Among Ships of Thieves on Waves of Change

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Over the past few decades maritime historians have focused on pirates operating in the Caribbean Sea during the early eighteenth century. Historians such as Marcus Rediker, David Cordingly, Peter Leeson, and Angus Konstram examined pirates during this "Golden Age of Piracy."[1] They popularized the idea that the shipboard life of these maritime predators was quite egalitarian and democratic, especially when contrasted with contemporary Western social and cultural structures in ports as well as on board naval and merchant ships. This era of piracy has captivated popular culture throughout the last century and a half through the ever expanding matrix of literature and film. However, another period of major pirate activity in the Gulf of Mexico and Caribbean Sea that reverberated across the Atlantic world during the first decades of the early nineteenth century has largely been neglected both by maritime historians and the public.

To date some scholars have explored the economic, political, military, legal, and systematic aspects of Atlantic world privateering, piracy, and the Anglo-American naval response to it during the early nineteenth century.[2] Nevertheless, much work still remains to be done to more fully understand this complex period of nautical crime and the sailors who contributed to it.[3] A better understanding of these maritime criminals might be found in examining the sociocultural structures on board pirate vessels in the early nineteenth century from the perspective of these pirates.

The definition of the term "structures" varies, but it is nonetheless one of the most fundamental concepts in the social sciences.[4] William Sewell's use of the term structures incorporates both cultural and social aspects keeping it from being too rigid and constant. According to Sewell, structures "are sets of mutually sustaining schemas [or rules] and resources that empower and constrain social action and that tend to be reproduced by social action."[5] Rediker chronicled the structures, or social order, on board pirate vessels during the eighteenth century over the past thirty five years providing better insights into this form of crime.[6] Remarkably, even one hundred years later many of these same structures appear unchanged on pirate ships in the Gulf and Caribbean. Early nineteenth century privateer and pirate vessels were made up of sailors who were cosmopolitan, egalitarian, and democratic.[7]

One of the challenges with analyzing the social and cultural aspects of pirates during this period is the potential of bias in the available primary source material as well as the lack of documents from the maritime criminals themselves. Scattered evidence found throughout nineteenth century ships logs, diaries, court testimony, trial pamphlets, confessions, newspaper and magazine reports, government documents, memoirs, autobiographies, captivity narratives, cultural material, and literature certainly is not lacking. Nevertheless, the Spanish, American, and British journalists who regularly reported acts of piracy throughout the Atlantic world

occasionally produced sensationalized stories, reported inaccurately, and in a few cases had agendas to sway governments to act in the policy they supported editorially.[8] Moreover, very little of the documentary evidence comes directly from the maritime criminals themselves other than what was occasionally recorded in court testimony or on the night before their execution.[9] Despite some of the problems sources like these present, the shear amount of documentation created through print capitalism and the legal system does make it possible to analyze early nineteenth century pirates through careful examination. Regardless of bias, one thing the sources during this time have in common is how they perceived pirates as acting outside the law of all nations. Indeed, this was the case dating as far back as ancient Rome.

Over 2,000 years ago an unnamed sailor accused of piracy was brought before the Macedonian King and conqueror of the Orient, Alexander the Great. As the Roman orator Marcus Tullius Cicero told it, when Alexander asked the pirate "by what right he dared infest the sea with his little brigantine," the pirate replied, "By the same right which is your warrant for conquering the world."[10] Religious philosophers and political scientists from St. Augustine to Noam Chomsky have used this telling of a pirate pointing out the hypocrisy of a government's monopoly of force to comment on the nature and legitimacy of state power.[11] As the distinguished political scientist John Mearsheimer concludes "power lies at the heart of international politics," and nation states often "seek to maximize its own share of world power."[12] For nation states pirates, at least rhetorically, represented the antithesis to the hegemony they sought, something not bound by its governing laws and operating outside the natural order of the world.

Even two millennium ago Roman statesmen like Cicero reserved the Latin term *communis hostis omnium*, or the common enemy of all, for pirates.[13] Jurists still used the Latin term *hostis humani generis*, or the enemies of all mankind, to describe pirates well into the first decade of the nineteenth century. In the opening statements of a trial of piracy held in a Boston court in 1809 the prosecutor stated "It is an offence against the Law of Nations, a Pirate being considered, according to the same author, as Hostis humani generis, for having renounced all the benefits of society, and reduced himself to a state of nature, by declaring war against all mankind."[14]

However, the very idea of what constituted a nation and who had the authority to create one was in flux throughout this period. Profound geopolitical and social upheaval plagued the Atlantic world in the first few decades of the nineteenth century as a result of the Napoleonic War, Haitian Revolution, Anglo-American banning of the transatlantic slave trade, Latin American Wars of Independence, and the rise of the modern nation state and politics. More specifically the revolutions spanning from 1775 to 1824 changed the Atlantic world "beyond recognition."[15] In some ways they all also contributed to the explosion of piracy in the first thirty violent years of the nineteenth century.

The Age of Atlantic Revolutions helped to usher in a new way people accepted authority and governance, and was a period of "racial, economic, social, and political change across the Atlantic world."[16] Arguably, the loss in the legitimacy of divinely ordained hereditary rights

brought about by the American and French Revolutions, coupled with the rise of print capitalism, altered the very concept of what gave validity to nation states. In particular, how the peoples of the Americas identified with nationality as a social construct changed.[17] This is conceivably reflected in how pirates were described in an 1822 issue of the *Bermuda Gazette* not as "enemies of all mankind" as beforehand, but as "enemies of all nations."[18] The rise of nationality as a social construct contributed to the capsizing of the old world order in the Americas. In its place old ideas were righted with mass communicable ones of the Enlightenment through print. As a result new nation states sprung up in unexpected places.

In 1791 William Augustus Bowles, a loyalist from Maryland who fought during the American Revolution and became a belligerent Indian trader against Spanish interests, began the process of carving a new nation out from the southeastern United States. For nearly two decades Bowles cobbled together support from white, black, and Indian allies.[19] After attacking a Panton, Leslie, & Company warehouse along the St. Marks River and sacking Spanish Fort San Marcos de Apalache, in 1802 he declared himself the elected Director General of the very short lived State of Muskogee.[20] In 1800 Bowles's State of Muskogee even declared war against Spain.[21] Shortly after this on January 1, 1804 following the end of the Haitian Revolution, a group of former slaves of African-descent turned revolutionary generals declared independence and formed the first free black republic in history as a new nation called Haiti.[22] In 1810 a group of Americans took over a Spanish garrison in Louisiana and declared the new independent nation of the West Florida Republic.[23] Seven years later the independent nation of the Republic of Two Florida's was declared by the Scottish filibuster Gregor McGregor and French veteran Louis Michel Aury on Amelia Island.[24] Although two of these "new nations" had a very brief existence, during the first two decades of the nineteenth century numerous other republics throughout Central and South America declared independence from Spain during the Spanish American Revolutions that lasted until 1825.[25] Although Europe's colonial empire did not end as these revolutions swept across the Americas, key elements of its conception were forever transformed.[26] Even though each of these new nations had complex differences they nearly all used privateers to help wage their wars.

Letters of marque, or commissions as they were known by the nineteenth century, were issued by governments to privately armed vessels called privateers to attack the merchant ships of a nation they were at war with.[27] In some respects it was state-sanctioned piracy giving those who carried them some legal coverage which, until the 1850s, was accepted as a legitimate form of warfare by the major sea powers.[28] A legislative and judicial process regulated how captured crews were to be treated, and how vessels and their cargo would be divided between the privateer and country that commissioned them.[29] The Spanish, American, French, Dutch, and British governments regularly issued commissions throughout the American Revolution, Quasi-War, Napoleonic War, and War of 1812.[30]

After these conflicts ended by 1815 there were essentially three kinds of maritime predators still prowling the Gulf and Caribbean: patriot (or insurgent) privateers with commissions from new Spanish American republics, Spanish privateers with commissions from Spain, and

pirates.[31] Obtaining a commission had great advantages, because when privateers were charged with piracy in U.S. courts, their commissions helped in their legal defense and many walked away free men.[32] Pirates simply lacked commissions, and therefore were not subject to government regulations or the legal protections that they afforded in court. As the enemies of all nations, the nationalities of captured pirates did not matter and they could be tried by the courts of the country which captured them.

This period in particular witnessed one of the worst outbreaks of piracy in the Western Hemisphere in over a century.[33] And as piracy increased, defining who was a pirate became more difficult. The legitimacy of privateers used by new nations was often contested by the stronger powers since the flags of the republics they sailed under lacked formal international recognition. The reluctance of both the British and American governments to formally recognize the newly independent Latin American republics at first was primarily because of economic and geopolitical considerations.[34] The documents, organization, and whether a state recognized a nation's right to issue the commissions that separated privateers from pirates during this time was sometimes their only difference.

William Augustus Bowles issued "official" commissions from the State of Muskogee to his privateers after he declared war exclusively against Spain and even established his own Admiralty Court to adjudicate prizes.[35] Yet, Spanish authorities considered him and his vessels nothing more than pirates. In a letter the Governor of Yucatan wrote to the Spanish Minister of State in 1802 he noted that they were searching for "two pirate ships of Bowles on the coast of Apalachee."[36] Spanish authorities felt the same way towards American privateers sailing out of Baltimore with commissions from the newly formed nations that were in revolt. In 1816 the Spanish ambassador told Secretary of State John Quincy Adams that "they had no Government; they were mere robbers and pirates- they could have no flag."[37] He had good reason to complain about recent attacks, because not even official Spanish government correspondence was safe from the pirates and privateers in the Gulf during the time of revolution. In 1817 the governor of Yucatan, Miguel Castro Arroz, complained to the Viceroy of New Spain, Don Juan Ruiz de Apodaca, that a letter he sent back in July to Campeche "has been captured by pirates infesting the heart" of Veracruz.[38] As a result mail had to be taken overland at a much slower pace, or had to wait to be escorted by warships.[39] A few years later even Adams himself described Spanish privateers as "only distinguishable from pirates by commissions of the most equivocal character, from Spanish officers, whose authority to issue them has never been shown."[40] Captain Richard Cleveland noted on his first voyage aboard his merchantman brig *Caroline* that privateers were "more to be dreaded" than gales, and that Spanish and French privateers "which had frequented the track we were passing, and whose

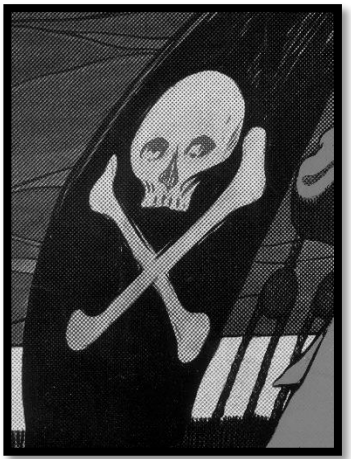

Figure 1. Detail from F.H. Losey. Under the Black Flag (sheet music). Williamsport: Vandersloot Music, 1908.

conduct, in many instances, to defencesless merchant vessels, had nearly equaled that of ancient buccaneers."[41] He was later attacked by French privateers, but luckily was released unharmed.[42] U.S. naval officers in the anti-piracy squadron that patrolled the Gulf and Caribbean throughout the 1820s echoed these sentiments towards patriot (or according to the Spanish 'insurgent') privateers.[43] Newspaper accounts also lamented privateers. The *Niles' Weekly Register* noted that "We are disgusted too with the frequent account of villainous acts committed under the independent flags… At present, any set of depredators seem to use what flag they please, making commissions for themselves or accepting them from any one."[44] The *Philadelphia Register* commented that "The pirates generally commit their depredations under the flag of some of the South American governments, and thus injure, in the opinion of mankind, the cause of the Patriots. It is seen with great regret that some of these plunderers are Americans, who seize indiscriminately upon the vessels of all nations…"[45]

Some scholars argue that there was a clear distinction between privateers and pirates during this time since commissions stipulated that those who carried them were to attack only merchant vessels of nations with which their governments were officially at war. David Head, for example, called Baltimore privateers from 1816-1820 "a different kind of maritime predation" by concluding that "their business was highly organized and it attracted the mainstream of the city's merchant community."[46] Nevertheless, not all privateers acted within the framework of their commissions.[47] Although privateers from Baltimore may have had organization and support from merchants and some government officials, much like gangsters within an organized crime syndicate (i.e. mafia), it did not mean that they never broke the rules. Sometimes privateers ignored the rules altogether and others simply saw regulations as too strict. Baltimore privateers disliked the regulations of United States commissions so much during the War of 1812 it was part of the reason that they decided to work for the Latin American countries in revolt instead.[48]

While governments tried to temper violence committed by privateers with commissions against captured crews, they could not really enforce it. In Rear Admiral Charles Wilkes memoirs he recalled the story of a privateer ship firing on civilians when he was a midshipman serving onboard *USS Waterwitch* on a cruise around South America in 1823 during the Spanish Wars of Independence. Wilkes wrote that "…one of the [Patriot] small war vessels came into the anchorage and fired on the town, entirely defenseless, and recklessly directing his fire at women and children who were escaping to the hills. This vessel was commanded by a red headed Englishman of low character."[49] The *New England Farmer* reported on the execution of a sailor for piracy who served on a privateer ship named Johnson in Barbados. The article read that "a Columbian privateer had captured a Spanish brig and put a crew on board with orders to proceed to Laguira. Johnson was one of these, and he and the prize master murdered at different times the whole crew except two… On being asked at Barbadoes where the different persons of the crew were, he without hesitation answered, 'I shot them.'"[50] Furthermore, so long as it was advantageous for a nation state's own ends of achieving hegemony they were usually tolerated.[51]

Privateers and pirates were especially adept at trying to circumvent the law by falsifying commissions and navigating the legal and political complexities created by international

borders.[52] Pirates like Jean Laffite who operated throughout the Gulf for nearly two decades clearly understood the benefits of carrying commissions, even if they were not genuine. In 1809 Laffite used forged commissions or ones no longer valid to plunder vessels in the Gulf of Mexico.[53] During the 1827 trial of four sailors who were charged with committing murder and piracy on board the brig *Crawford*, one of the witnesses stated that a pirate among them who committed dozens of murders named Alexander Tardy showed him the "false papers obtained in Havana for the vessel, and said they cost him $25 dollars."[54] Maritime criminals operating off the coast of Cuba and Puerto Rico in the 1820s knew they could escape to the safety afforded by the shores since the U.S. naval vessels did not have permission to pursue them there.[55] Privateers from Baltimore were not the only ones with organized networks and direct support from the merchants and magistrates back on land. Aaron Smith, an English sailor tried for piracy in a British court in 1823, claimed he observed pirates pay off government officials in Cuba and that local fishermen provided them with intelligence on the movement of warships.[56] A U.S. naval commander mentioned that locals alerted a "nest of pirates at Cape Cruz" when the Americans were about to attack. "Even the children, who were too young to fight," he recalled, "helped the old men light the signal fires, to give notice of the approach of the Americans."[57] Moreover, cases of privateer crews simply mutinying when commissions or captains were too restrictive and raising the red flag are documented.[58] The convicted pirate James Jeffers claimed that he became a pirate when the privateer crew aboard the schooner *Maria* he served on during the Latin American Wars of Independence mutinied off Florida's Gulf Coast in 1816.[59] The line between pirate and privateer ships could therefore be very thin much like it was a century before.[60] They also tended to share certain structures regardless of what kind of flag they flew on their mast, and they both were inextricably linked to the illegal slave trade.

In 2007 several miles off the coast of Louisiana a remotely operated vehicle (ROV) descended into the deep blackness of the Gulf of Mexico. Tethered from the surface by the 264 foot long research vessel *Toisa Vigilant*, when the ROV approached a depth of 4,000 feet its onboard lights brought the bottom into view. Teams of underwater archaeologists watched from the live video feed onboard *Toisa Vigilant* and from remote sites back on land as the remains of an early nineteenth century shipwreck came into view for the first time in almost two hundred years.[61] Known as the Mardi Gras Shipwreck site, archaeologists think that this very well could be the remains of a privateer or pirate ship that sank sometime around 1815 or 1820.[62] Underwater archaeologists recovered several hundred artifacts with the ROV from this deep water site including objects made of glass, ceramics, metals, organics, arms, munitions, and navigational instruments. The incredibly well preserved artifact assemblage represented the material culture of several different nations including Great Britain, France, Mexico, Spain, and the United States.[63] Due to the wide variety of material culture analyzed archaeologists could not "assign a nationality to the vessel or crew," and they noted in their final report that it "exemplifies the international character of the Gulf of Mexico during the early nineteenth century."[64] Indeed, pirate and privateer ships in particular were manned with cosmopolitan crews capable of speaking several languages across the Atlantic world.

Throughout the history of the Atlantic world mariners were often made up of motley, or multiethnic, crews.[65] According to Ira Berlin "Atlantic creoles" were multilingual middlemen of African descent who maintained social and economic fluidity wherever they landed.[66] It is no coincidence that one of the examples Berlin uses as the embodiment of an Atlantic creole was a former sailor of African-descent named Captain Francisco Menendez. While he later served as the captain of the all free black settlement of Fort Mose outside St. Augustine, Menendez also spent time serving on a Spanish privateer ship.[67] Throughout the eighteenth century sailors in general were made up of motley crews from across the globe.[68] People of African, European, and Native American descent served on board the same vessels and forged their own maritime culture.

Throughout the early nineteenth century privateer and pirate ships were cosmopolitan wooden worlds of their own.[69] William Augustus Bowles's pirate ships carried a mixture of whites, blacks, and Indians.[70] On Jean Laffite's pirate vessel *La Diligent* the crew was made up of mariners from France, Germany, Italy, San Domingue, Greece, Portugal, Buenos Aires, England, Holland, Mexico, Guatemala, and the United States.[71] Large numbers of black crews on board French privateers were mentioned in both British and Spanish documents from San Domingue, and one "which operated near Cuba was even commanded by a free man of color."[72] "French negroes" serving on patriot privateer ships along with a mixture of other sailors were common in the early nineteenth century. A captured sailor charged with piracy by the Spanish in 1816 named Ignacio told local magistrates "that the majority of seamen on board were 'of color.'"[73] "French negroes," who were of African-descent and mostly from San Domingue, "usually spoke two or three of the languages of the Atlantic Empires: Spanish, French, Creole, English, or Dutch."[74]

Privateers sailing out of Baltimore were also made up of motley crews who often spoke numerous languages.[75] George Little, who served on a privateer ship in 1812, wrote that "The crew were a motley set indeed, composed of all nations: they appeared to have been scraped together from the lowest dens of wretchedness and vice…"[76] Privateers fitted out at southeastern ports were multiethnic as well. The privateer vessel *Anita*, which captured the Spanish ship *La Perla y Dolores* and brought it to Mobile, Alabama in 1825 for adjudication, had a motley crew on board. According to a sworn affidavit given by the captain of the prize vessel in a libel case, "Alexander Hale was the captain of the privateer, that there was on board fifty men, officers and men- Frenchmen- Spaniards and Americans, that they all spoke English, that the officers were Creoles of New Orleans."[77] This was also common on pirate ships throughout the 1810s. A court case held in Boston in 1818 tried and convicted four pirates, all of different nationalities for their role in taking the schooner *Plattsburg*.[78] In their confessions published in 1819 each pirate claimed they were from a different nation including Canada, Minorca, Denmark, and Sweden.[79] Pirate vessels operating into the 1820s off the coast of Cuba were no different. Maritime historian Matthew McCarthy claims that "Spaniards were the principal perpetrators of those coastal raids."[80] Indeed there were many instances of whole pirate crews being made up of entirely Spanish sounding names as McCarthy points out, but there were still motley crews

operating among them.[81] Aaron Smith indicates in his captivity narrative that the captain was a mestizo who spoke English.[82] Smith himself was an Englishman. In another pirate captivity narrative by Lucretia Parker, who was captured by pirates off the coast of Cuba in 1822, she recalled that the pirates she was abducted by were a "motley crew of desperadoes" and singled out an Englishman among them.[83] A number of newspaper articles in both American and British sources specifically mention "motley crews" on board pirate vessels off the coast of Cuba throughout the 1820s.[84] For example, an 1822 issue of the British paper *The Bermudian* reported an incident of a merchant ship being attacked by a pirate schooner "commanded by a white man with a mixed crew of colour and countries, among whom were English or Americans."[85] Another article printed in the same issue stated that the pirate ship *Heroine* was captured by a Portuguese frigate. The pirate "crew consisted of the following nations: 1 African, 1 Austrian, 1 Greek, 1 French, 6 Spaniards, 26 South Americans, 2 Dutchmen, 42 Englishmen, 19 Americans, 4 East Indians, 7 Italians, 1 Portuguese, 2 Prussians, 1 Russian, 3 Swedes – in all 126 men."[86] The execution of ten pirates in front of Cadiz Harbor in 1829 included a group of Brazilians, Portuguese, Frenchmen, and Spaniards.[87] They were all captured off the coast of Cuba. According to merchant ship Captain Jacob Dunham, when his vessel *Felicity* was boarded and robbed by pirates off the coast of Cuba in 1823 their crew consisted of a group of Spaniards, Portuguese, and French.[88] Theodore Conneau, a sailor who eventually became the captain of a slaver, was attacked by pirates after wrecking on the coast of Cuba in 1824 and forced to work as their cook and carpenter. He claimed that the gang of pirates he lived with along the coast of Cuba was a group of Spaniards and Frenchmen.[89] Conneau also claimed that the privateer schooner *Carabobo* that pressed him into service for a short time as navigator had a "crew of seventy-five, composed of the scourings of all nations, castes, and colors."[90] The captain of this privateer vessel with a commission of Cartagena was from France, while the lieutenant "was a creole of Pensacola."[91]

Lloyd's List also reported multi-ethnic crews operating in the Gulf and Caribbean during this time. A report from Kingston, Jamaica from 1822 mentioned in *Lloyd's List* stated a vessel "was boarded and plundered, off the north side of St. Domingo, by a low Spanish built Schooner, armed with one 6-pounder and eight men (six Spaniards, and two English or Americans.)"[92] Another incident from Kingston in 1823 published in *Lloyd's* noted that a vessel off Puerto Rico was attacked by a "piratical schooner." This pirate or privateer was described as "a black foretopsail Schooner, about 50 tons, having an 18-pounder amidships, with a crew of all nations."[93] Throughout the early nineteenth century pirates during this time were just as multiethnic and multilingual as a century before.

In Marcus Rediker's book *Outlaws of the Atlantic* he concludes that eighteenth century "pirates express the collectivistic ethos of life at sea by the egalitarian and comradely distribution of life chances, the refusal to grant privilege or exemption from danger, and the just allocation of shares."[94] Scattered evidence suggests that at least the equal distribution of pay was common among pirates into the early nineteenth century. This was a radical departure from the pay systems on board naval, merchant, and privateer ships. On these types of vessels sailors received

wages as well as shares solely based on their particular jobs; and they were vastly unequal according to the division of labor.[95]

In fact, some sailors in the early nineteenth century complained of not being paid enough or paid at all, leading them to turn to piracy or privateer vessels. In the confession of the convicted pirate John Williams he noted that when he served on a privateer ship he was never paid for his service. When he finally asked for his money he claimed the captain threw him in jail. Williams concluded, "This is all I got for my service on board the patriot brig."[96] Money or the lack thereof was not surprisingly of great concern to pirates. After all, it is what really motivated them. Aaron Smith claimed that the pirate captain exclaimed, "I am poor, and your countrymen and the Americans have made me so; I know there is more money, and I will either have it or burn you and your vessel."[97] Pirates were not the only ones to gripe over measly pay offered onboard naval, merchant, and privateer ships. According to the British maritime historian David Cordingly, in 1797 after years of complaining about pay and mistreatment the entire Royal channel fleet at Spithead made several demands, "above all, an increase in their wages, which had not changed since 1653."[98] In response the Admiralty arrested the ringleaders and charged them with mutiny. They were court martialed, found guilty, and hanged from the yardarm of a naval warship.[99] One of the witnesses on board the brig *Vineyard,* which was taken over by pirates in 1831, noted that the reason he left the merchant ship *Lexington* was because at $8 per month he "did not get wages enough."[100]

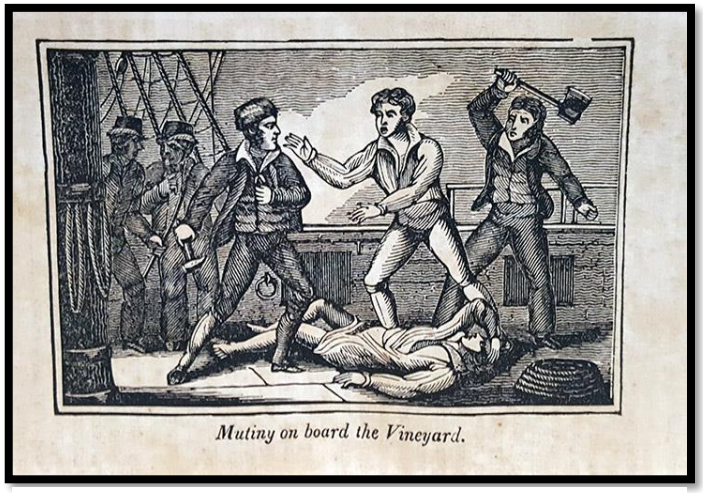

Figure 2. R. Thomas. An Authentic Account of the Most Remarkable Events. (Ezra Strong, New York: 1836.)

Pirate ships appear to have rejected this system of unequal pay between mariners. Evidence found in multiple sources suggests that some pirate ships in the early nineteenth century tended to distribute the spoils equally among the crew regardless of their position. The 1819 trial of piracy committed against the schooner *Plattsburg* revealed that the pirates split the money and "divided by hats and tin-pots, about $3000 dollars to a share."[101] In the 1821 piracy trial of Peter Heaman and Francois Guatiez the court found that "they divided the money, each getting $6300 dollars."[102] In Lucretia Parker's captivity narrative she stated when they reached the shore following the capture of *Eliza Ann* the pirates made "a division of the plunder."[103] The convicted pirate Nicholas Fernandez, who was hanged at Cadiz Harbor in 1829, stated in his confession that following the end of his second pirate cruise they all "shared each an equal portion of the proceeds."[104]

Of course, not all pirate crews found egalitarianism in pay. The 1819 case of the United States vs. John (Jean) Desfarges highlights how shares were distributed unequally among some of the

pirate crews sailing under the orders of Jean Laffite. According to documents revealed during the trial of piracy brought against the captain and crew of Jean Laffite's ship *Le Brave*, shares were distributed from descending order according to rank. One document signed by Jean Laffite himself stated that the captain of *Le Brave* was to receive six shares while common crewmen were to receive one.[105] Furthermore, in the 1835 case of the piratical schooner *Panda*, which robbed the brig *Mexican* of $20,000 dollars in 1832, court testimony of Joseph Perez, one of the pirates who turned states witness, said "they had the captain's orders to count out $5000, and leave it there for him- we left the $5000, and took away $6000, which was all that remained- this sum was divided among us… before the money was divided, we were told that the captain was going to divide it."[106] According to Perez the pirate captain Pedro Gibert distributed the money to the crew in unequal amounts.[107] Additionally, Aaron Smith claimed that the pirate captain "desired me to tell the crew that the amount was eight hundred dollars less than it really was."[108] Later Smith states that "discord, however, began to rear her head among this horde of savages. Someone insinuated that they had not been fairly dealt by, and that the captain had secreted large sums for himself."[109] Nevertheless, this statement indicates that the pirate crew had an expectation to be paid an equal share.

Pirates and privateers often did not locate the money they sought on board the vessels they captured, but instead had to settle for the goods packed in the holds destined for the global markets. As historian William C. Davis noted "this was the real plunder of pirates rather than the doubloons and jewels of fiction."[110] They generally had to sell the stolen goods, slaves, and ship supplies for bargains on the black market through their merchant contacts on land. Egalitarianism at least in pay and plunder appears to be the norm among early nineteenth century pirates.

In 1823 a Spanish sailor named Josef Perez was tried in the federal court of New York for his alleged role in committing acts of piracy against the American schooner *Bee* off the coast of Cuba. During the trial several witnesses were called to testify against him, including the captain of the *Bee*, Edward Johnson. In Captain Johnson's testimony he claimed that a group of twenty pirates, including Josef Perez, boarded his vessel after hailing them "with Buenos-Ayers' colours flying."[111] After boarding *Bee* the pirates began to threaten them with death if they did not reveal the location of the hidden money. Afterwards they beat and robbed them of the ship's cargo and personal items. When Johnson was asked the question during cross examination, "Did the prisoner appear to be a common sailor or an officer," he replied, "There was no officers."[112]

To a merchant captain like Edward Johnson a pirate crew might very well seem to lack officers among them, especially since they tended to make decisions by way of vote. Just like a century before, pirate crews in the early nineteenth century appear to have selected the officers. This was drastically different compared to how merchant, privateer, and naval ships were typically structured, where the crew had no say in who would hold the position of captain and officers. Herman Melville, the author of *Moby Dick*, served onboard the warship *USS United States* in the 1840s and wrote a fictionalized account based on his experiences called *White Jacket: Or The World in a Man-of-War*.[113] He perfectly summed up his views of the naval captain thus:

> For the ship is a bit of terra-firma cut off from the main; it is a state in itself; and the captain is king… The captain's word is law; he never speaks but in the imperative mood. When he stands on the quarter-deck at sea, he absolutely commands as far as the eye can reach. Only the moon and stars are beyond his jurisdiction. He is lord and master of the sun.[114]

Contrary to what Captain Edward Johnson may have thought, pirate ships in the early nineteenth century generally had captains and officers. An 1821 account of a Cuban-based pirate crew who captured the schooner *Emily* remarked that it had "four commanders."[115] A number of naval officers even recognized that pirate ships had captains. According to David Farragut, who served on *USS Greyhound* during the American anti-piracy patrol in 1823, two very well-known pirate captains named Diablito and Domingo operated off the coast of Cuba.[116] While Farragut stated that Diablito, or the little devil, was known for "his many atrocities," he noted that "there was something chivalric about" the pirate captain Domingo.[117] Commodore David Porter, who oversaw the anti-piracy operations in 1823, mentioned that during an amphibious assault they captured several pirates and "in one intricate cave were found various articles of plunder, and some human bones. Among the pirates captured, were two women, one of them the wife of the captain of the gang, who was then in prison in the interior of the island for burning an English brig."[118] In 1825 the *Niles' Weekly Register* published a letter from U.S. Captain Isaac McKeever. Captain McKeever reported on an engagement they had with pirates and stated "Among the prisoners are six wounded, one of whom is their chief, and calls himself Antonio Ripol."[119] In another report from the same year by Captain John D. Sloat, who commanded *USS Grampus*, he claimed that following a forty-five minute battle with a pirate sloop several of the pirates were wounded including "the famous piratical chief Cofrecinas [Robert Cofresi]."[120] Many Spaniards in Puerto Rico during the time considered Robert Cofresi a social bandit, as he reputedly shared some of the plunder with the poor.[121] An 1824 article printed in the *Gazetteer*, a newspaper published in Philadelphia, reported that two sailors "convicted of piracy on board the British ship Eliza, and American schooner Freemason" were executed in Port Royal. It made a point to state that "these men were both officers."[122]

However, even with a more structured hierarchy, pirate crews generally chose their captain from among their gang. The pirate James Jeffers claimed in his confession that he was selected by the pirate crew to be the captain.[123] In 1819 after most of the crew of the privateer ship *Irresistible* took shore leave it was commandeered by another privateer crew from *Creola*. They used *Irresistible* to attack ships on a cruise off the coast of San Domingue and Cuba, and in the process waded over the fine legal line between privateering and piracy.[124] A number of the crew involved in this incident were later captured and charged with piracy in a federal court. One of the questions asked of a witness during the trial was "who appointed the officers, and how?" The witness replied, "They were appointed by the crew of the *Creola*."[125] Moreover, pirate crews usually made decisions together. In the 1816 case of *Plattsburg*, after the pirates murdered the officers and took the vessel, they had to make a decision on where to sail the stolen ship.

According to the court trial, "a consultation was now held among the officers and crew where it would be best to carry the vessel."[126] The convicted pirate Nicholas Fernandez, who joined a pirate ship in 1824 in New Orleans, which operated off the shores of Cuba for a number of years with a thirty-four man crew, confessed "Having by mutual agreement disposed of our own vessel and divided stock, I entered with eleven of my most resolute companions on board the Brazilian brig *Defender de Pedra*, bound from Rio de Janeiro for the coast of Mina, where we safely arrived."[127] Fernandez and his "companions" eventually hijacked the Brazilian brig and turned it into a pirate ship. According to Fernandez they selected "from among our number as captain or chief of our gang."[128]

When it came to major decisions among the ship of thieves they generally all had a say in what happened. This was even true for acts of extreme violence. Nicholas Fernandez claimed in his confession that "as soon as we got a ship's crew in our power, a short consultation was held, and if it was the opinion of the majority that it would be better to take a life than to spare it, a single nod or wink from our captain was sufficient- regardless of age or sex, all entreaties for mercy were then made in vain."[129] Similarly, according to Aaron Smith when the pirate ship he was forced to serve on captured a merchant vessel, "A council was held to deliberate on the disposal of the prisoners… The debate was warm; part wished to put them to death and throw them overboard, and part, more merciful, wished that industry might be suffered to proceed, and take them with her… the later alternative was chosen, much to the dissatisfaction of the more sanguinary part."[130]

Figure 3. R. Thomas. An Authentic Account of the Most Remarkable Events. (Ezra Strong, New York: 1836.)

An 1823 issue of the *Niles' Weekly Register* reported that "The captain [Cayatano Aragonez] of the pirate vessel *Zaragozana* has been found guilty of piracy."[131] He was hanged with the rest of his crew on the same gallows at Port Royal. In life and in death pirate captains during the early nineteenth century generally accepted an equal status and fate among the rest of the crew. Just like one hundred years before, pirates in the early nineteenth century were floating democracies at sea; who often left death, destruction, and enslavement in their wake.

The fictional book *The Florida Pirate* centers around a protagonist named Manuel who joined a pirate ship to find "refuge upon the sea."[132] In the story, Manuel was of African-descent and sought refuge in the social order of a pirate ship because he was a runaway slave.[133] Originally published in the *Blackwood's Edinburgh Magazine* in 1821, from the time it was first printed until 1834 it went through nine different publications.[134] This popular story stayed relevant for such a long time because it dealt with two critical issues in American society: piracy and slavery.

The fact that enslaved African-Americans regularly served on sailing vessels is well documented by historian Jeffrey Bolster.[135] According to Bolster, in the early nineteenth century black men "filled about one-fifth of sailors' berths" out of the "more than 100,000 men" employed in American shipping per year.[136] People of African-descent, including former slaves, also served on privateer and pirate vessels throughout the early nineteenth century.[137] Nevertheless, during this time pirates were regularly involved in the international slave trade, both before and after the British and American governments banned the practice.

In 1801 William Augustus Bowles' raiders traveled down the "St. Johns River in pettiaugers," a type of vessel, "and stole forty-five slaves from the plantation of Francis Fatio."[138] From 1806 to 1809 the pirates Jean and Pierre Laffite attempted to establish a slave trading network in Pensacola. By 1809, after the British and American governments strictly regulated and then banned the international slave trade, the Laffite brothers started illegally smuggling slaves into Louisiana from San Domingue.[139] The Laffite's pirate ships even captured Spanish slavers off the Florida Straits on their way back from Africa in order to steal and then sell the unfortunate human cargo for their own profit.[140] That same year the pirate Louis Aury "unloaded 208 slaves at Grand Terre," the island in Barataria Bay that served as the Laffite's base of operations outside New Orleans.[141] Archaeologists located the site of the Laffite's base camp on Grand Terre Island in 1977. Not surprisingly, they did not find any buried treasure. Instead archaeologists found gunflints, ceramics, animal bones, and wooden boards that probably "represent the tangible remains of the docks, warehouses, and habitations of the inhabitants of the establishment."[142] Some of the remains of these structures likely held the enslaved people that they smuggled into the United States. The Laffite's continued their slave operations on Galveston Island after their base was destroyed at Grand Terre.

Historian David Head documented the prominent role French and Spanish privateers played in slave smuggling operations into the United States throughout the 1810s after the abolition of the slave trade.[143] However, not all privateer and pirate vessels tried to make a profit from the slave trade. According to historian Julius Scott a French privateer ship made up of a large number of black sailors "seized a Spanish sloop headed from Jamaica to eastern Cuba with a cargo of sixty-eight re-exported Africans for sale. After freeing the captives, the crew tossed the sloop's sailors overboard for good measure."[144] Nonetheless, this may not have been a frequent occurrence since not all black sailors on pirate ships sought to set enslaved Africans and African Americans free.

Some pirates of African descent participated directly in the illegal slave trade as well. In 1834 the pirate ship *Panda* set sail from Havana to the coast of Africa. The *Panda*'s crew intended to capture slaves and bring them back to the Americas illegally, or alternatively they might have tried to seize slavers who had already done the work for them.[145] Whatever the case, the Royal Navy eventually captured *Panda* off the coast of Africa and extradited the crew to the United States when their role of committing piracy in the Florida Straits was discovered. During the trial held against the crew for attacking the brig *Mexican* off the coast of Florida two years before, one of the accused sailors named Antonio Ferrer was identified by Thomas Ridgley as an

assailant in court. Ridgley, who was the "black cook" on *Mexican* and a witness for the prosecution, identified Ferrer as "black" and recognized Ferrer from the distinct tattooing on his face.[146] The description of Ferrer's tattoos indicates that he may have been born in Africa or had African parents. Ridgley stated that Ferrer's tattoos consisted of "deep scars drawn perpendicularly down the prisoner's cheeks."[147]

Facial scarification was a common practice of many African tribes well into the early twentieth century. For example, it is well documented that in the nineteenth century the Yoruba people, a cultural and ethnic group from West Africa, had facial scarification practices that included "patterns composed of parallel vertical and horizontal lines."[148] Cuba and Brazil had such a large influx of enslaved Yoruba people in the nineteenth century that "Havana and Bahia could be regarded as Yoruba cities in the Americas."[149] The two patterns of *abaja*, "which included three or four parallel horizontal lines on each cheek," and *pele*, "which had a similar arrangement of lines, but they were placed vertically," were the most common.[150] While Ferrer was identified as the cook on the pirate ship *Panda,* in his official protest Ferrer made a point to say that he "was not a slave."[151]

By 1820 the American Congress passed a bill that amended the slave trade act of 1807. This amendment essentially branded slave smugglers as pirates and made them subject to the same penalty of death.[152] Piracy and the slave trade were thus inextricably linked by law. The U.S. and British anti-piracy and anti-slave naval squadrons worked in tandem on both sides of the Atlantic in a concerted effort to stamp out these practices. However, Congress was willing to "allocate as much per year on the suppression of piracy as it allocated for nearly a decade of the anti-slave trade efforts."[153] While the two illegal practices were linked legally during this time, the much stronger military and political support from Congress eventually paid off and piracy in the Gulf and Caribbean was mostly in decline by the 1830s. The trans-Atlantic slave trade continued, although "qualitative analyses demonstrate that after the passage of the slave trade acts there were an insignificant number of Americans participating in the trade."[154]

On the one hand, contemporary print media accounts and captivity narratives often portrayed pirates like Alexandar Tardy and Diablito as sociopaths who were prone to commit acts of excessive violence and murder. On the other hand, some modern interpretations seem to suggest that pirates were more like social bandits as personified by Robert Confresi and Domingo. Both extreme characterizations were probably more exceptions than they were archetypal. Based on the fragmented and scattered paper trail they left behind, the motives for and practices of piracy were multifaceted. Like shifting sails in the changing winds, some pirates such as Jean Laffite altered their flags and practices based on the political atmosphere of the time. During the violent waves of change that rocked the Atlantic world in the first few decades of the nineteenth century, new nation states and the age old practice of issuing commissions blurred the thin legal line between privateers and pirates. Nevertheless, the structures or social order of pirates from the eighteenth century appear to have remained relatively intact into the early nineteenth century. These wooden worlds were cosmopolitan, egalitarian (at least when it came to dividing the plunder), and seemingly democratic. Among the ships of thieves were adventurers, slave

smugglers, patriots, mutineers, revolutionaries, and murderers. Regardless of the problems they blamed for the crimes they committed they were ultimately driven by the very human motives of greed, power, and an urge to be free from the monotony of landed life. In the process they inherited the same sociocultural structures their brethren established a century before.

Endnotes

[1] Marcus Rediker, *Outlaws of the Atlantic: Sailors, Pirates, and Motley Crews in the Age of Sail* (Boston: Beacon Press, 2014); David Cordingly, *Under the Black Flag: The Romance and the Reality of Life Among the Pirates* (New York: Random House, 1996); Peter Leeson, *The Invisible Hook: The Hidden Economics of the Pirate* (Princton: Princton University Press, 2009); Angus Konstram, *Piracy: The Complete History* (Cambridge: Osprey Publishing, 2008).

[2] Carlos Calkins, "The Repression of Piracy in the West Indies, 1814-1825," *The United States Naval Proceedings* Vol. 37 (1911); Casper Goodrich, "Our Navy and the West Indian Pirates A Documentary History," *Naval Institute Proceedings Magazine*, Volume 42, no. 1 (Annapolis: The Lord Baltimore Press, 1916); Allen Gardner, *Our Navy and the West Indian Pirates* (Salem: Essex Institute, 1929); Margarita Guerra Martiniere, "Los Corsarios Insurgentes En La Independencia de America (1808-1824), Boletin del Instituto Riva-Aguero, No. 12, 1982, http://revistas.pucp.edu.pe/index.php/boletinira/article/view/9460/9865; Edgardo Perez Morales, "Itineraries of Freedom Revolutionary Travels and Slave Emancipation in Columbia and the Greater Caribbean. 1789-1830" (PhD diss., University of Michigan, 2013); David Head, "Sailing for Spanish America: The Atlantic Geopolitics of Foreign Privateering from the United States in the Early Republic" (PhD diss., University of Buffalo, 2009); William C. Davis, *The Pirates Laffite: The Treacherous World of the Corsairs of the Gulf* (Orlando: Harcourt Books, 2005); Matthew McCarthy *Privateering, Piracy and British Policy in Spanish America, 1810-1830* (Boydell Press, 2013); Mark Hunter, "The Political Economy of Anglo-American Naval Relations: Pirates, Slavers and the Equatorial Atlantic, 1819 to 1863," (PhD diss. University of Hull, 2003); Joseph Gibbs, *On the Account: Piracy and the Americas, 1766-1835* (Ontario: Sussex Academic Press, 2012); Peter Earle, *The Pirate Wars* (New York: Thomas Dunne Books, 2003); Fred Hopkins, "For Freedom and Profit: Baltimore Privateers in the Wars of South American Independence," *The Northern Mariner*, XVII Nos. 3-4 (July-October 2008).

[3] McCarthy, 4-6.

[4] William Sewell, *Logics of History: Social Theory and Social Transformation* (Chicago: University of Chicago Press, 2005), 124.

[5] Sewell, 143.

[6] Marcus Rediker, *Between the Devil and the Deep Blue Sea: Merchant Seamen, Pirates and the Anglo-American Maritime World, 1700-1750* (Cambridge: Cambridge University Press, 1989); *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic* (Boston: Beacon Press, 2000); *Villains of all Nations: Atlantic Pirates in the Golden Age* (Boston: Beacon Press, 2005); *Outlaws of the Atlantic.*

[7] However, pirates from this period also had a culture of violence. In some ways nation states helped to create the violent culture of these mariners and fueled this period of "maritime mayhem" by supporting a system of privateering. In fact, the most ubiquitous object of pirate material culture the "Jolly Roger," or pirate flag, continued to be used as symbol of violence and terror on the seas. This idea of pirates operating as a culture of violence during this time is explored in more detail in a forthcoming paper.

[8] Joseph Gibbs, 145; Morales, 157; *The Freedom's Journal*, the first African-American owned and operated newspaper in the United States, occasionally used reported acts of piracy to push their anti-slavery agenda. A story printed in 1827 about a white pirate named Tardy who escaped prosecution by placing the blame on a black sailor is an example. The African-American sailor was eventually convicted and executed for the crime. The article noted "All those who knew him where he belonged, believe in his innocence: yet he swung into eternity by the

management of the guilty Tardy, who had the advantage of a white face to sacrifice the black cook" ("Tardy- The Pirate," *Freedom's Journal*, June 29, 1827, *American Antiquarian Society*, www.ebscohost.com.

[9] During trial pirates who maintained their innocence had good reason to lie even under oath, since the penalty for piracy in American, British, and Spanish court systems was death. It was better to commit perjury on the stand than swing on the gallows. Even victims of pirate attacks had reason to fabricate or leave certain details of their ordeal out of their accounts. Aaron Smith, an English sailor tried for piracy in a British court in 1823, wrote a captivity narrative to specifically clear his name after he was found not guilty. He maintained that he was forced against his will to work on the pirate vessel for his navigational skills (Aaron Smith, *The Atrocities of the Pirates* (London: Joseph Mallett, 1824). Much like victims of shipwrecks for insurance purposes those who survived pirate attacks may have had reason to exaggerate violence or even to make up the amount they lost (Amy Mitchell-Cook, *A Sea of Misadventures: Shipwreck and Survival in Early America* (Columbia: University of South Carolina Press, 2013), 7). This was a fact that Aaron Smith himself alluded to in his narrative (Smith, 87-88). Naval personnel tasked with hunting pirates down throughout this time were not immune from bending the truth for personal gain either, especially since they received prize money from captured privateer and pirate ships successfully prosecuted in court (Nicholas R. Parrillo, *Against the Profit Motive: The Salary Revolution in American Government, 1780-1940* (Yale University Press, 2013), 307). In a case of piracy that ended up in a federal court in Pensacola in 1823 one piece of incriminating evidence used to apprehend and indict eighteen Spanish sailors captured off the coast of Cuba was a red flag they were allegedly caught with. During this time, red flags were often used by pirates to announce themselves and their intent to the merchant ships they were attacking (no quarter would be given if they fought back) rather than the more popularly known black flag with skull and bones. However, in the naval captain's logbook, which probably first recorded capturing the suspected pirate ship, he made no mention of finding a red flag unlike he later reported to the Secretary of Navy (Mike Thomin, "On Oath to God and Cross: A Case of Piracy in Pensacola" (paper presented at the annual meeting for the Gulf South Historical Association, Pensacola, Florida, October 10-12, 2013).

[10] Marcus Tullius Cicero, *The Political Works of Marcus Tullius Cicero: Comprising his Treatise on the Commonwealth; and his Treatise on the Laws*. Translated By Francis Barham, Esq. (London: Edmund Spettigue, 1841-42), 262.

[11] Saint Augustine, *The City of God* (New York: Random House, 1999), 113; Noam Chomsky, *Pirates and Emperors, Old and New: International Terrorism in the Real World* (Cambridge: South End Press, 2003), vii.

[12] John Mearsheimer, *The Tragedy of Great Power Politics (*New York: WW. Norton & Company, 2001), 55, 49.

[13] Daniel Heller-Roazen, *The Enemy of All: Piracy and the Law of Nations* (New York: Zone Books, The MIT Press, 2009), 16.

[14] *Report of the Trail of Edward Jordon, and Margaret Jordan his Wife, for Piracy & Murder* (Halifax: James Bagnall, 1809), 8.

[15] Wim Klooster, *Revolutions in the Atlantic World: A Comparative History* (New York: New York University Press, 2009), 1.

[16] Jane Landers, *Atlantic Creoles in the Age of Revolutions* (Cambridge: Harvard University Press, 2011), 5.

[17] Bernard Anderson, *Imagined Communities* (London: Verso, 2006), 36, 46.

[18] "American Curizers in Search of Pirates," *Bermuda Gazette*, 9-28-1822, *American Antiquarian Society*, www.ebscohost.com

[19] Landers, 100-101.

[20] Landers, 101-107; Gilbert Din, *War on the Gulf Coast: The Spanish Fight against William Augustus Bowles* (University of Florida Press, 2012)

[21] Lyle N. McAlister, "William Augustus Bowles and the State of Muskogee," *Florida Historical Quarterly* Vol. 40, No. 4 (1962), 323.

[22] Laurant Dubois, *Avengers of the New World* (Cambridge: Harvard University Press, 2004), 298.

[23] Hyde, "Consolidating the Revolution: Factionalism and Finesse in the West Florida Revolt, 1810," *Louisiana History: The Journal of the Louisiana Historical Association* Vol. 51, No. 3 (Summer 2010), 270; William C. Davis, *The Rogue Republic: How Would-Be Patriots Waged the Shortest Revolution in American History* (Boston: Houghton Mifflin Harcourt, 2011).

[24] Morales, 131; Samuel Watson, *Jackson's Sword: The Army Officer Corps on the American Frontier, 1810-1821* (Lawrence: University Press of Kansas, 2012), 131-137; Davis, *The Pirates Laffite*, 139-140.

[25] John Thornton, *A Cultural History of the Atlantic World, 1250-1820* (Cambridge: Cambridge University Press, 2012), 464-524

[26] Eliga H. Gould, "Revolution and Counter-Revolution," in *The British Atlantic World, 1500-1800*, ed. David Armitage and Michael Braddick (New York: Palgrave Macmillan, 2009), 228.
[27] Davis, *The Pirates Laffite*, 29; David Head, "New Nations, New Connections: Spanish American Privateering from the United States and the Development of Atlantic Relations*," Early American Studies: An interdisciplinary Journal*, Volume 11, Issue 1, Winter 2013, 165.
[28] Joseph Gibbs, *Dead Men Tell No Tales* (South Carolina: University of South Carolina Press), 38.
[29] Donald Petrie, *The Prize Game: Lawful Looting on the High Seas in the Days of Fighting Sail* (Annapolis: Naval Institute Press, 1999), 1-12.
[30] Robert Ritchie, "Government Measures against Piracy and Privateering in the Atlantic Area, 1750-1850," in *Pirates and Privateers: New Perspectives on the War on Trade in the Eighteenth and Nineteenth Centuries*, ed. David Starkey (Exeter: University of Exeter Press, 1997), 16.
[31] McCarthy, 3.
[32] Head, "Sailing for Spanish America," 224-232; Earle, 236.
[33] James Wombell, "The Long War against Piracy: Historical Trends," Occasional Paper 32, Combat Studies Institute Press, Fort Leavenworth (2009): 37; Ritchie, 16.
[34] Hunter, 64-65; Watson, 129; McCarthy.
[35] Landers, 102.
[36] "Gobernador de Yucatán sobre los Corsarios piratas de Bowles," January, 27, 1802, *Archivo General de Indias*, http://pares.mcu.es/.
[37] John Adams, *Memoirs of John Quincy Adams, Volume 3* (Boston: Charles C. Little and James Brown, 1851), 308.
[38] Archivo General de la Nacion, Expediente 013 (Marina Caja 2369), Miguel Castro Arroz to Don Juan Ruiz de Apocaca, September 4, 1817. http://www.agn.gob.mx/guiageneral/.
[39] Archivo General de la Nacion, Expediente 013 (Marina Caja 2369).
[40] Mr. Adams to Mr. Nelson, April 28, 1823, *American State Papers: Foreign Relations* 5, 408.
[41] Richard Cleveland, *A Narrative of Voyages and Commercial Enterprises* Vol. 1 (Cambridge: John Owen, 1842), 22.
[42] Richard Cleveland, *A Narrative of Voyages and Commercial Enterprises* Vol. 1 (Cambridge: John Owen, 1842), 26.
[43] Watson, 130; Thomin, 6.
[44] "Chronicle," *Niles' Register*, November 27, 1819, *American Antiquarian Society*, www.ebschohost.com
[45] "Piracy," *Philadelphia Register and National Record*, February 13, 1819, *American Antiquarian Society*, www.ebschohost.com
[46] David Head, "Sailing for Spanish America," 14. David Head, "A Different Kind of Maritime Predation: South American Privateering from Baltimore, 1816-1820," *International Journal of Naval History*, Volume 7, Number 2, (August 2008), 19.
[47] David Head himself notes that in 1817 the "patriot" privateer captain Thomas Taylor allowed the supercargo of a captured Spanish ship to be tortured to reveal information about the cargo. Head, "New Nations, New Connections," 173.
[48] Morales, 149.
[49] Charles Wilkes, *Autobiography of Rear Admiral Charles Wilkes, U.S. Navy, 1798-1877*, ed. William James Morgan (Washington: Naval History Division, 1978), 184.
[50] "Conviction of a Pirate," *New England Farmer*, August 16, 1823, *American Antiquarian Society*, www.ebschohost.com
[51] Watson, 130.
[52] Douglas R. Burgess, Jr., *Politics of Piracy* (University Press of New England, 2014), 6
[53] Davis, *The Pirates Laffite*, 48.
[54] *Particulars of the Horrid and Atrocious Murders committed on Board the Brig Crawford* (New York: E.M. Murden and A. Ming. Jr., 1827), 16.
[55] Thomin, 5.
[56] Smith, 133, 192.
[57] David Dixon Porter, *Memoir of Commodore David Porter: Of the United States Navy* (Albany: J. Munsell Publisher, 1875), 287.
[58] Gibbs, *On the Account*, 100; Gibbs, *Dead Men Tell No Tales*, 48.

[59] James Jeffers, alias Charles Gibbs, was convicted in a U.S. court and executed in New York in 1831 for his role in murder and piracy aboard the brig *Vineyard*. Jeffers claimed that when the privateer crew of the schooner *Maria* mutinied they did not kill the officers, but instead landed them near Pensacola. Gibbs, *Dead Men Tell No Tales*, 48.
[60] Lauren Benton, "Legal Spaces of Empires: Piracy and the Origins of Ocean Regionalism," *Comparative Studies in Society and History*, Volume 47, Issue 4 (October 2005), 706. In a study by Guy Chet he states "Since privateers functioned- according to all contemporary and modern accounts- as pirates, the distinction between piracy and privateering should be set aside as an irrelevance." Guy Chet, *The Ocean is a Wilderness: Atlantic Piracy and the Limits of State Authority, 1688-1856* (Boston: University of Massachusetts Press, 2014), 92. Davis, *The Pirates Laffite*, 255.
[61] Ben Ford et al., "Archaeological Excavation of the Mardi Gras Shipwreck (16GM01), Gulf of Mexico Continental Slope," *U.S. Department of the Interior Minerals Management Service* (July 2008), 25-27, 260.
[62] Ford et al., v.
[63] Ford et al., 74.
[64] Ford et al., v. Jack Irion, who led the archaeological investigation of the Mardi Gras shipwreck, makes a strong argument that the identity of the wreck was the American privateer schooner *Rapid* which sank in 1813. *Rapid*'s original crew of fifty comprised "Frenchmen, Negroes, etc." Jack Irion, "The Case for the Privateer *Rapid*," *Sea History* 142, Spring, 2013, 25.
[65] Rediker, *Outlaws of the Atlantic*, 91.
[66] Ira Berlin, "From African to Creole: Atlantic Creoles and the Origins of African-American," *William and Mary Quarterly*, 53, no. 2 (April 2006), 29.
[67] Berlin, 281; Jane Lander also uses Francisco Menendez as an example of a cosmopolitan "Atlantic Creole" in her book *Black Society in Spanish Florida* and *Atlantic Creoles in the Age of Revolutions*.
[68] Rediker, *Outlaws of the Atlantic*, 91.
[69] Merchant, whaling, fishing, slave, and naval vessels in the late eighteenth and early nineteenth century are also known to have had motely crews. On the first voyage merchant captain Richard Cleveland embarked on from France to Mauritius in 1797 on the brig *Caroline*, he had a crew of four men from the following places: Rueben Barnes (a nineteen year old white American sailor from Nantucket), George (an African-American freedman from Georgia), a Prussian man (a former grenadier and sailor on English vessels), and a French boy (fourteen years old). Richard Clevland, *A Narrative of Voyages and Commercial Enterprises* Vol. 1 (Cambridge: John Owen, 1842) 17-20. George Coggeshall, a former privateer and merchantman captain, makes several references to what he described as a "motley crew of all colors and all nations" on merchantmen in the early nineteenth century. George Coggeshall, *Voyages to Various Parks of the World, Made Between the Years 1799 and 1844* (New York: D. Appleton & Company, 1851), 18. Mariners were very fluid on the types of vessels they served on. It was not uncommon for a Jack Tar (seaman) to serve on man-of-war, privateer, merchantmen, and fishing vessel throughout an individual sailor's career at sea. For a detailed discussion of the diversity of sailors in this period see Paul Gilje, *Liberty on the Waterfront: American Maritime Culture in the Age of Revolution* (Pennsylvania: University of Pennsylvania Press, 2012) 25-32.
[70] Landers.
[71] Davis, *The Pirates Laffite*, 100.
[72] Julius Scott, "Afro-American Sailors and the International Communication Network: The Case of Newport Bowers," in *African Americans and the Haitian Revolution, Selected Essays and Historical Documents*, ed. Maurice Jackson and Jacqueline Bacon (New York: Routledge, 2010), 33-35.
[73] Morales, 128.
[74] Morales, 133.
[75] David Head, "New Nations," 172.
[76] George Little, "Cruising and Cannibals: Life Aboard a Yankee Privateer in 1812," in *The Mammoth Books of Pirates*, ed. Jon Lewis (Philadelphia: Running Press Book, 2007), 325.
[77] "Don Antonia Argote, Spanish Consul v. The Ship La Perla y Dolores and Cargo," National Archives at Atlanta, Record Group 21, Records of District Courts of United States, 1825, http://www.archives.gov/.
[78] *The Pirates : A Brief Account of the Horrid Massacre of the Captain, Mate, and Supercargo of the Schooner Plattsburg, of Baltimore, on the High Seas, in July 1816, by a part of the crew of said vessel; tried in United States Circuit Court in Boston* (Boston: H. Trumbull, 1819), 3.
[79] *Lives and confessions of John Williams, Francis Frederick, John P. Rog, and Peter Peterson, who were tried at the United States Circuit Court at Boston, for murder & piracy; sentenced to be executed Jan. 21, 1819; and afterwards reprieved till Feb. 18, 1819 (*Boston: J.T. Buckingham, 1819).

[80] McCarthy, 40.
[81] The indictment for eighteen Spanish sailors accused of piracy in Pensacola lists the following names: Jacinto Correa, Ramon de Carrarias, Manuel Aquayo, Vincente Arias, Manuel Lopez, Pedro Oranoque, Matea Astaca, Untanic Palor, Jose Clesiante, Jose Francisco de Ariestia, Manuel Froqer, Antonio Fernandez, Juan Ramos, Jose Pazos, Felippe Dulce, Simon Cournand, Juan Martin Ferrio ("US vs. Schooner Carmen Indictment: Schooner Carmen LA Cutter," Escambia County Clerk of Court Archives, Probate, Microfilm CA-01 1823-2468). Although they all clearly had Spanish sounding names, this does not necessarily mean they were ethnically "Spaniards." They could have also been mestizos, mulattoes, or people of African descent. For example, Francisco Menendez may have had a Spanish name, but he was ethnically a creole. Some of the names in the indictment might also be Brazilian or Portuguese.
[82] Smith, 11.
[83] Lucretia Parker, *Piratical Barbarity, or the Female Captive* (Providence: William Avery, 1825), 9, 18.
[84] *Royal Gazette*, "Piracies", March 15, 1823, *American Antiquarian Society*, www.readex.com; *Royal Gazette*, "Gallant Exploits Against the Pirates," April, 12, 1823, *American Antiquarian Society*, www.readex.com.
[85] *Bermudian*, August 28,1822, *American Antiquarian Society*, www.readex.com.
[86] *Bermudian*.
[87] *Dying Declaration of Nicholas Fernandez, Who with Nine others were Executed in front of Cadiz Harbour, December 29, 1829 for Piracy and Murder on the High Seas*, trans. Ferdinand Bayer (1830), 22-24.
[88] Jacob Dunham, *Journal of Voyages: Containing An Account of the Author's Being Twice Captured by the English and Once by Gibbs the Pirate* (New York, 1850), 174-176
[89] Brantz Mayer, *Captain Canot: Twenty Years of an African Slaver* (Washington: D. Appleton & Co., 1854), 28-33.
[90] Brantz Mayer, *Captain Canot: Twenty Years of an African Slaver* (Washington: D. Appleton & Co., 1854), 50.
[91] Brantz Mayer, *Captain Canot: Twenty Years of an African Slaver* (Washington: D. Appleton & Co., 1854), 50.
[92] "Lloyd's List No. 5748, The Marine List," November 5, 1822, *Lloyd's List 1822*, (Westmead: Gregg International Publishers Limited, 1969) 138.
[93] Lloyd's List No. 5781, February 28, 1823
[94] Rediker, *Outlaws of the Atlantic*, 88.
[95] Rediker, *Outlaws of the Atlantic*, 69-70. In the late eighteenth and early nineteenth century sailor's pay varied depending on the type of vessel they served on, skill level, and the risks involved with the voyage. For common seamen between 1750 to1850 wages varied from four dollars to fifty dollars per month. Privateers and naval sailor's typically made more than mariner's on other types of vessels and often received a percentage or share of the value of what was captured. Nonetheless, captains and officers typically made much larger shares than the rest of the crew. Paul Gilje, *Liberty on the Waterfront*, 20-24.
[96] *Lives and Confessions of John Williams*, 6.
[97] Smith, 29.
[98] David Cordingly, *Women Sailors and Sailor's Women: An Untold Maritime History* (New York: Random House, 2001), 37
[99] Cordingly, *Women Sailors and Sailor's Women*, 43-44.
[100] Gibbs, 121.
[101] *The Pirates: A Brief Account*, 14.
[102] *The Trail of Peter Heaman and Francois Guatiez , Before the High Court of Admiralty, at Edinburgh, on the 26th of November, 1821, for Piracy and Murder* (Leith: William Reid, 1821), 13.
[103] Parker, 12.
[104] *Dying Declaration of Nicholas Fernandez*, 17.
[105] Davis, *The Pirates Laffite*, 399; "Document filed in case of United States v. John Defarges," Record Group 21: Records of District Courts of the United States, 1685 – 2009, http://www.archives.gov/. The document signed by Jean Lafitte and written in French filed in the case of the United States vs. John Desfarges (who was the captain of *Le Brave* at the time) stated the captain was to receive six shares, quartermasters four shares, lieutenants three shares, and common crewman received one share. It is interesting to note that the same document stipulated that special shares were given to crew members injured during battle or to the first crew member to spot or board prize ships.
[106] *Report of the Trial of Pedro Gibert before the United States Circuit Court, on an Indictment Charging them with the Commission of an Act of Piracy, on Board the Brig Mexican, of Salem* (Boston: Russell, Odiorne, & Metcalf, 1834), 18.

[107] According to the witness testimony of Perez, "He gave the mate $2400; I received only $250… He gave the boatswin $500; Garcia $400; Castillo $250; Montenegro $250; and Delgardo $300. Don't know whether others of the crew got any or not… Captain had $4000 in his trunk, $5000 which was left for him at Cape Lopez, and what remained of the $6000 which were divided among witness and others. Does not know how much remained of the $6000. There was no rule of division among the crew of the Panda. The captain was sole owner of the vessel and did as he liked" (*Report of the Trial of Pedro Gibert*, 22).
[108] Smith, 143.
[109] Smith, 190.
[110] Davis, *The Pirates Laffite*, 192.
[111] *A Correct Report of the Trial of Josef Perez, for Piracy, Committed on Board the Schooner Bee, of Charleston, S.C.* (New York: J.W. Bell, 1823), 9.
[112] *A Correct Report of the Trial of Josef Perez*, 12.
[113] Herman Melville, *White Jacket: Or The World in a Man-of-War* (New York: Grove Press, 1850).
[114] Melville, 35.
[115] Gibbs, *Dead Men Tell No Tales*, 61.
[116] Loyall Farragut, *The Life of David Glasgow Farragut, First Admiral of the United State Navy Embodying his Journal and Letters* (New York: D. Appleton Company, 1879), 93-93.
[117] Farragut, 94.
[118] Porter, 286-287.
[119] Gibbs, *On the Account*, 161.
[120] Gibbs, *On the Account*, 159.
[121] Gibbs, *On the Account*, 159.
[122] "Execution of Pirates," *Gazetteer: Devoted to Religion, Science, Morality & News*, March 17, 1824, *American Antiquarian Society*, www.ebscohost..com
[123] Gibbs, *Dead men Tell No Tales*, 57.
[124] McCarthy, 30.
[125] "The Irresistible," *Niles' Weekly Register*, August 17, 1819, *American Antiquarian Society*, www.ebscohost..com
[126] *The Pirates: A Brief Account of the Horrid Massacre of the Captain, Mate, and Supercargo of the Schooner Plattsburg*, 15
[127] *Dying Declaration of Nicholas Fernandez*, 14.
[128] *Dying Declaration of Nicholas Fernandez*, 14.
[129] *Dying Declaration of Nicholas Fernandez*, 10.
[130] Smith, 156.
[131] Gibbs, *On the Account*, 149.
[132] *The Florida Pirate, or, An Account of a Cruise on the Schooner Esparanza* (New York: William Borradaile, 1823).
[133] Daniel Williams, "Refuge Upon the Sea: Captivity and Liberty in The Florida Pirate," *Early American Literature*, Vol. 36, No. 1 (2001), 71.
[134] Williams, 72.
[135] Jeffery Bolster, *Black Jacks: African American Seamen in the Age of Sail* (Cambridge: Harvard University Press, 1997).
[136] Bolster, 2.
[137] Scott, 33; Morales 131-132.
[138] Landers, *Atlantic Creoles in the Age of Revolutions*, 104-105.
[139] Davis, *The Pirates Laffite*, 74.
[140] Davis, *The Pirates Laffite*, 60-61.
[141] Davis, *The Pirates Laffite*, 59.
[142] Joan M. Exnicios, "On the Trail of Jean Laffite," in *X Marks the Spot: The Archaeology of Piracy*, ed. Russell K. Skowronek and Charles Ewen (Gainesville: University Press of Florida, 2006), 42-43.
[143] David Head, "Slave Smuggling by Foreign Privateers: The Illegal Slave Trade and the Geopolitics of the Early Republic," *Journal of the Early Republic*," Vol. 33, No. 3 (2013).
[144] Scott, 33.
[145] Angus Konstam, *Privateers and Pirates: 1730-1830* (Oxford: Osprey Publishing, 2001), 50.
[146] *Report on the Trial of Pedro Gilbert*, 15.

[147] *Report on the Trial of Pedro Gilbert*, 15.
[148] Marcos Andre Torres de Souza and Camilla Agostini, "Body Marks, Pots, and Pipes: Some Correlations between African Scarifications and Pottery Decoration in Eighteenth and Nineteenth Century Brazil," *Historical Archaeology*, 46(3), 107.
[149] Toyin Falola and Matt D. Childs, *The Yoruba Diaspora in the Atlantic World* (Bloomington: Indiana University Press, 2004), 4.
[150] Souza and Agostini, 108.
[151] *A Supplement to the Report of the Trial of Spanish Pirates, with Confessions or Protests, Written by Them in Prison* (Boston: Lemuel Gulliver, 1835), 7.
[152] Alena Derby, "The United States Schooner Alligator: The U.S. Navy's Campaign to Suppress the Trans-Atlantic Slave Trade and West Indian Piracy" (PhD diss., East Carolina University, 2002), 33.
[153] Derby, 110.
[154] Derby, 120; According to the Trans-Atlantic Slave Trade Database, in the United States from 1801-1825 109,545 slaves were brought into the country over that twenty-five year period. Following the amendments to the slave trade act from 1826-1850 that number declined to 1,850. However, this was not the case for other countries that continued importing slaves including Spain, Uruguay, Portugal, and Brazil. One of the reasons for the decline of the slave trade in the United States and Great Britain was the fact that the demand for slaves were primarily needed in Brazil and Cuba. From 1821 to 1830 over 80,000 Africans were sent in slave ships, and well over a million more were sent over the next twenty years. (Trans-Atlantic Slave Trade Database, Emory University, http://www.slavevoyages.org/assessment/estimates)