Mutiny and Piracy in Northern Europe Merchant Shipping

Forms of insurrection on board British and German merchant ships in the late 17th and 18th centuries.

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Selon la loi et la coutume, l'équipage d'un navire marchand était soumis à l'obéissance, alors que le capitaine était sous l'obligation de prendre bon soin du bien-être de son équipage. Ainsi la mutinerie a été considérée comme crime capital. Bien que la plupart des mutineries aient été une forme de plainte contre des réclamations réelles, au moins pour le navire marchand britannique, une corrélation entre les mutineries visant une prise violente de commande du navire et la piraterie peut être établie. En somme, on peut donc conclure que la mutinerie n'était pas toujours une forme justifiable de protestation.

Introduction – the popular view on mutiny

Apparently mutiny or rebellion against the authority of captains and officers on board naval and merchant ships in the early modern period was not an exceptional event. Accounts of such disciplinary disturbances abound in the memoirs of merchant seamen, and reports of many such incidents can also be found in the records of maritime court trials preserved in British and German archives. During the research for my dissertation I discovered in these archives several cases of mutiny on board merchant ships in the late seventeenth and eighteenth centuries.[1]

In popular opinion mutiny is often considered to be something of a "last resort of the oppressed." In academic as well as fictional texts, mutineers are often portrayed as rebels against oppression and tyranny. Perhaps the most famous example is the book *Mutiny on the Bounty* by Charles B. Nordhoff and James Norman Hall. In this novel as,

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[1]   See the short biographies of seamen in the appendix of Jann M. Witt, "*Master next God?"* – *Der nordeuropäische Handelsschiffskapitän vom 17. bis zum 19. Jahrhundert* (Schriftenreihe des Deutschen Schiffahrtsmuseums Bremerhaven, vol. 57) (Hamburg 2001). The archival sources for the mutinies mentioned in this essay can be found in the following archives: in the United Kingdom, Kew, The National Archives, Public Record Office (PRO), High Court of Admiralty (HCA)1/20/35; 1/27; 1/57; 1/58; 1/94; 3/72; 13/72; 13/82; 13/88; 13/89; 24/136, 24/139, and in Germany the Staatsarchiv Bremen (STAB) 2 – R. 11.1.8 (Desertion und Meuterei, Vol. I, 1771-1860); Archiv der Hansestadt Lübeck (AHL), Altes Senatsarchiv (ASA) Interna/Seesachen No. 39/1 and 44/1 and Schleswig-Holsteinisches Landesarchiv (LASH), Abt. 65.2, No. 836.I.

in the movies based on it, the *Bounty*'s captain William Bligh is portrayed as a psychopathic and merciless flogger, whose brutality at last drives his tormented crew to mutiny. As a result, Captain Bligh has become the archetype of brutal ship captains.[2]

Bligh and his crew leave the Bounty. From an engraving by Robert Dodd, 1790. Courtesy Archives and Collections Society.

On closer examination, however, things look quite different. Modern research has reassessed the popular view of the *Bounty* mutiny. William Bligh was quite a complex character and obviously had some deficiencies in leadership, but he was not a cruel tyrant. Compared with other British naval captains who sailed in the South Seas in the eighteenth century, including the famous James Cook, Bligh used the lash relatively infrequently. Thus the motives of the mutiny against him could hardly be traced to actual grievances like bad food, brutality, and sadistic punishments. Lacking an actual cause, the investigation of this mutiny's origins must consider other aspects, possibly even in the complexity of the psychological interrelationship between Bligh and his crew. So the real motives of the *Bounty* mutineers probably will be unknown forever.[3]

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2   See e.g. Peter Krahé, *Literarische Seestücke, Darstellungen von Meer und Seefahrt in der englischen Literatur des 18. bis 20. Jahrhunderts* (Schriften des Deutschen Schiffahrtsmuseums, Bd. 31) (Hamburg 1992), 137-138. and Greg Dening, *Mr. Bligh's Bad Language, Passion, Power and Theatre on the Bounty* (Cambridge 1992).

3   See e.g. Leonard F. Guttridge's account on the "Bounty" mutiny in: Leonard F. Guttridge, *Meuterei - Rebellion an Bord* (Berlin 1998), 31-66, or Dening's highly interesting analysis of

Against the background of the common stereotypical interpretations of mutiny, the attempt is made in this article to look behind the clichés and to investigate the documented motives for mutiny and rebellion, especially on board British and German merchant ships.

The social structure in merchant shipping

In the seventeenth and eighteenth centuries a distinctive hierarchy and a clear chain of command existed on board all British and German merchant ships, with the captain in sole charge of all nautical affairs during the voyage. This hierarchy was due to the particular conditions prevalent in ocean navigation. Since emergencies at sea may occur suddenly, discipline and co-ordinated action are of vital importance for the ship's safety and the crew's survival.[4] It seems that for this reason a certain nautical hierarchy was considered indispensable even aboard pirate vessels. The English captain Snelgrave, who had been a prisoner of pirates off the African West coast for some time in 1719, reported: "Besides the Captain and Quarter-master, the Pirates had all other Officers as it is usual on board Men of War." [5]

From a legal point of view, in merchant shipping the captain's authority was based on the sailors' hire-contracts. The British maritime law expert Abbott stated in 1802: "By the Common Law, the Master has authority over all the mariners on board the ship, and it is their duty to obey his commands in all lawful matters relating to the navigation of the ship, and the preservation of good order: and such obedience they expressly promise to yield to him by the agreement usually made for their service." [6] Similarly, the European maritime law acknowledged the crew's obligation to obey their captain in all matters regarding the ship. The European maritime law also delegated the necessary authority and competence for maintaining discipline and order on board merchant ships to the captain. Likewise, breaches of the seamen's obligation were threatened with severe punishment.[7] British maritime law explicitly empowered the captain to enforce discipline and obedience among his crew, if necessary by force, as Abbott declares: "*In case of disobedience or disorderly conduct, he may lawfully correct them in a reasonable manner.*"[8]

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the incidents aboard the Bounty from a anthropological point of view. For a statistical overview of punishment on board British warships in the South Seas see p. 384.

[4] Witt, 63-71. The necessity of a hierarchical structure aboard ships is also stressed in the contemporary treatises on navigation and maritime law, see, for example, Charles Abbott, *A Treatise of the Law relative to Merchant Ships and Seamen* (London 1802), 123ff, and Hinrich Brarens, *System der praktischen Schifferkunde, von H. Brarens, Königl. autirisirtem Navigations-Lehrer und Examinateur in Tönningen* (Friedrichstadt 1807), 1.

[5] Captain William Snelgrave, *A New Account of the Guinea and Slave Trade* (London 1734), 199-200.

[6] Abbott, 123.

[7] Witt, 66-71 and Abbott, 123ff.

[8] Abbott, 123ff.

Seamen were further obliged to obey orders according to an informal code of conduct, the basic rules of which were valid for all seafaring nations in Europe. One characteristic of early modern society was the organization of social relations and every day life not only by law, but also by traditional and unwritten codes of behaviour, which formed a set of rules regulating order and obedience as well as mutual obligations between the rulers and the ruled. Since the seafaring world was also a part of this society, the informal code of conduct as well as maritime law dictated obedience on the part of the crew, while obliging a captain to treat his crew well and to take good care for their welfare.[9]

Nevertheless, captains had a wide range of options by which to run their ships according to their character and personal style of leadership. The memoirs of numerous seamen tell of captains who ruled their ships according to the informal code of behaviour, resulting in a contented crew. On the other hand, many cases of cruel and even brutal captains can also be found in these memoirs as well as in the archives. However, a commander who tyrannized his crew never was called a good captain, although harsh treatment of the crew alone did not make a captain an oppressor, as long as his measures were considered fairly applied and within the limits of accepted behaviour by standards of the informal code.[10]

Yet, if a captain violated his obligations towards his crew, he was likely to face some form of protest by the seamen.[11] There were many informal as well as formal ways for the crew of a ship to make a protest during a journey as well after the end of it. The most simple way was a verbal complaint by the crew before the captain, or the ship's owner. The American sailor Jacob Nagle, who for a long time sailed on British merchant and naval vessels, describes in his memoirs how the mate of a ship complained before the ship's owner against the master of the vessel, who evidently had failed to provide a sufficient supply of food for the journey. The owner immediately responded to the complaint and "the capt[ain] was turned out of the ship."[12]

Other grievances could be settled by arbitration. British seaman Edward Barlow had been accused by a sailor's widow of having caused her husband's death by his ill usage. In Barlow's words, "rather than put it to a trial they agreed for me to give the widow fifty pounds, and five pounds to the lawyer for his advice and pain: and so I had a discharge from the widow and her executors."[13]

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9   Witt, 45-54 and 118-121, Brarens, 77ff. and Johann Andreas Engelbrecht, *Der wohl unterwiesene Schiffer, oder Unterricht was derselbe vor, während und nach abgelegter Reise zu beachten hat, nebst einem Anhange* (Lübeck 1792), 5-6.

10   Witt, 114-132. See the short biographies of seamen in the appendix.

11   Witt, 72-74 and 140-148. See also Brarens, 77ff. and Johannes Julius Surland, *Grund-Sätze des Europäischen See-Rechts* (Hannover 1750), 69-70.

12   Jacob Nagle, *The Nagle Journal, A Diary of the Life of Jacob Nagle, Sailor, from the Year 1775 to 1841*, John C. Dann, ed. (New York 1988), 252.

13   Edward Barlow, *Barlow's Journal, Of His Life at Sea in King's Ships, East & West Indiamen & Other Merchantmen from 1659 to 1703*, Basil Lubbock, ed. (London 1934), 451ff.

In Germany, this form of arbitration was obligatory. According to the maritime law of most German seaports, all maritime legal disputes had to be brought before the competent court of arbitration, formed in general by the aldermen of the local "captain's guild" (in German: "Schiffergesellschaft"), who as experienced ship masters were well acquainted with the maritime law as well as with the conflicts that might occur on board ships. Only after an attempt at arbitration had failed did the complainant have the right to appeal before a competent law court.[14] Thus in Germany, a lawsuit after the journey was the sailor's last resort in case the more informal mechanisms for complaint failed or proved insufficient.[15]

In Britain, by contrast, all seamen and captains alike had the right to appeal to the High Court of Admiralty, without having first to attempt arbitration. As Abbott states: "For the master on his return to his country may be called upon by action at law, to answer to a mariner, who has been beaten or imprisoned by him, or by his order, in the course of a voyage; and for the justification of his conduct, he should be able to shew not only that there was a sufficient cause for chastisement, but also that the chastisement itself was reasonable and moderate, otherwise the mariner may recover damages proportionate to the injury received."[16] Thus, in Barlow's case it might have been a wise decision to pay rather than risk a trial, since the High Court of Admiralty did not hesitate to bring brutal captains and mates to trial, let alone obstinate seamen, mutineers and pirates. In 1766, the English judge Sir Thomas Salisbury remarked on the role of the High Court of Admiralty: "I shall always endeavour to discourage obstinacy and disobedience in the mariner and to prevent cruelty and tyranny in the captain, whose behaviour on this occasion appears wantonness and violence."[17]

Although courts in the early modern period tended to treat the poor classes more harshly than members of the upper classes, and even in Britain constitutional safeguards like Habeas Corpus and the jury system sometimes proved inadequate to prevent miscarriage of justice, there is ample evidence that lawsuits for compensation by common seamen were regularly decided in favour of the complainant.[18] In 1734 the

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14   Witt, 156-160. See also Thomas Brück, *Korporationen der Schiffer und Bootsleute - Untersuchungen zu ihrer Entwicklung in den Seestädten an der Nord- und Ostseeküste vom Ende des 15. bis zum Ende des 17. Jahrhunderts, Abhandlungen zur Handels- und Sozialgeschichte, hrsgg. im Auftrag des Hansischen Geschichtsvereins, Bd. 29* (Weimar 1994), 143 - 150 and Gerhard Kraack, *Das Flensburger Schiffergelag in Vergangenheit und Gegenwart, Kleine Reihe der Gesellschaft für Flensburger Stadtgeschichte, Heft 3* (Flensburg 1979), 15 - 21 and 34ff.

15   Witt, 199-204.

16   Abbott, 123ff. and 375ff. See also: Regulation Act 1729, § VIII and Reports of Cases argued and adjudged in the Courts of King's Bench and Common Pleas, in the Reigns of The late King William, Queen Anne, King George the First, and King George the Second, Vol. II, p. 1206 (Bens vers. Parre 1706) and p. 1247-1248. (Brown vers. Bennet alios. 1707).

17   Peter Earle, *Sailors, English Merchant Seamen 1650-1775* (London 1998), 147.

18   Martin Rheinheimer, *Arme, Bettler und Vaganten. Überleben in der Not 1450-1850* (Frankfurt 2000), 45 and Frank McLynn, *Crime & Punishment in Eighteenth Century England* (Oxford 1991), xi f. See also Witt, 140-148.

ship's cook Gouch Corliss sued the ship's mate Thomas Hart for compensation, because Hart had maltreated him with a club when he had refused to help with loading cargo in Jamaica. The High Court of Admiralty decided in favour of Corliss and condemned Hart to pay compensation: "the said Gouche Corliss his Agent had suffered damage by the reason of the blows and other ill usage mentioned in the aforesaid Libell to the Sum of One Mark, to wit, Thirteen Shillings and four Pence of lawful money of Great Britain and therefore condemn the said Thomas hart Smiths Agent in the said Sum of thirteen Shillings and four pence as for the Damages aforesaid and also in Expences due by Law ... "[19]

In Germany as well the courts were not necessarily biased towards the captains. In 1735, Hans Weede, captain of the ship *Perle* from Lübeck, was charged with the maltreatment of Johann Jeremias Hanemann, trumpeter at the royal court of Portugal, who had been passenger on Weede's ship for a journey to Lübeck. According to the testimony of the first mate, the boatswain, the surgeon and a seaman, Weede insulted Hanemann verbally, and threatened him with a sword, struck him until he bled and at last took him prisoner on board the vessel. Captain Weede for his part accused the crew of conspiracy and mutinous behaviour. Nevertheless, the court proved to be very critical towards Weede's conduct against Hanemann and the crew. Weede was sentenced to serve a term in prison and to give a full apology to Hanemann to restore his blemished honour.[20]

Although all seamen in Germany and Britain had the right to appeal before a court with some chance of success, the outcome was far from certain. Many of the poorer seamen, moreover, could not afford recourse to the law. Thus it seems reasonable to assume that many seamen chose to write off their claims and not to proceed with a lawsuit. Instead most of them signed up on another ship to continue earning a living rather than risking a failed lawsuit and the loss of a lot of time and money.[21] The German mariner Jens Jacob Eschels together with some fellow sailors sued their captain for compensation because they had had to stay on board the ship over the winter and do additional work, none of which was covered by the terms of their original contract. The court, however, awarded minimal compensation of one quarter of their usual wages: "At this decision we were extremely disappointed, since we did not expect to get less than usual and did not understand it either."[22]

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[19]   PRO-HCA 3/ 72, f. 35. See also f. 247, 249, 250, 251, 454, 464, 510.

[20]   AHL, ASA Interna/Seesachen, Nr. 26/5.

[21]   Witt, 156-160. See also Hans Hattenhauer, *Europäische Rechtsgeschichte* (Heidelberg 1992), 621ff.; Richard van Dülmen, *Theater des Schreckens, Gerichtspraxis und Strafrituale in der frühen Neuzeit* (4th, rev. ed.; München 1995), 36f. and John D. Byrn, "Crime and Punishment in the Royal Navy, Discipline on the Leeward Islands Station 1784 - 1812," *Studies in Naval History*, Vol. 2 (Aldershot 1989), 168.

[22]   Jens Jacob Eschels, *Lebensbeschreibung eines Alten Semannes, von ihm selbst und zunächst für seine Familie geschrieben, Altona 1835, Nachdruck*, Albrecht Sauer, ed. (Hamburg 1995), 88f. The quotation reads in German: "Wir ließen bei diesem Urtheile unsere Ohren gewaltig hängen; denn daß wir weniger, als gebräuchlich war, bekommen würden, daran

Nevertheless, the assumption that in the seventeenth and eighteenth centuries merchant captains in general ruled like despots is likely to be an unrealistic one.[23] If a captain violated his obligations under the codes of conduct, he was likely to face either protest in the course of the voyage or a lawsuit at the end of it.[24]

The legal definition of mutiny

During the eighteenth century British and German maritime law were unequivocal in their view of mutiny: it was a capital offence. The German encyclopaedia *Das Grosse Universallexikon aller Wissenschaften und Künste* (1739) defined mutiny as a form of revolt or rebellion.[25] Abbott in his treatise on British maritime law considered all counteractions by the captain in case of a mutiny as lawful: "In the case of actual and open mutiny by the crew or any part of them, the resistance of the master becomes an act of self-defence, and is to be considered in all its consequences from that point of view."[26]

Like rebellion, mutiny was severely punished if it came to trial. According to the "Articles of War" in the British Navy, mutiny and even the attempt of it was put under the death penalty by sentence of a court martial.[27] According to European maritime law codes merchant seafarers accused of mutiny had to face at least imprisonment and bodily punishment, or the death penalty.[28]

The legal definition of "mutiny" was rather imprecise, however. Only in the course of the nineteenth century did the modern definition of mutiny as a collective act of insubordination of two or more persons gain universal acceptance. In contrast to this definition, in the eighteenth century even individual acts of insubordination were regarded as mutiny. Likewise, the term "mutiny" was applied to all forms of protest, ranging from work stoppage to the take-over of a ship.[29]

A good example of this rather unclear view on mutiny is the case of Johann Kelhusen. In 1780, Captain Johann Georg Warncke of Lübeck had serious problems with

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dachten wir nicht, und konnten es auch nicht begreifen."

[23]   See for this thesis Marcus B. Rediker, *Between the Devil and the Deep Blue Sea, Merchant Seamen, Pirates and the Anglo-American Maritime World 1700 - 1750* (Cambridge 1987), 84. See for the counterarguments also Witt, 199-204.

[24]   Witt, 72-74 and 140-148. See also: Brarens, 77ff. and Surland, 69-70.

[25]   Das Grosse Universallexikon aller Wissenschaften und Künste, Vol. XX (Halle and Leipzig 1739), col. 1458. A short outline of the development of the European Maritime law and the legal character of the merchant captain from the seventeenth to the nineteenth centuries can be found in Witt, 24-84.

[26]   Abbott, 123ff.

[27]   The Articles of War of 1749 as Amended by 19 GEO. III C. 17, §§ 19 and 20. For mutinies in warships also see: N.A.M. Rodger, *The Wooden World – An Anatomy of the Georgian Navy* (London 1986), 237 – 244 and Byrn, 167 – 171.

[28]   Witt, 65-70. See also *Das Grosse Universallexikon*, col. 1233ff.

[29]   Rodger, 221 and 238. See Witt, 148-150 for a definition of the manifold meanings of the term "mutiny."

his crew, especially with the quarrelsome ship's cook Johann Kelhusen. Even before the vessel had left Lübeck, Kelhusen began to demand an improvement of his working contract. During the voyage the cook's behaviour changed for the worse and he also started to brawl with the rest of the crew. At last Captain Warncke saw no alternative but to ask the authorities to arrest Kelhusen, whereupon the ship owners filed a writ against him and declared: "If such an unfortunate and mischievous quarreller as the defendant causes mutiny among the people; if one hinders the other doing his work and forbids him to do, what another had ordered to do; where will be left the subordination necessary on board ships as in the military?"[30] The incident also alarmed the merchants of Lübeck, who feared that rebellious seamen would cause problems for Lübeck's sea trade as the "artery of Lübecks economy." The merchants demanded the government of the City of Lübeck punish Kelhusen "energetically, as a warning to others, with some weeks in the penitentiary."[31] Both quotations show that mutiny and insubordination in early modern times were not only considered an offence against the good order on board the ship, but as a threat to the God-given order of society. This "official" view of mutiny as a form of rebellion against the lawful order of society is also demonstrated by a lawsuit by a group of ship owners from Lübeck against rebellious seamen in 1804: "What danger is a captain exposed to, if his person should not be sacred during the voyage? What mischief the entire navigation, if a crime against the subordination could be expiated with an insignificant fine?"[32]

Mutiny in legal terms could also be interpreted as a form of piracy. In 1688, Charles Molloy, an English expert on maritime law, defined the term "pirate" as follows: "A Pirate is a Sea-Thief, or *Hostes humani generis*, who for to enrich himself, either by surprise or open force, sets upon Merchants and other trading by Sea, ever spoiling their Lading if by any possibility they can get the mastery." [33] The only form of legal piracy known in maritime and international law used to be privateering, the forceful capture of enemy ships in wartime by privately owned vessels which had been explicitly authorized to capture enemy ships by a so-called "Letter of Marque" officially issued by a government. According to contemporary understanding of the law, all other forms of forceful capture of ships or their cargoes were regarded as piracy, a crime punished with death. This understanding also covered the actual or attempted take-over of a ship by its

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30   AHL, ASA: Interna/Seesachen, Nr. 44/1. The quotation reads in German: "Wenn dergleichen unglücklichste und muthwilligste Zänker, wie unser Beklagter ist, Mäutereyen unter das Volk anrichten, wenn der eine dem andern muthwillig in seiner Arbeit hindert, und dieser desjenigen, was ein andrer befohlen hat, verbiethet, wo bleibt hier die auf deren Schiffen wie bey der milice gleich nothwendige Subordination?"

31   AHL, ASA Interna/Seesachen, Nr. 44/1. The quotation reads in German:*"... nachdrücklich, allenfals andern zur Warnung auf einige Wochen mit dem Zuchthaus zu bestrafen."*

32   AHL, ASA Interna/Seesachen, Nr. 44/1. The quotation reads in German: "*Welcher Gefahr ist ein Schiffer ausgesetzt, wenn auf der Reise seine Person nicht heilig seyn soll? Welchem Unheil die ganze Schiffahrt, wenn ein Verbrechen wider die Subordination mit einer unbedeutenden Geldstrafe gebüßt werden kann?*"

33   Charles Molloy, *De jure Maritimo et navali : Or, a Treatise of Affairs Maritime and of Commerce* (London 1688), 51.

crew within the course of a mutiny.[34]

In short, it seems to be almost impossible to find a clear general definition of mutiny in the seventeenth and eighteenth centuries. Based on contemporary legal opinion, I therefore would like to characterize mutiny simply as a form active resistance against superior officers exceeding mere grumbling or vocal protest; of course, degrees of escalation can be differentiated.

Forms of Protest

In British and German shipping alike, most forms of insubordination against captains and officers can be described as mere complaint against specific conditions on board, such as maltreatment by the officers, bad food, insufficient rations or quarrels about wages.[35]

The most common form of protest on board of merchant vessels was a verbal complaint by a spokesman elected by the crew to articulate their grievances to the captain or the owners of the ship.[36] The widely experienced American sailor Jacob Nagle reports in his autobiography that he was chosen by the other members of the crew "to be spokesman, as they ware of different languages and not able to speak for themselves." [37]

Other seaman preferred to escape ill usage on board or a conflict with their superior officers simply by running away when the ship called at the next port. Of course, desertion was also an offence, but since it was considered only as breach of contract, it was a civil law and not a criminal law offence. Penalties were less severe, and the chances of the sailors escaping punishment were much better than in cases of mutiny. In many cases the law courts tended towards clemency for desertion, especially if the seaman concerned had a good reputation.[38] Thus, for a seaman, desertion often was the "easy way out."[39]

Nonetheless, sailors sometimes refused to obey orders in an effort to force the captain to change his conduct.[40] In 1761 the crew of a ship from Bremen refused to go to

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34   Jann M. Witt: "'Vor den Kapern hatte ich viel mehr Furcht wie vor den Seegefahren' – Eine kurze Einführung in die Geschichte der Kaperei,' in *Piraten – Die Herren der sieben Meere*, Hartmut Roder, ed. (Bremen 2000), 90-100. See also Surland, IV. Titel: Von den See-Räubern, §§ 633-639. A short, but informative survey on the legal view on piracy in Great Britain at the beginning of the eighteenth century can be found in Captain Charles Johnson, *A General History of the Robberies and Murders of the Most Notorious Pyrates,* Manuel Schonhorn, ed. (New York 1999), 377-79.

35   Witt, 201-202.

36   Earle, 177-178.

37   Nagle, 276-277.

38   Abbott, 124; Friedrich Johann Jacobsen, *Seerecht des Friedens und des Krieges in Bezug auf die Kauffahrteischiffahrt* (Altona 1815), 180ff.

39   Witt, 106-114. See also Earle, 167-168.

40   Witt, 106-114. See also Abbott, 124 and Jacobsen, 180ff.

sea from Altona because "the ship became leaky and they had to pump out up to 11 feet."[41] Since they considered the vessel to be unsafe, they left the ship against the will of its commander. The captain, Johann Wischußen, agreed that the vessel was leaky, but argued that an expert had declared the ship to be seaworthy, so that the crew left the ship illegally. The crew on the other hand claimed that the authorities in Altona had allowed them to choose either to stay aboard or to leave the ship. Nevertheless, when Wischußen called in the authorities in Bremen, they decided that if the crew could not prove their assertion, they would lose half of their wages – a resolution that was not biased against the seaman, since it showed a certain sympathy for their actions in a situation that could have been judged as a breach of contract.

Complaints and grievances that motivated single sailors or even whole ship companies to defy the authority of the captain and the mates were not always justified. In 1780, the Prussian captain Joachim Nettelbeck experienced great difficulties when his ship's company broke into the cargo of wine and drank themselves into oblivion. All of Nettelbeck's attempts to master the situation failed: "Even though the situation was not really a rebellion, it remained a piece from bedlam; and the handful of us who had remained sober faced great dangers and hardships whenever we had to furl or unfurl the sails."[42] Nettelbeck sent the sailors ashore as soon as his ship reached Hamburg, its final destination.

By contrast, the English captain Nathaniel Uring's memoirs reports a conspiracy that occurred in 1714 aboard a vessel under his command. After a shipwreck, Uring believed that a part of the crew intended to take over the ship and turn to piracy. He suspected that the sailors involved in the plot had drawn up a secret document of their intentions, a so-called "round robin."[43] In front of the assembled ship's company, Uring demanded that the document be handed over to him. In order to underline the seriousness of his demand, Uring beat up the suspected leaders of the plot until one man, who was not involved in the conspiracy, handed the document to him. With the evidence in his hand, Uring explained to his sailors, "that they would have been Mutineers; and let them know what they had done would be deemed Piracy, which was a hanging matter, if I would prosecute them."[44] Thus Uring's firm action had intimidated the crew and prevented the planned mutiny. Subsequently, Uring put the suspected leaders of the

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41   Staatsarchiv Bremen (STAB) 2-R.11b.7. (Schiffergilde, auch Seegericht / Protokolle des Seegerichts = Captains Guild, also maritime law court / Protocols of the maritime law court). The quotation reads in German: "... *daß das Schiff wäre leck geworden, und hatten sie das Wasser biß so a 11 Fuß darauspumpen müßen."*

42   Joachim Nettelbeck, *Lebensbeschreibung des Seefahrers, Patrioten und Sklavenhändlers Joachim Nettelbeck, von ihm selbst aufgezeichnet und herausgegeben* (1821; repr. Frankfurt/Main 1992), 281. The quotation reads in German: "War es auch geradezu nicht Rebellion zu nennen, so blieb es doch ein wüstes Tollmanns-Leben und wir paar Vernünftige die größte Gefahr und Noth vor Augen sahen, so oft Segel sollten beigesetzt oder eingenommen werden."

43   Concerning "round robins" see Witt, 189ff.; Earle, 177-178. and Rediker, 234.

44   Uring, 260ff.

conspiracy in chains, while, for members of the crew who repented, the affair ended with his pardon.[45]

This ritual of pardon, which might be given by the captain when the crew confessed their misconduct and asked for such a pardon, was characteristic for the settlement of mutinies at a relatively low level of escalation. The pardon, however, was only granted on the condition that the conduct of the sailors was spotless for the rest of the voyage.[46]

Yet such incidents could not always be settled on board the ship. A few years after the events mentioned earlier, the Prussian captain Joachim Nettelbeck had some problems again with a refractory and insubordinate crew. After the ship had almost stranded due to the negligence of the helmsman, the conflict on board culminated in a violent brawl between some seamen and Nettelbeck, who barely and by good luck was able to reach the safety of his cabin. Only by means of physical violence and the threat to bring the crew to trial in the nearest port did he manage to restore order on board, whereupon the crew begged for his pardon.[47] In this case Nettelbeck considered the crew's offence too serious to be promptly forgiven. Thus he declared: "Respect and obedience for me should be obvious. But what I will resolve to do with you for the past, I have to think about. Go to work!"[48] After his arrival at the destination, the port of Memel, Nettelbeck resolved to report the incidents and turn the three ringleaders over to the authorities. Since Memel was a Prussian port and the ship Nettelbeck commanded was owned by a Prussian merchant, the local court was competent. According to the Prussian Maritime Law the court sentenced the three defendants to fines and, in proportion to their guilt, to corporal punishments. Thus the boatswain as main ringleader received 100 blows with a cane, the ship's cook 50 strokes and a seaman 25.[49]

The cases of insubordination and mutiny which have been described were relatively harmless transgressions. Even though the authority of the captains had been defied, the mutineers never really attempted to take over the ship. Often such incidents were mere protests against grievances aboard, and, in most cases, they ended as quickly

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45 Usually these documents consisted of a sheet of paper with two concentric circles drawn on it. Within the inner circle, the seamen would write down their intended plan, while outer circle bore the signatures of the conspirators in form of a circle, to prevent distinguishing the ringleaders from the followers. The origins of the term "round robin," however, are unclear. See for more information Earle, 178-179.

46 Witt, 201ff.

47 Nettelbeck, 316-324.

48 Nettelbeck, 321-322. The quotation reads in German: "Respect und Gehorsam gegen mich verstehen sich wohl von selbst. Aber was ich wegen des Vergangenen über euch beschließe, darüber werde ich allerdings noch besinnen müssen. Jetzt an die Arbeit!"

49 Nettelbeck, 324. See also "Königlich Preußisches Seerecht von 1727 (Prussian Maritime Law)," in Reinhold Friderich von Sahme, *Einleitung zum See-Recht des Königreich Preußen, worinnen das Königliche Preußische See-Recht in einer richtigen Ordnung vorgestellet und erleutert wird* (Königsberg 1747), Chapter IV, § 32.

as they had arisen – either due to firm action or concessions on the part of the captain and his mates.[50]

Take-over

The most extreme form of mutiny aimed at desposing the captain and taking control of the ship by the crew or a part of it. At least since the famous mutiny aboard the *Bounty*, this form of collective insubordination against the captain's authority has been being regarded as the "classic" form of mutiny.[51] The American historian Marcus Rediker has found sixty cases of mutiny aboard English merchant ships in the documents of the High Court of Admiralty for the period between 1700 and 1750 alone. Most probably not all mutinies have found their way into the documents, but these numbers show an average of one mutiny per year. In about half of these cases the mutineers took over the ship, and about one third of this half later turned to piracy.[52] Interestingly, in German archives no reference to attempted or successful take-overs of German merchant ships by their crews has been found so far.

There were indeed take-overs of English ships that shared characteristics of the *Bounty* incident. In 1750, for example, a mutiny broke out in the English Guineaman *Antelope*, and subsequently the captain, Thomas Sanderson, and a number of loyalists, among them the ship's surgeon William Steel, were set out in a boat on the open sea.[53]

Long before the actual take-over occurred, there had been tension in the ship. For instance, two sailors had refused to work and three others had deserted in a boat. Ten months after the ship's departure from England, the crew, led by the boatswain John Oxnam, refused to weigh the anchor off Cape Coast on the West African coast, and armed themselves instead. Steel, the ship's surgeon, managed to call a boarding party from two Dutch vessels, and thus the leaders of this mutiny, the sailors Edward Suttle, Michael Simpson, John Punner, William Perkins and Nicholas Barnes, were overwhelmed and put in chains.

After the mutineers had promised improvement before the local English Governor, they were returned aboard the ship, which then put to sea. The following night, however, Captain Sanderson was awakened by unusual noises and found himself locked into his cabin. He finally managed to get on the upper deck, only to be beaten down at once. When he got onto his feet again, Captain Sanderson faced a armed group of mutinous seamen, led by Edward Suttle and his accomplices, who had taken control of the ship. After Sanderson managed to get the mutineers' word that he would be allowed to leave the ship with other loyal crew-members, he was set out in a boat together with Oxnam, the boatswain, and Steel, the surgeon. There was little water and few provisions

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50   Witt, 148-199; Earle, 178.
51   Krahé, 137f. and Guttridge, 31-66.
52   Rediker, 227-228. See also Earle, 175ff.
53   PRO – HCA 1/58, f. 7.

in the boat, as the mutineers claimed they needed all provisions for their long voyage to Madagascar.

The mutineers' reference to Madagascar must have been a deception, for Steel later testified that one of the mutineers had confided to him that they intended to sail to Brazil in order to sell the ship and its cargo there. Fortunately, after only a few hours the small boat was found by the English ship *Speedwell* with the new governor of Cape Coast Castle, Roberts, and a number of soldiers embarked. It was decided to hunt the *Antelope*, and after a chase of 36 hours the pursuers sighted the mutinous ship. Suttle and his accomplices succeeded in repelling the first attempt at recapture, but surrendered when the *Speedwell* started to fire her guns.

Speedwell's first mate was placed in command of the *Antelope* and he immediately put the mutineers in irons and took the ship back to Cape Coast. On arrival they found the English warship *Humber* riding at anchor, whose captain took over the prisoners and held an inquiry. According to the surgeon's statement, Captain Sanderson's ill treatment of the sailors had been a strong motive for the mutiny. This claim is supported by the fact that Captain Sanderson had to return home in the *Humber* rather than in command of the *Antelope*. The imprisoned mutineers were also returned to England, but somehow managed to escape from the Marshalsea Prison before they could be taken to court.[54]

Incomplete records make it impossible fully to explain the background of this mutiny, though the plot's origin was evidently the crew's wish to get rid of Captain Sanderson. Thus in this case the mutiny apparently did not derive mainly from piratical motives. Although Suttle and his accomplices had the intention to sell the ship and its cargo, this plan possibly was born out of desperation, to make money to start a new life in Brazil. Nevertheless, this plot was legally considered to be piracy in the same way as if the conspirators had intended to turn the vessel into a pirate ship and attack other merchant vessels for plunder. Other mutinies were much more clearly piratical.

Probably the best-known example of a mutiny with the aim of piracy is the take-over of the English 46-gun ship *Charles II* in the anchorage of La Coruña in 1694. The ship was to assist the Spanish in their campaign against the French in the Caribbean, but it spent several months idle in port. Since the crew had not received their promised pay, it was easy for Henry Avery, the first mate, to plot a mutiny with the aim of taking over the ship and using it for piracy. Captain Gibson's great liking for alcohol also turned out to be of assistance, since it allowed the conspirators to put to sea in the night of 7-8 May 1694 without encountering any resistance; when Gibson realised what had happened, it was too late.[55] Reportedly, Avery's only answer to the captain's questions was: "don't be in fright, but put on your Cloaths, and I'll let you into a Secret: -You must know, that I am Captain of this ship now; and this is my Cabin ..."[56]

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54 PRO – HCA 1/20/35.

55 *General History*, 50ff. See also the statement of John Dann, one of the mutineers in the *Charles II*: PRO – HCA 1/29, f. 73 and Arne Bialuschewski, *Piratenleben – Die abenteuerlichen Fahrten des Seeräubers Richard Sievers* (Frankfurt/Main 1997), 40ff.

56 *General History*, 51.

George Lowther with his ship Happy Delivery *careened. From the 4th imprint of Captain Charles Johnson, A General History of the Robberies and Murders of the Most Notorious Pyrates. Coutesy Archives and Collections Society.*

After this bloodless take-over, Avery was willing to put ashore Captain Gibson and those sailors who were not involved in the plot, but only Gibson and sixteen of nearly one hundred crewmen accepted this offer. Subsequently Avery and his fellow mutineers were to take the Great Mogul's ship in the Indian Ocean – one of the most valuable prizesever taken by pirates.[57] So in this case, Avery used the discontent among the crew to induce them to follow his plot of taking over the control of the ship to go "on the account." Avery's motivation was clearly piratical.

More difficult is the analysis of the motives behind the take-over of the British Guineaman *Gambia Castle* while at anchor at James' Island off the African coast in 1721. A group of mutineers, led by George Lowther, the ship's second mate, seized the vessel when the captain was ashore, leaving behind the captain and men who were unwilling to join the mutiny when the ship put to sea. [58]

Lowther, who had fallen out with the captain, had plotted the take-over of the vessel with John Massey, the commanding officer of a group of embarked soldiers. Massey later justified his mutinous action by claiming that the merchants in Africa had shown indifference towards his soldiers' health. Massey helped Lowther with the planning and execution of the mutiny, but in the belief that Lowther intended to return to England in order to complain before competent authorities about the bad treatment of the crew. As soon as the ship was in Lowther's hands, however, he told the assembled crew that "it was the greatest Folly imaginable, to think of returning to England, for what they had already done, could not be justyfied upon any Pretence whatsoever, but would be look'd upon, in the Eye of the Law, as a capital offence they should seek their Fortune upon the Seas, as other adventurers had done before them."[59] In other words, Lowther's real motive was piracy. Massey, however, was not willing to join this plot. Thus he broke with Lowther, surrendered himself to the English authorities, and was subsequently sentenced to death and executed for his part in the take-over of the ship.[60]

Lowther and his crew undertook a bloody raiding tour and distinguished themselves by brutality whose excesses are still not fully known. Two years after the take-over, the pirates where surprised and attacked by an English ship, whilst refitting their own vessel in the Caribbean. Lowther and four of his accomplices managed to escape, but their dead bodies were later found on the beach. The remaining pirates were either killed in the fighting, or taken to St. Kitts as prisoners; the latter ones were subsequently tried before a court of Vice-Admiralty. Of the sixteen defendants, three were acquitted, and the rest were sentenced to death and executed, with the exception of

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[57] Bialuschewski, 40ff.

[58] *General History*, 304ff. Even though the information in the *General History* must generally be considered as reliable, in some cases there may be elements of myth due to the long time between the actual event and the publication of Johnson's book. See also: Arne Bialuschewski, "Daniel Defoe, Nathaniel Mist und die Seeräuber. Eine Studie zur Verfasserschaft und Entstehungsgeschichte der General History of the Pyrates" (PhD dissertation, Kiel, 1999), 101-124.

[59] *General History*, 307.

[60] *General History*, 307ff.

two men, who were "recommended to Mercy by the Court" and accordingly pardoned.[61]

In this case, contradictory motivations among the mutineers can be identified. For Massey and some of the men involved in the plot shipboard grievances had been the main reason for joining in Lowther's plot. When Lowther revealed his true intention of going "on the account," his accomplice Massey did not join him on his piratical venture, but decided to hand himself over to the proper authorities, although he must have known that he most probably would face a death sentence.[62] Lowther himself obviously had clear criminal motives for the take-over of the ship. Apparently, Lowther had intended to turn pirate from the beginning, since he found the greatest part of the ship's crew "ripe for any Mischief in the world,"[63] and evidently did not at any moment intend it to be an act of resistance against exploitation, as for instance Rediker argues.[64]

The take-over of a ship in the manner of the Avery and Lowther cases can hardly be imagined as a spontaneous reaction of the crew to a grievance. Careful planning was required for quick and co-ordinated action in order to overwhelm the captain, his officers and those crewmembers who were not involved in the plot without leaving them a chance to strike back. Furthermore, the severe legal sanctions against such a mutiny required common resolution among the participants, not least as a means of protection against betrayal. Thus, as in the "round robin" in the Uring case mentioned above, the conspirators often drew up a sort of contract, signed by all men involved in the plot.[65]

Such a written agreement also existed in the case of the attempted take-over aboard the English ship *Dove* in 1736.[66] In Marseilles, some weeks before this mutiny, the *Dove*'s captain, Benjamin Snawes, had signed on Nicholas Williams as mate. Some time thereafter, in Leghorn, Snawes had engaged some English and Irish sailors to augment his crew, and he had accepted William O'Meara as a passenger; the latter group of persons had deserted from a Spanish warship.

One night the apprentice Richard Walter, who, like the rest of the crew had been sleeping on deck due to the great heat, heard unusual noises from the captain's cabin. He roused Williams, the mate, and together they found Captain Snawes dead in a pool of his own blood. On their return to the upper deck, Walter saw Edward Johnson, one of the sailors who had signed on in Leghorn, with a blood-stained jack-knife. When Walter directed the mate to put Johnson into irons on the charge of having murdered the captain, he was attacked by Johnson. Walter rescued himself only by jumping into the water and swimming to a quarantined ship nearby. While he was alerting the authorities ashore, the mutineers under the command of Williams attempted to put to sea. They were, however,

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61   *General History*, 311ff. and Jennifer G. Marx, "Das Goldene Zeitalter der Piraten," in
      Piraten, Furcht und Schrecken auf den Weltmeeren, David Cordingly, ed. (Cologne 1999),
      109-110.
62   *General History*, 309ff.
63   *General History*, 305.
64   Rediker, 231.
65   Witt, 189-192; Earle, 177-178 and Rediker, 234-235.
66   PRO – HCA 1/57, ff. 1-10.

arrested by a boarding party before they had left the port.

In the course of the subsequent interrogations, some crew members testified that there had been a conspiracy on board. The mate Williams, the leader in the plot, had agreed with some sailors to remove Captain Snawes and Apprentice Walter, to take over the ship, sell the cargo and to burn the ship thereafter in order to remove all evidence of their act of piracy. The passenger O'Meara, who was also involved in the plot, testified that the conspirators had made a written contract and had "signed articles to that purpose." This plot had not been the first for Williams, since he had said, according to O'Meara: "I never undertook any such Project in my Life without going through it, I have brought in Johnson who is a special good Fellow for this purpose."

Unfortunately, there are no records which tell us whether the mate Williams and his fellow conspirators were punished. When looking at this cold-blooded plot, however, it becomes very clear that the conspirators not only accepted the possibility of murdering some of their shipmates, they had explicitly planned to do so. In this case, the sole motivation of the mutineers was avarice and not resistance against oppression aboard the ship.

In a similar manner, in 1724 one John Gow, also known as John Smith, took control of the *George Galley* in a bloody mutiny. Gow, who was then the second mate and gunner of the ship, led a conspiracy, which, as in the case of the plot aboard the *Dove*, included the murder of the captain and the officers. Thus, one night seven seamen clandestinely entered the cabins of the first mate, the surgeon and the ship's clerk and cut their throats, while the captain was killed on deck. Like Williams, Gow had joined the crew of the ship, which was armed with twenty guns, apparently with the intention of turning it into a pirate vessel. Gow renamed the ship *Revenge* and after a cruise of plunder it was captured by HMS *Greyhound*. Gow and thirty of his crew members subsequently were put to trial and executed as pirates.[67]

William Fly, boatswain of the snow *Elizabeth*, plotted a similar take-over of the ship in 1726. "Fly, who had insinuated himself with some of the men, whom he found ripe for any Villainy, resolved to seize the said Snow, and murder the Captain and mate, and, taking the Command on himself, turn pyrate."[68] He and his accomplices carried out the plan.[69] Again, the mutiny and the ensuing massacre aboard were crimes motivated only by sheer avarice and not by any grievance against the captain or the conditions aboard the ship. Fly, the ringleader, was characterised as being "ambitious of Power, and capable of the most barbarous Actions to acquire it."[70]

Another bloody take-over with the aim of piracy occurred in 1766 aboard the English slaver *Polly* when the ship was off the coast of Africa.[71] In his statement before

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[67] David Cordingly, *Unter schwarzer Flagge. Legende und Wirklichkeit des Piratenlebens* (German ed. of *Under the Black Flag*; München 2001), 212ff.

[68] *General History*, 606.

[69] *General History*, 606ff.

[70] *General History*, 606.

[71] PRO – HCA 1/58, f. 107 and f. 109.

the High Court of Admiralty, seaman Peter Jordan declared that a sailor named John Wynne, together with six accomplices, had, while the captain was absent from the ship, seized control to weigh anchor secretly. Jordan stated that "the said John Wynne then took upon himself the Command of the said Ship and was called Captain Power the Bravo ..." The take-over itself occurred without bloodshed, but then the slaughter began. After assuming control of the vessel, Wynne armed his men, took the ship's first mate on the upper deck, shot him as a warning to the rest of the crew, and forced the sailors to swear allegiance to him as their new captain. In order to inspire the men, Wynne issued generous amounts of alcohol ("he ... made some Rum and Water for the People"). This, however, must have been a failure, since brutality was the new captain's chief source of authority. On one occasion, he tortured one of the black men aboard, before, according to Jordan's statement, he ordered the man to be literally hacked into pieces: "(Wynne) ... then called Robert Fitzgerald and giving him the Cutlace ordered him to cut him also who gave him two or three Strokes and then John Putt took the broad Axe and cut off the said Bassan's Head and threw the said Head & Body overboard into the Sea ..."

These excesses of violence indicate that Wynne was never sure about the loyalty of the crew. There were in fact fierce disputes between Wynne and his closest accomplices. Shortly after they had taken over the ship, they quarrelled "whether the said John Wynne otherwise Power had Navigation enough to conduct the said Ship." Subsequently, the mutineers' attempt to turn to piracy failed when they tried to take a Dutch ship, "but could not beat up to Windward."

Another characteristic of Wynne, or "Power the Bravo," was his irrational behaviour. He liked to provoke fate by visiting the governors of colonies in the guise of the lawful captain without any specific reason. In the end, Jordan and two other sailors managed to escape ashore on one of these occasions, and then informed the governor of the nearest English settlement about the events aboard the *Polly*. This action led to the recapture of the ship and the arrest of the mutineers. It is not known what happened to the pirates after that.

In contrast to Avery and Lowther's planning, Wynne's mutiny must have lacked any such preparations. Wynne's irrational behaviour suggests he had got himself into a situation that was beyond his capacities. He committed brutal murders not out of vengeance, but to force his evidently reluctant crew into submission.

Usually, murder in the course of a mutiny either happened accidentally during the struggle for control of a ship, or in revenge against unpopular officers or other personnel, unless it was a part of the plot itself, as in the cases of the *Dove* or in Gow's conspiracy.[72] However, the killing of crew members seems to have marked the crossing of the Rubicon to piracy in many mutinies. Mutineers had no hope for mercy in court if the take-over involved killings, and thus it must be regarded as an almost logical consequence that many mutineers turned to piracy because after such bloodshed they had nothing to lose. It did not matter if one was sent to the gallows for murder alone or for murder and piracy,

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72   Earle, 179f. and PRO – HCA 1/58, f. 107 and f. 109.

since it is apparently impossible to hang a man twice.[73]

Mere acts of violence could be forgiven by a captain's pardon, but the death of crew members, be it in the course of cold minded plot or in the heat of action, could not be condoned, since murder was a capital crime. In any case of violent death on board a merchant ship, be it murder or manslaughter, the captain did not have the right to punish the culprit by his own authority, but was expected to hand the suspected sailors over to justice. As Abbott states: "But although the master may by force restrain the commission of great crimes, he has no judicial authority to punish the criminal, but ought to secure his person, and cause him to be brought before a proper tribunal, to be tried for his crime according to the laws of his country."[74]

Mutinies with the intention of taking over a vessel, whether accompanied by murderous violence or not, could only in rare cases be described as a justifiable form of protest. Lowther's, Gow's, and Avery's case as well as the events in the *Dove* and the *Polly* illuminate an aspect of mutiny that is diametrically opposed to that argument.[75] Lowther's career after the take-over of the *Gambia Castle* makes it impossible to regard him as a champion of deprived sailors; the atrocities committed by him and his crew show that he was a psychopathic criminal and no upright fighter for sailors' rights.[76]

Nevertheless, mutinies aimed at the take-over of a merchant ship were relatively rare occurrences and, as the examples show, only happened under very particular circumstances in waters distant from Europe. The expeditions of the Portuguese and Spaniards in the fifteenth and sixteenth centuries had had a great effect on the evolution of global navigation. During the sixteenth and seventeenth centuries, the focus of sea trade shifted from European waters to the Atlantic. On such distant voyages, protests against bad captains before the proper authorities became virtually impossible, since it was obviously much easier to enter a port and to render a protest in European waters than, for example, off the coast of Africa. Thus a situation that induced an open mutiny was most likely to have arisen on a ship employed in the distant trades.[77]

Another consideration in mutiny on distant routes was the great temptation of the rich cargoes from India, Africa and the West Indies. Thus, at least for the seventeenth and eighteenth centuries, a correlation between mutinies aimed at the violent take-over of a ship and piracy can be determined.[78] Furthermore, the risk for a pirate ship of being captured by a naval vessel was much lower in distant than in European waters, where the establishment of permanent state navies during the seventeenth century provided the

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73 Earle, 179f. See also Surland, 69-70. and Abbott, 124ff.
74 Abbott, 123ff. See also Witt, 68ff.
75 With regard to this thesis see Rediker, 292.
76 Rediker argues on page 231 that Lowther's mutiny had been an act of resistance against exploitation. With regard to Lowther's brutality see also *General History*, 304-317 and Marx, 109-110.
77 Rediker, 227-228. and 308-309.
78 Marx , 121-125 and Bialuschewski, 163ff.

European nations with the means to fight piracy efficiently.[79] Nevertheless, it was only a matter of time until the European nations, first of all England, started to fight piracy on an almost global scale. British naval rule and its consequent and effective campaign against piracy in the first decades of the eighteenth century decisively reduced the attractiveness of this "business."[80]

One significant difference between British and German merchant shipping was that on German merchant ships apparently no take-overs ever occurred. This might be attributed to the fact that in the eighteenth century German merchant ships in most cases plied European waters.[81] Thus, even for the willing many fewer opportunities arose to "go on the accounts" than on British ships employed in distant trade. Nevertheless, there is no indication that German seamen were more honest than their British counterparts, as shown by the example of the German Richard Sievers, who from 1694 to 1699 raided the Indian Ocean as captain of the pirate ships *Resolution* and *Soldado*.[82]

Mutiny on naval vessels

It is interesting to compare, with due caution, the forms of protest in the merchant marine and the Royal Navy to see if there were significant differences in terms of punishments and what forms of protest were tolerated. Similar to the merchant service, the word "mutiny" was used for a broad range of disciplinary disturbances aboard ships in the Royal Navy. The term was applied to individual acts of violent insubordination as well as to refer to collective actions by whole ship's companies.[83]

Contrary to popular belief, for all the hardships and privations, life in the Royal Navy in the eighteenth century did not resemble some sort of floating concentration camp.[84] In his excellent study of the Georgian navy the British historian N.A.M. Rodger explains that in the mid-eighteenth century mutinies were accepted by the authorities as a form of legitimate protest of the crews against shipboard grievances, as long as the seamen's complaints and demands were considered legitimate by the traditional code of

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79   Robert Bohn, *Die Piraten* (München 2003), 13 and 96-102; David Starkey and Kevin Payne, "'Tarred with the same brush?' Pirates and Privateersmen, 1560 – 1856," in *Tendenzen 2000, Jahrbuch IX, Übersee-Museum Bremen* (Bremen 2001), 58 and J.D. Davies, "A permanent national maritime fighting force 1642-1689," in J.R. Hill, ed., *The Oxford Illustrated History of the Royal Navy* (Oxford 1995), 57ff.

80   Marx, 121-125 and Bialuschewski, 163ff.

81   Heide Gerstenberger und Ulrich Welke, *Vom Wind zum Dampf, Sozialgeschichte der deutschen Handelsschiffahrt im Zeitalter der Industrialisierung* (Münster 1996), 101ff. and Antjekathrin Graßmann, "Von Riga bis Rio de Janeiro. Die Zielhäfen der Lübecker Schiffer im Wandel der Zeiten (17. bis 19. Jahrhundert)," in Rolf Hammel-Kiesow, ed., *Seefahrt, Schiff und Schifferbrüder. 600 Jahre Schiffergesellschaft zu Lübeck 1401-2001. Eine Bruderschaft zwischen Tradition und Moderne* (Lübeck 2001), 139ff.

82   In his book *Piratenleben*, Bialuschewski describes the piratical career of Richard Sievers.

83   Rodger, 237ff.

84   Rodger, 344ff. and Byrn, 185ff.

behaviour and given that they followed a set of certain unwritten rules. The most important of these rules were not to stop work at sea or in the presence of an enemy, and not to use violence, although a certain degree of disorder and shouting were tolerated.[85]

Even the famous mutinies in 1797, when the crews aboard the ships of the Channel Fleet at Spithead and later at the Nore protested against the pay and conditions of service by refusing duty, resembled a strike more than a real mutiny. The seamen did not mistreat their officers, and at the same time the mutineers were generally considered to be justified in their complaints. Thus, only at the Nore were some ringleaders brought before a court martial, primarily because there was no evident reason for a second mutiny since all the seamen's demands were being addressed as a result of the previous mutiny at Spithead.[86]

Mutinies aiming to take over a naval vessel were extremely rare. Rodger was only able to find one case of an attempted take-over in the first half of the eighteenth century. This single incident occurred aboard HMS *Chesterfield* in 1748 near Cape Coast Castle on the coast of West Africa. While the captain and most of the officers dined ashore, the first lieutenant, Samuel Couchman, took control of the ship and set sail. After only a few days the crew led by the boatswain was able to regain control of the ship and to take Couchman prisoner, who was sentenced to death by a court martial and later shot. The motive behind Couchman's harebrained scheme is not entirely clear – presumably he was drunk at the time of his "mutiny."[87]

Most interesting, there was only one example of a murderous mutiny caused by a cruel captain in the eighteenth century. This was the mutiny on board the frigate *Hermione* in 1797, the most famous take-over besides the *Bounty*. In contrast to the *Bounty*'s captain, Hugh Pigot actually was a psychopathic sadist, whose brutality drove the crew into one of the bloodiest mutinies in history.[88]

Nevertheless, even on board ships commanded by officers who had a reputation for treating their crews fairly and respectfully, like James Cook, occasionally there was a threat of mutiny. On Cook's third voyage aboard his ship *Resolution* in December 1778, he faced a severe disciplinary crisis when he decided to reduce the daily issue of grog to every second day, replacing it by a beer brewed from local ingredients. When the crew refused to drink it, Cook, being somewhat irascible during the last months of his life, cut down the entire grog ration in his rage about the seamen's obstinacy, which brought the *Resolution*'s crew near to mutiny. The daily issue of grog was a sacred tradition in the Royal Navy and Cook's decision to reduce the ration was not one his wisest. Probably only the loyalty and understanding of his lieutenants, James King and John Gore, prevented an open mutiny; they managed to defuse the situation by inducing their furious captain to abolish the reduction.[89]

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85   Rodger, 238.
86   Guttridge, 67-112.
87   Rodger, 243.
88   Guttridge, 113 – 134.
89   Richard Hough, *Captain James Cook, a biography* (London 1995), 399-400. and Otto

As these examples show, mutinies in the eighteenth century Royal Navy were accepted by convention as a legitimate form of protest. Although in the Royal Navy unlike the merchant service, the death penalty was threatened upon mutineers by the Articles of War, mutinies in the naval and the merchant service had a good deal in common: they were a form of complaint against actual grievances on board ship and in most cases ended without bloodshed.

Who turned pirate?

As the examples presented indicate, the take-over of a ship was in many cases right from the beginning motivated by avarice and aimed at piracy. However, there are other interpretations. Marcus Rediker suggests that at least for some seamen revenge was a motive for turning pirate. As Rediker points out, some pirates practiced vengeance on captains of merchant ships as a form of retaliation for abuse. Thus, pirates might interrogate the crew of a captured merchant vessel about the behaviour of their captain and if the crew complained about him, the captain was roughly handled and sometimes killed by the pirates.[90]

Historians such as Christopher Hill, Robert C. Ritchie and Marcus Rediker also have emphasized the significance of egalitarian and democratic ideas that can be detected in the social structure of piratical crews. Rediker especially argues that pirates were engaged in a class struggle against an oppressive capitalist system and that they set up alternative forms of social and economic organization.[91] In his view, seamen often were exploited by captains and ship owners. Accordingly, Rediker describes the eighteenth century seamen as forerunners of the industrial worker of the nineteenth century, "who continued the fight for democracy and freedom" that the seamen once had begun.[92] This early form of class struggle on the high seas, as he interprets the relations between the captain and crew, was only exceeded in importance by the collective society of the pirates, who in Rediker's opinion, "express[ed] the collectivistic ethos of life at sea."[93] Therefore he considers mutiny as "an organized, self-conscious revolt against constituted authority, aimed at curtailing the captain's powers or seizing control of the ship."[94] Thus for Rediker, mutiny is a specific form of "collective self-defence on the lower deck."[95]

Yet, as shown in the examples above, mutinies aimed at taking over the ship in most cases were not directed against specific grievances, but appear to have been true acts of piracy with ruthless criminal intent. A very interesting insight into the motivation of a mutinous and would-be pirate crew comes from a statement by John Ireland.

Ermesleben, *James Cook, Reinbek bei* (Hamburg 1998), 117.

90   Rediker, 269ff.
91   Starkey and Payne, 60.
92   Rediker, 298.
93   Rediker, 287.
94   Rediker, 228, n. 44.
95   Rediker, 227.

Charged with piracy, Ireland testified that he was hired in 1694 as pilot for a voyage from New York to Boston by the infamous privateer Thomas Tew, and the crew mutinied on the way. According to Ireland's information, "the Company of the Sloop or the greater part of them rose up against the Capt. and told him they came out for money and money they would have before they went home again." Further he declared that although Tew tried to persuade the rebellious crew to put himself and Ireland on shore, the mutineers kept both of them on board the ship and forced Ireland to navigate the vessel by threatening "the Exa:iate if he would not pilot them to Madagascar he should be starved."[96] Even if one doubts the general trustworthiness of Ireland's statement, since he certainly tried to escape the gallows – he was one of the four pirates mentioned by name in Captain Kidd's royal pirate-hunting commission – one point of his information at least is entirely credible: the crew's motive for mutinying was not supposed or real grievance, but – in one word – greed.[97]

The fact that the average sailor earned higher wages than in a comparable employment ashore as well as the fair chance of professional advancement is further evidence that avarice was the dominating motive for seamen to take over the control of a vessel and to turn pirate. Contrary to popular belief, seamen in the eighteenth century were relatively well paid. Even in the service of the Royal Navy, rather badly paid in comparison with the merchant service, an able seaman earned an annual sum of more than £ 14, not including additional benefits such as prize money. This was four to five times the sum a farm hand earned a year.[98] Every seaman, moreover, enjoyed provisions on a regular basis. Although the food was limited in variety and its quality as well as the quantity of the rations were often the cause of grumbling, many seamen were by far better fed than most members of the lower classes ashore.[99]

Seafaring also opened career opportunities, since officers and captains in the merchant service were often recruited from the ranks of common seaman. For a successful career in merchant shipping, besides obligatory qualifications in seamanship, a certain degree of formal education and, above all, a sufficient knowledge of the art of navigation was essential. In the eighteenth century, formal and navigational education became accessible to every seaman,who was motivated enough to take his career into his own hands. Nevertheless, to be promoted to a higher rank aboard, such as mate or captain, it was not only necessary for a seaman sufficiently to qualify himself, but, for the best opportunities, to become a member of a patronage network. Thus, although a risky occupation, seafaring was an attractive profession for young men from the lower classes.[100]

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[96]   PRO HCA 1/153: The Examination of John Ireland of Boston in New Yorke in New England, 26th of May 1701.

[97]   *General History*, 441-442.

[98]   Witt, 205ff. and 259ff. ; Earle, 31ff; Rodger, 125ff.; Ralph Davis, *The Rise of the English Shipping Industry in the Seventeenth and Eighteenth Centuries* (Newton Abbot 1972), 135ff.

[99]   Witt, 205ff; Earle, 31ff.; Davis, 135ff.

[100]   Witt, 259ff.; Earle, 31ff; Davis, 135ff; Rodger, 125ff. See also the short biographies in the appendix of Witt.

However, sometimes lack of personal and professional prospects or misuse by captains and ship owners might indeed have induced seamen to turn pirate.[101] Obviously, a large number of seamen changed from privateering to piracy when the state navies demobilised at the end of a war, resulting in subsequent waves of piracy in the last decade of the seventeenth century and after the end of the War of the Spanish Succession in 1713. Since merchant shipping was unable to absorb this surplus of seamen, some of them – perhaps, as for instance Rediker calculates, not more than one thousand at any one time – choose to take their chances as pirates.[102] Likewise those mutineers who deposed their captains from motives other than avarice did not have much of a choice other than to turn to plunder to earn a living, since anyone who took over a ship illegally was considered a pirate by the law anyway.[103]

A further argument in favour of the thesis that in most cases avarice was the chief motive for take-overs on board merchant ships is the fact that, apart from some of the cases of protest mentioned above, a ship's full company very seldom took part in such an action. For example, John Oxnam, boatswain in the *Antelope*, refused to take part in the take-over of the ship. Although he had been the crew's spokesman during the first insurrection aboard the *Antelope*, he decided to follow his captain when he and the surgeon were set adrift in a small boat. The take-over initiated by Avery and the cases of the *Dove* and the *Polly* also show that there always were sailors who were not involved in the plot, and who preferred to be put ashore or into a boat in order to stay out of the mutiny.

Non-partcipants tended to be the mates or senior rates who were older than their shipmates and, with greater experience, were better able to assess the risks involved in a mutiny. Their higher rank also gave them more to lose than the younger and unbound sailors. Maybe the latter's fantasies were so sparked by the prospect of riches that they were easy victims of ruthless, perhaps charismatic, ringleaders. In any case, pirates were generally recruited from the ranks of common seamen, not having special training other than normal seamanship. Still, navigational knowledge was essential even for a pirate crew. In the case of the take-over of *Polly*, the mutineers quarrelled about whether Wynne "had Navigation enough to conduct the said Ship." Thus, if none of the ringleaders, like Avery or Lowther who as mates certainly were capable of piloting a ship, had the necessary navigational qualification, pirates often tried to press navigators as well as other specialists such as sailmakers, surgeons or carpenters into their service.[104] This quest for specialists further strengthens the evidence that senior rates were less likely to involve themselves in a plot to take control of a ship or turn pirate than young seamen.

Perhaps the best known example of a nautical specialist forced to join a pirate crew is Harry Glasby, mate of the *Samuel* of London, who was taken prisoner by Bartholomew Roberts when his ship was captured. Reluctant to connect himself with the

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101   Rediker, 256; Bohn, 111; Starkey and Payne, 53.
102   Rediker, 256; Bohn, 111; Starkey and Payne, 53.
103   Earle, 181.
104   Bohn, 112-113.

pirates, he was forced by Roberts to serve as sailing master on board his ship, the *Royal Fortune*. When he was tried at Cape Coast together with the surviving members of Roberts' crew after they had been taken prisoner by HMS *Swallow*, Glasby was acquitted as the result of the testimony of several witnesses, who unanimously declared that he was a man of good character and did not fire any guns and also had been anxious to keep the pirates from acts of violence.[105]

The small number of pirates, as in Rediker's estimate of their overall strength at not more than one thousand at any one time, gives the impression that only a small percentage of British seamen followed the lure of quick riches. At sea as on ashore there were those who could not resist this lure of quick riches gained by theft and murder. It might seem that the quota of criminals among the seafaring population was higher than among the landed society, but since the percentage of criminals was hardly consistent among the population during the eighteenth century and no reliable statistics are available, a direct comparison is not possible. But it seems to be a justified assumption that the percentage of criminals ashore and on board did not differ too much.[106]

The opinion that in most cases a ship's take-over was an act of piracy and not a form of legitimate protest was also shared by the law courts of the time: if mutineers were captured after the violent take-over of their ship, they had to face the death sentence or at least severe punishment.[107] The trials in English courts of the time were comparatively unbiased, even if constitutional safeguards sometimes proved inadequate to prevent miscarriage of justice.[108] Nevertheless, the question of the motive and intentions of the defendant in a criminal case was a key criterion in the search for guilt or innocence. Moreover, the English courts often attempted to soften the harsh laws of the early modern age by adhering to the principle of proportion between guilt and punishment, and also by imposing lighter punishments than threatened.[109] Even though bodily punishment and prison sentences were pronounced in cases of desertion and insubordination, and notorious mutineers and pirates were sentenced to death, mercy or extenuation of punishment were granted regularly. This happened in order to reduce the terrors of the harsh contemporary criminal laws and also to demonstrate the leniency and legitimacy of the existing order.[110]

A good example of this attitude of British courts is the trial of Bartholomew Roberts' crew in 1722, which was the one of the most extensive trials against pirates in history. The proceedings demonstrated extraordinary objectivity – even though Roberts was a most successful pirate said to have captured more than 400 ships in less than four

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[105] *General History*, 266ff.; Cordingly, 210.

[106] McLynn, 248ff. For the problems of eighteenth century British criminal statistics see pp. 11ff. See also Earle, 181-182. and Rediker, 256, for the calculation of the overall number of pirates.

[107] Earle, 174-182.

[108] McLynn, xi ff.; Michel Foucault, *Überwachen und Strafen – Die Geburt des Gefängnisses* (Frankfurt/Main 1994), 93-170.

[109] Witt, 286-290. See also McLynn, xii ff.; Foucault, 93-170.

[110] Witt, 203ff.; McLynn, xii ff.; Foucault, 44 and 64ff.; Earle, 174-182.

years. Of the 165 sailors who were tried, 74 were cleared, most of them because they were able to show that they had been impressed into service aboard the pirate ship. Seventeen sailors were given prison sentences, but only four of them reached England alive; a further 20 pirates were sentenced to convict labour but did not survive their sentences. Two of the 54 pirates who had been sentenced to death were pardoned, but the remaining 52 were hanged at Cape Coast Castle in 1722.[111]

Even in this case one can hardly speak of a vindictive justice, since the differentiated sentences clearly show the court's effort to discover the guilt of each defendant. The fact that 74 defendants were acquitted demonstrates that the courts were able and willing to distinguish between "criminals" as men who wilfully committed crimes such as piracy, and those who only committed "criminal acts" because their were forced or induced into punishable acts. For instance, Harry Glasby had been acquitted altogether because of the witnesses' testimony. Thus the harshest punishments like the death sentence were reserved for the unrepentant career pirates. Likewise in the trial of the survivors of Lowther's crew, three of sixteen defendants were acquitted, while two of the condemned were later pardoned.[112]

Conclusion

During the eighteenth century, the law regarded mutiny as a plot against the legitimate order on board merchant ships and thus as a capital offence. Like rebellion, mutiny was severely punished, thus mutineers had to face at least imprisonment and bodily punishment, or the death penalty. However, at that time, the legal definition of "mutiny" was not clear, since even individual acts of insubordination were regarded as mutiny.

The relations between captain and crew were not only based on European maritime law, but also on informal rules of behaviour. Both codes impelled the crew to obedience and the fulfilment of their duties, while the captain was obliged to treat his crew well and to take good care for their welfare. Although there are confirmed cases of maltreatment and exploitation on board merchant ships, the assumption that captains in the seventeenth and eighteenth centuries generally ruled like despots is incorrect, since in case of ill usage they were likely to face some kind protest by the crew, either in the course of the voyage or at the end of it.

Nevertheless, there were numerous examples of conflicts between captains and crew. The cases of disobedience on board merchant ships ranged from spontaneous resistance against true or alleged unjust treatment by the captain and his officers to open mutiny and even cases of piracy, when the crew attempted a take-over of the ship. Most mutinies were a form of complaint against actual grievances on board and happened at a

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[111]   *General History*, 250-287. See also the report on the trial of Roberts' crew: *A Full and Exact Account of the Tryal of all the Pyrates lately taken by Captain Ogle, on board the Swallow Man of war, on the Coast of Guinea* (London 1723) and Marx, 124-125.

[112]   *General History*, 311ff. and Marx, 109-110.

low level of escalation, such as individual seaman or small groups who refused to follow the orders of their officers. In the merchant service as well as in the navy, these forms of low-level mutiny were largely accepted by convention as a legitimate form of protest against shipboard grievances, as long as the seamen followed a set of certain unwritten rules.

Most interesting, causes and motives of these low-level mutinies in British and German merchant shipping seem to be almost identical, although no take-overs and cases of piracy are registered on German ships, since German merchant shipping in the eighteenth century was mostly restricted to European waters. Likewise, the probability of a violent take-over was much higher on board ships in the West Indies or Africa trade than in European waters. One reason for this may have been the fact that the great distance to the homeport made protests against bad captains impossible. Another reason might have been the tempting presence of rich cargoes from the West Indies and Africa.[113]

In general, the attempted or successful take-over of a ship formed the line of demarcation between insubordination as a form of protest and mutiny as a wilful criminal act. Besides the mutiny on board the *Speedwell*, only in the case of the take-over headed by Lowther and Massey did shipboard grievances provide a motive, although at least Lowther apparently from the beginning had piracy in mind. In case of the *Dove*, the first mate Williams and his fellow conspirators cold-bloodedly planned the murder of their shipmates. Thus greed and not protest against hardships was their motivation. Likewise, Avery shrewdly used the discontent among the crew to induce a part of them to go "on the account" with him.

Moreover plunder, not revenge, was the main aim of the pirates. Since even take-overs mostly occurred without bloodshed, the motive of vengeance against brutal captains can be excluded in most cases. Nevertheless, sometimes the murder of the captain and his officers was part of the conspiracy, as in the case of the *Dove* or Gow's mutiny, or to force unwilling seamen by terror to join the mutineers. Wynne committed his brutal murders solely to force his reluctant crew into submission.

So these mutinies are not "last resort of the oppressed," but wilful criminal acts. In other words, a mutiny aimed at deposing the captain to take over the ship was in most cases not a form of resistance of a crew in despair, but a cool minded plot to turn pirate. Since the aim of a pirate is to "to enrich himself," as Charles Molloy put it, a mutineer who takes over a ship for this reason is a pirate, and thus an ordinary criminal, not a social revolutionary as for instance Rediker argues. The British maritime historian Ralph Davis summarises the wide range of possible motives for insurrections and mutinies on board ships when he states that there were many "cases of crews, either as a whole or in groups, refusing duty for good, but often for bad reasons."[114]

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[113] Rediker, 227-228. and 308-309.
[114] Davis, 155.