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**Pirates own book, or authentic narratives of the lives,
exploits, and executions of the most celebrated sea
robbers**

ELLS, CHARLES

New York [u.a.], 1842

Kidd and his Crew taken.

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time it was thought advisable, in order to stop the course of these piracies, to publish a proclamation, offering the king's free pardon to all such pirates as should voluntarily surrender themselves, whatever piracies they had been guilty of, at any time before the last day of April, 1699—that is to say, for all piracies committed eastward of the Cape of Good Hope, to the longitude and meridian of Socatora, and Cape Cormorin; in which proclamation, Avery and Kidd were excepted by name.

When Kidd left Amboyna he knew nothing of this proclamation, for certainly had he had notice of his being excepted in it, he would not have been so infatuated, as to run himself into the very jaws of danger; but relying upon his interest with the lord Bellamont, and fancying that a French pass or two he found on board some of the ships he took, would serve to countenance the matter, and that part of the booty he got would gain him new friends—I say, all these things made him flatter himself that all would be hushed, and that justice would but wink at him. Wherefore he sailed directly for Boston laden with booty, with a crew of swaggering companions at his heels. But no sooner did he show himself in Boston, than the alarm was given of his reappearance, and measures were taken to arrest him. The daring character which Kidd had acquired, however, and the desperate fellows who followed like bull-dogs at his heels, caused a little delay in his arrest. He took advantage of this to bury the greater part of his immense treasure, which has never been found, and then carried a high head about the streets of Boston. He even attempted to defend himself when arrested, but was secured and thrown into prison. Such was the formidable character of this pirate and his crew, that a frigate was sent to convey them to England for trial.

Accordingly a sessions of admiralty being held at the Old Bailey, in May 1701, Capt. Kidd, Nicholas Churchill, James How, Robert Lumly, William Jenkins, Gabriel Loff, Hugh Parrot, Richard Barlicorn, Abel Owens and Darby Mullins, were arraigned for piracy and robbery on the high seas, and all found guilty except three; these were Robert Lumly, William Jenkins and Richard Barlicorn, who proving themselves to be apprentices to some of the

officers of the ship, and producing their indentures in court, were acquitted.

The three above mentioned, though they were proved to be concerned in taking and sharing the ship and goods mentioned in the indictment, yet, as the gentlemen of the long robe rightly distinguished, there was a great difference between their circumstances and the rest; for there must go an intention of the mind and a freedom of the will to the committing an act of felony or piracy. A pirate is not to be understood to be under constraint, but a free agent; for in this case, the bare act will not make a man guilty, unless the will make it so.

Now a servant, it is true, if he go voluntarily, and have his proportion, he must be accounted a pirate, for then he acts upon his own account, and not by compulsion; and these persons, according to the evidence, received their part, but whether they accounted to their masters for their shares afterwards, is the matter in question, and what distinguishes them as free agents, or men that did go under the compulsion of their masters; which being left to the consideration of the jury, they found them *not guilty*.

Kidd was tried upon an indictment of murder also, viz. for killing Moor, the gunner, and found guilty of the same. Nicholas Churchill, and James How pleaded the king's pardon, as having surrendered themselves within the time limited in the proclamation, and Col. Bass, governor of West Jersey, to whom they surrendered, being in court, and called upon, proved the same. However, this plea was overruled by the court, because there being four commissioners named in the proclamation, viz. Capt. Thomas Warren, Israel Hayes, Peter Delannoye, and Christopher Pollard, Esquires, who were appointed commissioners, and sent over on purpose to receive the submissions of such pirates as should surrender, it was adjudged no other person was qualified to receive their surrender, and that they could not be entitled to the benefit of the said proclamation, because they had not in all circumstances complied with the conditions of it.

Darby Mullins urged in his defence, that he served under the king's commission, and therefore could not disobey his commander without incurring great punishments;

that whenever a ship or ships went out upon any expedition under the king's commission, the men were never allowed to call their officers to an account, why they did this, or why they did that, because such a liberty would destroy all discipline; that if any thing was done which was unlawful, the officers were to answer it, for the men did no more than their duty in obeying orders. He was told by the court, that acting under the commission justified in what was lawful, but not in what was unlawful. He answered, he stood in need of nothing to justify him in what was lawful, but the case of seamen must be very hard, if they must be brought into such danger for obeying the commands of their officers, and punished for not obeying them; and if they were allowed to dispute the orders, there could be no such thing as command kept up at sea.

This seemed to be the best defence the thing could bear; but his taking a share of the plunder, the seamen's mutinying on board several times, and taking upon them to control the captain, showed there was no obedience paid to the commission; and that they acted in all things according to the custom of pirates and freebooters, which weighing with the jury, they brought him in guilty with the rest.

As to Capt. Kidd's defence, he insisted much on his own innocence, and the villany of his men. He said, he went out in a laudable employment and had no occasion, being then in good circumstances, to go a pirating; that the men often mutinied against him, and did as they pleased; that he was threatened to be shot in the cabin, and that ninety-five left him at one time, and set fire to his boat, so that he was disabled from bringing his ship home, or the prizes he took, to have them regularly condemned, which he said were taken by virtue of a commission under the broad seal, they having French passes. The captain called one Col. Hewson to his reputation, who gave him an extraordinary character, and declared to the court, that he had served under his command, and been in two engagements with him against the French, in which he fought as well as any man he ever saw; that there were only Kidd's ship and his own against Monsieur du Cass, who commanded a squadron of six sail, and they got

the better of him. But this being several years before the facts mentioned in the indictment were committed, proved of no manner of service to the prisoner on his trial.

As to the friendship shown to Culliford, a notorious pirate, Kidd denied, and said, he intended to have taken him, but his men being a parcel of rogues and villains refused to stand by him, and several of them ran away from his ship to the said pirate. But the evidence being full and particular against him, he was found guilty as before mentioned.

When Kidd was asked what he had to say why sentence should not pass against him, he answered, that *he had nothing to say, but that he had been sworn against by perjured and wicked people.* And when sentence was pronounced, he said, *my Lord, it is a very hard sentence. For my part, I am the most innocent person of them all, only I have been sworn against by perjured persons.*

Wherefore about a week after, Capt. Kidd, Nicholas Churchill, James How, Gabriel Loff, Hugh Parrot, Abel Owen, and Darby Mullins, were executed at Execution Dock, and afterwards hung up in chains, at some distance from each other, down the river, where their bodies hung exposed for many years.

Kidd died hard, for the rope with which he was first tied up broke with his weight and he tumbled to the ground. He was tied up a second time, and more effectually. Hence came the story of Kidd's being twice hung.

Such is Captain Kidd's true history; but it has given birth to an innumerable progeny of traditions. The report of his having buried great treasures of gold and silver which he actually did before his arrest, set the brains of all the good people along the coast in a ferment. There were rumors on rumors of great sums of money found here and there, sometimes in one part of the country sometimes in another; of coins with Moorish inscriptions, doubtless the spoils of his eastern prizes.

Some reported the treasure to have been buried in solitary, unsettled places about Plymouth and Cape Cod; but by degrees, various other parts, not only on the eastern coast but along the shores of the Sound, and even Manhattan and Long Island were gilded by these rumors. In fact