

THE REAL CAPTAIN KIDD

A Vindication

BY

SIR CORNELIUS NEALE DALTON

K. C. M. G., C. B., D. C. L.



NEW YORK
DUFFIELD AND COMPANY

1911

92K.534

D

40-11076

COPYRIGHT, 1911

BY DUFFIELD AND COMPANY

THE UNIVERSITY PRESS, CAMBRIDGE, U. S. A.

CONTENTS

CHAPTER	PAGE
I PRELIMINARY	3
II THE VOYAGE OF THE ADVENTURE GALLEY	39
III KIDD'S RETURN HOME	77
IV THE GENESIS AND GROWTH OF THE ARCH-PIRATE MYTH	105
V KIDD'S FIRST TRIAL AT THE OLD BAILEY	141
VI THE SUBSEQUENT TRIALS OF KIDD AND HIS CREW FOR PIRACY	171
VII KIDD'S END	195

APPENDICES

APPENDIX A	229
1. Copy of the King's Grant of Pirates' Goods.	
2. Articles of Agreement between Bellamont, Levingston, and Kidd.	
3. Kidd's Sailing Orders.	
APPENDIX B	255
1. Kidd's Own Narrative of His Voyage.	
2. The Examination of William Jinkins, Richard Barlycorne, and Robert Lumley.	
3. The Examination of Hugh Parratt.	

CONTENTS

	PAGE
APPENDIX B (<i>continued</i>)	
4. The Examination of Gabriel Luff.	
5. The Depositions of Abel Owen and Samuel Arris, English Smith and Humphry Clay.	
APPENDIX C	309
The French Passes sent to Bellamont by Kidd, included amongst the papers ordered by the House of Commons to be delivered to the Secretary of the Admiralty for the purposes of Kidd's trial.	
1. The French Pass taken on board the <i>Quedagh</i> or <i>Karry Merchant (le Navire Cara)</i>	
2. The French Pass taken on board the other prize captured by Kidd.	
APPENDIX D	315
The Report of Duncan Campbell to Bellamont.	
APPENDIX E	325
Extracts relating to Bellamont and Kidd from Narcissus Luttrell's "Brief Historical Relation of State Affairs from September, 1678, to April, 1714."	

Tratten

Also See Archie - Rob

G-537. K5 R57 1986

6555, W56

CHAPTER ONE

The Real Captain Kidd

CHAPTER I

PRELIMINARY

IT is to be feared that honest and well-meaning men have not infrequently incurred the odium of posterity, not so much by reason of any enormities of which they have themselves been guilty, as because it has been their misfortune to be set to impossible tasks by employers or comrades, to whom they have been only too faithful. Few, if any, of such men have less deserved their fate than Captain Kidd, one of the unluckiest men that ever lived, who left this world on Friday the 23d of May, 1701, after woeful experiences at sea of the doings of an unruly crew, and on shore of the schemings of unscrupulous politicians and

THE REAL CAPTAIN KIDD

lawyers at Boston, Newgate, the Old Bailey, and the Execution Dock at Wapping.

To most of those who woo her, reputation is a coy and fickle mistress. But she occasionally evinces a very embarrassing attachment to men and women, whose innate modesty and reticence have prompted them throughout their careers to give her as wide a berth as possible. She has clung most unfairly and pertinaciously for more than two centuries to poor Kidd, who in common with most men of his calling, had no desire whatever to obtrude himself on the public notice. This worthy, honest hearted, steadfast, much enduring sailor, a typical sea captain of his day, seems really to have done his best to serve his country and his employers according to his lights, in very difficult circumstances. His fatal mistake which brought all his sufferings on him was that he yielded to the solicitations, if not to the intimidations, of personages of higher rank than his own, who for their own ends in-

PRELIMINARY

duced him against his better judgment to embark on an impossible enterprise, which after the manner of his kind he doggedly tried to carry through to the utmost of his ability, and in which he came nearer attaining success than could reasonably have been anticipated. For his pains, after giving himself into custody in reliance on the word and honour of his chief employer, a Whig nobleman, he was ignominiously executed and hung in chains, after nearly two years' close incarceration, and has ever since been held up to execration as the arch pirate, who left behind him untold hoards of treasure taken from the murdered crews of peaceable merchantmen, and buried God knows where, on the innumerable coasts and keys of the West Indies, where they are popularly supposed to await discovery to this day. It would be difficult to conceive any wilder misrepresentation of the poor man's doings.

Kidd seems to have been born in Scotland and to have spent the greater part of

THE REAL CAPTAIN KIDD

his life in the American Colonies, neither of which circumstances was likely to stand him in good stead, either with the great men who employed him or with the London juries, by whom he was found guilty of murder and piracy. It is not alleged by his detractors that he had not borne an excellent character, until he was sent on his wild-goose chase after pirates, nor is there any reason to believe that he had any taste himself for piracy. On the contrary, it was his exemplary past conduct in this respect, in which he was certainly in advance of his time, which was the primary cause of his ruin, inasmuch as it induced the Earl of Bellamont, the Governor of New England, at the instigation of a local magnate, Colonel Livingstone, to select him as the most fitting instrument for the furtherance of the King's alleged designs for the suppression of piracy, when at the mature age of fifty-two, he was living a reputable sea-faring life in easy circumstances, possessed of a ship of

PRELIMINARY

his own, and married to a wife with a considerable fortune, settled in New York.

Bellamont was appointed Governor of New York by His Majesty King William the Third, early in the year 1695. Two years before he had been treasurer and receiver general of the late Queen Mary; but she had found it impossible to allow him to retain that post. In her diary of 1693 she writes: "Lord Bellamont behaved himself impertinently. I turned him out and was censured for it by all, which was no small vexation to me. But I could not be convinced that I was in the wrong, yet was sorry it was so understood." That he was given to taking unjustifiable action on ill-grounded suspicions would appear from the fact that in the same year (1693) he had made himself ridiculous by a vexatious and abortive impeachment of the Lord Chancellor of Ireland, Lord Coningsby, and one of the Irish Lord Justices, Sir Charles Porter, both of whom he had arraigned for high

THE REAL CAPTAIN KIDD

treason and other imaginary crimes and misdemeanors. The House of Commons, to whom he had presented his articles of impeachment, could not stomach proceedings so obviously calculated to bring it into contempt; and unanimously decided that the great majority of his accusations were absolutely groundless, while they declined to take any action on the remainder, considering the state of Ireland at the time when the alleged breaches of the law had taken place. It is of course impossible to say with certainty how far his ineptitude on this occasion, and the remembrance of the Queen's dislike to the man, induced the King to offer him a colonial governorship. But he would be a bold man who would venture to deny that even in more modern times similar appointments have been offered to and accepted by men, whom their own party have found it convenient to rid Parliament of at any cost, without regard to the interests of the Colonies to which they have been

PRELIMINARY

relegated. In those days colonial governorships were less sought after than they are now; and it was hopeless to expect any man of mark at home to accept one.

From an "Account of the proceedings in relation to Captain Kidd in two letters from a Person of Quality to a kinsman of the Earl of Bellamont," published in 1701, the year of Kidd's death, with the avowed object of vindicating the memory of Bellamont, who was then dead, it appears that New York had at that time, rightly or wrongly, earned a bad name in England. These letters, which so far as they appeared to whitewash Bellamont and Kidd's other employers, were eagerly accepted and embellished by Macaulay, are historically interesting from the side lights which they throw on certain differences which had then arisen between England and her American Colonies, and were already paving the way for the separation of the Mother Country and her strongest child. Their writer begins

THE REAL CAPTAIN KIDD

by informing his readers that "it was then well known that for several years two very pernicious things had been growing up in our American Colonies, — an unlawful trade in fraud of the Acts of Navigation and the Plantations, infinitely prejudicial to England, and the cursed practice of piracy, utterly destructive of all commerce." "Many," he tells us, "were insensibly drawn into these ill courses by observing what excessive wealth the offenders gained in a short time, and with what impunity they offended. For some Governors, having found a way to share in the profit, were obliged not only to connive at, but protect, the offenders." This anonymous gentleman had often, he says, been told by Bellamont that His Majesty had done him the honour to say "that he thought him a man of resolution and integrity, and with these qualifications, more likely than any other he could then think of" (apparently from Bellamont's own account of the interview the

PRELIMINARY

King had not much time to waste in troubling himself about so unimportant a matter), “to put a stop to that illegal trade and to the growth of piracy, for which reason he had made choice of him as Governor of New York, and for the same reason intended to put the government of New England into his hands.”

It would therefore appear to be admitted by this gentleman that the primary object of the King in the selection of Bellamont was to secure the more rigorous enforcement of the Navigation and Plantation Acts. These Acts had been passed in the reign of Charles the Second, for the purpose of securing for England the monopoly of American trade, by preventing under heavy penalties any direct trade between the Colonists and their neighbors, French, Spanish, or Dutch, in the West Indies. They prohibited the import and export of goods into or from the plantations except in ships built in England; and provided for

THE REAL CAPTAIN KIDD

the seizure and forfeiture of any other vessels employed in that trade and all goods found on board. It will readily be understood that, although this monopoly was regarded with great favour in England, it had been growing more and more unpopular with the Colonists, as their commerce and population increased, because their traffic with their neighbors was incommoded and hampered by it; the inevitable result being that the smuggling of goods into and out of the plantations had become a popular and lucrative and not very difficult business. Our Dutch King's desire to check this smuggling was not unnatural, money being at that time urgently required by him for the prosecution of his French War.

Bellamont, appointed Governor of New England in July, 1695, seems to have been in no hurry to go out to America. The primary object of his appointment being the more rigid enforcement of the Navigation Acts, it may be that it was thought desira-

PRELIMINARY

ble that he should be at hand during the passage through Parliament in the following year of the English Statute entitled "An Act for preventing frauds and regulating abuses in the Plantation Trade." The Parliamentary draftsmen of those days had a pretty talent for invective exercisable on the instructions of those in power. In this case it was displayed not only in the preamble of the Act, but also in the recitals to several of the clauses. From these we learn that notwithstanding the Acts of King Charles the Second "made for the encouragement of the navigation of the kingdom and for the better securing and regulating the plantation trade, great abuses were daily committed to the detriment of the English navigation and the loss of a great part of the plantation trade, through the artifice and cunning of ill-disposed persons." Amongst these artful, cunning, and ill-disposed persons, the pre-eminence is assigned to Scotchmen, who in that year were

THE REAL CAPTAIN KIDD

in bad odour with the King, and projecting their unfortunate Darien expedition which, had it succeeded, might have hit the English trade far harder than any amount of smuggling could have done. "Great frauds and abuses," we are told by the draftsman, "have been committed by Scotchmen and others in the plantation trade, by obtruding false and counterfeit certificates upon the government officers of having given security in this kingdom to bring the ladings of plantation goods to England, Wales, or the town of Berwick-upon-Tweed; as also certificates of having discharged their ladings of plantation goods in this kingdom pursuant to securities taken in the plantations, and also cocquets or certificates of having taken in their ladings of European goods in England, Wales, or Berwick-upon-Tweed, by means whereof they may carry the goods of Scotland and other places of Europe, without shipping the same in England, Wales, or Berwick-upon-Tweed to His Majesty's

PRELIMINARY.

plantations, and also carry the goods of the plantations directly to Scotland or any other market in Europe without bringing the same to England, Wales, or Berwick-upon-Tweed." To remedy these malpractices, a penalty of five hundred pounds was imposed by the Act on any person making use of such false cocquets and certificates. Every Colonial Governor was required to take a solemn oath to do his utmost, that all the clauses, matters, and things contained in the Navigation Acts should be punctually and *bonâ fide* observed; and on proof that any Governor had neglected to take this oath, or been wittingly or willingly negligent in doing his duty, he was to be removed from his government and fined one thousand pounds sterling. All naval officers in the plantations were required to give security to the Commissioners of Customs for the faithful performance of their duties, and until such securities had been given and approved by the Commissioners, the Governor was made

THE REAL CAPTAIN KIDD

answerable for their defaults. The Act is very lengthy and verbose. But the above are its most important provisions.

Legislation of this sort was thoroughly in harmony with the policy pursued at that time by the Home Government in its dealings with the Colonies. Generations had yet to pass before any doubt as to its wisdom began to dawn in the minds of Englishmen. Had Bellamont's instructions from his royal patron been confined to its furtherance, it would have been well for poor Kidd, and the reputations of Bellamont and sundry great personages in England. But they had, as has been seen, extended to the suppression of the alleged growth of piracy in New England. As a matter of fact, it may well be doubted whether piracy had, as alleged, been for several years on the increase in that part of the world. In the West Indies it had greatly diminished. Less than thirty years before, the buccaneers had been so numerous that, on receiving the

PRELIMINARY

directions of King Charles the Second to stop their depredations on the Spaniards, they had in defiance of his orders stormed the Castle of Chagres; and marching thence across the Isthmus, more than a thousand strong, sacked and burnt Panama itself in the face of the organized forces of the Spaniards. Now the great Brotherhood of the Coast had practically ceased to exist. Such piracy as still lingered on amongst the English speaking race was for the most part limited to the eastern seas and consisted mainly in depredations on the shipping of Mussulmans, Armenians, and the natives of India, collectively termed by seamen Moors. Without in any way extenuating the practice of plundering these people, it is only right that we should bear in mind, in considering the case of Kidd and his crew, the belief then widely prevalent amongst Europeans that there was little if any impropriety or disgrace attaching to the ill-treatment and robbery of black men by white. Witness,

THE REAL CAPTAIN KIDD

for example, the slave trade, and the conditions under which negroes were worked in the plantations. Moorish piracy still prevailed in the Mediterranean, attended by great cruelty to Europeans; and retaliation on the so-called Moors in the eastern seas must have seemed to the man in the street the most natural thing in the world. Darby Mullins, who was hung with Kidd, was no doubt voicing the opinion commonly held by seamen and others, not only in the plantations but in London and Bristol, when whilst expressing in his last moments to the Ordinary of Newgate his sincere contrition for his habits of swearing and cursing and profaning the Sabbath day, and his neglect to return thanks to his Creator for his preservation in an earthquake at Jamaica (sins of commission and omission which he regarded as really serious offences and for which he asked pardon), nevertheless protested in defence of his piracy under Culliford that "he had not known but that it

PRELIMINARY

was very lawful" (as he said he had been told) "to plunder ships and goods belonging to the enemies of Christianity." We may indeed be permitted to doubt, whether King William himself would have pressed Bellamont to check this piracy in the eastern seas, had it not been for two considerations: the one a possible apprehension that it might extend to the plundering of Dutch merchantmen sailing to and from his Dutch Colonies in the East, and the other the increasing complaints on the part of the wealthy East India Company who exercised great influence in Parliament, that it injured their trade and led to complications in their dealings with the Great Mogul.

Be this as it may, the suppression of piracy in the East was not only a desirable object, but one that was likely to commend itself to the mercantile community; and any plausible project for its furtherance that would not necessitate his immediate departure from England would naturally be wel-

THE REAL CAPTAIN KIDD

comed by Bellamont. Such a project was not long in presenting itself.

To return to his defence written by the anonymous Person of Quality: "As soon," he says, "as it was known that the Earl of Bellamont was designed for Governor, all persons who had concerns in New York made their applications to him. Amongst others, Colonel Robert Livingstone, who had several employments in that province, had frequent access to him, as well upon the account of the public affairs there, as of several matters which he had depending before the council and the treasury. The Earl, taking occasion to mention to this gentleman the scandal which lay upon New York in respect of the encouragement and retreat, which the pirates found there, Colonel Livingstone confessed" (as might be expected of a canny Scot, who wished to ingratiate himself with the great man) "that there was too much ground for the complaint, and that if some speedy and effectual course

PRELIMINARY

were not taken to suppress those enormities, so many persons would be drawn into the guilt that it would be exceedingly difficult to master them.”

After thinking the matter over, he saw his way to make himself serviceable. “When he came again to wait on the Earl, he took notice of the zeal the Earl had expressed at their last conversation for putting a stop to that piratical trade, since which time, he said, he had spoke with one Captain William Kidd, lately come” to London “from New York in a sloop of his own, who told him that he knew most of the principal men who had been abroad roving and others who had lately gone out, and likewise had some knowledge of the places where they usually made their rendezvous, and that he would undertake to seize most of them in case he might be employed in one of the King’s ships, a good sailer of about thirty guns, and might have one hundred and fifty men. He said that though the

THE REAL CAPTAIN KIDD

pirates were many in number yet they had at that time no ship of considerable size. Livingstone affirmed that Kidd was a bold and honest man and he believed better than any other to be employed on that occasion.”

In the light of subsequent events it is much to be regretted that poor Kidd happened at that juncture to have come to London from New York and, whether in his cups or otherwise, made these disclosures to Livingstone. But that Livingstone was fully justified in his estimate of Kidd's character is clear from the evidence of the four most reputable witnesses (it may almost be said the only reputable witnesses) at Kidd's subsequent trials, — Colonel Hewson, Captain Bond, Captain Humphreys, and Mr. Thomas Cooper, — who happened to be in London, when the trial came on. Colonel Hewson then testified that Kidd was a mighty man in the French war in the West Indies; and had served under his (Hew-

PRELIMINARY.

son's) command, being sent to him by the order of Colonel Codrington. "He was with me," he swore, "in two engagements against the French, and fought as well as any man I ever saw, according to the proportion of his men. We had six Frenchmen to deal with, and only mine and his ship."

KIDD. "Do you think I was a pirate?"

HEWSON. "I know his men would have gone a-pirateering and he refused it; and his men seized upon his ship. When he went this voyage, he consulted me and told me they had engaged him on such an expedition. And I told him he had enough already, and might be contented with what he had. And he said that was his own inclination; but my Lord Bellamont had told him, if he did not go this voyage, that there were great men and they would stop his brigantine in the river, if he did not go."

MR. JUSTICE TURTON. "Who told you so? Did he?"

THE REAL CAPTAIN KIDD

HEWSON. "Yes, my lord."

MR. JUSTICE TURTON. "Did you apprehend that his intention in that undertaking was to be a pirate?"

HEWSON. "No, my lord. He told me his business was to go cruising and surprise pirates."

THE SOLICITOR GENERAL. "Did he tell you he had no such design?"

HEWSON. "Yes; he said he would be shot to death before he would do any such thing. He was very serviceable in the West Indies."

On the same occasion Captain Bond swore that he knew that Kidd was very useful at the beginning of the war, and Captain Humphreys that he had known Kidd at the beginning of the late war, and that he had the applause of the General, as he could show by the General's letter, a general applause of what he had done from time to time.

Mr. Thomas Cooper gave evidence to the

PRELIMINARY

like effect. Being asked by Kidd to tell the Lord Chief Baron Ward, what he knew of him in the West Indies, he replied: "I was on board the *Lyon*; and this Captain Kidd brought his ship from a place that belonged to the Dutch and brought her into the King's service at the beginning of the war, about ten years ago; and we fought Monsieur Du Cass a whole day, and I thank God we got the better of it. And Captain Kidd behaved himself very well in the face of his enemies."

Two points should be noted in Colonel Hewson's evidence. First, that he knew that Kidd, years before there was any thought of sending him out to suppress piracy in the eastern seas, had not only done good service for England in the war against France, but had also refused to join his crew in "pirateering," with the result that they had seized his ship. Secondly, that Kidd had told him before he started on his last unlucky expedition, that he was drawn into

THE REAL CAPTAIN KIDD

the business by an intimation on the part of Bellamont, that there were great men in it, and by the threat that if he did not go, his brigantine would be stopped in the river. That there were great men in the business, far greater men than Bellamont, is indisputable. That great men in those days were wont to use their great power more arbitrarily than they dare to do now-a-days is also indisputable. That Kidd was more or less coerced into embarking in their business by the fear that they might stop his brigantine in the river if he refused to go, cannot, in view of the statement which he made to Colonel Hewson before starting, be reasonably regarded as improbable.

To return to the narrative of the Person of Quality, who was not likely to lay stress on these points. "His Majesty," he says, "was made acquainted with the proposal by the Earl of Bellamont, and was pleased to consult the Admiralty. But the war employing all the King's ships which were in

PRELIMINARY

a condition of service, and the great want of seamen (notwithstanding the press and all other means used), together with the remoteness of the voyage, and the uncertainty of meeting the pirates or taking them if they were found, occasioned after some deliberation the laying aside of the project as impracticable at that time." In other words, the Admiralty officials, realizing the difficulty of the task, declined to take any part in it, and pleaded inability.

The pertinacious Livingstone, as might have been expected, was not to be staved off in this fashion; and before long he hit upon a new project. "He did propose to the Earl, that if persons of consideration might be induced to join in the expense of buying and fitting out a proper ship, he had such an opinion of Kidd's capacity and good meaning, and so great a desire that some stop might be put to these practices that he would be one of the undertakers" (incurring little risk so long as he stood in with

THE REAL CAPTAIN KIDD

persons of sufficient consideration); "and that he and Kidd would be at one-fifth part of the charge. The Earl thought himself obliged in duty to make this second overture known to His Majesty, who was pleased to approve highly of the design, because" (note the reason) "nothing of that nature was to be effected in any other way. He did also declare, as an encouragement to such an undertaking, that the persons with whom the Earl should engage to be at the expense of the voyage should have a grant of what Kidd should take from the pirates, so far as it might belong to him, except some part, which he would reserve for himself chiefly to show that he was a partner in the undertaking."

So far, therefore, as appears from the narrative of this Person of Quality, who is the only witness of these confidential communications, whose evidence is now available. The original suggestion of Kidd, who unlike the majority of his fellow Colonists

PRELIMINARY

was opposed to piracy in the East or elsewhere, was that if he was sent out on board of a King's ship, with officers and men of the King's navy, he would indicate to them the places to which the pirates were wont to resort, and thus enable the King's sailors to seize them. The Admiralty doubted the feasibility of this plan, even if they had had the necessary means at the moment to carry it out. The disastrous suggestion that Kidd should be sent out in command of a ship, provided at the expense of persons of consideration, and manned by a scratch crew of undisciplined men, emanated from Livingstone, and was assented to by the King as a *pis-aller*. At the worst the King could not lose a farthing by it. If it succeeded, he would not only gain his object, but pocket a substantial share of the plunder. The adventurers might pocket more, but they would run some risk of parting with their money and getting no return for it. What would happen to Kidd, if he

THE REAL CAPTAIN KIDD

failed, appears to have been no concern to any of them.

The King's approval of the adventure having been obtained, the next thing to be done was to find the necessary persons of consideration, willing to put their money in it. Six thousand pounds only were required, of which Livingstone and Kidd each contributed six hundred. The remainder was at once advanced by four of the most powerful men in England at that time, leading men in the King's Whig Ministry, Somers the Lord Chancellor; the Earl of Orford, the First Lord of the Admiralty; and the two Secretaries of State, the Earl of Romney and the Duke of Shrewsbury. Great men indeed were now in the business, and it was too late for Kidd to back out of it. So far Livingstone had succeeded, probably beyond his wildest hopes.

But although these great men were quite willing to risk their moneys in this adventure, they were by no means keen that their

PRELIMINARY

names should appear in connection with it. In the grant¹ made to the adventurers by the King of the pirates' goods and wares to be taken by Kidd, it was expressly stated that his ship, the *Adventure Galley*, had been, with the King's knowledge and royal encouragement, fitted out to sea at the great and sole charge of the Earl of Bellamont and Sir Edmund Harrison, and four obscure personages, Samuel Newton, John Rowley, George Watson, and Thomas Reynolds, not one of whom had advanced a penny of their own upon it; and it was to these persons, and not to Livingstone, Kidd, or the four King's ministers that the grant purported to be made on the ground that the King was "graciously inclined that so chargeable an undertaking tending to such good and laudable ends should have meet and proper encouragement." As a *quid pro quo* for this highly improper grant, the legality of which was afterwards very seri-

¹ A copy of this grant will be found in Appendix A.

THE REAL CAPTAIN KIDD

ously called in question in Parliament, the grantees by an indenture of even date therewith agreed to well and truly account for and deliver to the use of His Majesty one full clear tenth part of any vessels, merchandise, moneys, goods, and wares that might be captured by Kidd.

Two Commissions were granted to Kidd himself, the one, letters of marque in ordinary form, empowering him to capture French ships, and the other, a special Commission authorizing him to apprehend, seize, and take four persons designated by name as pirates, Thomas Too, John Ireland, Thomas Wake, and William Maze *alias* Mace (none of whom were found by him in the course of his wanderings), and also any other pirates, freebooters, and sea rovers, whom he might be fortunate enough to catch, together with their ships, merchandise, goods, and wares. How he was to satisfy himself that any persons whom he might come across were pirates, unless he

PRELIMINARY

caught them in the act of piracy, and what the consequences to himself would be, if he had the misfortune by mistake to kill persons whom he suspected to be pirates, but of whose piracy he had no legal proof, or if by any equally likely mischance he neglected to seize persons who were pirates, but whom he could not prove to be such, does not appear from any of the verbose legal documents drawn up on this occasion. What is clear from them¹ amongst other things is this, that they imposed on his men conditions which were likely to be and in the event proved to be very unpalatable to them. The most important of these was that if they took no prizes, the crew were to have no pay. Another condition was that if the prize moneys were insufficient to meet the full amount advanced by the four great men, the deficiency was to be made good by Kidd and Livingstone, both of whom were substantial men. In the event of the prize

¹ See Appendix A.

THE REAL CAPTAIN KIDD

moneys amounting to one hundred thousand pounds, the *Adventure Galley*, which turned out to be a leaky old vessel, was to become the property of Kidd. The great men therefore ran very little pecuniary risk, and obviously hoped to make enormous gains from the enterprise. But for this expectation it is highly improbable that any of them would have embarked in the adventure.

It is, of course, very difficult at this distance of time to determine with any certainty what amount of blame attaches to the several personages concerned in this unfortunate business. Very grave suspicion attaches to some of them. One thing, however, is reasonably certain, that no candid person who will now take the trouble to look into the case carefully, can come to any other conclusion than that the balance of evidence is distinctly in favour of poor Kidd; and that he was fully justified in the reply which he made to Lord Chief Baron Ward,

PRELIMINARY

when called upon to say why sentence of death should not be pronounced upon him. "My lord, it is a very hard sentence. For my part, I am the innocentest person of them all."

CHAPTER TWO

CHAPTER II

THE VOYAGE OF THE "ADVENTURE GALLEY"¹

LEGAL preliminaries completed, Kidd's ship, the *Adventure Galley*, was launched in Castle's Yard at Deptford, on the fourth of December, 1695, and set sail between two and three months afterwards. Sir Edmund Harrison, described by Bellamont's apologist as "a reputable city merchant," had been at the pains to select the crew with great care so as to exclude all Scotch and Colonials, who were regarded as ineligible by reason of their supposed propensities to smuggling and piracy. "That nothing might be wanting," we are told by

¹ The narrative of this voyage written by Kidd and the depositions of such of his crew as remained faithful to him, will be found in Appendix B. Other details are to be found in the verbatim reports of his trials.

THE REAL CAPTAIN KIDD

the same writer, "which the nature of the thing would admit notwithstanding the great difficulty of finding men at that time, Sir Edmund Harrison took such care of the crew that every officer in the ship and almost all the seamen had settled families in England." "True it is," he adds in the next paragraph, "that this care was in a great degree rendered ineffectual: for most of the crew were pressed before Kidd got out of the river." Kidd himself in his artless narrative tells the tale more tersely, merely recording the fact that "on the first of March, when he came to the Buoy at the Nore, his men were pressed for the fleet." Seeing that the First Lord of the Admiralty was one of the principal partners in the adventure, it may seem strange to those who have had no personal experience of official blunderings, that precautions had not been taken to prevent this untoward mishap, which made a hopeless enterprise more hopeless than ever. For it left Kidd no

“ADVENTURE GALLEY”

alternative but to get the bulk of his crew from America. With such of his men as had not been deemed worth taking by the press gang, he managed to get away from Plymouth about the end of April. On his way to America, he captured a small French vessel with salt and fishing tackle bound for Newfoundland, and brought her into port at New York. There in the head centre and hotbed of the smuggling and piracy, which the King desired to repress, he set to work to pick up the best substitutes he could find for the men who had been so carefully selected for him and so unceremoniously taken from him at the Nore.

He reached New York in July and did not leave it till September. In the interval the French ship which he had captured was condemned by the authorities as a lawful prize; and according to Kidd's narrative of these events, “the produce thereof purchased provisions for the *Adventure Galley* for her further intended voyage.” It

THE REAL CAPTAIN KIDD

must have been anything but an easy job to get the requisite number of men to fill up the vacancies in his ship's company. The Colony was not over populated, nor was there any lack of work for those who cared to take it. The only terms he was authorized to offer, "No purchase, no pay," were not likely to be accepted by skilled and experienced seamen, who had the chance of earning a good living at home by smuggling, or of going out and making their fortunes, as some had lately done in the East under such captains as those whom it was now Kidd's business to catch. Nor was the catching of their old friends for hanging purposes likely to be a popular employment in that part of the world. He probably picked up some adventurous boys, eager to go to sea at any cost, in ignorance of the fate to which they were consigning themselves. Of the older men who joined, Darby Mullins, a rolling stone who had gathered no moss, may perhaps be taken as a fair sample.

“ ADVENTURE GALLEY ”

From so much of his previous history as this poor man told to the chaplain at Newgate, it appears that he was an Irishman, born near Londonderry, kidnapped when young and shipped for the plantations, where he had followed various honest avocations without any conspicuous success. Most of Kidd's grown-up recruits, it is to be feared, were men of this kind, who for one reason or another were indisposed to remain long in any one employment, and likely to abandon the enterprise as soon as they got tired of it. Whilst picking up one and another of these men during his last stay at his home in New York, Kidd, one would think, must often have regretted that he had embarked on this miserable business. But he seems to have been upheld not only then but till the day of his death by a childlike belief in the great men whose service he had entered, a belief which was possibly shared by his wife. Money was not a matter of great importance to either of

THE REAL CAPTAIN KIDD

them. It is not unlikely that she was pleased to hear about her husband's great friends, his interviews with them in London, and what they were likely to do for him and her when he had successfully completed his task. It is possible that she may have looked forward with some complacency, poor soul, to the prospect of herself associating with the women folk of these great people. Perhaps she even dreamed of becoming a great lady herself. Why not? What more likely than that her husband would be knighted by the King for his services and that she would become Lady Kidd?

Starting from New York in September in command of his undisciplined and unpromising crew, Kidd proceeded first to the Madeiras, in company with one Joyner, master of a brigantine belonging to the Bermudas. He arrived at his destination on the eighth of October. Thence they sailed together to Bonavista, where they stayed

“ ADVENTURE GALLEY ”

for some days and took in salt; thence to St. Jago where they watered; and thence to the Cape of Good Hope. On the twelfth of December, “in the latitude of thirty-two,” to quote from Kidd’s narrative, “they met with five English men-of-war. 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.” Here Kidd failed to find at their usual rendezvous any of the pirates after whom he had come, and concluding that they were preying on the Eastern trade, continued his course eastwards in pursuit of them. In company with a sloop belonging to Barbadoes, which had come in at Telere whilst he was there, he sailed to the Island of Johanna on the coast of Malabar. There he “found four East India merchantmen outward bound and watered there all together and stayed about five days. From thence about the twenty-second of March he sailed for Mehila, an island ten leagues dis-

THE REAL CAPTAIN KIDD

tant from Johanna, where he arrived the next morning and careened the *Galley*." "And about fifty men died there in about a week's time," he tells us pithily and without comment, as though such a catastrophe was an ordinary occurrence, as indeed it probably was in those days to a ship's crew suddenly attacked by cholera or plague in those parts. These deaths seem to have induced him to leave that coast somewhat suddenly and to seek healthier quarters. After cruising awhile in the open sea, the only known specific in those days for such mischances, he came to the entrance of the Red Sea, obviously a likely place to find the pirates in, since it was specifically named in the Articles of Agreement between Bellamont, Livingstone, and himself as the place in which the pirates of whom he was in search intended to commit their depredations, and the date of the sailing of the Mecca fleet was approaching. He had now been the greater part of a year at sea without taking a prize,

“ ADVENTURE GALLEY ”

and had lost more than a third of his crew by sickness. His ship had grown crazy and leaky; and neither he nor his men had yet earned a penny. No wonder that his ship's company was growing discontented. The wonder is that Kidd had thus far been able to keep them fairly in hand, which it is admitted he had done.

On reaching the Red Sea, he waited for three weeks at Bab's Key, a small island at its entrance, a convenient station for observing all ships going into or out of that sea. It was alleged at his trial by Palmer, one of the two men who became King's evidence, that he said on one occasion to his men, whilst waiting here, “ Come, boys, I will make money enough out of that fleet.” Little credence is to be attached to Palmer's evidence, as will be seen hereafter. But assuming that Kidd made use of these words, they are susceptible of a perfectly innocent interpretation. Kidd was on the lookout not only for pirates but also for French

THE REAL CAPTAIN KIDD

ships. It was not improbable that some of the vessels in the Mecca fleet would be ships belonging to Frenchmen, or sailing under French colours to the French factories in India, in which case he would have had a perfect right to seize them under his letters of marque. It was also by no means improbable that he might catch some of the Madagascar pirates in pursuit of, or possibly in possession of, the fleet or some part of it, in which case it would clearly have been his bounden duty under his commission to seize the pirates and the ships which they had captured. In either of these events he would, to use the words attributed to him by Palmer, have made money enough out of the fleet.

There is some conflict of evidence as to what actually happened on the fourteenth of August, when the fleet came by. One thing is certain, that either before or after Kidd came among them, they flew English and Dutch colours, and that a fire was opened

“ ADVENTURE GALLEY ”

on Kidd from one or both of their convoys. It also appears that “sundry shots were fired from Kidd’s ship,” possibly with the object of bringing the ships to, in order that explanations might be forthcoming from both sides. On this point an attempt made on the part of the prosecution by both their witnesses to mislead the jury was frustrated by Kidd. Palmer had led them to believe that Kidd was the aggressor. “I ask this one thing,” said Kidd. “Did the Mecca fleet fire first at me or I at them?”

PALMER. “No; they fired first.”

KIDD. “And just now, the other” (that is, Bradenham) “said I fired first. Is he not perjured?”

MR. JUSTICE TURTON. “Mr. Bradenham, did he fire first or no?”

BRADENHAM. “He fired at them. I only said, you fired at them. I did not say first or last.”

No harm was done by the shots on either side; and the fleet went by without any in-

THE REAL CAPTAIN KIDD

terchange of explanations. It was no fault of Kidd's that its convoys mistook him for a pirate, of which there were undoubtedly plenty in those parts. But the failure of his plan to make money out of it cannot have added to his prestige with his crew.

Leaving Bab's Key, the *Adventure Galley* stood back across the Arabian Sea and cruised again along the coast of Malabar, the only coast on which there is the slightest suggestion that Kidd ever committed any act of piracy. In considering his doings and those of his men here, and the construction placed on them first by the East India Company, and afterwards by the prosecution at his trial, several things must be borne in mind. At that time there were in India not only English, but Portuguese and French factories. Little love was lost between them, and there was open war between England and France. English and American pirates had been for some time past preying on the coast trade, and the *Adventure Gal-*

“ ADVENTURE GALLEY ”

ley might very reasonably be mistaken for a pirate by any ship which she chased. The coast trade was carried on mainly in vessels manned by Asiatics with, in some cases, two or three Europeans on board. The wily Indian had by this time learned the advantage of carrying Europeans of more than one nationality in each ship, so that if caught by a ship carrying French colours, he might produce a Frenchman as the owner, and if caught by an English ship an Englishman. It was Kidd's plain duty to take as prizes any French vessels he came across, and with that end in view to examine carefully every ship which he had reason to suspect was French. He knew very little of the coast or of the Eastern languages, and stood greatly in need of a pilot and an interpreter, or, as he was then termed by seamen, a “ linguister.” His crew were becoming unruly, and whenever he left his ship to examine personally any suspected prize, he ran the risk of their putting to sea and leav-

THE REAL CAPTAIN KIDD

ing him in the lurch. The first vessel he was accused at his trial of having plundered was a small one, of little value, manned by Armenians, with two Europeans on board, an Englishman and a Portuguese. He engaged the Englishman as a pilot and the Portuguese as a "linguister." There is no reason to doubt that both these men were thankful to get on board a European ship again and to join his ship's company, as others in similar circumstances admittedly did afterwards.

The ship itself with its Armenian crew he allowed to proceed on its course after a few days' detention. Before it left him, some misunderstanding seems unfortunately to have arisen between the English seamen on board of her and the Armenians; and it is alleged that on this occasion the former hung up four of the latter and spanked them with the flats of their cutlasses. Kidd's defence, and there is no reason to doubt that it was a perfectly genuine de-

“ ADVENTURE GALLEY ”

fence so far as he was concerned, was that he had nothing whatever to do with this fracas and that he did not go on board the ship at all. It was further alleged by the King's evidence that his men took out of her a bale of coffee and a bale of pepper and some beeswax. Whether they neglected to give adequate money or goods in exchange is not stated, but as it is admitted that Kidd trafficked with many of the ships which he met on this coast, it is not unreasonable to suppose that he did so with this one. At any rate, there is no good reason to believe that he was a party to the theft of these paltry articles.

The next vessel he met was a Portuguese man-of-war which attacked him without the slightest provocation, taking him possibly for one of the pirates of whom he was in quest, or possibly for some less reputable reason. Here again, Palmer, the King's evidence, tried to give the jury the false impression that Kidd was the aggressor.

THE REAL CAPTAIN KIDD

PALMER. "He met a Portuguese ship and fought her."

KIDD. "Who fired first?"

PALMER. "The Portuguese fired first."

Kidd's narrative written before he was taken into custody, or had any reason to believe that he would be called to account for this incident, goes more fully into this matter. Though from other parts of his narrative he seems to have been a man of few words, he waxes eloquent on this occasion. It appears that he had been into Carrawarr a few days before, to water. "There the gentlemen of the English factory," he says, "gave the narrator an account that the Portuguese were fitting out two men-of-war to take him, and advised him to put to sea, and to take care of himself from them, and immediately to set sail thereupon. And the next morning about break of day he saw the said two men-of-war standing for the said *Galley*, and they spoke with him, and asked him whence he was. Who

“ ADVENTURE GALLEY ”

replied, from London, and they returned answer, from Goa; and so parted, wishing each other a good voyage. And still sailing along the coast, the Commodore of the said man-of-war kept dogging the said *Galley* all the night, waiting an opportunity to board her; and in the morning without speaking a word, fired six great guns at the *Galley*, 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 man-of-war lay some distance off and could not come up with the *Galley*, being calm; else would likewise have assaulted the same. The said fight was sharp, and the said Portuguese left the said *Galley* with such satisfaction, that the narrator believes no Portuguese will ever attack the King's colours again in that part of the world especially." In reading this narrative, it should be remembered that Kidd was no bragga-

THE REAL CAPTAIN KIDD

docio; but a plain sea captain who had admittedly greatly distinguished himself in the war, which was still in progress against the French.

The next enormity with which he was charged at his trial was cruelty to the natives. It appears that he had sent some of his men ashore at one of the Malabar Islands for wood and water; and the natives having cut one of their throats, he caused one native to be shot by way of reprisal. The manner in which capital was attempted to be made by the prosecution out of this incident appears plainly from the verbatim report of the King's evidence. In reply to a question by the counsel for the prosecution, as to what Kidd had done after fighting with the Portuguese man-of-war, Bradenham replied, "We went to one of the Malabar islands for wood and water, and Captain Kidd went ashore and several of his men, and plundered several boats and burnt several huts, and ordered one

“ ADVENTURE GALLEY ”

of the natives to be tied to a tree and one of his men to shoot him.” Hoping apparently to bring some further atrocities to light, counsel proceeded to ask, “ What was the reason for his shooting this Indian? ”

The answer he got from Bradenham, his own witness, was, “ One of his men that was his cooper had been ashore, and some of the natives had cut his throat, and that was the reason he ordered his men to serve this man so.” Needless to say, counsel pursued the subject no further.

Whatever his men’s inclinations may have been at this time, the next untoward incident recorded of his doings on this coast conclusively shows that it was Kidd’s firm determination that his men should not be guilty of piracy. He came across a Dutch ship, *The Loyal Captain*, under the command of Captain Hoar. The greater part of his crew were undoubtedly in favor of seizing this ship, and it is indisputable that

THE REAL CAPTAIN KIDD

Kidd prevented them from attempting it. Kidd's own account at his trial, was as follows:

“ My lord, I will tell you what the case was. I was coming up within a league of this Dutchman, and some of my men were making a mutiny about taking her, and my gunner ” (Moore) “ told the people he could put the captain in a way to take the ship and be safe. Says I, ‘ How will you do that?’ The gunner answers, ‘ We will get the captain and men aboard.’ ‘ And what then?’ ‘ We will go aboard the ship and plunder her, and we could have it under their hands that we did not take her.’ Says I, ‘ That is Judas-like. I dare not do such a thing.’ Says he, ‘ We may do it; we are beggars already.’ ‘ Why,’ says I, ‘ may we take this ship because we are poor?’ Upon that a mutiny arose.”

Palmer, the King's evidence, admitted that on this occasion there were nine men with muskets who were for taking the ship

“ ADVENTURE GALLEY ”

and that Kidd was against their doing so. The same incident was thus described at the trial by Parrott, one of the youngsters of the crew, a Plymouth boy of nineteen years of age at the date of the trial.

“ I shall tell you how it happened according to the best of my knowledge. The commander fortunèd to come up with this Captain Hoar’s ship, and some were for taking her, and some not. And afterwards there was a little sort of a mutiny and some were in arms, the greater part. And they said they would take the ship. And the commander was not for it; and so they resolved to go away in a boat and take her. Captain Kidd said: ‘ If you desert my ship, you shall never come aboard again, and I will force you into Bombay, and I will carry you before some of the council there.’ In-somuch that my commander stilled them, and they remained on board.”

It is easy to understand that although for the nonce the mutiny was quelled, it left bad

THE REAL CAPTAIN KIDD

blood behind between Kidd and Moore, the spokesman of the mutineers. About a fortnight afterwards another altercation arose between them, which ended in Kidd's knocking Moore down with a bucket. According to Parrott, it arose in this way: "Moore said, 'Captain, I could have put you in the way to have taken the ship, and have never been the worse for it.' He says, 'Would you have me take this ship? I cannot answer it. They are our friends!' And my commander was in a passion, and with that I went off the deck. I understand that afterwards the blow was given, but how I cannot tell."

From the evidence given by the cook and a seaman named Barlicorn, who remained on deck, it appears that Moore upbraided Kidd and said, "You have brought us to ruin, and we are desolate;" and that Kidd said, "Have I brought you to ruin? I have not done an ill thing to ruin you. You are a saucy fellow to say those words."

“ ADVENTURE GALLEY ”

And then he took up the bucket and gave him a blow with it.

The version given by Palmer, the King's evidence, was this: "Captain Kidd came and walked upon the deck, and walks by this Moore. And when he came to him he says, 'Which way could you have put me in a way to take this ship and been clear?' 'Sir,' says Moore, 'I never spoke such a word nor ever thought such a thing.' Upon which Captain Kidd called him 'a lousie dog.' And says William Moore, 'If I am a lousie dog, you have made me so. You have brought me to ruin and many more.' Upon his saying this, says Captain Kidd, 'Have I ruined you, you dog?' and took the bucket and struck him on the right side of his head, of which he died the next day. Repeating the words two or three times, he took a turn or two on the deck and then struck him."

Kidd admitted at the trial that he had given the blow; but pleaded that he had all the provocation in the world given him;

THE REAL CAPTAIN KIDD

that he had no design to kill Moore and no malice or spleen against him. It was not done designedly but in his passion, for which he was heartily sorry.

It is not certain that Moore died of the blow, for one witness deposed that Bradenham, the surgeon, who subsequently deserted Kidd at Madagascar to join the pirate Culliford, said at the time, "This blow was not the cause of his death," and that Moore had been on the sick list for some time before. It is only fair to say, however, that Bradenham denied this.

Whether or not Moore died from the blow, it is clear that he was the spokesman of the mutineers on the two occasions on which dispute arose between Kidd and his crew as to the plundering of the Dutch ship, that he upbraided Kidd for his not allowing his men to commit a gross act of piracy, and that his death had the effect of quieting the mutineers for a while.

Coming next to the two cases in which

“ ADVENTURE GALLEY ”

Kidd did take prizes in the course of this voyage, according to his own illiterate but intelligible narrative, he met in November, 1697, “ A Moore’s ship of about 200 tons, coming from Surratt, bound for the coast of Malabar, loaded with two horses, sugar, and cotton in trade there, having about 40 Moors on board, with a Dutch pilot, boatswain and gunner, which said ship the narrator hailed and commanded ” [? The Master] “ on board. And with him came eight or nine of the Moors and the three Dutchmen who declared it was a Moor’s ship and ” (were) “ demanded their pass from Surrat, which they showed and the same was a French pass which he believes was shown by mistake. For the pilot swore sacramentally she was a prize and staid on board the *Galley* and would not return on board the Moor’s ship, but went in the *Galley* to the port of St. Marie’s.”¹

¹ The port of Madagascar to which she was afterwards taken.

THE REAL CAPTAIN KIDD

This statement is corroborated by such of his crew as returned with him to America, from whose depositions it further appears that all the Christians ultimately remained in the *Galley* and "took up arms there," that the Moors had the long boat given them to go on shore, which was two leagues distant; and that Captain Kidd and his men sold the cotton and horses to the natives of the country for money and gold, but kept the ship itself with them and carried her to Madagascar, the *Galley* being very leaky. The King's evidence against Kidd was practically to the same effect.

This was a prize of no great value, but such as it was he and his men were no doubt glad enough to lay hands on it. For they must by this time have been running short of money, and it was the first capture they had made. Moreover, their own ship being very leaky, they were glad to keep it in company.

Shortly afterwards, on the fifth of February, 1698, they came across a very differ-

“ ADVENTURE GALLEY ”

ent ship, the *Quedagh Merchant*, an extremely valuable prize. Sailing under French colours, as Kidd frankly admits “with a design to decoy,” he met, to quote his own words, “with a Bengal merchantman belonging to Surratt of the burden of four or five hundred tons, and he commanded the master on board. And a Frenchman, an inhabitant of Surratt, and belonging to the French factory there, 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 surprised and said, ‘You are English,’ and asking which was the captain. Whom when he saw, he said, ‘Here is a good prize,’ and delivered him the French pass.”

There is no reason to believe that this is not a perfectly correct account of the taking of the ship; but for the capture of which it is improbable that any complaint against Kidd would ever have been made by the East India Company. Kidd’s own ac-

THE REAL CAPTAIN KIDD

count of the capture is corroborated even by the King's evidence, Bradenham, who states that Kidd chased the ship under French colours, and that when he came up with her he commanded the master on board. "And there came," he says, "an old Frenchman in the boat; and after he had been aboard awhile" (mark the subtlety of the word "awhile." Who would have conceived that it meant five or six days?), "he told Captain Kidd that he was not the captain but the gunner, and Kidd sent for the captain, whose name was Wright." Palmer, the other King's evidence, says he was not on board when the ship was taken. At the trial Kidd went more fully into this incident than in his narrative. "My lord," he said, "this Frenchman was aboard for five or six days before I understood there was any Englishman aboard. 'Well?' said I. 'What are you?—an Englishman?' 'I am, master.' 'What have you to show for it?' 'Nothing.'"

“ ADVENTURE GALLEY ”

Fortunately the French passes given to Kidd on the taking of both prizes were carefully preserved by him. He sent them to the Earl of Bellamont on his first arrival in American waters, and Bellamont forwarded them to the Admiralty. They were included amongst the papers relating to Kidd, delivered in at the clerk's table of the House of Commons by the chairman of the committee appointed to sort the papers received from Bellamont and report thereon. Verbatim copies of them are to be found in the Journals of the House of Commons (Vol. 13, page 21), and are printed in Appendix C of this work. They constitute the most important documentary evidence that could have been forthcoming at Kidd's trial; but although the Admiralty officials had them in their possession, and the House of Commons had directed that Kidd should have access to them, and although Kidd pleaded hard for a postponement of his trial in order that they might be produced, not only were

THE REAL CAPTAIN KIDD

they not produced, but the jury and judge were led to suppose that they existed only in Kidd's imagination.

The belated suggestion made by the Englishman Wright that he was the master of the ship, coupled with an offer on the part of the Armenians to redeem the prize for twenty thousand rupees, a wholly inadequate sum,¹ seems to have raised some doubt in Kidd's cautious Scotch mind as to the expediency of carrying off the ship to America in accordance with his sailing orders. He called his crew on deck and consulted them as to the course they should take. They voted not to accept the proffered ransom but to take her to Madagascar, which he decided to do, Madagascar lying in the direct route for America. His sailing orders² from Bellamont as to the course he should take with any prizes were explicit.

¹ In the petition of Cogi Babba to the House of Commons she is said to have cost forty thousand rupees and her cargo four hundred thousand.

² These sailing orders will be found in Appendix A.

“ ADVENTURE GALLEY ”

They were: “ You are to sail directly to Boston or New England, there to deliver to me the whole of the prizes, treasure, merchandise, and other things you shall have taken by virtue of the powers and authorities granted you.” The only contingency in which he might depart from them was, “ if you shall fall in with any English ship bound for England having good convoy, you are in such case to keep them company and bring all your prizes to London.” It is difficult to see how, in the face of these orders, he could have done otherwise than take his two prizes to Madagascar.

As a matter of fact, he set sail at once with both; and according to his narrative “ sailing thither the *Galley* was so leaky that they feared she would have sunk every hour; and it required eight men every two glasses to keep her free; and ” (he) “ was forced to woold her round with cables to keep her together, and with much ado carried her into the port of St. Marie’s,

THE REAL CAPTAIN KIDD

where they arrived the first day of April, 1698.”

On her way to Madagascar the *Adventure Galley* unfortunately seems to have fallen in with a Portuguese ship. According to the deposition¹ of William Jinkins, a London lad, one of the boys who had remained faithful to Kidd, “she also in her passage to St. Marie’s aforesaid took a Bark or Ship, navigated with Portuguese. She came from Bengall and was bound to Goa, and had on board, Bengalls, Muslins, Calicoes, and other things, which the *Galley’s* Company began to plunder and bring on board the *Galley*: but seeing several Ships coming towards them the said *Galley* with the other two prizes she had taken, came to sail, and left the said last Prize at a place between Brin John and Angingo, so called from being an English and Dutch factory; and left on board the same all the company belonging thereto, except the

¹ See Appendix B.

“ ADVENTURE GALLEY ”

Master Merchant and seven men more that had come on board the *Galley*, when she first took the said Ship.” This deposition made two years before Kidd’s trial was confirmed in substance by two other lads, Barlicorn and Lumley. At the trial, Bradenham, the King’s evidence, told the story thus: “ We met with a Portuguese ship off the coast of Malabar and he ” (*i. e.*, Kidd) “ took her and he took out of her some opium, some East India goods, some plunder and sixty or seventy bags of rice.” Asked by Kidd whether he had seen them brought on board, Bradenham evaded the question by saying: “ I am answering the bench.” In reply to a further question by the Solicitor General, “ Were there any other goods,” he replied: “ Yes, there was bees’ wax and thirty jars of butter.”

This is the only vessel with respect to which there is any good ground for suspecting that Kidd’s proceedings were irregular. His omission to make any reference to this

THE REAL CAPTAIN KIDD

ship in his narrative is significant; and points to the conclusion that he felt some difficulty in justifying what had been done. It is not improbable that he was forced by stress of circumstances to acquiesce in what was undoubtedly an act of piracy on the part of his crew, though it may have been regarded by them as a very justifiable reprisal for the damage and loss of life which the *Galley* had sustained by the recent unprovoked attack of the Portuguese man-of-war. That Kidd was placed by their action in this case in great difficulty is obvious. In their then temper, it is unlikely that if he had had time to reason with them, he could have induced them to return to the Portuguese the goods they had wrongfully brought on board the *Galley*. As it was, the sudden appearance of several other ships bearing down on them left him no alternative, but either to make off at once, or to hand over the wrongdoers to be dealt with by their enemies, who might in the mean-

“ ADVENTURE GALLEY ”

while themselves make off with his two lawful prizes. Kidd's paramount object during his voyage seems to have been to do his best for his employers, and he may well have thought that it was not to their interest that he should await the arrival of the approaching ships.

CHAPTER THREE

CHAPTER III

KIDD'S RETURN HOME

HAD Kidd been fortunate enough on his first visit to Madagascar to find his pirates there, it is possible but not very probable that his crew might have done their best to kill or catch their fellow-countrymen, who were preying on the Indian commerce. On the other hand, had he not been so unfortunate as to find the pirates awaiting him there on his way back to Boston, he would probably have been able to bring his two prizes home safely within a reasonable time and have ended his voyage to the satisfaction of his employers and with credit to himself. Even as it was, had he been in command of a disciplined crew, as determined as their captain was, faithfully to discharge the painful duties they had undertaken, his

THE REAL CAPTAIN KIDD

finding the pirates at St. Marie's would have given him a fair chance of crowning his patient efforts with a success which might have been handed down to posterity as a proof of the fortitude by which a great Scotch sea captain had been able to surmount apparently insuperable difficulties. But it would be hard to find in history, sacred or profane, an unluckier man than Kidd. The *Adventure Galley* came back to Madagascar in a sinking condition, with her crew on the brink of mutiny, worn out with repeated mishaps, having lost a large number of their fellows by sickness, disgusted at the ill-luck and strait-laced proceedings of their conscientious commander, in possession, it is true, of a rich prize, but in some doubt, owing to his hesitation in retaining her, whether, when they got to Boston, questions as to the legality of the capture, to say nothing of their recent misconduct in rifling the Portuguese ship, might not be raised, ending in their getting no pay whatever for

KIDD'S RETURN HOME

between two and three years' heavy and perilous work, and possibly in their being thrown into gaol by Bellamont for piracy. Probably they would have mutinied long before, if they could have found a capable leader with the necessary knowledge of navigation to take Kidd's place. As it was, when they found their fellow-countrymen at St. Marie's, living on the fat of the land on cargoes taken from the Moors, under an adventurous and successful commander, Culliford, who had stolen an East Indiaman from his employers, and was now reaping a rich harvest from his villainy, it was no wonder that the greater part of Kidd's men at once decided to throw in their lot with him, rather than stand by Kidd in an internecine struggle with their fellow-countrymen, in which success was more than doubtful, and if attained would necessitate their carrying their conquered compatriots in chains to an English port, there to be handed over to the authorities with a view to their being hung

THE REAL CAPTAIN KIDD

as pirates, for what was regarded by the majority of the seamen on both sides as the very venial offence of plundering the enemies of Christianity. The catastrophe which now befell was the inevitable sequence of what had gone before, and what Kidd found awaiting him on his arrival at Madagascar.

Let him tell the tale in his own simple words.¹

“ When the Narrator arrived at the said Port, there was a Pirate Ship, called the *Moca Frigate*, at an anchor, Robert Culliford Commander thereof, who with his men left the same at his coming and ran into the woods. And the Narrator proposed to his men to take the same, having sufficient power and authority so to do. But the mutinous crew told him, ‘ If he offered the same, they would rather fire ten guns into him than one into the other,’ and thereupon ninety-seven men deserted, and went into

¹ See Appendix B.

KIDD'S RETURN HOME

the *Moca Frigate*, and sent into the woods for the said pirates, and brought the said Culliford and his men on board again, and all the time he stayed in the said port the said deserters sometimes in great numbers came on board the said *Galley* and *Adventure Prize*, and carried away great guns, Powder, Shot, small arms, sails, Anchors, Cables, Surgeon's chest, and what else they pleased; and threatened several times to murder the Narrator, as he was informed and advised to take care of himself, which they designed in the night to effect; but was [*sic*] prevented by his locking himself in his cabin at night, and securing himself by barricading the same with bales of goods and having about forty small arms besides pistols, ready charged to keep them out."

"Their wickedness was so great that after they had plundered and ransacked sufficiently, they went five miles off to one Edward Welche's house, where his, the Narrator's chest was lodged, and broke it open

THE REAL CAPTAIN KIDD

and took out ten ounces of gold, 40 pound 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."

"About the fifteenth of June, the *Moca Frigate* went away, being manned with about 130 men and forty guns bound out to take all nations. It was then that the Narrator was left only with 13 men, so that the Moors he had to pump and keep the *Adventure Galley* above water being carried away, she sank in the harbour, and the Narrator with the said thirteen men went on board the *Adventure Prize*."

Let us try to put ourselves in Kidd's place, when the bulk of his men went over to the enemy. Foreibly deprived of his command at the moment when he saw success within his grasp; deserted by nearly all his crew; plundered of the greater part of the spoil he was taking home to his employers; on board the sinking *Adventure Galley*;

KIDD'S RETURN HOME

confined to his stifling cabin with its barricaded approaches. What course can it be suggested that he could have taken and have been held blameless by an English court? What course ought any man to have taken in his place who sought to do his duty by his owners?

It would have been a mercy to him and to his memory, if the mutineers had then and there made an end of him. But to have done this, they must have stormed his cabin, and they dared not try it. They knew his fighting record. They had been with him in his encounter with the Portuguese man-of-war. None knew better than they that he would sell his life dearly. Let us hope, too, that some few of his crew stood by him in this emergency, with "the forty loaded small arms, besides pistols." But although the pirates and mutineers could not make an end of him, it was equally impossible for him to take the offensive against them. If neither party could attack, the situation

THE REAL CAPTAIN KIDD

could only be relieved by diplomacy. The ultimate solution has been handed down to us by the doubtful testimony of one or two of those who were there. We are left to conjecture the intermediate stages of the arrangement.

According to the evidence the *Adventure Galley* was brought into the port on the first of April, in company with its smaller prize. The *Quedagh Merchant* did not come in until some weeks afterwards. The *Moca Frigate*, as already stated, went away on the fifteenth of June, leaving Kidd and thirteen men behind. In the interval some kind of a compact seems to have been come to, by which Kidd undertook not to molest the pirates, and Culliford agreed to let Kidd keep the *Quedagh Merchant* and a certain quantity of the goods on board of her. It is difficult to see how Kidd in his then position could have made a better bargain than this for the great men who were employing him. Judging from the amount of specie

KIDD'S RETURN HOME

and goods which he succeeded after all in bringing to America, he appears to have done very well indeed for them. Possibly the canny Scot, notwithstanding the theft of his chest, had more gold and valuables concealed in his impenetrable cabin than the deserters dreamed of. Possibly some of his late crew had consciences and were willing to let him off cheaply. Whatever the details of the arrangement may have been, it is unlikely that he could in any case have saved himself from the charge brought against him at his trial, on which the judge laid great stress, and which has clung to him ever since, that having been sent out to catch the pirates, and bring them home with him, he had on the first occasion on which he had met them, promised not to molest them, an offence which it was alleged at his trial that he had aggravated by drinking deeply from a tub of "bomboo" with their Captain Culiford.

The word "bomboo" has a fine piratical

THE REAL CAPTAIN KIDD

suggestiveness about it. It sounds as if it were some weird concoction of strong liquors, which carousing pirates in their unholy orgies were wont to consume by the bucketfull. As a matter of fact, it was a very innocent beverage made of water, limes, and sugar; and it was small blame to poor Kidd that on emerging from his beleaguered cabin in that hot climate, he was glad enough to take a long drink of it, when at length a truce had been arranged. According to the King's evidence at his trial, he solemnly undertook over this draught of "bomboo" not to molest the pirates, and presumably they also undertook not to molest him. The alternative very possibly was his death from thirst in his stuffy cabin. Culliford's men outnumbered his by ten to one. The only evidence besides his own that we have of this incident was that given at his trial by two of his crew, who had deserted him and gone over to the enemy. Kidd not unnaturally was very bitter against these

KIDD'S RETURN HOME

two men,—Bradenham the surgeon and Palmer, one of his seamen—as appears from the following quotations from the verbatim report of his trial.

KIDD (*to Bradenham*). “Did you not come aboard my ship and rob the surgeon’s chest?”

BRADENHAM. “No, I did not.”

KIDD. “Did I not come to you when you went away and met you on the deck, and said, ‘Why do you take the chest away?’”

BRADENHAM. “No, I did not do it.”

KIDD. “You are a rogue.”

Again:

KIDD. “Mr. Bradenham, are you not promised your life to take away mine?”

Mr. Justice TURTON. “He is not bound to answer that question. He is very fit to be made an evidence of the King. Perhaps there can be no other in this case than such who are in his circumstances.”

In other words, those of the crew who had faithfully stood by their captain, and helped

THE REAL CAPTAIN KIDD

him to bring his prize home to America in the interests of their employers, one of whom was the King himself, could not be relied on as witnesses. The only witnesses who could be trusted to swear through thick and thin against Kidd, were two men who by their own admission had deserted their colours and joined Culliford in open piracy against the ships of all nations.

To quote again from the verbatim report:

KIDD. "I hope the King's counsel will not put him in the way. It is hard that a couple of rascals should take away the King's subjects' lives. They are a couple of rogues and rascals."

Again, when one of them conveniently feigned ignorance, and an answer by the other had been suggested to him by one of the counsel for the prosecution:

KIDD. "It is a fine trade that you must take away so many of the King's subjects' lives, and know nothing at all of the matter."

KIDD'S RETURN HOME

Again, speaking this time to the judge:

“It is a fine trade indeed that he must be instructed what to say. He knows no more of these things than you do. The fellow used to sleep five or six months together in the hold.”

Once more:

“He tells a thousand lies. The man contradicts himself a hundred times.”

KIDD (*speaking this time to Palmer*).

“I would not go with such a roguish crew as you were. Was I not threatened to be shot in my cabin by such villains as you, if I would not go along with you? This was the reason I could not come home. Did you not with the others set fire to the boat to destroy my ship? My lord, they took what they pleased out of the ship, and I was forced to stay by myself, and pick up here a man and there a man to carry her home.”

That Kidd had no option but to stay on at Madagascar after Culliford had left is obvious. The faithful thirteen who re-

THE REAL CAPTAIN KIDD

mained behind with him were clearly an insufficient ship's company to bring the *Que-dagh Merchant* with her freight safely to America. When he left her off the coast of Hispaniola, nearly a year afterwards, denuded of the specie and goods which he had taken from her to Boston, she carried besides her thirty mounted guns, taken from the *Adventure Galley*, twenty more guns of her own, stowed away in her hold, some two hundred bales of calicoes, silks, and muslins, between eighty and ninety tons of refined sugar, forty tons of saltpetre, and ten tons of iron "in short junks." No reason, other than stern necessity, can have induced him to prolong his stay at Madagascar. He and his men must have wished to get home as soon as might be. Had they been able to start at once, they might have been in time to put an end to the suspicions of their honesty, which were already accumulating in England owing to the protracted absence of news as to their movements, and the com-

KIDD'S RETURN HOME

plaint of the East India Company of the seizure of the *Quedagh Merchant*.

Unfortunately Madagascar was one of the last places in the world in which Kidd was likely to find the men required to bring his ship home. The majority of such English-speaking men as were there were by no means desirous of bringing themselves within the grasp of the law. In the course of the next five months, to quote his own words, "he picked up here a man and there a man," and "some passengers presented that were bound for these parts," *i. e.*, America. At last, still under-manned, he started on his homeward voyage, and reached Anguilla in the West Indies in April, 1699. By this time he had been condemned unheard by the home authorities; and the hue and cry had been raised against him and such of his crew as had remained faithful. The lords justices had sent instructions to the governors of all the English colonies in America "to apprehend him

THE REAL CAPTAIN KIDD

and his accomplices, whenever he or they should arrive in any of the said plantations,” and “to secure his ship and all the effects therein, it being their Excellencies’ intention that right be done to those who have been injured and robbed by the said Kidd, and that he and his associates be prosecuted with the utmost rigour of the law.” Consequently when, in all innocence, he sent his boat on shore, to quote again from his own artless narrative, “his men had the news that he and his people were proclaimed pirates, which put them into such consternation that they sought all opportunities to run the ship ashore upon some reef or shoal, fearing the Narrator should carry them into some English port.”

“From Anguilla,” he tells us, “they came to St. Thomas, where his brother-in-law, Samuel Bradley, was put on shore being sick, and five more” (out of his small crew) “went away and deserted him. There he heard the same news, that he and his com-

KIDD'S RETURN HOME

pany were proclaimed pirates, which incensed the people more and more."

"From St. Thomas he set sail for Moona, an island between Hispaniola and Porto Rico, where they met with a sloop, called the *St. Anthony*, bound for Antigua from Curaso. The men on board then swore that they would bring the ship no further." By this time some commanders would have hesitated. Not so Kidd. He held to his purpose to remain true to his employers whatever the cost to himself might be. He tells us, and his evidence is not contradicted, that he "then sent the said sloop, *St. Anthony*, to Curaso for canvas to make sails for the prize, she not being able to proceed, and she returned in ten days, and after the canvas came he could not persuade the men to carry her to New England. But six of them went and carried their chests and things on board of the Dutch sloop, bound for Curaso, and would not so much as heel the vessel, or do anything." The remainder of the men not

THE REAL CAPTAIN KIDD

being able to bring the *Adventure Prize* to Boston “he secured her in a good safe harbour in Hispaniola and left her in the possession of Mr. Henry Boulton of Antigua, Merchant, with three of the old men and fifteen or sixteen of the men that belonged to the said sloop *St. Anthony* and a brigantine belonging to Mr. Burt of Curaso.” He then “bought the said sloop, *St. Anthony*, of Mr. Boulton for the owners’ account: and after he had given directions to the said Boulton to be careful of the ship and lading, and persuaded him to stay three months until he returned, he made the best of his way to New York.”

Bellamont was not at New York, but at Boston. An old friend of Kidd’s, Emmot by name, came on board the sloop from New York, and to him Kidd told his simple tale, handed over to him the two invaluable French passes to take to Bellamont, as evidence that the two prizes, in respect of which he had been charged with piracy, had been

KIDD'S RETURN HOME

lawfully taken under his letters of marque. On the thirteenth of June, Emmot came to Bellamont at Boston with these passes, and two days afterwards Bellamont sent Mr. Duncan Campbell, the Postmaster of Boston, to invite Kidd to come into the port of Boston. On the nineteenth Campbell returned, and gave in a memorial,¹ still extant, of all that had passed between him and Kidd.

This memorial is of interest, as showing the effect produced on Bellamont's emissary by his first interview with Kidd. Had he been prejudiced in Kidd's favor, it is unlikely that he would have been selected by Bellamont for the purpose of ascertaining whether Kidd was guilty of piracy or not. On the same day he was sent back by Bellamont to Kidd, with the following letter:

BOSTON, 19 June, 1699.

“CAPTAIN KIDD, — Mr. Emmot came to me last Tuesday night telling me he came

¹ A copy of this memorial will be found in Appendix D.

THE REAL CAPTAIN KIDD

from you: but was shy of telling where he parted with you. Nor did I press him to it. He told me you came by Oyster Bay in Nassau Island and sent for him to New York. He proposed to me that I would grant you a pardon. I answered that I had never granted one yet, and that I had set myself a rule never to grant a pardon to anybody without the King's express leave or command. He told me you declared and protested your innocence and that if your men could be persuaded to follow your example, you would make no manner of scruple of coming into this port, or any other within His Majesty's Dominions. That you owned there were two ships taken, but that your men did it violently and against your will, and had used you barbarously, in imprisoning you and treating you ill the most part of your voyage, and often attempting to murder you. Mr. Emmot delivered to me the two French passes taken on board the two ships your men rifled,¹ which passes I have in my custody, and I am apt to believe they will be a good article to justify you, if the late peace were not by

¹ At St. Marie's.

KIDD'S RETURN HOME

the Treaty between England and France to operate in that part of the world at the time the hostility was committed, as I am almost confident it was not to do. Mr. Emmot told me that you showed a great sense of honour and justice in professing with many asseverations your settled and serious design all along to do honour to your Commission and never to do the least thing contrary to your duty and allegiance to the King. And this I have to say in your defence, that several persons in New York, who I can bring to evidence it, did tell me that by several advices from Madagascar and that part of the world, they were informed of your men's revolting from you in one place, and I am pretty sure they said was Madagascar, and that others compelled you much against your will to take and rifle two ships.

“ I have advised with His Majesty's Council, and shewed them this letter, and they are of opinion that if you can be so clear as you (or Mr. Emmot for you) have said, *that you may safely come hither, and be equipped and fitted out to go and fetch the other ship, and I make no manner of doubt but to obtain the King's pardon for you, and*

THE REAL CAPTAIN KIDD

for those few men you have left who I understand have been faithful to you, and refused as well as you to dishonour the Commission you have from England.

“ I assure you on my Word and Honour I will perform nicely what I have promised, though this I declare beforehand that whatever goods and treasure you may bring hither, I will not meddle with the least bit of them: but they shall be left with such persons as the Council shall advise until I receive orders from England how they shall be disposed of.”

Kidd's reply to this letter was as follows:

“ To the EARL OF BELLAMONT.

“ FROM BLOCK ISLAND ON BOARD THE SLOOP ANTHONY

“ 24 JUNE, 1699.

“ MAY IT PLEASE YOUR EXCELLENCY,

“ I am honoured with your Lordship's letter of the 19th instant by Mr. Campbell, which came to my hands this day. For which I return my most hearty thanks. I cannot but blame myself for not writing to your Lordship before this time, knowing it was my duty: but the clamours and false

KIDD'S RETURN HOME

stories that have been reported of me, made me fearful of visiting or coming into any harbour, till I could hear from your Lordship.

“ I note the contents of your Lordship's letter, as to what Mr. Emmot and Mr. Campbell informed your Lordship of my proceedings I do affirm to be true, and a great deal more might be said of the abuses of my men, and the hardships I have undergone to preserve the ship and what goods my men had left. Ninety-five men went away from me in one day and went on board the *Moca Frigate*, Captain Robert Culliford, Commander, who went away to the Red Sea; and committed several acts of piracy, as I am informed; and am afraid (the men formerly belonging to my *Galley*) that the report is gone home against me to the East India Company, that I have been the actor. A sheet of paper will not contain what may be said of the care I took to preserve the owners' interest, and to come home to clear my own innocency. I do further declare and protest that I never did in the least act contrary to the King's Commission, nor to the reputation of my honourable owners,

THE REAL CAPTAIN KIDD

and doubt not but that I shall be able to make my innocence appear; or else I had no need to come to these parts of the world; if it were not for that and my owners' interest. There are Five or Six Passengers that came from Madagascar to assist me in bringing the ship home, and about ten of my own men, that came with me would not venture to go into Boston, till Mr. Campbell had engaged Body for Body for them that they should not be molested while I stayed at Boston, or till I return with the ship. I doubt not but your Lordship will write to England in my favour and for these few men who are left.

“ I wish your Lordship would persuade Mr. Campbell to go home to England with your Lordship's letters, who will be able to give account of our affairs and diligently follow the same that there may be a speedy answer from England. I desired Mr. Campbell to buy 1000 weight of Rigging for fitting of the ship to bring her to Boston, that I may not be delayed when I come there.

“ Upon receiving of your Lordship's letter, I am making the best of my way to Boston. This with my humble duty to your

KIDD'S RETURN HOME

Lordship and Countess, is what offers from,
my Lord, your Excellency's most humble
and dutiful servant,

“WILLIAM KIDD.”

On the first of July he brought the sloop
and the remnant of his crew into the port of
Boston, conscious of his integrity and rely-
ing on the word and honour of Bellamont.
It may well be doubted whether any man in
equally trying circumstances has ever been
truer to his trust.

CHAPTER FOUR

CHAPTER IV

THE GENESIS AND GROWTH OF THE ARCH PIRATE MYTH

KIDD'S expedition having originated in the desire of the government to placate the East India Company, it is only reasonable to surmise that the Company received some early official intimation of what was being done on their behalf. To what extent they were informed officially of the details of the government scheme is of comparatively small importance. The great wealth at their disposal and the prodigality with which they expended their secret service money in those days, leave no room for doubt that at a very early stage of the proceedings they made themselves acquainted with the essential facts. Their factories were exposed to imminent danger from the irritation of the Great Mogul at the contin-

THE REAL CAPTAIN KIDD

uous robbery of his subjects' goods by English-speaking seamen on his coasts. The Company must have taken the keenest interest in the measures designed for the repression of this piracy. With their practical knowledge of the difficulties to be encountered, it is unlikely that they at any time regarded the adventurers' project as a very promising one. When they heard of the failure of the Admiralty to protect Kidd's carefully selected crew from the press gang, and realised that the bulk of the ship's company would have to be got from New York, it is impossible that they can have entertained any illusions as to the probability of its success.

Kidd's crew was pressed at the Nore on the first of March, 1696. By one of the curious close coincidences of date which speak for themselves in this case more convincingly than any words can do, the Company on the following day addressed a petition to the Admiralty, praying to be allowed

GROWTH OF PIRATE MYTH

to take the business of dealing with the pirates into their own hands. In this petition they urged that "Your Lordships will please to empower the petitioners' ships and officers to seize and take all pirates infesting those seas within the limits of the Company's charter and likewise empower them to erect a Court of Admiralty in those parts." This proposal except for a very excusable technical error contained in it, which if not corrected, would have enabled the Company, instead of the Admiralty, to create a Court of Admiralty, was not unreasonable. It was referred by the Admiralty to their judge, Sir Charles Hedges, who promptly reported in the following terms on the steps necessary to carry it into effect: "That the more regular way will be for your Lordships to take a Commission under the Great Seal of England giving power to the Lord Admiral or Commissioners for executing the office of High Admiral to grant commissions to any of the Captains of the East

THE REAL CAPTAIN KIDD

India Company's ships for the taking of the ships of pirates, wherein it shall be expressed what parts or shares the King shall see fit to reserve to himself or bestow upon the Captors and Company."

"That your Lordships may be pleased to erect a Vice-Admiralty at Bombay or any other place that shall be thought expedient in the same manner as is done in the West Indies, which being established by a commission in the ordinary form, that will be sufficient to empower such Vice-Admiralty there, to proceed against ships as fully as any Vice-Admiralty in England or the High Court of Admiralty can do."

Why no action was taken on this proposal of the Company as modified by Sir Charles Hedges, is not clear. Possibly the Admiralty hesitated to hand over to the captains of the Company's ships work which they thought more properly belonged to the King's navy, and which when the French war was ended was very soon performed

GROWTH OF PIRATE MYTH

by Captain Warren's squadron. Possibly they felt a delicacy in doing anything that might diminish the great ministers' chances of gain from Kidd's adventure. What seems to have happened is that the Company's petition was officially shelved for nearly four years, when Captain Warren having in the meanwhile been sent out with five men-of-war to suppress the pirates, it was referred to the committee of the House of Commons, who had then been appointed to consider further the large question of the state and condition of the trade of England, by whom, if considered at all, it would have to run the gauntlet of many implacable enemies of the Company, and in particular of certain ardent protectionists of that day who never missed an opportunity of holding forth on the injuries to which English industries were exposed by the importation by the Company of Indian silks, calicoes, and muslins.

Apart, however, from any question of

THE REAL CAPTAIN KIDD

the probable success of Kidd's expedition, or the desirability of giving the Company a free hand to deal themselves with the pirates, the terms of the grant of the spoil to the adventurers, with which the Company had evidently made themselves familiar, were calculated to place them in a very awkward position with the Great Mogul. What they had to protect themselves against, was a summary expulsion from his dominions; and they must have realized that even if Kidd succeeded in catching his pirates, it would be a very unsatisfactory reply to the demands of that great potentate for the immediate restitution of the stolen properties, to assure him that the thieves had been carried to England, where it was to be hoped that some of them might in due course be convicted, and possibly hung; but that the stolen goods had in the meanwhile been appropriated by some of the King's great ministers. It was not impossible that the next demand of the Great Mogul might be

GROWTH OF PIRATE MYTH

that these great gentlemen together with such of the directors of the Company as had acquiesced in this arrangement should at once be handed over to him to be dealt with according to their deserts. It is not, therefore, surprising to find that on the twentieth of August in that year, whilst Kidd was still at New York trying to pick up his crew, the Company presented a further petition to the Lords Justices, praying that "such of the species of gold, silver and jewels as have already been or shall hereafter be seized in the custody of any of the pirates or any other persons who cannot make a legal title thereunto, may not be disposed of, but put into the possession of the Company, in order to be preserved for the use of the proprietors in India, that the Government may see that His Majesty as well as the Company have done their utmost endeavours to seize the said pirates and to make restitution to the persons injured so far as it is in their power."

THE REAL CAPTAIN KIDD

In taking this course the Company must have realized that it would be very distasteful to the King and his four great ministers, who were proposing themselves to appropriate the bulk of the spoil. But they also knew that these great men had placed themselves hopelessly in the wrong; and that there were plenty of their enemies in the House of Commons who would be only too eager to expose the scandal, when the time came for them to do so. This consideration seems to have had some weight with the Lords Justices, and prevented them from shelving this petition as unceremoniously as the Admiralty had done the former one. Anxious to appease the Company, and at the same time to safeguard the rights of the adventurers, they decided at a meeting at which the Duke of Shrewsbury, one of the adventurers, was present, to send a peremptory but guarded dispatch to the governors of all the American plantations, requiring them "to take all possible care, and use all

GROWTH OF PIRATE MYTH

due means for the seizing and apprehending all such pirates and sea robbers and such as may be reasonably suspected for the same, either by reason of the great quantities of gold and silver of foreign coins they usually have with them, or by other probable circumstances; and to cause them to be straightly imprisoned, and their ships, goods, and plunder to be kept in safe custody; until upon returning to us a full account of the said persons, ships, goods and plunder, with the evidence relating to them, His Majesty's pleasure shall be known and signified concerning them." Amongst the signatories to this despatch the name of the Earl of Romney, another of the adventurers, appears.

As might have been expected, this despatch produced little if any practical result. During the next two years the Company continued to receive repeated reports of the depredations of the pirates, and the excitement created thereby amongst the natives

THE REAL CAPTAIN KIDD

of India, who had in some cases seized the Company's factories and put the factors in irons. Meanwhile the absence of any news from Kidd had not unnaturally aroused the suspicions of the Company. Culliford, the captain of one of their own East Indiamen, the *Moca Frigate*, had run away with their ship from Madras and joined the pirates; and it may have seemed to them by no means improbable that Kidd with his American crew had done the like. At length they received some vague intimation, confirming their suspicions; and in August, 1698, they informed the Lords Justices "that they had received *some* information from their factories in the East Indies that Kidd had committed several acts of piracy, particularly in seizing a Moors' ship called the *Quedagh Merchant*." As they produced no evidence from their informants at Kidd's trial in support of these allegations, although they had ample time and opportunity for obtaining it during his two years' imprisonment, it is not

GROWTH OF PIRATE MYTH

unfair to assume that the information which they received on this occasion was not such as they cared to submit to an English Court of Law. But such as it was, the Lords Justices did not hesitate to act at once upon it, and to assume without further inquiry not only that Kidd was guilty, but that he was already a notorious pirate. On the twenty-third of November, 1698, whilst Kidd was stranded at Madagascar, they sent the following circular to Rear Admiral Benbow, and the governor of every American Colony: "The Lords Justices having been informed by several advices from the East Indies of the notorious piracies committed by Captain Kidd, and of his having seized and plundered divers ships in those seas, as their Excellencies have given orders to the commander of the squadron fitted out for the East Indies that he use his utmost endeavours to pursue and seize the said Kidd, if he continue still in those parts, so likewise they have commanded me to signify their

THE REAL CAPTAIN KIDD

directions to the respective governors of the Colonies under His Majesty's obedience in America, that they give strict orders and take particular care for apprehending the said Kidd and his accomplices, whenever he or they shall arrive in any of the said plantations, as likewise that they shall secure his ship and all the effects therein, it being Their Excellencies' intention that right be done to those who have been injured and robbed by the said Kidd, and that he and his associates be prosecuted with the utmost rigour of the law. You are to be careful, therefore, to observe the said directions, and if the said Kidd or any of his accomplices be seized within the provinces under your government, you are forthwith to transmit an account thereof hitherto, and take care that the said persons, ships and effects be secured, till His Majesty's pleasure is known concerning them."

It would appear from the wording of this extraordinary and unjustifiable circular that

GROWTH OF PIRATE MYTH

the great men, who had sent Kidd out, had by this time abandoned hope of getting any gain out of their adventure, and that their main desire now was to clear themselves of the suspicion that they were conniving at the alleged piracies of the distinguished officer, whom they had induced against his own misgivings to enter their service, and who now was steadfastly doing his best for them in the face of grievous difficulties at the other end of the world. It may well be that at this time they believed him to be guilty. It may even be that they continued in this belief when report after report came to hand of the piracies of other English seamen in the East, notwithstanding the marked absence in those reports of any mention whatever of Kidd or of the *Adventure Galley*. Whether they continued to believe in his guilt after his own narrative had been made a Parliamentary paper, and he had been examined before the House of Commons on it, is a very different question. Neither they

THE REAL CAPTAIN KIDD

nor the Company were represented at the trial, nor was any evidence then tendered on their behalf. It was their interest to make Kidd their scapegoat; and the interest of the Company that some one, guilty or not, the higher in rank the better, should be publicly hung in infamy, as a warning to mariners engaged in the Eastern piracy. It was nobody's interest in England that Kidd should be acquitted, unless as a condition for such acquittal he could be induced to make compromising revelations against his employers. And this, as will be seen, he resolutely refused to do in the face of strong temptation.

To return now to his relations with Bellamont, who though appointed Governor of New England as far back as June, 1695, had not apparently started for America until more than two years afterwards; and had profitably employed the interval in obtaining further favours from the government. Not contented with the pension of five hun-

GROWTH OF PIRATE MYTH

dred pounds per annum which had apparently been given him on his dismissal by the late Queen, in 1693, from his post as her Receiver General, he seems to have succeeded in May, 1696, in obtaining a further grant of one thousand pounds a year out of the forfeited estates of Lord Kilmeare, and in March, 1697, to have been made colonel of a regiment of foot. In the following June it was announced that he would at last start to his government in the *Deptford* frigate, but he delayed his departure until October, by which time he had succeeded in extracting from the Treasury a further sop in the shape of "twelve thousand pounds, paid him in mault lottery tickets."¹

On the first of July, 1699, Kidd, as already mentioned, landed at Boston, relying on Bellamont's word and honor, and assurance that he believed that the two French passes, which had been handed to him by Emmot, would justify the seizure of the two

¹ See Appendix E.

THE REAL CAPTAIN KIDD

prizes taken, and that he made no manner of doubt that he could obtain the King's pardon for Kidd and for the few men left who had continued faithful. It is easy to understand the relief the old man must have felt in setting foot in a civilized country once more after all his troubles, with the knowledge that he had served his employers so well, and the expectation that he would now receive recognition and reward for all he had gone through on their behalf. Towards the end of his voyage his wife and family from New York had come on board, having been informed of his whereabouts by his old friend Emmot; and all of them were probably looking forward to a warm reception on their landing. If so, they were soon disillusionized. The Governor declined to see Kidd except in the most formal manner and in the presence of witnesses. The truth was that he had placed himself in a very awkward position with the home authorities by inducing the King's ministers to embark in

GROWTH OF PIRATE MYTH

this unlucky adventure, and that he and they had long since come to the conclusion that the safest course to take to exonerate themselves from the consequences was to make a scapegoat of Kidd. Bellamont had been playing a very double game, not only with Kidd, but also with his own council. His own admissions in his letters written to the authorities in England before the end of that month, leave no doubt on this point. His consignment of Kidd to gaol was a foregone conclusion; and the only difficulty he had to get over, and it was an insuperable one, was how to do this with some appearance of decency. At the time when with specious promises he was persuading his victim to come to Boston, he was well aware that it was his duty to arrest him immediately on his landing there, in pursuance of specific instructions from England, which he had carefully concealed from his council. The letter to Kidd with all its assumed belief in Kidd's innocence, and his own solemn

THE REAL CAPTAIN KIDD

assurances on his word and honour that he could obtain the King's pardon for him and his men, was a trap laid for Kidd without the knowledge of his council, to whom he had submitted the letter for approval. His intention throughout had been to get hold of Kidd and send him to England, to be dealt with there in such manner as might be most convenient to the government. In his letters he has not only confessed this, but has even found it necessary to excuse himself to his superiors and give the reasons which he considered justified him in not arresting Kidd the moment he landed. "It will not be unwelcome news to your Lordships," he writes, "that I secured Captain Kidd last Thursday in the gaol of this town. I thought myself secure against his running away, because I took care not to give him the slightest umbrage of my design of seizing him. Nor had I, until the day I produced my orders from the Court to arrest Kidd, communicated them to anybody. But

GROWTH OF PIRATE MYTH

I found it necessary to produce my orders to my Council to animate them to join heartily in securing Kidd. Another reason why I took him not up sooner, was that he had brought his wife and family hither on the sloop with him who (*sic*) I believed " (poor wretch!) " he would not readily forsake." At the same time whilst thus excusing himself for not arresting Kidd more promptly, Bellamont seems to have felt that some explanation was called for to justify his arresting him at all. " Your Lordships may observe," he writes, and it requires a very microscopical scrutiny of his hypocritical letter to observe it, " that the promise made Kidd in my letter of a kind reception, and promising the King's pardon for him, was conditional, that is, provided that he was as innocent as he pretended to be. But I quickly found sufficient cause to suspect him to be very guilty by the many lies and contradictions he told me." What these lies and contradictions were, he is very careful

THE REAL CAPTAIN KIDD

not to say. Kidd's own narrative, corroborated by the depositions of several of his crew, are perfectly intelligible and straightforward documents, far more intelligible and convincing than Bellamont's lame reasons for thinking him guilty. The first of these was that Kidd had communicated in the first instance with his old friend Emmot, who Bellamont says was "a cunning Jacobite and my avowed enemy." The second reason assigned is, "I thought he looked very guilty." It is not improbable that poor Kidd was taken aback by his cold reception; but it is safe to assume that whatever his demeanor had been, it would have been regarded by the Governor as a sure sign of his guilt. Sometimes during his examination he seems to have been cheerful and breezy. With what result? The Governor reports, "Kidd did strangely trifle with me and the Council three or four times that we had him under examination." Finding that his jocular efforts were not appreciated, Kidd not

GROWTH OF PIRATE MYTH

unnaturally became grave. But the result was still unsatisfactory. "He being examined two or three times by the Council and also some of his men, I observed," says Bellamont, "that he seemed much disturbed." The last time he was under examination, his appearance seems again to have changed, but still, as ever, for the worse. Probably by this time he had grown restless and restive. "I fancied," Bellamont writes, "he looked as if he were upon the wing and resolved to run away." But after all, the chief offence for which the poor man was at last consigned to gaol, was not committed by him, but by his evil genius, Livingstone, who asked Bellamont to return him the bond he had entered into for Kidd's good behaviour. "I thought," says Bellamont, "this was such an impertinence that it was time for me to look about me and secure Kidd." On this last point the version of the anonymous person of quality is substantially the same as Bellamont's. "Above all," he writes, "Liv-

THE REAL CAPTAIN KIDD

ingstone's behaviour, who was come to Boston, and very peremptorily demanded from the Earl the delivery of the bond which he had entered into for Kidd's honest performance of his duty in the expedition (as if that was to be taken for granted) gave the Earl of Bellamont good reason to conclude that no time was to be lost. Therefore he caused Kidd to be seized with divers of his crew." A lamer set of reasons for throwing a faithful subordinate into gaol it would have been difficult for the most unintelligent official to concoct.

The reply of the Lords Justices to Bellamont's letters was the dispatch of a man-of-war, the *Rochester*, to bring back Kidd and his fellow-prisoners to England. This ship set sail before the end of September; but came back to Plymouth in November for repairs. Her return led the opposition to believe that the sending of her out had been merely a pretence, and it was alleged that a great number of other ships that had gone

GROWTH OF PIRATE MYTH

out in her company had been able to proceed on their voyage and to reach New England safely. The wildest rumours were in circulation. The prevailing popular opinion seems to have been that the four great ministers had sent Kidd out in the *Adventure Galley* to commit acts of piracy on their behalf; and that they had naturally selected for this purpose a past-master in the art of piracy. Some would have it that Somers, to prevent unpleasant disclosures, had already set the great seal to his pardon. Evelyn, in his diary of the third of December, says: "They" (*i. e.*, Parliament) "called some great persons in the highest offices in question for setting the Greate Seale to the pardon of an arch pirate, who had turned pirate again, and brought prizes to the West Indies, expecting to be connived at on sharing the spoil." Burnet, writing in much the same strain, says, "It was maliciously insinuated that the privateer turned pirate in confidence of the protection of those who em-

THE REAL CAPTAIN KIDD

ployed him, if he had not secret orders for what he did." (It is difficult to say whose reputation suffered more at this juncture — Kidd's by his association with the four unpopular ministers, or the four unpopular ministers, by their association with Kidd.)

On the completion of her repairs, the *Rochester* set sail again from Plymouth for New York. She carried a letter from the Lords Justices to Bellamont, approving his zeal and conduct in the whole affair, and requiring him to put the pirates and their goods on board of her. The delay in bringing Kidd to England, whether designed or not, was most unfortunate for him and most opportune for the ministers. The opposition seem to have had some inkling that Kidd's return was being purposely delayed with the object of enabling the government to deal with him without consulting Parliament. To allay these suspicions, a certificate was produced signed by all the officers of the *Rochester*, from which, according to

GROWTH OF PIRATE MYTH

Bellamont's apologist, it appeared that they had proceeded on their course to America "as far as their ship was able to bear the beating of the sea and then resolved to return to England." "When they were returned to England," he says, "by a like certificate they affirmed the same thing, and that the result was taken merely for securing the ship and the company's lives." "The captain," he adds, "by his letter to the Secretary of the Admiralty says they were got 500 leagues before they met the storms. And orders being sent by the Admiralty to Mr St Lo, the Commissioner of the Admiralty at Plymouth, to examine into the truth of the matter, he certified the Lords of the Admiralty that in pursuance of their commands he, with the assistance of the officers of the Yard, had made a thorough survey of the ship and (mentioning the several particular defects) they unanimously found there was a necessity for her coming back."

These official assurances by no means sat-

THE REAL CAPTAIN KIDD

ified the Commons. On the sixteenth of the following March they presented an address to the King, praying that Kidd might not be tried, discharged, or pardoned until the next session of Parliament, and that Bellamont might be required in the meantime to transmit over to England all commissions, instructions, and other papers taken with or relating to him.

The King's reply to this address was communicated to the House on the eighth of April, 1700, by Mr. Secretary Vernon, who informed the Commons that he had presented the address to His Majesty, and that His Majesty had commanded him to acquaint the House that His Majesty having received an account of the arrival of Captain Kidd in the Isle of Lundy, by a ship which the Lords of the Admiralty had sent to fetch him, which was bound for the Downs, His Majesty had ordered a yacht to be sent to the Downs in order for the bringing of him up, and that the commissioners of the Ad-

GROWTH OF PIRATE MYTH

miralty were likewise directed to send their marshal to take him into custody.

This reply, so far from appeasing the opposition, seems to have added fuel to the flame of their indignation. Why could not the King assent at once to their address? Why had the *Rochester* gone out of her course to the Isle of Lundy, unless it were to defer the bringing home of Kidd until Parliament had risen? Accordingly, a few days afterwards, a further resolution was moved that "An humble address be presented to His Majesty to remove John, Lord Somers, Lord Chancellor of England, from his presence and counsels for ever." The motion was defeated by a majority of one hundred and sixty-seven to one hundred and six. But the fact that one hundred and six members voted for it, shows the bitterness of the party feeling against Somers, and the widespread suspicions of his honesty that prevailed amongst his political opponents. It need hardly be said that these sus-

THE REAL CAPTAIN KIDD

pitions were not allayed by the well-timed arrival of Kidd and his fellow-prisoners in London on board the King's yacht, on the very day after Parliament had risen. The result of this second curious close coincidence of date which has occurred in the course of this narrative, was that Kidd had arrived too late to be examined by the members of the House. He was therefore privately examined by the Admiralty officials, sent to Newgate, and ordered to be kept a close prisoner.

The desire of the House of Commons that Kidd should not be tried, discharged, or pardoned until the next session of Parliament was most unfortunate for him, because it necessitated his being kept in confinement with his fellow-prisoners at Newgate for more than a year. But it cannot be regarded as unreasonable, seeing that the necessary documents relating to him had not yet been laid before the House; that time was required for the collection of evidence

GROWTH OF PIRATE MYTH

against him from abroad; and that such of the facts relating to him and his employers as had already been disclosed, afforded some ground for suspecting that the four inculpated ministers were far from blameless. It is the one satisfactory feature in this very unpleasant case, that no discredit attaches to the action of the House of Commons in respect of its treatment of Kidd, either in this session or the next.

On the sixth of March in the following year (1701), the House, having reassembled, ordered that the examinations of Kidd and all papers relating to him, transmitted by the Earl of Bellamont (who, it may be mentioned, was now dead), be laid before them by the Admiralty. On the next day, they were presented; and it was ordered that such of them as came from the Admiralty sealed up, be opened, and the private examinations of Captain Kidd before the Admiralty were accordingly opened and read. It appeared from them that Kidd had denied

THE REAL CAPTAIN KIDD

that he had ever seen Shrewsbury or Somers; or had heard more of them than that they were two of his owners; that he admitted that Bellamont had introduced him to the Earl of Orford, and that Colonel Hewetson had carried him to the Earl of Romney, which was all he knew of them.

The papers delivered up by the Admiralty related not only to Kidd, but also to atrocities which had been committed in the East Indies by pirates, who had nothing to do with him, and which had apparently been mixed up with his narrative, with the object of obscuring the case and creating a prejudice against him. The Commons appointed a committee to sort them, and to report to the House which of them related to Kidd. On the twenty-seventh of March this committee reported that they had done this; and their chairman, Sir Humphrey Mackworth, delivered them in at the clerk's table, divided into two parcels, one containing the papers relating to Kidd, and the other the papers

GROWTH OF PIRATE MYTH

that did not relate to him. Then Kidd's private examinations before the Admiralty were again read; and Kidd, being brought in by the keeper of Newgate, was called in. A petition from Cogi Babba, which had been presented to the House, was also read. This petition is noteworthy as being the only complaint to the House made by those who were alleged at his trial to have been plundered by him. It purported to be presented by Cogi Babba, on behalf of himself and other Armenians, inhabitants of Chalfa, the suburb of Spahow, and subjects to the King of Persia. It merely set forth that the petitioners had freighted a ship called the *Karry Merchant* (better known as the *Quedagh Merchant* — and referred to in the French pass as *Cara Marchand*), from Surat to Bengal, where the petitioners loaded her at prime cost to the value of four hundred thousand rupees, besides forty thousand rupees, the cost of the ship, which was all taken and carried away by Captain Kidd,

THE REAL CAPTAIN KIDD

on the ship's returning to Surat about February, 1697; and it merely prayed that Kidd might be examined touching the premises, and the petitioners relieved concerning the same.

After the reading of these papers Kidd was examined and withdrew, and was remanded to Newgate; and it was decided that the House would the next day take into consideration the patent, commission and instructions to Kidd, which they did with the result that a motion was made that the grant passed under the Great Seal by Somers to Bellamont and others of the goods to be taken from the pirates before their conviction was illegal and void. The question being put, one hundred and eighty-five members voted in favour of the motion and one hundred and ninety-eight against it.

The House then decided that Kidd should be put on his trial in the ordinary course; and on the sixteenth of April, about three weeks before it took place, being informed

GROWTH OF PIRATE MYTH

that he had sent to the Admiralty that he might have the use of his commission and some other papers at his trial, ordered that "the said Commission and *such other papers as Captain Kidd desires* be delivered by the Clerk of this House to the Secretary of the Admiralty." Had this order been complied with, and the papers been accessible to Kidd or his legal advisers, he would have had a complete answer to the charge of piracy brought against him. For they included the precious French passes, which had justified his seizure of his two prizes.

CHAPTER FIVE

CHAPTER V

KIDD'S FIRST TRIAL AT THE OLD BAILEY

IF any of the great personages involved in Kidd's case took the trouble to look into the voluminous papers relating to it, which had been sent over to England by Bellamont for presentation to Parliament, they must at once have realized that Kidd's prosecution was attended with great difficulties. Notwithstanding the public prejudice which had been aroused against him, and the fact that he was not only a Scotchman, but also a Colonial, they could hardly have believed that an English jury could be asked with safety to convict him of piracy, on any of the grounds on which Bellamont had committed him to gaol at Boston, either because he had been described by the Lords Justices as a notorious pirate

THE REAL CAPTAIN KIDD

or because he was thought to look guilty, or because during his examination he had in Bellamont's opinion seemed at one time unduly cheerful, and at another unduly grave, or even because some one else had been so impertinent as to ask prematurely for the return of a bond. Kidd's own simple narrative, which it is impossible to doubt that some of them must have read with interest, if not with shame, supported as it was by the depositions of such of his crew as had remained faithful to him, contained no inherent improbabilities, but bore the impress of truth, and satisfactorily accounted for his detention at Madagascar. No flaw was apparent in either of the French passes, which he had taken with his prizes, and which were included amongst the papers sent over by Bellamont. It is difficult to believe that any one who read them failed to come to the same conclusion that Bellamont had expressed, that they would justify the seizure of the two vessels to which they

KIDD'S FIRST TRIAL

related. The sole foundation for the suspicions that attached to Kidd, apart from his unfortunate and disreputable connection with Lord Chancellor Somers, and other unpopular members of the Ministry, was the vague allegation made some years before by the East India Company, that "they had received some information from their factories that he had committed several acts of piracy, particularly in seizing the *Quedagh Merchant*." From the papers presented to Parliament it seemed now clear that his capture of that ship was justified; and that he was on his way home with her to New England with the object of getting her adjudicated a lawful prize, when his men had gone over to Culliford, and prevented him from carrying her to Boston. As one at least of the adventurers, Orford, the late First Lord of the Admiralty, should have known, she could not have been condemned as a lawful prize in the East Indies, owing to the neglect of the Admiralty to follow the advice

THE REAL CAPTAIN KIDD

of their own judge, to erect a Vice-Admiralty Court there, as had been done in the West Indies. The East India Company must have been pressed after Kidd's arrest, to substantiate their vague charges against him. It is inconceivable, having regard to their interest in his conviction, that they left any stone unturned to procure evidence against him during the two years that he remained in confinement. But whatever their efforts may have been, they seem to have been unsuccessful. No person was found to come forward and allege that he had any knowledge of Kidd's alleged piracies, except Cogi Babba, one of the owners of the *Quedagh Merchant*. And for the reason already explained, his evidence would be valueless, if the French passes were produced in Court.

But the Old Bailey practitioners of that day, who were no doubt consulted in due course, were adepts in their trade, and it is unlikely that they entertained any serious

KIDD'S FIRST TRIAL

'doubt from the first as to the lines on which Kidd's prosecution in the interests of their clients should proceed, or as to its ultimate success. They knew that he was friendless and that it was nobody's interest in England but his own that he should be acquitted. They knew that no London jury that tried him could fail to be influenced by their knowledge that he had been denounced by the Lords Justices and the East India Company as a notorious pirate, or dismiss from their minds the innumerable wild tales which had for years been disseminated to his disadvantage.¹ They knew also, none better, the

¹ According to one of these, he was said to have been captured by a French Man-of-War, the commander of which had sent him in irons to the Great Mogul. According to another, he had gone to Darien, where the Scots had received him, and all his riches. At one time he was reported to have offered the Dutch Governor of St. Thomas, forty-five thousand pieces of eight in gold and a great present in goods, if he would protect him for a month. At another he was said to have proffered twenty thousand pounds for his pardon. In the popular imagination he had in fact figured as the Prince of Pirates for some three years before his trial. See Appendix E.

THE REAL CAPTAIN KIDD

practical difficulties which confronted every poor wretch brought to trial in those days on a capital charge by unscrupulous persons, who could afford to bribe or terrify miscreants into bearing false evidence against him. Incredible as it may seem to us with our modern notions of fair play and the belief which has been instilled into some of us of the wisdom of our ancient common law, much of which was as hopelessly absurd as many of the nostrums and theories of the medical men of those days, accused persons in criminal cases were forced to conduct their own defence and were not allowed the assistance of counsel, for the purpose of examining or cross-examining witnesses or commenting on any question of fact. Counsel on their behalf were only permitted to address the Court on questions of law; the legal fiction being that there was no necessity for a prisoner to employ counsel to elucidate the facts: that the judge could be trusted to see that this was properly done: and that

KIDD'S FIRST TRIAL

the jury could be trusted to give the prisoner the benefit of any reasonable doubt. Needless to say this fiction led to the frequent conviction of innocent persons, and was a great encouragement to perjured witnesses. Many a villain, who but for it would have hesitated to be suborned, was induced by it to come forward for a small consideration and swear to anything that his employers desired. Still more ready were some poor creatures to do this, if they had brought their own necks within measurable distance of the noose, and their refusal to swear away the life of the accused would entail their own death by hanging. In the present case, no trustworthy evidence of reputable witnesses being forthcoming against Kidd, the legal advisers of the Crown very naturally had recourse to the well-known last resort open to them, and set themselves to find some one or more scoundrels, who would be willing to turn King's evidence against him. Twelve seamen, most

THE REAL CAPTAIN KIDD

of whom had remained faithful to their commander, were now imprisoned with him, awaiting their trial for piracy. We shall never know how many of these were approached by the prosecution. What we do know is, that not one of them was induced to become King's evidence. If Kidd had been guilty of the crimes of which he was accused, this in itself would have been a remarkable circumstance: for some of these poor men might have been expected to reconcile their consciences to the saving of their own lives by giving evidence against him. Not one of them did so. The only witnesses who could be found to testify against him were two rogues, who on their own admission had deserted him at Madagascar, and joined Culliford in open piracy against all nations. These men had imprudently returned to London, where unfortunately for themselves and Kidd, they were unearthed by emissaries of the prosecution before the trial came on. Their lives would

KIDD'S FIRST TRIAL

justly have been forfeited if they had not agreed to give the evidence on which their old commander and comrades were convicted. What that evidence amounted to, will be seen in due course.

Another hardship to which the accused were subjected in those days was this, that besides being deprived of the assistance of counsel to cross-examine and comment on the evidence, they were left in ignorance sometimes to the last moment of the charges to be made against them. Kidd had every reason to believe, when brought into Court for trial, that the only charge he had to meet was piracy. He had been committed by Bellamont for piracy, and examined before the Admiralty and the House of Commons on that charge. The great men with whom he had been associated were supposed to have employed him because he was a pirate. No suggestion had been made that he had been guilty of any other crime. And yet when he came into Court, the first charge

THE REAL CAPTAIN KIDD

against him was not that he had been a pirate, but that he was guilty of an offence of a totally different character, a charge of which no notice whatever had apparently been given him, and to meet which he had had no opportunity of obtaining legal advice or preparing his defence.

Nor was this all. He was a man of substance in America when arrested. But in gaol in England he was without money or friends to prepare for his trial. Although the Court had ordered fifty pounds to be paid to him that he might have legal advice, the money was not delivered to him till the night before he was tried. What was, if possible, unfairer than any of these things was the deliberate withholding from him by the officials of the papers, which the House of Commons had ordered to be delivered to the Admiralty for the purposes of his trial, and in particular the two French passes, on which he relied to prove that he had been justified in taking the two prizes, in respect

KIDD'S FIRST TRIAL

of which he was accused of piracy. No wonder that he pleaded hard for the production of these papers and the postponement of his trial, until he was allowed access to them. That there can be no question of the accuracy of the foregoing statements, appears clearly from the verbatim report of his trial, perused and approved by the judges and counsel who took part in it. Take first this extract from that report.

“KIDD. May it please your Lordships, I desire you to permit me to have counsel.

“RECORDER (*Sir Salathiel Lovel*). What would you have counsel for?

“KIDD. My lord. I have some matter of law, relating to the indictment, and I desire I may have counsel to plead to it.” (He had evidently been coached up on this point that morning or the night before by his legal advisers.)

“DR. OXENDEN. What matter of law can you have?

“CLERK OF ARRAIGNS. How does he know

THE REAL CAPTAIN KIDD

what he is charged with? I have not told him.

“RECORDER. You must let the Court know what these matters of law are, before you can have counsel assigned you.

“KIDD. I know what I mean. I desire to put off my trial as long as I can, till I can get my evidence ready.

“DR. OXENDEN. It cannot be matter of law to put off your trial.

“KIDD. I beg your Lordships’ patience till I can procure my papers. I had a couple of French passes, which I must make use of in order to my justification.

“RECORDER. That is not matter of law.

“KIDD. I sent for them, but I could not have them.

“DR. OXENDEN. Where were they then?

“KIDD. I brought them to my Lord Bellamont in New England.

“RECORDER. Mr. Kidd, the Court sees no reason to put off your trial — you must plead.

KIDD'S FIRST TRIAL

“ KIDD. If your Lordship will permit those papers to be read they will justify me.

“ RECORDER. Mr. Kidd, you must plead.

“ KIDD. I cannot plead till I have those papers I have insisted upon.

“ Mr. LEMMON (*one of his counsel*). He ought to have his papers delivered to him, because they are very material for his defence. He has endeavoured to have them, but could not get them.

“ Mr. CONIERS (*one of the counsel for the prosecution*). You are not to appear for any one until he pleads, and that the Court assigns you for his counsel.

“ RECORDER. They would only put off the trial.

“ Mr. CONIERS. He must plead to the indictment.

“ KIDD. It is a hard case, when all these things shall be kept from me, and I shall be called on to plead.

“ CLERK OF ARRAIGNS. Make silence.

“ KIDD. My papers were all seized, and I

THE REAL CAPTAIN KIDD

cannot make my defence without them. I desire my trial to be put off until I can have them.

“RECORDER. If he will not plead, there must be judgment.

“KIDD. My lord, I insist upon my French passes. Pray let me have them.

“RECORDER. Mr. Kidd, I must tell you, if you will not plead, you must have judgment against you, as standing mute.

“KIDD. If your Lordships permit those passes to be read, they will justify me. If I plead, I shall be accessory to my own death, till I have persons to plead for me.

“RECORDER. You are accessory to your own death, if you do not plead.

“KIDD. My lord, would you have me to plead, and not have my vindication by me?”

After a long altercation, Kidd was at length persuaded to hold up his hand in token that he pleaded not guilty. His first indictment was then read, of which the following are the most material parts: “The

KIDD'S FIRST TRIAL

jurors of our sovereign Lord the King do upon their oath present that William Kidd, late of London, mariner, not having the fear of God before his eyes, but being moved and seduced by the instigation of the Devil, against the peace of our Sovereign Lord the King, violently, feloniously, voluntarily, and of malice aforethought, did make an assault in and upon one William Moore upon the high seas near the coast of Malabar in the East Indies, and within the jurisdiction of the Admiralty, with a certain wooden bucket, bound with iron hoops of the value of eight pence, giving the said William Moore with the bucket aforesaid upon the right part of the head one mortal bruise, of which mortal bruise the aforesaid William Moore did languish and die. How sayst thou, William Kidd, art thou guilty of this murder, whereof thou standest indicted, or not guilty?"

Poor Kidd may well have been taken aback, as he listened to this astounding in-

THE REAL CAPTAIN KIDD

dictment. So this was what that rascally Clerk of Arraignment had been hinting at, when he said he did not yet know what he was charged with. What on earth was the meaning of all this legal chicanery? He had been committed by Bellamont at Boston, because he was supposed to be a pirate, and sent over to London to be tried, because piracy was not a hanging offence in America. Murder was a hanging offence in America. If he was supposed to be a murderer, why had he not been tried for murder there? If he was to be tried for murder here, why had no notice of this charge been given him, unless it were to prevent him from preparing his defence, and getting his evidence ready? He had been examined at great length by Bellamont and his Council, and by the Admiralty and the House of Commons as to his supposed piracy; but in neither examination does it appear that the slightest suggestion had been made that he was a murderer. By whose trick was it that he was now to be

KIDD'S FIRST TRIAL

tried for murder? But although the accusation seemed too ridiculous for any one to bring against him, except lawyers at their wits' ends to find some excuse for hanging him, it had to be met, and he met it promptly by pleading, "Not guilty." Then he again proffered his request to have counsel assigned him, naming Dr. Oldish and Mr. Lemmon, whom he had apparently consulted that morning or the night before, after getting his fifty pounds. His application was granted, but subject only to the condition that he had to plead any matter of law.

His counsel then addressed the Court, but only on the question of the postponement of his trial for piracy.

"Dr. OLDISH. My lord, he moves that his trial for piracy may be put off for several reasons. It is very fit that it should be put off for some time, because he wants some papers very necessary for his defence. It is very true he is charged with piracy in sev-

THE REAL CAPTAIN KIDD

eral ships. But they had French passes, when the seizure was made. Now if there were French passes, it was a lawful seizure.

“JUSTICE POWEL. Have you those passes?”

“KIDD. They were taken from me by my Lord Bellamont, and those passes would be my defence.

“MR. LEMMON. My lord, I desire one word as to this circumstance. He was doing his King and country service instead of being a pirate. For in this very ship, there was a French pass, and it was shown to Mr. Davies and carried to my Lord Bellamont, and he made a seizure of it. And there was a letter¹ writ to testify it, which was produced before the Parliament” (apparently neither Kidd nor his counsel were aware that the passes themselves had been laid before Parliament and delivered over to the Admiralty for production at the trial), “and

¹ Bellamont's hypocritical letter to Kidd of the nineteenth of June, 1699 (see Chapter III).

KIDD'S FIRST TRIAL

that letter has been transmitted from hand to hand, so that we cannot at present come by it. There are several other letters and papers that we cannot get, and therefore we desire the trial may be put off till we can procure them.

“ Lord CHIEF BARON WARD. Where are they?

“ Mr. LEMMON. We cannot yet tell whether they are in the Admiralty, or whether Mr. Jodrell hath them.

“ Justice POWEL. Let us see on what you go. What ship was it that had the French passes?

“ Mr. LEMMON. The same we were in. The same he is indicted for.

“ The SOLICITOR GENERAL. They have had a fortnight's notice to prepare for the trial.

“ Dr. OLDISH. We petitioned for money, and the Court ordered fifty pounds, but the person that received it went away, and we had none till last night.

THE REAL CAPTAIN KIDD

“LORD CHIEF BARON WARD. You ought to make it out that there is a reasonable cause to put off the trial, otherwise it cannot be allowed. What notice have they had?

“THE SOLICITOR GENERAL. A fortnight’s notice — this day fortnight.

“DR. OLDISH. My lord, he should have had his money delivered to him.

“KIDD. I had no money nor friends to prepare for my trial till last night.

“MR. LEMMON. My lord, we will be ready to-morrow morning.

“THE SOLICITOR GENERAL. My lord, this we will do. In the meantime let him be tried for the murder, wherein there is no pretence of want of witnesses and passes.”

This preposterous proposal, which in effect was that Kidd should be tried at once on an indictment for murder sprung upon him a few moments before, arising out of an incident that had occurred some three and a half years previously, and be forced on the

KIDD'S FIRST TRIAL

spur of the moment without conferring with any legal adviser, to conduct his own defence with the Solicitor General and other eminent counsel against him, seems to have excited no comment, but to have been assented to as a matter of course.

“The CLERK OF ARRAIGNS. Set aside all but Captain Kidd. William Kidd, you are now to be tried on the bill of murder. The jury is going to be sworn. If you have any cause of exception you may speak to them, as they come to the Book.

“KIDD. I shall challenge none. I know nothing to the contrary, but that they are all honest men.”

The greater part of the evidence in this trial has already been given verbatim in the narrative of the voyage of the *Adventure Galley*. It is clear from it that the crew for some time before the altercation, which led to Moore's death, had been on the brink of mutiny; that Moore was the spokesman of the mutineers who were prevented by Kidd

THE REAL CAPTAIN KIDD

from seizing the Dutch ship, and that he and his associates had concocted a plan, by which they thought they might have seized her and extorted documentary evidence from the Dutchmen to excuse themselves and Kidd in the event of their being called in question for doing so. The balance of evidence is strongly in favor of Moore's having upbraided Kidd in the altercation which ended in the fatal blow, for not having allowed the mutineers to have their own way. When Kidd called him "a lousie dog," his answer practically was that if Kidd had taken his advice, he and his companions, so far from being "lousie dogs," would have made their fortune and been gentlemen. Kidd seems to have knocked him down in a moment of very justifiable indignation, and without any intention of killing him. It is not even clear from the evidence that Moore died of the blow. The only two witnesses against Kidd at the trial were Palmer and Bradenham. On Kidd's

KIDD'S FIRST TRIAL

behalf three of the prisoners, Owens, Parrott, and Barlicorn, gave evidence, and Kidd offered to call the rest of them if necessary. When he asked Bradenham, the principal witness against him, with a view to test the value of his evidence, whether he had not been in the mutiny himself, he was prevented from insisting on an answer by the Lord Chief Baron Ward, who said, "You will not infer that if he was a mutineer it was lawful for you to kill Moore." Not only was he prevented from eliciting this fact, which would have tended to discredit the chief witness against him, but he was prevented from calling evidence as to his own character. The Lord Chief Baron summed up very summarily against him, being evidently desirous of ending the case as quickly as possible.

"The prisoner is indicted," said he, "for murder. Now to make the killing of a man to be murder, there must be malice prepense either express or implied. The law implies

THE REAL CAPTAIN KIDD

malice, when one man without any reasonable cause or provocation kills another. You have had this cause opened to you. What mutiny or discourse might be a fortnight or month before will not be any reason for so long continuance of passion." (Had the Lord Chief Baron ever been in command himself of a mutinous crew, he might have thought otherwise.) "But what did arise at the time, the witnesses tell you." (As a matter of fact, they were far from agreeing as to the conversation.) "The first witness" (King's evidence) "tells you, the first words that were spoken were by Mr. Kidd, and upon his answer, Mr. Kidd calls him, 'lousie dog.' The reply was, 'If I am so, you have made me so.' Now, gentlemen, I leave it to you to consider, whether that could be a reasonable occasion or provocation to take a bucket and knock the deceased on the head and kill him. Now for the prisoner on such a saying, and without any other provocation to take a bucket and knock a

KIDD'S FIRST TRIAL

man on the head and kill him must be deemed an unjustifiable act. For, as I have said, if one man kill another without provocation or reasonable cause, the law presumes and implies malice; and then such killing will be murder in the sense of the law, as being done of malice prepense. If there be a sudden falling out and fighting and one is killed in heat of blood, then the law calls it manslaughter, but in such a case as this, that happens on slight words, the prisoner calls the deceased a 'lousie dog,' and the deceased says, 'If I be so, you have made me so,' can this be a reasonable cause to kill him? and if you believe them not to be a reasonable cause of provocation I cannot see what distinction can be made, but that the prisoner is guilty of murder. Indeed, if there had been a mutiny at that time, then there might have been a reasonable cause for him to plead in his defence, and it ought to have been taken into consideration. But it appears that what mutiny there was, was

THE REAL CAPTAIN KIDD

a fortnight at least before." (There can be little doubt that the crew were on the brink of mutiny for months before and months after this occurrence.) "Therefore, gentlemen, I must leave it to you, if you believe the King's witness, and one of the prisoner's own" (Query, and disregard the evidence of Kidd and the others), "that this blow was given by the prisoner in the manner aforesaid, and are satisfied that it was done without reasonable cause or provocation, then he will be guilty of murder, and if you do believe him guilty of murder on this evidence, you must find him so, if not you must acquit him."

The jury then withdrew, and in about an hour returned and gave in their verdict "Guilty."

CLERK OF ARRAIGNS. "Look to him, keeper."

CHAPTER SIX

CHAPTER VI

THE SUBSEQUENT TRIALS FOR PIRACY

ON the following day Kidd and his fellow prisoners were tried at the Old Bailey for the piratical seizure of the *Quedagh Merchant* and other alleged piracies of minor importance, this trial having, as has already been explained, been postponed in order that Kidd might get the papers which had been ordered by the House of Commons to be handed over to the Admiralty for the purposes of his trial. With admirable brevity and lucidity his two counsel, Dr. Oldish and Mr. Lemmon, had explained to the Court that these papers would constitute his defence, inasmuch as the French passes would clearly show that his seizure of his two prizes had been lawful,

THE REAL CAPTAIN KIDD

and that in taking them, so far from being a pirate, he had done his King and country service. Their plea that the trial should be put off in order that these papers might be procured had been allowed as reasonable; and the glibber of his two counsel, Mr. Lemmon, had apparently satisfied himself that they would be forthcoming; for he had ended by jauntily observing: "My lord, we will be ready to-morrow morning."

What happened during the next few hours can only be conjectured. What does seem certain is, that when the morning came, neither Dr. Oldish nor Mr. Lemmon appeared on Kidd's behalf; nor had the French passes and other papers that had been promised, been furnished to Kidd; that his trial began and ended without their production; and that not one of the judges who took part in it, the most prominent of whom was the Lord Chief Baron Ward, who had been present in Court the day before, and heard the arguments for the postponement of the

SUBSEQUENT TRIALS

trial, made any comment on the absence of Kidd's counsel, or asked for any explanation from the Admiralty officials or any one else for the non-production of the passes, which they had been told would constitute Kidd's defence. Indeed, as will be seen, the Lord Chief Baron in his summing up went so far as to suggest that they existed only in Kidd's imagination.

It is inconceivable that the monstrous miscarriage of justice, which ensued, was the result of mere accident, negligence, or stupidity. It was clearly the duty of the officials of the Admiralty, in whose court Kidd was being tried, to allow him access to the papers, including the passes, which had been delivered to them by the order of the House of Commons for that purpose. It was clearly the duty of Kidd's two paid counsel to put in an appearance and press for a further postponement of the trial, until these passes had been produced, instead of leaving him, as they did, in the lurch to con-

THE REAL CAPTAIN KIDD

duct his own defence, with the disastrous results that might have been anticipated. It is very difficult to avoid the suspicion of foul play on behalf of one or more of the great personages interested in the case. In this connection there are certain facts which it is impossible to ignore. At the time of the trial, impeachments were pending in Parliament against Orford, the late First Lord of the Admiralty, and Somers, for their participation in Kidd's enterprise. No efforts had been spared by their political opponents to induce Kidd to make damaging disclosures against them. Thus far they had been unsuccessful. Kidd had remained faithful to his employers. But dead men tell no tales; and neither Orford nor Somers could have felt any security against untoward disclosures on his part so long as he remained alive. Coming to the last of the very significant close coincidences of date that abound in this case, we find that Somers deferred putting in his reply to the Articles of Impeach-

SUBSEQUENT TRIALS

ment drawn up against him by the Commons until the day after Kidd's execution. In order to appease public opinion and the East India Company, some scapegoat was indispensable, if these two great men were to be allowed to go scot free. Can it reasonably be doubted that it was this consideration that induced the officials of the Admiralty to keep back from Kidd and from the Court the two French passes which would have been his salvation and which had been delivered to them by the House of Commons, in order that he might have access to them?

The report of his trial will be found melancholy reading by those who still retain some belief in the impartiality of the judges and the honesty of the counsel of that age. Three of the latter, the Solicitor General, the advocate of the Admiralty, and their junior Mr. Coniers, with their trained wits and long experience in criminal cases, were long odds for poor Kidd and his compan-

THE REAL CAPTAIN KIDD

ions to contend against, although the only evidence produced by the prosecution consisted of the uncorroborated testimony of two of the mutineers who had deserted their colours at Madagascar and joined Culliford in open piracy. These men had evidently been carefully taken by the attorneys through every incident in the voyage of the *Adventure Galley*, which lent itself to ingenious misrepresentation, tending to the discredit of Kidd and his companions. In some instances they obviously tried to mislead the jury, and were only prevented from doing so by Kidd's simple questioning of them. Ignorant of the rules of the court he tried more than once to break in and give his own version whilst they were giving theirs. "Hear me," he cried, springing up in court on one occasion; but was promptly reduced to silence by the reminder that when the time came, he could question the witnesses. He did ask them some very pertinent questions, from the answers to which it

SUBSEQUENT TRIALS

was clear that they had wilfully endeavoured to deceive the Court. But he was, of course, no adept in the art of systematic and persistent cross-examination. As time went on, and it became evident that whenever he asked any question with the object of testing the credibility of the two deserters, he was stopped by the judge, and whenever their evidence was in conflict with his statements or those of any of his men, it was readily believed, he not unnaturally became impatient, and after a while gave up the hopeless job in despair. It must not be forgotten that he and his men were placed at a great disadvantage by being all included in the same indictment for piracy, and that consequently not one of them could be called and examined as a witness for the defence. Kidd seems to have felt this keenly. On being told by the Junior Counsel for the prosecution, "Now, if you will ask this witness any question, you may," he replied, "What signifies it to ask him any question?"

THE REAL CAPTAIN KIDD

We have no witnesses, and what we say signifies nothing." At last in reply to the Solicitor General whether he had any further questions to ask, he replied, "No, no. So long as he swears it, our words or oaths cannot be taken;" and again, "It signifies nothing to ask any questions. A couple of rogues will swear to anything."

The SOLICITOR GENERAL. "Will you ask any further questions?"

KIDD. "No, no, I will not trouble the Court any more: for it is a folly."

It might have been thought that the testimony given by such unimpeachable witnesses as Colonel Hewson, Captain Bond, Captain Humphreys, and Mr. Cooper of the character and eminent public services of Kidd was entitled to some weight, in cases where the question for the jury to decide was the relative credibility of Kidd and such of his men as had remained faithful to him, and that of the two mutineers who had by their own confession joined Culliford in

SUBSEQUENT TRIALS

open piracy, and had since been promised their lives if they would take Kidd's. This, however, was clearly not the view of the Lord Chief Baron. Speaking of Kidd in his summing up he said: "He has called some persons here to give an account of his reputation, and of his services done in the West Indies, and one of them says" (as a matter of fact they all swore to it) "he did good service there. Well, so he might and might have" (*sic*) "and it is very like he had such reputation, when the King trusted him with these commissions, else I believe he had never had them, so that (*sic*) whatever he might be so many years ago, that is not a matter to be insisted on now, but what he hath done since, and how he hath acted in this matter charged against him." The Lord Chief Baron evidently had no belief in the doctrine "*Nemo repente fuit turpissimus.*"

Bradenham, before he had been caught by the police in London, had been seen by one

THE REAL CAPTAIN KIDD

of Kidd's witnesses, a Mr. Say, at the Marshalsea. This witness, on being told by a friend that Bradenham had been Kidd's surgeon, had observed: "There is a mighty noise about Captain Kidd," on which Bradenham admitted that he had been with Kidd at Madagascar, but expressed his opinion that Kidd "had done nothing but what he could answer for, and nothing that could do him any hurt." The truthfulness of this evidence was not questioned by the prosecution: but it was swept aside contemptuously by the Lord Chief Baron. "Mr. Bradenham," he said, "was with him there. There is no doubt of that. It is not to be questioned, that he would not say anything ill against him then." In other words, Bradenham in the judge's opinion, was a witness whose voluntary evidence on an ordinary occasion was worthless. His testimony could only become of value, when given under compulsion, with the object of saving his own life, and after he had been drilled

SUBSEQUENT TRIALS

to cast it into such a shape that it would in the opinion of the legal advisers of the Crown, imperil the life of another man of unimpeachable antecedents, whom the Government desired to destroy. It is to be feared that such views of the value of King's evidence were by no means rare in those days. When questioned by the Judge, why, if he thought the *Quedagh Merchant* was a lawful prize, he did not have her condemned, Kidd's simple answer was that his men would not allow him to do so. As a matter of fact he was on his way to the nearest Court of Admiralty competent to condemn her, when his men mutinied. "My lord," he said, "there were ninety-five men that deserted my ship and took away what they pleased. We could not stand in defence of anything." He explained that he had nothing to do with the sharing of the goods amongst his men, and knew nothing of it. He was never near them. Questioned as to his coming to terms with Culliford, he replied,

THE REAL CAPTAIN KIDD

“ My lord, I designed to take that frigate and I designed to come to England. I said let us take this ship, and did they not all consult and say, where there is one that will fire against the pirate there are ten that will fire against you? And so they went and took the goods and left me.”

The main question at issue was not however whether Kidd had been justified in failing to keep the deserters in hand, or in coming to terms with Culliford, after they had left him, but whether the two prizes which he had taken had French passes on board when captured.

This was fully recognised by the Lord Chief Baron who in his summing up in the case of the *Quedagh Merchant* said: “ Now this is the great case before you, on which the indictment turns. The ship and goods as you have heard, are said by the witnesses ” (*i. e.*, by the King’s evidence) “ to be the goods of Armenians and other people that are in amity with the King: and Cap-

SUBSEQUENT TRIALS

tain Kidd would have them to be the goods of Frenchmen, or at least that the ship was sailed under French passes. Now if it were as Captain Kidd says, it was a lawful prize and liable to confiscation: but if they were goods of persons in amity with the King, and the ship was not navigated under French passes, it is very plain it was a piratical seizing of them."

There can be no doubt therefore that if Kidd had been able to produce the passes in court, he would have had a perfect defence. Unfortunately he seems to have been unaware that Bellamont had sent them over to England. His case was that he had given them to Bellamont, and he believed that Bellamont was keeping them back. Being unable to get them, or to have his trial postponed until they could be obtained, he tried as a last resource to get Bradenham and Palmer to admit that they knew of their existence.

KIDD (*to Bradenham*). "Did you not

THE REAL CAPTAIN KIDD

see any French passes aboard the *Quedagh Merchant*?"

BRADENHAM. "You told me you had French passes. I never did see them."

KIDD. "Did you never declare this to anybody that you saw the French passes?"

BRADENHAM. "No, I never did see any; but I only said I heard you say you had them."

KIDD (*to Palmer*). "I ask him whether I had no French passes."

PALMER. "Indeed, Captain Kidd, I cannot say. I did hear him say he had French passes, but I never saw them. I have heard Captain Kidd say several times that he had French passes."

KIDD. "And did you hear nobody else say so?"

PALMER. "No."

KIDD. "It is in vain to ask any questions."

LORD CHIEF BARON WARD. "What was that pretence of a French pass?"

SUBSEQUENT TRIALS

PALMER. "I saw none."

KIDD. "But you have heard of it."

PALMER. "I have heard of it, but I never saw it."

Unable to get any admissions from these two, Kidd called another witness, Mr. Davis.

KIDD. "I desire Mr. Davis may be called — Mr. Davis, pray give an account, whether you did not see a French pass."

DAVIS. "I came a passenger from Madagascar, and from thence to Amboyna" (evidently a clerical error for Anguilla) "and there he sent his boat ashore, and there was one said Captain Kidd was published a pirate in England, and he gave him those passes to read — the Captain said they were French."

LORD CHIEF BARON WARD. "Who gave them?"

DAVIS. "Captain Kidd gave them."

KIDD. "You heard Captain Elms say they were French passes."

DAVIS. "Yes. I heard Captain Elms

THE REAL CAPTAIN KIDD

say they were French passes. Says he, If you will, I will turn them into Latin.”

Summing up this evidence, the Lord Chief Baron said: “Gentlemen, it is to be considered what evidence Captain Kidd hath given to prove that ship and goods to belong to the French King or his subjects, or that the ship was sailed under a French pass, or indeed that there ever was a French pass shown or seen. He appeals to the witnesses over and over again, Did you never see it? No, say they. Nor did not you, saith he, say you saw it. No, saith the witness. I said that Captain Kidd said he had a French pass, but I never saw it.”

“Now, gentlemen, this must be observed, If this was a capture on the high sea, and these were the goods of persons in amity with the King and had no French pass, then it is a plain piracy.”

“Now what does Captain Kidd say to all this? He has told you he acted pursuant to his commission: but that cannot be, unless

SUBSEQUENT TRIALS

he gives you satisfaction that the ship and goods belonged to the French King, or his subjects, or that the ship had a French pass. Otherwise neither of them (*sic*) will excuse him from being a pirate; for if he takes the goods of friends, he is a pirate: he had no authority for that; there is no colour from either of his commissions to take them. And as to the French passes there is nothing of that appears by any proof; and for aught I can see, none saw them but himself, if there ever were any."

Fortunately for Kidd's memory, these passes, as has already been stated, had been made Parliamentary papers. Verbatim copies of them will be found in Appendix C.

The Admiralty may well look back with pride to some of the performances of its officials, but the shameful suppression of these passes at Kidd's trial is not one of them. Had they been produced, as they ought undoubtedly to have been in accordance with the order of the House of Commons, it

THE REAL CAPTAIN KIDD

would have puzzled even the Lord Chief Baron to discover an excuse for directing the jury to find Kidd and such of his crew as had remained faithful to him guilty of piracy.

Of the latter, three, Barlicorn, Jenkins, and Lumley, apprentices to the Captain, the Mate and the cook were acquitted by the jury. Four others, Howe, Churchill, Mullins, and Owens, the cook, pleaded that they had surrendered under the King's Proclamation, the first three to Colonel Bass, the Governor of East Jersey, and the fourth to a Justice of the Peace in Southwark. There is no question but that these men had been misled by this proclamation into thinking that if they surrendered as they did, they would have a free pardon, and that but for being so misled they would have been at large. Three of them had been in gaol awaiting their trial for nearly two years. But their plea was disallowed on the ground that they had surrendered to the wrong per-

SUBSEQUENT TRIALS

sons. The proclamation was dated the eighth of December, 1698. It had been sent out to St. Marie's on board of Captain Warren's squadron, which was conducting the ambassador of the Great Mogul on a tour to the Eastern seas that he might see with his own eyes that the Government was at last making a serious effort to suppress the Eastern piracy. It declared the King's intent to be "That such as had been guilty of any acts of piracy in the seas East of the Cape of Good Hope, might have notice of His Most Gracious Intention of extending His Most Royal mercy to such of them as should surrender themselves, and to cause the severest punishment to be inflicted upon those who should continue obdurate." The King's intent seemed therefore plain, that he would pardon all those who surrendered themselves. But the proclamation "required and commanded all persons who had been guilty of any act of piracy in any place eastward of the Cape of Good Hope to sur-

THE REAL CAPTAIN KIDD

render themselves to the four commissioners named in it;” and it empowered these gentlemen only, who were traveling about with the Great Mogul’s ambassador and were not readily accessible, “to give assurances of the King’s Most Gracious pardon to all such as should surrender themselves.” The Lord Chief Baron held that the proclamation must be construed strictly. “It says,” said he, “they must surrender themselves to such and such persons by name. See if it be not so. Here are several qualifications mentioned. You must bring yourselves under them, if you would have the benefit of it.”

Mr. MOXON (*counsel for one of the prisoners*). “But, my lord, consider the nature of this proclamation, and what was the design of it, which was to induce pirates to come in.”

LORD CHIEF BARON WARD. “If you would have the benefit of it, you must bring yourself under the conditions of it. Now

SUBSEQUENT TRIALS

there are four Commissioners named that you ought to surrender to. But you have not surrendered to any one of these, but to Colonel Bass, and there is no such man named in the proclamation.”

The consequence of this decision was that all four of the men who had surrendered under the proclamation were condemned to death along with Kidd, and their comrades, some of whom when it became clear that they would be condemned were desirous that their loyal obedience to their captain should be placed on record, *e. g.*:

GABRIEL LOFFE (*a foremast man from New York*). “I have nothing to say, but to ask him” (Bradenham) “whether I did ever disobey my captain’s commands, or was in any way mutinous on board the ship.”

BRADENHAM. “No. I cannot say you did.”

PARROT (*the Plymouth boy*). “My lord, I desire you would ask the witnesses, whether I ever disobeyed my captain’s com-

THE REAL CAPTAIN KIDD

mands. Mr. Palmer, did you ever see me guilty of an ill thing? Did I ever disobey my captain?"

PALMER. "You were always obedient to your captain."

MULLINS (*the Irishman*). "Mr. Bradenham, did I do anything against my captain's commands?" (It is to be feared he did, in leaving him.)

BRADENHAM. "I cannot say, but that he did always obey the Captain's commands."

MULLINS (*again, this time to Palmer*). "Did not Captain Kidd often say that his commission would bear him out in what he did?"

PALMER. "Yes. I have often heard him say that."

Judge TURTON. "But how came you to go aboard Culliford?"

MULLINS. "For want, my lord."

LOFFE (*again*). "My lord, I was a servant under Captain Kidd and always obeyed

SUBSEQUENT TRIALS

his commands, and had no share. I came home with Captain Kidd to Boston, and went to my Lord Bellamont."

HOWE. "Have I not obeyed my captain in all his commands?"

LORD CHIEF BARON WARD. "There is no doubt made about that."

Kidd himself on being asked whether he had anything more to say replied, "My lord, I had many papers for my defence if I could have had them."

LORD CHIEF BARON WARD. "What papers were they?"

KIDD. "My French passes."

LORD CHIEF BARON WARD. "Where are they?"

KIDD. "My Lord Bellamont had them."

LORD CHIEF BARON WARD. "If you had anything of disability upon you to make your defence, you should have objected it at the beginning of your trial. What you mean by it now, I cannot tell."

In mercy to the memory of this wicked

THE REAL CAPTAIN KIDD

old judge, let us hope that this obtuseness was not feigned, and that he had really forgotten, though it is difficult to see how he could have done so, Kidd's impassioned entreaties at the beginning of his trial on the preceding day for the production of these papers, the protracted discussion which took place thereon in which he had himself taken part and the undertaking that the papers should be produced.

When the jury had brought in their verdict, Kidd, asked whether he had anything to say for himself why he should not die according to the law, replied, "My lord, I have nothing to say, but that I have been sworn against by perjured and wicked people." After sentence had been pronounced, he added, "My lord, it is a very hard sentence. For my part, I am the innocentest person of them all, only I have been sworn against by perjured persons."

CHAPTER SEVEN

CHAPTER VII

KIDD'S END

KIDD'S experience of the legal profession and the procedure of our English courts, though short, had been painfully instructive. After his return to Newgate, he seems to have had no more to do with either of them. But he had yet to reckon with his political and religious advisers, who combined to beset him to the last.

Bellamont's apologist says: "Dr. G——g knows who the person was, who was with Kidd more than once some few days before his execution and dealt so freely with him as to advise him to charge two lords by name with somewhat that was material, which he said was the only way he could save his life. And the more to provoke the poor wretch

THE REAL CAPTAIN KIDD

to follow his advice, swore to him that those lords and their friends, were restless in soliciting to have him hanged, and therefore it was reasonable for him to do their business." "God," he adds, "disappointed all these cursed designs. Perhaps the unhappy creature knew himself incapable to make a probable story, or to carry on one though made to his hands, and that deterred him from hearkening to these counsels of devils. I rather hope that as wicked as he had been, he was not arrived at such a pitch, as to attempt to take away other men's lives and honour by deliberate perjuries."

It never seems to have occurred to this gentleman, or indeed to any one else, during Kidd's last days, that he was innocent of the crimes laid to his charge, and that he was not likely to go back on his word. Not only in his statements with respect to his employers, but also in his simple written narrative to Bellamont and in the oral evidence given at his trial of the various incidents in his

KIDD'S END

voyage he had told a plain unvarnished tale, from which he had never deviated. So far as his dealings with his employers were concerned he had sworn in his examinations before the Admiralty and also in the House of Commons, that he had never seen Somers or Shrewsbury, or heard more of them, than that Bellamont had told him they were two of the owners of the *Adventure Galley*; that Bellamont had introduced him to Orford and that Colonel Hewson had carried him to Romney in his coach which was all that he knew of them. He had been recalled and pressed to make some further disclosure with regard to these great personages, and asked categorically if he knew anything in relation to Bellamont, Romney, Shrewsbury, Somers, or Orford, or any of the other owners, in relation to his expedition, or any other matter, touching any private directions, articles or instructions, given to him by word of mouth or otherwise. And after taking time "to recollect himself well," he

THE REAL CAPTAIN KIDD

had affirmed that "he had nothing more to say in relation to the owners than that he had before declared." It may safely be assumed that his answer to Dr. G——g's mysterious friend, whoever he may have been, was to the same effect.

It remained now for him to undergo that last trial of his patience, to which all condemned prisoners had in those days to submit, the well-meant attempts on the part of the Chaplain of the gaol to extort from them confessions of their guilt. If Kidd had yielded to this cruel pressure, he would have left this world with a lie upon his lips, as it is to be feared many poor creatures did before and after him. Witness the confessions of some of those convicted of witchcraft. It is no small confirmation of his innocence that he was able to emerge even from this trying ordeal without discredit to his veracity.

The Ordinary of Newgate at that time was the Rev. Paul Lorrain, well known in

KIDD'S END

his day as the author of innumerable "Last Dying Speeches and Confessions" of noted criminals, who seems to have combined with the more serious duties of his calling as confessor to the doomed the somewhat incongruous functions discharged in these latter days by enterprising press interviewers of celebrities in whose personal peculiarities and proclivities the reading public may be supposed to take an interest. He can rarely, if ever, have had more promising subjects for his professional treatment, or men of whose last days his account was likely to have a wider circulation, than Kidd and his fellow sufferers.

There are two extant records of the "Behaviour, Confessions and Last Dying Words of Kidd and the other Pirates that were Executed with Him." Both were published by the same printer, E. Mallet at the Hat and Hawk in Bride Lane. One of these accounts is signed by Lorrain on the day of the execution, and concludes with

THE REAL CAPTAIN KIDD

these words: " This is all the account, which (in this hurry) can be given of these persons by Paul Lorrain. Friday, May the 23rd 1701." It is clear from internal evidence that the earlier part of this account had been carefully composed before the day of execution, and that it was only the concluding portion of it which was hurriedly written on that day. No inconsiderable part of the earlier paragraphs is devoted to the texts and heads of the discourses delivered by the Ordinary to the prisoners, on the two preceding Sundays when they had had the privilege of listening to him. These, admirable as they may be, it is unnecessary to reproduce in the present narrative. From the remainder of this account it appears that Lorrain on the day after their trial visited the prisoners, and " did pray with them and admonish them to self examination and repentance," that during his whole attendance on them, which was " every day, both forenoon and afternoon " until the day of exe-

KIDD'S END

cution, he "pressed upon them the acts of faith and repentance, exhorting them to confess their crimes." "I at last," he says, "prevailed on them to uncover and own those crimes which they had before so industriously endeavoured to hide or excuse, particularly Captain Kidd, who vainly flattering himself with hopes of a reprieve, deferred his confession so long that there was hardly any time left for taking it in any exactness or order." (It is clear from the latter part of his account that Kidd never confessed to any of the crimes of which he had been convicted.) "Darby Mullins, one of the condemned pirates was of all the rest the most ready and free to open himself to me: and therefore I shall begin with his confession." Let us see what the free and open confession of this poor man amounted to and what were the heinous crimes, which he had so industriously endeavoured to hide or excuse.

"I. *Darby Mullins*, about 40 years old,

THE REAL CAPTAIN KIDD

born in Ireland hard by Mullingfelt, about 16 miles from Londonderry. He said he lived in his own country and with his parents and followed the plough, while he was young, but being kidnapped he was carried away into the West Indies, where he served a planter for the space of four years. Afterwards he turned a waterman, and followed several other employments in and about Jamaica. And when the earthquake happened there he was miraculously preserved, yet took no great notice of his deliverance, so as to be thankful (as he ought) to God for it, which is now matter of trouble and grief to him. After this earthquake he went to Kingston, a town in these parts, and there he built himself a house and sold liquors, etc. Then he came to New York, with his family in the *Charity*, Captain Sims commander, and continued there two years. At the end of which he took his passage on board *Captain Slade* to the Madeiras, where he stayed but three weeks and then returned

KIDD'S END

to New York; and some time after having bury'd his wife there, he was not able any longer to keep house; but apply'd himself to carrying and fetching wood from place to place in a boat of his own, about 20 tons. Then he left off this employment and engaged himself with Captain Kidd and afterwards with Captain Culliford, not knowing but that it was very lawful (as he said he was told) to plunder the enemies of Christianity. But now he being shew'd that those were the greatest enemies to Christ and his religion, who did such unaccountable things, as he and his companions did, contrary to the laws of Christianity, which they profess, he said he heartily begged pardon of God and the world for it, and wished he had not been such an offender. He confessed he had been a great sinner in that he had not served God as he should have done, but far from that had of late very much given himself up to swearing, cursing and profaning the Sabbath Day, which had deservedly brought this

THE REAL CAPTAIN KIDD

calamity upon him. He seemed to be very penitent of the facts, for which he was justly condemned, and prayed to God to forgive both these and the other errors and miscarriages of his past life. He was a poor unlearned person, not very much acquainted with the principles of religion. Yet he was very willing to be directed and express'd great hopes that through the merits of Christ he should find mercy and salvation."

" II. *Captain William Kidd*, condemned for murder and piracy. He was about 56 years of age. I found him very unwilling to confess the crime he was convicted of, or to declare anything, other than that he had been a great offender, and lived without any due consideration either of God's mercys or judgments, or of his wonderful works which had so often been set before him. That he " (like Mullins) " never remembered to have returned Him thanks for the many great deliverances he had received from him, or call'd

KIDD'S END

himself to account for what he had done. But now he owns that God is a just God, and he is a vile and wretched sinner. He says he repents of all his sins and hopes to be saved through the merits of Christ. He further declares that he dies in charity with all the world." So far, it is clear, he had made no confession either of murder or piracy.

"On the day being the day of execution, I went betimes to these condemned persons, and had them up to the Chappel both morning and afternoon, where having given them further admonitions to Faith and Repentance, they seemed to me very desirous and earnestly striving to die in God's favour. Only I was afraid the hardness of Captain Kidd's heart was still unmelted. I therefore apply'd myself with particular exhortations to him" ('the innocentest person of them all,' to quote his own words) "and laid the judgment of God against impenitent and hardened sinners, as

THE REAL CAPTAIN KIDD

well as his tender mercies to those that were true and sincere penitents, very plainly before him. To all which he readily assented and said that he truly repented of all his sins, and forgave all the world: and I was in good hopes that he did so. But having left him to go a little before him to the place of execution, I found to my unspeakable grief, when he was brought thither, that he was inflamed with drink," (Some kind fellow countryman had possibly given the poor old man a wee drappie of which he must have stood sorely in need, after all these exhausting religious exercises and his confinement for over a year in Newgate), "which had so discompos'd his mind that it was now in a very ill frame, and very unfit for the great work now or never to be perform'd by him. I prayed for him, and so did other worthy divines that were present, to whom as well as to myself the Captain appeared to be much out of order, and not so concerned or affected as he ought to have been.

KIDD'S END

'Tis true he spoke some words expressing his confidence in God's mercys through Christ, and likewise declared that he died in Charity with all the world. But still I suspected his sincerity " (Why?) " because he was more reflective upon others than upon himself " (as he might well be) " and would still endeavour to lay his faults upon his crew and others, going about to excuse and justify himself much about the same manner, as he did upon his trial. When I left him at Newgate he told me he would make a full confession at the tree," (so he did, of everything he had to confess) " but instead of that he was unwilling (contrary to my expectation) to own the justice of his condemnation or so much as the providence of God, who for his sins had deservedly brought him to this untimely end. I continued to pray for him and the rest, who (to outward appearance) were very humble and penitent, particularly Darby Mullins, who persisted in asserting what he had told me be-

THE REAL CAPTAIN KIDD

fore and said it was the truth and he had nothing to add to or diminish from it. This being done and the Captain having warned all mariners of ships and others to have a care of themselves, and take warning from him ” (the words of his warning were very significant as will be seen below) “ I then sang with them a Penitential Psalm, and after another short prayer, recommending them to God, I parted with them and left them to the Divine Mercy. And then they were turned off.”

“ But here I must take notice of a remarkable (and I hope a most lucky) accident which then did happen,” (it may be doubted whether the reverend gentleman would have considered it so lucky if it had befallen himself) “ which was this, that the rope by which Captain Kidd was ty’d broke, and so falling to the ground he was taken up alive, and by this means had opportunity to consider more of that Eternity he was launching into. When he was brought up

KIDD'S END

and ty'd again to the tree, I desired leave to go to him again, which was granted. Then I showed him the great mercy of God in giving him unexpectedly this further respite, that so he might improve the few moments left now so mercifully allowed him in perfecting his Faith and Repentance. Now I found him in much better temper than before. But as I was unwilling, and the station also very incommodious and improper for me to offer anything to him by way of question, that might have perhaps discomposed his spirit, so I contented myself to press him to embrace (before it was too late) the Mercy of God now again offered him upon the easy conditions of Stedfast Faith, True Repentance and Perfect Charity, which now he did so fully and freely express, that I hope he was hearty and sincere in it, declaring openly that he repented with all his heart, and dy'd in Christian Love and Charity with all the world" (as he had repeatedly said before). " This he said, as he

THE REAL CAPTAIN KIDD

was on the top of the ladder (the scaffold being now broken down) and myself half-way on it, as close to him as I could, who having for the last time prayed with him, left him with a greater satisfaction than I had before, that he was penitent."

From the later account above referred to which purports to be "The only True Account of the Dying Speeches of the Condemned Pirates," and is possibly a revised edition of the earlier account by Paul Lorrain, we learn that "all the prisoners were conveyed from Newgate to the execution dock in Wapping by the officers of the Admiralty and others, carrying the Silver Oar before them according to the usual custom:" that Kidd's "behaviour in Newgate after condemnation was not so serious and devout as became a person under his circumstances, but whether it proceeded from an heroick temper in not seeming to be in any way terrified or afraid on the approaches of death (tho' in a violent manner) he being natu-

KIDD'S END

rally of an undaunted mind and resolution, or from a conceited hope of obtaining a reprieve, there being great endeavours tho' in vain used for that purpose, is yet unknown."

The author of this account also informs us that Kidd "could hardly be brought to a charitable reconciliation with those persons, who were evidences against him alleging that they deposed many things that were inconsistent with truth and that much of their evidence was by hearsay: and in the general part of his discourse seemed not only to reflect on them *but on several others, who instead of being his friends as they professed, had traitorously been instrumental in his ruin!*" "He further declared that as to the death of William Moore, his gunner, the blow that he gave him, it was in a passion, as being provoked by him to do so, but not with an intention of any manifest injury, much less to kill or murder him. Nay, he was so far from bearing any malice against him, that he freely gave £200 for his ran-

THE REAL CAPTAIN KIDD

som, and further said that all his sailors knew he always had a great love and respect for him; adding that if any one concerned in his tryal had acted contrary to the dictates of his or their own conscience he heartily forgave them, and desired that God would do the like." "He expressed abundance of sorrow for leaving his wife and children without having the opportunity of taking leave of them, they being inhabitants in New York. So that the thoughts of his wife's sorrow at the sad tidings of his shameful death was more occasion of grief to him than that of his own sad misfortunes." "*He desired all seamen in general, more especially Captains in particular to take warning by his dismal unhappiness and shameful death and that they would avoid the means and occasions that brought him thereto, and also that they would act with more caution and prudence, both in their private and public affairs by sea and land, adding that this was a very fickle and*

KIDD'S END

faithless generation.” (He had undoubtedly found it so.) “ After he had ended his discourse to the people, he spent the rest of his time in Prayer and other pious and Godly exercises with the Ordinary of Newgate and other ministers: and at last seemed very devout and penitent, expressing his hearty sorrow for his manifest transgressions, especially the unhappy and sudden death of William Moore his gunner — but would not call it murder to the very last, esteeming it rather an accidental misfortune than a murder by reason that there was but one blow given and that in passion without any premeditated malice.”

No reference is made in this account to Kidd's being “inflamed with drink.” It is clear from it that whether or not he had been given a drop of whiskey on his way to execution, he was to the end in the full possession of his faculties.

The only member of his crew who was hung with him was poor Darby Mullins,

THE REAL CAPTAIN KIDD

the remainder being at the last moment reprieved. Why Mullins, who had surrendered himself to the Governor of East Jersey along with two others, relying on the King's proclamation, was selected as Kidd's fellow-sufferer, is not clear. It is true that he was an Irishman, and in the opinion of the chaplain in a better frame of mind to meet his death than any of his companions: but neither of these circumstances in itself seems quite a satisfactory justification for hanging him. He had no doubt joined Culliford, unquestionably by far the most guilty of all the seamen implicated, but for whose presence at Madagascar, when the *Adventure Galley* arrived there, Kidd in all probability would have been able to bring his prizes home before the hue and cry had been raised against him. But Culliford, though indicted for several piracies about the same time as Kidd, apparently escaped scot free, having been clever enough to save his neck by surrendering to the right

KIDD'S END

persons under the King's proclamation, and to secure the services of a counsel who did not fail to put in an appearance on his behalf, when his case came on for hearing; the result of which was that "his case" (according to a note in the State Trials) "being particular and argued by Counsel he was respited."

To come now to the last painful incident in this disgraceful tragedy. The day after Kidd's corpse had been hung aloft in chains on the gallows, Somers dared at last to break the silence he had so long maintained and to put in his reply to the Articles of Impeachment brought against him by the Commons. The allegations he had to meet were that in the grant of the goods of the pirates to the co-adventurers, the name of Samuel Newton, one of the Grantees, had been "used in trust and for the sole benefit of" himself: that "the grant manifestly tended to the obstruction of trade and navigation, the great loss and prejudice of mer-

THE REAL CAPTAIN KIDD

chants and others, His Majesty's subjects, and the dishonour of the King and his Kingdom:" and that "by procuring and passing it," he had been guilty of a notorious breach of his duty. In his reply he was forced to admit that Newton had been named in the grant, "by and in trust for him," and was apparently unable to give any excuse whatever for this discreditable deception. He pleaded that the grant "did not in any way tend to the obstruction or discouragement of trade or navigation, or to the loss or prejudice of His Majesty's subjects, nor to the dishonour of His Majesty or His Kingdom." He denied (and the denial implied what would be considered in these days a very low estimate of official honesty) that the passing of the grant was any breach of duty, inasmuch as it "was formed as a recompense to the grantees, who at their own charge had provided and fitted out the said Ship" (the *Adventure Galley*) to enable Kidd "to execute the powers in the

KIDD'S END

said grant mentioned, *whereby the public might have received great benefit had the said William Kidd faithfully discharged the trust reposed in him by His Majesty and the Grantees, which he failing to do, the owners of the said ship had lost their expenses, and had not received any benefit from the grant.*”

As a matter of fact, it may well be doubted whether any of the grantees, excepting Kidd and Livingstone, lost any part of their expenses. As has already been shown, one of the conditions on which their legal advisers had been careful to insist had been that if the prize moneys were insufficient to make good the full amount advanced by the grantees, other than Kidd and Livingstone, the deficiency was to be made good by Kidd and Livingstone, both of them men of substance. We have seen with what eagerness, and with what disastrous results to Kidd, Livingstone had endeavoured to get his bond restored to him by

THE REAL CAPTAIN KIDD

Bellamont. That Kidd's estate of itself, notwithstanding the fact that he was unable in Newgate to get funds for his defence until the night before his trial, was sufficient to have covered any loss sustained by the great men, who had exploited him, is clear from the fact that of his effects forfeited to the Crown, six thousand four hundred and seventy-one pounds were afterwards given by Queen Anne towards the establishment of Greenwich hospital.¹ But whether or not these great men found it inconvenient to reclaim their one thousand pounds apiece, it is impossible to doubt that when making this cruelly unjust charge of faithlessness against Kidd the day after his death, Somers was fully acquainted with the essential facts of the case. It is incredible that he had not read Kidd's narrative, the depositions of his men, and Bellamont's correspondence, and that he was not cog-

¹ See Lyson's "Environs of London," Vol. IV, page 448.

KIDD'S END

nizant of all the proceedings at Kidd's trial, the keeping back of the French passes by the Admiralty officials: the failure of Kidd's counsel to put in an appearance on the critical day when he was tried for piracy; the break-down of the most material parts of the King's evidence; and the manner in which the trials had been conducted throughout by the Lord Chief Baron. It is to be feared that he not only knew all this, but that his was the unseen master hand that had held the strings, which had been so skillfully and ruthlessly manipulated as to bring about Kidd's death so opportunely by the verdicts of London juries. If this be so, what is to be said of the Whig historians, who have dealt with Kidd's case? Is it possible to believe in the face of indisputably recorded facts, that Somers really was the immaculate politician of his day depicted for us by Macaulay, "whose integrity," we have been assured, "was ever certain to come forth bright and pure from the most

THE REAL CAPTAIN KIDD

severe investigation" ? In the foregoing pages an attempt has been made, it is believed for the first time, to allow the personages who took part in this melancholy business to speak for themselves, so far as the extant records permit. Hitherto by a conspiracy of silence, their voices have been hushed, and the facts of the case studiously suppressed or perverted by eminent advocates, who have thought it necessary, if the memories of Somers and his colleagues were to be cleansed from the stigma which clung to them in their own day from the part they took in it, that Kidd's reputation should be blackened, and that he should be depicted as a villain of the deepest dye, whom, on account of his unexceptionable antecedents, these great men were fully justified in employing, but whose character underwent so rapid a deterioration after he had once come into contact with them, that he betrayed them for the purpose of enriching himself with spoils, of which as a

KIDD'S END

matter of fact he stood in little need and which he made no effort to secure for himself. He has been represented by Macaulay not only as a rapacious pirate, but also as a monster of cruelty, who for his own ends depraved his crew and led them into every kind of wickedness. To quote but one passage from Macaulay's indefensible and inexcusable travesty, "With the rapacity he had the cruelty of his odious calling. He burnt houses: he massacred peasantry. His prisoners were tied up and beaten with naked cutlasses, in order to obtain information about their concealed hoards. One of his crew, whom he had called a dog, was provoked into exclaiming in an agony of remorse, 'Yes, I am a dog: but it is you that have made me so.' Kidd in a fury struck the man dead."

These accusations have obtained ready credence; but their absurdity will be evident to any one who will take the pains to examine the records. There is no reason

THE REAL CAPTAIN KIDD

whatever for believing that Kidd was cruel or rapacious. The only ground for suggesting that "he massacred peasantry" is the one case, when his cooper's throat having been cut by the natives, he retaliated by ordering one native to be shot. This was the only time when it was ever alleged in his own day that he had burnt houses: and we have it on the authority of Palmer, the King's evidence against him, that on this occasion Kidd had given express orders to his men to spare the houses that had white flags hoisted on them, because their inmates had helped to water his ship. The episode on the strength of which Macaulay accuses him of causing his prisoners to be beaten with cutlasses, in order to extort from them information as to their concealed hoards, has already been explained. The men in question were not his prisoners. He allowed them to proceed peacefully on their voyage, and their ship was not taken from them. Kidd never went on board of her, much

KIDD'S END

less did he give directions to his crew to ill-use them. Questioned as to whether any gold had been taken from them, Palmer freely admitted that he did not see any. Asked further by Kidd, whether it was not the case that a parcel of rogues had gone on board and done the deed complained of, he virtually admitted that it was so by making no reply. In the matter of cruelty there is a marked difference between the reported doings of Kidd and of the pirates of whom the East India Company were repeatedly complaining. In these complaints mention is often made of the outrages committed: but in the case of Kidd the Company made no complaint of similar misdeeds. From all that can be learned of him, he seems to have been a kind-hearted man. There is no reason to doubt the truth of his dying statement that he had paid two hundred pounds for his gunner Moore's ransom, probably on the occasion when the natives had cut his cooper's throat. One of

THE REAL CAPTAIN KIDD

the reasons which led Bellamont to employ him is stated by Bellamont's apologist to have been Kidd's well-known affection for his wife and family, which was also relied on by Bellamont as being strong enough to prevent him from attempting to escape by forsaking them on his return. And we have it on the record of a witness who certainly had no bias in his favour that his chief solicitude in Newgate after he had been sentenced to death was for them and not for himself.

The suggestion that Moore, when knocked on the head by Kidd, was "in an agony of remorse" for acts of piracy which Kidd had led him to commit, is almost too ludicrous to call for comment. It is absolutely clear from the evidence of every witness of the occurrence that so far from Kidd having led Moore astray, Moore had vainly endeavoured to induce Kidd to become a pirate, and that it was his failure to succeed in this endeavour that led to the altercation which ended in his death.

KIDD'S END

But the most flagrant fiction fabricated by a Whig historian in relation to poor Kidd, is not to be found in Macaulay's history, but in the pages of a grave historical work, compiled by an eminent lawyer, who in his day had filled not only the office of Lord Chief Justice, but also that of Lord Chancellor. That great legal luminary, Lord Campbell, in his "Life of Somers" has not hesitated to insert a circumstantial fable to the effect that Kidd was caught red-handed on the high seas in the midst of his criminal career. In the fifth volume of his "Lives of the Chancellors," pages 126 and 127, he tells the tale thus: "A noble vessel called the *Adventure Galley* was fitted out, and the command of her given to William Kidd, a naval officer, esteemed for honour as well as for gallantry. On arriving in the Indian Seas, he turned pirate himself, and cruised against the commerce of all nations indiscriminately, till after a sharp engagement with an English

THE REAL CAPTAIN KIDD

frigate in which several fell on both sides, he was captured and brought home in irons." To such depths can history sink when written by political partisans of the highest rank and respectability.

APPENDIX A

1. COPY OF GRANT OF PIRATES' GOODS
2. ARTICLES OF AGREEMENT BETWEEN BELLAMONT,
LIVINGSTONE, AND KIDD
3. KIDD'S SAILING ORDERS

APPENDIX A

1. COPY OF GRANT OF PIRATES' GOODS

William the Third, by the Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, etc., To our Right-trusty and Well-beloved Counsellor, Sir John Somers, Knight, our Keeper of our Great Seal of England, Greeting.

We will and command you, That, under our said Great Seal of England, in your custody being, you cause these our letters to be made forth Patents, in Form following:

William the Third, by the Grace of God, etc., To all to whom these Presents shall come, or may in any wise concern, Greeting. Whereas upon divers Complaints and Informations to Us made, That *Thomas*

THE REAL CAPTAIN KIDD

Too, John Ireland, Thomas Wake, William Mace, alias Maze, and divers other our Subjects, Natives or Inhabitants of *New England, New York,* and elsewhere in our Plantations in *America,* had associated themselves with divers other wicked and ill-disposed Persons, in order to commit, and did frequently commit, many great Piracies, Robberies and Depredations, upon the Seas in the Parts of *America,* and in other Parts and places; in Violation of the Laws of Nations; to the Obstruction and Discouragement of Trade and Navigation; and to the Loss and Prejudice of our Subjects, and the Subjects of our Friends and Allies; and also to the Dishonouring of our Royal Authority, in case any of our Subjects, guilty of such great and detestable Enormities, should go unpunished; We did, by our Commission under our Great Seal of *England,* bearing Date the 26th Day of *January,* in the Seventh Year of our Reign, in order to bring the said Pirates, Freebooters, and Sea Rov-

APPENDIX A

ers, and their accomplices, to Justice, give and grant full Power and Authority to Captain *William Kidd*, Commander of the Ship *Adventure Galley*, and to the Commander of the said Ship for the Time being, to apprehend, seize and take into Custody, the said *Thomas Too*, *John Ireland*, *Tho Wake*, and *William Maze*, and all other Pirates, Free-booters, and Sea Rovers, of what Nation soever, whom he should find, or meet with, upon the said Coasts or Seas of *America*, or in any other Seas or Parts, with their Ships and Vessels, and all such Merchandise, Money, Goods, and Wares, as should be found on board of them; and, in case of Resistance, to fight with, and compel the said Pirates, Free-booters, and Sea Rovers, to yield; and them to bring or cause to be brought, to a legal Tryal, to the end they might forthwith suffer condign Punishment, according to their Demerits: And we did also, by the same Commission, require the said Captain *William Kidd* to keep an exact

THE REAL CAPTAIN KIDD

Journal of his Proceedings, in relation to the Execution of our Royal Pleasure in the said Premises; and therein to set down the Names of such Pirates, and of their Ships and Vessels, as he should, as aforesaid, seize or take; and also to specify the Quantities and Particulars of the Arms, Ammunition, Provision, and Loading, of such Ships, and the true Values thereof: And whereas the said Ship *Adventure Galley* was, with our Knowledge, and Royal Encouragement, fitted out to Sea, for the Purposes aforesaid, at the great and sole charges of our right trusty and right well-beloved Cousin *Richard* Earl of Bellamont in the Kingdom of Ireland, and our trusty and well-beloved *Edmund Harrison*, Merchant, *Samuel Newton*, Gentleman, *William Rowley* Gentleman, *George Watson* Gentleman, and *Thomas Renolls*, of St. Martins: Now know ye, that We, out of due Regard to the Premises, and being graciously inclined that so

APPENDIX A

chargeable an Undertaking, tending to such good and laudable Ends, should have meet and proper Encouragement and Reward; of our special Grace, certain Knowledge, and mere Motion have given and granted, and by these Presents do give and grant, unto the said *Richard Earl of Bellamont, Edmund Harrison, Samuel Newton, William Rowley, George Watson, and Thomas Renolls*, their Heirs, Executors, and Assigns, all and whatsoever Ships, Vessels, Goods, and Merchandizes, and Treasure, and other Things whatsoever, which since the Thirtieth Day of *April*, Anno Domini, 1690, have been taken or seized upon or with, or did belong to, or which shall be taken or seized upon or with, or which do or shall belong to the said *Thomas Too, John Ireland, Thomas Wake, Wm. Maze* or their Adherents, or any other Pirates, Free-booters, and Sea Rovers, by the said Captain *William Kidd*, or other Commander of the said *Adventure Galley*, or which by, or by means of the said Ship or

THE REAL CAPTAIN KIDD

Galley, shall be taken, or forced ashore, in any of our Plantations in *America*, or other our Dominions; as far as the said Premises, or any of them, do, shall, or may belong to Us, or can or may be granted or grantable by Us, or is or are in our Power to dispose of, in Right of our Crown of *England*, or as Perquisites of our Admiralty, or otherwise howsoever, and all our Right, Title, Interest, Claim and Demand whatsoever, of, in or unto the same, and every Part thereof; To have, hold, take, receive, and enjoy the said Ships, Vessels, Goods, Merchandizes, Treasure, and all and singular other the Premises hereinbefore-mentioned, and intended to be hereby granted, and every of them, and every Part and Parcel thereof, or such and so many of them, are, can or may be, in any manner granted or grantable by Us, unto the said *Richard Earl of Bellamont, Edmund Harrison, Sam Newton, Wm. Rowley, George Watson, and Thomas Renolls*, their Executors, Administrators

APPENDIX A

and Assigns, to their sole Use and Benefit, and as their own proper Goods and Chattels, without any Account thereof and therefore to be made or rendered to Us, our Heirs and Successors: And We do hereby for Us, our Heirs and Successors, charge and command the Commissioners of our Treasury now being, and the High Treasurer, or Commissioners of our Treasury for the Time being, and all other our officers of our Revenue, our Commissioners for executing the office of Lord High Admiral of England, now, and for the Time being, and all other our Admirals, Vice Admirals, Judge and Judges of our Court and Courts of Admiralty, Governors of all and every our Colonies, Islands and Plantations in *America*, Magistrates, Officials Military and Civil, and all other our loving Subjects whatsoever, That they be aiding and assisting in all and every matters and Things, as to them respectively shall appertain, as well as to the said Captain *Wm. Kidd*, in the seizing, ap-

THE REAL CAPTAIN KIDD

prehending, taking and securing, the said Pirates and their Ships and Vessels, and other the Premises hereinbefore mentioned, and intended to be hereby granted, every or any one of them, and in bringing the said offenders to Justice; as also unto the said Captain *Wm. Kidd*, and all others whom it may concern, in the seizing, securing, and delivering to them, the said *Richard Earl of Bellamont, Edmund Harrison, Samuel Newton, Wm. Rowley, Geo. Watson, and Tho. Renolls*, their assigns, Agents, and Servants, all and every the said Ships, Vessels, Goods, Merchandizes, Treasure, and other Things hereinbefore mentioned, and intended to be hereby granted, according to the true Intent and meaning hereof; and in such manner, as may most effectually contribute to the putting in Execution our gracious Intentions in and about the Premises, for and on the behalf of the said *Richard Earl of Bellamont, Edmund Harrison, William Newton, William Rowley, Geo. Watson,*

APPENDIX A

and *Thomas Renolls*; And lastly, We do hereby declare and grant, That these our Letters Patents, or the Enrollment thereof, shall be, in and by all Things, firm, good, valid, sufficient, and effectual in the Law, notwithstanding the not naming, or not rightly naming, the Premises, or any Part thereof, or the true Value, or the Nature or Kind thereof; and notwithstanding the not mentioning, or not rightly mentioning, the Names of the said Pirates, Free-booters, and Sea Rovers, or any of them, or of the Possessors of the said Sloops, Vessels, Merchandizes, Goods, Treasure, and Premises, or any Part or Parcel thereof; and notwithstanding the ill naming, or not naming, or any Seas, Havens, Countries, or Places, wherein, or in which, the Premises hereby granted, or any Part or Parcel thereof, is or are, shall or may be found; and notwithstanding any misrecital, non-recital, Incertainty, Defect, or Imperfection, whatsoever. In witness, etc.,
Witness, etc., Given under our Privy

THE REAL CAPTAIN KIDD

Seal, at our Palace of *Westminster*, the 30th Day of April, in the Ninth Year of our Reign.

THO. WATKINS.

Recepi vicesimo septimo
Dic. Maii 1697

2. ARTICLES OF AGREEMENT BETWEEN BEL- LAMONT, LEVINGSTON AND KIDD

Articles of Agreement, made this 10th Day of October 1695, between the Right Honourable *Richard*, Earl of *Bellamont*, of the one Part; and *Robert Levingston* Esquire, and Captain *William Kidd*, of the other part.

Whereas the said Captain *Kidd* is desirous to obtain a Commission as Captain of a private Man of War, in order to take Prizes from the King's Enemies, and otherwise to annoy them: And whereas also, certain Persons did some time since depart from *New England*, *Rhode Island*, *New York*, and other Parts in *America*, and elsewhere, with an Intention to become Pirates, and to com-

APPENDIX A

mit spoils and Depredations against the Law of Nations, in the *Red Sea* or elsewhere, and to return, with such Goods and Riches as they shall get, to certain Places by them agreed upon, of which said Persons and Places the said Captain *Kidd* hath Notice, and is desirous to fight with and subdue the said Pirates, as also all other Pirates, with whom the said Captain Kidd shall meet at Sea, in case he be employed to do; And whereas it is agreed between the said Parties, That for the Purposes aforesaid, a good and sufficient Ship to the Liking of the said Captain Kidd, shall be forthwith bought, whereof the said Captain Kidd, is to have the Command. Now these Present witness, and it is agreed between the said Parties:

1. The said Earl of *Bellamont* doth covenant and agree at his proper charge, to procure from the King's Majesty, or from the Lords Commissioners of the Admiralty, as the Case shall require, One or more Commissions, empowering him the said Captain

THE REAL CAPTAIN KIDD

Kidd to Act against the King's Enemies, and to take Prizes from them, as a private man of War in the usual manner; and also to fight with, conquer, and subdue Pirates; and to take them and their Goods, with such other large and beneficial Powers, and Clauses in such Commissions, as may be most proper and effectual in such cases.

2. The said Earl doth covenant and agree, That within Three months after the said Captain *Kidd's* departure from England for the Purpose in these Presents mentioned, he will procure, at his proper charge, a Grant from the King, to be made to some indifferent and Trusty Person, of all such Goods, Merchandizes, Treasure and other Things, as shall be taken from the said Pirates, or any other Pirates whatsoever, by the said Captain *Kidd*, or by the said Ship, or any other Ship or Ships under his Command.

3. The said Earl doth agree to pay Four Fifth Parts, the Whole in Five Parts to be

APPENDIX A

divided, of all Monies, which shall be laid out for the buying such good and sufficient Ship for the Purposes aforesaid, together with Rigging and other Apparel and Furniture thereof, and providing the same with competent Victualing, the said Ship to be approved of by the said Parties; and the said other Fifth Part of the charges of the said Ship to be paid by the said Robert Levingston and *William Kidd*.

4. The said Earl doth agree, That in order to the speedy buying of the said Ship, and in Part of the said Four Parts of Five of the said Charges, he will pay down the Sum of 1,600*l.* by Way of Advance, on or before the 6th Day of November next ensuing.

5. The said *Robert Levingston* and Captain *William Kidd* do jointly and severally covenant and agree, That on or before the said 6th Day of *November*, when the said Earl of Bellamont is to pay the said sum of 1,600*l.* as aforesaid, they will advance and pay down 400*l.* in Part of the Share and

THE REAL CAPTAIN KIDD

Proportion which they are to have in the said Ship.

6. The said Earl doth agree to pay such further Sum of Money, as shall complete, and make up, the said Four Parts of Five, of the Charges of the said Ship's Apparel, Furniture and Victualing, unto the said Robert Levingston and William Kidd, within Seven Weeks after the Date of these Presents, and, in the like manner, the said *Robert Levingston* and *William Kidd*, do agree to pay such further Sum as shall amount to a Fifth Part of the whole charge of the said Ship, within Seven Weeks after the Date of these Presents.

7. The said Captain *Kidd* doth covenant and agree to procure and take with him, on board the said Ship, one hundred Mariners and Seamen, or thereabouts, and to make what reasonable and convenient Speed he can to set out to Sea with the said Ship; and to sail to such Places or Parts where he may meet with the said Pirates; and to use his

APPENDIX A

utmost Endeavour to meet with, conquer and subdue the said Pirates, or any other Pirates; and to take from them their Goods, Merchandizes and Treasure; also to take what Prizes he can from the King's Enemies, and forthwith to make the best of his Way to *Boston* in *New England*; and that without touching at any Port or Harbour whatsoever, or without breaking Bulk, or diminishing any Part of what he shall take or obtain, on any Pretence whatsoever; of which he shall make Oath, in case the same shall be desired by the said Earl of Bellamont; and there to deliver the same into the hands or Possession of the said Earl.

8. The said Captain *Kidd* doth agree, That the Contract and Bargain which he will make with the said Ship's Crew, shall be, No Purchase, No Pay; and not otherwise: And that the Share and Proportion which his said Crew shall, by such Contract, have of such Prizes, Goods, Merchandizes, and Treasure, as he shall take as Prize, or from

THE REAL CAPTAIN KIDD

any Pirates, shall not, at the most, exceed a Fourth Part of the same; and shall be less than a Fourth Part, in case the same may reasonably and conveniently be agreed upon.

9. The said Robert Levingston, and Captain Wm. Kidd, do jointly and severally agree with the said Earl of Bellamont, That in case the said Captain Kidd do not meet with the said Pirates, which went from *New England, Rhode Island, New York*, or elsewhere, as aforesaid; *or do not take from any other Pirates, or from any the King's Enemies, such Goods, Merchandizes, or other Things of Value, as being divided as hereinafter is mentioned, shall fully recompense the said Earl, for the monies by him expended in buying the said Four Fifth Parts of the said Ship and Premises; that then they shall refund and repay to the said Earl of Bellamont, the whole Money by him to be advanced, in Sterling Money, or Money equivalent thereunto, on or before the 25th Day of March which shall in the Year of*

APPENDIX A

our Lord 1697; the Danger of the Seas, and of the Enemy, and Mortality of the said Captain Kidd, always excepted: *Upon Payment whereof, the said Robert Levingston and Captain Kidd are to have the sole Property in the said Ship and Furniture; and this Indenture to be delivered up to them, with all other Covenants and obligations thereunto belonging.*

10. It is agreed between the said Parties, That as well the Goods, Merchandizes, Treasure and other Things which shall be taken from the said Pirates, or any Pirates, by the said William Kidd, as also all such Prizes as shall be by him taken from any of the King's Enemies, shall be divided in manner following; that is to say, Such Part as shall be for that Purpose agreed upon by the said Captain Kidd, so as the same do not in the Whole exceed a Fourth Part, shall be paid or delivered to the Ship's Crew, for their Use; and the other Three Parts to be divided into Five equal Parts, whereof the

THE REAL CAPTAIN KIDD

said Earl is to have, to his own Use, Four full Parts, and the other Fifth Part is to be equally divided between the said Robert Levingston and the said *Wm. Kidd*; and is to be paid and delivered them by the said Earl of Bellamont, without Deduction or Abatement or any Pretence whatsoever. But it is always to be understood, that such Prizes as shall be taken from the King's Enemies, are to be lawfully adjudged Prizes, in the usual manner before any division, or otherwise intermeddling therewith, than according to the true Interest of the same Commission, to be granted in that behalf.

Lastly, it is covenanted and agreed between the Parties to these Presents, That in case the said Captain *Wm. Kidd* do bring to *Boston* aforesaid, and there deliver to the Earl of *Bellamont*, Goods, Merchandizes, Treasure and Prizes to the Value of 100,000*l.* or upwards, which he shall have taken from the said Pirates, or from other

APPENDIX A

Pirates, or from the King's Enemies; that then the Ship which is now speedily to be bought by the said Parties, shall be and remain to the sole Use and Behoof of him the said Captain *Kidd*, as a Reward and Gratification for his Good Service therein.

BELLAMONT.

Memorandum. Before the Sealing and Delivery of these Presents, it was covenanted and agreed by the said Earl of Bellamont with the said *Robert Levingston* Esquire and Captain *William Kidd* That the Person to whom the Grant abovementioned in these articles shall be made by his Majesty, shall within Eight Days at the most, after such Grant has passed the Great Seal of *England*, assign and transfer to each of them, the said *Robert Levingston* Esquire, and Captain *William Kidd*, respectively, their Heirs and Assigns, One full Tenth Part (the Ship's Crew's Share and Proportion being first deducted) of all such Goods,

THE REAL CAPTAIN KIDD

Treasure or other Things, as shall be taken by the said Captain Kidd, by virtue of such Commission as aforesaid: And the said Grantee shall make such Assignment as aforesaid, in such manner as by the said *Robert Levingston* Esquire, and Captain *William Kidd*, or their Counsel learned in the Law, shall be reasonably devised and required: And then these Presents were sealed and delivered, the Sixpenny Stamp being first affixed, in the Presence of us.

MARTHA BREKEN

JOHN MADDOCKE

JOHN MOULDER.

WHEREAS the necessary Fitting, Equipping and Outset, of the *Adventure Galley*, bought by the above-mentioned *Wm. Kidd*, in pursuance of these Articles, could not be completely finished and perfected within the time thereby limited; and consequently, that all the several Sums of Money, therein covenanted to be paid were not actually paid by

APPENDIX A

all or any the Parties to the above-written Covenants and Agreements, within the Time thereby expressed, limited and directed; but that, nevertheless, all the said Sums have since been paid; and the Ship bought for the Voyage and Design expressed in these Articles, is now completely fitted out and provided with all Things necessary, and lies ready to depart, and that also the several Commissions have been obtained by the Earl of *Bellamont*. It is hereby further mutually declared, covenanted and agreed, by and between the abovesaid Right honourable *Richard* Earl of *Bellamont*, and *Robert Levingston*, and *William Kidd*, on behalf of themselves, and all others concerned therein, That, notwithstanding the Delay in the Dispatch of the said Ship or Galley, and of the Payments of the Monies expressed in the above-mentioned Agreement, that, yet, nevertheless, all and singular the several Agreements, articles and Clauses, therein mentioned and intended, as hereby declared to

THE REAL CAPTAIN KIDD

be, and are and shall be and remain in as full Force and Virtue, as if the said Ship, and all the Sums of money, had been actually paid within the time limited and directed by the said Articles, anything therein to contrary notwithstanding.

Dated in London, the 20th Day of February 1695/6.

Witness present at the
Signing and Sealing thereof.

SARAH OAKLEY

JOHN STANLEY

BELLAMONT.

3. KIDD'S SAILING ORDERS

LONDON, 25th February, 1695/6.

CAPTAIN WILLIAM KIDD,

You being now ready to sail, I do hereby desire and direct you, that you and your Men do serve God in the best Manner you can: That you keep good Order, and good Government, in your Ship: That you make the best of your Way to the Place and Station where you are to put the Powers you have in Execution:

APPENDIX A

And, having effected the same, You are, according to Agreement, to sail directly to *Boston* in *New England*, there to deliver unto me the Whole of what Prizes, Treasure, Merchandizes, and other Things, you shall have taken by virtue of the Powers and Authorities granted you: But if, after the Success of your Design, you shall fall in with any English Fleet bound for England, having good convoy, you are, in such case to keep them Company, and bring all Your Prizes to *London*, notwithstanding any Covenant to the contrary in our Articles of Agreement. Pray fail not to give Advice, by all Opportunities, how the Galley proves; how your Men stand, what Progress you make; and, in general, of all remarkable Passages in your Voyage, to the time of your Writing. Direct your Letters to Mr. *Edmund Harrison*. I pray God grant you good Success, and send us a good Meeting again.

BELLAMONT.

APPENDIX B

1. NARRATIVE OF HIS VOYAGE BY KIDD
2. THE EXAMINATION OF WILLIAM JINKINS, RICHARD
BARLEYCORNE AND ROBERT LUMLEY
3. THE EXAMINATION OF HUGH PARRATT
4. THE EXAMINATION OF GABRIEL LOFF
5. THE DEPOSITIONS OF ABEL OWEN AND SAMUEL ARRIS,
ENGLISH SMITH, HUMPHRY CLAY AND HUGH PAR-
RATT

APPENDIX B

I

1. A COPY OF A NARRATIVE OF THE VOYAGE OF CAPTAIN WILLIAM KIDD, COMMANDER OF THE "ADVENTURE GALLEY," FROM LONDON TO THE EAST INDIES.

BOSTON, 17th July, 1699. Mr. John Gardner of Gardner's Island presented this note to His Excellency in Council, which he made oath was delivered to him by Captain Kidd, as was wrote with the said Kidd's own hand on board his sloop, and all the particulars therein mentioned were committed to his custody.

Examined by Isa Addington Secretary.

That the Journal of the said Captain *Kidd*, being violently taken from him in the

THE REAL CAPTAIN KIDD

Port of St. Marie's in Madagascar, and his Life being many times threatened to be taken away from him by Ninety-Seven 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 Galley* was launched in *Castle's Yard* at *Deptford*, about the Fourth of *December* 1695; and about the latter end of *February* the said Galley came to the *Buoy in the Nore*: and about the 1st Day of *March* following, his Men were pressed for him for the Fleet; which caused him to stay there for Nineteen Days; and then sailed for the *Donnes*, and arrived there about the Eighth or the Tenth Day of *April* 1696; and sailed thence for *Plymouth*; and on the Twenty-third Day of the said month of *April* he sailed 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,

APPENDIX B

bound for *Newfoundland*, which he took and made Prize of, and carried the same into *New York*, about the Fourth Day of *July*, when she was condemned as lawful Prize: The Produce whereof purchased provisions for the said Galley, and for her further intended Voyage.

That about the Sixth Day of *September* 1696, the said Captain Kidd sailed for the *Maderas*, in company with one Joyner, Master of a Brigantine belonging to *Bermudas*, and arrived there about the 8th Day of *October* following: and thence to *Bonavista*, where they arrived about the nineteenth of the said month, and took in some Salt, and stayed Three or Four Days; and sailed thence to *St. Jago*, and arrived there the Twenty-fourth of the said Month, where he took in some Water, and stayed about Eight or Nine Days; and thence sailed for the *Cape of Good Hope*; and in the Latitude of Thirty-two, on the Twelfth Day of *December* 1696, met with Four English

THE REAL CAPTAIN KIDD

Men of War: 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 *Twenty-ninth Day of January*, came in a Sloop belonging to *Barbadoes*, loaded with Rum, Sugar, Powder and Shot, one *French* Master, and Mr. *Hatton* and Mr. *John Batt*, Merchants; and the said *Hatton* came on board the said Galley, and was suddenly taken ill and died in the Cabin: And, about the latter end of *February*, sailed for the *Island of Johanna*, the said Sloop keeping Company, and arrived there about the *Eighteenth Day of March*; where he found Four East India Merchantsmen outward bound; and watered there all together, and staid about Four Days: And from thence, about the *Twenty-second of March*, sailed for *Mehila*, an Island Ten Leagues distant from *Johanna*, where he arrived the next Morning, and there careened the said Galley;

APPENDIX B

and about Fifty men died there in a Week's Time.

That on the 25th Day of *April* 1697, set sail for the Coast of India, and came upon the Coast of *Mallabar*, the Beginning of the Ninth of *September*; and went into *Carwarr* 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 *Portuguese* were fitting out Two Men of War to take him; and advised him to put out to Sea, and to take Care of himself from them, and immediately to set sail thereupon; . . . about the 12th 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 Galley; and spoke with him and asked him, Whence he was? Who replied 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

THE REAL CAPTAIN KIDD

Man of War kept dogging the said Galley all the Night, waiting an Opportunity to board her; and in the Morning, without speaking a Word, Fired Six great Guns at the Galley, some whereof went through her, and wounded Four of his Men; and there-upon he fired upon him again; and the Fight continued all Day; and the narrator had Eleven Men wounded: the other *Portuguese* man of War lay some Distance off, and could not come up with the Galley, being calm; else would have likewise assaulted the same; the said Fight was sharp, and the said *Portuguese* left the said Galley with such Satisfaction, that the Narrator believes no *Portuguese* will ever attack the King's Colours again, in that Part of the World especially. And afterwards continued upon the same Coast, cruising upon the coast of *Cameroone*, for Pirates 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*

APPENDIX B

Ship belonging to *Maderas*, bound to *Surratt*, whom he examined; and finding his Pass good, designed to 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 divers other rich Goods on board, which caused his Men to be very mutinous, and got up their Arms, and swore they would take the Ship: and two-thirds of his Men voted for the same: The narrator told them, the small Arms belonged to the Galley, 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 Galley again, nor have the Boat, or small Arms; for he had no Commission to take any but the King's Enemies, and Pirates, and that he would attack them with the Galley, and drive them into *Bombay*; the other being a Merchantman, and having no Guns, might

THE REAL CAPTAIN KIDD

easily have done it with a few Hands; and, with all the Arguments and Menaces he could use, could scarce restrain them from their unlawful Design; but at last I prevailed, and with much ado I got him clear, and let him go about his Business. All which the said 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 Tons coming from *Surratt*, bound to the Coast of *Mallabar*, loaded with Two Horses, Sugar and Cotton, to trade there having about Forty *Moors* on board, with a *Dutch* Pilot, Boatswain, and Gunner; which said Ship the Narrator haled, and commanded on board; and with him came Eight or Nine *Moors*, and the said Three *Dutchmen*, who declared it was a *Moors* Ship; and demanding their pass from *Surratt*, which they shewed; and the same was a *French* Pass, which he believes was shewn by a Mistake; for the Pilot swore Sacrament she was a Prize, and staid on

APPENDIX B

board the Galley; and would not return on board the Moor Ship; but went in the Galley to the Port of *St. Marie*.

And that, about the First Day of *February* following, upon the same Coast, under *French* Colours with a Design to decoy, met with a *Bengall* Merchantman belonging to *Surratt*, of the Burden of 4 or 500 Tons, 10 Guns; and he commanded the Master on board; and a *Frenchman*, Inhabitant of *Surratt*, and belonging to the *French* Factory there, and Gunner of the 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 surprised, 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.

And that, with the said Two Prizes, sailed for the Port of *St. Marie's* in *Madagascar*; and, sailing thither, the said Galley was so

THE REAL CAPTAIN KIDD

leaky, that they feared she would have sunk every Hour, and it required Eight men every Two Glasses to keep her free; and was forced to woull her round with Cables to keep her together; and with much ado carried her into the said Port of *St. Marie's*, where she arrived about the First 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 Pirate Ship, called the *Moca* Frigate, 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; but

APPENDIX B

the Mutinous Crew told him, If he offered the same, they would rather fire Two Guns into him, than one into the other; and there-upon Ninety-seven deserted, and went into the *Moca* Frigate, and sent into the Woods for the said Pirates, and brought the said *Culliford*, and his Men, on board again; and all the time she staid in the said Port, which was the Space of Four or Five Days, the said Deserters, sometimes in great Numbers, came on board the said Galley and *Adventure* Prize, and carried away great Guns, Powder, Shot, small Arms, Sails, Anchors, Cables, Surgeons, Chests, and what else they pleased; and threatened several times to murder the Narrator, as he was informed, and advised to take care of himself; which they designed in the Night to effect; but was prevented by him locking himself in his Cabin at Night, and securing himself with barricading the same with Bales of Goods; and, having about Forty small Arms, besides Pistols, ready charged, kept them out;

THE REAL CAPTAIN KIDD

Their Wickedness was so great, after they had plundered and ransacked sufficiently, went Four Miles off to one *Edward Welche's* House, where his the Narrator's Chest was lodged, and broke it open; and took out Ten Ounces of Gold, 40 Pound 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.

That about the 15th *June*, the *Moca* Frigate 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 with only Thirteen men; so that the *Moors* he had to pump and keep the *Adventure Galley* above Water, being carried away, she sunk in the Harbour; and the Narrator, with the said Thirteen men, went on board 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

took on board, to help to bring the said *Adventure Prize* home.

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 Consternation, That they sought all Opportunity 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* 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 sail for *Moona*, an Island between *Hispaniola* and *Porto Rico*; where they met with a Sloop called the *St. Anthony*, bound for *Antega* from *Curaso*,

THE REAL CAPTAIN KIDD

Mr. Wm. *Boulton* 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 not being able to proceed; and she returned in 'Ten Days; 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 heel the Vessel, or do anything, the Remainder of the men not being able to bring the *Adventure* Prize to *Boston*, the Narrator secured her in a good Harbour in some Part of *Hispaniola* and left in the Possession of Mr. *Henry Boulton* of *Antegua*, Merchant, the Maker, Three of the old Men, and Fifteen or Sixteen of the men that belonged to the said Sloop *St. Anthony*, and a Brigantine belonging to one Mr. *Burt* of *Curaso*.

APPENDIX B

That the Narrator bought the said Sloop *St. Anthony* of Mr. *Boulton*, for the Owner's Account; and after, he had given Directions to the said *Boulton* to be careful of the said Ship and Lading, 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 *Bellamont* was, who was principally concerned in the *Adventure Galley*; and hearing his Lordship was at *Boston*, came thither; and has now been 45 Days 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 South East Part of *Hispaniola*, about Three Leagues to Leeward of the Westerly End of *Savona*: Whilst he lay at *Hispaniola*, he traded with Mr. *Henry Boulton* of *Antegua*, and Mr. *Wm. Burt* of *Curaso*, Merchants, to the Value of 11,200 Pieces of Eight; whereof he received the Sloop *Antonio* at

THE REAL CAPTAIN KIDD

3000 Pieces of Eight, and 4200 Pieces of Eight by Bills of Exchange, drawn by *Boulton* and *Burt* upon Messieurs *Gabriel* and *Lemont*, Merchants in *Curaso*, made payable to Mr. *Burt*, who went himself to *Curaso*; and the Value of 4,000 Pieces of Eight more in Dust and Bar Gold; which Gold, with some more traded for at Madagascar, being Fifty Pounds Weight, or upwards, in Quantity, the Narrator left in Custody of Mr. *Gardner* of *Gardner's Island*, near the Eastern End of *Long Island*, fearing to bring it about by Sea: It is made up in a Bag put into a little Box, locked, nailed, corded about, and sealed: Saith he took no Receipt for it of Mr. *Gardner*.

The Gold that was seized at Mr. *Campbell's*, the Narrator, traded for at *Madagascar*, with what came out of Galley.

Saith, That he carried in the *Adventure Galley*, from *New York*, 154 Men: Seventy whereof came out of *England* with him. Some of his Sloop's Company put Two

APPENDIX B

Bales of Goods on shore at *Gardner's Island*, being their own proper Goods. The Narrator delivered a Chest of Goods, viz., Muslins, Latches, Romalls, and flowered Silk, unto Mr. *Gardner* of *Gardner's Island* aforesaid, to be kept there for the narrator: Put no Goods on shore anywhere else: Several of his Company landed their Chests, and other Goods, at several Places.

Further saith, He delivered a small Bale of coarse Calicoes 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 Kindnesses. Some of his Company put their Chests and Bales on board a *New York* Sloop lying at *Gardner's Island*.

WM. KIDD.

Presented and taken, die praedict before his
Excellency and Council.

Copy Examined by

ISA ADDINGTON, *Secretary*.

THE REAL CAPTAIN KIDD

2. THE EXAMINATION OF WILLIAM JINKINS, RICHARD BARLYCORNE AND ROBERT LUMLEY

The Examination of *William Jinkins*, of Bow, near *London*, aged about 18 years. Apprentice to *Geo. Bullen*, deceased, late chief Mate to the *Adventure Galley*, Captain *Wm. Kidd*, Commander:

Who saith, That, some time after *Christmas* in the Year 1695, he sailed with the said *Adventure Galley* from *Plymouth*, in *England*; and the said Galley made her Course for *New York*; took a *French Prize* in her way, which was carried in with the same.

That the said Galley, some time after her arrival at *New York* sailed from thence to *Madera*; from *Madera* to *Bonavista* and *St. Jago*, where they took in Provisions, and steered for the *Cape de Bon Esperance*, but put not in there; but proceeded for an Island named *Joanna*; staid there about a

APPENDIX B

Week, took on board some Water, and then went from thence to Mohilla; where the said Galley was laid on shore and cleaned; and then returned again to the said Island of *Joanna*; from whence the said Galley sailed to *Motta* in the *Red Sea*, and there watered: and then proceeded to a Place called *Bobs Key*, to wait for Shipping: And, during the time of their being there, the *Moca* Fleet passed by; but the said Galley did not endeavour to come up or speak with any of them, apprehending they were too strong; afterwards we spoke with a small Bark coming from the *Red Sea*, commanded by one *Parker*, out of which the Company belonging to the said Galley took about a Bushel of Pepper: Then the said Galley went into a Port called *Callacut*, where was an *English* Factory; remained there Four or Five Days, and then went a cruising upon that Coast; and sometime afterwards gave Chace to a Ship about 150 Tons Burden, and, after about Nine Hours Chace, came up with the

THE REAL CAPTAIN KIDD

same; then Captain *Kidd* ordered Two Shot to be fired at the same, to bring her to; whereupon she accordingly brought to; and the Master, being a *Dutchman* called *Skipper John* came on board: There was belonging to the said Ship Three *Dutchmen*, a Boy, and the rest *Moors*, between Twenty and Thirty in Number; the *Dutchmen*, and Two or Three *Moors*, were kept on board the said Galley, and the rest of the said *Moors* had the Long-boat given to them to go on shore, being then about Two Leagues distant from the same: the said Ship was loaded with Cotton, and had two Horses likewise on board the same; which Cotton and Horses Captain *Kidd* and his Company sold to the Natives of the Country for Money and Gold; kept the said Ship with them, the Galley being leaky, and carried her to *Madagascar*; When the said Galley came up with the said Ship, the said Galley had aboard *French* Colours, and the Master of the said Ship brought on board a *French*

APPENDIX B

Pass, having other Passes besides: The Time when the said Ship was taken, as above mentioned, was about 13 or 14 Months since, about a Month or Five Weeks after which, the said Galley gave Chace to another Ship; and, having chaced her about Four Hours, came up with the same, the said Galley having aboard *French* Colours, and the other Ship *Armenian*; which Ship was of the Burden of about 400 Tons, called the *Quedah Merchant*, and was commanded by one *Wright*, an *Englishman*, had on board the same, Two *Dutchmen*, who were Mates of the said Ship; and a *Frenchman*, who was a Gunner, Six or Eight *Armenians*; and the rest of the Company Moors, being about ninety in Number; all of which Captain *Kidd* sent on shore in the Boats that came off from thence: the said Ship came from *Bengall*, bound for *Surratt*; was mounted with 16 or 18 guns; the *French* Gunner of which brought on board a *French* Pass, and said, She was a good Prize to the *English*: the

THE REAL CAPTAIN KIDD

said Captain was loaded with Bale Goods, Sugar, Iron and Saltpetre: Captain *Wright* who commanded the said Ship, declared she was in the employment of the *English*; that the Lading belonged to them: And, about Four or Five Days after the said Ship was taken by the said Galley, Captain *Kidd* called the Company together, and proposed to them to return the said Ship to those from whom they had taken her, or sell her to them; and said, He would agree to anything they should do therein, were it for the Value of a Piece of Eight: Said also to his Company, The Taking of the said Ship would make a great Noise in England, and they should not know what to do with the Goods taken in the same: But the Company of the Galley agreed not to the said Captain *Kidd*'s Proposal; but carried the said Ship into *St. Marie's*, off *Madagascar*, and there unloaded her, and shared; Whereupon each of the said Galley's Company, being then about 115 in Number, shared, one with an-

APPENDIX B

other Three Bales and some loose Goods, besides about Two Thirds of a Bale: and Captain *Kidd* had Forty Shares: The Bales contained Calicoes, Romalls, Muslins, some Silks, some striped, some flowered, and some Plain. After sharing of the said Goods, Ninety and upwards, of the Company belonging to the said Galley, deserted the same, and went to the *Mocha* Frigate, then lying at *St. Marie's* aforesaid: And the said Captain *Kidd*, with the Men that remained with him, carried their Shares on board the Prize Ship, called the *Quidah Merchant*, and ran the said Galley on shore, being very leaky; and having stript her of her Furniture, set her on Fire to get her Iron-work; and put all that they could save, of, or belonging to the said Galley, on board the said Prize Ship; with which the said Captain *Kidd*, and the men that remained with him, and some others that he had procured there, came from *St. Marie's* aforesaid, and arrived in some time

THE REAL CAPTAIN KIDD

afterwards at the Island of Anguilla, in the West Indies: Where being informed that the said *Kidd*, and his Company, were proclaimed Pirates, the said Captain *Kidd*, and the men on board with him, went with the said Ship to the Island of *St. Thomas*; but the Governor of the said Island would not allow the said Ship to come in there: Whereupon we sailed to *Mona*; and there met with one Mr. *Bolton*, of *Antegoa*, Merchant; of whom Captain *Kidd* bought the Sloop *Antonio*, in which he lately came to *Boston*; gave, as this Examinant was informed 3000 Pieces of Eight for the same, and took from out of the Prize Ship, into the said Sloop, Forty Bales of the Goods on board the said Ship, and about Thirty Bales of Sugar; and left the said Ship at *Hispaniola*, about Six or Seven Weeks since in the Custody of the said Mr. *Boulton*, and 12 Men more: And the said Captain *Kidd* promised to return again to the said Ship, in the Space of Three Months; and the said

APPENDIX B

Boulton promised to stay with the same for so long time; Which Ship the said Captain *Kidd* left lying in the River, in *Hispaniola* aforesaid, to be reckoned about Eighteen Leagues from *Mona*.

The Examinant further saith, That, after the said Galley had taken the Two Ships before-mentioned, She also, in her Passage to *St. Marie's* aforesaid, took a Bark or Ship, of the Burden of 180 Tons, with about Seventy Persons on board, navigated with *Portuguez*: She came from *Bengall*; and was bound to *Goa*; and had on board *Bengalls*, *Muslins*, *Calicoes*, and other things, which the Galley's Company began to plunder, and bring on board the Galley; but seeing several Ships coming down towards them, the said Galley, with the other two Prizes she had taken, came to sail, and left the said last Prize at a Place between *Brin John* and *Angingo*, so called being an *English* and *Dutch* Factory, and left on board the same all the Company belonging thereto,

THE REAL CAPTAIN KIDD

except the Master, Merchant, and Seven Men more, that came on board the Galley when she first took the said Ship: And the Vessel that was first taken by the said Galley, as before-mentioned, was, by the said Galley's Company, sunk at *St. Marie's* aforesaid, after they had brought her thither.

And the said *William Jinkins* the Examinant further saith, That whilst Captain *Kidd* and his Company, lay with the said Ship *Quidah Merchant* at *Mona* aforesaid, one *Burt*, Merchant of *Curaso*, came to them in a Brigantine, and purchased several Goods of the said Captain *Kidd*; for which he paid Part in money, and Part in Flour.

Further saith, That the first Place that the Sloop *Antonio* aforesaid touched at, after the said Captain *Kidd*, and his Company, left the said Ship at *Mona* aforesaid, was the *Horekills* in *Dellaware Bay*, where the said Sloop staid Two Days: and one *James Gillam*, a Passenger that came with

APPENDIX B

the said *Kidd* from *Madagascar*, being one of the *Mocha's* Frigate's Crew, sent his Chest on shore there, being a large chest and heavy; which the Examinant supposeth to be full of *India* Goods, and was stowed in the said Sloop's Hold in the Passage from *Mona*: After the said Sloop had staid at the *Horekills* aforesaid about Two Days, she sailed to *Gardner's Island*, and anchored there; where Captain *Kidd* sent on shore Two Bales of Goods, Two Negro Boys, and a Negro Girl, and delivered them to Mr. *Gardner*; and were not brought on board the Sloop again, the Examinant remaining on board almost all the time; neither was anything more carried on shore, there, to this Examinant's knowledge: And there was, in Company with the said Sloop under Captain *Kidd's* command, a Sloop said to belong to *New York*, whereon one *Hardrick*, a *Dutchman*, a young Man, was either Skipper, or one of the Company; into which Sloop there was put Two or more Bales,

THE REAL CAPTAIN KIDD

One of them being Bengall Silks, all belonging to one *Humphry Clay*, and Four or more Chests belonging to said *Humph Clay*, *English Smith*, *Gabriel Luffe*, and *Martin Skinke*: This Examinant was informed, the said Sloop was bound on a trading Voyage to *Martha's Vineard*, with Rum and Fruckin Cloth; but, having received the said Bales and Chests on board, did not proceed to *Martha's Vineard*, but went back again for *New York*. The said Captain *Kidd* and his Company, then proceeded with his Sloop to *Block Island*: and put nothing on shore there, only Two Guns about Two or Three hundred Weight apiece, which Captain *Kidd* gave to one *Sands*: Then the Sloop went to *Tarpolin Cove*, where One or more Bales of the Captain's were put on shore, and delivered to the Man that dwells there.

And the Examinant saith, That nothing that was put on shore at any of the Places aforesaid, was, to his Knowledge, received

APPENDIX B

on board the said Sloop again: and that nothing was put on shore at any other Place, than what is before-mentioned.

The Examinant further saith, That Captain *Kidd* traded with Mr. *Boulton* and Mr. *Burt* aforesaid, for the Quantity of Twenty Bales of Goods or thereabouts, as he supposes; besides what those of his Company with them: Six of which, viz., *Michael Callaway*, *John Hales*, *John Beovender*, *Wm. Boyer*, *Neece*, a *Dutchman* and *Nouter*, a *Dutchman*, went to *Caracao* in *Burt's* Brigantine, and one other, named *John Ware*, went thither also in a small sloop.

Signed

WILLIAM W. G. JINKINS.

BOSTON, 6 July, 1699. Taken
before his Excellency and
Council

ISA ADDINGTON. *Secretary.*

The foregoing examination of *Wm. Jinkins* being read unto *Richard Barlycorne*,

THE REAL CAPTAIN KIDD

aged about Eighteen Years, Apprentice to Captain Wm. Kidd,

He saith, That the same is true, as to the Substance thereof.

And further saith, That *James Gillam* carried Two Chests on shore at the Horekills; which were stowed in the Hold of the Sloop: After they came from the Horekills, they stopt at *Gardner's Island*; and went from thence to *Oyster Bay*; there took in Mr. Emott of *New York*; and set him on shore at *Rhode Island*; in some Days afterwards, Mr. Emot returned to the Sloop again, as she lay off *Rhode Island*; then they went to *Gardner's Island*; who went from thence, in a Whale Boat, over to *Long Island*: And at *Gardner's Island*, Captain *Kidd* sent on shore there, Two Bales of Goods, a Box, and Two Negro Boys, and a Girl, committed to the Charge of Mr. Gardner. The Examinant also sent Two Bales of his own, and his Chest, on shore there; and *Dick the Black*, another Bale: and one *Rob-*

APPENDIX B

ert Avery, a Passenger that came with them from *Madagascar*, went on shore there, and carried some Bundles of Muslin, Silks, and other Goods of his own; and a Box about Three Foot long, and a Foot deep: Knows not what was in it; It was handed over the Sloop's Side. There was also a Sloop of *New York*, lying at *Gardner's Island*, into which there was put about the Quantity of 15 or 16 Bales of Goods, Whole or in Pieces; and about 9 or 10 Chests; Which Goods and Chests belonged to *Humphry Clay*, *Gabriel Luffe*, *Samuel Wood*, Captain *Davis* a Passenger, *Martin Skinke*, *John Arris*, and *English Smith*: The Sloop was full. From *Gardner's Island* we sailed to *Block Island*, and there took in Captain *Kidd's* Wife, and one Mr. *Clark* of *New York*; and then stood towards *Gardner's Island* again, and met a *New York* Sloop, bound home, and put Mr. *Clark* on board of her: And Captain *Kidd* put a Chest on board said Sloop: He knows not what was in it: *John Arris* put another

THE REAL CAPTAIN KIDD

chest on board: and *Wm. Jenkins*, a Bale of Goods; and some other Bundles, that were made out of the Bales, were also put on board said Sloop; and all, as aforesaid, committed unto the said Mr. *Clark*: The Captain's Chest was hoisted out of the Hold. They stopt at *Tarpolin Cove*; and there put on shore One Bale, Two Barrels, and a Box of Goods, delivered unto the Man that dwells there: And, as they came over to *Nantinket Shoals*, they met a Sloop from the Bay, commanded by one Captain *Way*; which said *Way* came on board our Sloop; and, when he went off again; — in his canoe, by Captain *Kidd's* order, Two or Three small arms, a Pendulum Clock bought of Captain *Wright*, Commander of the *Quidah Merchant*; a Pair of Stilliards, and a Bag about as big as the Crown of his Hat, sealed up; which the Examinant supposes to be Money.

Further the Examinant saith, That, when they came from *Hispaniola*, Captain *Kidd*

APPENDIX B

told Mr. *Boulton*, whom he left in Charge of the Ship that he would return to him again in a short time, after he had spoken with my Lord *Bellamont*; and that the *New York* Sloop, whereinto they put the Goods at *Gardner's Island* as aforesaid, was an open Sloop, manned with Two Men, named *Coster* and *Hendrick*: There was Three Bales of Goods, and Two Bags of Sugar, delivered out of the Sloop *Antonio* at Boston, unto Mr. *Duncan Campbell*. Saith, He knows not what sum Captain *Kidd* paid for the Purchase of the Sloop.

RICHARD BARLYCORNE.

BOSTON. 8th July 1699: taken before us

ELISHA COOKE } J. Pac.
ISA ADDINGTON }

BOSTON, 8th July, 1699.

The Two foregoing Relations of *Wm. Jinkins* and *Richard Barlycorne*, being distinctly read over to me *Robert Lamley*, Apprentice to *Abel Owen*, Cook of the *Adventure Galley*, Captain *William Kidd*, Com-

THE REAL CAPTAIN KIDD

mander; and I, having been in the said Galley throughout her whole Voyage, and, since the Loss of her, in the Ship *Quidah Merchant*, and Sloop *Antonio*, do affirm and testify to the Truth of the said Relations respectively, as to the Substance of the same, as the several Articles thereof.

ROBERT LUMLEY.

Taken before us.

ELISHA COOKE }
ISA ADDINGTON } Just P.

Copy examined by

ISA ADDINGTON, *Secretary*.

3. A COPY OF THE EXAMINATION OF HUGH PARROTT, OF PLYMOUTH IN THE COUNTY OF DEVON, MARINER

BOSTON. 10th July, 1699.

Who saith, That, at the Island of *Joanna*, he left the Vessel he then belonged to, and entered himself on board the *Adventure Galley*, Captain *William Kid*, Commander; and from thence we sailed to the *Red Sea*, and there cruised for Privateers and Pi-

APPENDIX B

rates; but finding none, went upon the Coast of India, and in our Cruize there, espied a Ship, which we gave chase to, and came up with, being a Ship of near 200 Ton Burden, whereof a *Dutchman*, *Mich Dicker*, the *Sound*: From *Gardner's Island* they was Master, being commanded on board the Galley, brought a *French Pass*, and as the Examinant was informed, declared, That his Ship and Lading was lawful Prize; and accordingly was made Prize of by the said *Kidd* and Company: The *Dutch* Master remained in the Galley with the other Two *Dutchmen*, and took up Arms to serve under Captain *Kidd*; the *Moors* were set on shore, being then not above Two Leagues from the same: The Examinant knows not what the Ship was laden with; only saw Two Horses sent on shore from her. And in about Six Weeks time afterward, they took another Ship of 400 Tons, or upwards, mounted with about 12 or 14 Guns, commanded by one Captain *Wright*, an *Eng-*

THE REAL CAPTAIN KIDD

lishman; and there was also on board Two or Three *Lutchmen*; the rest of the Company were *Armenians* and *Moors* to the Number of about Sixty or Seventy: The Ship came from *Bengall*, bound to *Persia*, as it was said; and that she belonged wholly to the *Moors*: She was laden with Bale-Goods, containing Muslins, Silk striped and plain, and raw Silk, refined Sugar in Bags, Saltpetre, Iron in Junks, Guns and Anchors: Captain *Wright* and other the *Christians*, with several of the *Armenians* and *Moors*, were speedily sent on shore; some of them came to *Madagascar* in the Galley, and there left her: Said, Captain *Kidd* carried the said Prize Ship into *Madagascar*, *Geo. Bullen*, Chief Mate of the Galley, being put into command the said Prize Ship; and when she arrived at *Madagascar*, they took out of her all the Bale Goods, and shared them among the Galley's Company, being about One hundred in Number more or less; some had Three, others Four Bales

APPENDIX B

to a Share; the Examinant has Four for his Share, which he sold at *Hispaniola*, to Mr. *Boulton* and Mr. *Burt*, for 400 Pieces of Eight, which was paid him down in Money; 200 Pieces of which he lost by Gaming, on board the Sloop *Antonio*, that he came from *Hispaniola* in; the rest of his money was stolen from him. They arrived in the said Sloop, first, at the *Horekills* in *Delaware Bay*, where they put out Two Chests, belonging to *James Gillam*, a Passenger, who also went on shore there; which Chests, the Examinant believes, were full of *India Goods*; From the *Morekills* they went to *Oyster Bay* on *Long Island*; and there took in Mr. *Emot* of *New York*, and carried him to *Rhode Island*, and sent him on shore there; Then went, with their said Sloop to *Block Island*, and put on shore Two Guns, delivered to Two Men that came from the Shore, and cruised between *Block Island* and *Rhode Island* until Mr. *Emott's* Return; and having taken him on board went

THE REAL CAPTAIN KIDD

to *Gardner's Island*, and there let him on shore: And there was landed at the said Island, from out of the Sloop *Antonio*, some Goods and Chests; and also several Bales and Chests were put into another Sloop that lay at the said *Gardner's Island* bound up sailed, with the Sloop *Antonio* to *Block Island*; and there took up the Captain's Wife, and a Gentleman that accompanied her; and then stood to *Gardner's Island*; and there put the said Gentleman, which, the Examinant thinks, was named *Clark*, into a Sloop bound up the *Sound*: into which Sloop, there was also several Bales and Chests put, out of the Sloop, *Antonio*, by Order of the said Captain *Kidd*: And then we came to *Tarpolin Cove*, where there was a Bale and one or two Barrels of Goods landed: And from thence we came over the Shoals, and there met a Sloop from *Campechea*, bound to *Boston*; the Master of which Sloop, in the Canoe belonging to her, came on board our Sloop; and at his going off there was put

APPENDIX B

into the Canoe a *Turkey* work Carpet, Two or Three Small Arms; which is all that the Examinant took notice of.

The Examinant further saith, That at their sharing at *Madagascar*, Captain *Kidd* struck for, and received several Shares; knows not how many; there might be Forty. They stript the Galley at *Madagascar*, and burnt her to save her Iron-work; and also sunk their lesser Prize there. About Ninety of the said Galley's Company deserted at *Madagascar*. The greater Prize was called the *Quedah Merchant*; which they left in *Hispaniola*, under the care of Mr. *Boulton*, and about Seventeen or Eighteen men to assist: Captain *Kidd* promising to return to him in a short time: The Examinant supposes there might be about 150 Bales of Goods remaining on board her, about Eighty or Ninety Tons of Sugar, the Salt-petre, Iron, Guns and Anchors. Captain *Kidd* traded with Messieurs *Boulton* and *Burt*, for a considerable Quantity of Goods

THE REAL CAPTAIN KIDD

taken out of the said *Quidah Merchant*, at
and about *Hispaniola*.

HUGH PARROTT.

Taken before us, *die praedict*.

ELISHA COOK }
ISA ADDINGTON } J. Pac.

BOSTON, New England.

July 25th, 1699.

4. A COPY OF THE EXAMINATION OF GABRIEL LOFF, OF LONG ISLAND, WITHIN THE PROVINCE OF NEW YORK, SEAMAN,

Who saith, That, in *September* 1696, he entered himself on board the *Adventure Galley*, Captain *Kidd* Commander, as a Foremast-man, at *New York*; and proceeded in the Galley from thence, first to *Madera*, then to *Bonavista*, *St. Jago*, and from thence to *Joanna*; and from *Joanna* made their Course to the *Red Sea* to cruise for Pirates; and, after some time spent there, meeting with no Purchase, sailed for the Coast of *India*, and cruised there, and

APPENDIX B

there gave chase to a Ship, which shewed us *French* Colours, and *Moorish* Colours, and some others; and after some Chace, came up with her: Captain *Kidd* commanded the Commander of her to come on board; who accordingly did: The Examinant knows not what Nation he was of; but he brought a *French* Pass, and told Captain *Kidd*, That his Ship was a Prize and Captain *Kidd* made Prize of her, and her Lading: She was about 150 Tons in Burden, laden with Cotton Wool, Bees Wax, Tobacco and Two Horses: The company were chiefly *Moors*; — only Three *Christians*; — he knows not the Number; the *Christians* remained in the Galley, and took up Arms there; The *Moors* were sent on shore. Soon after the Taking of this Ship, the Examinant was taken sick, and lay so most of the Voyage: Knows not what they did with the Lading: The Ship they carried to *Madagascar*; and there sunk her. Some weeks after the Taking of the said Ship, they took an-

THE REAL CAPTAIN KIDD

other Ship, at the Coast of *India*, of Burden of 400 Tons, or upwards, commanded by one *Wright*, an *Englishman*; which Ship came from *Bengall*: The Ship was chiefly manned with *Moors* and *Armenians*: There was Three *Christians* on board.

The Examinant further saith, They carried the said Ship and Lading with them to *Madagascar*; and there landed all the Bale-goods on board, consisting of Callicoes, Muslins, Silk, and White, striped and plain, Romalls, Bengalls, and Laches: There fell betwixt Three and Four Bales to a Share: The Examinant had Three whole Bales and a Piece of a Bale, to his Share: some of which he disposed of at *Madagascar*, to buy Provisions; and left some in the Ship; the Remainder he had in his own Chest, and some in *Martin Skinke's* Chest; which Chests were put on board a *New York* Sloop in the Sound, commanded by one *Coster*, and committed to his Care, to be carried to *New York*: Captain *Kidd* had Forty odd Shares

APPENDIX B

for himself, and his Ship; most of his men deserted. At *St. Marie's*, a difference arose between the Captain and his Company; Captain *Kidd* proposing to them to take the *Mocha Frigate*, which lay there; but the generality of the men refused, saying, They would sooner shoot him than into the said *Mocha Frigate*: And they went aboard the said Frigate.

Further the Examinant saith, That the aforesaid Ship, commanded by Captain *Wright*, and taken by Captain *Kidd* in the Seas of *India*, was called the *Quiddah Merchant*: And that the said *Kidd*, and his Company that remained with him, bought the said Ship from *Madagascar* into *Hispaniola*, in the *West Indies*; and there the said Captain *Kidd* traded with Two Persons, named *Boulton* and *Burt*, for some of the Bale-goods, which were delivered out of the Ship: And Captain *Kidd* bought a Sloop of the said Mr. *Boulton*, and laded the said Sloop with Bale-goods taken out of the said

THE REAL CAPTAIN KIDD

Ship for so much as he could conveniently stow, and lodge the men besides: The Number of Bales he knows not: And, leaving the said *Boulton*, with Seventeen or Eighteen men, on board the Ship, the said Captain *Kidd*, with several of his Company, proceeded in the said Sloop towards *New York*; and the Discourse was, That Captain *Kidd* was to return to the Ship again within the Space of Three Months: And, after their Departure from *Hispaniola* they arrived, with the said Sloop, first at *Horekills* in *Delaware Bay*, where they landed a Chest belonging to one *James Gillam*, a Passenger with them from *Madagascar*: Knows not what was in it: And from the *Horekills* they sailed with the said Sloop into the Sound, and put some Goods on shore at *Gardner's Island*; the Quantity the Examinant knows not: Also put some Goods and Chests on board the *New York* Sloop, one *Coster*, Master, then lying at said *Gardner's Island*: And also put a Pack of Goods on shore at

APPENDIX B

Tarpolin Cove. Whilst they lay with the said Sloop off *Rhode Island*, *James Gillam*, before-named, went on shore in a Boat, that came on board the same Sloop; Knows not from whence the said Boat came, nor who she belonged to.

GABRIEL LOFF.

Taken, die praedict before us

ELISHA COOKE } J. Pac.
ISA ADDINGTON }

Copy examined per
J. ADDINGTON, *Secretary.*

5. THE DEPOSITIONS OF ABEL OWEN, MARINER OF FULL AGE, LATE COOK OF THE "ADVENTURE GALLEY," CAPTAIN WM. KIDD, COMMANDER; AND SAMUEL ARRIS, MARINER, LATE STEWARD OF THE SAME SHIP, OF FULL AGE; DEPOSE AND TESTIFY, AS FOLLOWETH, VIZ.,

That the said Ship was launched at *Deptford* at *Castle's Yard*, about the 4th Day of *December*, 1695: And that the said Ship

THE REAL CAPTAIN KIDD

came to the *Buoy* and *Nore* about the latter End of *February*; and about the First Day of *March* the men were pressed from on board the said Galley for the Fleet; and she was staid about Nineteen Days, and there sailed for the *Douncs*; and, about the Eighth or Tenth Day of *April* arrived there; and thence sailed for *Plimouth*; and, on the 25th Day of the Month of *April* 1696, the said Ship sailed from *Plymouth*; and, sometime in the Month of *May*, met with a small French Vessel, bound for *Newfoundland*, which they took, and made Prize of, and carried the same into *New York* about the 4th Day of July following; and the same was condemned there as lawful Prize: And that, about the 6th Day of *September* then also following, the said Galley sailed for the *Maderas*; and thence to *Bonavista*; thence to *St. Jago*; thence to *Telere*, and the *Island of Madagascar*; thence to *Johanna*, thence to *Mehila*, where they buried about Fifty of their Men in the Month of *May* 1697; and

APPENDIX B

thence sailed upon the Coast of *India*; and, returning back to *St. Marie's* the Ship was all along so leaky, that they feared she would have sunk every Hour; and that it required Eight Men every Two Glasses, to keep her free; and were forced to woold her round with Cables, to keep her together; and, with much ado, kept her above Water, and carried her into the said *Port of St. Marie's*.

And that they took Two Vessels, which they carried into the said Port; and the Men, which afterwards deserted the Galley, sunk one of them there; and threatened the Captain, and these Deponents, and others, now arrived here, to sink the other, that they might not go thence to tell News: And that about Ninety of the said Galley's Crew deserted the same there; and that the said Galley proved so insufficient and leaky, that she possibly could not be repaired; and sunk at an Anchor in the same Port.

And these Deponents further testify, That there was in the said Port a Pirate

THE REAL CAPTAIN KIDD

called the *Mocha* Frigate: And the said Captain *Kidd* proposed to his Men to take the same, having sufficient Power so to do; but the said Deserters, then being on board, told the said Captain *Kidd*, That, if he offered the same, they would fire Two Guns into him, rather than One into the Other; and immediately deserted the said Galley, and went on board the *Mocha* Frigate.

And these Deponents also further Depose, That with what Guns, Powder, and Sails, the said Captain *Kidd* could save out of the said Galley from the Violence of the said Deserters, he purchased, at least, between Thirty and Forty Bales of Goods, which he has brought in the Sloop *St. Antonio* into this Port, for the Use of the Owners of the said Galley.

His

Abel O Owen

Mark

English Smith, and *Humphry Clay*, Mariners, of full age, lately belonging to the

APPENDIX B

said *Adventure Galley*, testify, That they sailed in the same from *New York* on the time before specified: and testify to the Truth of the above-written Deposition from that time: And that the Goods, now on board the said Sloop *St. Antonio*, were purchased, as aforesaid, for the Use of the Owners of the said Galley.

ENGLISH SMITH
HUMPHRY CLAY.

Hugh Parrat Mariner, of a full Age, also deposes, That he went on board the Galley at *Johanna*; and testifies to the Truth of the above-written Deposition from that time; and that the Goods now on board the said Sloop *St. Antonio* were purchased, as aforesaid, for the Use of the Owners of the said Galley.

HUGH PARRATT.

The Five Deponents within-named, did severally declare, That, whereas, in their within written Affidavits, they speak of the

THE REAL CAPTAIN KIDD

Taking of Two Vessels, they do further explain themselves; and testify, That the said Two Vessels were *Moorish* Ships, and taken by them upon the coast of *India*: One of them of Burden betwixt Four and Five Hundred Tons, the other about Two Hundred Tons; They surrendered to them without firing any Gunns at them: The greater Ship came from *Bengall*; the lesser Ship came from *Surratt*: The smaller Ship was taken in *November* 1697; the greater Ship in *February* following: The Master, Gunner and Boatswain of the smaller Ship were Dutchmen, the rest of the Company were *Moors*, being about Forty in Number in the Whole: Her Lading consisted of some *Persian* Silks and other Dry Goods with some Horses. The Three *Dutchmen* afterwards took up Arms on board the Galley: The greater of the Two Ships is the same that they lately left at *Hispaniola*: She had about Ninety men on board: She was commanded by an *Englishman* named *Wright*:

APPENDIX B

The Mate and Gunner were *Dutch*; all the rest of the Company were *Moors*: She was mounted with Ten Guns; and laden with *Bengall Goods*.

The Deponents further say, They met with the *Mocha Frigate* at the *Port of St. Marie's*; and the Company belonging to her took the Companies belonging to the afore-said Two Ships, forcibly, from on board the *Adventure Galley*; and Ninety of the Company of the said Galley there also left her, and entered themselves on board the said *Mocha Frigate*; having first plundered the Two Ships before-named, and taken out of them a considerable Quantity of Goods and disposed of them at their pleasure.

(Signed)

ABEL O. OWEN

SAM ARRIS

ENGLISH SMITH

HUMPH CLAY

HUGH PARRATT.

BOSTON, 4th July, 1699

THE REAL CAPTAIN KIDD

The Five Deponents within-named, and subscribed to this Affidavit, severally made Oath to the Truth of this their Deposition, before his Excellency the Governor and Council.

Copy Examd. per ISA ADDINGTON, *Secretary*.

'APPENDIX C

The French Passes sent to Bellamont by Kidd, included amongst the papers ordered by the House of Commons to be delivered to the Secretary of the Admiralty for the purposes of Kidd's trial.

PASS. NO. 1. PASS TAKEN ON BOARD THE QUEDAGH OR KARRY MERCHANT ("le Navire Cara")

PASS. NO. 2. PASS TAKEN ON BOARD KIDD'S OTHER PRIZE. Copies of these passes will be found in the 13th Volume of the Journals of the House of Commons, page 21.

APPENDIX C

A COPY OF THE FRENCH PASS.

No. 1.

DE PAR LE ROY.

Nous Francois Martin, escuir, conseiller du Roy, directeur general du Commerce pour la Royalle compagnie de France dans la royaume de Bengalle, coste de Coromandelle, et autres lieux a tous ceux qui ces presentes lettres verront, salut. Les nommés Coja Ouannesse et Coja Jacob Armenien, Nacodas du navire Cara¹ Marchand, que le nomme Agapiris, Kalender Marchand Armenien a Strete a Surate du nommé Cohergy Nannabaye Parsy, le dit navire du port de trois cent cinquante ton-

¹ The Quedagh Merchant was spoken of by some of the witnesses at the trial and in Cogi Babba's relation as the Karry Merchant.

THE REAL CAPTAIN KIDD

neaux, ou environ, sur lequel est pilote Rette tandel ou Besseman Ginannatou et ecrivain Gassou; nous ayants remontré, quayante pris, avant, leur depart de Surate, un passeport de la compagnie, qu'ils nous ont representé en datte du premier Janvier mil six cents nonante sept, signé Martin; et plus bas, de Grangemont; qu'ils apprehendoient d'estre inquietéz dans le voyage qu'ils doivent faire de ce port a celuy de Surate, sous pretexte que le dit passeport est furanné et qu'ainsy ils nous privient instement de leur en faire un novent: à ces causes recommandons a tous ceux, qui sont sous l'autorite de la compagnie, prions les chefs d'escadres, et commandons des vaisseaux de sa majesté, requirons tous les amis et aliez de la Couronne, de n'apporter aucun empêchement, qui puisse retarder son voyage; ains luy donner toutes sortes d'aydes, et d'assistance; promettant en cas pareil faire semblable. En foy du quoy, nous avons signé ces presentes. Fait contresigner, par

APPENDIX C

le secretaire de la compagnie; et à icelle apposer le sceau de ces armes, au comptoir general D'ongly, le quatorze Janvier mil six cent nonante huit.

MARTIN.

Par mon dit Sieur Desprez.

No. 2.

DE PAR LE ROY.

Nous Jean Baptiste Martin, directeur général de la royalle compagnie de France des Indes Orientales, à tous ceux qui ces presentes lettres verront, salut. Savoir-faisons que le nommé Vamel das Narendas, marchand de Baroche, desirant envoyer son navire nommé Rouparelle du pont de cent cinquante tonneaux ou environ, partant du part de Baroche, pour aller à Malabare, Bengalle et Bassora, commandé par le Nacoda Abdel Reyin, sur lequel est pilate Issac Condel, ou Bosseman Joquy, et écrivain Dalet Mamet, nous auroit justemment prié de lui donner nôtre passeport: ce que

THE REAL CAPTAIN KIDD

nous luy avons octroyé: à ces causes ordonnons à tous ceux qui sont sous notre autorité, prions les commandants des navires de sa Majesté, de l'ayder et secourir en tout ce qu'il aura besoin si leur ordres ne sont contraires, et de faire saisir comme deserteurs, les François, qui seroient dessus sans congé, par écrit de messieurs les directeurs généraux de Bengalle ou de nous, et requirons à tous nos amiz et aliez de n'apporter aucun empéchement, qui puisse retarder son voyage: ains au contraire de luy donner toute ayde et secours: promettont en cas pareil, faire semblable. En foy de quoy nous avons signe ces presentes. Fait contre signer par le secretaire de la ditte compagnie et à icelles apposer le sceau de ces armes. Fait a comptoir de Surate le

MARTIN.

APPENDIX D

APPENDIX D

REPORT OF DUNCAN CAMPBELL POSTMASTER OF BOSTON, TO BELLAMONT

BOSTON, June the 19th 1699.

The Memorial of *Duncan Campbell*, of *Boston*, humbly presented to his Excellency the Earl of *Bellamont*.

I, the said *Duncan Campbell*, being at *Rhode Island* on *Saturday* the 17th *June* current; that Morning I went in a Sloop, in Company with Mr. *James Emott* of *New York*, and Two other Men belonging to the said Sloop, towards *Block Island*; and, about Three Leagues from that Island, I met a Sloop commanded by Captain *Kidd*, and having on board about Sixteen men besides: after hailing of which Sloop, and being informed, That the said *Kidd* was Commander thereof, he the said *Kid* desired me to come on board the same; which I accord-

THE REAL CAPTAIN KIDD

ingly did; and, after some Discourse passed, the 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 *Kid* had brought a Ship, about 5 or 600 Tons from *Madagascar*, which some considerable time since he met within . . . and commanded her there to bring to; and that thereupon the Pilot, being a *Frenchman*, came on board the said *Kid's* Ship, and told him, the said *Kidd*, He was welcome, and that the said Ship, to which the said Pilot belonged, was a lawful Prize to him, the said *Kidd*, she sailing under a French pass, whereupon he, the said *Kid*, and Company, took the said Ship; and afterwards, understanding that the same belonged to the Moors, he, the said *Kid*, would have delivered her up again; but his Men violently fell upon him and thrust him into his Cabin, saying, The said ship was a said Prize (sic); and then carried her into *Madagascar*, and rifled her of what they

APPENDIX D

pleased: But before they got into *Madagascar*, the Galley under Command of him, the said *Kidd*, became so leaky, that she would scarce keep above Water; whereupon the Company belonging thereto, having taken out her Guns, and some other Things, and put them on board the Prize, set the said Galley 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 *Moca* Frigate, 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 *Kid* said, That if they would join with him, he would attempt the Taking of the said Ship, supposing 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*

THE REAL CAPTAIN KIDD

Men, deserted him, went and took the said Ship, and sailed with the same on the said Design, as he, the said *Kid*, was informed; obliging one Captain *Culliver*, the then Commander of her, to go along with them.

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 join 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 the 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*, and other Places in the *West Indies*, he there heard, That great Complaints were preferred against him, and he pro-

APPENDIX D

claimed a Pirate; which occasioned him to sail to a Place called *Mona*, near *Hispaniola*: from whence he sent to *Curaso*, and brought there the Sloop on which he is now on board, and took into her to the Value of about 8 or 10,000*l* 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 took out of the *Adventure Galley*, formerly commanded by him; and hath left the Ship taken by his Company, and carried to *Madagascar*, as aforesaid, at or near *Mona* abovesaid, in the Custody of about Six Men of his own Company, and Eighteen others that he got from *Curaso*; the Merchant of whom he bought the said Sloop, being intrusted therewith; unto which he had promised to return again in Three Months; the said *Kidd* resolving to come into *Boston* or *New York*, to deliver up unto your Excellency what Goods and Treasure he hath on board; and to pray your Excellency's Assis-

THE REAL CAPTAIN KIDD

tance, to enable him to bring the said Ship left by him at *Mona* aforesaid, from thence; the said Ship being disabled from coming for want of Furniture.

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 nor molested: And the said Captain *Kidd* did several times protest solemnly, That he had not done anything since his going out in the said Galley contrary to his Commission or Orders, more than what he was necessitated unto, being overpowered by his Men that deserted him, as aforesaid; who evil-intreated him several times for his not consenting to, or joining 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 de-

APPENDIX D

clared, That they had used their utmost Endeavours in preserving the aforesaid Ship and Goods for the Owners or Employers.

The said *Kidd* also saith, 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.

APPENDIX E

APPENDIX E

EXTRACTS RELATING TO BELLAMONT AND KIDD FROM
NARCISSUS LUTTRELL'S BRIEF HISTORICAL RELATION
OF STATE AFFAIRS FROM SEPTEMBER, 1678, TO APRIL,
1714.

- 1 April 1693. A patent is passing the seals for settling £500 per annum on the Lord Bellamont in consideration of his past services. Vol. III, p. 67.
- 11 June 1695. The Lords Justices have given order for passing a Commission for the Lord Bellamont to be Governor for New England. Vol. III, p. 483.
- 25 June 1695. Lord Bellamont is hastening to his government of New England. Vol. III, p. 489.
- 4 July 1695. The Lord Bellamont's warrant for his patent runs to be Governor, Captain General and Admiral of New England. Vol. III, p. 494.
- 29 Aug. 1695. Complaint being made to

THE REAL CAPTAIN KIDD

the Committee of foreign plantations against Fletcher, governor of New York, 'tis said the Council will annex that government to that of New England, and that Lord Bellamont goes governor of both.

12 May 1696. The Lord Bellamont has obtained a grant of £1,000 per annum out of the estate of Lord Kilmeare (formerly Sir Valentine Brown). Vol. IV, p. 57.

7 Jan. 1697. The Lord Bellamont, 'tis said, will not only be governor of New England, but also of New York. Vol. IV, p. 166.

18 March 1697. On Tuesday the Lord Bellamont was declared governor of New England, and ordered to hasten thither. Vol. IV, p. 198.

20 March 1697. The Lord Bellamont is made governor of New York and New Hamstead¹ as well as New England and

¹ Probably a misprint for New Hampshire.

APPENDIX E

Colonel of a regiment of foot. Vol. IV, p. 199.

- 5 June 1697. The Lord Bellamont's commission to be governor and captain general of New England and New York is passing the seals, and his Lordship will suddenly goe to his government in the Deptford frigate. Vol. IV, p. 235.
- 11 Sept. 1697. The lords of the treasury have paid the Earl of Bellamont, governor of New England, £12000 in mault lottery tickets. Vol. IV, p. 227.
- 4 Oct. 1697. This day the Earl of Bellamont, governor of New England, went on shipboard. Vol. IV, p. 285.
- 24 Nov. 1698. The East India Company have acquainted the lords justices with the action of Captain Kidd, commander of a man of war, sent to suppress the pyrates in the Persian seas, but instead thereof joyned them. Several great lords were concerned in sending him out, and to be sharers of what he

THE REAL CAPTAIN KIDD

should take from those pyrates. Vol. IV, p. 454.

29 Nov. 1698. A proclamation is ordered to be published to pardon all the pyrates settled at Madagascar except Captain Kidd and 3 others, provided they submit within a certain time: which proclamation Captain Warren takes with him. Vol. IV, p. 456.

3 Dec. 1698. The Earl of Bellamont, governor of New England and New York has sent advice that he has caused several persons to be arrested there, accused for corresponding and trading with the pyrates at Madagascar, by which means they have got great riches. Vol. IV, p. 457.

1 Aug. 1699. We have a report that Captain Kidd, who some time since turned pyrate in the *Adventure Galley* and took from the subjects of the Great Mogull and others to the value of £400,000 is taken prisoner by a French Ship, the

APPENDIX E

- commander of which sent him in irons to the Great Mogull. Vol. IV, p. 543.
- 3 Aug. 1699. We now have letters from the West Indies, which contradict the taking of Captain Kidd the pyrate: and say that after the *Adventure Galley* was sunk, he went on board a Portuguese, and sailed directly for Darien where the Scots received him and all his riches. Vol. IV, p. 544.
- 5 Aug. 1699. Captain Kidd the pyrate some time since said to be taken by a French man of war, afterwards contradicted and that he was gone to Darien, we now hear was at Nassau Island, near New York, and sent for Mr. Livingston, one of the Council there, to come on board: accordingly he went to him, and he proffered £30,000 to give the owners, who first fitted out the *Adventure Galley*, and £20,000 for his pardon: but 'tis presumed the same will not be accepted. Vol. IV, p. 545.

THE REAL CAPTAIN KIDD

- 17 Aug. 1699. Letters from Curassau say that the famous pyrate Captain Kidd, in a ship of 30 guns and 250 men offered the Dutch Governor of St. Thomas 45,000 pieces of eight in gold and a great present in goods, if he would protect him a month, which he refused: but the said pyrate bought afterwards of an English Ship provisions to the value of 25,000 crowns and since supplied with necessaries from other ships. Vol. IV, p. 549.
- 22 Aug. 1699. There are letters which say the famous Captain Kidd has surrendered himself to the Lord Bellamont, governor of New England. Vol. IV, p. 551.
- 5 Sept. 1699. Captain Kidd the pyrate having surrendered himself to the earl of Bellamont, governor of New England, after examination was committed to prison and commissioners appointed by his lordship to inspect the effects he

APPENDIX E

had on board, to the end that there might be a true inventory taken thereof: and his lordship sent to the said commissioners the present of jewells, which Kidd had caused to be given his lady, esteemed at £10,000 an account of which his lordship has dispatched hitherto to the Commissioners of trade, and to know how he shall be disposed of. Vol. IV, p. 557.

23 Sept. 1699. His Majestie's Ship Rochester, Captain Ellis, commander, is sailed to New York, to bring over Captain Kidd, the pyrate and his men, in order to be tried here. Vol. IV, p. 563.

26 Sept. 1699. Last week the old East India company attended the lords justices with a petition, humbly praying that Captain Kidd the pyrate, may be brought to a speedy trial before the high court of admiralty, and that all his effects unjustly taken from the subjects of the Great Mogull may be sent back to them as satisfaction for their losses.

THE REAL CAPTAIN KIDD

Their excellencies promised to consider it. Vol. IV, p. 564.

- 2 Nov. 1699. The trial of the pyrates is put off till the arrival of Captain Kidd, who is to be brought hither from New England in order to be tried with them: his effects are valued at £200,000. Vol. IV, p. 578.
- 2 Dec. 1699. The lords of the admiralty have an account that the man of war sent to New England to bring hither Captain Kidd, the pyrate, is returned, not being able to make her voyage, the winter being too far advanced in those parts. Vol. IV, p. 589.
- 6 April 1700. Last night the lords of the admiralty had an express from Bristoll that Captain Kidd, with 33 pyrates more, were arrived in that channel from New England, in order to be tried for robbing the subjects of the Great Mogull. Vol. IV, p. 632.
- 16 April 1700. The same day Captain

APPENDIX E

Kidd, the notorious pyrate, was examined before the lords of the admiralty and committed to Newgate: and yesterday 13 more pyrates were likewise examined and sent thither. Vol. IV, p. 634.

23 April 1700. Captain Kidd upon his petition has got his irons taken off. Vol. IV, p. 637.

27 April 1700. This day 10 of the pyrates lately brought from New England were examined and ordered to be tried by a high court of admiralty: Captain Kidd will be kept close prisoner till the sitting of the Parliament, to the end that they may have the examination of him. Vol. IV, p. 638.

23 July 1700. The jewels taken on board the ship of Captain Kidd the pyrate, have been valued and said to be worth £30,000. Vol. IV, p. 669.

27 March 1701. This day the commons examined Captain Kidd the pyrate and Cogi Babba, a Persian Merchant at-

THE REAL CAPTAIN KIDD

tended in order to accuse him of robbing him in those seas to £60,000 value. Kidd discovered little or nothing. Vol. V, p. 32.

- 1 April 1701. Captain Kidd was examined again yesterday: he confessed nothing material, so was remanded to Newgate. Vol. V, p. 34.
- 10 April 1701. This day the house, being acquainted that Captain Kidd since his being in Newgate, had been with the Lord Hallifax, examined the person who affirmed it and sent for the keeper of Newgate, who averred it to be false, whereupon they distrust him. Vol. V, p. 37.
- 1 May 1701. Letters yesterday from New York advise that the Earl of Belamont, governor of that place and of New England dyed the 5th of March of the gout in his stomach. Vol. V, p. 44.
- 10 May 1701. This afternoon Captain Kidd was found guilty of murder for

APPENDIX E

killing a seaman on board a ship, also of one piracy: and to-morrow will be tried upon the others. Vol. V, p. 47.

10 May 1701. Capt. Kidd is found guilty upon 6 indictments of piracy, and 8 other pyrates are condemned. Vol. V, p. 48.

24 May 1701. Yesterday Capt. Kidd and 3 others condemned for piracy, were executed at execution dock at Wapping. The halter of the 1st broke, but he was tied up again. Vol. V, p. 53.