Going Out for the Loot:
An Archaeology of Illicit Jacobite Maritime Networks
(1680 to 1715)

Adam Raphael McKernan Dawson
St Peter's College
University of Oxford

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Abstract

This thesis evaluates how usage of the term ‘pirate’ has shaped our understanding of certain maritime cultures. Activities typically considered ‘illicit’ (piracy and smuggling) were integrated into trade systems during periods of heightened maritime connectivity but were othered as a justification for control of the sea lanes by rival maritime networks. Specifically, this thesis examines how sailors sympathetic to the exiled Jacobite government operated within the sphere of influence of the English, and later British after the Act of Union. As a result, both groups were using the same maritime networks but to support opposite interests. It is argued that the English/British government appropriated piracy and smuggling laws to wield greater authority over maritime actors operating in the Celtic Sea. To this end Jacobite networks are used as a case study to investigate how archaeology can be utilised to understand piracy from a different perspective. This is first approached by analysing the piracy cases tried during this period to better understand which groups are accused of piracy. Then, archaeological methods including, maritime survey, temporal GIS, and evidence recorded from commercial excavations, are used to provide evidence for trade between the Celtic regions of Cornwall, Ireland, and France, the main locations cited within the court trials. This seeks to demonstrate that groups labelled as piratical were engaged in trade, which was suppressed through piracy law in Ireland and smuggling laws in England. Finally, data from both these methods are combined to produce networks of the political and economic structures of the time that allowed this trade to thrive. By considering pirates as maritime societies which can be understood through the cultural landscape, this thesis aims to initiate discussions about the maritime networks of other societies designated as piratical throughout history.

Introduction

Shapes on the Horizon: The Definition and Scope of Illicit Maritime Activity

I.1 Definition of Terms

This is a thesis on piracy. However, it is also a thesis about the problematic ways in which maritime cultures can be labelled as pirates to further the agendas of their rivals. As a result, here at the onset it is worthwhile to take the time to define the key activities which are related to illicit maritime activity. Piracy, privateering, and smuggling are the main three actions which define illicit maritime activity within this thesis. Of course, these activities are not mutually exclusive and there is the potential for significant overlap between them. All three as defined below constitute some form of maritime social banditry, in that they require moral acceptance from local communities on land to carry out illicit activities at sea. The interactions between these communities and the seafarers engaged in piracy, privateering and smuggling, make up the illicit maritime networks that are examined in this thesis.

I.1.1 Piracy

The Oxford English Dictionary defines piracy as "*The action of committing robbery, kidnaping, or violence at sea or from the sea without lawful authority*" (OED 2025). For the purposes of this thesis this is not a particularly useful definition. A central theme of this thesis is that "lawful authorities," often either appropriated piracy law or kept its definition intentionally vague to further their own agendas. A definition for this thesis requires a more scrutinised consideration of the relationship between pirates and lawful authorities. As a result, this thesis uses the definition put forward by Dawdy and Bonni (2012), which sees piracy as a form of social banditry. Social banditry is a concept proposed by Hobsbawm which refers to peasant bandits who are accepted as moral forces of good in their local community, despite being outlawed by the state that governs that community. The social acceptance of these bandits by their community is therefore a protest against their own oppression by the state. Therefore, it is crucial a social bandit does not commit robbery or violence against his own community, but instead against those who are seen as the instruments of his communities persecution (Hobsbawm 2001, 19–33). Pirates are therefore a form of social bandit that remain morally accepted by their local maritime community. Pirates can therefore remain active in the harbours and coasts which are essential for the maintenance of ships, as long as they contain their acts of violence and robbery to groups outside of the communities that support them. Pirates of Irish origin were frequently compared to *Rapparees*, Irish guerilla fighters who perfectly fit the definition of Hobsbawm's social bandits. Within the scope of this thesis *rapparees* and the sailors accused of piracy were working towards the same ends, and were of broadly similar backgrounds.

I.1.2 Privateering

On the other side of the razor-thin line between legitimate and illegitimate shipboard violence was privateering. Privateering was the practice by which private vessels with independent owners were empowered by Letters of Marque to attack the enemies of the authority which had issued them the letter. Who had the authority to issue such commissions was the subject of some debate (see section 2.2.3 below). The origins of the practice as it existed in the 17th century dated back to the *Waterguezen*[1] of the Dutch Republic. The *Waterguezen*, were a loose coalition of seafarers who fought for the Dutch in their independence war against Spanish Empire, a revolt which itself formed part of the 80 years war. Whilst the Dutch lacked the manpower of the Spanish overlords which they sought independence from, they had a strong built a strong economic base which allowed private individuals contribute to the construction and crewing of ships. Privateers essentially functioned as a type of joint-stock company, where shareholders invested in the construction and maintenance of the ships in return for a percentage of the ships proceeds. This policy was a great success for the Dutch leading to several key victories including the Capture of Brielle (1572), the Battle on the Zuiderzee (1573), and the Siege of Leiden (1574), all of which contributed to the Dutch officially gaining independence in 1648 (Lachmann 2000, 147–69). The successes of the Dutch saw the privateer model adopted by practically every other European nation in the 17th century. However, the lack of control states had over privateers caused them numerous headaches. As there was little need for privateers in times of peace, sailors who needed to maintain costly ships often turned to piracy for their livelihood. Furthermore, the lack of regulation made it challenging to differentiate legitimate privateers from pirates and Admiralty Courts found themselves bogged down in proceeding trying to sort one from the other (see section 2.2.1 below). The conclusion of the Spanish War of Succession in 1714 saw a blanket disarmament of all European privateers, after which there was a shift towards operating more regularised navies.

In a sense privateering is a form of state-sanctioned social banditry, where one state is providing the moral authority for bandits to rob a different state. The most famous example of this phenomenon being Sir Francis Drake, who was simultaneously a celebrated hero in England and a reviled pirate in Spain. It is then perhaps not surprising that privateers were frequently recruited from communities that had pre-existing grievances against certain states, such as the Irish exiles in France who are the central focus of this thesis. When discussing privateers, the agency of sailors also needs to be considered. Given the penalties associated with piracy, captains took care to insulate themselves against prosecutions by taking advantage of the privateering system. It was not uncommon for sailors to hold multiple commissions from different nations, or to simply forge a commission themselves. There was also the practice of sailors 'taking colour' when they arrived at port. A practice which is currently poorly understood but appeared to protect sailors from charges of piracy (Finnegan pers comm. 2023). Untangling the nebulous processes associated with piracy is an ongoing study in law

[1] Literally: Water-beggars

and history (see section 1.10.1 below). As a result, caution should be observed when drawing clear distinctions between piracy as illegal and privateering as legal. The difference between a pirate or a privateer could be as simple as a misfiled piece of paperwork, an unsympathetic customs officer, or the court the individual was tried in.

I.1.3 Smuggling

Smuggling is the act of illegally bringing goods across a country's borders. The term smuggling does not appear in English until a 1661 proclamation related to customs fraud. The proclamation describes "*smuckellors*" as *"a sort of leud people…who make it their Trade and Profession, by many strange and devices to steal and defraud His Majesty of His Customs"* (Charles II 1661). The word is borrowed from the Middle Dutch *smuken*, which means to act sneakily (Komatsu pers. comm. 2025). It was likely adopted by English capitalists familiar with Dutch mercantile systems, who were in turn lobbying the king to crack down on customs losses. By the end of the 17th century, the people most frequently accused of smuggling were those involved in trade with France (see section 4.6.2 below). The adoption of a foreign word to describe smugglers may have also been encouraged by English authorities to reduce popularity of illegal traders to make the practice seem alien, this was a tactic already being employed by the Admiralty Court to undermine the folk hero status of pirates (see section 6.3 below). From the 1680s onwards the English authorities increasingly tried to reduce smuggling, but saw limited success until the middle of the 18th century. Smugglers retained the broad support in isolated coastal areas with grievances against the English crown, such as Cornwall. Therefore, once again smugglers can therefore be seen a maritime form of social bandit where their actions are supported by the local community against what they perceive as unfair government restrictions[2].

I.2 Scope

The scope of this thesis is based around the political ideology of Jacobitism. The Jacobites were supports of the Catholic King of England James II and his descendants. They are most known for their attempts to restore James and his descendants to the English[3] throne. However, in a broader sense they were the ideological successors to the Royalists of the Civil War, advocating for the Divine Right of Kings, royal supremacy over parliament, and a return to feudalism. As a result, their supports were typically drawn from the more conservative elements of society of what was then known as the British Isles. This included the upper echelons of nobility, Catholics, and inhabitants of rural areas where there was little commercial development. Therefore, the scope of this thesis aligns with the rise and fall of the Jacobites, as a political force, 1680 to 1715. This covers the rise and reign of James II (1680-1689), his deposition (the Glorious Revolution) and his families failed attempts to regain the English throne (1690-1715). The Hanoverian succession of 1714 excluded James II descendants from the line

[2] For examples of the relationship between smugglers and rural communities see section 4.3.2 below
[3] British following the Act of Union in 1706

of succession and the failed Jacobite Rising of 1715 marked the end of popular support in Britain for the return the Jacobites. 1715 also marks the beginning of the Golden Age of Piracy, which saw British colonial administration regulate maritime activity in the Caribbean far more stringently. As a result, this scope provides the opportunity to cover the ways in which maritime law changed to limit the maritime networks of the Jacobites following the Glorious Revolution, and then outline how these methods were later applied to the Golden Age of Piracy (see section 6.2 below).

I.2.1 Historical Background

To best address the illicit maritime networks in this thesis, it is necessary to consider the, historical and religious context that they operated within. The 17th century is one of the most complex periods of English history. As well as international wars with France, Spain and the Netherlands, there was tremendous national strife including several succession crises and a civil war. Adding to the turmoil were struggles within legal spaces as they fought with common law courts for jurisdiction over English water-ways. To fully contextualised the environment in which illicit activity took place, it is useful to summarise the key ones here at the onset.

I.2.2 The Civil War

The English Civil War (1642-1651) is an excellent place to start this overview as its central conflict is the issue which would affect English politics throughout this century. Which political institution had primacy in England, the Crown or Parliament? Tensions began early in the reign of Charles I (1625-1649). After dismissing Parliament three times in as many years, Charles I ruled between 1629-1640 without any assistance from Parliament, claiming the divine right of Kings (Durston 1998, 6–7). This period of Personal Rule (alternatively known as the 11 Years' Tyranny) was ended when the King recalled Parliament to raise funds for the Bishop's War in Scotland. Termed the Short Parliament, the recall proved disastrous. Parliament, whose support Charles needed to fund his war, refused to aid the King in any way, further increasing tensions (Hill 1980, 14). Charles I responded by dismissing Parliament again only three weeks after the recall (Hill 1980, 13). Unable to raise funds in their absence, Charles I was forced to recall Parliament again by the end of the year. Unsurprisingly, this 'Long Parliament' was unable to find any common ground with the King, after two years of hostilities armed conflict began in 1642.

The combatants of the Civil war were divided along philosophical, cultural, religious, and geographic lines. Within Parliament supporters of the King were assisted by Catholics from Ireland and Highland Scotland. The Royalist cause was supported by the Celtic regions of Wales and Cornwall (Durston 1998, 36–7). The principal military commanders came from the upper-echelons of the nobility, most notably the King's Palatine nephew, Prince Rupert (Durston 1998, 35). A notable minority, roughly

one in seven of these nobles were also Catholic (Cruickshanks 2000, 5). Conversely, the crux of Parliamentary forces were Protestant merchants and land owners with ties to Parliament (Hill 1980, 101–2). It is worth noting here that 'Protestants' is a simplified term, there were many different Protestants who were far from united. Puritans, Anglicans, Quakers, Presbyterians, Independents, and Baptists, all had varying motivations and goals during the Civil War and should not be grouped together except in the most cursory of senses. Hill sees this broad group as unified less by religion, but instead by bourgeois interests of developing and retaining capital outside of the monarchy (Hill 1980, 186–8), which is also the view taken in this thesis. The North, at first evenly split between the two forces, fell under Parliament control after the Battle of Marston Moor (Hill 1980, 111). In short, the English Civil War was fought between a court party representing the interests of the elite aristocracy, supported by Catholic and Celtic factions and a country party representing the burgeoning Protestant middle and lower upper classes. These factions would remain relatively unchanged throughout the upheavals of the 17th century. Furthermore, they are pivotal for understanding the ways in which piracy was subsequently prosecuted.

The Civil War ended in a victory for the Parliamentary forces. A movement borne out of dissatisfaction with a tyrannical ruler concluded by appointing Oliver Cromwell, a minor Puritan noble who had risen quickly through the military ranks, as Lord-Protector of England (Hill 1980, 114). This period of history (1642-1653) was particularly brutal for the Irish population of whom it is estimated 30% were killed (Cronin & Lenihan 2018 p. 269). The Protectorate did not survive long after Cromwell's death in 1653. After a brief reign his son Richard abdicated and Charles I son, also named Charles, was restored to the English Throne. At the time the restoration was celebrated as it was hoped it would bring an end to the chaos of the past 30 years (Cruickshanks 2000, 4), however, the divisions between the crown and Parliament remained and it was not long before they were once again brought to the fore.

I.2.3 The Exclusion Crisis

The reign of Charles II was a period of relative calm within England. Charles II did not have any legitimate issue, leaving his younger brother James, a Catholic, as heir to the English throne. The radical elite that dominated the Protectorate had now been supplanted by a more moderate Protestant bourgeois, who were nonetheless extremely concerned that a Catholic King would undermine their hegemony (Hill 1980, 172). Tensions were brought to a head when a priest by the name of Titus Oates claimed to have evidence of a Catholic plot to assassinate Charles II and put James on the throne (Hill 1980, 196). Oates was a controversial character at the time. He had been dismissed as Anglican chaplain for the Tangiers garrison and subsequently converted to Catholicism (Cruickshanks 2000, 8). Upon failing to become a Jesuit he returned to England and with the assistance of a deranged conspiracist by the name of Israel Tongue, he testified before Parliament of knowledge of what became to be known as 'The Popish Plot'. Despite their lack of credentials, the two manged to convince

Parliament, a testament to the level of fear present in the nation at the time. MP's became hysterical and paranoid, the mood of the time encapsulated in the MP for London Sir Thomas Player stating *"I fully expect to wake up one morning and have my throat cut by Papists!"*.

The fear of a Catholic takeover catalysed ever influential owners of capital in Parliament to form the Whig party (Jones 1970, 6). Their principal aim was to exclude James II from the line of succession. This event led to the origin of political parties in British history as the court faction opposed to the Whigs coalesced to form the Tories (Harris 1993, 52). A tug of war between the two factions saw the Whigs propose exclusion bills in Parliament, only for Charles II to exercise royal prerogative to disband Parliament when it became apparent the bill would pass. This occurred three times with the dismissing of the Third, or Oxford, Exclusion Parliament in 1681 being the last time Parliament were recalled in the reign of Charles II (Parker 2013, 390). Popular support for the exclusion of James from the line of the succession was dampened when, after two and a half years and thirty executions, it became apparent that the Popish plot had been completely fabricated by Titus Oates. This did little to ease tensions between the Whig and Tory factions of the aristocracy. The Popish Plot had been fictitious, but the idea appeared to have inspired the most extreme members of the Whig Party. The West Cabal, a group of aristocrats led by William Russell, devised the Rye House plot. The plan was to assassinate both Charles and James as they made their way back to London from the Newmarket races. The plot was foiled when James left early due to a fire at Newmarket. Subsequently one of the conspirators, the illegitimate son of Charles, James Scott betrayed the conspiracy (Cruickshanks 2000, 9-14). Ultimately, the Exclusion Crisis ended in a de-facto victory for the monarchy. All hostile plots were either disproven or foiled, the key conspirators, including Russell, executed and the position of James as heir secured.

I.2.4 Crises in the Reign of James II

Despite the strong position King Charles II left the monarchy in after his death, James II faced challengers from political, religious, and military spheres upon his ascension. Militarily, King James II faced a rebellion from James Scott, Duke of Monmouth in 1685. Mainly supported by irregulars from the West Country, the Monmouth Rebellion was unable to compete with the professionalism of the regular army and was quickly put down (Parker 2013, 390). Although James Scott was executed, opposition to the King remained. Two years later, tensions again flared when King James sought to have the Catholic Samuel Parker appointed master of Magdalen College, Oxford (Cruickshanks 2000, 19). The fellows of the college refused to support any of the Kings nominees and did not elect Parker, and instead elected John Hough (Cruickshanks 2000, 19). A pro-Catholic court of enquiry, named the Ecclesiastical Commission, forcibly appointed Parker and expelled the fellows from the College by the King's order (Care & Hedges 1688, 2).

A man with extraordinary vison for the future of England, but lacking the charisma, talent and, resources to enact it, James II frequently found himself in conflict with his Kingdom's institutions. He often battled against the English clergy, most famously in the Compton affair. The Compton affair had begun in November 1685 when the eponymous Bishop spoke in the House of Lords against James II's proposal to allow Roman-Catholic military officers to be maintained by Parliament (Keith 1920, 15–6). The disagreement was exacerbated when Compton refused to suspend a chaplain within his diocese, Dr John Sharp. Sharp was vehemently against Catholicism and regularly preached against it in his sermons (Macky 1733, 137). Sharp was also specifically critical of James II, as was apparent when he was cited for refusing to read the *Declaration of Indulgences*, a proclamation of the King designed to increase religious freedoms (Browning 1996, 399–400). Despite the King's wishes, Compton refused to condemn Sharp, believing it was illegal to suspend a clergyman in the absence of a trial (Care & Hedges 1688, 25 & 28). In response, King James removed Compton as Dean of the Royal Chapel and struck his name from the list of Privy Councillors (Keith 1920, 16). By September 1686 the recently established Ecclesiastical Commission had suspended Compton, essentially removing him from political and religious life (Keith 1920, 17). Both Compton and Sharp became major ecclesiastical figures during the reign of William III. With Compton performing the King's coronation and Sharp becoming the Archbishop of York.

The tensions related to the *Declarations of Indulgences* did not cease with Compton and Sharp. In May 1688 seven bishops led by William Sandcroft, the Archbishop of Canterbury, petitioned the King to be exempt from reading the bill (Cruickshanks 2000, 20). Another of the seven was Sir Jonathan Trelawny (Figure 2.2), a leading Cornish politician who would hold significant influence in the Admiralty (see section 4.6.3 below). This time, instead of bringing the Bishops before the Ecclesiastical Commission James II tried them through common law, claiming seditious libel (Cruickshanks 2000, 20). The Trial of the Seven Bishops was a disaster for the monarchy. Not only were the Bishops found not guilty but it also led to the Tory party abandoning the King because they saw the trial as an attack on Parliament (Parker 2013, 391). From this point forward all of Parliament was aligned against King James II and by the end of the year he was deposed.

I.2.5 The Glorious Revolution

The final straw for the Whig's was the birth of James II son, James Stuart, who was declared Prince of Wales. The threat of a Catholic dynasty was now a reality. In response seven prominent statesmen, including the Bishop Compton, wrote to William of Orange inviting him to invade England. Dubbed 'The Immortal Seven', five of this number were Whigs, while the other two, Osborne and Compton, had their own personal grievances with the King (Cruickshanks 2000, 23). Attempting a risky out-of-season crossing, William landed in the South-West of England in September accompanied by some 15,000 men and 50 warships and quickly took Exeter. Initially support for William of Orange was

not as overwhelming as the Immortal Seven had implied it would be. However, the invasion was decided without a major battle, as many key figures in James' army began to defect. Early defections from the Whig party, such as Thomas Wharton, may have been expected and even prearranged (Cruickshanks 2000, 28). Yet when close relatives, such as James's nephew Edward Hyde, and leading Tories like Sidney Godolphin, abandoned the King's cause for William it became clear that his position was untenable. James II retreated from Salisbury and fled to London (De Krey 2007, 253-5). Although defeated, James II's abdication was by no means confirmed. The letter of the Immortal Seven was sufficiently vague in that it suggested William restrain James II, but not necessarily depose him (Cruickshanks 2000, 23). Desperate, James II recalled Parliament, offering pardons to all participants in the Rebellion and began to negotiate with William. The result was a deluge of anti-Catholic activity, all Catholic officers were removed from the army and anti-Catholic riots broke out through the country. Seeing the waves of violence erupting through the country and fearing their vitriol may be turned on him, James II and his family fled the country. James II had hoped he would have sufficient support that governing in the absence of a monarch would be impossible. However, his exile proved to be permanent as the Whigs in Parliament declared that by fleeing England James II had effectively abdicated and they nominated William as King (De Krey 2007, 256–63). William III was crowned in April 1689 by the very man who had been suspended by the King, Henry Compton. After nearly a century of strife the primacy of Parliament was secured.

I.2.6 The High Court of the Admiralty of the 17th Century

One thing made clear by the many of crises in the reign of King James II, was that the future of England was not fought for on the battleground but in the law courts. The major events preceding the Glorious Revolution, the Magdalen Affair, the Compton Affair, and the Trial of Seven Bishops, were all legal in nature. This demonstrates how powerful the law courts were at this time and indicates that to understand piracy, the nature and role of the courts prosecuting piracy needs to be understood. That is why, in addition to the general historical context of this period, it is worth briefly reviewing the state of the High Court of the Admiralty in the 17th century.

The English High Court of the Admiralty had existed in some form as far back as the 14th century (Prichard & Yale 1993, xxx-xxxii), yet it was not until the reign of Henry VIII that the Court truly rose to prominence (Bourguignon 1987, 5). Under Henry VIII the jurisdiction of the court increased considerably. Notable developments include allowing the court to mediate in mercantile disagreements related to overseas trade, as well as eventually expanding to salvage and wrecking cases (Bourguignon 1987, 7). Most significantly, the Admiralty Court was given jurisdiction over prize money, principally involving the authorisation of payments for ships lawfully taken at sea, a highly lucrative endeavour (Bourguignon 1987, 9). It was lucrative because the High Court of the Admiralty was entitled to a percentage of the salvage and of the prize cases which were brought before it, making it very wealthy

after Henry's reforms. The intention underlying this was to help rid the seas of piracy while simultaneously privatising attacks on foreign merchants. As Benton notes, however, the line between pirates and privateers was purposefully very blurred (Benton 2005a). A third area of jurisdiction granted to the Court after the *Offences at Sea Act*, was the prosecution of all crimes on the high seas (28 Hen. 8 c. 15). The expansion of the court's jurisdiction in the time of Henry VIII meant that the courts were *de facto* in charge of all aspects of English maritime activity (Bourguignon 1987, 6). The meteoric rise under the Tudors made the court very unpopular with English common lawyers. The differences between common and civil law made cooperation between the two courts difficult (Prichard & Yale 1993, xlix).[4] Further to this there were disagreements over jurisdiction, common lawyers believed the Admiralty Court should only rule on matters related to the sea and that any terrestrial case, no matter how maritime in character, was within their remit (Prichard & Yale 1993, xlvii).

Throughout the 17th century the jurisdiction of the Admiralty Court became a key theatre in a bitter proxy war between common and civilian lawyers. The first skirmishes came from the Chancery, a common law court of equity who claimed seniority over the Admiralty Court (Bourguignon 1987, 7). When this proved unsuccessful, common lawyers began to use prohibition as their preferred method of attack. Civil lawyers stated that they had jurisdiction over all maritime mercantile matters, including suits pertaining to rivers, coasts, and ports, as outlined previously by the Tudors. Common lawyers maintained that the Admiralty Court only had jurisdiction over the high seas (*super alte mare*), as everything else took place within an English country it was the remit of common law (Bourguignon 1987, 16). Their evidence for this was a statute of Richard II from 1391 which stated that only in the most extreme cases (i.e. murder) could Admirals, presiding over coastal regions, supersede terrestrial courts (15 Ric 2 c 3). As a result, common lawyers began issuing writs of prohibition preventing the Admiralty Court from trying cases not directly related to the high seas (Bourguignon 1987, 7). There were several flaws with this argument, first amongst which was that Henry VIII had included a clause allowing him to override Richard II (Bourguignon 1987, 6). Furthermore, an agreement between the two courts had been reached in 1575 designed to limit the common law's ability to issue prohibitions on the Admiralty Court (Bourguignon 1987, 15). Nevertheless, the dispute was effectively resolved in 1611 when the Privy Council upheld the view of the common lawyers (Bourguignon 1987, 16). Thus, the writs proved effective and the scope of the Admiralty Court was consistently narrowed throughout the first half of the 17th century. An attempt was made by the civilian, and one time Admiralty Judge, John Godolphin to reverse the changes through his work *Synēgoros thalassios: A view of Admiralty Jurisdiction…*. Once more, the civilian lawyers argued that Admiralty should hold jurisdiction over all areas of maritime activity, not just those related to the high seas (Godolphin 1661, 43–5). Once more the civilians were

[4] Within England at the time Common law courts did (and still do) take its precedents from Anglo-Saxon law, while Civilian courts took theirs from Canon and by extension Roman law.

unsuccessful. Bills were introduced in 1662, 1663, 1670 and 1685 all attempting to empower the Admiralty Court, all were unsuccessful (Bourguignon 1987, 23–4). The civilians were defeated.

By the end of the 17th century common lawyers had largely prevailed, reducing the influence and incomes of the Admiralty Court (Prichard & Yale 1993, liii). It is important to understand this history before discussing the cases conducted at the Admiralty Court. The circumstances of cases brought before the Admiralty Court did not occur in a vacuum, in addition to international conflicts between rival powers and semi-independent colonies, there were internal battles between courts vying for influence and status. Therefore, cases brought before the Admiralty Court do not simply inform us about the actions of those prosecuted, but also the cluster of legal and political issues surrounding the law courts at that time. Here in the introduction, it is also important to make note of the oft time confusing dating conventions used in the records of the Admiralty Court. The largely Protestant England was hesitant to adopt the Catholic Gregorian calendar, and as a result, dates are recorded in the Julian calendar. On occasion, examinants of the court, such as Peter Foullon (HCA 1/52 fo. 137), will use Gregorian dates which the court mark as *"new stile"*. Similarly, the legal year began March 1st, so all dates recorded by the Court between January and February contain both the Calander and legal year. For example, the examination of John Goulding is noted to have taken place on the 7th of February 1693/4 (HCA 1/52 fo. 166). For the sake of simplicity only the Calendar year is referenced when mentioned in this thesis. Ultimately, by the end of the 17th century the Admiralty Court was long past its zenith and on a slow decline lasting centuries. Effectively hamstrung by the common law courts, the Admiralty Court re-invent itself during this period to remain relevant.

I.2.7 Ireland in the 17th Century: Culture, Economy, and the Admiralty

As significant portion of this thesis is dedicated to the operations of Irish Jacobites at the end of the 17th century, a brief overview of the developments taking place in Ireland during this time is necessary. The Tudor empowerment of the Admiralty Courts under Henry VIII was continued by his daughter Elizabeth I. In 1575 an Irish Admiralty Court was established which, although under the supervision of officials in England, was its own separate entity. It was initially established to combat Irish coastal lords who were circumventing the High Court of the Admiralty by claiming prize from maritime wrecks and pirates that they encountered on their shores. Henry VIII *Offences at Sea Act* did not apply to Ireland, limiting the acts efficacy to control sailors within English dominion. The establishment of the Irish Admiralty Court sort to rectify that. However, the impact of the Irish Admiralty Court was limited, the first Judge Sir Ambrose Forth (1575-1610) oversaw few cases in his 35-year tenure. This was in part due to the jurisdictional limbo the court found itself in after its creation. Appleby and O'Dowd note that English statutes to prosecute pirates did not have jurisdiction in Ireland. Although Forth made the Admiralty in England aware of this issue, the English effectively sidelined Forth and the Irish Admiralty, by authorising the seizure of pirates in Ireland directly from London. The court was not

respected in England, nor was it popular with local magistrates in Ireland. The key Irish port towns of Waterford, Galway, and Dublin, had it written into their town charter that they were responsible for Admiralty jurisdiction, and they had little interest in sharing it with English officials (Appleby & O'Dowd 1985, 304–10). Forth died in 1612 and his successors, the indolent Sir Adam Loftus (1612-1619 & 1628-1638) and the corrupt Sir Lawrence Parsons (1619-1628), did little personally to add to the prestige of the court (Costello 2011, 2–11). Another reason for the lack activity within the court was the political instability in Ireland concurrent with his tenure, particularly in the province of Munster (see the Desmon wars below). It would take a political crisis for the Court to establish itself in Ireland.

The Irish Admiralty Court accompanied a new wave of English colonialism instigated by the Tudors. By 1570 there were three main ethic groups inhabiting Ireland, the Gaelic, the Old English, and the New English. The Gaelic referred to the original Celtic inhabitants of Ireland, who had intense cultural differences with their English overlords. With regards to the Irish exiles engaged in illicit maritime activity within the scope of this thesis, only one family is of Gaelic origin, the O'Riordan's of Nantes. The Old English traced their origins back to the Normans who accompanied Richard de Clare during his invasion and settlement of Ireland which began in 1169. Despite the name, most of these families were of Welsh-Norman origin. Although they had better relations with the English than the Gaelic, the overwhelmingly Catholic group found themselves increasingly at odds with Protestant England's foreign policy. Most Irish merchant families discussed in this thesis belonged to this group. Finally, the New English were the new Protestant invaders who had colonised Ireland during the Tudor period, it was this group that were the strongest advocates and greatest beneficiaries of the Irish High Court of the Admiralty.

Opposition to the New English and their ever-increasing jurisdiction within Ireland led the Desmond Rebellions. Both rebellions were led by senior members of the Earldom of Desmond who united the Munster clans to overthrow English rule. The Rebellions lasted from 1569 to 1583 ended in failure and the dissolution of the Earldom of Desmond. The extensive lands the earldom held in Munster were confiscated by the crown. The English then used this as an opportunity to catalyse their colonisation of Ireland through the Munster Plantations. The confiscated Desmond land was divvied up amongst 35 landlords (undertakers) 34 of which were English and were instructed to cultivate the land using English agricultural methods. These initial plantations were expanded on following the Nine Years War[5], which saw the complete dissolution of Gaelic rule in Ireland. Gaelic land was redistributed to English colonists, which led to powerful New English populations in Ulster and Munster in the 17th century (Ohlmeyer 2012, 101–4).

[5] 1593-1603, not to be confused with the Nine Years War (1688-1697) which is the focus of this thesis

The Desmond wars also provided the Irish Admiralty the opportunity they needed to increase their jurisdiction. The Munster Plantation brought with it a great influx of pirates into the region (Kelleher 2020, 50). It was the crisis the floundering Irish Admiralty were desperate for. The inability to send all these pirates back to England for trial necessitated the expansion of the Irish Admiralty Court. A provincial Court of Admiralty of Munster was established in 1608, and in the Irish Parliament of 1613-15 a statue was passed finally giving them jurisdiction to try pirates in Ireland. The proceeds the court received from prosecuting pirates provided a vital cash injection that was vital for the court's growth. By the conclusion of the English Civil War Admiralty law was well established in Ireland and the Court had expanded to include provincial courts in all four of Ireland's provinces (Costello 2011, 15-17; Appleby & O'Dowd 1989, 305-7).

Catholic interests united in Ireland during the War of Three Kingdoms (1639-1653) and they formed the Irish Catholic Confederation. Ó Siochrú notes that the Confederacy governed the majority of Ireland over a period of 8 years, from the initial rebellion in 1641 to Cromwell's invasion in 1649. Governed by General Assembly based in Kilkenny, the Confederacy proved capable of wielding significant authority, levying taxes and raising standing armies to aid in the war against the English. The Confederacy was the first step towards a unified Irish state (Ó Siochrú 1999 & 2009; Perceval-Maxwell 2001). Nevertheless, the defeat of the Confederates catalysed the anglicising process been carried out at that time. Ohlemeyer's meticulous study 2012 into the Irish peerage effectively demonstrate the changing culture at that time. Following the Civil Wars, there was a great increase in Irish peers created by the English government. At the beginning of James I's reign there were 23 peers in Ireland, all of whom were residents, by Charles II's reign this had ballooned to 94, about of third of which Combined with Plantation policies and Cromwell's infamous confiscations (see section 3.2 below), this put significant parcels of land more directly under English administration. This was not an altogether new process, there had been a gradual increase in Irish peerages from the middle of the 16th century, which accompanied Tudor and Stuart ambitions to 'civilise' Ireland. Again, the peerage system allowed this tactic to bear fruit. With the Irish nobility increasingly deriving their status from the King, Irish elites to define themselves by their relation to the King. The large number of peers with a shared patron, meant that by the Restoration, the Parliamentary peerage system dominated elite structures in Ireland. Creating the first homogenous elite culture since the Norman invasion. While many of these peers were Catholic peers, were barred from holding position in the military, Judiciary, and Dublin administration, allowing Protestants to dominate the anglicising Irish state (Ohlmeyer 2012, 23–84).

The Restoration of Charles II led was accompanied by a brief respite and economic recovery for the Irish. Towards the end of the 17th century the effect this was having on Ireland was palpable.

Port towns such as Wexford, Galway, and Cork were thriving with Cork notably doubling in size in the 1680s as a direct result of its increased trade, then doubling again 1702. Gillespie also notes the increasing prominence of Dublin at this time, with 85% of Ireland's largest houses being concentrated there. Likewise, by 1662 the Dublin contributed 4.4%, double what it had in 1637, demonstrating an increased concentration of wealth in the port. Outside of towns the agricultural industry was booming, in particular the cattle industry, driven in no small part by the export of Irish beef, which saw a significant spike in production from 1674. Greater agricultural production was complemented by a higher demand for luxury goods and there is a noticeable increase in the importation of tobacco, wine, and silver at this time (Gillespie 2006, 145–58; see sections 3.3.3-4 below). Although Murphy does note in her Irish calendar manuscripts, that this trade was present as early as 1642 when the *Francis*, carried from France to Galway 100 rolls of tobacco and 14 hogsheads of wine (Murphy & Irish Manuscripts Commission 2011; Ó hAnnracháin 2013, 204). This trade remained in high demand after the English prohibition on French goods (see section 4.6.1 below), as prize papers from the High Court of the Admiralty show captured ships with cargoes of wine and brady travelling from France to Ireland (HCA 32/1905/2; /1905/9).

Ireland remained of strategic importance during the Restoration, with Murphy noting the developing importance of Kinsale at this time. A convoy of 39 ships from Virginia victualled there in 1666 and it was also a target for Dutch privateers (Murphy 2018, 143). It was also of particular importance to the Jacobite, as it is the port from which James II launched his invasion of Ireland, and then later fled from to France when the invasion failed. William of Orange's victory at the Battle of the Boyne marked the beginning of the Protestant Ascendancy and Protestants would be the uncontested power in Ireland throughout the 18th and 19th centuries. A century which began with the destruction of Gaelic rule, ended with the destruction of Old English rule in Ireland.

Although the Gaelic and Old English were united in their resistance there were considerable disagreements between the two, particularly during the Confederate Wars where the two groups clashed on goals and strategy. Similarly, the New English and mainland English were not united in their goals, and many of the New English opposed increased English authority on Ireland following the Glorious Revolution. These complexities become more marked when considering the individuals of this time. James Butler, 2nd Duke of Ormond was an Old English Protestant who served as a minister in the British Government, but then orchestrated a Jacobite coup against Britain. As a result, the use of labels such as Celtic and Irish need to be clarified at the outset. Celtic in this thesis is used to refer to the regions that had been connected by Celtic Sea in the *Long durée*. These are namely Ireland, Cornwall, and Britanny. Traditionally, Wales was also part of this group, however, its continuous heavy occupation by the English meant it had little impact in the Celtic Sea trade which is the focus of this thesis. The only time sources mention Wales in relation to this trade is as a region to hold captured Jacobite

prisoners, or ships, demonstrating the heavy occupation present at that time (HCA 1/52 fos. 157 & 159). Irish is used to refer to both the Old English and Gaelic who were unified in their interests against centralised English colonialism. Within the principal scope of this thesis (1680-1715) it is acknowledged that this group was dominated by Old English interests, as the Desmond Wars had effectively ended Gaelic political agency in Ireland. This also includes Irish expatriates such as, Franco-Irish slave trader Antione Walsh, who despite living France, did so within Irish communities who continued to speak Irish (see sections 3.2.2 & 3.3.2 below). With regards to ships, Irish ships referred to privately owned ships that are registered to a port in Ireland. Whilst the privateers which make up the bulk of the pirate trials discussed in this thesis are referred to as French privateers with Irish crews. This is not, strictly speaking, accurate. The French government only started offering commissions to Irish crews after 1694 (see section 2.3.3 below). Prior to this, privateers received commissions from the exiled James II whose authority derived from his status as the exiled King of England. Strictly speaking these were English privateers and the complex legal situation this created is discussed extensively throughout this thesis. For the sake of simplicity these are also referred to as French privateers with Irish crews. This is acceptable as King James II was in exile in France when he issued these commissions, and from 1694 French and Jacobite commissions were issued in tandem, so there is little difference between them on a practical level.

I.3 A Note on Ships

Seafarers in Ireland had a long history of raiding going back to the Scottii, the Roman name for raiders from what is now Ireland, who would plunder the Roman province of Britannia. More recently pirates had been active in the Munster in the late 16th and early 17th centuries, particularly under the auspices of local lords, who profited from pirate raids on Atlantic traffic (Kelleher 2020, 58-62). Maritime raiding also formed an importance facet of Irish Catholic Confederation's campaign against Parliamentarians during the War of Three Kingdoms. The Confederation offered commissions to privateers operating out of loyal ports such as Waterford, Wexford, and Galway. These ships then undertook commerce raiding against ships registered or travelling to Parliamentarian ports. Confederate ships were mostly *Dunkirk Frigates*, small fast-moving ships, of 30 guns or less, better suited to raiding than pitched battles. A sharp contrast to the slow heavy ships of line favoured by the English (Murphy 2018, 106–7 & 125-36). Much like the Irish-French trade in luxury goods, (see I.2.7 above) Murphy's work on Irish Manuscripts shows that this naval collaboration was longstanding, as during the early stages of the Confederate wars Irish priests stationed in the privateering ports of Ostend and Dunkirk, sort to recruit sailors with experience of Dunkirk frigates (HMC *Franciscan Manuscripts*, 132; Murphy 2013, 144).

Writing on Somali piracy Ingiriis (2014, 239) states that while economic conditions were crucial to the emergence of increased pirate attacks within the Gulf of Aden, piracy was better understood as

an evolution of Somalian camel rustling culture, which pivoted to the seas at a time of economic crisis. Dawson and Rauh (2025, 339), suggest that the same argument can be applied to Cilician pirates in the late Hellenistic period who worked closely with hinterland agropastoralists. Given the cultural significance of cattle raiding in Irish history, immortalised in epic poems such as *Táin Bó Cúailnge*[6][7] Irish maritime raiding likely has similar origins. Indeed, terrestrial Confederate military strategy also favoured strike raids undertaken by light cavalry over pitched battles, which is likewise comparable to historic cattle raid warfare.

The 'pirate' ships that are the focus of this thesis are mostly of the *Dunkirk Frigate* type, that had previously been favoured by the Catholic Confederation. They tended to have light crews of around 20 to 30 men and modest armaments ranging from 4 to 30 guns, although there were a few rare exceptions. Irish-Nantais shipping magnates the Lees outfitted the *Prince of Wales* and *Queen Mary,* which were equivalent to 6th rate warships with crews of 56 and 170 men respectively (HCA 1/52 fos. 156 & 180). Whilst Thomas Vaughan's *Loyal Clancarty*, was an oared barge (HCA 1/53 fo. 5). It is worth noting that all three of these vessels were captured leading to the ruination of the Lees and the execution of Vaughan. There is likely a correlation between these vessels' anomalousness and their lack of success (see section 3.2.1 below). Irish exiles serving as privateers during the Nine Years War did so on vessels built and registered in France, most commonly in St Malo (see section 3.3.1 below). Most of these vessels did not have a single owner, but instead were constructed at the behest of a conglomerate of investors who agreed to split the costs of shipbuilding and maintenance in exchange for a share of the profits made during privateering voyages (see section 3.2.2 & 3.2.3 below). Each conglomerate was headed by an *armateur*, who was also the primary shareholder of the ship. It was the *armateur's* responsibility to secure a commission for the vessel, as well as, attract other investors, crew the ship, and select its' captain. In some instances, the *armateur* was also the captain of the ship. Malouin policy at the time allowed residents of the to be *armateurs* regardless of their citizenship, which was an opportunity that appealed to many Irish residents at the time (see section 3.2.1 below). As a result, many Irish exiles served as crew, captains, or *armateurs* in the Malouin privateering sector during the 1690s and 1700s. Whilst, Irish exiles represented only a portion of the sailors serving as privateers under French colours, they were the only group the High Court of the Admiralty were interested in prosecuting. Figure I.1 maps the distribution of ships captured by the English which they expected had allegiance to the Jacobites. Of the ships with a French port of origin, all except one had either an Irish born captain or *armateur*, there appears to be a clear bias for capturing Irish seafarers. The reasons for which will be expanded on in chapters 2 and 3.

[6] The Cattle Raid of Cooley

[7] Whilst the *Táin Bó Cúailnge* is the most famous Irish epic, *Táin Bó* was a genre of Irish medieval literature in its own right.

Figure I.1 The Distribution of all ships captured by the High Court of the Admiralty that were suspected to have Jacobite allegiances between 1689-1698 (Dawson 2025).

I.4 Chapter Outlines

Chapter 1 'Troubled Times and Negligent Governments' lays out an understanding of piracy, around which the rest of the thesis will be framed. It envisions piracy as an intentionally vague and convenient term applied by colonial powers to justify their occupation of sea lanes. It seeks to demonstrate how piracy largely exists in the realm of law and media which in turn creates difficulties when attempting to produce archaeological evidence. This is done by taking a *long durée* approach which evaluates how the concept of western piracy has evolved from Homeric Greece to the modern day. It considers how each innovation is simultaneously inspired by previous iterations, whilst being altered to suit the needs of the actors at that time. In doing so this thesis ultimately aims to demonstrate what is lost when large swathes of the maritime community are designated as pirates.

Chapter 2 'Piracy and Statehood' will outline why the case study chosen for this thesis is particularly important for developing an archaeological understanding of piracy. This is done by evaluating how piracy law developed between 1680 and 1710 because of the changing needs and interests of the English High Court of Admiralty. It argues that during the 1680s maritime law changed

gradually as the Admiralty wished to exert greater authority over sailors sailing under English colours. Then changed radically in the 1690s following the Glorious Revolution when the new Whig Government, used piracy as a deterrent to prevent Irish exiles collaborating with the French.

Chapter 3 ‘To Hell and Britany’ examines in depth the key families exiled from Ireland following the Glorious Revolution. It charts their movement throughout Europe and the Americas, showing how they operated sophisticated trading networks that spanned from Ireland and France to the Americas, with their key commodity being Irish salt beef which was used to feed slave populations on Caribbean plantations. This is done by using combining archaeological with historical research to track the movement of goods from their production in Irelands hinterland, to their export France, and finally their consumption in the Americas. It argues that the English used piracy law to destabilise these maritime networks and weaken their colonial competitors as a result.

Chapter 4 ‘The Kernarchy’ looks at how smugglers in Cornwall collaborated with Irish Jacobites to import Irish and French goods into England, despite existing embargoes. It does this by considering the unique political position of Cornwall at the end of the 17th century. At that time the number of MPs elected in Cornwall was greatly inflated, giving them a large amount of political influence. The largely anti-Whig Cornwall then used this influence to further the goals of the Jacobites. By looking the operations of smugglers in Cornwall this chapter shows how disaffected groups within England used illicit maritime activities to achieve economic independence from their governors.

Chapter 5 ‘License to Illicit’ uses geospatial techniques and graph theory to add further context to the ideas presented in the previous three chapters. By mapping the data recorded in piracy trials from the Admiralty Court, it shows how the maritime networks of the Irish merchant families outlined in chapter 4, are reflected in the locations visited by Irish sailors tried as pirates. Therefore, demonstrating that the two groups were closely connected. It also visualises the relationships between Cornish MPs via social network analysis, showing that influential politicians often had very close relationships with smugglers, and would lobby for the interests in parliament.

Chapter 6 ‘The Pirates we Made Along the Way’ considers how the findings presented in this work fit into the current state of piratical discourse. It outlines future avenues for research that are possible following this dissertation. Notably these include a more through consideration of the links between Jacobites and Golden Age pirates, an appraisal of the scale and impact of North Devon courseware and how it can be used to track maritime movement in the postmedieval period, and greater analysis of the development of Whig media strategies in the public sphere.

Chapter 1

Troubled Times and Negligent Governments: Piracy in History, Philosophy, and Media

1.1 Introduction

Writing in 1724, Captain Charles Johnson[8], claimed that piracy was caused by "*the troubles of the times or the neglect of government*" (Johnson 1724b, 17), laying the foundation for his argument, that a strong British presence was required in the colonies to ensure safety at sea (see sections 1.8.4 & 6.3 below). This chapter argues that the opinions here expressed by Johnson were developed over a period of nearly 3,000 years in which piracy was used as a pretext for colonialism and naval expansion. It goes on to suggest that this has resulted in, an often purposeful, lack of clarity around the definition of the term piracy. Subsequently, this has made developing an archaeology of piracy a challenging, and at times impossible task (de Souza 2002, 2; see section 1.10.2 below). It is the opinion of the author that one of the pitfalls archaeologists frequently succumb to when attempting an archaeology of piracy, is to not sufficiently define what they consider piracy to be.

1.2 Pre-Hellenistic Piracy

1.2.1 The Odessey

The Ancient Greek equivalent of the term pirate (*leistes*) was often used to distinguish between legitimate and illegitimate maritime actions. An early literary example is found in the Odyssey where one of the stock greetings offered to sailors is *"O Strangers, who are you? From where have you come along the sea lanes? Are you traveling for trade or are you just roaming about like pirates…"* (*Od.* 9.252-255). There is a clear dichotomy in this greeting, are you here for good reasons (to trade?) or here to do evil (piracy). It is a recurring theme in the Odyssey where the actions of pirates highlight the immorality of the world Odysseus travels through. This is perhaps best highlighted by the two stories exchanged by Odysseus and his slave Eumaeus in books 14 and 15. In book 14 Odysseus has finally arrived back in his homeland of Ithica and at the house of one of his slaves, Eumaeus. Unsure how he will be welcomed in his homeland he disguises himself as a Cretan sailor and concocts an elaborate story to explain his current misfortune. Odysseus tells Eumaeus that he had been the leader of a successful expedition to Egypt where he stayed for several years. However, his fortunes turned when he was tricked by a Phoenician pirate, who tricks him onto his ship and plans to sell him as a slave. These plans are halted by Zeus who destroys the Phoenicians' ship and leaves 'the Cretan' stranded in Ithaca (*Od.* 14.285-321).

[8] Generally considered to be a pseudonym for Daniel Defoe, although recent scholarship is more sceptical of this claim (Bialuschewski 2004).

In book 15 Eumaeus tells a similar story of how he became a slave. As a child his Phoenician nurse came into his service as she was kidnapped by pirates and sold as a slave. She in turn inflicts the same fate on Eumaeus, when in collaboration with her lover, also a Phoenician sailor, they steal Eumaeus away and sell him into slavery. This action leads to the downfall of the nurse who is struck down by Artemis (*Od*. 15.415-80). These two connected stories are the largest focus given to piracy in the Odyssey and there are clear parallels. Both are stories of Greek nobles becoming undone not through their own fault but through the actions of non-Greek pirates. Both also involve a violation of *xenia*, the ancient Greek guest-friendship, which is a major theme throughout the Odyssey. In both cases the violation is undertaken by a Phoenician. One Phoenician violating his rights as a guest and the other as a host. Odysseus's fictional Phoenician violates this custom by pretending to welcome him onto his ship only to plot to sell him as a slave. Whereas the other Phoenician while a guest at Eumaeus's fathers house, seduces his slave and conspires to steal them along with Eumaeus and several possessions. Both suffer divine retribution, being struck down by Zeus and Artemis respectively. This episode reveals much about Homeric attitudes towards piracy. In an isolated context it shows how without the civilised customs of the Greeks, non-Greeks engage in immoral harmful acts which lead to the downfall of everyone around them. The fact that the perpetrators of these acts are slain by the Gods highlights just how reprehensible Homer considers their actions. Within the larger context of the narrative the Phoenicians violation of *xenia* parallels that of the suitors, who have been living in Odysseus's palace and attempting to seduce his wife.

The stories show how the suitor's' actions have made them little better than lawless pirates and foreshadows their own demise at the hands of Odysseus, the rest of the epic builds from this point onwards. Despite the fierce condemnation of pirates within the Odyssey, there are comparisons between Odysseus, who Homer venerates, and the pirates he denigrates. The Phoenician pirates seen in books 14 and 15 are noted for their guile, cunning and skill with words, all traits for which Odysseus is known and celebrated. Most paradoxical is the raid of Odysseus's crew on the *Cicones*, an episode more violent than anything undertaken by any pirate in the Odyssey (*Od.* 9.39-70). It has become a trend in modern thought to see Odysseus at times as something of a pirate himself (King 2023). Yet it is more than likely that Odysseus was not viewed as such in the ancient world (see 1.2.2 section below).

1.2.2 Thucydides and Demosthenes

The first 22 books of Thucydides *History of the Peloponnesian war,* has a similar attitude towards pirates and piracy. These books, named the *Archaeology*, recounts the history of the Greeks from the time of Minos to the eve of the Peloponnesian war. Its purpose is to show how the war between Athens and Sparta is the greatest and most important war ever fought, which it does by explaining how

conflict between the two became inevitable as the Greeks reached the height of their power. To Thucydides the evolution of Greek society is linear beginning as disparate groups of raiders who develop into sophisticated states. This evolution can be broken down into five stages — barbarity (*Thuc* 1.2-3), piracy (*Thuc* 1.4-7), colonisation (*Thuc* 1.8-15), technological development (*Thuc* 1.13-17) and perfection (*Thuc* 1.18-19). Each stage is defined by the Greeks relationship to the sea. At a time when the Greeks have no interaction with the sea Thucydides barely considers them Greek at all, instead referring to them as barbarians until their knowledge of the sea is sufficient to be considered Greek (*Thuc 1.2*). In the first few passages of his book a link is made between maritime connectivity and civilisation. The antithesis of this civilisation is piracy, as expanded on by Thucydides in the second section of the *Archaeology*. In book 1 Thucydides introduces Minos, who he considers the first civilised Greek.

"*He [Minos] made himself master of what is now called the Hellenic Sea, and ruled over the Cyclades, into most of which he sent the first colonies… appointing his own sons governors; and thus did his best to put down piracy in those waters, a necessary step to secure the revenues for his own use.*"

Thucydides, *History of the Peloponnesian War.* 1.4

Thucydides makes it clear that he considers use and command of the sea essential for confirming the status of great powers. He further suggests good uses of the sea including to form colonies and establish an empire, and bad uses, such as piracy. Thucydides expands upon this, but he states that as sea connectivity becomes more common, more and more barbarians turn to piracy as a principal source of income. While Thucydides does stress that at this time piracy *"had no disgrace being yet attached to it"*, he still makes it clear that it was not an activity a Greek would take part in (*Thuc. 1.5*). The dichotomy between these two uses for the sea is perhaps clearest in section 1.8 where we see Minos colonise islands by expelling the pirates living on them, noting that after the pirates are expelled the settlers *"apply themselves more closely to the acquisition of wealth"*. This episode is perhaps the clearest depiction of Thucydides' beliefs about a civilised state. The state requires a strong navy to expel pirates and establish colonies, after which the colonies may generate wealth for the state. The rest of the *Archaeology* follows this established model, explaining how various Greek powers from the time of Homer up until the eve of the Peloponnesian war unified and expelled barbarians from their seas. This culminates in the invention of the trireme, which Thucydides considers the pinnacle of technological progress within Greek society (Ellis 1991, 360; *Thuc.* 1.18.2). This is because he believed that the warship would allow the Greeks to have complete mastery of the sea. In doing so he believed it made conflict between Greek powers inevitable as they vied for dominance. First, they rid the sea of pirates, then of each other.

By equating control of the sea to societal development, the *Archaeology* shows that Thucydides thought it imperative that civilised powers rid the seas of piracy and that piracy is the antithesis of civilisation itself. These ideas about piracy transfer from literature to politics at the dawn of the Hellenistic period. Orators such as Demosthenes also used piracy to attack political opponents. Notably he labels Philip of Macedon a pirate after the former captured Euboea (Demos. 19.71). The implication being that by undertaking this raid Phillip had stepped out of the bounds of legitimate warfare and delved into piracy. We can see the influence of Thucydides in this speech. Demosthenes sees Philip as a Macedonian barbarian and argues that Athens as a civilised state has a duty to rid the seas of pirates.

1.2.3 The Platonist Soul and its Influence of Piracy

The previous section briefly covered the history of piracy from the Archaic to just before the Hellenistic period in ancient Greece. While the evidence is somewhat disparate it is possible to see ways in which attitudes have developed over several hundred years. The Odyssey establishes piracy as an uncivilised activity perpetrated by foreigners against Greeks. This is expanded upon by Thucydides who states that it is the duty of Greek states to defeat piracy so that they can grow and expand their power. Then finally in Demosthenes we see these ideas taken out of literature and utilised in politics, framing himself as the executor of a just war against a barbaric force undermining Greek civilisation. While a coherence of thought in Greek attitudes to piracy emerges over time, to a modern audience their views may seem paradoxical. The actions and behaviours of Odysseus mirroring the pirates of the Odyssey has already been mentioned, but similar incongruities are present elsewhere. Thucydides mentions that the pirates expelled from several of the Greek islands were Carian and Phoenician colonists (*Thuc.* 1.8). This is confusing as it suggests the Carians and Phoenician were following Thucydides' instructions for civilised powers by using their navies to establish colonies. Likewise, while Demosthenes admonishes Philip for raiding the Greek islands and cities, it does not prevent him from advocating similar raids on Macedonian targets (Demos. 8.9 & 24-34). It is also worth noting that despite the large time gap between the three texts, their definition of piracy is consistent across time. All considered piracy an uncivilised act carried out by barbaric seafarers. Interestingly, the type of maritime violence attested to most commonly is the raiding of onshore targets, principally coastal cities and villages. There is very little evidence of ship-on-ship violence from this period. Likewise, there is no evidence of Greeks being pirates themselves. It seems being culturally Greek was enough to exclude an individual from being considered a pirate. This explains why Odysseus is justified in committing raids and the Carians are unjustified in establishing colonies. That being a pirate is immoral is agreed upon by all authors. However, their morality is not judged by their actions, but by their inborn characteristics. Odysseus is not a pirate, because he is not a pirate. The Carians cannot be a civilised power because they are not civilised. Demosthenes cannot advocate for piracy, because the Athenians cannot commit piracy. This type of thinking is best understood by looking at Greek beliefs about the soul in this period. In *The Republic* Plato discusses the role of the soul within the human body. Just as the function of the eyes are to see and the function of the ears are to hear, it is the function of the soul

to deliberate and rule (Plat. *Rep.* 1.353). This is expanded upon in Phaedrus, a dialogue written by Plato between the titular character and Socrates. In the dialogue Socrates describes life as defined by movement. Inanimate objects do not move of their own volition as they are not alive, the ability of living to move shows that they are alive. The soul is described as the *"self-mover"*, an aspect of a *"being"* which grants it life and allows it to move. While the body can die, the soul remains immortal (*Phaedo*. 69-84). The Republic considers the soul to be largely unchanging with only a small few being able to alter their nature through great effort. In short, Plato sees the soul as responsible for a person's behaviour and this behaviour is largely unchangeable. The actions a person commits are likewise defined by the 'virtue' of the soul.

"A bad soul will govern and manage things badly while the good soul will in all these things do well…The just soul and the just man then will live well and the unjust ill"

Plato. *The Republic*. 1.353

It is this form of thinking that allows us to understand the conceptualisation of pirates in ancient Greece. They are actors in possession of a bad soul. The Phoenicians of the Odyssey, the Carians of Thucydides and the Macedonians of Demosthenes all commit piracy — an unjust and uncivilised act — as a result of their unjust and uncivilised souls. In their texts they are all contrasted by just actors in possession of good souls. This grants us a window into our earliest depictions of piracy within literature. A fundamentally immoral action undertaken by those in possession of an unjust soul. As the nature of the soul is unchangeable there is no ambiguity in who is or is not a pirate, as this is defined by their nature not their actions.

1.3 Rhodian Developments

If in the Odyssey we see piracy used as a narrative tool to distinguish between civilised and uncivilised uses of the sea, and in Demosthenes we see piracy used as a political tool to attack opponents, it is under the Rhodians that piracy is used for the first time as a policy for expansion. Following Phillip and his son Alexander's conquests, which marked the beginning of the Hellenistic period, Rhodes rose to be a power in the Aegean. After an unsuccessful siege by one of Alexander's successors (Dio Sic. 20.81-88) the Rhodian Hegemony established itself as an independent polity (Dio Sic. 20.88). Rhodes became wealthy during this period through extensive trade with the *Diadochi*, particularly the Ptolemies of Egypt (Dio. Sic. 20.81.4). This is attested to archaeologically through the plethora of Rhodian stamped amphorae found throughout the eastern Mediterranean (Figure 1.1). Rhodes has been described as a prototypical seapower state, meaning an isolated power with limited territory which has to rely on the sea for its protection and development (Lambert 2018, 209). As an island nation Rhodes was unable to expand in the manner frequently undertaken by the terrestrial *Diadochi* at this time (Dio. Sic. 13). As a result, Rhodes was far less inclined to fight wars for territorial

expansion. Instead, Rhodes used its substantial naval power to expand its influence through the language of suppressing piracy (Dio. Sic. 20.81.3). This is particularly evident in the 3rd century BC when the Rhodians embarked on a series of naval campaigns, ostensibly to supress piracy, but which ultimately resulted in them establishing permanent overseas bases throughout the Aegean League (de Souza 2008, 72). As a result of these successes Rhodes took leadership of the reformed Nesoitic League (League of Islands), which allowed them to monopolise access to the Cyclades by (Gabrielsen 2013, 61). Not only did the Rhodians use these campaigns to grow their own influence, but to also cripple their rivals, as was seen in the conclusion of their war with Byzantium when Rhodes forbade them from collecting tolls from ships coming into Pontus (Polyb. 4.52). This access also allowed them to mediate in political disputes within the Cyclades, once again under the guise of providing protection or *phylake* from pirates (Gabrielsen 1997, 59; IG XI(4) 1128). While it had previously been commonplace for enemies to label each other as pirates as a pejorative, the Rhodians used piracy itself as a *Cassus Belli*. By expanding their influence over the seascape, they were also able to convince more powerful terrestrial empires that they were fulfilling an important role in the Mediterranean, defeating pirates to facilitate trade. Furthermore, the continual need to supress piracy gave the Rhodians a continuous pretext to occupy the seas, something which is arguably harder to justify than occupying land.

Another innovation of the Rhodians is that they actively politicised their conflicts with pirates. This is evident from the inscription dedicated to Athena Lindia (c. 263 BC). This inscription lists nearly 300 crew members responsible for successful operations against Tyrrhenian pirates (Lindos II. no. 707). The active celebration of combatting piracy is a marked departure from earlier Hellenistic powers and shows how integral combatting piracy was for Rhodian identity. Rhodes gained considerable independence, wealth and influence through its approach to piracy, if piracy did not exist, it would have been necessary to invent it.

Figure 1.1. Fragment of a terra-cotta handle with the iconic Rhodian cornucopia (Public Domain 2024; Gabrielsen 1997, 64).

1.4 Roman Piracy: The Marriage of Media & Law

1.4.1 Rhodian Influences

Despite their successes in the Cyclades, the Rhodian Hegemony was still a relatively minor power in the increasingly connected Mediterranean. Lambert (2018, 209–10) suggests that the Rhodian's inability to expand into a land power led to their eventual decline. However, the stratagems created by the Rhodians were later utilised by a much more successful land power, the Romans. Like the Rhodians, the Romans used the language of supressing piracy to further their own ends. This is initially evident during the First Illyrian war when the Romans used the pretext of piracy to invade Illyria, although the Illyrians themselves disagreed with the Roman interpretation of piracy (Polyb. 2.8). More famous was Pompey's campaign against Cilician pirates, here Rome used the pretext of piracy in southern Anatolia to bring the entire Mediterranean under Roman regulation (Plut. *Pomp.* 26.3), establishing the *Mare Nostrum* which would last for the next 500 years. The lack of documentary evidence makes it difficult to provide evidence for a decisive link between Rhodian and Roman policy regarding piracy. Nevertheless, there is clear evidence that Romans were influenced or at very least aware of Rhodian law. This influence is most clearly seen in the Digest of Justinian (*Just.* 14.2), which discusses the influence of Rhodian law on contemporary maritime insurance. While these sections do

not explicitly focus on piracy, they show that the Romans were willing to take inspiration from Rhodian law and were certainly aware of it. Secondly, Cicero, the Roman statesman who's writing most frequently mentions piracy, studied in Rhodes under Apollonius son of Molon (Plut. *Caes.* 3.1). In fact, in *de Inventione* Cicero shows knowledge of Rhodian maritime law "*There is a law among the Rhodians, that if any vessel with a beak (ram) is caught in their harbour, it shall be confiscated.*" (Cic. *de Inv.* 2.30.2). Again, it cannot be confirmed that this is where Cicero developed his ideas on piracy, but he is shown to be well aware of Rhodian law.

1.4.2 Cicero

The writings of Cicero grant us a view of piracy within Roman law. Pirates feature most prominently in two of Cicero's speeches, *In Verrem* and *Pro Lege Manilia*. *In Verrem* was a legal prosecution by Cicero against the former Governor of Sicily Gaius Verrus who had been charged with corruption. Cicero both accuses Verrus of piracy (*In Verr 1.9*) and allowing pirates to plunder Sicily (*II Verr. 5.59*). However, Cicero's goal here is to undermine Verrus in the eyes of a jury by associating him with the un-Roman activity of piracy. De Souza (2002, 157), stresses that Cicero's speech is not a historical text on piracy, and that associations between Verrus and piracy are largely rhetorical instead of being based in fact. Likewise, *Pro Lege Manilia* addresses piracy but again the focus is political. The speech being made is in support of Pompey being granted sole command of the war against Mithridates. Cicero talks at length about piracy (Cic. *Man.* 11-13) for two reasons. First, he uses Pompey's swift defeat of Cilician pirates as a testament to Pompey's martial skill stressing that prior to Pompey's campaign pirates were universally feared, yet Pompey was able to vanquish them with ease (Cic. *Man.* 11). Second, Cicero uses the fact that Pompey relinquished the power granted to him via the *Lex Gabinia* so quickly as evidence that he can be trusted with a second extra-ordinary command without undermining the values of the Roman Republic. In these speeches piracy largely appears to be a rhetorical device which he uses to further his own political ends.

We can augment our understanding of Cicero's views on piracy by comparing them against his philosophical views. The ideal place to start is in his treatise *de Officis*, a work of philosophy which also mentions piracy (Cic. *Off.* 3.29.107). In this three-volume work Cicero writes on the ideal way to live life. The first two books focus on the necessary characteristics to live well. The first book focusses on morality, while the second looks at methods for gaining private advantage (expediency). The third book considers what should be done when morality and personal gain are in conflict with each other. It is here that piracy is mentioned. Towards the end of book three Cicero mentions that when morality, as determined by law, is not immediately linked to one's own advantage, there are certain natural laws in the world which must be considered (Cic. *Off.* 3.28.101). One of these natural laws is the use of oaths given in warfare. Cicero discusses the expediency of an individual obeying an enemy state using the example of Marcus Atilius Regalus, a Roman general captured during the Punic wars (Cic. *Off.* 3.26.99). After his capture Regalus is sent back to Rome to negotiate the release of Carthaginian prisoners, but

he is made to swear an oath he will return to Carthage once his business is concluded. Cicero suggests it may have been expedient to stay in Rome once he arrived (Cic. *Off*. 3.27.100). However, he quickly dismisses the idea because if natural law is violated the state cannot function properly *"…can what is inexpedient for the state be expedient for any individual citizen?"* (Cic. *Off.* 3.27.101). The message of this episode is clear, keeping a sworn oath is part of natural law, a state and its citizenry cannot exist if they do not follow natural law. Even if following natural law seems against your interests in the short term, it is beneficial in the long run. Yet, there is one specific group Cicero says it is acceptable to break oaths to, pirates:

> *"…suppose that one does not deliver the amount agreed upon with pirates as the price of one's life, that would be accounted no deception — not even if one should fail to deliver the ransom after having sworn to do so; for a pirate is not included in the number of lawful enemies, but is the common foe of all the world."*
>
> Cicero. *De Officis*. 3.28.107

Cicero's views here are even more extreme than Thucydides or Demosthenes. Pirates are so abhorrent that even the laws of gods and nature cannot be applied to them. The Latin term here translated as "foe of all the world" is *hostis humani generis,* a term which has since defined the relationship between piracy and international law (1.7.1). What then did Cicero find so terrible about pirates that they should be excluded from the common laws of humanity? The answer is perhaps best found in his views on morality. The work of Cicero most dedicated to ethical behaviour is *De finibus* (on the ends of good and evil). Here Cicero evaluates the three of the leading philosophies of the day, Platonism, Epicureanism and Stoicism (Cic. *Fini.* 1,3 & 5). Stoics believed that knowledge should be gained in order to live a life dedicated to public service and virtue (Tieleman 2018a, 678–80). Epicureanism was an atomist philosophy focussed on achieving peace of mind on a human level, absent of fear of death or divine intervention (Tieleman 2018b, 259). Platonism represented the teachings of Socrates and Plato which have been described above (see section 1.2.3 above). Cicero is less concerned with advocating for any particular philosophy in this work, as he is with considering how each philosophy is compatible with Roman values (Cic. *Fini*. 5.95-6), encouraging the reader to decide for himself. This is perhaps telling as it places being a Roman citizen ahead of any singular ideology. This appears to be Cicero's most stalwart belief, that life should be lived in service to the state. A similar message is evident in *de Officis*, while it is important to know what is moral and expedient, these values by themselves are worthless if not applied to the benefit of the state (Cic. *Ofic*. 3.27.101). This may provide an insight into what Cicero finds detestable about pirates, in his mind pirates only serve themselves. In *II Verrem* he accuses Verus of being a pirate because he puts his own greed above the needs of his province, and by extension Rome. Likewise, in *de Officis* he states that pirates should not be beholden to natural law because they do not conduct warfare on behalf of a state. In essence pirates represent the opposite of Cicero's ideal citizen as they live their lives in service of their own need by damaging states.

1.4.3 The Cilicians of Plutarch

Pirates are similarly used as a narrative device in Roman histories. We see historians mention pirates frequently in the late Republican period. Cilician pirates are portrayed as the scourge of the sea, one of the numerous enemies the Romans must defeat to unite the Mediterranean and establish peace. They notably appear in Plutarch's *Parallel Lives* and have prominent roles in the stories of Caesar, Sertorius, Pompey and Lucullus. In the stories of Caesar and Sertorious we see pirates appear at the lowest ebb of their stories. For Caesar this occurs at the beginning of his narrative, when as a youth, he is captured by Cilicians in the Aegean Sea (Plut. *Caes*. 2.1-7). Although he is depicted as confident and charming throughout his capture, the powerlessness he experiences is a sharp contrast to the unmatched dictator he develops into later in the narrative. In contrast, Sertorius, by willingly joining forces with pirates after he is forced out of pro-praetorship in Spain by Sulla's forces. Together he and the pirates conquer the Pityussae (two of the Balearic Islands), before once again being driven out by Sulla's forces (Plut. *Sert*. 7.3-4), after which the pirates abandon him (Plut. *Sert.* 9.1). De Souza suggests the purpose of this episode is to show the desperation of Sertorius at this point in his story (de Souza 2002, 133). Driven from his command he is forced to make unsavoury alliances with groups who prove that they cannot be trusted. The departure of the Cilicians marks a significant turning point for Sertorius as he starts to win several victories, culminating in him retaking Spain (Plut. *Sert.* 10.1). de Souza points out the similarities between Sertorius's dealings with piracy and those of Spartacus (de Souza 2002, 133). As with Sertorius, Spartacus turns to Cilicia's pirates as a last resort as he attempts to ferry his slave army from mainland Italy to Sicily, the pirates prove unreliable, taking the escaped slaves' money, but failing to rendezvous with them (Plut. *Cras*. 10.3-4). This also marks a turning point in the fortunes of Spartacus as his army suffered several setbacks culminating in their ultimate defeat (Plut. *Cras*. 11.8). Pirates are also mentioned in passing several times in *Lucullus* (Plut. *Luc*. 2.3 & 13.5). However, it is ultimately in the *Lives of Pompey*, where the fullest description of Cilician pirates is provided. Section 24 *Pompey* describes how the Cilicians, with support from the Romans, took advantage of the war-torn seas to wreak havoc on the unguarded seas. Plutarch's pirates have three principal characteristics. One is the *"Odious extravagance"* displayed on their ships, highlighted by their "*gilded sails, purple awnings and silvered oars"*. Another is their intense hatred of Romans, who they dislike more than any other group in the Mediterranean (Plut. Pomp. 24.6-8). Their final characteristic is their impiety. Plutarch mentions they had no qualms sacking sacred sites such as the temple of Poseidon at Isthmus and the temple of Apollo at Actium. This too may be supported by archaeological evidence from Delos, which suggests the sacred Island was sacked between, 88 and 69 BC, the peak of Cilician power. Instead of honouring the Roman gods Cilicians make sacrifices to Mithras, an Eastern mystery cult of Zoroastrian origin (Plut. *Pomp*. 24.5; Clauss & Gordon 2000, 4).

Unlike other enemies of Rome Plutarch's Cilicians are less of a political force and more akin to a force of nature. A cult of bloodthirsty sailors with no regard for the protections and sanctuaries of the Romans. A disparate group with allegiance only to those who pay them, and even then their loyalty is not guaranteed. Their fickleness was perhaps a metaphor for the dangers of the sea itself. This depiction is reinforced by their lack of individual identity. Plutarch's accounts of the Cilicians have no leaders or even individual sailors who are named. In all of Plutarch's *Lives* only one Cilician is named, Menas, a lieutenant of Pompey's son, Sextus, who appears many years after the conflict with the Cilicians had been concluded (Plut. *Ant.* 32.1). This appears to be a conscious choice as other historians mention Cilician pirates by name. Strabo writes of how the region was first united by Diodotus Tryphon in the 2nd century BC and that they were under the command of a Zenicetes of Olympus in the 1st century BC (Strabo *Geog.* 14.5.2 & 7). Florus describing the same group of pirates from Olympus names their leader Isodorus (Flor. *Epit.* 41.3.6.3). It is unclear why these sources differ, both mention pirates within the context of the career of the Roman statesmen Isauricus, but perhaps they were both working from different accounts. Nevertheless, the pirates in Florus and Strabo are portrayed as more organised and hierarchical then those in Plutarch, even though all three sources stress that there was little or no difference between them.

The influences of Cicero and Thucydides can be seen in Plutarch's pirates. As is the case in Thucydides, pirates represent an anti-civilising force. Their greed and disorder are contrasted by the order of the Roman *Mare Nostrum* and their defeat was a necessary step towards uniting the Mediterranean. Pompey's Plutarchic parallel is Agesilaus who played a similar role unifying the Peloponnesian hegemony after their war with Athens (Plut. *Ages.* 6-9). Thucydides saw the invention of the trireme as the technological perfection of Greek society. Likewise, Plutarch saw *Mare Nostrum* as the perfection of Roman society. In both cases the reasoning is the same, these innovations allowed them to control the seas and facilitate trade at much higher levels than previously thought possible. Pirates in both cases were obstacles to these goals and therefore their defeat was both essential and moral. The Cilicians of Plutarch are also *hostis humani genris* in the mould of Cicero. They existed outside the normal norms of warfare and society. They attack targets which were deemed sacrosanct and kidnaped victims outside the normal bounds of war. Cicero is one of the few truly contemporary sources that we have for the Cilicians and much of Plutarch's characterisation appears to be influenced by his writings. As discussed above, an important influence of Cicero was Stoicism. In the period between Cicero and Plutarch, the popularity of Stoicism had continued to grow in the Roman world. This is perhaps best exemplified by Virgil's epic the *Aeneid* where the hero, Rome founder Aeneas, is principally defined by his adherence to Stoic ideals. While not a stoic himself, the Cilicians of Plutarch are in many ways the ultimate anti-Stoic archetype. The ideal Stoic citizen was politically engaged, pious and trusting in fate. The Cilicians had no political leaders or motivation, instead their only interest was their personal gain, their impiety has already been discussed in detail above. Finally, the Romans of the 1st Century AD believed that it was their fate to unite the Mediterranean under their rule. The havoc the

Cilicians cause throughout the Mediterranean is therefore a challenge to Roman destiny. Therefore, their defeat and conquest by the Romans is not only necessary, but sanctioned by fate. It is worth noting here that Plutarch was not a Stoic and in his writing was often critical of their philosophies (Opsomer 2013, 88). Instead he appears to combine the Stoic influence of Cicero with his own Platonist beliefs (Dillon 2014, 61) to create the largest extant depiction of pirates in antiquity. Grounding the anti-stoic nature of Cilicians in the foundation of an evil corrupted soul of the Platonist style.

1.5 Apocalyptic Pirates: Evolving Opinions in the Late Antique and Early Medieval Periods

1.5.1 The City of God

Throughout antiquity numerous politicians, philosophers, lawyers and historians were building a singular piracy. Despite being from different cultures spread over hundreds of years the depiction is consistent. Pirates are immoral, pirates are impious and most importantly, pirates are anathemas to civilisation which must be put down. Despite the disparate cultures and periods of these writers they all ultimately write about pirates for the same purpose, as a justification for colonialism. Thucydides uses the disorder of early pirates to justify the Greek spread across the Aegean. The Rhodians use the pretext of piracy to control trade in the eastern Mediterranean. Both Cicero and Plutarch use piracy to justify Pompey's *de facto* conquest of the Mediterranean Sea. In the ancient world piracy is used time and again as a pretext for increased regulation of sea lanes and trade. It is therefore notable that as Rome's geopolitical position changes, so do their views on piracy. One of the earliest pieces of work where this change is notable is St Augustine's *The City of God*. *City of God* is a contemplative piece of philosophy written at a time when the Roman world was going through an identity crisis. The Western Empire was crumbling, punctuated by the sack of Rome by the Vandals in AD 410 (Ferrari 1972, 198). The pagan factions within Rome blamed the state's decline on the adoption of Christianity which had been formalised in AD 306 by the conversion of the Emperor Constantine the Great (Ferrari 1972, 206; Euse. *Cons.* 24). St Augustine wrote *City* as a rebuttal to the belief that Christianity was responsible for Rome's downfall. He frames human history as a spiritual conflict between the 'Earthly City' and 'The City of God', essentially a conflict between the Devil and God (Ferrari 1972, 201). As a result, the triumph of faith is more important than the triumph of the Roman Empire. Part of his argument was to demonstrate that earthly kingdoms without justice (here meaning Christian law), were no better than robberies. To exemplify this point St Augustine cites a (fictional) conversation between the pagan Alexander the Great and a pirate he captured. When Alexander chastises the pirate for robbing the seas the pirate replies: *"because I do it with a petty ship, I am called a robber, while you who does it with a great fleet are styled emperor."* (Aug. *City.* 4.4).

The interaction has parallels with Alexander's fabled meeting with the philosopher Diogenes. In both instances we see lowly men unimpressed by the authority of the most powerful man in the world. This excerpt of St Augustine has since been cited as an example of the monopolisation of just violence by the state (Chomsky 2016; 1.8.4; section 1.10.3 below). However, it should not be thought that St Augustine is endorsing or even sympathising with pirates, they are still robbers who side with the earthly city against God. The point being made was that Kingdoms not on the side of God are no better than pirates and in a thematic sense, reverting back to paganism would not change the fortunes of the Roman Empire. Nonetheless, this is still a marked departure from earlier depictions of piracy. Earlier writers saw piracy as an absolute evil which there was a moral obligation to destroy through colonisation. But to St Augustine, a pagan Emperor is no different to a pirate, as both were on the side of the Devil. At a time when Rome no longer has the power to colonise, piracy was not defeated by ships, but with faith.

1.5.2 Piracy at the End of Antiquity

The influence of St Augustine can be seen in work of the later Roman historians. For example, the writings of the historian Procopius (AD 500-565) describes Vandal raids in a moralistic tone reminiscent of Plutarch's (*Pomp.* 24.5) description of Cilician pirates (Procop. *Vand.* I.5.3-6). However, they do not seriously suggest that the Vandal Kingdom was not a legitimate state and instead notes that they were recognised by the Eastern Emperor Xeno (Procop. *Vand.* I.7.26). The Vandals of this time were a Christian Kingdom, part of St Augustine's City of God. Consequently, they cannot be described in the same cataclysmic tones as Plutarch, Thucydides and Demosthenes described pirates. There may also be practical reasons for this change in approach. The state of the Mediterranean at this time may shed light on this change of attitude. Maritime trade had been on a steady decline since the second century AD and was far less lucrative than it had been at the height of the Roman Empire (Paolilli 2021, 225–7), removing the commercial incentive to prosecute piracy. On top of this the political incentive of using piracy as a pretext was no longer applicable for two reasons. First, neither the Eastern nor the Western Empires had the naval strength to wage a successful war at that time and were steadily losing territory, first to the Vandals and then to the Islamic Caliphate (Butler 1978). Secondly, the territories of the Vandals and Caliphs were formerly Roman, which in their eyes provided enough of a *cassus belli* without needing to use piracy as a pretext. In short, the Romans lost interest in prosecuting piracy when it became clear it was no longer commercially viable or politically necessary to do so.

1.6 Internalised Piracy: Policy in the Medieval Period

1.6.1 The Rolls of Oleron

Decreed a 'Virtuous Pagan' by Christian monks, Cicero's work was preserved throughout the Medieval period (Gibbs 2023; Pieper 2021). The influence of his commentaries on piracy can be the *Rolls of Oleron*. Codified sometime in either the late 12th or early 13th century AD the Rolls of Oleron are a series of articles originally designed to regulate the wine trade in Northern Europe (Runyan 1975, 99). However, they subsequently expanded beyond this scope and became the basis for common sea law in Medieval Europe (Runyan 1975, 111–2). Much of the Rolls of Oleron is influenced by Roman law particularly by the *Lex Rhodia* (Runyan 1975, 99). Similarly, article 47 which deals with the conditions for identifying and taking appropriate actions against piracy also appears to be influenced by the Romans *"…in case they be Pirates, Robbers, Sea-Rovers, Turks, or other Enemies to our said Catholick Faith, every man may then deal with such as with meer Brutes, and despoil them of their goods without any punishment for so doing"*. The absolution of punishment and complete otherment of pirates shows clear influence from *de Officiis* (1.4.2). In both instances it is made clear pirates fall outside the bounds of the laws. Whilst comparing them to "*Turks, or other Enemies to our said Catholick Faith*" has clear Augustinian influence. What is not made clear is who was responsible for prosecuting pirates. As observed during the Roman period, responsibility lay with the state government and likely their jurisdiction only covered areas considered to be Roman territory. In England during the High Medieval Period anti-pirate operations were handled by regional Admirals, appointed by the king, who only had jurisdiction over their own region (Bourguignon 1987, 2). These admirals only dealt with piracy in an insular fashion and at times connived with them (Bourguignon 1987, 2). This is an interesting change as it is more inclusive than earlier considerations of piracy. Prior to this period piracy was more commonly an external threat carried out against a state. Whereas here it appears that it is the responsibility of the state to prevent their own subjects from acting as pirates. The change of status of the pirates from external to internal threats is the main innovation of this period and had significant effects during the Age of Colonialism.

1.6.2 Warwick the Kingmaker: The Original Pirateer

Pirateer is a term coined by Wild to refer to 17th century Caribbean sailors who frequently switched between legitimate and illegitimate methods of maritime violence in the Virgin Islands (Wild 2023). At the end of the Medieval period as mercantilism grew, this type of practice appears increasingly commonplace. In England this is visible in the War of the Roses where powerful feudal lords engaged in piracy for a series of political and economic gains. A notable example is Richard Neville, better known as Warwick the Kingmaker. In 1457, Warwick was appointed Keeper of the Seas and Captain of Calais (Hicks 1998, 139). These dual roles involved protecting the English seas from piracy, but more specifically from the French. With the Hundred Years War fresh in everybody's mind a French attack on Calais (at this point England's only territory in France) was considered imminent (Hicks 1998, 139). Warwick's preferred method of keeping English seas safe was to redirect pirate's efforts

elsewhere. From his base in Calais he authorised his officers to conduct raids on a diverse range of targets such as the Spanish, Burgundians and Genoese, none of whom were at war with the English at the time (Hicks 1998, 147). Warwick also outfitted pirate expeditions himself, going as far as to raid the Hanseatic League an ally of England at the time (Hicks 1998, 147). There was both politics and profit in Warwick's actions. Piracy allowed Warwick to fill the depleted Calais coffers, outfit and garrison the city against an expected invasion, as well as augmenting significantly his own fortunes (Hicks 1998, 148). The attacks against unpopular foreign merchants also earned him the support of the London burghers and renown as a military leader (Hicks 1998, 148). Showing the political benefits of piracy as wealth, renown and the support of London, were absolute essentials for a dynastic leader hoping to thrive during the War of the Roses. During the build-up to the colonial era, as overseas trade increased, the potential return from investing in piracy became obvious. The act of a government figure using the language of preventing piracy to actively participate in piratical acts against neutrals and even allies of his own government, was likely part of the impetus for humanist jurists to better define piracy on an international level. Finally, it is clear how thin the line between piracy and privateer really is, with one individual simultaneously able to play pirate-hunter and pirate. Although the Warwick episode is relatively short, only lasting a total of three years, the themes of legal grey spaces, dominion of the sea lanes, and promising financial rewards are all present here.

1.7 Humanism and the Origins of Piracy in International Law

The discovery of 'the New World' had a profound effect on the legal systems of Europe. There was a tremendous increase in trade and commerce passing through the Atlantic and Indian Oceans. This gave blossoming overseas empires a desire to increase authority over maritime affairs. By the 16th century maritime relations had become increasingly de-centralised from terrestrial governments. Crews were often multi-cultural, ships could fly under multiple flags and the authority of captains was near absolute, largely giving them autonomy whilst at sea. Two innovations were introduced at this time to regulate maritime activity. First, humanist jurors codified a set of laws that all seagoing vessels had to adhere to, this eventually developed and became part of international law. Second, specialty courts were set up to hear maritime cases, an influential example being the English High Court of the Admiralty. Working in tandem these academic and legal practices would shape our modern understanding and image of piracy.

1.7.1 Gentili and Grotius

The first prominent jurist to address the legal issue of piracy was an Italian and Oxford scholar, Alberico Gentili. A civil lawyer, Gentili wrote at length about the requirements for just (lawful) war (Gentili et al. 1933). In doing so he also addressed piracy, explaining why fighting pirates cannot be considered war, dedicating a full chapter of his 3-volume book, *de jure beli libri,* to the subject (Gentili et al. 1933 ch. 4). Gentili believed that piracy consisted of any act of violence or robbery at sea which had not been

authorised by a sovereign (Rubin 1988a, 22). Gentili's principal influence is Cicero who he directly quotes as justification for excluding pirates from just war "*pirates are enemies of all mankind, and Cicero says the laws of war cannot apply to them*" (Gentili et al. 1933, 22). Gentili also strongly believed that Roman law should serve as a precedent for international law, often to the point of citing Roman law in his advocations (Gentili & Abbott 1921, 15).

Gentili's direct application of Roman law into 16th century law was problematic. Rubin correctly notes that allowing a sovereign to determine what is and is not piracy, meant the same sovereign could claim any area of territory if achieved through the language of suppressing piracy (Rubin 1988a, 26). As has already been discussed above, this was a conscious choice on the part of the Romans. However, in the mid-1st century BC, the Romans were virtually uncontested as a maritime power which is in part why they could afford to be so aggressive. By comparison, in the 16th century there were at least four major maritime powers and several more terrestrial ones. The balance of power within Europe made this absolutist interpretation of piracy impractical. Subsequently Gentili's ideas about piracy were expanded upon in the 17th century by the Dutch lawyer Hugo Grotius. A fellow humanist Grotius also used Roman law as the basis for his ideas on piracy (Grotius 2012, 337), although he disagreed with many of Gentili's interpretations. Whereas Gentili believed piracy would be judged at the discretion of a sovereign, Grotius stated that it was the actors relationship to the state, which decided whether or not an act was considered piracy (Grotius 2012, 346). In short, a robber band working on behalf of a recognised state at war could never be considered as pirates, as by Grotius definition they were acting within the boundaries of just war. However, if the same crew were committing the same actions without the authorisation of a state, they would be outside the bounds of a just war and therefore would be pirates. Using a 16th century example, Barbary Corsairs, although constantly raiding Christian ships in the Mediterranean were not pirates by Grotius' interpretation as they received authority from the Barbary states, who were themselves affiliated with the Ottoman Empire. This distinction corrected the flaw in Gentili's work as it prevented European powers from labelling each other as pirates as a means of increasing jurisdiction. However, as colonialism became increasingly profitable, Grotius' interpretation of piracy gave recognised European states the opportunity to exert greater control over seascapes and colonies. Neither of these entities could claim to be independent so undesirable actions could comfortably be called piracy, giving states the justification to increase their military presence.

1.8 Locke, Whigs and Notorious Pyrates

1.8.1 Concerning a Human Understanding of Mediatisation

A series of developments at the end of the 17th and beginning of the 18th century reshaped perceptions of piracy. The first of which is John Locke's "*An Essay Concerning the Theory of Human*

Understanding". In this essay Locke seeks to define the origin of how humans think and understand the world around them (Locke 1689). As part of this he attacks the Platonist idea that human characteristics are inborn and were established at birth (Locke 1689). Locke spends the entirety of the first book rebutting the concept of innate principals, in detailed, exhaustive, fashion (Locke 1689). Instead of character being innate, Locke pioneers the concept of *tabula rasa* (blank slate). *Tabula rasa*, theorises that humans are born blank, with no predisposing traits or opinions and instead character derives from environment and experience. Although Locke was certainly not writing with pirates in mind, it is no surprise that this change altered our depictions of pirates, given how closely the Platonist model of the soul was linked to piracy. Another significant change in the late 17th century is the increase in the mediatisation of piracy. As discussed above (section 1.7.2), the transition from Tudor Commonwealth to English Empire, was vague and nebulous. It is towards the end of the 17th century that the English Empire attempted to increase its authority on its territorial holdings and transition into a centralised bureaucratic empire. It is in tandem with this change that increases in the depictions of piracy within the media occurs. At this time the High Court of the Admiralty deals with two major tranches of piracy trials. The first involving Irish privateers fighting for the deposed James II and the second the crew of Henry Avery's *Fancy*. As will be discussed in Chapter 2, neither case was without controversy and a major innovation of the courts at the time was the way in which they utilised the press to their advantage. The Admiralty Court took the rare step of publishing transcripts of the trials of Irish sailors executed for piracy (Anon 1694). This was then expanded upon during the trials of Avery's crew where the entirety of the trials were documented and published daily by the Admiralty Court, an unprecedented level of public access to ongoing trials (Burgess 2009). As this chapter has sought to demonstrate, mediatisation has a long history with piracy. The oral communication of Thucydides' histories, the publication of Cicero's letters and writings or the network of Christian churches preaching against Vikings, the perception of pirates have gone hand in hand with a constant pervasive media. And at the beginning of the 18th century the philosophical and media innovations combined to provide what remains the most influential publication on piracy ever written. Captain Charles Johnson's *A General History of the Robberies and Murders of the most notorious Pyrates*.

1.8.2 A General History of the Robberies and Murders of the most notorious Pyrates

First published in 1724, *General History* transformed forever the public's perception of piracy. The book was the 18th century equivalent of a modern-day blockbuster. It was so popular that it was translated into multiple languages and a second edition was published the same year with a third and fourth edition following in 1725 & 1726 respectively (Johnson 1724, 1725, 1726). To fully explain its impact would be to completely narrate the entire media of piracy from this point onward. The impact of this work is best summed up by Cordingly who, writing in the introduction of the 2010 edition, said *"It has been said, and there seems no reason to question this, that Captain Johnson created the modern conception of pirates"* (Cordingly 2010, 8). It seems unlikely that this thesis, or indeed a significant

portion of works related to piracy, would exist without Johnson's work and therefore, it is appropriate that the influence and messages of this work are considered in some detail.

1.8.3 The Lockean Influence on *General History*

From the onset pirates are granted a deal more sympathy than in previous pieces of media. Johnson diverges from earlier claims that piracy was the result of a corrupted soul and instead suggests it ultimately stems from external forces (Johnson 1724b, 17). The influence of Locke's work is evident on changing attitudes towards piracy, pirates are drawn towards piracy as a result of their upbringing and environment rather than their inborn character. He even retroactively applies this thinking to the Cilicians of Plutarch, stating that it was the chaos brought on by Rome's constant civil wars that permitted piracy to grow in the Mediterranean (Johnson 1724b, 18). The theme of chaotic pirates struggling for control over the seas against ordered states is a major theme in Johnson's work and fundamental to his political message. The individual pirates of *General History* are also often shown in a sympathetic light. Captain Teach (better known as Blackbeard) is noted for his bravery and leadership (Johnson 1724b, 88). Major Stede Bonnett's story is full of pathos as a man of 'liberal education' is driven to piracy by 'mental illness' only to be wholly unsuited to life at sea, and despite rescuing his marooned crew, leads them all to their deaths (Johnson 1724b, 91). The histories of Mary Read and Anne Bonny encourage us to empathise with these characters as we follow their lives from birth. While both are described as having an adventurous character it is the misadventures that occur throughout their lives that causes them to become pirates (Johnson 1724b, 157–60 & 166-172). Not that this is always the case, Captain Ned Low who *"nature designed a pirate from his birth"* is very much a pirate of the Platonist mould (Johnson 1724b, 366). Yet, just because the reader is encouraged to sympathise with these pirates does not mean they are meant to side with them. Blackbeard at the height of his career is depicted as the devil incarnate (Johnson 1724b, 87–8), Bonnett personally commits 18 murders (Johnson 1724b, 108), and Read and Bonnett are the fiercest most violent members of their crew (Johnson 1724b, 162 & 172). In Lockean fashion, *General History* invites the reader to consider that the environment shapes these characters whilst ultimately condemning their actions. This is reflected in the fate of pirates who end up either executed or destitute. This is most telling in the case of Henry Avery. Avery's fate was (and is) unknown, but at the time convention held that he escaped with his treasure to live a life of luxury in Madagascar. *General History* dismisses this claim instead saying that he was tricked out of his treasure by Bristol merchants and died penniless. The message is clear piracy does not pay.

1.8.4 The Whig Influences on *General History*

Avery's is the first pirate introduced in *General History* and he serves as a prototype for the rest of the pirate careers which take place 15 years later. Towards the end of his story Avery places his treasure in the care of a group of merchants in exchange for a line of credit. However, once the

merchants have the treasure they refuse to supply any credit to Avery knowing he cannot take his case to court, to which Johnson comments "*so that our Merchants were as good Pyrates at Land as he was at Sea*" (Johnson 1724b, 55). Comparisons between pirates and lawful society are frequent, with Johnson treating pirates as a sort of nascent state. He suggests that given time they may have formed their own commonwealth to become a country outright (Johnson 1724b, 35). Here and in his comments about *"Pyrates at land"* there is a clear influence from St Augustine's *"All Kingdoms are robberies"*. This is made almost explicit in the 1726 volume's account of Captain Bellamy who almost cribs verbatim from St Augustin in defence of his own actions regarding piracy (Johnson 1726, 220). Unlike in Plutarch or the Anglo-Saxon chronicle where pirates are the antithesis of society in *General History* they can be better explained as society's dark reflection. Pirates are democratic where crew are allowed elect their leaders and vote on their objectives. They have well defined articles which establish the distribution of loot in terms favourable to crew-hands (Johnson 1724b, 230–2, 1724b, 352, 1724b, 397). They also eschew norms that were prevalent at the time. Like the impious pirates of Plutarch, Johnson frequently compares pirates to devils (Johnson 1724b, 88, 188, & 336), in opposition to prevalent religious values of the time. Class norms are inverted as leaders are democratically elected as opposed to naval ships where officers were appointed from the upper classes. The stories of Read and Bonny invert gender and sexual norms. The two women take part in a male dominated occupation and have extra-marital lovers. Johnson also hints at a sexual relationship between the two (Johnson 1724b, 162). In a less romantic vein Blackbeard's prostituting of his wives (Johnson 1724b, 74) upturns traditional patriarchal responsibilities related to the protection of one's family. Indeed, much of this is part of why piracy has become so popular in the post-colonial period when these values are considered more problematic (see section 1.9.2 below). But just as the original meaning of St Augustine's approach to piracy is lost when deprived of the context it is written in, the same can be said for the message of *General History*.

Pirates are not the heroes of this narrative. They are violent and cruel, and their attempts at government always fails due to a combination of greed, stupidity, or lax morals. Frohock (2015, 478) sees the pirate's failures here as a satire of civil government. Johnson's pirates exist as a justification for the colonisation of the seas by the British Empire. What is left unsaid when Johnson attributes piracy to *"the negligence of government"* is that a strong government is required to administer the Oceans, whose government he has in mind should be obvious. If this was not clear enough the subtext soon become text when he claims that the best way to eliminate piracy would be to establish a national fishery in the British seas (Johnson 1724b, 1). Indeed, portions of *Notorious Pyrates*, will at times break off from the main narrative to indulge in fetishist descriptions of lands in the America's (Johnson 1829, 223), because, as Johnson says, *"I take [interest] in everything that may tend to the enriching and extending the dominions of our glorious Britain"* (Johnson 1829, 223). For the safety and security of the seas a strong centralised government presence is required. By the time Johnson was writing this was already in progress and had been a key policy of the Whig party for at least 20 years. Later historians envisaged this as a brutal suppression of maritime actors, where piracy was used as a pretext to

browbeat sailors into following government regulations (Rediker 1987). In this context *General History* can be considered a form of propaganda, which vilifies recusant sailors as murderous and incapable of governing themselves. At the same time the government is lionised as a civilising force, bringing order for the benefit of trade much like Minos in Thucydides (see section 1.2 above). This need not require fictionalising accounts, but instead omitting grey areas of history so what is left is only the very worst actions of sailors and the very best of government. This nuance (or lack thereof) is best seen in *General History's* depiction of Woodes Rodgers. Rogers was an English seafarer who had a successful career as a privateer before being appointed the first British Governor of the Bahamas. He is the closest thing *General History* has to a protagonist, appearing in numerous accounts as the personification of law and order (Johnson 1724a, 273–309). He is resolute in hunting down pirates and always gives each a fair trial even in difficult circumstances (Johnson 1724a, 336–60). Surprisingly, one of the principal sources for *General History* is Woodes Rogers himself. We can see echoes of Plutarch's Pompey in Johnson's Rodgers. Both show their protagonists taking on an unprecedented military and administrative role against an enemy the author has largely invented. From this perspective *General History* can be seen as the final stage of the mediatisation which began in the 1690s (see section 6.3 below). While the earlier forays into mediatisation were wholly in support of the Whig government, the voice of the accused was still present. Publications on Irish privateers showed what the sailors considered the hypocrisy of the state, that they could be condemned for piracy (Anon 1694). Likewise, during the trials of Avery's crew the sailors decried their harsh treatment by the British navy, who withheld their pay (HCA 1/53 fo. 10). But by the time of *General History* pirates are only heard through the lens of the conqueror and oppressor. Any words we hear them speak are fabricated by the author. Any sympathy they garnered is used as a pretext for their subjugation.

1.9 The Growth of Pirate Studies

1.9.1 Scepticism in the 19th and 20th Centuries

In the 19th century, the *Pax Britanica* sees interest in piracy from a legal standpoint diminish. This is reflected in the Piracy Act of 1837 which abolished the death penalty for the majority of pirate acts (7 Will. 4 & 1 Vict. c. 88). Conversely, the international law first spearheaded by Grotius became increasingly popular, as great empires became increasingly intertwined in grand alliances such as the Sixth Coalition, the Eight-Nation Alliance and the competing triplets of the alliance and entente which led to World War One. Yet the principle of piracy which was so pivotal to Grotius's international law was viewed with increasing scepticism. As the study and practice of law developed lawyers appeared to find less use for the law of piracy itself. The earliest modern criticism comes from Whatley in 1874 when he states *"there is little occasion for such a law [piracy]"* (Whatley 1874, 336). There is a kindred sentiment in the 1924 Harvard Law Review. Dickinson (1925) asks "*Is the Crime of Piracy Obsolete?*". Writing in the midst of the Prohibition era, Dickinson considers whether there is any value in indicting rum runners and hijackers of said runners as pirates (Dickinson 1925, 34–5). Dickinson is certainly critical of

aspects of piracy law. Stating that the only major difference between robbery at land and at sea is the *"locus"* of the crime (Dickinson 1925, 350). Also, despite its previous use in defining the crime of piracy, he sees the phrase *hosti humani genris* as something closer to a rhetorical device, rather than any real legal term (Dickinson 1925, 352). Yet ultimately he concludes there still is value in the law of piracy, as although piratical acts are less frequent than in the past, the ability to invoke such laws can be a valuable deterrent for lawlessness at sea (Dickinson 1925, 359–60).

1.9.2 The Law of Piracy and Beyond

Written in 1988, Rubin's *The Law of Piracy* provided the most radical re-evaluation of piracy to date. Re-evaluating piracy through a post-colonial lens, Rubin critiques how piracy has been used by Imperialist powers to further jurisdiction over the seascape. Expanding on his earlier works which focussed on the over designation of Malay seafarers as pirates in the 19th century (Rubin 1974a, 1974b), Rubin traced in depth the development of piracy through the English and American legal traditions (Rubin 1988a). His results are damning and he states that when taken holistically there is no appropriate legal definition of piracy (Rubin 1988a, 337). Instead, there are periods of history where piracy is opportunistically invoked by colonial powers in order to better control overseas territories. To Rubin there are no legal precedents which can unite different pirates throughout history. Piracy is an analogy, used as a method of subjugation by colonialist powers (Rubin 1988a, 292-7). Rubin's work also allowed for the creation of a new academic field, piracy studies. US law (see section 1.9.1 above), English law (section 1.8.1 above), Humanism (section 1.7.1 above), the Digest of Justinian (section 1.4.1 above), Cicero (section 1.4.2 above) and Rhodian law (section 1.3 above), the tangible legal precedents of piracy stretch from the present day back to the 4th Century BC. If as Rubin suggests that the precedents linking these groups are ersatz it allows the groups who were labelled pirates throughout these periods to be critically reconsidered.

The interest in piracy Rubin created in The Law was carried into the subject of history by Marcus Rediker. A Marxist to his core, his statement that *"the keepers of the state in this era were themselves terrorists of a sort"* (Rediker 2012, 4) echoed St Augustine's notion that all Kingdoms are robberies (see section 1.5.1 above). Rediker saw piracy as a construct employed by a capitalist elite to control a maritime proletariat (Rediker 2012, 5). A diametrically opposed view was offered by Leeson (2009), who saw pirates as early anarcho-capitalists motivated largely by a pursuit of money, as opposed to any ideological desire to separate themselves from colonial overlords. Rediker's work had a strong focus on archives and his 'history from below' approach had a significant impact on research into piracy by social historians (Benton 2005b; Blakemore 2013; Finnegan 2017). In the field of Classics de Souza approached piracy in a Rubinist fashion, discussing how ancient maritime empires like Athens, Rhodes and Rome used the language of prosecuting piracy to expand their own domains (de Souza 2008; 2013; 2017). Likewise, Gabrielsen (2013, 133–5) undertakes a historiography of ancient piracy dividing works

into moralistic, *Ciceronian* (see section 1.4.2 above), studies which suggest that piracy as a moral evil (Ormerod 1978; Ziebarth 1929), and nuanced *Augustinian* approaches which engage in piracy more as a socio-political construct (Gabrielsen 2005; de Souza 2002). The growth of *queer piracy* in the media in the 1990s, also owes a deal to Rubin. His work allowed for critical reinterpretation of *General History* where seafarers meant to be reviled given how they eschewed social norms, were now celebrated. The most notable example of this phenomena is *The Pirates of the Caribbean* series. In the original series each of the three main characters inverts a gender, sexual or class norm, mirroring their counterparts in *General History* (see section 1.8.4 above). They are quite different from the heteronormative antagonists of the series, the capitalist *East India Company*.

So convincing were the arguments of Rubin that they were appropriated by the very policy makers he criticised. A notable example of this came from *Pirate Lands* (Daxecker & Prins 2021). On the one hand *Pirate Lands* is a genuinely novel work with an impressive methodology. It combines geospatial analysis and interviews with key stakeholders involved in modern piracy (Daxecker & Prins 2021, 1-6). On the other, it draws some very problematic conclusions. The central thesis that piracy thrives in weak states stops short of definitively stating that the influence of strong states is required to curb the violence, but the inference is left between the lines (Daxecker & Prins 2021, 2-3). This conclusion is further complicated by the fact that Daxecker & Prins are funded by the Minerva Initiative, a controversial (Ahmed 2014; Gusterson 2008) academic funding body which is an offshoot of the US Department of Defence (Defense Media Activity 2023). In an eerie case of history repeating itself, it is the 21st century equivalent of Captain Johnson wishing to establish a national fishery in British seas (see section 1.8.4 above). This amounts to an academic work, sponsored by the US Department of Defence, advocating for an increased overseas presence in *"weak states"*, increased US naval presence to deal with the trouble of the time and negligence of governments, thereby co-opting the arguments that were originally used to criticise this very phenomenon. Since the publication of *Pirate Lands* both the United States and China have increased their naval presence in the Gulf of Aden under the guise of supressing piracy (Konrad 2022; Tanchum 2021). A presence that was initially sanctioned to 'defeat' Somali piracy. Rubin's *Law of Piracy* is not an archaic problem only relevant to legal scholars, it instead shines a light on a pervasive colonial practice which continues up to today.

1.10 Piracy in Archaeology

1.10.1 The Beginnings of Pirate Archaeology

In Thucydides' the author relates that during the Peloponnesian War, Athenians on Delos were able to deduce that the island had previously been occupied by Carian (see section 1.2.2 above) pirates because of "*the armour buried with them and also by their manner of burial*" (*Thuc.* 1.8.1). Here, the identification of cultures based on their grave goods and burial customs is one of the earliest written

examples of what we would now consider to be archaeology. Given that one of the earliest written examples of archaeology is an archaeology of piracy, there is some irony that it has taken so long to revisit the subject. It is not until the 1990s that the interest in piracy generated in historical and legal studies permeate into archaeology. The first in depth field study began in 1996 and focussed on identifying Hellenistic era pirates on the coast of Cilicia (Rauh 1996). This was the first season of a long running project that lasted until 2011. The initial results were mixed. Early surveys, focussed on coastal *periploi* yielded a large amount of Roman material but little evidence of occupation in the period Cilician pirates were active. The difficulties the Rough Cilician Survey Project (RCSP) are best summarised by Rauh himself when he states *"the information we have gathered thus far presents a fragmentary uncertain picture of Cilician pirate culture"* (Rauh 1997, 2). At the same time as the work of Rauh *et al.*, Gabrielsen sought to understand the impact that piracy had on the Thalassocracy of Rhodes (Gabrielsen 1997; Gabrielsen 2005). Gabrielsen studied coastal defences in Rhodian occupied Crete and the Black Sea to evaluate how Rhodians used piracy to maintain hegemony over the Aegean Sea (see section 1.3 above) (Gabrielsen 1997, 43–4). Gabrielsen stresses the nebulosity of piracy in this era, noting how the Rhodians used it as a pretext for increased naval jurisdiction (Gabrielsen 1997, 91-3). Something he supports with archaeological evidence by looking at the distribution patterns of Rhodian stamped amphora (Gabrielsen 1997, 46). However, despite Gabrielsen (1997, 39) advocating for further research, there has been little follow-up since.

Another major attempt to find an archaeological signature for piracy came from Skowronek and Russell's 2008 editorial ambitiously titled *X Marks the Spot: The Archaeology of Piracy*. The work combines an impressive blend of historical and archaeological work, using archival material to identify and excavate sites (Ewan 2008, 9–10). This yielded some impressive results as several ships and bases related to the Golden Age of Piracy are persuasively identified. However, if there is a foundational flaw in *The Archaeology of Piracy*, it is that the work never truly considers what they believe piracy is. Each author is largely allowed to draw their own conclusions, and the result is a series of disparate case studies. The lack of a focussed consideration of piracy impedes several authors throughout the book. Excavations at Port Royal showed no distinguishable difference in the material traces left by pirates compared to legitimate merchants (Hamilton 2008, 26). The confirmed pirate wreck of the *Whydah* is considered to be little different from an armed merchant or privateer (Hamilton 2008, 158–9). Similarly, the more contentious (Jarvis 2008, 209) identification of Christopher Cordent's *Fiery Dragon* again yields a cargo indistinguishable from a merchant wreck (de Bry 2008, 110–3). An exception is the twin studies looking at Roatan in the Bay of Honduras, which combine nicely to paint a portrait of a liminal maritime society seeking to exist outside colonial oversight (Finamore 2008; McBride 2008). Ultimately though, Skowronek et al. go in search of pirates with a capital P. They focus on a ship, or a site, hoping to find evidence of habitation by figures with eyepatches and peglegs. What they instead find is inhabitants indistinguishable from 'legitimate' maritime actors and the studies are too isolated from their larger context to best understand how the cultures in these regions operated. Comparisons can

be made to Rauh *et al.* in that both focus their investigations on locations mentioned in texts, but are not overly sceptical about why texts consider those areas piratical. Whilst this demonstrates some of the early pitfalls of research into piracy, it is important not to be overly presentist. A reliance on texts is natural when approaching a new field with little other material, and the difficulties they encounter were vital for an improved general understanding of piracy.

1.10.2 Invisible Phenomena

The limited successes of early studies related to the archaeology of piracy led to questions about the applicability of the approach. This scepticism is surmised by de Souza, a prominent classicist specialising in Graeco-Roman piracy, when he states that all evidence for ancient piracy is textual with no distinct trace in the archaeological record (de Souza 2002, 2). The challenges in creating an archaeology of piracy are well explained by Beek. Beek treats piracy as an archaeologically invisible phenomenon, meaning it leaves no trace in the material record (Beek 2015, 275). By the time of Beek writing it seemed clear there was no material evidence for piracy in the Roman era, but it was not evident why. He goes on to suggest three potential reasons for this. First, he suggests that piracy fills a niche in an economic system naturally pulling the disposed towards it as they depend on it for their survival (Beek 2015, 271–2). It is therefore continuous and prevalent throughout history, but not uniquely recognisable. This seems logical especially at a time of great instability, as was the case in Late Republican Rome. Furthermore, there have been several modern studies which analyse the link between piracy and poverty (Cole & Seyle 2015, 1). However, this does not explain why piracy remains so elusive within archaeology. If there is such a necessity for it, why can it not be seen? A second theory he suggests is that piracy was a part-time activity, undertaken by otherwise legitimate individuals stirred up against the status quo (Beek 2015, 274). With this theory, pirates were not defeated *per se* but instead returned to their legitimate activities after a period of piracy, either of their own accord or enforced by their leaders (Beek 2015, 275). The final of Beek's theories is that piracy never truly existed in this period and it was instead a political tool utilised to justify wars of aggression (Beek 2015, 276). This is similar to Rubin's theory of piracy which sees piracy as a set of vaguely connected imperial mandates with little value as legal precedents (see section 1.10.1 above). Beek considers this his most "*contentious*" theory (Beek 2015, 276). Yet this is probably the most popular view of piracy within pirate studies, as the applicability of the term has been debated considerably over the past half a century (De Souza 2002, 2; Ferone 1997; Gabrielsen 2001, 223–5; Philip de Souza 2013, 42). This leads to perhaps the most important question for this chapter. If piracy is just a conglomeration of legal, philosophical and media ideas, what value is there in trying to build an archaeology for what is essentially a construct?

1.10.3 Bearing Towards an Archaeology of Piracy

An important precursor to that made advancements in the archaeology of piracy possible was Westerdahl's research on the maritime cultural landscape (Westerdahl 2013). A maritime cultural

landscape approach, is a cross-disciplinary method that draws on numerous sources, such as: place names, archaeological surveys, shipwrecks and archival resources, to understand how maritime communities interacted with both the land and the sea (Westerdahl 1992, 2006, 2013). While Westerdahl does not focus on piracy, this multi-disciplinary approach is crucial when archaeological methods have historically yielded limited results. For that reason, a maritime cultural landscape approach is used extensively in this thesis. Anthropological, sociological and historical developments made on piracy in the 2000s and 2010s, could then be integrated into the archaeology of piracy by taking a Westerdahlist approach. A key proponent of the anthropological development of these arguments came from Dawdy. In her 2011 article Dawdy compares the rise of Somali piracy in 2008 with the growth of internet piracy which sought to provide free and accessible data from the internet (Dawdy 2011, 361). Her argument is distinctly Rubinist in nature, stating that the law of piracy has evolved to now establish jurisdiction over nebulous digital spaces, as well as those of the sea (Dawdy 2011, 376). She also advocates the value of Somali pirates as an ethnographic resource (Dawdy 2011, 365–9). An approach that blends well with the increased use of maritime ethnography in both anthropology and archaeology. It is perhaps no surprise then, that Dawdy, along with her collaborator Bonni worked to link the disparate portrayals of piracy in history, media and politics into a unified theory of piracy. Grounding their work in the Hobsbawmian theory of social banditry (Hobsbawm 1969), Dawdy and Bonni treat piracy as a series of loosely connected cultures opposed to the prevailing economic structures of their time (Dawdy & Bonni 2012, 677). A global historical perspective is also considered in *Persistent Piracy*. Based on the proceedings of a conference at the University of Stockholm in 2012 the editorial uses a series of case studies, ranging classical history to the early modern era, to discuss how piracy is consistently used to justify maritime violence in aid of state formation (Amirell & Müller 2014).

Early researchers (see section 1.10.2 above) struggle to see the role piracy played within the material record. However, the developments mentioned here (section 1.10.3 above) had a profound impact on the archaeology of piracy. Supported by additional surveys, Rauh et al. (2009) re-evaluated their work on the Cilician coast. Once they began studying the landscape, they concluded that collaboration between Luwian locals and Greek colonists led to an economic boom in Cilicia. As advocated by Dawdy, this work was further supported by anthropological research into ranked societies (Rauh 2019). Far from being archaeologically invisible, what Roman sources labelled as piracy played a vital role in catalysing urbanisation (Rauh et al. 2009, 305). A similar trend is evident in the inventively titled follow-up to Skowronek and Russell's 2008 work, *Pieces of Eight: More Archaeology of Piracy*. While the lack of focus remains in this volume, individual case studies go to greater lengths to orientate their work within their site's greater landscape. de Bry, while again focusing mainly on the *Fiery Dragon*, frames the interactions of the crew within the context of cultural exchanges by Anglo-French pirates and local residents of Ile Sante Marie (Nosy Boraha) (de Bry 2016). Whilst Kelleher approaches piracy off the coast of Munster as a complex communitywide activity which requires a full understanding of

the landscape to comprehend (Kelleher 2016). Kelleher followed up these themes in her book dedicated to the archaeology of piracy in Ireland (Kelleher 2020). Kelleher undertakes the most earnest attempt to understand piracy as part of the maritime cultural landscape, as described by Westerdahl (Kelleher 2020, 127–32; Westerdahl 1992). Piracy was beginning to make itself visible to archaeology, but a clear archaeological definition remained absent. Although studies have become increasingly focussed in recent years (2023-2024). A third edition of Skowronek and Ewen's pirates series, this time borrowing from Billy Bones for their flamboyant title "Dead Men's Chest: Exploring the Archaeology of Piracy", lacks the editorial shortcomings of its predecessor's. While many chapters still struggle to conclusively identify pirates. It is the opinion of the author that on balance the cultures studied *"paint a picture of a diverse range of maritime actors profiting off the wealth of trade brought in from the Age of Colonialism, but who were, for a variety of reasons, forced to live on the margins of that world, displaced from the actual levers of power"* (Dawson 2024). A similar point of view is taken by the author as a legacy member of the Rough Cilicia Survey Project, where he and Rauh argue that material gathered as part of the RCSP show that the pirates of Cilicia formed a sophisticated maritime network closely linked to highland Isaurians, that was dismantled by the Romans as part of their colonial project (Dawson & Rauh 2025) (Dawson & Rauh 2025).

1.11 Research Goals and Impact

This review has outlined both the development of piracy as a concept and the archaeology of piracy as a subject. The development of piracy as a concept is tightly linked to colonialism and maritime connectivity. While each new iteration tailors their justifications of combatting piracy to their own culture's sensibilities, pirate rhetoric consistently functions as propaganda to justify control of sea lanes. Carians must be purged from Greek Islands to facilitate trade. We need to stop Cilicians disrupting the flow of goods from Delos to the Eastern Mediterranean. Vikings are manifestations of the Devil and there is a moral responsibility to protect Christian shipping. The lawlessness of Caribbean buccaneers is decreasing the efficiency of state sponsored companies, and African militias are preventing our legitimate companies extracting oil from the Niger Delta. This understanding is imperative as it allows us to properly frame what an archaeology of piracy is, which is an archaeology of the maritime societies progandised against. This view is an ongoing trend within studies of the archaeology of piracy, which began by heavily relying on the texts of colonial powers around which research is centred, but have gradually shifted to a more anthropological methodology which seeks to better understand the reasoning behind why certain groups were treated as pirates. This thesis aims to use a specific case study which was pivotal for the modern development of an understanding of piracy and use archaeological methods to explain why piracy was used as rhetoric at that time. The period in question is the elimination of Jacobite maritime networks, led by English High Court of the Admiralty between 1680 and 1715. The importance of this period will be the focus of Chapter 2. By demonstrating that Whig interest groups used piracy as propaganda to delegitimise the maritime networks between

Irish Catholics, Jacobites and English Tories, this thesis aims to produce a blueprint which can be used to consider groups designated as pirates throughout several different periods of history.

Chapter 2
Piracy and Statehood: The High Court of Admiralty 1682-1710

2.1 Methodology

By the end of the 17th century the English state was transforming substantially, both domestically and on an international level. Civil War and further revolution had led to the emergence of Parliament as the dominant political force in the country. Ties with Scotland were becoming stronger, culminating in the Act of Union in 1706 (6 Ann. c.11).[9] England also sought to cement their colonial hold over Ireland, while the Celtic areas of Wales and Cornwall were brought further under their authority. Overseas, the value of England's colonies was also growing, the Royal African and East Indian companies were growing increasingly wealthy from trade from the Indian and Atlantic Oceans (Pettigrew & Van Cleve 2014, 618–20). It is within this context that we see a flurry of pirate trials in the archives for the Admiralty Court. As English maritime networks expanded and developed in the 17th century, the English High Court of the Admiralty was responsible for the nebulous task of regulating their country's ships at sea which was more complicated when compared to enacting law on land. Lambert (2018), notes that states who rely heavily on the sea are inherently weaker than terrestrial powers, as it is much harder to control. By extension enacting law, a tool primarily designed for implementation on land, is ill designed for the sea. The life of sailors in the 17th century was transient and difficult to predict. The plans of sailors could be disrupted for a variety of reasons that were not in their control including: weather, leadership (or the lack of it), illness, or poor communication (Fox 2014, 179–81). Thus, misdemeanours that were influenced or were a result of these uncontrollable events made it difficult for courts to assign guilt. To address this the High Court of the Admiralty was one of the first legal bodies to apply the theories of Grotius and Gentilli in court, and as such was one of the precursors for international law. This chapter, however, will argue that the court did not function as an unbiased legal body, but as a political arm enacting the colonial agenda of the English government at that time. This will be discussed in two ways. First, through an analysis of the Judges of the High Court of the Admiralty, to show the way politics shaped the court and by extension piracy trials. A biography of each major Judge will examine how they became appointed to the Judiciary, how they ran the court, and how they influenced the functioning of the court at that time. This will be cross-referenced with other notable aspects of their careers and influences from the wider political climate of England. In doing so this section aims to show how appointees were consistently chosen, and maintained position, based on their ability to support the ever-changing needs of government. Secondly, the depositions of all criminals tried by the Admiralty between 1682 and 1710 will be examined. The aim is to show how the goals of the court changes throughout the years, based on the cases which are tried. Specifically, looking at changes from the late 1690s which show an increased interest in reducing the Franco-Irish

[9] Notation refers to an Act of Parliament, the format is: [year of reign] [monarch] [sequence]. In this example it is the 11th act passed in the 6th year of Queen Anne's reign.

and maritime networks, through the language of supressing piracy. These examples will provide the case studies for the rest of the thesis, which looks at archaeological methods for approaching societies which have been labelled as 'piratic' in this period.

To attempt to build an archaeology of piracy, it is necessary to understand who is being prosecuted for piracy and why (see section 1.11 above). This provides an understanding of the motives of the various stakeholders and their reasons for operating at sea. It was decided that the best approach would be to initially look at the trials related to piracy. The initial focus set for this work was those trials recorded in English. The English cases alone required palaeographic work and the parsing archaic speech, both of which were time consuming. An estimate of the time required to include trials in different languages suggested that it was well beyond the scope of this thesis. In addition, the number of trials to be consider required the imposition of a time frame to limit them to a manageable number. Trials conducted during the 17th and 18th centuries were the obvious choice. In this period piracy was intensively studied, with large amounts of primary and secondary reference material available. Thus far there is no defining work on how to consider piracy from an archaeological standpoint. It seemed that the most pragmatic approach was to begin an analysis of the period when most material evidence was available for analysis. Following consultations with staff members at the National Archives (TNA) it was decided to focus on the court cases from volume *Examinations of Pirates and Other Criminals 1683-1694* (HCA 1/52) and *Examinations of Pirates and Other Criminals 1694-1710* (HCA 1/53). There were several reasons for this. In the latter half of the 17th century the Admiralty Court transitioned away from using Latin to English as the court language (Finnegan pers. comm.) HCA 1/52 and 53 span from 1683 to 1710. This range also includes a highly active period in English history, covering the Exclusion Crisis, the Glorious Revolution, the Act of Union and ending just before the mass prosecution of pirates by the British Empire, colloquially known as the Golden Age of Piracy (1716-1724). Many of these more famous trials were by the increasingly empowered vice-Admiralty Courts operating from the colonies. Examining this earlier period revealed how these ideas were tried and refined first by the Admiralty Court and then utilised throughout the Empire. These two volumes therefore provided a significant body of data covering a pivotal time of change that could be assessed and analysed within the timeframe of this thesis. Both sets of volumes were transcribed, and each page and line number recorded for ease of reference. The one exception to this was the *Bails of Prosecution* which were written in Latin. The few examples that were translated showed that for the most part the bails summarised the details of the cases and the individuals involved. Much of this information is mentioned within the Admiralty Court records themselves. It seemed unlikely that further intensive and time-consuming work would yield a large amount new information translation. Therefore, the bails were not prioritised. Nevertheless, several months of transcribing resulted in 638 pages containing 174,351 words, which serves as the dataset to support the work detailed in this chapter.

In terms of theory an 'archives as archaeology' approach was used to approach the material (Baird & McFadyen 2014). This method envisions an archival record as a piece of archaeological material in and of itself. Here the data recorded and the way it is stored informs the researcher about the biases of the archiver, which in turn provides information on what they consider important. Baird and McFayden originally conceived this as a method for analysing archaeological archives but it can be equally applicable to historical archives. A useful historical method, which would aid this approach, is that taken by Stoler (2009). Using the Dutch Indies as a case study, Stoller advocates reading 'along the archival grain' to better understand the epistemologies of colonial archive-makers. In doing so a clearer understanding of the mindset of those creating colonial archives can be understood. These are the two principal approaches utilised when reviewing the material in the High Court of the Admiralty. The archive is treated as archaeological material. This means that close attention is paid to the way data is recorded as well as the format in which it is presented to best understand the goals and purpose of the trials. The archives are then assessed by reading 'along the grain' of both volumes the aim was to determine how the Admiralty Court evolved over this period, and then to examine how it provided information about the nature of the relationship between piracy and colonialism.

2.2 The People of the Admiralty Court

This next section analyses the various individuals affiliated with the High Court of the Admiralty in the period of interest. It aims to show how the appointments made were inherently political in nature and tightly linked to the events mentioned above (see sections 2.1.2-5 above). First the role and aims of each Judge of the court is analysed, before examining the ancillary roles in the court.

2.2.1 Sir Leoline (Llewellyn) Jenkins (1625-1685; Judge of the Admiralty 1668-d.)

Born in 1625 in Llantrisant, Jenkins was a native Welsh speaker who supported the Royalists during the English Civil war (Henning 1983, 642). After their defeat, Jenkins retired from political life and in 1655 was forced into exile on suspicion of Royalist activity (Henning 1983, 642). He returned to England after the restoration of the monarchy in 1660 and was elected fellow of Jesus College, Oxford (Henning 1983, 642). The elevation of Jenkins' Royalist ally Gilbert Sheldon, to the Archbishopric of Canterbury led to the former's appointment as Judge of the High Court of the Admiralty in 1668 (Henning 1983, 642). This appointment was disproved of by the Doctors' Common as he had never practiced as a civil lawyer. Still, he appears to have won over his contemporaries during his tenure with Samuel Pepys describing him as *"A very excellent man, both for judgement [and] temper, yet majesty enough"* (*Pepys Diaries* 27th March 1667). With regards to HCA 1/52, the cases Jenkins tries, suggests an interest in standardising the implementation of maritime law. The first case undertaken by Jenkins recorded in HCA 1/52 involves the wreck of an English naval sixth rate the *Old Catherine*. The case examines the final week in the life of the ship, which was wrecked upon the coast of Norfolk on a return voyage from Rotterdam having collected bags of the King's money (HCA 1/52 fos. 1-3). Ostensibly, the

case appears to be about determining if anyone was at fault for the wrecking of the vessel, however, examinates and informants are repeatedly asked whether the Captain Augustine Burch purposefully wrecked the vessel (HCA 1/52 fos. 3 & 6) as well as whether Burch stowed the King's money prior to wrecking (HCA 1/52 fos. 3 & 5). The line of questioning very much implies that the court believes that Burch attempted to steal the King's money. Although no concrete evidence is found, it does suggest that the court was interested in limiting illicit activities at sea. Another example is the examination of one of the courts deputy-Marshalls who explains how he was attacked while executing an Admiralty warrant related to the repossession of the ship *William & Jane* (HCA 1/52 fo. 10). Benton notes that prior to the late 1600s sailors had taken advantage of lax maritime laws to operate at sea free of regulation (Benton 2005b, 709). It seems that by the end of the 1600s, however, the free hand previously offered to sailors had been withdrawn. Semi-legal measures which may have been accepted in the past were now being prosecuted by the Admiralty Court as piracy. For example, in 1684 a merchant called Peter Bennett arrived in London with his ship laden with gold and silver (HCA1/52 fos. 19-20). But the legitimacy of Bennet's cargo was scrutinised as he had previously encountered a pirate ship called *La Trompeuse* which had had a similar cargo (HCA1/52 fo. 19). The case of the *Resolution*, which will be discussed further below (see section 2.3.2 below), also fits this pattern. A common theme running through the Jenkins cases is that they all deal with issues of blurred legality, confronting actions undertaken by sailors which had traditionally been previously difficult to prosecute (Benton 2005b, 710). As England desired greater control over its sea-lanes these practices became less acceptable and were prosecuted by the court, particularly those presided over by Jenkins.

Away from the Admiralty Court, Jenkins enjoyed success as a politician and diplomat. He was knighted, in 1669, for his role in negotiations with the French over the Queen Mother's estate and elected MP for Hythe in 1671 (Henning 1983, 643). He went on to be England's principal representative at the Congress of Nymwegan (Nijmegan), which ended with the Franco-Dutch war (Figure 2.1). Jenkins political career was more mixed. He was made a Privy Councillor and Secretary of State in 1680 (Henning 1983, 643), but was considered a dull and uninspiring speaker with Roger North referring to him as *"the most faithful drudge of a Secretary the Court ever had"* (North 1826, 301), while Lord Ailesbury described him as *"heavy in discourse"* (Ailesbury 1890, 42). Jenkins time as Secretary was defined by his opposition to the Exclusion bill (Henning 1983, 643), which sought to exclude King Charles II's Catholic brother James from the line of succession. At the same time, and likely to be related, Jenkins found himself caught up in the hysteria of the 'Popish Plot' (see Titus Oates above). Jenkins was criticised for his role in the arrest of an individual believed to have vital information regarding the plot. After a long debate, Jenkins was forced to withdraw, as the house declared his actions *"illegal and arbitrary and an obstruction to the evidence for the discovery of the horrid popish plot"*. Despite the plot being fictitious these events damaged his reputation and he was suspected (falsely) of secretly being a Catholic himself (Burnet 1823, 257). His role in political life continued to diminish until his death on September 1st 1685 (Henning 1983, 644).

Figure 2.1 Sir Leoline Jenkins official print for the Treaty of Nijmegen (Quiter c.1679; British Museum 1843,0513.297).

2.2.2 Richard Lloyd (c. 1636-1686; Judge of the Admiralty 1685-d.)

Richard Lloyd's tenure as the successor to Leoline Jenkins was a short one. As he died less than a year after being appointed to the Judiciary. In this time he only tried 5 cases all related to suits by crews against senior officers. His opinion on the Admiralty is clearest in his letter to William Trumbull where he states "*New brooms sweep clean…in a little time there will be no occasion for an advocate [in the Admiralty Court]*". What he likely meant by this was that he desired the body of the judiciary to exert greater authority over the court itself. A goal that would be realised by later Judges (see section 2.2.5 below).

2.2.3 Sir Thomas Exton (1631-1688; Judge of the Admiralty July-December 1686)

Exton's career mirrors very closely that of his predecessor. Like Lloyd he was a civil lawyer with a large amount of experience within the Admiralty Court, only to have his Judiciary cut short. As a

staunch ally of Henry Compton he was a victim of James II's Ecclesiastical Commission who dismissed from the Admiralty Court (Henning 1983, 285; see section I.2.4 above). Exton would only try three cases as a Judge, two of which he was not present for, and were instead overseen by Sir Thomas Pinfold (HCA 1/52 fo. 53 & 56). He died only two years after his dismissal, shortly after giving evidence in the Trial of Seven Bishops, the last major event preceding the Glorious Revolution (Henning 1983, 285). Exton was very much a man in the wrong place at the wrong time. His career in Parliament and support of John Sharpe suggests that he was a devout Whig. While this earned him the ire of James II, it likely made him a popular figure after the Glorious Revolution. Had he survived into the reign of William III, it is feasible that he would have been restored to his position in the Admiralty Court, especially given the similar political stances of later Judge Charles Hedges (see section 2.2.5 below).

2.2.4 Sir Richard Raines (?-1710; Judge of the Admiralty Court 1686-1689)

Unlike the other Judges on this list Sir Richard Raines never sat as a MP. Consequently, there is no biography of him in the *House of Commons* series (Hayton, Cruickshanks, & Handley 2002; Henning 1983). This makes information on Raines considerably more difficult to find. We know that he was trained in both Civil and Cannon Law (GBR/0012/MS Doc.1160/1). Presumably he sat in the Doctors' Commons before being appointed as a Judge in 1686. Besides this, the only other known office he held was Judge of the Prerogative Court of Canterbury from at least 1693 until his death in 1710 (Hayton, Cruickshanks, & Handley 2002, 318). It appears he also had some professional rivalry with his successor to the judiciary, Charles Hedges. Hedges was covetous of Raines' position in the Canterbury Court, first lobbying to be his successor in 1693, when it was falsely rumoured that Raines was dying (Hayton, Cruickshanks, & Handley 2002, 318), before finally being awarded the post upon Raines actual death in 1710 (Hayton, Cruickshanks, & Handley 2002, 324). Besides these facts there is little that survives regarding the life of Raines, although some speculations can be made from his Admiralty career. Given the nature of Exton's dismissal (see section 2.2.2 above) it is likely he was appointed because he was a supporter of James II. Further evidence comes from the fact he is dismissed in 1689, the same year William III was coronated, suggesting that he was discarded by the new regime in favour of a more sympathetic judge. Moreover, it seems no coincidence that William Sandcroft, the Archbishop of Canterbury who oversaw Raines' prerogative court, was also stripped of his position for refusing to take oaths to William and Mary. At the time of Raines appointment, Sandcroft was an ally of James II, which may have contributed to his appointment. In HCA 1, Raines is noted for presiding over 'The trial of the crew of the *Andalusia*' one of the longest and most complex trials in HCA 1 (see 2.3.2 below). It is also worth noting that this trial is directly related to James II's *A proclamation against interlopers* (James II 1685). As opposed to being focussed on religion, this proclamation deals with the rights of monopoly, specifically regarding the English East-India Company. Nevertheless, it does further suggest that Raines was a close ally of the King. Although no one piece of evidence sufficiently explains Raines career, when combined it seems clear that he was intimately linked to supporters of King James II. This may also explain his absence from the Houses of Parliament and, by extension, the general lack of

information surrounding his life. Interestingly, Richard Raines reappears in 1699 acting as a surrogate judge, suggesting that he was not completely excluded from the Doctors' Commons after the coronation of William III.

2.2.5 Sir Charles Hedges (1649/50 –1714; Judge of the Admiralty 1689-d.)

Sir Charles Hedges became the Judge of the High Court of the Admiralty who succeeded Richard Raines in 1689 (Hayton, Cruickshanks, & Handley 2002, 317). The life and career of Hedges was instrumental in fomenting our modern legal and popular understanding of piracy, and thus will be considered in depth here. Hedges went on to hold the office until his death in 1714. Like most members of the Admiralty Court he had been trained as a civil lawyer, matriculating into Oxford in 1666 and receiving his Doctorate in Civil Law in 1675 (Hayton, Cruickshanks, & Handley 2002, 317). Notably, he received preferential treatment from the then Chancellor, James Butler, 1st Duke of Ormonde. Butler, waived the requisite study period on the understanding that Hedges could perform the necessary services and pay his fees (Hayton, Cruickshanks, & Handley 2002, 317). Immediately prior to his time as an Admiralty Judge Hedges had been the Chancellor and Vicar General of the Diocese of Rochester (Hayton, Cruickshanks, & Handley 2002, 318).

During this early period of his career, Hedges became known for his defence of Anglicans who fell out of favour of the Catholic James II. Notably he was involved in the two major controversies which precipitated the Glorious Revolution. First, like Exton, Hedges was involved in the Compton affair. At the nadir of the Bishop's popularity, Hedges argued in his favour, pleading for him immediately after his suspension in September 1686 (Hayton, Cruickshanks, & Handley 2002, 318). This was not the last religious scandal that Hedges found himself embroiled in during the reign of King James. Hedges went on to serve as King's Counsel in the Magdalen affair. Publicly Hedges supported the actions of the King and Ecclesiastical Commission. Alongside Henry Care he published a pamphlet defending the Commissions' actions against Compton and the fellows of Magdalen College (Care & Hedges 1688). Privately, however, he expressed disapproval against the expulsion of the fellows, begging the King and the Earl of Sunderland to not be included in the list of commissioners responsible for forcing the fellows to accept the Bishop (Hayton, Cruickshanks, & Handley 2002, 318). Regardless, Hedges became one of the King's advocates prosecuting the fellows (Hayton, Cruickshanks, & Handley 2002, 318). During this time, he kept regular contact with the fellows (*Ox. Hist. Soc*. 1884, 131 & 151) and supported them where he could. As an example, with his ally Sir Thomas Pinfold, he condemned any further punitive measures against the expelled fellows (*Ox. Hist. Soc.* 1884, 110-1 & 220-1). In short, under King James Hedges can best be described as a moderate, supporting the exclusionist causes within the framework of government, while stopping short of explicitly condemning the actions of the King.

Hedges' support of Exclusionists was rewarded following the Glorious Revolution. In 1689 he was appointed as Judge of the Admiralty Court and three days after this appointment he was awarded a knighthood by William III (Hayton, Cruickshanks, & Handley 2002, 318). This was likely, in no small part due to his support of figures persecuted at this time, figures who went on to hold important roles under William III (see Compton & Sharp). Hedges' tenure as a judge is the most significant of this period. His work both in and outside the courtroom laid the foundations for the British Empire and pirate policy in the 18th Century and beyond. He became a staunch advocate for the Admiralty Court. In 1690 he successfully petitioned for an increased allowance, because of the extra work he had taken on from various government bodies (*CSP. Dom* 1689-90, 484), the allowance was opposed by many in the government who Hedges frequently clashed with throughout the 1690s (*CSP. Dom* 1690–1, 6; 1693, 114; 1694–5, 100, 113). Also in 1690 he lobbied Parliament to increase the jurisdiction and authority of the Admiralty Court over English sailors (Hedges 1690). Among other things Hedges wished to see was an increase in impressment, a stronger regulation of prize money, and restrictions on English sailors serving abroad in times of war (Hedges 1690, 4). In just one year, Charles Hedges undertook the greatest attempt to increase jurisdiction of the Admiralty Court since John Godolphin published *Sunēgoros thalassios* (Godolphin 1661). Unlike Godolphin, he was largely successful. Again, in 1690 (apparently a very busy year for Hedges), he ran a campaign to become the MP of Dover but failed (Hayton, Cruickshanks, & Handley 2002, 318). Nevertheless, he remained an active legislator during this period and worked closely with Edward Russell, a member of the Immortal Seven, later the First Lord of the Admiralty and Earl of Orford[10] (Figure 2.2). Orford, a famed pirate hunter in the Anglo-Dutch war, assisted Hedges in expanding the remit of the Admiralty Courts for defining and prosecuting privateers in the service of foreign powers. The moderation espoused by Hedges under King James is not evident in this era, and was instead replaced with systematic, punitive prosecution of privateers, principally Irish Catholics (see section 2.3.5 below). Trials of Irish privateers dominate the Admiralty Court at the same time Russell and Hedges were lobbying Parliament. Likewise, on the 20th of January 1700 he presented a bill to Parliament arguing for a more efficient suppression of piracy, which was passed five days later (Hayton, Cruickshanks, & Handley 2002, 319). In essence, this meant that the individuals responsible for defining laws related to privateering and those responsible for enforcing the laws were one and the same. Charles Hedges was quite literally judge and jury for all matters related to privateering and piracy! The effects of this will be discussed in greater detail in section 2.3.5 below. The ethics of Hedges' dual role as lawmaker and judge appears to have been considered at the time. Hedges was unseated by a Parliamentary election committee from his seat in Orford, shortly after his bill passed (Hayton, Cruickshanks, & Handley 2002, 319). Then, to the surprise of many, he returned to government in the same year as Secretary of State, and had to seek a special permission from the King to retain his Admiralty Judgeship (Thomson 1968, 7–8). Hedges returned to Parliament in 1701, where he remained as a member of various constituencies until his death in 1714 (Hayton, Cruickshanks, & Handley 2002,

[10] A cousin of the aforementioned William Russell.

317). The seats he held were typically in Cornwall and were under the influence of one of his two chief patrons, Trelawny or Orford (Figure 2.2).

Having lost the Secretariat in 1701, he regained it in 1702 as part of the newly formed Godolphin-Marlborough ministry (in this instance referring to Sidney Godolphin, first cousin once removed of the aforementioned John), a role he held until 1706. Unsurprisingly, Hedges was very politically active at this time, but it is beyond the scope of this work to give more than a cursory mention to most of his actions. He supported closer ties with the Dutch and estrangement with France, an archetypal Whig policy, and was a popular figure at Court. At the time he was considered a moderate Tory, who occasionally supported the Whigs, although it is argued in this chapter that his goals and motivations are more in line with Whig philosophy. He died in 1714, most likely of a stoke (Hayton, Cruickshanks, & Handley 2002, 322-325)

Hedges contemporaries did not consider him a particularly apt politician. With regards to his position as Secretary of State, the Duchess of Marlborough stated he had *"no capacity, no quality, no interest, nor could ever have been in that post [Secretary of State]"* (Marlborough 1742, 170). Fractionally more generous was Macky's appraisal which stated he was *"…a better companion than statesman"* (Macky 1733, 127). Though it is worth noting both these individuals were Whigs desiring to get him dismissed as Secretary of State and replaced with a Whig partisan. Yet when considered through the lens of maritime history his impact and efficacy is clear. He was an avowed believer in an English maritime empire, which he thought should be run from a centralised English government. By extension, he saw sailors and other maritime actors within England and its subjects as essential to this vision. Therefore, he advocated for the Admiralty Court to have a high degree of authority over the sailors at this time, seeking to discourage actors who did not adhere to this vision with severe measures. His judicial career he sought to empower the English mercantile class and disempower British and Irish Catholics, a policy more aligned with the Whigs than his own party. Although a Tory, his judicial rulings and association with Orford, one of the leading Whigs of the day, show a degree of sympathy with the opposite party. Politically he appears to be more of a pragmatist Tory of the Godolphin mould than a Harley style True Churcher (see section 4.4.1 below). The High Court of the Admiralty undergoes a notable transformation under his tenure. The type and purpose of Admiralty trials in this period will be discussed in greater detail in section 2.3.5 below. Here, it is simply worth saying that from Hedges' tenure there is a substantial increase in the prosecution of privateers and pirates. Most notably with regards to HCA 1/52, the prosecution of Irish Catholics, but then expanded greatly upon in HCA 1/53. This can be seen in the content of the cases themselves with examples including 'The Trial of the crew of *The Prince of Wales*' (HCA 1/52 fos. 147-177) and 'The Trial of the crew of *The Fortune*' (HCA 1/52 fos. 177-190). Within the cases there is also a change in the prepared questions offered to informants and examinates. Prior to Hedges' tenure the common procedure was for the individual to outline their

association to the case in question, to then expand on their knowledge of the events being tried. During Hedges tenure there is an increased interest in the place of origin of those accused. This is specifically related to piracy trials designed to prosecute Irish sailors (see section 2.3.3 below). This change suggests that the most important relationship between the accused and the crime was their background. The change is underlined by the fact that during Hedges' judiciary the terms Ireland and Irish appears 184 times in 5 years. Before Hedges the term only appeared 4 times in 7 years.

Figure 2.2 Portraits of the two patrons of Sir Charles Hedges: Sir Jonathan Trelawny, Bishop of Exeter (left) and Admiral Edward Russell, Earl of Orford (right) (Kneller 1720; Gibson c. 1715).

2.2.6 The Role of Admiralty Judges in Wider English Politics

The biographies of its judges are an important source as they provide much information about the role and importance of the Admiralty Court. It is worth recording that all the judges are white, upper-class men and (with the possible, but very unlikely, exception of Raines) Anglican. However, this is to be expected as it reflects the time, but it offers little unique insight into the workings of the Court itself. What is more notable is how closely the judges are linked to the wider political and ecclesiastical spheres of England. Except for Raines, all judges were MPs and two were promoted to the higher office of Secretary of State, suggesting a close relationship with the House of Commons at that time. The judges appear to be even more tightly linked to the clergy of England. Bishops appear to play an integral role in appointing judges with the Bishop of London securing the promotion for Exton and Hedges, while the Canterbury Archbishops Sheldon and Sandcroft aided Jenkins and Raines respectively. One reason

for was that both civil and canon law have their origins in Roman law, this common origin predisposed clergymen and civilians to work together. This is reflected in the fact that several judges and advocates served as chancellors to dioceses as well as being judges. This also gave them a close connection to Oxford and Cambridge colleges, where courses in Roman law were taught.

It is also notable that the cases undertaken by the court mirror the political issues and attitudes of the time. In 1685, when religious tensions developed after the coronation of James II, a case is tried around the protection of the religious rights of sailors at sea (HCA 1/52 fos. 36-53). When the same king sought to cement the monopoly rights of the East India company, a case on interloping was brought forward (see section 2.3.2 below). After the Glorious Revolution when the Protestant monarchy was concerned that it would be cut off from the Caribbean by developing Franco-Irish networks, Irish privateers are tried (see section 2.3.3 below). When we consider the cases of the Court of the Admiralty in the context of their time, it is seen that it functions as an executive wing of the Government. This pattern is also present in the appointment of judges, Jenkins, a Protestant with some Catholic sympathies oversees a period of relative calm between the two groups. During the Exclusion crisis, increasingly hard-line Anglicans (e.g. Lloyd and Exton) were promoted, which was countered by the pro-Catholic Ecclesiastical Commission who appointed a more sympathetic candidate, Raines. He in turn was dismissed following the Glorious Revolution and was replaced with another hard-line Anglican, Hedges. The careers of these five men show how tightly linked the Admiralty Court was to politics at this time. Given how intrinsically associated they were it was important that the court executed the wishes of the ministry in power to maintain their own power.

2.3 Crimes Tried by the High Court of the Admiralty (1683-1694)

2.3.1 Non-Piracy Crimes

Outside of piracy the most common recurring trials undertaken by the Admiralty Court are suits against senior officers, most commonly for murder, but could be extend to theft (HCA 1/52 fos. 1-8) or torture (HCA 1/52 fo. 16) and crimes against the Admiralty Court itself. For example, testimony related to one John Guinsford is primarily a piracy trial (HCA 1/52 fos. 25-27) but also addressed his murder of a crewmate by the name John Bill (HCA 1/52 fo. 26). By considering why the court chose to try these cases improves the understanding of the court itself. Even though crimes against the Admiralty Court could theoretically be considered the remit of common law courts, trying them in the Admiralty Court served to reinforce the authority of the Admiralty itself. While this may seem self-explanatory, the fact that the Court was permitted to conduct these trials by itself, shows they still had a good deal of independence. Thus, it can be inferred that it is likely the court had a remit to carry out the cases that were of interest to its judges.

Suits against senior officers are one of the more commonly occurring trials in HCA 1. They are most commonly murder trials in which a senior officer causes the death of a subordinate. At first glance the purpose of the trials seems obvious, to hold mariners at sea accountable for their actions, but interestingly they all also reveal the standard operating procedures of the court. Blakemore (pers. comm.) stresses that we should not see the Admiralty Court as purely a top-down institution. Instead, it should be noted that the sailors under English colours played a significant role in shaping the court and it is in this form of suits where this is at its most obvious. Here the Admiralty Court provides recourse for sailors who would otherwise be outside English jurisdiction. In doing so the Admiralty Court provides rights for sailors that might not be available under the flag of other nations. As the English attempt to exercise greater authority over its maritime actors, they also demonstrate to the sailors that there are benefits being part of such a system. Trying these cases provides pull factors for sailors, as it allowed them to be protected by English laws at sea, which also reinforces English authority over ships and crew flying the English flag at sea. By extension when looking at piracy cases, the directive should not only be seen as coming from senior judges and politicians, but also from the growing middle-class of merchants and traders, as these groups also gained much through the prosecution of pirates.

2.3.2 Piracy Pre-Hedges

While piracy trials are evident in HCA 1 before Hedges became a judge, they were far less common. It therefore seems useful to divide the following section into two parts, pre and post Hedges, to best understand how the Admiralty Court, and the concept of piracy, were transformed during his tenure. The first piracy trial in HCA 1/52 involves four individuals from the pirate ship *Resolution*. Of the four, George Bougins claimed he was too sick to recall any of the events while aboard the *Resolution* (HCA 1/52 fos. 32-33). Whereas the other three (Fran Guidge, Joshua Bloodworth, and John Gefford) all narrated their time on the *Resolution* from their recruitment up to the ship's wrecking off the coast of Carolina (HCA 1/52 fos. 24-32). The three were consistent in their recollection of the events and all offered the same defence, that they were under the impression that the *Resolution* was a legitimate privateer not a pirate vessel. Guidge and Bloodworth both said that they were informed the ship had a French commission (HCA 1/52 fos. 25-28). While Gefford simply stated he was told it was a legitimate French ship (HCA 1/52 fo. 32). Taken in conjunction with the other trials presided over by Jenkins (see section 2.2.1 above), it seems that the purpose of these trials was to define the legal spaces of sailors at sea. All four attempted in some way to mitigate their actions, however, the prosecution of these sailors shows that the court considered piracy to be a crime and ignorance of the law was no defence. In doing so it set standards for sailors and increases the authority of the state at sea. It is also worth noting that Guidge was from New York and Bougins from Denmark, so the laws set by the Admiralty Court do not just apply to sailors from under English dominion, but any sailor who attacked ships under the English flag. In doing so they confirm that English ships at sea are still under the jurisdiction and protection of English law.

The other major pre-Hedges trial involving piracy is the trial of the *Andalusia*. This is probably the most complicated trial in HCA 1. It consists of multiple testimonies from two different crews and, in terms of page count (n=88), comprises just under a quarter of HCA 1 (HCA 1/52 fos. 59-103). At its core, the crew of the *Andalusia* have been tried for interloping. Before discussing the trial in detail, it is worth noting the historical context of interloping in this period. Interloping refers to the practice of illegal trading in areas where one group has a monopoly. With regards to England in the 17th century, there were two major groups protected by interloping laws. The Royal African Company and the East India Company operating in the Atlantic and Indian oceans respectively. Proclamations against interloping existed as far back as 1622 (Charles I 1622). Both monopolies were heavily favoured after the restoration and enjoyed close relations with Charles II and James II (Pettigrew & Van Cleve 2014, 618). The concept of interloping allowed both groups to increase their influence and trade in their spheres, as well as make it costly and dangerous to trade outside their monopolies (Pettigrew & Van Cleve 2014, 619). These monopolies were not universally popular. Merchants outside of the two companies were resentful that they were excluded from the most profitable trading regions. Anti-interloping lobbyists were common throughout the 17th century pre- and post-Glorious Revolution (Pettigrew & Van Cleve 2014, 618 & 638), the outcomes of their lobbying, however, were mixed. The monopoly of the Royal African Company was limited and its eventual dissolution was championed by Sidney Godolphin in 1708 (Pettigrew & Van Cleve 2014, 619). Whereas the East India Company grew to be a leading merchant monopoly (Erikson 2014, 1; Stern 2008). The Admiralty Court also had a fraught relationship with these monopolies. The monopolies believed they should have the right to seize interlopers, as they were in possession of their goods. Conversely, the Admiralty Court considered interlopers to be under their jurisdiction and as such their cargo belonged to the court. As mentioned above (see section 2.1.6 above), prize cargos were the only major revenue source left to the Admiralty at this time. As a result, they were desperate not to lose what little income remained and not have their jurisdiction eroded by another institution. Relations between the two factions reached a nadir in 1683/4 when the East India Company sued Admiralty lawyer (later judge) Thomas Exton (Sandys 1685). Exton had ordered the arrest of an interloper which the East India Company unsuccessfully attempted to prohibit (Pettigrew & Van Cleve 2014, 623). Given their history, it is unlikely that the East India Company was happy with Exton's promotion to Admiralty Court Judge. It may not be a coincidence that in the same month of Exton's appointment (July), James II issued a proclamation ordering the return of all interlopers from India. Of all the ships that returned only one is tried by the Admiralty Court, *Andalusia*. This is the context in which the trial of the *Andalusia* took place. It is important to understand that while piracy was present in the trial, it was not a piracy trial *per se*. The *Andalusia* finds itself at the epicentre of a conflict between the Crown, the Admiralty, as well as pro and anti-monopolist factions. To consider the trial without this context would severely limit our understanding of it, as well as our understanding of how piracy was used in this period.

In total the trial of the *Andalusia* comprised 22 testimonies from 37 individuals. The individuals are from two crews and covered a period of just under two and a half years. By the time the case was brought to trial Richard Raines was the Admiralty judge. This may to some extent explain the thoroughness of the investigation and trial. Raines was a close ally of James II who in turn was a strong supporter of the East India company. Had Exton remained in power it seems unlikely there would have been the same level of scrutiny. Due to the multiple, conflicting, testimonies the case is difficult to fully reconstruct the events which occurred. There are many conflicting dates proposed in the testimonies that relate to the same events. In fact, it is rare for all examinates to uniformly agree on any major event. As an example, the dates provided for the *Andalusia*'s seizure of the *Advice* range from December to the following February (HCA 1/52 fos. 64-72). Table 2.1 attempts to provide a definitive timeline of events by collating the most consistent and complementary dates.

The key events for this trial took place between September 1685 and February the following year. The *Andalusia* arrived in the Road of Ballasore (Bay of Bengal) in September 1685 on an interloping expedition. The supercargo[11], Charles Price, rented lodgings in town and immediately began trading in the region. This continued for several months until an agent of the East India Company reported them to the Governor of Hughly, who in turn prohibited them from trading. Price and the Captain, John Jacob, claimed the agent was a fraud and that they should still be allowed to trade. Both are arrested. At the same time a local merchant, Chittham Shaw, backed out of a deal with the crew as the ship had been prohibited from trading. The crew responded by commandeering his ship the *Advice*, in order to force the trade to go ahead. Shortly after, the crew of the *Andalusia* seized three purgo boats, a type of long thin cargo boat. The *Andalusia* claimed that this was done peacefully so they could assist with unloading the boats (HCA 1/52 fo. 68), however, crewmembers of the *Eagle*, another ship in the bay, reported hearing musket fire (HCA 1/52 fo. 64). Price and Jacobs then escaped captivity and, once the captured vessels are released, the *Andalusia* leaves Ballasore. The crew of the *Andalusia* claimed innocence throughout every stage of their voyage, insisting that they were banned from trading under false pretences (HCA 1/52 fo. 73), only briefly commandeered vessels to facilitate a pre-agreed trade deal (HCA 1/52 fo. 77), and turned themselves in to the Admiralty Court as soon as they became aware of James II's proclamation (HCA 1/52 fo. 80). They specifically rejected the notion that their seizure of the *Advice* and the purgoes constituted piracy (HCA 1/52 fo. 100 & 102).

[11] The officer responsible for selling the ship's cargo.

Date	Event
Between 1st and 15th October 1684	Part Owners Approve Voyage
c. 21st Oct 1684	*Andalucia* sails from Gravesend
c.14th November 1684	*Andalucia* sails from the Downes
c.2nd December 1684	*Andalucia* arrives in Cadiz
c. 26th December 1684	Price, Loader & Brown arrive in Cadiz aboard the *Sevilla Merchant*
c. 25 January 1684/5	*Andalucia* Leaves Cadiz
February 1684/5	Lands at the Islands of May and St Ingo
May 1684/5	Arives at Jotramma
June 1685	Arives at Moldevia
July 1685	Arives at Trimcomber
c. 24 August 1685	Arrives in Denrapatuam
2nd September 1685	*Andalucia* sails from Denraptuam
22nd September 1685	Arrives in Ballasor
Early October 1685	Price Rents House/Begins Trading
Sometime Between October and December 1685	Alleged Agent Speaks with the Governor of Hughy
Late December 1685	*Andalucia* halted from trading
Early January 1685/6	Guard set on Price & Jacobs
c. 15 January 1685/6	The *Advice* Seized
c.15 January 1685/6	Purgos Seized/Musket shot reported
c. 15 January 1685/6	Jacobs and Price Escape Guards
c. 19 January 1685/6	Purgos Released
c. 21 January 1685/6	Eagle *sails* from Ballasore
Late January/Early February 1685/6	The *Advice* is released
c. 1st March 1685/6	The *Andalucia* leaves Ballasore
c. 22nd March 1685/6	*Andalucia arrives* in Denrapatuam
c. 20th April 1685/6	Crew hear of Interloping proclamation
May 1685/6	*Andalucia* is stranded at Maritius
September 1686	Sail from Maritius
January 1686/7	The Crew is arrested in Portsmouth

Table 2.1 A timeline constructed from the testimonies related to the *Andalusia*.

Piracy is a focal point of the trial of the *Andalusia*, almost every testimony mentions the seized ships. Testimonies related to the *Andalusia* can be broadly divided into three categories: witnesses of the seizure from the *Eagle* (HCA 1/52 fos. 59-64), the testimony of those responsible for interloping (HCA 1/52 fo. 65-73), and the testimony of those responsible for the seizure of ships (HCA 1/52 fos. 74-103). Seizures dominated the trials, with almost all examinates being asked at least one question related to them. These questions prepared by the Admiralty Court make it clear that they

consider these seizures piracy, which is reflected by the crew's own insistence that their actions were not piratical (HCA 1/52 fo. 102). This provides an interesting example of how piracy was considered at the time. The wider context surrounding the trial strongly suggests its purpose was to punish interlopers. James II wished to both mend relations between the Admiralty Court and the East India Company and reduce the practice of interloping. He was aided in this by his ally Richard Raines, who in turn used piracy as a proxy to punish interlopers. Taken in conjunction with the trial of Guidge et al, it is possible to draw some conclusions about piracy in the late 17th century. In essence the law of piracy is used as a punitive measure to reinforce the power of state institutions. In the case of Guidge et al, it is the institution of Admiralty Law and with the *Andalusia*, the institution of monopolies. As suggested by Rubin (1987), the actual definition of piracy is kept intentionally vague as it allowed it to be utilised in different contexts. These concepts were further developed after the Glorious Revolution when Hedges moved from using piracy to reinforce pre-existing structures to actively creating new jurisdiction.

2.3.3 Piracy in the Age of Hedges

It is hard to overstate the degree to which the Admiralty Court became almost singularly focussed on prosecuting piracy during Hedges' tenure. This change occurred through multiple different phases over a period of 25 years. The first phase involved the prosecution of Irish privateers serving in French navies. The nature of these trials was complex and their legality tenuous. They were publicly denounced by many respected members of the Admiralty Court (see 2.2.6 below). To understand the importance of these trials, and how they pertain to the development of piracy, it is necessary to look at how relations between the English and Irish had developed throughout the 17th century.

While the Glorious Revolution cemented Parliament as the dominant power in England, opposition to William III remained. Jacobites gathered in the predominantly Catholic Ireland to organise a reconquest of England. This was ultimately unsuccessful. The Jacobites were defeated at the Battle of the Boyne in 1690 and the war was concluded with the Treaty of Limerick in 1691 (Childs 2007, 386–7). The war effectively ended James II struggle for the English throne and he died in exile in 1701 (Miller 2000, 240). One stipulation of the Treaty of Limerick was that James II and all his supporters were granted leave to travel to France (Childs 2007, 387). Colloquially known as the 'Flight of the Wild Geese' and referred to in HCA 1 as *"The capitulation of the garrison [of Limerick]"* (HCA 1/52 fo. 158), this event saw the growth of a large diaspora of Irish Catholics in France and the Caribbean. It is estimated about 1% of the population of Ireland left at this time. This was the latest in a long list of migrations out of Ireland and there had been semi-regular exoduses since 1536 (Silke 2009). With regards to the 17th century in particular, from the 1640s, indentured servants were being shipped out of Ireland *en masse*, principally to new world plantations in Montserratt, Chesapeake, and St Christopher's (Akenson 2005 pp. 191–3). This was then compounded by the Confederate War and Cromwellian conquest, two brutal conflicts in Ireland related to the Civil War. Refugees, veterans, and criminals flooded out of Ireland to

the Catholic areas of France and Spain (Cullen 1994). These series of diasporas separated friends, families, and businesses, which inadvertently caused Irish social and maritime networks to grow. Both the new world and major colonial powers saw an influx of Irish populations. For England, this caused significant problems. France was still at war with England and through troops and trade the French were profiting greatly from their connections with Ireland. An economically strong Ireland backed by France and aided by the rebellious Cornish, had the potential to choke England off from Atlantic trade by blocking their access to the Celtic Sea.

Prior to the 1690s there had been other attempts to reduce the commercial potential of Ireland. The Irish Cattle Bill of 1666 prohibited the importation of cheap Irish beef into England (Edie 1970). The purpose of the bill was twofold: support English land owners who could not afford to sell beef at Irish prices and stimy economic development in Ireland by cutting off their primary market for their main export (Edie 1970, 36). Yet by the 1690s it appears that more drastic measures were required. This is summed up by the letters of Deputy Vice Admiral James Waller. Writing in 1693 he expresses concern at the large number of French ships trading in Ireland. He considered this a threat to the nascent regime of England as it both encouraged guerrilla attacks and provided information for the French (MS 38147 fo. 47). In HCA 1/52 the English response to the developing Franco-Irish networks is laid bare as it describes the prosecution as pirates of Irish sailors serving as privateers in the French navy. These trials lasted for four years and, as touched upon, were mired in controversy. The Admiralty advocated tasked with prosecuting the pirates, William Oldys, refused to do so. Citing Grotius, Oldys believed that as the Irishmen had commissions from the deposed King James II, their actions could not be constituted as piracy (P449/MS2/9). In this argument he was supported by Sir Thomas Pinfold, who previous had been a close ally of Hedges (see section 2.2.5 above). This view proved unpopular with the cabinet council, and, in a fiery examination, both Oldys and Pinfold were accused of high treason (P449/MS2/9). Although no formal charges were brought against either, both were expelled from the Admiralty Court. Oldys continued to object to the trial after his dismissal. He organised a petition to the House of Lords and requested an investigation of the trials. He also acted as a legal counsel for those accused of piracy, notably Captain Thomas Vaughan (Vaughan 1697).

The sailors themselves, appeared to be convinced that the Treaty of Limerick pardoned them and granted them immunity from being tried as pirates (HCA 1/52 fos. 150-151 & 157). In the early stages of these trials, immunity forms the principal defence of the sailors. Yet it is clear that the court did not consider this valid and several of the privateers were executed as pirates. Notable examples include Darby Collins, Patrick Quigley, and John Golden (HCA 1/13 fos. 32-4). These early trials show the evolving use of piracy in regulating maritime activity in England. Before Hedges piracy is used as a general catch-all crime to prosecute actors operating in grey legal spaces. During Hedges tenure piracy was used as a proxy by the state to hamper legitimate legal maritime networks. The

evolution shows how piracy was not only used to enforce jurisdiction but also can regulate legality itself.

Opponents to the trials were not deterred by the early convictions obtained by the court. The court's case hinged upon the inability of James II to issue commissions as he lacked legitimacy. After the first Admiralty session which resulted in the hanging of the aforementioned pirates, Oldys outlined the dangerous consequences of the Admiralty's argument. He claimed that as the French had never recognised William III as King of England, they could equally claim all commissions were illegitimate as well. This scenario was the exact flaw Grotius saw in Gentilli's definition of piracy over half a century earlier (see 1.9.2 above). If the ability to determine pirates is up to each sovereign, then each sovereign will simply claim the other is illegitimate. The court had cited Grotius when deposing Oldys (P449/MS2/9) and now it was revealed that their argument directly contradicted him. To continue prosecuting Irish sailors in this way risked violating international law. The court's problems were compounded as news of the trial reached the Jacobite court, who simply ensured that the French would also issue commissions to any Irish crew. At this point, the Admiralty no longer arrested new crews on the same grounds as to prosecute them risked a diplomatic catastrophe. Were this purely a legal matter with no political ramifications it would be logical to assume the matter was closed. The fact that the court continued to attempt to prosecute these sailors underlines the strong motivations behind these trials. No longer able to prosecute pirates based on their commissions, the courts moved to try them for High Treason. *Rapparees* (tóraidhe), Irish guerrilla fighters, operating in Ireland itself could be charged with High Treason, so it could be reasonably assumed there was a solid basis for the prosecution for Irish sailors as well. This method also had the bonus of consolidating Protestant rule over Ireland. Finding the Irish sailors guilty of High Treason cemented them as part of the English state and provided written legal evidence of that fact. However, this method provided difficulties for the court. For someone to be tried for treason they had to be under the dominion of the English crown. Fairly quickly the sailors realised that if they simply claimed they were not from Ireland, they could not be prosecuted for High Treason. It is here that we see the efficacy of sailor's information networks at play, and there is marked increase in sailors instead claiming to be born in Britanny where, for the most part these sailors settled.

The first group of sailors prosecuted under the framework of High Treason fabricate complicated backgrounds to convince the court they are not Irish. A good example was Arthur Kelly. Kelly claimed to have been born in Brittany to an Irish father, living in France, and a French mother (HCA 1/52 fos. 167). He recounted how he moved to Ireland as a very young boy and served with the Duke of Ormonde for a long period of time before moving back to France in 1691 (HCA 1/52 fo. 167) where he worked as a privateer until his vessel was captured (HCA 1/52 fo. 167). Kelly's defence was meticulous and well prepared. He explained why he looked and sounded Irish (on account of his parenthood and

upbringing), but still stressed that he was born in France and was therefore innocent of High Treason. Unlike earlier defendants he avoided mentioning the Treaty of Limerick, stating that although he left Ireland at the same time it was due to the death of his employer (HCA 1/52 fo. 167). He also makes it clear that while a privateer he took no prize nor did he resist arrest (HCA 1/52 fo. 167). The crux of his defence is that he was a French citizen, however, he prepares for all eventualities. Kelly had an explanation for why he does not appear French, stated he has no prior history of fighting against England, and established that he made no profit from privateering. This sort of testimony was indicative of early trials where sailors were unsure if they had a solid legal grounding for their defence. A near structurally identical trial was that of Morris Dyett. Like Kelly, he claimed to have been born in France to an Irish father and French mother before moving to Ireland when he was young (HCA 1/52 fo. 168). He stated he moved back to France after the Treaty of Limerick but was not involved in the Williamite War (HCA 1/52 fo. 168). He claimed that as a privateer he made no profit and surrendered without resistance (HCA 1/52 fo. 168). Again, the crux of his defence was that he was a French citizen but like the case of Kelly, all eventualities are covered. As the sailors became more confident that they cannot become convicted their testimony becomes simpler. Compare this examination of James Comerford several months later with the intricacies of Kelly and Dyett's defences a year earlier.

"This Examination saith that he was borne at

Marlaive in the Kingdom of France and being

prisoner and charged with capital crimes

thinkes he is not by law obliged to answer any

further questions and therefore refuses to answer

the mark of

James X Comerford"

-HCA 1/52 fo. 182

It should be noted that at the time of Kelly and Dyett the 'foreign citizen defence' was not ubiquitous, but by the time of Comerford it very much was. There is testimony from the jailors at Marshalsea prison that the Irish prisoners were a closely knit group and shared a strong camaraderie. A combination of this and the social networks of Irish sailor communities appears to have allowed them to co-ordinate their defences and the terser testimonies of Comerford became more common, with many sailors even refusing to give a birthplace or offer any signature (HCA 1/52 fo. 187). There were attempts by the court to counter this defence. Hedges instructed admiralty officers to take note of captured sailors and report if they were heard speaking Irish (Add. MS 24107 fos.6–7). This is also

noted in the court records where English sailors are brought forward as Informants to tell the courts which prisoners they heard declare themselves as Irish (HCA 1/52 fos. 181 & fo. 185). They also attempted to have the neighbours of the accused testify to confirm the defendant's Irish identity (HCA 1/53 fos. 9-10). One Richard Sweet travelled from Cork to declare that John Murphey, who claimed to be French, was in fact his neighbour (HCA 1/53 fos. 9-10). In this instance, Sweet claimed the family of Murphey had threatened him in an attempt to prevent him from revealing this information (HCA 1/52 fo. 9). This implies that information regarding the content of the trials was spreading through Irish maritime networks, as it seems that the family were aware of the pertinent parts of Murphey's defence. Yet the success of Hedges' approach was limited, and the trials began to take on a farcical nature. One sailor claimed that despite living most of his life in France, his time at sea had caused him to forget the language (HCA 1/52 fo. 9). Another, caught attempting to escape, claimed he had been overcome by a patriotic duty to serve the English fleet (HCA 1/52 fo. 168). A combination of a lack of success, peace with France, and more pressing concerns in the Americas and Madagascar, saw enthusiasm for the prosecutions fizzle out. From 1695 these trials were less commonplace, eventually stopping by 1697. The attempts to prosecute Irish crews on French privateers was unsuccessful and Franco-Irish relations continued.

Although the Court frames their disputes with the Irish as the attempts of a legitimate state to suppress piracy, it can be better understood as a conflict between rival maritime networks. The Admiralty Court the English attempted to reduce the efficacy of these networks via the language of combatting piracy, hoping to limit how the Irish could engage with the French colonial empire, and by extension further force recalcitrant Irish sailors under English hegemony. In turn the Irish defence was orchestrated through their maritime networks. Legal defences appear to have been organised collaboratively by the sailors themselves with various strategies worked on and refined over time. This idea is supported by the fact the families of the sailors also appeared aware of the defences utilised (as was seen in the case of John Murphey above), suggesting a spread of information through the Irish networks. The prosecution of pirates would appear to be about more than applying the law. The performance of legality is what legitimises the actions of the Admiralty Court, even though they were split on the matter. Overall, the trials led to relatively few convictions. However, they allowed the Admiralty to portray itself as tough on piracy, act as the dominant jurisdiction in the Irish sea and beyond. This also allowed for the creation of a historical record of these facts. Before Hedges piracy was used to prosecute sailors acting in legal grey spaces, now with Ireland it was being used to invent crimes that had not previously existed.

2.4 Discussion

The 17th century in England saw the development of an increasingly influential bourgeois class. The overlapping interest groups of Protestant merchants, bankers and country land holders united to challenge the establish aristocracy. Friction between these two groups was the principal

reason for conflict within the British Isles in this century. First uniting under the banner of the Parliamentarians during the English Civil War, the developing bourgeois executed Charles upending traditional beliefs regarding the divine right of kings. While the Protectorate established after the Civil War was short lived, its effects were long lasting. The English monarchy was weakened and the ever-waning light of feudalism almost extinguished, until it was effectively snuffed out during the Glorious Revolution. Through the deposition of James II, the ideological successors to the Parliamentarians, the Whig Party, established Parliament as the dominant power within English politics. By the coronation of William III, the party of Protestant capital firmly held the reins of power. Among the Whig's goals were the empowerment of country landowners, the perpetuation of Protestantism, and the development of capital through overseas trade and colonialism. Many mechanisms were put in place to realise these goals, each with varying levels of success, the most important of which for the purposes of this thesis is the reimagining of piracy. The law of piracy granted the Whig Junto the ability to achieve their goals, simultaneously allowing them to attack Protestant enemies whilst generating capital and profit for its stakeholders. Utilising piracy laws to limit rival maritime networks opened up new overseas opportunities for English merchants, it also provided a purpose for the Admiralty Court.

In parallel the High Court of the Admiralty struggled for identity throughout much of the 17th century. Its conflict with the common law courts left it deprived of both wealth and jurisdiction. The civilians who ran the court found their influence dwindling and lost more and more influence in the English legal system. The trying of crimes committed on the high seas was one of the few responsibilities left to them. The civilian's need for relevance formed a confluence with the Whig's desire for increased capital. The two worked closely to establish a maritime system for the benefit of Whig interests. It is no coincidence that Hedges, the most influential Admiralty judge in this period, was simultaneously, a civilian, a prominent member of government, and an active legislator and philosopher on piracy. Through a mixture of legalese, media and politicking, Hedges, with the support of Russell and Trelawny, shaped how piracy was perceived in this period, the same period which set the precedent for the concept of piracy. It is therefore essential to break down the base assumptions of this influential figure. Hedges was a member of the emerging capital-owning class that were empowered throughout the 17th century. He was a firm believer in the English colonial project which included the dominion of the English government over the rest of Britain and Ireland. Whilst none of these beliefs in and of themselves directly affected how the law of piracy developed in the way it did, they are all reasons why Hedges found himself in a position to define piracy (see section 2.2.5 above). Once given the opportunity, he wielded piracy to hammer the English sea lines into a shape the Whigs considered desirable. Initially this was done to limit Jacobite collaboration and maritime development in Ireland. Later piracy was used as a proxy to punish Madagascan grey-traders and the governors who collaborated with them. Following those successes, the same tactics were subsequently utilised throughout the English and later British Empire. This empowered the vice-Admiralty Courts to ruthlessly

prosecute pirates within the colonies and resulted in the mass execution of sailors between 1714-and 1725.

This chapter, and more explicitly this discussion, underlines the theoretical basis for this thesis. Emerging capitalist interest groups began to fervently prosecute piracy to limit rival maritime networks. While the period best associated with piracy – the Golden Age – is slightly after the period of interest for this chapter, it is suggested the concepts used to define piracy at this later time had their gestation during this period. If this is correct the archaeological evidence of the maritime networks that the Whigs hoped to eliminate should be discoverable. The remainder of this thesis will examine the Celtic areas of Cornwall and Ireland, to outline how archaeological evidence for these networks can be identified. It seeks to show that evidence for these maritime groups exists, and that the use of the term pirate to describe these groups is problematic as it is principally used to delegitimise them.

Chapter 3
To Hell or Britanny: The Merchant Communities of the Irish-Breton

3.1 Introduction

In 1652 following Parliamentarian victories in the War of the Three Kingdoms, Oliver Cromwell presented rebellious Catholic landholders with two potential destinations. They could be stripped of their lands and relocate to the poorer province of Connaught, or they could be sent to the gallows (Barnard 1973, 31). Facing destitution or death, two families, the Walshes of Ballynacooley[12] and the Geraldins of Gurtin[13], found a third way. They migrated to Brittanny and established themselves within the province's burgeoning merchant community. The previous chapter focussed on the social, cultural, and economic factors which caused changes to English pirate policy at the end of the 17th century, using trials from the High Court of the Admiralty to demonstrate that piracy was used as a proxy by the Protestant elite to exert greater authority over sailors at sea. This was driven by fear that maritime networks within the English Commonwealth would develop outside of their own control. This chapter approaches the same slice of history from the opposite perspective. It considers the maritime cultural landscape of Catholic merchants to determine how these networks developed and to evaluate the role piracy and/or privateering played within them. Two approaches are taken: first by considering the known individuals involved in these networks and considering the motivating push and pull factors that drew them into the form of maritime trade they engaged in; and secondly, through the reconstruction of trade routes using a combination of archival research, port studies, phenomenology and commercial archaeology.

3.2 People

3.2.1 Irish Migration Prior to 1650

The focus of this chapter is on Irish migration in the late 17th century, initially instigated by Cromwell's invasion of Ireland and largely made permanent following the Glorious Resolution. But it is important to stress that this is far from the first Irish migration to Europe. The diaspora of the Irish out of Europe was essential for the growth of their maritime networks in the 17th and 18th centuries. It is consequently worth briefly summarising several of the key migrations and the locations where the Irish pooled. These began in earnest in the second half of the 16th century following the Desmond rebellion (Finnegan 2017, 42) and increased over the next century. Initially migrants typically came from the lower classes although there were some exceptions. One of the earliest merchant families to establish themselves in France were the Lynches. A prominent clan from Galway, they settled in St Malo in 1610 and were well established a decade later, with Simon Lynch holding the title of Burgher at this time. These Lynches shared close ties with their Galway families and would regularly trade between the two

[12] County Limerick

[13] County Waterford

ports (O'Connell 2001, 111). Similarly, the Comerfords of Waterford were established in Galicia, Spain in the late 15th century, with the family patriarch, Robert, being appointed consul to foreign nations of La Coruna before 1600 (O'Scea 2001, 40).

Both the Lynches and Commerford families were also involved in Caribbean trade and illicit maritime activity in the 1690s. Four Lynches, John, Francis, Robert and James were captured aboard the privateer vessel the *Prince of Wales*. John claims to be a Malouin merchant largely active in the Caribbean (HCA 1/52 fo. 167). James Lynch is unique in that he claims to be Portuguese instead of French, the only person throughout the trials to do so. He also states he is a merchant who regularly traded in Rotterdam, Galway, Lisbon and Brazil, neatly demonstrating the trade networks of the Lynches at this time. He is also noted for crossing out the signature to his witness statement and inexplicably re-signing as Drogao Liull[14] (Figure 3.1). The only known Comerford to engage in privateering was captured aboard *The Princess*, and gives very little information about himself, save that he was from Morlaix in Britanny (HCA 1/52 fo. 182).

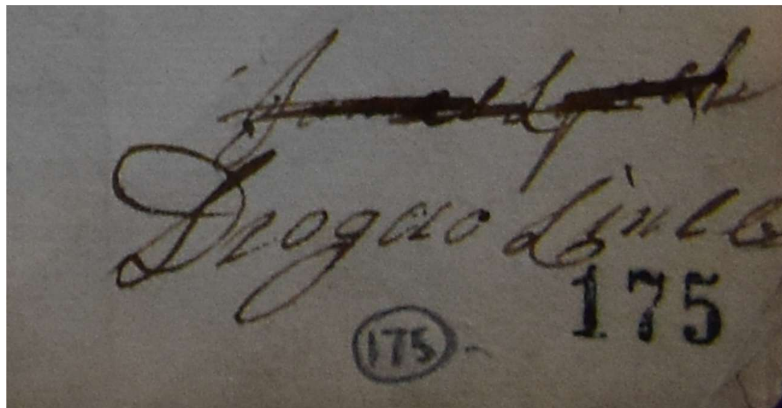


Figure 3.1 The removed signature of James Lynch replaced with the name *Drogao Liull*. Note the similarity in the capital L's (HCA 1/52 fo. 175).

It is not until the conclusion of the Cromwellian conquests that mass migrations of nobles and merchants to Europe and America as part of an organised project to recoup their family fortunes is seen. The most prominent of these families are surmised below.

[14] *Drogao* could potential be 'Dragão' the Portuguese word for dragon, though an explanation for the second half of this name remains elusive.

3.2.2 The Walshes

Figure 3.2 The Crest of the Walshes of Ballynacooley Family (Public Domain 2010).[15]

The Walshes (Figure 3.2) were descended from nephews of the Cambro-Norman Prince Rees ap Griffith who fought in the Norman invasion of Ireland in 1169 (Burke 1912, 739). By the 17th century the Walshes (alternately named Welsh, Welch or Wallis) were one of the pre-eminent families in Southern Ireland with holdings in Dublin, Waterford, and Kilkenny (Walsh 1870; 1925, 2). However, their political fortunes faltered during this century. The family joined the Catholic Confederacy during the War of the Three Kingdoms and suffered harsh reprisals from Cromwell. Those residing in Kilkenny were particularly prosecuted. The main family of this region, the Walshes of the Mountain, were massacred in their stronghold of Castle Hoel by Cromwell's soldiers (Burke 1912, 789; Tighe 1802, 384). A mass grave was discovered at the foot of Castle Hoel during the construction of a road at the end of the 19th century. Tighe (1802, 384) identifies these remains as those of the Walshes of the Mountains. The greater Walsh family had roughly 18,000 acres of land confiscated in this time (Walsh 1925, iii). This included the lands of the Walshes of Ballynacooley, who lost their eponymous estate. (Walsh 1870 1925, 242). Facing prosecution with limited prospects the two senior brothers of this branch, James and Phillip, migrated to Brittany. James settled in Port Louis where he had a son, Philip. Whereas James's younger brother Phillip (not to be confused with James' son, see Figure 3.3) settled in St Malo where his sons, Phillip and Robert were born and raised (Burke 1912, 789; Figure 3.3). Some Walsh land was returned to the family following the restoration (Walsh 1870; 1925, 175) but this repatriation was short lived. Following James II's abdication the Walshes supported him during the Williamite War in Ireland. Their defeat set off a fresh round of executions and confiscations. The last vestiges of the Walshes of the Mountain were exterminated (Burke 1912, 789) and any chance of reclaiming Ballynacooley was snuffed out. The Walshes were part of the Wild Geese expelled from Ireland as part

[15] Note the motif of *Le cygne navré* (the wounded swan) atop the crest which will be discussed in further detail below in section 3.3.1.

of the Treaty of Limerick. The family returned to Brittany and later claimed that it was their ship, captained by James senior and ensigned by his son Phillip, that carried James II out of Ireland to France.[16] Exiled from their lands and with the most important members of their family executed, the Walshes looked to regain their fortune in France, beginning with the privateering industry.

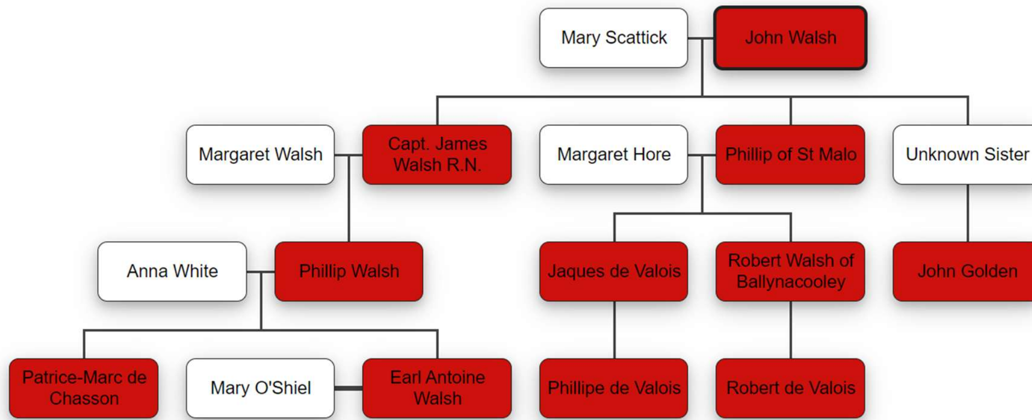


Figure 3.3 The Major Members of the Walshes of Ballynacooley 1650-1750 (Dawson 2023).

The Walshes featured prominently in piracy trials following the exile of James II. The younger Phillip was Captain of *the Grand Prize* (French: *Le Grand Prieur*[17]), which captured the ships *Mary* and *Elizabeth* (HCA 1/42 fo. 147). These ships were later recaptured by the English and their crews were the first Irish sailors tried as pirates. Phillip would see great success with *Le Grand Prieur* and at least seven other ships that he was either *armateur* or captain between 1690 and his death at sea in 1708 (Hillmann 2021, 71; La Trémoille & MacGregor 1904, 93; Morel 1958, 30-169).

Phillp's cousin Jaques was also a prolific privateer. In the High Court of the Admiralty, he was identified as the Captain of the *St Aaron* who collaborated with the Geraldin's *Providence* to capture the *Happy Return* in 1692 (HCA 1/52 fo. 158). Jaques was also the *armateur* of the *Princess*, a privateer mentioned in HCA 1/52 whose crew were tried for piracy (HCA 1/52 fo. 182). French archival material shows that Jaques also outfitted three ships, one of which, the *L'Espion* of St Malo, Phillip also held a one-sixteenth share in (Bromley 2003, 147).

[16] See below for discussion of this anecdote.
[17] Not an exact translation.

As well as being major financers of privateering ventures, members of the Walsh's extended family served as captains on ships owned by other French privateers, demonstrating how integrated the Walshes were in the privateering community at this point. One was John Golden who captained the *Sun* (French: *Soleil*), a vessel owned by a Monsieur de Marry.[18] Golden had the distinction of being one of the most senior Irish sailors executed for piracy (Clare 1693). His execution was as controversial as his trial and the case set the precedent for piracy law (Rubin 1988b). Despite his relative importance for this section of history his relation to the Walsh family has never been discussed. In his examination he describes himself as the nephew of a "*James Welch*" (HCA 1/52 fo. 166). This is likely to have been the elder James Walsh. Golden describes how he moved to Port Louis with his uncle when he was *"about six or seven years old"* before moving back to Ireland two years after the Restorations and then moving back to France after the Treaty of Limerick. These movements match those of the senior James Walsh, with only a slight discrepancy in date. Golden is described as "*about 55 years old*" in 1693 and "*about 6 or 7 years old*" when he moved to Port Louis (HCA 1/52 fo. 166) which would suggest that it was c.1645 when he moved to Port Louis, some 7 years before Cromwell's confiscations. However, given the uncertainty around both Golden's age and the age he moved to Port Louis, it is more logical to assume that these dates were misremembered or that James Walsh moved to Port Louis prior to Cromwell's confiscations. Ultimately, this is more sensible than assuming that Golden was the nephew of a different James Walsh, who just so happened to mirror the movements of James Walsh of Ballynacooley.

Another likely member of this family is John Walsh, a teenage sailor on the Walsh-owned *Princess*, who was captured and tried by the Admiralty Court (HCA 1/52 fo. 182). Walsh uses the foreign citizen defence in his trial claiming he was from Nantes (where the Walsh family had some presence) but moved to Clonmel at a young age (where the Walsh family previously held land). He does not appear to be a Walsh of Ballynacooley, but from a lesser branch of the clan.[19]

Another Walsh captain is Robert Walsh an enigmatic figure in this history. He appears prominently in the early stages of Jacobite privateering and was listed as *armatuer* of five ships: *Le Fidele, Le Grand Prieur, Le Jaque, Le Prince de Galles* and *Le Providence* (Morel 1958, 166). However, his relationship to the Walshes of Ballynacooley is unclear. Writing in 1925 Joseph Walsh describes a Robert Walsh of Ballynacooley who was the father of the *sieur de Valois* of the same name (Walsh 1870; 1925, 128), this would imply he was a close relative, likely a brother, of Jaques Walsh, who was also the *sieur de Valois*. As well as being an *armatuer* he also captained the Geraldin owned *Soleil* (Bromley 2003,

[18] A bastardisation of Pierre Francois Fossard, *sieur du Mares* (Morrel 1958 , 132).
[19] As a labourer on the *Princess* he holds an insignificant role for a senior branch of the family. Likewise, the Ballynacooleyes did not have land in Clonmel whilst the de Valois were established at St Malo not Nantes.

154), which was captured by the English in 1694. Whereas the rest of his Irish crew are captured and examined, he is conspicuous in his absence from HCA 1/52 and is not mentioned as being on board when the ship was captured (HCA 1/52 fo. 185). Bromley, suggests he may have washed up on Irish shores and been tried by the Irish Admiralty, but any relevant records have since been destroyed (Bromley 2003, 145). Admiralty records mention that a Captain Walsh was executed in 1694 but no first name was recorded (Great Britain. Royal Commission on Historical Manuscripts et al. 1899, 318). This would be consistent with the capture of both Robert Walsh and John Golden, two captains from the Walsh family. In the case of John Golden, it is possible that he is referred to as Captain Walsh in reference to his greater family name, over his personal name, which does occasionally occur elsewhere in Admiralty records (HCA 32/62/17). Otherwise, Robert Walsh is the most likely option, especially given that he is absent from Morell's records of corsairs after 1694.

Finally, in 1706 a Pierre Walsh captained a St Malo vessel *Legerre* during a privateering expedition in the Caribbean (Hillmann 2021, 121). In the senior levels of Brittany privateering, we see that the Walshes were prolific owning or operating at least 16 expeditions between 1690 and 1708.

Towards the end of the 17th century, and despite personal losses, the Walshes flourished in France. Ambition, and an avarice which saw them frequently withhold prize shares from the crews on their ship (O'Scea 2001, 123), allowed them to become one of the wealthiest families in Brittany. Phillip Walsh would die while on an expedition to Madagascar in 1708 (La Trémoille & MacGregor 1904, 93), likely whilst trying to develop trade networks outside English jurisdiction. His sons used the wealth accrued in his lifetime to buy their way into the French nobility. His eldest surviving son, Patrice-Marc, bought up lands using wealth he accrued in Morlaix and founded the Walsh de Chasson (Walsh 1945, 34). Patrice-Marc's younger brother Antoine became Nantes leading slave trader, and by extension one of France's as well (Murphy 2018, 199; Walsh 1945, 34).[20] He was a close confident of the Jacobite pretender Charles Stuart who elevated him to Earl Walsh for his support (Ruvigny et Raineval 1904, 174; Figure 3.4). Antoine would use his wealth to buy significant lands and became the Count of Serrant. To this day Chateau de Serrant is still owned by the descendants of the Walshes of Ballynacooley (Walsh 1972, 82).

[20] Incidentally the second largest slave traders in Nantes were also of Irish descent (Murphy 2018, 199)

Figure 3.4 Charles Stuart, the Old Pretender, passes the deed to the County of Serrant to Antoine Walsh. In the background is the *Teillay* which will carry Charles to Scotland in exchange for the county deed (Chateau de Serrant 2024).

One way in which the Walshes differ from other Irish-Malouin of this period is their earnest support for Jacobitism. The Geraldins were already established in France during Cromwell's reign and as a result were (relatively) unscathed in the purges. Whilst other major Irish merchant families such as the Lynches or Whites paid lip service to Jacobitism and contributed little to the cause (Talbott 2014, 573), the Walsh family by contrast were constant and ardent supporters of the Jacobites. It may have been their staunch support of Jacobites that saw them prosecuted severely by the Admiralty. Of the 9 Irish privateers executed in this period six of them were members of a Walsh crew and two were Walshes themselves. Jaques and Phillip advised King James to issue letters of marque as part of his

war effort to reclaim the English throne and Jaques was granted the command of the *Sarsfield* a vessel owned by James II (O'Scea 2001, 123). In 1745 Lord Moreton notes a childless Walsh merchant donated £2,000,000 to Jacobite causes in their will (Talbott 2014, 572). Whilst a cache of letters discovered at Chateau de Serrant revealed that Antoine Walsh regularly communicated with the Jacobite claimant Charles Stuart and actively conspired to restore him to the throne (La Trémoille & MacGregor 1904). It was in fact his ship the *Teillay* that carried the exiled claimant to Scotland (Ruvigny et Raineval 1904, 174). Later generations claimed that it was also Captain James Walsh who carried James II out of Ireland after the Treaty of Limerick (Burke 1912, 739; La Trémoille & MacGregor 1904, 93; Walsh 1945, 34). The urtext for this story appears to be the extract of an unpublished essay added to the appendix of *Royalist Family* (La Trémoille & MacGregor 1904, 93). It was written by a 20th century member of the Walsh family, and without any corroborating evidence the claim is dubious. Lyons points out that Irish-French families would at times exaggerate their place in Jacobite history as they believed it enhanced their opportunities for ennoblement (O'Scea 2001, 119). That may indeed be the origins of this tale, a tale likely retold through subsequent family generations. However, even if it was family folklore it does demonstrate the desire of the Walsh family to write themselves into Jacobite history.

One final item of note regarding the Walshes is the somewhat disproportionate amount of attention history has paid them. A great deal of the ink spilled on the Irish-Malouin comes from historians descended from the Walsh family. These writers were particularly prominent in the late 19th and early to middle 20th centuries (Walsh 1897; Walsh 1870 & 1925; Walsh & Lochlainn 1933; Walsh 1945; Walsh 1979). Interest in the Walsh family may be linked to the Irish political climate during the late 19th and early 20th century. The success of these groups is one of the few positive stories for Irish Catholics of the 17th century, who suffered ever growing defeats which had repercussions for centuries. The story of a group of Irish exiles displaced by a foreign English invasion, only to thrive abroad outside of English influence, likely appealed to partisans of the Irish independence movement that led to the country's partial independence in 1921. However, a history dominated by Walsh historians is problematic for a few reasons. First, they are at best selective regarding their portrayal of the Walshes, in general presenting a rather sanitised view of their ancestors. Early historians such as John Walsh may have found the family's role in privateering distasteful, as they neglect to mention it and instead refer to the family as *"traders and shipbuilders"* (Walsh 1925, 221–2). While some mention is made of military service in the French army or navy, yet the more commercial business of privateering is ignored, including the fact the Walsh family made such great profit in privateering by regularly withholding prize money from their crews. Likewise, the family appear very proud of Antoine Walsh's role in the Jacobite rebellion of 1745. However, the instrumental role Antoine played in popularising slavery in mainland France, the foundation for much subsequent Walsh wealth, is almost entirely absent from their accounts. Walsh writers tend to portray the Walsh family as a proto-revolutionary group, as opposed to a largely self-interested merchant family. The best evidence that the latter is true is the fact that by the

time of the French Revolution the Walshes (along with the majority of Irish exiles) wholly supported the French monarchy (Hayes 1947, 346). The second problem is that the Walsh historians paint the history of the Irish of this period as entirely Walsh dominated. Whilst, it is true the Walshes were one of the most successful Irish families from this period, they were just one group among the tens of thousands of Irish refugees. Other noble families that featured prominently at the same time like the Geraldins or Whites have comparatively less written about them than the Walshes. It also leaves the non-noble Irish, which were a much larger proportion of the exiles, largely ignored. This creates something of a feedback loop, where the majority of history is written about the Walsh family, so more modern historians focus on the Walshes as there is the most information available. At its worst this means that some of the more fanciful pieces of Walsh hagiography, such as their claim that the Walsh ships carried James II out of Ireland, are taken as truths whilst more concrete facts are expunged. The court cases of the Admiralty are undoubtedly biased towards the English, but this does not make histories from opposing viewpoints automatically correct. It is here that reconstructing the maritime networks from an archaeological standpoint becomes valuable.

3.2.3 The Geraldins

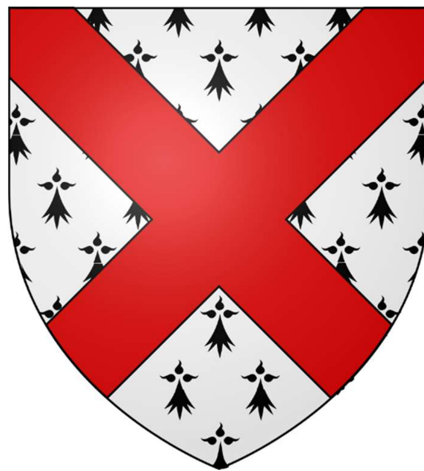


Figure 3.5 The Crest of the Geraldin Family (Public Domain 2016).

The Geraldins of Gurtin (alternatively the Fitzgeralds or the Gurtins) were contemporaries of the Walshes and had much in common with them. Originally named the Fitzgeraldes the Kilkenny family Gallicised their name in the mid-16th century. They were also a minor branch of a more senior Kilkenny noble family, being a junior to both the Geraldins of Burntchurch, and Brownsford (Burtchaell 1892, 358). The fact they are only given a minor mention in Burtchaell's (1893) four volume "*Geraldine's of Kilkenny*" would suggest that they were a relatively unimportant branch of the family. The Geraldins were also partisans of the Irish Catholic Confederacy, with Edmund of Brownsford being one of the most vociferous supporters of the Confederacy amongst the Kilkenny gentry (Burtchaell 1893, 415). Edmund

personally swore the Oath of Association in support of King Charles against the Parliamentarians (Gilbert 1891, 78). Whilst castle Burntchurch was an important strategic location protecting the city of Kilkenny, that was used as a base by Cromwell after its conquest. The Gurtins role during the Cromwellian conquest is unclear, but given their fate can be inferred. The Gurtins were stripped of 1,865 acres of land including their principal seat of Gorteens Castle (Burtchaell 1892, 358; King 1993). The head of the family, John Geraldin, was transplanted to Connaught before eventually being assigned lands in county Mayo (Burke 1912, 228). An evaluation of the archaeology of Gorteens Castle sheds light on the fall of the Gurtin's as well as the circumstances that saw them settle in St Malo.

Several studies have focussed on the history and archaeology of Gorteens castle. First, the Down survey of the Diocese of Ossory in 1905 (Carrigan 1905), secondly a commercial excavation (King 1993) in preparation of the Slieveroe by-pass with a follow up study in 2004 consisting of 12 trenches and 3 cuttings. An archaeological impact assessment was commissioned in 2012 prior to the construction of a milk processing facility (EPA 2012). Carrigan (1905, 203–4) describes the site as having two castles and four dwellings, although by the time of the 1993 excavation all that remained was a solitary gatehouse, which still survives to the present day (Figure 3.6). Excavations in 1993 and 2004 both suggest the site was occupied from the second half of the 16th century then levelled in the first half of the 18th century. This is congruent with the rise and fall of the Gurtins in Kilkenny. Some of the building stone from the site was deliberately buried in pits after the levelling (King 1993, 136), suggesting a deliberate destruction of the castle in an effort to remove a potential Catholic powerbase so close to Waterford. Very little is recorded of the English settlers who occupied Gorteens, although it is known the area became one of the earliest centres for glass production. It has even been suggested that Gorteens served as the original site for production of Waterford crystal (Coughlan et al. 2013, 4). The castle may consequently have been abandoned to increase the industrial capacity for glass making.

Figure 3.6 The Remains of Gorteens Castle (Cambell 1989).

Gorteens Castle would have been the ideal location for an Irish mercantile family in the 17th century. The seats of Burntchurch and Brownsford, were far inland close to the city of Kilkenny. Conversely, Goortens was located on the river Suir, opposite Little Island and just before a confluence with the river Barrow. This would have given it easy access to the Celtic Sea as well as a ready market in Waterford just a little further west along the Suir. There was the possibility of trade northward along the Barrow. Similarities can be drawn to the nearby Longphort of Woodstown, which started as a military

base and grew into a prosperous Viking town (Russell 2023, 143–5). Surveys undertaken in 2012 noted that most of the fields around Gorteens were agricultural pastureland, ideal for cultivating cattle, at a time when Irish beef and dairy products were one of the country's most profitable exports. This would have provided the Gurtins a valuable product to export, a local market to sell it to and access to the sea to manage ships. Indeed, the maritime potential of Gorteens appears to be reflected in the archaeology where excavations yielded a diverse range of imported wares. Material discovered at Gorteens came from many different regions including, Devon, Cologne, Saintonge (France), Iberia, and Liguria (King 1993, 136).

The presence of North Devon wares suggests that the Geraldins of Gurtin were involved in both colonial trade and the export of Irish beef and dairy products (see section 3.3.3 below). The Gurtins certainly could have made large sums of money from their exports, but their income would have been affected by the English prohibition on these goods in the second half of the 17th century. Enrolment records of Irish colleges in Bordeaux show the Geraldins had a presence in France as early as 1620 (Walsh & Pelette 1950, 201) and there were long standing trade links between Brittany and Waterford (see section 3.3.3 below). As a result, it is perhaps not surprising that after being stripped of their lands the Geraldins relocated to St Malo in Brittany. Raymond Geraldin, a great uncle of John, brought the family over to France, establishing the Geraldin dynasty in St Malo. Although Raymond died in 1656, the family would see great prosperity in Brittany. Raymond's son Nicolas was appointed English consul to St Malo by James II shortly before his deposition in 1689. Nicolas went on to entrench himself in the French nobility by purchasing lands in Normandy, becoming the *sieur de la Penty* and later Count of Penty (Durand de Saint-Front 1963, 167–8; Lespagnol 1997, 850–1). In 1713 Nicolas's son, also named Nicolas, was elected Mayor of St Malo. Several Geraldin ships are recorded in HCA 1 and it is very likely one member of the Geraldin family is tried. The crews of the *St Joeseph* (Redman Geraldin), the *Providence* (Robert Depedley), the *Invincible and Mary* (James Geraldin), the *Sun* (Nicolas Geraldin) and the *Lewis* (Richard Geraldin) were all captained by Geraldins. Whilst not certain, it is likely that Robert Depedley was a Geraldin. The High Court of the Admiralty notes that Robert is a gentleman of Normandy and born in Caen. Normandy was an important power base of the Geraldins (Figures 5.5 & 5.6) and Caen was very near to the Geraldin lands of *La Penty*. The Admiralty Court at that time bastardised French noble titles when writing them down, making it difficult to determine their origins. Nevertheless, it is likely Depedley is a bastardisation of *de la Penty*. Robert was a Norman noble, born near Caen, who served as an officer on a Jacobite privateer in the Nine Years War. The simplest and most likely reason an individual would fit this description, would be if they were a Geraldin. This also neatly demonstrated the connections between the Walshes and Geraldins at this time. Crew exchanges also occurred between the two families. Robert Depedley was an ensign serving under James Walsh and similarly the *Sun* was owned by Nicolas Geraldin and captained by Robert Walsh.

Although only four Geraldin ships are attested to in HCA, auxiliary evidence shows the true proliferation of the Geraldins. Raymond and Nicolas Geraldin were *armateurs* of ten ships (Morel 1958). By contrast the Walshes are listed as *armateurs* five times split between three family members, the only Irish exiles who fund a larger number of ships are agents of James II (Morel 1958). This also only includes ships owned by the Geraldins in St Malo. Who are noted as the captain of a total of 19 vessels, the most of any single family. The bulk of these commissions were from two members, Antoine and Richard, who captain five vessels each between 1690 and 1710. The family were also well established in Dunkirk, where Sir James Geraldin exerted enormous influence. A leading promoter of Jacobite privateers in this port, Geraldin's influence is highlighted by the fact he was not required to either produce a deposit, or prove his solvency to enter a privateering account (Bromley 2003, 149). Initially, these exemptions only applied to commissions issued by James II but were later expanded to include French commissions as well. By the middle of 1694 James Geraldin had been appointed comptroller of all prize accounts in Picardy, Normandy, and Dunkirk. An episode from the High Court of the Admiralty hints at Geraldin's immense influence in Dunkirk. During the testimony of Jonathan Beer in HCA 1/53, he claims that he was pressed into service as a Geraldin privateer following capture in Dunkirk (HCA 1/53 fo. 20). The fact that immediately after capture he was brought to James Geraldin would suggest that he held a high degree of pre-eminence.

3.2.4 The Lee Corporation

The Lee Corporation refers to the collection of enterprises throughout Ireland, France, and the Caribbean, that were run by members of the Lee family and managed from their headquarters in Nantes. In a now familiar pattern, Nicholas Lee, was originally a Waterford merchant who migrated from Ireland in 1649 following Cromwell's conquest (Saupin 2007, 118). However, unlike the Walshes or Geraldins who moved to north Britanny (Irish-Malouin), the Lees established themselves further south in Nantes (Irish-Nantais) (Saupin 2007, 118). The Lees integrated quickly into the merchant community and by the 1660s were one of the wealthiest families in Nantes (Saupin 2007, 118). By the 1690s the Lee Corporation had outposts in Cork, Wexford, Falmouth, Virginia, Martinique, San Dominique, and St Malo (Saupin 2007, 125). The corporation was the first of its kind established by Irish Jacobite refugees. While, the Walshes and Geraldins would go on to establish similar structures, they did not appear until some 50 years after the Lee Corporation. The Lees gained fortune and legitimacy far faster than other Irish exiles and were in fact on the decline by the 1690s.

Within St Malo, the Lee Corporation were represented by Walter Cruice. Cruice had married into the Lee family and had presumably been sent to St Malo to take advantage of the privateer boom that occurred in the port (Saupin 2007, 125). Sailors of his ships account for a significant portion of those tried by the High Court of the Admiralty. This can be attributed to his unique approach to investing in privateering. Cruice employed a high-risk high-reward strategy, concentrating his investments in three

very large ships. One of which, the *Queen Mary*, cost over 56,000 livres, an astronomical sum for the time (Bromley 2003, 146). This was to his detriment as the *Queen Mary* and another of his ships, the *Prince of Wales*, were captured by the English. Having entered the privateering business in 1692, Cruice would file for bankruptcy in 1693 (Bromley 2003, 146). Little else is known about Cruice, except that he predeceased his wife who was alive in 1710 (Saupin 2007, 126). The fact he that he appears not to have purchased any of the titles of nobility made available to Malouin merchants in the 1690s and 1700s, would suggest he never recovered from his bankruptcy. Cruice's ships were captured at the height of English interest in prosecuting pirates. In addition, the ships were very large and the *Prince of Wales* appears to have had the unique policy of being crewed completely with Irish sailors. As a result, the records of HCA 1 have a high proportion of Cruice sailors, despite his short and ultimately unsuccessful time in the business.

3.3 Places

3.3.1 St Malo

The early focal point of Irish-Breton maritime networks was undoubtably St Malo. The area that would become the port of St Malo has long been valued for its strategic significance. In the fourth century AD it was the site of a promontory fort that was part of the Saxon Shore (Daire et al. 2014, 460). Later in the 10th century Vigneaux Cove, just to the south of St Malo, was the base of a Viking raiding camp (Daire et al. 2014, 461). Its position on the estuary, D-shaped enclosure and strategic use of local geography gives it a similar character to the Longphuirt[21] found in Ireland. It is likely that the camp was used both as a base for raids further into France and as a stopgap for longer voyages west of the channel. With regards to St Malo itself, the site's relations with its Celtic neighbours can be traced to its origins. Tradition dictates that the monastery, later to become St Malo, was founded by an Irish monk and a Welsh monk, St Brendan and St Aaron respectively (Hillmann 2021, 21). Whilst the veracity of this claim is difficult to confirm, the fact that the origins are tied to its Celtic neighbours suggests a strong relationship between the regions. Throughout the Medieval period St Malo frequently found itself caught in the middle of the larger dynastic struggles in the region and frequently changed owners. This occurred during the Breton Wars of Succession (1341-1365) between France and the independent Duchy of Brittany and later between the Kingdoms of England and France during the Hundred Years' War (1337-1453) (Hillmann 2021, 22). Spending generations under a succession of North Atlantic powers appears to have created both a fierce independent spirit and a distaste for the larger powers. Despite being integrated into the French Kingdom in 1493, the Malouins frequently tried to assert their independence. In 1590 St Malo declared itself an independent city. Cultural independence was at the forefront of the Malouins motivation as exemplified in the Republic's moto, "*Ni Français, ni Breton, Malouin suis"* not French, nor Breton, but Malouin. While cultural differences were certainly an important factor, it is important to contextualise this rebellion in the economic movements of the time. The

[21] Longphuirt (Longphort singular) were temporary winter camps constructed by Vikings in Ireland. Several Longphuirt developed into towns and cities such as Waterford and Dublin.

empowerment of the burgher classes, catalysed by the reformation and colonialism, had led prosperous port cities, such as St Malo, to seek autonomy from traditional feudal governance. This was particularly successful in the Low Countries where the reformation was strong and feudal power weak. The opposite was true in France, which greatly diminished St Malo's push for independence. The city was restored to French governance in 1594, with the Republic only lasting four years.

During the age of colonisation, St Malo initially prospered as a fishing port. Large fleets of ships sailed north-west to Newfoundland and the Labrador Peninsula, from which they would return with vast quantities of codfish (Bonjour et al. 2023, 3). The nearby saltmarshes provided a cheap source of preservative that enabled fish to be shipped around the world and as a result St Malo became a valuable centre for food production. Another avenue of revenue was the export of linen, as the port sat at the centre of a triangle of the major French exporters (Hillmann 2021, 21–2). The port is best known, however, for its infamous role in the privateering industry. The 17th century was a time of great prosperity but also great violence. Marxist thinkers have suggested that at the centre of this conflict was a dispute between the emerging capitalist classes and traditional feudal powers (Dobb 1963; Sweezy & Hilton 1978; Wood 1999). This dichotomy was exemplified in the Franco-Dutch war (1672-1678). The Dutch were the first post-Medieval power to fully embrace capitalism and reaped the benefits accordingly. The Dutch East India company (VOC) launched armadas of trade fleets through the English Channel to its colonial holdings, becoming exceptionally wealthy in the process. Conversely, France was still a firmly feudal state and essentially remained so until the French revolution over a century later. For all their modernising, however, the Dutch found themselves outmatched during the Franco-Dutch war. French privateers halted Dutch trade, contributing to the *Rampjaar*, the low point in the history of the Dutch Republic. As the only French port near the western entrance of the Channel, St Malo was perfectly situated to intercept Dutch vessels. However, privateering was a very high-risk venture. The cost of arming ships was substantial and due its violent nature the potential for loss increased the already considerable risk. Yet with a constant flow of ships from Europe's pre-eminent colonial power loaded with goods from around the world the reward was even greater. In addition, Malouin privateers were also aided by the many reefs, strong currents and high tidal ranges along its coast, which made it very difficult for passing ships to navigate (Veyrat 2017, 171). By feeding off Dutch shipping, St Malo was elevated to one of France's most prosperous ports and became the main centre for privateering. Incidentally, it is no coincidence that the major privateering port, Dunkirk, was located at the eastern entrance of the Channel, which again was ideal for attacking passing Dutch traffic.

While St Malo because prosperous through privateering, it is worth also discussing the more nebulous factors that led to the Malouin culture of high-risk investing. St Malo is characterised by a high connectivity with the sea and a low connectivity with land. In the 17th century there was little in the way of road infrastructure connecting the port to inland areas (Hillmann 2021, 25). Furthermore, the

marshy land was unsuitable for agriculture and thus an unattractive prospect from a feudal standpoint. In addition, St Malo's location made it a transitional port for sailors journeying between the channel to colonies in America, Africa and India. If Westerdahl's concept of traditional zones of transport geography is applied (Westerdahl 2006), it can be theorized that St Malo inhabitants would have been very receptive to ideas and concepts driven by the large groups of international sailors moving in and out of the port as part of their journeys across the oceans. Moreover, St Malo's local sailors would have brought back new ideas and cultural influences from foreign lands. Of particular note for this study is that St Malo was exposed much earlier to the concept of capitalism than other areas of France, as traders from capitalist countries such as the Netherlands and England stopped-over on route to and from the colonies. This was further fuelled by the Franco-Dutch war when groups of Dutch merchants with rich cargoes were captured and brought into port. Westerdahl's transport zones, tend to supersede traditional cultural and political boundaries and focus on the loose connections which resulted from transient maritime actors (Westerdahl 2006, 101). With this in mind, St Malo can be thought of as an early enclave for capitalism in France and in turn this can help explain the culture that led to the high-risk privateering ventures that characterised the port in its golden age. Although exposed to capitalism St Malo was still on the periphery, lacking the support or experience of more established commercial ports such as Amsterdam or London. Without the same backing, the only way they could achieve returns similar to English and Dutch ports, was by employing the high-risk strategies; such as privateering. The point here is not to be overly determinist. The geography of St Malo certainly played an important role in its development in the late 17th century, but that does not discount the psychology of the sailors and merchants associated with the port or the strategies that they employed.

Privateering ventures against the Dutch in the 1670s smoothly transitioned into attacks on English commercial ships in the 1680s. Although the target shifted from the Dutch tricolour to the St George's Cross, it was very much business as usual for the Malouins. Around this time the Malouins began collaborating with Irish exiles and it led to a perfect marriage. Stripped of their lands and titles the exiled Irish nobles were cash rich but asset poor. They had also undergone a marked reduction in social status. Privateering provided a venture with potentially huge returns that with the added incentive that it was against an opponent that they were politically and personally opposed too. Any risk associated with the venture was likely mitigated by the fact that, as refugees, economic stagnation would have eventually led to their destitution and thus they had little to lose. It is also worth noting that by having ships provided by James II and downpayments waived by Louis XIV (Bromley 2003), a significant amount of the risk was offset. Lespagnol (2013, 499) compares the risk of privateering to *"une joue de poker"* in which case, the Irish may have been at the table. But they were playing with house money. The Irish needed no encouragement, they had not only found a compatible religious and Celtic culture, but also compatible business strategies. In St Malo the Irish found an ambitious community willing to bet on risky maritime projects. In the Irish, St Malo found a body of cash rich investors willing to overlook the risk due to their personal animosity and tenuous positions. This is an important factor

that should not be overlooked amongst the grander economic and political movements of this age. The Irish exiles had lost their homes, friends, and families in two generational conflicts with the English. An insight into the psychology of the exiles comes from the mottos they adopt in France. The Butler motto *Depressus Extolor* (Martinetti 2013, 122) translates to "*when brought low, I rise*". This has a marked similarity to the Walsh motto *transfixus sed non mortuus*, which means *"pierced but not dead"* (Sexton 2024). Both motos celebrate the endurance of their families through the challenging times they had faced, highlighting both the downturn in their fortunes and their desire to improve their standings. The Walsh emblem, *Le cygne navré*, would become a source of great pride for generations, and remains a prominent decoration in Chateau de Serrant (Figure 3.7).

Figure 3.7 Recurrences of *le cygne navré* at Chateau de Serrant (left to right; top to bottom): 1. *Le cygne navré* carved in stone atop the main gate of Chateau de Serrant. 2. Decorative swan heads on bedposts. 3. Swans on a tapestry. 4. Chair legs shaped as swans. 5. Chandlier shaped as a swan with accompanying arrow behind. 6. Portrait Countess Sophie Legrand-Walsh seated in a swan-shaped chair draped in Walsh colours. 7. 19th century gamekeepers badge, in the centre the W and S, representing 'Walsh de Serrant', are styled to resemble a swan, whilst there is an arrow pointing towards the swan at the bottom of the badge (Dawson 2024; courtesy of Chateau de Serrant).

One of the few first-hand sources from an Irish-Malouin exile related to their expulsion comes from John MacWalter Walsh, a bard of the Walshes who recites the family's fall from grace in his lament following Cromwell's confiscations:

"*Assemble round, O dear children of my soul, ours is a sad tale of woe, and with sorrow shall be recounted; the harvest of death lies in sward, but no ripening shall perfect it…The Walshes of the Mountain shall be wide dispersed and their power dissolved forever*"

Gray 2011, 21

Such strong emotions imply that, in addition to any monetary benefit, revenge was also at the forefront of Irish minds. This also provides an alternate angle from which to consider early Jacobitism. Privateering was far from a top-down activity. James II was originally reluctant to offer letters of marque to Irish sailors (Bromley 2003, 139–40). It was only after lobbying from both the French court and important Irish figures that he relented (Bromley 2003, 140). This not only demonstrates the early collaboration between Irish and Malouin investors, but also shows that for many Jacobitism was as much about their own personal enrichment as it was about the restoration of a Catholic monarch.

Privateering during the Nine Years War allowed St Malo to grow even richer. This is best highlighted in 1694 when the King Louis XIV created 500 letters of nobility, the bulk of which were purchased by Malouin merchants (Meyer 1972, 136). It is at this time that we see the Irish families of Walsh, White, and Geraldin become entrenched in the French nobility (see section 3.2.2-5 above). Not all Malouin merchants were happy to purchase their nobility. Others, such as Descazaux du Bézout, told the court directly that the efforts of Malouin merchants necessitated ennoblement without any payment. He stated *"…the distinction due to these great and good merchants and traders, whose credit and reputation deserve to be acknowledged, is forgotten... they may remain unrecognized and undistinguished, limited to the simple quality of a merchant like any other"* (Meyer 1972, 137-8). Amongst the achievements Descazaux specifically credited to the St Malo merchants were: the construction of new ships, the discovery of new trades and colonies, the integration of foreigners, and the creation of wealth and abundance through the payment of millions livres in duty tax (Meyer 1972, 138) The brazenness of these remarks highlighted the perceived importance of the Malouin merchants, as well as their swashbuckling nature. This attitude in tandem with its geographic position facilitated St Malo's rise, and it was equally instrumental in its downfall. As transatlantic trade increased in France, westerly harbours with their ease of access to the Atlantic Ocean were favoured over St Malo. The lack of any hinterland and the challenging sailing conditions that had been advantageous for privateering were detrimental to regular trade (Meyer 1972, 140). Even ships loaded at St Malo preferred to unload at other ports. This is exemplified by the voyage of Phillipe de Valois (son of Jaques Walsh de Valois), who as captain of a trading expedition originating at St Malo was instructed on his return from Martinique to *"unload his goods in whichever French port he arrived at"* with Phillipe specifically noting Nantes,

Bordeaux or La Rochelle as the likely options (HCA 32/62/17). It was no longer economically feasible for transatlantic merchants to call in at St Malo. To compound matters following the War of Spanish succession in 1715, France settled into a 25-year peace, depriving St Malo of its lucrative privateering business. With its back against the wall St Malo doubled down on what made it successful in the first place. The port favoured risky long-distance semi-legal trade with far eastern countries such as China. The failure of which only hastened its decline. By 1750 St Malo was an obscurity on the international stage, and would never again reach the height of its glory years between 1680 and 1715.

3.3.2 Nantes

The other major port of France, Nantes, is in many ways the opposite of St Malo. If St Malo is the brash young upstart, eager to carve a name for itself through adrenaline fuelled, high octane ventures, then Nantes is the wily professional, carefully accumulating and spreading its risk for gradual rewards. St Malo is a character of Shakespearean tragedy, where hubris contributes to their meteoric rise just as much as their dramatic fall. Nantes is of a Shakespearean comedy, starting in disarray but fortuitously emerges to a position of wealth and prominence. The area which became Nantes began life as the capital of the Namnetes, a Gallic group allied with the maritime power of the Veneti during Caesars conquest of Gaul (Caes. *Gall*. 3.9; Bertrand 1864, 329). Unlike many coastal towns of the period, it did not thrive under Roman rule. Roman sailors found the strong Atlantic seas difficult to sail and preferred to use the inland routes established at Ratiatum by Augustus, which was situated on the opposite bank of the Loire to Nantes (Bois 1977, 39). Nantes only underwent significant development following its rival's destruction at the hands of Germanic invaders in the 3rd century (Pétré-Grenouilleau 2008, 20). Like St Malo, the city regularly changed hands during the Breton wars of Succession and Hundred Years war (Pétré-Grenouilleau 2008, 27). The trade of salt and wines, particularly with Britain, increased in the 13th century, leading to the city flourishing in the 14th century.

It was in the early half of the 17th century that the city began its rise in earnest. In this period ships heading to the Caribbean from the French port of Dieppe used Nantes as a waystation in preparation for the journey across the Atlantic. Cardinal Richelieu, the chief French minister at the time, used Dieppe as his main port for directing voyages to the newly established French colonies of Martinique and Guadalope (Michon 2011, 31). This was likely due to its relative proximity to Paris, in line with Richerlieu's larger ambitions of centralising French government around Versailles and the monarch (Treasure 1972, 118). However, being located east of the Siene, Dieppe was unsuited for sustained voyages to and from the Caribbean. It soon became clear the Nantes on the west coast of France was better located for these voyages (Meyer 1972, 138). From the 1640s onwards Nantes emerged as a major transatlantic port. Colonial exploitation was essential to the rise of Nantes' prosperity and by the 18th century it was France's premier port. Meyer (1972, 139-140), characterises the trading strategy as cautious and risk averse; the tortoise to St Malo's hare.

After the initial success of the Lee family, Nantes appears to have appealed to a new generation of Irish exiles. Privateering was a risky business, both financially and personally. Michel's study of Granville, one of the most important bases for privateering after Dunkirk and St Malo, demonstrated that over 80% of the privateering vessels sent from here ended up either sunk or captured (Lespagnol 2013). Whilst, there are few surviving examples of Breton privateers sunk in this period, two shipwrecks off the coast of St Malo show that failure was expected for these ventures. La Natiere 1 and 2 were both privateers sunk in the eponymous bay. La Natiere 1, or *Le Dauphin*, sunk in 1704 right at the height of the privateering period. La Natiere 2, or *Le Aimable Genot*, sunk in 1749. Neither saw an extended period of service. *Le Dauphin* was active from October 1703 to December 1704. Whilst *Le Aimable Grenot* was launched in January 1747 and sunk in May 1749. Their short lives exemplify the frailty of privateers, but what the archaeology demonstrates is how the expectation of failure was designed into these ships. Excavations of *Le Dauphin* show that the ship was optimised towards ordinance at the expense of the crew. Veyrat (2017, 174) describes the living conditions on *Le Dauphin* as *"extremely poor"* with the entirety of the crew crammed into the dark, stuffy lower deck, whilst the more spacious upper deck was dedicated was stacked with ordinance leaving no living space. Archival evidence also shows that the *armateur* wanted to direct *Le Dauphin* against small, lightly armed English and Dutch ships, which Veyrat (2017, 172) interprets as chasing *"profit, not glory"*. The record of *Le Dauphin* does not appear to be atypical, the previous two ships built by the *Dauphin's* shipwright lasted eight and nineteen months respectively. Nevertheless, *Le Dauphin* was a successful privateer capturing nine ships and earning 340,000 livres, *Le Aimable Grenot* was even more successful netting a profit of 670,676 livres in less than two years (Veyrat 2017, 171-3). Ships designed for *le course* were built rapidly with the goal of making a quick profit with a short-life expectance. This appears to be the proven strategy and those who overinvested in their ships ended up bankrupted like Walter Cruice.

When it is considered that many Irish *amateurs* were also ship captains, we can see that the privateering industry not only put their finances at risk but their lives as well. This appears to have been more appealing to a vengeful group of refugees eager to recover lost fortunes, then it was to a second-generation merchant elite. Starting in the early 18th century the next generation of Irish-Breton shifted away from privateering and towards the profits made from investments in more stable (and profitable) businesses in Nantes. This was also necessitated by the Treaty of Ryswick in 1697, which ended the Nine Years War, decreasing privateering opportunities (Bracken 2001, 127). Migration westwards is well evidenced in Clarke de Dromantin's study of the French naturalisation of foreign nobles (1999). Letters of naturalisation differed from the earlier letters of nobility put up for sale in 1694, in that nobility was not purchased but was instead automatically granted once proven (Clarke de Dromantin 1999, 223). Many of the beneficiaries were second generation Irish-Bretons. As shown in Table 3.1 whilst the majority of these families such as, the Walshes, Butlers, Lynches and the O'Shiels had initially migrated

to St Malo, they subsequently relocated further west to Nantes. More secure and more integrated than the generation that preceded them, these second generation Irish-Bretons favoured the import and export business that was thriving on the west coast of France. With regards to Nantes, the majority of voyages were to Saint-Domingue (modern day Haiti), however, the Irish appear to be far more associated with the more easterly colony of Martinique (see section 3.3.5 below). The only exception was the Galway family, the Butlers of La Rochelle, who traded significantly with Saint-Domingue at this time, typically dealing in Irish butter and tallow (Martinetti 2013, 123).

Name	Place	Reference	Date	Additional Notes
Jaques Sarsfield	Nantes	B.N Nouv. D'Hozier 301	08/1711	For religion and loyalty to the Stuarts
Nicolas Luker	Nantes	A.N. O_1 221	04/1717	For religion and loyalty to the Stuarts
Jean Stapleton	Nantes	A.D.L.A. B 100, fo 125	10/1728	With letters of naturalisation
Mathias Shee	Nantes	A.D.L.A. B 100, fo 257	01/1735	
Richard Butler	Nantes	B.N Nouv. D'Hozier 76	03/1744	With letters of naturalisation
Jaques O'Friel	Nantes	A.N. P 2594	12/1750	For religion
Antoine Walsh	Nantes	A.D.L.A. B 100, fo 222	09/1753	
Patrice-Marc Walsh	Nantes	A.D.L.A. B 100, fo 258	08/1754	
Francois-Jaques Walsh	Nantes	A.D.L.A. B 100, fo 258	08/1754	Younger brother of Antoine
Phillippe Walsh	Nantes	A.D.L.A. B 100, fo 258	08/1754	Younger brother of Antoine
Richard Darcy	Paris	Archives privees	01/1755	With letters of naturalisation
Thomas-Michel Lynch	Bordeaux	A.D.G 1 B 48, fo 95	03/1755	For religion and loyalty to the Stuarts
Patrice-Jean Lynch	Bordeaux	A.D.G 1 B 48, fo 142	03/1755	For religion and loyalty to the Stuarts
Luc-Nicolas O'Shiell	Nantes	A.D.L.A. B 102, fo 282	06/1755	For loyalty to the Stuarts
Denis O'Kelly-Farrell	Paris	A.N. P 2595, fo 56	12/1756	With letters of naturalisation
Nicolas Roche	Nantes	A.D.L.A. B 103, fo 161	05/1759	For religion and loyalty to the Stuarts
Robert Dillon	Bordeaux	A.N. P 2596	06/1759	

Table 3.1. A list compiled by Patrick Clark de Dromantin of letters of recognition of Nobility issued by the French for Irish emigree families, translated with some amendments (Clarke de Dromantin 1999, 238).

3.3.3 Waterford

The most important Irish micro-region in this maritime network was the southeast, particularly the counties of Cork, Kilkenny, Waterford, and Wexford. This was where most merchant families were based prior to their exile from Ireland. The other important region was Galway, with which many Montserrat families had ties to, and several Munster families were transplanted to. Waterford appears to be the least important of the four in recruiting sailors as only one appeared to originate from there, compared to three from Cork, six from Kilkenny and five from Wexford. This is surprising since Waterford appears to have the most important merchant elite in the region. It was the base of both the

Lees, the Whites, and the Comerfords, who became influential Irish expatriates as well as the nearest port for the Geraldins at Gorteens castle. This is confirmed by Lespangol who notes that Waterford, along with Cork and Dublin, were important trading partners for St Malo (Lespagnol 1997, 59–63). This suggests that the exiles maintained connections with the port. Wexford, on the other hand, is fairly anonymous at this time and none of the principal families mentioned so far had much of a base at this port. This can perhaps be partly explained by Waterford's direct connection to Kilkenny via the river Nore. This may have been advantageous to the hinterland elite such as the Walshes, Brownsfields, and Burntchurchs who all had their strongholds in County Kilkenny.

Heavy commercial development undertaken during the Celtic Tiger Boom of the late 20th century was accompanied by equally extensive commercial excavations. As a result, the archaeology of Irish urban centres is exceptionally well documented. Waterford in particular has a detailed monograph published following six years of excavation between 1986 and 1992. This provides a tranche of material that is associated with the Irish-Breton that can help explain why this period was so pivotal in establishing piracy law.

Waterford was a Viking Longphort established in 10th century either as competition for, or a replacement of, the more coastal Woodstown. Located at the centre of a nexus of tributaries, Viking Waterford was surrounded on three sides by water. In addition, it was downriver of the coast making it significantly less exposed than the earlier Longphort of Woodstown. As tensions between the Hiberno-Norse and the Kingdom of Ossory began to rise, the security offered by Waterford was highly valued. Shortly after its establishment, Woodstown declined before being completely abandoned in the middle of the 10th century (Russell 2023, 144). On the other hand Waterford thrived expanding slightly at the end of the 10th century and then significantly in the 11th (Hurley 1997, 7–9). The Normans invested heavily in Waterford following their invasion and by the Medieval period it was one of the premier ports in Ireland. Waterford appears to have benefitted from its association with the Angevin Empire and its easy maritime connections with Devon, Bristol, and France made it a bustling centre of trade. Barry (1997, 14-15) notes that Waterford was an important entrepôt for the wine trade between France, Ireland and Britain.

Religious tensions with the English in the 15th century appear to have had a notable effect on Waterford. The fervently Catholic city had longstanding ties to Spain and the English feared that it could have been a staging ground for a Spanish invasion (Walton 1995a, 121). This fear was somewhat warranted, in 1570 Catholic recusant and pirate, Thomas Stucley, advised King Philip of Spain to occupy Waterford in order to blockade the English, although Philip ultimately declined (Walton 1995a, 121). Nevertheless, the English saw Waterford as a vulnerability and there was a focussed effort to convert

the region to Protestantism. In 1612 King James I forbade the holding of public offices for any individual who refused to recognise him as head of the church. This had a chaotic effect in Waterford and between 1612 and 1616, 12 mayors were dismissed for refusing to take the oath (Walton 1995b, 130). This disarray appears to have influenced Waterford business practices and in this period Waterford is increasingly associated with illicit maritime activities. In 1580 Edward Itchingham, the owner of Ballyhack Castle, was suspected of collaborating with pirates who were raiding Waterford and it was believed that he received a share of the booty. Waterford almost immediately defected to the Irish Confederacy in 1642 at the onset of the War of Three Kingdoms (Walton 1995b, 133). Throughout the Civil War the citizens of Waterford remained one of the most extremist Catholic factions within the Confederacy, demanding a full restoration of the Catholic Church in Rome (Walton 1995b, 133). As a result of this zealotry it earned the nickname *Parva Roma* (Little Rome). Waterford also earned the distinction of being the only town ever to be besieged by Cromwell that he failed to take. A nine day siege in 1649 was foiled owing to poor weather and a lack of artillery (Walton 1995b, 134). However, the following August the city was captured by his son-in-law Henry Ireton, thus ending Catholic rule in the city. During the Protectorate Waterford was used as a deportation port by Ireton to ship prisoners captured in his campaigns in Munster to the Carribean (Gwynn 1930, 615). Attempts were made to fully convert the city and under Cromwell it was illegal for any Catholic to enter it. In practice, this was simply not feasible as the Catholic community was too large, too zealous, and too profitable. Paradoxically, the mass deportation appeared to strengthen the merchant elite as it gave them greater connections and familiarity with overseas ports.

Post-Medieval pottery finds from Waterford suggest that it was a thriving international port, with imported ceramics outnumbering locally produced goods (Meenan 1997, 338). The overwhelming majority of these imports came from North Devon, with France and Spain the two other noteworthy regions. 218 of the 259 Spanish sherds discovered originate from Seville or Merida, with an equal amount of sherds from each region (Meenan 1997, 339). Seville was an important transatlantic port and with a dedicated college for Irish Catholics (O'Connell 2001, 52). By the 17th century it had become an important colonial entrepôt and these jars were typically used to indicate New World trade in oils and spices (Cotter 2013a, 287). Whilst Merida sherds (Central-West of Spain) most likely arrived in Ireland via Portuguese ports. Half of the French wares came from the west coast production centre of Saintonge (60 of 120 sherds) (Meenan 1997, 343). They were probably exported from the nearest major ports, Bordeaux and La Rochelle. Whilst this sherd count is notably lower than Spanish wares, the minimum number of vessels (MNV) for Saintonge (28) is higher than Merida (18) and Seville (8) combined. Ultimately, both of these groups are dwarfed by North Devon wares with 1,811 shreds (MNV 459) (Meenan 1997, 348). North Devon ware dominated the post-Medieval pottery assemblages of Waterford constituting 52% of all pottery (Meenan 1997, 338). These trends are replicated at nearby castles on the rivers Suir: Ballyhack and Gorteens, which also contain substantial amounts of Saintonge and North Devon ceramics (Fanning et al. 1975, 105–10; King 1993, 136). Fanning et al. (1975, 115)

also note evidence of Spanish oil jars at Ballyhack and Wexford, which were likely to originate from from Seville.

North Devon had become an important area for the production of pottery in the 17th century. This was due to a population boom providing a source of cheap labour, as well as, a demand for the production of everyday goods (King 1983, 131). This combined with a dedicated middle class recently freed from both feudal and church oversight resulted in a desire to invest in industry and cheap land that was widely available for purchase (King 1983, 131). The large output of North Devon pottery, combined with its close proximity to Bristol, meant that it was a useful export to England's embryonic American colonies (King 1983, 114). A degree of trade between Devon and Ulster was evident as early as 1603, but in the latter half of the 17th century trade between the two regions exploded. As Ireland recovered from war its agricultural industry boomed and farmers were able to sell their livestock at a far cheaper prices than England (Edie 1970, 47). This was of great importance for colonial trade as salt beef provisions for plantations gave colonial merchants an outbound cargo to trade for sugar, coffee, and tobacco. With exiled Irishmen in important transatlantic ports such as Seville and Nantes and colonial contacts brought about by deportation, Waterford was perfectly situated to profit from this agricultural boom, which it certainly did. A detailed study by King (1983, 104-111) suggested that Waterford was the second largest importer of North Devon wares behind Dublin and above nearby Cork. King (1983) believes that the demand for Irish cattle led to the purchase of North Devon wares as an outbound cargo. Furthermore, they suggest that North Devon pots were used to repackage Irish butter after the goods were brought to England (1983, 105). However, subsequent excavations of Irish production sites (see section 3.3.4 below) demonstrate that dairymen filled Devon pots with butter in Ireland, where they could be exported directly to France. Either way the distribution of North Devon wares can be used as a proxy for Irish mercantile networks. It is perhaps not surprising that North Devon wares appear in locations that are also associated with Irish expatriate merchants. North Devon ware has been found in quantities in Brittany particularly in St Malo and further down the river Rance. It has also been found in La Rochelle (King 1983, 105). Archaeology here is supported by archival evidence as French and Irish merchants captured by the English in the Nine Years War often mention trading Irish butter for French wines (HCA 32/1853/18; /1887/22; 1907/10; 1860/7). North Devon ware has also been found in Montserrat where there had been heavy Irish settlement since the 1620s (see section 3.3.5 below). A good example of the connectivity of the transatlantic Irish trade can be seen in case of the Smith family. The father, Thomas Smith, began his career as a Waterford ship owner before expanding his business to Bideford, a major trade centre for Devonshire pottery. Thomas had four sons, John, Joeseph, James and Benjamin, who were all active in the 1680s. John became established in Bideford, whilst Joeseph started a plantation business in Virginia, James remained in Ireland as a merchant in Ross, county Wexford and Benjamin was a ship captain who specialising in colonial trade (King 1983, 105). Within one family the Smiths were able to set up centres of production in multiple nodes of the transatlantic trade as well as their own dedicated transportation method. As a result, they

could profit from all areas of the trade from the production of colonial staples in Ireland, storage products from Devon, and the importation of plantation goods from the colonies.

Despite the fact that Irish Catholic rule had been dissolved in the southeast of Ireland and a great deal of the land handed to Protestants, mercantile trade in Waterford was still dominated by Catholics. This is best evidenced by 1662 Subsidiary Rolls of the City of Waterford, which was one of a series of tax assessments designed to improve the financial position of Charles II by taxing citizens based on their net worth. The rolls show that the wealthy merchants of Waterford came from the same clans as the families exiled during Cromwell's reigns. Members belonging to the Walsh, Geraldin, White, and Murphy families all appear as wealthy merchants at the same time as their relatives were exiled in France (Walton 1982, 91–4). Surnames of Devonian origin such as Exton, also exist, and the elevation of Thomas Exton to Mayor of the city in 1667 may well be evidence of the increased Devonian influence on Waterford. This may help to explain how vehemently opposed to this trade the English were. Wary of the wealth pouring into Irish ports and cognizant of the damage that it was doing to local industry, the English attempted to hamper the trade of Irish livestock. This began in 1664 when it was decreed that Irish livestock could only be imported during the first six months of the year, before being banned outright in 1667. This appears to have had little to no effect on trade with north Devon which thrived throughout the rest of the restoration, although it shifted from the importation of livestock to products such as butter and salt beef, which were not prohibited (King 1983, 106). North Devon ware in conjunction with this archival evidence demonstrates the profitability of the Irish dairy industry at this time, which in turn helps contextualise English concerns. A committee for the prohibition of Irish cattle may seem an odd posting for an Admiralty Advocate like Sir Thomas Exton (no relation to the Mayor mentioned above), but the fact that a maritime expert, who was also a hardline Anglican, was the instrument used reveals much about where the English felt the problem lay. To reinforce this point, the only other parliamentary committee Sir Thomas Exton was appointed to was "*Security Against Popery",* demonstrating his specialty in anti-Catholic legislation. Agricultural trade with Ireland was outright embargoed during the Glorius Revolution and it appears that Devonian merchants were trepidatious about sailing in the North Channel. If so, their fear was justified as their ships appeared to be specially targeted by privateers. Examinations from HCA 1 mentions ships from Devon ports Bideford, Tingmouth, and Plymouth being capture by Irish privateers, while HCA 32 notes at least 20 ships being captured from Bideford or Barnstable (the other major centre of North Devon pottery production). It is also worth mentioning that many of the ships in HCA 32 were captured by the English an attempt to halt trade between Ireland and Devon, but it was also common for these ships to be captured by Irish-Malouin as well.

3.3.4 Ballinvinny

The drivers of this Celtic trade were the wealthy Irish merchants and nobles such as the Walshes, while the vehicle was the network of growing ports, and the motivator was the allure of colonial luxury goods. But the engine that drove this trade was undoubtedly Irish rural agricultural settlements producing cattle and dairy products. Demand for beef, butter, and tallow on colonial plantations allowed merchants to finance voyages across the Atlantic and grow rich by importing New World luxuries. Fortunately, commercial excavations undertaken as part of the N8 road scheme in Cork, uncovered one of these agricultural settlements shedding more light on the composition of these networks. At the time the city of Cork was an important port and specialised as the main export centre for Irish salt beef (Mandelblatt 2007, 27). The county was no less fervent in its Catholicism than its neighbours in Waterford and its westerly position gave it useful access to Atlantic traffic. This was troublesome for the English who frequently reported pirate attacks from the county throughout the 16th and 17th centuries (Kelleher 2020, 121–6). The records of HCA 1 also mention the Island of Cape Clear, County Cork as a common location for skirmishes between English and Irish ships (HCA 1/52 fos 149 & 185). All of this is to say that Cork and its hinterlands were important locations for the Celtic-Atlantic trades and the discovery of a 17th century production site warrants detailed consideration. Ballinvinny South AR16 is situated roughly 7 km north of Cork harbour. Excavations yielded a settlement consisting of five postmedieval structures that provide great insight into Irish Atlantic trade (Figure 3.8 & 3.9).

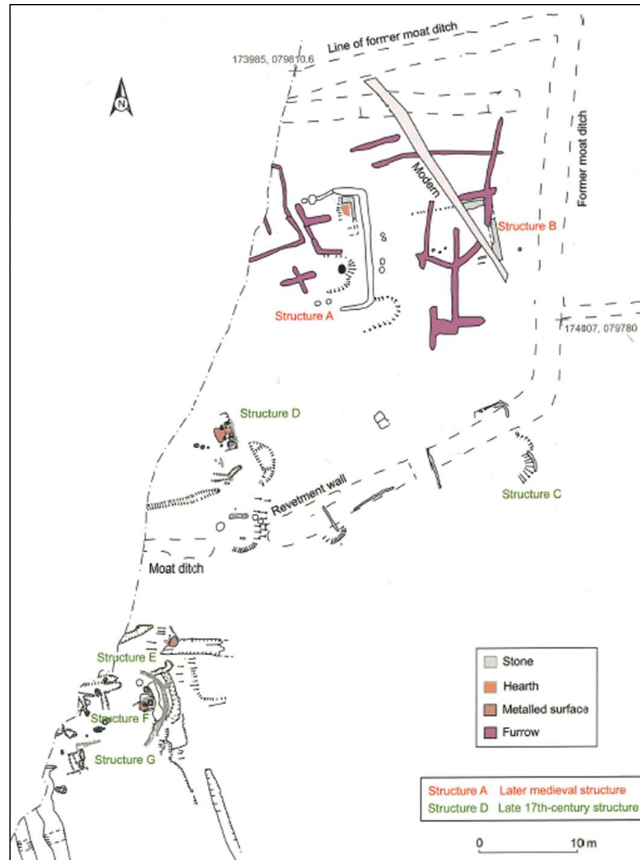
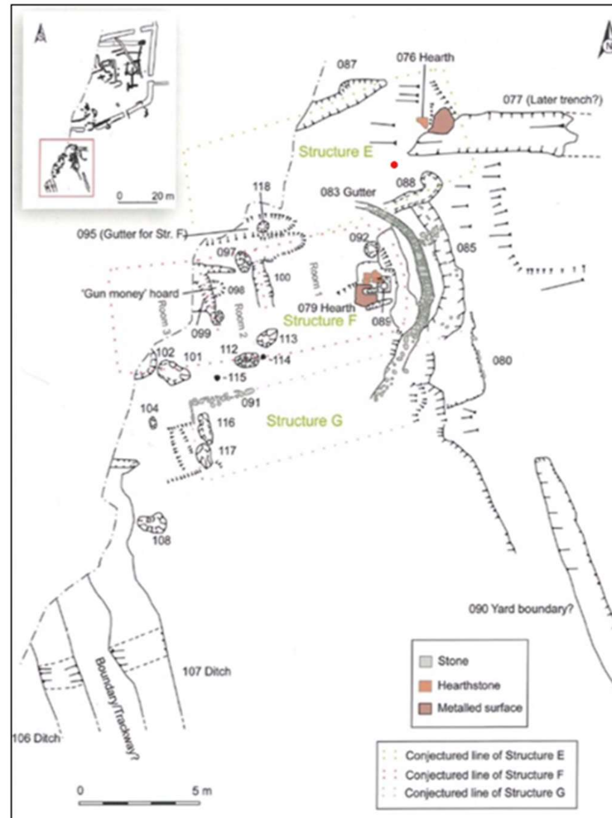
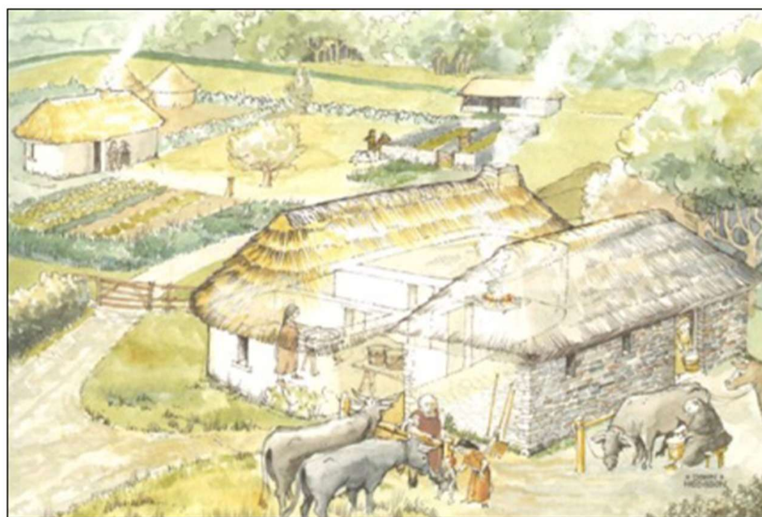


Figure 3.8 Plan of Ballinvinny South AR16 (Cotter 2013a, 282).



[a]



[b]

Figure 3.9 A plan of structure E, F and G [a] and artists impression [b] (Cotter 2013, 285 & 291).

Structure C is part of an unroofed wall, likely part of a vegetable garden or animal stockade, while Structure D was a domestic house although little else about it has been discovered (Cotter 2013a, 281). Likewise Structure E has been identified as domestic by its hearth (Cotter 2013a, 284). Structure

F is the most significant of the five structures, a three room house 11m long by 4m wide (Cotter 2013a, 285), a fairly well off abode for an agricultural family at the time. Of particular note in Structure F was a hoard of 'gun money' buried in a shallow pit in the western room (Cotter 2013a, 287; Figure 3.10). Gun money refers to emergency currency issued by James II between 1689-91 to his soldiers whilst in Ireland. Its name is a derisive reference to the fact that it was minted from base metals hastily scrapped from guns.[22] The currency was essentially a prototypical form of a war bond. At the time they were issued the coins were essentially worthless but could be redeemed following James II victory for the stated value plus interest. Gun money is unique in that the month is stamped on the coin so interest could be accurately calculated (Figure 3.10). The hoard consisted of 68 individual coins totalling £3 2s 0d, approximately £310 in today's currency. Stacks were wrapped individually in linen and the whole hoard was placed in a woollen bag. The significance of which is discussed below.

Structure G contains no hearth and was likely a workshop attached to Structure F. Of the c.100 sherds of pottery from the site 45% were within this structure (Cotter 2013a, 284). Post-medieval pottery found in Ballinvinny South was predominantly Devonian in origin (80.5%), with 36% being gravel-tampered courseware and 44.5% glazed red earthenware (Cotter 2013a, 287). There was also a single fragment of Seville coarseware (Cotter 2013a, 287). The other notable collection of finds from Ballinvinny South was 190 glass shards found within structures E and F. These appear to have come from wine bottles, although their provenance is not recorded (Cotter 2013a, 289).

[22] There were also other sources for the metal such as church bells.

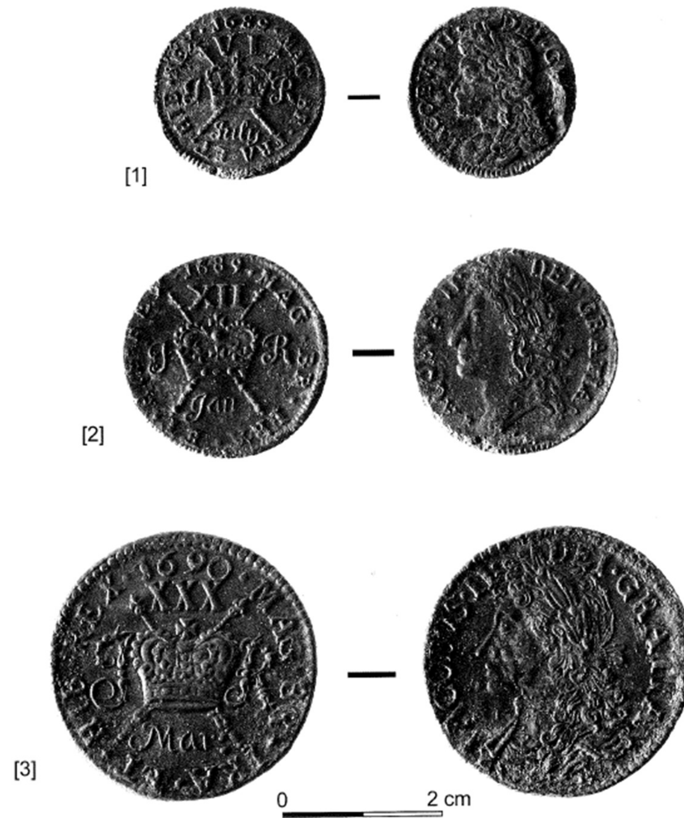


Figure 3.10 A sixpence [1] shilling [2] and half-crown [3] from the Ballinvinny gun money hoard. Note the month of issue on the reverse (Cotter 2013a, 286).

Based on the results of the excavations, Ballinvinny South AR16 was likely a dairy farm that produced beef, butter, and tallow that was exported from Cork in great quantities at this time. Structure F, as the grandest of the buildings, has been interpreted as the main farmhouse. Structure G, where there is the greatest concentration of material is thought to have been a workshop for churning butter and storing dairy products. Structure C likewise was probably a milking yard and structure D the abode of secondary family working the farm (Cotter 2013a, 291). The class of families living in Ballinvinny were 'dairymen'. These were specialist cattle farmers, renting land from either a landlord or farmer. They were considered to be of higher status than regular labourers (Cotter 2013a, 291).

The site of Ballinvinny South AR16 provides insight into the Celtic maritime networks of the 17th century. Devonian wares present in the sites workshop suggests that North Devon wares were used by Irish farmers to store dairy products. Thus, it was possible that North Devon wares throughout France and the America's were shipped directly from Ireland as opposed to travelling via Bideford. It also suggests that Irish merchants used North Devon wares as return freight when exporting beef and dairy products. This would save on ballasting costs and gave them goods to trade with farmers, in essence

trading empty pots for full ones. The gun money hoard also raises several questions. Unsurprisingly, William III was unwilling to make good on the promissory coins of his rival for the throne. William III declared gun money only valued at the cost of its metal, in other words nearly worthless. Thus, hoarding the money is somewhat curious, especially considering the care taken wrapping individual rolls in linen before bundling them together. Cotter (2013, 291) is right to note that its origin can never be known, however some possibilities are more likely than others. The two most plausible explanations for hoarding are sentiment or speculation (or a mix of the two). Either the hoarder had been a soldier serving James II and kept the valueless currency, or they expected that James II would return to the throne and hoped that he would be able to cash the coinage and make a considerable profit on the interest. Both options suggest a degree of sympathy with the Jacobites, something expected given the location of the farm. Ballinvinny South AR16 was almost certainly a Catholic farm that supported the Jacobites. The status of structure F, the high level of imports and possible connection with luxury new world goods,[23] all suggest that Ballinvinny South AR16 was thriving in the 17th century. This would mean that Irish Catholics were indeed profiting from maritime connections with France and the Americas. Crucially it shows that it was not only nobles and merchants profiting, but riches were also trickling down the social classes to tenant farmers and dairymen.

As useful as the post-medieval settlement of Ballinvinny South AR16 is, Figure 3.11, shows that it is only half the story. The site is in fact predated by a Medieval moated settlement just to the north. This site was also likely a livestock settlement with a moat and palisade, which likely had more to do with keeping animals than keeping intruders out (Cotter 2013b, 263; Figure 3.11). Excavations here also suggest that dairy products were made for export from Cork. This is supported by archival evidence showing that the land was owned by a Lombard banker, active in trading within the city of Cork (Cotter 2013b, 264). Pottery finds from this period (13th to 14th centuries) yielded notable amounts of Saintonge ware (Cotter 2013b, 262–3). The presence of these wares shows that agricultural centres like Balinvinny South had long standing trade relations with western France. The economic value of the links may have increased with the influx of capital invested by Irish exiles, which in turn caused the English to become increasingly sceptical of them. Archaeological evidence, however, suggests the trading links and structures were in place for centuries before this occurred.

[23] Cotter notes that the Seville ware was found in the spoil heap so may not be associated with the site. However, the find would be commensurate with Seville ware in contemporary sites

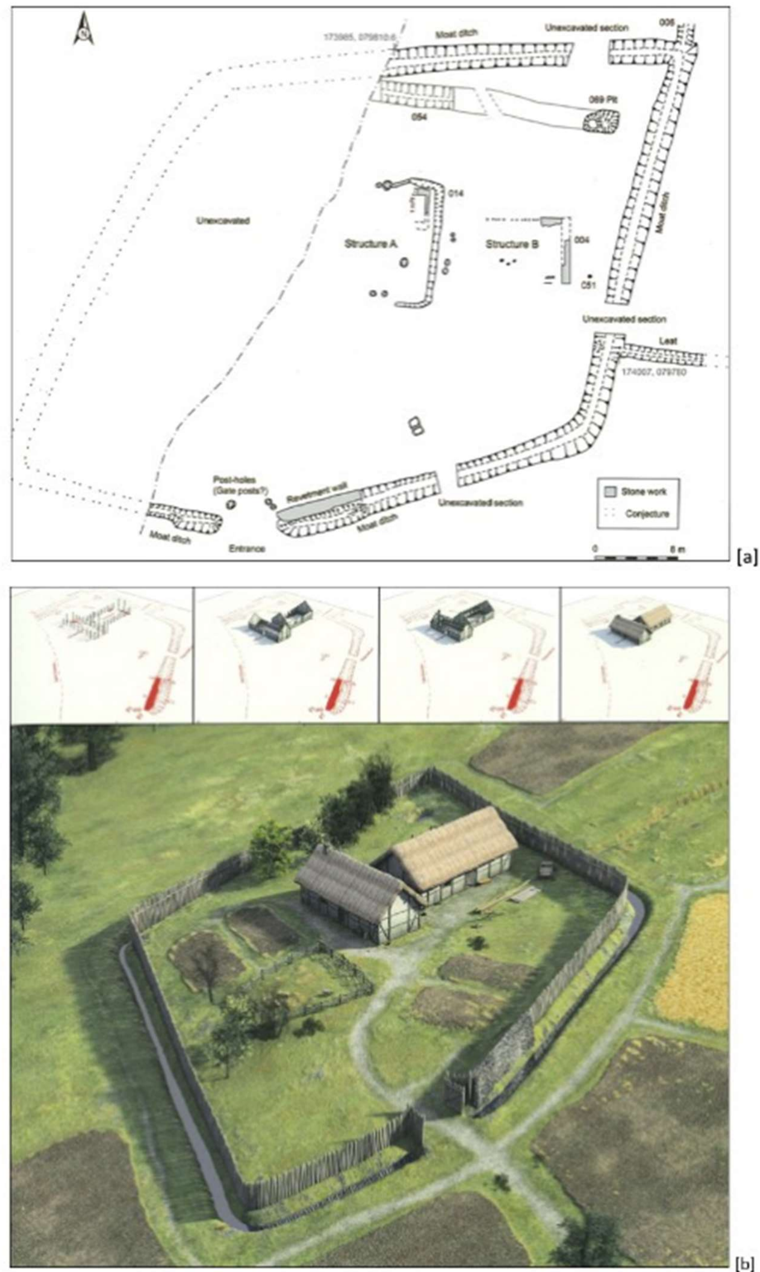


Figure 3.11 Plan of the medieval moated site of Ballinvinny South AR16 [a] and digital interpretation [b] (Cotter 2013b, 258–9).

3.3.5 Montserrat and Martinique

The final strands of the network to examine are the colonial settlements producing goods which were in such high demand in Europe. Two islands in the Caribbean stand out amongst all the others with regards to Irish pseudo-colonialism, Montserrat and Martinique. If anywhere in the world could be considered an Irish colony, it would be Montserrat. The Irish originally came to the Island as indentured servants, unpaid labourers forcibly deported from their homes. Some 800 of these indentured servants made up part of the initial 1632 colony established by Antony Brisket, who served as the first governor

of the island (Akenson 1997, 31; Cherry & Ryzewski 2020, 71). This was supplemented by Irish settlers expelled from Virginia on account of their religion and migration from the local islands St Chrisopher and Nevis (Akenson 1997, 31–3). All of this led to the island being dominated by Irish Catholics accompanied by an Irish, albeit Protestant, governor (Akenson 1997, 33). Life as an unpaid labourer on the island of Montserrat was undoubtedly hard, but the extended occupation by the Irish led to opportunities. Servants were entitled to emancipation pay upon completing their indenture which ranged from £10 to £12. Many used this payment to buy land on the island, leading to the beginnings of an Irish planter class. Cromwell's conquests led to another mass migration of Irish to Montserrat, meaning that by the 1660s the Irish population was dominant across all classes (Akenson 1997, 64). This increased and by 1678 a census showed that just under 70% of the population of the island considered itself Irish (Cherry & Ryzewski 2020, 74). This hegemony is reflected in the island's major port, Kinsale, named after one of county Cork's ports. In name Montserrat was an English colony, but it was operated almost exclusively by the Irish.

Irish influence peaked in Monserat between 1671 and 1686 under the Governorship of William Stapleton. A Royalist of Hiberno-Norman origin, Stapleton was willing to turn a blind eye to Catholic practices on the island and Irish culture flourished at this time. Stapleton also oversaw the intensification of the plantation economy. By the 1680s at least two thirds of the Montserrat landscape had been transformed into plantation land (Cherry & Ryzewski 2020, 82). With this increased specialisation in Montserrat, a greater emphasis was placed on importation for essential agricultural staples and the Irish of the island looked to home to source these staples. The boom in the cattle industry had generated a perfect surplus to send to the colony. Good documentary evidence suggests regular trade between Waterford, Bideford and Montserrat in the 1680s (King 1983, 109 & 127). It is also notable that the peak of the Irish-Devon trade was in the 1680s (King 1983, 105) One ship, the *Vineyard of Bideford*, is noted for arriving in Montserrat with seventy elephant's teeth (King 1983, 127), suggesting that it had come from Africa. After unloading it was immediately sent back to Waterford for supplies (King 1983, 127). This suggests a triangular trade route existed at the time, where Irish and Devonian merchants would ship supplies and slaves to Montserrat in return for sugar. With this foundation it is easy to see how the merchant dynasties established at this time went on to become leading proponents of the French slave trade (see section 3.3.2 above). The profitability of Montserrat in this period is noted archaeologically by the construction of wealthier stone dwellings by the planter class (Cherry & Ryzewski 2020, 74; Figure 3.12). One of the best studied examples is the Blake estate. Like many of Montserrat's planter elite, the Blakes originated from Galway, Ireland and became wealthy from the Montserrat sugar trade. The Blakes built their estate in the north of Montserrat were the soil was richer and better suited for sugar plantation (Ryzewski & Cherry 2015, 364). Surveys recorded a diverse range of pottery from a variety of origins, which Cherry and Ryzewski (2020, 87) believed *"represent the Blake family's global connections, wealth, and prestige"*. However, they neglect to go into specifics about the pottery assemblage saying simply it consists principally of English wares from the

17th and 18th centuries. From the limited descriptions it seems that a large amount of the assemblage is delftware from Bristol and surrounding areas (Figure 3.12). This is of higher status than the North Devon ware cargo pots indicative of the Irish trade. However, Potato Hill, a settlement located at the confluence of three plantations, does yield evidence of North Devon wares (Ryzewski & Cherry 2016, 164 & 168). Potato Hill was likely the home to Montserrat-Irish labourers before they were supplanted by African slaves (Ryzewski & Cherry 2016, 153). Presence of Devonian wares provide supporting archaeological evidence that the plantation labour force was fed with imported staples from Irish farms like Ballinvinny South. Edie (1970, 5) considered Irish cattle of very low-quality stating *"Even by 17th standards they were commonly considered to be scrawny, their meat tough, their butter inferior, and their hides lank and thin"*. The veracity of this claim has since been debated (Woodward 1973, 491) but if Irish dairy was considered to be of low quality it may explain the higher presence of English imports at the Blake estate, where the wealthy planter class may have been trading in luxury goods, with the settlements of labourers receiving lower quality materials.

[a]

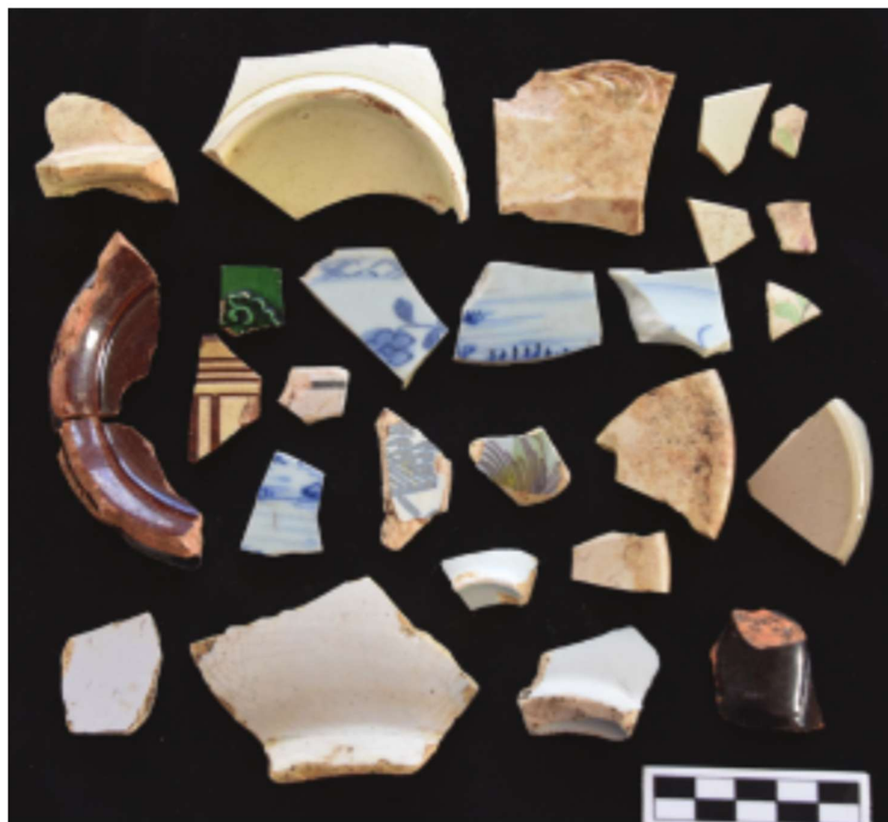

[b]

Figure 3.12 The remains of the Blake Estate [a] and a sample of its pottery assemblage [b] (Cherry & Ryzewski 2020, 74 & 88).

Another active Irish planter family were the Lynches (see section 3.2.1 above). Nicholas Lynch was an established planter in Antigua and Montserrat (Akenson 1997, 70; Cherry & Ryzewski 2020, 84). This is confirmed by a case of the High Court of the Admiralty in 1687, prior to the privateering trials where he is mentioned as the owner of the *Dartmouth Frigate* (HCA 1/52 fo. 109). Owen Hallow, a mate serving aboard the Lynch merchant vessel, testified to the court that his captain, Henry Lynch, was imprisoned by the Governor of Barbados for smuggling a lawyer from Barbados to Antigua (HCA 1/52 fo. 109). It is seen in this episode that the Lynches were active in the Caribbean plantation economy. Hallow mentions that they were trading between many Caribbean plantations (HCA 1/52 fo. 109). The court also states that Hallow is from Galway, whilst the name *Dartmouth Frigate* suggests a Devonian origin. This suggests that at the time the Lynches were establishing family members at key nodes of their mercantile network in a similar way to the Smith family (see section 3.3.3 above). It also suggests that the Lynches were engaged in illicit maritime activities, smuggling enemies of the English crown across the Caribbean.

The decline of the Irish in Montserrat began at the end of the 1680s. The steady influx of slaves into the island from 1650 had a notable effect on the Gaelic labour class of the island. As brutal as indentured servitude was it is not comparable to the fate of chattel slaves shipped from Africa. With no chance of freedom for themselves or their descendants, African slaves provided a source of free labour that could be exploited indefinitely. The Irish of Montserrat were also beset with political troubles both domestic and foreign. The death of the tolerant Governor Stapleton in 1686, saw an attempt by James II to establish a Catholic dominated council on Montserrat. This was ultimately short lived as the Glorious Revolution of 1689 halted any chance of Catholic empowerment. The ascension of William III created a dilemma for the Irish in the Caribbean, as they had to choose between a Jacobite or Orange ruler. One Island, St Christopher, made their choice immediately and on hearing of the revolution openly rebelled (Akenson 1997, 134). Fearful that Montserrat would be next, William III appointed the infamous Christopher Codrington as Governor (Akenson 1997, 134). A man who never became acquainted with the concept of tolerance, Codrington oversaw a fearsome crackdown of Catholicism in Montserrat. Whilst it had technically always been illegal to practice Catholicism since the founding of the colony, there is no evidence of it being enforced in any way before 1689. Under Codrington, Catholics were banned from offices, all Catholic buildings were destroyed, and humiliating oaths of loyalty to Protestantism were required (Akenson 1997, 135–6). For all classes of Irish settlers, Montserrat was a far less hospitable place in 1690 with both opportunities and freedoms limited. A census in 1678 showed 1,845 people of Irish ethnicity on Montserrat, by 1721 this was 641 with Akenson suggesting that the bulk left in the 1690s (Akenson 1997, 117 & 136).

Following the decline of Montserrat, Martinique is frequently associated with the Irish. In trials from the Admiralty Court sailors Cornelius Murphey, Henry Potts, Denis Mayler, and Daniel Calligan all

mention Martinique for a variety of reasons (HCA 1/52 fos. 171, 175, 181 & 185). This is also the case for the major Irish-Malouin merchant families, notably those with Waterford connections. Phillipe Walsh de Valois was captured by the English in 1704 on a return voyage from Martinique (HCA 32/62/17). Likewise there was Claude Francois Geraldin, who was a counsellor of the sovereign council of Martinique in 1707 (Hayes 1943, 249). During the privateer trials John Lynch also mentions having business in the French Caribbean (HCA 1/52 fo. 166). It appears that the established Irish merchants and planters moved their business to the more accommodating French colony of Martinique, as a result of anti-Catholic sentiment in Montserrat. At the same time as the crackdown on the Irish on Montserrat, the sugar industry on Martinique was starting to boom (Hillmann 2021, 193); an influx of migrants with specialist knowledge of the industry was timely. This would likely have been aided by the Irish-Malouin families who had connections in both colonies as well as in France and Ireland. Irish traders looking for new markets found a welcome home in Martinique, with their principal interest being salted Irish beef. The limitations of the Irish beef industry ended up working in their favour with regards export to Martinique. The prohibition of trade with England meant that they had to find new markets in France, leading to established commercial contacts in key ports such as Nantes, Bordeaux and St Malo. Prohibition had driven down the price of Irish beef abroad (Mandelblatt 2007, 26) and the planter class were unfazed by the supposed low-quality of the meat as they were only the purchasers and had little care for the well-being of the consumers. Connections with French Atlantic ports which had developed as a result of the dairy boom in the 1660s allowed the Irish to establish warehouses in Nantes and Bordeaux dedicated solely to the storage of Irish salt beef before it was shipped to the Caribbean. So important was salt beef that Jean-Charles de Baas, governor general of the French Caribbean, referred to it as *"the most important commodity of all"* when he requested further shipments of Irish salt beef from the French government (CAOM 20th November 1672). de Bass was quoted in 1672 and the product only became more important as French plantations grew substantially at the end of the 17th century. They were further boosted in 1685 when King Louis XIV issued the *code noir,* an edict governing how owners had to treat their slaves. Amongst other statues in the *code noir*, was a requirement to feed slaves two pounds of salted meat a week (Mandelblatt 2007, 28). Zooarchaeological evidence suggests that unlike other livestock, cattle were not raised on the Caribbean islands in this period but instead were imported (Klippel 2001, 1196), reinforcing the importance of the Irish cattle industry.

The salt beef trade in Martinique does not lend itself well to being visible in the archaeological record. The larger plantations of the island were not established until the 1720s, which is outside of the main period under study here. Unlike butter and tallow, which were shipped in North Devon ware, beef was shipped in wooden barrels which do not survive or have clear typologies in archaeology. However, the survival of several Irish *hôtel particuliers* (Figure 3.13), sheds light on the storage and scale of Irish beef. *Hôtel particuliers* were 18th century townhouses that for the merchants living in them doubled as both centres of business and private residences (Coquery 1991, 209). There are four known Irish-built *hôtel particuliers* surviving in France, *les hôtels*: Butler (La Rochelle), de Galwey (La Rochelle), O'Riordan

(Nantes) and White (St Malo). All were built in the early to middle 18th century. In the late 17th century, Irish products were warehoused by port councils under strict regulations. Dedicated warehouses require two keys to be unlocked, one held by the port authorities the other by the owner of the goods (Mandelblatt 2007, 31). This was to prevent Irish beef flooding French markets and driving down local prices (Mandelblatt 2007, 33). However, as the Irish became increasingly more integrated into the city storage appears to have transferred to their *hôtels*. In 1721 L'hôtel de Butler was recorded to have 191 barrels of butter, 147 boxes of candles and 71 cheese stored within it. Similarly, Antoine de Galwey stored at least 370 barrels of salt beef within the four warehouses attached to his *hôtel* (Martinetti 2013, 278). L'hôtel White, located directly opposite the port gate of St Malo, and L'hôtel O'Riordan on the banks of the Quai de la Fosse would also have been ideally located for these purposes. These locations were no coincidence. As wealthy port cities expanded, Irish merchants situated themselves at the centre of the mercantile life. The port gate of St Malo, Quai de la Fosse of Nantes, and Rue de la Pont Neuf of La Rochelle, were the locations of the merchant elite in these various cities. The fact that the Irish were able to build such massive residences in these locations is a testament to the wealth that Irish trade brought to these cities. The only exception, is L'hôtel de Galwey, which was on the secondary Rue de la Conche. Still it holds the distinction of being one of the largest *hôtels* in La Rochelle (Martinetti 2013, 275), the fact that a relatively minor Irish merchant family was able to construct it again shows the considerable wealth of the Irish trade. Ultimately, although the barrels that contained Irish goods may not survive, the wealth they generated is visible through the *hôtel particuliers*. The substantial documentary evidence, supporting zooarchaeology, and comparative archaeology of Montserrat suggests that as Irish colonists fled Montserrat for political and religious reasons, they relocated to Martinique in order to continue their transatlantic trades, almost exactly mirroring the exiles from Ireland to France on the other side of the Atlantic.

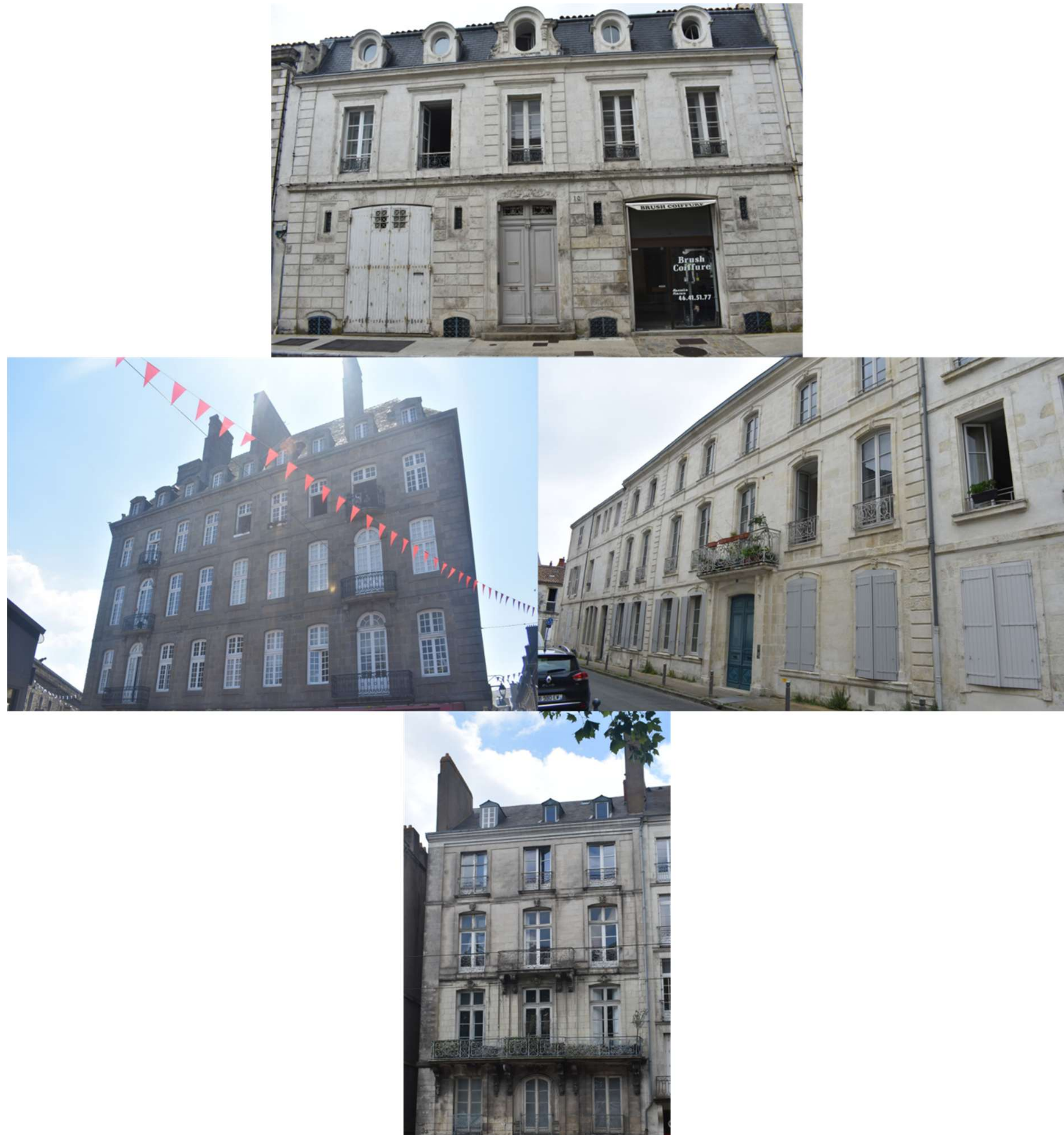


Figure 3.13 From Clockwise: Les Hôtels Butler, de Galwey, O'Riordan and White (Dawson 2024).

A striking similarity between the pirates of the Caribbean and those of Roman Cilicia can be drawn. Dawson and Rauh (Forthcoming) suggest that the Roman destruction of Isaurian strongholds in the 1st century BC was done to undermine pirate networks developing in Side at the time. The destruction of Side, however, only led to the financiers of these networks relocating east towards Ermenek and Cilicia, leading to an even larger spike in piracy (Dawson and Rauh Forthcoming). Indeed, there is a marked increase in pirate activity in Montserrat following the Irish migration from the island. In 1693 Codrington reported to the Board of Trade that a French privateer had raided the Island capturing a militia captain and *"forty negroes"* (CSPC, A&WI, 14, Nov. 6 1693). This was not the first

French attack on the colony. In 1666 the French had burned the island, sparing only the Gaelic labourers who joined their cause (Akenson 1997, 84–6). Nevertheless, the raid of 1693 saw the beginning of an unprecedented level of warfare on the island which continued until 1712 (Akenson 1997, 122). In 1695 an Antiguan planter wrote to the Governor of Barbados complaining about the attacks stating *"This part of the world is full of privateers. The French have fourteen small craft with six hundred men in them which are daily watching these islands, and know all that passes as well as ourselves"* (CSPC, A&WI, 14, Jul. 16 1695). The increase of piracy on Montserrat is also represented archaeologically through increased defensive fortifications being erected. In 1693 the Montserrat council ordered the construction *"2 great guns"* at Carr's Bay (CSPC, A&WI, 14, Nov. 25 1693), the best landing site in the wealthy northern end of the Island (Figure 3.14). In the same meeting they ordered *"all the negroes in Middle and Windward Divisions to begin work on the fortifications on the 4th and complete it on the 14th December"* (CSPC, A&WI, 14, Nov. 25 1693). There are two key pieces of information in this extract, the first being the immediate desire for protection further suggesting that piracy was indeed an issue. The second is the need for *"negroes"* to work on the fortification, an indication that the Gaelic labour class had been supplanted. This was likely the most fervently Catholic group of Irish in Montserrat, and their absence may show that they had left Montserrat and were now on the other side of these ambuscades. Excavations at Carr's Bay show that on top of a substantial and well-made redoubt there were also several large ashlar stone slabs which were typically used as the foundations for large structures (Cherry & Ryzewski 2020, 80). Complimented by evidence of a makeshift oven and other personal items (Cherry & Ryzewski 2020, 80), the archaeology of Carr's Bay shows a military station constantly occupied, which implies that raids or even larger invasions were expected. This sentiment was echoed by Codrington just prior to the construction of the battery when he stresses to the board of trade that he lacked the ships to repel a French invasion (CSPC, A&WI, 14, Oct. 17 1693).

Figure 3.14 A Reconstruction of the Carr's Bay Gun Battery (Cherry & Ryzewski 2020, 81).

Some of these French privateers were commissioned in St Malo. In 1706 Pierre Walsh captains the privateer *Legerre of St Malo* on *"le grand course"* in the Caribbean cruising around several islands close to Montserrat such as St Dominique and Grenada (Hillmann 2021, 121). Martinique appears to have been a local base for attacks on English colonies at this time. The Board of Jamaica mentions captured English prisoners being held there (CSPC, A&WI, 14, Dec. 13 1695) and it also notes in November 1693 that three ships of war had arrived at Martinique and were using the island as a staging ground for an invasion of Montserrat (CSPC, A&WI, 14, Nov. 6 1693). Just as Pompey eventually eliminated the Cilicians by sacking their base at Korakesion, Codrington attempted to halt the privateers by invading Martinique, but was unsuccessful (McLay 2007, 396–400). Indeed, one of the reasons given for the failure of the invasion was that the Irish levies in Codrington's forces could not be trusted to fight in Martinique (McLay 2007, 401; Morgan 1930, 396). It may be that its privateering significance is why Martinique appears frequently as a location in HCA 1/52. A noticeable quirk in the court cases is that, instead of outright lying, Irish sailors examined by the court appear to mention areas they have recently had contact with as their place of birth or abode (see section 5.2.3 below). Of the sailors who mention Martinique three of them (Henry Potts, Denis Mayler, and Daniel Calligan) served on ships owned by Walter Cruice. If this does represent an Irish presence on the Island, not only were Irish maritime networks growing independent of England, but they were now being used to support military centres that were attacking the English.

When looking at the archaeology, economy and history of Irish Catholics during the 17th century, it is shown that their history is more complex than that of an oppressed colony. The Irish themselves fulfilled a very specific niche in providing victuals for the slave populations of North European colonial powers. Whilst the Catholic French allowed them to approach this business as equal partners, the English wished them to act as a supply colony for English interests and thus excluded them from profiting. In this context the piracy trials of 1690 discussed in Chapter 2 can be seen as an English attempt to use piracy to dictate the mechanics of colonial exchange, as had been undertaken many times throughout history as discussed in Chapter 1.

Chapter 4
The Kernarchy: Corruption and Clientege in the Silver Age of Smuggling

4.1 Introduction

The previous two chapters have examined the conflict between English Protestants and French and Irish Catholics. The former chapter showed how the English Admiralty appropriated piracy law to limit Irish maritime actors and the latter examined the various political, economic, and religious factors which drew the groups into conflict. This chapter seeks to show how, despite this conflict, there was still a great deal of collaboration between these two groups through smuggling networks in Cornwall. Although there were embargoes on French and Irish goods, there has never been any doubt that they continued to flow into England in the 1690s. Yet, the mechanics of how this trade continued represents a substantial gap in the current literature. Lespagnol (1997, 60) notes in passing that the Malouin had extensive connections with the southwest of England at this time, but neglects to go into specifics on how exactly this trade occurred. Similarly, Talbot (2014, 573) posits that *"…Catholic Ireland may have been used by the French as a commercial back door into Britain...".* The alternative proposed here, through a mix of archaeology, archival work, and prosopography, is that Catholic and Protestant merchants made use of pre-existing markets in Cornwall, Ireland, and France to smuggle embargoed goods. Starting in the Tudor period, it shows how economic interests shaped the development of the frontier county, something which was strongly opposed by much of the local population. This shows that by the 18th century, smuggling can simultaneously be seen as an economic rebellion against English rule and an expression of Celtic culture. Then, by applying the same methods to the lesser studied 17th century, it shows that at this time smuggling was far more ingrained in English society and was largely sanctioned in Cornwall. By using archaeology to trace how smuggling develops between its Silver (c. 1680-1715) and Golden Ages (c. 1720-1850), this chapter shows how tighter smuggling regulations were developed to limit the same networks discussed in Chapters 2 and 3. This is first undertaken by considering the maritime cultural landscape of smuggling in the late 17th century by comparing contemporary reports on smuggling with finds registered in the Portable Antiquities Scheme (PAS), in order to demonstrate how the merchants and lower classes benefitted politically and financially from smuggling French and Irish goods. This is then contextualised through analysing the patronage networks of the principal political ministries of the period, which indicate that Cornwall was a very important political region at this time which was consistently represented in the most senior echelons of government, here dubbed the Kernarchy. As a result, members of the English government were able to personally profit from Irish and French trade, by supressing trade in North Devon, and relocating it to Cornwall, whilst simultaneously pursuing a political agenda to undermine this trade. As conflict escalated between the Whig and Tory parties the, smuggling networks in Cornwall became increasingly beneficial to Jacobite politicians, as they allowed for discrete lines of communication to the exiled Jacobite government. Ultimately culminating in the 1715 Jacobite Rising, where these networks were used to orchestrate a rebellion which ultimately failed and led to stricter regulations against smuggling.

4.2 Cornwall Prior to the Glorious Revolution

4.2.1 Tudor Cornwall: Rise of the Russell and Godolphin Families

Cornwall had always had a fractious relationship with the rest of southern England. Highly desirable tin exports drew region the into trade with mainland Europe in antiquity (Cunliffe 2017, 311–3). In turn, this led to a region well-connected with other Celtic regions in the same sea. It would subsequently be much more resistant to the Roman and Anglo-Saxon influences which permeated the rest of England. The High Medieval period would be a time of relative quiet for Cornwall. However, the region was the base of several major uprisings between the 15th and 18th centuries. Two rebellions occurred in 1497. The first was in opposition to taxes raised by Henry VII who was seeking funds to invade Scotland as they were sheltering the pretender Perkin Warbeck. Dissatisfaction with the financial hardships these taxes caused were exacerbated by the stricter regulations Henry VII imposed on Cornish tin miners. Henry had presumed he would have the support of the Cornish gentry as they had been some of his most ardent backers in his war against Richard III, but he miscalculated and ended up having to defeat an army 15,000 strong at the Battle of Deptford Bridge. The King's reprisals were harsh, and the fines instigated against the people of Cornwall impoverished them far more than the proposed taxes would have. This was likely a factor in the second Cornish rebellion, which occurred later in the same year. Having exhausted Scottish hospitality, Perkin Warbeck landed in Cornwall three months after Deptford Bridge. In exchange for a promise to ease the oppressive taxes instituted by Henry VII, the Cornish proclaimed Warbeck Richard IV, acknowledging his claim to be one of the lost 'Princes in the Tower'. The readiness with which the Cornish supported Warbeck, despite the lack of any other support and so soon after their own failed rebellion, likely speaks to the deep resentment they felt with Tudor rule. Warbeck and his small cadre of Cornishmen made it as far as Taunton before being put down by English forces (Fletcher & MacCulloch 2014, 21-23).

1497 would mark the first Cornish rebellions against Tudor rule but they would not be the last. Cornwall next became caught up in the Exeter conspiracy of 1537. The Tudor's claim to the English throne came from Henry VII's mother who was descended from the illegitimate son of John of Gaunt, the fourth son of Edward III (reigned 1327-1377). To call this claim tenuous would be charitable; there were many existing members of the English nobility who were related far more closely to the previous Plantagenet dynasty. One of which was Edward Courtney, Marquess of Exeter and grandson of the Yorkist Edward IV (reigned 1461-1483) (Froude 2011, 316). Courtney power in the southwest was considerable with the family being described as *"petty sovereigns of Exeter and Cornwall"* (Froude 2011, 316). Despite being a close childhood friend of Henry VIII, Courtney had earned his animosity by keeping close correspondence with Cardinal Reginald Pole, another Plantagenet descendant who had been organising Catholic resistance to Tudor rule from the safety of Europe (Mayer 2008). Courtney was attainted in November 1538 and executed for treason the following May (Cooper 2008). The evidence surrounding the Exeter Conspiracy is incomplete and scattered, making it difficult to ascertain the truth

of what occurred (Froude 2011, 328). However, what cannot be denied are the effects of its aftermath. The death of Courtney left a power vacuum in the Southwest which was filled by two agents of Thomas Cromwell, Henry VIII's chief minister at the time. One of whom was Sir William Godolphin, a West-Cornish Anglo-Norman noble with considerable influence in tin mining. Godolphin proved loyal to Cromwell during the Exeter conspiracy, doing his best to calm rebellious sentiment and keeping Cromwell informed of the mood in Cornwall (Froude 2011, 320). As a reward, he was elevated to Parliament and appointed Knight of the Shire (Cooper 2008). The other Cromwellian agent was Sir John Russell, a uniocular soldier from a Dorset family that had made their fortune in the Bordeaux wine trade (Willen 2008). Russell had distinguished himself during the Pilgrimage of Grace and was in the King's and Cromwell's confidence following the Exeter Conspiracy (Willen 2008). Russell was the prime benefactor of Courtney's downfall receiving a series of titles including Lord High Admiral, High Sherriff of Cornwall, Lord Warden of the Stanneries and Lord President of the Council of the West (Willen 2008). The culmination of all these titles made him the de facto governor of southwest England. Russell, Godolphin, and Cromwell each made their fortunes exploiting the commercial opportunities the Reformation offered. The Godolphins through mining, the Cromwells banking, and the Russells in trade. In the 16th centuries these families were upwardly mobile minor gentry. They then used this mobility to establish themselves in the English political elite. By the end of the 17th century each would have at one time been the dominant family in English politics.

Russell and Godolphin would survive the downfall of Thomas Cromwell and would play important roles in the next Cornish rebellion. During the reign of Edward VI, tensions over the enforcement of both Protestantism and the English language led to a popular revolt in Cornwall and Devon known as The Prayer Book Rebellion (Caraman 1994). The Cornish population was, in general, opposed to the Reformation. When, in 1549, it was decreed that services must use the Anglican book of prayer this opposition evolved into a grassroots rebellion against Tudor rule. Russell's power base in Cornwall was weak, relying on a small clique of Protestant gentry like the Godolphins and Carews. The largely Catholic population was supported by the major landholders in Cornwall such as Humphrey Arundell, a conservative Catholic figure, who eventually became the leader of the movement (Fletcher & MacCulloch 2014, 55-56). The rebels were better organised and a greater threat to Tudor rule than previous rebellions, but once again were put down, this time just outside Exeter. The English forces were led by John Russell who would also be responsible for dealing with the rebels in the aftermath of their defeat. Russell assigned to his long-time ally, William Godolphin, the task of confiscating rebel territory. In support of this promotion Godolphin was described by the Lord Protector, Edward Seymour, as someone *"who hath bene a frontier man"* (Somerset 1884, 33). The favour he earned in court for restoring order in Cornwall, saw him become High Sherriff of Cornwall and Governor of the Scilly Isles (Cooper 2008). The latter would become a near hereditary title for the Godolphin family, allowing them to dominate Cornish politics throughout the 16th and 17th centuries.

4.2.2 Civil War and Jacobites

Cornwall was a stronghold of Royalists during the Civil War, who also enjoyed the support of other Celtic groups including those in Ireland and Wales. Amongst the upper classes, support was likely related to their close links to the monarchy, which the Crown had spent several generations fostering. The Godolphins still ruled in Cornwall and Francis, the current head of the family, immediately declared for the Cavaliers. Alongside his brother he raised a militia to garrison the Scilly Isles (Boase & Carter 2006). Cornwall would remain steadfastly Royalist throughout the war and alongside Wales, it was among the last territories to surrender to the Parliamentarians, following the fall of the Royalist capital in Oxford. As was the case with Wales, this surrender would be temporary. Following the capture and execution of Charles I, Cornwall rose against Parliamentary rule again and would contribute to the rebellion known as the Second Civil War. Despite the name, the Second Civil War was more a series of loosely connected rebellions against the New Model Army, than an organised war. Cornwall's contribution to this war began in West Cornwall, where resistance to English rule had traditionally been strongest. Stoyle (2000, 57–8) characterises this in part as an ethnic revolt of the Celtic Cornish and Welsh against the mainland's primarily English culture. As might be expected, the rebellious Cornish were little match for the English regulars. The force was defeated at Gear Camp, leading to the derisive nickname 'The Gear Rout' for this uprising. The Gear Rout marked the last serious attempt of the Cornish to use force to loosen the grip of English rule. Nevertheless, significant portions of the gentry would remain Jacobite over the next century (MacKenzie 2019, 60). Something which again saw them side with the Celtic Irish and Scottish over the English during the 1715 Jacobite Rising (Monod 1999, 133). Ultimately, any dreams of an independent Cornwall were routed with the rest of their army at Gear Camp.

While the cause of each conflict mentioned so far was unique, they all express a local disillusionment with the ruling English elite. If Ireland can be considered an external polity that England could use to 'practice' colonialism before it expanded those practices *en masse* to overseas territories, then Cornwall can be considered an internal polity England could 'practice' colonialism before expanding those methods to Ireland. The Tudor era conflicts between Cornwall and the Monarchy show an increasingly empowered central state testing and expanding the limits of its authority on its peripheries. The *laissez-faire* policy of English kings in the High Medieval period allowed an independent minded Cornish society to continue. However, after the War of the Roses a Tudor monarch with unprecedented centralised powers sought greater authority over its territories. In 1497 this was evident through mining restrictions and increased taxation. In 1537 this involved the removal of disloyal nobles and their replacement with court figures. In 1549 it was religious suppression. Finally, the civil wars proved once and for all that a culturally unique and independently minded Cornwall was incompatible with the future England had set itself upon. The 17th century sees a series of attempts by the Cornish

to prise out some form of independence for itself alongside other Celtic regions chaffing against English rule. When it became clear this political independence was not possible, the region sought a form of economic independence through smuggling.

4.3 The Golden Age of Smuggling

4.3.1 Methodology

This section seeks to understand how we can use the plethora of evidence related to the Golden Age of Smuggling (c.1720-c.1830) to understand the psychology of Cornish merchants in the Silver Age (c.1680-1715). It is important to note here at the onset that the Golden Age of Smuggling is a distinctly different period and phenomenon to smuggling that takes place at end of 17th century. The Golden Age of Smuggling is roughly dated from the 1720s to the early parts of the 19th century (Daly 2007, 32). It is most commonly characterised by merchants and seamen based in Cornwall seeking to outmanoeuvre, British bureaucrats and preventative men, in order to avoid excise tax on goods. This definition is not applicable to the 17th century as will be discussed in detail below (see sections 4.4.1 & 4.6.3 below). In what might be called its Silver Age, smuggling in Cornwall was a far less covert endeavour. Indeed, it is likely the brazenness of smuggling in this period which resulted in it being forced underground during the Golden Age.

The long-term political animosity Cornwall held towards the British government provides one explanation for the prevalence of smuggling in the region. Another explanation can be found in Cornwall's geography. The hilly terrain and long stretches of coastline predisposed the area to maritime activity. In turn, this appears to have fostered greater links with its Celtic neighbours than its mainland counterparts. Dissatisfaction with its ruling class, combined with the rugged coastline ideal for concealing ships and a high demand from merchants looking to increase their profits by avoiding excise, created the perfect conditions for Cornwall to become a haven for smuggling. Cornish tradition refers to smuggling as free trading (Waugh 1991, 11) referring to trading free of British restrictions. This distinction in language is important and provides insight into how the Cornish themselves conceived of the practice. By definition, smuggling suggests that the action undertaken is illegal and a violation of law. Meanwhile the term free trading suggests a more legitimate activity and implies that the opposite of such an action would in fact be illegitimate. In essence this shows that while the British considered Cornish smuggling illegal, Cornish smugglers (or free traders) instead considered British trade regulations illegal. Smuggling, therefore, gave the Cornish independence from Britain in a way that armed rebellions could not. In this way, if we consider Cornwall not as a part of Britain, but as a rebellious province the British struggled to control, then we can see the 18th century crackdown on smuggling as an attempt to curtail Cornish independence, in line with the legal tactics regarding piracy previously mentioned.

4.3.2 Smugglers in their Own Words

Archival evidence suggests that smuggling was seen as an anti-British activity supported by the Cornish community. An 1805 writ from John Morgan describes how he became ostracised from the community of Mevagissy. In the writ, Morgan explains that he struck up a conversation with a Guernsey merchant by the name of Thomas Bodilly. During the conversation Bodilly reveals himself to be a supporter of Napoleon Bonaparte. In response, Morgan threatens to charge the man with sedition, although Bodilly asserts that is not possible as he is not a British citizen, something Morgan disagrees with (T/2411). Bodilly's position is supported by Peter Brown, a local man present who had previously bragged to Morgan that he was a smuggler. Following this interaction Morgan finds himself harassed and threatened by Brown and other members of the Mevagissy community over a period of several months. He was initially discouraged from prosecuting Brown by intermediaries in the local community who were acquainted with both, but eventually decided to proceed with the prosecution after prolonged abuse (T/2411). While Morgan framed this dispute as a personal matter between himself and Brown, it is more likely his ostracisation occurred due to interfering in the business of smuggling. Though not explicitly stated, the description "*a Guernsey Merchant*" would have had heavy connotations with smuggling at this time. Guernsey in this period served as an entrepôt for smuggling, and their merchants often served as middlemen, transporting goods to smugglers who would then ferry them into mainland markets (Waugh 1991, 24). This connection would have been known at the time and its significance would have been noted by the courts. Whilst Morgan claims that the offences levied against him were unprovoked, the writ would imply there was indeed a community backlash to attempting prosecute smugglers. Related to this, it is interesting to note that Brown and Bodilly insist they are not English. Furthermore, Morgan also mentions in his writ that Brown had previously been at odds with the Royal Militia having nearly beaten one to death with a "*mashing-stick*" several years prior to this event (T/2411). The rejection of British authority seen in both instances would support the idea that smuggling was an activity which in itself was a form of resistance against British rule.

Local tradition also contains examples of smuggling as a community activity. John Rowling recounted a local tale from Porthpean in which three local men got the Preventative Men garrison (the force in charge of anti-smuggling operations) drunk so that smugglers could move contraband stored in a nearby cave (AD89/9). A similar story can be heard at Looe, formerly a major centre for smuggling (Stephensen 2021). In this account it is said that in the pub The Jolly Sailor a local woman hid a barrel of brandy beneath her skirts in order to stop the Preventative Men discovering it (Looe Heritage Museum, pers comm.). Looe, Porthpean, and Mevagissy, are all relatively close to each other, occupying the same stretch of coast in south Cornwall, the similarity of stories from a variety of sources suggests that the culture of smuggling was ever-present in these areas. Archival evidence also suggests that smugglers were well affiliated with local farmers. John Pollard receives backing from an agriculturalist, John Pool, who provides him with horses when he opportunistically decides on a smuggling venture (FS/3/1406/1). In the same case it is noted that a number of "*country people*" aided in the unloading of

smuggled goods, again suggesting the local agricultural community collaborated with smugglers (FS/3/1406/1). Perhaps a more oblique piece of evidence comes from the mashing-stick wielded as a weapon by John Morgan. This was likely an agricultural flail, an implement used by farmers which was subsequently adopted as a type of disguised weapon by smugglers (Figure 4.1). The flail provided smugglers with a weapon which allowed them to appear inconspicuous whilst in the countryside. The fact this was adopted from Cornish farmers may also suggest that the two groups worked closely together. This, however, does not mean that smuggling was only supported by agriculturalists, as both the working and middle classes of Cornwall were involved in the smuggling trade. Also seeking to avoid British excise, the tin miners of Cornwall worked closely with smugglers in order export their goods for greater profit (Waugh 1991, 12). Furthermore, these ventures were backed by bankers who ran accounts for all individuals involved in smuggling. The most famous of which, Zephaniah Job of Polperro, went as far to issue his own currency specifically for such smuggling activities (Figure 4.2).

Figure 4.1 An antique grain flail similar to the type used by post-Medieval Cornish farmers (Country Home Antiques 2024).

Figure 4.2 Polperro pound note issued by Zephaniah Job, signature bottom left (Polperro Heritage Museum 2012).

As opposed to being the action of a select few individuals, smuggling in Cornwall permeated all levels of society. The complicity of individuals from all aspects of life and large sections of each community meant that smuggling formed its own micro-economy within Great Britain, which allowed the entire county to operate with a degree of independence from the rest of the country.

4.3.3 The Material Culture of Golden Age Cornish Smuggling: Hulls and Fogou

The recency of the Golden Age of Smuggling combined with Cornish interest in local history and folklore, means there are several well-known areas associated with a smuggling tradition. Many of these are simply locations with no surviving evidence, such as Prussia Cove, the landing base of famous smuggler John Carter (Carter 1894). Others, such as the many 'Smugglers Inn' pubs dotted around the coast, have names which suggest a history, yet have little material evidence themselves. Nevertheless, there are some places mentioned in history and folklore which have been recorded archaeologically, principally the hulls sites of Wendron. Hulls are single entrance tunnels primarily found on farms in the Postmedieval period. The typical layout of a hull consists of an underground tunnel which led into one or more chambers. The chambers themselves were often shelved. The largest and best surviving example of a hull that can still be seen today is at Mount Wise Farmhouse, near Carnmenellis (Figure 4.5). As for chronology, the accurate dating of hulls is difficult, the earliest definite mention of a hull comes from Tonkin in 1712, while Tonkin describes it as a cellar, upon later excavation Tangye believed it to be a hull. This would at least make hulls contemporary with smuggling in Cornwall. They were primarily used by farmers as a form of cold storage prior to the advent of refrigeration (Tangye 1973, 37-43). Hulls are constructed by digging either into a sloping ground or a depression. This means that

from a surface level they can be very difficult to spot, as they appear as little more than bumps in the ground which can be easily covered. In fact, in recent years this has caused more than a few problems as hulls long forgotten have only been discovered when the rooftop collapses after being put under pressure from heavy weight. This sunken feature primarily helped keep stored goods cool, but also made these sites ideal for storing contraband. Contemporary historians Prior and Thurrock both mention Wendron, the parish in which the majority of hull sites are found, as an area rife with smuggling, specifically mentioning locales with Hull sites (Prior 1888, 80; Thurstan 1887). A resident from the 1930s outlines a smuggling route from Gwithian which states that Henriss Farm served as a depot for imports (X1355/3/4). Henriss Farm once housed a considerable hull (Tangye 1973, 37-43), which would have been invaluable for hiding large amounts of illegal imports. Similarly, in 1886 the Royal Cornwall Gazette reported on the discovery of two subterranean rooms discovered by the owner of the 'Wild Duck Inn', they speculate these were likely used for smuggling given the longstanding tradition in the area. An old sketch of the Dog and Partridge also contains a building described as a 'Smugglers Cellar' which can positively be identified as a hull (Figure 4.4).

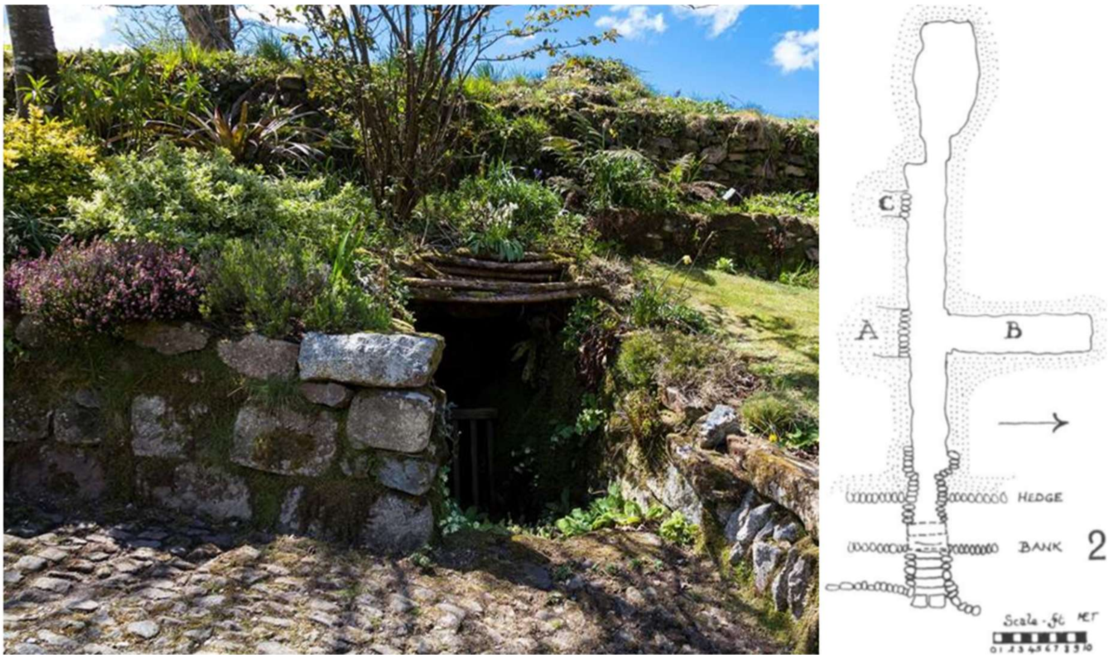


Figure 4.3 Entrance and Plan of Mount Wise Farm Hull, passages A & C have collapsed (Classic Cottages 2021; Tangye 1973, 33).

Figure 4.4 Sketch of a pub where a hull (bottom left) is identified as a Smugglers Cellar (Jamaica Inn Museum 2021).

Hulls are unique to central Cornwall, almost exclusively being found in the Wendron and Stithians parishes (Figure 4.5). This may be representative of a unique identity to this area; agriculture is ever-present in Cornwall so it is curious that hulls are rarely found elsewhere. A possible explanation is proximity bias. Tangye, the only scholar to have published on hulls in any depth, was a resident of nearby Redruth and he states clearly in his methods that one of the principal ways he discovered hulls was by networking with local farmers (Tangye 1994). Therefore, the catalogue of hulls which survives today may be less representative of their actual distribution and more representative of Tangye's personal network. However, it should be mentioned that as part of his research, Tangye did put out a general call for examples of hulls in other areas (Tangye 1973, 42). While there were a few examples of hulls found further east in Devon (Tangye 1973, 42), there appears to have been no other instances of hulls found anywhere else in the country. Unfortunately, it is unlikely that there will be many meaningful additions to this catalogue. Writing in 1994, Tangye prophesied that the emigration of local farmers and their replacement by holiday makers would likely lead to a reduction of knowledge in local history (Tangye 1994). This appears to have been realised and today many of the locations previously accessible to Tangye are abandoned and derelict. Places such as Trenear Farm and White Alice Farm, have since been renovated and turned into holiday homes, making accessibility more restricted. On top of this several locations still visible portray no surviving evidence of hull sites, which likely have been ploughed away. Lack of accessibility, the destruction of sites in previously known locations and the

obscurity of hull sites in general (even within the archaeological community), make it unlikely that new evidence regarding hulls will emerge without extensive work. Nevertheless, what evidence there is has the ability to provide great insight into the culture of smuggling in Cornwall.

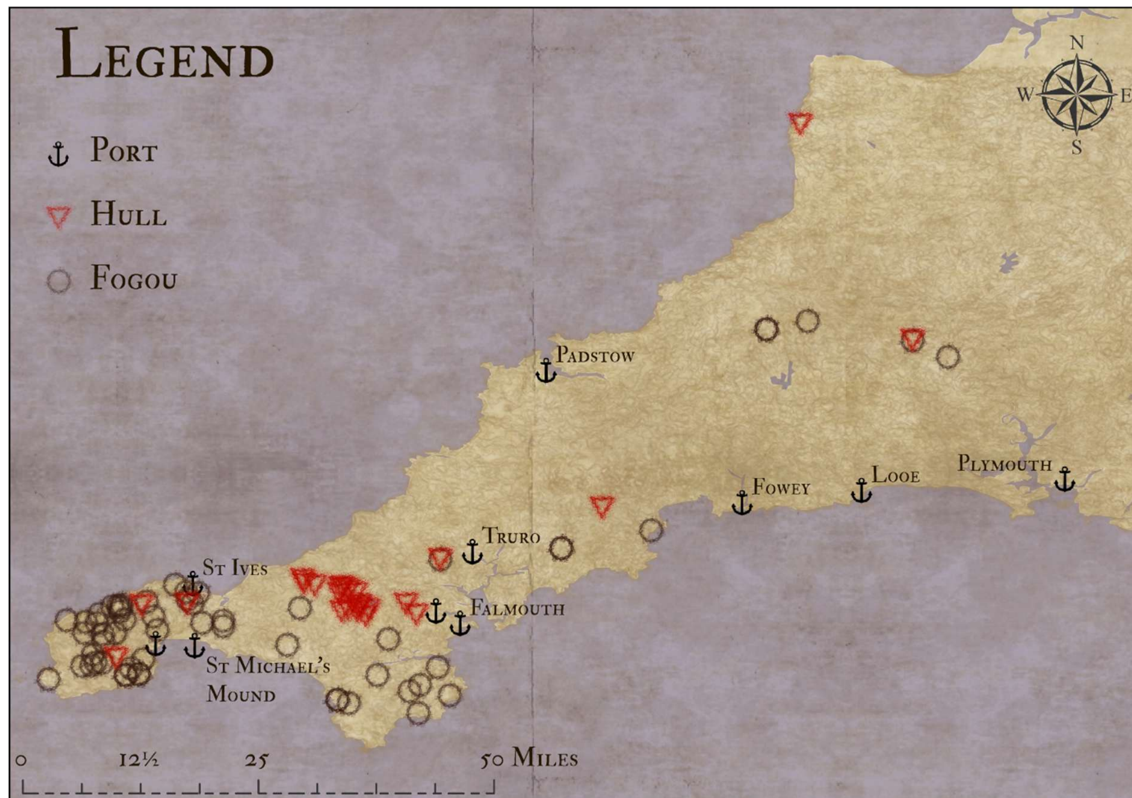


Figure 4.5 The distribution of fogou and hull sites in Cornwall (Dawson 2024)

Hulls provide a striking resemblance to fogou, better known sites from the Iron Age. Like hulls, fogou are man-made subterranean structures, constructed by digging into sloping terrain. While hulls were private sites whose ownership was tied to the land on which they were constructed, fogou appear to have been more communal. Examples in the Iron Age villages of Chysauster, Carn Euny, and Trelowarren show fogou located near the centre of the community. The settlement at Carn Euny is built on sloping ground with houses built at both the top and the bottom of the site. This may suggest a form of social stratification where more senior members of the community live in houses at the top of the village as it would grant better protection and possibly higher status, in line with the thinking present at contemporary hillforts in the same region. Despite this, the fogou is close to the dead centre of the village and bisects the settlement. If the structure of houses in Carn Euny do suggest social stratification, then the location of the fogou could imply they were thought of as communal rather than

elite structures. Ultimately, while the purpose of the Iron Age fogou is unknown and a source of great mystery, there exists three main theories as to what their function may have been. First, that they were places of ritual significance used for religious ceremonies. Second, that they were areas of refuge to be used if the village came under attack. Finally, they were locations used for the cold storage of the village goods (Maclean 1992, 41-51). Each of these theories has been subject to considerable discussion which could not be appropriately covered in this section. What is more important with regards to this study, is to understand how these were thought of by individuals in the era of smuggling.

Fogou were well-known in the 19th century and were specifically referred to using that name (Borlase 1873, 335; Polwhele 1803, 128; Vyvyan 1885, 256–8). The earliest historical reference appears to come from William Borlase in 1769 (Borlase 1769, 292). Borlase believes that the caves may have been used in druidic rituals or that they were used as places of refuge (Borlase 1769, 293–4). However, he believes the main purpose of these structures was to hide movable goods, so they could not be stolen by pirates. This view is also supported by Polwhele who believes fogou were used by natives to hide valuables from Irish raiders (Polwhele 1803, 128). There is also evidence showing that these sites were considered Celtic at this time. Blight, in his description of Halligye fogou, mentions that he found a Celtic cup within the fogou (Pastscapes 2021). Corroboration also comes from place names such as Piskies (Pixies) Cove, a fogou whose name suggests that it was considered to have links to Celtic mythology.

It appears that during the Golden Age of Smuggling there were two key beliefs about fogou. They were Celtic in origin and they were used by the ancient Cornish to hide valuable goods. It should be noted that views held in academia need not be representative of the general population. Just because Borlase believed fogou were locales to hide goods, does not mean that locals shared these views. Borlase does mention that he conversed with individuals living near fogou to hear their interpretations, however he also explicitly states that he believes their opinions are not worth sharing (Borlase 1769, 294). It may be possible then that the academic view of fogou was not shared. However, given that this interpretation was believed for a minimum of 34 years, compounded with the fact that Borlase and Polwhele were both Cornishmen well-established in the community,[24] it seems likely that many people in Cornwall at least knew of this idea even if they did not necessarily agree with it. This contemporary understanding of fogou may help explain the large concentration of hulls sites within Wendron. The previous sections suggest that smuggling was a community activity that participants saw as an expression of Cornish identity, hulls may have been adopted by farmers in Wendron specifically because they were Cornish sites, which could also be used for smuggling. In fogou, farmers may have seen structures which could primarily be used for storage, but could also have a secondary

[24] Borlase was a Rector and Magistrate whereas Polwhele was a Reverend.

purpose of hiding smuggled goods. In this way basing underground hulls on fogou would serve to reinforce Cornish identity in a cultural sense, as it promoted the continuance of Iron Age practices. In addition, hulls would also reinforce Cornish identity in a practical sense as they would allow the owners to engage in the practice of smuggling. This does not mean that hulls would have to be specifically built with smuggling in mind, more that hulls represent a conscious desire to reflect Cornish sentiment, of which smuggling was also an important facet.

There is, however, little overlap between the distribution of hulls and fogou (Figure 4.6). Fogou are exclusively found in West Cornwall, contrasting with the more central location of hulls. Furthermore, the appearance of hulls further east in Dartmoor may also damage the theory that the design of hulls was inspired by fogou. Although, Tangye does admit the he believes Dartmoor hulls are likely of a later date and were inspired by their Wendron counterparts (Tangye 1973, 43), in which case the idea of a development from fogou would still be valid. While there are no fogou in Wendron, there is still considerable evidence of Iron Age settlement. Notably, there is a large concentration of hulls surrounding the summit of Carnmenellis Hill, which itself houses many Iron Age settlements. Similarly, there are clusters of hulls further north near Nine-Maiden's stone circle, and a series of Bronze Age barrows (Figures 4.9). Sites such as these may have fostered an interest in ancient Cornwall. If this is the case, fogou, while not in close proximity, are hardly far away from Iron Age influence. It would certainly be possible for interested parties to discover, especially if they were in contact with groups from West Cornwall. Hulls present a picture of a culturally Celtic community complicit in smuggling. This agricultural community appears to show more affinity with its Celtic past than with British contemporaries. The archaeological evidence would therefore appear to complement archival and historical evidence regarding smuggling in Cornwall.

Figure 4.6 Distribution of hulls and nearby Bronze Age sites around Carmenellis (Dawson 2024).

With the historical context for smuggling and its wider impact set, it is now possible to analyse the archaeological material of Cornwall. Here, the goal is to understand the Cornish maritime cultural landscape (see section 1.10.3 above) and how it relates to smuggling. This is done by looking at finds recorded in the Portable Antiquities Scheme (PAS; https://finds.org.uk/database (accessed 05/10/2024)) and National Heritage List for England (NHLE; https://historicengland.org.uk/listing/the-list/ (accessed 05/10/2024)). The PAS is a programme designed to allow members of the project to report discovered small finds. These are often discovered through hobbyist activities such as metal detecting. The NHLE is a database maintained by Historic England which lists all the documented archaeological sites in England. Combined they can be used to present a general picture of maritime trade and interaction in Cornwall during the Kernarchy.

4.4 The Maritime Cultural Landscape of Silver Age Smuggling

4.4.1 The Culliford Survey

Although the 17th century has not received the same level of attention as the Golden Age, contemporary accounts still provide insight into relations between England and Cornwall at the time. The best source for Cornish smuggling in the 17th century comes from the inquiry of William Culliford. A career civil servant, Culliford was tasked in 1682 with surveying the customs services of the West Country. This would end up being a two-year assignment which concluded with a one-month investigation into Cornwall in 1684 (Stephens 2016, 158). During this time, he investigated the ports of Looe[25], Falmouth, St Ives, Fowey, and Penryn and the results he published were damning. Culliford realised that the conflict in Cornwall was not between customs officers and smugglers, but instead between all maritime actors; surveyors, customs officers and tinners who were actively breaking the law, against those who were not (Timmons 2006, 155). In Culliford's opinion the former far outnumbered the latter. At 75%, St Ives was the Cornish port with the fewest proceedings brought against its officers, while Penryn saw every single official charged (Timmons 2006, 155). Culliford's principal concern was the brazenness with which smuggling was undertaken and the close collaboration between officials and smugglers. In one month he collated over 129 charges of mismanagement by the customs officials, 75 of which were related to individual incidents and 54 recurring patterns of failure and mismanagement (Timmons 2006, 155). The most commonly cited charge (54 incidents) was officials observing ships illegally importing French goods without taking any action; a further 29 incidents note customs officials actively aiding ships (Timmons 2006, 155). Even an honest customs administration in Cornwall would have found serious difficulties, as there were simply too few officials for the work required to be carried out. There were only two riding officers for the entire country and key ports such as Truro had too few surveyors for the amount of traffic they received (Stephens 2016, 172). Several potentially well-meaning officials lacked training and Culliford mentions several officials who simply did not know how to do their job (Stephens 2016, 173). He advocated for sweeping changes recommending the dismissal of 50 officials in Devon and Cornwall from a total of 137 (Timmons 2006, 155).

During Culliford's survey of Cornwall he identified a customs force understaffed and ultimately uninterested in enforcing English excise. His recommendation was to dismiss the guilty or incompetent officers and greatly increase the size of the service. In this he was successful; 36% of officers were either fired or resigned following Culliford's survey and by 1715 the number of officials had doubled (Stephens 2016, 190). But corrupt or inept officials was a symptom and the causes were far more systemic. Despite Culliford's extensive changes it could not be said that much changed. Smuggling remained prevalent in Cornwall throughout this period (see section 4.6.3 below) and the new officials were little better than those who were dismissed. Part of this may have stemmed from the fact that

[25] This was technically done under part of an earlier survey in Portsmouth.

replacement officials were often smugglers who had turned informers and were subsequently given appointments as a reward (Stephens 2016, 183). Two of note being Peter Hill and Richard Upton, who would ensure smuggling carried on in Falmouth much as it had before.

4.4.2 Fuzziness and the Portable Antiquities Scheme

The findings of the Culliford survey can be supported through material evidence reported to the Portable Antiquities Scheme (PAS). However, it is worth addressing the issue of fuzziness involved with a dataset such as the PAS. Fuzziness is an unavoidable part of archaeology. Even when a firm *terminus post/ante quem* can be provided, this does not in of itself grant information on deposition dates. Deposition can only be evaluated when compared to all the material and stratigraphic data within the same context. This is not possible with finds from the PAS, as they are isolated and decontextualised, making them more difficult to link the spatial and temporal aspects of a given object. One way to factor for fuzziness in the PAS is through the use of precision. Items recorded in the PAS are given a date range from the oldest possible date, to the newest possible date. Taking a mean of these two dates provides an average date for a given find, as well as a precision. For example, a vessel fragment with a from-date of '1550' and a to date of '1700', has a mean date of 1625 with a precision of ± 75 years. The smaller the range of dates the greater the precision, i.e. a groat from '1587' to '1589' has a mean date of 1588 and a precision of ± 1. Not only does this allow to increase the date range on uncertain artefacts, it also allows for a more likely range of dates for deposition as the further a date from an object's *terminus post quem*, the exponentially more likely it will have been discarded and deposited. The application of precision to artefacts constitutes a form of fuzzy Temporal GIS (TGIS), as proposed by Green (2011), which is a method for integrating aspects of time into GIS.

4.4.3 Areas of Interest and Finds

The period of interest for this study ranges from 1680 to 1715. This represents the time in which attitudes towards prosecuting piracy changes in order to hinder Catholic maritime networks, and empower English/British authority over its citizen sailors (see section 2.3.3 & 2.3 above). It is hypothesised that connectivity between the Irish, Cornish and French hit a peak between 1690 and 1715, when Anglo-French and Anglo-Irish relations were at a nadir and conflicts between pro-French Tories and anti-French Whigs were at their highest. Data from the PAS was refined by querying for items with a mean date between 1670 and 1725 and allowing a tolerance ±10 years within the finds themselves. This results in a ±15 year precision in a 55-year period, which was deemed suitable to determine whether the finds in question were in use during the period of interest. Figure 4.7 shows the data unfiltered at this stage.

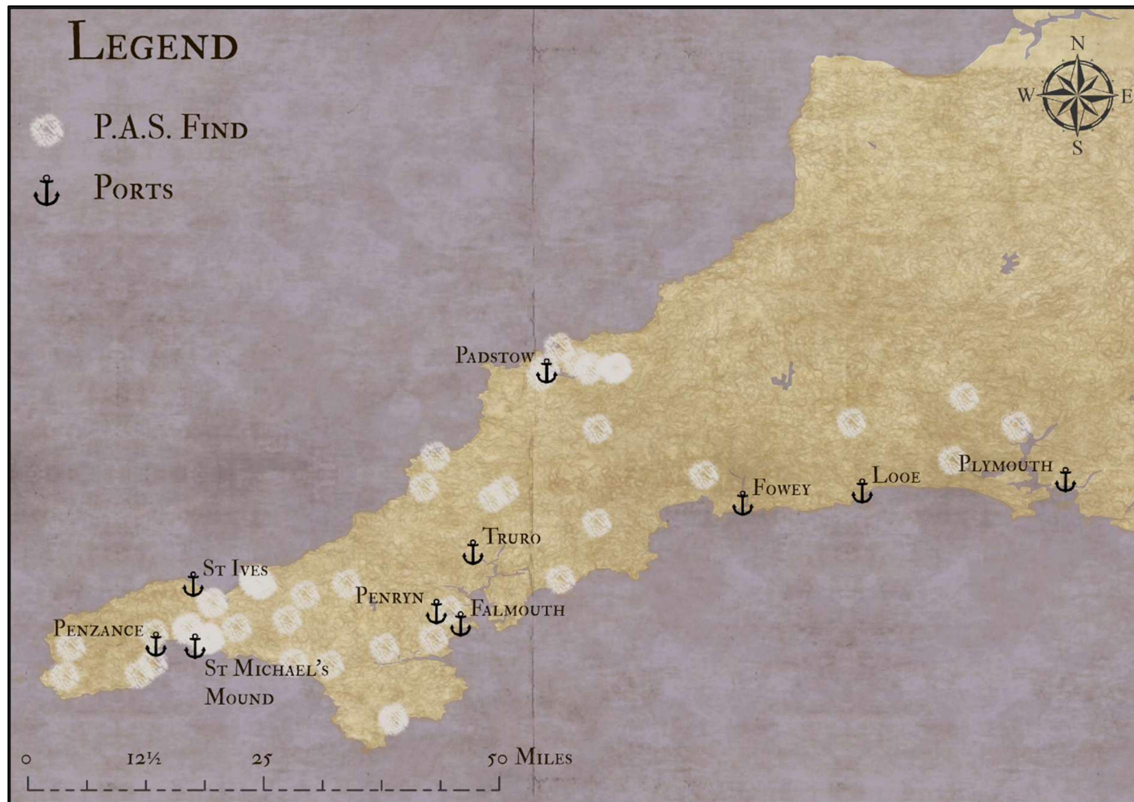


Figure 4.7 Finds from the PAS with a median date between 1670 and 1725 with a precision of 10 years or less (Dawson 2024).

There are two key clusters on this map. One in the Southwest clustered around St Michael's Mound and St Ives and a second cluster at the mouth of the River Camel. Given the documented importance of both Mount Bay and St Ives, combined with the fact that finds in this cluster has two subgroups tightly connected to either location, these two groups will be treated as separate clusters. The inhabitants of Mount Bay had a long-standing enmity with the English. It had been a staging ground for the pretender Perkin Warbeck, as well as the area where the Prayer Book Rebellion arose (Polwhele 1803, 52–3; Caraman 1994). Later during the Golden Age of Smuggling, Mount Bay fisherman would ferry cargo from Gurnsey to the Cornish coast (Pawlyn 2010). After this period, Prussia Cove would become a frequent landing spot used by John Carter, a famous smuggler of the 18th century. While neither event is directly related to the period focussed upon here, it does demonstrate that the area was being used for illicit maritime activity both before and after the period under consideration in this thesis. Similarly, St Ives has a longstanding smuggling tradition stretching into the 19th century (Waugh 1991, 151–3). Amongst the main trade partners of the local residents were the Irish (Waugh 1991, 152). Along with St Ives, Padstow, at the mouth of the River Camel, was one of the other major smuggling centres in the north of Cornwall (Waugh 1991, 152). In 1765 a servant of John Rawlings notes smugglers carrying goods from a beach close to this cluster area (Graham 1964, 38). St Ives and Mount Bay are

also both mentioned by Culliford as ports where smuggling was commonplace (Stephens 2016, 184). Padstow was not surveyed by Culliford so there is less data on its activities at this time. However, in 1693 a collector at Padstow was dismissed for taking bribes (Graham 1964, 38), so it seems that it operated in similar ways to the ports surveyed by Culliford. These locations would also be convenient areas to redirect trade originally going to North Devon. For groups coming from the Celtic Sea, Padstow, St Ives, and Mount Bay are all the closest ports of call. Prior to the prohibitions they would have been less convenient to trade at, since there was weak terrestrial connectivity to the mainland. However, with trade now supressed with North Devon, and an increased naval presence in the north Channel and the Channel, these Cornish ports would be the logical stop for merchants who had both markets in this area and familiarity with the local coastline. Figure 4.8 shows that the clusters within the date range differ from the general distribution of finds recorded in the Portable Antiquities Scheme in Cornwall. Whilst the majority of finds in Cornwall are found west of Penzance, finds with a date range between 1670 and 1725 have a higher relative concentration around Mount Bay, St Ives, and the River Camel.

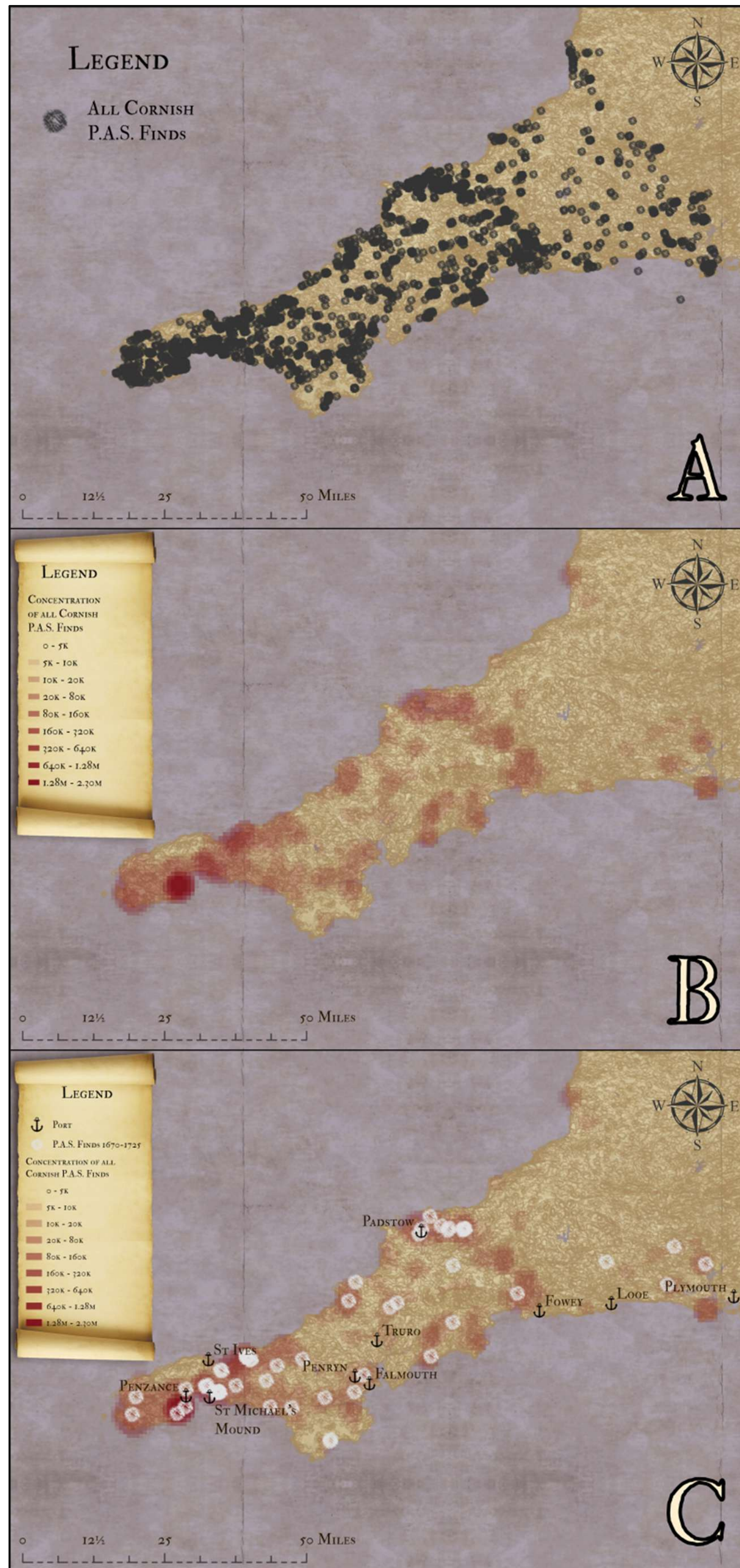


Figure 4.8 All recorded PAS finds in Cornwall (A), their kernal density in map units^2 (B), and the finds and how the finds from this studies period of interest compares (C) (Dawson 2025)

The actual finds associated with each area are promising as they show evidence of both international trade and French influence. Starting with the River Camel (Padstow) which has a great quantity and diversity of material regarding coins (ids CORN-60B043, -E21784, -CA9147 & PUBLIC-2420A2) and coin weights (ids CORN-9C9283 & -9CA0BD), implying a healthy level of trade and maritime activity. Of particular interest are the coin weights, one of which is for a William III half-guinea (CORN-9CA0BD), something that would be expected in an English port with heavy trade. The other is for a 1690 Louis d'Or coin weight (CORN-9C9283). Otherwise known as a 'pistol', this gold coin was worth about 10 francs (Figure 4.9). The need for a weight of such a high value coin would suggest frequent and lucrative trade, either with the French themselves or with those being paid by the French. This would support the notion that there were strong maritime links between the Cornish and either France or French privateers. Furthermore, in an Admiralty trial, privateers specifically mention being paid with Louis d'Or (HCA 1/53 fo. 30). In summary, the cluster of PAS finds around the Camel River indicates a bustling international area. Evidence of frequent high value trade with France would be curious for the rest of England, given the prohibitions, but would aligns well for Cornwall if seen as evidence of the smuggling networks linking the Celtic Irish and Cornish with the Catholic French.

Figure 4.9 An example (PUBLIC-E862B2) of a Louis d'Or copper alloy coin weight found in Cornwall, Obverse Louis XIV (McLoughlin 2015).

To the south-west, in and around St Ives Bay, there is the clearest evidence of French influence at the time. As well as two further Louis d'Or coin weights (Ids CORN-FF96B5& -D4EB49), there is a Louis XIV jetton (CORN-F5840A) and a French Louis XIV 10 sols aux insignes which had been used as a love token (Id CORN-D29F6B). Jetton's were a type of medallion very similar to a coin, were used as a money substitute (Darvill 2009). There are also several English coins minted in the year of William III (Ids CORN-71C3E3, -E9A0EB & -E297DB). Once again, the collection of material around St Ives suggests much interaction between the Cornish and the French (or the those paid by the French).

The cluster in Mount Bay again principally contains English coins minted during the reign of William III (CORN-EB1966, -040832, -2D9521, -56C53C). However, there is yet again a Louis d'Or coin

weight (PUBLIC-E862B2). A potential second Louis d'Or coin weight was also found slightly east of the cluster (CORN-305C73). Although, the weight is equal to the Louis d'Or, the lack of any distinctive features makes it difficult to confirm that it was used for that purpose (Tyacke 2008). It is worth noting here that despite the frequency with which Louis d'Or coin weights have been found in these clusters, they are by no means ubiquitous throughout England. The five mentioned thus far are the most found in a single county in England, no other county in mainland England has more than two (Portable Antiquity Scheme 2023). This would suggest that there was an abnormal frequency of maritime interaction between Cornwall and France during the time the Louis d'Or was used. The cluster in Mount Bay is also notable for having a wider array of foreign coins, than the other two clusters which only contain French and English material. It also contains a Venetian gazetta and a Portuguese 40 reis piece (Corey 2011). Besides further demonstrating the level of foreign exchange in this area at this time, the Portuguese reis may also suggest some connection to smuggling through the packet trade. Though too tenuous to say with confidence, foreign coins do suggest a maritime population.

4.4.4 Trade Tokens

The finds from the PAS present three areas with evidence of French influence that could be associated with trade. However, the limitations of the PAS could undermine the arguments that these finds are related to 17th century smuggling. With no surrounding strata it cannot be conclusively determined they were deposited in the stated date-range. Plus, the actual number of finds is relatively small, with only three or four pertinent finds in each location used to suggest regular embargoed trade. Fortunately, there is a more robust dataset they can be compared to: trade tokens. The Civil War and subsequent crises led to a serious decline in coinage produced by the government. This was so severe that towns and respected merchants began to produce their own substitute coinage to fill the need for reliable tender which at the time the government was not supplying (Boyne 1889, xxii). The use of trade tokens is dated from 1648, starting after the Civil War and dying out around 1672, when a royal proclamation banned their use (Boyne 1889, xx-xxii). The extent to which these coins can be related to illicit maritime activity is worth considering. On the one hand, Trade Tokens were sanctioned by the government to support fiscal transactions at a time when the government itself was incapable of doing so. Furthermore, the extent to which smugglers dealt in coinage at this time is debatable. The producers of smuggled goods, i.e. merchants and miners, were more commonly paid in kind or scrit at this time as opposed to 'hard cash' (Safely 2024, 28). What is reported on smuggler similarly shows officials bribed in kind instead of cash (see section 4.6.2 below). Therefore, it may be reasonable to assume very little actual money changed hands when smugglers did business. However, on the other hand, the Cornish using trade tokens as an alternative currency to signal dissatisfaction with English governance, would be in line with the use of other alternative currencies. Burke (2022) examined how in modern day Medellin, Columbia barter economy has been used to protest capitalist systems. Likewise, one of the key factors in the prevalence of a modern alternative currency, bitcoin, was a growing disillusionment with central banking, catalysed by the 2008 financial crisis (Bradbury 2013, 5). During the Golden Age

of Smuggling, Cornish bankers did indeed issue their own currency to smugglers to subvert British economic structures. Trade tokens may have been used as a precursor to that practice. On balance, while trade tokens were not an illicit source of currency and were not necessary to fund illicit activity. They provided a dissident Cornish population an opportunity to engage in anti-state activity, and their use could have a protest against the state itself. A practice comparable to other uses of alternative money. Given that these tokens had a very specific purpose, were used at a clearly defined time, and had the potential to be used in illicit ways. They merit consideration. They are also well represented in PAS with 58 examples documented (Figure 4.10).

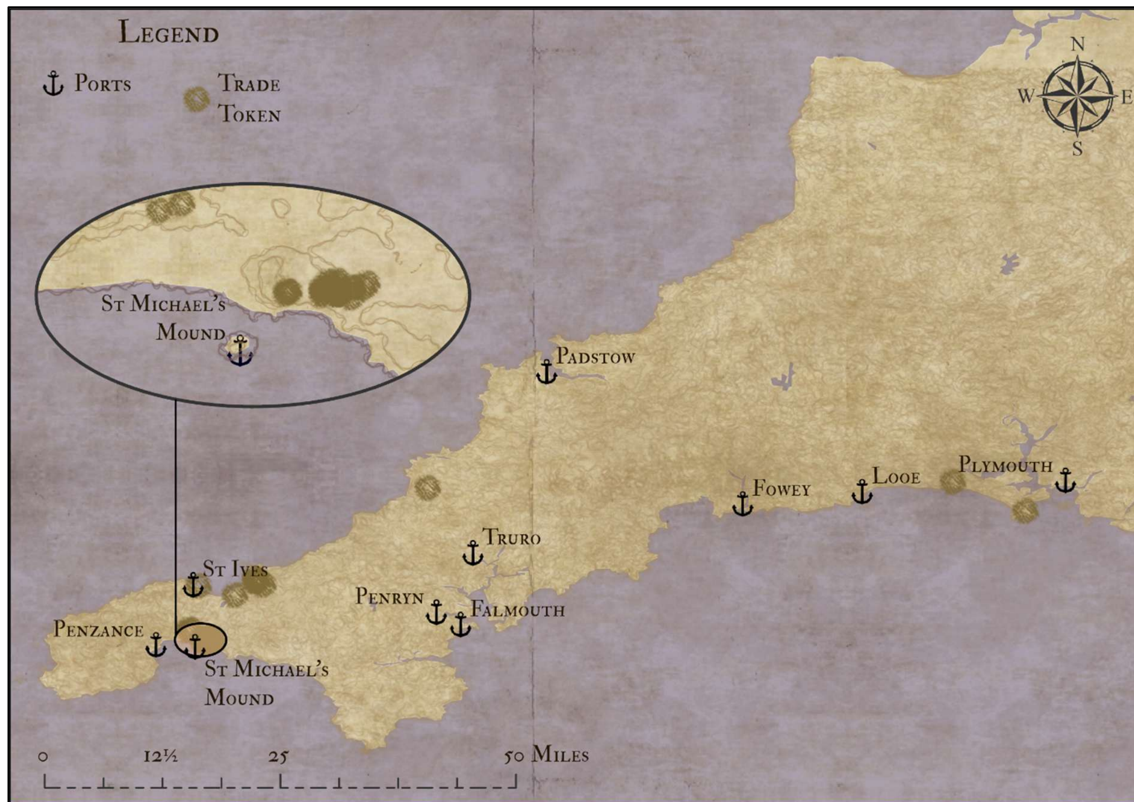


Figure 4.10 Distribution of 17th Century Trade Tokens in Cornwall (Dawson 2024).

Again, two distinct clusters emerge, one around St Ives and another around Mount Bay. Whilst Padstow is absent, the clustering of trade tokens in the other two areas mirrors the distribution of finds associated with French trade in the late 17th and early 18th century. The distribution of trade tokens combined with Culliford's reports that the smuggling of French goods was common in these areas, would support the idea that the finds discussed in section 4.6.2 are representative of a smuggling trade. Certain trade tokens also support the idea that trade with the French was common in these areas. One token found in the Mount Bay (CORN-8F2A76) bears the inscription VINTER, showing that the merchant

was part of the wine trade, and by extension was likely trading with the two main wine producers of Europe, Portugal and France, both of which were also hubs of Cornish smuggling. Two trade tokens, one in St Ives (PUBLIC-4615ED) and another in Mount Bay (CORN-15E202) belong to a Michael Russell. The coat of arms on the token identifies Michael as one of the Russells of Falmouth, a cadent branch of a leading political family at the time, descended from John Russell. Michael himself had been a French refugee (Boyne 1889, 98) and was one of the original alderman of Falmouth, possibly a merchant offshoot of John Russell's original Bordeaux trading network. By 1705 he was living in Bideford (Boyne 1889, 98). Michael Russell connects the key elements of the Celtic Sea trade, from France, then active in the main smuggling regions of Falmouth, St Ives, and Mount Bay, and finally inhabiting the original entrepôt of Bideford.

4.4.5 The Comparative Archaeology of Golden and Silver Age Smuggling

The archaeological material for Silver Age and Golden Age smuggling presents two contrasting approaches to the practice of smuggling. In the Silver Age smuggling appears to be a fairly overt activity carried out in the principal ports of Cornwall often with the assistance from customs officials. Finds related to embargoed countries are often discovered in areas where legitimate trade would be expected to take place, suggesting there was little need for obfuscation. This is a sharp contrast with archaeological evidence from the Golden Age of Smuggling where there is a far greater emphasis on covertness. Smugglers more frequently land in hidden coves and conceal goods to evade authorities. In terms of a single archaeological feature, this dichotomy is seen most clearly in the Falmouth King's pipe (Figure 4.11).

Figure 4.11 The King's Pipe facing Falmouth Quay (Basford 2003).

Constructed between 1730 and 1750 (Willis 2009, 54), the Falmouth King's Pipe is indicative of the changing attitudes towards smuggling during the Golden Age. The chimney was used to burn illegal tobacco smuggled into the port. Willis argues that its deliberate public placement at the entrance to the Falmouth quay served as a political message: first, as a deliberate reminder of the power of the state and penalties associated with smuggling, and secondly, it meant that the confiscation and burning of tobacco became a public spectacle where the government could celebrate its successes in catching smugglers (Willis 2009, 58-9). When placed in the context of this chapter, it could be argued that the erection of the King's Pipe demonstrated the change in the Government's attitude towards smuggling in Falmouth. Whereas before smuggling was an activity undertaken in public, now it is the destruction of smuggling which takes place in the open. Officials have turned from collaborators to prosecutors.

4.5 The Kernarchy

4.5.1 English Ministries 1688-1714

The following half of this chapter looks at how, following the Glorious Revolution, Cornwall became a politically essential region, where the English government required some form of influence in order to ensure their own success. This would be highly consequential for the smuggling of French and Irish goods. The exalted political importance of Cornwall necessitated leading politicians to develop a power base in Cornwall. This provided useful conditions for smugglers to thrive as it gave them something akin to their interests being represented on a national stage. Consequently, it caused these governments to redirect French and Irish imports away from Barnstable and Bideford and towards smuggling networks in Cornwall, in order to appease these interest groups. This manoeuvring is indicative of the culture of bribery, corruption and kickbacks which would be essential for the propagation of smuggling in this era. To explain Cornwall's position within the English government it is worth briefly summarising the main ministries which governed the English commonwealth at this time. Each have their own complexities and play different, though not unconnected, roles in the development of smuggling. The early stages of Government following the Glorious Revolution, 1690 to 1715, are characterised by a jostling for power between the rival Whig and Tory parties, known as the 'Rage of Party' (Cruickshanks 1997). Alternatively, it can be seen as a period in English (British from 1706) politics where Cornish politicians held a disproportionate amount of sway within the upper echelons of politics. To be a successful ministry, a considerable influence within Cornwall appears to have been a prerequisite. This period could alternatively be known as the Kernarchy, the rule of the Cornish.

In an attempt to hold the balance during the uncertain early phases of their monarchy, the first ministry of William and Mary was a coalition of Whigs and Tories under the joint leadership of George Savile, Marquess of Halifax and Thomas Osborne, Marquess of Carmarthen. They were astute choices; on the one hand Savile had been a leader of the Whig opposition to James II and the *de facto* governor of the country following the King's flight during the Glorious Revolution. Ultimately, Savile would be responsible for proclaiming William and Mary joint monarchs and personally handed them the crown of England. Carmarthen, on the other hand, was a Tory, the party traditionally supportive of James II, however, he had also been one of the Immortal Seven who wrote to William asking him to take the throne of England. In theory William and Mary had crafted a delicate coalition backed by leading members of both parties with personal loyalties to the crown. In practice, partisan politics wracked the Halifax-Carmarthen ministry, exacerbated in part by the two leaders' intense personal dislike for one another (Horwitz 1971, 77). Infighting led to Parliament being dissolved and a general election being called in 1690, which saw the unpopular Halifax ousted from power, and Carmarthen made sole leader of a Tory government (Bogart 2016, 280; Horwitz 1971, 78).

Amongst Parliament, Carmarthen was little more popular than Halifax, but he benefitted from the confidence of Queen Mary who was generally more sympathetic to Tory interests than her husband. This was to Carmarthen's benefit in 1690 when William was campaigning in Ireland, as under Mary's rule he was effectively the head of government. However, ultimately unsatisfied with Tory conduct in the Nine Years War, William began to favour the Whigs (Horwitz 1977, 117–9), a process which was catalysed by the death of his wife Mary in 1694. William relied closely on Robert Spencer, Earl of Sunderland, a prominent politician under James II who had been exiled in 1688 (Kenyon 1958, 226). Sunderland was the brother-in-law of Halifax and a strong supporter of Whig interests. He advocated for the sole elevations of Whigs to ministerial offices, seeing his patrons, John Sommers, Charles Montagu, Thomas Wharton, and Edward Russell, promoted. Under Sunderland, these four men became known as the Whig Junto and by 1694 they were officially in control of the English government. The First Whig Junto was the first government truly united and supported by the monarch since the Glorious Revolution. They championed capital interests of England during their time in government, establishing the Bank of England, professionalising trade, and advocating naval supremacy in Europe (Finnegan 2017, 139; Horwitz 1977, 134–5). The Junto maintained the professional confidence of William III and they were returned in 1695 and again 1698 (Handley 2005). The rise of the Whig Junto led to a profound shift in English politics; Whig and Tory lines became blurred and it instead became more common for politicians to associate themselves with pro-Junto or anti-Junto factions. The anti-Junto faction coalesced around Robert Harley. Initially a Whig, Harley disproved of the increasing 'court' focus of the Junto and drifted towards Toryism (Handley 2005). Following the conclusion of the Nine-Years War, Harley attacked the members of the Junto on the grounds of corruption and military bloat (Handley 2005). Despite still being in the King's favour, the Junto was unable to withstand the attacks of Parliament; first Russell, then Montagu, resigned (Horwitz 1977, 257–60). Seeing the writing on the wall William dismissed the remaining members of the Junto and dissolved Parliament. The Whig Junto had the most completed philosophy of any ministry to date, and their championing of mercantilist interests demonstrates the increased power these interests were developing. At this time the Cornish mercantilist interests were making great profits through smuggling, particularly in tin, wine, and tobacco (see section 4.6.2 below).

Following the decline of the First Whig Junto, the balance of power again shifted towards the Tories in 1701. Under the hegemony of Harley, we see the elevation of Tories to major offices; these included Sidney Godolphin to Lord Treasurer and Charles Hedges to Secretary of State. The ministry was, however, short-lived and Harley's weak anti-Junto coalition soon found itself reverting back to Whig-Tory divisions over a potential war with France. Within 12 months the government collapsed and another election was called. It had been assumed that the Whig Junto would regain power, however, the death of William III in 1702 stymied those plans (Handley 2005). His sister-in-law Queen Anne instead favoured a moderate coalition cabinet. It was led by two Tories, Sidney Godolphin, the existing Lord Treasurer, and John Churchill, the Duke of Marlborough (Figure 4.12). Marlborough was a military

man and had been one of William's main generals, though the King placed little value in his political abilities which prevented any ascendency (Creighton 1879 46). Godolphin and Marlborough, or as they came to be known, the Duumvirs, originally favoured a Tory dominated coalition government, with two Tory Secretaries of State and Harley positioned as a senior advisor to Godolphin. It is within this ministry we see the peak of the Kernarchy. Many important government ministers, electioneers and leaders of the Commons and Lords were Cornish, or held significant influence in the county. For a variety of reasons, many of these politicians had links to smugglers (see sections 4.6.3 & 4.6.4 below) and their position at the very top of government, would be of great benefit to smuggling networks.

Figure 4.12 The Duumvirs: Sidney Godolphin, Earl of Godolphin (left) and John Churchill, Duke of Marlborough (right) (Kneller c. 1706; attrib. Dahl c. 1702).

The Tory party had all the constituent pieces required to dominate English government for the foreseeable future. However, the conservative faction known as True Churchers (alternatively High Tories or Tackers) were incapable of collaborating with the coalition government and yet again the ministry soon devolved into infighting. In order to function, the Duumvirs increasingly had to rely on the Whig Junto who were more effectively able to unite their party behind their interests (Holmes 2009, 106). Sir Charles Hedges was the first Tory casualty of the ministry, being replaced as Secretary of State by the new Earl of Sunderland, also named Robert Spencer. After which the trickle became a pour. From 1706 onwards the Godolphin-Marlborough ministry can alternatively be seen as the Second Whig Junto; by 1710 all members of the Junto had regained senior ministerial positions (Handley 2005). This greatly displeased the Tory sensibilities of Queen Anne, who dismissed Godolphin in 1710, leading to the

dissolution of their ministry. Finally, after over a decade of opposition to the Whig Junto, Robert Harley was empowered as the official head of a new government. As had been the case in the Godolphin-Marlborough ministry, the civic head was buttressed by a military representative. For Harley this was James Butler, the Anglo-Irish Duke of Ormonde, although it is worth noting that Ormonde was a junior partner whereas Godolphin and Marlborough are generally considered equals (Figure 4.15). The Harley ministry would remain in power until Anne's death in 1714 at which time a succession crisis would see a breakdown in government. It is here that the smuggling connections which had been developed over the previous ministries boiled over. Tory and Jacobite politicians in Cornwall, aided the Duke of Ormonde and Scots Jacobites in an attempted coup against the Hanoverian King George, who had succeeded Anne (Szechi 2006). Much of the communication between the conspirators was facilitated by smuggler-politicians who had become empowered in the Harley ministry (Szechi 2006; section 5.3.6 below); these included Alexander Pendarves, Henry Campion and Francis Gwyn, all of whom had both connections to smugglers and Jacobite sympathies.

Figure 4.13 The Leaders of the Harley Ministry: Robert Harley, Earl of Oxford (left) and James Butler, Duke of Ormonde (right) (Kneller 1714; Kneller c. 1690).

At its most simple, the Rage of Party characterised as a ferocious battle for supremacy between the partisan factions of the Whigs, who supported the Glorious Revolution and the interests of capital, and Tories, who advocated for the monarch's supremacy and the interests of the very upper levels of the aristocracy. However, as this section has shown, the reality was somewhat more complicated. Whigs and Tories in fact frequently collaborated in government and at times faced more opposition from inside their own party than the outside. The Godolphin-Marlborough Ministry was led by two Tories

and yet was also brought down by another Tory in Harley. In this instance, the division is closer to that of idealists versus pragmatists. The moderate Tories and the Whig Junto were both willing to sacrifice some central tenants of their party's philosophy; whether this was done in order to facilitate the good running of government or the pursuit of personal power would be the matter of some debate. For the Junto this meant establishing a much closer relationship with the court than the Whig party were typically comfortable with, as they had spent the last decade opposing court forces. Hence, allies of the Junto are often known as 'Court Whigs'. For pragmatic Tories like Godolphin or Marlborough, this often meant allying with non-Anglican groups, which the True Churchers considered to be antithetical to the central elements of Toryism. Indeed, the Church was so fundamental to the Tory party that friendly contemporaries of the time referred to themselves as the Church party.[26] Idealism vs Pragmatism was just one sub-division in Parliament at the time. Others include Court vs Country (landowner vs merchant), West vs East, and Anti-Jacobite vs Jacobite. Each faction had members which spread across either party. For the purposes of this thesis, it is not really worth summarising the minutia of each division, other than to note them to highlight the complexities of politics at this time.

4.5.2 The Cornish Connection

Despite there being a wide variety of ministries during the Rage of Party, all with their own unique goals and motivations, they all share an unlikely connection in that they often had Cornish MP's occupying senior ministerial positions. The most obvious being Sidney Godolphin, who held a series of important government positions between 1690-1710. A descendant of the aforementioned Sir William Godolphin. Sidney, like the members of the Junto, was originally a protégé of Sunderland who helped him enter government and become a favourite of Charles II, then later also James II (Sundstrom 2004). He would retain political favour after the latter King's exile, Godolphin served as First Lord of the Treasury in both the Carmarthen Ministry and First Whig Junto. In doing so, he became the only member of the Tory party to serve in the Junto's cabinet (Handley 2005; Sundstrom 2004). When he was removed in 1697 the Junto became William's first one-party ministry. Following the King's death he once again found himself in the English government under Anne I, this time a leader of his own ministry (Sundstrom 2004). It was at this time that the Godolphin Ministry negotiated the Act of Union, officially uniting England and Scotland as the Kingdom of Great Britain (Sundstrom 1992, 191–5). Godolphin was the leading statesman in Cornwall at the time, and held a number of important positions including Governor of the Scilly Isles and Lord-Lieutenant of Cornwall from 1701 (Sundstrom 2004). He was also elevated to peerage as Earl Godolphin and simultaneously made Viscount of Rialton (MacKenzie 2019, 49). As an MP he sat for Helston. Helston, a mining town where the mines were all owned by the Godolphin family, was what is known as a pocket borough. This means that the voters were so personally beholden to the Godolphin family, either as tenants or employees, that they could essentially dictate who they

[26] It is worth again mentioning that 'Tory' was an Irish slur meant to associate the party with Roman Catholicism.

wanted to sit as MP. Unsurprisingly, the seat was exclusively held by a Godolphin or their allies between 1688 and 1710. Godolphin also ensured seats for several of his allies in Parliament, seeing them elected in boroughs where he had influence, particularly those which were under the mining interest. These include the boroughs of Callington, East Looe, West Looe, Truro, Tregony, and St Mawes. Much of his ability to influence elections in these seats came through his nephew Hugh Boscawen, an energetic campaigner in Cornwall for the Duumvirs (Hanham 2004).

The Whig Junto also had representation in Cornwall, principally through Edward Russell. A descendant of John Russell, like his ancestor, the younger Russell was very much a man of war. Russell had a distinguished career in the navy, he was commissioned as a lieutenant in 1671 and quickly earned distinction and rank. He served in the Anglo-Dutch war and then in anti-piracy operations against the Barbary States (Aldridge 2004). His promising career was halted by his family's involvement in the Rye House Plot, which led to the execution of his cousin William Russell, Duke of Bedford, who was one of the leading conspirators (Milton 2000, 648). Like the rest of his family, Edward Russell was a devout Whig and he would become one of the Immortal Seven to offer the crown to William of Orange. It was either here through his co-signatory William Compton, or through his naval career, that he became acquainted with Admiralty lawyer Charles Hedges. From here on, the two would share a close political alliance. Following the Glorious Revolution Russell became MP for Launceston and was promoted to admiral. He would subsequently become something of a war hero (Bovet 1693) after leading the English fleet to victory over the French at La Hogue (Holmes 2009, 102). Simultaneously, Hedges was made Judge of the Admiralty Court and MP for Orford, Russell's pocket constituency. Russell was made First Lord of the Admiralty in 1692 and alongside Hedges was responsible for the decision to prosecute Irish privateers serving under James II in 1694. Russell's patronage of the Hedges family appears to have expanded beyond Charles, as William Hedges (cousin of the former), was made Sheriff of London in 1694. Furthermore, William was one of the original 24 directors of the Bank of England which had been established by the Whig Junto in that same year (M5/436). Hedges was just one of many MPs within the clientele of Russell; many naval officers and officials owed their position to his patronage (Aldridge 2004). Despite his personal popularity and support from the navy, allegations of corruption would follow Russell throughout his entire career. Pepys insinuated that, as a captain in Tangiers, he made a fortune through illicit trade and smuggling, stating it was enough that he would *"…never more have to go to sea…"* (Pepys 1935, 241). He was also targeted by Harley in 1699 for misappropriating naval funds (Pepys 1935 226). The scandal forced Russell to resign his position in government. Later, alongside fellow Junto members Sommers and Montagu, he was impeached for government mismanagement, although they were acquitted by the House of Lords. While he did not maintain as strong a personal presence in Cornwall as Godolphin, it was still an important powerbase for Russell. Much of his support came from Bishop Trelawny. Russell had longstanding connections to the Trelawny family (see section 4.6.3

below), and likely became allied with the Bishop due to their mutual opposition to James II.[27] Additionally, a cadet branch of his family were leading merchants in Falmouth (see section 4.4.4 above) and many of his clients, such as Charles Wager and Horatio Walpole, were elected in Cornish boroughs. The Admiralty interest also effected Cornish boroughs near Russell's main seat in Plymouth. Of greatest note is Saltash, which often elected naval MPs at this time, as well as East Looe and West Looe, both of which were controlled by Bishop Trelawny.

Godolphin and Russell (as part of the Whig Junto) were the two of the most influential forces in English (later British) politics at this time. Both exerted a considerable influence on Cornwall, so perhaps it is not a surprise that the third major force, Robert Harley, likewise held a noted powerbase there. Harley began his political career in 1689 as an MP for Tregony, having been recommended to the Boscawen family (McInnes 1970, 26). The Boscawens had intended to stand up Harley for subsequent elections but the instead he stood in Radnor, which while in Wales was under the influence of another Cornishman, Charles Robartes, Earl of Radnor. Harley has been described as *"the most important parliamentarian of his day"* and is had been unofficially considered as Britain's first ever Prime-Minister[28] (McInnes 1970, ch. 6 & 7). Harley's early career is defined by his opposition to the Whig Junto. Initially a Whig himself, he vehemently disagreed with the court approach of the Junto, which he felt undermined the central tenants of Whiggism (McInnes 1970, 28–31). Subsequently, he moved further towards Toryism and became a close ally of Godolphin and member of his cabinet (Sundstrom 1992, 130–1). However, Godolphin's alliance with the Junto alienated him from Harley who became his chief antagonist and the supreme architect of both Godolphin's and the Junto's downfall in 1710 (Roberts 1982, 91–3). Lacking the family connections of a Godolphin or the military backing of a Russell, Harley had to rely largely on his political nous to establish an influence in Cornwall. He did this by targeting seats outside the sphere of Godolphin influence, such as Newport, and by using his Randor connections, as he did in Lostwithiel. Following his split with Godolphin his methods became more aggressive and he began supporting ambitious Cornish families who were opposed to the ruling hegemony, such as the Trevanions in Tregony and the Tredenhams in St Mawes (Cruickshanks & Handley 2002a, 2002b).

There were also other important political figures from the time associated with Cornwall. Chancellor of the Exchequer, Charles Montagu, saw his brother James elected to Tregony in 1695 (Cruickshanks & Handley 2002a). Whilst James Vernon, a prolific yet simultaneously enigmatic politician, served as Secretary of State between 1697 and 1702, and was also an MP for Penryn

[27] Russell as a member of the Immortal Seven and Trelawny as one of the seven Bishops tried by James II for seditions libel.
[28] Incidentally the first official prime minister, Robert Walpole, had been a protégé of Edward Russell (West 2005, 17).

(Cruickshanks & Handley 2002c). John Granville, the Earl of Bath, was likewise a Cornishman who was one of the leading proponents of the Glorious Revolution in the Southwest (Stater 2004). He was a leader of the Tory party in the House of Lords (Stater 2004). Granville held numerous positions in the Southwest including Lord-Lieutenant of both Cornwall and Exeter and Lord Warden of the Stannaries. He was succeeded in these offices by the Earl of Randor, the patriarch of the Robartes family that likewise occupied many seats within Cornwall. Robartes was the opposite of Bath, a leading peer in the Whig party who frequently clashed with his counterpart (Henning 1983). Robartes rise coincides with that of the Junto in 1695.

During the Harley Ministry, the death of Sidney Godolphin left a large power vacuum in Cornish politics. The county became a fierce battleground fought over by the Whigs and Tories. The coalition managed by Godolphin became split between the Whiggish Wardenists, led by Godolphin's nephew Hugh Boscawen, and Tory anti-Wardenists, led by George Granville, Lord Lansdowne (MacKenzie 2019, 51; Figure 4.14). Bath's nephew, the Jacobite Lansdowne, was Secretary at War in the Harley cabinet and a leading conspirator of the Jacobite Rising. Following the Risings defeat the Wardenists seized control of Cornwall and Boscawen was awarded several important court positions including Privy Councillor and Comptroller of the Household (Hanham 2004). During this time, fellow Wardenist Humphry Morice was appointed Governor of the Bank of England (Mitchell 2021). Nevertheless, Boscawen was sidelined and dismissed by the Walpole ministry, which effectively spelled the end of the Kernarchy. Morice's death in 1731, allegedly a suicide related to his embezzlement of roughly £29,000[29] from the Bank of England, expelled the last vestiges of Cornwall's unmatched interest on the national stage.

Figure 4.14 Engravings of Hugh Boscawen, Viscount of Falmouth (left), and George Granville, Lord Lansdowne (right). The respective leaders of the Wardenists and the anti-Wardenists (Harding 1800; Kneller c. 1700).

[29] Just under £5,000,000 in today's money.

4.5.3 Rotten Boroughs

So why did Cornwall occupy such an important position in English politics at this time? Part of the answer can be found in the rotten borough system. These were constituencies with an electorate so small that they were very easily influenced. Seats of this type were the norm in Cornwall at the time. In addition, towns granted a charter under the Tudor regime were given two seats in Parliament. This has a marked similarity to English colonial policy in Baltimore in Cork, where the Charter of 1613 had a similar impact (Kelleher 2020, 112-4). As part of the Tudor policy to tame the Cornish frontier and empower the local burghers (see section 4.2.2 above), Cornwall was one of the main beneficiaries of this policy and many such towns received a royal charter. This meant that there were a series of boroughs in Cornwall with a remarkably small voter base responsible for selecting two members. This was relatively unimportant for the Tudor period, but after the Glorious Revolution when Parliament was meeting regularly and party clashes were ferocious, Cornwall comprised a significant voting bloc. The paradox of Cornish boroughs at this time is best summed up by Daniel Defoe's description of East and West Looe:

"…put together, they would make a very handsome seaport town. …but as to sending four Members to the British Parliament, which is as many as the city of London chooses, that I confess seems a little scandalous."

Defoe 1742, 143

Cornwall would send a total of 44 members to Parliament, one less than were granted to the entirety of Scotland after the Act of Union (MacKenzie 2019, 49). Even for the lax standards of the 17th century, politics in Cornwall was notoriously corrupt. Rotten boroughs, which returned many MPs at a time when partisan politics was at its height, made the region attractive as a significant amount of influence could be purchased with relatively little capital (political or monetary) spent. It also meant that those individuals who did have the ability to vote, were courted strongly. In port towns that would have meant those paying 'scot and lot'[30] such as merchants and officials were offered a free hand in conducting their business. A status quo very beneficial for smuggling.

4.6 Suppression and Smuggling in the 17th Century

4.6.1 Suppression

Thus far, the motivations, and opportunities for smuggling in Cornwall, as well as its character, have been covered. Here we will look at the conditions which caused smuggling to grow from a relatively small-scale venture in the mid-17th century to an ingrained part of the apparatus of Cornish government by 1715. The protectionist policies implemented by the English government appears to have catalysed large-scale smuggling. The prohibition on Irish goods beginning in the 1660s has

[30] A type of tax which, among other things, gave the payer the right to vote in an election.

already been covered, but of even greater importance was the Prohibition of 1678 (29 & 30 Cha. 2. c. 1). This protectionist bill limited the importation of many French goods. This hit Devon and Cornwall badly and ports such as Fowey reported a heavy loss of revenue after the prohibition was enforced (Stephens 2016, 164). Like so much of the era, support for this policy was divided among party lines with the Whigs in support and the Tories against. The Tories repealed the act in 1685 (1 Ja. 2. c. 6), whereas following the Glorious Revolution the Whigs passed a more extreme prohibition banning outright all French goods from being imported into England (1 Will. & Mar. c. 34). The archives of HCA 32 show that this ban was policed severely. English privateers patrolled the northern Channel capturing ships that were involved in the triangular trade between Bideford, France and Ireland (HCA 32/1914/16; /1850/9; /1877/16). In several records this is specifically mentioned as a 'Jacobite' trade (HCA 32/1877/24; /1870/5). To make matters worse for the North Devonians, the ships were now being hunted by French privateers as well, some of whom appeared to be their formally Irish business partners (HCA 32/1878/17; HCA 1/52 fo. 158). King (1983, 106-7) mentions how there is a sharp downturn in Devonian trade at this point as many merchants felt the northern Channel was too unsafe for trade. It is in this context that we see smuggling activities in Cornwall begin to rise. Sections 4.2 and 4.3 above outlined the dissatisfaction that the Cornish people felt with the English government and how smuggling could be regarded as a social crime to express that dissatisfaction. Section 4.4.1 above outlined how smugglers operated in Cornwall during this period, showing how they benefitted from a customs service that was ultimately uninterested in or incapable of dealing with smuggling. This is clearly reflected in the dispersal of finds related to smuggling at this time. Section 4.5 above showed that Cornwall had unique political privileges at this time which facilitated a culture of corruption, which created a political class for whom it was advantageous to keep smuggling networks open (sections 4.5.4-5 above). This section links together national political actors, smugglers, and local Cornish landowners, with archaeological material to show how Franco-Irish trade is identifiable in Cornwall. Ergo, it shows how at this time the French-Irish-North Devon trade relocates southwest to Cornwall.

4.6.2 Imports and Exports

With regard to exports, unsurprisingly, the main product smugglers were interested in was tin, the smuggling of which Culliford does not report this to be a particularly hidden activity in Cornwall (Stephens 2016, 161). The main method simply involved either deceiving or bribing customs officials so that the excess could be sold illicitly, often to the Dutch (Stephens 2016, 161). There were a few variations on how this was done depending on the interest groups involved. A landwaiter in St Ives was discovered to have underreported the weight of tin in a merchants ship by four hundredweight, whereas in Plymouth two officials were bribed to produce a false certificate stating that tin was unloaded there, when in actuality it went on to Rotterdam (Stephens 2016, 162). Also common was the re-export of tobacco which commonly shipped from Virginia to Falmouth. These goods would then be re-exported on packet boats, ships that ferried mail, freight and passengers from Europe to the New World. In the early 18th century, Falmouth was a common stop for these ships, which would then call at Lisbon on

their way to the Caribbean (MacKenzie 2019, 32–4). Defoe notes that the packet smuggling trade between Portugal and Falmouth was substantial, as the boats would not be searched by customs officials, thus giving Cornish smugglers easy access to European markets (Defoe 1742, 109).

In terms of imports, besides new world tobacco the main business came from French goods, particularly those west coast goods that had formed a healthy part of the Celtic Sea trade. Brandy from La Rochelle, linen from St Malo ,and wines from Bordeaux frequently flowed through Cornish ports despite prohibitions (Timmons 2006, 157), with Vernon specifically mentioning French goods being unloaded at Looe (Add. Mss. 40772 fo. 138). The Celtic Sea trade appeared to continue much as it had before the prohibitions, although perhaps with a renewed focus on Cornwall. Smuggling from Ireland was also prevalent at the time. Culliford discovered two smugglers who were bringing Irish goods into Penzance under instruction from the Mayor (Stephens 2016, 185). However, the best evidence for a link between Cornish smugglers and the Irish exiles of Chapter 3 comes from the career of Valentine Enys. A Cornish man established himself as a merchant in the Canary Islands, Enys was expelled along with all other English merchants from the Islands during the Spanish War of Succession (MacKenzie 2019, 34). On his return to Cornwall he became a leading packet smuggler, financing his own operations as well as acting as a go-between, for financiers, merchants and sailors (MacKenzie 2019, 34). Amongst Enys' personal dealings we know he smuggled brandy from France and unspecified goods from Ireland (MacKenzie 2019, 35). The testimony of James Lynch suggests, Irish merchants were well established in Portugal and the Butlers were also present in La Rochelle, where Enys likely imported his brandy. It seems unlikely that Enys could have done business in Ireland, Portugal and La Rochelle without crossing paths with the Irish merchants looking to circumvent English customs. He certainly had no qualms about doing business with Catholics, a business partner on his ship the *Flushing Galley* was a Catholic merchant in Tenerife (MacKenzie 2019, 35). However, if there was any doubt about Enys' connection to Irish Catholic merchants, the *Lark* of Falmouth puts them to bed. In 1705, Enys acts as an agent in England for two merchants based in Tenerife by the names of Bernard and Patrick Walsh (MacKenzie 2019, 35). Bernad (Bernardo) Walsh was part of the same 'de Valois' branch of the Walsh family which had settled in St Malo. He also was well connected to the Spanish branches of the Lynch, White and Geraldin familys (Murphy 2018, 136). Enys would have theoretically had the connections to smuggle Irish goods into Cornwall from anywhere in Europe. Enys' partners show that there was a relationship between Cornish smugglers and Irish expatriates. How this benefitted both parties is discussed below (see section 4.6.4).

4.6.3 Corruption

It cannot be seriously considered that the members of the Kernarchy were unaware of smuggling in Cornwall at the time. The connections between smugglers and politicians are too clear and too frequent to assume there was anything other than a close relationship. One of the officials

condemned by Culliford was Captain Andrew Cory, a customs collector at Fowey (Stephens 2016, 166). Cory confessed to a plethora of crimes during his time as a collector, including perpetrating a tobacco fraud where the weight imported was underreported and a tin fraud where he allowed the *Mayflower* to remove 12 parcels from the Fowey warehouse which he replaced with lead slabs (Stephens 2016, 165–7). Despite his admitted guilt, Culliford declined to charge him due to the fact he had been a longstanding servant of the Bernard Granville, Earl of Bath (Stephens 2016, 169). Cory had also been a controller of tin coinages and a keeper at Lostwithiel jail at a time when the town would carry unprovenanced tin to the coast for illicit export (Stephens 2016, 162). With Bath's protection Cory avoided prosecution on the condition that he would resign from his posts (Stephens 2016, 169). His replacement was Shadrach Vincent, a client of the Robartes family who would go on to become a political rival of Bath (Cruickshanks & Handley 2002e; Stephens 2016, 179).

Finds from the PAS related to Padstow compliment documentary evidence that it was an important powerbase for smuggler-politicians during the Whig Junto. Much of this connection comes from the nearby Prideaux Place, the major estate near Padstow. Already discussed briefly, the Prideaux family found it difficult to stay out of trouble at this time. While the aforementioned John Prideaux (see section 4.4.3 above) was a Tory under the Granville influence, the branch of Prideaux Place were firm Whigs. The owner at this time, Edmund Prideaux, was arrested in 1685 for taking part in the Monmouth Rebellion (Prideaux 1989, 157). Writing in 1989, Prideaux (1989, 157) stated there was no evidence linking his ancestor to the Monmouth Rebellion. Apparently he did not consider hosting Monmouth immediately prior to the rebellion, paying a heavy fine to escape prison, or smuggling convicted Monmouth rebels to Barbados (Prideaux 1989, 157 & 216) as pieces of evidence. The arguments of Prideaux serve as an important reminder of the complications which arrive from family autobiographies. Edmund was also suspected as being a member of the Rye House plot, which would link him to the leader (Cassidy 1983), William Russell. Finally, he was also the father-in-law of Francis Gwyn, a True Churcher whose relative was a corrupt customs official in Falmouth. In addition to his Falmouth connections, Gwyn held numerous financial posts in Ireland. These included appointment as a commissioner for Irish revenue in 1671; then he was subsequently promoted in 1686 to Secretary of the Treasury for Irish finances, and finally made Chief Secretary and Privy Councillor for Ireland (Brooks 2004). It is easy to see why Edmund Prideaux would tolerate smuggling, as he appeared to use them these networks to extricate his political allies from England. A family member, Nicholas Prideaux, was also an influential planter in Barbados, serving as speaker of the Barbadian assembly in 1695. However, he was also controversial; in 1690 the Governor of Barbados brought him before the council on charges of corruption and sedition, as he had been accused of selling his council vote (CSPC, A&WI,13, Sept. 22 1690), an accusation which ultimately led to his suspension (CSPC, A&WI,13, Sept. 27 1690). Nicholas is also documented as trading regularly with Barnstaple. In addition, a contemporary, Peter Prideaux, was a merchant in Guernsey, a notorious entrepôt for Anglo-French smuggling (Prideaux 1989, 217). Given the importance of Irish beef to Caribbean planters, Gwyn's Irish and smuggling connections,

evidence of North Devon ware in surveys of Barbados plantations (Barker et al. 2013), and it seems likely the Prideauxes were involved in the Celtic Sea trade. The Prideauxes, like the Russells and Granvilles, link together the Celtic Sea trade, smugglers, and English politicians.

Corruption related to smuggling also appears to have played a role in the fall of the first Whig Junto. In 1698, the mayor and justices of East Looe were investigated by the Privy Council for smuggling (Add. Mss. 40772 fo. 138). A trio of letters related to this case, written by James Vernon, at that time a Cornish MP and Secretary of State, reveals the relationship between smugglers and politicians in Cornwall. Acting on the interest of their patron Bishop Trelawny, the MPs of Looe attempt to halt proceedings against the town's officials. Although the officials were from East Looe, it was the West Looe MPs James Kendall and John Mountsteven that act as Trelawny's agents. James Kendall had been apprenticed alongside Francis Gwyn under Henry Hyde, and was Governor of Barbados between 1691-3 (Watson 1983a). Mountsteven had been a client of both the Earls Sunderland and Bath, the former the founder of the Whig Junto and the latter a man amenable to smuggling. Vernon is initially co-operative, stating that he believes little will come from the investigation (Add. Mss. 40772 fo. 135). However, as the commissioner of customs takes an uncharacteristically hardline approach, Vernon changes tact, first advising that Trelawny should distance himself from the smugglers, when Trelawny refused, Vernon suggested that Trelawny should encourage them to become informants (Add. Mss. 40772 fo. 136-9). Ultimately, the Mayor and Justices were dismissed from office and remanded for *"too gross a countenancing of the smuggling trade"* (Add. Mss. 40772 fo. 137). The letters provide hard evidence for the Trelawny's open facilitation of smuggling in Looe, but also hint at the involvement that smuggling played in the senior wings of government. The links between the Trelawny family and Russell are longstanding, connections between the two go back as far as 1680 when the Junto leader served in Tangiers with the Bishops brother Charles Trelawny (Watson 1983b). Both were separately alleged to have taken part in the illicit trade rife in the garrison at the time, and although there is little to connect them directly, given the size of the station and comparatively small officer cadre it seems highly likely they collaborated. By 1698, Charles Trelawny was MP for East Looe. Though he is not mentioned in any of Vernon's letters, given the openness with which smuggling was taking place in his constituency, with the support of his brother, he was almost certainly abetting the smugglers. A few months after this enquiry Russell resigned from Government amongst allegations of corruption. Amongst these allegations was the charge that he diverted prize money from captured ships into his personal fortunes (Hayton 2002). Incidentally, one of the Lords of the Admiralty responsible for prize was West Looe MP James Kendall (Watson 1983a). Finally, the commissioner of customs who took an uncharacteristically firm stance against smuggling was Charles Godolphin, whose brother Sidney had recently been dismissed from the Junto cabinet. A year later, Sidney would be returned to government. The nature of studying crime and politics naturally leaves a lot up to interpretation as the actors involved tend to conceal their true intentions. Nevertheless, when contextualised with archaeology and prosopography, it seems a reasonable interpretation that anti-Junto politicians put political pressure on Russell by

prosecuting the smuggling networks of his allies. Something which is ironically very similar to the Whig Junto's decision to prosecute Irish sailors as pirates to limit their own networks (section 2.3.3 above).

Despite Sidney Godolphin's personal anti-corruption stance, his ministry would have no better a reputation than the Whig Junto regarding smuggling. He had little issue appointing Mountsteven as a commissioner for tin and for prize (Handley 2004), despite his prior association with smuggling. In addition to being commissioner of customs, his brother, Charles Godolphin, was inspector of tin coinage and (from 1701) registrar of shipping (Cruickshanks & Handley 2002e). It is hard to imagine three positions more conducive to the facilitation of smuggling at this time. Indeed, this was something Charles had a reputation for as James Vernon described him as having *"the representations of being too easy in countenancing the committing of the smuggling trade"* (Add. Mss. 40772 fo. 135). During the entirety of this period, Falmouth remained brazenly perfidious to customs duty in its constant running of contraband. Hugh Boscawen, nephew of the Godolphins, was governor of St Mawes (MacKenzie 2019, 52), one of the castles controlling entry to the port and the local Russell cadets were one of the port's leading merchants (Gay 1903, 67). Incidentally, Pendennis Castle, the other fort monitoring shipping going into Falmouth was governed by the Granvilles (MacKenzie 2019, 52). There was little the Boscawens and Granvilles agreed upon at this time, but they both seemed to be happy to allow smugglers to come and go as they pleased from Falmouth. Another Cornish noble family, the Killigrews, leased land to Edward Pearce, a member of the Falmouth corporation, who used the land to build a smuggling inn, where traders could store goods and fund illicit voyages (MacKenzie 2019, 45). In addition, Bryan Rogers (Stephens 2016, 162), a leading figure in the tin industry and four time mayor of Falmouth was tried for aiding foreign merchants in avoiding duty (Culliford 1684, 97-100). An almost identical case can be seen with Daniel Gwyn. Gwyn was Cornish gentry whose family held serval political appointments, he himself held several roles in the Cornish customs, including being the first packet agent (MacKenzie 2019, 23). He too would be accused of corruption in the 1690s (Pawlyn 2003, 20). It is harder to find an important merchant, politician, or industrialist in Falmouth not associated with smuggling than vice-versa.

Both Wardenists and anti-Wardenists had a notable interest in smuggling during the Harley Ministry. In 1711 a member of the Granville family noted that the vast majority of stannaries and mayors were under the Boscawen influence (MacKenzie 2019, 52–3). Not that this means that the anti-Wardenists were innocent of smuggling themselves. Valentine Enys (section 4.5.3 above) was a cousin of Alexander Pendarves an anti-Wardenist MP for Penryn, who had married into the Granville family (MacKenzie 2019, 34). This would mean by extension Enys' brother, Richard, a corrupt tin agent (MacKenzie 2019, 36), would also have been within the anti-Wardenist sphere of influence. It seems that the anti-Wardenists were not so much concerned with smuggling as they were with those who

benefitted from it. The Culliford Report accurately identified the issues with smuggling in Cornwall, but even twenty years on there seemed to be little appetite to change practices.

4.6.4 Jacobitism

The most charitable interpretation that could be argued is that although senior politicians secured appointments for their clients, they were unaware of any malfeasance, as they were instead concerned with greater state business. This argument would not hold up as all the aforementioned politicians were intimately aware of the mechanics of illicit trade. For many in Cornwall, the maintenance of smuggling networks was politically expedient in addition to bringing financial benefits. Given the triumph of the Glorious Revolution and Hanoverian succession, it is easy to look back on this period and assume these events were forgone conclusions. In truth, William and Mary never sat easy on the English throne and a second Stuart restoration was a constant threat. A succession crisis was never far away in this period and many of the leading politicians retained Jacobite sympathies. Furthermore, most politicians during the Glorious Revolution were neither fully committed to the Jacobite nor the Williamite cause. Sidney Godolphin was the perfect example of this. During the reign of James II, he had been a close confident of the monarch and his consort Mary of Modena. He had been present for the birth of James's son and attended Mary outside her chapel when she took mass, something his enemies would consider a tacit approval of Catholicism (Sundstrom 2004). During the Glorious Revolution he kept a foot in both camps, a supporter of James but also friendly with William of Orange; he was largely indecisive only declaring for William when James fled the country (Sundstrom 1992, 41-2). Godolphin would spend the rest of his career being suspected of Jacobite sympathies (Sundstrom 1992, 54). This would reach an apex in 1694 when it was rumoured that he was leaking English naval intelligence to James II in order disrupt the Brest expedition (Sundstrom 1992, 67). These allegations would serve as the primer for Sunderland and the Junto to convince William to remove Godolphin in 1697 after an assassination attempt on the King (Sundstrom 1992, 78). The extent of Godolphin's relationship with the exiled Jacobites is unclear; Godolphin's principal biographer, Sundstrom, is consistent in his defence of Godolphin against any form of treason (Sundstrom 1992, 54 & 164–6). But he does not go as far as denying Godolphin was in contact with James II (Sundstrom 1992, 164). Furthermore, Godolphin was a career hedger, opposed to the Hanoverian succession (Sundstrom 1992, 165), and had many Jacobite allies within Cornwall itself (MacKenzie 2019, 60). Others believe he was in contact with the exiled court (Hopkins 1981, 26), and this seems highly likely. Outside of Godolphin, John Mountsteven (see section 4.6.3 above) would commit suicide in 1706 after it was discovered he had been leaking intelligence to the French for the past 18 years (Handley 2004), most probably aided by the smuggling networks he oversaw in Looe. Intelligence supplied to the James Stuart, Old Pretender in 1722, showed 29 Jacobite MPs and peers in Cornwall, more than any other county (MacKenzie 2019, 65). The leading Cornish Jacobite mentioned was George Granville, patron of Alexander Pendarves whose cousin had been smuggling goods for the Walshes.

Accusations of Jacobite sympathises were not confined to the Tories, Sunderland; the original patron of the Whig Junto, had gone as far as fully converting to Catholicism in 1688 in order to gain the favour of James II, which did serious harm to his reputation after William and Mary took power (Sundstrom 2004). Even Edward Russell, one of the Immortal Seven, whose cousin was, in his words, *"murdered"* by James II (West 2005, 16), was accused of conspiring to restore James to the throne of England (Aldridge 2004). It is certainly true that to an extent these accusations were political attacks, undertaken to delegitimise the aforementioned figures. Yet, the connections between smuggling and Jacobitism in the 17th century has been noted upon by historians. Ziegler argues that the additions made to the customs service in the 1690s were not only related to protecting merchant interests, but in addition acted as a coastal police force, to protect the political interests of the new Williamite regime (Ziegler 2022, 292). Hopkins notes that smugglers of this era would often self-identify as Jacobites, although he sees this more as a theatrical demonstration of distaste with the current government as opposed to earnest support (Hopkins 1981, 141). Nevertheless, he does note that smugglers would carry letters and information from England to exiled Jacobites, though again he states the motivation here was more economic than political (Hopkins 1981, 142). Neither Hopkins or Ziegler believe smugglers themselves had much personal connection to the Jacobites, but they do believe that the government fear that smuggling was tightly linked to Jacobitism (Hopkins 1981, 140; Ziegler 2022, 303). MacKenzie (2019, 71) also sees these two as linked noting how English/British legislation related to smuggling (1698, 1717, and 1745) would often follow on from the discovery of major Jacobite rebellions (1696, 1715, and 1745). Finally, Monod (1991) sees the practices of smuggling and Jacobitism as inextricably connected. Monod (1991, 154) sees the highest connection between the smugglers and Jacobite's stating *"…Jacobitism was a crucial component in the organised networks of contraband trade…"*. Admittedly, the focus of Monod's work is the Southeast as opposed to the Southwest, but this chapter has demonstrated there was equal means, motive, and opportunity for Cornish Jacobites to support smugglers. In Cornwall there were politicians with Jacobite sympathies and familial links to smugglers who were regularly importing goods from France.

Tensions between smugglers and customs, Whigs and Tories, and Jacobites and anti-Jacobites all collided in 1715. Anne's death the year prior sparked a fresh succession crisis in Britain with the Tories favouring the reinstatement of the Stuarts, whereas the Whigs advocated for George, the Elector of Hannover and nearest Protestant relative of Anne to take the throne. The Hanoverians won out, and George, somewhat dissatisfied with the Tories scheming to keep him from the throne, purged the Tories from all governmental positions. This had a noted impact in the largely Tory Cornwall and the county involved itself in one final rebellion against the Crown some 217 years after there first. James Stuart, son of James II, was proclaimed James III on October 7th (MacKenzie 2019, 61). Like all other Cornish rebellions this one ended in failure and effectively spelled the end of the Kernarchy as

well as any chance the Irish exiles had of having their lands returned. Hugh Boscawen used the rebellion as leverage to assert complete Wardenist control over the county after which Cornwall was monitored much more closely by the Crown. It is here we might also see the end of the Silver Age of Smuggling, as the fear of further Jacobite actions led to a somewhat earnest crackdown on overt smuggling by Boscawen. Military appointments such as Lord Warden of the Stannaries and Vice-Admiral of Cornwall went to prominent Whigs allied to Boscawen (MacKenzie 2019, 65). This was in part meant to reduce the efficacy of smugglers who had aided in the Jacobite Rising and would subsequently be driven underground, beginning the Golden Age of Smuggling.

4.7 Conclusions

Cornwall as a region culturally and, to an extent, geographically separate from the rest of Britain was increasingly brought under centralised English control during the Tudor period (see section 4.2.2 above). This process was aided by ambitious local aristocrats, who exploited the commercial opportunities offered by the increased maritime connectivity of the Tudor era, most prominently, the Russells and Godolphins. A series of failed rebellions highlight a dissatisfaction with ruling authorities, which extended to the dismissal of English customs as highlighted in the Culliford survey (section 4.4.1 above). Much of the 'illicitness' of smuggling in this relies on a certain point of view. The Tory dominated county was largely opposed to the prohibition on goods imposed by the English customs, and furthermore opposed to the concept of English customs. A disregard of customs law was, in part, aided by the position of Cornish politicians who profited from smuggling in important positions of government. In addition to economic value, these smuggling links had political importance as they facilitated communication between exiled Jacobites and conspirators still in the country.

Much of this chapter has focussed on the comparisons between Cornwall as an internal polity affected by English colonial policy, in contrast to Ireland as an external polity affected by the same policy (Chapters 2 and 3). The cultural similarities can be traced back to prehistory, where Cunliffe (2017, 329–36) considers the seascape of Ireland, Cornwall, Wales, and Brittany as its own culturally unique region. The application of smuggling law to limit connections between Cornwall and France was markedly similar to the application of piracy law to limit connections between Ireland and France. We see smuggling being used as a political tool to destabilise the Whig Junto (see section 4.6.3 above) and then by Wardenists to seize control of Cornish government. This is because, to an extent, they had the same goal, discouraging maritime actors from acting against the English/British interest. As Whig power became more pronounced, this involved the immediate existential threat of Jacobitism, but can also be generally seen as a desire to control sailors with a greater authority. Piracy and smuggling are used to delegitimise longstanding maritime connections that were operating at the detriment of the English government, most specifically the Whig faction. We see this trend represented in the archaeology related to smuggling at this time; prior to the Jacobite Rising the material implies that

smuggling is an open practice with prohibited goods occurring in public spaces and ports. Conversely, after the Hannoverian succession and failed Jacobite movements, this becomes a far more covert activity with sites related to smuggling often being hidden and further away from principal ports. By looking in parallel at the development of piracy and smuggling in the 1690s and 1710s, we can start to see the elimination of grey spaces where seafarers operated without government regulations. If English/British piracy law innovates at this time to limit Celtic sailors at sea, then smuggling law is used to cut off the markets these sailors traded. In tandem they allow the English/British to strangle the Celtic Sea trade. As a result, they can dictate the actions of sailors and traders on land as well as at sea. These patterns become more evident when evaluating the maritime and social networks these pirates, smugglers, merchants, and politicians operated.

Chapter 5
Licence to Illicit: A Graph Theory Approach to Networking Jacobite Connections

5.1 Introduction

Archival research in conjunction with archaeology gives us a clear picture of the nature of trade between Ireland, Brittany, and French colonial holdings. Maritime connections between ports linked by the Celtic Sea existed since at least antiquity (Cunliffe 2017, 329–36). This led to a strong degree of connectivity between the southern coast of Ireland, Devon, Cornwall, and Britanny. Centuries of tension between the Irish and English led to consistent large-scale migrations out of Ireland, some forced, others voluntary. Many chose to settle in France and Spain where there was both pre-existing trade relations and religious compatibility. By the early 17th century Irish traders were established in the key merchant ports of St Malo, Nantes, and Seville, whilst also having a sizeable presence in the Americas, most notably in Montserrat and later Martinique (section 3.3.4 above). The Confederate Wars and subsequent Cromwellian conquest led to the most complete diaspora of Irish citizens to date, with many of the leading noble and merchant families expelled or exterminated. Those expelled then invested heavily in the merchant networks connecting Ireland, France, and the New World. A boom in the Irish cattle industry is accompanied by a serendipitous boom in the North Devon pottery industry. This allows for the large-scale export of Irish beef and dairy products, principally, butter and tallow to France and the Americas. In return they received wine and brandy from France and plantation goods, principally sugar, from the Americas. English trepidation about the growing wealth of these networks and the Franco-Irish collaboration led to a prohibition on importing Irish cattle to England. The coronation of William III, led to a fresh conflict between England and Ireland, leading to another English victory and a fresh round of expulsions and a revitalised interest in dismantling these maritime networks. This dismantling was attempted by prosecuting Irish privateers and merchants alike as pirates, whilst the Irish in turn invested heavily in French privateering for both political and economic reasons. Building on the evidence presented thus far, this chapter applies two principal computational methods (density based clustering and social network analysis) to better contextualise these illicit Jacobite networks and the connections therein. Visualising archival data from the Admiralty and Parliamentary archives will make it possible to evaluate the extent to which the archaeological analysis correlates with the archival evidence. Which is achieved by correlating the trade networks revealed through archaeology with visualisations of the locations mentioned within the privateer trials.

The second part of this chapter uses social network analysis to evaluate potential connections of the Cornish political structures in described Chapter 4 and the Irish maritime networks documented in Chapter 3. The typological nature of archaeology creates the ability to link wide ranges of sites and materials in both spatially and temporally, and as a result SNA has proved a useful method for many

researchers. Golitko et al. (2012) use the Brainerd-Robinson coefficient to network Mayan obsidian assemblages in order to demonstrate changing social interaction during the Maya collapse. It is also a method that has proved particularly useful in the field of maritime archaeology where the limitations of the seascape make networks less visible. Three particularly notable examples of this work are Knappett's research on the Aegean Bronze Age (Knappett et al. 2008, 2011), Leidwagner's revisualising of the Roman world through its network analysis (Leidwanger 2020; Leidwanger & Knappett 2018), and Sindbaek's approach to the Viking expansion in the Scandinavian Iron Age (Sindbæk 2007a, 2007b). SNA is used below to track the changing political trends in Cornwall between 1690-1715 to identify how and why major political interests of the time may have interacted with Cornish smugglers. This approach has its origins in Padgett and Ansell's groundbreaking research on the rise of the Medici family.

5.2 Irish Networks

5.2.1 Trading guilds

To fully contextualise the trends present in the trials. This chapter begins by using Social Network Analysis to create a graph of the main trading routes used by various Irish merchant families (Figure 5.1). Social network analysis (SNA) is a catch-all term for a series of mathematical functions that can be applied to social groups or objects to help visualise their relationships in graph form (Iacobucci 1994, 93; Wasserman & Faust 1994, 13–5). Appendix 1 outlines the methodology used to define the trade networks presented in Figure 5.1. The sources for these networks are diffuse and have been described and referenced in previously in this thesis. In short, the family networks are listed here with the chapter code indicating the relevant sections of this thesis and with the appropriate sources. Networked are the Smith (see section 3.3.3 above), Walsh (section 3.2.2 above), Geraldin (section 3.2.3 above), Lee (section 3.2.4 above), Lynch (sections 3.2.1, 3.2.3 & 3.3.5 above) and Butler (section 3.3.5 above) families. Pertinent trade routes are also underlaid where appropriate in figures below (5.6b & 5.7b), to highlight the relationship between locations described in the court trials and the trade routes utilised by the various merchant families.

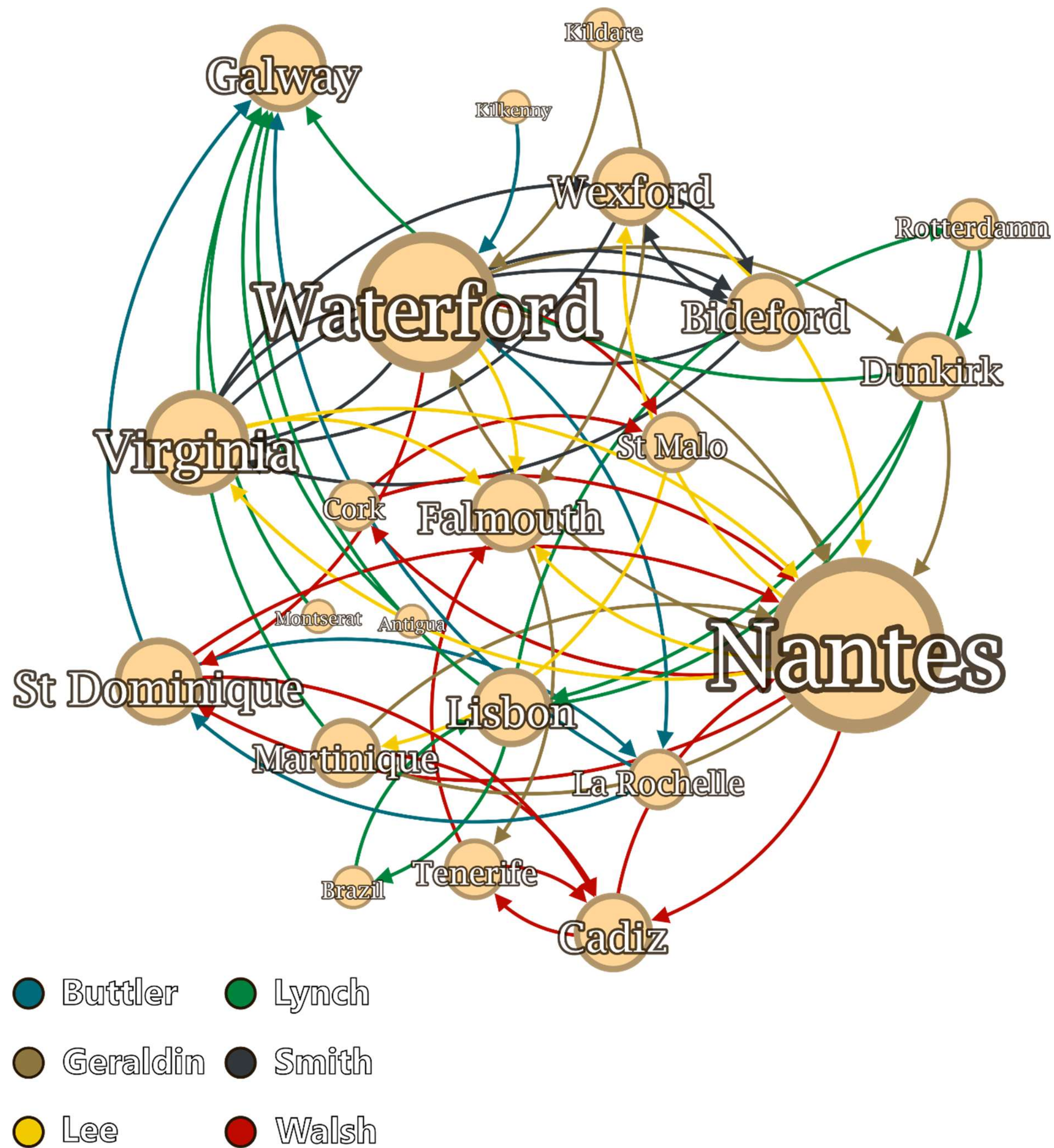


Figure 5.1 Irish Merchant Family Trade Networks (Dawson 2024).

Visualisations of the trade relations of the Irish between 1650 and 1750 make clearer the trends discussed so far (Figure 5.1). The main trading hubs are Nantes and Waterford, with Virginia, Martinique and San Dominique the main colonies. This underlines the triangular trade discussed in depth in Chapter 3 with Waterford exporting staples and Nantes exporting slaves in return for sugar and tobacco from the colonies. The other major Irish centre of Galway has little direct connection with Nantes.[31] This is best explained by understanding the relationship between the Lees and Galway merchants, which is

[31] For the definition of connections between ports, consult the Links section of Appendix 1.

discussed in further detail below in section 5.2.5 below. With the aid of cluster analysis, it outlines how Galway merchants acted on behalf of the Lee Corporation to export goods to the colonies. Following the decline of the Lees and the rise of families operating directly out of Waterford, the importance of Galway as a port in Franco-Irish networks may have lessened. In a similar vein, Figure 5.1 shows the development of the Irish colonial trade. Early Irish colonial trade centred around Montserrat, which was inhabited by families of Galway origin, whilst later Irish trade focussed on Martinique, which was inhabited by families of Waterford origin. Likewise, changing trends in trade with English ports are visible. Families active in the 17th century, such as the Smiths and Lynches, appear to prefer Bideford, whilst families more prominent in the 18th century, such as the Walshes and Gerladines, prefer Falmouth. This likely corresponded with the 17th century pottery boom in Devon which lead to the proliferation of North Devon course ware found throughout Ireland and the America's. Later, when this trade was prohibited by the English government, the families traded in Cornwall using the smuggling connections of their Tory allies.

5.2.2 Density Based Clustering

The privateering trials in HCA 1/52 and /53 place a great deal of importance on place with the majority of examinations involving accused pirates listing their birth and the various locations they have visited during and after their times privateering. Consequently, it is possible to create a dataset cataloguing the key places in the Irish privateering network. To this end an excel spreadsheet was created listing every place mentioned by a sailor and for what reason. Additional information includes the name of the sailor, the ships they served, the ship's captain and armature and the larger social faction that armature belonged to. This information makes it possible to plot map every location mentioned in these trials as well as run further analysis on the nature of these maritime networks (Figure 5.2).

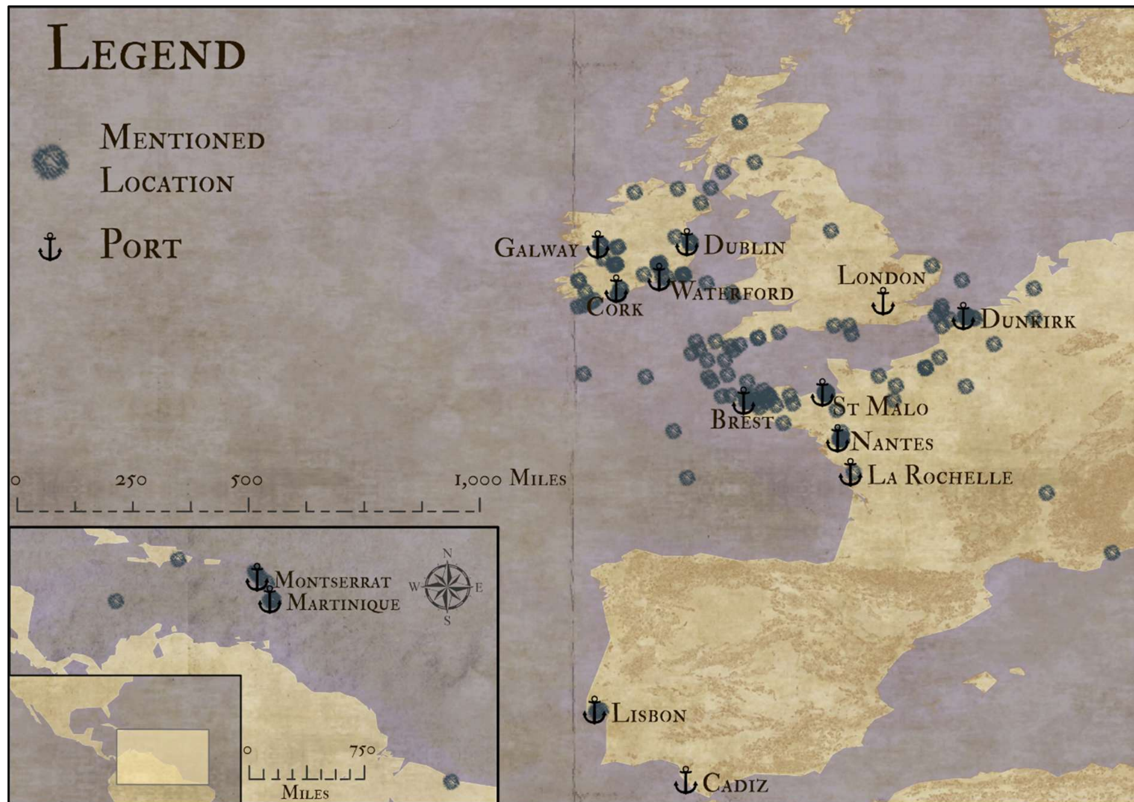


Figure 5.2 The Majority[32] of Places Mentioned in the Piracy Trials of the High Court of Admiralty (HCA 1/52 & /53; Dawson 2024).

One method for visualising the trends in the data of the HCA trials is to use density based clustering. Density based clustering uses machine learning to group together concentrations of points based on their relative distances (Esri 2024). The specific method used for this dataset is HDBSCAN[33], a form of hierarchical clustering that uses variable distances to identify clusters where there is sparse noise (isolated points) (Campello et al. 2013). Given the relatively high density of points in certain areas, accompanied by noise splattered across the globe, this was the most appropriate method for this work. Below, Figure 5.3 shows that the areas mentioned by the privateers correlate to the key European places mentioned in section 3.3 above (Nantes, St Malo and Waterford). The clusters mentioned in the key of Figure 5.3 correlate to the important locations mentioned thus far in this work, highlighting their importance in Franco-Irish maritime networks.

[32] Not Depicted: the Cape of Good Hope (South Africa), Fiall (The Azores) and Wohner (Latvia), one mention each.

[33] Hierarchical Density-Based Spatial Clustering of Applications with Noise

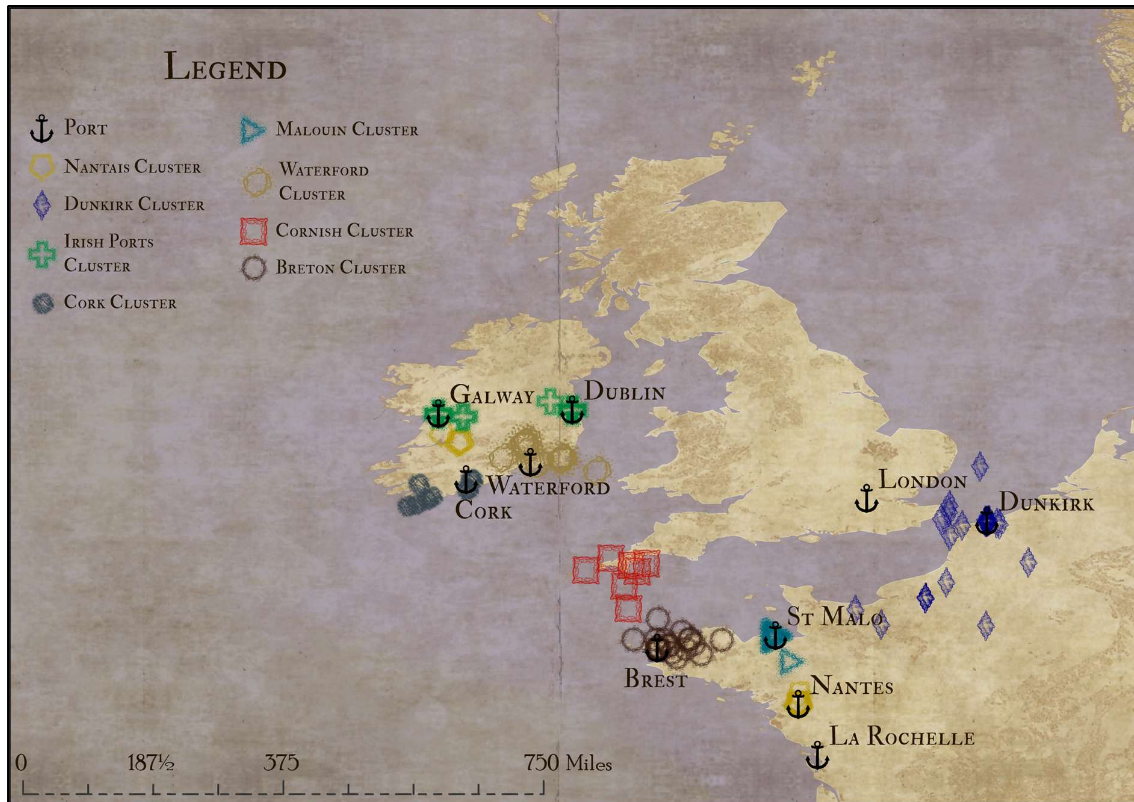


Figure 5.3 The Density Based Clustering of Places in the Piracy Trials of the High Court of Admiralty (HCA 1/52 & /53), unfiltered (Dawson 2024).

Many of the clusters are intuitive, as they centred around the key ports mentioned in this thesis, as well as being in contiguous regions. The notable exception is the Nantais cluster, which is connected to western Ireland and discussed in detail below (see section 5.2.5 below). However, by filtering this dataset by date, event recorded and ship-owner, evidence supporting arguments related to military (see section 3.3.2 above), legal (section 2.3.3 above), and settlement (section 3.2.2-3 above) strategies. For example Figure 5.4 displays the clustering of naval engagements mentioned in the trials.

Figure 5.4 Density based clustering of naval battles between the English and Irish mentioned in HCA 1/52 and /53 (Dawson 2024).

The major cluster for naval engagements is between Cornwall and Britanny, with another cluster in Dunkirk. The clustering supports the idea that the French replicated the doctrine employed during the Franco-Dutch war, cut off trade by controlling the Channel. Figure 5.4 also highlights the danger of Franco-Irish collaboration to the English, it is possible to envisage how both parties working in tandem could strangle English trade. The clusters also complement the discussion of the archaeological evidence from the Natiere 1 and 2 shipwrecks (see section 3.3.2 above) suggesting that privateers in this period focussed their efforts to maximise their profits through short expeditions close to their home ports. The vast majority of actions in both theatres is relatively close to a major privateering port either, St Malo or Dunkirk. This suggests that sailors prioritised quick captures to reduce the time spent at sea. This is further corroborated by the Admiralty records where accused pirates testify to spending relatively short periods at sea, almost never exceeding a month (HCA 1/52 fos. 167, 171, 174 & 176). In turn, incursions near Cork interestingly suggest that Irish privateers were operating from there at this time. The county had long been a hideout for pirates and furthermore was the principal agricultural region for the dairy industry, hinting at a further connection between the two activities (see section 3.3.4 above).

5.2.3 Visualising the Foreign Citizen Defence

Density based clustering can provide wider context for the trials, which is difficult cannot clearly be deduced from the records themselves. Figure 5.5 shows the clustering of birthplaces of sailors tried by the Admiralty Court before and after the 27th of May 1694. This date is an important time for the trials as it the first Admiralty session after John Golden et al. were executed for piracy. Consequently, it is the first session in which William Oldish uses the 'foreign citizen defence' (see section 2.3.3 above) to defend the sailors. The clustering in Figure 5.5 accentuates this change because in sessions from the 27th of May 1694 onwards it was far more common to claim to have been born in France, since it had been proven this would secure a preferable verdict.

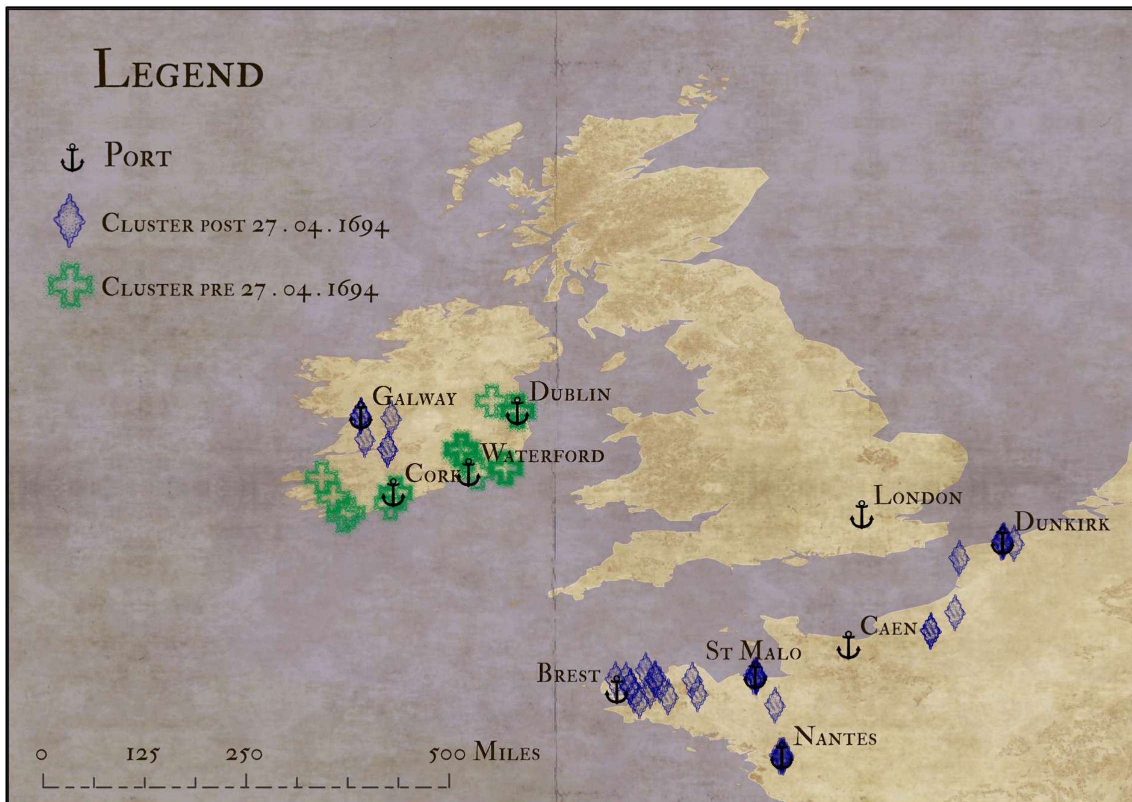


Figure 5.5 The Clustering of Birthplaces of the Accused Pirates (Dawson 2024).[34]

The locations in which birthplaces are focussed are notable in both Ireland and France. With regards to Ireland, the concentrations are around the largest Irish ports, Dublin, Cork, and Waterford, as well as the greatest stronghold of the Irish Catholic Confederation, Kilkenny. There is also a concentration in the extreme southwest of Ireland; an area with the jagged inlets and rough seas typically considered ideal for piracy. Indeed, in the early 17th century it is believed this coastline was regularly used by pirates operating out of Munster province (Kelleher 2016). This sheds some light on

[34] Dataset is filtered to show birthplaces recorded before and after 27/04/1694

the makeup of Irish privateers. They seem to be either sailors from the main Irish ports, which unsurprisingly are also the ports for the export of Irish dairy products, or they are specifically recruited from areas with the strongest resistance to English rule, such as Kilkenny, and areas specialising in illicit maritime activity such as Cork. When looking at dates of trials from the 27th of May 1694 it is no surprise that they are mostly concentrated in France, as this inoculated the accused against a charge of high treason. In addition, the specific locations are noteworthy, relatively speaking the most important areas are Brest, St Malo, Nantes and Dunkirk, as the major ports of France, are the most expected locations for Irish refugees to settle. Dunkirk and St Malo were the two principal privateering ports. Nantes was the main transatlantic port and Brest the main port of the regular French Navy. In this case, whilst the Irish sailors appear to be lying about their birthplace there does seem to be an element of truth mixed in, as the sailors use locations that they are familiar with as their claimed birthplaces (see section 2.3.3 above). Again, there is one anomalous cluster, in that sailors born in Galway are typically noted after the 27th of May 1694. This is most likely due to the Nantais connection with Galway which is discussed below (see section 5.2.5 below).

5.2.4 The Walshes and The Geraldins

Figure 5.5 suggests that rather than outright lying, sailors accused of piracy had some prior relationship with the locations they mentioned. Therefore, we can use places mentioned within the trials to better understand the families who own the ships mentioned in the trials. To this end, Figure 5.6 shows clusters of places mentioned by sailors serving on ships where a Geraldin is the armateur compared to one where a Walsh is the armateur. The methodology for forming clusters is the same as before, but clusters are now also graded to show their relative concentrations. Clusters can be strong, weak or shared. A strong cluster is where over 66% of the points within said cluster belong to one group, either the Walshes or Geraldins. A weak cluster occurs when between 66% and 51% of points within a cluster correspond to one group. Finally, a shared cluster is where points within a cluster are shared evenly between groups.

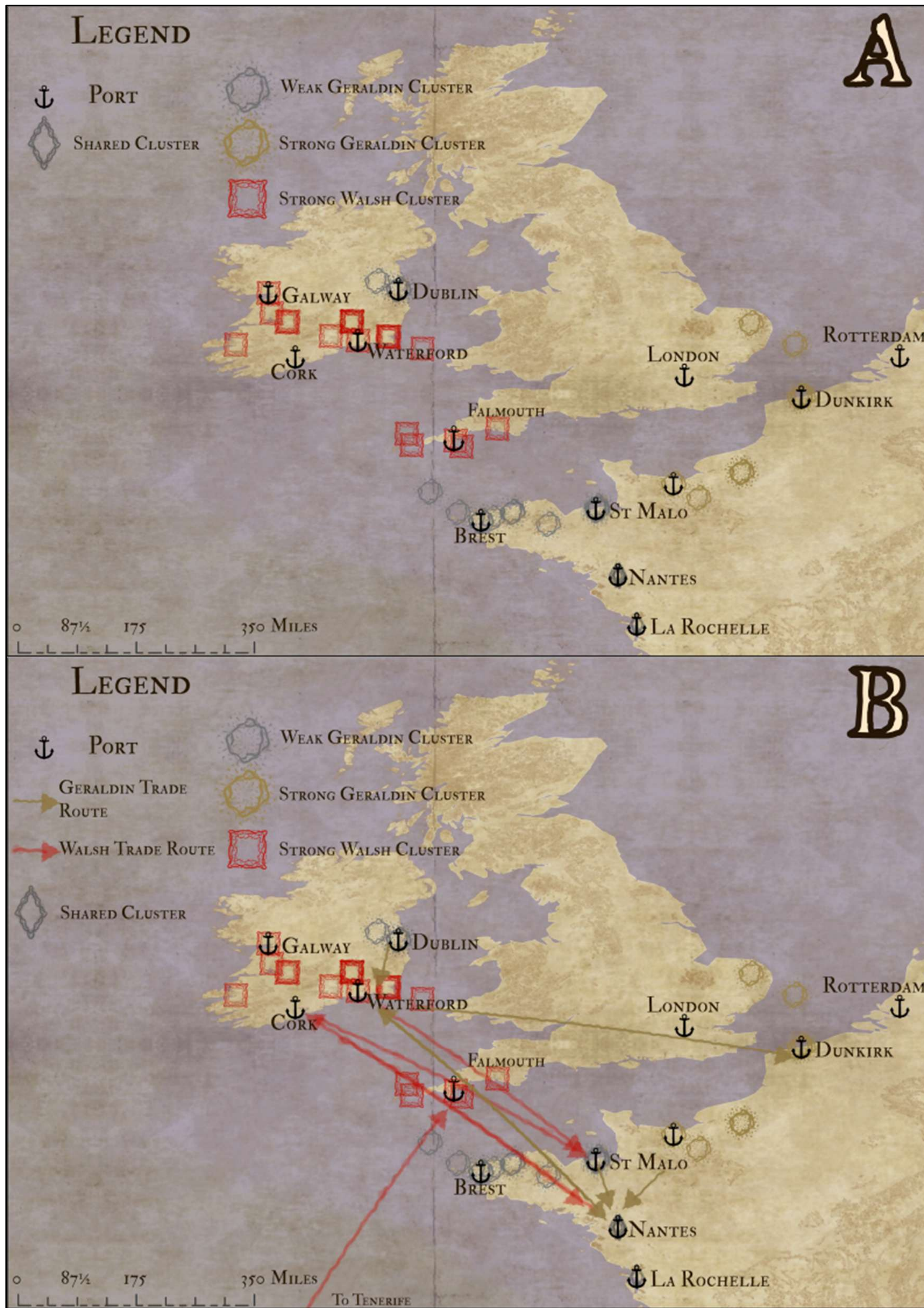


Figure 5.6 The Density Based Clustering of Locations Mentioned by Geraldin ships compared to Walsh ships. Without associated trade routes [a] and with [b] (Dawson 2024).

To best describe Figure 5.6, it is worthwhile explaining the difference between the Walshes of Ballynacooley and the Gerladines of Gurtin in the 17th century (see section 3.2.2-3). While so far this chapter has focussed on their similarities; they were both old English cadet branches based in the southeast of Ireland, but were by no means identical. The Walshes of Ballynacooley appear to have been a far more prominent family then the Gurtins. Despite being a cadet branch of the Walshes of the Mountains, they had extensive lands throughout Kilkenny and lost over ten times as much land as the Gerladines in Cromwell's confiscations. The most likely explanation is that they simply had more land, as there is little evidence of the Geraldins owning wide ranging lands on par with the Walshes. Indeed, the Gurtins appeared to be the least important branch of the Geraldin clan, which was itself a lesser branch of the Fitzgeralds. This distinction became clear in the early 18th century during the French naturalisations of Irish nobles. Whilst the Walshes were recognised with no documented difficulty, the Geraldins went through considerable trouble trying to prove their nobility, a process which took 27 years (Clarke de Dromantin 1999, 74), again suggesting that they were a fairly minor noble house. The Gurtins instead were considered an upwardly mobile mercantilist power. Gorteens castle (see section 3.2.3 above) provided the perfect watch post for interacting with traffic and trade coming out of Waterford and Limerick. The Geraldins have a presence in France in the early 17th century, whereas Walsh merchants only really appear after their failure in the Confederate Wars which forced the family into alternative avenues. These differences are also echoed in their exiles in France. From 1689 the Geraldins take up a series of burgher posts in France, such as Consul of St Malo, Mayor of St Malo, Comptroller of Dunkirk and Comptroller of Prize Accounts of the North Coast (see section 3.2.3 above). Alternatively, the noble Walshes who would likely have considered these bourgeois posts unseemly, obtain commissions in the French navy. They also become far more landed than the Geraldins, as the Walshes amassed eight chateaus and two counties. By contrast the only known Gerladin holding was the single Chataeu of St Symphorien as part of the county of Lapenty. In short, in these two groups there are represented the two archetypes of power in this age, the noble landowner and the bourgeois merchant. In England these were the groups that formed the Cavaliers and Roundheads, and later the Tories and the Whigs. Although there is no evidence of the same level of animosity existing between the Walshes and Geraldins and the two groups were united instead in the conflicts against the English and Irish throughout the 17th century.

The differences between the Walshes and Geraldins are reflected in Figure 5.6. There are some limitations to consider. Many of the Walsh trials occur before 1694 and many Geraldin trials thereafter, which might suggest a Walsh bias towards Ireland and a Geraldin towards France. Nevertheless, Irish locations do still to appear regularly in the examinations after May 27th 1694, but a point of difference emerges as sailors change from discussing it as their birthplace, to their place of dwelling. In Figure 5.6 strong Walsh clusters are found in southern Ireland, and around the coast of Cornwall. Conversely, strong Geraldin clusters are located in Normandy and Dunkirk, whilst weaker clusters are found near Brest and St Malo. The key port of Nantes, which both families only had a small influence on at the time,

has an equal amount of Walsh and Geraldin sailors. Clusters in Figure 5.6 are what might expect as the respective powerbases of an urban group versus a noble family. The Walsh sailors are typically from the rich hinterlands of southern Ireland, whereas the Geraldins have spikes in Dublin, Caen, St Malo and Dunkirk, all the major ports around the Celtic Sea. It is notable that the main areas in France for Walsh sailors are Brest, where the French navy had their base, and Nantes, where James Walsh lived in close proximity too following exile from Ireland. Whilst the only Geraldin cluster in Ireland is in Dublin, the most mercantilist port. The very strong (100%) Walsh cluster around the coast of Cornwall is intriguing given the connections mention in this thesis between the Walshes and Cornish Jacobites (see section 4.6.4 above & 5.3.6 below). This cluster may suggest information was shared between the two in order to hijack ships. The strong Geraldin clusters in Dunkirk and Normandy, correlate to the areas Sir James Geraldin, as Comptroller of the North coast, had governance over. Implying that the Geraldin in St Malo, were aiding him in by drawing recruits. The weaker clusters in the west are likely linked to their longstanding connections in Britany being diluted by an influx of Walsh refugees.

Ultimately Figure 5.6 would appear to suggest that the Walshes and Geraldins were recruiting sailors specifically from areas they had influence. Therefore, what is seen is the mobilisation of specific clan groups which have longstanding connections. This is far different to the account given by sailors in the trials of the Admiralty Court where they frequently play down their agency. For example, Roger Harding states he was forced to serve on a privateering ship whilst sick in a St Malo hospital, claiming he was very reluctant to go and was otherwise a legitimate merchant sailor (HCA 1/52 fo. 168). Instead clustering would suggest that these sailors likely had some prior connection or relationship to the armateurs who recruited them.

5.2.5 The Lees

The other important group hiring Irish sailor on French privateers are the Lee family, who provide an interesting counterbalance to the Walshes and Geraldins. By 1694, the Lee family operated as a formalised corporation with their headquarters in Nantes and several franchises throughout the world including one in St Malo operated by Walter Cruice (Saupin 2007, 118–9). This differed from the family orientated, St Malo centred businesses of the Walshes and Geraldins. Clustering provides insight into the structure and reach of the Irish-Nantais versus the Irish-Malouin. Fortunately, the sample sizes of locations mentioned by Lee sailors (54) are similar to places mentioned by the Walshes (64) and Geraldins combined, making the samples viable for a comparison which is shown below (Figure 5.7).

Figure 5.7 The density based clusters of places mentioned by sailors employed by the Irish-Nantais against those employed by the Irish-Malouin. Without associated trade routes [a] and with said routes [b] (Dawson 2024).

Figure 5.7 shows Irish-Malouin clusters in Normandy, Cornwall, Waterford, Munster and Dublin. Whilst, the Irish-Nantais have strong clusters in the Caribbean, St Malo, Britanny, Dunkirk and Galway, with weak clusters in Limerick and, ironically the home of the Lees, Nantes. It appears that the reach of the Lee corporation was far greater than that of the Walshes or Geraldins during the 1690s. All mentions of the New World come from the Lee sailors, with Martinique being particularly prominent, suggesting more transatlantic trade from the Lees. The Lees were also more established in France, employing a greater proportion of sailors located in France's main ports of St Malo, Dunkirk and Nantes, with only the Geraldin stronghold of Normandy showing a preference for the Irish-Malouin. By comparison the Irish-Malouin are far more insular and are still largely focussed on their exiled home of Waterford. Whilst Waterford is also the origin of the Lees, they seemed to have largely moved away from it as a trading hub. The only is Galway, where there is a cluster of Irish-Nantais sailors.

Galway is a region that consistently bucks the general trends of the cluster analyses in this chapter. The reason for this appears to be the unique partnership between Galway merchants and the Irish-Nantais, which creates a strong connection between the two regions. Most mentions of Galway in the trials are related to the Lynches, a Galway-based family with mercantile connections throughout the world (see section 5.2.5 above). The Lynches appear to act as supercargoes aboard the Lee ships. John Lynch mentions regularly trading in English and French colonies (HCA 1/52 fo. 166), whilst James Lynch says he regularly trades between Brazil and Portugal (HCA 1/52 fo. 175). Mark Blake also mentions being apprenticed to a Lynch in Dinar (HCA 1/52 fo. 169). The connections between the two groups are underlined by John Lynch. In 1694, a 30-year-old John Lynch mentions being apprenticed to a Dominick Browne (HCA 1/52 fo. 166). Assuming he was roughly 10 when he began his apprenticeship this would mean he was likely already affiliated with the Lee company as one Patrick Browne of Galway and was a debtor of the Lees in 1674 (Saupin 2007, 127). Likewise, another Galway debtor, Mathurin Creagh is probably related to the Galway born James Krayher who serves as a Lee privateer. The Lees appear far more removed from the day to day of seafaring than the Walshes or Geraldins. It is not uncommon for armateurs of Walsh and Geraldin ships to be also the captains of their ships (Morel 1958). In addition, it is common to find Walsh and Geraldin captains sailing on other ships (Morel 1958). Conversely, Morel's catalogue of Malouin privateers shows no evidence of any members of the Lee family at all. This includes members of the Cruice of Luker families, who had married into the Lee family and started the St Malo franchise. In this context, the Lynches may have been responsible for trade at sea on behalf of the Lees. By the 1690s the Lees had extensive business partnerships with Galway and by extension the colonial world. Indeed, the patchwork list of voyages mentioned by Lee sailors which links Rotterdam, Dunkirk, Galway, Lisbon, Fiall (the Azores), the French Indies and Brazil, seems to resemble a colonial trading route.

Figure 5.7 shows the different stages of settlement of various Irish clans in the 1690s and, by extension, hints at the importance of privateering in this period for the development of these families. By the 1715, the Walshes and the Geraldins were entrenched in the French nobility and had maritime networks resembling those of the Lee's in Figure 5.7. Conversely, the wealth of the Lee family had declined significantly and by 1715 they were poorer significantly than both the Walshes and Geraldins. This state of affairs directly mirrors their relative successes in privateering, with the Walsh and Geraldin families making great fortunes which became the foundations of their later wealth, whilst the Malouin franchise of the Lee Corporation went bankrupt. Whilst there were certainly other factors contributing to the Lee families economic decline, the Admiralty Court records highlight the long-term value in privateering successfully during the Nine Years War.

5.3 Cornish Networks

5.3.1 Sources

The data used to reconstruct the Cornish political networks was collated from *The House of Commons 1660-1690* and *The House of Commons 1690-1715* (Hayton, Cruickshanks, Handley, et al. 2002; Henning 1983). Electronic versions of both these volumes are available online and can be accessed via https://www.historyofparliamentonline.org/ (accessed 04/10/2024). This encyclopaedic resource details every member of Parliament elected in Cornwall between 1690 and 1715 as well as providing brief biographies. An adjacency matrix linking together the major relationships between MPs was constructed by cross-referencing the many articles present in the compendium (see appendix 2 below). For a refined version of the networks showing the political interest groups are displayed. The interest groups present a clearer picture of the main political forces active in Cornwall. The interest groups are divided into factions based on the Girvan-Newman score (see appendix 2 below).

5.3.2 Carmarthen

Following the instability of the Glorious Revolution and with party politics very much in its infancy, the Carmarthen ministry network is by far the simplest of the four (Figure 5.8). With a total of 29 nodes it is the smallest network with the greatest stability. Almost all MPs who held seats at the beginning of the ministry retained the same seats by its end. This is a sharp contrast with later ministries where there was a far greater deal of flux, with MPs frequently moving between constituencies and losing their seats at various stages of government as party politics became more pronounced. Major political factions are related to the senior aristocratic families in Cornwall at the time such as, the Granvilles, the Robartes, the St Aubyns, and the Rashleighs (Figures 5.10 & 11). This presents Cornish politics as fairly insular, whereas there was an ever-increasing share of national influence in subsequent ministries. In addition to interest groups being insular, they were also disconnected, with little communication between various factions. As a result, politics in Cornwall at this time appear inward facing with little connection to national politics or even between other Cornish political groups.

Prestigious members of the Cornish political elite during the Carmarthen ministry were those who acted as brokers to major aristocrats, linking them to smaller interest groups (Table 5.1). For the Granvilles this was undertaken by Alexander Pendarves, for the Rashleighs Shadrach Vincent and William Harris for the St Aubyns. Both Vincent and Pendarves had links to the Cornish customs authorities, whilst Harris was MP for St Ives, a likely hotspot of smuggling, and was well-connected in the Cornish mining industry.

Figure 5.8 Carmarthen Interest Network. Initials indicate the most influential members of the network. AP: Alexander Pendarves, SV: Shadrach Vincent and WH: William Harris (Dawson 2024).

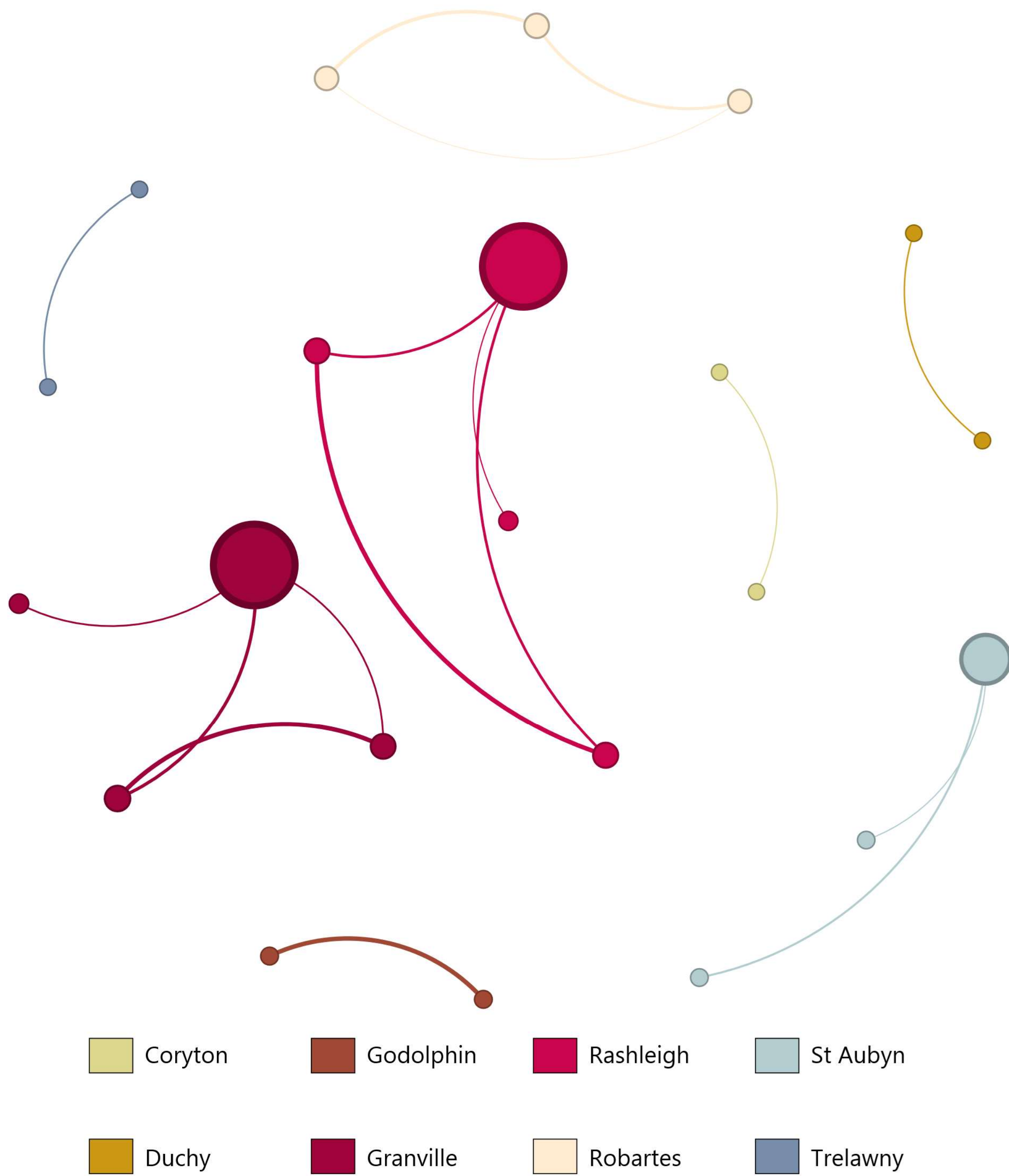


Figure 5.9 Girvan-Newman Clustering of the Carmarthen Network (Dawson 2024).

Person	Betweenness (%)	Closeness (%)	Degree
Shadrach Vincent	40	7.973	3
Alexander Pendarves	40	7.889	2
William Harris	20	4.973	2

Table 5.1 The top 10% of prestigious actors of the Carmarthen Ministry (Figure 5.8).

5.3.3 Junto

With a larger sample size (n=78), the Whig Junto network, is larger with more complex connections. This complexity is more representative of national politics, which is also reflected in the Girvan-Newman clustering of the interest network (Figure 5.11). Politicians are divided into four factions. The largest of which is the True Churchers faction led by Bishop Trelawny, supported by those associated with the Duchy of Cornwall. There was also the Jacobite Granvilles who were led in the House of Lords by the Earl of Bath, and in the commons by his son John Granville. Also represented was Whig-Tory coalition that contained the Godolphins, Robartes and Boscawens whose alliance here foreshadows the dominant role they played in the coming ministry. Finally, also existing was a collection of locally interested politicians who were principally Tories, but with less influence in national politics.

The interest network is dominated by the central figure of Francis Gwyn (Figure 5.10; Table 5.2) who also has a clear connection to smuggling. Francis's kinsman Daniel Gwyn was Cornwall's first packet agent. Daniel used this position to smuggle contraband in and out of the county on ships that were rarely searched. In Figure 5.10 Francis is a broker linking the True Churchers to the Godolphin-Coalition and Local faction (Figure 5.10). This provided him with a close connection to the policy makers in Looe, a known smugglers' haven, as well as to senior government officials in the Godolphins. Gwyn was also related by marriage to the Prideaux family who had considerable plantation holdings. He was also well connected in Ireland where he held numerous treasury posts (see section 4.6.3 above). He received these posts under the aegis of Henry Hyde, another influential member of this network in the Jacobite faction. As already discussed in Chapter 4 (see section 4.6.3 above), Gwyn had the perfect contacts in Ireland and Cornwall for smuggling, as well as a political motivation for aiding Jacobites. His position as the central, and most influential figure in the networks, suggests smuggling was indeed an important factor in Cornish politics during the first Whig Junto. Another Irish figure, John Fitzgerald, the Earl of Kildare, just misses out on being in the top 10%, yet he warrants discussion here as he was a relative of the Geraldins. It is difficult to say whether Fitzgerald felt any particularly kinship to the Geraldins as he was protestant and anti-Jacobite to the point that his lands were briefly occupied during King James' War (Hayton 2002). However, being well connected in Cornish politics was ideal for importing French goods to the country, as well as Irish goods (likely produced on his own land) which would have been prohibited in England at that time. Furthermore, many Irish protestants at the time were critical of Whig protectionist policies and were strong advocates of the Irish-Caribbean trade

(Finnegan 2017, 61–2). Fitzgerald was connected to several other politicians more amenable to the Irish exiles, including James Butler, Duke of Ormonde. His influence derives from his high degree of connectivity with many links to the two major Whig factions in Cornwall, the Robartes and the Boscawens. A close connection to influential power brokers in Cornwall would have been advantageous for bringing prohibited Irish goods into English markets.

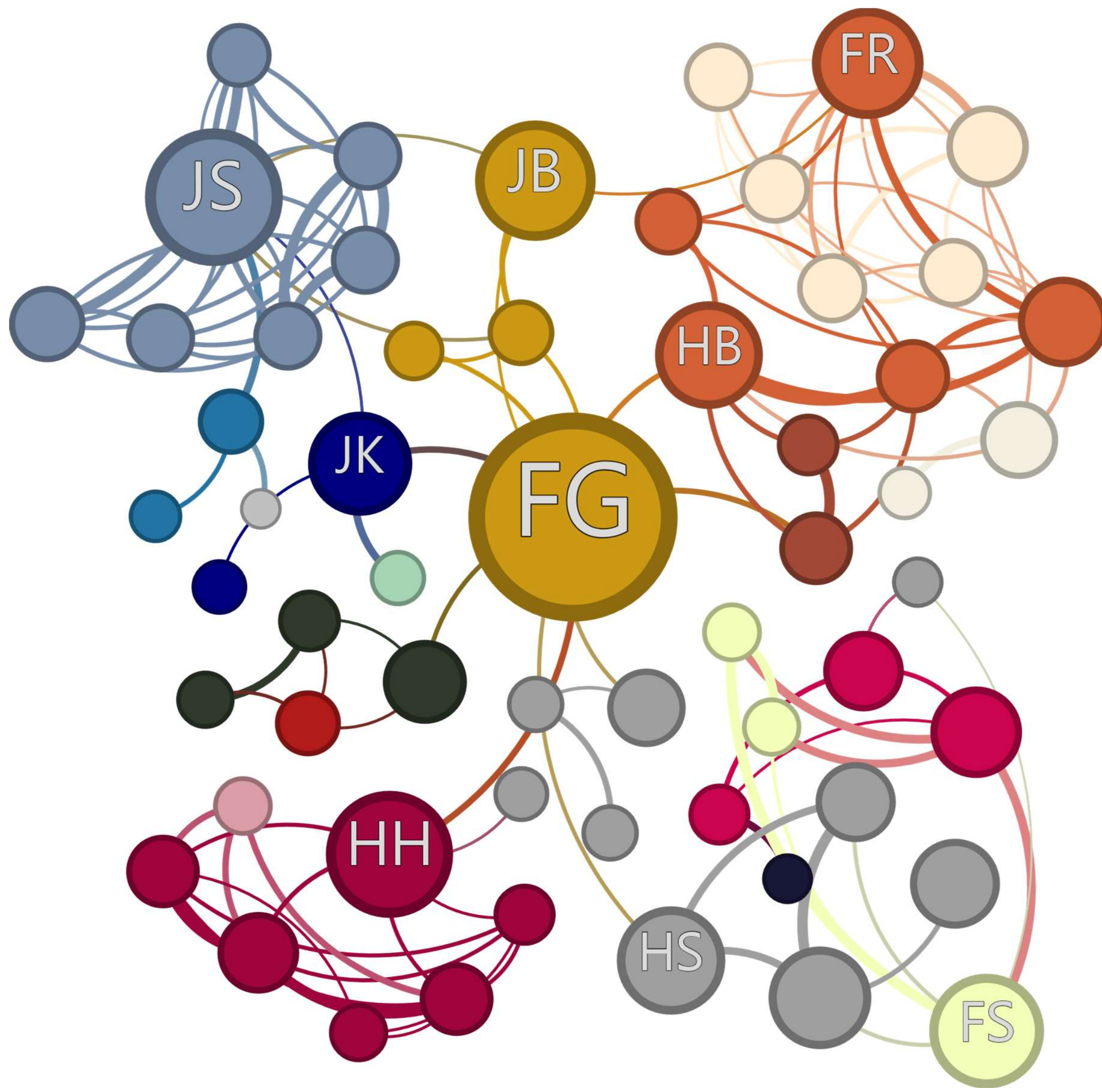


Figure 5.10 The Junto Ministry Interest Network. Initials indicate the most influential members of the network. FG: Francis Gwyn, FR: Francis Robartes, FS: Francis Scobell, HB: Hugh Boscawen, HH: Henry Hyde, HS: Henry Seymour, JK: James Kendall, JB: John Buller JS: John Specott (Dawson 2024).

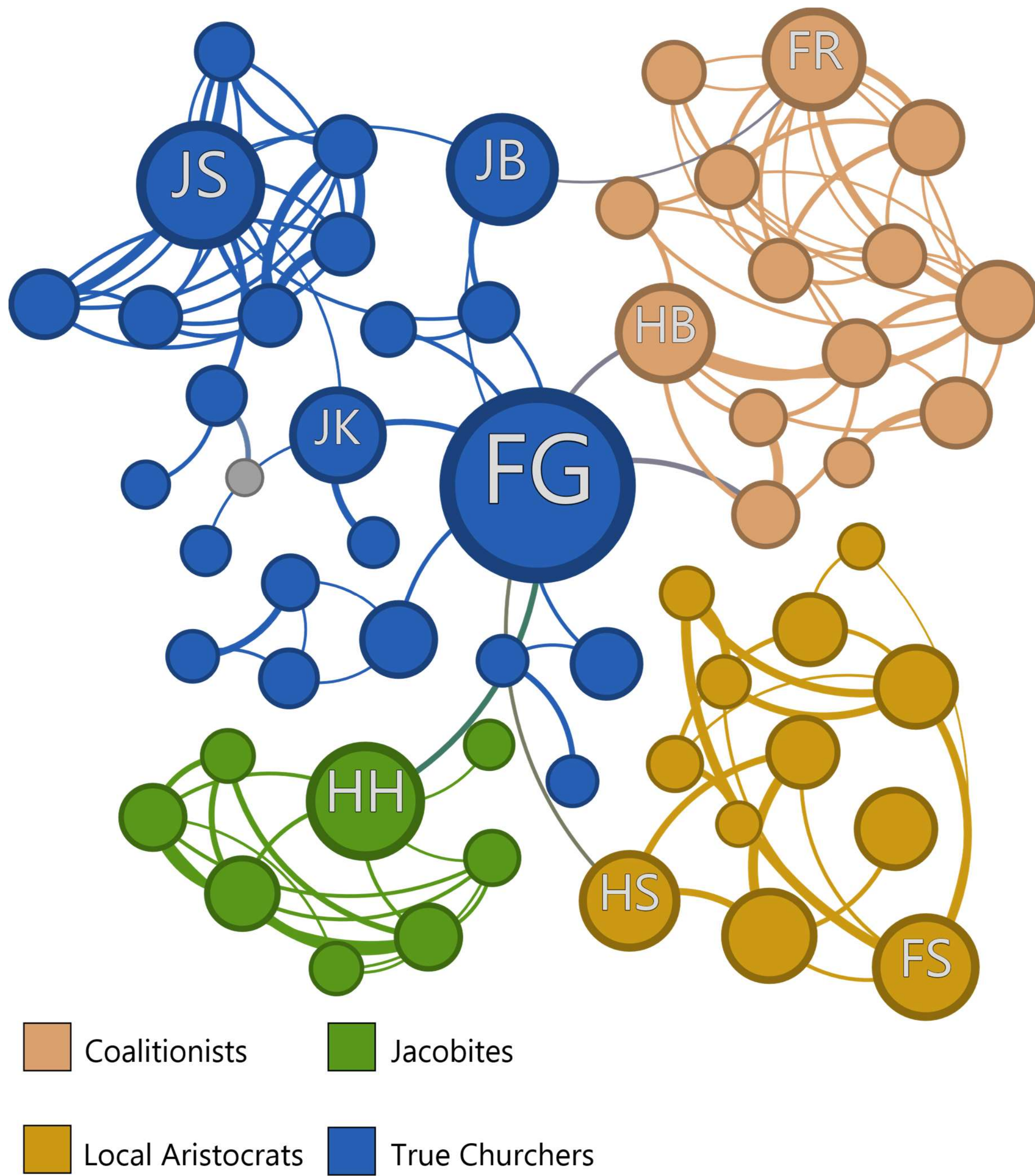


Figure 5.11 Girvan-Newman Clustering of the Junto Ministry Network (Dawson 2024).

Person	Betweenness (%)	Closeness (%)	degree
Francis Gwyn	17.181	2.652	10
John Specott	8.086	2.040	9
Henry Hyde	7.582	2.197	6
John Buller	6.806	2.416	5
Francis Scobell	6.787	1.629	5
Francis Robartes	3.587	2.082	11
Henry Seymour	6.108	2.171	3
Hugh Boscawen	4.140	2.149	8
James Kendall	5.119	2.168	4

Table 5.2 The Top 10% of prestigious MPs of the Junto Ministry (Figure 5.10).

5.3.4 Godolphin-Marlborough

The Godolphin-Marlborough Ministry has the largest sample size (n=99) and continued to reflect local politics on a national scale. Just as the Junto network foreshadowed the rise of the Godolphin-Boscawen coalition, Girvan-Newman clustering of the politicians during the Godolphin-Marlborough ministry highlights the growing political changes in Cornwall at that time (Figure 5.13). There were two major factions in Cornwall at the time, the pragmatic coalitionists and idealistic True Churchers, who Harley later mobilised to bring down the Godolphin-Marlborough ministry. The split also shows the beginning of the Wardenist/anti-Wardenist factionalism which dominated Cornish politics during the Harley ministry (see section 4.5.2 above). The position of the Godolphin interest as the central group bridging both factions is indicative of their role as coalition leaders (Figure 5.12). Filtering the same network by interest group reveals that despite the relatively small number of Whig politicians, they occupy the central position in the network (Figure 5.12). This is mostly due to the influence of the important Boscawen and Robartes families, two of the most important political factions at the time. Both also have close links to the major Tory faction in Cornwall, the Godolphins. Conversely, the other major Tory faction, the Trelawnys are somewhat disconnected from this central cluster, and instead are prominent in their own separate coalition linked to the Duchy of Cornwall. Reflecting their idealistic True Church position over the pragmatist position of Godolphins.

The betweenness in this ministry is far lower than it was in the previous one, perhaps an indication of the increasing factionalism emerging in Cornwall. Of the MPs with a score in the top 10% for prestige, two have a known connection to smuggling (Table 5.3). The first is Alexander Pendarves whose cousins in the Enys family were at that time at the height of their careers as tin and packet smugglers (see section 4.5.4 above). The second is Henry Campion a Jacobite agent who smuggled messages and organised meetings for the exiled court (Monod 1999, 156). Both acted as brokers, for the Granville interest, with Pendarves connecting them to influential Marlboroughs, Carews and Vivians

(Figure 5.12), all Tories with some degree of Jacobite sympathy, and Campion a broker to the leading Whig factions led by Boscawen and Robartes.

The Granvilles frequently find themselves aligned with smugglers; previously they had intervened in the Culliford Inquiry to save their agent from being prosecuted as a smuggler and during the Godolphin-Marlborough ministry they had two brokers with close ties to smuggling gangs, one of whom operated in Cornwall and was in contact with Irish exiles (Pendarves) and the other of whom operated in Kent to reach the Jacobite court (Campion). A mix of political and monetary goals are seen in these smuggling operations.

Figure 5.12 The Godolphin-Marlborough Interest Network. Initials indicate the most influential members of the network. AP: Alexander Pendarves, BB: Benjamin Buller, FF: Francis Foote, FR: Francis Robartes, HC: Henry Campion, JP: John Pole, RC: Robert Cotton, SG: Sidney Godolphin, TC: Thomas Carew, TD: Thomas Dodson (Dawson 2024).

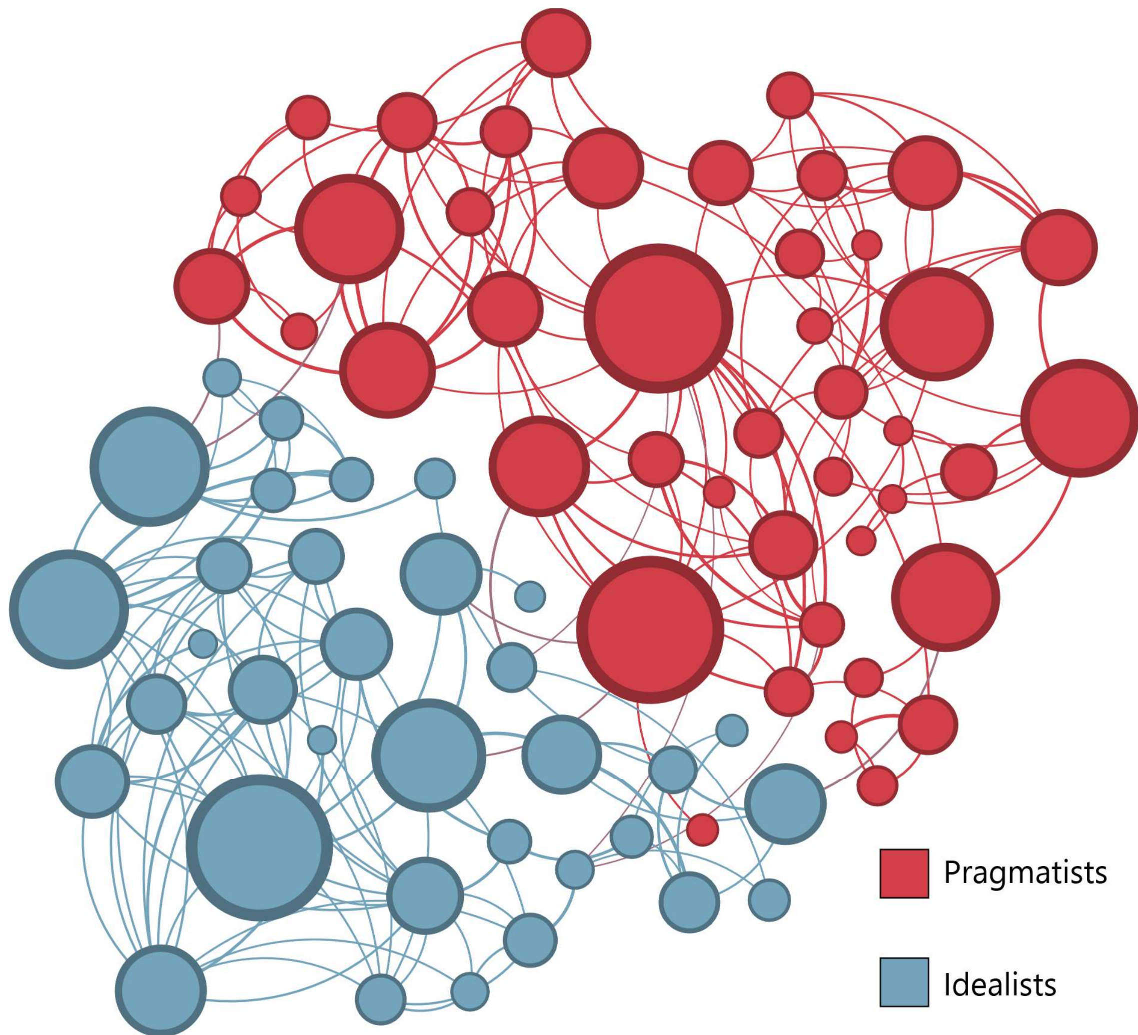


Figure 5.13 Girvan-Newman Clustering of the Godolphin Marlborough Network (Dawson 2024).

Person	Betweenness (%)	Closeness (%)	Degree
Francis Robartes	5.602	1.654	15
Francis Foote	6.785	1.678	9
Thomas Dodson	6.476	1.517	11
Sir Robert Cotton	5.299	1.476	7
Sir John Pole	3.975	1.400	13
Alexander Pendarves	5.376	1.282	7
Benjamin Buller	5.415	1.599	4
Henry Campion	4.490	1.536	8
Sidney Godolphin	4.210	1.579	8
Thomas Carew	5.133	1.453	4

Table 5.3 Top 10% of connected nodes of the Godolphin-Marlborough Ministry (Figure 5.12).

5.3.5 Harley

During the Harley ministry Cornwall is largely dominated by Tory politicians, even more so than previous networks (62 of 81 members). This was in no small part due to the electioneering of George Granville, Lord Lansdowne (see below; Figure 5.14). The decline of the Godolphin-Marlborough ministry, compounded by the death of Sidney Godolphin shortly after, fractured the cohesiveness of Cornish politics which devolved into several competing factions fighting over the power vacuum. The best documented of these conflicts involved the Wardenists, the Whiggish faction of Cornwall. Their name derived from their leader Hugh Boscawen, who was appointed Lord Warden of the Stannaries in 1708 and they had support from the more industrial elements of Cornish society, the mines, stannaries and cities (Hanham 2004; MacKenzie 2019, 51). Their opponents, the Tory Anti-Wardenists, were led by the Granvilles. Following the death of the Earl of Bath, the Granville interest was led by George Granville, Lord Lansdowne. Granville was a senior member of the Harley Ministry serving as Secretary of War (Cruickshanks & Handley 2002f). There is also increased outside influence in the Harley period. Harley, himself a former beneficiary of the rotten borough system, installed several of his allies and family members in Cornish boroughs during his ministry (Figure 5.14). Similarly, institutions with longstanding allegiance to the Whig Junto, the Admiralty (Russell) and the Bank of England (Montagu) had a more pronounced interest in this period. In a move likely designed to encourage local support, both institutions allied themselves with an influential Cornish family, the Admiralty with the Trelawnys and the Bank of England with the Morices (Figure 5.14). Given that the True Churchers were now leading the government, the previously Trelawny led True-Church faction appeared to be absorbed into the Anti-Wardenist and Harley factions. The other major interest is the Vivian faction, a powerful local family. It seemed that during the Harley ministry parties were beginning to realise the potential of Cornwall's easily influenced seats in a parliamentary government (see section 4.5.2-3). The political networks at that time could thus be said to foreshadow the future of Cornish politics. Following the Rage of Party, the Cornish pocket boroughs were closely monitored by Hugh Boscawen on behalf of the government (Mackenzie 2019, 61).

Increasing Jacobite tensions, are reflected by the increased prestige of Jacobite partisans in Cornish interest networks (Figure 5.15). Campion, Granville, Pendarves and Rolle were all Jacobites (Szechi 1984, 200–3; Table 5.4).[35] Campion stands out as the single most influential actor within this network. By this time Campion, in addition to being a Tory agent he had also became something of a patron for smugglers. He owned several farms in Kent which were used by gangs as bases for smuggling operations (Monod 1991, 156). As well as bringing in profit, it also provided a useful channel for Jacobite anti-Wardenists. Alexander Pendarves remained a prestigious individual and his continued importance reflects the prominence of the Granvilles and the value they found in smuggling networks.

[35] Unlike the other members of this list Szechi does not list Pendarves as a Jacobite, however he admits that his list is not exhaustive and his close association with the other members combined with the evidence presented here should make it clear he was indeed a Jacobite.

There were also future notables, Humphry Morice and Horatio Walpole, also emerge as prestigious members in Cornish politics. Both became leading politicians in the 1720s and were closely allied with of then Prime Minster, Robert Walpole.[36] Again this suggests that national institutions were beginning to exploit Cornwall's rotten boroughs (Table 5.4). Francis Robartes, once again appears in the top 10% of prestige (Table 5.4), demonstrating the consistent influence of the Robartes family between 1690 and 1715.

At the bottom of the prestige list, is George Granville, Lord Lansdowne (Table 5.4). Granville was the leader of the anti-Wardenists. He was also the most senior Cornish MP at this time as he served in the Harley ministry as the Secretary at War. Granville also had many of the attributes associated with patrons of smugglers during this period. He was a Jacobite who took pride in his family's longstanding dedication to the Stuarts (Cruickshanks & Handley 2002f). He had both the means and opportunity to engage in smuggling, his brother had been Governor of Barbados, whilst he himself governed Pendennis Castle, that controlled ships entering Falmouth (Cruickshanks & Handley 2002f). It also is likely that he took advantage of this opportunity because during his time as Secretary of War he was accused of bribery and corruption, which led to his dismissal, after which he was replaced by Francis Gwyn (see section 5.3.4 above). He was also a staunch opponent of the Hanoverian Succession. During the 1715 Jacobite Rising he was involved in the rebellion in Cornwall, alongside fellow cabinet member James Butler, Duke of Ormonde and which saw him imprisoned for High Treason. It is perhaps not surprising that during his tenure as the hegemon of Cornish politics the importance of smuggler-politicians increased (Table 5.4). Although not a Cornish MP it is also worth mentioning the role of Ormonde. If the link between Kildare and his Geraldin kinsmen is ambiguous, the relationship between Ormonde and the French Buttlers is clearer. Ormonde was the leading Jacobite in the country during the Harley ministry. As Master of the Ordinance[37] he was one of the most senior members of government. As Queen Anne's health waned he was in active communication with the Jacobite court in St Germain regarding the restoration of the Stuarts to the throne (Szechi 1984, 39–40). Moreover, he appears to have had several agents active in Nantes. One was his kinsman Abbe Christopher Butler, a chaplain in the Jacobite court who also served as an agitator encouraging Jacobite discontent (Szechi 1984, 9 & 14). Another was Arthur Kelly, a former member of his household who served as a surgeon aboard a Lee privateer (HCA 1/52 fo. 167). It seems likely that Ormonde was tightly connected to Cornish Jacobite's as well. The fact that Ormonde began his rebellion in Cornwall suggests he believed that he would have significant support there. Given his relationship with Lansdowne and the latter's charges of high treason after the Rising, a collaboration seems likely. Furthermore, as Lord Warden of the Cinque Ports, Ormonde was ideally positioned to allow Campion's Kentish smuggling gangs to operate freely in the southeast. If an explanation is required for how French and Irish goods entered England during

[36] Brother of Horatio.
[37] the same position Marlborough held in the semi-eponymous ministry

periods of prohibition, the Walsh-Pendarves-Granville-Campion-Butler connection is currently the best evidenced explanation.

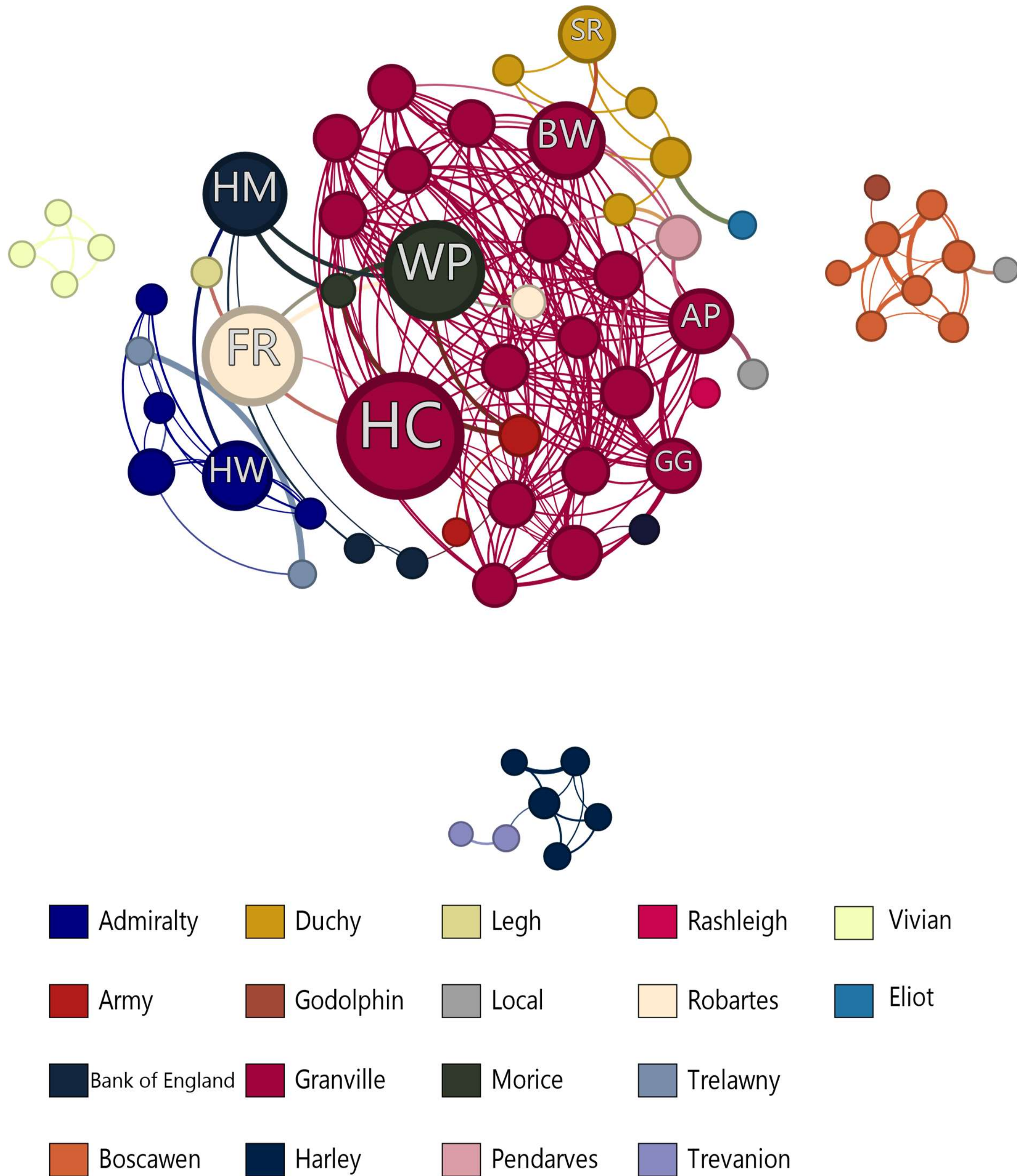


Figure 5.14 Major Interest Groups of the Harley Ministry Initials indicate the most influential members of the network. AP: Alexander Pendarves, BW: Bouchier Wrey, GG: George Granville, HC: Henry Campion, HW: Horatio Walpole, HM: Humphry Morice, SR: Samuel Rolle and WP: William Pole (Dawson 2024).

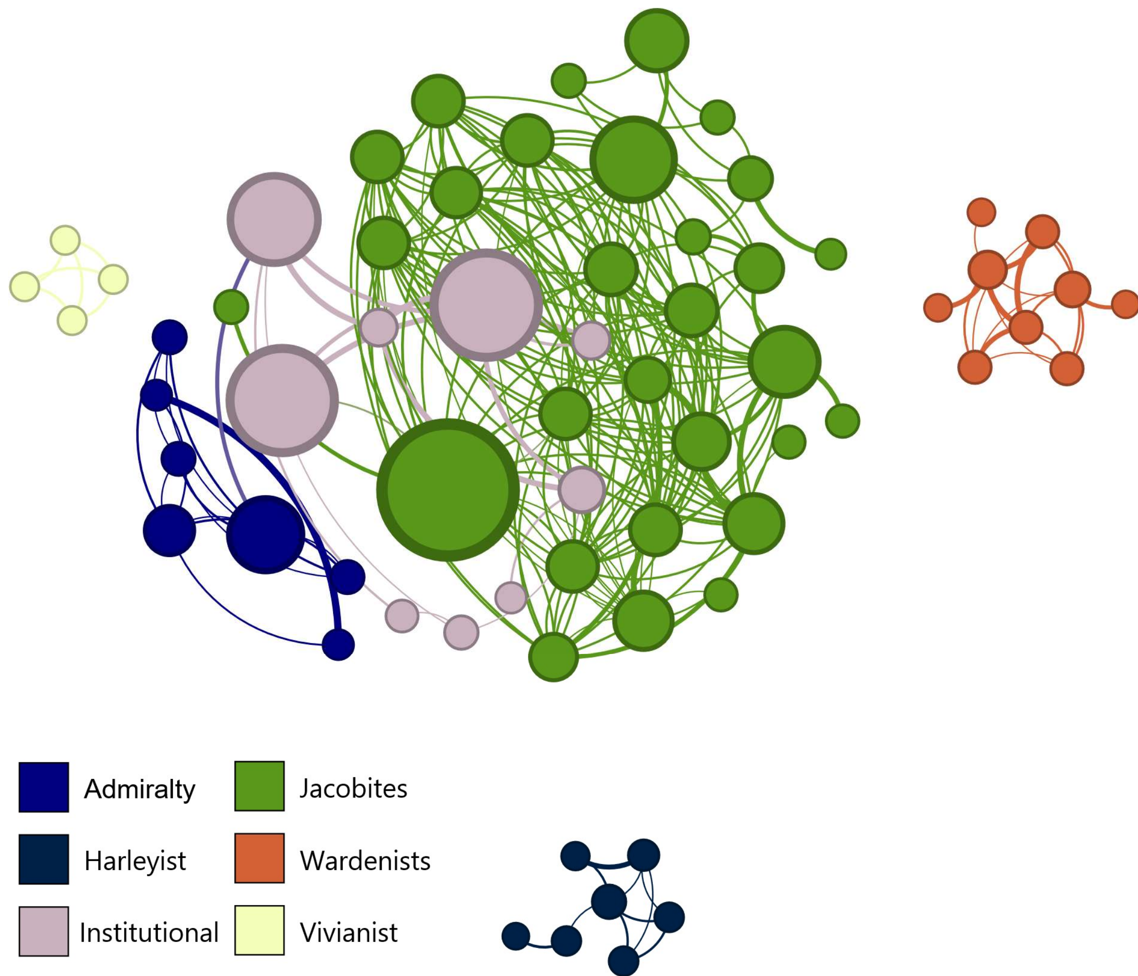


Figure 5.15 Girvan-Newman-Clustering of the Harley Network

Person	Betweenness (%)	Closeness (%)	Degree
Henry Campion	17.810	2.713	17
Sir William Pole	15.111	2.115	5
Francis Robartes	15.223	2.396	3
Humphry Morice	11.567	1.797	5
Sir Bourchier Wrey	6.724	2.479	18
Horatio Walpole	8.549	1.506	5
Alexander Pendarves	3.812	2.396	18
Samuel Rolle	5.449	1.917	4
George Granville	1.750	2.357	17

Table 5.4 The top 10% of most Prestigious MPs During the Harley Ministry (Figure 5.14).

5.4 Discussion

The political structures presented in this chapter are a reasonable reconstruction of the known narrative of Cornish politics between 1690 and 1715. Following the Glorious Revolution Cornwall was a reasonably isolated region of England with politics dominated by the major aristocrats of the region (see section 5.3.3 above). As party politics became more pronounced the large number of rotten boroughs made the region more politically important. This is first realised by the Whig Junto, the originators of party politics in England. Edward Russell, a leading member of the Junto and their most influential politician in the southwest used his allies in Cornwall, the Robartes, Boscawens, and Trelawnys to build a coalition to aid the Junto in Parliament (section 5.3.4 above). Following the fall of the Junto, Cornwall became even more prominent as the Cornish politician Sidney Godolphin became one of the two leaders of the English government and other Cornish MPs such as Charles Hedges and Horatio Walpole became ministers (section 5.3.5 above). Subsequently during the Harley ministry Cornwall became a stronghold for Jacobitism, with several influential members of the political establishment having links to either smugglers or the French Jacobite court (section 5.3.6 above). Furthermore, during the Harley ministry national institutions became more influential and following the Jacobite Rising, local power in Cornish politics decreased, bringing an end to the period dubbed the 'Kernarchy' in this thesis. That is not to say that the network analysis presented here is without limitations. By only including MPs in the analysis, the political influence of other structures within Cornwall at that time could be overlooked. As the rotten borough system favoured large landowners and large landowners were typically Tories, it biases the analysis towards the Tories. This limitation is clearest in the Harley ministry networks as the Wardenists are represented as a fairly minor faction, whereas in reality they were one of the two most important groups in Cornwall at the time. Again, this is because much of the Wardenists' power came from the miners, stannaries and merchants, all of whom were less represented than landowners in Parliament. By not including the House of Lords, many of the most influential figures in Cornish politics at the time, such as Earls Bath and Randor as well as Bishop Trelawny are also not personally represented. Nevertheless, the Granville, Robartes and Trelawny families influence are all clearly visible. This suggests that historical trends are indeed represented in the results of the social network analysis and therefore are robust enough to make some deductions about the relationship between smugglers and politicians during that time.

The analysis presented above suggests that some form of a 'smugglers lobby' did exist in Cornwall. Each ministry contained at least one prestigious individual that had some form of connection to smuggling. In the Carmarthen ministry this was most notably Alexander Pendarves, although a reasonable argument could also be made that all three influential individuals had some connection to smuggling. In the Junto ministry this was Francis Gwynn, who had contacts in Ireland, the Caribbean, and Falmouth. Whilst during the Godolphin-Marlborough and Harley ministries it was both Alexander Pendarves and Henry Campion, two agents useful for the organisation of the 1715 Jacobite Rising. Much of the influence of these individuals came from their connection to the major aristocratic families

of Cornwall, the Granvilles, the Boscawens and the Robartes. This suggests the open collaboration between smugglers and merchants mentioned in the Culliford survey was ongoing at this time. The smuggler lobby appears to become increasingly powerful in the build up to the Jacobite Rising where they played an important role in passing information between English Jacobites and the exiled court. The next point of discussion is whether the networks presented here are indicative of connections between Irish exiled merchants and pirates with Cornish smugglers. Perhaps the evidence here, largely focussed on the English Parliament, is too self-contained to confirm active collaboration between the two groups. However, what it does identify is several potential avenues through which collaborations could have taken place. Had, for example, the Whiggish Prideauxes of Padstow needed for cheap beef to supply their plantations in the Americas, their patrons the Robartes, were related by marriage to a John Fitzgerald, who had a plentiful and cheap supply of Irish beef, via his lands in Kildare. Likewise, had the Granvilles wished to import banned Bordeaux wine, their son-in-law had family relations with experience of bringing Walsh goods into England. There were also potential for the networks to be used politically, had James Butler, Duke of Ormonde wished to sound out the Jacobite courts appetite for an invasion, he could have asked his ally Henry Campion to send smugglers to his agents in Nantes. If Chapter 3 demonstrated that there were active trade networks between Ireland, France and the Americas and the PAS finds of Chapter 4 suggest that these networks penetrated into Cornwall, then the analysis presented in this chapter suggests an explanation for how this may have taken place. It is here that the more elusive aspects of illicit maritime activity, can be more clearly visualised and understood.

Chapter 6
The Pirates we Made Along the way: Constructing Pirate Identities in the 17th Century and Beyond

6.1 Concluding Remarks

The pirates who are the central focus of this thesis are not the patched, peg-legged, and parroted swashbuckler's that have become so iconic in popular culture. The names John Golden and Robert Walsh lack the reverence and cultural impact of Blackbeard or Calico Jack, though their lives were no less adventurous, nor their deaths less no dramatic. Instead of gangs of blood-thirsty rovers engaged in destructive wanton plunder, the 'pirates' in this thesis are a loosely connected confederation of overlapping, political, religious, and economic interests. Refugees, smugglers, slavers, privateers, politicians, farmers, aristocrats, and lawyers all played a role in creating the identity of pirates. It would perhaps be simple to point to the privateers hijacking ships and label them pirates, but the environment in which they exist makes this an oversimplification. Privateers were funded by merchants who profited from the export of agricultural surplus to slave plantations (see section 3.3.3-6 above). They were only labelled pirates by lawyers on behalf of politicians concerned with the damage such groups were doing to their own networks via political instability and loss of revenue (section 2.3.3 above). Remove any one aspect of this and the concept of 'pirates' disappears and what is left are rival powers competing for militarily and economic control over maritime networks. As colonialism became increasingly profitable in the second half of the 17th century these networks became increasingly valuable and the stakes grew higher. Within the English (later British) Admiralty Courts, this led to a greater desire to regulate the actions of their sailors at sea, in Cornwall and Ireland this meant achieving a degree of economic freedom that they were incapable of gaining through military or political means (section 4.3.2 above). Whilst in the largely feudal France benefitted from the adoption of capitalist colonial ports (section 3.3.1-2 above). This is the portrait of maritime interaction painted in this thesis through a combination of archaeology, archival research and history, these concluding remarks consider the implication and applicability of such a methodology.

Between 1690 and 1715 the illicit maritime activities of piracy and smuggling were largely constructs applied by governmental forces against the backdrop of fierce internal partisan competition. The maritime network that developed in the Celtic Sea became an existential threat to the English Government following the Glorious Revolution due to its Jacobite sympathies. Much of this network existed within the English/British sphere of influence at a time when there was growing movement towards greater governmental control of maritime actors sailing under the English flag. The law of piracy was used to punish sailors operating within these networks, a method that was at the time considered controversial, and has remained so since (Bromley 2003, 162–3; Rubin 1988, 69–75). Despite these prosecutions, goods from France and Ireland still entered England aided by smugglers.

These smugglers were initially supported by an influential Cornish political block who benefited either personally or politically from the continuance of these networks, sometimes both. As partisan conflict between Whigs and Tories escalated smugglers were increasingly used by Jacobites to orchestrate a coup against the ruling government. The 1715 Jacobite Rising was the cumulation of all these events as dissatisfied Irish, Scottish and Cornish groups rose against the new Hanoverian government. The failure of the Rising was a significant inflection point. The end of Tory power led to the decline in fortunes of the Cornish politicians, and a tightening of the regulations on smuggling. This limited Jacobite actors in Cornwall in the same way piracy laws limited similar actors in Ireland. At the same time, Irish Jacobites exiled during the Glorious Revolution had integrated into French society and with a declining interest in revanchism and diminished returns from trade, they became increasing feudal and conservative. With a few exceptions, most rich Irish exiles became removed from the activity and politics in which they made their fortunes, whilst the rest became destitute and forgotten (Bracken 2001).

The covert nature of the narrative presented here can make it challenging to follow within historical texts. This is where the application of archaeological methods becomes vital for focussing the narrative proposed in this thesis. Excavations of Irish postmedieval settlements show a strong emphasis on international trade. This in turn suggests beef and dairy produced in Ireland were vital for slave populations of Caribbean plantations, something that is reflected in surveys of slave quarters (see section 3.3.5 above). The grandeur of the Franco-Irish townhouses in the key merchant ports, demonstrate the wealth exiled merchants acquired from participating in this trade. Shipwrecked archaeology of Malouin privateers shows the business strategies of those involved in this trade, they are aggressive and high-risk. In addition, network analysis of the major political actors of the region shows that leading figures had close relationships with smugglers and that the smugglers had tangible connections to the Jacobites. A comparative archaeology of smuggling within its Golden and Silver Ages further demonstrates the changing attitudes which developed following the Jacobite Rising. The archaeological methods utilised in this thesis support contemporary historical arguments on piracy, that characterise it as a struggle between rival economic forces and a form of commercial warfare (see section 1.9 above). Therefore, when considering piracy and smuggling between 1690 and 1715, it can at least be said that archaeology can play a role in understanding how the economic networks developed. The follow on from such a conclusion is to question to what extent can the methods developed in this thesis be applied to other periods of history?

6.2 Yo ho ho and all the other pirate cliches

When considering the wider applicability of this method, the natural place to start is the immediate aftermath of the period covered here, the surge in illicit maritime activity between 1716 and 1726, known as the Golden Age of Piracy. There is a great deal of overlap between the pirates of this

thesis and those associated with the Golden Age of Piracy that has perhaps not yet been sufficiently considered. The links between pirates and the Jacobites never disappeared, the most famous episode perhaps being the fabled connection between Blackbeard and George Camocke. Camocke was an Anglo-Irish Admiral in the English navy (Davies 2008). A veteran of La Hogue, Camocke's naval career came to an abrupt end in 1714 when he was court martialled for making unauthorised stops in the ports of Seville and Lisbon (Davies 2008). On the one hand, Camocke always maintained his innocence, stated his actions had Queen Anne's support and claimed that maltreatment he received here drove him to Jacobitism (Davies 2008). On the other, Camocke was a client of James Butler, Duke of Ormonde (Davies 2008), who was at the time orchestrating a plot to overthrow the British monarchy that coincided with Camocke's unsanctioned visits. Given that the Walshes and Lees had a presence in Cadiz (Fannin 2003, 135) and Lisbon was a hotspot for Cornish packet smugglers, all of whom were Ormonde's accomplices in the Jacobite Rising, perhaps a healthy degree of scepticism is warranted. Regardless of his actions prior to 1715, by 1716 Camocke was an avid Jacobite, running guns and ammunition to Franco-Irish privateers (Davies 2008). In 1719 Camocke wrote to Mary of Modena, widow of James II, describing how his smuggling network[38] had received contact from pirates in Bermuda who had rejected the Act of Grace and wanted to form an alliance with the Jacobites (Fox 2010, 286). Fox and Bialuschewski both connect this group of pirates to the 'Flying Gang' the notorious lineage of pirates to which, Benjamin Hornigold, Edward 'Blackbeard' Teach, Charles Vane and Samuel 'Black Sam' Bellamy all belonged (Bialuschewski 2011, 154; Fox 2010, 286). The gang was indeed active in Bermuda at the time and Vane and Blackbeard had also rejected the Act of Grace. Nothing came of Camocke's proposal which appears to have never been seriously considered by Mary, and the notion that Camocke had any contact to the Flying Gang is disputed (Lewis 2021). Nevertheless, the episode does suggest a potential connection between, Golden Age pirates, Irish exiles, Cornish smugglers and Jacobites. Nor is this the only example of the Flying Gang's connections to Jacobitism. Stede Bonnet, another member of the flying gang, once declared he "*hoped to see him [James III] King of the English Nation*" (Rediker 2012, 93). Likewise, Oliver 'La Buse' Levasseur, also in the gang, named his flagship the *Duke of Ormond*, after the Irish Jacobite leader. Whilst, Blackbeard's wife was named Mary Ormond, possibly linking her to the Butler family.

The potential connections between the Jacobites and pirates seems logical when considering the transient nature of both groups. As supporters of an exiled King many Jacobites were spread throughout the world, searching for support in areas where British oversight was minimal. This included rival nations such as France and Spain, but also British colonies which retained a high degree of independence at this time. With this context, the multicultural character of pirate assemblages is worth considering. Recent findings from the excavation of Blackbeard's flagship, the *Queen Anne's Revenge*. The ship yielded large quantities of French wares, the majority of which likely pre-date its capture by

[38] Likely the same one orchestrated by Henry Campion.

Blackbeard, as had previously been a French slaving vessel. However, Kenyon (2023, 26) does believe it is possible some of the wares were related to the pirate phase of the vessel. Likewise, Veyrat (2017, 174-6) notes that the French privateers La Natiere 1 & 2 both had considerably more items of English origin discovered in their wrecks than regular French navy ships. Like the *Queen Anne's Revenge* some, although again not all, of these finds could be attributed to English prisoners. Other examples of this phenomena include Christopher Cordent's *Fiery Dragon*, which had an extensive cargo of blue and white Chinese porcelain, as well as a diverse array of small finds ranging from the Netherlands to China (de Bry 2008, 119–25). Finally, John Bowen's *Speaker*, despite being wrecked in the Indian Ocean, has a preponderance of Venetian material interspersed amongst items originating from south India and China (Lize 2008, 93–8). This has demonstrated how cash rich exiles invested in maritime ventures as a high-risk opportunity to recoup their losses. A reappraisal of the hyper-diverse material often found in pirate wrecks is warranted.

Another area where further research is warranted, is in the distribution of North Devon courseware. As Figure 6.1 demonstrates North Devon Courseware is spread throughout the Celtic Sea, England, Ireland, and the Americas, particularly in areas pirates were prominent such as, the Caribbean, Carolina, and the Isle of Shoals. Given that this thesis has demonstrated the importance of North Devon ware to Jacobite networks, a further consideration of its spread and vitally what was contained in with the wares found in America is warranted. This is certainly possible, as lipid analysis of North Devon ceramics would provide answers on what substances were stored within these wares. Evidence of dairy lipids in North Devon wares would give much clearer insight into how extensive Irish maritime networks were at this time.

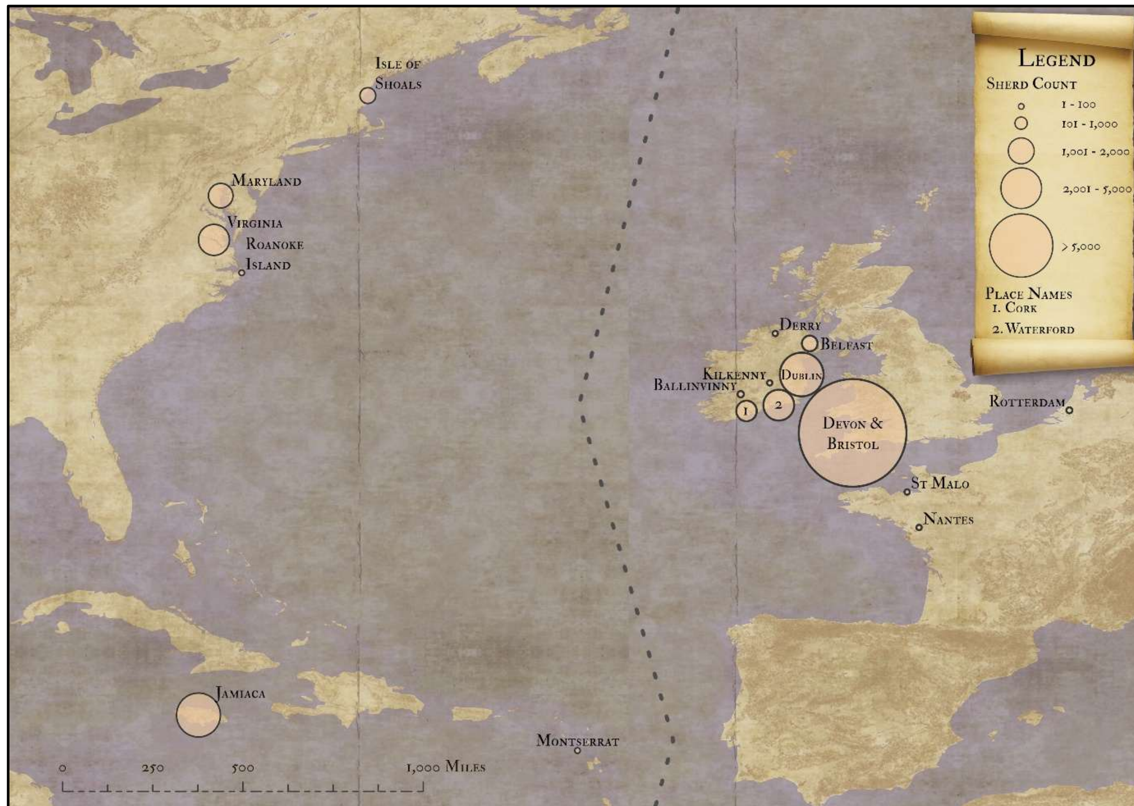


Figure 6.1 The current known distribution of North Devon Ware (Dawson 2025).

There is also archaeological evidence supporting the notion of a Jacobite connection to the Golden Age pirates. Excavations of the *Whydah*, the flagship of Black Sam Bellamy, originally the first mate of Blackbeard, yielded a pewter plate graffitied with Jacobite iconography (Figure 6.2). When considered in conjunction with the history of the *Whydah*, it may provide insight into the connectivity of Jacobite networks. The *Whydah* was first commissioned by Sir Humphry Morice, a Cornish Whig politician who was one of most influential individuals within the Harley network (Figure 5.14). The *Whydah* was captured by Black Sam Bellamy on its return voyage from the Bahamas (Hamilton 2008, 131). The network Morice was active in, was the same network that contained the Jacobites, Pendarves and Campion. Figure 5.14 shows there is little separation between Campion and Morice, and given Campion's intelligence network and Pendarves known connection to packet smugglers, the two would have had means, motive, and opportunity to leak information about the *Whydah.* It is feasible that there was collusion between Jacobite politicians and Jacobite pirates to capture a leading Whig's vessel. As could also be said for Mary Ormond, La Buse or George Camocke this may be coincidental, but it does beg the question how many connections between smugglers, exiles, Jacobite's and pirates can be brushed off?

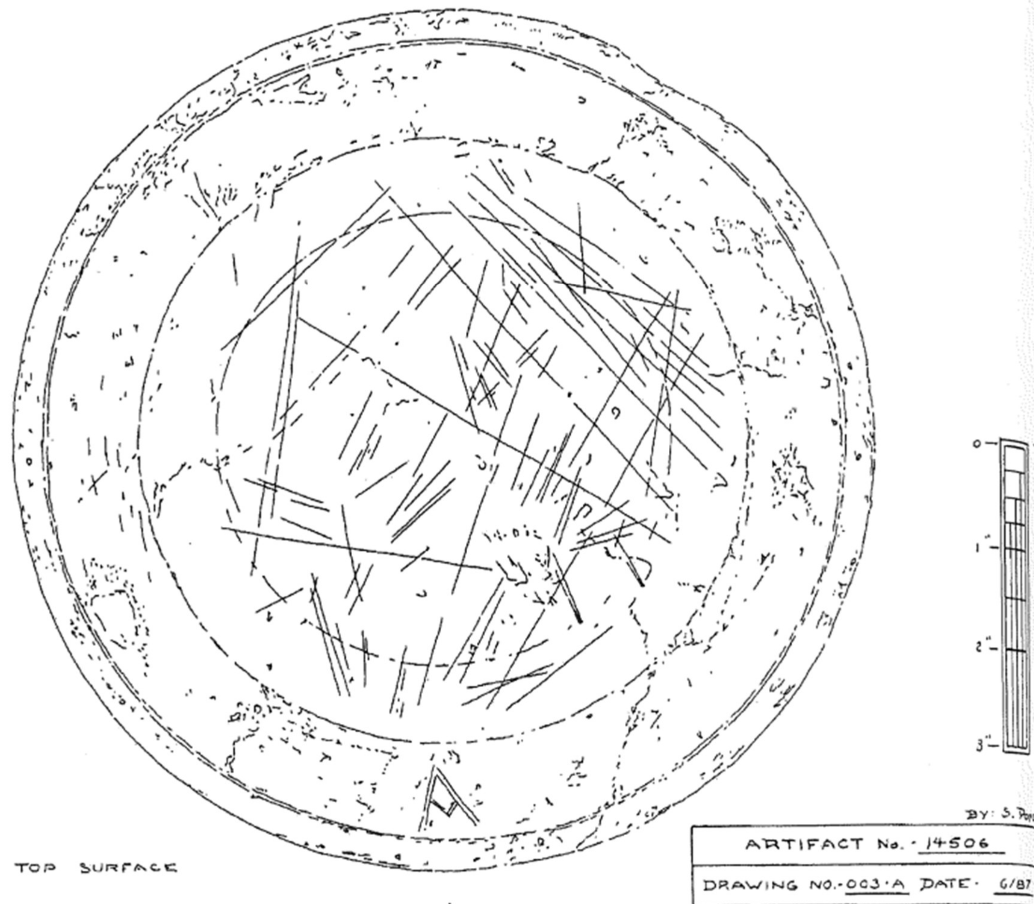


Figure 6.2 Artifact no. 14506 from *The Whydah*. Hamilton (2008, 158) posits that the 'A' symbol at the bottom of the drawing is in fact a Scottish Freemason symbol, who at the time were committed to the Stuart restoration.

Both Monod and Bialuschewski, note that protestations of Jacobitism did not necessarily correlate with the actual support for the Stuarts, instead suggesting that support for the Jacobites granted them legitimacy for their illegal activities (Bialuschewski 2011, 163; Monod 1999, 112–3). However, it is argued in this thesis that this was in fact the norm for most powers at this time rather than the exception. Looking at the Irish exiles in France, active Jacobites, in that they were working towards the restoration of the Stuarts, can be boiled down to the court of St Germain-en-Laye, and certain the Walshes and Butlers. Essentially, those with a personal connection to the Stuarts and those who had lost the most lands under Cromwell's confiscations. As shown in Chapter 3 (see section 3.3.1-2 above) there were tremendous economic and social benefits that accompanied Jacobitism. An Irish privateer not claiming to be a Jacobite was simply leaving money on the table, as the court in St Germain covered many of the fees required of a privateer by French authorities. Likewise, aristocrats had their recognitions of nobility fast tracked, with numerous individuals granted recognition for *"loyalty*

to the Stuarts" (Clarke de Dromantin 1999, 238). For any Irish exile in France not to claim they were a Jacobite was simply bad business regardless of their political affiliations. English merchants who benefited from Whig practices were English citizens even if they were not actively working towards the continuance of the Hanoverian monarch, so it is worth considering if proclaimed Jacobites should be held to the same standards. It is perhaps better to think of Jacobitism as a coalition of interests against Whig practices, as opposed to a movement solely focussed on restoring the Stuarts. If, as St Augustine says, *"all Kingdoms are robberies"* (4.4.4) then the Jacobites are just another Kingdom that gave robbers legitimacy.

Ultimately, whether the pirates of the Caribbean considered themselves Jacobites may be less of importance than how they were perceived by the authorities responsible for prosecuting them. This thesis has been formed around the notion that piracy principally exists as a socio-political construct. Therefore, the motivations for those in power for prosecuting pirates should also be considered in that context. In this case it is unlikely that the prosecutors saw any difference between Irish and Caribbean pirates as the institutions responsible for the prosecutions were governed by the same individuals. The here-to unmentioned Third Whig Junto replaced the Harley Ministry in 1714, and saw all original members returned to positions of power. Though Montagu, Sommers and Wharton all died early into the ministry, Edward Russell, Earl of Orford, was reinstated as Lord of the Admiralty and continued to serve until 1717 when the notoriously cantankerous Earl resigned from government as part of the Whig split (Aldridge 2004). This proved to be the end of Russell's political career, nevertheless, his legacy was continued by his protégé Sir Robert Walpole who seized control of the Whig party in 1721 and maintained control until his death in 1742 (dubbed the Robinocracy). Cordingly, Earle and Woodward all note that there was a marked uptake in pirate activity following the Jacobite Rising (Cordingly 1997, 93; Earle 2004, 170; Woodard 2007, 122–3), however, none connect it to the uptake in pirate activity in the 1690s. In both cases the rise in piracy was aligned with the elevation of the Whig Junto, and specifically the appointment of Russell to Lord of the Admiralty. The ideology that led to the prosecution of Irish sailors as pirates, was the same one that prosecuted Caribbean pirates. This is not to suggest that Russell is singularly responsible for trends in prosecuting pirates, but his consistent return to power, as a champion of Whig naval supremacy, does suggest that there was significant interest in this goal. In this context the connection between Jacobite sailors in the 1690s and Golden Age Pirates is perhaps less surprising, as both groups were prosecuted by the same political powers largely to achieve the same ends. In a sense, it is logical that Golden Age pirates had connections to Jacobitism as piracy was the legal mechanism the Whigs had derived to eliminate Jacobite maritime networks.

6.3 Media its Consequences on the Consideration of Pirates

As touched on above (see section 1.8.1) the conceptualisations of pirates are very tightly connected to the media. This is made clear here through an indepth examination of Whig media

strategies during the period discussed in this thesis. Returning to the *Whydah* it also connects nicely to another important theme of this dissertation, the role of media in creating piracy. Bellamy appears in the second volume of Captain Johnson's *Notorious Pyrates*, and despite his short entry, is probably one of the series most lampooned characters. He has the most overtly political stance of any pirate, with stated ethical motivations and justifications of his actions. In *Notorious Pyrates* Bellamy frames himself as a *"free prince"*, opposed to states who *"rob the poor under cover of law"* whilst his crew *"plunder the rich under protection of their own courage"* (Johnson 1829, 220) in a speech very much cribbed from St Augustine (Aug. *City.* 4.4.4). However, Bellamy's political ideal contrasts with the disorderly and foolish nature of his crew (Frohock 2015, 473). Ultimately, the text makes it clear we are not meant to sympathise with Bellamy. Through the quixotic character of *"the Stroler"*, it is made clear that Bellamy's desire for liberty and independence is a pretence for exploiting those beneath him (Johnson 1829, 224). The final act of Bellamy and his crew, as their ship is wrecked off the coast of Maine, is to execute the prisoners onboard the ship (Johnson 1829, 227). In Plutarch, which Johnson expresses familiarity with, the execution of prisoners is considered an abominable act only committed by the most barbarous individuals (Konrad 1994, 205–8). By making it the final act of Bellamy and his crew, the author reveals that Bellamy's ideals themselves are just a façade. The barbarity of Bellamy contrasts with the civilising presence of the Whiggish Woodes-Rogers making Bellamy a failure by his death. Part of the character of Bellamy and his crew is corroborated by excavations of the *Whydah*. The ship was discovered off the coast of Maine, confirming he was active in that area. Furthermore, Hamilton (2008, 147) describes the relationship of pirates aboard the *Whydah* as egalitarian *"…relative to the class orientated societies of early 18th century Europe",* based on the distribution of high and low status metal wear around the ship and the large quantities of weights suggesting an interest in doling out equal shares. If we accept the reading of Bellamy as a Jacobite partisan, then it can be understood how satirising his character would have been approved of by the Whig government. By the time the second volume of *Notorious Pyrates* was published in 1728 Sir Humphry Morice was a close ally of Prime Minister Robert Walpole and Governor of the Bank of England. Regardless of Bellamy's political leanings Morice likely felt a fair deal of animosity towards the man who stole and then wrecked the ship he commissioned at considerable expense. His damnation in print may been a recompense designed by Whig propagandists. This also supports the reading of *Notorious Pyrates* as a fundamentally Whiggish piece of literature (see section 1.8.4 above). It seems unlikely that there will be any consensus soon about whether Daniel Defoe was indeed the mysterious Captain Charles Johnson, however, it seems clear that the politics has a deal in common with the Whig pamphleteer.

As is the case with the pirates themselves, if we link the media trends present in the Golden Age of Piracy with those utilised in this topic, connections between the two begin to make themselves apparent. Within the context of this thesis *Notorious Pyrates*, can be seen as the apex of a 30-year media strategy designed to delegitimise Jacobite networks. The innovations in piracy law discussed in this thesis developed in parallel with the emergence of print culture in England and Britain. As licensing laws

lapsed in 1695, the frequency and popularity of newspapers surged, leading to multiple-partisan papers publishing weekly (Szechi 2006, 159). This had a marked effect on how English governments, notably Whig governments, used the media to influence public perceptions. The Junto had already began experimenting with this tactic prior to 1695 as the Irish privateer trials were somewhat exposed to the public sphere. The executions of John Golden and his crew were well publicised and hailed as great victory by the press at the time (Clare 1693). But this was significantly increased during the trials of Henry Every and his crew in 1696. Burgess (2008, 890) states that the Junto used the Every case to manufacture public opinion on piracy through the mechanism of trial. The court hired a firm to publish the entirety of the trials for widespread circulation (Burgess 2009, 901). This allowed for a mass-produced narrative that was shaped by the courts, which, to reiterate, at this time were led by Charles Hedges and Edward Russell. The Every trials were conducted simultaneously with the trial of the Irish privateer captain Thomas Vaughn. In doing so, the court narrative was able to associate the two trials to their benefit. The association casted doubt on the legitimacy of Vaughn's French commission, as he was associated with the renegade English crews who had mutinied from the Navy. Similarly, associations with Vaughn damaged the popular image of Every's crew as it associated them with Irish terror and Catholicism (Burgess 2009, 909).

Szechi (2006), has a markedly similar argument about how Whigs shaped media narratives of the Jacobite Rising. He states that much of the perception of the 1715 Jacobite Rising as a *"damp squib"* derives from the way it was presented in the media (Szechi 2006, 157). Specifically, he notes that the affordances of newspapers, which frequently juxtapose news of the Jacobite Rising with advertisements, created the perception in the readers mind that the Rising was a disjointed event disconnected from their lives (Szechi 2006, 174). This was combined with regular Whig periodicals that minimised the events of the Jacobite Rising, and served as the principal sources for the major histories on it written in the immediate aftermath (Szechi 2006, 185-6). As a result, the histories in turn portray the Jacobite Rising as a disjointed ineffectual event.

Burgess (2008, 889) notes that during the Avery trial the concept of the public sphere was very much in its infancy, but by 1715 it had become more sophisticated. Here it is argued that *Notorious Pyrates* was the natural development of a sophisticated and politicised media. It was a narrative work disconnecting the reader from the political reality of conflict between grey spaces in the Caribbean contested by colonial and core governors, which, at times, had connections to Jacobitism. Instead, *Notorious Pyrates* was turned into a largely moralistic tale about the civilising force of British governance. This thesis has aimed to show why the media plays an essential role in constructing piracy. The different stakeholders present in this period of history have differing views regarding what constitutes piracy. Within England there was, in fact, a great deal of internal strife over whether the pirates discussed in this thesis were pirates at all (see section 2.3.3 above). This was doubly true for

smugglers in Cornwall, where although laws existed, they were so brazenly disregarded they may as well not have existed. There was also a degree of support for these groups amongst the general public. Burgess (2008, 895) mentions that the in the 1690s the public image of the English-pirate was a popular heroic archetype, creating an image problem for the government. Likewise, Palwyn (2010, 4), describes smuggling as a crime which *"carried no social stigma"*. Media therefore played a vital role in constructing these pirate identities, making the public perception of piracy and smuggling in the way the government wishes it to be seem, a chaotic violent phenomenon that needs to be halted by a strong maritime power.

It would be fair to say that there is little advocation for Jacobitism as a political movement in the modern era. Indeed it could be argued that the superficial goal of a Stuart restoration has almost been achieved as the current Prince of Wales, who is the first heir to be directly descended from the Stuarts since the Glorious Revolution (Carrasco 2023). Whereas the more philosophical aims of Jacobitism, advocating for the Divine Right of Kings and the promotion of feudalism, are so archaic that they are not seriously considered in modern politics. However, long after debates about the supremacy of Parliament and French trade have been settled, the image of the pirate that was forged in this crucible remains. The popularity of piracy in popular culture means that this image has been propagated for centuries in numerous, books, plays, films and television shows. As a result, the popular image of piracy is now completely disconnected from the mechanics of piracy, which is still used to justify foreign intervention in economically lucrative trade lanes (Buttigeig 2008; Daxecker & Prins 2021; Otto 2016). A second, potential avenue for further research resulting from this thesis would be to study the extent modern depictions of pirates continue to facilitate colonialism in the contested waters of the Red Sea and elsewhere.

6.4 Closing Remarks

When questioned by a journalist in 1994, former aide to President Richard Nixon, John Elhrichman, was reported to say:

"The Nixon campaign in 1968, and the Nixon White House after that, had two enemies: the antiwar left and black people…We knew we couldn't make it illegal to be either against the war or black, but by getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course we did."

-John Elhrichman (Baum 2016)

It is easy to see how such a quote could be applied to the politics of piracy in the period this thesis addresses. The two major threats facing the English government at this time were unruly Celtic[39] provinces, and Jacobite claimants. Both of these groups were receiving support from England's main colonial rivals, the French. Trade between Celtic groups and France, although partly within the English sphere of influence was strengthening the Jacobite cause, which was perceived as both a genuine political threat and a problematic loss of revenue for English merchants. By labelling these networks as piratical, the English were able to supress this trade, capturing Irish ships that engaged in it, and halting goods from entering the country through smuggling. This was aided by a pervasive media campaign which portrayed those engaged in this trade as traitorous and barbarous. Ultimately, the Jacobite networks discussed in this thesis were labelled as illicit not due to any just application of the law, but instead to further the colonial interests of an emergent capitalist state seeking to maximise its profits through overseas exploitation and trade. This is not intended as an exoneration of the Jacobites who engaged in theft, maritime violence and murder. It is just meant to highlight the complexities present in a conflict that was portrayed as a neutral application of the law but was nothing of the sort.

By having an intensive focus on a specific period and its maritime cultural landscape, it has been possible to demonstrate that an archaeology of maritime groups that have been labelled as pirates is possible. Material evidence of Celtic maritime networks between 1690 and 1715, contextualised with archival and prosopographical methods, do suggest that mercantilist forces within England created an imager of pirates within the public sphere so as to delegitimise them. As outlined in chapter 1, the period in question here is just one episode in a long tradition of 'western' piracy which stretches back to antiquity. This chapter has in part shown how the finds presented here, can be used to reconsider piracy in the immediate aftermath of the Golden Age to demonstrate that there is likely a considerable overlap between these periods. The final conclusion of this thesis is to advise that the best way to approach maritime cultures considered as 'illict' including, but not limited to pirates and smugglers, is to understand the wider political and economic conditions in which these groups had to operate.

[39] Cornwall, Ireland, Scotland and Wales.

Appendix 1: Methodology for the Irish Trade Networks

Nodes

A table of nodes was created that listed every port each merchant family traded through. Each instance received a unique ID even when families were trading at through the same port. Duplicate nodes were later combined using the merge function in *Gephi* (Bastian et al. 2009) so that all routes appeared on the same graph. The nodes are weighted by their degree of centrality. Degree centrality is the simplest way of measuring prestige in a network. Degree is simply a count of the number of links connected to a single node. An actor with a high degree score suggests a well-connected individual who is acquainted with many people within the network (Wasserman & Faust 1994, 178). In this measure, the magnitude of a particular relationship score is disregarded and the value assigned is zero or greater than zero. The degree centrality of Port p is given by

$$C_d(p) = \sum_{k=1}^{N} P(R_{pr} > 0),$$

where N is the total number of ports in the network and $P(R_{pr} > 0)$ equals 1 when the relationship score between Ports p and r is greater than zero (otherwise it is assigned the value of 0).

Links

The links presented in Figure 5.1 are directed and unweighted. This facilitates tracking the flow of goods around Irish networks, without overcomplicating the analysis, by attempting to quantify the value of each route. Links between ports were constructed using an adjacency matrix based on the IDs created in the original nodes table. The relationship between all nodes received a score of 1 or 0. Where there was evidence of a family merchant trading goods to another port, the relationship between the two ports was scored as one. Where there was no evidence of trading, the relationship was scored as 0. For Figures 5.6b and 5.7b this is refined to show only the trade routes that were known to exist before or during the privateering trials. The question of including North Devon pottery in this dataset is complicated. On the one hand it has proven a useful proxy for identifying areas of Irish trade (sections 3.3.4 & 3.4.5 above), but on the other it is not a product manufactured in Ireland and it was also shipped to locations other than Ireland. The extent to which North Devon coarse ware can be used as a proxy for Irish trade merits serious consideration in future research. Most studies on North Devon ware, were undertaken before the true extent of trade in Ireland was known (King 1983; Watkins 1960). As a result, they treat Ireland as a useful market for Devon ware but do not consider the possibility that large quantities of Devon ware found in the Americas may have been re-exported from Ireland. The time and resources required to fully reconsider the role of North Devon Ware are beyond the scope of this thesis.

Appendix 2: Methodology for Cornish Social Networks

Adjacency Matrix

The Cornish political network is weighted and undirected, unlike the unweighted. The unweighted Irish maritime network presented previously contains a simple binary adjacency matrix displaying the evidence how Irish mercantile families moved goods through ports. The methodology for the Cornish network is more complex. Between 1690 and 1715 there were 267 instances of MPs being elected to a constituency in Cornwall. However, it was not uncommon for an MP to change constituency, with many doing so immediately after being elected. There are 159 unique instances of an MP being elected in this window. These MPs are divided into four separate groups based on when they served. Instead of being divided evenly, MPs are sorted according to the ministries they served in, namely Carmarthen (1690-93), Junto (1694-1701[40]), Godolphin-Marlborough (1702-1710), and Harley (1710-15). This makes it possible to track the changing makeup of political networks in these periods. In addition, the time each MP serves in a given ministry is measured in months. Four separate weighted adjacency matrices record the relationships between MPs in each ministry. All MPs are given a score measuring their relationship to another MP, ranging from 0 to 90, with 0 being no connection and 90 highly connected. The scoring system considers familial relationship, political relationship, constituency, party, and the interest group supporting them (see Table A_2.1).

Relationship	Score
Same constituency	5
Same party	10
Same interest group	20
Kinsmen (Beyond 1st Cousin)	25
Marriage or Political Alliance	40
Close Family	50

Table A_2.1 The scoring system for Cornish Political Nodes.

The relationship scores from Table A_2.1 are then used for a variety of calculations. Throughout, R_{ij} is used to denote the relationship score between two MPs, i and j. All computations were performed using the software package *Visone* (Baur et al. 2002), and then visualised using the software package *Gephi* (Bastian et al. 2009).

Degree Centrality

For an explanation of degree centrality see Appendix 1-nodes.

Closeness

Closeness represents the centrality of a node within a network. An actor with a high closeness would likely be able to interact easily with the majority of individuals in network as the distance between actors would be low (Wasserman & Faust 1994, 183). Closeness is calculated as the normalised

[40] Technically the First Whig Junto was disbanded in 1699, however they remained influential until the death of William III.

average of all the geodesic distances of a node (Najera 2022). For this network the geodesic distances are computed from the relationship scores. Intuitively, it is immediate that two adjacent MPs are closer in distance when their relationship scores are larger. A new adjacency matrix is therefore defined, one which now contains the `unrelatedness' of MPs, scored according to:

$$U_{ij} = 200 - R_{ij},$$

where the choice for 200 is common in archaeology (see, for instance, the Brainerd-Robinson distance), but also inconsequential to the further analysis. Any number greater than or equal to the maximum relationship score of 90 would lead to the same relative result. Now, if $U_{ij} = 200$, then that means MPs i and j have no relation whatsoever.

The geodesic distance $d(i,j)$ between MPs i and j is defined as the shortest path on the weighted, undirected graph defined by unrelatedness U_{ij}. Finally, the (normalised) closeness centrality of MP i is defined as

$$C_C(i) = \frac{N-1}{\sum_{k=1}^{N} d(i,k)}.$$

Closeness can also be expressed as a percentage by dividing the closeness of a given node against the sum of closeness for all nodes in the network:

$$Closeness_{(\%)}(i) = \frac{C_C(i)}{\sum_{j=1}^{N} C_C(j)}$$

Betweenness

Betweenness demonstrates the importance of a node in facilitating communications between non-adjacent actors (Wasserman & Faust 1994, 188). An actor with a high betweenness could be responsible for transmitting information between several different interest groups, and would have the potential to manipulate that information as well (Wasserman & Faust 1994, 188–9). Betweenness centrality measures the amount of times a node lies on the shortest path between non-adjacent actors (Najera 2022). Najera (2022) defines the calculation for betweenness as such *"[betweenness] is calculated by identifying all the shortest paths (the geodesic distances) between all pairs of nodes, and then by counting how many times each node falls on one of these paths."*

The geodesic distances were defined above as the weighted shortest paths in the graph of unrelatedness. For two MPs j and k, let g_{jk} denote the number of different shortest paths (i.e. geodesics), and let $g_{jk}(i)$ denote the number of these shortest paths that contain MP i. The betweenness centrality of MP i is then defined as

$$C_b(i) = \sum_{\substack{j=1 \\ k>j \\ j,k\neq i}}^{N} \frac{g_{jk}(i)}{g_{jk}}.$$

That is, the sum is taken over all pairs of MPs that do not contain MP i. Betweenness can also be expressed as a percentage by dividing the betweenness of a given node against the sum of closeness for all nodes in the network:

$$Betweenness_{(\%)}(i) = \frac{C_b(i)}{\sum_{j=1}^{N} C_b(j)}.$$

For each network, the percentage value of the closeness, degree, and betweenness of each MP is averaged to create an overall 'prestige' score. This score is then used to weight the size of the nodes, with the larger nodes being more prestigious and the smaller ones less so. The top 10% are initialled to give an indication of the most important members of each network. A table providing the scores is also provided ordered from highest mean score to lowest. Whilst betweenness and closeness are expressed as percentages in the table, degree is not, as the actual number is more intuitive for a count score.

Girvan-Newman Clustering

Girvan-Newman clustering is a set of algorithms used to evaluate community structure within networks (Newman & Girvan 2004, 69). It does this by iteratively removing links from a graph that have a high betweenness score (Newman & Girvan 2004, 69). In doing so it reveals the grouping communities. For these networks this is useful for identifying the major political factions active in Cornwall during each ministry. The Girvan-Newman clusters are displayed on a separate figure, outlining the main factions.

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