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Pirate Surgeons: The Remunerated Victims

Introduction

During the period from 1700-1730, the waters off the Americas and Africa contained a most terrifying threat to merchant vessels, pirates. Many men would die in battle, others would spend years in prison, more would suffer disease, and only a select few would make a living off this dangerous lifestyle. A newspaper of the time would describe a pirate ship as, “There was the pox above-board, the plague between decks, hell in the forecabin, and the devil at the helm.”¹

Disease and injury threatened these sailing men every day. Should a crew be fortunate enough, they would have a barber-surgeon to aid in the care of the men. Ship’s surgeons and physicians administered to chronic and periodic illnesses, wounds, amputations, toothaches, bums, and other indescribable maladies.² These surgeons had a variety of backgrounds that ranged from well practiced physicians, to medical students, to a slave who learned the trade from his master. What is common is these men often outranked the rest of the crew in education, and on many a ship, the surgeon held an equal respect to the captain due to the belief that the surgeon had the potential to save a man who was dying. “The Doctor being adored among them as the pirates for in him they chiefly confided for their cure and life.”³ These crews held this belief, in spite of medicine not being an exact science or having the prestige that we hold for it today, because the constant threat of danger and suffering that loomed over their heads created the

¹ Michael Snape, “The Redcoat and Religion: The Forgotten History of the British Soldier from the Age of Marlborough to the Eve of the First World War” *Christianity and Society in the Modern World* (Routledge, 2013), 37.

² Linda F. Carnes-McNaughton, “Mariners’ Maladies: Examining Medical Equipage from the Queen Anne’s Revenge Shipwreck” *North Carolina Archaeology* 65 (October 2016), 37.

³ Wilkins Updike, *Memoirs of the Rhode-Island Bar* (Boston: T.H. Webb, 1842), 264.

spiritual need for some sort of saving Grace. While the surgeons may not have had the best tools, supplies of medicine, or the medical knowledge to successfully save every man, they helped some men escape the death that came with battle wounds and the suffering that came with diseases. While surgeons worked to prevent death on deck, they themselves were able to avoid death at the hands of the Admiralty Courts.

Why did the Courts view pirate surgeons as victims of piracy rather than as officers of the pirate crew, and what does this suggest about the Courts and the fairness of the pirates' trials? It is my educated conjecture that Courts acquitted surgeons due to a prejudice the Courts had towards surgeons, who came from more educated backgrounds, that convinced the Courts these men were honest about how they came to be in the company of pirates. This suggest that while there was a positive pre-judgment of the surgeons, there could have been negative pre-judgement or prejudice towards the pirates, preventing a fair trial. This paper starts with a look at how the Courts held a prejudice towards the pirates and how this prejudice prevented pirates from receiving a fair trial. This paper begins to analyze this argument of the surgeons receiving different treatment at the hands of the Court by looking at two different surgeons tried by the British Admiralty during the 1720s. The first trial provides an example of a surgeon acquitted of his crime and had received positive prejudice prior to the beginning of his proceedings. The second trial provides an example of a surgeon found guilty of piracy because he had incontestable proof that he went on the account. While historians have made efforts to document the pirate surgeons in recent decades, there is a lack in published works that look at how the pirate surgeons have been viewed and treated by the Courts because the surgeons on pirating vessels were such a small number of men in a short period of time.

These Courts, established in 1674 and expanded throughout the British Empire in 1700 to oversee maritime law, were responsible for holding the trials for pirates.⁴ The establishment of these courts across the British Empire allowed pirates to be tried anywhere in the Empire, regardless if they are in the jurisdiction of the region they committed the crime, as long as it was a maritime offense. A fair trial amid the period of 1630-1730 for a crime of treason, as piracy was considered under British law, included a defense that could hire legal representation though this happened on rare occasion as lawyers favored the prosecution, a judge to preside over the trial that was often a colonial governor or lord, a prosecution, and a jury made up of government members and members of the British Royal Navy. Both the prosecution and the defense could present witnesses and documents that were pertinent to the case.⁵

Unfortunately for the pirates, these courts used these trials as propaganda to deter other men from turning pirate and would manipulate the rules and regulations of the Court to acquire more numerous and faster convictions.⁶ Pirates that went on trial rarely achieved an acquittal or had their sentence commuted, and were often hung in large numbers.⁷ Unique among pirate crews, surgeons achieved a very rare and small conviction rate. Of approximately 47 documented pirate surgeons, only three were convicted of piracy, and only two of those three were executed.⁸ Surgeons, who were paid an officer's share of approximately 1.25 shares, in

⁴ J. H. Baker, *An Introduction to English Legal History* (London, 1971; 2nd edn. London, 1979), 63.

⁵ John Langbein, *The Origins of Adversary Criminal Trial* (Oxford, 2003), 27.

⁶ David Cordingly, *Under the Black Flag: The Romance and the Reality of Life among the Pirates* (New York: Random House, 2006), 228.

⁷ Marcus Rediker, *Villains of All Nations : Atlantic Pirates in the Golden Age* (Boston: Beacon Press, 2004), 41-163.

⁸ Charles Johnson, *A General History of the Robberies & Murders of the Most Notorious Pirates* (Guilford London: Printed for Ch. Rivington ... J. Lacy ... and J. Stone, 1724; CT: Lyons Press, 2010), 222, 225.

most cases escaped conviction with a claim of being forced to serve on the pirate vessel as a victim of piracy rather than a participant.⁹

Court Prejudice towards Pirates

Unlike many of the governors of the Americas, that would repeatedly give pardons and free passes, the Courts brought the pirates to trial not to give them a chance to prove their innocence in the eyes of the law, but to get a guilty verdict to achieve the ultimate goal of a hanging and confirming the supremacy of the law. The prejudice shown by the Admiralty Courts during pirate trials often was evident before the trial even started. The Courts had public execution locations selected, often in a very open and symbolic location, invited important figures to be present at the trial and execution, and had already recruited a priest to extract a confession from the soon to be convicted, all before the first pirate was brought to trial.¹⁰ The propaganda value of these trials was not ignored either. The Governor of Jamaica wrote, in response to the hanging of 41 pirates, “I make no question but the example that has been made of these rogues will defer others in these paths.”¹¹ Beyond the preparation and political value, the trials themselves did not hold to a standard trial of the day. The most detailed example of a faulty

⁹ A. O. Exquemelin, and Basil Ringrose. *The History of the Bucaniers of America, or A True Account of the Most Remarkable Assaults, Committed (of Late Years) upon the Coasts of the West Indies, by the Bucaniers of Jamaica and Tortuga, English, Dutch, Portuguese, &c.: Wherein Are Contained, More Especially, the Unparalleled Exploits of Sir Henry Morgan, Our English Jamaican Hero, Who Sackt Puerto Velo, Burnt Panama, &c.* (London: Printed for William Whitwood, and Sold by Anthony Feltham in Westminster-Hall, 1695; Dorsett, 1987), 7. While the number of 1.25 shares pay for a surgeon varies from ship to ship, this number is an approximate average that had been documented by Alexandre Exquemelin in the first biographical text on Caribbean pirates. A share is a portion of the monetary prize taken from a pirated vessel. Most crews would give a single share to each crew member with the officers getting more, and the captain getting the most shares of a prize.

¹⁰ Cordingly, *Under the Black*, 234.

¹¹ Cordingly, *Under the Black*, 228.

trial is that of Captain William Kidd, a privateer and pirate captain who plundered ships in the Indian and Atlantic Oceans, in 1702.¹²

Kidd's mistreatment at the hands of the Admiralty Court began before the trial even started. Kidd had been imprisoned two years without trial, first in Boston and later in London. The first year in Boston was because an investor payed of the Court to hold the trial in order to locate Kidd's vast treasure that he had supposedly buried.¹³ The second year in London was because the Tory government wished for Kidd to reveal the names of his political associates.¹⁴ When it became clear that he would give up neither, Kidd was finally brought to trial. With only a fortnight allowed to meet with his council and request evidence and testimonials, Kidd entered the plea date intending on withholding a plea until he was allowed a lawyer and access to a French commision papers that had been confiscated upon his capture.¹⁵

In Kidd's day, lawyers were allowed to be present for a matters of law but not of fact. Kidd attempted to withhold his plea because he wished to question the proceedings up to the plea. The Court questioned Kidd's knowledge of the law and was outraged upon learning that Kidd had an understanding of his rights in the Court, becoming aggressive to deny him his lawyers and demanding a plea or immediate guilty verdict.¹⁶ The Court chose not to give Kidd access to the Naval archives until the night before his trial began. Though Kidd may have put in a request for the papers, the process lasted several days to get evidence delivered from the

¹² Johnson, *A General History*, 321.

¹³ Cordingly, *Under the Black*, 190.

¹⁴ Cordingly, *Under the Black*, 187.

¹⁵ Sollom Emlyn, Thomas Salmon, and John Adams, *A Complete Collection of State-trials and Proceedings for High-treason: And Other Crimes and Misdemeanors; from the Reign of King Richard II. to the Reign of King George II. With Two Alphabetical Tables to the Whole* (London: Printed for the Undertakers, John Walthoe Sen. and Jun. Thomas Wotton, 1742), 287-288.

¹⁶ Robert Ritchie, *Captain Kidd and the War against the Pirates*, (Cambridge: Harvard University Press, 1986), 212.

archives.¹⁷ This delay in the Court allowing Kidd access to the archives resulted in the assurance that whatever documents Kidd had to support his case would not be able to be presented at the trial that the Court wished to limit to two days, as were most pirate trials.¹⁸ Upon discovery of the letters in the late 20th century, historians concluded that Secretary James Vernon, a man who was sent Kidd's documentation from Boston, intentionally failed to deliver the French papers to the Admiralty Records Office knowing they were going to be Kidd's primary defense.¹⁹

The trial itself was no more fair. For the indictment of murder, Kidd was not allowed to produce witnesses or evidence of his killing of the ship's gunner.²⁰ The Court relied on the testimony of the ship's surgeon Robert Bradinham, who the Court admitted had taken pay from the pirates and willingly sailed with the pirates from Plymouth, that had contradictory facts and no evidence that Kidd had killed the gunner by striking him.²¹ His first act of piracy trial had been interrupted by the jury of his murder trial coming into the courtroom delivering a guilty verdict. Without the requested papers, Kidd's defense fell apart and one of the jurors, Justice Ward, even taunted Kidd to say something in his own defense. Justice Ward later commented that the prosecution need not worry after the first defense witness left the stand.²²

The remaining accounts of piracy trials followed a similar path ultimately culminating in Kidd being accused of piracy for following the law. Upon the capture of a ship as a privateer, the ship must be brought to a prize court. Kidd was accused of failing to do this because he delivered his ships to a prize court in the Americas when the ship was caught in the Indian Ocean and

¹⁷ Emlyn, *A Complete*, 289-290.

¹⁸ Cordingly, *Under the Black*, 228.

¹⁹ Ritchie, *Captain Kidd*, 209.

²⁰ Ritchie, *Captain Kidd*, 214.

²¹ Emlyn, *A Complete*, 295, 300.

²² Ritchie, *Captain Kidd*, 216.

should have been delivered to an Indian ocean prize court. What is wrong with this accusation, until after 1701 there was no Indian Ocean prize court in existence, so Kidd was being tried for following the law and taking his prize to the closest prize court.²³ In the end, William Kidd was found guilty of all charges and hung on May 31, 1701.

The failure of the Admiralty Court to follow the law to guarantee a verdict would be exemplified through the next 30 years of pirate trials. The trials of Henry Lowther and Howell Davis saw evidence being withheld and defendants not allowed testify or provide witnesses. Of Kidd's trial, in terms of this paper, the impatience developed upon learning that Kidd, an uneducated man and an accused murderer, knew the law and with the proper evidence could have proven his innocence, suggests the Court was afraid of enduring such a humiliating experience. The purpose of the Admiralty Courts was to punish criminals and show that the law was above everything else, and allowing criminals as notorious and uneducated, as most pirates were, to escape justice would bring into question the supremacy of the law. The necessity for guilty convictions often resulted in manipulation to ensure the hangman had a healthy stream of visitors.

As for the pirate surgeons, there exists indisputable evidence that many partook in their shares of each spoil. Yet when brought to trial, they avoided convictions simply by the court taking their word for it, as evidenced by the trials of Lionel Wafer, John Ballet and Thomas Lodge.²⁴ Even more surgeons avoided being brought to trial all together, as evidenced by Jean

²³ Ritchie, *Captain Kidd*, 217.

²⁴ Ronald A. Malt, "Lionel Wafer—Surgeon to the Buccaneers," *Journal of the History of Medicine and Allied Sciences* XIV:10 (1959), 470-471. Lionel Wafer became a wealthy man after serving as the ships surgeon for several pirate crews, including those of John Coxon and Bartholomew Sharp. When brought to court he lied and claimed to been given a King's Pardon. Without any proof of such a pardon the court acquitted Wafer in March, 1693.

Dubois, Marc Bourgneuf, Claude Deshayes, Nicolas Gautrain, and Robert Hunter .²⁵ These men received a positive prejudice from the Courts that wasn't given to any other position on ship. Less than 20% of Pirate Surgeons were brought to trial. Of the 47 surgeons brought to trial, 3 were found guilty. That is a conviction of 6% while the remainder of pirates a 10% execution rate and a conviction rate seven times greater.²⁶ What's more is these surgeons received a fair trial that many other pirates failed to received.

Surgeons' Innocence

On July 5, 1718, King George I, of England, proclaimed that any pirate who renounced his old ways and returned to being a law abiding citizen would be granted a "Kings Pardon."²⁷ This pardon, not the first given out, exemplifies the sentiment of the British, that they did not want to kill all the pirates, but rather return them to being civilized members of the empire. Many of the governments in the Americas displayed this sentiment. Even though these men had been known pirates or associates of pirates, they would be granted amnesty because they came from a good family or a good education. For instance. Governor Woodes Rogers reprieved a convicted pirate on December 10, 1718 because "he was of a good family."²⁸ Men who came from a good profession that would be beneficial to the empire should they be acquitted, received more lenient trials as well. In October, 1717, eight pirates were brought to trial in Boston's Admiralty Court. Each man claimed of being forced to sail with Sam Bellamy, the famous pirate captain

²⁵ McNaughton, "Mariners," 37. 3 surgeons under the employment of Edward Teach, a.k.a. Blackbeard, were never brought to trial after the capture of his crew and were allowed to return home with no charges brought against them.

²⁶ Cordingly, *Under the Black*, 244-9.

²⁷ Peter Pringle, *Jolly Roger: The Story of the Great Age of Piracy* (Dover Publishing, 1953; Dover Publishing, 2001), 184.

²⁸ Colin Woodard, *Republic of Pirates* (Harcourt Trade, 2007), 301-4.

responsible for the legend that pirates buried their treasure, but only the carpenters, Thomas Davis and Thomas South, were given validity to their testimony.

Here men received life rather than death because the Court deemed they “be fit by profession to return to society.”²⁹ Chief among all professions on the seas, surgeons would be acquitted in a majority of trials, if brought to trial at all. These men had received a proper education and their practice would have been useful to any town or vessel they may have chosen to take up practice once again.³⁰ Furthermore these men exemplified a prior commitment to society that followed the law before their entanglement with pirates. Unlike their fellow buccaneers, these surgeons carried a title that demanded respect everywhere and by everyone. The members of the Courts were not an exception to this. The surgeons entered the courtroom with their position preceding them. One court would remark, “the surgeon entered the room, most esteemed gentleman of the bunch.”³¹ This respect allowed the Admiralty to heed the surgeons argument to their innocence, even though many made a fortuitous living from being a pirate. Trials of surgeons proceeded much like the case of John Kencate, a surgeon on the ship of pirate captain of Edward Low, where evidence that would convict normal sailors would not convict a surgeon.

On July 10, 1723, the Court of Admiralty in Rhode Island began a trial of 26 men accused of piracy.³² These men had sailed under Edward Low and had been taken prisoner by the

²⁹ “The Trials of Eight Persons Indicted For Piracy” in *British Piracy in the Golden Age*, ed. Joel H. Baer (Pickering & Chatto, 2007), 299.

³⁰ William Osler, “Thomas Dover Physician and Buccaneer” in *An Alabama Student and Other Biographical Essays* (Clarendon Press, 1999), 19-36. Thomas Dover began his practice as a surgeon, became a pirate and made a fortune, and then became a respected physician in London.

³¹ Charles B. Driscoll, “Sailing the Main,” *The North American Review* 230, no. 5 (1930): 558.

³² Updike, *Memoirs*, 262.

Royal Navy after the capture of the *Ranger* by the *H.M.S. Greyhound* on June 10th.³³ John Kencate served as the ship's surgeon on the *Ranger*.³⁴ The Admiralty, whose members noted that Kencate was the most respectable of the prisoners, charged Kencate and the others of felony, piracy, and robbery.³⁵ The case built against him by the Advocate General argued that the "although it may be said, he said, used no arms and was not harnessed but was a forced man, yet if he received part of their plunder and was not under a constraint, did at any time approve, or joined in their villainies, his guilt was at least equal to the rest."³⁶ Kencate argued in his defense that he previously served as the surgeon on the *Sycamore Galley* and Low conscripted him in September, 1722 off the Cape De Verde Islands. He claimed that he never shared with the crew nor signed the articles.³⁷ The Advocate General argued that no matter how Kencate arrived into Low's crew, should it be proven that he served in a combatant role, received any shares of spoils, or showed support of the pirates actions, then he should be deemed as guilty as the rest of the pirates who were in line for the hangman.

The Admiralty brought forth several witness ranging from members of the Royal Navy to fellow prisoners of Kencate to present evidence on Kencate's reasoning for being part of the pirate crew. The first witnesses Captain Peter Solgard, commander of the *H.M.S Greyhound*, and Lt. Edward Smith confirmed that Dr. Kencate was present on the *Ranger* on the date of its capture. Dr. Archibald Fisher, the surgeon for the *Greyhound*, deposed that Kencate was in fact

³³ Johnson, *A General History*, 276.

³⁴ Johnson, *A General History*, 279. Capt. Johnson refers to John Kencate as John Hinch. Further research revealed the following sources that clarified the name to be Kencate not Hinch: *Boston News-Letter* from 8/8/1723, *Memoirs of the Rhode Island Bar*, and *Tryals of Thirty-Six Persons for Piracy*.

³⁵ Updike, *Memoirs*, 264.

³⁶ Updike, *Memoirs*, 279.

³⁷ Updike, *Memoirs*, 280.

the ship's surgeon and did have a few medicines and poor instruments.³⁸ These testimonies proved that Dr. Kencate served as the surgeon aboard the *Ranger* but fail to provide proof of his participation in piracy. Further King's witnesses' testimonies claimed they witnessed Kencate pacing the deck of the ship along and disconsolately, often with the conclusion that he was serving against his will. The most damning deposition came from Benjamin Wickham, a man who had been confined by the pirates and was present when the "Doctor" came on board. Wickham claimed that Kencate was merry with some of the pirates then there, and that Kencate told Wickham that he would provide him compensation for his confinement, but he never provided such compensation.³⁹ This deposition may have hinted that Wickham heard of Kencate sharing and celebrating plunder with the other pirates.

Had the Court put merit in this argument, then it would have provided the necessary evidence for the Advocate General's argument that if Kencate "did at any time approve, or joined in their villainies, his guilt was at least equal to the rest." But this evidence, that was good enough to see so many others hung, failed to get a conviction for Kencate.⁴⁰ The remaining depositions came from Kencate's fellow crewmates John Wilson, Henry Barns, and Thomas Jones. All three of these men deposed that Kencate was forced to serve as the ship's surgeon by Low. They each independently argued that Kencate never signed the articles or collected any of the ship's shares.⁴¹ Kencate's crew members further claimed that he cared for not just the pirates, but the victims the pirates preyed upon, serving in a humanitarian capacity to all and not just a

³⁸ Updike, *Memoirs*, 280.

³⁹ Updike, *Memoirs*, 279-80.

⁴⁰ Updike, *Memoirs*, 279.

⁴¹ Updike, *Memoirs*, 280.

surgeon of the pirates.⁴² Without any solid evidence to convict him of felony, piracy, or robbery, the Court found John Kencate unanimously not guilty.⁴³

The trial of John Kencate is significant because of the fact the Court failed to give consideration to Benjamin Whickam's testimony. Many cases of pirates receiving guilty verdicts, like those of Blackbeard's crew or the crew of Calico Jack Rackham, stemmed from testimony of association rather than any physical proof of guilt. What then gives Kencate the distinction of requiring more than guilt by association? While it is not possible to have an answer with no doubt, due to not knowing what went into the Court's deliberation, we can look at what separates Kencate from the other pirates who went to the gallows. The first significant difference is that the courts allowed for testimony of the crew argue for Kencate's character. This was highly unusually as the Courts in general did not trust the seamen by nature because of their roving existence.⁴⁴ Furthermore Kencate's chief characteristic was not that he came from a good profession but specifically he was a surgeon. A profession that requires years of education and civil practice, that provided Kencate with a credible character reference to give legitimacy to his plea of not guilty.

Earlier in February of that year, a similar case developed where Adam Comrie, a surgeon impressed by Bartholomew Roberts, was found not guilty of piracy and later provided testimony that aided the guilty verdict and execution of another surgeon, Dr. Peter Scudamore.⁴⁵ The Courts held a prejudice toward the surgeons that, even if they had been accused of piracy, gave credibility to the surgeons' argument that was not given to a pirate. The case of Scudamore

⁴² Driscoll, "Sailing," 558.

⁴³ Updike, *Memoirs*, 281.

⁴⁴ Cordingly, *Under the Black*, 228.

⁴⁵ Johnson, *A General History*, 225.

became the first notable case of a pirate surgeon hanged for piracy. Scudamore received a fair trial like most surgeons, but he gave the Court what other surgeons had not, indisputable proof of him being a pirate.

Peter Scudamore is a unique case for pirate surgeons. To begin, as a medical student around 1700, Scudamore had become intrigued with pirates. In an attempt to understand the anatomy of a pirate better than “any other landsman,” he would sneak out to the mouth of the Thames River and remove the hanging pirates’ bodies to study them.⁴⁶ He signed up as surgeon aboard the *Mercy*, and finally encountered the pirates he so cherished in 1721. Of the coast of Calabar, Bartholomew “Black Bart” Roberts’ *Royal Fortune* approached the *Mercy*. The crew ignored the orders of their captain to fight after Scudamore gave the following speech: “You are fools if you fight. The pirates will take us anyway. The cargo and ship are not yours. As for me, I want no job more jolly than being surgeon aboard a pirate.”⁴⁷ Scudamore presented himself as a willing servant to Roberts before all of the *Mercy*’s men. He exclaimed, “Captain Roberts, Sir, my duty to you! I’ve heard you’re a bloody pirate, and I want to be your bloody surgeon. I want to sign the articles right now, and share in your plunder, Sir.”⁴⁸ This account would be later presented as evidence for Scudamore’s trial by fellow pirates Harry Glasby, Jo. Wingfield and Nicholas Brattle.⁴⁹

What makes Scudamore even more unique beyond his fascination with pirates, he became the first surgeon to sign the pirate’s articles. He did so with great alacrity and took great

⁴⁶ Driscoll, “Sailing,” 555.

⁴⁷ Driscoll, “Sailing,” 556.

⁴⁸ Driscoll, “Sailing,” 556.

⁴⁹ Johnson, *A General History*, 222.

pride in knowing he was the first to do so.⁵⁰ Because pirates did not want to keep impressed individuals on board too long, they often rotated pirates every few months. Scudamore signing the articles changed this, allowing Roberts to invest in a floating hospital, at Scudamore's insistent requests.⁵¹ If being a career pirate surgeon collecting one and a quarter shares was not enough, Scudamore would often trade a scalpel for a sword and participates in boarding parties. Unfortunately for Scudamore, he tended to get greedy on these parties and would plunder the medical chests, slowly leading to his crewmates losing trust in him.⁵²

If we look at the Rhode Island Admiralty's holy trinity of crimes of piracy, Scudamore carried arms on the occasion, collected his one and a quarter shares from each prize, and most willingly supported the endeavors of the pirates. He did not have that luxury that Kencate had of no indisputable evidence towards his guilt. It is not a surprise that Scudamore was tried, found guilty, and executed at Cape Coast Castle in 1722.⁵³

Another asset the Scudamore did not have was allies among the crew. After looting the medicine chests of the *King Solomon* and *Elizabeth*, Scudamore had made enemies of most of the crew and even strained his relationship with Black Bart Roberts, who had died at the time of Scudamore's capture.⁵⁴ Unlike Kencate, Scudamore had credible evidence against him, primarily his name on the articles, and he did not have any corroborators to testify to his innocence. The Admiralty Court at Cape Coast Castle had no trouble getting a conviction. Scudamore remained

⁵⁰ Johnson, *A General History*, 222

⁵¹ Driscoll, "Sailing," 557.

⁵² Johnson, *A General History*, 222.

⁵³ Johnson, *A General History*, 231.

⁵⁴ Johnson, *A General History*, 222.

loyal to Roberts and the accord until his verdict. In between the trial and execution, he began to repent and died singing Psalm 31.⁵⁵

The unique case for Scudamore provides an example of a case where the Courts were able to collect enough indisputable evidence to get a successful conviction, but should have Scudamore not presented himself as such a loyal pirate, he may have had his guilt respited like Comrie and Kencate.

Conclusion

In an time where pirates and those associated with them were viewed as an affliction on society, the men who cured others afflictions were themselves given a different treatment than other men associated with the black flag. Piracy left a bad taste in the mouth of the Admiralty Courts, and because of this, the rules and regulations often were changed to deliver a successful conviction as in the case of William Kidd. When the Courts brought pirate surgeons to trial, they gave a special treatment to these men because they believed their profession attested to their lack of criminality and their character. This can be seen in the case of John Kencate who received special treatment compared to his crew and in many other cases, except where surgeons gave indisputable proof that they were guilty, like Peter Scudamore. To continue research in this subject and possibly find further information and motives for the unique treatment of the surgeons, research in the British Naval Archives may provide personal journals and letters from Admiralty Court members that can give further insight.

⁵⁵ Driscoll, "Sailing," 558.

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