**[The Island](http://pyracy.com/index.php?/profile/11199-the-island/" \o "Go to The Island's profile)**

* Deck Swabber
* 
* 
* Member
* 44 posts
* Gender:Male

[Posted March 29, 2010](http://pyracy.com/index.php?/topic/16718-hanging-pirates-from-a-yardam/&do=findComment&comment=382062) · [Report post](http://pyracy.com/index.php?/topic/16718-hanging-pirates-from-a-yardam/&do=reportComment&comment=382062)

Have you guys read about any other pirates being hung from a yardam with no trial such as the case of Joseph Bannister in 1686? I dont know why the Governor would have given Spragge that order to do so. I mean do you think Bannister would have been acquitted a second time in Jamaica?

[**Dutchman**](http://pyracy.com/index.php?/profile/6150-dutchman/)

* Has anyone seen my cousin?
* 
* 
* Admin
* 1,773 posts
* Gender:Male
* Location:tidewater virginia

[Posted March 29, 2010](http://pyracy.com/index.php?/topic/16718-hanging-pirates-from-a-yardam/&do=findComment&comment=382066) · [Report post](http://pyracy.com/index.php?/topic/16718-hanging-pirates-from-a-yardam/&do=reportComment&comment=382066)

think outside the box mate. Pirates were first sailors/ mariners. It was common practice in the European Navies to hang mutineers and the like aboard ship while at sea without a shoreside trial. The captain would oversee a trial by senior officers- i'm not sure if he would directly be involved in the trial though.

[**Daniel**](http://pyracy.com/index.php?/profile/352-daniel/)

* Pyrate Captain
* 
* 
* Member
* 652 posts
* Gender:Male
* Location:McLean, VA
* Interests:History, pirates, fiction, writing, writing historical fiction about pirates, jokes, games, law.

[Posted March 29, 2010](http://pyracy.com/index.php?/topic/16718-hanging-pirates-from-a-yardam/&do=findComment&comment=382067) · [Report post](http://pyracy.com/index.php?/topic/16718-hanging-pirates-from-a-yardam/&do=reportComment&comment=382067)

I don't know of any other case where it happened. The closest parallel I know of would be the mutineers on the U.S. brig *Somers* in 1842, where the three men hanged for mutiny had allegedly planned to turn pirate, but never got a chance to do it.

In theory, pirates were liable to be executed as *hostis humani gneris* by any captain who took them, *if they could not safely be brought to trial*. In practice, most captains who captured pirates seem to have been very happy to pass off the responsibility to the admiralty or vice-admiralty courts. Roberts' men, Bonnet and his men, Quelch, Vane, Rackham and Kenedy were all hanged on shore between the tide marks, not from a yardarm.

Certainly Earle believes that the governor ordered Spragge to hang Bannister because the jury would have acquitted him again.

In fact, pirates seem to have hanged men from the yardarm themselves more often than they were ever subjected to it. The most famous case, of course, being Roberts hanging the governor of Martinique from a yardarm.

[**Fox**](http://pyracy.com/index.php?/profile/1019-fox/)

* Old Twillian
* 
* 
* Moderator
* 2,565 posts
* Gender:Male
* Location:Beautiful lush Devon, England
* Interests:Nautical history of the 16-18th centuries and living history based thereon.

Shooting pirates.

[Posted March 29, 2010](http://pyracy.com/index.php?/topic/16718-hanging-pirates-from-a-yardam/&do=findComment&comment=382069) · [Report post](http://pyracy.com/index.php?/topic/16718-hanging-pirates-from-a-yardam/&do=reportComment&comment=382069)

Without specific reference to the Bannister case, it might be an issue of jurisdiction. Up until 1700 or thereabouts piracy was supposed to be tried in a Vice-Admiralty court, which the colonies had no remit to convene. Getting a pirate safely to trial therefore meant returning him to England - as Kidd was, for example - so summary justice might have been expedient. After the Kidd trial moves were made to allow colonial courts of Vice-Admiralty, and IIRC Quelch was the first pirate to be hanged by such a court, in 1704.

Pirates might still be hanged on board ship for other crimes of course. Armstrong, one of Roberts' crew was hanged on board HMS *Swallow* before the rest of the crew even came to trial (in a Vice-admiralty court at Cape Corso), because he had earlier deserted from the RN - he was executed as a deserter rather than a pirate.

[**Tartan Jack**](http://pyracy.com/index.php?/profile/4587-tartan-jack/)

* Notorious Pyrate
* 
* 
* Member
* 908 posts
* Location:South Carolina
* Interests:History, Scotland, Batman, Cars, and more<br />Married with 2 kids<br />

[Posted March 29, 2010](http://pyracy.com/index.php?/topic/16718-hanging-pirates-from-a-yardam/&do=findComment&comment=382083) · [Report post](http://pyracy.com/index.php?/topic/16718-hanging-pirates-from-a-yardam/&do=reportComment&comment=382083)

I have wondered . . .

How many pirates "killed in action" were, in fact, hung or otherwise executed on site.

[**Daniel**](http://pyracy.com/index.php?/profile/352-daniel/)

* Pyrate Captain
* 
* 
* Member
* 652 posts
* Gender:Male
* Location:McLean, VA
* Interests:History, pirates, fiction, writing, writing historical fiction about pirates, jokes, games, law.

[Posted March 29, 2010](http://pyracy.com/index.php?/topic/16718-hanging-pirates-from-a-yardam/&do=findComment&comment=382095) · [Report post](http://pyracy.com/index.php?/topic/16718-hanging-pirates-from-a-yardam/&do=reportComment&comment=382095)

 On 3/29/2010 at 9:47 AM, bbcddutchman said:

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Naval captains and their officers could try crewmen, yes, but I believe they only had juridiction over crewmen from their own ships. I've never heard of them trying men from other ships, like pirates. I suppose a Royal Navy captain could get around that limitation by pressing a man from another ship into his own crew and *then* trying him, but I've never heard of it being done.

Also, a number of pirate hunters weren't Navy. Barnet was in the merchant service when he captured Rackham, as was Captain Holford when he arrested Vane; Rhett was a colonel of South Carolina militia operating under a governor's commission when he captured Bonnet; Maynard was a lieutenant in the Royal Navy, but he wasn't commanding a King's ship and was arguably operating as a privateer for Spotswood rather than in the King's name when he fought Blackbeard. I don't know if non-Navy captains had any power to put people on trial. Merchant captains could flog men or otherwise punish them, but that wasn't judicial and required no trial; any master was entitled to physically punish his servants under the savage laws of that time. Merchant captains also had loosely defined powers under what I think were called "the customs and usages of the sea," but again I'm not sure that that included any general power to try and hang people; if it did, I would doubt that it went beyond the members of his own crew.

In short, captains would be on safer legal ground turning pirates over to the (vice)-admiralty courts than by acting as judge, jury and executioner themselves, and that's probably why they so rarely hanged pirates from the yardarm.