

Constructing Early Modern Empires

The Atlantic World

Europe, Africa and the Americas, 1500–1830

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Constructing Early Modern Empires

Proprietary Ventures in the Atlantic World,
1500–1750

Edited by
L.H. Roper
and
B. Van Ruymbeke



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INTRODUCTION

L.H. ROPER AND BERTRAND VAN RUYMBEKE

The following essays, contributed by historians from England, France, the Netherlands, and the United States, offer a comparative transatlantic treatment of early modern colonial ventures in five Atlantic empires. We conceived of this collective investigation as a means, first and foremost, of providing a better understanding of the preferred device—the proprietorship, broadly defined—for furthering European activity around the Atlantic Ocean during the early modern period. The clearer sense of proprietary ventures provided here enables us, in turn, to understand better the development of overseas empire. It also sheds light on the character of the profound changes that Western European states underwent during the sixteenth, seventeenth, and early eighteenth centuries. In recognition of the wide variety of these colonizing initiatives, the contributions to this volume offer myriad perspectives on proprietorships and those who became involved in them. Some consider the histories of proprietorships and their colonies, such as New Jersey and South Carolina. Others focus upon the careers of particular proprietors, such as Francis, Lord Willoughby of Parham in the Caribbean and Robert Mason in New England. Still others focus upon the functions and activities of various proprietary groups around the Atlantic World such as the French West India Company, the *adelantados* and *encomenderos* of Spanish America and the patroons of New Netherland. Some essays present conclusions based on primary research; others offer re-interpretations that synthesize the literature on particular colonies.¹

In particular, an analysis of colonial proprietorships provides a helpful means of assessing to what degree, and why, “modernization”—customarily defined as the emergence of a commercial, individualistic

¹ There has been no study of proprietorships in and of themselves. Over a century ago, Herbert L. Osgood offered a discussion of “proprietary provinces” in the context of the English Empire, “The Proprietary Province as a Form of Colonial Government.” Osgood, though, took care to distinguish between proprietary governments and colonies governed by chartered companies.

society—occurred during this period. The study of proprietorships bridges two aspects of this process: one, the European settlement of the Americas, arising from the other, European “state formation.” Both of these phenomena have attracted considerable scholarly attention. In particular, the literature emphasizes the novelty of “New World” societies that differentiated themselves—consciously or otherwise—from the metropolis, especially in North America. Yet, at the same time, the states under whose auspices this colonization took place began to play a more direct role in the lives of their inhabitants.²

The most sophisticated analyses of this latter development have largely abandoned the schematics of Whiggish and Marxist historians. It turns out that, despite the appearance of writers and governmental ministers who advocated the concentration of power at the highest level, the development of the nation-state proved hard to manufacture in practice. Moreover, such centralization as did take place often did so as a consequence of short-term factors and with the cooperation of local authorities.³

Early modern colonial proprietary ventures reflected this reality. These entities took various forms as they received their respective rights to engage in “imperial” activity around the Atlantic Ocean. Sometimes, they took the form of chartered companies charged with maintaining a national interest as they engaged in commerce and colonization. Sometimes, individuals or non-incorporated groups received charters from central governments that granted them powers to recruit settlers, exercise governmental functions in colonies, and own land overseas. Sometimes, they controlled local and provincial government through the designation of royal or other overarching authority. Notwithstanding their different names and forms, though, all of these versions replicated the social and governmental links between central authorities and their localities. As such, they served as imperial points of contact that corresponded to the justices of the peace, provincial estates, and other institutions that bound centers to localities in the “Old World.”

Considering the centralization of authority that began to take place in early modern Western Europe, the continuing delegation by the

² E.g., Greene, *Imperatives, Behaviors & Identities*; Bailyn, *The Peopling of British North America*.

³ E.g., Braddick, *State Formation in Early Modern England*; Beik, *Absolutism and Society in Seventeenth-Century France*.

Dutch Republic, England, France, Portugal, and Spain of the responsibility for colonial administration generates particular interest. Early seventeenth-century contemporaries, such as Philip III and the Count-Duke Olivares in Spain (and Portugal), Louis XIII and Cardinal Richelieu in France, and Charles I and the advocates of “Thorough” in England, famously moved to hamstring institutions and constituencies they regarded as anachronistic or needlessly meddlesome. With the need to levy and collect taxes efficiently and the fear of alternative client networks firmly in mind, these monarchs and ministers, as well as their successors, battled *Cortes*, *parlements* and Parliaments, *Comuneros*, *Frondeurs*, and “puritans” often with indifferent results.

Despite occasional rough—sometimes disastrously so—seas, the four monarchical governments under consideration here all achieved “absolutism” in one guise or another by 1750. In France, the Bourbon dynasty, of course, became synonymous with absolute monarchical rule. The Spanish monarchy, despite the loss of its Netherlandish provinces and Portugal, succeeded in reducing the liberties and privileges of its Aragonese, Catalan, and Italian subjects. After restoring its own independence in the middle of the seventeenth century, Portugal quickly followed the path laid out by its counterparts. In England, where Charles I famously failed to break resistance arising from Parliament in the 1640s, the monarchy finally cooperated with that institution after the departure of James II in 1689 to create a different sort of absolute central authority.⁴

The creation of these “absolutist” regimes usually involved negotiation rather than force when possible. And in every one of these instances, the society in question saw the monarch (or the equivalent) achieve recognition as the ultimate dispenser of patronage, a situation that often suited the requirements of subjects as well. Yet, even this did not render the “state” subservient to the monarch’s will. In every case, monarchies resorted to expedients in often desperate attempts to raise money. The Bourbon kings of France, for instance enabled—for the inevitable fee—the selling of heritable offices. This *paulette* created a bureaucracy that could operate with considerable independence.⁵

⁴ Brewer, *The Sinews of Power*; O’Gorman, *The Long Eighteenth Century*.

⁵ Major, *From Renaissance Monarchy to Absolute Monarchy*, pp. 335–75; Cottret, *1598*; Mousnier, *The Assassination of Henry IV*.

The greater distances and expenses necessarily entailed in overseas affairs, as well as the greater risks they correspondingly involved, meant that all of these monarchies, as well as the Dutch Republic (for whose special case see below), continued to employ “private” individuals and entities overseas well into the eighteenth century. Indeed, none of these states, with the exception of Portugal, devoted much direct energy to building an empire, relying rather on the privatization of colonizing efforts. The geographic isolation of the Portuguese encouraged an early Atlantic perspective and the pursuit of commercial—and blunted imperial—ventures along the African coast.

The other nations became involved in the Atlantic World almost despite themselves. In the case of Spain, Columbus’ “discovery” of a “New World” can scarcely qualify as a governmental initiative. Hernán Cortés famously flaunted the directive of the royal governor of Cuba before presenting Mexico to a bemused Charles V.⁶

The most substantial early French activity in America occurred under the auspices of the Huguenot Admiral Gaspard de Coligny, the first victim of the St. Bartholomew’s Day massacre carried out by the Valois monarchy against its Protestant subjects in 1572. So far from directing policy, the Huguenots, including the Sieur de Monts (and, possibly, his employee Samuel de Champlain), who undertook the lead in founding Quebec in 1608, never dispelled the fear that they constituted an unnatural state within a state by virtue of their heterodox faith.⁷

Every one of these governments spent this period teetering on the brink of bankruptcy. On occasion, due to the exigencies of warfare, they fell into the pit. The Spanish and French monarchies regularly warred with each other from 1494 to 1659. The Habsburgs, often in conjunction with their Austrian cousins, also routinely waged war with the Ottoman Empire and battled Protestants in Germany. The outbreak of the Dutch Revolt further aggravated the fiscal-military obligations that the Spanish government assumed.

France, for its part, was plagued by the political instability brought on by the accidental death of Henri II—in a tournament, as it happens,

⁶ John H. Elliott, “Cortés, Velázquez and Charles V” in Pagden, *Hernan Cortes*, pp. xi–xxxvii.

⁷ Acerra and Martinière, eds., *Coligny*; Augeron and Guillemet, eds., *Champlain ou les portes du Nouveau Monde*; Litalien and Vaugeois, eds., *Champlain*.

celebrating a peace treaty with Spain—that deteriorated into the Wars of Religion of 1562–98.⁸ Except for the first decade of the seventeenth century, from 1559 until 1620 when Louis XIII cemented his authority, the French government, such as it was, lacked the leisure and the wherewithal to pursue actively an overseas policy, except for the 1560s settlement of Florida sponsored by Coligny. Even then, Italy and the rivalry with the Habsburgs retained priority.

The English could only daydream about such pretensions. Following the financially exhausting reigns of Henry VIII and Edward VI, English monarchs kept involvement in continental proceedings to a minimum despite the fury of some of their subjects. The dismal record of English arms on the occasions when they did participate further discouraged adventuring. The disastrous loss of Calais to France in 1558, failure in the Low Countries in support of the Dutch rebels in the 1580s, the fiasco at Cadíz in 1599, and the calamitous attempts to intervene on behalf of the Huguenots at La Rochelle in 1627–28, along with abiding concerns about Ireland where the English conducted warfare from 1561 to 1607 and again from 1641–52 and 1689–91, cannot have heightened confidence in pursuing adventures farther afield. Indeed, English arms failed to win any significant victories outside of the British Isles between Boulogne (1547) and the capture of Jamaica (1655). The next victory on the continent did not occur until the War of Spanish Succession (1702–13).

This feeble performance still required funding. English monarchs adopted the expediciencies of their continental counterparts in their attempts to keep afloat the ship of state. All of these governments routinely resorted to sales of the crown demesne, devaluation of currencies, venality of offices, “novelties” in taxation, and, most of all, borrowing. The perennial inadequacy of the “ordinary” revenues generated by royal estates and income from customs duties, compounded by the persistent ability of the aristocracy to underrate their tax contributions, kept these governments awash in red ink. At the same time, the continuing need to placate clients hampered royal efficiency, especially in terms of tax collection.⁹

At the same time, domestic disturbances, often related to these fiscal conundrums, distracted all of these governments on a routine

⁸ Lestringant, *Le Huguenot et le Sauvage*.

⁹ Hart, *The Making of Bourgeois State*.

basis. Subjects resisted innovations, such as ship money in England, which they regarded as infringements of their liberties and privileges. Moreover, “bread riots” and other manifestations of popular displeasure at high prices, enclosures, and similar issues appeared habitually.

Some of these outbursts had religious or political overtones. The Spanish government had to deal with the Morisco rebellion of 1568, as well as revolts in Aragon in 1591, Catalonia and Portugal in 1640, and its Italian territories in 1647, along with the Dutch Revolt in 1568–1609 and 1621–48. The French, in addition to the religious wars of the late sixteenth century and the Huguenot revolt of the 1620s, experienced provincial rebellions in Guyenne (1548), Languedoc (1632), and Normandy (1639), all before the Fronde (1648–53). England saw revolt in 1536, 1549, 1554, 1569, and 1601, and confronted a series of bloody Irish rebellions, before the outbreak of its civil wars brought on by rebellion of the Scots against the “British” monarch in 1638. These latter hostilities did not end until Cromwell “pacified” Ireland fourteen years later. Then, the arrival of William of Orange and ensuing flight of the “absolutist” James II sparked war in Scotland and Ireland and concerns about another civil war in England itself from 1689–91.¹⁰

These outbreaks of discontent and disaffection, some of which resulted in the overthrow of governments, demonstrate the limits of and resistance to early modern “centralization.” At the same time, the “Spanish” and “British” (until 1707), and even, arguably, the French monarchies remained composite in nature during the period under discussion, continually confounding the efforts of such centralizing strategists as Olivares and James I. Moreover, Portugal and the Dutch Republic constitute separate cases. Portugal did not see rebellions of the sort that, say, its neighbor Spain saw, but it did come under Spanish control from 1580–1640 before it regained its independence. At the same time, this relatively small country, with only one land boundary, devoted deliberate attention to overseas activity early in its history, unlike its much larger counterparts.¹¹

The Dutch, in the course of winning their independence from their Habsburg rulers after an 80-year conflict, also made an early

¹⁰ Zagorin, *Rebels & Rulers*. For the problems of the seventeenth-century “British” monarchy from a variety of perspectives, e.g., Russell, *The Fall of the British Monarchies*; Scott, *England’s Troubles*; Clark, *Revolution and Rebellion*.

¹¹ Elliott, *The Count-Duke of Olivares*; Pauline Croft, “Robert Cecil and the early Jacobean court” in Peck, *The Mental World of the Jacobean Court*, pp. 134–47.

conscious and successful attempt at global commerce and colonization in the teeth of the costs they incurred in waging their war of independence. At the same time, the “United Provinces” retained a uniquely decentralized political structure whereby each of the seven provinces shared power to a proportional degree in colonial affairs, as the system of chambers employed in both the East and West India Companies illustrates, even though Amsterdam dominated matters to a great degree.¹²

Thus, these “metropolitan” experiences of conflict between centers and localities help shed light on the efforts of early modern European states to create Atlantic empires. In order to found and develop colonies, these overwhelmed and debt-ridden governments naturally turned to the familiar “feudal” system, even though it contravened “centralization.” English proprietors, for instance, received the same powers as the bishops of Durham held prior to the Reformation. The defense of remote American boundaries, the cultivation of local government, and the need to recruit migrants required the devolution of substantial powers upon those who would stand in the shoes of the king just as the medieval palatines had done on the Scottish frontier. Lord Baltimore, William Penn, Lord Willoughby, and the Carolina proprietors assumed these functions. Sometimes, they relocated to America themselves. In most instances, they delegated responsibility to their own deputies.

Encomenderos in New Spain, patroons in New Netherland, Brazilian donatary captains, and various seigneurs and companies in the French Empire, likewise, exercised local authority by virtue of grants, customarily of lands, that incorporated responsibility for maintaining order at some level just as aristocrats and lower landholding orders did in Western Europe. Yet, the Spanish, perhaps as a reflection of the relative strength of their monarchy, placed their proprietorships, the *encomiendas*, directly under royal authority. In the eighteenth century, their French counterparts followed this example. The Dutch and the English never wholly imitated the Spaniards preferring additional links between the metropolis and the fringe. The Dutch West India Company retained its chartered control of New Netherland and, in turn, its patroons until the English acquisition of the province. The Carolina proprietorship did not return its rights to the crown

¹² Frijhoff and Spies, *Dutch Culture in a European Perspective*.

until 1729. The Penn family retained its power over Pennsylvania, despite demands for royal control by both Pennsylvanians and crown officials, until American independence. The Calvert proprietors of Maryland lost their governmental authority early in the eighteenth century but retained their power to grant lands.

The point of relating this history is to provide the comparative historical context in which these countries created their proprietorships. We need this reminder because the historiography of early modern empire has tended to overlook proprietorships and because the historiography of American settlement, even in this era of Atlantic history, has tended to overlook the history of early modern Europe and of other empires and has essentially focused on British North America.¹³ The continuing reliance of early modern states upon these private ventures does not fit very well into investigations that are generally premised upon an identification of imperial and colonial development in the Americas as elements in a “modernization” process. For although private ventures remained an ordinary means of expanding European commercial and settlement interests overseas during the early modern period, the recent literature on empires has maintained the long-standing attitude of, shall we say, salutary neglect towards these colonizers and their histories. Moreover, the history of politics and empire, especially proprietary ventures, has attracted little notice outside of the arenas of “discourse” and “identity.”

As noted above, the movement of Europeans that took place around the Atlantic World between circa 1500 and 1750 and the “state formation” that occurred during the same period have been identified as key elements in a transition of Western society from medieval social, political, and economic forms to modern versions, especially in British North America. Thus, a relatively hidebound, hierarchical, communal, land-based system gave way, on the one hand, to fluid, egalitarian, individualistic environments and, on the other, to emerging nation-states with obedience rendered to laws created by society rather than to a monarch. A particularly prominent strand of interpretation stresses the relationship between “core” states and “peripheral” colonies as crucial to the development of colonial societies and identity formation in its elite inhabitants.¹⁴

¹³ Exceptions include Daniels and Kennedy, *Negotiated Empires* and Pagden, *Lords of All the World*.

¹⁴ E.g., Daniels and Kennedy, *Negotiated Empires*.

Yet, despite the continuing encroachment of central authority, “peripheries” even in Europe itself continued to enjoy considerable autonomy in the early modern period. This existed not only because “states” lacked the will or the ability to effect “coercion,” but because it often suited them to delegate responsibility to local authority in recognition of that weakness. In every case, though, the governmental chain tracked back to the monarch or the leading settlers “dominated” their colonies because that “domination” suited both colonizers and colonists. In English America, central authority played an even remoter role. The emergence of these creole leaderships, in turn, led to the emergence of distinct and autonomous social and political institutions in the colonies.

The development of these “New World” phenomena, though, did not necessarily occur at the expense of “Old World” conceptions of social and governmental structure, such as proprietorships. While eventually, in almost every case, the colonies discussed here (and others) passed through their proprietary “phases,” the departure of these points of contact often occurred—when it did occur—as a consequence of local political activity in a colonial scene, as in South Carolina, rather than as an example of early modern nation-state centralization. Looking forward as contemporaries did rather than backward from the perspective of independence enables us to see that early modern governments created overseas empires with the tools with which they were familiar. As with taxation and other new issues, the familiar did not always work. Nevertheless, proprietorships worked more often than they did not. Indeed, they could register more success in recruiting settlers and governing societies than states themselves could, as Leslie Choquette and Philip Boucher point out below in the case of New France and the French West Indies.

Moreover, the idea of proprietorships in and of itself runs against this conception of early modern history. Neither fully fledged manifestations of state bureaucracy nor helpful examples of the cultivation of a distinct colonial identity on the “periphery,” the continuing existence of these institutions and those involved with them demonstrate the durability of older ideas and forms and provide further evidence of the ambiguity of the “transition to modernity.”

Scholarship on Atlantic empires has tended to avoid this issue by generally ignoring or dismissing proprietorships as a significant factor in colonial development. Pennsylvania, the longest lasting English proprietary government, for instance, has invariably been identified

as the benchmark for the modernity of American colonization thanks to its diverse and relatively egalitarian population, its religious toleration, and the emergence of Philadelphia as a significant urban center. Yet, despite the endurance of the proprietorship, political analyses of the colony focus on opposition to it while studies of its social and economic development disregard it.¹⁵

Such an approach, though, cannot provide real satisfaction in terms of properly understanding the development of empire. Thus, firstly, in order to gain a clearer view of early modern governmental intentions and, since, at best, the imperial reach of these governments customarily exceeded their grasp, we require a better sense of the motives and behavior of the joint-stock corporations, proprietorships, *encomiendas*, seigneuries, captaincies, patroonships, and individuals who served as agents of empire in conjunction with their pursuit of their personal interests. This enables us to ascertain what people wanted to happen, what did happen, and the consequences of that activity. The contributions here thus seek to provide a lead in restoring our understanding of the contexts in which early modern colonization took place and, correspondingly, to make whatever comparative points may be on offer.

In the first instance, the contributors here consider colonization experiences from the Dutch, English, French, Portuguese and Spanish Empires. Although certainly not wholly comprehensive, they cover a geographical range from Canada to Brazil and from the Illinois country to the Caribbean as they examine colonizing endeavors during the sixteenth, seventeenth, and early eighteenth centuries. Their accounts demonstrate the vagaries involved in various attempts to transplant “Old World” institutions, beliefs, and practices to the Americas and that while distinctions predictably arose in this process, the core of early modern European values took root successfully in an alien environment. At the same time, the contributors underscore the reality that “imperial development” remained dependent upon these agents whose reasons for involvement and whose goals may or may not have coincided with those of their governmental principals even though, ultimately, many of these proprietorships returned their rights to higher authority as happened with South Carolina in 1729.

¹⁵ Fogelman, *Hopeful Journeys*; Frost, *A Perfect Freedom*; Roeber, *Palatines, Liberty, and Property*; Tully, *Forming American Politics*; Nash, *Quakers and Politics*.

Even so, politics, manifested in terms of faction, religious orientation, and economic interests, routinely interfered with imperial and proprietary plans. For many of the people involved here played important roles on various colonial scenes and pursued their own agendas, as their “Old World” counterparts did. Finally, they illustrate that when governmental intervention in these colonies took place, it did not necessarily constitute an improvement over these private initiatives in terms of recruitment of migrants and developing settlements.

At the same time, these investigations refute the still-prevalent characterization of proprietary ventures, which consistently styles them as inherently inadequate colonization mechanisms. According to this view, proprietorships, correspondingly, continually ran foul of both colonists and of “imperial” thinkers. The former supposedly opposed proprietorships both as a concept and in particular cases. The latter regarded them as obstacles to imperial efficiency. Thus, for instance, “the yeomen farmers of Newark and many other New Jersey towns ‘resisted with great Spirit’ the maneuvers of the colony’s proprietors in a prolonged struggle for property and power.” These battles, which apparently continued into the nineteenth century, defeated the attempts of “generations of gentlemen proprietors [who] sought to build a hierarchical society dominated by great landed estates.” The New Netherland patroonships retain the “feudal” characterization they first received in the mid-nineteenth century, as the essay by Jaap Jacobs here notes. The once-similar view of the South Carolina proprietors has been mitigated somewhat, but textbooks regard their situation as “an anomaly” by 1719 thanks to the province’s location on the borders of French Louisiana and Spanish Florida.¹⁶

Unfortunately, this view—anachronistic, ironically, in itself—neglects, in the first place, the fundamental reality that, especially given the limited powers of metropolitan governments, the proprietorships remained favored instruments of empire. Delegation of authority to companies, individuals, and groups with more time, energy, and incentive to tackle the risks of colonization and to govern overseas possessions in the name of the king (or equivalent) than the “state” itself enabled these governments to avoid the burden of finance and the possibility of loss. Indeed, this continuing assignment of these responsibilities constituted, like so much behavior in the “early modern”

¹⁶ McConville, *These Daring Disturbers of the Public Peace*, p. 1; Weir, *Colonial South Carolina*, p. 103.

period, a sensible continuation of “medieval” forms rather than, as some would have it, the furtherance of the “autonomous interests of the state”—sometimes in conjunction with, sometimes at odds with the interests of “local elites”—“within the shell of a developing fiscal-military empire.”¹⁷

Correspondingly, colonization provided ambitious aristocrats, gentry, and merchants with political opportunity and potential financial returns. Early modern societies, both in Europe and in European empires, did not draw a clear line between “public” service and private opportunity. No one thought twice about officials augmenting their incomes while they performed their duties to the state. Indeed, tax and customs farmers, and in French, Portuguese, and Spanish America, those overseeing missionary activity, were expected to derive far more income from fees and profits than the miniscule salaries they drew as well as a chance for political advancement. Certainly, this notion provided the pretext under which these colonizers—Lord Willoughby of Parham, Martim Afonso de Sousa, Kiliaen van Rensselaer, myriad French seigneurs, the *encomenderos* in Spanish America—operated on both sides of the Atlantic even as they ensconced themselves in colonial situations. These aristocrats, gentry, and merchants saw the chance to advance themselves and their nations jointly by risking their lives and fortunes overseas in the hope of reaping rewards where others declined to tread. The pursuit of metropolitan favor, increased private wealth, and control over one’s own domain, though, constituted just a colonial version of the same game played in Europe.

In properly restoring the centrality of private adventuring to understanding early modern colonization, the studies here remind us of the limits, both in terms of their institutions and ambitions, upon the ability of early modern governments to carry out policy generally and to build empires specifically. The results of private colonization may have been “modern.” But the many ways the modern results occurred, be they the reversion to the state of proprietary rights, the demise of “feudal” schemes for colonial societies in “New World” environments, and the formation of relatively fluid (at least, in their initial phases) societies, rather than “orderly” manorial seigneuries, compels us to recall that these results were entirely unintended.

¹⁷ Braddick, *State Formation in Early Modern England*, p. 398.

Nor did the end of proprietorships come about only because of the effects of some sort of “force” (demographic, economic, or otherwise), such as the availability of land in English America to the political agencies of individual colonists or local factions pursuing the main chance as they saw it. This did not necessarily mean an attack on proprietary interests, since settlers could and did act in concert with their “feudal overlords.” But, planters—oftentimes left to their own devices when events elsewhere distracted their overseers—did tend to think of themselves when the opportunity offered itself—just as their “Old World” counterparts did. Also, in general, the resources required for recruiting migrants, for supporting colonists, converting indigenous people (in the cases of French and Spanish America), and for building defenses proved beyond the abilities of private colonizers to provide.

Early modern Western European states may have lurched towards centralization. Yet, their governments remained dependent on a patchwork of officialdom—justices of the peace, councils, *audiencias*, *conseils*—to maintain order in localities. Proprietorships—whether captaincies, seigneuries, or corporations or some other device—constituted the only points of contact available to deal with the acknowledged problems of distance and ocean travel in attempting to administer transatlantic interests. Ironically (and perhaps revealingly), the French and Spanish monarchies, customarily identified as the most successful at centralizing their authorities at home, remained largely content to employ private imperial mechanisms even into the nineteenth century.

“Modernization” then did not inevitably sound the death knell of proprietary ventures. In the first place, proprietorships served, by definition, as a means, individualistically, of furthering trade and empire and so we cannot necessarily regard them as archaic victims of “progress.” Moreover, the New Jersey proprietorships, as Maxine Lurie demonstrates, managed to transform themselves from a late seventeenth-century colonizing enterprise, with responsibilities for recruitment and government undertaken in exchange for lucrative land rights, into a landholding corporation that, having survived the American War of Independence, uniquely, held legal interests equivalent to an American state until quite recently.

Yet, while some proprietorships may have shed their “feudal” skins, all of them, in their original incarnations, constituted “feudal” enterprises. They were designed—at least in part—to fulfill military purposes, including, where appropriate the recruitment of settlers (especially

since colonizing constituted both an invasion of Indian territory and a securing of “rights” against rival European powers). At the same time, they secured obedience from the “captains,” *encomenderos*, governors, *seigneurs*, patroons by “subinfeudation”—land grants accompanied by governmental duties and, often, titles. This had been the way such things had long been done in the metropolises; naturally, early modern governments and American “feoffees” turned to this familiar socio-governmental vehicle.

Thus, we find similar variations on this theme appearing in early Brazil in the form of donatary captaincies, as Mickaël Augeron and Laurent Vidal sketch, in New Netherland with its patroonships, as Jacobs shows, and in the English colonies with their proprietors, as Sarah Barber, David Dewar, Lurie, Debra Meyers, Lou Roper, and James Spady discuss. Perhaps more surprisingly we also find them in the Spanish Atlantic empire, despite the relatively early centralization of the Castilian monarchy and its success at introducing instruments of direct royal control—at least in theory (such as the *audiencias*) with its *encomenderos*, as Olivier Caporossi sets forth. It also occurred in French territory, as Ken Banks, Boucher, Choquette, and Cécile Vidal recount, notwithstanding the efforts of Richelieu and, even more famously, Louis XIV and his ministers Jean-Baptiste Colbert and Jérôme Phélypeaux de Pontchartrain into the eighteenth century. At the same time, an important imperial variation manifested itself in terms of religious policy: Iberian and French proprietorships stepped into royal shoes and pressed uniformity in New Spain and New France through the establishment of the Inquisition and the exclusion of the *marranos* and Huguenots, respectively, while English versions generally offered toleration as an incentive to prospective migrants and, in the cases of Maryland and Pennsylvania, had, respectively, Roman Catholic and Quaker proprietors.¹⁸

In almost all of these cases cited, the original grantees delegated, in turn, certain responsibilities—and corresponding land grants—to settlers. They did so because, in some cases, such as in Brazil, South Carolina, and the French Caribbean, charter recipients had no intention of removing to the “New World” themselves and so needed

¹⁸ The recent acquisition by the State of New Jersey of the records of the East and West Jersey proprietorships promises, once they have been catalogued, to shed greater light on those entities.

representatives on the ground to maintain control of the colony. In other cases, such as in New Spain, New France, and Surinam, they did so in an attempt to create creole aristocracies that might (or might not) do as they were told by the “center.” In the French colonies, the government sometimes pursued empire in a private guise—but with such indifferent success, as Boucher and Choquette note, that it returned to the expedient of more genuine private colonization.

It is easy, looking back at these ventures, to join those who have dismissed or ignored them. After all, in every case, proprietary interests subsided and royalization, generally, seems to have become the rule. To focus on the “failure” of these ventures, though, would cause us, anachronistically, to continue to overlook, in the first instance the transplantation of European cultural and social norms, as well as the development of “staple” agriculture and slave labor, both in terms of the introduction of enslaved African and the expansion and consolidation of native slavery, to the “New World.” Moreover, it would prevent us from noting that such enterprises were both remarkably long-lived and, as noted previously, remained governmentally popular, for failures. Not only has one group of New Jersey proprietors lasted to the present day, but the *encomenderos*, far more a creolized aristocracy than an instrument of royal policy, remained in place until the early nineteenth century. Moreover, the Georgia Trustees, as Spady discusses here, assumed responsibility for “imperial” policy on the southeastern frontier of the British Empire in 1732, while the heirs of Lord Baltimore and William Penn retained their interests in their Maryland lands until American independence. The Carolina proprietorship lasted almost seventy years before the British Crown finally bought it out in 1729, and, as late as the early 1730s, French companies, with private as well as royal support, had charge of the colonization of Louisiana albeit with disastrous consequences.

“Failure,” then, in the form of royal takeover generally occurred reluctantly because the seigneurs themselves seemed incapable of managing their responsibilities, especially in light of the growing imperial conflict of the eighteenth century. Ironically again, the successes registered in terms of population and economics under proprietary rule required direct intervention. In several cases, royal takeovers seem to have occurred as a consequence of proprietary success. Thus, the Portuguese Crown resumed control over Brazil in order to better fend off the French (a prior period of direct rule from 1500–30 having generated a dismal result) in 1549, and the

government of Louis XV took over Louisiana in 1731 to defend it against threats from Spanish Florida and British Carolina—after the British government had bought out the Carolina proprietors in 1729, partly in response to encroachment from Louisiana. Another “failure”—that of the Dutch West India Company and its patroonships—occurred as a consequence of the English capture of New Netherland in 1664 at the outset of the second Anglo-Dutch War. It should be noted, though, that the Dutch exchanged it for Surinam at the end of that conflict and then retook the colony briefly in 1673. Also, the Van Rensselaer patroonship (a leading example of American subinfeudation), like the *encomiendas* of New Spain, remained part of the New York landscape until well into the nineteenth century.

They did so even as the manorial system of local government bound up in these proprietorships inexorably, albeit slowly in some cases, ebbed away in the metropolises. Irony thus appears yet again: the advertised availability of boundless tracts of land that purportedly attracted European immigrants to the Americas—the phenomenon customarily identified as central to the development of distinctive, even unique, “New World” societies¹⁹—may not have had quite a corrosive effect on this “Old World” socio-political system as the enduring shortage of European migrants to these colonies. Indeed, arguably, the proprietary concept lived an even longer life in its various American incarnations. Since the familiar way of maintaining order in localities held no inherent unsuitability for colonization, contemporaries—cognizant as well of the limits of their central governments—naturally continued to employ it. Thus, rather than colonial settlement patterns or the “opportunities” proffered by vast quantities of American acreage greasing the rapid demise of seigneurial governments, it would seem that a combination of old-fashioned politics and “American” (perhaps more accurately characterized as local) factors, including inhospitable climates and attacks from Indians or rival European powers, aggravated by distance, bedeviled proprietorships and prodded “imperial” thinkers into considering that the concept had begun to reach its sell-by date. After all, proprietorships that did not advertise readily available land as an inducement

¹⁹ E.g., Altman and Horn, “*To Make America*”; Bailyn, *Voyagers to the West*; Greene, *Pursuits of Happiness*. Of course, the classic characterization does not account for the island societies.

to “peopling,” as in New France and the West Indies, ran into serious problems as well. Yet, even so, as Caporossi and Choquette observe, the availability of land actually reinforced manorial structures in Spanish America and New France and, thus, gave these crowns additional opportunities to create *encomiendas* and seigneuries. In English America, distance between rulers and ruled, the availability of arable land in North America, coupled with the natural delegation of responsibility by proprietors to their colonists, furthered localist tendencies that early modern English people had cultivated in the “Old World.” The development of these tendencies in turn ironically weakened central authority, proprietary or otherwise.²⁰

We offer this collection as suggestive, rather than exhaustive, knowing all-too-well that it neither incorporates the totality of early modern colonial proprietorships—Pennsylvania being the most notable absentee—nor does it comprehensively incorporate the histories of those colonies we have included. We have arranged the essays by “empire” in the belief that this format will best facilitate consideration of proprietorships in particular colonial experiences over time as well as comparisons of the histories of these endeavors in an Atlantic sense.

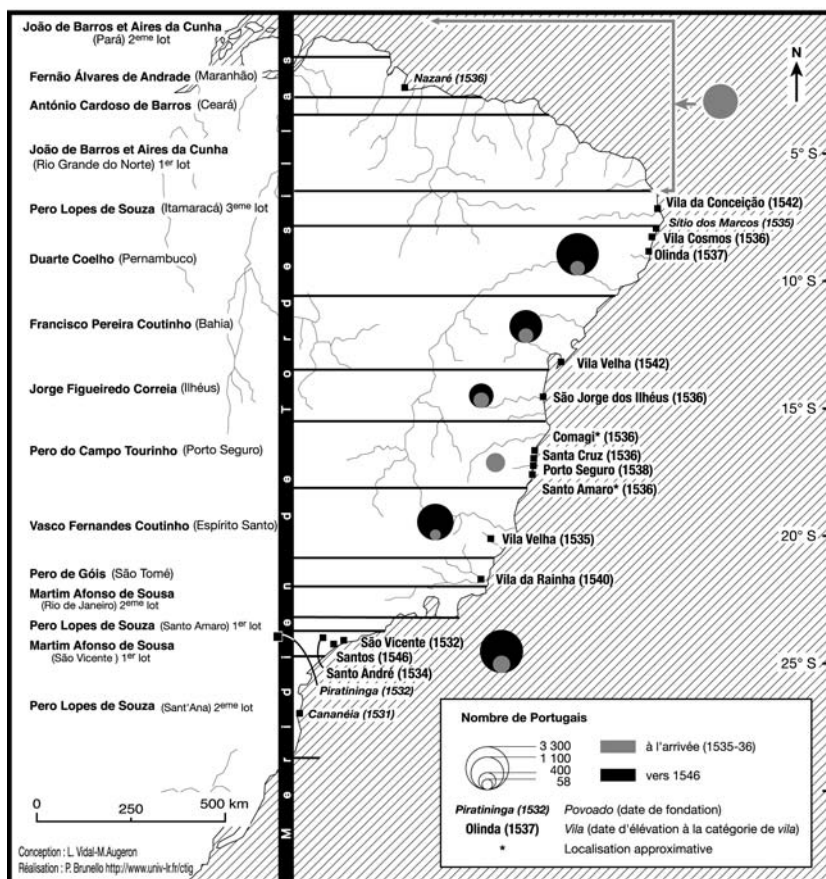
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²⁰ E.g., Roper, *Conceiving Carolina*. For a discussion of these “Old World” attitudes and the effects upon them of the civil wars, Hughes, “The king, the parliament, and the localities.”

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Fondation de *povoados* et de *vilas* dans le brésil colonial au temps des capitaineries héréditaires (1532–1549)

CHAPTER ONE

CREATING COLONIAL BRAZIL: THE FIRST DONATARY CAPTAINCIES, OR THE SYSTEM OF PRIVATE EXCLUSIVITY (1534–1549)

MICKAËL AUGERON AND LAURENT VIDAL¹

In Brazilian and Portuguese historiography, the short-lived experiment with hereditary captaincies (1534–49) has long been neglected—overshadowed by both the earlier age of discovery and later colonial developments such as the General Government and the sugar economy—or else reduced to a debate over the nature of the system (“feudalism” or “capitalism”?). Curiously, this Portuguese experiment has attracted little interest from historians of the other colonial powers, whether French, Dutch, Spanish, or English, who could have used it to help define and delimit the specificity of their own nations’ colonial experiences.

In this context, the period has been presented as at best an uninteresting parenthesis, at worst a failure—as though historians tacitly accepted the conclusions of the Portuguese Crown in 1549 regarding the difficulties of maintaining the system.² Portuguese historian Malheiro Dias’ survey of Brazil in the first half of the sixteenth century, written in the early 1920s, influenced several generations of historians, who did not, for the most part, feel the need to consult the primary sources.³ While it is true that these are relatively scarce compared to the mass of documents produced starting in the second half of the sixteenth century, they are rich in information on the concrete modalities of this first Brazilian colonial experiment.⁴

¹ This essay was translated from the original French by Leslie Choquette, Institut français, Assumption College.

² For example, the well-known synthesis of Godinho, *Mito e mercadoria*, devotes only a few lines to the donatary captaincies, although they necessarily had very important implications for maritime affairs.

³ Dias, *História da colonização*, 3 vols.

⁴ See, for example, the recent innovative works on the captaincies of Porto Seguro and Ilhéus: Reis, *Entre o sucesso e a desgraça*; Coelho Filho, *A Capitania de São Jorge*.

In the last fifteen years, however, in the context of research programs initiated in Brazil and Portugal by the National Commission for Commemorations of Portuguese Discoveries (NCCPD), there has been a rehabilitation of the subject, substantially renewing and qualifying the dominant vision.⁵ Works on the grantees, their client networks, and their links to the metropolis along with attempts to assess the system's impact on colonial development have opened up new avenues for reflection, some of which remain to be confirmed or pursued. The reconsideration of geo-strategic stakes in the South Atlantic and, more generally, of European rivalries on the maritime and colonial fronts—has also made it possible to reevaluate the policies established by the crown to defend its Brazilian territory.

As a first step, it makes sense to discuss the origin of these hereditary captaincies as well as the juridical impact of their implantation in Brazil. Beyond the juridical realm, it is also appropriate to look at the practical impact of the system, notably by taking into account both the background of the first donatary captains (education, financial and organizational resources, personal and client networks, residency or non-residency, direct or indirect management) and their slow adaptation to American realities (climate, topography, Amerindians, pirates . . .). This approach underlines the extent to which this colonial model was decisive in promoting a first wave of “urbanization” on Brazilian territory, determining economic, administrative, and demographic structures. More than an abrupt change, the abandonment of the model of the donatary captaincy after 1549 was a necessary adaptation of colonial policy in the direction of a mixed system combining private donatarial grants and royal captaincies.

THE JURIDICAL STATUS OF “PRIVATE EXCLUSIVITY”: ORIGINS AND IMPACT

The history of Brazil in the first half of the sixteenth century cannot be dissociated from the geopolitical orientations chosen by Portugal in maritime and colonial matters, or, more precisely, from the kingdom's policies toward Africa and its Asian possessions. Though Brazil was a possible way station en route to the East Indies, it was above

⁵ See, for example, several original studies that offer a renewed vision of the experiment: Couto, *A construção do Brasil*; Vasconcelos de Saldanha, *As capitânicas do Brasil*; Serrão and de Oliveira Marques, *Nova História*; Johnson and Nizza da Silva, *O Império luso-brasileiro*; Tapajós, *O regime das capitânicas hereditárias*.

all the long-distance trade with Asia that received Portugal's attention and, especially, its meager resources in human, administrative, and financial terms. Let us recall, in this regard, that Portugal was a small country demographically⁶ (1.5 million inhabitants for 89,000 square kilometers in 1530, a population density of only 16 inhabitants per square kilometer), hence unable to implement a true migratory policy directed toward all of its overseas possessions.

From "Royal Exclusivity" to "Private Exclusivity" (1530–34)

In 1530, the crown sought to put in place a model known as "royal exclusivity."⁷ The monarch, João III (the Pious), entrusted one of his principal councilors and most trusted advisors, António de Ataíde (c. 1500–63), Count of Castanheira, with the responsibility of organizing an expedition to colonize Brazil. Placed under the command of Martim Afonso de Sousa, named for the occasion "Governor of the land of Brazil," and composed of two *nefs*,⁸ one galleon, and two caravels, this expedition had several objectives: to carry out a thorough reconnaissance of the coastline from the Amazon to the Río da Prata (Río de la Plata); to plant steles (*padrões*) at strategic sites along the "Gold and Silver Coast" (situated between the Río Santa Maria, at the southern boundary of the Treaty of Tordesillas, and the region of São Vicente) in order to demarcate Portuguese territory precisely; to capture or chase French ships along the "Brazilwood Coast" from the Cabo Branco (Paraíba) to Guanabará Bay; to perform agronomic experiments; and to found settlements. The search for deposits of gold or silver, or any other prodigious treasure, was an additional goal of the expedition. The fleet reached the region of Pernambuco on 31 January 1531. From the start, Martim Afonso achieved important results, dislodging French wood traders, establishing

⁶ Johnson and da Silva, *O Império luso-brasileiro*, p. 228.

⁷ See the chapter on models of colonization that Portuguese historian Couto devotes to this question: *A construção do Brasil*, pp. 207–35.

⁸ Translator's note: The *nef* was a type of French ship common in the fifteenth and sixteenth centuries. It was essentially the predecessor of the full-rigged, three-masted, square-rigged ship that emerged from the caravels, carracks, galleons and other types during the sixteenth century to dominate the world of oceanic sailing ships for the next four centuries. As an aside, the English word *nef* refers to a gigantic silver salt cellar resembling a *nef* that sometimes graced the tables of noblemen during the sixteenth century and reflects the valuable cargoes they often carried. Many thanks to maritime historian James Pritchard for the clarification.

the first two settlements (the *vila* of São Vicente on the coast and the *povoado* of Santo André da Borda do Campo nine leagues inland to serve as a bridgehead for penetration of the territory), identifying a crop adapted to the Brazilian climate and soil (sugar cane), and establishing a barter system with the Natives for provisioning the colonists in the interior.

But in Lisbon, the situation was evolving rapidly: to the increasing need for a greater naval presence in the Indian and Atlantic Oceans and the growing pressure exerted by the French in the region of Pernambuco were added the economic consequences of the Lisbon earthquake of 1531 and the financial crisis of 1532. Between 1529 and 1532, voices—including those of several declared candidates—began to be raised for King João III to grant “Brazilian” lands to certain of his “vassals,” pressures to which he could not remain indifferent.⁹ The crown was forced to admit that its own financial and demographic resources were inadequate to carry out the successful colonization of Brazil. In a letter dated 28 September 1532, the king asked Martim Afonso (who would receive the missive early in 1533) to demarcate then “divide” (in theory) the coastline between Pernambuco and the Río de la Plata into captaincies of 50 leagues of coastline each. This he did, before returning to Portugal in August 1533. But it was only in the following year that the model known as “private exclusivity”¹⁰ was put into place. It was not, for Portugal, an institutional novelty, but rather a system already tested in the Atlantic islands under Portuguese control: Madeiras, the Azores, Cape Verdes, and—off the Brazilian coast—the island of Fernando de Noronha, which had been under this juridical regime since 1503. These experiments had not failed to demonstrate their relevance for the economic and social development of a territory.¹¹

Thus, the partition of Brazil took place between 10 March 1534 (date of the king’s gift (*doação*) of the captaincy of Pernambuco to Duarte Coelho) and 18 February 1536 (grant of the captaincy of São Tomé to Pêro de Góis). In the interim, fifteen lots were laid

⁹ Alberto Gallo, “Aventuras y desventuras del gobierno señorial en Brasil,” in Carmagnani, *Para una historia de América*, 2, p. 203.

¹⁰ Couto, *A construção do Brasil*, p. 219.

¹¹ See, for example: Francisco Bethencourt, “As Capitánias,” in Bethencourt and Chaudhuri, *História da expansão portuguesa*, 1, pp. 341–52; Boxer, *O Império marítimo português*, p. 98.

Table 1: List of the First Captaincies and Donatary Captains

Lots	Dimensions (in leagues)	Grantee	Date of Grant
Pará (2nd part)	50	João de Barros and Aires da Cunha	?
Maranhão	75	Fernão Álvares de Andrade	?
Ceará	40	Antonio Cardóso de Barros	19/11/1535
Rio Grande (1st part)	100	João de Barros and Aires da Cunha	08/03/1535
Itamaracá (3rd part)	30	Pêro Lopes de Sousa	01/09/1534
Pernambuco	60	Duarte Coelho	10/03/1534
Bahia	50	Francisco Pereira Coutinho	05/04/1534
Ilhéus	50	Jorge Figueiredo Correia	26/07/1534
Porto Seguro	50	Pêro do Campo Tourinho	27/05/1534
Espírito Santo	50	Vasco Fernandes Coutinho	01/06/1534
São Tomé	30	Pêro de Góis	28/01/1536
Rio de Janeiro (2nd part)	55	Martim Afonso de Sousa	06/10/1534
Santo Amaro (1st part)	10	Pêro Lopes de Sousa	01/09/1534
São Vicente (1st part)	45	Martim Afonso de Sousa	06/10/1534
Santana (2nd part)	40	Pêro Lopes de Sousa	01/09/1534

Source: Couto, *A construção do Brasil*, p. 220.

out and distributed to twelve donataries, or grantees (see table 1 and map, p. 20). Note that from the time the instructions were given in 1532 to that of the actual grants starting in 1534, the project was clearly reoriented, extending north as far as the southern mouth of the Amazon and excluding the basin of La Plata to the south. As for the theoretical dimensions of the lots (50 leagues), they were not respected, and it is unclear what geographical parameters were used for the division of the land.

From Donatary to Subgrantee: A Complex Juridical Model

Thus, the king of Portugal, while maintaining his eminent domain over the land in juridical terms, granted the whole of the Brazilian territory to “hereditary lords” who thereby became “donatary captains”; each of them accepted the “donation” (*doação*) of a territory—a “hereditary captaincy,” or “donatary captaincy”—belonging to the crown since the Treaty of Tordesillas (1494) and the “discovery” of Brazil by Cabral in 1500. The only exceptions were Pêro Lopes de Sousa, who obtained three lots (Itamaracá, Santo Amaro, and Santa Ana), and his brother, Martim Afonso, who received two (San Vicente and Río).

This division of land was purely theoretical and mostly concerned a narrow coastal band, since the heart of the continent remained unexploited. Hereditary by right of primogeniture, these territories could not theoretically (according to the royal letters of donation) be sold by the donatary captain, ceded freely, or even divided amongst several heirs. On the other hand, the different beneficiaries were required to grant out part of these lands themselves as subdonations, or *sesmarias*—similar to the “tenures” of the European seigneurial system. *Sesmarias* could be granted to persons of any social station, provided they were Christian.¹² The subgrantees (*sesmeiros*) received, either as a donation or an emphyteusis,¹³ a part of the captaincy, which they were required to develop by constructing an *engenho* (sugar mill). The charters of donation included juridical provisions designed to avoid an overlarge concentration of land in the hands of the same individuals. Thus, the grantee could not theoretically retain more than 20% of the land within his captaincy for himself (land thereby free of taxes). These same terms were supposed to apply to the subgrantees. Notable exceptions did, however, occur, as in the case of Mém de Sá, who obtained two *sesmarias* within the captaincy of Ilhéus; their coastal expanse covered nearly a third of the captaincy.¹⁴

The charters thus emphasized the tripartite division of powers within the captaincy, which could not be dissociated from the apportionment and control of resources: “(1) To the king, the brazilwood, and any other spice or drug, metals, stones, and pearls; (2) To the grantee, the water power, the salt marshes, and the right to control traffic on the rivers; (3) To the subgrantee, proprietor of the territory, the land itself, composed of the forests that were not integrated into the royal patrimony.”¹⁵

If the crown theoretically reserved for itself the right to withdraw its “donation” in the case of treason or serious malfeasance, it seems clear that the donatary captains had full authority and power over the land granted to them, “*governança e jurisdiçam della[s]*” or “*governança, e rendas, e bens della[s]*,” to employ the terminology of the royal letters of donation.¹⁶ Endowed with political and military responsibilities,

¹² Diffie, *History of Colonial Brazil*, p. 56.

¹³ The grant of long-term enjoyment, but not alienation, of real property, under Roman law.

¹⁴ Filho, *A Capitania de São Jorge e a Década do Açúcar*, p. 39.

¹⁵ *Ibid.*, p. 39.

¹⁶ Cited in Gallo, “Aventuras y desventuras del gobierno señorial en Brasil,” p. 198.

the grantee was designated “captain and governor” of the territory entrusted to him; he was obliged to ensure administration, protection, and economic development. In order to assume these costs and afford the expenses of his rank (a source of honors and social prestige), he held the right to levy dues and taxes on his colonists (for example, duties on certain products such as sugar, salt, or fish), and he also mobilized to this effect the incomes from his own domain (“seigneurial demesne”). As the agent of royal authority, he held the right to dispense civil and criminal justice, except in cases of sodomy, heresy, treason, or counterfeiting. In sum, his role was to intervene in four main areas: people his territory, defend it, develop it, and ensure the integrity of the Catholic religion in the absence of religious orders (the first Jesuits would arrive in Brazil in 1549).

These captaincies, which were independent from one another, enjoyed considerable jurisdictional autonomy on the ground; since the crown did not deem it useful at that time to establish in Brazil even an embryonic central administration permitting it to exercise direct control over the colony. No royal functionaries, but “seigneurial” officials; no armies, but organization and control of urban and rural militias; no royal capital, but, in contrast, emergence of small territorial capitals serving as the seats of provincial governments staffed by relatives and clients of the grantees. It is, moreover, significant that only nobles had the right to appeal (to royal courts in Portugal) decisions made by judges systematically named by the grantee. The only real constraint vis-à-vis the crown was perhaps of a fiscal nature, since captains were required to return a portion of the dues they collected to the royal treasury. The impact of this measure was, however, limited because the *feitor* charged with defending the financial interests of the crown in each of these territories was habitually recruited in the entourage of the donatary captain himself.¹⁷ At the local level, it was certainly the economic elites who held municipal power, but their election—like their nomination to key posts in the *câmara*—was in theory tightly controlled by the donatary captain upon whom they depended and in whose name they administered towns and villages (see table 5).

It should be noted that not all grantees resided within their captaincy. Martim Afonso de Sousa, for example, led a distinguished parallel military and political career in Asia, in the capacities of

¹⁷ *Ibid.*, p. 199.

Almirante do Mar da Índia (1534) and *governador da Índia* (1541), up until the mid-1540s.¹⁸ Grantees did not, in fact, have a residency requirement, which explains why their lands were either directly administered by the donatary captain or else by one of his representatives (a lieutenant), generally a member of his family or immediate entourage (*Casa* or *clientele*). Such was the case of Francisco Romero, a Castilian and the close advisor of grantee Jorge de Figueiredo Correia. The latter had not only appointed him lieutenant in his captaincy of Ilhéus, but had also entrusted him with the command of an expedition to people the territory, which left in October 1535 with three *nefs* and 250 men (an investment estimated at 150,000 *cruzados*). Romero played a fundamental role. Besides founding the *vila* of São Jorge dos Ilhéus in 1536, he personally managed his master's domain by virtue of the powers delegated to him. Nor was his case an isolated one; management of the grantee's lands merged with administration of the *doação* as a whole. It was therefore incumbent upon the lieutenant, in his capacity of *feitor* of the master's *engenhos* (sugar mills), to maintain the sugaring installations, increase production, market the sugar, and see to the provisioning of the plantation (materials, indigenous labor, black slaves). Meanwhile, in his capacity of administrator of the donatary grant, he was required to levy taxes, ensure order and justice, fill public obligations (offices), organize the militia, and oversee the functioning of the municipal *câmaras*, while also serving as the privileged interlocutor of the crown and its representatives. This arrangement would not be without its problems, particularly when the lieutenant was chosen from among the *degradados* (exiles), as was the case in the captaincy of Espírito Santo.¹⁹

*“Feudal” System or “Capitalist” System? Brief Reexamination of a
Historiographical Debate*

In this context, it is interesting to consider the foundations of this original system, which resembled the European seigneurial system in many ways, yet placed the responsibility for the initial economic development of the Brazilian coast solely into the hands of private enterprise. This fact, resulting from the very nature of the donatary

¹⁸ Russell-Wood, *Um mundo em movimento*, pp. 102–103.

¹⁹ See, in the second part of this essay, the subsection entitled “Mobilizing Human and Financial Resources.”

grants, has given rise to a fierce historiographical debate between, on the one hand, the supporters of the “capitalist thesis” and, on the other, the defenders of the “feudal thesis”—even if their respective arguments agree on many points. The “capitalists” define these hereditary captaincies as a colonizing enterprise with primarily commercial goals; for them, the kingly powers bestowed upon the grantees constitute an “*especie de concesión monopólica*” destined to permit them to achieve their financial objectives,²⁰ hence to encourage them to embark upon the path of economic colonization. Their detractors see, on the contrary, a resurgence of the feudal regime—already long in decline in Portugal with the reinforcement of royal authority and strengthening of the central government—so apparent is the filiation between the medieval seigneurie and these new donatarial grants (seigneurial domain/*doação*, tenures/*sesmarias*).²¹ In this view, the system was for the crown a compromise solution (indeed a remediation) to compensate temporarily for its financial difficulties and inability to fund the colonization enterprise alone. Hence its appeal to a traditional system of controlling and developing the land, a system which had proven itself historically and which rested upon the strength of personal ties, and the loyalty and strict obedience associated with them (cf. ties of vassalage).

Be that as it may, historians have until recently focused their attention on the demographic, economic, and financial issues at stake in developing the Brazilian coast, and they have not sufficiently considered the geo-strategic motives that may have contributed to the adoption of the captaincy model. These include: the financial difficulties of the Portuguese Crown, reinforced by its ambitious policy of acquiring Asian treasure; colonial rivalries with its powerful Spanish neighbor, which the Treaty of Tordesillas had not appeased; the inadequacy of its military resources (starting with the number of ships) to defend Brazilian territory directly, from Spain, of course, but also, perhaps even especially, from France. The crown scarcely intervened—at least officially—in the affairs of the captaincies it bestowed, leaving the administration and defense of its colonial domain in the sole

²⁰ On these debates, for example, Gallo, “*Aventuras y desventuras del gobierno señorial en Brasil*,” p. 199.

²¹ Frédéric Mauro, “*Existence et persistance d’un régime féodal ou seigneurial au Brésil*,” in *L’Abolition de la Féodalité*, pp. 385–92. See also Johnson, “The Donatary Captaincy in Perspective.”

hands of the grantees (or their representatives on the ground). Therefore, examination of the different territorial experiences (and especially their results in military matters) is required to draw conclusions in this regard.

FROM CHARTER TO COLONY: THE CHALLENGE OF THE BRAZILIAN CAPTAINCY

Once a captaincy was granted, months of preparations were generally required for the grantee to prepare his arrival in Brazil (or that of his representative). Besides equipping a fleet, he was responsible for finding financiers, colonists, and soldiers, for mobilizing a trustworthy entourage—indeed, for selling some or all of his assets to fund part of the expedition—while securing on credit some of the arms and equipment necessary for a long-term installation in Brazil. The functioning of this system relied not only on the entrepreneurial spirit of the donatary captains, but also on their ability to convince future colonists to enlist in their adventure, and future investors to try their luck in Brazil. For Portuguese historian Francisco Bethencourt, what was primordial was above all their “capacity for adaptation and compromise with different social forces and different powers.”²² One could certainly see in the broad autonomy of the captaincies an apparent loss of crown authority—at least in embryo—but this would be to ignore that the nominations, by their very nature, constituted a guarantee of loyalty to the crown.

The Donatary Captains: Loyal and Experienced Servants

The three key men in the system of donatary captaincies (King João II, Antônio de Ataíde—often presented as the principal instigator of this new policy—and Martim Afonso de Sousa, first cousin of the latter) were united by ancient and solid bonds of friendship. It was to them that the choice of future grantees fell. These would be recruited, essentially, from within the trio’s close circle of trusted advisors; they would be loyal and experienced servants, known to all three. Some of them had explicitly requested a captaincy from the king; others would receive one as a reward for heroic acts or their activities in service of the crown. The first person to receive

²² Bethencourt, “*As Capitanias*,” p. 352.

a captaincy was none other than Martim Afonso. Upon recommendation of the king, he chose for his brother and himself the entire zone located between the bay of Río and the south of Brazil; while he was granted the captaincies of Río and São Vicente, his brother, Pêro Lopes, received those of Santo Amaro and Santana, as well as the captaincy of Itamaracá, to the north of the captaincy of Pernambuco. Pêro de Góis, the faithful captain of Martim Afonso's 1530 expedition, obtained, for his part, the captaincy of São Tomé, located just to the north of that of Río. Thus, no fewer than six of the fifteen captaincies were controlled directly or indirectly by the Sousa family.

The other grantees belonged to two distinct sociological categories. First came members of the petty nobility; these were military men, more precisely, *conquistadores*, who had fought in India (sometimes in Africa) and whom the king wished to reward personally. Hence Duarte Coelho Pereira, future grantee of the captaincy of Pernambuco, who participated in the conquest of Malaga in 1511;²³ Pêro do Campo Tourinho, grantee of the captaincy of Porto Seguro, who also fought in India and who was on the first expedition to the Río de la Plata in 1514 under the command of João de Lisboa; Franciso Pereira Coutinho, grantee of the captaincy of Bahia, who participated in the captures of Goa and Calcutta; and Aires de Cunha, who was a member of the expedition commanded by Pedro Alvares Cabral in 1500.

The others were, in the expression of North American historian Alexander Marchant,²⁴ "creatures of the king"—educated bureaucrats, upper-echelon members of the royal administration (some of them with direct ties to the distant territories of the Portuguese Orient). Fernão Alvares de Andrade was treasurer general of the realm; Jorge de Figueiredo Correia was secretary of the Royal Treasury; João de Barros was treasurer and intendant (*feitor*) of the

²³ After having been a soldier in Morocco and West Africa, Duarte Coelho went to India in 1509 and spent twenty years there in the service of the crown. He traveled to China (three times), Vietnam, Indonesia, and Siam (four times, including twice as ambassador). Upon his return to Portugal in 1526, he was named, successively, Portuguese ambassador to the court of France, *capitão-mor* of the relief fleet sent to protect the region of Mina in Africa, and commander of a patrol post on the coast of Malaguette, before being named donatary captain in 1534; Russell-Wood, *Um mundo em movimento*, pp. 101–02.

²⁴ Marchant, *Do escambo à escravidão*.

Casa da Índia (but he was also a protégé of the king and a friend of Ataíde); Antonio Cardóso de Barros was purveyor general (*provedor-geral*) of finances. Their selection was most certainly not innocent because, besides loyalty, these men possessed real skills in financial matters (administrative and financial management), personal networks, and perfect knowledge of economic and administrative mechanisms. These things would certainly help them to confront and resolve the financing or provisioning problems inherent in their new mission and to administer the lands entrusted to them rationally, thereby ensuring the success of the colonizing enterprise. Besides honors through service to king and state, these men certainly sought personal enrichment, but they also aspired to the social status of “lord” with its associated rights and responsibilities. Few of them were, in fact, *senhores de terras* before they received their *doação*, though the Sousa brothers, Martim Afonso and Pêro Lopes, already owned rich lands in Portugal.

Significantly, all of these men, as agents of the Royal Treasury, were “dependents” of the minister of finances, Antônio de Ataíde, their “protector,” to whom they owed personal bonds of loyalty. Thus, to the term “creatures of the king,” historian Eduardo Bueno prefers the more precise designation, “creatures of Ataíde,” to illustrate the latter’s role as the true coordinator or royal policy, delving deeply into his own clientele.²⁵ Antônio Ataíde, furthermore, did not hesitate to influence the choice of the other grantees. If the crown’s intention was to reward some of its best—and not least faithful—soldiers, who had participated in Portugal’s oriental adventure, relying on their solid military experience to secure the Brazilian colony, a few were undeniably favored, for example, Vasco Fernandes Coutinho, a neighbor of Antônio de Ataíde, entrusted with the captaincy of Espírito Santo. The same thing could be said of the other soldiers: Pêro de Góis, Duarte Coelho, Pêro do Campo Tourinho, Aires da Cunha, and Francisco Pereira Coutinho. It is equally significant that other great military men were left out from the start, men such as Antonio Carneiro, whose relations with Ataíde were very poor.

²⁵ Bueno, *Capitães do Brasil*, p. 11. See also P. de Azevedo, “Os primeiros donatários,” in Dias, *História da colonização portuguesa do Brasil*, III, pp. 189–216.

The Ability to Mobilize Human and Financial Resources

Sociological traits did not, however, play a determining role in defining and carrying out the various settlement expeditions. What mattered above all, as mentioned earlier, was the ability of the captains to mobilize resources and men for the colonizing enterprise—though their respective social positions may have facilitated many transactions with investors, ship owners, and suppliers.

In 1534, a *nef* cost 25,000 *cruzados*. Equipping and arming it was another 50,000 *cruzados*. To finance such expeditions, many grantees had to sell their property and borrow some of the necessary funds. The expenses of acquiring the facilities needed to develop and defend their territory even led many grantees to bankruptcy.²⁶ Jorge de Figueiredo Correia, donatary captain of Ilhéus, departed in October 1535 with three *nefs* and 250 men (an estimated investment of more than 200,000 *cruzados*). Vasco Fernandes Coutinho (Espírito Santo) not only sold everything he owned, but also contracted debts in order to fit out a single ship. Pêro do Campo Tourinho (Porto Seguro) had to sell all his properties in Viana do Castelo to purchase two *nefs* and two caravels. Fernão Álvares de Andrade, Aires da Cunha, and João de Barros, who decided to combine their respective fortunes to launch a common expedition to colonize the northern captaincies, obtained fiscal advantages from the king (tax exemptions) and assistance in kind (agricultural implements, seeds and seedlings, arms and munitions).

The grantees also had to mobilize human resources to take part in the colonizing adventure. Here too the task was complex, given the slim demographic pool upon which Portugal could draw. Thus, when Pêro do Campo Tourinho assembled a fleet of 600 men and women for the colonization of Porto Seguro, he mobilized about 10% of the inhabitants of his native province of Viana do Castelo! The association of the grantees of the northern captaincies made it possible to recruit 1500 men—900 soldiers and 600 colonists; 130 horses also made the journey. The eminently military character of this expedition contrasted with that of Porto Seguro, and even more so that of Espírito Santo. In fact, the grantee of the latter captaincy, Vasco Fernandes Coutinho, organized an expedition of only 58 individuals, some of them civil prisoners condemned to banishment

²⁶ Bueno, *Capitães do Brasil*, p. 89.

(*degredados*)! The recruitment of prisoners was made possible by the decree of 31 May 1535, designating Brazil as a territory of “asylum and refuge” (*couto e homizão*), in other words, a region in which crimes committed earlier and in other places were immediately nullified and pardoned. The idea of Portugal was to send its condemned criminals to serve their sentence in Brazil, where they could usefully participate in the work of colonization. If a number of grantees thus relied on *degredados*,²⁷ Duarte Coelho, in Pernambuco, envisaged another solution. Surrounded by a large entourage of relatives and clients, most of them native to the province of Minho, he arranged, in 1534, an expedition of 200 colonists (men and women), including nobles (*fidalgos*), small farmers for the cultivation of sugar cane, and artisans for the smooth operation of the sugar mills. His wife, Doña Brites, was the first European woman to settle in Brazil.

These contingents of colonists constituted the initial European core from which Portuguese colonial society gradually developed. It must be noted that from 1500 to 1530, the crown had not been able to establish a permanent presence in its colonial territory; however, the donatary captains had, from a kernel of barely a thousand colonists, prompted other Portuguese to try their hand at the adventure. In fact, between 1536 and 1546, certain captaincies (such as Pernambuco and São Vicente) experienced significant demographic growth (see table 2).

The Sesmeiros: First Masters of the Mills

To limit their financial obligations, develop settlement and economic activities (subsistence or export crops, trade with the Natives), and be in a position to levy duties and taxes, the grantees had the option of resort to subgrantees. These *sesmeiros*, who may be compared to true investors, obtained a grant to a portion of the captaincy, which they were supposed to develop, notably by cultivating sugar cane and constructing *engenhos* and *vilas*. They had the right to transform the sugar cane, but without using water power. In fact, the right to build canals for water transport and to install paddle wheels belonged to the grantee, and could not be ceded to a concessionary. Therefore, to activate his mill wheels, the subgrantee had no other solution than resort to animal traction or manpower. That being the case, he had

²⁷ *Ibid.*, p. 91.

Table 2: Population Estimates for Brazil by Captaincy (1536–46)²⁸

	c. 1536 Portuguese	c. 1546	Africans
Río Grande-Maranhão	1500	—	—
Pernambuco	200	3025	500
Bahia	200	1100	260
Ilhéus	250	330	80
Porto Seguro	400	—	—
Espírito Santo	60	1650	300
São Tomé	40	—	—
São Vicente/Santo Amaro	400	3300	500
TOTAL	3050	9405	1640

Sources: Couto, *A construção do Brasil*, p. 276, and Bueno, *Os capitães do Brasil*.

to arrange the importation into Brazil of oxen, horses, and also African slaves, or else he had to “pacify” the Indians in order to employ them in his mills.

Having resort to subgrantees permitted the grantee to secure his territory and ensure its economic viability as well as increase his authority over the captaincy by mobilizing his clientele—to which his *sesmeiros* would normally belong. Take the example of the captaincy of Ilhéus.²⁹ Between 1544 and 1547, the grantee Jorge de Figueiredo Correia signed four contracts for *sesmarias* with Mem de Sá, Francisco de Bethamcor, Fernão Álvares, and Lucas Giralaldi (see table 3).

These *sesmarias*, located around the *vila* of São Jorge dos Ilhéus, had at their disposal rich alluvial land of great fertility. The four *sesmeiros* decided to create a consortium. They formed an association in order to obtain financial support from wealthy Portuguese eager to invest in sugar operations, and to fit out ships from Lisbon to transport men, technicians, slaves from Guinea, livestock, and agricultural implements. This initiative led to a commercial trade of great intensity, involving twenty ships making the round trip between Lisbon and Ilhéus, summer and winter, between 1546 and 1549. The consortium, which enabled three *engenhos* to operate, was the catalyst for the take-off of the sugar economy in the region of Ilhéus, and for the development of the *vila* São Jorge dos Ilhéus. Although the initiative eventually ran out of steam (the wars against the Tupinkin

²⁸ In 1570, there were 19,030 Portuguese, in 1585, 23,950, and in 1590, 30,855; Couto, *A construção do Brasil*, pp. 277–78.

²⁹ Filho, *A capitania de São Jorge*, pp. 65–77.

Table 3: *Sesmaria* Contracts with Emphyteotic Lease of Waters
(between the Donatary Captain of Ilhéus and Investors, 1544–47)

Date	Contracting Party	Purpose
19/03/1544	Mem de Sá and Francisco de Bethamcor de Sá	Grant of 12 leagues of land, emphyteutic lease concerning two “waters” between the Río das Contas and Camamu needed for the construction of mills and the provisioning of any <i>vilas</i> that might be built on these lands.
27/06/1544	Mem de Sá and Francisco de Bethamcor de Sá	Grant of one league of land, emphyteutic lease concerning two “waters” of the Río de Santa Ana for the mill and the provisioning of any <i>vilas</i> that might be built on these lands.
1545 ?	Fernão Álvares	Grant of ? league(s?) of land, emphyteutic lease concerning “waters” of the Río Fundão for construction of the mill and the provisioning of any <i>vilas</i> that might be built on these lands.
27/03/1547	Lucas Giraldi	Grant of two leagues of land, emphyteutic lease concerning two “waters” of the Río Taípe, for the mill and the provisioning of any <i>vilas</i> that might be built on these lands.

Source: Filho, *A capitania de São Jorge*, p. 38.

Indians led to the destruction of all the *engenhos* in 1559, and an epidemic decimated three-quarters of the population), it was responsible for lasting changes in the landscape. The only “monumental” trace of the consortium still visible today is the church of the *engenho* de Santana belonging to Mem de Sá and Francisco Bethamcor de Sá (see photograph).

On two occasions, contracts for *sesmarias* were made with “local potentates,” namely, Caramuru (Diogo Álvares Correia) in Bahia and João Ramalho in São Vicente. Both were Portuguese who, following a shipwreck, were rescued by an Indian community and integrated into it. João Ramalho married the daughter of the Tupinkin chief, Tibiriça; as for Caramuru, his wife was Paraguaçu, the daughter of a Tupinambá chief. At the time of receiving his *sesmaria*, he controlled an indigenous village of around 300 houses and more than a thousand men. João Ramalho and Caramuru were perceived as cultural mediators of sorts—whose support was judged all the more useful in that they spoke the native languages, had perfect



The chapel of the *engenho* of Santana (captaincy of Ilhéus—1540s)—© L. Vidal (2002)

knowledge of the habits and customs of their adopted communities, and enjoyed undoubted authority over them. In this respect, the grantee's goal was evidently to reinforce his control over the territory granted to him, by acquiring the support of those able to mobilize or control indigenous labor. This arrangement worked perfectly for João Ramalho and less well for Caramuru, who would be unable to contain an Indian revolt leading to the expulsion of the Portuguese from the Bay of All Saints in 1545.

In spite of such events, sugar was indeed the cement of Brazil's first colonial society. It made men settle, obliged them to clear and cultivate the land, to lay out an irrigation system and transportation network. Planting, harvesting, processing, transporting, selling—all these tasks presupposed specific kinds of labor: slave labor for the planting and harvesting; skilled labor for the processing of the sugar cane or the construction of mills; literate labor for management, administration, and accounting.

Sugar Planters

In the absence of preexisting towns and villages, the first Brazilian colonial society grew up around the sugar mill (*engenho*) and the port. Let us recall the apt image employed by historian Caio Prado Júnior: "Brazil is a gift of sugar." The development of the sugar industry

Table 4: Mills under Construction or in Use in the Brazilian Captaincies in 1545

Captaincies	
Itamaracá	1
Pernambuco	2
Bahia	2
Ilhéus	—
Porto Seguro	2
Espírito Santo	7
São Tomé	3
Santo Amaro	1
São Vicente	2
TOTAL	20

Source: Filho, *A capitania de São Jorge*, p. 32.

effected a change from a “granular” structure of occupation (to paraphrase Pierre Chaunu)—the result of an economy based on brazilwood—to an “archipelago” system consisting of islets of development, each linked to a trading post. The donatary captains without a doubt—though certainly to different degrees—encouraged and sustained the establishment of this sugar economy, around which the emerging colonial society was structured and progressively diversified (see table 4).

There were exemplary successes that laid the foundations of future economic prosperity in certain of these territories. In this regard, the case of Duarte Coelho, grantee of the captaincy of Pernambuco, exemplifies the potentialities of the sugar economy as the basis of a settlement and development policy for the colony. Duarte Coelho dubbed his captaincy “*Nova Lusitânia*” (New Lusitania), probably drawing his inspiration from the “toponymic model” chosen by Spain after the conquest of Mexico by Cortés: New Spain. But this decision also reveals, as noted by historian Evaldo Cabral de Melo, a choice of colonization model distinct from that of the Portuguese Crown.³⁰ While the crown was pressing the grantees to seek precious metals and cut brazilwood, “activities eminently dispersive of the colonizing effort,” Duarte Coelho sought, in contrast, to establish a society based on sugar production by a reduced number of *engenhos*, capable of milling the cane of the surrounding cultivators: “But it was less a

³⁰ Cabral de Melo, “*Uma Nova Lusitânia*.”

question of a New Lusitania than a New Madeira. (...) Although he solicited a royal license to import slaves from Guinea, in his mind, New Lusitania would be the preserve not only of the owners of the manufacturing equipment, but also of a class of middling and small producers, who, though they might have occasional recourse to servile labor, as in Madeira, would form the backbone of the colony.”³¹

The results were very uneven from one captaincy to the next. In the captaincy of Espírito Santo, after grantee Vasco Fernandes Coutinho managed, with difficulty, to pacify the region, the first plantations were set up and the first sugar mill appeared, though not at the expense of subsistence agriculture (including manioc, an Amerindian plant adopted by the Portuguese). The efforts accomplished by Pêro de Góis in the captaincy of São Tomé were equally promising (cane sugar plantations); the agreement he made with a metropolitan merchant, Martim Ferreria (to furnish equipment and send new colonists in return for sugar), was, in this regard, a favorable initiative. In spite of chronic difficulties, the *doação* of São Vicente unquestionably fit the same pattern; there were a dozen *engenhos* there by the 1550s (six of them established before 1549), which opened the way for the great slave plantation. All this thanks to the dynamism of certain *sesmeiros*, for Martim Afonso de Sousa, in fact, spent very little time in his captaincy! The role of Braz Cubas must be emphasized here. He arrived in Brazil in 1532 with the fleet of Martim Afonso; having become a *sesmeiro*, he founded a chapel and a hospital on his lands, led military campaigns against the Tamoio Indians, and built two forts (São Felipe and São Tiago). His success was so exceptional that Martim Afonso rewarded him with the title of *capitão-mor* and governor of the captaincy of São Vicente in 1545.³² As for the captaincies of Santo Amaro and Santa Ana, they held little interest for Pêro de Sousa; until his death in early 1540, he was not at all concerned with their development, absorbed as he was by his responsibilities with the royal navy in the Mediterranean, Asia, and the Atlantic. It was only after his widow, Isabel de Gamboa, named a new governor, Gonçalo Afonso, that an initial settlement was established

³¹ *Ibid.*, p. 75.

³² Leite Cordeiro, *Braz Cubas*. Braz Cubas would be named *provedor* of the captaincy of São Vicente in 1551, participate in defending the newly founded *vila* of São Paulo (1554), help build Rio near Estácio de Sá, fight the Tamoio Indians at Cabo Frio in 1575, and mobilize against the incursions of the English pirate Fenton in 1583.

on the island of Guaimbém. In Itamaracá, from which the French had been chased by Pêro de Sousa, the context was no more favorable. Settlement was chaotic and irregular, and relations with the Natives were unstable due to the personality of the different captains named successively by Pêro de Sousa and his widow to represent them on the ground. In the captaincy of Porto Seguro, not only was the development of sugar production slow and difficult, but the cutting of brazilwood was insufficient to ensure the prosperity of the *doação*—a situation that could well explain why a particular effort was made to encourage fishing for export to the neighboring captaincies as well as the metropolis.³³

Town Planters

Therefore, the flexibility of the system of donatary captaincies, which rested on a reduced number of initiatives, globally achieved what crown finances could not afford to do: create fixed settlements at several points along the coast. Let us not forget that in more than thirty years of possession, Portugal had succeeded in establishing only one *vila*, São Vicente, founded in 1532 by Martim Afonso. This *vila* is one of the rare surviving traces of the ephemeral policy of “royal exclusivity” pursued by João III between 1530 and 1532. But starting in 1534, with the policy of “private exclusivity,” the construction of permanent settlements would become a necessity for the grantees. It was a matter, first of all, of security vis-à-vis the Indians. Thus, when Francisco Pereira arrived at the end of 1536 at the Bay of All Saints, he decided to have his 200 colonists sleep aboard ship until they had constructed a village, the *povoado do Pereira*, consisting of about forty adobe houses. Furthermore, this solution was adopted by all the grantees. Thus, for there to be long-term settlement on Brazilian soil, laying the foundations of a *povoado* was of premier importance. This was done immediately after identifying a site appropriate for sugar cultivation, but before the agricultural development of the territory. That is why “the criteria for site selection corresponded to economic constraints and security concerns. A town site was generally linked to the presence of a natural deep-water port, a river mouth, or an easily defended island or escarpment for protection from Indians

³³ *Ibid.*, p. 128.

or foreign incursions; it also had to be near sources of provisions for the population”³⁴ (see map, p. 20).

But if the *povoado* permitted the stabilization of the first core of colonists and ensured their security by organizing the population into militias, it did not benefit, on account of its status, from developed administrative structures, and it did not constitute an autonomous urban entity. It was a small establishment, not the seat of a municipality. Hence the necessity to elevate a *povoado* to the category of *vila*, which enjoyed a municipal chamber, or assembly.³⁵ Thus, the *povoado do Pereira* would be elevated, in 1536, to the category of *vila*; the *povoado* de Olinda da Nova Lusitânia, founded in 1535, would become a *vila* in 1537; the *povoado* de Santos, founded in 1536, would be transformed into a *vila* in 1546.³⁶ The *vila* was distinguished from its surroundings by the presence of characteristic monumental structures: the pillory (*pelourinho*), the prison (*cadêia*), the chapel (*capela*), and the municipal chamber (*câmara*). Each grantee or subgrantee could, by delegation of royal prerogatives, found a *vila*: “But the *vila*, in order to acquire an identity and enter into the legal universe, had to have: a defined territory, called a *termo*; a distinctive sign, called an insignia; organs and officials responsible for its administration—its jurisdiction; and a charter of the rights and obligations of the inhabitants, known as a *foral*. After its creation, though respecting the norms contained in the *Ordenações Manuelinas*, the *vila* remained the patrimony of its creator.”³⁷ As for electing the representatives of the *câmara municipal*, “only the *homens bons* (“good men,” meaning proprietors of lands and slaves) had the right to vote, signifying the exclusion of the entire strictly urban population of merchants and artisans. From this point of view, the *câmaras* became instruments of power for the landed proprietors”³⁸ (see table 5).

Brazil thus witnessed, in 1535 and 1536, the birth of a first process of “urbanization”; twelve *povoados* and *vilas* were founded in these years, out of the eighteen that would be built between 1530 and 1549 (see table 6). Evidently, each of these *vilas* contained only a few dozen

³⁴ Vidal, “*Villes et urbanization*,” p. 264.


³⁵ Concerning the definitions of the terms *povoados* and *vilas*, see the elegant exposition by Damasceno Fonseca, “*Regards sur le lexique urbain*”.

³⁶ *Cronologia de história do Brasil colonial (1500–1831)* (São Paulo, Departamento de História-USP, 1994).

³⁷ Filho, *A capitania de São Jorge*, p. 41.

³⁸ Vidal, “*Villes et urbanisation au Brésil (XVI^e–XX^e siècles)*,” p. 264.

Table 5: Functions and Powers of the *Vila*

<div>VILA</div> <div>Creation by the grantee or the <i>sesmeiro</i> (<i>senhor-master</i>), who determines the territorial limits (<i>termo</i>), the insignia, the jurisdiction, and the charter (<i>foral</i>)</div>		<div>Administration of the <i>Vila</i></div> <div>The <i>homens bons</i> elect the officials of the <i>câmara</i> (validation of the process by the master of the <i>vila</i>)</div> <div>Justice (Appeals Court)</div> <div><i>Ouvidor</i> named by the master of the <i>vila</i></div> <div>Defense and Police</div> <div><i>Alcaide-mor</i> named by the master of the <i>vila</i></div> <div>Auxiliary Officials (<i>tabeliães</i>, <i>escrivães</i>, ushers, and prison guards) named by the master of the <i>vila</i></div>
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Source: Filho, *A capitania de São Jorge*, p. 42.

Table 6: Foundation of *Povoados* and *Vilas* in Colonial Brazil (1530–49)

Captaincy	<i>Povoados</i>	Date	<i>Vilas</i>	Date
Maranhão	Nazaré	1536		
Itamaracá			Vila da Conceição	1542
Pernambuco	Olinda da Nova Lusitânia	1535	Olinda	1537
	Igarassu	1535	Vila Cosmos	1536
	Sítio dos Marcos	1535		
Bahia	Povoado do Pereira	1536	Vila Velha	1536
Ilhéus			São Jorge dos Ilhéus	1536
Porto Seguro			Porto Seguro	1535
			Santa Cruz	1536
			Comagi	1536
			Santo Amaro	1536
Espírito Santo	Espírito Santo	1535	Vila Velha	1535
São Tomé			Vila da Rainha	1540
São Vicente			São Vicente	1532
	Santos	1536	Santos	1546
	Piratininga	1532		
			Santo André	1534
Santa Ana	Cananéia	1531		

Sources: table assembled from data collected by Bueno, *Capitães do Brasil; Cronologia de história do Brasil colonial (1500–1831)* and Nelson Goulart Reis Filho, *Contribuição ao estudo da evolução urbana do Brasil (1500–1720)* (São Paulo: Livraria Pioneira Editôra, 1968).

inhabitants, a hundred at most, but how could it be otherwise? Together, all of the colonists brought to Brazil by the grantees numbered scarcely 3,000 people. Can we conclude that this first wave of urbanization shaped a true urban colonial society? Surely not.³⁹ But it nonetheless permitted the implantation of an initial administrative, economic, and social structure within the colony. Such an achievement is not negligible. It deserves to be better known by historians. In this regard, it is necessary to encourage precise, meticulous, and detailed studies such as those of Luiz Walter Coelho Filho on the captaincy of Ilhéus.⁴⁰

Toward a "Mixed System":⁴¹ From Donatary to Royal Captaincies

It would seem that the difficulties encountered by the grantees incited the crown, perhaps reluctantly, to redefine the institutional cadres of its presence in Brazil. Witness the often-cited letter written in May 1548 from the *vila* of Santos by Luis de Góis, brother of Pêro de Góis, to King João III, entreating him to retake control of colonial policy in Brazil: "if Your Highness does not rapidly aid these captaincies and the coast of Brazil, in addition to losing our lives and our finances, Your Highness will lose the land, and risks losing much more, given that the French will become masters of the land."⁴²

The lack of coordination and existence of personal rivalries,⁴³ together with the difficulties encountered by the grantees in an often hostile and immeasurably large territory, constitute the background to the decision to break with the model of "private exclusivity." In this difficult context, several events pushed the crown to rethink its policy and intervene directly in the affairs of its colony—beginning

³⁹ This early "urbanization" of Brazil has not really been studied by historians or urbanists. It is true that many of these *vilas* and *povoados* would disappear, to the point where there would remain only fourteen *vilas* and three *ciudades* at the end of the sixteenth century; Laurent Vidal, "Tendances récentes de la recherche sur l'histoire du Brésil urbain. Éléments pour un bilan (1990–2003)," in *Anuário Americanista Europeu*, Varsovie-Paris, 2003, no. 1 (forthcoming).

⁴⁰ Filho, *A capitania de São Jorge*.

⁴¹ Couto, *A construção do Brasil*, pp. 230–35. According to this Portuguese historian, the "mixed system" combined a strong military, economic, and judicial presence by the crown with the maintenance of donatary captaincies—carefully purged of their initial powers—in order to combine royal and private resources.

⁴² Cited in Bueno, *Capitães do Brasil*, p. 270.

⁴³ For example, the conflicts between Duarte Coelho (Pernambuco) and Pêro Lopes' representative in the captaincy of Itamaracá, Lieutenant Francisco de Braga; Couto, *A construção do Brasil*, p. 226.

with the pressures placed on the king by some of the grantees themselves, anxious to obtain crown support because incapable of making the many financial investments needed to develop and control the territory. Indian attacks, sometimes instigated by the French, were incessant and rendered the local situation perilous and uncertain. The brutal death of two grantees in dramatic circumstances challenged the court.⁴⁴ Two other captains were rejected by their own colonists with whom they were in conflict (Pêro do Campo Tourinho, in the captaincy of Porto Seguro, was even expelled by his own son, who headed up the plot).⁴⁵ Others (Fernão Álvares de Andrade, João de Barros, and Antônio Cardóso de Barros) did not even manage to settle long-term on the lands granted to them (respectively the captaincies of Maranhão, Pará and Ceará). As for the grantee of São Tomé, he had to abandon his captaincy in 1546 along with the colonists he had recruited at great expense. The failure of most of these captaincies was tangible. A number of captains failed to colonize them;⁴⁶ such was the case of the two donatarial grants made to João de Barros (Pará and Río Grande do Norte). After the shipwreck of his co-grantee and a great number of colonists, the finances of João de Barros were definitively impaired, due particularly to the pensions paid to families of the victims⁴⁷ and the non-amortized costs of the expedition. His heir, Jerônimo de Barros, would finally sell his captaincy of Pará back to the crown in 1580.

Pêro de Góis, who himself had to leave his captaincy of São Tomé under pressure from the Indians, went to the court in 1548 to plead the cause of the donatary captains in person and request royal assistance. The crown, for its part, was anxious to restore order in the colony to counter the French presence and regain luster for an empire

⁴⁴ Aires da Cunha, co-grantee of the capitaincies of Pará and Río Grande do Norte, was shipwrecked in 1536 off the coast of Maranhão while on a search for gold and silver. With him were some of the 900 men (including 113 cavaliers) whom he had recruited. Francisco Pereira Coutinho, grantee of Bahia, was, for his part, devoured by Tupinambá after a shipwreck circa 1548.

⁴⁵ Tourinho, who called himself “pope and king,” even came into conflict with the Inquisition (1546), after being denounced as a heretic and blasphemer. He had been forcing his colonists to work on Sundays and holy days, Reis, *Entre o sucesso e a desgraça*.

⁴⁶ Furthermore, this failure of settlement was not unrelated to the initial success of the French establishments in Guanabará Bay, Augeron and Vidal, “*Refuges ou réseaux?*”.

⁴⁷ Couto, *A construção do Brasil*, p. 228.

that was encountering difficulties in Asia. Answering the expectations of the captains, it decided to take the destiny of Brazil immediately into its own hands. On December 17, 1548, João III instituted the offices of *governador-geral*, *ouvidor-geral*, *provedor-mor*, and *provedor da Fazenda* in Brazil, while simultaneously entrusting to the Company of Jesus the mission of evangelizing the Natives. Shortly thereafter, early in the following year, a fleet commanded by Tomé de Sousa, the first governor, and consisting of soldiers, colonists, Jesuits, and many nobles, settled in the Bay of All Saints, founded the first capital (Salvador), and put in place a royal administration.⁴⁸ This context explains why, to adopt the analysis of historian Alberto Gallo, “the institution of a General Government was, in fact, more of a salvage operation than a punitive measure.”⁴⁹ In any case, this episode marked the beginning of what historian Antônio Vasconcelos de Saldanha has called the “process of [progressive] incorporation of the captaincies into the crown,”⁵⁰ a process that would culminate in 1753, under the reforming minister Pombal, when the last captaincies of Cúma, Paraíba do Sul, Caeté, Ilha do Príncipe, Ilha Grand de Joane, Itamaracá, Itaparica, and Ilhéus were “united and incorporated intimately” into the crown—to cite the terms of the royal resolution—in a bid for efficiency and politico-administrative unification.

1549 was thus the year in which the king not only began to withdraw a number of initial prerogatives from the donatary captains, notably by restricting their jurisdictional powers; it was also the year that saw the crown acquire the captaincy of Bahia (taking advantage of the death of the grantee and reimbursing his family, which was less than desirous of remaining in Brazil, with a hereditary pension). The crown thus created the first “royal captaincy” by installing in Bahia the seat of a permanent central government, whose authority would progressively encompass the other territories. New royal captaincies were subsequently established in the newly colonized territories. Thus, the era historians call the “regime of the hereditary captaincies” came to an end; the donatary captains, who lost some of their autonomy, were now under the control of the central administration.

⁴⁸ Equally significant, this reassertion of control was linked to the establishment of the first Brazilian diocese, that of São Salvador, two years later (Bull of Pope Julius III, *Super specula militantis ecclesiae*, 1551).

⁴⁹ Gallo, “*Aventuras y desventuras del gobierno señorial en Brasil*,” p. 207.

⁵⁰ De Saldanha, *As capitanias do Brasil. Antecedentes, desenvolvimento e extinção de um fenómeno atlântico*, pp. 385 *et seq.*

Table 7: Donatary and Royal Captaincies (1550–1750)

Year	On Paper Donatary Captaincies	Royal Captaincies	In Brazil Donatary Captaincies	Royal Captaincies
1550	9	1	7	1
1600	10	4	8	4
1650	13	8	11	6
1700	13	9	12	9
1750	10	14	10	14

Source: Gallo, “*Aventuras y desventuras del gobierno señorial en Brasil*,” 209.

The episode can be variously interpreted, but it should nonetheless be noted that there was never any question of the crown questioning the principle of the donatarial grant itself. From this point on, there would be a mixed system because the crown would, in fact, continue to grant new lands to new “donataries” until the middle of the seventeenth century. Fifteen such donatarial grants would be made between 1556 and 1685 by successive sovereigns (see table 7).⁵¹ They came with less extensive prerogatives, certainly, but they nonetheless demonstrate the desire to continue the appeal to private initiative. Nor can one distinguish any hostility with regard to the original grantees. Is it even necessary to recall that two of them obtained two of the most important posts within the new administration (Pêro de Góis, named *capitão-mor da costa*, and Tomé de Sousa, the new governor general, a close relative of brothers Martim Afonso de Sousa and Pêro Lopes), while part of the expense of equipping the fleet (the lease of three ships) to bring them to the captaincy of Bahia was underwritten by grantee Fernão Álvares de Andrade? Of course, the proximity—indeed authority—of these few grantees with the new administration could not but revive or sharpen ancient rivalries. It created suspicion or discontent among some of the others, beginning with Vasco Fernandes Coutinho (captaincy of Espírito Santo), of whom it was sometimes said that he had contemplated rebellion. This was perhaps why the grantee of Pernambuco, Duarte Coelho, hastened to get confirmation of his privileges and entire authority over his captaincy.

At the end of the sixteenth century, these donatary captaincies were still home to the great majority of colonists, and they continued

⁵¹ Some of them, however, would be quickly abandoned.

to concentrate most of the sugar production (*engenhos*).⁵² Though the crown created new, parallel, directly administered “royal captaincies” (one in 1550, eight in 1650, fourteen in 1750), it did so primarily for geo-strategic reasons (defense of Brazilian territory)—at least in the early years, when they were obviously established in border regions or else in areas where “seigneurial colonization”⁵³ had failed (captaincy of Bahia, for its strategic interest, captaincy of Rio de Janeiro in 1567 to prevent the reestablishment of “Antarctic France,” captaincies of Paraíba and Rio Grande on the northern border from 1585 to 1598, captaincies of Ceará, Maranhão, and Pará created between 1614 and 1619, after the military expulsion of the French who had settled there, and destined to protect the seacoast). Sometimes grantees, ruined or greatly in debt, feeling insufficiently compensated for their efforts, or incapable of overcoming the difficulties confronting them (Indian attacks, clashes with colonists from nearby captaincies, financial costs for defense and transportation), would renounce their captaincy on their own initiative, without any pressure from the crown. One need only cite João de Barros (Pará), Antonio Cardoso de Barros (Ceará), and Fernão Álvares de Andrade (Maranhão), whose territories remained hopelessly devoid of colonists, or Vasco Fernandes Coutinho (Espírito Santo). As for Pêro de Góis (São Tomé), he would never succeed in pacifying his captaincy on a long-term basis, anymore than would his son and heir, Gil de Góis, who, tired and discouraged, finally sold out to the crown in 1619. Pêro de Góis, however, belonged to the small group of grantees (three in all, with Martim Afonso de Sousa in São Vicente and Duarte Coelho in the rich district of Pernambuco) who succeeded in constructing *engenhos* on their personal domain. But ensuring defense and upkeep, not to mention rebuilding in case of destruction, entailed costs that were far too great, and led to certain and irreparable financial losses. Pêro de Góis would see his properties devastated in 1546, when their

⁵² Gallo, “*Aventuras y desventuras del gobierno señorial en Brasil*,” pp. 209–10, estimates that, c. 1570, these donatarial grants accounted for two-thirds of the *visinhos* (still 55% c. 1630) and more than two-thirds of the sugar mills. At the end of the eighteenth century, in spite of the creation of new hereditary captaincies (and even though they still theoretically administered nearly half of Brazilian territory), donatarial grants accounted for only a third of the total population (nearly 30,000 whites out of about 100,000), thirty or so *vilas*, and less than a third of production; the richest and most populous territories had been transferred to direct crown administration (Bahia, Rio de Janeiro, and Pernambuco).

⁵³ *Ibid.*, p. 208.

development had represented many years of effort. In the captaincies of Itamaracá, Santana, and Santo Amaro, the Indian threat doubtless constituted an obstacle to any lasting settlement or economic prosperity. In Porto Seguro, the Aimoré Indians, who rebelled in the 1540s, for a time stopped all development in the captaincy. In the captaincy of Espírito Santo, the administrative errors of a *degredado*, Jorge de Meneses, named by grantee Vasco Fernandes Coutinho to replace him during a trip to Lisbon, caused the Indians to revolt against the colonists and destroy the crops; upon his return, the precarious situation of the *doação* contrasted singularly with its former relative prosperity.⁵⁴ Thus, earning a few thousand *reals* from the commercialization of sugar could sometimes take millions of *reals* of preliminary investments to develop the land and build the first *engenhos*.

At the end of the 1550s, Vasco Fernandes Coutinho relinquished his captaincy of Espírito Santo of his own accord and returned to Portugal, leaving it to the governor to incorporate his lands into the crown domain (before these were again granted to his nephew, Francisco de Aguiar Coutinho!). His gesture was imitated by the donatary captains of Ilhéus (Jerônimo de Figueiredo, son of the first grantee) and Porto Seguro (Leonor do Campo, daughter of the first grantee); these two donataries obtained the right, by royal authorization in 1560, to sell their respective territories to Lucas Giraldi, a wealthy financier, and the powerful Duke of Aveiro, who already had *engenhos* and plantations there).

The crown, little inclined to manage the whole of its Brazilian territories directly, with all the constraints that would imply, thus chose to grant exceptions to the very principles of the donatarial grant (theoretically inalienable territory transmissible only by right of primogeniture), notably by authorizing its sale (see table 8). These accommodations incontestably favored the longevity of the system. Without them, the crown would have been constrained to incorporate the former donatarial grants immediately into its own domain and to administer them directly—at the expense of its own financial health!

⁵⁴ Johnson and da Silva, *O Império luso-brasileiro*, p. 129.

CONCLUSION

In assessing the results of this first experiment, it is important to locate it in space and time, as each hereditary captaincy represents a specific case. Despite the failure of some captaincies in the short or long term due to events, geographic constraints, colonial rivalries, personality of the captains, or relations with their colonists, the system nonetheless laid the foundations of a new colonial slave society. As historian Jorge Couto has noted, “The system of hereditary captaincies increased the Portuguese presence in Brazil significantly, from Itamaracá to São Vicente, though large areas remained vacant, especially around Guanabará Bay. The practice of agriculture created strong attachments to the land among the colonists; a majority of them, having sold the properties they owned in Portugal, defended their land in the New World with all their might against attacks. Likewise, the shortage of European women forced the Portuguese to have relations with Amerindian women, a situation favoring miscegenation, the establishment of blood ties to Tupi families, and the growth of an acculturated population.”⁵⁵ A permanent Portuguese presence—even if limited to narrow strips along the coast—a confirmed agrarian colonial model organized around the sugar economy and a mixed society—culturally as well as ethnically—such are the confirmed results of the model of the donatary captaincy. To these one could add the structuring of the young colonial society and the birth of a Creole elite of large landowners, wealthy merchants, and high-level bureaucrats (*mazombos*), jealous of their social privileges and eager to maintain their social status through skilful and strategic marital alliances. If much land was cleared during this period under the auspices of certain donatary captains, the *sesmeiros* were also good partners in peopling and developing the new colonial domain, for they too enabled a great number of Portuguese to settle in Brazil.

Although intended to play an important role in the military coordination of the different captaincies, the new system established in 1548 (General Government) did not significantly alter the geopolitical situation of colonial Brazil in this period; problems included the ever greater pressures exerted by Protestant privateers, who were becoming full-fledged smugglers in the second half of the sixteenth century.⁵⁶

⁵⁵ Couto, *A construção do Brasil*, pp. 229–30.

⁵⁶ Augeron, “*Pour Dieu et la Fortune*.”

Table 8: Evolution of the First Donatary Captaincies after 1548

Captaincy	First Grantees	Date of Transfer	Succession
Pará	João de Barros	?	Jerônimo de Barros, his son, inherited; the captaincy was then sold to the crown in 1580 for two life pensions (600,000 <i>reals</i>) and a hereditary pension (30,000 <i>reals</i>).
Maranhão	Fernão Alvares de Andrade	?	The grantee returned his captaincy to the crown, perhaps with compensation.
Ceará	Antonio Cardoso de Barros	1549 ?	The grantee renounced his captaincy in return for the post of <i>provedor-mór</i> of finances in Brazil.
Itamaracá	Pêro Lopes de Sousa	1539	His children were minors when he died in a shipwreck in 1539; his widow, Isabel de Gamboa, a lady of the court, inherited. Upon the death of his two sons, his younger sister, Jerônima, took possession. Lopo de Sousa obtained the captaincy in 1578.
Pernambuco	Duarte Coelho Pereira	1554	Upon his death, responsibility for his captaincy was ensured (temporarily) by his widow and his brother-in-law, Jerônimo de Albuquerque. His oldest son, Duarte de Albuquerque Coelho, administered the captaincy from 1560 to 1572, in the capacity of second grantee. His younger brother, Jorge de Albuquerque Coelho, inherited 11 years later.
Bahia	Francisco Pereira Coutinho (died in 1548?)	1548	Manuel Pereira Coutinho (his son), inherited upon the death of the grantee. The crown immediately took back the captaincy, compensating the family with a hereditary pension of 400,000 <i>reals</i> . By a new charter of donation dated 10 November 1556, João III split the captaincy of Bahia and created the captaincy of Itaparica, entrusted to Antônio de Ataíde. The second governor general granted a <i>sesmaria</i> to Alvaro da Costa by a letter of 16 January 1557; it would be transformed into the captaincy of Paraguaçu by a royal letter dated 20 November 1565.

Ilhéus	Jorge de Figueiredo Correia	1551	Jorge de Figueiredo Correia obtained authorization in 1551 to cede the grant to his younger son, Jerônimo de Figueiredo, who would himself obtain authorization in 1560 to sell it to Lucas Giraldi, a rich Florentine merchant banker residing in Lisbon, for 4,825 <i>crúzados</i> (letter of royal confirmation dated 1561).
Porto Seguro	Pêro de Campo Tourinho	c. 1554	Fernão do Campo Tourinho, son of the grantee, inherited despite renouncing the captaincy, after a plot that he helped instigate. Around 1558, with no direct heir, he designated his only sister, Leonor do Campo Tourinho, to inherit in his will. In 1560, Leonor sold the captaincy to the Duke of Aveiro for 600,000 <i>reals</i> , after obtaining authorization through royal dispensation.
Espírito Santo	Vasco Fernandes Coutinho	1560	He originally renounced the captaincy of his own accord, by writing to the governor general. But his nephew, Francisco de Aguiar Coutinho, named in his will, later succeeded him.
São Tomé	Pêro de Góis	?	His son, Gil de Góis, inherited, then sold the captaincy to the crown in 1619 in return for a life pension (200,000 <i>reals</i>) and a hereditary pension (100,000 <i>reals</i>).
Rio de Janeiro	Martim Afonso de Sousa	1567	The territory was ceded to the crown by the grantee, Martim Afonso. There are no details regarding eventual compensation for the grantee.
Santo Amaro	Pêro Lopes de Sousa	c. 1541	As his children were minors when he died in a shipwreck in 1539, his widow, Isabel de Gamboa (a lady of the court), inherited. When his two sons died, his younger sister Jerônima inherited. A cousin, Lopo de Sousa, acquired the captaincy in 1578.
São Vicente de Sousa	Martim Afonso	1564 or 1571?	Upon the death of Martim Afonso (1571), he was succeeded as captain by his son, Pêro Lopes de Sousa, who died in Alcaçer-Quibir. The third grantee was Lopo de Sousa in 1578 (also grantee of the captaincies of Itamaracá, Santana, and Santo Amaro).
Santana	Pêro Lopes de Sousa	?	In 1578, the donatary captain was Lopo de Sousa.

Sources: table assembled from data collected by de Saldanha, *As capitâneas do Brasil. Antecedentes, desenvolvimento e extinção de um fenómeno atlântico* p. 469; Gallo, "Aventuras y desventuras del gobierno señorial en Brasil," 208-24; Couto, p. 408; Russell-Wood, *Um mundo em movimento*, p. 420; Johnson and da Silva, *O Império luso-brasileiro* p. 599; Larousse Cultural, *Brasil A/Z* (São Paulo, Editora Universo, 1987).

The royal captaincies did, however, encourage the crown to contemplate the full extent and diversity of Brazil, in its attempt to coordinate and reconcile the defense, settlement, and development of its colonial domain. The establishment of the first royal captaincies probably even guaranteed the continued existence of the hereditary captaincies (and the prosperity of some of them), within the context of a mixed colonial system that could offset the weaknesses of the single model of hereditary captaincies through collective defense and coordination of the various territories.

The experience acquired by some of the grantees—their knowledge of the terrain and indigenous societies—was very often solicited by the crown. One need only cite the case of the celebrated Martim Afonso de Sousa, who, upon his return from Asia in 1545, was named to the Portuguese Council of State, where he would be regularly consulted on the subject of American affairs until his death in 1571. The authority of the grantees over their territory was, however, less effective over time due to the municipal *câmaras*; these chambers became centrifugal forces in the hands of the largest Creole landed proprietors, who were more eager to defend their clannish interests than those of the grantee and his family.

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CHAPTER TWO

ADELANTADOS AND ENCOMENDEROS IN SPANISH AMERICA¹

OLIVIER CAPOROSSI

INTRODUCTION

Spanish colonization spanned over more than three centuries. The different forms of organizing the colonial territory are therefore to be considered in the *longue durée*. Each step of the colonial conquest determined the ideological as well as strategic heritage of a new territorial organization of indigenous societies, where the use of violence held a central role. The creation of Spanish America started with Christopher Columbus' second voyage in 1493. Using Hispaniola as a base, the conquistadors extended their domination over a large part of the Caribbean (Puerto Rico in 1509, Cuba in 1511, Jamaica between 1512 and 1513), then to Mexico and Central America (1519–1544) before taking over much of South America (1532 to 1553).²

The American experience of the Spanish empire structured a new society fuelled by a small yet continuous immigration from the Iberian peninsula.³ Not only did the conquistadors' victories imply plundering and massacres but it entailed the division of a territory with unfixed and shifting boundaries as well as the domination of populations, often half-nomadic, for the sake of a small group of Spaniards. It thus involved acculturating territorial practices, as much for the Indian world as for the colonists who adopted the local traditions of forced labor (the *mita* of the Incas).

¹ This essay was translated from the original French by Anne-Claire Merlin and Bertrand Van Ruymbeke.

² Grunberg, *L'univers des conquistadores*.

³ Spanish emigration to America is estimated at half a million for the sixteenth, seventeenth, and eighteenth centuries, Shaw, *La emigración española*; Thomas Calvo, "Populations, métissages et migrations (XVI^e–XX^e siècles)," in Vidal, *Histoire de l'Amérique latine*, 193–212.

The two main foundations of the territorial reorganization of the Spanish Caribbean lay in the resulting practices of *adelantamiento* and *encomienda*, which brought about the settling of indigenous populations and a new urban expansion. The first system ensured the legitimacy and the sharing of the territory between the victors of the *conquista*; the second primarily fulfilled the conquistadors' craving for precious metals as they tried to reduce indigenous populations to gold mining, the West Indian experience being, from this perspective, foundational.⁴

Sharing Indians meant sharing arms potentially loaded with gold. Yet, the *encomienda* survived this plundering economy to the benefit of an agricultural and mining dynamics, guaranteeing the continuity of the colonial system of property until the beginning of the nineteenth century. This mutation is at the origin of Spanish colonial American society.

THE LEGAL CONCEPTION OF THE ENCOMIENDA AND THE ADELANTAMIENTO

The war chiefs who established, organized, and commanded operations of conquest in America were recognized by the Habsburg monarchy as *adelantados*, a title that had been granted since the conquest of Hispaniola by Columbus, himself an *adelantado*. The conquistadors thus became the heirs to the Iberian reconquest over the Moorish kingdoms. In his *Reportorio de las leyes de Castilla*, edited in Salamanca in 1554, the jurist Hugo de Celso defined the role of this governor of a marchland:⁵ it functioned as a real seigniorial jurisdiction. Sebastian de Covarrubias specified in his 1611 *Tesoro de la lingua castellana o española* that the *adelantado* presided over a juridical and administrative *audiencia* because he was the supreme representative of the king, according to Alphonse X's *Partidas*. The absolute nature of the governor's authority, the absence of territorial limits to his jurisdictional power, and the alleged dignity of the lineage of

⁴ Around 1495, Columbus forced the Cibao and Vega Indians to pay a tribute in gold to the crown. Between 1497 and 1499 the Spaniards imposed on the indigenous populations of Santo Domingo a service based on the work of gold washing; Chaunu, *Conquête*, p. 224; see also the classical work of Zavala.

⁵ "es el que es puesto por el rey sobre alguna gran tierra o provincia para regir la y gobernar la en nombre del rey: y por ser su officio muy grande deve ser hombre de gran linaje y muy leal y entendido sobre todos los que cargo tienen de judicatura" in Celso, *Reportorio*, p. 9n.

whoever occupied the post could not but give rise to vocations among a Castilian nobility that had been poor and idle since the fall of Grenada.

Charles V's European wars did not offer the same possibilities of upward social mobility to its minor captains because glory was above all reserved for the aristocracy. For the Spanish Crown the legal frame of the *adelantamiento* ensured a legitimizing continuity between reconquest and conquest, thereby placing Christianization at the core of its political project. All the structures of colonial domination would have to argue this view. On this occasion, it asserted itself as the only holder of the temporal jurisdiction over the American Indians because the *adelantados* government was a jurisdiction that was delegated in a personal capacity depending on various modes. All the great figures of the conquest sought this tenure: Pedro de Heredia for Cartagena de Indias, Pedro Menéndez de Avilés for Florida, Sebastián de Benalcázar for Popayán, Pedro de Alvarado for Guatemala, Vaca de Castro for Peru, Pedro de Valdivia for Chile.

The symbolic ceremony that marked the submission of the colony to the authority held by the governor in name of the crown of Castile, lay in the *requerimiento*, the reading of an official act made to the Indians, gathered or not for the occasion, commanding them to submit themselves to the representatives and of the Catholic church. The discursive model of this warning was established as early as 1513 by Palacios Rubios. He threatened the Indians with enslaving them, confiscating their goods or killing them if they did not submit. The determination of this insubordination remained the privilege of the victors. The *requerimiento* thus enabled the governor to legitimize a certain number of essential profits in order to ensure the adhesion of interest of the conquistadors and the crown. The governor could thus determine the insubordination of the Indians and command that they be enslaved and that their goods be plundered. The redistribution of the *encomiendas* of *La Española* made by Alburquerque at the time of the 1514 *repartimiento* not only favored the Spanish colonists but also the members of the court and the king himself, who received one-fifth of the 29,000 tallied Indians.⁶

Yet, when the crown was late to recognize their merits, the war chiefs, such as Gonzalo Pizarro in Peru in 1544, were tempted to

⁶ Calvo, *Droit de conquête*, p. 60.

proclaim themselves governors. Therefore Charles V (1516–56) decided, for the first time, to use Castilian legislation to impose his arbitration on the conquistadors. He held the monopoly on the legitimacy of the conquest and the colonial organization, without which the victors could not perpetuate their works. The legislative frame was a strong symbolical means of pressure, within which the monarchy could renegotiate the acknowledgement of its authority by the conquistadors, who although divided, exclusively possessed the real power in an area still full of uncertainties, such as the loyalty of the Indians, vanquished or allied, and the occupation of a territory vast and foreign.

The crown tried first to impose the legal and administrative Castilian system on the newly conquered territories. The viceroys and the *audiencias* progressively replaced the *adelantados* who were called back to Spain or executed for rebellion. The Spanish Crown, which understood all the profit it could make in the Americas through the extraction of precious metals, mistrusted them and wanted to prevent the formation of independent kingdoms. Yet, the strongest resistance did not come from the *adelantamiento* but from its successor, the *encomienda*. It was indeed the governor's task to establish the *repartimiento*, that is the sharing of the submitted Indians between his bravest soldiers.

The capture or the founding of a town served as a frame for this legal exercise, though a procedure defined by the crown. When he founded Santiago de Chile, in 1541, Pedro de Valdivia shared the Indian population between sixty or so of his fellow soldiers. Yet, his estimate was so bad that he had to make another distribution in 1546. The number of beneficiaries was reduced to 32 people. Nevertheless, out of Pedro de Valdivia's 150 soldiers, 144 were granted an *encomienda*.⁷

This sharing of the Indians led to the territorial reorganization of the *pueblos de indios*, encouraged by the monarchy after 1581, and freed more of the arable land that formed the basis for the establishment of the *haciendas* to the benefit of the *encomenderos*.⁸ The *encomienda* was no longer recognized as real property, as it had been with the privileges granted to the medieval military orders, when the

⁷ Zúñiga, *Espagnols d'outre-mer*, p. 244.

⁸ Morse, "The urban development of colonial Spanish America."

king let them have the land taken from the Muslims for sheep breeding (*la Mesta*). The *encomendero* now received a native population that had to be protected and Christianized. This was an “adaptation” from the Moorish villages, whose administration and protection were entrusted by the Prince to the commandship of military knights, within the legal frame of the medieval *encomienda*.⁹

In America, the Indians, thus apportioned, owed a tribute and a personal service to their protector who was legally neither the owner of their persons nor of their communal land.¹⁰ The conquistadors thus experienced a new form of control and exploitation of the space, which was neither a seigniorial jurisdiction nor real property but whose legitimacy was meant to be religious as the heir to the mythology of the Iberian reconquest.

By claiming to abolish the *encomienda* by promulgating the *Leyes Nuevas* in 1542, Charles V threatened to dismantle a colonial organization that was still young and fragile, and showed his contempt for the work of the conquistadors, who had just seized the Inca Empire. The disappearance of the *encomienda* meant the refusal to recognize their victories and sufferings. The status of the *encomienda* became an object of debate and revolt that the monarchy did not manage to settle definitely. Starting with the uprising of Pizarro's companions, the *encomienda* would be argued about continuously. In 1544, Gonzalo Pizarro proclaimed himself Governor of Peru in Lima. On 18 January 1546, he defeated the soldiers of the viceroy Vaca de Castro, who was taken prisoner, executed and had his head exposed on the pillory of Quito. Back in Lima, Pizarro was acclaimed by a thousand or so soldiers as the liberator of the *encomenderos* and became their *caudillo*. Before the example of Peru became contagious, Charles V sent La Gasca as the president of the *audiencia* in order to reestablish royal authority. Judged and condemned by La Gasca, Pizarro was defeated and was executed on 10 April 1548.¹¹

The *Leyes Nuevas* were enforced later (in 1547) in Cartagena de Indias but gave rise to fierce protests. The governor's lieutenant, López de Ayala, preferred to ignore embezzlement practices. The royal officers who gave up their *encomiendas* replaced themselves with frontmen.¹²

⁹ Ortiz, *La sociedad americana*, p. 56.

¹⁰ Martinière, *Les Amériques latines*, p. 167.

¹¹ Bernand and Gruzinski, *Histoire du nouveau monde*, p. 531.

¹² Plá, *Cartagena de indias*, p. 352.

Tied by the demands of the monarchy and conscious of the small amount of authority he had over his subordinates, who were quick to revolt, he made a difficult decision.

The extraordinary character this opposition to the *Leyes Nuevas* took demanded a reorientation of the legislative policy of the crown regarding the *encomienda*. The monarch simply transformed the *encomienda* of services into an *encomienda* of tribute. The Indians had to pay a tribute to their new sovereign, whose payment and profits were granted to the *encomenderos* by the crown as a reward for the protection and the evangelization of Native populations in the name of the king. The payment of the Indians was thus retroceded to the *encomenderos* by the king, legally freeing them from their guardianship and thereby reinforcing the theoretical ties of loyalty between the monarchy and the *encomenderos*.

These legal subtleties were not a mere façade. They enabled the Spanish Crown to separate clearly the status of the *encomienda* from that of the *señorio*, the figure of the *encomendero* from that of vassal. The legal withdrawal of the personal service for the sole tribute did not necessarily lead to the monetarization of the taxation borne by the indigenous population. The tribute could be paid in fruit, corn, or poultry as well as in fabric or raw wool.

Facing the impossibility of suppressing the *encomienda* and its life annuity, the Habsburgs tried to limit its transmission within the conquistadors' families. The content of the royal provision of 25 March 1536, which instituted the concession of *encomiendas* for two lives was maintained. Then the monarchy's policy against the oligarchies formed by the descendants of the conquistadors took a more fiscal turn in the seventeenth century. The Royal Cedula of 8 April 1629 allowed the transmission to a third generation in exchange for the payment of a tax to the monarchy. The law of 10 October 1704 allowed the transmission to a fourth life in exchange for the payment of two annates for war expenses.¹³ Finally, a series of decrees promulgated between 1718 and 1721 put an end to the legal existence of the *encomienda*, which only disappeared de facto in the second half of the eighteenth century and the beginning of the nineteenth century.

Pierre Chaunu explained this distortion by a differentiated evolution of the *encomienda* in the two vice-royalties: decadence in the

¹³ Ots y Capdequí, *El Estado español*, p. 27.

North and survival in the South (Chile, Peru).¹⁴ Yet, Mickaël Augeron has remarked that, as far as Yucatán is concerned, many *encomenderos* kept their titles until the end of the eighteenth century. The *encomienda* of one of them, José Ignacio de Zervera y Castro, including the village of Dzitbalché, was only retroceded to the crown on 16 December 1784, against an annuity of 1,000 pesos.¹⁵

Besides, one has to wait until 1786 for the Royal Cedula to be proclaimed in Yucatán.¹⁶ We thus have to conclude that the *encomienda* system survived in general until the end of the eighteenth century, if not in some cases until the wars of independence, despite indisputable regional differences. In the kingdom of New Granada, José Ponce de León y Davila, a remote descendant of Hernando Venegas Carillo, who purchased an *encomienda* in 1548 in the Santa Fe and Santa Marta regions, was confirmed in his *encomendero* title in 1807. The *encomienda* lay on a de facto situation that persisted until the beginning of the nineteenth century rather than on a legal status that could not be found. Despite the 1680 *recopilación*, the institutions of the *encomienda* showed the “persistent desertion of law” in the Americas.¹⁷

The existence of *encomiendas de apuntamiento* in the eastern part of Venezuela at the end of the seventeenth century makes the point. The Royal Cedula of 9 September 1688, transmitted to the governor of New Andalusia, defined the *encomienda de apuntamiento* as an *encomienda* established under the licence of the monarchy.¹⁸ These *encomiendas* had thus been able to exist for decades without any legal appearances. This is why the visit that was made in this region in 1688 had set as a goal to count these “wild” *encomiendas* in order to give them a legal status, while their *encomenderos* refused to recognize the norms. The notion of the legal legitimacy of the “ownership” of the Indians was the product of a major propaganda developed by the *encomenderos* against the followers of Bartolomé de Las Casas who questioned the enslavement of the Indians.¹⁹

¹⁴ Chaunu, *Conquête* p. 225.

¹⁵ Augeron, “Entre la plume et le fer,” v. 1, p. 704.

¹⁶ Farriss, *La sociedad maya bajo*, p. 74.

¹⁷ Clavero, *La destrucción de Las Indias*, pp. 38–42.

¹⁸ Da Prato-Perelli, *Las encomiendas de Nueva Andalusia*, t. 1, p. 49.

¹⁹ The criticism of the *encomienda* was carried on after the 1542 *Leyes Nuevas*. Bartolomé de Las Casas denounced it once more to Philip II (1556–98) in his 1564 *Twelve Doubts Treaty*, Mahn-Lot, *Bartolomé de Las Casas*, p. 237.

The notable Juan Velázquez de Salazar was thus mandated to the Council of the Indies in Spain by the municipality of Mexico to maintain the interests of the *encomenderos*, Velázquez de Salazar wrote several reports to that end between 1575 and 1579.²⁰ In the minds of historians, the legal abolition of the *encomienda* system did not cause its disuse. Other reasons have been put forward in order to explain this disappearance—such as the demographic fall of the indigenous population or the extinction of the lineages of the conquistadors—which are finally given to us as the explanatory outlines of the legislative evolution of the Spanish monarchy.

THE ECONOMIC COHERENCE OF THE ENCOMIENDA: THE HISTORIOGRAPHIC DEBATE ON ITS DECLINE

One of the main arguments justifying the slow decline of the American *encomienda* lies in the decrease in their number. Francois Chevalier counts 480 of them for New Spain in 1560 but only 140 in 1642.²¹ In Peru, the figures are 484 in 1580 and 83 in 1720. The demographic fall in the indigenous population, compelled to forced labor, and the decline in life annuities constitute first explanations for the decline of the *encomienda* system. Major regional modalities of this decline still remain. In Peru, the demographic drop was more acute in the coastal areas than in the Andean zones.²²

The answer that was suggested by Bartolomé de Las Casas and applied from the sixteenth century is well-known: the deportation of Africans. From 1580 on the slave trade supplied the cocoa plantations of Venezuela.²³ The organization of a real “segregationist policy” between the native and black populations by the metropolis was not without any consequence for the functioning of the *encomienda*.²⁴ In 1541, the *provisor* of the Diocese of Cuzco, Luis de Morales, contended that *encomenderos* let fifteen or so Indians to the disposal of some blacks ready to serve them! Luis de Morales accused the blacks of stealing and torturing Indians.

²⁰ Gómez, *Droit de conquête*, p. 219.

²¹ Chevalier, *Land and Society in Colonial Mexico*, pp. 118–19.

²² Puente Brunke, *Encomienda y encomenderos en el Perú*, p. 273.

²³ Ferry, *The Colonial Elite of Early Caracas*, p. 3.

²⁴ Tardieu, *Noirs et Indiens au Pérou*, pp. 47–51; idem; *Le destin des Noirs aux Indes*.

The Royal Cedula of 20 April 1567, destined for the Lima *audiencia*, denounced the behavior of blacks in the *encomiendas*. In fact, Spaniards and settlers placed their black slaves in Indian villages, who soon became intermediaries between the *encomendero* and the indigenous people. Black people thus took part in the enslavement of Indian populations and were considered the allies of the Spanish masters. In his *Nueva Corónica y buen gobierno* (1583–1615) the *mestizo* chronicler Felipe Guamán Poma de Ayala (1534–1617) described the complicity of the *encomenderos* and the *corregidores* with their black slaves and the damage they created.²⁵ In the report of 17 March 1664, which the cacique of Cajamarca, Antón Collatupa, presented to the king, it was explained how the black slaves of Spanish masters were used as henchmen when they distributed the *mita* between Indians. The *encomienda* in fact enslaved the Indians, even though it was prohibited by law, whereas the blacks, the legal slaves, enjoyed the prerogatives of free men.²⁶

The testimony of contemporaries, such as the correspondence between the archbishop of Lima and Philip IV in 1624, fuelled the idea of a deterioration of the *encomienda* from the seventeenth century. And yet data also show a strong concentration of land within the hands of a few families who descended from the conquistadors. The extinction of some lineages and the social endogamy of the group tended to perpetuate the *encomienda*. The testimonies of contemporaries about the decline of some conquistadors' descendants does not contradict this statement: they show the renewal of the *encomenderos*. This evolution is thus an answer to the crumbling of the *encomiendas* of the conquest. In the sixteenth century the success of the *encomiendas* had threatened its economic survival. In Peru, there was one *encomienda* for four Spaniards in 1536. From 1550 to 1555, the proportion declined to one *encomienda* for sixteen Spaniards.²⁷ Some of these *encomiendas* did not exceed ten Indians.

The last argument in favor of the decline of the *encomenderos* system lies in the economic coherence of the structure, all the more degraded since heavy taxation was imposed on it as early as in the seventeenth century. In 1628 Philip IV decided that the free *encomiendas* would only be redistributed after a period of one year, during which their

²⁵ Guamán Poma de Ayala, *Nueva crónica y buen gobierno*, t. 2, p. 710.

²⁶ Tardieu, *Noirs et Indiens au Pérou*, p. 71.

²⁷ Esteva Fabregat, *La corona española*, I, p. 219.

benefits would go back to the crown. In 1687 and 1697 Charles II demanded that half of the life annuities produced by the *encomienda* be kept to the benefit of the monarchy in order to finance the defense of the coasts and the Southern Armada.²⁸

In the eighteenth century the *encomendero* had to pay the *diezmos* and the *alcabalas* (two percent of the *mantas*).²⁹ But if the *encomienda* lost part of its economic appeal after the creation of large estates, it still remained a much sought-after practice for the monarchy to try and benefit from it through new taxes. Let us finally observe that the strong penetration of the colonial administration by the Creole elite, issued from the group of the *encomenderos*, forces us to qualify the applicability of the tax measures taken in Madrid.

In reality, as early as the first decades of the sixteenth century, the Spanish colonial dynamic essentially rested on the *encomienda*. One has to point out that the benefits of their exploitation enabled settlers to invest (directly or under a mortgage) in the expansion of the conquest. After the Columbus episode, the crown was less inclined to finance directly the conquistadors' military expeditions. Hernán Cortés' wealth, essentially consisting of *encomiendas*, enabled him to finance an expedition to the South Seas (the Pacific) towards the Philipines in 1527.³⁰

Pizarro (1478–1541) received an *encomienda* in Panama after 1518.³¹ His new social situation enabled him to negotiate, as soon as 1524, an agreement with Hernando de Luque and Diego Almagro in order to organize a conquest expedition of Peru. In 1529, he obtained the royal capitulation which gave him the title of *adelantado* over his future conquests. The Peru expedition started in 1532. During the first years of the *conquista*, the activities of Pizarro and of Francisco de Orellana as well as those of Bishop Vicente de Valverde, were financed by the loans of the conquistador Martinez Vegazo. Vegazo, the owner of the *encomienda* of Tarapacá, used the indigenous labor force to exploit the mines there and invested the earnings he had thus obtained in commerce and in a company he founded with Alonzo Ruiz. Ruiz developed among other projects an activity of credit for other conquistadors.³²

²⁸ Ortiz, *La sociedad americana*, p. 59.

²⁹ Molino Garcia, *La encomienda en el nuevo reino de Granada*, p. 124.

³⁰ Duverger, *Cortés*, p. 316.

³¹ Bernand and Gruzinski, *Histoire du nouveau monde*, p. 593.

³² Puente Brunke, *Encomienda y encomenderos en el Perú*, p. 272.

The rules of order of New Granada in 1552 demanded four months of work a year per “distributed” Indian peasant. Those of 1609 demanded three days of work a week and made it compulsory for all from 12 to 60 years old. The *encomienda* provided its beneficiary a free labor force that could be easily mobilized to cultivate the *encomendero*’s own land or those of others.³³ There was thus no opposition between *encomienda* and *hacienda* but a kind of complementarity. The inventory of Cortés’ goods in 1549 listed two sugar *haciendas* and many mulberry fields, all situated on his *encomienda*.³⁴ The conquistador tried to develop a colonial economy of exportation to the metropolis that would generate more profit. The sugar activity of the Cuernavaca and Cuautla regions set up from 1523 continued to grow until the nineteenth century.³⁵ But this growth led to a greater number of workers when the *encomenderos*’ Indian labor force decreased, forcing the colonial elite and the Spanish crown to rely increasingly on the slave trade.³⁶ At the same time, one can suppose that in the sugar cane fields, the structure of the *encomienda* deprived them of their interest of and benefit of the ownership of black slaves.

The *encomenderos* also developed cocoa production around Zacatula, Acapulco, Oaxaca, and along the coast between Soconusco and Sonsonate. The exploitation was organized through the *repartimiento* of Indians and black slaves. The Indians’ forced labor also ensured the transportation of this precious commodity to Guatemala. The Mexican production of silk reached 20,000 pounds in 1573 before experiencing a permanent decline in the seventeenth century because of competition with Asian production (the galleon of Manila). The Spaniards in Chile who obtained *encomendas* close to the oasis of Mendoza in 1561 preferred to send their indigenous labor force to Santiago de Chile rather than cultivate a barren region. The *encomenderos* organized population displacements in order to develop a subsistence economy able to sustain the neighboring market of urban consumption.

³³ Isabel Fernández Tejedo, “De la esclavitud al servicio personal (el régimen de trabajo en Yucatán durante el siglo XVI)” in Berthe, *Des Indes occidentales*, v. 2, pp. 409–22.

³⁴ Calvo, *L’Amérique ibérique*, p. 89.

³⁵ Gisela von Wobeser, “Las haciendas azucareras de la región de Cuernavaca-Cuautla y el resto del mundo, en los siglos XVII y XVIII” in Berthe, *Des Indes occidentales*, v. 2, pp. 477–87.

³⁶ Lucena Salmoral, *Historia de Iberoamerica*, pp. 382–87.

Between 1540 and 1560, the *encomenderos* appropriated a large part of the wine-growing land of the oasis of Arequipa in order to develop this commercial agriculture geared to the urban markets of Lima and Potosi. The cereal-producing *haciendas* stocked reserves for sale during times of shortage or to make use of seasonal movements and to sell at the junctions of these migrations. Remembering the indigenous revolts that occurred in the West Indies in the 1520s, the crown tried to fight these population displacements and forbade them after 1543.³⁷

Finally, the tribute that was paid by the Indians to the *encomendero* could also serve his mining operations. In his Tehuantepec *encomienda* Cortés reinvested part of the tribute for the care of the 395 Indian slaves who worked in gold mines in 1543. In Porco and Potosi, discovered in 1545, the *encomenderos* depended upon the Indians for the purification and extraction of precious metals. They made mining possible with their traditional ovens. But the *encomenderos* exchanged with the Indians their mine products for coke, corn, and fabric.

Yet, after 1570, the crown took the mining exploitation in hand to lease it while keeping control it. The crown reinforced this system by reestablishing the *mita*: a paid forced labor that was an old Inca practice. This procedure was generalized after 1550. A judge fixed the quota for each village. In Mexico in 1580, it was one week every four months. The agricultural *repartimientos* were officially suppressed in Mexico in 1632 but their use had already become standard. In Peru in the 1570s the viceroy Francisco de Toledo imposed higher quotas: one-seventh of the tributary population.

In the Huaura valley, a hundred kilometers (60 miles) north of Lima, the new system finished the breakdown of the indigenous population. According to the 1583 visit, the Indians worked even on feast days on the land of the *encomendero* Juan Bayón de Campomanes, and when the service of a *mita* was over they were forced to start a new one. If they were paid one *real* and a quarter for a work day on the *encomienda* of Vilcahuaura, the food they had to provide for themselves was ransomed by the *encomendero*'s brother, Diego Arias.³⁸

The evolution of a tribute system to a forced wage system did not improve the Indians' living conditions. This system normally functioned with a royal capitulation through which a Spaniard pledged to colonize a region where he received land in full ownership or

³⁷ Mira Caballos, *El Indio Antillano*, p. 311.

³⁸ Wachtel, *La vision des vaincus*, pp. 177–78.

merced de tierras, that is an extraordinary grant. But land could also be occupied illegally. The crown imposed its arbitration. After an enquiry by the viceroy and a favorable notice of the *corregidor*, the *merced* was delivered and written in a register under the control of the *alcade mayor*. The *encomenderos* were privileged for they controlled these institutions and ended up sharing tax practices with the agents of the crown. So as an answer to insufficient payments, in the eighteenth century, the *corregidores* in Peru found in the fraudulent levy of Indian populations an interest that brought them closer to the practices of the *encomenderos*.³⁹

On the land of the Indian communities, coercion became common practice. This was how in 1542 the *hacienda* of Jalpa (7365 hectares or about 3000 acres) in the valley of Arequipa was granted by the Huango Indians to their *encomendero* in exchange for protection against the Chichimèques. The viceroy Mendoza legalized the *encomendero* of Huango the same year. At the end of the seventeenth century (1689), there were 705 *haciendas* in the Cuzco diocese. The new agricultural organization of the territory, based on the complementary nature of the *encomienda* and the *hacienda*, permitted the intensification of the production of cereals. This situation explains why the exportation of Chilean wheat to Peru rose in the seventeenth and eighteenth centuries. The foreign demand multiplied the agricultural production of the Santiago region by 2.4 times between 1680 and 1729.

The first profits, like the labor force the *encomenderos* benefited from, could later be invested into several commercial or smuggling schemes. The tendency to diminish the number of *encomiendas* can also be explained by the diversity of the geographic and economic situations within Spanish colonial society. This is why the conquistadors in Paraguay and their descendants, often of mixed race, had been able to organize the *encomienda* system in an original way, which was formally established in 1556.⁴⁰

Two types of *encomiendas* have to be distinguished: the original *encomiendas* and the *mita encomiendas*, the latter being more common than the former. In the first case, the *encomienda* could be assimilated to the crown in the Old Regime and was extended to the concubines, the servants, and the Guaranies who were tied to a conquistador who

³⁹ Brenot, *Pouvoir et profits*, p. 137.

⁴⁰ Lockhart and Schwartz, *América latina en la edad moderna*, p. 245.

protected them and whom they supported within a strict subsistence economy. In the second case, the 100,000 Indians living in the Asunción country were shared among rather modest concessions ranging from 30 to 90 tributaries a unit. They provided a way for the settlers to respond to the drop in the number of their original *encomienda* by their transfer.

First issued from an initially anarchic repartition of the indigenous populations between the Spanish victors, depending on the military victories and the conquistadors' deaths, the *encomiendas* established the regional specialization of commercial production at the end of the sixteenth century. The development of tobacco culture after 1580 and of cocoa in the 1620s in the Caracas province led to a certain specialization of the agricultural areas, which integrated the *encomiendas* system. Robert J. Ferry has distinguished four regions.⁴¹

The first, constituting a coastal territory, was devoted to the culture of cocoa which was sustained by 35 *encomiendas* in 1635 and 759 tributaries. The second, which was inland, grouped together 33 *encomiendas*, that is 962 tributaries who worked in the isolated sugar cane plantations, by the Guarenas and Guaire Rivers. The third was that of the Aragua valley, next to Valencia, whose 1359 tributaries were shared between 27 *encomenderos*. The *encomiendas* were more profitable there. That of Juan Martínez de Villegas, in Turmero, had an annual income of 4,000 pesos that enabled him to exploit sugar cane plantations when he did not rent out his large labor force to the cocoa planters on the coast. Around 1600, the fourth region, the district of San Sebastián, was reorganized for extensive stock breeding turned towards local outlets. Fifteen *encomenderos* controlled 230 tributaries there. This new economy directed the *encomenderos* towards the establishment of an cocoa agriculture destined for the markets of Mexico, as well as commerce and slave trade for the Cartagena market. The fortune of Diego de Ovalle, a Portuguese, at the beginning of the seventeenth century, bears witness to it.⁴²

The economic role of the *encomienda* cannot be reduced solely to an agrarian or mining production system. It was the source of many settled incomes. The Royal Cedula of 24 October 1665 stipulated that the charity (*limosna de vino y aceite*) to the benefit of convents of

⁴¹ Ferry, *The Colonial Elite of Early Caracas*, pp. 49–51.

⁴² Ferry, *The Colonial Elite of Early Caracas*, p. 42.

all religious orders would be levied on the tributes natives paid to their *encomenderos* at the rate of six percent in Cartagena and only 3.5% in the heart of New Granada.⁴³ The king remained free to grant a certain number of annuities collected on the incomes of the *encomienda*. Its indivisible character, though, limited the multiplying of the annuities to be paid. In fact the *encomendero* saw the annuity a way to compensate relatives who were not chosen to benefit from the *encomienda*.

THE SOCIAL FUNCTION OF THE ENCOMIENDA

Despite the demographic decrease in the indigenous populations, the *encomienda* offered its owners a high social prestige until the eighteenth century within the elite. It remained the hope of social promotion for the whole Spanish population in the Americas and was a factor towards its taking root overseas. The social model of the *encomienda* seemed all the more strong since after 1560 it tended to become the privilege of a minority within the Spanish population. This social membrane was never definitively sealed because the *encomienda* remained the supreme reward for services paid to the monarchy. In seventeenth-century Chile, it stood out as the outcome of a rich military career.⁴⁴

This prestige was so important that the *encomenderos* developed a real symbolism for their social function, close to the feudal model. The ceremony of the concession of an *encomienda* reproduced that of the feudal tribute: an oath made on the cross before a notary and a proclamation of the vassalage of the conquistador who received an *encomienda* from the king, similar to a fiefdom from his lord. On 30 March 1629, the aldermanship of Santiago de Chile gave the *encomenderos* the right to employ a squire and to have an escutcheon associated with their *encomienda*.⁴⁵

The *encomenderos* reinvented the legal concept of the *encomienda* within the context of the economy of symbolical goods and carried an ideological discourse which tried to identify the *encomienda* as a *señorio de vasallos*, which Castilian legislation would never recognize.

⁴³ Molino García, *La encomienda en el nuevo reino de Granada*, p. 122.

⁴⁴ Zúñiga, *Espagnols d'outre-mer*, p. 245.

⁴⁵ Esteva Fabregat, *La corona española*, I, pp. 216–17.

Among all the conquistadors, only Cortès managed to transform his *encomiendas* into a real hereditary seignury of six million hectares (2.5 million acres). As early as 1529, Charles V gave him the title of marquis of the Valley, with a civil and criminal jurisdiction over 23,000 vassals, spread out between the Isthmus region (Tuxtla and Tehuantepec), that of Oaxaca, of Xalapa on the Atlantic side of the Sierra, those of Toluca, Coyoacan, Tacubaya, the hunting fields of Xico and Tepeapulco next to Mexico, that of Tlacopan, and in the town of Cuernavaca.⁴⁶

The dynasties of *encomenderos* managed to survive during the entire colonial period. To obtain a third life the *encomenderos* had to pay a right to the crown. In 1662 in Chile, Doña Ana María de Azoca, received the confirmation of the concession of her *encomienda* into a third life for her grandchildren. The other solution was to obtain an *encomienda* over many decades and have it regranted from one generation to the next. Still in seventeenth-century Chile, Juan Rodolfo Lisperguer obtained an *encomienda* on 89 tributaries for two lives, which had already belonged to his father and had been lost after his death. In 1656 he was able to extend it to a further generation for his grandchildren.⁴⁷ Thereby, some families managed to keep the same *encomiendas* over four or six generations.

The success of these various strategies was only made possible through the integration of these *encomenderos* into the colonial administration. At the beginning, the conquistadors, who were granted an *encomienda* by the governor were also the founding fathers of the colonial city. In fact, the same person, the *adelantado* distributed the *encomiendas* and organized a municipality. By establishing the contract of the *capitulación*, he was the one to draw the list of the *vecinos* and of the inhabitants owning real property who became citizens and elected the *cabildo*, the aldermen.⁴⁸

From the beginning, these *capitulaciones* favored the *adelantado*'s more loyal companions. In the town of Cartagena de Indias, out of the 300 *vecinos* who made up the *partido* in 1579, only seventeen were *encomenderos* and embodied the urban elite, while monopolizing the

⁴⁶ Duverger, *Cortes*, p. 335.

⁴⁷ Duverger, *Cortes*, p. 249.

⁴⁸ On the formation of Spanish elites in America, Schöter, *Beneméritos, aristócratas y empresarios*.

municipal charges.⁴⁹ At Santiago de Chile, the *cabildo* was entirely dominated by the *encomenderos* until 1575. If, afterwards, part of the city council fell into the hands of the *moradores* (the inhabitants were not benefiting from an Indian *repartimiento*), it did not lead to a loss of influence of the *encomenderos*. Coming from the second generation of an *encomenderos* family of the conquest, Tomas Calderón (1606–c. 1667) received an *encomienda* in 1638 and obtained a military charge of camp master before reaching the position of *alcalde* in 1641 and of *corregidor* three times, in 1642–44, 1659–62, and 1667.⁵⁰

At the end of the sixteenth century, the *moradores* belonged to *encomenderos* families. A policy of endogamous alliances came to reinforce this domination in the seventeenth century, as is shown by the example of the Escobars and the Morales.⁵¹ The stake of this political strategy lay in the control of the election of the *alcaldes ordinarios*, who were responsible for the city police as well as the whole urban territory. The post of *alcalde* became for the *encomenderos* a way to place their descendants who could not inherit the *encomienda*. In 1796, the Yucatán intendant, Arturo O'Neill, who was favorable to the elite of Merida, noticed that the *alcaldes ordinarios* of the competing town of Campeche and those of Santa Hermandad used their coercive powers to commandeer an Indian labor force for their estates or for their commercial activities.⁵² The Indians were even compelled to buy their mules from the *alcalde* to transport goods.

During the entire colonial period the community space was in the hands of private interests of truly familial clans. This policy can be found at every level of the colonial administration. The venality of the members of the *audiencias*, whose duties were legalized in 1687, reinforced the packing of *audiencias* by the members of the Creole elite. In Mexico, the Fagoaga or the Septién controlled the colonial administration and thus assured the continuity of their landed property, mining, or commercial interests.⁵³

In this context, the actions of the viceroys—whose powers extended into the military as well as into the police, the administration, the finances, and justice—to reinforce the influence of the *peninsulares* in

⁴⁹ Plá, *Cartagena de Indias*, p. 343.

⁵⁰ Zúñiga, *Espagnols d'outre-mer*, p. 317.

⁵¹ Zúñiga, *Espagnols d'outre-mer*, p. 256.

⁵² Augeron, "Entre la plume et le fer," v. 1, p. 743.

⁵³ Augeron, "Entre la plume et le fer," v. 1, *passim*.

the eighteenth century were limited by the integration of these newcomers into the colonial elites. As early as 1610, out of the twelve *peninsulares* of the Lima *audiencia* (whose total membership amounted to twenty), five were married to descendants of the Creole elite.

The control of *audiencias* by the colonial elite, who were united through the social practice of the *encomienda*, was a strategic choice, not only for resisting the reformist policies of the metropolis, which each viceroy carried out upon their arrival on American soil but also to assure a control over judgments on appeal, regional inspections, land grants, the control of the finance officers and of the aldermanship, and even the distribution of mercury to the *mineros* (mine owners). This position made the defense of their economic and social rights (*encomiendas* and *clientales*) possible.

This evolution made the *encomenderos* regroup themselves within urban centers. José de la Puente Brunke has shown that the *encomenderos* of Peru resided less and less within the jurisdiction of their *encomiendas*. Between 1570 and 1590, 95.2% of them resided on their *encomiendas* and only 32.8% between 1670–1710.⁵⁴ The crown was not interested in imposing residency on the *encomenderos*, inasmuch as the *encomienda*, as early as the end of the sixteenth century, represented but a set of annuities destined to reward its most loyal servants.

The Bourbon reforms did not succeed either in decreasing this influence despite the legal abolition of the *encomienda*. Two new vice-royalties were founded out of the partition of Peru; the vice-royalty of New Granada in 1739 and that of Río de La Plata in 1776. At the level of the provinces, the captain generals and the governors, appointed by the king, were subordinated to the viceroy.

With the establishment of the intendant system, a new public actor appeared: the subdelegates. In Yucatán, the appointments of subdelegates ensured the continuity of the influence of major Creole families who were losing their *encomiendas*. Mickaël Augeron has shown how the monopoly of the positions of the subdelegates, held by the major families of Mérida, Campeche, and Valladolid, enabled them to regain the legality of their control over the labor force that they had lost with the abolition of the *encomienda*. In the image of the viceroy of New Granada in the 1760s, Pedro Mexía de la Cerda, all the viceroys developed the venality of the duties of the *corregidor*

⁵⁴ Puente Brunke, *Encomienda y encomenderos en el Perú*, p. 303.

and the *alcalde mayor* to the benefit of those who paid them at the highest price.⁵⁵ In practice, the venality of the charges kept evolving after 1650 to the advantage of the great *encomenderos* families.⁵⁶

The decline of the era of *encomiendas* came at the end of the eighteenth century, because the new administrative structures that were put in place by the Bourbons gave *encomenderos* families an even larger influence than the original *encomiendas*: the control of a great territory, where the estate property (the *haciendas*) counted as much as the large communication networks. In Yucatán, the great urban families reinforced their control over their province by investing the subdelegates directly by means of their parents and clients and to the detriment of local notables who only kept those of their constituencies that were placed outside the main commercial lines. In some cases, they managed to ally themselves with the intendants to ensure the protection of the clan.⁵⁷ The dying *encomienda* thus represented for the subdelegates a supplementary means to assert their authority on the native and black labor force, to exploit the natural resources or those of their friends, and also to reinforce their commercial activities, whether they be smuggling or tax evasion.⁵⁸

CONCLUSION

The *encomienda* was the direct outcome of the military victory of the conquistadors over the indigenous kingdoms, which instituted a new and very hierarchical society where the Indians were nothing but a labor force.⁵⁹ Its first foundation lay in the right of war, the descendants of which ensured the continuity through the production of a historical and legal literature designed to maintain and legitimize their status. It was for this reason that criticism of the *encomienda* was philosophically based on the discussion of this notion of right of war (Francisco de Vitoria, Domingo de Soto, Las Casas).⁶⁰

⁵⁵ Mickael Augeron, "La bureaucratie en Amérique espagnole: entre fidélités et dépendances (XVI^e–XX^e siècles)" in Vidal, *histoire de l'Amérique latine*, p. 237.

⁵⁶ An example is in Bertrand, *Grandeur et misère de l'office*.

⁵⁷ Augeron, "Entre la plume et le fer," v. 3, chap. 6. On the intendants' role, Pietschmann, *Las reformas borbónicas*.

⁵⁸ Augeron, "Entre la plume et le fer," v. 3, p. 243.

⁵⁹ Rodríguez Becerna, *Encomienda y conquista*, p. 151.

⁶⁰ On the debate's terms, Pereña, *La idea de justicia*.

The labor of the Indians helped to strengthen the young colonial society and to ensure, over three centuries, the development of new economic activities thanks to a territorial reorganization based on violence. The domination of an extending territory, the displacement of populations, a new administrative network, and the organization of a colonial territory, constitute its major elements.

If the *encomenderos* did not succeed in establishing a seigniorial regime in colonial America, their claims were sufficient to create a society with an illusion of order and society that was attractive enough to draw regular influxes of migrants from Europe. This may be the reason why the Spanish monarchy did not censure the debate over the *encomienda* and the status of the Indians, while its decision in principle did not vary over three centuries. The *encomienda* was also a way to organize Spanish colonial society into a hierarchy and legally keep the exclusion of indigenous populations from all social and economic benefit.

The colonial regime of the “property” of the land and of its raw materials established the separation between a “Republic of Spaniards” and a “Republic of Indians”, and structured the relations between these two worlds.⁶¹ The patrimonial policy and the social endogamy that the *encomenderos*’ families established among themselves and with the elite of the *letrados* who had just landed from faraway Spain, indirectly placed the right of war at the heart of the social organization because it legitimated the social rank of the colonial elite. The slow decline of the number of *encomiendas* is therefore the best testimony to its dynamism as a social and economic structure. The *encomienda* gave birth to the large plantation with the tribute on the agricultural and traditional productions and the obligations of personal service required, after 1540, from conquistadors worried about how to perpetuate their newly established domination over space and how to obtain the recognition of a permanent ownership of the land and its wealth. In the seventeenth century, the *encomienda* gave a means to its beneficiaries to fix a slave labor force on their great estates, the *latifundio*. This was how part of the Indian population became slowly tied to the owner and to the estate almost as an inheritance. In this neo-servile economy, the *encomenderos* developed

⁶¹ Rodríguez Becerra, *Encomienda y conquista*, p. 151.

(mostly in the eighteenth century) an embryonic merchant production supported by an increasing monetarization but limited to small-scale exchange. The extension of the payment of the tributes into money after 1650 explains this evolution. The *encomienda* thus enabled the first monetarization of colonial society and the development of a market economy, even if it remained on small scale. The financial merchants constituted a minority compared to the *encomenderos*.⁶²

Yet, this reality varied among the regions of Spanish America. The structure of the *encomienda* thus provided the means through which the Spanish monarchy integrated Indian land in the mercantilist and protectionist system of the council of Indies and of the *Contratación* in Seville.⁶³

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⁶² Out of the 100 officials of the 1610 Guatemalan township, there were 83 *encomenderos* and less than 17 financial-merchants: Jean Piel, "Esquisse d'une histoire des régimes de mise au travail en Amérique latine du XV^e au XX^e siècle," in Vidal, *Histoire de l'Amérique latine*, p. 226.

⁶³ Solano, *Ciudades hispanoamericanas*, p. 209.

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CHAPTER THREE

FINANCIERS, FACTORS, AND FRENCH PROPRIETARY COMPANIES IN WEST AFRICA, 1664–1713

KENNETH J. BANKS

The Island of Gorée, which this company has been in possession of since 1677, cannot even defend itself against a small sloop, its fortress is without parapets, the walls [are] caving in [and] all the cannons are without carriages . . . its commerce is totally ruined; trade in 1676 that brought in 80,000 hides is now reduced to a quarter of that, and the Negroes would much rather throw them away than have any contact with the people this company employs . . . [Fort] St. Louis in Senegal is in the same pitiful state. . . .

I must observe that if your Lordship does not withdraw the concession from this Company, it will ruin itself. . . .¹

When Naval Lieutenant Jean-Baptiste Du Casse painted this grim picture of France's major trading concern in West Africa, the Senegal Company, in 1688, the West African trade of France had already endured a dismal and beleaguered existence for a nearly quarter-century. Historians have been unanimous in accepting the assessment of Du Casse that French attempts to create large, lucrative, private trading companies in West Africa had utterly failed. The only two companies granted royal charters to trade—the Compagnie du Sénégal (Senegal Company, founded 1673) and its erstwhile competitor, the Compagnie du Guinée (Guinea Company, founded 1685)—were clearly unable to ever fulfill their primary purpose, supplying slaves to the French sugar islands.² For many historians the prime reason

¹ Jean-Baptiste Du Casse, "Relation du Sieur Du Casse sur son Voyage de Guinée avec 'La Tempeste' en 1687 et 1688," in Roussier, *Établissement d'Issiny*, pp. 46–47.

² See for example, Mims, *Colbert's West India Policy*, pp. 300–09; and James Pritchard, "The Slave Trade That Never Was."

lies for this failure lies in the heavy-handedness of the state, which on the one hand shackled such companies with unrealistic expectations, and on the other prohibited them from operating according to liberal and sensible economic practices. Yet, against all sense it would seem, French investors poured more and more money into both enterprises until 1713, and the state intervened continually to ensure they survived—clearly a case of royal pride and policy run amok? A closer examination of the two companies during their major operating years from 1673 to 1715 reveals that while they may have been modeled on the major Dutch and English companies, the French West African organizations in their actual operations were really a unique amalgam of the tax-leasing consortium and the proprietary company. While legally constituted as private trade companies, they served two other and quite different functions. In France, financiers close to the Court prized the tax-farming or customs-reducing rights that each company enjoyed, while in West Africa, pressure from local rulers and long-standing trade traditions forced company director-generals to adopt the kind of governance usually accorded to proprietary companies, including full autonomy in negotiating local treaties, raising armies, holding land titles, and legislating new social orders. From this perspective, the two French West African companies are of less interest as ineptly-run merchant companies, and better interpreted as creative, erratic, and often violent accommodations made by a major European power to the expanding *terra incognita* of late seventeenth-century Atlantic World commerce.

Proprietary companies are historically enterprises owned by a private person or persons that receive the right of colonizing, including the right to create its own governance, alienation of overseas land, the power to wage war and engage in binding treaties with indigenous peoples or European competitors, and develop unique social institutions. In an important sense they are a leap of faith by the royal sovereign that their delegated authority would be respected and upheld in new lands. While the fostering of trade is obviously an imperative, the organizing of emigrants and the sale of land to them constituted one of the most important sources of revenue, as well as offering the possibility to congregate co-religionists in a spiritually cohesive environment of the company's choosing. Such was the case with several important English grants, such as the Massachusetts Bay Company, Maryland under the Calverts, and the grant to William Penn that became Pennsylvania. The French crown also used proprietary

companies as the vehicle of choice to develop colonies in North America and the Caribbean.³

Proprietary companies differed substantially from trading companies in several critical aspects of organization and action. According to K.G. Davies, trading companies have historically had many variants.⁴ For example, the Dutch organized a semi-public enterprises that reflected regional participation (The Dutch West and East India Companies), while the English relied more upon joint-stock companies created expressly to raise the huge amounts of capital and limit the high risks in long-distance trade by bringing together a consortium of merchants and acquiring a state-granted monopoly on a given geographic area or product. The French used what he termed the “privileged corporation,” an entity that relied heavily on state monies, administrative skill, and force to survive. Within this context the French trade company appears to be a more primitive or half-realized form of the more truly private English model.⁵ Thus, for Davies, French overseas companies were weak reflections of their properly proprietary English and Dutch counterparts.

Davies is at least partly correct, for the relationship between the state and private interest, whether in France or in its colonies during the *ancien régime*, has been notoriously difficult to disentangle.⁶ However, it is also clear that a close study of the two French companies created to trade in West Africa shows them to have characteristics of both private proprietary and private trade companies. This hybridity is most evident not in the organizational form or in the legal instruments used to create them—they were basically the same for all French enterprises—but rather in the gap between their use by the French ministers and financiers who created and capitalized them, and by the commanders and agents in West Africa who actually carried out each companies’ affairs *sur terre*. This essay seeks to explain this curious nature of the French companies chartered to trade in West Africa.

³ Aside from the other essays in this collection, see, for example, Trudel, *The Beginnings of New France*; Giraud, *A History of Louisiana*, v. 1; and Petitjean-Roget, *La Société d’habitation à la Martinique*.

⁴ Davies, *The Royal African Company*, pp. 16–38.

⁵ Based on an article by Henri Hausser (1933), Davies argues that private investors in France could only raise large sums by ‘borrowing, in one way or another, from the Crown.’ More recent scholarship strongly suggests that the relationship worked the other way round, *ibid.*, p. 20.

⁶ See Boshier, *French Finances*.

It suggests that these companies were organized and re-organized primarily as tax-farming ventures in France and secondarily as trading companies, but that due to the cultural logistics of trade in West Africa, became, or at least closely approximated, *de facto* proprietary companies that indeed exercised a broad range of sovereign powers in their respective spheres of activity in West Africa. A critical component of this argument is understanding that French companies and their agents, like all European concerns in West Africa in the late seventeenth and early eighteenth centuries, traded within the traditional cultural parameters of, and owed their security to, the coastal kingdoms of West Africa. With less of an emphasis on African “victimization” and a concomitant appreciation of African agency in trade relations, the French traders in West Africa are here viewed as marginal players, merely the latest entrants into long-standing, culturally complex, and continuously evolving networks of trade, actively manipulated and integrated at a speed determined by West African rulers and the societies they represented.⁷

Understanding the environmental contexts of West Africa goes a long way to explaining why the French companies developed so haphazardly, and split the original company into two quite different enterprises. As Philip Curtin has noted, sub-Saharan Africa had three major “coastlines”: the Atlantic, the Indian, and the Saharan.⁸ The Saharan featured the most highly-developed trade links, based on camel caravans linking the North African Muslim trading oases towns of the Maghrib and Libya with those of the Sahel, the first zone of pastoral land and habitation ringing the southern rim of the Sahara, while the Indian had been assiduously developed since at least the late ninth century by Arab seafarers. The Atlantic littoral, by contrast, was the most underdeveloped of the three when French traders from Rouen, following the lead of Portuguese merchants, first began to send ships regularly in the mid-sixteenth century. They encountered an entirely New World below the Sahara: a vast and highly diverse set of environments, each with its own long history of cross-cultural contact, warfare, and material culture. By the mid-seventeenth century French merchants and the few administrators in France that possessed

⁷ Curtin, *Cross-Cultural Trade in World History*, pp. 15–16; and Northrup, *Africa's Discovery of Europe*, pp. 51–56.

⁸ Curtin, *Cross-Cultural Trade*, p. 26.

some limited knowledge of West Africa were primarily interested in two major coastal regions of trade: Senegambia and the Gold Coast.

Senegambia reached from the Senegal River in the north to the area just south of the Gambia River, and had long been united under a single Wolof state, Great Jolof (or Falu) until the late sixteenth century. From about 1630 the region's desert slowly invaded grassland and forest stands, squeezing band of sustainable agriculture that ran east-west below the Sahara, and leading in turn to ongoing migrations and the rise and fall of new commercial centers.⁹ Within Senegambia, three further sub-regions existed. The first centered on the Senegal River, which, with arid lands to the north and south, became a river oasis much like the Nile in northeastern Africa. Rising from the Fouta Djallon highlands more than 800 kilometers to the southeast, the river first flows north for nearly half its length, then makes an arch northwestward, flowing due south by the time reaches the Atlantic coast. Villages and towns dotted the length of the broad river valley, with north bank occupied by a succession of Islamicized Arab and Berber communities such as Trarza or Brakna, and the south largely by Fuulbe and Wolof peoples. During the seventeenth century, many of these latter peoples held to regional spiritual and linguistic traditions, and had not yet adopted Islam.

From their base on the coast at Fort St. Louis de Sénégal, French traders sailed up the Senegal River to attend seasonal fairs (*escales*), exchanging brass kettles and pots, trade brass medallions (called *brasons*), iron, glass beads, gunpowder, powder, shot and muskets, a large variety of European and Indian cloth, and African produce such as malaguetta pepper and salt for a variety of goods from the interior, including gold dust, ambergris, *morphil* (raw ivory), polished ivory, hides, ostrich feathers, food, slaves (often Bambara peoples from the upper Niger region), and food, especially grains.¹⁰ But by far the most important by value was gum, or gum arabic.¹¹ Used as a universal

⁹ Searing, *West African Slavery and Atlantic Commerce* (Cambridge: Cambridge University Press, 1993), pp. 3–7; and Webb, *Desert Frontier*, pp. 3–26.

¹⁰ John Barbot, “A Description of the Coasts of North and South Guinea,” in Hargreaves, *France and West Africa*, pp. 38–39; Delcourt, *La France et les Établissements français*, pp. 44–5; Ly, *La Compagnie du Sénégal*, pp. 281–84. On the importance of food to feed both slave captives awaiting shipment and factory personnel, see Searing, *West African Slavery*, pp. 79–88.

¹¹ Atlantic trade posts for gum manned by the Dutch, Brandenburg Germans, and the French sprouted up north of the Senegal River as far as Arguin at Cape Blanc; the French director maintained nominal control over Arguin after 1678.

cohesive bond, it had a variety of uses as an excipient for remedies, a dulcement in throat treatments, and a fixing agent for a variety of dyes in textile manufacture. It could also be mixed with preserves, and even consumed raw.¹²

From the mouth of the Senegal River the coast ran southwestward until jutting out into the Atlantic at Cape Verde, where the crook of land sheltered the rocky island of Gorée (in the harbor of present-day Dakar). Gorée marked the commencement of the second region. It emerged as the main French slaving base in Senegambia, a secure anchorage where French ships could either purchase slaves directly, or use as a secure entrepôt while acquiring smaller lots of slaves at posts further south. Between Gorée and the Gambia River lies a long stretch of coast still referred to as the Petit Côte, a more densely populated region and, in the seventeenth century, a still heavily wooded area dominated by three breakaway states from the original Wolof ruler, each with their own coastal port of entry: Kajor¹³ with a harbor at Rufisque; Bawol (anchorage at Portudal); and Siine (anchorage at Joal).¹⁴ The assortment of trade items at Gorée (which was also within Kajor) and on the Petit Côte were similar to that of the Senegal, although the French received less gum and more slaves, in addition to beeswax, civet, camwood, woven mats, some raw cotton and indigo, pepper, rice, millet, palm oil, and even tobacco.¹⁵ The Gambia River formed the third sub-region, and like the Senegal, served as a major means of access into the interior. Although the French, English and Dutch hotly contested control of the Gambia, the English fort at (Saint) James Island near its mouth dominated European trade from the 1650s. The Gambia region in particular relied heavily upon the services of the Afro-Portuguese, called *lançados*, who in turn apparently relied on the traditional Jahanke trade diaspora further inland.¹⁶ South of the Gambia and the nearby Casamance River to Cape Mount, the coast became increasingly

¹² Jean B.L. Durand, "A Voyage to Senegal," in Hargreaves, *France and West Africa*, pp. 70–1; Webb, *Desert Frontier*, pp. 97–114; Searing, *West African Slavery*, pp. 65–6.

¹³ Also Kayor or Cayor in French sources.

¹⁴ Webb, *Desert Frontier*, pp. 29–36.

¹⁵ Ly, *Compagnie du Sénégal*, pp. 284–88; Rodney, *A History of the Upper Guinea Coast*, ch. 6; Delcourt, *Établissements français*, pp. 45–46.

¹⁶ Curtin, *Economic Change in Precolonial Africa*, pp. 95–100; and Curtin, Feierman, Thompson, and Vansina, *African History*, p. 229.

marshy and therefore difficult to navigate for European ships; it was more pathologically deadly, offered little gold, few slaves, and no gum, and its coastal kings were generally hostile to slaving.¹⁷ With trade dominated by Afro-Portuguese traders in towns on the Bissagos Islands, and Bissao, Cantor, and Cacheu on the mainland, it remained a region of speculation and post experimentation, rather than a developed region of French trade. Further south of Cape Mount, the Grain Coast (also called the English Windward Coast, present day southern Sierra Leone and Liberia), so called by the early Portuguese after the large pepper grains they avidly sought, offered even fewer slaves and less gold dust to Europeans.

Rounding Cape Palmas into the Gulf of Guinea, Europeans came to identify another three discrete sub-regions, based on their primary trade interactions. First came the Ivory Coast (Côte d'Ivoire), which also included an even smaller region further west labeled by the French the Qua Qua Coast,¹⁸ and which most contemporary accounts agreed ended at Cape Three Points; from there to the mouth of the Volta River came the Gold Coast (Ghana); and from the Volta to the Niger River delta came the Slave Coast (eastern Ghana, Togo, Benin, and western Nigeria). Even though slaves, gold, ivory, pepper, and a wide variety of foodstuffs could be procured from any of these regions, Europeans favored the Gold Coast as the primary locus for posts and trade in the seventeenth and early years of the eighteenth century.¹⁹ The boundaries in the Gulf of Guinea region are even more approximate, and disagreement over their limits and a plethora of geographic and cultural names abounded among contemporary European cartographers and trade agents.²⁰ As relative late comers and with generally poor naval support, the French established their two main Gulf of Guinea posts, Issini (Assinie, Côte d'Ivoire) and Ouidah (French Juda, also Whydah, in Togo), on the marginal shores

¹⁷ Rodney, *Upper Guinea Coast*, pp. 168–69.

¹⁸ “So named since its peoples uttered these two syllables when first encountering Europeans.” They appear only regularly on French maps, Simone Berbain, *Le Comptoir français du Juda (Ouidah) au XVIII^e siècle* (Paris: Lib. Larose, 1942), quote at p. 29.

¹⁹ The best interpretative maps so far can be found in Thornton, *Africa and Africans in the Making of the Atlantic World*, pp. x–xxxvi.

²⁰ For example, Curtin found four different words used by ethnographers for the same group of Halpulaar in northern Nigeria, *Economic Change*, pp. 18–9. Du Casse’s 1688 relation also lists coastal kingdoms, in Roussier, *Établissement d’Issiny*, pp. 29–34.

on either side of the Gold Coast, where they might escape the immediate armed attention of their more centrally located Dutch and English competitors. From the beginning, any French company trading in West Africa was in fact confronted with two huge and vastly different land masses, with the Senegambian region further destabilized by increasing aridity. Both regions possessed a plethora of distinct cultural and commercial customs that French agents would need time to learn. In addition, the French were likely to encounter stiff resistance from established trade groups, both African and European (Portuguese or Dutch), and the newly ascendant English, which heightened the need for substantial investment in weapons and fortified posts.

French merchants developed their West African trades by following the contacts and posts first pioneered by the Portuguese in the early fifteenth century. Unlike the southern French merchants who had long-standing relations to the Maghrib across the Mediterranean, merchants from northern ports such as Dieppe, Honfleur, St. Mâlo, La Rochelle, and especially Rouen first entered the Atlantic littoral of West Africa to raid Portuguese ships in the Cape Verde Islands during the 1480s.²¹ From the 1520s, raiding turned to trading, and within a decade, French ships regularly took on supplies in the Gulf of Guinea on their way to gather dyewoods in Brazil. Reports from both Portuguese and English sources mention small numbers of French-speaking traders residing seasonally in the Petit Côte of Senegambia and at Accra in the Gulf of Guinea from the 1570s. Ships were small, ranging from 40 up to 100 tons capacity, and at this time merchants exchanged mainly iron and colored cloth for gold, ivory, gum, and some slaves.²²

The rise of Armand du Plessis, Cardinal de Richelieu, to power in 1626 inaugurated a new era in French trade to sub-Saharan Africa. Richelieu, as a part of his larger scheming to confine Habsburg Spain and its dynastic partner Portugal, as well as to challenge Protestant Holland, supported the formal creation of four different companies to exploit the sea-borne trade of West Africa. The same core group of Rouen merchants composed the first two companies of 1626 and 1633, suggesting that the latter was in effect a reorganization

²¹ La Roncière, *Histoire de la Marine française*, 2, pp. 390–91.

²² Cultru, *Premier Voyage du Sieur de la Courbe*, pp. x–xviii; also Pritchard, “The Slave Trade that Never Was,” pp. 7–9.

of the first. Richelieu then gave the rights to trade in West Africa to a St. Mâlo company in 1634, allowing the Rouen Company the possibility of participation, while the fourth, sponsored by a syndicate of Parisian financiers in 1635, came to naught. For reasons due either to carelessness or perhaps to instill competition, Richelieu awarded the companies overlapping jurisdictions, prompting the principals to complain incessantly over trade territories. In 1638, Thomas Lambert of the 1633 Rouen Company negotiated the right to construct a small fort on a marshy islet (Île à Bocos) at the mouth of the Senegal River. After repeated flooding, the Rouenais moved twice more until finally settling on the present island (Guet N'Dar), where they built a post in 1658. This became the nucleus of Fort St. Louis de Sénégal.²³ The company formed in 1633 hung on until early 1659, when the Parlement of Rouen ordered its formal dissolution and reconstituted a new company, *La Compagnie du Cap-Vert et du Sénégal*, with a capitalization of 92,000 *livres* divided into 64 shares. Little is known of this company, but it seems to have been profitable enough to have increased its value to 150,000 *livres* when the newly-formed *Compagnie des Indes Occidentales* purchased it for that sum in 1664.²⁴ In sum, the companies of the first half of the seventeenth century were strictly chartered trading companies, and not proprietary companies in the full sense of the word. But they established a pattern that would be elaborated upon by the later companies: rivalry with other European traders, manipulation by the crown, the slow acquisition of prime sites by trial and error, and the need to secure treaties of trade with local rulers. Collectively, these factors suggested that only a large and autonomous commercial entity with its own military, bureaucracy, and diplomacy would be successful.

The advent of the *Compagnie des Indes Occidentales*, along with its sister trading company, the *Compagnie des Indes Orientales*, marked a new,

²³ A description in 1659 stated that the post consisted of a main brick building approximately 100 × 20 French feet divided into 4 main rooms, a small (20 × 20'), and surrounded by four two-story brick towers, all to house some 50 French clerks and soldiers, an attached fort with 11 small cannon that commanded the seaward approach, a chapel, a crude stone pier, a brick storehouse, and presumably several attendant buildings to house the company's 40 slaves, over 500 pigeons, pigs, and a few cattle, Cultru, *Premier Voyage*, pp. xxxiii–xxxv.

²⁴ Cultru notes that according to the evaluation given in 1663 as a prelude to the integration, the same number of shares were worth 1500 *livres* each, making the total worth of the company only 96,000 *livres*, *ibid.*, p. xxxvi.

if brief, phase in the imperial pretensions of the new king, Louis XIV. According to Stewart Mims, Louis' favored minister, Jean-Baptiste Colbert, ordered the creation of these two mammoth companies to emulate and compete with the two major Dutch companies, one in the Atlantic, and one in the Indian Ocean.²⁵ More than Richelieu, Colbert fervently supported an imperial concept of French sea power, and he set out to remove Dutch merchants from the primacy they enjoyed not only in the bulk European trades, but also in the development of overseas colonies.²⁶ Colbert's plans extended beyond determined commercial competition: drawing on Louis' well-known distrust of the Dutch as well as the king's insatiable thirst for glory on the battlefield, the two engineered two major wars against Holland (1667–68, 1672–79), that effectively checked Dutch overseas commercial expansion. As we will see, as a by-product of these wars, the French ousted the Dutch as the major traders in the Senegambia region, and gained a foothold in the Gulf of Guinea.

Although launched as a private entity, the *Compagnie des Indes Occidentales* in many ways acted as a thinly veiled imperial arm of the crown. Nine directors, headquartered in Paris, set company policies and goals and relied on a network of sub-directors in all major French ports. Initial capitalization amounted to nearly 7.4 million *livres*, and subscriptions rules at first appeared to enhance complete commercial autonomy from the state: in a society based on a closed and rigid sense of corporative hierarchy, subscribers of whatever social condition were guaranteed a deliberative voice in company affairs with the purchase of 10,000 *livres* in shares. For just 20,000 foreigners could lay claim to French citizenship. However, this autonomy and innovative structure proved illusory in practice, since the main subscribers included the King himself (who provided at least a quarter of the initial capital according to the official account, and possibly more),²⁷ several members of Colbert's own powerful family, the Ursulines of St. Denis, Marshal Turenne (a celebrated general),

²⁵ Mims, *Colbert's West India Policy*, ch. 3; Ly, *Compagnie du Sénégal*, pp. 89–90; Cultru, *Histoire du Sénégal du XV^e siècle à 1870*, pp. 52–3; Cultru, *Premier Voyage*, pp. xxxvi–xxxvii; Meyer, *Colbert*, pp. 256–60.

²⁶ Bluche, *Louis XIV*; Collins, *The State in Early Modern France* (Cambridge: Cambridge University Press, 1995); Banks, *Chasing Empire Across the Sea*, pp. 23–24.

²⁷ Dessert, *Argent, pouvoir, et société au Grand Siècle*, p. 511.

and a host of presidents from different French *parlements*.²⁸ Thus, while officially a private company, the dexterous fingers of the crown were ever taking its pulse.

The royal edict that served as a prospectus to invite subscriptions (28 May 1664) provided the Company with an immense field of activity. For a term of forty years, the company gained full control over French commerce in South America from the Amazon to the Orinoco, throughout the Antilles, in all of New France from the Grand Banks of Newfoundland to the vast rivers of North America, as well as the Atlantic coasts of Africa from Cape Verde to the Cape of Good Hope. Aside from commercial objectives, Colbert also assigned the company explicitly spiritual and political ones: proselytizing among indigenous peoples and conducting diplomacy with local rulers in order to isolate European enemies of the crown. The *Compagnie* retained seigneurial rights over all lands acquired, and it also had the power to name its own officials and oversee the application of royal law and edicts, arm ships, raise armies, and manufacture armaments, all clearly attributes of a proprietary grant. But above all, Colbert created the Company to supply slaves to the West Indies, hoping to not only increase French trade in sugar and tobacco, but to also exclude the profitable Dutch slave trade.²⁹ The *Compagnie des Indes Occidentales*, therefore, was less a “state-within-a-state” proprietary company, than a commercial expression of Court policies using the legal clothing of a semi-proprietary regime.

One of the major obstacles that obstructed the Company’s glorious future lay in the fact that the French simply did not possess the commercial expertise to enter the Atlantic slave trade pioneered by the Portuguese, appropriated by the Dutch, and most increasingly encroached upon by English slavers. As late as 1661, French captains and merchants advised a royal inquiry that the best way to procure slaves in Africa was by “contacting some merchant in Holland to

²⁸ See Mims, *Colbert’s West India Policy*, ch. 3; a succinct summary is in Cultru, *Histoire du Sénégal*, pp. 52–56; and Cole, *Colbert and a Century of French Mercantilism*, v. 2, ch. 1; on the preponderant role of French financiers close to the crown in economic ventures more generally, see Dessert, *Argent, pouvoir et société*, especially pp. 380–96.

²⁹ Mims, *Colbert’s West India Policy*, pp. 116–67, 281–85; Ly, *Compagnie du Sénégal*, pp. 90–92.

sell Negroes in the islands individually [*à tant la piece*].”³⁰ When the *Compagnie* formally acquired the Senegal concession in November of 1664, it also set out to acquire that expertise from the Dutch themselves. It sent agents to scour possible contacts in Holland, and in February 1665, concluded a contract with a Henry de Carolof of Brandenburg, an “old African hand,”³¹ and his brother-in-law, Jean-André Carolof, Baron of Woltroque (or Waltrigue). They were awarded a six-year contract that guaranteed them the right to establish posts to conduct slave-trading from the Tropic of Cancer to the Cape of Good Hope, on condition that they would be sold only in the French possessions in the Americas.³² However, the ghost of Richelieu soon re-emerged, for within the next year the Company authorized at least three other expeditions to Senegal and Guinea to procure slaves, none of them apparently having any direct connection with Carolof’s sublease.³³ With the start of war against Holland, trade dropped even further, with only two company ships sailing in 1667, and none the following year. Meanwhile, the Dutch continued to provide the majority of slaves to the French Caribbean.³⁴

These meager results prompted Colbert to authorize the sailing of independent merchant trade and slaving ships, secured by French naval vessels in 1669.³⁵ In addition, the *Compagnie* armed another ship in that same year under the command of Sieur Delbée and now carrying Carolof as the company director to establish posts and sign trade treaties with the kingdoms of the Coast of Arada (also Ardres, in Togo). The expedition succeeded in establishing a small post at Offra (subsequently moved to Ouidah in 1671), but it failed to turn a profit. The first ship to sail for the Caribbean lost more

³⁰ “Memoire concernant les avis et sentiments de différents capitaines de navires . . .”, in Ly, *Compagnie du Sénégal*, p. 93n.

³¹ Quote from Charles de la Roncière, cited in Ly, *Compagnie du Sénégal*, 95 and note. Daaku mentions a Hendrick Caarlof, who worked for both the Dutch West India and then Swedish African Companies in the late 1640s and 1650s, and is probably the same who passed into French service in 1665, see Daaku, *Trade and Politics on the Gold Coast*, p. 62.

³² Ly, *Compagnie du Sénégal*, pp. 94–96.

³³ *Ibid.*, pp. 95–9. November 1665: 3 ships freighted in Holland; May 1666: De la Barre with 11 ships from La Rochelle; Spring 1666: two others from La Rochelle; Summer 1666: Villault de Bellefond, which Ly believes may not have been on the account of the *Compagnie*.

³⁴ Pritchard, “Slave Trade that Never Was,” 15–16.

³⁵ Ly, *Compagnie du Sénégal*, pp. 99–100.

than 100 of its slave captives during the Middle Passage.³⁶ Complaints from the Governor of Martinique, de Baas, convinced Colbert that the company was incapable of fulfilling its contract to provide slave labor. From early 1670, he encouraged the entry of independent traders by removing the 5% tax on the sale price paid to the *Compagnie* for every slave sold in the Antilles, and in the following year, all duties on French merchandise exported to West Africa.³⁷ Nevertheless, independent slaving merchants did not rush into the void, much to the frustration of Colbert. At about the same time, Colbert had hatched a plan to seize from the Dutch what the French could not build: the posts and amiable trade treaties with the coastal kings that the posts signified. In 1671, Colbert dispatched the Comte d'Estrées to attack the North African pirates of Salé and, as an afterthought, to scout the entire coast from Cape Verde to the main Dutch fortress at El Mina. D'Estrées in turn delegated the task to Sieur d'Hailly in *Le Tourbillon*, and his *Mémoires* not only identified potential European targets, but also provided the most precise information yet available to the French court on Dutch, Portuguese, and English posts, trade relations with the coastal kings, and the geography and customs of West Africa and its coastal peoples.³⁸ However, the outbreak of the second Dutch War in 1672 forced Colbert to shelve attack plans, and forced independent French merchants and slavers to halt their ventures. Near bankruptcy, Colbert began to dismantle the *Compagnie* by 1673, and again sought to return the West African portion to a private monopoly, the new *Compagnie du Sénégal*, or Senegal Company.

If anything, the new company proved to be even more unprofitable and unstable than its predecessor, staggering from loss to loss and from re-organization to reorganization in its brief ten-year life. Its tangled corporate history underscores its primacy in France as a vehicle of tax farming and financial speculation, rather than as fully operational trading concern or proprietary company comparable to the English or Dutch models. By a contract dated 8 November 1673, and approved by royal *arrêt* three days later, the old *Compagnie* ceded its rights to a new, private *Compagnie du Sénégal* consisting of three Parisian “bourgeois” Maurice Egrot, François François, and François

³⁶ Berbain, *Comptoir français*, p. 39.

³⁷ Mims, *Colbert's West India Policy*, p. 286; and Ly, *Compagnie du Sénégal*, pp. 102–03, 109–12.

³⁸ Ly, *Compagnie du Sénégal*, pp. 103–09.

Raguenet. For 75,000 *livres*³⁹—half the purchase price ten years before—they were granted all trade from the Senegal to Gambia Rivers inclusive for a period 30 years (i.e., the time remaining from the *Compagnie des Indes Occidentales*'s original 40-year grant), as well as all infrastructure and merchandise remaining. Most important, Colbert introduced a new state bounty that paid 13 *livres* per slave landed alive in the French Antilles to the company. As the Senegal Company's foremost historian, Abdoulaye Ly, points out, the lower price probably reflects not only the absence of company ships to actually carry out trade, but also the sublease of the slaving rights to another interest (Sieur Thouret), since it had begun to be known at court that the Gulf of Guinea alone provided the best markets for enslaved manpower.⁴⁰ However, the weight of royal and corporate privilege remained strongly entrenched, since the terms also called for the subsidization of an undetermined number of priests, the payment of a mark of gold or equivalent in amber to the old *Compagnie*, and by the high penalties imposed by the state on others if infringing upon the new company's rights.

Almost immediately, the new *Compagnie du Sénégal* ran into financial reverses. Its first ship sent out to recover the goods still in Senegal upon its return to European waters took refuge from a storm in southern Ireland, where it was quickly seized by creditors of the old *Compagnie des Indes*. The potentially most lucrative component, the slave-trading concession, was again resold, this time to financier Jean Oudiette, the genius behind a new tax farm based on customs and taxes collected from overseas colonies (the *Domaine d'Occident*), in October 1675. It not only permitted Oudiette to sell 800 slaves per year in the French Islands for four years, but expressly allowed him to acquire them anywhere in Africa, including Dutch posts during war, and still guaranteed him the state premium of 13 *livres* per slave. As Ly caustically notes, Oudiette's purchase of the lease on the *Domaine d'Occident* in the same year gave him effective control over all of France's Atlantic colonial trades.⁴¹

³⁹ The original evaluation made in January, 1673 was put at 100,000 *livres*.

⁴⁰ Mims, *Colbert's West India Policy*, p. 290n; and Ly, *Compagnie du Sénégal*, pp. 119–20.

⁴¹ Ly, *Compagnie du Sénégal*, pp. 128–9. Oudiette obtained the *Domaine d'Occident* at this time, which included taxes on beaver pelts from New France. See Cole, *Colbert*, 2: 67, and Bonnassieux, *Les Grandes compagnies de commerce*, p. 226.

Nevertheless, this initial tenure of the Senegal Company saw the creation of the basic post infrastructure in the Senegambian region. And for the first time, company agents in West Africa began to carve out a new path of territorial acquisition and diplomatic initiative independent of the drawing room deals in Paris. Finally carrying out the plans envisioned by Colbert since 1672, the crown ordered the Comte d'Estrées in August 1677 to attack Dutch posts in the Cape Verde region in order to secure the sailing route to the West Indies.⁴² One of Colbert's closest advisors, and one of the liquidators of the old *Compagnie des Indes*, François Bellinzani,⁴³ interceded on behalf of the Senegal Company to adjust the attack plans to specifically include taking the post at Gorée, which the Dutch West India Company had held since 1621. After d'Estrée captured the small fort in October 1677, he sent Jean Du Casse⁴⁴ to pillage the three smaller outlying Dutch trade houses at Rufisque, Portudal, and Joal.⁴⁵ In March of the following year, and with an end to the Dutch War in sight, the Senegal Company again hired Du Casse to "safeguard" the company's posts by ordering out any independent traders and to raze the Dutch post at Arguin (presumably before any treaty could be signed).

Du Casse imaginatively interpreted his commission and ruthlessly fulfilled it. After taking the post at Arguin in late August 1678, he broke the terms of the capitulation by seizing all free "Moors" who had worked for the Dutch at the post, and loading them as into a ship to be sold as slaves in the West Indies.⁴⁶ This action created lasting animosity between French traders and the Trarza Moors that intensified in the mid-eighteenth century (the so-called "Gum War").⁴⁷ Meanwhile, he pillaged at least five French ships, mostly slavers, who, under the Oudiette license, were clearly entitled to trade for slaves.⁴⁸ In January 1679, after the Treaty of Nijmegen had been signed but apparently before announced in West Africa, Du Casse

⁴² D'Estrées's sailing orders emphasized the strategic value of the operation, since all West Indies-bound ships passed near this portion of the coast. Ly, *Compagnie du Sénégal*, pp. 129–30.

⁴³ See Dessert, *Argent, pouvoir, et société*, pp. 326–27, 337.

⁴⁴ On Du Casse, see Hrodej, *L'Amiral Du Casse*; Roussier, *Établissement d'Issiny*, p. xiv and note.

⁴⁵ There is some dispute over the attacks on the Petit Côte, since the primary accounts differ. See Ly, *Compagnie du Sénégal*, pp. 132–33.

⁴⁶ *Ibid.*, p. 141.

⁴⁷ Delcourt, *Établissements français*, pp. 179–339.

⁴⁸ Ly, *Compagnie du Sénégal*, pp. 137–47.

confiscated at least three Dutch vessels. Then, under the pretext of preempting a preemptive strike by a combined Wolof-Dutch force to recapture Gorée, as well as to avenge the despoiling of several French clerks on the Petit Côte, Du Casse launched raids against the rulers of Bawol and Siine, burning several villages and massacring their inhabitants in March of 1679. He then imposed a “peace treaty” that not only reserved to the French exclusive commercial rights and dropped all tribute payments, but ceded in “seigneurie” the Petit Côte from Portudal south for 150 kilometers, and for about 30 kilometers inland. Shortly after imposing these terms, Du Casse and a small garrison were attacked at Rufisque by forces of the king of Kajor (who ruled the port). Du Casse retaliated by rounding up and executing all local fishermen in their boats, then burning more villages and massacring their inhabitants, before imposing a similar peace on the king. These treaties formed the basis of French right of occupation in the Senegambia region, and were cited as such until the 1880s. These ventures also proved to be costly for the Senegal Company: even Du Casse admitted in his report that his actions had lost the company some 54 experienced French traders, soldiers, and sailors, and up to three years’ worth of trade goods. Du Casse’s actions completely disrupted the traditional roles of the Afro-Portuguese and Wolof traders, and imposed new European-based values on land and people (or, to be precise, the value of land over people). Backed by his cannon, the company had been launched on its *de facto* role as a proprietary concern. It was an ominous inauguration of a new era in French-sub-Saharan African relations.

The liquidators of the old *Compagnie des Indes* reorganized the Senegal Company in 1679, perhaps because of the territorial gains by Du Casse and a brief but dramatic increase in shipping (some 21 ships alone anchored in all of West Africa from August 1678 to May 1679, including sixteen slavers).⁴⁹ For a payments totaling 1,010,015 *livres* they re-integrated the slaving concession which had ended its four year lease, and installed six new partners; one of the new partners, Richemond, was a close associate of Du Casse’s.⁵⁰ The Company also reacquired the 13 *livres* premium on slaves, and

⁴⁹ *Ibid.*, pp. 151–54.

⁵⁰ Only François, who had personally directed trade at St. Louis, remained; two newer partners, Bains and Le Brun, had earlier bought out the widows of Ergot and Raguenet.

offered a contract to buy African slaves to man French galleys.⁵¹ While it is not clear why this reorganization occurred at this time, it is possible to surmise that the Company's future looked much brighter, and with the end of Oudiette's lease, the time appeared ripe for a sale to more substantive partners closer to the crown.

For a year, shipping increased and profits looked promising. However, the bankruptcy of the Senegal Company's own main bankers, Kervet and Simonnet in 1680, also pushed the company into bankruptcy by the spring of 1681. The bankruptcy of the company at this moment of success is particularly suspect, leading some historians to suspect embezzlement carried out by Bellinzani.⁵² On July 2, 1681, Claude d'Appougny,⁵³ a king's secretary and member of the Parisian *parlement*, received title to a new company, *La Compagnie du Sénégal et la côte de Guinée*. D'Appougny headed another long, sterling list of well-connected nobles and financiers, including Guillaume Mesnager, king's councilor, director-general of the *Domaine d'Occident*, and one of the principals in charge of liquidating the *Compagnie des Indes*: Guillaume de Kessel, Baron de Marac et de Beauvernois and king's councilor; René de Larré, king's councilor and Receiver-General of Finances at Caën; several king's secretaries; and, not surprisingly, Jean Du Casse. This group gained all previous privileges and agreed to accept the previous company's debts, still listed as 1,010,015 *livres*. However, it was only capitalized for 600,000 *livres*, which did not augur well for future stability. Further problems led to the splitting of this company into two entities, with all trade from the Gambia to the Cape of Good Hope (principally in slaves) passing into the newly constituted *Compagnie de Guinée* on September 12, 1684.

Between 1684 and 1696, the Senegal Company became a part of the much larger struggle by two major banking factions to control the *Domaine d'Occident*, and unite it to the major French taxing agency. Known as the *Cinq Grosses Fermes* (or General Tax Farm), this agency was composed of a syndicate of mainly Parisian financiers (the Farmers-General) that collected import and export duties to and within France for the crown, advancing the state guaranteed amounts of money that provided the crown with a reliable amount of revenue.

⁵¹ Bonnassieux, *Grandes compagnies*, pp. 227–28.

⁵² Mims, *Colbert's West India Policy*, p. 291; Ly, *Compagnie du Sénégal*, pp. 129–30 and note; Pritchard, "Slave Trade that Never Was," 29–30.

⁵³ See Dessert, *Argent, pouvoir, et société*, pp. 569–70.

As trade to the French West Indies increased, financiers appeared to take a closer look at the Senegal Company, which now also counted Colbert's son and successor, Seignelay, as one of its directors.⁵⁴ As noted earlier, the French trade in slaves, however irregular, proved to be not only potentially lucrative in itself, but earned profits in two other forms: from the state premium of 13 *livres* for each slave landed in the islands, and by the reduction on duties for Caribbean produce emanating from the sale of slaves. Concentrating both the Senegal Company and the *Domaine* in the same hands allowed financiers to rig accounts and claim even greater premiums and further reductions in duties, while making any detection virtually impossible, a point emphasized by outraged colonial Governors and Intendants.⁵⁵ When the slave sub-lease to Oudiette (who had reacquired it) expired in 1685, the crown granted it to Sieur Fauconnet, an associate of d'Appougny's and a principle executive behind the Senegal Company, placing this group in competition with a second group headed by Claude Céberet, the prime mover behind the new Guinea Company and a major partner in the new *Domaine d'Occident*. While it is not clear how this battle was fought, it is clear that from 1685 to 1689 the Company's West African trade deteriorated and its debt again climbed back to over one million *livres*.⁵⁶ When war began in late 1688 (War of the League of Augsburg, 1688–97), most financiers clearly viewed the Senegal Company as a financial liability. This, we might note, is the same period during which Du Casse wrote his disparaging observations cited at the start of this essay.

During the war, d'Appougny increased his personal control over the Senegal Company, first buying out his other partners for 300,000 *livres* in 1692, an onerous process completed by November 1694. But shortly after making the first agreement came the news in August 1693 that the English had occupied and pillaged St. Louis and destroyed Gorée earlier in January and February. D'Appougny "borrowed" two French naval vessels and arranged for a naval squadron to retake the posts and plan an assault against James Island. However, as the expedition began preparations, a ship arrived from St. Louis announcing that the two chief factors of the Company,

⁵⁴ Cultru, *Histoire du Sénégal*, p. 116.

⁵⁵ Ly, *Compagnie du Sénégal*, pp. 201–03.

⁵⁶ Bonnassieux, *Grandes compagnies*, p. 229.

Louis Moreau de Chambonneau (at St. Louis) and a Sieur Bourguignon (at Gorée), had already re-established French control over the Senegal posts, with the support of the local kings.⁵⁷ The initiative, it must be noted, for conducting these raids rested more with the post directors in Senegal than the Company directors and the Crown in France. The original French raid was then redirected solely at James Island, which succeeded in burning the fort in July 1694, although the English Commander, Bernard, did not fully carry out his orders to install a new French post on the island. It remained deserted until the English returned in 1699.⁵⁸ Despite the successes, either the trials of war or factional infighting led d'Appougny to change his mind, and he quickly sold the entire operation in January 1696 (royally approved in March) for 250,000 *livres* to a new group known as the *Nouvelle Compagnie Royale du Sénégal*. As the name implied, the new company was now formally tied to the state.

While the new group received the kinds of terms, privileges, and debt responsibilities that had become almost formulaic since 1664, C.W. Cole has noted that several articles of the Royal Senegal Company displayed a more specific knowledge of the special operations required in Senegambia, and the slave trade from there to the French Antilles. For example, slaves could be subject to market-influenced selling prices in the French islands (Article 7), the company escaped duties on all materials and naval supplies used for its ships and forts (Article 18), it avoided duties on all tropical produce to be re-exported from France (Article 20), and it received a premium of 20 *livres* for each mark of gold shipped to France (Article 25). However, the interests of the state remained closely tied to the new company: the crown commissioned all new governors of the posts, pledged to defend all company lands, and all new forts were “reputed to be royal.”⁵⁹ Once again, war (War of the Spanish Succession, 1702–13) intervened to diminish the company’s operations, so that by late 1705 its major shareholders were hiding from their creditors for days at a time in their stately Parisian *hôtels*.⁶⁰ In March 1709, the crown granted the company’s request and sponsored a sale to yet another group, this

⁵⁷ Ly, *Compagnie du Sénégal*, pp. 210–13.

⁵⁸ Davies, *Royal African Company*, pp. 272–73.

⁵⁹ Summarized in Cole, *French Mercantilism*, pp. 99–101 at 100.

⁶⁰ Cultru, *Histoire du Sénégal*, pp. 68–9.

time a largely Norman consortium headed by one of Rouen's wealthiest merchants, Mustellier, which purchased the company for 240,000 *livres*.⁶¹ It had to await the end of war in 1713, and more importantly, the death of the aged Louis XIV two years later to realize the kind of freedom necessary to recoup its losses, in part through concentration on the gum and ivory trades. In an important sense the history of the Senegal Company in its several reincarnations suggests a protracted debate between the Court and the major Parisian financiers over how best to tap the potential of West African trade and West Indian development. Only by clearly segregating the two, achieved with the opening of the French slave trade to individual merchants in 1716, would the Senegal concession become viable.

If the Senegal Company appeared to be a hybrid of trade and court financial speculation, the second French company in West Africa, the Guinea Company, was even more fully a creature of financial manipulation. The division of the Africa trade into two companies in 1685 also marked the creation of two more clearly articulated approaches to African commerce that had been uncomfortably enmeshed since 1664: trade for West African products to be used in Europe, and a slave trade to develop plantations in the French Antilles. The new *Compagnie du Guinée*, created by Seignelay in 1684 and confirmed by letters patent issued in January 1685, was expected to support the latter ambition. Its subscribers featured high-ranking members of Louis XIV's court as both shareholders and directors, many of whom had been involved in the earlier (and equally defunct) *Compagnie des Indes Orientales*.⁶² Freed from the cumbersome obligations (and debts) of earlier African ventures, it enjoyed exemption from seizure for non-payment of royal taxes. It was charged with supplying a minimum of 1,000 slaves to the French Antilles every year, some 1,200 marks⁶³ in gold yearly to France, and of course it enjoyed the 13 *livres* premium also granted to the Senegal Company at the same time, but with far greater potential. In short, it was a sleek and more powerful arm of the French state to develop slavery

⁶¹ Delcourt, *Établissements français*, pp. 62–63; Bonnassieux, *Grandes compagnies*, p. 232.

⁶² Including Mathé de Vitry-la-Ville, Ruau-Palu, de Lagny, Carrel, Parent, Dumas, Gayardon, Rolland, and Céberet. Du Casse, a major proponent of the company, was not a subscriber, at least officially, Cole, *French Mercantilism*, p. 103.

⁶³ One mark = approximately 1.1 kilograms, or almost 8 ounces.

in the French Antilles. While the Company seemed well-poised to become the prime supplier of slaves, its creation at the start of nearly 25 years of continuous warfare left it difficult to undertake more than sporadic trade ventures as it sought to acquire secure trade posts.

While probing the Guinea coastline in 1687–88 for potential anchorages and sounding out the receptivity of African kings to trade, Du Casse quickly grasped that the coastal kingdoms were by and large intermediaries for much richer and powerful inland kingdoms. He also realized that the Portuguese, Dutch and English had already acquired access to the best outlets for slaves and gold all along the coast. He therefore recommended a pragmatic, gradual insertion of French traders at three sites: Issini (Assinie), which had the distinct advantage of a king openly friendly to the French, Kommenda (Commendo), and Accra, but showed little faith in the only existing French post, Ouidah.⁶⁴ He also provided a disparaging view of West Africans in general, calling them “great thieves and great cheats, troublesome in every way imaginable . . . the *cabessaires*⁶⁵ and great nobles see no one without exacting some present.”⁶⁶ Based apparently largely on Du Casse’s report, the Company’s directors decided to concentrate their efforts at these three ports, while keeping Ouidah as a convenient interim base. Once again, high profits in slavery proved illusory. Over the next ten years, the Company’s agents shipped less than 2,500 slaves, albeit during a period of intense warfare. Once again, the Crown intervened and opened trade to independent slavers, while seeking to interest new subscribers and refinance operations.⁶⁷

The Guinea Company remained in a moribund state until resuscitated by the crown in anticipation of obtaining the Spanish *asiento*, or right to trade slaves into Spanish America, in 1701. Following previous precedents, the new Secretary of State for the Marine, Jérôme de Pontchartrain, organized yet another new company, *La Compagnie de l’Asiente*, composed of eight high-ranking Parisian financiers, and

⁶⁴ Du Casse, “Relation,” in Roussier, *Établissement d’Issiny*, pp. 29–30.

⁶⁵ Usually an Afro-Portuguese married into local kingdoms to act as go-betweens for African kings. Berbain, *Comptoir français*, p. 31.

⁶⁶ Du Casse, “Relation,” in Roussier, *Établissement d’Issiny*, p. 38.

⁶⁷ A good summary of this period is in Pritchard, “Slave Trade that Never Was,” 36–41.

including Louis XIV himself again as a major investor.⁶⁸ The company secured the *asiento* in November 1701, with a contract to supply a huge number of slaves to Spain's American colonies: some 38,000 slaves per year for ten years during wartime, 10,000 more per year as soon as peace returned.⁶⁹ According to one earlier historian, the new Company of the Asiento was automatically merged with another French company, the *Compagnie de la mer du Sud*, which had been formed in 1698 with the express purpose of trading slaves into the Spanish American colonies. The company in fact sent a few hundred slaves from 1703 on, although it is not clear whether these were undertaken by company ships or by privately owned vessels sailing with company licenses. To safeguard the company's interests, the crown loaned at least 22 naval vessels to the company during the course of the war. But with the catastrophic decline in French shipping, and the virtual abandonment of most French colonies on either side of the Atlantic during the war, it is not surprising that the company could not supply its posts in West Africa. It lost the *asiento* privilege to the English at the peace of Utrecht in 1713.⁷⁰ While composed as a private company with some powers that suggested proprietary elements, the Guinea Company always functioned first and foremost as a slave trading company, and always felt the unsteady hand of Crown policies on its corporate shoulders.

Meanwhile, from 1685 to 1713, French factors on the spot in West Africa for both companies entered into new agreements with coastal and interior chiefs, fought off rivals, and advanced new territorial agendas. It was these agents who pioneered their own visions for the companies, trying, often in vain, to attract the glance of financiers who were otherwise mired in the intricate world of tax leasing back in France. Agents and naval commanders *sur terre* (and *sur mer*) had to be ever cognizant of one central concern: negotiating for, building, and maintaining coastal trade posts with accessible anchorages, without which any kind of trade could not be conducted either efficiently or safely. In many ways the economic and cultural necessity

⁶⁸ Including Maynon, Thomé, Bernard, Vanolle, Landais, le Gendre, d'Armigny, and two Croizats. One of these may have been Antoine Crozat, who later led the private monopoly for Louisiana. Bonnassieux, *Grandes compagnies*, p. 266.

⁶⁹ Cole, *French Mercantilism*, p. 105; Pritchard, *In Search of Empire*, pp. 220–21.

⁷⁰ Bonnassieux, *Grandes compagnies*, pp. 385–407.

of these posts dictated that, however much the companies were viewed and organized as trading (or subleasing) companies in France, they became *de facto* proprietary colonial governments in West Africa. But French factors and clerks were small players in the socially intricate and politically volatile worlds of West Africa, and it was the host societies that determined how far and how fast the French could build posts and develop profitable trade relations.

From at least c. 1300, Arabic and Berber tribal pastoralists had slowly migrated from the north and northeast into the Senegal River valley, slowly occupying grazing grounds or settling near largely sedentary Black villages. In the larger towns and villages, the Islamic newcomers slowly won converts, even while leaving many prevailing traditions, such as matrilineal descent and land use largely intact. By the mid-16th century, the interior Black Jolof kingdom had begun to splinter, allowing new rulers opportunities to establish smaller breakaway kingdoms. To complicate matters further, three major reformist *jihads* launched by Nasir al-Din largely against Black military elites rocked the interior lands from the late 1660s. Although the reforms of the *jihads* failed in most of the small kingdoms, the instability had the effect of reinforcing the authority of new and largely Black military elites in smaller kingdoms, many of whom actively sought negotiated trade treaties with Europeans. Although historians now doubt that access to European goods served as a primary motivation for the turmoil, it is clear that the maritime kingdoms not only emerged stronger and more politically centralized as a result, but the aftermath of the wars increased the political clout of the “marabout,”⁷¹ or Islamicized clerical leaders who supported the Islamic cultural model of trade as socially respectable and desirable, even in kingdoms dominated by Black and pagan monarchs.⁷²

In the Gulf of Guinea, the ebb and flow of two major, rival states in the interior, the Akan near the Gold Coast and the Mossi on the upper Volta River, was connected with attempts to secure strong positions surrounding the Akan gold fields (in central Ghana). However, as European trade increased, there appeared to be a corresponding rise in new states dispersed along the whole of the Gulf of Guinea.

⁷¹ On the role of “marabouts” in this period, see Searing, *West African Slavery*, pp. 7, 92, 157–58.

⁷² Curtin et al., *African History*, pp. 188–89, 208–10; Searing, *West African Slavery*, pp. 12–26, 88–92; Webb, *Desert Frontier*, pp. 14–24, 27–36.

The largest of these included Akwamu, which arose north of Accra by the mid-seventeenth century, the Asante in central Ghana from the 1680s, and later, Dahomey which gobbled up several coastal territories, including Ouidah, in the 1720s. This hot-house of violent competition and warfare between large, medium, and microstates, and exacerbated by the advent of European military technology, produced a large and steady stream of war captives to be sold on the coasts as slaves from the mid-seventeenth century.⁷³ Unlike the Senegambian region, where the French quickly emerged as primary trade partners and influential intercessors in local power relations, along the Slave Coast they remained minor players reacting to the dictates of both local princes and other European trade communities.

Both French companies acquired West African posts in a variety of ways. Initially, the Senegal Company seized or burned existing Dutch posts and entered into or imposed new treaties with local kings. As we have seen, the attacks launched by d'Estrée and Du Casse in 1677–78 won a strategically sited post but at great cost. From 1685 to 1713, post acquisition turned into an era of “musical trading posts” during wartime.⁷⁴ From the Gambia south to the Grain Coast, French naval vessels attacked English posts at James Island, (1695, 1702, 104), Sierra Leone (1695, 1704), and Sherbro Island (also off Sierra Leone, 1705), inflicting losses of over £57,500 on the Royal Africa Company. These and other raids at York Island, Bence Island, and again at James Island in 1708, prompted K.G. Davies to proclaim the French “the best allies of the English separate traders” in breaking the Royal Africa Company’s monopoly in the region.⁷⁵ In return, Booker’s assault on St. Louis and Gorée in 1693 yielded over 2,400 ivory tusks, and left the latter post in English hands until exchanged at the Peace of Ryswick in 1697. The situation in most of the Gulf of Guinea followed a similar pattern. Even before declarations of war, the Dutch at El Mina expelled French trade clerks at Kommenda and Takoradi in 1688, and the uncertainties

⁷³ The issue of whether the European demand for slaves drastically increased warfare is summarized on the side of African agency in Thornton, *Africa and Africans*, ch. 4; for an opposing viewpoint, see Joseph E. Inikori, “Introduction” in idem, ed., *Forced Migration*.

⁷⁴ Quoted in Curtin, *Economic Change*, p. 102.

⁷⁵ Davies, *Royal African Company*, pp. 208–10, 273.

of war forced the abandonment of Assinie in 1705.⁷⁶ In turn the French also attacked the English at Cape Coast Castle in 1703, but failed to dislodge the traders there. Post raiding and seizure proved to be risky and generated little profit in comparison to privateering. It remained confined to periods of war, and directed mainly in state, not mercantile, interests.

Both companies pursued another more common and profitable avenue for creating posts: sharing secure anchorages and erecting forts adjacent to other European traders. African coastal kings undoubtedly encouraged this practice to increase competition.⁷⁷ Smaller outposts could be shared most easily by co-religionists. For example, the Afro-Portuguese of the region south of the Gambia region allowed French clerks to reside at Bissao, on one of the Bissagos Islands, at Boulam, and at Cacheo, despite minor clashes over trade agreements.⁷⁸ Other European posts lay close to one another under the jurisdiction of the same West African king, such as that of English James Island in the Gambia and its French twin Albreda, sited immediately north on the mainland.⁷⁹ The English Royal Africa and French Guinea Companies negotiated their own cease-fire during the War of the Spanish Succession, but this applied more to shipping and proved meaningless when not respected by the privateers of either side.⁸⁰ Only the post at Ouidah proved to be something of a genuinely unique neutral ground, due primarily to the policies of the local king.⁸¹ During periods of war, with losses mounting on all European sides, it appears that the English, Dutch and French agents supported this *Pax Ouidah*. For example, during the War of the League of Augsburg, an English slave captain noted that

There had not been a French ship there in three or four years, so that [the French] were much dejected and poor, having no livelihood but from the king's [French?] bounty . . . They din'd with us almost every day, and I gave them some provisions, and offered them passage

⁷⁶ Berbain, *Comptoir français*, p. 39.

⁷⁷ English factors are explicit on this point. See, for example, letter of Mark Bedford Whiting, 26 June 1683, in Law, *The English in West Africa*, pp. 4–6.

⁷⁸ Delcourt, *Établissements français*, p. 94.

⁷⁹ Abdoulaye Ly, "Retour sur la fondation au XVII^e siècle du Comptoir français d'Albreda," in *Bulletin de l'Institut français d'Afrique noire* 15 (3): 1262–77.

⁸⁰ Davies, *Royal African Company*, p. 273. French sources do not mention these negotiations.

⁸¹ Letter of John Thorne, 4 December 1681, in Law, *English in West Africa*, p. 224 and note.

gratis to Barbadoes, whence they might soon get passage to Martinico; but fearing the usage they might meet with at Barbadoes, being enemies, they would not venture.⁸²

Often transitory arrangements, “post sharing” existed due to a confluence of interests: both European parent companies (or states) valued the site enough to assign a clerk there, but not enough to warrant violence to monopolize trade; and the interest of African kings, whose motives we are often ignorant of. However, local French directors, and far less commonly Company officials in France, initiated such agreements, acting as their own diplomatic corps in doing so.

The most common method of securing posts rested on continuous negotiations with coastal kings for the rights to construct and maintain posts, a slow process which demanded the gradual gaining of trust through gift exchange to cement long-term trade relations. But company officials could be successful only so long as they recognized at least three critical cultural traditions shared by most West African societies: African perceptions of land; the prevalence of other trading ethnicities; and the importance of gift exchange. In the case of land tenure, Europeans often failed to appreciate that payments made for the land on which they built posts. As Kwame Daaku notes for the Gold Coast, there did not exist any conception of full alienation of property, for owning the land itself made no sense.⁸³ Instead, the land was held by “by a vast family of whom many are dead, a few are living, and countless hosts are still unborn,” in the words of one Gold Coast king.⁸⁴ In many states, villages held title to the land communally, with the chief or local king acting as a kind of trustee; land given to strangers could only be understood as an agreement between states, and such agreements assumed that as temporary subjects of the king were barred from many ceremonies connected with land use.

⁸² Thomas Phillips, “A Journal of a Voyage made in the HANNIBAL of London, ann. 1693,” in Hargreaves, *France and West Africa*, p. 45.

⁸³ Curtin notes that in Senegambia, land often belonged to the ancestors of the original clearer, and could involve overlapping entitlements, with the state holding a low entitlement among the Fuuta Tooro on the middle Senegal, while further south in Wolof domains the main titles were held through the office of the local *laman*, who received largely ceremonial dues for the use of land. However, the emergence of Kajor and Bawol, at least, ushered in a new, more centralized form of tribute collection and land allocation, essentially undercutting local traditions and distribution, Curtin, *Economic Change*, pp. 22–29.

⁸⁴ Daaku, *Trade and Politics*, pp. 50–53 at 50.

Secondly, most West African states appeared to regard Europeans as belonging to a new, seaborne trading diaspora, similar in function to a number of traditional diaspora groups, such as the Juula, who had existed long before European contact. Symbiotic commercial relations extended beyond strict commodity exchange; local rulers, for example, might become heavily indebted to French merchants, and the debts might be paid by diplomatic or even military support.⁸⁵ The creation of “double towns” also mixed different languages and cultural traditions in the same region, while bolstering the cultural identity of each group.⁸⁶ Cohabitation and intermarriage played a crucial role, particularly since the post “wives” of factors and clerks acted as respected merchants in their own right, and of course literally gave birth to a new Afro-European population. In Senegal, for example, *signares* (“female merchants”) who cohabited with French clerks, were instrumental in the slave trade, since they handled “the business of purchasing water and provisions, processing and preparing food for slaves in transit and Company workers, [and] washing clothes and keeping house,” investing their accumulated earnings in “slaves and boats,” and even acquiring some legal rights in the posts.⁸⁷ European coastal posts are therefore better viewed as a maritime-based trade diaspora, with the added imperative of being adjacent to a safe anchorage, and featuring mainly single males who traded for brief periods of time, and not as members of extended and interconnected families over long periods of time.

Finally, it is crucial to recognize the cultural importance of gifts and tribute. Du Casse is not alone among Europeans who were antagonized by the numerous and onerous “gifts” they were required to give to their African overlords, counting these as little more than scarcely-concealed bribes; as one English ship captain stressed, “we paid regularly for every boatload of water or wood.”⁸⁸ Far from being arbitrary, tolls were the subject of careful negotiation and precise calculation.⁸⁹ Significantly, early contemporary accounts often

⁸⁵ Searing, *West African Slavery*, p. 68.

⁸⁶ Curtin, *Cross-Cultural Trade*, pp. 39–41.

⁸⁷ On this vast and growing literature, see for example, Northrup, *Africa's Discovery of Europe*, pp. 64–69; on the role of *signares*, see Searing, *West African Slavery*, pp. 77, 95–102 at 96.

⁸⁸ Captain Thomas Wilson, *House of Commons Sessional Papers*, LXXIII, 8–9 cited in Searing, *West African Slavery*, at 71.

⁸⁹ *Ibid.*, pp. 71–74.

emphasize the context of the gift-giving as part of larger occasion of festivities and rites. On the Gold Coast, for example, Europeans made specific payments of usually mined or manufactured goods such as iron, cloth, or brandy as “their expected contribution made in accordance with customary law.”⁹⁰ What some Europeans believed to be a relentless and unfair demand for bribes was, from the perspective of African coastal kings and merchants, a part of the ongoing contribution to the ceremonial life of the kingdom that cemented trade ties, guaranteed the post, and kept the peace.

Savvy French factors understood the relationship between land, their position in a distinctly new variety of trade diaspora, and gift exchange. They regularly paid visits to local kings, fastidiously observed traditions of deference and respect, and engaged in ritual gift exchange. Michel Jajolet de La Courbe,⁹¹ for example, upon arriving in St. Louis in 1685, quickly learned that visits paid immediate benefits in augmenting prestige:

Having learned that the Brac [king] of d’Houale [Joal], in which country one of our posts lies, being currently at Montaubé, about two leagues from our post, and given that he had made the gift of it as well as all the immediate land around it, and it being the custom that whenever one is in his proximity to pay him a visit and bring gifts for him and all the nobles who accompany him, I resolved to outfit a bark [and see him] . . .

He came aboard with his three most favored nobles and several *griots* [royal storyteller] . . . I received him at the entrance to my chamber [i.e., the captain’s cabin] without lifting my hat, neither him his bonnet, but I placed my hand in his, and we entered to be seated, with his officers on his side, and mine by me . . . we smoked for some time, regarding each other very closely without speaking; then beckoning to my interpreter, I made known to him [the king] that, being so close to my house, I thought he might come visit me; [but] having learned that according to tradition, kings did not enter the houses of whites, [and] desiring to know him and be friends with him, I had sought him out and brought a present: a small barrel of eau-de-vie that I know he would find to his taste, a scarlet strap to make a shoulder belt, a blanket of red woolen cloth for his horse with six skeins of

⁹⁰ Daaku, *Trade and Politics*, p. 64.

⁹¹ La Courbe was a nephew of one of the principals in the company, and aside from a voyage of inspection made on behalf of the company in 1685–87, also had two tours of duty as the Director-General of the Company in Senegal in 1689–90 and 1709–10, see Cultru, *Premier Voyage*, pp. v–vi.

wool dyed in various colors, and two hand lengths of [colored] paper to make *gris-gris* [amulets], to which I added two ounces⁹² of nails from Gerofles, and a great string of coral with large beach stones [gros galets] to give to his wives, all of which he seemed to be most pleased with. Having made also a present to each of the nobles who accompanied him, he made it known to me that he was very honored by my visit, and that if it had been permitted to visit the house of a white, he would certainly have done so. . . .⁹³

As they were departing, the king's griots began to strum their three-stringed instruments and sing, praising La Courbe as a great man as demonstrated by his presents to their king, and adding that no French commander had ever been so generous. It is probably significant that La Courbe made this and other rounds of visits immediately upon replacing by his own directive Chambonneau, the former commander of St. Louis. La Courbe apparently feared a reprisal from Chambonneau, and local support for himself and his faction of traders must have seemed like a good investment. In this and other visits to establish posts,⁹⁴ La Courbe pursued diplomacy as if he was a king himself, which, in effect, he was. More than any other single aspect of post operation, engaging in diplomatic negotiations, with the material demands such missions entailed, forced a metamorphosis from mere French factor to a lord invested in the success of his enterprise.

On the other hand, flouting gift exchange and continuous diplomacy always damaged trade relations. Although André Brûe, La Courbe's successor, often followed his predecessor's example in dealings with nearby rulers, he pursued a far more aggressive policy in order to establish trade posts on the upper Senegal River.⁹⁵ In 1698, Brûe succeeded in winning authority to establish a post (Fort St. Joseph) near the strategic trade town of Dramanet (in Galam), in part by

⁹² La Courbe probably refers her to a "trade ounce," a pre-arranged value of goods, see Curtin, *Cross Cultural Trade*, p. 59.

⁹³ La Courbe, "Premier voyage" in Cultru, *Histoire du Sénégal*, pp. 90–91. The process of continuous diplomatic contact to ensure friendship and mutual assistance is strikingly similar to Franco-Indian conferences in North America. See, for example, Jennings, *The History and Culture of Iroquois Diplomacy*; Banks, "Culture and Communications on the Lake Ontario Frontier"; and Usner, *Indians, Settlers, and Slaves in a Frontier Exchange Economy*, especially chs. 2–3.

⁹⁴ La Courbe, "Premier voyage" in Cultru, *Histoire du Sénégal*, to Bintam near the Gambia (109–11), and Grèregue near Bissao (111–12).

⁹⁵ Berbain, *Comptoir français*, pp. 62–4; see also Bonnassieux, *Grandes compagnies*, pp. 238–9; and C.A. Walckenaer, *Collection des relations de Voyages par mer et par terre en différentes parties de l'Afrique* (Paris: 1842), 2, 463–65.

sparing no expense in lavishing gifts on the town's marabouts. But when it became clear he would pay no further tolls and was trying to direct trade away from the town, the leaders "revolted" in late 1701 and forced the French to evacuate the post.⁹⁶ Brüe finally succeeded in establishing a post in the region only at the very end of his second tenure in 1720.

French forts also became the nuclei of new, hybrid trade communities, ruled by Europeans but with large, permanent, and often Christianized West African populations. La Courbe further extended his sovereignty over the employees by trying to instill novel forms of European morality not only the European personnel, but the Christianized West African people who formed a village around each French fort. Most French posts sat adjacent to a usually much larger West African village, often employing Christianized men and women that over time created a hybrid society of Afro-French. The very existence of such communities spurred ad hoc attempts to legislate new forms of social order. While La Courbe proved sensitive to Wolof and Sereer forms of ritual exchange, he also created many enemies among the Company's clerks by attempting to instill French norms of morality. For example, he forbade his men, including four priests, from living with local women and insisting that only Europeans eat together.⁹⁷ His underlings bitterly resented the new regulations, and ignored them as soon as La Courbe returned to France. This early form of segregation, while not wholly unusual in West African diasporic trade communities, nevertheless suggested a growing concern with racial concepts among French directors. Again the case of Ouidah departs somewhat from the norm, since the three European forts existed as "suburbs" of the much larger Akan town of Grégoy, and its king intervened regularly to protect and aid his people who lived by or worked in the company forts.⁹⁸

One variant on protracted negotiation rested on a tradition of raising very young men in the other culture to act as an interpreter

⁹⁶ Madina Ly-Tall, "Le Haut-Sénégal et le Haut-Niger dans la politique française de la fin du XVII^e s. au milieu du XVIII^e s.: l'attrait de l'or du Bambouk et du commerce du Soudan," *Bulletin de l'Institut fondamental d'Afrique noire. Série B*, 43 (1981, 1-2), 24, 35-38.

⁹⁷ Cultru, *Histoire du Sénégal*, pp. 80-81, 113-14; Berbain, *Comptoir français*, p. 97; Ly, *Compagnie du Sénégal*, pp. 263-64.

⁹⁸ Berbain, *Comptoir français*, Plate III.

and broker later. The taking of “trade hostages,” or “panyarring” by the English,⁹⁹ had long been an effective and accepted practice. Although usually used only as last resort to emphasize the seriousness of a breach in trust by one side or the other, hostages, as respected guests, were used on occasion to build cross-cultural trust. In one sense, company agents or naval commanders guaranteed their good will in future trade relations by leaving a small group of clerks to manage trade at a new site or outpost. From the French perspective, this made economic sense, but it is also possible to infer that the practice satisfied the requirement for close and continual contact by coastal kings or their interior overlords. In return, French merchants or ship captains either enticed or formally exchanged high-ranking African males in order to present them at Court back in France. The exchange of foreign ambassadors for long periods appears to have been a hallmark of Louis XIV’s court.¹⁰⁰ The most celebrated case in West Africa involved the first French efforts to secure a permanent base at Issiny, on the margins between the Ivory and Gold Coasts. During his 1687–88 Guinea expedition, Du Casse, at the behest of the Issiny king Zena, embarked his teen-aged son Aniaba and his cousin Banga, and brought them to France.¹⁰¹ Within two years they were presented at court and made a sensation. Louis XIV adopted Aniaba as his godson, supposedly remarking at one point, “Prince Aniaba, there is between us as little as that between black and white.”¹⁰² Aniaba became a professed Catholic, tutored and baptized by none other than Louis XIV’s own confessor, Bishop Bossuet, and both he and his cousin were awarded appointments in a royal regiment. Although Banga returned to Issiny on a Guinea Company ship in 1695, Aniaba remained, culturally adopting the life of a *noblesse de l’épée*, complete with a royal pension, fast horses, and gambling debts. When news of the death of Aniaba’s father reached France in January 1700, a prominent Guinea Company captain

⁹⁹ A common practice by both Europeans and West African rulers, see, for example, Letters of John Nightingale and John Winder, 29 November 1681; and Nightingale, 2 December, 1681, in Law, *English in West Africa*, p. 26.

¹⁰⁰ In one famous case, Louis XIV welcomed ambassadors from Siam in 1685. John B. Wolf, *Louis XIV* (New York: W.W. Norton, 1968), p. 421; also Shelby T. McCloy, *The Negro in France* (Lexington, KY: University of Kentucky Press, 1961), pp. 145–46.

¹⁰¹ There are two versions of their departure and arrival. See Roussier, *Établissement d’Issiny*, p. xviii.

¹⁰² Cited in *Ibid.*, p. xxii.

familiar with the area, d'Amon, urged Secretary of State Louis de Pontchartrain to return the "prince" to Issiny as the new ruler, arguing that under his Francophile and Catholic rule France would shortly possess "a second Peru."¹⁰³ However, on the return voyage in 1702, d'Amon and Aniaba quarreled for unknown reasons, possibly, as another chronicler has noted, because it had been learned and circulated that Aniaba was the offspring of his kingly father and one of his slave concubines. The French, displaying no understanding of the intricacies of West African forms of domestic servitude and unable to entertain the possibility that a West African slave could occupy a position of great authority, may have felt duped. In any event, d'Amon treated instead with the prince's uncle, Accasigny, and according to one account ordered Aniaba, still dressed as a French officer, killed. But the Guinea Company still proved unable to supply the fledgling post with trade goods during the War of the Spanish Succession, and it was the Issinians who in the end who may have felt duped by false promises of amity and trade. This episode underscores the degree to which the Guinea Company remained a creature of the French court, unable to pursue a more commercially-oriented vision. The use of such cultural brokers did not survive into the eighteenth century, and may be considered less a viable form of imperial post implantation than an historical stage in the development of French court society.

The necessity of coastal posts led some of the more imperially ambitious company directors to imagine substantive French occupation and settlement in the West African interior. While unrealized until well into the eighteenth century, such dreams approached a vision of proprietary rule, where French families would own or lease land and serve the best interests of a Company. Directors prized the upper Senegal River valley in the Galam region, about 500 kilometers from Fort St. Louis on the coast, since it offered the best chance for Europeans to survive. Beginning as early as 1667, the Company's directors at St. Louis mounted at least eight major expeditions (1685, 1689, 1698, 1710, 1714, 1716, 1722) to explore the region, secure a post, and trade for gum, ivory, gold dust, and slaves, thereby cutting out the onerous customs tolls extracted along the river. According to Labat, André Brûe, director of the Senegal Company on two separate occasions, also hoped to use the region as a base to reach the fabled

¹⁰³ *Ibid.*

gold trade of Timbuktu. While trade with region offered much, it remained static until Brüe finally achieved his dream in 1722 (after he had left), establishing a post at Makhana (near Kayes, Mali), but only after receiving determined state support.¹⁰⁴

But such ventures led other French directors in St. Louis to envision their trade concession as a European enclave within West Africa. No plan is more fully articulated than one prepared by Chambonneau in 1685, which envisioned agricultural settlements populated by French men and women, also in Galam.¹⁰⁵ In his *mémoire*, Chambonneau touched on a variety of motives for creating this colony, including the lessening of tolls, the glory of the king to expand his dominions, the extension of Christianity, and the desire to satisfy geographic curiosity by locating the source of the Niger, which had been a topic of intense speculation for Europeans since the last century. But above all, Chambonneau stressed the relative ease of occupation and rights accruing from land improvement by French *habitants*: “One can claim the land on this river in the name of the king, and send there men and women to live in the same way they have done in America, to plant tobacco, indigo, cotton, and sugar cane,” adding that “there would be absolutely no wrong committed against the negroes, since they leave nearly three-quarters of their land fallow, and if made to leave one place there are many others for them to go to, and nearby.”¹⁰⁶ He believed that as a nearly self-sufficient colony, it would be able to sell most of its surplus to the Company, and what remained to neighboring villages. However, the limits to proprietorship were clearly evident when he insisted that long-term development could only be undertaken as a royal enterprise, not only to supply the emigrants with enough food, supplies, and arms to see them over the first year or two, but also to guarantee regular contact with the coast. It proved impossible to separate settlers from the concept of subjects who would enjoy, and defend, the king’s bounty. Such idyllic plans appeared to mark the initial enthusiasm of the newly-arrived, and

¹⁰⁴ Walckenaer, *Collection des relations de Voyages*, 2, 1–22.

¹⁰⁵ Ly, *Compagnie du Sénégal*, pp. 257–63.

¹⁰⁶ Chambonneau cited in *Ibid.*, pp. 257 (first quote) & 258 (second quote). According to Walckenaer, Brüe penned an almost identical assessment in 1697; however, since Walckenaer’s relation is based heavily on Labat’s of 1728, and since we know from Cultru that Labat attributed to Brüe large selections from previous writers, in particular La Courbe (Cultru, *Premier Voyage*, pp. ii–ix), it is at best the recycling of an older idea.

faded given the difficulty of actually reaching the region experienced by Chambonneau and his successors. Aside from the Assinie debacle, no such plans were apparently ever entertained by French agents for the interior of the Guinea Coast. But it is important to stress that the concept of private sponsorship of immigration and the legitimacy of private land acquisition by right of productivity remained, and anticipated by nearly 150 years later French arguments for imperial expansion in Senegal.¹⁰⁷

The end of the War of the Spanish Succession in 1713, war and the death of Louis XIV barely two years later inaugurated a new era in liberal commerce in both French West African Companies and their trades. From the end of the war until the Regency, the French slave trade remained open to any French merchant. In January 1716, the new Regent, Philippe d'Orléans, abolished the monopolized trade in slaves in one of his very first economic decrees, ironically making the slave trade the first fully "free trade" in French overseas commerce. Although at first confined to merchants in the ports of Rouen, La Rochelle, Nantes, and Bordeaux and limited in Africa to the coasts south of Cape Mount, subsequent extensions encompassed all major and most minor French ports by 1741, and also allowed slaves to be traded by independents in Senegal with permission and a payment. A crucial underpinning of the new regulations allowed return cargoes of sugar and other tropical produce exchanged for slaves a 50% reduction in tariffs (100% if immediately re-exported to other European ports), a rule expressly designed to increase both the slave trade and French re-export trade throughout Europe. But the certificates for these tax exemptions, known as *acquits de Guinée*, could also be sold by the original merchants who held unused portions to other merchants, leading to a highly profitable exchange in notes, as Robert Louis Stein has pointed out.¹⁰⁸ In effect, the decree of 1716 rearranged the old Guinea Company into a tax farm leased out to the French state.¹⁰⁹ However, its byzantine layers of privileges, subleases, and debts created a very slow liquidation process that was not completed until 1771.

Meanwhile, the Senegal Company enjoyed a brief period of renewed

¹⁰⁷ H.B. Gerbidon to Minister, August 25, 1827, in Hargreaves, *France and West Africa*, pp. 90–92.

¹⁰⁸ Stein, *The French Slave Trade in the Eighteenth Century*, pp. 13–16.

¹⁰⁹ Cole, *French Mercantilism*, pp. 255–56.

activity. In 1717, the Scottish banker, John Law, a favorite of the Regent, persuaded him and the leading Parisian financiers to establish the French economy on credit mechanisms backed by state enterprises. Law first founded the *Compagnie d'Occident* as a means to exploit Louisiana, but then quickly absorbed more and more overseas companies as guarantors of the debt. With a brief return to profitability, the Senegal Company became a likely target, and Law absorbed it in December 1718. Within two years, Law's company, now grandiosely titled the *Compagnie Perpetuelle des Indes*, had also obtained the monopoly on slave trading for the whole Atlantic littoral of Africa. Although it careened into receivership in late 1720 (convincing Law to escape to Belgium), once reorganized and recapitalized, the Indies Company exercised its monopoly privileges, particularly in the slave trade. From 1722–25, it rebuffed independent merchants seeking slaving licenses, and instead armed 41 slavers of its own. However, the Company's high outfitting costs and reluctance to stuff slaves into holds quite as ruthlessly as independent slavers routinely severely cut into profits. After this burst of activity, the Company resorted to selling licenses for slaving south of Sierra Leone, and cultivating its gum and ivory monopoly in Senegambia.¹¹⁰ With the advent of the War of the Austrian Succession in 1744, the company ceased all slaving operations in Senegambia, and, like the Guinea Company before it, entered a slow process of liquidation, finalized in 1769. The loss of most of Senegal (excepting Gorée) to Great Britain in the aftermath of the Seven Years' War (1756–63) hastened the process, as did the emergence of smaller joint-stock and limited-term partnership companies, many based in Nantes, in the slave trade after 1748. However, in the eighteenth century after 1713, the state assumed the diplomatic prerogatives and defense responsibilities of the old proprietary companies. Although a new Senegal Company briefly reemerged late in the *ancien régime*,¹¹¹ French proprietary companies had in reality relinquished the African slave trade by 1726, and only the Senegal concession with its lucrative gum trade survived as a thinly disguised state-directed company between 1713–1763, and again from 1784 until the early years of the Revolution.

The history of the two French companies in West Africa, the Senegal and Guinea Companies and their various reincarnations,

¹¹⁰ Stein, pp. 17–22.

¹¹¹ *Ibid.*, pp. 28–40.

attests to a characteristic type of overseas company with distinctly French characteristics. Although conceived of as trade companies, they existed in many ways as tax-leasing entities by highly-placed financiers in France, and appear to have been given some proprietary rights to improve their attractiveness as investment vehicles. However, due to the close mixture of economic and cultural forms in West Africa, company directors and agents added proprietary powers by virtue of necessity in negotiating with coastal kings. Since these kingdoms entered into trade terms with diaspora groups as distinct “nations,” then so too did French agents.

Proprietary companies in this amorphous way offered distinct advantages. From the crown’s point of view, the state could disavow the actions of zealous commanders to other European courts, as they did with Du Casse’s raids in 1678–79, and yet reap the benefits of post acquisition, at least eventually. They helped create competition between rival factions or consortiums of financiers, to bid up state tax leases, allowed state coffers to be enriched by competing land or trading grants, and shoved the burden of high initial investment and defense costs onto the shoulders of the same financiers, and it allowed nobles to engage respectively in trade. From the point of view of the financiers who created the companies, or the ship captains and directors in West Africa who actually established and maintained them, such companies provided an ideal way to combine large amounts of capital while reducing the risk (since their debts, in effect, were underwritten by the state), allowed individual commanders more freedom to interpret their roles and orders in the light of the reality in the field.

Most important of all, there is the problem of acquiring and using new knowledge. The two French West African companies were formed specifically to explore new currents of overseas exchange and territorial ambition, areas that presented new peoples and environments, and which often exacted a high death toll from the French who ventured, even in the slave trade. By offering extensive jurisdiction over land, taxation, diplomacy, and conducting war, the state made it potentially lucrative for individuals to gather, record, and eventually distribute that knowledge, paving the way for less costly and more secure royal bases in the future. The cost of developing this “knowledge base,” and the potential benefits accruing to a proprietary company to develop it, were certainly underestimated by contemporaries, and may well remain underrated by historians.

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CHAPTER FOUR

PROPRIETORSHIPS IN FRENCH NORTH AMERICA

LESLIE CHOQUETTE

If the current trend in historiography is to revise our understanding of colonial proprietorships rather than to presume their inherent unsuitability, then proprietorships in French North America pose something of a conundrum. After all, the French settlements in the St. Lawrence Valley, the Canadian Maritimes, and Louisiana lagged far behind the Thirteen Colonies in terms of both population and economic growth. Closer examination reveals, however, that the proprietary framework was not solely to blame for New France's slow development. Indeed, settlements sometimes made swifter progress during proprietary phases than in times of direct royal control. This essay focuses on one critical aspect of proprietorships in New France: the recruitment of European immigrants. It argues that the proprietors' achievements in that domain were not negligible given the structural constraints that they faced, namely, the limited demand for and supply of colonial labor. While supply could have been boosted, as in the British colonies, by permitting immigration of religious dissenters and foreigners, such immigration was prohibited by the state throughout most of the seventeenth century.

In France as in Britain, the early structure of colonization emerged from a series of failed attempts, as would-be colonizers discovered by trial and error which features to discard and which to retain. By the beginning of the seventeenth century, a viable organization had developed, which prevailed until Louis XIV chose to increase the level of state intervention in this, as in so many other, spheres of French life. Before 1663, immigration took place within a framework of proprietorship and private entrepreneurship, although proprietors ultimately bore some responsibility to the crown. After 1663, the crown intervened directly in both administration and recruitment. In the St. Lawrence Valley, the crown succeeded in reducing both proprietors and chartered companies to mere partners in an essentially royal enterprise, and proprietorship was abolished outright

in 1674. On the margins of New France, however, in Louisiana and Île Saint-Jean (today's Prince Edward Island), chartered companies remained the primary means of bringing Europeans, sometimes in significant numbers, to the colonies in the early eighteenth century.

The first systematic French attempts to colonize, rather than explore, America occurred in the mid-sixteenth century under the successive auspices of Francis I, Henry II, and Catherine de Médici. The resulting settlements differed in both location and intent. In Canada, the courtier Roberval agreed to work for "the augmentation and increase of our holy Christian faith and holy mother Catholic church,"¹ while in Brazil and Florida, lieutenants of the Protestant Coligny tried to establish New World refuges for their co-religionists. The state adopted a similar attitude toward each of these efforts regardless of religion. Although it provided subsidies to the initial expeditions, it expected the established colonies to support themselves. The proprietors and their associates, as seigneurs and traders, took full responsibility for future defense, administration, and recruitment. The crown's role in recruiting the first wave of colonists for these settlements was an indirect one. It furnished funds but left it to the proprietors to find suitable candidates. Roberval, however, received additional assistance from the king in the form of commutations of the death penalty, which enabled him to enlist convicted criminals for an "honest and salutary voyage."²

Roberval's settlement succumbed to the Canadian climate, the two Protestant outposts to Portuguese and Spanish incursions. French colonization as a whole then fell victim to the Wars of Religion, remaining at a virtual standstill until the end of the century. When it resumed during the reign of Henry IV, the age of royal subsidies and Protestant refuges was over. Henry distributed property rights and commercial monopolies in lieu of direct funding, and he made formulaic profession of Catholic evangelism. A new framework for French colonization was now in place. From the outset, proprietors would finance colonization from the proceeds of commercial monopolies; they, and not the crown, would bear responsibility for recruitment. Although Protestants would not be excluded outright, and indeed would figure among the proprietors, the official religion of the colonies and the metropolis would henceforth be the same.

¹ Cited in Trudel, *Histoire de la Nouvelle-France*, v. 1, p. 131.

² Cited in Trudel, *Histoire de la Nouvelle-France*, v. 1, p. 139.

The first decade of the seventeenth century witnessed the foundation of two permanent French colonies in Canada: Acadia in 1604 and Quebec in 1608. The initiative for both came from Pierre Du Gua de Monts, a Protestant officer who was then the exclusive proprietor of New France. The charter he received from Henry IV granted him seigneurial rights and a commercial monopoly over eastern North America from Philadelphia to Newfoundland; in return for these privileges, he agreed to transport sixty settlers across the Atlantic. In 1604, eighty prospective colonists of de Monts—all of them male, in contrast to the mixed-sex recruits of Roberval and Coligny—wintered at a temporary settlement on Île Sainte-Croix in Passamaquoddy Bay. In the spring of 1605, the survivors moved to the more favorable location of Port-Royal (today Annapolis Royal in Nova Scotia).

De Monts' outpost at Port-Royal lasted only until 1607, after which he turned his attention to Quebec; however, French Acadia would survive owing to the first sub-infeudation practiced within a proprietary colony. Settlement resumed after a three-year hiatus under the direction of Jean Biencourt de Poutrincourt, a Catholic nobleman who had accompanied the first expedition to Acadia. A former participant in the Wars of Religion, he "had resolved to create an independent position in America and to have his family transported there, hoping to find more tranquillity than in Europe."³

With Poutrincourt, colonial recruitment entered a new phase. From the responsibility of a single overlord in possession of a commercial monopoly, it became a shared responsibility of the overlord and his seigneurs. The return on the latter's investments would come not from trade, but from seigneurial revenues; the success of the enterprise would depend on agricultural settlement. Unfortunately for the colony, Poutrincourt died a pauper in 1615, bequeathing his seigneurie to his equally impoverished son Biencourt. At Biencourt's death in 1623, Port-Royal remained a trading post with no more than twenty year-round residents, none of them women.⁴

Meanwhile, the Canadian monopoly passed from de Monts, who lost it due to merchant complaints, to a succession of members of the upper nobility. All but one of the new proprietors (now known as viceroys) worked in tandem with a company of merchants, and all

³ Lomier, "Les Picards au Canada," 11.

⁴ Trudel, *Histoire de la Nouvelle-France*, v. 2, pp. 423, 440.

agreed to transport immigrants to the colony of Quebec as a condition of their exclusive privilege. The obligation to recruit was never onerous; the Prince of Condé and his associates agreed to send six families within eleven years, the Duke of Montmorency the same number within fifteen.⁵ But despite the leniency of these quotas, proprietors were reluctant to fulfill them. In 1627, when Cardinal Richelieu revoked the most recent charter, Quebec had a total population of eighty-four or eighty-five French people; of these, no more than two dozen were true *habitants*.

Cardinal Richelieu, concerned with increasing French power in the Atlantic as well as on the continent, decided to restructure New France in 1627 to create the organizational framework for an important settlement colony. The resulting Company of New France, more commonly known as the Company of the Hundred Associates, differed from earlier companies in scope rather than in structure. While it remained a private venture that possessed New France “*en fief et seigneurie*,” it brought together moneyed interests from a broad geographical and social spectrum.⁶ Participation in the company did not entail *dérogance*, or loss of noble status; on the contrary, Richelieu promised to ennoble twelve of the non-noble associates. The company received a perpetual monopoly on the fur trade and a fifteen-year monopoly on all other trade except the fisheries. During those fifteen years, it agreed to transport 4,000 French Catholics of both sexes to New France. Foreigners were excluded altogether, but French Protestants could reside there on a temporary basis provided that they live “as Catholics without scandal.”⁷

The domain of the Hundred Associates extended northward from Florida to the Arctic Circle and westward from Newfoundland to the Great Lakes. In practice, however, their jurisdiction was confined to eastern Canada, and they exploited the monopoly directly only in Quebec. In Acadia, the company had recourse, from the beginning, to sub-seigneurs, who themselves formed companies to sub-contract a portion of the monopoly. The colonists recruited by these

⁵ Trudel, *Histoire de la Nouvelle-France*, v. 2, p. 276; Goyau, *Les Origines religieuses du Canada*, p. 84.

⁶ For a list of the original 100 associates and their successors, see Trudel, *Histoire de la Nouvelle-France*, v. 3, pt. 1, *Les Événements*, pp. 415–37 and Carpin, *Le Réseau du Canada*, pp. 441–50.

⁷ Cited in Bédard, *Les Protestants en Nouvelle-France*, pp. 29–30.

seigneurs counted against the total of 4,000 required of the company. The new seigneurs of Acadia belonged, with one exception, to the Hundred Associates, and the parent company looked favorably on their enterprises. The settlement of Acadia proceeded slowly nonetheless; jurisdictional disputes paralyzed the seigneurs, and in 1654, the British occupied the entire colony except for Miscou and the adjoining coast. The French population at the time of the occupation, though it now included women, did not exceed 300 souls.⁸

In Quebec, the Hundred Associates subsidized recruitment directly, but their early efforts came to naught when the British seized the colony in 1629. (More than 300 emigrants were captured aboard ship in 1628 and never set foot in the colony.) Although the British occupation ended after negotiations in 1632, the company's capital had dwindled dangerously, and subcontracting remained the only option in the St. Lawrence, as in Acadia. The system of subcontracting adopted in Quebec differed from that practiced in Acadia in one major respect: seigneurs did not receive a portion of the monopoly. Instead, a single subsidiary, composed primarily of merchants from Rouen, agreed to manage the monopoly and assume the company's responsibilities for a period of six years. The subsidiary company, which arranged for the transport of 200 immigrants in 1633, did not bear the full burden of recruitment, but shared it with the colony's seigneurs, who were expected to invest in their properties in anticipation of seigneurial revenues.⁹ Laurentian seigneurs included individuals, with or without the backing of companies, and collectivities such as the Jesuits and the Société Notre-Dame, the missionary society that founded Montreal in 1642.

The Company of the Hundred Associates never recovered its initial vigor, although in 1642, the year of Richelieu's death, it resumed direct exploitation of the monopoly for lack of a willing subcontractor. In 1645, it had recourse to a new expedient: re-concession of the monopoly, not to a company, but to the colonists themselves in the form of a *Communauté des Habitants*. The Community, defined as all males permanently domiciled in the colony, took upon itself the annual recruitment of twenty persons complete with "provisions and conveniences."¹⁰ But the Community derived no more profit from

⁸ Trudel, *Initiation à la Nouvelle-France*, p. 54.

⁹ Trudel, *Histoire de la Nouvelle-France*, v. 3, pt. 1, p. 122.

¹⁰ Trudel, *Histoire de la Nouvelle-France*, v. 3, pt. 1, p. 171.

the monopoly than had its predecessors, and it successively tested a number of survival strategies including subcontracting exportation (1652), leasing trading posts (1653), and re-conceding the monopoly to yet another subcontractor (1660). Recruitment thus depended on individual or collective seigneurs and on the Community or the latter's commercial associates from 1645 until the reorganization of the colony in 1663. The only innovation in recruitment policy during this period was a 1655 decree of the Council of Quebec mandating French ship owners to transport one immigrant per fifteen tons of cargo on all ships bound for Quebec.¹¹

While the Community probably exceeded its recruitment quota between 1645 and 1651, transporting around 100 immigrants per year despite financial hardship, only a few seigneurs had the means and determination to recruit vigorously. Topping the list for the period of the Hundred Associates were the Société Notre-Dame of Montreal, with roughly 400 immigrants, the Jesuits (around 220), and the female religious communities (around 200). Among individual seigneurs, only Robert Giffard and the Juchereau brothers of Perche cut a comparable figure (around 300). Giffard, by training an apothecary, combined seigneurial agriculture with forestry, an important activity in his French region.¹²

The Company of the Hundred Associates did not long survive the personal reign of Louis XIV. Seconded by Colbert, the young king revoked the company's charter in 1663, and brought the colony directly under the royal administration. The company, he claimed, had failed to fulfill essential obligations, among them defending the colony, transporting immigrants, and converting the Amerindians. While the company was able to prove before the Parlement of Paris, based on the Admiralty registers, that more than the minimum number of people had been sent to New France under its authority, the failure of definitive settlement was palpable.¹³ New France in 1663 had barely 3,500 French inhabitants, several hundred of whom were Acadians under British occupation. By comparison, the combined

¹¹ Charbonneau and Landry, "La Politique démographique," 33. Founded in 1647, the Council of Quebec brought together the Governors of Quebec and Montreal, the Superior of the Jesuits, and, on a consultative basis only, elected representatives of the towns of Quebec, Montreal, and Trois-Rivières.

¹² For the most recent estimates of emigration during the period of the Hundred Associates, see Carpin, *Le Réseau du Canada*.

¹³ Campeau, *Les Cent-Associés*, p. 152.

European population of British and Dutch North America was 90,000 in the same year, and New Englanders alone numbered 40,000.¹⁴

A recent in-depth study of New France in the period of the Hundred Associates by Gervais Carpin puts this achievement into perspective. He argues that in the absence of a labor-intensive staple like tobacco or sugar, there was no demand for large-scale immigration, therefore making it a financial liability rather than a source of profit for the proprietors.¹⁵ Nor was the profit from the fur trade sufficient to offset this liability, a fact known from the outset to the financiers and traders who invested in the company. Why then did they do so?

For a variety of motives, not least among them a desire to curry favor with the cardinal. It is important to recognize that the Company of the Hundred Associates, although a proprietorship, was a proprietorship of a peculiar kind. Created by political fiat rather than mercantile interest, it was intended to serve a political end: the enhancement of French power. Cardinal Richelieu, as an architect of French absolutism, was surely capable of indicating that participation in the company was a condition of retaining his favor. In the case of the financiers, a form of blackmail may even have been involved. Tax farmers could easily be accused of corruption if they fell afoul of their patron, or at the very least, be denied lucrative contracts. Another group of businessmen, the Parisian hat makers, probably came on board in order to guarantee their supply of beaver pelts.¹⁶

Participation in the company was thus a political obligation rather than an economic choice for many if not most of the proprietors. To make matters worse, they experienced disastrous luck in the first years of their mandate due to the British seizure of Quebec. From the beginning, the Hundred Associates operated under the severest of financial constraints.

It is therefore notable that between 1628 and 1663, they (or those under their authority) were able to transport an estimated 7,300 immigrants to New France, 4,700 to the St. Lawrence Valley and 2,600 to the Maritimes.¹⁷ Most of these people, obviously, had moved on rather than settled, some fifty per cent in the case of Quebec

¹⁴ Trudel, *Histoire de la Nouvelle-France*, v. 3, pt. 1, p. 399.

¹⁵ Carpin, *Le Réseau du Canada*, pp. 345–50.

¹⁶ Carpin, *Le Réseau du Canada*, pp. 95–116.

¹⁷ Carpin, *Le Réseau du Canada*, p. 32.

and nearly everyone in that of the Maritimes. While the unstable political situation was clearly a factor, especially in Acadia, it is also important to consider the nature of the labor supply. Apart from a few of the seigneurs, like Robert Giffard, who recruited *in situ* among people known to them in France, most of the proprietors' recruiting agents worked out of La Rochelle, Dieppe, or Rouen, major cities with large populations of single migrant laborers. What Bernard Bailyn calls "metropolitan migration," the sort least likely to have staying power, clearly predominated in this migration stream. Describing Britain's metropolitan migrants, Bailyn writes,

The metropolitan pattern . . . is typified by a young man, in his early twenties, acting individually. He is not, usually, drawn from among London's most desperate, destitute slum dwellers; nor is he from the more stable or substantial segments of the population. He is, rather, an impecunious young artisan or craftsman who has served all or some part of his apprenticeship, or in a less formal way learned something of a trade, has found employment irregular or nonexistent, and, without prospects, still unmarried and without family encumbrances, has decided to head out to the colonies alone. In doing so, . . . he has assumed a burden of debt for his transportation, to be paid off by four years of bonded labor.¹⁸

Similarly, most immigrants to New France were young men in simple pursuit of work rather than a new life. That many chose to return to France upon expiration of their indentures (three rather than four years in the French case) is unsurprisingly, particularly given the shortage of single French women in the colony.¹⁹ Additionally, since Protestants were excluded from permanent settlement, New France, unlike nearby New England, could never become a haven for religious refugees.

New France officially became a royal colony on 24 March 1663, when Louis XIV dissolved the Company of the Hundred Associates. This first attempt at direct royal rule, however, was disastrous. Far from being the wave of the future, royal administration in 1663 and 1664 quickly degenerated into complete chaos. For unknown reasons, the appointed intendant was sent to Italy instead of Canada and not replaced. The appointed governor, who did arrive, immediately went

¹⁸ Bailyn, *The Peopling of British North America*, pp. 12–13.

¹⁹ In 1663, there were between six and seven single French men for every marriageable French woman in Quebec, see Charbonneau et al., *The First French Canadians*, p. 81.

head-to-head with the colony's imperious spiritual leader, Bishop Laval. Since the governor and bishop, as joint heads of the new Sovereign Council, were to choose the other five councilors, New France soon found itself without a functioning judicial body.²⁰

The situation with regard to immigration, which was proceeding under royal auspices for the first time since the sixteenth century, was not quite so bleak. The state sponsored about 300 immigrants in 1663 and the same number the following year. Nevertheless, the Hundred Associates had done equally well in their good years.²¹

Louis XIV terminated the unsuccessful experiment with direct rule in 1664 and returned to the formula of the proprietary colony, albeit with significant modifications. He re-conceded New France, together with the Antilles, to the newly created Company of the West Indies "in full seigneurie, property, and justice."²² The company received a long-term commercial monopoly (40 years), in return for which it contributed to colonial expenses, but it no longer controlled administration, defense, or immigration. Convinced that the proprietary framework was insufficiently dynamic, the king reserved initiative in these domains for himself. The company's sole responsibilities for immigration consisted of supplying the colony with sufficient priests, and recruiting prospective colonists pending royal reimbursement. The crown thus continued to subsidize immigration directly. In the first two years of the new proprietorship, company ships transported over 500 immigrants at the expense of the king.

The Company of the West Indies was liquidated prematurely in 1674, bringing an end to the proprietary phase of the colony. Since the king now directly appointed administrators (the first intendant, Jean Talon, finally arrived in 1665) and organized defense, its disappearance was scarcely noticed. Yet during the company's ten-year proprietorship, immigration had been fairly dynamic. New France had received about 3,000 new immigrants through the company's efforts at the king's expense: over 1,000 indentured servants, 1,000 soldiers, and nearly 1,000 marriageable women.²³ This yearly average

²⁰ Marcel Trudel, *Histoire de la Nouvelle-France*, v. 4, pp. 14–20, 73–98.

²¹ Trudel, *Histoire de la Nouvelle-France*, v. 4, pp. 56–8.

²² Lanctôt, *Histoire du Canada*, p. 44. The company's jurisdiction included Brazil and western sub-Saharan Africa in addition to Quebec, Acadia, and the West Indies, Trudel, *Histoire de la Nouvelle-France*, v. 4, p. 102.

²³ Trudel, *Histoire de la Nouvelle-France*, v. 4, pp. 233–53. These efforts profited Quebec almost exclusively. The British returned Acadia to France in 1667, but the

of about 300 immigrants was certainly higher than the figure of 200 achieved by the Hundred Associates without direct royal subsidies. But in the larger scheme of things French colonization still lagged. New France in 1674 had a colonial population of about 8,500, 8,000 in Quebec and 500 in Acadia. In contrast, the British colonies at this time counted no fewer than 112,000 settlers, including 52,000 in rocky New England.

The royal system re-inaugurated by Louis XIV in 1674 prevailed, with modifications, until the end of the French Regime. Direct state intervention combined with recruitment by royal officials became permanent features of immigration policy, although the extent of support varied according to the place of New France within the royal priorities. Most of the time, however, interest was low, and the royal government emulated its proprietary predecessors in sending the minimum number of workers necessary. In the eighteenth century, the bulk of royal immigrants were soldiers, to whom must be added perhaps a thousand deported prisoners.²⁴

On the margins of New France, however, colonization continued to devolve upon chartered companies. Louisiana, founded in 1699, was conceded to financier—and royal creditor—Antoine Crozat in 1712. He received a perpetual monopoly on the region's non-existent mines and a fifteen-year monopoly on all trade in return for sending twenty men or women from France each year. While he first respected the terms of his contract, he began ignoring them as soon as he realized his monopoly was no cash cow (he offered so little for furs and skins that colonists simply smuggled them to Canada or Carolina). Self-righteously arguing that immigration was a state responsibility, he proposed the relatively cheap expedient of deporting prisoners along with girls from poorhouses who could marry them. This idea met with approval after the death of Louis XIV, and in 1716, 65 smugglers were selected from prisons in the rural

French reoccupation did not begin until 1670. The king paid to send fifty-five indentured servants and five marriageable women to Acadia in 1672, the same year he announced the end of major subsidies for emigration, see Lanctôt, *Histoire du Canada*, 255–64.

²⁴ This figure, like that for marriageable women, is an upper bound. For detailed estimates of the number of emigrants in both categories, see Renald Lessard, "Faux sauniers déportés au Canada (1730–1743)," ms., Archives Nationales du Québec; and Landry, *Les Filles du roi*, pp. 33–44.

Northwest; however, their embarkation was delayed a year by the transfer of Crozat's monopoly to John Law's Company of the Occident.²⁵

Established in 1717, the Company of the Occident was a brain-child of Scottish financier John Law, the founder of France's first central bank. A proprietorship with far-reaching powers, the company received title to Louisiana together with a monopoly on the Canadian fur trade for twenty-five years. It resembled the Company of the Hundred Associates in being a political creation first and foremost, although its purpose was different. Law planned to pay down the national debt by offering shares in this new joint-stock company in return for government notes. A series of mergers and acquisitions followed, and by 1719, the company (renamed the Company of the Indies) held a de facto monopoly of France's Atlantic and Pacific trades. The ensuing speculative bubble burst in 1720, after the merger of the company with the central bank.²⁶

Without a doubt, the Company of the Occident pursued the most dynamic immigration policy in the history of New France. From 1717 to 1720, over 1,400 men and women were deported to Louisiana from prisons and large cities, where they had been arrested as vagabonds. Although the deportations were stopped in response to serious riots in Paris against "Louisiana slavery" (an ironic reference since the company also imported its first African slaves in these years—2,000 between 1719 and 1721), promotion of immigration continued.²⁷

To stimulate voluntary immigration, the company blanketed France with propaganda portraying Louisiana as a terrestrial paradise. The campaign had limited success due to the colony's already poor reputation in the Atlantic ports that were the natural reservoirs of colonial emigration. (Apparently word of New Orleans' insalubrious climate had not taken long to spread.)²⁸ On the other hand, translated into German, Law's brochures created a sensation in the Rhine Valley,

²⁵ Mathé Allain, "French Emigration Policies: Louisiana, 1699–1715," in Heggoy and Cooke, *Proceedings*, pp. 39–46; Allain, "L'Immigration française."

²⁶ Miquelon, *New France, 1701–1744*, pp. 78–80. See also Braudel and Labrousse, *Histoire économique et sociale de la France*, v. 2, pp. 280–95.

²⁷ Glen Conrad, "Emigration forcée: A French Attempt to Populate Louisiana, 1716–1720," in Heggoy and Clarke, *Proceedings*, pp. 57–66.

²⁸ Carl Brasseaux, "The Image of Louisiana and the Failure of Voluntary French Emigration, 1683–1731," in Heggoy and Clarke, *Proceedings*, pp. 47–56.

where 4,000 people packed their bags for Louisiana.²⁹ These recruits, unlike their counterparts from La Rochelle or Bordeaux, fit Bernard Bailyn's description of "provincial" migrants—those from rural areas undergoing agricultural modernization. He writes,

In this provincial pattern the characteristic unit is not, as in the metropolitan migration, an isolated male worker in his early twenties, a bondsman for several years of unlimited servitude. It is, rather, a family, and a family that contains not only mature women but also small children. . . .

The provincial emigration was predominantly the transfer of farming families . . . They, and not the many isolated emigrants bound in indentures to serve any master who could buy their services, were destined to be the frontiersmen in this new segment of the American population.³⁰

The Rhinelanders were thus more likely to travel in families and, like religious refugees, more apt to settle permanently than footloose urban laborers. Had the Company of the Hundred Associates been as tolerant of foreigners and Protestants as the Company of the Occident, perhaps the return rate of immigrants to Quebec would have been significantly lower.³¹

European immigration to French Louisiana virtually ceased in 1721, after the collapse of Law's system, although the Company of the Indies continued to exploit its trade monopoly for another decade. Including the Germans, only 1,300 of whom actually embarked owing to an epidemic in port, the company had transported over 4,000 voluntary emigrants—2,500 men and 1,700 women and children. It had also sent around 1,000 soldiers, some French and some Swiss.³²

Meanwhile, in the Canadian Maritimes, the Company of Île Saint-Jean, which operated during these same years, was comparable in kind although not in scale. Organized by the new proprietor of the

²⁹ Unfortunately, 2,000 of these emigrants died in an epidemic in the port of departure (Lorient), as a result of which over 500 deserted to return home. Of the remaining Germans who embarked for Louisiana, 500 died during the voyage and another 500 upon arrival in Biloxi. Yet the 300 survivors settled in to become highly prosperous colonists in a short time. See Reinhard Kondert, "German Immigration to French Colonial Louisiana: A Reevaluation," in Heggoy and Clarke, *Proceedings*, pp. 70–81.

³⁰ Bailyn, *The Peopling of British North America*, pp. 13–15.

³¹ For another, later, example of provincial migration, see Conrad, "L'immigration alsacienne."

³² David Hardcastle, "Swiss Mercenary Soldiers in the Service of France in Louisiana," in Heggoy and Clarke, *Proceedings*, pp. 82–91.

island, the Count of Saint-Pierre, in 1719, it had the dual goals of promoting agricultural development (France wanted Île Saint-Jean to become the breadbasket of rocky Cape Breton) and large-scale cod fishing. While the company foundered by 1726 owing to disputes among the associates, in its most successful year it transported more than 100 workers from La Rochelle to North America.³³ After an interlude of royal control, during which the only immigrants consisted of Acadians now permanently transferred to British rule, the crown re-conceded part of Île Saint-Jean in 1731 to the enterprising Jean-Pierre Roma. Roma, the veteran of a previous unsuccessful venture in Saint-Domingue, agreed to transport eighty immigrants to his settlement at Three Rivers in 1732 and thirty more in each succeeding year. Although his company was undercapitalized from the start, it succeeded in recruiting French workers to construct harbor works, roads, and buildings and to clear fields. Three Rivers was, however, destroyed by a detachment of New Englanders after the siege of Louisbourg in 1745.³⁴

In conclusion, responsibilities for recruitment came to be shared among a broader spectrum of institutions and individuals in the course of the French Regime. In the earliest years of New France, trader-proprietors and seigneurs consented to recruit in return for colonial revenues; under Richelieu, a proprietary company, commercial and seigneurial subcontractors, and simple seigneurs took their place. During the personal reign of Louis XIV, recruitment became an actual affair of state, albeit with continued seigneurial and mercantile participation. In Louisiana and Île Saint-Jean, however, chartered companies retained the burden of recruiting and transporting immigrants in return for commercial privileges.

Although large-scale trade in immigrants never became profitable in New France, proprietors were not necessarily worse colonizers

³³ After 1713, French colonization efforts in the Maritimes focused on the remaining territories of Île Royale (Cape Breton Island) and Île Saint-Jean (Prince Edward Island), peninsular Acadia having been ceded to the British. In Île Royale, recruitment devolved upon the state and was primarily military in nature. Île Saint-Jean, however, was ceded to a proprietor. Saint-Pierre was obligated to recruit 100 immigrants in the first year of his proprietorship and 50 immigrants annually thereafter, Harvey, *The French Régime in Prince Edward Island*, p. 41. For a list of immigrants recruited by Saint-Pierre in La Rochelle, see Gaucher, et al., "Les Engagés pour le Canada."

³⁴ Harvey, *The French Régime in Prince Edward Island*, pp. 73–93, and Miquelon, *New France*, p. 117.

than the French state. Richelieu's Company of the Hundred Associates actually exceeded its immigrant quota (albeit not within the time allotted), and John Law's Company of the Indies transported more immigrants in a short period than any other organism, public or private, in the entire French Regime. In general, under-capitalization was a problem that plagued all French efforts at recruitment, whether state-run or proprietary. In the French case, however, the distinction between public and private was not always clear. French proprietorships were peculiar in that the most important ones, from the Company of the Hundred Associates to the Company of the Indies, were political creations, hence quasi-public in nature.

Regardless of whether they were recruited by proprietors or by the French state, a majority of the immigrants (women excepted) chose to return to France upon expiration of their work contracts. While difficult conditions in New France certainly contributed to the poor settlement rates, it is also significant that French immigrants were primarily metropolitan, thus likely to view their colonial sojourn as temporary from the outset. France, unlike the British Isles or the Rhineland, lacked a provincial pool of displaced peasants willing to settle in the colonies. Richelieu's decision to exclude foreigners (together with his refusal of Protestant settlement) therefore cut New France off from a better supply of potential colonists.

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CHAPTER FIVE

FRENCH LOUISIANA IN THE AGE OF THE COMPANIES, 1712–1731

CÉCILE VIDAL¹

Founded in 1699, Louisiana was unable to benefit from the action of the two French ministers who did the most in the seventeenth century to foster the creation of companies for commerce and colonization. Driven by the concern to increase the power of the State, Richelieu and especially Colbert, who had more success than his predecessor, had developed mercantilist policies that included the creation of companies on the English and Dutch model. Established in the same spirit as guilds, these companies were associations of merchants that received a monopoly from the king over trade between the metropolis and a specific region. They made it possible to raise the large amounts of capital necessary for large-scale maritime commerce and overseas colonization. By associating, the merchants limited their individual risk, while the monopoly guaranteed them a profit; they therefore agreed to finance costly enterprises that the royal treasury did not have the means to support. Companies thus served the interests of traders as well as the monarchy.²

In the New World, companies quickly became involved in the French colonization of Acadia, Canada, and the West Indies. By the end of the seventeenth century, however—the time of the founding of Louisiana—these various colonies had almost all passed under direct royal authority.³ In 1712, the same year that Louisiana's commercial monopoly was entrusted to financier Antoine Crozat, the

¹ This essay was translated from the original French by Leslie Choquette, Institut français, Assumption College.

² Haudrère, *La Compagnie française des Indes*, v. 1, pp. 9–10; G.R. Conrad, "Reluctant Imperialist: France in North America," in Galloway, *La Salle and His Legacy*, pp. 93–105, reprinted in Conrad, *The French Experience in Louisiana*, pp. 630–38.

³ An exception is the Company of St. Domingue, which functioned from 1698 to 1720.

governor wrote, "I have noticed that all the companies have fallen and that the colonies have only increased from the time of their fall or abandon."⁴ The companies were, in fact, criticized for having contributed too little to the peopling and development of the territories over which they exercised their privileges. Why then did France have recourse once again to the company system in Louisiana for two decades, from 1712 to 1731?⁵ What conclusions can we reach about the two successive companies: that of Crozat from 1712 to 1717, followed by the Company of the Occident (later called the Company of the Indies) from 1717 to 1731? Why did the Mississippi colony finally pass under royal rule? In order to answer these questions, this article will rely heavily on the remarkable work of Marcel Giraud, who devoted five volumes to *A History of French Louisiana* from 1699 to 1731.⁶

Louisiana only began to be managed by a company thirteen years after its founding. Previously, private interests had already played an important part, directly or indirectly, in the colony's "discovery," exploration, and settlement. In 1667, Rouen-born adventurer René Robert Cavelier de La Salle settled in Canada. Motivated by the search for glory and fortune, he quickly began to undertake voyages of exploration south of the Great Lakes, in hopes of trading furs and finding the route to China. Four years after the "discovery" of the Mississippi by cartographer Louis Jolliet and missionary Jacques Marquette in 1673, La Salle, who enjoyed the protection of Governor Frontenac, visited the Court of France, seeking authorization to explore the mouth of the river at his own expense. Colbert agreed to his request out of the desire to find an ice-free port through which it would be possible to access Canada. In 1678, La Salle returned to Quebec, and the following year he went to Illinois Country, where

⁴ AC, C13A, 2, fol. 672, 2 May 1712, La Mothe to the minister, cited in Giraud, *Histoire de la Louisiane française*, t. 1, p. 291.

⁵ It should be noted that the only colony the Crown never considered entrusting to a company was Ile Royale, founded shortly after Louisiana, because the cod fishery involved interests both too numerous and too powerful, cf. P. Moogk, "Ile Royale: The Other New France," in Johnston, *Essays in French Colonial History*, p. 48.

⁶ Giraud, *Histoire de la Louisiane française*, t. 1–4; *A History of French Louisiana*, t. 5. The volumes of Marcel Giraud reinvigorated the study of Louisiana at the time of the Company of the Indies, previously studied by Pierre Heinrich, cf. Heinrich, *La Louisiane sous la Compagnie des Indes*.

he constructed Fort Crèvecoeur. From there, his expedition departed for the Mississippi, reaching the delta on April 6, 1682. Three days later, La Salle solemnly took possession of the area drained by the river and its tributaries in the name of Louis XIV, king of France. He baptized it Louisiana in honor of the monarch.

On his return from Canada, the discoverer got a bad reception from Governor La Barre, who had replaced Frontenac. He then returned to France to convince the king of the need to found a colony in Louisiana. Using the argument of the proximity to Mexico's mines, he obtained a commission from the minister of the navy, Seigneuley, granting him command of the lands extending from the Illinois River to New Spain. This time, La Salle tried to reach the mouth of the Mississippi by sea. The expedition was a fiasco. In February 1685, the explorer and his men disembarked much too far west along the Texas coast. For two years, they searched for the river in vain. Finally, in March 1687, La Salle was assassinated by one of his unfortunate travel companions. The survivors eventually found refuge at Fort St. Louis in the Illinois Country.⁷

In the early 1690s, Tonty, La Salle's lieutenant in Illinois Country, and several Canadian officers each proposed separately to carry out the plans of the explorer from Rouen, but the Court did not follow up on their offers on account of the War of the League of Augsburg. Royal interest in Louisiana re-emerged in 1697, after the peace treaty, the announcement of an English plan to occupy the Mississippi Valley, and the publication in Utrecht of an edition of the voyages of Father Louis Hennepin, who issued a formal invitation to William of Orange to seize this vast territory. At this point, the minister of the navy received a memorandum from S. Argoud, advocate in *Parlement*, with the advice of two merchants, Rémonville and Fouessin. The three men proposed that the colonization of Louisiana be entrusted to a joint-stock company formed by several traders. The company would be in charge of settlement and development; 7,000 to 8,000 colonists, as well as black slaves, would be sent immediately to the colony. They appealed to the king to furnish warships and 400 men from the naval troops, as well as the vessels required

⁷ Osler, *La Salle*; Johnson, *La Salle*; Havard and Vidal, *Histoire de l'Amérique française*, pp. 70–72.

to transport migrants. Because of the defection of an influential merchant who would have drawn other traders into the company, the project failed. It nonetheless demonstrated the mercantile interest that, together with intellectual curiosity about Louisiana, would incite the monarchy to intervene.

In fact, the following year, news that Daniel Coxe, proprietor of a large estate in Carolina, was preparing an expedition to the Mississippi Delta pushed the French Crown to react. Coxe's plan was to form a company to transport French Protestants to Louisiana. Anxious to forestall Coxe, Minister Pontchartrain gave Canadian Pierre Le Moyne d'Iberville, who had won some impressive victories in Hudson's Bay during the last war, command of a small flotilla of ships, charged with taking possession of the river's mouth. In fitting out only two ships and in assigning fewer than 100 men to the initial occupation of the territory, the monarchy took few risks, though it intervened directly. Newspapers in London and The Hague were nonetheless persuaded that the expedition prepared by France would be the work of a company, the command of which they attributed to Charles Le Sueur, a Canadian who had already made a long stay in the region. The direct involvement of the monarchy is explained by the need to act rapidly to beat Coxe.⁸ An additional reason is perhaps the increasing prejudice against monopoly companies that had been brewing in the metropolis for several years, as would shortly be demonstrated in the writings of Vauban and the indictments presented by provincial deputies to the Chamber of Commerce established in Paris in 1701.

Arriving in the Gulf of Mexico in January 1699, d'Iberville built Fort Maurepas on Biloxi Bay. In 1702, he ordered the construction

⁸ In fact, Captain William Bond, to whom Coxe had entrusted command of the expedition comprising two ships with several hundred Huguenots, chose to winter in Charleston after crossing the Atlantic. He was therefore beaten to the Gulf of Mexico by d'Iberville. His expedition finally left Carolina in the spring of 1699. After exploring the Gulf Coast, Bond attempted to sail up the Mississippi. In one of the bends of the river, later called the "English Detour," he encountered a French party and fled. The two ships attempted to return to Great Britain with their Huguenot passengers, but only one arrived safely, the other sinking in the middle of the Atlantic. The surviving Huguenots, joined by other co-religionists, finally settled in Virginia, where they founded the community of Manakin Town next to Richmond. B. Van Ruymbeke, "A Dominion of True Believers Not a Republic for Heretics: French Colonial Religious Policy and the Settlement of Early Louisiana (1699–1730)," in Bond, *French Colonial Louisiana*, pp. 83–94.

of Fort St. Louis of Mobile several leagues to the north of the mouth of the river of the same name. The founder of the colony would have liked to transport and settle families there. Despite his proposals, French emigration to Louisiana was insignificant at this time. The monarchy, in fact, did not wish immediately to make this new establishment into a settlement colony. It originally assigned it a strategic role, one of blocking the English advance toward the Spanish colonies. This role allotted to Louisiana formed part of a larger imperialist project, formulated by Louis XIV in 1701. New France as a whole, from Acadia to the Gulf of Mexico, was to constitute a barrier to English expansion into the interior of the North American continent. Thus were Old World Franco-British rivalries transplanted to the New World, at the very moment when Louis XIV was preparing for war with the maritime powers (England and the United Provinces) over the Spanish succession. Military preparations likewise prevented the monarchy from financing an ambitious migratory policy, the more so as royal finances were already heavily burdened by previous conflicts. The prospect of a new war also dissuaded commercial interests from becoming involved.

The war that broke out in Europe in 1702 had momentous consequences for Louisiana. The nascent colony, which was almost entirely dependent on shipments from the metropolis, was abandoned to its own devices. Between 1708 and 1711, communications with France were even severed completely due to the disorganization of the navy. The 200 or so colonists and soldiers in Louisiana survived only thanks to the Amerindians. The signing of the armistice in 1712, a prelude to the peace treaty signed the following year in Utrecht, saved the colony. At this time, it passed into the hands of a proprietor.⁹

In 1707, the crown, concerned about budgetary expenses it deemed excessive and irritated by d'Iberville's participation in large-scale illicit commercial operations, threatened to abandon Louisiana. But Pontchartrain, strongly influenced by the mercantilist ideas of Colbert, was too convinced of the economic value of colonies to abandon

⁹ Giraud, *Histoire de la Louisiane française*, t. 1, pp. 3–23, 29–48, 83–103, 234; Havard and Vidal, *Histoire de l'Amérique française*, pp. 78–86; C.A. Brasseaux, "La Délaisée: Louisiana During the Reign of Louis XIV, 1699–1715," Brasseaux, *A Refuge for All Ages*, pp. 13–18.

one, insignificant as it might be. Besides, even if Louisiana was not yet viable from an economic standpoint, it still fulfilled a fundamental strategic function. Nonetheless, conscious that the crown did not have the means to finance the settlement and development of the colony, the minister envisaged granting the Louisiana commercial monopoly to a company. This company would finance colonization through trade with the neighboring Spanish colonies and the exploitation of mines. In October 1708, he charged Intendant Bégon et his colleague Clairambault to sound out merchants in La Rochelle and St. Malo on the subject. But they preferred to invest their capital in the South Sea trade and the Newfoundland fishery, all the more so as the Louisiana enterprise was risky and uncertain. Yet, after another unrealistic plan for a company by Rémonville in 1707, that of Jean-Baptiste Duché, director of naval provisions in Rochefort, met with favor from the authorities the following year. Duché hoped to make large profits from the production of indigo, tobacco, timber, and furs. His plan was never carried out, however, due to insufficient funds. The director had not, in fact, succeeded in interesting the merchants of the Atlantic ports during a time of war and uncertainty. The ministerial correspondence ceased to mention the project after 1710.¹⁰

At the time of signing the armistice in 1712, Pontchartrain briefly envisioned exchanging Louisiana for the Spanish part of St. Domingue. Then, changing his mind, he returned to the idea of entrusting the colony to a company, despite the hostility of the King's Council, though this time he sought a person likely to have the financial means to embark upon such an enterprise. That is why he set his store by Antoine Crozat, counselor of the king and secretary of royal finances. Crozat controlled a considerable fortune, earned in financial offices and in maritime operations in the East Indies, Central America, and the South Seas. As a stockholder in the Company of the Indies and as director of the Companies of Guinea, the Asiento, and St. Domingue, he had had the opportunity to educate himself on colonial problems. The financier, however, had little interest in colonization; he was above all a speculator, and he expected to realize immediate profits on the 600,000 to 700,000 *livres* of capital consti-

¹⁰ Giraud, *Histoire de la Louisiane française*, t. 1, pp. 117–29.

tuting his initial investment in the Louisiana enterprise. Only the prospect of important mineral riches in the upper Mississippi Valley, painted in glowing colors by the colony's governor La Mothe Cadillac (charged by the minister with convincing Crozat), had decided Crozat to accept Pontchartrain's proposition.¹¹

On September 14, 1712, the monarch signed patent letters granting Crozat—actually a Company of Louisiana comprising the financier and several associates including La Mothe Cadillac—a commercial monopoly over the colony for fifteen years and perpetual ownership over any developed lands and mines, buildings, or production facilities for silk, indigo, wool, or leather. The concession included the Mississippi, the Wabash, and the Missouri, but not the Illinois River, although Crozat had hoped to make large profits there through mining and the fur trade. Neither did he obtain the right to trade beaver furs, in order not to compete with Canada in this domain. Finally, if the merchandise that he shipped to Louisiana was duty free, that sent to the metropolis was subject to a tariff; only products destined for foreign markets could transit freely through French territory. Because of these diverse restrictions, the financier was somewhat disappointed by his letters patent.¹²

In return for his privileges, however, Crozat had only to send two ships per year to Louisiana, loaded with twenty young people of both sexes and twenty-five tons of merchandise for the king's service. Very quickly, he realized that he could not develop the colony's trade with such a modest migration policy. But he considered settlement to be a responsibility of the Crown to which he could only contribute in proportion to his means. He suggested financing the passage and settlement of 400 to 600 colonists a year through the establishment of a lottery earmarked for "poor folk" desiring to go to Louisiana, or through levying three percent on the gross product of all lotteries in the kingdom. His proposed migration policy, elaborated in 1713 and 1714, was backed by Pontchartrain but rejected by the comptroller of finances, Desmaretz, who feared depopulation in a kingdom weakened by war and poverty, and who was interested

¹¹ On the search for mines of precious metals in Upper Louisiana, Vidal, "Les Implantations françaises au pays des Illinois," pp. 40–48.

¹² AC, B, 42, fols. 1–13, 14 September 1712, Fontainebleau, Letters patent for Crozat's commerce with Louisiana.

only in Ile Royale. The naval minister succeeded only in obtaining the transfer to Canada of two more companies of soldiers, colonial defense being a responsibility of the crown, not Crozat. Immigration was limited to the arrival of these 112 soldiers and twenty or so workers, in addition to the twenty young people provided for in the letters patent. But from 1714 on, Crozat ceased to fulfill his obligations in the matter of settlement.¹³

The refusal of Desmaretz to support his migration program convinced the financier to maintain the extremely prejudicial commercial policy toward the settlers that he had put in place at the start of his monopoly. If, in the first months, the colonists had rejoiced in the arrival of two ships loaded with merchandise and provisions, they would quickly deplore once again the colony's isolation, the irregular and infrequent arrival of ships, and their small tonnage. Crozat realized that trade with the colonists was strictly limited by the small population, which could not constitute an important market. He therefore decided to sell merchandise to the settlers at a profit margin of 100 to 300 percent, while buying colonial products (basically deerskins) at derisory prices and selling them in France for a profit of 100 to 200 percent. Though he paid for the products of the settlers in merchandise, he required them to pay in money for the purchases they made in the company store, thereby creating a monetary shortage in the colony. In this way he managed to reduce even further what little economic activity there was in Louisiana.

Crozat's commercial operations in the colony were soon limited by new obligations specified in the agreement he signed in July 1714, at the request of Pontchartrain. The concessionaire agreed, in fact, to advance the funds approved by the king for colonial wages and salaries, soldiers' rations, clothing, and munitions, and presents for the Amerindians. These advances immobilized a portion of his capital, all the more so in that reimbursement was made only after long delays. They nonetheless allowed officers, soldiers, sailors, and workers, who had not been paid for months and to whom the crown was considerably in arrears, to receive their wages and salaries at last. These payments helped make their lives easier, even if their

¹³ M. Allain, "French Emigration Policies: Louisiana, 1699–1715," in Heggoy and Cooke, *Proceedings*, pp. 39–46.

wages were not sufficient to cover their needs, given the price of goods and merchandise in the colony. The situation was particularly difficult for officers because the company's director decided to pay them in merchandise at the local exchange rate, which diminished the value of their salaries by half. By the same token, although convention called for the regular distribution of presents to the Amerindians, the prices Crozat offered the natives for their deer-skins—which were less than those paid by the English—weakened an aboriginal alliance already compromised by La Mothe Cadillac's diplomatic incompetence.

In order to offset the power of the company and protect the colonists from its abuses, the crown had not relinquished political, administrative, and military control of the colony; the governor and *ordonnateur* were always chosen by the king. While Louisiana had not escaped the dissensions that always seemed to occur between these two officials in every French colony, the situation was now aggravated by the introduction of a new authority in the guise of the representatives of Crozat. The financier had named a director and a comptroller of the company in Louisiana, who were assisted by a procurator and clerks. The director, because he set the colony's commercial policy, advanced salaries and wages, brought in new colonists, and granted plots of land, held considerable power. According to the "act of association" signed by the minister and Crozat on 24 October 1712, the director was supposed to be subordinate to the governor, but this principle was not well respected, although La Mothe Cadillac—an associate of the financier—took it to heart to defend his interests and was quickly seen by the population as the company's man. The governor's attitude provided yet another pretext for conflict with the *ordonnateur*, Duclos; the personalities of the two men had already provoked from the beginning a profound animosity between them. Duclos, who in principle was supposed to uphold the strict terms of the letters patent, in fact took the side of the colonists against Crozat, writing in 1713 that it would suffice, to attract new settlers, to give them "the appearance of being able to trade freely."¹⁴ He was supported by Bienville, now the king's lieutenant, who counted the Canadian-born officers among his clients.

¹⁴ AC, C13A, 3, f. 249–51, 25 October 1713, cited by Giraud, *Histoire de la Louisiane française*, t. 1, p. 291.

As the first judge of the Superior Council, the high court established by the king in 1712, Duclos ought to have been able to influence its decisions. But he allowed the Council, whose members had been recruited in part from the colonial population, to play the role of a local assembly defending the interests of the inhabitants. In all of the litigation pitting the holder of the monopoly against the settlers, the tribunal pronounced itself systematically in favor of the settlers.

Not only did the colonists make their voices heard by means of the Superior Council, they also demanded a significant reduction in the price of merchandise imported by Crozat. In 1714, through their intermediary, the governor, they even called for the establishment of free trade. In practice, they no longer recognized the financier's monopoly; they traded with the neighboring Spanish colony of Pensacola, dealt with English merchants from Carolina, and purchased supplies from ships arriving accidentally from the Antilles. Because of the isolation and poverty of the settlers, which persisted despite smuggling, Crozat's regime never managed to reduce popular discontent. The population remained persuaded that the colony was condemned to collapse and would be abandoned.¹⁵

In May or June 1716, news arrived in Louisiana of the death of Louis XIV and the creation of the Navy Council, headed by the Count of Toulouse. Toulouse, who chaired the Council of Seizures during the War of Spanish Succession, had defended free trade against Pontchartrain. The Louisiana population thus hoped that Crozat's monopoly would be revoked. But the issue never came up. For one thing, the financier has solid support at Court in the person of Jean-Baptiste Duché, knight of honor of La Rochelle's finance bureau and first clerk in the war bureau, and Marshal d'Estrées, vice admiral of France, president of the Navy Council and naval delegate to the Regency Council. In autumn 1715, the regent himself had conferred upon Crozat the rank of commander and grand treasurer of the Order of the Holy Spirit, a signal honor, after the financier had granted loans to the Chevalier of Orleans, his illegitimate son, to purchase an office he otherwise could not have afforded. Furthermore, the advances Crozat was making on royal funds in Louisiana rendered him indispensable at a time when royal finances

¹⁵ Giraud, *Histoire de la Louisiane française*, t. 1, pp. 229–304; Brasseaux, "La Délaissée: Louisiana During the Reign of Louis XIV, 1699–1715," pp. 18–23.

were burdened by a very heavy debt load inherited from the previous reign. Witness this declaration of the Duke of Noailles, president of the Finance Council, on 10 September 1715: "The Treasury is absolutely empty and the advances made by the receivers general are such that they claim the part comprising the Royal Treasury belongs to them in its entirety until 1718." As of this date, the State's debt was greater than three billion *livres*.¹⁶ On 5 October 1716, therefore, the Navy Council confirmed, at the request of Crozat, his letters patent of 1712 as well as a royal order of 1714 prohibiting any commercial ship from sailing to Louisiana. In return, the financier continued to advance royal funds, while additionally undertaking negotiations with suppliers and making purchases on behalf of the king.

Crozat's influence with the Navy Council also enabled him to obtain the dismissal of La Mothe Cadillac and Duclos. Their dissensions had, in fact, worsened with the arrival in September 1715 of a new company director, Raujon. At the request of Crozat, Raujon had obtained from the Navy Council the office of navy comptroller, which had previously not existed in the colony and which he held in addition to his post as director of the company. His authority was thereby significantly enhanced, leading to great hostility on the part of La Mothe Cadillac. Although the governor was a long-time supporter of Crozat, he now began to attack his monopoly and decided to end his association with him, particularly when Raujon stopped paying him the commission the financier had promised of 3.5 percent on the colony's trade. The director was also the target of hostility from Duclos and Bienville, who became momentary allies only to damage La Mothe Cadillac, who himself made the same calculation in regard to the *commissaire-ordonnateur* and the king's lieutenant. But the governor lost all credit in the eyes of the Navy Council during the first Natchez War of January and February 1716, when he opposed Bienville despite the success of the latter's punitive campaign. Taking the side of the Canadian officer, the Council decided to dismiss La Mothe Cadillac. His disgrace culminated in a five-month stay in the Bastille after his return to France.

To replace him, Crozat proposed the *sieur* de Lépinay to the Navy Council. Lépinay, a naval lieutenant who had served in Canada,

¹⁶ Haudrère, *La Compagnie française des Indes*, v. 1, p. 41.

was a protégé of the Count of Toulouse, who honored him, shortly after his nomination as governor of Louisiana in March 1716, with the cross of St. Louis. The post of *commissaire-ordonnateur* went to Marc-Antoine Hubert, though without many of its traditional responsibilities, which were transferred to the governor. The new prerogatives of the governor were accompanied by substantial material advantages: the Council agreed to pay Lépinay nearly all of his back salary in silver, whereas Hubert was paid in government notes. In addition, in order to obtain the support of the two men for his monopoly, Crozat brought them both into his association and offered them a percentage of the commercial profits of the company; however, the advantages offered to Lépinay were considerably greater than those of Hubert.¹⁷ This situation could only lead to a renewal of the traditional hostilities between governor and *commissaire-ordonnateur*, the more so as Lépinay exercised his authority with scant consideration for his colleague.

If the financial incentives given by Crozat to Hubert were slight, he nonetheless named him president of the Trade Council that he established in Louisiana to manage company affairs. Besides the *commissaire-ordonnateur*, this council included the director, the comptroller, the proctor, and a warehouse guard newly appointed by the financier. The goal of this measure was to put an end to the criticism of the *commissaire-ordonnateur* regarding his commercial policy. The Trade Council was charged with putting in place the new pricing policy that Crozat had agreed to under pressure from the Navy Council. The financier had already decided to cap the price of all merchandise except flour, wine, and brandy at 50 to 60 percent rather than 100 percent above the French price (though port and insurance fees were not included). He also hinted to the Council about his willingness to make further concessions, but before it could pass any significant measures, the Company of the Occident appeared on the scene.

¹⁷ Lépinay received an annual commission fixed at 2,000 *livres* for two years, a two percent interest on colonial exports, free transport of six barrels of personal effects from the metropolis, and the possibility of buying flour and brandy for his own household "at cost." For his part, Hubert received only the two percent interest and an authorization from the king to bring five barrels of supplies to the colony at no cost.

By the same token, the decision made by the crown to expand the settlement and defense of the colony could only be achieved in small part. With the establishment of the regency and its system of councils, Crozat had tried to take advantage of the arrival in power of new individuals who had an interest in colonial policy and might be inclined to provide more support to Louisiana. Between 1715 and 1717, he sent numerous memoranda to the Navy Council putting forward the strategic value of the colony against the English and its economic potential (mines, commerce with the Spanish colonies, trade in deerskins, production of salted beef, silk, rice, and tobacco, forestry). He emphasized the need to strengthen the occupation of the Mississippi by increasing the number of troops, fortifying settlements, and transporting immigrants. As in 1713 and 1714, Crozat considered settlement to be primarily a responsibility of the crown. He therefore suggested deporting salt smugglers and young women from the hospitals to Louisiana. This project met with the Council's approval, but the only concrete result was the recruitment of four additional companies of troops, which nonetheless doubled the armed forces of the colony and made possible the founding of small military and trading posts in the heart of Natchez territory, at Natchitoches and Alibamons. In contrast, the fortifications of Ile Dauphine were barely started, and the several dozen salt smugglers and hospital women recruited at the time arrived in Louisiana only in 1717.

By then it had been a year since the colony's administration had been disrupted by Crozat's resignation of January 1717, as well as his subsequent decision to invest no further funds in Louisiana. Since 1716, the financier had become increasingly impatient over the slow reimbursement of his advances. He did not suspend them entirely, but his payments became irregular. In addition, that same year, a Chamber of Justice was put in place to address the considerable financial difficulties of the monarchy and pursue the concessionaires, who were accused of pocketing large sums owed to the royal treasury. When the Chamber imposed an assessment of 6.6 million *livres* on Crozat, he decided to abandon his monopoly and asked the regent to deduct from his tax the capital that he had invested in Louisiana. The king accepted his resignation in a "conditional ruling" on 23 August 1717, and his accounts were closed in June 1718. In the end, Crozat lost nothing in the Louisiana venture. His trade with the colony had been small in volume but profitable nonetheless. Furthermore, the crown agreed to reimburse him for his advances

on royal funds as well as pay him roughly 750,000 *livres* in compensation for the ten years still remaining on his monopoly. He was therefore authorized to deduct two million *livres* from his assessed tax.

At the end of Crozat's monopoly, the Louisiana missionary François Le Maire wrote, "But what is happening? Scarcely does a company set foot in a country than, forgetting all the conditions imposed on it by the Court, it thinks only of its interest, with no concern for the State and the public."¹⁸ Despite the mediocre balance sheet of Crozat's regime in Louisiana, the crown nonetheless chose once again to place the colony into the hands of a company. It was in fact the financier who had first suggested the idea, which Marshal d'Estrées presented to the Regency Council on 11 January 1717 and which was approved, since the monarchy, by its own admission, lacked the financial means to support the Louisiana venture.¹⁹

Although the situation was critical in Louisiana, the crown took the time to consult with numerous individuals in the first months of 1717. Among those who voiced an opinion about the proposal for a new trading company, Crozat and Le Gendre Darminy played an important role. Taking as his example the Bank of England, established in 1694, and the General Bank that had just been founded in 1716 by Scottish financier John Law, Crozat was the first to propose that the capital of the new Louisiana Company be raised through public debt by the emission of shares payable in government notes. He further suggested that the company be given a monopoly over the beaver trade. For his part, his brother-in-law Joseph Le Gendre Darminy, "finance secretary and business agent" of the regent and one of the directors of the Company of St. Domingue, proposed using the resources of the state farms (those for tobacco and mail delivery) in order to round out the annual fund of the company. The main principles that would guide its financial organization were thus in place even before the intervention of John Law. As early as 1715, Law had proposed to the regent a financial and economic recovery plan for France—the System—which was initially rejected but which the financier eventually succeeded in putting gradually

¹⁸ F. Le Maire, *Memorandum on Louisiana*, 1717, Bibliothèque nationale de France, Manuscrits français 12105, f. 19.

¹⁹ Giraud, *Histoire de la Louisiane française*, t. 2.

into place. In 1717, the favor enjoyed by Law's bank was such that he was contacted by the commission created by the Duke of Noailles in late June 1717 to devise solutions to the kingdom's financial crisis. Law's suggestions and influence accelerated the final decision.

The letters patent creating the Company of the Occident were signed in August 1717.²⁰ The domain assigned to this trading and colonizing company was the same as under Crozat, but a ruling dated 27 September annexed the Illinois Country, previously attached to Canada, to Louisiana.²¹ It was, in fact, in the upper Mississippi Valley that they hoped to mine for precious metals. The new company's obligations, in return for its monopoly over Louisiana trade, were far greater than Crozat's. It assumed expenses for maintaining clergy and building churches, for fortifications, and for upkeep of soldiers and officers, although the crown later agreed, in May 1719, to contribute 300,000 *livres* toward military expenses. As the entity responsible for colonial defense, naming officers and recruiting troops in France, the Company wielded considerably more power than had Crozat. It was also obliged to transport 6,000 white settlers and 3,000 black slaves to Louisiana within twenty-five years.

The development of the colony required important expenditures up front and heavy investments that could only be profitable in the long term. The initial capital fund, however, was very small. At first, there was no amount specified for the Company's capital; then an edict of December 1717 set it at 100 million *livres*. It consisted of 200,000 shares, worth 500 *livres* each, payable in royal promissory notes. The royal treasury converted these government notes into an annuity of four million *livres* on the state farms for record keeping, the postal service, and monopoly on the tobacco trade. The first payment on the annuity constituted the initial capital of the Company; subsequent payments were earmarked for paying dividends on shares. Due to public uncertainty over the financial solidity of the Company, the subscription campaign for Mississippi shares only reached 100 million *livres* at the end of 1718. This objective was finally attained thanks to the granting of the beaver monopoly in July 1718, and especially to the new financial accords of August and September

²⁰ AC, B, 39, fol. 431–49, August 1717, Letters patent in the form of an edict establishing a trading company under the name Company of the Occident.

²¹ AC, B, 39, fol. 459, 27 September 1717, Ruling to unite and incorporate into the government of Louisiana the country of the Illinois savages.

1718. After the Company successfully acquired the tobacco farm for four million *livres*, the farms for record keeping and postal service were relieved of the three million *livres* that they were to furnish it each year. Acquiring the tobacco farm, in effect, guaranteed it the regular funds needed to pay interest on its shares and to develop Louisiana.

When Law agreed to create the Mississippi Company, however, he thought of it only as the point of departure for a much vaster trading company. According to the famous memorandum of 1715 that laid out his System, this company would absorb all existing companies and thus hold the monopoly over all French colonial and maritime trade. In December 1718, the Company of the Occident bought out the privilege of the Company of Senegal. In May 1719, it annexed the Company of the Indies and the China Company, becoming the Company of the Indies. It proceeded to absorb the privileges of the Companies of Africa, Cap Nègre, and St. Domingue. The profits Law hoped to make from these older companies would finance the investments needed to develop Louisiana. In the meantime, the Company required considerable funds to pay for the buy-out and management of these commercial enterprises. It had recourse to issuing new shares: 50,000 (payable in silver) in May and 50,000 more in July 1719.

The other aspect of the System concerned the absorption by the Company of all the great sources of State revenue. In July 1719, it obtained the monopoly on coinage, which gave it control over the reserves of precious metals and allowed it to put bank notes into circulation more easily. In August 1719, it made a successful bid, at 52 million *livres*, for the lease of the general farm. In October of the same year, it acquired the general receipts. The Company was now responsible for the collection of direct and indirect taxes in one simplified and centralized operation. If, in the long term, the exploitation of the great farm would bring the Company considerable wealth, in the short run, the absorption of fiscal revenues obliged it to advance more than 1.6 billion *livres* to the State,²² which were only partially offset by the three percent annuities granted it in return.

²² The total of 1.6 billion *livres* corresponds to what the Company ought in theory to have paid to the royal treasury. In reality, "only" 1,100 million *livres* were actually paid.

That is why, between 13 September and 4 October 1719, the Company made four new stock issues totaling 324,000 shares, thereby doubling its capital. The shares were paid for in banknotes. On August 31, 1719, in fact, an edict had been promulgated, canceling the State's debt through reimbursement of the capital from annuities and offices (which the transfer of the farms and general receipts to the Company had eliminated) at face value, in banknotes. The General Bank, which had become the Royal Bank on 4 December 1718, was then authorized to issue notes up to a limit of 1.2 (later 1.5) billion, and to lend them to the king at three percent interest for the reimbursement of annuities and offices. As the real estate market was too inelastic, the new holders of banknotes could only invest them by buying shares in the Company of the Indies.

Beginning in May 1719, the price of the Company's stock began to rise, and the increase became ever greater with time. The speculative fever was maintained by an intense propaganda campaign touting the advantages of the Company. The price of a share reached 8,000 to 10,000 *livres*, depending on the category of issue, for a nominal value of 500 *livres*. By the end of November 1719, the value of stock in the Company of the Occident and the Company of the Indies had appreciated by more than 4.6 million *livres*. At the same time, in order to facilitate the purchase of shares in the context of rising prices and to shore up the shares, which were not yet sufficient to reimburse the public debt, the Bank continued to issue notes that were not backed by reserves of precious metals.

The System was thus at the mercy of a change in public opinion, which was apt to withdraw its confidence suddenly. Beginning in December 1719, certain speculators sought reimbursement for their shares and notes in metallic money. The prices of shares then began to fall. Law took a certain number of measures to limit the fall, such as the buying back of shares by the Company itself. In January 1720, the Scot was named comptroller general of finances, reaching his pinnacle. But the System sustained a harsh attack in February 1720, when two enemies of Law, the Duke of Bourbon and the Duke of Conti, both large holders, cashed in their shares. Following their example, nervous small holders began to demand reimbursement of their shares and notes as well. In order to continue buying back the paper to avoid price collapse, the Company needed liquid funds, which it obtained by absorbing the Bank on 22 February and issuing more notes.

Despite these measures, the System began to come apart completely at the end of May 1720, when Law tried to devalue the shares and notes. This decision created such furor that it had to be rescinded immediately and Law dismissed as comptroller general of finances, although the financier remained head of the Bank. The measure definitively destroyed public confidence, which had believed in the fixed worth of the notes. In the following months, crowds assembled day after day on the premises of the Bank to obtain reimbursement. A riot took place on 17 July 1720 when the Bank suspended payments and closed its doors. The System was then gradually liquidated. In December, Law fled to Brussels, while his collaborators were thrown into the Bastille.²³

After the abolition of the Bank and the return to the previous fiscal and financial system, the Company was confined to its commercial activities, which it carried out under the strict supervision of the monarchy. On 15 April 1721, it became a royal entity; its assets were sequestered and its management entrusted to four royal *commissaires* chosen from among the counselors of state. For two years, five stewards carried out a general liquidation of its debts under the supervision of these *commissaires*. Finally, in March 1723, the Company was restored to the enjoyment of its principal privileges. In August of the same year, a ruling reorganized its administration in such a way as to increase crown supervision. The new directors put in place a cost-cutting policy from which Louisiana would suffer greatly.²⁴

During the years of the System, the Company of the Indies had made a colonizing effort without precedent, in contrast to the semi-abandon in which the colony had previously languished. In four years, it spent more than nine million *livres*. Afterward, the colony never again benefited from such liberalities; in 1731, at the time of the return to royal authority, the Company estimated its total spending for the period of its mandate, 1717 to 1731, at twenty million *livres*. The budgetary restrictions that were put in place in the second half of 1720, when the System started falling apart, weakened

²³ Giraud, *Histoire de la Louisiane française*, t. 3; Faure, *Le 17 juillet 1720*; Haudrère, *La Compagnie française des Indes*, t. 1, pp. 40–88; G. Antonetti, “Le Système de Law,” in Bély, *Dictionnaire de la France*, pp. 1193–96.

²⁴ Giraud, *Histoire de la Louisiane française*, t. 4, pp. 9–84; Haudrère, *La Compagnie française des Indes*, v. 1.

the efforts of settlement and development initiated under John Law.²⁵ The colony did, however, acquire a permanent character that it had not possessed earlier and which was manifested in the increasing number of colonists and soldiers, the arrival of large numbers of black slaves, the founding of New Orleans, the occupation of the Mississippi Valley, and the development of tobacco and indigo plantations.

At the time of Crozat's resignation in 1716 and 1717, the Louisiana population consisted of only 550 people, 300 of them soldiers, immigration having been very weak up to that point. Everything changed in 1717 when the Company of the Occident launched a vast campaign to recruit migrants. That allowed it to fulfill its obligations in regard to settlement in only four years, even though its letters patent gave it twenty-five. From 1717 to 1720, around 7,000 migrants arrived in Louisiana: 6,000 civilians and 1,000 officers and soldiers. With the exception of Guyana from 1763 to 1765, no other colony recruited more immigrants in a single migratory wave. The Company succeeded thanks to an intense propaganda campaign. Between September 1717 and March 1719, the *Nouveau Mercure*, for example, published three narratives about the colony with a high promotional content. Louisiana realities were considerably embellished and the dangers minimized; the colony was presented as the new land of milk and honey.²⁶

The new Louisiana craze generated by this unprecedented publicity effort gave rise to numerous associations whose objective was to develop the concessions granted by the Company. The shareholders of these associations were merchants, officers, financiers, and members of the upper aristocracy; many of them were friends or collaborators of John Law, as well as speculators and people enriched by the System. These associations employed 2,400 people, managerial staff or indentured servants, who were transported to Louisiana at Company expense. The Company, for its part, hired 250 people for its own needs.²⁷ In addition, Law recruited in 1720 and 1721 several Swiss families and around 4,000 Germans, families of artisans and farmers principally from the Rhine Valley, both Catholic

²⁵ Giraud, *Histoire de la Louisiane française*, t. 3, pp. 86–87.

²⁶ Giraud, *Histoire de la Louisiane française*, t. 3, pp. 129–53.

²⁷ Giraud, *Histoire de la Louisiane française*, t. 3, pp. 154–251.

and Protestant.²⁸ The crown also sent about 120 “king’s daughters” to Louisiana.²⁹ To these voluntary migrants must be added those deported to the colony by force to rid the kingdom of its undesirable elements: some 1,300 salt and tobacco smugglers, army deserters, vagabonds, beggars, criminals, and wayward sons, together with 150 to 160 women of ill repute, drawn principally from Salpêtrière Prison, where they had been locked up for vagabondage, beggary, prostitution, and petty crimes.³⁰

Nonetheless, this migratory wave contributed but little the peopling of Louisiana. Around 60 percent of the 6,000 civilian immigrants who left for the Mississippi colony between 1717 and 1720 died during the transatlantic crossing or, even more likely, shortly after landing. Bienville, named “commander general of the province of Louisiana” in 1717, and the Company of the Indies can be held responsible for this excess mortality upon arrival. The king’s lieutenant, in fact, initially imposed on the engineers the choice of New Biloxi as the capital in place of New Orleans. The new colonists were thus landed on the coast and not upstream of the mouth of the Mississippi. The Company also gave proof of incompetence and lack of foresight.³¹ Contrary to its commitments, it did not send sufficient supplies and boats to Louisiana to feed the immigrants, who arrived in very large numbers within a very short period of

²⁸ A large proportion of these German migrants deserted or died in Lorient before embarking for the colony, Giraud, *Histoire de la Louisiane française*, t. 3, pp. 277–83, t. 4, pp. 154–67; Le Conte, “The Germans in Louisiana,” reprinted in Brasseaux, *A Refuge for All Ages*, pp. 31–43; R. Kondert, “German Immigration to French Colonial Louisiana: A Reevaluation,” in Heggoy and Cooke, eds., *Proceedings*, pp. 70–81; Kondert, “Les Allemands en Louisiane”; Kondert, *The Germans of Colonial Louisiana*, pp. 13–31.

²⁹ The “king’s daughters,” also called “casket girls” for the cases they brought with them, were young orphan women drawn from hospitals in the kingdom. The sovereign financed their passage to the colony and gave them a dowry that allowed them to marry and settle in the New World, Giraud, *Histoire de la Louisiane française*, t. 3, p. 273.

³⁰ Giraud, *Histoire de la Louisiane française*, t. 3, pp. 252–76; Hardy, “The Transportation of Convicts to Colonial Louisiana”; G.R. Conrad, “*Emigration forcée*: A French Attempt to Populate Louisiana, 1716–1720,” in Heggoy and Cooke, eds., *Proceedings*, pp. 47–66.

³¹ It should be noted that this lack of foresight was not always restricted to companies, as illustrated by the “disaster of Kourou”; of the 13,000 immigrants sent by the crown to Guyana in 1763 to 1765, 9,000 died shortly after their arrival, cf. Jean Meyer, *Histoire de la France coloniale. I—Des origines à 1914* (Paris: Armand Colin, 1991), pp. 214–17.

time, and transport them to their concessions along the river. In addition, it confiscated their personal provisions in order to guarantee the food supply of its employees and the garrison. The amount of food and the number of available boats were further reduced by the war against Spain. To confront such a crisis situation, it would have been necessary for local authorities to take energetic measures, but decision-making was paralyzed by the continual dissension between the military commanders and the Company directors.³² As a result, the newcomers had to wait for several months on the deserted coast of the Gulf of Mexico, where poor living conditions, lack of food, difficulty adapting to a new climate and alimentary regime, exhaustion, and discouragement rendered them more vulnerable to illnesses and epidemics (scurvy, dysentery, malaria, fevers). The excess mortality upon arrival was such that the population numbered only 1,800 inhabitants in 1723.³³

In 1721, the Company declared that it would no longer transport colonists from the metropolis to Louisiana, or to the interior of the colony. Its disengagement, together with the calamitous image of the Mississippi—now a penal colony in the eyes of the public—explains why civilian immigration from France was insignificant during the last ten years of the Company's mandate.³⁴ The troops had no greater desire than the colonists to serve in the Mississippi, hence the difficulties encountered by the intendant of Brest in recruiting soldiers for St. Domingue in 1720; the Bretons feared being sent to Louisiana. In any case, the Company reduced the military forces present in the colony. Between 1719 and 1721, it had sought to maintain twenty companies on the ground, where there had only been eight at the end of Crozat's regime; but only sixteen companies truly existed in

³² Giraud, *Histoire de la Louisiane française*, t. 3, pp. 287–96. The conflicts within the colonial government also persisted during the new regime from 1723 to 1731. Let us note, however, that they were not restricted to colonies entrusted to companies. The same situation prevailed in all the colonies under direct royal authority, since the monarchy chose not to define clearly the respective responsibilities of governor and intendant (or *commissaire-ordonnateur*) in order to prevent them from acquiring too much power and thus threatening its own authority over territories very distant from the central government.

³³ Giraud, *Histoire de la Louisiane française*, t. 3, pp. 306, 339–44, t. 4, pp. 168–95; Allain, “L’Immigration française en Louisiane.”

³⁴ Brasseaux, “The Image of Louisiana and the Failure of Voluntary French Emigration, 1683–1731,” in Heggoy and Cooke, *Proceedings*, pp. 47–56.

the region by reason of deaths and desertions. Then the number of companies was lowered to twelve in 1723, ten in 1724, and finally eight in 1725. Despite this decrease, until 1731 half of the Company's military forces were garrisoned in Louisiana.³⁵

In contrast, the Company continued until 1731 to import slaves from Africa.³⁶ Before 1719, a few slaves bought in the Antilles had been brought into the colony individually by officials and missionaries. The African slave trade only began with the Company of the Indies, which held the exclusive privilege for it after September 1720. Between 1719 and 1731, it imported into Louisiana fewer than 5,800 slaves, two-thirds of them from Senegambia: 1,901 between 1719 and 1721, 176 in 1723, and 3,682 between 1726 and 1731. The shipments were temporarily interrupted in 1724 and 1725, while the Company waited for the already imported slaves to be paid for by the colonists. The number of black slaves brought to Louisiana was thus practically the same as that of white migrants, though the latter arrived over a longer period.

The number of slaves could have been higher, but certain ships were stopped and had their cargoes sold in the Antilles, where the captains were sure to obtain much better merchandise in return than in Louisiana. Other Africans never arrived in the Mississippi because of accidents or revolts. In addition, numerous slaves died during the "middle passage" or shortly after their arrival in the colony. Although it was only around four percent between 1719 and 1723, mortality during the crossing rose to around sixteen percent between 1726 and 1731, due to the increased length of detention in the trading posts on the African coast, linked to the Company's difficulties in procuring captives. The slaves, weakened even before embarking, suffered on board from inadequate food and poor hygiene, and were

³⁵ Giraud, *Histoire de la Louisiane française*, t. 3, p. 309; Chartrand, "The Troops of French Louisiana"; S.G. Lemann, "The Problem of Founding a Viable Colony: The Military in Early French Louisiana," in: Cooke, *Proceedings*, pp. 27–35; Haudrère, *La Compagnie française des Indes*, v. 1, p. 338 and v. 3, p. 900; Lugan, *Histoire de la Louisiane française*, pp. 165–81, 244–49.

³⁶ After 1731, the date of the retrocession of Louisiana, the Company of the Indies sent no more ships; it wanted to disengage completely from this colony that had made it no profit. Besides, Mississippi being the farthest French colony from the African coast, slave traders could sell their cargoes more advantageously to West Indian planters while avoiding the risks of a longer voyage. With the exception of a last slave ship financed by private funds that arrived in 1743, the slave trade revived only in 1776 during the Spanish period.

thus more vulnerable to dysentery, scurvy, and other maladies. Furthermore, the Company never took the trouble to provide coats to protect the nearly naked slaves from the north winds that frequently blew in the Gulf of Mexico near the Mississippi Delta. Upon arrival, slaves often had to wait several days in Balise, sometimes without sufficient food or winter clothing.³⁷

The first black slaves arrived in Louisiana at the time of the founding of New Orleans. They contributed by their labor to the construction of the new city on the Mississippi. Until then, colonization had essentially developed along the coast. The French had much difficulty in finding an appropriate site. That is why the first settlements along the coast were marked by a great deal of instability, with the center of the colony changing four times. In the face of these difficulties, the local authorities and colonists came to believe that the colonizing effort should focus primarily on the Mississippi Valley, where the lands were more fertile, while those around the Gulf of Mexico were desolate or uncultivated. Before 1717, Crozat, as we have seen, had begun to establish small military and trading posts there. Despite the first attempts of the financier, however, the decision to base colonial development on the control and settlement of the Mississippi Valley was truly made by the Company of the Occident. As early as 1717, it had decided to found a city on the river, to serve as an entrepôt for the colony. The following year, local authorities learned that the city would be called New Orleans in honor of the regent.

In 1718, Bienville proposed founding the city about 140 kilometers (88 miles) from the coast, on the eastern bank of a bend in the Mississippi, near Bayou St. Jean. The selection of a site so distant from the sea stemmed from the existence of two means to access the seacoast: the river and its delta, on the one hand, Bayou St. Jean and Lake Ponchartrain, leading directly to Biloxi and Mobile, on the other. Due to the risks of flooding and the insalubrity of the area from proximity to swamplands, Bienville's choice was long contested. These reasons, together with the war against Spain in 1719—which focused the attention of the authorities on the seacoast and the fact that ships might not be able to navigate through the delta from the high seas—explain why the Company persisted so long in

³⁷ Hall, *Africans in Colonial Louisiana*, pp. 56–95.

its decision to install the colony's capital on the Gulf Coast. Finally, pointing to plans by engineer Pauger to protect the city from floods, noting that a second ship had succeeded in January in clearing the river's mouth, and citing the immense difficulties involved in making coastal New Biloxi livable, Bienville succeeded in convincing the Company of the Indies to make New Orleans Louisiana's capital in 1722. Despite his initial decision in favor of New Biloxi, the king's lieutenant had understood that the Mississippi was meant to be the backbone of the colony.³⁸

The arrival of numerous colonists permitted the progressive occupation of the lower valley of the Mississippi. At first, the concessions were scattered along the river, with vast unoccupied spaces between them. Furthermore, some of the colonization associations holding concessions had been formed for purely speculative reasons, with insufficient capital. Many of them thus collapsed with the end of the System. Gradually, however, a continuous line of plantations emerged on both sides of the river, both upstream and downstream from New Orleans, between the English Detour and the *Cannes brûlées* (Burned Rods). Further north was the German Coast, where the families from Switzerland and Germany had settled. There were also colonists in Mobile and the more distant posts of Alibamons, Natchez, Natchitoches, Yazous, and Arkansas—where Law had wanted to establish a vast estate.

All of the settlements produced both food crops (corn, beans, and rice) and export crops. Around 1730, only fifteen or so large plantations near New Orleans grew indigo because this product required important capital outlays. Apart from a few experiments with silkworms, the Company preferred to promote tobacco growing, since it held the tobacco monopoly in the kingdom. It hoped the Mississippi colony would become the tobacco supplier of the metropolis in order to reduce French dependence on Virginia and Maryland. Despite the measures taken by the Company to encourage cultivation of Nicot's plant, production still remained weak due to a shortage of labor. Besides, Louisiana tobacco was more expensive and of poorer quality than the tobacco produced by the British colonies, which

³⁸ Giraud, *Histoire de la Louisiane française*, t. 3, pp. 311–39, t. 4, pp. 389–418; Giraud, *A History of French Louisiana*, t. 5, pp. 201–55; G.-A. Langlois, "L'Aventure urbaine de la Louisiane," in Vidal and d'Orgeix, *Les Villes françaises du Nouveau Monde*, pp. 120–29; G.-A. Langlois, *Des villes pour la Louisiane française*, pp. 195–209.

thus continued to supply the French market. In fact, Louisiana exports to the metropolis, consisting of tobacco, indigo, and especially deer-skins bought from the Amerindians, were extremely limited. Most often, Company ships were obliged to make the return voyage ballasted with sand, earth, or—exceptionally—pines, and had to stop in the West Indies to find a profitable return cargo. The colony therefore yielded practically nothing for the Company, while requiring important expenses. Between 1723 and 1730, for example, the Company devoted fifteen percent of its shipping to Louisiana, but the colony only furnished five percent of its returns and the Company lost six vessels in the waters of the Gulf of Mexico.³⁹

The Company of the Indies was not content to develop only the Lower Mississippi. It had requested the annexation of the Illinois Country to Louisiana because La Mothe Cadillac had traveled there in 1715 and insisted that there were gold and silver mines in that region, thus confirming rumors that had been circulating for years. That is why Le Gendre d'Arminy considered the post to be the "base of the whole edifice" and wanted to make it the "headquarters of the colony." In 1719, the Company ordered the Canadian officer Boisbriant to go up to Illinois Country with a hundred men "to establish the mining post". Arriving in 1719, he ordered the construction of Fort de Chartres. Shortly thereafter, the Company entrusted the exploitation of the mines to a private association. One of its members was Philippe Renault, an ironmaster from Maubeuge, who was charged with directing operations on the ground. He made it to the Illinois Country in March 1721, founded the village of St. Philippe, and began prospecting, but he found only lead mines.

By September 1723, the Company had abandoned all hope of discovering a new Eldorado. That is why it decided, in subsequent years, to reduce expenses for the post, cutting the garrison and stopping the flow of supplies. It encountered opposition from the Superior Council, which vigorously defended the establishment. The local authorities were conscious of the essential role played by the Illinois Country in provisioning colonists and troops in the Lower Mississippi.

³⁹ Surrey, *The Commerce of Louisiana*; Giraud, *Histoire de la Louisiane française*, t. 3, pp. 316–59, 365–70, t. 4, pp. 87–153, 196–331; Giraud, *A History of French Louisiana*, t. 5, pp. 115–98, 381–87; Clark, *New Orleans 1718–1812*, pp. 21–45; Arnold, *Colonial Arkansas*, pp. 3–24; Kondert, *The Germans of Colonial Louisiana*, pp. 33–46.

These exports of flour and lard by Illinois settlers were the only means of reducing Lower Louisiana's dependence on shipments from the metropolis. Between 1727 and 1729, however, the Company considered completely abandoning the post and placing an outer limit on the settlement of the Mississippi Valley at Natchez. But Governor Périer vigorously defended the Illinois Country, so the Company agreed to maintain a garrison there temporarily until the end of the Fox War.⁴⁰

It was not this conflict with the Foxes but another involving the Natchez that finally determined the Company to abandon not only the Upper Mississippi, but all of Louisiana. In 1715 and 1716, relations between the Natchez and the French had entered a first period of tensions. The natives, however, permitted Bienville to construct Fort Rosalie on their territory in the spring of 1716. Likewise, they reacted favorably to the colonists who began to settle there in the early 1720s in order to grow tobacco. Settlers opened up small plantations far from the fort, while two large concessions (the St. Catherine grant and the Company estate) extended into the distance. Nonetheless, the proximity of French and Indian settlements quickly led to small conflicts between neighbors. In 1722 and 1723, a debt dispute between a soldier and an old warrior even precipitated a new crisis, but once again Bienville succeeded in reestablishing peace. In 1728, the situation began to degenerate again with the arrival of a new commander, Captain Détchéparre, a greedy, violent, and incompetent man. Détchéparre, with the permission of Governor Périer, decided to establish a plantation on the location of a Natchez village and ordered the Indians to leave. In consequence, the Natchez decided to put an end to the French presence. On 29 November 1729, they massacred 250 Frenchmen and captured around fifty women and children together with 300 black slaves. It was this massacre that convinced the Company to cede Louisiana back to the crown.⁴¹

In conclusion, the decision to entrust the management of Louisiana to a company for two decades proceeded not from an irrational decision, but from necessity. Anxious to preserve a colony that played

⁴⁰ Giraud, *Histoire de la Louisiane française*, t. 3, pp. 371–80; Giraud, *A History of French Louisiana*, t. 5, pp. 440–94; Vidal, “Les Implantations françaises,” pp. 50–58.

⁴¹ Woods, *French-Indian Relations*, pp. 23–32, 56–63, 71–79, 95–109; Giraud, *A History of French Louisiana*, t. 5, pp. 388–430; Usner, “French Natchez Borderlands,” pp. 15–32.

an essential strategic role and for which there were initially high economic hopes, the monarchy had recourse to this expedient, for lack of sufficient means to develop the Mississippi colony itself. Besides, the use of companies to develop maritime trade had been fully tried and tested in England and Holland, nor was France the only power to envision these privileged commercial associations as a means to bring down the public debt. In addition, the companies to which Louisiana was entrusted were formed at the instigation of the crown itself and not on the initiative of merchants. The companies and the monarchy thus maintained close ties, as is shown by the composition of the shareholders, the organization of the companies, and the limits placed on their powers in their overseas territories. These companies, however, remained commercial enterprises. To expect of them that they should work, in the manner of the State, for the public good, independently of their economic interests, was illusory. It was logical for the Company of the Indies to stop investing important capital sums in an enterprise that cost it much and earned it little. Moreover, the balance sheet of its activity in Louisiana was in the end far from negligible. Without the measures taken during the years of the System, it is unclear whether the colony would have survived. Instead it acquired a permanent character that it had not possessed earlier, even if its isolation and limited labor supply did not permit it to develop satisfactorily in the economic domain. Despite its weak commercial potential, the crown chose to keep the Mississippi colony in 1731, essentially for strategic reasons, while eschewing an ambitious policy of settlement and economic development.⁴² As colonies were to serve the metropolis on both the economic and geopolitical fronts, it sufficed that Louisiana fulfill its role as a barrier against English expansion in order to justify a minimal presence. Consequently the colony experienced no greater growth under direct crown rule than it had in the age of the companies.

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⁴² Saadani, "Une colonie dans l'impasse."

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CHAPTER SIX

FRENCH PROPRIETARY COLONIES IN THE GREATER CARIBBEAN, 1620s–1670s

PHILIP BOUCHER

This essay examines the character of the corporate structure and methods of governance of French colonies in the Caribbean during the seventeenth century. It is a most unfashionable topic, having attracted barely any scholarly attention during the last half century.¹ The scanty research currently in progress on the seventeenth-century French Caribbean neglects white colonizers almost completely, perhaps understandable in a post-colonial era, and even more so issues related to colonial governance.² Our students today evince little interest in current, critical matters of government, so discussion of long ago issues of colonial governance tests their patience almost beyond repair. Nevertheless, a re-examination of these issues is worthwhile in the context of illustrating the variety of schemes impoverished and weak European governments undertook to establish viable colonies on this side of the Atlantic in the seventeenth century.³ The overall picture may best be characterized by words such as haphazard, ad hoc, and, to give governmental authorities the benefit of doubt, experimental.

¹ I have published articles on some of these companies but they have had little impact on what is in general a very neglected field of study. See my “A Colonial Company” and “Shadows in the Past”; see also my brief history of the French in America, *Les Nouvelles Frances en Amérique*. These works cite much of the old literature on early French chartered companies. Some examples of the latter are Bonnassieux, *Les grandes compagnies*; Chailley-Bert, *Les compagnies de colonization*.

² Exceptions to this claim exist, see Roget, *La société d'habitation à la Martinique*, and Pritchard, *In search of empire*. Since Pritchard starts in 1670 he does not discuss in depth issues examined in this essay. The best relatively recent source on colonial governance in a comparative context is Davies, *The North Atlantic World*, pp. 197–245.

³ Recent scholarship has attacked successfully the concept of “absolutism” in relation to seventeenth century France and elsewhere. Similar attacks on the concept of “empire” are currently gaining strength. See e.g. Daniels and Kennedy, eds., *Negotiated Empires*.

French colonization in the Greater Caribbean (Guiana, the Lesser and Greater Antilles) before the era of Louis XIV (1661–1715) and Jean-Baptiste Colbert (1661–83) was at most a marginal affair for seventeenth-century kings and ministers. They viewed such efforts optimally as irritants to the haughty Spaniard, and perhaps as a way to relieve (apparent) over population. The raising of tobacco on Caribbean islands or along the Guianan coast attracted some colonists of course, but smoking of the weed was not fashionable at the French court or with elites. The success of Brazilian sugar from the turn of the seventeenth century no doubt roused interest in French mercantile circles, but it would take a half-century more before France initiated successful production in the Lesser Antilles. Henry IV (r. 1589–1610) and Armand Cardinal de Richelieu (1624–42) were the most active officials in cross-Atlantic settlement, largely for strategic reasons and to contest Iberian claims to an American monopoly. However, how could the establishment of colonies be a central interest of the court given the magnitude of problems kings and ministers had to resolve in France and Europe? Perhaps asking the Continental Congress in 1777 to fund exploration and settlement in the trans-Appalachian west might be an analogous situation. Good idea, bad timing.

The fact that French finances constantly teetered on the verge of bankruptcy meant that royal funds for such marginal enterprises were pathetically paltry. Thus the resort to chartered companies to fund these schemes surprises little, or that such companies had to be accorded serious privileges to attract investment. The Dutch and English had created such organizations and the Dutch East India Company (created 1601) spectacularly succeeded. That was not to be the case of the superficially similar French companies. The politically influenced founding and organization of these companies, their *colony-building* responsibilities, their inability to compete with Dutch and other interlopers and the inherent difficulties of trying to govern colonies across an ocean without significant royal assistance undermined the efforts of these chartered companies. Only one lasted more than a decade, and that one barely. None matched the capital, success at attracting migrants and patience despite large losses of the Virginia Company of London.⁴

⁴ For a brief overview, see Nash, *Red, White and Black*, pp. 57–64.

Before 1674, only the French West India Company of 1664–74 (and its companion the East India Company) had strong connections to the state, which has nevertheless colored interpretations of its predecessors. Despite repeated assertions that French chartered companies were but an instrument of the state, and that it why they failed so consistently, this essay will demonstrate the limits of that hoary generalization.⁵ It is quite clear that Colbert resorted to such instruments only when private capital and initiative were unavailable to realize the goals of the state. As he informed the directors of the W.I.C. when notifying them of the reduction of their monopoly privileges, liberty “is the soul of commerce.”⁶

Even though kings later sanctioned chartered companies (e.g. the Company of Saint Domingue, 1698, and, most importantly, the 1717 Company of the West), this essay will consider only those that preceded the royal takeover in the Greater Caribbean in 1674. Later chartered companies differed from earlier ones in a number of ways: (1) they were syndicates of high officials in the marine (especially Jérôme de Pontchartrain, minister of the marine from 1698–1715 and his flunkies) with wealthy bankers and entrepreneurs;⁷ (2) the investors had high hopes of penetrating and exploiting the Spanish American empire through such organizations as the Company of Saint Domingue (1698–1720), the Antoine Crozat Company of Louisiana (1712–17) and the Company of the West (1717–31) established by John Law; (3) unlike some of the previous companies (e.g. the Company of the Islands of America, the Company of Equatorial France and the Company of Meridional America), the later companies were not at all the project of religiously inspired promoters; (4) not all the earlier companies were colonial companies, but none of the later ones took colonization by French subjects very seriously; that is, through the shipment of French emigrants and indentured servants (*habitants* and *engagés* respectively), as opposed to settling with slaves.⁸

⁵ “The French colonial companies were managed in such a way as to give the king control of their work.” So argues Priestley, *France Overseas*, p. 68. Or see the venerable Braudel, *The Wheels of Commerce*, p. 446: “The companies only developed if the state did *not* intervene in the French fashion.”

⁶ Colbert, *Lettres*, 3; 2, p. 473.

⁷ Like Colbert, however, Pontchartrain employed monopoly companies only when private initiative could not achieve the desired results, Frostin, “Les Pontchartrains.”

⁸ The Company of the West did attract significant German migrants and did

Thus far, this essay appears to equate chartered companies with proprietary colonies, and for the most part that was the case. However, with the failure of the Company of the Islands of America, the governors of the Lesser Antillean colonies (St. Christopher and its dependencies, Guadeloupe and its dependencies and Martinique and its dependencies) purchased their island groups between the years 1649–51. For the next years until 1664, these proprietors governed their possessions under only the nominal authority of the king. To a greater or lesser extent, these proprietors allowed free trade with all comers, but most especially with the ubiquitous Dutch.⁹ Not coincidentally, these were years of significant demographic and economic growth in the islands.

In the spirit of René Descartes (1596–1650), who lived during much of the time under discussion here, I will categorize the different types of proprietorships in the era before 1674.

Type 1: Royally chartered companies meant to control the trade of a hypothetically immense geographical area appealed to such statesmen as Cardinal de Richelieu and Colbert. The model here was the Dutch East India (1601) and West India Companies (1621). The latter provided the example that Richelieu wished to imitate. “We must . . . create huge companies, force the merchants to participate, give them great privileges . . .”¹⁰ But his effort to establish monopoly mega companies for the overseas trade of all the world ran into serious opposition in seaport mercantile communities and in the provincial *parlements*, especially that of Brittany. To “force the merchants to participate” suggests a serious misreading of how the Dutch created commercial companies. The Cardinal had to content himself with smaller, regionally based companies such as that of the Company of the Islands of America (1635).

Type 2: Royally chartered companies for a particular region. These were grants of a trade monopoly and other privileges to a company to exploit a limited geographical region. These companies wielded the powers of the king in these areas, although the king usually

transport significant number of African slaves to Louisiana in the 1720s. See Hall, *Africans in Colonial Louisiana*, ch. 3.

⁹ For Dutch activities in the Caribbean, see Goslinga, *The Dutch in the Caribbean*; Israel, *The Dutch Republic and the Hispanic World*.

¹⁰ Du Plessis, *Mémoires*, 1, p. 438.

appointed a lieutenant-general with control of military affairs in case of war or civil or servile rebellion. Some of these organizations took the form of mercantile companies that established entrepôts or factories with an obligation to bear the heavy costs of transporting and supporting migrants across the seas. An example of these firms is the Rosée/Robin Company of Rouen for the North Cape of Guiana and for Senegal—1630s. These companies received property rights where they established factories, for example at the islands of Saint Louis, Senegal and Cayenne, Guiana. The king did not usually appoint a lieutenant-general in these cases, but did require the company to support missionaries (Capuchins in the case of the Rouen company) and colonists. These companies, like the fur monopoly Company of the Hundred Associates (1628) for New France (St. Lawrence valley), had little incentive to fulfill their *colonial* obligations.

The state always demanded support of colonization as the price of a monopoly, as well as maintenance of missionaries. This obligation was partially met in colonies that depended on cash crops for profit and, indeed, survival. Colonization in the tropics meant the establishment of plantations to produce commodities such as tobacco, indigo, cotton and sugar. In turn, these plantations depended on coerced labor in the form of European indentured servants and/or African slaves. However, the record of the French companies in fulfilling their obligations is dismal overall. No person of any independent stature would consent to cross the seas for wage labor in such conditions. Indentured servants who did sign contracts (usually with private subcontractors of the companies and not the company itself) and who expected to be treated as apprentices were in for a rude shock. Those who did not die during the three-year tenure of the contract (perhaps a majority) often returned to France or fled to the buccaneers at Tortuga.¹¹

Some of these chartered companies had significant direction from royally—appointed officials, such as the Company of the Islands of America; others such as the Company of St. Christopher of 1626–35 or the Company of Guiana of 1651–54 had little or none.¹²

¹¹ Of 6,000 plus indentured servants arriving in French colonies in the Americas via the port of La Rochelle, only about 600 passed under company auspices. For all these questions see the seminal work of Debien, “Les engagés pour les Antilles.”

¹² See my “A Colonial Company.”

Type 3: True private proprietorships, similar to Pennsylvania of the Penn family, in which the king had only nominal authority (although judicial and clerical disputes could still wind up in France for adjudication). These semi-feudal proprietorships occurred in the Lesser Antilles when the bankrupt Company of the Islands of America found it necessary to sell these islands to their governors in the years 1649–51.

A list of the chartered companies to be examined below follows, with abbreviations to be employed.

1. Company of St. Christopher (C.S.C.) 1626–35.
2. Company of the North Cape of Guiana (C.N.C.) 1633–51. It was organized by Rosée and Robin, ship outfitters (*armateurs*) of the northern city of Rouen in Normandy. In 1638, the lease passed to the ship captain Jacob Bontemps, whose name suggests he was a Huguenot.
3. Company of the Islands of America (C.I.A.) 1635–42; revised charter, 1642–51.
4. Company of Equatorial France (C.E.F.) 1651–54.
5. Company of Meridional America (C.M.A.) 1655–57.
6. Company of Cayenne (C.C.) 1663–64. It became part of the far larger French West India Company.
7. French West India Company (W.I.C.) 1664–74.¹³

Guiana was the geographical focus of four of these companies—the C.C.N., the C.E.F., the C.M.A. and the C.C. Given the later, horrific reputation of the Guiana coast as a death trap for Europeans, this sustained interest may surprise the reader, especially considering that all the expeditions except that of 1663 (the C.C.) were disastrous

¹³ For primary source information about these companies see most of all Du Tertre, *Histoire générale des isles de S. Christophe*; Du Tertre, *Histoire générale des Antilles*; Jean de Laon, sieur d'Aigremont, *Relation du voyage des François fait au Cap de Nord en Amérique* (Paris, 1654) for the C.E.F.; also, Abbé Antoine Biet, *Voyage de la France équinoxiale en l'isle de Cayenne* (Paris, 1664) for the C.E.F.; Paul Boyer, *Véritable relation de tout ce qui s'est fait et passé* (Paris, 1654) for the Brétigny 1643 expedition; Charles de Rochefort, *Histoire naturelle et morale des îles Antilles de l'Amérique* (Paris, 1658) for the C.I.A.; Pierre Pelleprat S.J., *Relation des missions* (Paris: S. Cramoisy, 1655) for the C.M.A., Antoine Lefebvre de La Barre, *Description de la France équinoxiale* (Paris: I. Ribou, 1666) for the C.C. See also the monumental compilation of primary source materials in Médéric Moreau de Saint-Méry, *Loix et constitutions des colonies françaises de l'Amérique* 6 vols. (Paris: Quillan, 1785–1790), v. 1. The colonial archives contain much information as will be seen below.

failures. The less glamorous and tiny islands of the Lesser Antilles were the territory of the C.S.C., the C.I.A., the private proprietors (1649–64) and were a part of the giant W.I.C. In the private proprietary period, the Commander Philippe Longvilliers de Poincy (a Knight of Malta) ran St. Christopher and its dependencies, nominally in the interest of his order; Charles Houel du Petit-Pré and his brother-in-law in France, Jean Boisseret d'Herblay, shared ownership of Guadeloupe and its dependencies; Jacques Dyel Du Parquet and after his death in 1658 Madame Du Parquet and their children owned Martinique and its dependencies.

The very brief following synopsis of the history of these companies and private proprietorships provides the context for asking analytical questions about the essential features of the French effort to establish colonies in the Americas without significant royal assistance.

In 1626–27, a Norman adventurer Pierre Belain d'Esnambuc, recently returned from a privateering voyage that necessitated a stop at the island of St. Christopher for repairs, joined with a fellow Norman Urbain de Roissy to solicit the protection and support of Cardinal de Richelieu for an attempt to colonize that island. D'Esnambuc had encountered a handful of French there, as well as the more numerous English tobacco farmers under the legendary Thomas Warner.¹⁴ The Normans had fortuitous timing as the iron cardinal and his adviser Isaac de Razilly sought to strengthen maritime France and build a respectable naval force. The result of these negotiations was the Company of St. Christopher (C.S.C.). Interestingly, the Cardinal invested some 10,000 l.t. (*livres tournois*)¹⁵ in the venture and encouraged his clientele to do like wise. In 1629 he even

¹⁴ For an excellent source on the English colonies, see Dunn, *Sugar and Slaves*. French ships and sailors had been frequenting the Caribbean for more than a century before d'Esnambuc's colonizing expedition. See the exhaustive research of Moreau, *Les Petites Antilles*, especially annexes 6–10.

¹⁵ To enter into a scholarly swamp, that sum was roughly the equivalent of 900 grams of silver or ten English pounds. The five percent of wealthiest English families averaged 185 pounds per annum. The l.t., worth approximately nine grams of silver in 1630, declined in value slowly but steadily the rest of the century. I have cobbled together this information from Carlo Cipolla, *Before the Industrial Revolution: European Society and Economy 1000–1700* (New York: W.W. Norton, 1980), p. 39; Pierre Goubert, *The Ancien Régime: French Society, 1600–1750* (New York: Harper Torchbooks, 1969), p. 75; Thomas Munck, *Seventeenth Century Europe, 1598–1700* (London: Macmillan, 1990), 112. It is best to say my mea culpa in advance to critics of these sums.

dispatched a small fleet to protect France's new possession from both English harassment, as war had erupted between the two monarchs in 1628, and from a suspected Spanish assault. The fleet did intimidate the English, but the six French ships left St. Christopher before the feared Spanish attack left the colony in a shambles. In return for its trade monopoly, the company had to recruit colonists to populate these islands.¹⁶ Although the Cardinal-minister would soon attempt to establish far more grandiose companies more directly on the Dutch model, albeit unsuccessfully, why did he resort to such an organization as the C.S.C.?

Due to an antiquated, grossly inequitable and inefficient tax collection system, seventeenth century French kings did not have the revenues for direct state involvement in expensive colonial enterprises. On the spending side of the ledger, the so-called "military revolution" of the seventeenth century saw the costs of war escalate dramatically. In the early 1630s, even before France itself entered the Thirty Years' War (1618–48), Richelieu subsidized the anti-Habsburg troops of Bernard of Saxe-Weimar, the army of the Swedish phenom Gustav Adolph and even the forces of the rich Dutch. France was also quarreling with Spain over control of the vital Alpine passes that allowed the Spanish infantry to reach the upper Rhine and from there on to the rebellious Netherlands or to German theaters of war. Then in 1635, a year after the great Hapsburg/Imperial triumph at Nördlingen, France became overtly involved in the brutal Thirty Years War.¹⁷ From 1630 to 1660, the tax burden tripled although by no means did all the increase reach the royal coffers.¹⁸ Thus, French proponents of overseas expansion found it necessary to rely on private contractors who would undertake some of the expenses of colonization in return for monopolies on colonial produce and for political favors at home. It is always difficult to fathom

¹⁶ One may follow these events in detail in Du Tertre, *Histoire* of 1654 or Servant, "Les companies de St. Christophe"; or, much more briefly, in my *Les Nouvelles Frances*, pp. 25–26, 29.

¹⁷ The reader has available dozens of good sources to follow these events. Perhaps start with Bonney, *The European Dynastic States*.

¹⁸ A brief guide to the tax morass in seventeenth century France may be found in Robin Briggs, *Early Modern France, 1560–1715* (Oxford: Oxford University Press, 1977), pp. 65–67, graphs 3 and 4.

whether backers of these chartered companies, very few of whom were actual merchants, really expected any commercial profit from their investments. They may have looked upon the latter the way corporations do in pouring money into political campaigns in return for favors and access to power. My impression is that modern corporations get much more “bang for the buck,” because French kings of old had far fewer favors to distribute.

From about 1630, no doubt due to the myriad pressing problems discussed above, the Cardinal seems to have forgotten about the C.S.C. The colonists were neglected, and perhaps benignly so, except for occasional harassment by the more numerous English. At the approach of France’s commitment to war in 1635, Richelieu took time to meet with Pierre Lénard de l’Olive, who had earlier ventured to St. Christopher as d’Esnambuc’s lieutenant, and Jean Du Plessis d’Orsonville, a lawyer from Dieppe in Normandy. They joined together to persuade the Cardinal to grant them rights to colonize the larger adjacent islands, notably Guadeloupe and Dominica. Cardinal Richelieu used the occasion to reorganize the company. The new Company of the Islands of America (C.I.A.) differed in a couple of ways from the C.S.C.¹⁹ First, it was more heavily publicized than the secretive C.S.C. Since France would shortly be at war with Spain there was less need to conceal a French initiative that would breach the Castilians’ fatuous claim of monopoly of the Americas. Second, the C.I.A. had strong religious motivation, perhaps as part of an effort to assuage zealous Catholic opinion opposing the Cardinal’s support of the Protestant cause in the Thirty Years War. Richelieu easily persuaded the pro-French Pope Urban VIII (1623–44) to grant permission to French Capuchins, then Dominicans and Jesuits to undertake missions to the Caribbean in the heart of Spanish-claimed America, thus implicitly voiding the 1493 Papal bull dividing the world on behalf of the Iberians.²⁰

The relative success of the C.I.A. in overseeing colonization and migration to the islands was due to many factors. Attracting free

¹⁹ For the Cardinal’s maritime career, see Boiteux, *Richelieu*; for a shorter treatment see my *The Shaping of the French Colonial Empire*.

²⁰ Official permission from Propaganda Fide, established in 1622 to oversee Catholic missions overseas, approved the French missions in 1642. For the French missions, see Guillaume Vaumas, *L’éveil missionnaire de la France* (Paris, 1642) and Joseph Rennard, *Histoire religieuse des Antilles françaises des origines à 1914* (Paris, 1954).

colonists and indentured servants was the possibility of making a go of it in tobacco, a small man's crop whose high price had not yet collapsed. In the 1630s and 1640s the system of indentured servitude depended on a highly personal bond between master and servant, unlike the anonymous trade of later decades.²¹ In effect, locally-popular men such as d'Esnambuc and Du Parquet acted as contractors or agents of the company and were instrumental in the peopling process. Also, the possibility of privateering activities was surely another lure in this early era. Most if not all these colonists were Normans, neo-Vikings with long traditions of adventuring on the high seas. A strong minority, at least, were Huguenots, French Protestants with an extra motive for hating the subjects of "His Most Catholic Majesty" Philip IV, King of Spain (1621–65).²² The leeward side of the "large" and Carib-"infested" islands of Guadeloupe and Martinique soon had French outposts. The travails of the Spanish monarchy in the difficult 1630s and 1640s prevented any significant riposte to these French encroachments.

Meanwhile, the Company of the North Cape of Guiana (C.N.C.) established an outpost at Cayenne, which was to become a proverbial backwater. In 1643 a Norman nobleman Charles Poncet de Brétigny, a relative of the powerful chancellor of France Pierre Seguier, organized a full-scale *colonial* expedition to Cayenne. He received the royal appointment as lieutenant-general of Guiana, thus giving him absolute control of military aspects of the colony. However, of the 300 *men* transported, a significant number were prisoners and vagabonds. Brétigny organized them into militia companies and harshly worked them long hours in a brutal climate. He forcibly suppressed their urge to find food, sex and maybe even El Dorado on the continent. Also alienating the local Galibis Amerindians, these actions led to the destruction of the colony and the death of the commander.²³

The 1640s in France were troubled years indeed. The Thirty Years War consumed France's resources, additional tax levies met with violent responses of the lower classes on whom the burden fell, and the

²¹ See Debien, "Les engages pour les Antilles."

²² A fine study of the Protestants in the French Lesser Antilles is Lafleur, *Les Protestants aux Antilles françaises*.

²³ For a contemporary account see Paul Boyer, *Véritable relation*.

Regency of Anne of Austria and the first ministry of the unpopular naturalized Italian Jules, Cardinal de Mazarin replaced Louis XIII (died 1643) and Richelieu (died 1642). Then, in 1648, just prior to the conclusion of the Peace of Westphalia that ended the German part of these wars, a full-blown revolt known as the Fronde broke out and tormented France for nearly five years. Simultaneously, a series of bad harvests brought desperation to the masses of poor. In these circumstances, concerns with struggling colonies could not have been high on the agenda of Anne's minister/lover Mazarin.

There was growing resistance to the C.I.A. in the islands during the 1640s, and even outright rebellions in St. Christopher and Martinique. An effort to replace the independent-minded Poincy as lieutenant-general in the islands having failed in 1645, when that proud knight forcefully repelled his would-be replacement, the C.I.A. cut its losses.²⁴ Having lost political control in the islands, as well as its theoretical economic monopoly to more efficient Dutch interlopers, the bankrupt company sold the islands to their governors in 1649–51. The era of the private proprietors thus began.²⁵

Meanwhile, another large effort was made to develop Guiana. A group of influential figures with the backing of Anne of Austria and the duchesse d'Aiguillon, Richelieu's rich and religious niece, wielded influence to supercede the rights of the C.N.C. in Guiana. The Company of Equatorial France (C.E.F.) was perhaps the best organized of the chartered companies of this era, and apparently attracted significant financial backing. Key figures such as the heiress d'Aiguillon and the initial leader the Abbé Marivault professed a zealous Catholicism intent on sponsoring missions among the aborigines. All company investors took a formal oath swearing that evangelism constituted their principal motive. Some 7–800 people, many no doubt motivated to leave France because of the malaise of these years, sailed from Paris for Cayenne in 1652. None of these apparently was a prisoner or kidnapped vagabond.

²⁴ The showy poincianna is (well) named in honor of Poincy.

²⁵ Poincy bought St. Christopher and its dependencies for the relatively paltry sum of 120,000 l.t., while Houel and Du Parquet paid about 60,000 or about £110 and £55 sterling, respectively. For these events see Du Tertre, *Histoire générale* (1667–71), I, pp. 442–47.

Almost farcically, everything that could go wrong did so. Marivault drowned in the Seine as he attempted to board another ship to adjudicate a quarrel. Long delays at the Channel coast ate up provisions meant for the sea voyage and led to some changes of mind among the recruits. Once underway, somewhere in the Atlantic, the directors on board became suspicious that the lieutenant-general Le Roux de Royville was showing signs of becoming a Brétigny. They proceeded to assassinate the would-be Caesar, the king's lieutenant-general. This impudent act occurred, after all, at the height of the Fronde! At Cayenne, internecine quarrels soon divided the directors. Victims of a long voyage and putrid food and water, the surviving and mostly ill colonists diminished rapidly in number. Conflicts with the Galibis persuaded most survivors to flee to the English settlement at Surinam, and from there to the Lesser Antilles or France. So ended what had been a most promising venture. In 1654 Dutch refugees and their slaves from Brazil settled at abandoned Cayenne.²⁶ Litigation related to this misadventure lasted an unknown number of years (or decades, no doubt).

News of the disaster at Cayenne led to a plunging devaluation of the company's stock, and lawsuits by stockholders. The royal council of state ruled in favor of the C.N.C.'s suit against the C.E.F. Given the horrible publicity attached to these events, it is surprising that another company for Guiana, the Company of Meridional America (C.M.A.), received a charter in 1655. The initiator, a Jesuit Pierre Pelleprat, wanted to establish a colony to support his order's mission in Guiana.²⁷ The Company of the Holy Sacrament, the secretive, powerful and zealous Catholic Reform organization, probably backed this enterprise. The queen mother Anne of Austria, strong supporter of overseas missions (perhaps to assuage her guilt over her assignations with the Cardinal), contributed 4,000 l.t. to the evangelical enterprise. However, some supporters of Pelleprat's company may have envisioned the project as a springboard for an assault on a supposedly vulnerable Spanish America.²⁸ 1655 was after all the

²⁶ For contemporary accounts see Biet, *Voyage de la France équinoxiale* and Laon, sieur d'Aigremont, *Relation de voyage*. For other documentary sources, and the only full account of this venture, see my "A Colonial Company."

²⁷ Colonization was viewed as essential to successful evangelization. See my "The Caribbean and the Caribs."

²⁸ Blaise François de Pagan, Comte de Merveilles in *Relation historique et géographique*

year of Cromwell's invasion of the Spanish Caribbean. A number of publications provided propaganda support for this company. Shards of evidence suggest a connection with highest royal officials, perhaps even Cardinal Mazarin. One notable difference with the C.E.F. was that the C.M.A. was very vague as to the location of its projected colony, presumably because of negative images of Guiana.²⁹

An initial voyage established Fort Anne on the Ouatinigo River. A second voyage in 1657 with the main body of colonists landed at Martinique, only to be informed that the Spanish had forced the abandonment of Fort Anne. They also had to confront the fact that the leader of the first expedition had used company stores to establish a thriving sugar plantation at Martinique! Most of the second group stayed at Martinique at Du Parquet's urging, or like the famous future governor of Saint Domingue, Bertrand d'Ogeron, moved on to that buccaneer haven, Tortuga and the north coast of Saint Domingue. So ended another French debacle in Guiana. So ended the aspirations, spiritual or otherwise, of the C.M.A.

Meanwhile in the islands proprietary rule was starting to wear on the nerves of the *habitants*. The well-liked Du Parquet died at Martinique in 1658, and his wife and her Paris cronies were looked at unfavorably by the Norman founders and their heirs. Indeed, at one point a rebellion briefly imprisoned *Madame la Générale* who, it was claimed, had a copy of Macchiavelli's *Prince* in her possession. Powerful individuals in France, including the Superintendent of Finances Nicholas Fouquet, were maneuvering to buy the island. At Guadeloupe the colonists were divided between supporters of Houel and those of Boisseret, the latter complaining constantly from Paris about the inequitable division of the revenues. Houel charged the *habitants* a higher capitation tax than did the other proprietors, but a tumult in 1658 forced him to reduce it. Furthermore, his abrasive, long-standing quarrel with the Dominican friars over their original, large grant of good sugar—producing land at Basse-Terre came to the attention of the authorities in Paris. Finally, at St. Christophe, Poincy

(Paris, 1655) suggested a conquest of Peru overland from Guiana! In the same year, the famous map maker Nicholas Sanson issued a map of Guiana, which pinpointed the site of Manoa, home of El Dorado.

²⁹ For the sources and a fuller account, see my "Shadows in the Past." The best, indeed only contemporary source is Du Tertre, *Histoire générale* (1667–71), 2, pp. 480–95.

enraged the colonists by changing the capitation levy from tobacco, low in value in these years, to sugar. Only big men grew sugar so the change was a dramatic one. No one dared openly rebel, but all awaited anxiously the strong man's long-expected death. So when Louis XIV and his minister Colbert, informally charged with such matters until his elevation to the new position of minister of the marine in 1669, heard rumblings from the Caribbean, they decided arbitrarily and somewhat unfairly that proprietary rule had been a failure.³⁰

Louis and Colbert faced extraordinary difficulties in 1661–63 due to terrible harvests with resulting famine and disease. Also, turmoil followed the arrest of the powerful Nicholas Fouquet whose money and charm had attracted an influential clique of courtiers, financiers and intellectuals. Then, both the king and adviser Colbert had much to learn on the job. As far as colonial matters were concerned, royal authority suffered from fragmented lines of authority in affairs of the marine. In fact, without any formal authority, Fouquet had established clients in key positions in the marine.³¹ Colbert complained more than once to his chief adviser in these matters, his cousin Colbert de Terron, intendant of the marine at Rochefort, that he was in the dark about colonial affairs and the marine's chief personnel.³²

By 1663 the king and minister initiated a colonial program. Antoine Le Febreve de La Barre, a much-despised intendant in the provinces, asked Colbert to support a new company for Guiana. La Barre had heard rumors of his impending dismissal, and Colbert had strongly criticized his performance. So was born the Company of Cayenne (C.C.). Colbert knew all too well La Barre's weaknesses but nevertheless took a chance on him. The minister shared the common opinion that only desperate men or losers would cross the ocean for another chance. La Barre's proposals for Guiana did indicate that he was aware of some of the problems that had torpedoed the earlier colonial experiments there. Both he and Colbert insisted that

³⁰ The reader can follow these events in much greater detail in Du Tertre, *Histoire générale* (1667–71) I, pp. 521–29, and in my “Comment se forme un ministre colonial.”

³¹ For this, and many other matters very briefly discussed here, see my “Reflections on the ‘Crime’ of Nicholas Fouquet. Today, I would no longer employ that grandiose and highly inflated term “French Colonial Empire.”

³² For all this see my “Comment se forme un ministre colonial.”

good relations with the Amerindians were critical to success, and they downplayed the traditional propaganda appeals emphasizing quick wealth for those willing to go. To them, Guiana was not the path to El Dorado.³³

In 1664, La Barre's fleet sailed for Cayenne. Aboard was the king's newly appointed sexagenarian viceroy for America, Alexandre Prouville de Tracy, who was a proud and brave officer but very poor. This proconsul, accompanied by some companies of troops, received the assignment of cruising to all the American colonies, to examine the problems and opportunities there, and to order the private proprietors to hand over their possessions to the king. Upon return, de Tracy was to report to the king on the best course to make these possessions truly French, as opposed to annexes of the Dutch commercial empire.³⁴

In France, Colbert did not await the return of Prouville de Tracy to merge the small C.C. into what Colbert believed to be a more effective, Dutch-style French West India Company (W.I.C.). He launched a crusade to achieve high capitalization for the new company. Louis "encouraged" grandees at court to "invest." The Sun King himself invested 1,387,000 l.t. (*livres tournois*) in 1665, and eventually would provide a total of more than three million, more than half the total. Colbert put pressure on high state officials, and set the tone by contributing 30,000 l.t. Tax farmers coughed up 700,000 of their ill-gained funds for the company. Municipal officials were required to hold town meetings asking for support, and Colbert frankly told them that success or failure would impact royal policies toward them. Colbert told bishops to have their parish priests promote the enterprise in sermons. As a result, "voluntary investment" in the company totaled over 1 million.³⁵ Louis and Colbert's full court press for the W.I.C. (and the East Indies Company, as well) justify characterizations of these companies as semi-public institutions; but they were the first such examples deserving that appellation.

³³ See Le Febvre de La Barre's *Description de la France équinoxiale* (Paris: I. Ribou, 1666); for the disillusionment about Guiana as colonial goal, see my "French Images of America."

³⁴ Among other sources for de Tracy, see the contemporary work of Du Tertre, *Histoire générale*, III, pp. 71–76; also, the still-useful work of Mims, *Colbert's West India Policy*, as well as my *Les Nouvelles Frances*, pp. 43–48.

³⁵ These events can be followed in Mims, *Colbert's West India Policy*, pp. 75–81. See also Cole, *Colbert and a Century of French Mercantilism*.

The chosen directors of the W.I.C. were quite aware that Colbert himself was the informal principal director. Never before had a king and minister involved themselves so energetically in the business of a chartered colonial company. The court took the lead in organizing these companies, rather than simply supporting private syndicate requests for sanctioning. In 1667 the king appointed a governor-general, Jean-Charles De Baas (1667–76), to protect royal interests in these Caribbean colonies.³⁶ At least until the advent of the Dutch War in 1672, royal correspondence indicates a continuous involvement in Caribbean affairs. More than once Colbert rebuked island officials for not providing detailed memoranda. He demanded that they conduct thorough censuses.³⁷

Unfortunately for the king and Colbert and the “investors,” the W.I.C. proved a failure. True, an initial revolt against its rule at Martinique in 1665 was suppressed. However, much of its capital disappeared as a result of English seizures of its ships during a brief war in 1666–67.³⁸ Dutch and English interlopers continued to undermine its purported monopoly. As always, corrupt company officials in the islands plundered it with near impunity. Investors abandoned original contributions rather than fulfilling their pledges. New appeals for funds from 1668 fell largely on deaf ears. Louis and Colbert promulgated new measures against the Dutch, and sent a large fleet in 1669 to harass their illegal trade. They tried a variety of measures to stimulate the company to promote the African slave trade, including limiting its activities to that sphere of trade. However, the start of the Franco-Dutch War in 1672 sealed the company’s fate, and it was basically in receivership during its last two years, 1673–74. The king used royal funds to pay off the “investors” who had persisted in supporting the company.

This very brief overview of these chartered companies and private proprietors can serve as the context to answer the following questions: (1) How were those involved recruited and what were their

³⁶ For De Baas, see Joseph Renard, *Baas, Blénac ou les Antilles françaises au xvii^e siècle* (Fort-de-France, Martinique: Alexandre, 1935).

³⁷ The result of this attention may be seen in the colonial archives now at Aix-en-Provence. See e.g. the colonial series C8A for Martinique and the Windward Islands. Colonial historians have much to thank Colbert for.

³⁸ The company estimated its losses at two and a quarter million l.t. Eccles, *The French in North America*, p. 70.

motives?; (2) how did these companies operate and how did they handle the difficulties imposed by distance?; (3) why did these companies and proprietors invariably fail?

How were these companies established and what were the motives of those involved? Not surprisingly, profits on investments of capital or on one's work as a colonist/adventurer were hoped for, and often times this constituted the main motive. D'Esnambuc and his Norman friends expected rewards from tobacco and piracy, not necessarily in that order. Poincy and Houel, and to a lesser extent Du Parquet, expected profit from plantations and the ability to collect the capitation tax. The customary right of governors to pick the best slaves at a low cost from captains wishing to trade in their islands almost guaranteed their success as planters. Metropolitan investors were lured with fancy promises, especially those enticed by the supposed connection of El Dorado and Guiana. All parties, even the missionaries and those who backed these enterprises to establish religious utopias among the Amerindians accepted that evangelical success depended on the support and protection of a European colony. In turn, success in colonization meant to satisfy colonists' desires for a better life.

Although connected to the search for wealth, the opportunity to strike a blow against the perennial enemy Spain no doubt motivated some participants. The Company of St. Christopher (C.S.C.) and the Company of Meridional America (C.M.A.) are examples. It is known that D'Esnambuc, organizer of the C.S.C., earlier obtained privateering licenses to raid the Spanish Caribbean.³⁹ The C.S.C. charter regulated distribution of prizes. In a letter to the Cardinal, d'Esnambuc explained why he had sent 150 seasoned men to Martinique. "A great advantage over Spain" summarizes his argument.⁴⁰

Political motivation played a role in the formation of some of these companies. As noted above, Richelieu imbued the Company of the Islands of America with a religious mission, in part to temper Catholic criticism of the decision to enter the Thirty Years War on the Protestant side. However, the fact that his chief spiritual

³⁹ Jean-Pierre Moreau is able to trace some of d'Esnambuc's privateering activities before 1626, *Les Petites Antilles de Christophe Colomb à Richelieu*, pp. 188–91.

⁴⁰ The letter is printed in Maurice de Lavigne de Sainte-Suzanne, *La Martinique au premier siècle de la colonization (1635–1742)* (Nantes: Chantreaux, 1935), pp. 207–08.

adviser, Father Joseph of the Capuchin order, was strongly interested in the missions suggests that *raison d'état* (reason of state or realpolitik) is just part of the explanation. In 1638 he transferred the company's privilege to Capt. Jacob Bontemps (to recall, likely a Huguenot), who however formally committed to transporting between 1000–1200 Roman Catholics and to sustaining the Capuchins. Whatever else were the motivations, Louis and Colbert formed the West India Company (W.I.C.) in part to regain control of French colonies and thus to damage Dutch trade in the Caribbean. Colbert clearly realized that the company could not succeed without commercial profits, but his hierarchy of interest unquestionably ranked the king's political interests far above those of mere bourgeois. Though he and the king consistently sought the advice of merchants prior to formulating policy, the underlying belief that they tended to place private over public interest permeates the correspondence.

Religious rationalization of colonization was pro forma a part of all these company charters. Clearly, however, some of these companies were truly interested in sponsoring evangelism among the Amerindians. The Company of Equatorial America (C.E.F.) and the Company for Meridional America (C.M.A.) were examples of this, whereas the C.S.C. and the Company of Cayenne (C.C.) demonstrated little interest in evangelization, which after all constituted serious costs for the company. The C.E.F. expressed such serious concern that privateering excursions and other misuse of company funds would impact negatively the missionary goals that the directors had to swear to take personal responsibility for any company ship lost by venturing against the Spaniard. So when this company claimed that "we have concluded that the most useful and most solid means was to sustain this evangelical mission by the establishment of a French colony in that place," this does not appear to be a pro forma statement.⁴¹

A second question relates to the governance structures of these companies and of the proprietary colonies. By far, the most effective governance occurred during the era of private proprietorship (1649–64). The governors organized and led the colonial militias in an era of insecurity due to wars with Island Caribs and with other Europeans.⁴²

⁴¹ A.N. Col., C14 1, fol. 5.

⁴² For details see my *Cannibal Encounters*, ch. 3.

These strong men were the chief source of justice, which often in these early days was military justice. Du Parquet, especially, was known for his free and equitable justice. Governors controlled the conditions of trade with the outside world, including the distribution of relatively few African slaves arriving in these years. They assiduously cultivated the captains of their militias; for example, Poincy entertained his officers frequently. Finally, the private governors did not have to justify their actions to metropolitan authorities. True, Poincy owed theoretical obedience to his Grandmaster at Malta, but the only occasion the latter attempted to impose some controls he failed. Also, Houel had to answer partly to the co-owner Boisseret, but he was in France and hardly in a position to keep tabs on his aggressive brother-in-law. It is also true that by the later 1650s the *habitants* were expressing discontent with strong man rule.

The chartered companies had significant difficulties dealing with governance of territories far away and populated for the most part by tough adventurers. Both company directors and the colonists themselves believed the latter were making great sacrifices leaving *la belle France* to inhabit Indian-“infested” wildernesses.⁴³ The C.S.C. was fortunate in that its chief organizers migrated to St. Christopher and that the recruits were fellow Normans attracted by the reputation of such leaders as d’Esnambuc. Furthermore, Richelieu seems to have ignored the company in the last half of its short existence. So, except for the too real threat from a Spanish Armada, hostile Caribs or on occasion English neighbors, the colonists could live in isolation and peace.

The successor C.I.A. held serious pretensions to govern the colonists and realize profit from its monopoly. Company records have survived to demonstrate consistent interest in its affairs.⁴⁴ A small board of directors was linked to Richelieu through François Fouquet and, after his death in 1640, his son Nicholas. As has been indicated above, the company’s efforts to oust the lieutenant-general of the islands, Poincy of St. Christopher, failed miserably leading to the organization’s bankruptcy.

Although there is no documentation, it appears that the C.N.C. had no control over the “tyrant” Brétigny. Attempting to learn from

⁴³ Admittedly, for most colonists seventeenth-century France was hardly *belle* but still attachment to village and family was strong.

⁴⁴ CAOM, Colonies, F2 A13.

that lesson, and no doubt from the C.I.A.'s bungled effort to remove Poincy, the C.E.F. attempted a novel organization. Half of its directors stayed in France while half ventured to Cayenne. This effort to link more effectively the center and the periphery largely failed, although the directors on board the ship had enough status and power to feel comfortable murdering the lieutenant-general, Royville. The directors at Cayenne split into contentious, violent factions. It is unclear that the directors in Paris had information beyond the ship that returned almost immediately after depositing the colonists.⁴⁵ Clearly, sharing power among the directors proved not a useful solution in an age of tortoise-like communications.

The W.I.C. returned to the board of directors model but also dispatched a trusted employee to watch over company agents (*commis*) in the islands. It was, however, all too true that one man cannot be everywhere. After divided authority damaged French military efforts in the short war with England, 1666–67, the king sent a strong man as governor-general of the islands. However, Louis and Colbert had nothing but frustration in trying to get De Baas to obey the letter of the king's orders, especially in the matter of not permitting foreign (read Dutch, mainly) commerce in the islands.⁴⁶

Why were these enterprises failures? The chartered companies failed for structural as well as specific reasons. There was resistance to monopolies at home, but also reluctance of capitalists to invest in enterprises that might be profitable in the long run but certainly not in the short. The political and social structure of *ancien régime* France encouraged investment of capital in real estate and in the purchase of bonds and offices. More so than in England, commerce and the merchant class ranked relatively low on the social ladder. The derogatory comments of such ministers as Richelieu and Colbert toward the "short-sighted" profit hankering of merchants speaks volumes. On the other side of the Atlantic, resistance to the companies' monopolies was strong from the beginning, and only grew when *habitants* were able to compare cheap Dutch merchandise and freight charges.

⁴⁵ As a result, we have the first hand account of Jean de Laon d'Aigremont and the wonderful poster, "LA DESCENTE FAITE PAR LES FRANCOIS EN LA TERRE FERME DE L'AMERIQUE", in the John Carter Brown Library. It is reprinted in my *Les Nouvelles Frances*, pp. 34–35.

⁴⁶ For a recent analysis of the relations of Colbert and De Baas, see Petrovich, "Revisioning Colbert," pp. 116–22.

Island colonists had ventured all to find a stake in what they considered a barbaric, Indian-infested wilderness. Even former indentured servants would not accept treatment accorded to their cousins at home. Every man in the militia had the right to bear arms; frequent exercises and engagements against Amerindians, refugee slaves (*marrons*) and other Europeans made these men proud and independent. The immense distance separating chartered companies from their colonial officials and “their” colonists made efforts to secure obedience very problematical. Employees (*commis*) of the companies who agreed to work overseas acted as if the company owed them big time for their “sacrifice.” When from the 1630s more and more Dutch ships appeared in Caribbean waters bringing inexpensive supplies and credit, any remaining loyalty to the French company disappeared.

The brief narrative helps to identify six principal reasons, which, in various combinations, explain these failures.

1. Undercapitalization. Unlike the Dutch companies, French companies were always pinched for capital. The W.I.C. and the C.E.F. were partial exceptions at the beginning, but disastrous events early in their existence undermined support from existing investors and destroyed all hope of attracting others. Such failures only reinforced the attitude of people with money that safe investments in land and government bonds were preferable. Richelieu and Colbert pressured people under their control or who wanted access to favors to support their colonial companies, especially the C.I.A. and the W.I.C. Probably the only company to attract significant, voluntary capital was the C.E.F. No doubt its religious mission appealed to wealthy, zealous Catholics or *dévots*. Also, the deep malaise of the Fronde era may have persuaded influential people to migrate to El Dorado, a supposed tropical paradise.
2. Managerial and administrative problems: Before 1664, there was only ineffective coordination between royal and company officials. Cardinals Richelieu and Mazarin must have considered colonial matters way down on their list of priorities. They put subordinates such as François and Nicholas Fouquet to watch over some of these companies. In the case of other companies and during the private proprietorship era, little or no government supervision existed. In contrast, though he was in charge of many departments, Colbert viewed the marine and colonies as fundamental to his greatest charge as controller-general of French finances.

Colonial produce would end France's dependence on Dutch sugar, tobacco and indigo, and improve the king's revenues. He worked hard to learn about the smallest details of colonial concerns.⁴⁷ Of course, the fact that for the first time a king contributed heavily to a colonial company, the W.I.C., helps account for Colbert's close supervision of its directors.

In turn, company directors in France faced insurmountable problems in trying to make good their privileges. Leaders of initial, colonizing expeditions could make or break these companies. Brétigny is just the most obvious example. He could not get along with his own officers and the Capuchins, whom he imprisoned. He did not get a chance to tell his side of the story as after a tawdry civil war he fell victim to Galibis poison arrows.⁴⁸ The leader of Baron d'Ormeilles' expedition of 1648, La Fontaine, quarreled with one of the captains who refused to continue, thus only one ship arrived at Cayenne. The captain and 22 men stayed while the rest of the colonists went on to Martinique. Never a word was heard from those at Cayenne. It is difficult to know whether Le Roux de Royville was as tyrannical as the self-important directors of the C.E.F.'s 1652 expedition and his murderers claimed.

3. Colonists' resistance to and overt attacks on company monopoly claims. The 1645 coup of Poincy against the C.I.A. is the most obvious example. He built a strong base among the small tobacco planters who manned the militia and, of course, its officers. Fear of the more numerous English who shared the island of St. Christopher legitimized his authoritarian rule. He built his famous, fortified villa in the mountains above the capital of Basse-Terre, justifying the expense to the company on security grounds.⁴⁹ He did nothing to prevent Dutch ships from supplying the colony with manufactures and slaves from Angola; indeed, he had intimate connections with these "heretics."⁵⁰ Soon he had bought

⁴⁷ See my "Comment se forme un ministre colonial," 431–51.

⁴⁸ One of Brétigny's principal detractors was Paul Boyer, *Véritable relation*.

⁴⁹ A picture of the chateau is in Rochefort, *Histoire Naturelle*, and also serves as the frontispiece of my *Les Nouvelles Frances*.

⁵⁰ The richest colonists at Martinique bought the title of "bourgeois" from various Dutch towns. Du Tertre, *Histoire générale*, 2, pp. 463–64. Poincy also tolerated Huguenots.

large numbers of slaves, who lived in Cartesian-arranged huts called the *ville d'Angole* (the Angolan village). At some point, the re-organized company (1642) got wind of Poincy's antics. In 1645 the company persuaded the Anne of Austria (and no doubt Cardinal Mazarin) to replace Poincy. However, Mazarin had starved the navy to concentrate funding on the armies in the Lowlands and along the upper Rhine. In effect, the monarchy could not give any assistance to the company in its attempt to reassert its authority. Poincy launched and won this colonial Fronde, and the unfortunate replacement was unceremoniously packed off to France. He long pursued the case in the courts, while the Regent and Mazarin had little choice but to overlook Poincy's *lèse majesté*, and eventually to reestablish working relations with him.

In 1665, rowdy crowds at Martinique reacted with threats of violence to the establishment of the W.I.C. The buccaneer/colonists of the north coast of Saint Domingue did revolt against the company and its agent, the governor Bertrand d'Ogeron in 1670. Only the arrival of a French fleet and the grant of a nearly universal armistice for the rebels calmed the situation. Less calamitous dissent against the W.I.C. took the form of widespread smuggling and illicit trade with the Dutch and English, often abetted by island officials for a bribe, a *pôt de vin*. When the occasional fleet arrived from France, as one did in 1669, it might push the lawbreakers into temporary hiding. However, without a permanent naval station and the devastation wrought on ships (worms) and men (malaria, dysentery etc.), the repeated and loud threats of confiscation of illegal ships and goods largely remained hollow ones.

4. Withdrawal of royal support. Except for the W.I.C., royal support was inconstant and very dependent on circumstances in France. The narrative section referred to Richelieu's neglect of the C.S.C. after 1630, and Mazarin's neglect of maritime issues during much of his tenure. However, even strong royal support, as demonstrated by the history of the W.I.C., was far from a guarantee of success.
5. The Iberian empire strikes back. Early in the century the Portuguese had destroyed the French effort to establish a colony at Maragnan (mouth of the Amazon). The Spanish attack on St. Christopher in 1629 sent the colonists fleeing to the mountains or to other islands. The primitive infrastructure was destroyed. The narrative

of the C.M.A. demonstrates the results of the Spanish destruction of Fort Anne, Guiana in 1657. The Spanish continuously threatened the buccaneer base at Tortuga and the north coast of Saint Domingue.

6. Amerindian attacks. The Galibis played a role in the destruction of colonial projects at Cayenne in 1643 and 1648. Also, they “massacred” reinforcements sent by the C.C.N. to Brétigny, including two Capuchins. The Amerindians once again harassed the depleted colonists at Guiana in 1653.⁵¹ In the Lesser Antilles, intermittent warfare with the Island Caribs wreaked havoc on Guadeloupe in the later 1630s. The situation in Martinique in particular was nearly disastrous when in 1656 refugee slaves joined the Amerindians. Only the fortuitous arrival of Dutch ships saved Du Parquet’s stronghold, and thus the island itself. A peace treaty in 1660 relegating the Caribs to the reservation islands of Dominica and St. Vincent lessened the danger.
7. European war: Richelieu’s war against Spain lasting from 1635 to 1659 did not have much of a negative impact because the Spaniards considered settlers in their claimed American territories as fair game in war or peace. Indeed, because the extra burden on Spain led to its near collapse after 1640, French settlers in the Caribbean may have become less insecure. Of course, the fate of Fort Anne must temper that generalization.

The most dramatic example of the negative consequences of European wars was the fate of the W.I.C., which was badly damaged as a result of the 1666–67 conflict with Charles II’s England. Because it could not supply the colonists with adequate goods after that, Colbert opened the Caribbean trade to all French vessels. The W.I.C. retained the unprofitable slave trade and profited from some taxes and customs duties collected in the islands. However, it did not recover from its early losses and the Franco-Dutch War starting in 1672 was simply a coup de grâce.

“Far from engendering confidence in companies as the appropriate way of conducting long-distance trades, the seventeenth-century experiment failed . . . conclusively.”⁵² This seems too be too harsh a

⁵¹ See Abbé Biet’s *Voyage*.

⁵² Davies, *The North Atlantic World*, p. 315.

verdict. The era of the proprietors, whether in the collective form as charter companies or individual owners of colonial properties, can be judged a success or a failure depending on the criteria used. Obviously as proprietorships, they all failed more or less quickly, for the reasons discussed above. Yet, they cannot be accounted total failures because in 1674 twenty to thirty thousand people lived in the possessions of Louis XIV. However these individuals arrived, and we have seen that private sub-contractors were the chief motivators, the companies provided the land grants and legalities needed for passing on the grants to heirs. The rule of some individual proprietors, especially Du Parquet, was humane, even enlightened. True, living conditions for the majority of these inhabitants in 1674 were deplorable, especially so for enslaved Africans who were approaching demographic equilibrium with the Europeans. But that is something of a different issue, and should be placed in the context of deplorable living conditions in France of that era.

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CHAPTER SEVEN

POWER IN THE ENGLISH CARIBBEAN: THE PROPRIETORSHIP OF LORD WILLOUGHBY OF PARHAM

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Obscuring any attempt to interpret English Caribbean government in the seventeenth century lies ambiguity, factionalism, chaos, and a number of unsavory characters who used them all to advantage. At the centre was Francis, fifth baron Willoughby of Parham, East Anglian aristocrat and colonial proprietor. Willoughby's Caribbean career does not parallel that of royalist *versus* parliamentarian, nor does it offer a new set of criteria for governance and society that were shaped by the plantation experience. Willoughby is difficult to fit into either Nicholas Darnell Davis's nineteenth-century reworking of the English civil wars in the Americas, or the consolidation of plantocracy posited by Puckrein and Dunn.¹ The confused depiction of Willoughby's proprietorship is in part because vital pieces of information, about people and events, do not survive. The evidence that does survive is biased, factional, and sometimes fictional. What this piece suggests, however, is that we might reinterpret the confusing state of the Proprietorship of the Caribbees and make it fundamental to its identity. To trace Willoughby's career in the Americas, and in particular in Surinam, is to sketch other characters in shadow. Three, in particular, are outlined here; George Marten, Anthony Rous and Robert Sanford. All of them are part of an incomplete picture, and the narrative of their relationships with Willoughby can be read in contrasting ways. The path one chooses through the narratives says much for our interpretation of English proprietary government.

The idea that the English Caribbean was chaotic is difficult to gainsay. That has resulted, however, in some sympathetic portraits

¹ Davis, *The Cavaliers and Roundheads of Barbados*; Puckrein, *Little England*; Dunn, *Sugar and Slaves*.

of Willoughby of Parham, a man credited with bringing structure and order to government. Charles Higham held him responsible for the introduction of uniform trading rates of four and a half per cent on goods produced by England's Caribbean colonies.² Five years later, James Williamson analyzed the period of proprietary government and was even more glowing of Willoughby's role, or at least of his potential. He implicitly awarded Willoughby the honour of having negotiated the 4½ per cent which enshrined the right of the island assemblies to levy taxation. Willoughby's willingness to defer to Charles II at the Restoration was interpreted as transferring power away from proprietary patents and towards crown colonies. He acknowledged that the transfer of power from proprietor to crown had been progressive, because proprietary government had been "harsh and unsympathetic, greedy and often unjust," and greeted by ingratitude by the planters. Nevertheless, proprietorships had been a necessary step in colonial development because the single-minded, committed and dynamic involvement of proprietors was responsible for huge economic expansion because it produced administrative stability.³ Thornton's 1950s reworking of the theme was less generous about Willoughby's legacy, but nevertheless portrayed him as the man, albeit unsympathetic, who was prepared to subsume his own interests to those of the colonies as a whole. The planters of the most developed Caribbean colony, Barbados, were willing to put up with their dislike of him for the sake of negotiating away proprietary government. Willoughby was "a royalist before he was a Proprietor, and he accepted as fitting the King's desire to 'drawe under his immediat authority & Councell all the severall plantacons that they may have the same dependance with the rest of His Maties Dominions'."⁴

Willoughby's career neatly divides in two. In the first half he was an English aristocrat, with the majority of his interests in Lincolnshire. In religious terms he was a Presbyterian. As the relationship between the crown and the wider political elite began to break down in the 1630s, Willoughby's sympathies were anti-court. He was uneasy at the manner of the Ship Money levy in Lincolnshire and expressed

² Higham, *The Development of the Leeward Islands*, pp. 22–23.

³ Williamson, *The Caribbee Islands*, pp. 214–15.

⁴ Thornton, *West India Policy*, pp. 32–3.

little enthusiasm for the wars against Scotland. As Lord Lieutenant of Lindsey, he implemented the militia ordinance in preference to the commission of array, and in January 1643, was created commander in chief of the Lincolnshire parliamentary forces, losing the county town of Lincoln and the ports of Boston and Gainsborough to the royalists. The Lincolnshire forces were incorporated into the Eastern Association in September.

His commitment to the parliamentary war-effort waned, because he already felt that his parliamentary politics contributed to the decline of social hierarchy. His put his reluctance to leave his estates to fight the Scots down to the weakness of his control and the danger that they would be taken in his absence. Such localism was common, particularly in the east midlands, but Willoughby's reasoning grew from a desire to retain the traditional, almost feudal, social order. This was not a lame excuse, but central to his view that social status conferred natural right.⁵ By 1644, the liege lord was under further threat. "We are all hasting to an early ruin" he warned: "nobility and gentry are going down apace."⁶ Willoughby's wartime rise masked his social decline, however. He was elevated to an earldom, created Speaker of the House of Lords, and nominated a Commissioner to negotiate with the Covenanting army of Scotland. It was not until the autumn of 1647 that fierier spirits in parliament could attempt to have him impeached. His brother-in-law, Bulstrode Whitelocke, despite differences of social standing and political stance, more sympathetically restated the link between the Willoughbys and their station in life. He was "in daunger of his fortune honor & life, uppon a new faction rising up, & all his former merits forgotten".⁷ When, after a second impeachment attempt, he was denied bail, he fled to Holland and made common cause with the royalists. The

⁵ PRO SP 16/413/117, National Archives of Great Britain, Kew; Russell, *The Fall of the British Monarchies*, p. 87. All dates from the sources are rendered "Old Style."

⁶ *Historical Manuscripts Commission Report*, 4th rep., p. 268; Whitelocke, *Memorials*, II, p. 366.

⁷ Spalding, *The Diary of Bulstrode Whitelocke*, p. 199: 7 Sep. 1647. See also Spalding, *Contemporaries of Bulstrode Whitelocke*, for a sketch of Willoughby. Bulstrode Whitelocke married Francis Willoughby's sister, Frances, in November 1634. This was a privately-conducted marriage of which the Willoughby family did not approve; the lower social status of their new member, a lawyer, being just one reason. Nevertheless, Willoughby and Whitelocke were to prove loyal and useful allies to each other as the complexion of politics changed over the period.

duke of York created him vice-admiral of the royalist fleet. Willoughby's estates were sequestered.⁸ An aristocrat without land made nonsense of the social order. Thus, Willoughby laid claim to possession in other ways. "Since all is gone at home," he decided, "it is time to provide elsewhere for a being."⁹

Willoughby made provision to guard his social status in two ways. To protect what was under threat at home, most of his Lincolnshire estates were signed over to trustees, making full use of his lawyer brother-in-law.¹⁰ "Elsewhere," however, referred to the Caribbean. In February 1647, Willoughby had reached agreement with James Hay, second earl of Carlisle, to lease a moiety of the profits of Barbados for twenty-one years. Half of the profits would go to recover the crown's debts.

Settlers who had been in the Caribbean for some years, sometimes for life, were therefore joined, in the later 1640s, by a new wave seeking refuge from, having been ejected by, or seeking a financial way back to, the mother country. Fresher memories of civil war bitterness politicised Barbados. On 23 May 1649, the island's General Assembly, under the influence of Humphrey Walrond, banished and fined 122 Barbadian residents accused of being "independents, non-conformist to the doctrine and discipline of the Church of England, and . . . aiders and abettors in the disturbance of the peace of the island".¹¹ Willoughby's arrival as governor pushed from effective power the ultra-royalist, Walrond, who, with his brother had been transported to Barbados by the Irish Anglican, William Byam, son of the prebend of Cloyne Cathedral.¹²

When Willoughby landed on Barbados on 29 April 1650, he came to fulfil an agreement made between royalists at a time when the new republican Commonwealth government was barely three months old. He received a cautious welcome. Islanders with parliamentary sympathies—who saw Willoughby as a cavalier aristocrat—and monarchists—for whom Willoughby was an apostate—had reason to distrust him. The settlers were also aware that Whitehall politics had

⁸ Spalding, *Diary of Bulstrode Whitelocke*, p. 220.

⁹ Cary, *Memorials of the Great Civil War*, 2, p. 313.

¹⁰ *Calendar of Proceedings of the Committee for Compounding*, part 3, pp. 1838–39, 20 Aug. 1647.

¹¹ Foster, *A breife relation of the late horrid rebellion*, p. 51.

¹² Campbell, "Two generations of Walronds."

changed radically since Willoughby and Carlisle made their agreement. That Willoughby was “welcomed as a blessing sent from God” is surely hyperbole. Eventually, however the islanders accepted their new governor, amongst whose early actions was to proclaim the majesty of king Charles II with much pomp, at his own expense.¹³ Willoughby’s declaration was the trigger for the dispatch of a parliamentary fleet to reduce Barbados to loyalty to the Commonwealth, although decisive action had to wait until November.¹⁴

Willoughby attempted an anti-Commonwealth alliance with the governor of Antigua, Henry Ashton, and restricted the commerce of any institution on which Barbadians were not represented.¹⁵ The information about Willoughby’s attempted gubernatorial alliance was transmitted by Colonel John Fitzjames, whose close co-operation with Captain Edward Blagg of Plymouth, Caribbean merchant, sectarian and loyal supporter of the Commonwealth, marked both Fitzjames and Blagg as men who were ideologically committed to the change of government in London.¹⁶

The captain who carried the exiled Independents to England was George Marten, younger brother of Henry, the republican leader and member of the Council of State. George had a chequered career during the civil wars. He had played a key part in the 1641 naval coup which installed the earl of Warwick as admiral. He captained the family bark, *The Marten*, on the summer watch and subsequently within the parliamentary navy. Eighteen months later, however, Charles I requested the royalist admiral, the earl of Marlborough, to give *The Marten* and the vessels accompanying it, safe passage into royalist Dartmouth.¹⁷ In 1644, he was a spy in France. George

¹³ Sainsbury, *CSPC*, 1574–1660, p. 346.

¹⁴ The Commonwealth government placed its priority on reducing the Isles of Scilly to obedience.

¹⁵ University of Leeds, Brotherton Collection, Marten-Loder MSS (ML) Pol+Misc 1/73, [no author cited], “Documents and letters in the Brotherton Collection,” 178–80. Many of those exiled had been pioneers of sugar production on Barbados. Colonel Drax had an estate of 400 acres was large by Barbadian standards. For details of Drax and his family, see Dunn, *Sugar and Slaves*, *passim*. Though altered, Drax Hall is one of the few remaining seventeenth-century plantation houses left standing in Barbados. Robert Sanford was later to claim to have been patronized by James Drax.

¹⁶ Leeds, ML MSS, vol. 92/73, the letters of George Marten.

¹⁷ King to the Governor of Dartmouth, 2 Dec. 1643, *The Manuscripts of the Duke of Somerset, the Marquis of Ailesbury and the Rev Sir THC Puleston Bart* (London, 1898), Historical Manuscript Commission, 15th Rep., App., Pt. vii, p. 68.

Marten probably sailed for Barbados around 1646, in part to recoup the debts sustained by both brothers. He engrossed a sizeable sugar plantation in the eastern parish of St. John, the bulk of which he bought from Humphrey Walrond.¹⁸

The group which Marten transported to England was one of those known as the Petitioners, determined to lobby the London government to extend the autonomous rights of the islanders, to give them powers that would parallel those of a corporation in England.¹⁹ However, he arrived too late to halt the legislation intended to blockade trade with those colonies renouncing loyalty to the republic. He had remarkably little impact, considering his brother was one of the “hogen mogen heeren staten.”²⁰ He was regarded with suspicion.²¹ It was spoken at Whitehall that he was an agent of Willoughby. However, when Barbados surrendered to the parliamentary forces under Sir George Ayscue, it was Marten who returned the exiles to the Caribbean. He sent a loyal message to his brother that “Sr George has performed the trust layd on him by y^c Par^{mt} with greate Honor Justice & wisdom, hee has delivered in from the Ld Willoughby & those that with him, meant to have caried theire fortunes upon or by the crimes of this place (and) has left us in a willinge & cherfull obedience to y^c Pa^{mt} the supreme authoryte of England.”²²

1650, the year in which the anti-royalist dissidents were exiled from Barbados, was that in which a first footing was made in Surinam on the mainland of south America. The Surinam expedition of 1650 was launched by Major Anthony Rous, who, like Marten, has been described as an ultra-royalist and, by implication, part of Willoughby's

¹⁸ Barbados Department of Archives (BDA), Rate Books (RB), 3/3/907; 3/2/609. Marten bought 179 acres from Walrond on 23 August 1647, a further 20 acres from Christopher Codrington, and rented a further 60 acres.

¹⁹ For a fuller account of the struggle for power between Walrond, Willoughby, and the Assembly, and for the subsequent petitioning campaign, see Puckrein, *Little England*, pp. 112–16.

²⁰ The leaders of England's republic were frequently ridiculed by being named after the “high and mighty men of state” of the Dutch Republic. For an example of its use against Henry Marten, see J.G. Muddiman, *The King's Journalist, 1659–1698* (London, 1923), p. 38.

²¹ Leeds, ML MSS, Lord Portland to Henry Marten, 13 Nov. 1650, ML Pol + Misc 1/74; *CSP Col* 1650 p. 346, nos. 25/27; Steckley, ed., *The Letters of John Paige*, p. 31, dated 6 Dec. 1650.

²² Leeds, ML MSS George Marten Letters 1652–7/1, dated 28 March 1652.

loyalist clique.²³ There seem to have been at least three contemporaneous Anthony Rouses. He may have been the junior member of the influential Cornish family, whose father, Arthur, was lecturer on Providence Island. This would also have given him unimpeachable parliamentary credentials, being a step-brother to, and chief supporter at the funeral of, John Pym, and nephew of Francis Rous, the parliamentary *de facto*ist, who would become Speaker of Barebones's Parliament. Francis Rous gave a glowing account of Anthony's career as a parliamentarian naval officer, in which service he could have met George Marten.²⁴ This connection is unlikely, however. We should expect to have some corroborating evidence that a member of so prominent a family was the first settler in Surinam, and this Anthony Rous was active in raising Cornish troops for the Commonwealth in February 1653.²⁵ We can be certain that this Rous was not the sceptic about George Fox's Quaker mission in the west country, although the Quakers were active in Barbados.²⁶ This seems to have been a third Anthony Rous, who established a Barbados estate adjoining Marten's 250-acre sugar plantation in St. John, and possessed another at Fowl's Bay, St. Philip. He served in the island militia, and in 1655 offered to join Cromwell's Western Design to seize Spanish colonial possessions.²⁷ In 1656, Marten described Rous as "my very kind and loving friend and a person of as much honesty and honour as I have ever met with in these parts."²⁸

²³ Bridenbaugh, *No Peace beyond the Line*, p. 198: "[Willoughby] fitted out a ship with ample supplies for the former privateer and extreme Royalist, Anthony Rous . . . A year later the Governor wrote enthusiastically to his wife that he was sending a hundred men to take possession under Major Rous, and he fully expected "in a few years time to have many thousands there", "Documents and Letters" p. 185.

²⁴ Newton, *The Colonising Activities of the English Puritans*, p. 119; *Commons Journal*, III, p. 336; *CSPD*, 1641–3 p. 504, 14 [Dec.] 1643, order of the procession of the funeral of John Pym; *CSPD*, 1651–2, p. 494, 15 Nov. 1652, Statement by Francis Rous.

²⁵ Although men travelled regularly between England and America, Rous seemed quite settled in Barbados and Surinam. Reference to Cornish troops, British Library (BL) Add MSS 22546, f.97, dated 25 Feb. 1652/3.

²⁶ Smith, *The Journal of George Fox*, pp. 191, 192, 324. The Anthony Rouse who was co-clerk of the Pipe in the service of Charles I was of an older generation; Aylmer, *The King's Servants*, pp. 187–88.

²⁷ Newton, *Colonising Activities*, p. 323.

²⁸ Leeds, ML MSS, George Marten Letters 1652–7/6, 9 July 1656; for the position of Rous and Marten's estates, see William Mayo's survey of Barbados, undertaken between 1717 and 1721, and published in 1722.

There are at least two possible narratives of Rous's voyage to Surinam. Very different assessments, they have implications for Willoughby's role as Proprietor of the Caribbees, but the evidence does not exist to discriminate between them. Was Rous one of those exiled from Barbados, now attempting to start a new colonial career independent of his oppressors, first Walrond and now Willoughby? On the other hand, was he acting as Willoughby's agent, claiming lands on his master's behalf?²⁹ The ambiguity of the relationship between Willoughby and Rous mirrors that between Willoughby and George Marten. When Ayscue subsequently banished Willoughby from Barbados in 1652, he was relatively leniently punished. His estates in England were returned to him and he was allowed to retain his lands in Barbados, Antigua and Surinam.³⁰ He did not retain his proprietary title, however: the Commonwealth government did not approve of them, as they were a limb of monarchy. Nevertheless, Willoughby sailed to Surinam in 1652 and assumed a haughty authority on the mainland province. Was he taking up a patrimony which Rous had established on Willoughby's behalf, or was he claiming—usurping—a pre-established colony?

In retrospect, he justified his presence in Surinam to the Cromwellian Council of State, which, in 1654, issued an order responding favorably to a petition from Willoughby that he be granted letters patent to a square of south American land, lying between the Marrowyne and Seramica Rivers.³¹ He maintained in retrospect, that in 1650 he had

set forth a shipp and a small vessell to make Discoverie of the Maine of Guiana Did afterwards send more shipping men and Provisions and in 1652 went Him-self, and made his settlement upon Serranam a Part of Guiana lying between the two streams of Marrison and Sarrainita fortified it furnished it with about 300 Men and left proportionable Provisions to the expense of many thousand pounds out of his own Purse.³²

Willoughby laid claim to Surinam by dint of two different interpretations of natural law. In the former, he was the “discoverer” of

²⁹ Sheridan, *Sugar and Slavery*, pp. 77–80.

³⁰ 11 Jan. 1652.

³¹ CSPC, 1564–1660, p. 414, 16 March 1653/4.

³² BL Egerton 2395 f.279, *Reasons offered by the Lord Willoughbie why Hee ought not to bee confirmed in his Settlement upon Serranam*.

land previously unsettled by Christian powers and inhabited only by native Americans (with whom he had agreed terms). The land was his because he headed the first fleet.³³ It was not clear, however, whether he had sponsored, and therefore headed, the first fleet captained by Rous, or had taken over Rous's colony. Rous's status as the first settler might be confirmed by the position of his Surinam estate—towards the furthest extent of the English plantations into the interior, over forty miles along the Surinam River from its estuary.³⁴ Secondly, the extent of Willoughby's financial investment transformed unproductive land into a viable colony; the justification which Locke subsequently codified as use conferring right. Articles of law confirmed pre-existent natural right.

Willoughby's behaviour in Surinam was haughty and autocratic, his critics complaining that the land and power he amassed was seized from others. With his English lands constrained by his disloyalty, he looked to Surinam to build up an estate. However, the colony of Surinam was unlikely to have survived without a major investor, and Willoughby provided such an income. His wealth and status enabled him to invest £26,000, provide 300 settlers, food, and provisions, which was undoubtedly the difference between a small, autonomous outpost and a viable limb of empire.³⁵ He offered every settler in Surinam fifty acres freehold, plus a further acreage, dependent on gender, age and status. Single people, without the means to transport themselves, would be carried at Willoughby's expense, to become his personal servants and tenants. Willoughby also offered all the monies, slaves, foodstuffs, stock and tools required to set up the colony for its first eight months.³⁶ He was described as the rescuer of an "unhealthy and inconvenient" place, having "drawne in some Merchants of London, & great persons of Barbados to engage

³³ Carlisle's original commissions to colonial governors had referred to the "caribee Islands, not being in the Occupation or under the Govern^t of any Christian Prince or State, but eyther wholly vacant or uninhabited only by savage people wanting as well Orders and Lawes of humane Civilitie as understanding and religious Adoration of their Creator": BL Egerton 2395.15.

³⁴ *A Discription of the Coleny of Surranam in Guiana, Drawne in the year 1666, 1667.*

³⁵ "Documents and letters," p. 185; Harlow, *Colonising Expeditions to the West Indies*, pp. 142–43, n. 2, pp. 178–79; *CSPC*, V, no. 83, pp. 373, 451.

³⁶ Certaine overtures made by y^e L^d Willoughby of Parham, BL Sloane 159(5) ff.20–21.

wth him", with "greater vigour then successe."³⁷ Even political rival, parliamentarian stalwart, Thomas Modyford, believed he would create "one of the fertilest most spacious and beautifullest countreys," from which the English could expand northward and settle the Orinoco river, where native Americans could be used as forced labor.³⁸ Willoughby had, in effect, bought himself a fiefdom.

The ambiguity of Willoughby's tropical politics was still reflected in England.³⁹ Whitelocke continued to work on his behalf. Despite Cromwell having a "great Peeke agt him" and time spent in the Tower on suspicion of treason, Willoughby's estates were again freed from sequestration and early in 1656 he was given leave to go to Surinam rather than remain in prison in England.⁴⁰ The finance and expertise to continue his colonial adventures came from Martin Noel, Thomas Povey and William Watts,⁴¹ men "in many ways engaged in the affairs of the West Indies and his highness (Oliver Cromwell) and . . . willing to adventure at their own charge on an undertaking they have good reason to believe is to the honour and advantage of his Highness and the Commonwealth".⁴² Noel was first and foremost, a financier, who provided huge investment in several Cromwellian schemes, on the understanding that he would then farm the customs' revenue that would accrue.⁴³ Thomas Povey was Noel's sec-

³⁷ BL Egerton 2395 ff.283–286^v, f.286^v, *Consideraõns about the peopleing & settling the island Jamaica*, n.d., but after 1660. There was much contemporary dispute about the healthiness of Surinam. In the light of the evidence of plague, and the repeated decline of settlements there, I can only imagine that reports of its rejuvenating air were propaganda and stiff-upper-lip optimism.

³⁸ Thurloe, *State Papers*, III, p. 63; BL Egerton 2395, ff.249, 280; Lorimer, "The failure of the English Guiana ventures," at 24; Bridenbaugh and Bridenbaugh, *No Peace*, pp. 198–99.

³⁹ Ashley, *Financial Policy*, p. 2; for a sketch of the careers of Noel and Povey, and the third member of the triumvirate, Maurice Thompson, see Sheridan, *Sugar and Slavery*, pp. 90–92; Andrews, *British Committees*, pp. 49–50.

⁴⁰ *Calendar of the Proceedings of the Committee for Compounding &c.*, part 3, pp. 1840–41; Spalding, *Diary of Bulstrode Whitelocke*, pp. 268, 409, 427, 450. Willoughby again conspired to overthrow the restored Commonwealth (Rump), and played an active part in calling in Charles Stuart from Breda in December 1659.

⁴¹ Who was to have his wish in 1659, when he was to the fore in pushing legislation to establish a joint stock company trading between America and New Guinea, the Philippines, St. Lazaro and the Solomon Islands, BL Egerton 2395 ff.202–37.

⁴² BL Egerton 2395 f.107 ff., *The humble Petition of Martin Noel and William Watts Merchants*.

⁴³ There is no evidence that Noel the excise farmer was related to a Willoughby connection from Lincolnshire, the ejected royalist MP for Rutland of the same name, who was connected by marriage to both the earl of Gainsborough and

retary. Together, these two exercised considerable influence over Caribbean affairs. This was particularly so in the government of Barbados, where they secured patented offices from the Protector for their brothers, Barbados planter, Thomas Noel, and William Povey, much to the distrust of planters who always bridled when London tightened the reins over their affairs.⁴⁴ Noel and Povey were active in stabilizing Barbados and the other islands in the English Caribbean for the governorship of Cromwellian loyalist, Daniel Searle, at the expense of Thomas Modyford. All four, as “Partners and the Principalls of the West India Company” were at the forefront of attempts to develop a flourishing English community on newly-captured Jamaica.⁴⁵ This island could provide a stopping off point for a venture north to Florida or south to Surinam. Thus men could take advantage of the Protector’s enthusiasm for the Western Design in order to further their trading interests, and, in exchange for promises that the ventures would be met at their own cost, increase their own autonomy by making claims for incorporated status.⁴⁶

Surinam, however, provided Willoughby with an unprecedented degree of autonomous action, releasing him from reliance on Povey and Noel. Surinam, unlike the tiny islands that made up the remainder of the English Caribbean, was a mainland and unbounded territory. It was not in Willoughby’s interests that the compass and extent of Caribbean government be standardized, but rather that the geographical limits of English holdings remain fluid, and the personnel of government and degree of their authority, negotiable. Willoughby reminded the Commonwealth government⁴⁷ that unlike

Montague Bertie, earl of Lindsey. Willoughby married Elizabeth, the daughter of viscount Wimbleton and granddaughter of Sir Andrew Noel of Dalby, Leicestershire. For a brief synopsis of the career of Martin Noel, see Aylmer, *The State’s Servants*, pp. 250–51 and *passim*.

⁴⁴ Puckrein, *Little England*, pp. 61–62, 135–36.

⁴⁵ BL Egerton 2395, ff.129, 131, 136–37, 138; BL Egerton 2395 f.167–67^r, *A designe for the serving of the West Indies with a Fleet in order to the wekning the Spanyard, the settling of Jamaica, and the promoting the English Interests there*, n.d.; BL Egerton 2395 ff.107–09, *The humble Petition of Martin Noel and William Watts merchants in the bahalf of themselves and others intreated with them*, n.d.

⁴⁶ BL Egerton 2395 f.108; BL Egerton 2395 f.110, *A Proposition for the Improvement of the English Interests in the West Indies*. See also ff.111, 112.

⁴⁷ Willoughby’s petition not to be confirmed in his Surinamese lands made reference to “this Commonwealth”. Although not conclusive evidence that the petition was written before 1660, had it been written afterwards, it would almost certainly contain references to “his majesty”.

the other Caribbean settlements, Surinam constituted a unique English interest because it lay within the mainland of South America.⁴⁸ As such, any move to map or chart the colony, with a view to delineating the English border, was an admission that Willoughby could not expand his colony beyond its 1650s boundaries. Willoughby's definition of a settlement was that it was anywhere—"Some Island or a considerable Part of a Country"—where someone thought fit to settle. It was "a capacious expression," arrived at by trial, error and adventure, and did not become fixed until trade links, plantations and forms of government were established. The extent of Willoughby's investment in Surinam demanded that he be allowed to expand. The language in which he expressed what would otherwise happen hinted that he may have done the same to others. Were he to be "within a Defined Distance" it "will bee used but as a greate out = wark to such as shall come in behind Him (Willoughby) and Hee must loose the Advantages of his Settlement."⁴⁹ The underdeveloped and anarchic nature of Surinam provided Willoughby's justification to lay claim to expanded horizons. Defining the extent of "Willoughby land" would, with the addition of further settlers, turn him from lord of all, to founding pillar, at the mercy of other serious financial investors or the chance that the settlers would collectively vote their own governor.

At the Restoration, the pressure to systematize and codify colonial land-holding rushed on apace. Willoughby's hold on Barbados and the Leeward Islands was temporarily confirmed until their disorder could be settled by a crown representative dispatched from London "for the establishing of that Right, and Jurisdiction which wee intend to settle to our self."⁵⁰ A petition from Noel and Povey, originally aimed at the Commonwealth Council of State, redirected to his majesty in the course of the drafting, demanded a council of foreign plantations. Consisting of six or seven people, it would bear responsibility for bringing form and order to the English West Indian holdings.⁵¹ This would include surveying all the settlements, estab-

⁴⁸ The other mainland outpost was Belize, where haphazard groups of English settlers clashed with the Spanish in Guatemala, but it was not until 1670 that the Spanish ceded the territories under British control.

⁴⁹ BL Egerton 2395 f.279; copied in a fair hand at ff.280–82.

⁵⁰ BL Egerton 2395 unfol., 30 Aug 1661.

⁵¹ BL Egerton 2395 ff.270–71; another copy at ff.272–75.

lishing a public sink-fund of capital, collecting information on other colonial countries' best practice, and undermining Spanish activity.⁵² Those with Jamaican experience, including Noel, petitioned for William Watts to be awarded its governorship, in view of his knowledge of the Spanish colonies.⁵³ Regulation and order would best be encouraged by centralisation.

Willoughby thus acquired rivals from within the ranks of Restoration worthies, who argued that his power was too great for an individual. They had evidence from America, such as the people of Massachusetts who warned of his "rigorous dealing".⁵⁴ Two opponents were Anthony Ashley Cooper and the earl of Southampton, and he could expect to be checked by those seeking to buttress royal authority, such as Hyde and Nicholas.⁵⁵ The latter two favored concentrating England's efforts on Jamaica, which was to remain a Crown colony. Their fear was that Willoughby's interest in both Guiana and the Caribbean islands would draw people away from overpopulated areas in the direction of the Leeward Islands and Surinam, in preference to Jamaica. Several reports warned of the overcrowding of other Caribbean settlements, the surplus labor of which could be shipped to Surinam, with its warmer climate and potential slave population.⁵⁶ Proprietors such as Carlisle were blamed for overpopulating the English settlements and over-encouraging merchants.⁵⁷ They also worried about the disproportionate power wielded by one man with proprietary control of both the Caribbees and a territory in south America, the boundaries of which were not defined: "[t]he two questions of the Caribbees and Surinam thus acted as mutual brakes each upon the expediting of the other, for Willoughby

⁵² This would be done by the traditional method of collecting information about their political and military manoeuvres, but also by encouraging trade with Spain, so that those forbidden to trade with Spain would be won over.

⁵³ BL Egerton 2395 f.171, 24 Apr. 1660.

⁵⁴ *CSPC*, V, p. 419, 26 Oct. 1666 (Col. Papers, xx, no. 155): Samuel Nadhorth to secretary Morrice, Massachusetts, 26 Oct. 1666, no. 1297.

⁵⁵ Thornton, *West India Policy*, pp. 28–89.

⁵⁶ BL Egerton MSS 2395 f.283; Bridenbaugh and Bridenbaugh, *No Peace*, pp. 206, 214–16.

⁵⁷ BL Egerton 2395 ff.283–286^v, f.286^v, *Consideraõns about the peopleing & settling the island Jamaica*, n.d. but after 1660; a similar case for settling the government of Jamaica under a newly entitled governor was made by the Committee of the Council of Foreign Plantations, 10 Jan. 1660/1, BL Egerton 2395 f.289–90; Williamson, *Caribbee Islands*, p. 200. Willoughby claimed he would give his support to the promotion of Jamaica, *CSPC*, 5, no. 84, p. 29.

fought hard against giving way upon either.”⁵⁸ The matter was discussed at great length by the king in council.

Charles II confirmed Surinam in Willoughby's hands in June 1660, now defined as the land between the Amazon in the south-east and the Orinoco in the north-west. With the exception of 30,000 acres reserved for the crown, he was awarded, jointly with Lawrence Hyde, second son of Edward, free scutage of all the lands of Surinam.⁵⁹ This gave Willoughby a claim to the coast between the Spanish island of Trinidad and the Portuguese outpost of Belém. He received £2,000 in back pay, was restored to his lands in England and Barbados, and created governor of the Leeward Islands of St Kitts, Nevis, Montserrat, and Antigua. He was entitled to half the crown revenues of Barbados and half those of the Caribbee Islands. He arrived back on Barbados on 10 August 1663.⁶⁰

A committee for foreign affairs and plantations was set up to continue to tidy up competing claims to Caribbean land and the nature of authority within the colonies, which did have an indirect effect on Willoughby's freedom to operate. However, he still possessed a huge degree of latitude in the tropics, especially in the face of threats to England's interests from the Netherlands, France and Spain. Surinam lay in the uncharted area of the Guianas and the whole of the Caribbean was, in the second half of the seventeenth century, a huge arena of military competition between the Netherlands, Spain, Portugal, France and England. Strong government by one person with the enthusiasm and resources to invest in the enterprise was the most likely way to produce a flourishing, politically stable, defensively secure English colony.

With Willoughby largely an absentee proprietor of Surinam—he was present for only six months, between November 1664 and May 1665—there was scope for other planters to establish themselves and some semblance of authority, and to rule through the council. Willoughby's frequent absence gave the settlers the opportunity to jockey for power. However, when Willoughby was present, there was a direct clash between the autocratic governor and the acquisitive planters. Factionalism was rife in Surinam, and the soil in which it

⁵⁸ Williamson, *Caribbee Islands*, p. 200; Higham, *Caribbee Islands*, pp. 13–18; Hyde, *Life*, pp. 490–96.

⁵⁹ BL Egerton 2551 f.45; *CSPC*, 5, 1661–1666 p. 131, 6 May 1663.

⁶⁰ *Commons Journal*, 8, pp. 71, 91, 93, 142.

grew, fertile. Many Surinamese settlers had been or remained landholders in Barbados and carried a history of bitter struggle with them. Each faction, whether Willoughby was present or absent, could take the name of the governor in vain in order to manipulate the situation to their advantage. The governor, on the other hand, lobbied for support of proprietorship by citing the existence of a planters' party, operating against him.⁶¹ During a clash with the Assembly of Barbados, over the 4½% customs levy to provide for defence against the French, Willoughby argued that the king's "purchase" of proprietorship implied that he had bought its people too. Presumably, Willoughby took a similar view of his investment in Surinam, which the Committee for Plantations estimated at £20,000.⁶²

Caribbean factionalism, the result of self-interest encouraged by years of slack regulation, necessitated strong leadership, centralization and order. Willoughby moved swiftly to place known allies in positions of power: Humphrey Walrond ousted Thomas Modyford in Barbados;⁶³ William Watts was placed as governor of St. Christopher's and Anguilla. In Surinam, Willoughby's position as proprietor gave him even greater latitude to express his personal power. In all instances, he saw himself as the lieutenant of the king. The king's own rhetoric encouraged him as Willoughby's cause paralleled Charles' own: having suffered "many resolutions and Disorders, with which it hath pleased God many yeares to punishe our (Charles II's) severall Dominions" which "have had their effects alsoe upon you (Willoughby)".⁶⁴ It was rumoured that his Surinamese estate, at Parham Hill, stood outside the law, with authority beyond even Whitehall: "they ought no more to touch the servants of the Lord—(who there represented the King's person) than they could those about the King himself; and that Parham was a sanctuary".⁶⁵ When he arrived at Fort Willoughby on the Surinam River, Willoughby was met by his deputy, William Byam, who described it in terms

⁶¹ BL Add. MSS 11411 pp. 28–32; Williamson, *Caribbee Islands*, pp. 206–07.

⁶² *CSPC*, 5, 1661–1668 no. 83, p. 28; no. 1121, pp. 352–53, Journal of the Assembly of Barbados, 23 Jan. to 15 March 1666, 17 Feb. 1666.

⁶³ *CSPC*, 5, no. 60, p. 20: Col. Humphrey Walrond [to secretary Nicholas], opposing Modyford, 29 March 1661.

⁶⁴ His Ma^{ty}s Lre in behalf of my Lord Willoughby, 23 June 1660, BL Egerton 2395 f.267.

⁶⁵ Duffy, *Oroonoko*, p. 92.

reminiscent of Charles" return to England. It was, apparently, "to the unexpressible joy of all the Inhabitants."⁶⁶

To the Commonwealth and Protectorate, Willoughby maintained he had founded an "English Protestant Colonie."⁶⁷ The Restoration regime considered religious liberty a dangerous concession to allow within its domestic boundaries, and the memory of the disruptive effect of sectarianism during the civil wars encouraged uniformity. When it came to the colonies, however, different rules applied. In many of the North American colonies, religious liberty had been enshrined within their foundation and could not be dislodged, and the English government made few attempts to do so. In the Caribbean, the grant of religious liberty was a means to transport potentially troublesome religious minorities to a place where their numbers and industry would be of use. They could be defence from foreign powers, and could counter the reluctance of others in the mother country to make the journey. Charles II granted to Willoughby and Hyde the power to transport persons and arms, the right to free trade, and "liberty to such as inhabit the said province and cannot conform to the Church of England."⁶⁸ Several members of the Flemish de Casares family, with trade in Barbados, petitioned Charles II in 1661. Protected and sponsored by the Danish king, they argued that if they were allowed to trade and live in Barbados and Surinam, their presence would be of benefit, rather than a hindrance.⁶⁹ Promises of religious liberties made under the Commonwealth and Protectorate were continued at the Restoration. They were extended to the Jews, who benefited from the rivalry between the Dutch and the Portuguese on the coast of Brazil and were offered liberal terms by the Dutch to settle and plant sugar on the "wild" coast. In English controlled Surinam, the first synagogue was built in 1654.⁷⁰

⁶⁶ William Byam, *An Exact Relation of the most execrable attempts of John Allin committed on the person of his Excellency Francis Lord Willoughby*, dated 11 Jan. 1664/5 (London, 1665), p. 3.

⁶⁷ BL Egerton 2395 f.279.

⁶⁸ *CSPC*, V, p. 131, 2 June 1663, (Privy Seals 15CII, no. 360).

⁶⁹ *CSPC*, V, 1661–1668, p. 22, [8 Apr.] 1661, petition on behalf of Henry Bernard de Casares, Henry de Casares and Jacob Frasco.

⁷⁰ *Privileges graunted to The People of the Hebrew Nation That are to goe to The Wilde Cust*, BL Egerton 2395, f.46–47v; *CSPD* 1664–5, 4, p. 229; Dutch Jews, Abraham Meza and David Baruh were travelling to Surinam from Rotterdam, via London, Feb. 1665.

Ashley Cooper and Nicholas implied that the prospect of religious liberty would, in fact, be a means to temper Willoughby's autocratic tendencies in Surinam.⁷¹ For Willoughby, however, the multiplicity of religious views in the colony provided his justification for full control. He argued that religious liberty could, in the unregulated circumstances of South America, become license, atheism or anarchy. The solution was the centralized imposition of uniformity. Demands for religious liberties on Barbados that had been cited as a cause of the social and political unrest which destabilized the island in the early 1650s, eventually provoked the dispatch of the Commonwealth fleet.⁷²

Some unlikely allies encouraged Willoughby's autocratic and centralizing tendencies. Sectary, Henry Adis, wrote to him in despair in December 1663. He believed that the promise of religious toleration held out to potential settlers by Willoughby himself, the Council of Surinam, and Charles II, amounted to merely a ruse to encourage people to make the journey. Adis, his friends and kin, having been caught by the legislation against Quakers, although they were, in fact, General Baptists, would rather have left for the colonies than "cause the name of God and that truth we do profess to be evil spoken of."⁷³ However, he found Surinam an anarchic place, where "many of my Country-men here, . . . call themselves Christians, yet by their debauched Atheistical Actions, evidence themselves more brutish by far, then the very heathens themselves, to the shame and stink of Christianity amongst them."⁷⁴ Adis, although he hoped for guarantees of "liberties," both religious and civil, in Surinam, assumed the personal presence of Willoughby would restore order and reform Christian practise from the "drunkenness . . . debauchery . . . bitter oaths, horrid Execrations, and lawless Abominations" which characterised the settlers he encountered.⁷⁵ He was prepared to compromise

⁷¹ *CSPC*, 5, 1661–1668, p. 92, Minutes of Committee for Plantations, 5 June 1662. (xi, no. 61).

⁷² A.B., *A Brief Relation of the beginning and ending of the Troubles of the Barbados, with the true Causes thereof*, (London, 1653), BL Egerton 2395.

⁷³ *CSPC*, 5, pp. 92–3, petition of Henry Adis to the king on behalf of himself and six families willing to transport to Surinam, 8 June 1662, (xvi, no. 62); Henry Adis, Richard Pilgrim, William Coxe, *A Declaration of a small Society of Baptized Believers, undergoing the name of Free-Willers, about the City of London*, BL TT 669.f.22(68).

⁷⁴ Adis, *A Letter sent from Syrranam*, p. 4.

⁷⁵ *Ibid.* pp. 4, 5. Adis does not appear to have stayed, judging by the map of the colony drawn up in 1666; Providence, *A Discription of the Colony of Surranam*.

religious liberty for the sake of some semblance of Christian profession. In response, Willoughby reiterated that he would safeguard religious liberties but counseled that reform took time, all colonies being first made up of rough souls who could only come to be as civil as the example of the settlers around them. Reform was as much Adis's responsibility as Willoughby's.⁷⁶

The question of religious liberty went hand in hand with civil liberty. In Willoughby's absence from Surinam the government had been in the hands of a Council, the body Adis claimed held out the promise of religious liberty. Renatus Enys gives an account of a body of men who maintained good order, but who welcomed the arrival of Willoughby with a commission which would "bottom" their authority in the king and curb the activities of incendiaries.⁷⁷ Accounts of Willoughby's rule elsewhere were less encouraging. Reports from Barbados believed that the people were "disaffected and dissatisfied" with the rule of the whole Willoughby family. Specific objection was made to the way Willoughby would encourage faction by excessive partiality in his choice of servants.⁷⁸ Such a dependence on the control of successive governors encouraged faction and was one reason for the extent of emigration from Barbados to Surinam and elsewhere.

If anything, however, the factionalism produced by a combination of greed, political fluidity, and unrest in the mother country, was exacerbated in Surinam. Willoughby chose Byam as his deputy. The planters, however, claimed that during the 1650s the administration of Surinam had been founded in an elective and representative assembly, acting according to English law. It was the very neglect of those supposedly in charge which, at the Restoration, necessitated the representatives of the people seizing power. Byam had originally been chosen as governor, but had exceeded his three years in office, building a faction around him.⁷⁹ Adis found the reality of Byam worse than the reports.⁸⁰

⁷⁶ Willoughby's reply to Adis, printed in Adis, *Letter*, p. 7, dated 23 Jan. 1664.

⁷⁷ *CSPC*, 5, p. 166 (xvii, no. 88)

⁷⁸ PRO SP Col 1/21/170; Jerome S. Handler and Lon Shelby, "A seventeenth century commentary on labor and military problems in Barbados," *JBMHS*, 24 (1973), 3.

⁷⁹ The information of Lieut-Col Robert Sanford, *CSPC*, 5, pp. 104, 108 (xvi, no. 92) (xvi, no. 101).

⁸⁰ Adis, *Letter*, p. 3.

The information came from Lieutenant Colonel Robert Sanford, who employed the rhetoric of civil war factionalism to discredit Byam by describing his justice as “a High Court . . . like Bradshaws.”⁸¹ The society of Surinam was one in which “*Olivers policies* were daily practised, and no society or scarce family found empty of an *Informer* or *Trapanner*: one incitement to many hot spirits to *speak* worse then they *thought*.”⁸² Sanford accused Byam, and the man he described as his acolyte, George Marten, of atheism, licence and abuse of due process.⁸³ Aphra Behn portrayed Surinam in her romance, *Oroonoko or the Royal Prince*. She commented on the hatred against Willoughby—“all hands were against the Parhamites (as they called those of Parham-Plantation) because they did not in the first place love the Lord-Governour.”⁸⁴ She was full of vitriol towards Byam. She also attacked the vicious partiality of the Irish royalist, James Bannister. However, her generous account of “gallant” George Marten, presented a man who governed his plantation with compassion and justice.⁸⁵

Willoughby’s autocracy manifested itself in three ways: in the language which Willoughby used about himself and that others used of him; in the debate about religious liberty; and in completing proprietary claims. These all featured in the narrative of an assassination attempt made on Willoughby of Parham in 1664. The perpetrator was John Allin, originally of London, but a settler who had arrived in Surinam in 1657, having left Barbados. Byam related the attempt, rehearsing all aspects of Willoughby’s colonial rule. On Willoughby’s arrival in Surinam, he retired with Byam to Parham plantation, where in the upper drawing room, they attended a religious service. The lesson was taken from the second book of Samuel, chapter three.

⁸¹ Robert Sanford, *Surinam Justice in the Case of several persons proscribed by certain Usurpers of Power in that Colony* (London, 1662). There are several references to the Commonwealth and Protectorate regimes and to their arbitrary justice; for example pp. 22, 23.

⁸² Sanford, *Surinam Justice*, p. 9.

⁸³ Sanford, *Surinam Justice*, p. 11.

⁸⁴ Duffy, *Oroonoko*, p. 85. This account of Surinam by Behn is suspect, because we do not know whether Behn had actually set foot in Surinam herself. Her poetic licence for having been sent to Surinam was that her “father” was destined to be “Lieutenant-general of six and thirty islands, besides the continent of Surinam,” the post which Willoughby in fact held (p. 71).

⁸⁵ Who she portrayed (not altogether flatteringly) in her play *The Younger Brother: or, the Amorous Jilt*. For an account of the colonial career of George Marten see Barber, *A revolutionary rogue*, chapter 6.

King David sent out Abner to “gather all Israel unto my lord the king, that they may make a league with thee, and that thou mayest reign over all that thine heart desireth.”⁸⁶ However, Joab, feigning an intimate alliance with Abner “smote him there under the fifth rib.”⁸⁷

The implicit parallel of David with Charles II and Willoughby with Abner provided the emotive language in which Byam related an assassination attempt during this service. Willoughby was the direct representative of the king, described in magisterial terms. “His Excellency” was, according to Byam, “under God . . . the foundation and essence of the Colony.” The fact that Allin struck at the “person” of the governor echoed the inseparability of person and office which characterised conservative justifications of royal rule.⁸⁸ Allin “smote at his Excellencies head with all his fury,” with the justification that Willoughby intended to use arbitrary actions to seize his property, here described as his “vineyard (as he called it).”⁸⁹ Could this be a reference to the often-quoted text of the First Book of Samuel, describing the history and typology of kings? The prophet described the high-handed, arbitrary and brutal actions the people of Israel could expect of their kings, once they had gone against the express desire that they be governed directly by God. Kings would seize people’s property, “and he will take your fields, and your vineyards.”⁹⁰ Allin was one of those planters alarmed at the powers available to Willoughby, who sought to reverse the land settlements made during the Commonwealth period when, without proprietary power, there had been greater flexibility.⁹¹

The third settler with a critical but ambiguous relationship with Willoughby was therefore Robert Sanford. Unlike Marten and Rous, Sanford had been, by his own admission, settled in the Caribbean

⁸⁶ II Sam. 3:21. The text is taken from the Authorised Bible of 1611.

⁸⁷ II Sam. 3:27.

⁸⁸ See Barber, *Regicide and Republicanism*.

⁸⁹ Byam, *Exact relation*, pp. 4, 7. The term “vineyard” was often used to describe native plants of the Americas, but in this instance it adds to the parallels with biblical language.

⁹⁰ I Samuel 8:14; I Samuel 22:7.

⁹¹ Williamson puts a rather negative gloss on this process, arguing that the land-grants made during the Interregnum were of dubious legality and that opposition to Willoughby and Carlisle’s claims were the actions of self-interested and rich landlords who thought they would get a more favorable deal from the crown and were anxious at the prospect of having to prove their claims, *Caribbee Islands*, p. 201.

since he was a child.⁹² His uncle was Major Nathaniel Kingsland, settler of Barbados, and he was in Surinam with his brother, William. Robert was a member of the Surinam Council and both Robert and William were justices.⁹³ In 1661–62, Robert Sanford complained against Byam and Willoughby, and their faction, led by Marten and Noel, in a series of petitions to the King, Council, and Committee for Plantations, and in a long pamphlet, *Surinam Justice*.⁹⁴ Sanford was one of several settlers manacled without trial, fined and exiled from Surinam. Like Marten, ten years earlier, Sanford travelled to England to plead his case. Might Sanford be another who attempted to found a colony elsewhere, to free himself from Willoughby's influence? Again, a definitive answer does not emerge in this case, although there were other references to disgruntled settlers seeking to escape. One of Byam's accusations against Sanford was that under cover of a mission to recover runaway slaves, he threatened to take the soldiers and native Americans to St Vincent.⁹⁵ The authorities were concerned. Taking advantage of Willoughby's absence from Surinam, Byam wrote that "sume Jealycies posest y^e Inhabitants w^{ch}

⁹² George Marten's suggestion that he be sent to England to plead his case was negatively interpreted by Sanford because he pleaded himself ignorant of English ways: Robert Sanford, *Surinam Justice* p. 25. All the information about Sanford is provided by himself from his pamphlet *Surinam Justice*, 50 pp. He apologizes for his poor English with the words "I was transplanted in my very child-hood into the West-Indies; where I spent my whole puerility and adolescence . . . Near twenty years have I been absent from my native Europe" (Epistle to the Reader). Despite all attempts, the evidence has been insufficient to trace a likely English family containing brothers named Robert and William San[d]ford, the elder of whom would have been between five and ten in 1642. I have certainly ruled out the most prominent Sanford family in England based in Shropshire, the Robert Sanford of which was running an estate in 1664, and made no mention of American interests. Sanford's uncle was Nathaniel Kingsland, settler in Barbados and major land-owner in New Jersey. In the letter which Byam sends to Kingsland, which Sanford transcribes, Byam calls on Anthony Rous, returned to Barbados, for support against Sanford.

⁹³ The names Sanford, Sandford, Standiford and Sandiford appear to be from the same family. We know more about William than about Robert, of whom there is scarcely any trace. William was baptised in Bristol in 1588, and died on 30 Dec. 1668. He is buried in the grounds of All Saints' Chapel, St Peter's, Barbados. He married Elizabeth Smith, who survived him, and died on 29 March 1701, aged 82. They had at least two sons: Captain Henry Sandiford died aged 33 on 7 Sep. 1685; and William, who was married to Sarah Whartman, aboard the ship *Susannah* in the mouth of the Surinam River, on 27 March 1667, Vere, *Monumental Inscriptions*, pp. 152–53.

⁹⁴ *CSPC*, 5, pp. 104, 108, 366, 584.

⁹⁵ Sanford, *Surinam Justice*, pp. 6–7.

brake out into great discontents, the Coll (Byam) Employed one Cap^t John Parker to Barbados to his Exc^{ly} (Willoughby) whose prudent and Judicious Mannydgm^t returned him wth satisfactory declaracōn wch stoped many then upon shewing ready to desert y^c Colony to some place where they might not be tennants at will”.⁹⁶ Sanford’s ally, Samuel Farmer, complained that Willoughby derided the Barbados settlers with the loss of “their freedoms and liberties as Englishmen, and obstructs them in making their addresses to his Majesty for relief; thereby driving them (if it were possible) into rebellion.” He acted in the same way in Surinam, where the Council and the Assembly had sent a list of nineteen grievances. Further, they had threatened to “quit the colony “if he speedily relieve them not.”⁹⁷

Robert Sanford was, with Henry Brayne, responsible for a first footing expedition from the Caribbean, north, to what would become Carolina. He mapped the estuary at which settlement was made, subsequently called the Ashley River. In November 1664, he was created agent and secretary for Clarendon County, Carolina, acting for Sir John Colleton, one of the Lords Proprietors and a settler in Barbados.⁹⁸ Neither Ashley Cooper nor Colleton were supporters of Willoughby, and may have been using Sanford’s disquiet to explore an English colonial presence, independent of, and in balance to, Willoughby’s proprietorship. Sanford was banished by Willoughby from Barbados in 1668. The subsequent trail of the Sanfords cools. Although they may have removed to Carolina in 1670, they do not appear to have settled.⁹⁹

Willoughby provides an unusual and unsympathetic portrait of proprietary governance in the Americas. For Willoughby, propriety was precisely that: he was a man wielding feudal, quasi-royal powers, autocratically interpreted. He used the factionalism of the Caribbean

⁹⁶ Byam, *Exact Narrative*, Bodl. Lib., Rawlinson MSS A 175, f.344.

⁹⁷ *CSPC*, 5, p. 366: The case of Samuel Farmer, late Speaker of the Assembly of Barbados, 16 March 1666. Was the choice of nineteen grievances a reflection of the English Parliament’s *Nineteen Propositions* of 1641?

⁹⁸ *CSPC*, 5, pp. 254, 506; *CSPC*, 7, 1669–1674, pp. 89–90, 124, 128. In this year Major Nathaniel Kingsland leased his Surinam plantation to William Sanford for a term of five years.

⁹⁹ *CSPC*, 5, p. 506, 6 Oct. 1667, John Vassall to Sir John Colleton, Nancymond, Virginia. *Shaftesbury Papers*, section ix, no. 8. They are not listed in A.S. Salley, ed. *Warrants for Lands in South Carolina, 1692–1711* (Columbia, 1915). Henry Brayne is listed.

whilst citing it as a reason for his iron control. His agents included figures portrayed as tyrants and usurpers, such as Byam and Bannister. They may have included others, whom some described as his agents, creatures and petty tyrants, and others as unjustly persecuted guardians of liberty. Amongst these were Marten, Rous and Sanford. Willoughby's justification was internal licence and anarchy, and the external threat posed by rival European powers. In the end, both collapsed Willoughby's empire. Plague spread through Surinam in 1666 and killed many settlers, including George Marten. Willoughby drowned at sea, sailing to St Christopher's to attempt to recapture the island from the French. England and the United Provinces fought over Surinam. After Surinam had fallen to the Dutch, colonists were transported to Carolina, led by one of the most hated of Willoughby's agents, James Bannister.¹⁰⁰

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¹⁰⁰ *CSPC*, 7, pp. 124–25, Nov. 1670. Henry Brayne seems to have returned to Barbados, but remained active in transporting settlers to Carolina (no. 315, "Barbados Proclamation").

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CHAPTER EIGHT

BUBBLES AND BEGGARS AND THE BODIES OF LABORERS: THE GEORGIA TRUSTEESHIP'S COLONIALISM RECONSIDERED

JAMES O'NEIL SPADY

"WHEN I heard the first News of the South-Sea Stock, rising to such a Considerable heighth. . . . I could think no other, but the People concerned in this New Contrivance were a company of Mad-men . . . And when I heard of Men of low Degree, being advanced to their Coaches; What could I think but the World is turning upside down."
—A New Englander reacting to the South Sea Bubble.¹

"The female might marry a Man who would not live on the land . . . which would make our Grants become a bubble in Exchange Ally."
—Georgia Trustees explaining their ban on female inheritance.²

"Here a Foundation is laid for training up good Workmen in all Trades. . . ."
—Augustus Hermann Franke describing his orphanage at Halle, which influenced similar efforts in Georgia.³

Georgia's creators believed that they lived in a time of unusually dangerous possibilities. Unrestrained speculation in trade monopolies and land, the mass enslavement of rebellious Africans, and the emigration of Europeans throughout the Atlantic contributed to profound changes in Britain and its colonies. Some recommended a

¹ *The Second Part of the South Sea Bubble* (Boston, 1721), as quoted in Andrew McFarland Davis, *Colonial Currency Reprints, 1682–1751* (Boston, 1911), 2, 304–32 (quote on 304–05).

² McPherson, *The Journal of the Earl of Egmont*, p. 50.

³ Franke, *Pietas Hallensis* . . . translated and extracted in Whitefield, *A Continuation*, pp. 104–05.

retreat from colonialism. Georgia's promoters, however, recommended a more aggressive colonialism when they proposed that a new colony be built on land Britain had acknowledged as a dominion of the Spanish Empire. But the Georgia Trusteeship, 1732–1752, hoped to do more than just parry Spanish and French advances into the Southeastern region of North America. They sought more than new trading or commodity production zones. They developed a unique “colonial project” focused on the reform of the settlers themselves.⁴

The Georgia charter and regulations later were designed with the reform of British Atlantic culture in mind. Georgia continued a practice of intended colonialism to meet religious and philosophical aspirations earlier exemplified by South Carolina's *Fundamental Constitutions* and William Penn's messianic vision of Pennsylvania. With careful design the Trustees aimed to prevent financial speculation (or “bubbles”), promote labor discipline, and engage in missionary literacy and moral reform. Few things worked out as planned. Some policies failed. Some things that were not planned succeeded. During the Trusteeship two orphanages were established by colonists with the Trustees direct and indirect support, the first such institutions in colonial British North America. There was an affinity between orphan education and the colonial project of the Trusteeship.⁵

⁴ In his call for “detailed and comparative examinations” of colonialism in practice in Early America, Robert Blair St. George has recently suggested the term “colonial project” to orient investigation: “Introduction,” in St. George, *Possible Pasts*, pp. 4–7. Kenneth Coleman, “The Founding of Georgia,” in Jackson and Spalding, *Forty Years of Diversity*, pp. 4–20; Coleman, *Colonial Georgia*, pp. 1–35; Reese, *Colonial Georgia*, pp. 1–17.

⁵ In other colonies, orphan courts and parish vestries accomplished the task of orphan care through binding-out: Horn, *Adapting to a New World*, p. 216; Lois Green Carr, “The Development of the Maryland Orphan's Court,” in Land, Carr, and Papenfuse, *Law, Society and Politics in Early Maryland*, pp. 41–56; Fraser, “The City Elite”; Alan D. Watson, “Orphanages in Colonial North Carolina.” On early modern European models see McCants, *Civic Charity in a Golden Age*, esp. chs. 1 and 2; Saffley, *Charity and Economy*; Manzione, *A Passing Charity*, which describes the hospital as a general orphanage, school, and pauper refuge that took in fatherless children and children whose fathers were poor; Gavitt, *Charity and Children*, which outlines how the silk guild and the commune of Florence collaborated to found and run the institution after 1419. For orphan institutions in rival empires, see Clark and Gould, “The Feminine Face”; Lavrin, *Sexuality and Marriage*, pp. 139, 228, 305; Coates, *Convicts and Orphans*, pp. 16, 126–34. See also [Anonymous,] *An Account of the General Nursery*.

Historians have generally regarded the Georgia Trusteeship as a frustrated failure and an unrealistic anomaly in early America. Before the current generation of scholars, the Trusteeship had usually been portrayed as a utopian—if heroic—and backward-looking philanthropic experiment. Its supposed failure revealed an American liberal character.⁶ The colony and the struggles that defined it were a historiographical victim of the “condescension of posterity” that E.P. Thompson once warned against. Beginning in the middle twentieth century but especially during the last few decades, historians have reconstructed actual conditions in the “fledgling province” but the old questions about the plans of the Trustees have not been settled.⁷ Some historians have maintained the interpretation of the Georgia Trusteeship as lacking in realism and it continues to affect the historiography.⁸ Other scholars have found that the Trusteeship’s plans were mediated by political possibilities, actual conditions, and the attitudes of settlers on the ground. One prominent Georgia historian has argued that Georgia “was grounded upon principles and standards that were too idealistic, self-sacrificing, and visionary for

⁶ Boorstin, *The Americans*, pp. 71–96 reflects the consensus quite nicely. During the middle decades of the twentieth century, Albert Saye and others had advanced revisions of entrenched popular understandings of early Georgia. This early revisionism dispensed with the legend of Georgia as a “debtor colony,” for example, and focused on the motivations for the colony as well as its political and social history. Examples include Crane, “The Origins of Georgia,” Saye, *New Viewpoints*, pp. 3–50; Saye, “The Genesis of Georgia Reviewed,” and Reese, *Colonial Georgia*, pp. 6, 16. See also Wright, *The Atlantic Frontier*, pp. 292–301.

⁷ Thompson, *The Making of the English Working Class*, pp. 12–13. In the 1970s, the process of revision continued with debate over “The Georgia Concept.” Milton Ready and Kenneth Coleman debated the role of Georgia in larger imperial plans, whether it was intended to be permanent, and its governmental organization; see Ready, “The Georgia Concept,” and Coleman, “A Rebuttal.” Ready and Coleman agreed, however, that the colony was unusual as colonial planning. My contention here is that the unusual quality of the planning was not idealistic in the sense of unrealistic or impractical. It was ideological and was simply defeated by opposition. The plan itself was highly practical, in the sense of seeking specific effects in a methodical manner. For similar viewpoints of the unrealistic idealism of the plan, see Taylor, *The Georgia Plan*, and Clarence L. Ver Steeg, “Reassessing the Founding of Georgia,” in idem, *Origins of a Southern Mosaic*, pp. 69–102.

⁸ Hertzler, “Slavery”; Ready, “The Georgia Trustees”; Cates, ““The Seasoning””; Withun, “Salzburgers and Slavery”; Stanford Anderson, “Savannah and the Issue of Precedent,” in Bennet, *Settlements in the Americas*; Baine, “New Perspectives on Debtors”; Baine, “Oglethorpe’s Forty Irish ‘Convicts’”; Caldwell, “New Deal on a New Frontier”; Coleman, “The Southern Frontier”; Fogleman, “Moravian Immigration and Settlement”; Jackson, “The Carolina Connection”; Jackson, “The Darien Antislavery Petition.”

the cynical and pragmatic 1730s.”⁹ Joyce Chaplin’s path-breaking 1993 book, *An Anxious Pursuit*, was a departure. Chaplin demonstrated the innovative and modernizing self-image and initiative of the lower south’s elite. Her study offered a story of economic and agricultural innovation in which the plans of the Trustees were neither mere prologue nor hopeless utopianism.¹⁰

Throughout this essay, my point is not to show *that* Georgia was a colonial project—with nefarious and invidious connotations—but to show how its colonialism mattered across a broad cultural field.¹¹ The Georgia Trustees deployed formal and informal power in a struggle to strengthen British imperialism by reforming colonists. Keeping in mind Kenneth Coleman’s caution that historians of early Georgia describe “what occurred in Georgia without ignoring what [the Trustees] hoped would occur,” re-framing the Trustees’ expectations as colonial cultural politics sets eighteenth-century colonialist debates and techniques in the Atlantic World into stark relief.¹² The Trustees as a whole—not necessarily all the members of the board—were fundamentally conservative on gender, class, race, and capital markets but their approach was educational and disciplinary. The colony’s planners therefore participated in the development of methodical interventions into the cultures of non-elite white communities, of which other expressions in the eighteenth century would be the charity school and the penitentiary.¹³

⁹ Phinizy Spalding, “James Edward Oglethorpe’s Quest for an American Zion” in Spalding and Jackson, *Forty Years of Diversity*, p. 75 (quote); In the same volume, Milton Ready argued the “Georgia Plan” was a failure based on “silken threads and half-truths, vague notions of morality” and propaganda. For Ready, a generation of on the ground research into the conditions of Georgia confirmed this interpretation: “Philanthropy and the Origins of Georgia,” p. 57. Spalding had previously argued in 1977 in *Oglethorpe in America*, p. 4, that “the Georgia experiment was, in the final analysis, an act of faith in the British way concocted by those whose vision was lofty and idealistic.”

¹⁰ Chaplin, *An Anxious Pursuit*, pp. 38–41, 116–19.

¹¹ Ann Laura Stoler has recently staked-out a position similar to this in “Tense and Tender Ties: The Politics of Comparison in North American History and (Post) Colonial Studies,” in the forum “Empires and Intimacies: Lessons from (Post) Colonial Studies,” *The Journal of American History*, 88 (2001), 829; For primers on Postcolonial approaches to the Early American period see: Robert Blair St. George, “Introduction,” in St. George, ed., *Possible Pasts*, pp. 1–29, and Malini Johar Schueller and Ed Watts, “Introduction: Theorizing Early American Studies and Postcoloniality,” in Schueller and Watts, eds., *Messy Beginnings*, pp. 1–25.

¹² Coleman, *Colonial Georgia*, p. xv.

¹³ For the Revolutionary period in Pennsylvania, Michael Meranze has found a

Surrounded by a forest sometimes represented as an almost unbreachable palisade, the colony's officials surveilled, trained, and praised or castigated. This design was well-considered by British planners who cited some of the most recent colonial history as well as the most current colonial theory. The Trustees received broad though not universal support in London's official circles. They received King George II's legal endorsement and Parliament's financial support repeatedly during the first ten years. As planned, Georgia would transform putatively useless paupers into industrious subjects and prosperous heads of families. Yet the colony nonetheless became a site of unexpected contention and daily struggle, out of which evolved further innovations, such as the Ebenezer and Bethesda Orphanages.¹⁴

GEORGIA'S COLONIALISM: CONTESTING BUBBLERS AND BEGGARS

In an excellent critique from the perspective of the historical discipline, Frederick Cooper has suggested that one of the ways forward for Postcolonial Studies is to embrace empirical research into the particulars of colonial settings and regimes.¹⁵ The Trustees' colonialism

profound connection between public authority, the penitentiary, and the rise of liberal society—an intriguing blend of “radical” and “conservative” thinking with which the Georgia colony's plan to produce better colonists in the interest of a moral commercial empire shares a broad family resemblance, see Meranze, *Laboratories of Virtue*.

¹⁴ Thus, the design and struggles of the so-called “Georgia experiment” reveal some of the conditions making new initiative in education for the laboring classes desirable to their founders. The treatment of education in colonial Georgia that is at once the most recent and best is Davis, *The Fledgling Province*, pp. 233–50; Davis also adhered to the argument that Georgia was “unrealistic” in its expectations. On the Crown and Parliamentary politics and support see Dunn, “The Trustees of Georgia”; Coleman, *Colonial Georgia*, pp. 89–91; and Betty Wood, “The Earl of Egmont and the Georgia Colony,” in Jackson and Spalding, eds., *Forty Years of Diversity*, pp. 90–91. See also Wood, *Slavery in Colonial Georgia*, ch. 1.

¹⁵ Cooper, “Postcolonial Studies and the Study of History,” in Loomba, *Postcolonial Studies and Beyond*, pp. 401–22. Cooper lucidly describes the major historical fallacies in Postcolonial Studies and suggests pathways around them; he does this without gratuitous and narrowly self-serving assaults on one field from the perspective of another. The field of Colonial and Postcolonial Studies has been in a self-critical phase for more than a decade. And some of its practitioners have come to see many fields as part of the movement. The temporal particularity of historians has begun to enjoy renewed attention: see Ania Loomba et al., “Beyond What? An Introduction,” in *ibid.*, pp. 1–38. For perspectives on the application of Colonial

emerged from a particular combination of economic mercantilism and moral reformism at a particular moment in the history of the so-called First British Empire. The Trustees desired a wealthy, powerful, and moral empire and both mercantile and reform discourses seemed to offer the logic needed, focusing on the bodies and subjectivities of non-elites and laborers as objects of study and disciplined transformation. The early political economy of mercantilism—"political arithmetic"—calculated national wealth as a function of an expanding base of productive land and an increasingly industrious population of laborers. Writers in political arithmetic established functional linkages between the regulation of empire, nation-state, and the bodies of laborers: industrious populations yielded the positive flow of hard currency into the nation that was the political measure of international power.¹⁶ Colonial promoters argued that, distributed throughout an empire, idle people could be rendered industrious, further expanding national power. Therefore, to the extent that religiously motivated moral reform promoted productivity, it dove-tailed with national and imperial ambitions. But religion was not a front for economics. It was one of a variety of discourse—like political arithmetic—that constructed the laborers' bodies and morality as a problem. The charter of Georgia was explicit on this point: the colony was expected to establish a regime of discipline that would reform the manners and work-habits of the colonists the Trustees sent there. And the Trustees' design encouraged the development of policing methods, martial discipline, Christian missions, schools, and orphan institutions, expecting such initiatives to support individual industry and strengthen the empire.¹⁷

The Trustees' concerns about imperial growth were wide-ranging and were stunningly exemplified by the South Sea Stock Bubble of

and Postcolonial Studies to Early American Studies, see Michael Warner, "What's Colonial about Colonial America?" and Peter Hulme, "Postcolonial Theory and Early America" in St. George, ed., *Possible Pasts*, pp. 33–70.

¹⁶ Armitage, *The Ideological Origins*, Introduction and Chapter Six, esp. pp. 3–4, 146–49, and 168–69; Laslett, *The World We Have Lost*, pp. 22–52; Wilson, *England's Apprenticeship*, pp. 226–39.

¹⁷ This focus on discipline and the body confirms some aspects of the Foucauldian history of disciplinary institutions in the eighteenth century. But Georgia was a colony, not a metropolitan penitentiary. Thus I am also working from and in support of revisions of the Foucauldian outline recently made by Ann Laura Stoler, who points to the importance of colonialism and coloniality in the history of sexuality; see Stoler, *Race and the Education of Desire*; see also Gayatri Spivak, "Subaltern Studies: Deconstructing Historiography," in Spivak, *In Other Worlds*, pp. 197–221.

1720, a speculation scheme in a colonial trading monopoly that brought financial ruin to many in London. “The World is turning upside down,” one contemporary to the bubble commented from Boston in 1721. “Where one hath Gained by the Evil Trade, many poor families have been ruined, brought to Poverty, and turned beggars,” claimed the anonymous writer.¹⁸ Both the South Seas Bubble and its contemporary, John Law’s Mississippi land speculation bubble in France, were based in new theories and practices in finance capitalism and represented greater integration of international financial markets, and the rise of a fiscal-military empire. And eventually the new fiscal order and its excesses and corruption spurred the rise of a new solidarity among landed interests in Britain; the Georgia Trusteeship was an example of that new solidarity, or coordination.¹⁹ The South Seas and Mississippi companies were organized with government permission for the encouragement of speculation in paper currency and stock, the purpose being to pay-off national debts arising mainly from imperial warfare.²⁰ Speculators feverishly purchased and traded stock in the South Sea Company, which was given a much lauded monopoly in as-yet-undiscovered gold and silver mines in Spanish-controlled regions of eastern South America. Speculation drove the shares to ridiculously over-valued heights in London’s Exchange Alley. When collapse came it ruined many investors, reduced many laborers to poverty and beggary.

The South Sea Bubble spawned at least eighty smaller imitators during 1720 and 1721, indicating that it was more than a crisis in finance. The bubble and its imitators suggested a wider cultural shift attending growing commercial capitalism, and it therefore cast a long shadow over eighteenth century cultural production and political theory. The bubble fixed the image of the speculator as dangerously corrupt almost by nature. Bubbles and bubblers became the topic of poems by Alexander Pope, Daniel Defoe, and Jonathan Swift and

¹⁸ *The Second Part of the South Sea Bubble* (Boston, 1721), as quoted in Andrew McFarland Davis, *Colonial Currency Reprints, 1682–1751* (Boston, 1911), 2, 304–32 (quotes on 304–05).

¹⁹ Dickson, *The Financial Revolution in England*, ch. 5; Cain and Hopkins *British Imperialism*, pp. 76–9; Appleby, *Economic Thought*, pp. 127–28, 166–67. See also E.S. Shubert, “Innovations, Debts, and Bubbles: International Integration of Financial Markets in Western Europe, 1688–1720,” *Journal of Economic History*, 48 (1988), as cited in Cain and Hopkins *British Imperialism*, p. 78n.

²⁰ For the classic account, see Mackay, *Extraordinary Popular Delusions*.

a topic for playing-cards, broadsides, and cartoons. Virtue, class, and deception and moral dissipation became central themes in eighteenth century cultural production, contributing to early novels such as *Pamela*, *Shamela*, and *Joseph Andrews*. When blasting the “scheme” as “cunningly taken” with “premeditated precipitancy,” one writer used rhetoric heavily influenced by imperial culture’s view of the colonized: the chief architect of the Bubble was a “Negromancer,” his followers a “cabal,” worshipping “idols” and bestowing “fancy’d blessings” of false wealth on the people.²¹ As a political event, the bubbles underlined the potential for corruption within the imperial system. As economic projects, the key failing of the bubble schemes was their elision of the role of actual labor in the production of value. They were all exchange and no value. Reactions to the bubbles included the writings of Trenchard and Gordon, specifically *Cato’s Letters*. These and other authors often emphasized values with simultaneously political and cultural resonances, most importantly the manly virtue of industrious laborers who—as the first epigraph to this article implies—knew their places in the organic social hierarchy.²²

That Georgia was a reformatory colony is partly demonstrated by the Trustees’ practice of vetting colonists before allowing them to emigrate. But one Trustee even proposed that parents and daughters in Georgia get the Trustees’ approval of their daughters’ choices for marriage. In doing so, the Trustees clearly did not believe they were doing anything novel or inventing a new degree of authority for themselves. Instead, they were really behaving as if Georgia was an institution in which they had a high degree of power to regulate privileges: they therefore used inclusion and exclusion, permission and prohibition, as tools toward colonial ends. As they declared on the issue of daughters, marriage, and tail-male inheritance of land: “our Grants are gifts & favours.” Refusing to allow daughters to inherit outright, all they would offer was a pledge that if they approve a daughters choice of husband, they would re-grant the father’s land “to her and her husband and her heirs male.” The Trust would retain control and use it for discipline and reform in the interest of

²¹ John Toland, “The Secret History of the South Sea Scheme” in *A Collection of Several Pieces of Mr. Toland* . . . (London, 1726), pp. 404, 405, 432 (quotations at 404).

²² Bailyn, *Ideological Origins*, p. 36.

producing a prosperous and—equally important to the Trustees—socially well-ordered colony.²³

The need for forceful moral intervention in non-elite white culture was the implicit point in one of the most famous and successful post-Bubble plays, John Gay's *The Beggar's Opera*. Satirizing 1720s London, Gay attacked the urban culture, the morality of the laboring classes, and by implication the conduct of traders, lawyers, and gentlemen. Throughout the play, utterly devious and wickedly conniving gangs of the laboring classes turned into thieves who shun virtuous labor, describe themselves as gentlemen and ladies, and explicitly question why any of the elite—from lawyers to lords—should be considered their moral superiors. Gay jabs at London theatergoers for the moral ambivalence of their insistence on “happy endings” rather than “poetic justice.” The moral of *The Beggar's Opera*, Gay's title character declares, should have been that “the lower sort of people have their vices in a degree as well as the rich: and that they are punished for them.” Instead the play ends without punishment “to comply with the taste of the town.”²⁴

The entire plot of *The Beggar's Opera* revolved around the transformation of virtuous discourse and behavior into licentious and wanton sexuality and thievery. The tragic-comic hero is Macheath, a highwayman and rake who lies and thieves his way through life while speaking earnestly about virtue and honor. His “masters,” Peachum and Mrs. Peachum, to whom Macheath brings all his stolen items, have a daughter named Polly. When Macheath and Polly Peachum get married, Mr. and Mrs. Peachum work together to hand over Macheath to the hangman for £40. Their motivation is paranoid but plausible: they suspect MacHeath, once married, will betray them to the hangman and inherit their stolen wealth through their daughter, who, as a woman, cannot control her property once married. Polly's parents themselves are rebels who have never married out of contempt for marriage laws that they declare render women propertyless, rebellious slaves while their husbands are alive. They tell

²³ McPherson, *Journal of Egmont*, p. 96.

²⁴ John Gay, *The Beggar's Opera*, Bryan Lougherty and T.O. Treadwell, eds. (London, 1986 [1728]), p. 121. The play was common in South Carolina libraries and Christopher Gadsden, the Patriot agitator in Charleston, owned a copy, from boyhood; see Godbold, *Gadsden*, p. 6; Walter Bellingrath Edgar, “The Libraries of Colonial South Carolina,” (Ph.D. diss., University of South Carolina, 1969).

Polly that neither of them has yet betrayed the other to the gallows because neither has gained nor can hope to gain the other's property through the laws of marriage or widowhood. Macheath himself, while professing an earnest and passionate affection for Polly, is in fact a bigamist rake who cares not one whit more for Polly than for any of his countless other wives in London. All the other characters emulate gentry civility only to produce a lampoon of it, invoking virtue, trust, honor, bravery, and learning as the goals and means of their daily lives as men and women "about town."

Gay holds up for mockery and condemnation the "vile rogues" of London and their understanding of education. Mrs. Peachum maternally advises Filch, a young thief in Macheath's gang, on his education: "You should go to Hockley in the Hole. And to Marybone, child, to learn valour." But Hockley in the Hole and Marybone were places where gentry and laborers engaged together in gambling and rough sports, such as bear-baiting and bull-baiting. Still, Mrs. Peachum promotes them in the highest terms declaring "these are the schools that have bred so many brave men." Mocking the practices of early eighteenth-century London courts, Gay has Mrs. Peachum suggest to Filch that "since you have nothing better to do, even go to your book, and learn your catechism." Anyone who knew the Anglican catechism would be prepared to plead "benefit of clergy" in court and possibly get a death sentence reduced to transportation or whipping. The Chaplain of Newgate Prison in London would interview and test the religious knowledge of those claiming benefit of clergy. The number of capital crimes increased from 80 in the 1680s to 200 by the 1720s. As Mrs. Peachum declares to Filch, it would be important to "give a satisfactory answer to his questions."²⁵ Gay depicts a London in which the criminal laws stipulating death by hanging for stealing were harsh enough to inspire a cynical non-elite cultural politics of knowledge. And in this cynical world, detailed knowledge of the catechism remained rare enough that a good demonstration, convincingly acted, might win the mercy of the court.

While some pursued spectacularly coercive solutions to disorder and insubordination, others sought less violent techniques. The Trustees of Georgia were among the latter. Between the 1680s and the 1720s, the problems and struggles of Atlantic workers that Marcus Redikker

²⁵ Gay, *Beggar's Opera*, pp. 52–53.

and Peter Linebaugh locate in the violent Hydra idiom of the literate classes also underpinned the discursive formation of the natural, political, and social sciences. The social, cultural, political, or economic “monster” was alternately the abnormal, the non-Christian, the ignorant, the mob, or the lazy. Developing understandings and approaches for reforming the dangerous potential of the subordinated became an organized goal among some elites. The Society for the Propagation of Christian Knowledge (SPCK), founded in 1698, was the first successful reformatory organization, becoming the model for others and establishing the dominant mode of social policy during the eighteenth century. The SPCK employed literacy and Christian teaching in efforts to transform prostitutes, drunkards, and the slothful. Its colonial arm, the Society for the Propagation of the Gospel in Foreign Parts, pursued similar goals in the colonies, with the additional aim of converting Indians and Africans. After 1700, the number of medical, religious, educational, and moral charities founded in London alone began a gradual expansion. By the 1720s most urban parishes in England had government-supported, privately funded workhouses.²⁶

Georgia and Pennsylvania were the last colonies that Britain created in North America, and they epitomized this disciplinary turn between the 1680s and 1720s. A project that Georgia’s architects noted with particular interest, Pennsylvania was a pacifist colony specifically designed to counter the violence, avarice, and licentiousness of seventeenth century colonial history. The experiment had created a successful commercial colony by the 1720s. William Penn had also combined mercantilism and moral reform in his own messianic vision of the colony. He regulated colonial trade. He sought to recruit only “industrious” and “moral” settlers who “delight to promote good discipline.” He expected these colonials to reform others, including the Indians, by example. The result was a mixed success, producing a diverse set of often contentious colonists who nonetheless quickly made Pennsylvania a rapidly-growing and successful trading colony, without significant reliance on enslaved labor. But his reward was the colonization of the Delaware without war, ironically

²⁶ Laqueur, *Religion and Respectability*, pp. 1–3; Owen, *English Philanthropy*, pp. 52–57; and Hitchcock, *English Sexualities*, pp. 103–04.

dispossessing the Lenape Indians while gaining a lasting reputation for benevolence toward them.²⁷

By the late 1720s, a growing group of English leaders and wealthy philanthropists believed they could repeat and improve upon Penn's success. Georgia's promoters proclaimed their colony an alternative to confinement of the poor, an alternative to warfare with Native American Indian communities, an alternative to enslavement of Africans, and a pillar supporting empire. Hardly utopian, the plan and creation of Georgia was entirely practical, designed to preserve and promote industrious discipline down to the relatively small details of personal conduct. Like disciplinary technique itself, this cultural colonialism employed a finely calibrated combination of assimilation, inclusion, or reform, on the one hand, and expulsion, exclusion, and incarceration on the other.

Some of the most important philanthropists who promoted Georgia promoted prison reform first, and the connection is revealing. "I have heard it said," Benjamin Martyn—a Trustee—wrote in promoting Georgia in 1733, "that our Prisons are the properest Places for those who are thrown into them, by keeping them from being hurtful to others." Martyn disagreed, believing this position both foolish and too severe. "Are they to be shut up from our Eyes, and excluded from our Hearts?" Martyn implies they should not, gives reasons, and claims that many of the poor, vagrants, and destitute who end their days in England's prisons had "honest Dispositions" and would work if they had opportunity. "Some are undone by Over-trading, others by Want of Trade," Martyn added. Martyn would have a better charity than the traditional practices of the Parishes, which "are at this Time thro' all *England*, overburthen'd by indolent and lazy Poor, who claim, and are indulged that Relief design'd only for the impotent Poor." Martyn's argument is for a better practice of mercy, one that puts people to work because "all those, who add nothing by their Labour to the Welfare of the State,

²⁷ William Penn, "Some Account of Pennsylvania," in Myers, *Narratives of Early Pennsylvania*, pp. 202–06. The discussion of such plans could be extended backward. From colonial project to colonial project, English planners innovated and refined methods. John Locke's *Fundamental Constitutions of South Carolina* has long been viewed in the same vein of unrealism as the Georgia Trusteeship (destined to fail), see Godbold and Woody, *Christopher Gadsden*, p. 19. The realism of the *Fundamental Constitutions* has been explored by Roper, *Conceiving Carolina*, pp. 29–30, 34–35.

are useless, burthensome, and dangerous to it.”²⁸ Martyn’s proposals departed from the spectacle of the gallows and confinement and looked outward to empire as a means of reform. He proposed a colonialism to mold life, discipline the power of wasted English bodies and make them at once of greater aptitude as well as more serviceable to the military and economic imperial ambitions of the State.²⁹ In short, he proposed assimilating them to habits that would create an orderly mercantilism that could resist the rapacious speculation that defined the South Sea Bubble.

Martyn’s arguments echoed Georgia’s lead founder, administrator, and promoter, and fellow prison reformer, James Edward Oglethorpe. Oglethorpe had begun publishing his thoughts about colonies in 1732. He wrote and edited a total of seven pamphlets on the subject by 1742, four of these were published in 1732–33. In one, a collection of classic mercantile, political, and colonial theory, Oglethorpe excerpted works by Francis Bacon, William Penn, and Machieveli, among others. The excerpts, which came from books in his personal library, emphasized the benefits of colonies for the colonizing nation’s homeland. Penn in particular seems to have influenced Oglethorpe’s thinking, and, through him, many of the other Trustees and boosters of the Georgia colony. In Oglethorpe’s excerpt of *Some Account of Pennsylvania* (1681), Penn cites the expansion of cities, the abandonment of the countryside, and the imbalance between trades and husbandry as the causes of the moral dissolution and sloth of the people. The increase of domestic service for the gentry was taking men away from virtuous labor and making them grooms, butlers, cooks, and gardeners: “This hinders the Plough and the Dairy from whence they are taken, and instead of keeping People in manly Labour, they are effeminated by a lazy and luxurious Living.” Penn was particularly upset about a perceived decline in marriage. “The Excess and Sloth of the Age not allowing of Marriage, and the Charge that follows . . . if Men, they often turn Soldiers, or Gamesters, or Highwaymen; if Women, they too frequently dress themselves for

²⁸ [Benjamin Martyn], *Reasons for Establishing the Colony of Georgia* . . . (London, 1733), pp. 19–20.

²⁹ For the “great confinement” see Foucault, *Madness and Civilization*, chapter 2; on linkage of aptitude and domination see Foucault, *Discipline and Punishment*, p. 138; and on power being productive, not simply prohibitive, making, not merely taking, life see Foucault, *The History of Sexuality*, p. 94.

a bad Market, rather than know the Dairy again, or honestly return to Labour.”³⁰ In the early 1680s, Penn anticipated the London that Gay mocked in the 1720s. Like financial speculation, luxury was a destroyer of laboriousness and industry, even for those who could not command its privileges.

Similarly, the destroyed lives of men, women, and children who did not possess—or were not taught—“industry” and the consequent danger to the nation and Empire were themes in Oglethorpe’s promotional writing for Georgia. In one pamphlet, the first eight paragraphs discuss orphans three times, emphasizing the need for moral, industrious examples to guide them.³¹ Oglethorpe addressed the gender and race dimensions of industry. A top priority for him was the rescue of the manly independence and virtue of white Englishmen. Oglethorpe’s investigations of prison conditions had convinced him that confinement was a waste of potential wealth and power for the Kingdom. Too many were honest men “undone by Guardians, some by Law-Suits, some by Accidents in Commerce, some by Stocks and Bubbles.” His answer, and the answer of other wealthy reformers, was to promote “*Philanthropia*, or the Love of Mankind” as the proper spirit of a people, making the State less necessary and justifying an “Empire of the World.”³²

Oglethorpe was part of the Westminster-based philanthropic group The Associates of the Late Dr. Bray. He and the Associates called for renewed efforts to moralize and educate the laboring classes and convert Native American Indians and enslaved Africans to Christianity during the 1720s. In 1732, they won a charter from King George II reflecting these goals as well as calling for the relief of poor British subjects, persecuted European Protestants, and the advance of the imperial ambitions of Britain in North America. “The power of Britain” the charter claimed in a perfect abstract of gentry colonial cultural politics of the laboring body “will be increased by the addition of . . . religious and industrious subjects . . . The good discipline

³⁰ Oglethorpe’s excerpts from Penn: Baine, *The Publications of Oglethorpe*, pp. 167–68, 190.

³¹ “An Appeal for the Georgia Colony (1732),” in Baine, *The Publications of Oglethorpe*, pp. 160–61.

³² “Account of the Provinces of South Carolina and Georgia (1732),” in Baine, *The Publications of Oglethorpe*.

established by the society will reform the manners of those miserable objects . . . Their labor in improving their own lands will make the adjoining reserved lands more valuable [which will create a fund] for the relieving more poor people.”³³ The charter thus formed “The Trustees for Establishing the Colony of Georgia in America,” an organization with some membership in common with the Associates. Their first project was the creation of Savannah.

The policies that constituted a cultural politics of “good discipline” for the Trustees developed gradually during the first three years of the colony. They were intended to create order and virtue by hindering speculators, shoring up patriarchy, and requiring industrious application to lawful trades. Three regulations, confirmed by the King in Council in the Spring of 1735, capped this effort. The first banned rum in order to encourage industrious moral habits. The second controlled trade and diplomacy with the Indians in an effort to emulate Pennsylvania’s approach to Indian relations. A third regulation banned African slavery out of fear of insurrection, a specter recently raised in New Orleans and South Carolina and a constant possibility in Jamaica. Finally, the Trust controlled when, how, and to whom freeholders could sell their property in order to prevent the forms of speculation in Georgia lands that had generated the South Seas Bubble.

To control speculation the Trustees limited their grants to 500 acres per male householder. Even these lands could not be held in fee simple, and therefore could not be resold, put up as collateral, or seized to pay debts without the authorization of the Trust. And acreage that might be abandoned by the grantee would revert to the Trust, as would land that a grantee failed to cultivate. But the gendered social coding of the Trust’s policies had a curious side. Rather than expand the property rights of women to enable them to own and control their land even after marriage, the Trustees reduced rights already recognized in English law. Initially they did not even allow the practice of granting a “widow’s third,” one third

³³ “Manuscripts of Dr. Bray’s Associates, Minute Book, 1729–1732,” as cited in Baine, “James Oglethorpe and the Early Promotional Literature”; “Charter of Georgia, June 9, 1732” in Francis Newton Thorpe, comp. and ed., *The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America* (Washington, DC, 1909), pp. 1822, 1834–35.

of the family property reserved for the widow. But most importantly—and controversially—mandatory tail-male inheritance ensured that only male heirs could inherit properties in Georgia. Properties could not be partitioned. The Trust's defense of this policy makes clear the relevance of the Bubble to gender in early Georgia.

The female might marry a Man who would not live on the land, wch. of course would remain uncultivated, and Men inhabitants who are the Strength of towns and Countries be lessen'd . . . it would be followed by a liberty to Sell, which would make our Grants become a bubble in Exchange Alley.

The aim, the Trustee Lord Perceval, Earl of Egmont, insisted was “to fix the number of residents” and prevent speculation in the new colony by making men go and settle and ensuring that the titles remained in Georgia in the hands of the industrious.³⁴

The policy was an effort to prohibit competition between men over women's property and focus them on settler virtues. Daughters were prevented from inheriting land in order to keep a potential husband from speculating in marriage to speculate in land. Evidence of the cultural depth and breadth of this thinking can be found in the *Beggars Opera*, where matrimonial speculation is mocked as women's foolishness and corruption. The play had associated the giddy deceptive financial practices that generated the Bubble with a misogynistic representation of London's “women-about-town” as harlots and fools. In a song entitled the “South-Sea Ballad” Gay has Lucy, a principal character in the play, sing about Polly, a rival for Macheath's lecherous affection. Her song offers a comic inversion of the culturally more appropriate script, where men compete for women's bodies as a means of acquiring domestic labor and, hopefully, male heirs. In her song, women ineptly compete for a man:

*My love is all madness and folly,
Alone I lie,
Toss, tumble, and cry,
What a happy creature is Polly!
Was e'er such a wretch as I!*

³⁴ McPherson, *Journal of Egmont*, pp. 48–53 (quotations at 50). Egmont was a critical figure in the promotion, planning, and management of the Georgia colony. The best short treatment of his activities relevant to Georgia is Betty Wood, “The Earl of Egmont and the Georgia Colony,” in Jackson and Spalding, *Forty Years of Diversity*, pp. 80–96.

*That my dear inconstant varlet,
 Stark blind to my charms,
 Is lost in the arms
 Of that jilt, that inveigling harlot!*³⁵

Polly Peachum's marriage to Macheath is a commodity to be envied and courting is market competition in which Lucy and Polly trade deceptive compliments and false information in their effort to secure Macheath, who like the South Sea trade monopoly itself has been vastly over-valued. Proper virtue would have the women the object of male acquisition and take away the corrupted and "effeminate" dynamics of a market. That was the goal of the Trust's policy. It remained controversial both outside and within the Trustee board, but it remained in force in Georgia until 1739 despite heated, persistent, and extended debate.³⁶

To enforce such rules, the Trustees and their local representatives in Savannah made the town a disciplinary institution without walls. Their purpose was not just conservative. Though they sought to buttress patriarchy and hierarchy in a moral colonialism, the purpose was also the further improvement of this relatively new and very untraditional thing, the empire. They did not assume that the population of Savannah would be docile. They planned for policing of the residents. From the beginning, the enforcement techniques that the Trustees applied focused on corporal punishment and surveillance. Constables were expected to keep strict watch and punish transgressions by reprimand, house arrest, whipping, or the stocks. And authorities spied on settlers, settlers spied on and gossiped about each other and the authorities.³⁷

³⁵ Gay, *Beggar's Opera*, p. 98.

³⁶ McPherson, *Journal of Egmont*, pp. 48–53 and 345–47 (Trustees debate tail-male); Causton to Trustees, Savannah, 10 March 1735, Egmont Mss. typescript, 14200, pt. 2, pp. 248–49; Causton to Trustees, 16 January 1735, Savannah, Egmont mss typescript, 14200, pt. 2, p. 178; Elizabeth Bland to Oglethorpe, Savannah, 14 June 1735, Egmont mss. typescript, v. 14201, pt. 2, pp. 17–20. For the Trustees' correspondence, I will often cite the Egmont Typescript copies of the Phillips Collection of Georgia correspondence that were originally edited by the Earl of Egmont, John Perceval. They were available to me at the University of Georgia's Hargrett Reading Room, where I first began a concentrated reading of the Trustees' correspondence. Although many of the letters in the twenty-plus volumes of this collection have been published, others have not been. See Lane, *General Oglethorpe's Georgia*, and Candler, *The Colonial Records of the State of Georgia*, volumes 29–31.

³⁷ In the Egmont typescripts evidence of surveillance and residents' complaints about the conduct of authorities can be found throughout. One key example is the

The Trustees carefully integrated the regulation of land and the body hoping to ensure the productivity of both. A quasi-panoramic map entitled "A View of Savannah as it stood the 29th of March 1734" offers a representation of the town as the antidote to the corrupt chaos of London during the Bubble. "The View" is the best single example of the totalizing ambition of the Trustees' colonial vision. The "View" seems iconic, claiming in its title to represent its object to the viewer on the basis of direct correspondence. But the image's author, Peter Gordon, had left the colony in November 1733.³⁸ And features within the image suggest dissimilarity between it and the actual town of Savannah. The survey grid of the town is visible. Obviously, surveyed property lines were not actually drawn on the ground at Savannah. The vantage point of the viewer is conjectured. No high place existed from which the town could have been observed. The image, therefore, is not only a diagram of the town but a symbolic, rhetorical, promotional representation of the town's colonial, cultural functions—among them greater surveillance. The purpose of the uniform houses, wards, and squares was partly disciplinary. The ward squares were features of the colony's military defense that also aided surveillance of the settlers. Each ward had constables and other officers responsible for enforcing the Trustees' rules and for training and mustering the men in case of military emergency. The easy visibility and standardization, the rationalization and regularization, contrast strongly with London, where Exchange Alley was dark and labyrinthine.³⁹

Trustees' commissary, Thomas Causton, "Listening under the window" of a resident to catch him and friends drinking against the rules. Causton to Oglethorpe, Savannah, 24 March 1735, Egmont MSS typescript, v. 14200, pt. 2, pp. 277–83.

³⁸ McPherson, *Journal of Egmont*, pp. 43–44. The Trustees approved Gordon's "draft of Savannah" and ordered this engraving on 27 February 1734. The date of March probably represents the moment of publication in London, to make the image seem as current as possible. Peter Gordon was in London at the Trustees meeting to present his View of Savannah, 27 February 1734, which the Trustees "ordered to be engraved," p. 44.

³⁹ John W. Reps, "C2 + L2 = S2? Another Look at the Origins of Savannah's Town Plan," in Jackson and Spalding, *Forty Years of Diversity*, pp. 101–51, is the current standard on Savannah's plan. He notes that the plan was unique and without complete precedents, though he authoritatively sketches Irish Colonial and English influences through Oglethorpe. On textual readings of visual representations, see Barthes on "the Rhetoric of the Image" in *Image, Music, Text*. See also Charles Sanders Peirce, *Collected Papers of Charles Sanders Peirce* (Cambridge, MA, 1931), 2, 276. Peirce might have described the image as a *hypoicon*, something representing

The “View” suggests the production of value from emptiness, an allegory of colonialism already familiar in the early eighteenth century as civilization cut from the wilderness of North America. A uniform trackless mass of trees is being chopped, hacked, and split into the “well regulated” town the planners had projected and promised George II. All these little houses seen in the “View” were built on a standardized model set by the Trustees, wooden buildings on one-eighth acre garden lots that housed individual freeholders and servants, families and taverns, the tabernacle and courthouse, and prisoners and orphans. The native forest from which the houses were built, still lingering in the background, is represented as an impenetrable mass of repeated waves of line, shadow, and highlight broken only by the town frontier and the one road leading endlessly into the Backcountry. The near featureless waves of forest become the detailed, constructed, regularity of the town plan. In the lower left, oceangoing vessels move up the tidal Savannah River from the bay under the protection of a military fortification. The commissary tent and loading dock are busy. The upper left section depicts the most built-up residential areas of the town. Moving toward the right one sees a still mostly undeveloped but obviously mapped-out section of town. On the lower right rowboats and small craft approach the town from up-river, presumably from other settlements further inland. All this, the image implies, is being accomplished with disciplined, European labor. Throughout the image almost all the people are adult white men, despite the fact that significant numbers of women, whole families, and even a small number of African laborers were present in the colony.⁴⁰

Three locations in the image depict laborers and suggest the obediently peaceful operation of the class system so upturned in the London of *The Beggar's Opera*. At the lower right edge of the top right quarter three men cut lumber. One has just felled a tree and is pruning branches while two others carry off a cut log. They are unsupervised yet they work, possibly for their own freeholds, possibly as indentured servants on someone else's freehold or the Trustees'

its object on the basis of similarity but also possessing important symbolic or conventional features.

⁴⁰ Caldwell, “New Deal on a New Frontier.” Caldwell compiled a database of 864 women from Britain and other European countries. However, her database undercounts women in the early colony because it comes from the lists of those sent on the Georgia Trusteeship's accounts.

land and projects. Located between the palisade of the forest and the picket fences of the town, they embody and perform the conversion of wilderness into civilization. Supervised commerce enters into this cut space. Toward the middle of the image in the lower left quadrant is the view of the commissary tent and the rope system devised to move packages up the bluff to the town entrance. A group of men move goods into the town while others observe and local authorities appear to direct or explain, gesturing or pointing with their arms. And making the connection with these dock loaders are a series of ships and boats on the river. All the ships fly the British flag. All the rowboats carry two groups of men, rowers and supervising gentlemen or officers. Seemingly confirming the projections of the charter, these men advance the Empire by advancing commerce and advance commerce by swinging axes, pulling oars, or moving packages.

COLONIALISM FROM BELOW: CONTESTING RACE AND LABOR DISCIPLINE

The idealized "View of Savannah" contrasts with the complex realities of life in the town. Georgia colonists' responses to the Trustees' policies, practices, and arrangements varied. Stalked by hunger, disease, and military threat, factions of the struggling population actively supported, quietly accepted, or stubbornly resisted the authorities.⁴¹

Resistance to the Trustees emerged during the summer of 1733 but not as anti-colonialism. Instead competing visions of colonialism emerged. Joseph Watson—freeholder and Indian trader—was not very interested in the Trustees' ideology of moral industry, accommodation and conversion of the Savannah Indians, and regulated commerce. He drank hard. He befriended critics of the Trustees

⁴¹ Although the disease rate was serious, it is important to note that it might not have been as serious as later generations have believed. A combination of factors effecting the perception of the disease rate probably exaggerated the actual, comparative, suffering: the Malcontents with their desire to emphasize poor management and suffering in the colony and the colonial reformers such as Wesley with his desire to emphasize the need for moral, educational guidance of the orphaned, see Cates, "'The Seasoning'." Cates concludes that Georgians were more healthy than commonly presumed and that they were better off in the Trusteeship period than they were after 1752, when Georgia became a royal colony and slavery was officially introduced.

who gathered at Jenkins's Tavern in Savannah.⁴² He neglected both trade with the Savannah Indians and the agricultural labor the Trust expected of him for his 50 acre grant. He became actively hostile toward the Trustees' Indian policies. He declared that the colony would "one day Repent [its] Civility's to the Indians." Mary Musgrove, a Creek Indian woman who had married Watson's trading partner, became the first target of his growing hostility.⁴³

Watson assaulted Musgrove and accused her of being a witch. He also assaulted an Indian man named Esteechee. Watson was tried and punished for both of these incidents. But he "was so Seldom Sober that it was hard to guess whether he was not Mad." Despite his declared hostility to Indians, he was "frequently naked" with them, drank with them, and would "lye down with them and sometimes pretend to baptize them." Watson's mockery of the Trustees' plans culminated in a month-long rum-binge with a local Indian man named Skee. Eventually Skee became ill and left Savannah for home. Watson bragged that he had poisoned Skee, and when Skee later died some colonists believed that Watson's conduct and statements would bring reprisals from Skee's relatives. Watson was confined, but he was not put on trial. Instead Thomas Causton, the colony's commissary, hesitated and waited for the Trustees to weigh in.⁴⁴ In a letter, the Trustees gave their orders for dealing with Watson:

Mr. Watson's Behavior has been so cruel, and has shown so much premeditated Malice; that his destroying Skee with Rum and then bragging about it Appears to the Trustees, Murder; for killing a Man upon a fore thought and with malicious Design, by means of a dangerous Liquor; is as much Murder, as killing him with any sort of Weapon . . . The trustees direct, that he [Mr. Watson] should be confined as a Lunatick, and proper Care taken for his Recovery, until he shall

⁴² Watson was not the only colonist regarded as a drunk: Oglethorpe accused Mr. William Waterman of drunkenness. Waterman had been disowned by his family in England for becoming a teacher. They had intended him for a mercer. He went to Georgia in the first embarkation in 1732. He was a teacher in Savannah until sometime 1734, when he left for South Carolina, McPherson, *Journal of Egmont*, p. 31; Egmont, "Typescripts," 14200 part 2, p. 187.

⁴³ Thomas Causton to the Trustees, Savannah, 13 January 1735, Egmont Mss. Typescript v. 14200, pt. 2, pp. 180–82: this letter is 16 January 1735 in Lane, *Oglethorpe's Georgia*, p. 92.

⁴⁴ McPherson, *Journal of Egmont*, p. 78; Thomas Causton to the Trustees, Savannah, 13 January 1735, Egmont Mss. Typescript v. 14200, pt. 2, pp. 180–82: this letter is 16 January 1735.

be in a Condition to take his Tryal . . . The Trustees are apt to Impute the Death of Skee . . . to the Consequence of too great a Mildness . . . in letting Mr. Watson go off with so light a Fine, when he was first convicted for the Assault on Esteeche. . . . Had Mr. Watson at that time been severely fined and bound to his good behaviour, it had very probably prevented him from running into those Extravagancies by which he lost his Senses . . . You see by this, a foolish Tenderness is the greatest of Cruelties.⁴⁵

The Trustees believed that accomplishing “good discipline” was a matter of the authorities’ will.⁴⁶

Watson’s dissent was not unique. Although the Trustees carefully screened most of their early colonists, a small group of dissenters emerged almost immediately and gathered regularly at Jenkins’s Tavern. The Trust sought people with trade skills and religious devotion but who were also “reduced to the last extremity of want.” The first group to embark, the “new design’d Inhabitants,” consisted entirely of people “on the poor account.” The forty-four men, twenty women, twenty-five boys, and seventeen girls departed in November 1732 for a colony that still had no housing for them. In December, thirty additional poor people were examined by the Trustees, but only four were approved. The rest were rejected because they were “able to earn their bread in England, tho poorly.” Fifty German-speaking pietist families from Salzburg were approved for the colony later that month because of religious persecution, not poverty. And in January 1733 “8 good Sawyers” were scheduled to depart, “miserable objects most of them” Trustee John Perceval claimed: “One had by Sickness been obliged to Sell his bed, and another was to Sell his tools to pay his Creditors.” In May, as part of their project to produce silk in the colony, the Trustees voted to send over “20 charity children” as apprentice laborers, but the parents refused. And they ordered “50 able bodied men” to cultivate the Salzburg land till their arrival.⁴⁷ Georgia was to be a place of (white) devotion to religion and labor.

These workers were not privately engaged indentured servants; their contracts were the property of the Trust, who intended them

⁴⁵ Trustees to Oglethorpe, [Westminster], 17 March 1734, Egmont Mss. vol. 14207, pp. 68–70.

⁴⁶ McPherson, *Journal of Egmont*, p. 84; Patrick Mackay to Anonymous, Coweta, 27 March 1735, 14200, pt. 2, pp. 324–25.

⁴⁷ McPherson, *Journal of Egmont*, pp. 8–11, 23.

to form the backbone of the colony's initial economy. Their labor was a quasi-commodity in which the Trust traded by distributing laborers to favored colonists. In two examples noted by Egmont, the Trustees resolved that "40 Servants be employ'd . . . in discharge of Sr. Jacob Bouveries Benefaction . . . which 40 Servants at £25 *p* head will amount to the exense of £1000." Likewise they also allotted a total of 50 servants to a "Mr. Bradley" to "be employ'd on" his 100 acre plantation in both domestic service and agriculture. William Stephens, an important correspondent for the Trustees, employed such labor. Although the Trustees traded and distributed white human labor, they wished to keep this authority for themselves in order to prevent, once again, speculation. Thus, when Thomas Causton, the colony's commissary, "distributed" 44 servants "to private persons" and appropriated to himself "9 heads & ½" of "foreign Servants" "without any authority" the Trustees declared him personally accountable for the expense.⁴⁸

Whether they came over under indenture or as married free women, the Trust's unusual controls over servants, women, and property rights and its general surveillance and regulation of the colonists instigated episodic struggles over the meaning and operation of the colony. For example, on 27 March 1734, the widowed Mrs. Warren, a free woman of Savannah, appeared before the Trustees at Westminster, having crossed the Atlantic from Georgia at the urging of Oglethorpe. In Georgia she had lost her husband and two of her children to illness. The widow Warren was already remarried and the Trustees promised they would allow her to return to the colony with her new husband. But her house in Georgia was no longer hers, it had reverted to the Trust and was being used as an infirmary. The timber left on her lot, her "widow's third," remained "for her remaining Sons use." And Mrs. Warren's return would be delayed, as the Trustees would have to first get her new husband off a ship on which he had been impressed.⁴⁹ Mrs. Warren must have objected to her proscribed destitution because most of the gentlemen at the meeting each gave her a guinea out of pity.

Back in Georgia, the power that men such as Oglethorpe and Causton wielded generated much individual grumbling and resistance

⁴⁸ McPherson, *Journal of Egmont*, pp. 263, 351, and 359; Stephens, *Journal*, pp. 42–43.

⁴⁹ McPherson, *Journal of Egmont*, p. 48.

and one conspiratorial effort to overthrow the colony: the "Red String Conspiracy." When the Red String Conspiracy surfaced in 1735, hints of disagreement with colonial policy and administration had appeared for a year and a half, almost from the beginning of colonial records. In November 1733, the Trustees received letters describing an "intended rising of the meaner Sort of Inhabitants," a conspiracy about which nothing else is recorded.⁵⁰ In January 1734, Oglethorpe purchased forty Irish transport servants "in the utmost distress" for the colony. "But most of them proved to be vile rogues." Then on 2 March 1735, a seemingly large-scale conspiracy emerged. Like many slave conspiracies, this one, of servants and freeholders, is recorded only because one of the conspirators betrayed it and authorities sounded an alarm throughout the town. As one inhabitant described the scene:

We had on Sunday last an Affair that threw us into great Confusion . . . 40 or 50 Persons and as many Indians with Musgrove at the Head of them . . . were entered into a Design to burn the Town and destroy the People, at least some of them. The Alarum Bell was rung, Search was made for the Conspirators and some of them were found who wore a Mark to distinguish themselves . . . a Red String about the right Wrist.⁵¹

The men were rapidly mustered on the various ward squares, warrants were issued, interrogations conducted, and houses searched. Some residents felt the conspiracy was widespread and based in fundamental disagreements with how Causton and the Trustees administered the colony.

Thomas Causton believed the source was a moral failing: "Probably some Villainous Fellows might be employed to do Mischief and when done, lay it on Musgrove and the Indians." Which Musgrove Causton meant is unclear. But Joseph Watson and a small group of daily associates whom Causton alleged were "frequently guilty of Ill Language," quickly became the main suspects. They were referred to disparagingly as the "grumblestorians"—people Causton believed would find fault in every decision he and the Trustees made. Once

⁵⁰ McPherson, *Journal of Egmont*, p. 36.

⁵¹ Quincy to Gordon, Savannah, 3 March 1735 Egmont MSS typescript, v. 14200, pt. 2, pp. 245–46.

complaint was that Causton did not enforce the colony's rules governing the work of servants and banning freeholders from trading in servant labor. Indeed, the Trust had always traded laborers. Several transport servants had run away when the conspiracy was exposed, implying they might have felt culpable for a part in it.⁵²

Who were the conspirators? The indentured servant who exposed the plot was Elizabeth Gray. Caught with a red string around her wrist in town and interrogated about it on the basis of rumor, Gray revealed the code: the red strings marked who had joined the conspiracy. She was almost certainly a domestic servant. Domestic servants were ubiquitous in cities such as London and common in smaller towns and communities. The Trustees sent a substantial number of women to Georgia as servants. Altogether, the conspirators added up to fifteen named individuals, two unnamed servants, and a group of fifty Savannah Indians. Several were clearly freeholders, either because the records explicitly say so or because the authorities recorded their names with the title "Mr." A "Mr. Henry Parker" was discovered with two apparently damning letters hidden in his hut. Other than "servant" only one conspirator's occupation was recorded, John Cox was a "Carolina Taylor." He was apprehended wearing a red string and whipped. In fact, three of the five people caught wearing red strings were whipped. Both women, Gray and "Mr. Lacy's Maidservant," were spared, a sign of the Trust's penal reform ethos and its evolving gender politics.⁵³

Gray and her co-conspirators represented a diverse and deep challenge to the disciplinary vision of the colony. Their motivations were

⁵² Causton to Trustees, Savannah, 10 March 1735. Egmont MSS Typescript, v. 14200 pt. 2, pp. 250–52. Grumblestorians: Patrick Mackay to Anonymous, Coweta, 27 March 1735, 14200, pt. 2, p. 325; Causton to Oglethorpe, Savannah, 24 March 1735, Egmont Mss. Typescript, v. 14200, pt. 2, p. 280.

⁵³ Quincy to Gordon, Savannah, 3 March 1735 Egmont MSS typescript, v. 14200, pt. 2, pp. 245–46; Causton to Trustees, Savannah, 10 March 1735. Egmont MSS Typescript, v. 14200, pt. 2, pp. 250–52. On women servants such as Elizabeth Gray see Meldrum, *Domestic Service and Gender*. See also Caldwell, "New Deal on a New Frontier," on the gender patterns within the Trustees policies. Caldwell's large sample of women in the colony (864 on the Trustees accounts) allows her to see the gender dynamic of the Trusteeship as no other previous historian has been able. Despite an early preference for sending men as defenders of the colony against Spain the Trustees soon developed a high valuation of women as workers within their patriarchal model. Women were valuable not only as wives and mothers but as servants too. But they were rarely allowed to control or own land outright.

varied, but all embodied a clear rejection of the colonial ambitions, reforms, and administration of Georgia. Watson was, perhaps, contrarian. He had declared he “had been the ruin of 2 Colonies, & would be of a third.”⁵⁴ The fifty Indians, referred to tellingly as the “Scattering People,” were to be led by Sallotte, a disaffected rival of a Yamacraw (Savannah-area) headman named Tomochichi. The servants appear to have been irritated by the selling of indentures. And the freeholders were upset by the insecure tenure of their deeds, tail male inheritance, and the administration of Thomas Causton. The base of their complaint focused on preserving community standards for the value of English labor and the so-called “English liberties.”

To the extent that the ban on slavery and the “civilities” shown the Indians informed the white conspirators’ ideology, they were arguing with the Trustees and insisting on the extension to Georgia of the emerging race hierarchies of the British empire. The white conspirators were not anti-colonial: they sought the destruction of the colonial project perhaps but more directly the end of at least their submission to the policies of the Trust. Most would probably have happily replaced Georgia with a different colonial regime. In calling them grumblestorians Causton belittled their complaints in a manner that implied a moral weakness. The grumblestorians, he alleged, were lazy and divisive. It was to address this moral problem and not the practical criticisms raised by the Red String conspirators that the Trustees sent missionaries. Within about a year, Oglethorpe would praise their effect on the local inhabitants. He wanted “more persons to form the Morals of our people and instruct them in Religion.” The change “since the arrival of the Missioners was very visible with respect to the increase of Industry, love and Christian charity among them.” But he feared that if the missionaries moved “to the Indians,” where missions were planned, “the people by a relapse become if possible worse than before.”⁵⁵

⁵⁴ McPherson, *Journal of Egmont*, p. 252. Egmont does not specify the other colonies.

⁵⁵ Oglethorpe to Trustees, received July 1736; McPherson, *Journal of Egmont*, p. 185. Discontent with the system continued however, and must have fed the better-known Malcontent controversy. By 6 August 1735 prospective trust servants to Georgia began to contest their indentures after they had already been signed and sealed. Egmont wrote that “the principal objection was that their wives were not to have lands.” The trust said they could only do for them what they had done for others: five acres now, and 15 when service expired—sooner if possible. They

It got worse. Georgia's ban on African slavery catalyzed a public debate that further defined the colony, its educational functions, and the meaning of race—white and black. This debate revealed both the sharpening outline of complexion-based racism and a surprising lack of uniformity in eighteenth-century colonialism regarding the innate qualities and capacities—for labor and learning—of the body as such. On the one hand, defenders of the Trust seemed to argue that all bodies were equal, and that all could learn to labor even in the relatively hot climate of the lower south. These defenders were also the same people who supported Christianization of Africans. Opponents of the Trust argued, implicitly, from a more rigid and fixed theory of the body and its capacities. They insisted that Africans were uniquely capable of labor in the lower south because they had adapted to it in Africa. In their view, Europeans simply did not have the same bodily capacity.⁵⁶ For them, there could be no Georgia without slavery, indeed perhaps no British American Empire.

Those within the colony who opposed the Georgia Trustees' ban on slavery and other policies have become known as the "Malcontents" to historians. The Malcontents and the Supporters (as I call those supporting the Trust) debated a series of questions, among them whether the African or European body was most appropriate for hard labor in the hot sun of Georgia. The Trustees and Supporters still wanted a densely populated town-and-city model of white, industrious, small holding, patriarchal farming families. The Malcontents sought looser land regulations and African slavery as means to acquire large holdings and replicate in Georgia the plantation model of the Chesapeake, Caribbean, and Carolinas. Although both the Trustees and the Malcontents gained the support of servants and freeholders, the Trustees support among these laboring classes appears to have been deeper, occasioning depositions, letters, and petitions of support from throughout the colony. The Malcontents, gathering at Jenkins's Tavern in Savannah, drew larger numbers of petitioners in

could also keep their tools at the end of their service (*Journal of Egmont*, p. 101). And discontent persisted on the Trustee Board. Captain Coram, himself a Trustee, was believed by other Trustees to be the source of a damning letter against the Trust. Coram was, according to Egmont, "so disgusted" with the policy of "not giving liberty to Females to inherit" land in Georgia "that he very rarely comes among us, and prejudices every body he can against us" (*Journal of Egmont*, p. 114)."

⁵⁶ The best and standard interpretation of the slavery debate in pre-Revolutionary Georgia is still Wood, *Slavery in Colonial Georgia*.

the colony's main town, but they had fewer supporters outside the town and fewer letters or petitions submitted separately. These Jenkins's Tavern meetings and the support they received from relocated Georgia colonists living in Charleston, occurring at the edge of the empire, took part in the development of natural rights criticisms of the institution of slavery, evangelical criticisms, and a more rigidly complexion-oriented conception of difference.⁵⁷ By attacking the Trust's policies, the Malcontents attacked the cultural politics of the colony's design.

The Malcontents' complaints over-lapped with the Red String conspirators' earlier complaints, but there were important class-derived differences. The Malcontents seemed chiefly upset by the regulations on the sale or lease of land and tail-male inheritance. By 1741 land complaints were still high on the list but "*the denying the Use of Negroes*" had become more prominent. The Trustees had already amended the land rules and therefore the Malcontents probably understood they could make more progress toward a plantation system of commercial staple agriculture by arguing about labor supply and quality. The opening assault was published in Charleston, where some Georgians went during the late 1730s after they failed to convince the Trust to change. The *True Historical Narrative of the Colony of Georgia in America* appraised readers of the stagnant and even contracting economic situation in Georgia and argued that the causes were chiefly in labor supply and land regulation. The *True Narrative* claimed that the lack of fee-simple land tenure made the "*Importation of the Necessaries of Life* come to us at the most *extravagant Rate*." Merchants, especially London's merchants, were "unwilling to Supply the Settlers here with Goods upon Commission, because no Person here can make them any Security of their Lands or Improvements, as is very often practised in other Places to promote Trade, when some of the Employers Money is laid out in necessary Buildings and Improvements fitting for the Trade intended."⁵⁸ In short, the Malcontents claimed that they could not use their legal titles to the land

⁵⁷ Greene, "A plain and natural right to Life and Liberty"; Ready, "The Georgia Trustees and the Malcontents"; Wheeler, *The Complexion of Race*.

⁵⁸ Patrick Talifer et al., *A True Historical Narrative of the Colony of Georgia in America* . . . (Charleston, SC, 1741) in Reese, *Clamorous Malcontents*, p. 76. From the reprinted remonstrance of various settlers to the Trustees signed by 117 people and dated Savannah 9 December 1738.

as capital, allowing merchants to advance fund materials on the speculation of profit in the ultimate crop yield.

But the supposed need for enslaving Africans was perhaps the principal concern. The *True Narrative* contended that whites were ineffective laborers for the colony. The industrious education the Trust had in mind was folly. “The *Felling of Timber* was a Task very unequal to the Strength and Constitution of White Servants, and the *Hoeing of Ground*, they being exposed to the sultry Heat of the Sun, insupportable.” The *True Narrative* suggested that African bodies were fundamentally, naturally, essentially, more capable for this labor: “It is well known that, this Labor [hoeing] is one of the hardest upon the Negroes, even though their Constitutions are much stronger than the white People.” The result was a hindrance to the profitability of the plantations of Georgia. Thus the author, thought to be Patrick Talifer, who was frustrated by his efforts to create a commercial plantation in Georgia, concluded that white labor was not serviceable. “Hardly one half the servants and working People were ever able to do their Masters or themselves the least Service.”⁵⁹ The main consequence of not using the correct racial body for labor in Georgia was that Georgian exports were not as competitive with goods exported from South Carolina as they might otherwise have been. “Timber is the only Thing we have here which we might export,” the *True Narrative* claimed, “and notwithstanding we are obliged to fell it in planting our Land, yet we cannot manufacture it for a foreign Market but at double the Expense of other Colonies.” The South Carolinians used enslaved labor and exported timber “at one half the price that we can do.” Considered as a commodity for commodity production, the cost labor was high in Georgia.⁶⁰

In answer, Supporters published *An Impartial Enquiry into the State and Utility of the Province of Georgia*: “In the Infancy of the Settlement, many Regulations and Restrictions were thought necessary; but these have since, for the Ease of the People, been either relax’d, or remov’d.”⁶¹ This included, the *Enquiry* noted, tail-male inheritance.

⁵⁹ Talifer et al., *A True Historical Narrative of the Colony of Georgia in America* . . . (Charleston, SC, 1741) in Reese, *Clamorous Malcontents*, pp. 57, 120.

⁶⁰ Ibid., p. 76.

⁶¹ *An Impartial Enquiry into the State and Utility of the Province of Georgia* [London, 1741] in Reese, *Clamorous Malcontents*, p. 138.

The *Enquiry* therefore correctly considered the assertion that banning African slavery ensured the failure of Georgia to be the “principal Objection” and one that required “a more particular Examination, as it has obtained Credit with many Persons of Understanding.” They argued that Georgia’s charter on the one hand stipulated, implicitly, a white colony of poor Britons and persecuted Europeans and, on the other hand, required the colony to enhance the security of British North America’s southern frontier. The author of the *Enquiry* claimed that both considerations required a ban on African slavery because “every man is naturally fond of Liberty, and he will struggle for it.”⁶² Both sides relied upon a culture-bound proposition as a core part of their argument. If the Malcontents had claimed that a “natural” capacity for labor was embedded in the African body, the Trust and Supporters claimed that “Liberty” was an inherent to human desire.

The Supporters’ *Enquiry* did not even concede the necessity of slavery in other more established colonies. The *Enquiry* only conceded the possibility: “In other Plantations these [African slaves] are necessary” it began. “Sugar, Rice, and Tobacco are Works of Hardship and Fatigue; and perhaps it would be impossible to get white People from any Parts of *Europe*, who would sustain the Labour of them.” But, the *Enquiry* hedged, “Silk, Cotton, Cochineal, and other designed Produces of the Colony, stand only the Need of careful and tender Management.”⁶³ Although the author recognized the importance of African laborers, he qualified it with the comment that *perhaps* it would be impossible to find European laborers. However, there was confusion among Supporters, such as this author, about where bodily difference lay, if it existed, and what consequences for the organization of plantation labor might be. Arguing for an inherent human love of “Liberty” and the possibility that Africans might be most appropriate for tobacco culture, for example, the *Enquiry* also asserted that African laborers were not absolutely better suited and that appropriate Europeans could conceivably be found. Supporters vacillated between essentialism and environmentalism.

⁶² *An Impartial Enquiry*, in Reese, *The Clamorous Malcontents*, pp. 139–43. The Trustees were also hearing arguments in favor of slavery, see Hertzler, “Slavery in the Yearly Sermons.”

⁶³ *Ibid.*, 143.

The authors of the *Enquiry* appended supportive depositions as evidence for the environmental position: “*This Deponent further says, that he was ten Years . . . in Spain, and that he often felt the Weather hotter there than in Georgia; and that the Peasants in Spain perform all the Works of Husbandry without the Assistance of Negroes.*”⁶⁴ In other words, if Spanish Europeans could perform such labor, surely Northern Europeans could adjust. The author of the *Enquiry* then appended proof of such adjustments. The Georgia “*servants work’d very hard, and . . . they never lay by in Summer, by reason of the Heat of the Weather.*” In fact, “*the last Summer [they] work’d in the open Air and Sun . . . [the] Servants work’d willingly and chearfully, and continued in good Health.*”⁶⁵ As a result of such adjustment, one deponent claimed from experience that “*a white Servant may in six Months . . . raise as much Corn, Pease, Potatoes, Pompions, &c. as will be more than sufficient for his Provisions and Cloathing.*”⁶⁶ And concluded with a remark that could be understood as a shot at the industry of the Malcontents: “*I have not seen any Part of the World, where Persons, that would labour, and used any Industry, might live more comfortably*” than in Georgia.⁶⁷ The statement was as direct and empirical a refutation as possible against the Malcontent claim that it was “impossible for White Men alone to carry on Planting to any good Purpose.”⁶⁸

It has long been understood that the Malcontent debate involved differing theories of the racial body, climate, and the demands of labor.⁶⁹ For the Malcontents the question was racial. Black bodies were needed. For the Trustees and their Supporters the question was moral. Better white colonists were needed. What has been too little appreciated about the Malcontent debate is how it featured different visions of colonialism. Both sides’ positions were colonialist, though they participated in different colonial discourses—one on race and one on moral transformation. Both positions sought to penetrate the everyday lives of colonized people, European or African,

⁶⁴ “Deposition of Raymond Demare,” 19 January 1739, in *An Impartial Enquiry*, in Reese, *Clamorous Malcontents*, p. 161.

⁶⁵ “Deposition of Hugh Mackay,” 19 January 1739 in *ibid.*, pp. 161–62.

⁶⁶ “Deposition of John Cuthbert” in *ibid.*, p. 162.

⁶⁷ Thomas Jones to John Lyde, Savannah, 18 September 1740, in *ibid.*, p. 177.

⁶⁸ *The Hard Case of the Distressed People of Georgia*, in Reese, *Clamorous Malcontents*, p. 263.

⁶⁹ See, for example, Milton Ready, “Philanthropy and the Origins of Georgia,” in Jackson and Spalding, eds., *Forty Years of Diversity*, pp. 51–52.

and re-deploy them for the benefit of imperial ambitions. Into the 1740s, the moral transformation faction was the winner and slavery remained illegal while white colonists built their towns and farms. It was a position that had significant support from the colonials that the Trustees had sent over to Georgia—as evidenced by the petitions.

INTIMATE COLONIALISM: CONTESTING PATRIARCHAL RELATIONSHIPS

In a colony possessing such a self-consciously colonial agenda with significant gender-defined restrictions and expectations, it is not surprising that a dynamic emerged in which the gender dimensions of intimate and public power merged imperceptibly sometimes. Ann Laura Stoler has recently argued that far-flung empires were networked through grand scale governmental and military maneuvers and through “intimate” regulation of subjectivity. Georgia supplies some interesting cases in line with this point. Careers of colonial authorities in Georgia could turn on intimate experience and reputation.⁷⁰ Because of this some colonists attacked the ministers recruited to improve morals, piety, and industry. Most important among these ministers were the Wesley brothers, John and Charles.

In March of 1736, Charles Wesley, newly arrived in Georgia with an appointment to minister to the town of Frederika, became the target of a Mrs. Welch and a Mrs. Hawkins, who sought to force a wedge between the minister and Oglethorpe. Welch and Hawkins were unhappy with social regulations enforced by the close working relationship between Charles and Oglethorpe. Thomas Hawkins, first bailiff of Frederika, had shot his gun on a Sunday, against a town regulation that Wesley had asked Oglethorpe to declare and enforce. When approached by the constable, Mr. Hawkins had declared indignantly that he was no “common fellow” but a Doctor who should be exempt from the ban on shooting. Later, some of Hawkins’ and Welch’s friends complained that Charles Wesley had been “forcing people to prayers.” Mrs. Hawkins recruited Welch to aid her. “We must supplant these parsons, and then we shall have Mr. Oglethorpe to ourselves,” she reportedly claimed. In a direct challenge to the

⁷⁰ Stoler, “Tense and Tender Ties” and “Matters of Intimacy.” See also Stoler, *Race and the Education of Desire*.

moral rhetoric that suffused much of the Trustees colonial discourse and legal authority, their plan called for using rumor, gossip, and innuendo to create a climate where both men's moral credibility would be in doubt.⁷¹

One woman went to Wesley to confess adultery with Oglethorpe. The other confessed to Oglethorpe about adultery with Wesley. Then, together, they claimed to Wesley that Oglethorpe had, in order to deflect suspicion about his own adultery, accused him. They suggested separately to Oglethorpe that Wesley was accusing him, also to deflect suspicion. Oglethorpe was in a far more powerful position than Wesley as a Trustee. Hawkins and Welch gambled that he would prosecute or expel Wesley. Only days after Hawkins and Welch executed their plan, Oglethorpe and Wesley were battling each other in public over the stories that Welch and Hawkins were telling to them privately and about them publicly. Wesley soon found himself seriously in danger of prosecution. Oglethorpe first accused Wesley of "mutiny and sedition" and with "stirring up the people to desert the colony."⁷² A potential death sentence loomed. Mr. Hawkins, a doctor, then accused Wesley of causing a woman to miscarry a pregnancy by denying access to a Doctor (himself). In an argument with Oglethorpe about the mounting accusations and rumors, Wesley hit upon the crucial factor: "I know my life is in your hands: and you know that were you to frown upon me, and give the least intimation that it would be agreeable to you, the generality of these wretched people would say or swear anything."⁷³ He was right. Oglethorpe forbade Wesley the use of the Trust's supplies, and Wesley felt himself "trampled upon." Even his "few well-wishers" were "afraid to speak to" him.⁷⁴

Possibly as a sign of the support for the conspiracy, in this outpost town of barely 100 people it took more than two months for Wesley and Oglethorpe to realize how they had been tricked and repair their relationship. Eventually, however, they closed ranks against

⁷¹ Telford, *Early Journal of Charles Wesley*, pp. 38–39. The women's use of gossip participated discursively in a power dynamic other historians have noted. Women's gossip and perhaps non-elite gossip in general was a resource for power: Brown, *Good Wives*, pp. 99–100; Horn, *Adapting to a New World*, p. 364.

⁷² Telford, *Early Journal of Charles Wesley*, pp. 11–21.

⁷³ Telford, *Early Journal of Charles Wesley*, p. 25.

⁷⁴ *Ibid.*, p. 30.

Hawkins and Welch. In a brief encounter that Charles Wesley recorded in his journal, Oglethorpe began, "I had intended . . . to have sent for you and try you before all the people . . . and punish you with the utmost severity."⁷⁵ He confessed that Welch and Hawkins's conspiracy had worked perfectly. "I thought you the very devil," he continued, "so to divert all inquiries into your own guilt by throwing the charge upon me!"⁷⁶ Charles Wesley confessed equal confusion at the accusations. "I thought you as very a devil as you thought me. The character she [Mrs. Welch] had given me of you was, if possible, worse than mine."⁷⁷ Nonetheless, the acrimony of the incidents left Charles permanently disaffected from the Georgia project. He soon left the colony, giving at least a partial victory to Welch and Hawkins.

When Charles reached Savannah en route to England via Charleston, South Carolina, he found a different, though nearly as difficult, set of circumstances afflicting his brother John. John Wesley had met seventeen-year-old Sophia Hopkey, and developed a keen interest in her Christian education that was tinged, if not possessed, by half-confessed sexual desire. The story of Wesley's desire is not just a personal story. It is also a story about the passion Wesley felt for the patriarchal reformatory mission of the colony. Wesley's desire for moral order and his desire for Hopkey were twin and conflicting forces. Hopkey lived with her aunt and uncle Causton in the habitually "wonton" environment of the Georgia Commissary's daily life. Hopkey was a regular communicant in Wesley's Church. In both her and Wesley's estimation the Commissary's house exerted a corrosive effect on her moral practice. She and a small group of girlfriends came to Wesley's services often and seemed "much affected" by them.⁷⁸ Wesley at first simply exhorted Hopkey to good conduct, then intervened in her domestic environment, and finally he took a keen personal interest in her instruction.

Wesley was in the middle of a pastoral appointment to which he repeatedly expressed passionate personal commitment because it was to include a mission to Christianize the Yamacraw Creek Indian

⁷⁵ Ibid., p. 60.

⁷⁶ Ibid.

⁷⁷ Telford, *Early Journal of Charles Wesley*, p. 62.

⁷⁸ Wesley, *Journal*, p. 182.

community near Savannah. But he never began that mission, even though he stayed in the colony for two years. Instead he experienced a profound personal crisis, a precursor to his spiritual rebirth a few years later and a catalyst and test of methods that would inform the practices of the Methodist Church. His crisis exemplifies a central fact about colonialism in the eighteenth century: colonialism challenged and altered both the conquerors and the colonized in ways that were fearful for both.⁷⁹ Wesley felt that God had called him to America to discipline, broadly speaking to educate, unseen forces and visible behaviors within both himself and others for the purpose of extending the dominion of Christianity. He began with the belief that it must be English Christianity, particularly the Church of England, and ended up embracing the German pietists in Georgia and beginning his own journey into evangelicalism and the formation of the Methodist Church.

The Reverend Wesley's personal crisis and subsequent patriarchal rage pivoted on his ambivalence and shock at his own desire, which he imagined threatened his mission to the Indians and therefore his soul. His dilemma suggests not only the self-search scrutiny of the Methodism he would soon help establish back in England; it also supplied a critical impetus for the establishment of the Bethesda Orphan House.

Wesley had hinted but not proposed marriage to Hopkey and the Caustons, though his "desire," as he called it with mortification, was plain. He hinted and demurred and hinted again—fearful for his soul, trying to reason with himself, and praying frequently. On walks with Hopkey he searched for hints of her thoughts, seeking to understand his own. After one such walk he reflected on God's inscrutable, unseen hand. "This was indeed an hour of trial," he began. "Her words, her eyes, her hair, her every motion and gesture, were full of such a softness and sweetness! I know not what might have been the consequence had I then but touched her hand. And how I avoided it I know not. Surely God is over all!" In another place in his journal Wesley would reflect, citing Ovid from memory, "I shall not be conquered by the force that conquers all things else." Wesley feared powerful and unseen forces, a devil and a God who battled

⁷⁹ Stoler, *Race and Education of Desire*, pp. 13–16; Pratt, *Imperial Eyes*, pp. 29–37; Chaplin, *An Anxious Pursuit*, pp. 23–65, 134–58.

for the souls of humanity. His inability to determine the spiritual origins of his desire—whether God or the Devil—created substantial panic and rage.⁸⁰

Dramatically, Wesley suddenly declared in a message to Hopkey, “I find, Miss Sophy, I can’t take fire into my bosom, and not be burnt.” For Wesley, this was a common metaphoric formulation of his battle to discipline his own passion and direct it into missionary pursuits. It reveals a confessional obsession that admits and condemns desire. Unable to discipline himself in Savannah, Wesley sought to put distance between him and Hopkey: “I am therefore retiring for a while to desire the direction of God. Join with me, my friend, in fervent prayer that He would show me what is best to be done.”⁸¹ In the common patriarchal form, she, like he, should pray that God will show him what to do. He expected her will to be subjected to his and the will of her Georgia guardians, the Caustons. Further, in his need to relocate for reflection there was a dynamic that suggested his developing perception of an institutional need in the colony: Wesley wishes for a space forcefully cleared of corrupting distraction, and his own parsonage chamber can no longer suffice to prevent encounters with Hopkey because he himself is the master of the keys. Wesley seeks what Foucault identifies in institutions as functional sites. Therefore he retires to a different part of the colony and makes geographic space stand in for the walls of an institution. Wilderness will, as it does for Jesus in the Bible, have the designated function of prayer for knowledge of the will of God. But the strategy did not work and Wesley returned to Savannah feeling divided against himself. He then indulged a feeling of betrayal when Hopkey decided to marry a man Wesley regarded as unchristian. Failing in his effort to discipline himself by leaving Savannah, and now discovering that she had married (poorly), a bitter and condemning tone entered into his communications with Hopkey.⁸²

⁸⁰ John Wesley quoting and adapting Ovid’s *Metamorphoses* from memory, Georgia, October 1736, in Wesley, *Journal*, p. 284n.

⁸¹ John Wesley to Sophy Hopkey, [Savannah], 6 February 1737 in Telford, *Letters of Wesley*, 1, p. 211.

⁸² Lockridge, *On the Sources of Patriarchal Rage*, argues that such outbursts and anger could turn into rage and that that rage was a pathological feature of gendered power for gentry men of the eighteenth century. My interpretation here is not psychological. Wesley is exerting a surveillance power with Hopkey, attempting to monitor, discipline, and direct her choices through the prism of a morality about which

"In your present behaviour," Wesley began in response to a query from Hopkey, "I dislike (1) your neglect of half the public service . . . (2) your neglect of fasting . . . (3) your neglect of almost half the opportunity of communicating [taking communion]." Wesley accused her of lacking any serious pursuit of the knowledge of God. But he was not done. "These things are small in comparison of what I dislike in your past behavior," he wrote, accusing Hopkey of hiding continued affection for another man and in lying about her intention to marry still a third man.⁸³ In a final letter, Wesley used his official capacity to cut Hopkey off from services, opening himself up to the torrent of accusations of abuse of his authority that would soon follow. Wesley was not an autonomous patriarch of the type Lockridge has described. He was dependent on community will and subject to the discipline of local authorities. His rage would backfire. He told Hopkey, "If you offer yourself at the Lord's Table on Sunday, I will advertise . . . wherein you have done wrong." His final statement to Hopkey blended his desire for her and for God. "When you have openly declared yourself to have truly repented, I will administer to you the mysteries of God."⁸⁴ From there the affair became a civil matter in the colonial court. Wesley was charged with pastoral misconduct. Oglethorpe and the other Trustees ultimately cleared him, but his mission in Georgia was hopelessly compromised. In 1738, John Wesley followed his brother back to England.

In one of his last letters to Hopkey, Wesley's rhetoric turns even more moralistic and damning. He declares to her "Oh how fallen! How changed!" The terms are reminiscent of the rhetoric of "fallen women," of prostitution, and in one sense—sexual duplicity, gaming, or license—he is accusing her of being a whore, or at least a less than chaste young woman. He continues asserting bitterly that "surely there was a time when in Miss Sophy's life there was no guile." This last sentence, juxtaposes Hopkey's other side, the honest,

he seemed torn. In practicing such supervision, Wesley is in accord with the attitude of the Trustees attitude toward girls' marriages. In 1735, they considered a proposal that daughters of colonists "marry persons approved of by us" and in 1738 they decided to allow daughters to inherit land if they married men who formally promised to live on the land in the colony, McPherson, *Journal of Egmont*, pp. 96, 340.

⁸³ John Wesley to Sophy Williamson, Savannah, July 5, 1737 in Telford, *Letters of Wesley*, I, pp. 224–25.

⁸⁴ John Wesley to Sophia [Hopkey] Williamson, Savannah, 11 August 1737 in Telford, *Letters of Wesley*, I, p. 226.

guileless, child-like virtue that he and she had discussed as endangered by the license of the colonial setting. Out of a complex desire to possess her, Wesley had urged her to confine herself to religious study, prayer, and fasting. He had urged her to avoid her uncle's workplaces where the controversies and immoralities of the town would beset and influence her. He had urged her to come to him and study religion. And he himself had suspected, detected, his own emotional conflict over his motives, suspecting that some unseen evil force that conquers all, would conquer him. The voluntary confinement he urged upon Hopkey, and the schedules and disciplines he argued she should follow, were the core of a gradually developing orientation toward both Methodism and institutional thinking.⁸⁵

ORPHANAGES

A deadly epidemic suddenly produced dozens of youths like Sophia Hopkey whose moral rescue and education worried clerics, courts, and Trustees alike. On the same day that John Wesley met Sophia Hopkey, 13 March 1736, he also met several Georgia colonists from Salzburg: The Reverend Johann Bolzius, Martin Gronau, and Philip von Reck, who were associates of the Halle, Germany, family of Augustus Hermann Franke. These men were veterans of the Franke Institution, an orphanage and school publicized throughout Europe and Britain. The London Foundling Hospital was created contemporaneously with the Georgia orphanages and partly on the inspiration of the Franke Institution's reputation. Wesley would later describe this day when he met both Hopkey and these Germans as one of the most momentous of his entire life, changing his understanding and experience of God and the world.⁸⁶ This meeting was part of the local cultural process that led to the creation of the Ebenezer and Bethesda orphan institutions and the establishment of an example that would spread elsewhere in the lower south by the late eighteenth century. Such institutions would be unique in the United States until the nineteenth century.⁸⁷

⁸⁵ John Wesley to Sophy Williamson, Savannah, 5 July 1737 in Telford, *Letters of Wesley*, I, pp. 224–25.

⁸⁶ Wesley, *Journal*, p. 182.

⁸⁷ My discussion of Ebenezer complements and supports the work of Renate

The Salzburg Germans had arrived in Savannah in March of 1734 and received a grant of land on which they created a community that the Trustees viewed as an example of devotion to religion, education, and industrious labor. The Salzburgers' cultural orientation was very close to the goals of the Trust, and they quickly became favorites of local authorities and the Trustees. The night before landing, the immigrants prayed and heard sermons. In later days and months they would thank God in prayer often. They were thankful for the rice soup breakfast to which an unnamed Jewish Savannah resident treated them. They were thankful for reassurances that the land was very fruitful—that, despite the sandy appearance of Savannah's soil, "all that is sowed, grows in a short Time." Even when their land proved poor and many of the immigrant children were dead or orphaned within the first year, they thankfully prayed from Genesis: "I am not worthy of the least of all the mercies, and of all the truth, which thou hast shewed unto thy servant." They turned to this passage from Jacob's travels repeatedly during the early months. Every event was a sign of divine agency in their destiny.⁸⁸ They worked their inferior land and patiently waited for the authorities to offer them a better site.

One particular Salzburg project at Ebenezer, an orphanage and school begun in late 1737, received special support from the Trustees and philanthropists who learned of it. The care of orphans had been a concern in Georgia almost since the beginning of colonization. Within a year the colony had a board called the "Trustees of the Orphans" that would care for the estates of orphaned children—if they had any—and bind the children to homes within the town. The manner of care and those selected for care were identical to common practice in England through the Orphan Courts, which English minister and pamphleteer Samuel Clarke described as mainly about the preservation of the interests of propertied orphan children and only secondarily about moral rescue of children generally.⁸⁹ Trustees of orphans usually bound poorer children to labor for

Wilson, especially "Halle and Ebenezer." See also Wilson, *Pious Traders in Medicine*, chapter one, esp. pp. 22–25.

⁸⁸ Jones, *The Georgia Dutch*; Bolzius, *Journal*, 14 March 1734 and 5 May 1734.

⁸⁹ [Clarke,] *The Case of Orphans Consider'd, from Antiquity: with Some Remarks on Our Courts of Wards . . .* (London, 1725), passim.

assigned families as apprentices. Orphan courts often required adoptive families to provide food, shelter, and perhaps basic education—literacy and numeracy—in return for the child's service, an arrangement much like apprenticeship. Occasionally, Georgia guardians or other adults may have mistreated or neglected their charges, as in one case where a girl was found in bed with several men in her guardian's house.⁹⁰ At Ebenezer, by contrast, the Salzburg ministers built an orphan house that provided strict discipline, gender segregation, and religious and labor education. The institutionalism of the Ebenezer effort was new in Georgia, though it was not unique to Georgia.⁹¹

Orphanages first emerged in market towns in Europe and England during the fifteenth and sixteenth centuries. Their purposes varied, but generally involved some form of training and education of youth for the trades. Some, as in England, did not last very long, just a few decades. Others in towns such as Augsburg, Amsterdam, and Halle lasted centuries. Until the Franke Institution, orphanages were sectarian, admitting, for example, Lutherans only, or Catholics only.⁹² The Franke Institution at Halle became a movement to reform that city's poor laws by instituting what its founder called *praktische Christentums*. The phrase could be translated to "practical Christianity," "serviceable Christianity," or the most literal "practical Christianity," which underlines the educational—subjectivity forming—orientation of the idea. Unlike most early orphanages and orphan courts, the purpose of the Franke Institution was "nothing else but the Salvation of Souls." Franke's methods, however, for saving souls were utterly worldly, functional, and technical: the institution featured a combination of literacy, moral, and industrial training (beginning with printing and book-binding).⁹³ Through such labor and religious education

⁹⁰ Thomas Christie to Trustees, Savannah, 28 May 1735, Egmont mss typescript v. 14200, pt. 2, p. 139. Causton to Oglethorpe, Savannah, 24 March 1735, Egmont mss typescript, v. 14200, pt. 2, pp. 280–81.

⁹¹ Buckingham, "Early American Orphanages."

⁹² McCants, *Civic Charity in a Golden Age*, esp. chs. 1 and 2; Safley, *Charity and Economy*; Manzione, *A Passing Charity*.

⁹³ Franke, *Pietas Hallensis* . . . translated and extracted in George Whitefield, *A Continuation of the Account of the Orphan House in Georgia* . . . (London, 1743), p. 102; The first English translation and printing of Franke's memoir is Franke, *Pietas Hallensis*. The 1705 edition has a bibliography of the books printed by the institution to that date beginning on p. 145. Gustav Friedrich Herkberg, *August Hermann Franke und sein hallisches Waisenhaus* (Halle, 1898), the quoted passage on *praktische Christentums* is on page 32. Safley, *Charity and Economy*, pp. 1–17.

Franke believed that he saved “poor orphans . . . from the dangerous courses which a Beggar’s Life might” expose them to, and “put them under good Discipline, and instruction in the Word of God.”⁹⁴ *Practische Christentums* was the key pathway to disciplined labor “instilled in the Children from their youth up.” Using a building metaphor, Franke claimed that “here a Foundation is laid for training up good Workmen in all Trades, good Schoolmasters, nay good Preachers and Counselors.”⁹⁵ The key disciplinary tactics of the institution utilized space and were of the same family as those that the Trustees built into their plan for Savannah. The building, as a place of confinement for youth “in danger,” was intended to prevent “infectious Examples” and to separate them from the putatively pernicious, “sensual and brutish lusts” of the outside market town of Halle.⁹⁶ Halle, with its use of confinement, regimentation of daily schedules, and designation of functional sites for specific labors, became itself an “example of good discipline” for other would-be reformers.⁹⁷ And it appears to have been well accepted in the Ebenezer community. “The ORPHANAGE here, into which I and some children came, has been built with God’s help,” remarked one widow in 1738, adding, “may our dear God be praised for not only starting this great work but also for completing it.”⁹⁸

Although Halle was the most important background influence on the Salzburger’s creation of Ebenezer, most immediately forceful was the convergence of interests among these Germans and the English religious reformers around them, allies of the Trustees, and the Trustees themselves.⁹⁹ Georgia historians generally try to account for whether Bethesda or Ebenezer should be considered the “first” orphanage in Georgia. But the fact that Ebenezer was first was mostly accidental and a focus on its priority misses the common genealogy of both institutions—their linkages with the cultural politics of Georgia as a colonial project.¹⁰⁰ The inspiration for both institutions came at

⁹⁴ Franke, *Pietas Hallensis*, p. 104. On Franke’s blend of evangelicalism and discipline see also La Vopa, *Grace, Talent, and Merit*, pp. 146–55.

⁹⁵ Franke, *Pietas Hallensis*, pp. 104–05.

⁹⁶ Franke, *Pietas Hallensis*, pp. 103–04.

⁹⁷ Jones and Marie Hahn, *Detailed Reports on the Salzburg Emigrants*, pp. 17n, 178.

⁹⁸ Jones and Hahn, *Detailed Reports on the Salzburg Emigrants*, pp. 7–8.

⁹⁹ Hansen, “John Wesley and the Rhetoric of Reform.”

¹⁰⁰ George Fenwick Jones, *The Georgia Dutch*, generally emphasizes the Ebenezer Orphanage’s priority while Edward Cashin, in his more recent *Beloved Bethesda*, has

a shared moment, and both shared the example of Halle. It simply took longer for the inspiration that led to Bethesda to yield an actual institution. The opportune moment came in September 1736, when the patriarchal cultural politics of the Trustees, the Wesleys, and the Salzburger converged with a shared communal and familial ideal to face a destructive epidemic in both Savannah and Ebenezer. Out of this convergence of forces, at this moment, both Bethesda and Ebenezer were born, though they were built later and at somewhat different times.

During the epidemic, Ebenezer began running out of provisions, other supplies, and money. Gronau and von Reck left for Savannah on 7 September to seek their pay and new supplies. A fever, Boltzius wrote, "so weakens some people, both male and female, that they cannot even stand up."¹⁰¹ While in Savannah the men stayed with John Wesley. Both Wesleys had already developed an admiration for the piety and discipline of the colony's Moravian and Salzburg Germans upon their arrival. In fact, even before landing, during a dangerous storm on the transatlantic trip, John Wesley had been so impressed with the faith of the Moravian missionaries that he used their example to chastise the English passengers. During his residence in the colony, he prayed and sang with the German congregations and ministers, and began his work on translations of German hymns and prayers.¹⁰² It is nearly certain that he learned the details about the Halle orphanage during his occasional visits with Bolzius and Gronau, though he may easily have been aware of the Franke Institution through London publications as well.

Ebenezer needed a year to recover from the sickness of 1736 and raise the funds and find the opportunity to build the house. By early 1738, "twelve orphans are already there and since four other children have also come from the neighboring city of Puryzburg [South Carolina], they will be provided with nourishment and clothing." Together with "the married couple," the ministers jointly ran the orphan house, which doubled as a school and a general house of

downplayed Ebenezer, suggesting an independent origination for Bethesda. Both scholars are right. Ebenezer was first and Bethesda was not entirely a derivation of the Bethesda initiative.

¹⁰¹ Jones and Hahn, *Detailed Reports on the Salzburg Emigrants*, p. 207.

¹⁰² Wesley, *Journal*, pp. 142, 218 (translating German), 181 (Bolzius and Gronau visit from Ebenezer), 271–72 (Von Reck visit from Ebenezer 8–20 September 1736), 274 (visits to Ebenezer noted).

refuge for widows and travelers. In the exact spirit of Franke they worked hoping the children and adults in the house “may soon be led to the Lord” so that they, the poor children in particular, might be saved from “straying in error without supervision and care and save it [children] from bodily and spiritual, yea, even eternal ruination.” But Ebenezer added a deeply colonial element. The Ebenezer colonists expressed an ambition, “With all our hearts,” to convert “all children in the entire country and in the neighboring Carolina—Christians, Jews, and heathens to our dear Savior.” The remark is almost racial in construction, in which Christians can still require conversion and “heathens” can only mean Africans and Native American Indians. There is no evidence that they actually brought enslaved people or native people into their institution, but the expressed intention demonstrates how easily colonization could be grafted onto moral reform and institutional confinement in discourse. Both practices shared a conception of their subjects as lacking cultivation and needing and able—though not always willing—to learn “truth.”¹⁰³

The Ebenezer community regularly gathered in the orphanage building for meetings and prayer. The design of the building epitomized the close attention to detail that the Halle orphanage and the Trust’s design of Savannah had showed. At forty-five feet long, thirty feet wide, and twenty-two feet high, the building must have seemed an imposing facility in the center of a town full of small, one-story huts built on the model seen in the “View of Savannah.”

The largest building they yet have for publick use is a Convenient House built for the Reception of Orphans, and other poor Children who are maintained by Benefactions, and are neatly and well taken care of and are taught to work according as they are able, and their Age will permit, and very carefully instructed in the dutys of Religion: their present number is 17.¹⁰⁴

Inside, the building was carefully divided into equal-sized spaces, with “three rooms, and a chamber just behind each room.” The builders divided these three rooms into distinct functional sites that they designated by gender and status, with “the manager with his family and Mrs. Schweighoffer . . . in the middle” room. And they

¹⁰³ Jones and Hahn, *Detailed Reports on the Salzburg Emigrants*, pp. 2–3.

¹⁰⁴ Anonymous, “The State of Ebenezer, June 1738,” *Egmont* v. 14203 pt. 2, p. 111.

provided for supervision of “the girls on the right and the boys on the left side day and night” through windows built into the walls of the central manager’s apartment.¹⁰⁵

The production of gender distinctions is not surprising and is consistent with institutional developments extending back to the seventeenth century at the least. But the colonial setting is interesting because the death rate in Georgia was not unusually high, and cities to the north such as Philadelphia were probably creating more poverty to match the growing wealth of the trading classes. In short, the need for orphanages in the lower south was cultural rather than material necessity. In Georgia, a new level of anxiety about gender and sexuality found innovative institutional expression, drawing on Atlantic-wide resources. These philanthropic colonialists were simply more interested, more innovative, and provided with wider opportunity in a new colony with extensive financial backing. What is expressed in these orphanages is not a cultural aberration of Georgia—a nostalgic throw-back or a utopian daydream. What the orphanages demonstrate is the deep ribbon of anxiety in Euro-Atlantic culture about gender, sexuality, and community identity. As Jennifer Morgan has recently asserted, reproduction, gender, and sexuality became primary interests of western culture in the colonial encounter and expropriation of African bodies. Cultural encoding of sexuality defined white, black, and Indian. If “savage” was defined by sexual licentiousness, “civil” had to be defined by virtuous control. It is revealing that these orphanages appear in a “frontier” colonial outpost first rather than a market city. The anxiety underlying them is the same as what led John Wesley to flee Savannah to escape his desires for Hopkey. The children are confined to ensure their enculturation and to keep them from scattering into the unmarked wilderness Peter Gordon portrayed in the “View of Savannah,” where Wesley and Bolzius and Oglethorpe and others probably feared they would convert to whoredom. That satanic conversion would be accomplished as much by what would *not* be found in the wilderness as by the native people’s “savage” culture. It is as much the discourse of original sin as Native American culture that Wesley et al. feared.

The agency of the children themselves should not be forgotten. Did those who were old enough ask for shelter or food? Could a

¹⁰⁵ Jones and Hahn, *Detailed Reports on the Salzburg Emigrants*, p. 6.

tiny colonial hamlet ignore street children as easily as a market port city like Amsterdam or London? It is hard to imagine a hungry child failing to place a demand for food onto a nearby adult in a small outpost, where all the adults were familiar. The adult Ebenezer colonists had viewed Savannah Indians as poor wretches and ignorant heathens. During the epidemic it might have seemed that an American landscape that had produced native culture was about to swallow-up Salzburg children. But shelter simply did not have to mean building an orphanage. That step was cultural. The decision to enclose these children in a designated house was a decision to promote Christian and Germanic cultural identity in the bodies and minds of those born to Salzburg Christians. It was a response to a local crisis that played on colonialist fears. It was brought on by the colonial setting itself and facilitated by the resources and inclinations of the Trusteeship. And it was, in microcosm, exemplary of the cultural relationship between the coding of nationalism and colonialism in the Atlantic World: colonials defined their identity partly by what they would not allow it to become.

Evidence for the effects of the Halle-inspired disciplinary and educational program is anecdotal. George Whitefield confessed that his visit to Ebenezer dramatically impressed him with the piety and industrious structure of the institution. A surviving letter by a German-speaking orphan raised and educated in the Ebenezer Orphanage, Theobald Keifer, suggests that the religious, social, and literacy ambitions of the institution were pursued according to design. With few errors in the German that do not seem like typos or normal spelling variations (“februarii” without the cap and with two i’s) or dialect form (*Kühnheit* for *Kuhnheit*), Keifer reveals considerable skill with both written language and the obsequious form of eighteenth-century letter writing.¹⁰⁶

The epidemic and the visit of Ebenezer Germans to John Wesley’s Savannah parsonage also inspired Wesley to propose an orphanage to Whitefield. At the height of his courtship of Hopkey, at the peak

¹⁰⁶ George Fenwick Jones argues that Keifer’s letter is evidence of the efficacy of Ebenezer’s literacy training. The *Kühnheit* example above is his observation. He also rightly observed one instance where Keifer strayed from the “proper usage” students would have been taught. Keifer separated inseparable prefixes. The best example I found is *ge sprochen* for the past participle *gesprochen* (spoke). See Jones, “Two ‘Salzburger’ Letters.”

his personal crisis over his own desire, and shortly after his brother Charles had been forced from the colony by the machinations of “wicked” colonists, John wrote to Whitefield proclaiming that the youth of the colony were in danger and desperately in need of careful education and moral guidance. Although, in his published memoir, Whitefield claimed that the idea for the Bethesda Orphanage “was first proposed to [him] by my dear Friend the Rev’d Mr. *Charles Wesley*,” John Wesley is a more likely source.¹⁰⁷ Whitefield had motivations to snub John. He and John Wesley disagreed, sometimes publicly, on issues such as the relationship between the Anglican and Methodist doctrines as well as slavery.¹⁰⁸ Charles Wesley, like John, was keenly interested in the German settlers of Georgia. He also held the reform views of John, but it was John who seems to have come to the conclusion that an orphanage was needed in the colony. And John wrote to Whitefield urging him to come to Georgia, “Does your heart burn within you to turn many others to righteousness? Behold the whole land, thousands and thousands are before you!” At the time he wrote these words, Wesley was host to several of Savannah’s newly orphaned children. He continued, alluding to the impromptu orphan house in his parsonage: “Here are within these walls children of all ages and dispositions. Who will bring them up in the nurture and admonition of the Lord?” And Wesley, who had been unable to begin his own mission to the Indians, concluded with a nod to the heterogeneity of the colony as well as the possibility for a cultural and Christian transformation:

Here are adults from the farthest parts of Europe and Asia and the inmost kingdoms of Africa; add to these the known and unknown nations of this vast continent, and you will indeed have a great multitude which no man can number.

Recalling either this letter or a similar one that arrived almost simultaneously but has not survived Whitefield claimed that “upon reading this my heart leaped within me and, as it were, echoed to the call.” Whitefield later went to Georgia, with the intention to consider an orphanage carefully.¹⁰⁹

¹⁰⁷ Whitefield, *A Further Account of God’s Dealings*, p. 51.

¹⁰⁸ Rogal, *John and Charles Wesley*, p. 76.

¹⁰⁹ John Wesley to George Whitefield, Savannah, 10 September 1736 in Telford, *Letters of Wesley*, (London, 1931), I, pp. 204–06.

Whitefield won financing for the Bethesda Orphanage from the Trustees and from donors in Britain and throughout North America. Benjamin Franklin tried to convince him to reconsider the Georgia location and pick Philadelphia instead, but Whitefield was determined to place the institution in the outpost colony. The orphan house was a significant project for so small a colony, and Whitefield considered it—with the tacit agreement of the Trustees—to have saved the colony from complete abandonment by providing work and cash at a time of economic collapse.¹¹⁰ The Trustees had wanted to create a colony of industrious, patriarchal families but by 1740, when Bethesda finally opened, the colony was on the verge of collapse, with settlers leaving despite contractual obligations to the Trust. In place of the natal, patriarchal families that the Trust had sought in the colony generally, Bethesda created a communal family—“the Family,” as they referred to themselves—out of travelers and the remnants of families broken by disease and accidental death. In this family, Whitefield himself was the patriarch.¹¹¹

Bethesda operated on a larger scale than Ebenezer but on nearly the same principles. It confined, enclosed within walls, a variation of the Trust's benevolent paternalism, applying the techniques of practical Christianity, drawing its example from the Franke Institution at Halle. Franke's book on his experiences in creating and promoting his institution, *Pietas Hallensis*, was first translated into English and published in London in 1705. Both Wesleys might have read it and certainly must have discussed Franke with the Ebenezer and Moravian ministers. Whitefield himself republished a long section of the account in his 1743 *Continuation of the Account of the Orphan House in Georgia* and claimed that Franke's famous “Example has a Thousand Times been blessed to strengthen me” in building Bethesda.¹¹²

The children slept, studied, and worked together in groups. They ate with the masters and administrators, and were examined daily by Whitefield at public exhibitions. “They rise about five o’Clock,

¹¹⁰ Lambert, “‘Pedlar in Divinity’”; Haviland, “Of Franklin, Whitefield, and Orphans”; McCaul, “Whitefield's Bethesda College Projects”; George Whitefield to Herman Verelst, Savannah, Jan. 16, 1740, Whitefield to Verelst, Savannah, 28 January 1740, Whitefield to the Trustees, Savannah, 10 March 1740, and Whitefield to the Trustees, Savannah, 7 April 1740, in Lane, *Oglethorpe's Georgia*, pp. 433–41.

¹¹¹ “Report from the Orphan House” 4 June 1740, Lane, *Oglethorpe's Georgia*, 2, 437–40.

¹¹² Whitefield, *Further Account of God's Dealings*, p. 58.

and each is seen to kneel down . . . to offer up their private Prayers,” a 1740 description of life in the Orphan House began. The nearby communities of Ebenezer, Abercorn, and Savannah were welcome: “Our doors are always open to Strangers, So that we are never without some of the Parishoners at Family Prayer.” Following morning “Exhortations” and “Usefull Questions” the children began the day’s training in labor and trades: “the Children go to their respective Employes, as Carding, Spinning, picking Cotton or Wool, sewing, knitting . . . the Apothecary . . . the Store or Kitchen; others clean the House, fetch Water, or Cut Wood. Some are placed under the Taylor.” Later, before lunch, they “go to School, some to writing, Some to reading.” And in the afternoon the labor, religious observance, and literary education routine began again. “At our Return about 8 many of the Parishoners come in to hear Mr. Whitefield Examine and Instruct the Children by way of Question and answer.” At the end of this summary of a typical day, its author expressed the core behavioral lesson of the institution, which would have fit the Trustees own hope for Georgia itself: “Here is no room for pride or ambition, unless it be which will serve Christ most and best.”¹¹³ Religious devotion, acceptance of a subordinate station, and industry for the common good, not one’s self, were the core tenets of Georgia, Bethesda, and Halle’s practical Christianity.

Bethesda took the Halle model in a slightly different direction. Like Halle, Bethesda focused mainly on the religious, literate, and trade training of whites, but like Ebenezer it aspired to Christianize Africans and Native American Indians as well. Bethesda emphasized communal living, a strict schedule, and serious engagement in the education and discipline of its inmates; it was not a warehouse for children. Bethesda took in so many children so quickly that it almost immediately replaced the Ebenezer Orphanage, which closed in the 1740s. It engaged in technical training and literacy education as well as supplying shelter. Inference based on existing data and years of operation suggests that it might have served as many as 400 youths by the 1770s. At times, it may have housed nearly as many or more people than some of the smaller villages of early Georgia. During the initial six-year period, 1739–45, 86 children, both boys and girls,

¹¹³ “Report from the Orphan House” 4 June 1740, Lane, *Oglethorpe’s Georgia*, 2, pp. 437–40.

lived at Bethesda for periods of a few months to a few years. Some of these children were eventually returned to their parents. A handful died while in the orphanage's care. Sixty-two of the children were eventually either bound-out to learn a trade, to work as domestic servants, or married. During the initial six-year period, half of the boys (43) and a third of the girls (19) were placed in both Georgia and South Carolina. If marriage is included the proportion of girls successfully placed-out increases to half as well (32).¹¹⁴

CONCLUSION

What the Georgia Trusteeship's colonialism and early settlement history demonstrate best is not the success or failure of a "plan," the utopian or unrealistic hopes of the planners in the face of a liberal America, or how invidious colonizers stole the land. It exemplifies best the self-conscious adaptability of colonialism and colonial projects and reveals how deeply embedded they were in eighteenth century culture.¹¹⁵ The Georgia Trustees uniquely innovated upon the relationship between the assimilationist and exclusionary elements of most eighteenth century colonialism and they did so in a way that resonated with the penal reform movement some of them had aided or lead before beginning the Georgia project.

The Trustees ardently sought the assimilation of non-elite whites to a model of patriarchal families and industrious labor that clearly

¹¹⁴ George White, ed., *Historical Collections of Georgia* . . . (1854), pp. 332–33.

¹¹⁵ That colonizers had to be adaptive is an important discovery in Colonial History and Postcolonial Studies in recent years. Thomas, *Colonialism's Culture* is an important text that cuts against a common understanding of colonialism that overstates the power of the colonizer. A recent essay collection makes a similar point with different methods: Daniels and Kennedy, *Negotiated Empires*, and Stoler, *Race and the Education of Desire*, demonstrates a similar principle of negotiated power in discourse and practice. Richard White's widely influential book in the New Indian History, *The Middle Ground*, made cultural compromise, adaptability, and new cultural production core themes. White did not cite Postcolonial scholarship, but he cited authors as major influences who were coming out of a critical tradition in anthropology influenced by Michel Foucault and others who have also influenced Postcolonial Studies. As a result, *The Middle Ground* distanced itself from the modernist project of ethnography and ethnohistory, which traditionally focused on the community study. Instead, White claimed to be following the very influential work of Eric Wolf, *Europe and the People without a History*. White's epigraph for chapter one quotes Wolf: "Human populations construct their cultures in interaction with one another, and not in isolation" (p. 1). And his epigraph to the introduction quotes James Clifford from *The Predicament of Culture* (p. ix).

was not wholly acceptable to all the emigrants because it was more rigid than elsewhere. They planned for the assimilation of the Savannah community of Creek Indians. In the decade that saw the infamous Walking Purchase in Pennsylvania (in every respect a repudiation of the spirit of William Penn's pacifist colonialism) the Georgia Trustees sought a peaceable relationship. And at a time when English involvement in the transatlantic slave trade was hitting its peak, they sought to exclude enslaved Africans on the belief that they could not be assimilated to a subordinated status without risking rebellion and white moral dissipation. At its core, the Trustees' colonialism bucked an emerging eighteenth-century consensus for the purpose of promoting another rising eighteenth century movement: interest in the moral reformation and education of the laboring classes of whites. The demise of their colony-as-reformatory was less due to the failure of an unrealistic plan than their loss of a power struggle with colonials possessing different visions of colonialism. Georgia was a thriving but not wealthy colony when the Trust surrendered its charter (only one year before it expired). The Georgia that then emerged resembled other slave colonies in the region within a couple decades.¹¹⁶

Yet, the Bethesda Orphan House became an exemplar of moral reformation, order, and industrious labor at gender-specific skills and expectations. And, to repeat, the Ebenezer and Bethesda orphanages were the first of their kind anywhere in British North America. Their placement in Georgia, clearly, was not an accident. It was a consequence of the Trustees' colonialism. The orphanages, like the Trust, innovated upon the twofold objective of the colonial apprenticeship system. As Richard B. Morris wrote years ago, the goals of apprenticeship had long been "1) to provide skilled labor; 2) to relieve the community of the burden of supporting poor orphans and other dependent children." Parents could satisfy for themselves the first objective by voluntarily signing indentures to learn a craft or trade. But the second form was involuntarily implemented upon the poor

¹¹⁶ Jack Greene, "Travails of an Infant Colony: The Search for Viability, Coherence, and Identity in Colonial Georgia," in Jackson and Spalding, eds., *Forty Years of Diversity*, p. 303. Nobody has shown that the farmers of Ebenezer and elsewhere in Georgia were not thriving as yeomen by about 1750. There has been an implicit assumption in much of the writing that commerce in staples and full colonization of remaining Creek Indian land for export production was "normal" and therefore the measure of whether Georgia was in "poverty," Coleman, *Colonial Georgia*, pp. 203–05.

and enforced by local parish officials. These involuntary apprentices generally came from a lower laboring class than the better known voluntary “trade apprentices.” Although the poor laws could compel work, they generally did not share trade apprenticeship’s literary and labor educational goals. Accordingly, Morris argued that this “failure to provide adequate instruction in the trades led to the establishment in the eighteenth century of workhouses and charity schools.”¹¹⁷

The Georgia Trusteeship shared the cultural politics of education and labor that helped establish charity schools and workhouses. In the minds of reformers the possibilities for education and colonialism were often similar. Non-elite whites in England and non-whites in America might be assimilated to a civilized and moral order. The success of British imperial and colonial expansion had itself spurred this interest in institutionalization. For the Trustees, the mobile, multi-ethnic, exploitative, and commercial Atlantic World seemed to threaten civilized order. The bubblers, the MacHeath Gang, Rachel Ure, Sophia Hopkey, Mad Mr. Watson, the Red String conspirators, and the Malcontents were directly the result of colonial and mercantile expansion. The Georgia Trustees identified this as volatility and as a problem resolvable through appropriate disciplinary policy and technique. For a period of nearly twenty years, the Crown and Parliament agreed. But in turning away from tail-male, the slavery ban, and moral reform as governing policy, authorities did not conclude that the methods were a failure, that the goals were inappropriate, or that the people were so liberal as to be unsusceptible to such discipline. Rather, they appear to have concluded that other institutions possessing real walls were more appropriate for their education, missionary, and reformatory goals and methods. In so thinking, they were in step with educational thought in the middle eighteenth century. Such a critique of Enlightenment innovation is a common staple of Colonial and Postcolonial Studies. But the historical specifics of particular colonial ideologies and projects need to be examined by historians in part to test empirically how close the connections were. In Georgia they were substantial, as we have seen.¹¹⁸

¹¹⁷ Morris, *Government and Labor in Early America* (New York, 1946), pp. 364, 384–85.

¹¹⁸ Coleman, *Colonial Georgia*, pp. 174–75; Cooper, “Postcolonial Studies and the Study of History,” in Loomba, *Postcolonial Studies and Beyond*, pp. 404–06.

The orphanages contributed a substantial stabilizing force to the colony. Bethesda in particular provided badly needed work for skilled artisans and unskilled laborers as well as cash during the 1739–1741 period of the institution's construction and commencement. As one scholar has argued about orphanages in Amsterdam, both Bethesda and Ebenezer embodied patronage relationships between wealthy individuals, such as the Trustees themselves, and the middling classes of free-holding artisans and farmers, some of whom had sympathized with the Red String Conspiracy.¹¹⁹ It was to these people that Bethesda often bound its charges as agricultural and trade apprentices. For these masters of servants the orphanages took over the dual task of disciplining and educating the children, tasks that orphan courts had commonly considered to be a responsibility and expense for masters. Inside the orphanages the children learned and lived the industrious and morally regulated lives the Trustees had envisioned for the whole colony. Outside these walls, the agitation of the Trustees' detractors increased. The Trusteeship and its prohibitions on slavery, rum, and fee simple land tenure were dismantled by 1751, followed by the rapid expansion of South Carolina's population and slave labor system into Georgia after the establishment of the Royal provincial government. But the Trusteeship contributed a particularly strong exemplar of charity education's relevance in the colonial context.

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¹¹⁹ McCants, *Civic Charity*, ch. 2.

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CHAPTER NINE

THE MASON PATENTS: CONFLICT, CONTROVERSY, AND THE QUEST FOR AUTHORITY IN COLONIAL NEW HAMPSHIRE

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Historians analyzing Britain's North American colonies rarely consider New Hampshire. Yet the tiny colony was an important enterprise even if it wasn't exactly a going concern until the late seventeenth century. New Hampshire's experience can shed a great deal of light on the ways in which the British government and seventeenth-century entrepreneurs perceived a wide variety of issues surrounding authority—property rights, family obligations, economics, and politics. Most important, it can illustrate the contemporary value and perceived legitimacy of colonial patents. By looking at the history of early colonial New Hampshire it is possible to see people wrestling over the colony and the profits they believed would be produced by it while trying to determine which of several competing visions for its future would dominate life.

During most of the seventeenth century, arguments raged over New Hampshire in both England and New England. And they were begun by a series of early century royal patents that appeared to give one family the rights to land and government, rights that came to run headlong into those claimed by New Hampshire's residents. Because of those arguments, any attempt to understand the value of proprietorships could benefit from a look at Captain John Mason, his original patents to the colony's land, and the conflicts and controversies that arose later out of those patents, engulfing three generations of Mason's family.

New Hampshire's experience certainly makes it difficult to argue that royal patents were of no use or value. Both the Mason family and the colonists who called New Hampshire home fought bitterly over the validity of those grants. Indeed, it was the Mason patents, "founded upon confusion and obscurity" that created 150 years of

social turmoil and political strife in New Hampshire.¹ Those patents came to be perceived as a birthright by Mason's grandson, Robert Tufton Mason, who sought the wealth and power he believed they bestowed. During the colonial sesquicentury, the attempts to order an existence in New Hampshire by Mason, his heirs, and their representatives indicate a belief in the social, political, and economic value of the patents. Valuable the patents must have been, too, if the attempts of John Winthrop and others in Massachusetts to foment disorder in New Hampshire are to find their place in the analysis. Powerful people on both sides of the Atlantic recognized the value and status of the proprietary claim because throughout the colonial period it was "one of the greatest threats . . . to the security of New Hampshire settlers," a threat that illustrates the value placed on New Hampshire by those who settled the area in complete disregard to Mason's patents.²

In its day, the proprietary grant was designed to determine control, both economic and political—control that it seems Captain John Mason wanted to assert for his benefit immediately and his family's later. Mason believed that the degree to which he asserted that control—and exploited the resources available in New Hampshire—would determine the fate of his family's wealth and status. The controversies that emerged from that belief, however, would affect many more people. Indeed, they "would determine the settlers' basic rights to exploit the land and its resources," as well.³

* * *

John Mason first imagined New Hampshire as an English colony sometime between 1615 and 1620. Europeans had not yet settled the area, but Mason, who was at the time governor of the Newfoundland colony in British North America, surely knew of the area's prospects. As colonial governor he had traveled the length and breadth of Newfoundland to learn all he could about its geography.⁴ Fishing was the primary reason for Newfoundland's existence, so the gov-

¹ Hammond, *The Mason Title*, p. 3.

² Van Deventer, *The Emergence of Provincial New Hampshire*, p. 40.

³ Van Deventer, *Emergence*, p. 40.

⁴ Mason wrote a tract that described Newfoundland as he discovered it and was designed to promote colonization to what must surely have seemed to an Englishman

ernor would have had close associations with ships' captains and fishermen. Thus, he would have heard many stories from seafaring Newfoundlanders about a fishery far to the south that yielded abundance equal to, or even exceeding, the plenty of the famous Grand Banks off Newfoundland's shores. Mason would have listened and learned.

By 1620, that faraway area known to fishermen was no longer their secret. In November of that year, King James I formed the Council for New England, a closed joint-stock company comprised of forty wealthy aristocrats including a well-connected former military commander, Sir Ferdinando Gorges.⁵ The council was granted all the land, from the Atlantic Ocean westward, between forty degrees and forty-eight degrees north latitude in North America, and was granted authority to parcel out the land through patents of proprietorship.⁶ In 1620, Captain Mason, who had recently returned to England from Newfoundland, seized the opportunity the council's creation presented and decided to begin the process of settling a new colony in America.⁷

He did this to get rich, which indicates the depth of his ignorance about the land to which he sought proprietary rights. If there ever were a more unlikely spot for an English colony than New Hampshire, it would require an environment so obstinate as to defy description. Among the various obstacles to successful colonization were the perceived threat of natives, cold winters, vast forests, and little arable soil near the sea. However, recommending it to the ambitious colonial entrepreneur in search of wealth were those forests and the sea.⁸

like a god-forsaken land. While Mason was criticized for exaggeration, he noted that in "ye woodie places in June & Y Julie are somewhat pestered with small Flies bred of the rottenes of ruined woode & moisture." He reported also that summer was pleasant, but winter "degenerating therefrom," approached the severity of Norway, though daylight "exceedeth theirs three hours at the least." John Mason, *A Briefe Discourse of the New-found-land* (Edinburgh: Andro Hart, 1620) in Tuttle, *Capt. John Mason*, p. 148.

⁵ "Memoir of Captain John Mason," in Tuttle, *Capt. John Mason*, 15; Daniell, *Colonial New Hampshire*, pp. 20–21.

⁶ Bouton ed., *Documents*, p. 5.

⁷ Mason's first grant was issued 9 March, 1620. It was a "Grant by the Council of Plymouth to Capt. Mason of Cape Anne," in Sainsbury, *Calendar of State Paper Colonial*, p. 25. Charles Wesley Tuttle, in his volume on John Mason, calls this the "Grant of Mariana" and dates it 9 March, 1621–2, Tuttle, *Capt. John Mason*, p. 170.

⁸ Main and Main, "Economic Growth," 27.

Unfortunately for Mason and the people he sent across the North Atlantic as settlers, neither the rudeness of the environment nor the commercial potential of the land that would become New Hampshire was well known by those granting colonial patents nor by those receiving them. Certainly, Mason had never set foot on New England's soil. And, judging from its efforts at granting land to English aristocrats, the Council for New England was ignorant of North American geography.

Between 1621 and 1629 the council granted several conflicting proprietorships to Mason and his partner Gorges. Mason's first patent, obtained in March 1621, granted him the seashore from the Naumkeag River in today's Maine south to the Merrimack River.⁹ Another patent established the "Province of Maine" in August 1622. Here was granted "all . . . lands . . . wholly and entirely invested, appropriated, severed and settled in and upon ye said Sr. Ferdinando Gorges and Capt. John Mason, their heirs and assigns for ever" and included "all that part of the main land in New-England lying upon the seacoast betwixt ye rivers of Merrimack and Sagadahock," extending sixty miles inland.¹⁰ Also in 1622, Mason and Gorges gained the patent that extended their holdings to Maine's Sagadahoc River northward, and inland to the sources of the Sagadahoc and the Merrimack.¹¹ In 1629, Mason received his own patent that separated his New Hampshire lands from the Gorges patent for Maine, assigning rights identical to those in the first patent to land "beginning from the middle part of the Merrimack river . . ." up to the Piscataqua River, some 18 miles to the north. Inland, all land between the headwaters of the Piscataqua to the northwest and the Merrimack River was included in the grant.¹² This is the grant Mason called New Hampshire.

However, in 1628, and despite Gorges' close association with Mason, the Council for New England granted to one Sir Henry Roswell "[a]ll that part of New-England . . . which lies and extends between [the] Merrimack, and . . . [the] Charles. . . ." Specifically, the

⁹ "Grant of Mariana," in Tuttle, *Capt. John Mason*, p. 170.

¹⁰ "A Grant of the Province of Maine to Sir Ferdinando Gorges and John Mason, Esq., 10th of August, 1622," in Bouton, *Documents*, pp. 12–13.

¹¹ "Grant of the Province of Maine, August 10, 1622," in Tuttle, *Capt. John Mason*, pp. 177–83.

¹² "Grant of New Hampshire," in Bouton, *Documents*, p. 23.

boundaries were defined as “all those lands . . . which lie and be within the space of *three English miles to the northward of the [Merrimack River]*.”¹³ Thus, the land three miles north of the Merrimack River had been given to both Roswell and Mason by 1629. In that same year, a corporate charter was extended to the Massachusetts Bay Company that added new names to Roswell’s and reiterated rights and boundaries.¹⁴ Not surprisingly, disputes arose out of the confusion that continued well beyond John Mason’s life. Either ignorant of the conflict or unable to recognize the legal problems the conflict would create, Mason believed by 1629 that he had the foundation upon which he could build a thriving commercial colony. Unfortunately for him—and for the historian attempting a reconstruction of events surrounding first settlement—he wasn’t the only one who felt that way.

Before Mason could establish any settlements on land he believed was granted to him, a man named David Thomson had already arrived on the Piscataqua River in 1623.¹⁵ Thomson was from Plymouth, as was Gorges, and had received his own grant of land from the Council for New England in payment for services to Gorges and the Council, a grant likely conflicting with Mason’s grant.¹⁶ Thomson’s efforts were underwritten by three Plymouth merchants. The funding allowed him to bring ten other settlers with him, but the harsh weather and unforgiving soil defeated the little band. Thomson became impatient with the uncivilized environment, abandoned his settlement, and moved to the Massachusetts Bay Colony in 1626.¹⁷ But Thomson was not the only settler with claims to New Hampshire’s territory.

Brothers Edward and William Hilton also established a plantation within the geography of Mason’s patent. They would stay longer than Thomson, creating the first permanent settlement in what would become New Hampshire. The Hiltons settled upriver from the Thomson plantation, near what is today’s town of Dover, and turned it into the only profitable enterprise in the colony.¹⁸ The Hiltons and

¹³ “The Grant of Massachusetts, from the Council of Plymouth, to Sir Henry Roswell and others, date 19 March, 1627–8,” in Bouton, *Documents*, pp. 18–19. Italics added by Bouton.

¹⁴ Bouton, *Documents*, p. 20.

¹⁵ “Levett’s Voyage, &c.,” in Bouton, *Documents*, p. 54.

¹⁶ Deane, “Indenture,” pp. 358–85.

¹⁷ Deane, “Indenture,” p. 361.

¹⁸ Daniell, *Colonial New Hampshire*, p. 26; Deane, “Indenture,” p. 361.

the planters who joined them, built homes and became corn farmers, trading with the natives to enhance their fledgling economy. They did so well that they attracted refugees from failed attempts at settlement elsewhere in the region. Indeed, their success eventually attracted interest from Boston whose leaders began sending settlers of their own into the Piscataqua River valley hoping to expand their influence throughout New England. This imperialist activity concerned the Hiltons. Technically, they held no formal claim to the land they were developing, land that was within John Mason's claim. They realized they were vulnerable to those with legal status. So, Edward Hilton left for England to obtain official sanction. In 1631, he received it.¹⁹ He recruited a group of merchants from Bristol to join him in his enterprise and the company presented itself to the Council for New England.²⁰ While Mason himself may have blessed the Hilton enterprise, the resulting patent granted to Hilton and his brother was one of many Council decisions that complicated the issue of proprietorship and would cause Mason and his heirs difficulties.²¹

Mason merely looked on while all this settlement took place. His first foothold was established in 1629 on the Piscataqua River when he sent a representative, one Walter Neale, to begin exploiting an environment that Mason believed rich in profitable natural resources. Mason, Neale, and others appear to have known about a series of inland lakes within the patent, and Neale was ordered to discover trade routes through them, as well.²² Among the prospects, Mason

¹⁹ "Grant of the Council of Plymouth to Edward Hilton and his associates . . .," Bouton, *Documents*, pp. 28–29.

²⁰ Bouton, *Documents*, p. 109.

²¹ Most historians who have investigated the Mason patents believe that Mason must have approved the Hilton grant since it lies completely within grants to Mason from the Council for New England. For instance, in the late nineteenth century, Charles Wesley Tuttle noted that "[i]t cannot be supposed that such a grant was made without Mason's knowledge and consent," Tuttle, *Captain John Mason*, p. 28. By the mid-twentieth century, Elwin L. Page had decided that not only Mason, but the Council, as well, "intended to recognize" the legitimacy and legality of Hilton's settlement, Page, *Judicial Beginnings*, p. 187.

²² Tuttle, *Capt. John Mason*, p. 23. Neale recognized by the Council as leader of that settlement in "Grant of Pescataway," in Tuttle, *Capt. John Mason*, p. 200. For some reason, Neale had difficulty meeting the demands of exploration. He had promised to travel inland in September of 1630, but did not, displeasing associates and the proprietor. See "Eyre to Gibbons, 31 May 1631," in Tuttle, *Capt. John Mason*, pp. 283–84. John Winthrop later accused Mason and Gorges of sending Neale with the intent of placing in Neale's hands "the general government of N(ew) E(ngland)." Dunn, *The Journal of John Winthrop*, p. 177.

saw the pine forest as the resource ripest for commercial exploitation in several ways. Many fur-bearing animals lived there. Indians, the French, and the Dutch were engaged in a successful fur trade. Neale's instructions were to horn in on the profits.²³ To add credence to Neale's efforts, Mason obtained a corporate charter from the Council for New England to establish the Laconia Company.²⁴ With a land patent and a corporate charter, Mason believed he was, literally, in business.

The Laconia Company patent enhanced the land holdings granted by the New Hampshire grant. It extended Mason's proprietary reach inland to include everything in the New Hampshire patent plus all land around what is now known as Lake Champlain but was then termed the "Rivers & Lakes of the Irroquois (sic)," and extending west "half way into the next great Lake to the Westward" and north to the St. Lawrence.²⁵ This was quite an extension of New Hampshire's boundaries. The grant also required the patentees to build within three years "one Fort with a Competent guard & ten Familys (sic)" or suffer the penalty of "One Hundred Pounds Sterling Money."²⁶ Time was of the essence for the Laconia Company. Of course, this patent, using language parallel to all the others, assigned the rights it granted to Gorges and Mason as well as "their Heirs and Assigns & their associates . . . for ever."²⁷

The patent's associates, mentioned so casually in company with heirs and assigns, were London merchants Thomas Eyre, George Griffith, and Thomas Warnerton, as well as John Cotton, Henry Gardner, Edwin Guy and Eliezer Eyre,²⁸ men typical of a group that came to be known in New England as "adventurers." Adventurers supplied the capital necessary to create profits. These were men, like Mason, who had money to invest and they provided the capital for colonial enterprises. And, though Warnerton was in New Hampshire by 1634,²⁹ most adventurers were not up to the journey overseas.

²³ Jenness, *First Planting*, p. 32.

²⁴ "Grant of Laconia," in Tuttle, *Capt. John Mason*, p. 189.

²⁵ Identification of the lakes in Jenness, *First Planting*, p. 32. Quoted material in "Grant of Laconia," in Tuttle, *Capt. John Mason*, p. 192.

²⁶ "Grant of Laconia," in Tuttle, *Capt. John Mason*, p. 195.

²⁷ "Grant of Laconia," in Tuttle, *Capt. John Mason*, p. 193.

²⁸ Tuttle, *Capt. John Mason*, p. 56.

²⁹ "Gorges and Mason to Warnerton and Gibbons, May 5, 1634," in Tuttle, *Capt. John Mason*, p. 329.

Thus, manpower for the enterprise came in two forms: “planters,” or those who came from England and settled, and “émigrés,” those who came from other colonies.³⁰ Neale, a planter, created a corporate settlement using the Laconia associates’ cash. It included all the buildings erected by David Thomson’s efforts earlier. Here, in the area known locally as Panaway, Neale hired as many as 60 people to advance the enterprise and began to assess the possibilities.³¹

The Laconia Company’s investors were complaining about the lack of return on investment as early as 1631 despite organization thorough enough to create complex corporate and social models, and what must surely have been an understanding of the complexities and risks inherent in such an enterprise.³² Neale had failed to find routes to the lakes in what is now New York. It was that land that really comprised the Laconia grant so, in some sense, the company was operating outside its chartered purpose.³³ Gorges and Mason anticipated their investors’ ire and berated Neale and the other planters for not creating a profit within the first year of settlement. But complaining and browbeating did nothing. The Laconia Company failed by 1635.³⁴

Its failure had less to do with those actually in New Hampshire than with those controlling the finances in England. With little profit to show for their efforts despite the youth of the enterprise, the Laconia investors resisted contributing even more capital into what they perceived as a sinking ship. Such capital was necessary, however, if northern New England was to be tamed. Claiming the soil from the wilderness required agricultural implements and carpentry tools to build everything from wagons to sawmills, and naval stores to repair boats and ships ravaged by the north Atlantic’s salt and cold.

³⁰ These definitions are from Daniell, *Colonial New Hampshire*, p. 17. For a list of planters sent by Mason from England, see “The Names of Stewards and Servants sent by John Mason, Esq., into this Province of New Hampshire,” in Tuttle, *Capt. John Mason*, p. 344.

³¹ Jenness, *First Planting*, p. 33.

³² For examples of the adventurers’ nervousness, see “Eyre to Gibbons, May 31, 1631” and “Mason and Others to Gibbons, December 5, 1632,” in Tuttle, *Capt. John Mason*, pp. 283–84 and 305–06. In the latter letter Mason himself admits to “have been soe (sic) discouraged by reason of . . . the small returns (sic) sent hither by Captaine (sic) Neale.”

³³ Tuttle, *Capt. John Mason*, pp. 60–63.

³⁴ Jenness, *First Planting*, p. 33.

Investors denied aid to the settlers. But Mason continued pouring money into the province.³⁵

Other conflicts arose to distract from making money. Gorges and Mason accused an ever-more interested, and considerably more well-established, Massachusetts Bay Colony of commercial subterfuge—mostly interfering with the shipping of salted cod.³⁶ Massachusetts wanted control of the Piscataqua harbors and fisheries for their own economic development, as they seemed to find the extent of their own seashore inadequate to the task.³⁷ This desire, as well as its own political motivations, led Massachusetts to send some of its more adventurous Puritan citizens northward in hopes of establishing a society that mirrored Massachusetts' and, therefore, extended its influence to new territory.³⁸ The colony of Hampton, within Mason's New Hampshire patent but completely under the control and jurisdiction of Massachusetts, was one example of the latter's hegemony.

With entrepreneurs, settlers, and imperialists all competing for economic, social, and political supremacy, conditions in New Hampshire were in disarray by 1635. The Laconia Company was in ruins and its planters were scattered throughout the colony. Massachusetts, through its interpretation of the Bay Company's charter, began settling towns north of the Merrimack River in disputed territory. Many of these settlements, of course, had a decidedly Puritan orientation that began changing New England social structure away from Mason's and Gorges' commercial interests. Conflicts within the Laconia

³⁵ Van Deventer, *Emergence*, p. 6, and Daniell, *Colonial New Hampshire*, p. 24. For an inventory of the company's possessions in mid-1635, see "Inventory of Goods at Pacataqua and Newichwannock, July, 1635," in Tuttle, *Capt. John Mason*, pp. 341–43. John Mason's grandson would later claim, however unlikely, that Captain Mason invested some £22,000 sterling of his own money in the venture. See "Copy of Robert Mason's Petition to the King," in Bouton, *Documents*, p. 322. While historians claim that this figure is grossly exaggerated, they agree that Captain Mason's investments were substantial. Even David Van Deventer, a modern-day critic of the proprietorship, argued that Captian Mason was "the most enthusiastic and farsighted of the Laconia Company enterprisers in his establishment of two sawmills and a fur-trading center." (Van Deventer, *Emergence*, p. 43.) It seems plausible that these investments alone could have added up to much of Robert Mason's "exaggerated" claims.

³⁶ Daniell, *Colonial New Hampshire*, p. 17. For a discussion of the history of the New Hampshire and Massachusetts fisheries and the conflicts between them, see Van Deventer, *Emergence*, pp. 88–93.

³⁷ Jenness, *First Planting*, pp. 37–38.

³⁸ Leach, *Northern Colonial Frontier*, pp. 50–51.

Company and with Massachusetts indicate the decidedly disorganized nature of Mason's attempts to colonize even while underscoring the value placed on the effort by all sorts of people.³⁹

Discord paralleled disorganization as both found their way into Mason's claim. Planters recognized early that they had been misled. Life would not be easy in the new environment. Planters fought émigrés who were working to establish Puritanism in the new colony, as well. Many of the English colonists, having arrived directly from the mother country, were Anglicans little interested in the Puritans' social theory. Even while fighting each other over Puritanism, émigrés fought to convert planters. All the while, everyone ignored the adventurers who wanted profits.⁴⁰

Nonetheless, settlement of New Hampshire continued while those ostensibly in charge dithered. Other communities sprang up as Laconia employees, set adrift by the company's failure, formed a settlement at Strawberry Banke (Portsmouth).⁴¹ An émigré from Massachusetts, John Wheelwright, established a pious Puritan town that is now Exeter. Wheelwright had left the Bay Colony over religious disagreements and was the only settler to buy his land directly from the natives.⁴² He did so, however, only after believing he had discovered that the land he chose was not covered by any royal patents.⁴³ Of course, since it lay between the Merrimack and Piscataqua Rivers, it did conflict with at least the 1621 and 1622 grants made to Gorges and Mason together.

Puritan settlements such as Wheelwright's inspired the proprietors' crucial conflicts with Massachusetts' leadership. The most comprehensive attempt to suppress the conflicts would come in the form of Gorges' attempts to see the Massachusetts Bay Company's charter

³⁹ For a discussion of the interpretive framework see Jenness, *First Planting*, pp. 37–71. For the Massachusetts General Court's extension of the Massachusetts Bay Company charter to include parts of New Hampshire, see Bouton, *Documents*, p. 200. For a justification of Massachusetts' claims to Hampton, see "Nathaniel Boulter and John Redman's Deposition" in Bouton, *Documents*, p. 46. Here, settlers Boulter and Redman claimed their settlement was "backed by authority of the Massachusetts government, which had declared these lands to be in their jurisdiction."

⁴⁰ Daniell, *Colonial New Hampshire*, pp. 17–19.

⁴¹ "Grant of the Glebe in Portsmouth," Bouton, *Documents*, pp. 111–12.

⁴² "Indian Sagamores to Wheelwright and Company," Bouton, *Documents*, pp. 56–60.

⁴³ Daniell, *Colonial New Hampshire*, pp. 29, 36.

revoked. He founded his argument on the illegality of the territorial disputes based on the conflicting patents issued in the first years of the Council of New England.⁴⁴ The first step in Gorges' plan was to reorganize the Council for New England, then dismantle it.⁴⁵ This way he believed he held more power and had better, and more direct, access to the crown. In addition, all the Council members, at dissolution of the organization, were granted pieces of the Mason-Gorges grant.⁴⁶ Mason and Gorges believed that by increasing the number of proprietorships they might make more difficult and less attractive any challenges by the Massachusetts leadership. Plus, Gorges and Mason could retain influence over the area if the crown granted each former Council member approval of the maneuver. This was how Gorges received all of today's Maine and Mason received most of modern New Hampshire. It also was the single most convoluting action taken in the long, confusing history of the Mason patents. The new patents, benefiting mostly Mason and Gorges, conflicted with the Massachusetts Bay Company charter. The Bostonians had been granted land south of a line three miles north of the Merrimack. And the Bay Company's charter was in conflict with the Mason grants that established the Laconia enterprise as well as the Hiltons' grant.

Meanwhile, and in defiance of Gorges' threat to have their charter invalidated, Massachusetts threatened the Hiltons with legal action. John Winthrop wanted the brothers' patent vacated, and he carried weight, even in England. Neither the Hiltons, nor their Bristol partners, wanted conflict. So negotiations began. The Hiltons wanted legal rights to land and their investors wanted profits. So, the Bristol group sold its interests to a group of English Puritans from Shrewsbury.⁴⁷ Edward Hilton retained title to the land surrounding his plantation in the transaction. All parties were satisfied—except Massachusetts.⁴⁸ Its pains were temporary, however, as Massachusetts would

⁴⁴ What he really wanted was control of New England so he could establish a feudal proprietary on the order of Lord Baltimore's Maryland, Andrews, *Colonial Period of American History*, 1, p. 405.

⁴⁵ Andrews, *Colonial Period*, 1, p. 417.

⁴⁶ Andrews, *Colonial Period*, 1, p. 417.

⁴⁷ "Declaration of John Allen, Nicholas Shapleigh and Thomas Lake, respecting the Dover and Swampscot Patents," Bouton, *Documents*, pp. 157–58.

⁴⁸ Daniell, *Colonial New Hampshire*, pp. 26–27, and Van Deventer, *Emergence*, p. 12.

gain its advantage later even though the proprietors would have never believed it was possible.

Gorges and Mason clearly intended to create successful plantations. Certainly, Mason's efforts make this clear. While he never visited his colony, he sent over people, goods, and money in attempts to establish plantations. In addition to his efforts through the Laconia Company, he funded another attempt at a lumbering enterprise. It went the way of the Laconia Company.⁴⁹ Without a colonial success—at least not a financial success—Captain Mason dissolved his partnership with Gorges as part of the dissolution of the Council for New England and negotiated a grant, signed by Gorges himself and others, that extended New Hampshire's reach inland.⁵⁰ The entire affair was now, literally, a royal mess.

The confusion and conflict seemed to become moot, however, when Mason died in 1635. With one of the principal figures in the 1635 chicanery gone, the crown never confirmed the 1635 patent that was intended to foil Massachusetts.⁵¹

* * *

Captain John Mason died before his efforts in New Hampshire bore fruit. Mason's will, proved in 1635, had named a grandson, one Robert Tufton, heir to the proprietary grants. But Tufton was a child—and possibly illegitimate. Mason offered the proprietorship to the young man at majority only if he changed his name to Mason.⁵² But he would not be an adult for some years. In the meantime, the property was left in surrogate with John Mason's wife, Anne. She squandered whatever opportunities the patents may have provided, and made only token gestures toward protecting her late husband's interests. Those gestures were ineffective.⁵³ Anne lived in England and, like her husband, never visited the family's claim in the new

⁴⁹ Winthrop, *History of New England*, 1, p. 163.

⁵⁰ "Grant: Council of Plymouth to Captain John Mason, from Naumkeag to Piscataqua; date, 22 April, 1635," in Bouton, *Documents*, pp. 32–33.

⁵¹ Van Deventer, *Emergence*, pp. 40–41.

⁵² Will of Capt. John Mason, dated Nov. 16, 1635," in Bouton, *Documents*, pp. 41–44.

⁵³ There are letters to Robert Mason and others from a Joseph Mason, Robert's uncle and Anne's titular agent in New Hampshire. But whatever efforts he made to secure rights owing to Anne or Robert accomplished nothing. See Hammond,

world. John Winthrop, on the other hand, lived just to the south of Captain Mason's colony and looked north often, as his own colonizing efforts indicate. Conveniently, he saw iniquity and ribaldry just across the border and worked hard to see that Captain Mason's lands were brought under Puritan control—for their own good, of course.⁵⁴ Winthrop succeeded in a mere six years.

Captain Mason had been an Anglican and, to read Winthrop's account, had no use for Puritans.⁵⁵ This conflict was a source of irritation to Winthrop and he was more than happy to bring the rule of God's law to Mason's little empire. It was sweet revenge for Winthrop who danced on Mason's grave. Noting Mason's death, and ignoring the fact that it had been Gorges who masterminded the plot to revoke the Massachusetts Bay charter, Winthrop said that Mason "was the chief mover in all the attemptes against us." Coldly, he added that "the Lord in mercy takinge him awaye, all the busnesse fell on sleepe: so as shippes came & brought what & whom they would withoute any Question or controll."⁵⁶

By 1641, the Massachusetts government, led by Winthrop, had seen the economic potential in New Hampshire's natural resources. The Laconia Company was long gone, the various patentees were nowhere to be found, and the crown was at that moment laconic in its stewardship of all its colonies because the Puritan revolution was brewing at home and demanded considerable attention.⁵⁷ These events worked in Winthrop's favor. He sent his agent, Hugh Peters, to New Hampshire to "understand the minds of the people, to reconcile some differences between them and to prepare them."⁵⁸ Peters spent nearly a year in New Hampshire, but by 2 September, 1641, Winthrop reported that the people of New Hampshire were

New Hampshire Court Records, pp. 120, 123–24. Indeed, agents for Massachusetts, who by 1641 had their own claims to New Hampshire, told the crown that Joseph Mason had "made no demand (against Massachusetts' claims), but petitioned our justice against his debtors there and elsewhere." See "Answer of Massachusetts to Mason's and Gorges' Complaints," in Bouton, *Documents*, vol. 1, p. 332.

⁵⁴ Winthrop, *History of New England*, 1, p. 223; 2, p. 42.

⁵⁵ Dunn, *Journal of Winthrop*, pp. 148, 332. Mason is described respectively as among "the Adversaryes (sic) of this COUNTRYE (sic)," and "a professed enemy to us."

⁵⁶ Dunn, *Journal of Winthrop*, p. 177.

⁵⁷ Jenness, *First Planting*, pp. 47–48.

⁵⁸ Winthrop, *History of New England*, 2, p. 38.

ungovernable and were unable to “restrain . . . from spoiling their timber.” Thus, they “agreed to assign their interest to us.” The result was that “the whole river (Piscataqua valley) agreed to come under our jurisdiction.”⁵⁹ The rights to land and government granted to Captain Mason were now both under Puritan control.

Winthrop engineered jurisdiction over New Hampshire by usurping, on behalf of Massachusetts, the power provided in the Hilton patent to the village of Dover.⁶⁰ Winthrop modestly, if publicly, claimed that he was extending jurisdiction only upon the request of “the lords and gentellmen (sic) patentees of Dover and other tracts of land upon the ryver (sic) Piscatque (sic).”⁶¹ In his own history of New England, however, he revealed his true intent. There he noted that those “lords and gentlemen” to whom he had publicly deferred were failing at government and commerce in New Hampshire. Thus, the Puritan proprietors “agree to assign their interest to us (reserving the greatest part of the proprietary of their lands). So commissioners being sent thither, the whole river agree to come under our jurisdiction.”⁶² With this land grab, Winthrop unilaterally annexed the four communities comprising colonial New Hampshire, placing all its inhabitants under the control of Massachusetts’ government. He would follow suit in Plymouth, Connecticut, and New Haven during the next two years, establishing a New England specifically to his liking.⁶³ In the process he was ignoring the laws of England.

Winthrop had his way—unmolested—for a decade.⁶⁴ Then, sometime in the late 1650s, Robert Tufton reached majority and took the family name. Exactly when the young Mason began his quest for reinstatement of rights granted by his grandfather’s patents and will is unclear.⁶⁵ However, by the mid-1660s he had created enough commotion at the court of Charles II to gain the royal ear—or at least the ears of those who had the royal ear.

⁵⁹ Dunn, *Journal of Winthrop*, pp. 365–66.

⁶⁰ Bouton, *Documents*, p. 169.

⁶¹ “1641, 2 June. Mass. Coll. Rec., vol. 1, p. 332,” in Bouton, *Documents*, p. 154.

⁶² Winthrop, *History*, 2, p. 42.

⁶³ Oldmixon, *The British Empire*, 1, p. 88.

⁶⁴ Joseph Mason, on behalf of the widow Anne Mason, had petitioned the Massachusetts General Court for relief from “encroachments upon certain lands granted to Capt. John Mason, under what was then called the Laconia Patent, by the inhabitants of Strawberry Bank.” However, the General Court offered only that “Commissioners [were] appointed to settle the boundaries,” Sainsbury, *Calendar*, 1, p. 402.

⁶⁵ Robert Mason is named as one of the “patentees and inhabitants of the

Upon his majority, sometime in the 1650s, Robert Tufton Mason took up a quixotic quest to restore his grandfather's rights—rights he believed to be his birthright. Caught in that quest were the people who had come to populate New Hampshire since John Mason's death, most of whom knew nothing of the Mason family or its claims. English politics, law, and customs planted in American soil were challenged, as well.

* * *

It had been some 20 years since John Mason's death. The elder Mason's will had named Robert proprietor and the younger Mason's reading of his grandfather's patents gave him all rights to rents and government in colonial New Hampshire. Yet, by 1660 he could legitimately claim neither. Land in New Hampshire was being settled by increasing numbers of men and women leaving both England and Massachusetts, and none was paying Mason a penny for the right to do so. Instead, the Massachusetts General Court was making decisions concerning policy and law in New Hampshire. If John Winthrop's hateful assessment of Captain Mason was correct, the new proprietor's grandfather would have been horrified at the prospect. To wrest control from the Bay Colony and restore a proprietor's authority required a supreme test of English politics, law and customs as they found themselves operating on North American soil.

Thus, between 1641 and 1679, as a result of the Mason family's uneven stewardship of its patents and Massachusetts' imperialist intentions, a dispute over control of the small colony of New Hampshire raged. On one side, in England, was English law and political traditions, Mason, and his proprietary claims. On the other was Massachusetts' unique and stubborn politics, its proponents in Boston, and their insistence upon retaining governmental control north of the Merrimack River. The arguments ended when the royal colony of New Hampshire was established in 1679, but the result satisfied neither Mason nor the General Court.

Province of Maine and Laconia" in a petition "[c]omplaining of the Government of Massachusetts by strong hand and menaces bringing the most part of their vast country under their own power and subjection." The petitioners asked that "the whole business . . . be fully examined into, matters of high importance to the State being involved therein." The petitions date is unclear, but assumed to be 1659, Sainsbury, *Calendar*, 1, p. 479.

If English law was supreme in colonial North America during the seventeenth century—a question the controversy over New Hampshire does little to clarify—then Robert Mason had a strong case. The original patents established a foothold that his grandfather had tried to exploit. His grandfather's will gave all of the rights assigned by all the various patents, in language very similar to the patents' language, to "my said grandchild, Robert Tufton, and to his heirs and assigns for ever," language the elder Mason might well have modeled after that in his own patents.⁶⁶ Working against the younger Mason was his grandfather's failure to establish a commercial concern and a society to support it as well as the family's poor stewardship of the patents while they awaited young Mason's majority.

There are three identifiable phases of Robert Tufton Mason's pursuit of his testamentary rights: outrage, intrigue, and resignation. They follow what must surely have been his changing mood as he became completely entangled in the political machinery of the English court, to say nothing of the political and social conditions of the New Hampshire colony. Outrage can be found between 1665 and 1672 when Mason seemed to believe he would win his case on the strength of documentation and access to power. The period of intrigue lasts until 1676 when the King became tired of endless petitions and arguments from both sides and began the process of creating a royal colony in New Hampshire. The last stage ends with the royal colony's establishment. In 1679, Mason obtained only some of what he sought but became thoroughly resigned to taking whatever he could get. Within this tripartite process can be seen the activities and desires of New Hampshire's politicians and residents who, by turns, found advantage to their province in the arguments presented by all who made claims to its control.

Mason filed his first petitions to the King as early as April, 1664, in concert with Gorges' heirs. The Mason and Gorges families began their efforts by offering their rights of patent to the King, promising to deliver with them "propriety as well as domain."⁶⁷ This must have been either a formality, a matter of deference to royal supremacy as a step toward the crown's affirmation of individual rights, or a method of reminding Massachusetts of the royal prerogative. However,

⁶⁶ "Will of Capt. John Mason," in Bouton, *Documents*, pp. 41–44.

the substantive beginnings of Robert Mason's quest for reinstatement are found in the activities of the Nichols Commission.

The King formed the commission in 1664. It sailed for New Hampshire in 1665 and was headed by one of Mason's acquaintances, Colonel Richard Nichols. Also among the commission's members was Samuel Maverick, a man who had quit the merchant life in Boston due to the Massachusetts Bay Company's governmental interference in business.⁶⁸ The commission's charge from the King was to settle "the peace and security of the [New Hampshire] country, according to their good and sound discretion."⁶⁹ Upon learning of Nichols' appointment, Mason promptly deputized his friend to help advance Masonian interests.⁷⁰ With these turns of events, Mason had reason for optimism. He must have been pleased with the choice of commissioners. Through a willingness to travel both as head of a commission and Mason's agent, Nichols had shown a valuable malleability.

In July 1665, the Nichols Commission landed in Portsmouth to begin its work for the King and Mason. For his part, Mason had seized upon the alleged theft of proprietary rights by the Bay Colony as the foundation for his outrage. The King, at least initially, had listened. The commission delivered the King's charges, detailed in a letter written by Nichols himself, to the governor of Massachusetts. The charges echoed Mason's outrage, and the commission's animating proclamation sparked Nichols' enthusiasm for his task. Nichols

⁶⁷ Sainsbury, *Calendar*, 5, p. 198.

⁶⁸ Daniell, *Colonial New Hampshire*, p. 68. It appears that at least some of Maverick's interests were in shipping goods that the Massachusetts government had a habit of seizing—a habit Mr. Maverick had no doubt personally encountered and one he was anxious to correct. Further, it appears that Maverick had joined the Nichols Commission with an agenda. He noted to a Captain Breedon of Boston shortly after arriving in Portsmouth, New Hampshire, that he knew of a ship recently "taken as a prize by a ship of Jamaica, but by authority of the Governor of the Massachusetts, the prize was as I understand seized upon and those that first took her, secured as prisoners . . . and carried for Boston. I shall desire you to repaire to the Gov[r] & Councell, and advise them to take care how they dispose of such things as may bee (sic) out of their bounds, and not fit for them to take cognizance of, his majestyes Commissioners being at length to come into these parts." See "Mr. Mavericke to Capt. Breedon," in Bouton, *Documents*, p. 247.

⁶⁹ "Commission to Coll. Nicolls (sic) and others to visit the Colonies and determine Complaints," Bouton, *Documents*, p. 246.

⁷⁰ Daniell, *Colonial New Hampshire*, p. 68.

charged Massachusetts with usurping not only Mason's patents, but royal prerogative, as well. In his letter, Nichols reminded the governor that the King had given "you authoritie over such of his subjects as lived within the limits of your jurisdiction, [but] he made them not your subjects nor you their supream (sic) authority." He said, too, that "the King . . . constrains us to perswade (sic) you not to suffer yourselves to be so much mislead by the spirit of independency. The King did not grant away his Sovereaintie (sic) over you when he made you a Corporation."⁷¹

The next order of business was to interview New Hampshire's residents. These interviews yielded information that, had Mason accompanied the commission, would have pleased him greatly. The commissioners found that Massachusetts had stepped beyond their own boundaries to provide New Hampshire with government. Further, a group of Portsmouth businessmen with mercantile ties to England had signed a petition that caused concern for the leaders in Massachusetts. It accused the General Court of interfering with Anglican services of worship and inhospitable entertainment extended to the commissioners. It also expressed "great joy & raised expectations" for a firmer royal hand in government given the commission's presence.⁷² Commissioner Maverick found that the people of Portsmouth, at least, seemed to think Mason was "the true lord proprietor of this province although (sic) the Massachusets (sic) have subjected it under their Jurisdiction."⁷³ He added, too, that the ways and means of Massachusetts' "encroachments [were] too tedious to relate."⁷⁴

New Hampshire's political elites, loyal to those in Massachusetts who had helped them rise in status, revealed their inexperience in world politics with their response. They panicked. Almost immediately upon the commission's arrival in Portsmouth, John Cutt, Richard Cutt, Elias Stileman, and Nathan Fryer, leaders in Portsmouth and Exeter, wrote to Richard Bellingham, governor of Massachusetts, expressing concern "for the strait & exigence (sic) we are in." They saw conflict between their oaths of allegiance to Massachusetts and

⁷¹ Bouton, *Documents*, p. 250.

⁷² Jenness, *Transcripts*, p. 38. See also, "Thomas Danforth [et al.] are appointed for the settling of the easterne (sic) parts . . .," in Bouton, *Documents*, pp. 277–80.

⁷³ Sainsbury, *Calendar*, 5, p. 306.

⁷⁴ Jenness, *Original Documents*, p. 47.

the King: “[W]ee humbly request your advice and Counsell (sic) with all expedition upon what point of the compass it wilbe (sic) our safety to steer so as not to hazard” either loyalty. Their tone was obsequious, and at the end of the note a postscript emphasized their worries. They requested “Hast! Post hast!” in Bellingham’s reply.⁷⁵

The Nichols commissioners returned to England and reported that Massachusetts’ Puritan leaders were “presumptuous” and “impertinent,” among other things.⁷⁶ They found the Bay Colony’s leaders rather imperialistic, as well, saying they had “caused at length a Mapp of their Territories to be made . . . and . . . they have usurped Captain Mason’s . . . patents.”⁷⁷ More important, the commissioners found the Massachusetts leaders decidedly independent in their intent and action toward Mason’s claims, the commission’s responsibilities, and the crown’s commands. The commission reported to the king that the Massachusetts leaders

say that King Charles ye First gave them power to make lawes (sic) and execute them, and granted them a Charter as a warrant against himself and his successors, and that so long as they pay the fifth part of all goals and silver oar (sic) which they shall get, they are free to use their priviledges (sic) granted them, and that they are not obliged to the King, but by civility.⁷⁸

In 1665, such colonial impudence must have been shocking. Civility would have been the least of Massachusetts’ debts to the King—or at least so the King would have thought. The English, generally, and Mason, specifically, saw their role in colonial affairs as something akin to patriarchy. English men ruled their homes, their land, their businesses, and their colonies. There was a “divinely ordained system” which created an “intellectual construction of the world and its order.”⁷⁹

However, unfortunately for Mason, there were other affairs demanding attention for King, court, and gentry just when he needed their

⁷⁵ The four leaders are identified with Portsmouth and Exeter in Daniell, *Colonial New Hampshire*, p. 69. Their words are in Bouton, *Documents*, p. 271.

⁷⁶ Bouton, *Documents*, p. 255.

⁷⁷ Bouton, *Documents*, p. 260.

⁷⁸ “Report of the King’s Commissioners concerning Massachusetts, &c.,” in Bouton, *Documents*, p. 260.

⁷⁹ Sharpe, *Politics and Ideas in Early Stuart England*, pp. 5–7.

attention—the black plague, the great fire of London, war with the Dutch, to name a few.⁸⁰ A royal finding on behalf of Mason would have been justified, according to the English perception of their place in the world, and according to the severity of the charges made in the Nichols report. But, with its attention spread too thinly, it seems, Mason's aspirations were pushed back on the royal agenda.

Adding to Mason's frustrations, Nichols accomplished little. Upon Nichols' departure for New Hampshire, the responsibilities of a colonial agent passed to a man named Nicholas Shapleigh—one who was much more skilled at meeting those responsibilities. In May 1667, Shapleigh reported the state of affairs in New Hampshire, following closely the contours of the Nichols report. He identified the few colonists in Portsmouth who would accede to Mason's proprietorship, but reported that Richard Waldron of Dover and other leaders in the colony were remaining loyal to Massachusetts, mainly because they had received large land grants from the General Court in trade for their participation in Massachusetts' chicanery during the preceding decades. Given those circumstances, Waldron and his group were concerned about their own interests should Mason win his case. Shapleigh advised Mason "to obtain a confirmation of patent, or the Massachusetts will assuredly continue their power, and no profit will accrue [to Mason]." He also assessed the positive possibilities should Mason succeed. Shapleigh wrote that with reinstatement of Mason's proprietary rights, "in a few years it [New Hampshire] will bring a very valuable estate."⁸¹

The plot thickened in September when Joseph Mason wrote to his nephew from New Hampshire and condemned Shapleigh as a man "unfit for magistrate or governor." Apparently, though the record is silent, Shapleigh's goal was power granted by appointment to office. In addition, Joseph Mason's letter opened a new door to intrigue by suggesting that the men in Massachusetts had approached him with an offer. The Bay Colony's agents were willing to recognize Masonian proprietary rights if Robert Mason would end his efforts at court. It seemed by stirring up interest in the relationship between New Hampshire and Massachusetts, Mason had also made

⁸⁰ Daniell, *Colonial New Hampshire*, p. 71.

⁸¹ Sainsbury, *Calendar*, 5, p. 468.

life uncomfortable in Boston. This offer must have been a satisfaction for Mason. However, as he read the rest of his uncle's letter he realized that Massachusetts' leaders simply were giving up rights they saw as worthless. Joseph wrote that those with the best lands in New Hampshire would end up loyal to Massachusetts despite any return of rights, and would likely end up attaching themselves to the Bay Colony. Joseph Mason ended his note saying that something must be done quickly, or "all hope" for proprietary interests "would be lost."⁸²

Despite Joseph Mason's charges against him, Shapleigh acquitted himself well—much better in fact than Joseph Mason had done as Anne Mason's agent. By December he was selling land to inhabitants "reserving a yearly rent to the Lord Proprietor of New Hampshire, Robert Mason, all mast trees of 26 inches and upwards, and one-fifth of gold and silver ores."⁸³ There is no indication of the extent to which Shapleigh obtained income for Mason, but it seemed the proprietary interests had gained a foothold whether or not the King chose to recognize those interests fully. With the King occupied by events, Robert Mason gained some five years to contemplate his fortunes. He knew the situation well and reflected deeply.

On 24 July 1672, Mason made his move and initiated the period of intrigue. He petitioned the King, through the Council for Foreign Plantations (The Lords of Trade), for reinstatement by claiming that "[a]bout 1651 the Massachusetts colony taking advantage of the late sad division [in England] violent (sic) entered the petitioner's estate, forced the inhabitants to take an oath of fidelity to them and deprived him of his lands."⁸⁴

It is obvious by this strongly worded statement that the fallow period between petitions was not spent idly. Mason had digested and analyzed Shapleigh's work, had added to the analysis his uncle's advice and revelations of the Bay Colony's willingness to compromise, and decided that the best route to his goal was through Massachusetts' governmental involvement in New Hampshire. For dramatic effect, he offered to sell his patents to the King in trade

⁸² Sainsbury, *Calendar*, 5, pp. 500–01.

⁸³ Sainsbury, *Calendar*, 5, p. 468.

⁸⁴ Sainsbury, *Calendar*, 5, p. 272.

for rights of importation to 300 tons of French wine “free of all customs.”⁸⁵ If he were serious about this offer, which was refused, he would have been disappointed by the next year’s events.

On 19 June 1672, Boston lawyer Robert Pike wrote to Mason in London with an offer. He reiterated and formalized the offer made to Uncle Joseph some years before. Pike said Massachusetts wanted reconciliation. He suggested “a happy agreement should be made and differences forgotten.” In fact, by offering an olive branch to the Mason family for John Winthrop’s untoward remarks about Captain Mason a generation earlier, he even suggested the Massachusetts government would help Mason establish proprietary government if Mason would move to New Hampshire.

If he [Mason] should come to live in these parts, due respect would be paid him as the memory of his grandfather and his own great worth deserved in so meritorious a work as uniting the two Provinces under one government, wherein his advantages would be equal to theirs and nothing should be imposed upon him but shall seem reasonable and honorable, whereby all animosities would cease and there would be no need of engaging higher powers in these concerns.⁸⁶

The offer must have been tempting, even though it betrayed a fear among the Bay Colony’s leaders that they might lose the next round of fighting at court should it be engaged. Nonetheless, Mason must have asked himself if he could accomplish a proprietary through deal-making with colonials. Could he really make his move around, rather than through, the King? The answer, ultimately, was that he could not. Mason was loyal to the crown, but he was becoming more and more focused on his goal as it became apparent he might get all he wanted if he could use Massachusetts and its impudence to his advantage. He had used this strategy before to no avail. But he would try again.

Sometime before 15 April 1675, Mason resigned himself to the King’s blessing or damnation and reiterated to Charles II his willingness to give up his patents. Again, this must have been a deferential procedure prior to an all-out assault on the machinery of court. To succeed, he enlisted the support of his more-well-connected cousin, Edward Randolph.

⁸⁵ Sainsbury, *Calendar*, 5, p. 272.

⁸⁶ Sainsbury, *Calendar*, 7A, p. 374.

Mason and Randolph produced a lengthy petition that included an elaborate defense of Mason's rights of government in New Hampshire—the one that exaggerated Captain Mason's original investments.⁸⁷ It was received favorably on 22 April, "Mr. Mason having opened many points by his discourse concerning New England."⁸⁸ The King demanded and received a response from the governor of Massachusetts that, in his justification for extending the Bay Colony's own government to New Hampshire, leaned heavily upon the confusion of the original patents.⁸⁹

To settle the dispute, the King appointed yet another commission to investigate, using much the same language as had been used to engage the Nichols commission ten years before. This time, however, the royal government leaned in Mason's direction more than ever. A Privy Council committee announced that they were "of opinion that Robert Mason, being the heir of . . . John Mason, hath a good and legal title to the lands called New Hampshire."⁹⁰ And by appointing Randolph, they had found an exceptionally competent politician to head the new investigative body.

When the Randolph Commission arrived, its leader found Massachusetts vulnerable on the issue of independence.⁹¹ However, since the Nichols Commission's visit, King Phillip's War had brought colonists throughout New England closer together than ever. Their common interests in defense of European ways caused them to gravitate toward the experience that Massachusetts' government offered.⁹² This and other factors, bred of the years intervening between commissions and, probably, Mason's rebuke of Pike's offer of co-government, created some disappointment for Mason and Randolph. There was almost no local support now for a proprietary. Indeed, petitions were being passed everywhere, Randolph discovered, that sought "continued union with Massachusetts."⁹³

⁸⁷ Bouton, *Documents*, p. 321.

⁸⁸ Sainsbury, *Calendar*, 9, p. 211.

⁸⁹ "Answer of Massachusetts to Mason's and Gorges' complaints," in Bouton, *Documents*, pp. 326–34.

⁹⁰ Sainsbury, *Calendar*, 9, p. 223.

⁹¹ Toppan, *Memoirs of Edward Randolph*, 2, pp. 207–08.

⁹² "Randolph's Report to the Committee for Trade and Plantations. 12 October, 1676," in Toppan, *Randolph*, 2, 242–46.

⁹³ Daniell, *Colonial New Hampshire*, p. 74.

Randolph returned to England with little good news for Mason.⁹⁴ During the winter of 1676–77, Randolph drew up a lengthy report on Massachusetts' transgressions.⁹⁵ Among his charges were that several Massachusetts laws contradicted English laws, and that the colony's boundaries were "as large as that government please to make them."⁹⁶ In addition, Randolph referred the King to the dormant Nichols report, particularly its discussion of boundary disputes and the decisions Nichols had made. Randolph argued his case cogently and included the King's own action in behalf of his position and his cousin's, saying.

tho' his Magesties commissioners in the year 1665, did settle the limits of . . . Hampshire and Main, and declared to the inhabitants that, by his Magesties commission and authority, they were taken off from the government of Massachusetts . . . and did constitute justices of the peace and other officers (with the approbation of the proprietors) to act and govern according to the laws of England . . . until his Majestie should take further order, whereupon his Majestie by his declaration to the corporation of Boston of the 10th of April, 1666, did approve of the actings and proceeding of his said commissioners.⁹⁷

Obviously, from the King's inquiries, answered with such energy by Randolph, there was support for Mason's case at court. The newest efforts at finding fatal fault with the Bay Colony and its leaders seemed to be working to Mason's advantage.

The report was to remain confidential, delivered as it was only to royal officials. Meanwhile, Mason pressed for a decision on the breadth of his authority from the crown. He also used his influence with the Lords of Trade to see that Randolph's report received more

⁹⁴ Toppan, *Randolph*, p. 240. Most emphatic of the worst news for Mason came in Randolph's answer to the seventh inquiry contained in the King's commission. Randolph reminded the King that the 1660 Nichols commission had, upon the King's authority, established separate sovereign government, "especially in Hampshire and Main." He informed the King, however, that these orders had been ignored by the men leading the government of Massachusetts who had "entred (sic) these provinces in a hostile manner, whit horse and foot, and subverted the government there settled by the commissioners (in 1660), imprisoned severall persons, and compelled the inhabitants to submit to their usurpations."

⁹⁵ Sainsbury, *Calendar*, 9, pp. 358, 361.

⁹⁶ For contradictory laws, see "Randolph's Report," Toppan, *Randolph*, 2, p. 232, quotation at p. 239.

⁹⁷ Toppan, *Randolph*, 2, pp. 239–40. See also Bouton, *Documents*, p. 340.

attention than had Nichols' a decade before.⁹⁸ At about the same time, Mason had approached the Lords for a decision on the legality of his patents. The Lords had passed the matter on to the Chief Justices for a decision, and Mason awaited their word eagerly.⁹⁹ Thus, in June 1677, Mason had all his cards on the table.

Alas, Mason and Randolph were rebuked at every turn. First, the justices ruled that Captain Mason had never been granted governmental powers, so Robert Mason had, logically, none himself.¹⁰⁰ This ruling ignored at least the first grant to John Mason, the 1621 Mariana patent. There was conveyed to John Mason the responsibility to "establish . . . a Government in ye said Porcons (sic) of Lands granted unto him & the same will from time to time continue as shall be agreeable as neere as conveniently may bee (sic) to the Laws and Customes of the Realme of England." Indeed, the grants warned Captain Mason that if he failed to do so he must "reforme the same according to the Directions" of the Council for New England.¹⁰¹

Second, the justices ruled that the power for governance still resided with the crown—an interpretation that laid the foundation for creating a royal colony.¹⁰² In this decision, the justices failed to recognize the relationship between the proprietor and the Council for New England specified in the Mariana grant as well as the New Hampshire grant, a relationship that seems to relieve the king of any need for intervention in the government of the colony.¹⁰³ In any case, this decision ended any hope Mason held for a pure proprietorship or full control of New Hampshire's government. Finally, the Lords had listened carefully to Randolph's complaints about Massachusetts but decided his charges were off the mark.¹⁰⁴ They refused Mason's request to limit Massachusetts' authority and ignored

⁹⁸ Jenness, *Original Documents*, p. 56. In his petition to the King in the summer of 1676, Mason made a case for his grandmother's stewardship of this grandfather's lands, claiming that in 1638, Captain Francis Norton was "sent over as steward" but mismanaged his duties. Here, too, Mason claimed it was Joseph Mason's responsibility to bring Norton to account and to govern the land. Thus, Mason argued, there was continuity of proprietorship and a link to the original patents.

⁹⁹ Toppan, *Randolph*, 2, p. 269.

¹⁰⁰ Sainsbury, *Calendar*, 10, p. 119.

¹⁰¹ "Grant of Mariana" in Tuttle, *Capt. John Mason*, p. 175.

¹⁰² Sainsbury, *Calendar*, 10, p. 119.

¹⁰³ "Grant of New Hampshire," in Tuttle, *Capt. John Mason*, p. 188.

¹⁰⁴ Sainsbury, *Calendar*, 10, p. 102.

Massachusetts' land grabs above the Merrimack River in 1641 and 1660.¹⁰⁵

Easily and justifiably, Mason could have considered himself defeated. Instead, he rose to the challenge of rejection. He and Randolph poured over the decisions, looking for loopholes, and began their quest anew from yet another angle. This time, they would achieve some of their goals. By studying their decision carefully, and themselves ignoring the wording of the proprietary grants, the two cousins agreed that the Justices had ruled governmental responsibility in New England was a royal responsibility. To them, that meant either rejection of Massachusetts' government and erection of a royal colony, or the legitimization of Massachusetts' authority and law through a royal grant that would clarify the situation. The first option would give Mason more leverage in New Hampshire. If the King removed Massachusetts from control, Mason believed he could, with his connections at court, influence appointment to colonial posts. Such power would have increased his chances of financial gain.¹⁰⁶

Also, despite the Justices' charges of exaggeration in Randolph's assessment of Massachusetts' authority, the Lords of Trade had found enough substance in Randolph's claims of contradictory laws that they requested a few adjustments to Massachusetts law.¹⁰⁷ Randolph, with experience evaluating Massachusetts leaders' reactions to royal dicta, anticipated an apathetic response to the lords' demands from the General Court. Thus, seeing an opportunity to advance Mason's cause—the royal removal of Massachusetts' influence—he made himself available to the Lords for expert testimony should they want to investigate the matter further. At about the same time, Mason once again teamed up with the Gorges family, petitioning the King for royal government in the lands they believed originally granted to their ancestors.¹⁰⁸

In 1678 Massachusetts obliged Mason just as Randolph had thought they would. The General Court saw the Justices' repudiation of Randolph's charges as immunity from home rule. Worse yet, in the

¹⁰⁵ "Report of the Lords' Chief Justices, and the King's confirmation thereof," Bouton, *Documents*, p. 337.

¹⁰⁶ Daniell, *Colonial New Hampshire*, p. 76.

¹⁰⁷ Toppan, *Randolph*, 2, p. 281.

¹⁰⁸ "Report of the Lords' Chief Justices," in Bouton, *Documents*, p. 335.

eyes of the home government, Massachusetts' agents bought the Maine patent in direct defiance of Privy Council orders.¹⁰⁹ Massachusetts argued that their government was legitimate because they had obtained rights to government in Maine according to the Justices' decision. And, since Maine was farther north than New Hampshire, the decision also gave them jurisdiction over Mason's claims, as well. In a final explosion of impudence, the Bay Colony's agents obtained a copy of the Randolph Commission's confidential charges. They "demanded an opportunity to refute them directly."¹¹⁰

Suddenly, both parties were engaged once again. Mason's and New Hampshire's fate, finally, hung in the balance. The Lords reopened hearings. Given Massachusetts' political inelegance, Mason and Randolph felt they had the advantage. Massachusetts' agents in London, William Stoughton and Peter Bulkeley, were accused of stealing government documents by acquiring the Randolph report. They were charged also with defying the stated intent of the royal government through their purchase of Maine. Along with these accusations, the royal government rejected Massachusetts' petition to expand its boundaries northward to include New Hampshire and Maine. Most important of all, the royal court began *quo warranto* proceedings to revoke the Massachusetts Bay charter.¹¹¹ The advantage was Mason's.

With a victory for proprietary interests apparently at hand, Randolph suddenly parted company with his cousin. Randolph recognized—possibly as a result of his first-hand observations of New Hampshire society during his commission's work—that the map and political structure of New England was about to change, one way or another. Thus, remaining in partnership with Mason limited his options. Mason continued his single-minded pursuit, but Randolph sought to be appointed Customs Commissioner for all of New England, whatever form the final political unit might take.¹¹²

Randolph's appointment was temporarily delayed, however, until a new Privy Council was formed following the Popish Plot to assassinate Charles II. The plot had "engrossed the attention of the

¹⁰⁹ Daniell, *Colonial New Hampshire*, p. 76.

¹¹⁰ Toppan, *Randolph*, 2, pp. 284–86; Daniell, *Colonial New Hampshire*, p. 76.

¹¹¹ Toppan, *Randolph*, 2, p. 288.

¹¹² For the appointment to the council, see Bouton, *Documents*, p. 591.

government of England” and thrown government into disarray.¹¹³ The delay helped Mason meet his surely reduced expectations. The new Privy Council proposed a compromise: Massachusetts would be given one more chance to redeem itself under its existing charter, and New Hampshire would become a royal colony.¹¹⁴ In May 1679, the Privy Council ordered Massachusetts to remove all its officers from New Hampshire territory.¹¹⁵ And it threw Mason a bone. The council gave him title to all the unimproved property in his grandfather’s original patent. People in New Hampshire who held improved property would have to pay sixpence for each pound of annual income they earned as a means of obtaining title to their land. A royally appointed president and council—the one over which Mason had hoped to have influence—would arbitrate disputes. Indeed, Mason obtained a seat on the council by royal decree.¹¹⁶ However, Mason was not allowed to collect back quitrents and he did not gain control of government.¹¹⁷

* * *

John Mason’s efforts at early settlement and Robert Mason’s fight to gain what, in the end, was considerably less than his goal, provide insight into the nature and value of early seventeenth-century royal patents to establish North American colonies. Both were operating in a world awash in change. The effects of change upon the interests of patentees and their heirs were considerable, to say nothing of the New Hampshire settlers who may or may not have played a part in the discord and confusion surrounding the patents. Both Masons had been loyal monarchists at a time when that wasn’t necessarily a political advantage in England or New England. However, John Mason’s death and the wait for Robert Mason’s majority may have provided whatever legitimacy to the rights of patent that the latter could claim. The period between the elder Mason’s death and

¹¹³ “Captain Mason’s Plantations on the Piscataqua,” in Tuttle, *Capt. John Mason*, p. 108.

¹¹⁴ Toppan, *Randolph*, 3, pp. 47–52.

¹¹⁵ Toppan, *Randolph*, 3, p. 52.

¹¹⁶ “Captain Mason’s Plantations on the Piscataqua,” in Tuttle, *Capt. John Mason*, p. 110.

¹¹⁷ For the provisions of the Privy Council’s decision, see “The Commission Constituting a President and Council for the Province of New Hampshire in New-England,” in Bouton, *Documents*, p. 381.

the younger Mason's majority was, conveniently, the period of the Civil War and Interregnum. Just as Robert Mason began his work to reinstate his rights of patent, a conveniently corrupt monarch had been restored to power.

Political control in Stuart hands worked much in Robert Mason's favor. Working against him was his own lack of knowledge about the wishes of those he hoped to tax and govern. Throughout his quest, he never left England, sending agents such as Nichols and Randolph instead. Both returned with stories of people who resisted proprietary interests, but both times Mason ignored the implications of such resistance. He seems to have preferred to participate in more familiar surroundings and within familiar English political structures.

Massachusetts helped Mason even more than political connections and processes. John Winthrop's unbridled imperialistic greed, seizing control in New Hampshire in 1641 with self-righteous religious zeal, set a precedent that proved difficult to overcome for his political descendants. It was only through the impudent insistence of the Massachusetts General Court that the Bay Colony's royal charters granted independent representation in America that Mason achieved even modest success.

Despite Mason's ignorance of their perspectives and motivations, New England's colonists with close ties to England spoke of improving the new world. These people, residents of New Hampshire and Massachusetts, were becoming more and more alike in their world view and worked hard to create a political and social structure that operated effectively in their physical and intellectual environment.¹¹⁸ Their efforts were intended to create a world legitimate in their own eyes and those of their countrymen in England, no matter what a foreigner who claimed proprietary rights might claim. Mason never recognized these processes at work, and his motivations were primarily selfish—not an unusual characteristic in young gentlemen of his day in England. In the end, this combination proved unproductive. By reverting to rights granted more than a generation before, without acknowledging the realities in place in New Hampshire, he was left without a base of operations. He was literally, and figuratively, at home neither place. And such displacement made his efforts at

¹¹⁸ John H. Elliott, "Colonial Identity in the Atlantic World," in Canny and Pagden, *Colonial Identity*, p. 11.

reinstatement of proprietary interests all the more difficult. Finally, it was Randolph, the man who traveled often to New England and knew the best ways to combat the impudent impulses of the Bay Colony, who gained more of the power his cousin sought. Mason never achieved his proprietary goals, and his grandfather's patents appeared nearly valueless as politics and society under royal rule exhibited their own character—ways and means that became even less recognizable to an Englishman in New England, particularly Robert Tufton Mason.

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CHAPTER TEN

DUTCH PROPRIETARY MANORS IN AMERICA: THE PATROONSHIPS IN NEW NETHERLAND

JAAP JACOBS

On February 8, 1652, Johannes Dijckman, a Dutch West India Company official, marched out of Fort Orange, a small Dutch outpost on the Hudson River. He was accompanied by “three soldiers, who were fully armed, namely, with their side arms, two carrying muskets with lighted fuses and one carrying a snaphance.”¹ Dijckman was clearly prepared to use force, if necessary. In this case his adversaries were not Indians or Englishmen, but fellow Dutchmen. His enemy was Brant Aertsz. van Slichtenhorst, director of the Rensselaerswijck patroonship. Dutchmen were preparing to fight other Dutchmen, in a remote outpost of the Dutch colonial empire, surrounded by all kinds of enemies, heathen and Christian. It is a bizarre scene, which Washington Irving would have enjoyed, if these sources had been available to him.

The conflict in question of course went beyond the two main characters, Dijckman and Van Slichtenhorst. It even went beyond the government of New Netherland and the director of Rensselaerswijck. At the root of Dijckman’s march on Rensselaerswijck lay a conflict started twenty-five years earlier within the Dutch West India Company, back in Amsterdam. A temporary solution to that disagreement was the creation of patroonships.

The patroonships in New Netherland have been much criticized by historians. Ever since Edmund B. O’Callaghan, the first historian to devote attention to the Dutch colony, in 1846 asserted that the patroonship system “transplanted to the free soil of America the feudal tenure and feudal burdens of continental Europe”,² the label of

¹ Court proceedings of Rensselaerswyck, 29 February 1652, *MCR*, p. 189.

² O’Callaghan, *History of New Netherland*, 1, p. 120. O’Callaghan may have been the one to introduce the word “patroonship.” The usual designation in the Dutch records is *colonie* [colony], with the owners being called *patronen* [patroons]. As the

feudalism has stuck to the patroonships. Indeed, in a recent CD-ROM encyclopedia the patroons are described as “a kind of feudal lord who controlled all aspects of the settlers’ lives, including their right to move, go into business, or even marry.”³

Such condemnation evokes the question what these infamous patroonships really comprised. What were the motives of the Dutch West India Company in granting manors and what were the aims of the men who received them? What conditions were attached to obtaining manorial rights and what role did they play in the development of New Netherland? To answer these questions, we need to contextualize the New Netherland patroonship system, examining its origin and character, as well as the history of its development.

THE WEST INDIA COMPANY AND THE 1629 PATROONSHIP PLAN

Dutch involvement with New Netherland started in 1609 with the well-known voyage of Henry Hudson. Soon afterwards, Dutch merchants in Amsterdam and Hoorn sent out ships to follow up on the trading prospects reported by Hudson. Within a couple of years, several trading companies combined their efforts in the New Netherland Company, which in 1614 received a charter from the States General, giving it a monopoly to the trade. The New Netherland Company carried out numerous voyages in the following years, but despite requests, its monopoly was not prolonged. The reason for this was the expected foundation of the Dutch West India Company, which would receive a monopoly over all Dutch Atlantic trade. This eventually happened in 1621, after the Twelve Years’ Truce between the Dutch Republic and Spain had ended and hostilities were resumed.⁴

use of ‘colony’ may cause confusion, I prefer to use the word “patroonship.” Other examples of the feudal perspective on patroonships are Condon, *New York Beginnings*, p. 125 and Nissenson, *The Patroon’s Domain*, passim. The perceived discrepancy between a feudal patroonship system and the supposedly non-feudal situation in the Dutch Republic led Condon to call the patroonship system anachronistic. This assessment however is based solely on a single remark in the correspondence of Kiliaen van Rensselaer, who does not seem to have had a thorough grasp of feudalism. See Condon, *New York Beginnings*, p. 125.

³ *World Book Multimedia Encyclopedia*, Macintosh Edition, Version 1.0 (1998), s.v. “patroonship system.”

⁴ Jacobs, *New Netherland*, pp. 30–37.

The foundation of the Dutch West India Company heralded a new age in Dutch activities in the whole of the Atlantic, not just New Netherland. The aim of the Company was for a large part of a military nature: it was to inflict damage on the Iberian colonial empire, thus cutting off the source of income, which enabled it to finance the war in the Netherlands. Within this framework, New Netherland was of minor importance. Large-scale colonization, as had been advocated by Willem Usselinx, had no place in the “Grand Design” that the *Heren XIX* [Lords Nineteen, the supervisory board of the Company] drew up in October 1623. The small expedition that the *Heren XIX* decided to send to New Netherland in November 1623 was merely intended to defend the Dutch claims to New Netherland against English counterclaims. In the Dutch opinion, it was not the right of discovery, but rather the right of first occupation that was paramount. Such occupation needed to be more substantial than just a trading post, consisting of a small fort guarded by a garrison of a dozen soldiers.⁵

Over the following three years, the West India Company gradually strengthened New Netherland by sending more colonists, cattle, provisions and equipment with the aim of making the colony more self-sufficient. These measures were taken despite the conflict between two factions—one favoring colonization, the other favoring trade—of *bewindhebbers* [directors] of the Amsterdam chamber of the Company, which was in charge of New Netherland. The trade faction argued that the early efforts at colonization had proved extremely costly and that it would be better to make as much profit as possible from the fur trade with a minimum of expense. The other faction favored large-scale colonization with an emphasis on agriculture, so as to increase the population, and thus prevent an English takeover. During 1623 through 1625 the colonization faction had the upper hand, but after 1626 the trade faction gained the ascendancy. According to Kiliaen van Rensselaer, a prominent member of the colonization faction, the trade faction

decided that little or no provisions ought to be sent, not considering that it takes time to clear the land before it can be plowed or cultivated and that in the beginning several horses and cows perished which

⁵ Den Heijer, *De geschiedenis van de WIC*, pp. 35–38; Jacobs, *Een zegenrijk gewest*, pp. 55–65; idem, “The Hartford Treaty.”

they would not replace, whereby the people were forced to take the merchandise and trade it for provisions, thus damaging the Company to an incredible number of thousands.⁶

As members of the colonization faction were willing to personally take on the burden of colonizing New Netherland, a viable alternative presented itself: the privatization of colonization. In return for certain rights, private merchants would commit themselves to send colonists to New Netherland. The extent of the rights and obligations remained a matter for discussion, of course. An important aspect in the debate was access to the fur trade, which had been a Company monopoly from the start. Although members of the colonization faction must have envisioned extensive outlays in their plans without immediate returns on their investments, they anticipated some compensation if part of the fur trade was allowed to them. Other factors, such as the continuing struggle between the *bewindhebbers* and the *hoofdparticipanten* [main shareholders] over matters of finance and control, may have slowed down the process, but by early 1628 an agreement was reached. On 10 March a draft document, entitled “Freedoms and Exemptions for the Patroons and Masters or Private Persons who would plant a colony and cattle in New Netherland,” was approved by the *Heren XLIX*.⁷

The 1628 patroonship plan was a major change in West India Company policy as far as New Netherland was concerned. It meant that private capital now made its entry into the efforts of colonizing New Netherland, giving other parties than the Company a stake in its welfare and economy. It was an important first step in a process that eventually led to the abolition of the Company’s monopoly on trade and shipping. However, the concessions did not go far enough for the prospective patroons. They soon voiced their displeasure and, despite opposition from the trade faction, persuaded the *Heren XLIX* to have a new version drafted, which was approved on 7 June 1629. Oliver Rink, who has analyzed the two versions, argues that the

⁶ Memorial presented by Kiliaen van Rensselaer to the *Heren XLIX*, 25 November 1633, *VRBM*, p. 236.

⁷ Memorial presented by Kiliaen van Rensselaer to the *Heren XLIX*, 25 November 1633, *VRBM*, p. 236; Rink, “Company Management and Private Trade”; Bachman, *Peltries or Plantations*, pp. 106–08; Jessurun, *Kiliaen van Rensselaer*, pp. 26–28.

capture of a Spanish fleet laden with silver by West India Company admiral Piet Heyn provides the answer as to why, despite opposition, the prospective patroons were able to obtain even further reaching concessions.⁸ The news of Heyn's victory reached the Dutch Republic at the end of 1628 and caused great euphoria, which considering the booty of some 11,500,000 guilders is hardly surprising. The West India Company finances profited to the sum of 7,000,000 guilders. While it is possible, although solid documentary evidence is lacking,⁹ that the optimistic mood of the *bewindhebbers* in early 1629 may have made them more likely to accept further concessions, the reverse is equally plausible. If the inclination of the West India Company to accept private merchants into their domain before 10 March 1628 was brought about by the financial difficulties of the Company, then it seems unlikely that the injection of capital by the end of 1628 would be the main motive for even more concessions a couple of months later. On the contrary, the increase of its financial possibilities may have made the *bewindhebbers* less ready to accept intrusions into their monopoly on New Netherland trade and shipping. The capture of the silver fleet by Piet Heyn therefore does not provide us with a convincing argument as to the reasons behind the change in Company policy. The sorry state of the West India Company archives makes it unlikely that the truth will ever be known. Even so, the differences between the 1628 and 1629 versions are striking enough, as Rink has shown. As no patroonships were founded under the 1628 versions, while the 1629 version provided the foundation for the patroonship system as it was actually applied in New Netherland, these differences need not concern us any further. Instead, let us take a closer look at what the Freedoms and Exemptions of 1629 entailed.

The Freedoms and Exemptions cover a multitude of subjects in its thirty-one articles.¹⁰ Patroonships were available to major shareholders of the West India Company, if they declared their intention

⁸ Rink, "Company Management and Private Trade," 13–15.

⁹ The only reference dates from twenty-five years later. David Pietersz. de Vries, who by that time was ill disposed towards both patroons and Company, suggests that Piet Heyn's treasure clouded the *bewindhebbers'* awareness that they were being tricked into granting charters with exorbitant powers, Jameson, *Narratives of New Netherland*, p. 210.

¹⁰ The version of the Freedoms and Exemptions I used is the one printed in *VRBM*, pp. 136–53.

to set up within four years a settlement of at least fifty people over fifteen years of age. Patroons were allowed to select their own site, with a number of restrictions. The most important of these was the exclusion of Manhattan, which the Company wished to keep for itself. A patroonship could run four miles along the coast or along a river, or two miles if on both sides of a river.¹¹ There was no limit to its landward extension: it could be “as far inland as the situation of the occupants will permit.” This was not simply a case of the West India Company granting lands it did not own. In fact, no land was granted at all. The patroons were obliged to buy the lands within their domain from the original owners, the Indians, referred to here as ‘occupants.’

If the patroons did not receive land, then what did they obtain in return for their efforts? Article 6 of the Freedoms and Exemptions gives the answer. The patroons

shall forever own and possess and hold from the Company as a perpetual fief of inheritance, all the land lying within the aforesaid limits, together with the fruits, plants, minerals, rivers and springs thereof, and the high middle and low jurisdiction, rights of fishing, fowling and grinding, to the exclusion of all others.¹²

In this way the patroons were granted the power of justice and government, subsidiary to the West India Company. These powers were therefore not absolute. In matters of justice, both criminal and civil, a patroonship court had to abide by Roman-Dutch law. And appeals against its judgments were possible, the designated appeal authority being the director general and council of New Netherland. There were other benefits, such as the fishing, fowling and grinding monopolies mentioned in the quotation. The patroons were also given the right to send ships of their own to New Netherland, if the West India Company could not provide sufficient ships. And they had the right to sail and trade along the entire coast of North America. An important point was that the Company reserved the fur trade for itself, except where it did not have a trading post.¹³ There the

¹¹ The type of miles is not specified. Presumably Holland miles of 20,000 Amsterdam feet (5,660 meters) were intended, Verhoeff, *De oude Nederlandse maten en gewichten*.

¹² Freedoms and Exemptions, art. 6, 7 June 1629, *VRBM*, p. 140.

¹³ Freedoms and Exemptions, art. 15, 7 June 1629, *VRBM*, p. 145. The translation of the sentence “welcke handelinge de Compagnie alleen voor haer reserveert” is slightly off in *VRBM*, p. 145. Instead of “which trade alone the Company reserves to itself,” more accurate would be “which trade the Company reserves to it alone.”

patroons could conduct their own fur trade, provided they paid the required duty to the West India Company: one guilder per beaver skin. The West India Company took upon itself the task of defending the colonists against any attacks, whether from Indians or from European countries. Finally, the stipulation that colonists of a patroon would be exempt from taxes for ten years makes clear that the patroonship plan was intended to help populate New Netherland. On the whole, the Freedoms and Exemptions gave the patroons considerable powers. But were these powers exceptional? To answer that question, we need to compare the Freedoms and Exemptions both with charters promulgated for other parts of the Dutch Atlantic empire and with the situation in the Dutch Republic itself.

The 1629 patroonship plan for New Netherland had a precursor in a similar plan for patroonships in the Caribbean and on the coast of Guyana, developed by the Zeeland Chamber of the West India Company two years earlier. In 1623 the *Heren xix* had dismissed the possibility to allow private merchants "the exploitation of certain coasts" subject to the payment of recognition, as its main aim was to do damage to the Iberian enemy. But within a couple of years, pressure from merchants from Zeeland forced a change. Abraham van Pere, a merchant from Vlissingen, on 22 April 1627 received permission to found a colony on the coast of Berbice. The "Conditions and Articles" allowed him by the Zeeland Chamber were subsequently changed by the *Heren xix*, widening the possibility of such grants to the whole coast of Guyana. Other Zeeland merchants, Jacob Martsen and Jan de Moor, obtained a patroonship on the island of Tobago. Even then, the Zeeland system of patroonships was still in a transitory stage. It was not until 8 March 1628, only two days prior to the first patroonship charter for New Netherland, that a more or less final charter was drawn up, entitled "Freedoms and Exemptions for private people who will found colonies and settle cattle on the Wild Coast of Brasil or the islands thereabout."

The similarities with the charter for New Netherland are striking, but there are some differences. In both charters, the patroons were allowed to send agents over in Company ships to inspect the local situation, prior to the choice of location. The number of colonists required in the Zeeland charter was slightly higher, sixty within four years, on the penalty of annulment of the received rights. The minimal proximity to other patroonships was the same in both charters, seven to eight miles. The power to dispose of a patroonship by testament was promised, provided special permission [*venia testandi*] was

asked. Powers of local government and justice were granted. In the Zeeland charter high jurisdiction was not mentioned, but it was explicitly stipulated in the Amsterdam charter. Rights of mining, fishing, hunting, and milling were granted under both charters. An interesting difference is the prerogative of excises and tenths. The Zeeland charter allowed the patroons excises and tenths, but the Amsterdam charter is ambivalent. In article 18 the promise was made not to impose any “duties, tolls, excise imposts or any other contributions” on colonists of the patroons for ten years. After that, only such dues as were usual “here at present” would be exacted. Tenths, the most common source of manorial income, are not mentioned, and this omission gave rise to considerable conflict later. The stipulation that land needed to be legally acquired from natives is included in the Amsterdam charter, but not in the Zeeland charter. Although there were some differences with the New Netherland charter, these are either in details or derive from the different economic and geographical situations of the two regions, as Van Claef Bachman has pointed out.¹⁴

Even more important is the similarity of both charters with the existing situation in the Dutch Republic. *Heerlijkheden* [manors] were widespread, not just in the eastern parts of the Dutch Republic, but also in the province of Holland. The privileges that they comprised varied, but usually the authority to hold courts leet and baron, hunting, fishing, and milling rights, and the right of advowson [the power to appoint a clergyman] were among them. Unlike noble titles, these rights were transferable and this enabled a development during the sixteenth and seventeenth century in which it was not unique, but neither widespread, for non-noble rich merchants and diplomats to acquire a *heerlijkheid* and affix the accompanying title to their name. In most cases, the expense was not very profitable and the acquisition mostly served to enhance the status of the new owner. Thus François van Aerssen, a diplomat living in The Hague, acquired several manors and called himself Van Aerssen van Sommelsdijck. The secretary of the Princes of Orange, Constantijn Huygens, was often named “Heer van Zuilichem”, while grand pensionary Johan van

¹⁴ Bachman, *Peltries or Plantations*, pp. 97–109. On the introduction of patroonships elsewhere in the Dutch colonial empire, see also Fabius, “Het leenstelsel van de West-Indische Compagnie,” 555–93, and Van Grol, *De grondpolitiek in het West-Indisch domein der Generaliteit*, v. 2, pp. 24–57, 155–69.

Oldenbarnevelt was “Heer van den Tempel.”¹⁵ Cities also began to buy manors in the surrounding countryside, partly in order to extend their economic influence beyond the city walls.¹⁶

In early modern Europe manors were a widespread phenomenon, well integrated in the prevailing governmental system. Sovereign powers, which included government and justice, were mostly considered to derive from God, and had been granted to the existing rulers. These sovereigns had the possibility to grant some of their authority to subordinate men or institutions, and in certain circumstances to withdraw them as well, as happened to the Flemish city of Ghent in 1540. This line of thinking, the descending theory of government, had prevailed for most of the Middle Ages, and was still current in the sixteenth and seventeenth centuries. But ever since the rediscovery of Aristotle in the second half of the thirteenth century, it had been challenged both theoretically and practically by the ascending theory of government, which located the origin of sovereignty and hence the source of authority, in the people.¹⁷

In the Dutch Republic we can find traces of both perspectives, but for our understanding of the patroonships the descending theory is the most illuminating. In the Netherlands, sovereignty had been assumed by the provincial estates when they abrogated Philip II. Although the exact division of sovereignty and sovereign powers between the provincial estates and the States General was often discussed during the seventeenth century, there does not seem to have been any doubt as to the sovereignty over areas outside the seven provinces. For both the *Generaliteitslanden* [Generality Lands, the conquered areas in the south of the Netherlands, mainly consisting of States Flanders, States Brabant and Maastricht] and the colonies, sovereignty was claimed by the Generality on the basis of right of conquest.¹⁸

¹⁵ Van Deursen, *Mensen van klein vermogen*, p. 189; Prak, *Gouden Eeuw*, pp. 148–49. Interestingly, article 6 of the 1629 Freedoms and Exemptions explicitly allowed patroons to use the title of their patroonship, giving them the authority “Tijtel van zijn Colonie [te] moghen ghebruycken”, wrongly translated in *VRBM*, p. 141 as “to use such titles in his colony” rather than “to use the title of his colony.”

¹⁶ For an analysis of this development, see Van Nierop, *Van ridders tot regenten*, p. 272.

¹⁷ Ullmann, *Medieval Political Thought*; Koenigsberger, *Monarchies, States Generals and Parliaments*.

¹⁸ Israel, *The Dutch Republic*, pp. 760–66.

The States General transferred some of its authority to the East India Company (1602) and the West India Company (1621) by granting charters. Apart from the monopoly on all trade and shipping outside of Europe, the charters included the power to maintain a military and naval force, to build forts, appoint governors and to conduct treaties. The States General retained the right to approve treaties and instructions to governors. The Companies also had to give regular accounts of their proceedings. The main element of power of the States General over the Companies was vested in the duration of the charter, which initially was twenty-one years for the East India Company and twenty-four years for the West India Company. Prolongation was not intended to be automatic, but gradually became so for the East India Company. For the West India Company financial and political difficulties were a constant threat. After the proposal for a merger between both Companies in the 1640s failed, the West India Company managed to extend its precarious existence until 1674, when a bankruptcy became unavoidable. Immediately, a new, revised West India Company was founded, with much more limited powers, however.¹⁹

The differences between both Companies extended into the way it governed the territories under its control. The East India Company rarely instituted lower authorities possessing civil or criminal jurisdiction or political powers. There was little reason for doing so. Most of the trading factories in Asia were relatively small and the majority of Europeans there was in the employ of the Company, thus falling under its jurisdiction anyway. One of the exceptions was the Cape Colony, which quickly after the first Dutch occupation in 1652 became a settlement colony rather than a trading post. Both the growth of the population and the distance between settlements, Stellenbosch and Drakenstein being located at least four hours from Cape Town, made the institution of lower courts of justice necessary. In Stellenbosch, this was called the *College van Landdrost en Heemraden*. Composed of inhabitants of the village, its powers were limited to regulating local affairs and civil jurisdiction, criminal matters still being tried by the *Raad van Justitie* in Cape Town. In Batavia, the situation was largely similar.²⁰

¹⁹ Gaastra, *De geschiedenis van de VOC*, pp. 20–23; Den Heijer, *De geschiedenis van de wtc*, pp. 33–34, 102–08.

²⁰ Biewenga, *De Kaap de Goede Hoop*, pp. 38–39; Niemeijer, “Calvinisme en koloniale stads cultuur.”

In itself, then, the institution of patroonships for New Netherland agrees with the concept of sovereignty and the devolution of governmental and judicial powers as practiced in the Dutch Republic and, for that matter, most of Western Europe. Both the wording of the patroonship plan and some of the rituals that went with it, such as the gift of a pair of iron gauntlets as a token of fealty when the patroonship was devolved on heirs, derived from medieval practices and have a distinct feudal odor about them. But in essence, the judicial and governmental privileges granted to patroons were no different from those granted to villages and towns in New Netherland or from *heerlijkheden* in the Dutch Republic. Thus, the use of the epithet 'feudal' makes little sense when it has no distinguishing purpose. It may even lead to misunderstandings, as the earlier quote from a CD-ROM encyclopedia shows. The writer of this entry, on using the word feudal, clearly assumed the patroons to have powers reminiscent of serfdom, which had disappeared in Western Europe by the fifteenth century.

THE FIRST GENERATION OF PATROONSHIPS

The institution of the first generation of patroonships may have been intended to promote colonization, but it was hardly successful. Initially a number of Amsterdam merchants, all *bewindhebbers* of the Amsterdam chamber, were interested and applied for patroonships during the second part of 1629 and the first months of 1630. Michiel Pauw reserved two stretches of land, one along the Connecticut, the other along the Hudson River, opposite Manhattan, where a patroonship called Pavonia was established. Pauw also registered Fernando do Noronho, an island of the Brazilian coast. Samuel Godijn founded the patroonship Swanendael, on the Delaware River, near present-day Lewes. Albert Coenraetsz. Burgh was also interested in the Delaware area, as well as the Caribbean island of St. Vincent, but his plans never got beyond the drawing board. Samuel Blommaert preferred the Connecticut, while Kiliaen van Rensselaer set up a small patroonship near Fort Orange.²¹ Only three patroonships were

²¹ Registrations by Samuel Godijn, Kiliaen van Rensselaer, Samuel Blommaert, Michiel Pauw, and Albert Coenraets Burgh, 7 June 1629–10 January 1630, *VRBM*, pp. 154–58.

actually established: Pavonia, which was sold back to the West India Company after a couple of years, Swanendael, which was destroyed by an Indian attack in 1632, after which the patroonship rights were also sold to the Company, and Rensselaerswijck. The lack of success was partly caused by the fact that the patroons, most of whom were ousted from the Amsterdam chamber in the early 1630s, soon came into conflict with the West India Company over the extent of their powers, and specifically their rights to the fur trade.²²

The only remaining patroonship, Rensselaerswijck, continued to exist, despite the fact that the investments required were higher than expected, while the returns were disappointing. As Rensselaerswijck is the only patroonship of which direct sources are extant, it is hardly surprising that it has received most of the attention of historians. Yet this focus has led to the impression in some of the historiography that Rensselaerswijck was the only patroonship and that Kiliaen van Rensselaer was its sole proprietor. This was not the case. In February 1630, Burgh, Godijn, Blommaert and Van Rensselaer combined their efforts by sharing their New Netherland patroonships, each taking a fifth part in the other ventures, while keeping two fifths of the patroonship registered in their name. Each would still manage his own, but for expenditures over 2000 guilders permission of the shareholders was required.²³ Eight months later, this agreement was revoked and another document was drawn up. This time other prospective patroonships were included, all in the Caribbean: St. Martin, Barbados, Tortuga and Majaguane. Directorship was shared in this case, with the presidency, which rotated every three months, having a double vote in the case of ties. The only link that still remained with the original registration concerned the renewal of the fiefs in the case of deaths. For this purpose the title of patroon of a specific patroonship was retained by its original owner, with the stipulation that this would be “without prejudice to our ownership, right and interest in the said colonies.”²⁴

In itself, both agreements are indicative of the attempts common among merchants to limit their personal risks. Despite the change

²² Jacobs, *Een zegenrijk gewest*, pp. 124–25.

²³ First combination of colonies in New Netherland and shares each partner is to have in them, 1 February 1630, *VRBM*, pp. 164–65.

²⁴ Agreement between the patroons, Samuel Godyn, Albert Coenraetz, Burgh, Samuel Blommaert, and Kiliaen van Rensselaer, 1 October 1630, *VRBM*, pp. 171–75.

in views on the management of patroonships that the differences indicate, there is no sign that the second agreement was ever carried out. This very likely was the result of the failure in setting up the patroonships, with the exception of Rensselaerswijck. Kiliaen van Rensselaer remained patroon of Rensselaerswijck, kept the management to himself and carried out all the overseas correspondence. The other partners did not object to this at first and paid their contribution whenever Van Rensselaer asked them to. After about ten years of investments without returns, the partners began to feel restless. Some shares in the patroonships had already changed hands, with Van Rensselaer buying back one fifth, and Johannes de Laet taking over Burgh's share.²⁵

Johannes de Laet played an important role in the ensuing conflict between patroon and partners, and it is worth taking a closer look at him. A staunch Calvinist from Antwerp, he studied theology at Leiden University and became a member of the consistory there. He took part in the Synod of Dordt, but subsequently devoted his attention to other matters. The New World had his special attention, both on a scholarly and on a practical level. He published a description of the New World, argued with Grotius on the origins of North American Indians, became a *bewindhebber* in the Amsterdam chamber and served as one of the *Heren XLX*. In the latter capacity, he was involved in the drawing up of a new version of the Freedoms and Exemptions that was presented to the States General in July 1640. It may be that this work, added to the lack of returns on investments, aroused his interest in the question of ownership and rights of Rensselaerswijck.

In May 1640, De Laet refused to pay an installment until Van Rensselaer explained his view on the patroonship. A heated correspondence ensued, in which De Laet argued that the title, prerogatives, jurisdiction and right of management were owned by all the partners in common, just as the land holdings were. The designation of one man as patroon was only for the purpose of devolving the rights onto heirs. This was the same method used by city governments, which owned neighboring manors and designated one of the burgomasters as *sterfheer*. Van Rensselaer, on the other hand, held

²⁵ The following is based on Jacobs, "Johannes de Laet en de Nieuwe Wereld," at 113–16.

the opinion that the title and jurisdiction were his indivisible property, by virtue of the registration in his name. The management could be shared, but as this would lead to confusion, Van Rensselaer was opposed to this as well. Even so, Van Rensselaer was not unwilling to compromise. He offered to share with the partners the lower and middle jurisdiction in the form of a fief, while keeping the high jurisdiction to himself as patroon. Not surprisingly, this was turned down by De Laet, who answered Van Rensselaer that he wanted “to make us cardinals but be pope yourself.”²⁶

Although by this time the positions in the conflict had become fixed, further measures were only taken after the death of Kiliaen van Rensselaer late 1643. The patroon's death necessitated a formal succession and the guardians of Van Rensselaer's minor children, former director of New Netherland Wouter van Twiller and Johan van Wely, subsequently tried to have the eldest son, Johannes van Rensselaer, confirmed as patroon by the *Heren XLX*. The partners prevented this, but that did not stop the guardians from taking over the management of Rensselaerswijck. Rejecting arbitration in the conflict, they deliberately antagonized the partners by appointing a new director, Brant Aertsz. van Slichtenhorst, without any consultation. There now could be no other way to resolve the dispute than by litigation. Both parties laid their conflict before the States General, who asked the Court of Holland to advise on the matter. The States General in June 1650 finally ruled in favor of the partners, forcing the patroon to be more accountable to the shareholders.

The conflict between Kiliaen van Rensselaer and the shareholders of Rensselaerswijck is in many ways similar to other disputes before the courts of justice in the Dutch Republic. The interpretation of specific clauses, the indignation at being prejudiced in one's rights, the sharing of risks, it could just as well have been a legal conflict about a manor or a land reclamation project anywhere in the Netherlands, and the fact that it happened to be in the New World does not make any difference.

During the years that partners and patroon were bickering, Rensselaerswijck gradually developed into a domain with a small number of farms, occupied either by employees of the patroon or

²⁶ Letter from Johannes de Laet to Kiliaen van Rensselaer, 8 February 1641, *VRBM*, p. 542.

by tenants. Most of the farm hands were recruited in places where the Van Rensselaers had other interests: the Veluwe (northern part of Gelderland), the Gooi near Utrecht, and, of course, at the main labor market of the Dutch Republic, Amsterdam. The progress of the patroonship necessitated the sending of a *predikant* [minister] of the reformed religion. Although article 27 of the 1629 charter urged the patroons to do so, it is clear that to Van Rensselaer this implied he had the prerogative of advowson. Hence in 1642, he employed Johannes Megapolensis for six years. Approval of ecclesiastical authorities was required, as usual, but remarkably, the call for Megapolensis also had to be approved by the chamber of Amsterdam.²⁷ Van Rensselaer does not seem to have objected to this. After Megapolensis left for New Amsterdam in 1648, Rensselaerswijck was without a predikant for a couple of years. In 1652 Gideon Schaets was employed by the patroonship, at first for three years, but his contract was later extended to six years. There is no indication that the West India Company sought to formally approve Schaets' call, but as he was later employed by the West India Company to serve in the neighboring village of Beverwijck, it is unlikely there were objections.

Measures for the spiritual welfare of his colonists were one thing; Van Rensselaer also took care of more worldly affairs. For the execution of local justice, he ordered a small bench of justice to be erected, consisting of a *schout* and five *schepenen*. The procedures and laws followed by this court were all in accordance with those in the Dutch Republic, as Martha Shattuck has pointed out.²⁸ The *schout*, the representative of the patroon, also acted as the director of the patroonship. During the first fifteen years, a number of different men occupied this office, but only for the term of Brant van Slichtenhorst (1648–1652) court minutes are extant.²⁹ Yet it is clear from other sources that the patroonship court functioned from about 1634 to 1665. The court dealt with both civil and criminal cases. In civil cases, appeal to director general and council against judgments from the patroonship court was possible, if the amount involved exceeded fifty guilders. There are numerous appeals from other New Netherland

²⁷ Copy of Call on Megapolensis, 22 March 1642, Corwin, *Ecclesiastical Records*, V. 1, p. 148.

²⁸ Shattuck, "A Civil Society: Court and Community in Beverwijck, New Netherland."

²⁹ Published in *MCR*.

courts, but very few for Rensselaerswijck, which may partly have been caused by the fact that Van Rensselaer inserted a clause in his contracts inhibiting people in his service from exercising this right. The expenses involved in traveling between Rensselaerswijck and Manhattan may also have played a role.³⁰

The jurisdiction of the Rensselaerswijck court in criminal matters was much wider. There are indications that Van Rensselaer even tried to establish his right to deal with capital offences. In a case of manslaughter within his jurisdiction, he claimed to have the traditional power to approve the reconciliation between the perpetrator and the victim's relatives.³¹ That high jurisdiction, i.e. the power to impose capital punishment, was actually carried out, is shown by the execution of Wolf Nyssen, although the crime he committed is unknown.³²

Both the prerogative of advowson and the exercise of criminal and civil jurisdiction did not lead to much conflict between Rensselaerswijck and the West India Company. There were, however, several other matters that did. First of all, the fur trade. In this conflict, Van Rensselaer was not alone. The other patroonships of the first generation were also involved. The trade faction tried its best to thwart the development of the patroonship. Their main weapon was the interpretation of article 15 of the Freedoms and Exemptions. This allowed the patroons the trade "all along the coast of New Netherland and places circumjacent." The fur trade was excluded from this, except "at places where the Company has no agent." Over furs acquired there, the patroons had to pay a recognition fee of one guilder. The conflict centered on two points. First, "the coast of New Netherland and places circumjacent." According to the patroons, this did not include any land inwards, so no recognition had to be paid over furs obtained there. The second point concerned the presence of a Company agent. The patroons inter-

³⁰ Freedoms and Exemptions, art. 20, 7 June 1629, *VRBM*, p. 149. I found only one appeal, the case of Simon Dircksz. Pos vs Adriaen van der Donck in 1644, in Van Laer, *Council Minutes*, 4, p. 241, when the judgment of the court of Rensselaerswijck was upheld. See also the letter from Kiliaen van Rensselaer to Willem Kieft, 29 May 1640, *VRBM*, p. 476, and the Complaints exhibited to the chief officer of the colony of Rensselaerswijck, 23 July 1648, *DRCHNI*, 14, p. 90.

³¹ Jacobs, *Een zegenrijk gewest*, pp. 379 and 477n.

³² *MCR*, p. 12.

preted this as pertaining to those places where the Company had no agent at the time when the Freedoms and Exemptions were promulgated, i.e., 1629. That the West India Company had since then positioned agents at several places was very well, but that did not diminish the right of access of the patroons to the fur trade. Obviously, this interpretation was not acceptable to the West India Company. It promulgated ordinances prohibiting the private fur trade, even within the patroonships, and sent agents there. The matter was discussed in 1633 and 1634 by the *Heren XIX*, but without any result. Thereupon both sides asked the States General for mediation. A committee of the States discussed it in June 1634, but did not make a decision. Instead, the sides were allowed another twelve days to reach a compromise. It is likely that a compromise was the outcome. The solution was the buying out of most of the patroons, with the exception of Rensselaerswijck.³³

As the early conflict between the patroons and the West India Company concerned the fur trade, it has been suggested by some historians that gains from the fur trade were the main motive behind the patroons' actions.³⁴ Yet this is doubtful. If fur trade was the aim of the patroons of Swanendael and Pavonia, then it is difficult to see why they decided to transfer their rights back to the Company within a couple of years. They could easily have fulfilled the conditions, if only formally, and would have sufficient opportunity to continue the trade, either legally or illegally. As to Rensselaerswijck, the instructions of the patroon to his employees make clear that to many of them the fur trade was explicitly off limits and that he considered agriculture much more important. Yet Van Rensselaer clearly regarded the fur trade as an important additional source of income.³⁵

A second bone of contention between Van Rensselaer and the West India Company was the matter of tenths. Besides being a considerable source of income, they also had a high symbolic value, as the embodiment of overlordship. No mention was made of tenths in the 1629 charter, although the wording was sufficiently vague to allow Van Rensselaer to assume the tenths were his. When the Amsterdam chamber was drafting a new version of the Freedoms

³³ Jacobs, *Een zegenrijk gewest*, pp. 124–25.

³⁴ For instance, Condon, *New York Beginnings*, pp. 124–25.

³⁵ Jacobs, *Een zegenrijk gewest*, pp. 124–25.

and Exemptions in 1640, the tenths were explicitly reserved to the Company.³⁶ The draft contained an attempt to include previously established patroonships under the new regulations. Van Rensselaer called this “a shameful distortion and a sly Italian trick” and, via contacts in the States General, was successful in getting the wording changed.³⁷ The patroon was adamant the tithes were his and should be used for the salary of the *predikant*:

There is no more divine means than the tithes for where the Lord God gives and lets grow nine trees, fish, or schepels of grain, he [the freeman] can easily give the tenth in addition and will be blessed more than those who try to keep it in their purse.³⁸

Yet Van Rensselaer's insistence did not prevent the Company from claiming the tenths in Rensselaerswijck in the 1650s. In general, the Company allowed new colonists freedom from tenths for the first ten years, in order to stimulate the growth of agriculture. It was also usual to waive collection of the tenths in years of bad harvests or trouble with the Indians. By the 1650s, however, the Amsterdam chamber began to insist on payment and it tried to extend this to Rensselaerswijck. As the chamber expected problems, they urged director general and council to be as lenient and discrete as possible. In 1656 director general and council announced their intention to collect the tenths that year, which resulted in a flood of petitions from several parts of New Netherland for delay. Jan Baptist van Rensselaer, son of Kiliaen and at that time director of the patroonship, submitted a remonstrance, in which he pointed out that Rensselaerswijck, under the 1629 charter, was exempt. Director general and council did not agree, but even so, another two years passed before decisive action was taken. Vice-director Johannes La Montagne of Fort Orange was ordered by director general and council to exact payment that year. This time, the authorities of Rensselaerswijck submitted, albeit under protest.³⁹

³⁶ Draft of Freedoms and Exemptions for all Patroons, masters or private persons, who may plant any colonies, &c., in New Netherland, &c., 19 July 1640, *DRCHNT*, 1, p. 123.

³⁷ Letter from Kiliaen van Rensselaer to jonkheer Gerrit van Arnhem, 29 October 1639, *VRBM*, 464; notarial archives (archive 575), Gemeentearchief Amsterdam (hereafter abbreviated as GAA NA), inv.nr. 1055, fol. 51v–52, 27 October 1639.

³⁸ Letter from Kiliaen van Rensselaer to Jan Cornelisz, 26 June 1640, *VRBM*, pp. 505–06.

³⁹ Letter from the *bewindhebbers* to Stuyvesant, 26 April 1651, Gehring, *Correspondence*

Even the problems over the tenths were relatively unimportant and nonviolent when compared with the third conflict between Rensselaerswijck and the Company, concerning the lands around Fort Orange. The arrival of newly appointed director Brant van Slichtenhorst in 1648 sparked off a series of confrontations. Within a month of his arrival in the patroonship, Van Slichtenhorst antagonized Stuyvesant by refusing to promulgate a West India Company ordinance proclaiming a day of fasting and prayer. Van Slichtenhorst's insistence on the rights of the patroonship went so far as to include a claim to the land on which Fort Orange stood. By itself, the claim need not have been a cause for escalation. But Van Slichtenhorst also implemented a change in the patroonship policy of having its main settlement on the east shore of the Hudson, opposite the Company's Fort Orange.⁴⁰ Instead, he began granting patents to parcels of land just below the walls of the fort on the west side of the Hudson. Buildings close to Fort Orange diminished the defensive capabilities of the fort, and constituted a provocation that Stuyvesant could not ignore. Added to this was Van Slichtenhorst's refusal to allow inhabitants of the fort to cut firewood and timber on the patroon's land. After several warnings and consultations with his Amsterdam superiors, Stuyvesant finally acted in 1652. He declared an area of 3,000 feet around the fort as falling under the Company's jurisdiction. In this way a large part of the Rensselaerswijck population would fall under the newly founded court of Fort Orange and Beverwijck. It was to establish this right that Johannes Dijckman marched out of the fort with his soldiers in February 1652.⁴¹

1647–1653, pp. 124–25; letter from the *bewindhebbers* to Stuyvesant, 4 April 1652, Gehring, *Correspondence 1647–1653*, p. 153; remonstrance of Jan Baptist van Rensselaer, director of Rensselaerswijck, to director general and council, with accompanying documents, 20 June 1656, New York Colonial Manuscripts, New York State Archives, Albany (hereafter abbreviated as NYCM) vol. 8: 36–44; answer of the director general and council to the remonstrance, 27 June 1656, NYCM 8: 903–04; agreement of the council of Rensselaerswyck to pay tithes to the West India Company, 12 July 1658, *VRBM*, pp. 781–83; letter from Jeremias van Rensselaer to Petrus Stuyvesant, 29 November 1659, *CJVR*, p. 189.

⁴⁰ In *Een zegenrijk gewest*, p. 127, I erroneously attributed the change in policy to Van Slichtenhorst, whereas the decision was taken by the guardians, Wouter van Twiller and Johan van Wely, in the Dutch Republic, as Janny Venema pointed out in *Beverwijck: A Dutch Village on the American Frontier, 1652–1664* (Hilversum: Verloren, 2003), pp. 47, 378n.

⁴¹ Protest of Brant van Slichtenhorst, director of Rensselaerwijck, against the proclamation of a day of fasting and prayer, 26 April 1648, *MCR*, p. 30; proposals

Such a conflict in the colony could not remain without repercussions in the fatherland. The patroon, Kiliaen van Rensselaer's son Johannes, and the partners lodged a protest with the *bewindhebbers* in Amsterdam, the first step in a long process of litigation, in which the States General was also called upon. Procrastination by the Company ensured that no definitive conclusion was reached before the English takeover of 1664.⁴² After that, the problems for the patroonship were of a different kind. Attempts were made to obtain recognition of the rights of the patroonship by the English authorities. The West India Company even extended a helping hand in this, by making a notarial deposition about the patroonship on April 2, 1674, declaring that the West India Company had been in the wrong all along and that the land on which the fort and the village of Beverwijck were located belonged to the patroonship. On the same day, however, Jan Baptist van Rensselaer and his brother Rijckaert, in the name of all the owners of Rensselaerswijck, had to sign an agreement stipulating that the deposition of the Company was only pro forma and in consideration of the current circumstances and would not be valid if New Netherland reverted to Dutch rule again.⁴³

Although Rensselaerswijck had been a small success, it was continually hampered by struggles with the West India Company over the extent of its privileges. Even so, it is clear that many of its prerogatives were actually exercised. How many of the manorial

and resolutions of director general and council, concerning the problems with Rensselaerswijck, July and August 1648, *DRCHN* 14: 88–102, 106; proclamation of director general and council annulling certain ordinances enacted by the authorities of Rensselaerswijck, 27 January 1652, Gehring, *Council Minutes, 1652–1654*, pp. 3–4; Nissenson, *The Patroon's Domain*, pp. 201–35; Charles T. Gehring, "Petrus Stuyvesant," 75–76, 81–82; Jacobs, *Een zegenrijk gewest*, pp. 127–29.

⁴² GAA NA, inv.nr. 1102, fol. 208–09v, 9 December 1652 (translation of a copy of this document in Gehring, *Correspondence 1647–1653*, pp. 193–95); points extracted from the protest of Rensselaerswijck with the Company's responses & points made against Rensselaerswijck, 17 January 1653, Gehring, *Correspondence 1647–1653*, pp. 196–202; GAA NA, inv.nr. 1128, fol. 302v, 20 March 1659; GAA NA, inv.nr. 1129, fol. 102, 28 April 1659; letter from Jan Baptist van Rensselaer to Jeremias van Rensselaer, 23 April 1660, *CJVR*, pp. 213–14; letter from Jan Baptist van Rensselaer to Jeremias van Rensselaer, 22 December 1660, *CJVR*, p. 244.

⁴³ GAA NA, inv.nr. 3218, fol. 342, 342v, 2 April 1674 (translation of a copy of this document in *DRCHN*, v. 2, p. 558); GAA NA, inv.nr. 3218, fol. 340, 2 April 1674. The second document is not mentioned in Nissenson, *The Patroons' Domain*, p. 283, nor in Gehring, *Fort Orange Court Minutes 1652–1660*, p. xxv.

privileges were ever put into practice in the other patroonships of the first generation is a matter of speculation. The short existence of Pavonia and Swanendael makes it unlikely that courts of justice were established, while it is certain that no ministers were ever sent to these places. Rensselaerswijck may have continued to exist, and there may have been over a hundred colonists there, but as a whole the patroonship plan had failed to provide the much-needed impetus to colonization of New Netherland.

THE SECOND GENERATION OF PATROONSHIPS

Yet the West India Company, when faced with pressure from the States General to improve the condition of New Netherland, in 1640 and 1650 again turned to the patroonship plan as one of the measures aimed at populating the colony.⁴⁴ The powers granted in the 1640 version of the Freedoms and Exemptions, which was renewed a decade later, were much less extensive than those in 1629. More important was the fact that in 1640 the Company abolished its monopoly on the fur trade and threw open the trade to all colonists, not just to patroons. This, rather than a renewed patroonship plan, helped to stimulate the influx of colonists.

The 1640 Freedoms and Exemptions attracted people of a background different from that of the 1629 patroons, who were all Amsterdam merchants. At least two of the second-generation patroons were noblemen from Utrecht and Gelderland, representatives of their provinces in the States General. It is possible that the pressure from the States General on the West India Company to issue a new set of "Freedoms and Exemptions" emanated from the private interests of some of its delegates. The most important of the patroons of the second generation was Godard van Reede, lord of Nederhorst. This Utrecht nobleman was later involved in the negotiations leading to the Münster Peace Treaty. In collaboration with Cornelis Melijn, who managed their affairs in New Netherland, Van Reede started

⁴⁴ Draft of Freedoms and Exemptions for all Patroons, masters or private persons, who may plant any colonies, &c., in New Netherland, &c., 19 July 1640, *DRCHNY*, v. 1, pp. 119–23; draft of Freedoms and Exemptions, proposed by the West India Company for the approval of the committee of the States-General, 25 May 1650, *DRCHNY*, v. 1, pp. 401–05.

a patroonship on Staten Island. After his death in 1650 the venture was continued by another nobleman, Hendrick van der Capellen tot Rijssel, who represented the province of Gelderland in the States General. After the colony was destroyed by an Indian attack in 1655, the patroonship rights were sold back to the West India Company in 1659.⁴⁵

Besides Van Reede and Van der Capellen, some gentlemen of lesser status were interested in patroonships. Adriaen van der Donck, best known for his 1655 description of New Netherland, in the early fifties started a small patroonship called Colendonck, north of Manhattan in present-day Yonkers. After his death in 1655 this patroonship was discontinued. Another patroon, Amsterdam merchant Meyndert Meyndertsz. van Keeren, sent over Johannes Winckelman to select a good piece of land. He selected Achter Col, between the Hudson and Hackensack Rivers. A small settlement was set up, which was destroyed by the Indians in 1643. And then there was the Utrecht magistrate Cornelis van Werckhoven, who in 1651 reserved some stretches of land at Nevesinck and near Tappan. He later changed his mind and bought land at Nyack on Long Island, where New Utrecht was founded. After the demise of Van Werckhoven in 1655, his heirs sent over surveyor Jacques Cortelyou to manage the affairs. Although the properties of Van Werckhoven are sometimes called patroonship, there is no indication that the accompanying rights were ever exercised.⁴⁶

Up to 1655 several grants had been issued under the 1640 and 1650 charters, but all of the ventures set up in the 1640s and early 1650s turned out to be failures. That did not deter the West India Company from using the patroonship system as a means to populate its other colonies. In 1652 rights similar to those of the New Netherland patroons were granted to Joseph Nunes de Fonseca alias David Nassi for a patroonship on Curaçao. Although the Freedoms and Exemptions granted him did not specify jurisdiction, the last article specified that the privileges allowed to De Fonseca would be the same as those applied in New Netherland.⁴⁷

⁴⁵ Jacobs, *Een zegenrijk gewest*, p. 126.

⁴⁶ Jacobs, *Een zegenrijk gewest*, pp. 126–27.

⁴⁷ Vrijheden ende exemptien bij de Bewindhebberen van de West-Indische Compagnie ter Camere in Amsterdam toegestaen ende geacordeert aen Joseph Nunes de Fonseca alias David Nassi ende medestanders, als patroon van een colonie op het

In 1655 the *bewindhebbers* informed the authorities in New Netherland that it was their intention not to grant any new patroonships:

we have considered the granting of such colonies unadvisable and injurious to the increase of population and that instead of it we have decided to accommodate private parties with as much land, as they are able to cultivate, without giving them any privileges.⁴⁸

The definitive decision was only taken in 1659, after the Company had acquired the patroonship of Van der Capellen for three thousand guilders.⁴⁹ But before that the last patroonship was founded in 1657 and it turned out to be a little more successful than some others. Strangely, New Amstel on the Delaware, the city-colony owned by Amsterdam, has not been recognized as a patroonship by historians. This may have been caused by the fact that the privileges were granted not to a private person, but to a city. Yet the conditions agreed on by the West India Company and Amsterdam make clear that it was most certainly a patroonship. The powers of government and jurisdiction, with the stipulation that appeals could be made to director general and council in New Amsterdam, are similar to those of other patroonships. Even more telling is the fact that the grant was made “in form of a fief, successively appointing to that end, a person on whom the fief shall be conferred on payment of certain seignorial dues.”⁵⁰ This is comparable to the use of a *sterfheer* in *heerlijkheden* owned by cities in the Dutch Republic. For the West India Company, granting certain privileges to the city of Amsterdam was a way of paying off debts incurred in the use of an Amsterdam-owned ship in the conquest of New Sweden on the Delaware. For the metropolis, it may well have been a status symbol, allowing itself to be compared with ancient Rome or Athens

eiland Curacao, gelegen in de lemiten van het district van voorsz. Compagnie, 22 February 1652, Gehring and Schiltkamp, *Curacao Papers, 1640–1665*, pp. 289–91.

⁴⁸ Letter from the *bewindhebbers* to director general and council in New Netherland, 25 September 1655; *DRCHNT*, v. 14, p. 333.

⁴⁹ GAA NA, inv.nr. 2614 B, pp. 1157–58, 1 November 1660; letter from the *bewindhebbers* to director general and council in New Netherland, 9 October 1659, *DRCHNT*, v. 13, p. 121.

⁵⁰ Draft of conditions offered by the City of Amsterdam to emigrants to New Netherland, with remarks of the West India Company, 12 July 1656, *DRCHNT*, v. 1, p. 624.

and its colonies. New Amstel continued to exist until the English takeover, but never flourished, suffering from famine and disease from the start.⁵¹

CONCLUSION

Set up as a way to privatize the colonization, the New Netherland patroonships show many similarities with patroonships in other parts of the Dutch Atlantic world, and with *heerlijkheden* in the Dutch Republic. As such, the patroonship scheme was a replication of governmental forms well established in the Old World. Reluctantly granted, it originated from a faction struggle within the Amsterdam chamber of the Dutch West India Company, and was kept alive by the continued pressure of the States General. The Company was never wholeheartedly in favor of the devolution of far-reaching prerogatives to individuals as it created bases of power outside the scope of the Company's centralized colonial government in New Netherland and gave rise to numerous conflicts, but its weak position, especially financially, and its dependence on higher authorities did not leave it much choice. It had to abide by the desires of the States General, from which its own powers had been obtained. Ultimately, the fate of patroonships was decided upon in the Dutch Republic, sometimes for reasons unrelated to the situation overseas.

On the whole, the patroonship scheme for New Netherland was a failure. The patroons underestimated the expense involved in setting up a successful colony and suffered from misfortune by the hands of the Indians. The West India Company in its turn underestimated the legal trouble it got into by granting parts of its authority to third parties. Even the only mildly successful patroonship of Rensselaerswijck was in constant conflict with the Company over access to the fur trade, the geographical extent of its jurisdiction and the tenths. Yet, under pressure from the States General to colonize New Netherland, the West India Company continued to grant patroonships until the 1650s. It was never comfortable with it, as the constant conflicts show.

The failure of the patroonship system in New Netherland was not simply the result of the inability of colonial authorities to avoid

⁵¹ Jacobs, *Een zegenrijk gewest*, pp. 129–32.

conflict, though it must be admitted that the actions of rash individuals offered little help. The inability of the West India Company to invest wholesale in colonization forced it to grant parts of its prerogatives to other parties. The patroonships were the most likely form for this, as it drew on a recognized and well-tried model of devolution of governmental powers. But colonization was simply too costly and it would take too long to get substantial returns. For private merchants in the Dutch Republic, there were far better ways to make money.

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CHAPTER ELEVEN

NEW JERSEY: THE LONG LIVED PROPRIETARY

MAXINE N. LURIE

I. INTRODUCTION

New Jersey is one of several English proprietary colonies created in the late 17th century. Along with New York, Carolina, and Pennsylvania, it was a consequence of England's desire to expand its New World holdings, counter the rival claims of Holland, France, and Spain, and insure that it alone would benefit from the trade and resources of the region. These grants were also a means for the King to repay political and other debts, while establishing settlements at little or no cost to the government.¹

This particular proprietary grant, however, is distinguished in several ways. First, this was not a direct grant from the king, but rather a re or sub grant from his brother the Duke of York. This resulted in a disagreement over whether the proprietors had been given the land, or the land as well as the right to govern it. They assumed both.² Second, the colony's history quickly became unusually complex when it divided into two provinces, East and West, each with multiple owners (some resident and others not).³ This produced a rather mind boggling array of land disputes, and made land titles uncertain for many who settled in the colony. Third, New Jersey's proprietorship was, through a process that began in the seventeenth century and accelerated after 1702 when the colonies' government

¹ See Lurie, "Proprietary Purposes."

² For the early history of New Jersey see: McCormick, *New Jersey from Colony to State*; Craven, *New Jersey and English Colonization*; Pomfret, *Colonial New Jersey*; Pomfret, *The New Jersey Proprietors*; Pomfret, *The Province of East New Jersey, 1609–1702*; Pomfret, *The Province of West New Jersey*; Tanner, *The Province of New Jersey*.

³ Carolina was also divided into two colonies, because of geography, but the total number of proprietors always remained eight. West Jersey after 1674 and East Jersey after 1682 set the limit of proprietary shares at 100 and 24 respectively, but because it was possible to hold fractions of a share there were a far larger number of proprietors.

was taken over by the crown, transformed from an essentially feudal enterprise to two land companies that become the equivalent of modern corporations.⁴ Fourth, the two New Jersey proprietorships survived down to the present. While the East Jersey Board of Proprietors ceased to exist when it turned its remaining land claims and records over to the state of New Jersey in 1998, the West Jersey Council of Proprietors continues—the sole survivor of a more than 400 year old method of establishing colonies. In the interim what started as a way to establish a colony at little cost to King or Parliament, not surprisingly became something quite different.

The long lived proprietors of New Jersey and their convoluted, complicated tale provide insights into far more than how Europeans created colonies in the New World. Their history is at the center of political and economic confrontation in New Jersey through the American Revolution, their land operations serve as markers for the ways in which the American economy has changed over time, their survival a reminder that chance sometimes trumps logic.

II. EARLY HISTORY

By 1660 the area that became New Jersey had already been occupied for some 12,000 years by Native Americans, then claimed by Sweden and Holland, and settled by Europeans of diverse ethnic backgrounds. In 1664 in rapid succession the Dutch were pushed out of the region, the New York proprietorship was created, and New Jersey split off as a separate entity. Charles II granted his brother James, the Duke of York, lands that ranged from Martha's Vineyard to Delaware Bay. The Duke gave a portion of his territory to Sir George Carteret and John, Lord Berkeley, who were also involved in the Carolina grant, as repayment for their loyalty to the Stuarts during in the English Civil War and Restoration period. The result was the creation of an additional British proprietary colony, but one whose genesis led to questions of its legitimacy. The fact that New Jersey was a sub grant, rather than one directly from the King, caused later conflict over who actually had the right to the government of the colony. This issue would be used by both the British

⁴ Lurie, "New Jersey."

government and the colonists to question the proprietors' political authority. In addition, Richard Nicolls, sent by the Duke to govern New York, and unaware of the transfer of territory in England, issued land grants to groups ready to settle south and west of the Hudson River. Known as the "Nicolls patents," these grants (particularly Elizabethtown and Monmouth) complicated New Jersey's history for a long time.⁵ Meanwhile Carteret and Berkeley, assuming they owned both land and government free and clear, issued their Concessions and Agreements in 1665, specifying for prospective settlers the basic principles under which the colony would be governed and land distributed.

The Concessions and Agreements promised settlers local self government in the form of an assembly, religious toleration, and grants of land on which rents would not be due for seven years.⁶ To help put them into effect the new proprietors sent Philip Carteret, a relative of George Carteret, as governor for their newly acquired territory. He settled in Elizabethtown in the eastern area of the grant where he quickly learned that new world settlers could be a contentious lot.

Berkeley and Carteret assumed most settlers would come at their own expense, with little assistance or financial expenditure from the proprietors. Their objective was a quick profit from the land, and in this they were disappointed. Settlers came, but not in large numbers; they insisted the Nicolls patents were valid, refused to take out new proprietary titles, and declined to pay quit rents. To complicate matters the Dutch re-conquered the region in 1673. English control was reasserted the following year after the Treaty of Westminster, requiring that the New Jersey grant be renewed.⁷ It was at this time that Berkeley chose to sell his share of the province. In 1674 John Fenwick purchased half of New Jersey for £1,000 on behalf of Edward Byllynge, who was prevented from acting in his own name because of financial difficulties. The two men would later dispute

⁵ Succeeding groups of proprietors refused to recognize these patents because they were issued after the Duke's grant had been made in England, even though this was unknown in America. For the early history of the proprietors and their lands see Pomfret, *The New Jersey Proprietors*.

⁶ For Concessions and other early documents see: Julian Boyd, ed., *Fundamental Laws and Constitutions of New Jersey* (Princeton, NJ, 1964).

⁷ It was, but at first only in Carteret's name.

the terms under which this purchase was made. The transaction meant that there were now two proprietorships in New Jersey rather than one, and with them two colonies, East New Jersey and West New Jersey.

Fenwick and Byllynge were both members of the Society of Friends (Quakers), a religious group that began during the Civil War period in England. George Fox, convinced that God was present in all men in the form of an inner light, and that men (and women) were equal, began a traveling ministry from which he reaped a growing following. Quakers' strong beliefs and refusal to conform to social, political, and religious standards of the times caused increasing problems after the Restoration. They refused to remove their hats in the presence of anyone but God, as pacifists would not pay taxes for war, and insisted on worshiping in their meeting houses rather than in the state required Anglican churches. In response the government had them arrested and fined. By the 1670s Quakers were interested in founding a colony where they could worship according to their own beliefs, and govern themselves thereby making sure the rules under which they lived respected their religious ideals. This desire led first to the West Jersey proprietorship, and later to Quaker involvement in both East Jersey and Pennsylvania.⁸

The Quaker purchase from Berkeley was complicated by the disagreement between Fenwick and Byllynge, as to just what each had purchased. In an effort to resolve the argument, several Quaker arbitrators were appointed in England. This led to two developments. First, the Quintipartite Agreement, named after the five signers (Carteret and the four Quaker arbitrators or trustees), formally divided the colony into an east and west with the boundary to run on a diagonal line from Little Egg Harbor on the Atlantic to a station point on the Delaware River that marked the northwestern boundary line with New York. Second, the West Jersey proprietorship was divided into 100 shares with 90 set aside for Byllynge and ten for Fenwick. Most of these shares were then sold to Quaker investors in England, Ireland, and Wales. Because it was possible to purchase a whole share *or a portion of a share*, the number of proprietors quickly

⁸ Barbour and Frost, *The Quakers*; Gary B. Nash, *Quakers and Politics*; Illick, *William Penn*; Melvin B. Endy, Jr., *William Penn*.

multiplied until there were over 120.⁹ Investors could remain at home or venture to the colony and become residents. In either case they were now the equivalent of stockholders in a land company. Thus started the process by which this particular proprietorship was eventually transformed from a method of establishing colonies based on feudal concepts connecting loyalty and land holdings to a modern corporation. For the next c. 150 years dividends on this particular variety of “stock” would be given in land. After 1688 the resident proprietors formed a Council to oversee the distribution of land and maintain the surveys and deeds of West Jersey.¹⁰ Today it is the oldest business corporation in the United States.¹¹

Even as an effort was undertaken to divide both the now two colonies’ land, and West Jersey’s proprietorship among shareholders, New Jersey’s history was further complicated by conflicting claims over its government (or governments). Impatient to get started, John Fenwick embarked for West Jersey without waiting for matters to be resolved. On arriving in 1675, he established the settlement of Salem on the lower Delaware, sold land and maintained that he was now governor of the western province. Fenwick’s land sales were clouded by the mortgage he had given on his property to John Eldridge and Samuel Warner before leaving England.¹² They later sold lands to cover his debt, further confusing titles. In addition, his claim to the government was disputed by Byllynge and the other West Jersey proprietors remaining in England, as well as by Sir Edmund Andros, the governor of New York, who insisted neither section of New Jersey was entitled to an independent government.¹³ The Quakers quickly protested that the government was the “pearl in the oyster,” what

⁹ Pomfret, *Province of West Jersey*, Appendix, pp. 285–89; and Pomfret, “The Proprietors of West New Jersey.”

¹⁰ Craig, “Council of Proprietors of West Jersey.”

¹¹ There are three remaining early corporations: Harvard, the oldest nonprofit corporation; the Hudson Bay Company and the West Jersey Council of Proprietors.

¹² Fenwick’s title to the land was also disputed by prior settlers—Dutch, Swedes, Finns, and those who claimed lands from Governor Philip Carteret. For this and other early disputes in west as well as East Jersey, see Wacker, *Land and People*, pp. 275–330.

¹³ On Fenwick’s colony see: Pomfret, *West Jersey*, pp. 65–85; Shourds, *History of Fenwick’s Colony*, pp. 1–17; Sickler, *History of Salem County*; Harper, *John Fenwick*. After the establishment of Burlington in 1677 there briefly were two governments in West Jersey, but Fenwick soon sold out to William Penn and “Fenwick’s Colony” became part of West Jersey.

they most wanted in establishing a colony, and defended their claims.¹⁴ Edward Byllynge, with the probable help of William Penn and others in England, prepared the West Jersey Concessions of 1676/77 as a combined prospectus for new settlers and constitution for the settlement.¹⁵ The most radical of early political documents for the English colonies it provided for a local government elected annually, religious toleration, and trial by jury. It is a clear indication that Byllynge and others involved in the proprietorship assumed they had the right to govern it.

However, in 1680 when the ink was not very dry on the document, it was repudiated by Byllynge. He took advantage of the dispute over title to New Jersey's government, and the fact that the Dutch re-conquest (1673–74) led to new deeds from the Duke of York. The 1680 title for West Jersey was made out in Byllynge's name alone. This followed a judicial opinion in England that indicated New Jersey's proprietors were entitled to their governments. To the dismay of Fenwick, other West Jersey proprietors as well as settlers, Byllynge now claimed it for himself and appointed a deputy to act for him in West Jersey.¹⁶ In the long run this did not resolve the question of who had the right to govern West Jersey, but in the short run it meant that title to the government was successfully claimed by Byllynge alone. He later sold his remaining shares in New Jersey, along with the government, to English speculator Daniel Coxe, who in turn sold them to the West Jersey Society. The last was a British investment company holding proprietary shares and land in West Jersey, East Jersey, and Pennsylvania.¹⁷ Title to the land (which remained with the West Jersey shareholders represented in the colony after 1688 by the West Jersey Council of Proprietors), and title to the government of West Jersey now had been separated

¹⁴ Letter from the West Jersey Trustees to the Duke of York's Commissioners, 1680, quoted in John Clement, "William Penn and His Interest in West New Jersey," *Pennsylvania Magazine of History and Biography*, 5 (1881), 324; Samuel Smith, *History of New Jersey* (Burlington, NJ, 1765), pp. 117–18.

¹⁵ *The West Jersey Concessions and Agreements of 1676/77: A Roundtable of Historians* (Trenton, NJ, 1979); Pomfret, "The Problems of the West Jersey Concessions."

¹⁶ On the decision of Sir William Jones, see Pomfret, *West Jersey*, pp. 110–12.

¹⁷ Black, "The Last Lords Proprietors of West Jersey"; Black, "The West Jersey Society"; Pomfret, *West Jersey*; Strassberger, "Our Unhappy Purchase"; McClure, "The West Jersey Society"; Trace, "The West Jersey Society." The Society survived until 1923, but sold its shares of West Jersey in 1814.

(see Chart I—Government). This was a complicated and strange situation, an odd proprietorship indeed.

Even before John Fenwick and others, primarily Quakers, settled along the Delaware River in West Jersey, Puritans, Baptists, and some Quakers from New England had been moving into East Jersey establishing Middletown, Woodbridge, Piscataway, Shrewsbury, and Newark, in addition to Elizabethtown. Restless under Sir George Carteret, they would prove to be even more difficult under later proprietors. Here too the proprietors' right to govern was questioned, with Governor Philip Carteret at one point challenged by settlers who replaced him with James Carteret, a son of the proprietor, and at another point (like Fenwick) arrested by New York Governor Andros for assuming New Jersey had the right to a separate government.¹⁸

The death of Sir George Carteret only further complicated matters because his widow sold East Jersey in 1682 to a consortium of 12 investors for £3,400; each quickly divided their holdings creating 24 shares. Most, but not all, of these shareholders were Quakers from England, Ireland, and Scotland. There were enough Scots involved that East Jersey would be called Scotland's first colony, the port city/capital named Perth Amboy, and Scots descendants of those who began to arrive in the 1680s would play a significant role in the proprietorship and colonial government in the eighteenth century.¹⁹ Like West Jersey the total number of shares remained constant (only at 24 rather than 100), but because they could be purchased in fractional amounts there soon were a substantial number of share holders.²⁰ Also like West Jersey this proprietorship ultimately metamorphosed into a modern corporation, in the interim providing dividends in the form of land. The new proprietors of East Jersey, who included William Penn prominently among their number, issued a constitution for the colony—the Fundamental Constitution of East Jersey, and appointed a governor, clearly indicating they believed

¹⁸ Pomfret, *East Jersey*, pp. 102–29; Whitehead, *East Jersey*; Latschar, “East New Jersey”; Young, “Imperial, Proprietary and Freeholder Objectives”; Weeks, *Not for Filthy Lucre's Sake*; McCormick, “The Revolution of 1681.”

¹⁹ Ned Landsman, “The Scottish Proprietors and the Planning of East New Jersey,” in Zuckerman ed., *Friends and Neighbors*; Landsman, *Scotland and its first American Colony*.

²⁰ Pomfret, *East Jersey*, Appendix, pp. 397–99; Pomfret, “The Proprietors of East New Jersey.” The East Jersey proprietors after 1725 required a quarter share (or one-96th) to vote at meetings of the East Jersey Board of Proprietors.

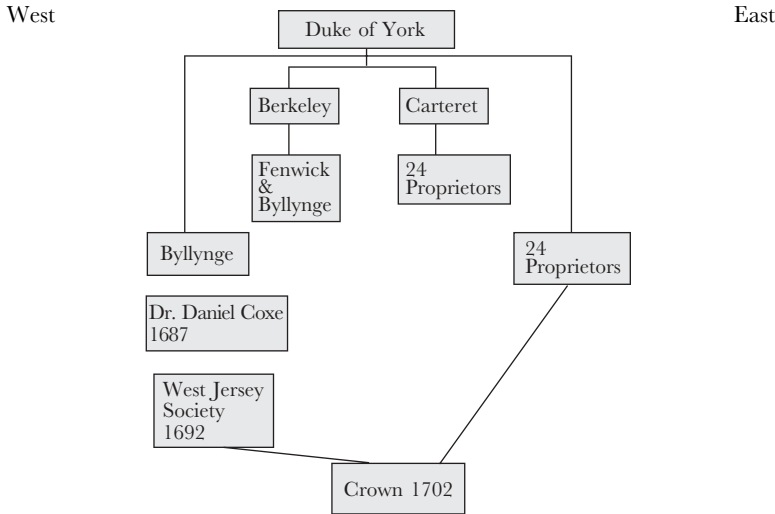


Chart I. Political Titles to New Jersey, Colonial Period.

they had the right to the government. In 1685 they created the East Jersey Board of Proprietors to oversee affairs in the colony, particularly the distribution of land dividends.²¹

Once there were shareholders, both proprietorships gave periodic dividends per share. The holder of a share in East Jersey, for example, might receive the *right* to 2,000 acres of which 1,500 was “good land” and 500 “barrens” i.e. pine lands—the rights were in effect put into an account of what was due to that share. It was up to the individual proprietor to then select the specific lands he, or a purchaser buying from him, wanted. A warrant was issued for a survey and the number of acres was deducted from the account for that particular share (or fraction of a share). Records of what was owed each share, and returns of the surveys, were maintained by the Board in East Jersey and Council in West Jersey. This already complicated process of purchasing land in New Jersey was further compounded when the records were not maintained meticulously, when surveys accidentally overlapped, or contained either “overage”

²¹ Cunningham, *The East of Jersey*; Miller, *Minutes of the Board of Proprietors*; Lurie and Walroth, *Minutes of the Board of Proprietors*.

or less than they should have. Quickly, the nature of the proprietorships (the multiple members), and the way in which they tied land distribution to individual shares, exacerbated the confusion and uncertainty of ownership started with the Nicolls patents in East Jersey and Fenwick's grants in West Jersey. This system persisted though as long as dividends were in land. The only exception was when the proprietors sold their jointly held land to meet extraordinary group expenses such as boundary surveys or legal fees to defend their rights (whether in New Jersey courts or before crown officials in England).

By the end of the 1680s there were two New Jerseys, both had proprietorships with multiple shareholders, some of whom resided in the colonies and others in Britain. In both sections there were disputes over the right to the government with the challenge coming from New York, British authorities increasingly interested in centralizing the empire, as well as from within by resident proprietors and colonists. Under increasing pressure, New Jerseys' proprietors agreed to give up their claim to the government (but not the land) in 1688, with East Jersey and West Jersey becoming part of the Dominion of New England.²² However, the Glorious Revolution quickly intervened and when the dust had settled in 1691 the proprietors in both provinces again claimed the right to the government and appointed governors. Rather than resolving problems, this action increased and prolonged them.

In the 1690s both halves of New Jersey were plagued by disorder. At issue were continuing conflicts over land claims, quit rents, and whether the proprietors had the right to the governments, now complicated by additional factors.²³ Several court cases in East Jersey strengthened settlers' belief in the validity of the Nicolls patents, the Navigation Act of 1696 made questionable whether Scots could serve as colonial governors, while factions in both provinces vied to gain control. Jail breaks and riots, particularly 1700–01, added to the confusion. In addition, Governor Bellomont of New York challenged the Jerseys' right to ports, again throwing into question their independent governments. Finally in 1702, before the port issue was

²² Godfrey, "When Boston was New Jersey's Capital."

²³ Pomfret, *East Jersey*, pp. 253–335; Pomfret, *West Jersey*, pp. 150–215; Weeks, *Not for Filthy Lucre's Sake*, pp. 76–127; Sheridan, *Lewis Morris*.

settled in England in the Jerseys' favor, East and West Jersey proprietors surrendered their right to govern to the crown. Once again there was only one colony of New Jersey. However, the story does not end here because the proprietors retained title to the land, and there still were East and West proprietary groups (see Chart II—Land).²⁴

III. ROYAL COLONY

When the proprietors signed the surrender document, they expected to maintain their practical influence in New Jersey through membership in the colonial council, high property qualifications for office holding, and control over their lands through legislation clarifying that all land titles had to come from them.²⁵ Thus they expected to be divested of the costs of government, while retaining some political control, even as problems about land titles were finally clarified in their favor. Instead, starting with the administration of Lord Cornbury and continuing through the colonial period, they faced a continuation of old problems compounded by new ones.²⁶ While proprietors dominated the colonial council, and often the legal system (in which prominent proprietors served as judges, and the East Jersey Board made a nearly successful effort to put all area lawyers on retainer), they could not control the assembly or local juries, and had a mixed record in their ability to influence royal governors.²⁷ Unable to get

²⁴ Usually when the crown took over proprietary colonies the land was also transferred, but there are exceptions. These include one of the eight Carolina proprietors who retained his lands, and the Baltimores who kept theirs in the period from 1692 to 1715 when the crown took over the government.

²⁵ On surrender see: Weeks, *Not for Filthy Lucre's Sake*, pp. 128–49; Pomfret, *Colony to State*, pp. 77–91, 123–28; Pomfret, *New Jersey Proprietors and Their Lands*, pp. 83–92.

²⁶ Until recently Cornbury has been blamed for the turn of events and seen as corrupt. For a re-evaluation and different view, see Bonomi, *The Lord Cornbury Scandal*; and Weeks, *Not for Filthy Lucre's Sake*.

²⁷ In terms of relations with royal governors the two extremes were Cornbury, who was quickly in conflict with the resident Scottish proprietors in East Jersey and the Quakers in West Jersey, and Robert Hunter who got along well with the resident Scottish proprietors in East Jersey. For Cornbury, see Pomfret, *Colonial New Jersey*; Bonomi, *The Lord Cornbury Scandal*; and Weeks, *Not for Filthy Lucre's Sake*. For Hunter, Lustig, *Robert Hunter*. Jonathan Belcher tried to steer a middle course, Batinski, *Jonathan Belcher*, pp. 149–72. Colin Nicolson, *The 'Infamous Governor': Francis Bernard and the Origins of the American Revolution* (Boston: Northeastern University Press, 2001) has little on this New Jersey (as well as Massachusetts) governor.

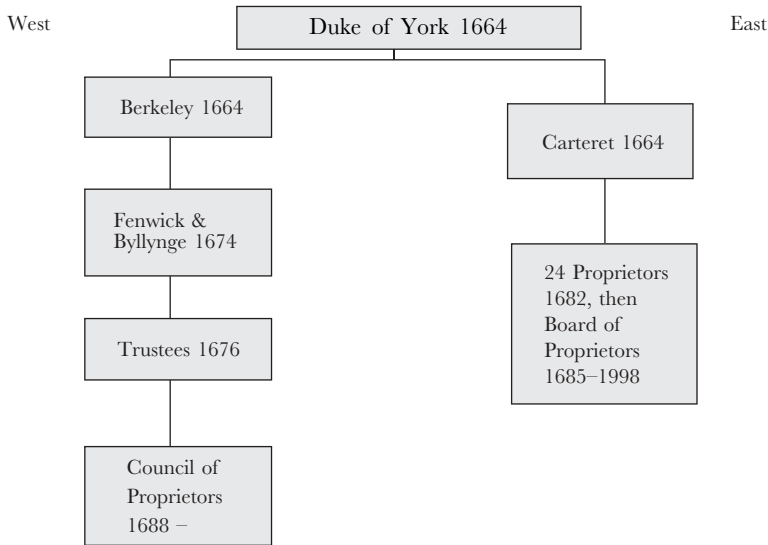


Chart II. Titles to New Jersey Land, Colonial Period.

land laws they wanted protecting their rights, the old problems over titles festered.

At the same time the problems also grew as disagreements (1) within the proprietary groups (e.g. absentee English versus resident Scots proprietors in East Jersey, the West Jersey Society versus resident Quaker proprietors in West Jersey), (2) over ownership of shares, (3) between the two proprietary groups over the dividing line separating their lands, and (4) with New York over the northern boundary, all increased the number of disputed land claims in the colony. Both those who settled in New Jersey and the proprietors who held title to its lands felt insecure, were sometimes belligerent, and willing to push their opposing claims. The results disrupted affairs in the colony, led to rioting (particularly from 1735–55), produced an enormous legal brief (the Elizabethtown Bill in Chancery in 1745) and reply (in 1752), and resulted in the creation of a royal boundary commission.²⁸ Thus the continuation of the proprietors' ownership

²⁸ On politics in the period and the riots, see Fisher, *New Jersey as a Royal Province*; Gary S. Horowitz, "New Jersey Land Riots, 1745–1755," in Wright, *Economic and Social History*; Purvis, "Origins and Patterns of Unrest"; Purvis, *Proprietors, Patronage, and Paper Money*; Batinsky, *New Jersey Assembly*; McConville, *Those Daring Disturbers*.

of the land, the fact that there were two proprietary groups, along with the very nature of the proprietorships with their multiple shareholders, compounded New Jersey's problems.²⁹ Some who settled in New Jersey contributed to the difficulties by trying to take advantage of the complex situation (squatting on the land, expanding the size of their claims, stealing timber). Few of the problems were resolved before the American Revolution. Insight into the problems can be obtained by examining examples of disputes that arouse in each of the four categories noted above—within the proprietary groups, over shares, between the two proprietorships, and with New York—as well as those that continued from the previous century.³⁰

At the time of the surrender in 1702, East and West Jersey proprietary groups had resident and absentee shareholders, a fact that helped produce factions within the groups. In East Jersey conflict between resident (often Scottish) and absentee (usually English) shareholders was a source of disagreement almost from the beginning.³¹ At the heart of this appears to have been a disagreement over land sales; while the first group wanted to hold out for slower sales and higher long term revenues, the second preferred quick sales and immediate profits. The so called "Cornbury ring," members of Lord Cornbury's council and the "English" faction of the proprietors, has been accused of gaining control of proprietary lands (and records). In East Jersey this led to the sale of an estimated 250,000 to 500,000 acres, in parcels later disputed by a revived proprietary Board.³² Probably the largest and best known is the Ramapo grant in northern New Jersey, which straddled the disputed border region with New

²⁹ In all the English proprietary colonies there were challenges to the proprietors rights to the land, but New Jersey is distinguished by the number of its problems and they stem directly from the complexities of its history as a proprietary colony and number of its proprietors.

³⁰ There are too many disputes to do more than provide brief examples here as illustrations of the ways in which the nature of the proprietorships complicated New Jersey's history as a proprietary colony.

³¹ There were earlier disagreements, including over the appointment of governors, but these appear more serious after 1703. For examples see: Pomfret, *East Jersey*; Pomfret, *West Jersey*; Paul Stellhorn and Michael Birkner eds., *Governors of New Jersey* (Trenton, NJ, 1982).

³² The Board apparently met only a few times from 1703–25, but there are no minutes. It is not clear if they were lost, or if none were kept. The Board revived in 1725 under the energetic leadership of James Alexander, and adopted new rules of operation, see *Minutes East Jersey Proprietors* 2, pp. vii–viii; Cunningham, *The East of Jersey*, p. 78.

York.³³ This involved an estimated 42,500 acres conveyed by Peter Sonmans to Peter Fauconier and company after 1705. The East Jersey Board after 1725 repudiated this sale and into the 1790s tried to get those who settled on the lands to take out new patents from themselves. What one group/man claiming to act for the proprietors had granted, another denied. On the one hand, from the proprietors' perspective they had been cheated out of their land in the initial grant and were further shortchanged when the alleged size of the grant grew over time in the claims of those who purchased from Fauconier. On the other hand, those who had settled in the area obviously objected to buying their land twice when they thought they "had honestly bought and paid for it before." In West Jersey there were also disputed claims to lands traceable to conflicts between proprietors. John Fenwick's land grants in Salem (the Salem Tenth) were questioned once other West Jersey proprietors appeared in the 1670s, while lands later granted by Daniel Coxe and the West Jersey Society also led to disputes in the eighteenth century.³⁴

Another source of difficulty was the fact that land dividends were tied to specific proprietary shares. When, because of disputed inheritances, ownership of shares became an issue, so too did the land tiles derived from the dividends that went with those shares. For example in East Jersey serious complications resulted from disputed ownership of the Sonmans³⁵ and Ashfield shares.³⁶ Lawsuits brought in the 1760s by John Hunt over shares supposedly sold sixty to eighty years before led an exasperated East Jersey Board member to complain about "these cursed attacks" made to cause "mischief;" he referred to the dispute as "the opening of Pandora's box."³⁷ The large number of shareholders in each proprietorship, the fact that

³³ Edward S. Rankin, "The Ramapo Tract," *New Jersey Historical Society Proc.*, 50 (1932), 375–94; Henry Bischoff and Mitchell Kahn, *From Pioneer Settlement to Suburb: A History of Mahwah, New Jersey, 1700–1796* (South Brunswick, NJ, 1979), pp. 26–45, 60–61, 82–85; Cunningham, *The East of Jersey*, 73–8; Pomfret, *Colonial New Jersey*, pp. 127–28. References to the dispute run through the *Minutes of the East Jersey Proprietors*, 1–4; see especially introduction to 2, pp. xli–xliv. In addition to Ramapo, the New Britain tract in Essex County, estimated at 170,000 acres, was also disputed.

³⁴ Wacker, *Land and People*, pp. 221–329; Pomfret, *New Jersey Proprietors and their Lands*; Purvis, "Origins and Patterns of Unrest," including map, showing disputed tracts.

³⁵ On the issue of Sonmans' disputed shares in the 1760s see *Minutes East Jersey Proprietors*, 4.

³⁶ On Ashfield see *Minutes East Jersey Proprietors*, 4, pp. xxxii–xxxiii, 50, 52n.

³⁷ James Parker to John Stevens, Sr., February 1, 1769, Stevens Family Papers, New Jersey Historical Society, MG 409, doc. 2932.

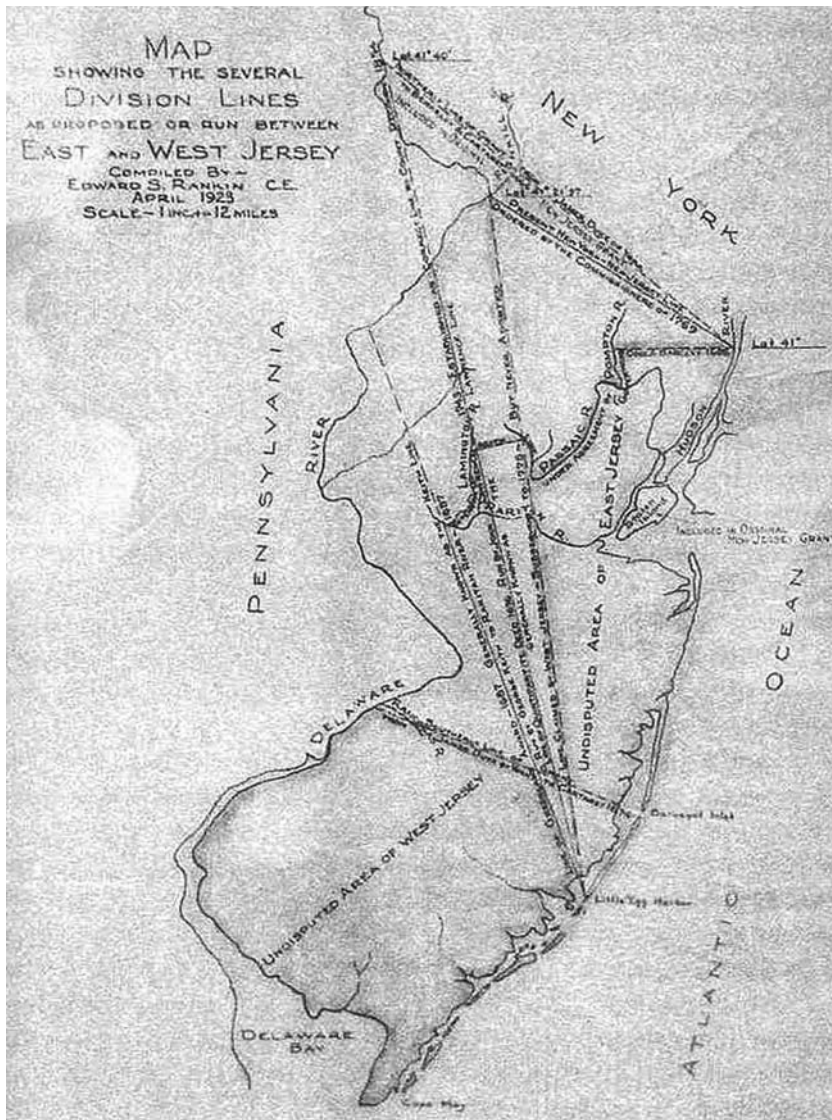
they were a mix of absentee and resident, some honest and others unscrupulous, plus questions of inheritance, all opened the possibility for complicated land disputes.³⁸

Besides disputes within each proprietary group, there was the long standing conflict between East and West Jersey proprietors over the dividing line that began with the Quintipartite agreement of 1676 diagonally dividing the colony in two. Two efforts to survey a line, the Keith line in 1687 and the Lawrence line in 1743, failed to conclusively settle the issue. West Jersey claimed a larger portion, based on the fact that much of the land in the south was “pine barrens,” and less valuable. This dispute was further complicated by the unsettled northern boundary with New York—important because that diagonal line dividing the two Jersey proprietorships was to run from an eastern point on the Atlantic Ocean to a western point on the Delaware River denoting the start of New York lands (see map). Unable to agree where the dividing line was located both proprietary groups proceeded to grant lands in what became known as the “angle”—the disputed triangular area where their claims overlapped. The dispute begun in 1676 sputtered through the eighteenth century. It was revived in the 1770s and 1780s once the northern boundary with New York was settled. In 1784 the West Jersey proprietors came within one vote of getting the state legislature to require a new survey along the lines they wanted, but having failed the issue remained unresolved into the nineteenth century.³⁹ Thus, the fact that New Jersey had two proprietary groups, and that they survived so long, impacted land titles in the region both claimed, which long left proprietary and settler titles open to question.⁴⁰

³⁸ For insight into schemes and conflict over land in eighteenth century America, that puts this into perspective, see Royster, *The Fabulous History of the Dismal Swamp Company*.

³⁹ Over 425,000 acres were involved. McCormick argues that in the Confederation period this dispute influenced politics by dividing conservatives over the boundary and preventing an East-West coalition opposed to paper money; McCormick, *Experiment in Independence*, pp. 147–57.

⁴⁰ In the nineteenth century the Lawrence line and a series of rivers, following county boundaries, became the effective division between the two proprietorships, and individual titles were settled by possession. This solution was supported by the New Jersey Supreme Court in a 1855 decision, but the West Jersey proprietors never accepted this boundary and as late as 1886 were still arguing against it, *Report of the Committee of the Council of Proprietors of West New Jersey in Relation to the Province Line Between East and West New Jersey 1887* (Camden, NJ, 1888); Metzger, “The General Board of Proprietors”; Cunningham, *The East of Jersey*, pp. 55–60, 87–91, 133–36, 153–54, 176.



Map showing several proposed division lines between East and West Jersey (1923). Courtesy of the New Jersey Historical Society.

The fourth major source of difficulty was the ongoing dispute over the New York-New Jersey boundary.⁴¹ It originated in the terms of the New Jersey grant, and the erroneous Dutch map on which it was based. The northern boundary was to run east from the Hudson River west to a branch of the Delaware at 41°40", two requirements that did not match. Efforts to run the boundary in 1719 floundered over inadequate instruments and conflicting claims by the two colonies. By the 1730s both New York and New Jersey titles had been given for the same land leading to violence in the overlapping region as those with conflicting titles tried to oust each other, while officials from both colonies tried to collect taxes. Only after members of several prominent New York landowning families purchased shares in the East Jersey proprietorship in 1759 was progress made in resolving the issue. A Royal Boundary Commission created in 1767 proposed a settlement in 1769 that pleased neither side, but a boundary based on it had been run by 1774. Settlers and proprietors now had more clearly delineated titles in this region. The East Jersey proprietors were more impacted by this dispute than those in West Jersey and they pushed for a settlement, sold land and borrowed money to pay for it, even seeking aid from the colonial legislature. This was ironic because West Jersey, as noted above, then (unsuccessfully) used the resolution of this issue to try to run a new dividing line between the provinces, one that would have given them an even larger share of East Jersey's land.

If the eighteenth century brought increasing disputes among the proprietors in each section, as well as between the eastern and western groups, it also saw a continuation of the controversy stemming from the old Nicolls patents. While over time some holding land under these grants gave in and took out new proprietary titles, others did not. Rather than diminishing, the problem grew as those who settled within the Elizabethtown patent, especially on its outskirts, expanded the size of their land claims.⁴² Others living near Newark, especially in the Horseneck area on its western fringes,

⁴¹ Best source on the boundary controversy is Philip J. Schwartz, *The Jarring Interests: New York's Boundary Makers, 1664–1776* (Albany, NY, 1979), but it is biased in favor of New York's claims. Cunningham, *The East of Jersey*, pp. 107–16, and other New Jersey writers see matters differently.

⁴² Purvis, "Origins and Patterns of Unrest," especially the map showing disputed tracts.

insisted that obtaining title from the Indians was sufficient, and added to what they claimed this included.⁴³ By the 1740s both proprietors (and those who had purchased from them) and opposing settlers defended what were conflicting grants to the same lands. Law suits and counter suits ensued, along with rioting, that seriously disrupting the colony.⁴⁴ James Alexander, an East Jersey lawyer, surveyor, and leading proprietor, spent years preparing a massive brief that he hoped would resolve title questions by bring hundreds in the Elizabethtown region into Chancery court where their titles would be vacated. William Livingston, and William Smith, Jr., worked on a reply filed in 1752. Despite the enormous time and effort this case was never resolved in the courts, or by arbitration, dragging on into the nineteenth century when it appears to have been settled by recognition of possession.⁴⁵ The question of Indian titles, however, was resolved just before the Revolution through arbitration, and here the proprietors won.⁴⁶

IV. REVOLUTION AND BEYOND

As the Revolution approached, eastern and western proprietors continued to own New Jersey's lands, while disputes that originated in the seventeenth century overlapped with those of more recent vintage. Only the northern boundary with New York and the Newark area disputes were settled. Out right violence between proprietors and those with opposing land claims (e.g. Elizabethtown, Ramapo) tapered off during the French and Indian War when there was the possibility of royal troops being sent into the colony, but the matter of disputed land titles was not resolved. While this complicated local politics, New Jersey was at this time overwhelmingly rural and usually primarily concerned with such provincial issues as the need

⁴³ While Indian titles needed to be obtained, New Jersey proprietors insisted that to be valid land titles also had to be obtained from the proprietors.

⁴⁴ The political implications are discussed in Purvis, Batinsky, and McConville, though their views differ. McConville argues that New Jersey politics in the period was divided between proprietary and anti-proprietary groups based on the land disputes. The others are more inclined to see complicated factional divisions in the colony.

⁴⁵ Metzger, "The General Board of Proprietors," 17.

⁴⁶ Disputes in *Minutes East Jersey Proprietors*, 4. The West Jersey disputes also persisted in this period.

for paper money, and robbery of the Eastern treasury in 1768.⁴⁷ Although the Stamp Act and Tea Act produced protests in the colony, Governor William Franklin was more successful in keeping a lid on things than his contemporary royal governors elsewhere—at least until June 1776 when New Jersey rapidly joined the Revolution and removed him from office in the process.⁴⁸ In the period that followed several things happened that impacted unevenly on the two proprietorships.⁴⁹ New Jersey was caught in the middle of the war from November 1776 until the British withdrew from New York City in late 1783, but more of the fighting took place in East Jersey than West Jersey. Also many of the West Jersey proprietors were Quakers committed to neutrality, and they appear to have quietly made it through the period. In contrast the East Jersey Board of Proprietors fractured into loyalists, patriots, and those who tried to sit on the fence, while its records were taken behind British lines making the continuation of its business nearly impossible. In the end, surprisingly, both proprietary groups survived, and historians can only speculate why this happened.

At the time of the Revolution the East Jersey Board was dominated by a number of large landowning and merchant families, most of whom were related to one another.⁵⁰ Several also served on the colonial council. With the onset of the Revolution they divided. Cortlandt Skinner and Oliver De Lancey became leading loyalists who organized military units of Americans that fought to remain British; John Smyth, the Board's registrar, took most of the proprietary records with him into New York City. In contrast, William Alexander, known as "Lord Stirling" based on his claim to a Scottish title, served as one of Washington's generals, while John Stevens, Sr. served in the colonial convention, state legislature, and as state treasurer. James Parker and his brother-in-law Walter Rutherford (a former British officer) left for rural estates where they tried to sit on the fence, as did Peter Van Brugh Livingston who spent the war in

⁴⁷ Part of the legacy of two Jersey colonies in the late seventeenth century was that after 1703 there were two treasurers, and the legislature usually alternated meeting in the two previous capitols of Perth Amboy and Burlington. On the robbery see Gerlach, "Politics and Prerogatives."

⁴⁸ Skemp, *William Franklin*; Randall, *A Little Revenge*; Gerlach, *Prologue to Independence*.

⁴⁹ McCormick, *Experiment*, pp. 100–01.

⁵⁰ Gerlach, *Prologue*, pp. 21–24; McCormick, *Experiment*, 135–57.

England.⁵¹ Between disbursal of its leaders, the disruptions of the war, and lack of its records this land company's hands were tied. The records show that it met once during this period, in 1778, and it was to grant the right to manufacture salt along the Monmouth County shore—a product in great need due to the British blockade.⁵² When the war ended the loyalist members of the group tried to prevent return of the records, knowing that this would keep the new state government from adding their proprietary shares and lands to property that was confiscated. Not until 1785 were the records returned (with the feared consequences for the loyalist members).⁵³

In addition to bitterly dividing the members of the East Jersey proprietorship and halting their land operations, the Revolution also raised the possibility that both proprietary groups would not survive. They knew the proprietors of Pennsylvania (plus Delaware) and Maryland, the last mainland English proprietorships remaining from the seventeenth century, succumbed, and feared a similar fate.⁵⁴ In these cases lands not previously surveyed and sold became state property (as did the king's lands elsewhere). But in the end both the East Jersey Board and the West Jersey Council, along with their land claims, continued.⁵⁵ A number of reasons can be suggested.

First, unlike the Penns and Baltimore, most (though not all) of New Jersey's proprietors were residents of the colony. Second, there were many proprietors, not one or two easily targeted. In West Jersey by the time of the Revolution the 120 shareholders of 1676 had probably multiplied into several hundred, most of whom owned fractions of a share.⁵⁶ Ironically the nature of the New Jersey

⁵¹ In 1778 Parker and Rutherford were arrested as suspected loyalists, but later released. They refused to take an oath of allegiance to the state, but did not pick up arms to defend the King. After the war Parker and Rutherford's son John quickly became immersed in political affairs.

⁵² *Minutes East Jersey Proprietors*, 4, 250–54.

⁵³ Cunningham, *The East of Jersey*, pp. 130–31, 137; *Minutes East Jersey Proprietors*, v. 4, show repeated efforts to get the records back.

⁵⁴ One East Jersey proprietor worried that the New Jersey legislature would “in their present leveling mood follow the example of Pennsylvania in taking possession of the whole,” Memo on Reasons why Books should be Returned, n.d., William Alexander Papers, New-York Historical Society, Box 43.

⁵⁵ The West Jersey Society, previously mentioned, as an absentee British landholding company, also feared but escaped confiscation during the Revolution, see Black, “West Jersey Society,” pp. 390–406.

⁵⁶ There still were 100 shares but most owned fractions. The fact that only 1/32 of a proprietary was needed to vote in the election of members to the Council of

proprietorships, with their multiple owners, may have helped it at this crucial time. Third, some proprietors in both sections, but particularly in East Jersey, were still prominent figures involved at the highest levels of government in the state. Thus, despite the deflection of loyalist members and death of Stirling in 1783, they still had political clout. This included John Stevens Sr., and his son Col. John Stevens, as well as John Rutherford (son of Walter Rutherford) later elected to the US Senate, and Robert Morris first chief justice of New Jersey and later a federal judge appointed by George Washington. James Parker's suspected loyalist sympathies were forgiven and he obtained special dispensation from the legislature enabling him to be elected mayor of Perth Amboy. In addition, several who quickly rose to prominence in the period that followed, or had ties to family who were newly important, purchased confiscated proprietary shares and joined the group. This included Aaron Burr, New York senator and future vice-president, and John Ratoone, a state assemblyman and judge.⁵⁷

Third, there remained a high respect for property rights not broached by the Revolution. William Livingston, who served as governor from 1776 to 1790, had much earlier helped write the brief against the East Jersey proprietors for the Elizabethtown (Nicolls) patentees, but he also was a wealthy landowner and lawyer with relatives who held proprietary shares.⁵⁸ It was one thing for him to support the validity of the Nicolls patents, and quite another to consider voiding the entire proprietorship. Fourth, the proprietors controlled the land records. As hard as it was to get the records back from the East Jersey loyalists, it surely would have been harder if they thought the state of New Jersey would then abolish the proprietorship. Fifth, perhaps in a region plagued by extraordinarily

West Jersey gives a sense of the extent to which the shares had been divided. Potentially this could have meant 3,200 shareholders eligible to vote. There is no evidence there were this many, but clearly ownership was far more widely spread than in other proprietorships.

⁵⁷ McCormick, *Experiment*, pp. 135–38; Cunningham, *The East of Jersey*, pp. 141–42; Smith, “‘Lords Proprietors’.” Andrew Bell, a former loyalist and William Paterson's brother-in-law, became surveyor-general for the East Jersey Board. Paterson earlier, as a lawyer, represented it before the legislature.

⁵⁸ Livingston also apparently owed his election as governor to John Stevens, Sr., because Stevens' vote for him broke a tie vote. Smith, “‘Lords Proprietors’,” pp. 21–22; Carl E. Prince, et al., eds., *The Papers of William Livingston*, v. 1 (Trenton, NJ, 1979), pp. 132–33n.

complex land controversies, there was a fear of further endangering titles. Finally it has been suggested that the new state had enough economic problems without taking on the cost of creating a land office.⁵⁹ Whatever the reason, both proprietary groups survived what they referred to as “the late unpleasant times,” as well as what historians have called “the critical period.”

What followed, as previously noted, was jockeying between the two proprietary groups over the dividing line. It ended with the Lawrence line and a jagged series of rivers serving as the de facto marker of their lands. Then, in the 1790s, the proprietors moved to resolve some outstanding issues. The Eastern Board declined to renew the Elizabethtown law suit, divided up the Ramapo tract and moved to sell it off, and offered new dividends. In doing this they reduced the amount of jointly held lands and their legal expenses to defend them. The Board also invested funds in Alexander Hamilton’s treasury notes, and provided title to the Society for Useful Manufactures for land at the Great Falls. One led to the first monetary dividends in the Board’s history, the other to what became the industrial city of Paterson. All of these measures indicate ways in which the business of the proprietors, and the economy of the state and nation, changed.

V. 19TH CENTURY

Economic changes in the nineteenth century further impacted on the proprietors and their lands in several ways. Demand increased for (1) wood used in manufacturing and transportation, (2) water rights needed to grow oysters, produce ice, and build railroad terminals, and (3) mountain and shore land for vacation resorts. Water rights, or more specifically riparian rights (to the land under the water), became the center of a dispute over ownership between the state and the proprietors, which toward the end of the century led the state to challenge the proprietors existence. During the course of the century the proprietors also moved from giving shareholders land dividends to ultimately substituting cash payments, making the

⁵⁹ Suggested by Cunningham, *The East of Jersey*, p. 132, and D. Smith, “‘Lords Proprietors’.”

match to a modern corporation even clearer. By the end of the century both proprietary groups had celebrated their 200th anniversary and survived, despite several close calls that included never completed proposals to sell out to the state in 1842 and 1860 (when the Civil War intervened),

While it is not clear how much land the West Jersey proprietors had in 1800, the East Jersey proprietors still retained a surprising number of acres.⁶⁰ Recent studies have shown that in the years which followed new and expanded uses were found that increased the demand for land in New Jersey. This included wood for charcoal used in the iron industry. Iron production had been important in the 1760s, particularly in the northern part of the state, and became important again until the 1830s when western iron deposits were developed.⁶¹ Increasing amounts of wood were also needed for steamboats and then railroads (new methods of transportation whose development was aided by the Stevens family), both of which could consume enormous quantities.⁶² Surely these were factors in the increased disposal of their lands.

By mid-century ice was being harvested from ponds in northern New Jersey, sold in urban areas and even abroad. This and the right to cultivate oysters in New Jersey's rivers raised the question of who owned the land under water. The proprietors assumed that they owned *all* the land in New Jersey wherever it was located. Oyster fishermen, and then the state, assumed fishing was a common right held by the people (or the state in their name). Assuming title the state began providing licenses for oyster culture, a measure the proprietors saw as infringing on their title to the land.⁶³ The result was first *Arnold v. Mundy* (1821) in state courts,⁶⁴ and then *Martin v. Waddell's*

⁶⁰ From 1797–1856 the East Jersey proprietary board authorized ten land dividends that came to 16,800 acres per share (if taken up). By 1856 they believed there was not much land left, probably why they considered selling to the state in 1860, Cunningham, *The East of Jersey*, p. 155.

⁶¹ Doerflinger, "Rural Capitalism in Iron Country"; Boyer, *Early Forges*; Pierce, *Iron in the Pines*; Ransom, *Vanishing Ironworks*. For the 1760s see v. 4 of *Minutes East Jersey Proprietors*; at this time the Board repeatedly sold land to iron manufacturers.

⁶² Hashikawa, "Cordwood, Steamboats, and the Man."

⁶³ McCay, *Oyster Wars*, pp. 43–79; Cunningham, *The East of Jersey*, pp. 146–48. The case ended up in federal courts because Waddell, who was a proprietor, was a New York resident.

⁶⁴ The case affirmed a public right to fish and use waterways.

Lese, a complex case that made its way through the federal courts and ended in the U.S. Supreme Court. It came out of a dispute over who, those who bought the rights from a proprietor or had a license from the state, could seed and harvest oysters in the Delaware and Raritan bays. In 1842 the Taney court issued a decision giving title to all riparian lands to the state of New Jersey on the grounds that it alone was vested with the common interest.⁶⁵ The decision meant that the proprietors still owned “unallocated” (i.e. never surveyed) lands in the state, as long as they were not “submerged lands of . . . navigable waters below high-water mark, out to the three mile limit of the territorial sea.”⁶⁶ The loss of the case was so important that in 1843 the East Jersey Board voted to auction off the remainder of its rights, but then backed away from such a dramatic decision rescinding the vote before the sale could take place.⁶⁷ Instead, despite the fact the Court had spoken, the Waddell decision was stubbornly disputed by the proprietors into the 1880s because title to New Jersey’s riparian lands was becoming increasingly important.⁶⁸ They more successfully continued to claim the right to lands under lakes.⁶⁹

Why this is true is connected to two things that happened particularly after the Civil War. First, the number of railroads that ran through the state increased because New Jersey served, as it had in the past and does even today, as both a north-south and east-west corridor. An increasing number of trains ended in Jersey City where land along the water was filled in and ferry piers were built providing a connecting link to New York City. Hence these riparian lands increased in size and value.⁷⁰ Second, the building of shore line railroads helped open the Atlantic coast for development. The

⁶⁵ Called the “Public Trust Doctrine.”

⁶⁶ McCay, *Oyster Wars*, p. xxi. This changed in 1976 when international treaties established the 200-mile limit and this region came under federal control.

⁶⁷ Cunningham, *The East of Jersey*, pp. 151–52; minutes of meeting quoted in Smith, “‘Lords Proprietors’,” pp. 28–33.

⁶⁸ After 1871 the proprietors faced a state Riparian Commission, which claimed control. Confrontation followed with the state in 1881. In *East Jersey Proprietary Rights 1497–1881* (Trenton, NJ, 1881), the Board reprinted three legal opinions supporting their claims from 1824, even though these had been contradicted by the Waddell case of 1842. See also: McCay, *Oyster Wars*, pp. 77–79.

⁶⁹ Metzger, “The General Board of Proprietors,” 19–22, sees these rights as legally different.

⁷⁰ Platt, “Jersey City and the United Railroad Companies.”

proprietors had a new market for their land as businessmen and religious leaders created communities on previously neglected barrier islands. Resorts also sprouted in central and northern New Jersey, particularly where there were lakes.⁷¹

The proprietors' insistence that they retained the rights to shore and lake water, led them once again into dispute with the state. In the 1880s this resulted in a legislative investigation into the proprietors' claims and business methods in which a frustrated representative demanded to know who they were, why they existed, and where their charter of incorporation was.⁷² The answer of the East Jersey Board, literally true, was that they predated the state.⁷³ While the proprietors' claims to riparian rights failed to survive, the two organizations continued.

Meanwhile, however, they had made the transition from dividends in land, to land plus cash (in East Jersey originally interest from government bonds they purchased in the 1790s), to cash entirely. After 1856, at least in East Jersey when the last land dividend was given, shareholders received periodic cash payments. The Board in 1879 created an Executive Committee to market its remaining lands, sold directly the returns were deposited in the Board's account, the money used for dividends. The match to late nineteenth century corporations was now complete.

VI. 20TH CENTURY

At the start of the 20th century New Jersey was one of the most industrialized states in the country, by its end it would be the most densely populated. Certainly the two old proprietorships seemed

⁷¹ The East Jersey Board created an Executive Committee to market these lands and it was dominated by William M. Force. After his death there was a law suit over the fees he had collected on the sales, a repeat of earlier conflicts between Board members. Cunningham, *The East of Jersey*, pp. 164–67; Jean Wilson Sidar, *George Hamell Cook: A Life in Agriculture and Geology* (New Brunswick, NJ: Rutgers University Press, 1976), pp. 182–85.

⁷² New Jersey Legislature, *Report of the Joint Committee to Investigate the Acts and Proceedings of the Board of Proprietors of East Jersey: touching the rights and interests of the state and of the citizens thereof* (Trenton, NJ, 1882).

⁷³ In 1896 the Chancery Court in New Jersey, in *General Proprietors v. Force's Executors*, decided the East Jersey Board was a corporation; Metzger, "The General Board of Proprietors," 11.

anachronistic and irrelevant. Once again there were proposals to sell out. This was seriously considered in 1906, by both eastern and western proprietors. The East Jersey Board wrote Governor Stokes that the time had come for the state to “own the rights now vested in” the proprietors “and thereby put an end to a condition of affairs such as does not exist in any other state in the Union.”⁷⁴ However, the state (after creating a commission to study the matter) failed to follow up on it.⁷⁵ The proprietorships continued in business primarily selling small wedges of land, called “gores,” never previously surveyed and sold, and collecting fees for title searches conducted with their records. The largest land sales came in the early 1950s and 1960s. Both proprietary groups produced some returns for shareholders. Annual meetings continued with the East Jersey Board meeting in Perth Amboy, and the West Jersey Council in Burlington, at times attracting only a few members. In the 1980s both groups celebrated their 300th anniversary. But in the late 1990s the East Jersey Board threw in the towel. As the next century began only one of the proprietorships remained, its persistence a continued reminder of New Jersey’s interesting origins.

Most of what there was left to sell in this period was small pieces of land that turned up by accident. There never had been a master plan or map showing sold lands versus what remained for the proprietors. Finding what the proprietary groups still owned was only discovered by a process of elimination—it was theirs if no other title could be found. The only large parcels that were turned up came from special projects. First were lands discovered as the state searched titles prior to construction of the New Jersey Turnpike and the Garden State Parkway in the early 1950s, and later interstate 287 in the 1980s. Elsewhere they would have been state property, but in New Jersey these lands had to be purchased from the proprietors. Second was property discovered after “sweep” searches of all titles in a part of Ocean county requested by a businessman in the 1950s trying to quietly put together a large parcel on which he could (and did) build a theme and amusement park later named Great Adventure.⁷⁶

⁷⁴ Cunningham, *The East of Jersey*, p. 161.

⁷⁵ Cunningham, *The East of Jersey*, pp. 167–68. The East Jersey proprietors asked for \$100,000.

⁷⁶ Cunningham, *The East of Jersey*, p. 174.

To celebrate its long life the East Jersey Board in the 1980s published an additional volume of its minutes and prepared a book on its history. There appeared no reason to suspect the end was near. But in 1998 the Board sold out to the state for \$300,000, conveyed the remainder of its lands to Department of Environmental Protection, and deposited its records in the New Jersey State Archives. Its small records building in Perth Amboy was sold to the city for \$1. The end came for a variety of reasons. Some of the shareholders, or their descendants, had no real interest in history and were unwilling to continue for its sake alone. The proprietors became involved in a dispute over lands in Manasquan, and lost the case. Added to the actual legal costs were doubts about winning future cases, and increasing insurance costs. At this point returns on dividends were small, while potential for law suits seemed large. All combined resulted in a sudden vote to disband.⁷⁷ As the twenty first century started one proprietorship was gone, one still remains.

CONCLUSION

The story of New Jersey's proprietorships is certainly different, both in its complexity and length, from what happened elsewhere. While other colonial proprietorships illustrate how European countries financed settlement, and tell about the conflicts between the entrepreneurs who started them and the settlers who lived on their lands, this account does more. It traces the economic transformations that have occurred over the past three centuries. The New Jersey proprietorships started as one essentially feudal grant, and became two

⁷⁷ Jon Nordheimer, "New Jersey Family Fights Centuries-Old Land Claim," *New York Times*, Aug. 6, 1995; Jerry Schwartz, "Another vestige of Colonial times disappears: Proprietors owned half of what is now Jersey," *Star-Ledger* (Newark, NJ), Aug. 13, 1998; Penn and ink observer, *The Financial Times* (London), Aug. 19, 1998; Kirsty Sucato, "The State Inherits a Trove of Old Maps and Deeds," *New York Times* August 30, 1998; Henry Gottlieb, "The State Buys of Piece of History: a Good Offer, the Owners' Ennui and a Shove from Riker, Danzig, Spur the Sale of the Company that Once Held Half the State's Land," *New Jersey Law Journal*, 153 (Aug. 31, 1998), 1, 11; Smith, "'Lords Proprietors'", pp. 47–50. Smith used the Minutes of the East Jersey Proprietors now in the New Jersey State Archives. The Minutes recorded that 82 voting ballots were issued, 81 were returned, and of these 70 contained votes to disband. The corporation was dissolved in Ocean County court.

modern land companies. They sold land first for farms, then wood/charcoal, ice, resorts, turnpikes, and finally a safari and amusement ride park.

For the first 125 years of the proprietorships these two groups and their members were deeply involved in New Jersey politics. This diminished as their lands were sold off, and as economic power in the United States shifted from those with large land holdings to those in manufacturing, then energy and technology. The proprietors survived almost in spite of themselves, failing to sell out several times. They also survived because they were different: proprietorships with multiple share holders, where title to the government and to the lands had been separated long before the American Revolution. All that remains is a vestige of history that is both interesting and surprising.

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CHAPTER TWELVE

CALVERT'S CATHOLIC COLONY

DEBRA A. MEYERS

A model of English early modern entrepreneurship, George Calvert (the first Lord Baltimore) invested significant portions of his family's wealth in several transatlantic business enterprises. However, this son of a Roman Catholic Yorkshire gentleman did not merely invest capital in colonial ventures. He risked the lives of his own family members by crossing the Atlantic and braving the wild and largely unknown frontier. Ultimately, emigrating with his family cost him dearly with the deaths of his second wife and some of his children. Yet even this personal tragedy failed to dissuade him from establishing his own colony in the New World. Thus, the simple quest for greater wealth cannot fully explain why Calvert chose the fatal course that he did. For Calvert, his English settlement in the New World promised to fulfill three primary objectives: to create wealth, to provide a safe haven for English Catholics, and to reestablish Roman Catholicism as the true Anglo faith in the post-Reformation era. Not a man to rule by the sword, Calvert would have to create a religiously tolerant modern society—founded upon the separation of Church and State—in order to subtly and peacefully bring misguided Anglicans back to the faith while strengthening the piety of English Roman Catholics by offering a place to worship in public. In order to succeed in this monumental task, Calvert needed the support of the Crown, the Roman Catholic Church, and his colonists.¹

Calvert lived on the cusp of the traditional² and modern worlds and his life reflected this tension, as would his son's.³ The acceptance

¹ An early version of this chapter appeared in Meyers, *Common Whores, Vertuous Women and Loving Wives*, chapter one. I would like to thank Stanley Engerman, John Krugler, Carla Pestana, and John J. Waters, Jr. for their comments on initial drafts of this work.

² Edward Shorter uses this “traditional” and “modern” dichotomy in his work, *The Making of the Modern Family*.

³ None of the past characterizations by historians fully capture George Calvert's

of the centrality of property, innovation, education, and risk taking as a means to wealth accumulation, in addition to religious toleration and a belief in rational scientific thought, often taken to be hallmarks of a modern worldview, were certainly present in George Calvert. Calvert was always interested in increasing the family's wealth through property accumulation and he and his kin encouraged an extensive education as a means to this end. George obtained his first degree at Trinity College in 1597 and an honorary Master of Arts degree in 1605. Calvert was willing to take substantial financial risks as he invested his wealth in many transatlantic opportunities—innovative means for his time. George was one of the original associates of the Virginia Company who also served as a provisional council member in England for the temporary government of Virginia in 1624 in order to protect his assets. He also invested capital in the East India and the New England Company in addition to purchasing a plantation in Newfoundland. His dedication to wealth accumulation, innovation, financial risk-taking, education, and the establishment of a religiously tolerant society—instituted by his son—seems to firmly place him in the secularized modern world. And yet his vision for an ordered society in the New World was based upon

position in straddling two worlds. While celebrating Calvert's integrity and the self-discipline that made him the statesman, gentleman, and founding father they generally admired, historians differed on why we should honor George as a great man. Some historians chose to focus on his pious altruistic Catholicism that drove him to embrace religious tolerance—values inculcated in his son, Cecil, who put them into practice in the New World—with little or no regard for his own personal aggrandizement. Yet others paid tribute to George's foresight in establishing a province in the New World, but they welcomed the Protestant ideals concerning toleration and democracy that came from the majority of Anglican settlers once the province was established. Still others, more recently, applauded Calvert's pragmatism. A man before his time, Calvert made decisions about colonization and settlement based on his own self-interest that allowed a modern State to evolve founded upon the fundamental idea of the separation of church and State. John Krugler said it best when he claimed that a true understanding of the Calvert family's insistence upon religious toleration in Maryland must rest firmly on the fact that the Calverts were "hardnosed pragmatic Catholic entrepreneurs who were attempting to prosper in a world that was predominately Protestant." In sum, the practical Calverts, as new modern Catholics moving towards secularization, expediently seized the political and economic advantages that lay before them intent upon carving out a significant place for themselves in the modern Protestant world. More recently Krugler has coined the term "The Calvert Vision" to emphasize the Calverts' invention of a modern model for church-state relations predicated on religious toleration, Krugler, "With the Promise of Liberty in Religion," 25; "The Calvert Vision," and *English and Catholic*.

a feudal reality—including a traditional land tenure system. If we are willing to keep in mind Calvert's position with one foot in the traditional world and the other in the modern, his complex motivation for settlement in the New World becomes clearer.

Undoubtedly, Calvert's ties to the Crown and the subsequent wealth and status that it provided opened the door for his personal adventures in the New World. In 1620 Calvert purchased a patent for a small plantation on the southern tip of Newfoundland from an old Oxford associate, Sir William Vaughan. Calvert sent Captain Edward Wynne to his new colony in Ferryland with enough laborers to build granaries, storehouses, and a relatively modest residence for the Calvert clan. With a successful province within his grasp, Calvert requested a patent from the Crown the following year. The unusual patent gave Lord Baltimore royal power over the whole southeastern peninsula of Newfoundland, newly christened Avalon. Avalon shared its name with the ancient monastic lands in what is now Glastonbury, in Somersetshire, England. Significantly, Calvert's adoption of this peculiar name sheds light on his future plans and his religious zeal.

There can be no doubt that Calvert was familiar with the universally known medieval English folktales celebrating Avalon as both the sacred place that Jesus had visited as a boy and as the birthplace of the English Roman Catholic Church. Joseph of Arimathea—recognized as the first man to bring the Roman Catholic faith to England, and in some traditions he was thought to be the Blessed Virgin Mary's uncle—established an abbey in ancient Avalon to foster the growth of Christianity shortly after Christ's resurrection. While biblical references to Joseph are scarce, medieval English authors turned him into a religious hero. They described him as the keeper of Christ's blood and sweat (procured when he prepared the body for burial) as well as the protector of the Holy Grail (the cup from the Last Supper). According to legend, the father of English Catholicism brought these holy relicts with him to Avalon to be venerated, for they held the power to heal the sick, raise the dead, and perform any number of other miracles for the faithful.⁴ And while many, if

⁴ See, for instance, William of Malmesbury's "De antiquitate Glastoniensis Ecclesiæ" and "De Gestis Regum" (c. 1135). The legends of King Arthur (said to be buried in Avalon), beginning some time after 1170, are also apart of this tradition. All of the legends took on an even greater importance after Henry VIII's confiscation of the monastic lands in Glastonbury that outraged English Catholics.

not all, of the tales that focus on Avalon and Joseph seem dubious, at best, to a twenty-first century reader, they had a profound impact on the early modern English, particularly in the years following Henry VIII's confiscation of monastic lands.

Perhaps more important than these folktales for understanding Calvert's mindset were the biblical accounts (found in John 2:23, 19:38 and Luke 23:51) depicting Joseph as having a *secret allegiance* to Jesus because of his fear of Jewish reprisal. Unmindful of all personal danger, however, Joseph boldly asked Pilate for the body of Jesus after the crucifixion (Mark 15:43–45) and subsequently prepared the body for burial and placed it in the tomb. It is not hard to imagine that Calvert saw himself as the new Joseph figure—secretive (at times) of his real relationship to the Church for fear of reprisal as his recent “conversion” to Roman Catholicism suggests, but boldly approaching the monarchy to take possession of the sacred vessel (the Roman Catholic Church) in order to bring it to its resting place in the New World. Of course, it is impossible to ascertain the extent to which Avalon folklore or biblical references to Joseph permeated Calvert's thoughts or motives, but there can be no doubt that every early modern English subject would have understood the name Avalon in profoundly religious terms. Thus, it remains plausible that Calvert's Avalon in the New World represented an opportunity in the post-Reformation era to reestablish Roman Catholicism as the true Anglo-faith with Calvert taking on the role of Joseph.

In order to succeed in establishing his Catholic missionary settlement in the New World, Calvert needed the support of both the Crown and the Catholic Church. The Crown's actions concerning Lord Baltimore suggested that the Stuarts shared the goal of establishing a Catholic colony if only, as previous historians have suggested, to place English Catholics thousands of miles from home. Yet, the distinctive character of Calvert's charter suggests a more active and supportive role for the Crown. Avalon's charter gave Lord Baltimore royal powers over his new province as stated in the “Bishop of Durham” clause:

Patronages and Advowsons of all Churches which as Christian Religion shall increase within the said Region Isles and Limitts shall happen hereafter to be erected, Together with all and singular the like and as ample Right jurisdictions privileges prerogatives Royalties, Liberties, Imunities and Franchises whatsoever as well by Sea as by Land within the Region, Isles and Limitts aforesaid, To have exercise use and enjoy

the same, as any Bishop of Durham within the Bishoprick or County Palatine of Durham in our Kingdome of England hath at any time heretofore had, held, used, or enjoyed, or of right ought or might have had, held, used, or enjoyed.⁵

With the blessings of the English Crown as the prince of Avalon, George Calvert set sail for Newfoundland with two Roman Catholic priests, Fathers Longvyll and Smith, and at least forty English settlers.

Tellingly, Calvert secured consequential marriage ties between his family and that of Sir Thomas Arundell (later dubbed Lord Arundell of Wardour)—one of the most influential Roman Catholics in England. Arundell himself had attempted to establish an English Catholic colony in 1605 on the shores of Norumbega (later referred to as New England). Arundell's plan had included sending unemployed English Catholic soldiers—who had fought for Spain before James I agreed to peace in 1604—to begin the colonization process. These potential laborers would be under the direction of a select group of English Roman Catholic noblemen. Arundell's plan was thwarted, however, when resistance to the idea at home swelled.

Well apprised of the pitfalls that lay before him, Calvert brought his family—save his eldest son Cecil—on his second trip to Avalon in the spring of 1628 to begin his first attempt at an English Roman Catholic missionary settlement. His arrival caused the resident Protestant minister, Erasmus Sturton, to leave Newfoundland in August of 1628. Back in England Sturton complained to authorities that the Roman Catholic Mass was publicly celebrated in Avalon in direct violation of English common law. Despite this serious allegation, the Crown ordered the Lord High Treasurer to lend Lord Baltimore six ships to defend the English Catholic colony against the French. This series of events reveals three significant points. First, Sturton never accused Lord Baltimore or any Roman Catholic settlers of mistreating Anglicans, suggesting that the Calverts pursued a non-confrontational policy of evangelism in the New World. Second, Sturton's legitimate grievances reveal that English common law did not apply to Avalon. These events also indicate that both the Crown and Calvert acknowledged this unique phenomenon. The Crown, in fact, openly endorsed

⁵ Reprinted in Scharf, *History of Maryland*, p. 35. This clause refers to a county palatine at Durham (and also in Chester and Lancaster) giving the borderland lord independent authority to secure the frontiers as a defense against outside invasions.

this concept when it granted the same rights to the Calverts in Maryland.

Yet even with the support of the Crown and his own sizable financial investment in the settlement, Calvert abandoned his first missionary settlement. The hostile French fishermen and the cold, harsh climate proved formidable barriers between Calvert and his quest. Perhaps keeping in mind the need to convince other English Catholics and Anglicans to settle across the Atlantic, he sought to establish a province in a more suitable environment. George's gaze turned southward to the warmer climate of Virginia.

Lord Baltimore sent some of his children back to England and set sail for Jamestown during the fall of 1629 to meet up with his second wife (his first wife died in childbirth in 1622) who had already journeyed to Virginia several months earlier. Calvert, expecting a hearty welcome from the English settlers that he helped govern at one point, faced a rude and insulting populace when he and his Catholic entourage arrived in the colony. Governor Pott and his council demanded that Calvert take the oath of supremacy knowing that pious Roman Catholics could not swear such an oath without being excommunicated in accordance with the Papal Bull of 1626. After being asked to leave the settlement Calvert returned to England but left his wife and some of their children in Virginia to follow him at a later date. His wife and children never made it back to England; their ship was lost at sea in 1631. But despite his grief, George continued his pursuit of a Catholic missionary settlement by petitioning the Crown for a land grant east of Virginia.

Ultimately the Calverts, Crown, and Catholic Church formed a triumvirate intent on creating an English Catholic colony in the New World as a means for both the growth of Catholicism and the purses of pious families. George Calvert's first attempt to make this a reality at Avalon had excited Jesuit priest Andrew White about the prospects inherent in a English Catholic colonization policy and he formed a permanent bond with the Calverts (as had the Crown) to achieve such ends. Both King Charles and James—married to Catholic queens—supported Baltimore's plans for a new colony with enthusiasm. Although George Calvert died before he held the charter in his hands, his eldest son Cecil, the second Lord Baltimore, followed in his father's footsteps when the Crown granted him the charter for Maryland on June 20, 1632. Maryland's charter was based on Avalon's—replete with the Bishop of Durham clause and palatinate

status establishing, essentially, a hereditary monarchy in Maryland—suggesting the Stuarts' endorsement of a Roman Catholic province where Lord Baltimore would possess powers of near absolute sovereignty. This unusual revival of an antiquated, feudal position that essentially made Lord Baltimore the king of Maryland could only have been meant as a whole hearted endorsement of such a plan. In fact, the Crown declared outright “that Wee [favor] the Pious, and Noble purpose of the said Barons of Baltemore” in Maryland's charter.⁶

Yet it bears mentioning that Charles I must have been influenced by his Roman Catholic wife, Henrietta Maria, the daughter of one of the most outspoken women of her times, Marie de Médicis. Indeed, Maryland is said to have been named for Queen Henrietta Maria, an apt acknowledgement of her part in establishing Maryland as an English Catholic missionary province. Thomas Vane suggested as much in his 1648 treatise entitled *A Lost Sheep Returned Home; or, The Motives of the Conversion to the Catholike Faith*. Vane dedicated this publication to his patron “the Most Excellent Majesty of Henriette Marie, Queen of England” who took her duty seriously as “a nursing Mother to the [Roman Catholic] Church” intent on bringing the lost sheep—the English Anglicans—back into the fold.⁷ Yet, Charles I affirmed his own affinity to Roman Catholic doctrine when he declared himself a “Catholique-Christian as believeth the three Creeds” who also accepted the Roman Catholic calendar of saints. Distancing himself even further from Calvinist Protestants, he embraced the teachings from the first 500 years of the Roman Catholic Church, particularly the tenets of the church fathers and the first four Roman Catholic councils.⁸

In addition to the Crown, others in England saw the value in establishing the English Roman Catholic haven. A pamphlet published in 1646 asked Parliament to be lenient toward the Catholics and allow them “liberty of conscience in England” because they

⁶ Hall, *Narratives of Early Maryland*, p. 102. Toward this end, James II—referring to New York's Roman Catholic Governor, Thomas Dongan—noted “once liberty of conscience be well fixed, many conversions [to Catholicism] will ensue,” cited in J.R. Western, *Monarchy and Revolution: The English State in the 1680s* (London, 1972), p. 191.

⁷ Vane, *A Lost Sheep Returned Home*, preface.

⁸ Charles I, *His Majesties Declaration in Defense of the true Protestant Religion: It was maintained by his Royall Father King James [I] of blessed memorie* (London, 1643).

posed no real danger to the state. But “in case the Parliament shall not think fit to do so, they may be pleased to give to so many of them as will accept thereof, free & publick leave to transplant themselves, families, and estates, into Mariland, a Province in America, above 3000 miles distant from England.” The author argued that “the more ready way to remove the fears and jealousies which this State hath of the said Roman Catholicks, is not to keepe them here under the heaive burthen of the penall Laws made against them for their Religion; but either to let them enjoy here the rights, and liberties of other free-born subjects; or else to give them leave to go into another countrey, where they may enjoy them.” If the government allowed the Roman Catholics to sell their estates and go to Maryland, then there would be no reason for the English Catholics to enlist the aid of the French or Spanish Roman Catholics and seek revenge. Furthermore, by encouraging English Catholics to settle peaceably in Maryland, Parliament would avoid any further international embarrassment. It was far better to let English Catholics go to Maryland than to watch them flee “into any Forein Princes Dominions; because it will not be for the honour, nor perhaps for the safety of England, to permit another Princes Territories to be supplied with people, by any considerable number of the Natives of this Kingdome.” It would also benefit the English Crown to encourage “the planting of the said Roman Catholicks in Mariland (wch hath a dependance on the Crown of England)” because it will “profit” England “by enlarging the Dominions thereof” and “by encrease of trade and shipping.” This action would certainly form a “strong bond of fidelity” between the English Roman Catholics and “their Native Countrey.” In sum, an English Roman Catholic haven in the New World benefited the entire nation both economically and politically.⁹

The second Lord Baltimore made clear his own vision for the Catholic province in his instructions to the colonists in 1633. Faced with numerous “adversaries in England, who endeavored to overthrow his voyage” and who continued their hostilities well into the next century, twenty-seven year old Cecil demanded that his new governor and commissioners be “very carefull to preserve unity and

⁹ Anonymous, *A Moderate and Safe Expedient To remove Jealousies and Feares*, pp. 3–8, 15 and 16.

peace amongst all.” Building on his experience in Avalon and keeping in mind the limits English society placed upon Roman Catholics, Lord Baltimore’s venture had to offer financial gain to Catholic entrepreneurs while ensuring a religiously tolerant society for laborers and gentry alike. As a means to this end, Calvert would have to promote (at least in theory) a separation of Church and State.¹⁰ Only in such a tolerant environment could the Calverts hope to reclaim Anglicans. Maryland’s mission statement prioritized the proprietor’s agenda beginning with his duty to God and “the conversion of the savages to Christianity.” Lord Baltimore’s allegiance to his sovereign appeared next with, “the augmentation of his ma[jesty’s] Empire and Dominions . . . by reducing them under the subjection of his Crowne.” His profession of assistance and responsibility to the settlers and their material “advancement” was followed with the assurance “that they may reape the fruites of their charges and labors.” Baltimore’s commitment to wealth accumulation and his loyalty to the Crown were only superceded by his responsibility to God and the Church, for after a fort was built for the adventurers’ protection, “a church or a chappel” was to be constructed as soon as possible.¹¹

Andrew White had something of the utopian in his *Relation of Maryland*; and it is in this promotional tract that we see the full extent of his missionary vision.¹² White, a Jesuit missionary priest, potential English martyr, scholar, linguistic expert, Renaissance man, and world traveler lived by careful argument and charitable persuasion. He claimed that Maryland was named after “our gracious Queene”—usually understood to be Charles I’s wife Henrietta Maria—but could not the “gratious” as likely refer to *Ave Maria gratia plena*? It is certainly a possibility when we consider that he and the other colonists christened this new land with a host of other saints from the Roman Catholic calendar. The Catholic planters—settling on manors such as St. Clements, St. Gregory, and St. Michael—shared White’s vision when they pledged to take “possession of this Countrey for our Saviour, and for our Sovereigne Lord the King of England.”

¹⁰ For a detailed description of this modern idea and its impact see Debra Meyers, “Reconstructing Gender: Early Modern English Politics and Religion in the Chesapeake” in Meyers and Perrault eds., *Colonial Chesapeake*, chapter eight.

¹¹ Hall, *Narratives of Early Maryland*, pp. 16, 17 and 20.

¹² Hall, *Narratives of Early Maryland*, pp. 70, 71 and 84.

White, the scion of an old English gentry family, balanced his religious vow of obedience to the Bishop of Rome with his temporal oath of loyalty to the English monarch. He prayed for the return of the House of Stuart to the old faith, he desired peace with Virginia's Puritans, and in Maryland he sermonized Anglicans to return to the ancient Catholic faith.¹³ Finally, he argued that with "kind and fair usage" the naturally spiritual natives would become peaceful, friendly, Catholic, and English.

According to Father Andrew White's account, the colonists placed their ships under the protection of God, imploring the intercession of the Blessed Virgin, of Jesuit founder St. Ignatius, and all the guardian angels of Maryland for the success of the mission. Having been at sea for a short time, on 25 November they met with a violent storm that separated the *Ark* and *Dove* for six weeks. The rest of the three-month voyage was relatively uneventful and they finally landed in Virginia where they were subjected to the same kind of treatment that George Calvert had faced several years before. After purchasing the necessary provisions and livestock from the Virginians they headed for Maryland where armed natives congregated on the Chesapeake Bay's shoreline preventing them from landing.¹⁴

Finding an uninhabited island, the English settlers stepped onto St. Clement's Island on the Feast of the Annunciation of the Blessed Virgin—25 March 1634—and the Jesuits said Mass in the new province for the first time. This traditional rite was followed by a procession led by Governor Leonard Calvert—Cecil's trusted, younger brother—and the new council members to a spot where they erected a large wooden cross and thereafter they all dropped to their knees and recited the Litany of the Holy Cross. This ritual symbolized Christ's carrying the cross upon which He would be crucified after which His resurrection from the dead would bring new life to all that chose to follow Him. Accordingly, the Marylanders' rood represented a new beginning—a new life and a new purpose in a new

¹³ The Maryland Jesuits devoted themselves "zealously" to the conversion of the English Anglicans and they acknowledged that "God has blessed our labors" suggesting many successes, Hall, *Narratives of Early Maryland*, pp. 119–20.

¹⁴ The governor of Virginia was anxious to help the colonists—against the wishes of the Council—because he needed Lord Baltimore's assistance in recovering a large sum of money from the exchequer in England, Hall, *Narratives of Early Maryland*, p. 39.

world—after one hundred years of persecution in England. After paying homage to St. Mary, the holy trinity, and all the angels and saints in heaven for their safe journey, Leonard Calvert, Father Altham, and a small entourage set off to negotiate with the Piscataway chief from the Algonquian tribe. Seemingly without much trouble, according to White's account, the intercessors convinced the chief of their peaceful intentions and gained his permission to settle within his territory. Leonard Calvert decided to make his permanent settlement closer to the tip of Maryland's southern peninsula where he purchased the Native American town dwellings and lands with the cloth, axes, hoes, and knives brought along for that purpose. Thus on March 27, 1634 the English adventurers took legal possession of Maryland—in the eyes of both the English Crown and the Yao-comicos—and named the new Catholic settlement St. Mary's City after the most revered saint, Christ's mother.

As the first colonists commenced building homes on the old Indian site that they renamed St. Mary's City, Jesuits Andrew White and John Altham, along with lay brother Thomas Gervase, offered spiritual assistance. Due in part to the scarcity of the comforts of home, the colonists' adaptability helped them to replicate their old world with some ingenuous innovations—perhaps the most important of which were religious practices. In fact, the Catholics that settled here had long been accustomed to personalizing their spirituality in order to preserve their faith. More accustomed to Dominican or Franciscan priests in England, the settlers undoubtedly melded the Jesuit practices and teachings with their own Catholic traditions.¹⁵ While some Catholic priests found this adaptation process problematic, the Church itself had a long tradition of tolerating such behavior. The colonists themselves attempted to fashion the Jesuit institution to their needs by sending sons back to Europe to become Jesuits and by surrounding themselves with like-minded Jesuit uncles or nephews.¹⁶ In part, Lord Baltimore sent three secular priests and two Franciscans to the province to address this problem.¹⁷ Colonists navigated the waters of

¹⁵ For more details regarding the English Catholics difficulties adjusting to Jesuits see Duffy, "A Rubb-up for Old Soares'."

¹⁶ For details of the Roman Catholic influence in the colony see Meyers, *Common Whores, Vertuous Women, and Loveing Wives*, chapter three.

¹⁷ George Gage, Archdeacon of London and Middlesex, wrote a letter to Fr. Richard Smith, Bishop of Chalcedon and the Superior of the Catholic clergy in

religious conformity intertwined with innovation as noted by Father Ferdinand Pulton in 1640, who reported to the Pope that “The Catholic settlers are not inferior in piety to those in other countries; in urbanity of manners, according to the judgment of those who have visited other colonies, they are considered far superior to them.”¹⁸

Clearly for the triumvirate, religion and financial gain were important factors in Maryland’s establishment, but did others share this vision as well?¹⁹ At least 130 emigrants accepted Lord Baltimore’s initial invitation to settle in his new Catholic province in October of 1633. One of the first settlers, Thomas Cornwaleys, expressed this shared Catholic vision in a letter he wrote to Lord Baltimore in 1638 stating “Security of Conscience [conscience] was the first Condition that I expected from this Government.”²⁰ George Alsop recognized this tolerant government that welcomed the misguided Anglicans back into the Catholic fold and provided a safe haven for Roman Catholics as well. Attesting to Maryland’s success, he wrote that anyone who “desires to see the real Platform of a quiet and sober Government extant, Superiority with a meek and yet commanding power sitting at the Helme, steering the actions of State quietly, through the multitude and diversity of Opinionous waves that diversely meet, let him look on Mary-Land with eyes admiring.” Maryland, for Alsop was “The Miracle of this Age” where “the Roman Catholic, and the Protestant Episcopal”—referring to Arminian Anglicans rather than Puritan Anglicans—lived in “friendship, and inseparable love intayled unto one another.”²¹

This evidence also suggests that many people—both clerics and laypeople—took seriously the English Roman Catholic literature throughout the Tudor/Stuart period that urged all Catholics to guide

England on July 21, 1642 on behalf of Lord Baltimore pleading for secular priests to be sent to Maryland. A copy of this letter can be found in the *Maryland Historical Magazine*, 4 (1909), 262–65.

¹⁸ Father Pulton dedicated himself to converting the local Native Americans. A modern translation of this letter is in Robert Emmett Curran, *American Jesuit Spirituality: The Maryland Tradition, 1634–1900* (New York: Paulist Press, 1988), p. 66.

¹⁹ The Jesuits were so successful in Maryland that they began a mission in New York in 1683 headed by Thomas Harvey (alias Barton) as Superior and Henry Harrison (alias John Smith) as assistant missionary, Treacy, *Old Catholic Maryland and its Early Jesuit Missionaries*, p. 170.

²⁰ Cornwaleys to Cecil Calvert, April 16, 1638, in *Calvert Papers, Number One*, p. 172.

²¹ Alsop, *A Character of the Province of Maryland*, pp. 43–44.

the Anglican “lost sheep” back into the flock.²² Examples of their dedication to this mission fill the provincial records. For example, Anglican John Grammer testified in court that he had been duped into attending a sermon given by Father Fitzherbert at Mrs. Brooks’ house in 1658. The next day Grammer returned to Mrs. Brooks’ with his wife and the Jesuit priest asked him “how he liked his doctrine.” Grammer answered that he could accept some of what the priest had said, but not all of it: “Mr. Fitzherbert asked him what he did not like: & walked out together where they had a quarter hours discourse.”²³ This example suggests that the Calverts had every reason to believe that they could assist the Church in bringing English families back into the fold with the help of others. Just as Charles I had declared himself to be a “Catholique,” scores of Anglicans in Maryland shared this identity as they referred to themselves as “a Christian” who subscribed to “the Catholick faith . . . [of] the Church of England.”²⁴ It was hoped that this shared identity would form the foundation for a return to the true faith.

As the founders of the province had more than just a passing interest in cultivating social norms harmonious with their religious ideology, they made arrangements for dividing up the new territory according to the proprietor’s detailed instructions organized on a traditional manorial plan of an English barony. This feudal adaptation provided a recognizable plan for an English social order. At the outset, Lord Baltimore had encouraged Catholics and Anglicans to settle in Maryland by offering two thousand acres of land for every five persons between the ages of fifteen and sixty who would come.²⁵ Settlers paid Lord Baltimore four hundred pounds of wheat per year for the use of the two thousand acres. When immigrants brought fewer than five people to Maryland, Lord Baltimore allowed one hundred acres for each man or woman and fifty acres for each child. In this case, the rent amounted to ten pounds of wheat for every

²² Patrick Malloy’s study of English Roman Catholic recusant devotional books finds many references to Anglican brethren as “fallen” Catholics, “A Manuel of Prayers.” Other Roman Catholic texts refer to Anglicans as fallen Catholics while ostracizing Predestinarians. See for instance, “A disputation with a precise Puritaine” and “The discriptione of a Puritaine” in a Catholic’s manuscript housed at the Folger Institute’s Library [call number V.a.137, Catholic Liturgy/Mass (c. 1630)].

²³ Browne, *Archives of Maryland*, 41, p. 146.

²⁴ Wills, book 7, page 103 [1694].

²⁵ The headright system ended in 1683.

fifty acres. These generous terms were pared down somewhat by 1635 when for every five adults brought to Maryland Baltimore granted one thousand acres at a rent of twenty shillings. The larger grants—at least one thousand acres—also entitled the colonists to establish him or herself as the lord of the manor with the right to hold courts leet and courts baron, meting out justice as he or she thought “meet [suitable] and convenient.” Remaining convinced of the importance of his mission to colonize a new Catholic haven, Cecil Calvert stayed in England to generate interest in emigration and protect the family’s interests from the rising anti-Catholic sentiments at court. This proved to be an effective tactic that continued to serve the Calverts until the American Revolution.

Over the course of the seventeenth century approximately sixty manors were erected in addition to several 6000-acre tracts laid out expressly for the Calvert clan, making Maryland’s feudal lords wealthy from rent payments. This traditional system was maintained and encouraged until at least the end of the seventeenth century for we see that George Talbot, a cousin of Lord Baltimore, was granted Susquehanna Manor in Cecil County—some some 32,000 acres—as late as 1680.²⁶ The proprietor also enjoyed revenues derived from alienation fees, fines and forfeitures of felons’ goods, and the rights to stray and wild animals and fowl of the region.²⁷ The proprietor’s right of escheat sometimes drew loud criticism from the colonists who believed he exercised this right inequitably all too often. Angry over what he thought were unfair practices, Robert Carville claimed that Lord Baltimore was a “ffart” and that “his Lordship appointed fools, knaves & boys” to political positions.²⁸ Edward Erbery concurred with Carville’s assessment of Lord Baltimore’s provincial officeholders. Erbery believed that “pitiful rogues and puppies” occupied seats in the “turdy, shitten assembly” that was headed by a “rogue” governor.²⁹ Robert Carville and Edward Erbery’s assertions

²⁶ Many references to feudal rites appear in the government records. See, for instance, Browne, *Archives of Maryland*, 53, p. 637 and 57, pp. 437–39. Robert Brugger points out that Lord Baltimore bestowed subfeudal authority to Daniel Dulany over Frederick County in western Maryland in 1745 and quitrents continued to be imposed well into the eighteenth century, *Maryland: A Middle Temperament*, p. 69.

²⁷ The estates and goods of the rebels Claiborne, Fendall, Godfrey, and Talbot were all declared forfeited to the proprietor, but the judgments were never executed.

²⁸ Browne, *Archives of Maryland*, 17, pp. 181–84.

²⁹ Browne, *Archives of Maryland*, 2, pp. 55–57.

to the contrary aside, the bulk of evidence seems to suggest that the proprietor and his feudal lords—despite their character flaws—accepted both the material wealth generated by the province as well as the corresponding social responsibility to maintain social order and promote religious ideals. Although only one manor's court records have survived, those of St. Clement's, we can assume that most if not all the lords exercised their right and duty to hold courts leet and baron since vague references in the primary sources have survived. In the proceedings of the Provincial Court, for example, a clerk recorded that "a Court Baron" was held at Mary Brent's manor on March 7, 1656.³⁰ Lord Baltimore empowered manor lords, like Mary Brent, to sit in judgment on all offences committed within the limits of the manor except for cases involving murder, counterfeiting, or treason. Lord Baltimore reserved for himself the right to execute settlers for these high crimes. Along with his feudal lords, Lord Baltimore took his duty to ensure social order seriously, thus the wealthiest manor lords, along with all other landholders, took an oath of fidelity to the proprietor himself and not to the Crown.³¹ This rare charter right—indicative of the Crown's support of the Calvert family's mission—stood in stark opposition to the Crown's *Quia Emptoris* decree of 1290 stating that in all sales or *feoffments* of land the holder should bear allegiance to the monarch and *not* to the immediate lord or grantor.

Maintaining a traditional social order was important to the lords and the proprietor in the Roman Catholic province and Calvert used his royal powers towards this end. Lord Baltimore reiterated this point in a letter to William Stone stating "a small Colony may grow into a great and renowned nation, whereas by experience it is found that by discord and dissention great and glorious kingdoms and commonwealths decline, and come to nothing."³² Lord Baltimore even went so far as to demand that sheriffs at the local level take an oath that included the statement "you shall truly and rightfully treat the people of your sherifwick, and do right as well to poor as to rich,

³⁰ Browne, *Archives of Maryland*, 41, p. 94.

³¹ The oath of fidelity to Lord Baltimore is quoted in Scharf, *History of Maryland*, p. 201.

³² Quote found in Henry Chandlee Forman, *Jamestown and St. Mary's: Buried Cities of Romance* (Baltimore: Johns Hopkins University Press, 1938), p. 267.

in all that belongeth to your office.”³³ Lord Baltimore, bent on establishing a profitable proprietary province, followed a plan for stability reminiscent of William the Conqueror’s feudalism. The intermarriage of the Maryland gentry provided the province with a web of interdependency in which the gentry’s profits and power were derived from Lord Baltimore, and blood or marriage relations cemented their allegiance. When Lord Baltimore established his proprietary council, similar to the English House of Lords, more than half were directly related to him. By 1677, nearly the entire membership of the council owed their political careers in the upper chamber to their blood or marriage relationship to his Lordship.

These feudal power relationships only served to enhance the authority what the Crown had bestowed on the Calverts. The Crown’s charter gave Baltimore the power to create ports of entry, to erect towns, boroughs, and cities, to pardon felonious offences, to create and command an army, to declare martial law, and to grant lands on such terms and tenure as he thought proper. Baltimore was the ultimate source of justice having the power of establishing courts, of abolishing them at will, and of determining their jurisdiction and manner of proceeding; and all process from them ran in his name and not in that of the Crown. Lord Baltimore headed the executive branch of the government with the power to appoint officers (and establish a noble class), and of creating and abolishing the offices themselves at his own pleasure. He was the head of the church endowed with the power to erect and found churches. Calvert also possessed the power of promulgating ordinances that had the force of laws and he claimed as part of his prerogative the power of dispensing with existing laws. In case there was any doubt about Calvert’s royal authority in Maryland, the Crown summed up his omnipotent powers in the charter with a sweeping command stating that if any clause seemed vague, it was always to be interpreted in the proprietor’s favor.

Amid this array of autocratic powers conferred by the Crown, those granted to the English colonists were neither numerous nor explicit. This, however, did not deter the settlers from laying claim to certain rights soon after their arrival. Calvert’s charter entitled him to frame all the laws for the province without having to sub-

³³ Browne, *Archives of Maryland*, 41, p. 87.

mit them to the Crown for approval. This privilege gave Baltimore a freehand in creating and interpreting laws as long as they did not directly contradict those of English common law and if Baltimore obtained the approbation of the "*Liberi Homines*" and "*Liberi tenentes*" in the province. Yet the Assembly of freemen in Maryland—conscious of both their duty and the frontier environment in which they found themselves—met in 1635 to draw up law codes and then sent them to England for Lord Baltimore's approval. Calvert summarily dismissed this act of insubordination and drew up a complete system of government for Maryland. When his directive arrived in Maryland, Governor Leonard Calvert presided over the second legislative assembly in 1637 where all the freemen—not necessarily freeholders—of the province were invited to attend, send delegates in their place, or give their proxies to any individual of their own selection, authorizing him to vote for them.³⁴ The Assembly rejected Baltimore's law codes and proceeded to pass laws for itself, forty-two in all, which were also rejected by Baltimore. In fact, Baltimore only reluctantly permitted the Assembly to initiate legislation and he never accepted the Assembly's premise that all the laws of England applied to them. A wholesale adoption of English common law would have interfered with Lord Baltimore's legislative rights according to his charter. Other historians have noted that "nothing of English law was ever in force unless adopted by legislative acts, judicial decisions, or constant usage."³⁵ And in practice, the laws of Maryland always trumped English common law.³⁶ In fact, Governor Seymour bemoaned this unique phenomenon in a letter to the English Secretary of State while Maryland was under royal control in 1706. Seymour wrote that the "Statutes of England, unless they expressly mention the Plantations, are not in force here."³⁷ Not surprisingly then, some of the Assembly members were not altogether content with this unprecedented proprietor prerogative in the New World. Inhabitants of Kent Island led by Virginian William Claiborne, for instance, resisted the establishment of Baltimore's courts in 1637 and his

³⁴ This right was restricted in 1681 when the proprietary narrowed the franchise to freemen with property.

³⁵ Thomas, *Chronicles of Colonial Maryland*, p. 175.

³⁶ Steiner, *Maryland During the English Civil Wars*, p. 36.

³⁷ National Archives, Kew, England, State Papers Domestic, Anne (SP 34/9/5).

appointed commander of the island, Captain George Evelin. The discontent festered until Governor Leonard Calvert led a military action to bring Kent Islanders under his authority in 1638. But, as we shall see, Claiborne would not capitulate so easily or wholeheartedly.

With the English Civil War came rebellion in Maryland. As the Puritans' strength increased in England, Governor Leonard Calvert returned to England in 1643 to ascertain what course to pursue in Maryland. Before he left, he appointed Giles Brent lieutenant general, admiral, chief captain, magistrate, and commander in his stead. Calvert also appointed Captain Cornwallis to command the militia in an attempt to quiet the threatening gathering of the Susquehannock warriors—probably roused by the rebellious William Claiborne and armed by the Swedes and Dutch of Delaware and New York—to the north. The Maryland militia's first attempt in 1643 at fending off the Susquehannocks was successful, but the following year's expedition was a crushing defeat with the Indians killing at least fifteen colonists.

During the governor's absence, the spirit of disaffection amongst the colonists increased and at length broke out in William Claiborne and Richard Ingle's rebellion—often referred to as the plundering time by Roman Catholic settlers. Sailing under a commission from Parliament in November of 1643, Ingle escaped from custody after the Catholic government seized his ship at St. Mary's City. Quite possibly after conferring with William Claiborne, Ingle returned to St. Mary's on the suitably named ship, the *Reformation*. Upon his return to Maryland, Governor Leonard Calvert retreated to Virginia to avoid capture. Ingle destroyed the colonial records and proceeded to pillage and steal from the Catholics in particular before he arrested two Jesuit priests—White and Fisher—and left for England to bring the Catholics to trial for publicly practicing their religion. Claiborne took advantage of the chaos and claimed the right to Kent Island; a right that he had maintained since Lord Baltimore's charter was first issued. By 1646, Governor Calvert controlled St. Mary's City once again and within a few months also reclaimed Kent Island for Lord Baltimore.

Back in England in June of 1645, the pivotal battle of Naseby was fought followed within a year by the Puritans triumphing over Parliament. During this crisis Lord Baltimore made choices in order to safeguard the welfare of his province—often walking a fine line

between appeasing Oliver Cromwell and the exiled heir to the throne, Charles II. By the recognition of the Commonwealth's authority after Charles I was beheaded on 30 January 1649, Lord Baltimore's rights to Maryland were secured. Though they had little in common in regards to their religious and political beliefs, Oliver Cromwell was willing to deal with a gentleman like Lord Baltimore in order to keep the governmental transition as smooth as possible. In fact, Cromwell worked closely with other Roman Catholics nobles such as Sir Kenelm Digby, Lord Brudenell, and Lord Arundel. Lord Baltimore deemed it important to show Cromwell that Puritans were not systematically excluded from Maryland and thus new acts were drawn up to ensure that the Catholic province could continue to exist. When the Assembly received Lord Baltimore's instructions it enacted laws that restated Baltimore's rights to both land and revenues. Yet the most consequential of the Interregnum laws was the passage of the act guaranteeing religious freedom in the province on 21 April 1649. It is quite possible that the law was placed on the books so that the Puritans in England would find the Roman Catholic province less repugnant if Puritans were warmly welcome to seat themselves in Maryland. The act reads as follows:

And, whereas, the enforcing of the conscience in matters of religion, hath frequently fallen out to be of dangerous consequence in those commonwealths where it had been practiced, and for the more peaceful government of this province and the better to preserve mutual love and unity amongst the inhabitants here, Be it therefore ordained and enacted, That no person or persons whatsoever within this province or on the islands, ports, harbours, creeks or havens thereunto belonging, professing to believe in Jesus Christ, shall from henceforth be in any waies troubled, molested or discountenanced for or in respect to his or her religion, nor in the free exercise thereof within this province or the islands thereunto belonging, nor anyway compelled to the belief or exercise of any other religion against his or her consent, so that they be not unfaithful to the Lord Proprietary or conspire against the civil government.³⁸

Penalties were imposed for persons using "reproachfull words" against the Blessed Virgin Mary, the apostles, or evangelists, or for calling a person a heretic, schismatic, idolater, Puritan, Independent, Presbyterian, Popish Priest, Jesuit, Jesuited Papist, Lutheran, Calvinist,

³⁸ Browne, *Archives of Maryland*, 1, pp. 244–46.

Anabaptist, Brownist, Antinomian, Barrowist, Roundhead, Separatist, or other pejorative religious label. Still, we can overestimate the impact Cromwell's revolution had on the passing of this act of religious toleration.

The liberty to exercise one's religious beliefs and be free from harassment in regards to one's beliefs was, in fact, the legal expression of the 15-year-old policy that had been maintained since Lord Baltimore outlined his views on religious toleration in his instructions to the original colonists. Baltimore gave the original founders strict instructions for future governors of the province to take an oath that is strikingly similar to the act concerning religion. The oath of office declares that governors will not "directly or indirectly trouble, molest or discountenance any person professing to believe in Jesus Christ for or in respect of religion." Additionally, a governor would not show any favoritism to Roman Catholics when "conferring offices, favors or rewards," but would give the political plums to the most "faithful and well deserving" individuals based on their "moral virtue and abilities." Above all else the government's aim was to maintain "public unity" by preventing the molestation of "any person professing to believe in Jesus Christ on account of his religion."³⁹

Lord Baltimore's intentions were to convert Anglicans to the true faith without aggressive confrontations. We can see this policy in action long before the passage of the official act of toleration in 1649. On 23 March 1642, David Wickliff, representing a group of Anglicans, complained to the court that Thomas Gerard took the key to the Roman Catholic chapel they shared along with some Anglican books kept there. The court found Gerard guilty of a misdemeanor and demanded that the books and key be given back to the Protestants and slapped him with a fine of 500 pounds of tobacco (legal tender) that would be used toward the maintenance of an Anglican priest when he arrived.⁴⁰ Roman Catholics were also protected by the policy initially meant to encourage the growth of English Roman Catholicism as in the case of Giles Brent. Giles took Edward Commins to court for burning his books that Commins referred to as "papist devils."⁴¹

³⁹ Scharf, *History of Maryland*, p. 226.

⁴⁰ Scharf, *History of Maryland*, p. 169.

⁴¹ Browne, *Archives of Maryland*, 4, p. 441.

When the Puritans seized control of Maryland in 1655—coinciding with the Puritan Commonwealth's greater power in England—they immediately repealed the act of religious toleration. It was reinstated when power was restored to Lord Baltimore with his Anglican and Roman Catholic supporters in 1657. Ironically, these rebellious Puritans had been Lord Baltimore's invited guests in a pragmatic gesture to placate the rising anti-Catholic and pro-Puritan climate in England when Cromwell captured Parliament's authority. These emigrants, escaping from persecution in Virginia, seated themselves in Somerset County in an area along the Severn River that they called Providence and later renamed Annapolis.⁴²

The Puritans of Providence were never enthusiastic, loyal supporters of Lord Baltimore. On June 6, 1654 Governor Stone officially proclaimed Oliver Cromwell Protector knowing full well that Richard Bennett and William Claiborne were stirring up the Puritans to a seditious and rebellious fervor against Lord Baltimore.⁴³ And in July, Bennett and Claiborne led a group of Puritans to take control of the government. Stone organized an armed military unit in St. Mary's for the purpose of reestablishing the proprietor's control and sent John Hammond to Richard Preston's house (as the temporary seat of Puritan government) on the Patuxent River to retrieve the stolen provincial records. Stone deputized Doctor Luke Barber and Mr. Coursey to lead a small unit to Providence with instructions to deliver a message from the governor. In part it read: "in the end of this declaration, the governor did protest, as in the presence of Almighty God, that he came not in a hostile way, to do them any hurt, but sought all meanes possible to reclaime them by faire meanes, and to my knowledge, at the sending out of parties, he gave strict command that, if they met any of the [Puritans], they should not fire the first gun, nor upon paine of death, plunder any."⁴⁴ When the Puritan forces caught up with Stone's they engaged in a deadly land battle. The Puritan insurgents took Governor Stone (who had been wounded in the shoulder), Colonel Price, Captain Gerrard, Captain Lewis, Captain Kendall, Captain Guither, Major Chandler, and their militiamen prisoners.

⁴² The Jesuits referred to Puritanism as "the very dregs of all Calvinist heresy," Hall, *Narratives of Early Maryland*, p. 135.

⁴³ Scharf, *History of Maryland*, p. 220.

⁴⁴ Ridgely, *Annals of Annapolis*, p. 47.

The Puritans executed four of Stone's highest-ranking officers. Arguably, the Puritans would have eliminated all ten, including the governor, had it not been for Stone's "popularity with some of their own party, and the intercession of the women!"⁴⁵ Back home, the governor's wife, Verlinda Stone, informed Lord Baltimore of the events. She warned Baltimore that Puritan rebels "tried all your councillors by a councill of warre, and sentence was passed upon my husband to be shot to death, but was after saved by the enemy's owne souldiers, and so the rest of the councillors were saved by the petitions of the women, with some other friends which they found there."⁴⁶ The Puritans confiscated the prisoners' property, enacted laws to persecute the Roman Catholics, and sacked and plundered the Jesuit plantations at Portobacco and St. Inigoes prompting many Catholics to seek safety in Virginia.⁴⁷

In January of 1654/5, Cromwell restated Baltimore's rights in a letter that chided the Puritans for their zealous and uncivilized behavior that "have much disturbed that Colony and people, to the endangering of tumults and much bloodshed there if not timely prevented." Cromwell, Lord Baltimore, and "divers other persons of quality" in England, demanded that the Maryland Levelers "and all others deriving any authority from you, to forbear disturbing the Lord Baltimore, or his officers or people in Maryland; and to permit all things to remain as they were before any disturbance or alteration made by you."⁴⁸ Yet, the Puritan insurgents continued to control the province's northern territory long after Baltimore's authority was reestablished in the south.

After six years of rebellion, Baltimore regained control over his entire province, but his new governor, Fendall, never lived up to Baltimore's expectations. The lower house of the Assembly in 1659 claimed for itself the rights of supreme judicial and legislative power. When Fendall quickly yielded to their demands, the upper house was dissolved and Fendall resigned Lord Baltimore's commission while he simultaneously accepted the Assembly's. Fendall's rebellion

⁴⁵ Read, *Oration delivered at the first commemoration*, p. 47.

⁴⁶ Ridgely, *Annals of Annapolis*, p. 52.

⁴⁷ This ordeal has been preserved in the annual Jesuit letters to Rome in 1656 and has been translated in Treacy, *Old Catholic Maryland and its Early Jesuit Missionaries*, 1889), pp. 25–26.

⁴⁸ Browne, *George Calvert and Cecilius Calvert*, pp. 148–49.

was short-lived as Baltimore's newly appointed governor, Philip Calvert, arrived from England and was met by the general public, by all accounts, with enthusiasm. And a part from the unsuccessful attempt by Calvert to take Delaware from the Dutch in 1659 and again in the early 1670s, relatively peaceful years passed and the colony grew as many more English immigrants arrived. The religiously tolerant society attracted non-English colonists also. So many, in fact, that the Assembly of 1666 passed the first naturalization law of any colonial Assembly.

Since Marylanders were as much a product of their times as the Calverts themselves, Marylanders exhibited a modern worldview—accepting the centrality of property, innovation, education, and risk taking as a means to wealth accumulation—while they simultaneously held some traditional notions. Historians have long acknowledged Marylanders' modern desire to become successful commercial planters.⁴⁹ In a letter to “his Grace Thomas Lord Arch-Bishop of Canterbury” asking for Anglican “Missionaries” be sent to Maryland, Thomas Bray warned prelates must “be of such nice Morals, as to *abstain from all Appearance of Evil*[.] . . . Men of good *Prudence*, and [of] an *exact Conduct*, or otherwise, they will unavoidably fall into Contempt, with a People [Marylanders] so well vers'd in Business, as every the meanest Planter seems to be.”⁵⁰ The excavations at Historic St. Mary's City have unearthed evidence suggesting a vibrant commercial society of “well vers'd” businessmen and women involved in conspicuous consumption. Under the direction of Henry Miller, archaeologists have found Chinese porcelain, Dutch tiles, French glass and stoneware, and German ceramics, in addition to many Italian, Portuguese, and Spanish items.⁵¹ George Alsop—also convinced of

⁴⁹ Unlike the controversy surrounding colonial New England's pre-capitalist mindset, no debate over Maryland's commercial origins has taken place. Currently some social scientists suggest, as did Adam Smith two centuries ago, that the proclivity of all humans to engage in trade for profit is biologically based, Axtell and Epstein, *Growing Artificial Societies*.

⁵⁰ Bernard Steiner, ed., “Rev. Thomas Bray: His Life and Selected Works Relating to Maryland,” in *Fund Publication*, no. 37 (Baltimore: Maryland Historical Society, 1901), pp. 167–68.

⁵¹ Regular fare included apples, beef, chicken, corn, crab, duck, eggs, fish, goose, hominy, oysters, peaches, pork, raccoon, turkey, turtle, and venison. They used cinnamon and cloves, but preferred the flavors of nutmeg and pepper for seasoning food. For a detailed description of the changes in meat consumption over time see Henry Miller, “An Archaeological Perspective on the Evolution of Diet in the

Marylanders' commercial orientation—offered this advice to immigrants: "If you send any Adventure to this Province, let me beg to give you this advice in it; That the Factor whom you imploy be a man of a Brain, otherwise the Planter will go near to make a Skimming-dish of his Skull." He added "The people of this place . . . are a more acute people in general, in matters of Trade and Commerce, then in any other place of the World; and by their crafty and sure bargaining, do often over-reach the raw and unexperienced Merchant." In sum, "he that undertakes Merchants imployment for Mary-Land, must have more of Knave in him then Fool; he must not be a windling piece of Formality, that will lose his Employers Goods for Conscience sake."⁵²

Profit motivated Marylanders focused on their international financial pursuits in almost everything they wrote, including their wills. They instructed executors to pay and collect debts while alluding to their international business enterprises. Entrepreneur James Weedon wrote his will when he left Maryland to establish a settlement "near the South Cape of Delaware Bay." Weedon owned a rental property on the London Bridge and wanted to advance his holdings in the New World as well. The anticipated benefits must have been great, for the risks entrepreneurs took included a premature death from "seasoning" during the early years of settlement in the Chesapeake. Prudent men could do little to minimize this particular risk, but they often wrote wills at least to offset the devastating effects of their death. Weedon wrote, "I give unto my Said Wife all such Debts as are due to me by bill bond specialty or accompt or any other wayes whatsoever."⁵³ Similarly, on his deathbed, George Dundasse went to great pains to remind his wife that the names he had not crossed out in his account books were unpaid debts to be collected by her.⁵⁴ In keeping with this modern commercial mindset, we find many examples of testators demanding an education for their children until

Colonial Chesapeake, 1620–1745," in Lois Carr, Philip Morgan and Jean Russo's, *Colonial Chesapeake Society* (Chapel Hill, NC: University of North Carolina Press, 1988), pp. 176–99. And for information on spice imports see Margaret Shove Morriss, "Colonial Trade of Maryland, 1689–1715" (Ph.D. diss., Bryn Mawr College, 1914), appendix.

⁵² Alsop, *A Character of the Province of Maryland*, p. 100.

⁵³ Wills, 1: 479 (1670).

⁵⁴ Wills, 5:1 (1676).

they could “read well & write and Cast Accompt fitt to Doe the business of this Countrey.”⁵⁵

Mechal Sobel posits a distinction between modern thinkers and their more communally oriented counterparts. One of the pivotal factors for comparison rests on their conception of time. Were people conscious of the hours in a day, or did they continue to view the passage of time from an agricultural, seasonal perspective? Clearly the Maryland Assembly—in its outlining of procedures in 1637/8—recognized the importance of time when it insisted on meeting from eight in the morning until noon, resuming at two in the afternoon. The evidence also suggests Marylanders who wrote wills adhered to a modern sense of time when they referred to the precise time when their children or livestock were born or when wills were “signed, sealed, and delivered.” Witnesses also testified in court as to the precise time events took place. A witness recalled, when asked to testify as to the validity of Thomas Notley’s will, that on the third of April, “on thursday about Six a Clock at night,” Notley signed his will.⁵⁶ Additionally, witnesses to the verbal will of “Carpenter’s Mate” Richard Barry specified “exact” times. On July 26, nineteen-year-old Thomas Delany testified he had told Barry on the Monday before he died at “about nine aclock” to move to a better place to get well away from the “Water & out of ye Stench of the marsh.”⁵⁷

Unlike many of their contemporaries in Old and New England, Marylanders sought a rational explanation for events, illness, and death—like the bad air of the swamp—rather than a metaphysical one in which God punished the wickedness of humans. Nearly a century before English courts relied on coroners Maryland judges sought their opinions based on postmortems when the cause of death was in question.⁵⁸ A court clerk recorded the medical findings from

⁵⁵ Wills, 7:100 (1694).

⁵⁶ Wills, 10:10 (1679).

⁵⁷ Wills, 12.2:148–49 (c. 1709). Time is also mentioned frequently in the Provincial Court records, see Browne, *Archives of Maryland*, 4, p. 182 and Maryland Hall of Records, Prince George’s County Court Record, 1697–99, MSA: 164 and 318. Records from the provincial court cover 1637–1683, and only the proceedings from four of eleven county courts have survived.

⁵⁸ Forty-five homicide cases came before the Provincial Court between 1635 and 1683; twenty involved masters accused of killing their white servants. In these cases, the court asked medical “experts” to determine if the servant died from physical punishment or a previous illness. Helen Brock and Catherine Crawford suggest Marylanders’ reliance on medical testimony and postmortems “seem[s] to cast doubt

a postmortem in one case as follows: “[The body was] Cleere of inward bruises, either upon the Diaphragma or w[i]thin the Ribbs, The lungs were of a livid Blewish Culler full of putrid ulcers, the liver not much putrid although it se[e]med to be disaffected by reason of it’s pale & wann Couller: the Purse of the Heart was putrid and rotton by w[hi]ch we gather that this person by Course of Nature could not have lived long, Putrifaccion being gott soe neer unto that noble part the h[e]art even att the doore.”⁵⁹ Accordingly, midwives and surgeons also served on inquest juries in cases where murder or infanticide was alleged. The reliance on medical evidence and the dedication of licensed practitioners willing to appear in court reveal a worldview predicated upon contemporary “scientific” knowledge. More than one hundred and twenty-five doctors, “Chirurgian[s]” and apothecaries appeared in the last wills and testaments along with court records for the period between 1634 and 1713. The extraordinary numbers of medical practitioners in the province did little to prolong the lives of colonists, yet their existence does suggest a modern belief—espoused by both Bacon and Descartes—in the ability of humans to control nature.⁶⁰

Marylanders adhering to a modern sense of time and focused on capital accumulation, lived in a brutal world that, perhaps, helped foster an older pre-modern worldview. Faced with the regular occurrence of death in the province and living on the frontier, these people

upon the assertions usually made about the relative infrequency of medical evidence in inquests and criminal investigations within the jurisdiction of English common law before the eighteenth century,” Brock and Crawford, “Forensic Medicine in Early Colonial Maryland, 1633–1683,” in Michael Clark and Catherine Crawford, eds., *Legal Medicine in History* (Cambridge: Cambridge University Press, 1994), p. 41.

⁵⁹ Browne, *Archives of Maryland*, 49, p. 308.

⁶⁰ These men and women—without the knowledge of bacteria—used deadly cures like arsenic. The evidence for this particular cure comes from Historic St. Mary’s City in Maryland where scholars have analyzed hair samples from a seventeenth-century corpse found on the site. The archaeological evidence also suggests colonists smoked too much—including women and children—and had the unsanitary habit of using several dumping pits for refuse under the floor boards of the living quarters in addition to sites outside back doors and windows. Elite colonists also experienced pronounced dental disease from the sugar they consumed, Henry Miller, “Mystery of the Lead Coffins,” *American History* (October, 1995); Douglas Ubelaker, Erica Bubniak and Abigail Turowski, “Skeletal Biology of the Patuxent Point Human Remains,” *Smithsonian Institute Report* (Washington: Smithsonian Institute, 1993); and Dennis Pogue, *King’s Reach and 17th-Century Plantation Life* (Annapolis: Jefferson Patterson Park and Museum Studies in Archaeology, 1990).

were desensitized to violence where certain levels of brutality were both expected and condoned. Yet, they did draw a line between acceptable "instruction" and beating someone with malice. Thomas Wynne, for instance, stepped over this line when he kicked his maid-servant, Sarah Hall "on the breech" and then gave her "a box on the ear and threatened to knock her down with a chair." His wife's behavior, however, was much more in line with acceptable social mores, apparently, when she hit Sarah in the head after refusing to answer her.⁶¹ It appears that beating one's servant for two hours straight could be thought of as "instructional." Although the court documents remain silent on the issue, it seems that Sarah Goulson was never punished for "disciplining" her female servant in this way.⁶² When the line was crossed, however, servants either won their freedom or were sold to another master or mistress.

The reliance upon cruentation and the persecution of witches by a few colonists in the province suggests that traditional worldviews were certainly present in this society. There are four surviving court cases in the provincial records where a resolution appears to have rested on cruentation tests for identifying murderers. In the medieval tradition, a corpse was believed to have the power to identify its murderer. If the individual responsible for a death touched the deceased, then the corpse would bleed.⁶³ Also in the court records, we find a few references to witches. Grand juries investigated witchcraft charges against Elizabeth Bennett, Hannah Edwards, Virtue Violl, Katherine Prout, John Cowman, and Rebecca Fowler.⁶⁴ The charges were either dropped or the accused was found innocent, with two notable exceptions. Cowman received a reprieve and stay of execution after his conviction, but Fowler was not as lucky. A grand jury indicted Rebecca Fowler in 1685 for "being led by the instigation of the devil" into doing "certain evil and diabolical arts, called witchcrafts, enchantments, charms and sorceries." Her accusers

⁶¹ Browne, *Archives of Maryland*, 49, pp. 318–19.

⁶² Browne, *Archives of Maryland*, 10, pp. 401–2.

⁶³ Browne, *Archives of Maryland*, 10, pp. 522, 534–45; 41, pp. 385, 504. See also Helen Brock and Catherine Crawford, "Forensic medicine in early colonial Maryland, 1633–83," 25–44. For further information on English cruentation, Robert Brittain, "Cruentation in Legal Medicine and in Literature," *Medical History*, 9 (1965), 82–88.

⁶⁴ Browne, *Archives of Maryland*, 49, pp. 476, 486, 508 (Bennett) and 2, pp. 425–26 (Cowman); Francis Parke, "Witchcraft in Maryland," *Maryland Historical Magazine*, 31 (1936) 282–89, 295–96 (Fowler, Edwards, Violl, Prout).

argued that she had maliciously and with “forethought” used her powers against Francis Sandbury “and several others” from Calvert County. The court found Fowler guilty and ordered that she “be hanged by the neck until she be dead.”⁶⁵

Needless to say, not everyone was content with Lord Baltimore’s religiously tolerant society that straddled the traditional world—with its feudal land-tenure system and autocratic proprietary powers—and the modern—with its reliance on “science,” capital investments, innovation and risk taking as a means of wealth accumulation. James Lewis, for instance, stood before the Grand Jury in October of 1672 accused of “uttering false and slanderous words and Rumours of the Governor, & Chancellors . . . that they were all Roughes and Bastards.”⁶⁶ But the level of discontent did not reach a fever pitch until Calvinist Marylanders heard about the 1688 Orange Revolution back in England sparking a new hope for wresting the government away from the Roman Catholics and their Arminian Anglican relatives. The Jesuit chronicler, William Treacy, described Maryland’s Associators Revolution in 1689 as one in which “Puritans took forcible possession of St. Mary’s City” adding “that the venerated Catholic settlement was for a time in the hands of the bigotted ‘Committee of Safety’.”⁶⁷ A generation since the last Puritan *coup d’état* and during yet another steamy mosquito-plagued July, colonists must have been struck by the similarities.⁶⁸ Witnesses to the Associators Revolution support Treacy’s assertion that it was a conflict between the Roman Catholics (supported by Arminian Anglicans) and the radical Puritans. In a letter from Peter Sayer to Lord Baltimore, Sayer referred to the proprietor’s supporters as “men of the best Estates and *real* professors of the Protestant Religion [emphasis added].”⁶⁹ Sayer spoke for the majority of Marylanders who thought of “real” Protestants as “Catholics” who closely aligned themselves with the Church of

⁶⁵ Quoted in Raphael Semmes, *Crime and Punishment in Early Maryland* (Baltimore: Johns Hopkins University Press, 1938), p. 168.

⁶⁶ Browne, *Archives of Maryland*, 65, p. 39.

⁶⁷ Treacy, *Old Catholic Maryland and its Early Jesuit Missionaries*, p. 26.

⁶⁸ For an older interpretation of the Associators Revolution see Lois Carr and David Jordan’s, *Maryland’s Revolution of Government, 1689–1692* (Ithaca: Cornell University Press, 1974). For a more details of the revolution’s impact see Meyers, “Reconstructing Gender: Early Modern English Politics and Religion in the Chesapeake” in Meyers and Perrault, *Colonial Chesapeake*, chapter eight.

⁶⁹ Scharf, *History of Maryland*, p. 326.

England. Puritans and Presbyterians—embracing John Calvin's notion of predestination—were seen as radical troublemakers in the province. An excerpt from the Calvinist Associators' declaration underscores the intense hatred these Puritans harbored toward the Roman Catholics. The document dated 25 July 1689 and signed by John Coode, Henry Jowles, Jno. Cambell, Hum. Warren, Kenelm Cheseldyn, Jon Turling, Richard Clouds, and William Blakiston pointed to both the "private" and "publick outrages and murthers committed and done by Papists upon protestants without redress but rather conived at and tolerated by the chiefe authority." These Calvinists were convinced that the Roman Catholic government had been "guided by the counccills and instigation of the Jesuits." These dreaded Jesuits influenced the very foundations of the society whose oppressive will that ran counter to Calvinists' ideals were the "chiefe Judges at the common law in Chancery of the Probat of Wills and the affaires of administration in the upper house of Assembly and chiefe Military Officers and Commanders of our forces."⁷⁰

The successful coup staged in 1689 followed the Glorious Revolution in England where King James II, a Catholic, was replaced by his Anglican daughter Mary and her husband William. A royal governor was appointed in 1692 and a decidedly anti-Roman Catholic stance permeated the provincial legal system beginning with an exclusion of Catholics from any civil or military office in 1689. The new government also attempted to appropriate most of Lord Baltimore's provincial revenues, but Calvert acted quickly in England to prevent any interruption of his rightful collection of revenues based on his royal charter. Although his revenue rights were upheld, the province was an official royal colony from 1692 until Lord Baltimore acquiesced and professed his allegiance to the Church of England in 1715.

As part of this Puritan revolution, the center of government was moved in 1695 from St. Mary's City to its current home in Annapolis. We might assume that the Roman Catholics saw it as a sign from God when they heard about the events at the new capital on Friday the 13th in July of 1699. The council clerk recorded that:

A great clap of thunder and lightning fell upon the State House, the House of Delegates sitting therein, which splintered the flag staff, shook down the vane, burnt the flag, and set the roof of the house in a

⁷⁰ Scharf, *History of Maryland*, p. 313.

flame of fire, and striking through the upper rooms shattering the door posts and window frames, stroke down and grievously wounded several of the delegates and more particularly Col. Hans Hanson, Lieut. Col. Thomas Hicks and Mr. George Ashman, and passing through the room where the committee of laws were sitting, struck dead Mr. James Crawford one of the delegates of Calvert County and one of the said Committee, to the great astonishment of all persons. But it so pleased God, by the active care and personal presence of his Excellency the Governor, the said fire was quickly quenched, a shower of rain happening immediately thereupon, and the records preserved, as also the house with little or no considerable damage, and this occasioned the adjournment of this board till 8 of the clock to-morrow morning.⁷¹

This event must have confirmed the Roman Catholics' suspicions that God was not pleased with the new Assembly filled with Calvinists like Hans Hanson. Not surprisingly for the Roman Catholics, God spared the important provincial records and significantly, the redeemable Arminian Anglicans, including the governor.

As the new capitol grew in importance, St. Mary's City slowly faded; no memorable events took place there after the move to Annapolis with one notable exception. St. Peter's—perhaps the most extravagant brick mansion with formal gardens built in the English colonies—suddenly exploded in 1695. No one took responsibility for the detonation of this Catholic residence and to this day it remains a mystery as to why seventeen large barrels of gunpowder were in the mansion's cellar.⁷² Were the English Roman Catholics storing the gunpowder in St. Mary's until it could be transported to Annapolis in an attempt to overthrow the Calvinist government? Certainly the Roman Catholics had every reason to believe that they might regain their province from the Calvinist usurpers just as they had done in the past. Unfortunately the surviving documents remain silent on the issue.

The Calvert clan's pious mission—resolutely supported by the Stuart kings and the Roman Catholic Jesuits—served to inform the provincial government and fostered the general tolerant attitude that enticed emigrants to risk their lives and fortunes to cross the Atlantic

⁷¹ Scharf, *History of Maryland*, p. 365.

⁷² Jennifer Thomas Dade, "British TV Crew Turns up Some Clues to St. Mary's City," *The Enterprise* (Lexington Park, Maryland newspaper), 22 May 1996. Philip Calvert, Cecil's youngest brother, built St. Peter's.

or colonial borders to seat themselves in Maryland. In spite of its pious mission, the Catholic haven was not devoid of conflict. While the Marylanders were fairly successful in minimizing the Native American threat, ultimately, the endeavor failed to achieve its pious goal because of a persistent internal rancor. Though never exceeding more than a quarter of the population, Puritan opposition proved to be an insurmountable barrier in creating and maintaining a peaceful and profitable Roman Catholic refuge.

Still, the failure of the English Catholics to regain political dominance in the province does not negate the fact that religion played an instrumental role in its establishment and the conflicts that followed. And while the Maryland Jesuits continued their post-Reformation agenda, and the province can be credited with the innovative development of legislated English toleration and modern separation of church and state ideology, the crown and the Calverts of the eighteenth century chose not to pursue the founders' original goal. In the end, the Maryland Calvinists successfully prevented the triumvirate from achieving its religious goal of convincing Arminian Anglicans to return to Roman Catholicism.

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CHAPTER THIRTEEN

CONCEIVING AN ANGLO-AMERICAN PROPRIETORSHIP: EARLY SOUTH CAROLINA HISTORY IN PERSPECTIVE¹

L.H. ROPER

The Carolina proprietorship, assembled towards the end of 1662, provides an almost stereotypical case study of the rationale and limitations of this popular form of early modern colonization. The government of Charles II (1660–85), lacking the resources and, arguably, the desire to engage itself directly in overseas settlement, delegated responsibility for building a colony in territory ranging from thirty-six degrees north latitude south to Spanish Florida to eight “true and absolute Lords and Proprietors”: Edward Hyde, earl of Clarendon; George Monck, duke of Albemarle; William, earl of Craven; John, baron Berkeley of Stratton; Sir Anthony Ashley Cooper (later first earl of Shaftesbury); Sir George Carteret, Treasurer of the Navy; Sir John Colleton, Barbados planter; and Sir William Berkeley, governor of Virginia.

In addition to title to the soil and rights in adjoining waters and in any mines, the grantees received powers, in the manner of those exercised by palatine Bishops of Durham, to create courts, laws, “Assemblies of Freeholders,” and constitutions, to recruit migrants (and to naturalize same), to conduct trade with Indians, to conduct trade, to grant titles of nobility, to charter municipalities and build fortifications, to maintain an army, and to permit liberty of conscience while undertaking the ecclesiastical authority of the Church of England. In exchange, the Crown claimed the customary one-fourth of any gold and silver found in the province and a yearly rent of twenty marks.²

¹ This essay derives from my book-length history of South Carolina’s proprietary period, Roper, *Conceiving Carolina*. All dates from the sources are rendered “Old Style.”

² Parker, *North Carolina Charters and Constitutions*, pp. 91–104, contains the revised 1665 charter.

The proprietors initially focused their attention on the northern part of their province, envisioning that, thanks to its location, it would prosper by drawing settlers and commerce from other colonies thereby minimizing risk and expense to themselves. By 1665, they had engaged the interest of planters on Barbados, keen on alleviating overcrowding on that island, whilst migrants from New England made their way to the Cape Fear region. Unfortunately, these green shoots could survive neither the Second Anglo-Dutch War, the 1665 outbreak of plague, the Great Fire of London, and political disgrace (Clarendon) and enfeeblement (Albemarle) of various proprietors nor the corresponding disputes that cropped up amongst the settlers over proprietary intentions, especially in terms of land grants.

The remaining Lords started over again in 1669, this time under the leadership of Ashley and with their attention primarily devoted to their lands “south and west of Cape Fear.” In doing so, they now sought to establish direct migratory and commercial links between the colony and the metropolis, sending a “first fleet” from London to Carolina via Barbados. The settlement founded at Ashley River would, in accordance with the thinking of Richard Hakluyt and his disciples, produce “wynes, oyles, and silkes,” along with other commodities exotic to England—a plan directly encouraged by relief from customs duties as set forth in the charter. The incomes generated from this agriculture, along with the guarantees of property rights and religious toleration codified by the proprietors in the Fundamental Constitutions they devised for their province, would attract further migrants.

The “Fundamentalls” may not have formally succeeded in their primary purpose of promoting settlement, especially of the “weightier sort,” but their status as the written socio-political vision of colonizers—Ashley, most particularly—makes them distinctive in the annals of English overseas expansion. Amidst the provisions for courts-leet and an array of aristocratic titles, long regarded by historians as fanciful, the constitutions, most importantly, delegated in writing primary responsibility for governing the colony onto the shoulders of the colonists, specifically those appointed as deputies by the proprietors, just as the charter itself expressly delegated responsibility for the province to the Lords themselves. This maneuver, on the one hand, reflected the impracticality, thanks to distance and the press of other matters, of trying to maintain strict proprietary oversight; on the other, it coincided with the still-strong identification of

many English people of this time of their locality as the main component of government.

Yet, in the end, the settlers never ratified the constitutions (after delaying implementation of the original 1669 incarnation due to the tiny number of colonists, the proprietors offered amended versions in 1682 (twice) and 1698) that ran afoul of the endemic political tumult of the proprietary period. These convulsions, which culminated in the rebellion that overthrew the proprietors in 1719, have generated the perception of the Lords, with the sole exception of Ashley, as neglectful and of the concept of proprietorship in its Carolina context as anachronistic.³

Unquestionably, proprietary South Carolina endured the birth-pangs associated with the founding of Anglo-American colonies: disease, disappointment, war with Indian neighbors, the introduction of race-based slavery, economic instability, population shortage, and, aggravating all these problems, factional politics. These factions, we have been told, centered on the “Goose Creek men,” purportedly Barbadian Anglicans, who came to dominate South Carolina’s government shortly after the colony’s founding: they battled with Dissenters and opposed the proprietors, especially their policy of religious toleration, for almost a quarter-century while they enriched themselves through the Indian slave trade. After agreeing a truce in 1695, the Lords, in 1703, moved to establish the Church of England, with Goose Creek support thereby causing a political realignment in which the Dissenters successfully obstructed proprietary will.⁴

Unfortunately, this characterization, and its corresponding emphasis on “opposition” to the Lords and inevitability of “revolution” in South Carolina, overlooks a fundamental reality both of colonial politics and of “empire-building”: we have no evidence that the proprietors sought to “force their wishes upon the colony” even had they possessed the means to do so. On the contrary, the evidence indicates that the Lords, in accordance with geographical and political practicalities of their situation as well as the still-prevalent English emphasis on local rather than central administration, consistently

³ Sirmans, *Colonial South Carolina*, p. 128; Weir, *Colonial South Carolina*, pp. 71, 102; Moore, “Royalizing South Carolina,” p. 437.

⁴ Sirmans, *Colonial South Carolina*, pp. 17–18.

encouraged their settlers to undertake primary responsibility for governing South Carolina.⁵

In the first instance, the proprietors never articulated a “policy” for their colony nor did a “proprietary party” ever form in South Carolina. Certainly, the Lords subsidized the promotion of their colony; these advertisements lauded the climate, the protections offered to estates by the Fundamental Constitutions, and the existence of religious toleration.⁶ Indeed, the latter, codified in both the charter and the Fundamental Constitutions, attracted a relatively substantial number of migrants during the proprietary period. Yet, notwithstanding the lack of enthusiasm of Ashley and his secretary, John Locke, for the established church, we have no evidence that this attitude translated into an active encouragement of the heterodox to venture to Charles Town. Indeed, the impetus for migration seems invariably to have originated with the migrants themselves, whether English, Scots, or Huguenots.

A great deal has been made about proprietary efforts, generally unsuccessful, to collect the quitrents due from colonial landholders. On the one hand, the inability to enforce collection demonstrates the feebleness of the Lords; on the other, the demands purportedly indicate their desire to profit from their colony. These claims are both exaggerated: notwithstanding the natural desire to avoid paying their rents (which did not fall due until after 1682), the Carolinians did agree to pay up in 1695 and another rent-roll was compiled as late as 1714. In addition, while the Lords undoubtedly wanted to wean the colony at the first opportunity, we have no indication that they ever expected a return in excess of their investment. They

⁵ The most recent study of “Empire and State” in the British Atlantic World, for instance, makes no mention of proprietorships or of individual proprietors and makes only passing reference to joint-stock companies in the course of its not altogether convincing attempt to characterize “the beginnings of empire” for the English as “closely tied to foreign policy,” Elizabeth Mancke, “Empire and State” in Armitage and Braddick, *The British Atlantic World*, pp. 175–95. All of this effort in the study of the “British Empire” comprises one front in the ongoing struggle to characterize the European “peopling” of the Americas as both a crucial aspect as well as a further manifestation of “modernity,” Greene, *Pursuits of Happiness*; Gordon S. Wood, “The Creative Imagination of Bernard Bailyn” in Henretta, Kammen, and Katz, *The Transformation of Early American History, Society, Authority, and Ideology*, pp. 16–50.

⁶ Ferguson, *The present state of Carolina*; Gascoyne, *A True Description of Carolina*; Wilson, *An Account of the Province of Carolina*; Archdale, *A New Description of that Fertile and Pleasant Province*.

repeatedly pointed out their intention that all moneys collected from quitrents should go to the payment of officials in the colony not to London.⁷

The lack of a proprietary policy must mean the disappearance of the notion of a proprietary party. In terms of politics, the Lords anticipated that the local aristocracy, which held the titles of landgrave and cassique, would serve as the points of contact between themselves and their colonists. These men would serve as justices of the peace, sheriff, and members of parliament and maintain the desired balance of liberty and order. They would also minimize the potential impact of proprietary distraction, disability, and death.

The preparation of several versions of the Fundamental Constitutions in itself reflects a continuing willingness to work with leaders in Charles Town, rather than colonizers and colonists at loggerheads. In the first place, even though the Carolinians failed to ratify any of these proposals, they took effect in spirit. Then, rather than attempting to compel the acceptance of the “fundamentals,” the proprietors invariably yielded to the concerns of their settlers.⁸ We should consequently consider this “success” of the planters not as opposition to the proprietors (for no rebellion against proprietary authority broke out prior to 1719) but as a measure of the continued flexibility of the Lords and of the socio-political system they created.

In addition, the interpretation of the proprietary government as doomed to oblivion leaves a number of central questions unanswered and makes it difficult to bring the political character of the period into proper focus. How did factions come to form? Why was no violence attempted against the regime in 1689, as in New York or Maryland? Why, if their rule was so inept and unpopular, did the proprietors retain their government for a term surpassed for such enterprises only by the Penns in Pennsylvania and the Calverts in Maryland? And why did people move into and out of favor with the Lords throughout the proprietary period? Most of the leaders of

⁷ “Ledger of quit rents collected by J. Archdale in Carolina” (1696), CO 5/288/124 (loose sheets folded in back of entry book), “NA”; Rent-roll, 19 March 1714, CO 5/292/73, PRO. All dates from the sources are rendered “Old Style.” Cf. Ackerman, *South Carolina Land Policies*, pp. 27, 39, which argues that the proprietors sought to “profit” from land grants.

⁸ Lords Proprietors to Governor Joseph Blake and Council, 21 September 1699, CO 5/289/73–74, NA.

Carolina received, at one point or another, commissions granted by the Lords; how and why, then did some of these people drift into "opposition"?

The answers come down to this. If we shear away the presumption that politics and society in early South Carolina had to adhere to the will of the Lords in order to regard the proprietorship as a "success," it becomes apparent that proprietary rule essentially worked within the context in which it was created. Historians of early modern England have demonstrated that English folk in the seventeenth century did not have an inherent predisposition for opposition to the central government. While political disagreements and factional contests were part and parcel of that world, certain vital political and governmental institutions of the day—the Parliament, the Councils of the North and of Ireland, the assize courts—served as the ligaments which bound the body politic. These were designed to promote contact between the center and the local authorities of the realm, to connect monarch and subject, and to serve as forums for negotiation and reconciliation. At the same time, however, the shifting membership of various patronage networks which formed for personal, political, and religious reasons continually hamstrung efforts to maintain equilibrium in England. The Carolina proprietorship was itself designed to serve as such a ligament as the charters granted to the proprietors clearly indicate.⁹

Moreover, the Lords themselves, highly experienced travelers of the fierce religious, political and commercial byways of Restoration London and veterans of the British Civil Wars, knew all-too-well the pitfalls that plagued seventeenth-century governments. Every one of these was aggravated, in Carolina's case, by the distance between Whitehall and Charles Town and the problems presented by an Atlantic voyage. Under the leadership of Ashley, they moved to deal with the inevitable emergence of the political realities of the day in their colony as well as to improve, through written provisions to be approved by the settlers, on the English model. They hoped, through their unique Fundamental Constitutions, to codify the roles and responsibilities of everyone involved in the settlement. These guarantees, in turn, would attract the "weightier sort," landed gentlemen, upon whom the Lords had to delegate authority.

⁹ Cust and Hughes, *Conflict in Early Stuart England*; Parker, *North Carolina Charters and Constitutions*.

Thus, Ashley, his fellow proprietors, and Locke designed a government that provided the balance necessary to preserve liberty and prosperity as well as ensured the preeminence of landed estates, still the barometer of socio-political status in England at this time (preamble).¹⁰ And it codified a hereditary American aristocracy—landgraves and cassiques—with attendant privileges and estates (Sections 6 and 17) as well as customary responsibilities.

Of course, the landgraves and cassiques occupied their places in parliament—the ceremonial gathering of the “estates” of the commonwealth (Sections 71–72) as well as the defender, in the view of future Whigs like Ashley and Locke, of the liberties and property of the subject against executive absolutism. The landgraves and cassiques were also to act, crucially, as proprietary deputies “who shall have the same power, to all intents and purposes, as he himself who deposes him” (Section 56). In addition, each proprietor was to choose councilors to serve in the various courts (Sections 28–31, 33–49) and on the grand council (Sections 50–55) as well as assistants who were also to serve as judges (Section 28). The Constitutions also provided for the lesser offices—justices of the peace (Section 63), jurymen (Sections 66–69), sheriffs (Section 28), registers (Sections 81–90), constables (91), mayors and aldermen (Section 92)—which had their counterparts in England.

The customary patron-client theme fell into place immediately as the leaders of the “first fleet” began sending back grievances to the Lords practically as soon as they set foot in America. Officials on the scene exercised the wide latitude that had been delegated to them but, when greater difficulties emerged, they went to the proprietors. The record contains innumerable instances.¹¹

Colonial clients knew what their proprietary patrons across the Atlantic expected and we have evidence that at least some of them gave a strong impression of trying to meet those expectations. The leaders of seventeenth-century South Carolina shared a common understanding of politics and social structure with their metropolitan

¹⁰ All references to the Fundamental Constitutions are to the 1669 edition of the Fundamental Constitutions as reproduced in Wootton, *The Political Writings of John Locke*, pp. 210–32.

¹¹ E.g., Locke Notebook, c. 30, Locke Mss.; Maurice Mathews to Sir Peter Colleton, 1681, photocopy, folder 30–04, “Mathews, Maurice,” South Carolina Historical Society, Charleston, SC (original in Pinckney Papers, Library of Congress).

counterparts; they even established connections with Restoration political figures. Thus, prominent Carolinians, such as Maurice Mathews, leader of the notorious “Goose Creek men,” could and did move into and out of favor with patrons, such as the proprietors, while looking out for themselves. Correspondingly, the ability of the Lords to maintain order, like the crown’s in England, rested on the abilities and agendas of their appointees. Unfortunately, the character of appointees, aggravated by the problem of distance, often proved lacking. In addition, Ashley’s involvement in metropolitan politics largely prevented him, as he could not have foreseen in 1669, from overseeing Carolina affairs after 1672: the third Anglo-Dutch War, followed by his intensely personal struggle with Thomas Osborne, earl of Danby, which landed him in the Tower, followed, in turn, by the Exclusion Crisis and the Popish Plot, then counter-plots (in which Carolina came to be involved tangentially), flight to the Netherlands, and death in January 1682/83.

By that time, the Goose Creek men had found the best opportunities in Indian slavery and supporting piracy. These activities might be termed “anti-proprietary” to the extent that the former activity seemingly interfered with proprietary control over the Indian trade and the latter, as a violation of a royal decree, threatened the Lords’ charter. Yet, Mathews and his cohort held authority from the proprietors to manage Indian affairs; they operated under cover of proprietary interest rather than against it.¹²

In any event, the proprietors took steps against, among others, Mathews and his associates Andrew Percival, Robert Quarry, and James Moore, ordering their removal from office and greater vigor against enslaving Indians and harboring pirates. This crackdown, however, generated resistance, not in the form of rebellion (which we might expect if the Goose Creek men had been truly anti-proprietary), but resistance: they opposed the implementation of the 1682 version of the Fundamental Constitutions and they hobbled

¹² Earl of Shaftesbury to Andrew Percival, 6 June 1682, PRO 30/24/7/505, NA; Articles of Agreement between the Earl of Shaftesbury and Andrew Percival, 23 April 1674 and 2 June 1680, Papers of the Lords Proprietors in the Earl of Malmesbury Papers, Hampshire Record Office (photocopy in Special File, South Carolina Department of Archives and History, Columbia, SC); “Joynt account belonging to the Rt Honble Anthony Earl of Shaftesbury and Mr Andrew Percival” [1674–1680], Wimborne, St Giles, Dorset, Hampshire Record Office (photocopy in South Carolina Department of Archives and History).

Governor James Colleton in the aftermath of the Spanish attack on the Scottish settlement established at Stuarts Town near Port Royal in 1686.

This resistance stemmed from the fears of Mathews and friends that organized migration from Britain and the formal establishment of constitutional government threatened their political and economic position which rested on their control of the Indian slave trade and which relied on warfare in Carolina's hinterland to provide a continuing supply of slaves. The expansion of settlement crowded out the indigenous allies of the Goose Creek men while some new arrivals, such as Lord Cardross, the leader of the Scots colony, became trade rivals. At the same time, a government controlled by their enemies, whose numbers included most of the nascent provincial aristocracy could have taken effective steps to bar the illegal enslavement of Indians and broken the power of the "dealers in Indians."

With nothing short of control of the colony at stake, Mathews resorted to treachery and blackmail: he provoked the Spanish into the attack that destroyed Stuarts Town along with the coastal plantations of his enemies closer to Charles Town and pressured Sir Nathaniel Johnson, the non-juring governor of the Leeward Islands who had "retired" to his Carolina plantation at the "Glorious Revolution," into joining the Goose Creek men by threatening to reveal an alleged treacherous correspondence between Johnson and the governor of Martinique. He then led the clamor for an attack on St Augustine, another of his competitors for commerce with indigenous folk, to avenge the destruction of Stuarts Town. The unforeseen appearance of a new governor with a brief to deal with the pirate problem, James Colleton, who declared martial law, averted this attack, which could have cost Colleton's predecessor, Goose Creek foe Landgrave Joseph Morton, his head, as it would have violated the peace treaty in effect between England and Spain.¹³

The coincidental arrival of the proprietor Seth Sothell in Charles Town in 1690 enabled the Goose Creek men to stage a coup against those who had sought to interfere with their operations locally, including Colleton, Morton, provincial secretary Paul Grimbail, Landgrave Thomas Smith, and the remaining Scots. Sothell, by virtue of his

¹³ [Sir Peter Colleton] to Lord Cardross, [1687], in Dunlop, *The Dunlop Papers*, pp. 45–46.

status, assumed the governorship, dispossessed deputies and other officeholders and replaced them with his own supporters, seized the provincial records, and reopened trade with pirates. The ensuing uproar obliged the Lords to recall their partner, to reform the government by suspending the Fundamental Constitutions and reconstituting the council, and to order a general inquiry. Percival and Mathews eventually returned to England, possibly to rebuild their bridges with the Lords (both were dead by 1695), Quarry moved to Pennsylvania, and Moore returned to proprietary favor by paying his quitrents.¹⁴

Significantly, after hearing of the Lords' displeasure at his behaviour, Sothell ultimately agreed to "submit to their instructions for the government" without fomenting an insurrection. The proprietors ordered the removal of "the pretended deputies," suspended Sothell from office and recalled him, reinstated their deputies and the officeholders under Colleton, and granted a full pardon to Sothell's adherents. The disgraced Governor returned to England and no one, "Goose Creek man" or otherwise, rebelled against the restoration of the status quo pre-Sothell.¹⁵

An intriguing letter from a gout-ridden Landgrave Thomas Smith shines a shaft of light on the character of the factions of this period. Early in 1688, Mathews, frustrated at this time by Colleton's declaration of martial law, had withdrawn to Cat Island, north of Charles Town, to form an alternative government. This move generated a dispute over the boundaries set forth in the proprietary charter that required an examination of that document as well as perhaps an appeal to higher authority in England: the Reverend William Dunlop, one of the leading lights of the doomed Scottish settlement, took ship to London to press the case of the Colleton government against Mathews' claims of independence. According to Landgrave Smith, the Goose Creek men plotted with Thomas Spragg, captain of *HMS Drake*, to maroon Dunlop on Jamaica to prevent him from exposing them to the proprietors and to Lord Cardross. Spragg himself was an agent of Admiralty secretary Samuel Pepys who, along with his patron, James, duke of York, had been targets of the Whigs, includ-

¹⁴ Sirmans, *Colonial South Carolina*, pp. 45–54, provides an account.

¹⁵ Lords proprietors to Seth Sothell, 13 May 1691, in Rivers, *A Sketch of the History of South Carolina*, pp. 416–17.

ing the proprietor Sir Peter Colleton, during the Exclusion Crisis and the Popish Plot. They had responded in kind, leaving no stone unturned in pursuit of their enemies. Spragg found occasion to send a "packquet" of documents to his superior and friend, Pepys, warning of the activities of his "Enymy," Sir Peter Colleton, and his friends in Carolina.¹⁶

A sketch of the "Goose Creek men" further indicates the fluid careers of its members. Mathews, the "Governor of Catt Island," arrived in South Carolina with the "first fleet" of English settlers in 1670 and received Ashley's commission as deputy on 15 December 1671.¹⁷ In 1681, he received instructions from the proprietors to establish a beaver trade with the Indians and the Lords appointed him to the vital office of Surveyor-General. By 1683, Mathews had run afoul of the proprietors who dismissed him as deputy.¹⁸ The following year he lost all of his offices for acting as "ye Ringleader" in enslaving and waging war on "the pore Indians."¹⁹ To the Lords' irritation and dismay, however, Mathews was soon returned to the council and, apparently, was recognized as a deputy. They regarded his selection as "an encroachment" and Mathews was "to be instantly dismissed."²⁰ However, in 1686, at the time of the Scottish settlement, they gave him 1,000 acres of land "at the nominal rent of one ear of Indian corn" for his services "in purchasing land of the Indians."²¹

Percival first came to South Carolina in 1674 charged with overseeing the development of Ashley's plantation at St. Giles Edisto and with managing his patron's share of the Indian trade.²² He went to England on two occasions to review accounts with Ashley; each time

¹⁶ Landgrave Thomas Smith to William Dunlop, 5 February 1687/88, Dunlop Papers, MSS. 9250, National Library of Scotland). This "packquet," unfortunately, remains at large, Thomas Spragg to Samuel Pepys, 17 April 1688, Ms. Rawlinson A 186 f. 265, Bodl. Lib.

¹⁷ Lord Ashley to Maurice Mathews, 15 December 1671, *Shaftesbury Papers*, pp. 362–63.

¹⁸ Letter, signed Craven, Bath and Colleton, 6 Nov. 1683, in Sainsbury, *A List and Abstract of Documents Relating to South-Carolina*, p. 110.

¹⁹ Lords Proprietors to Sir Richard Kyrle, 3 June 1684, Sainsbury, *CSP AWI*, 27 vols., XI, no. 1722, pp. 645–47.

²⁰ Lords Proprietors to Governor Joseph Morton, 9 September 1685, CO 5/288/64–66, NA.

²¹ Sainsbury, *CSP AWI*, XII, no. 961, p. 271.

²² "Instructions to Mr Andrew Percival," 23 May 1674, *Shaftesbury Papers*, pp. 439–45.

his commission was renewed.²³ Back in the colony, he became register of Berkeley County and, in 1680, provincial Secretary; he also received a warrant from the proprietors for 1,000 acres of land in 1685.²⁴ By 1693, though, Percival had earned the censure of the Lords for supporting Sothell.²⁵ He died in 1695 apparently before he had time to regain favor.

Quarry, who also served as a deputy, held a variety of important positions—Secretary, Clerk of the Crown, Receiver, Escheator, and, briefly, Governor. Yet, although he apparently ignored instructions (particularly with respect to pirates), harassed the Scots settlement at Port Royal, and failed to communicate generally, he continued to receive employment from the Lords. Even after they had dismissed him from his series of offices for various offenses, they entrusted him with a commission in 1697 to deliver an “exemplification of their charter” to Virginia in order to settle a boundary dispute with that colony.²⁶

Moore came to the colony around 1675. In 1683, he, along with Mathews, “contemptuously disobeyed orders” for which offense the proprietors “thought proper to put them out of their office as deputies.”²⁷ Ten years later, Moore became “one of the principal opposers of the payment of rents.” But, to the satisfaction of their Lordships, he came to terms leading them to “hope the rest will follow his example.”²⁸ Moore became Secretary in 1699; shortly thereafter, he communicated a plan to Edward Randolph to operate mines in the western part of the colony “if he could be secured against the lords proprietors claim.”²⁹ In the end, nothing came of this nor did the Lords hear of it since they subsequently appointed Moore

²³ “Joynt Accounts between the first Earl of Shaftesbury and Andrew Percival,” 2 June 1680, photocopy, South Carolina Department of Archives and History (original manuscript at St. Giles House, Dorset).

²⁴ *Shaftesbury Papers*, p. 440n; Lords Proprietors to Governor Joseph Morton, 1 Oct. 1685, Sainsbury, *Collections*, pp. 99, 103, 115.

²⁵ Lords Proprietors to Colonel Philip Ludwell, 12 April 1693, CO 5/288/227–31, NA.

²⁶ Lords Proprietors to Governor Sir R. Kyrle, 9 June 1684, Sainsbury, *CSP AWI*, XI, no. 1733, p. 650; Lords Proprietors to Thomas Harvey, 22 Dec. 1697, Sainsbury, *Collections*, p. 143.

²⁷ Lords Proprietors to Seth Sothell, 6 November 1690, Sainsbury, *Collections*, p. 110.

²⁸ Lords Proprietors to Thomas Smith, Esq., 19 May 1694, Sainsbury, *Collections*, p. 136.

²⁹ Moore to Randolph, 1 March 1698/9, Sainsbury, *Collections*, pp. 208–09.

to several important offices, including Chief Judge, (1700–01), Receiver General (1702), and Attorney General (1703).³⁰

Thus, the “Goose Creek men” trimmed their sails. But we still do not know precisely why people like Mathews and Percival, who came from England and who began their colonial careers as proprietary representatives, or Moore, who came from Barbados and moved in and out of favor, behaved the way they did except, obviously, to pursue what they regarded as political advancement for themselves. The pursuit of a personal agenda required an attachment to patrons who would provide the means, such as office to solicit, in turn, their own clients. Considering this obvious reality, what characteristics did these men possess which led the proprietors to appoint them in the first place? Why did the Lords persist in restoring them to favor? Since the record remains exceedingly sparse, the likeliest conclusion remains that, their Lordships, as the center of the Carolina socio-political world, continued to command the deference of those who sought preferment in good early modern fashion. Ambitious members of the Carolina elite moved in and out of power as their counterparts in England, Scotland, and Ireland did; when opportunity for private advancement at the expense of the central authority arose—Indian slavery, trading with pirates, searching for mines—they seized it. If the central authority (the proprietors) found out and became sufficiently agitated to order the dismissal of wayward officials from office, then those were the risks of the game. But the Lords depended on their servants in Charles Town just as the crown depended on its servants in the shires; a certain amount of private interest was expected in government. So long as their behavior was not egregious and/or treacherous, those who juggled their duties to their superiors with their duties to themselves successfully continued to reap the profits of power. In short, Carolina politics did not differ greatly from its counterparts throughout the first British Empire; leading colonists did have the advantage of distance from their patrons that English clients did not have.³¹

The “Establishment Crisis” of 1704–06 further demonstrates the workability of the system. As in the case of the Sothell coup and its

³⁰ Palatine and Lords Proprietors to Moore, 18 June 1702, Sainsbury, *Collections*, pp. 151–52; McCrady, *History of South Carolina*, pp. 720–21.

³¹ Wrightson, *English Society*, pp. 57–61, 62.

aftermath, the Lords “didn’t get their way” and they suffered acute embarrassment. Yet, at the same time, the basis for the furor stemmed from colonial behavior. Just as importantly, in both instances a solution was reached that most of the people concerned apparently found acceptable.

In 1701, William III, the exiled James II/VII, the earl of Bath, Palatine of Carolina, and Joseph Blake, proprietor-governor of Carolina all died. Sir Nathaniel Johnson promptly swore the Oath of Allegiance to Queen Anne and John, Lord Granville, the new Palatine appointed him as governor of Carolina. In the meantime, James Moore and the surviving Goose Creek men staged a *coup d’état* to gain control of the government at the expense of the superior claims of Landgraves Joseph Morton, junior, and Edmund Bellinger. As one of his first actions, Moore launched an attack on his trading rivals at St Augustine that bankrupted South Carolina.

According to his enemies, Moore tried to stall an investigation into the conduct of the attack by holding new elections. These were conducted in an atmosphere of riot, assault, and intimidation against Moore’s opponents. By this time, Johnson had become governor; presented with petitions to redress grievances generated by the election campaign, he declined to entertain them.

Then, in 1704, Sir Nathaniel’s government passed Test and Establishment Acts, possibly at the behest of the Tory Palatine, Lord Granville but this is, at best, unclear.³² These acts, *inter alia*, obliged all members of the Commons House of Assembly to swear their conformity with the Church of England, provided for a “Commission” to oversee ecclesiastical affairs, established the Church of England, created a procedure for the election of vestrymen, and proscribed the licensing of marriages outside the Church of England.³³ Carolina’s Dissenters, of whom there were many, naturally opposed this legislation and appealed their case to the metropolis. Their mission received no sympathy from Granville but an appeal to the Privy Council succeeded on the grounds that the acts unlawfully impinged on the ecclesiastical authority of the Bishop of London (and the Church of England opposed the Carolina Test). Granville, Johnson,

³² At least this was the suggestion of Daniel Defoe in his contribution to the debate in England, *The Case of Protestant Dissenters in Carolina* (London, 1706).

³³ Cooper and McCord, *Statutes at Large*, 2, pp. 232–35, 236–46.

and their supporters duly subsided and repealed the offensive legislation.

But, almost immediately, the Church of England was re-established in the colony with parishes laid out, another "Commission" appointed, and provisions for the public support of ministers made. Only the religious Test for officeholders did not reappear.³⁴ This time, having taken care neither to bar Dissenters from political life nor to step on the toes of the Bishop of London, the Lords successfully beat off their complaints: the Church of England remained established while the parish served as the organ of local government until after independence. Not only did Sir Nathaniel and, arguably, Granville get their way, no attempt was made to seize the reins of government. Also, in terms of proprietary "policy," although Granville opposed Dissent, the character of the proprietary board by 1706 was such that a number of the Lords were minors and others, such as the third earl of Shaftesbury, were out of the country and in no position to influence affairs.

Thus, of course, the proprietorship had problems unrelated to the politics and social structure of their colony. It was not exempt from the political and biological vagaries of its day. The Second Anglo-Dutch War (1664–67), the Great Fire of 1665, and the outbreak of the plague in 1666 made the mid-1660s a particularly inauspicious time to build a colony. These events necessarily distracted the leaders of the colony and made communication between colonizers and colonists difficult. Then, the retirement of the Duke of Albemarle and exile of the Earl of Clarendon in 1667 deprived the effort of its most powerful members.

Moreover, the grant of Carolina to eight proprietors made for an unwieldy situation. The list of Lords, which included various personal and political enemies, might well have raised further doubts about the outcome of the experiment. For eighteen years, Ashley, the leader of opposition to the future James II sat at the Lords' table in the Carolina Coffee-house with Craven, who, as a member of the Privy Council, signed the warrant which committed Shaftesbury to the Tower in 1681 and who, as commander of the Household Cavalry during the "Glorious Revolution," sought to deny the victorious William of Orange entry to Whitehall.³⁵

³⁴ Cooper and McCord, *Statutes at Large*, 2, pp. 282–94.

³⁵ Haley, *The First Earl of Shaftesbury*, p. 655.

Inevitably, with eight cooks, the broth suffered. Some proprietors had less interest in the project than others did. Some of the shares were bought and sold, others wound up in the hands of minors, and others became mired in a swamp of legal entanglements. Albemarle's share became part of one of the great legal cases of the late seventeenth century while those of Clarendon, John, Lord Berkeley, and Sir William Berkeley bounced around the City of London. By 1685, just 22 years after the Carolina charter passed the seals, only the Ashley, Craven, Carteret, and Colleton shares remained in the same families.

Then, notwithstanding the efforts to promote patronage, there were the shortcomings of some officeholders. The proprietors noted

Wee are Extreemly concerned to find that wee have been so unfortunate as to place the trust of ye governm't in ye hands of men who have had no greater Regard to ye Reputation of it & who being themselves magistrates & to Admin. Justice to others who have had no shame by a Law to publish to ye world that if any man can get into his possession another mans Estate or goods let him come to Carolina & he shall be protected in the unjust detention of them.³⁶

The list of officials and aristocrats with "no great regard" for the "trust of ye governm't" included many of the men who were supposed to provide socio-political weight and balance thereby ensuring liberty for Carolina's independent gentlemen and productive estates for both planters and proprietors. Instead, in addition to warring with Indians and harbouring pirates, the colonists ignored quitrent obligations and neglected land surveys. At the same time, the colony suffered from a chronic shortage of currency, the numbers of migrants remained disappointing, the Fundamental Constitutions remained unratified, and people, as we have seen, often put their private interests before those of the colony.

Yet, as we have also seen, the political system functioned on the whole. The local aristocracy and the parliament assumed their designated responsibilities, which included communicating—and bickering—with the Lords. What, then, caused violence to break out and the regime to fall in 1719?

³⁶ Lords Proprietors to Governor Sir R. Kyrle, 9 June 1684, Sainsbury, *CSP AWI*, XI, no. 1733, p. 65.

The Yamassee War, which broke out in 1715, caught the Carolinians unprepared and laid waste to their borders. Provoked apparently by fears of enslavement by the whites and agitated by what they regarded as the high-handed attitudes of their neighbors, the Indians struck without warning and quickly pushed the English back to the outskirts of Charles Town.³⁷ Appeals to the proprietors yielded sympathy but no concrete promises of relief for either improved defenses or to repair the damage and the colonists turned to the crown. Citing their importance as the guardian of the southern frontier of British North America as well as to the customs revenue its rice cultivation and Indian trade produced, the colonists insisted that the proprietors could not be relied upon to maintain this responsibility.³⁸ The Board of Trade's philosophical opposition to proprietorships and the necessity of restoring order to the province eventually overcame the ministry's reluctance to succor rebellion and to alienate powerful friends like the Palatine, Lord Carteret. South Carolina finally passed into its royal era in 1729.

The rebellion, though, was neither revolutionary nor the culmination of years of struggle against an anachronistic and oppressive institution. The rebels may have sincerely feared that the calamities brought on by the Yamassee War, which they had brought upon themselves, had left them forsaken and desperate. They may have sincerely believed that the Lords, by tinkering with the makeup of the Council, were scheming to "enslave" them. Quite possibly, their objections to proprietary claims to lands seized from the defeated Indians were justified. Quite possibly, their objections to the dominating position of the "proprietary creatures," Trott and Rhett,³⁹ were reasonable. Yet, the reality remains that they chose to undertake a *coup d'état* rather than continue to utilize the system in place. And although the crown ultimately recognized the actions of the "Convention," this approval was by no means foreordained.

In fairness to the rebels, the points of contact between the colony and its overseers had become somewhat corroded by 1719. In the

³⁷ Richard L. Haan, "The Trade Do's not Flourish as Formerly: The Ecological Origins of the Yamassee War of 1715" in *Ethnohistory*, 28 (1982), 341–58.

³⁸ [F. Yonge], *A Narrative of the Proceedings of the People of South-Carolina in the Year 1719* (London, 1726).

³⁹ Although the Lords had threatened to suspend Rhett from office on 24 July 1719, Lords Proprietors to Governor Robert Johnson, 24 July 1719, CO 5/290/115–17, NA.

years immediately preceding the rebellion, the Lords, perhaps tired of a lack of return from their province, had toyed with the idea of cutting their losses. In 1717, they tried to convey the southernmost part of their grant (from the Savannah to the Altamaha Rivers) to Sir Robert Montgomery.⁴⁰ And in May, 1720, following the coup, the proprietors drafted an agreement “to Sell and part with all their Rights powers and properties” and their quitrent arrearages to three Quakers for £230,000.⁴¹

But, even though the view from the other end was scarcely rose-colored, the Lords had expressed their willingness to accept their responsibilities. Having “received the shocking news” of the outbreak of the Yamasee War, the proprietors petitioned “the king to give assistance to Carolina in men and arms, there being only 1,500 men capable of bearing arms”⁴² and “ordered that all arrears now due to the lords proprietors, and growing rents to the 1st May 1718, to be given to the use of the public as the governor, council &c. shall think proper to appropriate.”⁴³ Although it is possible that this last order incorporated a desire to bring the arrearages up to date, these actions do demonstrate that the Lords had not abandoned their colony to its fate.

The proprietors considered themselves bound even though, as early as 1690, they had concluded their colony was in trouble: the Fundamental Constitutions remained moribund, various recruitment campaigns to attract the “weightier sort;” and industrious artisans had failed, the Stuarts Town settlement had expired, mosquitoes rather than silkworms had made their lasting mark on the Carolina landscape, and faction had infected its politics. Since, by design and geography, responsibility for the colony’s government had largely devolved on the colonists and they believed they had generally acted as a central authority should, the Lords had no doubt where the blame for Carolina’s shortcomings lay. They warned the inhabitants:

⁴⁰ Andrews, *The Colonial Period of American History*, 3, p. 138n.

⁴¹ Memorandum between the Lords Proprietor of Carolina and John Falconer, Robert Barclay, and Joseph Hyam, 25 May 1720 [o.s.], in William R. Coe Papers, 11/569/12, South Carolina Historical Society.

⁴² Petition of John, Lord Carteret, Palatine, Henry, Duke of Beaufort, and other Lords Proprietors to the king, [1715], Sainsbury, *Collections*, pp. 248–49.

⁴³ Proprietary minute book, 3 November 1716, CO 5/292/92–93, NA.

If the population of Carolina be decreasing we believe the fault to lie in some of the old settlers, who have spared no pains to discourage others. It was they who affronted Lord Cardross the Scots, and who discouraged Landgraves Morton and Axtell, who brought five hundred people to Carolina in a month. We made no alterations in our Constitutions after March, 1669, until desired to do so by some intending settlers, and the changes made in 1681 encouraged many to go there. The next alteration was at the request of the Scots, who intended to send ten thousand people there but would not be under the Government of Ashley River unless the change were made. Many wealthy men, who had been discouraged before, now took heart, and had things been settled we doubt not that many thousand men would have come. For wise men will not come where there is no settled Government.⁴⁴

Even after Ashley and Locke had passed from the scene, the proprietors maintained their vision of a colony that, to a large degree, would maintain itself politically and economically. Of course, this desire tied into the proprietary goals to limit their supply of the colonists and to maximize income from the province. But a hands-off attitude not only made practical sense; it jibed with the philosophy held generally by early modern English folk and particularly idealized by the Whigs: that gentlemen on the scene should assume responsibility for local affairs. The center could only do so much—plan recruitment campaigns, issue instructions, approve or reject laws, hear appeals, appoint officers—particularly from across the Atlantic. The day-to-day affairs of the colony had to be managed by the colonists themselves. If they could not or would not handle this task, there was very little the proprietors could do. Not only would the proprietary investment disappear down the drain; the whole fabric of the community could come unstuck.

In the end, this is what nearly happened. The Carolinians provoked the Yamassees and their allies thereby creating a situation which was beyond the capacity of both themselves and the proprietors to resolve. Although the colony was saved, the expense of the war and the projected bill for repairs left it in jeopardy. Fortunately for those concerned, the Crown decided to accept the pleadings of the Convention, assume the government, and buy out the proprietors.

Although the proprietorship did not necessarily meet the financial expectations of the Lords, it is anachronistic to regard the enterprise

⁴⁴ 18 October 1690, Sainsbury, *CSP AWI*, XII, no. 1, 117, p. 331.

as a failure. To a remarkable degree, Carolina developed as the proprietors (or at least Shaftesbury and Locke) expected with a ruling land-based aristocracy, race-based slavery, and factional politics. The proprietors proffered guidance which the colonists were at liberty to accept or not (with the exception of the proprietary negative): negotiation rather than confrontation remained the watchword until 1719. Had the colonists not antagonized the Indians, the 1715 catastrophe which ultimately challenged the regime beyond its resources would not have occurred and South Carolina might well have, like Pennsylvania and Maryland, remained a proprietary colony for the duration of the colonial period.

More broadly, the existence and careers of Carolina factions indicates that opportunity-seekers in this province, if not elsewhere, continued to look back to England in constructing a political system during the proprietary period. Despite separation by an ocean, the lack of a mechanism to compel the good faith of colonial clients, and the biological and personal vagaries of the proprietorship, people like Maurice Mathews and James Moore kept an eye on their overseas patrons even as they pursued individual agendas. Here, “New World” politics and social structure looked suspiciously similar to those of the “Old.”

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