

Trott, Nicholas (19 Jan. 1663-21 Jan. 1740), colonial judge and writer, was born in London, England, the son of Samuel Trott, a London merchant. His mother's name is unknown. Trott's grandfather Perient Trott was a husband, or director, of the Somers Island

Company, the chartered company formed for the colonization of Bermuda. His uncle Nicholas Trott, sometimes called "Nicholas the elder," was a governor of the Bahamas and a notorious pirate harborer; the younger Trott is sometimes confused with him. Trott's early schooling was at Merchant Taylor's School, London. His family connections helped him obtain the posts of secretary to the Somers Island Company and attorney general of Bermuda in 1693. He was admitted in 1695 to the Inner Temple, one of the four Inns of Court that constitute a university in London for training lawyers. He returned to Bermuda in 1696 again as attorney general, a post in which he "served ably."

In 1699 Trott went to Charleston, South Carolina, on the recommendation of Edward Randolph, surveyor general of the colonies, to become attorney general and naval officer there. In 1703 he became chief justice of the colony. Trott's political and legal career in Charleston was surrounded by controversy prompted by his political and religious partisanship. He was arrested and excluded from office for criticizing Joseph Blake, who had replaced John Archdale as governor in 1696. In 1702 the governor and council restored him to his former positions at the insistence of the colonial assembly, and the proprietors promoted him to chief justice of the colony in 1703. For several years thereafter, Trott was actively involved in the efforts of the dominant Anglican clique to establish the Church of England and to suppress dissenters. Trott was a devout adherent of the Church of England and an early and faithful member of the Society for the Propagation of the Gospel. The colony's religious factionalism continued until Charles Craven, who supported toleration, became governor in 1712.

Trott and his brother-in-law William Rhett were influential in the colonial assembly and defied Governor Craven, possibly because of the protection of Richard Shelton, the secretary to the proprietors. From 1711 to 1715, Trott and Rhett, who was then speaker of the assembly, expanded their powers through their influence over the Charleston electorate, which elected the majority of the assembly members.

In 1714, while on a visit to England, Trott was granted extraordinary legal powers by the proprietors--he gained the right to appoint the provost marshal, his presence was required for a quorum in the colonial council, and no law could become valid without his approval. Although this authority was revoked in 1716, Trott continued to enlarge his powers. He was appointed vice admiralty judge in 1716. By this time, he and Rhett controlled virtually all of the royal and proprietary offices in South Carolina.

Trott became known to a larger audience as the judge in the 1718 trial of the pirate captain Stede Bonnet. Trott published a transcript of the trial in 1719 that is the source for versions that appear in prominent collections of state trials published in the eighteenth and nineteenth centuries. Trott's comprehensive and detailed definition of piracy, which he framed for the Bonnet trial, synthesized various authorities on the subject and

incorporated an explication of the Greek roots of the word "pirate." It continued to be cited in the literature of public international law into the nineteenth and twentieth centuries. The notoriety of Trott's Bonnet trial account resulted, however, from its verbatim incorporation (as chapter four) of the immensely popular eighteenth-century rogue history, *General History of the . . . Pyrates* (1724). Authorship of much of the *General History of the . . . Pyrates* has been ascribed to Daniel Defoe, although the attribution remains controversial.

By 1719 Trott was thoroughly detested by his Charleston contemporaries. A formal complaint to the proprietors was lodged against him charging that he collected exorbitant fees in his courts, multiplied fees by delays in the proceedings, abused his office as judge by advising parties in cases pending before him, and monopolized the colony's political and judicial offices. Opposition to Trott and Rhett, as strong as it was, apparently played no role in the political upheaval that ended proprietary government in 1719; the cause of the revolution was the proprietors' failure to provide adequately for the danger to the colony posed by the Indians. The colonists persuaded the Crown to send both protection and a royal governor, Francis Nicholson. Nicholson reappointed all proprietary officeholders except Trott, who sought in vain to continue as chief justice. Thus, from 1719 until his death, Trott devoted himself to a private life as a scholar and writer.

Historian M. Eugene Sirmans called Trott "the most learned man in the colony." Trott published a lexicon of the psalms, *Clavis Linguae Sanctae* (1719); *The Tryals of Major Stede Bonnet and Other Pirates* (1719); and a statutory compilation, *The Laws of the British Plantations* (1721). For these works he was awarded a Doctor of Civil Law degree by Oxford University in 1720 and a Doctor of Laws degree from the University of Aberdeen in 1726. His final published work, *The Laws of the Province of South Carolina* (1736), is a collection of provincial laws covering the colony's proprietary period ending in 1719. It is the foundation of later codifications of South Carolina law and an important milestone in the development of an indigenous body of American colonial law. An important example of Trott's work as an essayist is an undated holograph manuscript collection of grand jury charges ("Eight Charges"). These are brief disquisitions on law and philosophy intended to instruct jurors on the law and inspire them in its application. The sixth of the eight charges includes a defense of the crime of witchcraft, for which indictments were sought in Charleston, coupled with a rejection of "specter evidence." Proof of witchcraft based on corroboration by evil spirits, according to Trott, "by no means is to be relyed on." Trott's explication of the Hebrew text of the Bible, an undertaking he pursued for many years and which is mentioned in his correspondence and in his obituary, has apparently been lost.

Trott was married twice, first to Jane Willis of Bermuda in 1694 and after her death to Sarah Rhett, the widow of William Rhett, in 1727. His will leaves small bequests to his "two grandchildren Sarah and Mary Jane Rhett," who were descendants of his second wife by her first marriage. Trott apparently had no offspring.

Trott contributed importantly to the legal development of colonial South Carolina through his statutory compilations and judicial service and to the colony's intellectual and

literary development through his scholarly works on the scriptures and his grand jury charges.

Bibliography

Trott's account of the Bonnet trial is also in Francis Hargrave, ed., *A Complete Collection of State Trials*, 4th ed., vol. 6 (11 vols., 1776-1781), pp. 155-88, and Thomas Bayly Howell, ed.,

Cobbett's Complete Collection of State Trials, vol. 15 (33 vols., 1809-1826), pp. 1231-1302. The most complete assessment of his role in literary and legal history is L. Lynn Hogue, "An Edition

of 'Eight Charges Delivered, at So Many Several General Sessions, & Gaol Deliveries: Held at Charles Town . . . in the Years 1703, 1704, 1705, 1706, 1707 . . . by Nicholas Trott, Esq; Chief Justice of the Province of South Carolina' " (Ph.D. diss., Univ. of Tennessee, Knoxville, 1972). Hoyt P. Canady, Jr., *Gentlemen of the Bar: Lawyers in Colonial South Carolina* (1987), gauges Trott's role in South Carolina legal and judicial history. Richard Beale Davis, *Intellectual Life in the Colonial South, 1585-1763* (3 vols., 1978), assesses Trott's place in colonial intellectual history. Two additional studies are Hogue, "Nicholas Trott: Man of Law and Letters" *South Carolina Historical Magazine* 76 (Jan. 1975):25, and Hogue, "The Sources of Trott's Grand Jury Charges," in *South Carolina Legal History*, ed. Herbert A. Johnson (1980), pp. 23-37. Theodore D. Jervey, "Chief Justice Nicholas Trott's First Wife," *South Carolina Historical and Genealogical Magazine* 42 (1941): 187-88, corrects earlier misinformation regarding Trott's marriages. Trott's role in the colonial politics of South Carolina is described in M. Eugene Sirmans, *Colonial South Carolina: A Political History, 1663-1763* (1966), and Randall Bridwell, "Mr. Nicholas Trott and the South Carolina Vice Admiralty Court: An Essay on Procedural Reform and Colonial Politics," *South Carolina Law Review* 28 (1976): 181. An obituary is in the *South Carolina Gazette*, 2 Feb. 1740.

L. Lynn Hogue

Copyright Notice

Permission is granted to make and distribute verbatim copies of the American National Biography of the Day and Sample Biographies provided that the following statement is preserved on all copies:

From American National Biography, published by Oxford University Press, Inc., copyright 2000 American Council of Learned Societies. Further information is available at <http://www.anb.org>.

American National Biography articles may not be published commercially (in print or electronic form), edited, reproduced or otherwise altered without the written permission of Oxford University Press which acts as an agent in these matters for the copyright

holder, the American Council of Learned Societies. Contact: Permissions Department, Oxford University Press, 198 Madison Avenue, New York, NY 10016; fax: 212-726-6444.