

Chapter III

JAMES HALSTEAD, THE PIRATE

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Captain Kidd had James Halstead as one of his lawless and doughty crew, when he sailed the East Indies in the "Adventure Galley", capturing and plundering merchant ships. Kidd was caught and hung. Halstead was captured and escaped, was captured again and escaped a second time. His fate is a mystery.

That he was a very fierce pirate, or thought to be, is shown by the fact that it required three men to take him from one jail to another. At the Court of Sessions, held at Shrewsbury, New Jersey, on September 12, 1699, an order was made:

Whereas... that they have here apprehended James Halstead, one of the persons named in said warrant and proclamation (for apprehending several persons accused of piracy), desiring our assistance to convey the said James Halstead to Burlington, from whence he, having been their prisoner, escaped;

These are therefore to warrant and authorize said Jacob Ong and Randolph Simmons to carry the said James Halstead back again to Burlington, and that the High Sheriff of this county do aid and assist them with such force as they think fit, to carry the said James Halstead to Burlington.

The order of the Court is that the Sheriff press a man to assist Randolph Simmons and Jacob Ong to carry James Halstead back to Burlington and deliver him to the Sheriff of Burlington.¹

William Kidd--Scotland born, a well-to-do and respected ship owner and trader, who had distinguished himself in the Colonial disturbances, and against the French in the West Indies, a resident of America much of his life, where he married--was commissioned a privateer by William III, to hunt down pirates in the Eastern seas, and to capture French merchantmen as prizes of war. A group of English noblemen, one American capitalist, and Kidd himself financed the enterprise to the amount of six thousand pounds, the crew, officers and backers to share in the pirate spoils, and in the hulls and cargoes of the French ships, with an honorarium to King William.

Kidd sailed from Plymouth for New York City in May of 1696, taking a small French

prize enroute. Half the crew for the 275 ton ship with 30 guns was obtained in England, and the other half was recruited in New York, making 154 men in all. Sailing in September, via the West Indies, the Azores and the Cape of Good Hope, the "Adventure Galley" reached Madagascar, on the east coast of Africa, at the end of 1697. Madagascar was then the main rendezvous of the pirates, whom Kidd knew through trading with them both in America and England.

If there were pirates at Madagascar, Kidd made no effort to attack them upon his arrival. Cruising about in the Red Sea and beyond, where he lost fifty of his men by the plague; and stopping, searching--and trading with a few small vessels, he finally captured, bloodlessly, the richly laden "Onedah Merchant", a French vessel of five-hundred tons. On the way back to Madagascar with her, he burned the half-sinking "Adventure Galley." At Madagascar he encountered Captain Culliford, a notorious pirate, but instead of taking him, which he later claimed his mutinous crew prevented him from doing, he fraternized with him. Ninety odd of his men, leaving him but thirteen, finally deserted to Culliford.

Picking up a few more sailors to man her, he sailed the "Onedah Merchant" for New York. At the West Indies he learned, to his astonishment, that the British Admiralty, on December 8, 1698, due to rumors that he had turned pirate, and his long absence without reports as were required by his commission, had exempted him and Henry Avery, another pirate, from a proclamation of pardon to all other pirates who would surrender to three special commissioners in New Jersey or the commander of the British fleet in America. Fearing, then, to take his prize to New York, he sold part of the plunder and marooned the ship with the rest of it in an isolated river of San Domingo Island in the West Indies in the keeping of an Englishman named Bolton.

Kidd bought a small sloop, the "St. Antoine", carrying only about thirty men, and sailed up the Atlantic Coast. He stopped at the mouth of the Delaware River, at Oyster Bay, on Long Island, where he picked up his wife and daughter from New York City, and

then sailed to Gardiner's Island, off the far end of Long Island, where he buried a large part of the plunder belonging to himself and his backers, after the division had been made at Madagascar with the crew. Through a New York attorney Emmott, he negotiated with Lord Bellomont, at Boston, Governor of New England, which at that time embraced New York, for the appearance there of himself and men. Bellomont had helped to organize the project in England before he came to America. The Governor's attitude was seemingly friendly, and he urged him to come in. Kidd, and those of his men who had not already disembarked for New York, sailed to Boston. Instead of being friendly, as Kidd expected, Bellomont was hostile, hauled him before the Council for examination, and in about a week arrested him and all of his men he could find, and put them in goal, including Kidd's wife and daughter.

At near the same time that Kidd left Madagascar, Captain Culliford and about sixty of his crew, part of whom were Kidd's men originally, including James Halstead, learning of the King's amnesty to pirates, returned to America in the New York ship "Nassau", Captain Kelly, who had bought up a large quantity of the pirate plunder at Madagascar at bargain prices. The "Nassau" reached Cape May on May 29th, about the same time that Kidd sailed past that point, and her passengers began to disembark and scatter.

Two British officials got word of the "Nassau's" arrival. One was Colonel Quary, Judge of the Admiralty, at Philadelphia, who went out at once and seized two of the pirates, John Alston and William Merrick, took two thousand pieces of eight from them, and put them in goal at Burlington, New Jersey. Shortly afterwards he caught two more and lodged them in goal at Philadelphia.² The other was Deputy Governor Basse, of New Jersey, who took a sloop and captured four others, among them James Halstead probably, who were put in the Burlington goal. That James Halstead was one of the four, seems to be clearly shown by his arrest in Shrewsbury. In their chests he found, "seventy-eight hundred Rix dollars and Venetians, about thirty pounds of melted silver, a parcell of Arabian and Christian gold, some necklaces of amber and coral and pieces of India silk."³

Colonel Quary at once notified all the provincial governors, including the Governor of Virginia, of the presence of the fugitive pirates, who scampered up and down the coast when they found that they would be arrested, and kept the governors advised of the progress

of the hunt. Presumably as the result of these reports, on October 16, 1689, Francis Nicholson, Governor of Virginia issued a proclamation which discloses that a band of the pirates, including James Halstead for the second time, had escaped from the goal in New Jersey:

Whereas, Edward Buckmaster, a notorious pyrate, one of Kid's crew, a short wall-sett fellow with Lank brown hair and aged about forty years, hath lately made his escape out of goal in the City of New York and is fled from justice;

And whereas, Gulliam, another notorious pyrate of Kidd's Crew suspected to be circumcised has made his escape from Rhode Island;

And whereas James How, Nicholas Churchill, Daniel Dooley and John Eldridge have lately made their Escapes from his Majesty's province of West Jersey, being committed upon Suspicion of Pyracy; As also James Holstead and Robert Hickman have made their Escapes from his Majesty's Province of West Jersey and all are much suspected of a design of coming to this his Majesty's Colony and Dominion of Virginia and of attempting to take such Ships and Vessels as they can meet with, I, Francis Nicholson Esq., his Majesty's Lieutenant and Governor General of Virginia, command all Masters of Ships and Vessels and all his Majesty's good and loving subjects not to harbour, Entertain, conceal or correspond with any of the above persons.⁴

This is followed by a command to all civil and military officers to arrest the pirates, and an offer of twenty pounds reward for the apprehension of each of them.⁵

It was only the British officials who were active in the prosecution of the pirates. Governors Bellomont and Basse, in their reports to England, complained that the Colonial people, including the jailors, favored them. Colonel Quary wrote:

...the people of the government have entertained the pyrates, conveying them from place to place, furnished them with provisions, liquors & given them intelligence and sheltered them from justice; & now the greatest part of them are conveyed away in boats to Rhode Island.

The six other Pyrates that are in the Government of West Jersey are at liberty for the Quakers there will not suffer the Governor to sent them to goal.⁶

Thus, the escape of the pirates was made easy and their flight forwarded, rather than

hindered, by the colonials. Piracy was rife all over the western world as an aftermath of privateering by the English, Spanish, Dutch and French, in their constant wars, and smuggling on a large scale, a companion racket, had been incited by England's Navigation Acts which required that all shipments to and from the colonies be in English bottoms. Pirates and smugglers were regarded as adventurers rather than criminals.



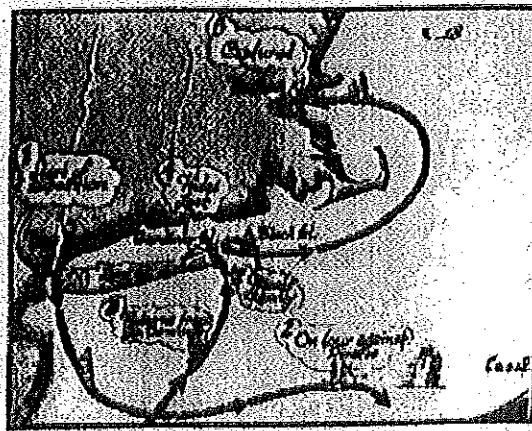
Captain Kidd, from an old wood cut

It was not until May of 1700, seven months later, that Governor Andrew Hamilton, of New Jersey, who had succeeded Basse, reported that he had taken into custody James How, Nicholas Churchill, Robert Hickman and John Eldridge, four of the eight named in the Virginia proclamation.⁶ How and Churchill were tried with Kidd in England. James Halstead was one of the four never caught, apparently, for no further record of them has been found in any of the historical records of the matter.

Captain Kidd's "Adventure Galley" was first manned in England, where the crew was carefully selected from substantial men of family, from which Scots and colonials were excluded, because they were thought to be complacent about piracy. On the way out of Plymouth the Admiralty took half of the men off and pressed them into the service of the British Navy, leaving Kidd but seventy men. At New York, however, there was little similar discrimination, the other eighty-four being recruited from the "floater" class. Kidd stopped in the West Indies, on his way out, and it is possible that he took on a few men there. All enlisted in a legally authorized privateering adventure with no thought then of piracy.

There is no known means of determining whether James Halstead was from England, from New York, or from the West Indies. There were Halsteads in all of these places at the time. It is believed, however, that he was not an American, as the history of all the colonial members of the same generation has been explored and there is no James Halstead to correspond to him. Lawrence Hallsted, a merchant of London, with a manor in Berkshire, to whom a Coat of Arms was granted in 1628, had a son James, who may have been the pirate, and who may have been a brother of Captain Mathias Halstead who made an expedition to America as recounted in Chapter IX, Part One.

After being held in Boston for eight months, Kidd was sent to England, with a number of others of different crews, accused of piracy, including nine of his men who had surrendered to Governor Basse under the Crown's proclamation of amnesty. Kidd was tried for both murder and piracy. He had killed one of his men with an iron-bound bucket in a fit of rage, which he admitted and said he regretted, but claimed that he did it to prevent an imminent mutiny. He was found guilty on this charge. In a very unfair trial, he was convicted also of piracy, protesting to the end that the ships he seized were fair prizes of war, which their papers, which were withheld from him, would show. Some historians concur in this. He was without money, witnesses for himself, or counsel, except at the preliminary session of the trial when he was arraigned, and not one of the men who were his financial partners in the enterprise ever came near him. There was a strong under-current of feeling in Parliament that they were as guilty as was he. Six of his men were convicted and denied the benefit of the King's



Itinerary of the "Adventure Galley"

amnesty because they had surrendered to Governor Basse instead of to one of the officials specified in the King's proclamation of amnesty. Three proved that they were only indentured servants of the officers of the "Adventure Galley." All were sentenced to hang. Five were reprieved at the last moment. Kidd, and one of the men, were executed at Execution Dock, on the Thames, May 23, 1701. When the trap for Kidd was sprung the rope broke, which was cited as the protest of Fate against Injustice. He was compelled to mount the scaffold again and fell a second time while, to the praying chaplain, he confessed to have been a wicked man but denied he was ever a pirate.

All of Kidd's treasure was quickly found and confiscated. A stone monument marks the spot on Gardner's Island where part of the booty was temporarily buried. Bolton sold the "Onedah" and her cargo, and Bellomont got the proceeds for the Colony, perhaps secretly reimbursing the English noblemen. Kidd's private estate, a substantial one, also was confiscated. Nevertheless, legends of the great wealth he was supposed to have buried have lived to this day and many searches have been made for it all along the

Atlantic Coast. The heirs of John Jacob Astor were sued in late times by a man named Olmstead, who alleged that Astor had obtained a large part of Kidd's treasure illicitly by buying land in Maine where it had been hidden and the trick gave him his first riches. The matter was settled out of court.

"Captain Kidd's Farewell to the Seas, or The Pirate's Lament", a ballad composed by Admiral Benbow, at the time of the execution, has been recited and sung as a sea poem by sailors all over the world ever since?

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1"Old Monmouth"--Salter.

2New Jersey Archives--1st. Ser. Vol. II.

3New Jersey Archives--1st. Ser. Vol. II.

4Executive Journals, Council of Virginia--Vol. II.

5New Jersey Archives--1st. Ser. Vol. II.

6New Jersey Archives--1st. Ser. Vol. II.

7"Rengate Calender"--Putnam; "Privateering and

Piracy in the Colonial Period"--Janeson; "Pirate

Tales From the Law"--Harris; "The Real Captain

Kidd"--Dalton; "Buccaneers and Marooners of America"

--Howard Pyle; "Buccaneers and Pirates of Our

Coast"--Stockton.

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