

# **Pirate Gold and Sailor Gain: Property and Ownership among Pirates, Privateers, and Sailors during the Golden Age of Piracy**

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## **Abstract**

The Atlantic World of 1640 to 1730--home to villainous pirates, heroic seafaring privateers, and common merchant sailors--created a society that focused on property and trade. The seafaring men heard the ideas regarding property circulating throughout England, particularly John Locke's ideas about individual property stemming from a laborer being entitled to the works he completes with his own body. Locke's theories and others that spread throughout England echoed in the actions of the thousands of men on the seas. Beginning with the privateers of the seventeenth century, sailing men acquired goods through their own labors and divided them equally among the crew into common and private property. Pirates and privateers, based upon the practices of earlier pirates and privateers, determined rules for splitting the goods dependent on their contribution during the acquisition of the goods. Sailors also earned specific wage, but a contract determined what a sailor would make prior to leaving port, regardless of his brave actions at sea. This research project, through the exploration of primary sources consisting of biographical journals, political treatises and legal documents, will explore the differences in attitude towards property among pirates, privateers, and common sailors. It will outline the beliefs of seventeenth and eighteenth century English society concerning property and compare them to actions of the seafarers. It will also seek to determine the types of goods each group acquired, their treatment of these goods, and a comparison to people on land.

**Keywords: Property, Pirates, Seafarers**

## **1. Body of Paper**

In 1718, amidst the Golden Age of piracy in the Caribbean, Jack Rackam and his crew, after capturing a prize, "spent their Christmas ashore, drinking and carousing as long as they had any liquor left, and then they went to sea again for more, where they succeeded but too well."<sup>1</sup> Rackam's crew divided the liquor equally among the participants and those crew members who received an injury payment. This distribution mirrored contemporary European theories about the different manners in which people acquired property. Maritime men lived these ideas, not only those of John Locke concerning the individual laborer's ownership of the product, but also others who stressed a communal notion. Beginning in the seventeenth century, sailing men participated in a pre-capitalist ever-changing world on the sea, where corporate control from land was diminished by distance. Therefore, these transnational men had to create their own corporate worlds within their environment in order to decide how ownership was determined. The arrangements used to determine property rights provided a means of living in both the short term and long term, but separately each group perceived its role differently. The feelings of seagoing men expressed reflected the attitudes towards property that were being discussed throughout Europe. Sailors, under greater capitalist control considered property as a way to support not only themselves, but their families. Privateers, whose world consisted of a mix of freedom and control, used it as a means of daily reward and survival, but some

had the intuition to invest it, thus possessing a solid estate upon death. Pirates, in a uniquely created pre-capitalist joint-stock company, regarded it as a fluid source of income reflecting their lives of daring and survival.

Numerous scholars have written about the social worlds of these seafarers, particularly pirates and their society which turned the known world on its head. However, one thing seems to be missing from the scholarly works—property and ownership of goods. This work constructs a unique analysis of the property ideas of seafarers but also for a comparison of the practices relating to property by sailors, privateers, and pirates. Based upon the biographies and journals of the men who went to sea, this thesis connects the practices of the seafarers to the many social theories being expressed in Europe, particularly England, during the seventeenth and eighteenth centuries, such as John Locke's *On Property*. While the previous literature on the complex organization of seafarers addresses some economic practices of seafarers during this time frame, few scholars delve into what these men did with the goods they acquired or what they thought about those goods. This work, however, does not attempt to put words in the heads of the seafarers of the seventeenth and eighteenth centuries, but to examine the evidence provided in the primary sources and interpret them through the lens of the property ideas that had begun to be transcribed and evaluated.

In order to proceed with the discussion of maritime men and their relationship with property, certain facts are needed. First, the types of oceangoing men need to be defined in order to understand what differentiates them from one another. According to historians, the word 'sailor' can be used to define any man on the sea regardless of his legal trading status.<sup>2</sup> John Adams in his *General Treatise of Naval Trade and Commerce* called sailors anyone "under the command of the master of the ship that is hired to work therein and do all common business for the sailing, guiding, and preservation of the ship."<sup>3</sup> But for the purpose of this work, a sailor is defined as one who works on a merchant ship participating in a legal trading system. Although historians also consider pirates and privateers to be sailors, sailors are distinguished from the others by the type of trading or lack of trading they were involved in. Pirates, as they have been defined since the Roman times, are considered the *hosti humanis generis*, or the enemy of all mankind, and this definition continued to be used through the Golden Age.<sup>4</sup> Freely living by this definition, their work consisted of raiding and plundering and trading, which lay outside of the legal world. Privateers, on the other hand, bridged the gap between merchant sailors and plundering pirates. Possessing government documents, known as letters of marque, privateers sailed in the legal world. However, they conducted a similar business to pirates, because they were hired to raid and pillage enemy ships and towns.<sup>5</sup> The letter of marque allowed for the legal acquisition of goods by any means. By separating the oceangoing class into three different groups based upon their status within the legal trading world, determining their methods of ownership and feelings towards such property is made easier.

Second, a brief discussion of the property theories around Europe in the seventeenth and eighteenth centuries is needed before placing them within the context of the maritime world. Seventeenth century ideas focused mainly on the natural rights of man to claim ownership for survival. Hugo Grotius, in the 1620s, sparked this trend of rational thought property theories by stating that "every man converted what he would to his own use, and consumed whatever was to be consumed."<sup>6</sup> The ownership of these goods required an agreement to exist between men in order to create peace among property owners.<sup>7</sup> Other theorists embraced Grotius' concepts and extended them farther to include ideas of equality. Thomas Hobbes argued that within the state of nature, equality existed because of common ownership. After the concept of private property was introduced, he said that communal rights and equal ownership disappeared.<sup>8</sup> These same principles were reflected in Samuel Pufendorf's understanding of property. Using the argument discussed by Grotius, Pufendorf added the aspect of community ownership in which no one owned anything, because "they are not yet assigned to any particular person."<sup>9</sup> But in contrast to communal ownership, Pufendorf proposed that individuals could own belongings privately.<sup>10</sup> This possession "flow'd immediately from the compact of men."<sup>11</sup> Thus, people who had never experienced ownership before now had a chance, leading to the decline of a communal focus.

At the end of the seventeenth century, John Locke stretched the ideas of property even further. Locke's main principle rested on the idea that "every man has a Property in his own Person," meaning that whatever "he removes out of the State that Nature hath provided, and left it in, he hath mixed his Labour with, and joined to it something that is his own, and thereby makes it his Property."<sup>12</sup> In other words, whatever labor one puts into his work, he could then claim that piece of work as his own. Labor as a factor in determining ownership differed radically from all other prior property theories, which relied on verbal agreements. In the case of the labor described by Locke, the consent comes from the natural right of every man to have access to supplies that will better his own life.<sup>13</sup> Through this natural method of acquiring merchandise, all men were considered equal, because of their equal right to work on the common.<sup>14</sup> The equal opportunity of the natural right to supplies transformed the property concepts already in existence, and influenced the ideas to come in the eighteenth century.

In the eighteenth century, property ideas, reflecting the political changes of Europe, moved away from natural rights towards a more conservative understanding. Although the natural rights theory continued to exist among radicals, many were driven underground by the government. The practice that developed out of this repression, royal dominion, allowed for the land owners throughout Europe to reassert themselves over the natural rights labor theory which offered proprietorship to anyone who worked.<sup>15</sup> This practice allowed for the government to determine where the goods went and to whom they were administered. To guarantee the success of this practice, some theorists tried to combine the ideas with earlier principles. Adam Smith, a later theorist, explained how the laborer adds value to the materials, but does not acquire ownership of it. He stated that “the value which the workmen add to the materials...resolves itself...into two parts, of which the one pays their wages, the other the profits of their employer.”<sup>16</sup> This rendition of the laborer theory still gave the laborer something, but removed the natural rights idea completely. The conglomeration of different property notions throughout Europe spread among the citizens, whether they knew the exact meaning of these beliefs, determining how they lived their lives on land and at sea.

A sailor’s life on the sea placed him under the dominance of the captain, creating a monarchy aboard the ship. Under this control, and as more and more went to sea, sailors developed new attitudes towards what they acquired while sailing the seas. The journals of Edward Barlow and Llewellyn Penrose, showed that sailors in their controlled world regarded property as a means of connecting them to home, whether it be through buying items to return home or sending their earnings home to their families. Prior to leaving for any trading voyage, sailors signed work contracts. The contracts functioned as a legal agreement of consent, reflecting the ideas of Grotius and Pufendorf who pointed out the need for consent to determine ownership. Defining the property which could be and would be gained through a sailor’s partaking in the voyages, these contracts determined the amount of their pay, pay schedule, and the length of the voyage.<sup>17</sup> Edward Barlow, an English merchant sailor, left behind a journal of his experiences within the English trading system. Although Barlow never discussed the details of the contracts he signed, he does say that he had to give up, as a servant, at least £3 to £4 every year to his master.<sup>18</sup> Many times these wage contracts determined what the sailors could or could not do while on the ship. For example, Barlow explained how upon going to shore, men needed to have a “note from under the commander’s hands of which ship they belong to” in order to prove their right to be on land.<sup>19</sup> This example was in line with the points outlined in the *General Treatises* of Adams. He outlined the circumstances under which sailors forfeited their wages and in most cases, the goods they brought on to the ship in their possession. He stated that a sailor “shall lose half his wages, and all his goods in the ship,” if he refused to go ashore upon being discharged, if he did not help to guard the ships upon arrival in port, and if he did not aid rescuing goods when the ship had been destroyed.<sup>20</sup> Although these regulations served as safeguards for the trading companies, the restrictions on gaining and losing wages and supplies allowed sailors to develop certain connections with their belongings, whether it be what they got paid, what they had prior to leaving port, or what other goods they gained on the trip.

Prior to becoming experienced seagoing men, sailors had goods of their own, which they brought to the ship. On Barlow’s first voyage free from his master, his mistress made sure he had what was necessary for survival. She sent to the *Queen Catherine* a chest and clothes for Barlow.<sup>21</sup> These possessions allowed for a sliver of personal space in a place of community. The chest and the other supplies that sailors brought on to the ship with them were personal items not provided by the shipping company. These included everything from clothes and hygienic products to bedding to their own stocks of liquor and tobacco.<sup>22</sup> Some even had “old books” and journals to keep their thoughts and feelings in.<sup>23</sup> These private stocks, for immediate use, reflected Grotius’ ideas of private property, which existed only in the form of immediate consumable goods. The ability to have personal property prior to leaving the mainland gave sailors a sense of the home. Property, then, held a sense of home for the sailors who felt they deserved to have something on board connecting them to what they left behind.

Sailing on a merchant ship allowed for certain privileges. Not only were sailors allowed to do almost anything they wished with their wages, but they also had the chance to gain a little more through personally investing in goods to trade when they landed in foreign lands.<sup>24</sup> The position of the sailor, written in the sailing contracts, determined the amount of his wages. The average sailor earned about 26 shillings a month, while the captain earned up to 50 shillings.<sup>25</sup> As with any job, sailors felt they were entitled to their wages. Barlow explained how the men hoped “to receive what they have worked for with sweat and toil after venturing their lives amongst all manner of dangers, for to enrich others at home in all manner of pleasures and delights, wanting nothing that can please their senses.”<sup>26</sup> Barlow’s statement about desiring wages reflected both what sailors perceived to be theirs, and what happened to money once the sailors did receive it. Beyond the legal wage contracts, sailors felt because of the work they put into the ship and the protection of the goods that they should receive their wages in a timely manner. This practice that sailors used, desiring a portion of the goods they worked with all day, mirrors the principles of the laborer deserving the goods he created expressed by Locke. This idea drove the sailors to work hard on the ship and

put up with the harsh lives they had to live while at sea. Because they knew money awaited them, sailors accepted their work.

The second half of Barlow's statement, "...for to enrich other at home in all manners of pleasures and delights..." illuminated what happened to the wages once they passed into the hands of the sailors.<sup>27</sup> In this case, and in many of Barlow's experiences, the money was sent back to the families and loved ones in their homeland. Upon returning to England from one voyage, Barlow realized the poverty of his family and now that he had money he attempted to support them. After laboring to earn the money, he sent "each of [his family members] a small token, as much as [he] could spare...twenty shillings to [his] father, and twenty to [his] mother, and twenty to [his] brother who was married, and the other twenty to [his] sister in the country and to [his] brother's children."<sup>28</sup> Barlow's actions of sending his earnings home indicated the desires of sailors to help and protect the ones they loved. This desire drove sailors to claim their labor in the form of wages and to take ownership that had been granted to them through the contracts they had signed.

Not all money made it home, however. Other factors determined what happened to the earnings of the sailors. The location where the sailors received their payment determined what happened to the earnings. In many cases, their earnings came to them when they were nowhere near England and it could not be saved until they reached home due to travel expenditures. Necessities had to be purchased.<sup>29</sup> On many ships, sailors had to "buy themselves both victuals and drink out of that small wages."<sup>30</sup> This mainly occurred in the tropical regions, where scurvy and other nutritional diseases became more prominent. While near the islands of Java and Sumatra in the Indian Ocean, Barlow described how the people of the islands came in boats to his ship "bringing fruits to sell, as oranges and cocoanuts and plantains and bananas."<sup>31</sup> Another way to combat these diseases required the purchase of medicine. Briton Hammon, an African sailor, after being discharged from service, took "sick in London of a fever, and was confin'd about 6 weeks, where [he] expended all [his] money, and left in very poor circumstances."<sup>32</sup> Hammon's experience showed how earnings aided in personal changes. Again, in this instance of buying food or medicine, the sailors used what the benefits of their labors to support themselves and make sure they had enough to survive in order to return home to their families.

A sailor's own personal necessities also drove his use of his earnings. Food and medicine were not the only necessities. Sailors had to provide their own clothing for voyages, and after months or even years at sea, the clothes they left with needed to be replaced. Llewlin Penrose "with what little cash [he] had left, [he] purchased some few shirts and trowsers, a jacket, Scot bonnet, [and] a pair of shoes."<sup>33</sup> Penrose's purchase demonstrated a practical use of his money towards a necessity. Barlow, on the other hand, bought more expensive clothing. Upon his arrival back to England, he "bought [himself] two or three very good suits of apparel, which many thought were too fine for [him] to wear and too good."<sup>34</sup> But in both cases, clothes, like food, became a necessity for sailors and another connection to home and the sense of entitlement. For example, Barlow did not have to buy rich suits, but he felt entitled to do so, as he had earned the money with his own hands. The money sailors earned through their labor by running the ship and ferrying goods represented a chance to support oneself and family.

However, the wages earned were not always enough to support themselves and their families. Often times, sailors had to participate in trade on the side to compensate their wages. As part of their rights as seamen, sailors could invest in goods from other countries to sell when they arrived at another destination.<sup>35</sup> Slave ships became the most common place for trading on the side because they had connections to many different peoples throughout the world.<sup>36</sup> But other trade ships also participated in the private trading experience. For example, on one occasion, Barlow "bought a dozen of bibles and some few things more in Holland" and made money from them back in England.<sup>37</sup> On another occasion, Barlow participated in a small venture upon leaving for the East Indies in order to make more profit.<sup>38</sup> While he did not state what the opportunity was, participation in other trading ventures while on board showed the desire to add to what they were already earning as average sailors. These small ventures allowed for a more personal experience aboard the ship. This personal experience allowed them to perceive property as a way to improve their own position and that of their families. They became attached to what they did, as they had to put their own efforts into making sure the goods made it to the selling point in good condition in order to make a profit from them.

Illegal trade provided another way to compensate their wages. Sailors, like those on land, lived under rules governing just about their every move. One rule dealt specifically with illegal trading. Adams stated that "if [sailors] imbezil the goods on board, they are [held] accountable."<sup>39</sup> This made it rather difficult to participate in illegal trading on legal merchant ships, but many still succeeded in doing so with the colonies. Edward Randolph, a magistrate for the English government, explained the amount of illegal trading occurring in all the English colonies. Randolph stated "sailors divided the money, [and] the best of her loading," and addressed other illegal acts that undermined legal trade.<sup>40</sup> Edward Tynte, the Colonial Governor of North and South Carolina in 1709, received instructions from England to only trade with ships that contained a majority of English sailors.<sup>41</sup> The complexity of

illegal trading showed how sailors felt towards their job. Viewing the ship and goods on board as partially theirs, sailors did not always want to part from the goods they had so long taken care of. Again echoing ideas expressed in Locke, the sailors found many benefits for themselves in conducting this illegal trading. Sailors, given the opportunity to participate in this world by the captain, viewed their relationship with property as a means of connecting them to their home—in both the sending of money home from contracts and personal enterprises, and the spending of their earnings to get back home. These uses showed the complexities of their entitlement to their earning and the rights of trade, legally and illegally, because of the labor they had put in to make the ship run and the consent they received from their captains and their fellow sailors.

The desire expressed by sailors to keep the goods they helped transport and to participate in their sale continued on the private men-of-war ships of privateers. Holding a letter of marque, privateers fell under legal government control.<sup>42</sup> This governmental influence put them under the ‘royal dominion’ theory, in which government officials decided what happened to plundered items. However, this did not mean that every property exchange was controlled by the government. Because the privateer’s world was away from governmental control, these men were able to develop their own corporate rules on the ships regarding plunder. Property became a means of survival and something to be desired. Hearing of the gold and silver flowing from the Spanish colonies, sailors flocked to privateering ships sailing to the region in search of getting their cut in the raided treasure.<sup>43</sup> They wanted the goods the Spanish had to better their own lives and survive in the harsh English world that was just now extending property rights to those who did not have power.

In 1780, Joseph Clay wrote a letter to Major General Horatio Gates describing his interactions with the privateers that came to the Carolina colony. He states that the “sailors belonging to the privateer insist on dividing their half of the whole cargo among themselves, and sharing it out in lotts,” which made trading with these men very difficult.<sup>44</sup> Clay’s letter displayed a common trend among privateers. As they participated in obtaining the goods and bringing them into port, the privateers felt a certain entitlement to them. They believed they deserved a cut of the plunder taken from enemy ships because they had risked their lives to get it. The system they developed for payment, known as the share system, allotted a proportional amount dependent upon their position.<sup>45</sup> Again, this echoed back to Locke’s statements about the natural right of property through labor.

But, this was not the only reason privateers felt entitled to the items they helped acquire. The manner of division created consent among the privateers. Similar to the sailor contracts, privateers developed their own agreements of consent. However, these agreements were made mostly free from a controlling figure who dictated what they did. They followed the precedents of the men who preceded them. Smugglers, who were also called *buocaniers* because of the smoked meat they sold to passerby, developed a means of dividing the acquisitions for their survival.<sup>46</sup> These plans and agreements divided the supplies so that each man received their equal share. Woodes Rodgers, a late seventeenth century privateer, related in his work, *A Cruising Voyage round the World*, what and how the plunder was to be split among the men. He stated that:

All manner of bedding and clothes without stripping, all manner of necessaries, gold rings, buckles, buttons, liquors, and provisions for our own expending and use, with all sorts of arms and ammunition, except great gums for ships, is plunder, and shall be divided equally amongst the men of each ship, with their prizes, either aboard or ashore, according to the whole shares.<sup>47</sup>

Rodgers listed more of the plunder and other rules about their division, such as the policy of searching every man to make sure they had not hidden anything from the rest of the ship.<sup>48</sup> These principles of division spread through all of the privateering ships in the seventeenth and eighteenth centuries. The privateers believed in a certain amount of fairness among the ship, especially when dividing the raided goods. Echoing the beginning beliefs of natural equal rights, the privateers earned what goods could be used to survive.

The even distribution of cargo soon developed into a problem as more and more people flocked to privateering. With the greater numbers on the ships, men received smaller amounts of the plunder and could not earn enough to live free of the sea.<sup>49</sup> This fact led Henry Morgan as Admiral and Commander in Chief of all the Jamaican ships to attack Porto Bello with fewer men than he had on earlier raids.<sup>50</sup> He told his select few that “the fewer persons we are, the more union and better shares we shall have in the spoil.”<sup>51</sup> Although this move towards bringing fewer men along on privateering ventures did not suggest any specific property theory, the move highlighted a desire for some men, such as Henry Morgan, to acquire more goods than anyone else. Because sixteen percent, ten for the lord admiral and six for the king, of the treasure had to be returned to the state, Morgan’s move towards desiring fewer privateers on his ship enabled him and his closest partners to hopefully acquire more profit.<sup>52</sup> By limiting the number of men, the move reflected a desire to participate more in the labor. Those limited few who sailed with

Morgan received more than if there had been a greater number of privateers. The less there were, the more plunder would be available to each privateer.

Morgan wanted everything for himself in order to increase his position in life and die a wealthy man. He succeeded. At the time of his death in 1688, not only had he been knighted and appointed the Lieutenant Governor of Jamaica by the English crown, but he also had an extraordinary amount of property to his name.<sup>53</sup> An inventory of Morgan's goods, chattel rights, and credits showed the vast amount of items he had. Some items included a "wrought iron plate, one silver watch, two gold rings with ord stones,...some emerauld dropps and a lump of pomander,...two brass horozontal dyall & small compass,...a parcell of old chart maps,...[and] twenty seven gunns & 19 cartoush boxes."<sup>54</sup> In addition to all these belongings, Morgan owned 119 African slaves, two Indians, and eleven white servants plus numerous pack animals for food and labor.<sup>55</sup> The entirety of his inventory amounted to £5263 01s 03d.<sup>56</sup> The extent of Morgan's wealth reflected his feelings towards taking his cut of the plunder earned in all the raids he led. He felt that he had put in the effort to earn what he took and each item was put towards his survival and the survival of his family.

Few privateers experienced the successes Morgan experienced in acquiring wealth. Morgan's successes stemmed from his investments in Jamaica's most profitable commodity, sugar.<sup>57</sup> Many others, however, did not take steps to ensure a profitable future. The possessions acquired on any particular journey allowed them to live until the goods disappeared. Exquemelin described one man who "wasted all his money [on land] in good fellowship in a short while... [and] having spent all his money, he resolved to go seek for more, and that by the same means he had used formerly," which was privateering.<sup>58</sup> This man and many other privateers perceived their split of the plunder as means of a break from the harsh life of living aboard a ship. Through their efforts, they had every right to use their things as they saw fit because they had put their efforts into obtaining it. These uses ranged from buying liquor and food to purchasing a woman's company to investing in dice games or other voyages.<sup>59</sup> Once divided, the personal belongings reflected each individual's effort in acquiring the prize. By individualizing a share, the privateers echoed both the theories of labor and consent, showing privateers required the consent to function as a governmental institution within the confines of their own division of the goods.

However, the privateers did not divide all the items they acquired from the taken prizes. Some of the cargo was gathered for use on the ship by the whole ship community. A majority of the time, weapons and ship guns constituted a joint use for all. Exquemelin pointed out that "they divided the powder, muskets, and other things" among everyone as a means of shared use to protect their own ship and to take other prizes.<sup>60</sup> If they did not make weapons available to the crew, many of whom could not afford their own, taking other ships would have been more difficult. Other than guns, some captains and crews would put aside goods to sell in order to use the money to buy other goods. Collectively, Woodes Rodgers and his crew decided to "sell part of the goods taken in the prize amongst the Canary Islands here, to purchase some liquor and other necessities for our men as they go about Cape Horn."<sup>61</sup> Again, the goods purchased or put aside were for survival and necessary in order for the privateers to complete their mission. These public belongings mirrored the ideas expressed by Grotius and Pufendorf, who expressed the existence of a communal possession. The privateers, through their divisions of goods and their uses of their goods, perceived property as a means of survival. Whether one saved money, like Henry Morgan, or spent it quickly on luxurious entertainment, all functioned as a means of survival. This perception sprang from the feelings of ownership based upon both labor and consent, feeling entitled to the goods they helped take from their prizes. Communal goods revealed the need for goods to aid in the survival of the ship and the mission of the ship.

Pirates represented an extreme of what other sailing men experienced. Because of their rather short lives on the edge of society, pirates lived lives of daring and day to day survival. Their actions concerning property exhibited this life and their feelings towards society. In many cases, the pirates acted within the new growing capitalistic world as the ship functioned as joint-stock company and some of the goods acquired were sold and traded with people on land.<sup>62</sup> At other times, the pirates thrived outside of the capitalistic world disrupting legal trading and destroying goods.<sup>63</sup> These major dichotomies in their own actions suggested that pirates just wanted to do what they wanted without having to worry about others or their future. Pirates, forming communities where everyone had a say, developed principles for property allotment and other practices that reflected their short lives lived for the moment.

Before many pirates had the ability to sail free of the law, they had to acquire the means for sailing and plundering. Many different methods allowed for pirates to claim their prizes, but to get their first ship mutiny was the best strategy.<sup>64</sup> George Lowther, one of the most notoriously vicious pirates, started his career with a mutiny. Lowther took a ship on which he was the second mate by "[ingratiating] himself into the good liking of the common sailors, insomuch that...the men took up handspikes, and threatened to knock that man down, that offered to lay hold of the mate."<sup>65</sup> This love by the crew allowed Lowther to take the ship and then led them on an adventure to pillage and plunder. After acquiring a ship, pirates then hunted for other ships to take. Pirates desired to take targets

without destroying them, because they wanted to determine what they could use before taking more extreme measures.<sup>66</sup> Edward Teach, alias Blackbeard, used fear to acquire his prizes. Coming upon the *Scarborough*, Blackbeard scared the captain who found “the Pyrate well mann’d, and having tried her strength, gave over the engagement” without much of a fight.<sup>67</sup> By obtaining prizes in such a manner, the pirates were assured that the goods and ships were still in good shape so that they could either use them for their own or trade them for the entertainment they were seeking in life.

By believing that the goods should not be destroyed in the process of acquiring them, the pirates revealed how they felt about such items which in turn was reflected in how the plunder was divided. Cargo was treated in many different ways upon acquisition by pirates. All, however, replicated the labor property theory in which the pirates who put in the effort to take the prizes felt they could do what they wanted with the prizes. The division process also constituted consent because the way in which the merchandise was divided required agreements between the pirates on board the ship. Although every pirate crew had its own specific agreements developed by everyone on board, the articles of Bartholomew Roberts’ crew represented the best of the best.

I. Every man has a vote in affairs of moment; has equal title to the fresh provisions or strong liquors at any time seized, and use them at pleasure, unless a scarcity (no uncommon thing among them) make it necessary, for the good of all, to vote a retrenchment....

IX. No man to talk of breaking up their way of living till each had shared 1000 l. If in order to this, any man should lose a limb, or become a cripple in their service, he was to have 800 dollars, out of the publick stock, and for lesser hurts proportionally.

X. The Captain and Quarter-Master to receive two shares of a prize; the Master, Boatswain, and Gunner, one share and a half, and other officers, one and a quarter.<sup>68</sup>

Robert’s articles revealed that everyone aboard the ship was equal with one another. The agreement created among the men allowed for a certain aspect of peace upon the ship, which property theorists had discussed as a requirement for private property to exist.<sup>69</sup> At the same time, the codes exhibited how the goods were divided. The articles specifically stated that there was a public fund that all on the ship had a right to, unless some scarcity occurred. By determining how the plunder was to be divided, men could decide how they wanted to approach their own personal share and the ship’s council could determine what to do with the communal items.

As the agreement showed, everyone had a say in what happened with the ship and their lives. They could decide collectively what to attack and what to do with the cargo because the ship and the guns were collectively owned by all on board. This collective ownership, reminiscent of the communal ownership ideas expressed by Pufendorf, meant that they could also decide together what went into the pot to be divided and what was to be used by all on the ship. An implication of this group control manifested itself in the destruction of property as a statement against the system. William Snelgrave, a captain of a merchant ship that had been captured by pirates, stated that once his ship was taken, the pirates “threw over board bales of wooden goods, cases of Indian goods with many other things of great value; so that before night they had destroyed between three and four thousand pounds of cargo.”<sup>70</sup> Snelgrave’s account illustrated that the pirates knew what they needed and what would disrupt any legal trading entity. At the same time, this account showed the consent aspect of property. Because they had taken the ship, the pirates now held collective ownership of it allowing them to treat the property however they saw fit. Snelgrave added that “money and necessaries” were what the pirates were after.<sup>71</sup> If they deemed that none of the goods would help them, then they would make sure that they could help no one as an act of spite for the established system.

This same relationship with property extended towards the shared goods necessary for survival. Besides the ship and the ship’s guns, food and other necessary survival goods constituted jointly owned possessions. Unlike on other ships which were ruled by a single captain under the principle of dominion, each pirate had a say in when supplies needed to be restricted. Edward England experienced such a measure. During the Christmas of 1720, England and his crew spent three days celebrating with the stocks they had.<sup>72</sup> But upon realizing how much they left, “they agreed after this to proceed to Mauritius, they were [on] that passage at an allowance of a bottle of water per Diem, and not about two pound of beef, and a small quantity of rice.”<sup>73</sup> Although the allowance system of common goods seems simple with the large crew on pirate ships, the pirates’ system reflected the power of everyone’s opinion and the consent necessary to do such things with the public items.

The consent of the crew concerning mutual supplies also applied to determining what prizes they would go after. By inquiring into what the crew wanted and hearing their opinions, the captain and council could decide the best

course of action. For example, in 1718 Blackbeard blockaded Charles-town for five or six days at the request of the crew.<sup>74</sup> Blackbeard held all the ships, and demanded only a chest of medicine from the government.<sup>75</sup> But after receiving the medicine prior to releasing the ship, he took from the government “in gold and silver, about £1500 Sterling, besides provisions and other matters.”<sup>76</sup> The fact that the pirates wanted medicine represented a life of daring and excitement, because many believed that they contracted a venereal disease during their time in the Caribbean.<sup>77</sup> This singular focus showed that all of Blackbeard’s pirates gave consent to obtaining only medicine. An item necessary for survival, medicine also allowed the pirates to continue their traditional life. The common agreement of all on board echoed the consent of the peers to have a role in the objectives of the ship and the lack of personal ownership allowed them all to live together.

The supplies did not last long after being acquired. Having any sort of property kept the crew content. Once it was gone, the crew could become restless. Capt. Johnson tells a story of the finding of Blackbeard’s journal after his death. He shares an account transcribed in Blackbeard’s own hand that says “such a day, rum all out—our company somewhat sober;—a damn’d confusion amongst us!—rogues a plotting:—great talk of separation.—so I look’d sharp for a prize.”<sup>78</sup> These observations by Blackbeard showed that stocks meant contentment and kept the crew in order. Property as a means of keeping peace in some ways reflected the mixture of contentment and labor proposed by the theorists.

Some pirates also secured their safety with their cut of the goods. Blackbeard frequently gave commodities to the governors and officials of North Carolina.<sup>79</sup> Tobias Knight, the Secretary of North Carolina, was accused of profiteering from his relationship with Blackbeard, and is said to have received a chocolate loaf sugar and sweet meats taken from French ships.<sup>80</sup> But the relationship with governors also showed the fluidity of property for the pirates. They were not afraid to let go of goods or use them quickly, echoing the use of property to determine ownership. Pirates’ relationship with belongings represented an extreme mixture of consent, use, and labor. With their joint agreements, each pirate consented to the divisions knowing that whether the goods became common or personal property they would be used. These principles and agreements all rested upon the pirates’ feelings in that they exerted their force and labor in to capturing their prizes, thereby making whatever came from them their own.

Capt. Bartholomew Roberts summed up the relationship between property and piracy with his motto “a merry life and a short one.”<sup>81</sup> This motto can be used to describe the other maritime men as well. Because life was too short for any man of the sea due to the nature of their business and the dangers of the ocean, property was treated as something that came and went and the men learned to accept that. It represented a means of survival, and of leisure. It represented a sense of home and a means of getting home. The different worlds that the seafarers lived in allowed them to develop their own systems. The controlled world of sailors, the mixed corporate world of the privateers, and the pre-capitalist joint-stock company world of the pirates provided unique opportunities for property relationships to develop mirroring the methods being discussed in Europe. Reflecting these theories, these personal belongings and communal goods allowed for the creation of allotment systems based upon each nautical group’s relationship with the legal trading system. The mixture of labor, use, consent, and legality created certain systems that expressed ownership as controlled entities or joint enterprises fulfilling each group’s necessities of survival on the sea.

Acquired through the sweat on their backs and the consent of everyone on the crew, property moved through their lives as they encountered new peoples and new. The fluidity of goods reflected the fast paced life and the constant changes of living upon the sea. Property and ownership allowed for a deeper understanding about how each society functioned within the greater scheme of the Atlantic World. Upon the end of the Golden Age, increased trade and presence of the Royal Navy changed the corporate worlds already afloat in the Atlantic. Pirates were choked out by their inability to get their hands on property. Privateers lost ground as wars began to diminish and access property through raiding enemy ships was no longer necessary. Sailors, different from the other two, did not die at the end of the Golden Age. They thrived in the post-Golden Age Atlantic, because they were already incorporated within the legal system. As the legal trading systems grew, sailors continued to be able to participate and acquire belongings. This allowed for the continuation of their lifestyle after others, privateers and pirates had died away.

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