* by hacking down its masts and blowing a hole in its hull. Vane and company then departed with the *Emperor* with the *Wolf* following behind it. After the pirates disembarked Hornigold sailed into the bay to provide the marooned captives with basic supplies before setting off after Vane and his fleet of three ships. Hornigold managed to catch up to the *Wolf* which had fallen behind the other two vessels and apprehended the crew.¹⁷²

Rogers was ecstatic too finally have pirates in his custody. He was additionally elated that Hornigold proved both his loyalty and efficiency in hunting down pirates. As Rogers himself put it, “Captain Hornigold has proved honest” and “disobliged his old friends, divides the people here, and makes me stronger than I expected.”¹⁷³ I would like to take a moment here and point out that Hornigold and his ex-pirates proved more capable of ensuring the security of New Providence than the Admiralty. Had Chamberlin and his frigates not abandoned Rogers he would not have been forced to rely on Hornigold. This is also not the first time we have seen colonial governors forced to resort to mercenaries or private enterprises as a substitute for law enforcement. Even with the cooperation of two Admiralty captains Governor Spotswood was compelled to finance and outfit two ships of volunteers motivated by a portion of the plunder they would receive as payment for capturing Blackbeard. This deficiency in the British Empire to maintain its security interests at the edges of its territory directly relates to the inability of colonial governments to properly combat pirates.¹⁷⁴ In the absence of any military presence colonial governors are forced to fill the vacuum any way they know how. This typically takes the

¹⁷² Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies: 737* “Governor Rodgers to the Council of Trade and Plantations” October 31rst, 1718, (Vol 30) 1717-1718. London: His Majesty’s Stationary Office.

¹⁷³ Cecil Headlam ed. *Calander of State Papers Colonial America and the West Indies: 737* “Governor Rodgers to the Council of Trade and Plantations” October 31rst, 1718, (Vol 30) 1717-1718. London: His Majesty’s Stationary Office.

¹⁷⁴ Benton Lauren, “They Called it Peace: Worlds of Imperial Violence.” *Princeton University Press*, 2024. Chapter 3, pg. 27-61

form of deputizing private citizens or companies who operate for profit in a law enforcement capacity.¹⁷⁵ This is clearly in the case of Rogers and Hornigold. The former Governor of the Pirate Republic was given a commission by the current Governor of a Royal Colony to act in his stead.

Rodger would continue to rely on Hornigold after on November 4th he was alerted that all four of the ships he sent to Cuba to trade had turned pirate just as Kenndey's did. In response, Governor Rodger sent out Hornigold to hunt them down. He returned to Nassau on the 28th with ten pirates in chains and the corpses of three more. Rodger informed Joseph Addison and the council of his success, "I am glad of this new proof Captain Benjamin Hornigold has given the world to wipe off the infamous name he has hereto been known by."¹⁷⁶ As happy as Governor Rodgers has more pirates in his custody it presented two major issues. The first was Rodger's uncertainty as to whether or not he could even prosecute Nicholas Woodhall. While Abaco Island was in the territories of the Bahamas and thus under his legal jurisdiction Woodhall had taken the king's pardon and had not technically broken any laws other than conversing with a known criminal Charles Vane. Woodhall had not engaged in any overt actions of piracy that Rodger knew of and subsequently could not be put on trial for such. Since the king issued a pardon Rogers figured the office of the king could decide what to do with him and sent him in chains back to London for trial.¹⁷⁷ This exposes another flaw in the king's pardon, if a pirate were to

¹⁷⁵ Benton Lauren, "They Called it Peace: Worlds of Imperial Violence." *Princeton University Press*, 2024. Chapter 4, pg 61-99

¹⁷⁶ CO1/23: Colonial Office Records: Bahamas, Correspondence, "Private Consultation Minuets, Nassau" November 28th, 1718, National Archives, Kew U.K Via Woodard Colin, "The Republic of Pirates" *Pan Books* 2007

¹⁷⁷ CO1/23: Colonial Office Records: Bahamas, Correspondence, "Trial & Condemnation of Ten Persons for Piracy in New Providence." Nassau, December 10th, 1718, National Archives, Kew U.K Via Woodard Colin, "The Republic of Pirates" *Pan Books* 2007

take the pardon and legal authorities had suspicion this individual might have returned to piracy, who was to investigate? The pardon was issued by the king, not local authorities, so any infraction of said pardon should fall under the duty of the king. The problem was pirates hardly engaged in piracy around the British Isles. Most areas affected by pirates plundering were outside the immediate view of the crown. This problematized the apprehension of these individuals because they had to be extradited to an area where the king's office was present. The second major issue facing Rogers was the potential uprising that could erupt should he put pirates on trial on an island inhabited by former pirates. Nassau did not even have a jail to house the prisoners and Rogers was forced to convert his ship the *Delcia* into a floating jail cell while he determined what to do with the prisoners. He once again called an emergency meeting of the governing council, which Thomas Walker had been promoted to, in order to discuss how to deal with the prisoners. The council shared many of the same concerns as Rogers, "If we show any fear on our part it might animate several (pirates) now here to incite the pirates without attempting the rescue of those in custody. Therefore, to prevent the designs of Vane the pirate" the council concluded they should, "as soon as possible bring the prisoners to trial."¹⁷⁸ With this resolution in mind, they moved forward with the trial of the pirates.

After a month of preparation, Rodgers brought the prisoners to the newly renovated Fort Nassau on December 9th. During this time the pro-pardon pirates had been instrumental in maintaining the integrity of Rodgers' governorship. Benjamin Hornigold, John Cockhram, and Josiah Burgess filled in the gaps left by the departure of Chamberlin and his men. In all likelihood, it was one of these former pirate captains who escorted their ex-colleagues to

¹⁷⁸ CO1/23: Colonial Office Records: Bahamas, Correspondence, "Private Consultation Minuets, Nassau" November 28th, 1718, National Archives, Kew U.K. Via Woodard Colin, "The Republic of Pirates" *Pan Books* 2007

sentencing. A court of six justices had been assembled, among which was Chief Justice William Fairfax who was a member of The Copartner company Rogers brought over from Britain. Former justice Thomas Walker was also on the court, no doubt elated to finally be sitting in judgment of the pirates who had contaminated his home for so long. Pardoned pirate captain Josiah Burgess was also on the court, he had recently been promoted to head officer of the local militia under Rogers for his loyalty.¹⁷⁹ The trial lasted two days and the court heard the testimony of 10 men who had been arrested as pirates. A man named John Hipps was acquitted as he was proven to be coerced into the pirate's service. The other nine, among whom was William Cunningham, Blackbeard's former head gunner, were sentenced to death by hanging. According to the trial documents, "the Governor told them that from the moment of their apprehension, they ought to have accounted for themselves condemned."¹⁸⁰ On the morning of December 12th, 1718, a crowd of around 300 formed below the northern rampart of Fort Nassau. Rodgers had constructed gallows that could be seen from anywhere in the harbor and gazed out upon the open water so incoming sailors could see the execution site. At 10 in the morning, nine prisoners were marched out to the gallows where they were allowed 45 minutes to say their final words, drink a customary final glass of wine, and talk to a priest who delivered last rights. According to *A General History of the Pyrates*, "some of their old cohorts" among others "got as near to the foot of the gallows as the marshal guard would suffer them."¹⁸¹ The official account of the execution states the crowd stopped moving, "their wills saw too much power over their heads to practice

¹⁷⁹ CO1/23: Colonial Office Records: Bahamas, Correspondence, "Trial & Condemnation of Ten Persons for Piracy in New Providence." Nassau, December 10th, 1718, National Archives, Kew U.K. Via Woodard Colin, "The Republic of Pirates" *Pan Books* 2007

¹⁸⁰ CO1/23: Colonial Office Records: Bahamas, Correspondence, "Trial & Condemnation of Ten Persons for Piracy in New Providence." Nassau, December 10th, 1718, National Archives, Kew U.K

¹⁸¹ Captain Charles Johnson "A General History of the Pyrates" Originally printed by T. Warner 1724. Retrieved from the *Gutenberg Project* scanned from Jens Sadowski August 15th, 2012. Via Woodard Colin, "The Republic of Pirates" *Pan Books* 2007

anything.”¹⁸² Governor Rogers gave a last second reprieve to a young man named George Rounsevell. Rodger later explained, “I hear (he) is the son of loyal and good parents at Weymouth.”¹⁸³ Which was Rogers’s hometown. After Rounsevell was escorted off the stage Rogers gave the order, and the hangman pulled the lever. Eight bodies fell through the stage and dangled in the breeze over Nassau harbor. Together, the corpses of these eight men in Nassau and Blackbeard's impaled head in Virginia formed a grim monument heralding the end of the golden age of piracy.

Conclusion

By putting the British Caribbean colonies of the 1700s under a microscope, two things have been revealed to us. First, there was a labyrinth of overlapping legal jurisdiction that existed within the British Empire and created an environment where local colonial administrators lacked the necessary legal authority.¹⁸⁴ Secondly, this legal labyrinth paradoxically afforded colonial administrators just enough authority to work against the empire, but not enough to properly maintain it. Creating competing jurisdictions under a pluralistic legal code made local actors strong in areas that were threatening and weak in areas that were necessary, thus weakening the British imperial project.¹⁸⁵ This central antagonism of the British imperial legal system is

¹⁸² CO1/23: Colonial Office Records: Bahamas, Correspondence, “Trial & Condemnation of Ten Persons for Piracy in New Providence.” Nassau, December 10th, 1718, National Archives, Kew U.K. Via Woodard Colin, “The Republic of Pirates” *Pan Books* 2007

¹⁸³ CO1/23: Colonial Office Records: Bahamas, Correspondence, “Trial & Condemnation of Ten Persons for Piracy in New Providence.” Nassau, December 10th, 1718, National Archives, Kew U.K. Via Woodard Colin, “The Republic of Pirates” *Pan Books* 2007

¹⁸⁴ Benton Lauren “Law and Colonial Cultures: Legal Regime in World History, 1400-1900” *Studies in Comparative World History*, Cambridge University Press, 2001. Chp 2

¹⁸⁵ Benton, L. (2021). Pirate Passages in Global History: Afterword. In S. E. Amirell, B. Buchan, & H. Hägerdal (Eds.), *Piracy in World History* (pp. 267–284). Amsterdam University Press.

exposed by the widespread success of the pirates of Nassau in the Golden Age of piracy and the drastic measures they had to undertake to suppress it.

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