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*** START OF THE PROJECT GUTENBERG EBOOK PRIVATEERING AND PIRACY IN THE COLONIAL PERIOD ***

Transcriber's Notes: This book contains documents written in 17th- and 18th-Century English, Dutch, French, and other languages. Inconsistencies of spelling, punctuation, capitalization, and hyphenation have been preserved as they appear in the original. (See the last paragraph of the [Preface](#) for the editor's note on this.) A few obvious printer errors in the editor's footnotes have been corrected.

The original contains a number of blank spaces to represent missing matter. These are represented here as long dashes.

The arrangement of "[Captain Kid's Farewel to the Seas](#)" is from Helen Kendrick Johnson, *Our Familiar Songs and Those Who Made Them*, pp. 171-72 (New York: H. Holt, 1909).

Some full-page tables have been moved so as not to interrupt the flow of the text. Some page numbers are skipped as a result.

PRIVATEERING AND PIRACY IN THE COLONIAL PERIOD: ILLUSTRATIVE DOCUMENTS

**EDITED UNDER THE AUSPICES OF
THE NATIONAL SOCIETY OF THE
COLONIAL DAMES OF AMERICA**

BY

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RESEARCH IN
THE CARNEGIE INSTITUTION OF WASHINGTON**

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New York
THE MACMILLAN COMPANY
1923

TO THE HONORED MEMORY OF

JOHN JAMESON

OF BOSTON

1828-1905

VOYAGER, TEACHER, LAWYER, SCHOLAR

WHOSE LOVE OF LEARNING AND WHOSE UNSELFISH
DEVOTION MADE IT NATURAL AND POSSIBLE
THAT I SHOULD LEAD THE STUDENT'S LIFE

PREFACE

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THE National Society of the Colonial Dames of America have formed the laudable habit of illustrating the colonial period of United States history, in which they are especially interested, by published volumes of original historical material, previously unprinted, and relating to that period. Thus in the course of years they have made a large addition to the number of documentary sources available to the student of that period. First they published, in 1906, in two handsome volumes, the *Correspondence of William Pitt, when Secretary of State, with Colonial Governors and Military and Naval Commanders in America*, edited by the late Miss Gertrude Selwyn Kimball, containing material of great importance to the history of the colonies as a whole, and of the management of the French and Indian War. Next, in 1911 and 1914, they published the two volumes of Professor James C. Ballagh's valuable edition of the *Letters of Richard Henry Lee*. Then, in 1912, they brought out, again in two volumes, the *Correspondence of Governor William Shirley*, edited by Dr. Charles H. Lincoln, and illustrating the history of several colonies, particularly those of New England, during the period of what in our colonial history is called King George's War. More recently, in 1916, the Society published an entertaining volume of hitherto unprinted *Travels in the American Colonies*, edited by Dr. Newton D. Mereness.

It was resolved that the next volume after these should be devoted to documents relating to maritime history. In proportion to its importance, that aspect of our colonial history has in general received too little attention. In time of peace the colonists, nearly all of whom dwelt within a hundred miles of ocean or tidewater, maintained constantly a maritime commerce that had a large importance to their economic life and gave employment to no small part of their population. In time of war, their naval problems and dangers and achievements were hardly less important than those of land warfare, but have been far less exploited, whether in narrative histories or in volumes of documentary materials. Accordingly the Society's Committee on Publication readily acceded to the suggestion that a volume should be made up of documents illustrating the history of privateering and piracy as these stand related to the life of America during the colonial period—for it is agreed that few aspects of our maritime history in that period have greater importance and interest than these two. In some of our colonial wars, as later in those of the Revolution and of 1812, American privateering assumed such proportions as to make it, for brief periods, one of the leading American industries. We cannot quite say the same concerning American piracy, and indeed it might be thought disrespectful to our ancestors—or predecessors, for pirates mostly died young and left few descendants—but at least it will be conceded that piracy at times flourished in American waters, that not a few of the pirates and of those on shore who received their goods and otherwise aided them were Americans, that their activities had an important influence on the development of American commerce, and that documents relative to piracy make interesting reading.

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It is a matter for regret and on the editor's part for apology, that the book should have been so long in preparation. Work on it was begun prosperously before our country was engaged in war, but the "spare time" which the editor can command, always slight in amount, was much reduced during the period of warfare. Moreover, the Society, very properly, determined that, so long as war continued, the publication of their volumes and the expenditures now attendant upon printing ought to be postponed in favor of those patriotic undertakings, especially for the relief of suffering, which have made their name grateful to all lovers of the Navy and in all places where the *Comfort* and the *Mercy* have sailed.

It may be objected against the plan of this book, that privateering and piracy should not be conjoined in one volume, with documents intermingled in one chronological order, lest the impression be created that piracy and privateering were much the same. It is true that, in theory and in legal definition, they are widely different things and stand on totally different bases. Legally, a privateer is an armed vessel (or its commander) which, in time of war, though owners and officers and crew are private persons, has a commission from a belligerent government to commit acts of warfare on vessels of its enemy. Legally, a pirate is one who commits robbery or other acts of violence on the sea (or on the land through descent from the sea) without having any authority from, and independently of, any organized government or political society. (Fighting and bloodshed and murder, it may be remarked by the way, though natural concomitants of the pirate's trade, are not, as is often supposed, essentials of the crime of piracy.) But wide as is the legal distinction between the authorized warfare of the privateer and the unauthorized violence of the pirate, in practice it was very difficult to keep the privateer and his crew, far from the eye of authority, within the bounds of legal conduct, or to prevent him from broadening out his operations into piracy, especially if a merely privateering cruise was proving unprofitable. Privateering was open to many abuses, and it was not without good reason that the leading powers of Europe, in 1856, by the Declaration of Paris, agreed to its abandonment.

The object of the following collection of documents is not to give the whole history of any episode of piracy or of the career of any privateer, but rather, by appropriate selection, to illustrate, as well as is possible in one volume, all the different aspects of both employments, and to present specimens of all the different sorts of papers to which they gave rise. Nearly all the pieces are documents hitherto unprinted, but a few that have already been printed, mostly in books not easy of access, have been included in order to round out a story or a series. The collection ends with the termination of the last colonial war in 1763. Presented in chronological order, it may have a casual, as it certainly has a miscellaneous, appearance. But variety was intended, and on closer inspection and comparison the selection will be seen to have a more methodical character than at first appears, corresponding to the systematic procedure followed in privateering, in prize cases, and in trials for piracy.

On the outbreak of war in which Great Britain was involved, it was customary for the King to issue a commission to the Lord High Admiral (or to the Lords of the Admiralty appointed to execute that office) authorizing him (or them) to empower proper officials, such as colonial governors, to grant letters of marque, or privateering commissions, to suitable persons under adequate safeguards.^[1] The Lords of the Admiralty then issued warrants to the colonial governors (see [doc. no. 127](#)), authorizing them to issue such commissions or letters of marque. A specimen American privateering commission may be seen in [doc. no. 144](#); a Portuguese letter of marque, and a paper by which its recipient purported to assign it to another, in docs. [no. 14](#) and [no. 15](#). Royal instructions were issued to all commanders of privateers ([doc. no. 126](#)), and each was required to furnish, or bondsmen were required to furnish on his behalf, caution or security^[2] for the proper observance of these instructions and the payment of all dues to the crown or Admiralty. Relations between the commander and the crew, except as regulated by the superior authority of these instructions and of the prize acts or other statutes, were governed by the articles of agreement ([doc. no. 202](#)) signed when enlisting.

These were the essential documents of a privateering voyage. There would probably be also accounts for supplies, like John Tweedy's very curious bill for medicines ([doc. no. 158](#)), and accounts between crew and owners ([doc. no. 146](#)), and general accounts of the voyage ([doc. no. 159](#)). There might be an agreement of two privateers to cruise together and divide the spoil ([doc. no. 160](#)). There might even be a journal of the whole voyage, like the extraordinarily interesting journal kept on the privateer *Revenge* by the captain's quartermaster in 1741 ([doc. no. 145](#)), one of the very few such narratives preserved. Other documents of various kinds, illustrating miscellaneous incidents of privateering, will be found elsewhere in the volume.

Both privateers and naval vessels belonging to the government made prize of ships and goods belonging to the enemy, but many questions were certain to arise concerning the legality of captures and concerning the proper ownership and disposal of ships and goods. Hence the necessity for prize courts, acting under admiralty law and the law of nations. The instructions to privateers required them

(see [doc. no. 126](#), section III.) to bring captured ships or goods into some port of Great Britain or her colonial dominions, for adjudication by such a court. In England, it was the High Court of Admiralty that tried such cases. At the beginning of a war, a commission under the Great Seal,^[3] addressed to the Lords of the Admiralty, instructed them to issue a warrant to the judge of that court, authorizing him during the duration of the war to take cognizance of prize causes. After 1689, it was customary to provide for trial of admiralty causes in colonial ports by giving to each colonial governor, in addition to his commission as governor, a commission as vice-admiral. Before 1689, this was done in a few instances, chiefly of proprietary colonies, the earliest such instance being that exhibited in our [doc. no. 1](#); but in the case of colonies having no royal governor (corporation colonies) we find various courts in that earlier period exercising admiralty jurisdiction (docs. [no. 8](#), [no. 25](#), [no. 48](#), and [no. 105](#), [note 1](#)). From Queen Anne's reign on ([doc. no. 102](#)), jurisdiction in prize causes was conferred, as in the case of the judge of the High Court of Admiralty in London, by warrant ([doc. no. 182](#)) from the Lord High Admiral or Lords of the Admiralty pursuant to the commission issued to them, as stated above, at the beginning of the war. In [doc. no. 116](#) we see the judge of the High Court of Admiralty expressing the belief that it would be better if all prizes were brought to his court in London for adjudication, but the inconvenience would have been too great.

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The governor's commission as vice-admiral, issued (after 1689, at any rate) under the great seal of the High Court of Admiralty, gave him authority to hold an admiralty court in person. Often the governor was not well fitted for such work, though not often so frank as Sir Henry Morgan ([doc. no. 46](#), [note 1](#)) in admitting his deficiencies. As admiralty business increased, it became customary to appoint admiralty judges to hold vice-admiralty courts in individual colonies, or in groups of colonies. Sometimes, especially in the earlier period, they were commissioned by the governor of the colony acting under a warrant from the Lords of the Admiralty ([doc. no. 69](#)) empowering him so to do; more often they were commissioned directly by those lords, under the great seal of the Admiralty. [Doc. no. 180](#) is a commission of the former sort, [doc. no. 181](#) of the latter. When war broke out, authority to try prize cases was conveyed, as above, to the vice-admiral, the vice-admiralty judge, and their deputies.

In the trial of a prize case, the first essential document was the libel (docs. [no. 99](#), [no. 128](#), [no. 165](#), [no. 184](#), and [no. 188](#)), by which claim was laid to ship or goods. Witnesses were examined, chiefly by means of the systematic series of questions called standing interrogatories ([doc. no. 183](#)). Their testimony, taken down in written depositions, constitutes much the largest class of documents in this volume. Most narratives of privateering or of piracy are found in the form of depositions. Reports of trials, embracing proceedings and documents and testimony, are found in docs. [no. 128](#), [no. 143](#), and [no. 165](#); sentences or decrees of the judge in docs. [no. 143](#), [no. 150](#), and [no. 155](#); inventories of prizes in docs. [no. 33](#) and [no. 161](#); an account of sales in [doc. no. 186](#).

If a party to a prize appealed from the sentence of the vice-admiralty court (docs. [no. 151](#) and [no. 196](#)), he was required to give bond ([doc. no. 152](#)) for due prosecution of the appeal in England. From 1628 to 1708 such appeals were heard by the High Court of Admiralty; after 1708 they went to a body of privy councillors specially commissioned for the purpose, called the Lords Commissioners of Appeal in Prize Causes (see [doc. no. 151](#), [note 1](#)). A specimen of a decree of that tribunal reversing the sentence of a colonial vice-admiralty court is in [doc. no. 195](#).^[4]

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Piracy being from its very nature a less formal proceeding than privateering, there are fewer formal documents to present as essential to its history. In the seventeenth century, there are instances of trials for piracy by various courts: *e.g.*, the Court of Assistants in Massachusetts in 1675 ([doc. no. 41](#), [note 1](#)) and the Massachusetts Superior Court in 1694 ([doc. no. 56](#), [note 2](#)). But the regular method, which came to prevail, was trial by special commissions appointed for the purpose, similar to those which were appointed for the trial of pirates in England by virtue of the statute 28 Henry VIII. c. 15 (1536). We have such a colonial commission, appointed by the governor, in [doc. no. 51](#) (1683). In 1700 the statute 11 and 12 William III. c. 7 extended to the plantations the crown's authority to appoint such commissions (see docs. [no. 104](#), [note 1](#), [no. 106](#), [note 1](#), and [no. 201](#)). A curious signed agreement to commit piracy will be found in [doc. no. 50](#); indictments for that crime in docs. [no. 56](#), [no. 119](#), and [no. 120](#); partial records of trials in docs. [no. 112](#), [no. 113](#), and nos. [119-122](#). A full account of an execution, explicit enough to satisfy the most morbid curiosity, is presented in [doc. no. 104](#). Nos. [123](#) and [124](#) are formal bills for the execution, the digging of the graves, and the cheering drams which the executioners found needful after their grisly work.

But if American colonial piracy presents a smaller array of legal documents than American colonial privateering, it makes up for it by its rich abundance of picturesque narrative and detail. The pieces here brought together show us piracy off Lisbon and in the East Indies and at Madagascar, at Portobello and Panama and in the South Sea, in the West Indies, and all along the Atlantic coast from

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Newfoundland to the coast of Guiana. They exhibit to us every relation from that of the most innocent victim to that of the most hardened pirate chief. They make it clear how narrow was sometimes the line that divided piracy and privateering, and how difficult it must have been to learn the truth from witnesses so conflicting and of such dubious characters, testifying concerning actions of lawless men in remote seas or on lonely shores.

Most of the pirates famed in story, who had anything to do with colonial America, appear in one way or another in these papers. On the history of Henry Every, for instance, and even on the oft-told tale of William Kidd, not a little new light is cast. Kidd's letters from prison, the letter and petitions of his wife, the depositions of companions, the additional letters of Bellomont, make the story live again, even though no new evidence appears that is perfectly conclusive as to the still-debated question of his degree of guilt. The wonderful buccaneering adventures of Bartholomew Sharp and his companions, 1680-1682, at the Isthmus of Panama and all along the west coast of South America, are newly illustrated by long anonymous narratives, artless but effective. And indeed, to speak more generally, it is hoped that there are few aspects of the pirate's trade that are not somehow represented in these pages.

At least it will not be denied that the documents, whether for piracy or for privateering, show a considerable variety of origins. Their authors range from a Signer of the Declaration of Independence to an Irishwoman keeping a boarding-house in Havana, from a minister of Louis XIV. or a judge of the High Court of Admiralty to the most illiterate sailor, from Governor John Endicott, most rigid of Puritans, to the keeper of a rendezvous for pirates and receiver of their ill-gotten goods. Witnesses or writers of many nationalities appear: American, Englishmen, Scots, Irishmen, Frenchmen, Dutchmen, Spaniards, a Portuguese, a Dane or Sleswicker, a Bohemian, a Greek, a Jew. The languages of the documents are English, French, Dutch, Spanish, Portuguese, and Latin. Though none of them are in German or by Germans, not the least interesting pieces in the volume are those (docs. [no. 43](#), [no. 48](#), and [no. 49](#)) which show a curious connection of American colonial history with the very first (and characteristically illegal and unscrupulous) exploits of the Brandenburg-Prussian navy.

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The range of repositories from which the documents have been procured is also considerable. Many were found in the state archives of Massachusetts, many in the files of the Supreme Judicial Court for Suffolk County, many in the collections of the Massachusetts Historical Society, others in the archives of Rhode Island and New York, in the office of the surrogate of New York City, and in the New York Public Library. A very important source of material, indispensable indeed for certain classes of document, was the records and papers of the vice-admiralty courts of the colonial period. Extensive portions still remain in the case of four of these courts, at Boston, New York, Philadelphia, and Charleston (see the first foot-notes to docs. [no. 126](#), [no. 184](#), [no. 165](#), and [no. 106](#), respectively). A large number of the documents, larger indeed than from any other repository but one, were drawn from the inexhaustible stores of the Public Record Office in London, namely, from the Admiralty and Colonial Office Papers. Others came from the Privy Council Office; a few, but among them two of the longest and most interesting, from among the Sloane and Harleian manuscripts in the British Museum; one whole group from the Rawlinson manuscripts in the Bodleian Library at Oxford. Three of the Kidd documents were obtained from among the manuscripts of the Duke of Portland at Welbeck Abbey. Several of the pieces, and a number of lesser extracts used in annotations, were taken from colonial newspapers, and two from printed books not often seen.

Archivists and librarians have assisted the editor with their customary and never-failing kindness. It is a pleasure to express his gratitude to Mr. J.J. Tracy and Mr. John H. Edmonds, former and present archivists of Massachusetts, Mr. Herbert O. Brigham of the Rhode Island archives, Mr. A.J.F. van Laer and Mr. Peter Nelson of those of New York; to Mr. Worthington C. Ford and Mr. Julius H. Tuttle of the Massachusetts Historical Society; to Hon. Charles M. Hough, judge of the United States Circuit Court in New York; to Miss C.C. Helm of his office; to the late Miss Josephine Murphy, custodian of the Suffolk Files; to Miss Mabel L. Webber, secretary and librarian of the South Carolina Historical Society; to Mr. Victor H. Paltsits of the New York Public Library; to Rev. Richard W. Goulding, librarian to the Duke of Portland; and to the authorities of the Public Record Office, the Privy Council Office, the British Museum, and the Bodleian Library. Special thanks are due to the officials of three libraries in which the work of annotation was mostly done—the Library of Congress, that of the Massachusetts Historical Society, and that of Bowdoin College. On a few nautical points the editor had the advice of his old friend the late Captain Charles Cate of North Edgecomb, Maine. And especially he has to thank the chairman of the Committee on Publication, Mrs. Charles E. Rieman, for her interest in the work and for the exemplary patience with which she has borne the delays in its completion.

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It is perhaps needless to say that the spelling of the originals has been carefully

preserved; it is hoped that it would not be thought to be that of the editor. The punctuation of the originals has not been deemed equally sacred. In general, it has been reproduced, but where small alterations would make the sense clear to the modern reader but could not change it, or where that same effect would be produced by introducing punctuation-marks, which writers nearly illiterate often omitted entirely, it has seemed the part of good sense to make reading-matter readable. Also, names of vessels have been uniformly italicized even when not underscored in the original manuscripts. Dates previous to 1752 are old-style dates unless, as in the case of Dutch or French documents, new style is indicated.

J. FRANKLIN JAMESON.

Washington, October 19, 1923.

[1] See R.G. Marsden in *English Historical Review*, XXI. 251-257, and a commission in Rymer's *Foedera*, XVIII. 12.

[2] Specimen (1762) in Anthony Stokes, *A View of the Constitution of the British Colonies* (London, 1783), pp. 315-317.

[3] Such a commission (1748) is printed in R.G. Marsden, *Law and Custom of the Sea* (Navy Records Society), II. 279, and another (1756) in Stokes, p. 278.

[4] For a report of these commissioners *approving* the sentence of the court below, see Stokes, pp. 325-326.

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**PRIVATEERING AND PIRACY
IN THE COLONIAL PERIOD**

1

PROVIDENCE ISLAND.

1. Commission from the Providence Island Company to Governor Nathaniel Butler as Vice Admiral. April 23, 1638.^[1]

Commission to Captain Butler^[2] for the Admiraltie of the Island.

To all to whome this presents shall come, we the Governor and Company etc. send greetinge. Whereas our gracious Sovereigne Lord King Charles hath by his Letters patent bearing date the 4th day of December in the 6th yeare of his Raigne,^[3] for himselfe, his heires and successors, given and graunted to us and our successors, assignes and deputies for ever All Admirall rights, benefits and jurisdictiones and likewise all priviledges and Comodities to the said Admirall jurisdiction in any wise appertayneinge or belonging, in and upon the seas rivers and Coastes of the Island of Providence, Henrietta^[4] and all other Islands within the Limits of his Majestys grant to us made and everie or any of them within 40 Leagues of any the said Islands and in and upon all other Rivers and Creekes within the said Limits, And likewise power to hold and determine all manner of Causes and pleas for and Concerning the same,^[5] Now know ye that we the said Governor and Company confiding in the Fidelitie and Judgment of Captain Nathaniel Butler, now bound in a voyage to the Island of Providence, have elected, Constituted and deputed and doe hereby elect, constitute and depute the said Captain Nathaniel Butler, to be Admirall of the said Island of Providence, Hereby giving and graunting to the said Captain Nathaniel Butler full power and authority to doe and execute (with the advise of the Counsell of warre which shall from time to time be established by us in the said Island) all matters and things concerning the said place of Admirall according to the Instruccion that we or our successors shall from time to time give and direct for and Concerning the execution thereof, Nevertheless reserving to our selves all such Admirall duties as shall be payable and accomptable for or in respect of the same, other then^[6] such priviledges and benefits as shall upon agreement betweene us and the said Captain Butler be assigned and appropriated to him, To have, hould and exercise the said place of Admirall of the said Island untill we shall otherwise dispose of the same. And we do require all persons whatsoever from time to time resideing in the said Island that shall at any tyme abide or be in the harbours, ports or Creeks of the same, to yeild and give all due obedience and respect to the lawfull Commands of the said Captain Butler as Admirall of the said Island, as they will answer the Contrary at their perills. Given under our Common Seale this 23th day of Aprill In the XIII yeare of the raigne of our Sovereigne Lord Charles, by the grace of God King of England, Scotland, France and Ireland, Defendor of the Faith, etc. And in the yeare of our Lord God 1638.

H. DARLEY, Deputy. ^[7]	RO. WARWICK.
W. SAY AND SEALE.	E. MANDEVILLE.
RO. BROOK.	JO. PYM. JO. GOURDEN.

^[1] Public Record Office of Great Britain, C.O. 124:1, p. 118. This document and the next take us back to an almost-forgotten colonial experiment of the English Puritans, contemporary with their undertakings in New England but far removed from them in locality. Old Providence Island—to be distinguished from New Providence (Nassau) in the Bahamas—is an isolated little island in the western Caribbean lying off the coast of Nicaragua. It now belongs to Colombia, and is often called Santa Catalina. In 1630 a company of English investors, desiring to found a Puritan colony, and also to oppose Spain in the Caribbean, obtained from Charles I. a patent for a large area including Providence and other islands. John Pym was their leading member. The history of their colony is interestingly recounted in Professor A.P. Newton's *The Colonizing Activities of the English Puritans* (New Haven, 1914). The colony became merely a base for privateering against the Spaniards, who conquered and suppressed it in 1641. Thomas Gage, who passed by the island in a Spanish ship in 1637, says, "The greatest feare that I perceived possessed the Spaniards in this Voyage, was about the Island of Providence, called by them Sta. Catarina or St. Catharine, from whence they feared lest some English Ships should come out against them with great strength. They cursed the English in it, and called the Island the den of theeves and Pirates." *The English American, or A New Survey of the West-India's* (London, 1648), p. 199. For the whole matter of West Indian buccaneering, see Miss Violet

Barbour's article, "Privateers and Pirates of the West Indies", in the *American Historical Review*, XVI. 529-566.

[2] Nathaniel Butler, third governor of Providence Island, sent out with a considerable expedition in April, 1638, had earlier been governor of Bermuda and then a member of the royal council for Virginia.

[3] December 4, 1630. The patent is summarized by Newton, pp. 86-90, and the part conferring admiralty rights is printed in R.G. Marsden, *Law and Custom of the Sea* (Navy Records Society), I. 470-472.

[4] Henrietta lay some sixty miles southwest of Providence.

[5] A very exceptional grant of power, including the right to grant letters of marque. R.G. Marsden, "Early Prize Jurisdiction and Prize Law in England," in *English Historical Review*, XXV. 257.

[6] Than.

[7] The signers are as follows. Henry Darley, deputy treasurer, a Yorkshire squire, was a conspicuous Puritan and an intimate friend of Pym. Robert Rich (1587-1658), second earl of Warwick, afterward a chief leader of the Puritans in the Civil War, and lord high admiral under Parliament, had before this been conspicuous in privateering and colonial ventures, and president of the Council for New England. Viscount Saye and Sele (1582-1662) and Lord Brooke (1608-1643), eminent Puritan and Parliamentary lords, are best known in American history as patentees of the Saybrook colony, but were much more deeply interested in the Providence Island venture. Edward viscount Mandeville (courtesy title borne until his father's death in 1642) is better known as the second earl of Manchester (1602-1671), the celebrated Parliamentary general. John Pym needs no identification. John Gourdon or Gurdon was an East Anglian squire, neighbor of John Winthrop of Groton.

2. Governor Nathaniel Butler, "Diary of my Present Employment". February-March, 1639.^[1]

[February] 13. Wee hadd an alarme this morneinge, and in regard that the sayle that wee made came to an Anchor close without our Rocks called the Breakers, wee some found that she was a stranger and in perill: wherupon I sent out two shalopes well manned and followed myself in the thirde: and by the waye wee mett with her bote being only a Canow in which all of her men wer come off from her and left her alone; But wee tooke two of her men backe with us to the shypp; and sent two of my Botes to bring her into the Harbour;^[2] the which was done: Wee founde her to be a Spanish Frigate, taken by a man of Warre of Flushing off of Cuba. she was laden with mantega de Porco,^[3] Hides and tallowe; their resolution was to have carried her to St. Christophers,^[4] and ther to have sold her Goods, but being not able to fetch itt, she was forced to beare up for our Iland; and but for us had wracked upon our rocks; shee was manned with eight men; and the man of warre that tooke her haveinge dispatched her as he thought for St. Christophers, remained upon the Coast of Hispaniola to looke out for more purchase.^[5] and in the meantime, little knows what is become of his Prize.

14. I dined at Captain Morgan's. After dinner the Councell of Warre wer assembled at my house; wher some propositions wer considered off touchinge the new come Dutche; as alsoe about some redresses in respect of wrongs pretended to be offred by our Pillageinge seamen.

15. I was att Warwicke Fort^[6] this morneinge, wher I called a Counsell of warre; and the new come in Dutche presented a cobby of their Commission signed by the Prince of Orange and the Dutche West India Company. After dinner being newly returned home, wee hadd an alarme, upon the discovery of a sayle; and I went presently out in my shalope and sent Captaine Axe out in his shalope to make a discoverye upon her; she proved to be another smale man of warre of Holland which had bin long upon the coast of the terra firma;^[7] and hadd gotten nothinge; towards the eveninge she came to an Anchor in our Harbour. This vessell comeinge to the Ronchadores (it being only a desolate barren rocky sande twentie leagues to the eastwards of Providence, which is the nearest land unto itt)^[8] found ther an Englishman the which with some others being in a smale frigate wer shypwracked upon itt, some of them gott awaye upon two rafts of which the one of them was never hearde off; Thoes upon the other raft wer driven upon the maine-land of the West-Indies, and soe att last gott home. This

man with some others remained upon the sande and rocks; wher att last all of them died save this man only; who after he hadd remained ther two yeares and a halfe of which for ten monethes space, after the deathe of all the rest, he lived solitarly and all alone, being only fedd with such sea foules as resorted to the place, and sometimes some fish, he was thus taken and brought home unto us in good healthe and very lusty.

16. I went very early this mornenige to the greate Baye, wher my worcks went forwards well and almost to my wish. In the afternoone being returned home, I spent some houres in the hearinge of divers controversies amongst the Inhabitants. Towards night the Commande of the Dutche Vessel that came into our Harbour the daye before presented himself unto me and shewed me his Commission signed by the Prince of Aurenge:^[9] His errand hither was to find and stoppe a leake; haveinge bin four or five monethes upon the coast, and gotten noethinge. This morneing also, another of the new Companyes was in their Armes, upon the great Baye; and exercised by Captain Carter^[10] in my presence, and did well.

17. Upon this Lorde's daye I was in the morneinge and eveninge at Mr. Sherrard's Church,^[11] who preached unto us, at both times. After the afternoone's sermon, the poore man that was soe hapely recovered from the Ronchadores, was introduced by Mr. Sherrarde to make a publicke thanksgiveinge to God for his deliverance with a confession in generall tearmes of his former vicious life, and a promise of future amendment. An act very commendable in itselpe, and a Course fully approvable: Though itt now brought to every man's minde and observation, that whereas the apparent evidence of God's mercye in as highe or higher a nature hadd been manifested towards Captain Axe and his company in his escape from the enemie, to thoes five persons that came safe unto us, in an extreme leakinge bote, from St. Christophers; And towards the fortie nine persons that arrived safely with us from the Barbadoes;^[12] And all this done within the space of foure monethes; that none of all this should have bin remembered by Mr. Sherrard, in the same kinde; as if the safe-being of this one only man, had either bin of more remarkableness in itselpe, or of more acceptableness with him than all the others putt together....

21. Early this morneinge I went out in my shalope to Darlies Fort^[13] to looke out for the vessells that wer made the eveninge before and by sunne riseinge wee againe made them five leagues out to sea standeinge in with our Harbour; and by ten of the clocke they came ther to an Anchor: and one of them proved to be the Pinnacle called the *Queene of Bohemia*^[14] that I had sent out about five weekes before to looke out for Purchase upon the coasts of the maine; the other was a Spanish Frigate which she hadd made her Prize. I dined this daye at a weddinge.

22. The Captaine of our last arrived Pinnacle came unto me and certified me concerneinge his voiage, and the takeinge of his Prize; and I gave him some Advices about the orderinge of every man's shares: And upon this daye all the montega de Porco, and the Tallow that came in the first Dutche was sold to the people att reasonable rates....

25. One of our new Companyes was exercised upon this daye, by Captaine Hunt;^[15] I went aborde our new prize, to sett downe orders, upon the Breakeinge of Bulke; And the Prize Goods began this morneinge to be unshypped, into our Store House. I hadd many Bussineses brought afore me this daye, and found trouble ynough in decideinge of them.

26. Our new erected Company of Voluntiers exercised this morneinge, att our new exerciseinge place, and all the Captaines dined with me: In the afternoone, I called a Counsell of warre, where orders wer sett downe and given to the Captaines of the Fortes about makeinge of all shotts att the comeinge in of shypps: Witnesses wer also examined in the Court of Admiraltie^[16] about the new come in Prize, and a preparation made to an Adjudication. I hearde, determined and appeased divers differences, which might have produced ill bloud.

27. Very early this morneinge, I found worcke ready for me to heare and decide divers complaincts between the Inhabitants. Some of the Counsell of Warre dined with me; presently after dinner I caused a Proclamation pro forma to be made by sound of the Drumme, concerneinge the Bussinesse of our new gotten prize: viz, That if anyone could make a claime to any of the said Prize goods or saye anything why adjudication of her being lawfull Prize should not be granted; they should come in by such a daye and should be heard accordinge to Justice. This afternoone all our Prize Goodes being landed, I went to the Store-house to see equall divisions made; And the Lordes fiftes^[17] wer first layde aside; and then my dues as Admirall, and Captaine Axe's as Vice Admirall; and then some shares wer delivered accordinge to every man's part, to the common marriner[s]; and all the Tobacco belonginge to them, was shared and delivered.

28. We wer all this daye busied att the Store-House in the shareinge of the dues to the Shyp-Company, out of the Prize Goods; and in proportioninge the Honorable Companye's Fiftes; and mine owne Admirall duties, and the Vice Admirall's, Captain Axe....

[March] 2. The Commanders and merchants of the Dutch men of warre dined with me this daye: our new prize Frigate by the presumption of her master in takeinge awaye without leave an Anchor and a Cable from her, which he claimed to be his due, and which she rode by in the Harbour, was driven ashore; for which fact he was cited to an Admirall Court....

4. I called a Court of Admiraltie this morneinge; and empannelled twelve seamen, to deliver their verdict, concerninge a misdeameanour committed by a master of a shyp, in takeinge awaye a Cable and an Anchor from a vessell rideinge in the Harbour; wherby the said vessell was driven on grounds and in perill to be lost: but thes Jurors proved themselves soe absurde and ignorant as some made me finde the miserie of trialls in these dayes by such kinde of men: And it now produced an Order in a session of the Counsell of Warre in the afternoone, whereby all future crimes and commissions of this nature wer made punishable another waye. A new officer in the nature of a fiscall or Advocate^[18] in our Court of Admiraltie was elected and sworne this daye.

5. The Prize Vessell that was driven aground was gotten off safe this morneinge, wherby the penalties inclifted^[19] by the verdict in the Admiraltie Court in case it hadd perished, wer taken off.

[1] British Museum, Sloane MSS., 758; pp. 143-173 contain Gov. Nathaniel Butler's "Diary of my Present Employment", extracts from the earlier part of which are given here, exhibiting the dealings of a minor colonial governor with problems of privateering, and incidentally somewhat of his daily life. The whole journal runs from February 10, 1639, to May 3, 1640, and is largely occupied with an unsuccessful privateering voyage in the Caribbean which the governor undertook on his own account. England was not at war in February, 1639, but war had long existed between Spain and the Netherlands, and the depredations carried out from Providence were sure ultimately to provoke Spanish reprisals. It was moreover almost an accepted maxim that there was "No peace beyond the Line", *i.e.*, west of the prime meridian and south of the Tropic of Cancer.

[2] The harbor, and the town of New Westminster, were on the northwest side of the island. There is a map in Newton, *opp.* p. 12.

[3] Lard.

[4] St. Christopher's was at this time occupied jointly by the English and the French.

[5] In the old sense of prey or plunder.

[6] Warwick Fort overlooked the harbor from its north side. Capt. Samuel Axe, mentioned below, a soldier of the Dutch wars, had made the fortifications of the island.

[7] Tierra Firma, the Spanish Main, or north coast of South America.

[8] Roncador means snorer; the cay is still called by that name. The story of this man's shipwreck and preservation figures in Increase Mather's *Essay for the Recording of Illustrious Providences* (London, 1684), ch. II. The famous U.S.S. *Kearsarge* was wrecked on the Roncadores in 1894.

[9] Orange.

[10] Capt. Andrew Carter succeeded Butler, as deputy governor, and lost the island to the Spaniards.

[11] Rev. Hope Sherrard, one of the two ministers of the island, and a rigid Puritan, which Governor Butler was not.

[12] Apparently the party led, through remarkable adventures, by the other minister, Rev. Nicholas Leverton. See Calamy, *Nonconformists' Memorial*, I. 371.

[13] At the extreme north point of the island.

[14] The queen of Bohemia for whom the pinnace had been named was the princess Elizabeth, the ill-fated daughter of James I.

[15] Capt. Robert Hunt, governor 1636-1638, and an experienced soldier.

[16] The preceding document associates the council of war in the governor's exercise of admiralty jurisdiction.

[17] Dues to the proprietors, under their patent.

[18] Representative of the crown or proprietors.

[19] Inflicted.


LA GARCE.


3. Articles of Copartnership in New Netherland Privateering. December 4 (N.S.), 1646.^[1]

Compareerde voor my Cornelis van Tienhoven Secretarius van wegen de Generale Geoctroyeerde Westindise Comp'e in nieu nederlandt geadmitteert den E. Heer Willem Kieft Directeur General van nieu nederlandt, synde inde voorschreven qualite voor Rekening van de welgedachte Comp'e een meedereder in de fregadt de *la Garce*, Dewelcke nevens alle de naergenoemde persoonen bekende te Hirrideeren in dito Fregat een recht achste part, Jan Damen Ingelycx een recht achste part, Jacob Wolphersen de somma van vyftien hondert gulden, Marten Crigier een gerecht sestiende part, Jacob Stoffelsen elft hondert gulden, Hendrick Jacobsen pater vaer een achste part, Hendrick Arentsen de somme van dertien hondert gulden, Capitain Willem Albertsen blauvelt een Recht achste part, Cristiaen Pitersen Rams veertien hondert gulden, Willem de key een Recht sestiende part, Adriaen dircksen een Recht twee ende dertichste part, Welcke voornoemde Somme ende parten de voornoemde Persoonen als gemeene Reders yder voor haer Particulier hebben gedaen ende Hirrideeren op Winst ende Verlies, ende is desen gemaect ende getekent omme in toecomende hunl[ieden] daer van te connen dienen ende Weten Wat yder Reder voor syn Winst vande uytgeleyde pen[nigen] te vorderen mocht hebben. T'Oirconde ende teken der waerhey is desen by de voornoemde Reeders getekent, den 4e desember 1646. In Nieu Nederlandt.

CHRISTIAEN PIETERSZ.
WYLLEM BLAUFELT.

dit ist X merck
van HENDRIC ARENTSEN

dit ist merck  van
HENDRIC JACOBSZ P. VAER.


dit ist merck van
JACOB STOFFELSEN.

In kennisse van my
C. v. TIENH. Secret.

Translation.


Appeared before me, Cornelis van Tienhoven,^[2] authorized secretary for the Chartered West India Company in New Netherland, the Honorable Willem Kieft, Director General of New Netherland,^[3] being in that capacity partner in the frigate *La Garce* on account of the aforesaid Company, who together with all the persons named hereafter acknowledged that he was taking a share of one just eighth part in the said frigate, Jan Damen likewise a just eighth part, Jacob Wolphersen the sum of 1500 gulden, Marten Crigier a just sixteenth part, Jacob Stoffelsen 1100 gulden, Hendrick Jacobsen Pater Vaer an eighth part, Hendrick Arentsen the sum of 1300 gulden, Captain Willem Albertsen Blauvelt^[4] a just eighth part, Christiaan Pitersen Rams 1400 gulden, William de Key a just sixteenth part, Adriaen Dircksen a just thirty-second part, which aforesaid sums and parts the aforesaid persons, as owners in common, each on his own account, have invested and ventured, for profit or loss, and this [declaration] is made and signed in order to serve them in the future and to know exactly what each owner may have a right to demand for his profit on the monies invested. In witness and token of the truth this is signed by the aforesaid


owners, December 4, 1646, in New Netherland.

CHRISTIAEN PIETERSZ.
WYLLEM BLAWFELT.

JAN JANSZ DAMEN.
MARTIN CREGIER.
JACOB VAN COUWENHOVEN.
ADRIAEN DIRCKSEN COEN.
WILLEM DE KEY.

this is the X mark
of HENDRIC ARENTSEN


this is the P mark
OF HENDRIC JACOBSZ P. VAER.


this is the mark of
JACOB STOFFELSEN.

Acknowledged before me,
C. v. TIENH. Secret.

[1] New York State Archives, Albany; Dutch Manuscripts, vol. II., p. 153. The dates in the four New Netherland documents which follow are new style dates. The privateer *La Garce*, of French origin, began its connection with New Netherland as early as 1642, from 1644 was chiefly owned there, and from these dates to 1649, or even 1656, was an object of pecuniary interest and investment to a considerable number of New Amsterdam men. Many documents among the Dutch papers at Albany relate to her; they show Dutchmen, Frenchmen, and Spaniards as sharing in her captures.

[2] Book-keeper under Director van Twiller (from 1633), provincial secretary under Kieft, *schout fiscaal* under Stuyvesant till 1656.

[3] Director-general 1637-1646. Of the other partners, Jan Jansen Damen, Jacob Wolfertsz van Couwenhoven, and Martin Cregier were among the leading citizens of New Amsterdam. The total venture seems to have been about 14,000 gulden, say \$5600 (worth much more then).

[4] Two Blauvelts or Blawfelts, Albertus and Wyllem, apparently father and son, appear in the records of the Providence Island Company ([document 1](#), [note 1](#)). The former discovered the inlet on the Mosquito Shore, excellent for buccaneers, which is still called by his name, Blewfields Bay, in Nicaragua. After the Spanish conquest of Providence in 1641, Wyllem Blawfelt took to privateering, and, as will be seen, pursued it too long.

4. Articles of Copartnership between Augustin Herrman and Wyllem Blawfelt. December 4 (N.S.), 1646.^[1]

Wy ondergeschreven bekennen geaccordeert ende verdragen te wesen inde fregat de *la Garce* op Winst ende verlies te harrideeren, de somma van seventien hondert drie ende t'seventich gulden waer van Sr Augustyn een rechte seste [substituted for *sestiende*, erased] part Hrrideert onder den naem van Willem Aelbertsen Blauvelt, die bekent de voornoemde Somma uyt handen van Augustyn Heerman ontfangen te hebben ende belooft, soo Godt de heere hem Capitain Willem Albertsen een ofte meer prysen t'sy groot ofte cleen verleent van dese reyse, aende voornoemde Sr. Augustyn off syn Ordre uyt te keeren een gerechte seste [clerk wrote first *sestiende*] part vande veroverde Goederen uyt syn een achtste part. Ende soo t gebeurde, dat Godt verhoede, dat de barcque verlooren wiert, sal den voornoemden Sr. Augustyn niets op Capitain Blauvelt te pretenderen hebben. Aldus gedaen ende getekent de 4e desember a'o 1646. In nieu Amst.

AUGUSTIN HERRMAN.
WYLLEM BLAWFELT.
In kennise van my
CORNELIS VAN TIENHOVEN, Secret's.

Translation.

We the undersigned acknowledge that we have consented and agreed to invest in the frigate *La Garce*, for profit or loss, the sum of 1773 gulden, of which the Sieur Augustyn^[2] ventures the sixth [substituted for *sixteenth*, erased] part in the name of Willem Aelbertsen Blauvelt, who acknowledges that he has received the aforesaid sum from the hands of Augustyn Heerman and promises, if God the Lord grants to him, Captain Willem Albertsen, on this voyage one or more prizes, whether great or small, to turn over to the aforesaid Sieur Augustyn or his order a sixth [the clerk wrote first *sixteenth*] part of the captured goods out of his own eighth part. And if it shall happen, which God forbid, that the bark should be lost, the aforesaid Sieur Augustyn shall have nothing to claim from Captain Blauvelt. Done and signed December 4, 1646, in New Amsterdam.

AUGUSTIN HERRMAN.
WYLLEM BLAWFELT.
Acknowledged before me,
CORNELIS VAN TIENHOVEN, Secretary.

[1] New York State Archives, Dutch Manuscripts, vol. II., p. 153.

[2] Augustin Herrman was a Bohemian of Prague, who had served in Wallenstein's army, had come out to New Netherland in 1633 as agent of a mercantile house of Amsterdam, and had become an influential merchant. A man of varied accomplishments, he made for Lord Baltimore a fine map of Maryland, and received as his reward the grant of Bohemia Manor.

*5. Affidavit: the Capture of the Tabasco. July 25 (N.S.),
1649.*^[1]

Wy ondergeschreven (alle t'samen gevaren hebbende met d'fregat de *la garce* daer Capetain op is Willem Albertsz Blaeuvelt, gecruyst hebbende inde West Indisch) attestieren, getuigen ende verclaren in plaets ende belofte van Solemneelen Eede, des noots synde, hoe dat waer ende waerachtich is, dat wy verovert hebben inde reviere van Tabasko een bercke genaemt *Tabasko* vande Spanjaerde, welcke spanjaerden ons niet vermaende van eenige vrede noch treves die tusschen den Coninck van Spanje ende haere H. Mo. gemaect soude syn geweest, noch dat wy van geene vrede geweeten noch gehoort hebben. Alle t'welcke wy ondergeschreven verclaren alsoo waer ende waerachtich te weesen, presenteerende t'selve, des noots synde, altoos met Eede te verifieeren. Ady desen 25en July a'o 1649. N. Amst.

dit ist **X** marck van
HENDRICK ARENTSZ, Luytenant.
KEMPO SYBADA.
RAIPH CLARCK.
dit merc *eefe* is gestelt by
ANTONY DE MOEDES, Spaenjaert.

Translation.

We the undersigned, having all voyaged together in the frigate *La Garce*, of which Willem Albertsz Blaeuvelt is captain, having cruised in the West Indies, testify, witness, and declare, in place and under promise of solemn oath if need be, that it is true and certain, that we captured from the Spaniard, in the river of Tabasko,^[2] the bark named *Tabasko*, which Spaniard did not notify us of any peace or truce concluded between the King of Spain and their High Mightinesses, nor had we known or heard of any peace.^[3] All which we the undersigned declare to be true and certain, offering also if need be to verify it under oath. This 25th of July, 1649, in New Amsterdam.

This is the **X** mark of
HENDRICK ARENTSZ, Lieutenant.
KEMPO SYBADA.^[4]
RAIPH CLARCK.
This mark *eefe* is made by
ANTONY DE MOEDES, Spaniard.

[1] New York State Archives, Dutch Manuscripts, vol. III., p. 44.



[2] A river of southern Mexico, flowing into the Gulf of Campeche; in all but its lower portion it is now called the Grijalva.

[3] The deposition of William Nobel, surgeon of the *La Garce* (*N.Y. Col. Docs.*, I. 398), shows that the *Tabasco*, "laden with grains of paradise", was captured on April 22, 1649, and that another prize was taken on July 5, and confirms the narrative given in the next document. Yet peace had been concluded January 30 (N.S.), 1648. Roger Williams writes to John Winthrop, jr., October 25, 1649, referring no doubt to the prize mentioned in the next document, "Blufield is come to Newport and is carrying the ship (his prize) to Munnadoes [Manhattan], having promised the Governor to answer it to the Spaniard if demaunded, because she is taken against the Treves" (truce, peace); *Mass. Hist. Soc. Coll.*, fourth ser., VI. 272, 274.

[4] The pilot of the privateer. The *Records of the Quarterly Courts of Essex County, Massachusetts*, I. 314-319, show Captain Kempo Sybada as dwelling in the next ensuing years at New London and on Block Island, and as suffering in his turn from the depredations of privateers. He died in London in 1659.

6. Affidavit of Antonio Leon and Fyck Herry. September
27 (N.S.),
1649.^[1]



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Compareerde voor my Jacob Hendricksz Kip Clercq by den E. Hr. Dr. Generael ende E. Raaden van Nieu neederlant geadmiteert, Antony Leon geboortich inde Mayorke out 26 Jaaren Spanjaert ende Fyck Herry geboortich van Ierlant in Castilhaven out ontrent 21 Jaaren, passagiers overgecomen uyt Capetain Flip drest syn Barcque inde barcque van Willem Albertsz Blaeuvelt, attesteerende, getuygen ende verclaren, in plaets ende presentatie van Eeden ten versoecke vande Gemeene Reders van d'Fregat de *La Garce*, daer Capetain op was Willem Blaeuvelt voornoemt: hoe dat waer ende waerachtich is, dat sy attestanten weesende op des selfs Capetain Blaeuvelts barcque, gesien hebben ende hun noch wel bekend is, als dat op den achtienden July 1649 in de Bocht van Compechie alwaer quaem des avonts een Schip, welcke sy dochten dat het de barcque ofte prys van Blaeuvelt was, waer over Blaeuvelt datelyck seyl maecte, ende draeyde hem op de Laey, om dat sy haer best soude kennen: welcken blaeuvelt de prinse vlagge van booven ende achteren liet wayen: Hy haer niet verwachtende maer syn best doende om van haer te koomen: des s'nachts ongeveer ten Elf uyren syn sy by hem gekoomen, doen riep blaeuvelts Cartiermeester genaemt Gerrit Hendricksz: Flip, Flip, Maet Flip, welcken geen ant[woor]t en kreegh, roepende, Stryckt voor de Prins van Orangie: Antwoorde, Stryckt voor de Coningh van Spanjen: ende schoot met schut datelyck vier schooten; het vyfde stuck weigerde ende het seste gingh af op Blaeuvelt: sonder dat by Blaeuvelt Its claer gemaect hadde: Welcken Blaeuvelt resolveerde om by de Wint te steecken om naer syn volck te geraecken: alle t'welcke wy attestanten voornoemt verclaren alsoo waer ende waerachtich te weesen, presenteerende t'selve, des versocht synde, met Eede te verstercken. Ady desen 27 September 1649, opt Eylant d'Manhatans In Nieu Neederlant. Was onderteckent by dusdanich merck  daer by geschreven: Dit is het merck van Fyck Herry, selfs gestelt: dusdanich teycken  daer by geschreven dit is het merck van Antony Leon Spanjaert selfs gestelt. Nevens Albert Cornelisz ende t'merck van Nicolaes Stilwil, byde als getuygen vande waerheyt des bovenstaenden onderteckenden Mercken: onderstont In Kennisse van my, Jacob Kip geadmiteerde Clercq.

Naer Collatie is deese met syne principale gedateert ende geteckent als boven accordeerende bevonden by myn Jacob Kip Clercq ten overstaen van Francooys Noyret: ende — getuygen, hier toe versocht desen — Sept 1649 Int fort Amst. In N. Neederlant.

FRANSSOYS NOIRET, getuyge.

Translation.

Appeared before me Jacob Hendricksz Kip,^[2] authorized clerk to the Honorable Director General and Honorable Council of New Netherland, Antony Leon, native of Majorca, 26 years old, Spaniard, and Fyck Herry, native of Castlehaven in Ireland, about 21 years old, passengers, who came from Captain Flip Drest's bark into the bark of Willem Albertsz Blaeuvelt, who testify, witness, and declare, in lieu and on offer of oaths, at the request of the joint owners of the frigate *La Garce*, of which the above-named Willem Blaeuvelt was captain, that it is true and certain that they, the deponents, being in the said Captain Blaeuvelt's bark, saw, and they recollect very well, that upon July 18, 1649, in the bay of Campechie,^[3] there came in the evening a ship which they thought to be the bark or prize of Blaeuvelt, whereupon Blaeuvelt immediately made sail, and turned to the leeward in order that they might the better make her out. The said Blaeuvelt ran up the Prince's flag above and at the stern, not waiting for her, but doing his best to get away from her. About eleven o'clock at night she came up to him, when Blaeuvelt's quartermaster, named Gerrit Hendricksz, called: "Flip, Flip, mate Flip", but received no answer and then cried out, "Strike for the Prince of Orange!"^[4] [The Spaniard] answered, "Strike for the King of Spain!" and immediately fired with cannon four shots. The fifth piece failed to go off. The sixth shot struck Blaeuvelt's ship, without his having made any preparations [to fire]; said Blaeuvelt resolved to sail close to the wind in order to get to his people. All which we deponents aforesaid declare to be true and certain, offering on demand to confirm the same by oath. This 27th of September, 1649, on the Island of Manhattan in New Netherland. Signed with a mark of the following shape, , against which is written, "This is the mark of Fyck Herry, made by himself"; a mark of this sort  against which is written, "This is the mark of Antony Leon, the Spaniard, made by himself"; then, "Albert Cornelisz", and the mark of Nicolaes Stilwil,^[5] both as witnesses of the genuineness of the above marks; and beneath, "Acknowledged before me, Jacob Kip, authorized clerk".

After comparison with its original, dated and signed as above, this is found to agree, by me, Jacob Kip, clerk, in the presence of Francooys Noyret and [blank] requested as witnesses hereto, this [blank] September, 1649, in Fort Amsterdam in New Netherland.

FRANSSOYS NOIRET, witness.^[6]

^[1] New York State Archives, Dutch Manuscripts, vol. III., p. 65.

^[2] From whom Kip's Bay (East River, about Thirty-sixth Street) is named.

^[3] Between Mexico and Yucatan.

^[4] *I.e.*, strike ensign and topsail.

^[5] Albert Cornelisz was a magistrate of Brooklyn; Nicholas Stilwell, of Gravesend.

^[6] It was judicially decided later that the *Tabasco* was not a good prize. A ray of light is cast on Blauvelt's latter end by an item in an enumeration of English buccaneers in 1663 found among the Rawlinson manuscripts in the Bodleian Library, "Captain Blewfield, belonging to Cape Gratia de Dios [Gracia á Diós, Nicaragua], living among the Indians, a barque, 50 men, 3 guns." Haring, *Buccaneers*, p. 273.

THE HOLY GHOST.

7. Declaration of the Massachusetts Council, July 20, 1653.^[1]

Att A Counsell held at Boston 20th July 1653.

Captaine Robert Harding^[2] presenting unto us a certificate in the Dutch language with the seale of Amsterdam affixed to it that the ship called in the certificate the *holy ghost* together with the skipper thereof did belong unto the united provinces (Although at the first arrivall of the s'd ship diverse rumors were spread which did render them suspicious to have unjustly surprised the s'd ship) whereupon the

Counsell thought it there duty to enquire into the matter, yet having now examined the s'd Captaine and Considerd the Certificate afores'd together with a charter partie found in the s'd ship, Wee doe declare that wee have nothing wherewith to charge the sd Capt. or the company but have discharged the said Captaine and the rest of the company heere, together with their clothes, And therfore doe signify unto them that they have free liberty to enter our harbours where they shall have protection from all injuries and liberties of free trade with any of our inhabitants as any other ships whatsoever have had amongst us.

20 July 1653.

was signed by
JNO. ENDECOT, Gov.
RIC. BELLINGHAM, Dept. Gov.
INCREASE NOWELL.
SYMON BRADSTREET.
SAMUELL SYMONDS.
ROBT. BRIDGES.
JNO. GLOVER.
DANIELL GOOKIN.
DANIEL DENISON, Maj'r Gen'll.

A True Coppie of the paper
written to the Capt and Company
of the dutch prise—20th of
the 5th mo. 1653.^[3]
EDWARD RAWSON, Secret'y.

[1] Massachusetts Archives, vol. 60, p. 175. The document is a declaration of the Court of Assistants acting in its executive capacity, as a council.

[2] Capt. Robert Harding, now of Ratcliff, London, was well known in Boston, being, apparently, the same who came out with Winthrop, went to Rhode Island, was an assistant there, and then returned to England.

[3] The fifth month, in the reckoning usual among the English at this time, was July, March being the first. The civil year began on March 25.

8. Declaration of Governor Endicott. August (?), 1653.^[1]

To all whom these presents may concerne, greeting etc.

Know yee that the ship called the *holy gost* of Amsterdam of the burthen about 160 tune beeing taken as a prize and carried away out of the Roade of the Iland of Barbados by some seamen and some planters and Inhabitants of the said Iland, the said Ship and company in their sayling Faling upon the coasts of new England were mett with at sea about 50 leagues from our harbor of Boston in great extremity, wanting provision, by a ship bound from London to our Ports whoe supplied them for there present need and pilatted them into one of our harbors called Natasket^[2] where there is not a fort to bring a ship under Command. the Councell hearing of such a ship lying there sent to the Capt and company of the said ship and invited them to come into our harbor at Boston, they being afrade so to doe by reason (as the Councell was enformed) they were told that if they came into the harbor the Capt and Company should bee imprisoned and the ship seased. afterwards the Capt coming a shore, as alsoe some of the company, the Capt was arrested and some of the company were imprisoned, who were examined apt [apart] what ship it was they had taken and whence shee was, whither of Holland or of Spayne,^[3] or wheather they had used any cruelty to any of the Company they tooke, either by wounding, killing or setting any of them ashore upon any Iland or other place to the endangering of there lives. they all agreed in one relation that no such thing was done by them or any man hurt, And there beeing not any person heere to enforme against the[m] and they making it appeare by a dutch certificate under the seale of Amsterdam and by other dutch writings w'ch are extant with us found in the seisd ship, that shee was a dutch ship of Amsterdam sett out by diverse Marchants of that city, the councell released the said Capt and the rest w'ch had beene inprisoned, And sent to the rest of the ships company that they might freely come into our harbor, where they should have trafficke and protection from all Injuries and liberty of trade with any of our inhabitants as any other ships whatsoever, the ship afterwards came into Salem harbor,^[4] And the Governor gave order to have the whole Cargo of goods to be brought ashore, that there might bee a true Invoyce taken thereof, that the state of England^[5] might have the tenth. And the rather because it was reported to be a vessell of great treasury And the account thereof might be expected from the goverment, being brought in to this Jurisdiction, And to the end there might be the better satisfaction given to such as might inquier after it.

In Wittnesse of the premisses I have hereunto sett my hand and caused the seale of the Colony to be afixed.

This is A true Coppie Compared with the originall

per EDWARD RAWSON, Secret'y.

[The words "Jno. Endecott Gov'n'r and the seale of the Colony" appear in the margin.]

[1] Mass. Archives, vol. 60, p. 174.

[2] Nantasket.

[3] England and the Dutch were now at war (1653-1654), and the ship if Dutch might be good prize, but there was no war with Spain.

[4] There are several entries regarding it in the *Records of the Essex Quarterly Courts, I.*, but under the name of the *Happy Entrance*.

[5] The Commonwealth government.

20

9. Deposition of Matthew Hill. October (?), 1653.^[1]

Mathew Hill aged 30 yeares and upwards deposeth and sayth

That upon the seaventh day of May 1653 last past aboute two of the clock in the afternoone of the same day The Prize-men and company that take the Spanish Ship out of Carlile Roade in Barbados,^[2] there being at that tyme when shee was taken eight men of the shippes owne company on board when they tooke her (as the Gunner thereof informed this depon't) and that two of them leaped over board, w'ch were taken up by other shippes, and that they tooke thother six men with them, and were expected to have beene sent on shore back againe, but they cume not nor were ever heard of (by any meanes that this depon't could understand of) in foure months tyme whilst this depon't resided in Barbados after the ship was so taken, nor is yet that this depon't heares of. And this depon't further sayth That the Spanyord reported that there was a chest of gold dust six foote long and another chest of Jewells and Pearles, but named not how bigg it was, and seaven hogsheads of peeces of eight,^[3] besides all other traffick that was in the said Shipp, And sayth that the Pylate of the said shipp affirmed that if there were Thirty men of them their share would come to one thousand pounds a peece, And also sayth That the Gunner of the said Ship being an Englishman (and this depon'ts country man) informed this depon't That his owne share in the said Shipp was worth eight hundred pounds sterl.

MATHEW HILL.

[1] Mass. Archives, vol. 60, p. 172a.

[2] Carlisle Road or Bay is the roadstead of Bridgetown, Barbados.

[3] Spanish dollars, pieces of eight reals.

10. Deposition of Francis Blackman and John Dukley. October (?), 1653.^[1]

Mr. Francis Blackman, aged 60 yeares or there about, and mr. John Dukley aged 4[*illegible*] yeares or there abouts, doe joyntly and severally depose and say That in the month of May last past There was a Spanish Ship, as it was affirmed to be, taken at Barbados by a company of men that were some of them there resident and some of them inhabitants there, wherein there was eight men of the shippes company when it was taken, and two of them leapt over board and were taken up by other shippes but six of them were taken away with them in the said shipp. And there was a flying report that they were come on shoare againe the same day, but the constant report was that they were not, neither was any of them seene by these depon'ts after they were carried away whilst these depon'ts remayned in Barbados, w'ch was foure months after.

21

[1] Mass. Archives, vol. 60, p. 173.

*11. Letter of Governor Searle of Barbados. November 4,
1653.*^[1]

Honored Sr.

Theare arived some sixe mo. since before this Iland a spannish ship belonging to Tennarife (one of the Canary Ilands) Commanded by Emanuell Rodrigues, Capt. thereof, who having mett with much contrary weather in their voiage homewards wer necessitated to put for this place, and being before the Iland sent in their request to have libertie to wood and water. accordingly it was graunted unto them, with Assurance of receiving like protection, freedome, and libertie in our ports, as any other Nation in league and Amitie with the Commonwealt[h] of England, which gave them Incouridgment to bring their shipp into harbor within Command of our forts, and having staid and Refreshed themselves some three weeks time and taken in such necessaryes and provicions as they needed, whiles the Comander with the major parte of his men were on shoare abo[ut] their dispatches, the said ship was Unhappily surprized in the harbor by a wicked deboist^[2] Crew of persons, who getting aboard and by force suppressed those few seamen which were in the shipp, Cutt the Cables and sett saile.

Assoone as the surprise was discovered some shott were made at them, but their resolution to Carry so desperate an Attempt (knowing w't the end would have binn had they fayled therein) and sensiblenesse [?] in their dispatch to gett the ship without Command, as also the night Coming on, and having the Advantage of winde and Currant, no meanes Could be used to recover the shipp Againe, by which action the Comander, with his men, who but a little before were possessed (as well of their owne as others Interested) with very Considerable estates, were left on shoare to be Relieved by our charitie.

The Inhabitants of this Iland with myself Cannot but have a very great Resentment of so vile an Act, which hath Reflected so much not only uppon Authoritie but the Iland in Generall, and may heereafter reflect to the prejudice of particullar persons heare who trade at the Canary Ilands.

Wee have lately understood these Robbers by fained pretenses and discourses, to Couler their Action have endeavored to shelter themselves under your Authoritie in New England, but its hoped and beleived that such persons will not be harboured, nor such Actions Countenanced by you there. if they should it may proove for the future of evill consequence to this Colonie. it was least of all suspected their Confidence would have led them thither, otherwise wee should from hence have ere this requested your Assistannce for stoping the shipp and goods, and persons of those Robbers, untill the parties concerned therein might have Intelligence of their being in New England, there to prosecute for their rights;

The Capt. of the said ship with some others of the Compa. went hence for England hoping there to meete with them, others of them are gonn to some of the leiward Ilands, and some to the Canaries. assoone as Intelligence can be given to the proprietors at tennarife, you will I judge have some one from thence, to prosecute for their shipp and goods.

The persons who Committed this Robberie being thorough their deboistnes brought into Considerable engagements to severall of the Inhabitants of this Iland, had long before sought waies to make escapes from of this place, to Avoide their Confinement which the lawe would have forced them unto for sattisfaction of their just debts; and had not this ship presented, their Attempts would have binn to have zeased on some other, as since hath binn proved, which might as well have binn some Vessell heare of your Collony, as any other; their example have binn encouragement to others to Attempt the like, but wee are, and shall be as dilligent to prevent the same as possible wee may. if all or some of the cheife of those Robbers (if they are still with you), were sent hither that exemplary Justice might be Inflicted on them, it maybe a meanes to terrify others from such actions for the future.

What Justice you please to execute in this particullar, will not only be well resented by us heare; but also thankfully acknowledged and greatly vindicate the Justice of

your Authoritie against such as otherwise may be apt to blemish the same.

Since the Surprisall of said shipp here arived another vessell from the Canarie Ilands, to offer trade with the Inhabitants, who notwithstanding the Assurance they received from me of freedom and protection therein, yet afterwards being Informed of the Aforesaid action would not trust themselves amongst us but departed; which doe tend much to the prejudice of the Collonie. I shall not further enlarge at present but referr all to your Consideracion; and Commend you to the Almighty in whom I Rest

Yours in what I may to serve you

DANIEL SEARLE.

BERBADOES 4th of November 1653.

a true copy, etc., and the address.

[1] Mass. Archives, vol. 60, pp. 176, 177. Daniel Searle was governor of Barbados, under the Commonwealth, from 1652 to 1660.

[2] Debauched.

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12. Order of the Massachusetts Council. January 25, 1654.^[1]

Att A Counsell Called by the Governor on occasion of a letter sent from the Governor of Barbadoes to the Governor heere respecting the prizemen and held at Salem the 24th of January, 1653.^[2]

After the Counsell had Considered of that letter they Ordered that the Secretary should forthwith transcribe true Coppies of the originall and translacion of the Dutch Certifficat and the other Dutch writting found in the shipp called the *holy ghost*, and presented by Capt. Robt. Harding to the Counsell, Attested by the Secretary and sent to the Gov'nor and Counsell at the berbadoes, And further Ordered that the Secretary may give true coppies thereof to the Capt. or any other of the prizemen or any other that shall desier them;

And though by what the Governor of Barbadoes hath hitherto Certefied to us, it does not legally appeare that the vessell was or is a spannish vessell, but the Contrary rather seemeth unto us by the dutch Certifficat and other writting sealed and the Inscription on the sterne of hir *De heyly^[3] Gheest*, with the picture of the dove and burden of the ship concurring with them, yett for these severall reasons, viz. 1. Because it cann be no Injury to Capt. Robt. Harding, Left. Thom. Morrice, and that company to Justify there oune act at Barbadoes, (if it were a lawfull act). 2. Because there is probabilitie, some evidence appearing, that severall of the shippes former company that was aboard are missing, wch were not brought into this Jurisdiccion, what is become of them cannot so well be cleered, nor the Case triable any where so well as at the Berbadoes where the fact was donne. 3. Becawse Capt. Harding, Left. Morrice and the rest, as is suspected, have not discovered all the treasure that was in the shipp and thereby have deceived the Commonwealth of England (In Case it should prove a pricze) which cannot be cleered so well, any where as at Barbadoes, who have as wee are Informed inquired of hr [?] the value of the prize, and the Rather because they broke bulke at Pemequid, out of our Jurisdiccion,^[4] and that after they had our order, which they seemed to decline by their Accepting proteccion from Capt. Gilbert Crane, as appeares by prooffe, who was in our harbors under the Imploiment of the Parliament of England for masts and Tarre.^[5]

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Itt is therefore Ordered that the Capt. Robt. Harding, Left. Thomas Morris and the rest of that company now in hold and such as shall be taken heere after shall with all conveniency be sent to the Berbadoes and In the meane time Remaine in prison, unlesse the Counsell shall take further order.

Itt is further Ordered that Capt. Robert Harding, Left. Thomas Morris and Henry Cowes shall, when Capt. Jno. Allen or any other that shall first be Ready to sett saile to the Berbadoes, be delivered safe aboard to him or them, by him or them to be delivered to the Governor and Counsell at Barbadoes, And It is left to any three of the majestrates to send the rest by such conveyances as they shall Judge meete.

And that the Secretary shall from the Counsell give a strict charge to the keeper of the prison to secure them in prison so as they escape no[t] as he will Answer it on his utmost perrill.

- [1] Mass. Archives, vol. 60, p. 178.
- [2] 1654, new style.
- [3] Heylige.
- [4] The Pemaquid settlement lay on the Maine coast near the mouth of the Damariscotta River; it belonged at this date to Richard Russell and Nicholas Davison, private proprietors.
- [5] Capt. Gilbert Crane, in the *King David*, went out for this purpose in 1653 and returned to England in 1654.

*13. Vote of the Massachusetts House of Deputies. June
10, 1654.*^[1]

Whereas there was some Information given unto this Court of the Illegall surprisall of the Spanish shipp formerly Called the *Holy Ghost* and since Called the *happie Entrance*, of which shipp Capt. Robt. Hardinge was Commaunder, yet forasmuch as neither Capt. John Allen who so informed, nor any other person, would Ingage to procecute agaynst the sd Capt. Hardinge and Company, The Court thought it not meete to take Cognizance thereof, after which Capt. Crane undertooke to receive the tenth for the State of England, and whatsoever was Done by him or by mr. Endecot, then Gov'r, or Capt. Breedon^[2] or any other person in any respect whatsoever about the sd shipp or Goods or tenth part thereof, neither was nor wilbe owned by this Court in any kind. the Deputyes have past this and desire our hon'rd magists. Consent hereto.

10th 4th 1654

WILLIAM TORREY, Cleric.^[3]

The magists. Cannot Consent heereto, It Contradicting the last act of the Court.

EDWARD RAWSON, Secret'y.

[Another copy of the vote, likewise attested by Torrey, has instead of the above subscription the following:]

this vote to be entred in the booke altho not Consented to by the magists.

Contradicent., mr Jer Howchen.

[1] Mass. Archives, vol. 60, pp. 184, 183. On May 3 the General Court had voted that the imprisoned privateers (or pirates) should be released on bonds of a thousand pounds apiece for reappearance when summoned; *Records of Massachusetts Bay*, III. 344. We have now a conflict between the two houses, the House of Deputies wishing to drop prosecution, the Assistants adhering to the vote of May; *id.*, IV. 196. In October the prisoners were released from their bonds; *id.*, III. 361, IV. 207, 218.

[2] Capt. Thomas Breedon, afterward proprietary governor of Nova Scotia, had bought the ship. *Records of Essex Quarterly Courts*, I. 319, 320.

[3] Torrey was clerk of the House of Deputies, Rawson secretary of the Court of Assistants. Ensign Jeremiah Howchen, whose dissent from the majority opinion of the deputies is recorded below, was deputy for Hingham.

*14. Portuguese Commission (Letter of Marque) to
Charles de Bils. February 10 (N.S.), 1658, September 10,
1662.*^[1]

Alfonso, by the grace of God King of Portugall and of the Algarves [on both sides] of the seas In Africa, Lord of ginney and of the Conquest, navigation, and Commerce of Ethiopia, Arabia, Persia, and of India, Know all to whom this my letter patent shall Appeare that itt Behooving mee to provide shippes to oppose sea Roavers thatt frequent the Coasts of these my Kingdomes, for the conveniency of tradeinge to them, And Consideringe the merritts and Partts thatt Doe concurr in the person of Charles de Bils, Confidinge in him that In all thatt I shall Impose to his trust hee will serve mee to my Content, Itt Is my will and pleasure to nominate and by these Presents doe name for Capt. of a shipp of warr, by virtue of w'ch power hee may provide att his owne charge a shipp of one hundred Tonnes with whatt boates nessesarie, and provide her with Gunns, People, ammunition and provisions as hee shall thinke Convenientt, to wage warr with the subjects of the Kinge of spaine, Turks, Pirats, Sea Roavers, take there shippes and there marchandizes and all that belongs unto them and Carry them to Any Portts of this Kingdome to give An Accountt of them in my office, where they shall bee taken Account of In a booke kept for said purpose, where they shall bee Judged if Lawfull Prizes. hee may vizitt or search whatt shippes hee thinks goe loaden with our Enimies goods, goe to there ports, favouringe In all things any Alyed to this Crowne, Payinge the Customes of sd. Prizes, according to the Rates of the Custome Houses of this Kingdome. Wherefore I Request all Kings, Princes, Potentats, Lords, Republicks, states, theire Leiftenants, Generalls, Admirals, Governours of there provinces, Citties and Portts, Captaines And Corporals of Warr, to give to the said Charles de Bils all the Assistance, helpe and favour, Passage and Entrance into there Portts, with his said shipp, people, prizes and all things theire unto pertaininge, offerringe my selfe in the like occasion to doe the same, and Command my Governours, Generalls, officers of Warr, to lett them goe and passe with there prizes as long time as shall be nessesarie, for Confirmation of w'ch I commanded this letter Patten[t] to bee past, signed and sealed with the great seale of my Armes. Given in the Cittie of Lisbon the tenth day of february. Written by Antonio Marques In the Yeare of the Nativity of our Lord Jesus Christ one thousand six hundred fifty Eightt. Diogo Ferres Bravo Caused itt to bee written. QUEENE.^[2] And because said Charles de Bills Presen[t]inge himselfe before mee, Declareinge hee had lost said patent, desireinge mee to favour him to Command to passe him Another With safety [?] I commanded itt to bee past him outt of the Register Booke, W'ch Is the same declared above. given in lisbone the tenth of September six hundred sixty two.

frances Pereira da cunha caused itt to bee written.

(Sealed with
the Armes
of portugall.)

THE KING.^[2]

The Patent by w'ch your Mag'tie was pleased to nominate Charles de Bils for captaine of a warr shipp of One Hundred tonnes, w'ch hee offered to furnish att his owne Cost with such Boates as hee shall thinke nessesarie and to provide them with Gunnes, People, Ammunitions, and victuals that hee thinks needfull. Reformed. By Your Mag'tie.

^[1] Mass. Archives, vol. 60, p. 215. A copy of the Portuguese original is in the archives, as well as this rough translation. The dates are new style. The grantor was King Alfonso VI., brother of Catharine of Braganza, queen of England from 1662 to 1685. War with Spain had continued since the Portuguese revolt of 1640. This series of papers shows well to what abuses the whole system of letters of marque was open. For an English commission, of later date (1741), see [doc. no. 144](#).

^[2] When the original commission was issued the king was a minor, and it was signed by his mother the queen regent, Donha Luiza; but in June, 1662, by a palace revolution, King Alfonso assumed authority.

By his mag'ties decree of the tenth of october 657, And Dispach of the counsell of the 8th of september 662. Itt Is Registered In the 22 Booke of the s[ecre]taria of Warr, fol. 72.

Wee, Charles de Bils, Captaine by the King our Lord, by virtue of my fore written Patent, Sealed with The great Seale and Signed by his mag'tie, Constitute and doe Constitute D. John Duglas for Commander of my shipp Called *st. John* In my name and as if I were Personally Presentt to make Warr With the Enimies of this Crowne of Portugall, Accordingly And in the same manner as it Is declared In my Patent, for Effectinge of W'ch I grant to the said my Constituted all the Powers to mee granted, for Confirmation of w'ch I deliver him this my Patent signed with my hand and Sealed with the seale of my Armes. made In lisbone the twentieth of september one thousand Six hundred sixty two.

CHARLES DE BILS.

Wee the under written doe testyfie that the Aboves'd and what is Conteyned on the other Side^[2] is a true translation of a Comission Graunted by the Queene of Portugall and afterwards Confirmed by the King of that Country unto Charles de Bills and afterwards Assigned over by Sayd Charles de Bills unto Capt John Duglas as witnes our hands

Aug't the 15th 1664.^[3]

EDMUND DOWNER.
WILLIAM TAILER.
JOHN FORD.

^[1] Mass. Archives, vol. 60, p. 216.

^[2] Documents [14](#) and [15](#).

^[3] Old style, presumably.

16. Deposition of William Browne. June 24, 1664.^[1]

The deposicion of William Browne, passenger with Mr Robert Cooke, in the *Blow Dove*, and now prisoner aboard Capt. Jno. Dowglass:

That when hee was demaunded of the said Capt. John Dowglass where the said Shipp did belong unto, that the said William Browne did saye that hee heard the Mr say severall times, that the said Shipp did belong unto Amsterdam, and that the said Shipp was bound for Amsterdam, and that most of the company^[2] were Scotts:

2ly. That the said William Browne did see when a Jewe did shipp aboarde some goods,^[3] and that a Jewe did marke it, and that a Jewe did dispose of the goods which the Shipp brought from Holland and that Jewes name was Isaac Cardozo, and that after the Shipp was taken it was the Mr.'s desire for to bee put ashoare, and his company likewise, for the Mr. of the said Shipp was wounded and the Capt., meeting with a vessell bound for Port Royall in Jameka, did graunt leave to the said Mr. and most of his company for to goe in her for the said Port: as witness my hand this 24. of June 1664:

Taken uppon Oath this 12. of July 1664 in Portsmouth, in Pascatayvay River, in Newe-England, in America; before mee

BRIAN PENDLETON,^[4]
Comisioner.

^[1] Mass. Archives, vol. 60, p. 218a.

^[2] Crew.

^[3] At Port Royal, Jamaica. The *Blue Dove* was taken between Jamaica and Hispaniola, while sailing for Amsterdam.

^[4] Brian Pendleton was a selectman of Portsmouth, and one of its leading men.

17. *Deposition of Marcus Claesz. June 24, 1664.*^[1]

The deposicion of Markus Claise of Rotterdam borne, passenger in the *Blow Dove*, when shee was taken, and now prisoner aboarde Capt. John Dowglass.

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That when hee was demaunded of the said Capt. John Dowglass where the Shipp did belong unto, that hee the said Markus Claise did say that the said Shipp did belong unto Amsterdam, and that the Shipp was bound for Amsterdam when shee was taken, and that the Jewes were aboarde before wee set saile, and that most of the Company were Scotts, and after that the said Shipp was taken that the Mr., Robert Cooke, and most of his company did desire of the Capt. to goe ashoare uppon Jameka, and the Capt. meeting with a Barke bound for Port Royall in Jameka did graunt them leave, according to theire desire, to goe in her to the aforesaid Port at Jameka: as witnes my hand this 24. day of June 1664.

Taken uppon Oath this 12. of July 1664 in Pascatayvay River, in Newe-England, in America, before mee:

BRIAN PENDLETON,
Comisioner.

[\[1\]](#) Mass. Archives, vol. 60. p. 218.

18. *Deposition of Bartholomew Martin. June 24, 1664.*^[1]

The deposicion of Bartholomewe Martin, Spaniard, passenger and now aboarde of Capt. John Dowglass:

That when hee was demaunded of the said Capt. John Dowglass whither hee knewe if the Shipp did belong unto the Jewes, hee answered that hee heard Isaac Cardozo a Jewe tell him privately that the Shipp did belong unto his father in Amsterdam, and that shee was Assigned unto him by his father from Amsterdam, and that the said Bartholomewe Martin did see the Jewes bring Quicksilver, and that hee knowes it is the same which was taken in the *Blew Dove*: as witness my hand this 24. day of June 1664.

Taken uppon Oath this 12. of July 1664 in Portsmouth, in Pascatayvay River, in Newe-England, in America, before mee:

BRIAN PENDLETON,
Comisioner.

[\[1\]](#) Mass. Archives, vol. 60, p. 217a.

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19. *Commission to James Oliver and Others. July 16, 1664.*^[1]

Being Credibly Informed of the Arrivall of a ship at Piscatage manned with persons who have Given just cause of suspition and are suspected to have seized the said ship in a way of piracy or in a undue and Illegall manner, Now that his Maj'ty may have his rights and dues preserved, his Good Subjects the Right owners and proprietors of ship and Goods releived wht [without] any such violent seizures

These are therefore in his Maj'tys name to Authorize and Require yow, Capt. James Olliver, Capt. Edward Hutchinson, upon Receipt hereof forth with to repaire to the sd River of piscatage and there to Apply yourselves to Capt. Brian pendleton and mr. Richard Cutts, who are hereby Alike Authorized and Joyned in Comission with yow, who together or any three of yow are hereby Impowred and Required to make seizure of the Comander, officers and Company of the said ship, whither in piscatage River or in any other Harbor, port or place within this Jurisdiction, in Case they shall Refuse to submitt themselves to your comand Relating to a due triall, to secure the said ship and Goods, and having so secured them yow are to Convey the said

persons, shipp and Goods to Boston, that so a due proceeding may be had and made therein according to law and Justice, And that yow may be fully enabled to dischargd the trust here Comitted to yow, All officers and Comanders both by land and sea, in those parts, are hereby required in his Maj'tys name on your warrant and order to be ayding and Assisting to you therein, for wch this shall be your and their Warrant.

Given Under our hands, with the seale of the Colony hereto Affixed, at Boston in N E. this 16th day of July 1664.

R B D. F W.

[1] Mass. Archives, vol. 60, p. 220. Of the persons commissioned, Oliver was a prominent merchant in Boston; Hutchinson was a son of Anne Hutchinson, and was killed in King Philip's War; Pendleton and Cutts were selectmen of Portsmouth. The signatures are those of "Richard Bellingham, Deputy" (Governor), and Francis Willoughby of the Court of Assistants; see [document 27](#). Four days later, July 20, 1664, Samuel Maverick, coming out from England as one of the four commissioners to regulate New England, writes to Capt. Thomas Breedon from Portsmouth, "It hapned, that as wee were ready to come in, There went out from hence a Pinck [small ship with narrow stern], taken as a prize by a ship of Jamaica, but by authority from the Governor of the Massachusetts, the prize was as I understand seized upon and those that first took her, secured as prisoners by Capt. Oliver, and carryed for Boston," and he remonstrates against this as a usurpation of the commissioners' authority. *N.Y. Col. Doc.*, III. 65.

20. Deposition of Daniel Sprague. July (?), 1664.^[1]

I, Danell Sprage,

when I wasse Cleer and my wages paid me I Could get noe employment nor passage, not in three weeks time that I lay there, to goe to the windward Ilands. then I thought good to goe as to Cammanus,^[2] to se if I Could get passage their, and I saild with one Captaine Hermon towards the Cammanus, and as wee Came to An iland Called Camman-bricke,^[3] their lay Captaine John Duglasse at Anker. he sent his boate aboard of us to heer what newse from Jemecoe, and we Asked of them wether they weare bound. the quarter Maistor Answered and said, wee be bound to the windword Ilands. I Asked of them weither I Could have passage with them or noe, and hee saide, "I,^[4] and wellcome". then I went Abord with my Chest and Clothes and I staid aboard all the night and Could not speake with the Captaine, but the nixt Mornin as soon as it wasse day I spoke with the Captaine. I desired of the Captaine wether he wasse bound and he told me he wasse looking out for A shipe that Came from Amsterdam in holland to Jemecoe, Called the *blew dove*, and said, "if I Could meet with her she is A good prise for me. I have beene ten or tewlve dayes aseeking after her and Cannot light of her, but if I Can light of her she is Aprise for me. I have the king of Portugalls Commishon". I, danell Sprage, [said] unto Captaine John duglasse, "without your Commishon be very firme and that you be sure you Can Make a prise of her I desire you not to Come neer her, for I know what the ship is and Came out of holland in her". he Answered and said if I would goe a longe with him he would beare me out in all damages that shuld follow or insue upon me Conserving takeing of the prise. then the shipe which I Came from Jemecoe in wasse gon from the Iland over to the Cammanus and their wasse noe other shipe left but only Captaine John Duglasse. I said unto Captaine John Duglasse, "shuld I goe with you, and you shuld Come up with this shipe and take her, and the Company seeing of me they will say that I have been at the Cammanus and have fetched A shipe one purpose to Make a prise of them". Captaine Duglass Answered and said that "I and my Company Can testifie to the Contrarie and as far as my Commishon and my life doth goe I will beare you out Against all them that shall qushton you as Conserving the takeing of this shipe: I am Captaine and I have taken her with my Commishon and I will Answer it".

thes be the men that Can testifie that they weare ten or twelve dayes out in the pursuite after thes ship be fore I Came to them: and have heer unto set their hands.


the Marke of WILLIAM GIBENS.

W

JOHN HILL.

* the Marke of CLINE the

These be the two witnesses wich
Can Justifie that I did desire the
Capt. that, without his

Dutchman.	Comemishon
THOMAS HUCKENS is Marke.	where ^[5] sure, not to medle
⊙ :	with the ship.
SOLEMON BEGENSOUS, quarter	The Marke of DANELL HARRESS.
Maistor.	
+ the Marke of HALLIGERT	ABRAHAM WILLKESON.
YOUNSON.	
THOMAS BERKENHEAD.	

- [\[1\]](#) Mass. Archives, vol. 60, p. 229.
- [\[2\]](#) The Cayman islands, NW. of Jamaica.
- [\[3\]](#) Cayman Brac.
- [\[4\]](#) Ay.
- [\[5\]](#) Were; "unless his commission were sure."

21. *Deposition of William Browne. July 25, 1664.*^[1]

William Browne, age 17 or 18 yeares, Saith that he was to goe passenger for England with mr. Robert Cook, master of the Shipec Called the *blow dove* of london. the sd. wm. Browne heard the master Say that the Said Ship did belonge to Sr. wm. Davidson in Amsterdam^[2] and I know that James wattson who came owt of holand befoire the Ship, did frawght the Sd. Ship with Some goods marked with WD. and I doe not know certanly whether there was ane S. in the midle or not, and that the Said James wattson was going with the Sd Shipec first for England and then for Amsterdam, and that the Sd. wm. Browne did See a Jewe Marke Qwicksilver and wax, which was Shiped Aboard of the Sd. Shipec, which Jewe kept a Shope publickly in Jamaica and did dispose of Some of the goods q'ch [which] came from holdand in the Said Shipec, and I doe know that there was ane English man Aboard which was a pasenger which had Some goods A board, as Cocco, 2 Tunne marked with ane O burned with the Barrell of A mwscket.^[3] the Sd Shipec coming out of port Royall with 10 men or there About, with Some passengers, went in Company with Captaine Hatchwell to blewefilds bay,^[4] a bowte 20 Leagwes distance from Pt. Royall, and tooke in some watter and Some Ballace, and being at ane Ankore the Captane of a little Barke with his Company boarded them and gave them a voly of Shoat, being in nwumber about 27 men, and being Some what darke the master was Shote in the Arme and the men of the *blow dove* were put in the howll of the Shipec: and then the Asaylants Cut the Cables, and Caryed away both veshells and them, untill they came to poynt Niggereell,^[5] where they met with ane English barke coming from Caymanws and bownd for Porte Royall in Jamaica, where they putte the Said mr. of the *blow dove* Aboard According to his desire and furnished them with Some victwales and a Caise of Spirits: and after they were gone owt of Sight they lasht there barke aboard of the prise and took most of there things owt of her and Let her goe Adrifte.

There was Aboarde the Shipec when shee was taken from Ro't Cooke bowt 48 hogsheads of Sugar, Some Cocco, Ebony, Granadilla, Brasilita,^[6] Oakem, Stockfish, match, Qwick Silver 29 or 30 Chists, 2 gold Crownes with diveres other Jewelles, 1 Barill of knives, Some Swords, 1 Barill with Sheathes and Corvall, 60 Jares of oyle, 9 Caises with Spirits, 7 or 8 packes of whyte waxe, Lignavita, Gwmme about 5 or 7 pak.

Taken upon oath this 25th of July 1664 befor me
THOMAS SAVAGE, Commiss'r.

Acknowledged in Court 5th August 1664.
EDW. RAWSON, secret.

- [\[1\]](#) Mass. Archives, vol. 60, p. 223.
- [\[2\]](#) See [document 27](#).
- [\[3\]](#) Musket.
- [\[4\]](#) This Blewfields Bay is at the SW. side of Jamaica.

[5] Cape Negril.

[6] Braziletto, a wood resembling brazil-wood.

22. Deposition of Robert Lord. July 26, 1664.^[1]

The deposition of Robert Lord aged 42 yeares July 26, 1664.

Saith

That being at Jamaica about the moneth of January last past, there came in the pincke *blew dove* which was seized at sea betweene Hispaniola and Jamaica by John Morrice Captn. of the *Virgin Queene* (an english man of war), who putt two or three of his men aboard to bring her into Jamaica harbor, hee with his man of war bearing her Company neere to the harbour; when the sd *blew dove* had bin three or foure daies at Jamaica there was a Court of Admiralty appointed for the triall of the sd *Blew-dove*, it being expected by the sd Captn. Morrice and Company that the sd Ship would have been a prize to them, and their great Argument was that they were sailing towards Cuba before they had seized them, and that they were laden with ammunition and goods sutable to the spanish trade: but uppon triall in the Court, their billes of Lading appeared that they were bound to Jamaica, their cocketts and dispatches being cleere from the Kings Custome-house at Dover; this deponent speaking in Court to Sr Charles Littelton (then sitting Judge of the Court)^[2] that hee knew the Master Robert Cooke, and that hee lived in Ratcliffe^[3] neere to him, which also testifies Captn: Isack Bowles Comander of the *Blackmore* (one of the Royall Companies Ships),^[4] the Governor (Sr Charles Littelton) did thereupon declare them to be a free ship, and to have their liberty of trade as any other Ship whatsoever that was then in the Harbour; And further saith that the aforesd Captn. John Morrice told this deponent that hee had hoped to have had a good prize of the *blew-dove*, but hee gott nothing of them but an English Ensigne, and a hogshead of strong beare, and that the sd *Blew-dove* came in with English colours, and did on all occasions weare them.

Taken upon oath, 27: 5: 64. Before me

ELIA. LUSHER.

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[1] Mass. Archives, vol. 60, p. 224.

[2] Lord Windsor was governor of Jamaica in January, 1664, Sir Charles Lyttelton deputy governor.

[3] Ratcliff, London.

[4] Bowles was one of the captains, and the *Blackamoor* one of the ships, of the "Company of the Royal Adventurers of England trading into Africa", the predecessor of the Royal African Company.

23. Deposition of John Hunter. July 26, 1664.^[1]

John Hunter Aged a bout 40 years deposeth and sayth

That this deponant was shipped by Captaine Robert Cooke, Commander of the *blew dove* of London so Caled, to sayle as a sayler in the said shipp from Jameco to Dover and so for Amsterdam: the time this deponant was shipped was about the begining of Aprill Last past in Jameco.

This Shipp *blew dove*, as I was informed by the people in Jameco, was brought in by a Captaine of a privat man of war uppon susspition that shee was to trade with the Spaniard as a hollander, haveing Jewes Goods on bord as thay Alleged, but was there Clered by the Governer, sir Charles Littelton, and had fower moneths trade there afterwards. this was the Common report of the people there. farther this deponant testifieth uppon his owne knowlidg, being about two moneths a seaman uppon the said Shipp before shee was taken, and when wee Came out of Jameco wee had a let pas^[2] from the Governer to saile to dover and there to pay the Kings Customs and from thenc wee were to sayle unto Amsterdam and to deliver our goods unto Sir william Davis^[3] or his order, as the bills of Lading maketh manifest, which this deponant did see in the hands of Captaine Dugles Now a prisner, who desired this deponant to Reade the bill of Lading unto him at sea as wee were Coming in to these

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parts, also a nother bill of Lading for sum smale quantitie of wax and quicksilver which belonged unto a Jue, as I did aprehend. also I red a nother bill of Lading for severall goods belonging unto an Englishman Living in Jameco, who was going passenger for dover in the said shipp, but was turned a shore in blewfields bay as the rest were by the said Duglas and his Company. farther this deponant testifieth that Captaine Duglas was at Jameco and did here that this shipp was there Clered and did then tell this deponant that hee would take this shipp, which this deponant towld him hee Could not Legally doe for shee beeloned unto Sir william davis in Amsterdam, his maisties Resident there. this deponant did acquaint Captaine Cooke what the said duglas said. farther this depont testifieth that when we were in blewfields bay this duglas Came Rowing upp with two oars about eight of the Clock at night. Wee hailed them and Asked whenc thay were and thayer Answer was, from the Barbados. wee Asked who was there to friend. thay Answered peter prier,^[4] who said thay had lost Camanos and were going to seeke for it Againe, but presently thay Clapt thayer helme a starbord and shered Abord us giving a volly of smale shott, in which thay shot our master through the Arme, and so Came on bord and beate us doune in to the howld without Asking of us what wee weare and so Cut our Cable and presently put forth to sea. farther this deponant testifieth that two of the sailers being Englishmen Leaft the said Captaine Cooke at Jameco, uppon which the said Cooke was forced to shipp this deponant and a nother. and farther this deponant sayth not.

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Taken upon Oath the 26th of 5th mo 1664
before mee ANTHONY STODDARD, Comissr.

owned in Court 5th August 1664 EDW. RAWSON.

[1] Mass. Archives, vol. 60, p. 225.

[2] Let-pass, a permit; see [doc. no. 130](#).

[3] Davidson; see [doc. no. 27](#).

[4] Probably a pun on "pry", to fob off intrusive questioning.

24. Deposition of Charles Hadsall. July 27, 1664.^[1]

The deposition off Charls Hadsall, aged forty six years or thereabouts:

Testefieth and saith that mr Robt Cooke, Comandor of the shipp *blew dove*, together with my selfe Comandor of the shipp *Lucretia* sett sayl from port Royall harbor In Jemaicah with free Lett Pases from Collonall morgan deputy Governer of Jemaicah:^[2] And Coming down In Company to blew feilds bay where we Came to An Anchor to fetch our wood and watter on board and as soon as we were at anchor there Came of a Conoo from Capt John Dowglas Lying Closs under the shoar on board of my shipp with two men for to Inquire among my men whether I woold Ingage to defend the shipp *blew dove*, I then being on board of her the said shipp *blew dove*, with Squire wattson, Marchant of the said shipp, with whome I went a shoare: and Coming on board about seven a Clok In the Evning with squire wattson to the shipp *blew dove* and having taken my Leave of him went on board of my owne shipp: and halfe an hour after there Came a Conoo from the vessell of sd Dowglass on board of my shipp *Lucretiah*, where I demanded of the said men that Came In the Conoo whether they were bound: and they Replied for the Camanes, which they said they were formerly bound for and had mist: and now pretended they woold goe with mee to Cemanes: And further saith that they said they woold be at new england before mee. I Replied, "In whatt shipp": they said It was no matter In whatt shipp: and while these men were discoursing with mee Dowglas his barke Clapt the shipp *blew dove* on board, Cutt her Cables and sett sayle, and the men that were on board my shipp with me went away on board the said shipp *blew dove*: and soe went away, and three days after the master, marcha[nt] and sum of the Company being putt Into a small vessell Came Into blew feilds bay where I then Rod att Anchor and I going on board of them, saw the master of the shipp *blew dove*, shott In the arme, who told mee that they the said dowglass and his Company had took all they had from them only the Close uppon his back: And further this deponent saith that squire wattson told him that the shipp *blew dove* belonged to Sr Wm Davison and Captain Taillur: and that the master and marchant of the said shipp told mee there were Letters on board of the said shipp *blew dove* for his majesty and the duke of yorke:^[3] being such Letters as were Considerable. And further saith that the master and marchant of the shipp *blew dove* told mee that there was In Jewells on board of said shipp to the vallue of three hundred pound sterling and about thirty Chests of quik silver and sugger he said was on board but I have forgott whatt quantity he spake off. And further this deponent saith that the shipp *blew dove* Rod In Jemaicah severall sabbeth days with her

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owned in Court 5th August 1664 by the sd Hadsell

E.R.[4]

[1] Mass. Archives, vol. 60, pp. 231, 232.
 [2] Col. Edward Morgan, commissioned deputy governor January 18, did not reach Jamaica till May 21 or 22. *Cal. St. P. Col.*, 1661-1668, pp. 182, 211.
 [3] The king's brother, afterward James II.
 [4] Edward Rawson, secretary of the council.

25. Petition of John Douglass. August, 1664.^[1]

To the honored Governor, Deputy Governor, Majestrates and Deputies of this honoured Generall Court now sitting in Boston in the Massachusetts Colonie of New England.

The petition of captayne John Duglas late Commandor of the Prise called the *Blew Dove* of Anserdam in behalfe of himselfe and Company (servants and seamen to the said Ship belonging), whose names are hereunder Subscribed.

Humbly shewing, That whereas the said Ship was seized uppon at Puscataque in his Majesties name about the eighteenth-day of July-last with all the Seamens chests and Clothes save what they have on their backs, And that the said Seamen have bin here about fiveteene dayes without any allowance from the Countrey and not a penny of money to releevе themselves, so that they had perished eare this tyme had they not bin releevеd by som freinds, some of which company have bin without victualls three dayes together, They humbly crave this honored Court that they may have a speedy trial whether their prise be a lawfull prise or not, otherwise that they may have their chests, clothes and armes, which request of your Peticioners they humbly crave may be taken into Consideration and they shall, as by duty they ar bound, pray, etc.

JOHN DOUGLASS.

THOMAS BERKENHEAD.	JOAN CLOBARTEXE [?].
THOMAS MARTIN.	LAMESTE [?]
ABRAHAM WILKERSON.	WILLIAM GIOTTE.
HALLIGAR JOHNSON.	JOHN HORRE.
his X marke	his + Marke
MIHILL HENDERSON.	PIERRE PERWALLE.
his MH marke	
CLINE the Dutchman.	SOLOMON.
his X marke	JOAN PAGE.

[1] Mass. Archives, vol. 60, p. 230a. In response apparently to this petition, the General Court on August 8 ordered 40 shillings to be given to Captain Douglas, and 20 to each of his men, "to preserve them alive till they can provide some honest imploy for themselves, and that their particular cloathes, so cleerely proved [*i.e.*, if clearly proved to be theirs] ... be ... delivered to them." *Records of Mass. Bay*, IV., pt. 2, p. 128. But the capture was declared illegal.

26. Plea of John Douglass. (August 8?), 1664.^[1]

The tenth day of October, one thousand Sixe hundred Sixtety and Tow, One Capt John Daglas Brought one Commision from the king of Portugall, Sayling out of Lisborren^[2] for to Make ware according to His Commision in his Ship Called *St John*, force 4 Gones, with men and Amunission Convennent, to Make Ware with the Ennemes of

the Sayed king.

Having lived about the time of 4 or 5 Monthes about the Ilandes of the Canares with out taking any Prise, this same Capt. tucke Resselution to Sayle to wardes the Endges^[3] with his Ship and Men, and After Som dayes of his Arivall to this Enges, som thing Neare the Iland Martenekea^[4] he Mett with a man of ware. the Sayed Captaine dagles was ingadged to fight having a great many of his Men kild and wounded and hee him Self Deapley Wounded with a Shote from a Mosquit, the whch Shote Bracke his Arrem, and was in danger of his Life.

And for his helth he and his men was forcest to Retier to the Iland of Monseratt, inhabeated by the Engles under the Government of Correnall Roger Asborn.^[5] thare this Sayed Capt. was Courtiously Receved by this Sayed Govenar and brought him a shoure, whare hee was in dyett and dwelt a twel month upon this sayed Iland in which this his Sayed Ship which he brought Out of Lisborne Perresed^[6] thare and was uncapabell of the ware.

Afterward the Sayed Capt. Dagles he went to Jemekea and the Jenerell of the Iland of Jemekea did Exammine the Commision of Capt. John Dagles, and having found itt Good the Sayed Jenerall gave him Permission to baye^[7] a frigat for the Sayed ware according to his Commision, and touck men, Arrems and Amunision for the ware with the Ennemis of the king of Portagall, and the Sayed Capt. John Daglas Sayeled from the Iland Jemeake with permission of the sayed Jenearell.

And about 3 Mounth After Sayling out of thees harbor Jemeke, this Sayed Capt. Dagles had Nouse by Severell Engles Vessells that thar was a vessell Redey to Sayell Out of the harbor of Jemeake loden by the Jues under the king of Spaine, and the Sayed Captaine vas very Diligant to mite with the Sayed Shipec, the which Shipec was called the *blau Duff*, mr. Robart Coxe Commander, and this Sayed Capt. John Daglas had knowledge of this sayed Shipec in the baye of blue fild, whare no one Inhabeted, distant 32 Leages from the harbor of Jemekea, the which Capt. went with his Sayed frigett and found a Commission from the Engea Compenia of Ansterdam,^[8] With letters and loden from thes Jues for Ansterdam, and after that toucke the Depousision of 5 prisnores, the which did all Declare that the Sayed Shipec did Belong to Ansterdam and bound for Ansterdam with his loden, and the Sayed Prisnores Gave the Sayed depusison befor Capt. Pemmellton,^[9] Chefe Justes in Pescatabay.

And After the Sayed Capt. John Dagles toucke the prise, Sayled outt of the Channell Called bahem^[10] and Steared his Cource to Sayle into portag'll with this his Sayed Prise, to give knowledg to the king of portugall, in which Sayed vaydgc wanting vettiells and watter he Arived in Now England for to tack watter and fitt his Ship for this his Sayed vaydgc to portugall.

And [after] he did Arive att the port of Pescatabay, the Sayed Capt. Daglas Did Send ashore one of his Offecers to the Sayed Capt. Pemmellton, Justice of Putatabay, desiering Permission to watter and to give him libertey to sell som goods for to baye vittells and to be goine in his vaydgc to Portugall.

And upon his Desier the sayed Justase Capt. Pemmellton Sent word to the sayed Capt. Dagles that hee was verey wellcom and that he had his libertey to doue in seviletey^[11] what his mind was and upon this his word the sayed Capt. Dagles was Oblaged to him.

And After 8 Dayes the touck the Sayed Capt. Dagles prisnor and his men and seased upon his vessell and goods and pout all his men out and pout outhere men aboard, the which did Plonder me and my men Just to Ouer Sherts.

Sertenly itt tis a very Sad Cace that a Jntallman^[12] of his qualetea Should youse a stranger soe unsivell, because of the Aleance between the Crounes,^[13] and not to give him libertey to goe a bout his bousnes—and he had seased my Commision and all my paperes as if I ware an Enneme to the Croune of England.

[1] Mass. Archives, vol. 60, pp. 271, 272.

[2] Lisbon.

[3] Indies.

[4] Martinique.

[5] Col. Roger Osborn.

[6] Perished.

[7] Buy.

[8] The Dutch West India Company, Amsterdam Chamber.

[9] Pendleton.

[10] The Bahama Channel.

[11] To do in civility.

[12] Gentleman.

[13] Of England and Portugal, 1661.

*27. Power of Attorney from Sir William Davidson.
September 13,
1664.*^[1]

Bee it knowne Unto all men by these presents that on the Thirteenth day of the month of September, Anno domini one thousand six hundred sixty and Foure, And in the sixteenth yeare of the raigne of our soveraigne Lord Charles the second, by the grace of God King of England, Scotland, Franncce and Ireland, defendor of the faith, etca. Before me William Allen, notary and tabellion publicke dwelling in this City of London, by the Authority of the said Kings Majesty admitted and sworne, and in the presence of the witnesses here after named personnally appeared Sir William Davidson, Knight and Barronett, his Majestyes Royall Commissionner at Amsterdam in Holland, etca., at present in this City of London, one of the Gentlemen of his Majestyes privy Chamber in ordinary;

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Who hath declared that Whereas The ship or Vessell lately Called the *Blew Dove* of London, where of Robert Cooke of Ratcliffe was lately master and James Watson servant to the said Sir William Davidson Supra Cargoe on the said shipp, or by whatsoever other name the said ship may be Called or knowne, Together with all her Loading of Sugar, quicksilver, Cacau, Tobaccoe, Brazillet wood, and other goods, merchandises, silver mony, and other things whatsoever, lately loaden at Jamaica by the servants of the said sir William Davidson, was (as hee the said William Davidson is Certainly informed) villanously and Roguishly taken by Pyrats, Rovers, and Theeves, Comeing from Jamaica aforesaid; and Brought upp to Boston in New England, or thereabouts; Now hee the said Sir William Davidson hath, in the best manner way and forme unto him possible, made, ordained and Constituted and by these presents in his stead and place doth make, ordaine and Constitute Mr. Francis Willoughby of Charles Towne in New England, merchant,^[2] his true and lawfull Atturney, Giving and by these presents graunting unto his said Atturney full power, Commission, and lawfull authority, for and in the name and to the Use of the said Sir William Davidson, to demaund, sue for, leavy, recover, receive and take possession of the said shipp lately Called the *Blew dove* of London (or by whatsoever other name shee may bee Called or knowne), And all furniture and appurtenances to her belonging, Together with all her Loading of sugar, quick silver, Cacau, Tobaccoe, Brazillet wood, and other goods, merchandises, silver mony, and other things whatsoever, And to make and give such acquittances and discharges as shall be requisite, And in all thinges to follow the orders and directions of the said Sir William Davidson; And further to take, seize upon, and apprehend the said Pyrats, Rovers, and Theeves, and prossecute them according to law, And if neede bee by reason of the premisses to appeare before whatsoever Lords Judges and Justices in any Court or Courts, there to answeare, defend and reply in all matters and Causes touching or Concerneing the premisses, to doe, say, pursue, Implead, arrest, seize, sequester, attache, Imprison, and to Condemne, and out of prison againe to deliver; And further generally in and Concerneing the premisses to doe all thinges which hee the said Sir William Davidson might or Could doe if that hee should be then and there personnally present, with power to substitute one or more Atturneyes under him with like or lymmitted power and the same againe to revoake; And the said Sir William Davidson doth promise to rattify, Confirme, allow and approve of all and whatsoever his said Atturney, or his substitute or substitutes shall lawfully doe, or Cause or procure to bee donne, in and about the premisses, by vertue of these presents; In witnesse whereof the said Sir William Davidson hath signed, sealed and delivered these presents;

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Thus donne and passed at London aforesaid in the presence of Captaine John Tailor of London, merchant,^[3] and Mr. Nicholas Corsellis alsoe of London, merchant, as witnesses hereunto required.

JOHN TAYLOR.
NICOLAS CORSELLIS.

WILLIAM DAVIDSON.

In testimonium veritatis
Wm. ALLEN, Not's Pub'cus,
1664

[1] Mass. Archives, vol. 60, pp. 259-261. In the *Calendar of State Papers, Colonial*, 1661-1668, p. 284, appears a letter from King Charles II. to the governor of Jamaica, March 1, 1665, in which he speaks of Douglas's piratical seizure of Davidson's ship, and declares that he (the king) has written to the governor and council at Boston to apprehend the pirate, but has heard nothing of them.

[2] Deputy-governor of Massachusetts 1665-1671.

[3] Willoughby's father-in-law. Waters, *Genealogical Gleanings*, pp. 970-977. Corsellis was a Dutch merchant in London.

THE PROVIDENCE.

28. Certificate of Cornelius de Lincourt. April 12/22, 1673.[1]

Lett it bee knowne to all kings, princes and potentates in Christendom and to all those that it may Concerne, how that upon the 21th day of aprill 1673 before the River of Virginia have taken and overmastered Under the Comition of his highness my lord prince William the third of Oringe, taken a Cetch called *Dergens* [?] Coming from Boston out of new england, goinge to the River of Virginia, whearof was skiper John Cox, which ketch I was intended for to burne or to sinck, but after severall Considerations I doe give the same ketch and all that belongs unto her freely and liberaly unto the honorable Capt. Thomas Raddon and Mr. Joseph Fox, whoe both likewise weare taken by mee, to have and to hold as their owne Ketch and to dispose thereof to their owne Content.

Signed by mee in the Ship Called *Slanswelvarn* at sea the 22th day of April 1673.

Stierman,	CORNELIS DE LINCOURT.
Stierman,	JAN CORNELISSE.
bootsman,[2]	PIETER GERRITSZ.
Constapel,[3]	THOMAS SEVERS.
Schyman,[4]	ANTONI FERRO.
	JACOB WALLE.

I the underwritten do acknowledge that this above mentioned act is done and signed in the presence of my officers and signed by them before skiper Cox, Master of the above mentioned ketch, dated as above.

Copia vera.	CORNELIOUS DELINCOURT.
	G. SWERINGEN.

[1] Suffolk Court Files, Boston, no. 1257, paper 11. There was war between England and the United Provinces, 1672-1674. The Dutch privateer 's *Landswelvaren* (Commonweal) captures the *Providence* on April 4/14, 1673, and puts on board her a prize crew. The two vessels become separated. On April 11/21 the 's *Landswelvaren* makes prize of the ketch mentioned in this document, in which Captain de Lincourt presents the ketch, by way of consolation, to the master of the *Providence*. On April 12/22 the prize crew of the *Providence*, by a ruse, possesses itself of the *Little Barkley*, but presently both English crews separately recover possession of their vessels, and they separately make their way to Boston. Raddon, master of the *Providence*, arrives there later.

[2] Boatswain.

[3] Gunner.

[4] Boatswain's mate.

*29. Deposition of John Johnson and Henry Harris. April
26, 1673.*^[1]

The depositions of John Johnson, aged 18 years, steersman, and Henry Harris, aged about 24 years:

These depon'ts testifie and say that they these deponts together with severall other seamen belonging unto Flushing, under the comand of Capt. Cornelious Lincort, Comand'r of the shipp *Slandt Welvaeren*, in English the *Comonwelth*, by vertu of a Comisson from his highness the prince of orange, we came up with the *Providence* of Falmouth (who was bound to Virginia) in the Latitude of 36: and 40: and tooke her, which when taken these depon'ts and ten more were put on bord her to Keepe and secure her, and after wee had been on bord some hours, in the night wee lost our own shipp and saw them no more, and about seven dayes after wee came up with a Londoner and thinking to take him, four of our company went on bord in the night but never returned, and the next day after the English that belonged to the sd Ship *Providence*, and some of the other ship before mencioned that wee had on bord with us prisoners, rose and retook her and suppressed us and have brought sd shipp and us into Piscattay River.

Grt Island^[2] the 26th April 1673. taken upon oath by the persons above named before me

ELIAS STILEMAN, Comisr.^[3]

^[1] Suffolk Court Files, Boston, no. 1257, paper 19.

^[2] Great Island, lying in the mouth of the Piscataqua River; at that time a part of Portsmouth, now New Castle, N.H.

^[3] From 1658 to 1679, under the Massachusetts government of New Hampshire, Elias Stileman was a magistrate and county commissioner for Portsmouth.

30. Petition of Edward Bant. About April 28, 1673.^[1]

To the Honorable County Court now sitting in Boston The humble petition of Edward Bant on the Behalf of himself and the rest of the Company belonging unto the Ship called the *Little Barklay*, being five men in number, Humbly sheweth

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That they your Hon'rs petitioners, with the sd ship, were taken about Eighty Leagues East and by North from the Capes of Virginia by a Prize formerly taken by Capt. Cornelius Lincoint, commander of a ship belonging to Flushing called in English the *Commonwealth*. And the next day following the Commander of the said prize went on board the said *Barkley*, intending to have taken out her goods to put them on board his own vessell, whilst wee your petit'rs were on board his vessell as prisoners held in the Hold. And then the English Company remaining on board the sd. *Barkley* surprized them, the sd. Commander and his Company, and sailed away with them. And about six hours after, your petitioners, together with the other English men belonging to the aforesd prize (when in possession of the English), made an Insurrection and took the ship by violence from the Dutch men and have brought her into the harbour at Puscataqua with eight Dutch men prisoners in her, and her goods and Loading secured in the wearhouse of Mr. Nathaniell Fryer.^[2]

Whereupon your Hon'rs serious wise Consideration of the premises your petitioners humbly pray your Hon'rs be pleased to order what salvage they shall have out of the said ship and cargo now in Puscataqua, and that with all expedition that may be, because they are all Strangers and willing^[3] to returne to their hoames, And lying here upon great Charges, having nothing but what they borrow and clothes on their back. And as in duty bound they shall pray for your prosperity, etc.

8 May 1673. At a Court of Assistants on adjourmt.

In ans'r to the petition of Edward Bant in behalfe of himself and fower seamen, the Court judgeth it meet to order that Mr. Nathaniel Fryer allow and pay the sum of fiveteene pounds for their salvage, taking their receipts for the same.

past. EDW. RAWSON, Secre'ty.

[1] Suffolk Court Files, Boston, no. 1257, paper 1.

[2] Merchant and county commissioner in Portsmouth.

[3] *I.e.*, desirous.

31. Order of the Suffolk County Court. April 29, 1673.^[1]

At a County Court held at Boston April 29th 1673.

In answer to the petition presented to this Court by Henry King and Edward Bant who lately brought into the River of Piscataquay the Ship *Providence* of Falmoth, whereof said King was Mate in a voiadge from England to Virginia, in which voiadge they were surprized by a Dutch man of War,^[2] and by the Petitioners and Company rescued out of their hands: who have since Surrendred the said Ship and her loading into the hands of Mr. Nathaniel Fryer for the Securing and looking after both in behalf of the Owners.

This Court doe order and Empower Mr. Elias Stileman and Mr. Henry Deering, together with said Fryer, or any two of them, to take a particular acco't of the state of said ship, and to Inventory the Goods brought in by and belonging to her, and to make provition for the Securing of both for the right Owners, making a return thereof to the present Dept. Govr. by the 7th of May next, and the said Fryer is further ordered to disburse for the Company arrived in the said Ship what may bee for the Supply of their present necessities, and also order that hee take care that the 8 Dutch men brought in prisoners in the saide Ship bee forthwith brought to Boston before Authority, to be disposed of as the matter may require, and for the other parts of the petition's, touching Salvage or wages, The Court refers them to the Counsell at their next meeting.

Copia vera per

ISAAC ADDINGTON, Cler.^[3]

[1] Suffolk Court Files, no. 1257, paper 6.

[2] The term then included privateers. The '*Landswelvaren* was not a public vessel.

[3] Afterward speaker 1685, assistant 1686, councillor and secretary of the province 1692-1715.

32. Petition of Henry King. April 30, 1673.^[1]

To the Hon'able the Deputy Governor and Majest's^[2] now assembled in Court.

Hen. King.

Humbly Recommendeth to your worships candid consideration his present case and Condition, hoping to obtaine your worships Juditious approbation therein, to the end and intent that all persons Conserved and Related to the ship *providence* of Falmouth, which was taken by a Dutch ship of warr on the 4th instant^[3] about 40 Leagues short of the Capes of Virginia and Retaken again by the means and directions of your suppliants, who requeste that your worships will please to Grant orders that your petitioner and those other seamen belonging to the said ship who were asistant in Retaking her may have their wages according to agreem't, from the time of their being shipt till the said ship *providence* with her Loading was brought into pascataqua River and there put into the Custody of Mr. Nathaniel Fryar, who is the Correspondant of one of the Owners of said ship with her Cargoe, where she is to Continue till orders from authority or instructions from the proprietors. Boston 30 Apr. 1673. And Your Petitioner shall Ever Pray.

At a Court of Assistants held in Boston on adjourn't, 8 May 1673.

In answer to the petition of Henry King in behalf of himself and the six seamen according to their Portlidge bills^[4] Given into this Court with their declaration, the Court Judgeth it meete to Grant and order that Mr. Nathaniell Fryer pay them their severall wages, he taking their receipts for the same. Past by the Court, as Attest

[1] Suffolk Court Files, no. 1257, paper 4.

[2] Magistrates, or members of the Court of Assistants.

[3] April 4, old style, the style still used by the English in 1673; April 14, new style, the style used by the Dutch, as in [document no. 28](#), above.

[4] A mariner's portage or portledge was originally his own venture in the ship, in freight or cargo, but by this time "portledge bill" frequently meant merely a list of sailor's claims for wages or allowances.

33. *Inventory of the Providence. May 5, 1673.*^[1]

An Inventory of the goods and things taken into the custody of Mr. Nathaniel Fryer that came in the Shipp *Providence* of Falmouth, of which shipp Mr. Henry King was Mate in a voyage from England to Virginia but now Master.

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a large hhd.

13 pa. fr. falls^[2]
 11 pa. pl.^[3] shooes
 1 wier kage
 6 pa. mens wollen hose
 12 pa. Irish cloath hose
 2 old hatt
 2 new shirts
 2 p'ces shearge
 20 pa. worsted hose
 1 p'ce blue linnon 28
 1 dito 29
 1 dito 44
 1 halfe p'ce lockram^[4]
 3 halfe pound of wt. thread
 1 lb. browne thread
 1 paper col. filleting
 1 paper col. thread about a ld.
 1 p'ce sheeting canvas 123
 27½ yards dowlas^[5]
 1 coat }
 1 dublet } part worn
 2 pa. briches }
 and oakum to fill up the hhd. that these things were in.

a large hhd.

1 doz. 10 paire mens fr. falls
 4 pa. pumps with heeles
 2 saddles
 7 curb bitts
 6 snaffall bitts
 1 pa. black head stall and raynes and crupp and breastplate
 1 dubble girt
 4 halters
 1 doz. white raynes and headstalls
 6 pa. white stirrup leathers
 1 doz. pa. boyes and girles shooes
 2 doz. ½ mens pl. shooes
 1 p'ce kersie no. 1: 26¾
 1 p'ce dito—2:26
 1 p'ce. searge

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a little hhd.

6 large pewter basons
 3 large Iron shovels
 1 curb bitt
 1 side saddle and furniture

2 doz. pa. mens fr. falls
10 pa. mens pl. shooes
2 pa. wooden heele weo.^[6] shooes

a little hhd.

40 pa. fr. falls and wooden heele shooes for men and w.
18 pa. mens pl. shooes
2 pa. boyes pl. shooes

a broad hamper.

5 doz: ½ low crowne black hatts

9 reams of paper Damnified^[7]
2 peeces of haire cloath ell wide
a small baile of 2 small p'ces of small canvas
1 p'ce ell wide fine canvas in a bundall
1 p'ce Lockram }
halfe a peece fine dowlas } in a bundall

a box.

3 gounds^[8]
2 Jasto Corps^[9]
4 stufte coates for men

a box.

54

2 stufte vest for boyes
2 boyes little coates
2 childrens coates
2 scarlett parragon^[10] coates
2 childes parragon coate
1 boyes coat

a box.

5 coates and briches for men
2 weo. Stufte gounes
2 mens cloakes

a box.

1 p'ce blue linnon
a small parcell dowlas
a small parcell lockram
22 small bundles black thread
1 doz. mens white worsted hose, ratt eaten

a box, the baile in it.

13 peeces blue linnon

a box.

23 low crowne black hatts
16 p'ces of taffeta ribbon severall colours
20 p'ces of black dito

a box.

12 peeces blue linnon

a barrell of powder

a small box broak open.

7 yards ticking
28 yards blue linnon
2 pa. weo. parragon bodices and Stomegers^[11]
17 yards ½ of Stufte
1 lb. black thread

1 small barrell of nayles

a great chest.

55

7 peeces kersie
2 p'ces red playnes^[12]
1 p'ce white cotton
12 grose coat button
2 doz. pins
4 peeces galloune^[13]
3 papers white filleting
12 peeces white tape
 a paper sewing and stiching silks about a ld.
6 paire woe. parragon bodices and stomegers
6 pa. childrens bodices

2 brass panns
69 Duch blue potts
2 small slooppe sayles
3 small quoiles^[14] cordidge
4 quarter casks of brandy
2 puncheons of mault
3 small casks of wine, 1 pt out sd to be Masters.
40 white Jarrs of oyle
13 doz. stone bottles
11 barrells of Bread
1 old missen
1 old fore saile
1 new fore topsaile
1 maine topsaile
1 maine saile
1 fore saile
1 maine topsaile
1 Ensigne^[15]
1 Jack
1 pennant
1 long boats new maine saile and fore saile
1 sprittsell topsaile
1 new spritsaile
1 maine saile
1 missen top saile
1 missen
1 old fore topsaile
1 fore topsaile
1 old fore saile
fore bouelings and braces and clue garnets^[16]
fore Jeere
buntlins and fore topsaile clulings
fore
 top mast stays
 topsaile bouleings and lifts
 topsaile sheets
 topmast backstaves
 topsaile tie and halliards
 tacks
 topmast shrouds
 sheets
 sheet blocks
 Topsaile sheets blocks
Maine boleings—missen Brailes
Maine topsaile lifts
Maine
 topsaile braces
 brases
 topsaile tie and Halliardes
 clue garnetes
 leich lines
 topmast backstaiees
 topmast sheets
 topmast shroudes
 buntlins

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topsaile bowleings
tackes
topmast clulings and lifts and maine Jeere
topmast staye, topmast buntlins
sheets, sheete blocks

*What in 3 Chests (of the Seamens)
No. 1.*

4 horse whips
1 weo. coat
3 doz. thread laces
2 pa. childrens hose
1 grose brest buttons
1 p'ce diaper tape
3 pocket paper bookes
2 whisks
1 band
1 silke neck cloath
1 demity wastcoat
1 old shirt
2 yards striped linnon
6 yards Stuffe
1 p'ce kersie
1 coat
1 pa. briches
3 forestaffs^[17] and vaines

No. 2.

1 lookeing glass
1 doz. pa. white worsted hose for men
1 brass old trumpett
5 shirts }
3 pa. drawers } foule
1 pa. fine gloves
2 stuffe coates
1 pa. briches, wast coat, and Jacket
1 wast coat and Jacket more
1 pa. new and 3 pa. old shooes
1 pa. yarne stockings
3 neckcloaths
2 pa. hose
1 pa. linnon sleeves
2 napkins, and severall other small things.

No. 3.

1 peece fine broad cloath
6 yards ½ branch and Streaked stuffe
6 coates for men
1 stuffe pa. briches and dublet
3 pa. cloath briches
1 old dublet
1 girles petticoat
2 pa. Irish stockings
3 pa. childrens hose
1 woe. boddy of a gowne
1 pewter candlestick and socket
5 boyes hatts
17 yards blue linnon
one perriwig
2 white tiffeny^[18] hoods
2 pa. gloves
12 yards stuffe in 2 p'ces
3 bands^[19] 1 laced
5 yards searge
2 pa. sleeves
2 small p'ces diaper filleting
4 yards ¼ searge
1 gr. and 11 doz. buttons
4 yards striped stuffe
3 doz. thread laces
6 yards shalloune^[20]
a parcell of thread about ½ ld.
1 childes silke cap and a little parcell of silke and severall

1 kettle }
 1 pott } left on board
 1 stuepann }
 26 Iron potts
 25 Iron long bolts
 6 chaine plates with dead eyes^[21]
 10 Iron bound dead eyes
 7 wood axes
 6 pump speires
 12 small boltes
 17 Iron clamps
 1 bagg of 2d. nayles
 2 baggs of 4d. nayles.
 2 pruneing hookees for gardens
 8 musquets (1 noe lock)
 5 Iron hinges for ports
 80 great speeks^[22]
 2 pintles
 2 good Irons
 1 top chaine
 3 great rings
 1 basket of sheathing nayles } halfe full each.
 1 basket of 40d. nayles }
 1 fiz gigg^[23]
 4 hookees
 1 shovel
 12 small rings
 1 poepe lanthorne
 1 Iron mill with 2 winches
 1 cross cutt saw
 2 chaine bolts more
 2 pumpe Irons
 2 table hookees
 1 shirk hooke^[24]
 2 dogg Irons
 2 doz. of 8 Inch blocks
 1 doz. of 6 Inch blocks
 1 doz. of 4 Inch blocks
 11 blocks of 6 and 4 Inch
 1 doz. of 5 Inch blocks
 7 of 14 Inch blocks
 1 topsaile sheete block
 3 double table blocks
 17 dead eyes
 9 pump uper boxes
 10 dito lower
 5 blacking barrels
 8 small glasses
 1 wach glass
 4 cumpasses
 12 sk. twine
 about halfe a barrel of powder
 8 yards of canvas
 2 pa. Stilliards without peises
 3 small baggs of 2d. nayles (in a bagg)
 1 dipsey lead^[25] 18 lb.
 2 pistalls
 1 carbine
 1 p'ce Leather
 1 small fouleing peece
 3 straw hatts
 3 cables and 2 hallsers
 4 anckors (sheet, best bower, small bower and kedge)
 5 Iron gunns
 The Ship *Providence* and standing rigging with long
 boat and Skiffe.

In Obedience to a Warrant Comeing from the County Court held in Boston the 30th day of Aprill 1673, Unto us whose names are hereunder written, for to take an Inventory of the Estate and goods in the Shipp *Providence* of Falmouth, lately arived

in Piscataqua River, etc., and to Render an acco't thereof unto the present Deputy Governor by the 7th of May, wee haveing accordingly done the same (as time would afford) Doe Signifie Unto the Honourable Deputy Governor, that the before mentioned particulars are the whole, that to our certaine knowleidge is come (in the said shipp) and that, according to the wrighting at the beginning hereof, they are Secured in the said Fryers hands and the shipp well mored in the harbour at the Great Island in Piscataqua River.

NATHANIELL FRYER.
HENRY DERING.

May the 5th, 1673.

[1] Suffolk Court Files, no. 1257, paper 16. In the margin of the original document, each indication of a parcel (such as "a large hhd.") is accompanied by a representation of the monogram or other symbol which the parcel bore as a distinguishing mark.

[2] French (?) falls; a fall was a collar falling flat around the neck.

[3] Plain.

[4] A linen fabric.

[5] Coarse linen.

[6] Women's.

[7] Damaged.

[8] Gowns.

[9] Justaucorps.

[10] Double camlet.

[11] Stomachers.

[12] Flannel.

[13] Narrow braid of gold, silver, or silk thread.

[14] Coils.

[15] The ensign was the ship's chief flag. The jack was a small flag, in this case no doubt the union jack, combining the crosses on the flags of England and of Scotland, and was at this time commonly flown at the spritsail-topmast head.

[16] Of the various ropes here mentioned, bowlines and brails ran to the perpendicular sides of square sails, buntlines across their fronts; clew-garnets and clewlines were tackles for clewing up the lower and the upper square sails respectively, jeers for hoisting the lower yards; lifts ran from the masthead to the yard-arms, leech lines to the sides of the topsails.

[17] Simple instruments for taking altitudes (and so determining latitudes).

[18] Tiffany, thin transparent silk.

[19] Collars.

[20] Woollen stuff used for linings.

[21] Wooden blocks for extending the stays.

[22] A speek was a large nail; a pintle, then as now, a rudder-pin.

[23] A kind of harpoon.

[24] Hook for sturgeons; dog-irons were probably fire-dogs.

[25] Deep-sea lead (for sounding).

34. Examination of John Johnson. May 5, 1673.^[1]

The examination of John Johnson steersman of the frigott *commonwealth*, Capt. Cornelius Lincourt Comd'r.

December the 15th their stile^[2] they came out of Flushing in the above sd Frigott with 20 gunns and ninety six men and boys, bound from Flushing to the Canarie Island, and in their way they tooke a Londoner bound from Malaga laden with fruit, which they sent to the Groyne,^[3] and the men they putt on shore at the canaries. from the Canaries we sailed to the Cape de Verd Islands and from thence to Barbados, where they tooke a small French sloop, and from thence we sailed to the Capes of Verginia and in our way we mett with the *Providence* of Falmouth, which ship we tooke on the 15 day of Aprill, our Stile,^[4] in the latitude of the capes, about 30 Leagues to the Eastward. it being a stormy night they drive away under a maine course to the northward. for 2 days afterward they stood in againe to the capes but could not see their frigott, so then we stood away for the Groine, and meet with a small Londoner bound for Verginia, who came aboard on us for water, and we took the men being 5 and putt them in to the hold, then he that was Master of the ship went on board the Londoner and those men with him, whome the Londoner carried away, so then we followed them but could not overtake him, so the night following the English that were upon Decke conspireing with them in the hold, in the morneing they tooke the ship from us, and brought us to Piscataqua.

Taken in Boston 5 May 1673 before

JOHN LEVERETT, Dep. Gov.^[5]

[1] Suffolk Court Files, no. 1257, paper 18.

[2] *I.e.*, new style, which the Dutch used.

[3] The name then used by the English for Coruña, in northwestern Spain.

[4] April 5, O.S. See documents 32 and 36.

[5] John Leverett was deputy-governor 1671-1673. Two days later, May 7, 1673, he was elected governor, and so continued till 1679.

35. Declaration of Edward Bant and Others. May 8, 1673.

[1]

A Declaration of some Occurrents that happened to us in our late voiadge from London in the Ship *Barkely* of the saide port, Nicholas Prynne Commander, intended for Virginia, Anno 1672/3.

On the twelfth April 1673 being in saide Ship about the Lattitude of the Capes of Virginia about 80 Leagues distant, wee saw a sail towards Evening, and being in want of provitions, seeing her to be a Fly boate,^[2] made towards her and came up with her about Eight a clock and hailed them asking them of whence their Ship. they answered of Falmoth. wee ask't them from whence they came. they answered from Virginia, and called mee by my name and asked mee how I did. wee asked them what places they loaded at. they answered, in Petuxin River.^[3] wee told them wee wanted some provitions. they answered us if we would hoise out our Boate and come on boarde, they would spare us water and other provitions what they could. in order thereunto wee did soe, and I being desired by the Master and Merchant^[4] to goe on board with the Boate to Endeavor to gett what provitions I could, our Marchant who was the owner also desired mee to stay, and hee and the Doctor would goe with mee as soon as they had sealed their letters. Our Master not having ended his writing the marchant desired him to goe on board with us also and to finish his letter there, and accordingly with three more Seamen wee went on board saide Ship, and when wee came there founded severall Dutchmen on board who had the Command of her, they having lately taken her from the English. the Ship was called the *Providence*, belonging to Falmoth, Thomas Radden having been lately master of her. the saide Dutchman Surprized six of us and kept us prisoners and sent one of our Company with three Dutchmen on board our Ship, who lay by us till the next morning. then the Dutch Commander comanded our Ships' Boate to come on board his Ship againe, which accordingly they did, hee promising our merchant to take out our goods and to give us our Ship againe, in order whereunto hee provided one hogshead of bread to have given us as hee saide and tooke our marchant with him and went on board our Ship, and about halfe an hour after our Ship made sail and Steered to the westward: and then the Dutch men put us who formerly belonged to her down into the hole and made sail after the saide Ship for about two houres, and seeing they could not come up with her stood on their course againe to the Eastward, and by receiving advice from those Englishmen that were at liberty were combined together for them to make way for our coming up and soe to rush out upon the Dutchmen at once and to

Subdue them, for the rescuing of ourselves and Ship, which with god's blessing wee Effected, without loss of life or bloodshed to any, and then agreed among our Selves to come away with saide Ship to New England, which accordingly wee did and after Eleven days passage by reason of contrary wind and foggy weather arrived in Piscataquay River on the 23th Aprill 1673.

EDWARD BANT, Mate.
JOHN RESSELL.
JONAS LEWIS.

Att a Court of Assistants on Adjournment the 8th May 1673, Edward Bant, John Russell and Jonas Lewis deposed in Court that having subscribed their names to this declaration that it was the truth the whole truth and nothing but the truth:

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As Attests EDWARD RAWSON Sec'ty

- [1] Suffolk Court Files, no. 1257, paper 12.
- [2] A small swift ship of Dutch pattern (originally *Vlie boot*).
- [3] Patuxent River, in Maryland.
- [4] *I.e.*, supercargo.

36. Declaration of Henry King and John Champion. May 8, 1673.^[1]

A Declaracion of some Occurrents that happened us in our late voiadge from Falmouth intended for Virginia in the Ship *Providence* of Falmoth, Anno 1672/3, Thomas Radden Commander.

About the 12th November 1672 wee sailed from Falmoth in the aforesaid Ship to Plimouth for convoy and there lay till the 15th January following, when wee sailed under convoy with a fleete of about 90 sail. our convoy went with us about 80 Leagues to the Westward of Silly,^[2] then with about ten sail more were parted from the fleet and were making the best Emprovement of winde and weather to gaine our port till the 4th Aprill following, when wee between the houres of four and six in the morning saw a Sail upon our weather quarter. wee made what sail wee could, hee giving us chase, in about two houres hee came up with us, showed us Dutch colours, comanded us by the lee and to strike our Topsaile and ancient:^[3] wee seeing of him to bee a man of War of Force could make no resistance against him, did accordingly: then the Capt. himself came aboard of us with twelve Dutch men more, showed us his Commission Signed by the Prince of Orange, for the taking of English Ships: the Capt. was named Cornelius Linquint and commanded the Ship in English called the *Commonwealth*, of 20 peice of Ordnance. then hee tooke our master, merchant and ten seamen more out of our Ship and left seven of us aboard and soe went aboard his man of war againe and ordered the Dutch Steersman, whome hee left with Eleven Dutchmen more on board of our Ship, to Steere after the man of War, and in case wee should bee parted by weather to Saile with our Ship to the Groyne in Galecia, as the said Steeresman informed mee: the same night following wee lost the man of War—the said Capt having told mee that if wee kept Company while the next morning hee would take the Goods out of our Ship on board the man of war and give us our own Ship againe, but having lost Company of him in the night, wee bore up the helme to the Eastward, intending for the Groyne, as the Steersman informed mee. having plied too and againe 6 days hoping to meete with the man of war againe, two days after wee bore up wee saw a sail which made towards us, being about 3 Leagues from us. betweene six and eight aclock in the evening they came up with us, and hailed us asking whence wee were. The Dutch Steersman, standing with a laden pistol presented to my breast, commanded mee to answer them in those words he should dictate to mee, bid mee answer them, of Falmoth, and to tell them wee came from Petuxine River in Virginia, and if they wanted anything if they would hoise out their Boat and Come aboard wee would supply them, upon which they hoised out their Boat and the Master, Merchant, Mate, Doctor and two seamen came on board in the Boate, and after they had entred our Ship the Dutchmen Surprized them and sent three Dutchmen on board their Ship and the Ship staid by us all the night. next morning the Dutchmen intending to goe on board commanded the said Shipp's boats on board, who came accordingly, and the Dutch Skipper went on board the aforesaid Ship intending to take out her goods and put on board of our Ship, as hee saide, in order whereunto hee tooke the merchant along with him. about halfe an hour after, the said Ship made sail and steered to the westward. wee in our Ship making Sail followed them between two and three houres, and finding wee could not

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come up with her left our chase and stood to the Eastward againe, there being five Englishmen belonging to the saide Ship prisoners in our Ships hold. about six houres after, the same day, wee Englishmen that were at liberty, by writing to them in the hold, conspired together with them to lett them come up and soe to rush all out together upon the Dutch men and if wee could Subdue them to rescue ourselves and Ship, which accordingly with gods' blessing wee effected without any loss of life or shedding of blood and soe intended to New England, being afraide to goe for Virginia leaste wee should meete the man of War againe and being unable to carry the Ship home for England, and after eleven days lying at Sea by reason of foggy weather and contrary windes wee arrived at Piscataquay in New England aforesaid being 23th April 1673.

HENRY KING, Mate.
JOHN CHAMPION, Bosson.^[4]

At a Court of Assistants held at Boston on Adjou't, 8th May '73, Henry King, John Champyn and John Sennet deposed in open Court that this Declaration is the truth, the whole truth and nothing but the truth. As Attests

EDWARD RAWSON, Secty.

Portlidge bill of Wages due to the Company belonging to said Ship *Providence* is as followeth:

	£	s.	d.
Henry King, Mate, at 55s. per mo.,—4 mos., 5 days—	11.	9.	2
John Champyn, Boatswaine, at 36s. per mo.,—4½ mo., 5d.	8.	6.	2
John Jorey, Carpenter, at 3 [pounds] per mo., 4½ mo.	13.	10.	0
John Sennett at 28s. per mo., 3 mo., 5d.	4.	8.	6
John Burley at 28s. per mo., 4 mo., 5d.	5.	16.	6
George Taylor at 28s. per mo., 3½ mo.	4.	18.	0
Richard Gross ^[5] at 20s. per mo., 4 mo., 5d.	4.	3.	4
	52.	11.	8

8 May 1673.

It is ordered that the seamen above shall be allowed and payd their severall wages (according to their Portlidge bills here Given in) by Mr. Fryer, he taking their receipts of the several seamen. AS Attests, EDWARD RAWSON, Sec'y.

[1] Suffolk Court Files, no. 1257, paper 10.

[2] The Scilly Isles, off the southwesternmost cape of England.

[3] Ensign.

[4] Boatswain.

[5] The margin adds, "sick aboard."

37. *Petition of Thomas Raddon. June 10, 1673.*^[1]

To the Hon'rbble the Governour and Magistrates Assembled in Boston,

The humble request of Thomas Raddon is that whereas the authority of this Jurisdiction hath taken care to secure the ship *Providence* of Fallmouth in old England, wich was brought into Piscataway by reprisall and the Cargo in her, whereof I the said Thomas Raddon was shipped Master by the owners to performe a voiage to Virginia and from thence home againe, for which care I doe in the behalf of myself and owners returne humble and hearty thanks to your worships.

And whereas the Providence of God soe ordering that I am now come myselfe, my humble request is that your worships would bee pleased to give orders that the said ship and Goods may be speedily delivered unto your petitioner, that soe I may (with Gods blessing) proceed in my intended voige for the benefit of my employers according to my obligation, and your petitioner shall ever pray for your worships prosperity.

THOS. RADDON.

In Boston this 10th of June, 1673.

This was presented to the Hono'ble Jno. Leveret, Esq'r, Gov., the 11th of June 1673.
As Attest EDWARD RAWSON.

The Governor and Magistrates having perused the Certificate and finding that Tho. Raddon above, being now arrived, and the rest of the company that was took out of her, was the Master of the said Ship *Providence*, ordered the Secretary to signify to Mr. Nathaniell Fryer that they advise him to deliver the said ship and what was in her to the said Tho. Raddon, Master, for the use and benefit of the owners, he discharging the charges formerly advised to. As Attest. EDW. RAWSON, Secret'y.

[1] Suffolk Court Files, no. 1257, paper 7.

THE *ST. ANTHONY*.

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38. Examination of John Tooly. June 17, 1673.^[1]

It was my Chance to be in Lesbon and wanting a woage^[2] I shiped my slefe [selfe] A board of a portungal buelt ship, Mr. Orchard Commander, but some five dayes After it plesed the Almyty God to take him out of the woarld, and when that wee was Agoing to bury him I heard the men that was in the boate to helpe Rowe him over the water, for the portugeses would not suffer us to bury him in Lesbone, say that thay would have A Ship Are Longe, but I did not know how, not then, and some one day thay went into the house^[3] for thay Could open the Locke of the haches when thay plesed and drawed wine of the Marchantes and soe sate doune to geather to drinke, and I being near, thay not deming of it, I heard them say that thay would asay^[4] it all at once, and Liquise^[5] that thay would Rune away with the ship, soe I disclosed it to the Master and the Marchant for our Marchant had gone, another master, which was Capt. haddockes second mate, which was then Comander of the Engles^[6] ship Lying in Lesbone Rever, John Terry by Name, soe thay tooke three of them and put them in presone at Lesbone. it was the boatswane and two men more, but by Resone that one willam forrest which was Aboard that Gave the suprecargo Mr. John Pane fare words, the suprecargo would not sufer him to be put in to preson, but that hee should Goe the woage, and because thay Could note Geete another Carpenter thay would not put the Carpenter in to preson, but that hee should goe the woage Lyquise, soe the Master John Terry shipd two men more in there Romes which ware English men, Edmun Cooke and John Smith, and Afterwards hee shiped 2 Duchmen whose names I know not, and wee ware bound for newfoundland for a sacke,^[7] but when wee had been about A weake at sea these two men, namly Willam forrest and John peket the Carpenter, perswaded the other two Engles men, Edmun Cooke and John Smith, and one other Engles which was a board and the two Duch men, to surprise the Master, the suprecargo and Mate, a portungall boy and I, and soe to Rune away with the ship. And waching thare Oppertunity when the Master and the Marchant was a slepe in the Roundhouse, the Mate A Riting in the Cabing, and I was at helme, the Carpenter came into the sterege and cauled the [said?] Edmun Cooke and John Smith out of thare Cabing whare thay ware aslepe, and soe thay went forward togeather into the forcasell and immeadly thay Came Aft agane, the two Duchmen and willam forrest, the Carpenter and Edmun Cooke, John Smith and the other Engles man. soe the two Duchmen and the Englesman that is not named came into the sterege. the other fower wente up upon the Quarterdecke and surprised the Master and the Marchant where thay ware a slepe in the Round house, and the other three sayed to me that if I did offer to stere I was a dead man. soe the Mate hering that in the Cabin where he was a riting salied out of the Cabing in to the sterege. soe thay tooke hould of him and throed him upon his back and soe held him and would not suffer him to ster. soe I rune doune the scutell which was in the sterege and hede my slefe amoung the sayles betweene deckes, for I heard the Master and the Marchant Cry out most petifully. soe I thought to my slife when thare pasene^[8] was over that I mite perswaed them to save my Life. soe thay bound the Master and the Marchant and Carryed them forward upon the forcastell. but presenly after thay Loused them agane and put them in to the Greate Cabing all togeather, and would suffer but one to Come upon the deck at a time. the Master and the Marchant profered them that if thay would thay would take a drame of the botell and set doune and drink frinds and that all things should be forgoting, but thay would not Exsept of there profer. soe I went upon the deck and desyred them that thay would be plesed to Lend us a sayle, for thay tould us that thay would hoyst out the boate and Give us some provisones and tourne us to shift for our slevs. soe wee desyred to beare up the helme for to put us As neare the Land as thay Could. soe [torn] some 2 howers. soe thay Gave into the boate All necesaryes, as provisons, wood, water and Lequers, with a sayle and mast

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and ores, A grapnall and grapnall rope, sayle nedles, twine and pame^[9] for to men[d] the sayle. Soe Will Forrest, walking upon the Quater deck with a backe sword^[10] in his hand, Commanded the boat to be hoysted out and all those forenamed nesessarys to be got in to her, with a Compas, Quadrant and a plat,^[11] and soe Comanded the Master, the Marchant and the Mate and the portuges boy in to the boate. John Tooley and Allexander^[12] — would have gone into the boate with them, but thay would not suffer us to goe [*torn*] Master saed [or] asked them [*torn*] that thay would keepe us but thay would not harking unto them and would not Let us goe.

John Tooley gave in this upon examination as a true narrative of the transaction in the Ship *Anthony* when she was surprised by forest and Pickard, etc., he the sayd Tooley being of the age of Twenty years or thereabouts.

Before us

JOHN LEVERETT, GVT.

EDWARD TYNG.

WILLIAM STOUGHTON.

John Terry, M'r, being present when this was spoken by John Toolly before the Govn'r, Mr. Ting, Mr. Staughton and Major Clarke on 17 June '73, being Asked whether what John Toolly had declared was the truth the said Terry Ansed he acknowledged the same to be the trueth: As Attests

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EDWARD RAWSON, Sec'ty.

19 of November 1673.

This examination of John Toollys being Read in the Councill with the Acknouledg'mt of the Master John Terry that it was the Trueth, The Councill ordered his dischardge from further attending: and that the Secretary Give him the signification thereof to the said John Toolly.

As Attests,

EDW. RAWSON.

The Examination of Jno. Tooly marriner of Ship *St. Anthony*:^[13]

What is your name?

Jno. tooly, borne nere norwich.

He saith that he was at Helme when the Rising was.

How long was it after you came to sea.

Ansr: about a weeke.

Who rise first or the manner of their Rising?

the Carpenter having a handspike in his hand called to forrest, who with the two Dutchmen came forward with Cooke, etc.^[14]

[1] Suffolk Court Files, no. 1257, paper 17.

[2] Voyage.

[3] The house or cabin on the after-deck.

[4] Assay, attempt.

[5] Likewise.

[6] English.

[7] Plunder.

[8] Passion.

[9] A sailmaker's palm, which serves the purpose of a thimble.

[10] A sword with one edge.

[11] Chart.

[12] Wilson. The name can be supplied from the *Records of the Court of Assistants of Massachusetts Bay*, I. 12.

[13] A marginal note reads: "Pres[en]t, Govr., Capt. Gookins, Mr. Russell, Mr. Danforth, Mr. Tyng, Mr. Stoughton, Mr. Clarke", all of whom were at this time members of the Court of Assistants. An endorsement reads: "Toolly Examination taken 17:9:73," *i.e.*, November 17, 1673.

[14] John Smith and Edmund Cooke were condemned to death for their share in these acts of piracy, but were pardoned by the General Court, December 10, 1673. *Records of Massachusetts Bay*, vol. IV., pt. II., p. 573.

39. Examination of William Forrest. October 20, 1673.^[1]

Newport one^[2] Road Iland.

The Examinatione of William forist, mariner, taken the 20 day 8 mo.^[3] 1673. the foresd forist beinge examined acknowlegeth that he was owne of that mutinous Company that Raised Reblion in the ship Called the *Sainte Anthony* upon the Coaste of portingall, one hundred and tenn leags from Land, and their with others did deprive John Tarry, Master, of his power given to him leagelly to Gouvern the aforesd shipe: but denies that he had a hand in forsinge him over borde, or those that went with him, but sd he and them might have continued longer in the aforesd shipe: but owned that he with others did deprive him the sd John Tarry the Gouverment and ordring the aforesd shipe, and beinge asked concerning their further prosedings, owned that he with others brought the aforesd shipe called the *Sainte Anthony* into pascattoga River in new England, where he the sd forrist was then the Reputed master, whoe undertooke to be owne (to witt the Cheefest) that managed and disposed of most or all the aforesd Ships Cargoe, till by some means of fallinge out amonge themselves was discovered, upon which the sd William forrist mad an Escape for a time, till he was apprehended at new plimoth in new England, whence he acknowlegeth he lately Escaped out of his magisties Gale^[4] at new plimouth as aforesd, and forther beinge examined, owned (to wit, william forist) that John Tarry and the suprocargoe ware the persons that had Right to Gouverne, order and dispose of the abovesd Shipe and Cargoe, which hee the aforesd william forrist and Company unjustly Deprived them of. taken before us

NICHOLAS EASTON, Gov'r.^[5]
WILLIAM CODDINGTON, D'py Gov'r.

[1] Suffolk Court Files, no. 1257, paper 15.

[2] On.

[3] October.

[4] Jail.

[5] Nicholas Easton, governor of Rhode Island from May, 1672, to May, 1674; William Coddington, deputy governor 1673-1674, and afterwards governor.

40. Petition of Allwin Child. October 24, 1673.^[1]

To the Hon'rd Governor and Coart of Asistants

The Humble Petition of Allwin Child

Sheweth, That a ship called the *St. Anthony* was consigned unto your petitioner from Lisbon under the Command of John Tarry, and in his voyage, about one hundred and ten Leagues from Lisbon, the seamen of the sd. ship mutined Against the sd. Commander and turned himself, his supercargo, mate and Boy out of said ship into the Boate to shift for themselves and Ran Away with the shipe, Some of the men so running Away being at present under conviction in this prison, and three others having bin taken at Plimouth in order to bee also Brought to Answare for their misdimeniors before the Authouritey of this Colony, But did theare Breake prison and escaped unto the Government of Road Iland, at which place they are Apprehended, and the said Tarry is Liquise now Arived there for Another ship, consigned allso to your petitioner, and is there detained to prosicute the Above offenders.

Your Petitioner in Behalf of the Employers humbly craves that your Hon'rs would be pleased to take such Coarse that the said escaped prisoners may bee sent for to this place to Answare these facts According to Law, the Evidence Against them Being partly heard All Ready, and the Comander being also Bound to this place, soe that his stay there will bee very preduditiall to the voyge of said ship and Employers, the Ship Requiering A speedy Dispatch. And he shall Pray

^[1] Suffolk Court Files, no. 1257, paper 5.

^[2] The Court of Assistants, March 7, 1674, fined Major Nicholas Shapleigh 500 pounds for harboring and concealing in his warehouse William Forrest, Alexander Wilson, and John Smith, "capitall offenders," arranging their escape, and receiving and concealing their goods. *Records of the Court of Assistants*, I. 12-14, where a petition of Alvin Child in the matter is referred to. See also Maine Historical Society, *Documentary History*, second ser., VI. 38-42.

CASE OF RODRIGUEZ AND RHODES.

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41. Declaration of Thomas Mitchell. May 24, 1675.^[1]

To the Hon. Court of Assistants sitting in Boston

The Declaration of Thomas Mitchell of Maulden Fisherman Humbly sheweth, That the said Mitchell beinge hired in October last both himself and the Barque whereof he was a part owner, for three moneths certaine and foure uncertaine upon a Tradeing voyage to the Eastward as farre East as a Plais called Siccanecto^[2] in the Bottome of the Bay of Fundi by Captaine Peter Roderius and other of the Privateers, as by a Charter Party under their hands and seales more att Large it doth and may appeare, had nott any thought or suspicion that the said Privateers would have taken any things from any man wrongfully, they before they went out severall times promiseinge the contrary (which if they should deny may be made to appeare). Butt when sd. Privateers came to the Eastward, instead of complyinge with their Charter Party or makeinge good their Promise, forced the sd. Michell to carry them whither they Pleased, and although the sd. Michell was very earnest Seaverall times with them to be discharged from their service, proffering them at Pemequid,^[3] before he went out of this Jurisdiction, to loose the hire of his vessell and with more they desired rather [than] to proceed any further in said voyage, as Lieutt. Gardner^[4] and his sonnes can testifie, And when he came backe from Pemequid, had he nott, the winde beinge Faire, been forced away before he could speak with Lieutt. Gardner, he might have had sufficient testimony from them of his unwillingnesse to proceed any further with them; Neither did the said Michell give his consent to their takeinge of any vessell or goods from any Person but as farr as in him lay and as much as he durst did oppose the same: Neither had the said Michell any share or part of any of the said goods that the aforesd Privateer tooke, nor had any hand in the takeinge of either vessells or goods, butt was alwayes agt. such their proceedings, and when they came as farr East as Naskeague,^[5] when the Privateers spake of goeing over the Bay of Fundi he told them he had rather give them a Hundred Pounds than goe over the Bay with them, as by the Testimony of Robert Wills may appeare which was sworne by The Worsp'll Mr. Stoughton.^[6] Nevertheless they forced the said Michell to goe over the Bay with them, tellinge him they would carry him and his vessell wherever they pleased, And Being at Tuskett Islands,^[7] the said Michell demandinge his hyre, telling them the time was expired that was mentioned in the Charter Party, and that he desired to goe home to looke after his familie and to pay his Merch'ts that had betrusted him, And withall he forewarned them for weighing his Anchors for he would stay noe longer in their service; But Richard Fowler, threatninge that he would make a hole through his skinne if hee did nott hold his tongue, went and, whether he would or nott, weighed his Anchors and forced him to goe backe to Machias; The said Privateers by their uncivill Carriage did make the said Michell soe weary of the voyage that if he could have gotten an opportunity he would have come away with his vessell and left them there, though he had lost all his hire and what also he carried out with him; Now the Premisses beinge considered by this Hon'ble Court, he hopes they will have soe much Charitie for him as to conclude him nott guilty of those actions that are laid to his Charge: The Just and Righteome determinations whereof he Leaves to the Wisdome and Clemencie of this Hon'ble Court, and is bound to subscribe Himself

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Your Honours Most Humble Servt.,

THOMAS MITCHELL.

[1] Suffolk Court Files, no. 1390, paper 1. This case appears in the *Records of the Court of Assistants*, I. 34-39, 42. The chief originator of this episode of piracy was a Dutch captain from Curaçao, Juriaen Arentsen. In 1674, when a state of war existed between France and the Netherlands, he captured the French forts at Castine and St. John, and took possession of the region as "New Holland." Then, "at the *Bear* in Boston," he gave some sort of commission to another Dutchman or Fleming, Peter Rodrigo or Rodriguez, to John Rhodes of Boston, and others, under which they proceeded in the piratical manner described in documents 41 and 42. The Court of Assistants had now, by a law passed in December, 1673, been fully authorized to act as a court of admiralty (which hitherto it had done without formal authorization); sitting as such, May 17-June 17, 1675, it condemned Peter Rodrigo, Dutchman, John Roads, late of Boston, Peter Grant, Scotchman, Richard Fowler and Randolph Judson, Englishmen, for piracy, and sentenced them to be hanged. All were however pardoned subsequently. *Records of Massachusetts Bay*, V. 40, 54, 66. Mitchell and Uring were whipped for complicity, of which there was evidence contradicting their testimony here presented. For the background of the whole story, see C.W. Tuttle, *Captain Francis Champernowne, the Dutch Conquest of Acadie, and other Historical Papers* (Boston, 1889), pp. 137-150, 349-399.

[2] Chignecto, Nova Scotia.

[3] Pemaquid, Maine, east of the mouth of the Damariscotta. There was an English settlement there from 1626. As to the jurisdiction, all this region east of the Kennebec had been included in the Duke of York's patent of 1664, but his governor at New York took no active steps to assume its government till 1677, and *de facto* Pemaquid in 1675 was in the jurisdiction of Massachusetts, which in 1674 had organized the region east of the Kennebec as the county of Devon.

[4] Lieut. Thomas Gardiner, resident at Pemaquid, was chief military commander and treasurer of the county of Devon, and a county magistrate.

[5] Near Sedgwick, Maine.

[6] William Stoughton, of the Court of Assistants, afterward lieutenant-governor of the province; see [document no. 70](#), *post*.

[7] Off Yarmouth, Nova Scotia.

42. Declaration of Edward Youreing. May 24, 1675.^[1]

To the Hono'rd Court of Assistants Now Sitting in Boston The Declaration of Edward Youring of Boston, Fisherman, Humbly Showeth:

Thatt whereas the said youring being in October last past, both himselfe and the Barke whereof the said youring was part owner, and being hyred upon A leading Voyage, so farr Easterly as A Place caulled Zecganickto nere the botom of the Bay of Fundy (and noe further), by Capt. Peter Rodregross and Company; As by A Charter Partie, Refferance being had thereunto, more fully may Appear; and allso will therein Declare thatt I your Poore and Humble Declarant Edward Youring had not the Least Intention of anything thereby but onely and honestly to Improve both myselfe and my Interest in the foresaid Barque, in an honest Lawfull way; And it being well knowen and seen, both in Towne or else where wherever my caulling haith Led mee, thatt I have been according to my Capassetye and Abillity an Industreous hard Laberar, whereby I mought gitt wherewith to mentayne my Famely, which in a measure hayth been sumthing Comefortably untell now (through the goodness of God), nor I have not at all been wanting to take the best paynes I could for an honest Livelyhood, both for my selfe and my Familie, I not being so Ignorant but thatt by Instructyans and good Examples being thereby rightlie informed, thatt hee is worse than an Infidle thatt shall not provide for his Familie, etc.; I Doe Declare in the presence of God and Your Hon'rs this Day that, through God's goodness to me, I am Conscious unto my owne Innocency, and am truly free from thatt Reporte of my being guiltie of Pyracy or being A pyorett, nither ever had I the Least thought nor suspition thatt those persons which Carried them selves so fairly to me whilst that I was in Boston with

them, would have caryed it so much contrary to whatt they promised to me before they went from hence; And thatt was thatt they would not meddle, nor take either vessells or goods from any English man, as may Appeare by severel testimonys; whereupon I did proced upon the said Voyage, upon Monthly Wages. And wee being come as farr East as Casco Bay, then the Privateers (though much against my minde and will) they wentt on Shoare and brought on Board of us severall Sheepe which belonged to the inhabitants of thatt place, where upon I did so farr show my dislike to the Privateers for soe doing that I tould them thatt I protested against their Actions in that way; where upon they did not only revile and use opprobrius and reproachfull words to me for my declaying my minde to them, but they allso threatred to strycke me and being so threatened forced me to Silence, and they also forced me to goe further upon the said voyage; and when wee arrived so farr East as Pemmaquid I tooke so much notice of the debaucherie of the Privateers thatt I thought in my selfe thatt the voyage was not like only to be unprofitable but allso troublesome and uncomfortable, whereupon I desired to be cleared from them, but I being one thatt was bound by charter partie was forced to goe further East with them; and Coming to a Place caulled Knoskeegg,^[2] there wee mett with Capt. Roades and the Privateers tooke him aboard of our vessell, and after some stay there the wind being Contrary, notwithstanding they went to turne it out and as they ware turning out, I Edward Youring spoke to Thomas Mitchell whoe was then at helme, desireing him to beare up the helme and to goe no further with them, and I tould the sayd Mitchell my reason was because I heard them say thay would take George Manning^[3] and the Vessell if they could meet with him, and one of the Privateers, by name Randler Judgson, came to me as I was speaking to Mitchell to beare up the helme, sweareing thus or this effect: "God damne me, Youring or Mitchell, speake another word of bearing up the Helme and Ile knock out your Braines with a hand speake", etc.; furthermore I the sayd Youring haveing no way to Escape from them was forced to Stay Longer with them, but at Length Coming to a Harbour further East, wee spieing a vessell at an Anchor, Capt. Rodregross commanded Thomas Mitchell to Steer right with her, and Coming up with her Rodregross bid them Amaine^[4] for the Prince of Orainge; whareupon they lowred out their Annchor and it proved to be George Manning; then I the said Youring, haveing heard Rodregross and the Privateers say whatt they Intended to doe if they meett with Manning, I intreated them not to take him but to lett him goe peaceably with whatt hee had, and onely give him warning for the future; but Rodregross instead of Complying with my request blamed me much for speak[ing] against takeing of him, and forthwith went on board and tooke a way his peltery; and the same Afternoone made prize, both of vessell and goods, after wh. I Edward Youring Speakeing in the behalf of Manning, Capt. Rodregross tooke doune his pistol, wch generally he kept loaden by him, and presented it to me, and had not Capt. Roades whch satt by Layd his hand upon it, turning of it away from me, I had then been shott. and the next Night following Petter Grant one of the Privateers made a writeing, and being very earnest with me to sett my hand to it, toulde me it would be no damage to me to sett my hand as a Witness; I the said Youring, being Ignorant of such things and not knowing what was in it, I did Sett my hand to it, but no otherwayes butt as A wittness (the which I did by reason of my being in feare of my life, if I should have denyed to have done it), and soon after the Pryvat[eer] [*torn*] had been at Mayhchyou^[5] and Laded the goods they tooke from George Manning, they went to St. Johns, wheare they had not been above three or fower howers, as I judge, before thatt there caime into the Harbor a vessell from the Sea and came to an Anchor about a mile distant from us. then the said Rodregross Commanded twoe boates to be manned to cary him and his Company, and coming nere to the vessell, he bid them A Mayne for the Prince of oraing, and Some in the vessell knowing him desired him to come aboard, And when he came aboard Rodregross Commanded them to weigh Anchor and to Come and Ride by him; and thatt Night Capt. Rodregross kept possession of [*torn*] himself and the next day commanded his boat from his own vessell, and Commanded George Walton, master of the said vessell,^[6] to deliver their Beaver and Moose, wch after search made in the hold he tooke and Carryed it away, and I the said Youring shewing my dislike as much as I darst in my opposeing Rodregross, upon which and because I would not give my consent to goe over the Bay of Fundee, I being one thatt was engaged by Charter partie to the Contrarie, and soone affter one of the Privateers struke me many blowes upon my backe and Sides with a long knife Like a Short Hangger, which brused me very mutch, and the same night being a very could night in the latter eand of Dicember Last, the sayd Privateer thatt hett me turned me ashoare, wheare I was like to be Starved wth could. The next day following, I being very ill and very sore with the blowes I recd the evening before, and after the morning was a little passed, with much intreetye I prevailed to git libertie to goe aboard to gitt some Releife. And after they had forced Thomas Mitchell and my selfe to goe over the Bay of Fundee, as wee Returned backe wee put into Maychyas, and Standing into the harbor wee saw a vessell under Duch collors standing out; which when wee came nere unto proved to be George Mannings vessell; whoe as soone as hee came up with us, haveing gotten to Windward of our Vessell, poured a Volley of Shott in upon us with Dutch coullors flying, and presently affter wee saw a vessell with French Coullors, upon which wee concluded All to be French and thatt wee ware betrayed and should bee taken; thereupon Capt. Rodregross Commanded every

man to his Arms and to fight for his life. But as soone as Capt. Mosely^[7] Came up with us, hee haveing the English Coullors out, Hee bid us A Maine for the King of England, and I myselfe Loured the Maine Sayle three or foure foot doune, at which Capt. Rodrigross was very angry with me and Comanded me to hoysse it againe, which I Refused to doe; and there upon I went forward and Laye before the windles tell the vessell was taken; And when the Capt. yeelded, I Edward Youringe Lett fall the Anchor; I being very glad that I was freed from the Bondage and Slavery I was in untell the vessell was taken by Capt. Moseley; I being all the voyage Comanded, as occasion presented, to goe a Shoare with John Farmer to cott wood and fetch watter to carry aboard; notwithstanding one halfe of the vessell was my owne; and also I stand Still ingaged for one halfe of the Cargoe thatt was Carried out from Boston.

Now all these premises being searyously pondred by this honord Courte of Assistants, with the prudent and upright management of the Gent'men of the Jury, Together with the testimonyes I have redy to give in, I hope will thereby Evidently Appeare thatt I am not guiltie of Pyracy or any Acttyons tending thereto, as is Layed to me in my Charge, And I being over powered by the Privateers thatt did tyranize over me, I was forced contrary to my minde and will to doe whatt I did during the time I was with the Privateers upon A voyage to the Eastward; for the true determination of which and of my being Concerned therein I freely and willingly Leave my Selfe to the wise, Judicious and Righteous proceedings of this Honoured Courte and Gentlemen of the Jury, hopeing the Lord will Cleare up my Innocency as to the matter of Factt, I being Conscious to my owne Innocency. So desiring the Lord to direct you In your Proceeding thatt Right may take place, not att all doubtting butt thattt your Honors will soe dilligently search in to the Cause thattt the Innosent may Bee Cleared and the Guilty Suffer, according to merritt, so wishin you all happienes, And for the Continewance of which I shall ever Pray, etc., Subscribe my Selfe your Faithfull Subjectt and Searvantt In all Hummillitye

EDWARD YOUREING.^[8]

Boston the 24th of May
1675.

[1] Suffolk Court Files, no. 1390, paper 2. The name is more often found with the spelling Uring.

[2] Naskeag; see [note 5](#) to [document 41](#).

[3] Captain of a small Boston vessel; his letter to the owner is in the *Maine Documentary History*, second ser., VI. 42-43.

[4] *I.e.*, lower your topsail, in token of surrender.

[5] Machias.

[6] The *Trial*, of Kittery, belonging to Maj. Nicholas Shapleigh; *Doc. Hist.*, VI. 46-47.

[7] Sent by the Massachusetts government to suppress these pirates.

[8] Of one of the Dutchmen concerned in this episode of piracy, Cornelius Andersen, Hutchinson relates, quoting a contemporary letter, that, being under sentence of death for piracy, but pardoned on condition of enlisting in King Philip's War, "He pursued Phillip so hard that he got his cap and now wears it. The general, finding him a brave man, sent him with a command of twelve men to scout, with orders to return in three hours on pain of death; he met 60 Indians hauling their canoes ashore: he killed 13 and took 8 alive, and pursued the rest as far as he could go for swamps, and on his return burnt all the canoes ... and a short time after was sent out on a like design and brought in 12 Indians alive and two scalps." *History of Massachusetts Bay*, I. 263.

BRANDENBURG PRIVATEERS.

43. Seignelay to Colbert. May 8 (N.S.), 1679.^[1]

Copie of a Letter to M. Colbert from the Marquis de Segnelay about two Brandenburg Privateers armed for the American Islands. 8 May 1679 N.S., received

Le Roy ayant esté informé à la fin du mois passé que deux particuliers avoient fait depuis peu un armement dans les Portes de Zelande, et qu'ils en essoient partis avec deux Vaisseaux armez en guerre pour aller dans les Isles d'Amerique faire la guerre a ses Sujets sous la Commission de Monsieur l'Electeur de Brandenbourg, Sa Majesté fit partir pour les dites Isles M. le Comte d'Estrées avec une escadre de quatorze vaisseaux pour les prendre ou couler à fonds. Et comme il est porté par le 9me Article du traitté de suspension d'armez que vous aves signé le 3e de ce mois avec l'Ambassadeur de ce Prince, que le comerce sera libre tant par eau que par terre, Sa Majesté veut que vous proposiez au dit Seigneur l'Ambassadeur de donner ordre aux Capitaines des dites deux fregates de ne rien entreprendre au prejudice du dit Traitté contre les Vasseaux des Subjects de Sa Majesté. Et en ce cas Elle fera scavoir audit Seigneur Comte d'Estrées, que son intention est qu'il laisse la liberté aux dites deux fregates, de naviguer par tout ou bon leur semblera. J'attendray ce qu'il vous plaira de me faire scavoir sur ce sujet, pour en rendre compte à Sa Majesté, etc.

À ST. GERMAINE EN L'AYE
le 8me May 1679.

Translation.

The King having been informed at the end of the past month that two individuals had lately fitted out in the ports of Zeeland, and had sailed thence with two vessels, armed for warfare, to go to the islands of America, and make war upon his subjects under commission from my lord the Elector of Brandenburg, his Majesty is sending my lord the Count d'Estrées with a squadron of fourteen vessels to seize or sink them.^[3] And as it is provided by the ninth article of the treaty of armistice which you signed on the 3d of this month with the ambassador of that prince, that commerce shall be free by water as well as by land,^[4] his Majesty desires that you should propose to the said lord ambassador that he give orders to the captains of the aforesaid two frigates to undertake nothing to the prejudice of the said treaty, against the vessels of his Majesty's subjects. And in that case he will communicate to the said lord Count d'Estrées his intention that he shall leave the said two frigates free to sail wherever they think fit.^[5] I shall await whatever information you may be pleased to send me on this subject, in order to report it to his Majesty, etc.

ST. GERMAIN-EN-LAYE, May 8, 1679.

^[1] British Museum, Harleian MSS., 1517, fol. 232. Probably an intercepted letter. Colbert was the great prime minister of Louis XIV.; Seignelay, Colbert's eldest son, was minister of marine. The document has a curious interest as showing perhaps the first instance in which the (Brandenburg-) Prussian navy, or privateer marine, touches American history. The Great Elector, Frederick William, had for some time cherished ambitious designs, respecting the creation of a navy and the establishment of colonies, but it was not till late in 1680 that he possessed a war-ship of his own, in 1681 that he began a little establishment on the West African coast, in 1682 that he founded his African Company. In this year 1679 he had a few ships hired from a Dutchman, and it appears from this letter of the watchful French minister that two others were being prepared for his service in Zeeland. For five years he had been at war with France. His allies—England, the Dutch, the Emperor—had made peace at Nymwegen in 1678. He was in danger of standing alone, and had made an armistice March 31, prolonged May 3.

^[2] Veteri stilo, old style, then followed in England and Brandenburg. "Received" doubtless means received in England.

^[3] Vice-admiral Count d'Estrées did not actually sail for the West Indies till the next year, and then for another purpose.

^[4] The articles prolonging the armistice till May 18 had been signed at Xanten on May 3 by Colbert and Marshal d'Estrades for Louis XIV. and by Werner von Blaspiel for the elector. For their text, see *Actes et Mémoires des Négotiations de Nimègue*, IV. 468-471.

^[5] Such orders were given, on both sides. *Ibid.*, IV. 484, 487. The treaty of peace was concluded June 19/29. For further history of Brandenburg privateers in the New World, see documents [47](#) and [48](#).

BARTHOLOMEW SHARP AND OTHERS.

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44. *The Buccaneers at Portobello. 1680.*^[1]

Ann acoumpt of our Intended Voyage from Jamaco with a party of shipp, departing from the afore said Island to Poartavell: Receiving Letpasses to goe into the bay of Hundorus, to cutt Logwood, from his Maj'ties Reall Subject the Earle of Carlisle.^[2]

The Names of the Captaines

Capt. John Coxon, the Chief Commander, in a Barque
Capt. Corneles Essex in a Barque
Capt. Bartholomew Sharpe^[3] in a Barque
Capt. Robert Allison in a Sloope
Capt. Thomas Magott in a Sloope

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In december about the Latter part in the yeare 1679 we meetts all up at port amarrant,^[4] where the party Concluded to make Capt. John Coxon their Chiefe and to wood and watter at Porttamarrant, and after make all expedition to take Portavella.

January the 7th, Ditto. Thes Commanders above expressed Sett Sayle with a fresh gail of wind, at S.E. and E.S.E. [*cut off*] we stands over Close hailed with our Larbourd tackes aboard^[5] stemming S.S.W. and S.b.W., keeping the Reefes of our Topesayles in, for the most part of our Vessells proved Leacke, that Capt. Cornelies Essex was wayne^[6] to would his shipp Together with Two Hassers^[7] to keep her together. Capt. Bartholomew Sharpe Lost his Bolsprit, that he was forced to Beare away large.^[8] they gott into Ankour at the Island of Pine lying in the Samblowes in North Lattitud 9° 40'.^[9] As we weare Coming out of portamarrant, about 6 Leagues from the Port, we meetts with a french Brickanteen, on[e] John Row Commander. he understanding our Designe, was willing to Concert with us. the weather growing very bad and lickly to Continue soe sum time, that as much as Ever sum shipp was abell to goe through the Sea, Capt. Essex by name his vessell being ould gave way in her boue that if shee had not been wolded,^[10] Could never a he[ld] together. Capt. Coxon Calls and orders that he would make the Best of his way to the Isle of Forta, and gave order that those that gott thear first, to Leave a Noat one the Sandy point, to Sattisfie the Rest which are to com after, and them that first gott to forta, to goe over to the frinds Islands, Islands which lyeth about 12 Leagues to the westwards of Cathergeane,^[11] about 8 leagues from Forta. our Admirall, the french Brickenteen, and the two slopes^[12] getts to forta first, which finding Neither Capt. Essex nor Capt. Sharpe thear, Feared they had binn Suncke in the Sea. Capt. Coxon went over to the frinds Islands with one Slopes Crew and the Brickenteens Crew, Leaveing a Sayling Crew aboard: goe to ly amongst thes frinds Islands to take pery agoes^[13] and Canoes to Land our people at Portavella. 2 dayes after a Rives Capt. Cornelyes Essex at forta, But noe news of Capt. Bartholomew Sharpe. we did Certainly expect he had binn Lost. they stayd at thes frinds Islands 3 dayes. they Brings with them 4 pery agoes, and Six very good Large Cannoes. we fills watter at Forta and Concludes to see if through the marcyes of god Capt. Sharpe might be gotten into pines.^[14] Capt. Coxon being the best sayler, Lost Company with us, he stering away S.w.b.w. and we w.s.w., that he weathered the golden Islands^[15] and gott to An Ankour at the Isle of pines, which Lyeth in 9° 40'^[16] North Lattitud, and beareth from the Golden Islands n.w.b.w. about 6 Leagues. only Capt. Coxon Weathered the Golden Islands and gott into pines, he being the best windward boat, it blowing very hard, the two slopes, the french Brickenteenn and Captain Cornelies Essex bore up and cam to Ankour at the Golden Islands. Capt. Coxon in his way to Pines Sees a sayle in the offinge, makes sayle towards her, Comes up with her, and finds her to be a Barque cam out of Jamaco one the Same accoumpt as we did, and Came over to the Samblowes to meett with the Fleett. we weare all Glad of his Company, for we wanted men. Coming into Pines, they found Capt. Sharpe had binn ther, and Suppose had fitted what damage he Received at Sea, and Imagined he was gone to looke for the fleete. the weather being so bad att Present, could goe no farther with our Shipps. Coxon sends capt. Cooke with his barque from Pines to the Golden Island, to give us notice that he would be gone alone with his owne company and the Sloopes, in case that wee did not make hast to Pines, but the wind blowing hard att W.N.W. could not gett out. Capt. Coxon the next day comes downe himself in his cannoe, to knowe the reasone of our stay, and findeing the winde contrary, that wee could not gett out, Advised the commanders to make what dispatch they could in their cannoes and Peeriaugers, to Pines, and from thence to Puerta-Vella, being afraide some of their traideing boates should Discry them. Capt Cooke in his way to us meetes with a Spannish galliote^[17]

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from Carthageane, bound to Puerta Vella with Negroes, butt ther being a desention amoung the company, some desireous to borde him, others nott, so that in fine they losst him. the currant under shoare setting stronge to the Eastward and haveing hard westerly winds, capt. Cooke could nott gett the Golden Islands, but was drove downe into the bay of Dueryan,^[18] in the meane time our Party Imbarkques in perriaugers and Cannoes, being mighty desierouse to be their before should be desried. And lyeing here, wee gott greate acquaintance with the Natives of this Country, which the Spaniards had driven over to this side of the Land from the South side; wee found the Indians to have a greate Antipathy against the Spaniards, but could not know to have their revenge. they understanding our designes, they corted us to land and thay would shew us wheir was Spanish townes Plenty of Silver and golde; of which more here-after. The cannoes being gonn to Puerta Vella with about two hundred and fifty men, left the shipping with a sailing crew a borde to follow after, wheir orders was given by capt. Coxon, chiefe commander, to make what hast he could to lower Rainge of Keys in the Samboles, to a Key call'd Springers carreening Key,^[19] and to goe no farther till farther Orders. the parting cannoes, goeing downe the Samboles, sees a greate shipp rideing att an Anchor att the 2d Rainge of Keyes, which coming neare they found her to be a French privateere, One capt. Lessone, who carreen'd in the Samboles. The said capt. understanding the designe wee weare about, Joyn'd his company with ours, who weare about Eighty men out of him, so wee went with all our parties on with corrage, and landed them about twenty leagues short of Puerta Vella in an olde ruinated Port called Puerta Pee; the way was very rocky and bad to march, they goeing near the sea side to Eschape the look-out which thay saw plainly on a high Hill, butt as god would have itt, the look-out did nott see them. this being Wensday they begin to drawe neare Puerta Vella. The Satterday following, about ten aclocke, came into an Indian Village. our peopple many of them were weake, being three day with-out any foode, and their feete cutt with the rocks for want of Shoose, soe an Indian man, crying out, "ladroones",^[20] runs and make what speede he could to Puerta Vella. so Coxon our Generall cryed out, "good boyes, You that are able to runn gett into towne before wee are descryed". wee had then about 3 miles to Puerta Vella. The Indian being too nimble for us, wee being tired afore, He gott into Puerta Vella about half a hower before us, and cried out, "Ladroones!" Imediately wee heard the Alarm gunn fier. wee then certainly knew that wee weare discried. wee made what hast wee could into the towne, the forloorne^[21] being led by capt. Robert Alliston, the rest of our party following upp so fast as they could. before — of the clocke in the Afternoon wee had taken the towne, the peopple of the Place takeing to their stronge castle call'd the Glory, to secure themselves. the next day the Spaniards, being about two hundred, made an Attempt to come out of the Glory. wee face't them and made them to retreat back to their Castle to some of their sorrowes, which fell to the ground. wee kept the towne 2 dayes, plunder[ed] what wee could of itt, and putt the best of our Plunder into cannoes which wee tooke their. some men marcht back by lands, guarding the Prisonnars alonge with them, Hopeing wee should have had ransome for them: wee carried our Plunder, Plate and prissonars downe to a Key about 3 leauges and a half from Puerta Vella, The next Key's to the Bastamentes,^[22] and on Tuesday comes away Capt. Robert Alleston to Springers carreening Key, to give notice to the Shipps which was all their att anchor that wee should make what dispach wee could to the Bastamentes, wheir our party lay. capt. Alliston info[r]m'd us that thay had taken Puerta Vella and plundred the most part of the Towne, without the loss of many men, onely five or six men wounded, and that a cannoe of the best plunder, as cloth of silver, cloth of tishee,^[23] being soe covittious to lode deepe, sanck in the river comeing downe; the small fortes fiering, they wounded 2 or 3 men in the cannoes. Our plunder being carried downe to the Bastamentes, and our peopple which marched by land being come, carries plunder and Prissnars uppon a Key lying aboutt half a mile from the maine land. their came downe about 3 dayes after from Puerta Vella as neare as wee could Judge seven Hundred soldiers, that came from Pennamau^[24] and arrived att Puerta Vella the tuesday as wee came away the Munday before. the Spaniards came downe on brest the Key wee weire uppon, and fired severall small armes, shooteing cleare over this Key, soe wee tooke our prissnars with plunder and what wee had gotten att Puerta Vella, and carried to another Key hard by, out of their Reaches, soe our shipps come downe wheir the partie lay in dispute what to doe, haveing some thoughts the Spaniard would send to relieve the Prissnars. keepeing strickt watch, wee saw the next day a Barkque longo^[25] standing in to Puerta Vella, which capt. bartholl'w Sharpe went out and tooke. Her lodeing was salt and corne came from Carthagene. Keepeing very good watch att top mast head, 3 day's after wee saw comeing in a good bigg shipp, came from Carthagene. Our Shipps and Sloopes weighs and went out and mett her, as she was standing in to Puerta Vella. Capt. Allisson comeing up with her first in his Sloope Ingages her, and Coxon seconding him clapps her aborde and takes her without the loss of any men. some Spaniards fell for thay fought about one hower. she had Eight gunn's, a new shipp of about ninety tunn's, the chiefest of her ladeing being timber, salt and corne, and about 30 Negroe's and about fower chest of silke, Besides packetts of greate Consernment from the King of Spaine, as was Reported by them which by relation of our armie, thatt our Generall, capt. Coxon, had presented him in a Jarr of wine five Hundred peices of gould which he wronged the party of by Keepeing of itt to himself, he being sworne as well as any

other man not to wronge any one. After this wee sheard^[26] our Puerta Vella voyage, which was in money and plate and plunder wee had to the Vallew of hundred peeces of Eight a man. then wee concluded to goe downe to Boca-Toro,^[27] to make cleane our shipp, that being the best place to carreene our shipp, by reason their is good store of turtle and Manatee and fish, our shipp being made cleane and ready for to sayle about six weekes time, butt wee fell in with Boca Draga and went thro' Boca Draga into Boca Toro, wheir seing a saile a cannoe went to her, and found itt to be a Barque longo, The commander one Richard Sawlking, who tolde us of Capt. Peter Harriss's being att Diego's point^[28] a carreeneing. wee dispacht as soone as possible. Capt. Coxon fitted out his new shipp, leaveing his olde one their, Capt. Essex leaveing his Barkque their she being so rotten. wee acquainting capt. Peter Harriss and capt Rich. Sawlking of the greate commerce wee had with the Indians in the Samboles, was very willing to goe upp with their shipp, so all concluded to goe upp to capt Lessones Carreeneing Key. Boca Toro lieth about 50 leagues to leeward^[29] of Porta Vella and Boca Drago 3 leauges to leeward of Boca Toro. all the shipp meeteing att Lessoones carreeneing Key aforesaid, wheir was orders for our randevous, capt. Coxon concludes to goe upp to the Goulden Islands and to travill over land to Pannamau, otherwise to a place which the Indians tolde us of, cal'd Toca Mora. all our English concluded to goe, but capt Lessoone and capt Jno. Rowe their Peopple refus'd, being man'd all with French. The Indians being very familiiar came uppon a Key to our shipp, men, Women and children, Informing us that whilst wee weare att Puerta Vella the Spaniards had beene downe with about Eighty soldiers and had fell uppon the Indians for their haveing familiarity with us. The Spaniards did Kill of the Indians by their relation about 20, the rest of the Indians takeing the mountans for their security tell wee came. these Indians altho' Heathens yett have those amoung them that thay call Doctors, that can raise the Divill att their Pleasure. they knew of our comeing and att what time wee should be their, and when thay saw us, it was greate satisfaction to them, wee putting out a signe, which was a white Jack and no Ensigne, then thay come on borde. thay offers themselves to goe with us to take revenge of the Spaniards, which they call by the name of walkers. Wee makeing in all, in mony, Plate and Plunder, about a hundred peices of Eight a man att Puerta Vella, peopple was Eagar for more Voyage, and was now fully resolved to goe to the Goulden Island and hall our shipp into a small Cove or creeke out of sight of any Spaniard, if any should come that way, haling our small Barkques and small vessells as close as wee thought convenient under the shelter of the greate shipp, and order so many men to stay on borde of Each Vessell according to their bigness to looke after them, and likewise order was given that if any should come in their to oppose them, the peopple weare all of them to goe on borde of capt. Coxon and capt. Peter Harriss's Shipp to defend themselves and Shipp to the uttmost of their Power. And on sunday, being the 4 day of April,^[30] wee Provides our provision to land next morning itt being munday. the french shipp we left in the Samboles. next day about 6 aclock in the morning lands 332 men, being Piloted by the Indians, who seemed to be very forward in their Assistance, as here after will prove.

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Thus much for Puerta Vella Voyage.

[1] British Museum, Sloane MSS., 2752, fol. 29. This and the ensuing document, both by the same anonymous author, form one continued narrative, of dramatic and astonishing piratical adventure. For the second part, the adventures of these buccaneers in the Pacific Ocean, there are other, parallel narratives, some of them longer than ours; but with one exception they say almost nothing of this first adventure, the capture and sack of Portobello. Two or three pages (pp. 63-65 of part III.) are indeed devoted to it in the chapter on "Capt. Sharp's voyage", signed "W.D." [*not* William Dampier], which was appended to the second edition of the English translation of Exquemelin's *Bucaniers of America* (London, 1684), before Basil Ringrose's detailed account of the South Sea adventures was printed and issued (1685) as the second volume of that celebrated book; but the present account is fuller than "W.D.'s", and may apparently be regarded as the chief source now in print for the history of this second English capture of Portobello. It should be remembered that, by the signing of the various treaties of Nymwegen in 1678 and 1679, all hostilities between European powers had by autumn of the latter year been brought to an end. The privateers who had flourished during the preceding years of warfare now found their occupation gone—their lawful occupation at least. Many of them turned to piracy. The writer of these two narratives speaks of his companions as privateers, but in reality they had no legal status whatever. When the governor of Panama asked for their commission, Captain Sawkins replied that "we would ... bring our Commissions on the muzzles of our Guns, at which time he should read them as

plain as the flame of Gunpowder could make them." Ringrose, p. 38. Legible, no doubt, but not legal.

[2] Charles Howard, earl of Carlisle, was governor of Jamaica from 1678 to 1681. The names preceding are intended for Jamaica, Portobello, and Honduras. Portobello had been a rich town, lying at the northern end of the usual route across the isthmus from Panama. The annual "plate fleet" was loaded here with the silver of Peru and other produce of the Pacific coast. Henry Morgan and his buccaneers had captured and sacked Portobello in 1668, Panama in 1671.

[3] Capt. Bartholomew Sharp, who figures largely in this narrative and the next, as chief commander of the buccaneers during most of the periods of their adventures, was also the author (or source) of two histories of their expedition. The first, *The Voyages and Adventures of Capt. Barth. Sharp and others in the South Sea* (London, 1684), is mainly a reproduction of the captain's journal or log; the second, "Captain Sharp's Journal of his Expedition, written by Himself," published as part II. of Capt. William Hacke's *A Collection of Original Voyages* (London, 1699), is more literary in form. Neither describes the period covered by the present document; both begin, like [document 45](#), with Apr. 5, 1680.

[4] Port Morant, near the southeastern point of Jamaica.

[5] The wind being on the larboard quarter.

[6] Fain.

[7] Hawsers.

[8] *I.e.*, was compelled to sail before the wind.

[9] Isla de Pinos, on the north coast of the republic of Panama, some 130 miles east of Portobello. "Samblowes" is a corruption of San Blas (Islands), in the gulf of San Blas.

[10] Woolded, wound around with cables, "undergirded" like St. Paul's ship, Acts xxvii. [27](#).

[11] Cartagena. Forta is the present Isla Fuerte, southwestward from Cartagena along the coast of Colombia. The "Friends Islands" are the islands of San Bernardo, lying between the two.

[12] Sloops.

[13] Periaguas or pirogues, like large canoes but with a square stern.

[14] Isla de Pinos, just west of the gulf of Darien; see [note 9](#), above.

[15] Isla de Oro and its companions, a few miles south of Isla de Pinos.

[16] 9° 4', more nearly.

[17] A small galley, with both sails and oars.

[18] Darien.

[19] One of the San Blas Islands, perhaps Cayo Holandés. The buccaneers were proceeding westward.

[20] Sp. *ladrones*, robbers.

[21] For "forlorn hope," which is from the Dutch *verloren hoop*, lost troop.

[22] Puerto de Bastimentos is a harbor about twelve miles northeast of Portobello. Columbus in his fourth voyage (1502) gave the place its name, "Port of Provisions."

[23] Tissue.

[24] Panama.

[25] *Barca longa*, a large Spanish fishing-boat, with lug-sails.

[26] Shared.

[27] The Boca del Toro and Boca del Drago ("bull's mouth" and "dragon's mouth") are entrances on either side of the Isla de Colón, at the western extremity of the republic of Panama.

[28] On Isla Solarte, near the Boca del Toro.

[29] Westward, here.

[30] 1680.

*45. The Buccaneers on the Isthmus and in the South Sea.
1680-1682.^[1]*

The Journall of our Intended Voyage by the assistance of God over land into the South seas leaveing our ships att the Goulden Islands, and landing on Munday Apr'll the fift, Annoque 1682.

Capt. Jno. Coxon, commander in chief. Eight gunns.
capt. Peter Harriss. 26 gunns.
capt. Richard Sawlkins, in a Barkque.
capt. Edmond Cooke, a Barkque.
capt. Bathol'w Sharpe, a Barkque.
capt. Robert Allisson, a Sloope.
capt. Thomas Maggott, a Sloope.

All these above mencion'd captaines landed att the Golden Islands, which lieth about 15 leagues to the westerd of the westmost Point of Durian^[2] bay. this golden Island lyeth in North latitude nearest in 9° 12'. capt. Allisson and capt. Maggott being sickly weare unable to march, butt all the aforsd captaines landed with their men, leaveing onely a sayleing crew on bord Each vessell; their Orders being that if any should come to oppose them, all hands to repair on Borde Harriss and Coxon, thay being shippes of force. Being on Shoare wee had about Halfe an Howers discourse with the Indians. thay amounge Each other chose out two men to goe before the forlorne, to shew us the way. first of all wee marched through a small skert of a wood, downe to sandy bay by the sea side, about 2 miles; the marching over the sandy bay was tiersom, haveing our gunns Amunition and knapsacks of provant^[3] to carry with us, but after wee past this sandy Bay wee Enters into a wood againe, which lead us into a valley which in time of raines is full of water. by three of the clocke this day wee Had martched from the shippes 3 leauges, and takes upp our seate, wher wee intended that night to sleepe. their came downe to us one capt. Andreas,^[4] an Indian, with some others with him. he spake a little Spannish, and gave us the bien venitdo.^[5] thay brought Plantins downe with them, which they distributed to the company, thinking theirby Had done us a greate Kindness; their garments are made of cotton, they weare longe Black Hair, the men weare a peice of thinn Gould in their Noses, which is made like a Half moone (like unto the Marg't)^[6] kivering their lipps. some few of them hath itt made of silver. their women goes bear headed, with longe black Hair hanging downe, wearing a kinde of white cotton Blanckett over their Sholders, which comes downe about their bodyes. thay weare in the grissell of their nose a round ring, some of Silver, some of golde. capt. Andreas tolde us he would have borne us company to have martched next day, butt that he had a childe sicke and fear'd would soone die; and when dead, would follow us with a comepany of Indians with him; and soe tooke his leave of us. The next day being tuesday, in the morning about 4 of the clock word was gave to Martch, and that no man, on the loss of life, should fier a gunn in the woodes, least some Indian Rogues or other should betray us, by runing afore to acquaint the Spaniards. yesterday two men tier'd, so went back againe. this tuesday wee Martched upp a very high Hill. twas neare 10 of the clock before wee gott the topp of itt. one man more tier'd, that return'd back againe. on this Hill wee could finde no water, so that the company weare almost famisht for the want theirop. the Indian pilotts gave us to understand that a little farther was water, which about 2 of the clock wee came up with; where wee all dranck and Refreshed our selves bravely. about 2 howers martch farther wee gott downe to the foote of this Hill. on the South side is a brave River wher wee tooke up our quarters that night, it being the second night of rest since wee left our Shippes. this day wee martched neare 14 miles E.S.E. nearest. the next day, being wensday the 7. ditto, as soone as the Day brake wee weare uppon our Martch. about 10. of the clocke wee rested and refresht our selves with bread an water, and Pipes and tobacco; and about 3 of the clock wee tooke upp our quarters againe, by a river side. in the woodes wee saw some Indian Hutte, butt no strainge Indians, for wee went a course more to the southward to fetch a Circute cleare of the Duryan Indians, who have a continuall Peace with the Spaniard.

Thirsday the 8 wee wear desired by Our Indian Pilotes to be martching by breake of day, that so wee might come pass 6 leauges, which wee did. about 2 aclock wee came up with some hutts, wher their Kinge lived, who received us with greate kindness, being Joyfull of our company, as he Exprest it by presenting us with Plantans, Cassado,^[7] Indian Corne, Drinck, and Rootes; haveing beene with us some time,

return'd to his house againe. his garment was of white cotton made like to a friars cote. in the Evening the King came to us againe with his 2 sones, being in one garbe, save that the Kinge had in his Hand a longe white rodd of about 7 foote longe, and a Hoope of Golde about his Head for his crowne. this Hoope was about 2 Inches and a half broade. the Kinge had 3 daughters of womens Estate, very comely Indians, who went in fine cotton Roped about their bodies. Both men and women tooke much delight to heare our Drum beate and colers fly but to fier a gunn or to heare the noyse they weare afraide. the Kings Daughters fantsied much to be in our Company, in so much that some of our Peopple by signes would ask them if they should live with them and thay be their wives. thay often would make Arrants to their fathers house to fetch us Plantans. The Kinge tolde capt. Coxon that the next day wee must nott march butt that he must send one of his sones to gett cannoes, to carry us all by water downe the river, and that in two dayes march more (itt being Sunday) wee should come wheir these Cannoes wheir. wee often mett with Indian Hutts in the Martch, in which the Peopple stode ready to throw us Plantans and give us corne drinke.^[8] wee found that they weare makeing cannoes for us as fast as they could. thiss day wee martcht about 5 leagues and came up with 3 or 4 Houses close by a River-side wheir wee lodged. hear thay provided about 14 cannoes which those that weare most tired with martching went into, about 90 men in the cannoes, 2 or 3 Indians to worke them downe the River, thay haveing Experience to worke cannoes in a river wheir the currant runns like an Arrow out of a bow.^[9] the cheifest of our company this Sunday marched againe. the cannoes went downe the River. wee martched till night, where wee had all the rest of the cannoes made ready, about 60; in some cannoes their wear 6, some 4 and 3 Indians according to the biggness. the Indians tolde us that with-in 2 dayes after, which was tuesday, wee should see the other cannoes which went away out of the other river;^[10] wee weare putt all to a stand att thiss and thoughts rise amounge us that these Indians onely seperated us to bring us all to destruction, so thatt wee had much grumbings amounge us, that thay made Signes wee should nott be troubled att any thing. the next day, wee haveing cannoes and Barkloggs enow, wee Imbarkques, haveing 2 Indians in Each canoe, to steare them downe, because the freshes runn soe swift as possible can be Imagind, that the least touch of a canoe against a stump or Rock over setts them if nott staves them all to peices. Munday night past, wee heare no newes of our other party that went away out of the other river, butt the Indians tolde us by signes that, by such time the sunn was att such a High as thay pointed, wee should see the other party. Tuesday Every one takes to his canoe againe and went downe the river, and about 10 of the clock we saw an Indian canoe a setting to us against the streame, alonght the river side, who tolde us that our cannoes which came downe the other River was gott to the place wheire both rivers mett, wheir the Indians intended to meete us. about 2 of the clock in the After noone we wear gott downe, and wear very glad to Injoy the comepany of our owne Peopple againe. in comeing downe the River some cannoes wear over sett; some lost their Armes, butt the Indians would dive and gett them up againe. one man being left behinde in the woodes astray, Expecting to Kill something to eate, the Indians weare soe Kind as to bring him downe to us. thiss afternoone wee fixes our Armes and cattoch^[11] Boxes, Dryes our Poweder. now 20 leagues farther wee come to a Place called Santa Maria,^[12] to which place wee rowe and paddle very hard alday. this place made all with Stockados, no greate gunns, but onely a place to keepe the Indians out of the river, itt being a river wheir thay take much golde. about one aclock att night wee wear gotten close under the Stockadose, soe that wee could heare the Centry talke. wee landed about half a mile from the place in the woods and lay their till day. Next morning wee heard a drum beate. thay fier'd a small arme to discharge their watch, which hearing no more gunns fired wee knew that wee wear not descryed. Capt Rich'd Sawlkings runns up to the Pallassados and all the party following him as fast as thay could, and fiering att the Pallassados, and thay att us; fiering with their harkquebusses, throweing lances, and shooteing Arrowes. thay had within their Pallassados about 200 men. wee killed about 70 men. after wee had had about half an howers dispute with them, Capt. Rich Sawlkings runns to the pallassado's with 2 or 3 men more, and halls up 2 or 3 pallassados by maine strength, and enters in. thay Imediately calls for Quarter, which was presently granted by us. this was one Thirday the 15 day of Aprill. the Governor with 2 Negroes and 2 women made his Eschape by runing about a mile downe the river, wheir he takes a canoe and makes for Pennamau downe the river so fast as he could, butt understanding he had made his Eschape fitted in the Afternoone a canoe with six oares. capt. Sawlkings goes in her to see if he could finde this governor butt could nott. wee lay att these Stockadose 2 dayes. itt is a very small place onely to shelter those that goes to wash golde in another Arme of the River, which comes out of a river^[13] into this Santa Maria river. The Injury wee received in takeing the Pallassadoes was that capt. Sawlkings was shott in the Head with an arrow, and one man more shott in the hand, butt both soone cured. wee by Examining Our Prissonars understode, that 4 dayes before wee came there went away for Pannamau 2 Small Barques which caried away 4 chests of dust golde. thay had no newes of us before thay saw us. heare we found butt little Riches. some church plate, as is reported, was found, some dust golde in callabasses,^[14] some wines and brandy, Jerck porke, good store of bread. the next day wee drawes out to see who would goe for the South Seas, that is to say to take Pennamau; att last wee findes all

our party, butt ii which wear unwilling. Our Generall, capt. Coxon, seemed unwilling, butt with much perswaission went; those ii men that would returne, wee putts into their hands to carry that plate wee tooke heare. they had Indians to conduct them back. Now wee putts our selves all in Readiness for Pennamau, which lieth about 30 leagues from thiss Santa Marea river to the Northwards. wee wear 2 dayes a roweing out of this snta Marea River, before wee gott into the South Seas. in this place there runns very Stronge tydes of Ebb and floode. the tydes keepe their common course as thay doe in the North Sea. itt flowes by the moone S.S.E. soe wee getting out of the river and the tyde of floode comeing on, wee rowed hard to gett over to a key which wee saw,^[15] and Stopt their till the floode had done. on which key wee found the 2 Negro women which had made their Eschape alonge with the Governor of the Stockadose. thay tolde us that the gover'r went from thence that morning intending to row alonge shore with the 2 Negro men to Pennamau, he perswaiding him-self that wee would be for Pennamau. wee sent one of our best cannoes to rowe after him, butt to no purpose. Butt when wee left the Stockadose, the prissnars beggs of us to carry them away with us, crying that the Indians would destroy them all, soe when wee departed that Place wee carried with us what wee possibly could. no soonar wee came a shore butt wee hears a miserable crye. the Indians killed all the poore soules that weare left. Now wee being in the South Sea's goes alonge shoare to a Plantan Key,^[16] which lieth about 14 leagues from Pennamau. wee tooke 2 Negroes which was sent thether to cutt woode for building as well as to breede provissions. Barkques come from Pennamau to fetch itt. this night as wee lay here wee saw a Barque on the back side of this key. wee man'd 2 cannoes and went out and tooke her. she fier'd 2 or 3 small Arme's att us butt did not any harme. next morning we went all out from the key in our cannoes. Our Gen'll capt. Coxon bad all peopple that wear in small cannoes, to goe on borde the barkque and putt their cannoes adrift. capt. Batt Sharpe went into the Barkque commander, and about 135 men, which had beene in very small cannoes and fearfull thay might Sinck under them. wee understood by this barkque that wee wear nott as yett descried att Pennamau. this day wee makes sayle, Keepeing the Perriaugers and cannoes company. that next night wee saw another Small Barkque which capt. Peter Harris came upp with in his cannoe and tooke. she had on borde her about 20 Armed men. thay fought about a quarter of an hower, wounded one of our men. capt. Sharpe looseing comepany in his barkque that night went away to the Pearle Keys.^[17] Heard of a new Barkque Just launched, wee found to be trew; soe wee tooke the new one and sank the olde one wee first gott. wee gott their some plunder out of a House. this Night wee makes what sayle wee could to gett our party which went for Pennamau. capt. Sharpe haveing the 3d. part of the comepany one borde him disabled the Party, so as thay first not venture on Pennamau. Butt seeing 6 or 7 sayle of Shippis lying of att the Keys of Perico,^[18] which lyeth in 9 degr. North lattitude and about 2 miles from Pennamau, wheir All the shippis that come to Pennamau rides, Thay putts for the Shippis, butt the Gover'r that had made his Eschape att the Stockadose did nott discry us, butt tolde them Sta. Maria was taken, by what nation he could nott well tell butt thought itt weare English. A Barkque wee gave chase to butt could nott fetch her upp. she seeing all our cannoes getts into Pennamau and makes alarme. their was by Relacion putt on board the shipp and Barkques which came out to fight us 300 Soldados^[19] and Armed men. wee had about 3 howers dispute and tooke them all. wee killed and wounded many men. And Brave vallient capt. Peter Harriss was shott in his cannoe through both his leggs, bordeing of a greate shipp. their was nott any gott cleare only on [one] small Barkque that rann into Pennamau againe. itt being all done and Quiatt, the Spanish Gen'll^[20] being kill'd wee tooke his Chief captaine, one capt. Berralto,^[21] who being an Antient Seaman in those seas we caused him to be our Pylott, he being the commdr. of that shipp that carried away the Riches from Pennamau to Limma about 12 years since, that same time when Sr. Henry Morgan tooke Pennamau. this capt. Berralto was much burnt, and his peopple most of them kill'd and blowne upp, for as thay fought us thay had scatter'd loose powder on their decks, which tooke a fier by some accident or other, that wee seeing itt borded them and tooke them. these 7 sayle of shippis we tooke att Pennamau was not above half unloded. their lading was flower, linnen and woolen cloath, one greate shipp half laden with Iron. wee desierd of capt. Berralto which wear the best saylors. he told us on his word the *Trinnity* was the best in the South Seas, soe wee pitched on her for Admirall,^[22] putting capt. Harriss aboard that was wounded. the Doctors cutting of one legg itt fester'd so that itt pleased god he died, so wee lost that Valliant brave Soldiar. then wee putt in capt. Rich'd Sawlking into the Shipp *Trinnity* and made him Our Admirall. our former Adm'll^[23] nott behaveing himself Nobly in time of Ingagement, was something houted att by the Party, that he Imediately went away to goe over land. wee gave him a small barkque, with which he return'd to the river of Sta. Maria with about 70 men alonge with him, capt. Richd. Sawlking being now the chief commander in the Shipp *Trinnity*, capt. Cooke commander of a Barkque about Eighty tunns, capt. Batt. Sharpe in a small Barkque that came from the Pearle Keys, and another small barke wee kept to weight uppon us. thay fierd their gunns off from Pennamau to us butt did us no damage. wee solde wine to Spaniards that came off shoare to buy itt by stillt, and thay brought us off hatts and shoves to sell; butt about the sixt of March,^[24] and the very next day that capt. Coxon our Adm'll went away, wee saw a shipp. wee gave her chase and tooke her, with capt. Batt.

Sharps Barkque. she came from the citty Limmo,^[25] most of her ladeing was flower. fifty thousand Peices of Eight in her and some silkes. capt. Sharpe shifted out of his Barkque into thiss Limmo Shipp; wee tooke what was needfull out of her, for dyett, wines, brandie, and what elce wee found good, and burnt and sunck all the rest. Kept onely those shippes aforementioned for our owne use. Wee resolveing now to cruise these Seas, for wealth, wee stands from this Place or the Keys of Perico (so called) 3 leagues to another Key, very well Inhabited, to fill our water for the Sea, butt findeing we had no meat to eate (altho' Enough flower, Brandye and wine) wee concluded to gett som. to that end some Prissnars telling us of a Place called the Yjakeell,^[26] a very rich towne, and that their wee might a voyage att once, Our Adm'll capt. Sawlkings was willing to goe to this place before they should have any Knowledge of our comeing, butt our peopple, being head stronge, would have meate to eate first. this Pennama lieth in 9° No. lattitude in a bottom of a bay. wee sett saile with our greate shipp *Trinity*, and capt. Sharpe in the Lymmo shipp, and capt. Edmond Cooke in another Barkque, and 2 small Barkques, 7 men a Peece, very head stronge fellowes, which seperated themselves from us. wee saild S.W.^[27] and W.S.W. about 60 leagues and came up with these keys of Quibo Nueve,^[28] or the keys of the new towne, wheir all shippes that goes from Pennamau to Lymmo touches to water and all shippes that come from windward makes these keyes if thay are bound into Pennamau. here is good Pearle oysters And fishing and Deare on the Keys. the 28 day of Apr'll capt. Sawlkings comes on borde capt. Edmond Cooke with about 60 men, goes to saile, and carries him into this river called Pueblo Nuevo.^[29] wee went into a river by the Assistance of a Pilott. capt. Sawlkings went ashore with about 45 men. the barkque went in as far as she could and came to an Anchor. they went up the River and landed Just against some Stockadoes which thay had built by the river side for the security of their men. Our Valliant Gen'll capt. Salkins landed him-self first and went into the Savana and saw abundance of Peopple their. one Molatta mett him, whome capt Sawlkings Shott downe. Returnes back a little way, askt if the Party wear all landed and ready. Answer was made, "Yes." then said he, "follow me and doe not lye behind, for if I doe amise You will all fair the worse for itt." Hee went up corragiously with some brisk men with him, butt their was provided Mollattas and hunters with their launces which came to oppose him. He fierd his Pistole and shott downe one Musteese,^[30] the rest fiering and lodeing as fast as they could, but the Spaniards coming in uppon them so fast that kill'd capt. Sawlkings and 3 men more. thay tooke one alive. wee heard him make a dreadfull noyse butt could not rescque him, butt was forst to retreat to our cannoes, and goe off as fast as wee could, thay comeing downe so fast uppon us. Wee found in this River 2 barkques: one we burnt, the other wee brought out which was laden with pitch, She seemeing likely to sayle well. our peopple went aborde againe of capt. cooke, which lay with his barkque att the Rivers mouth, telling us that capt. Sawlkings was kild with 3 men more, to our greate sorrow. wee saild out with the barkque to the Key wheir the greate Shipp lay, about 5 leagues from this River, to the Southwards. when the parties came to know that capt. Sawlkings was kild and that thay could discover him to be our Admirall by the ring he had on his finger, a Present from the Governour of Pennamau,^[31] He sending him this token and with all to meete him on shoare with a hundred men to try their manhoods against one hundred of them. capt. Sawlkings returnes this answer, that in case he would bring out one hundred thousand peices of Eight he would meete him, with one hundred men against his, to fight him for the money, or Elce resolved to die in that Place. butt the gov'r of Pennamau refused so to doe. Now capt. Sharpe goe's aborde the greate ship the *Trinnity*, as chief commander. capt. Sawlkings being very well beloved by the party that saild with him, and Sharpe ill beloved, their was a party of sixty men went to returne over land, to whome wee gave capt. Cookes Barkque to carry them downe to the River of Sta. Maria. He Entring into the Barkque that was tooke in the River Pueblo Nuevo, which Barkque wee tooke on the first day of may and named her the *may flower*. Butt upon some disgust or other capt. Cooke left his *May flower* and went on board the greate Shipp as a private Souldiar. capt. Batt. Sharpe, being command't in chiefe, putts a commander of the *May flower* one Jno. Cox. att these keys wee fil'd our water and putts to sea to ply to windward. these keys lye in 7° 20' North lattitude. we had the wind att S.E. and B.E. and S.E. wee stood to the Southward, steming S. and B.W. and S.S.W., butt little winde and sometimes calme. wee tried the currant and found itt to sett E. and b.S., a stronge currant. when wee had by our Judgement 60 leagues offing, wee had thoughts to goe to a parcell of Keys cal'd the galloper, which lieth 100 leagues in the offing from the Isle of Plate, and under the Equinoctiall.^[32] we haveing here the winds hanging much in the S.W. quarter, wee stood to the Southward about 8 dayes, with our starborde tacks aborde, and in the morning about 8 of the clock, wee saw the land, which proved to be an Island called the Gurgony.^[33] wee intending to cleane the Shipp Stayes here, and findeing a good bay, wee considered of itt and concluded to carreene here. wee findeing this Island good Stoare of water and fish, Oysters and Indian Connyes, and Monkeys which wee Eate for want of meate. this Gurgony lieth in the lattitude of 3° 7' in a deepe bay. no Inhabbitance on't, save fishermen and those that dive for Pearles. her's good tree's for mast and timber, And for many other uses to furnish a shipp. wee carreen'd the greate shipp by the small barkque cal'd the *May flower*, built a house on shoare to putt our Rigging and saile in. Our greate shipp heaveing downe very taught, wee

could not [bring] her keele upp by a streak.^[34] itt flowes att this Island two fatham upp and downe.^[35] wee made fast our cable to the trees, and the other Anchor in the offing; all being done to both shipp, in six weekes time wee putt to sea againe, intending to windward, and Orders was given, in case of looseing company, that wee wear to make the best of our way for the Island of Plate. att the beginning^[36] of July twas, wee putts to sea both together. winds att S.S.E. and S. and B.E. wee stands with our Star-borde tacks aborde, standing over to the Island of Barrakoase or else called Cock Island.^[37] this Isl'd lieth in under the land, and is inhabbited with 7 or 8 families, as our pilot gave us an account. our former new Barkque, as wee heard, was taken into thiss river of barrakoase, and all butt one distroyed. the land here is high champian land far in the cuntry, butt near the water side low and Mangrovey. It lieth alonge W.S.W. 90 leagues, till wee come up to a key cal'd St. Francisco.^[38] wee turn'd in up within 3 leagues of the shoare, with both shipp. wee Indeavord to stand in with the land in the night, to gaine the land winde. about the fift day att night after wee had been outt of the Gorgony, wee fortun'd to loose company, which brede greate disturbance on borde the Greate Shipp, which had 150 men on borde, butt much more fear and Rangling was on borde the *May flower* for fear wee should all be putt to our Shifts, being in an Enimies cuntry and unknowne Seas to us. wee in the *May flower* follows the order received from the Admirall and makes the best of our way for the Isle of plate. as itt appeard after-ward the greate ship stood into the offing for 2 dayes and the *May flower* turning alonge shoar, gott to the Isle of Plate before the Ship *Trinity* 3 dayes; wee wear about 15 dayes a turning up. the winds blow att S.E. and b.S. and S.S.E. most Here, with-out itt be in a turnado. this Isle of Plate is so called because in former time Sr. Francis Drake tooke their Armado of shipp, which was bound downe to Pannamau, and carries them into this Island, and their shares their wealth, as capt. Barralto related to us,^[39] so that since the Spaniards have called itt the Isle of Plate. here wee have good Anchoring in about 14 fathom water, in a brave Sandy bay. You anchor against the body of the Island, bringing the Sandy bay to bear S.W. and S. of you. itt is well furnished with gotes, which caused us to touch here for fresh meates, butt no fresh water that ships can conveniently fill att, except in the time of raines. we lay att an anchor here 3 dayes. one man comeing from the South side of thiss Island saw a Shipp off att sea standing into the shore plying to windward. itt rejoyced our hearts hoping to be the *Trinity* our Adm'll, which so proved. the next day She gott Inn, which caused Joy on both sides. here wee gott some turtle, which are butt small to those in the South Sea's. The greate Shipp was damag'd by standing so far to sea outt of the bay of Gorgony, twisting the Heads of her lore masts, occasiond by hard winds which blew att S.S.E., butt as soone as the carpenters had fitted the heads of the mast wee putt both to sea. this Isle of Plate lieth in 58' South latitude.^[40] the Greate shipp being now more in her trim out sails the barkque. now wee learning of a Place cal'd Arico that lieth in south lattd. 18° 40',^[41] a rich place, Intends thither, But delaying of time att gorgony, advice is sent from Pennamau up to a towne cal'd Yaceell,^[42] a very rich place for golde, which befor capt. Sawkins was kill'd intended to have tooken, butt after the 60 men had left us, wee had Informacion thay wear provided for us, soe wee stood upp alonge shore to goe to Arica. in 2 dayes wee getts up as high as St. Alena, which is a point. itt lieth in south lattd. 3° 5'.^[43] the greate ship towes the small one, because would gett to windward before discried. this River of Yseell [Yaceell] is a brode river, about 35 legs^[44] att the mouth. the towne lieth Near 40 leagues up the River. about the middle of August one night, as the greate shipp had us in a towe, we saw a saile in the darke. wee lett goe their towe, and made what saile we could to her, comes in half a hower up with her, and ha'ls her. Shee fierd a Harkquebus att us, att which wee presented them with a whole Volley; she fier severall small gunns at us, and wounded 3 men. one of them after-wards died. wee laid her aboard and tooke her. She had about 30 hands in her, fitted out for an Armadillo^[45] to come downe to the Isle of Plate, to see what a posture wee lay in; their was on Borde 2 very Honorable gentlemen, which came out for ther Pleasure to see us, wee being term'd amoung them a straing sort of Peopple and cal'd by the name of Laddron. thay tolde us that 4 dayes before they came out of Yakell saild a shipp bound up for Lymmo, loden with tymber, woolen cloth, thred, Stockings and some silks, which if wee kept under the shoar as shee did wee must needs see her. thiss Vessell wee tooke, nott sayleing so well as the *Trinity*. wee rummages her, takeing what was good, towes her 35 leagues off to sea, cutts her maine mast by the borde and give her to the Prissnars, giveing them water and flower enough that thay might not want. wee kept the 2 gent'men and the master to pilote us. wee stood into the river of Yakell and makes the land. att the south side of the river about 16 leagus within is cape Blanco which is the southermost point of this river Yacell, and cape Blanco lieth in 4° South lattd. point a St. Alena is a very remarkable land to beknowne, for tis like to a shipp with her keele up. thiss cape blanco is a very barren land, onely small brush growes uppon itt. thay cal's to us out of the greate shipp, aboard the *May flower*, to goe in under the shor to anchor, which wee did, and hal'd on borde of them. thay tooke out our water and flower and what was necessary and cutt a hole in her bottom, so wee all went on borde the *Trinity*. by takeing a small armadillo barkque, wee have Intelligence that a small Barkque of 7 hands of our's, one Morriss Connoway commdr., was taken and 6 of them Kill'd in the river Baracoes, onely one saved which speakes good Spannish, which suppose to be one Tho. Hall, whome the

Spaniard hath prissnar att the river Ketto.^[46] wee weere sorroy to hear it but could not help itt, neither knew not how to gett the other off that was alive, he being about 60 leagues in land. wee cruised under the Shoare for the shipp which came out of Yacell bound for Lymmo, which lieth in 12° South Lattd. by our prissnars wee understood shee had brake her mayne yard and was putt into Payta,^[47] butt standing to and throw under the Shore wee saw a sayle to windwd. as farr as wee could descerne. wee stood after her all night and the next morning was within a league of her, the wind blowing a brave fresh gaile. by 12 aclock was up with her and found her to be the saime shipp thay tolde us of. wee had all manner of cloth in her, thred, Stocking and a very good linnen and silk plunder, some wine and brandy, very little plate, saveing a cupp, dis[h] or plate or soe in the cabbon. after wee had Plunderd her what wee would, wee towes her 40 leagues into sea, in the lattd. of 7° 10' So. lattd. wee cutt her maine mast and mizan by the borde, and putts in a greate many Prissnars, keepeing the Master of the Small Armadillo and Barralto for Pylotes. Now wee are all with one consent bound for Wind-ward, bloweing a fine ordnary gaile att S.S.E. and S.E. and B.S. wee stands close-hald into sea, stemming S.W., sometimes S.W. and B.S.; sometimes the wind came in flaws, that we lay but S.W. and B.W. wee generally counted that wee made west 30° or sometimes 20° degree's course to the Southward of the west of cape Blanco, which lieth in 4 degrees. wee mett with very hard winds, but after wee gott as high as 7° degrees, oppositt to a point of land called Point Agoohow,^[48] wee had easey winds that wee seldome reeved our topp-sailes. this land trenches away from the Point Agoohow till you come to Arrica, which lieth in the bottom of all the bay in the lattd. of 18° 40' So. lattd. S.S.E.^[49] wee Stretches of to Sea about a month and getts into the lattd. of Arrica, then wee had att the chainge and fall of the moone a small w.n.w. wind for 3 or 4 dayes together. wee stears in E.S.E. with all sayle wee could, the master att that time Imagining that that course would fetch Arrica, butt the wind comeing att S.E. and b.E. and S.E. wee found that wee could lye but E. and b.N. here wee found 8° variacion and as wee runn to the Southward wee found the variation more. makeing what saile wee could, being in the lattd. of Arrica 380 legs., Imagining wee should be discryed before we gott in, wee fell to leewards of Arrica about 14 leagues, by a bay they call the bay of Yellow.^[50] meeting under the Shore with a leward currant, was a week longer than expectacion turning up to the bay of Arrica. wee came about the beginning of October, and to my best remembrance, Indeavored to land the Second Day. att the north side of the bay, wee mand our 2 cannoes with 30 men and our Stricking Dory with 8, Our perriauger with 37 men. wee roade to the Shore butt found their no landing, soe that wee return'd againe, and stood in directly against the Morro Head,^[51] which is a High Hill made white with foules dunging on't, which lieth Just over the towne of Arica, a very Remarkable Place to be knowne. itt lieth att the wester part of thiss bay of Arica, on which thay ust to keepe a looke out. Especially now hearing wee wear in the Seas, and bound upp to take that place, kept the strickter watch. wee saw, that after wee had made a second attempt, to goe ashoare, which was the night following we made the first, that thay knew of our coming, for Just as wee wear goeing to land in a bay about 2 leagues to the Southwards of the towne, wee saw many horse men rideing alonge Shoare, so that wee findeing no convenient Place to land, rowed a little of Shoar and consulted together. wee lay in sight of the shipp, and saw 5 or 6 sayle vaporeing and fiering off their Paderrero's^[52] to frighten us; some of our Peopple would have gon in to have distroyed them, and others being backwards would not, soe all returnd aborde of our man of Warr *Trinity*; and making the best of way to windwards. Capt. Batt. Sharpe being our commandr., and having gott money by the death of our former capt. Sawkens, and more that he gott by Play, was Intended thiss year through the streights of Majelena,^[53] butt some grumbled saying thay had not Voyage Enough, and weare unwilling, so that their was a debate amoung the peopple and capt[ain], butt stretching of itt into 29° and 30' wee weare Informed of a towne in thiss lattd. its called Quoquemba,^[54] a towne of 7 churches, no longe settlement butt a mighty Pleasant place and very rich of gold and silver. A Delightsome garden for all sorts of fruite, a[s] cherries, Appricocks, Peaches, Apples, pares, prunellos, Strawberrys and all things which grow in our Northern Parts, and curious small runing River parting Every mans land, mighty Pleasant to beholde. thiss towne of Quoquemba wee takes, butt wear discried 3 dayes, as wee heard Afterwards, By a flagg of truce which came in to treat with us. thay gotten away their mony and Plate out of the towne, onely some Church Plate with Silk hangings we Plundered. in the towne we tooke fresh Provisson, as biefes, hoggs, and wine, which is made hear, And indifferent good Brandy wee carried on boarde. wee landed here on a Tuesday Morning, an houer before day, att a storehouse which is made att the S.S. west part of the bay, from whence capt. Batt Sharpe and rest of the party (onely^[55] those who wear left in the cannoes and Launch which was 2 in the cannoes, and 3 in the launch) marched for the towne of Quoquembo. 35 of our party as they wear Marching mett about 150 Spaniards, most on horseback; thay had not all gunns, some launces, other Spade's; more of our Party comeing upp, seeing the foloorne so much Ingaged, thay wounded one or 2 of their horses, with some of the Spaniards, which made them to retreat to a greate hill, about 5 mile from the towne. wee Entred the towne and kept possession of 4 dayes. wee askt the flagg of truce five hundred thousand peeces of Eight for the randsome of thiss towne, and told him that the next day by 10 of the clock, thay should bringe their money,

otherwise wee would burne the towne. the next day the flagg of Truce came downe by 12 of the clock, and tolde us thay would give no randsome. wee understood thiss flagg of truce Had a suit of law in hand, and was likely to be cast, as he afterwards told us, which would be the ruing of him-self. he shew'd us his house and desier'd us to sett fier on itt, whatever wee did. fa[r]ther told us that if we weare not gone the next day thatt thay had gotten together 600 men and most of them Armed. wee gett the Plunder of the towne what wee could. Next morning, setts most part of the towne on fier and Martches to the bay. their our cannoes mett us and tooke in our things wee brought downe and carried on borde the shipp, wheir she lay att Anchor within a Mile of the Stoare house, Just within a Rockey Poynt. the land lay in the winde 2 Points without her. the night before our Party came downe, Our Shipp had likt to have beene burnt. A Hogg skyn being blown upp and sowed tyte, some fellow of a Spaniard had Venterd off and laid itt on the rudther and Stearn Post (itt stufft with powder), satt itt on fier, and went away unseene by our Peopple. some of our men smelling a strainge Smell, run to and thro' about the Shipp to see for itt, lookeing every wheir. One man, seeing a light come into the Cabban, lookes out att the Stern-Portes, and spies wheir itt was, cryes out for more help, and by a providenc of God gott itt speedily out. some Imagined itt to be a Plott of the Prissnars aborde against us. some wear for killing capt. Barralto, because att that time he hid himself, others for keepeing him alive till our capt. and party came on board, which the next day thay all did, and being acquainted with what was past concludes to sett them on shore here thatt wee had had 7 or 8 months, Don Juan and his Cossin, a fine younge man, capt. Juan and capt. Barralto wee putt ashore, all att thiss storehouse in the bay of Quoquemba. wee wear glad to be ridd of them butt thay much more glad to be cleare of us; butt before thay went ashore thay understoode that wee wear minded to goe to two keys that lieth from thiss Place S. and b.W. and S.S.W. about 90 leagues off shoare in the lattd. of 33° 45' south lattd. These keys are called Don Juan Francisco's^[56] keys, because he found them out first, and Putt a parcell of goates on them, and since have bredd to a mighty number. abundance of Fish and Seales; as fine keys as any in these seas to recruite att, being water and wood Enough. all is on the Easterd most key. these keys lieth East and west one of the other, 20 leagues distance by Relacion of some Prissnars.^[57] on the westermost key is no anchoring for Shippes neither any cattle, so that wee did nott stop their att all, but went to the Estermost key, wheir wee come to anchor, with a northerly winde. att the South sid of thiss Island is a brave Sandy bay but no rideing if the wind come out Southerly; then you may runn downe to the leeward side of the Island. Our master, Jno. Hilliard, for some misdemeanor was turn'd out of his Place, and his mate, one Jno. Hall, putt in Master. Hall went with a cannoe mand to Leeward to find a bay which he thought might have beene a good place, seeing no better, so wee ridd 2 dayes with the Shipp at the Southermost bay. the wind coming out againe att S.E. and b.S. and S.S.E., we waied and putt to sea, fearing twould blow hard, itt being an open bay. so wee rann downe to thiss other bay our new master had found out, and lett goe anchor. our cable parted. wee weire faine to goe father to looke for another anchor Place, and about 4 miles to the N.W. we saw a fine large bay and rivers of water, that wee filled our water close to the water sid, wooding convenient, fish great store, Seals Innumerable, butt we eate none, gotes mighty Plenty. the Islands are butt small, nott above 7 miles round, butt very high and Hilly, full of Valleys, so that wee rowed on the westward sid of the Island to windward or to the southward to hunt for goates. In thiss second bay of anchorag, came downe such flawes of wind out of the Valleys that our Anchor could nott hold, that wee almost drove aShore. our Peopple cutting wood and filling water, which was the greater Party, haveing no love for capt. Batt. Sharpe, concludeing together to turne him out of his capt'shipp, which thay did, and Putts into his Place a stout rugged fore man as captaine;^[58] itt was much trouble to capt. Sharpe to be thuss served, butt could nott help himself, for the peopple weir Resolved nott to goe home by Sea before thay had more money. wee lay in thiss small bay, which was about 2 miles to leeward of thiss greate bay, about 3 dayes. wee made hast and gott our Anchor we lost and water aborde, and the most part of the wood wee had cutt. wee wear minded to have spent a moneths time att thiss key of Juan Fernandus and then to have gon downe to have cruised till the next Year; Our Blacksmith was ashore prepareing to have built a forge, and made Iron worke for the Shipp, and Intended to have burnt charcole. he had partly fixed his bellose. wee had two men of warr cannoes gon to windward for goates and had found, by relacion, 150 fatt ones, butt sleepeing alnight by a fier att the Sea Side and in the morning went to fetch their goates, lookeing out to se if the Sea weir cleare of shippes Spyed within 3 leagues of the Island 3 greate saile of Shippes, Admirall, Vise Adm'll and Rear Adm'll; seeing thiss, made what hast they could to their cannoes and soe on borde shipp, leaveing all their goates behind them bound. as soone as thay came near the Shipp thay warned us with 3 Motions, that wee understoode their was 3 saile. wee gott all our peopple that weir on shore off and what other things wee could, gott our anchor on bord, had nott time to gett the Other butt lett him slipp, hoysted in Our launch and canno's. by thiss time thay weir came within sight of us; so near that wee could se a weapon florrished on the quarter deck of the Adm'll. wee understoode wee had left one of our Strikears on shore that had gott under a tree to Sleepe, sent a cannoe for him but could not finde him, soe came of to the Shipp and left him their.^[59] these 3 shippes Clings the wind and stands After us. the reare Adm'll which was the least

had 12 gunns, their Vise Adm'll 16 and their Adm'll 24. Our new capt., being Jno. Watkins, would have gon aborde the Adm'll if the Party had beene willing; wee could wronge them by sayling att our Pleasures, bye or large, soe that wee played with them a day and a night. then wee concluded twas our time to goe downe and take Arrica, the Place that wee made an attempt att before. wee made what sayle wee could, Steering N.E. and b.N., to fall in about 30 leagues to windward of Arrica, which wee did very well, but we weir tolde of a fishing key that lay hear abouts 18 leagues from Arrica;^[60] wee concluded to go thither, which was our greate folly, and so standing off and on, those on the key saw us and forthwith sent to Arica to informe them of us. Our man of warr cannoes, roweing alonge shore to thiss Key, was 2 dayes before came up with itt, which att last did, and took 2 Antient men Prissnors, about 75 years of Age. here we gott some fish and wine. our peopple Examin'd the 2 old men, found them in two tailes, the one being trew, the other not, as wee found Afterwards. the one tolde us that Arica had news of us and that he believ'd they would be provided for us; for he sd. a Post would ride from the sand key to Arica in 3 dayes. for thiss Speech the man was shott downe by our quarter master Jno. Duill. the Other was made much of, because was supposed to speake the truth. soe wee made what hast wee could to Arica, and on a sunday Morning, itt being in March, wee landed 82 men, wee understanding itt to be a small towne. our orders was, if wee saw 3 Smokes rise from the hill thay called the More, wee should make what hast wee could into the harbor. Our Peopple marching till thay came to the towne, saw no peopple till they Entred the townes End, wheir thay found Every topp of a house fitted for them, and a fort of 12 gunns mounted. their houses hear are built all flatt att the topp, for they never have any Raines, no, nott in the remembrance of the Spaniards, butt very greate dewes. Wee fell on the towne smartly, and became Victors in fouer howers time so that twas our owne, Notwithstanding their was above 700 men In Armes, att our comeing.^[61] all the Cuntry within 20 myles was come inn and more in greate Number comeing. wee tooke the biggest church to Make a Hospitall for our wounded men, which weare about tenn, and six killd out right. Our capt. Jno. Wattkings was kill'd att the same time, to our discomforts. One of the capt. of the Spaniards which wee had taken, Spake in his owne linqua^[62] to thiss Efect, "Gent men, I know you are men come to seeke a fortune, if You want money or Plate goe alonge with me, I will shew you wheir their is more then you all can carry away." wee gave no credit to him, butt was minded to fall on uppon the forte to take their greate gunns for the shipp, haveing none on board. Our Party being so tired, and cutt off, wee weare feigne to leave the greate gunns, money, all the Rest of the rich traide which was in that small towne. three of our Doctors being in the Hospitall Church dressing of our wounded men, had about 6 men Order'd to guard them with their Armes. after wee saw we weir so worsted and beaten, fighting against so greate Advantage, Some peopple rann to bid them come away as could march, for our Party was gon out of the towne. the Spaniards seeing thiss gott fresh to their Armes againe, and rallied upp with us about the church that they durst no come out, so that their was left 5 well men besides the 3 Doctors which had not one Dropp of blood spilt from them. one or two of the wounded men that had good hearts gott up and rann to the Party, and tho' thay had many a shott made by the Spaniards att them, yett Scape clear. so many of our Party being almost choked for water, made use of their owne; butt comeing downe to the water side wheir the launch and cannoe lay reddy to receive them, their follows them a parcell of Negro's and Mallattos, which stood on a High Hill Just over the Cannoes and throwes Downe Stones and Launces on Our Peopple. In thiss frey, wee had taken, kill'd and wounded about 30. Wee Judge wee could not Distroy of them less then 150 or 200 men, for they lay very thick in the Streetes. Their governor or Gen'll was upon a Hill calld the More, on Horse back, Just over the towne, from whence he could see into every Streate and which way wee went. he often weaved to his soldiers from thence, With his Handkerchiffe, to gave them notice which way wee went, and crying out, "Valiente soldados, buina Valienta Soldados."^[63] Some of our peopple passed a shott att him but could not have the fortune to hitt him. Our former new capt., Jno. Wattkings, being kill'd att this Place, capt. Sharpe would have thrust himself capt. againe. Soe that our party resolved to goe downe to leeward. The most voyces wear to have the shipp, the lessar to have the Launch and two cannoes. One party was resolved to stay, the other to goe over Land, as will be presently related. wee now wanting water and soe like to be in greate Distress, considered, and with the advise of our Spanish pilott wee must goe into Ylo^[64] for water, butt wee learneing by some Spanish Journalls that their was water 14 Leagues to windward of Ylio, which place wee Indeavord to come pass, and comeing thither, found such a sea goeing as could nott gett ashoar with our Cannoe; Soe Endeavor'd to gaine the Keys of Juan Fernandas againe. But the windes bloweing so much southerly we could nott. soe leaveing itt into the Shoare with our Starboard tacks on board, fetcht the bay the[y] call't Vispo, in which their is a brave River and very good water, which bay lieth in South lattd. 29°. ^[65] So wee fill their about six tunn of water, And by Informacion of a Prissnor their taken, that att Coquembo lay 2 men of warr, and he beleived would be downe next morneing, thiss bay of Vispo being butt 15 leagues N. and b.W. from Coquembo. att thiss Place wee found a new barkque and building. some sheepe and goates wee brought of for foode, butt the Barkque wee left, hoping to have better of her hereafter. Putting out of this Porte wee saild alonge N.N.W. 3 dayes, about 8 leagues of Shoare, to another

bay lying about 24 degrees South lattd, A Bay cal'd by the name of Capt. Drakes his bay, Because that when he was their he water'd. their is a brave fresh water River, And to thiss day is standing a church which the sd. cap. Drakes causd to be Built for his Memoriall; alltho' wee could nott gett on shoare by the Violence of the Suff, yett the church was very vissible to us, nott being above one quarter of a mile from itt.^[66] so that att last wee wear forc't to goe to Ylo to fill our Bunkings^[67] with water. wee stay'd hear two Dayes but dare make no longer stay, for fear the cuntry should come downe uppon us. This Ylo lieth N.W. and b.W. from the Afore named Arica, above 26 leges, And in the lattd. of 17° 45' South lattitude. Ylo beareth from the Citty lymmo S.B.E. 120 legs. now haveing fill'd thiss water we putts to sayle to carry the party which was minded to Martch back into the North Seas. wee rann down alonge, N.W. and by N. and N.W., Just keepeing sight of land because would not be Descried, which way wee went. About 9 dayes wee saild N.W. and b.N. and N.W., and meeting with a Strong Currant which as wee Judged Satt N.E. into a bay, wee fell in with a small Island about five Miles round, in the lattd. of 7° 40' So. and about 12 leagues off the Maine shoare. to thiss Island our Prissnars tolde us severall Barkques came to for pretious Stones, which weir to be found their. Due East from thiss key lieth Another which is Inhabbited, 7 leagues from thiss key and 5 leagues from the maine or Trucksilly,^[68] which is a towne wheir is water, and on thiss key cattle; aboundance of Fish is made here. Wee Just weatherd the small Rockey key on which the Pretious Stones are founde; wee had the wind att S. and B.E. and S.S.E., a fine topp saile gaile and fair weather. wee Steares away N. and b.E. to make Point Sta. Alena, the Point that is before discourst of, that makes the Northermost Point of the River Yakeell. the next day was upp with the Isle of Plate, which lieth in South lattd. about 50'. then the Party thatt resolved to goe over land, began to provide for Vittuall. their was about 56 of them, which carried away what thay had. thay had a launch and two cannoes. itt was on Sunday, after wee had din'd with what wee had, which was att that time onely bread and water. and now being under the Equinoctiall about a ii leagues from Shore wee [saw] Mount a Christo plaine,^[69] that lieth some leagues in the cuntry, The Mount bore of us E.S.E. these poore men when parted from us had about 5 leagues to goe, before could Conveniently Land, for wild Indians and negro's, which by shipping formerly their was cast away, and since grone very Populus and Barberous, As we wear inform'd by our Prissnors. thay did intend to take thiss island of — or Cork Island, which lieth in the bay of the Gorgony. now thay being gon both parties wear much troubled att the parting, Yett the party that went away would have staid in case Sharpe had nott beene made capt., for thay could not by any meanes allow of him to be capt. more of us would have gon away, Butt capt. Sharpe sends his Master to us who spoke thuss (his Name was Jno. Cooxe), "Gentmen, capt. Sharpe doth declair and swair that those men that will stay with him and goe about in the shipp with him by water, that he will make them a Voyage, and doe the uttmmost of his power to gett money Enough, and will not have thoughts of goeing out of these till every man is willing." soe wee consider'd our shipp was foule. wee that stayed wear about 61 soles in number. with the advise of capt. Batt. Sharpe was resolved to run downe to Pennamau, and to leeward, to finde some private place to cleane our shipp in, and to take her one deck lower. wee searching of some Spanish Journalls findds mention of an Island lieing to the No'ward in 8 degrees called the Island of canes, wheir wee found thiss Isle of Canes;^[70] and by our observacion lieth in North lattitude, 7° 30'. their is good wooding and watering butt no secure place for a shipp to ride in, without very good Anchors and Cables, which wee att that time was Ill provided with. wee staid here 3 dayes and killed one sow and Pigg and fill'd water. here are good large Oysters. so wee sett saile with full intencion to goe into the Gulph of Dulce,^[71] if wee could find itt, but wee steering away N.W. about 33 English legs from thiss Isle of Canes, which Island lieth 5 legs from the Maine shore, and comeing in with the land saw a brave deepe gulph, which concluded was a good Place for us to cleane Our shipp, hoping that their might be no Inhabitance. Into which gulph we rann, by sounding of our leade so farr as wee could, Except wee had had a Pilott for that place. wee hoyst our 2 men of warr cannoes And went upp the Gulph. capt. Batt. Sharpe Imbarkue[d] in one of them him self, to see if could take an Indian to understand whatt for a place itt was; goeing about 4 leagues ahead of the shipp, comes upp with an Island lying in the gulph of Nicoy,^[72] which Island wee understood by some Indians was called the Isle of Perroz or in English the Isle of doggs. wee found 3 or 4 families which lived heare of Indians, very poore, haveing all thay gett once in two years taken from them by the fryars, and thay tell us that if thay have nott to pay the friars what their demands is when thay come, that thay carry away their children and makes them Slaves. Butt our capt. Batt. Sharpe Asked of one Indian that could speak Spanish, if any Shipp used to come their. he said that their was att pressent 2 small Barkques that weir come from Pennamau, which weir lodeing with hides and tallow bound for Pennamau again. The Indian tolde the capt. he would Shew us wheir they weir; with whome capt. Sharpe went with his cannoe well man'd, thiss Indian leaveing some hands on the Isle of Perros or Dogges, to see that none gott away to discry us, with our Shipp getts on brest the Island and Comes to an Anchor, and missing the right channel lay their not haveing above 3 foote water more then wee drew. thiss was about 25 of Aprile 1681. the next morning these two barkes was taken, the one being 2 thirds loden and the other half loden with talloe; wee tooke out as much as wee

thought might serve to tallow our Shipp's bottom twice and to make us candles, and no more, which is as I Imagin about 60 or 70 Packs. Now wee wanting carpenters understoode by thiss Indian Pylott that their was 2 shipp's up an Arme of a River, about 4 leagues from thiss Isle of Dogges. The Indian conveighs us the next night upp to them. the morning about an hower before day wee comes wheir they weir building, about 300 tunns a Peice; one of them haveing beene on the Stocks about 3 years. itt Pleas'd god wee tooke the head carpenter and the Rest of his gange, which weir about 12 in Number, with their tooles, about 6 Jarrs of wine and Brandy, which was much to our comfort, haveing lived for some time before on bread and water. takeing these carpenter[s] with their tooles, wee weare in greate hopes to have Our Shipp's upper deck taken downe and made better for sayleing in little time, with the help of our owne carpenters; butt to carreene her here is impossible Because of a greate citty about 18 leagues from thiss lagoone of Nicoy, itt being the citty Naine, [73] wheir they can Raise 20000 Men. wee fell lower downe in the River, as lay out of the way of the tide as much as could, for here the tides runn very Stronge and keepes itt's course of moone. itt flows S.S.W., which when the moone comes to thiss S.S.W. point itt makes high water. itt flows about 3 fathom and half right upp and downe. when wee brought these Spanish carpenters on borde, our capt. and carpenter Shewed the Spannish carpenter what they would have done, desiering him to be reall, and tell them in what time itt might be finished. he promis'd that within 10 day, with the assistance of our people, he did nott doubt butt finnish itt; att which our capt. and company told him that as soone as he had done he should have one of the barques for his paines, and all he[r] ladeing of tallow, and that he would sett them all ashore againe. thiss Spannish carpenter being a very Ingenious worke man, and saw wee shew him and his company a greate deale of respect, which begott a love in him to us, for he tolde us wee should make what dispatch wee could out of the lagoone, for the cuntry was very populus, and would soone be after us if could procure any Imbarcation. the carpenter dispatcht is [his] buisness in 12 days, so that he and his comepany had the Barkque and all her loding. putting them ashore with some Prissnors wee had taken before, wee take a perriauger that come downe to thiss Isle of dogges, with a Spannish March't and a Mustees woman, which we suppose he kept. the woman lieing on borde one or two nights, was very familiar with one Copas a dutch a man, [74] who formerly had saild with the Spaniards, and had the lingua att will, but was mainly Inamoured with thiss women, makeing her severall presents of some Vallew. after the carpenters weir gone wee fell downe lower in the lagoone to fill water. thiss Copas goeing ashore to guard the Prissnars that fill'd water made an Excuse to goe into the woods to kill some thing to eate, but went cleare away, that wee never saw him since, carrying with him about 200 Peices of Eight in golde and Silver, that putt us in feare least he would give Intelligence which way wee weir bounden, wee being att this time butt a small partie, about 64 soules, and nott any greate gunn to help us. in takeing of these carpenters one of our men, a Scotch man, haveing dranck to much, by some way or Other gott out of the cannoe and was drouded. the peopple telling us the Barkque saild primely well and the best saylor belonged to Pennamau wee kept her to waite on the Shipp. shee was a small open barkque. wee tooke in her a man that was acquainted with thiss Gulph of Dolce, who tolde us wee might lay the shipp on shore their very well and no body see us, nor any Spaniard know we weir their, so wee concluded to go. about May the first 81, wee arrived in this Gulph of Dulce. itt lieth from the lagoone of Nicoy about 47 leagues South and from the Island of canes ii leagues S.S.E. wee found according to what the Spanish fellow tolde us, a very fine place to hall our Shipp on shore to cleane her. Here we caught some fish and turtle and fedd well for the time wee lay here. we Built a house ashore to putt our provissions in, to keepe them from the Raines, and carried ashore the most part of our Ballast, in the barkque and men of war cannoes. wee findeing the small barque to Saile very well, the Capt. putt in 7 Hands to her, to sayle her. as wee lay one night ready to hall a shore the next high water, the winde blew att South very hard, that our after mast cable gave way, that the shipp drave ashore against the rocks, we weir afraid should have bildged her; but the 2 carpenters, being carefull, shord her up to ease her what thay could, and the next flood heav'd her off againe to a sandy place in the bay, wheir wee found some butt heads started and abundance of nailes and spikes wanting, which our carpenters had provided for and drave abundance in her bottom. we lay here about 5 weekes, mending our sailes and fixing our rigging. here cam in to us some Indian men, women and children, to whome wee gave Victualls and drink; thay staid with us tell we had done our shipp; some times giveing us plantans, and some time goeing into the woods, finding bees nests, would give us the Honney; butt the most good these Indians did us, wee had their barque loggs [75] all the time we lay hear to make us a Staige. Some of them goeing away Amoung the Spaniards tolde them that their was a greate Shipp in the Gulph, and that wee weir a casting of greate gunns. Butt these Indians that came to us tolde us that the Spaniards had tolde them if any shipp's came in that had any thing of redd in their collers, [76] that thay should have a caire and not come on borde of them nor lett us see them, telling them that wee would kill them; but as itt happen'd we went in with all white collers, which was the Spanish order that thay should Assist all those, for thay weir their friends and would doe them no harme. the Spaniard lives here from the Gulph of Dulcey about 3 dayes Journey. thiss Gulph lieth in lattd. 7° 22' No. lattd. wee fitted our Shipp, clenسد our

bottom what wee could; the small barque filld water, cutt wood, and went away to Sea to looke for Purchase.^[77] we went from thiss place about the last of June 81, having a good fresh gaile att S. and B.E. and S.S.E. wee stands over thiss bay, cald the bay of the Gorgony, which Isle of Gorgoney wee carreend att the last Year lieth in No. lattd. 3° 35', or theirabouts. the land that we made was 7 leagues farther to windward. here generally setts a greate currant out of the Sea into thiss bay E.N.E. wee fell in first with Barraco Island and cock Island. wee now bethinks our selves that twas time in the year to gett up to windward to goe through the streights of Magelene. wee recruited here with water, filling all we could. about 30 leagues W.S.W. from thiss Island Barricoes we turnes up to windwards, and of[f] Cape passagoe, which lieth in 45' No. lattd.,^[78] wee cruises a good way of shore, about 16 or 18 leagues, sees a saile, we gave chase, and comes up with her about 9 aclock of night. we found her to come out of Yakell, bound for Pennamau. the same shipp wee took loden with cloth and other goods the Laste year, which was then bound up to Lymmo. she had in her now good Store of cloth, silk, stockings, mony and Plate, about forty thousand peices of Eight, and severall good things, butt the chiefest of her lading was coco. wee tooke out her what we thought convenient and carried her under the shore and came to an Anchor, and when we had done rummageing her putt them all aborde, cutt downe their maine mast, gave them Victualls and Drinck enough, and putt them to sea to goe right afore the wind for Pennamau. the master was very glad we gave him his shipp againe, and the most part of his lodeing; that he swore wee wear the Honnestest ladrones that ever he saw in his daies. we went of to sea cruiseing for more. we understood by thiss last prise that the Spaniards could not tell if [we] wear to windward or leewards. 3 dayes after in the morning we spies a small barque close by shore. wee gave chaces to her, came up hand over hand with her. She makes what she could for the Shore, their being one Spaniard in her that knew us, who we had taken the last year. She comes to an Anchor with in a quarter of a mile of the Shore, and a fryar and 4 Negro's getts ashore uppon a Planck and takes to the woods, but some staid on borde the barque. capt. Batt. Sharpe in a man of war cannoe follows them and come upp with some of them ashore. we found nothing butt a little Plunder. their letters of advice thay had hove over borde, butt they confest their was advice bound up to Yakell to give notice that wee weir in the gulph of Dulcey acleaning our shipp and acasting of greate gunns, as they heard. these Prisnars give us advice of a new Vice Roys comeing out of olde Spaine to Puerta Vella, and was come over land to Pennamau, and a greate Shipp lay their of 14 gunns to take him in.^[79] thay told us thay had aboundance of riches with him; wee tolde them when wee had cutt their mane mast by the borde and sent them to Pennamau, that we lay waiteing for him and bid them tell the Vice Roy soe when they came to Pennamau. we cruises for more purchase and about 12 leagues from the cape, in a drisly misty morning, a man goeing to toppmast head saw a saile under our Lee, which wee made saile to and come upp with her; we fired severall small Armes before they called for quarter, butt calling, was presently granted and not a gunn fier'd. her capt. was short downe in takeing of her. we found She was a shipp bound for Pennamaw, came downe from Lymmo loden with wine and brandies, but very little plate, 700 piggs of Peuter, which we thought was silver, found to the contrary.^[80] we now Resolveing to goe about this year if Pleasd God, wee tooke out of her 700 Jarrs of wine, about 100 Jarrs of brandy, to serve us homewards, and had itt nott beene for thiss wine and brandy was Impossible to have subsisted. wee cutt thiss shipp's maine mast by the bord and sent her afore the wind to Pennama. wee kept about 18 Negroes and Indians to wash and pump our shipp. thiss last priz gave us full information of the Armado, which was to sayle from Lymmo, about 17 sayle of Shipp's. the 15 day of September 81, wee turnd alonge shore as high as cape Blanco,^[81] and then haveing a trew traid winde att S.S.E. and S.E. and b.S., sometimes South East, we all concluded to make the best of our way out of these seas; we haveing gotten ii hundred Peices of Eight a man in mony and Plate uppon Equall shairs, tho' itt was some of our fortune to loose our Voyage by Play afterwards; which those that were the winners to have the more. wee had the winds most att S.E. and b.S. and S.S.E. and S.E. wee stood of to sea, stemming S.W. and b.W. and S.W., commonly makeing a West 35° southerly way, sayling after the rate of 5 or 6 leagues a watch. fine moderate windes and fair weather. we found a currant sett here to the S.W. quarter. we stands up to Payta, which is about 13 leagues to the Southwards of cape Blanco, and in so. lattd. 5°. wee wear minded to take itt, butt the fryar and fower Negro's, which made their Escape out of the little Barque wee tooke under the Shore, had gott before us, and sent to every sea porte towne to give them notice that we wear a comeing to windward as fast as we could, so on a Sunday Morning our capt. Sharpe, with about 36 hands, went to land att Payta, butt found itt so well lyned with men that thay durst not adventure On itt, but come back againe, resolveing to live on bread and water till such time as could be better supplied, concludeing that our wine and brandy would keepe us alive. wee now makes no more tacks alonge shore, but stands close hal'd on a boleing to sea,^[82] about 670 leagues due West from Payta, till we come up to 33 So. lattd. ther we had variable winds. wee hal's in for the shore, getting our Larbord tacks on borde, the wind comeing out at N.W. in that quarter that wee could not fetch the Keys of Juan Fernandus, whier wee Expected to Recruit with fresh goates and water, and to have faught^[83] off our Musketa-Indian we left their the time before, but we getting to the Southwards of

these keys, and the winds coming out for Northerly, was forced to ply to the Southward, and then we had some raines, which from 7° So. lattd. till you come to 28° So. lattd., is never no rain by the Spaniards report nor since they have inhabited the cuntry, which hath been about 180 years; yett very good Corne growes, and all sorts of Herbs and graine, but thay [have] Extreeme dues. wee stands still to the Southward, and having now great variation, 13 or 14 degrees, we wear very Exact in takeing Amplitudes,^[84] to be the more Satisfied in thick weather of our true course made. wee stood to the S.E. and S.E. and B.S. 700 leagues, and about 3 aclock in the Morning the watch saw breakers very near us under our Lea. it blew hard, that 2 nights before we had handed^[85] our topp sailes, and went under a pair of Coarses and our mizon. wee wear gott now up to 50° 8' So. lattd. itt being a little light, before day wee saw the land plaine. wee heaved out our topp sailes reeved and made shift to weather all the breakers, and when twas day we discried a place between 2 keys which we concludes to beare up to see if wee could finde any good Anchoring and saife rideing till twas a little later in the year. twas very colde heare, much raine, The Hills coverd with Snow. wee went in along the key side about 4 leagues and saw a very convenient cove. wee came to an Anchor the 3d of November, thinking to stay hear till the weather was a little warmer. the first night we lost one Anchor, the Cable being Very bad. we warped and towed into another Cove, lieing a little more to the Southwards, the wind blowing N.N.W. wee gott the ends of all our cable and Hassers and made fast ashore to the trees; yett all would Hardly doe, for when it blew hard, our cable would give way and our shipp in dainger of driveing ashore, which if had we should lived like Heathens amoung the Savage Indians, and never have come to rights, but we spliced and Strengthend our cables what we could and with much difficulty made them hold out. the 21 day of november 81 wee putt out of thiss place to sea. wee lay here about 22 dayes, feadeing most on lempotts^[86] and Mussles, which wee gatherd of the rocks and makes very good foode. our wine and brandie was a greate Help to us thiss cold weather. clothing wee had good Store. some times we gott a Penguin, which are plenty in these streights, which are as greate as a goose, but cant fly, haveing on their winges onely stubbs of feathers. hear we saw a fier and made to itt, wheir we saw an Antient Indian, and a younge fellow and a woman Indian, which had about their bodies a Seale Skinn to keepe them warme. thay saw us and rann away, but we over tooke the younge fellow, which tooke to throwing of Stones. the olde man tooke the water and was so cunning in diveing that our Peopple could not gett him, so they shott him in the water. the woman gott away from us the next day. one of our cannoes went downe to this place againe, and carried the Indian that was taken alonge with him, which Indian carried our peopple to thre or 4 wigwams, wheir was fier, but could see no peopple. the fellow cald in their Speech but none appeard, he makeings signes that thay weare greate tall men with longe beards.^[87] when our peopple saw none came, thay returned to the cannoe, carying this Indian fellow which was very unwilling to goe but Strugled to gett away, twas as much as 3 or 4 of our men could do to binde him, and force him downe to the cannoe, His strength was so greate. wee doe Imagin that here may be some Spaniards which formerly have been cast away; for to the Southwards about 4 legs when wee came out with our Shipp we saw to very greate fiers but wear la'ft [*sic*] to see what thay weir, but went to sea, steering away S.W. and B.S. and S.W. the winds weir very hard att N.W. we went under a pair of courses, haveing no observation in 3 days after wee came out of these Lempot keys, wee steering as far to the westwards for fear of the Island called the 12 Appostle and 4 Evangelist^[88] takeing of us upp, which lieth all the entring of the Streight mouth. the currant setting to the westward out of the Streights, satt us by Judgement 25 leagues off shore and when we observed we weir in the lattd. of 55° 30', the wind being no[r]therly, and wee so to the Southwards of the Streights could not gett to the Northwards againe, but the capt. and Master, with advice of some others, concluded to goe about terra fuega,^[89] and so to goe through the New Streights, the Streights of Maria, which wee had a Journall of 2 Brothers called by name Noddles, which was about 65 years agon sent out to discover these parts of the world.^[90] which thay gave description that thay went about terra Fogoe through thiss Streight of Maria and weatherd Terra Fogoe, and went downe the west side, and ran downe to the Northwards, and entred the Streight of Magelena, and came thro' into the North Sea, wheir he speakes of abundance of those birds called Penguins, whear thay laded, bold with them.^[91] wee had very colde weather and about the 3 of december wee passed a cape, called cape Frea, lieing to the South of Terra Fogoe, in the lattd. 59° 30' South.^[92] wee finde here about 4 degrees variation, but downe in 35 and 40 wee had 11 and 12 and 13 degrees variation. wee weir something fearfull of Halling to close into shore, being not acquainted did not know what danger might be, yett would very willingly have save [seen?] the Land, that wee might have beene the better satisfied where we weir. twas very thick weather, that wee could seldom take an observation. wee Indeavord to make the Cape Horne but we weir gott so far to the Southwards.^[93] Yett we beleive we weir not very farr off shore, for we had thousands of birds about us. the 9 day of December we had a good observation and found our selves to be in South lattd. 58° 5'. we had the winds att N.E. and N.E. and b.N., fine handsome topp saile gailles, sometimes a shower of Snow and Sleete, but miserable colde. now our wines and brandy stand us in greate Steade and is the thing under god that keepes us alive. we stands to the Southward, haling S.E. and S.E. and B.E.

After wee had our last observation, which was $58^{\circ} 5'$, when we thought by our Dead reckoning that we weir in the lattd. of 60 or better, wee Steerd away due East.^[94] we had but little Night, the Daylight was hardly shett in att all. we standing to the Eastwards saw 3 or 4 greate Islands of Ice and Snow, as we thought, of a good high and very colde about them. from this Cape their are lying 3 or 4 Islands called the Berlingos, which I am to think are those wee tooke to be the Islands of Ice, for thay are all kiver'd with Snow, and the Burlingos lyeth by the globe in the lattd. of $59^{\circ} 00'$.^[95] One Night as wee weare getting about the land, some men gott merry, Especially the capt. and his Mess, which caused some words to arise between the capt. and Some of the company, in so much that thay fell to blowes, but the capt. runns into his cabbon and fetches out a Pistoll laden, and comeing to one of Our People, by name Richard Hendricks, fier'd itt off as he thought att his Head, but itt pleased god itt mist his head and grased on his neck. the next morning wee found the shott placed in one of the Dead Eyes of the maine shroudes, which was but Jus[t] behinde him. the capt. thought he had kil'd the man, cryed out, "Armes, their was one dead," and he would have kill more, which cabbon mess ran and fetched their Armes forthwith, and those that weir awake, was fetching theirs likewise, which had not been soberer then others and more discretion in them Sharpe had certainly been kill'd. it had likt to have been a bad buisness, but when the[se] things came to an understandings All was husht upp, Especially findeing the man was not so much hurt as wee did suppos and was cured in a weeks time. Well, we steers away East, till we thought we Had Easting enough to enter the Streights of Maria. Now we begins to Hall to the Norwards E.N.E., and by observation taken we found our selves to be gott to the norwards into $57^{\circ} 8'$. then we halls away N.E. and about 4 days after had another very good observation. then we found our Selves to be in 50° So. lattd. Shott to the Norwards of these new Streights, doubled about all the Lands; abundance of birds attends us Still. Wee are now gotten to the Streights Mouth of Magelen, the North side. wee had good Fresh gales att N.W. and S.W., the winds very variable. we runing into hot weather to the Norwards and halling about Terra Fogoe to the Eastward wee found a greate Currant to the E.N.E. wee weare farther off Shore then wee Expected, yett wee hal'd away N.E., hoping that off of Brazill we should meete with English, Dutch or Portugeez, to hear how our buisness was discourst of att home and to buy a little Provision of them. we hal'd away N.E. till we came downe into 14° No. lattd,^[96] that we would be sure to carry itt about a shoale which lieth a little to the Norwards of Cape Toms,^[97] lying in South lattd. $22^{\circ} 50'$. we wear more to the eastward then we Expected. by our Runn afterward we found wee weir 170 leagues to the eastward then we Judged our selves to be. in this lattd. we had very Easy topp saile gales of wind, and mostly att E. and E.N.E. and sometimes att E.S.E., but very seldom comes to the southward of the S.E. att this time of year, Except itt be in a Turnado. we carried what saile we could, being willing to be on land. after we gott into 13° So. lattd, we steard more westerly, N. and N. and b.W., till we comes into the lattd. of $8^{\circ} 20'$, the length of cape Augusteene,^[98] then hald away N.N.W. and N.W.b.N. till we come into the lattd. of Barbados, and run down into 13° and $5'$,^[99] keepinge a good lattd. for to see the barbados. wee ran about 12 or 13 days in the latt. our Reconing was out 5 or 6 dayes before we made the Land,^[100] and about 3 a clock in the morning about the 12 of feb.^[101] the Master cal'd out Land. wee saw twas Barbados, and which was comfortable to us all to have so good a land fall. we went downe the N.E. side, luffing upp for spikes rode,^[102] wheir we saw shipping ride. The *Richmans* Pinnaes [*omission*] and haled us. we lay by and disputed with them, desiering them to come on borde, but thay would not. thay askt us if we would not goe into an Anchor. we told them as farr as wee knew wee would, but thay being soe cautious how thay came on borde Putt us into many thoughts what to doe. wee consciderd, that here was one of his Majts. Shipp, and wee could not hear how itt was with other Nations, wheather itt was Warrs or Peace, so that we threw the Helme a weather, throwing out topp gallant Sailes, studing sayles and all the sayles we could make, and Steard for the Disiada^[103] which we made plaine and so went downe to Antigua. their wee saw a fly bote att Anchor, wheir we sent our man of warr Cannoe ashore to buy some provissionns. when thay came in thay found itt called Falmouth.^[104] wee Supplied our selves hear with one or two dayes provission. one capt. Burroughs, understanding we wear in want, came on borde of us and after went away with one Cook, our Master, to the governor of Antigua^[105] for liberty to come in. we next morning had the mate of a Shipp which lay att the olde rode to carry us as close in as he could for which he was very well sattisfied. wee could not have any permission to come in, neither any deniall, but after some commanders of March't-men came on borde and desierd our Capt. to goe for England, he was easy perswaded, thay telling him twould be the makeing of him; so he came on the deck and bid Every man shift for himself, for he would goe for England himself; upon which every man packt upp whatt he had, some for olde England, some for Jamaica, other for New Engl. everyone tooke his way, onely 7 men aboard that had lost their Voyage,^[106] so the capt. and Company thoug[ht] good to give them the shipp and what was in her. thay thought good to goe downe to their commission Port, Petit guavos,^[107] but the Shipp was so crewell leaky, that thay hardly have the Patience to keepe her above water to St. Thomases,^[108] haveing but 7 hands on borde, and a shipp giveing chace to them so that thay loosed all their saile, and was much putt to itt for the hands, but comein a brest of St. Thomases saw the Harbor very Plaine, and

to be sure we went into a small Harbor a mile to leeward of the Fort. we wear tolde att Antegua that thiss was a free Port for Eight years, which we found to be so.^[109] the governor gave us Liberty to come in, and the next day sent out hands to bring us in to the right harbor, under Commd. of the forte. the next day our cable brake and she drave ashore; but not being willing to loose her, gott her off with one Anchor and cable off, and one end of a cable ashore, and so gott her into the Soft woose,^[110] because wee would not be att the charge of Negro's and to pumpe her. thus the good shipp *Trinity*, which was Built in the South Seas, ended her Voyage, and through the Blessing of god brought us amoung our Cuntry men againe, and thiss being what I can think on att present, being the true actions of our Voyage as near as I can Remember, my Journall being detained att St. Thomases and lost.^[111] The Lord be praised for all his mercyes to us. *Finis*.

[1] British Museum, Sloane MSS., 2752, fol. 36. The chief narrative of these piratical adventures, and a remarkably interesting one, is that of Basil Ringrose, which constitutes the second volume of Exquemelin; see [note 1](#) to [document 44](#). There are also the narrative signed "W.D." and those attributed to Capt. Bartholomew Sharp (notes [1](#) and [3](#), *ibid.*), and very brief accounts in William Dampier's *New Voyage around the World* (London, 1697) and in Lionel Wafer's *A New Voyage and Description of the Isthmus of America* (London, 1699). The present narration is by still another participant, illiterate but not incapable of telling an interesting story, with many additional details.

[2] Darien.

[3] Provisions.

[4] He survived till 1698, to receive the Scottish settlers of the Darien colony, who also, by the way, had the aid of Captain Allison, sickly though he is declared, above, to have been in 1680.

[5] *Buen venido*, welcome.

[6] Margent, margin—a marginal drawing here.

[7] Cassava.

[8] Wafer, pp. 153-154, who lived four months among these Indians, describes their method of making "corn drink." "It tastes like sour small Beer, yet 'tis very intoxicating."

[9] The river was that which is now called Chucunaque.

[10] Some affluent of the Chucanaque.

[11] Cartridge.

[12] Still so called. It lies some 15 or 20 miles north of the gold mines of Cana ("the richest Gold-Mines ever yet found in America", says Dampier) and from the Cerro Pirre, whence Balboa first looked at the Pacific, "Silent upon a peak in Darien."

[13] The Tuira, into which the Chucunaque flows at this point.

[14] Calabash, gourd.

[15] Isla Iguana?

[16] Isla Majé?

[17] Now the Pearl Islands, in the gulf of Panama, southeast of the city.

[18] Perico, Naos, and Flamenco, three little islands lying in front of Panama.

[19] Sp. for soldiers.

[20] Don Jacinto de Barahona, high admiral of the South Sea.

[21] Don Francisco de Peralta. The escape of his vessel from Morgan's men in 1671, bearing the chief treasures, is recounted in Exquemelin, pt. III., ch. VI. He was put ashore, later, at Coquimbo.

[22] *I.e.*, flag-ship. It was probably the same ship, *La Santissima Trinidad*, of 400 tons, in which Peralta had made his escape nine years before.

[23] Capt. John Coxon.

[24] Error for April 26, 1688.

[25] Lima. The 50,000 pieces of eight (dollars, pieces of eight reals) mentioned below were a consignment for expenses, sent to the governor of Panama by the viceroy of Peru, Archbishop Don Melchor de Liñan. So we learn from an account of this whole raid along the South American coast, given by him in an official report, printed in *Memorial de los Virreyes del Perú* (Lima, 1859), I. 328-335.

[26] Guayaquil, in an attempt at phonetic spelling.

[27] In modern phrase, southwest by west.

[28] Coiba or Quibo is a large island off the south coast of the isthmus, about 150 miles west of Panama.

[29] Rio Santa Lucía. The town is the present Remedios.

[30] Mestizo, halfbreed, Spanish and Indian.

[31] According to Ringrose, the ring came from the bishop, the challenge from the governor.

[32] The Isla de Plata (Island of Silver) lies a few miles off the coast of Ecuador, in 1° 10' S. lat. The Galápagos lie not 100 but more than 200 leagues off the coast.

[33] Gorgona, off the Colombian coast.

[34] *I.e.*, when the ship had been careened she remained so fixed in that position that the men could not, by the breadth of one of her planks, get her keel where they could work on it.

[35] In other words, there was a tide of twelve feet.

[36] End.

[37] Isla del Gallo, in Tumaco bay.

[38] *Cape* San Francisco (about 50' N. lat.) not an island; but Ringrose, p. 58, says, "At first this Cape appeared like unto two several Islands".

[39] This is no doubt legendary. Isla de la Plata means Isle of Silver.

[40] Nearer 1° 12' S.

[41] Arica, a Peruvian town now occupied by Chile.

[42] Guayaquil, in Ecuador.

[43] Punta Santa Elena, 2° 10' S.

[44] Leagues.

[45] Armadilla, a small armed vessel.

[46] At Quito, probably. The viceroy-archbishop, *op. cit.*, p. 332, calls the man Carlos Alem (Charles Allen, Charles Hall?). Besides the viceroy's circumstantial account of this fight at the Barbacoas, there is one in Dionisio de Alcedo's *Aviso Histórico [Piraterías y Agresiones de los Ingleses]* (Madrid, 1883), p. 158.

[47] Payta, Peru, in 5° S. lat.

[48] Punta Aguja, 5° 57' S. lat.

[49] Nearer 18° 30'.

[50] Ilo. It was late in October, not early.

[51] Mora de Sama.

[52] Pedereros, small cannon.

[53] Magellan. The temporary capture of Ilo is omitted.

[54] Coquimbo, Chile, in 30° S. lat. Ringrose, pp. 107, 111, gives plans of the town and the harbor.

[55] Excepting.

[56] Juan Fernandez. A Spanish pilot of that name discovered the islands in 1563. Our buccaneers sighted them on Christmas eve, 1680.

[57] The eastern is called Mas-á-tierra ("nearer the land"), the western Mas-á-fuera ("farther out"). The distance between is about 100 miles.

[58] John Watkins. The new pirate chief had severe principles as to the Sabbath. "Sunday January the ninth [1681, three days after his election], this day was the first Sunday that ever we kept by command and common consent since the loss and death of our valiant Commander Captain Sawkins. This generous spirited man [Sawkins] threw the dice over board, finding them in use on the said day." Ringrose, p. 121. The Spanish accounts call the new captain Juan Guarlen.

[59] This was a Mosquito Indian named William. A precursor of Alexander Selkirk, he lived alone upon the island for more than three years, till in March, 1684, when Capt. Edward Davis, in the *Batchellor's Delight*, in his voyage from the Chesapeake, touched at the island. William Dampier and several others of Captain Sharp's crew were now with Davis. They bethought them of William, and found and rescued him. Dampier, *New Voyage*, I. 84-87, describes the Crusoe-like expedients by which the ingenious William maintained himself. He was not the first precursor of Selkirk on the island, for Ringrose, p. 119, says that the pilot of their ship told this present crew of buccaneers "that many years ago a certain ship was cast away upon this Island, and onely one man saved, who lived alone upon the Island five years before any ship came this way to carry him off." Several of Davis's men lived there three years, 1687-1690. Selkirk's stay was in 1704-1709.

[60] Iquique.

[61] Barros Arana, *Historia Jeneral de Chile*, V. 204-205, points out the impossibility of such numbers.

[62] Sp. *lingua*, language.

[63] In better Spanish, "Valientes soldados, buen valientes soldados", *i.e.* "Valiant soldiers, very valiant soldiers".

[64] Ilo, between Islay and Arica.

[65] Choros bay must be meant. The present Obispo lies too far north, and was not named till 1709.

[66] Ringrose identifies this bay and river with the bay and river of Loa, on the Chilean coast, the bay in 21° 28' S. lat. That Drake landed there, in his voyage around the world, in January, 1579, we know from the narrative of Pedro Sarmiento de Gamboa (Mrs. Nuttall's *New Light on Drake*, p. 80), but the story of the chapel is of course legendary.

[67] Water-barrels, Middle Dutch *bommekijn*, a little barrel.

[68] Truxillo, in Peru. The islands may have been the Lobos.

[69] Monte Christi, in Ecuador. The secession occurred on April 17, 1681. Dampier and Wafer were in the seceding party, which made its way to the isthmus of Darien and so across to the Caribbean and home, or to Virginia.

[70] Isla de Caños, in Coronada Bay, off the coast of Costa Rica, and some 300 miles west of Panama.

[71] Golfo Dulce, where the coast of Costa Rica begins.

[72] The gulf of Nicoy lies near the western end of the Costa Rican coast. The island was Chira.

[73] It does not appear that there was in Costa Rica at that time any town of such name or size.

[74] Under this strange name is disguised Jacobus Marques, a Dutchman skilled in many languages. *The Voyages and Adventures of Capt. Barth. Sharp*, p. 80, says that he "left behind him 2200 *ps.* 8/8 [pieces of eight, dollars] besides Jewels and Goods". "Copas" is for Jacobus.

[75] Barcalongas. See [document 44](#), [note 25](#).

[76] Colors, flags.

[77] Prizes or booty.

[78] Cabo Pasado would seem to be indicated, but that is in 20' S.

[79] Don Melchor de Navarra y Rocaful, duke of La Palata, prince of Massa, viceroy of Peru from 1681 to 1689. He did not arrive in Lima till November. His predecessor the archbishop took great precautions for his protection against these pirates. *Memorias de los Vireyes*, I. 336-337.

[80] The ship was the *Rosario*, the last considerable prize taken by these buccaneers. See [document 46](#). The story of the 700 pigs of pewter is told in a much more romantic form by Ringrose, p. 80, and by the author of *The Voyages and Adventures of Capt. Barth. Sharp*, p. 80. According to them, the pigs were thought to be of tin, and only one of them was saved, the rest being left in the prize when she was turned adrift. Later, when Sharp's men reached the West Indies, a shrewd trader there, perceiving this remaining pig to be silver, took it off their hands, and then sold it for a round sum; whereupon deep chagrin fell upon the pirates, who had duped themselves by abandoning a rich cargo of silver. It will however be observed in [document 46](#) that Simon Calderon, mariner, of the *Rosario*, speaks of the pigs as pigs of tin. A mass of sea-charts taken from the *Rosario* is now—either the originals or copies by Hacke—in the British Museum, Sloane MSS., 45.

[81] About 4° 18' S. lat., at the beginning of the Peruvian coast.

[82] *I.e.*, they sailed up into the wind. So strong a wind blows up the coast, that the best way to sail from Peru to southern Chile is first to sail westward far out into the Pacific. It was Juan Fernandez who discovered this course.

[83] Fetched.

[84] Distances, in degrees on the horizon, between east or west and the rising point of a star. By amplitudes, east and west could be fixed when the variation of the compass from true north and south was doubtful.

[85] Furled. Courses are the lower sails. 50° S. lat. is the latitude of the gulf of Trinidad. To the island by which they anchored a little farther south, as described below, they gave the name of Duke of York Island, after their king's brother James; this name it still bears.

[86] Limpets.

[87] But all observers of the Patagonian Indians, from Pigafetta, Magellan's companion, to recent times, describe them as having little hair on the face, and accustomed to remove that little. Ringrose, p. 183, gives the same report as our writer.

[88] These rocky inlets lie between 52° and 53° S. lat., the four Evangelistas just to the north of the western entrance into the Strait of Magellan, the twelve Apóstolos just to the south of it.

[89] Tierra del Fuego. By "Streights of Maria" the writer means the Strait of Le Maire, outside Tierra del Fuego, and between it and Staten Island—a strait discovered by Schouten and Le Maire in 1616, when they also discovered and named Cape Hoorn (Horn).

[90] He means Bartolomé and Gonzalo Nodal, who, under orders from the king of Spain to follow up the discoveries of Schouten and Le Maire, made in 1619 the first circumnavigation of Tierra del Fuego, sailing southward, westward past Cape Horn, northward, then eastward through the Strait of Magellan. The book referred to as possessed by the buccaneers is the *Relacion del Viaje que ... hizieron los Capitanes Bartolome Garcia de Nodal y Gonçalo de Nodal hermanos* (Madrid, 1621), of which a translation was printed by the Hakluyt Society in 1911, in Sir Clements Markham's *Early Spanish Voyages to the Strait of Magellan*.

[91] *Relacion del Viaje*, p. 48; Markham, p. 256.

[92] The date is wrong, and there is no such cape.

[93] Cape Horn is in 55° 59' S. lat.

[94] Under date of November 17, 1681, the *Voyages and Adventures of Capt. Barth. Sharp* says, p. 103, "We find by this observation, and our last 24 hours run, that we have been further Southerly by almost two Degrees, than our computation by dead reckoning makes out,

and by many Degrees, than ever any others have sailed in that Sea, that have yet been heard of: for we were at about 60 Degrees South Latitude".

[95] Probably it was icebergs they saw. The Nodal brothers' *Relacion*, which they seem to have been following, mentions, p. 37 vo. (p. 245 of Markham), northeast of Cape Horn, "three islands which are very like the Berlings"; but these are the Barnevelt Islands, in about 55° 20' S. lat. The original Berlingas are a group of rocky islands, well known to navigators, off the coast of Portugal.

[96] Error for 24° S., apparently.

[97] Cape Sao Thomé, one of the southeast capes of Brazil.

[98] An east cape of Brazil, Cape Sao Augustinho.

[99] 13° 5' north latitude.

[100] Navigators of that time could determine latitudes almost as accurately as it is now done, but they had very imperfect means of determining longitudes. These pirates, of course, had no chronometer. The best they could do was to keep account each day of the courses and estimated distances that they sailed, to reduce this to numbers of miles eastward and westward in different latitudes (their "eastings" and "westings"), measured from their last known position, Duke of York Island, and from these computations to deduce their probable longitude. It appears from Ringrose's fuller statements that they were several hundred miles out of their reckoning when they sighted Barbados.

[101] January 28, 1682, according to the other accounts.

[102] Speight's Bay, on the northwest coast of the island. Bridgetown, where the chief harbor or roadstead lies, is at the southwest, and H.M.S. *Richmond*, which the pirates rightly viewed with apprehension, lay there; she had gone out to Barbados in 1680.

[103] Deseada, or Désirade.

[104] Falmouth is on the south side of the island of Antigua.

[105] Lt.-Col. Sir William Stapleton, governor-in-chief of the Leeward Islands 1672-1686. The pirates sent a valuable jewel to his wife, but he caused her to return it. As to those who sailed for England, as related below, (Sharp himself included), "W.D." reports, pp. 83-84, "Here several of us were put into Prison and Tryed for our Lives, at the Suit of Don Pedro de Ronquillo, the Spanish Ambassador, for committing Piracy and Robberies in the South Sea; but we were acquitted by a Jury after a fair Tryal, they wanting Witnesses to prove what they intended.... One chief Article against us, was the taking of the *Rosario*, and killing the Captain thereof, and another man: But it was proved the Spaniards fired at us first".

[106] *I.e.*, they had gambled away all their share of the plunder.

[107] Petit Goave in Haiti.

[108] The Danish island lately acquired by the United States. The harbor and fort referred to are those of Charlotte Amalia, the latter completed in 1680. The small harbor a mile to westward was Gregerie Bay.

[109] The allusion is apparently to the mandate of the Danish West India Company, February 22, 1675, described in Westergaard, *The Danish West Indies under Company Rule*, pp. 43-44. The governor, next mentioned, was Nicholas Esmit [Schmidt?], a Holsteiner. On St. Thomas as a refuge of buccaneers, neutral to Spanish-English-French warfare and jurisdiction, see *ibid.*, pp. 47-58. Professor Westergaard, p. 48, quotes from a letter of Governor Esmit, May 17, 1682, in the Danish archives at Copenhagen, regarding our seven remaining pirates: "There arrived here February 8 a ship of unknown origin, some two hundred tons in size, without guns, passport, or letters, and with seven men, French, English, and German. On being questioned they replied that they had gone out of Espaniola from the harbor of Petit Guava with two hundred men and a French commission to cruise on the Spaniards.... [Summary of adventures on the Isthmus and in the South Sea.] I bought what little cacao they had; the rest of their plunder they brought ashore and divided among our people. The ship was no longer usable. I have

decided not to confiscate it, in order to avoid any unfriendliness with sea-robbers. The inhabitants of St. Thomas have decided that the said seven men shall remain among them". Later, Captain Sharp himself came and spent his last years at St. Thomas.

[110] Ooze.

[111] This sentence sounds as if our narrator, himself one of the seven, had finally reached England or Jamaica. If so, he was more fortunate than some of the others; see the next document.

46. *Sir Henry Morgan to Sir Leoline Jenkins. March 8, 1682.*^[1]

May it Please your Honour

Since I in obedience to his Majesties commands caused the Three Pyrates to be executed, The whole party which these two last yeares have molested the Spaniards in the South Seas are by the help of a Spanish Pilote come about to the windward Islands; Sixteen whereof are gone for England with Bartholemew Sharpe their Leader, the rest are at Antegoe and the Neighboring Islands, excepting four that are come hither, one whereof surrendred himself to me, the other three I with much difficulty found out and apprehended my self, they have since been found guilty and condemned. he that surrendred himself is like as informer to obtain the favour of the Court. one of the condemned is proved a bloody and Notorious villain and fitt to make an exemple of, the other two as being represented to me fitt objects of mercy by the Judges, I will not proceed against till his Majesties further commands; and am heartely glad the Opinion of the Court is soe favorable, I much abhorring bloodshed and being greatly dissatisfyed that in my Short Government soe many necessities have layn upon me of punishing Criminels with death. The passage of these people is extraordinarily remarkable, for in litle more then four monthes they came from Coquimbo in Peru five degrees South Latitude, to Barbados in thirteen North.

Our Logwoodmen have lately had eight of their Vessels taken from them and their people carried away prisoners, their usage appears by the inclosed Petition. I am informed that in the Havana, Merida and Mexico many of his Majesties Subjects are prisoners and the Spanish Pylott that brought the People about (who is here) tells me That Sir John Narborow's Lieutenant and nine or ten others are at Lima in Perua.^[2] they are all great objects of mercy and Compassion, therefore I hope your Honour will not bee unmindful of them....^[3]

HEN. MORGAN.

ST. JAGO DE LA VEGA
this 8th of March 1681-2.

[1] Public Record Office, C.O. 1:48, no. 37. The writer, lieutenant-governor of Jamaica from 1674 to 1688, and at the time of writing acting governor, was the same Henry Morgan who in earlier years had been the most famous of buccaneers, capturing Portobello in 1668, Maracaibo in 1669, Panama itself in 1671—wonderful exploits, carried out with great bravery and cruelty. Now he is governor, holds piracy in abhorrence, and is determined to suppress it! It must be remembered, however, that his own exploits were carried out under commissions from proper authority, and legally were not piracy. His correspondent, Sir Leoline Jenkins, for twenty years judge of the High Court of Admiralty, and at this time also secretary of state, was one of the most learned admiralty lawyers England ever produced. Morgan's view of his own competence as admiralty judge in his colony is given with engaging frankness in a contemporary letter: "The office of Judge Admiral was not given me for my understanding of the business better than others, nor for the profitableness thereof, for I left the schools too young to be a great proficient either in that or other laws, and have been much more used to the pike than to the book; and as for the profit, there is no porter in this town but can get more money in the time than I made by this trial. But I was truly put in to maintain the honour of the Court for His Majesty's service." *Cal. St. Pap., Col.*, 1677-1680, p. li.

[2] Sir John Narbrough (1640-1688), afterward a celebrated admiral, had in 1669-1671 voyaged to the South Sea, as a young lieutenant,

in command of the *Sweepstakes*; in Valdivia bay the Spaniards had seized two of his officers, and, it seems, still detained them.

[3] The rest of the letter relates to quite other matters.

47. *Deposition of Simon Calderon. 1682.*^[1]

Relation of the South Sea men.

Simon Calderon, Natural de Santiago de Chile, Marinero de profesion, yendo del callado a Panama en el Navio llamado el *Rosario*, cargado de Vinos, aguardientes, estaño en Barras, y cantidad de Patacas, con beynte y quatro Hombres pasajeros y todo, encontraron en la punta de Cabo passado como a la mitad del Camino, al navio de la *Trinidad* y le estimaron como de Espagnoles, pero luego que reconocieron ser de Piratas, procuraron ganarle el Barlavento, lo qual ganaron los Piratas, y luego empezaron a tirar mosquetarias, y de las primeras tres cargas mataron al Capitan del *Rosario*, que se llamaba Juan Lopez, y hizieron otras y apresaron el navio y sacaron con las favas todo lo que les parecio necessario del Vino y aguardientes y toda la plata y demas que havia de valor, y dieron tormento a dos Espagnoles para que descubriessen si havia mas plata y curtaron velas y Jarzias, menos la mayor, y alargaron el Navio con la gente menos cinco o seys, que trageron consigo y entre ellos el declarante.

De alli hecharon a la Isla de la Plata, donde estubieron tres dias y medio refrescando; y sospechando que los prisioneros se querian alzar con el navio mataron a uno y castigaron a otro; y de alli a Payta en donde hecharon dos canoas a tierra con treynte y dos hombres armados con animo de ganar a Payta, y hallando resistencia se bolvieron al navio; de alli Tiraron al estrecho de Magallanes; pero no passaron por el, sino al redidor de la ysla del fuego que estava como seys a ocho dias apartada del estrecho de Magallanes, este estrecho del fuego tardaron en pasarle hasta entrar en el mar del Norte cosa de nueve Dias. Llegaron a Barbadas donde por haver encontrado un navio del Rey de Inglaterra no se atrevieron a entrar.

En el camino dividieron la présa y tocó a quatrocientos pesos a cada uno de sesenta y quatro personas.

De Barbadas fueron a Antica donde fueron recibidos sin hacerles molestia, antes buen acostimiento y de alli se dividieron unas a Niebes en una balandra, otras como diez y ocho de ellos a londres en el navio cuyo Capitan se llamaba Portin, otros ocho que erran los principales se uieron en el Navio llamado la *Comadressa Blanca* o cui Wihte, su Capitan Charles Howard, dos de ellos que eran los principales cabos se llaman el Capitan Sharp, y el otro Gilbert Dike, y a este declarante le dexaron en Plymouth.

Los demas testigos dicen tambien haver oydo que estos Piratas andan comprando ahora un Nabio para bolver a haçer el mismo viage o continuar esta pirateria.

Translation.

Relation of the South Sea Men

Simon Calderon, native of Santiago de Chile, mariner, going from Callao to Panama in the ship called the *Rosario* laden with wine, brandy, pigs of tin,^[2] and artichokes, with 24 passengers and all, they met off Cabo Pasado, about halfway in their voyage, a ship, the *Trinidad*, and supposed it to be Spanish, but when they perceived that it was a ship of pirates, they tried to obtain the weather-gauge, but the pirates obtained it, and then they began to fire musket-shots, and with the first three shots they killed the captain of the *Rosario*, who was called Juan Lopez, and fired other shots, and captured the ship, and took out with the hooks [?] all that they deemed necessary of the wine and brandy, and all the silver and other things that had value, and tortured two Spaniards in order to learn whether there was more silver, and cut down the sails and rigging, except the mainsail, and turned the ship adrift with the men, excepting five or six whom they took with them, and among others the deponent.

Thence they went to the Isla de la Plata, where they remained three days and a half refreshing themselves, and suspecting that the prisoners were planning to rise and take the ship they killed one and flogged another; and thence they went to Payta, where they sent two canoes ashore with 32 armed men, with design to capture Payta, but meeting with resistance they returned to the ship. Thence they sailed away to the Strait of Magellan, but did not go through it, but around the Isla del Fuego, which was some six or eight days' distance from the Strait of Magellan. In making this

passage of Fuego, to enter into the North Sea, they were delayed some nine days. They came to Barbados, where, because of finding there a ship of the King of England, they did not venture to enter.

On the voyage they divided the booty and obtained 400 dollars apiece, for each one of 74 persons.

From Barbados they went to Antigua, where they were received without injury, but rather with good treatment, and from there they divided, some going to Nevis in a bilander,^[3] others, some 18 of them, to London in the ship whose captain was called Portin,^[4] and eight others that were the principal ones fled in the ship called the *Comadressa Blanca* (*White Gossip*),^[5] Captain Charles Howard. Two of them, that were the principal chiefs, were called, [the one] Captain Sharp, and the other Gilbert Dike; and this deponent was left at Plymouth.

Other witnesses say, however, that they have heard that these pirates are now proceeding to buy a ship to return and make the same voyage or continue this piracy.

[1] Public Record Office, C.O. 1:50, no. 139.

[2] See [document 45](#), above, [note 80](#).

[3] A bilander was a small two-master, with the mainsail of lateen form.

[4] The *Lisbon Merchant*, Captain Porteen. Ringrose, p. 212.

[5] Or perhaps *Ermine*.

THE SALAMANDER.

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48. Petition of Paul Sharrett and Claes Pietersen. August 2, 1681.^[1]

To the Honorable Simon Bradstreet Esq. Governor, Thomas Danforth Esqr Dept. Governor, and the Rest of the Honorable Assistants to sitt in Boston on the 4th of this Instant August 1681 as A Court of Admiraltie or Assistants

The humble petition Libell and Complaint of Paul Sherrot Lift.^[2] and Cloyse petterson, Mate or Pilot of the Ship or prize called the *Salamander*, now belonging to the great prince the Duke of Brandenburge, Burden one hundred Tonns or thereabout, Loaden with Brandy and wynes—

Humbly Sheweth

That your Petitioner entering into the Duke of Brandenburgs service and pay this 14 of April 1680 or thereabout, on A ship of warr called *Coure Prince* belonging to the Said Duke, Cornelyus Reise Capt. and Comander,^[3] and sayling then from Quinborough^[4] to the West Indies and at St. Martins in the West Indies tooke the above mentioned ship *Salamander*, Loaden as above, And put in Marcellus Cock Comander of said Ship *Salamander*, and Paul Sherrot Leift. and Cloys Peterson Mate or Pylot of said ship, to Carry the Said Ship home to Quinborough to the said Duke, But the said Marcellus Cock, under pretence of want of Proviscions and Leakenes of said Ship, brought her into Piscatuqua and there stayed about 3 months whiling away the time, and Repaying the ship, And while there so cruelly beate twelve of the ships Company, at the Capston and otherwise, As made them weary of their Lives, that they could not stay but gott on shoar And left him, Loosing all their wages, except one, that the Capt. turned a shoare, as he said for a Rogue, But the Governor of Piscatuqua made the master pay him his wages, And now after 16 monethes and a halfe soar service, ventering and hazarding their lives, After the Authoritie at Piscatuqua tooke notice of the said Capt. Cocks Long Stay, and Conceiveing he Intended to sell the said Ship and deceive the Duke, ordering him to pay the said Sherret and Peterson our wages,^[5] fell to threatening us first by turning the Pilot out of the Cabbin from his mess; and then swearing he would Pistoll the Leiften't and him if they came on board.

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The premises Considered wee humbly Intreat your honours to make such due order And provision that the Duke be not Deceived of his the sayd prize and that wee may have our full wages so dearly yearned and be freed as wee are and have been, from his the said Cocks Tiranicall service; And yo'r Petition'rs shall forever pray etc.

This libell I Rec'd this 2d of August, 1681.

EDW'D RAWSON, Secret.

[1] Suffolk Court Files, no. 2031, paper 1. The story of the *Salamander* is curiously interwoven with the early history of the Prussian navy, on which something has been said in [note 1](#) to [document 43](#). The facts may be made out by a comparison of documents [48](#) and [49](#) with data found in R. Schück, *Brandenburg-Preussens Kolonial-Politik* (Leipzig, 1889), I. 113-118, and in a monograph on "Brandenburg-Preussen auf der Westküste von Afrika, 1681 bis 1721", in Heft 6 of the *Kriegsgeschichtliche Einzelschriften* of the German General Staff (Berlin, 1885), pp. 102-105. In the First Brandenburg-Prussian fleet that ever sailed out of the Baltic (August, 1680), one of the six frigates was the *Churprinz* (Kurprinz, Electoral Prince), 32 guns, Capt. Cornelius Reers, and there was a fire-ship, the *Salamander*, 2 guns, Capt. Marsilius (or Marcellus) Cock; the captains were probably all Dutch. The chief exploit of the squadron was to capture, in time of peace, a ship of the Spanish royal navy, which thus became the first of the elector's ships actually owned by him. Then Reers and a squadron of four frigates and the *Salamander* sailed to the West Indies, and spent the winter of 1680-1681 in cruising against Spanish shipping, though with little success. If Samuel Button's story is true ([document 48](#)), it would seem that the original *Salamander* must have been lost, and the *William and Anne* substituted in its place and renamed. The squadron got back to Prussia in May, 1681.

[2] Lieutenant.

[3] Cornelius Reers, vice-commander of the squadron mentioned in [note 1](#), appears later as governor of Arguin on the west coast of Africa, 1685-1690. Schück, I. 347, 350.

[4] So the English then called Königsberg, capital of the duchy of Prussia.

[5] The petitioners are following closely the language of the vote of the council of New Hampshire, by which it was ordered that the ship should be taken to Boston for trial, and the mariners paid. *N.H. State Papers*, XIX. 677; July 11, 1681. "Governor of Piscataqua", *i.e.*, of New Hampshire, there was none at this time; they probably mean Maj. Richard Waldron, president of the council.

49. Deposition of Samuel Button. August 11, 1681.^[1]

Samuel Button of Boston declareth concerning the Ship now called the *Salamander* in this harbour, Marcellus Cock commander. That in April last was twelve-months' hee was Shipped Carpenter of sd Ship at London then called the *Wm. and Anne*, Anthony Thorne of London Commander, mr. George Trumbal of London being their Owner of sd. Ship. wee Sailed with sd Ship from London to Bilboa where wee cleered our foremast men and Ship't Biscayers in their steed and from thence Sailed to the Canary's, where wee loaded brandy and wines, and our sd master there left the Ship and our Mate mr. Christopher Johnson was put in master, all the English men being cleered from her but myselve, wee being bound for Carthagene,^[2] from thence back to Canary's, so to Carthagene again and from thence to Canary's and from Canary's to London and proceeding on our voyage wee put in to Sta. Marke in the west Indies^[3] to water; where the Governour forced our Stay to convoy a Galliotte bound to Carthagene, and after wee had been two or three dayes in the Road, wee espied five Ships lying off and on by the space of two or three dayes. at length they sent in their pinnace with Dutch colours to the Gov'r to get liberty to wood and water, pretending to be Dutchmen come to cleer the coast of privateers; upon which the Gov'r granted them liberty to come in and the same day they came and anchored by us; they going ashore to the Gov'r acquainted him they were of Middleborough,^[4] Flushing, and Amsterdam (as I was informed) and rode with dutch colours abroad; after they had been there four or five dayes wee coming to saile in the night, all being buisy, they laid us on board. wee demanding what they were they answered they were Frenchmen; wee bad them keepe off, but they entring the Ship, the Lt. asked me if I

was the Carpenter. I answered "yes," hee said "that's good, you bee an Englishman. that doth no harme," comanding me to keepe upon deck, declaring himselfe Capt. of the Ship, and when they tooke us they shewed no Colours but told me the next day they would shew me such Colours as I never saw, and then spread their Brandenburg Colours, putting our Supra Cargo and all the prisoners ashore at St. Marke, onely Christopher Johnson a Dutchman our then Ma[ste]r and myselfe, whom they carried with them to Jamaica. not being Suffered to Land any of their goods there, Sailed thence with this Ship in Comp'y of our English Fleete, pretending they were bound with her to the East Country,^[5] putting our Master and myselfe on shore at Jamaica.

Samuel Button deposed in Court that what is above written is the truth and whole truth to his best knowledge. 11th of August 1681.

EDW RAWSON, Secret.



- [1] Suffolk Court Files, no. 2031, paper 8.
 [2] Cartagena on the Spanish Main is meant; see below.
 [3] St. Marc on the west coast of Haiti, then French.
 [4] Middelburg in Zeeland.
 [5] Baltic lands.



THE *CAMELION*.

50. Agreement to Commit Piracy. June 30, 1683.^[1]

June the 30th day, 1683. Articles of Agreement between us aboard of the *Camillion*,^[2] Nich. Clough Comander, that wee are to dispose of all the goods thatt are aboard amongst us, every man are to have his full due and right share only the Commander is to have two shares and a half a share for the Ship and home^[3] the Captain please to take for the Master under him is to have a share and a half. Now Gentlemen these are to satisfy you, as for the Doctor a Share and half, and these are our Articles that wee do all stand to as well as on^[4] and all.

These are to satisfy you thatt our intent is to trade with the Spaniards, medling nor make no resistances with no nation that wee do fall with all upon the Sea. Now Gentlemen these are to give you notice that if any one do make any Resistances against us one any factory^[5] hereafter shall bee severely punish according to the fact that hee hath comitted and as you are all here at present you have taken your corporall oath upon the holy Evangelists to stand one by the other as long as life shall last.

JOHN HALLAMORE.
 the mark  of
 THOMAS DICKSON.
 ROBERT COCKRAM.
 the marke of **X** JO. DARVELL.
 the marke of **X** ARTHUR DAVIS.
 the marke of **X** JNO. MORRINE.
 JOHN RENALS
 the mark of  ROBERT DOUSIN.
 NICH. CLOUGH.
 SAMLL. HAYNSWORTH.
 DANIELL KELLY.
 WILLIAM HEATH.
 JOHN GRIFFIN.

HENERY MICHELSON.
 ALBERT LASEN.
 the mark  of SYMON
 WEBSON.
 WILLIAM STROTHER.
 EDWA. DOVE.
 JOHN WATKINS.
 EDWARD STARKEY.
 the mark of  GEORGE PADDISSON.
 JOHN COPPING.^[6]
 the mark of **HL** HENRY
 LEWIN.

[1] This very curious document (for one does not expect to find pirates agreeing in writing to pursue a course of piracy) is found embedded in one of the indictments in the case of the *Camelion*, in vol. I. of the wills in the office of the surrogate, New York City, pp.

312-313 of the modern copy. Its presence among wills requires a word of explanation. The governor of a royal colony was usually chancellor, ordinary, and vice-admiral, and as such might preside in the courts of chancery, probate, and admiralty—courts whose common bond was that their jurisprudence was derived from the civil (or Roman) law, and not from the common law. Most of his judicial action was in testamentary cases. It was therefore not unnatural that the few admiralty cases and cases of piracy tried in these early days should be recorded in the same volume as the wills, though distinguished by the simple process of turning the book end for end and recording them at the back. In this case the record begins with our [document 51](#); but the present document, copied into one of the indictments, is earlier in date. The substance of another pirates' agreement (Roberts's company, 1720, see [doc. no. 117](#)) is given in Charles Johnson, *General History of the Pyrates*, second ed., pp. 230-232; another (Phillips's company, 1727, see [doc. no. 120](#) and [note 10](#)), *ibid.*, verbatim, pp. 397-398.

[2] The *Camelion* had in 1682 sailed for the Royal African Company to the slave-mart of Old Calabar on the west coast of Africa, thence with a cargo of negroes to Barbados, thence to Montserrat and Nevis, thence in June, 1683, to London with a cargo. Off Nevis, June 29, the crew took possession of the ship, then made this agreement on the 30th, sold part of the cargo at the Dutch island of Curaçao, and brought the vessel to Sandy Hook. For their trial, see the next document.

[3] Whom.

[4] One. The larger shares for captain, master, and doctor were in accordance with custom. Clough, the master, was forced to join the mutineers.

[5] *Sic*. They probably mean, on any pretext, or, on any occasion.

[6] Copping, it was testified, was the writer of this remarkable agreement.

*51. Court for the Trial of Piracy: Commission. September
15, 20,
1683.*^[1]

Memorandum. That Thursday the twenty day of September, in the five and thirtieth yeare of the Reigne of our Sovereigne Lord Charles the second, by the grace of God of England, Scotland, France, and Ireland King, Defender of the Faith, etc., at the City Hall of New Yorke in America, A speciall Court of Oyer and Terminer was holden by Vertue of this following Commission, Viz.

Thomas Dongan Lieutt. and Governour, and Vice Admirall under his Royall Highnesse of New Yorke and Dependences in America.

Whereas his Royall Highnesse James Duke of Yorke and Albany, Earle of Ulster, etc., Lord high Admirall of Scotland and Ireland, and the Dominions and Islands thereof, As also Lord high Admirall of the Dominions of New England and Virginia, Barbados, St. Christophers, Antego, New Yorke in America, etc., hath by his Commission dated at St. James the third day of October in the yeare of our Lord 1682 and in the 34th yeare of his Ma'ties Reigne constituted and made mee his Vice Admirall of New Yorke, and the Maritime ports and Islands belonging to the same, and hath authorized and impowered mee to appoint a Judge, Register, and Marshall of a Court of Admiralty there;^[2] I do therefore hereby make and appoint You Lucas Santen Esq., Judge of the said Court, and William Beekman, Deputy Mayor, John Lawrence and James Graham, Aldermen of the City of New Yorke, Mr. Cornelis Stenwyck, Mr. Nicholas Bayard, Mr. William Pinhorne, and Mr. Jacob Leysler, and you or any six of you, to hear and determine of any or all Treasons, Felonys, Robberys, Piracys, Murders, Manslaughters, Confederacys, breaches of trust, Imbezleing goods, or other Transgressions, contempts, Misprissions and Spoyles whatsoever, done or committed within the Maritime Jurisdiction aforesaid, on board the Ship *Camelion* of London, Nicholas Clough commander, and I do also appoint Will. Nicolls to bee Register, and John Collier to bee Marshall of the said Court, and this Commission to bee of Force during the time of this Tryall only. Given under my hand and seale this 15th day of September, 1683, and in the thirty fifth yeare of the Reigne of our Sovereigne Lord Charles the second, by the Grace of God, of England, Scotland, etc. King, Defender of the Faith, etc.

To

Lucas Santen Esqr.,^[3]
 William Beakman,^[4]
 Jno. Lawrence,
 James Graham,

Cornelius Stenwyck,
 Nicholas Bayard,
 Willm. Pinhorne,
 Jacob Leisler.

[1] Vol. I. of wills in surrogate's office, New York City, pp. 306-307.

[2] Governor Dongan's commission of vice-admiralty "in the usual forme", October 3, 1682, is recorded in the Public Record Office, London, C.O. 5:1182, p. 40. James, duke of York, was Lord High Admiral from 1660 to 1673; he was proprietor of the province of New York from 1664 till he became king in 1685. As Lord High Admiral, he issued commissions to the colonial governors appointing them as his vice-admirals. That which he issued, January 26, 1667, to Lord Willoughby, governor of Barbados, is printed in the *Publications* of the Colonial Society of Massachusetts, II. 187-198. That to Dongan, issued by James in 1682, when, though excluded from office in England, he was still Lord High Admiral of the crown's dominions, was no doubt similar. At this early period the governor himself sometimes acted as judge; see [document 46, note 1](#). Strictly speaking, what was here appointed was not a court of admiralty but a commission for the trial of piracy and other felonies. By the statute 28 Henry VIII. c. 15 (1536), it was provided that cases of piracy should be tried within the realm, not by the High Court of Admiralty, but before commissions specially appointed for the purpose, and with the aid of a jury. But this statute did not extend to the plantations, and until the passage of the act of 11 and 12 William III. c. 7 (1700), commissioners for the trial of piracy in the colonies were usually appointed by governors in their capacity as vice-admirals, and proceeded under the civil (Roman) law, not the statute. Another commission, for the trial of piracy (to Governor Bellomont and others, Nov. 23, 1701) is printed in E.C. Benedict, *The American Admiralty*, third ed., pp. 73-79, fourth ed., pp. 70-76; another (1716) is [doc. no. 106](#), below; another (to Governor Woodes Rogers, Bahamas, Dec. 5, 1718), is in Johnson's *History of the Pyrates*, II. (1726) 337-340; a fourth (1728) is in *N.J. Archives*, first series, V. 196. See also [doc. no. 201, note 1](#), and Chalmers, *Opinions* (ed. 1858), pp. 511-515.

[3] Collector of the port.

[4] Acting mayor. Lawrence, Graham, Steenwyk, and Bayard were aldermen, Pinhorne became an alderman two months later. Leisler was the celebrated revolutionary. The accused men were found guilty. Eight of them were sentenced to receive twenty lashes and to be imprisoned for a year and a day. Clough was sent to London to give an account of his stewardship to the Royal African Company. *Calendar of Council Minutes, N.Y.*, p. 34.

CASE OF WILLIAM COWARD.

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52. William Coward's Plea. 1690.^[1]

And the said Wm. Coward for plea saith that he ought not nor by Law is obliged to make any further or other answer or plea to the Indictments now preferred against him in this Court: for that he saith that the Crimes for which he stands Indicted be:— The same is for Pyracry, felony and [so forth] by him supposed to be done And Committed upon the high seas without this Jurisdictions and not within the body of any County within the same from Whence any Jury Cann be Lawfully brought to have tryall thereof, That before the Statute of the 28th of King Henry the 8th, Chapt. the 15th, all Pyraceys Felonys, etc., Committed upon the high seas was noe Felony whereof the Common Law tooke any knowledg, for that it could not be tryed, being out of all towns and Countes, but was only Punishable by the Civill Law before the Admirall, etc., but by the said Statute the offence is not altered and made felony, but

Left as it was before the said Statute, vizt. felony only by the Civill Law, but giveth a mean of tryal by the Common Law in this maner, Viz: All Treasons, felonys, Robberys, murders and Confederacies Committed in or upon the sea or in any other haven, rivar, creek, or place where the Admirall hath or pretends to have power, Authority, or Jurisdiction shall be Enquired, tryed, heard, determined, and Judged in such shires and places in the Relm as shall be Limited by the kings Commistion under the great Seale, in Like forme and Condition as If any such offenses had been Committed upon the land, to be directed to the Lord Admirall or to his Leiut., Deputy, or Deputys, and to three or foure such other substantiall persons as shall be named by the Lord Chancellor of England for the time being, etc., as [by] the said statute appeareth—

That the Crimes and offences afforesaid must ether be Considered in the Condition they were in before or since the making of the said statute. If as before then they are only to be Judged and Detarmined before the Admirall, etc., after the Course of the Civill Laws, which this Court hath not Jurysdiction off—

That the Crimes and offences in the said Indictments supposed to be done [and] committed by the said Wm Coward, If any such there were, [were] done and Committed in or upon the sea or in some haven, river, Creek, or place where the Admiralty hath or pretends to have power, Authority, or Jurisdiction, etc. not within the Jurisdiction of this Court—

That the Admiralty of those seas, havens, etc., where the Crimes and offences afforesaid are supposed to have been done and Committed, In Case the Commistion Lately geven to Sir Edmd. Andros, knt., to be vice Admirall there of be voyd, it is now remaining in his Maj. and cannot be Executed or exercised by any person or persons without being Lawfully Commistionated by his Maj. for the same.

That in Case the Crimes, etc., offences aforesaid shall be considered According to the said statute of the 28th of Henry the 8th, Chapt. the 15th, Then the said Wm. Coward saith that this Court hath noe power or Jurisdiction there of, nor can the same be Enquired, tryed, heard, Determined, and Judged by them, but Can only be Enquired, tryed, and Determined by the Spetiall Commistion from his Majesty in such manner as by the said statute is Derected.

All which the said Wm. Coward is ready to Answer, etc.

[1] Suffolk Court Files, no. 2540, paper 6. The case is reported in *Records of the Court of Assistants of Massachusetts Bay*, I. 319-322. Coward (a sailor of H.M.S. *Rose*) and others were indicted for a piratical attack on the ketch *Elinor* in Nantasket Roads, November 21, 1689. They were tried in January, 1690, and condemned, but reprieved. See *Andros Tracts*, II. 54. The trial occurred in the interregnum between the deposition of Governor Andros in 1689, and the arrival of Governor Phips and inauguration of the new charter in 1692. Therefore Coward pleads to the jurisdiction, Andros's commission as vice-admiral being void.

CASE OF BENJAMIN BLACKLEDGE.

53. Declaration of Jeremiah Tay and Others. March, 1691 (?).^[1]

An acc'tt of the Surprizeall and takeing of the Ship *Good hope* of Bost[on] in New England, Burthen about three hundred Tonns with twenty two Gun[s], Jeremiah Tay Comander, which was acted and done in a most Treacherous and Pyratticall manner by certain Rovers or pirates (moste of them their Majest[ies] Subjects) in the Road of the Isle of May of the Cape de verd Islands upon the Fourth day of February Anno Dmi 1690/1, The said Shipp with what goods were on board her properly belonging unto Coll. Sam'll Shrimpton^[2] Merchant att Boston in New England aforesaid, vizt.

Upon the twentyeighth day of January 1690/1 wee arrived from the Island of Madara att said Island of May aforesd and came to Anchor in the Road there. The next day our men went ashore and applyed themselves to rake together of salt in the Salt Pounds in order to the loading our Said Shipp and Soe continued workeing severall days. And upon the first day of February following there came into the aforesaid Road a Sloope weareing their Majesties Collours and anchored not farr [fro]m our

Said Shipp who told us they came from South Carolina, their Capt'n. one James Allison formerly of New Yorke, and that they had a Com'n from the Governor of Carolina aforesaid to take and Indamage the French, for which end they were here arrived expecting they might in a Short time meete Some of them.^[3] The said Capt'n. Allison and moste parte of his Company were wellknowne unto us, they havinge beene Loggwood Cutters in the Bay of Campeach^[4] where wee were with the said Shipp about twelve mounthes Since, Loadeing Loggwood, parte whereof wee bought of them and fully Sattisfied them for, and during our stay there kept amicable correspondance with us, Eateing, Drinking and Lodging frequently on board our said Shipp, which wee gladly consented unto in regard they might have beene a defence and help to us if any Enimey had assaulted us, by reason of which former friendship and good Correspondance as alsoe their Specious pretence of a Commission against our Enimies (which wee woere in Some feares of) wee willingly continued the former kindnesse and amity betweene us, hopeing if wee were assaulted by the French wee might by their assistance (they being thirty five able men and our Shipp being of pretty good force) have beene capable to make a good resistance, They often protesting and promising to Stand by and help us to the uttmost if there Should be occasion. wee therefore not doubting their honesty and Sincerity permitted them frequently to come on board our Said Shipp, and Sometimes Some of us went on board their Sloope, and Believeing ourselves secure and willing to make a quick dispatch as possible in Loading our Shipp, wee sent all [hands] to worke in the Pounds (as wee [had done (?)] he[retof]ore) Except our [Carpenter]s, which were [then (?)] att worke on our Decke building [a] Boate for the more Convenient carriage of salt. Thus wee continued workeing, and upon the Fourth day of February instant Capt. Allison and Sundry of his men Dined with us on board said Shipp in a friendly manner, as they were wont to doe, and Some time after Dinner desired the said Commander Tay, with Mr. Edward Tyng the Sup[er]cargoe and James Meeres a passenger, to goe on boarde their Sloope to Drinke a glasse of Punch with them, which he did, and when we were come on board the said Sloope they pretended their Doctor (whom wee Left on board the Shipp talkeing with our men) had the keys where their Sugar was, Soe they could not make the Punch, and forthwith severall of them Stept into the Boate and Rowdd on board our Shipp to fetch the keys. as Soone as they entred our Shipp one of them Ran to the Steereage Doore and another to the Round house and Secured all our Arms, the rest Imediatly Seizeing the Carpenters who were att work on the Boate. They then fired a gunn as a Signall to their Sloope, who Imediatly Seized us who were on board her (wee being unarmed) and forthwith way'd anchor and Laid our Shipp aboard, att the same time takeing everything out of the Sloope, excepting a Little Stincking Brackish water, some Flower, a Little Stincking beefe, and three or foure baggs of wheate, and then Comanded us presently to putt of from the Shipp about Musquett Shott and then to come to anchor, which we were forced to Comply with; After which they went on Shore and fetched our men out of the Pounds by force and Armes, Seaventeene of whom they tooke with them, Some whereof by force and threathnings and others of them went volluntarily, which wee have good reason to beleive were privy to the Plott and Surpriseall of the Shipp, a List of whose names is hereto Subjoynd. afterward they gave us our Chests and some of our Cloaths and the next day Comanded us to Saile away with the said Sloope (which they gave us), and upon the Sixth day of February Instant wee sailed with said Sloope for the Island of Barbados where wee arrived the twenty first day of the same.

JEREMIAH TAY, M'r.
EDWARD TYNG
THOMAS WHARFE, Mate
JAMES MEERES, JUNIOR.

[1] Suffolk Court Files, no. 3033, paper 4.

[2] Member of Andros's council, 1688-1689.

[3] England and France were at war, 1689-1697.

[4] Bay of Campeche, west of Yucatan. At the beginning of this Campeche voyage of the *Good Hope* ("formerly the *Fortune of Courland*"), in October, 1689, she had been detained by the royal officers in Boston, for evasion of the customs laws, but made her escape. *Mass. Hist. Soc. Proc.*, XII. 116.

54. Deposition of Epaphras Shrimpton. July, 1694 (?).^[1]

Epaphras Shrimpton, of full Age, Testifieth that Benja. Blacklidge did acknowledge

that himselfe and some others which he named took from on borde the Ship *Good hope* at Madagasker about halfe her Cargoe which she brought from Holland particulerly Hollands, duck, Riging, Ketles, Powder, etc., belonging to Col. Sam. Shrimpton, and said that with part of the Ketles they Sheath'd the bow of the Ship which he came from Madagasker in, and offer'd if Colo. Shrimpton would be kinde to him he would discover the Persons that were to bring home the remainder of the Ship *Good hopes* Cargoe. the said Blacklidge said that himselfe and other of his Confederates took the above mention'd goods out of the Shipp *Good hope* at Madagasker just before he came from thence to New England. this he acknoledg'd to Colo. Shrimpton in the Prison house in Boston in New England in the year 1693.

EPAPH. SHRIMPTON.

[1] Suffolk Court Files, no. 3033, paper 7. Epaphras Shrimpton was a cousin of Colonel Shrimpton.

55. *Deposition of Jeremiah Tay. July 6, 1694.*^[1]

Jer. Tay, aged thurty five yeres, Testifieth that hee being att the Ile of May, Master of the Shipe *goodhope* belonging to Coll. Samuell Shrimpton, In february one thousand six hundred and ninety, That then And thare was surpris'd and tacken by A pyrate, one James alloson, Comander, That after thay had posseshon of the Above said Shipe The next day sent for My Men from the Pond to come on bord of said Shipe, Telling them that those as would goe willingly should have as good A shaar in shipe and goods as Anny of themselves, whare upon one bengeman blackledg of boston, with sundry more, tuck up armes with the pyrats, hee macking choyce of one of my one^[2] small armes for him selfe. This was dun by said blackledg without anny force or Compulshon, as the pyrats themselves did declare That thay did not nor would not force him nor sundry more which did intend to goo with them. I doue furdur Ad that sence I came from London, being to the Westward, was tolde by sum of those men that came home in Massons shipe A Longe with said blackledge Last yere, to the est end of Long island, whare Thare was A bundance of the goods which Came out of My Shipe the *goodhope*, As Canvos and Riging of sundry sorts, whare itt was Im baseled,^[3] and given all most to anny that would ask for itt. Also that thay did heere some of my one Men tell blackledge that hee was A great Rooge, in that hee had gott his Cloose out of the shipe *goodhope* in to The shipe beefore the Shipe was Tacken, that so hee mought goe with the Shipe wheather the Shipe was tacken or not. I doue also ad that in the day of it, when the shipe was in thare posseshon, the pyrats did then and thare say to mee, had it not beene by purswashon of sum of my one men telling of Them thare was A bundance of Monnys A bourd of said Shipe be sids goods, thay had not tacken hur, which A parrantly proved to bee true, for thare was sundrey of them ware for punishing of Mee to Mack mee Confes whar itt was, but thay so difered in thare Judgments that that was not dun by them.

JER. TAY.

July 6, 1694. Sign'd and Sworn by Capt. Jeremia Tay.

Coram nobis

SAM'L SEWALL } Justices
JER. DUMER } of the
Peace.

[1] Suffolk Court Files, no. 3033, paper 6.
[2] Own.
[3] Embezzled.

56. *Indictment of Benjamin Blackledge. October 30, 1694.*^[1]

Province of the Massachusetts Bay in New England, Suffolk, SS:

At a Court of Assize and Generall Goale delivery held in Boston for the County of

Suffolk aforesaid the Last Tuseday in October 1694, Annoq[ue] R[egi]s et Reginae Gulielmi et Mariae, Angliae, etc., Sexto.

The Jurors for our Sov'r Lord and Lady the King and Queen aforesaid Present, That Benjamin Blackleich of Boston aforesaid, mariner, on the fourth day of February in the year of our Lord 1690/1, at the Isle of May otherwise called Santo-May, one of the Islands of Cape de verd, being then and there a Seaman or Marriner, on bord the Ship called the *Good Hope*, Jeremiah Tay Comander, did Wickedly, Felloniously and Piratically Rise up in Rebellion against the sd Master Jeremiah Tay, and with one James Allison A Pirate or Sea Rover, Master of a Sloop, and his Company, did Conspire, Abett and Joyne, and with the sd James Allison and his Company did Seize, Surprize, and Piratically take from the sd Jeremiah Tay The sd Ship *Good Hope*, of Burthen about Three hundred Tonns, and her Loading, being to the Value of Two Thousand Pounds, of the Goods and Chattels of Collonol Samuel Shrimpton of Boston aforesaid, and of the said Ship and Loading the said Master and Owner did Dispoyle, Disposess and Exclude, against the Peace of Our Sov'r Lord and Lady the King and Queen, their Crown and Dignity, and the Laws in Such Case made and Provided.

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Egnoramos.^[2]

RICH'D CRISP, foreman, with the Rest.

[1] Suffolk Court Files, no. 3033, paper 2.

[2] For "Ignoramus" (we ignore), the word by which a grand jury indicated its refusal to prosecute an indictment. We here find the Superior Court, the highest common-law court of Massachusetts under the second charter, taking cognizance of a case of piracy. Governor Phips had a commission as vice-admiral (text in *Publications of the Colonial Society of Massachusetts*, II. 206-215, 372-380), but no judge of admiralty had yet been appointed, nor any special commission to try pirates.

57. *Deposition of Thomas Larimore. October 28, 1695.*^[1]

The Deposition of Thomas Larimore, aged Thirty two Yeares or thereabouts. This Deponent testifyeth and saith that whenever any person is fitted out to go in a Private man of Warr there is not wont to be any Writing drawne betwixt the person fitting and the person fitted out, and Yet the person fitted out always allows to the person fitting him out One full Quarter part of a whole share of whatsoever is gained on the Voyage.

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Boston Octobr
28th, 1695.

THOMAS LARIMORE.
Sworne in Court 30th Octobr. 1695
Attest JONA. ELATSON Cler.
A true Copy of that on file
Examd. AD'TON DAVENPORT, Cler.^[2]

[1] Among the manuscripts of the Massachusetts Historical Society. Captain Larimore in 1704 played an equivocal part in the case of Quelch and his pirate crew (see [no. 104](#), *post*), assisting their attempts to escape, but his testimony as to prize-money is to be valued, as that of an experienced shipmaster and privateer. In 1677 he had assisted the authorities of Virginia against the rebel Bacon by conveying troops in his ship. *Journals of the House of Burgesses*, II. 70, 79, 86. In 1702 he was sent by Governor Dudley to Jamaica with a company of volunteers, the first Massachusetts force to serve overseas. *Publications of the Colonial Society of Massachusetts*, XVIII. 84-93.

[2] Addington Davenport, clerk of the Superior Court from 1695 to 1698, and one of its judges from 1715 to 1736.

CASE OF HENRY EVERY.

58. *Petition of the East India Company. July, 1696.*^[1]

To their Excellencies The Lords Justices of England in Council,

The humble Petition of the Governour and Company of Merchants of London trading into the East Indies

Most humbly sheweth

That the said Governour and Company have lately received certain Intelligence That Henry Every, Commander of a Ship called the *Fancy*, of 46 Guns, is turned Pirate and now in the Seas of India or Persia, who with divers other Englishmen and Forreigners to the number of about 130 (the names of some of which are hereunto annexed) run away with the sa[id Ship], then called the *Charles*, from the Port of Corona^[2] in Spain and that the said Pirate ha[vin]g ... at the Island of Johanna^[3] had left there the following Declaration: vizt.:

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To all English Commanders, let this satisfie, That I was riding here at this instant in the Ship *Fancy* Man of War, formerly the *Charles* of the Spanish Expedition,^[4] who departed from Croniae the 7th of May 1694 Being (and am now) in a Ship of 46 Guns, 150 Men, and bound to Seek our Fortunes. I have never as yet wronged any English or Dutch, nor ever intend whilst I am Commander. Wherefore as I commonly speak with all Ships, I desire whoever comes to the perusall of this to take this Signall, That if you, or any whom you may inform, are desirous to know what wee are at a distance, Then make your Ancient^[5] up in a Ball or Bundle and hoist him at the Mizenpeek, the Mizen being furred. I shall answer with the same and never molest you, for my Men are hungry, Stout, and resolute, and should they exceed my Desire I cannot help myself. As yet an Englishmans Friend

HENRY EVERY.

At Johanna February 28th, 1694.

The Copy of which said Declaration was brought by Some of the said Company's Ships to Bombay and from thence transmitted to England with the annexed Clause of a Letter relating thereunto.^[6]

And the said Governour and Company having likewise understood by some fresh Advices from Persia hereunto annexed That the said Pirate had in pursuance of his said Declaration pillaged severall Ships belonging to the Subjects of the Mogull^[7] in their passage from the Red Sea to Surrat,^[8] upon notice whereof the Factoryes of the said Company at Surrat had guards set upon their Houses by the Governour of the place till such time The Mogulls pleasure was known, Whereby the said Governour and Company have reason to fear many great inconveniences may attend them not only from the Reprizalls which may be made upon them at Surrat or other their Factoryes But also from the Interruption which may be thereby given to their Trade from Port to Port in India, as well as to their Trade to and from thence to England.

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Wherefore your Peticioners do most humbly beseech your Excellencies to use such effectuall means for the preventing the great Loss and damage which threatens them hereby, as to your Excellencies great wisdom shall be thought fit.

And your Peticioners shall ever pray etca.

Signed by order of the Governour and Company

RO. BLACKBORNE, Secretarie.

[1] London, Privy Council, Unbound Papers, 1:46. This petition is addressed, not to the king in Council, but to the lords justices who were exercising his functions during the absence of William III. in Holland, whither he had gone on account of his war with Louis XIV. The paper is endorsed as read July 16, 1696. A proclamation was immediately issued, July 18, declaring Henry Every and his crew pirates, ordering colonial governors to seize them, and offering a reward of £500, which the East India Company agreed to pay, for their apprehension; *Acts of the Privy Council, Colonial*, II. 299-302. Several of the crew were apprehended, tried, and hanged in November; their trial is reported in Hargrave's *State Trials*, V. 1-18. Others found a refuge in the colonies, despite the proclamation, Governor Markham of Pennsylvania in particular being loudly accused of connivance; *Calendar of State Papers, Colonial*, 1696-

1697, pp. 613-615. Every (or Avery) was one of the most famous of the pirates. His history is told in Captain Charles Johnson's *General History of the Pyrates* (second ed., London, 1724), pp. 45-63. Two popular ballads respecting him are in Professor Firth's *Naval Songs and Ballads*, pp. 131-134. We print first the documents which first brought knowledge of his misdeeds, but the whole story in a consecutive order is better found in the examination of John Dann, [document no. 63](#), *post*. The case is only partly American, but ramifies, as will be seen, over much of the globe.

[2] Coruña.

[3] The chief of the Comoro Islands, in the Mozambique Channel, northwest of Madagascar. The document which follows is also printed, from a manuscript in the India Office, in the Hakluyt Society's *Diary of William Hedges*, II. cxxxviii-cxxxix, where are other extracts concerning Every.

[4] The expedition which sailed for Spain in the spring of 1694, to deter the French from attacking Barcelona.

[5] Ensign.

[6] [Document no. 59](#), *post*.

[7] Aurangzeb, the Mogul emperor of Hindustan.

[8] Surat, 150 miles north of Bombay, and the seat of an important trading factory of the East India Company.

59. Extract, E.I. Co. Letter from Bombay. May 28, 1695.

[1]

Extract of a Clause in the Generall Letter from Bombay dated the 28th May, 1695.

By our shipping now arrived who touched at Johanna Wee have News That Strongs ship which was one of them that w[ent] for the Spanish Expedition is runn away with from the Groyne^[2] and come into these seas carrying 46 Guns and 130 men, as your Honours will perceive by Copy of the Captains Letter left at Johanna that accompanyes this. Your Honours Ships going into that Island gave him chase, but hee was too nimble for them by much, having taken down a great deal of his upper work and made her exceeding snugg, which advantage being added to her well sailing before, causes her to sail so hard now that shee fears not who follows her. This Ship will undoubtedly into the Red Seas and Wee fear disappoint us of Our above expected Goods, And it is probable will after shee had ransacked that Gulph proceed to Persia and doe what mischief possible there, which will procure infinite clamours at Suratt and the Government will be for embargoing all that ever Wee have there.

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[1] London, Privy Council, Unbound Papers, 1:46, accompanying our [no. 58](#). Bombay was the main post of the East India Company; a council there supervised all its trade along the west coast of Hindustan.

[2] Coruña, which the English then frequently called "The Groyne."

60. Abstract, E.I. Co. Letters from Bombay. October 12, 1695.^[1]

By Letters received the 4th of this Inst. from the Generall^[2] and Council for the English Affairs residing att Bombay dated 12th October 1695 the Company are advised as followeth, vizt.

That on the 29th August the Generall and Council dispatched the Company's ship the *Benjamin*, Burthen 468 Tunns, Captain Brown Commander, in Company of two Dutch ships that wintered here, for Surrat, with almost all the Cargoes of the three ships, except the Lead that the *Mocha* carried in her for Persia (which wee had nott time to take out, she arriving so late). On the 7th of September she arrived Surrat

Rivers mouth, where the President, according to Orders, fell to unlading her, but by that time they had gott the Guns, 4 or 500 Bales, and some other Goods on shoar, on the 11th Ditto, One of Abdull Gofores^[3] Ships arriving, their people sent the Governour word, that they were plundered by an English Vessell, severall of their Men killed in fight, and others barbarously used; Upon which there was a great noise in Towne, and the Rabble very much incensed against the English, which caused the Governour to send a Guard to Our Factory to prevent their doing any violence to Our People. the 13th in the Morning, the *Gunsway*, one of the Kings Ships, arrived from Judda and Mocho,^[4] the Nocqueda^[5] and Merchants, with one voice, proclaiming that they were robbed by four English Ships near Bombay of a very great Sume, and that the Robbers had carryed their plundered Treasure on Shoar there, on which there was farr greater noise than before. upon this the Governour^[6] sent a very strong Guard to the Factory and clapt all our People in Irons, shut them up in a room, planked up all their windows, kept strict Watches about them, that no one should have pen, ink, or paper to write, stopped all the passages, that no Letters might pass to Us. att this time Captain Brown being att Surat, with some of his Officers and Boats Crew, faired in Common with the rest, and so did some others, that were on shoar, to look after their sick att Swally;^[7] and their Long boat and Pinnace going on Shoar there, for Water and Provisions, They sent one Man to the Choultrey,^[8] to inquire what News, (having heard somewhat of the Rumour). this person they seized on, by severall Peons, which caused them immediately to putt their boats off, which they had no sooner done, but sundry small Armes were discharged at them. This Caused the Boats to repair to their Ship, att the Rivers mouth, where the Dutch told them, they durst not supply them with any thing while there. But one of them, being ready to sail for Batavia, said, if they would sail in Company with them, they would supply them with what they wanted, as soon as they were out of sight of the Rivers Mouth, which was done according to promise, and so the *Benjamin*, by the Generall Consent of their Officers, came hither, having left her Captain and thirty nine more of her Company behind. as soon as we had a full relation of these things, we immediately wrote to Court, to one Issa Cooley, an Armenian, whom wee intend to make our Vakeel^[9] to represent Our Cause to the King, and to Excuse Our Selves from being concerned in those barbarous Actions. Wee Also wrote to the Governour of Surrat and all the Great Umbraws^[10] round Us to the same effect, hearing by all that come from Surrat, that that Citty is in an uproar about Us, and being informed also, that Severall Letters are gone to the Siddy^[11] (who is very near Us with an Army) from Court and Surat, wee are making what preparation Wee can for our Own defence, nott knowing what this Extream ferment may produce.

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On the 28th past, We received a Letter from the President and Council by the Governour's permission, Cobby of which is enclosed with a Cobby of Our Answer. Wee have also wrote the Governour a Second time and the Vockanavis, Cozze and Hurcorra,^[12] and have sent a Letter to the King, Asset Cawn, and the Cozyse^[13] att Court, endeavouring as much as possible to allay the heat, by clearing our innocency, and have promised that if Our Shipping arrives according to Expectation, that wee will send one or two next Season to Mocho and Judda to convoy their Fleet.

Wee are informed, that one English man in Surrat carrying to Prison, was so wounded by the Rabble, that he dyed three days after, and that severall others were barbarously used. it is certain the Pyrates, which these People affirm were all English, did do very barbarously by the People of the *Gunsway* and Abdul Gofors Ship, to make them confess where their Money was, and there happened to be a great Umbraws Wife (as Wee hear) related to the King, returning from her Pilgrimage to Mecha, in her old age. She they abused very much, and forced severall other Women, which Caused one person of Quality, his Wife and Nurse, to kill themselves to prevent the Husbands seing them (and their being) ravished. All this will raise a black Cloud att Court, which We wish may not produce a severe storme.

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The Pyrates, being neglected of all hands, begin to grow formidable, and if some Course be nott taken to destroy them, they will yearly increase, having found their trade so beneficiall, and how soon the Companys servants, as well as their Trade, may be sacrificed to revenge the Quarrell of the Sufferers, they know not.

[1] London, Privy Council, Unbound Papers, 1:46, accompanying our [no. 58](#).

[2] Sir John Gayer, governor of Bombay, which at this time was the chief seat of the company's operations in India.

[3] Abd-ul-Ghaffar was the richest merchant in Surat. "Abdul Gafour, a Mahometan that I was acquainted with, drove a Trade equal to the English East-india Company, for I have known him to fit out in a Year above twenty Sail of Ships, between 300 and 800 Tuns." Capt. Alexander Hamilton, *A New Account of the East Indies*, I. 147. The Indian historian Khafi Khan, who was at Surat at the time, gives an

account of the transactions which follow, translated in Elliot and Dowson, *History of India as told by its own Historians*, VII. 350-351.

[4] "The royal ship called the *Ganj-i sawai*, than which there was no larger in the port of Surat, used to sail every year for the House of God [at Mecca, or to Jiddah, its port]. It was now bringing back to Surat fifty-two lacs of rupees in silver and gold, the produce of the sale of Indian goods at Mocha and Jedda." Khafi Khan, *ubi sup.*

[5] Urdu *nakhoda*, captain or master of a vessel.

[6] The Mogul's governor of Surat, Itimad Khan.

[7] Suwali, the port of Surat.

[8] Caravanserai, or place for public business.

[9] Agent or envoy.

[10] Urdu *umarā*, grandee of the great Mogul's court.

[11] Urdu *sīdī*, a title given in western India to African Mohammedans of high position under the Mogul. The particular *sīdī* here mentioned was probably Kazim Khan, admiral to the Mogul.

[12] News-writer (*wakanavis*), civil judge (*kāzī*, cadi), and messenger.

[13] *Kazis*.

61. Letter from Venice. May 25, 1696.^[1]

Coja^[2] Panous Calendar has received a Letter from his Friend at Venice, dated the 25th May last, S.V., which advises him That he received a Letter from Spahaune^[3] dated the 16th of December last, which says that Four ships, one of the Mogulls, and Three belonging to the Merchants, were coming from Mocha and Juddah to Surratt, mett with a Pyrate who took them and Plundered them of the Gold and Silver and goods on board them, and then let the ships go, who arriving at Surratt complained thereof to the Governour, and that the Pyrate was under English Colours. The Governour thereupon setts Guards upon the Companies House and sends up the Account to the Mogull.

Coja's Letter does not give an Account when the Ships returned to Surratt, but believes it must be in the beginning of September, that being the time when Ships return from Mocha to Surratt.

[1] London, Privy Council, Unbound Papers, 1:46, accompanying our no. 58.

[2] Persian *khōjah*, scribe.

[3] Ispahan.

62. Abstract, Letters from Ireland. June 16-July 7, 1696.

[1]

An Abstract of Letters relating to the Sloop *Isaac* of Providence, whereof Captain Thomas Hollandsworth Commander.^[2]

Thomas Bell Esqr., Sheriff of the County of Mayo, in his Letter of the 16th of June 1696 says That on the 7th instant came into Westport^[3] a small Vessell of about 30 tuns, whereof he had no account till the 14th, upon which he immediately went thither, and only found the Master, whom they call Captain Thomas Hollinsworth, and two men more on board. That they had no other Loading but Gold and Silver, which they conveyd away, and sold the Ship to one Thomas Yeeden and Lawrence Deane of Gallway, Merchants. It was a very considerable Sume they had, of which Mr. Bell desires the Government may be informd, that he may have further direction therein; And adds that he found two baggs of about Forty pound worth of Mony not passable in this Kingdom,^[4] in the hands of the said Mr. Yeeden and Mr. Dean, and took their Bond of a hundred pound to have the same forthcoming to answer the

The said Mr. Bell in his Letter of the 20th of June further says, That since the writing of the above Letter he mett two of the Crew belonging to the said Vessell, by name, James Trumble and Edward Foreside, in whose hands he found about 200 l., and seizd on their persons and goods, but found none of the said Guilt or Bullion in their Custody, and now hath them with their said goods in his hands, and hopes to find a great deale more of the said Guilt and Bullion in the Country, or those that carry it away, the common report being that the said Ship was worth Twenty Thousand pounds in Gold, Silver and Bullion; And further adds That he receivd a Warrant from Sir Henry Bingham, Barronet,^[5] and John Bingham, Esquire, requiring him forthwith to produce the said Trumble and Foreside with their Goods before them, which he obeyd and will give a further account per next post.

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Mr. Farmer Glover, Generall Supervisor of the Revenue, in his Letter of the 25th of June from Gallway says, That having had some Account of a sloop being putt into Westport he hastned thither, but she was gon thence (the day before he gott there) towards Gallway; On examinacion he found she came from New Providence in America by Cocquett^[6] from thence, had on board Three Tunn and a half of Brazelett^[7] Wood and a great quantity of Coyne and Bullion; It is likewise reported that before her Arrivall at Westport she putt into a place calld Ackill^[8] and there landed severall Passengers and Goods; That the Officer at Westport says he dischargd at one time 32 baggs and one Cask of Mony, each as much as a man could well lift from the ground; That there are severall Reports in the Country, some saying she was a Privateer, others a Buckaneer, or that she had Landed some of the Assassimators,^[8a] which no doubt but their way of comeing into the Country gave great cause of Suspition, for as soon as they had Landed they offerd any Rates for Horses—Ten pounds for a Garran^[9] not worth Forty shillings and Thirty shillings in Silver for a Guinea for lightness of carriage;^[10] That on these consideracions he seizd the Sloop untill Bond was given according to Law; That she is sold to two Merchants of Gallway and designd to be fraighted out soon.

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Mr. Lee the Collector of Gallway, in his Letter of the 26th of June, gives an Account That the Sloop that lay at Westport is come into the Harbour of Gallway; That the Master hath made Report of his Ship and Invoyced upon Oath at the Custom House, and entred into Bond with Security not to depart without Lycence as usuall; That the Master says each person on board took his share of the Silver and Gold and went away with it, That Mony paying no Duty, and being frightned in thither by a Privateer, there being no place there to make a Report, he could not hinder the men to carry off their Fortunes, but on Oath denys the knowledge of any other Goods whatsoever; That the Officer placed on board swears that since he came thither he did not see dischargd or carried out of the Ship any Goods whatsoever but Mony and Melted Silver, of which they took out 32 baggs and one small Cask; That he opened severall of the baggs, in which were Dollars,^[11] and that this quantity belonged to two men and the Master, the rest being carried away and the men gon, they have brought part of their Mony hither by Land, And that the Sheriff hath caused part of it to be Lodgd in the Country untill further Order. The said Mr. Lee has also inclosed a Copie of the Masters Pass and Clearings at the Custom House in Providence, And that the Captain of the Sloop brought a Pacquett for His Majestie and deliverd into the Post Office in Gallway.

Mr. Vanderlure, Collector at Ballinrobe,^[12] in his Letter of the 2d of July writes, That he has usd all Lawfull ways and means to discover what Goods were Landed on that Coast where the Sloop from New Providence arrivd, which was near Westport, but before that she sett on Shoar at Ackill head about a dozen Passengers, English and Scotch, who had a considerable quantity of Gold and Silver Coyne with some Bullion. most part of the latter they parted with at Westport and elsewhere, but as for any thing else he cannot learn they had; That he has in his keeping in a small bagg about 5 l. worth of broken Silver belonging to Mr. Currin and Mr. Samuel Bull and likewise about 9 l. worth of course melted Silver Securd with one Mr. John Swaile in Foxford,^[13] which also belongs to them, which they alleadg they brought from the aforesaid Passengers; That there is one Crawford, a dweller in Foxford, who told the said Mr. Vanderlure and others, That there was one of the Passengers who had some peices of Muslin^[14] in a bagg. the said Crafford absented himself when Mr. Glover and Mr. Cade were at Foxford to examin that matter, but there is a Summons left at his house to appear at Gallway on Munday next to give his Testimony and knowledge therein; That assoon as the said Mr. Vanderlure had notice of that Sloop being in that part of the Country he desidrd the Surveyor to send an Express to Mr. Lee, the Collector of Gallway, to acquaint him of the Vessell's Arrivall, which accordingly was don and an Officer sent from Gallway who went in the Vessell thither; That two of the Ships Crew are st[op]t and in Custody of the High Sheriff of the County of Mayo by a Warrant from Major Owen Vaughan, a Justice of Peace, upon an Information of one of the Passengers That that Sloop was the King's Pacquett Boat. they have 2700 plate Cobbs^[15] in the sheriffs hands, which he secured when he Seizd the said persons. It is said they have about 100 worth of the Coyne. The names of the said Seizd persons are Edward Foreside and James Trumble, who desire themselves and cash might be

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removd to Dublin, to answer what shall be laid to their Charge.

Mr. Bartholomew Cade, Surveyor at Ballinrobe, in his Letter of the 2d of July says he has been with Mr. Glover according to the Commissioners directions, and for an account of their proceedings in each particular refers to Mr. Glovers Letter.

Mr. Glover in his Letter of the 3d of July from Gallway gives an account That he is returned from Ballinrobe District, where he has been making all strict Enquiry about the Sloop putt in at Westport, and says, That as yett there appears no substantiall proof of any Goods Landed lyable to Duty, except such as were taken by the Officer, Mr. Currin, which he says he had seized from them, that the said Mr. Glover has taken them from the officer and deliverd them into the Custom House. As for the 14 pound $\frac{3}{4}$ worth of Silver bought by the Officer, it is in Charge with the Collector Mr. Vanderlure. No question but the Master of the Sloop hath forfeited and been lyable to the Penalty according to Law, for by Affidavit of one of his Sailors he proves that at Ackill, where they first landed their Passengers, there being no Officers present, there was taken off board and Landed severall large baggs belonging to the Passengers. what was in the baggs he cannot tell, but that they were stuffed full of something. That the said Mr. Glover had likewise Informacions from severall persons that they heard one George Crawford of Foxford say that he had seen Eight peices of Muslin with some of the Passengers which came out of the Sloop. That he went to Foxford to examin the said Crawford, but he went out of the way so that the said Glover could not see him, but left a Summons at his house for his appearing at Gallway the Munday following.

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Mr. Humphry Currin, in his Letter of the 7th of July from Gallway, says, That a small Sloop from the West Indies Landed at Ackill about 10 or 12 Passengers and that he saw them at Westport and one of them was putting something in a bagg which he examined and found 5 yards and $\frac{1}{2}$ of Striped Muslin, 2 yards and $\frac{1}{2}$ of Cottened Cloth, 2 yards of Quilted Linnen, with 10 small Cravatts and 4 Silk Handkerchiefs, which he then Seizd as lyable to Duty, and said he must carry them to the Custom House of Gallway; That he supposd the Kings share would be remitted and ignorantly gave him the next day 4 Cobbs for it and told him if the Law would allow him more he should have it; That the said Currin shewd the Linnen to Mr. Cade and told him he must go with them to Gallway, but delayd it till after the next Office; That he was advisd to carry the Passengers to a Justice of Peace, which he accordingly did; That he bought for himself and a friend 5 pound of broken silver and 9 pound of melted course Silver and deliverd it to Mr. Glover's Order.

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[1] London, Privy Council, Unbound Papers, 1:46, accompanying our no. 58.

[2] Providence here means New Providence in the Bahamas. Hollingsworth was one of those who came from Madagascar to New Providence in the *Fancy* with Every. *Calendar of State Papers, Colonial*, 1700, pp. 278, 411.

[3] A seaport in northwestern Ireland, co. Mayo, about 40 miles north of Galway in a direct line, but a much larger distance around the coast.

[4] Foreign coin; *e.g.*, Indian or Arabian.

[5] The third baronet, grand-uncle of the first earl of Lucan.

[6] In old days, a certificate from customs officials that merchandise on board had paid its duties.

[7] Braziletto, a dyewood.

[8] The Isle of Achill lies off the Irish coast, northwest of Westport.

[8a] Conspirators for the assassination of King William, in connection with the plot headed by Robert Charnock and Sir George Barclay. Several had been executed this spring, but some were at large.

[9] An inferior Irish horse.

[10] *I.e.*, because the gold was so much lighter to carry. In 1695, 30 shillings for a guinea would not have been an unusual price in London (Great Britain then had the silver standard), but the Recoinage Act passed in January, 1696, had enacted that it should be penal to give or take more than 22 shillings for a guinea.

[11] *I.e.*, presumably, Spanish money.

[12] About 20 miles southeast of Westport, between that place and Galway.

[13] About 20 miles northeast of Westport.

[14] Muslin (meaning organdie; from Mosul in Mesopotamia) was not then made in Europe, but was brought from India.

[15] Plate means silver. Cob was the name then used in Ireland to designate Spanish pieces of eight (dollars). Sir William Petty, *Political Anatomy of Ireland*, p. 71.

63. Examination of John Dann. August 3, 1696.^[1]

The Examination of John Dann of Rochester, Mariner, taken the 3d of August 1696.

Danns Examination.

This Informant saith that 3 yeares agoe he was Coxwain in the *Soldado* Prize, That he deserted the said shipp to goe in Sir James Houblons^[2] Service, upon an Expedition to the West Indies, under Don Authuro Bourne. hee went on board the *James*, Captain Gibson Commander, and the whole Company shifted their Ship in the Hope, and went on board the *Charles* in which they went to the Corunna. The Shipp Company mutinied at Corunna for want of their pay, there being 8 months due to them; some of the men proposed to Captain Every, who was master^[3] of the *Charles*, to carry away the Shipp, which was agreed on and sworne too; accordingly they sayled from the Corunna the 7th of May 1693.^[4] when they were gone out they made up about 85 men. Then they asked Captain Gibson, the Commander, whether he was willing to goe with them, which he refusing, they sett him a shoar, with 14 or 15 more.

The first place they came to was the Isle of May,^[5] where they mett three English Ships and tooke some provisions out of them, with an Anchor and Cable and about 9 men. They went next to the Coast of Guinea, and there they tooke about 5 li. of Gold Dust, under the pretence of Trade; from Guinea they went to Philandepo,^[6] where they cleaned their ship and tooke her lower; from thence they went to Princes Island,^[7] where they mett with 2 Deanes^[8] ships, which they tooke after some restraine. in those Shippes they tooke some small Armes, Chestes of Lynnen and perpetuenes,^[9] with about 40 l. in Gold dust and a great quantity of Brandy. they putt them on shoar Except 18 or 20 they tooke with them. they carryed the best of the Danes Shippes with them and burnt the other. They stood then for Cape Lopez, and in the way mett with a small portugeese, laden with slaves from Angola. they tooke some Cloathes and silkes from them and gave them some provisions which they were in want of. att Cape Lopaz they only bought Honey, and sunke the little shipp, the men not being satisfied with the Commander. They went next to Annabo^[10] and takeing provisions there they doubled the Cape and sailed to Madagascar, where they tooke more provisions and cleared the ship. from thence they sailed to Johanna,^[11] where they mett a small Junke, put her a shore and tooke 40 peices out of her, and had one of their men killed. they only tooke in provisions at Johanna. Three English Merchant ships came downe thither at the same time, but they did not speake with them. They went thence to a place called Paddy,^[12] and soe back to Johanna, touching at Comora by the way, where they tooke in provisions. at Johanna they tooke a Junke laden with Rice, which they stood in need of; here they tooke in 13 French men that had been privateering in those Seas under English Colours and had lost their ship at Molila, where it was cast away. Then they resolved to goe for the Red Sea. in the way they mett with two English Privateers, the one called the *Dolphin*, the other *Portsmouth Adventure*. The *Dolphin*, Captaine Want Comander, was a Spanish Bottom, had 60 men on board and was fitted out at the Orkells^[13] neare Philadelphia. She came from thence about 2 yeares agoe last January. The *Portsmouth Adventure* was fitted out at Rhode Island about the same time, Captain Joseph Faro Comander. this ship had about the like number of men and about 6 Gunns each and they joyned Company. They came to an Island called Liparan,^[14] at the entrance into the Red Sea, about June last was 12 months. they lay there one night and then 3 sale more of English came to them, One comanded by Thomas Wake^[15] fitted out from Boston in New England, another the *Pearle* Brigantine, William Mues Comander, fitted out of Rhode Island, the third was the *Amity* Sloop, Thomas Tew Comander,^[16] fitted out at New Yorke. they had about 6 Guns each. two of them had 50 men on board and the Brigantine betweene 30 and 40. they all Joyned in partnership, agreeing Captain Every should be the Comander. After they had laine there some time they were apprehensive the Moors shippes would not come downe from Mocha,^[16a] soe they sent a pinnace thither, which tooke two Boates. they brought away 2 men, which told them the shippes must come downe. In the meane time they stood into the sea about 3 Leagues and came to an Anchor there, and

hearing by the Pinnacle the Moors Shippes were ready to come downe they weighed and stood to Leparon againe. After they had lain there 5 or 6 dayes the Moores shippes (being about 25 in number) past by them in the night unseen, though the passage was not above 2 miles over. they^[17] was in August last on Saturday night. the next morning they saw a Ketch comeing downe, which they tooke, and by them they heard the ships were gone by, whereupon it was resolved they should all follow them and accordingly they weighed on Monday, but the *Dolphin* being an ill sayler they burnt her and tooke the men most of them aboard Captain Every and the Brigantine they tooke in two [tow]. the sloop fell asterne and never came up to them. Captain Wake likewise lagged behind but came up to them afterwards. the *Portsmouth* kept them company. they steered their Course for Suratt, whether the Moores ships were bound. about 3 dayes before they made Cape St. John^[18] they mett with one of the Moores ships, betweene 2 and 300 tons, with 6 Guns, which they tooke, she haveing fired 3 shott. they tooke about 50 or 60,000 l. in that ship in Silver and gold, and kept her with them till they made the land, and comeing to an anchor they espied another ship. they made sale up to her. she had about 40 Guns mounted and as they said 800 men. Shee stood a fight of 3 houres and then yeilded, the men runing into the Hold and there they made their Voyage. They tooke out of that ship soe much Gold and Silver in Coynded money and Plate as made up each mans share with what they had taken before about 1000 l. a man, there being 180 that had their Dividents, the Captain haveing a Double share and the Master a share and a halfe. The *Portsmouth* did not come into the Fight and therefore had noe Divident, but the Brigantine had, which was taken away from them againe by reason that the *Charles's* men changing with them Silver for Gold they found the Brigantine men Clippt the Gold, soe they left them only 2000 peices of Eight to buy provisions. They gave a share to the Captain of the *Portsmouth* and brought him away with them. Captain Want went into his ship and sailed into the Gulph of Persia and the Brigantine (he thinkes) went to the Coast of Ethiopia. Captain Wake went to the Island of St. Maries near Madagascar,^[19] intending for the Red Sea the next time the Moores ships were expected from thence. Captain Every resolved to goe streight for the Island of Providence. In the way the men mutinied, some being for carrying her to Kian^[20] belonging to the French, neere Brazill, but Captain Every withstood it, there being not above 20 men in the Shipp that Joyned with him. when they came to the Island of Mascareen^[21] in the Latitude of 21 they left as many men there as had a mind to stay in that Island, and about March or Aprill last they arrived in the Island of Providence with 113 men on board. they came first to an Anchor off the Island of Thera,^[22] and by a sloop sent a Letter to Nicholas Trott, Governor of Providence,^[23] to propose bringing their ship thither if they might be assured of Protection and Liberty to goe away, which he promised them. They made a collection of 20 peices of 8 a man and the Captain 40, to present the Governor with, besides Elephants Teeth and some other things to the value of about 1000 l. Then they left their Ship which the Governor had and 46 Guns in her. they bought a sloop which cost them 600 l. Captain Every and about 20 more came in her for England and Every tooke the name of Bridgman; about 23 more of the men bought another Sloop and with the Master, Captain Risby, and the rest of the men went for Carolina.

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Captain Every alias Bridgman and this Informant landed at Dumfaneky^[24] in the North of Ireland towards the latter end of June last, where this Informant parted with Captain Every and heard he went over for Donaghedy in Scotland.^[25] when this Informant was at Dublin he heard Every was there, but did not see him. he heard him say he would goe to Exeter when he came into England, being a Plymouth man.

This Informant says that he parted with Captain Every at Esquire Rays, within 6 miles of Dumfannaky; That the Land water^[26] of that Port, one Mawrice Cuttle, gave this Informant a Passe to goe to Dublin for himselve, 5 men more and 2 boyes, and came along with them to a place called Lidderkenny,^[27] and there he would have detained their money but this Informant and another of the Company had liberty to goe to Derry^[28] to cleere themselves to Captain Hawkins, but by the way Cuttle agreed with them to lett them goe for three pounds weight in Gold, which they gave him at a place called St. Johnstons,^[29] and then they had liberty to goe on to Dublin.

This Informant heard likewise that the said Cuttle made an agreement with the other men before he lett them goe but he cannot tell what they gave him.

This Informant came from Dublin about 3 weekes agoe and landed at Holyhead and soe to London, where he arrived on Tuesday last. the man that came over with him was Thomas Johnson, who lives neare Chester, and there he left him.

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This Informant went to Rochester on Thursday last and was seized there the next morning by meanes of a Maid, who found his Gold Quilted up in his Jackett hanging with his coate. he was carryed before the Mayor, who comitted him to Prison and kept his Jackett, in which and in his pocketts were 1045 l. Zequins^[30] and 10 Guineas, which the Mayor now hath in his Custody.

This informant sayes further that the wife of Adams, who was their Quarter Master, came with them from the Island of Providence, that shee was with Captain Every at Donoughedee and beleives they went over together; as this Informant came to

London hee saw this woman at St. Albans, who was going into a stage Coach. She told this Informant that shee was going to Captaine Bridgmans but would not tell him where he was.

This Informant saith that the Sloop they came home in was given to Joseph Faroe, Comander of the above mencioned *Portsmouth Adventure*, and that he intended to returne in her to America. the vessell is called the *Sea Flower*, about 50 Tuns and 4 Guns. This Informant heard she was at Derry.

This Informant sayes that the other Sloop, which Captaine Richy came over in, landed somewhere neare Galloway.^[31] hee saw some of the men att Dublin. And this Informant beleives that most of the men which came with Captaine Every to Ireland are now in Dublin.

[1] London, Public Record Office, C.O. 323:2, no. 25 IV. Endorsed: "In closed in Mr. Blackborne Secretary to the East India Company his letter of the 18th December 1696", as to which letter see *Calendar of State Papers, Colonial*, 1696-1697, pp. 259-264.

[2] An alderman of London and a director of the Bank of England. "Sir Arthur Bourne, an Irish commander, who has served on board the Spanish fleet 5 years; he is to command 5 English and Dutch men of warr, and sail for the West Indies" (1692). Luttrell, *Brief Relation*, II. 330.

[3] Navigating officer.

[4] Error for 1694.

[5] Maio, one of the Cape Verde Islands.

[6] Fernando Po, in the Bight of Biafra.

[7] Ilha do Principe. The islands of St. Thomé, Principe, and Annobon are fully described, in their then state, in the second edition of Johnson, *General History of the Pyrates*, pp. 188-204.

[8] Danish. Fourteen of the Danes joined the pirate crew, so says Philip Middleton in a narrative not identical with our [no. 64](#), *post* (*Cal. St. Pap. Col.*, 1696-1697, p. 261); and the Court of the East India Company, in a letter to the General and Council at Bombay, Aug. 7, 1696, report that Every's motley company "consisted of 52 French, 14 Danes, the rest [104] English, Scottish, and Irish". Beckles Willson, *Ledger and Sword*, I. 434.

[9] Perpetuana, a durable woolen fabric.

[10] The island of Annobon, in lat. 1° 24' S.; see [note 7](#).

[11] One of the Comoro group of islands, lying between the north point of Madagascar and the mainland of Africa. It may be useful to mention that at this time the East India Company's monopoly of trade in the Indian Ocean had been broken by a declaration of the House of Commons, Jan. 11, 1694, that every British subject had the right to trade with India.

[12] Probably Patta, off British East Africa, but then Portuguese. Comoro is the principal island in the group of which Johanna is one. Molila, below, is most likely Mohelli, another of the group.

[13] Whorekill, *i.e.* Lewes Creek, Delaware.

[14] Perim, in the straits of Bab-el-Mandeb.

[15] See [doc. no. 68](#), paragraph 8, *post*.

[16] Tew appears in Jamaica, Rhode Island, and New York, everywhere with an ill reputation. Edward Randolph (Toppan, *Edward Randolph*, V. 158) declares that from this present voyage he brought £10,000 in gold and silver into Rhode Island. He had gone out with a privateering commission from Governor Fletcher of New York (*N.Y. Col. Doc.*, IV. 310, etc.), though, according to Bellomont, Fletcher must have known of his piratical habits. Fletcher in his not too satisfying "defence" (*ibid.*, IV. 447) says: "This Tew appeared to me not only a man of courage and activity, but of the greatest sence and remembrance of what he had seen, of any seaman I had mett. He was also what they call a very pleasant man; soe that at some times when the labours of my day were over it was some

divertisement as well as information to me, to heare him talke. I wish'd in my mind to make him a sober man, and in particular to reclaime him from a vile habit of swearing. I gave him a booke to that purpose." But it appears from paragraph 9 of our [no. 68](#) that Tew was killed, in the act of piracy, within the year of the issue of his commission, and it is impossible to say how far the reformation of his speech had progressed.

[\[16a\]](#) Mocha lies inside the straits, on the Arabian side of the Red Sea.

[\[17\]](#) This.

[\[18\]](#) Probably Cape Diu.

[\[19\]](#) Off the northeast coast. A celebrated resort of pirates; see Capt. Adam Baldrige's deposition, [no. 68](#), *post*.

[\[20\]](#) Cayenne, French Guiana. The editor remembers that old New England people, in his boyhood, still pronounced the name Ky-ann.

[\[21\]](#) Now Réunion, then called by the French (to whom it belonged) Bourbon, or Mascaregne, from the Portuguese commander Pedro Mascarenhas, who discovered it in 1512.

[\[22\]](#) Eleuthera.

[\[23\]](#) Governor of the Bahama Islands from 1693 to 1696, when he was removed because of his suspicious dealings with the pirates. He was a cousin of that Chief-Justice Nicholas Trott (1668-1740) who was so great a power in South Carolina, and who in 1718 sentenced Stede Bonnet's company with such severity. See the next document.

[\[24\]](#) Dunfanaghy, co. Donegal, on the north coast of Ireland.

[\[25\]](#) Probably an error for "from Donaghedy to Scotland". Dunaghadee is in Ireland, co. Down, at one of the points nearest to Scotland.

[\[26\]](#) Landwaiter.

[\[27\]](#) Letterkenny, co. Donegal.

[\[28\]](#) Londonderry.

[\[29\]](#) St. Johnstown, on the Foyle above Londonderry.

[\[30\]](#) A Venetian or Turkish gold coin, worth about nine shillings.

[\[31\]](#) Galway.

64. Affidavit of Philip Middleton. November 11, 1696.^[1]

Phillip Middleton of London, Mariner, of competent age, deposeth and saith upon his Corporall Oath That he, this Deponent, did serve on board the ship *Charles* alias *Fancy* under the command of Henry Every alias Bridgeman in the month of Aprill last, when she arrived at an Island near Providence in America, from whence a Letter was writ to Mr. Nicholas Trott, Governour of Providence, which Letter this Deponent saw and heard it read, and declareth That the Contents were, That, provided he would give them liberty to come on Shoar and depart when they pleased (or words to this purpose), they promised to give the said Governour twenty Peices of Eight and two Peices of Gold a Man and the said Ship, and all that was in her. But this Deponent remembers not the least threatning expression in the said Letter nor did he hear such like words from any of the Ships Crew, onely some of them said that if they were not admitted to come to Providence they would go some where else, and further deposeth That Mr. Governour Trott returned answer to the aforesaid Letter in writeing in very civill termes, assuring Captain Every That he and his Company should be wellcome (or words to this purpose), which said assurance was made good to them by Governour Trott after their arrivall at Providence as effectually as they could desire.^[2] This Deponent likewise deposeth, That upon receipt of Mr. Governour Trotts Letter, or in a little space of time after, a Collection was made afore the Mast (at which this Deponent was present) for him the said Governour Trott, to which Captain Every contributed 40 Peices of Eight and four Peices of Gold and every Sailer (being one hundred men besides Boyes) twenty Peices of Eight and two Peices of Gold a man, which sum being collected were sent to Mr. Governour Trott by Robert Chinton, Henry Adams, and two more, whose names this Deponent doth not call to mind, after which the said Captain Every and his Crew sailed in the said ship

Charles for Providence, where at their arrivall they delivered up the said ship with what was in her to the said Governour Trott, and accordingly Major Trott took possession of her in the said Governours name and afterwards left her in the custody of the Governours Boatswain and a few Negroes, whose incapacity or number were not sufficient to secure the ship from hurtfull accidents, as this Deponent believes and also was informed, the which was made evident by the ships coming a shoar about two dayes after Governour Trott was possessed of her, though she had two Anchors at her Bow and one in the hold, at least she had so many Anchors when this Deponent and the rest of the Company quitted the said ship to Mr. Trott. This Deponent also deposeth That so soon as Mr. Trott was in possession of the said ship he sent Boats to bring a shoar the Elephants teeth, the sails, Blocks, etc., that was valuable in the said Ship, And further saith That he saw severall Boats Land which were filled with the aforesaid Commodities and stores, and that he hath heard severall of the Ship *Charles's* Crew say and affirm (and which this Deponent also doth believe and partly know) that at the said Ship's arrivall at Providence she had on board fifty Tons of Elephants teeth, forty six Guns mounted, one hundred Barrells of Gunpowder or thereabouts, severall Chests of Buccanneer Guns, besides the small Armes which were for the Ships use, the number of which doth not occur to his mind. He further deposeth to the best of his knowledge and Information the said ship was firm and tight, for whereas he went down into her Hold the same day she arrived at Providence he then could not perceive she made the least water. And further saith that the said Ship came a shoar as aforesaid two dayes after Mr. Trott was possessed of her, he first having taken out of her what was most considerable. this misfortune of the ship happened about noon in the said Governour's sight, as this Deponent (who was an Eye Witness) well knowes. he likewise declares That one named James Browne, with severall others of Providence and also severall that had been of the Ships Crew, upon this occasion profered themselves to undertake weighing her with Casks, But this Deponent never heard that the offers aforesaid were accepted, nor that any means was used to get her off, nor that Governour Trott had any consideration besides that of getting on Shoar what still remained on board. This Deponent also saith That it was generally reported at Providence the Ship was run on Shoar designedly. And this Deponent saith That he left Providence when Captain Every did and that the Sloop in which they went was the last Vessell that carryed from Providence any considerable number of the ship *Charles's* men and that this Deponent was informed a Packet was sent by Hollandsworths Sloop, which sailed before that in which this Deponent was, in which also he knowes there was another Packet sent, which this Deponent saw and believes 't was from Governour Trott but knowes not to whom they were directed. He further deposeth That neither while he was at Providence nor afterwards he knew or heard that the said ship *Charles* was bilged, but he remembers that Joseph Dawson, who had been Quarter-Master by Captain Every, was sent on board her just before his departure to fetch some Cask for the use of his Sloop, which Dawson brought on Shoar and then in this Deponents hearing declared That the said ship was not bilged, the water in her being black and stinking and the Cask being wedged in the Ballast. if the Ship had been bilged she would have been full of water whereby he could not have gotten the Cask out. And this Deponent alwaies understood That Sir James Houblon and Company of London owned the said Ship and verily believes Governour Trott knew as much. The said Deponent further deposeth That John Dan, John Sparks and Joseph Dawson arrived in Ireland in Captain Everys Sloop in the Company of this Deponent, which said Sloop departed from Providence about the beginning of last June, and Hollandsworths Sloop about fourteen dayes or three weeks before.

A copy of Phillip Middleton's Affidavit made before Sir John Houblon, Knight,^[3] the 11th of November last, examined in London this 30th day of January anno 1696/7.

[1] Public Record Office, C.O. 5:1257, no. 47 I. Besides this examination before the London magistrate, Middleton had made a statement, Aug. 4, 1696, to the lords justices of Ireland, fully summarized in *Cal. St. Pap. Col.*, 1696-1697, pp. 260-262; it nearly duplicates that of John Dann, our [no. 63](#), *supra*. Note also the affidavit of John Elston of New Jersey, another of the crew, in *N.J. Archives*, first series, II. 223-226.

[2] In his defence, *Cal. St. Pap. Col.*, 1697-1698, p. 506, Governor Trott declares that there were but 60 men resident at New Providence (Nassau) as against 113 (whites) of Every's men. See also *Acts of the Privy Council, Colonial*, VI. 3.

[3] Governor of the Bank of England, and lord mayor of London in the earlier part of that year. The owner of the *Charles* was his brother.

65. *Deposition of Samuel Perkins. August 25, 1698.*^[1]

The Examination of Samuel Perkins, of Ipswich in New England, taken upon oath before me Ralph Marshall Esquire, one of his Majesties Justices of the Peace for the County of Middlesex and Citty and Liberty of Westminster, this 25th day of August Anno Domini 1698.

This Informant upon his Oath saith, That about 5 years since he went aboard the ship *Resolution*, Captain Robert Glover an Irishman Commander, (who had 18 Guns and 60 men), to see his Uncle Elisha Skilling, who was Boatswain of the said Ship but is since Dead, who detained him in the said Ship together with a French Maletto^[2] Boy, which ship sailed from New England in the night to the Isle of May, where they took in Salt, and thence sailed to Cape Coast in Guinnea,^[3] where a Dutch man of War took 11 men from them, but returned 9 of them again, keeping the other two as Hostages, in case they meddled with any Dutchmen. From thence they sailed to Cape Lopaz and so to Madagascar, where they victualled and cleaned, and thence sailed into the Red Sea, where they lay waiting for some India ships, but missing them went to an Island called Succatore^[4] in the Mouth of the red Sea, where they bought Provisions and so went to Rajapore,^[5] where they took a small Muscat man with 12 Guns laden with Dates and Rice, in the Harbour; in taking whereof they killed some of her men, and sent the Muscatt man by Captain Glover (with whom the rest of the *Resolutions* Crew had a quarrell)^[6] to Madagascar, and then chose one Richard Shivers a Dutchman for their Commander, and then sailed to Mangelore,^[7] where they took a small ship belonging to the Moors, laden with Rice and Fish, some of which they Plundered and then let her goe. from thence they went to Callicut,^[8] where they took 4 ships belonging to the Moors at Anchor in the Road, and sent ashore to know if the Country would Ransome them. But there being a design among the Countrey people to retake their own ship and the said ship *Resolution*, with some Grabbs^[9] or Boats sent off, They fired two of the said Prizes and run away and left them. Thence they went to Cape Comarine, to cruise for Malocca^[10] men, but mist them, and took a Danish ship, out of which they took two men by force and five more came voluntarily aboard, and left the rest aboard the sloop, having first taken severall Piggs of Lead, fire arms, and Gun Powder out of her. from thence they went to the Island Mauretious,^[11] where they took in Provisions and so to St. Marys Island near Madagascar, where they met with Captain Hoare an Irishman (since Dead) who was commander of the *John and Rebecca*,^[12] a Pyrate of about 200 Tuns, 14 Guns, belonging to the Road Island, who had with her a Prize (a pritty large ship) belonging to the Mogulls subjects at Suratt, which he had taken at the Gulph of Persia, laden with Bale Goods. there was there also a Brigantine belonging to New York, which came to fetch Negroes, and the hulk of the said ship which Captain Glover carried thither.

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The Island St. Maries is a pritty large Island, well inhabited by black people, where one Captain Baldrige^[13] (who, as he was informed, had formerly killed a man in Jamaica, and thereupon turned Pirate about 13 years agoe) had built a platforme of a Fort with 22 Guns, which was destroyed, together with Captain Glover and the rest of the Pyrats there, whilst this Informant was at Madagascar about nine months agoe, by the Blacks, who also killed 7 English men and 4 French men in the house where this Informant was at Madagascar, sparing only himself.

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There was then also a party of English in another part of the Island of Madagascar, who defended themselves against the Blacks on an Island in a River there, having some of the blacks on their side, till Captain Baldredge, who was then absent with the said Brigantine (which he had bought and sailed in her to Mascarine,^[14] an Island belonging to the French, where he went to sell Prize Goods) returned, and took them off, carryed them to St. Augustines Bay,^[15] they paying considerably for their Transportation. This Informant further saith that, before this happened, he run away from the *Resolution* and remained on the Island of Madagascar as aforesaid, the said ship being gone, as he was told, to the Streights of Mallacca, which is about Tenn months since; That he this Informant was redeemed for a parcell of Gun Powder by those who defended themselves as aforesaid, and went with them aboard the Briggantine, who went first to St. Augustines Bay to putt some men ashore (who had not money to pay for their further passage) and thence sailed to St. Helena, where they arrived about six months agoe, pretending there to be a trading ship belonging to New York, upon which they got water and Provisions.^[16] But this Informant run away from the said ship at St. Hellena and concealed himself in the Island till she was gone (who stayed there about 7 or 8 days) and continued there about 3 months till the arrivall of the *Sampson* there from the East Indies, aboard of which ship he came for England with the consent of the Governor of St. Helena.

This informant farther saith That he had heard upon Madagascar, That a little before his arrivall there That 14 of the Pyrates (belonging to Captain Tew, Captain Rayner, and Captain Mason and Captain Coats or some of them)^[17] had by consent divided themselves into two sevens, to fight for what they had (thinking they had not made a

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voyage sufficient for so many) and that one of the said Sevens were all killed, and five of the other, so that the two which survived enjoyed the whole Booty. And this Informant further saith, that he hath heard and believeth, that not only the ship *Resolution* to which he formerly belonged, but also the *Mocha Friggat*,^[18] which run away out of the service of the East India Company, the *Charles and Mary*, and severall other ships manned by English and other European Nations, were about nine months since, when he came from Madagascar, and still are playing the Pyrates in the Streights of Mallaca, in the Red Sea and other Parts in the East Indies.

SAMUELL PERKINS.

Juratus coram me^[19]
RA. MARSHALL.

[1] Public Record Office, C.O. 323:2, no. 131. It is endorsed "Copy of a Deposition of Samuel Perkins relating to Pirates in the East Indies Communicated to the Board [of Trade] by Mr. Secretary Vernon" (secretary of state). Samuel Perkins of Ipswich, Massachusetts, had been one of that town's contingent in King Philip's War, and died in Ipswich, an old man, in 1738.

[2] Mulatto.

[3] Cape Coast Castle, on the Gold Coast.

[4] Sokotra.

[5] Rajpur, a few miles south of Bombay.

[6] See paragraph 10 in Capt. Adam Baldrige's deposition, [no. 68](#), *infra*.

[7] Further south, on the Canara coast.

[8] Still further south, on the Malabar coast; still on the west coast of Hindustan, of which Cape Comorin, below, is the southernmost point.

[9] Arabic *gurab*, a large coasting-vessel.

[10] Malacca.

[11] Mauritius, then a Dutch island.

[12] See paragraphs 12, 13, in Capt. Adam Baldrige's deposition, [no. 68](#), *infra*. Governor Fletcher of New York, July 16, 1695, had given Hoar a commission as a privateer to cruise against the French in the *John and Rebecca*. Glover and Hoar were brothers-in-law. *Cal. St. P. Col.*, 1697-1698, p. 108.

[13] See [document no. 68](#), *post*.

[14] See [document no. 63](#), [note 21](#).

[15] On the southwest coast of Madagascar.

[16] St. Helena was then already an English island, with about a thousand inhabitants.

[17] All these figure in the accusations against Fletcher in *N.Y. Col. Doc.*, IV.

[18] The *Mocha* appears also in the Kidd narratives, and continued her career of piracy till 1699, at least.

[19] *I.e.*, sworn before me.

66. Certificate for John Devin (Bahamas). September (?)
20, 1698.^[1]

New Providence SS.

Whereas in the month of Aprill in the year of our Lord God one Thousand Six hundred and ninety six Capt. Henry Every als Bridgeman came into the Harbor of new Providence with the Shipp *Charles* als *Fancy*, which said Capt. Every and his Shipp Crew were few days after their arrivall thought and supposed to be by the

Major Part of the Island of Providence to be guilty of piracy upon the open Seas, And that the with in mentioned John Devin was one of the Ships Company, and was lately apprehended and taken as one of the said Pirates in order to be brought to his Tryall, which was accordingly done the 22d of this Instant August, and the Bill being presented against the within mentioned John Devin to the Gran Jury, which sd Grand Jury found the Bill, and afterwards the sd John Devin was brought to the Court, and holding up his hand was arraigned; The Petty Jury being sworne, the Attorney Gen'll opening the matter to the Court and Jury against the sd John Devin, The Petty Jury returning to the Court found the within mentioned John Devin not Guilty, upon which the sd John Devin was cleared by proclomation, as by the publick Entrys doth and may more at large appear:

Whereupon and upon the humble Requestt to me made by the sd John Devin, I, Ellis Lightwood Esq., Chief Judge, have thought fitt to certifie this under my hand, and ordered the publick Seale of this Government to be hereunto affixed as a Testimony of his the sd John Devins Innocency relating to the supposed piracy of Capt. Every als Bridgeman in the ship *Charles* als *Fancy*.

ELLIS LIGHTWOOD

[September (?)]the 20th Anno Dom 1698
[*blank*]LEIGHTON per Dom. Regem.

Coppy examined by ELISHA COOKE, Clerk.^[2]

^[1] Suffolk Court Files, Boston, no. 3765, paper 2. We find John Devine settled as a chirurgeon in Boston in 1704. *N.E. Hist. Gen. Reg.*, XXXVI. 309.

^[2] Elisha Cooke the younger, clerk of the superior court of Massachusetts from 1702 to 1718.

67. Certificate for John Devin (Massachusetts). October 25, 1698.^[1]

New England. Anno Rs. Gulielmi 3d Decim.^[2]

At a Court of assize and General Goal Delivery holden at Boston for the County of Suffolk, within his Maj'ties Province of the Massachusetts Bay in New England, upon the 25th Day of Octo'r 1698.

John Devin, Chyrurgion, bound over by Recognisance unto this Court, to answer what should be objected ag'st him on his Maj'ties behalf as being one of the Company belonging to the Ship *Charles* al's *Fancey*, Henry Every al's Bridgeman Command'r, at the time when several acts of Piracy were committed by the sd Every al's Bridgeman and Company in the aforesd Ship, upon the high Seas of India and Persia, and for aiding and assisting in the sd Piracys and shareing in the Plunder so piratically taken.

The sd Jno. Devin, being called, appeared and produced a Certificate und'r the hand of Ellis Lightwood Esq., chief Judge of the Island of Providence, and the Public Seal of the Government there, Importing that the sd Devin had lately been indicted, arraigned and tryed for the same matters and Facts (whereof he is now inquired) In the Kings Court within the sd Island of Providence and found not guilty by the Jury, and clear'd by Proclamation, which afore cited Certificate being read and other the proceedings in the case in the sd Court at Providence, Proclamation was made, and nothing of further charge or Evidence appearing against the sd Jno. Devin, he was openly acquitted. Which at Request of sd Devin and by ord'r of his Maj'ties Justices of Assize etc. is hereby Certified under the Seal of the sd Court. Dated at Boston the Second day of November, Anno predict.^[3]

^[1] Suffolk Court Files, Boston, no. 3765, paper 1.

^[2] *I.e., anno decimo Regis Gulielmi Tertii*, "in the tenth year of King William III."

^[3] *I.e., anno predicto*, "in the year aforesaid".

68. *Deposition of Adam Baldrige. May 5, 1699.*^[1]

1. July the 17th 1690. I, Adam Baldrige, arrived at the Island of St. Maries in the ship *fortune*, Richard Conyers Commander, and on the 7th of January 1690/1 I left the ship, being minded to settle among the Negros at St. Maries with two men more, but the ship went to Port Dolphin^[2] and was Cast away, April the 15th 1691, and halfe the men drowned and halfe saved their lives and got a shore, but I continued with the Negros at St. Maries and went to War with them. before my going to War one of the men dyed that went a shore with me, and the other being discouraged went on board againe and none continued with me but my Prentice John King. March the 9th they sailed for Bonnovolo on Madagascar, 16 Leagues from St. Maries, where they stopt to take in Rice. after I went to war six men more left the Ship, whereof two of them dyed about three weeks after they went ashore and the rest dyed since. In May 91 I returned from War and brought 70 head of Cattel and some slaves. then I had a house built and settled upon St. Maries, where great store of Negros resorted to me from the Island Madagascar and settled the Island St. Maries, where I lived quietly with them, helping them to redeem their Wives and Children that were taken before my coming to St. Maries by other Negros to the northward of us about 60 Leagues.

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2. October 13, 1691. Arrived the *Batchelors delight*, Captain Georg Raynor^[3] Commander, Burden 180 Tons or thereabouts, 14 Guns, 70 or 80 men, that had made a voyage into the Red Seas and taken a ship belonging to the Moors, as the men did report, where they took as much money as made the whole share run about 1100 l. a man. they Careened at St. Maries, and while they Careened I supplied them with Cattel for their present spending and they gave me for my Cattel a quantity of Beads, five great Guns for a fortification, some powder and shott, and six Barrells of flower, about 70 barrs of Iron. the ship belonged to Jamaica and set saile from St. Maries November the 4th 1691, bound for Port Dolphin on Madagascar to take in their provision, and December 91 they set saile from Port Dolphin bound for America, where I have heard since they arrived at Carolina and Complied with the owners, giving them for Ruin of the Ship three thousand pounds, as I have heard since.

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3. October 14th 1692. Arrived the *Nassaw*, Captain Edward Coats Commander, Burden 170 Ton or there about, 16 Guns, 70 men, whereof about 30 of the men stayed at Madagascar, being most of them concerned in taking the Hack boat at the Isle of May Colonel Shrymton over [owner?], the said Hack boat was lost at St. Augustin. Captain Coats Careened at St. Maries, and whilst careening I supplied them with Cattel for their present spending, and the Negros with fowls, Rice and Yams, and for the Cattel I had two Chists and one Jarr of powder, six great guns and a Quantity of great Shott, some spicks^[4] and nails, five Bolts of Duck and some Twine, a hogshead of flower. the ship most of her belonged to the Company, as they said. Captain Coats set saile from St. Maries in November 92, bound for Port Dolphin on Madagascar, and victualed there and in December set saile for New-York. Captain Coats made about 500 l. a man in the red Seas.^[5]

4. August 7th 1693. Arrived the Ship *Charles*, John Churcher master, from New York, Mr. Fred. Phillips, owner,^[6] sent to bring me severall sorts of goods. She had two Cargos in her, one Consigned to said Master to dispose of, and one to me, containing as followeth: 44 paire of shooes and pumps, 6 Dozen of worsted and threed stockens, 3 dozen of speckled shirts and Breaches, 12 hatts, some Carpenters Tools, 5 Barrells of Rum, four Quarter Caskes of Madera Wine, ten Cases of Spirits, Two old Stills full of hols, one worme, Two Grindstones, Two Cross Sawes and one Whip saw, three Jarrs of oyle, two small Iron Potts, three Barrells of Cannon powder, some books, Catechisms, primers and horne books, two Bibles, and some garden Seeds, three Dozen of howes,^[7] and I returned for the said goods 1100 pieces 8/8 and Dollers, 34 Slaves, 15 head of Cattel, 57 barrs of Iron. October the 5th he set sail from St. Maries, after having sold parte of his Cargo to the White men upon Madagascar, to Mauratan to take in Slaves.

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5. October 19, 1693. Arrived the ship *Amity*, Captain Thomas Tew Commander,^[8] Burden 70 Tons, 8 Guns, 60 men, haveing taken a Ship in the Red Seas that did belong to the Moors, as the men did report, they took as much money in her as made the whole share run 1200 l. a man. they Careened at St. Maries and had some cattel from me, but for their victualing and Sea Store they bought from the Negros. I sold Captain Tew and his Company some of the goods brought in the *Charles* from New York. the Sloop belonged most of her to Bermudas. Captain Tew set saile from St. Maries December the 23d 1693, bound for America.

6. August, 1695. Arrived the *Charming Mary* from Barbados, Captain Richard Glover Commander,^[9] Mr. John Beckford marchant and part owner. the most of the ship belonged to Barbados, the Owners Colonel Russel, Judge Coats, and the Nisames [?]. She was burden about 200 Tons, 16 Guns, 80 men. she had severall sort of goods on

board. I bought the most of them. She careened at St. Maries and in October she set saile from St. Maries for Madagascar to take in Rice and Slaves.

7. August 1695. Arrived the ship *Katherine* from New York, Captain Tho. Mostyn Commander and Super Cargo,^[10] Mr. Fred. Phillips Owner, the Ship Burden about 160 Tons, noe Guns, near 20 men. She had severall sorts of goods in her. she sold the most to the White men upon Madagascar, where he had Careened. he set saile from St. Maries for Mauratan on Madagascar to take in his Rice and Slaves.

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8. December 7th 1695. Arrived the Ship *Susanna*, Captain Thomas Weak^[11] Commander, burden about 100 Tons, 10 Guns, 70 men. they fitted out from Boston and Rhoad Island and had been in the Red seas but made noe voyage by reason they mist the moors fleet. they Careened at St. Maries and I sold them part of the goods bought of Mr. John Beckford out of the *Charming Mary* and spaired them some Cattel, but for the most part they were supplied by the Negros. they stayed at St. Maries till the middle of April, where the Captain and Master and most of his men dyed. the rest of the men that were left alive after the Sickness Carried the Ship to St. Augustin, where they left her and went In Captain Hore for the Red Sea.

9. December 11th 1695. Arrived the Sloop *Amity*, haveing no Captain, her former Captain Thomas Tew being killed by a great Shott from a Moors ship,^[12] John Yarland master, Burden seventy Ton, 8 Guns, as before described, and about 60 men. They stayed but five dayes at St. Maries and set saile to seek the *Charming Mary* and they met her at Mauratan on Madagascar and took her, giveing Captain Glover the Sloop to carry him and his men home and all that he had, keeping nothing but the ship. they made a new Commander after they had taken the ship, one Captain Bobbington. after they had taken the ship they went into St. Augustine Bay and there fitted the ship and went into the Indies to make a voyage and I have heard since that they were trapaned and taken by the Moors.

10. December 29 1695. Arrived a Moors Ship, taken by the *Resolution* and given to Captain Robert Glover and 24 of his men that was not willing to goe a privateering upon the Coasts of Indies, to carrie them away. the Company turned Captain Glover and these 24 men out of the Ship, Captain Glover being parte Owner and Commander of the same and Confined prisoner by his Company upon the Coast of Guinea by reason he would not consent to goe about the Cape of good hope into the Red Sea. the ship was old and would hardly swim with them to St. Maries. when they arrived there they applyed themselves to me. I maintained them in my house with provision till June, that shiping arrived for to carry them home.

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11. January 17th 1696/7. Arrived the Brigantine *Amity*, that was Captain Tew's Sloop from Barbadoes and fitted into a Brigantine by the Owners of the *Charming Mary* at Barbados, Captain Richard Glover Commander and Super Cargo. the Brigantine discribed when a Sloop. She was laden with severall sorts of goods, part whereof I bought and part sold to the White men upon Madagascar, and parte to Captain Hore and his Company. the Brigantine taken afterwards by the *Resolution* at St. Maries.

12. February the 13th 1696/7. Arrived Captain John Hor's Prize from the Gulph of Persia and three or four dayes after arrived Captain Hore^[13] in the *John and Rebeckah*, Burden about 180 Tons, 20 Guns, 100 men in ship and prize. The Prize about 300 Ton Laden with Callicoes. I sold some of the goods bought of Glover to Captain Hore and his Company as likewise the white men that lived upon Madagascar and Captain Richard Glover.

13. June the — 1697. Arrived the *Resolution*, Captain Shivers Commander, Burden near 200 Tons, 90 men, 20 Guns, formerly the ship belonged to Captain Robert Glover but the Company took her from him and turned him and 24 more of his men out of her by reason they were not willing to goe a privateering into the East Indies. ^[14] they met with a Mosoune^[15] at sea and lost all their masts and put into Madagascar about 10 Leagues to the Northward off St. Maries and there masted and fitted their ship, and while they lay there they took the Brigantine *Amity* for her watter Casks, Sailes and Rigeing and Masts, and turned the Hull a drift upon a Rife. ^[16] Captain Glover promised to forgive them what was past if they would Let him have his ship again and goe home to America, but they would not except he would goe into the East Indies with them. September the 25th 97 they set saile to the Indies.

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14. June 1697. Arrived the ship *Fortune* from New York, Captain Thomas Mostyn Commander, and Robert Allison Super Cargo, the Ship Burden 150 Tons or thereabouts, 8 Guns, near 20 men, haveing severall sorts of goods aboard, and sold to Captain Hore and Company and to the White men upon Madagascar.

15. June — 1697. Arrived a Ship from New York, Captain Cornelius Jacobs Comander and Super Cargo, Mr. Fred. Phillips owner, Burden about 150 Ton, 2 Guns, near 20 men, haveing severall sorts of goods a board, and sold to Captain Hore and his Company and to the White men on Madagascar, and four Barrells of Tar to me.^[17]

16. July the 1st 1697. Arrived the Brigantine *Swift* from Boston, Mr. Andrew Knott Master^[18] and John Johnson Marchant and parte owner, Burden about 40 Tons, 2 Guns, 10 men, haveing severall goods aboard. Some sold to Captain Hore and Company the rest put a shore at St. Maries and left there. A small time after her arrivall I bought three Quarters of her and careened and went out to seek a Trade and to settle a forraign Commers and Trade in severall places on Madagascar. About 8 or 10 dayes after I went from St. Maries the Negros killed about 30 White men upon Madagascar and St. Maries, and took all that they or I had, Captain Mostyn and Captain Jacobs and Captain Hor's Ship and Company being all there at the same time and set saile from St. Maries October 1697 for Madagascar to take in their Slaves and Rice. having made a firm Commerce with the Negros on Madagascar, at my return I met with Captain Mostyn at sea, 60 Leagues of St. Maries. he acquainted me with the Negros riseing and killing the White men. he perswaded me to return back with him and not proceed any further, for there was noe safe goeing to St. Maries. all my men being sick, after good consideracion we agreed to return and goe for America.

The above mentioned men that were killed by the Natives were most of them privateers that had been in the Red Seas and took severall ships there, they were cheifly the occasion of the natives Riseing, by their abuseing of the Natives and takeing their Cattel from them, and were most of them to the best of my knowledge men that came in severall Ships, as Captain Rainor, Captain Coats, Captain Tew, Captain Hore, and the *Resolution* and Captain Stevens.^[19]

ADAM BALDRIDGE.

Sworne before me in New York
5th of May 1699
A.D. PEYSTER^[20]

A true copy
BELLOMONT.

[1] Public Record Office, C.O. 5:1042, no. 30 II. An endorsement shows that it was sent to the Lords of Trade with Bellomont's letter of May 15, 1699, which is printed in *N.Y. Col. Doc.*, IV. 518-526. Capt. Adam Baldrige, as will be seen from some of the preceding narratives, had kept a rendezvous for pirates at St. Mary's Island, but he had now settled down as a respectable citizen of New York. Bellomont thought well of him at first (he "appears to be a sober man and reported wealthy"), but was warned by the Board of Trade of his connection with piracy, and later ([note 19, post](#)) had fuller information from Kidd. *Ibid.*, IV. 333, 552.

[2] Fort Dauphin, at the southeast point of Madagascar, built by the French.

[3] Josiah Rayner was associated with Tew, later with Every; Fletcher had, for a bribe, it was said, released his chest of treasure brought to New York.

[4] Spikes.

[5] In April, 1693, this Coats, in a ship now called the *Jacob*, anchored near the east end of Long Island, and sent men to bargain with Governor Fletcher for permission to enter and for protection. They promised the governor £700 and secured protection, though in the end the owners gave him the ship instead. *N.Y. Col. Doc.*, IV. 223, 310, 386-388; *Cal. St. P. Col.*, 1697-1698, pp. 227-228.

[6] Frederick Philipse (1626-1702), the richest trader in New York, but perhaps not the most scrupulous; see Henry C. Murphy, in his edition of the *Journal of a Voyage to New York in 1679-80* of Jasper Danckaerts, pp. 362-365. The ship in which the two Labadist missionaries, Danckaerts and Sluyter, came to America was also named *Charles* and owned by Philipse. It was in this year 1693 that Governor Fletcher instituted for him the Philipse Manor. Mary Philipse, who won the affections of young Major George Washington, was his great-granddaughter. It was said that Baldrige's establishment in Madagascar was sustained by Philipse's capital, to obtain for the latter a share in the profits of piracy. *Cal. St. P. Col.*, 1697-1698, p. 108.

[7] Hoes.

[8] See [doc. no. 63](#), [note 16](#), *ante*.

[9] See [doc. no. 65](#).

[10] Another of those commissioned by Fletcher. Having no guns, the vessel must have been intended for illegal trade rather than for warfare.

[11] Or Wake.

[12] See [doc. no. 63](#), [note 16](#), *ante*.

[13] See [doc. no. 65](#), [note 17](#).

[14] See [doc. no. 65](#).

[15] Monsoon.

[16] Reef.

[17] When this ship came back, richly laden, Philipse sent out a sloop to meet her, which off the New Jersey coast quietly unloaded all of her cargo but the negroes, and sailed with it to Hamburg. *Cal. St. P. Cal.*, 1697-1698, p. 414.

[18] In 1690 he had commanded a ship in Sir William Phips's unsuccessful expedition against Quebec. For his connection with Kidd, see *post*, [doc. no. 85](#), [note 7](#).

[19] Such is Baldrige's tale of innocence, but Kidd told Bellomont that "Baldrige was the occasion of that Insurrection of the Natives and the death of the pirates, for that having inveigled a great number of the natives of St. Maries, men, women and children, on board a ship or ships he carryed and sold them for slaves to a French Island called Mascarine or Mascaroon, which treachery of Baldriged the Natives on the Island revenged on those pirates by cutting their throats."

[20] Abraham de Peyster, a member of the New York council and an assistant judge of the supreme court.

*69. Warrant for Commissioning of Admiralty Judge. April
29, 1697.^[1]*

By the Comiss'rs for Executing the Office of Lord high Admirall of Engl'd. Irel'd. etc.

Whereas, in pursuance of His Ma'tis pleasure signified to Us by the Rt. hon'ble Mr. Secretary Trumbull, Wee have appointed Mr. William Smith to be Judge, Mr. John Tudor Register, Mr. Jarvis Marshall, Marshall, and Mr. James Graham, Advocate of the Vice Admiralty of New-Yorke, and Connuticutt, and East-Jersey:^[2] You are therefore hereby Empower'd and directed, to give unto them Commissions for their said Employ'm'ts respectively; And in case of the death, or inability, by sickness, or otherwise, of any of the said persons, You are to appoint others in their roome: and Transmitt to Us the Names of such persons as You do so appoint; Dated at the Admiralty Office this 29th of April 1697.

To his Ma'tis Governour of
New-Yorke and Connuticutt,
and East-Jersey/ for the time
being.

RUSSELL.
G. ROOKE.
JNO. HOUBLON.
KENDALL.

By Command of their Lord'ps
WM. BRIDGEMAN.

[1] New York State Archives, Albany: Historical MSS., vol. XLI., p. 60. The commissions of admiralty judges had originally been issued on warrant from the Lord High Admiral. Since 1673, however, except for two brief periods, the latter's duties have always been performed by the "Lords Commissioners for executing the Office of Lord High Admiral" (Admiralty Board, or Lords of the Admiralty). On April 29, 1697, the board consisted of the two distinguished admirals Sir Edward Russell (created earl of Oxford eight days later) and Sir

George Rooke, Sir John Houblon, governor of the Bank of England, Col. James Kendall, ex-governor of Barbados, and four others. The warrant is not addressed to any governor by name; Bellomont was not commissioned (as governor of New York, Massachusetts, and New Hampshire) till June 18, 1697.

[2] William Smith was already chief-justice of the supreme court of the province, and a member of the council. Jarvis Marshall had been messenger of the council. James Graham was speaker of the assembly, attorney-general, and recorder of the city of New York.

70. Proclamation of Lieut.-Gov. Stoughton. June 4, 1698.

[1]

William Stoughton Esqr., Lieutenant Governour and Commander in chief in and over his Ma'tys Province of the Massachusetts Bay in New England

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To the Sheriff of the County of Suffolke, his Under Sheriff or Deputy or Constables of the respective Towns within the sd County and to each and every of them to whom these presents shall come, Greeting.

Whereas I am informed That sundry wicked and ill disposed persons, suspected to have committed divers inhumane and hostile Acts and depredations upon the Subjects and Allies of other Princes and States in Forreign parts in Amity with his Ma'ty, are lately landed and set on shore on or about Long Island, Rhode Island and parts adjacent, having brought with them quantitys of Forreign Coynes, silver, Gold, Bullion, Merchandize and other Treasure, Some of which persons (unknown by name) may probably come into this his Ma'tys Province and transport their moneys, Merchandize and Treasure hither,

These are therefore in his Ma'tys name strictly to command and require you to make diligent search within your several Precincts for such suspected persons, and to apprehend and seize every such person or persons, his or their money, gold, bullion, Merchandize and Treasure, and to bring the same before the next Justice of the Peace to be examined and proceeded against as the Law directs. And you are to require and take such a number of persons, with Armes or otherwise, unto your Assistance as you shall think meet for the seizing and apprehending such suspected person or persons aforesd. and carrying him or them before the next Justice or Justices. And all his Ma'tys subjects are required to be aiding and assisting unto you in the Execution of this Warrant, as they will answer their refusal or neglect at their peril. And hereof you or they may not faile. And make return of this Warrant with your doings thereupon. Given under my hand and seal at Armes at Boston the Fourth day of June 1698, In the tenth year of his Ma'tys Reign.

WM. STOUGHTON.

[1] Mass. Archives, vol. 62, p. 253. William Stoughton, lieutenant-governor of Massachusetts 1691-1701, acted as governor from the departure of Governor Phips for England in 1694 to the arrival of Governor Bellomont in the province, May 26, 1699. Bellomont in June, 1698, was in New York. In the period to which most of our documents belong there was always an outburst of piracy after the conclusion of a war, because multitudes of privateers found their occupation gone when peace was proclaimed, and some of them were sure to turn to the allied trade of piracy. The peace of Ryswyk, between France and Great Britain, Spain, and Holland, Sept. 20, 1697, had had this effect at the time of Stoughton's proclamation.

CASE OF WILLIAM KIDD.

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71. Deposition of Benjamin Franks. October 20, 1697.[1]

The Deposition of Benjamin Franks aged about 47 years (who came out in the

Declareth That having lived in Barbadoes and Jamaica and traded in severall parts of the West Indies, meeting of late with great losses of above £12,000 sterling by the Earthquake and Enemyes and through misfortune, came to New York and there finding Captain Kid coming out with a full Power to the East Indies to take the Pyrates, which he shewed me by the means of my Friends, so resolved to go with him to the East Indies and to remain there at Surrat or any other place where I could best follow my profession, being a Jeweller, for he told me he would put into some of the said Parts. Wee sailed from New York the 6th September 1696 in Company with a Brigantine belonging to Bermudas, bound to the Maderaes. there met with a Brigantine from Barbadoes bound for England who had lost her Mast and Boltsprit, whom Captain Kid assisted with a Mast, Riggin and Canvas, for which kindness [the] Master gave him a few flour Barrells with Sugar. the same Brigantine after she had what she wanted proceeded on her Voyage. And a day or two after wee espyed a Ship whom Wee gave chase to three days and came up with her, found her to be a Portuguez from Brazile bound to the Maderaes. the Captain of the Portuguez pref[sen]ted Captain Kid with a Roll of Brazile Tobacco and some Sugar, in lieu of which Captain Kid sent him a Cheshire Cheese and a Barrell of White Bisket, but through mistake of the Steward the Barrell thought to be Bisket proved to be Cutt and Dry Tobacca. So Wee proceeded to Maderaes and saw the Brigantine in safe that came under our Convoy. wee stayed there one day. before wee departed from thence the Portuguez ship came in. Thence wee went to Bona Vista,^[2] took in some Salt, thence to St. Jago, tooke in Water and some Provisions; from St. Jago wee steered our course for Cape Bona Esperanza,^[3] but before wee got to the Latitude thereof Wee met with three English Men of War and a Fireship, Captain Warren in the *Windsor* Commodore,^[4] Captain Acton in the *Advice*,^[5] the *Tyger* and Fire Ship I do not know the Commanders names. I was on board the Commodore when he told me that Kids Commission was firm and good and that he would not molest or hinder his proceedings for his puting his hands to his Ears, and discoursing of severall other things of the Voyage amongst the rest the Commodore told Kid he had lost a great many of his men and asked him to spare him some, who answered that he would let him have 20 or 30, and about a day or two after Kid went on board one of the Men of War again and in the Evening came on board his own ship very much disguised with drink and left the Men of War without sparing them the men he promised. Some time after had sight of the Cape, did not put in but went directly for Madagascar and imported at a place called Talleer,^[6] where took in some Water and provisions. after our being there some time came a Sail in sight and came to an Anchor in Augustine Bay, upon which wee weighed Anchor and came to her, the two Ports being but a little way distant each from other. We found her to be a Sloop from Barbadoes come to buy Negroes, after which Wee returned to Talleer, our former Port, and the next day the Master of the Sloop came on board Us being very ill when he came. a few dayes after ordered the Sloop to come down to Talleer, and the same day she came down the Owner and Merchant^[7] dyed on board of us, and he that succeeded him could by no Means agree with the Master of the Sloop but continually a quarrelling and fighting. Our Captain did what he could to make up the difference between them but to no purpose. So when wee had done getting our provisions etc. on board Wee sailed for Johanna,^[8] and the Sloop followed us, and seeing two Ships gave them Chase, found them to be both East India Men and so went in together in Company to Johanna and two India Men came in after. Wee took in Some Water and went to Mohilla^[9] to clean our Ship. And this Sloop still followed Us, but our Captain told him severall times to be gone and agree amongst themselves, but they took no notice thereof, continuing with Us all the time of our Stay here, being about 5 weeks, where buried severall of our Company but the just number I know not. when Wee had been there about 5 weeks a Pinnace came on board of Us with some Men, the quantity I know not, for being mortall sick, the Merchant of the Sloop dyed there too. Wee returned from this place to Johanna and the Sloop in our Company. Wee took in some more water and some French Men, the quantity I know not for I was carryed a shoar sick and lay a shoar all the time wee lay at Johanna. We sailed thence, leaving the Sloop behind Us, directly for India and touched at a place called Motta.^[10] there was 5 Junks ashoar and at an Anchor ditto place. our Captain wanted to take in some water, sending the Pinnace ashoar for some, which the Natives refused, upon which our Captain next morning sent both Boats with a matter of 40 Men or thereabouts with Armes, as I heard lying very Sick of a Feaver, Ague and Flux, and that he had bought two Cowes and some dates, and 2 dayes after the People run away into the Mountains, as I heard. after they run away the People sent a shoar, found India Corn and Garravances^[11] in great holes, and brought off likewise six of the Natives, of whom four leaped overboard in the Night and swam ashoar. the other two gave [3] Cowes and 2 sheep for their ransom, as I heard of the Seamen, lying very ill. from thence wee went to the Babs^[12] and there anchored to wait for the Pyrates, as the Seamen said, but meeting with none, sending the Pinnace out 3 or 4 times, as I heard of the Seamen, but at Carwar ashoar I heard of the Seamen that they was to go to Mocho.^[13] after the Pinnace went with the Captain, Quarter-Master came back and gave an account there was 17 Sail, which I heard of the Seamen as I lay very ill. our

Captain ordered two men ashore on one of the Babs. when the Fleet came in sight the Men waved the Jack.^[14] the whole Fleet came by the Babs on a Saturday in the evening in the month of August, but the day of the month I do not remember. our Captain weighed and stood amongst the Fleet, as I heard of the Seamen. the next morning at break of day one of the Fleet began to fire at Us, as I heard of the Seamen, which alarming the rest they all did the same. there was one Ship which the Captain said was a Mallabar, pretty near Us, as I heard of the Seamen. then our Captain ordered the People to row up to him, being but little Wind, then the Mallabar fired at Us and our Captain at him severall Guns. at last our Captain perceiving an English and Dutch Colours did all he could to get away. the Captain designed to go to the high Land off St. Johns.^[15] meeting with a small Vessell under English Colours he chased her and comanded the Master to come on board and plundered the Ship. I hearing a great noise asked what it was. they told me that our Folks beat the People aboard of the little ship and against night I heard there was a Portuguez. so doing my endeavour to creep up to speak to the Portuguez and asked him what was the best news, he told me that he and the Master was forced to stay on board of our Ship, and that he did belong to Bombay, and that our Captain had taken out some Rice, Raisons and old Cloths and some Money. I heard of the Seamen that our Captain had Information of three ships that had gone out of Aden bound for Callicut being off Carwar, and being in necessity for Wood and Water put in there, at which time I made great intercession to the Captain for leave to go ashore, which at last I obtained by giving him a Beaver Hat, for he was unwilling to let any go ashore but whom he thought he could trust, for fear they should run away for most of his people seemed dissatisfied and would I believe do as I have done in making their Escape if had opportunity, for the Carpenter and his mate with severall others does design to run away with the Pinnace. This I do swear by the old Testament to the best of my knowledge and what I have heard of the Seamen that all the above written is true.

BENJAMIN FRANKS.

Bombay the 20th October 1697.

Sworn before me:

[1] Public Record Office, C.O. 323:2, no. 124 I. William Kidd, the most famous pirate in American history, was a Scot, born in Dundee in 1654. In 1689-1690, in command of a captured ship, he took a creditable part in the attacks on *Mariegallante* and *St. Martin's* by Captain Hewetson, who at Kidd's trial testified to his bravery; but a few weeks later his men, ex-pirates apparently, ran away with his ship. *Cal. St. P. Col.*, 1689-1692, pp. 122, 226, 227; Hargrave, *State Trials*, V. 326. In 1689 he settled in New York, where he seems to have been well regarded; in the record of his marriage license, May 16, 1691 (*N.E. Hist. Gen. Reg.*, VI. 63) he is styled "William Kidd, Gentleman," and two days earlier the New York assembly (*Journal*, ed. 1764, I. 6, 13) voted him a gratuity of £150 for services in connection with the arrival of Governor Sloughter. In 1695, Kidd being then in England, Robert Livingston of New York arranged in London with Lord Bellomont, who had been designated but not yet commissioned as a governor in America, and with others, for a privateering voyage under Kidd's command. Other sharetakers were Sir Edward Russell, first lord of the admiralty, Sir John Somers, lord keeper of the great seal, the Duke of Shrewsbury, secretary of state, and the Earl of Romney, master-general of the ordnance; and the king himself was to receive one-tenth of the profits of the cruise. Kidd's letter of marque, dated Dec. 11, 1695, is in Hargrave's *State Trials*, V. 307. To it was added, Jan. 26, 1696, *ibid.*, 308, a commission to apprehend pirates. Kidd sailed from England in April, 1696, in the *Adventure Galley*, 287 tons, 34 guns, 70 men. At New York he increased his crew to 155 men (there is a list of them in *Cal. St. Pap. Col.*, 1700, p. 199), and sailed thence in September for Madagascar and the East Indies. Whether it was by his fault that the *Adventure Galley* slipped from privateering and the search for pirates into acts of piracy, or whether, as Kidd alleged, his men forced his hand, has been doubted, but it is probable that he shared the guilt. In the summer of 1698 complaints began to come in from India and from the East India Company, and in November, 1698, orders were sent to the governors of colonies in America to apprehend Kidd as a pirate whenever he should appear. The ensuing papers, especially his own narrative and Bellomont's letters, tell the story of his arrival and arrest. As under Massachusetts law he could not be condemned to death for piracy, he was, probably illegally, carried to England in the spring of 1700, and there tried at the Old Bailey for the murder of one of his men and for piracy. After an

unfair trial and on insufficient evidence, he was condemned, and was hanged at Execution Dock May 23, 1701.

As to Benjamin Franks, we learn from a deposition of William Cuthbert (*Journal of the House of Commons*, XIII. 26) that two of Kidd's men deserted him at Carwar because of his attempts and designs toward piracy and his cruel conduct toward his men; Franks, Hebrew jeweller of New York, was apparently one of the two. Apparently he was a Danish subject; Westergaard, *Danish West Indies*, p. 110.

[2] One of the Cape Verde Islands; Santiago is a larger island of the same group, farther south.

[3] The Cape of Good Hope.

[4] Capt. Thomas Warren, R.N.

[5] Capt. Edward Acton, R.N.

[6] Tullear, near St. Augustine's Bay, on the southwest coast of Madagascar.

[7] Supercargo.

[8] See [document no. 63, note 11](#).

[9] Mohelli, another of the Comoro group.

[10] "Matta in the Red Sea," says William Jinkins of Bow, in his deposition in *Commons Journal*, XIII. 24.

[11] Chick-peas.

[12] The straits of Bab-el-Mandeb.

[13] Mocha; see [document no. 63, note 16a](#). Carwar is on the west coast of Hindustan, some 350 miles south of Bombay.

[14] See [document no. 33, note 15](#).

[15] Probably Diu, in northwest India.

72. *The President and Council of the Leeward Islands to Secretary Vernon. May 18, 1699.*^[1]

Right Honourable Sir

Your Letter of the 23d of November last^[2] in relation to that notorious Pirate Captain Kidd came safe to our hands, and shall take particular care to put the same in execution, and in order thereto have sent copies thereof to the Lieutenant or Deputy Governor of each respective Island under this Government; since which wee have had this following account of the said Kidd (vizt.) That he lately came from Mallagascoc in a large Gennouese vessell of about Foure hundred Tonns, Thirty Guns mounted, and eighty men,^[3] and in his way for these partes his men mutyned, and thirty of them lost theire Lives; That his vessell is very Leaky; and that they are very much in want of Provisions; And that severall of his men have deserted him soe that he has not above five and twenty or thirty hands on board; about twenty dayes since he touched at Anguilla, a small Island under this Government, where he Tarryed about foure houres; but being refused succour Sailed thence for the Island of St. Thomas (an Island belonging to the Crowne of Denmarke)^[4] and Anchored off that Harbour three dayes, in which time he treated with them alsoe for releife; but the Governor absolutely Denying him, he bore away farther to Leeward (as it is beleived) for Porto Rico or Crabb Island;^[5] upon which advice wee forthwith ordered his Majesties Shipp *Queeneburrough*, now attending this Government, Captain Rupert Billingsly Commander, to make the best of his way after him; and in case he mett with him to secure him with his men, vessell and effects, and bring them upp hither, That no Imbezlement may be made, but that they may be secured till wee have given you advice thereof, and his majesties pleasure relateing thereto can be knowne. Wee shall by the first conveniencie transmitt the like account of him to the Governor of Jamaica, soe that if he goes farther to Leeward Due care may be taken to secure him there; As for those men who have deserted him, wee have taken all possible care to apprehend them, especially if they come within the districts of this Government, and hope on returne of his majesties Friggatt shall be able to give you a more ample account hereof.

Wee are with all due Respects

Right Honorable
Your most obedient humble servants

JNO. SMARGIN.
RICHD. ABBOTT.

WM. BURT.
MICH. SMITH.
DAN. SMITH.

NEVIS the 18th May 1699

[1] Public Record Office, C.O. 152:3, no. 21. This letter conveyed to the British government its first knowledge of the return of Captain Kidd to the western hemisphere. The Leeward Islands—Antigua, Montserrat, Nevis, St. Christopher, the most important being Nevis—constituted at this time one government, though with subordinate administration in the several islands. The governor having died, the council, of which William Burt was president, was acting as governor till a new governor should arrive. Burt and the other signers of this letter were all of Nevis. James Vernon, to whom the letter is addressed, was secretary of state; he was the father of Admiral Vernon, for whom Mount Vernon was named.

[2] Printed in the *Commons Journal*, XIII. 16. It was the circular letter to colonial governors ordering them to apprehend Kidd.

[3] The *Quedah Merchant*; see *post*. She is here spoken of as Genoese, but other documents of the time speak of her as "Moorish built."

[4] And now belonging to the United States. On Kidd at St. Thomas, see [document no. 83](#), *post*.

[5] Now commonly called Vieques, a small island lying a few miles east of Puerto Rico, and also now belonging to the United States.

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73. Examination of Edward Buckmaster. June 6, 1699.^[1]

Taken this 6 June 1699.

The Answer of Edward Buckmaster to severall questions put to him by the Honorable John Nanfan, Esqr., Lieutenant Governor of this province,^[2] the said Buckmaster being sworne to answer all such Questions as should be demanded of him.

Impr[imi]s. That the first land they made after they parted from this port in the *Adventure Galley*, Capt. William Kidd Commander, was the Island of Maderas, from whence they went directly to Madagascar, where they staid about A month to victual and careen. That there were no vessels at Madagascar when they came there. That they sailed from thence to a small Island called Johanna, lying in the Latitude of 12 degrees south, and from thence to Mahela, Lying in the Latitude of 11 degrees south; that they staid at the said Johanna and Mahela two Months where the Natives supplied them with provisions. That there were four East India ships belonging to the Company at the Island Johanna at the same time they were there, the one called the *East India Merchant* the second the *Maderasse*, the third was a fly boat, and the fourth he knows not the name of.

Item. That from thence they sailed along the shore of Magellona^[3] in the redd sea but saw no vessels till they came into the Latitude of 12 degrees north. That there they Met with several ships, some with English, some with Dutch, and some with Moors Colours, with whom they sailed in Company for Twenty five dayes but were not on board any of them. That the name of the one was the *Scepter*,^[4] which ship fired a Gunn or Two At Capt. Kidds Galley.

Item. That they tooke a ship on the coast of Mallabar that had a french pass, and French Master on board, with two Other white men, he believes them Dutch men, the rest all Moors; she was about 200 Tuns, made no resistance, and that they shared out of her four Bales of Callicoos each Man. That afterwards the *Adventure Galley* sunck at Saint Maries, and Kidd and Company went on board the prize.

Item. That Capt. Kidd had made no good voyage, having no money and only 160 Bales of Callicoos on board.

Item. That he the said Buckmaster Left the said Capt. Kidd the last day of May 1698 and went on board the ship *Resolution*, Capt. Robert Culliford Comander,^[5] as a volunteer before the Mast, and went out Cruising with him but tooke no vessel

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during the voyage though they Continued Cruising from May to December. the said Culliford had forty Gunns mounted and 120 men. he had been in those parts seven yeares on the account.

Item. That he quitted the said Culliford the Middle of December last and went on board the ship *Nasaw*, Giles Shelley Master,^[6] that went from New yorke to Madagascar to trade there (the said Buckmaster being willing to come home to his family, the said Shelley being bound back to New Yorke), that he gave the said Shelley 100 pieces of Eight for his passage, which was the Comon rate and which sume he believes Fifty more passengers that came from on board pyrate ships at Madagascar and Saint Maries gave to the said Shelley, the said Shelley as he believes well knowing what ships they had been in and what designe they came from.

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Item. That the said Shelley sailed from the Island Saint Maries in the East Indies to Chyan^[7] where he stayd three or four dayes.

Item. That five or six of the persons that belonged to Capt. Culliford in the East Indies went on board Capt. Gravenreadt^[8] out of Shelleys ship, when she came on this coast at Cape May, which Cape they made on Friday sevensight last.^[9] Gravenreadts vessel lay about two miles from Shelleys ship, but the said Gravenreadts came on board shelleys ship, and believes made an agreemt. with the several men he took on board with him for their passages to [*blank*]: Vizt. Robert English, Jan Spons, Theophilus [*blank*]^[10] and two or three Others. That John Elderige, — Stanton, and Doctor — Badwain^[11] went on shore at Cape May: they also came from on board Culliford.

Item. That they came to Sandy Hook on Fryday last in the Evening, that the said Edward Buckmaster, Paul Swan, Jonathan Evans and Otto van Toyle went on shore at the west end of long Island on Saturday last at seven of the Clock in the Evening, they also belonged to Culliford; that he was at New Utrecht yesterday and came to New Yorke last night. That he has been often in the hold of Shelleys ship during the voyage but saw nothing but water Casks, and that he never saw but four Gunns on the Deck since he was on board.

That one Capt. Shivers^[12] came to saint Marys with a ship called the *soldado* of 40 Gunns while Shelley was there, which ship is run ashore.

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That he did not see the *Quedaw Merchant* nor Capt. Wright.

That he was at Callicut and Carresaw^[13] in Kidds ship.

A True Copy.
BELLOMONT.

[1] Oxford, Bodleian Library, Rawlinson MSS., A. 272, fol. 48; also in the Public Record Office, C.O. 5:1042, no. 40 XI. Edward Buckmaster, "one of Shelley's men", was committed June 7, and broke prison Aug. 25. *Cal. St. P. Col.*, 1699, pp. 278, 401. A year later, though he was supposed to be still alive, a rascally chaplain of the fort at New York married his wife to Capt. Adam Baldrige of [document no. 68](#), obtaining a marriage license for "Adam Ball" and adding "-dridge" afterward. *N.Y. Col. Doc.*, IV. 333, 413, 766.

[2] Capt. John Nanfan, a cousin of Bellomont's wife, was lieutenant-governor of New York under him, and administered the province during Bellomont's absence in Massachusetts.

[3] Somaliland, probably.

[4] An English frigate. The events that follow are more fully detailed in Kidd's narrative, [document no. 76](#), *post*.

[5] Culliford was a noted pirate, who for a time commanded the *Mocha* frigate, which had been stolen from the East India Company; and this *Resolution* was the *Mocha* renamed, not the *Resolution* of [document no. 68](#), par. 13.

[6] Shelley, fitted out from New York in 1698 by Stephen Delancey and others, was suspected of piracy. In a letter of May 27, 1699, to Delancey, from Cape May, he speaks of bringing in 15,000 dollars of passage money. *Cal. St. P. Col.*, 1699, p. 281. He had lived in New York since 1688. See also [doc. no. 85](#), [note 17](#).

[7] Cayenne, probably.

[8] Andreas Gravenraedt of New York. On this very day, June 6, Governor Blakiston of Maryland was seizing him and his ship in the

Severn River. *Cal. St. P. Col.*, 1699, p. 287.

[9] May 26.

[10] Turner. He turned king's evidence. See the next document.

[11] Kidd's physician was Robert Bradinham; he also turned king's evidence.

[12] See [document no. 68](#), par. 13.

[13] Carwar?

74. *Deposition of Theophilus Turner. June 8, 1699.*^[1]

Maryland scilicet

Came Theophilus Turner, Borne at Heckfield near Hartley roade in Hampshire, Aged about thirty years, and being sworne upon the Holy Evangelists to declare the truth of what he knows concerning any Acts of Pyracie comitted by him or any others, saith:

That he sayled out of London about three years agoe in the Ship *Hanniball*, Captain William Hill Commander, which ship was a Merchant ship mounted with thirty two Gunns and Navigated with seventy Men, and went upon the Coast of Guinea, where the Captain put his Men to very short allowance so that severall of them, vizt. Henry Webber, 3d Mate, who afterwards Comanded the said ship, and severall others, took the ship from him and went to Brasile, where the Deponent and some others left the ship. After that the Deponent had lived at Brasile about one yeare, a French Vessell which had lost her top mast arrived there under the Comand of Mounsieur de Ley, on Board of which Vessell the deponent embarqued himsele for the Coast of India, the said De Ley being bound to Bengall, in the Voyage whereto they touched at the Island of Johannah, an Island [whose] inhabitants are Arabians, which was in the Month of May or June 1698: and riding there at Anchor with the said ship, came a ship of forty Gunns called the *Resolution* by the Men on Board, But understood her right name was the *Moco*,^[2] from Madagaskar, Navigated with about 130 or 140 Men under the Comand of Captain Robert Culliford. De Ley weighed one Anchor and cut the other Cable, but Culliford chasing him took him and brought the deponent on Board them, being the only Englishman on board De Ley, and examined him concerning Deleys Loading, with many threats. after they plundered the ship and found there 2000 l. in money, besides Wine and Cloath, which they took, and because the Deponent was an Englishman they would not let him go on board De Ley again but kept him. After which the said Culliford sayled with the said ship upon the Coast of India: and about the middle of August came up with a Pyrate, who came out of America some where near Rhroad Island under the Comand of Richard Chivers, had 80 or 90 men and twelve Gunns, who kept Company and Consorted with Culliford. And about the End of September last they met off of Suratt with a turkey ship belonging to Suratt, which Chivers crew boarded: and the Quartermaster and some of Cullifords crew went on Board: she was laden with Pieces 8, Gold and Dollers, was reputed to the vallue of one Hundred and twenty or thirty thousand pounds. there were some shots made and several turks were killed and wounded and two or three of Chivers Company: they put the men on shoare on the Coast of India, sunck their own ship and took the turkey ship and then shared the money, about 700 or 800 l. a man in each ship, and gave the Deponent who pumped for them on occasion and was ready at call 250 l., not deeming him as one of them but in the nature of a prisoner, and told him if that he would go out with them their next Voyage, he should be all one as the rest. thence the said Culliford and Chivers sayled to Madagascoe, Port St. Marys, a large Island about three or four Hundred Leagues in Length inhabited by a numerous people being Negroes.

THEO. TURNER.

Juratus coram me,

N. BLAKISTON.

[1] Public Record Office, C.O. 5:714, no. 70 VI. Original; a copy (no. 70 II.) is marked as sworn to before Colonel Blakiston, governor of Maryland, on June 8, 1699.

[2] The *Mocha* had been a frigate belonging to the East India Company. Piratical members of the crew, especially James Gillam, had murdered the captain and had seized the ship.

75. *Memorial of Duncan Campbell. June 19, 1699.*^[1]

BOSTON, June the 19th, 1699.

The Memorial of Duncan Campbell, of Boston, humbly presented to his Excellency the Earle of Bellomont.

I, the said Duncan Campbell, being at Rhode-Island on Saturday the 17th of June currant, that morning I went in a Sloop from said Island, in Company with Mr. James Emott of New-Yorke,^[2] and two other men belonging to said Sloop, towards Block-Island, and, about three leagues from that Island, I mett a Sloop commanded by Captain Kidd, and haveing on board about Sixteen men besides; after hailing of which Sloop and being informed that the said Kidd was Commander thereof, he said Kidd desired me to come on board the same; which I accordingly did, and after some discourse passed, said Kidd desired me to do him the favour as to make what Speed I could for Boston and acquaint your Excellency that the said Kidd had brought a Ship, about five or six hundred Tuns, from Madagascar, which, some considerable time since, he met with in [*blank*] and commanded her there to bring to; and that thereupon the Pilott, being a French man, came on board the said Kidds Ship, and told him, said Kidd, he was welcome, and that the said Ship (to which said Pilott belonged) was a lawful Prize to him the said Kidd, she sailing under a French Pass: Whereupon he, the said Kidd, and Company, took the said Ship, and afterwards, understanding that the same belonged to the Moors, he, said Kidd, would have delivered her up again, but his men violently fell upon him, and thrust him into his Cabbin, saying the said Ship was a fair Prize, and then carryed her into Madagascar and rifled her of what they pleased, but before they got into Madagascar, the Gally under Command of him, said Kidd, became so leaky that she would scarce keep above water, whereupon the Company belonging thereto, haveing taken out of her her Guns and some other Things and put them on board the Prize, sett the said Gally on fire. The said Captain Kidd further told me that, when he and his Company were arrived at Madagascar, several of his Company moved him to go and take a Ship called the *Moco* Frigat, that lay ready fitted at a place not far distant from them, in the possession of certain Privateers, and to go in the same for the red-Sea. But that he the said Kidd said that if they would join with him he would attempt the taking of the said Ship, (supposeing her a lawful Prize, being formerly belonging to the King of England), but would not afterwards go with them on the said design to the red-Sea. Whereupon ninety of his the said Kidd's men deserted him, went and tooke the said Ship, and sailed with the same on the aforesaid design, as he, said Kidd, was informed; obliging one Captain Culliver, the then Commander of her, to go along with them.

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And the said Kidd further told me That, his men having left him and his design frustrated, he thought it his best way to preserve the said Ship then in his possession, and the goods on board her, for his Employers or the proper Owners thereof: And accordingly, with the few men he had then left, which would not joine with the other Ninety in their aforesaid design (being about Twenty in Number) and with a few other men that he procured at Madagascar to assist him in navigating said Ship, he intended to have brought the same to Boston, according to his Orders; but touching in his way at the Island of St. Thomas's and other places in the West-Indies, he there heard that great Complaints were preferred against him, and he proclaimed a Pirate, which occasioned him to saile to a place called Mona, near Hispaniola;^[3] from whence he sent to Curaso,^[4] and bought there the Sloop on which he is now on board, and tooke into her out of the said ship to the Value of about eight or ten thousand pounds in goods, gold, and Plate, for which Gold and Plate he traded at Madagascar, and was produced by the sale of sundry goods and Stores that he tooke out of the *Adventure Gally*, formerly commanded by him, and hath left the Ship taken by his Company, and carryed to Madagascar as aforesaid, at or near Mona abovesaid, in the Custody of about six men of his owne Company and Eighteen others that he got from Curaso (the Merchant of whom he bought the said Sloop being intrusted therewith), unto which he hath promised to returne again in three months, the said Kidd resolveing to come into Boston or New-Yorke to deliver up unto your Excellency what goods and Treasure he hath on board, and to pray your Excellency's assistance to enable him to bring the said Ship, left by him at Mona aforesaid, from thence, the said Ship being disabled from comeing, for want of furniture.^[5]

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But the said Captain Kidd further informed me, That by reason of what his Men had heard in the West-Indies, as aforesaid, of their being proclaimed Pirates, they would not consent to his coming into any Port without some Assurance from your Excellency That they should not be imprisoned or molested. And the said Captain Kidd did several times protest solemnly that he had not done anything since his going out in the said Gally contrary to his Commission and Orders, more than what he was necessitated unto by being overpowered by his Men, that deserted him, as aforesaid,

who evil intreated him several times for his not consenting to, or joineing with them in, their actions. And all the men on board the Sloop now with him did in like manner solemnly protest their innocence, and declared that they had used their utmost endeavours in preserving the aforesaid Ship and goods for the Owners or Employers. Said Kidd also said, that if your Lordship should see Cause so to direct, he would carry the said Ship for England, there to render an Account of his Proceedings.

Which beforegoing contains the particulars of what Captain Kidd and his Men related to

Your Lordship's most humble Servant,
DUNCAN CAMPBELL.

[1] Public Record Office, C.O. 5:860, no. 64 IV.; a copy certified by Bellomont, and endorsed, "Copy of a Memorial of Mr. Campbell who had been sent by the Earl of Bellomont to Captain Kidd, about what Kidd had said to him.... Referred to in the Earl of Bellomont's Letter of the 26th July 1699. Received [*i.e.*, by the Board of Trade] September 26th, Read 26th, 1699." This memorial is printed, with slight inaccuracies, in the *Commons Journal*, XIII. 21-22, and thence reprinted in Sir Cornelius N. Dalton's *The Real Captain Kidd*, pp. 315-321 (a book of slight value as a vindication of Kidd, but reprinting useful documents); but the *Commons Journal* is in few American libraries, and the document is essential to the story of Kidd, and therefore is printed here. Duncan Campbell, a Scot like Kidd, had been a bookseller in Boston, and was now postmaster there. John Dunton describes him (1686) as "a brisk young Fellow, that dresses All-a-mode, and sets himself off to the best Advantage; and yet thrives apace. I am told (and for his sake I wish it may be true) that a Young Lady of a Great Fortune has married him." *Letters from New England*, p. 80.

[2] An attorney in New York, and vestryman of Trinity Church.

[3] Mona is a small island lying in the passage between Santo Domingo and Puerto Rico.

[4] Curaçao, Dutch West Indies.

[5] Masts, spars, sails, and rigging.

76. Narrative of William Kidd. July 7, 1699.^[1]

A Narrative of the Voyage of Captain William Kidd, Commander of the *Adventure Gally*, from London to the East Indies.

That the Journal of the said Captain Kidd being violently taken from him in the Port of St. Marie's in Madagascar, and his life many times being threatned to be taken away from him by 97 of his men that deserted him there, he cannot give that exact Account he otherwise could have done, but as far as his memory will serve is as followeth; viz.

That the said *Adventure Gally* was launched in Castle's Yard at Deptford^[2] about the 4th day of December 1695, and about the latter end of February the said Gally came to the buoy in the Nore, and about the first Day of March following, his men were pressed from him for the Fleet, which caused him to stay there 19 Days,^[3] and then sailed for the Downs, and arrived there about the 8th or 10th Day of April 1696; and sailed thence for Plymouth, and on the 23d Day of the said month of April he sailed from Plymouth on his intended Voyage, and some time in the month of May met with a small French Vessel with Salt and Fishing Tackle on board, bound for Newfoundland, which he took and made Prize of and carried the same into New-York, about the 4th day of July, where she was condemned as lawful Prize, the produce whereof purchased Provisions for the said Gally for her further intended Voyage.

That, about the 6th day of September 1696 the said Captain Kidd sailed for the Maderas in Company with one Joyner, Master of a Briganteen belonging to Bermudas, and arrived there about the 8th day of October following; and thence to Bonavista,^[4] where they arrived about the 19th of said month, and took in some Salt and stayed three or four days, and sailed thence to St. Jago,^[4] and arrived there the 24th of the said month, where he took in some Water and staid about 8 or 9 Days, and thence sailed for the Cape of Good Hope, and in the Latitude of 32, on the 12th

day of December 1696 met with four English Men of War, whereof Captain Warren was Commodore, and sailed a week in their Company, and then parted and sailed to Telere, a Port in the Island of Madagascar, and being there about the 29th day of January, came in a Sloop belonging to Barbadoes, loaded with Rhum, Sugar, Powder and Shot, one — French Master, and Mr. Hatton and Mr. John Batt Merchants, and the said Hatton came on board the said Gally and was suddenly taken ill there and dyed in the Cabin: and about the latter end of February sayled for the Island of Johanna, the said Sloop keeping Company, and arrived there about the 18th day of March, where he found Four East India Merchantmen, outward bound, and watered there all together, and stayd about four days, And from thence about the 22d of March sayled for Mehila, an Island Ten Leagues distant from Johanna, where he arrived the next morning, and there careened the said Gally, and about fifty men died there in a weekes time.

That on the 25th day of April 1697 set saile for the Coast of India, and came upon the Coast of Mallabar in the beginning of the month of September, and went into Carrwarr upon that Coast about the middle of the same month and watered there, and the Gentlemen of the English Factory gave the Narrator an Account that the Portugese were fitting out two men of War to take him, and advised him to set out to Sea, and to take care of himselfe from them, and immediately he set sail thereupon ... about the 22d of the said month of September, and the next morning about break of day saw the said two Men of War standing for the said Gally, and spoke with him, and asked him Whence he was, who replyed, from London, and they returned answer, from Goa, and so parted, wishing each other a good Voyage, and making still along the Coast, the Commodore of the said Men of War kept dogging the said Gally all Night, waiting an Opportunity to board the same, and in the morning, without speaking a word, fired 6 great Guns at the Gally, some whereof went through her, and wounded four of his Men, and thereupon he fired upon him again, and the Fight continued all day, and the Narrator had eleven men wounded: The other Portuguese Men of War lay some distance off, and could not come up with the Gally, being calm, else would have likewise assaulted the same. The said Fight was sharp, and the said Portuguese left the said Gally with such Satisfaction that the Narrator believes no Portuguese will ever attack the Kings Colours again, in that part of the World especially, and afterwards continued upon the said Coast, cruising upon the Cape of Cameroone^[5] for Pyrates that frequent that Coast, till the beginning of the month of November 1697 when he met with Captain How in the *Loyal Captaine*, an English Ship belonging to Maddarass,^[6] bound to Surat, whom he examined and, finding his Pass good, designed freely to let her pass about her affairs; but having two Dutchmen on board, they told the Narrator's men that they had divers Greeks and Armenians on board, who had divers precious Stones and other rich Goods on board, which caused his men to be very mutinous, and got up their Armes, and swore they would take the Ship, and two-thirds of his Men voted for the same. The narrator told them The small Armes belonged to the Gally, and that he was not come to take any Englishmen or lawful Traders, and that if they attempted any such thing they should never come on board the Gally again, nor have the Boat, or Small-Armes, for he had no Commission to take any but the King's Enemies, and Pirates, and that he would attack them with the Gally and drive them into Bombay; the other being a Merchantman and having no Guns, might easily have done it with a few hands, and with all the arguments and menaces he could use could scarce restraine them from their unlawful Designe, but at last prevailed, and with much ado got him cleare, and let him go about his business. All which Captain How will attest, if living.

And that about the 18th or 19th day of the said month of November met with a Moors Ship of about 200 Tuns,^[7] coming from Suratt, bound to the Coast of Mallabar, loaded with two horses, Sugar and Cotton, to trade there, having about 40 Moors on board, with a Dutch Pylot, Boatswain and Gunner, which said Ship the Narrator hailed, and commanded on board, and with him came 8 or 9 Moors and the said three Dutchmen, who declared it was a Moors Ship, and demanding their Pass from Suratt, which they shewed, and the same was a French Pass, which he believes was shewed by a Mistake, for the Pylot swore Sacrament^[8] she was a Prize, and staid on board the Gally and would not return again on board the Moors Ship, but went in the Gally to the Port of St. Maries.

And that about the First Day of February following, upon the same Coast, under French Colours with a Designe to decoy, met with a Bengall Merchantman belonging to Surrat of the burthen of 4 or 500 Tuns, 10 guns, and he commanded the Master on board, and a Frenchman, Inhabitant of Suratt and belonging to the French Factory there, and Gunner of said Ship, came on board as Master, and when he came on board the Narrator caused the English Colours to be hoisted, and the said Master was surprized and said, You are all English; and asking, Which was the Captain, whom when he saw, said, Here is a good Prize, and delivered him the French Pass.^[9] And that with the said two Prizes sailed for the Port of St. Maries, in Madagascar; and sailing thither the said Gally was so leaky that they feared she would have sunk every hour, and it required eight men, every two Glasses^[10] to keep her free, and was forced to woold^[11] her round with Cables to keep her together, and with much ado carried her into the said Port of St. Maries, where they arrived about the First

Day of April 1698, and about the 6th day of May the lesser Prize was haled into the Careening Island or Key, the other not being arrived, and ransacked and sunk by the mutinous men, who threatened the Narrator and the men that would not join with them, to burn and sink the other, that they might not go home and tell the news.

And that when he arrived in the said Port there was a Pyrate Ship, called the *Moca Frigat*,^[12] at an Anchor, Robert Culliford Commander thereof, who with his men left the same at his coming in, and ran into the Woods, And the Narrator proposed to his Men to take the same, having sufficient power and authority so to do,^[13] but the mutinous Crew told him, if he offered the same, they would rather fire two Guns into him than one into the other, and thereupon 97 deserted, and went into the *Moca Frigat*, and sent into the Woods for the said Pyrates and brought the said Culliford and his men on board again; and all the time she staid in the said Port, which was for the Space of 4 or 5 Dayes, the said Deserters, sometimes in great numbers, came on board the said Gally and *Adventure Prize*,^[14] and carried away great guns, Powder, Shot, small Armes, Sailes, Anchors, Cables, Chirurgeons Chest, and what else they pleased, and threatned several times to murder the Narrator (as he was informed, and advised to take care of himselfe) which they designed in the Night to effect but was prevented by his locking himself in his Cabin at night, and securing himselfe with barroading the same with bales of Goods, and having about 40 small Armes, besides Pistols, ready charged, kept them out. Their wickedness was so great, after they had plundered and ransacked sufficiently, went four miles off to one Edward Welche's house,^[15] where his the Narrator's Chest was lodged, and broke it open, and took out 10 Ounces of Gold, forty Pounds of Plate, 370 pieces of Eight, the Narrator's Journal, and a great many papers that belonged to him and the People of New-York that fitted them out.

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That about the 15th of June, the *Moca Frigat* went away, being manned with about 130 Men and forty Guns, bound out to take all Nations. Then it was that the Narrator was left only with 13 Men, so that the Moors he had to pump and keep the *Adventure Gally* above Water being carried away, she sunk in the harbour, and the Narrator with the said thirteen men went on board of the *Adventure-Prize*, where he was forced to stay five months for a fair Wind. In the meantime some Passengers presented, that were bound for these Parts, which he tooke on board to help to bring the said *Adventure-Prize* home.

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That about the beginning of April 1699 the Narrator arrived at Anguilla in the West-Indies and sent his Boat on Shore, where his men had the News That he and his People were proclaimed Pirates, which put them into such a Consternation that they sought all Opportunitys to run the Ship on shore upon some reef or Shoal, fearing the Narrator should carry them into some English Port.

From Anguilla they came to St. Thomas, where his Brother-in-law Samuel Bradley^[16] was put on shore, being sick, and five more went away and deserted him, where he heard the same News, that the Narrator and his Company were proclaimed Pirates, which incensed the People more and more. From St. Thomas set saile for Moona, an Island between Hispaniola and Porto Rico, where they met with a Sloop called the *St. Anthony*, bound for Montego^[17] from Curaso, Mr. William Bolton^[18] Merchant and Samuel Wood Master. The men on board then swore they would bring the Ship no further. The Narrator then sent the said Sloop *St. Anthony* for Curaso for Canvas to make Sails for the Prize, she being not able to proceed, and she returned in 10 Dayes, and after the Canvas came he could not persuade the men to carry her for New-England, but Six of them went and carried their Chests and things on board of two Dutch Sloops, bound for Curaso, and would not so much as heele the Vessel or do any-thing; the remainder of the men not being able to bring the *Adventure-Prize* to Boston, the Narrator secured her in a good safe Harbour in some Part of Hispaniola, and left her in the Possession of Mr. Henry Boulton of Antego, Merchant, the Master, three of the old men, and 15 or 16 of the men that belonged to the said Sloop *St. Anthony* and a Briganteen belonging to one Burt of Curaso.

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That the Narrator bought the said Sloop *St. Anthony* of Mr. Bolton, for the Owners accompt, and after he had given Directions to the said Bolton to be careful of the Ship and Ladeing and persuaded him to stay three months till he returned, and then made the best of his way to New-York, where he heard the Earl of Bellomont was, who was principally concerned in the *Adventure Gally*, and hearing his Lordship was at Boston, came thither and has now been 45 Dayes from the said Ship.

WM. KIDD.

Boston, 7th July 1699.

Further the Narrator saith, That the said Ship was left at St. Katharina on the Southeast part of Hispaniola, about three Leagues to Leward of the Westerly end of Savano.^[19] Whilst he lay at Hispaniola he traded with Mr. Henry Bolton of Antigua, and Mr. William Burt of Curracao,^[20] Merchants, to the value of Eleven thousand two hundred Pieces of Eight, whereof he received the Sloop *Antonio* at 3000 Pieces of 8/8, and four thousand two hundred Pieces of 8/8 by Bills of Exchange, drawn by Bolton and Burt upon Messieurs Gabril and Lemont,^[21] Merchants in Curracao,

made payable to Mr. Burt, who went himself to Curraçao, and the Value of four thousand Pieces of 8/8 more in Dust and barr-gold, which Gold, with some more traded for at Madagascar, being Fifty Pound Weight or upwards in Quantity, the Narrator left in Custody of Mr. — Gardner of Gardner's-Island,^[22] near the Eastern end of Long-Island, fearing to bring it about by Sea. It is made up in a bagg put into a little box, lockt and nailed, corded about, and sealed. Saith, He took no receipt for it of Mr. Gardner.

The Gold that was seized at Mr. Campbel's the Narrator traded for at Madagascar, with what came out of the Gally.

Saith, That he carried in the *Adventure Gally* from New-York, 154 Men; Seventy whereof came out of England with him. Some of his Sloop's Company put two Bailes of Goods on shore at Gardner's-Island, being their own proper. The Narrator delivered a Chest of Goods, viz. Muslins, Latches, Romals^[23] and flowered Silke, unto Mr. Gardner of Gardner's-Island aforesaid, to be kept there for the Narrator. put no Goods on shore any-where else. Several of his Company landed their Chests and other Goods at several places.

Further saith, He delivered a small Bayle of course Callicoes unto a Sloop-Man of Rhode-Island that he had employed there. The Gold seized at Mr. Campbell's the Narrator intended for Presents to some that he expected to do him Kindness. Some of his Company put their Chests and Bailes on board a New Yorke Sloop lying at Gardner's-Island.

WM. KIDD.

Presented and taken, die praedict.^[24] before his Excellency and Council.

ISA. ADDINGTON, Secretary.

[1] Public Record Office, C.O. 5:860, no. 64 XXV. Printed in *Commons Journal*, XIII. 31-32, and by Dalton, but the same remark applies to this document (and to documents nos. [77](#), [79](#), and [82](#)) as to [no. 75](#); they are essential to an understanding of the story. A "protest" by Kidd, July 7, of similar purport, has just been published in *Portland MSS.*, IX. 403.

[2] Three miles down the Thames from London Bridge. The Nore was a sandbank at the mouth of the river; the Downs is the roadstead off Deal.

[3] "At the Buoy in the Nore Captain Steward, commander of the *Duchess*, took away all my ship's crew; but Admiral Russell [one of Kidd's owners], upon my application to him at Sittingbourne, caused my men to be restored to me." Kidd's protest; Hist. MSS. Comm., *Manuscripts of the Duke of Portland*, VIII. 80. England and France were at war from 1689 to the peace of Ryswyk, Sept. 20, 1697 (War of the Grand Alliance, King William's War). In such times the royal navy always relied, for its supply of men, upon impressment, especially of merchant seamen. See J.R. Hutchinson, *The Press-Gang Afloat and Ashore* (London, 1913).

[4] See [doc. no. 71](#), [note 2](#).

[5] Cape Comorin, the southern point of Hindustan.

[6] *I.e.*, Madras.

[7] The *Rouparelle*; her French pass (from the director of Surat for the French East India Company) showing a Mohammedan captain, Dutch pilot, and Dutch boatswain, is in *Commons Journal*, XIII. 21. It was one of the two passes whose absence at Kidd's trial was fatal to his case.

[8] "The Dutch-man seeing that, swore his countries oath, 'sacremente'." Bradford, *History of Plymouth Plantation* (ed. 1908), p. 35.

[9] The French pass of this ship, the *Cara Merchant* or *Quedah Merchant* (Kedah, in the Malay Peninsula) is in the *Commons Journal*, XIII. 21, signed by François Martin, the founder of Pondicherry and of the French empire in India. It is dated Jan. 14, 1698, at Hugli (Chandernagore). It names Armenians as commanders and owner, though the evidence given at Kidd's trials in London (Hargrave, *State Trials*, V. 287-338) constantly states an

Englishman named Wright to have been commander. It should be remembered, in respect to these two captures, of vessels ostensibly French, in November, 1697, and February, 1698, that though the peace of Ryswyk was signed Sept. 20, 1697, the news of its signing did not reach the Indian Ocean till April, 1698; and by its terms (art. X.) captures made "beyond the Line" (Equator) within six months from the signing of the treaty were not illegal.

[10] *I.e.*, an hour by the sand-glass.

[11] Wind.

[12] See [doc. no. 74](#), [note 2](#).

[13] One of the witnesses at Kidd's trial, a member of his crew, gives a very different account of the latter's attitude toward Culliford. It may be quoted, as a specimen of Kidd's unstudied conversational style. "On the Quarter-deck they made a Tub of Bomboo, as they call it, (it is made of Water, and Limes, and Sugar) and there they drank to one another; and, says Capt. Kidd, Before I would do you any Damage, I had rather my Soul should broil in Hell-fire; and wished Damnation to himself several times, if he did. And he took the Cup, and wished that might be his last, if he did not do them all the Good he could." *State Trials* (Hargrave), V. 306, 335.

[14] *I.e.*, the *Quedah Merchant*.

[15] Edward Welch was a New Englander, who had come out to Madagascar as a boy, and had a house fortified with six guns near St. Mary's, where he ruled over a company of negroes. *Cal. S.P. Col.*, 1699, p. 289.

[16] Kidd's wife's brother; see [doc. no. 78](#), [note 1](#), and *N.Y. Col. Docs.*, IV. 128, 144, 179. General McCrady, *History of South Carolina*, I. 262-263, mentions two affidavits in an old manuscript book in Charleston, by two sailors of the *Adventure's* company, who declare that Bradley took no part with the piratical crew, but constantly protested against their course, and therefore was put ashore sick on a rock near Antigua.

[17] The manuscript (a copy) says Montego, which is in Jamaica, but the name should be Antigua. The *Antonio* belonged partly to Abraham Redwood of Antigua, afterward of Newport.

[18] Henry Bolton; see [doc. no. 86](#). Samuel Wood's examination is in *Commons Journal*, XIII. 26.

[19] Savona, or Saona, a small island off the southeasternmost part of Santo Domingo. Santa Catalina is a still smaller island, a little farther to the west.

[20] Burt or Burke, an Irish trader, was of Dutch Curaçao to Kidd, of French St. Kitts to Governor Codrington, but a British subject to the Danish governor of St. Thomas. See [doc. no. 83](#).

[21] Walter Gribble (see [doc. no. 86](#), [note 7](#)) and William Lamont.

[22] See [doc. no. 79](#).

[23] Handkerchiefs.

[24] *Die praedicta*, on the day aforesaid.

77. Lord Bellomont to the Board of Trade. July 8, 1699.^[1]

BOSTON, 8th July, 99.

My Lords,

I have the Misfortune to be ill of the Gout at a time when I have a great deal of business to exercise both my head and my hand.

It will not be unwellcome News to your Lordships to tell you that I secured Captain Kidd last Thursday in the Gaol of this Town with five or six of his men. He had been hovering on the Coast towards New-York for more than a fortnight, and sent to one Mr. Emot to come from New-York to him at a place called Oyster-Bay in Nassau Island^[2] not far from New-York. He brought Emot from thence to Rhoad Island and there landed him, sending him hither to me with an Offer of his coming into this

port provided I would pardon him. I was a little puzzled how to manage a treaty of that kind with Emot, a cunning Jacobite, a fast Friend of Fletcher's and my avowed enemy. When he proposed my pardoning Kid, I told him it was true the King had allowed me a power to pardon Pyrates; but that I was so tender of using it (because I would bring no stain on my Reputation), that I had set myself a Rule never to pardon Piracy without the King's expresse leave and Command. Emot told me that Kid had left the great Moorish Ship he took in India (which Ship I have since found went by the Name of the *Quidah-Merchant*), in a Creek on the Coast of Hispaniola, with Goods to the Value of thirty Thousand pounds: That he had bought a Sloop, in which he was come before to make his termes: that he had brought in the Sloop with him severall Bailes of East India goods, threescore pound weight of gold in Dust and in Ingotts, about a hundred weight of Silver and several other things which he beleived would sell for about Ten Thousand pounds. Emot also told me that Kid was very innocent and would make it appear that his men forced him, locking him up in the Cabin of the *Adventure Galley* while they robbed two or three Ships, and he could prove this by many witnesses. I answered Emot that if Kid could make that appear he might safely come into this Port and I would undertake to get him the King's Pardon. I writ a Letter to Captain Kid inviteing him to come in,^[3] and that I would procure a pardon for him, provided he were as innocent as Mr. Emot said he was. I sent my letter to him by one Mr. Campbell of this Town, and a Scotch as well as Kid, and his Acquaintance: within three or four days Campbell returned to me with a Letter from Kid, full of protestations of his Innocence, and informing me of his Design of coming with his Sloop into this Port. I must not forget to tell your Lordships that Campbell brought three or four small Jewells to my Wife, which I was to know nothing of; but she came quickly and discovered them to me and asked me whither she should keep them, which I advised her to do for the present. For I reflected that my shewing an over-nicety might do hurt, before I had made a full discovery what goods and treasure were in the Sloop. All this whole matter, even to my writing my Letter to Kid, was transacted with the privity and advice of the Councill.

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Kid landed here this day Seven night; and I would not so much as speak with him but before Witnesses: I thought he looked very guilty, and to make me believe so he and his friend Livingston^[4] (who posted hither from Albany, upon newes of Captain Kid's designe of coming hither), and Campbell aforesaid began to juggle together and Imbezle some of the Cargo; besides, Kid did strangely trifle with me and the Councill three or four times that we had him under Examination. Mr. Livingston also came to me in a peremptory manner and demanded up his Bond and the articles which he sealed to me upon Kid's Expedition, and told me that Kid swore all the Oaths in the World that unless I did immediately indemnifie Mr. Livingston by giving up his Securities he would never bring in that great Ship and Cargo, but that he would take care to satisfie Mr. Livingston himself out of that Cargo. I thought this was such an Impertinence, in both Kid and Livingston, that it was time for me to look about me, and to secure Kid. I had notice that he designed my wife a Thousand Pound in Gold Dust and Ingotts last Thursday, but I spoiled his Complement by ordering him to be arrested and committed that Day, showing the Councill my orders from Court for that purpose. Two Gentlemen of the Councill, Two Merchants, and the Collector, have the Charge of all the Cargo, and they are preparing Inventories of every thing, which shall be sent to your Lordships by the next Ship.^[5] I delivered up to those five persons the Jewells that I have formerly told you Kid sent by Campbell to my Wife, and that at the Councill Board.

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If I had kept Mr. Secretary Vernon's Orders for seizing and securing Kid and his associates with all their Effects with less Secrecy, I had never got him to come in: for his Country men, Mr. Graham^[6] and Livingston, would have been sure to caution him to shift for him self and would have been well paid for their pains. I received the Lords Justices^[7] Orders about Kid, and likewise Mr. Secretary Vernon's, about three moneths before my leaveing New-York, but I never discovered them to any body, and when I heard people say, that the neighbouring Governors had Orders from Court to seize him, I laughed, as if I believed noe such thing. I wish they may not let him escape here, as they have Bradish, a notorious Pyrate. About a fortnight ago, Bradish and another Pyrate got out of the Gaol of this Town and escaped with the Consent of the Gaoler as there is great reason to beleive.^[8]

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As the Law stands in this Country a Pyrate cannot be punished with Death; therefore I desire to receive orders what to do with Bradish's Crew, and also with Kid, and those Men of his I have taken.^[9]

Since my leaving New-York one of the four Ships has come in that went from thence to Madagascar last Summer and of which I informed your Lordships, and has brought Sixty Pyrates and a vast deall of Treasure. I hear that every one of the Pyrates paid 150 l. for his passage, and the owners, I am told, have cleared thirty Thousand pounds by this Voyage. It is observable that Mr. Hackshaw, one of the Merchants that petitioned against me to your Lordships, and Stephen Delancy, a hot headed saucy Frenchman and Mr. Hackshaw's Correspondent, are the cheife owners of this Ship. I hear there were 200 Pyrates at Madagascar when this Ship came away, who intended to take their passage in Frederick Phillips Ship and the other Two

A great Ship has been seen off this Coast any time this Week; it is supposed to be one Maise, a Pyrate who has brought a vast deale of wealth from the red Seas.^[10] There is a Sloop also at Rhoad Island, which is said to be a Pyrate. I hear the men goe a shoar there in the day time and return to the Sloop at night and spend their gold very liberally. We can do nothing towards the taking those Ships, for want of a man of War. I am manning out a Ship to go in Quest of the *Quidah-Marchant* left by Kid on the Coast of Hispaniola: by some papers which we seized with Kid, and by his own Confession, wee have found out where the Ship lyes;^[11] and according to his account of the Cargo we compute her to be worth seventy thousand pounds. The Ship that carries this is just upon Sailing, and will not be persuaded to stay any longer; so that I cannot send your Lordships the Inventories of the Goods brought in by Kid, nor the Informations we have taken about him from his own men, till next opportunity. I am, with Respect,

My Lords
Your Lordships most humble
and obedient Servant
BELLOMONT.

^[1] Public Record Office, C.O. 5:860, no. 62; *Commons Journal*, XIII, 18-19. Endorsed as received and read Aug. 31. Richard Coote (1636-1701), earl of Bellomont in the peerage of Ireland, was designated as governor of Massachusetts in June, 1695, and as governor of New York in July, three months before his agreement with Livingston and Kidd, but was not commissioned till June 18, 1697. He arrived in New York Apr. 2, 1698, and first came to Boston May 26, 1699. The part he had taken in sending out Kidd to capture pirates made Kidd's piracy a matter of special indignation and embarrassment to him, particularly when the affair was used in Parliament, in the session of 1700, as a means of attack on the Lord Chancellor Somers (see [doc. no. 71](#), [note 1](#)). The agreement with Kidd was an unwise arrangement, but there is no doubt that Bellomont was an honest and zealous official.

^[2] Long Island.

^[3] The letter, June 19, and Kidd's reply, June 24, are in *Commons Journal*, XIII. 22.

^[4] Robert Livingston (1654-1725), first proprietor of Livingston Manor, a Scot like Kidd and Campbell, was a member of the council of New York, and secretary for Indian affairs.

^[5] This inventory is printed in *Commons Journal*, XIII. 29, and, from a copy preserved by the Gardiner family at Gardiner's Island, in C.C. Gardiner, *Lion Gardiner and his Descendants* (St. Louis, 1890), pp. 84-85. Judge Samuel Sewall headed the commission, and supervised the shipping of part of the treasure to London; *Diary*, Mass. Hist. Soc., *Collections*, XLVI. 7. The total of what was secured by the authorities—obtained from Kidd's box and chest, from the *Antonio*, from Campbell, and from Gardiner—was 1111 troy ounces of gold, 2353 ounces of silver, 17-3/8 ounces of jewels or precious stones, 57 bags of sugar, 41 bales of merchandise, and 17 pieces of canvas. How much leaked away in sloops from Long Island Sound to New York and elsewhere, or in the West Indies, or was destroyed in the burning of the *Quedah Merchant* in Hispaniola, is matter for conjecture. The total capture, listed above, was thought to be worth £14,000.—Since writing the above, I have come upon Mr. Ralph D. Paine's *The Book of Buried Treasure* (London, 1911), which presents, at p. 82, a photograph of the inventory mentioned above. Mr. Paine prints our docs. nos. [72](#), [76](#), [79](#), [82](#), [84](#), and part of [85](#).

^[6] James Graham, another Scot, was attorney-general of New York and a member of the council.

^[7] Acting as chief executive, in the absence of King William.

^[8] Joseph Bradish and others of the crew of the ship *Adventure* of London, on a voyage from London to Borneo in 1698, piratically seized the ship and ran away with it to Block Island. John Higginson of Salem, in a letter of Oct. 3, 1699, after mention of Kidd, adds, "And there was one Bradish, a Cambridge man, who sailed in an interloper bound for India, who, in some part of the East Indies, took

an opportunity, when the captain and some of the officers were on shore, to run away with the ship, and came upon our coast, and sunk their ship at Block Island, and brought much wealth ashore with them; but Bradish, and many of his company, and what of his wealth could be found, were seized and secured. But Bradish, and one of his men, broke prison and run away amongst the Indians; but it is supposed that he will be taken again." Mass. Hist. Soc., *Collections*, XXVII. 210. Judge Sewall reports him as recaptured Oct. 26, 1699, and sent to England with Kidd Feb. 16, 1700. *Ibid.*, XLV. 503; XLVI. 6.

[9] A Massachusetts act of 1692 punishing piracy with death had been disallowed by the crown. Judge Sewall, in the debate in the council as to the matter, declared that he knew of no power they had to send men out of the province to be tried. *Ibid.*, XLVI. 4. He was probably right.

[10] William Maze or Mace was one of the pirates specifically named, along with Tew and Wake, in Kidd's commissions.

[11] For the benefit of treasure-hunters, one might wish one could be precise. But while the master of the *Antonio* says at Sta. Catalina (*Commons Journal*, XIII. 27) and other sailors (*ibid.*, 24) say in the Rio Romana, which would mean much the same, Henry Bolton ([doc. no. 86](#)) says in the Rio Higuey, which is 30 miles farther east, and Capt. Nicholas Evertse, a worthy New York skipper, says (*C.J.*, XIII. 24) that on June 29 he saw the *Quedah Merchant*, on fire and burnt down almost to the water's edge, in a salt lagoon on "the Island St. Helena, nigh Hispaniola," meaning, apparently, Sta. Catalina.

78. *Petition of Sarah Kidd. July 16 (?), 1699.*^[1]

To his Excellency the Earle of Bellomont, Captn. Gen. and Govr. in Chief of his Maj'tys provinces of the Massachusetts Bay, New Yorke, etca. in America, and of the Territories thereon depending, and Vice Admiral of the same,

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The petition of Sarah Kidd the wife of Captn. Wm. Kidd,

Humbly Sheweth

That on the sixth day of July Inst. some of the Magistrates and officers of this place came into your Pet'rs lodgings at the house of Duncan Campbell and did there Seize and take out of a Trunck a Silver Tankard, a Silver Mugg, Silver Porringer, spoons, forcks and other pieces of Plate, and two hundred and sixty pieces of Eight, your Pet'rs sole and proper Plate and mony, brought with her from New Yorke, whereof she has had the possession for several years last past, as she can truly make oath; out of which sd Trunck was also took Twenty five English Crowns which belonged to your Pet'rs Maid.^[2]

The premisses and most deplorable Condition of your Pet'r considered, She humbly intreats your hon'rs Justice That Returne be made of the said Plate and mony.

SARAH S K KIDD.

In Council July 18, 1699.

Advised that Mrs. Kidd making oath that she brought the Plate and money above mentioned from New York with her, It was restored unto her. As also that Capn. Kidd and Companys wearing Apparel under Seizure be returned to them.

[1] Mass. Archives, vol. 62, no. 316. On May 16, 1691, Kidd received license to marry at New York Sarah Oort, widow of John Oort, merchant of New York. She was a daughter of Samuel Bradley. Kidd was her third husband. In 1703 she married a fourth. She died in New Jersey in 1744, leaving five children, one of whom was apparently a daughter of Kidd. Frederic de Peyster, in his *Bellomont*, p. 29, says that she "is said to have been a lovely and accomplished woman." Lovely she may have been, and evidently she was attractive, since she had four husbands, but she could not write her own name. To this document and to nos. [80](#) and [81](#) she affixes her mark, S.K., rudely printed; facsimile in *Memorial History of Boston*, II. 179.—Since this book was prepared, this petition has been

printed in the *Proceedings* of the American Antiquarian Society, XXXI. 50-51.

[2] The maid was most likely Elizabeth Morris, whose indenture of apprenticeship to Capt. William Kidd, Aug. 19, 1695, is printed in N.Y. Hist. Soc., *Coll.*, 1885, pp. 571-572. She had then just come out from England in Kidd's old barkentine the *Antigua*, which Governor Codrington of the Leeward Islands had given him in 1690 to reward his services and replace the ship then stolen from him (see [doc. no. 71](#), [note 1](#), and *Portland MSS.*, VIII. 78) and which had apparently been his ship ever since. She was indentured to him as a maidservant for four years, from July 14, 1695, to July 14, 1699. The council ordered Sarah Kidd's plate to be returned to her.

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79. Narrative of John Gardiner. July [17], 1699.^[1]

The Narrative of John Gardner of Gardners-Island, alias Isle of Wight, relating to Captain William Kidd.

That about twenty dayes agoe, Mr. Emot of New Yorke came to the Narrators House, and desired a boat to go for New Yorke, telling the Narrator he came from my Lord at Boston. Whereupon the Narrator furnished the said Emot with a boat, and he went for New Yorke, and that Evening the Narrator saw a Sloop with Six Guns rideing at an Anchor off Gardners Island. and two days afterwards in the Evening the Narrator went aboard said Sloop to enquire what she was, and so soon as he came on board Captain Kidd (then unknown to the Narrator) asked him how himselfe and Family did, telling him that he the said Kidd was going to my Lord at Boston, and desired the Narrator to carry three Negroes, two boys and a girle, ashore, to keep till he the said Kidd or his Order should call for them, which the Narrator accordingly did. That about two hours after the Narrator had got the said Negroes ashore, Captain Kidd sent his boat ashore with two bailes of Goods and a Negro Boy, and the morning after, said Kidd desired the Narrator to come immediately on board and bring Six Sheep with him for his the said Kidds Voyage for Boston, which the Narrator did, when Kidd asked him to spare a barrel of Cyder, which the Narrator with great importunity consented to, and sent two of his men for it, who brought the Cyder on board said Sloop, but whilst the men were gone for the Cyder, Captain Kidd offered the Narrator several Pieces of damnified^[2] Muslin and Bengalls as a Present to his Wife, which the said Kidd put in a bagg, and gave the Narrator, and about a Quarter of an Hour afterwards the said Kidd tooke up two or three pieces of damnified Muslin and gave the Narrator for his proper Use. And the Narrators men then coming on board with the said Barrel of Cyder as aforesaid, the said Kidd gave them four pieces of Arabian Gold for their trouble and also for bringing him Wood. Then the said Kidd, ready to saile, told this Narrator he would pay him for the Cyder, to which the Narrator answered That he was already satisfied for it by the Present made to his Wife. And this Narrator observed that some of Kidds men gave to the Narrators men some inconsiderable things of small value, which this Narrator believes were Muslins for Neckcloths. And then the Narrator took leave of the said Kidd and went ashore, and at parting the said Kidd fired four Guns and stood for Block-Island.

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About three Dayes afterwards the said Kidd sent the Master of the Sloop and one Clarke in his boat for the Narrator, who went on board with them, And the said Kidd desired this Narrator to take on shore with him and keep for him, the said Kidd, and Order, a Chest, and a box of gold and a bundle of Quilts and Four Bayles of Goods, which box of gold the said Kidd told the Narrator was intended for my Lord; and the Narrator complied with the said Kidds request and took on shore the said Chest, box of gold, Quilts, and bayles of Goods.

And the Narrator further saith That two of Kidds Crew, who went by the Names of Cooke and Parrat,^[3] delivered to him, the Narrator, two baggs of Silver, which they told the Narrator weighed thirty pound weight, for which he gave receipt. And That another of Kidd's men delivered to the Narrator a small bundle of gold, and gold dust of about a pound weight, to keep for him, and did also present the Narrator with a Sash and a pair of worsted Stockins. And just before the Sloop sayled Captain Kidd presented the Narrator with a bagg of Sugar, and then tooke leave and sayled for Boston.

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And the Narrator further saith, he knew nothing of Kidds being proclaimed a Pyrate, and if he had, he durst not have acted otherwise than he has done, having no force to oppose them, and for that he hath formerly been threatned to be killed by Privateers, if he should carry unkindly to them.

JOHN GARDINER.

The within named Narrator further saith That whilst Captain Kidd lay with his Sloop

at Gardners Island, there was a New Yorke Sloop, whereof one Coster is Master, and his Mate was a little black man, unknown to the Narrator by name,^[4] who, as it was said, had been formerly Captain Kidds Quarter Master, and another Sloop belonging to New-Yorke, Jacob Fenick^[5] Master, both which lay near to Kidds Sloop three dayes together, and whilst the Narrator was on board with Captain Kidd, there was several Bayles of Goods and other things put out of the said Kidds Sloop and put on board the other two Sloops aforesaid, and the said two Sloops sayled up the Sound. After which Kidd sailed with his Sloop for Block Island, and being absent by the Space of three dayes returned to Gardners-Island again in company of another Sloop belonging to New-Yorke, Cornelius Quick Master, on board of which was one Thomas Clarke of Setauket, commonly called Whisking Clarke, and one Harrison of Jamaica, Father to a boy that was with Captain Kidd, and Captain Kidds Wife was then on board his own Sloop.^[6] And Quick remained with his Sloop there from noon to the evening of the same day, and tooke on board two Chests that came out of the said Kidd's Sloop, under the observance of this Narrator, and he believes several Goods more, and then sailed up the Sound. Kidd remained there with his Sloop until next morning, and then set saile intending, as he said, for Boston. Further the Narrator saith That the next day after Quick sayled with his Sloop from Gardners Island, he saw him turning out of a Bay called Oyster-pan Bay,^[7] although the wind was all the time fair to carry him up the Sound; the Narrator supposes he went in thither to land some Goods.

JOHN GARDINER.

Boston, July 1699.

The Narrator, John Gardiner, made Oath before his Excellency and Council unto the truth of his Narrative contained in this Sheet of Paper.

ISA. ADDINGTON, Secretary.

^[1] Public Record Office, C.O. 5:860, no. 64 XXI; *Commons Journal*, XIII. 30-31. John Gardiner (1661-1738), grandson of Lion Gardiner, was the third manorial proprietor of Gardiner's Island, an island lying three miles northward from Long Island, toward its eastern extremity and near the entrance to the Sound. The narrative was sent to the Board of Trade by Bellomont as an enclosure in no. 82.

^[2] Damaged. Bengals were striped goods, partly silk. Kidd gave Mrs. Gardiner more than this. A pitcher and fragments of a piece of cloth of gold are still in the hands of different descendants of two of John Gardiner's wives. See article by John R. Totten in *N.Y. Biog. Rec.*, L. 17-25. The story is told in Thompson's *Long Island*, p. 203, from a letter of a descendant writing more than a hundred years ago. "He [Kidd] wanted Mrs. Gardiner to roast him a pig; she being afraid to refuse him, roasted it very nice, and he was much pleased with it. He then made her a present of this cloth."

^[3] Neither of these sailors was of the original crew. Hugh Parrott, of Plymouth, England, joined Kidd at Johanna, and was tried and condemned with him. His examination at Boston is in *Commons Journal*, XIII. 29.

^[4] Carsten Luersen and Hendrick van der Heul.

^[5] Jacob Phoenix.

^[6] Capt. Thomas Clarke, coroner of New York, was soon after arrested in Connecticut at the instance of Bellomont, who charged him with having privately deposited £10,000 worth of Kidd's treasure with a man at Stamford. Clarke promised restitution. *N.Y. Col. Docs.*, IV. 595, 793; *Calendar of Council Minutes*, pp. 143, 144, 164.

^[7] Not Oyster Bay, but Oyster-pond Bay, near Orient.

80. Sarah Kidd to Thomas Payne. July 18, 1699.^[1]

From BOSTON Prison, July the 18 day 1699.

Captain Payen:

After my humble service to your selfe and all our good Friends this cometh by a

trusty Friend of mine how^[2] can declare to you of my great griefe and misery here in prison by how I would desire you to send me Twenty four ounces of Gold and as for all the rest you have in your custody shall desire you for to keep in your custody for it is all we have to support us in time of want; but I pray you to deliver to the bearer hereof the above mentioned sum, hows^[3] name is Andrew Knott.^[4] And in so doing you will oblige him how is your

SARAH S K KEEDE

the bare hereof can informe you more at large.

[1] Public Record Office, C.O. 5:861, no. 4 XVIII. Captain Thomas Paine of Jamestown, R.I. (Conanicut Island), had come to Rhode Island in 1683, as a privateer with dubious papers. In 1690 he had defeated a body of Frenchmen at Block Island. He may have been an accomplice of pirates, as Bellomont charges in [doc. no. 85](#) (in which this is an enclosure); he was certainly one of the founders of Trinity Church, Newport.

[2] Who.

[3] Whose.

[4] See [doc. no. 85](#).

81. Petition of Sarah Kidd. July 25, 1699.^[1]

To his Excell'cy the Earle of Bellomont,

Capt. Gen'll and Governor of his Maj'tys Collonies of the Massachusetts Bay in N. Engl'd etca. and to the honorable the Councill.

The Peticion of Sarah Kidd humbly Sheweth

That Your Petitioners husband Capt. Wm. Kidd, being comitted unto the Comon Goale^[2] in Boston for Pyracie, and under Streight durance, as Alsoe in want of necessary Assistance, as well as from Your Petitioners Affection to her husband humbly pray's that your Excell'cy and Councill will be pleased to permitt the sd Sarah Kidd to have Communication with her husband, for his reliefe; in such due Season and maner, as by your Excellence and Councill may be tho't fitt and prescribed, to which Your Petitioner shall thankfully conforme herSelfe and ever pray etca.

SARAH S K KIDD

Boston 25 July 1699.

[1] Mass. Archives, vol. 62, no. 317.

[2] Gaol, jail.

82. Lord Bellomont to the Board of Trade. July 26, 1699.

[1]

BOSTON, 26th July 99.

My Lords,

I gave your Lordships a short Account of my taking Capt. Kidd, in my Letter of the 8th Instant:^[2] I shall in this Letter confine myselfe wholly to an Account of my Proceeding with him.

On the 13th of last Month Mr. Emot, a Lawyer of New-York, came late at Night to me and told me he came from Captain Kidd, who was on the Coast with a Sloop, but would not tell me where: That Kidd had brought 60 Pound Weight of gold, about a 100 Weight of Silver, and 17 Bales of East-India goods, (which was less by 24 Bales than we have since got in the Sloop), That Kidd had left behind him a great Ship near the Coast of Hispaniola that nobody but himselfe could find out, on board whereof

there were in bale goods, Saltpetre, and other things to the Value of at least 30,000 L.: That if I would give him a pardon, he would bring in the Sloop and goods hither, and would go and fetch the great Ship and goods afterwards. Mr. Emot delivered me that Night Two French Passes, which Kidd took on board the Two Moors Ships which were taken by him in the seas of India (or, as he alleges, by his Men against his Will). One of the Passes wants a date in the original, as in the Copy I send your Lordships; and they go No. I. and No. II.^[3]

On Thursday, the 15 of June, I sent Mr. Campbel, the Post-Master of this town, Kidd's Countryman and acquaintance, along with Mr. Emot, to invite Kidd to come into this Port. Mr. Campbel returned hither on the 19 of June, and gave in a Memorial to my selfe and the Council, containing what had passed between him and Kidd: The said Memorial goes No. 3.^[4] On the said 19 June, as I sate in Council, I wrote a Letter to Captain Kidd, and shewed it to the Council, and they approving of it, I dispatched Mr. Campbel again to Kidd with my said Letter, a Copy whereof goes No. 4. Your Lordships may observe That the promise I make Captain Kidd, in my said Letter, of a kind reception, and promising the King's pardon for him, is conditionall; that is, provided he were as innocent as he pretended to be. But I quickly found sufficient Cause to suspect him very guilty, by the many lyes and Contradictions he told me. I was so much upon my guard with Kidd that, he arriving here on Saturday the [first] of this moneth, I would not see him but before witnesses; nor have I ever seen him since, but in Council twice or thrice that we examined him; and the day he was taken up by the Constable, it happened to be by the door of my Lodging,^[5] and he rushed in and came running to me, the Constable after him. I had him not seized till Thursday the 6th instant, for I had a mind to discover where he had left the great Ship, and I thought my selfe secure enough from his running away, because I took care not to give him the least umbrage of my Design of seizing him, Nor had I till that day that I produced my orders from Court for apprehending of Kidd, communicated them to anybody. And I found it necessary to shew my orders to the Council, to animate them to join heartily with me in securing Kidd, and examining his Affair nicely, to discover what we could of his behaviour in his whole Voyage. Another reason why I took him not up sooner was that he had brought his wife and Children hither in the Sloop with him, who I believed he would not easily forsake. He being examined twice or thrice by me and the Council, and also some of his men, I observed he seemed much disturbed, And the last time we examined him I fancied he looked as if he were upon the wing, and resolved to run away, and the Gentlemen of the Council had some of them the same thought with mine, so that I took their Consent in seizing and committing him.^[6] But the officers appointed to seize his men were so careless as to let 3 or 4 of his men escape, which troubled me the more because they were old New-York Pyrates. The next thing the Council and I did, was to appoint a Committee of trusty persons to search for the goods and Treasure brought by Kidd and to secure what they should find till the King's pleasure should be known as to the Disposition thereof, as my orders from Mr. Secretary Vernon import. The said Committee were made up of Two Gentlemen of the Council, Two Merchants, and the Deputy Collector, whose names are to the inclosed Inventory of the goods and Treasure. They searched Kidd's Lodging, and found hid and made up in Two sea-beds, a bag of gold dust and Ingots of the value of about 1000 L. and a bag of silver, part money and part pieces and piggs of silver, value as set down in the said Inventory. In the above bag of gold were several litle bags of gold; all particulars are, I believe, very justly and exactly set down in the Inventory. For my part, I have medled with no manner of thing, but put every thing under the management of the Council, and into the Custody of the before mentioned Committee, that I might be free from the Suspicion and Censure of the World. The enameled box mentioned in the beginning of the Inventory is that which Kidd made a present of to my wife by Mr. Campbel, which I delivered in Council to the said Committee to keep with the rest of the Treasure. There was in it a stone ring, which we take to be a Bristoll Stone;^[7] if it were true, it would be worth about 40 L. And there was a small stone unset which we believe is also counterfeit, and a sort of a Locket, with four Sparks which seem to be right diamonds; for there is nobody here that understands Jewels. If the Box and all that is in it were right, they cannot be worth above 60 L.

Your Lordships will see in the middle of the Inventory a parcel of Treasure and Jewels delivered up by Mr. Gardiner, of Gardiner's Island, in the Province of New-York, and at the East End of Nassau-Island, the Recovering and saving of which Treasure is owing to my Own Care and quickness. I heard by the greatest accident in the world, the day that Captain Kidd was committed, That a Man had offered 30 L. for a Sloop to carry him to Gardiner's Island, and Kidd having owned he had buried some Gold on that Island, (though he never mentioned to us any Jewels, nor, I believe, would he have owned the gold there but that he thought he should himselfe be sent for it), I presently reflected that that man (whom I have since discovered to be one of Kidd's Men) was to defeat us of that Treasure; I privately posted away a Messenger by Land with a peremptory order to Mr. Gardiner in the King's name to come forthwith, and deliver up such Treasure as Kidd or any of his Crew had lodged with him; acquainting him That I had committed Kidd to Goal, as I was ordered to do by the King. My Messenger made great haste, and was with Gardiner before

anybody, and Gardiner, who is a very substantial man, brought away the Treasure without delay, and by my direction delivered it into the Hands of the Committee. If the Jewels be right, as it is supposed they are, but I never saw them, nor the gold and silver brought by Gardiner, then we guesse that the parcel brought by him may be worth (Gold, Silver and Jewels) 4500 L. And besides Kidd had left Six bales of goods with him, one of which was twice as big as any of the rest; and Kidd gave him a particular Charge of that bale, and told him it was worth 2000 L. The six bales Gardiner could not bring, but I have ordered him to send them by a Sloop that is since gone from hence to New York, and which is to return speedily. We are not able to set an exact value on the goods and Treasure we have got, because we have not opened the bales we took on board the Sloop; But we hope when the six bales are sent in by Gardiner, what will be then in the hands of the Gentlemen appointed to that Trust, will amount to about 14000 L. I have sent strict orders to my Lieutenant Governor at New York,^[8] to make dilligent Search for the Goods and Treasure sent by Kidd to New York in Three Sloops mentioned in Gardiner's affidavit,^[9] which I send with the other affidavits and Informations to your Lordships; and I believe I have directed him where to find a Purchase in a house at New York, which by a hint I have had I am apt to believe will be found out in that house. I have sent to search elsewhere a certain place, strongly suspected to have received another depositum of gold from Kidd. I am also upon the hunt after Two or Three Arch Pyrates, which I hope to give your Lordships a good Account of by next Conveyance. If I could have but a good able Judge and Attorney General at York, a Man of war there and another here, and the Companies recruited and well paid, I will rout Pirates and Piracy entirely out of all this north part of America, but as I have but too often told your Lordships, it is impossible for me to do all this alone in my single person.

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I wrot your Lordships word in my last letter of the 8 Instant That Bradish the Pyrate and one of his Crew were escaped out of the goal of this Town. We have since found that the Goaler was Bradish's kinsman, and the Goaler confessed they went out at the prison door, and that he found it wide open; we had all the reason in the world to believe the Goaler was consenting to the escape: by much ado I could get the Counsel to resent the Goaler's behaviour, but by meer Importunity I had the fellow before us; we examined him, and, by his own Story and accounts given us of his suffering other prisoners formerly to escape, I prevailed to have him turned out and a prosecution ordered against him to the Attorney Generall. I have also, with some difficulty, this late Session of Assembly here, got a bill to pass, That the Goal be committed to the Care of the High Sheriffe of the County, as in England, with a Salary of 30 L. *per Annum*, to the said Sheriffe: I would have had it 50 L. *per Annum*, for the Sheriff's Incouragement to be honest and carefull, but I could not prevail. I am forced to allow the Sheriff 40 s. per Week for keeping Kidd safe; otherwise I should be in some doubt about him. He has without doubt a great deal of gold, which is apt to tempt men that have not principles of honour; I have therefore, to try the power of dull Iron against gold, put him into Irons that Weigh 16 Pound. I thought it moderate enough, for I remember poor Doctor Oates^[10] had a 100 weight of Iron on him when he was a prisoner in the late Raign. There never was a greater Lyar or Thief in the World than this Kidd; notwithstanding he assured the Council and me every time we examined him That the great Ship and her Cargo waited his return to bring her hither, and now your Lordships will see by Two severall Informations of Masters of Ships from Curacao, that the Cargo has been sold there, and in one of them it is said they have burnt that noble Ship, and without doubt, it was by Kidd's order, that the Ship might not be an evidence against him, for he would not own to us her Name was the *Quidah-Marchand*, though his men did. Andries Henlyne, and Two more, brought the first news to York of the sale of that Cargo at Curacao; and never such pennyworths heard of for Cheapness; Captain Evertz is he who has brought the news of the Ship's being burnt. She was of about 500 Ton, and Kidd told us at the Councel, there never was a stronger or stancher Ship seen. His Lying had like to have involved me in a Contract that would have been very chargeable and to no manner of purpose, as he has ordered Matters. I was advised by Counsel to dispatch a Ship of good Countenance to go and fetch away that Ship and Cargo. I had agreed for a Ship of 300 tons, 22 Guns, and I was to man her with 60 men, to force (if there had been need of it) the Men to yield who were left with the Ship. I was just going to seal the writing, when I bethought myself it were best to presse Kidd once more to tell me Truth: I therefore sent to him Two Gentlemen of the Councel to the Goal, and he at last owned That he had left a power with one Mr. Henry Bolton, a Marchand of Antegoa whom he had Committed the Care of the Ship to, to sell and dispose of all the Cargo: upon which Confession of Kidds I held my hand from hiring that great Ship, which would have cost 1700 L. by Computation. And now to-morrow I send the Sloop Captain Kidd came in, with Letters to the Lieutenant Governor of Antegoa, Colonel Yeomans, to the Governors of St. Thomas's Island and Curacao, to seize and secure what effects they can, that was late in the possession of Kidd, and on board the *Quidah-Marchand*. There is one Burk, an Englishman, that lives at St. Thomas, who has got a great Store of the goods and mony for Kidd's account. St. Thomas belongs to the Danes, but I hope to retrieve what Burt has in his Hands.^[11] The sending this Sloop will cost but about 300 L. if she be out Three moneths. I hope your Lordships will take care, that immediate orders be sent to Antegoa to secure

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Bolton, who must have plaid the Knave egregiously; for he could not but know that Kidd came knavishly by that Ship and Goods. It is reported That the Dutch of Curacao have loaded Three Sloops with those Goods, and sent them to Holland; perhaps it were not amiss to send and watch their Arrivall in Holland, if it be practicable to lay Claim to them there.

Since my Committment of Kidd, I hear That upon his approach to this port, his heart misgave him, and he proposed to his Men the putting to Sea again and going to Caledonia,^[12] the new Scotch Settlement near Darien, but they refused.

I desire I may have orders what to do with Kidd, and all his and Bradish's Crew; for, as the Law stands in this Country, if a pyrate were Convict, yet he cannot suffer Death: And the Counsell here refused the bill to punish Privateers and Pyrates which your Lordships sent with me from England with a direction to recommend it at New York and here, to be passed into a Law. I shall by next Conveyance acquaint your Lordships what a prejudice I have found in some of the Counsel to the Laws of England this Session, but having writ myself almost dead, I must till another Opportunity forbear to treat of the affairs of this Province; but when I do, I must tell your Lordships beforehand, I will not dissemble with you to favour any man or number of men; I am both above it, and I should thinke I did not do the part of an honest man, if I concealed any thing from you that tends to the prejudice of the Interest of England.

You will observe by some of the Informations I now send, That Kidd did not only rob the Two Moors Ships, but also a Portugueze Ship; which he denied absolutely to the Counsel and me.

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I send your Lordships 24 severall Papers and Evidences relating to Captain Kidd. It is impossible for me to animadvert and make remarks on the several matters contained in the said papers, in the weak Condition I am at present; but must leave that Trouble to Mr. Secretary Popple,^[13] whose excellent clear method in business fits him incomparably beyond me for such a Work.

I will always continue to be, with much Respect,

My Lords,
Your Lordships most humble
and obedient Servant,
BELLOMONT.

[1] Public Record Office, C.O. 5:860, no. 64; *Commons Journal*, XIII. 19-21. The original is endorsed as received Sept. 20.

[2] [Doc. no. 77](#).

[3] See [doc. no. 87](#), [note 2](#).

[4] [Doc. no. 75](#).

[5] Peter Sergeant, a rich merchant, who had the finest house in Boston, had given it over to the new governor's use. *Mass. Hist Soc., Proc.*, XXII. 123-131. Lord Bellomont held his council meetings in its best chamber. It was afterward the famous Province House, having been bought later by the province, for a residence for the governors. Hawthorne, at the beginning of part II. of his *Twice-Told Tales*, describes it as it was in 1845. A portion of the walls was in 1919 still visible from Province Court.

[6] Dr. Edward Everett Hale gives quotations from the council records, in *Memorial History of Boston*, II. 177-178.

[7] Rock-crystal, of a kind found near Bristol, England.

[8] Capt. John Nanfan; see [doc. no. 73](#), [note 2](#).

[9] [Doc. no. 79](#).

[10] Titus Oates, the scurrilous and perjured informer, wonderfully successful with his "Popish Plot" in 1679 and 1680, thrown into prison, under heavy irons, in 1684. He was still living in 1699. His doctoral degree ("D.D. of Salamanca") was spurious.

[11] The reply of the governor of St. Thomas is [doc. no. 83](#).

[12] Caledonia was the settlement on the isthmus of Panama to which the Darien Company, amid so much enthusiasm on the part of the Scottish nation (see Macaulay's twenty-fourth chapter), had sent out its colony in 1698. The settlement had proved a disastrous

failure and had been abandoned, and the ships bringing away the wretched survivors were already approaching New York, but neither Kidd nor Bellomont yet knew this.

[13] William Popple the elder, secretary to the Board of Trade from 1696 to 1708.

83. The Danish Governor of St. Thomas to Lord Bellomont. September 1, 1699.^[1]

Aen Syn Excell. Bellomont

ST. THOMAS de 1 Septembris anno 1699

Myn Heer

Hebbe d'Eere gehad, uw Excell. aengename Missive van den 26 July door Capt. — Carry t'ontvanghen, en daer uyt ten volle verstaen het gheen uw Excell. aengaende den Zeeroover Will Kidd heeft gelieven te schryven, waerop uw Excell. met naervolgende Antwoort dienen Sall. voorschryven Will Kidd is voor deesen Haeven met zyn voerende Schip onder Engelse Vlagge buyten Schoot Van't Koonings Fortress ten Anker gekoomen, en heeft daerop zyn Chaloupe met een Brief aen My aen Lant gesonden, waerin hy Protectie van my was begehrende, Vaerder pretenderende onschuldigh te weesen in't Rooven van de Subjecten van den Mogol in Oostjndien. Zyn Bedryf my toenmaels nogh Onbekent Zynde, Schreef hem Wederom, by aldien hy een Eerlyk man was, dat ick hem protegeren woude, maer hy heeft Verzekeringh willen hebben, dat ick hem aen gheen Oorloghs schepen van syn Majestat van Groot Britannien, die hem souden Koomen Opeyschen Overleveren soude, 't welck hem geweygert hebbe, waerop by Verstaen hebbende, dat ick alle Habitanten verboden hadde, gheen Provisie aen hem te vercoopen, wederom onder Zeyl is gegaen; zedert die Tyt hebbe hooren seggen, dat hy omtrent het Eylant Moone ten Anker lagh, en dat een Bolton van Antigua by hem geweest hadde, om met hem te negotieren. Naederhant quam in deesen Haven eenen Bergantin, toebehoorende aen Barbades, waerop eenen Will Burcke Coopman was, van welcke ick gheen suspitie hadde nogh minder de gedachten, dat hy hem soude onderstaen dörfen eenighe Zeerover goederen hier intevoeren; Nochtans hebbe des Andern Daeghs verstaen, dat hy by Nacht een Party Goet aen Lant hadde gebrocht, dewelcke hy volghens seggen aen de Heer Pedro van Bellen, General Directeur voor de Ceurvorsth. Brandenburgse Privilegeerde soude vercocht hebben, dewelcke ook in't Brandenburgse Magazyn zyn Opgeleght. ick hebbe aen voorschryven goederen niet können koomen dewyl voorschryven Brandenburgse Privilegeerde hier ter Plaetse haer eyghen Recht en Privilegien hebben, maer voorschryven Will Burcke hebbe laeten arresteren, en naerdien hy Borghtocht heeft gestelt, hebbe hem laeten vertrecken met de Bergantin, dogh met de Conditie, dat hy syn verantwoordinghe aen Barbades (dewyl hy een Subject van Syn Majestät van Engelant en aldaer woonachtigh was) soude doen. Naederhant is hy van Barbades wederom hier gekoomen, medebrengeende een Recommendatie van de Heer Gouverneur Grey aen my, en ophoudt sigh hier nu nogh in't Brandenburgse Loge, maer alle voorschryven Goederen zyn (soo geseght word) naer aendere Plaetse getransporteert. Deeses is all het gheen, daervan Uw. Excell. aengaende deese Saeke onderrechten kan, daerby verzekerende dat gheen Subjecten of inwoonders van Syn Cooninglyke Majestät van Denemarck myn Souverain Heer met voor[schryven] Kidd gehandelt hebben, dewyl daerin Goede ordre hebbe beschickt. Ondertuschen hebbe aenstonts een Persoon uyt den Raet naer Denemarck gesonden, om aen Syn Cooninglyke Majestät myn allergenadigste Kooning ende Heer van all het gheen, soo als het passeert is, alleronderdaenigst Rapport te geven. Hiermede Sluytende recommenderende Uwe Excell. alle Goede Vrientschap en Vaerdere goede Correspondentie t'Onderhouden, Waermede verblyve

Uwe Excell.
Ootmoedigen Dienaer
J. LORENTS.

[Addressed:] To Milord Bellomont Earl,
Gouvernor of New England, Yorck and other
places, In Boston

Translation.

ST. THOMAS, September 1, 1699.

To His Excellency Bellomont:

I have had the honor to receive by way of Captain — Carry^[2] Your Excellency's agreeable letter of July 26, and to understand fully from it what Your Excellency has been pleased to write as to the pirate Will Kidd, upon which I shall serve Your Excellency with the following reply. The aforesaid Will Kidd, with his freight-ship under the English flag, came to anchor off this harbor, out of range of the King's fortress, and then sent his shallop to land with a letter to me, in which he asked me for protection, further declaring that he was innocent as to robbing the subjects of the Mogul in the East Indies. His course of conduct being at that time still unknown to me, I wrote him in reply that, in case he was an honorable man, I would protect him, but he wished to have assurance that I would not give him up to any war-ship of His Majesty of Great Britain that should come to demand him. This I declined to give, whereupon he, understanding that I had forbidden all inhabitants to sell him any provisions, set sail again.^[3] Since that time I have heard that he lay at anchor near the island of Mona, and that one Bolton of Antigua had been with him, to transact business. Afterward there came into this harbor a brigantine belonging to Barbados, on which one Will Burcke^[4] was merchant, concerning whom I had no suspicion, still less the thought that he would dare to undertake bringing in here any pirate goods; yet I learned the other day that he by night had brought a quantity of goods to land, which, according to reports, he had sold to Mr. Pedro van Bellen, general director for the Electoral Brandenburg Privileged Company, and which are also stored in the Brandenburg warehouse.^[5] I have not been able to get at the aforesaid goods, because the said Brandenburg patentees have here their own law and privileges, but I have caused the said Will Burcke to be arrested, and on his giving bail have let him return with the brigantine, yet on condition that he should discharge his responsibility to Barbadoes, he being a subject of His Majesty of England and resident there. Since that time he has come here again from Barbados, bringing with him a recommendation from Governor Grey^[6] to me, and is living here still at the Brandenburg Lodge, but all the aforesaid goods have, it is said, been transported to other places. This is all the information that I can give Your Excellency respecting this matter, at the same time assuring you that no subjects of his Royal Majesty of Denmark, my sovereign Lord, or inhabitants here, have traded with the aforesaid Kidd, for in that matter I have enforced good order. Meanwhile I have forthwith sent a member of the council to Denmark, to report most submissively to His Royal Majesty, my most gracious King and Lord, all these matters just as they have occurred. Herewith closing, and commending myself to Your Excellency, to maintain all good friendship and further good correspondence, I remain

Your Excellency's
Humble Servant
J. LORENTS.

[1] Public Record Office, C.O. 5:860, no. 73 XIII. Johan Lorentz, acting governor of the Danish island of St. Thomas 1689-1692, governor 1694-1702, was of Flensburg in Sleswick, but his habitual language was Dutch, which indeed was the usual language of St. Thomas at this time. His letter, written in Dutch, was sent to the Board of Trade as an enclosure in a letter from Bellomont dated Oct. 24. Bellomont, as indicated in the latter part of [doc. no. 82](#), sent the *Antonio*, with a trusty skipper, to Antigua, St. Thomas, Curaçao, and Jamaica, to recover whatever could be found of Kidd's booty. This is one of the letters it brought back. Lorentz dated by old style.

[2] Nathaniel Cary of Charlestown. His very interesting account of his wife's prosecution for witchcraft in 1692 is in Calef's *More Wonders of the Invisible World*, and is reprinted in G.L. Burr, *Narratives of the Witchcraft Trials*, pp. 349-352.

[3] The episode is related more fully in Westergaard, *The Danish West Indies*, pp. 113-118, Professor Westergaard having found Lorentz's carefully kept diary in the Danish archives at Copenhagen. Lorentz "answered that if he could produce proof in writing that he was an honest man, he might enter". From his request for protection from English royal ships, the governor "saw that he was a pirate", and "his request was flatly refused him, and he was forbidden to send his men ashore again unless they came into the harbor with the ship".

[4] See [doc. no. 76](#), [note 20](#).

[5] By a treaty between the Great Elector and the King of Denmark, in 1685, Brandenburg secured for thirty years the privilege of maintaining on St. Thomas an establishment, chiefly useful in

connection with the work of the Brandenburg company for the African slave-trade. The story is related in Westergaard, ch. III., and in Schück; see [doc. no. 43, note 1](#), and [no. 48, note 1](#). The episode of Burke and Van Belle is more fully related in Westergaard, pp. 115-118. Burke escaped and most of the goods went across the Atlantic to Brandenburg, but Lorentz seems to have been honest.

[6] Hon. Ralph Grey, governor of Barbados 1697-1699.

84. Declaration of William Kidd. September 4, 1699.^[1]

BOSTON September 4, 1699

Captain William Kidd declareth and saith That in his chest which he left at Gardiners Island there was three small baggs or more of Jasper Antonio or stone of Goa,^[2] severall pieces of Silk stript with silver and gold, Cloth of Silver, about a Bushell of Cloves and Nutmegs mixed together and strawed up and down, severall books of fine white callicoes, severall pieces of fine Muzlins, severall pieces more of flowred silk, he does not well remmember what further was in it. he had an Invoyce thereof in his other chest. all that was contained in the said Chest was bought by him and some given him at Madagascar, nothing thereof was taken in the ship *Quedah Merchant*. he esteemed it to be of greater value than all else that he left at Gardiners Island except the gold and silver. there was neither gold or silver in the chest. It was fastned with a Padlock and nailed and corded about.

Further saith That he left at said Gardiners Island a bundle of nine or tenn fine India Quilts, some of them Silk with fringes and Tassells.

WM. KIDD.

[1] Public Record Office, C.O. 5:860, no. 65 XIX. Enclosed in a letter of Bellomont to the Board of Trade, Aug. 28. There is a photographic facsimile of the original in R.D. Paine, *The Book of Buried Treasure*, at p. 85. Though this chest is mentioned in several of the Kidd documents, no account of its contents appears in the chief printed inventories, indeed I find no evidence that it was brought to Boston. The statement may have interest as showing kinds of goods then highly valued.

[2] A fever medicine, consisting of various drugs made up into a hard ball, lately invented in India by Gaspar Antonio, a lay brother of the Society of Jesus.

85. Lord Bellomont to the Board of Trade. November 29, 1699.^[1]

BOSTON the 29 November 99.

My Lords

I gave your Lordships an account in my Letter of the 24th of last moneth^[2] by the last ship that went hence for England, of my taking Joseph Bradish and Tee Wetherley, the two Pyrates that had escaped from the Goal of this town;^[3] and I then also writ that I hoped in a little time to be able to send your Lordships the news of my taking James Gill[am] the Pyrat that killed Captain Edgecomb, Commander of the *Mocha* frigate for the East India Company,^[4] and that with his own hand while the Captain was asleep, and Gillam is supposed to be the man that Incouraged the Ship's Company to turn Pyrats, and that ship has ever since been robbing in the Red Sea and Seas of India, and taken an Incredible deal of wealth; if one may believe the reports of men that are lately come from Madagascar, and that saw the *Mocha* frigate there, she has taken above two millions sterling. I have been so lucky as to take James Gillam, and he is now in Irons in the Goal of this town, and at the same time with him was sie[ze]d one Francis Dole,^[5] in whose house he was harboured, who proves to be one of Hore's Crew, H[ore] one of Colonel Fletcher's Pyrates commissioned by him from New York; Dole is also committed to Goal. My taking of Gillam was so very accidentall that I cannot forbear giving your Lordships a narrative of it, and one would believe there was a strange fatality in that m[an's] Starrs. On Saturday the 11th Instant late in the evening I had a letter from Colonel Sanford,^[6]

Judge [of] the Admiralty Court in Rhode-Island, giving me an account that Gillam had been there, but was come towards Boston a fortnight before, in order to ship himselfe for some of the Islands, Jamaica or Barbados, that he was troubled he knew it not sooner, and was affraid his Intelligence would come too late to me; that the Messenger he sent knew the Mare Gillam rode on [to] this town. I was in despair of finding the man, because Colonel Sanford writ to me that he was g[one] to this town so long a time as a fortnight before that; however I sent for an honest Constable I had made use of in the apprehending of Kidd and his men, and sent him with Colonel Sanford's Messenger to examine and search all the Inns in Town for the mare, and at the first Inn they went to, they found her tied up in the yard; the people of the Inn reported that the man that brought her thither, had lighted off her about a quarter of an hour before, had there tied her, but went away without saying anything to anybody. Upon notice of this I gave order to the Master of the Inn that if any body came to look after the mare, he should be sure to seize and secure him, but no body came for her. The next morning which was Sunday I summoned [a] Council, and we published a Proclamation, wherein I promised a reward of 200[l.] for the seizing and securing Gillam, whereupon there was the strictest search [all that] day, and the next, that was ever made in this part of the world, but we had missed him, if I had not been Informed of one Captain Knot, as an old Pyrate and therefore likely [to k]now where Gillam was concealed.^[7] I sent for Knot and examined him, promising h[im if h]e would make an Ingenious Confession, I would not molest or prosecute him; he seemed [mu]ch disturbed, but would not confesse anything to purpose. I then sent for his wife and examined her on oath apart from her husband, and she confessed that one who went by the [name] of James Kelly had lodged severall nights in her house, but for some nights past [lo]dged as she believed in Charlestown Crosse the River. I knew he went by the name of Kelly, [the]n I examined Captain Knot again, telling him his wife had been more free and ingenious [tha]n him, which made him believe she had told all; and then he told me of Francis Dole in Charlestown, and that he believed Gillam would be found there. I sent half a dousin men immediately over the water to Charlestown and Knot with them, they beset the house, and searched it but found not the man, Dole affirming with many protestations he was not there, neither knew [of] any such man. Two of the men went through a field behind Dole's house, and passing [thr]ough a second field they met a man in the dark (for it was ten a clock at night) whom they [seize]d at all adventures, and it happened as oddly as luckily to be Gillam, he had been treating [some] young women some few miles off in the Country, and was returning at night to his Landlord Dole's house, and so was met with. I examined him, but he denied everything, even that he came with Kidd from Madagascar, or ever saw him in his life; but Captain Davies,^[8] who also came thence with Kidd, and all Kidd's men, are positive he is the man and that he went by his true name viz. Gillam, all the while he was on the voyage with them, and Mr. Campbel the Postmaster of this town (whom I sent to treat with Kidd) offers to swear this is the man he saw on [bo]ard Kidd's sloop under the name of James Gillam. He is the most impudent hardened V[illai]n I ever saw in my whole life. That which led me to an Inquiry and search after this man [was t]he Information of William Cuthbert on oath, which I sent your Lordships with my packet of the 26th of this last July,^[9] wherein Cuthbert Informs that being lately in the East India Company's service [it w]as commonly reported there that Gillam had killed Captain Edgecomb with his own hand, that he had [s]erved the Mogul, turned Mahometan and was Circumcised. I had him searched by a [su]rgeon and also by a Jew in this Town, to know if he were Circumcised, and they have both declared on oath that he is. Mr. Cutler the surgeon's^[10] deposition goes (No. 1) and Mr. Frazon the Jew's (No. 2).^[11] The rest of the Evidences about Gillam and some other Pyrates go numbered from 3 to 23 inclusive, which I recommend to your Lordships perusal, as what will inform you of the strange Countenance given to Pyrats by the Government and people of [Rhode]-Island. I have numbered the papers in order of time and according to their dates: most have reference to Gillam, some to Kidd. In searching the forementioned Captain Knot's house [a smal]l trunk was found with some remnants of East India goods, and a Letter from Kidd's wife to Captain Thomas Pain an old Pyrat living on Canonicot Island in Rhode Island Governm[ent].^[12] The affidavit he made when I was at Rhode-Island goes numbered among the other evide[nce.] He then made oath that he had received nothing from Kidd's sloop when she lay at anchor by [torn] Island, yet by Knot's deposition your Lordships will find, he was sent with Mrs. Kidd's letter to Pa[in for] 24 ounces of gold, which Knot accordingly brought; and Mrs. Kidd's Injunction to Pain to keep a[ll the] rest that was left with him till further order, was a plain Indication that there was a good deal of [treas]ure still behind in Pain's Custody, therefore I posted away a messenger to Governor Crans[ton]^[13] and Colonel Sanford to make a strict search of Pain's house before he could have notice; it see[ms] nothing was then found, but Pain has since produced 18 ounces and odd weight of gold, as appears by Cranston's Letter of the 25th Instant and pretends it was bestowed on him by Kidd, hoping that may p[ro]ve (?) a salvo for the oath he made when I was in Rhode-Island, but I think it is plain he forswore himselfe then, and I am of opinion he has a great deal more of Kidd's gold still in his hands. [But] he is out of my power, and being in that Government I cannot compell him to deliver up th....

Your Lordships will find in Captain Coddington's narrative number 35^[14] and sent with my Report dated the 27th Instant an Inventory of gold and Jew[els] in Governor Cranston's hands which he took from a Pyrat. I see no reason why he should keep them ... so far from that, that he (with submission) ought to be called to an account for Conniving at the Py[rats] making that Island their Sanctuary, and suffering some to escape from Justice. If there be an order sent to him to deliver what gold and jewels is contained in the said Inventory, and also the formentio[ned] parcel of gold which he received from Pain, with all other goods and treasure which he has at any time rec[eived] from Privateers or Pyrates, into my hands for the use of his Majesty, and that upon oath, I will [see] the order executed, and will give a faithfull account thereof according to the order I shall re[ceive].

Four pound weight of the gold brought from Gardiner's Island which I formerly acquainted your Lordships of, and all the Jewels, belonged to Gillam, as Mr. Gardiner's Letter to Mr. Dummer,^[15] a Marchand in t[he] town and one of the Committee appointed by me and the Council to receive all the treasure and goods which [were] brought in Kidd's sloop, will prove; and there is some proof of it in Captain Coddington's b[efore men]tioned narrative, and in Captain Knot's deposition of the 14th Instant. I am told that as Vice A[dmiral] of these provinces I am entitled to 1/3 part of Gillam's said gold and Jewels; I know not whe[ther I] am or no, but if it be my right I hope your Lordships will please to represent to the King the ext[reme] pains and vigilance I have used in taking these severall Pyrates, and that I may have my [por]tion of the said gold and Jewels, if there be any due to me. It is a great prejudice to the King's s[ervice] that here is no Revenue or other fund to answer any occasion or service of Majestys. I have [been] forced to disburse the 200 pieces of 8/8 for the taking of Gillam out of my own little stock and also to [de]fray my journey and other expences in going to Rhode-Island to execute the King's Commission [and] Instructions. Both accounts I now send, and beg your Lordships favour in promoting and Countenancing the payment of that mony to Sir John Stanley for my use. Captain Gullock^[16] tells [me] that 15 or 16 of the ship's Company that would not be concerned with Gillam and his accomplices in murdering Captain Edgecomb, and afterwards turning Pyrates, went home to England in [the] Ship *America* belonging to the East India Company, Captain Laycock Commander. I should thi[nk an] advertisement in the Gazette requiring some of those men to appear before one of the Sec[retaries] of State to give their evidence of what they know of that matter, would be proper.

[Your] Lordships will meet with a passe among the other papers, number 5, to Sion Arnold, one of the [pirat]es brought from Madagascar by Shelley of New York, the said passe signed by Mr. Basse,^[17] [Go]vernor of East and West Jerzies, which is a bold step in Basse after such positive orders as he received from [Govern]or^[18] Vernon, but I perceive plainly the meaning of it, he took severall Pirats at Burlington [in West] Jerzey, and a good store of mony with them as it is said, and I daresay he would be glad they [should] escape, for when they are gone, who can witness what money he seized with them? I know [the] man so well, that I verily believe that is his plot. John Carr mentioned in some of the [papers to (?)] be in Rhode Island, No. 6, was one of Hore's Crew. There are abundance of other Pyrats in that [Is]land at this time, but they are out of my power. Mr. Brinley,^[19] Colonel Sanford, and Captain Coddington are honest men, and of the best estates in the Island, and because they are heartily [wea]ry of the male administrations of that Government, and because too I commissioned them (by [virt]ue of the authority and power given me by his Majesty's Commission and Instructions so to do) to [make] Inquiry into the Irregularities of those people, they are become strangely odious to them and [are] o[ften] affronted by them, neither will they make them Justices of the peace; so that when they [w]ould commit Pyrates to Goal, they are forced to go to the Governor for his Warrant, and very ... ly the Pyrates get notice, and avoid the Warrant for that time. You may please to o[bs]erve too that Gardiner the Deputy Collector^[20] is accused to have been once a Pyrat, in one of the [paper]s. I doubt he will forswear himselfe rather than part with Gillam's gold which is in his hands. [It is] impossible for me to transmit to the Lords of the Treasury these proofs against Gardiner. [I am] so jaded with writing, that I cannot write to them by this Conveyance, but I could wish [your Lordships might be (?)] made acquainted with Gardiner's Character, and that they would send over honest In—t men to be Collectors of Rhode Island, Conecticut, and New Hampshire; and that they [would h]asten Mr. Brenton^[21] hither to his post, or send some other Collector in his room. I could [wish] that Mr. Weaver were ordered to hasten to New York. Your Lordships may please to observe that [Knott] in one of his depositions accuses Gillam to have pyrated four years together in the [Sou]th sea against the Spaniards.

We have advice that Burk an Irishman and Pyrat that committed severall robberies on th[e] [coast] of Newfoundland, is drowned with all his ship's Company, except 7 or 8 persons somewh[ere] to the southward. It is said he perished in the hurrican that was in those Seas about the end of [July and] beginning of August last. It is good news, he was very strong if we may believe report, [and is s]aid to have had a good ship with a 140 men, and 24 guns.

[Bra]dish and Wetherley have a slight extraordinary in attempting to escape, they [made] two attempts since they were last committed, once they broke the floor of the prison and thought to escape that way, but that failing them, within a night or two they filed off their fetters, upon which I ordered them to be maniced, and chained to one another. I believe this new Goaler I have got is honest, otherwise I should be very uneasy for fear these Pyrats should escape....^[22]

I conclude with all respect

My Lords
Your Lordships most humble and obedient Servant

BELLOMONT.

[1] Public Record Office, C.O. 5:861, no. 4. Endorsed as received Jan. 19, 1700, and read at the Board Feb. 9.

[2] The letter in which [no. 83](#) was enclosed; its substance is given in *Cal. St. P. Col.*, 1699, pp. 486-490.

[3] See [doc. no. 77](#), [note 8](#).

[4] See [doc. no. 65](#), [note 18](#), and [no. 74](#), [note 2](#).

[5] Francis Dowell, of Wapping Street, Charlestown, mariner. T.B. Wyman, *Genealogies and Estates of Charlestown*, I. 301.

[6] Peleg Sandford, governor of Rhode Island 1680-1683.

[7] Andrew Knott's examination shows that he and Gillam had known each other in Virginia years before, and had sailed together under a privateer captain, making many prizes in the South Sea, possibly in the expedition narrated in docs. [no. 44](#) and [no. 45](#). See also [doc. no. 68](#), paragraph 16 and [note 18](#).

[8] Edward Davis of London, originally boatswain of the *Fidelia* (see [doc. no. 90](#)), whose deposition is in *Commons Journal*, XIII. 28.

[9] *Commons Journal*, XIII. 26; narrative of William Cuthbert, late gunner of the ship *Charles the Second*.

[10] John Cutler was a Dutch surgeon named De Messenmaker, who on settling in New England translated his name into Cutler. His marriage record in the town records of Hingham begins, "Johannes Demesmaker, a Dutchman (who say his name in English is John Cutler)", etc.

[11] Joseph Frazon, died 1704, buried in the Jewish cemetery at Newport. The anonymous author of the anti-Mather pamphlet, *A Modest Enquiry* (London, 1707, reprinted in *Mass. Hist. Soc., Coll.*, fifth ser., VI.), p. 80*, accuses Cotton Mather of having "attempted a Pretended Vision, to have converted Mr. Frasier a Jew, who had before conceiv'd some good Notions of Christianity: The Consequence was, that the Forgery was so plainly detected that Mr. C.M. confest it; after which Mr. Frasier would never be perswaded to hear any more of Christianity".

[12] [Doc. no. 80](#).

[13] Samuel Cranston, governor of Rhode Island 1698-1728.

[14] Nathaniel Coddington of Newport, register of the court of admiralty in Rhode Island.

[15] Jeremiah Dummer the elder, father of the publicist.

[16] Thomas Gullock was the captain of the ship which Bradish had run away with. Sir John Stanley was an official of the lord chamberlain's office.

[17] On Shelley, see [doc. no. 73](#), [note 6](#). Jeremiah Basse was deputy-governor of East and West New Jersey from 1697 to 1699. In a letter of June 9 to Secretary Popple, *N.J. Archives*, first ser., II. 286-287, he describes his activity in manning a sloop and in person capturing four of Shelley's men at Cape May, and committing them to Burlington jail. "In their Chestes are about seaven thousand eight hundred Rix dollars and Venetians, about thirty pound of melted silver, a parcell of Arabian and Christian Gold, some necklases of Amber and Corral, sundry peaces of India silkes."

[18] If the word is Governor, it should be Secretary.

[19] Francis Brinley, one of the chief Newport merchants; he had been a member of Andros's council.

[20] Robert Gardiner of Newport.

[21] Jahleel Brenton, for many years, beginning in 1691, collector and surveyor of the customs for New England (and thus Gardiner's superior officer) had gone to England as agent of Rhode Island in her boundary dispute with Connecticut. Thomas Weaver, who had been appointed collector for New York, was in London as agent for that province.

[22] The rest of the letter has nothing to do with Kidd or other pirates.

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86. *Information of Henry Bolton. February 4, 1701.*^[1]

Information of Henry Bolton.

4th of February 1700

Being required by the Right hono'ble the Commission'rs for Executing the office of High Admiral of England, Ireland etc. to informe their Lord'ps of the place of my nativity, manner of Living for some time in the West Indies, and particularly of my meeting and Transactions with Capt. Kidd, I presume to make the following Answer, being the best and fullest I can make at present having neither my Books or papers in this Kingdome.

That I was born in Worcestershire about the yeare 1672 and in the year 1697 was Deputed by the Commissioners of his Maj'ties Customes for the Leeward Islands to be Collector for the Island of Antigua.

That in the year 1698 following I quitted that Employment^[2] and followed Merchandizing about the said Leeward Islands.

That in February 1698/9 I sailed from Antigua in the Sloop *St. Antonie*, Samuel Wood Master, on a Trading Voyage amongst the Dutch and Spaniards. The Markett at Curacoa (a Dutch Island) not answering my Ends I went to Rio De la Hacha,^[3] and there sold my Cargoe, and Loaded my Sloop with Stock Fish [and] Wood on Freight for Curacoa aforesaid, which I there Landed and departed for the Island of Porto Rico with intention to Trade with the Inhabitants of that Island, having a Cargo on Board for that purpose.

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That in that Voyage in the Moneth of Aprill 1699 being becalmed to the N.N.E. of the Island Mona the Men belonging to the Sloop discovered a Sail E. and B.S.^[4] from Mona which the Pilote of the Sloop supposed to be a Guarda Costa, a small vessell fitted out by the Spanish Governors to clear the Coast of Foreign Traders. A few houres after Wee discovered a Canna, which drawing near the Sloop, Wee hailed the said Canna. They answered from Whitehall. Wee demanded who Commanded their Shipp. They Replyed Capt. Kidd. Then he that stired^[5] the Canna was desired to come on Board. After he came he told me his name was John Ware, and that he was Master of Capt. Kidd's Ship, requesting that I would goe on Board in the Canna to see Capt. Kidd which accordingly I did. When I came there Captain Kidd askt me to sell him my Sloop in regard his Ship was disabled and could not well proceed the voyage he intended for New Yorke, and finding me unwilling he then askt if I could not procure him a Vessell. I answered possibly I might at Curacoa, upon which he desired me to use my Endeavors there to get him a Sloop, and procure him some Buyers or Chapmen^[6] for his Calicos and Muslings, And that he would consider me for my paynes.

That thereupon I departed from Capt. Kidd and went for Curacoa where I applyed my selfe to Mr John Stonehouse and Mr Walter Gribble^[7] (Acquaintance of Captain Kidd) who promised to send A Sloop to him. I also Endeavored to procure him some Buyers for the Muslings and Callicos.

That after doing my Errand and business at Curacoa I ordered the Master of the Sloop to shape his Course for the West End of Porto Rico, But the Wind proving Northerly Wee fell in with the East end of Savona and plyed to Winward for Mona in order to meet Captain Kidd, which I there did according to Appointm't and with him a Dutch Sloop, Jean Vander Bist Master, and a French Turtler, the Master's name I have forgot; Captain Kidd waited at Mona for the Curacoa vessells But the Wind being about No. and from thence to NNE they could not possibly Fetch Mona, So Captain Kidd's patience being tyred gott his ship under Saile and intended to Weather point Esperdo,^[8] the Eastermost part of Hispaniola, but the Deficiencies of

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his Ship being so great he bore away for the West end of Savona, and there Anchored. a Day or two afterwards came into Our Company the Brigandin *Mary Gold*, George Lorrison Master, and the *Elenora*, John Duncan Master. Then Cap't Kidd weighed Anchor with the sloop *Spey*, John Vander Bist Master, and Brigandine *Mary Gold*, sailed for the River Higuey in the Island Hispaniola where Arriving he moored his ship across the River to the Stumps of Trees or Rocks on shoar.

That there Capt. Kidd disposed of wine, part of his Cargoe, to severall that came on Board to him And that at the same time I sold him the Sloope *St. Antonio*.

That Capt. Kidd tooke severall Goods out of his ship, and put them on Board the Sloope I sould him and left his owne ship in the River Higuey and desired me to doe him all the service I could in selling and disposing of the Goods left on Board of the said ship for Account of the Owners of the *Adventure Galley*.

That Captain Kidd told me that my Lord Bellomont and my Lord of Orford^[9] and himselfe were some of the *Adventure Galleys* owners and to the best of my Remembrance Sir John Somers.

That Capt. Kidd shewed me a Commission under the Great Seale signed at the Topp William Rex and another Commission signed by the Lords of the Admiralty, the purport of neither of which I can remember, onely Capt. Kidd sayd his Commissions impowred him to take pirates and the subjects of the French King.

That Capt. Kidd at his going to New Yorke promised to return himselfe or send some other persons in two Moneths time to bring Necessaryes for refitting his said ship the *Adventure Prize* and also a Condemnation for the said ship and Goods and to indempnifye all persons that should purchase any of the said Goods, alledging that the said ship was a lawfull prize being taken with a French passe which Captain Kidd shewed me, and actually in the time of War with France.^[10]

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That after the Departure of Capt. Kidd the Seamen shiped by him in the said ship did plunder and convert to their owne uses the best and most choicest of the goods of the said ships Cargoe, which did not come to my Knowledge till they had been near Five Weeks on board the said ship, and indeed it was out of my power to prevent them had I discovered it sooner being only myselfe and Negro Boy, And they were Eighteen in numbers.

That the said Seamen belonging to the said ship as afores'd when they found I was not ignorant of their villanies openly declared they would not stay longer on board the said ship, but being terrified with the thoughts of Capt Kidds returning, they Joyned all (saving the Boatswaine) and came on the Quarter Deck and said I might remain in the ship and be damned for they would stay no longer. The Man that thus affronted me I shoved on the main Deck^[11] and ordered the rest to go on the Main Deck likewise and told them they had engaged themselves to Capt. Kidd to stay on board the ship as long as I should be there, And that I was resolved to stay till the two Months in which Capt. Kidd promised to return were expired unless some Extraordinary Accident intervened: I also charged them with stealing out of the Ships Hould severall Bales of Goods And that if they went from the Ship before Capt. Kidd's Arrivall I was oblidged as his Friend and in my owne Justification to write to all Governm'ts in those parts to have them secured; this calmed them for two or three dayes.

That the said Seamen did again Joyne and draw up a Paper directed to me setting forth their Resolution of leaving the Ship and signed with their names within a Circle commonly called a Round Robin, so gott on board A Sloope and went for the Island Curacao leaving the Ship to me and three more.

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That after the departure of the said Seamen I stayd about a Week in the ship and would have stayed longer had not a Friend of myne sent a Sloope Express from Curacao to informe me the Spaniards of the City of St. Domingo^[12] were arming out a Brigandine to come and take us, which induced me to leave the said ship *Adventure Prize* in the said River Higuey and went to the Island Curacao in order to protest ag't the Seamen as aforesaid and to get what satisfaction the Law would allow, For at that time they had most of them three or Four hundred pounds a Man. But the said Seamen had gained their Ends so farr in the Governm't that the Governor would not admitt me to stay in Curacao tho' at the same time John Ware Master of Capt. Kidd's ship and the said seamen were there openly protected; I do not charge this on the Govern'r^[13] (who is since dead) For I should be very sorry to disturbe the Ashes of so good a Gentleman as I believe he was, but on some of his Councill that did not desire I should face them.

That I have not received of the produce of the Goods Capt. Kidd left upwards of three hundred and Eighty peices of Eight, all the rest is in Debts outstanding which is much less than my Charges.^[14]

This is the full that presents to my Memory in Answer to their Lord'ps Demands February 4th, 1700.

[1] From the manuscripts of the Duke of Portland at Welbeck Abbey, a copy having been kindly furnished by the Rev. Richard W. Goulding, librarian to the duke. The date Feb. 4, 1700, means Feb. 4, 1701, new style. Bolton's previous history and his relations with Kidd are sufficiently shown by this and preceding documents. In 1700 he had been shipped to England from Jamaica, and he was now, or at any rate on Dec. 22, 1700, in Newgate prison under charges of piracy. *Cal. St. P. Col.*, 1700, p. 760.

[2] He was removed, and at the time of his removal he owed the crown about £500. *Ibid.*, p. 603.

[3] On the Spanish Main, or north coast of South America, about 300 miles west of Curaçao.

[4] East and by south, *i.e.*, midway between east and eastsoutheast.

[5] Steered.

[6] *I.e.*, Some customers or some selling agents.

[7] See [doc. no. 76, note 21](#).

[8] Punta Espada.

[9] The Sir Edward Russell of [doc. no. 71, note 1](#). He had been created earl of Orford in 1697.

[10] See [doc. no. 76, note 9](#).

[11] *I.e.*, shoved down from the quarter-deck onto the main deck.

[12] Not a hundred miles away.

[13] Bastiaen (Sebastian) Bernage.

[14] But John Ruggles, master's mate of the *Primrose* of Boston, testified that, drinking in a public house at Charles Town, Nevis, with William Cheesers and William Daniel, he heard the former say that Bolton had got £16,000 by Captain Kidd. *Cal. St. P. Col.*, 1699, p. 416.

87. William Kidd to the Speaker of the House of Commons (Robert Harley). April (?), 1701.^[1]

May it please Y'r Hon'r

The long Imprisonment I have undergone, or the tryall I am to undergoe, are not soe great an affliction to me, as my not being able to give your Hon'ble House of Commons such satisfaction as was Expected from me. I hope I have not offended against the Law, but if I have, It was the fault of others who knew better, and made me the Tool of their Ambition and Avarice, and who now perhaps think it their Interest that I should be removed out of the world.

I did not seek the Commission I undertook, but was partly Cajold, and partly menac'd into it by the Lord Bellomont, and one Robert Livingston of New York, who was the projector, promoter, and Chief Manager of that designe, and who only can give your House a satisfactory account of all the Transactions of my Owners. He was the man admitted into their Closets, and received their private Instructions, which he kept in his own hands, and who encouraged me in their names to doe more than I ever did, and to act without regard to my Commission. I would not Exceed my Authority, and took noe other ships than such as had French passes, which I brought with me to New England, and relyed upon for my Justification. But my Lord Bellomont seized upon them together with my Cargoe, and tho he promised to send them into England, yet has he detained part of the effects, kept these passes wholly from me, and has stript me of all the Defence I have to make, which is such Barbarous, as well as dishonorable usage, as I hope Your Hon'ble House will not let an Englishman suffer, how unfortunate soever his Circumstances are; but will intercede with his Maj'ty to defer my tryall till I can have those passes, and that Livingston may be brought under Your Examination, and Confronted by me.^[2]

I cannot be so unjust to my selfe, as to plead to an Indictment till the French passes

are restored to me, unless I would be accessory to my own destruction,^[3] for though I can make proof that the ships I took had such passes, I am advised by Council, that It will little avail me without producing the passes themselves. I was in great Consternation when I was before that great Assembly, Your Hon'ble House, which with the disadvantages of a mean Capacity, want of Education, and a Spirit Cramped by Long Confinem't, made me Uncapable of representing my Case; and I have therefore presumed to send your Honor a short and true state of It, which I humbly beg Your Honors perusal, and Communication of to the House, if you think it worthy their Notice.^[4]

I humbly crave leave to acquaint Your Honor that I was not privy to my being sent for up to Your House the second time, nor to the paper lately printed in my name^[5] (both which may justly give Offence to the House) but I owe the first to a Coffeeman in the Court of Wards who designed to make a shew of me, for his profit; and the latter was done by one Newy a prisoner in Newgate to get money for his support, at the hazard of my safety.

I humbly beg the Compassion and protection of the Hon'ble House of Commons, and Your Honors intercession with them on behalfe of

Your Honors
Most Dutifull and Distressed Serv't

WM. KIDD.

[1] From the manuscripts of the Duke of Portland at Welbeck Abbey. The Historical Manuscripts Commission's calendar of those archives, IV. 16, wrongly gives this petition the same date as the next document, May 12, 1701. This petition was written before the trials, which occurred on May 8 and 9, but after Kidd's appearances before the House of Commons, which occurred on Mar. 27 and 31; *Commons Journal*, XIII. 441, 463. Kidd, Gillam, Bradish, Witherley, and 28 other pirates, mostly members of Kidd's crew, were shipped from Boston soon after March 6, 1700 (eight months after his arrest), on the *Advice* frigate, and arrived in the Downs Apr. 11, the day on which King William brought to an end, by prorogation, the session of Parliament. In that session, chiefly as a means of attacking Somers, the lord chancellor, a party in the House of Commons had assailed the grant of letters patent under which Kidd's enterprise had been undertaken (Dec. 6, 1699). They were outvoted, but on Mar. 16, 1700, a vote was passed for addressing the king that Kidd should not be tried, discharged, or pardoned till the next session of Parliament. The Admiralty concurred, May 2. The new Parliament came together Feb. 6, 1701; Harley was chosen speaker Feb. 11; the impeachment of Somers and Orford, in which the contract with Kidd was made the basis of one article, was voted Apr. 14.

[2] Whether the presence of the French passes at the trial for piracy would have brought about Kidd's acquittal may be doubted, courts of justice being what they were; at all events Kidd, though he clamored for them from the day of his arrival in the Downs (*Portland MSS.*, VIII. 78) till the day he was sentenced, was never able to recover them. The admiralty court refused to consider them. "Where are they?" said the Lord Chief Baron Ward. Kidd's counsel could only reply, "We cannot yet tell whether they are in the Admiralty-Office, or whether Mr. Jodrell [clerk of the House of Commons] hath them". *State Trials*, V. 290. In point of fact the House of Commons, which had had all the papers before it for examination, had on Apr. 16, on information that Kidd desired the use of his papers at his trial, ordered the clerk to deliver them to the secretary of the Admiralty. *Commons Journal*, XIII. 379, 380, 496.—A photographic facsimile of the pass of the *Cara (Quedah) Merchant* is in Paine, *Book of Buried Treasure*, at p. 104.

[3] So when first arraigned, he tried to avoid pleading (*ibid.*, 287), but he was tried first for the murder of William Moore, on which the passes had no bearing. William Moore was an insubordinate gunner; after an altercation, Kidd hit him on the head with a bucket, and he died. It was probably manslaughter, but the jury sustained the indictment for murder. After being condemned for murder, Kidd was tried (unfairly in several particulars) and condemned for piracy.

[4] Not [doc. no. 88](#), I judge, but more probably the "Protest" printed

in *Portland MSS.*, VIII. 78-80, a statement of Kidd's case which he had drawn up at Boston and on arrival in the Downs had sent to Orford.

[5] I cannot identify this paper (probably a broadside), but the ingenious Newy was doubtless the author of *Captain Charles Newy's Case, impartially laid open: or a ... Narrative of the Clandestine Proceedings against (sic) him, as it was hatched ... and ... carried on by Mrs. M. Newey, widdow* (London, 1700), a pamphlet which I have not seen, but of which there is a copy in the British Museum.

88. *William Kidd to Robert Harley [?]. May 12, 1701.*^[1]

S'r

The Sence of my present Condition (being under Condemnation) and the thoughts of haveing bene imposed on by such as seek't my destruction therby to fulfill their ambitious desieres makes me uncapable of Expressing my selfe in those terms as I ought, therefore doe most humbly pray that you will be pleased to represent to the Hon'bl. house of Commons that in my late proceedings in the Indies I have Lodged goods and Tresure to the value of one hundred thousand pounds^[2] which I desiere the Government may have the benefitt of, in order thereto I shall desiere no manner of liberty but to be kept prisonner on board such shipp as may be appointed for that purpose, and only give the necessary directions, and in case I faile therein I desiere no favour but to be forthwith Executed acording to my Sentance. if y'r honbl. house will please to order a Committee to come to me I doubt not but to give such satisfaction as may obtaine mercy, most Humbly submitting to the wisdom of your great assembly I am

S'r Y'r Unfortunate humble servant
WM. KIDD

NEW GATE
12th May 1701

[1] From the manuscripts of the Duke of Portland at Welbeck Abbey. See [doc. no. 87](#), and notes. The trials had taken place on May 8 and 9, and Kidd was now under sentence. He was hanged at Wapping on the shore of the Thames, May 23, 1701. The precept, or order for his execution, at Wapping "infra fluxum et refluxum maris" (*i.e.*, between high-water and low-water mark, according to admiralty custom), is quoted in Marsden, *Law and Custom of the Sea* (Navy Records Society), II. 263.

[2] His first figure, as quoted by Bellomont in [doc. no. 77](#), was £30,000.

89. *Captain Kid's Farewel to the Seas; or, the Famous Pirate's Lament. 1701.*^[1]

To the Tune of *Coming down*.

[\[Listen\]](#)

My name is Captain Kid, who has sail' [who has sail'd],
My name is Captain Kid, who has sail'd;
My name is Captain Kid.
What the laws did still forbid
Unluckily I did while I sail'd [while I sailed, etc.].

Upon the ocean wide, when I sail'd, etc.,
Upon the ocean wide, when I sail'd,
Upon the ocean wide
I robbed on every side,
With most ambitious pride, when I sail'd.

My faults I will display while I sail'd, etc.,
My faults I will display while I sail'd;

My faults I will display,
Committed day by day
[*A line lost.*]

Many long leagues from shore when I sail'd, etc.,
Many long leagues from shore when I sail'd,
Many long leagues from shore
I murdered William More,
And laid him in his gore, when I sail'd,

Because a word he spoke when I sail'd, etc.,
Because a word he spoke when I sail'd,
Because a word he spoke,
I with a bucket broke
His scull at one sad stroke, while I sail'd.^[2]

I struck with a good will when I sail'd, etc.,
I struck with a good will when I sail'd;
I struck with a good will,
And did a gunner kill
As being cruel still when I sail'd.

A Quida merchant^[3] then while I sail'd, etc.,
A Quida merchant then while I sail'd,
A Quida merchant then
I robbed of hundreds ten,
Assisted by my men, while I sailed.

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A banker's ship of France,^[4] while I sailed, etc.,
A banker's ship of France, while I sailed,
A banker's ship of France
Before us did advance:
I seized her by chance, while I sailed.

Full fourteen ships I see when I sailed, etc.,
Full fourteen ships I see when I sailed;
Full fourteen ships I see,
Merchants of high degree;
They were too hard for me when I sailed.^[5]

We steered from sound to sound while we sailed,
We steered from sound to sound while we sailed;
We steered from sound to sound,
A Moorish ship we found;
Her men we stript and bound while we sailed.

Upon the ocean seas while we sailed, etc.,
Upon the ocean seas while we sailed,
Upon the ocean seas
A warlike Portuguese
In sport did us displease, while we sailed.

At famous Malabar when we sailed, etc.,
At famous Malabar when we sailed,
At famous Malabar
We went ashore, each tar,
And robbed the natives there, when we sailed.

Then after this we chased, while we sailed,
Then after this we chased, while we sailed,
Then after this we chased
A rich Armenian, graced
With wealth, which we embraced, while we sailed.

Many Moorish ships we took while we sailed,
Many Moorish ships we took while we sailed,
Many Moorish ships we took;
We did still for plunder look;
All conscience we forsook while we sailed.

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I, Captain Cullifoord, while I sailed, etc.,
I, Captain Cullifoord, while I sailed,
I, Captain Cullifoord,
Did many merchants board,
Which did much wealth afford, while we sailed.

Two hundred bars of gold, while we sail'd, etc.,
Two hundred bars of gold, while we sailed,
Two hundred bars of gold
And rix dollars manifold
We seized uncontrolled, while we sailed.

St. John, a ship of fame,^[6] when we sailed, etc.,
St. John, a ship of fame, when we sailed,
St. John, a ship of fame,
We plundered when she came,
With more that I could name, when we sailed.

We taken was at last, and must die, etc.,
We taken was at last, and must die;
We taken were at last,
And into prison cast:
Now, sentence being past, we must die.

Tho' we have reigned awhile we must die, etc.,
Tho' we have reigned awhile we must die;
Tho' we have reigned awhile,
While fortune seemed to smile,
Now on the British Isle we must die.

Farewel the ocean main, we must die, etc.,
Farewel the ocean main, we must die;
Farewel the ocean main:
The coast of France or Spain
We ne'er shall see again; we must die.

From Newgate now in carts we must go, etc.,
[From Newgate now in carts we must goe;]
From Newgate now in carts,
With sad and heavy hearts,
To have our due deserts we must go.

Some thousands they will flock when we die,
Some thousands they will flock when we die,
Some thousands they will flock
To Execution Dock,
Where we must stand the shock and must die.

[1] Of this ballad, contemporary with Kidd's execution, there is a unique copy in the famous collection of pamphlets belonging to the Earl of Crawford, from which it is reprinted in Professor Firth's *Naval Songs and Ballads*, pp. 134-37, published by the Navy Records Society. By oral transmission it had wide currency in New England. There are bits of it in Palfrey, *New England*, IV. 185, and in Watson's *Annals of Philadelphia*, ed. 1830, p. 464; and the editor remembers hearing his Salem grandmother sing parts of it. Professor George L. Kittredge says that the Harvard College Library has a broadside of this American version, printed in Boston about 1810-1820, which, with some differences in the order of stanzas, is printed in Dr. E.E. Hale's *New England History in Ballads*, pp. 40-46. The original version, which we print, purports to be written between sentence and execution, May 9-23, 1701, and follows closely the chief incidents brought out in the trials, and in the documents which precede.

[2] See [doc. no. 87](#), [note 3](#). Captain Kidd, says the record of the trial (*State Trials*, V. 290), called Moore "a lousy dog". "Says William Moore, 'If I am a lousy dog, you have made me so; you have brought me to ruin, and many more'. Upon his saying this, says Captain Kid, 'Have I ruined you, ye dog?' and took a bucket bound with iron hoops and struck him on the right side of the head, of which he died next day."

[3] See [document 76](#), [note 9](#).

[4] *I.e.*, a French fishing ship, bound to the banks of Newfoundland. See the second paragraph of [doc. no. 76](#), Kidd's statement.

[5] The reference is to Kidd's projected, but abandoned, attack on the "Mocha fleet" at Babs Key, near the mouth of the Red Sea.

[6] This ship I do not identify; the name is perhaps due to misunderstanding of a passage in the trials.

THE *FIDELIA*.

90. Examination of William Sims. October 22, 1699.^[1]

Suffolk SS.

BOSTON, October 22, 1699
nine a clock at night:

The Examination of William Syms of Boston, Marriner, Master of the Ship *Fidelia*, as followeth, Vizt.

The Examinant saith That sometime in the month of August last past, he being at Crabb Island in the West Indies, where was lying the sd Ship *Fidelia*, one Tempest Rogers then Master of her,^[2] of whome this Examinant and John Brett of Antigua Merchant (then at the aforesd Island) bought the sd Ship, and the Examinant was Ships' Master of her, and after their buying of the sd Ship, the sd Rogers tooke out of the sd Ship seaveral Bayles of Goods to the number of about twenty and laded them upon the Sloop which he had of the Examin't in part payment for the Ship, and left several bayles on board the Ship wch this Examinant Supposeth the said Mr. Brett bought of him: said Rogers declared that he came from the Coast of Guinea, saying also that he had been at Madagascar, and the Examinant saw the sd Rogers Sell several Bayles of Goods at Crabb Island to several Merchants that came thither: which Bayles were opened and contained Silke Muslins and other Muslins, Callico's and other East India Goods, and sd Rogers said he had remitted home to his owners the value of Twenty seven Thousand pounds in money by good bills of Exchange. and after the Examin't left Crabb Island with his Ship he Stopt at Portreico,^[3] tooke in some Ballast and Provisions and came directly for New England, Mr. Brett aforesd, his Merchant and part owner, being on board, and when they came into the Massachusetts Bay as high as the Gurnett^[4] off Plymouth, they spoke to a Sloop that was then fishing in the Bay to come onboard, and sd Brett treated with the sd Sloopmen, and the Bayles then on board the sd Ship to the number of Fourteen or Fifteen, containing (as the Examinant supposeth) East India Goods, were put out of the Ship into the sd Sloop, and the Examinant and sd Brett also went onboard of her leaving the Ship in charge with James Williams the Mate, and came up to Boston in the Sloop bringing in her the aforementioned Bayles, and arrived there on a Monday night about the latter end of September last past about Eight a'clock in the Evening, at the Wharffe on the backside of the Queen's head Inn, and the Examinant went with sd Brett into the aforesaid Inn to procure a Lodging for him and then went directly home to his own house; Saith he knows not when or where the sd Bayles were put on shore nor how disposed of, he signed no Bills of Ladeing nor receipt for them: And Saith he knows neither the Sloop nor men which brought them up; Supposeth it to be a Sloop belonging to some Country Town lying on the Sea Coast. Further the Examinant saith that the sd Brett was not willing to have come with the sd Ship to New England but would have gone to Carolina or East Jersey.

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WILLIAM SIMS

Capt. Cor.

ISA. ADDINGTON, J.Pc.

[Marginal note] the sd Bayles were about three foot and a halfe long, about a foot and a halfe over and something more than a foot deep, each of them.

[1] Suffolk Court Files, Boston, no. 4682, paper 3. The case is not precisely one of piracy, though piracy was at first suspected, but rather of the receipt of piratical goods. Bellomont writes to the Board of Trade, Oct. 24, 1699 (*Cal. St. P. Col.*, 1699, p. 486), that he had lately seized at Boston a ship and some East India goods; that the officers of the custom house were not nimble enough or they had got all the goods, worth above £2000; that that which first gave him a "jealousy" of the ship was the fact that the master, William Sims, a man formerly burnt in the hand for stealing, had gone forth a poor man and come back master and half owner of a ship. The ship was

seized, condemned, and sold for the crown, and Sims committed to jail. He had sailed as master of a sloop to Curaçao, and thence to Crab Island (Vieques, see [doc. no. 72](#), [note 5](#)). *Ibid.*, 499. Bellomont suspected that what he found there in August had been derived from Kidd in May.

[2] She had cleared from London in November, 1697, for Madagascar (testimony of Edward Davis, her boatswain, who on arrival there in July, 1698, joined himself to Kidd, and came home with him, *Commons Journal*, XIII. 28). After selling the *Fidelia* and her goods, alleged to be largely Kidd's, Capt. Tempest Rogers settled at St. Thomas, where, says Richard Oglethorp (*Cal. St. P. Col.*, 1706-1708, p. 24), "any piratt for a smale matter of money may bee naterlized Deane"; there he became "a sworn Deane", removed to St. Eustatius (Dutch), engaged in the contraband trade which these neutral islands maintained during the war between Great Britain and France, and finally died among the French—*ubi bene, ibi patria*.

[3] Puerto Rico.

[4] The Gurnet is the north point of the entrance to Plymouth harbor.

LA PAIX.

91. Orders of Governor Nicholson to County Officers. April 28, 1700.^[1]

Virginia SS.

KIQUOTAN^[2] April 28th 1700 between
3 and 4 a Clock in the
afternoon.

Capt. John Aldred, Commander of his Maj'tes Ship *Essex Prize*,^[3] hath just now given me an Account that there are 3 or 4 Ships or vessels in Lynhaven-bay,^[4] who are supposed to be pyrates. I doe therefore in his Maj'tes Name command you that upon Sight hereof you give Notice to the Commanders of the Ships and vessels in York River that they take care of their Ships and vessels, and that you do Imediately Order the Militia in your parts to be ready, and you must forthwith dispatch an Express to the Colo. and Chief Officers of the Militia of Gloster, whom I also hereby Command in his Maj'tes Name to have their Militia ready, and they are forthwith to dispatch an Express to the Colo. or chief officers of Middlesex, whom I doe also in his Maj'tes Name Command to have their Militia ready, and they are to give Notice to the Commanders of ships and vessells in Rappahannock, that they may take care of their ships and vessels, and the officers of Middlesex are imediatly to send an Express to the Colo. and Chief officers of Lancaster, whom I do also in his Maj'tes Name command to have their Militia ready, and if any Ship or vessel be in their County, to give them Notice that they may take care of their ships and vessels, and the officers of Lancaster are forthwith to send an Express to the Collo. or Chief officers of the Militia of Northumberland, whom I do also in his Maj'tes Name Command to have their Militia ready, and they are to give Notice to the Commanders of ships or vessels in their County that they take care of their ships and vessels, and the Colonel or Chief officers of Northumberland are imediatly to send an Express to the Colo. or Chief Officers of the Militia of Westmoreland, whom I doe also in his Maj'tes Name command to have their Militia ready, and if any Ship or vessel be in their County to give the Commanders Notice that they may take Care of their Ships and vessels. The Colonel or Chief officers of Northumberland I doe hereby Impower in his Maj'tes Name forthwith to press a good boat and able men and send an account to any of his Maj'tes officers either Military or Civill in his Maj'tes Province of Maryland, of these 3 or 4 ships or vessels being in Lynhaven bay, and that they are desired imediatly to Dispatch an Express to his Excell'y Nathaniel Blakiston, Esqr., his Maj'tes Capt. Gen'll and Governor in Chief and Vice Admiral of his Maj'tes Province of Maryland. And I do in his Maj'tes Name Command all officers both Millitary and Civil to Obey and follow these my Commands, and all his Maj'tes Loveing Subjects are hereby required to pay all due Obedience to these my Commands and to be Aiding and Assisting what in them lyes to their officers both millitary and Civill, and I do further hereby command all officers both millitary and Civill, and all other his Maj'tes Loveing Subjects, Strictly to observe and put in Execution an Act Passed last Session of Assembly against Pyrates and privateers.^[5] And I doe hereby promise to any person or persons who shall take or kill any Pyrate that shall belong to Either of these 3 or 4 ships or vessells now in Lyn haven bay, a reward of twenty pound

sterling for Each pyrate that they shall either take or kill, And lastly I do in his Maj'tes Name Command all officers both Military and Civill and all his Maj'tes Loveing Subjects of this his Maj'tes most ancient and great Colony and Dominion of virginia, that they will give all Due Obedience and follow all these my Commands as they will answer the Contrary at their utmost perills. Given under my hand and lesser Seal at Armes the Day and year above written, in the twelfth year of the Reign of our Sovereign Lord William the third, by the grace of God of England, Scotland, France, and Ireland King, Defender of the faith, etc.

To Lieut Collo. Thomas Ballard
or Majr. William Buckner at York Town
who are to take a Copy hereof, and Dispatch it as Directed and Each Colonel or Chief officer is also to take a Copy hereof and dispatch it as Directed. Lieut. Collo. Thomas Ballard and Major Wm. Buckner are to send an Express to the Hon'ble Col. Edmd. Jenings, with a Copy of this, and they are likewise to send a Copy of this to Collo. Philip Ludwell, who is in his Maj'tes Name Commanded to have the Militia of James City ready by this Order of

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KIQUOTAN, Ap'll 28th 1700

Whereas this Day I have received Informacion that there is three or four ships or vessels now riding at anchor in Lynhaven bay, suspected to be Pyrates or Privateers,

These are therefore in his Maj'tes Name to will and require you on Sight hereof to give Notice to all officers and Souldiers under your Comand to be in readiness with their Armes and amunition at one houres Warning as you Shall receive further Orders. given under my hand and Lesser Seal at Armes the Day and Year above written.

To Lieut. Collo. Miles Cary,
Comander in Chief of his
Maj'tes Militia in Warwick County.^[6]...

FR. NICHOLSON.

[1] Oxford, Bodleian Library, MS. Rawlinson C. 933, fol. 8; also in P.R.O., C.O. 5:1311, no. 16. The piracies of *La Paix*, inside the capes of Virginia, show how bold the pirates had become, between wars, and the story of her capture how real the danger. She was a Dutch ship, which, seized by pirates, had run quite a career of depredation in the West Indies before she and her consorts appeared in Lynnhaven Bay. Her whole story is told in Bruce, *Institutional History of Virginia*, II. 217-226, and there the history of her capture may be followed consecutively, but the documents here presented show vividly how the news of her villainies and of her fate came to the authorities. The trial of the pirates is in C.O. 5:1411, Public Record Office (transcript in the Library of Congress). Col. Francis Nicholson was now governing Virginia for the second time, 1698-1705. Being himself in Elizabeth City County, he addresses these orders to the commanders of the militia in York, the next county. Gloucester, Middlesex, Lancaster, Northumberland, and Westmoreland, named below, were, in succession, the maritime counties lying to the northward.

[2] Hampton.

[3] A guardship of the royal navy was in these days kept in Virginian waters. At the moment, it happened, there were two, the *Essex Prize*, 16 guns, which had been there since the spring of 1698 and was now about to return to England, and the *Shoreham*, Capt. William Passenger, a larger vessel which was to take her place, and which had arrived Apr. 10, 1700. The *Essex Prize* was careened at the moment, and not available; Beverley, *History of Virginia*, p. 94.

[4] A roadstead on the south side of the Chesapeake, between Cape Henry and Willoughby Spit.

[5] The act is in Hening, *Statutes at Large of Virginia*, III. 176-179, passed in May, 1699. It had been superseded by the act 11 and 12 Will. III. c. 7, passed in the session of Parliament just ended, that of Nov. 16, 1699-Apr. 11, 1700, but that fact would not yet be known in Virginia. On Apr. 28, 1699, the Virginia council had issued a proclamation against pirates, which is printed in the *Virginia Magazine of History*, VIII. 191.

[6] Warwick and James City lay westward, up the James River. A

series of directions like those sent northward was also sent southward, to Norfolk, Princess Anne, Nansemond, and Isle of Wight.

92. *Deposition of William Fletcher. May 2, 1700.*^[1]

The Deposition of William Fletcher, Master of the ship *Barbadoes merchant* of Leverpoole, Sworne the Second Day of May 1700, Saith

That about 30 Leagues from the Capes upon the 23th Day of Aprill A pink^[2] of about 100 tons bound from Barbadoes to virginia, no great guns, and between 50 or 60 men, most french and Dutch and some Irish men^[3] lately taken by Pyrates, Seized his ship, rifled her, and barberously used him and a Merchant belonging to him, by whom they had accot. that the Cheif Pirate^[4] was about 24 Guns and about 140 Tons, and another about the same burthen but what force he could not learn, and a Sloope of Six Guns: in all 4 pirates. Designing to get some good Ships and more Company as they Could, [they favored (?)] this Deponant and used much kindness to his men and persuaded them to goe with them, which when they refused the Pirates used them Cruelly, cut away all his Masts, Sailes and Rigging and bolespritt,^[5] and threw all over Board, tooke all their Candles, broke their Compases, and Disabled them soe as they Supposed the ship would perish and never give Intelligence: and all 4 of the Pirates would pass by them and in a way of Deriding ask why they Cut away their Masts, and soe left them, Supposing they had left them nothing to help themselves, for they threw over Board a Spare topmast which lay upon the Deck, but by providence their foremast and Sailes and Rigging thereof hung by their Side unknown to the Pirates, wherewith they fitted Jewry Masts^[6] and found a Compass under some old Oakcum, with which on Sunday night the 28th Day of Aprill they got into the Capes and are now in Accomack:^[7] but took away all Letters, Papers, Bookes, Certificates and Cocquits,^[8] and would not leave any manner of writings, soe as they have no thing to Shew, tooke away his Carpenter, and another man, and took away his Long boat, and Complained for want of Powder and tobacco, and beat this Depont. after they had Stript him, that if an Irishmen had not Interceeded he beleves they would have kild him with the flat of their Curtle-axes,^[9] the Cruelty being used to them by french men, and saw no Englishmen, all which and much more barbarity this Depont. affirmeth to be truth

WM. FLETCHER.

Sworn the second Day
of May 1700 before
Cha. Scarburgh.

^[1] Bodleian Library, MS. Rawlinson C. 933, f. 12. An enclosure in no. 93.

^[2] A pink was a vessel having a narrow stern, bulging sides, and a flattish bottom.

^[3] The crew of *La Paix* is reported in the trial to comprise three Dutchmen, one Swede, one Norwegian, one Englishman, the rest French or from the French islands.

^[4] *La Paix*.

^[5] Bowsprit.

^[6] A jury-mast is a temporary mast set up as a substitute.

^[7] On the Eastern Shore of Virginia, across the Chesapeake.

^[8] A ship's cocket was a custom-house certificate that the merchandise had been duly entered and had paid duty.

^[9] A perversion of "cutlasses".

93. *Charles Scarburgh to Governor Nicholson. May 3, 1700.*^[1]

Excellent Sir

I have Enclosed sent you the Deposition of Wm. Fletcher, which I suppose may be a more particular acct. then any your Excell'y may receive. he ad's that the Pirates boasted much of their great strength by sea, and that there were sufficient of them to repell any force that would be sent against them, and used many enticements to perswade his men to goe with them: and I Doubt it will be impossible to secure the Navigation to and from this Country, and stop their Piraticall Invations, without a greater force. Capt. Fletcher haveing lost his Certificate, Cocquetts, and Register, cannot be entered and suffered to Load without your Excellys order. the ship hath used this Place many Years: and this Master in her last Year produced his Certificates, Cocquets, and Register, all which are in my booke of Entries:^[2] he hath the same Owners and [as?] the ships here. his Townsmen will refitt him and hath his Loading and Tobacco ready: and it would be severe if his misfortune should Doubly injure him. besides it would prejudice his Majestys revenue to forbid him to Load, therefore suppose if he gives Security to unload in England he may be permitted to trade: if your Excellency think fitt. I lay wind bound and [at (?)] Mr. Mekennies at Elizabeth River, and on Sunday last afternoon we saw a ship come in: and imediatly the *Shoreham* loosed and went to turn out of the River, when we Crossing over to Castle point^[3] Mr. Makennie spoke with Capt. Passenger, who told him a Pirat had pursued that ship and taken others and desired we would not adventure into the Bay but lye at the Poynt. next morning early we saw Cap. Passenger on the back of the horshooe,^[4] standing Down towards 3 ships in Lyn haven bay, who when he came up with them fired upon him, and the Pyrate imediatly gott to sail and stood directly with Capt. Passenger, who got the weather gage, and Imediatly followed as sharp a Dispute as (I thinke) could be betwixt two ships, of which we were full spectators Dureing the whole engagement: and in my Judgment Capt. Passenger behaved himself with much Courage and good Conduct, haveing to Deal with an Enemy under a Desperate choice of killing or hanging, and I believe few men in their circumstances but would elect the first. the Conflict briskly maintained from soon after sunrise untill about 4 afternoon. on thursday May the second Fletcher gott in here and gave the inclosed acct.,^[5] which I beleive much Imports his Maj'tes service and Interest, least thinking the Pirate aforesaid might be all, security would Endanger many ships. Fletcher further saies these are not of them who tooke Burgis last Year but others, and perhaps more may come upon the same acct. as these doe. I suppose your Excelly will think fitt to lay on a Gen'll Embargoe untill some Assurance that the Coast is Clear: and believe York River will be more Convenient then James River, in Regard ships must goe to the Cape to Clear the horshooe before they can gett into James River, and soe may be Endangered. I wait your Excellys Order and Directions and withall to favour me with a true relation of the success of the Action betwixt Capt. Passenger and the Pirate.^[6] I humbly take leave to subscribe Right Excellent

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Your Excellencies Faithful and
most Obliged servant
CHA. SCARBURGH.

May 3d
1700

[1] Bodleian Library, MS. Rawlinson A. 271, f. 48. Col. Charles Scarborough or Scarborough was the chief magnate of the Eastern Shore, and a member of the governor's council.

[2] Colonel Scarborough was also collector of customs in his district.

[3] Old Point Comfort? It is just possible that "Mr. Mekennie", p. 264, or "Mr. Makennie", here, may mean the celebrated pioneer of Presbyterianism, Rev. Francis Makemie, who is sometimes said to have lived in Lynnhaven parish before settling down in Accomac, on the Eastern Shore.

[4] The Horseshoe is a sandy shoal running from the shore north of Old Point Comfort eastwardly toward the channel between Cape Charles and Cape Henry.

[5] [Doc. no. 92](#).

[6] For Captain Passenger's own account, see *Cal. St. P. Col.*, 1700, p. 311. Governor Nicholson accompanied him in person, aboard the *Shoreham*. During most of the fight the two ships were within pistol-shot of each other. Finally the pirate, with all masts and sails shattered, drifted aground. Then, having laid a train to thirty barrels of gunpowder, he threatened to blow the ship up, and the governor, to save the lives of the forty or fifty English prisoners, gave quarter, promising to refer the pirates to the king's mercy if they should

surrender quietly. So 111 of them were sent to England in the *Essex Prize* and the fleet of merchantmen convoyed by her, June 9. The trial was of three who were brought in without having been included in the surrender. It was held, in accordance with the Virginian act, by a commission of oyer and terminer, appointed by the governor. All three of them were hanged, although "One of them, Cornelius Frank, said, Must I be hanged that can speake all Languages"? Another curious passage in the trial deserves to be quoted: "*Mr. Atty. Gen.* Did the Pyrates talk of blowing their Shipp up? *Ed. Ashfeild.* Yes, they did, and went to prayers upon it." Nor less the picture, in the evidence of either this or an adjoining trial, of the pirate captain "with a gold chain around his neck, and a gold Tooth-picker hanging from it"—*nouveau riche!*

94. *John and Adam Thorowgood to Captain Passenger.*
May 3, 1700.^[1]

Sir

This Day 7 men which had been taken by a Pirate in a Pink without any great Guns, only small Armes, and very litle Ammunition, came on shore and informed us this News, which we thought convenient to Inform you, that you may act according as the Necessity requires. Also Adam Hayes, a man who lives on the Sea side, Informs us, he Yesterday saw a Pink and Brigantine rideing at Anchor in sight of his house, 8 or 10 miles to the soward of Cape Henry. the Brigantine he suppose came out of the Capes. about 3 of the Clock in the afternoon he saw a boat goe from on board the Brigantine, to the Pink. after that two boats were Passing and repassing from one vessel to the other till near night, at which time the Pink weighed and stood of to sea. the Brigantine remained there till within Night, but this morning Neither of them to be seen. The abovesaid 7 men informed us the Pink which took them hath but 16 men which belonged to the Pyrate and 9 Prisoners. they say she belonged (before taken) to Biddeford^[2] and is an Extraordinary good sailer. they also tell us they were put into a Boat and turned a Drift, they think because they were to many to be kept on board, being then 16 men Prisoners, and now as abovesaid but 9. likewise on tuesday last they tooke a Bristol man and Cut down their Masts and Boltspritte and left them as a wreck in the sea, as also another they tooke and Cut a hole in her bottom and let her sink in the sea, and that they were Ordered by the Pyrate You took last munday^[3] to Cruise in the Lattitude of the Capes till they came out to them. Sir, this is all we think materiall at present to be Informed you by

Your Humble servants

JNO. THOROWGOOD, sher.^[4]
ADAM THORWGOOD

PRINCESS ANN COUNTY
the 3d of May being
Fryday, 1700.

^[1] Bodleian Library, MS. Rawlinson A. 272, f. 89. An enclosure in [doc. no. 95](#). The Thorowgoods were substantial planters of Princess Anne County, dwelling near Lynnhaven Bay.

^[2] In Devonshire, England.

^[3] April 29. *La Paix*, Capt. Louis Guittar.

^[4] Sheriff. Adam was sheriff the next year.

95. *Benjamin Harrison, jr., to Governor Nicholson.* May
4, 1700.^[1]

May it Please your Excell'y,

Last night about six of the Clock the inclosed letter^[2] came to Capn. Passengers hand whilst we were on board, and he desired me to transmitt it to your Excell'y. he had not time to write wee being Just comeing away, and much Company with him. About the same time came in from sea the Brigantine mencioned in the inclosed

letter, and the Master of gives a relation pretty agreeable to the letter in everything only he sayes there were about 50 men on board the Pinke when he was taken, so that 'tis Probable they will lye there, to watch for other ships. as far as I can understand by this Master the litle ship mencioned in the letter to be sunk was wheeler, who brought the Brandy and wine into York River; I am

your Excellys

most Obliged Humble serv't

B. HARRISON Jnr

WILLIAMS BURGH, May 4, 1700, 10 at Night.

[1] Bodleian Library, MS. Rawlinson A. 272, f. 89 b. Benjamin Harrison, jr. ("Benjamin Harrison of Berkeley") was the son of a member of the council ("Benjamin Harrison of Surry") and was himself attorney-general of the colony. He was great-grandfather of President William Henry Harrison.

[2] [Doc. no. 94](#).

96. Governor Nicholson to Captain Passenger. May 4, 1700.^[1]

JAMES TOWN, May 4, 1700,^[2]
about Eleven a Clock at Night.

Capt. Wm. Passenger

Sir,

Just now I received a letter from my friend Mr. Benja. Harrison, with an inclosed one to you from the two Mr. Thorowgoods, a Copy of which I here send you.^[3] if his Maj'tes ship the *shoreham* under your Command be at present capable of going to sea to look after the Pirates in the Pink, etc., I would have you doe it as soon as, God willing, wind and weather permitts: but if the *shoreham* be not in a sailing Condicion, then you may, if you think Convenient, sent your boat or boats to looke after the said Pyrates, in order Either to take or burn the said Pink. And I do hereby Authorize and empower you to stop all ships and vessells from going out of the Capes, and Order them up to Kiquetan.

If you cannot be here your Selfe Either on Monday or tuesday yet I would have Capt. John Aldred, Commander of his Maj'tes Ship the *Essex Prize*, be here; in the Interim remain

Your most affectionate Friend

If you conceive it proper, You may send the Prize which you have taken either to take, sinke, or burn the Pink on board which are the Pyrates. In Order thereunto You may Put what men and Guns on board, You think Necessary.

I hope you have secured for his Maj'tes Service the seamen which belong to Capt. Harrison, etc., and you will do the like by those, which Mr. Thorowgood sayes come on shore. And for so Doeing these things, this shall be your sufficient Warrant and Authority. given under my hand the Day and Year above written.

[1] Bodleian Library, MS. Rawlinson A. 272, f. 90.

[2] The seat of government had just been removed from Jamestown to the new capital, Williamsburg.

[3] Docs. [no. 94](#) and [no. 95](#).

97. William Wilson to Governor Nicholson. May 5, 1700.

[1]

May it please your Excellency

I have here enclosed a few lines^[2] Concerning a Brigantine that sailed out of the Capes last wednesday.^[3] it should been sent you before this. I had it this Day from Capt. Cole at Church. If the Capt. had sent the Master on shore (who had no boat of his owne) or a line to me about it, Your Excellency had sooner Notice.

The french Prisoners are equally Divided amongst the three Capts., who have them under Guard. the wounded men att John Smiths died last Night. Suppose this Pink is that that was taken a coming from Barbadoes, and the longer he lyes the more harme he do and gather more strength, which is all that offers from

Your Excellys humble servt.
to Command

WM. WILSON.

I did designe to have sent this by an Express, but there came one from your Excell'y with a Letter to Capt. Passenger.

^[1] Bodleian Library, MS. Rawlinson C. 933, f. 10. Col. Wilson was a justice of the peace for Elizabeth City County.

^[2] [Doc. no. 98](#).

^[3] May 1.

98. Captain Michael Cole to William Wilson. May 5, 1700.

^[1]

KIQUOTAN

Satterday morning being aboard the man of Warr *Shoreham* there found the Master of Brigantine which came in here the Evening before, who sayes that on thursday morning last he was taken by the Pyrates about 2 leagues Southward the Cape Henry, in a Pink, who tooke from him his Sailes, Masts, and provisions, and all his Necessaries and Cut off[f] the head of his Rudder as low down as they Could, to disable him of getting in. his fore Yard they also tooke from him. he likewise sayes that they spoke some English aboard and that they are about 40 or 50 strong besides the Prisoners, but they would not suffer him to Speake to any of them, but was threatned to be Shot for Speaking only to one and asked (and that softly) what are you, who answered, I am a Carpenter who belonged to a vessell of about 110 Tons loaded in York River which they sunk. when they left him they stood NE. and believes they Intend of the Coast as soone as they meet a vessell which they have an Accot. of, Dayly Expected here from Guinea.

MICH'LL COLE.

May 5, 1700.

^[1] Bodleian Library, *ibid*. Capt. Michael Cole was master of the *Friends' Adventure*; he had come into James River on his way from South Carolina to London.

99. Libel by Captain William Passenger. May 11, 1700.^[1]

Virga. ss. Att the Court of Admiralty held at Hampton Town on Saturday the 11th day of May in the 12th year of the Reign of our Sovereign Lord William the third, of England, Scotland, France and Ireland King, Defender of the faith, etc., annoq Domini 1700,

Before the Hono'ble Edward Hill, Esqr., Judge of the sd Court,^[2] came Capt. William Passenger, Commander of his Maj'tes ship the *shoreham*, and Exhibited the following Libel in these Words

Virg'a. ss. May the 11th in the 12th year of his Maj'tes Reign, Annoq Domini 1700.

To the Hon'ble Court of Admiralty:

William Passenger, Commander of his Majestyes ship the *shoreham*, as well for and in behalf of his Majesty as for and in behalfe of himself, officers and Company on Board the said ship,

Humbly gives this Court to understand and be Informed that on the 29th Day of Aprill last Past, in his Maj'tyes said ship the *Shoreham*, within the Cape of Virga: he engaged, fought and tooke a Company of Pirates or sea Robbers which were in a ship called the *Peace*, of about two hundred tons Burthen, Mounted with twenty Gunns, which said Company of Pyrates or sea Robbers in the aforesaid ship for severall dayes before their being soe taken did in an Open, Warlike, Hostile, and Piraticall manner Assault, Attack, Fight, take, Robb, Burn, and spoile severall Merchant ships belonging to the subjects of our sovereign Lord the King (Vizt.)

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A Pinke Called the *Baltimore*, John Loveday Master, A Sloope Called the *George*, Joseph Forest Master, A Ship Called the *Pensylvania Merchant*, Samuell Harrison Master, A Ship Called the *Indyan King*, Edward Whitaker Master, A Ship Called the *Nicholson*, Robert Lurting Master, who in a Peaceable and Lawfull manner were coming into and going out of the aforesaid Cape of Virga. with their severall Goods and Merchandizes, etc. And also the aforesaid Company of Pyrates or sea Robbers, in the aforesaid ship, at and upon the aforesaid time and Place, in a Hostile and Warlike manner, did fight his Maj'tes said ship the *shoreham*, but they being overcome and taken as aforesaid the aforesaid William Passenger, in behalfe as aforesaid, prays Condemnation of the aforesaid Pirats ship Called the *Peace*, with all her Gunns, Ammunition, tackle, furniture, and apparell, to be devided and Proportioned according to the Rules and Orders of the sea, in such Cases made and provided, etc.

W. PASSENGER.

[1] Bodleian Library, MS. Rawlinson A. 272, f. 91. A libel, in admiralty law, is a plaintiff's or claimant's document containing his allegations and instituting a suit—in this instance a prize suit.

[2] A court of vice-admiralty was first erected in Virginia in 1698, and Hill was the first judge appointed. He was commissioned (Mar. 8, 1698) by Governor Andros, by virtue of the latter's commission (June 26, 1697) from the High Court of Admiralty in England; so say the Virginia council, in *Va. Mag. Hist.*, XXII. 245, but the record of this latter commission in London dates it Apr. 29. *Am. Hist. Assoc., Annual Report*, 1911, I. 518.

100. Deposition of William Woolgar and Others. [June 11, 1700.]¹

Virginia sct.

William Woolgar, Peter Shaw, Francis Warrell and Joshua Atkinson Examined and Sworne say

That on or about the 28th April in the year of our Lord God One Thousand seven hundred, being sailers on board the *Indian King* bound for London, about three or four Leagues from Cape Henry they were attack'd and taken by a french Pirate of twenty Gunns by some called *La Paix*, who Comanded the Master of the said *Indian King* on Board the Pirate, who upon the same hoisted out his Yaul and went a board them with 4 of his men, upon which severall of the Pirates came on board the *Indian King* with the aforesaid Yaul and return'd her on board the Pirate with the mate, Doctor and sundry Passengers of the shipp aforesaid. the said Deponants further say that the Pirate aforesaid, with their shipp and another small ship taken by them, came into Lyn haven, where they Attack'd and took another Shipp, whose Comander they have since understood to be called Robert Lurten, and came all to an anchor in Lyn haven bay, where they plundred the said *Indian King* of some of her provisions and rigging with other things. And that on the 29th in the morning their came out of James River his Maj'tys Shipp the *Shorham*, which Engaged the said Pirate about 7 a Clock in the morning and forced them to surrender about 4 or 5 a Clock in the afternoon, there being two of the said Depon'ts (to witt) William Woolgar and Peter Shaw on board the *Shorham* the most part of the Engagement. And further the said Deponants say not.

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Sworne to before the Court of Oyer and Terminer for Tryall of Pirates

Test, PETER BEVERLEY Cl. Arr.^[2]

^[1] Bodleian Library, MS. Rawlinson A. 271, f. 40.

^[2] Clerk of arraignments.

101. Deposition of Joseph Man. [June 11, 1700.]^[1]

Virginia Sct.

Joseph Manns aged 30 yeares Examd: and Sworn saith

That on Sunday being the 28th day of April last past Capt. John Aldred, Comander of his Maj'tys Shipp the *Essex Prize*, came on Shoare to Collo. William Willson at Kyquotan and informed his Excellency Francis Nicholson, Esqr., his Maj'tys Lieut. and Governor Gen'll of Virginia, and Capt. Passenger, Comander of his Maj'tys Shipp the *Shorham* Galley, in the hearing of this depon't, that he had been on board of a Pink and was there informed that there was a Pirate lay in Lyn haven bay and that she made her Escape from them, upon which information soe as aforesaid given Capt. Passenger immediatly went on board his Maj'tys shipp the *Shorham* and got her under saile, designeing to goe downe in the night, and this depon't further saith that upon the aforesaid 28th day of April in the Evening his Excellency, accompanied with Capt. John Aldred, Peter Heyman, Esqr.,^[2] and this depon't, went on board his Maj'ty's ship the *Shorham*. the next morning about six of the Clock wee came up with the Pirate (which this depon't since understands is called the *La Paix*, the Captaines name said to be Lewis Guittar). we threw abroad the Kings Jack, flagg and Ancient,^[3] the Pirate hoisted up blood red Colloures and refused to submit, whereupon wee immediatly Engaged with them and Continued the fight till about four a Clock in the afternoone. Peter Heyman, Esqr., standing on the left hand of this depon't within a foot of him, made severall shots into the Pirates Shipp, and about one or two of the Clock was by a shott from the Pirates shipp unhappily slaine. about four in the afternoone the Pirate struck his bloody Colloures and hoisted up a flagg of truce and then fired no more Gunns, whereupon Capt. Passenger Comanded a boat and hands to board the Pirate, who brought back with them about 124 Pirates Prisoners, and it was supposed there was about 25 or 30 kill'd in the fight and that about 40 or 50 English Prisoners were redeemed, whome the Pirate had taken. And this deponant Yet further saith that two of the Pirates men, being left on board the shipp called the *Nicholson*, Robt. Lurten Master, which was taken by the Pirates the 28th of April, were upon the coming up of his Maj'tys ship the *Shorham* seized and brought on board us as prisoners, that this deponant was on board the *Shorham* Galley all the time of the Engagement upon the quarter deck near to his Excellency, and saw all the Transactions, and further says not.

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JOSEPH MAN.

Sworne to before the Court for tryall of Pirates

Test, PETER BEVERLEY C. Arr.
A true copy, C.C. THACKER C. Sec. Off.^[4]

^[1] Bodleian Library, MS. Rawlinson A. 271, f. 44b. Man, an able seaman, was afterward taken over to England to testify against the pirates, and was granted £60 by the Privy Council for his services in the fight, besides five months' pay promised him by Nicholson. *Acts P.C. Col.*, II. 360.

^[2] Heyman was collector of customs for the lower district of James River. Gov. Nicholson caused a tombstone to be set in commemoration of him, with a laudatory inscription which is printed in the *Southern Literary Messenger*, IX. 695.

^[3] Ensign. See [doc. no. 33](#), [note 15](#).

^[4] Clerk in the secretary's office. The name of Chicheley Corbin Thacker deserves a comment, for double Christian names were at

that period very rare. "In forty-nine church registers out of fifty, throughout the length and breadth of England, there will not be found a single instance of a double Christian name previous to the year 1700." Bardsley, *Curiosities of Puritan Nomenclature*, p. 226.

102. *Report of Dr. George Bramston. November 27, 1702.*^[1]

DOCTORS COMMONS,^[2] November 27th, 1702.

Sir,

The matter in yours of the 18th instant being of a Nature That was little knowne to Me, It seemed proper to take longer time to consider thereof, than otherwise would have been decent, for the Information of His Royall Highness as to the Power of the Vice-Admiralls of the Forreigne Plantations.

I humbly conceive it plaine, That they can have no Authority to condemne Prizes, in their Commissions from the Lord Admirall,^[3] for He has none in that Patent which constitutes Him Lord Admirall of England.

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And you may please to call to mind, that the Power by which Ships are adjudged Prize, Proceeds from a Commission for that purpose particularly granted, under the Great Seale, to his Royall Highness.

And as to what may be most proper for the condemning of Prizes in those parts, I humbly conceive it cannot be Regularly done, but by an Authority grounded upon a Commission under the Broad Seale.

All which I humbly submitt with the Assurance That I am

Sir
Your most Humble Servant

GEO. BRAMSTON.

To be sent to Lord Nottingham^[4] if it came from him.

^[1] Public Record Office, Admiralty 1:3666, p. 162. The writer of this report, George Bramston, LL.D., was a notable practitioner of the civil law, and from 1702 to 1710 was master of Trinity Hall, Cambridge. His uncle writes of him in his autobiography, a few years before this, "George is doctor of law, ... fellow of Trinity Hall, and is admitted at the Commons, and lives there in some practice, but very good repute." *Autobiography of Sir John Bramston*, p. 29. To whom the report was nominally addressed is not clear, but it was intended indirectly for the enlightenment of Prince George of Denmark, consort of Queen Anne, whose wifely partiality had in May of this year raised him to the office of Lord High Admiral. As such, he nominally presided over the High Court of Admiralty; finding the need of having its activities supplemented by additional prize courts in the colonies, and instructed by this and similar reports, he on Dec. 7 applied for authority under the great seal to commission colonial governors (vice-admirals) to hold prize courts.

^[2] Doctors' Commons (see ch. VIII. of *Sketches by Boz* and ch. XXV. of *David Copperfield*), near St. Paul's, was the headquarters of the doctors of the civil law and of the admiralty and other civil-law courts.

^[3] A typical commission of a vice-admiral (Barbados, 1667) may be seen in the *Publications* of the Colonial Society of Massachusetts, II. 187-198.

^[4] The Earl of Nottingham was one of the two secretaries of state.

PRIVATEERS AT MARTINIQUE.

103. Letter to Boston News Letter. May 8, 1704.^[1]

NEW-YORK, May 8. On the 3d Arrived here a Sloop from St. Thomas, in whom Mr. John Vryling, who Sail'd the 23d Decemb. last from Boston, in the Ship *St. Jacob and Philip*, of whom was Owner and Merchant, Charles Farnam Master, bound for Barbadoes, and on the Sabbath following, lost her Mane and Misin Mast in a Storm, taken in sight of Barbadoes, and carried into Martinico, and says that 7 Weeks ago was a Prisoner at Martinico, that the Governour permitted him to go in a French Sloop bound for St. Thomas, That the French have taken 130 odd Vessels this War into Martinico, and when he left it there was 17 Privateers out.^[2] The Ships lately taken and carried thither are, the *Venetian Merchant*, Captains, Alexander, the Ship *Virgin*, John Sherwood, *Brintania* William Bartrum, Darvar of Bidiford, Richard Barton of Liverpool, Henry Punsunby of Dublin, John Reading of Barbadoes, belonging to Boston, Twisden a Brigantine, Chadwel another, Farnam a Ship, Andrews, Porter a Sloop. Nicholas Bradock, and Crute of Philadelphia, Peylton of Bermuda, Johnson of Maryland, a Sloop, Penley Master, Stephens a Ship of Boston taken into Guardilooop. after Mr. Vryling had been 14 days at St. Thomas, had advice from Martinico, 5 Brigantines carried in thither, on Board of one of which was Major Wheeler of Barbadoes^[3] and several other Passengers, but what Ports bound to, or to whom the Brigantines belong'd, heard not. The Ship *Princess Anne*, bound from Barbadoes to London, being Leaky put into St. Thomas, there condemn'd as insufficient to go to Sea. Yesterday from Albany by information from our Indians acquainted, that the French of Canada are sending out 300 men to attack some parts of N. England. We have very rainy, dirty, and cold Weather for the Season, and so continues. We hear the Virginia Fleet Sails the last of this Month. Captain Davison hopes to Sail this Month.^[4] The Wind and Weather hinders our Pensilvania Post coming in.

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^[1] A specimen of news of privateering in Queen Anne's War from one of the earliest issues of our first established newspaper; from the *Boston News-Letter* of May 15, 1704. That newspaper was founded by John Campbell, postmaster of Boston, son of Kidd's friend Duncan Campbell (see [doc. no. 75](#)). The first issue was for the week from Monday, April 17, to April 24, 1704. The text is taken from the file of the *News-Letter* possessed by the Massachusetts Historical Society.

^[2] A letter written from Martinique a little later (June 27) by a captive colonel from St. Christopher's says, "We have had 163 vessels brought in here since the warr, ... there is about 30 privateers now belonging here, so that it's almost impossible for a vessel to pass to or from the Islands without a good convoy, and then they take some from them". He encloses a petition from some 300 British prisoners, "some whereof have been here 16 months in close prison". *Cal. St. P. Col.*, 1704-1705, p. 184.

^[3] Lately a member of the council of that island.

^[4] Capt. John Davison, in the *Eagle* galley, had arrived at New York on Mar. 13, but had been long detained by disputes between the governor, Lord Cornbury, and the collector of the port over questions concerning the legal status of its cargo. *N.Y. Col. Docs.*, IV. 1105-1110, 1121.

CASE OF JOHN QUELCH AND HIS FELLOW PIRATES.

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104. Account of their Execution. June 30, 1704.^[1]

An Account of the Behaviour and Last Dying Speeches Of the Six Pirates, that were Executed on Charles River, Boston side, on Fryday, June 30th, 1704. *Viz.*, Capt. John Quelch, John Lambert, Christopher Scudamore, John Miller, Erasmus Peterson and Peter Roach.

The Ministers of the Town had used more than ordinary Endeavours, to Instruct the Prisoners, and bring them to Repentance. There were Sermons Preached in their hearing, Every day,^[2] And Prayers daily made with them. And they were Catachised; and they had many occasional Exhortations. And nothing was left, that could be done for their Good.

On Fryday the 20th [30th] of June 1704, Pursuant to Orders in the Dead Warrant, the aforesaid Pirates were guarded from the Prison in Boston, by Forty Musketeers, Constables of the Town, the Provost Marshal and his Officers, etc. with Two Ministers,^[3] who took great pains to prepare them for the last Article of their Lives. Being allowed to walk on Foot through the Town, to Scarlets Wharff,^[4] where, the Silver Oar being carried before them, they went by Water to the place of Execution, being Crowded and thronged on all sides with Multitudes of Spectators. The Ministers then Spoke to the Malefactors, to this Effect.

"We have told you often, ye[a] we have told you Weeping, That you have by Sin undone your selves; That you were born Sinners, That you have lived Sinners, That your Sins have been many and mighty, and that the Sins for which you are now to Dy are of no common aggravation. We have told you, That there is a Saviour for Sinners, and we have shewn you, how to commit your selves into His Saving and Healing Hands. We have told you, That if He Save you, He will give you an hearty Repentance for all your Sins, and we have shown you how to Express that Repentance. We have told you, What Marks of Life must be desired for your Souls, that you may Safely appear before the Judgment Seat of God. Oh! That the means used for your Good may by the Grace of God be made Effectual. We can do no more, but leave you in His Merciful Hands!"

When they were gone up upon the Stage, and Silence was Commanded, One of the Ministers Prayed, as followeth.

The Prayer made by One of the Ministers, after the Malefactors were first upon the Stage.^[5] (As near as it could be taken in Writing in the great Crowd.)

"O Thou most Great and Glorious Lord! Thou art a Righteous, and a Terrible God. It is a Righteous and an Holy Law that thou hast given unto us. To break that Good Law, and Sin against thy Infinite Majesty, can be no little Evil. Thy Word is always True; and very Particular, that Word of thine which has told us and warn'd us, *Evil Pursueth Sinners*. We have seen it, we have seen it; We have before our Eyes a dreadful Demonstration of it. Oh! Sanctify unto us a Sight that has in it so much of the Terror of the Lord! We have Reason to Glorify the Free Grace of God, that we are not our selves the Instances. We have before us very astonishing Examples of *Evil Pursuing Sinners*. Here is a Number of men that have been very Great Sinners, and that are to Dy before their Time, for their being wicked overmuch. God knows the Prayers, the Pains, the Tears, and the Agonies that have been Employ'd for them. And now, the Last Thing that we have to do for them, is to pour out with Anguish of Soul our Prayer on their behalf; Our Prayer, to that God, who heareth Prayer; to that God, with whom there is Mercy and Plenteous Redemption; to that God, who is Rich in Mercy and Ready to Pardon. But how can we make our Prayer, without a Rapturous Adoration of that Free-Grace, which has distinguished us! We, even we also, have every one of us an horrible Fountain of Sin in our Souls. There are none of the Crimes committed by these Miserable Men, or by the worst of those Criminals that go down into the Pit, but we have the seeds of them, in that Original Corruption, which we brought into the World with us. If God had left us to our selves, as He justly might have done, there is not the best among us all, but what would soon have done the worst things in the World. Oh! The Free-Grace! Oh! The Free-Grace! Oh! The Riches of that Grace, which has made all the Difference! But now, we Cry mightily to Heaven, we Lift up our Cries to the God of all Grace, for the Perishing Souls which are just now going to Expire under the Stroke of Justice, before our Eyes. We Mourn, we Mourn, that upon some of them, at Least, we do unto this Minute see no better Symptomes. But, Oh! is there not yet a Room for Sovereign Grace to be display'd, in their Conversion and Salvation! They Perish, if they do not now Sincerely Turn from Sin to God, and give themselves up to the Lord Jesus Christ; They Righteously and Horribly Perish! And yet, without influences from above, they can do none of those things which must be done if they do not perish. Oh! Let us beg it of our God, that He would not be so Provoked at their Multiplied and Prodigious Impieties, and at their obstinate Hardness under means of Good formerly afforded them, as to withhold those Influences from them! We cry to thee, O God of all Grace, That thou wouldest not Suffer them to continue in the Gall of Bitterness and Bond of Iniquity, and in the Possession of the Devil. Oh! Knock off the Chains of Death which are upon their Souls; Oh! Snatch the prey out of the Hands of the Terrible.

"Yet once again! Once again! We bring them, and lay them before the Spirit of Grace. O Almighty Spirit of Grace, May these Poor, blind, mad Sinners become objects for the Triumphs of Grace! O Almighty Spirit of God, and of Grace, cause these poor men to see their own Sinfulness and Wretchedness! Make them willing to be Saved from such Sinfulness and Wretchedness; Discover to them the only Saviour of their Souls.

Oh! Dispose them, Oh! Assist them to give the Consent of their Souls unto His Wonderful Proposals. Let them Dy, Renouncing all Dependence on any Righteousness of their own; Alas, what can they have of their own to Depend upon! As a Token and Effect of their having Accepted the Righteousness of God, Let them heartily Repent of all their Sins against thee, and Abhor and cast up every Morsel of their Iniquity. Oh! Let them not go out of the World, raging and raving against the Justice of God and Man; And whatever part of the Satanick Image is yet remaining on their Souls, Oh! Efface it! Let them now Dy in such a State and such a Frame, as may render them fit to appear before God the Judge of all. What shall we do for them? What shall plead for them?

"Great God, Grant that all the Spectators may get Good by the horrible Spectacle that is now before them! Let all the People hear and fear, and let no more any such Wickedness be done, as has produced this woful Spectacle. And let all the People beware how they go on in the Ways of Sin, and in the pathes of the Destroyer, after so Solemn Warnings; Lest thou shouldest not only leave them to the grossest Acts of Wickedness, but also give them up unto the most amazing Impenitency, when the Punishment of their Iniquity comes to be inflicted on them.

"Oh! but shall our Sea faring Tribe, on this Occasion, be in a Singular manner affected with the Warnings of God! Lord, May those of our dear Brethren be Saved from the Temptations which do so threaten them! so ruine them! Oh! let them not Abandon themselves to Profanity, to Swearing, to Cursing, to Drinking, to Leudness, to a cursed Forgetfulness of their Maker, and of the End for which He made them! Oh! Let them not be abandoned of God, unto those Courses that will hasten them to a Damnation that slumbers not. Oh! Let the men fear the Lord Exceedingly, We Pray thee! We Pray thee! Let the Condition of the Six or Seven men, whom they now see Dying for their Wickedness upon the Sea, be Sanctified unto them.

"And now, we fly, we fly to *Sovereign Grace*. Oh! that the Poor men, which are immediately to appear before the awful Tribunal of God, may first by *Sovereign Grace* have produced upon their Souls those Marks of thy Favour, without which tis a dreadful Thing to appear before that awful Tribunal. Oh! Great God, Let thy *Sovereign Grace* Operate on this fearful Occasion! God be Merciful to us all, for the Sake of our Lord Jesus Christ, unto whom with the Father and the Spirit, be ascribed the Kingdom, the Power and the Glory, for ever more, *Amen*."

They then Severally Spoke, Viz.

I. *Capt. John Quelch*. The last Words he spake to One of the Ministers at his going up the Stage, were, "I am not afraid of Death, I am not afraid of the Gallows, but I am afraid of what follows; I am afraid of a Great God, and a Judgment to Come." But he afterwards seem'd to brave it out too much against that fear: also when on the Stage first he pulled off his Hat, and bowed to the Spectators, and not Concerned, nor behaving himself so much like a Dying man as some would have done. The Ministers had, in the Way to his Execution, much desired him to Glorify God at his Death, by bearing a due Testimony against the Sins that had ruined him, and for the ways of Religion which he had much neglected: yet now being called upon to speak what he had to say, it was but thus much; "Gentlemen, 'Tis but little I have to speak; What I have to say is this, I desire to be informed for what I am here. I am Condemned only upon Circumstances. I forgive all the World: So the Lord be Merciful to my Soul." When Lambert was Warning the Spectators to beware of Bad-Company, Quelch joyning, "They should also take care how they brought Money into New-England, to be Hanged for it!"

II. *John Lambert*. He appeared much hardened, and pleaded much on his Innocency. He desired all men to beware of Bad Company; he seem'd in a great Agony near his Execution; he called much and frequently on Christ, for Pardon of Sin, that God Almighty would Save his innocent Soul; he desired to forgive all the World; his last words were, "Lord, forgive my Soul! Oh, receive me into Eternity! blessed name of Christ receive my Soul."

III. *Christopher Scudamore*. He appeared very Penitent since his Condemnation, was very diligent to improve his time going to, and at the place of Execution.

IV. *John Miller*. He seem'd much concerned, and complained of a great Burden of Sins to answer for; Expressing often, "Lord! What shall I do to be Saved!"

V. *Erasmus Peterson*. He cryed of injustice done him; and said, it is very hard for so many mens Lives to be taken away for a little Gold. He often said, his Peace was made with God; and his Soul would be with God: yet extream hard to forgive those he said wronged him. He told the Executioner, he was a strong man, and Prayed to be put out of misery as soon as possible.

VI. *Peter Roach*. He seem'd little concerned, and said but little or nothing at all.

Francis King was also Brought to the place of Execution, but Repriev'd.

Printed for and Sold by Nicholas Boone, at his Shop near the Old Meeting-House in

Advertisement.

There is now in the Press, and will speedily be Published: The Arraignment, Tryal and Condemnation of Capt. John Quelch, and others of his Company, etc. For sundry Piracies, Robberies and Murder, committed upon the Subjects of the King of Portugal, Her Majesties Allie, on the Coast of Brasil, etc. Who upon full Evidence were found Guilty, at the Court-House in Boston, on the 13th of June 1704. With the Arguments of the Queen's Council, and Council for the Prisoners, upon the Act for the more effectual Suppression of Piracy. With an account of the Ages of the several Prisoners, and the Places where they were Born. Printed for and sold by Nicholas Boone, 1704.^[6]

[1] What is here reproduced, to show somewhat of the harrowing circumstances under which the pirate's career might end, is a very rare "extra" of the *Boston News-Letter*, found in the Massachusetts Historical Society's file of that newspaper. The case of Quelch and his associates is related in much detail by Mr. A.C. Goodell in the *Acts and Resolves of the Province of Massachusetts Bay*, VIII. 386-398, and in the *Publications* of the Colonial Society of Massachusetts, III. 71-77. The pursuit of the pirates is described in Sewall's diary, with extracts from the *News-Letter*, in *Mass. Hist. Soc., Collections*, XLVI. 103-110. In August, 1703, the brigantine *Charles*, fitted out as a privateer to cruise against the French, was riding off Marblehead, with her captain lying too sick to take her to sea. The crew seized the ship, put it in command of Quelch, threw the captain overboard, and sailed for the coast of Brazil, where for some months they engaged in a profitable career of piracy at the expense of subjects of the King of Portugal, with whom England had just concluded a particularly close alliance. In May, 1704, they reappeared on the Massachusetts coast, landed, and dispersed, but were presently suspected, accused, proclaimed, and "rounded up", the main capture being made at the Isles of Shoals, by an armed force under Maj. Stephen Sewall, the diarist's brother. The trial, June 13, 16, 19-21, was the first held in New England under the act of Parliament 11 and 12 Will. III., ch. 7, which gave the crown authority to issue commissions for the trial of pirates by specially constituted courts, outside the realm of England. The governor, Joseph Dudley, presided. Mr. Goodell maintains that the trial was conducted illegally in important particulars. Of the six pirates named above, as executed on June 30, Lambert was a Salem man, Peterson apparently a Swede, Roach Irish, Quelch and the other two English. Judge Sewall records that "When the Scaffold was let to sink, there was such a Screech of the Women that my wife heard it sitting in our Entry next the Orchard, and was much surprised at it; yet the wind was sou-west. Our house is a full mile from the place." In 1835 the editor's grandfather saw the six pirates of the *Mexican*, almost the last of their profession, hanged at about the same spot. I find that Mr. Paine has printed this piece, in *Buried Treasure*, but I know no other that so well illustrates its particular aspect of our theme.

[2] One of the sermons preached by Cotton Mather to the unfortunate men was printed by him this year under the title *Faithful Warnings to prevent Fearful Judgments*.

[3] Rev. Thomas Bridge of the First Church, and Cotton Mather of the Second.

[4] At the foot of Fleet Street, near the present South Ferry. Thus the grim procession went around most of the water front of the town. Sewall says his cousin counted 150 boats full of spectators of the execution, besides the multitude on land. The silver oar was the emblem of the admiralty.

[5] This prayer is unmistakable Cotton Mather; to whom we may be sure this whole occasion was one of extraordinary enjoyment.

[6] The publication of the pamphlet here advertised was by authority of Governor Dudley, who gives the Board of Trade the following excuse for printing the minutes of the trial before sending them to that body (letter of July 25, 1705), "My Lords, I should not have directed the printing of them here, but to satisfy and save the clamour of a rude people, who were greatly surprised that any body

should be put to death that brought in gold into the Province, and did at the time speak rudely of the proceeding against them and assisted to hide and cover those ill persons". *Cal. St. P. Col.*, 1704-1705, p. 585.

105. *Deposition of Paul Dudley. August 15, 1705.*^[1]

The Deposition of Paul Dudley, Esquire, Her Majestys Attourney General for the Province of the Massachusetts Bay in New England, and Advocate of the Court of Admiralty—who saith

That on or about the fifth day of June last past, being at Newport on Road Island in Company with the Honourable Nathaniel Byfield, Esquire, Judge of the Court of Admiralty, etc.^[2] at the House of Samuel Cranston, Esquire, Governour of said Island, The said Judge complaining of the said Governours granting a Commission to Captain Halsey, a Privateer,^[3] after the Receipt of her Majesties Commands to the Contrary, The said Samuel Cranston replied, That he had taken the advice of the Generall Court^[4] of that Colony, who were all of opinion That her Majesties Commands did not forbid him or restrain him from Granting Commissions for Privateers, And that their Charter granting them Power of Vice Admiralty,^[5] he was determined to Exercise that power, and Grant such Commissions untill their Charter was actually and wholly taken away; And that they would not part with their powers or Government by piece meal, but would Die all at once, And that they had parted with too many of their priviledges already....

PAUL DUDLEY.

BOSTON in New England
15 August 1705

Sworne in presence of his Excellency the Governour before us

ISA. ADDINGTON }
ANDREW BELCHER } of the Council

[1] Public Record Office, C.O. 5:1263, no. 57 XXVI. Paul Dudley was the governor's oldest son. The deposition is one of 55 enclosures in the governor's letter of Nov. 2, 1705, to the Board of Trade respecting his complaints of irregularities in the governments of Rhode Island and Connecticut. Though Dudley's commissions as governor confined his civil authority to Massachusetts and New Hampshire, his commission as vice-admiral (printed in the *Publications* of the Colonial Society of Massachusetts, II. 220-224) gave him authority in Rhode Island also. The assembly of that colony, however, claimed the right under their charter to erect admiralty courts of their own, and for their governor the right to commission privateers. Queen Anne wrote to them in March 1704, repealing their act erecting a court, but they held that her letter did not forbid the commissioning of privateers. See *Records of the Colony of Rhode Island*, III. 508-510, 535-540.

[2] Nathaniel Byfield—founder of Bristol, Mass, (now R.I.), nephew of Archbishop Juxon and grandson of that Rev. Richard Byfield who was vicar of Stratford-on-Avon during most of Shakespeare's life—was commissioned admiralty judge for Massachusetts and Rhode Island during brief periods in 1698 and 1703, again 1704-1715 and 1728-1732.

[3] Nov. 7, 1704, Cranston had given a privateer's commission to Capt. John Halsey of the brigantine *Charles*, the vessel that had been Quelch's. The governor's confidence seems not to have been justified, for presently Halsey entered upon a large and lurid career of piracy, duly described in Johnson, *General History of the Pyrates*, II. 110-118.

[4] Assembly.

[5] It would be hard to find any such grant in the Rhode Island charter of 1663.

106. Commission for Trial of Piracy. November 1, 1716.

[1]

South Carolina.

His Excellency John Lord Carteret, Palatine, The most Noble Henry Duke of Beaufort, the Right Hon'ble William Lord Craven, the Hon'ble Maurice Ashley Esqr., Sir John Colleton Baronet, John Danson Esqr., and the rest of the true and absolute Lords and Proprietors of Carolina,^[2] To Nicholas Trott Esq., Judge of the Vice Admiralty in South Carolina and chief Justice of the said Province,^[3] The Hon'ble Capt. Thomas Howard Commander of his Majestys ship the *Shoram*, the Hon'ble Charles Hart Esqr., one of the Members of our Council in South Carolina, the Hon'ble Thomas Broughton, Speaker of the Lower House of Assembly in South Carolina, Arthur Middleton and Ralph Izard Esqrs., Capt. Philip Dawes, Capt. Willm. Cuthbert, Commander of the *Fortune* Frigate, Capt. Allen Archer, Commander of the Brigantine *Experiment*, and Samuel Deane and Edward Brailsford, merchants, Greeting.

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Whereas by an Act of Parliament made in the Twenty-Eight year of Henry the Eight Intituled for Pirates It is among other things Enacted That all Treasons, Felonies, Robberies, Murthers and Confederacies thereafter Committed in or upon the Seas or in any other Haven, River, Creek or Place where the Admiral or Admirals have or Pretend to have power, Authority or Jurisdiction, Shall be Inquired, Tryed, heard, determined and Judged in such Shires and Places in the Realm as shall be Limited by the Kings Commission or Commissions to be directed for the same in like form and Condition as if any such Offence or Offences had been Committed or Done in and upon the Land, and such Commissions shall be had under the Kings Great Seal Directed to the Admiral or Admirals or to his or their Lieutenant, Deputy and Deputies, and to three or Four such other Substantial persons as shall be named or appointed by the Lord Chancellor of England for the time being from time to time and as often as needs shall require, to hear and Determine such Offences after the Common Course of the Laws of England Used for Treasons, Felonies, Robberies, Murthers and Confederacies of the same Done and Committed upon the Land within the Realm of England, And it is further Enacted That such Persons to whom such Commission or Commissions shall be Directed or four of them at the least shall have full power and authority to Inquire of such Offences and of every of them by the Oaths of Twelve good and Lawfull Inhabitants in the Shire Limited in their Commission in such like manner and form as if such offence had been Committed Upon the Land within the same Shire, And that every Indictment found and presentd before such Commissioners of any Treasons, Felonies, Robbery, Murthers, Manslaughters or such other Offences Committed or done in and upon the Seas or in and upon any other River or Creek Shall be Good and Effectual in the Law, and if any Person or Persons happen to be Indicted for any such Offence done or thereafter to be done upon the Seas or any other place above Limited That then such Order, Process, Judgement and Execution shall be used had Done and made to and against every such person or Persons so being Indicted as against Traitors, Felons and Murtherers for Treason, Felony, Robbery, Murther or such Offences done upon the Land as by the Law of this Realm is Accustomed, and that the Tryal of such Offence or Offences if it be Denied by the Offender or Offenders shall be had by Twelve Lawfull men Inhabited in the Shire Limited within such Commission, which shall be Directed as is aforesaid, and no Challenge or Challenges to be had for the Hundred.

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And such as shall be Convict of any such Offence or Offences by Verdict, Confession or Process by Authority of any such Commission shall have and Suffer such pains of Death, Losses of Lands, Goods and Chattels as if they had been Attainted and Convicted of any Treasons, Felonies, Robberies or other the Like said Offences done upon the Land,^[4] Which said Act for Pirates with Several other Acts of Parliament of the Kingdom of England are made of Force in this Province by of Act of Assembly Intitled an Act to put in Force in this Province the several Statutes of the Kingdom of England or South Britain therein particularly mentioned, duely Ratified in open Assembly the Twelth Day of December in the year of our Lord One Thousand Seven Hundred and Twelve, In which said Act of Assembly Amongst other things It is Enacted That the Honble Governor and the Council of this Province for the time being shall have all the power and Authority relating to the Execution of the therein Enumerated Statutes as by the same or by any other the Laws of England are Given to the Lord Chancellor or the Lord Keeper of the Great Seal of England as the said Act of Assembly, reference being there unto had, will more fully appear.

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Now Know yee, That we, reposing especial Trust and Confidence in the Ability, Care, Prudence and Fidelity of you the said Nicholas Trott, Thomas Howard, Charles Hart, Thomas Broughton, Arthur Middleton, Ralph Izard, Philip Daws, William Cuthbert, Allen Archer and Samuel Brailsford or any four of you, the said Nicholas Trott to be

one, have constituted and Appointed and by these presents Do Constitute and Appoint you to be Our Commissioners in South Carolina for Examining, Enquiring of, Trying, Hearing and Determining and Adjudging, according to the directions of the said act of Parliament as made of force in the said province of South Carolina, all Treason, Piracies, Robberies, Felonies and Murthers Committed in or upon the Sea or within any Haven, River, Creek or place where the Admiral or Admirals have power, authority or Jurisdiction, And to Do all things necessary for the hearing and final Determination of any Cases of Treason, Piracy, Robbery, Felony or Murther Committed on the Sea or where the Admiral hath Jurisdiction, and to Give Sentence and Judgement of Death and to Award Execution of the Offenders so Convicted and Attainted, And we hereby direct, Impower and require you our said Commissioners to proceed, Act, Examine, hear, adjudge and Determine in all things as fully and amply to all Intents and purposes within this province of South Carolina as any Commissioners in the Kingdom of England Impowered by Commission under the Broad Seal pursuant to the said Statute of the Twenty Eight of Henry the Eighth for Pirates or any the like Commissioners in any of the British Plantations in America can or may lawfully doe, perform and Execute, And we do hereby Require and Command all our Officers and all other Persons whatsoever in anywise concerned to take notice of this our Grant and give all due Obedience to your said Commissioners in the Execution of the several powers herein Granted you, as they will Answer the Contrary att their Perils. Witness our Deputy Governor and our Deputies at CharlesTown in South Carolina And Given under the Publick Seal of the said Province of South Carolina This First day of November In the Third year of the Reign of our Lord George, by the Grace of God of Great Britain France and Ireland King, Defender of the faith etc. And in the year of our Lord One Thousand Seven hundred and Sixteen.

ROBERT DANIEL.^[5]
GEORGE LOGAN.
FRA. YONGE.
SAM: EVELEIGH.

[1] Charleston, Records of the Court of Vice-admiralty of South Carolina, vol. A-B. The document is spread upon the records of the court for Nov. 27, 1716, at the beginning of the day's proceedings. This commission is a peculiar one. As has been explained in [note 2](#) to [doc. no. 51](#) and in [note 1](#) to [doc. no. 104](#), the act 28 Henr. VIII. ch. 15 (1536) provided for the trial of piracy by commissions specially appointed for the purpose, and with a jury, but did not extend to the oversea plantations, while the act 11 and 12 Will. III. ch. 7 (1699-1700) extended to those dominions the crown's authority to appoint such commissions. Before the passage of the latter statute, colonial governors had as vice-admirals appointed such commissions, which had then proceeded under the civil (Roman) law, and not under the statute. But South Carolina had in 1712 expressly adopted the act of 28 Henr. VIII. (Cooper, *Statutes at Large*, II. 470) and here we have a commission issued by the deputy governor and council, under authority of the proprietors of Carolina, for trial under the act of 1536, though action could have been taken under that of 1700. The accused persons for whose trial the commission was issued were acquitted. For the whole subject of piracy in or near Carolina, where it was rife in these years, see S.C. Hughson, "The Carolina Pirates and Colonial Commerce", in *Johns Hopkins University Studies*, XII. The most famous case was that of Major Stede Bonnet, but the original records of that case are fully printed in *State Trials*, ed. Hargrave, vol. VI.

[2] The six proprietors of Carolina here named held at this time six of the eight shares in the property. The holder of the seventh was a minor; the eighth was in litigation.

[3] Nicholas Trott, LL.D., attorney-general of Bermuda 1696-1697, the first attorney general of South Carolina 1698-1702, chief-justice 1702-1709, 1713-1719, a learned lawyer, and a great power in the politics of the province so long as the rule of the proprietors continued. He was the first vice-admiralty judge, having commissions as such from both the king and the proprietors. He is often erroneously identified with his cousin the governor (1693-1696) of the Bahamas, the Nicholas Trott of docs. nos. [63](#) and [64](#).

[4] Thus far quoting, correctly, sect. 2 of 28 Henr. VIII. ch. 15.

[5] Governor Edward Craven, sailing for England in April preceding, had left Col. Robert Daniel deputy governor in his stead. The other

THE PIRATES OF THE *WHIDAH*.

107. *Cyprian Southack to Governor Samuel Shute. May [5?], 1717.*^[1]

CAPE COD HARBOUR^[2] May [5?] 1717

Maye itt Pleass Your Excellency

Sir, may 2 at 1 After noon I Came to Anchor here, finding Serveral Vessells, Visseted them and on board one of them found a Yung man boling^[3] to the Ship the Pirritt^[4] Took 26 April in South Channell, Saileing from Nantaskett the Day before at 3 After noon. April 26 Pirritt Ship Took a Sloop in South Channell, Lading with West India Goods, Sloop or Master I no not as Yett.^[5] at 7 After noon the Pirrett Ship with her Tender, being a Snow a bout Ninty Tuns they Took in Latitude 26°, 15 Days agoe,^[6] maned with 15 of Pirritts men, wine Ship and Sloop all to Gather Standing to the Northward. at 12 Night the Pirritt Ship and wine Ship Run a Shore, the Snow and Sloop Gott Off Shore, being Sen the Next morning in the Offen.^[7]

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Sir, 29 April Came to Anchor sum Distance from the Pirritt Rack^[8] Ship, a Very Great Sloop. After Sending his boat to the Pirrit Rack Thay Came to Saile and Chassed serveral of Our fishing Vessells, then stod in to Sea which I belive to be his Cunsatte.^[9]

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May 2 at 2 After noon I sent Mr. Little and Mr. Cuttler to the Rack. they Got their that Night and Capt^[10] watch till I Came the Next morning. at my Coming their I found the Rack all to Pices, North and South, Distance from one a Nother 4 Miles. Sir, whear shee Strock first I se one Anchor at Low water, sea being so Great Ever sence I have ben here, Can not Come to se what maye be their for Riches, nor aney of her Guns. she is a ship a bout Three hundred tuns. she was very fine ship. all that I Can find saved Out of her, is her Cables and som of her sailes, Cut all to Pices by the Inhabitanes here. their has ben at this Rack Two hundred men at Least Plundring of her.^[11] sum saye they Gott Riches Out of the sand but I Can not find them as yett. Sir, what I shall Gett to Gather will be to the Value of Two hundred Pounds. If Your Excellency Pleass to send the sloop to Billingsgatt^[12] for itt, is Carted Over Land to that Place. Sir, here has been 54 whit men and 4 Negros Come a shore Ded from the Rack. If their be aney News by the Pirritts at boston^[13] whear the money is, I humbly Desier Your Excelleny menets^[14] of what Place in the ship itt was in, for I am in Great hops. whare the Anchors are the money is I fancy, and weather Per mett I have Got a whale boat to fish for itt and Things for that service.^[15]

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Sir, here is One Caleb Hopkines, Senr., of freetown, which has Dun a Great Dell of Damage to Your Excellency Officers in Doeing their Duty. I Pray Your Excellency would send a Order for his Coming to boston in Order to Answare what I shall Aledge aganst him.

Sir, Yr Excellency Most
Obed. serv'tt
CYPRIAN SOUTHACK.

[1] Mass. Archives, vol. 51, pp. 287, 287a. Cyprian Southack was a notable sea-captain and pilot. For a number of years he commanded the naval vessel of Massachusetts, so that it was the natural course for the governor to send him in pursuit of pirates who suddenly appeared on the Massachusetts coast. In 1711 he had commanded a vessel in the unfortunate expedition against Quebec under Sir Hovenden Walker, and the admiral had stayed at his house during his long detention in Boston. He was also the most noted map-maker of his time in New England; in 1694 King William had admitted him to kiss his hands and had given him a gold chain of £50 for his map of Newfoundland, Nova Scotia, and the St. Lawrence region (*Acts. P.C. Col.*, II. 264). The governor whom he addresses was Samuel Shute, governor 1716-1727. The ending of the War of the Spanish Succession (1713) had as usual caused a large revival of piracy, many privateers turning to that trade. The career of the *Whidah* and of Capt. Samuel Bellamy can be made out from the depositions

which follow. On April 26, in a heavy gale, she had come ashore on the sands of Cape Cod, in what is now Wellfleet, and all on board but two men (see [doc. no. 114](#)) were drowned. More than a hundred of the pirates thus perished. Of those who escaped wreck, in the smaller vessels, several, who had constituted the prize crew of the *Mary Anne* ([doc. no. 109](#)), were captured, tried, and executed ([doc. no. 112](#)). The story is told in *The Trials of Eight Persons Indited for Piracy*, etc. (Boston, 1718), and by Mr. John H. Edmonds in the *Boston Sunday Globe* for Oct. 22, 1916.

[2] Southack had come across from Boston into the inner side of the Cape.

[3] Belonging. Spelling was not one of the captain's many accomplishments. For facsimiles of his handwriting, see *Memorial History of Boston*, II. liv, 98.

[4] Pirate. The South Channel lies in the southern portion of Nantucket Sound, south of the great shoal known as the Horse-shoe. The ship here alluded to was the pink *Mary Anne*; see [doc. no. 109](#).

[5] The *Fisher*; see [doc. no. 111](#).

[6] See the last part of [doc. no. 108](#). A snow was a small vessel like a brig except for having a supplementary third, or trysail, mast.

[7] Seen; offing. The local legend, as recounted by the minister of Wellfleet in 1793, was that the captain of the snow, ordered by Bellamy to precede the *Whidah* with a light at his stern, under promise of receiving the snow as a present if he should pilot him safely into Cape Cod Harbor, purposely "approached so near the land, that the pirate's large ship which followed him struck on the outer bar: the snow being less [in draft] struck much nearer the shore". Rev. Levi Whitman, in *Mass. Hist. Soc., Coll.*, III. 120. But the evidence in [doc. no. 111](#) is to the contrary.

[8] Wreck.

[9] Consort.

[10] Kept.

[11] "Wrecking" was still an important industry in the world. Indeed, as late as 1853, in this very neighborhood (Nauset Light), Emerson records in his *Journal*, VIII. 399, "Collins, the keeper, told us he found obstinate resistance on Cape Cod to the project of building a lighthouse on this coast, as it would injure the wrecking business".

[12] Wellfleet Bay.

[13] Those already in prison.

[14] Minutes.

[15] Rev. Mr. Whitman says (1793), "At times to this day, there are King William and Queen Mary's coppers picked up, and pieces of silver, called cob money [see [doc. no. 62](#), [note 15](#)]. The violence of the seas moves the sands upon the outer bar so that at times the iron caboose of the ship, at low ebbs, has been seen." *Ubi sup.* In 1863 she was quite visible. Another reporter tells us that "For many years after this shipwreck, a man of a very singular and frightful aspect used every spring and autumn to be seen travelling on the Cape, who was supposed to have been one of Bellamy's crew. The presumption is that he went to some place where money had been secreted by the pirates, to get such a supply as his exigencies required. When he died, many pieces of gold were found in a girdle which he constantly wore." Thoreau, *Cape Cod*, ed. 1914, p. 192. On one of Southack's maps, a narrow waterway across Cape Cod is marked with the legend, "The Place where I came through with a Whale Boat, being ordered by the Governm't to look after the Pirate Ship *Whido*, Bellame Command'r, cast away the 26 of April, 1717, where I buried One Hundred and Two Men Drowned". This map, with this legend, is reproduced at the back of Miss Mary R. Bangs's *Old Cape Cod* (Boston, 1920). The western initial portion of this waterway still exists, in the town of Orleans, and is known as "Jeremiah's Gutter". See A.P. Brigham, *Cape Cod and the Old Colony*, pp. 80-82.

108. Examination of John Brown. May 6, 1717.^[1]

The Substance of the Examinations of John Brown, etc. Taken by order of His Excellency the Governour on Munday the 6th of May 1717.

John Brown being interrogated saith, that he was born in the Island of Jamaica, is 25 years old and unmarried. About a year agoe he belonged to a Ship commanded by Captain Kingston, which in her voyage with Logwood to Holland was taken to the Leeward of the Havana by two Piratical Sloops, one commanded by Hornygold^[2] and the other by a Frenchman called Leboose,^[3] each having 70 men on board. The pirats kept the Ship about 8 or 10 daies, and then having taken out off her what they thought proper delivered her back to some of the men, who belonged to her. Leboose kept the Examinee on board his Sloop about 4 months, the English Sloop under Hornigolds command keeping company with them all that time. Off Cape Corante^[4] they took two Spanish Briganteens without any resistance, laden with cocoa from Ma[[]laca. The Spaniards, not coming up to the pirats demand about the ransom, were put ashoar and their Briganteens burn'd. They sailed next to the Isle of Pines, where meeting with three or four English Sloops empty, they made use of them in cleaning their own, and gave them back. From thence they sailed in the latter end of May to Hispaniola, where they tarried about 3 months. The Examinee then left Leboose and went on board the Sloop commanded formerly by Hornygold, but at that time by one Bellamy, who upon a difference arising amongst the English Pirats because Hornygold refused to take and plunder English Vessels, was chosen by a great majority their Captain, and Hornygold departed with 26 hands in a Prize Sloop, Bellamy having then on board about 90 men, most of them English. Bellamy and Leboose sailed to the Virgin Islands and took several small fishing boats, and off St. Croix a French Ship laden with flower and fish from Canada, and having taken out some of the flower gave back the Ship. Plying to the Windward the morning they made Saba^[5] they spy'd two Ships, which they chased and came up with, the one was commanded by Captain Richards,^[6] the other by Capt. Tosor, both bound to the bay. Having plunder'd the Ships and taken out some young men, they dismist the rest and Tosors Ship and made a man of War of Richards's, which they put under the command of Bellamy, and appointed Paull Williams Captain of the Sloop. Next day they took a Bristol Ship^[7] commanded by James Williams from Ireland laden with provisions, and having taken out what provisions they wanted and two or three of the Crew let her goe. Then they parted with their French consort at the Island of Blanco^[8] and stood away with their Ship and Sloop to the windward passage, where in the latter end of February last they met with Captain Laurence Prince in a ship of 300 Ton called the *Whido*, with 18 guns mounted, and fifty men, bound from Jamaica to London, laden with Sugar, Indico, Jesuits bark and some silver and gold, and having given chase thre daies took him without any other resistance than his firing two chase guns at the Sloop, and came to an anchor at Long Island.^[9] Bellamy's crew and Williams's consisted then of 120 men. They gave the Ship taken from Captain Richards to Captain Prince, and loaded her with as much of the best and finest goods as she could carry, and gave Captain Prince above twenty pounds in Silver and gold to bear his charges. They took 8 or 10 men belonging to Captain Prince; the Boatswain and two more were forced, the rest being volunteers. off Petteguavis^[10] they took an English Ship hired by the French, laden with Sugar and Indico, and having taken out what they had occasion for, and some of the men, dismist her. Then they stood away for the Capes of Virginia, being 130 men in Company, and having lost sight of the Sloop the day before they made the land, they cruised ten daies, according to agreement between Bellamy and Williams, in which time they seized three ships and one Snow, Two of them from Scotland, one from Bristol, and the fourth a Scotch Ship, last from Barbadoes, with a little Rum and Sugar on board, so leaky that the men refused to proceed further. The Pirats sunk her. Having lost the Sloop they kept the Snow, which was taken from one Montgomery, being about 100 Ton, and manned her with 18 hands, which with her own Crew made up the number of 28 men; the other two Ships were discharged being first plundered. They made^[11]

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[1] Suffolk Court Files, no. 11945, paper 5; a fragment.

[2] Benjamin Hornigold was a pirate captain of some fame; he soon after this surrendered to the governor of Bermuda, and "came in" under the king's proclamation of Sept. 5, 1717, which offered pardon to those pirates who should surrender within a given time. Charles Johnson, *General History of the Pyrates* (second ed., London, 1724), I. 35, 70, 71; II. 274-276.

[3] *Id.*, I. 35, 184.

[4] Cape Corrientes, near the southwestern point of Cuba.

[5] A small Dutch island, east of St. Croix, and between St. Martin

and St. Eustatius.

[6] The *Sultana*, James Richards. "The bay" means the Bay of Honduras.

[7] The *St. Michael*.

[8] An islet among the Virgin Islands, east of St. John, and not far from the Dead Man's Chest. The Windward Passage lies between Haiti and Cuba. Jesuits' bark is cinchona, from which quinine is made.

[9] One of the Bahamas.

[10] Petit Goave, a port in the southern part of Haiti.

[11] Here the fragment ends.

109. Deposition of Thomas FitzGerald and Alexander Mackonochie. May 6, 1717.^[1]

The Deposition of Thomas Fitz Gerald, Marriner, aged about nineteen years, and late Mate of the Pink *Mary Anne*, belonging to Dublin (whereof Andrew Crumpsty was lately Commander) and Alexander Mackconothly late Cook of the said Pink, aged fifty five years.

These Depon'ts Testify and say That on the twenty fourth day of April last past, they sailed from Nantasket harbour bound for New York, and on the twenty sixth day of the said month, being friday, in the morning about nine of the clock, they discovered a large Ship, and her Prize, which was a Snow, astern, and the large Ship came up with the said Pink *Mary Ann*, between nine and ten, and ordered us to strike our Colours, which accordingly we did, and then they shot ahead of us, and braced too, and hoisted out her boat and sent seven Men on board, Armed with their Musquets, pistols and Cutlashes (which Men are now in Boston Goal) and they commanded the said Capt. Crumpsty to take his Papers, and go aboard the said Ship with five of his hands and accordingly the said Crumpsty with five of his Men rowed aboard the said Pyrates Ship, and the seven Men tarryed aboard the Pink, and soon after the Pyrates sent their boat on board the said pink with four hands to get some of the Wine which they were Informed was on board the Pink, and accordingly they hoisted the pinks boat off of the hatches and opened the hatches and then went into the hold, but the Cable being Quoiled in the hatchway, they found it difficult to Come to the Wines in the hold, and so returned to their own Ship without any wine, Except five bottles of green wine which the found in the pinks Cabbin and carryed away, with some of the Cloaths which belonged to the pinks Company, and presently after the pyrates had hoisted their boat on board the great Ship, they gave Orders to the Pyrates on board the pink to steer North Northwest after them, which Course they followed till about four a Clock in the afternoon, and then the large Ship whereof Capt. Samuel Bellame was Commander, and the snow and pink lay too,^[2] it being very thick foggy weather, And about half an hour after four a Clock a sloop came up with Capt. Bellames Ship and he hoisted out his boat and sent several men on board the Sloop and soon afterwards, Vizt. about five a Clock, the Commander of the snow bore away, and came under the stern of Capt. Bellames Ship and told him that they saw the Land; And thereupon Capt. Bellame Ordered the Pyrates on board the Pink to steer away North, which they did, and as soon as it began to be dark the sd Capt. Bellames Ship put out a light astern and also the snow and the sloop and the pink had their lights out; and about ten a Clock the weather grew thick and it lightned and rained hard and was so dark, that the pinks Comp. Could not see the shore till they were among the Breakers, when the Depon't Fitz Gerald was at helm, and had lost sight of the Great Ship, Snow and Sloop; and being among the breakers we thought it most proper and necessary to weere^[3] the Pink, and before we could trim the head sails we run ashoar opposite to Sluts bush at the back of Stage harbour to the southward of Cape Codd^[4] between ten and Eleven a Clock at night, And the seven Pyrates together with the Depon't and a young man named James Donovan tarryed on board the said Pink till break of day^[5] and then found the shoar side of the Pink dry and so all of them went on shoar upon the Island called Poachy^[6] beach, and there tarryed till about ten a Clock, when two Men came over in a Canno, Namely John Cole^[7] and William Smith, who Carryed the seven pyrates over to the Main land, and then Cole came again to the Depon't and Inquired who they (meaning the pyrates) were, and the Depon't Mackconothly Answered they were pyrates and had taken the said pink, and soon after the said John Cole Informed Mr. Justice Done of Barnstable^[8] thereof, by virtue of whose Warrant the said seven Pyrates were Apprehended, and the Depon'ts Journeyed with them to Boston, where they are now in Custody of the Keeper of His Maj'ties Goal as is aforesaid. And further the Depon'ts say not; but that the said Pink is Bilged on shoare, so that it is impossible to get her off.

BOSTON May 6th 1717
Jurat May 8th, 1717

James Donovan, within named, made oath to the truth of the within written Deposition, and further saieth that being upon deck on Friday in the afternoon, on which day the Pink was taken, Alexand'r Mackconothy being at the Helmn steering to windward of her Course, this Declar't heard John Brown, one of the Pirates now in Goal, say that for a small matter he would shute Mackconothy thro the head as soon as he would a Dog and he should never tell his story.

JAMES DONOVAN

Jurat Cor. May 8th 1717

Coram ^[9]	PENN TOWNSEND	} Justices of the Peace
	JOHN CLARK	
	OLIVER NOYES	

Attest. JOS MARION D. Secr'y.^[10]

[\[1\]](#) Suffolk Court Files, no. 11945, paper 9.

[\[2\]](#) To.

[\[3\]](#) Wear, to come about before the wind.

[\[4\]](#) Slut's Bush was a rocky, swampy piece of land, well grown with berry-bushes, in the midst of the large isle of Nauset, that lay outside of the smaller Pochet Island and outside Stage or Nauset Harbor, the harbor of Eastham. Now, Slut's Bush ledge and Nauset Island are far out from the present shore and under deep water. On this mostly sandy coast wind and wave have made extraordinary changes. They are described, down to 1864, in an article by Amos Otis on "The Discovery of an Ancient Ship", in *N.E. Hist. Gen. Register*, XVIII. 37-44. Much of his information came from the grandson of John Doane, mentioned below, a grandson born not much later than 1717.

[\[5\]](#) In another deposition of Thomas Fitzgerald, reproduced in *Trials of Eight Persons*, he gives us a quaint glimpse of the pirates' psychology during this night of peril: "And in their Distress the [Pirates] ask'd the Deponent to Read to them the Common-Prayer Book, which he did about an Hour; And at break of Day they found the Shoar-side of the Pink dry."

[\[6\]](#) Pochet.

[\[7\]](#) See his testimony in [doc. no. 112](#).

[\[8\]](#) Either John Doane, Esq., or his cousin Joseph. Both were justices of the peace for Barnstable County, but neither lived in Barnstable town; they were the leading residents of Eastham.

[\[9\]](#) In the presence of.

[\[10\]](#) Deputy secretary of the province. Josiah Willard was secretary.

110. *Cyprian Southack to Governor Samuel Shute. May 8, 1717.*^[1]

EASTHAM May the 8, 1717

Maye itt Pleass Your Excellency

Sir, Captt. Gorham, Mr. Little, Mr. Cuttler and Mr. Russell, Gentt'men that I have Deputed, have Rid at Least Thirty miles a mounge the Inhabtances, whome I have had Information of ther being at the Pirate Rack, and have Gott Concernable Riches out of her. the first men that want Doun to the Rack with the English man that was Saved out of the Rack, I shall Mention their Names to Your Excellency in Order for a

Warrant to me for bringing them for boston before Your Excellency, or as You Pleass, Sir, for all thes Pepol are very stife and will not one^[2] Nothing of what they Gott, on the Rack. Sir, Fryday 26 April, at 12 night, Pirate Ship Came a shoare. Saturday 27 Instant, at 5 morning, Came the English man that was Saved out of Pirate Ship,^[3] Came to the house of Samuell harding, Two miles from the Rack. After a smalle time the saide harding took the English man on his Horse and Carred him to the Rack. thes Two made Serverall Turnes from the Rack to harding house, so they most Gett much Riches. by 10 Clock the same morning their Gott to the Rack a bout 10 men more, and Gott a Great Dell of Riches. Sunday morning, Joseph^[4] Doane, Esqr., gott to the Rack but all was Gon of Vallue. Sir, he Comanded the Inhabtances to save what they Could for the King, which was them Things I Rett^[5] to Your Excellency before of. Sir, the Curner^[6] and his Jurey Putt a stop to serverall Things belonging to the Rack in Part for buering^[7] Sixty Two men Came a shoare Dead from the Pirate Rack, the Curner and his Jurey says their Due is Eight Three Pounds. Sir, I am of the mind that the Curner and Jurey should have nothing for buering aney of thes men After they New them to be Pirats, and they had bured but Thirteen before they new them to be Pirats. as Your Excellency Pleass, I humbley Desier Your Excellency Orders to this Afare. the Curner name is Samuell freeman, for his stoping aney of the Rack Goods for Paye is very hard. Sir, the weather has ben very bad, and Great Sea, so we Can Due Nothing as yett on the Rack with my Whale boat and men, but se the Anchor Every Low Watter. Sir, If some Gentt'men ware Commissined here to Give Serverall of them their Oath Concerning the Rack, itt will be of Great Service. Sir, Coll. Ottis^[8] and Joseph Doane, Esqr., are Very Good men.

Sir, 72 Dead men are Come a shoare out Pirate ship to this Time.

The men that were Down first at the rack

Samuell Harding	Jonathan Cole
Joseph Collins Senr.	Edward Knowles
Abiel Harding	Thomas Wood
Samuell Horton	Samuell Airy

Sir, Yr Excellency Most
Obd. Servant
CYPRIAN SOUTHACK.

[1] Mass. Archives, vol. 51, pp. 289, 289a.

[2] Own.

[3] Thomas Davis; see his memorial, [doc. no. 114](#).

[4] See [doc. no. 109](#), [note 8](#).

[5] Writ. The money on board the *Whidah* was claimed by the crown because of its being the product of piracy, not because of the shipwreck, for if man or cat or dog escaped alive from any shipwrecked vessel, its contents were technically not "wreck of the sea", belonging as such to the crown, but were reserved for the owners, with reasonable salvage to the preservers. A recent act, 12 Anne, II., ch. 18, provided that any who secreted goods saved from a wreck should be punished with a fine of treble value; but this act did not run in Massachusetts.

[6] Coroner. Investigation in cases of wreck and treasure-trove was part of the duties of his office.

[7] Burying.

[8] Col. John Otis, the chief magnate of Barnstable County, colonel of its militia, judge, member of the governor's council, and grandfather of James Otis the revolutionary orator.

111. Deposition of Ralph Merry and Samuel Roberts.
May 11, 16,
1717.^[1]

We, Ralph Merry and Samuel Roberts, mariners, both of full age, Joyntly and Severally testify and make Oath That on the twenty sixth day of April last we belonged to a certain Sloop Called the *Fisher* (whereof Robert Ingols was Commander), bound to Boston from Virginia, being laden with Tobacco, hides and

other things. That Assoon as we arived within a few leagues off Cape Codd we met with a Ship of twenty eight guns called the *Wedaw*, which assoon as they came near, haled us and Demanded from whence we came. We told 'em That we came from Virginia and were bound for Boston. Then they asked us whether the Master was Acquainted here, meaning (as we suppose) with the Coast. Our Master Answered he knew it very well, Whereupon they Commanded our Master and Company to hoist out our boat, which we did, and then our Master and Mate went on board the said Ship. they, keeping our Master and Mate on board thereof, Sent four men Armed from thence on board of our Sloop, whereupon the said Ship stood away to the Northward and gave Orders to our Sloope to follow their Light, And being in the Night we lost Sight of said Ship And followed a Snowe light which was before in Company with her (which said Snow was a Prize the said Ship had taken off from the Capes of Virginia, as we were informed) untill the Snow was almost ashoar. then the said Snow came to an Anchor And Called to us to doe the same, which we Accordingly did, and lay there till about ten of the Clock the next day, being the twenty Seventh day of said month; then, the wind blowing off Shoar, they Cutt their Cable and bid us make the best of our way after them to the Eastward, and About three leagues off the Cape they, taking out of our Sloope what they pleased, Commanded us to goe on board the said Snow. then they, Cutting our Mast off by the board, the hatches of our Sloope being open, left her afloat in the Sea, then makeing the best of their way to Menhagen^[2] at the Eastward, where we arrived the twenty ninth of said April, where they stayed and waited for the aforesaid Ship *Wedaw* Some time, but she came not, whereupon, thinking the Ship was lost, they fitted their Long boat and sent her down to Mentinacus,^[3] where they tooke a Sloope belonging to Colonel Minot,^[4] one Shallop belonging to Capt. Lane,^[5] and three Scooners. They brought the Sloop and Shallop and (as we are Informed) the Sailes and Compasses of the three Scooners to Menhagen, whereupon they manned the last mentioned Sloope with ten hands and soe went after Capt. Cars Sloope, lying at Peniquid,^[6] which they alsoe took a liddle distance from said Peniquid, but finding the Mast and Bowspreat not Serviceable they left her there, and brought the Master thereof on board the Snow then at Menhagen aforesaid. In these ten mens absence Came into Menhagen two Shallops from Marblehead, which the Snow tooke and Caused 'em to come to an Anchor there, and sent the men therein together With us the Depon'ts to prison upon Menhagen Island, where we lay till they had fitted the Sloop of Collonel Minots aforesaid with what they thought fit from the Snow, and soe departed and left the Snow and all the rest behind,^[7] and leaving us to our Libertyes ordered the Skipper of the Shallope to carry us to Marblehead which they accordingly did, where we arrived yesterday, being the tenth day of May Instant.

RALPH MERRY
SAM'LL ROBERTS

Attest: JOS. MARION, D. Secr'y.

BOSTON, May 16, 1717
Sworne before the Hon'bl Lieutenant
Governour and Council.

[1] Suffolk Court Files, no. 11945, paper 3.

[2] Monhegan, a small island on the coast of Maine, off Pemaquid Point.

[3] Matinicus, a small island farther east, southward from Rockland.

[4] Stephen Minot of Boston.

[5] Capt. John Lane of Malden, son of a noted Indian-fighter.

[6] Pemaquid.

[7] A letter from Capt. John Lane, dated at Winter Harbor May 19, shows the continuance of operations: "This moment Came A young man from Spurwinke which wass Taken by A pirat sloop of Aboute ninty men with Eight guns which is now att an anker In Cape Elesebth Roade ... they have Taken one sloop and one shallop which they keep with them". *Maine Hist. Soc., Coll., second ser., IX.* 357.

Baker who stood by, said that the King had Given them a Commission to make their Fortune, and they were sworn to do it. After the pink was cast on shoar they said they were in as bad a Condition then as before.

Alexander Mackonachy, late Cook of the Pink *Mary Anne* of Dublin,^[2] Saith, That on the 26th day of April last past, in the course of their Voyage from Nantasket to New York, they were taken by a pyrate Ship Called the *Whido*, Comanded by Capt. Samuel Bellamy, That all the Prisoners at the Barr came on board the sd Pink Armed, Except Thomas South and John Shuan, and made themselves Masters of the Pink; And that Simon Van Vorst ordered the Captain to go on board the Ship *Whido* with his Papers and five of his Company. The Depont. further Saith That the Pink was Cast away opposite to an Island Called Slutts Bush; and after the prisoners were Carried to the Main Land they looked very sorrowfull and made all Imaginable speed in order to Escape from the Hands of Justice. That Thomas South behaved himself Civilly. That Thomas Baker Cutt down the Foremast and Mizen Mast of the Pink when she run on shoar.

John Brett, Marriner, Testifyeth and Saith, That in the Month of June 1716 he was taken by two Pyrate Sloops, one Commanded by Capt. Samuel Bellamy and the other by Capt. Labous. They Damn'd the Depont. and bid him bring his Liquor on board. They Carried him to the Island of Pynes, and he was detained a Prisoner by them there Eighteen days, During which time John Brown was as Active on board the Pyrate Sloop as the rest of the Company, he told a Prisoner then on board that he would hide him in the hold, and hinder him from Complaining against him, or telling his Story.

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Thomas Checkley, Marriner, Saith, That he knows John Shuan the Prisoner at the Barr, That he belonged to the *Tanner* Frigot, One John Stover Master, and sometime in March last the said Ship or Frigot was taken in the prosecution of her Voyage from Pettyguavus to old France by Capt. Samuel Bellamy and Monsieur Lebous. they pretended to be Robbin Hoods Men. That Shuan Declared himself to be now a Pyrate, and went up and unrigged the Maintopmast by order of the pyrates, who at that time forced no Body to go with them, and said they would take no Body against their Wills.

Moses Norman says that he knows Thomas Brown, and saw him in Company with the Pyrates belonging to Capt. Bellamy and Monsr. Lebous when the Depont. was taken with Capt. Brett in the Month of June 1716. That he was Carried to the Isle of Pynes, and kept Prisoner Seventeen or Eighteen days, During all which time the sd Thomas Brown was very Active on board of Capt. Labous.

John Cole Saith That on the twenty seventh day of April last he saw the Prisoners now at the Barr, in Eastham, soon after they were Cast on shore, that they tarryed a short time at his house, and lookt very much Dejected and Cast down. they Enquired the way to Rhode Island, and made great hast from his house tho he asked them to tarry and refresh themselves.

John Done, Esq., Saith that hearing there were some Pyrates Journeying towards Rhode Island, he pursued them with a Deputy Sheriff and other assistants, and seized the Prisoners, now at the Barr, at Eastham Tavern about the 27th of April last; When they Confessed that they belonged to Capt. Bellamy Comander of the Ship *Whido*, and had taken the Pink *Mary Anne*, in which they run on shoar.

After the aforementioned Witnesses were Examined, the Court in favour of the Prisoners by giving them time to make their Defence Adjournd till three a Clock post merediem.

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The Court met about that time and the Prisoners were sent for and brought again to the Barr, when the President^[3] Observed to them, that this Court had Given them time, till now, to make their own Defence, Then demanded what they had to say for themselves.

Simon Van Vorst Alledged that he was forced by Capt. Bellamys Company to Do what he did, and would have mad known his Intentions to make his Escape from the Pyrates unto the Mate of the sd Pink, but that he understood by the Mates Discourse that he Inclined to be a Pyrate himself, and therefore he did not discover his mind to the Mate.

Thomas Brown pretended himself also to be a forced Man, but produced no Evidence to make it Appear to the Court.

Thomas South Alledged that he belonged to a Bristoll Ship^[4] whereof one James Williams was Master, That he was taken by Capt. Bellamy and forced to tarry with him, otherwise was threatened to be put upon a Desolate Island where there was nothing to Support him.

Thomas Baker Saith that he and Simon Van Vorst were both taken out of one Vessell, That he Attempted to make his Escape at Spanish Town,^[5] and the Governour of that place seemed to favour his Design, till Capt. Bellamy and his Company sent the

Governour word that they would burn and destroy the Town, if that the sd Baker and those that Concealed themselves with him were not delivered up, And afterwards he would have made his Escape at Crabb Island^[6] but was hindred by four of Capt. Bellamy Compa.

Hendrick Quintor saith That he was taken by Capt. Bellamy and Monsr. Labous; and they had Agreed to let him go to the Coast of Crocus^[7] in the French Vessel which they took him in, But the Commander thereof soon after dyed and so Captn. Bellamy would not permit him to proceed the sd. Voyage and he was unavoidably forced to Continue among the Pyrates.

Peter Cornelius Hoof Declares and Saith That he was taken by Capt. Bellamy in a Vessel whereof John Cornelius was Master, That the sd. Bellamys Company swore they would kill him unless he would Joyn with them in their unlawfull Designs.

John Shuan, by his Interpreter, Saith That he was sick at the time when Capt. Bellamy took him, and went on board the Pyrate Vessel at the Instance of Capt. Bellamy's Doctor, who advised him to stay with him till his Cure. And that when he went on board the Pink *Mary Anne* he did not Carry any Arms with him; and that he hoped by going on board the Pink he should the sooner make his Escape from the Pyrates, for that he had a better way of getting his Living than by Pyrating.

The Evidence for the King being fully heard, and also the Pleas and Allegations made by the Prisoners at the Barr, His Majesty's Attorney General^[8] in a very handsome and learned speech summed up the Evidence and made his Remarques upon the whole, and the Court was cleared, and the Evidence and pleadings thereupon against the Prisoners, with their Defences, having been duly considered, and the Question put,^[9]

[1] Suffolk Court Files, no. 10923; a fragment. The persons on trial were Simon van Vorst, born in New York, John Brown, born in Jamaica, Hendrick Quintor and Thomas Baker, both born in Holland, Peter Cornelius Hoof, born in Sweden (but the name is Dutch), John Shuan, a Frenchman, born in Nantes, and Thomas South, born in Boston, England. The trial began Oct. 18, 1717; all but South were condemned Oct. 22, and executed Nov. 15, "within flux and reflux of the sea."

[2] See [doc. no. 109](#).

[3] Governor Shute. The court consisted of the governor, William Dummer, lieutenant-governor, nine members of the council, John Menzies, vice-admiralty judge, the captain of H.M.S. *Squirrel*, then on the New England station, and the collector of the plantation duties at Boston. See [doc. no. 201](#), [note 1](#).

[4] The *St. Michael*.

[5] The old Spanish capital of Jamaica, founded in 1525 by Diego Columbus under the name of Santiago de la Vega.

[6] See [doc. no. 72](#), [note 5](#).

[7] Carácas?

[8] Paul Dudley, acting as king's advocate before the special commission appointed under the act of 11 and 12 Will. III. ch. 7. See [doc. no. 104](#), [note 1](#).

[9] Here this fragmentary record of the trial ends. On Oct. 22 Van Vorst, Brown, Quintor, Hoof, Shuan, and Baker were condemned and sentenced to death. Cotton Mather records in his *Diary*, II. 483, that on Nov. 2 he had obtained a reprieve, perhaps a pardon, for one who was more penitent and less guilty than the others (South or Davis? but both had been acquitted). On Nov. 15 he records, II. 488, "Six pirates executed. I took a long and sad Walk with them, from the Prison to the Place of Execution", instructed them, and prayed with them. Before the end of the year he published *Instructions to the Living, from the Condition of the Dead, A Brief Relation of Remarkables in the Shipwreck of above One Hundred Pirates, Who were Cast away in the Ship Whido, on the Coast of New-England, April 26, 1717, And in the Death of Six, who after a Fair Trial at Boston, were Convicted and Condemned, Octob. 22, And Executed, Novemb. 15, 1717, With some Account of the Discourse had with them on the way to their Execution, And a Sermon preached on their Occasion* (Boston, 1717). In the pamphlet *The Trials of Eight Persons*

113. Trial of Thomas Davis. October 28, 1717.^[1]

Then the Kings Evidences were called into Court and, no Objection agt them being made by the Prisoner,

Owen Morris, Marriner, was first Examined upon Oath, Who solemnly Testified and Declared that he knew the Prisoner at the Barr, That he belonged to the Ship *St. Michael*, whereof James Williams was Master, and in the Month of September 1716 They left Bristol bound to Jamaica and in December following the said Ship was taken by two Pyrat Sloops, one comanded by Capt. Samuel Bellamy, and the other by Louis Le Boose, about Twenty Leagues off Sabia,^[2] That they Gave the said Williams his Ship and Detained the Prisoner, because he was a Carpenter and a Singleman, together with Three others of the Ships Company. And further the Dep't Saith that the Prisoner was very Unwilling to goe with Bellamy and prevailed with him by reason of his Intreatys to promise that he should be Discharged the next Vessell that was taken, and afterwards the Dep't was again taken in the Ship *Whido*, Comanded by Capt. Prince, by the said Captain Bellamy, who was then Commander of the Ship *Sultana*, taken from Capt. Richards as the Dep't understood, and then he saw the Pris'r aboard the said Ship. At which time the Pris'r reminded the said Bellamy of his promise. When he asked him if he was willing to goe he answered, yes, and then the said Capt. Bellamy replied if the Company would Consent he should go. And thereupon he asked his Comp'y if they were willing to lett Davis the Carpenter go, Who Expressed themselves in a Violent manner saying no, Dam him, they would first shoot him or Whip him to Death at the Mast.

Thomas South, Marriner, lately taken by Capt. Samuel Bellamy in the Pyrate Ship *Whido*, Cast away upon this Coast, and Discharged upon his Tryal, was admitted an Evidence, and being Accordingly Sworn Saith; That the said Bellamy while he was in Command of the said Ship *Whido* took a Scotch Vessel off the Capes of Virginia last Spring, Cutt down her Masts and Sunk her. That he heard the said Thomas Davis went on Board her: but I did not see him. That this Depo't Thought it not prudent to be too familiar with the Prisoner^[3] because it might tend to Create a Jealousy in the Pyrates, that the Depo't and the Pris'r (whom they Suspected, because he was a forced man) would runn away together, and The Depo't Saith further that Capt. James Williams, Commander of the Ship *St. Michael* (whose Carpenter the Pris'r was) Intreated the said Capt. Bellamy when he took him to lett the Pris'r go. But the Ships Comp'y would by no means Consent thereto by reason he was a Carpenter, And swore that they would shoot him before they would lett him go from them.

Capt. John Brett, Marriner, Sworn, Saith that he was taken by Capt. Samuel Bellamy before the Ship *Sultania* was taken from Capt. Richards, and then it was the Custome among the Pyrates to force no Prisoners, but those that remained with them were Voluntiers.

Capt. Thomas Fox, sworn, saith that he was taken by the Pyrates in July last and Robb'd, and they Questioned him whether anything was done to the Pyrates in Boston Goall. The Depo't Answered he knew nothing about them, and in particular a Dutchman belonging to the Pyrate asked him about his Consort, a Dutch Man, in Boston Prison, and said that if the Prisoners Suffered they would Kill every Body they took belonging to New England.

Seth Smith, Prison keeper in Boston, sworn, Saith that when the Prisoner at the Barr was first brought to Goal his Illness hindered their talking together, But sometime after as they were discoursing the Depo't observed to the Prisoner that if he would be Ingenious and make a Confession he might save his Life and be a good Evidence against the other Pyrates in Prison, To which the Prisoner made answer that he was abused by Several of the Pyrates that were Drowned and was Glad he had got from them, but knew nothing against the Rest of the Pyrates in Prison.

Then the Kings Council moved the Court that Capt. Thomas Glyn, a Prisoner for Debt upon Execution, might be brought into Court to give Evidence on his Majestys behalf in this Tryal, Whereupon the Court directed the Sheriffs who have the keeping of his Majestys Goal to bring the said Glyn into Court.

Capt. Isaac Morris, Sworn, Saith That on the 14th of September 1716 he was taken by the Pyrates but knows nothing of Capt. Bellamy or his accomplices.

Capt. Thomas Glyn, being brought into Court by the Sheriffs and Interrogated upon Oath, Saith that he never knew the Prisoner.

[1] Suffolk Court Files, fragment 99. Davis was tried separately, on Oct. 28, and acquitted on Oct. 30.

[2] Saba; see [doc. no. 108](#), [note 5](#).

[3] He had been a shipmate of Davis on the *St. Michael*.

114. Memorial of Thomas Davis. 1717.^[1]

Province of the Massachusetts Bay. To His Excellency Samuel Shute, Esquire, Governour, and the Honourable His Majesties Council for the said Province.

The Memorial and humble Representation of Thomas Davis of Bristol in Great Britain, Shipwright,

Sheweth, That in the month of September last past he sailed out of Bristol as Carpenter of the Ship *St. Michael*, whereof James Williams was the Commander, bound for Jamaica, and on or about the sixteenth day of December following We met two Pyrate Sloops, One Commanded by Capt Samuel Bellame, and the other by Monsr. Louis Le Bou[s], who took the said ship about twenty Leagues off of Sabia and Carried us to the Island of Blanco, w[h]ere we were kept till the ninth day of January when your Memo. (with about fourteen more Prisoners taken by the said Pyrate Sloope) was forced on board the ship *Sultan Gally*, taken from Capt. John Richards, then under the said Bellames Command, And afterwards the said Bellame took another ship called the *Whiddo*, and your Memo., with the rest of the said Ships Compa., Came in her upon this Coast, where she was Cast away, as is very well known, and your Memo, (with one Jno. Julian^[2]) only Escaped. And since his Imprisonm't he is Informed That some have Reported That your Memo. was several times on board the said ship after she was Cast away and knew where a considerable part of her Treasure was, and that he had Concealed some of it;^[3] and many other things have been given out Concerning your Memo. very falsely, to the great prejudice of your Memo., Who is altogether Ignorant of what is Alledged against him, And hath already Discharged his Conscience by making a true and full Discovery of all he knows referring to the premises. But your Memo. being a stranger was not Credited and therefore he had no better Fare than the Pyrates, being in Chains as well as they; Whereas he declares from his heart that he was forced along with them, very Contrary to his will and to his great grief and sorrow, and was no ways Active among them any further than he was Compelled.

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And forasmuch as your Memo. understands that the Pyrates in Prison suspect that he will make such discoveries as will not be pleasing to them, he is fearfull least they should hurt him, if not deprive him of life, to prevent his Testimony against them. Your Memo. therefore and for the Considerations before mentioned Humbly prays your Excellency and Honours will so far Indulge him as to free him from his Chains and Imprisonm't with the pyrates, and that he may have some Apartm't separte from them, and that such other Relief may be Given to your poor pet'r (who is Innocent of what is laid to his Charge) as the matter will bear, and as to your Excellency and Honours in your great Moderation and Compassion shall seem meet.

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And your Memo. (as in Duty bound) shall ever pray, etc.

THOMAS DAVIS.

[1] Suffolk Court Files, fragment 26283, paper 2. With this memorial we may connect a passage in the pamphlet *Trials*: "Mr. Valentine [counsel for Davis] moved, That an Affidavit under the firm seal of a Notary Publick in Great Britain, and in favour of the prisoner, should be read in open Court", but the request was denied, as contrary to the act of Parliament requiring all evidence respecting pirates to be given *viva voce*. Davis is recorded as a shipwright, aged 22, born in Carmarthenshire, who "had used the sea these five years".

[2] So the manuscript reads, but it is doubtless an error for "Jno. Indian", which in the handwriting of that day would look much the same; we know that one Englishman and one Indian alone escaped, and in the printed *Trials* it was testified that the pirates had "one Lambeth and one Indian born at Cape Cod for Pilots."

[3] See [doc. no. 110](#).

115. *Petition of William Davis. 1717.*^[1]

To His Excellency the Governour and Council

The humble Petition of William Davis of Bristol Carpenter and Father of the said Thomas Davis,

Sheweth, That the said Thomas Davis from his youth up hath been a Dutiful and Obedient son, and his life and Deportm't has been always Regular and becoming as well as Peaceable, and your poor Pet'r prays your Excellency and Honours will Compassionate him and extend your Favour and Indulgence to his son as far as shall stand with your Wisdom and Clemency.

And your Pet'r shall pray, etc.

WILLIAM DAVIS.

Capt. John Gilbert, Marriner, belonging to Bristol, Testifyeth and saith That he well knew Thomas Davis (son of the abovenamed William Davis) for these seven or eight years last past, and that he has had a good Education in a Religious and Orderly Family, and his Conversation, Carriage and behaviour all that while was very decent and becoming, and this Depon't has no reason to think but that he always lived a well ordered life, having never heard to the Contrary.

And further Saith not.

JNO. GILBERT.

^[1] Suffolk Court Files, fragment 26283, paper 2. There were several oral witnesses to Thomas Davis's good character.

PRIZE COURTS.

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116. *Sir Henry Penrice to the Secretary of the Admiralty.*
November 29, 1718.^[1]

Sir,

Since I had the Honour of your letter I have looked into the Registers Office,^[2] and there find Copies of the Orders of Council, of Commissions for granting Letters of Mart, of Commissions for proceeding in Prize Courts, and of Warrants to the Judge of the High Court of Admiralty thereupon, in the years 1664, 1672, 1689 and 1702,^[3] of which if you please you may have Copies if they will be of any service in the present Case.

Now as to the Question proposed whether there is Occasion for any further power, to the severall Courts of Admiralty in the plantations, other Remote parts, or at home, to Try and Condemn such Prizes as may be Taken?

As far as I have observed during the course of the Wars with Holland, France and Spain, the High Court of Admiralty have proceeded in all Prize causes, by Virtue of Warrants from the Lord High Admiral or Commissioners for Executing that Office, in pursuance of Commissions under the Great Seal directed to them for that purpose;^[4] and Commissioners were appointed at the severall Plantations to take the Examinations of Witnesses in preparatory and to transmit them hither, together with the Ships papers, and in case the ship and Goods were perishable they had a Power to Appraise and sell, and keep the produce in their hands, till after Sentence, that the Merchants might have time, and be at a Certainty, where to enter their Claims.

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But after the American Act, the Vice-Admiralty Courts in the Plantations, by Authority thereof,^[5] proceeded in Prize Causes, which I conceive they had no right to do before; and that power being during the late War only, by Virtue of that Act, I presume it is now determind. Therefore upon a Grant of new Powers, I must humbly submit it to their Lordships Consideration, whether it may be for the Honour and Service of his Majesty, to permit the Vice-Admiralty Courts in the Plantations to proceed in Prize Causes, since it is much to be feared they are not well versed in the Laws of Nations, and Treaties between Us and other States; and it is well known that they do not proceed in that Regular Manner as is practised in His Majesties High

Court of Admiralty; besides it will be a Considerable Time before Orders from their Lordships upon any Emergency can reach the Vice Admiralty Courts in the plantations, for want of which great Inconveniences may arise; whereas the Admiralty Court here is under their Lordships Eye and Immediate direction, and always ready to observe such Instructions as the Nature of affairs shall require.

But this is most humbly submitted to Their Lordships great Wisdom, by, Sir,

Your most humble servant
H. PENRICE.

DOCTORS COMMONS, November 29, 1718.

[1] Public Record Office, Admiralty 1:3669. This letter was apparently addressed to the secretary of the Admiralty, Josiah Burchett. Sir Henry Penrice was judge of the High Court of Admiralty from 1715 to 1751.

[2] The office of the register of the Admiralty.

[3] At the beginnings, respectively, of the Second Dutch War, the Third Dutch War, and the wars of William and of Anne against France.

[4] Such a commission (1748) is printed in Marsden, *Law and Custom of the Sea*, II. 297, and (1756) in Stokes, *View of the Constitution of the American Colonies*, p. 278.

[5] 6 Anne ch. 37, "An Act for the Encouragement of the Trade to America" (1707), sect. 2.

PIRACY OF BARTHOLOMEW ROBERTS.

117. Extract from the Boston News-Letter. August 22, 1720.^[1]

Boston, On Monday last, the 15th Currant, arrived here the Ship *Samuel*, about eleven Weeks from London, and ten from Lands end, Capt. Samuel Carry Commander,^[2] who in his Voyage hither, on the 13th of July past, in the Latitude of 44, about 30 or 40 Leagues to the Eastward of the Banks of New-foundland, was accosted and taken by two Pirates, viz., A Ship of 26 Guns, and a Sloop of ten, both Commanded by Capt. Thomas Roberts,^[3] having on board about a hundred Men, all English: The dismal Account whereof follows:

The first thing the Pirates did, was to strip both Passengers and Seamen of all their Money and Cloths which they had on board, with a loaded Pistol held to every ones breast ready to shoot him down, who did not immediately give an account of both, and resign them up. The next thing they did was, with madness and rage to tare up the Hatches, enter the Hould like a parcel of Furies, where with Axes, Cutlashes, etc., they cut, tore and broke open Trunks, Boxes, Cases and Bales, and when any of the Goods came upon Deck which they did not like to carry with them aboard their Ship, instead of tossing them into the Hould again they threw them over-board into the Sea. The usual method they had to open Chests was by shooting a brace of Bullets with a Pistol into the Key-hole to force them open. The Pirates carryed away from Capt. Carry's Ship aboard their own 40 barrels of Powder, two great Guns, his Cables, etc. and to the value of about nine or ten Thousand Pounds Sterling worth of the Choicest Goods he had on board. There was nothing heard among the Pirates all the while, but Cursing, Swearing, Dam'ing and Blaspheming to the greatest degree imaginable, and often saying they would not go to Hope point^[4] in the River of Thames to be hung up in Gibbets a Sundrying as Kidd and Bradish's Company did, for if it should chance that they should be Attacked by any Superiour power or force, which they could not master, they would immediately put fire with one of their Pistols to their Powder, and go all merrily to Hell together! They often ridicul'd and made a mock at King George's Acts of Grace^[5] with an Oath, that they had not got Money enough, but when they had, if he then did grant them one, after they sent him word, they would thank him for it. They forced and took away with them Capt. Carry's Mate, and his Seamen, viz. Henry Gilesby, Mate,^[6] Hugh Minnens,^[7] both North Britains, Michael Le Couter, a Jersey Man, and Abraham, a Kentish Man, could not learn his Sir-name, the Captains Book being carried away, (except one Row born

in Dublin which they would not take because born in Ireland),^[8] holding a Pistol with a brace of Bullets to each of their breasts to go with them, or be presently shot down, telling them that at present they wanted none of their Service; but when they came to any Action, they should have liberty to Fight and Defend the Ship as they did, or else immediately be shot, that they should not tell tales. They had on board the Pirate near 20 Tuns of Brandy. However the Pirates made themselves very merry aboard of Capt. Carry's Ship with some Hampers of fine Wines that were either presents, or sent to some Gentlemen in Boston; it seems they would not wait to unty them and pull out the Corks with Skrews, but each man took his bottle and with his Cutlash cut off the Neck and put it to their Mouths and drank it out.^[9] Whilst the Pirates were disputing whither to sink or burn Capt. Carry's Ship they spy'd a Sail that same evening, and so let him go free.

And at Midnight they came up with the same, which was a Snow from Bristol, Capt. Bowls Master, bound for Boston, of whom they made a Prize, and serv'd him as they did Capt. Carry, unloaded his Vessel and forced all his Men, designing to carry the Snow with them to make her a Hulk to carreen their Ship with.

The abovesaid Capt. Roberts in Novemb. 1718,^[10] was third Mate of a Guinea Man out of London for Guinea, Capt. Plummer Commander, who was taken by a Pirate, and by that means Roberts himself became a Pirate, and being an active, brisk Man, they voted him their Captain, which he readily embraced.

The said Roberts in the abovesaid Sloop, Rhode Island built, with a Briganteen Consort Pirate, was some time in January last in the Latitude of Barbadoes, near the Island, where they took and endeavoured to take several Vessels; but the Governour,^[11] hearing of it, fitted out one Capt. Rogers of Bristol, in a fine Gally, a Ship of about 20 Guns, and a Sloop, Capt. Graves Commander; Capt. Rogers killed and wounded several of Roberts's Men, and made a great hole in his Sloop, which his Carpenter with very great Difficulty (hundreds of Bullets flying round him) stopt, and finding Capt. Rogers too strong for him, tho' Graves did nothing, which if had, he must of necessity been taken, he therefore run for it, as also did his Consort Briganteen, which he never saw nor heard of since.

From Barbadoes Roberts went to an Island called Granada,^[12] to the Leeward of Barbadoes, where he carreen'd his Sloop, and from thence this Spring with 45 Men he came to Newfoundland, into the Harbour of Trepassi,^[13] towards the latter end of June last, with Drums beating, Trumpets sounding, and other Instruments of Musick, English Colours flying, their Pirate Flagg at the Topmast-Head, with Deaths Head and Cutlash, and there being 22 sail in that Harbour, upon the sight of the Pirate the Men all fled on Shore and left their Vessels, which they possess'd themselves off, burnt, sunk and destroyed all of them, excepting one Bristol Gally, which they designed to be their best Pirate Ship, if a better did not present. After they did all the mischief they could in that Harbour, they came on upon the Banks, where they met nine or ten sail of Frenchmen, one of whom is the Pirate Ship of 26 Guns abovesaid, taken from a French-man, unto whom Roberts the Pirate gave the Bristol Gally, but sunk and destroyed all the other French Vessels, taking first out what Guns were fit for his own Ship, and all other valuable Goods.

Roberts the Pirate designed from Newfoundland to range thro' the Western and Canary Islands, and so to the Southward, to the Island of New Providence,^[14] possess'd by Negroe's, in South Latitude 17, which they say is the place of the Pirates General Rendezvous, where they have a Fortification and a great Magazine of Powder, etc. where they intend to spend their Money with the Portuquize Negro Women. Roberts the Pirate says, that there is a French Pirate on the North Coast of America, who gives no Quarter to any Nation, and if he met him, he would give him none. The Pirates seems much enraged at Bristol Men, for Capt. Rogers sake, whom they hate as they do the Spaniards.

[1] From the file possessed by the Massachusetts Historical Society.

[2] Sewall notes in his diary, under this same date of Aug. 15, "Cary arrives who had been pillaged by the Pirats." Mass. Hist. Soc. *Coll.*, XLVII. 259.

[3] For Thomas read Bartholomew. Bartholomew Roberts was one of the most famous pirates of his time, *i.e.*, of the years 1718-1724, the heyday of piracy in the eighteenth century. Capt. Charles Johnson, in his account of that period, *A General History of the Pyrates* (London, 1724), devotes nearly a third of his book (pp. 161-260 of the first edition) to Roberts, as "having made more Noise in the World" than others, and declares (p. 3 of preface) that "Roberts and his Crew, alone, took 400 Sail, before he was destroy'd". Of his appearance we have this picture, from the same chronicler's account of his last

fight: a tall dark Welshman of near forty, "Roberts himself made a gallant Figure, being dressed in a rich crimson Damask Wastcoat, and Breeches, a red Feather in his Hat, and a Gold Chain Ten Times round his Neck, a Sword in his Hand, and two pair of Pistols hanging at the End of a Silk Sling, which was flung over his Shoulders, according to the Fashion of the Pyrates" (p. 213). His meteoric career of piracy lasted but four years.

[4] Probably a derisive phrase of their own, for the ordinary place of execution near Wapping Old Stairs.

[5] Proclamations offering pardon to pirates who should surrender themselves within a given time. Two such proclamations of George I., Sept. 5, 1717, and Dec. 21, 1718, are printed in the American Antiquarian Society's volume of royal proclamations relating to America, *Transactions*, XII. 176-178.

[6] When the survivors of Roberts's crew were tried at Cape Corso Castle on the African coast in March and April, 1722, and fifty-two of them executed, this man ("Harry Glasby") was acquitted, for, though he had risen to be master of the principal pirate ship, there was abundant evidence (Johnson, first ed., pp. 186, 235-238) that he had always been unwilling to continue with the pirates, that he had tried to escape, and that he had often shown himself humane. Scott uses the name of Harry Glasby in *The Pirate*, vol. II., ch. 11, borrowing it from Johnson.

[7] Or Menzies. *Ibid.*, p. 228.

[8] Roberts's hostility toward Irishmen arose from the trick played upon him by one of his lieutenants, an Irishman named Kennedy, who on the coast of Surinam ran away with both his ship and a good Portuguese prize. *Ibid.*, pp. 166-169.

[9] They seem to have been painfully destitute of corkscrews. A year later, on the West African coast, when they had captured in a ship of the Royal African Company the chaplain of Cape Coast Castle, and had asked him to join them, "alleging merrily, that their Ship wanted a Chaplain", and he had declined, they gave him back all his possessions, and "kept nothing which belonged to the Church, except three Prayer-Books, and a Bottle-Screw, which, as I was inform'd by one of the Pyrates himself, they said they had Occasion for, for their own Use". *Ibid.*, p. 198.

[10] Johnson says 1719 (second ed., p. 208), but 1718 is correct. The *Princess*, Capt. Plumb, was captured at Anamabo by Capt. Howel Davis. *Id.*, first ed., p. 157; for the ensuing narrative, *cf.* pp. 175-178.

[11] Robert Lowther, governor 1710-1721.

[12] Grenada, not yet a British possession.

[13] At the southeast corner of Newfoundland, just west of Cape Race.

[14] This island seems to be imaginary. In the Atlantic, which seems to be meant, there is no island in 17° S. lat. except St. Helena. In the Indian Ocean there is a Providence Island in 9° S. lat., north of Madagascar. But newspaper accuracy was no greater then than now. Roberts went first to the West Indies, then to the west coast of Africa, where after many exploits he was killed in battle with H.M.S. *Swallow*, 50, in February, 1722. Johnson, first ed., pp. 179-188, 193-214. The captain of the *Swallow* was knighted for the exploit (capturing 187 pirates), and afterward became famous as Admiral Sir Chaloner Ogle.

ADMIRALTY COURTS.

118. *John Menzies to the Secretary of the Admiralty (?)*.
July 20, 1721.^[1]

Sir

Since I transmitted to you Copies of my Decrees with reference to Captain Smart's Seizure when in this place,^[2] I have not given you the trouble of any Information of my Proceedings, or Complaints, The Provincial Judges in Colonel Shute's Government and I having come to a better understanding in relation to Prohibitions, by his Countenance in Compliance with their Lordships Order.^[3]

This comes that the Lords Commissioners for Executing the Office of Lord High Admiral may be informed of a Case that hath lately occurred within the jurisdiction of Admiralty contained in my Commission,^[4] Namely, One Benjamin Norton of Rhode-Island, and One Joseph Whipple, a Considerable Merchant of that Colony,^[5] did fit out a Brigantine, and sent her under the Command of the said Norton to the West Indies last Fall (a Vessel by Common Observation more fit for Pirates than Trade for which they pretended to Employ her) who Fell in with the Pirates at St. Lucia in January last, and was (as he saith) taken by One Roberts a Pirate, though by the Sequel it appears, he is more to be considered as one of their Assistants and Correspondents, for after he had remained with them Six or Seven Weeks, They took a Ship Dutch Built of 250 Tuns Burthen, or thereby, and having Loaded her with Sugars, Cocoa, Negroes, etc. of very considerable Value, All this they gave to him for his Brigantine though of much more Value than She, and by the most judicious in the Country, is supposed to have been committed to him as one of their Trusties, to Vend the Cargo in that Colony, a Practice not without precedent in that Colony these several Years past, if my Information fail not;^[6] however, be that as it will, he comes with this Ship and Cargo into Tarpaulin Cove,^[7] a Place lying between the Province of the Massachussets Bay and Rhode Island, where (by the by) the Pirates used to come to infest Our Coasts in April last: And did in a Clandestine Manner advise the said Joseph Whipple of his arrival.

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And having dropped Anchor there, he fired at, and brought too several of Our Coasters, upon which a Rumour arose, that the Pirates were on the Coast, whereby Our Coasters, except his Accomplices who understood better, were deterred for some Days from Falling within his reach, And in the interim, the aforesaid Whipple, with One Christopher Almy, and One Pease, also considerable Traders of New Port in Rhode Island, with some others, did improve that Opportunity, and carried off and conveyed about 30 of the Negroes, with considerable Quantities of the Sugars, Cocoa, etc., partly in Sloops sent out by them for that purpose, and partly in such others as they intrusted therewith, and a great part of which was by the said Almy and Whipple directed to Providence Plantacion and recommended to the Care and Conduct of One Whipple,^[8] Brother to the said Joseph, that Place being their Ordinary Mart and Recepticles for such Cargoes. But so many accessaries were concerned, and the Cargo so considerable, the Secret was Discovered, and thereupon the Officers of his Majesty's Customs, both in the Province of Massachussets Bay and Colony of Rhode Island, did exert themselves, and the Collector at Boston did Seize upon the Ship and remainder of the Cargo,^[9] The said Benjamin Norton upon the Discovery having relinquished the Ship and absconded. And the *Surveyor and Searcher at Rhode Island did Seize upon and Secure the Sloop* belonging to one Draper, employed by the said Joseph Whipple, in which a considerable Quantities of the Sugars, etc., had been carried off, And did insist against them, upon the breach of the Acts of Trade, for *Neglect to make Entries as the Law directs*. Upon which Informations I gave Decrees finding the same lawful Seizures, and Ordered the Values thereof (after Sale should be made) to be Paid into Court, in regard of the Circumstantial Case, and delivered up to the Collector, etc., as Informers, upon their enacting and obliging themselves in the Court of Admiralty to refund the Values in Case any Owner should appear and make good their Title thereto within Twelve Months. This is complied with at Boston, but in the Colony of Rhode-Island, though the Informations were Laid at the instance of the Officers of the Customes, and that I had given Decrees Condemnator[y] thereupon, and Ordered the Sales by Publick Vendue, Yet in regard I had obliged them to Enact for Refunding, *The Collector*, in conjunccion with the Governor at Rhode Island,^[10] and some others of his Assistants who were concerned in these, who had a part of the Goods trusted in their Hands, till the same should be Sold by Warrant of the Court of Admiralty, Did put a Stop to the Sale appointed by me; And by an Act of the Governor and his Assistants have taken on them to sell and Dispose thereof, and to lodge the Price in other hands than by Decrees of Court was appointed, *albeit by their Charter* they have no right so to do.

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I being apprized of this their Proceeding that since the Cargo was Condemned, and the Sale thereof appointed by the Court of Admiralty which issued upon Informations laid by the Collector and Surveyor of his Majesty's Plantation Duties, who had the Sugars and Cocoa in their Custody, and produced the Negroes before me in Court, There was an Order past by the Governor and Council or Assistants at Rhode Island directed to the Sheriffe, who of before had been one of these who put an Estimate upon the Negroes by appointment of the Judge of Admiralty, and to whom the Judge had Committed the Custody of the Negroes in Court, Discharging him to deliver them up to the Judges Orders. I went to Rhode Island, (though I had a Deputy there) and

waited on the Governor, and shewed to him my *Commission under the Great Seal of Admiralty*, which also was Recorded in their Books, and insisted with him on this, That I am uncontrovertedly by my Commission the Competent Judge in these Parts upon the Contravention of the Acts of Trade, And moreover, That by my Commission I am obliged to enquire after and secure the Goods of all Pirates, etc., The words of my Commission being *ad inquirendum et investigandum de omnibus et singulis bonis Piratarum*, etc.^[11] And as I was authorize[d] for that Effect, so I conceived that the Governor and his Assistants, their business was only to be aiding and assisting to me in the Execution which I expected. And therefore Demanded of him, That according to my Order in Court, the Negroes might be produced as formerly by the Sheriffe in Court in Order to Sale. And that the Publick Court House, and House where Vendues are usually made, may be made Patent to me as heretofore, And that the Governor's Order for Shutting up thereof and denying Access to me may be recalled. At the same time I also informed him that I was accountable to the Lords of Admiralty or Vice Admiralty for the Values and Produce of the Sales made by my Decrees. During this Conference a Quorum of his Assistants in Council came in, before whom I again resumed my desire, To which I received this Answer, That the Governor *considers himself as Vice Admiral* and that as such he hath right *to intromett* with All Goods belonging to Pirates, and that *by the Charter all such is given to them*, and that he would not allow me the Priviledge of the Court House, unless I would comply with and acquiesse in their Acts of Council. To which I replied, *Their Charter contains no such Grant of Admiralty jurisdiction nor right to any Piratical Goods* (as will be evident on perusal thereof), *Yea in the Year 1703/4 the Queen Discharged them from exercising any part of Admiralty jurisdiction, which was complied with ever since and the Court constitute by the Kings Commission.*^[12] And as to submitting to their Acts of Council when derogatory to His Majestys Interest and the Authority of his Court of Admiralty (which I conceive their Act of which I complain is) was what I could not comply with, without rendering my self unworthy of the Trust committed to me and betraying thereof. Notwithstanding of all which they persisted in their Resolution, and not only Debarred me from the Use of the Court House but also to deliver up the Negroes, etc., to be sold, as I had ordered, and afterward sold them amongst themselves at an undervalue: By which their Contempt of his Majesty's Authority and Court of Admiralty is obvious, *Yea, their incroaching upon and usurping of the Admiralty Jurisdiction contrary to Queen Ann's express Order* abovementioned is Palpable, And their refusing to give that aid and assistance which the Judge did justly require of them in the terms of his Commission appear to be highly punishable, if not a just ground for forfeiture of their Charter, more especially being conjoynd with this of a great many of that Colony, their keeping a continued Correspondence with the Pirates, which renders the fair Traders very uneasy, and insecure. All which I humbly submit to their Lordships Consideration, and pray for redress, suitable encouragement, and support to him, who is

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Sir
Your most humble Servant
J. MENZEIS.

BOSTON 20th July 1721.

[1] London, Privy Council, Unbound Papers, 1:47, copy; probably the original was addressed to the secretary to the Admiralty. John Menzies, a Scotsman and a member of the Faculty of Advocates of Edinburgh, was judge of the vice-admiralty court for New Hampshire, Massachusetts, and Rhode Island, from Dec., 1715, to his death in 1728. See Mass. Hist. Soc., *Proceedings*, LIV. 93-94.

[2] Capt. Thomas Smart of H.M.S. *Squirrel*. *Publications Col. Soc. Mass.*, VIII. 179; *Acts of the Privy Council, Colonial*, III. 30.

[3] There was constant friction between admiralty judges and common-law judges in America as there had been in England. In 1726 Judge Menzies was expelled from the legislature of Massachusetts for stoutly standing by the complaints he had made to the Admiralty on this subject. A discussion of one of them, by Richard West, counsel to the Board of Trade, is printed in Chalmers, *Opinions* (ed. 1858), pp. 515-519.

[4] See *Acts P.C. Col.*, III. 38-40.

[5] Benjamin Norton of Newport was probably the father of the Benjamin Norton who in 1741 was commander of the privateer *Revenge*, and as such figures in docs. nos. 114-162. Col. Joseph Whipple the younger, afterward deputy governor of Rhode Island.

[6] According to Johnson, *General History of the Pyrates*, first ed.,

pp. 183, 187, Roberts took at Dominica "a Dutch Interloper of 22 Guns and 75 Men" and a Rhode Island brigantine of which one Norton was master, and at Hispaniola, a little later, "mann'd Nortons Brigantine, sending the Master away in the Dutch Interloper, not dissatisfied".

[7] Tarpaulin Cove lies on the east side of Naushon, one of the Elizabeth Islands.

[8] Capt. John Whipple of Providence.

[9] The sheriff of Bristol county, Massachusetts, impressed twelve men and horses and went to Tarpaulin Cove and took the ship into custody. *Acts and Resolves Prov. Mass. Bay*, XI. 147.

[10] Samuel Cranston, governor 1698-1727.

[11] A commission of a vice-admiralty judge (Richard Morris, New York, 1762) may be seen in English translation in E.C. Benedict, *The American Admiralty*, fourth ed. (Albany, 1910), pp. 76-80, and others in [doc. no. 180](#), *post*, and [doc. no. 181](#).

[12] See [doc. no. 105](#), [note 1](#).

CASES OF JOHN ROSE ARCHER AND OTHERS.

119. Trial of John Fillmore and Edward Cheesman. May 12, 1724.^[1]

At a Court of Admiralty for the Tryal of Pirates held at Boston within His Majesties Province of the Massachusetts Bay in New England on the twelfth day of May in the Tenth year of His Majesty's Reign Annoq Domini 1724, Pursuant to His Maj'ties Commission Founded on an Act of Parliament made in the Eleventh and twelfth years of King William the Third Entituled An Act for the more Effectual suppression of Piracy,^[2] and made perpetual by an Act of the Sixth of King [George].^[3]

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Present. The Honorable William Dummer, Esqr., Lieutenant Governor and Commander in Chief in and over His Maj'ties Province of the Massachusetts Bay in New England,^[4] President of the Court.

William Tailer	Samuel Sewall	} Esqrs., of the Honorable Council of the Massachusetts Bay.
Penn	Edward	
Townsend	Bromfield	
John Cushing	Nathanl.	
Thos.	Norden	
Hutchinson	Samuel Browne	
Thomas Fitch	Adam Winthrop	
Spencer Phipps		

The Hono'ble John Menzeis ^[5]	} Esqrs., Commissioners Appointed by His Maj'ties said Commission.
Thomas Durell	
Thomas Lechmere	
John Jekyll	

Proclamation was made Commanding silence upon Pain of Imprisonm't whilst the act of Parliament and His Majesties Commission for the Tryal of Pyrates were in Reading.

Then the said Court was Publickly and solemnly opened and Proclaimed and the Honorable William Dummer, Esqr., President, took the Oath directed in said Act, and afterwards Administred the same to the other Commissioners beforenamed.

The Court appointed Joseph Hiller, Gent., Notary Publick for the County of Suffolk within His Majesties sd. Province, Register of the said Court, And Edward Stanbridge, Marshall of the Court of Vice Admiralty, Provost Marshall of the said Court.

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Then a Warrant issued out to the Provost Marshall to bring the Bodies of John Filmore^[6] and Edward Cheesman^[7] into Court, and accordingly they were brought to the Bar.

Then the Cryer made Proclamation for all Persons that could Give Evidence for the

King against the Prisoners at the Bar to Come into Court and they should be heard.

Then the sd. Prisoners were arraigned upon Articles Exhibited against them for Piracy, Robbery and Felony, The Register reading them in the words following—

Articles of Piracy, Robbery and Felony Exhibited against John Filmore, Marriner, and Edward Cheesman, Ship Carpenter.

You and each of you stand Accused by His Maj'ties Advocate General of Felony, Pycacy and Robbery—

First, For that you the sd John Filmore, together with John Phillips, John Nutt, Samuel Ferne, Joseph Sparkes, William White and divers others, on or about the fifth day of September last past, by force and arm's, in or near a harbour upon Newfoundland upon the high sea (within the Jurisdiction of the Admiralty of Great Britain) Pyratically and Feloniously did surprize, seize and take three fishing vessels belonging to His Majesties good subjects, and then and there within the Jurisdiction aforesd., Feloniously and Pyratically with force as aforesd. did take and Carry away an Indian man named Isaac Lassen, and John Parsons, Marriner, one of His Maj'ties good subjects: And afterwards, viz. on or about the Middle of sd. month of September, on the high seas and within the Jurisdiction aforesd., he the sd John Filmore, in the Jurisdiction aforesd., with force as aforesd., Pyratically and Feloniously did surprize seize and take a schooner of the value of Five hundred pounds, — Furber Master, belonging to His Majesties good subjects, and out of her then and there, within the Jurisdiction aforesd., Feloniously and Pyratically did seize, take and carry away a quantity of provision and cloth of the value of Fifty pounds.

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Secondly, For that the said John Filmore, in Conjunction as aforesd., on or about the beginning of sd. month of September, near the harbour of St. Peters^[8] upon the high seas and within the Jurisdiction aforesd., Piratically and Feloniously did then and there with force, etc., surprize, seize and take three fishing Vessels belonging to His Maj'ties good subjects, and then and there, within the Jurisdiction aforesd., with force as aforesd., Did Feloniously and Pyratically take and Carry away out of the sd. Vessels a quantity of Provisions of the Value of — and Eight of their Men.

Thirdly, For that the sd. John Filmore, in Conjunction as aforesd. with one John Burrill, one or about the — day of —, upon the high seas and within the Jurisdiction aforesd., with force and arm's did Pyratically and Feloniously surprize and seize and take a French Vessel named —, and of the Burthen of — Tuns,^[9] and out of her then and there as aforesd. did Piratically and Feloniously take and Carry away Thirteen Pypes of Wine of the Value of Three hundred pounds, a quantity of Bread, and a Great Gun and Carriage of the value of fifty pounds.

Fourthly, For that the sd. John Filmore, in Conjunction as aforesd., on or about the — day of the month of — last,^[10] upon the high seas and within the Jurisdiction aforesd., with force, etc., did Feloniously and Pyratically surprize, seize and take a Brigantine named —,^[11] One Moor Master, and belonging to His said Majesties good subjects, and out of Her then and there in manner as aforesd. did take and Carry away Cloths and Provisions of the Value of Two Hundred pounds.

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Fifthly, For that the sd. John Filmore, in Conjunction as aforesd., on or about the month of —^[12] last, upon the high sea and within the Jurisdiction aforesd., with force, etc., Did Piratically and Feloniously surprize, seize and take a Brigantine named the —, one Reed Master, and belonging to His Maj'ties good subjects, bound to Virginia with servants, and on or about seven days after, the sd. John Filmore, in Conjunction with sundry others, upon the high sea within the Jurisdiction aforesd., Feloniously and Pyratically with force and Arms as aforesd. did surprize, seize and take a Portuguese Brigantine bound to Brazel, and in manner as aforesd. did out of her take and Carry away a Negro Man slave named Francisco, of the Value of One hundred pounds, three Dozen of shirts of the Value of forty pounds, a Cask of Brandy and Provisions of the Value of Thirty pounds.

Sixthly, For that the sd. John Filmore, in Conjunction as aforesd., on or about the twenty seventh day of October last, in the Lattitude of Bermudas, on the high seas and within the Jurisdiction aforesd., with force and arms Did Piratically and Feloniously surprize, seize and take the sloop named *Content*, George Barrow Master, belonging to His Maj'ties good subjects, and out of her then and there in manner as aforesd. did seise, take and Carry away John Masters, the Mate of the sd. Ship, and plate and Provisions to the Value of One hundred pounds.

Seventhly, For that the sd. John Filmore, in Conjunction as aforesd., on or about the seventh day of February last past, in the Lattitude of 37 or thereabouts, on the high sea and within the Jurisdiction aforesd., with force and arms Pyratically and Feloniously did surprize, seize and take a ship bound from London to Virginia,^[13] one — Huffam Master, and belonging to His Maj'ties good subjects, and out of her then and there, in manner as aforesd., did Feloniously and pyratically take and Carry away one Great Gun and Carriage, Cloathing, and a quantity of powder and Ball, all of the Value of One hundred pounds.

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Eighthly, For that the sd. John Filmore and Edward Cheesman, in Conjunction as aforesd., on or about the month of — last,^[14] near the Isle of Shoals, on the high sea and within the Jurisdiction aforesd., with force and Arms Pyratically and Feloniously did surprize, seize and take an Isle of Shoals Sloop, John Salter Master, and belonging to His Maj'ties good subjects, in which the sd John Fillmore and Edward Cheesman did Enter, in Conjunction with sd Phillips, Nutt, Burrell and Archer, together with their Guns, Ammunition and provision, etc. and Did also then and there, within the Jurisdiction aforesd., with force as aforesd., Feloniously and Pyratically surprize, seize and take a schooner, One — Chadwell Master, and also belonging to His Maj'ties Good subjects.^[15]

Lastly, For that the said John Filmore and Edward Cheesman, in Conjunction as aforesd., on or about the fourteenth day of April last past, on the high sea and within the Jurisdiction aforesd., with force and arms did Feloniously and Pyratically surprize, seise and take a sloop,^[16] Andrew Harradine Master, and belonging to His Maj'ties good subjects, and on the fifteenth following, with force, etc., Feloniously and pyratically did Enter with all their Guns, Ammunition and Provision, on board sd Sloop. All which sd. acts of Piracy, Robbery and Felony were by you and each of you done and Committed in manner as aforsd., Contrary to the statutes and the Laws in that Case made and Provided.

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ROBT. AUCHMUTY, Adv. Genl.^[17]

Andrew Harradine, Master of the Sloop *Squirell*, Deposeth That on or about the fourteenth of April last past, about twelve Leagues South East of the Isle of Sables,^[18] he was met and taken by Phillips the Pyrate, who demanded and took from him his vessel, being a better Sailor than that they were in. That he knows both the Prisoners at the Bar, saw them on board the Pyrate when he was taken, but did not see them armed, that neither of them went on board vessels when they were taken. That John Filmore, the day after that this Depont. was taken, Declared his mind to him and the minds of several others, to rise upon the Pyrates in order to subdue them and Endeavour their escape. That Edward Cheesman, upon the rising, threw Nutt the Master of the Pyrate over board, That John Filmore struck Burrell the Boatswain on the head with a broad ax, whilst the Depont. and others Dispatcht the Captain and Gunner.^[19]

John Masters, late Mate of the Sloop *Content*, Deposed That on or about the 27th of October last, he was taken out of the sd sloop *Content*, George Barrow Master, in the Lattitude of Barbado's, by the Pyrate Phillips, was kept by the Pyrates four Months and then released, That whilst he was on board they took a ship from London bound to Virginia, one — Huffam Master, That Nutt the Master of the Pirate, Rose-Archer the Quarter Master,^[20] and some others went on board, and as this Depont. can Remember, John Filmore, one of the Prisoners at the Bar, was forced to go on board with them, That the sd. Filmore spoke to this Deponent several times about rising upon the Pyrates, whilst this Depont. was onboard.

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William Lancy, Fisherman, Deposed That he was taken by the Pyrate Phillips and kept on board the Pyrate while they took nine Vessels, that he never saw the Prisoners at the Bar take up arms at any time, that they always seemed to him to be forced men.

After the Evidences had been severally sworn and Examined, the Prisoners at the Bar were asked, what they had to Say, who severally answered, they were forced men, that they never acted Voluntarily, and that they were principally Concerned in the rising.

Then the Advocate General summ'd up the nature of the Evidences. And the Prisoners were taken away from the Bar, and the Court was Cleared and in private.

Then the Court, having duly weighed and maturely Considered the Evidences against the Prisoners and their own Defence, Unanimously Agreed and voted, That the sd. John Filmore and Edward Cheesman were not Guilty of the Pyracies, Robberies and Felonies Exhibited agt. them. Then the aforesd Prisoners were brought to the Bar and the President pronounced the sd John Filmore and Edward Cheesman not Guilty.^[21]

Then the Court Adjourned to three a Clock in the afternoon.

[1] This and the ensuing documents, nos. 119-122, are taken from the Massachusetts Archives, vol. 63, pp. 341-360, with some omissions of repetitious matter. Judge Sewall notes in his diary, May 1, 1724, "After Lecture I heard the good News of Andrew Harradine and others rising up and subjugating Phillips the Pirat". *Mass. Hist. Soc. Coll.*, XLVII. 335, where extracts telling the story are transcribed from the *Boston News-Letter* of Apr. 16, May 7, and May

21. Cheesman threw John Nutt, the master of the pirate ship, overboard; "Harradine struck down [John] Phillips the Captain with an Add, and another man struck Burrell the Boatswain with a Broad Ax; and the rest fell upon James [or Joseph] Sparks the Gunner, and having in a few Minutes dispatched the said Four Officers, the rest of the Pirates immediately surrendered themselves Prisoners". The result of the trials here recorded was that William White and John Rose Archer the quartermaster were condemned to die, William Phillips (not the pirate captain), and William Taylor were reprieved and later pardoned, the others were acquitted. *Acts and Resolves of Mass. Bay*, X. 627, see also X. 437. A vivid account of the whole affair is given in the second edition of Johnson, *General History of the Pyrates*, pp. 396-410; another, in *A Narration of the Captivity of John Fillmore, and his Escape from the Pirates* (Johnstown, N.Y., 1806).

[2] 11 and 12 Will. III. ch. 7.

[3] 6 Geo. I. ch. 19.

[4] Acting governor 1722-1728.

[5] Admiralty judge. Capt. Thomas Durell, R.N., was the commander of H.M.S. *Seahorse*. Thomas Lechmere, younger brother of Lord Lechmere, was surveyor general of the customs for the northern district of America; he had married the only daughter of Major-Gen. Wait Winthrop, and was a defendant in the celebrated case of *Winthrop vs. Lechmere*. John Jekyll was collector of the port of Boston.

[6] John Fillmore, born in Ipswich, Mass., in 1702, d. 1777, was great-grandfather of President Millard Fillmore. The *Narration* mentioned above, in [note 1](#), was drawn up from his oral statements, as remembered by a friend. He was taken out of the sloop *Dolphin*, Haskell, fishing on the Newfoundland banks.

[7] Edward Cheesman, carpenter, was taken out of a ship bound from Virginia to London, Mar. 25, preceding.

[8] The French island now called St. Pierre. It will be observed that the first count in the indictment against William White and others, [doc. no. 121](#), presents in a somewhat different, and apparently more correct, order the transactions described in the first two counts of the present indictment.

[9] 150 tons, and of a value of £1000, according to the indictment of White and others.

[10] About October 4; *ibid*.

[11] *Mary*, value £500; *ibid*.

[12] October, £500, and the same value for the Portuguese brigantine and the *Content*; *ibid*.

[13] Valued at £1000 in the later indictment.

[14] Apr. 4.

[15] "Understanding that she belong'd to Mr. Minors at Newfoundland, with whose Vessel they first went off a pyrating, a Qualm of Conscience came athwart his [Phillips's] Stomach, and he said to his Companions, 'We have done him Injury enough already'; so order'd the Vessel immediately to be repair'd, and return'd her to the Master". Johnson, second ed., p. 405. The schooner was the *Good-will* of Marblehead, Benjamin Chadwell.

[16] The *Squirrel*, of Annisquam, a fine new vessel, to which Phillips transferred. Babson, *History of Gloucester*, pp. 286, 287.

[17] Afterward admiralty judge, 1728-1729, 1733-1747.

[18] Sable Island, south of Nova Scotia.

[19] John Phillips and James or Joseph Sparks. "Phillips' and Burrill's heads were brought to Boston in pickle"; Diary of Jeremiah Bumstead, May 3, 1724, in *N.E. Hist. Gen. Reg.*, XV. 201.

[20] John Rose Archer was a seasoned pirate; he had served under the famous Blackbeard. Johnson, p. 399.

[21] Fillmore says, *Narration*, p. 18, that the court gave him Captain

Phillips's gun, silver-hilted sword, silver shoe- and knee-buckles, and tobacco-box, and two gold rings that the pirate used to wear. As late as 1857, the gun was still in the possession of a cousin of President Fillmore's father. *N.E. Hist. Gen. Register*, XI. 144.

120. Trial of William Phillips and Others. May 12, 1724.

P.M. The Court met according to adjournment, and was opened by Proclamation,

And a Warrant issued out for the bringing into Court the Bodies of William Phillips,^[1] Isaac Lassen, Henry Giles, John Baptis, Peter Taffery, Charles Ivemay, John Bootman, John Combes and Henry Payne, and they were accordingly brought to the Bar.

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Then the Cryer made Proclamation for all Persons that Could Give Evidence for the King against the Prisoners at the Bar to Come into Court and they should be heard.

Then John Baptis and Peter Taffery, being French men, were remanded back to Prison in order to be tryed by themselves.

And the rest of the Prisoners were Arraigned upon Articles Exhibited against them for Piracy, Robbery and Felony, The Register Reading them in the words following, viz.

Articles of Piracy, Robbery and Felony Exhibited against William Phillips, Isaac Lassen, Henry Giles, Charles Ivemay, John Coombes, John Bootman and Henry Payne, Marriners.

You and Each of you stand Accused by His Majesties advocate General of Felony, Pyracy and Robbery.

First, For that you, the said William Phillips and Isaac Lassen, together with John Phillips, John Nutt, Samuel Ferne, James Sparkes, William White, John Archer (otherwise Called John Rose Archer), and divers others, on or about the 27th day of October last, in the Lattitude of Barbados, on the high sea, and within the Jurisdiction of the Admiralty of Great Britain, with force and arms did Pyratically And Feloniously surprise, seise and take the Sloop named the *Content*, George Barrow Master, belonging to His Majesties good subjects, and out of them then and there in manner as aforesd. did take and Carry away one John Masters, the mate of sd. sloop, and plate and Provisions to the value of One hundred pounds.

Secondly, For that the said William Phillips and Isaac Lassen, in Conjunction as aforesd., in the Month of — last,^[2] upon the high seas, within the Jurisdiction aforesd., with force and arms Pyratically and Feloniously did surprize, seise and take a Portuguese Brigantine bound to Brazil, and in manner as aforesd. did out of her then and there take and Carry away a Negro Man Slave named Francisco, of the value of One hundred pounds, three Dozen of shirts of the value of forty pounds, one Cask of Brandy and Provisions of the value of thirty pounds.

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Thirdly, For that the sd William Phillips and Isaac Lassen, in Conjunction as aforesd., on or about the fourth day of February last past, upon the high sea, about thirty five Leagues to the southward of sandy hook, within the Jurisdiction aforesd., with force and arms Pyratically and Feloniously did surprize, seise, enter into and take a snow, one — Laws master, belonging to His Maj'ties good subjects, and out of her then and there with force as aforesd., Pyratically and Feloniously take and Carry away Cloaths and provision to the value of One hundred pounds.

Fourthly, For that the sd. William Phillips, Isaac Lassen and Henry Gyles, in Conjunction as aforesd., on or about the first day of March last, upon the high sea and within the Jurisdiction aforesd., with force and Arms Pyratically and Feloniously did surprise, seise and take a French Ship bound from Martenico to France and, in manner as aforesd., out of her, with force as aforesd., then and there did Pyratically and Feloniously take and Carry away One Negro Man named Pierro, of the Value of sixty pounds, Eight Great Guns, twenty small Arms, a number of Cutlashes, and a Considerable quantity of Brandy, Wine and sugar to the Value of two hundred pounds.

Fifthly, For that the sd William Phillips, Isaac Lassen and Henry Gyles, in Conjunction as aforesd., on or about the 27th of March last, upon the high sea within the Jurisdiction aforesd., with force and Arms Pyratically and Feloniously did surprise, seise and take two ships bound from Virginia to London, One Commanded by John Phillips and the other by Robert Mortmiere,^[3] and in manner as aforesd. took out of One of them (Commanded by John Phillips) Edward Cheesman, Carpenter, whom they forced in manner as aforesd and Carried away.

Sixthly, For that the sd. William Phillips, Isaac Lassen, Henry Gyles and Charles

Ivemay, in Conjunction as aforesd., on or about the latter end of the month of March, upon the high sea within the Jurisdiction aforesd., with force and arms Pyratically and Feloniously did then and there surprize, seize, Enter into and take a sloop belonging to His Majesties good subjects, One Chadwell Master, and out of her with force as aforesd. did Pyratically and Feloniously take and Carry away sundry Provisions to the Value of forty pounds.

Seventhly, For that the said William Phillips, Isaac Lassen, Henry Gyles and Charles Ivemay, in Conjunction as aforesd., on or about the month of April last past, upon the high sea within the Jurisdiction aforesd., did with force and arms Pyratically and Feloniously surprize, seize, enter into and take a Fishing sloop, William Lency Master, and then and there out of her with force as aforesd. and in manner as aforesd. did take and Carry away divers goods and Provisions to the value of Twenty pounds.

Lastly, For that the sd. William Phillips, Isaac Lassen, Henry Gyles, Charles Ivemay, John Bootman, John Coombes and Henry Payne, in Conjunction as aforesd., on or about the 14th of April last past, on the high sea and within the Jurisdiction aforesd., with force and arms did Feloniously and Pyratically surprize, seize and take a sloop named the *Squirrel*, Andrew Harradine Master, and belonging to His Maj'ties good subjects, and on the fifteenth following, with force and arms Feloniously and Pyratically did Enter with all their Guns, ammunition and Provisions on board the sd Sloop. All which sd acts of Piracy, Robbery and Felony were by you and Each of you done and Committed in manner as aforesd., Contrary to the statutes, and the Laws in that Case made and Provided.

To all which Articles the sd William Phillips with the other Prisoners at the Bar severally pleaded not Guilty.

Advocate General. May it Please your Honours,

The Prisoners now at the Bar stand also Articled against for Piracy, Robbery and Felony, and as the Charge so also the proof agt them appearing more certain clear and possitive than in the Case of those but lately Acquitted, I doubt not therefore of the Justice of the Honorable Court in finding them and Each of them Guilty.

Then the Kings Evidences were called and sworn. John Masters, late Mate of the Sloop *Content*, George Barrow Master, Deposed says that being bound from Boston to Barbados in sd. Sloop on the 27th of October last, the sd. Sloop was taken by a Pyrate Sloop Comanded by John Phillips, That the Pyrates forced this Depont. to go with them, and whilst this Depont. was with them, on the fourth of February last, they took a snow, one Laws Master. Samuel Ferne and James Wood, both since shot by Capt. Phillips,^[4] William Taylor, now in Goal, and William Phillips, one of the Prisoners at the Bar, went on board the said snow armed with Cutlashes, that they brought Provisions from the snow on board the sloop, but knows not whether Phillips brought any or not.

William Lancey, Master of a Fishing sloop, Deposed That in the Month of April last, he and his Company were taken off of Cape Sables^[5] by a Pyrate sloop Comanded by John Phillips, Captain, that they took several vessels while this Depont. was on board, and when Captain Phillips was about to dismiss this Depont. with his vessel he askt this Depont. whether he would carry home with him one Willm. Phillips, who was then on board the Pyrate Sloop, having one of his leggs Cut off,^[6] and whom the Depont. saith is one of the Prisoners now at the Bar; and the Depont. answered, Provided the Captain and the Men were willing he would Carry him with him, but the sd. William Phillips refused to go with the Depont. saying if he should they would hang him.

John Filmore Deposed. Saith That he knows William Phillips. he was taken out of a Sloop sometime in October last. the first vessel that was taken after Phillips's being taken was a Brigantine. Cannot say that Phillips went on board the Brigantine. he never saw him Armed with other arms than a Cutlass. That in February they took a snow bound from New York to Barbados, one Laws Master. Samuel Ferne, James Wood, William Taylor and Wm. Phillips, one of Prisoners at the Bar, went on board the snow armed with Cutlasses, who kept on board and Navigated sd snow, as far to the southward as the Lattitude of 21, where Ferne and Wood, attempting to run away with the sloop, in order thereto Confined Taylor and Phillips: But Capt. Phillips the Pyrate firing upon the snow, she brought too, and the sd Ferne was Comanded on board, but he refused and fired upon Capt. Phillips and Compelled the Prisoner at the Bar, William Phillips, to come and abide upon Deck, where he had his left leg shot by Nutt, which was afterwards Cut off. That Isaac Lassen was taken at Newfoundland in Septr last. That he was generally set at the helm to steer the vessel. he was once set on board the snow armed, when Fern, Wood, etc., were running away with her. he never was forward nor did he ever see him Guilty of any Act of Piracy when vessels were taken, nor Share any plunder, Except that they now and then obliged him to take a Shirt or a pair of stockings when almost naked. That he was knowing of the rising to subdue the Pyrates, and took hold of the Captains Arm, when Harradine

struck him in the head with the Ads. That Henry Gyles was taken in February and forced to go with the Pyrates; Nutt obliged him to keep a Journal being an Artist.^[7] he never saw him armed on board, that he was always Contriving to get away, and has often told this Depont. that he would Escape if possible. that he was knowing of the rising against the pyrates and forward and Active in it. That Charles Ivemay was taken and forced out of the same ship that Cheesman the Carpenter was. that he always behaved himself Civilly. he never saw him Armed. That he was knowing of and brisk and Active in the rising against the Pyrates. That there was no vessel taken after John Bootman, John Coombes and Henry Payne were taken.

Edward Cheesman Deposeth That William Phillips leg was Cut off before he^[8] was taken by the Pyrates, That Henry Gyles was Guilty of no Act of Piracy that he ever saw or heard of, that he behaved himself Civilly, kept a Journal being an Artist, That he has often told this Depont. he would contrive some way or other to make his Escape, that he was knowing of the Rising and forward and Active in it. That Isaac Lassen behaved himself Civilly and always seemed to him to be a forced man, That he never saw him in Arms; was the Man that took hold of Capt Phillips's Arm when Harradine struck him. That Charles Ivemay was Obliged and forced out of the same ship; he never was armed or forward when vessels were taken, That he was Privy to the Design of subduing the Pyrates and active in Executing it. That Bootman, Combes and Payne seemed to be forced and there was no vessel taken after they Came on board.

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Andrew Harradine Deposeth That Phillips's leg was Cut off before his^[9] being taken, knows nothing of him, That Lassen always behaved himself well, he never saw him armed, that he has several times told this Depont. that the Pyrates should never Carry him off the Coast to suffer by them as he had done already, that he was the first that took hold of the Captain, when this Depont. struck him and killed him. That he never saw any thing by Gyles and Ivemay but what was Civil, no ways Active as Pyrates, that they were both acquainted with the design of subduing the Pyrates, and stirring and brisk in the Execution thereof. That Bootman, Combes and Payne came on board after he was taken, there was no Vessel taken after their being on board. That Bootman was Privy to and Active in the subduing the Pyrates, and Combes and Payne seemed to him to be forced men.

The Witnesses having been Severally Examined and Deposed as aforesd., the Prisoners were asked whether they had any thing to say on their own Defence. William Phillips said he was forced by the Pyrates out of the Sloop *Glasgow*, William Warden Master, that sometime after he was on board, he understood there were articles drawn up,^[10] for the Captain Called him auf, and with his pistol Cocked demanded him to sign the sd. Articles or Else he would blow his Brains out, which he refused to do, Reminding the Captain of his promise that he should be cleared; but the Captn. Declaring that it should not hurt him, and Insisting on it as aforesd., he was Obliged to sign the sd. Articles. Then when Ferne and Wood were running away with the snow, they never told him what design they were upon but told him they were going to Holmes's hole,^[11] and there every one to shift for himself, and the rest alledging they were forced men and some of them that they were in the secret of subduing the Pyrates and active in it, and others that there was no vessels taking whilst they were on board.

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Then the Prisoners being taken away and all withdrawn but the Register, The Court maturely Weighed and Considered the Evidences and Cases of the Prisoners and by a Plurality of Voices found the sd William Phillips Guilty of the Pyracies, Robberies and Felonys Exhibited against him, and by an unanimous voice found the sd. Isaac Lassen, Henry Gyles, Charles Ivemay, John Bootman, John Coombes and Henry Payne not Guilty.

Then the Prisoners were brought to the Bar and the President acquainted William Phillips That the Court had found him Guilty of the Pyracies, Robberies and Felonies Exhibited against him, and asked him if he had any thing to say why sentence of Death should not pass upon him for his Offences.

And he offering nothing Material the President Pronounced sentence of Death against him in the following words—

"You, William Phillips, are to go from hence to the place from whence you Come and from thence to the place of Execution, and there you are to be hanged by the neck until you are dead, and God of His Infinite Mercy save your Soul."

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And the President Pronounced the said Isaac Lassen, Henry Gyles, Charles Ivemay, John Bootman, John Coombs and Henry Payne not Guilty.

Then the Court adjourned till to morrow morning Eight of the Clock.

[1] Not known to have been related to the pirate captain, John

Phillips. Lassen was an Indian, Giles a young lad, Baptis and Taffery Frenchmen.

[2] October, 1723.

[3] Johnson, p. 401, gives the other captain's name as Mortimer.

[4] For insubordination.

[5] The southwest point of Nova Scotia.

[6] The carpenter had sawed it off, somewhat amateurishly, after it had been wounded in the fight between the captain and Ferne, as related below. Johnson, p. 400.

[7] In the sense, now obsolete, of a person having scientific attainments. "The moon, whose orb Through optic glass the Tuscan artist views" (Milton, referring to Galileo). Probably Giles had some knowledge of navigation. See his testimony in [doc. no. 121](#).

[8] Cheesman.

[9] Harradine's.

[10] Johnson, pp. 397-398, gives verbatim the text of these articles of agreement (*cf.* [doc. no. 50](#)), a very curious set, to which these pirates "swore upon a Hatchet for want of a Bible."

[11] Now Vineyard Haven, in Martha's Vineyard.

121. Trial of William White, John Rose Archer, and William Taylor. May 13, 1724.

May the 13th day A.M.

The Court met according to Adjournmt. and was opened by Proclamation.

Present The Hono'ble William Dummer, Esqr., etc. President.

William Tailer	Nathaniel	} Esqrs., of the Council of the Massachusetts Bay.
Samuel Sewall	Norden	
Penn Townsend	Thos.	
Edwd.	Hutchinson	
Bromfield	Samuel Browne	
John Cushing	Thomas Fitch	
	Adam Winthrop	
Spencer Phipps		

John Menzies	} Esqrs., Commissioners appointed in His Majesties Commission, etc.
Thomas Durell	
Thomas	
Lechmere	
John Jekyll	

A Warrant issued out for the bringing into Court William White, John Archer, otherwise Called John Rose Archer, and William Tailer, and they were brought to the Bar accordingly and arraigned upon the several articles Exhibited against them for Piracy Robbery and Felony.

At a Special Court of Admiralty for Tryal of Pyrates held at Boston within His maj'ties Province of the Massachusetts Bay in New England on the twelfth day of May In the Tenth year of the Reign of our sovereign Lord George, by the Grace of God of Great Britain, France and Ireland King, Defender of the Faith, etc., Anno Domini 1724—

Articles of Pyracy, Robbery and Felony Exhibited then and there against William White, John Archer, otherwise Called John Rose Archer, and William Taylor, Marriners—

You stand Accused by His Majesties Advocate General of Felony, Pyracy and Robbery

First, For that the said William White, together with John Phillips, John Nutt, Samuel Ferne and James Sparks, on or about the beginning of September last past, by force and Arms, in a Certain harbour near St. Peters in Newfoundland, upon the high sea, within the Jurisdiction of the Admiralty of Great Britain, piratically and Feloniously did surprise, seise, take and Carry away a Certain schooner named —, then and there being and belonging to His Maj'ties good subjects, and on the fifth day of the sd. month, being on board the sd schooner as aforesd., with force as aforesd., and on

the high sea, within the Jurisdiction aforesd., near Newfoundland did Pyratically and Feloniously surprise, seize and take three fishing vessels belonging to His Majesties good subjects and in manner as aforesd. did take out of one of them an Indian Man named Isaac Lassen; and afterward, viz. on or about the middle of the sd Month of September, on the high sea and within the Jurisdiction aforesd., he the sd William White, in Conjunction as aforesd. with divers others, with force and arms Pyratically and Feloniously did surprise, seize and take a Certain sloop named —, one Furber, belonging to His Majesties good subjects and of the value of Five hundred pounds, and then and there within the Jurisdiction aforesd. out of her did seize, take and Carry away a quantity of provision and Cloaths of the Value of fifty pounds.^[1]...

Lastly, For that the sd. William White, John Archer, als Rose Archer, and William Taylor, in Conjunction as aforesd., on or about the fourteenth of April last past, on the high sea and within the Jurisdiction aforesd., with force and Arms Did Feloniously and Pyratically surprise, seize and take a Sloop named the *Squirrel*, Andrew Harradine Master, of the Value of Three hundred pounds and belonging to His Maj'ties good subjects and on the fifteenth following with force and Feloniously and pyratically did Enter with all their Guns, ammuniton and provision on board the sd Sloop. All which Actings of Piracy, robbery and Felony were by you and Each of you done and Committed in manner as aforesd., Contrary to the Statutes and the Laws in that Case made and Provided.

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ROB. AUCHMUTY, Adv. Genl.

Then the Kings Evidences were Called and sworn.

John Filmore Deposeth and Saith That he was in the harbour of St. Peters when Mr. Minotts sloop was run away with, by which sloop he was afterwards taken. That when he was Carried on board, he there saw William White upon Deck. That White told this Depont. he Came out upon that design, which this Depont. understood to be Piracy, but that he was in Drink and he was sorry for it. That White went armed on board a Virginia Ship, that he had his Share of some Shirts that were taken out of a Portuguese Brigantine, That John Rose Archer and William Taylor (when a Brigantine whereof One Read was Master, in which the sd Archer and White were, was taken), Voluntarily Joyned with the Pyrates, That in a short time after Archer was Chosen Quartermaster and after he was so, he went on board every Vessel they took, armed, That William Taylor was very Great with Phillips, Nutt and Burrill, being Admitted into the Cabbin, upon any Consultation they had together.

Edward Cheesman Deposed That White told him he was [one] of the first five that run away with Mr. Minotts Sloop, [That] they made him Drink, and that he was sorry for it now. That in taking several Vessels White was more Active than others, who pretended to be forced men. That John Rose Archer, to this Deponts. certain knowledge, by force and Arms Entred into several vessels they took and aided and assisted in plundering the same and sharing part thereof, And that William Taylor was as active on board as any of them; That this Depont Saw him once take a great Coat and heard him then say, he would not willingly hurt a Man, but he was upon the Account, and he must not go Naked.

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Isaac Lassen Deposeth That White told him three days [after] he was taken, that he was sorry he Came out upon the [Accot.], That this Depont. saw him go on board a snow armed, and that he shared part of the plunder.

Henry Giles Deposed That White was one of the four that went on board the Ship this Depont. was taken out of, that he was Armed with a Cutlass and Shared part of the plunder, That he also Saw him go on board a French ship armed with a Cutlass, out of which Ship they took Eight Great Guns: That Archer also was one of the four that went on board their ship armed with a Cutlash, and as this Depont. was going over the side Archer threatned to Cut him in sunder if he did not make hast and go on board the Pyrate with his Books and Instruments.

William Lancy Deposed That he was taken by the Pyrate Phillips sometime in April last, That Archer the Quarter Master was one of those who came on board his sloop and that he was armed with sword or Cutlash; that the sd. Archer went on board all or most of the vessels they took while this Depont. was with them, Armed with sword or Cutlass; That Archer told him that he was one of Teaches^[2] men and went into South Carolina upon the Act of Grace. That White told this Depont. he was sorry he came out upon the Accot. and if he Could he would get away before they went off the Coast. That he heard William Taylor say they were Carrying him to Virginia to be sold^[3] and they met with these honest Men, meaning the Pyrates, and he listed himself to go with them.

After the Kings Evidences had been severally Examined the Prisoners at the Bar were asked what they had to say in their own Defence. William White says he is sorry he should Commit such a sin, that he was in Drink when he went away with Phillips, Nutt, etc., in Mr Minotts sloop. John Archer and Willm Taylor say they were forced Men, and Archer, being asked how he Came to be Quarter Master, Answered that the Company thought him the fittest Man for a Quarter master and so Chose him.

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Then the Kings Advocate General summed up the nature of the Evidence against the Prisoners, and the Prisoners were taken from the Bar, and the Court cleared and in private.

Then the Court Maturely weighed and Considered the Evidences and the Prisoners Cases, and Unanimously found William White, John Rose Archer, and William Taylor Guilty of Piracy, robbery and Felony according to the Articles Exhibited against them. Then the Prisoners were brought to the Bar and the President acquainted them that the Court by a Unanimous Voice had found them Guilty. Then the Court Adjourned to three a Clock in the afternoon.

[1] Articles II.-XII. are here omitted, being substantially identical with arts. III.-VII. of the indictment in [doc. no. 119](#) and III.-VII. of that in [doc. no. 120](#).

[2] Edward Teach or Thatch, the famous pirate commonly called Blackbeard.

[3] *I.e.*, as an indented servant.

122. Trial of John Baptis and Peter Taffery. May 13, 1724.

The Court met and Opened according to Adjournm't by Proclamation and Ordered John Baptis and Peter Taffery, two French Men, to be brought [to] the Bar, and they were brought to the Bar accordingly and ordered to attend to the articles read agt. them for Piracy, Robbery and Felony.

And the Register read the articles, which were the four last articles of those Exhibited against William Phillips, Isaac Lassen, etc., to which articles the sd John Baptis and Peter Taffery severally pleaded not Guilty. Then the Kings Evidences being sworn, Called and Interrogated, Deposed as follows.

William Lancy Deposed That whilst he was on board the Pyrat, up[on] their Coming up with a Cape Anne vessel, Phillips the Captain [of] the Pyrat ordered John Baptis to fetch up a Musquet, which he did, and when the Captain was going to take the Musquet [to] fire, Baptis twicht it out of his hands and fired it him[self], That Baptist was one that went on board a sloop, one [Beel] Master, Armed.

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David Jaw, belonging to the Scooner [whereof] Will'm Lancy was Skipper, Deposed That John Baptis Came [on] board their Vessel with several others armed. That Baptis Came [up] to this Depont. and Damnd him and kicked him in his legs and [pointed] to his Boots,^[1] which was a sign as this Depont understood it that he wanted his Boots, and he accordingly pull'd them off and Baptist took them.

John Filmore Deposed That John Baptis and Peter Taffery, upon the rising against the Pyrates, with others fell upon James Sparkes, the Gunner of the Pyrate, and killed him and threw [him] Overboard.

Edward Cheesman Deposed That John Baptis always carried himself Civilly on board and was always for[ward] to rise upon the Pyrates. That Peter Taffery was [more active] than Baptis, that he saw him fire at vessels [two or three] times.

Henry Giles Deposed That William^[2] Phillips, the Capt[ain] of the Pyrate, was always afraid of John Baptis that he would do him some damage, That Baptis was always ready and forward to rise upon the Pyrates, when they talkt of rising, That he has seen them go Armed on board Vessels, but cant say he had any share of the plunder, That Taffery was more active than Baptis.

Andrew Harradine Deposed he never saw any thing but what was Civil in Baptis and Taffery, That they were very forward upon the rising, as soon as they perceived what they were about, and were very much rejoiced when it was done and they had got their Liberty.

Then the Court ordered That all Persons should depart but the Judges and Register; and having Maturely weighed the Evidences unanimously found John Baptist and Peter Taffery not Guilty. Then the Prisoners were brought to the Bar and the President declared That the Court had found them not Guilty.

Then the Court Adjourned till the Morrow Morning.

And the Court being met according to Adjournment, Francisco, Pedro, and Pierro, three negros, were brought to the Bar and Arraigned, but no Evidences appearing to

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alledge any Acts of PyracY against them, but all [alleging] that they were Employed in Cooking the Kettle, The Court [unanimously] found them not [Guilty].^[3]

And then after passing [some necessary orders] relating to [the] Execution of the Pyrates, etc. [The Court adjourned without] Day.^[4]

^[1] Baptis, it will be remembered, did not speak English; hence it was that he resorted to the expressive language of manual (and pedal) signs.

^[2] John.

^[3] But apparently John Baptis's new lease of life was not long. "November 2 [1726]. John Battis, a Frenchman, his son, and 3 Indians were hanged at Charlestown ferry." *Diary of Jeremiah Bumstead, N.E. Hist. Gen. Reg.*, XV. 311. The crime was piracy.

^[4] Archer and White were executed on June 2, 1724. Cotton Mather ministered to them in their last days, adding, one would think, a new horror to death. The sermon he preached at them was forthwith printed by him, *The Converted Sinner ... A Sermon Preached in Boston, May 31, 1724, In the Hearing and at the Desire of certain Pirates [Archer and White], a little before their Execution, To which there is added, A more private Conference of a Minister with them* (Boston, 1724). With his usual insufferable vanity, he indicates that the capture of the pirates was widely attributed to his public prayer against pirates on Sunday, Apr. 26: "Behold, before the week was out, there comes in a Vessel wherein" were the captive pirates. But the victorious mutiny against the pirates occurred on Apr. 18, and without disparaging Dr. Mather's influence in the councils of Heaven, it seems doubtful if the rising could have been caused by prayers publicly offered by him on the 26th. After the trial he adds: "One of the first Things which the Pyrates, who are now so much the Terror of them that haunt the Sea, impose on their poor Captives, is, to curse Dr. M——r. The Pyrates now strangely fallen into the Hands of Justice here, make me the first Man, whose Visits and Counsils and Prayers they beg for. Some of them under Sentence of Death, chuse to hear from me the Last Sermon they hear in the world. The Sermon is desired for Publication". *Diary of Cotton Mather* (Mass. Hist. Soc.), II. 722, 729.

123. Bill of Robert Dobney. June 2, 1724.^[1]

The Province of the Massachusetts Bay by Order of Edward Stanbridge is Dr

1724
June 2d

To Makeing of the Chaines for John
Rose
archer one of the Pyrats and the hire of
a
man to help fix him on the Gebbet att
Brid
[Bird] Island^[2] £12.10

per me

ROBERT DOBNEY

^[1] Mass. Archives, vol. 63, p. 399. Dobney was a newcomer, admitted in 1715.

^[2] "On Tuesday the 2d instant, were executed here, for Piracy, John Rose Archer, Quarter Master, aged about 27 years, and William White, aged about 22 years. After their Death they were conveyed in Boats down to an Island, where White was buried, and the Quarter Master was hung up in Irons, to be a Spectacle, and so a Warning to others." *Boston Gazette*, June 8, 1724. Bird Island, which has now

disappeared, was a small island in Boston harbor, lying between Noddle's Island (East Boston) and Governor's Island, about a mile and a half from the town. Six days after the execution, Jeremiah Bumstead records in his diary, "My wife and Jery and Betty [a boy of 16 and a girl of 17], David Cunningham and his wife, and 6 more, went to the castle to Governors Island, and to see the piratte in Gibbits att Bird Island." *N.E. Hist. Gen. Reg.*, XV. 202.

124. Bill of Edward Stanbridge. June 2, 1724.^[1]

June 2d
1724

The Province of the Massachusetts Bay to
Edwd. Stanbridge, Dr

for Sundrys by him Expended being Marshall And by Order of A Speciall Cort of Admiralty for the Execution of John Rose Archer and William White two Pirates, Viz.

To the Executoner for his Service	
I paid	£12.00.
him ^[2]	0
To Mr Joseph Parsons ^[3] for	
Cordage I	£2.17.
paid his Bill	6
To Boat hire and Labourers to	
help Sett	
the Gibet And there attendance	
at the	
Execution and Diging the	
Grave for	
White	3.10. 8
To Expences on the Sheriefs	
officers and	
Cunstabes after the Exicution	
att Mrs.	
Mary Gilberts her Bill ^[4]	<u>3.15. 8</u>
	22.
	3.10
To Georg Mayo, Blockmaker, his	
Bill	<u>1. 5.00</u>
	23.
	8.10

E: Excepted.^[5]
per EDWARD STANBRIDG.

^[1] Mass. Archives, vol. 63, p. 402. Edward Stanbridge was the provost marshal; see [doc. no. 119](#).

^[2] Apparently represented by the preceding bill, [doc. no. 123](#).

^[3] One of the constables of Boston.

^[4] July 6, 1719, the selectmen of Boston licensed Mary Gilbert to sell strong drink as an innholder at the north end of Fish Street. Boston Record Commissioners, *Reports*, XIII. 55. This considerable item represents what was necessary to restore the nerves of the provost marshal's attendants after an uncomfortable piece of work.

^[5] Errors excepted.

125. Petition of Nicholas Simons. May, 1725.^[1]

To the Honourable Samuel Cranston Esqr Governour of his Majestys Colony of Rhode Island etc. And the Hon'ble Assistants and the Hon'ble Generall Assembly of the Said Colony,

That Whereas the Ship *John and Mary* belonging to Boston whereof Thomas Glen was late Master was Taken by Shipton a Pirate in the month of December last in the Bay of Honduras And the Said Nicolas Simons haveing been aforeced^[2] man for Some time on board the Said Pirate was Ordered by the said Shipton to take the Command of the Said Ship *John and Mary* as navigator and two Pirates with him and follow the Said Pirate—But after the Said Simmons Parted with the Pirate Shipton he released the men that were bound on board the Said Ship *John and Mary* and Consulted with them about the destroying the three Pirates which the said Simons and Barlow aforced man and Perry mate of the Said Merchant Ship Effected And they lately carried the Said Ship into Rhod Island whereby the Owners have Recovered their Said Ship and her Cargoe,^[3]

And in as much as the Said Nicholas Simons is now under a necessity to leave off his Employment of a Mariner for fear of the Sd. Pirates And has a new Employment to Seek for his Support he being in but low Circumstances,

He therefore most humbly prays your Honours would be pleased to take the premisses into your most just and wise consideration and bestow of your Bounty upon him as in your accustomed goodness you Shall See meet.

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And your Peti'r as in Duty Bound Shall ever pray etc

NICHOLAS SIMONS.

Boston May
1725

The above petitioner was the principle person in Resqueing the Ship out of the hands of the pirats, and had Incouragem't of a gratuity by this Assembly for his good Service.

SAM'L CRANSTON Go'r

Past to the house of Deputys
by order

RICHD. WARD Record'r

[1] Manuscript room, New York Public Library.

[2] A forced.

[3] A vote of the general assembly in May, 1725, *Records of the Colony of R.I.*, IV. 361, mentions three quite other persons as claiming to have effected the recapture. No action on Simons's petition is noted in the records.

*126. Instructions of George II. to Captains of Privateers.
November 30, 1739.*^[1]

Instructions for the Commanders of such Merchant Ships and Vessells as may have Letters of Marque or Commissions for Private Men of War against the King of Spain, his Vassals and Subjects or others Inhabiting within any of His Countries, Territories or Dominions, by Vertue of Our Commission Granted under the Great Seal of Great Britain, bearing Date the Thirtieth Day of November 1739.^[2] Given at our Court at St. James's the 30th Day of November 1739, in the Thirteenth Year of Our Reign.

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I. That it shall be Lawful for the said Commanders of Merchant Ships and Vessells, Authorized by Letters of Marque or Commissions for Private Men of War, to set upon by force of arms and to subdue and take the Men of War, Ships and other Vessells whatsoever, as also the Goods, Moneys and Merchandizes, belonging to the King of Spain, his Vassals and Subjects, and others Inhabiting within any of his Countries, Territories or Dominions, and such other Ships, Vessells and Goods, as are, or shall be, liable to Confiscation, pursuant to the Treaties between Us and other Princes, States and Potentates: But so as that no Hostility be committed, nor Prize Attacked, Seized or taken within the Harbours of Princes and States in Amity with Us, or in their Rivers or Roads within Shott of their Cannon.

II. That all Ships of what Nation soever carrying any Soldiers, arms, Powder, Ammunition or any other Contraband Goods, to any of the Territories, Lands, Plantations or Countries of the King of Spain shall be seized as Prizes.

III. That the said Commanders of such Merchant Ships and Vessells shall bring such Ships and Goods, as they have Seized or shall so seize and take to such Port of this Our Realm of England, or some other Port of Our Dominions as shall be most convenient for them, in order to have the same Legally Adjudged in Our High Court of Admiralty of England, or before the Judges of such other Admiralty Courts, as shall be Lawfully authorized within Our Dominions: But if such Prize be taken in the Mediterranean or within the Streights of Gibraltar, then the Captor may if he doth not think fit to bring the same to some Port of England, or other Our Dominions, carry such Ship and Goods into the Ports of such Princes or States as are in alliance or amity with us.

IV. That after such Ships shall be taken and brought into any Port the Taker shall be Oblig'd to bring or send, as soon as possible may be, Three or Four of the Principal of the Company (whereof the Master and the Pilot to be always two) of every Ship so brought into Port, before the Judge of the Admiralty of England, or his Surrogate, or before the Judge of such others Admiralty Courts, within our Dominions, as shall be Lawfully Authorized as aforesaid, or such as shall be Lawfully Commissioned in that behalf, to be sworn and examined upon such Interrogatories as shall tend to the Discovery of the Truth,^[3] touching the Interest or Property of such Ship or Ships, and of the Goods and Merchandizes found therein: and the Taker shall be further obliged at the Time he produceth the Company to be Examin'd, to bring and deliver into the hands of the Judge of the Admiralty of England, his Surrogate, or the Judge of such other Admiralty Courts within Our Dominions, as shall be Lawfully Authorized, or others Commissioned as aforesaid, all such Passes, Sea Briefs, Charter-Parties, Bills of Lading, Cockets, Letters and other Documents and Writings as shall be Delivered up, or found on board any such Ship; the said Taker or one of his Chief Officers, who was present, and saw the said Papers and Writings Delivered up, or otherwise found on board at the time of the Capture, making Oath, That the said Papers and Writings are brought and Delivered in as they were received or taken, without any Fraud, Addition, Subtraction or Embezzlement.

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V. That all such Ships, Goods and Merchandizes taken by Vertue of Letters of Marque or Commissions for Private Men of War, shall be kept and preserved, and no part of them shall be sold, spoiled, wasted, or diminished, and that the Bulk thereof shall not be broken before Judgment be given in the High Court of Admiralty of England, or some other Court of Admiralty Lawfully Authorized in that behalf, that the said Ships, Goods and Merchandizes are Lawful Prize; and that no Person or Persons, taken or Surprized in any Ship or Vessel as aforesaid, tho' known to be of the Enemy's Party, shall be in Cold Blood killed, maimed, or by Torture and Cruelty Inhumanly Treated, contrary to the Common Usage and just Permission of War: and whoever shall offend in any of the premises shall be severely punished.

VI. That the said Commanders of such Merchant Ships and Vessells, who shall obtain the said Letters of Marque, or Commissions, as aforesaid for Private Men of War, shall not do or attempt anything against the true meaning of any article or articles, Treaty or Treaties depending between Us, or any of Our Allies, touching the freedom of Commerce in the Time of War, and the Authority of the Pass Ports or Certificates under a certain Form in some one of the Articles or Treaties so depending between Us and Our Allies as aforesaid, when produced and shewn by any of the Subjects of Our said Allies, and shall not do or attempt anything against Our Loving Subjects, or the Subjects of any Prince or State in Amity with Us, nor against their Ships, Vessells or Goods, but only against the King of Spain, his Vassals and Subjects, and others Inhabiting within His Countries, Territories or Dominions, their Ships Vessells and Goods,—except as before Excepted; and against such other Ships, Vessells and Goods, as are or shall be liable to Confiscation.

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VII. That after Condemnation of any Prize, it shall or may be Lawful for the Commanders of such Merchant Ships or Vessells or the Owners of the same, to keep such and so many Ships, Vessells Goods and Merchandizes as shall be Condemned to them, for Lawful Prizes, in their own Possession, to make Sale or Dispose thereof in Open Market or Otherwise, to their best Advantage in as ample manner as at any time heretofore has been Accustomed in Cases of Letters of Marque, or of Just Prizes in Time of War; other than wrought Silks, Bengalls, and Stuffs mixed with Silk or [Herbs] of the Manufacture of Persia, China or East India, or Callicoes painted, dyed, printed or stained there, which are to be deposited for Exportation, according to the Directions of an Act made in the Eleventh Year of the Reign, of the late King William, Entituled *An Act for the More Effectual Employing the Poor by Encouraging the Manufactures of this Kingdom:*^[4] And that it shall be Lawful for all manner of Persons as well Our Subjects as others, according to Law, to buy the said Ships, Vessells, Goods and Merchandizes, so taken and Condemned for Lawful Prize, without any Damage or Molestation to Ensur thereupon to the said Byers, or any of them, by reason of the Contracting or Dealing for the same.

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VIII. That if any Ship or Vessel, belong'g to Us or Our Subjects, or to Our Allies or their Subjects, shall be found in Distress, by being in fight, set upon, or taken by the Enemy, the Captain, Officers and Company, who shall have such Letters of Marque

or Commission, as aforesaid, shall use their best Endeavours to give aid and Succour to all such Ship or Ships, and shall to the utmost of their power Labour to free the same from the Enemy.

IX. That Our Subjects and all other Persons whatsoever, who shall either in their own persons serve, or bear any Charge or Adventure, or in any sort further or set forward the said Adventure, according to these Articles, shall stand and be freed by vertue of the said Commission; and that no person be in any wise reputed or challenged for an offender, against Our Laws, but shall be freed, under Our Protection, of and from all Trouble and Vexation that might in any wise grow thereby, in the same manner as any other Our said Subjects ought to be by Law, in their Aiding or Assisting Us, either in their own persons, or otherwise, in a Lawful War against Our declared Enemies.

X. That the said Commanders of such Merchant Ships and Vessells or their Owners or Agents before the taking out Commissions, shall give Notice in Writing, Subscribed with their hands, to Our High Admiral of Great Britain, for the Time being, or Our Commissioners for Executing the Office of Our High Admiral or the Commissioners for Executing that Office for the Time being, or the Lieutenant or Judge of the said High Court of Admiralty, or his Surrogate, of the Name of their Ship, and of the Tunnage and Burthen, and the Names of the Captain, Owners or Setters out of the said Ship, with the Number of Men, and the Names of the Officers in her, and for what Time they are Victualled, as also of their Ordnance, Furniture and Ammunition; To the End the same may be Registered in the said Court of Admiralty.

XI. That those Commanders of such Merchant Ships and Vessels, who shall have such Letters of Marque or Commissions as aforesaid, shall hold and keep, and are hereby Enjoyn'd to hold and keep a Correspondence, by all Conveniences, and upon all occasions, from Time to Time, with Our High Admiral of Great Britain for the Time being, or Our Commissioners for Executing the Office of Our High Admiral, or the Commissioners for Executing that office for the Time being, or their Secretary, so as from Time to Time to render and give unto him or them not only an account and Intelligence of their Captures or Proceedings by vertue of such their said Letters of Marque, or Commissions as aforesaid; but also of whatsoever else shall Occur unto them, or be discovered or declared unto them, or found out by them, by Examination of, or Conference with, any mariners or Passengers, of or in the Ships or Vessells taken, or by any other ways or means whatsoever, touching or concerning the designs of the Enemy, or any of their Fleets, Ships, Vessells or Parties; and of the Stations, Seas, Ports and Places and of their Intents therein; and of what Merchant Ships or Vessells of the Enemy, bound out or Home, as they shall hear of; and of what else Material in these Cases may arrive to their knowledge, to the End such Course may be thereupon taken, and such Orders given as may be requisite.

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XII. That no Commander of a Merchant Ship or Vessel who shall have a Letter of Marque or Commission as aforesaid, shall presume, as they will answer it at their Peril, to wear any Jack, Pendant or any other Ensign or Colour, Usually born by Our Ships, but that besides the Colours born Usually by Merchant Ships, they do wear a Red Jack with the Union Jack described in the Canton at the Upper Corner thereof near the Staff,^[5] and that One third part of the whole Company of every such Ship or Vessel so fitted out as aforesaid shall be Land Men.

XIII. That such Commanders of Merchant Ships and Vessels who shall Obtain such Letters of Marque or Commissions, as aforesaid, shall also from Time to Time, upon due Notice being given them, observe all such other Instructions and Orders as We shall think fit to direct for the better carrying on of this Service.

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XIV. That all Persons who shall Violate these Instructions shall be severely punished, and also required to make full Reparation to Persons Injured contrary to these Instructions for all Damages they shall sustain by any Capture, Embezzlement Demurrage or otherwise.

XV. That before any such Letters of Marque or Commissions issue under Seal, Bail with Sureties shall be given before the Lieutenant and Judge of Our High Court of Admiralty of England, or his Surrogate, in the Sum of Three thousand Pounds Sterling, if the Ship carries above One hundred and fifty Men; and if a Lesser Number, in the Sum of Fifteen hundred pounds Sterling; Which Bail shall be to the Effect, and in the form following:

Which Day, Time and Place Personally Appeared — Who submitting themselves to the Jurisdiction of the High Court of Admiralty of England, Obliged themselves, their Heirs, Executors and Admin'rs to Our Sovereign Lord the King, in the Sum of — Pounds of Lawful Money of Great Britain, to this Effect, That is to Say, Whereas — is Authorized by Letters of Marque, or a Commission for a Private Man of War, to Arm, Equip, and set forth to Sea, the Ship called the — of the burthen of about — Tons whereof he the said — goeth Captain, with Men, Ordnance,

Ammunition and Victuals, to set upon by force of Arms, and to Subdue, Seize and Take the Men of War, Ships and other Vessells whatsoever together with the Goods, Monies and Merchandizes, belonging to the King of Spain, or to any of his Vassals and Subjects, or others Inhabiting within any of His Countries, Territories or Dominions whatsoever, and such other Ships, Vessels and Goods, as are or shall be liable to Confiscation, excepting only within the Harbours or Roads within Shot of the Cannon of Princes and States in Amity with His Majesty, and whereas he the said — has a Copy of certain Instructions Approved of and Passed by His Majesty in Council, delivered to him to Govern himself therein, as by the Tenour of the said Commission, and of the Instructions thereto relating, more at large appeareth. If therefore nothing be done by the said — or any of his Officers, Mariners, or Company, contrary to the true meaning of the said Instructions, but that the Commission aforesaid and the said Instructions shall in all particulars be well and truly performed and Observed as far as they shall the said Ship, Captain and Company any way concern: and if they or any of them, shall give full Satisfaction for any Damage or Injury which shall be done by them, or any of them, to any of His Majesty's Subjects or Allies or Neuters, or their Subjects: and also if the said — and his officers and Mariners shall duly and truly pay or cause to be paid to His Majesty, or to such Person or Persons as shall be by His Majesty Authorized to receive the Same, the Just Tenths or Tenth part, according to the due and Legal Appraisalment of all such Ships and Goods as shall be by them or any of them taken or Seized, and shall be by due Course of Law Adjudged to be good and Lawful Prize: And also shall duly and truly pay or cause to be paid to His Majesty, or the Customers or Officers Appointed to receive the same for His Majesty, the Usual Customs due to His Majesty of and for all Ships and Goods so as aforesaid taken and Adjudged for Prize: And moreover if the said — shall not take any Ship or Vessel, or any Goods or Merchandizes belonging to the Enemy, or otherwise liable to Confiscation, thro' Consent or Clandestinely, or by Collusion, by Vertue, Colour or pretence of his said Commission; that then this Bail shall be Void and of None Effect and unless they shall so do, they do all hereby Severally Consent that Execution shall Issue forth against them, their Heirs, Executors and Administrators, Goods and Chattels, wheresoever the same shall be found, to the value of the said Sum of — Pounds, before mentioned. And, in Testimony of the Truth thereof they have hereunto Subscribed their names.

By His Majesty's Command.

HARRINGTON.^[6]

A True Copy

Exam'd per JOHN PAYNE D. Reg'r.^[7]

[1] Opening pages of "vol. V." (1739-1745) of the manuscript records of the vice-admiralty court held at Boston. These five volumes of records are now deposited with the Suffolk Court Files. They are described by Mr. John Noble in *Pubs. Col. Soc. Mass.*, VIII. 169. A summary of all the cases in this particular volume, wrongly declared then to be the only one extant, is presented in the appendix to B.R. Nichols, *Argument in Peele vs. Merchants Insurance Co.* (Boston, 1826), pp. 127-132. Various extracts are in Mr. Noble's article, pp. 170-184. War with Spain had been declared Oct. 23. Instructions to privateers were of course issued in every war. Parts of those put forth in 1693, 1705, 1706, and 1744 are printed in F.T. Pratt, *Law of Contraband of War* (London, 1856), pp. 264-269, 257. Others are in R.G. Marsden, *Law and Custom of the Sea*, II. 404-435. Of acts of Parliament on privateers and prizes, the latest in force at this date was that of 9 Anne ch. 27, but a fresh act was under discussion in Parliament at this date, and on Dec. 20 the royal assent was given to the act 13 Geo. II. ch. 4, "for the encouraging of seamen to enter into his Majesty's service".

[2] Commission to the Lords of the Admiralty authorizing them to provide for the issue of privateering commissions or letters of marque; see [doc. no. 127](#).

[3] See [doc. no. 183](#).

[4] 11 and 12 Will. III. ch. 10.

[5] Like the present red flag of the British merchant marine.

[6] William Stanhope, lord Harrington, afterward earl of Harrington, was one of the two secretaries of state from 1730 to 1742, and from 1744 to 1746.

[7] Deputy register of the vice-admiralty court in Boston.

127. (Draft of) Warrant to Governors to issue Letters of Marque. April 26, 1740.^[1]

By the Commissioners for executing the Office of Lord High Admiral of Great Britain and Ireland, etc.

Whereas by an Act passed this present Session of Parliament (intituled, an Act for the more Effectual securing and encouraging the Trade of his Majesty's British subjects to America, and for the Encouragement of Seamen to enter into his Majesty's service)^[2] it is, amongst other Things, therein enacted "That any Person or Persons in any part of America or elsewhere, by us impowered and appointed, shall, from and after the fourth Day of January, one thousand seven hundred and thirty nine, at the Request of any British Owner or Owners of any Ship or Vessel, giving such Bail and Security as have been usually taken upon granting Commissions, or Letters of Marque (except only for the payment of the Tenths of the Value of Prizes which shall be taken, to the Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral for the time being) cause to be issued forth in the usual manner, one or more Commission or Commissions, to any Person or Persons whom such Owner or Owners shall nominate to be Commander; or in case of Death, successively Commanders of such Ship or Vessel, for the attacking, surprizing, seizing and taking, by and with such Ship or Vessel, or the Crew thereof, any Place or Fortress upon the Land, or any Ship or Vessel, Goods, Ammunition, Arms, Stores of War, or Merchandizes, belonging to or possessed by any of his Majesty's Enemies, in any Sea, Creek, Haven, or River",

These are therefore to impower you, Edward Trelawny, Esquire, Governor of Jamaica,^[3] and by these Presents we do impower and appoint you the said Edward Trelawny, Esquire, to cause to be issued forth, pursuant to the said Act, by Warrant under your Hand, and the Seal of the said Island, directed to the Judge of the Admiralty of the said Island of Jamaica, Commissions or Letters of Marque, at the Request of any British Owner or Owners of any Ship or Vessel, to any Person or Persons whom such Owner or Owners shall nominate to be Commander; or in case of Death successively Commanders of such Ship or Vessel; and to cause such Bail and Security to be taken as is directed by the said Act, and moreover to cause that, in granting such Commissions or Letters of Marque, all other Things be had and done conformable to, and as the said Act requires. For which this shall be your Warrant. Given under our Hands and the Seal of the Office of Admiralty this — Day of — 1740.

To —

May it please your Lordships,

This contains a Draught of an Instrument submitted to your Lordships, as proper to be signed, and issued out to the Governors of his Majesty's Colonies and Islands in America, prepared by me; pursuant to your Lordships Order of the 15th of April 1740.

E. ISHAM.^[4]

April 26th 1740.

[1] Public Record Office, Admiralty 1:3674.

[2] 13 Geo. II. ch. 4.

[3] Governor of Jamaica from 1738 to 1752.

[4] Edmund Isham, advocate general of the Admiralty.

DUMARESQ VS. THE *AMSTERDAM POST*.

128. *Record of the Admiralty Court, and Libel. July 23,
August 30, 1740.*^[1]

At a Court of Admiralty holden at Boston before the Hono'ble Robert Auchmuty Esq.,
Judge of said Court, the 30th day of August A.D. 1740.

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New Engl'd
Prov. of the Massa's Bay } Boston, July 23,
1740.

To the Hono'ble Robt. Auchmuty, Esqr., Jud. of Vice Adm'ty.

The Libel of Philip Dumaresq,^[2] Commander of the Private Man of War Sloop *Young Eagle* of Boston, Sheweth,

Whereas on the 23d of Octob'r last his Majesty Caused Publick Proclamation to be made of an Open War with the King of Spain, requiring all his officers and Soldiers to do all Acts of Hostility in prosecution of this War against the King of Spain, his Vassals and subjects, and afterwards on the 15th of January last the said Philip, Commander of the sloop aforesaid, and her men, being duly Commissioned with Letters of Marque and Reprisals against the King of Spain, his Vassals and Subjects,^[3] to attack, Seize, Take and make Prize of their Ships, Vessells and Goods, met with the Sloop the *Amsterdam Post* about three or four Leagues off of the Grand Canary Island, standing in for Santa Crux in Teneriffe^[4] in the King of Spains Dominions, Commanded by AEneas Mackay, a British Subject but made free of Amsterdam, man'd with British Subjects and furnished with various Papers and Evidences to make her seem to be either an English or Dutch Sloop, as might best suit the occasion, and upon Examination finding that she was the Property of certain Subjects of the King of Spain or Inhabitants of the Canaries within his Dominions, and by them during this present War sent from Teneriffe aforesd to Cork in Ireland and there Laden with thirty nine Barrells of Beef, Forty Barr'ls of Pilchards, eighty nine BBlls of Butter, fifty four boxes of Candles, a hundred eighty nine Hides of Leather, five Bar'ls of Hatts, two Boxes of Soap and five Bar'ls of Wax for acco't of the same owners and was then returning directly to Teneriffe for their Supply, He the said Philip therefore Seized and Took the sd Sloop *Amsterdam Post* and her Cargo as a Lawfull Prize, as he Lawfully might do, Wherefore the said Philip Dumaresq prays the consideration of this Hono'ble Court upon the premises properly and only in their Cognizance, that a Short Day^[5] may be assigned to Hear and pass upon this Libel and Matters therein contained and that the said Sloop and Cargo may be Decreed and declared a Lawfull Prize, etc.

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JNO. READ.
W. BOLLAN.^[6]

1740, July 23d, filed and allowed, and ordered that Publick Notifications be Posted upon the Sloop *Amsterdam Post* and at the Town House, for all Persons Claiming Property in the said Sloop to Appear at a Court of Admiralty to be holden at Boston on Friday next at 10 a Clock A.M. To Make out their Property.

ROBERT AUCHMUTY, Judge Ad'y.

Accordingly at the time appointed the Court was opened and the Libel Read, at which Time Collonel Wendell^[7] appeared and offered some Papers to be Lodged in Court, which he rec'd from the Owners of the Sloop, which the Judge refused to admit of, But told him he might Claim the Vessell and Cargo if he wou'd do it as the Act of Parliament requires, which he refus'd and said he Intended to put the Bonds^[8] in Suit when he had proper Powers.

Publick Proclamation was then three Times Solemnly Made for all Persons claiming Property in the Sloop *Amsterdam Post* and Cargo to make their appearance and they shou'd be heard, but none appeared; The Court was then Adjourn'd to Wednesday the 13th of August next at ten a Clock a.m., and the Judge ordered notifications to be Posted up as before for all persons claiming property to appear if they see cause.

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The Court was opened on the 13th of August according to adjournment, and Proclamation Three Times Solemnly made for any Claimer to appear, whereupon Collo. Wendell Appeared in Court and Claim'd the said Sloop in behalf of Mr. Peter Devernet of Amsterdam, Merchant, which the Judge allow'd of upon his giving Security as the Act requires. The Court was then Adjourned to Wednesday morning at Seven a Clock, at which Time it was opened and the Libel Read, and Jacob Wendell, Esqr., in behalf of Peter Devernet of Amsterdam, Merch't, and his son Isaac Devernet of Santa Crux, Merch't, Claimed the said Sloop's Cargo as their Property. The Court was then adjourned to Monday the 18th Curr't at Seven a Clock a.m., at which Time it was Opened, when Jacob Wendell, Esqr., in Open Court made oath that

he verily believed that Peter Devernet of Amsterdam, Merch't, in behalf of whom he claims the sd Vessel, was at the time of the Capture sole owner thereof, and also that the Cargo on board said Sloop was owned by the said Peter Devernet and his son Isaac, then Resident at Santa Crux in the Island of Teneriffe, Merch't. At the same time Collo. Wendell gave the following Bail, viz....

John Rous,^[9] Late Lieuten't of the Sloop *Young Eagle*, Commanded by Capt. Philip Dumaresq, being Examined upon oath before the Hono'ble Robt. Auchmuty, Esqr., Judge of his Majestys Court of Vice Admiralty, as to the following Interrogatorys made the following answers.

Interro. The First. Was the Sloop called the *Amsterdam Post*, Æneas Mackay Master,^[10] taken as a Prize, by whom, when and where?

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answer. on the 15th day of January last this Depon't, who was Lieutenant of the Sloop *Young Eagle* but at that Time Commander thereof in the absence of Philip Dumaresq the Captain, about three or four Leagues off the Grand Canary Island took the Sloop in this Interro. mention'd, standing in for Santa Crux in Teneriffe, and came last from Corke, and as the Master thereof said to this Depon't was bound to Madera,^[11] but then going into one of the Canary Islands to get water, whereupon this Depon't sent his then Lieuten't on board, who Inform'd this Depon't that there was one Cask full of Water and another runing out and that he stopt the same and afterwards they found water sufficient to serve them in their Passage to Madera which was ab't three Weeks.

Interro. 2d. What was the Lading of the Sloop *Amsterdam Post*?

Answer. She was Loaded with Beef, Butter, Hatts, Shoes, Candles, Soap, Hides and some Pilchards, and for greater Certainty this Depon't refers himself to the Bills of Lading.

Interro. 3. Are the Papers now produced before you and now Lodged in this Court, the Papers that were taken on Board the said Sloop as you know, or have heard, how, and in what manner?

a. This Depon't did not go on board said Sloop when taken and therefore can't say of his own knowledge that these are the Papers taken on board, but verily believes they are, for these Papers were sent to this Depon't by his Lieuten't from said Vessel some short Time after she was taken, and two of the Papers, namely, an English Mediterranean Pass^[12] and a Paper in Spanish Importing a Clearance, as this Depon't was Inform'd by his officers whom he sent on board, was found between two Bed Bottoms belonging to the Master of said Sloop, and afterwards this Depon't saw the very place where they sayd the Papers were Concealed.

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Interro. 4. Did you hear the sd Master of the Sloop aforesd Declare where he took in his aforesaid Loading?

A. This Depon't at Divers times heard the said Master Acknowledge and Declare that he took in his aforesd Loading at Corke in the Kingdom of Ireland, and also that he went from Teneriffe to Corke, where he purchased sd Loading, and was to return with the same immediately to Teneriffe, where two of his owners were Inhabitants and one other owner an Inhabitant of Holland.

Interro. 5. What was done with the Cargo after the Vessel and Cargo was thus taken?

A. All the Cargo with the Vessel was Carried into Madera and all or the greatest part of sd Cargo was Landed there.

Interro. 6. Is the Sloop now under Seizure the same Sloop that was thus taken?

A. Yes.

Interro. 7. What became of the hands belonging to said Sloop?

A. Two of them went on board the Man of War there, and two others went on board this sd Privateer, and the Mate was carried to Gibraltar, where he heard he ran away.

Interro. 8. Do you know or have you heard what Nation those hands were of?

A. The Master, Mate and one hand more he understood to be Scotch, two hands more to be Irish, one Boy belonging to London and a Portugueze or Spanish negro man.

Lastly, Do you know anything further relating to sd Vessel and Cargo or any other former Voyages the said Vessel had made and where to?

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A. He heard the Master acknowledge he had been upwards of two years Master of said Vessel, during which Time he always used the Canary Trade, and always acknowledged his Vessel belonged to England till the last Voyage.

1740, August 12th. John Rous, the Subscriber to the foregoing, made oath to the Truth thereof Before Me.

ROB'T AUCHMUTY, Judge Ad'y.

Captain Rous being Sworn in Court acknowledged his Examination already taken was the Truth. He also Declared there was Water enough on board the Sloop *Amsterdam Post* to carry her into Madera, and actually served them for that purpose, viz. three of said Sloop's Crew and five belonging to the Privateer, which was one more than was on board at the time of the Capture; That Capt. Mackay was summoned by a Portugueze officer from the Consul^[13] at Captn. Dumaresqs request, as Capt. Mackay told him, to go in the Privateer Sloop to Gibraltar in order for a Tryal; that Capt. Mackay told him he sailed from Holland to the Canaries two years as an English Man, and that he never sailed under Dutch Colours till the War with Spain; That Capt. Mackay told him that the Sloop at the time of the Capture belong'd to Mr. Devernet of Amsterdam and his two sons who lived at Teneriffe, who were all Frenchmen. That to his knowledge he never saw any of the Cargo Landed at Madera; that his Lieu't Immediately upon the Capture brought the Papers of the said Vessell to him, who having first perused them Sealed them up; that some short time after the said Mackay exprest to him his Desire, in case a certain Paper was found on board, that it would be useless to this Depon't, and that he would have it Concealed, whereupon this Depon't asked him what the Paper was and where in the Vessell it could be found, but the said Mackay would not inform him, and this desire of the said Mackays he repeated several times, and in about two Days after there was brought to this Depon't by John Teit, who acted as Mate on board the said Prize, two Papers from on Board, viz. an English Mediterranean Pass wherein the said Master and Sloop was named, and a Spanish Clearance as of an English Vessell, which was found as he said as mentioned by this Depon't in his former Examinat'n, and afterwards the said Mackay repeated his Desire in case a certain Paper, not naming it, should be found not to show it to any—Whereupon this Depon't Informed him that he had got what he meant and shew'd him the said Pass and Clearance, and then the said Master again pressed him not to shew the same to the Consul. That upon his arrival at Madera he Delivered the Papers so found and Seal'd up, together with the said Pass and Spanish Clearance, to Capt. Dumaresq in the Consul's House, that Capt. Dumaresq then delivered them to the Consul, who broke open the Seal and perused the Papers together with Capt. Dumaresq; and that he verily believes the Papers now in Court are all the Papers he so delivered up, excepting the said Pass.

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The Court was then adjourn'd to the 21st of Aug't Curr't at 7 a Clock a.m., at which time it was opened, when Michael Dumaresq being first Sworn Declar'd that his Examination already taken was the Truth. He further Declared that when Capt. Dumaresq arrived at Gibraltar he heard him say he wou'd go to the Govern'r,^[14] to the Admiral,^[15] and to the Judge of the Admiralty, that accordingly he saw the Captain go to Sir Chaloner Ogle, who was the Admiral, and to the Governour; that he heard Capt. Dumaresq Say the Admiral told him he believ'd the Vessell would be condemn'd; and that the Person called the Judge of Admiralty at Gibraltar, upon Capt. Dumaresq application to him for a Tryal, told him he had no Commission or Instructions to Try any Capture but expected the same from England every Day; That upon the arrival of the Sloop *Amsterdam Post* at Madera there was an officer put on board her from the Provodore^[16] and Judge of the Poor, that he remain'd on Board till other officers came on Board and unladed the Vessell and that Capt. Dumaresq paid the officer two Bitts^[17] a Day and his Victuals during his Stay on Board.

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Abraham Martin, being Sworn in Court, Declared that his Examination already taken was true. The Court was then adjourn'd to Saterdag the 23d Curr't at half an hour past 2 a Clock p.m., at which time it was open'd and several Papers were produc'd and Read in Court, which are as follows, viz.

[1] Records of the admiralty court, Boston, Suffolk County Court-house, vol. V.; see [doc. no. 126](#), [note 1](#). It is to be understood that the libel, and the other documents which follow, nos. [129-143](#), are to be found imbedded in the record of the case in the volume named, not separate. The case is interesting as showing some of the deceptions which might be, and often were, resorted to in time of war. War existed between Great Britain and Spain; the Dutch were neutrals. Briefly, the *Amsterdam Post* was provided with two sets of papers, one Spanish, to be used in case she were overhauled by a Spanish war-vessel or privateer, one Dutch, to be used in case she fell into British hands. Robert Auchmuty was judge of the admiralty court in Boston from 1733 to 1747.

[2] Philip Dumaresq, son of Elias Dumaresq, seigneur des Augrés in the island of Jersey, and of Frances de Carteret, came to Boston before 1716, and died there in 1743 or 1744. He was one of the first

vestrymen of Trinity Church.

[3] The commission from Governor Belcher, Aug. 24, 1739, is printed in [Augustus Thorndike Perkins], *A Sketch of the Family of Dumaresq* (Albany, 1863), pp. 15-16.

[4] The harbor of Santa Cruz is on the side of Teneriffe toward the Grand Canary.

[5] An early date.

[6] Two of the leading lawyers of the province. Read had been attorney general and was now a member of the council. Bollan, Governor Shirley's son-in-law, was for many years agent of Massachusetts in London.

[7] Col. Jacob Wendell (1691-1761), great-grandfather of Dr. Oliver Wendell Holmes. Born in Albany, of Dutch descent, he might naturally be invoked to aid Amsterdam owners.

[8] *I.e.*, the bonds of the privateer; see [doc. no. 126](#), sect. XV.

[9] This privateer subsequently became a captain in the royal navy. He distinguished himself in both the naval expeditions against Louisbourg, in 1745 and in 1758. Charnock, *Biographia Navalis*, V. 412-414. See also [doc. no. 160](#), [note 1](#).

[10] The connection of the Scottish Mackays with Holland has been long and important. Aeneas Mackay, son of the Scottish Lord Reay, entered the military service of the Dutch Republic in 1684, and rose to be general of the Scots Brigade; and for a hundred years, as long as that organization continued to exist (*The Scots Brigade in Holland*, Scottish History Society, *passim*) there was always at least one Aeneas Mackay among its officers. In our own time Baron Aeneas Mackay was prime minister of the Netherlands. This shipmaster would be some humble member of the clan.

[11] *I.e.*, to a Portuguese, neutral, port.

[12] See [doc. no. 141](#). A pass from the Admiralty, which, in accordance with the treaties between Great Britain and the Dey of Algiers, English vessels entering the Mediterranean had to carry in order to be exempt from search by the Algerine corsairs. Such a pass, of 1750, is printed in Marsden, *Law and Custom of the Sea*, II. 347-348. A full set of ships' papers seems to have consisted, at least in Dutch practice, of a bill of health (see [doc. no. 197](#)), a sea-letter or let-pass (docs. nos. [129](#), [130](#)), a muster-roll (*rôle d'équipage*) or shipping-articles of the crew, and a clearance for the cargo.

[13] The British consul at Funchal, Richard Baker; see docs. nos. [140](#), [141](#).

[14] Lieut.-Gen. William Hargrave.

[15] Rear-Adm. Sir Chaloner Ogle, afterward distinguished in the Cartagena expedition, and admiral of the fleet. See [doc. no. 117](#), [note 14](#).

[16] Superintendent.

[17] Two reals, or a quarter of a dollar.

129. Sea-letter of the Amsterdam Post. September 22, 1739 (N.S.).

To all Potent Kings, Queens, Princes, Princesses, Dukes, Lords, etc., who may see this open Letter or may hear it Read, We Magistrates and Rulers of the City of Amsterdam Declare that Æneas Mackay of Amsterdam appeared before us and on Oath Solemnly Declares, That the Vessell named the *Amsterdam Post*, burthen about Twenty Lasts,^[1] of which he is Master, belongs to a House in this Province, and that no Foreign Enemy has any part in her Directly or Indirectly, as he hopes to answer it to Almighty God, and as We are Desirous that the aforementioned Master should follow his Lawfull Calling, it is our Desire of all whom it may concern that the aforementioned Capt'n with his Sloop and Lading may be well received and treated handsomely, and have Liberty to proceed to and from any Port he may chuse, in a Lawful Trade, Which We desire and are willing he should do, and have caused this City Seal to be hereunto affixt. this Done the 22d of Sept'r, Ao. 1739.

By the Lords of the Admiralty No. 5649.
HARTUNCK.^[2]

The required Oath is taken in the Passport Sept. 23d 1739.

[1] A last was two tons.

[2] Copyist's or translator's error for Hartsinck. Jan Jacob Hartsinck, afterward president of the Dutch West India Company, was from 1724 to 1762 clerk of the Admiralty of Amsterdam. Elias, *De Vroedschap van Amsterdam*, II. 910. The Dutch Republic had five navy boards, of which the Admiralty of Amsterdam was the most important.

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*130. Let-pass of the Amsterdam Post. September 23,
1739 (N.S.).*

Lett Pass the Sloop *Amsterdam Post*, Æneas Mackay Master, with his Passengers, Goods and Merchandizes, without Lett, Hindrance, Searching or Molestation, it appearing to us by good Witnesses that the said Sloop belongs to One under the State of the Netherlands. Given under our Hand and Seal at the Admiralty in Amsterdam this Twenty third Day of Septemb'r In the Year of Our Lord one thousand seven hundred and thirty nine.

P. FECLELOOT.[?]

To all Persons whom this may Concern.
Per order of the Lords of the Admiralty.
A. BACKER Jan'ry.

*131. Tonnage Certificate of the Amsterdam Post.
September 24, 1739 (N.S.).*

We, underwritten, ordered by the Lords of the Admiralty of Amsterdam to Tax and Visit the Vessells that go to Sea from Texell,^[1] Declare by this That Æneas Mackay of Amsterdam, Master of the Sloop *Amsterdam Post*, has given us the length of his Sloop, being within Board 50½ feet, Breadth 15¾, feet in the Hold 8 feet, and twelve years old, and We Tax her to be Twenty Lasts. Visited her in Amsterdam, Septemb'r the 24th, 1739.

PIETER KANSEBOOM.

The Last Money^[2] paid April 13th 1739.

P. HENKES. WM. CAMPER.

[1] The island and passage where Amsterdam vessells made their final exit from the Zuyder Zee into the North Sea.

[2] Tonnage dues.

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*132. Aeneas Mackay's Oath as a Burgher of Amsterdam.
September 16, 1739 (N.S.).*

You do swear that you will be a good and faithfull Porter^[1] of this City and will be obedient to such Rulers, as shall from time to time be appointed, in this Place, in watching and discovering all attempts that may be made against the Rulers or People of this Place, and that you will at all Times Exert yourself in the defence of this City, and do all that becomes a good and honest Porter in Discovering any Designs. So Help you God.

Æneas Mackay of London, Captain, has taken the above Oath and the Lords

Thesaurieren^[2] have received the Porter money. Dated in Amsterdam, Sept'r 16, 1739.

JOAN THIERRY.^[3]

[1] Dutch *poorter*, burgher.

[2] Treasurers.

[3] Secretary of Amsterdam from 1717 to 1771. Elias, *Vroedschap*, II. 572.

133. Lease to Aeneas Mackay. October 2, 1739 (N.S.).

On the Second of Octob'r 1739 Thomas Hall Lett a Chamber to Capt. Æneas Mackay, whom also acknowledged to have hired the same, in his House at the Sign of the Bible in New Bridge Street,^[1] For one year certain, and went into the same the third Instant, at Fifty Guilders to be paid every year, and in case no one appears in Octo. 1740 then We agree that it shall be in the Power of the Letter,^[2] to lett the same to any other Person, and they may View the same. We have each bound ourselves according to the Custom of this Place. In Testimony of the Truth We have each bound ourselves to Each other in those Bonds.

Dated as above 1739.

THOS. HALL.

[1] Nieuwebrugsteeg, still so called, in the northwest part of old Amsterdam. The "new bridge", to which it led from the eastward, dated from at least 1421.

[2] Lessor.

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*134. Certificates of Master and Mate and Register.
October 8, 1739 (N.S.).*

We the underwritten, Master and Mate, Designing by God's help to proceed on a Voyage to the Canaries per the *Amsterdam Post*, attest and here Declare That We have no other Goods in our Sloop, nor any Wares or Merchandize whatsoever, according to the best of our knowledge, than only such as appears by the Manifest which We have Delivered to this office to be Inspected into, and that according to our knowledge there has been no fraud committed, nor any of our Goods were taken in, till first the Lawfull Dutys were paid, and We further Declare that the Goods We have now given an acco't of is a true and Just acco't, and that we will not receive any more on Board, unless the Persons bring their Passport from this office^[1] that they have paid the Dutys, to which have hereunto Signed our Hands October 8th, 1739.

ÆNEAS MACKAY.
GEORGE JANSE.

We the underwritten, Commissioners of the Registers office, Attest and declare that We have Visited the Sloop of Æneas Mackay and the Goods Laden on Board her, and find that the Goods all agree with the Manifest they gave in of the same, and We do acquit the above written Capt'n and Mate, by Declaring the acco't they have given in and which they have signed to be true and Just. Done at Texell the Date and Year above.

J. TUNING.

Mr. John Wendell, Jun'r,^[2] who Translated the several Dutch Papers in the Case, made oath that he had Translated the same according to his best skill and Judgement.

[1] *I.e.*, the register's office at the Texel.

[2] Nephew of Col. Jacob Wendell and, like him, a Boston merchant born of a Dutch family in Albany.

135. *Extract from Capt. Mackay's Journal.*^[1] November 14, 1739.

At two yesterday afternoon We see Cape Clear and the fastnie^[2] bearing of us n.e. about two Leagues, at 4 Do. it bore of us N.E.B.E.^[3] about 5 Leagues. Tacked and stood to the Eastward. We lay up S.E.B.E. till 8 in the Evening, from 8 to 12 m.n. E.S.E. We had a very hard Gale at S. with a very great Sea. at half an hour past three this morning a sea broke over us and carry'd away our Boom and Mainsail. We layed the Helm to Lee and kept to w't the Jib but the Gale increasing We Try'd Hull to. at 5 in the morning the Breakers seemed close under our Lee and ahead. We hoisted the Jib to try if possible to clear the Danger, but our Endeavours were fruitless, the Jib gave way so that We had no Sail left but the Fore Sail, and nothing appeared in our View but Unavoidable Death. We had the Breakers on each side and an Opening seemed to be ahead. We bore up for it and drop't an anchor, which did not hold, the Rocks and Breakers being all round us and the Night excessive Dark added Dread to the Terrours of Death, But the Mercifull God opened a Door of Safety for us when We were in the utmost Distress, for as We were going Right in among the Rocks We see a small opening on the Larboard hand. We hoisted the Fore Sail and Cut the Cable and Loof^[4] into the Opening and were Immediately aground in a very smooth sandy Cove. at seven in the Morning when it cleared for Day We see some People on the Shore. We got the Boat out and brought two of them on Board. They directed Me to Apply to one Col. Townsend of Castle Haven,^[5] which is four Miles from Finis Cove,^[6] the Place where We are on Shore, etc.

[1] The heading which the document bears in the admiralty court records.—It is a sign of Captain Mackay's imperfect Dutchness that he keeps his journal by old-style or English dates, not by the new-style dates which had since 1583 been customary in Holland; for (see the next document) Thursday, Nov. 15, 1739, was Nov. 15, O.S.

[2] Cape Clear and the Fastnet Rock form the southernmost extremity of Ireland.

[3] Northeast by east.

[4] Luffed.

[5] The Townshends were the leading people of Castlehaven, living at Castletownshend, from Cromwell's time to ours. This was Col. Richard Townshend. Richard and Dorothea Townshend, *An Officer of the Long Parliament and his Descendants*, pp. 150-151, with portrait.

[6] Between Castlehaven and Baltimore, and four miles south of Skibbereen. The rocky coast in just this region inspired Swift's once celebrated poem, *Carberiae Rupes* (1723).

136. *Protest of Capt. Mackay. November 15, 1739.*

To all Christian People unto whom this Publick Instrum't of Protest doth come or may Concern, Be it known and Manifest that this Day there came and Personally appeared before me, Thomas Lucas, Gent'm, Notary and Tabellion Publick in and throughout the Kingdom of Ireland by Regal Authority, Lawfully Admitted and sworn at Skibbereen^[1] in the County of Cork and Kingdom aforesd, George Johnston, Mate, Joseph Hall, Boatswain, William Cromie, Mariner, belonging to the good Ship or Vessell called the *Amsterdam Post*, burthen Forty Tuns, whereof Æneas Mackay is Master, and Voluntary made oath on the Holy Evangelist That on the Twenty eighth Day of Octo. last they sailed with said Vessell from the Canaries bound to Corke, and met with very bad Weather on their Voyage; that on Thursday the Fifteenth of this Inst. Novemb'r,^[2] ab't three of the Clock in the Morning, the Weather being very desperate, they lost their Main Boom and anchor and one third of a Cable off] the

Stage of Castle Haven, and all the Sails much Damaged; and that about five of the Clock in the morning the Vessell was stranded at Finins Cove near Castle Haven Harbour, where the Vessell now lyes; that by the Violence of the Weather they have reason to Suspect they have Received great Damage. Wherefore the Notary, at the Special Instance and Request of Æneas Mackay, Master, George Johnston, Mate, Joseph Hall, Boatswain, and Wm. Cromie, Mariner, have Protested, as by these Presents I Do Protest against the Seas and Winds for all Losses, Damages, Prejudices or hindrances whatsoever known or as yet unknown which the Ship or Vessell, or the Owners, Freighters or Insurers, or any other Person or Persons has Sustain'd or Received or hereafter may Sustain or receive. In Testimony of which I the Notary aforesaid have hereunto sett my Hand and Seal of Office this Fifteenth Day of November One thousand seven hundred and Thirty nine.

ÆNEAS MACKAY.
GEORGE JOHNSTON.
JOSEPH HALL.
WILLIAM CROMIE.

THOS. LUCAS,
Notar. Public.

[1] "Skibbereen is a small market town, where the Collector, Surveyor, and other Officers of the port of Baltimore reside", (*i.e.*, since the destruction of Baltimore by the Barbary corsairs in 1631). Ch. Smith, *Antient and Present State of the County and City of Cork* (Dublin, 1750), I. 280. Hence Mackay would go there to make this declaration of damage by storm, called in maritime law a protest.

[2] See [doc. no. 135](#), [note 1](#).

137. Extract from Capt. Mackay's Journal. November 16, 1739.^[1]

From Yesterday at 6 in the Evening to this Morning at 8 a Clock I have been in continual Dread by reason of some Shabby Gent'n who staid on Board at Night and frequently seem'd to hint Concerning Money, of which I had indeed a large quantity but pleaded Poverty to them, but to my great Surprize at One in the Morning I found my own People Deserting of Me and had already sent one Chest on Shore, thereupon I immediately threatnd to Kill the first that would attempt to leave Me in that Distress. Fear kept them Aboard.

[1] The heading which the document bears in the admiralty court records.

138. Certificate of Clearance. December 4, 1739.

PORT CORK,

Know Ye, That Will'm Winthrop^[1] enter'd on the *Amsterdam Post* of Amsterdam, Æneas Mackay Master, for Madera, Sixty Bar'ls Beef,^[2] One hundred and ten F'kins cont[aining] Fifty seven hundred wt Butter, Seventy Boxes cont[aining] Thirty five hundred wt Candles, One hundred eighty Tann'd Hides and Forty Ters^[3] Pilchers. Custom paid. Witness our Hands and Seals of Office the 4th of Decemb'r 1739.

RICH'D FENTON,
Coll.

WILL. DOBBIN,
Dep'y [Cudr?] and Coll'r.

Endorsed 1739 Xbr^[4] 7th Exam'd per Ben Roberts, Ld. Wt.,^[5]
Cove Dec'r 11, 1739 Exam'd per Rich'd Toler, [Scr.]^[6]

[1] Sheriff of the city of Cork in 1741, mayor in 1744. He was

descended from an uncle of Governor John Winthrop.

[2] "For packing, salting, and barreling beef, this city gives place to no other in Europe." Exports in 1743, 86951 barrels of beef, and similar amounts of butter, hides, and tallow. It was a place of 70,000 inhabitants, and the customs revenues were £50,000. Smith, *Cork*, I. 412, 410, 407.

[3] Tierces; the libel ([doc. no. 128](#)) says forty barrels.

[4] December.

[5] Landwaiter.

[6] Qu. Sur., for surveyor?


139. *Declarations of Sailors. 1740.*

I Do Declare that I am a Servant to the Captain of the Sloop *Amsterdam* and has been about Twenty Months, and in the Mean time has been four Voyages betwixt Canaries and Amsterdam, and the last Voyage We went to Cork and from thence I always thought We was going to Teneriffe, hearing all our Men Say the was Shipped for that Place, and am willing to give my oath if occasion. As Witness my Hand

WILLIAM YOUNGER.

I Do Declare that I was Shipped in the City of Corke by Capt. Aeneas Mackay in the Sloop *Amsterdam Packett*, bound to Teneriffe and from thence if the Captain thought proper to Cork and Amsterdam, and to receive Thirty three shillings per month Irish Money, which I will give my oath if occasion, which I have here sett my Hand.

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his
DARBY  SHE.
mark

I Do declare that I was Shipt by Capt. Æneas Mackay in the Sloop *Amsterdam* to the Island of Teneriffe and to receive fourteen Guilders per month. We proceed[ed] our Voyage, but before We Sailed from thence he told us he was bound to Cork, which I consented to go with him, and at our Departure from Corke he told us he was bound again to Teneriffe, St. Cruize, where We came from, which if occasion I will give my Oath and has sett my Hand.

his mark
JOHN X GORDING.

140. *Certificate of British Consul in Madeira. March 9, 1740 (N.S.)*^[1]

These are to Certify all whom it may Concern that upon the arrival of the Sloop *Amsterdam Post* at this Island the Judge of the Poor applied to Capt. Philip Dumaresq to have her Unloaded, there being no Salt Beef in the Place at that Time for Sale, to which the said Dumaresq answer'd that he could not consent to it till it was first Condemn'd by some English Admiral as good Prize, upon which the said Judge Applied to the officers of the Chamber at their respective Houses and came back and told him that he should be obliged to it whether he wou'd or no, for that the Island was in great want thereof, and that he would give him a Certificate that they forced him to it, but to this day the said Dumaresq has not been able to obtain it, notwithstanding the said Judge has in my hearing several Times promised to give it to him.

As Witness my Hand in Funchal, Island of Madera, 9th March 1740.

RICHARD BAKER, Consul.

[1] It is to be presumed that all these documents originating in the Madeira or Canary Islands are dated according to new style.

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*141. Receipt for Mediterranean Pass. May 29, 1740
(N.S.).*

Receiv'd from Capt. Philip Dumaresq Command[er] of the Private Man of War Sloop *Young Eagle*, a Mediterranean Pass No. 2533,^[1] Granted by the Hono'ble the Commissioners of the Admiralty of Great Britain the Eleventh Day of July, One thousand seven hundred and thirty eight, to Æneas Mackay, then Master of the Sloop *Amsterdam Post*, now taken as Prize by the abovesd Capt. Ph. Dumaresq. In Witness hereof I have Signed two Receipts, both of this tenour and Date, in the Island of Madera, the 29th May, 1740.

RICHARD BAKER, Consul.

The Claimant in Court acknowledged the Certificate signed by the Consul touching the Delivery of the English Mediterranean Pass to him by Capt. Dumaresq to be the proper hand writing of Richard Baker, Esq., Consul at Madera, as also the Certificate of the Judge of the Poor's obliging Capt. Dumaresq to Unload.

[\[1\]](#) See [doc. no. 128](#), [note 12](#).

*142. Certificate of British-Dutch Vice-Consul in Teneriffe.
April 26, 1740 (N.S.).*

I Certify and avouch to all Gent. whom these Present may concern, That Don Peter Dufourd, Vice-Consul General for the French and Britannick Nations,^[1] Appeared before Me, as also Don John Delake, John Whitefield and Don Issario Antonio Samer, Merch'ts residing in this Port, who say that the Sloop called the *Amsterdam Packett*, whereof Capt. Aeneas Mackay is Commander, has usually come to this Port; and that the said Sloop arrived here under Dutch [Colours] the 27 of October the year last past, 1739, and that the said Sloop sailed again for Amsterdam, consigned to the Divernetts, and that the said Sloop wore Dutch Colours, during the time she lay at anchor in this Road, and that said Sloop Sailed and Returned on her Voyage out of this Port under Dutch Colours; and that the said Æneas Mackay brought with him his Dutch Clearance and Passport, and that he the said Mackay is a Resident and Dweller in Amsterdam; and that the Cargo which he had brought and now did bring, did actually belong to Merch'ts in Holland Corresponding with the aforementioned Divernetts herein expressed, and that the aforesaid Don Peter Dufourd, as Vice-Consul General, did pass the Usual Visit of Health in the aforegoing Voyage; and that he^[2] brought his Dutch Journal, which was set down in his Book as a Dutchman, and for this purpose he^[3] holds his Vice-Consulship as well as being Employed Vice-Consul for the Dutch; and further saith that he the said Dufourd had been in Company with Isaac Divernettt in the House of Don Arnold Vansteinfortt,^[4] Consul General for the Dutch in these Islands, when the said Æneas Mackay shewed him his Papers, as he was Consul for that Nation, Manifesting his being Naturalized in Amsterdam, and for this reason he brought a Dutch Passport and Wore Dutch Colours; the Truth of which he declares before God, no person being able to say to the contrary, it being a Publick and known Truth, of what has been Declared, Signed by these Presents with the aforesd Vice Consul Gen'l and the afore mentioned Merch'ts of this Port of Santa Crux of Teneriffe, the 26th Day of April 1740. PETER DUFOURD, Vice Consul General, JOHN WHITEFIELD, ISSARIO ANTONIO SAMER, JOHN DELAKE, JOSEPH VRANES [Vianes]^[5] of Salas, Publick Scrivener.

Compared with the Original before Me which is in my Power and office, and this I remit as a true Copy, the Day and Year aforementioned. In Testimony of the Truth,

JOSEPH VRANES of Salas,
Publick Scrivener.

We do Declare and Avouch that Joseph Vranes, who has attested this Copy, is Publick Scrivener, and that full Faith is and ought to be given to all his Instruments of Writing and Dispatches, both here and abroad. Wherefore We have Signed this in Santa Crux of Teneriffe, the 29th of April, 1740.

JOSEPH PADILLA,
Apostollick Notary.

JOSEPH ANTONIO SANCHES.
FRANCISCO DELGADA.

[1] And also for the Dutch Republic; see below. George Glas, in the "Description of the Canary Islands" appended to his translation of Juan Abreu de Galindo, *History of the Discovery and Conquest of the Canary Islands* (London, 1764), says that the British and Dutch consuls were the only Protestants allowed to dwell in the islands. Santa Cruz was the centre for the foreign trade, and the governor resided there, on Teneriffe, though the bishop and the courts were at Palmas, on the Grand Canary.

[2] Mackay.

[3] Dusourd.

[4] See [doc. no. 165, note 11](#).

[5] See *ibid.*

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143. Sentence of Admiralty Judge. September 1, 1740.^[1]

Capt. Dixon, who Translated the Several Spanish Papers aforewritten, made Oath in Court that he had Translated them according to the best of his Skill and Judgment.

The Court was then Adjourn'd to the 25th Curr't at 8 a Clock A.M., at which Time it was Opened and both Parties fully heard by their advocates, after which the Court was Adjourn'd to the Thirtieth Curr't at 10 a Clock a.m., at which Time the Judge Decreed the Vessell and Cargo a Lawfull Prize, and on the first of September following delivered his Reasons for Adjudication in Open Court, which is as follows, viz.

I have duly Considered the Preparatory Examinations and all the Papers and Writings which were Sworn to be found and taken in and with the Capture (a Mediterranean Pass excepted) and also the Depositions given in Open Court, and likewise with great Deliberation weighed the Arguments of the Advocates, as well on the part of the Captor as on the part of the Claimant, and it appears to Me that the Sloop Libelled against was a British Bottom, Navigated by British Subjects, and that the Master thereof, Æneas Mackay, on the 11th of July, 1738, had Granted to him for said Sloop by the Right Hon'ble the Lords Commissioners for Executing the Office of Lord High Admiral of Great Britain a Mediterranean Pass No. 2533, which was found on board the said Sloop at the Time of the Capture. It also appears to Me that the said Master, on the 16th Septr., 1739, by the Name of Æneas Mackay of London, Captain, took the usual Oath of a Porter of the City of Amsterdam; that on the 22d of said Month the said Master before the Magistrates and Rulers of that City made oath that the Vessell aforesd., of which he was then Master, belonged to a House in that Province and afterwards the said Vessell in Holland as to her Clearing, Passport, Visiting, Taxing, etc., was Treated as a Dutch Bottom; that on the 2d of Octobr. following the said Master hired a Chamber in Amsterdam *for one year*, But in case no one appeared in October following then it should be in the power of the Lessor to Lett the same to another, and he Enter'd the Day following, and shortly after sailed in said Vessell to Teneriffe, from whence in a few Days he and his hands, British Subjects, and after the Proclamation of War, with Two Passes, viz. the said Mediterranean Pass and a Dutch Pass, sailed to Cork in the Kingdom of Ireland, having a Great quantity of Money, as appears by his Journal; there he purchases a Loading, Chiefly Provisions, Clears out for the Maderas, and accordingly had one Sett of Bills of Lading for that Port, to be delivered to William Callanach or to his assigns, who to Me appears to be a fictitious Person, and one other Sett of Bills of Lading for said Cargo to be Deliverd at the Port of C—

[2] unto Divernett Freres, who plainly appeared to me then to be two Merch'ts Settled Inhabit'ts at Teneriffe, one of them since dead, the other there still Inhabiting; that on the 15th of January, 1739, the said Vessell was taken, as set forth in the Libel, with the said Papers and the Books of Acco'ts of the said Master, and by which acco'ts it turns out to my Satisfaction if those two Brothers the Devernets were not solely Owners they were Principally so. It further appears that the reason assigned by the Master, when taken, of being so near Teneriffe and setting in for that Port was for Water, when in Truth it's in Proof they were Letting out their Water Secretly, and after Stopt by the Captors there was Water for one hand more than the Crew belonging to the Sloop for three Weeks, which carried them into Madera, and if the Say of some of the Sailors is to be Credited they were Shipped at Corke for Teneriffe; and all this to Demonstration Shews which of those two Setts of Bills of Lading must be understood to be Real. It also appears in Proof, certified under the hand of the British Consul at Madera (whose name thereto subscrib'd is owned by the Claimant to be of his proper handwriting), that the said

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Cargo was there by force Unloaded, by Means Whereof not brought with the Vessel to this Port, So that in fine here is a British Master endeavouring to Commence Dutchman, a British Vessel with two Passes, British and Dutch, and to be occasionally^[3] either a British or Dutch Bottom Navigated by British Subjects in time of War with Spain, Sails from Teneriffe with Money to Cork in Ireland, there purchases a Cargo of Provisions bound directly back to our Enemies, makes a false Clearance as if bound to Madera, has two Setts of Bill of Lading, the One which is Real to Deliver the Cargo at a Port part of the Dominions of a Prince in Enmity with us, and to Persons there Inhabiting who appear to be altogether or Principally owners, Carrying the King's Subjects to Enemies, whereby they by Menaces or Corruption or both may be drawn from their Allegiance, and happily is thus taken, and to have it a Question whether it's a Lawfull Capture or not is somewhat Extraordinary, for my part till I am better Informed from Home I shall never Ballance in Cases so Wickedly Contrived and contrary to the Conduct of plain Trading and Simple Honesty, But in Justice to my King and Country always Condemn, and if this Mackay was in Court, notwithstanding all his Subtlety and Double Dealing and his pretended Naturalization Certified from Teneriffe, as in the Case, I should order him in Custody till delivered up to the Government. Therefore on the whole I Adjudge and Condemn the Vessel and Cargo Libelled against as a Lawfull Prize, Entirely to belong to and be Divided between and among the Owners of the Sloop that Seized and Took her as aforesaid, and the several Persons which were on Board the same, in such Shares and Proportions as were agreed on with the Owners aforesd. and the persons thus entituled thereto by virtue of such agreement among themselves. And as to the Objection that the Cargo is not brought in the Vessel, the Manner of it's being forced from the Captor is Certified, and that this Court may notwithstanding proceed to Condemnation is not only the practice of the Court, but so known in the Kings Court, as in the Cases the King v. Broom, Brown and Burton v. Francklyn.^[4]

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ROB'T. AUCHMUTY, Judge Ad'y.

Examd
per JOHN PAYNE, D.Reg'r.

[1] Court proceedings here resumed, after insertion of documents in the record.

[2] Santa Cruz?

[3] *I.e.*, according to occasion.

[4] *Rex vs. Broom or Brome* is in *Comberbach's Reports* (1724), p. 444 (King's Bench, Trinity term, 9 Will. III.) and, more fully, in *Carthew's Reports* (1728), p. 398, and 12 *Modern Reports* 135. Broom, master of a ship of the Royal African Company, captured a French ship off the Guinea coast, sold ship and goods at Barbados, and kept the proceeds. Franklyn, the king's proctor, exhibited a libel against him in the High Court of Admiralty, for embezzlement of the admiralty perquisites belonging to the king. After sentence, Broom moved the King's Bench for a prohibition, to transfer the case to that court, but the prohibition was refused. The case of *Brown and Burton vs. Franklyn* (Hilary term, 10 Will. III.) was similar. Brown and Burton were masters of two ships of the East India Company, who had taken a rich French prize at the island of Johanna (see [doc. no. 58](#), [note 3](#)) and taken the goods for themselves and left the ship there, without going to the trouble of having it properly condemned as prize. The case is reported in *Carthew*, p. 474.

THE REVENGE.

144. Commission of Capt. Benjamin Norton as a Privateer. June 2, 1741.^[1]

Richard Ward Esq Governour and Commander in Chief in and over his Majesty's Colony of Rhode Island and Providence Plantations in New England.

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To all Persons, to whom these Presents shall come, Greeting.

Whereas his most Sacred Majesty George the Second by the Grace of God of Great Britain, France, and Ireland King, Defender of the Faith etc., hath been pleased by

his Declaration of the nineteenth Day of October, in the year of our Lord One Thousand seven hundred Thirty and nine, for the Reasons therein contained, to declare War against Spain, And has given Orders for the granting Commissions to any of his loving Subjects, or others that shall be deemed fitly qualified in that Behalf, for the apprehending, seizing and taking the Ships, Vessels and Goods belonging to Spain, or the Vassals and Subjects of the King of Spain, or others inhabiting within any of his Countries, Territories, and Dominions, and such other Ships, Vessels and Goods, as are or shall be liable to Confiscation Pursuant to the respective Treaties between his Majesty and other Princes, States and Potentates, and to bring the same to Judgment in the High Court of Admiralty in England, or such other Court of Admiralty as shall be lawfully authorized for Proceedings and Adjudication, and Condemnation to be thereupon had according to the Course of Admiralty and Laws of Nations,

And Whereas Benjamin Norton Mariner and John Freebody Merchant both of Newport in the Colony aforesd. have equipped, furnished, and victualled a Sloop called the *Revenge* of the Burthen of about One hundred and Fifteen Tons, whereof the said Benjamin Norton is Commander who hath given Bond with sufficient Sureties,

Know Ye therefore That I do by these Presents, grant Commission to, and do license and authorize the said Benjamin Norton to set forth in Hostile manner the said Sloop called the *Revenge* under his own Command, And therewith by Force of Arms (for the Space of Twelve months from the Date hereof, If the war shall so long continue) to apprehend, seize and take the Ships, Vessels and Goods belonging to Spain, or the Vassals and Subjects of the King of Spain, or others inhabiting within any of his Countries, Territories or Dominions, and such other Ships, Vessels and Goods, as are or shall be liable to Confiscation Pursuant to the respective Treaties between his Majesty and other Princes, States and Potentates, and to bring the Same to such Port as shall be most convenient, In order to have them legally adjudged in such Court of Admiralty as shall be lawfully authorized within his Majesty's Dominions, which being condemned, It shall and may be lawful for the said Benjamin Norton to sell and dispose of such Ships, Vessels and Goods so adjudged and condemned in such Sort and manner as by the Course of Admiralty hath been accustomed (Except in such Cases where it is otherwise directed by his Instructions^[2]) Provided always That the said Benjamin Norton keep an exact Journal of his Proceedings, and therein particularly take notice of all Prizes that shall be taken by Him, the Nature of such Prizes, the Times and Places of their being taken, and the Value of Them as near as He can judge: As also of the Station, Motion and Strength of the enemy, as well as He or his Mariners can discover or find out by Examination of, or Conference with any Mariners or Passengers in any Ship or Vessel by Him taken, or by any other Ways or Means whatsoever, touching or concerning the Enemy, or any of their Fleets, Ships, Vessels or Parties, and of what else material in these Cases that may come to his or their Knowledge, of All which He shall from Time to Time as He shall have an Oportunity, transmit and give an Account unto me (or such Commander of any of his Majesty's Ships of War as He shall first meet with). And further Provided that nothing be done by the said Benjamin Norton or any of his officers, mariners and Company contrary to the true meaning of the aforesaid Instructions, But that the said Instructions shall be by Them, as far as They or any of Them are therein concerned, in all Particulars well and duly observed and performed, And I do beseech and request all Kings, Princes, Potentates, Estates and Republicks being his Majesty's Friends and Allies, and all others to whom it shall appertain to give the said Benjamin Norton all Aid, Assistance and Succour in their Ports, with his said Sloop and Company and Prizes without doing, or suffering to be done to Him any Wrong, Trouble or Hindrance, His Majesty offering to do the like, when by Any of Them thereto desired, Requesting likewise of All his Majesty's officers whatsoever to give Him Succour and Assistance as Occasion shall require.

Given under my Hand, and the Seal of said Colony, at Newport aforesaid the Second Day of June Anno Dm. 1741, and in the Fourteenth year of his said Majesty's Reign.

RICHARD WARD.^[3]

Sealed with the Seal of said Colony
by Order of His Honour the Governour
JAS. MARTIN, Secry.

Colony of Rhode Island etc. Newport 6th November 1741

The above and foregoing is a true Copy of the Commission granted Capt. Benjamin Norton for the Sloop *Revenge* on a Cruise against the Spaniards etc. as the Same stands recorded in my office in the Book No. 4, Fo. 544 and 545.

Teste JAS. MARTIN, Not. Pub.

[1] Massachusetts Historical Society, in a collection of papers, to which several of the subsequent documents belong, presented to the society by the late Professor Charles Eliot Norton, great-grandson of Captain Benjamin Norton. This commission, or letter of marque, may be compared with one of 1782 (New York, loyalist), in Anthony Stokes, *View of the Constitution of the British Colonies*, pp. 340-347, and with the Portuguese letter of marque in [doc. no. 14](#). This Benjamin Norton may have been a son of the one who figures in [doc. no. 118](#).

[2] See [doc. no. 126](#).

[3] Governor 1740-1743.

145. Journal of the Sloop Revenge. June 5-October 5, 1741.^[1]

A Journal of all the Transactions on Board the Sloop *Revenge* Benja. Norton Com'r by God's Grace and Under his Protection Bound on a Cruising Voyage against the Spaniards Begun June the 5th, 1741.

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Friday 5th. This day at 4 AM. the Capt. went from Taylors Wharfe on Board his Sloop, which lay off of Connanicut.^[2] at 6 o'clock, Capt. John Freebody^[3] Came off in the pinnace with Severall hands. We directly Weighed Anchor with 40 hands, Officers Included, Bound to New York to Gett more hands and a Doctor and some more provisions and other Stores we stood in need off. att 8 Hastings came off in his Boat and brought a hand with [him] John Swan by name to proceed the Voyage, all so Mr. Saml. Freebody went ashore in the Ferry boat. att 12 hailed the Sloop from Castle Hill.^[4] Capt. Freebody went in the pinnace to him. he delivered him the Register of all his Officers Names which he had forgott. The Wind being Contrary was Obliged to put back again Came to an Anchor under Connanicut att 8 PM.

Saturday 6th. Weighd from Under Connanicutt att 4 AM. with a Small Breeze of wind. Mett severall Vessells bound to Newport and Boston. att 7 PM. Anchored Under Block Island over against the £10000 Pear.^[5] Bought 10s. worth of Codfish for the people.

Sunday 7th. About 4 AM. Weighd from Block Island mett a Conneticut Sloop bound to York. kept Compa. with him all that day and Night and Munday the 8th Instant att 9 PM. Anchord in Huntington Bay.^[6]

Munday 9th [8th]. Weigh'd from Huntington Bay att 3 PM.^[7] Saw the Same Sloop who had Sail'd all the Night. att 11 Came to the white Stone^[8] fired a Gun and beat the Drum to lett them know what we was. the Ferry boat Came off and told Us that we Cou'd not Gett hands att York for the Sloops fitted by the Country^[9] had Gott them all. att 12 Came to anchor att the 2 brothers.^[10] att 4 took an Acct. of all the provisions on Board with the Cost together with a List of all the people on Board, as on the [other Side](#).^[10a]

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Price a hand that Came with Us from Rhode Island askt Leave to Go to York to See his Wife. Sett a — Crazy fellow a shoar not thinking him fitt to proceed that Voyage, his name Unknown to me.

Wednesday 10th. This Morning about 5 AM. Capt. Freebody went up to York in the pinnace to Gett provisions and Leave to beat about for more hands. att 1 PM. the Pinnace Returned and brought word to the Capt. from Mr. Freebody that he had waited on his Honour the Govr.^[11] and that he wou'd not Give him leave to beat up for Voluntiers. the Chief Reason he Gave was that the City was thined of hands by the 2 Country Sloops that were fitted out by the Council to Cruetze after the Spanish privateers on the Coast and that his Grace the Duke of Newcastle had wrote him word^[12] that if Admiral Vernon or Genl. Wentworth shoud writte for more Recruits to Use his Endeavours to Gett them, so that he could not Give Encouragem't to any privateers to take their men away. Three of the hands that went up to York left us, Viz. George Densy, John Holmes and William Webster. Att 4 PM. Edward Sampford our Pilott went a shoar in a Conoe with four more hands without Leave from the Capt. when he Came on Board again the Capt. talkt to him and found that he was a Mutineous Quarelsome fellow so Ordered him to bundle up his Clothes and Go a shoare for Good. he Carryed with him 5 more hands, Viz. Duncan McKenley, Foelix Burn, John Smith, Humphry Walters and John Taylor (poor Encouragement to Gett hands when they leave Us so fast). After they were Gone I read the Articles to those on Board who Readily Signed So hope we shall Lead a peaceable Life. Remains out of the 41 hands that Came with Us from Rhode Island, 29 hands.

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Account of the Provisions taken on Board the Sloop Revenge att Rhode Island, Viz.

Beef 50 bb. at £7. 10 per bb.	£375
Pork 18 bb. £12 per bb.	216
Flowr 64 bb. £8 per bb.	512
Bread 50 C. £4 per C.	200
Beans 10 bus.	8
Rum 100 Gall. 10s. per Ga.	50
Sugar 1C.2 ^[13] £8 per C.	12
Hogs fatt a Cagg ^[14]	7
	<u>£1380</u>

List of People on Board the Sloop Revenge who Sailed with us from Rhode Island.

Names	Quality	Names	Quality
John Freebody	Passenger	Benj. Blanchard	Mariner
Benjn. Norton	Commander	Alexr. Henry	Do.
Elisha Luther	Master	Jno. Brown	Do.
Peter Vezeian	Capt. Qr. Mr.	James Mackon	Do.
John Gillmore	Mate	Timothy Northwood	Do.
James Avery	Boatswain	George Densy	Do.
John Griffith	Gunner	John Smith	Do.
Edwd. Sampford	Pilott	Gideon Potter	Do.
Robert Little	Carpenter	John Bennett	Do.
Humphry Walters	Marriner	John Taylor	Do.
Duncan McKinley	Do.	Foelix Burn	Do.
James Barker	Do.	Joseph Ferrow	Do.
Thos. Colson	Do.	William Austin	Do.
John Holmes	Do.	William Frisle	Do.
James Ogleby	Do.	William Higgins	Do.
Andrew Wharton	Do.	John Wright	Do.
Saml. Webster	Do.	Richard Norton	Capt. Negro
Joseph Frisle	Do.	Edward Almy	Cook
John Swan	Do.	Saml. Kerby	Mate Negro
		Danl. Walker	Negro

Thursday 11th. Att 6 AM. I went to York by Order of the Capt. to wait on Capt. Freebody. he wrote to Our Capt. to know if he thought proper to Come to York or Return back again thro the Narrows. he left it Intirely with him to determine. Returned about 2 PM. brought some fresh provisions on board.

Friday 12. Went to York with a Letter from the Capt. to Mr. Freebody who Ordered the Vessell up to York. Three of Our hands left me to See some Negroes burnt, Viz. Joseph Ferrow, John Wright and Benjn. Blanchard.^[15] took a pilott in to bring the Vessell up and so Returned on board att 3 PM.

Saturday 13. Att 5 AM. weighd from the 2 Brothers and went to York att 7. Anchor'd off the Town. Saluted it with 7 Guns. Shipt 7 hands to proceed the voyage, Viz. Geo. Benson, Indian, George Tallady, Jackson, McKenney, Marshall.

Sunday 14th. Between 6 and 7 AM. Came in a Brigt. from Aberdeen with 40 Servants^[16] but brings no News. Shipt a hand Woodell by Name.

Munday 15. Nothing Remarkable these 24 hours.

Tuesday 16. Sent the pinnace a Shoar and brought off 6 bb. of Beef.

Wednesday 17. Att 10 AM. the Pilott Came on board weighd Anchor and fell down to the Narrows between Stratton Island^[17] and Long Island. Att 3 PM. went up to York and brought down with me 3 hands, Ralph Gouch, John Taylor and Andrew Fielding.

Thursday 18th. Att 11 AM. Our Pilott Came on Board with 4 of Our Men that had Left

us when the Capt. Turned Edward Sampford a Shoar, George Densy, Foelix Burn, Duncan McKenley and John Holmes, who promised faithfully to proceed the Voyage. Att 2 PM. the Capt. Ordered Our Gunner to deliver Arms to them that had none. 25 hands fitted themselves. Great firing att Our Buoy Supposing him a Spaniard. I hope to God that their Courage may be as Good if Ever they meet with any.

Friday 19th. Came in a Brig. from Ireland Capt. Long with passengers but brings no Strange News. Went to York. Shipt 2 hands, M. Dame and Jackson.

Saturday 20th. Att 10 AM. Came in the *Squirill* Man of Warr Capt. Warren Come from Jamaica^[18] who Inform'd us that Amiral Vernon had taken all the Forts att Carthagena Except one and the Town. We Saluted him with 3 Guns having no more Loaded. he Return'd us one. We Gave three Cheers which was Returned by the Ship. he further told the Capt. that if he wou'd Come up to York he'd put him in a Route which wou'd be of Service to his Voyage. Att 3 PM. Came on Board Capt. Wright to demand his Servant Andw. Fielding, which he had Seen. The Master went up to York to Gett some hands that had promist to Come away by night and Carry'd With him Andw. Fielding.

Sunday 21. About 4 AM. The Master Came on board who had been att York to Gett hands but mett with no Success, farr from it for he Carry'd 4 hands with him but brought back but two.

Munday 22d. The Capt. went up to York to wait on Capt. Warren who was as Good as his Word. Att 4 Came on Board again and brought 2 bb. of beef and a fresh hand, Quinton Somerwood. Att 9 PM. hailed a Sloop that Came from the Jerseys, Bennett Mast., On Board of w'ch was Capt. Potter of Rhode Island.^[19]

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Tuesday 23d. Wrote a Letter by the Capt. Order to Mr. Gidley to Gett Davison to mate with us. Our Capt. went to York to Carry it to Capt. Potter. Att 3 PM. Came in a Sloop from Jamaica 20 days passage who Informs us that Admiral Vernon's Fleet was fitting out for Cuba. I wish them more Success than what they Gott against Carthagena, For by all Report they Gott more blows than Honour. Att 4 PM. the Capt. Returned and brought a hand with him John Waters Clerk of a Dutch Church.

Wednesday 24th. About 10 AM. The pilott Came on Board with a Message from Capt. Freebody who was Return'd from Long Island to Agree with a Doctor that had Offered to Go with Us. Att 1 PM. Came in a Sloop from Jamaica a prize of Capt. Warren which had been taken by the Spaniards formerly she belong'd to Providence but Re-taken by the *Squirell*. Att 6 PM. Mr. Stone and the Doctor Came on Board to see the Capt. but he being att York they Returned to See there.

Thursday 25th. Nothing Remarkable the fore part of the day but Quarrelling not worth mentioning. Att 1 PM. a Sloop Came in from Jamaica and brings for News that he Spoke with an English Man of Warr att Port Morant,^[20] who told him that a fresh Warr was dayly Expected, also that the Bay was Intirely Cut off by the Spaniards. Att 4 PM. the Capt. Came on board and brought a Chest with 19 small Arms. att 5 Mr. Stone Came on Board and Signd the Articles as Lieut. No Doctor as yett for he that the Capt. went to Agree with was a Drunkard and an Extortioner so we are better without him than with him.

Friday 26th. The most Remarkablest day this Great while, all peace and Quietness. Three Ships Came down the Narrows, one bound to London, another bound to Newfoundland and the third to Ireland. Severall Small Craft Going too and thro.

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Saturday 27th. This morning about 10 the Capt. went to York to take his Leave of Capt. Freebody who was Going to Rhode Island. Att 2 PM. Came on board and brought with him 2 bb. of pork. att 3 Came in a Privateer from Barmudas, Capt. Love, who Came here for Provisions for him and his Consort who waited for him there. This day we heard that the two Country Sloops were Expected in by Wednesday next. Lord send it, for we only wait for them in hopes of Getting a Doctor and some more hands to make up Our Complement. Opened one of the bbs. of pork last brot. on board and it Stunk. headed it up again and Opened a bb. of beef which when Expended will make 8½ bb. of beef Since we left Newport.

Sunday 28. Att 5 AM. Ship saild down the Hook.^[21] nothing Material Only we heard that Edward Sampford the Pilott whom the Capt. had sett ashore att the two Brothers dyed on Board the *Humming Bird* Privateer of the P-X. Opened a bb. of bread w'ch makes 11 Since we left Rhode Island. The Capt. gave the people a pale of punch.

Mundy 29th. About 4 AM. the Lieut. Came on Board with 4 hands who had promist to Sign but being drunk they put it off till next day. one of the 4 Signed John Ryant. The Master went up to York and brought the bb. of pork that Stank. Att 4 PM. he Returned and brought with him 6 bb. of pork.

Tuesday 30th. Att 5 AM. Came in a Sloop from St. Thomas, Edw. Somers Mas'r, but brings no News. the Mas'r went up to York and brought down with him 5 bb. of beef. S'r Richard^[22] Gott fowl of some of Our hands which made them Quarelsome but

Sloop overcame the Knight so all was Quiet.

Wednesday July 1st. Scraped Our Mast, Gave it a Coat of Sluch. the people went a Shoar to Wood and Water. Hevy Foggy Weather. No Doctor as yet.

Thursday 2d. These 24 hours Foggy Weather. the Capt. went up to York with Seven hands, Three of which left, Viz. Northwood, Colson and Taylor. about 11 AM. a Sloop Came in from Newfoundland, brings no News, also another Sloop from Bermudas.

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Friday 3d. Att 5 AM. We perceived the three hands that had left Us the day before on Board the *Humming Bird* privateer who had been Inticed by some of the Owners to leave Us by making of them drunk. About 10 We saw their Canoe Going a shoare with Our hands in her also Joseph Ferrow, whom we had brought from Rhode Island and had since rec'd Clothes on Board, but had Entered on board that Sloop as Boatswain. As Soon as they had done Watering and Returning aboard we Mann'd Our pinnace and boarded their Canoe and took Our three hands out of her, also Joseph Ferrow and brought them aboard. Some time after, the *Humming Bird's* Canoe Coming alongside, Ferrow Jump't in her and they put off Our pinnace being hawld up in the tackles. We immediately Lett her down but Severall Raw hands Jumping in her and unfortunately the plug being Out she almost filled with Water, which Caused such Confusion that the Canoe Gott on Board before we Gott from our Side. Our hands went on Board to demand him but they Gott all their Arms and wou'd not Suffer us to board them. The Capt. when they Returned wou'd not Suffer them to Return with their Arms to take them out for fear of some Accident. Att 4 PM. the Capt. of the Little Privateer Came on Board of Us to know the Reason of the disturbance between his people and Ours. Our Capt. told him the Reason and forbid him to Carry that fellow away, for if he did he might Chance to hear of him in the West Indies and if he did hee'd Go 100 Leagues to meet him and hee'd take ten for one and Murroone^[23] his Voyage and Send him home to his Owners and Give his people a Good dressing, (I dont doubt but he'll be as Good as his Word.) Opened a bb. of bread. Thunder and Lightning with a Great deal of Rain.

Saturday 4th. This morning about 5 AM. Came in a Ship from Marble Head^[24] who was bound to So. Carolina. she had lost her Main Mast, Mizen Mast and fore top Mast. In the Latitude 35° she mett with a hard Gale of Wind which Caused this dissaster so was obliged to put back and Came to New York to Refitt. About 11 Clock the *Humming Bird* weighd Anchor for Philadelphia to Gett hands. Att 4 PM. the Lieut. with 2 Sergeants belonging to Capt. Riggs Comp.^[25] Came on Board to look for some Soldiers that was Suspected to be on board the *Humming Bird* but the Wind and Tide proving Contrary was obliged to return, she laying att Coney Island. Att 6 Came in a Ship from Lisbon, had 7 weeks passage and a Sloop from Turks Island both Loaded with Salt. The Ship Appearing to be a Lofty Vessell put Our people in a panetick fear taking her for a 70 Gun Ship, And as we had severall deserters from the Men a War they desired the Capt. to hoist a V reef in the Jack and Lower Our penant for a Signal for Our pinnace that was then a shoare, That if she proved to be a Man of War they might Gett ashoar and Gett Clear from the press.^[26] But it proved Quit the Contrary, for the Ship and Sloops Crew taking Us by the Signal that we had made for Our pinnace for a Tender of a Man of War that was Laying there to press hands they Quited their Vessells and Run a Shoare as soon as they Saw Our pinnace Mann'd and made for the bushes. Att night the Capt. Gave the people a pale of punch to Recover them of their fright. Thunder and lightning all this day.

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Sunday 5th. Att 5 AM. Shipt a hand Mathias Sallam. Our Mate went a Shoar to fill Water. he Came on board about 8 and Informed us that the two Country Sloops lay att the Hook and only waited for a pilott to bring them up, which hope will prove True, being all Tyred of Staying here. Att 2 PM. Weighd Anchor and Gott nearer in Shoar to Gett out of the Current. Rainy Squally Windy Weather. here Lyes a Brig. bound to Newfoundland, a Ship to Jamaica and a Sloop which att 6 PM. weigh'd Anchor bound to Barbadoes, Loaded with Lumber and horses. Opened a bb. of beef and 1 tierce of Bread. This day being a Month Since we left Our Commission port, have Sett down what Quantity of provisions Expended, with the provisions att broch,^[27] Viz. 9½ bb. of beef, 1 bb. of pork, 14 bb. of Bread. Remains 49½ bb. of beef, 29 bb. of pork, 40 C. of bread.

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Munday 6th. About 6 AM. Came in the two Country Sloops so long Waited for. they had been fitted out to Cruise after a Spanish Privateer that was Cruising on the Coast and had taken Severall of Our English Vessells, also a Ship from Newfoundland and the *Huming bird* Privateer who had been to meet them to Gett some hands. Capt. Langoe Comm'r of one of the above Sloops when he Came a longside of Us he Gave us three Cheers and we Returned him the same. The Capt. went up to York to Gett a Doctor and some hands. One promist him to Give an Answer the next day. Att 10 a hand Came on board to List but [went] away without Signing. he promist to Return again his name was John Webb.

Tuesday 7th. This morning the Capt. went up to York and at last Agreed with a Doctor that belong'd to Capt. Cunningham,^[28] Com'r of one of the Privateer's Sloop that Came in the day before. his Name is William Blake, a young Gentleman well

Recomended by the Gen'n of York. Att 6 PM. the Capt. Returned on board and brought with him a Chest of Medicines, a Doctor's Box which Cost £20 York Cur[renc]y,^[29] also 10 Pistolls and Cutlasses.

Wednesday 8th. Cloudy Rainy Weather. The Mate went a shoar to fill Water and the Mas'r when the Mate Returned went to Gett Wood. Gave the people a pale of punch. Opened a bb. of Beef and a bb. of bread.

Thursday 9th. This morning put Our Vessell on the Carreen, Scrub her and Gave her Boot tops.^[30] Att 4 PM. Our pilott Came on Board. the Capt. Orderd him to Attend on Saturday Morning for then he intended to Sail. Gave the people a pale of punch.

Friday 10th. Att 9 AM. the Mas'r went in the Pinnacle to York to fetch the Lieut. and Doctors things. Att 2 PM. Came in 2 Sloops, Edwd. Seymore and John Pasco, in Comp'y with a Brigt., James Walker Com'r, all from Antigua 13 days passage but brings no News. Att 9 AM. Came on Board the Mas'r with 4 New hands, John Webb, Jerem'h Henderson, William Ramsey and Jos. the Negro Servant to the Lieut.

Saturday 11. About 8 AM. Mr. Vandam^[31] Came on Board to take his Leave of the Capt. he brought with him 2 pistolls and an Acct. of the Doctors Chest and other things found for him which Amounts to £38.2.1 New York Currency,^[32] which is Carry to Acct. Att 10 the Lieut. and Doctor Came on board in the pilott boat with the hands that had Left Us Since we Were at York only 3 which Viz. Webster, Price and Ferrows. The tide being Spent cou'd not Sail but Resolv'd to Sail the next day. The Lieut. went a Shoar to Gett some hands that had promist to Come on board when we were Ready to Sail. When Mr. Vandam went from the Side we Gave him three Guns and three Cheers. Opened a bb. of Beef. Gave the people A Bowl of punch.

Sunday 12th. The Lieut. with Severall hands that went ashoar the Night before Came on board with Our Pilott. The Tide being almost Spent could not Sail. Att 4 PM. the Comp. Chose their Qr. Mr. Duncan McKenley, a fitt person for that post. He wetted his Commission by Giving the people a tub of punch. Opened 1 tierce of bread.

Munday 13th. Weigh'd from Stratton Island with 61 hands, Officers Included. Anchord about 2 PM. att Sandy Hook. Wrote to Capt. Freebody by the Capt. Order. Sent him a List of Our hands and an Acct. of Our provisions and Charges together with the Lieut. name to Gett it Registred in the Admiralty Office att Rhode Island. the Comp. QMr. Quartered the people to the Guns, Viz. Qr. Deck and its Opposite 3 men, and to Every one and its opposite of the Deck Guns 4 hands. Gave the Qr. Mas'r. an Acct. of the Charges which is to be paid by the Comp'y as it is thus Stated Underneath, Viz.

<i>Drs.</i>	<i>Sloop Revenge and Comp'y to the Owners</i>	<i>Cr.</i>
Taken in Att Rhode Island		
50 bb. of Beef 7.10	£375	/
18 bb. of pork 12.	216	
64 bb. of flour 8.	512	
10 bu. of Beans	8	
100 Gal. of Rum at 10s.	50	
1 C. 2 Qr. Sug'r £8 per C.	12	
A Cag of hogs fatt	7	
50 C. of bread at 4 per C.	200	
	£1380	
Taken in At New York		
8 bb. of Beef 7.10	60	By the foot of this Acct. to be carryed to Acct. Cur't to be paid by the Sloops Comp'y
12 bb. of pork 12.	144	
A Doctors Chest and Medicines first Cost New York Cur'y £38.2.1		
Advance 200 per C. 76.4.2 ^[33]	114.6.3	
Total	£1698.6.3	£1698.6.3

Tuesday 14th. Weighed about 2 PM. from the Hook with the wind att WSW with a fresh Gale and by Gods Leave and Under his protection bound on Our Cruize against the proud Dons the Spaniards. the Capt. Ordered the people a pale of punch to drink to a Good Voyage. Opened a bb. of beef and tierce of Bread. the people was put to Allowance for the 1st time, one lb. of Beef per man a day and 7 lb. of bread per week.

Wednesday 15. Att 3 PM. Sett our Shrouds up.^[34] a Great Swelling Sea. about 5 AM. Saw a Sail under Our Lee Bow about a League Dist. all hands was Called upon Deck and Gott Ready to Receive her had she been an Enemy. We fired one of our Bow Chases and brot. him too. she was a Sloop from Nantuckett, Russell Mas'r. he said he had mett nothing Since he had been out which was 11 days. Our people Returnd to

their Statu Quo, being all peacable Since they have Gott a Qr.Mr. to Controul them. As they were all musterd, them that [had] no Arms they Receiv'd some from the Owners, the Acct. of which is on the other Side with an Acct. of how many shares on board and what the Owners draw.

List of the Men of the people On Board the Revenge.

<i>Names</i>	<i>Quality</i>	<i>Shares</i>
Benjn. Norton	Com'r.	2½
Wm. Stone	Lieut.	1½
Elisha Luther	Mas'r.	1½
Peter Vezian	Capt. Qr. Mr.	1¼
Wm. Blake	Doctor	1½
John Gillmore	Mate	1¼
James Avery	Boatswain	1¼
John Griffith	Gunner	1¼
Robert Little	Capt.	1¼
Duncan McKenley	Co. Qmr. ^[35]	1
James Ogleby	G. Mate ^[36]	1
John Waters	Sailor	1
James Barker	Do.	1
Alexr. Henry	Do.	1
Willm. Higgins	Do.	1
John Vander Hiden	Do.	1
Foelix Burn	Do.	1
Edwd. Webster	Do.	1
Tulip May	Do.	1
Jeremiah Harman	Do.	1
John Webb	Do.	1
Richd. Norton	Drumer	1
Ned Almy	Cook	1
John Holmes	Sailor	¾
Gideon Potter	Do.	¾
Thos. Colson	Do.	¾
Benjn. Blanchey	Do.	¾
Willm. Jackson	Do.	¾
Barney M'Keney's	Do.	¾
Joseph Frisle	Do.	¾
Joseph Marshall	Sailor	¾
Wm. Frisle	Do.	¾
Timy. Northwood	Do.	¾
Andrew Wharton	Do.	¾
Evan Morgan	Do.	¾
Saml. Kerby	Do.	¾
John Brown	Do.	¾
John Smith	Do.	¾
James Magown	Do.	¾
John Swan	Do.	¾
Wm. Austin	Do.	¾
John Wright	Do.	¾
John Bennett	Do.	¾
George Densey	Do.	¾
Ephraim Read	Do.	¾
John Taylor	Do.	¾
Ralph Gouch	Do.	¾
Peter McKickings	Do.	¾
Humphry Walters	Do.	¾
Quinton Sommerwood	Do.	¾
Mattias Sollam	Do.	¾
Flora Burn	Do.	¾
Saml. Henderson	Do.	¾
William Ramsey	Do.	¾
Thos. Grigg	Do.	¾
John Wyld	Do.	¾
Saml. Bourdett	Do.	¾
James Welch	Do.	¾
John Gregory	Do.	¾

Sum totall of the Shares^[37]

Officers draws	13 $\frac{1}{4}$
Men that have fitted themselves	14
Those fitted by the Owners	27 $\frac{3}{4}$
Owners for fitting Men	9 $\frac{1}{4}$
Sloop	14
Totall	78 $\frac{1}{4}$

The Lieuts. Man draws att the discretion of the Compy. The Compy. devided in 7 Messes Viz.

Captain's Mess	7 Men	
1 Mess	10	
2 do.	11	
3 do.	10	
4 do.	10	
5 do.	10	
Cooks do.	3	
	— 61 hands.	

Thursday 16th. These 24 hours very small breezes of wind and fair Weather. att 6 PM. saw a top sail Vessell standing to Westward. The Master per his Accot. finds that he is distant from York 238 miles.

Friday 17th. Very moderate Weather. The Capt. Lett the People have Ozenbrigs^[38] to make Frocks and trowsers as per Acct. Underwritten. Alexr. Henry and James Magown Gave their Notes to the Capt. for £5 Cash they had of him when att Rhode Island.

Sundry Acc'ts to the Owner of the Revenge Dr. £37.5.6.

For Ozenbrigs, 165 yds., at 4s.6 per yd.

Gideon Potter	6 yds. at 4s.6	£1. 7
Wm. Austin	3	13.6
Duncan McKenley	7	1.11.6
Wm. Frisle	6	1. 7.
Danl. Walker	5	1. 2.6
Thos. Colson	6	1. 7.
Jos. Frisle	6	1. 7.
Jams. Avery	6	1. 7.
John Holmes	6	1. 7.
James Barker	2 $\frac{1}{2}$	11.3
Quinton Somerwood	6	1. 7.
Saml. Kirby	6	1. 7.
John Wright. This Charged to the Compy.	6	1. 7.
Benjn. Blanchy	6	1. 7.
Andw. Wharton	6	1. 7.
Jos. Marshall	6	1. 7.
John Smith	6	1. 7.
Peter McKeneys	6	1. 7.
Evan Morgon	6	1. 7.
John Brown	6	1. 7.
Mathias Sollen	2 $\frac{1}{2}$	11.3
James Ogleby	6	1. 7.
John Vander Hiden	5	1. 2.6
John Swan	6	1. 7.
George Dencey	6	1. 7.
Barney McKeneys	6	1. 7.
John Griffith	3	13.6
Ralph Gouch	6	1. 7.

John Taylor	6	1. 7.
The Cabbin	5	1. 5.6
		----- £37.5.6

Sundrys, Dr. to the Owners for Cash, £14.10.

To Alexr. Henry	£5.	Benjn. Blanchey	£0.18.
To James Magown	5.	Saml. Kerby	3.12.
			10.
	---		---
	£10.		14.10.

Saturday 18th. Calm Weather. saw a Sail standing to the Westward. Opened a bb. of Pork and Served the people 7 lb. per Mess. the people had a pale of punch to drink their Wives and Sweethearts. the Capt. took 5 yds. of Ozenbrigs for the Use of the Cabbin. Latitude per Obs'n of the Mas'r 35:12.

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Sunday 19th. Moderate Weather but Contrary Wind. Saw a top Sail Vessell and a Sloop. bore down upon her but it Coming Calm could not Speak with her. Opened a bb. of Beef.

Munday 20th. Still Contrary Light breezes of wind. Saw the Sloop and Brig about 5 PM. the Comp'y Qr. Masr. went down the Hole to head up the bb. of beef that had been Opened the day before not being Sweet. had the misfortune to fall in the Kettle and Scawlded his [*sic*] prodigiously. Opened another bb. of beef in lieu of the former. began to Caulk Our Decks being very Leakey.

Tuesday 21. Served the people three days allowance of bread. att 6 AM. the Capt. perceived that the Mast was Sprung. he blamed the Mate and was very Angry with him and said it was his Neglect by Carrying too much Sail the Night we left the Hook having then a Large Sea and much Wind. made all things Ready to fish him.^[39] Opened a tierce of bread.

Wednesday 22d. Fish Our Mast and made him as Strong as Ever. nothing more Materiall these 24 hours. Still Calm Weather.

Thursday 23d. Struck our top-mast it being too heavy for Our mast that was Sprung. Opened a tierce of bread and Served the people three days allowance.

Friday 24th. Opened a bb. of beef. Rainy Squaly Weather. the Masr. per his Observation finds that we are in the Latitude 32:35.

Saturday 25th. Small breezes of Wind for the most part of these 24 hours with Some Rain. the people had a pale of punch att night.

Sunday 26. Served the people 3 days allowance of bread. Calm Weather.

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Munday 27th. The Weather as above. nothing Remarkable Only Caught two Dolphins out of a Great Scowl.^[40]

Tuesday 28th. About 5 AM. Spyed a Sail Under Our Lee Bow. Bore down on her and when in Gun Shott fired one of Our Bow Chase. she Imediately Lowered all her Sails and went a Stern of Us. We Ordered the Mas'r to send his Boat a Board which he did and Came with one hand. Upon Examination We found that she was a Sloop belonging to some of the Subjects of his Britanick Majestys and was taken by a Spanish privateer bound out of St. Augustine to Cruize to the Northward to Gett provisions. she had taken this Sloop off of Obricok^[41] near No. Carolina and when taken by Us was in the Latitude 31.59 no. Longitude 73.6 W. The Master when he Came a Board brought three Spanish papers which he declared to be one a copy of his Commission, the 2d. Instructions what Signal to make when arrived att St. Augustine where she was bound to be Condemned and the 3d. Spanish paper was to lett him know what Rout he was to Steer. We Sent Our Lieut. aboard who said she was Loaded with Pork, Beans, Tarr, Live Hoggs, etc. and a Horse and had on Board 2 Englishmen, The Mas'r who is a frenchman born but turned Spaniard, 3 Spaniard Slaves and one Negro. Upon Examination John Everigin,^[41a] one of the prisoners, declared that he had been taken some time in April last by Don Pedro Estrado^[42] Capt. of the Privateer that had taken this Sloop, and that he forced him to List^[43] with them and to pilott their Vessell on the Coast of N. Carolina and that then they took this Sloop att Obricock, July 5th, also 2 more Sloops and a Ship Loaded with Lumber bound to So. Carolina, that the Capt. of the privateer put him on Board with the french Master to Navigate the Vessell to Augustine with another Englishman, Saml. Elderedge, and that they were making the best of their way to that place. We Sent Our Master on board to fetch all the papers and bring the prisoners as above mentioned. the papers are as follows with some other things brought on board, Viz.

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2. Instructions what Signall to Make att St. Aug'ne.
3. What Rout to Steer.
4. 2 Spanish Letters.
5. On Order of Richd. Saunderson.
6. Rec'd of Rich'd Glover.
7. do. of Walter Goodmans.
8. do. of Phillip Morris.
9. Order of Jno. Donavan.
10. Peter Saunders Note of hand.
11. Deed of Sale of the *Content* to Thos. Haddaway.
12. A Note of hand.
13. Recd. of Rich'd Glover.
14. Deed of Sale of a Canoe.
15. Deputation of John Casey to Capt. St. Leidgen to be Rainger.
16. A Note of hand.
17. James Addison, Order.
18. Rec'd for a Hatt.
19. Deed of Sale of the Scho'r *Eliz'h*.
20. Protest^[44] of a Wreck.
- 20 small pieces of silver Value 2 pc. of 8/8^[45] and ½ a bitt.

1 Silver
Thimble. 1 Silver Spoon markt IO

SO

4 Hoggs. A Womans Gown, petticoat, Shift,
etc.

1 Turkey. Linen Corsett, some fish hooks,
tobacco,
Books, horn of powder, etc.

Att 11 AM. Sent Jeremiah Harman and John Webb with four hands to take Care of the prize, the first to be Mas'r and the other Mate, and Humphry Walters, Saml. Bourdett, John Wyld and the Negro taken in the prize as Marriners. The Capt. gave them, Mas'r and Mate, the following Orders. Viz.

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On Board the *Revenge* July 20th, 1741.

You Jeremiah Harman being Appointed Mas'r and You John Webb Mate of a Sloop taken by a Spanish Privateer some time ago belonging to some of the Subjects of his Britanick Majesty and Retaken by me by Virtue of a Commission Granted to me By the Hon'ble Richard Ward Esqr. Govr. in Chief over Rhode Island and providence plantation etc. In New England. I Order that You keep Company with my Sloop the *Revenge* as long as Weather will permit and if by the providence of God, that by Stormy Weather or some unforeseen Accident we should part, I then Order You to proceed directly to the Island of providence, One of the Bahamia Islands, and there to wait my Arrivall, And not to Embezzle diminish Waste Sell or Unload any part of her Cargo till I am there present, Under the penalty of the Articles Already Signed by You. Att Your Arrivall att providence make a Just Report to his Hon'r the Gov'r of that place of the Sloop's Cargo and what on Board and how we Came by her. I am

Yrs.

B. NORTON

To Jeremiah Harman Mas'r
and John Webb Mate.

For Signal hoist Your Dutch Jack att mast head.
if we hoist first You Answer Us and do not
keep it up Long.

Wednesday 29th. About 4 PM. Saw a Sloop. Gave Chase but the Weather being Calm was forced to Gett out Our Oars. fired our Bow Chase to bring her too, but we tacking about and the people in Confusion, Night Coming on, it being very Foggy, Coud not Speak to her. by her Course she was bound to the Northw'd. Lost Sight of Our prize. The two Englishman that were taken prisoners By the Spanish privateer Signed Our Articles, their Names John Evergin and Sam'l Elderidge.

Thursday 30th. Nothing Remarkable these 24 hours. Att 5 AM. Saw a Sloop standing to the Northward and another a Stern of Us. bore down to the Latter and made Our Signal agreed on. found her to be Our prize. Opened a bb. of beef and 1 tierce of

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bread. the two Men that had signed the day before had Arms Given them.

Friday 31t. Calm weather these 24 hours. Our prize Sent his boat on board of Us for bread and Water. Killed the other 2 hogs we had taken on board. drew 2 Copys of the Capt's. Commission.

Saturday Aug'st 1st. The prize still alongside of Us. Ordered the Master to Send Us 2 hogs for the Sloops Use, Also the Negro prisoner, having been Informed that he was Capt. of a Comp'y of Indians, Mollattos and Negroes that was att the Retaking of the Fort att St. Augus'ne formerly taken Under the Command of that worthlest G—O —pe who by his treachory Suffered so many brave fellows to be mangled by those barbarians.^[46] the Negro went Under the Name of Signior Capitano Francisco. Sent one of the Mollatto's in his Room on board the prize. Gave the people a pale of punch.

Sunday 2d. Att 1 PM. We Examined the Negro who franckly owned that he was Capt. of a Comp'y as aforesaid and that his Commission was on board the privateer, that he went privatter'g in hopes of Getting to the Avana^[47] and that there he might Gett a passage for to Go to old Spain to Gett the Reward of his brave Actions. We then askt him if it was his Comp'y that had used the English so barbarously when taken att the Fort. he denied that it was his Comp'y but laid that Cruel Action to the Florida Indians and nothing more Coud we Gett out of him. We then tyed him to a Gun and made the Doctor Come with Instruments Seemingly to Castrate him as they had Served the English, thinking by that means to Gett some Confession out of him, but he still denied it. we then tyed a Molatto one that was taken with him to know if he knew anything about the Matter. We Gave him a dozen of Stripes and he declared that he knew nothing more than his being Capt. of a Comp'y att that time but that the other fellow on board the Sloop knew all about it. We Sent to him and he declared the wholle truth that it was the Florida Indians that had Committed the fact Under his Comand, but knew not if he was Consenting to it. However to make Sure and to make him Remember that he bore such a Commission we Gave him 200 Lashes and then pickled him and left him to the Doctor to take Care of his Sore A-se. Opened a tierce of bread, and killed the 2 hogs.

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Munday 3d. Small breeze of Wind. About 10 Saw a Schooner Standing to No'ward. Gave her Chase.

Tuesday 4th. A Fine breeze of Wind. Still in Chase of the Schooner. Att 5 PM. Gave her a Gun in hopes to bring her too, to know who she was, but she did not mind it neither hoisted any Colours. she bore down upon Us, then takt and bore away. We fired 10 Shott but all did not Signify for she hug'd her Wind^[48] and it Growing dark and having a Good pair of heels we lost Sight of her. We imagined it was a No'ward Schooner both by her built and Course, But lett her be what she will she had a brave fellow for a Com'r. Opened a bb. of pork. In chaseing Lost Sight of Our prize.

Wednesday 5th. Fine Breeze of Wind. The Man att Mast head about 2 PM. Spyed 5 Sail of Vessells Steering to the Westward. Gave them Chase till 1 AM. and overtook them about 2. we coud observe them att a Great distance to Load^[49] of us. Lay too till 4, then begun the Chase again, they having Gott almost out of Sight. Killed 2 Geese and a Cock which we had out of the prize. Opened a tierce of bread. Provisions Expended from June the 5 till July the 5, being one month, 6 bbs. of beef, 2 bbs. of pork, 1 bb. of bread and 6 tierces of bread.

Thursday 6th. Still in Chase of the 5 Vessells. Sett our Spritsail, Topsail and Square Sail with a fine Breeze of Wind. About 11 AM. One of Ships brought too and fired a Gun to wait for a Sloop that was in Comp'y with her, and to wait for Us. We took in all Our Small Sails and bore down to her and hoisted Our penant. When alongside of her she fired 6 Shot att Us but did Us no damage, We still Hedging upon her and Gave her Our broadside and then stood off. The Sloop tackt imediatly and bore down upon Us in hopes to Gett Us between the Ships, As We Suppose to peper Us, Att the Sight of Which We Gave them three Cheers. Our people all Agreed in General to fight them and told the Capt. if heed venture his Sloop they'd Venture their Lives, but the Capt. Seemed Unwilling and Gave for Reason that the prizes of which he was in possession of woud be of little profit if taken by Us for we coud only Come in for a share w'ch woud be allow'd Us by the Court, and that perhaps woud not make Good a Limb if it was Lost, also that We had not hands Sufficient to Man them, and to bring those Vessells to providence. no one was able to buy any part of them and to Carry them to the No'ward woud be the breaking up of the Voyage without profit. Nevertheless We Lett the Sloop Come alongside Us and Received her Shott. We Gave her a broadside and a Volley of Small Arms with three Huzas, then bore down to the Ship, who all this time had been pelting Us with her Shot but to no purpose, and Gave her another broad Side which did her some damage, for she bore down to the Sloop and never fired one more Shott, but Gott her on the Careen and men over the Side to Stop her holes, also Severall hands att her Rigging to mend it, her Sails being full of Shott holes, as also those of the Sloop. All the damage we Gott was One Shott through Our Main Sail. The Ship mounted 6 Guns of a Side and the Sloop 8. She was a Spanish privateer that had been Cruizing to the No'ward and had taken 5 Ships

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and that Sloop which We took some time before.^[50] It Grieved Us to think that that fellow should Go off with those prizes which he would not have done had the Capt. been as willing as We. This battle was fought in the Latitude 29.26, Longt. 74:30 W. but no blood Shed on Our Side.

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Friday 7th. Fine breeze of Wind. about 9 AM. Saw the Land. it was No'most part of Abbaco Keys.^[51] tackt to Gett Clear of the Breackers.

Saturday 8th. These 24 hours turning to Windward to Gett Clear of the above Keys. att 6 PM. Opened a bb. of Beef and a tierce of bread. the people had a pale of punch.

Sunday 9th. Still turning to Windward. About 8 AM. Gott Clear of the Keys. Caught Severall Baracowdas.^[52]

Munday 10th. Fine breeze of Wind att NW. with a large Sea. att 5 AM. Saw Hog Island^[53] and the Island of providence. att 8 a pilott boat Come off having fired a Gun and Lay too for one to pilott Us in. Jeremiah Harman Mas'r of Our prize Came also off. he Arrived the day before att 9. Came by the Rose Man of Warr stationed here. we Saluted her with Seven Guns and she Returned Us five. We Run aGround and lay some time off of Major Stewarts House. The Man of War Send is [sent his] boat to Cary out an Anchor for Us, so We Gott off. The Capt. Went ashoar to wait on his Excellency^[54] and send the pinnace off for the prisoners, who Imediatly were put in Jail. Our prize sent Us two Hogs which we Imediatly Killed.

Tuesday 11th. This day begun to Unload our prize. made a present to the Governour of Our Horse and Deer. Landed 138 bbs. of provisions, pitch and tarr.

Wednesday 12th. Begun to Unload the Corn and sent it ashoar to a Store hired for that purpose. Mr. Moon appointed Agent for the Owners.^[55] Opened a bb. of pork.

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Thursday 13th. Landed all our Corn and made a Clear hole of the prize. att 9 PM. it begun to thunder and Lighting very hard. Our Sloop Received great damage by a thunder bolt that struck our Mast and Shivered it very much, tore a large peice off of the hounds and as it fell tore up the bitts^[56] and broke in the hatchway, burst through both our Sides, and Started the plancks under her whale,^[57] melting several Cutlashes, pistolls, and fired off several Small Arms, the bullets of which stuck in her beam. It was some time before we perceived that she Leakd, being all thunder Struck, the Master stepping over the Side to Examine her put his foot on a planck that was Started on the Larboard side, and all this time the water was pouring it [in]. we Imediatly brought all Our Guns on the Starboard Side to Give her a heel and Sent the boat ashoar for Our Doctor, a Man being hurt by the Lighting, Wm. Jackson. when we Gott her on a heel we tryed the pumps, not being able to do it before, for our Carefull Carpenter had ne'er a pump-box Rigg'd nor fitt to work so had it not been for the Kind assistance of the Man of warr's people, who hearing of Our misfortune ashoar Came immediatly off and put Our Guns on board the prize, we must Certainly have Sunk, most of Our hands being ashoar. This day James Avery Our Boatswain was turned out for neglect of duty and Ralph Gouch put in his Room.

Friday 14. This Morning Came on board Capt. Frankland and Lieut. Stewart^[58] to see the misfortune we had Suffered the Night before. he Offered his Assistance in all he Cou'd and Spared Us his Carpenter who view'd the Mast and said he thought he could make it do again. The Capt. hearing of a peice of timber for his purpose waited on his Excellency to desire him to lay his Command on Mr. Jno. Thompson^[59] to Spare it him. He sent Mr. Scott, Judge of the Admiralty, to Go and Gett it in his name, promising to make it Good to him in Case of any trouble, the peice not being is [his]. Unloaded all Our provisions and put them on board the prize to Gett Ready for the Carpenters to Repair Our Sloop.

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Saturday 15th. The Comp'y Q Mr. and mySelf were Examined with John Evergin and Saml. Elderidge the two English prisoners Concerning the prize. a Court was Called att 4 oClock PM. they Read Capt. Nortons petition and appointed an Agent for the Owners, so Adjourned till Munday 10 of the Clock AM.

Sunday 16th. All hands att Rest. few Godly inclin'd, it being the Lords day.

Munday 17th. The Court mett According to Adjournment. Examind Juan Baptista Domas concerning the freedom of the prisoners. took his depos'on in writing. all the Evidences [and] deposition were read in Court, Sworn too and Signed, then the Court Adjourned till Wednesday 10 of the Clock. no Lawyers in the place, the only blessing that God could bestow on such a Litigious people.

Tuesday 18th. We Gott out Our mast and Sent it ashoar to Gett it fisht and make it fitt for the Cruize.

Wednesday 19. Att 10 AM. the Court being opened and the Libell Read I beg'd Leave of his Honour to be heard, which being Granted I spoke as follows.

May it please Your Honr.

As there is no Advocate appointed by this Hon'ble Court too Appear

in behalf of the Captures^[60] of a Sloop that was taken by Don Pedro Estrado July the 5th, belonging to some of his Majestys Subjects of Great Britain or Ireland, and Retaken by Capt. Benj'n Norton and Comp'y in a private Sloop of War Called the *Revenge* July the 28th, and brought into this Court for Condemnation, As Capt. QMr. I appear in behalf of the Owners, Capt. and Comp'y to prove that the said Sloop and Cargo together with the three Mollattos and one Negro, all Slaves belonging to some of the Vessells or Subjects of the King of Spain, ought to be Condemned for the benefit and Use of the Captures as aforesd.

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I'm Certain I'm Undertaking a taske no ways Qualified for it, But as I have Leave to speak in a Court instituted by the Laws of England and before a Judge whom Im Certain is Endued with the strictest Honour and Justice I dont doubt that if through Ignorance I shoud omit any proof that woud be of advantage to Us Your Honour will be so Good as to Aid and Assist me in it.

It will be needless, I believe, S'r, to bring any further proof than what has been already bro't and Sworn too in Court to prove the Right and power we had in Seizing this Sloop and Cargo on the high Seas and bringing of her here for Condemnation. There is a Late Act of parliament made in the 12 y'r of his present Majestys Reign,^[61] wherein it says that all Vessells belonging to his Majestys Subjects of Great Britain or Irel'd that shall be taken by the Ennemy and have been in their possession the Space of 96 hours if Retaken by any private man of War the Captures shall be Intituled to the one half for Salvage free from all Charges. As this [h]as been fully proved in Court that the time the Ennemy [h]as had her in possession is above 96 hours I dont doubt but the one half free of all Charges will be allotted Us for Salvage.

The thing in dispute is the three Mollatos and one Negro, all Slaves taken on board the prize, said to belong to some of Vassalls or Subjects of the King of Spain and is by this Court put to Us too prove they are so, which hope to do by some Circumstances and the Insufficiency of the Evidence in their favour which amounts to nothing more than hearsay.

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The first Evidence in their favour is that of John Evergin, a Native of No.Carolina,^[62] who professes himself to be a Child of the Spirit, who for the Value of a Share in April last having been taken prisoner by the said Don Pedro Estrado and brought to St. Augustine did Consent to pillott them in the Bowells of his Native Country and betrayed them to that Cruel and Barbarous Nation. Can Your Honour Confide in a Man who has betrayed his Countrymen, Robbed them of their Lives and also what are dearer to them their Liberty, One who has Exposed his Bretheren to Eminent Dangers and Reduced them and their familys to Extream wants by fire and Sword? Can the Evidence, I say, of so vile a Wretch who has forfeited his Leige to his King by Entring in the Ennemys Service, and unnaturally sold his Countrymen, be of any weight in a Court of Justice? No, Im Certain, and I hope it will meet with None to prove that these Slaves are freemen for all that he as [has] said as he owns was only but hearsay. The other Evidence is of a Villain of another Stamp a French Runnagado, Juan Baptist Domas. his Evidence is so Contrary to the Questions askt Francisco and Aug'ne that I hope it will meet with the same fate as the first deserves not to be Regarded. I'll own he has sworn to it, but how? On a peice of a Stick made in the shape of a thing they name a Cross, Said to be blest and Sanctyfyed by the poluted words and hands of a wretched priest, a Spawn of the whore of Babylon, who is a Monster of Nature and a Servant to the Devill, Who for a Riall will pretend to absolve them from perjury, Incest and parricide, and Cannonize them for Cruelties Committed to we Herreticks, as they stile us, and Even Rank them in the Number of those Cursed Saints who by their Barbarity have Rendered their Names Immortall and Odious to all true Beleivers. tis by such Devills they Swear and to them they pray. Can then Your Hon'r Give Credit to such Evidence, who no doubt they had agreed between them that he should swear they were free, which he might Easily do, for no Question but they told him so: and to swear it was but a trifle when absolution Can be Gott so cheap. It does not stand to Reason that Slaves who are in hopes of Getting their freedom wou'd own they are so. Does not their Complexion and features tell all the world that they are of the blood of Negroes and have suckt Slavery and Cruelty from their

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Infancy? Can any one think when we Call to mind that barbarous Action Committed to his Majestys Brave Subjects att the Retaken of the fort att St. Augustine, Occasioned by the treachery of their Vile Gen'l who Sacrificed them to that Barbarous Colour, that it was done by any that had the Least drop of blood Either of Liberty or Christianity in them? No, Im Confident Your Hon'r cant think so, No not Even of their Gov'r under whose vile Commission this was Suffered to be done and went unpunisht Headed by this Francisco that Cursed Seed of Cain, Curst from the foundation of the world, who has the Impudence to Come into Court and plead that he is free. Slavery is too Good for such a Savage, nay all the Cruelty invented by man will never make amends for so vile a proceeding and if I may be allowed to Speak freely, with Submission, the torments of the world to Come will not Suffice. God forgive me if I Judge Unjustly. What a miserable State must a Man be in who is Under the Jurisdiction of that vile and Cruel Colour. I pity my poor fellow Creatures, whom many have been made prisoners this War and some lately that have been sent to the Avana, and all by the treachery of that vile fellow John Evergin who says he's posse'd with the Spirit of the Inward man but was possessed with the Spirit of Belzebub when he pillotted the Cursed Spaniards over the barr of Obricock as it has been proved in Court.

I dont doubt but this Tragical Act Acted att St. Augustine has Reacht home before now. This Case may perhaps travell as farr. when they'l Remember the Sufferings of their Countrymen Under the Command of this Francisco whom we have Gott in possession with some of his Comp'y who were Concern'd with him and Under his Command in that inhuman fact they will agree no doubt, as I hope Your Honour will, that they must be Slaves and no others Concern'd in it, So hope that by the Contradictions which has been shewn in Court Concerning this Juan Baptista Domas, who affirms he never saw them till on board the privateer, and Francisco and Aug'ne both woud prove that they knew him some months before and Converst with him, is proof Enough they are Slaves and hope that by the old Law of Nations, where it Says that all prisoners of War, nay Even their posterity are Slaves, that by that Law Pedro Sancho and And'w Estavie will be decreed as Such for the Use of the Captures. So shall Rest it with your Hon'r.

Then the Judge Gave his Decree that the Sloop and Cargo shoud be sold att Vandue and the one half thereof shoud be p'd the Captures for Salvage, free from all Charges, that Juan Baptisto Domas, Pedro Sanche and And'w Estavie, According to the Laws of England shoud Remain as prisoners of War till Ransomed, And that Augustine and Francisco according to the Laws of the plantations shoud be Slaves and for the use of the Captures. So the Court broke up.

Thursday 20th. Opened a bb. of beef. This day the Vandue begun. Sold 46 bbs. of pork, 29 bb. of Beef and 110 bus. of Corn, then Adjourn'd it till the next day att 8 of the Clock.

Friday 21. This day made an End of Selling the Cargo of the prize. Sold 55 bus. of corn, 41 bbs. of pork, 6 bb. of beef, 13 bbs. of Tarr, 11 bbs. of pitch, 4 bbs. of Oyle. then Sett up Seignior Capt. Fransisco Under the Name of Don Blass who was Sold to Mr. Stone for 34 ps. 8. In the height of Our Sail some of the Soldiers Stole a bb. of pork but was found out before it was all Expended so that one half was Returned which makes the half bb. as per Acct. of Sales. Viz. Pork and beef very much damnified.

An Account of a prize taken by Capt. Benj. Norton in the Sloop Revenge and Sold att Publick Vandue att New Providence, the 20th and 21st day's of Aug'st 1741. P'r Wm. Moon, Vandue Master, Viz,...^[63]

Abstract of the Vandue. Viz.

1st day.	Corn, 105 buss.	Ps. 8/8	397:4	Ps. 8/8 R.
	Beef, 29 bbs.		126:	
	Pork, 46 bbs.		265:4	789:0

2d day.	Corn, 55 buss.		43:5½	
	Beef, 6 barrs.		23:	
	Pork, 40½ do.		250:2	

	Oyle, 4 bbs.	37:0½	
	Tarr, 13 do.	23:5	
	Pitch, 16 do.	16:	
	Staves, 1500	4:7	398:4

3d day.	Sloop and Furniture ^[64]	325:	
	Pitch, 9 bb.	14:3	339:3
		----	----
	Corn 160 buss., beef 35 bbs., pork 86½ bs., Staves 1500, tar 13, pitch 20 bbs., Oyle 4 bb., Sloop and furniture	} total	1526:7

<i>Dr.</i>	<i>William Moon Esqr. to the Owners of the Revenge</i>		<i>Cr.</i>
To the one half of the prize bro't into providence and condemned by a Court of Vice Admiralty Amount'g in all to 1526 Ps. 8/8, 7 R., the one half for Salvage is Ps. 8/8		By Benja. Norton for 2 bbs. of pork bo't att Vandue By Sundries bo't by Your people att ditto By Cash paid Att twice By ditto another time By An Order on Capt. Frankland for	Ps. 8/8 R. 12:4 14: 100: 40:2 596:5
	763:3		
1st prize.	Ps. 8/8	763:3	Ps. 8/ 763:3

Saturday 22d. Nothing Remarkable these 24 hours. Capt. Barrett Sailed in a Schooner for So. Carolina. wrote a Letter by him, Inclosed to Messrs. Steed, Evance and Comp'y, Under Cover to Mr. Henry Collins for Safety to Inform him of Our misfortune that happened by the thunder.

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Sunday 23d. All peace and Quietness.

Munday 24. The Carpenters finisht the Mast. Gott it aboard and hove down one Side and paid it with tallow.

Tuesday 25. Hove down the other Side and paid her. Gott all Our ballast in and Some of the provisions, also all the Rigging Over head.

Wednesday 26. Still taking in Our provisions and Water and making Ready to Sail.

Thursday 27. Gott all Our Sails and powder from on Shoar. took an Inventory of the prizes Rigging and furniture, she being to be sold on Saturday next. Capt. Frankland Came on board to View her Intending I believe to buy her.

Friday 28. Nothing Remarkable these 24 hours. the Capt. discharged three of his hands for Reasons best known to himself, being Resolved that they shou'd not proceed the Voyage with, Viz. Webster and Gregory shipt att New York and Wright from Rhode Island. opened 2 bbs. of flour.

Saturday 29. This day the Sloop and furniture was Sold and bought by Capt. Frankland, also 9 bbs. of pitch that was left unsold as per Acct. of Sales. Opened a bb. of beef.

Sunday 30th. This morning waited on Mr. Moon the Vandue Master and Settled the Acct. which is Stated on the other Side.

Munday 31st. The Capt. Settled with Every Body Intending to Sail toMorrow. took bills of Exchg. of Capt. Frankland on his Brother Messrs. Frankland and Lightfoot,^[65] Merch'ts in Boston and Endorsed by the Comp'y Qr. Mr. for £540 New England Currancy. the first bill he Sent to Capt. Freebody by Capt. Green bound to Boston in the prize with a Letter which is As follows:

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NEW PROVIDENCE August 31st 1741

S'r

This waits on You with a bill of Exchg. Inclosed drawn by Capt. Thomas Frankland on his Brother Messrs. Henry Frankland and Lightfoot, Merch'ts in Boston for £540 NE Cur'y, being part of the

prize taken by Us and Sold att publick Vandue, the Sale of which Amounts to 763 Ps. 8/8 which was the half we Received for Salvage, the Vessell belonging to some of his Majesty's Subjects of Great Britain or Ireland, besides one Negro Man Fransisco by Name who was one of the Capts. belonging to that Comp'y of Negroes and Mollattos that used the English so barbarously att the retaken of the fort att St. Aug'ne, also a Mollatto named Aug'ne. The other two taken by us were Cleared and Remain still prisoners of War. We have Sold the old Negro Capt. for 34 ps. 8/8 which is to be Added to the above half. the Mollatto we have still on board.

I dont doubt by [now?] you've Received mine by the way of the way of So. Car. Inclosed in a Letter to Mr. Henry Collins in which I Acquainted You of an Unfortunate Accident, that happened to Us by thunder having Split Our Mast and broke through both our Sides and shoud infallibly have Sunk had it not been for the Kind Assistance of Capt. Franklands men Com'r of the *Rose Man* of War. The damage that will Accrue thereon will amount att Least to 100 Ps. 8/8.

We Gott our mast fisht and are in hopes it will Serve our Cruize, having Gott all things ready to Sail we Intend it in a day or two, And am with my kind Services to all friends

Your very hum'le Serv't.
B.N.

To John Freebody:

Tuesday 1st. The Lieut. and Mr. Stone went this morning to the Westward to Gett a pilott and brought one with him but how he'll prove the Lord knows, the wind Coming to the W'ward differed^[66] Sailing this day.

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<i>Dr.</i>	<i>The Comp'y of the Sloop Revenge to the Owners</i>		<i>Cr.</i>
To her first Outsett		By Cash Recd of Mr.	
Brot. from folio 9	1698. 6.3	Moon	137. 5.
To Sugr. 108 at providence	7. 4.	By a bill of Exchge. for	540.
		By cash pd by the 62 M.	8. 2.
To Rum 48 Ga. at do.	32. 8.	By a bb. of tarr.	2.14.
To Cash pd. Stowe	19.11.6	By 3 mens Share of the provisions Expended	16. 4.9
To prison fees for Nego. and M. ^[67]	4.19.	By Ballce. due P Compy.	
To Jno. Wright frock and trowsers	1. 7.		1072.11.
To the Storedge of the provce.	7. 4.		
To a bb. pork	5.17.		
	-----		-----
	£1776.16.9		£1776.16.9
	-----		-----

On board the *Revenge* SE per P Vezian QMr.

Wednesday 2d. This morning att 8 AM. Weighd Anchor having our pilott on board, Capt. Richd. Thompson.^[68] The Man of War's barge with their Lieut. Came on board to Search Our hole to See we did not Carry any of his hands with Us. Saw a Sloop Coming in but did not Speak with her. Shipt Seven hands, Viz. James Jennings, Jno. Arnold, Nath'll Gwinn, Richd. Righton, James Hayes, Thos. Fryer and Saml. Nixon. Every body in their Statu Quo. the Capt. Ordered them some punch to drink to their Wives and Misstresses they had left a shoare.

Thursday 3d. Fine Moderate Weather, att 10 AM. had a Vandue att the Mast of the plunder taken in the prize which was Sold to the Value of 50 Ps. 8/8 and 2 Rials.

List of the People on Board the Revenge.

Names	Quality	Shares	Names	Quality	Shares

Benj'n Norton	Com'r.	2½	Brought Over		36½
Wm. Stone	Lieut.	1½	Thos. Colson	Mar'r.	¾
Elisha Luther	Mas'r.	1½	Wm. Ramsey	do.	¾
Peter Vezeian	Cap.	1¼	Jno. Taylor	do.	¾
	QM.		Math'as Sollom	do.	¾
Wm. Blake	Doctor	1½	Thos. Grigg	do.	¾
Ralph Gouch	Boats'n	1¼	Benj'n Blanchard	do.	¾
Jno. Griffith	Gun'r	1¼	Bryan McKeneys	do.	¾
Jno. Gillmore	Mate	1¼	Joseph Frisle	do.	¾
Robt. Little	Carp'r	1¼	Jno. Smith	do.	¾
Duncan McKenley	C Q Mr.	1	Saml. Kerby	do.	¾
Jams. Ogleby	Gun'rs		Peter McKincking	do.	¾
	Mate	1	Saml. Henderson	do.	¾
Jere Harman	Mar'r	1	Tim. Northwood	do.	¾
Foelix Burn	do.	1	And'w Warden	do.	¾
John Webb	do.	1	George Densy	do.	¾
Alex'r Henry	do.	1	James M'Gown	do.	¾
Wm. Higgins	do.	1	Gideon Potter	do.	¾
Jas. Barker	do.	1	Saml. Bourdett	do.	¾
Rich'd Righton	do.	1	Nath'l Gwinn	do.	¾
James Hays	do.	1	Flora Burn	do.	¾
James Avery	do.	1	James Welch	do.	¾
Tulip May	do.	1	Jno. Brown	do.	¾
Thos. Fryer	do.	1	Wm. Jackson	do.	¾
Jno. Waters	do.	1	Jos. Marshall	do.	¾
Jno. Vanderhyde	do.	1	Quinton Sommerwood	do.	¾
Jno. Arnold	do.	¾			
Jno. Elderidge	do.	¾	Jno. Evergin	do.	¾
Wm. Frisle	do.	¾	Rich'd Norton	do.	1
Ephraim Read	do.	¾	Ned Almy	Cook	1
Evan Morgan	do.	¾	Dan'l Walker	C. Mate	¾
Jno. Holmes	do.	¾	Joseph the S'v't		¼
Jno. Bennett	do.	¾	Aug'ne	pris'r	
Jno. Wyld	do.	¾	James Jennings	Mar'r.	¾
Hump'y Walters	do.	¾	Saml. Nixon	do.	1
Wm. Austin	do.	¾	<i>Revenge</i>	Sloop	14
Jno. Swan	do.	¾			
		—			74¾
		36½			

Abstract of the Shares of the Revenge.

Officer draws	13¼		Shares
Whole Share men	19¾	[18]	do.
Men fitted by the Owners	28½	[29¼]	do.
Owners for fitting out	9¾		do.
Sloop	14		
The Lieu'ts Man Jos.	¼		
	— 85½	[84½]	Shares

N.B. Saml. Nixon to pay ½ of a ¼ Share for a Gun and Cartouch.
 Jno. Hayes to pay ¼ of ¼ of do. for a pistoll.

Sundry Accts. from Folio II. Dr. to the Owners.

To the foot of that Acct. for Ozenbrig	£37. 5.6
To Ditto for Cash Lent	14.10.
To Humphry Walters for 5 yds. Oz'g.	1. 2.6
To Timothy Northwood for do.	1. 2.6
To John Elderidge for do.	1. 7.
	—
	£55. 7.6 N.E.C.
	—

Arms ... Dr. to the Owners.

To 40 Guns att R.I.	By 39 Guns to the people.
To 40 pistoll at do.	By 1 to make a monkey. ^[69]

To 40 Cutlasses at do.	By 1 broke by the Thunder.
To 19 Guns att N.Y.	By 38 Pistols to the people.
To 15 Cutlasses at do.	By 38 Cutlasses to do.
To 15 pistols.	By one to Ephraim Read a pistoll.
	By one pistoll to Benjn. Blanchard.
59 Guns } 41 do.	By one to Jno. Arnold.
55 pistols } 42 do.	By one do to Joshep Marshall.
55 Cutlashes } 39 do.	By one Cartouch box to do.

Remains in the Gunners Care.

18 Guns.	By 10 Guns pistols and Cutlasses.
13 pistols.	By 1 do. to Ephraim Read.
16 Cutlashes.	By 1 Given the prisoners who
2 pistols broke.	Satt them ashoare.
	By 1 broke by Accident.

Friday 4th. Moderate Weather till 4 AM., then hawld down Our Main Sail and scuded under Our foresail to Gett Clear of the Keys, the Wind blowing very hard.

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Saturday 5. Att 4 PM. brot. too under ballast^[70] main-Sail. it blew a meer hurricane. provisions Expended Since the 5 Aug'st: 7 bb. of beef, 2 bb. pork, 3 tierces of bread, 5 bbs. of flower.

Sunday 6. Opened a bb. of beef. moderate Weather. Out both Reefs of Our Main Sail. hope to God to have fine weather. Gott Clear of the Reefs and Hurricane which was terrible. Very few Godly Enough to Return God thanks for their deliverance.

Munday 7th. Fine Moderate Weather but Cloudy. Att 6 AM. the Capt. Ordered the Carpenter to fitt the pinnace with mast and Ordered a Suit of Sails for her.

Tuesday 8th. The Weather as above. opened a bb of flowr. Arms to three New hands Shipt att providence, Viz Jno. Arnold, Nath Gwinn, and Jno. Jennings, also a pistoll to James Hayes, with whom the Capt. Exchanged a Muskett for a fowling peice he had.

Wednesday 9th. Squally Weather with Rain. Lett Humphry Walters and Tim'y Northwood have 5 yds. of Ozenbrig Each for frock and trowsers, also 6 yds. to John Elderidge. Markt the Sloops Arms on the butt with Letter R and the Pistolls with a Cross on the Stock.

Thursday 10th. Opened a bb. of beef. Squally Rainy Weather.

Friday 11th. The first Settled day Since we left providence. the Joyners made an Arm Chest to Carry in the pinnace when we Go on the Look out. Lattitude per Mas'r's Obs'n 24:32.

Saturday 12. Fresh breezes of Wind with some Squalls of Rain. att 11 AM. the Capt. Saw the Land off the poup. it was the Crocassess.^[71]

Sunday 13th. The Capt. Gave the people a Case bottle of Rum for a Tropick bottle^[72] for his pinnace. the people Chrisned her and Named her the *Spaniards dread*. Att 11 AM. made the Land of Hispaniola and the Island of Tortudas.^[73] We have now Gott in Cruizing Ground, the Lord send Us Good Success against our Ennemies. Squally Rainy Weather for the most part of these 24 hours.

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Munday 14th. Hard Gales of Wind. brought too off of trotudas Under Our foreSail. att 5 AM. Saw a Sloop bearing down Upon us. Gott all things Ready to Receive her. fired Our bow Chase then Hoisted our Jibb and Main Sail and Gave her Chase, and we out Sailing of her she brot. too. she was a Sloop from Philadelphia bound to Jamaica. We then brot. too again Under Our ballast main, it blowing a meer frett of wind att No. Opened a bb. of beef and a tierce of bread.

Tuesday 15. Still Under Ballast-main Sail. about 5 AM. the Gale abated. Loost Our fore Sail and took the Reef out of our Main Sail. about 7 AM. Saw the Land which proved to be Cape Maze.^[74]

Wednesday 16. Moderate Weather but an Uncommon Wind att So. Cruzing off of Cape Maze. delivered to Saml. Nixon a New hand a Gun and Cartouch Box, to Marshall a pistoll and Cartouch box he having Lost his that he had found him before, to Ephraim Read and Benjn. Blanchard Each a pistoll theirs being broke, and to Humphry Walters a Cutlasses having lost is [his] Given him before, all which Arms they are to pay for.

Thursday 17. Still Cruizing as above. att 7 PM. saw 2 Sloops, one on Our Starbord and the other on the Larboard Bow, steering No.West. We fired Severall Shott to

bring them too but one of them was Obstinate. Capt. Hubbard brot. too att the first Shott. he was Come from Jamaica and bound to York. he Informd Us that there was a large fleet Just Arrived from England to Join the Admiral, that Admiral Vernon was Gone to St. Aga^[75] de Cuba, that there was a hott press both by Sea and Land, and that the Spanish Admiral with a Large Man of Warr was blown up att the Avannah,^[76] which News We hope is true, that the other Sloop was one Capt. Styles bound also to York and Saild in Comp'y with him, that there was a Ship also to Load,^[76a] which we Saw with a Schooner, the former bound to London and the Schooner to Rhode Island. Styles Received Some damage by his Obstinacy for not bringing too, having hulled him and tore his Sails. Att 5 AM. Saw a top sail Vessell, the Master Going to Mast-head to See what Course she Steer'd had the misfortune to break his Arm Just above his wrist. Gave the Vessell Chase as farr as Inagua Island^[77] where she brot. too. We made the Capt. Come on board with his papers. he Came from Lougan^[78] and was bound to Nantz in france, Loaded with Sugar, Indigo and Hydes, also 300 ps. of 8/8 Sent by the Intendant to the Receiver of the Customs of Nantz. We went aboard in his Yawl and found his Cargo Agreeable to his Bills of Lading and Manifest together with his Clearance, so lett him past. he Informed Us that there was a Brig. belonging to the Spaniards att Lougan that Came in there by disstress having Lost his Mast, Which Gentleman we hope to have the Honour to dine or Sup with before Long. he further told Us that the Last North Wind had done Great damage having drove Severall Vessell to Sea all Unrigged.

420

Friday 18th. Calm Weather for these 24 hours. Opened a bb. of beef and a bb. flowr. Att 5 AM. saw two Sails Under Cape Nicholas^[79] but coud not speak with them it being start^[80] Calm. the Mas'r is in a fair way of doing well with his Arm.

Saturday 19th. Still moderate Weather. Saw a Sail. Gave Chase.

Sunday 20th. Att 5 PM. Came up with the Chase. she proved to be a french Ship that was blown out of Loogan in the Hurricane 6 days ago. she was obliged to Cut her Mizemast to Gett Clear of the Land. her Quarters were all Stove in and her head Carried away and neither Anchor nor Cable aboard but perrishing for want of water. she had 16 hands aboard and but one Sailor, which was the Master. she had on board 30 hhds. of Sugar, one hhd. and a barrell of Indigo, 13 hhds. of Bourdeaux Wine and provisions plenty. We ordered his boat on board. as soon as the Master Came over the side he fell on his knees and beg'd for help and told us his deplorable Case. We Spared him some Water and put one of Our hands aboard to Navigate his Vessell he being an Intire Stranger on the Coast. he kept Comp'y with Us all Night. the Mas'r Sent us a hhd. of Wine. Att 5 AM. saw the Ship a League to Windward of Us. We then made in for the Mole by Cape Nicholas^[81] and she Steering after Us We bro't her in, but the Wind Coming ahead and his Ship out of trim coud not work up as far as We, So she Came to an Anchor a League below Us. the Capt. of the Ship is named Doulteau, the Ship *La Genereuse* from Rochell in france, Dutch built. Opened a bb. pork and a bb. flowr.

421

Munday 21st. Our Lieut. went ashoare to see if he coud kill any Cattle, with 2 more hands. Some of the people went to find water, found 7 Wells, Cleared them. the people on board being in fishing Cought abundance of fish. some of Our hands compl[ained] they were poisoin'd by Eating of the fish. Att 6 AM. Our pinnace went to the Ship to tow her Up, but the Sea breeze Coming in fresh was obliged to moor her as well as we Cou'd.

Tuesday 22d. The Capt. Sent me a board the Ship to know if they wanted any Assistance. Att 9 PM. they fired a Gun and hoisted a Light for the pinnace to Come on board to tow them up. the Capt. Sent her with 20 hands and towd her above where we Lay and moor'd her head and Stern free from all dangers. Our people very busy in wooding and watering.

Wednesday 23. Att 6 PM. the Master of the Ship, Chas. Tesier, Came on board to Return Our Capt. thanks for his kind Assistance and Offered him any thing he might have Occasion for. he Gave the people another hhd. of Clarett and some Sugar and a Quarter Cask for the Capts. own drinking, also 6 Lenght of old Junk.^[82] Att 6 AM. Left the poor frenchman in hopes of letting his Capt. Know where he was. Weighd Anchor from the mold for Cape Maze with a fresh Gale att NW. Gillmore Our mate Resignd his birth not being Qualified for it. John Webb was put in his Room. Opened a bb. flower.

422

Thursday 24. Att 1 PM. was abreast of Cape Maze. Att 6 Lay too Under Our fore Sail. Att 7 AM. hoisted Our main Sail and Sett Our Jibb.

Friday 25. Fine Moderate Weather. Gott on Our Cruizing Ground the No. side of Cuba.

Saturday 26th. About 5 PM. thought we Saw a Vessell att Anchor Under the Land. Lay off and on till 5 AM. then Saw 2 Sails, a brig'ne and a Sloop. Gave them Chase, the Sloop laying too for Us and the brig'ne making the best of her Way to Leaward. We presently Came up with the Sloop and when in Gun Shott hoisted Our pennant. the Compliment was Returned with a Spanish Ensign att Mast head and a Gun to

Confirm it. We then went along Side of him and Rec'd his broadside which we Chearfully Returnd with another. We then tackt, she dropping a Stern, and bore away before the Wind Crowding all the sail she Cou'd and We doing the Like. Came again within Gunshott. In the time of Chase we Shifted Our Bow Guns to Our fore ports and they had Done the like with their After Guns to their Cabbin Windows, pelting of Us with their Stern Chase and we pepering of them with Our fore Guns, So that after several brisk fiering they att Last struck. We Ordered his Canoe on board which was directly Mannd. the Capt. Came on board and delivered his Commission and Sword to Our Capt. and Surrendered himself a prisoner of War.^[83] he was desperatly Wounded in the Arm and severall small Shott in his head and body. three more of his hands was wounded and one Negro boy Killed. This Vessell was fitted out in Novem'r Last from the Avanaah and had been on Our Coast Early in the Spring and had taken severall Vessells and bro't them to the Avanaah and was again fitted out last August and had mett with Good Success on the Coast of Virginia as per Acct. hereafter mentioned. she mounted 6 Guns and 12 Swivells and 38 hands, two of which were English men that [had] been [made] prisoners and Entered in their Service. their [names] is Caesar Dixon and Robert Patterson. We made all the Sail we Cou'd Crowd after the Brigt. which by this time was almost out of Sight. The damage we Received was not much. Only one man Slightly wounded in the Engagement by a Splinter, John Taylor, two more by an Accident a peice Going off after the fight and shott them both in the Arm. We Received upwards of 20 Shott in Our Sails, 2 through Our Mast and one through Our Gunnell port and all This day the *Revenge* Establish her Honour having almost Lost it by Letting the other privateer Go off with them four Ships as is mentioned before. In chase of the Brigt. who is making for the Land.

423

Sunday 27th. Att 4 AM. Came up with Chase. fired two Guns and bro't her too. she was taken by the privateer 23 days before in the Latitude 26 No. Coming from Barbadoes Loaded with Rum, Sugar and some baggs of Cotton, Commanded by Thomas Smith, bound to Boston. her Owners are Messrs. Lee and Tyler Merchts. there.^[84] she had on board 5 Spaniards which we took aboard.

Munday 28th. Put the Lieut. on board the privateer prize with Sevl. hands, also put on board the Brig'ne Capt. Thos. Smith with verball Orders to follow Us till we Coud Gett Letters wrote to Send her to Rhode Island to Capt. Freebody. Opened a tierce of bread.

424

Tuesday 29. Lost Sight of both prizes. Lay too best part of the fore Noon to Lett them Come up with Us.

Wednesday 30th. Saw Our prize. bore down upon her. Ordered her Canoe on board, the C Q M^[85] went on board to fetch her powder and other Stores out of her. Left but Six hands on board to Navigate her, with Verball Orders to keep us Comp'y. Had a Vandue of old Cloaths which amounted to 101 ps. 8/8 as per Leidger. No News of the Brig'ne. we Suppose she is Gone to the No'w'd. she has one of Our hands on board, Jere. Harman.^[86]

Thursday 1st Octor. Calm Weather with thunder and Rain. Spoke with the Sloop. Brave Living with Our people. Punch Everyday, which makes them dream strange things which foretells Great Success in Our Cruize. they dream of nothing but mad Bulls, Spaniards and bagg of Gold. Examined the papers. found Severall Spanish and french among which the Condemnation of Capt. Stockings Sloop. died on board the prize a Negro boy.

Friday 2d. Att 6 AM. Saw a Ship Under the Land. stretchin[g] for her we Saw aShore a french Pennant and English Ensign. Hoisted Our Spanish Jack att Mast head and Sent Our pinnace aboard to discover what it was. She proved to be a Ship that had been taken by Don Fransoiso^[87] Loranzo our prisoner, that had taken her off the Capes of Virginia and had put a Lieut. and 10 more hands with 5 Englishmen to Carry her to the Havanah, but the Spaniards Run her ashoare apurpose. We bro't off the five Englishmen. the Spaniards having Run for it we Caught one and bro't him on board. Sent Our prize alongside of her to Gett what Goods we Cou'd Save. the Ship was Bilged.^[88]

Saturday 3d. The people busy in Getting Goods out of the Ship, we Laying off and on.

Sunday 4th. Opened a bb. of beef. put the following hands on board the prize With Orders to the Master which are as underneath written. the people on board Are John Webb Masr., John Evergin Mate, Timothy Northwood, James Hayes, Wm. Jackson, Joseph Marshall, John Elderidge, James Jennings and a Bermudian Negro which was taken prisoner in a fishing boat off of Bermudas by the Spanish Capt. (as Mariners) and one Mollatto prisoner belonging to the Spaniards. Gave them a bb. of beef and a bb. of pork.

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Latitude 22.50 No. Octo'r 4th, 1741

Mr. John Webb

You being Appointed Master of the Sloop *Invincible*, Late a Spanish privateer Commanded by Capt. Don Fransoiso Loranzo and taken by

me and Comp'y, We Order You to keep Comp'y with Us till further Orders, But if by some Unforeseen Accident, Bad Weather Or Giving Chase We shou'd Chance to part Then We Order that You proceed directly with said Sloop and Cargo to Rhode Island in New England And if by the providence of God You Safe Arrive there You must apply to Mr. John Freebody, Merch't there, and deliver Your Sloop and Cargo to him Or his Assigns.

You are also Ordered to take Care that You Speak to no Vessell nor Suffer any to Speak with You during Your passage nor Suffer any disorders on board but to take a Special Care of the Cargo that none be Embezled. And if Weather permitts You must be diligent in drying of the Goods on board to hinder them from Spoiling etc. Wishing You a Good Voyage We Remain Your Friends

BN
DM

Copy of the Letter Sent to Capt. Freebody per John Webb in the Sloop.

Sr.

I hope my Sundry Letters Sent You by different hands are Come Safe. My first was from the hook^[89] Acquainting You what Number of hands had on board the time of Sailing for Providence, together with an Acct. due from the Company to the Owners. Att my Arrivall att Providence I wrote You of my safe Arrival there and what Success we had mett with in Our passage and delivered the Letter to Capt. Freeman, Bound to Boston in a Schooner. a few days after had an Opportunity of Informing You of an Unfortunate Accident which happened to Us by thunder and the damage it had done Us. that went per Capt. Barrett Via So. Carolina inclosed in a Letter to Mr. Henry Collins, Sent to Mr. Steed Evance, who was desired to forward it to him. the Last was per Capt. Green, bound to Boston in the Sloop we had taken, Sold to Capt. Thomas Frankland, whose first bill of Exch'ge for £540 NEC drawn by him on his Brother, Messrs. Frankland and Lightfoot, Merch's in Boston, together with the Amount of what we Received for Salvage for Retaken that Sloop was Inclosed.

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This waits upon You with the Agreeable News of Our taking a Spanish privateer on the 26th of Septem'r last, off of Cape Roman^[90] att the No. side of Cuba, who was Conveying a Brig'ne to the Avanah which he had taken in the Latitude 26 No. Coming from Barbadoes Bound to Boston with Rum, Sugar and Some Baggs of Cotton. We had the pleasure to meet him Early in the morning and Gave her Chase. when within a mile of her we hoisted Our pennant. she Imediatly Returned the Compliment with her Ensign att Mast-head and a Gunn to Confirm it. we Received Severall Shott from her and Chearfully Return'd them. then she made the best of her way, Crowding all the Sail she Cou'd, and we doing the Like Came again within Gun-Shott and plyed her with Our Bow Chase which were shifted to the fore ports for that purpose and she kept pelting of Us with her Stern Chase out of her Cabbin windows. So that after Severall brisk Shott on both Sides she Struck. Our Rigging, Mast and Gunnell Received some damage. Upwards of 25 Shott went through Our Sails. 2 Shott went through Our mast and in the weakest part Just below where it was fisht. a Shott Cut our fore Shrewd^[91] on the Larboard side and another went through Our Starboard Gunnell, port and all. We had only one Man slightly wounded with a Splinter by the Enemy, two others by an Accident on board by one of the peoples peice Going off after the Engagement, which shott them in the Arm. The poor Capt. of the privateer was wounded in the Arm and the bone fractured, One Negro boy Killed and others wounded. He was fitted out last Novem'r att the Avanah and went to St. Aug'ne and was on Our Coast Early in the Spring and took severall Vessells as per list herein inclosed. he was again fitted out in August last and had been on the Coast again and had taken Severall more Vessells, as you will Observe by the Acct., but we had the Good fortune to Stop his Cruize. Is Name is Don Fransoiso Loranzo, and by all Report tho' An Enemy a brave Man, Endued with a Great deal of Clemensy and Using his prisoners with a Great deal of humanity. the Like Usage he has on board for he Justly deserves it.

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We have Sent You the Sloop, Commanded by John Webb, Loaded

with Sundry Goods that has Rec'd some damage, which must desire You to Unload directly and take Care to Gett them dried. there is also a Negro Boy that is Sickly, a Negro Man said to be taken off of Barmudas by the privateer as he was a fishing, and a Mollatto belonging to Some of the Subjects or Vassalls of the King of Spain, all which We Recomend to Your Care that they may not Elope. the Number of Spanish prisoners taken on board is 48, out of which is Eleven of the blood of Negroes, The Capt. Included, for which we dont doubt having his Majestys bounty mony, which is £5 Ster. per head. We also desire that the Vessell may not be Condemned till Our Arrivall but only Unloaded and a Just Acct. taken of what on board. As to the Brigantine, the Capt. of her, whom we put in again out of Civility, has Used Us in a Very Rascally manner, for he Run away with the Vessell from Us in the Night and no doubt with a design to Cheat Us of Our Salvage, which is the one half of Brig and Cargo, the Enemy having had possession of her 22 days. As she is a Vessell of Value, hope You'l do Your Endeavours to Recover Our Just dues and Apply to the Owners who are, as we are Credibly Informed, Messrs. Lee and Tyler of Boston, both Under the State of Conviction Since the Gospell of Whitefield and Tennant [h]as been propagated in New England,^[92] So that we are in hopes they will Readily Give a Just Acct. of her Cargo and her true Value and Render to Caesar the things that are Caesars, which is the Moral preachd by Whitefield.

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As this will Require a Law Suit I hope You'l Gett the best Advice You possibly Can and Gett her Seized if att Boston or Else Where and Gett her Condemned. She was designed to be Consign'd to You and the Master Sent on board to take possession and Gett things in Order to Sail, whilst we were Getting Letters wrote and bills of Lading with a hand to Go with him, but he Gave Us the Slip. So Relying on Your Care we don't doubt but you'll Recover her and add her to the privateer prize. The Brig'ne was Called the *Sarah*, Commanded by Thos. Smith, had on board 11 hhds. of Rum, 23 hhds. of Sugar and 12 bags of Cotton. she was Well fitted with 4 Swivells, one Gun and other Stores, a New pink Stern^[93] Vessell. One of Our hands he Carryed with Us^[94] whose Name is Jerem'h Harman, who no doubt will Acquaint You of the whole Affair. We hope you'l Shew no favour to the Capt. for his ill Usage and Gett a Just Acct. of his Venture, which one half is our due. This Affair is Recomend to You by all the Company and hope that you'll Serve to the Utmost of Your powers, not doubting in the least of Your Justice and Equity.

Inclosed You'l Receive Capt. Frankland['s] 2 Bill of Exchg. on his Brother for £540, also a List of what Vessells taken by Fransoiso Loranzo Since he first went out on his Cruize, which You may Use att pleasure Either to publish or Conceal. We are still Cruizing on the No. side of Cuba and are in hopes of Getting something worth while in a Short time. all in Good health. So having no more to add but My Kind Remembrance to all friends, I Remain

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S'r, Y'rs, BN.

Munday 5th. Fine moderate Weather. the Comp'y Gave the Capt. a Night Gown, a Spencer Wigg^[95] and 4 pair of thread Stock'gs, to the Lieut. a pr. of Buck skin Breeches, the Doctor bot. a Suit of broad Cloth which Cost him 28 ps. of 8/8 which is Carried to his Acct. in the Sloops Leidgers. Six men that had been prisoners Signed Our Articles, Viz. Patterson taken out of the Sloop, and John Greenshaw, Thos. Sinclair, Lawrence Willson, James Hadle, Jno. Bruman, prisoners on board the Ship. the whole Vandue this day amounted to 9 ps. 8/8 4 R.

Expended this month: 7 bb. beef, 3 bbs. of pork, 6 bbs. flour, 2 tierces of bread.

[1] Massachusetts Historical Society. This journal, parts of which were Published by Professor Norton in the *Atlantic Monthly* for September and October, 1861 (VIII. 353-359, 417-424) was kept by Peter Vezian, captain's quartermaster (there were two quartermasters, one appointed by the captain and one elected by the crew).

[2] The long island lying just west of Newport, in Narragansett Bay.

[3] Of Newport, the chief owner.

[4] A height at the southwestern extremity of Newport, on which the colony had just erected a watch-tower.

[5] In 1735 the Rhode Island assembly had appropriated £1200 for building a new pier at the harbor of Block Island (*R.I. Col. Recs.*, IV. 502, 508, 512), and had not appropriated more since; but since the progress made had not been great, the quartermaster may be speaking in the vein of sarcastic prophecy.

[6] On the north shore of Long Island.

[7] Error for 3 A.M., probably.

[8] Whitestone Point, on the south side of the East River.

[9] *I.e.*, by the province of New York; see under June 10.

[10] North Brother and South Brother islands, in the East River, just outside of Hell Gate.

[10a] See [p. 384](#).

[11] George Clarke, lieutenant-governor 1736-1743.

[12] Newcastle's letter of Dec. 4, 1740, which Clarke had received May 7, 1741. *N.Y. Col. Docs.*, VI. 187. It was doubtless similar to the letter of the same date to the governor of Rhode Island, printed in Miss Kimball's *Correspondence of the Colonial Governors of Rhode Island*, I. 187. Newcastle was secretary of state. Vernon and Wentworth had already failed to capture Cartagena, but this was not yet known in New York.

[13] *I.e.*, one hundred (112 lbs.) and two quarters (56 lbs.).

[14] Keg.

[15] The *Revenge* arrived at New York at the very height of the trials for the "Negro Conspiracy", for which, after extraordinary public excitement, thirteen negroes were burned at the stake, eighteen hanged, and seventy transported. On this day, June 12, the three white principals, John Hughson, his wife, and Margaret Kerry, were hanged, and three negroes, Albany, Curaçao Dick, and Francis, were burned. Daniel Horsmanden, *Journal of the Proceedings in the Detection*, etc. (New York, 1744).

[16] Indented servants.

[17] Staten.

[18] The *Squirrel* had gone down to Jamaica with reinforcements. *N.Y. Col. Docs.*, VI. 170. The news brought was unduly favorable, as the event proved. Captain Warren, afterward Vice-Adm. Sir Peter Warren, commanded in 1745 all the naval forces that took part in the reduction of Louisbourg. He was a brother-in-law of Chief-justice James DeLancey, and uncle of Sir John Johnson.

[19] Presumably Simeon Potter of Bristol, a noted sea-captain; on him and the *Prince Charles of Lorraine*, see docs. [no. 176](#) and [no. 177](#).

[20] Port Morant is a port on the southeast side of Jamaica. "The Bay" means the Bay of Honduras.

[21] *I.e.*, past Sandy Hook.

[22] An analogous expression to "John Barleycorn."

[23] Maroon.

[24] Marblehead, Mass.

[25] Richard Riggs, brother-in-law of John Watts, was captain of one of the two independent companies of fusiliers stationed at New York.

[26] Press-gang.

[27] "At broach" means, that had been opened.

[28] George Cunningham, whose commission was ordered May 8, 1741.

[29] The currencies of the different colonies were in great confusion, on account of the various and extensive issues of paper money, which was greatly depreciated in value. Apparently a pound in New

York currency was in 1741 worth about 2.25 Mexican silver dollars, a pound in Rhode Island currency about .85 of a dollar. Douglass, *Summary* (Boston, 1749, 1750), I. 494, II. 255; Potter and Rider, *Some Account of the Bills of Credit or Paper Money of Rhode Island*, pp. 55, 162.

[30] After careening a vessel, and scrubbing off the ooze and shells, etc., it was customary to coat the bottom with a mixture of tallow, sulphur, etc. This was called "giving her boot-tops."

[31] This was probably Isaac van Dam, merchant, son of President Rip van Dam. "Henderson," above, means Harriman.

[32] See the account below, and notes [29](#) and [33](#).

[33] By a rough calculation (see [note 29](#)) Quartermaster Vezian trebles the amount in New York currency to reduce it to that of Rhode Island.

[34] Tightened them up.

[35] Company's quartermaster.

[36] Gunner's mate.

[37] Of 78¼ shares, the nine officers were entitled to the shares ("draws") indicated against their names above; fourteen sailors who had "found" themselves are listed, as entitled to one share each; thirty-seven others, outfitted by the owners, are assigned three-fourths of a share each, the other fourths going to the outfitters; fourteen shares were to go to the same, as owners of the sloop. The prize act of 13 Geo. II. ch. 4 (1739), passed at the beginning of this war, had provided that prizes captured by privateers should after condemnation go entirely to the owners and officers and crew of the privateer, in such proportions as should be specified in their articles of agreement (see, *e.g.*, [doc. no. 202](#)).

[38] Osnaburgs, a kind of coarse linen made originally at Osnabrück in North Germany.

[39] To fish a mast is to strengthen it by fastening a piece along it lengthwise.

[40] School.

[41] Ocracoke Inlet.

[41a] See [note 62](#), below.

[42] Don Pedro de Estrada is mentioned as an exceptionally able privateering captain, in 1742, by the captain-general of Cuba and by the chief engineer at St. Augustine. *Collections* of the Georgia Historical Society, VII., pt. 3, pp. 29, 59, 61-63. Wright, *Oglethorpe*, p. 283, speaks of his vessel as "a notorious privateer called the 'Black Sloop', commanded by Destrade, a French officer who had taken several prizes."

[43] Enlist.

[44] See [doc. no. 136](#).

[45] Pieces of eight (*i.e.*, eight reals), Spanish dollars. A bit was a real.

[46] The reference is to Gen. James Oglethorpe, and to the recapture of Fort Moosa by the garrison of St. Augustine, June 15, 1740, during his unsuccessful siege of that town.

[47] Havana.

[48] Steered close up to the wind.

[49] Leeward.

[50] This is apparently the same Spanish privateer from St. Augustine of whose doings in just these days an account is given in the *Journal* of William Stephens, secretary of Georgia (*Colonial Records of Georgia*, Suppl. to vol. IV., pp. 225-228), and which Oglethorpe chased into St. Augustine a few days later (Wright, *Oglethorpe*, pp. 283-284).

[51] The northernmost of the Bahamas.

[52] Barracudas, fish six or eight or ten feet long.

[53] A small island of the Bahamas, which forms the north side of the harbor of New Providence or Nassau.

[54] John Tinker, governor 1740-1758. He came out in the *Rose*, Capt. Thomas Frankland, along with Peter Henry Bruce, the military engineer, and arrived at New Providence Apr. 21, 1741. According to Bruce, he had previously been factor to the South Sea Company at Panama, and governor of Cape Coast in Guinea for the Royal African Company. Major Stewart, mentioned just above, was William Stewart, a member of the colonial council and major of the militia. *Memoirs of Peter Henry Bruce*, pp. 375, 385, 386, 395. *Journal of the Assembly of the Bahamas*, 1741, *passim*.

[55] "William Moone, who came from London in the storeship with the recruits." Bruce, pp. 386, 410-412, 417-420.

[56] Hounds were projections at the masthead, supporting the rigging. Bitts were posts on the deck, for purposes of belaying.

[57] Gunwale.

[58] Capt. Thomas Frankland (afterward Adm. Sir Thomas Frankland) commanded the *Rose*, 20, on the Bahamas station from 1741 to 1745. He was a descendant of Oliver Cromwell, and a younger brother of Sir Harry Frankland, on whom see [note 65](#). He married Sarah Rhett, of South Carolina, a granddaughter of Chief-justice Nicholas Trott (see [doc. no. 106](#), [note 3](#)). Lieutenant Stewart was the Major Stewart of [note 54](#), second lieutenant in the independent royal company and major of the militia. Bruce, pp. 386, 394, 400-402, 431-432.

[59] John Thompson of Harbour Island was a member of the council. James Scott was speaker of the assembly, judge of the admiralty court and at times chief justice. *Journal of the Assembly of the Bahamas*, 1741, pp. 1, 2, 8, 18, 24; Bruce, pp. 395, 417.

[60] Captors.

[61] Not 12, but 13 Geo. II., ch. 4, sect. 18. The recaptors were entitled to one-eighth for salvage if the vessel had been in enemy possession 24 hours, a fifth if 24-48 hours, a third if 48-96, a half if 96.

[62] John Everigin is recorded as a Quaker, in the roll of Capt. Benjamin Palmer's company of the militia regiment of Pasquotank County, North Carolina, in 1755. *N.C. State Records*, XXII. 350.

[63] Here follows a long account, the monotonous details of which may properly be omitted. It records the sale, to nearly sixty different purchasers, of the goods indicated in the abstract which ensues. In this abstract, the amounts are given in pieces of eight and reals; these were at that time the currency of the Bahamas.

[64] Bought by Captain Frankland.

[65] (Charles) Henry Frankland, afterward Sir Harry Frankland, and celebrated under that name because of the romantic story of Agnes Surriage, recounted in Dr. Holmes's poem, *Agnes*. An elder brother of Capt. Thomas Frankland, he had come to Boston in the spring of this year as collector of the port, and soon became one of the most picturesque magnates of the place. Nason, *Sir Charles Henry Frankland*, pp. 9-29. His associate was Robert Lightfoot, a prominent merchant. *Pubs. Col. Soc. Mass.*, VII. 91.

[66] Deferred.

[67] Negro and mulatto.

[68] Brother of John Thompson the councillor, mentioned above. Bruce, p. 418.

[69] A monkey-block, perhaps.

[70] Reefed?

[71] Caicos, probably; rocky islets at the southeast of the Bahama group.

[72] A bottle with which to celebrate the "crossing of the line" of the Tropic of Cancer.

[73] Tortuga, north of Haiti.

[74] Cape Maysi, the eastern point of Cuba.

[75] Santiago. Vernon and Wentworth, having failed to take Cartagena, were now planning an attack, which proved to be equally unsuccessful, on Santiago de Cuba.

[76] The *Invencible*, flagship of Don Rodrigo de Torres, was struck by lightning in Havana harbor, June 30, 1741, and blown up. Letter of the viceroy Horcasitas, that day, describing the occurrence, in Pezuela, *Historia de Cuba*, II. 575-577. The admiral did not perish.

[76a] Leeward.

[77] A large island in the southern Bahamas.

[78] Léogane in Haiti (French).

[79] The northwest cape of Haiti.

[80] Stark.

[81] The mole which gives the port its present name of Mole-Saint-Nicolas.

[82] Old rope.

[83] Captain Ponch (Ponce?) he is called in [doc. no. 149](#), and this identifies him with the Captain "Paunche or some such name" whom John Grigg, mariner, of New York, saw at Havana when a prisoner there in 1742-1743, "the same", he says, "who was some time since taken by Captain Norton, and carried into Rhode Island, whence he got to the Havannah, And who is a person sayd to be well acquainted with these coasts". Affidavit in *N.Y. Col. Docs.*, VI. 244.

[84] Thomas Lee of Salem and Boston (H.C. 1722) and John Tyler, brazier. Capt. Thomas Smith's narrative is [doc. no. 149](#).

[85] Company's quartermaster.

[86] See [doc. no. 148](#).

[87] Francisco.

[88] Was staved in the bottom.

[89] Sandy Hook.

[90] An error of the quartermaster's in copying. There is no Cape Roman on the north coast of Cuba. The captain had no doubt written Cayo Romano. Cayo Romano is a small island, one of the "Jardines del Rey" that fringe the north coast of eastern Cuba, bordering on the Old Bahama Channel.

[91] Shroud.

[92] An allusion to the "Great Awakening", and to the revivalist preaching of George Whitefield in Boston in the autumn of 1740 and of Gilbert Tennent in the ensuing winter. Tyler at any rate (John Tyler of Boxford and Boston) seems certainly to have been affected by the "New Light" movement, for in 1745 the Second Church in Boxford suspended him, among others, for "receiving into their houses Itinerant Preachers and holding meetings in opposition to the repeated entreaties of their Brethren". *The Tyler Genealogy*, I. 43.

[93] Sharp-sterned.

[94] Error for, with him.

[95] A variety of periwig named after Charles Spencer, better known as the second earl of Sunderland. A night-gown in 1741 was a dressing-gown.

146. *Account of the Crew with the Owners. October 30, 1741.*^[1]

Comp'y of the Sloop *Revenge* their Acct. Curt. with the Owners.

Dr.

Ps. 8/8.

To the first Out sett for provisions etc. bot. att Rhode Island and New York, being	£1698. 6. 3	1886.4	
To Rum and Sugr. bot. att provid'ce.	39.12.	44.	<u>430</u>
To cash paid Mr. Stowe per B.N.	19.11. 6	20.1	
To do. for prison fees for a Negro and Mollo. Slaves.	4.19.	5.4	
To John Wright for frock and trowsers.	1. 7.	1.4	
To Cash paid for Storedge of the provisions.	7. 4.	8.	
To a bb. of Pork.	5.17.	6.4	
	<u>£1776.16. 9</u>	Ps. 1972.1	
	8/		
Cr.			
By Cash Recd of Mr. Moon	£137. 5.	152.	
By a bill of Exchg. of Capt. Frankland	540.	600.	
By ditto pd. per the Compy. Qr. Mr. 3 mens Share who were discharged	8. 2.	9.	
By a bb. of tarr	2.14.	3.	
By Cash for three mens share of the provs. Expended	16. 4. 9	18.	
By Cash Recd of Mr. Stone for part of a Negro Sold to him	21.12.	24.	
By Cash Shipt per Capt. Pittman, Vizt. Gold—54¾ Moidrs. ^[2] at 7½ Ps. 8/ 38 pistoles 2½ Johannes In Silver £3. 5. Ster. Advce. 13. ^[3] 16. 5 NECy 139 mild ^[4] ps. of 8/8	368.17. 9 153.18. 45. 16. 5 166.16.	409. 7 171. 50. 18. 1 139.	
	<u>1476.14. 6</u>	1594.	
By ball'ce due per Acct. by the Comp'y	300. 2. 3	378. 1	
	<u>£1776.16. 9</u>	<u>1972. 1</u>	

Errors Excepted
October the 30th, 1741
Per P. Vezian Capt. Qr. Mr.

133 Mild ps. 8/8
5 Piller ps. 8/8^[5]
1 french Crown^[6]
£3. 4s. 0d. English Mony.

Sent by Robert Griffin to New York

133 Mild ps. of Eight	£53. 4. 0
54 Moydores in Gold at 44s. ^[7]	118.16. 0

New York Mony	£172. 0. 0

[1] Massachusetts Historical Society. It is hard to interpret this account. It will be seen that £1776 16s. 9d. New England currency is reckoned as equal to 1972-1/8 pieces of eight or Mexican dollars. That would be reckoning 18s. of New England paper money to the dollar, or about 20s. 6d. to the ounce of silver. But in 1741 the rate of depreciation was certainly much higher. In January of that year

Governor Ward of Rhode Island reports to the Board of Trade, "that for these six years last past, bills have continued to be equal to silver at twenty-seven shillings per ounce". *Col. Recs. R.I.*, V. 13. And the Massachusetts rate was twenty-nine or more.

[2] The moidore and the johannes were Portuguese coins, the pistole Spanish. The moidore was worth six pieces of eight, the pistole four, the johannes eight. Here they are reckoned at 7½, 4½, and 20, respectively; but perhaps the last were "double joes".

[3] "Advance 13", *i.e.*, add four times the amount (or multiply by five) to bring the sum from sterling to New England currency, at the rate here assumed; £3. 5s. sterling was really worth only about 15 pieces of eight.

[4] Milled.

[5] Spanish dollars on which appeared pillars symbolizing the Pillars of Hercules.

[6] An écu of six livres, = \$1.08.

[7] The moidore is here reckoned at 44s. New York money; it is reckoned above at 135s. New England money.

147. *Petition and Complaint of John Freebody. November 5, 1741.*^[1]

At a Court of Admiralty holden at Boston before the Hono'ble Robert Auchmuty, Esq'r., Judge of said Court, December the Seventh, Anno. Dom. 1741.

Province of the Massachusetts Bay SS.	} To the Hono'ble Robert Auchmuty, Esq'r., Judge of Vice Admiralty in Boston.
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The Petition and Complaint of John Freebody of Newport, Merchant, in behalf of himself and Benjamin Norton, Owners of a Privateer Sloop Called the *Revenge*, and as Agent for and in behalf of the Officers and Mariners Belonging to sd Sloop, Humbly Sheweth to your Honour that the Said Vessell, Under the Command of said Benjamin Norton, Manned With Sixty Men, Officers and Marriners, Sailed Out on a Cruize from Newport in Rhode Island Against the Spaniards in June last, and in the Latitude of Thirty Degrees North, About Twenty Leagues from the Havannah, near the Island of Cuba, they met with a Spanish Privateer of Six Carriage Guns and ten Swivel Guns, with men Answerable, On or about the 26th day of September last, which Privateer had About Fourteen days before that taken a Briganteen called the *Sarah*, with her Cargo, Consisting of Ten Hogsheads of Barbadoes Rum, Sixteen Hogsheads of Brown Sugar, Sundry Bales of Cotten, Being in all about One Ton and a half, together with Ten Barrells of Sugar and About Twenty barrells of Limes, Altogether of the Value of Five thousand Pounds in Publick Bills of Credit Usually Current here, which Vessell was Owned by John Tyler and Thomas Lee, Subjects of the Crown of Great Britain and now Resident in this Place, as was also part of the said Cargo as Enumerated, the Rest belonging to Other Subjects Liveing also at Boston but Unknown to the Complainant, and the said Sloop *Revenge* Engaged and took the said Spanish Privateer and at the Same time Retook the said Briganteen And Cargo and Redeemed the master, whose name is Thomas Smith, and his Hands, from the Power of the Spaniards, and for that the said Briganteen And Cargo had been at Such time a fortnight in the hands of the Spaniards as their Prize, the said Benjamin Norton put one of his hands aboard and Order'd the said Vessell to proceed directly to Newport To be Restored to the Owners upon paying as Salvage One Moiety of said Briganteen and her Cargo, pursuant to an Act of Parliament Made and Passed in the 13th year of the Reign of his Present Majesty King George the Second Entituled an Act for the more Effectual Secureing and Encourageing the Trade of His Majesties — British Subjects to America and for the Encouragement of Seamen to Enter into his Majesties Service,^[2] Whereby Amongst Other things It is Provided and Enacted to the following purpose and Effect, vizt. that the Vessells and Goods of British Subjects Surprized and Retaken from the Enemy, if by a Private man of War Commissioned properly thereto, In Case the Vessell and Cargo had been Above Ninety Six hours in the Possession of the Enemy that took the same, then to be Adjudged To be Restored to the Owners, they paying for and in Lieu of Salvage One full Moiety or half part of said Vessell and Goods so taken And Restored, without any deduction Whatsoever, as in and by the said Act, Reference thereto being had, more fully may Appear. Now So it is that notwithstanding said Briganteen and Cargo had been taken as A Prize by said Spanish Privateer and in their possession as such For

twelve or Fourteen days before she was Retaken by the said Benjamin Norton, who was properly Commissioned thereto in said Sloop *Revenge*, yet the said Thomas Smith, to Defeat the said Act And deprive the said Compl't^[3] together with said Norton and Crew of their Right and due as Abovesaid, Contrary to the mind of One Jeremiah Harman who was on purpose left in said Briganteen to Proceed therein and Assert their Right that Surprized and Retook her, Yet the said Thomas instead of Proceeding to Newport as intended Came in said Vessell and with the Aforesaid Cargo to this Port of Boston, Where they Arrived in Safety in said Briganteen and with the Aforesaid Cargo on or about the 23d day of October 1741, and haveing turned the Said Jeremiah on shore have Unladed and Delivered the said Briganteen Of her Cargo and Effects and is now Preparing to send with the Owners Consent Or go with the said Briganteen on a New Voyage Directly, without haveing Obtained Any Decree of this Court as the Act directs or made Application therefore, nor will the said Master Thomas Smith and Owners, tho' requested, pay and give the said Moiety of the Vessell and Cargo so Retaken or any part thereof to the Complainant For the Uses and purposes abovesaid. Wherefore this being of a Maratime nature and regarding a Vessell and Cargo retaken on the High Seas, Expressly falls within the Jurisdiction of this Hono'ble Court. It's therefore pray'd your honour will cause the said Vessell and Cargo so Retaken to be Seized and Kept in the hands of the Marshall till a final Decree may be made on the premises Pursuant to Said Act, and that the said Thomas Smith, John Tyler and Thomas Lee may be Summoned in Case they or any of them see fit to Appear and Answer this Complaint, and that the Complainant may Obtain for the Uses and Purposes aforesaid your Honours Decree for One Full Moiety or half part of said Brigantine and her Cargo or be Otherwise Relieved in the Premises, as your Hon'r shall Judge meet. And as In duty Bound the Complainant shall always—

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JOHN FREEBODY for himself and Benja. Norton, Owners, and as Agent for and in behalf of said master, Officers and Seamen belonging to the Sloop *Revenge*.

1741 Nov'r 5th filed and Allow'd and Ordered that the Vessell and Cargo be Arrested and Kept in the Marshalls Custody untill Security be given to Abide the Event of the Case, and that the Aforesd Owners and Master Be Cited to Answer this Libel on Monday next at three aClock p.m.

ROB'T AUCHMUTY, Judge Ad'y.

[1] Records of the Admiralty Court held in Boston, "vol. V.", kept in the Suffolk County Court-house. These supplement effectively the papers given to the Massachusetts Historical Society by Professor Norton.

[2] 13 Geo. II. ch. 4.

[3] Complainant.

148. Deposition of Jeremiah Harriman. November 25, 1741.^[1]

Jeremiah Hariman of Lawfull Age Testifyeth and saith that on or about the latter end of June or the beginning of July last he sailed from New York In a Privateer Sloop Called *The Revenge* Commanded by Capt. Norton on a Cruize Against the Spaniards and in the month of Sept'r last in the Old Streights of Bahama^[2] they saw a Sloop laying too with a Jib Sheet to Windward And the Goose wing^[3] of her mainsail hauled up and her foresail hauled down, Upon which We gave her Chase and upon Comeing within Gun shot of us she Hoisted a Spanish Flagg upon her Topmast head and fired a shot which went thr'o the Rigging, upon which we stood After her and upon Comeing within Muskett shot of said sloop she fired at us again, upon which we hoisted An English Pendant Upon the Topmast head and then we Engaged her, And in about two hours and half we took her and found a Spanish Commission On board her and then we took Out of the Spanish Privateer about fourteen Spaniards and put them on board Our Sloop and put some of Our men aboard The Spanish Sloop and then both Sloops gave Chase to the Brigantine and In about three or four hours Our sloop came up with the Briganteen and fired One or two Guns, upon which she brought too and struck and then we took possession Of her, at which time this Depon't was Credibly Informed as well by Capt. Smith as his men and all Concern'd that she had been taken as a Prize by The Spaniards and Kept in their Custody Eleven days before she was Retaken By them, Whereupon the Quarter master and

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One hand more went on board the Said Briganteen to take possession of her as a Retaken Vessell. Capt. Norton Then Ordered Capt. Smith on board his Own Brig't with his Company, and This Depon't was also Ordered by the Quarter master and Company of the *Revenge* Sloop to go on board said Briganteen to Secure and look after their Interest, With Orders to keep them Company Untill some farther Disposition shou'd be Made, which was Intended to be done the next day, but so it happened by Some Misadventure or Contrivance to this Depon't unknown they never Cou'd come up with the Sloops again (th'o they had Severall times sight of Them), Whereupon the said Smith and Company Alledging they shou'd be short Of Provisions Steer'd their Course towards Rhoad Island and in About Eight days After, in the Gulph of Florida,^[4] we Came up with a large Merchant man as deep Laden as she Cou'd well Swim, she Standing in For the Westward and we being very near the florida shore Cou'd not Weather her and when she came up with us she fired a shot Over us, Upon which we brought too and then Ordered us to Come on board them In Our boat, but upon our telling them we had no boat they sent their Boat on board us with their Pilot and Severall Others, who staid on board That night and the next day. about the midle of the Afternoon they Left us After haveing plundered the Brig't of One barrell of Sugar, three Small Sails, a Sheet and Small Anchor, the sheet Cable^[5] and Sundry Small Stores of little or no Value. Whereupon Capt. Smith took upon him to Order The Brigantine to Boston, Capt. Smith at the same time telling this Depon't He shou'd have mates Wages, And upon their passage Comeing near Block Island, Capt. Smith refus'd to go into Rhoad Island th'o Requested by the Depon't And Afterwards they put into Martha's Vineyard, where Capt. Smith Sold Rum and Other things to Cloath his people and then made his best Way for Boston where they arrived on or about the 23d of October last When they discharged this Depon't as soon as they well Cou'd and gave him Some money and told him to Go about his business.

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JEREMIAH HARIMAN.

1741 Nov'r 25 Jeremiah Hariman Appearing in the Registers Office made Oath to the Truth of the Aforegoing Deposition Before Me

ROB'T AUCHMUTY Judge Ad'y.

[1] Records of the Admiralty Court, Boston, "vol. V."

[2] Commonly called the Old Bahama Channel, lying between the Jardines del Rey, or north coast of Camaguey province, Cuba, and the Great Bahama Bank.

[3] Lower corner.

[4] The part of the Atlantic Ocean east of northern Florida.

[5] The cable used with the sheet-anchor.

149. *Deposition of Thomas Smith. November 30, 1741.*^[1]

The Deposition of Thomas Smith of Boston Mariner, Master of the Briganteen *Sarah* as follows vizt. That on the 17th day of Septem'r last he being Master of said Brigantine in her Passage from Barbadoes, in the Lat. of 28 Degrees and 38 min's North and the Long. of Bermuda, said Briganteen Was Surprized and taken together with her Cargo Consisting of Rum, Sugar, Cotton and money to the Value of About Eighty Six Pounds Sterling by divers Subjects of the King of Spain in a Privateer Sloop mounted with Sixteen Guns Commanded by One Capt. Ponch^[2] manned with upwards of Forty men, who took Out of the said Briganteen all the Aforesaid Money and Continued all the Rest Of the Cargo on Board of her, and the said Spanish Privateer Ordered the Depon't And four of his men on board the said Sloop and put some of their men on board The said Briganteen and turned her Long boat adrift and the said Sloop and Briganteen were Ordered to Keep Company with One Another and Steer for the Havannah and the Spaniards plundered said Briganteen both of Rum and Sugar And on the 26th of said Septem'r, said Briganteen being in the Old Streights of Bahama, Capt. Benjamin Norton in a Privateer Sloop from Rhoad Island Came up with the Aforesaid Spanish Privateer and the Depo'ts Briganteen, Took the Privateer and Retook the Brig't and Cargo and the said Norton took All the Spaniards out of said Sloop and Brig't and put them on board his Own Sloop and the Depon't Saith that Capt. Norton's Quarter master took out of his Brig't Some Cloaths, a Rug and Blankett, which was upon freight, Contrary to this Depo'ts Request, who told him said things were upon freight, and said Quarter Master also took from this Depon't forty pieces of Eight. Capt. Norton then Ordered this Depon't on board his Own Brig't

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with his own men and ordered the Depon't to keep him Company and Proceed to Rhoad Island. at The same time One Jeremiah Hariman, one of Capt. Norton's men, came on board The said Briganteen, but the wind being fresh and a very strong Current Setting Capt. Norton Outsailed the Brig't, who fell to Leward on the Bahama Banks^[3] In About five fathom water and lost Sight of Capt. Norton for twentyfour Hours and then Stood for the Gulph,^[4] designing for Rhoad Island, but in their Passage thither on the fourth day of October at Ten a Clock in the morning, being in the Lat. of 27 Deg's and 6 min's, the Depon't met with a Spanish Merch't Ship mounted with about Six Guns and Navigated with About Twenty five Men in the Gulph, Comanded by one Barnard Espinosa who was also Owner of said Ship, who came from the Havannah and was bound for the Canaries, Who took and made Prize of this Depon'ts Vessell and Cargo, put this Depon't and His men on board the said Spanish Ship and put his Own men on board the Briganteen to plunder her, and the said Ships Crew took Away the said Briganteens Jib, forestaysail, Sheet Cable and Anchor, five Great Guns, four small Arms, Maintopstaysail, Runners and [*illegible*] Stream Anchor,^[5] two crows and all the Iron they could remove, and also some Sugar, Rum, Cotton, Wool, two coils of Rigging, and Sundry Stores Particularly mentioned in a Schedule, Lodged in Court, and also took of the said Briganteens Cargo five packets of Cotton, two hogsheads and half of Rum, One hogshead and four barrells of Sugar and Seven hundred weight of Loaf Sugar, and also Carried with Him in said Ship the mate, one hand and a Boy belonging to said Brig'n, In Order to Carry them into the Territories of the King of Spain to Shew That the Vessell and Cargo so Plundered belonged to British Subjects, and On the 5th of said October the said Espinosa gave this Depon't his said Briganteen at the Request of a Spanish Priest he had on board (he Haveing at first determined to set her on fire) as also the Remains of her Cargo, vizt. five hogsheads and half of Rum, four hogsheads and Eight Teirces of Sugar, belonging to the Owners of said Briganteen, which he has Since delivered to them, and nine hogsheads of Sugar, five Packets of Cotton and a Teirce of Rum which were Laden Upon freight, which he has since delivered to the Respective Owners, vizt. the nine hogsheads of Sugar to Wentworth and Monk, the five Packets of Cotton to Mr. John Woodhouse, and the Teirce of Rum to Capt. Foresyth, who paid him Freight for the same.

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THOS. SMITH.

and this Depon't further adds that when he met With the said Spanish Ship he Ordered the aforesaid Jeremiah Hariman to Fire a Gun, he haveing a Hot Poker in his hand, who Refus'd to do it But Instead of that he let go the Main Halliards and lowered the Mainsail, And After the said Briganteen was taken by the Spanish Ship the said Harriman desired to enter on board said Ship, Giveing for reason that he Was a Roman and had a wife at St. Augustine,^[6] and this Depon't also heard The Pilot of the Spanish Ship ask the Captain whether he would receive the said Jeremiah Hariman as a hand on board his ship but the Capt. Told said Pilot that he would not take him. this Depon't further declares that he for Severall years has Understood the Spanish language and that the hands on board the Spanish Ship were all of them Spaniards except the Pilot, who was an Englishman, and the Captain of her Showed this Depon't a Paper which he Called a Letter of Marque and this Depon't believes The same really was so.

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THO. SMITH.

1741 Nov'r 30th Thomas Smith made Oath to the truth of the Aforegoing in Open Court.

Att'r JOHN PAYNE, D.Reg'r.

[1] Records of the Admiralty Court held in Boston, "vol. V."

[2] See [doc. no. 145](#), [note 83](#).

[3] The Great Bahama Bank lies southwest of the chief islands, toward Cuba. The vessels were proceeding northwestward toward the Florida Channel.

[4] Of Florida.

[5] A runner was a rope rove through a block. A stream anchor was an anchor of middle size, between a bower and a kedg.

[6] It is to be hoped that Captain Smith is misrepresenting Harriman, for Jeremiah Harriman was married to Mary Johnson in Trinity Church, Boston, on Apr. 29, 1744, the intention of marriage having been filed on Aug. 15, 1743. Boston Record Commissioners, *Reports*, XXVIII. 275, 342.

150. Decree of Vice-Admiralty Judge. December 7, 1741.

[1]

The Case was then fully debated by the Advocates^[2] on both sides and on the Seventh of Decemb'r Aforesaid his Honour the Judge gave the following Decree, vizt.

This Case on the Evidence Appears to me shortly to stand thus: On the 17th day of Sept'r last the Briganteen *Sarah* in her Passage from Barbadoes to Boston was taken by a Spanish Privateer. on the 26th of said Month Capt. Norton in an English Privateer took the Spaniard and his said Prize, puts one of his hands on board of the Briganteen and Continues Mr. Smith the Master and his Crew belonging to her on board, Ordering him to keep him Company and Proceed to Rhoad Island, but the Briganteen Not being Able to keep up with the English Privateer lost sight of her, And in her Passage for Rhoad Island on the 4th of October was again taken By a Spanish ship, who plundered her the second time and Carrying with them the Mate, One hand and a Boy, on the 5th of October Aforesaid was prevail'd upon to Give the Briganteen with the Remains of her Cargo, etc. to the said Smith the Master, who brought her to Boston, and now the Owners of the English Privateer and Capt. Norton and his Crew demand one half for Salvage according to the Stat. In that Case (as they say) provided, and if they are Entitled to the Same is the Sole Question. In determining of which I shall Premise

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1st. Its a Rule in Law that the Right of Changeing Property by force of Arms is so Odious that in the takeing of Goods if by any Possibility The Right Owner may have Restitution the same shall be done, and th'o a Larger time than twenty four hours happen between the Capture And Recapture, and so may pernoctare^[3] with the Captor yet Restitution may be made.

2 ly. The Sense and Understanding the Law hath of Privateers, vizt. That they Are such as receive no pay but go to war at their Own charge, and Instead of pay leave is granted to Keep what they can take from the Enemy, and alth'o such License is Granted yet may they not of their Own heads Convert to their Private use Prizes before the same have Been Adjudged by Law Lawfull to the Captors.

3 ly. There are Two Adjudged Cases that may Contribute to the Clearing up this Point. The First is in the War between England and Holland.^[4] a Dutch man of war takes an English Merchant man and Afterwards an English man of war Meets the Dutchman of war and his Prize and in Aperto Prelio^[5] regains the Prize. there Restitution is made, the Owners paying Salvage, *for had it been a Lawfull Prize to the Recaptor the Admiral wou'd have had a Tenth*. The Second is where a Ship Chartered in his Voyage happens to be taken By An Enemy, and Afterwards in Battle is Retaken by Another ship in Amity, And Restitution is made and she proceeds on her Voyage. the Contract is not Determined. th'o the taken^[6] by the Enemy divested the Property out of the Owners, Yet by the Law of War the Possession was defeazable, and being Recovered by battle Afterwards, the Owners became Reinvested, so the Contract by [fiction] of Law became as if she never had been taken and so the Entire freight Became due.

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Lastly, I Observe the Words of the Stat. in the Case of Recaption^[7] Agree with the Words of the Law in the Cases put, for the words In the Act are *shall be adjudged to be Restored to Such former Owner, etc. Paying in Lieu of Salvage, etc.*

These things thus Premised I Come to the Consideration of the Point before me, and am of Opinion the Prepon'ts are Not Entituled to Any Salvage, for that the Owners were never Absolutely Divested of their Property, as may fairly be Collected from what has been Before mentioned. Its true the Prepon'ts had a Right or Claim to Salvage On the Recaption, but before that right Cou'd be Adjudged lawfull to the Recaptors the Briganteen was again taken by a Spaniard, which puts an Entire End to Salvage for a former Recaption, because Retakeing and Restitution begets Salvage but the Prepon'ts Retakeing is lost by the Enemies Again takeing the Brig't, and in Fact its the Enemy that made the Restitution. Therefore I decree the said Libel to stand dismist, but inasmuch as the Prepon'ts have been in Part Instrumental towards the Preservation of the said Briganteen and th'o not Strictly Speaking by Law Entituled to Salvage and the Case being New, I decree the Def'ts to pay all the Costs.

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[8]

ROB'T AUCHMUTY, Judge Ad'y.
7 Decem'r 1741.

[1] Records of the Admiralty Court, Boston, "vol. V."

[2] In English admiralty courts the two classes of lawyers—roughly, those who appeared in court and those who prepared the papers—

were called advocates and proctors, corresponding to barristers and attorneys in the common-law courts.

[3] Continue through the night.

[4] It is difficult to identify these cases, for volumes of reports of admiralty decisions were not published until the beginning of Christopher Robinson's *Reports* in 1798, and not many earlier decisions have since been reported; but the first of the cases here referred to may be one of the two, those of the *Laurel Tree* and the *Palm Tree*, on which Sir Leoline Jenkins rendered, in 1672, opinions which are printed in Wynne's *Life of Sir Leoline Jenkins*, II. 770.

[5] Open battle.

[6] Taking.

[7] 13 Geo. II. ch. 4, sect. 18.

[8] From this decree of Judge Auchmuty the owners of the *Revenge* appealed (see docs. no. [151-158](#)), but in vain. Opinions might well differ, as did those of the civilians consulted in London, [doc. no. 153](#). High authorities declared that when a prize had been taken into firm and secure possession, the title of the original proprietor was completely extinguished, and was not revived by a recapture (The *Ceylon*, 1 Dodson 105). But as to English practice, the civilians of Doctors' Commons certified in 1678 that the custom of the High Court of Admiralty was to restore the recaptured vessel to the first proprietor, with salvage of one-eighth to the recaptors (Marsden, *Law and Custom of the Sea*, II. 102, *cf.* also 168, 193), and the statute 13 Geo. II. ch. 4, sect. 18, so provides, with enlargement of salvage when the enemy's possession had lasted longer; see [doc. no. 145](#), [note 61](#). But this present case was, or purported to be, a case of a *second* recapture. A note in 4 Chr. Robinson 217 shows three cases in 1778, 1780, and 1781, of British prizes recaptured by the French, then captured again by the British; in one case the House of Lords awarded the vessel to the first captor, in the other two to the last. Justice Story, in one of his notes in 2 Wheaton, app., p. 46, says, "Where a hostile ship [*e.g.*, Smith's brigantine when first encountered by Norton, in Spanish hands] is captured, and afterward is recaptured by the enemy, and is again recaptured from the enemy, the original captors [*e.g.*, Norton] are not entitled to restitution on paying salvage, but the last captors [*e.g.*, Smith] are entitled to all the rights of prize, for, by the first recapture, the whole right of the original captors is devested"; and he refers to the *Astrea* (1 Wheaton 125), where Marshall in 1816 so decided, with as much emphasis as Sir Leoline Jenkins laid on an opposite doctrine in 1672. In 1741 doctrine was in transition from the earlier to the later view.

151. Appeal in Prize Case. December 8, 1741.^[1]

1741, Decem'r the 8. John Overing, Esq'r,^[2] Advocate for the Propon'ts, Appeared In Open Court and Demanded an Appeal from the aforegoing Decree, Which the Judge Allow'd of Upon Securitys being given as the Act requires.

Att'r JOHN PAYNE, D.Reg'r.

[1] Records of the Admiralty Court, Boston, "vol. V". From 1628 to 1708 appeals in prize cases from the sentences of vice-admiralty courts in the colonies had been heard in England by the High Court of Admiralty; since that date, they had, in accordance with 6 Anne ch. 37, sect. 8, been addressed to a body of persons specially commissioned for the purpose, called the Lords Commissioners of Appeal in Prize Causes. See the memorandum of Strahan and Strange (1735) in F.T. Pratt, *Law of Contraband of War*, p. 295. A commission (1728) for the trial of such appeals is printed in Marsden, *Law and Custom of the Sea*, II. 267-270.

[2] Attorney-general of the province of Massachusetts Bay 1722-1723, 1729-1749.

152. Bond for Appeal in Prize Case. December 19, 1741.

[1]

On the nineteenth day of Decem'r Anno Dom 1741 Personally Appeared at Boston in New England John Overing, Esqr., and John Homans, Merchant, both of Boston Aforesaid, who Submitting themselves to the Jurisdiction of the High Court of Admiralty of England Obligated themselves, their Heirs, Executors and Admin's to Thomas Lee, Merch't, and John Tyler, Brazier, both of Boston Aforesaid, Owners of the Brig't *Sarah*, Thos. Smith Mas'r, In the Sum of Three hundred Pounds of Lawfull money of Great Brittain To This Effect, That is to say, Whereas John Freebody of Newport in the Colony of Rhoad Island, Merchant, Exhibited a Libel in the Court of Vice Admiralty for the Province of the Massachusetts Bay in behalf of Himself and Benja. Norton, Owners of a Privateer Sloop called the *Revenge*, And as Agent for and in behalf of the Officers and Mariners of said Sloop, Against the Aforesaid Brig't *Sarah* for Salvage, etc. as per Libel on file More fully sets forth, And whereas by decree of said Court of Vice Admiralty Dated the Seventh day of Decem'r instant the said Libel was dismist, And the said Freebody haveing Appealed from said decree or Sentence to the Commissioners Appointed or to be Appointed Under the Great Seal Of Great Brittain for Receiveing, hearing and determining Appeals In causes of Prizes, now in Case the said John Freebody shall not Prosecute the said Appeal to Effect within twelve months from the Date hereof or in Case the Aforesaid decree Shall not be Revers'd By the said Commissioners, then they do both hereby Severally Consent That Execution shall Issue forth Against them, their Heirs, Executors, Admin'rs, Goods and Chattels, wheresoever the same shall be found, to the Value of the said Sum of Three hundred Pounds before mentioned, or Treble such Costs as shall be Taxed in the said Court of Vice Admiralty, But in Case the said decree be Reversed by the said Commissioners Then this Bail shall be Void and of none Effect, and in Testimony of The Truth thereof they have hereunto Subscribed their names.

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Att'r JOHN PAYNE, D. Reg'r.

J. OVERING.
JNO. HOMANS.

Exam'd per JOHN PAYNE, D. Reg'r.

[1] *Ibid.* The law required the appellant to give bond to prosecute. A similar bond (Rhode Island, 1756) is printed in Professor Hazeltine's monograph on "Appeals from Colonial Courts", in *Annual Report of the American Historical Association* for 1894, pp. 344-345.

153. Case (Freebody c. Sarah) and Opinions of Civilians.

May 17, July 10, 1742.^[1]

CASE.

The English Brigantine called the *Sarah*, Thomas Smith Master, together with her Cargo, consisting of Rum, Sugar, Cotton and money on Board, was in her Passage from Barbadoes taken and Seized by a Spanish Privateer mounted with Sixteen Guns and Manned with upwards of Forty Men, who took out of the said Brigantine all the Money, but Continued all the rest of her Cargo on board of her, and the Spanish Privateer ordered and Caused the Master and Four of the Brigantine's Men to be put on Board the Privateer and put some of the Privateers Men on Board the Brgt. and turned her Long Boat adrift and the Brigantine was Ordered to keep Company with the Privateer and Steer for the Havannah. About Twenty Leagues from the Havannah, near the Island of Cuba, an English Privateer Sloop called the *Revenge* (Benjamin Norton Commr.) came up with the said Spanish Privateer in Company with the said Brigantine, Engaged and took the Said Spanish Privateer and at the same time retook the said English Brigantine and Cargo on board, and Capt. Norton then took all the Spaniards out of the said Spanish privatr. and English Brigantine and put them on board his own Privateer, and Ordered Thomas Smith, the Master, and Crew of the said English Brigantine from on Board the Spanish Privateer to be put on Board the said Brigantine, and at the same time put on Board her Jeremiah Harimen, One of his own Privateer's Crew, to keep Possession of her until Salvage Shd. be paid for the Recapture, at the same time with Orders to keep the Privateer Company and proceed to Rhode Island.

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Soon after, either by the Contrivance of Thos. Smith, the Master of the Brigantine, or

by the Wind blowing fresh, the Brigantine was Separated or lost Sight of the Privateer.

The Brigantine met with a Spanish Ship Mounted with six Guns and Navigated with about 25 Men, who boarded the Brigantine and Plundered her and took out of her part of her Rigging, Sails, Cables and Anchors, and part of her Lading, and the next day they quitted her, but first took out of her the Mate, One hand and a Boy, and put them on Board their Spanish Merchant Ship and carried them away.

Capt. Smith afterwards proceeded with the said Brigantine and in her Passage coming near Block Island was desired by Jeremiah Harimen (who was put on board to keep Possession of her as a fore said) to go into Rhode Island but refused the same and proceeded to Boston, where upon her arrival the said Jeremiah Harimen was put out of possession of her, and Thos. Smith, the Master, Caused her Cargo to be unloaded and delivered and afterwards to be refitted, without the Least offering to pay any Salvage, under pretence that the Master of the Spanish Mercht. Ship after plundering the Brigantine gave the same to the said Thos. Smith the Master.

Thereupon the Commr. and Owners of the English Privateer caused the said Ship to be arrested in the Vice Admiralty Court of Boston to Answer the said Salvage.

Pleas were given and Admitted and Several Witnesses Exd. on both sides, and the Judge of Vice Admiralty dismissed the Cause without giving any Salvage whatsoever, from which Decree it is Appealed on the behalf of the Comr. and Owners of the said English Privateer.

Observe. By the Depo[sitio]ns of the Witnesses there Appears to be some Variation relating to the Seizure of the Brigantine by the Spanish Mercht. Ship. Thos. Smith, Master of the Brigantine, and his Mariners Swear that the Spanish Mercht. Man after seizing and plundering her gave him the Ship.

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Jeremiah Hariman, who was put on board by the English Privateer in Order to keep Possesn. of her, differs from them in his depo[sitio]ns.

Q.^[2] Are not the Owners and Comr. of the English Privateer intitled to a Moiety of the said Brigantine and her Lading for Salvage by reason the Brigantine was in Possesn. of the Spanish Privateer above 96 hours before she was retaken, and whether they have not Just Cause of Appeal.

If Capt. Norton, the Commander of the English Privateer, after having retaken the Brigantine from the Spanish Privateer, had kept possession of her, and Carried her safe into a British port, he and his Owners would have been entitled to Salvage, According to the Directions of the Act of Parliament. But as the Brigantine was afterwards taken by another Spanish Ship, before she got into Port, and not protected against the Enemy by Capt. Norton, it seems to me very doubtful whether he can Claim the Salvage According to the Act of Parliament, For Salvage is understood to be a Reward to the Recaptor, who has not only rescued the Ship and Cargo out of the hands of the Enemy, but has also effectually Secured the same for the benefit of the Owners, till the safe Arrival of the Ship in a British Port, Which not having been done in the present Case, makes me doubt of Success in an Appeal from the Sentence.

WILL. STRAHAN.^[3]

DOCTRS COMMONS, May 17, 1742.

According to the Evidence given in this Case I am of Opinn. that the Brigantine the *Sarah*, being taken the 17th of Septemr. 1741 by a Spanish Privateer in a voyage from Barbados, and retaken on the 26th of Septemr. 1741 by the Privateer the *Revenge* from Rhode Island, commanded by Capt. Norton, and convey'd to Boston, The Captain of the Privateer the *Revenge* will be well entitled to Salvage for the Brigantine and her cargo, and the said vessel having been 96 Hours in possession of the Spaniards, the *Revenge* Privatr. will be well entitled to a Moiety of the value of Ship and Cargo.

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The said Brigantine being seiz'd on the 4th of October by a Spanish Merchant Ship and plunder'd will not abate the *Revenge's* Right to Salvage. If the Spanish Merchant Ship did actually give the Brigantine (on the 5th of October at the request of a Spanish Priest) to Mr. Thomas Smith, that will not barr the Salvage because such Ship could have no property in the Brigantine. I therefore think that there's good Reason for an appeal if this Case be truly stated.

G. PAUL.^[4]

DR. COMMONS, July 10th 1742
Copy

The Right of Salvage acquir'd by the Recapture of the *Sarah* Brigt. was not, I

conceive, extinguished by its being taken again by the Spanish Merchant Ship, she not being carried *intra praesidia*,^[5] but only plundered and let go. The Pretence of a Gift thereof to Captn. Smith can have no weight, for the Spanish Mercht. acquir'd no property by the Capture and could transfer none to Smith, who has deliver'd the Cargo to the Owners and Freighters, to which he would have had as much right as to the Ship. As the pretended Gift could transfer no property, it could extinguish no right which had been acquir'd by the *Revenge*, Except as to such part of the Cargo as was taken away by the Spaniard. But the Owners and Company of the *Revenge* are intitled to a Moiety of the full Value of the Ship and Cargo, as she arriv'd at Boston, without any Deduction, and I am of Opinion that there is just ground of Appeal from the Sentence given in the Court of Admiralty there.

J. ANDREWS.^[6]

Copy.

[1] Massachusetts Historical Society.

[2] For query, on which the London agents of Freebody and Norton (see [doc. no. 154](#)), or an admiralty proctor acting for them, sought the opinion of eminent civilians at Doctors' Commons—Dr. Strahan, Dr. Paul, and Dr. Andrews—for all the practitioners in the admiralty and ecclesiastical courts were doctors, of the civil law (D.C.L., Oxford) or of the civil and canon law (LL.D., Cambridge).

[3] An eminent advocate, of Scottish origin, M.A. Edinburgh 1686, D.C.L. Oxford 1709, an advocate from 1710, advocate to the admiralty 1741-1748. As to Doctors' Commons, see [doc. no. 102, note 2](#).

[4] George Paul, fellow of Trinity Hall, Cambridge, a foundation specially devoted to the civil law, LL.D. Cambridge 1704, vicar-general to the archbishop of Canterbury 1714-1755, king's advocate 1727-1755.

[5] "Within the places of safety", such as ports or fleets. "Movable goods carried *intra praesidia* of the enemy become clearly and fully his property, and consequently, if retaken, vest entirely in the recaptors. The same is to be said of ships, carried into the enemy's ports, and afterwards recaptured". Bynkershoek, *Quaestiones Juris Publici*, lib. 1, ch. 5.

[6] For Andrew; John Andrew, fellow of Trinity Hall, LL.D. Cambridge 1711, chancellor and judge of the consistory court of the diocese of London 1739-1747. He must have had a profitable practice, for he left £20,000 to Trinity Hall.

154. Letters to Owner from London Agents. June 10, July 17, 1742.^[1]

Mr. John Freebody.

LONDON June 10th 1742.

Copy per Capn. Jones.

Sr.

We have receiv'd yor. favours of the 7th and 11th Decemr. inclosing sundry Papers and proceedings, relating to a Tryal in the Court of Admiralty at Boston between the Owners of the Privatr. *Revenge* and one Capn. Smith which we have delivered to Mr. Everard Sayer, an eminent Proctor in the Commons,^[2] who has perus'd them and taken the opinion of Doctr. Strahan, one of the best Civilians we have, of which we inclose you a Copy, which does not seem in yor. favour, but we shall get anor. Doctor's Opinion on it and see what he says.^[3] the Store Bill you mention to have sent to Mrs. Harris^[4] has never reach'd her hands, which we have formerly advis'd you of, we shall do all in our power to serve you in this Affair abot. the Appeal and hope to receive yor. farthr. Commands, remaing. with due Respect—

LONDON 17 July 1742.

Srs.

Since the above Copy of our Last have recd. yr Favours of the 22d April. we are very

Sorry to have occasion to inform you that our good Friend and Partner Francis Wilks, Esqr., departed this Life the 5th instant.^[5] he had been in a very ill State of health for above two years past and the whole business of the house has been transacted by us for that time and we hope to the Satisfaction of all our Friends, who we Flatter our Selves will Continue their Favors to us and we Shall [be] ready to Serve you and promote yr. Interest to the best of our Capacity and assure you with great fidelity. we have taken Doctr. Paul's opinion ab't yr. Case which you have inclosed. it seems to be quite the reverse of what Dr. Strahan gave and is intirely for you; our Proctor has persuaded us to have yet another eminent Civilian's opinion, which if in our Favor he thinks we ought to pursue the appeal, of which shall acquaint you more hereafter. we have received the Certificate for the Snow *St. John*, Samll. Waterhouse, which have laid before the Navy board but have not as yet obtained a bill for the payment of it. at this Warr time there is so much hurry at the Navy office that we can not get any Satisfactory acct. relating to the head Money of the Spanyards taken by yr. Privateer. we are concerned at yr. Loss in the Man of Warr taking 15 of yr. Men.^[6] it is an abominable practice yet it is what they frequently have done and go on with. there has been representations made abt. it at our Admiralty office but no redress has been obtained, only a few good Words that they would give orders to the Contrary. are pleased you got a litle — in her Way home. hope you will have greater Success hereafter which Shall be glad to hear. we Shall have a just regard to all yr Concerns under our Managemt. as if your own, and remain with due respect

Sir,
Yr. Most oblgd. h. Sts.,
BOURRYAU^[7] AND SCHAFFER.

Mrs. Harris desires to be remembred to you. She is left sole [heiress of?] Mr. Wilks.

[1] Massachusetts Historical Society. Such were the uncertainties of transatlantic correspondence that letters were often sent in duplicate, as here, where a copy of the letter of June 10 is enclosed in that of July 17. The London agents of Freebody were the firm of Wilks, Bourryau, and Schaffer, merchants.

[2] *I.e.*, in Doctors' Commons.

[3] See [doc. no. 153](#).

[4] Daughter of Wilks; see [note 5](#), *post*.

[5] "Francis Wilks, esq., a director in the South Sea Company, died July 5." *Gentleman's Magazine*, XII. 387. He had been agent in London for the Massachusetts House of Representatives since 1728, and for Connecticut since 1730. Hutchinson, *Mass. Bay*, II. 353, describes him as a "merchant in London who ... was universally esteemed for his great probity as well as his humane obliging disposition".

[6] Impressment of seamen.

[7] Zachariah Bourryau, merchant, of Southampton Row, London, and Blighborough manor, Lincolnshire. He was of a French family settled in St. Christopher, W.I. He died in 1752, leaving an estate of about £40,000. *Caribbeana*, III. 251-252.

155. Decree of Vice-Admiralty Judge. July 7, 1742.^[1]

Colony of Rhode
Island, etc. }
Curia Admiralitatis

James Allen, etc. proponents
against the Schooner *St. Joseph*
de las Animas for Gunns,
Ammunition,
One Slave and Cargo etc. }

Having maturely considered the Evidence in this Case as well as the examination of Francisco Perdomo Capt. of the Spanish Privateer who being duly notified of the Trial and here in Court and being asked what he had to offer why sentence of Condemnation should not be passed against the said Schooner, her Gunns, Ammunition, Rigging, Tackle, Apparel and Furniture, etc. To which he Answered he had taken several prizes and had had them condemned and his Vessel, etc., according to the Laws of Nations and Rules of War was a good prize and therefore he had nothing to gainsay the Condemnation.

I therefore adjudge and Decree the said Schooner and her Gunns, Cables, Anchors, Rigging, Sails, Tackle, Apparel, with the Slave and her Cargo, etc. mentioned in the Libel, to be Condemned as good and lawful Prize to and for the Use of the Captors and Owners of the said Sloop *Revenge* to be divided according to the Articles made between them.

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I further Decree the Owners of the *Revenge* and the Captors to pay the lawful Charge of Condemnation and all incident Charges.

S. PEMBERTON, D. Judge.^[2]

NEWPORT July 7th 1742.

The above is a true Copy taken from the original and Compared by me.

^[1] Massachusetts Historical Society.

^[2] Samuel Pemberton, merchant of Boston, son of Rev. Ebenezer Pemberton of the Old South Church, was deputy judge of the admiralty court in Rhode Island for a brief period in 1741 and 1742. In the archives of Rhode Island, in a volume lettered "Admiralty Papers, 1726-1745", there is a libel of James Allen, captain of the sloop *Revenge*, privateer, against the Spanish sloop *St. Joseph*, captured Mar. 1, 1743, on the north side of Cuba. But that was another incident; the *St. Joseph de las Animas* was a schooner.

*156. Letters to Owner from London Agents. July 27,
August 13, 1742, February 16, 1743.^[1]*

LONDON 27th July 1742.

Mr. John Freebody
Sir

1 p.c.

Copy per Ellis

Since the foregoing Copy of our last have not recd. any of your favours. this serves to inclose you Dr. Andrews Opinion^[2] relating to your Capture of Smiths Brig. which as it is of your side and agreeable to that of Dr. Paul we shall proceed in the Appeal and hope for Success, but as their Lordships in Council^[3] will not sitt to hear Appeals till February Next, you will have time En'o to give us your farther Directions about it and you may depend on our Serving your Interest as if our own. there is lately an Order come to the Navy Office for making out bills for the hire of American transports, which the Commrs. have promised to Comply with, so hope this will soon be ended and we shall hereafter acquaint you with our farther proceedings. we are with offers of Service—

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LONDON 13 Augt 1742.

Sir.

Confirming the foregoing Copy of our Last, are not Favd. with any of yours. this Serves to inclose you Copy of yr Case abt. the Brig. *Sarah* and the opinion of the 3 Doctors of the Civill Law. we have given £50 Security in the Commons^[4] to prosecute the affair in the appeal before the King and Council. we Shall in a few Days have a Navy bill made out for the hire of the Certificate of the Snow *St. John* when Shall acquaint you with the neat proceeds. We are with due respect

Sir
Yr. most hb. Servts.,
BOURRYAU AND SCHAFFER.

LONDON Feby 16th 1742/3.

We have recd. your favors of the 20th Octo. and 14th Decemr. with your Power of Attorney, also copy of Condemnation and Certificate for recovering the Kings bounty of £5 per head for the Spanish prisoners taken by Capn. Norton on board the Spanish Scooner Privateer called the *Joseph de las Animas*, which we have laid before the Navy Board, but have not as yet been able to get any Satisfactory answer to this nor the other for the *Divino Pastor* and *Ynvincible* Sloop which was left with them some Months ago. these great Men in office particularly in Warr time think themselves so much engaged in Governmt. Affairs that they Postpone every thing else, just at their own pleasure. We shall keep plying Constantly about 'em and hope to Succeed one time or other. there is not as yet a day appointed for hearing the Appeal about the Brig. *Sarah*. We shall Vigorously prosecute the affair and Acquaint you, in due time, with our Success. we have Acquainted Dr. Paul and Andrews, with what you have further mention'd about Smith the Master of the Brig., Capt. Norton and Compa. and Jeremiah Harriman, which hope may be of Service at the hearing. its certain you have been very unjustly dealt by in the proceedings of your Court of Admiralty, and are in great hopes you will meet with redress here at home. inclosed we send you Sales of the Freight Bill recd. on your Accot. for the hire of the *St. John* Snow, Capt. Waterhouse, Net proceeds being £120.18.6, have Carried to your Credit. We heartily wish you further Success with Capt. Norton. Shure he's a Gentn. of a fine Gallant behaviour and a just Scourge to these Jack Spaniards and deserves publick rewards from all Merchts. and traders that use the Seas. We are sorry to Acquaint you that Mrs. Harris departed this Life in Octo. last after a Lingering Illness. we have not to add but to assure you that we shall in all Concerns observe your Interest as if our own, remaining with due respect

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Sir
Yr. Most hb. Servts.,
BOURRYAU AND SCHAFFER.

[1] Massachusetts Historical Society. A continuation of the correspondence in [doc. no. 154](#).

[2] See [doc. no. 153](#).

[3] The commission to hear appeals generally included at this time the whole Privy Council.

[4] *I.e.*, in the office of the registrar of the Lords Commissioners of Appeal in Prize Causes, in Doctors' Commons.

*157. Account rendered by a Proctor in London. February
10, 1744.*^[1]

John Freebody and Benja. Norton, Commander of the private Ship of War Called the *Revenge*, the Owners of the said Ship, Ag[ains]t Thomas Lee and John Tyler, Owners of the Ship Called the *Sarah*, whereof Thomas Smith is Mas[te]r, the Goods therein Lately Retaken by the sd. private Ship of War Called the *Revenge*,

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In a Certain Cause of Appeal from the Vice Admiralty of the province of Massachusetts Bay.

May 1742

For proctors fee consulted	£0. 5.
For perusing the whole proceedings	13. 4
For drawing a State of the Case for Counsel	16. 8
For a Copy thereof for Dr. Strahans Opinion	5.
For Dr. Strahans fee giving his Opinion in Writing	2. 2.
For Attending on him	6. 8
For a Copy of the Case for Dr. Pauls Opinion	5.
For his fee giving his Opinion in Writing	2. 2.
For Attending on him	6. 8
For a Copy of the Case for Dr. Andrews Opinion	5.
For his fee giving his Opinion in Writing	2. 2.
For Attending on him	6. 8
For Interposing a protocal of Appeal before a Notary	6. 8
For the Caution ^[2] entred into to prosecute the Appeal	

and		
Stamps		7. 6
For the Marshalls Report		8.
For Entering into Bail		5.
For the Proctors fee praying an Inhibition and Monition		
and		
Surrogates fee ^[3]		6.

Aug't 5th 1742

For the Inhibition and Monition under Seal and Stamps		
and		2. 6.
Extracting		10
For the Effect of that Said Inhibition		1.

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Nov'r 11th.

For attending when the Transmission was brought in		
by the		
Judge below		0. 5.
For Compounding for the process		5.
For Drawing a Libel of Appeal		16. 8
For Ingrossing the same and Stamps		7. 8
For the Advocates fee signing the Libel		2. 2.
For Attending on him		6. 8
For Returning the sd. Inhibition and Monition at the		
Counsel		
Chamber when a Proctor appear'd for the Appellator		
and		
gave in a Libel		13. 4
For A Copy of sd. Libel for Advise Proctor and Stamps		7. 8
Fee when Issue was Joined		6. 8
For Attending when the Cause was Assigned for		
Sentence on		
the first Assignment		6. 8
For Coach hire		3.

24 March [1743].

For Attending at the Counsel Chambers when the		
Cause was		
Assign'd for Sentence at the next Court		13. 4
For Coach hire		3.
For drawing a Breif for Councill		4.13.
		4
For Drawing and making an Index and Abstract of the		
Process		
and Copy		1. 6. 8
For Copys of the Opinions given by the Counsell for		
their Use		13. 4

10 May.

For Attending at the Councill Chamber when the		
Judges Assign'd		
the Cause to be heard the next Court		13. 4
For Coach hire		3.

17.

For the same to the next Court		13. 4
For Coach hire		3.

2 June.

For Attending at the Councill Chamber when the		
Cause was		
Assigned to be heard when their Lordships should		
Appoint		13. 4
For Coach hire		3.

20th Octr.

For Attending at the Councill Chamber when their		
Lordships		
Assign'd the Cause to be heard the 27 instant.		13. 4

—

For Coach hire	3.
For two Cops of the Brief for Councill and One for my Self	5. 5.
For Dr. Pauls fee to Attend the Lords of the Councill etc.	10.10.
For Diverse Attendance on him	13. 4
The like for Dr. Andrews fee	10.10.
For Divers Attendance on him	13. 4

27th Octr.

For Attending at the Councill Chamber when the Cause was heard and their Lordships pronounced Agst. the Appeal and Condemned my Clients in £10 Costs According to Stile	1. 6. 8
For Coach hire	3.
Paid the said Costs	10.10.
Paid the Reg'rs Bill	2. 1. [5]
For several Extrajudicial Attendance in the whole Cause	1. 6. 8
For Clark and Officers	10.
For Letters and Sportalage ^[4]	7. 6
	<hr/> £74. 9.
	3

Everard Sayer, 10th Feb'ry 1743^[5]

Rece'd then the Contents

EVERARD SAYER

Vera Copia per

LONDON Jan'y 31st 1746/7. I hereby do Certifie that the above is a true Copy.

ZACH. BOURRYAU.

[1] Massachusetts Historical Society. It will be observed that an appeal was an expensive process; that advocates' fees were expressed in guineas, multiples of £1. 1s.; that the proctor felt that he had to have a coach whenever he went to attend one of the sessions of the court; and that "the law's delays" were abundantly exemplified. The Lords Commissioners sat in the Council Chamber at the Cockpit in Whitehall. Their procedure can be gathered from the printed briefs, for appelland and respondent, which are preserved in a few American libraries, often bearing manuscript annotations by the lawyers for whom they were prepared. The Library of Congress has a collection of such briefs, some 200 in number, 1751-1764, bound in four huge folio volumes, and still ampler collections for the later wars of the century, American and French. The library of Brown University has two such volumes, embracing briefs in forty or fifty cases, 1780-1782. Another collection, also bound in two volumes, formerly belonging to Mr. Gordon L. Ford, but now to the New York Public Library, is described by the late Paul L. Ford in the *Proceedings* of the Massachusetts Historical Society, XXV. 85-101, with full data respecting the twenty-five American cases.

[2] Security or bond.

[3] On application, the Lords Commissioners of Appeal, or their deputy the *surrogate*, would issue an *inhibition* to the judge of the court from which the appeal had come up, enjoining him to stop all further proceedings, and a *monition* to transmit all the past proceedings in the cause to them; these latter documents constituted the *transmiss* or *transmission* mentioned below. Browne, *Civil and Admiralty Law* (ed. 1802), II. 439. Clerke, *Praxis Curiae Admiraltatis*, tit. 57.

[4] More properly, sportulage; meaning, apparently, a small customary present or fee to a judge, Lat. *sportula*.

*158. John Tweedy's Bill for Medicines. November 8,
1743.*^[1]

NEWPORT, Novr. 8th, 1743.

Capt. John Freebody and Capt. Ben Norton in Co., Drs.

To Sundrys for the Privateer Sloop *Revenge*, Capt. James Allen Com'r, Nicholas Holmes Chirurgon, Viz.

Aq. Menth. Fort. 3½ pts.	£1. 8. 0
Cinnamoni 1½ pts.	0. 9. 0
Foenicl. d. 1 Bott.	0. 4. 6
Theriactal 1 Do.	0. 9. 0
Vitae 1 Do.	1.16. 0
Sp. Sal. Volat. oleos. 6 oz.	0.15. 0
Armoniac 8 oz.	0.16. 0
Nitri dulc. 4 oz.	0.10. 0
Salis dulc. 4 oz.	0.12. 0
Vin. Rectif. 3½ pts. ^[2]	1. 8. 0
Elixr. Proprietatis, 20 oz.	3. 0. 0
Vitriol 3 oz.	0. 9. 0
Essent. Stomatical 34 oz.	5. 4. 0
Tinct. Castor. 3½ oz.	0. 8. 3
Bezoartic 1 pt.	2. 8. 0
Euphorbii 4 oz. ^[3]	1.12. 0
Bals. Copivi 6 oz.	0.12. 0
Peru. 2 oz.	2. 8. 0
Sulph. Tereb. 1¼ oz.	0. 5. 0
Syr. Papaver Diacodii 4 pts. 5 oz.	2.11. 9
Crocii 2 pts. 5½ oz.	2. 7. 0
Limonum 2 pts. 1 oz. ^[4]	1. 4. 0
Oleum Hyperic. 3¾ oz.	0. 6. 0
Lini 3 pts.	0.13. 6
Succini 2 oz.	0. 8. 0
Juniper. 2 oz.	0.12. 0
Terebinth 3¾ pts.	0.15. 0
Olivarum 3¾ pts.	1. 2. 6
Anis. 2 oz.	0.12. 0
Amygd. dulc. 4 oz.	0.12. 0
Mel Rosarum 1¾ Pts.	1. 1. 0
Commun. 4 pts.	0.16. 0
Tamarindae 4. ^[5]	0.16. 0
Theriact. Andromach, 2 pts. ^[6]	2. 8. 9
Cons. Rosar. rubr. 1¾ pts.	1. 1. 0
Linimt. Arni. 1 pt.	0.16. 0
Ungt. Dialth. 1 pt.	0. 8. 0
Populion, 1 pt.	0.12. 0
Basilicon 1 pt.	1.12. 0
Alb. Camphor. 1 pt.	0. 8. 0
Sal Absinth. 2 oz.	0. 6. 0
Card. Benedict. 1 oz.	0. 8. 0
Prunel. 8 oz. ^[7]	0. 8. 0
Sp. Vitriol 5 oz.	0.10. 0
Elixr. Vitae 6¼ oz.	2.10. 0
Philon. Roman. 6 oz.	0. 9. 0
Diascordium 1 pt.	0.16. 0
Pulv. Ling. Dracon. 1 oz.	0. 5. 0
Gum Tragacanth 2 oz.	0. 4. 0
Bez. Miner 1½ oz. ^[8]	0.16. 0
Emplast. Diachylon c' G. 1 lb.	0.16. 0
Oxycroceum 1½ lbs.	0. 8. 0
Defensiv. 2 lbs.	1.12. 0

Paracels. 1 lb.	0.16. 0
Epispastic 1 lb.	1. 4. 0
Diapalm. 1 lb.	0. 6. 0
Stomach. Mag. 2 lbs.	2. 8. 0
Melilot. 1 lb. ^[9]	0. 6. 0
Verjus 6 pts. [?]	0. 4. 6
Flor. Chamomel ¾ lb.	0.16. 6
Absinth. 1 pt.	0. 5. 0
Rad. Gentian. 1 lb.	0. 8. 0
Liquorit. 2 lbs.	1. 0. 0
Bardan. 4 oz.	0. 6. 0
Rhei Pulv. 6 oz.	11. 5. 0
Lign. Guejac. 1 lb. ^[10]	0. 1. 6
Ocul. cancr. praept. 6 oz.	0.15. 0
Coral. rubr. praept. 4 oz.	0.12. 0
Croc. Orient. 1 oz.	1. 5. 0
Cinnab. Antimo. ½ oz.	0. 4. 0
Conch. praept. 1 lb.	2. 0. 0
Pulv. Jalap. 8 oz.	2. 0. 0
Ipecacuanh. 6 oz.	1.16. 0
Pil. Ruffi 3 oz.	1. 4. 0
Catholicon 1 oz. ^[11]	0. 8. 0
Tereb. Venet. 2¾ pts.	1. 7. 6
Argent. Viv. 8 oz.	1.10. 0
Antimo. Crud. ½ lb.	0. 2. 6
Succ. Glyzyrrhiz. 1 pt.	0.14. 0
Rad. Sarsaparil. 3 lbs.	1. 4. 0
Hyssop. ½ lb.	0. 2. 6
Centaur. Minor. ½ lb.	0.12. 0
Extract Cass. Fistul. 2¼ pts. ^[12]	1.16. 0
a Pewter Glyst. Syringe	5. 0. 0
Skines No. 4	1. 0. 0
Tartar. Vitriolat. 1 oz.	0. 4. 0
Sal Armo. 4 oz.	0. 6. 0
Flor. Rosar. Rubr. ½ pt.	2.17. 0
Crem. Tart. Part. Pulv.	1.10. 0
Resin. Jalap. 2 oz.	2. 8. 0
Dulc. Gutt. Gamb. 1 oz.	0. 5. 0
Sponge 2 oz.	0. 8. 0
Cantharides 1 oz.	1. 4. 0
Vitriol. Roman. 1 oz.	0. 1. 3
Flores Sulphur. ½ pt.	0. 3. 0
Alum. Crud. ½ lb. ^[13]	0. 1. 0
Bacc. Juniper. 2 pts.	0.10. 0
Resin Comun. 4 lbs.	0. 3. 0
Lap. Calamin. praept. 1 oz.	0. 1. 0
Sach. Saturn. 2 oz.	0. 8. 0
Cinnamom 6 oz.	1. 2. 6
Cubebs 1 lb.	1. 4. 0
Zinziber ½ lb.	0. 1. 0
Empl. de Ranis [cum Mercurio] ½ lb.	0.12. 0
Rad. Serpent. Virg. 11 oz. ^[14]	0. 8. 3
Myrrh. Pulv. 1¼ oz.	0. 6. 3
Ol. Rorismarin. ½ oz.	0. 8. 0
Lavend. 3¾ oz.	2. 5. 6
Sem. Sinapios 2 lbs.	0.10. 0
Cinnabar factit. 1 oz.	0. 5. 0
Lith. Aur. praept. 1 lb.	0.12. 0
Acetum 3 pts.	0. 3. 0
Pulv. Scamo. 1 oz. ^[15]	0.10. 0
Lap. Tutiae praept. 2 oz.	0. 8. 0
Senna 1 oz.	0. 2. 6
Rad. Chinae ½ lb.	1. 0. 0
1 Sett Weights	0. 7. 0
Conf. Alkerm. 2 oz.	0.12. 0
Hyacinth. 2 oz.	1. 4. 0
Tinct. Myrrh. 9 oz.	1. 4. 0

Syr. Rhei 6 oz. ^[16]	0.15. 0
6 Square Bottles	1. 1. 0
4 qt. Bott.	0. 5. 0
4 Blue and white pots	0.14. 0
Tow	1. 5. 0
Vials and pots, 1 Doz.	0. 8. 0
6 Doz. Corks large and small	0. 6. 6
Ras. Corn. Cerv. 6 oz. ^[17]	0. 6. 0
a Box	0. 8. 0
a Broken Red and Do. White Skin	0. 7. 0
a Mortar and Pestle	1.13. 0
an Iron Laddie	0. 7. 0
a Stone Coffee Pot	0.10. 0

	130. 2. 9

Newport June 14, 1744.
Recd. the full Contents per John Tweedy.

[1] So the document is endorsed. Massachusetts Historical Society. The list may be taken as showing a typical outfit of medical and surgical supplies for a privateer. The symbols used in the manuscript for pounds, ounces, and pints are here replaced in print by the usual abbreviations, lbs., oz., pts.

[2] Spirits of mint, of cinnamon, of sweet fennel-seeds, of treacle, aqua vitae, spirits of ammoniacal volatile oil, of sal ammoniac, dulcified spirits of nitre and of sal ammoniac, rectified spirits of wine.

[3] Elixir of propriety, of vitriol, stomach essence, tincture of castor, bezoartic tincture, tincture of euphorbia. For the wonderful properties of the bezoar-stone (really a concretion found in the intestines of the wild goat, or, sometimes, a coprolite) and its derivatives, see Eggleston, *Transit of Civilization*, pp. 64-66, 90-91.

[4] Balsam of Copaiba, Peruvian balsam, terebinthated balsam of sulphur, syrup of poppy (= diacodium), syrup of saffron, lemon juice.

[5] Oil of St. John's wort, linseed oil, oil of amber, of juniper, of turpentine, olive oil, oil of anise, sweet almond oil, rose honey, ordinary honey, tamarinds.

[6] Theriaca Andromachi, Venice treacle, a remedy which had long been highly esteemed, and which comprised 61 ingredients, according to the *Pharmacopeia Collegii Regii Medicorum Londinensis* (London, 1747), s.v. See also Eggleston, *Transit*, p. 63.

[7] Conserve of red roses, arnica liniment, ointment of marshmallow root, of poplar-buds, basilicon ointment, ointment of white camphor, salt of wormwood, salts of the blessed thistle, sal-prunella.

[8] Spirits of vitriol, elixir vitae, confection of opium, diascordium, powdered dragon's blood, gum tragacanth, the mineral bezoar.

[9] Plaster of diachylon and gum (c. G. = cum gummi), of saffron and vinegar, defensive plaster, plaster of Paracelsus, blistering plaster, diapalma plaster, compound laudanum plaster, melilot plaster. The term "emplastrum Paracelsi", so the librarian of the Surgeon-General's Office informs me, is not given as such in the older medical dictionaries, and was probably not a current term; but in vol. II. of Robert James's *Dictionary of Medicine* (London, 1745), extended reference is made to a plaster compounded of ammoniac, galbanum, opopanax, turpentine, litharge, and many other ingredients, described as "extolled to the skies by Paracelsus", and this may be the one which Tweedy here lists.

[10] Verjuice, chamomile flowers, wormwood, gentian root, liquorice root, burdock root, rhubarb root, lignum vitae.

[11] Prepared crabs'-eyes (= Gascoin's powder), prepared red coral, Oriental saffron, sulphide of antimony, prepared shells, powdered jalap root, powdered ipecacuanha, pills of aloes and myrrh, catholicon (*i.e.*, good for what ails you) pills.

[12] Venice turpentine, quicksilver, crude antimony, liquorice juice, sarsaparilla root, hyssop, lesser centaury, extract of cassia fistula.

[13] Vitriolated tartar, sal ammoniac, red rose petals, powdered cream of tartar, resin of jalap, dulcified gamboge-resin, sponge, cantharides, blue vitriol, flowers of sulphur, crude alum.

[14] Juniper-berries, common resin, calcined carbonate of zinc, sugar of lead (sugar of Saturn), cinnamon, cubebs, ginger, plaster of powdered frogs and mercury ("Emplastrum de Ranis cum Mercurio", see Eggleston, *op. cit.*, pp. 57, 58, 85), Virginian snakeroot.

[15] Powdered myrrh, oil of rosemary, oil of lavender, mustard-seed, sulphide of mercury, prepared goldstone (yellow topaz?), vinegar, powdered scammony.

[16] Tutty (zinc oxide), senna, china-root, confection of alkermes (see Eggleston, pp. 86-87), confection of hyacinth, tincture of myrrh, syrup of rhubarb.

[17] Filings of hartshorn.

159. *Account for the Revenge. June, 1744.*^[1]

The Sloop *Revenge*, Dr.

1744, June	To the Judges fees for 7th. Condemnation, etc.	£70. 0s. 0d.
June 16th.	To James Honyman, ^[2] Attorneys fees	70. 0. 0
[<i>Illegible</i>] 20th.	To Thos. Ward, ^[3] Attorney fees	70. 0. 0
	To the Register, fees and bonds for appeale,	5. 0. 0
	To John Freebody, Acct. for Sundrys Paid	97. 6. 6
June 15th.	To Wm. Kings Acct. for Masters Dyet	13.17. 7
	To Capt. Allin, Acct. for Pilotage, Providence	8. 8. 0
	To Jno. Harriss, acct. for Sur. Qt. Master	1.10. 6
June 15th.	Jno. Renick. To 2 Men 19 Days at 8s. a Day amt. to	15. 4. 0
	To Mr. Fox [?] Acct. for the Masters Claim	5. 0. 0
	To Mr. Danll. Saveti [?] Linguester ^[4] fees	10. 0. 0
Tweedy 15th.	To the Docters Chest	165. 0. 0
	To Storidge, Warfidge, etc. to J.F.	20. 0. 0
		<hr/> 551. 6. 7
	Doctors Chest to Deduct out of their Div'd ^[5]	165. 0. 0
		<hr/> £386. 6. 7

Per Contra Cr.

1744, June	By Sundrys Sould at Vandeu At 7th. Provdc.	£2123.12s. 6d.
	By the Hides and Tobacco	569. 0. 0
		<hr/> £2692.12. 6
	Charges	386. 6. 7
		<hr/> £2306. 5.11
	Owners 1/3	768.15. 3½
		<hr/> 768.15. 3½
	Mens 2/3	1537.10. 7

Docter Chest Deduct	165. 0. 0
	£1372.10. 7
	629. 5. 0 ^[6]
The Comp. Dividend to Divide among them	£2001.15. 7

J.F.	1/2 is	£384. 7. 7¾	Owners	1/3	£768.15. 3½
	1/8 is	96. 1.10¾		1/2	384. 7. 7¾
	1/16 is	48. 0.11½		1/4	192. 3. 9¾
		-----		1/8	96. 1.10¾
		528.10. 6		1/16	48. 0.11½
B.N.	1/4 is	192. 3. 9¾			
	1/16 is	48. 0.11½			

		768.15. 3½			

[1] Massachusetts Historical Society.

[2] Attorney-general of Rhode Island 1732-1740.

[3] Son of Governor Richard Ward, and secretary of the colony 1747-1760.

[4] Interpreter.

[5] *I.e.*, it is concluded that the surgeon's supplies (similar no doubt to those which Tweedy took for an earlier voyage, [doc. no. 158](#)) should rather be deducted from the men's share, as a proper charge on them, than charged to the whole account of the privateer.

[6] I do not know the source of this increment. The calculations below show that, at this time, Freebody owned 11/16 and Norton 5/16 of the *Revenge*.

*160. Agreement: The Revenge and the Success.
November 10, 1744.*^[1]

Memorandum of Agreement indented made and concluded upon the Tenth Day of November in the Eighteenth year of the Reign of our Sovereign Lord George the Second, King of Great Britain etc., Annoq. Dm. One thousand Seven hundred and Forty Four, Between John Freebody and Benjamin Norton, both of Newport in the County of Newport in the Colony of Rhode Island, etc., Merchants, Owners of the private Man of War Sloop *Revenge*, whereof James Allen is Commander, of the one part, and William Read, Jonathan Nicholls and William Corey, all of Newport aforesd., Merchants, and Robert Hazzard of Point Judith in South Kingstown in the County of Kings County in the Colony aforesaid, Yeoman, Owners of the private Man of War Sloop *Success*, whereof Peter Marshall is Commander, the other part, Witnesseth, That the Owners of the said Sloop *Revenge* and the Owners of the said Sloop *Success* do hereby Mutually Covenant, promise and Agree that the said Two Sloops or Vessels, Captains, officers, and Companies belonging to them, shall Unite, Assist each other and Concert together for and during their whole Voyage and until their return to Newport aforesaid, During all which time One third part of all Vessels, prizes, prize Goods, Money and whatsoever other Benefit or advantage shall be made during the said Voyage until their return to Newport aforesaid, either in Company or seperately, shall remain to the Use and benefit of the Owners belonging to both the said Vessels to be equally shared and divided between them According to the Articles belonging to both the said Vessels. And further that if either of the said Vessels happens to be disabled so as to be unfit for her Cruising or proceeding the said Voyage, then the other of the said Vessels shall assist in getting her into any of such port as shall be most convenient for her in Order to refit for her Cruise again.

And also that if the said Vessels shall at any Time during the Voyage aforesaid happen to part from each other by Stormy Weather or otherwise and either of them happen to be Shattered, damnified or unfit to proceed her Cruise aforesaid, she shall make the best of her way to some Convenient Port, where she shall be immediately repaired and fitted out again on her Cruise, and the Captain, Officers and Company belonging to her shall Use their Utmost endeavours to find her Consort and continue their Cruise until both the said Vessels arrive at Newport aforesd. (The Danger of the Sea excepted), And also that if either of the said Vessels happens to be lost in any

Engagement or otherways each Vessels Owners shall Share and divide as herein beforementioned, And also that in Case any of the Men belonging to either of the said Vessels happens to loose a joynt or joynts, Limb or Limbs in any Engagement, such person so loosing the same shall be paid out of the whole of each Vessel of what shall be taken during their Cruise aforesaid.

And Lastly, for the true performance of all and every the Covenants and Agreements herein beforementioned the said parties hereunto do bind themselves unto the other of them and to the Heirs Executors and Administrs. of the other of them in the penalty or Sum of Twenty thousand pounds Sterling Money of Great Britain, firmly by these presents (The Danger of the Sea only excepted). In Witness whereof the said parties to these presents have hereunto Interchangeably set their Hands and Seals the Day and Year within written.

Sealed and Delivered

	WM. READ.
JOHN COOK.	JONTH. NICHOLS.
SILAS COOKE.	WILLIAM CORY.
	ROBERT HASZARD, JUNR.

[1] Massachusetts Historical Society. This, it will be seen, was Freebody and Norton's copy of the agreement. With the aid of documents found elsewhere, the history of the *Success* can be pieced out. Among the records of the vice-admiralty court at Boston there is a thin book of "Accounts of Sales", which begins with accounts of sales of the *Success* and her cargo, July 22-Oct. 7, 1743, from which it appears that she was a British vessel, recaptured from the enemy by the privateer bilander *Young Eagle*, John Rous commander, the same privateer that brought in the *Amsterdam Post*, with its former lieutenant now commander ([doc. no. 128, note 9](#)). Then, in the Rhode Island archives, "Admiralty Papers, 1726-1745", pp. 63-82, we have the libel and other papers in the case of James Allen of the *Revenge* and Peter Marshall of the *Success* against the *Willem* galley (see [doc. no. 161](#)), which shows one of the successes of this joint cruise to have been that, on Mar. 16, 1745, in the Old Bahama Straits, the two associates took the ship *Willem*, sailing under Spanish colors and under the command of Cosme Zeggrayne (Zegarain), but which originally was a Dutch ship, commanded by Pieter Couwenhoven.

*161. Inventory and Appraisement of the Prize Willem.
June 8, 1745.*^[1]

Inventory and Appraisement of the Prize Ship brought into this port by Capts. Allen and Marshall with her Cargo.

The Ship with her Appurtenances etc.	£5000. 0. 0
12 Carriage Guns with their Tackle and Shott and other Appertinences	1200. 0. 0
669 Seroons ^[2] Cocoa Wt. Nt. 606 C. 1 Qr. 14 lb. at £15	9095.12. 6
173 Bags Ditto Wt. Nt. 330 C. 8 lb. at £15	4951. 1. 5
165 Casks Ditto Wt. Nt. 246 C. 1 Qr. 16 lb. at £15	3695.17.10
122 Bbbls. Coffee Nt.	162. 3.18
32 Bags and 1 Chest Do.	49. 1.21
51 Large Casks Do.	323. 3.21

	536. 1. 4, Nt. 60064, at 3s. 9009.12. 0
60 Hogsh'ds Sugar Wt. Nt. 444. 2. 23 at £8	3557.12.10
90 Ditto Wt. Nt. 662. 3. 11 at £7	4639.18. 9
56 Ditto Wt. Nt. 373. 1. 20 at £6	2240.11. 5

39 Ditto Wt. Nt. 236. 3. 20 at £5	1184.10. 8 ³ / ₄
17 casks of Allspice Wt. Nt. 4497 lb. at 2s. 6	562. 2. 6
4524 Hides Wt. Nt. 103877 lb. at 16d.	6925. 2. 6

33Tons of Wood and 6 Hundred at £45 Ton	1498.10. 0
9 Packs and 1 Cask of Indigo Wt. Nt. 1191 at 18s.	1071.18. 0
3 Chests with some Carpenters and Coopers Tools and old Iron	30. 0. 0
16 Small Boxes of Chocolate	47. 0. 0
5½ Brls. and 1 Qr. Brl. of Powder	110. 0. 0
1 Doctors Chest and Instruments	70. 0. 0
1 Chest of Tea in Cannisters	70. 0. 0
1 Box of Pins, Spectacle Cases and Thimbles	10. 0. 0
7 Remnants Cordage Wt. Nt. 4 C. 0 Qr. 21 lb.	62.16. 3
1 Basket of Nails Wt. Nt. 2 C.	20. 0. 0
1 Brl. and a small Parcel of Turtoise Shell Wt. 43 lb. at 25s.	53.15. 0
4 Caggs of Powder Blew ^[3] Wt. 352 lb. at 2s. 6	44. 0. 0
60lb. of Old Pewter and Copper at 3s. 6	10.10. 0
7 Casks of Lime Juice	5.15. 0
1 Bed Pillar and 3 Cushions	4.10. 0
2 Looking Glasses 1 Booke	7. 5. 0
5 old Tea Kettles	6. 0. 0
Sundry old Earthen Ware, Pewter, Empty Cases, empty Chests and old Rusty Tools etc.	20. 0. 0
1 Cag of old Butter	1. 0. 0
1 Brl. of Flour	1.10. 0
1 Case of Oyl	7. 0. 0
1 Basket of Nails and Paint	6. 0. 0
1 Case of Oyl part full	3. 0. 0
11 Old Mapps	1. 0. 0
8 Boxes of Sweet Meats	16. 0. 0
1 Box of Nails	2. 0. 0
19 Ironbound old Casks	25. 0. 0
1 Cask of Lamp Oyl	10. 0. 0
2 Boxes Shells	1. 0. 0
2 Cags pickled Limes	2. 0. 0
1 Case Spirrits	5. 0. 0
1 Tub of Cartridges	3. 0. 0
4 Hand Screws	10. 0. 0
1 Bag of Old Pewter	4. 0. 0
6 Blunderbusses	25. 0. 0
8 Cutlasses	8. 0. 0
5 old Pistols	5. 0. 0
11 Old Small Arms	33. 0. 0
1 Small Cabbin Table	10. 0
1 Large Coffee Mill	5. 0. 0
3 Jugs of Sweet Oyl	5. 0. 0
9 Boxes Thread qt. 285 lb. at 32s.	456. 0. 0
2 pr. Brass Scales with a Beam in a Case	12. 0. 0
14 Handkfs.	6. 0. 0
1 pc. Blew Silk	45. 0. 0
42 Doz. Mens and Womens Gloves	126. 0. 0
8 pc. Chince at £7. 10.	60. 0. 0
6 pc. Britannias	15. 0. 0
6 pc. Coarse Muslin	15. 0. 0
3 Gauze Handkfs.	4.10. 0
1 pr. Silk Stockings	2. 5. 0
6 pr. Embroider'd Vamps for Shoes and Slippers	6. 0. 0
3 Papers Thread	6. 0. 0
2 pr. Burdett	10. 0. 0
1 pc. Blew Callico	8. 0. 0
Remnt. of Blew and White Linnen	4. 0. 0
15 Stone Rings	37.10. 0
In a Chest.	
2 pr. Stockings and pr. Mittens	5. 0. 0
1 Bag of Segars ^[4]	5. 0

2 Skins	10. 0
8 ps. Dowlas ^[5]	80. 0. 0
1 ps. Table Linnen	45. 0. 0
6 ps. Silk and Cotton Stuff at £9	54. 0. 0
1 pr. Fustian Breeches, 6 prs. Sleezes and 2 pr. Cotton	
Stockings in a Bag	12. 0. 0
1 pc. Coarse Linnen	16. 0. 0
4 pc. check'd Linnen	32. 0. 0
1 pc. Striped Do.	20. 0. 0
1 red Skin	1. 0. 0
2 pc. Cambrick	40. 0. 0
1 pc. Fustian	10. 0. 0
1 Coarse Table Cloth and 2 Napkins	1. 0. 0
1 Box of Glass	1. 0. 0
2 Large Pewter Plates or Dishes	4. 0. 0
1 Mettle Salver	15. 0
1 Brass Coffee Pot	1. 0. 0
3 Pewter Measures	15. 0
24243lb. of Varinas ^[6] Tobacco in Packs at 20d.	2020. 5. 0
37127lb. of Tobacco at 8d.	1237.11. 4
44 Ozs. and 16 p.w. Gold at £24 p. Oz	1091. 4.
	0 ^[7]
463 Ozs. and 12 Gr. Silver at 33s. p. oz.	764.

	£61631.12.
	2

Given under Our Hands at Newport this 8th Day
of June 1745.

Signed by

WM. STRENGTHFIELD.

WM. MUMFORD.

GEORGE WANTON.

[Endorsed:] An Acct. of Dutch Ship *William*
Cargo a Prize.

[1] Massachusetts Historical Society. The *Willem* Galley, a Dutch vessel trading between Amsterdam and Curaçao, was seized by a Havana privateer on charges of smuggling, was then retaken by the *Revenge* and *Success*, cruising together in consequence of the above agreement, [doc. no. 160](#), carried into Rhode Island, and condemned as a prize by the vice-admiralty court there. An appeal was taken. The briefs presented in the case when it came before the Lords Commissioners of Appeal seven years later, Nov. 30, 1752, are in the collection of such briefs mentioned in [note 1](#) to [doc. no. 157](#) as belonging to the New York Public Library, and are described by Mr. Paul L. Ford in *Mass. Hist. Soc., Proceedings*, XXV. 99. The question was, had the *Willem* become a Spanish ship. The Lords Commissioners restored it to the appellants, Pieter Couwenhoven and other Dutch subjects. The respondents were Capt. James Allen and others; one of their two advocates was Dr. George Hay, afterward Sir George Hay, judge of the High Court of Admiralty.

[2] A seroon, Sp. *seron*, was a bale or package made up in an animal's hide.

[3] Kegs of the blue powder used by laundresses.

[4] Up to 1800 cigars were almost unknown in the continental colonies; North American smokers used pipes. In the West Indies, however, where Columbus in his first month encountered the cigar, and in South America, the cigar was the customary form and the pipe was almost unknown.

[5] Dowlas was a coarse fabric of linen; fustian, mentioned just below, of cotton.

[6] Varinas is a district in Venezuela from which came a tobacco especially good for the making of cigars.

[7] This sum should apparently be £1075 4s. Also, the sum total, below, is not quite correct; but, even in depreciated Rhode Island currency, it was a sum worth contending for in prize courts.

162. *A Proctor's Account. 1745.*^[1]

Zachariah Bourryau Esqr. Dr. to John Smith.

Foster Cunliffe Esquire^[2] and others Owners of the Ship Called the *Angola*^[3] whereof George Smithson lately and Philip de Anieta afterwards was Master and her Tackle, Apparel and Furniture and Also of the Goods, Wares and Marchandize Laden therein Agt. James Allen Commander of the Private Ship of War *Revenge* and James Wimble Commander of another Private Ship of War *Revenge*.^[4]

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In a Cause of Appeal from the Vice Admiralty Court at Rhode Island to the Lords Commissioners of Appeal for prizes.

Aprl. 1745.

For Proctors retaining fee	£0. 6. 8
For Attending Several times at the Admiralty Office and looking up the Proceedings	13. 4
For Attending before the Lords and Exhibiting for the parties Appellate when the Cause was Assign'd for Sentence and Informacon next Court day	1. 6. 8
Coach hire and Expences	6. 0
For Compounding for the Process and Attending	1.18. 8
For Perusing the Process	13. 4
For making answers and Abbreviating the Acts	1. 6. 8
For Copies for Council	16. 8
Acts of Court	10. 8
Clerks and Officers	2. 6
Sportulage	2. 6

	£8. 3. 8

Trinity Term 1745

Term fee	6. 8
For drawing A long Allegation in Acts of Court	13. 4
For a Copy of a long Allegation in Acts from the Adverse proctor	10. 8
For a fair Copy of the whole for the Court	13. 4

July 15.

Attending at the Cockpit when their Lordships decreed Restitution of the Ship and Goods paying one Moiety for Salvage	1. 6. 8
Coach hire and Expences	6. 0
For Attending upon the Register and Settling the Interlocutory Order	0. 6. 8
Register Bill for Order of Court	1.16. 8
Acts of Court	13. 4
Sportulage	6. 8

Total	£15. 3. 8

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JOHN SMITH

London January 31th 1746/7 I hereby do Certifie, that the within is a true Copy of the

[1] Massachusetts Historical Society.

[2] Foster Cunliffe (1682-1758) was one of the chief merchants of Liverpool, if not indeed the chief, thrice mayor, "a merchant whose sagacity, honesty, and diligence procured wealth and credit to himself, and his country", says his monument in St. Peter's Church—and one of the first to appreciate and utilize the advantages of the African slave trade. H.R. Fox Bourne, *English Merchants*, II. 55-57; Enfield, *History of Liverpool*, p. 43.

[3] The *Angola* (the name indicates a ship engaged in the African trade), on her way from Jamaica to Liverpool, had been captured by the Spaniards and then retaken. Gomer Williams, *The Liverpool Privateers and the Liverpool Slave Trade*, p. 659. For the law in such cases, see [doc. no. 150](#), [note 8](#).

[4] Enclosed in a letter of Rear-Adm. Sir Chaloner Ogle to the Privy Council, Feb. 19, 1744, is one of Dec. 3, 1743, from "James Wimble, captain of the English privateer *Revenge*, lately cast away upon Hispaniola". *Acts P.C. Col.*, VI. 260.

163. A List of Gunner's Stores.^[1]

Gunners Stoors

8 Barrels of Powder
 50 dubbel headed Shot
 500 lb of Musket Baals for great guns and Swivel and small Arms
 6 bunches of gun Match
 6 lb of fine Brimstone
 3 lb of Saalpeter
 2 lb of Rossin
 5 quire of Cathress^[2] Paper
 8 quire of White Paper for Small Arms, Cathress
 One hand Vice
 4 Ladels for the great Guns
 2 Ladels for the Swivell guns
 500 Iron Shot for the Swivel guns
 Scheat Led for the guns
 400 hundred of Flints
 12 thomkans^[3] Swivel guns
 6 thomkans for great Guns
 4 gunners handspeak^[4]
 5½ lb of brown thred
 2 dozen of Cathress Needels
 6 Sail Needels and 2 plaats^[5]
 4 Schains of twine 2 Lines for thomkans
 6 Schains of Maarlen^[6]
 6 blocks for gun takels and 24 fadem of roop for guntakels faals^[7]
 3 Caases for Powder flaaks^[8]
 2 fyles and 4 bitts for the guns
 2 Iron Schouranrod^[9] for the Small Arms
 To thousand off pump heals
 Half a Gallon of Sweet oyle

[1] Massachusetts Historical Society.

[2] Cartridge.

[3] Tomkins, old form for tampions, the plugs set in the muzzles of cannon.

[4] Handspike.

[5] Plates.

[6] Skeins of marline, soft line used for seizings.

[7] 24 fathom of rope for gun-tackle falls.

[8] Flasks.

[9] Scouring-rods, ramrods.

164. *Suggestions as to plundering Hispaniola.*^[1]

The Tradeing Vessells from France that comes to Highspanyola puts in At St. marks where They Sell Some part of their Cargo payeble in Indego from thence they go to Lugan, Pettygouas, and queldesack^[2] to Sell The Remainder of their Cargo and Load with Sugars and then Return to St. Marks, to Take in their Indego. their is a plain that is Called Lertibonnee^[3] adjoining to St. Marks. The Inhabitants have Two or Three Hundred negros a peice. The plantations Lye near the water Side and it is Very Easey Landing and no fortafacations. in Sending of a man a Shore That can Speak french to the negro Houses to ask to Speak to the negro Commander promise him his freedom and a Little money. by that means he will Bring all the negros to the water Side. If your Intent is to Cruce off Cape francoy,^[4] Mr. Granshon merchant Their Expects a Sloop from Portobello^[5] The Latter End of august or the Begining of Sepr. which went from their Richley Loded aboute Three months ago, and is Expected Home with one Hundred and fifty Thousand Peices of Eight on Board. Their is allways Vessells comeing to Buy Goods at the Cape from the Havannah, Carthagenia and Portobello, which bring their money to buy the Goods.

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and If you are Desirous to know how affairs are at the Cape you may put a man ashore that is quallafyed at the poynt above the Fort at the mouth of the Harbour which is called Laurosh Uptecoly^[6] where their is a Very good Landing place and where he will find a main Road four mile Distance from the Cape. If it should be Demanded of Him who he is and where he came from, That he is a Conotur^[7] and that he comes from Dechonse and is a Seeking to put himself In partnership with Some person to go a fishing. If you are Intended to Cruce off St. Luce^[8] you may be sure that their will Sail Eight or Ten Ships from thence the Latter End of august or the Beginning of Sepr. which Some of them to my Certain Knowledge will Have a Considerable Quantaty of money on Board. aboute the middle of Lillavash^[9] Steering towards the Shoar Between a Small Town Called Lacy^[10] and another Town Called Turbeck their is a Landing place called Levieuxbourk where you will See a Single House by the water Side where their Lives a Cooper that has told me Several Times that he was Very Desirous to go and Live among the English. address your Self to Him and He will Direct you how to get the negros off the Neighbouring plantations which Lye near the water Side and no fortefacations. Inquire their for Mr. Kennotts House who Trades Largly with the English and Tell him that you Have got Flower, Beef and negroes to Sell on Board. you anchoring at Lillavash, He will Come and Bring other Inhabetents on Board to Trade with you and by that means you may Keep them and make them Pay a good Ransome for their Visitt.

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[1] Massachusetts Historical Society. Inserted as a specimen of a kind of information, useful to marauders, which privateers often brought home. The fragment is undated, but it is one of the papers of the *Revenge*, presented to the society by Professor Norton, and is no doubt of the same period as those which precede. It relates to the French or western part (now Haiti) of the island of Hispaniola; for the war with Spain which had begun in 1739 had widened in 1743 into a war with France also, the "War of the Austrian Succession", which continued till 1748.

[2] St. Marc is in the middle coast of Haiti, at the east side of the great bay that indents the island from the west. Léogane and Petitgoave lie at the south side of that bay. The Cul-de-Sac is the great plain, then famous and rich for sugar, which lies north of Port-au-Prince, at the southeast corner of that bay.

[3] L'Artibonite.

[4] Cap François, now Cap Haïtien, on the north coast of Haiti. It was the capital of French St. Domingo.

[5] At the Isthmus of Darien.

[6] La Roche au Picolet.

[7] Canoteur, canoe-man.

[8] St. Louis, on the south side of the western or Haitian end of the island.

[9] L'Ile à Vache, a small island lying off the shore a few miles southwest of St. Louis.

[10] Les Cayes, perhaps better known as Aux Cayes, now a town of some importance on the south shore of Haiti, some ten miles west of St. Louis. Torbeck and Le Vieux Bourg, next mentioned, are near it.

THE PRINCESS OF ORANGE.

165. *Record of Trial (Libel, Bill of Sale, Owner's Letter, Bills of Lading, Declaration, Affidavit, Portledge Bill, Depositions). June 11, 1741.*^[1]

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At the Court of Vice Admiralty held at Philada. for the Province of Pensilvania the 11th day of June in the fifteenth year of the Reign of our Sovereign Lord King George the Second, Annoque Dom'i 1741.^[2]

Before the Hon'ble Andrew Hamilton, Esqr., Judge of the said Court.

A Libel exhibited by John Sibbald^[3] formerly Lieut. now Capt. of the Sloop of War named the *George* was read in these words.

Pensilvania, in the Court
of Vice Adml'ty
ss.

To the Hon'ble Andrew
Hamilton, Esqr., Judge
of the Court of Vice
Admiralty for the Province
of Pensilvania.^[4]

John Sibbald, now Captain and Commander of the Sloop of War named the *George*, of the Burthen of Fifty Tons, mounted with twenty-four guns and now riding at Anchor in the Port of Philadelphia, gives the Court here to understand and be informed, That the Sloop afd. was equipped, victualled, fitted out and armed at the proper Costs and Charges of himself and others, owners of the said Sloop, Inhabitants of this Province and Subjects of his present Majesty George the Second, King of Great Britain, France and Ireland, Defender of the Faith, etc. and that Seth Drummond, late of Philada., Mariner, deceased, then being Captain and Commander of the said Sloop, was on the eleventh day of Octr. one thousand seven hundred and forty duly authorized and commissioned with the same Sloop as a Vessell of War or Privateer to Take, Seize, make Prize of or destroy any of the Ships, Vessells, Goods or Effects of the King of Spain or belonging to any of his Vassells or Subjects or others inhabiting within any of his Countrys, Territories or Dominions.^[5] That He the sd. Seth Drummond, being so authorized and Commissioned with his Marriners, Sailors and Soldiers on board the said Sloop, afterward (that is to say) Between the first day of January in the year of our Lord one thousand Seven hundred and forty^[6] and the first day of April one thousand Seven hundred and forty one, on the High Seas and within the Jurisdiction of this Court did discover, pursue, apprehend and as lawfull Prize did take from the Subjects of the said King of Spain and others inhabiting within his Countries, Territories and Dominions who then were and still are the open and declared Enemies of his said Majesty King George, One Vessell commonly called a Snow of the Burthen of Eighty Tons or thereabout, and one Cannoe, with their Tackle, Furniture and apparel, together with the Ladings of the sd. Snow and Cannoe, consisting of One hundred and Seventeen Pipes, Ten Hogsheads and two Quarter Casks of Wine the growth and Product of the Island of Teneriffe, one of the Territories of the said King of Spain, fifty and Six marble Mortars and nine dropping Stones, and two Negro men, which Snow, Cannoe, Wine and Negro's, Mortars and Stones, at the times of their several Captions were belonging to and the Right and property of the Subjects of the said King of Spain and others inhabiting within his said Countries, Territories and Dominions, who were and are the open and declared Enemies of his said Majesty King George. Wherefore the sd. John Sibbald, for himself and the other Owners of the sd. Sloop, prays this hon'ble Court, the premises being proved, That the sd. Snow, Wine and Negroes may be adjudged and condemned for the Use of the Owners of the sd. Sloop and other the Captors aforesd. as lawfull Prizes and Purchase of War according to the Laws Marine, Laws of Nations and Customs of War.

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JOHN SIBBALD.

Whereupon Proclamation was made, If any one hath ought to say why the Snow, Wines, etc. in the sd. Libel ment'd ought not to be condemned as lawfull Prize, let them come forth and they shall be heard. And none appearing to do this, The Court adjourned till Saturday the 13th inst. at 10 o'clock.

June 13th. The Court met.

The Libel read and Proclamation made a second time and Juan Milidony, the late Master of the said Snow, being sent for comes into Court, and John Jordan and Patrick Orr, Persons well skilled in the Spanish Language, were sworn faithfully to interpret between the Court and the sd. Milidony as also faithfully and truly to translate all such Papers relating to the Capture and Prize aforesd. as shall by the direction of the Court be laid before them for that purpose, as well on the Part of the Captors as on the Part of the Claimers if any such shall appear.

The Judge then informed the said Milidony of the Mode of proceeding to be observed by the Court and ordered all the Papers taken in and with the said Snow to be produced. Which being done, notwithstanding the sd. Milidony did not offer or give the Security required of a Claimer by the Act of Parliament, The Judge permitted him to view and point out any Papers he pleased in order to satisfy the Court that it was no lawfull Prize; which he did without alledging or so much as insinuating the Loss or Embezilment of any Papers.

The Judge then directed that the Preparatory Examinations should be taken, and translations made of the material Papers in order for Tryal.

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Accordingly *June 23d*, the Proofs being prepared,

The Court met

The Libel read and Proclamation made a third time. William Dowell,^[7] Sworn, says That upon the Death of Capt. Drummond he succeeded as next Officer in the Command of the *George* and took possession of the Prizes Papers and that he hath exhibited the same all into Court without addition, subduction or Embezilment to his knowledge.

Then the Proofs were exhibited as follows, viz.

1. A True Translation from Spanish to English of Mr. John Malidoni's Bill of Sale of the Snow *Princess of Orange*—

Be it Knowen that I John Melidoni, of the Dutch Nation, residing in this Village and Port of Sta. Cruz de Teneriffe, Grants and a[c]knowledges by this prest. Bill of Sale that I do now and forever really and effectually from hence forward sell and bequeath unto Mr. Peter Doscher, junr. of said Dutch Nation, Mercht. in this expressed port, To and for him and whomsoever he may represent, a Dutch^[8] Snow named the *Princess of Orange*, burdening (a little more or less) one hundred Tuns, with her Masts, yards, Cables, Rigging, anchors and other adherences or Necessarys that shall be found on board of her and contained in the Inventory that I have delivered to the Buyer, which are my property and free from Mortgages and other Engagements, which I came by and bought after the Conclusion and end of a Process which was carried on in the Court of Admiralty before Mr. Peter Joseph Ferrer, one of the Notary Publicks of this Island, Sub-delegated by the intendent General of Marine in Cadiz, first officer of said Admiralty Court,^[9] as appear by a Certifacation thereof, to which for the firmness of this Instrumt. (this day dispatched at my request) I reffer. this I do for the Consid[er]ation and price of one thousand and five hundred Dollars Exrs.^[10] of eight royals of plate each, and In conformity to an agreemt. concluded between us for sd. Snow, and I do hereby acknowldage the said Buyer has given and paid me the above mentioned Sum in ready usefull Currt. mony of this Island, and whereas sd. money's are really and Effectually in my Possession and were not Delivered me in the Presence of a Notary Publick that he might give faith thereof, I Confess myself to be contented, Satisfied and to have my intire Satisfaction, reced. Said Sum, and therefore revokes and renounces the Laws of Delivery's, Payments and all others that might be in my favour, and for the Said Sum of one thousand five hundred Dollars I do here in due form give him my full receipt and acquittance. I declare them to be the just Valuation and true Price specified in sd. Inventory of Sd. Snow and all annexed and appertaining to her. And I further Declare, that they are not worthe more, and that if at prest. or at any other time they should be seen and Deemed to be of greater Value, be it much or little, I do hereby freely and actually give and bequeath it to said Byer and his heirs, and renounces all rights and titles thereunto, and all Laws and Customs that might give me any right or Title to them, and so resignes the whole Propertey I had in them and Transfer it unto him the said Buyer and his heirs, that he, they or any other Person he shall name, may administer, owne and Govern her as he shall think Proper, and I give him full power and faculty to comprehend his Possession when and as he pleases, and untill he takes it I constitute myself the Possessor, ready and willing to Deliver whenever he shall demande her; and as the real Seller of Said Snow, I oblidge myselve, personal Estate and moveables that I Possess or may hereafter Possess, for his

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Peacable Possession of her, and I give his Majesties Justice and Judges full Power to oblige me so to do, and that with the Same authority as they can do in Cases and Causes already Sentenced. And I again renounce all the Laws and Customs in my favour and makes this Bill of Sale in due form in this Village and port of Sta. Cruz de Tenerife the 13th December 1740. The maker of this Instrument that I the Notary Publick, do give faith, Knows, and that he Sayed, I freely Grant and Sign this in the presance of the Witnesses Don Arnaldo Vane Stemfort, Consul General of said Dutch Nation in this Island,^[11] Peter Dufourd and John Anthonay Ganancho, all Livers in this Village. John Melidoni's, made before me Joseph Vianes de Sales, N. Publick. Agrees with its original made in my office and remains in my Register, to which reffers and Sign

In Testimony of the Truth

JOSEPH VIANES DE SALES.
N.P.

We underwritten Certify that Joseph Vianes de Sales, before whom it appear the above Instrument was made, is a Notary Publick of this Village, and that faith and Credit is and has been given to him and his Instruments and we now give testimony of the Same.

FRANS. BETOM LONALT.
SANIONY BIMENTEL, N.P.K.

PETER JOSEPH FERRERA, N.P.K.
ROGUE FRANS. PENEDO, N.P.K.

2d. A True Translation of Mr. Peter Doscher's jun's. Letter wrote in French from Sta. Cruz de Teneriffe To Mr. Mestre in Curacao, viz.

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STA. CRUZ DE TENERIFFE, the 7th Ocbr. 1740.

Mr. Mestre.

Sir,

The Bearer hereoff by Gods assistance will be Capt. John Melidoni, Commander of the Snow *Princess of Orange*, which I take the Libertay to address you with her Cargo and here Inclosed you'l find Invoice and Bill of Lading for the Same made in your favour, or in your absence to Messrs. Rodier and Le Cire, and I beg of you, Sir or Gentlemen, that you will be Pleased to make the most you possibly can of them. this is for a Tryal and if it Turns to Acct. shall Continue more Largely hereafter.

The 50 pipes marked A.R. are Numbred on there heads from No. 1 to 50, and are made wines to Imitate those of Madera's, and are in Cask of the Same Largeness and Fabrick and I asshure you of a good Quality. The 30 pipes marked V.P. are on the Lies;^[12] they are the wines we Call heare Vidono,^[13] there pipes larger then those of the Maderas. I beg you'l procure me the best Sales you Possibly can for the whole 80 pipes; be it eather for Mony or in barter of some other goods that may be Pres[en]ted and without Limiting you to any Thing, for I am Confidant you will have my Interest at heart as if your own. Pray Open a Seperate Acct. for the 30 pipes marked V.P., for Possibly I may Resign the Amount of them over to an other person, but in that case you'l be Pleased to Detain 450 Dollars in your hands for there freights at the rate of 15 Dollars each Pipe and 5 p. Ct. more for the Average^[14] on the freight of them, that you'l please to pay the Capn., that is to Say only the Meer 5 p. Ct., for the 450 Dollars must be Clear of all Charges, and that altho they Came to hand full or Empty. if they Sell for Money must deliver the Money, if in Barter deliver the Comoditys you barter them for, not omiting to detain there freights and joyining it to the Acct. of the 50 pipes.

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The remainder of the Cargo belongs to the Capn. here Inclosed you'l find a writing or Bill of Sale made before a Publick Notary of the Vesels being Sold to me, which I Judge proper to Send that no Difficulty's may arise in the Sale of the Vessel, and for that end I also Enclose you my power of Attorney, that you might act as you Shall Judge Proper and in Vertue of them I beg you'l Please to use your outmost indeavours to Dispose of her. She Cost me, put to Sea, 2000 Dollars, however you may Let her go if can do no better for 1300 Dollars or less, if the Capn. is willing; altho it appears as if She belonged entirely to me, he's half concerned in her so that you'l Please to act in conformity with him in Sale of her. if you Sell her pay him his half of the neat Produce of what she sells for, and the other half must be joyned to the Neat proceeds of the 50 pipes before mentioned, and to make one Acct of them. Pray also pay Said Capn. 195 Dollars and no more for the difference of freight due to him according to our Contract.

Suppose you cannot Possibly Sell the Vessel (which I again Earnestly begg you'l indeavour to do) must then Procure her a freight and Partly load her out of the Neat Proceeds of the wines and procure the residue of her Cargo from your friends. in this Case you and the Capn. will be Pleased to contribute Each one half of the Charges the Vessel will be at to Set her out to Sea, not omiting a Passport from your Governor^[15] Such as he now has from the Dutch Consul here. you are to give the Capn. necessary instructions for his Voyage. if it Should be for Amsterdam, you must

address both Vessel and Cargo to Mr. Petter Doscher, and if for any other Port may Consigne her to whom you Please, ordering the Produce of both freight and Effects to be remited to Said Mr. Doscher of the Capital you intend to Passe into his hands that he might if Should be thought proper cause it to be Insured. if the Capn. Should die in the Passage (which God forbid) you must then after the arrivall of the Vessell put in one to your Satisfaction and also procure the Sale of his 45 pipes of Malvasia^[16] and Vidono wines, and Remit there Neat proceeds with a Seperate Acct. to said Mr. Doscher, and in Case I should not resign over the Amt. of the Said 30 pipes V.P. you must also remit there Net proceeds and a Seperate Acct. to said Mr. Doscher, and joyn the 450 Dollars to the Acct. of the 50 pipes. You are to pay one half of the mens wages and the Capn. the other half, deducting what they have recevd. as p. Said Cap's. Catalogue. In short, altho I notte you all these Circumstances yett I beg your Principall imply^[17] may be in the Sale of the Vessel for as much as she will fetch, and Persuad the Captn. that it is his Interest if he rightly Considers the Charge of Victualing and seting her out for a Voyage to Holland, to which I begg your Particular attention.

Enclosed you'l find a notte of what the mens wages amount to monthly and so also a paper in Vertue of which you'l make the Capt. pay you 120 Dollars. I begg you'l Lett me know via Holland or per first Opertounaty the Success of this Enterprise. interim I remain with Humble Submission

Sir

Your Most Humble and obt. Ser't,
P. DOSCHER, Junr.

3d. Invoice of the following pipes of Wine laden for my acct. and risque to the Island of Curacao upon the Dutch Snow called the *Princess of Orange*, Cap. John Melidoni, and to the Consignation of Mr. Mastere, In his absence to Messrs. Rodier and Lecier Dwelling there, Markt as in the Margent—

M.R. No. 1- 50	Pipes of Vidonia Wines In Casks as they are at the Island of Madeira, Drawen from the Lees.
V.P. 30	Ditto. upon the Lees in Casks of this Island being Larger then those of Madeira. these Last are to pay 450 ps. of 8/8 Freight, which Freight Mony you are to retain out of the Sales and folow my orders therewith.

C.M.	18Pipes of Vidonia	} These pipes of Wine are the property of Capt. John Melidoni.
Z.	3Do. Malmsey	
Z.	1 Do. Malmsey in 2 half pipes	
Z.	1 Do. Malmsey in 4 Qr. Casks	
C.	15Do. Vidonia	
D.N.		
I. 45½		
C.		
D.N.	5Do. Malmsey.	
O.	2½Do. Malmsey	
	125½pipes Vidonia and Malmsey wines.	

STA. CRUX, THENERIFFE, 16th Xber^[18] 1740.
Errors Excepted

P. DOSCHER, Junr.

4. Translation of one Bill of Lading, viz:

I John Mellidoni, Master under God of my Ship named the *Princess of Orange*, now Laying ready at the Island of Theneriffe, to sail with the first good and fair Wind God shall Send, to Sail for the Island of Curacao, where my rightfull discharge is to be.

I acknowledge to have recd. under the Deck from you, Mr. Peter Doscher, junr.

M.R. Fifty pipes of wine

V.P. Thirty pipes of wine, all Dry and well conditioned and marked as in the Margent, all which I promise to deliver if God Grants me a Safe Voyage with my Ship at Curacao aforesaid, to Mr. Mestre, and In absence to Messrs. Rodier and Lecier, or to his Factor or Deputy, paying me for the freight thereof according to agreemt., with avaridge according to the Custom of the Sea, and to fulfill what is aforesaid, I bind my Selfe, all my goods, and my said Ship, with all her apparell. In testimony whereof I have Sign'd 4 Bills of Lading with my name, or my Clerk in my behalf, all of one tenour, one whereof being fullfil'd the other to Stand void. written in Sta. Crux upon

Insides and Contents unknown.

JAN MILIDONY.

The Translation of the Substance of 2 other Bills of Lading viz—

1st.

- | | |
|-------------|--|
| 1. DCN. | 18 pipes Vidonio wines of the outward marks. ^[19] |
| 2. C M. | 5 pipes Malvasia wines in whole pipes 2 half pipes |
| 3. C M. | and 4 quarter Casks |
| the residue | 1 Bag of venice Thread buttons |
| Z. | 2 quarter cask Vidonio of the first mark |
| | 1 Bar'l. of Raisons and figs |
| | 8 Distil Stones |
| | 60 Stone Mortars |
| | 1 Bag of Venice thread buttons cont'g 504 gross |

All Shipped By Capn. John Milidoni on board the Dutch Snow Call'd the *princess of Orange*, whereof he is Mr. and are for his proper Acct. and Risk, Consigned to himself, in his Absence to Mr. Mastre and in the absence of both to Messrs. Rodier and Le Cire In Curacao.

2d.

- | | |
|------|---|
| DCN. | 15 pipes Vidonio wines of the without mark. ^[19] |
| DCN. | 7½ idem Malvasia wines in 5 whole pipes and 5 half pipes of the without mark. |

All Shipped by Capn. John Milidoni on board the Dutch Snow Called the PRINCESS OF ORANGE whereof he is Mas'r. and for Acct. of the new Company in Venice^[20] Consign'd to himselfe, in his absence to Mester, and in the absence of both to Messrs. Rodier and LeCire in Curacao.

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5. Translation of Anthony Pereda's Declaration.

Declaration of Anthony Pereda Stower of the first that was loaded on the Ship *Princess of Orange* for account of Andrew Jayme born in the City of Laguna^[21] Eighteen or Twenty Pipes of wine, Secondly Mr. Stephen Pereda has loaded for his Acct. thirty pipes of wine, born in the City of Laguna I can Swear under my hand 11th of February 1740.

ANTHONY PEREDA.

6. Translation of a Spanish paper Signed by The Spanish Seaman.

This we write to Declare that the Snow called the *Princess of Orange* and the Cargoe belongs in truth to the Spanish Merchants, and the Dutch Pass and Colours were only for a pretext in the affair; for which we have Set our names in testimony of the Truth upon Oath declaring to be forced neither by the Capn. nor any of the officers nor by imprisonment, one the contrary have been well used. Eleventh of February 1740.

GASPAR FAJARDO.
JOHN GONSALES YANES.
VINCENT ANTONIO.
FRANCIS RODRIGUES.
FRANCIS TABIEL.
ANTONIO PEREDA.

7. The affidavit of the Spanish Sailors taken before James Abercromby, Judge Advocat to the Army before Carthagene.^[22]

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This day personally appeared before me Captain Seth Drummond of Philadelphia and Commander of a Privatteeer Sloop Called the *George* bringing along with him three Spainards Called Geronimo Faxardo, francisco Roderigues, and Antonio Pereda, who being duely Sworn by the Siegn of the Cross, being the manner of their Nation, do Depose that on the Twenty fourth of February last past, New Stile, a little to leward of the Island of Aruba,^[23] in the West Indies, they being in a Snow come from the Island of Thenerife called the *Princess of Orange* and Commanded by Capt. John Melidoni Loaded with wine, were taken by the above Capt. Drummond and they further Depose that notwithstanding their Said Captain Melidon had a Dutch passport and wore Dutch Colours yet in reality the Said Snow and her Cargoe did belong to Spanish Merchants in the Said Island of Thenerife, and that they had no Dutch man on board, on the Contrary all the Crew were Spainards except the Said

Captain, the Mate, and the Boatswain, and this They Depose by the Interpretation of David Campbell, Commisary of the Stores of war and provisions in the Brittish army before Carthagena; being for this Effect duly Sworn. Dated at the Camp before Carthagena this Sixth Day of April one thousand Seven hundred and forty one and of his Majesties Reign the fourteenth.

Sworn before me JAMES ABERCROMBY,

Judge advocat to the army before Carthagene.

GERONIMO FAXARDO.
his
FRANCISCO X RODERIGUES.
mark
ANTONIO PEREDA'S mark X
DAVID CAMPBELL.

8. Translation of the Portlidge Bill^[24] from the Spanish.

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Catalogue of the mens names and their monthly wages

Captain wages @ 30	× 8 p month commencing from the 17th
	Xbr. 1740.
Pursers idem @ 20	Do.
David Guise	13 Do.
Gaspar fasado	6 Do.
Francisco	7 Do.
Gras	
Fran'so	9 Do.
Roldan	
Visente Dias	9 Do.
Francis Tabier	9 Do.
Antonio	9 Do.
Perera	
Juan Gordes	9 Do.
Vincente	9 Do.
Antonio	

each month ps. 8/8, 130 and on acct. have received 174 Dollars as
p. Capn. Acct.

9. Court of Vice Admiralty
Pensilvania.

Gaspar Fajardo a Native of the Island of Teneriff part of the Territories of the King of Spain and one of the Mariners taken on board the Snow called the *Princess of Orange*, being Solemnly Sworn by Sign of the Holy Cross according to the manner of Adminstring oaths in Courts of Justice within the Kingdom of Spain, Deposeth and Sayeth

That last year He sailed from the Havana and arrived at the Said Island of Teneriffe sometime in the month of August last past. That upon his arival, he was hired by one Captain John Melodny late Commander of the Said Snow called the *Princess of Orange* and one Andrew Haymas a Native of the Said Island of Teneriffe to go a Sailor on board the Said Snow then rideing at anchor at the Said Island. That he was informed the Said Snow was built at Dublin in Ireland and that she with another Vessell was cut out of the Road of Santa Cruz on the Coast of Barbary^[25] by a Spanish Privateer, brought into the Said Island of Teneriffe, and Condemned as a prize taken from the Subjects of the King of Great Britain and there Sold to the Said Capt. Milodony. That he sailed in the Said Snow from the Said Island in about two days after his arrival there from the Havana for the Island of Curacoa; but missed that Island, and fell in with the Land of Cora^[26] and came to an anchor there. That perceveing the people on Shore to be in some Confusion the Master let fly a white Sheet with some red rags Sewed thereon in form of a Spanish Ensign,^[27] and then the Said Capt. Melidony went on Shoar. That the Sailors saying they wanted victuals the said Capt. Melidony went up to the Town to the Governor or Chief magistrate and Sold him Four Quarter Casks of wine and recived for it about Forty Dollars. That the Said Capt. Melidony got some provisions there and afterwards returned on board the Snow.

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The Deponent being asked what Cargo was on board the Said Snow and to whom the same did belong, He saith that the Snow was loaded with wines at the said Island of Teneriffe, and that Antonio Pereda a Sailor on Board the Said Snow who had received the Said wines on board and Stowed them in the Vessell frequently after the takeing of the Said Snow informed him that eighteen or Twenty Pipes of the wine belonged to the aforesaid Andw Haymas, and that one Stephen Pereda a Spainard

born as he believes on the Island of Teneriffe aforesd. owned twenty eight or thirty Pipes of the Said wines. That the first Information he received concerning the Said Andrew Haymas and Stephen Pereda owning those wines was after taking the Said Snow and from the Said Antonio Pereda who upon Examination by the Commander of the Privateer called the *George*, freely and without any force or Compulsion confessed that So much of the wines as are above mentioned, of his own Knowledge did belong to the Said Andrew Haymas and Stephen Pereda.

And this Deponent further saith, the paper now Shewn and read to him marked No. 8^[28] Signed by himselfe and Six other Spanish mariners, was Signed by them freely and without Compulsion and contains nothing but Truth to the best of his Knowledge.

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That he heard the paper marked No. 11^[29] now Shewn and read to him and read to the Said Antonio Pereda who in the presence of the Deponent freely and without any Constraint signed the Same and Declared the Contents thereof to be true.

And the English Deposition marked No. 8^[30] being likewise Shewn to this Deponent and the Contents thereof explained to him by an Interpreter duly Sworn and qualified for that purpose,

He deposes and Saith, That he with the other Deponents in the Said Deposition named did before James Abercromby in the said Deposition named make oath to the truth of the Contents of the Sd. Deposition and did Sign the Same in the presence of the Said James Abercromby freely and without Compulsion and further Saith, the Said Deposition contains nothing but the Truth to the best of his Knowledge and Belief.

GASPAR FAJARDO.

10. Court of Vice Admiralty Pensilvania.

Francesco Rodrigues a Native of the Island of Teneriffe and one of the Mariners taken on board the Snow Called the *Princess of Orange* being Solemnly Sworn by the Sign of the Holy Cross according to the manner of administering Oaths in Courts of Justice within the Kingdom of Spain Deposeth and Saith

That he saw the Said Snow sold as a prize at the said Island of Teneriffe to Capt. John Milodony by order of Some Court there, but the particular time of the Sale he cannot Remember, That He was Shipped as a Sailor on board the Said Snow by the Said John Milodony and one Andrew Haymas, a Spainard and Inhabitant of the said Island. That the said John Melodony carried this Deponent and three other Sailors belonging to the Said Snow to the House of the said Andrew Haymas in the said Island to receive advance wages on the Intended Voyage and that there the said Andrew Haymas did pay this Deponent nine Dollars for such wages and gave him a Note to pay nine Dollars more to the Deponent's wife, and then did pay the advance wages to the other three Sailors, all of which was done in the presence of the said John Melidony and that the Said Andrew Haymas was on board the Said Snow at the time of her Sailing from the Said Island of Teneriffe; and this Deponent further Saith, that after their Departure from the Sd. Island on their voyage to the Island of Curacoa, they missed the said Island of Curacoa and made the Island of Tobago^[31] which the Pilot said was to windward of Curacoa. That they went from thence and fell in with the Land at Cora where they came to an Anchor. That the people on Shoare appearing to be in some Confusion, the Capt. Melidony hoisted a white Sheet with some red Rags sewed thereon in form of a Spanish Ensign, which Seemed to appease the People, and then the Captain went ashore in his Boat and got some Provisions. That they afterward left Cora and fell into Leeward of the Island of Aruba where they dropped Anchor at some distance from the Shoare and were there taken by the Privateer Called the *George*. And this Depont. further Saith that in their Voyage the Sailors on board the Said Snow did Sometimes express their Fears of being taken by an English Privateer and that the Said Capt. Milodony bid them not to be afraid for he had got a Dutch Pass and Dutch Colours. That when Capt. Melidony's Sailors who were going ashore with him in the boat to the Said Island of Aruba, saw the Said Privateers Boat going on board the Said Snow they asked him what Signified his Dutch Pass and his Dutch Colours if that should be an English Privateer, to which he answered, be not afraid for my Pass and Colours will bring us off, or Save us, and this Deponent being asked what Cargo was on board the Said Snow and to whom the Same did belong, he Saith, that the Snow was loaded with wines at the Said Island of Teneriffe and that Antonio Pereda a Sailor on board the Said Snow who had received the Said wines on board and Stowed them in the Vessel, frequently after the taking of the Said Snow informed him, that eighteen or Twenty Pipes of the wine belonged to the aforesd. Andrew Haymas, and that one Stephen Pereda a Spainard born as he believes on the Island of Teneriffe aforesaid owned twenty-eight or Thirty Pipes of the Said wines. That the first Information he received concerning the Said Andrew Haymas and Stephen Pereda's owning those wines, was after taking the Said Snow and from the sd. Antonio Pereda who upon examination by the Commander of the Privateer Called the *George*, freely, and without any Force or Compulsion confessed that So much of the wines as are above Mentioned, of his

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own knowledge, did belong to the Said Andrew Haymas and Stephen Pereda.

And this Deponant further Saith that the Paper now Shewn and read to him marked No. 10,^[32] signed by himsele and Six other Spanish mariners was Signed by them freely and without Compulsion, and contains nothing but Truth to the best of his knowledge. That he heard the paper marked No. 11,^[33] now Shewn and read to him, read to the Said Antonio Pereda who in the presance of the Deponant freely and without any Constraint signed the Same and declared the Contents thereof to be true. And the English Deposition marked No. 8^[34] being Likewise Shewen to this Deponant and the Contents thereof explained to him by an Interpreter duely Sworn and qualified for that purpose, He Deposeth and Saith, That He with the other Deponants in the Said Deposition named, did before James Abercromby in the same Deposition named, make Oath to the Truth of the Contents of the Said Deposition, and did Sign the Same in the presence of the Said James Abercromby freely and without Compulsion, and further Saith, the Said Deposition contains nothing but the Truth to the best of his knowladge and Belief, and this Deponent further says that the forementioned Snow *Princess of Orange* was navigated by Seven Spanish Seamen besides the Captain the Pilot and one Seaman being Irish and one native Frenchman who was most of his life in Teneriff, That the Paper now Shewn to him marked A.^[35] contains the names of the Said Seamen and the Deponent verily belives is of the handwriting of the for said Andrew Haymas.

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his
FRANCISCO X RODRIGUES
mark

And it appearing from the whole Tenor of the Evidence, that the Said Snow and her Cargo, were at the time of the Capture, the Property of Persons residing in the King of Spain's Dominions, viz. at Teneriff and Cadiz

It is considered by the Court That the said Snow *Princess of Orange*, Wines, and all other her Cargo, are, and hereby stand Condemned as lawfull Prize.

PAT. BAIRD, Regr.^[36]

^[1] This record, in which are embedded a variety of documents characteristic of privateering procedure, is from pp. 163-183 of a volume of records of the vice-admiralty court held in Philadelphia, 1735-1746, now preserved in the office of the clerk of the U.S. district court in that city. The only other records of that vice-admiralty court known to be still preserved are contained in a second volume comprising (a) records of that court, 1748-1757 (mostly 1748-1751), (b) records of the state court of admiralty, 1776, and (c) records of the U.S. district court, 1789-1795. The vice-admiralty court was apparently held in a room over the market-house at Third Street. David Paul Brown, *The Forum*, I. 264.

The story of the Spanish or Dutch snow *Princess of Orange* may be further illustrated from the pages of Franklin's paper, the *Pennsylvania Gazette*, of Thursday, Apr. 9, 1741. "Friday last arrived here a Spanish Snow laden with Wine, taken at Aruba, and sent in by the *George*, Capt. Drummond, of this Port. She came from Teneriffe, and had a Pass from the Dutch Consul, but no Dutchmen on board: On Account of this Pass, the Governor of Curasoa sent out a Vessel to demand the Prize of Capt. Drummond, but he refus'd to restore her, fir'd at the Dutchman and beat him off. Before the Taking of this Snow, Capt Drummond had taken two Sloops, one was sent into Jamaica and condemn'd there, the other being a good Sailer, he has fitted out for a Tender, with 30 Men, and Arms suitable, under the Command of Capt. Sibbald; she is call'd the *Victory*. On the 16th of February, the *George*, the *Victory*, and the Prize Snow, being in Company off Hispaniola, were chas'd by two Men of War, which they suppos'd to be Enemies; the *George* and *Victory* left the Prize, and she was taken; but the *Victory* falling in with the Grand English Fleet two Days after, found they were English Men of War, who had taken the Prize, and she was restor'd to Capt. Sibbald, by Order from Admiral Vernon. The *Victory* convoy'd her thro' the Windward Passage, and return'd to look out for the *George*, from whom she Parted in the Chase."

The *Gazette* of May 28 chronicles the arrival, May 24, of the sloop *Victory*, Sibbald, and gives an account of a glorious fight, May 15, in which Capt. Sibbald, attacked simultaneously by a Spanish ship and sloop, had beaten both off. His owners rewarded his valor with a

present of a silver-hilted sword. The *Gazette* of June 4 adds, "This day arrived the *George* Privateer, belonging to this Place, from Jamaica. Capt. Drummond, who commanded her, died on the Passage". See also *Memorial Hist. Phila.*, I. 246, 247.

[2] The reign of George II. began on June 11, 1727; accordingly June 11, 1741, was the first day of his fifteenth year.

[3] Later in the war Sibbald greatly distinguished himself in a privateering voyage in command of the *George* (cruising in company with the *Joseph and Mary*, refitted prize, in 1742) and of the *Wilmington*. *Memorial Hist. Phila.*, I. 247; *Pa. Mag. Hist.*, I. 247, XXXII. 466. In the next war he was commander of the province's frigate *Pennsylvania*, from 1757 to 1759. *Pa. Archives*, III. 190, 658. The ships' register of the port of Philadelphia shows the sloop *George*, of 50 tons, John Sibbald owner, sailing out on this present voyage Nov. 12, 1740. *Pa. Mag. Hist.*, XXIII. 513.

[4] Andrew Hamilton the elder (1676-1741), the most famous lawyer of Pennsylvania, defender of John Peter Zenger, constructor of the State House (Independence Hall), speaker of the assembly 1729-1739, was admiralty judge from 1738 to 1741. He died a few weeks after this trial, Aug. 4, 1741. For a sketch of him, see *Historical Magazine*, XIV. 49-59.

[5] The letter of marque, dated Oct. 11, 1740, is recorded in this same manuscript volume, p. 143. It names Seth Drummond captain, John Sibbald lieutenant, William Dowell (see under June 23, below) master.

[6] 1740 by old style, the new year beginning Mar. 25; by new style, 1741. The capture of the *Princess of Orange* took place Feb. 24, 1741, N.S. (Feb. 13, O.S.), near Aruba.

[7] Captain William Dowell died in 1768, *aet.* 49, "a good husband, a sincere friend, and an honest man", so says his tombstone in Christ Church yard. He had an important part in the privateering expeditions from Philadelphia in this war. In the *Memoirs* of Peter Henry Bruce, chiefly occupied with his service in the Russian army under Peter the Great, but ending with a narrative of military engineering services in the Bahamas and South Carolina, that author gives an account (pp. 403-408, 421) of the capture of two rich Spanish prizes in September, 1742, "by John Sibbald of the *George* schooner, and William Dowall, of the *Joseph and Mary* sloop, both privateers from Philadelphia", who brought them into New Providence; and he vehemently accuses Governor Tinker of defrauding them and their Philadelphia owners by machinations lasting all through that winter. "All our Privateers", he adds, "intended to have made this place their general rendezvous; but the treatment Sibbald and Dowall met with, prevented any from coming near us". Later, May, 1744, the journal of William Black shows Dowell as again commander of the *George* schooner, 14 carriage and 18 swivel guns, then fitting out in the Delaware; and in 1746 he commanded the *Pandour* privateer. *Pa. Mag. Hist.*, I. 247, XXXII. 465.

[8] Originally Irish; see the testimony of Gaspar Fajardo, below, 9.

[9] Under Spanish law, at this time, cases of prizes taken on the high seas fell under the jurisdiction of the *intendente general de marina* for the nearest district, with appeal to the council of marine.

[10] It is probable that the original read "dollars of exchange", in which Spanish reckonings were sometimes made. They were inferior dollars, worth only about four-fifths as much as the standard Spanish or Mexican dollar. "Eight royals of plate" means eight reals of silver.

[11] Appears also in [doc. no. 142](#), as do also Dufourd and the notary Joseph Vianes de Salas.

[12] Lees.

[13] Vidonia, a dry canary.

[14] A payment which owners of goods made to the master, in proportion to their consignments, for his care of the goods.

[15] The Dutch governor of Curaçao.

[16] Malvasia (Gr. Monemvasia) was a town on the southeast coast

of Greece. The term malvasia wine, or malmsey, was originally used of a wine coming from that locality, but afterward, as here, of certain madeiras.

[17] Employ.

[18] December. All these dates written in Teneriffe are new-style dates.

[19] *I.e.*, with marks like those here given in the margin.

[20] Not identified.

[21] San Cristoval de la Laguna, an old town on Teneriffe, four miles inland from Santa Cruz.

[22] In the summer of 1740, when the expedition against Cartagena, under Vernon and Cathcart, was being planned, Capt. James Abercromby was made judge-advocate-general to the military forces. *Gent. Mag.*, X. 358. This was the same Abercromby who afterward failed so lamentably as commander-in-chief of the British forces in North America, and at Ticonderoga, 1758.

[23] Aruba lies in the southernmost part of the Caribbean, off the Venezuelan coast and west of Curaçao.

[24] A portledge bill was a register of sailors' names and claims for wages or allowances.

[25] On the west coast of Morocco; the famous modern Agadir.

[26] On the Venezuelan mainland, south of Aruba and southwest of Curaçao.

[27] The Spanish flag bore red horizontal stripes on a yellow ground.

[28] No. 6 above.

[29] Apparently no. 5 above.

[30] No. 7 above.

[31] One of the Lesser Antilles, far to the east of Curaçao.

[32] No. 6 above.

[33] No. 5 above.

[34] No. 7 above.

[35] No. 8 above.

[36] Dr. Patrick Baird was clerk of the privy council 1723-1726, 1740-1742, clerk of the admiralty 1724-1735, register of the admiralty court 1735-1744, and deputy judge of that court 1749-1752.

THE YOUNG EAGLE.

166. *Petition of John Jones. December 30, 1741.*^[1]

Province of the
Massachusetts
Bay December
30th, 1741

}

To His Excellency William
Shirley Esquire, Captain
General and Governour
in Chief in and Over the
Province aforesaid, And
to The Honble. His Majestys
Council of said
Province,

The Petition of John Jones of Boston in the
County of Suffolk Merchant

That about two Years ago One William Loud now residing in Boston went Out in the *Young Eagle* Privateer, Phillip Dumarasque Commander, bound on a Privateering Voyage whereof your petitioner with others were Owners. That the said Loud behaved himself on board in Such a manner, that he was put on board One of His Majestys Ships of warr at Giberalter for Mutiny, from whence he afterwards found means to run away, and came to Boston, and applyed himself to your petitioner telling him he could Inform him how the Officers of sd. Privateer had greatly wronged your petitioner, That your petitioner being well Informed of sd. Louds Actions, Mutinying and Ill behaviour on board the said Privateer, thought proper not to Shew him any Countenance or hear any thing he had to Say, whereupon the said William Loud then, and from time to time Since, hath greatly abused and Insulted your petitioner, and has vowed and threatned to take revenge on your petitioner but for what reason he cannot tell.

That your petitioner has been Informed by Several Gentlemen of his Acquaintance, and is well assured, that sd. Loud has twice in the night besett your petitioners house, and there waited Several hours, with others unknown in Order to met your petitioner going in or coming out, and do him Some bodily hurt or take away his life, which your petitioner is actually apprehensive of, from the many threatnings of sd. Loud.

That your petitioner having just reason to fear that his life was in Eminent danger applyed to Justice of the peace, and Swore the peace against sd. Loud, but could not prevail upon any Officer to take said Loud up and carry him before a Justice, and the reason, as your petitioner thinks, is that they are affraid of him, he said Loud always appearing armed with a great broad Sword, and a Number of his Comrades with him, and Seems to bid Defiance to the Government and all Authority; That your petitioner when he has Occasion to go abroad at night, or come home to his house is Obliged to get a number of his friends to be with him for fear of being Insulted, abused or killed by sd. Loud.

That notwithstanding your petitioner obtained Leave from the Government to beat up for Sailers to man the *Young Eagle* privateer, John Rous Commander, now bound on a privateering Voyage, yet the sd. Wm. Loud in a riotous manner followed the Drum about the Town cursing and abusing the Captain, and Several times Colloured^[2] the Lieutenant, tho' he had never Seen him before. That the sd. Loud Still Continues to behave himself in this riotous manner, and to threaten your petitioner with revenge either to kill your petr. or burn his house, or both, whereby your petitioner justly thinks his life and Interest are both in absolute danger from this Loud and his Associates.

Wherefore your petitioner most humbly prays your Excellency and honours to take this affair into Consideration and to look into the two protests herewith presented wch. plainly Shew that sd. Loud was Ordered on board a Man of warr for his mutinying and Ill behaviour on board the sd. privateer, And that your Excellency and Honours would please to Order that sd. Loud may be taken up and put on board one of his Majestys Ships now in this Port, or otherwise to Order in the premises, for the relief and Safety of your petitioners person and Interest, as your Excellency and honours Shall think most proper.

And your Petitioner as in duty bound Shall ever pray, etc.

JOHN JONES.

[1] Mass. Archives, vol. 64, pp. 124-125. For the *Young Eagle*, Captain Dumaresq, and Captain Rous, see [doc. no. 128](#), notes [2](#) and [9](#).

[2] Collared.

THE HAWK.

167. Vote of Privateering Crew. June 29, 1744.^[1]

Friday June 29th, 1744, at a meeting of the Captain and Officers on board the *Hawk* Privateer Samuel Waterhouse Comander; it was put to the vote wether we should follow and pursue the Sloop we have been in chase of

Content not Content.
SAMUEL WATERHOUSE.^[2]
JOHN CULLAM.
THOMAS RAPPITT.
JAMES HUDSON.
THOMAS WALDEN.

a True Copy from the
Original vote Book belonging
to the *Hawk* Privateer.

REYNOLDS SEAGER
Quartermaster to the
Owners of the *Hawk*.

Essex ss. Glocester Augst
the 13, 1744. then Reynolds
Seager the Quartermaster to
the Owners of the *Hawk*
pursonally appeared and gave
oath to the truth of what Is
Abov Rittn Before
JOSEPH ALLIN^[3]
Justis Peace

- [1] Mass. Archives, vol. 64, p. 252.
[2] See Boston Record Commissioners, *Reports*, XV. 33-44.
[3] Joseph Allen was the chief landholder of Gloucester.

168. Petition of William Ward. 1744.^[1]

Capt. Waterhouse

Sr

I Hope Youll Excuse my Taking the Liberty in Writing to you. But as a poor Creminall Confined, hopes that you and the Gentleman in the Cabin will Pardon the abrupt Treattment, I have Used Latly, but all Owing To a Moros Way in answering when Called: Which I Acnowledge is Not showing agood Decoram: Sr, as for the Afair I Was Accused with last night it was Done intirely Thro ignorance, that is that I thought I might Speak freely without Shewing any Sedition: Sr, I must Likewise acnowledge in Not Obeing the mastr was ill Done. Which I hope you and the Gentlemen will freely Pardon: Sr, I am Sencible thro what I have Done, Deserves Being Broke of my Station. Now Sr, I hope youll be so Good as To Pardon One Who Never in this World New What it was To be Confined. Which I Pray god grant to you: Which is Gentlemen from Your humble Sert: To Comd:

WM. WARD.

P.S. Gentlemen I hope for the Time To Come, To be Deserving of your favours.

- [1] Mass. Archives, vol. 64, p. 254. See [doc. no. 170](#).

*169. Deposition of John Flood and Zechariah Foss.
August 3, 1744.*^[1]

The Deposition of John Flood and Zachariah Foss who sail'd from Boston on the 25th of June last in the Privateer *Hawk*, Samuel Waterhouse Commander.

The Deponents testifye that being on Board the Brigantine *Hawk* commanded by Saml: Waterhouse, They on the 29th of June last, in the forenoon, betwixt the Hours of Eleven and Twelve, about 40 Leagues to the South East of Cape Briton, spied a Sloop steering northward, and observing that she had a White Pennant out^[2] they gave her Chace, and easily outsaild her and having got within about a Mile of her the

Sloop fir'd a Shot which fell about half a mile to Leeward of the *Hawk*, at the same time making all the Sail she could to run from us; upon which we fired at the Sloop five times successively; our first and second shot fell to Leeward, The third went thro' her Foresail, The fourth went thro' both her Mainsail and Foresail, The fifth struck her forward towards her Bow: upon which we were ordered to bear away, (being then at the Distance of about forty Pole from her, as near as we can judge) and as we bore away from the Sloop, we gave her three Cheers (which were return'd us) and fir'd another Gun; The Sloop in the mean time bearing close upon the Wind in order to make her Escape. within the Space of about an Hour after, the Company in the *Hawk* agreeing (all save the Captain and the owners Quartermaster) to follow the Sloop and Engage her, We gave her Chace, but She having by that time got to the Distance of about 3 Leagues from Us to windward, and a thick Fog arising, we lost Sight of her by about four of the Clock in the afternoon; we however, kept our course in pursuit of her till the next morning, but saw her not again.

The Deponents further declare that the Number of Hands on Board the *Hawk* (including Boys to the number of 10 or 12) was one hundred and thirty eight; That she had twelve Carriage Guns—(viz: 2 nine Pounders, 2 six Pounders, and 8 four Pounders,) beside 20 or 22 Swivel Guns.

That the Sloop (so far as they could judge) was of not more than half the number of Tun as the Brigantine *Hawk*. The Number of her Men they could not guess at, being in great Measure cover'd by a Netting, which Surrounded them; Save that they observ'd em to muster thick on the Quarter Deck. That not coming a Breast with the Sloop, the Deponents could not discover the Number of her Guns, Save, that mr Flood imagined that he saw two Carriage Guns on her Larboard side.

The Deponents further declare that they verily believe that had the Brigantine Engaged the sloop, the former might easily have taken the latter, and that this was the Opinion of their Company in General.

They further add, that when orders were given for their bearing off from the Sloop, Capt. Waterhouse declar'd as a reason for so doing that his owners enjoyn'd him not to Engage with a Privateer. But that when it was Voted by the Company to pursue the Sloop, he appear'd well pleas'd that the matter was so over ruled, altho' his orders were otherwise.

The said Zachariah Foss further adds, that he heard Capt. Waterhouse say that thenceforward he would take all the Privateers that came in his way.

The sd Zachariah further declar'd that on the Day before the *Hawk* sail'd from Boston, sundry Gentlemen (whom he took to be her owners) being on Board, he heard e'm desire Capt. Waterhouse not to Engage any Privateer, for that the Vessel was not fitted for such a purpose, adding that should he take a Privateer, they should get nothing by it, but Rags and Lice and broken Bones.

And the Deponents further say not.

JOHN FLOOD.
ZECH FOSS.

Suffolk, BOSTON, August 3, 1744. The above named John Flood and Zachary Foss made oath to the Truth of the foregoing Deposition.

Before { S. DANFORTH }
Us { EL'M } Of the Council.
{ HUTCHINSON } [2]

[1] Mass. Archives, vol. 64, pp. 245-246.

[2] And therefore was presumed to be French.

[2] Samuel Danforth was a member of the council of the province from 1739 to 1774; Eliakim Hutchinson from 1744 to 1746, and judge of the court of common pleas from 1741 to 1774; the latter married Governor Shirley's eldest daughter.

170. Testimony concerning William Ward. August 4,
1744.[1]

On board the *Hawk* Privateer Samuel Waterhouse Comander, August 4th: 1744 att a Comitte of the Commander and Officers on board the *Hawk* Privateer: James

Hudson, Charles Ward and John Woodbridge, being called as evidences against Will'm Ward Boatswain of Said Privateer, do testifie and say that at or upon the second day of August this instant they heard the said Will'm Ward speake in the Steeridge of Sd. *Hawk* that the Captain and Officers where^[2] discharging the People (meaning some of the hands) in order to put their shares in their own Pockets, together with other Seditious and disrespectful words.

JAMES HUDSON.
CHARLES WARD.
JOHN WOODBRIDGE.

[1] Mass. Archives, vol. 64, p. 253.

[2] Were.

171. Protest of Sailors. August 13, 1744.^[1]

On the Thirteenth day of August Ao. Dom: 1744, And in the Eighteenth Year of His Majestys Reign Before me Benjamin Pollard^[2] Notary and Tabellion Publick by Royal Authority duly Admitted and sworn dwelling and practising in Boston in New England Personally Appeared the several persons whose Names are hereunto Subscribed Sailors belonging to the Brigantine named the *Hawk* Called a private Man of Warr Mounting 12 Carriage and 20 Swivel Guns and Carrying 138 Men Commanded by Samuel Waterhouse now lying the Harbour of Cape Ann Who Severally Declared as follows. And First these Appearers say that the said Saml. Waterhouse in a late Cruize against the French and Spaniards Suffered a Small French Privateer whose force did not Exceed one third of the said *Hawk* and which it was in his Power to have taken without risque of his Vessell and Company, to escape after firing a few guns, by Voluntarily Parting from him with a Salute of Three Cheers; And on the Twenty Ninth day of July last the sd. Brig *Hawk* being in Consort with the Sloop *Elizabeth* a Private Man of Warr belonging to New-York of About 10 Carriage and 12 Swivel Guns and about 55 Men Commanded by Thomas Barns about Twelve o'Clock of that day descry'd a ship Standing to the Westward, the *Hawk* then Standing to the Eastward upon which Capt. Waterhouse bore away to the sd. sloop to Consult with Capt. Barns (who was then to Leward) About Engaging sd. Ship, and Capt. Barns ask'd what they Made of her, Waterhouse sd. he believed her to be a 40 Gun Ship, to which Barns answered, if she was an 80 Gun Ship he would See her, and then they Stood for her, the ship Still keeping her Course And About an hour before Sun Sett that day gott within About Three Quarters of a Mile of her, when the *Hawk* hoisted English Colours and fired a Nine Pound Shot at her, and the ship hoisted a French Jack on her Ensign Staff and returned a shot, which fell Short of the *Hawk* and after the *Hawk* had fired About 10 Guns and the Ship about 17 Guns, Waterhouse Commanded his Company to desist from firing and to bare away as fast as Possible, and Capt. Barns (who then lay to Windward by order of sd. Waterhouse) very Much Blamed Waterhouse's Conduct in leaving her and said that he (Barns) Intended to have got under her Stern and Raked her fore and aft, and the next Morning Saw a ship they believed to be the same but Waterhouse would not follow her but gave Chase to a smaller Vessell Called the *St. John* lately taken by him, but Barns was resolved to see her and accordingly went after her and found it was the Same Ship they had Engaged over night And further declared That the said Capt. Waterhouse has been guilty of a Breach of the Articles of Agreement respecting the said Cruize by rejecting and refusing the Vote of the said Company, That the said Waterhouse is a Man of a Moross, Froward and Barbarous disposition having during sd. Cruize used Many of these appearers very Inhumanely by Confining them in Irons Without any real Cause, and is Man of no Courage or Resolution daring not to Engage any Vessell of Equal force with his, but on the Contrary has turned his back on them, and these appearers verily believe that with the help of the sd. Sloop (who was Willing to Aid and Assist) the said *Hawk* Might have taken the aforesd: Ship, That the sd: Waterhouse Often declared on board that he had orders not to Engage any Privateer and that he Came out to take Merchantmen and such as he could run down, That these appearers have always acted up to their duty in their respective Capacitys on board said *Hawk* to the Utmost of their Power, And for the reasons Aforesaid These Appearers have left the sd. *Hawk* in Cape Ann Harbour and Come up to Town and requesting me the said Notary to Protest against the said Capt. Waterhouse and his Cowardice, Actings and doings.

Therefore I the said Notary At the request aforesaid did and do hereby Solemnly Protest against the said Samuel Waterhouse and his Cowardice, Actings, doings and Misconduct in and about the said Cruize as the Only reason of these Appearers Coming up to Town, and for all loss, Costs, Charges, damages and demands

Whatsoever, Which they or any of them Shall or May Suffer Sustain or be put unto by Means thereof, And Lastly the appearers Declared that they are ready and Willing to go on board the Said *Hawk* Privateer and proceed in her on another Cruize under the Command of any Captain of known Courage and Conduct. Thus done and Protested in Boston the day and year before written

And To the truth of all which these Appearers have Severally Made Oath and subscribed their Names.

JONATHAN TAYLOR	CHRISTOPR: COLLINS
JOHN PEARSON	EZEKIEL PITTMAN
RICHARD ANDERSON	BENJA: BOLTER
	his
JOHN PEEWEY	WILLIAM X BLEYTH
	mark
PATRICK CARNEY	WILLIAM WILLIAMS
ANDREW LEISHMAN	WILLIAM SWETT
	his
DANL. CALFE	CHAS: X DREW
	mark
	his
JEREMIAH MOLTON	WILLIAM X HODGKINS
	mark
JOHN PALLOT	ROBERT STANLY
JOHN THOMPSON	ADAM HOLLIDAY
RICHD. THOMPSON	STEPHEN HILLOCK
EDWD. BROOKSBY	JOHN SEAWARD
PETER SCOTT	

The foregoing is a just and true Copy of the original Protest on Record in My Office, Attest.

BENJA: POLLARD Noty. Pubk:
1744.

BOSTON Augst: 14: 1744.

[1] *Ibid.*, pp. 249-251. As to protests, see [doc. no. 136](#), [note](#).

[2] Sheriff of Suffolk County 1743-1756.

172. Petition of Henry Johnson. August 27, 1744.^[1]

To His Excellency William Shirley Esq. Govr. and the Hon'ble the Councill

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The Petition of Henry Johnson of Boston

Humbly Sheweth

That Mr. Detcheverie, Monsr. Darrancette, and a Boy Named Augustine, French Prisoners taken and brought in here per Capt Waterhouse, has Lodged and Boarded at the house of your Petr. per Order of Benja. Pollard Esq Sheriff of the County of Suffolk, your Petr. humbly Prays your Excellency and hon'rs will be pleased to Ascertain the Allowance your Petr. is to receive for their Board, Washing and Lodging for Twenty One Days, the time they have been at your Petr. house, and your Petr. as in duty Bound Shall Ever pray

Boston 27 August 1744

HENRY JOHNSON
1744

[Indorsement]

At a Council held at the Council Chamber in Boston Fryday Octo'r 5 1744.

Read and Dismiss'd.

Monsieur Detcheverie to Henry Johnson Dr. for his Board and Lodging 3 Weeks at 3£	9. 0. 0
Monsieur Darrancette to Henry Johnson Dr. for his Board and Lodging 3 Weeks at 3£	9. 0. 0
For your Boy Augustine 3 weeks at 30s.	4.10. 0

BOSTON, 22 August 1744. Errors Excepted.

HENRY JOHNSON.
1744

[1] Mass. Archives, vol. 64, pp. 256-258.

THE *LEWIS JOSEPH* AND THE *ST. ANNE*.

173. *Deposition of Jacques Piegnon. January 24, 1745.*^[1]

The Same 24th January 1744.^[2] 5 P.M.

Proclamation made a fourth Time, and none appearing to Claim, the Court ordered the Proctor to Proceed to Prove the lawfull Caption of the said Ship *Lewis Joseph* and Snow *St. Ann* and their Ladings,^[3]

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Whereupon the following Depositions being Produced and Read, viz.

Jacques Piegnon of St. Malo in France Mariner being Sworn

Deposeth and Sayeth

To the first Interrogatory

That he this Deponent Knows the Ship called the *Lewis Joseph* now riding at Anchor in this Port of Philadelphia; That in the Month of August 1743 this Deponent contracted and Agreed with Francis Pienoir late Captain of the said Ship and the owners thereof at St. Malo aforesaid to enter and go as Second Captain on Board the said Ship on a Voyage from St. Malo to Cadiz and from thence to proceed to some port of French or Spanish America as should be agreed and resolved on at Cadiz aforesaid; That agreeable to his said Contract this Deponent sailed in the said Ship in quality of Second Captain to Cadiz and from thence to Port Orient^[4] in France and thence returned to Cadiz and from thence proceeded to Cape Francois^[5] in the Island of Hispaniola; That the said Francis Pienoir was Captain and Commander of the said Ship during the said Voyage; That from Cape Francois aforesaid this Deponent sailed in the said Ship on an Intended Voyage for Nantz in France and on the 26th day of Decr. last, New Stile, the said Ship [was] attacked upon the High Seas in or near the Latitude of 31 deg. North by two English Privateer Vessels, of one of which Captain Alexander Kattur was Commander^[6] and Captain John Dougal was Commander of the other, but does not Know the Names of the said Privateers but has heard that one of them was Called the *Warren* and the other the *George*; That the Engagement between the said Two Privateers and the said Ship *Lewis Joseph* continued for about five or Six Hours; That at the Beginning of the said Engagement there were fifty two Men in and belonging to the said Ship *Lewis Joseph* but four of them were Killed in the said Engagement vizt. the said Captain Pienoir, another Captain who was a Passenger and two common Sailors, and three of the Men belonging to the said Privateers were also Killed in the said Engagement as this Deponent afterward heard and believes; That at the time of the said Engagement the said Ship *Lewis Joseph* was mounted with Eighteen Guns; That the said Ship *Lewis Joseph* was then taken by the said two English Privateers; That the said Captain Pienoir and all the Mariners and Comp'y belonging to the said Ship *Lewis Joseph* at the Time of her said Caption were Subjects of the French King; That the same Ship *Lewis Joseph* was then Laden with divers Goods Wares and Merchandizes.

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To the Second Interrogatory;

That the said Ship *Lewis Joseph* at the time of her said Caption wholly belonged to Monrs. John Petel a Merchant then residing at St. Malo and a Subject of the French King; That part of the Goods Wares and Merchandizes wherewith the said Ship was laden at the time of her said Caption belonged to the said Captain and the officers of the said Ship and the residue thereof to divers Merchts. and others at St. Malo's, Nantz and other Ports and Places in France and that such Owners of the said Cargo were all then Subjects of the French King.

To the third Interrogatory,

That before the said Ship *Lewis Josephs* Departure on the said Voyage from St. Malo, the said Captain Pienoir applyed for and obtained from the proper Officer at the Court of France a Commission which gave Authority to the said Captain with the Marriners and Company belonging to the said Ship as a private Ship of War to Seize and take any Person with their Goods and Effects who then were or should happen to be the Enemies of the French King during the Course of the said Voyage; That it is Customary in France for such Ships when there happens to be an Expectation of War being Declared before their Return from such Voyages to apply for and take out such Commissions before their Departure, And this Deponent with the said Captain Pienoir and the rest of the said Ships Company hearing at Cadiz upon their Return thither from Port Orient that War was declared by the French King against Great Britain,^[7] they the said Officers and Company belonging to the said Ship *Lewis Joseph* looked upon themselves well warranted and authorized by the said Commission to Act with the said Ship as a private Ship of War against the Subjects of the King of Great Britain and to Seize and take their Persons and Effects; That the said Ship did not touch in any Port or Place in France after the time of this Deponents hearing of War being Declared against Great Britain as aforesaid; That after the said Ships Departure from St. Malo and during the said Voyage, the said Captain Pienoir produced and read the said Commission to this Deponent and the Rest of the said Ships company, and that the purport thereof was to authorise the said Captain Pienoir with his said Ships Company to Seize and take any Pirates, Interlopers and any future Enemys of the French King with their Ships, Goods and Effects or to that Effect, and was to Continue in force only for the said Voyage, and that the said Commission had a large Seal affixt to it; but what or whose such Seal was this Deponent knows not.

To the fourth and fifth Interrogatorys,

That he, this Deponent, knows the Vessel or Snow called the *St. Anne* in the Interrogatory mentioned and now riding in the Port of Philadelphia; That the said Snow being laden with Divers Wares and Merchandizes at Cape Francois Sailed from thence in Company with the said Ship *Louis Joseph* and was afterwards taken by the said two English Privateers who took the said Ship *Lewis Joseph* or one of them as this Deponent hath heard and believes, and was brought into the Port of Philadelphia along with the said Ship, as the Prize of and belonging to the said Privateers but when or where the said Snow was Attacked or taken, or who was the Captain and Commander of her this Deponent knows not, but hath heard and believes that the Captain, Mariners and Owners of the said Snow were all Subjects of the French King; and to the Rest of these Interrogatories cannot Depose.

JACQUE PIEGNON.

^[1] Records of the Admiralty Court held in Philadelphia, 1735-1746, in volume preserved in the office of the clerk of the U.S. district court, pp. 213-216. The judge was Thomas Hopkinson, who qualified in January, 1745.

^[2] *I.e.*, 1745, N.S.

^[3] The story of the capture is also related in Benjamin Franklin's paper, the *Pennsylvania Gazette*, Jan. 22, 1745: "On Friday [Jan. 18, arrived] a Ship and Snow, from the *Warren* Privateer, Alexander Kattur, and the Old *George* Schooner, William Dougall, Commanders, who sailed from this Port about six Weeks ago in Consort. Seven Days after they left the Capes, in the Latitude of 31, they met with the Ship.... She is a Frigate built Ship, of 18 Carriage Guns, belongs to St. Malo's, and was thither bound. She is called the *Lewis Joseph*. The Captain's Name was Piedsnoirs.... She maintained an obstinate Fight for Five Hours, and did not surrender, till she had received near Fifty Shot in her Hull, and was at last boarded, and the Captain, his second Lieutenant, and four Men killed, and several of the Gentlemen Passengers wounded. The Captain had the Character of a Gallant Man, and, as the Prisoners say, always declared, that he would never part with the Ship but with his Life.... The Snow is called the *St. Anne*, Pierre Dalheu Master, bound to Bourdeaux, and was taken two Days after the Ship. [The rich cargoes are described.] We are daily expecting the two Privateers in."

^[4] Now called Lorient.

^[5] Now Cap Haïtien.

^[6] The *Warren*; see [note 3](#), above, and *Pa. Mag. Hist.*, XXIV. 350.

THE APOLLO.

174. Deposition of John Brown. August 2, 1745.[1]

John Brown of Holywood near Belfast^[2] in the Kingdom of Ireland being Sworn,

1st. To the first Interrogatory saith that he Knows the Ship called the *Apollo* now rideing at Anchor in this Port of Philadelphia; That he first Knew the said Ship At the aforesaid Port about Seven Years ago, but the Particular Time does not now remember; That he was hired by Alexander McMullen the Commander of the said Ship on or about the Nineteenth Day of March last past at Larn^[3] in the Kingdom of Ireland aforesaid to proceed with the said Ship as Chief Mate thereof from thence to Virginia; That the said Ship at her Departure from Larn aforesaid was not Laden with any Goods, Wares or Merchandizes but in her Ballast; That the said Ship *Apollo* in the prosecution of the said Intended Voyage was taken as a Prize on the Sixteenth day of June last past upon the High Seas near the Capes of Virginia by a Spanish Privateer Snow; That the Commander of the said Privateer after he had taken Possession of the Ship *Apollo* brought over board her into his own Vessel the Master and all the Men belonging to the said Ship except this Deponent and one Boy, and at the same time put on Board her Sixteen Mariners belonging to the said Spanish Privateer Snow; That on or about the twentieth Day of the said Month of June the Commander of the said Spanish Privateer caused to be laden on Board the said Ship *Apollo* several Goods, Wares and Merchandizes the Cargo of a Certain British Snow which the said Privateer had taken a few Days before; That soon after the said Goods, Wares and Merchandizes were put on Board the said Ship *Apollo* she was seperated from the said Spanish Privateer; That he this Deponant was on Board the said Ship *Apollo* at the Time of such her seperation and saith that she remained under the Conduct of the said Sixteen Spanish Mariners who were put on Board her on her being first taken as aforesaid (in order to carry her to Laguira^[4] as they informed this Deponant) untill the twelfth day of July last past when the said Ship *Apollo* was attacked and Retaken as a Prize on the High Seas by an English Privateer Sloop called the *Trembluer*^[5] whereof Captain Obadiah Bowne was Commander;^[6] That upon the Recaption of the said Ship *Apollo* by the said Sloop the said Captain Obadiah Bowne put on Board her twelve or Thirteen Mariners in order to navigate and carry her to this Port of Philadelphia where she arrived the first day of this Instant Month of August and till which Time the said Deponent Continued on Board her from the Time of her being Retaken as aforesaid.

2d. To the second Interrogatory this Deponent saith that the said Ship *apollo* at the Time of his being Shipped as Chief Mate of her as aforesaid did belong to Richard Oswald^[7] and Company Merchants residing in Glasgow in Scotland and subjects of the King of Great Britain as this Deponent was informed by the said Alexander McMullen then Master of the said Ship *Apollo*. And this Deponent further says that he does no[t] Know to whom the Goods, Wares and Merchandizes taken from on Board the said Ship *Apollo* did belong, but says that he Knew and was well acquainted with James Bowne the Commander of the said British Snow at the Time of her being Taken as aforesaid.

JOHN BROWN.

[1] From the same manuscript volume as the preceding, pp. 262-264. The capture is thus recorded in the *Pennsylvania Gazette* of Aug. 1, 1745: "Yesterday arrived the Privateer *Trembleur*, belonging to this Port, and brought in the Scotch Ship taken some Weeks since by the Spanish Privateer Snow off the Capes of Virginia. Captain Bowne met with [her] East of Bermudas, bound to Laguira".

[2] Holywood is four or five miles northeast of Belfast, on the east shore of Belfast Lough.

[3] Larne lies on the northeast coast of Ireland, some twenty miles north of Belfast.

[4] La Guayra on the Venezuelan coast, the port of Carácas.

[5] *Trembleur*, i.e., Quaker. Her first appearance is in the journal of William Black, under date of May 30, 1744: "a fine Bermudas Sloop bought the other day for 800 pounds Sterling, and is called the *le Trembleur*, to carry 14 Carriage and 20 Swivel Guns, and 100 Men". *Pa. Mag. Hist.*, I. 247.

[6] After the war was over, Bowne settled down to the keeping of a public-house "at the sign of the *Trembleur*", at the corner of Market and Water streets, hence long called "Bowne's corner". *Memorial Hist. Phila.*, I. 263.

[7] This was that Richard Oswald (1705-1784), Franklin's friend, who signed for Great Britain the preliminary articles of peace with the United States, Nov. 30, 1782.

*175. Deposition of Diego de Prada y Nieto. August 2,
1745.*^[1]

Diego De Prada y Nieto of Sevilla in the Kingdom of Spain being Sworn

3d. To the third Interrogatory Saith That he Knows the Ship called the *Apollo* now riding at Anchor in this Port of Philadelphia; That he first saw the said Ship *Apollo* on the High Seas on the Twenty seventh or Twenty eight day of June last, New stile,^[2] about the distance of Twelve or thirteen leagues from the Capes of Virginia; That the Persons then on Board the said Ship were Subjects of the King of Great Britain; That the said Ship *Apollo* at or about the place and Time aforesaid was Attacked and Taken Prize [by] a Spanish Privateer Snow called the *Neustra Senora De los Dellores y Animas*^[3] Commanded by Don Carlos Francisco de Bissava and Navigated by Eighty Mariners all Subjects of the King of Spain; That immediately upon the said Ship *Apollo* being taken as aforesaid this Deponent with fifteen or Sixteen Spanish Mariners belonging to the Said Spanish Snow were sent by the said Capt. Don Carlos Francisco de Bissava on Board the said Ship *Apollo* whereof they took possession; That the Command of the said Ship *Apollo* was given to this Deponent with orders to carry her to Lagaira on the Coast of Caraccas in new Spain,^[4] That on or about the thirty first day of June last N.S.^[5] the said Capt. De Bissava caused to be put on Board the said Ship *Apollo* sundry Goods, Wares and Merchandizes being the Cargo of a Certain Snow taken by a Spanish Privateer about five days before, two legues from the Coast of Virginia, but the Names of the Owners or Commander of the said Snow this Deponent Knows not but has heard and believes tha[t] she belonged to the Subjects of the King of Great Britain; That the said Deponent. with the said fifteen or Sixteen other Spanish Mariners Continued in Possession and had the Care and Conduct of the said Ship *Apollo* untill the 23d day of July last, New Stile,^[6] when she was attacked and Retaken by an English Privateer Sloop called the *Trembleur* whereof Capt. Obidiah Bowne was Commander; That the said Captain Bowne immediately upon his retaken the said Ship *Apollo* put on Board her thirteen Men who Conducted and brought the said Ship to this Port of Philadelphia.

4th. To the fourth Interrogatory This Deponent Saith That among the People who were put on board the said Ship *Apollo* by the Spaniards there was one Mullato man who was called Limena whom this Deponent says is a free man, and that he, this Deponent had been informed by several and by the said Mullato himself that since the Commencement of the War between England and Spain he was Taken and Carred in to Jamaica and there sold as a Slave and that he run away from the English and got among the Spaniard And this Deponent further heard that he belonged to a Privateer Commanded by Don Pedro De Parieveck and that having quarrelled with one of the Officers on board the same, the said Commander by a Letter desired the said Captain Don Carlos Francisco de Bissava Commander of the said Spanish Privateer Snow called the *Neustra Senora de los Dellores y Animas* to receive the said Mullato on board the same and that he was received aboard accordingly and was to draw an equall share with the Whitemen and did receive ten pieces of Eight Advance money being the sum the Whitemen also receivd and the said Mullato was looked upon by the People on Board the said Privateer as a freeman and by some of them was well known.

DIEGO D PRADA
LONE NIETO.

[1] From the same volume as the preceding, pp. 264-266.

[2] A Spanish sailor would date by new style; June 27, N.S., was June

16, O.S., the date given in the previous deposition.

[3] *Nuestra Señora de los Dolores y [de las] Animas*, "Our Lady of Sorrows and of Souls".

[4] Rather, in the viceroyalty of New Granada.

[5] June 20, O.S., according to John Brown's deposition.

[6] July 12, O.S. (Brown).

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THE PRINCE CHARLES OF LORRAINE.

176. Deposition of Benjamin Munro and William Kipp.

*April 23,
1746.*^[1]

Benjamin Munro and William Kipp of Lawfull Age Testifieth and Saith that the said Munro was Master of the Sloop *Prince Charles of Lorain* whereof Simeon Potter was Commander as a Private Man of Warr and that We took and Plundred a Small Place near Cyan^[2] called Yopock^[3] and then Proceeded to Cyan where said Potters Lieutenant and Thirty Two men Landed took and Plundred a Place called Muekell yeau.^[4] We Landed on Cyan with Ten men where We were taken by One hundred and Thirty Soldiers where Three of Our Men were Killed and Four wounded and then We were carried to Cyan Fort where Capt. Potter sent a flagg of Truce on Shoar with a Fryar^[5] and some Soldiers that were taken at Yopock whereupon the Governour of Cyan^[6] Immediately gave us Our Barge againe to go on board and half an Ox for fresh Provisions and then We went to go on board of Our Vessel but missed of her in the Night and so We Proceeded to Surranam^[7] where We were all Put into the Fort and keptt untill the Masters of the English Vessels there Petitioned for us to Come out and in a few Dayes after Capt. Potter arrived in the River with his Priveteer and Came up to Surranam to the Governour^[8] to Desire Liberty of him to Wood and Water but they gave no Liberty in Ten or Twelve Dayes and then Ordered that the English Men should bring Wood and Water on Board but the Thing was Attended with so much Dificulty that We were Obliged to Sell some small Plunder on board of Our Own Vessell to Defray our Charges and also that while We were at Surranam Three of Our Slaves Ran away from Us and that the Governour keptt and Detained them from us then we Sailed for Barbadoes in Order to Carreen and Refitt Our Vessell and that when We came to Sea we found Five Men and no more on Board who talked Dutch and were dressed in Sailors Apparel who did their Duty as Such and Said that they belonged to Dutch Vessells in Surranam and when we arrived at Barbadoes We Landed our Prize Goods and Slaves where they were Condemned and Sold at a Publick Vendue.

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BEN MUNRO.
WM. KIPP.

Bristol ss:

BRISTOL Apr. 23d 1746.

Personally appeared the above named Benj'n Munro and Will'm Kipp, (being bound to Sea), and made Oath to the truth of the above written evidence: taken in Perpetuam Rei Memoriam before us two of his Maj's. Justices of the peace in and for the County of Bristol:^[9] Quorum Unus,

JONA: WOODBURY.
JOSEPH RUSSELL.

[1] Rhode Island Archives, volume lettered "Admiralty Papers, 1746-1750", p. 45. Capt. Simeon Potter of Bristol (a town in Massachusetts till January, 1747, in Rhode Island after that date) was one of the most noted and successful of the privateers of his time. His raid on French Guiana in November, 1744, though not enormously profitable nor of much military importance, makes a very picturesque story, chiefly because of the vivid account we have of it from one of its victims, Father Elzéar Fauque, an intelligent Jesuit, who was serving the mission at Oyapoc, and was carried away as a prisoner by Potter when he sacked and destroyed that settlement. Father Fauque's narrative, a letter to an officer of his society, dated from Cayenne, Dec. 22, 1744, is in the *Lettres*

Édifiantes et Curieuses, XXVII. 172-250 (Paris 1749), VIII. 387-454 (ed. 1781), IV. 493-533 (ed. 1819), II. 34-50 (ed. 1838). There is an English translation in Bishop W.I. Kip's *Historical Scenes from the Old Jesuit Missions* (N.Y., 1875), pp. 153-205, reprinted in Professor W.H. Munro's *Tales of an Old Sea Port* (Princeton, 1917), pp. 48-93, in which Potter's life is also told. The admiralty case arose from questions respecting disposal of the booty. Prince Charles of Lorraine was brother-in-law of Maria Theresa, and commanded her army against Frederick the Great. According to Father Fauque, the privateer so named carried 10 cannon, 12 swivel-guns and 61 men. *Lettres Édifiantes* (ed. 1819), IV. 494.

[2] Cayenne the chief town of French Guiana. For the pronunciation, see [doc. no. 63](#), [note 20](#).

[3] Oyapoc, on a river of the same name, lies some 80 miles to the southeast of Cayenne, toward the Brazilian boundary.

[4] Macouria, a lady's plantation a little northwest of Cayenne. Father Fauque, *ubi sup.*, pp. 519-520.

[5] Father Fauque was not a friar, but a Jesuit.

[6] M. d'Orvilliers, father of the celebrated admiral of that name. La Condamine, returning by way of the Amazon and of Oyapoc from his celebrated geodetic expedition to Peru, had spent five months with him at Cayenne earlier in this year. *Relation Abrégée*, pp. 209-214.

[7] The Dutch then possessed both what is now Dutch and what is now British Guiana. In 1744 their possessions constituted three colonies, Surinam, Berbice, and Essequibo, of which Surinam, the present Dutch Guiana, was the most important. The fort spoken of was at the capital, Paramaribo.

[8] Jan Jacob Mauricius, governor of Surinam 1742-1751; see account of him in Harris and de Villiers, *Storm van 's Gravesande*, II. 538-539.

[9] At this date a county of Massachusetts. With this narrative we can compare Captain Potter's own brief account of the affair, as given in the *Pennsylvania Gazette* of Feb. 19, 1745, being an extract from a letter written by him to his owners, sent to that journal from Newport: "We came to an Anchor at Y'opoch River, took a Craft by which we had an Account of a considerable French Settlement up that River, with a Fort of six Carriage Guns and 50 Soldiers, excluding Officers: We went with the Prisoners we took into the Craft (bound) before us as our Guides: At one o'clock in the Morning we landed a small Distance from the Fort, gave three Huzza's and entred the same Sword in Hand, took it without the loss of one Man, kept Possession thereof 8 Days, took in Plunder 9 Indians, 2 Negroes, a Mulatto Wench, 50 Small-Arms, 5 Casks of Powder, and a small Quantity of Plate, and took 10 Prisoners. We then steered for Surinam and sent up for Liberty to refit, but were refused by the Governor thereof: How far this is consistent with the Treaties between England and Holland, I for my part must leave to others to determine."

177. *Deposition of Daniel Vaughan. September 1, 1746.*

[1]

Daniel Vaughan, late Lieutenant the Sloop *Prince Charles of Lorain*, Capt. Simeon Potter, on a Cruising Voiage Anno 1744, on oath declared that an Indian man Named Jeffery Potter was one of the Hands of said Sloop during her Cruize; that on said Cruize the Sloops Company made an Attack on a French Settlement called Yapoke and took out of said Settlement Seven Indians, three Negroes, twenty large Spoons or Ladles, nine Large Ladles, one Gold and one Silver hilted Sword, one Gold and one Silver Watch, two Bags of Money the Quanty uncertain, a number of Chest and Trunks of Goods and Merchandize and waring apparell, a Number of Gold Rings, Buttons and Buckles, a Number of Silver Candlesticks and Church Plate both Gold and Silver,^[2] a Number of Swords, about Sixty small arms for Cannon, Shot of all Sorts, about Fifty halfe Barrals of Powder, a Quantity of Beafe, Flower and other Provisions and Sundry other things wch. this Deponent cannot enumerate; that after the taking of said Goods etc. from Yapoke sd. Sloop and Company sail'd for Surrinam where Capt. Potter put a Quantity of sd. Merchandize up at Vendue on board a

Vessel in the Harbour and purchased the most of them himself and ship't them to Rhode Island on his own account; then said Sloop Sailed for Barbadoes on wch. passage the men demanded that Capt. Potter would Share the Money taken, according to the Articles, to which Capt. Potter answered that he would share none until his Return for all the Men were indebted to the Owners more than that amounted to and Swore at and Damn'd them threatning them with his drawn sword at their Breasts, which Treatment Obliged the Men to hold their Peace and when said Sloop arrived at Barbadoes Capt. Potter without consulting the Men put part of the afore mentioned Effects into the Hands of Mr. Charles Bolton and kept the other part in his own Hands and Supply'd the Men only with Rum and Sugar for their own drinking, and further this Deponent saith that Capt. Potter refusing to let the men have their Shares and his Ill Treatment of them by beating them occasioned about twenty-four to leave the Vessel whose Shares Capt. Potter retained in his Hands and further this Deponent saith not. DANIEL VAGHN. Sworn to this 1 Day of September A.D. 1746, Capt. Potter not notified living out of the Government, befor EBEN'R RICHARDSON Just: apece.^[3]

A true Copy as one file in the Case Patd. agst. Potter examd.

by THO. WARD, Clk.

^[1] Rhode Island Archives, volume lettered "Admiralty Papers, 1746-1750", following [doc. no. 176](#).

^[2] Father Fauque greatly laments the loss of these. Professor Munro, *History of Bristol*, p. 180, says that some of the silver which Captain Potter brought home from Oyapoc is still in the possession of descendants of his family.

^[3] Bristol had not yet become a part of Rhode Island. Ebenezer Richardson was a justice of the peace in Newport; *R.I. Col. Recs.*, V. 335. Thomas Ward was elected secretary of the colony of Rhode Island in May, 1747 (*ibid.*, V. 215).

THE ELIZABETH.

178. Deposition of William Dunbar. May 7, 1747.^[1]

Novemb'r 26th 1746 Being at the Island Orcheilla^[2] in Company with Captn. Rous in the *Trelawney Galley* of Jamaica, Saw a Sloop coming from the Eastward, at 9 P.M. took her, they Informed us it was the Sloop *Elizabeth*, John Paas Mastr. from Martinico, were Bound and belonged to Curacoa, Cargoe Sugar and Coffea. when John Paas came on board the Privateer all the Papers he Could produce was a Sea Brief^[3] and a Paper containing an accot. of the Cargoe he then had on Board, we Inquired for the rest of his Papers, he answered he had left them in Martinico, we told him such mistakes were not at all likely, and therefore must Send him into Port. he made Use of many horrid Imprecations, and many times offered to Swear, his Vessell and Cargoe was a Dutch Property and that neither french nor Spaniards were anyway Concerned in either. when we Told him he must go in his Sloop for Rhode Island, his answer Generally was, what Signifies my going with the Sloop without my papers, do but first lett me go to Curacoa and furnish myself w'th papers and then I will follow my Sloop. and his Sloop being Leaky we Concluded to heave her down and stop her leaks before we Sent her homeward. after we had Cleaned her and got the Cargoe on Board, found Concealed in the under part of the Boats Chock,^[4] a Sett of french Papers Expressing who the Cargoe belonged to. John Paas Imediately retracted what he had formerly Said, Acknowledged that Vessell and Cargoe did belong to the french. Some time afterwards we had Some discourse Concerning the Illicit Trade that is Carried on by the Inhabitants of Curacoa. John Paas Told me a Sure way of knowing a real dutch Vessell and Cargoe from a Counterfeit one, which is by a paper Carried by all Dutch Vessells (but wanted where french or Spainards are Concerned) expressing the Owners and Master Name, where bound to, a Particular account of all the Cargoe on Board.^[5] this Paper is Sworn to by the Owners, afterwards Signed by the Governour and other Officers, with the Island Seal affixed to it.

WILL. DUNBAR.

The above Eviden[ce] was sworn to in Court

[1] Rhode Island Archives, same volume as the preceding, p. 15. This deposition follows in that volume the libel of John Sweet of Newport, commander of the privateer *Defiance*, against Paas's sloop, captured by him.

[2] Orchilla, a small island in the Caribbean, north of Venezuela and 200 miles east of Curaçao.

[3] See [doc. no. 129](#).

[4] Blocks of wood, shaped to the under side of a boat, on which a boat rested when on the deck of a ship.

[5] See [doc. no. 128](#), [note 12](#).

179. *Petition of Edward Winter. May, 1749.*^[1]

Province of the } To his Excellency William Shirley
Massachusetts } Esqr. Govr: and Commander in
Bay } chief in and over sd. Province^[2] the
Hon'ble the Council and House of
Rep'ves in General Court Assembled
May — 1749.

The Petition of Edward Winter of Boston Blacksmith Humbly Sheweth,

That in the Year 1744 there were nine persons committed to the County Goal^[3] in Boston, being charged with committing divers acts of Piracy, Hostility etc. on the high Seas and soon after they were put into Goal, they attempted to get off their Irons and make their Escape but being discovered were prevented, and thereupon your Petr: was ordered to Search and Examine their Irons several times in a week, which he accordingly did from the 12th day of January 1744 to the 23d of July 1746, 253 times, and charged the Province for the same the small price of one shilling a time, amounting in the whole to £12. 13. 0 bills of the last tenor,^[4] and put in his Bill to the Committee appointed by the special Court of Admiralty who try'd said Prisoners, to Examine the Acco'ts of Charges that had arisen on said Prisoners, but the same was not allowed by them, they apprehending the Pet'rs Bill sho'd be paid by the County (tho' all other charges upon 'em the Province paid) and said Committee accordingly recommended it to the Court of Sessions to pay the same, to whom your Petr. has since appl'd but they absolutely refused paying it, so that your Petr. unless that he is relieved by this Hon: Court is like to suffer greatly.

Your Petr. therefore prays your Excellency and Honours will be pleased to take the premises into Consideration, and as all the other charges were paid by the Province, he prays he mayn't be the only sufferer, but that you'l be pleas'd to order Payment of his Acco't out of the Treasury accordingly.

And as in Duty Bound he shall pray etc.

EDWARD WINTER.

In the House of Rep'tives June 28: 1749.

Read and ordered That there be granted and allowed to be payd to the Petitioner Edw'd Winter out of the Province Treasury the Sum of Twelve pounds Thirteen shillings In full for his Services In Sd. Petition mentioned.

J. DWIGHT, Spkr.

In Council June 29 1749 Read and Concurr'd.

SAM HOLBROOK, D'ty Sec'y.
Consented to.
W. SHIRLEY.^[5]

[1] Mass. Archives, vol. 64, pp. 333-335.

[2] Shirley was governor of Massachusetts from 1741 to 1756. His correspondence, edited by Charles H. Lincoln, has been published in two volumes by the National Society of the Colonial Dames of America.

[3] Gaol.

[4] Massachusetts began the issue of provincial paper money in 1690, and continued it till 1748. Its bills of credit were distinguished, according to the form of these promises to pay, into three varieties: old tenor (issues of 1690-1737), middle tenor (1737-1740), and new tenor (1740-1748). New tenor bills, here spoken of, were at this date valued at about one-tenth of the corresponding sum in specie.

[5] The order is printed in *Acts and Resolves*, XIV. 285.

*180. Commission of a Vice-Admiralty Judge. September
23, 1752.*^[1]

South Carolina.

George the Second by the Grace of God of Great Britain, France and Ireland King,
Defender of the Faith, and so forth

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To James Michie, Esquire.^[2]

We, reposing especial Trust and Confidence in the Loyalty, Integrity and Ability of you the said James Michie, and your skill and knowledge in our Laws Civil and Maritime of our Kingdom of Great Britain as well as of our province of South Carolina in America, have constituted and appoint you to be Judge of our Court of Vice Admiralty in our province of South Carolina in America aforesaid, with full Power and Authority to sit, hear and Determine all Causes whatsoever competent to the Jurisdiction of the said Court, To have and to hold, use, exercise and enjoy the said Office of the Judge of the Vice Admiralty in our province of South Carolina in America aforesaid, with all the Fees, profits, Perquisites, Privileges, Advantages and Emoluments incident thereto, in as full and ample manner as any of your Predecessors Judges of the said court have holden the same.

This Commission to continue during Pleasure.

Given under the great Seal of the said Province at CharlesTown in the Council Chamber the twenty third Day of September and in the twenty-sixth year of our Reign 1752.

Witness our Trusty and Well beloved James Glen, Esq: Governor in Chief and Captain General in and over our said Province.^[3]

By his Excellency's Command.

WILLIAM PINCKNEY, Dept. Secry.^[4]

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Recorded in the Secretary's Office in
Book II, folio 286.

[1] From the volume in the clerk's office of the United States district court at Charleston, S.C. called "Admiralty Records of South Carolina, Book E-F", p. 1. A commission issued to a vice-admiralty judge, Lucas Santen, New York, 1683, has already been inserted in this volume, as [doc. no. 51](#), but that, besides being issued under a proprietary, and so not wholly typical, was not a commission to Santen as admiralty judge but a special commission for the trial of piracy. Another typical specimen, to Richard Morris, New York, Oct. 16, 1762, may be seen in E.C. Benedict, *The American Admiralty*, third ed., pp. 79-84; fourth ed., pp. 76-80. Benedict states that he has also seen the commissions of Roger Mompesson, Apr. 1, 1703, of Francis Harrison, Feb. 13, 1721, and of Lewis Morris, Jan. 16, 1738, who served as judge in New York till 1762. All three were destroyed in the fire at the Albany Capitol.

[2] James Michie, a South Carolina lawyer, was admiralty judge from 1752 to 1758, speaker of the assembly 1752-1754, and chief-justice for a brief period in 1759. He died July 16, 1760. *S.C. Hist. Mag.*, X.

160. His predecessor James Graeme (also chief justice) had died in late August, 1752.

[3] James Glen, a Scot, was appointed governor of South Carolina in 1738, commissioned in 1739, came out to the colony in 1743, and was governor till 1756.

[4] Maj. William Pinckney (1703-1766), deputy secretary and afterward commissary general of the province; grandfather of Governor Charles Pinckney. In the volume in which this commission is found, it is indexed as James Michie's commission from Governor Glen, the document which follows ([no. 181](#)) as his commission from England. Sometimes, especially in the earlier period, admiralty judges in the colonies were commissioned by the respective governors acting under warrants from the lords of the admiralty empowering them so to do (*e.g.*, [doc. no. 69](#)); more often they were commissioned directly by those lords, under the great seal of the admiralty. Docs. nos. [180](#) and [181](#) illustrate the two forms.

181. Commission of a Vice-Admiralty Judge. June 16, 1753.^[1]

George the Second by the grace of God of great Britain, France and Ireland King, Defender of the Faith, To our beloved James Michie Esquire, Greeting. We do by these Presents make, Ordaine, nominate and appoint You the said James Michie Esquire to be our Commissary^[2] in our Province of South Carolina and Territories thereunto belonging in the room of the former deceased, hereby granting unto you full Power to take Cognizance of and proceed in all Causes Civil and Maritime and in Complaints, Contracts, Offences or suspected Offences, Crimes, Pleas, Debts, Exchanges, Policies of Assurance, Accounts, Chartreparties, Bills of Lading of Ships and all Matters and Contracts which [in] any Manner whatsoever relates to Freights due for Ships hired and let out, Transport Money or maritime Usury (otherwise Bottomary) or which do any Ways concern Suits, Trespasses, Injuries, Extortions, demands and affairs Civil and maritime whatsoever, between Merchants, or between Owners and Proprietors of Ships and all other Vessells whatsoever employed or used or between any other Persons howsoever had, made, began or contracted, or [any] Matter, Cause or Thing, Business or Injury whatsoever done or to be done as well in, upon or by the Sea or public Streams, or fresh Water, Ponds, Rivers, Creeks and Places Over flowed whatsoever within the Ebbing and flowing of the Sea or high Water Mark as upon any of the Shores or Banks adjoining to them or either of them, together with all and singular their Incidents, emergencies, Dependencies, annexed and Connexed causes whatsoever, and such Causes, Complaints, Contracts and other the Premises abovesaid or any of them howsoever the same may happen to arise, be contracted, had or done, To hear and determine (according to the civil and maritime Laws and Customs of Our High Court of Admiralty of England) in our said Province of South Carolina and Territories thereunto belonging whatsoever, and also with Power to Sit and Hold Courts in any Cities, Towns and Places in our Province of South Carolina aforesaid, for the hearing and determining of all such causes and Businesses together with all and singular their Incidents, Emergencies, Dependencies, annexed and connexed Causes whatsoever, and to proceed judicially and according to Law in administring Justice therein, And moreover to compell the Witnesses in case they withdraw themselves for Intrest, Fear, Favour or ill Will or any other Cause whatsoever, to give Evidence to the Truth in all and every the Causes above mentioned according to the Exegencies of the Law, And further to take all manner of Recognizances, Cautions, Obligations and Stipulations as well to our use, as at the Instance of any parties for Agreements or Debts and other Causes and Businesses whatsoever, and to put the same in execution and to cause and command them to be executed. Also duly to search and inquire of and concerning all Goods of Traitors, Pirates, Manslayers, Felons, Fugitives and Felons of themselves^[3] and concerning the Bodies of Persons drowned, killed or by any other means coming to their Death in the Sea or in any Port, Rivers, Public Streams or Creeks and Places overflowed. And also concerning Mayhem happening in the aforesaid Places, and Engines, Toyls and Nets prohibited and unlawful and the Occupiers thereof, And Moreover concerning Fishes Royal, namely Whales, Hoggs, Grampusses, Dolphins, Sturgeon and all other Fishes whatsoever which are of a great or very large Bulk or Fatness, by Right or Custom any Ways used belonging to us and to the Office of our High Admiral of England, and also of and Concerning all Casualties at Sea, Goods wrecked, Flotson and Jetzon, Lagen, Thares [?], Things cast overboard and wreck of the Sea, and all Goods taken or to be taken as Derelicts^[4] or by chance [found or] to be found, And all other Trespasses, Misdemeanors, Offenses, Enormities and maritime Crimes whatsoever done and committed or to be done and committed as well in and upon the high Sea as all Ports, Rivers, Fresh Waters and Creeks and

Shores of the Sea to high Water Mark, from all first Bridges towards the Sea, in and throughout our said Province of South Carolina, and Maritime Coasts thereunto belonging, howsoever, wheresoever or by what Means so ever arising or happening, and all such Things as are discovered and found out as also all fines, Mulcts, amercements and Compositions due and to be due in that Behalf To tax, moderate, demand and collect and levy and to cause the same to be demanded, levied and collected, and according to Law to compose and command them to be paid, and also to proceed in all and every the Causes and Business above recited, and in all other Contracts, Causes, Contempts and Offences whatsoever, howsoever contracted or arising (so that the Goods or Persons of the Debtors may be found within the Jurisdiction of our Vice Admiralty in our Province of South Carolina aforesaid) according to the Civil and Maritime Laws and Customs of our said high Court of Admiralty of England anciently used, and by all other lawful Ways, Means and Methods according to the best of your Skill and Knowledge, And all such Causes and Contracts to hear, examine, discuss and finally determine (saving nevertheless the Right of appealing to our aforesaid High Court of Admiralty of England, and to the Judge or President of the said Court for the time being, and saving always the Right of our said high Court of Admiralty of England, and also of the Judge and Register of the same Court, from whom or either of them it is not our Intention in any thing to derogate, by these Presents) and also to arrest and cause and command to be arrested all Ships, Persons, Things, Goods, Wares and Merchandizes for the Premises and every of them and for other Causes whatsoever concerning the same wheresoever they shall be met with or found within our Province of South Carolina aforesaid and the Territories thereof, either within Liberties or without, And to compel all manner of Persons in that behalf, as the Case shall require, to appear and to answer, with Power of using any temporal Coertion and of inflicting any other Penalty or Mulct according to the right Order and Courses of the Law, summarily and plainly, looking only unto the Truth of the fact. And we empower you in this Behalf to fine, correct, punish, chastise and reform and imprison and cause and command to be imprisoned, in any Gaols being within our Province of South Carolina aforesaid and maritime places of the same, the Parties guilty and Violators of the Laws and Jurisdiction of our Admiralty aforesaid and Usurpers, Delinquents, and contumacious Absenters, Masters of Ships, Mariners, Rowers, Fisher men, Shipwrights and other Workmen and Artificers whomsoever exercising any kind of maritime Affairs as well according to the aforesaidmentioned civil and maritime Laws and Ordinances and Customs aforesaid and their Demerits As According to the Statutes and Ordinances aforesaid and those of our Kingdom of Great Britain for the Admiralty of England in that behalf made and Provided, And to deliver and absolve, to discharge and Cause and Command to be discharged, whatsoever Persons imprisoned in such cases, Who are to be delivered, and to promulge and interpose all manner of Sentences and Decrees and to put the same in Execution, with Cognizance and Jurisdiction of whatsoever other Causes, Civil and Maritime, which relate to the Sea or which any Manner of ways respect or Concern the Sea or passage over the Same or Naval or Maritime Voyage performed or to be performed or the Maritime Jurisdiction above said, with power also to proceed in the same According to the Civil and Maritime Laws and Customs of aforesaid Court anciently used, as well those of meer Office Mix'd or promoted^[5] as at the Instance of any Party, as the Case shall require and seem Convenient. And we do by these presents, which are to continue during our Royal Will and pleasure only, Further give and grant unto you James Michie Esq., Our said Commissary, the Power of taking and receiving all and every the wages, fees, Profits, Advantages and Commodities whatsoever in any manner due and anciently belonging to the said Office, According to the Custom of our High Court of Admiralty of England, Committing unto you our Power and Authority Concerning all and Singular the Premises in the several places above Expressed (Saving in all the Prerogative of our said High Court of Admiralty of England aforesaid) together with power of Deputing and Surrogating in your place for and Concerning the premisses one or more Deputy or Deputies as often as you shall think fit. Further we do in Our Name Command and firmly and Strictly Charge all and Singular Our Governors, Commanders, Justices of the Peace, Mayors, Sheriffs, Marshalls, keepers of all our Goals and Prisons, Bailiffs, Constables and all other our officers and Ministers and faithful and Leige Subjects in and throughout our aforesaid Province of South Carolina And Territories thereuntobelonging That in the Execution of this our Commission they be from time to time Aiding, Assisting and yield due Obedience in all things as is fitting, unto you and your Deputy Whomsoever, under pain of the Law and the Peril which will fall thereon. Given at London in the High Court of Our Admiralty of England aforesaid under the Great Seal thereof the Sixteenth Day of June in the Year of our Lord One Thousand Seven and fifty three and of our Reign the twenty sixth.

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SAML. HILL, Register.^[6]

[1] South Carolina Admiralty Records, vol. E-F, p. 55. See [doc. no.](#)

[180, note 4.](#)

[\[2\]](#) Civil law judge.

[\[3\]](#) Suicides.

[\[4\]](#) Flotsam, goods found floating on the water from a wreck; jetsam, goods thrown overboard from a ship which has perished; legan, heavy goods thrown overboard with a line and buoy to mark where they have sunk; derelicts, vessels abandoned on the seas.

[\[5\]](#) *I.e.*, cases where there was no one corresponding to the plaintiff in a suit at common law, but where the judge proceeded, as an exercise of his own duty (mere office) or on being promoted (incited) thereto by an informer.

[\[6\]](#) Register of the High Court of Admiralty.

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182. Warrant to try Prizes. June 5, 1756.^[1]

By the Commissrs. for Executing the Office of Lord High Admiral of Great Britain and Ireland etc.

Whereas his Majesty had declared Warr agt. France we do in Pursuance of His Majesty's Commissn. under the great Seal of Great Britain dated fourth day of this instant June (a Copy whereof is hereunto Annexed) hereby will and require the Vice Admiralty Court of South Carolina, and the vice Admirall, or his Deputy, or Judge of the said Court, or his Deputy, now, and for the time being, to take Cognizance of, and Judicially to proceed upon all and all manner of Captures, Seizures, Prizes and reprizals of all Ships and goods already Seized and taken, and which hereafter may be seized and taken, and hear and determine the same and according to the Course of Admiralty and Law of Nations, to adjudge and Condemn all such Ships, Vessels and Goods as shall belong to France or the Vessels and subjects of the French King, or to any other inhabiting within any of his Countries, Territories or Dominions, and all such other Ships, Vessels and Goods as are or shall be liable to Confiscation pursuant to the respective Treaties between his Majesty and other Princes, States and Potentates which shall be brought before them for Trial and Condemnation, And for so doing this Shall be their sufficient Warrant. Given under Our Hands and Seal of the Office of the Admiralty this fifth day of June 1756 and in the twenty ninth year of His Majestys Reign.

ANSON.^[2]

BATEMAN.

R. EDGCUMBE.

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To the Vice Admiralty Court of
South Carolina and the Vice Admiral
or his Deputy or the Judge of the said
Court or his Deputy, now, and for the
time being.

By Command of their Lordships

J. CLEVELAND.^[3]

[\[1\]](#) South Carolina Admiralty Records, vol. E-F, p. 115. This warrant is there entered in the records of the admiralty court for Nov. 22, 1756, the judge, James Michie (see the two preceding documents), presiding. Great Britain had declared war against France on May 18, 1756. A similar warrant is in Anthony Stokes's *View of the Constitution of the British Colonies* (London, 1783), p. 280.

[\[2\]](#) Lord Anson, the celebrated admiral, was at this time first lord of the admiralty. The other commissioners signing were John, second viscount Bateman, an Irish courtier, and Richard Edgcumbe, afterward the second Baron Edgcumbe, celebrated as a dissipated wit.

[\[3\]](#) John Cleveland, secretary to the Admiralty 1751-1763.

183. *Standing Interrogatories. 1756.*^[1]

Antigua.

In the Court of Vice
Admiralty.

Interrogatories administered to
witnesses *in preparatorio*, touching
and concerning the seizure and taking
of a certain Schooner, named
Princess of Orange, alias *Flying
Fish*, whereof Casparus Wyneburgh
was Master, by the private
Schooner of War *Mary*, whereof Edward
Richards is Commander.

1. Where was you born, and where do you now live, and how long have you lived there, and where have you lived for seven years last past? are you subject to the Crown of Great Britain, or of what Prince or State are you a subject?

2. When, where, and by whom was the schooner and lading, goods and merchandises, concerning which you are now examined, taken and seised, and into what place or port were the same carried? whether was there any resistance made, or any guns fired against the said schooner, or persons who seised and took the same, and what and how many, and by whom?

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3. Whether was you present at the time of the taking or seizing the schooner and her lading, goods and merchandises, concerning which you are now examined, or how and when was you first made acquainted thereof? whether was the said schooner and goods taken by a man of war, or a private man of war, and to whom did such man of war, or private man of war belong? had they any commissions to act as such, and from and by whom, and by what particular vessel, or by whom was or were the said schooner seized and taken? to what kingdom, country, or nation did the said schooner so seized and taken belong, and under the colours of what kingdom, country, or nation did she sail at the time she was so seized and taken? was the said schooner, which was taken, a man of war, privateer, or merchantman?

4. Upon what pretence was the said schooner seized and taken? to what port or place was she afterwards carried? whether was she condemned, and upon what account, and for what reason was she condemned, and by whom, and by what authority was she so condemned?

5. Who by name was the master of the vessel concerning which you are now examined, at the time she was taken and seized? how long have you known the said master? who first appointed him to be master of the said schooner, and when did he take possession thereof, and who by name delivered the same to him? where is the said master's fixed place of habitation with his wife and family, and how long has he lived there? what countryman^[2] is he by birth, and to what Prince or State subject?

6. What number of mariners belonged to the said schooner at the time she was taken and seized? what countrymen are they, and where did they all come on board? whether had you, or any of the officers or company, or mariners, belonging to the said schooner or vessel, any part, share, or interest in the said schooner concerning which you are now examined, and what in particular, and the value thereof, at the time the said schooner was so taken, or the said goods seised?

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7. Whether did you belong to the schooner or vessel concerning which you are now examined, at the time she was taken and seized? how long had you known her? when and where did you first see her? of what burthen was she? how many guns did she carry? and how many or what number of men did belong to, or were on board the said schooner at the time she was taken, or at the beginning of the engagement before she was taken? and of what country building was she? what was her name, and how long had she been so called? whether do you know of any other name she was called by? and what were such names, as you know or have heard?

8. To what ports and places was the said schooner or vessel concerning which you are now examined bound, the voyage wherein she was taken and seized? to and from what ports or places did she sail the said voyage before she was taken and seized? where did the voyage begin, and where was the voyage to have ended? what sort of lading did she carry at the time of her first setting out on the said voyage, and what particular sort of lading and goods had she on board at the time she was taken and seized, proceeding upon a lawful trade? had she at that time any, and what prohibited goods on board her?

9. Who were the owners of the said schooner and vessel and goods concerning which you are now examined, at the time she was taken and seized? how do you know they were the owners of the said schooner and goods at that time? of what nation are they by birth, and where do they live with their wives and families? and to what Prince or State are they subjects?

10. Was there any bill of sale made to the owners of the said schooner? in what month or year, and where and before what witnesses was the same made, and when did you last see it, and what is become thereof?

11. In what port or place was the lading, which was on board the schooner at the time she was taken and seized, first put on board the said schooner? in what month and year was the lading so put on board? what were the several qualities and quantities, and particulars thereof? whether were the same laden and put on board the said schooner in one port, or at one time, or in several ports and places, and how many by name, and at how many several times, and what particulars and what quantity at each port? who by name were the several laders or owners thereof, and what countrymen are they? where were the said goods to be delivered, and for whose account, and to whom by name did they then really belong?

12. How many bills of lading were signed for the goods seized on board the said schooner? whether were the same colourable, and whether were any bills of lading signed, which were of a different tenor with those which were on board the said schooner at the time she was seized and taken? and what were the contents of such other bills of lading, and what are become thereof?

13. What bills of lading, invoices, letters, or any instruments in writing, or papers, have you to prove your own property, or the property of any other person, and of whom in the schooner and goods, concerning which you are now examined? produce the same, and set forth the particular times when, and how, and in what manner, and upon what account, and for what consideration you became possessed thereof?

14. In what particular port or place, and in what degree of latitude^[3] were or was the schooner, concerning which you are now examined, taken and seized? at what time, and upon what day of the month, and in what year, was or were the said schooner so taken and seized?

15. Whether was there any charter party signed for the voyage, wherein the schooner, concerning which you are now examined, was taken and seized? what is become thereof? when, where, and between whom was the same made? what were the contents thereof?

16. What papers, bills of lading, letters, or other writings, any way concerning or relating to the schooner concerning which you are now examined, were on board the said schooner at the time of the seizure of the said schooner? were any of the papers thrown overboard by any person, and whom, and when, and by whose orders?

17. What loss or damage have you sustained, by reason of the seizing and taking of the said schooner concerning which you are now examined? to what value does such loss or damages amount? and how and after what manner do you compute such loss and damage? have you received any and what satisfaction for such the loss and damage which you have sustained, and when and from whom did you receive the same?

[1] From Anthony Stokes's *View of the Constitution of the British Colonies* (London, 1783), pp. 284-288; already in print, but inasmuch as the most learned of American admiralty judges told the editor of this volume that he had never seen a set of the standing interrogatories, that were used at this period, it seems not superfluous to print one here. Later sets, more elaborate, as used in 1798, may be found in Christopher Robinson's *Admiralty Reports*, I. 381-389, and in Marriott, *Formulare Instrumentorum* (London, 1802), pp. 130-148. Since in civil-law procedure witnesses were not examined orally in open court, but all testimony was obtained in the form of written depositions, it was advisable in prize proceedings, in order that examinations might be thorough and searching, to employ standard sets of questions, ready-made. Anthony Stokes (1735-1799), from whose book the present specimen is taken, was an English or Welsh lawyer, practised law in Antigua and St. Christopher 1763-1769, and was chief-justice of Georgia, 1769-1776, 1779-1782, then retired to England as a loyalist. His book contains many specimens of documents used in proceedings before the vice-admiralty courts in the colonies.

[2] *I.e.*, of what country.

[3] A statement of the longitude, it will be observed, is not required. Any navigator of that time could easily determine his latitude, but there was no accurate method of determining longitude at sea till John Harrison made his trial voyage to Jamaica with his chronometer in 1761-1762.

**LA VIRGEN DEL ROSARIO Y EL SANTO
CRISTO DE BUEN VIAGE.**

184. Libel of Richard Haddon. March 9, 1757.^[1]

Province of New York Court of Vice Admiralty	}	To the Honourable Lewis Morris Esqr ^[2] Commissary and Judge of the Court of Vice Admiralty for the province of New York.
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The Lybell of Richard Haddon of the City of New York Marriner^[3] Commander of the private vessell of Warr called the *Peggy* in behalf of himself and the Owners and Company of the said Schooner *Peggy* in all Humble Manner Sheweth unto your honor that his most Gracious Majesty George the Second, by the Grace of God of Great Brittain france and Ireland King, Defender of the Faith, Vfd. by his Commission under the seal of the Court of Vice Admiralty of New York Bearing date the Twenty Ninth Day of September in the year of our Lord one thousand Seven hundred and fifty Six writeing as is therein Recited did thereby Grant Commission to and Lycence and Authorize Jasper Farmer^[4] and Nathaniell Marston^[5] of the City of New York Merchants to Sett forth in warr Like manner the said Schooner called the *peggy* under the Command of the said Richard Haddon, therewith by force of Arms to Attack, Surprize, Seize and take by and with the said Schooner and the crew thereof any place or fortress upon the Land or any Ship or Vessell, Goods, Amunition, Arms, Stores of Warr or Merchandize belonging to or possessed by any of his said Majesties Enemies in any Sea, Creek, Haven or River and Such other Ships, Vessells and Goods which are or shall be Lyable to Confiscation pursuant to the treaties between his Said Majesty and Other princes, States and potentates and to bring the same to such port as should be most convenient in Order to have them Legally Adjudged in his said Majesties high Court of Admiralty of England or before the Judges of such other Admiralty Court as Shall be Lawfully Authorized within his Majesties Dominions, which being Condemned it Should and might be Lawfull for the said Richard Haddon to sell and Dispose of Such Ships, Vessells, and Goods, Amunition, Arms, Stores of Warr or Merchandise so Adjudged and Condemned in Such sort and Manner as by the Course of the Admiralty hath been Accustomed as by the said Commission may more fully Appear, and the said Richard Haddon Doth further Show unto your Honour that in pursuance of his Said Commission on or About the Seventh Day of December Last past being on the High Seas within the Jurisdiction of this Court in the said Schooner *Peggy* with his Company and Crew on Board the Same in or About the Latitude of twenty-one Degrees and Eighteen Minutes North Longitude Eighty Seven^[6] Degrees fifty Seven Minutes West from London he did meet with, sett upon and take a Certain Schooner Belonging to the Subjects of the french King Enemies of our Said Lord King George the Second, having on Board ten Doubleloons,^[7] five thousand seven hundred and Sixty four Dollars, one hundred and five pistereens,^[8] and Some Small Silver as also one Bracelett, twenty Gold rings, Some Silver Buckells, six Swivell Guns, Some Shott, one Cask of Powder, Some Cutlasses and one Kegg of Indigo being the Money, Chattles, Goods and Effects of the Subjects of the french King, Enemies of our Said Lord King George the Second, which money, Bracelett, Rings, Buckells, Swivell Guns, Shott, powder, Cutlasses and Indigo Belonging to the Subjects of the french King and Enemies of our Said Lord King George the Second the said Richard Haddon hath brought into this his Majesties port of New York in the said Schooner *Peggy* in Order to have the Same Legally Condemned by the Sentence and Decree of this Honourable Court (But the said Schooner being unfitt to Come upon a Winters Coast and he the said Richard Haddon having a Great Number of prisoners Delivered her to a Number of them to Carry them to some french port After takeing out of her the Money, Goods and Chattles aforesaid) Wherefore the said Richard Haddon Humbly prays your Honour that the said Money, Bracelett, Rings, Buckells, Swivell Guns, Shott, Powder, Cutlasses and Indigo Aforesaid belonging to the Subjects of the french King and Enemies of our Said Lord the King may by the Sentence and Adjudication of this Honourable Court be Condemned as Lawfull prize to the Use of the said Richard Haddon and the Owners and Company of the said Schooner *Peggy* According to the Common Right of Nations and the Law of Arms in Such Case used.

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RICHD. MORRIS PR.^[9] for the Lybellent.

[Endorsements:] New York Court of Vice Admiralty.—

Richd. Haddon in Behalf of himself the Owners and Comp'y of the Schooner *Peggy v.* 10 Doubleloons, 5764 Dollars, 105 Pisterreens, one Bracelett, 20 Gold rings, Some Silver Buckells, Some Small Silver, six Swivell Guns, Some Shott, one Cask of Powder, Some Cutlasses and one Bagg of Indigo.—Read and filed Wednesday the 9th of March 1757. Proclamations Wednesday the 9th, Thursday the 10th and Fryday 11th March. Sentence Thursday 31st of March.

[1] This document, and all that follow relating to this case, [nos. 184-196](#), are derived from the files of the vice-admiralty court which during the colonial period sat in New York. They are preserved in the offices of the United States district court in that city. In the case of the colonial admiralty courts which sat in Boston, Philadelphia, and Charleston, only the record-books of those courts, from which several of our documents were obtained, have survived, and of the other courts apparently nothing; but from the New York admiralty court we have, besides records, a copious mass of papers relating to the cases, preserved by an exceptionally careful assistant register. By the care of Hon. Charles M. Hough, U.S. circuit judge, these papers have been arranged, mounted, and bound in model fashion. In interpreting the papers here printed, the editor has been much assisted by an opportunity to read a manuscript of Judge Hough's concerning them.

The case of the *Virgen del Rosario*, more exactly the cases of Richard Haddon *v.* 10 Doubloons, etc., of Ybañez *v.* £2409, and of the King *v.* Thomas Miller and Sampson Simpson, give excellent illustrations of the chicanery with which prize cases could be conducted and of the manner in which through admiralty courts the ends of justice could be defeated. The materials are copious. The history of the capture is sufficiently set forth in docs. [no. 187](#) and [no. 188](#). The legal history of the case may be summarized as follows. Sept. 20, 1756, Nathaniel Marston and Jasper Farmar petition governor and council for a privateer's commission for the *Peggy* or *Charming Peggy*, whereof Richard Haddon was to be commander, Christopher Miller lieutenant; *Cal. N.Y. Hist. MSS.*, II. 659. Sept. 29, 1756, the commission is granted. Dec. 7, 1756, the *Peggy* captures the schooner *La Virgen del Rosario y el Santo Christo de Buen Viage*, plunders her, and lets her go. (It will be remembered that Great Britain was not at war with Spain at this time, but only with France.) Mar. 5, 1757, the *Peggy* arrives at New York, "having taken as many Prizes during her Cruize as she could well man"; *Pennsylvania Gazette*, Mar. 10. Mar. 9, Haddon libels the plunder ([doc. no. 184](#)). Mar. 31, the admiralty judge decrees that it shall be his, provided no better claimant arises within a year and a day, and provided he furnishes sureties to the register of the court to the value of £2409. 4s. 11d.; notes of Sir William Burrell on this case in *Reports of Cases determined by the High Court of Admiralty and upon Appeal therefrom, temp. Sir Thomas Saulsbury and Sir George Hay*, ed. R.G. Marsden (London, 1885), pp. 185-186. July 26, 1757, the sureties present their account of sales ([doc. no. 186](#)). Feb. 17, 1758, and Mar. 10, on pressure from London, where Captain Ybañez has made his complaint, the advocate general in New York files a claim for money and goods, in the king's name, to restore them to the Spaniards. Apr. 5, the sureties demur. Apr. 19, the judge dismisses the advocate general's claim. Sept. 27, 1758, Ybañez files his own claim or libel ([doc. no. 188](#)), but the judge rules Feb. 10, 1759, that his time had expired (Marsden, *loc. cit.*). Dec. 19, 1760, the Lords Commissioners of Appeals in Prize Causes reverse the colonial court, and condemn the captor in costs and damages (*ibid.*, and [doc. no. 195](#)). July 4 and 26, 1761, the New York judge declares that, while the Lords of Appeal had apparently reversed his decree of Mar. 31, 1757, on Haddon's libel, they had not reversed his decree of Feb. 10, 1759, on that of Ybañez, the decree actually appealed from (court papers). But so the matter had been dragged on until, Jan. 4, 1762, Great Britain declared war against Spain, and it may be considered certain that Ybañez never recovered anything; perhaps he did not deserve to, for pretty clearly he had been violating or evading the laws of his own country.

Meanwhile, July 14, 1758, the advocate general, on account of irregularities on Haddon's part violating his commission as a privateer, had sued his bondsmen (King *v.* Miller and Simpson). Their counsel moved for a commission to take evidence in Havana,

which was granted by the court, Sept. 2, 1758; hence docs. nos. [189](#), [191-194](#). June 27, 1761, on all the evidence now collected, the court decreed forfeiture of the bond. July 7, 1761, the sureties appealed ([doc. no. 196](#)), but there is no record evidence that their appeal was ever perfected, or that they ever paid. See [doc. 196](#), [note 1](#).

[2] Lewis Morris (1698-1762)—son of Lewis Morris the governor of New Jersey and father of Lewis Morris the signer of the Declaration of Independence, of Richard Morris the judge, and of Gouverneur Morris—was admiralty judge in New York from 1738 to 1762. His own record of his life, from his family Bible, is in *N.Y. Gen. and Biog. Record*, VII. 16-18.

[3] Richard Haddon, mariner, was a New Jersey man, but became a freeman of New York City in 1749; *N.Y. Hist. Soc. Fund Pubs.*, 1885, p. 167. An extract from a letter of his, written during this same cruise, Dec. 29, 1756, and conveying valuable information he had picked up respecting the proposed expedition of the French up the Mississippi to the Illinois country, is printed in *N.Y. Col. Docs.*, VII. 219; it was an enclosure in a letter from Governor Hardy of New York to Secretary Pitt, Feb. 26, 1757, printed in *Miss Kimball's Correspondence of William Pitt*, I. 12; *cf.* p. 31.

[4] Jasper Farmer, merchant, owner in several privateers of the time, and militia captain, was killed a few months later, Apr. 23, 1758, by one whom he was trying to impress.

[5] Also an owner in several privateers; will (1778) in *N.Y. Hist. Soc. Fund Pubs.*, 1900, p. 50.

[6] A scribe must have misread the figure 81, which appears in other documents, into 87. In reality, 87° 57' W., in the latitude named, would locate the capture on dry land, in Yucatan. It took place near the Isle of Pines, south of the western part of Cuba.

[7] A doubloon was a Spanish gold coin, equal to \$8.24.

[8] A pistareen or peseta was equal to about 19 cents.

[9] Proctor. Richard Morris (1730-1810), son of the judge ([note 2](#), above), and at this time practising in the court, succeeded his father as admiralty judge in 1762 (commission Oct. 16, see [doc. no. 180](#), [note 1](#)), and served as such till 1776, when he took the American side. From 1779 to 1790 he was chief justice of the Supreme Court of New York.

185. *Deposition of Francisco Raphe. March 31, 1757.*^[1]

Province of New York ss.

The Deposition of Francisco Raphe Having been before Sworn and now Examined on the part and behalf of Richard Haddon Commander of the private Vessel of War the *Peggy*, Against Ten Doubleloons, five Thousand Seven Hundred and Sixty four Dollars, One Hundred and five Pisterreens, one Bracelet, Twenty Gold Rings, Some Silver Buckles, Some Small Silver, Six Swivel Guns, Some Shot, one Cask of Powder, Some Cutlasses and one Keg of Indigo.

1. To the first Interrogatory this Deponent saith that his Name is Francis Rafe, and is twenty Six Years of Age, that he is a Native of Sierra^[2] in Greece and Subject to the Grand Turk, by Occupation a Mariner.

2. To the second He says, that two Days after the Vessel he was on board of Sailed out of Cuba they were taken by Capn. Haddon, which was about December last, that he does not know the Vessels Name of which he was aboard for she had no Regular Commander, no Dispatches or Papers of any kind from any Port or Place whatsoever And he believes that had said Vessel been taken by any Vessel of any Nation she would have been a lawfull prize, and had she been taken by a Spanish Guarda Costa, the whole Ships Crew would have been Hanged as Pirates, that there were on board of all Nations almost, as Genoves, French and others, In Number Seventy two, and that one of the Chief in Particular was a Frenchman Subject to the French King. That He knows no further to Declare in Relation to any other Interrogatories, but only that He absolutly from all the Knowledge he can form thinks her to be a just and Lawfull prize.

[\[1\]](#) The document is endorsed as filed on the same date.

[\[2\]](#) Presumably the island of Psyra in the Aegean, now called Psara.

[\[3\]](#) "Spanish interpreter of the province of New York"; *Cal. N.Y. Hist. MSS.*, II. 662, and *Cal. Council Minutes*, p. 443. Elder in the Presbyterian Church; *Cal. N.Y. Hist. MSS.*, II. 698, and *Doc. Hist. N.Y.*, III. 300. Schoolmaster; *N.Y. Hist. Soc. Fund Pubs.*, 1885, p. 177. "Mr. Garret Noel, for many years a respectable bookseller in New York, died at Elizabethtown, N.J., September 20, 1776, aged 70"; *ibid.*, 1899, p. 370.

[\[4\]](#) Register of the court of admiralty till his death, Aug. 19, 1775. "During a residence in New York of 60 years he followed the Profession of Law. He was of a respectable family in Wales". *Ibid.*, 1899, p. 296, where his will is given.

186. Account of Sales. July 26, 1757.^[1]

Sales of Sundrys takeing and Brot. in by the Privateer Schooner *Peggy* Richd. Haddon Commr.

1 Brasslett	£ 2. 0. 0	
20 Gold Rings Case Mattle ^[2] @ 8/	8. 0. 0	
Some Odd Silver Buckles	2. 0. 0	
Some Small Silver	1.12. 7	
6 Swivle Gunns @ 40/	12. 0. 0	
Some Shott	9. 6	
Cagg Powder	2.12. 0	
Some Cuttlasses	18. 0	
1 Kegg Indigo	10. 3. 4¾	
	-----	39.15 .5¾
5764 Dollars @ 8/	£2305.12. 0	
10 Doubleloons @ 112/	56. 0. 0	
105 Pistereens 1/6	7.17. 6	
	-----	2369. 9. 6

		£2409. 4.11¾

Errors Excepted

THOS. MILLER.^[3]

[\[1\]](#) The document is not dated; the date may be supplied from [doc. no. 188, p. 550, infra](#).

[\[2\]](#) Metal? The valuation indicates alloyed gold. The slanting mark after 8 is for shillings, and the shilling in this account is the New York shilling, equivalent to 12½ cents.

[\[3\]](#) Thomas Miller was a nephew of Jasper Farmer; C.F. Billopp, *History of Thomas and Ann Billopp Farmer*, pp. 45, 46.

187. Deposition of Don Felipe Ybañez.^[1] September 2, 1758.

The Deposition of Don Phelipe Ybanes being before Sworn and now Examined on the part of our Lord the King on the Lybel of William Kempe, Esqr.^[2] his Majes'ys Advocate General for this Province of New York Against Thomas Miller and Sampson Simpson^[3] Defendants.

1st. This Deponent saith that his Name is Phelipe Ybanes Aged thirty seven years Born at St. Lucar^[4] in Old Spain by Occupation a Mariner and subject to the King of Spain.

2ly. That his first knowledge of Richd. Haddon and the Schooner *Peggy* was on the sixth or Seventh Day of December 1756. That he first knew the Schooner called the *Virgin of the Rosary and Santo Christo* in the year 1756 when he bought her in Jamaica. That she belonged to Port Trinity^[5] on the Island of Cuba immediately before the 6th and 7th Days of December 1756. He this Depon't being then Commander of said Schooner having his Resident in the Havana with his Family. That he was on board said Schooner on the 6th and 7th days of December 1756 as Commander and Owner. That said Schooner was not then Equipped to use Force in any manner but only as a trading Vessel. That she had on board three small Guns unloaded and Six Swivel Guns, three of which were Loaded with Ball in Case of Necessity to make Signals but all in the Hold for Ballast, and fourteen Hangers,^[6] which was all the Arms on board. That he this Deponent was sole Owner of said Schooner at that time. That when he this Deponent was met with by Richd. Haddon on the 6th or 7th Day of December 1756, he^[7] came from Port Trinity but last from Port Banes^[8] Eight Leagues from the Havana in the same District where he touched and took in for Jamaica, where he was Bound, two Passengers both Eng'h Subjects named Henry Myerhoffer^[9] and Willm. Abbot^[10] Beside which he took in Eight Spaniards. That they then made to the Number of Sixteen Spaniards on board and two English, seven of which were Mariners. The Names of the Spaniards were Don Phelipe Ybanes Capn. and Owner, Don Francisco Garcia, Pasqual de Cordova, Don Geronimo de la Cal, Cayetano Peres, Pablo Antonio Corea, Marcelino Marero, Silvestre Manuel de Castro, Miguel de Fuentes, Henry Myerhoffer, and Wm. Abbot English Passengers, Juan Lorenzo Boatswain, Matheas Antonio, Antonio Malacallo, Bedro Valderama, Antonio Gonis, Bernardo Martines, Antonio Navarette, Mariners. That the Spanish Passengers were Residents at the Havana with their Families and so were the Seamen Except one who is a Resident at St. Agustin. That the motive of the Spanish passengers going in said Schooner was to trade at Jamaica. That said Schooner had no more Mariners on board than is Customary nor so many as is quite Necessary for such a Vessel. That there was no such person on board said Schooner as Francisco Raphel^[11] at the time she was taken by Richd. Haddon nor any French Subjects.

3ly. That all the Papers was the Licence and some Letters for some Merch'ts at Kingston in Jamaica. That said Licence was for said Schooner to go from Port Trinity to Port Mansanillo^[12] which Licence and said Papers was taken from said Don Phelipe Ybanes by said Richd. Haddon by Force. That he this Deponent as soon as he came on board the Privateer shewed Richd. Haddon his Licence.

4ly. That at the time of the Seizure of said Schooner, the Cargoe consisted of the following particulars—Six Thousand Nine Hundred and Seventy five Spanish Heavy Dollars,^[13] Six Hundred and Sixteen Dollars in Dobloons, two Hundred and Eighty Dollars in Gold Trinkets, a Bag^[14] of Indigo [of] 125 lbs., the greatest part of the Schooners Provisions, the Spanish Colours, about 50 lbs. Gun Powder, Six Swivel Guns, about twenty Balls, a Box Sweetmeats Value Forty Dollars, and fourteen Hangers—all which belonged to this Deponent and other Spanish Subjects now in New York.

5ly. That said Richd. Haddon when he met with the said Spanish Schooner fired a Ball at her notwithstanding she had her Spanish Colours Flying and had brought to to speak with said Haddon and the Reason that induced said Deponent not to make the most of his way from said Privateer was that he knew the two Crowns of England and Spain to be in Friendship. That the Privateer Boat came on board said Spanish Schooner with a Lieut. Christop'r Miller^[15] by Name and seven more Seamen. That he this Deponent shewed said Lieut. his Licence telling him at the same time that they were Spaniards and the Vessel and Cargoe Span'h property, From whence they came and whither Bound. That said Lieut. and People seemed very Civil and Regular till they discovered the Money which as soon as they had done, they Insisted on the Spaniards having run away with it and gave that as a pretence for Seising it which they did and carried the same away by Force with other particulars already mentioned by this Deponent. That said Richd. Haddon did order this Deponent and all the People (except two or three) on board the Privateer and there treated them as Prisoners, said Haddon being on board. That he this Deponent told said Haddon from whence he came and where he was bound to and that he was a Subject of Spain and declared that Himself was Commander of said Schooner when she Sailed from the Havana and that he shewed said Haddon his Licence and other Papers. That said

Haddon did not declare that he would carry the said Schooner to the Havana, on the contrary this Deponent and the People belonging to the Spanish Schooner were very desirous of it and requested of him to carry them there. That said Rd. Haddon's Lieut. and People did by Force and Violence Seize said Money and Effects and carry them away against the Consent and Solisitation of this Deponent and people belonging to said Spanish Schooner. That said Span'h Schooner was at that time in good Order and well Conditioned both as to her Hull, Sails and Rigging and fitt to come to New York. That this Depont. desired of sd. Rd. Haddon that the Money might be Counted but sd. Haddon Refused it. That when this Deponent and People were brought on board the Privateer they were all of them Searched and Money and Effects taken from the Several following Persons. From Miguel Fuentes 1 pair Silver Buckles and 1 pair Gold Buttons, From Don Geronimo de la Cal 1 pair of silver Buckles and a Ring, From Pablo Antonio Corea 1 pr Silver Buckles, From Cayetano Peres 1 pair Silver Buckles and four Dollars. All these were taken from the People beside the Money and Effects brought from on board the Spanish Schooner. That said Rd. Haddon never told them that he would proceed to New York in order to Lybel the Money and Effects aforesaid but on the Contrary Endeavoured to Conceal his Name and from whence he came as much as possible from this Deponent and his people. That there never was any Agreement between this Deponent and his People with Rd Haddon or anything like it relating to the Money and Effects aforesaid. That said Richd. Haddon's Lieut. Chrsr. Miller by Name, with some of the Mariners belonging to said Privateer, did treat this Deponent and Comp'y belonging to said Spanish Schooner with threatning and abusive Language on Returning them on board said Spanish Vessel. That said Rd. Haddon did not offer to bring this Depont. and People to New York, for as was declared before He did not mention New York nor did this Deponent and People know he came from thence. That said Rd. Haddon did take from on board said Spanish Schooner and carry away with him in the said private Vessel of War, two Passengers by Names Henry Myerhoffer and Willm. Abbot both subjects of Great Britn. That this Deponent did Request said Richd. Haddon to carry him to some Eng'h Port but was refused. That he this Deponent did Request from said Richd. Haddon a Receipt or Certificate Acknowledging that he the sd Rd. Haddon had taken from on board the said Span'h Schooner the Money and Effects aforesaid, which said Deponent Requested in order to shew as a proof of what had happened to him. That the said Richd. Haddon did thereupon give this Deponent a Receipt or Certificate, but afterwards said Receipt was Demanded from him by the said Christopher Miller which this Deponent Refusing to Return, said Chrisr. Miller did by Threats, Force and Violence take said Receipt or Certificate from this said Deponent as they were in a Boat in their Return on board said Spanish Schooner.

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6ly. To this Interrogatory can say Nothing.

7ly. That said Spanish Schooner after the Transaction aforesaid did Return to the Havana, where he this Deponent was informed by some Frenchmen that had been taken by said Rd. Haddon since this Deponent, that sd Haddon had proceeded in said Private Vessel of War to Sta. Lucea^[16] on the Island of Jamaica, whereupon this Deponent determined to go there in Quest of him in order to procure Satisfaction for the Injury he had Received from him. That shortly after the Arrival of this Deponent at the Havana, an English Man of War came into that Port. That He this Deponent made Application to the Capn. for his Advice and Assistance, who thereupon gave him a Certificate to the Governour and the Admiral Stationed at Jamaica. That this Deponent thereupon proceeded to Santa Lucea but said Rd. Haddon was sailed from thence before this Deponent arrived there. That said Haddon was at Santa Lucea fifteen Days as this Deponent was Informed. That he there met with the two aforesaid Englishmen, that this Depont. had taken Passengers in his Schooner, but were carryed away by said Richd. Haddon. That this Deponent proceeded afterward with said Spanish Schooner to Kingston on Jamaica and there made his Complaints to the Governor and Admiral against Rd. Haddon.^[17] That the said two Englishmen who had been Passengers in said Spanish Schooner, did make Oath before the Governor of Jamaica of the Transactions of said Rd. Haddon his Officers and People. That the Exhibits now Shewn him marked A No 1 and No 2 are the Affidavits lay'd before the Governor of Jamaica in support of the Truth of the Complaints made by him this Deponent against said Rd. Haddon, his Officers and People which this Deponent brought with him from Jamaica to New York. That the Name Subscribed to the Affidavit in the Exhibit marked A No 1 is his own Hand Writing and attested as Expressed in said Instrument of Writing. That said Henry Myerhoffer did Subscribe his Name to the Affidavit and that he knows that to be his Hand Writing in the Exhibit marked A No 2, and that he attested the same in manner therein Expressed. That Admiral Townsend in pursuance of the said Complaint and proofs Dispatched a small Man of War under his Command in pursute of said Richd. Haddon in order to bring said Schooner *Peggy* into Port Royal^[18] on the Island of Jamaica aforesaid.

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8ly. That this Deponent did afterward Return to The Havana and Arrived there on or about the 16 May 1757. That said Admiral Townsend did afterward arrive at the Havana and Advised this Deponent to proceed to New York not doubting but he would receive Satisfaction for the Injury done him by said Rd. Haddon his Officers and Crew belonging to said Schooner *Peggy* and that in Case he should not Receive

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the Satisfaction he Expected, then to proceed with the Affidavits to London to demand it there. That said Admiral being then in the Havana gave him a Letter to the Govern'r of New York Recommending to him to procure Justice to be done to this Deponent.

9ly. Does not belong to this Deponent to Ansr.

Lastly, He says that he knows of nothing further Necessary to or Concerning these Interrogatories.

PHELIPE YBAÑES.

Examined the 2d of September Anno Dom 1758.
(Assisted by Garrat Noel Sworn Spanish Interpreter)
RICH'D NICHOLLS, Regr.^[19]

[1] In some of the documents the name is found written, by ignorant scribes, Philip y Banes, and therefore it is found under Banes in some indexes. Ybañez, arriving in Jamaica soon after the capture, complained to Vice-Adm. George Townshend, commanding on that station, of the "piratical behavior" of Haddon. Townshend wrote to the secretary of the admiralty, enclosing affidavits. Holdernes, secretary of state, sent on May 20, 1757, a circular to the colonial governors, printed in *N.C. Col. Rec.*, V. 756, expressing his Majesty's indignation at such actions toward a neutral, and ordered the governor of New York to proceed against Haddon. The *Calendar of Council Minutes*, p. 434, shows the letter to have been received, July 16. On Sept. 16 Secretary Pitt sent a circular to the governors with strict commands against molesting Spanish subjects; Kimball, *Corr. of William Pitt*, I. 105. On Feb. 13, 1758, Lieutenant-governor James DeLancey writes (*ibid.*, I. 181) that this circular had been received Jan. 19, and that a proclamation had at once been issued. He adds, "Capt. Phillip Ybannes who was plundered by Capt. Richard Haddon is now here and I have put him in a way to recover the loss he has sustained and if he meets with Justice in the Admiralty he cannot fail of a recompence."

[2] Attorney general 1752-1759, advocate general 1753-1759, d. 1759. He filed his claim on behalf of the crown Feb. 17 and Mar. 10; the judge dismissed it Apr. 19, 1758, on the ground that the king had no interest in the goods. Marsden, p. 185; [doc. no. 188](#), and other papers.

[3] Samson or Sampson Simson, d. 1773, son of Rabbi Joseph Simson and uncle of that Samson Simson who founded the Mt. Sinai Hospital, was the chief Jewish merchant in New York, owner of several privateers, and later one of the founders of the Chamber of Commerce. At this time he was *parnas residente* (president) of the Congregation Shearith Israel, till 1825 the one Jewish congregation in New York. *Publications of the American Jewish Hist. Soc.*, II. 83, III. 81, X. 109-117, XI. 155, XXI. 74, XXV. 90. Dr. Benjamin Kennicott, in *The Ten Annual Accounts of the Collation of Hebrew MSS. of the Old Testament* (Oxford, 1770), p. 161, mentions information from President Cooper in New York "that Mr. Sampson Simson, a very worthy and benevolent old Gentleman, of the Jewish persuasion, living in that city, is in possession of a MS. of very great antiquity, containing the whole Hebrew Bible"—on which see Ezra Stiles, *Literary Diary*, III. 3, 32.

[4] At the mouth of the Guadalquivir. Columbus sailed thence on his third voyage, in 1498.

[5] Trinidad, near the middle of the south side of Cuba.

[6] Small short swords.

[7] The deponent.

[8] Cabañas, 35 miles west of Havana.

[9] A German living in Georgia, see [doc. no. 194](#), paragraph 5.

[10] Also a resident of Georgia (*ibid.*); constable of Frederica some years before, *Col. Rec. Ga.*, VI. 210.

[11] See [doc. no. 185](#).

[12] Manzanillo is on the south coast of Cuba, two hundred miles east of Trinidad, and thus on the way to Jamaica! It should be mentioned that export of provisions from Cuba to Jamaica was forbidden by Spanish regulations.

[13] *Pesos fuertes*, Mexican hard dollars.

[14] Elsewhere *kagg*, keg.

[15] A nephew of Jasper Farmer; C.F. Billopp, *History of Thomas and Ann Billopp Farmer*, pp. 45, 46.

[16] Now Lucea, at the northwest corner of the island.

[17] Henry Moore, lieutenant governor, was acting as governor. The preceding governor, Vice-Adm. Charles Knowles, had lately removed the seat of government from Spanish Town to Kingston.

[18] Port Royal, on the south side of Kingston harbor, was the first capital of the island; but probably Ybañez means the harbor.

[19] The document is endorsed as filed Sept. 2.

188. *Libel of Felipe Ybañez. September 27, 1758.*

Province of New York Court of Vice Admiralty	}	To the Honourable Lewis Morris Esqr. Commissary and judge of the Court of Vice Admiralty for the Province of New York.
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The Lybel and Claim of Philip y Banes otherwise called Philip Vanes, otherwise called Philip de Francis,

Humbly Sheweth,

That he the said Philip is a Native of St. Lucar in the Dominions of Spain and a subject of his Catholick Majesty, and an Inhabitant of the Havannah in the Dominions of his said Catholick Majesty, and that he the said Philipe was at the Time of the Capture herein after mentioned Master and sole Owner of a certain Spanish Schooner called *La Virgin del Rosario y el Sancto Christo de buen Voyage*: That being on a Voyage from Trinidad, and having a Passport for Mansennello he went to the Havannah leaving his said Schooner at a Landing Place about eight Leagues distant from thence called Vanes^[1] and there in Pursuance of a Proposal which had been for that Purpose made to him before he had left Trinidad aforesaid on the 10th of November one Thousand seven hundred and fifty six entered into a written Agreement with Caleb Davis^[2] of the English Nation and Transiently in that City, the Purport of which Agreement was that he should carry in his said Schooner one Henry Myerhoeffer and one Wm. Abbot an Englishman to Port Royal on the Island of Jamaica carrying with them certain Papers and Letters relating to an Affair with which he the said Davis was charged in Virtue of an Order from his Sovereign the King of Great Britain, who were to remit to him the said Caleb certain Merchandize which he had given them Orders to send on his Account and Risque for the Supply of his urgent Necessities which when complied with he obliged himself to pay to the said Philip the sum of one thousand Dollars without Delay, as by the said Agreement ready to be produced may appear; That after his having made the said Agreement, his said schooner being at the said Landing Place called Vane's he took on Board the said Schooner the said Henry Myerhoffer and Wm. Abbot and their Letters and Papers and Eight other Persons, all subjects of his Catholick Majesty, who engaged to go as Passengers in the said Schooner to the said Island of Jamaica. And the said Philip further saith that he had also on Board his said Schooner one Mate or Pilot and six Marriners to navigate the said Schooner who were all likewise Subjects of his said Catholick Majesty and among other Goods had on board the said Schooner several Bags of Money which contained In silver to the Amount of six Thousand nine hundred and seventy five mill'd Dollars, and in Gold the Value of six hundred and sixteen mill'd Pieces of Eight and divers Gold Rings and other Trinkets to the Value of two hundred and eighty mill'd Pieces of Eight, six Pateraroes^[3] of the Value of sixteen Pounds, a Parcel of Gun Powder containing in quantity about fifty Pounds of the Value of Eight Pounds, one Bag of Indigo containing in quantity about one hundred and fifty Pounds of the Value of sixty Pounds, and a Chest of Sweetmeats which cost in the Havannah forty Dollars of the value of sixteen pounds, fourteen Spanish Machets^[4] of the Value of twenty two Pounds eight Shillings, one Pistol of the value of one pound five shillings, thirty swivel shot of the Value of fifteen shillings, all New York money, together with sundry other Goods mentioned in a

Lybel filed in this Court by the said Richard Haddon hereinafter mentioned, all which were the Property of him the said Philip Y'Banes and others the Subjects of the King of Spain in Amity and Friendship with the King of Great Britain; That he the said Philipe afterwards being in the Course of his Voyage to the Island of Jamaica aforesaid on the high Seas and within the jurisdiction of this Court about ten Leagues to the Southward of the Island of Pines, on or about the sixth day of December which was in the year of our Lord one Thousand seven hundred and fifty six, he the said Philip was attacked and set upon in his said Schooner by one Richard Haddon, Commander of a Schooner called the *Peggy* being a private Vessel of War from this Port of New York; That he the said Richard Haddon having fired a Gun against the said Spanish Schooner and brought her to, sent the Boat of the said Privateer on Board the said Spanish Schooner, manned and armed, together with one officer of him the said Richard Haddon which the said Philip took to be his first Lieutenant, and others of the Crew of the said Privateer *Peggy*, who searched into and Examined the sd Spanish Vessel where they found all the money and Goods aforesaid, all which by the said Officer and Crew were taken out of the said Spanish Schooner and carried on Board the said Privateer the *Peggy*, commanded by the said Richard Haddon; That he the said Philip Y Banes was then and there in a forcible manner taken out of the said Spanish Schooner by the said Lieutenant and Crew of the said Privateer the *Peggy* or some of them and carried on Board the said Privateer, where the said Philip Y: Banes was searched from Head to Foot by the said Richard Haddon, the said Lieutenant or officer and others of the Crew belonging to the said Privateer by the Orders of the said Richard Haddon, and he the said Philip was then and there unlawfully stripped by the said Richard Haddon and others of his Crew of the Value of Two Hundred and twelve Dollars in Gold which he the sd. Philip had concealed in his Breeches; That he the said Philip did then and there shew to him the said Richard Haddon his Passport and other papers and Documents evincing Spanish Property in his said Schooner and Cargo, and the Intent of his present voyage, and did insist and declare to him the said Richard Haddon that his sd. Vessel and all the Money, Goods and Effects that he had on Board wch. had been so seized and taken as aforesaid were the Property of himself and others the subjects of his said Catholick Majesty and did belong to no other Person or Persons whosoever, and did request and intreat him the said Richard Haddon to restore to him the said Philip the said Money, Goods and Effects, or to bring him into this port of New York that he might have an Oppertunity of making his Claim and proving his property to and in the monies Goods and Effects so taken from him the said Philip by him the said Richard, his Officers and Crew as aforesaid, But the said Richard Haddon did altogether refuse to restore the same to the said Philip or to permit or Suffer him the said Philipe or any of his Officers or People to come with him in the said Schooner *Peggy* to this Port of New York; That the said Philip did then desire the said Richard to give him a Receipt or Certificate of the money, Goods and Effects which had been so seized and taken from him as aforesaid, that he might satisfy all parties concerned in the same Money, Goods and Effects of the manner How he had been deprived of the same; That the said Richard did then Deliver to the said Philip a Writing which he said did Contain such Receipt or Certificate, But afterwards the first Lieutenant of him the said Richard did require and Insist that he the said Philipe should redeliver the same to him; That the said Philip refused to redeliver the said writing and thereupon the said first Lieutenant lifting up his Fist threatned to knock him down if he resisted, and with his Other Hand took the said Certificate thus forcibly and Violently out of said Philips Pocket where he had endeavored to secure the same, And the said Philip further sheweth that the said Richard did also take from on board the said Schooner the said Henry Myerhoffer and William Abbot, his said two Passengers, And also his passport and other papers shewn to him the said Richard to the purpose aforesaid, and after giving the said Philip very threating and abusive Language did then and there send the said Philip, despoiled and deprived of his money, Goods and Effects, passport and other papers aforesaid, on Board his said Spanish Schooner; That the said Richard Haddon did afterwards proceed with the said privateer *Peggy* to Lucea on the Island of Jamaica and there careened and fitted her for the sea and during the time he say^[5] there kept the said Henry Myerhoffer and William Abbot closely confin'd in order to prevent their discovering or Complaining of this Treatment he the said Philip had received from the said Richard Haddon, his Officers and Crew as aforesaid. And when and not before the said privateer had Hoisted sail to Leave Lucea aforesaid the said Henry Myerhoffer and William Abbot were set at Liberty, and the said Privateer proceeded to sea. And the said Philip further Sheweth that He the said Richard Haddon in the said Privateer Did afterwards Arrive at this port of New York And that the said Richard Haddon did afterwards on or about the ninth Day of March in the Year of our Lord one Thousand Seven hundred and fifty six^[6] by his Lybel filed in this Court claim Part of the Money, Goods, and Effects which had been taken from him the said Philip in Manner aforesaid, viz. Ten Doubloons, five Thousand seven hundred and sixty four Dollars, one Hundred and five Pistreens and some small Silver, as also one Bracelet, twenty gold Rings, some Silver Buckles, six swivel Guns, some Shot, one Cask of Powder, some Cutlasses and one Bag of Indigo, as being the Property of the Subjects of the French King and prayed that the same might by the Sentence of this Court be adjudged and condemned as Lawfull Prize to him the said Richard Haddon and the

Owners and Company of the said Privateer *Peggy*, as by the said Lybel filed in this Court, Reference being hereunto had, may more fully appear; That the said Philip not having any Pilot or Person on Board his said Vessel who was acquainted with the Navigation on this Coast was all together deprived of the Means and Opportunity of making his Claim and Defence to the said Lybel; That immediately after the said Seizure he returned with said Spanish Schooner to the Havannah, and complained there, of the said abuse that he had received from the sd. Richard Haddon and his Officers and Company. That the Governour of the Havannah^[7] hearing thereof highly resented the same (and as the said Philip has been informed and hopes to prove) wrote to his Excellency Sr. Charles Hardy, then Governour of this Province,^[8] upon the Matter of his said Complaint, demanding Redress, And that at that Time there being a British Man of War lying in that Port the Said Philip also made the like Complaint to the Commander of the said Ship who advised the said Philip immediately to repair with his Schooner to Jamaica and make his Case known to the Government there and Particularly to Admiral Townshend who was upon that Station, That upon proper Representations being made, Justice might be obtained and Reparation procured to the said Philip by Means and assistance of the British Government; That accordingly the said Philip proceeded to Jamaica and arrived there on or about the Beginning of March one Thousand seven hundred and fifty seven and applied to Admiral Townsend and made his Affidavit of the Treatment and Usage that he had received from the said Richard Haddon and the said Officers and Crew of the said Privateer *Peggy* before a proper Officer there, and also finding the said Henry Myerhoffer in that Island he procured his Affidavit to be taken of the like matter, both which affidavits properly certified under the Seal of the said Island are filed with the Register of this Court and to which the said Philip for greater Certainty doth refer; That his Majesty the King of Great Britain, being informed of the Premises by Affidavits concerning the same, transmitted by Admiral Townsend, did by a Letter from the Right Honourable the Earl of Holderness his Secretary of State to the Governour of this Province, Dated at Whitehall the twentieth Day of May one Thousand seven hundred and fifty seven,^[9] express the deepest resentment of the said Injury done to the said Philip by the said Richard Haddon and the officers and Crew belonging to the said private Vessel of War, as being contrary to all Humanity and Good Faith and the General Instructions Given to Privateers, And did require and demand that Justice might be done within this his Government to the Subjects of his Catholick Majesty relating to the Premises, as by the said Letter filed in the Minutes of his Majesty's Council for this Province of New York^[10] and an attested Copy thereof filed with the Register of this Court, to which the said Philip doth refer, may more fully and at large appear. And the said Philip further sheweth That during these Transactions in the West Indies and in Great Britain he the said Richard Haddon prosecuted his said Lybel in this Court and to give the better Colour to his Pretensions that the Money, Goods and Effects before mentioned were French Property did on the thirty first of March one Thousand seven hundred and fifty seven procure Some Person calling himself Francisco Raphe to be examined before the Register of this Court^[11] on the Part of him the said Richard Haddon against the Money, Goods and Effects mentioned in his said Lybel, wherein the said Francisco Raphe deposes among other Things that he is a Native of Sierra in Greece and Subject of the Grand Turk, by Occupation a Marriner, That two Days after the Vessel, he was on Board of, sailed out of Cuba they were taken by Captain Haddon which was about December then last, That he did not know the Vessel's Name of which he was on Board for She had no regular Commander nor Dispatches or Papers of any Kind from any Port or Place whatsoever, and he believes that had such Vessel been taken by any vessel of any Nation She would have been a lawfull Prize And had She been taken by a Spanish Guarda Costa, the whole Ship's Crew would have been hanged as Pirates, That there were on Board, of all Nations almost, as Genoesse, French and others, in Number twenty two, and that one of the Chiefs in particular was a French man, Subject of the French King, That he absolutely, from all the Knowledge he can form, thinks her to be a just and lawfull Prize; And he the said Philip further sheweth that he is advised that the said Deposition is of a very extraordinary Nature, and made by one who supposed himself to have been a Pyrate; That by Reason of its great Uncertainty it can have no legal Application either to him the said Philip or his Schooner; that the Vessel on which the said Francisco Raphe was on Board was a Ship of the Crew Whereof he was one; That the said Schooner of the said Philip had a regular Commander and proper Dispatches and Papers from Trindada a Spanish Port; That not one French Man or Genoé was on Board the said Schooner nor any one Marriner or passenger Except the said Henry Myerhoffer and William Abbot that was not a Subject of Spain; And the said Philip further sheweth That he is an entire Stranger to the said Francisco Raphe, That he knows no Person of that Name, and is very certain that no such person was either a Seamen or Passenger on Board the said Schooner in the Voyage before mentioned, and the said Philip is informed that no Witness whatsoever was produced in this Court to Prove the Money, Goods and Effects mentioned in the said Lybel of the said Richd. Haddon to be French Property but the said Francisco Raphe, and that by the Minutes of this Court it will appear that on the very Day the said Examination was taken Publication was ordered to pass and the Cause to be immediately heard, and thereupon the Proctor for the said Richard Haddon opened the Lybel and Proceedings, and the

Deposition of the said Francisco Raphe being read this Court having considered of the same did adjudge, Sentence and decree the said Money, Goods and Effects in the said Lybel mentioned as lawfull Prize for the use of the Captors, pursuant to the Statute in that Case made and *provided* that no just and rightful Claim be made for the same by any Other Person or Persons within a year and a Day, and ordered that the Lybellant stipulate with Security to the Register of this Court in the Amount of the said Gold, Silver and other Things to bring the said Amount into this Court when this Court should order the same within a year and a Day aforesaid, To which Minute of this Court the said Philip doth refer, And the sd. Philip further sheweth That at a Court of Vice Admiralty held at the City of New York on the twenty-sixth Day of July then next following, pursuant to the order of this Court of the thirty first Day of March then last past, the Accounts of Sales of the said Gold, Silver and other Things lybelled as aforesaid were brought into this Court and filed,^[12] And that thereupon Jasper Farmer and Thomas Miller of the City of New York, Merchants, appeared in this Court and freely and voluntarily submitted to the jurisdiction thereof And severally stipulated to the Register of this Court in the Sum of Two Thousand four Hundred and nine Pounds, four Shillings and eleven Pence three Farthings, said to be the Amount of the said Gold, Silver etc. on Condition to bring the said Money into this Court when this Court should order the same at any Time within a year and a Day from the said thirty first Day of March then last past, as by the said Orders and Proceedings of this Court to which the said Philip doth refer, Relation being thereunto had, may appear. And the said Philip further sheweth that by the said Letter of the Right Honourable the Earl of Holderness before mentioned and above referred to, his Majesty The King of Great Britain did Command Prosecutions to be immediately commenced for the Recovery of what should appear to be so plundered from the said Philip and others the Subjects of the King of Spain or the full Value thereof, with all Costs and Damages occasioned by the premises; That his said Majesty's Advocate General for this Province of New York, in obedience to his Majesty's Pleasure so signified and the express Order and Direction of his Honour the Lieutenant Governour of this Province and Commander in Chief then being (having received Information of the said Orders and Proceedings of this Court) to prevent any Prejudice to the Subjects of the said King of Spain, in consequence of the same did on the seventeenth Day of February last past, in the Name and Behalf of his said Majesty the King of Great Britain, for the Use and Benefit of the said Philip and other Subjects of the King of Spain, enter and file his Claim to the Money and Goods first above mentioned, which had been with Force and Violence taken from him the sd. Philip, declaring it to be intended therein to include all the Particulars that had been before libelled by the said Richard Haddon and other Goods that had not been so lybelled, but had been taken and seized by the said Richard Haddon in Manner as aforesaid, together with the Interest, Damages and Costs which had accrued by Reason of the Premises; That afterwards the said Advocate General on the tenth of March last in Obedience to the Orders aforesaid did file his Claim more at large In this Court and among other Things therein contained prayed that this Court would order and decree that the said Monies, Goods and Chattels in the said Lybel of the said Richard Haddon mentioned might by the Order of this Court be brought into this Court according to the Stipulation aforesaid, as by the said Claim filed with the Register of this Court, to which the said Philip doth refer, may more fully and at large appear. Whereupon, on the said tenth Day of March, it was ordered by this Court that the Securities of the said Richard Haddon do bring into this Court the said Sum of two Thousand four Hundred and nine Pounds, four Shillings and Eleven Pence three Farthings, being the Amount of their Stipulations aforesaid, on or before that day Week or Shew Cause to the contrary; That on the seventeenth Day of March last the said Jasper Farmer and Thomas Miller appeared in this Court by their Proctor But did not bring into this Court the said Sum last mentioned and had Time till the fifth Day of April following to shew Cause why they had not done it, on which Day they filed their Demurrer to the said Claim of the said Advocate General, alledging for Cause of Demurrer that it appeared by the said Claim that the Scope and End thereof was to relieve the said Philip y: Banes, a Spaniard, claiming the Money and Effects formerly Lybelled in this Court by Richard Haddon in Behalf of himself and the Owners and Company of the Schooner *Peggy*, as French Property, against the Sentence and Decree of this Court, to all which several Matters and other Things in the said Claim contained the said Defendants did demur.

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For That, by the Claim it appears that his said Majesty the King of Great Britain ought not to recover the Money, Goods and Effects in the Claim mentioned, they being expressly therein declared to be the Property of a Spanish Subject, and not the Property of his said Majesty the King of Great Britain, And for that his said Majesty ought not by Law to sue for himself and a Subject in that Suit, And for [that] a Decree in that Suit would be no Barr to a new Suit brought in the Name of his Majesty on the Stipulation for the good Behaviour of the said Richard Haddon, And for that by Law no Subject is to answer to the King, for an Injury done to another Subject, but by a Criminal Prosecution, And for that a Decree upon that Claim would be no Barr to, nor could it prevent the said Philip Y: Banes from filing his Claim in his own Name, And for that divers Persons are made Parties to that Claim that ought not to be joined together, as by the said Demurrer filed with the Register of this Court to

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which the said Philip doth refer may more at large appear. And the said Philip further sheweth that he hath not hitherto obtained any recompense or satisfaction for the Injury aforesaid.

Wherefore he the said Philip for the Reasons aforesaid and for the several Matters and Causes offered and insisted on in this his Libel doth Humbly Claim the said Two Thousand four Hundred and nine Pounds, four Shillings and Eleven Pence three Farthings, secured to be paid into this Court by the Stipulation aforesaid, together also with all and every the other Monies, Goods and Effects so seized and taken from him by the said Richard Haddon as aforesaid and not mentioned in the Lybel of him the said Richard, and all Damages, Losses and Expenses by him the said Philip in any wise sustained by Reason of the Premises And Humbly prays the Advisement of this Court in the Premises and the due Process of the Law against the said Two Thousand four Hundred and nine Pounds, four Shillings and eleven Pence three Farthings, secured to be paid into this Court by the Stipulation aforesaid, and all and every other such due Process as by the Law ought to issue and be granted against all and every Person and Persons who is, are or may be liable and Chargeable for the same and for all and every other the Monies, Goods and Effects so seized and taken from Him the said Philip as aforesaid and for his Losses and Damages and Expenses aforesaid, and such full and ample Relief and Satisfaction touching the Premises as, by the Law of Nations, the particular Laws and Statutes of Great Britain, and the Custom and Usage of this Court, is due in cases of this Nature to the Subjects of his Catholick Majesty the King of Spain being in Amity with his Majesty the King of Great Britain.

WM. SMITH JUNIOR,^[13] Adv'te
for the Libellant.

JAS. DUANE,^[14]
Advocate for the Libellant

[1] Cabañas.

[2] Caleb Davis had lived at St. Augustine as a trader for several years prior to 1738, had made himself wealthy when, in 1739, he proposed to settle in Savannah, and was a shrewd, cunning fellow, so says Secretary William Stephens in his journal; *Col. Rec. Ga.*, IV. 64, 247, 309. Oglethorpe commissioned him as a privateer, in 1739, but later arrested him for sending two Spanish prisoners in to St. Augustine; *ibid.*, IV. 422, 467, 483, 511, 623, and Harris, *Oglethorpe*, p. 215. Egmont mentions him as "Captain Davies, of suspected character"; *Col. Rec. Ga.*, V. 139. In the next war he was a very successful privateer; *ibid.*, XXV. 42, 251. In 1751 and 1752 he commanded Oglethorpe's principal vessel of war; *Acts of the Privy Council, Colonial*, IV. 128, 130, 170, 287, VI. 322.

[3] Pedereros, small pieces of ordnance used for throwing stones, etc.

[4] Machetes.

[5] Error for stayed.

[6] Error for 1757.

[7] Don Francisco Cagigal de la Vega, captain-general of Cuba; see [doc. no. 189](#).

[8] Governor of New York from Sept., 1755, to June, 1757.

[9] Printed in *N.C. Col. Rec.*, V. 756.

[10] *Calendar of Council Minutes*, p. 434.

[11] See [doc. no. 185](#).

[12] [Doc. no. 186](#).

[13] William Smith, jr. (1728-1793), the historian of New York, afterward chief-justice of New York and, in his last years, of Canada.

[14] James Duane (1733-1797), a prominent member of the Continental Congress from 1774 to 1784.

189. Certificate of Captain-General Cagigal. November 4,
1758.

Don Francisco Cavigal^[1] de la Vega, Knight of the Order of St. James, Field Marshall, Governour and Captain General of the Havana and Island of Cuba etc. *Whereas* I am Informed that Don Philipe Y Banes, Captain and Administrator of the Schooner Called *our Lady of the Rosary and Holy Christ*, And Marseleno Marrero,^[2] Are now in the City of New York, Dominions of his Majesty the King of Great Brittain, in Order to Recover 7871 Dollars which in silver, Doubloons, and Gold Trinckets were by force taken from them on the 6th December 1756, by Capt. Haddon of the Privateer Schooner *Peggy*, from New York, a small distance from Pine Island on the south side of this Navigation, and having been Informed by Letters from the aforesaid that they are hindered in prosecuting for their Right by the Owners of said privateer Schooner pretending that they were Pirates at the time of the Robbery, and in Attention that the Contrary has been Clearly proved by their Sailing with a Spanish Crew and under Spanish Colours and with Leave from my Lieutenant Governour Don Francisco Guitierres in the City of Trinity to proceed to the anchoring place of Mansanillo in the Jurisdiction of Valamo,^[3] And After the Robbery they arrived on this Coast at Porte Bane^[4] where they took in Necessarys and with my Licence they Sailed to Jamaica in search of said privateer and presenting themselves before his Excellency the Governour Declared the Robbery upon Oath, as did Likewise Henry Myeroffer and William Abbot, two Englishmen who were on Board Said Don Philipe's Schooner at the time the Robbery was Committed, and were afterwards taken and put by said English Captain on Board his privateer, who Carried them to St. Lucia on the Island of Jamaica, as appears from the Instruments that said Don Philipe Shewed me on his Return, *And Whereas* Considering the Great Prejudice that has Resulted from their being out of their Native Country and knowing that they are Inhabitants of this City and Subjects to the King of Spain and have not Incurred the Penalty of Pirates, In their behalf and for myself I pray and Recommend to his Excellency the Captain General and Governour and the Judge of the Admiralty of New York that they will be pleased to Order to be Delivered the said Money to the said Spaniards, inasmuch as I am ready to Observe Equal Justice in the Like Case, And in Case they Should meet with any Difficulty in the Recovery of their Right, I do by Virtue of this Grant them a passport and Leave to follow their Recourse to the Court of London and Appeal to his Brittanic Majesty till the Ultimate Resolution of his Royal Clemency; to this End I have perused the foregoing and do Sign and Order the Royal Signet to be Affixed to the same and Authorized by the present Notary to the Government. Given in the Havannah the fourth of November 1758.

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Before me
DIEGO DE GUITIERRES
Notary to the Governour

FRANCISCO CAVIGAL DE LA VEGA

We his Majestys Notary Publicks of the Number Admitted in this City Certify that Don Diego Guitierres, by whom this Dispatch is Authorized, is Notary to the Government and that Entire faith and Credit may be given to all his Dispatches, Judicial and Extrajudicial, Dated ut Supra.

ANTO'O PONCE	MANUEL RAMERES	CHRIST'O LEAL
Not'y Publick	Notary Publick	Not'y Publick

I Certify that the foregoing is a true Translated Copy of the Original Spanish Exam'd by

GARRAT NOEL
Sworn Span'h Intep'r

[1] For Cagigal. Don Francisco Cagigal de la Vega (1693-1777), who had been governor of Santiago de Cuba from 1738 to 1747, and had defended it successfully against the English in 1741, was captain-general of Cuba from 1747 to 1760, when he became viceroy of New Spain.

[2] In the same set of papers there is a deposition of Marcelino Marero, born in the Canary Islands, forty-three years old, almost identical in contents with that of Ybañez, [doc. no. 187](#), and of the same date.

[3] Bayamo.

[4] Cabañas.

190. *Deposition of William Haddon. November 16, 1759.*

Province of New York.
Court of Vice Admiralty.

The Deposition of William Haddon who having been before Sworn and now examined on the Interrogatories to be administered to witnesses to be produced, Sworn and Examd. on the part and behalf of Thomas Miller and Sampson Simpson, defendants, at the suit of the attorney General In the name of our Lord the King Libbellant.

1st. To the First of the said Interrogatories this deponent saith that his name is William Haddon, aged thirty eight years, his usually place of residence is at New York, By occupation a schoolmaster^[1] and a subject to the King of England.

2d. To the second Interrogatory this deponent saith that he knows Richard Haddon, late commander of the private Sloop of war called the *peggy*, that the said Richard Haddon is this deponents brother and he has Known him as long as he has had knowledge.

3d. To the third Interrogatory this deponent Saith that he knew a person called Don Philip, which this deponent supposes to be the same person Philip Vanes, otherwise called Philip De Francois, otherwise called Philip Y Banes, mentioned in the third Interrogatory, that he first saw him the 7th of December 1756, In the Latitude of 21 and 33 m. N.^[2] and Longitude 81° and 30 m.

4th. To the fourth Interrogatory this deponent Saith that he saw a certain Schooner pretended to be a spanish Schooner, But did not know her name, and first became acquainted with her the 7th of December 1756, In the Latitude of 21 and 23 N: and Longitude 81 and 30, this deponent was on board the privateer *peggy* when the said Schooner was taken, that he was Capn. Clerk,^[3] this deponent is not very positive but believes there was about fourteen men on board the said schooner at the time she was taken, that the said schooner had four carriage [and] six swivel Guns at the time she was brought too, as this deponent afterwards heard, and that she had no regular papers or Clearances from any publick authority, as this deponent saw or heard at that time or since. This deponent. also knows and remembers that particular pains was taken by Capn. Haddon and all the officers belonging to the said privateer to discover whether there were any regular ships papers or Clearances on board the said schooner at the time of her being taken, and in particular the Capn. when he sent Christopher Miller on board, his first Lieutt., desired him to send all the papers of the schooner on board the privt.; that after the sd. first Liet. got on board he made a search and told the said Capn. Haddon from the said schooner that he could find no regular papers on board her, whereupon the Capn. told him bring all the papers he could find and the Capn. of the sd. Schooner, upon which the Liet. made answer he could not tell which was the Capn.; upon that the Capn. told him to bring two or three of the Likeliest of the men, that he did so and these men belonging to the said schooner came on board, one of which, which the deponent took to be Don Philip, being asked for the papers delivered a pocket book to the Capn. which the Capn opened upon the Quarter deck and took out the papers; that this deponent was there and saw nothing but a few Letters, sealed up and directed to Different persons in Kingston; then sd. Capn. Haddon told the said Philip that he certainly must have more papers; upon that sd Philip shrugged up his shoulders and was Silent, and after that Capn Haddon called to the first Liet., wo [who] was still on board the said Schooner, to make a further Search, and this deponent never heard of any papers at all being found that were satisfactory. the said Philip appd.^[4] to be the Capn. or principal officer of the said schooner. this deponent further Says that he heard Capn. Haddon say, upon the peoples asking what he Intended to do with them, that he would carry them to the Havannah, upon which as this deponent understood by the Interpretation of one Francis De Spania, a Spaniard belonging to the privateer *peggy*, and from the Declarations of Capn Haddon, they begged and Intreated he would not, for that if he did they would either be hanged or made slaves, and that they said they did not value the money, and their lives would be of Little Service to Capn. Haddon, and the said Capn. told this deponent the reason he did not send her into any port for condemnation was partly out of humanity to the people and partly in regard to the Interest of his owners. This deponent does not know certainly but has been Informed that the said Schooner was not properly equipped or fitt to come upon this Coast in the months of December or January.

5th. To the fifth Interrogatory this deponent saith that to the best of his Knowledge the said Schooner had on board of her at the time she was brought to by the said privateer *peggy* about fourteen men, composed of a Mixture of Nations, that the following Quantitys of Money was taken out of the said and brought on board of the *peggy* and Sorted on the deck and there counted, viz. 5764 Dollar, 10 Doubbloons, 105 pistereen, 1 Two Shilling, 1 shilling, five bitts, two pair of Silver Knee buckles

and one Box containing Sundry Trinkets of Gold, to witt, one Bracelet, twenty Gold rings and one pair of Gold Sleeve buttons; it was brought on board in a publick manner and it was sorted and counted in this deponents presence and this deponent understood that the said money and other things were owned among the different persons on board.

6th. To the Sixth Interrogatory this deponent Saith that he heard that the persons on board the said Schooner delivered up or gave the said box or Trinkets to Capn Haddon on condition that he would not Carry the said Schooner with the Crew thereof to the Havannah and further saith not to this Interrogatory.

7th. To the Seventh Interrogatory this deponent saith that he knows that Capn. Haddon acquainted the persons on board the said Schooner with the name of his vessel, his own name, the port she belonged to, and that he should carry the things he had from on board the said schooner to the port of New York for condemnation.

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8th. To the eighth Interrogatory this deponent Saith that he remembers That another Schooner was brought to by the *peggy* some short time before the schooner was brought to out of which Capn. Haddon had the money belonging to the Spanish Nation, and richly Laden and they were Treated extreamly Civil by Capn. Haddon; this depont. Could not observe from any of his conduct that he was desirous to rob or pilfer them, but on their producing regular paper and clearances discharged them, and this deponent knows of his supplying a Spanish Sloop with provisions on the Twelfth of Jan'y 1757.

9th. To the Ninth Interrogatory this depont. saith that he knows of nothing further that will tend to the advantage of the defendt. in this Cause except That Capn. Haddon found a french Letter on board of a prize which he took coming from the Mississippi, from a french officer in Luisiania to a person of distinction in old france, by which he understood that the french were Incroaching upon the Spanish Territories and had still designs so to do, upon which Capn. Haddon Inclosed the said french Letter in a Letter Directed to the Governour of the Havannah, which said Letter this depont. wrote by direction of the Capn.,^[5] and that the said Capn. always Treated prisoners and others with humanity and Civilly and always acted with much care.

10th. To the Tenth Interrogatory this deponent Saith that he shall not gain or loose by the event of the suit any other wise than by reason of the near relationship he stands in to Capn. Haddon and by his belonging to the said Vessel in the said Cruize.

WILLM. HADDON.

Examined this 16th of Novr. 1759

Per me

SILVESTER, D: Register

[1] "At a commodious House ... in Bound Brook, Province of East New Jersey, young Gentlemen are educated and boarded on reasonable terms, by William Haddon, Professor of ab, eb, etc." Advertisement in *New York Mercury*, Mar. 30, 1761. He taught there seven years, then at Newark from 1768 on. *New Jersey Archives*, first ser., XX. 548.

[2] The latitude given in the next paragraph, 21° 23' N., must be the correct one. Lat. 21° 33' would be on the island of Cayo Largo. [Doc. no. 184](#) gives lat. 21° 18', long. 81° 57'.

[3] Captain's clerk.

[4] Appeared.

[5] See also [doc. no. 184, note 3](#).

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*191. Declaration of Don Gerónimo de Medrano.
November 19, 1759.^[1]*

19th of November 1759 Before the Lieut. Auditor General Commissioned in this Cause appeared Ensign Don Geronimo de Medrano a Native and Inhabitant of this City, who being sworn by making the Sign of the Cross according to Custom and promising to declare the Truth, being asked according to the Tenor of the Articles Contained in the Interrogatory and Inserted in the foregoing Copy, he said as follows

1. To the first he said that he knows Don Phelipe Ybañes and has known him by that Name about twenty four years and knows him to be a Native of St. Lucar de Barameda in Andalusia and an Inhabitant in this City, where he Married in the Year 35 with a first Cousin of this Deponent; That from the year 37 to that of 51 he followed the Business of Working at Husbandry in the Fields near a Dwelling House he had at the Mills and in the Herd yard of Doctor Don Ambrosio de Medrano. Afterward he went to places up the Country where he became Clarke to a privateer Schooner fitted out by the Lieut. at War of the Town of St. John of the Remedys^[2] Don Juan Antonio de Royo. Afterwards said Ybanes Informed him that he had been met with by some Englishmen Said to be Privateers near the Coast of this Island (he did not Exactly remember the place) and that they had carried away the Money he took for his Voyage, and is what he heard Commonly Reported in this City, which is all he knows about this Enquiry.

2. To the second he said that he does not know the said Schooner and is Ignorant of the other particulars in the Enquiry.

3. To the third he said that he is Ignorant of the Contents in this Enquiry.

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4. To the fourth he said that he did not know Caleb David nor for what he came to this City.

5. To the fifth he said that he knows nothing about the Enquiry in this Article.

6. To the Sixth he said that he knows one Antonio de Correa, a Spaniard living in this City since the year 1733, that his Employment was bringing Wood from the Coast with Regordete Fregeño^[3] but does not know that he made a Voyage in 56, Nor the Embarcation in which he went nor any thing of the rest Enquired.

7. To the seventh he said that he knows nothing more to Answer than what he has said to the foregoing.

8. To the Eighth he said that he Expects no Interest from the Result of this Cause and that what he has said and Declared is the Truth, to which he has made Oath and being Dated and Read to him he said it was well Wrote. That he is thirty Six years of Age. to which he set his Hand and his Honour, his Rubric of which I give Testimony.

HERON'O JOS'H MEDRANO.

Before me

JUANFERN'O DEL VALLE.
N'y Pub.

^[1] This and the three succeeding testimonies were taken in Cuba under the commission mentioned in [note 1](#) to [doc. no. 184](#).

^[2] San Juan de los Remedios, commonly called Remedios, lies in the middle of the north coast of Cuba, 32 miles east of Santa Clara.

^[3] *Regordete* means short and stout.

192. Declaration of Don Joseph de la Vega. November 19, 1759.

Immediately after appeared before the Lieut. Auditor Gen'l Don Jos'h de la Vega, an Inhabitant of this City, and being sworn by making the sign of the Cross according to form of Right and promising to say the truth, Being Enquired according to the Tenor of the Article[s] Comprehended in the Interrogatory and Inserted in the foregoing Copy, said as follows—

1. To the first he said that he has known Don Phelipe Ybanes about twenty years, a Native of Spain and an Inhabitant of this City, having remained here after the loss of the *Flora*^[1] and Married Dona Eugenia Suarez, Neice of Doc'r Don Ambrosio de Medrano, that he has seen him taking care of a Herd Yard belonging to the said Doc'r, and at a small Dwelling House Contiguous to it said Ybanes had Kills for making Charcoal and Lime, in which Employ he continued some years. He afterward saw him in this City Employed in buying and selling tile about two years and a half or three years agoe but does not know where he was when absent.

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2. To the second he said that he does not Remember to have heard (but on one occasion about two years and a half agoe) said Ybanes say that he had a Schooner of his Own and that making a Voyage in her he was Robbed by some Englishmen, but did not say where he was bound to nor any other thing particular relating to what is Contained in the Enquiry, for which Reason and not having any knowledge of the

said Schooner he cannot give any Acco't of them.

3. To the third he said that he knew Caleb David in this City about the months of March or April in the year 57, having seen him at the House of Elizabeth Berrow the Irish Woman, where he was Informed that he was come with his Wife and some other English People in a Long Boat, having been cast away on the Coast of Campeche,^[2] nor does he know that he had ever been in this City before nor what he came about.

5. To the fifth he said that as before mentioned he saw Caleb David with two or three English, but did not know their Names and Consequently is Ignorant if they are the same that are mentioned in the Enquiry and the other particulars thereof.

6. To the sixth he said that he only knew Antonio Correa by sight, by being in Don Phelipe Ybanes's Company, that he has Understood he was a Mariner but can give no particular Account what trade he was Employed in nor the Vessel in which he went at the time Referred to in the Enquiry.

7 and 8. To the seventh and Eighth he said that he has no Interest nor Expects any from the Determination of the Cause; that what he has said and Declared is the truth; that he knows nothing more of these Articles than what he has already Related, of all which he has made Oath and Signed his Name to it, being forty-two years of Age.

JOSEPH DE VEGA.

Before me

JOHN FERN'O DEL VALLE
Ny. Pub.

[1] The reference is probably to the frigate *Floridana*, which foundered off the Cuban coast in the hurricane of July 15, 1733, which destroyed sixteen ships of the Havana fleet of Don Rodrigo de Torres. Fernández Duro, *Armada Española*, VI. 242-243.

[2] Yucatan.

193. Declaration of Domingo de Armas. November 20, 1759.

In the City of the Havana on the 20th of November 1759, Before his Honour Don Martin de Ulloa, of the Order of St. James, one of His Majestys Council and Auditor Gen'l of said City, Appeared Domingo de Armas, a Native and Inhabitant of this City, and having been sworn according to the usual form by making the Sign of the Cross and thereby promising to declare the Truthe, being Enquired According to the Tenor of the Articles Contained in the Interrogatory inserted in the foregoing Copy, he Answered as follows

1. To the first Article he said that he knows Don Phelipe Ybanes, a Native of the Kingdom of Castele, and settled in this City ever since the loss of the *Flora*, Commanded by Don Rodrigo de Torres, on the Rocks of Florida, and Married here to a Neice of Doc'r Don Ambrosio de Medrano; That he has seen the said Ybanes working in a Dwelling House near the Great Bridges; that he and his Negroes were Employed at the Kills making Charcoal and Lime; That he afterward came to this City where he saw him several times but does not know what Employment he had Excepting that he once heard him say that he had a Schooner in the Coast Trade and that he would discharge the Master for not making so good a Hand of Her as might be Expected, but it is now three Years since he saw him in this City; That he then said he had been Robbed by some English Privateers and that he was thinking to go to Recover the Effects they had taken from him.

2. To the second he said that he has no knowledge of the said Schooner nor of any other particular contained in this Enquiry.

3. To the third he said that there appears nothing from this Enquiry that he can Answer to.

4. To the fourth he said that he knows Caleb David, that He and his Wife lived in the House of Elizabeth the Irish Woman, that he came to this City about three years agoe, as he was Informed, in a Long Boat or Barge, having been cast away on the Coast of Campechy, which is all he can say to this Enquiry.

5. To the fifth he said that he is Ignorant of the Contents of this Enquiry.

6. To the Sixth he said that he only knows Antonio Correa to be a Seafaring Man of middle Stature and brown Complexion, but knows nothing of his making a Voyage at the time mentioned nor of any thing else Contained in this Enquiry.

7. To the seventh can say nothing farther.

8. To the Eighth he said that he has not nor does he Expect any Interest from the Determination of this Cause, That what he has declared is the truth, to which he has made Oath, and is Sixty Years of Age. Signed by him and Rubricated by his Lordship, of which I give Testimony.

DOMINGO DE ARMAS.

Before me

JUAN FERN'O DEL VALLE.
N'y Pub.

*194. Declaration of Elizabeth Berrow. November 22,
1759.*

In the Havana on the 22 Novemb'r 1759, Before His Honour Don Martin de Ulloa, of the Order of St. James, one of his Maj'y's Council, Lieut. Gov'r and Auditor of this City and Jurisdiction, Commissioned by his Majesty in this Cause, Appeared Elizabeth Berrow, a Widow and Inhabit't of this said City, and Swaring by the Sign of the Cross according to Right and Form, promised to declare the Truth, and being Enquired relating to the Tenor of the Articles Inserted in the Interrogatory and Comprehended in the foregoing Copy Declared as follows—

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1. To the first she said that she knew Don Phelipe Ybanes in the year 56 by reason of his having been several times at her House, where Caleb David an English Man Lodged, who he went to see; That she knew said Ybanes to be a Spaniard by having heard it so Reported and that he Married in this City; that he went to Sea in a Schooner of which he was entire Owner, as said Caleb David and Ybanes himself Reported.

2. To the second she said that she understood from said Ybanes that the Schooner which he called his own was Named *Our Lady of the Rosary* though she never saw said Schooner in this Port. That the said Ybanes before he went out in her came to see Caleb David and told him in the presence of this Deponent that he had been thinking to make a Voyage to Jamaica and that if he had any Commands there he would Execute them, telling him that he carried to the Amount of Eight Thousand Dollars in Money and Gold and Silver Trinkets. Upon which said Caleb David gave him Several Letters of Recommendation for Jamaica and desired him to carry two Englishmen that came with him in the Long Boat from Campeche to this Port where the Embarkation in which they arrived had been Confiscated.

3. To the third she said that she Refers to what she Answered in the foregoing and that it does not appear to her that said Schooner carried any other Cargoe beside the Money and Trinkets as aforesaid, nor does she know if she went to Sea with Correspondent papers and Passports or not, But when Don Phelipe Ybanes Returned to this City and Related to Caleb David how the English Privateers had taken away what he Carried and that he was minded to go to Jamaica and Reclaim his Effects, said Caleb David offered him New Letters of Recommendation and a Certificate that said Ybanes was not risen up as the English had been pleased to Suppose but was only a Merchant.

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4. To the fourth she said that she knew Caleb David very well, that he Lodged three Months and odd Days at her House, by means of which she came to know that his coming to this City was to Reclaim some prizes taken from the English Nation after the Cessation of Hostilities, to which End he brought Powers from the Concerned and Dispatches from the Court of Gt. Britain which he shewed to this Deponent.

5. To the fifth she said that she knew the two individuals mentioned, the one of which was a German and the other an Englishman, but both Subjects of the King of G'Brit'n and living in Georgia, who came to this City with Caleb David in the aforesaid Long Boat and are the same Persons that he desired Don Phelipe Ybanes to take with him to Jamaica, and she was informed by said Caleb's Wife that in Effect they did go with him, but does not know if they went away by Day or by Night, as they did not Lodge in the Deponents House but on board the Long Boat and only came there once a Day to carry provision, which was Considered to be for Ybanes's Schooner, which he declared was so when he Returned to this City and said that the English Privateer Carried them on board as being Subjects of G't Britain.

6. To the Sixth she said that she only knows Antonio Correa, whose Employ is that of a Mariner, but is Ignorant what Voyage he made in the year and at the time mentioned or in what Vessel.

7. To this she said that she knows nothing of what is Contained in this Enquiry.

8. To the Eighth she said that she neither Expects nor has any Interest from the Decision of this Cause and that what she has Declared is the Truth of which she has given Oath, being Dated. That she is thirty six years of Age. to which she Signs her Name and His Honour has placed his Rubric.

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ISABEL DE VERROA.

Before me

JUANFERN'O DEL VALLE.
Not'y Pub.

*195. Reversal of Sentence by Appellate Court. December
19, 1760.^[1]*

Extracted from the Registry of his Majestys high Court
of Appeals for Prizes.

Friday the Nineteenth day of December in the year of our Lord one thousand seven hundred and sixty, before the Right Honourable John Earl Granville, Lord President of his Majesty's Most Honourable Privy Council, George Earl Cholmondeley, Thomas Earl of Kinnoull, Chancellor of the Dutchy of Lancaster, Hugh Viscount Falmouth, John Lord Berkely of Stratton, Samuel Lord Sandys, William Lord Mansfield, Lord Chief Justice of his Majesty's Court of Kings Bench, Robert Neugent Esquire and Wellbore Ellis Esquire, Commissioners (among others) of his Majesty's most Honourable Privy Council for the Receiving, Hearing and Determining of all Causes of appeals as to Prizes, in the Privy Council Chamber at White hall in the Presence of Nathaniel Bishop, Notary Publick, Deputy Register of the said Court.

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La Virgin del Rosario y el Santo Christo de Buen Viage
Philip Y Banes Mr.

A Business of Appeal and
Complaint of

Nullity promoted by Philip Y
Banes Master
of the Spanish Ship *La Virgin del
Rosario*
Y el Santo Christo de Buen Viage
against Richard Haddon
Commander of
the Schooner *Peggy*

} For Sentence
on the Second
Assignment
and Informations.

Their Lordships having heard the Proofs and Council on Both Sides declared that it Appears to their Lordships that upon the Case laid before the Judge below by the Respondent himself the Capture of the Effects in Question ought to have been deemed Piratical, that the Respondent ought to have been prosecuted for the same and the Effects Secured and that the Proceedings were Irregular and Illegal and the Sentence of Condemnation of the Thirty first March 1757 Appeal'd from Unjust and Warranted by no Collour of Proof. Therefore their Lordships By their Final Decree or Sentence Reversed the same and Decreed the Ten Doubleoons, five thousand seven hundred and sixty four Dollars, one hundred and five Pistreens, one Bracelet, Twenty Gold Rings, the Silver Buckles and Small Silver, Six Swivel Guns and Shott, one Cask of Powder and Cutlasses and one Bag of Indigo to be Restored or the Value thereof to be paid to the Claimant, and Condemned the Captor in Costs and Damages and their Lordships are of opinion that the Governor of New York ought to cause the Bond given by the Captain of the Privateer to be put in Suite and apply the Penalty for the Benefit of the Claimant.

GODF'Y LEE FARRAND, Register
of his Majesty's high Court
of Appeals for Prizes.

[1] This document appears, substantially the same, in Sir William Burrell's report in Marsden, *op. cit.* (see [doc. no. 184](#), [note 1](#)), p. 185. Ybañez having appealed from Judge Morris's decree, the case came at last before the Lords Commissioners for Appeals in Prize Causes. Their names are given in the heading. Granville, earlier known as Carteret, was lord president of the council from 1750 to 1763, Kinnoull chancellor of the duchy of Lancaster 1760-1762, Mansfield chief justice 1756-1788. Cholmondeley and Falmouth

were lieutenant-generals. Nugent and Ellis were vice-treasurers for Ireland and members of Parliament. All these commissioners were privy councillors, all were politicians, none but Mansfield was a lawyer, though the wide range of Granville's learning embraced a considerable knowledge of the law.

196. Appeal of Miller and Simpson. July 7, 1761.^[1]

Thomas Miller and Sampson Simpson <i>ad's</i> The King	}	New York Court of Vice Admiralty.
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Whereas you the Honorable Lewis Morris, Esqr., Commissary and Judge of the Court of Vice Admiralty for the Province of New York, did lately pronounce your Decree against us in the above Cause, whereupon we by our advocate or Counsel did pray Leave to appeal therefrom and to have Time to perfect the same, We do accordingly hereby protest against the said Decree or Sentence against us and appeal therefrom to the Commissioners appointed or to be appointed under the Great Seal of Great Britain for receiving, hearing and Determining of appeals in Causes of Prizes; and we offer to do every Thing the Law requires that we may have the full Benefit of the said appeal and do for that purpose pray that the Apostells^[2] may be delivered to us in due Time this 7 July 1761.

THOMAS MILLER.
SAMPSON SIMPSON.

WM. SMITH Junr, Advocate
for the Defendant.

^[1] For Miller, see [doc. no. 186](#), [note 3](#); for Simpson, [doc. no. 187](#), [note 3](#). The Lords Commissioners for Appeals, in pronouncing the decree just preceding, evidently considered that the whole matter was before them; but Judge Morris, July 4, 26, 1761, declared that the sentence reversed by them was solely that of Mar. 31, 1757, condemning as prize the goods brought by Haddon, and that their decree was no reversal of the sentence of Feb. 10, 1759.

^[2] The apostles were a set of documents in the case, made up as a record for the use of the higher court.

THE DAGEROED.

197. Bill of Health. November 9, 1757.^[1]

Omnibus hasce literas inspecturis significamus nos, Consules et Rectores Civitatis Roterodamensis Comitatus Hollandiae, declaramusque veritatis certi Petrum Lagerboom, Civem Amstellodamensem magistrum hujusce navis nominatae *Dageroed*, certi oneris, vulgò lasten, circiter Centum et quinquaginta capacis, merces suas, quibus onerata navis est, ei in hoc oppido imposuisse, uti easdem vento secundo In Indos occidentales deveheret, quemadmodum idem magister, nec non praedictae navis exercitores nobis indicârunt, petentes à nobis libellum dimissionis et literas assertorias, quibus exteri certi reddantur, hanc Civitatem nec Peste, nec ullo alio morbo contagioso, infestari. Enimverò cum officii nostri sit civium nostrorum commodis non deesse, et veritati testimonium perhibere, praescertim iis id expetentibus, omnes, ad quorum curam haec res pertinebit, certos facimus, nec Peste, nec ullo alio morbo venenoso, Dei Opt: Max: beneficio, hanc Civitatem infectum esse: proindeque rogatos volumus, uti magistro huic una cum navi, sociis navalibus, et mercibus liberum concedant com meatum et facultatem largiantur, mercaturam liberè terra marique exercendi, prohibeantque ne ulla ei in eo remora objiciatur; quin potius uti adjumento sint, commodo ejus id flagitante; quo nos ad reddenda eadem officia devincent arctè obstringentque: In quorum fidem hasce

litteras sigillo nostro, quò publice ad causas utimur, muniri, et manu ejus, qui nobis est à Secretis, signari volumus nono die mensis Novembris anni partae Salutis millesimi septingentesimi quinquagesimi Septimi stylo novo.

J. BJELLE.

Translation.

To all who shall examine these letters, we, the burgomasters and schepens of the city of Rotterdam in the county of Holland, signify and declare, of certain truth, that Peter Lagerboom, citizen of Amsterdam, master of this ship called the *Dageroed*, of about 150 lasts burden,^[2] has loaded his wares, with which the ship is freighted, upon her in this town, in order to transport them, with a favorable wind, to the West Indies, as the said master and the officers of the said ship have declared to us, asking from us a let-pass and clearance, by which foreigners may be assured that this city is not infested by a plague or any other contagious disease. Since certainly it is a part of our official duty to meet the needs of our citizens and to offer testimony to the truth, especially for those who ask it of us, we assure all those to whose care this matter belongs, that through the goodness of God Almighty this city is not infected with the plague or any other deadly disease; and accordingly we desire that those who are requested should accord to this master, together with his ship, his shipmates and goods, free transit and the opportunity to carry on traffic freely by land and sea, and should prohibit that any hindrance should be offered to him in this matter, nay rather that they should aid him, when his needs require it; whereby they will lay us under strict obligations to render to them the same good offices. In testimony whereof we have caused these letters to be provided with our seal which we use publicly for business,^[3] and signed by the hand of our secretary, on the ninth day of November in the Year of Salvation 1757, new style.

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J. BJELLE.

[1] From the files of the New York vice-admiralty court, in custody of the United States district court, in the federal building.

[2] The last was about two tons.

[3] In Continental practice, a municipal corporation usually had, besides its great seal used for the more solemn public documents, a lesser seal, called the *sigillum ad causas*, used for minor public documents or for private papers authenticated by public authority. This paper bears a seal having the legend "Sigillum ad causas oppidi Rotterodami", encircling an impression of a castle with portcullis, standing on a shore, with a swan swimming in front of the gate.

198. News of Privateers. May 19, 1757.^[1]

By a Master of a Vessel lately arrived from Hispaniola, we are inform'd, that on the 13th of April there lay at Port of Prince^[2] a Brig of about 120 Tons, mounting 14 Carriage Guns, and 200 Men, also a Sloop about 70 Tons, 8 Carriage Guns and 100 Men, both intended in Consort (as it was there said) for the Coast of New-York and thereabouts. The Brig is Rhode-Island built, black sides, with a white Bottom, the Sloop is painted very gay, as with red, yellow, black and green. He heard likewise that at another Port in the said Island, there was fitting out a Snow (which had been lately a Packet taken from the English) to mount 16 Carriage Guns, and to be commanded by one Palanqui (a very noted Commander) to come on the same Coast.

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We hear from Bristol, in Rhode-Island Government, that Capt. Mark-Anthony De Wolfe^[3] in a Privateer Sloop of 50 Tuns, with 40 Hands and 6 Guns, belonging to Warren, sail'd from thence the 24th of April, and put into Newport, from whence she sail'd three Days after; and on the 4th of this Instant May, to the Northward of Bermudas, took a French Snow of 150 Tons, with 18 Men, who made but little Resistance, having but 2 Guns, and no one killed or wounded on either side: The Privateer return'd with her Prize to Bristol the 15th, having finished this Cruize in 3 Weeks to an Hour. The Cargo of the Snow consists of 200 Hogsheads of Sugar, a Quantity of Coffee, Indigo, Elephants-Teeth, Logwood, etc. and was bound from St. Domingo for Old-France.

Yesterday the Privateer Ship *Hertford*, commanded by Capt. Thomas Lewis, lately fitted out from this Place, brought into our Harbour a valuable French Prize, a Ship of about 240 Tuns, which he took about three Weeks ago, to the Southward of Bermudas in Lat. 29: She was bound from Porto Prince in Hispaniola to old France; her Cargo is said to consist of 400 Hogsheads of Sugar, and a considerable Quantity of Indigo, Cotton-Wool, Hides, etc. valued at about 9000£ Sterling. She sail'd out with 4 other Vessels bound also to France, and had parted from her a Day or Two before she was taken: One of which is the Prize carried into Bristol as beforementioned; and another of them is said to be the trading Sloop that was seized at Rhode-Island last Week. Two other Vessels, they say, sail'd the Day before them for Cape-Breton.

Several French Letters found on board this Prize confirm the Arrival of the Squadron mentioned in our last, commanded by Monsieur Beaufremont;^[4] and that he had sent out two Frigates to clear the Coast of our Privateers; but that the English Squadron approaching, they ran into Porto Paix,^[5] and informed the French Admiral thereof; who thereupon put to Sea, and a great Number of Cannon were heard for several Hours; so that we may expect to hear of some smart Engagement.

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[1] From the *Boston News-Letter* of May 19, 1757.

[2] Port au Prince, on the west coast, the present capital of Haiti.

[3] He was brother-in-law of Captain Simeon Potter, and sailed with him, as clerk, on the *Prince Charles of Lorraine* (see docs. nos. 176, 177) in 1745. His son, James De Wolf, United States senator 1821-1825, was one of the most successful of owners of privateers; one of his vessels, the *Yankee*, captured or destroyed five million dollars' worth of British property during the war of 1812. Munro, *Tales of an Old Sea Port*, pp. 214-223.

[4] The Chevalier de Bauffremont, prince de Listenois, *chef d'escadre* in the French navy and later vice-admiral, had sailed from Brest at the end of January, with a squadron of six vessels, for St. Domingo, capturing the *Greenwich*, 50, on his way. From the West Indies he sailed for Louisbourg, where he arrived May 23. Lacour-Gayet, *La Marine Militaire de la France sous Louis XV.*, pp. 383, 495.

[5] Port au Paix, on the north coast of Haiti.

199. Letter of William Smith, jr. April 8, 1757.^[1]

NEW YORK 8 April 1757.

Sir,

On the 6th Instant, a French Snow^[2] laden with Sugar^[3] and Indigo, to a very considerable Value, was brought into this Port, by two English Merchant men, who captivated her on the High Seas in March last, tho they had neither Letters of Marque nor other Commission.

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After her Arrival in Port, she was seized first by a Privateer, and then by the *Southerland* Man of War, who both claim her as their Property respectively.

Colonel Morris, the Judge of the Vice-Admiralty, apprehending that the Lords of the Admiralty might be interested, issued a Warrant, by which the Snow was taken into the Custody of the Marshal of that Court; and as their Lordships have as yet appointed neither Proctor nor Advocate in this, and the Colonies of Connecticut and New Jersey, his Honour the Commissary was pleased on this Occasion to assign Council (as you will perceive by the inclosed) to examine into the Affair, and prosecute on their Lordships Behalf.

We have accordingly interposed a Libel for that Purpose, and let me beg the Favour of you, to wait upon their Lordships, for an authentic Copy of their Patent, and such Information, as may be thought proper to be transmitted.

Whether their Lordships, in Case of a Sentence in their Favour, will be pleased to consider the Captors, or chuse rather to reserve the Prize to themselves, I conceive it will be necessary, that a proper Power be sent over; of which you will be so good as to put their Lordships in Mind; and whatever Directions and Papers are given into your Hands, please to forward them with the utmost Dispatch to,

Sir,

Captain Morris,

[*Endorsed:*] By the *Leicester Packet*: To Staats L. Morris, Esquire, London.^[4]

[1] London, Public Record Office, Admiralty, 1:3882.

[2] *Le Bon Rencontre*. The case was a curious one (notes of Judge Hough, from the papers relating to it in the files of the New York vice-admiralty court). On March 22, 1757, this French snow of 160 tons, while on a trading voyage from Port Louis in Guadeloupe to Bordeaux, was captured off Bermuda by the English ship *Maxwell*, Etherington master, and the New York sloop *St. Stephen*, Thomas, who sent her with an English crew to New York; but neither of them had any letters of marque, or commission authorizing them to take prizes. The snow was brought to anchor inside Sandy Hook. Early in the morning of April 6, John Crew, captain of the New York privateer *Fox*, came aboard from a small boat with a few men, and took possession. Later, the snow was taken over by the *Sutherland* man-of-war. Thus, the *Bon Rencontre* was without doubt a captured enemy vessel, but the captors had not been authorized privateers, and the authorized privateer and the king's ship had not made the capture. Under these circumstances the admiralty judge, Lewis Morris, ordered the marshal to take custody of the snow, and appointed Benjamin Nicoll and William Smith, jr., the writer of this letter (see [doc. no. 188](#), [note 13](#)), to be advocates for the Lords of the Admiralty, whose interests seemed to him to be involved. Thus there were four parties claiming—the original captors, Crew, the King, and the Admiralty. April 7 the snow was libelled on behalf of the Admiralty. Later, Etherington withdrew and Crew's claim was ruled out, but as between the King and the Admiralty Judge Lewis Morris gave no decision before his death in 1762. His successor, Judge Richard Morris, gave judgment Aug. 10, 1764, but it has not been preserved.

[3] 200 hogsheads, says the *New York Gazette* of Apr. 11; the *Gazette* of June 27, by the way, enumerates 23 privateers then in New York harbor.

[4] Staats Long Morris, son of the judge and brother of the "signer" Lewis Morris, was at this time a captain in the British army, later married the Dowager Duchess of Gordon, and died a British general.

200. Letter of Stephen Hopkins. January 15, 1757.^[1]

RHODE ISLAND January 15, 1759.

Sir,

You may remember that near a Year ago I wrote you by Order of the General Assembly to endeavor to procure a Judge of the Court of Vice Admiralty to be appointed within and for this Colony.^[2] And as you very soon finished that Affair successfully, a Judge being appointed and commissioned, so he hath been accordingly sworn into his Office. Notwithstanding this being so far done, yet there appears to be a Deficiency of the Officers of that Court, as no Register or Marshal have been appointed. It is true there hath commonly been a Deputy Register in this Colony appointed by a Principal living in Boston at a great Distance from the Colony, and within another Jurisdiction, which seems incompatible, and it is solely at his Option, whether he will appoint a Deputy to attend in this Colony or not, the Inconvenience of which is obvious at the first View: And it doth not appear that any Commission hath been given for a Marshal of the Court of Vice Admiralty in this Colony since one Mr. Gibbs was appointed to that Office who hath been dead many years.^[3]

The General Assembly, sensible of the great Inconveniences and Mischiefs likely to attend the Want of those Officers, as you will see by their Vote accompanying this Letter, have directed me in their Behalf to desire you immediately to make proper Application to the Lords of the Admiralty, and use your utmost Endeavours to obtain

a Register and Marshal of the Court of Vice Admiralty to be appointed and commissioned for this Colony.^[4] You will also perceive by the aforesaid Vote of the General Assembly that they desire the Office of Register may be obtained for Mr. Thomas Vernon,^[5] and that of Marshal for Mr. William Mumford,^[6] who have been the acting Persons in those two Offices in this Colony for near Twenty Years past, and have each in their several Duties of Office conducted themselves unblameably, and in all other Respects maintained unblemished Characters.

I am certain it must be needless for me to say any Thing further of this Matter, since you will have the General Assembly's Order concerning it, which must have infinitely Greater Weight in urging you to prosecute this Affair, with Zeal and Dispatch, than any Thing I could say.

In Behalf of the Colony and for myself, with great Regards I subscribe

Your faithful Friend, and
the Colony's Obedient Servant
STEP: HOPKINS.

[1] Public Record Office, Admiralty, 1:3819. The writer, Stephen Hopkins (1707-1785), celebrated as a governor of Rhode Island (1755-1757, 1758-1762, 1763-1765, 1767-1768) and a signer of the Declaration of Independence, was at this time governor. The letter is a duplicate bearing an original signature. It was addressed to Richard Partridge, agent in London for the colony from 1715 to 1759. He dying March 5, 1759, receipt of this letter is acknowledged by his executor, Joseph Sherwood, May 11; letter in Miss Kimball's *Correspondence of the Colonial Governors of Rhode Island*, II. 289. Sherwood, appointed agent as Partridge's successor, pursued the general assembly's request, but apparently without success, the Lords of the Admiralty thinking it unnecessary to appoint a register and marshal in Rhode Island, when there were already such officers in Massachusetts; *ibid.*, II. 289, 293, 298, 304, 306.

[2] By vote of the assembly, *R.I. Col. Rec.*, VI. 107, passed at the October session of 1757, Stephen Hopkins was instructed to write to London requesting the appointment of a vice-admiralty judge especially for Rhode Island, and recommending Col. John Andrews to be the person. He wrote to Partridge, who on May 13, 1758, acknowledges receipt of the letter, Kimball, *Corr. Govs. R.I.*, II. 273, and on May 24 announces his success, *ibid.*, II. 275, where also is printed the warrant of the Lords of the Admiralty to Sir Thomas Salusbury, judge of the High Court of Admiralty, to issue a commission to Andrews. Thus Rhode Island was taken out of the jurisdiction of Chambers Russell, vice-admiralty judge at Boston, who is commonly said to have been judge for all southern New England from 1750 to 1767. Andrews remained judge till the Revolution.

[3] George Gibbs, appointed marshal about 1743, *ibid.*, I. 244.

[4] Vote in *R.I. Col. Rec.*, VI. 174.

[5] Postmaster of Newport. His diary during his banishment thence as a Tory in 1776 has been printed in *R.I. Hist. Tracts*, XIII. (Providence, 1881).

[6] Captain of Fort George, Newport.

*201. Notes on Commissions for Trying Pirates. March 10,
1762, August 26, 1772.*^[1]

Sir,

I take the Liberty to acquaint you, that in Obedience to the Directions of my Lords Commissioners of the Admiralty, signified by your Letter of the 30th December last, I have solicited the passing of several Commissions through the proper Offices, for Trying Pirates at the following Places, Vizt.

At Jamaica,
Barbadoes,
The Leeward Islands.

By the *Danae*

}

By the *Gosport*

}

The Bahama Islands,
South Carolina and Georgia,
North Carolina, Maryland,
and Virginia,
New York, New Jersey,
Pensilvania and Connecticut.

By the *Launceston*

}

Massachusets Bay,
Nova Scotia,
Newfoundland, and
Bermuda Islands.

By the *Gosport*

And I herewith send you the Said Commissions, being Eleven in Number, which have been passed under the Seal of the High Court of Admiralty, and are all dated the 14th day of January last.

I am

Sir
Your most humble and
most obedient Servant,
SAM'L SEDDON.

PICCADILLY
10th March 1762.
Honourable John Cleveland Esquire

Sir,

In Obedience to the Directions of my Lords Commissioners of the Admiralty signified to me in your Letters of the 24th instant, That I should let you know what Commissions for the Trials of Pirates in America, I have passed through the several Offices, in Consequence of Mr Cleveland's Letter of the 1st February 1762, and the Time when, and by what Conveyances I sent them to the respective Colonies: And also, whether any Commission has been passed in His present Majesty's Reign for Trying Pirates at Rhode Island; I take the Liberty to acquaint you for their Lordships Information, that in Obedience to an Admiralty Order signified to me in a Letter from the late Mr. Secretary Cleveland dated the 30th day of December 1761, I solicited the Passing of Eleven Commissions for trying of Pirates at *Rhode Island*, and other Places in America, all which were dated the 14th of January 1762 as appears by the enclosed Extract, taken from the Entries thereof made in the Register's Office at Doctors Commons; And I further take the Liberty to acquaint you, that on the 10th day of March 1762, I sent the said Eleven Commissions to Mr. Cleveland; as appears by the enclosed Copy of my Report to their Lordships of that Date

I am

Sir
Your most humble and
most obedient Servant,
SAM'L SEDDON.

PICCADILLY
26th August 1772.
Philip Stephens Esquire.

Extract of Commissions for Trying Pirates in America. 14th January 1762.^[2]

		Commission for trying such	
		Pirates as shall be	
		taken and	
		carryed into His	
		Majesty's	
		Provinces of North	
		Carolina,	
		Maryland and Virginia.	
North Carolina Maryland, and Virginia	}		} 169

		Commission for Trying such
		Pirates as shall be
		taken and
Bahama		

Islands	} carried into His Majesty's Bahama Islands. Dated the same Day.	} 176
Bermuda Islands	} Commission for Trying such Pirates as shall be taken and carried into His Majesty's Bermuda Islands. Of the same Date.	} 180
Island of Newfoundland	} Commission for Trying such Pirates as shall be taken and carried into His Majesty's Island of Newfoundland. Of the same Date.	} 184
Province of Nova Scotia	} Commission of the same Date, for Trying such Pirates as shall be taken and carried into His Majesty's Province of Nova Scotia.	} 187
Island of Barbadoes	} Commission of the same Date, for Trying such Pirates as shall be taken and carried into His Majesty's Island of Barbadoes.	} 191
New York New Jersey Pennsylvania and Connecticut	} Commission of the same Date, for Trying such Pirates as shall be taken and carried into His Majesty's Provinces of New York, New Jersey, Pennsylvania, and Colony of Connecticut.	} 195
Leeward Islands	} Commission of the same Date, for Trying such Pirates, as shall be taken and carried into His Majesty's Leeward Islands.	} 200
Island of Jamaica	} Commission of the same Date, for Trying such Pirates, as shall be taken and carried into His	} 205

Majesty's Island of
Jamaica.

Provinces of South Carolina and Georgia	Commission of the same Date, for Trying such Pirates, as shall be taken, and carried into His Majesty's Provinces of South Carolina and Georgia.	209
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Massachusetts Bay, New Hampshire and Rhode Island	Commission of the same Date, for Trying such Pirates, as shall be taken, and carried into His Majesty's Provinces of the Massachusetts Bay and New Hampshire, and Colony of Rhode Island.	214
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Sir,

The <i>Danae</i>	sailed 6th May 1762 for Jamaica and Leeward Islands.
<i>Gosport</i>	7 April 1762 for Virginia and Maryland.
<i>Launceston</i>	7 April 1762 New England.

but cannot find out how the Pacquets to Nova Scotia and Newfoundland were conveyed.

[1] Public Record Office, Admiralty, 1:3679. The note of March 10, 1762, and the list of commissions, were enclosures in the note of Aug. 26, 1772. The writer, Samuel Seddon, was solicitor to the Admiralty. John Cleveland, to whom the earlier letter was addressed, was secretary to that body from 1751 to 1763; Philip Stephens, from 1763 to 1795. For these commissions to try pirates, see [doc. no. 51, note 2](#), and [doc. no. 106, note 1](#). The death of George II. and the accession of George III., 1760, made necessary the issue of new commissions. The persons included in the commission were, in each case, the governor, the vice-admiral, flag-officers, and commander-in-chief of any squadron within the admiralty jurisdiction of the colony, its lieutenant-governor and council, the chief civil judge, the judge of the vice-admiralty, the captains and commanders of royal ships within the jurisdiction, the secretary of the colony, the surveyor general of customs, and the collector of plantation duties. *Acts of the Privy Council, Colonial*, IV. 485-487; John Adams, *Works*, IX. 628.

[2] The figures refer to pages in the appropriate volume of the registers of the High Court of Admiralty.

202. Articles of Agreement; the Mars. June 23, 1762.^[1]

New-York, June 25, 1762. Articles of Agreement Made and Agreed upon, Between Capt. Dennis M'Gillycuddy,^[2] Commander of the Privateer Brigantine, call'd, the Mars, and Company. (Printed by H. Gaine, in Hanover-Square.)^[3]

Imprimis, That the said Dennis McGillycuddy, for himself, and in Behalf of the Owners of the Privateer, shall put on board the said Brigantine a sufficient Number of Great Guns, Small Arms, Powder, Shot, and all other necessary warlike Stores and Ammunition; as also, suitable Provisions sufficient for the said Brigantine, during the whole Cruize; which Cruize is to be understood to be from the time of the said Brigantine's sailing from the Port of New York, until the Time of her returning thither

again, for which there shall be no Deduction made out of the said Company's Shares: And in Consideration thereof, the Owner of the said Brigantine or his substitutes, shall have and receive *One Half* of all Prizes, Goods, Wares, Merchandizes, Monies, Effects, etc. that shall be taken during this Cruize; the other *Half* shall be divided, and paid to the said Brigantine's Company, by the Captain aforesaid, according to the Rules hereafter stated.

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II. That the Captain shall have and receive, for himself, *Six Full Shares*, and shall be granted all Privileges and Freedoms which have been granted any Captains of Privateers: That the Lieutenants and Master, shall each of them have *Three Full Shares*, That the Captain's Clerk, Mates, Steward, Prize-Master, Gunner, Boatswain, Carpenter, and Cooper, shall each of them have and receive, *Two Full Shares*. That the Gunner's Mate, Boatswain's Mate, Doctor's Mate, Carpenter's Mate, and Cooper's Mate, shall each of them have and receive *One Share and a Half*.

III. That the doctor of the said Privateer, or whoever is at the Expence of the Chest of Medicines, shall have and receive the Sum of — Pounds, if well furnished. Also the doctor shall have and receive for himself *Three Full Shares*, as also all Medicines and Instruments belonging to any Doctor that shall be taken.

IV. That if any Person spies a Sail, and she proves to be a Prize worth One Hundred Pieces of Eight a Share, he shall receive Forty Pieces of Eight at Six Shillings. And the first Man who enters on boarding a Prize in an engagement, and strikes her Colours, shall receive Half a Share for his Bravery.

V. That all the rest of the said Brigantine's Company, such as shall be deemed able and sufficient Seamen, shall each of them have and receive *One Full Share*, out of the Effects, Plunder and Prizes, that shall or may be taken by the said Brigantine during the Cruize, Provided, They are not found guilty of the Faults or Crimes hereafter named.

VI. That as to the Proceedings of the Vessel, and undertaking any Enterprize at Sea, or on Shore, and into what Port any Prize shall be Carried that shall be taken during the Cruize, shall be left entirely to the Captain's Election.

VII. That whoever of the Company shall breed a Mutiny or Disturbance, or strike his Fellow, or shall Game with Cards or Dice for Money, or any Thing of Value, or shall sell any strong Liquors on board, during the Voyage, he or they shall be fined as the Captain and Officers shall direct. And if any of the Company be found pilfering or stealing any Money or Goods of what kind soever, belonging to the said Privateer or Company, he or they shall forfeit his or their Share or Shares of the Prize-Money or Effects then and afterwards taken by the said Brigantine, during the whole Cruize, to the Owner and Company.

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VIII. That if any of the Company in an Engagement with the Enemy, or in the true Service of the Cruize, shall lose a Leg or an Arm, or be so disabled as to be deprived of the Use of either; every such Person shall be allowed out of the effects or Prize first taken, (before any Division be made) the Sum of *Six Hundred Pieces of Eight*, at Six Shillings; or the Value thereof in Goods, at the Price according to public Sale: But if there be not so much taken at that Time, the vessel and Company shall keep out till they have enough for that Purpose; Provided no extraordinary Accident happens.

IX. That all the small Plunder, shall be brought to publick Sale, and be delivered to the highest Bidder, for which their Shares shall be accountable, excepting the Captain's Perquisites, which are such as did belong to the Captains of Prizes, and such Clothing as the Captain shall think proper to allow the Prisoners.

X. That if any Person belonging to the said Brigantine, be killed in an Engagement, or die on board, his Share or Shares, of all Prizes taken in his Life-Time, shall be paid to his Executors, if so appointed by Will; but if no Will be made, then his Part of what was got as aforesaid shall go to his Widow, or Heirs at Law, if claim'd in Twelve Months, from the Time of the said Brigantine's Arrival into her commission'd Port; and on Failure thereof, said Share or Shares shall be and belong to the general Interest of the Whole.

XI. That if any of the Company do disannul any of the Officers Commands for the Good of the Cruize, or the general Interest, he or they shall be fined and punished as the Captain and Officers shall direct. And if any of the Company do Assault, Strike or Insult any Male Prisoner, or behave rudely or indecently to any Female Prisoner, he or they shall be punished as the Captain and Officers shall direct. And if any of the Company begin an Attack, either by firing a Gun, or using any Instrument of War, before Orders be given, by the proper Officers, he or they shall be punished; but if any of the said Company do refuse to make an Attack on the Enemy, either at Sea or Land, at the Command and in the Manner ordered by the Captain and proper Officers, or do behave with Cowardice in any Engagement, he or them shall forfeit his or their Share or Shares for such Refusal or Cowardice; and if any of the Company get drunk, or use blasphemous and prophane Words, they shall be punished as the Captain and Officers shall direct: And likewise if any of the Company

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do desert the said Schooner before her Return to New-York, he or they shall forfeit their whole Shares to the Owner and Company, first paying such Brigantine's Debts as are contracted by the Captain's Knowledge.

XII. That at the Division of any Money or Effects taken this Cruize, — Dead Shares shall be deducted out of the Whole, which shall be divided by the — amongst the most Deserving and them that does most for the benefit of the Cruize.

XIII. That any Prize or Prizes that shall be taken during the Cruize, shall be with all Speed sent into the Port of New-York, in order that the same may be libelled against in the Court of Admiralty for Condemnation, and to no other Place whatsoever, except said Prize shall be so disabled that she could not proceed to said Port: And any Person or Persons which shall be aiding or assisting, or shall give his or their Consent for sending any Prize or Prizes, into any other Port but the Harbour of New-York aforesaid, shall forfeit his or their Share to the Owner and Company; and that no Division shall be made till they return to the Port of New-York.

XIV. That in Case any neutral Property, or any Property whatever, be taken and sent into Port, and after Condemnation be had, an Appeal should be entered by the Claimants, then, and in such Case, it shall be Lawful with the full Consent of the Captain and Company of the said Privateer, for the Owner, or his Attorney, to compromise, compound, and settle, by giving up any Sum or Part of the Prize, as shall seem most advisable to him for the general Interest, that the Captain and Company may receive each and every one of them their just and lawful Right and Prize-Money, and not be kept out of their Money until the Appeal may be determined in England; and in Case no such Compromisation can be made, then a certain Sum, shall be lodged out of the Prizes before taken, to prosecute the said Appeal: And it shall likewise be lawful for the Owner or Agent of the said Privateer to discharge any Capture that may be made during his said Cruize, without the formality of a Prosecution, in order that all unnecessary Charges may as much as possible be avoided.

XV. That it shall not be lawful for the said Officers and Company, or either of them, to demand or sue for the Prize-Money so to become due to them, or any Part thereof, until fourteen Days after the Sale of such Prize or Prizes, the Settlement of the Accounts relating to the said Cruize, and the actual Receipt of the Money by the Agent appointed to manage the Affairs of the said Cruize.

XVI. That if it should happen, that the said Briganteen, by Means of any Fight, Attack, or Engagement, be lost, sunk or disabled, so as she may be thereby rendered unfit for any further Service as a private Vessel of War to cruize; that then, and in such Case, the owner of said Brigantine, shall be entitled to take to himself, and for his own sole Use and Property, any Ship or Vessel taken during the Cruize, with her Guns, Tackle, Furniture, Ammunition and Apparel, not exceeding the Value of the Brigantine at the Time of her Sailing; which Ship or Vessel so taken shall be to the Owner in Lieu of the said Brigantine.

XVII. That in Case of the Death of the Commander, the next in Place shall strictly observe and comply with the Rules, Orders, Restrictions and Agreements, between the owner of the said Brigantine and the said Commander.

God Save the King, and Success to the *Mars*, and all her brave Crew.

[1] Printed broadside, 20 by 16 inches, preserved among the papers of the New York vice-admiralty court, no. 85 in the "large book". It bears near the heading a picture of two vessels, with the legend, "Success to the Brigantine *Mars*." With these elaborate articles of agreement may be compared the articles of agreement, substantially similar, of the Rhode Island privateer *Defiance*, 1756, in the *Newport Historical Magazine*, II. 198-204, or those of the *General Washington* and the *Belisarius*, 1781, presented in facsimile in the *N.Y. Geneal. and Biog. Record*, LIII. 349-351.

[2] The *Mars* came in on Apr. 21 from a previous cruise, under the same captain. *New York Mercury*, Apr. 26, 1762. May 22, the vice-admiralty court pronounced a decree in a suit brought by her commander, as libellant, against the prize snow *Johnson*. July 2, we find him, as owner of the *Mars*, 16 guns, petitioning for a fresh commission as commander of her. *Cal. Hist. MSS. N.Y.*, II. 732, 734. "On Monday last [July 5] sailed from the Hook, on a Cruize against his Majesty's Enemies, the Privateer Brig *Mars*, Capt. McGillycuddy"; *Mercury*, July 12. The issues of Oct. 18 and Nov. 29 show that she made many prizes, but lost her captain.

[3] Hugh Gaine, the celebrated printer of the *New York Mercury*,

203. *Certificate of a Negro's Freedom. June 26, 1762.*^[1]

Je Soussigné Certifie que le negre apellé laville, qui se trouve actuellement prisonnier à la nouvelle York, Est Libre de naissance, Pour l'avoir veu et connu à St. Domingue travailliant de son metier de charpentier, Et si le petit negre qui a Eté pris avec luy est son neveu comme il l'atteste, il est aussy libre, D'autant plus que le pere et la mere dud. negre laville sont aussy affranchis, En foy de quoy jay signé le present certificat, que jatteste veritable a la nouvelle York le 26e juin 1762.

(Translation)

The undersigned certifies that the negro called Laville, now prisoner in New York, is free born, having seen him and known him at St. Domingo where he was working at his trade as carpenter, and if the little negro captured with him is his nephew as he declares, it is incontestable that he also is free, the more so that the father and mother of the said negro Laville are also freed people. In testimony whereof I have signed the present certificate, which I attest as authentic. New York June 26, 1762.

[1] From the papers of the New York vice-admiralty court, book III. The document is not signed, but a translation written on the back of it is signed Lagardien, to which is added a note: "Mons. Lagardien is a Gentleman of an Estate near the Cape [*i.e.*, Cap François] in St. Domingo and came hither for his Health about the latter End of Octob. last". July 24, the provincial council gives a pass to "Mons. De Laugardiere" to proceed to Bristol, England, in the snow *Belle Sauvage*. *Cal. Hist. MSS. N.Y.*, II. 734. Judge Hough informs me that, negroes found on captured vessels being often sold as prize, attempts to obtain their freedom, as in the present case, were often made, and that these attempts were usually unsuccessful in the earlier period of the court's existence, successful in the later.

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