Naturals and primitives: native right and manorial authority in the Caribbean[[1]](#footnote-1)

This piece represents thinking through themes of right in a colonial context. As a question (over)due to be tackled, revised and revisited it emerges most prominently from an extended period of research, collection, centralisation, transcription and analysis of thousands of documents (textual, visual and artefactual materials) reconstructing the first century of British activity across the three-million square miles of territory from the latitude of 36o north to the Equator and Darién to Bermuda.[[2]](#footnote-2) Stripping back teleologies has an unnerving effect on all, including me. Any map of Empire which might reflect the process of colonialism relies on a set of European state/national assertions, such that bounded, delineated territories can be blocked in to reveal relative balances of power. Any map produced after 1667 goes no further south than Barbados, and after 1776 excludes the Carolinas. But between the late sixteenth and early eighteenth centuries this vast region, about ten per cent of which is dry land, was interlaced and crossed, the subject of claim and counter-claim, dispute and alliance, fixity and motion, escape and capture, by peoples from most parts of western Europe, several indigenous American peoples and many different African language groups. The individuals who might be said to be British – a term even more slippery when sent global than it has been in the context of New British History – asserted some form of presence across dispersed communities covering a total area smaller than Yorkshire (or two Cairngorms' National Parks).

 Several grand narratives have been applied to the region and its history. In the days when having a prominent title which seemed self-explanatory was all the help a historian needed, Richard Ligon offered an incontrovertible account of British presence in the West Indies: *A Trve & Exact History Of the Island of Barbados*.[[3]](#footnote-3) It has magnificent explanatory power. It ties together the civil wars in Britain and co-operation with the Dutch, the ambition of individuals (James Drax in particular), a conscious decision to switch to sugar production and the engrossment of estates to facilitate the island's growth. It provides a poetic but fanciful map and diagrams of the engines required to produce the sugar. It set the tone therefore for historians to predicate civil war politics as a turning point and then to accrete a narrative of growth: into commodity and trade; large estates; absentee owners and slavery and to call the result 'plantation-society' (particularly when it involves sugar); and those who controlled British land in the region from the Carolinas to the Guianas a planter-aristocracy, the Plantocracy.[[4]](#footnote-4) In gathering and cross-referencing manuscript sources I am reinstating the importance of the seventeenth-century narrative in its own right and consequently chipping away at that of the linear development of Empire. Thus the proposal is to explore the plantations of Munster, Ulster, Guiana, Virginia, Bermuda, Barbados and the Leeward Islands (maybe others) to strip the idea and practice of planting to its fundamentals. Here, I propose to explore the means by which manorial authority was imposed on, claimed from, or superseded that of individuals in the so-called 'Caribbees'.[[5]](#footnote-5)

 In the case of the earliest assertions of claim to lands in the Caribbean, the majority, both in terms of claim and counterclaim and in terms of the accumulation of evidence, are made retrospectively. What survives is either elderly people or their descendants making reference back to origins for which foundational evidence no longer existed (kept and therefore perished in the West Indies, and it is hard not to speculate in many cases, deliberately destroyed or never extant). As far as British assessors of claim are concerned, the most usually cited is the effort on the part of the Restoration regime to bring all under the Crown. This, however, has a tendency to reinforce the pivotal nature of successive Interregnum regimes and the requirements of Crown prerogative rather than the overhaul of the Jacobean and Caroline past proposed by the Commonwealth and to and by the Cromwellian Protectorate, of which the ‘western design’ and the unexpected addition of Jamaica to the portfolio of English interests constitutes a small part.[[6]](#footnote-6)

 It is hard to know at the instigation of which party emerged the Interregnum overview and projected overhaul of the state of governance in the West Indies, a matter even more tricky when the accumulated papers from a number of locations end their days disaggregated in collections scattered around the world. Now they can once again be pieced together. Some are in the British Library Egerton manuscripts, and the latest-dated piece in MS 2395 is 1698, so probably came through the third earl, the Whig John Egerton, who was the first First Lord of Trade at the establishment of the Board with its remit, together with the Lords of Trade and Plantation, to bring the American colonies under Crown control. Others are in the National Archives, though pretensions that such centralisation or the creation of these bureaucratic bodies evokes order and completeness in the record is sadly disabused when one has to negotiate the fantastically-misleading cataloguing system in the hunt for The Manuscript. In the case of some evidence sent to England by Governor of the Leeward Islands, Irishman Sir William Stapleton, for example, the covering letter and list of enclosures is in TNA, one of the enclosures is in Egerton 2395, one of the maps is in the John Carter Brown Library, Providence, Rhode Island and the other enclosures are nowhere to be found.[[7]](#footnote-7) Sir Jerome Alexander, the attorney to James the second Earl of Carlisle, kept copies of the material collected in support of the Carlisle claim to the Caribbees and as he bequeathed his library to Trinity College, Dublin, there it remains.[[8]](#footnote-8) This paper begins to trace three ways within Carlisle’s Caribbees' narrative that native right can be adduced. The first is through rival networks of merchants; the second through migration and pioneering adventurism from one settlement to another in the locale; and the third is through the ideal of first-footing and planting. It is difficult to disentangle the three: the narratives overlap and evidence is anything but full.

 A map, thought to have been constructed by John Swan around 1637 was subsequently reproduced in Richard Ligon’s *History* of Barbados published twenty years later.[[9]](#footnote-9) Attention has been drawn to the sparse settlement which appears to be on a map which Ligon is using to illustrate the boom taking place in Interregnum Barbados because of the investment made by civil war escapees in sugar.[[10]](#footnote-10) This map marks ‘The tenn Thousande Acres of Lande which Belongeth to the Merchants of London’, and seems to refer to an area running along both banks of the Carlisle River away from Bridgetown (Indian Bridge). It gives the names of certain possessors of land there and a house symbol following traditional mapping convention. This grant is supposed to have been that made by James Hay, first Earl of Carlisle in 1628 to ‘a company of London merchants’ listed as Marmaduke Rawdon, William Perkins, Alexander Banister, Robert Wheatley, John Charles and John Farringdon.[[11]](#footnote-11) Carlisle was supposed to be heavily indebted to Rawdon and the merchants were each to pay 40*lbs* of cotton wool *pa* and were given the privilege of naming a governor, their choice being Bermudan, Charles Wolverston. Of this merchant grant I can find no trace.[[12]](#footnote-12) Amongst Alexander’s copies of Carlisle papers however were copies of letters to Wolverston, referring to ‘our le[tte]rs Patents … bearinge date the second day of June in the third yeere of our reigne’ issued to Carlisle for ‘(amongst other things) the Island of Barbados, or by what name or names soever the same then was reputed, taken and knowne, or vulgarly named, within the 10. and 20. degrees of the Northerne Latitude’.[[13]](#footnote-13) Neither do any of the names of the settlers in the ten thousand acre area tally with those of the merchant investors.[[14]](#footnote-14) Many of these names do however, match up with those who appear in the first volume of the so-called 'deeds' housed as a nineteenth-century copy in the Barbados Department of Archives (BDA).[[15]](#footnote-15) There seems to be some common purpose behind the decision to start recording 'deeds' (in fact a curious mix of patents, government announcements, grants and grantees of estates, service indentures and inventories), John Swan's now lost survey and map, and the relationship between those within the deeds described as 'gentlemen', 'merchants' and 'planters': however, the relationship which formed before 1638, or even before 1650 or later, was not that which those historians who have commented on 'early Barbados' have posited. They have projected backwards definitions of gentleman, merchant and planter more applicable to Britain and to the late seventeenth century.[[16]](#footnote-16)

 The names of the merchants we know financially supported Carlisle's venture can be reconstructed from the surviving papers of Thomas Henshaw (best known as an alchemist), the son of Benjamin Henshaw, one of the original investors and possibly captain of *The Carlile* which sailed in 1628.[[17]](#footnote-17) The investors can be identified as Stuart loyalists in the City – William Latham (Draper), John Johnston (Citizen Joiner of London but a Scot), Edmund Edlin (Salter) and Benjamin Henshaw a Merchant Taylor – and the document also provides a list of passengers and 'Disbursemts layd out for the shipe Carlile after the shipe went from grauesend in anno 1628 ... beeinge sent out by the right Honourable the Earle of Carlile Commissionr ffor the Settlinge a gouernmt in the Carebey ILands', but none of the names match any noted on the 1638 map of the London merchants' 10,000 acres.[[18]](#footnote-18) Latham, Johnston and Edlin, along with Maurice Thompson, the Earl of Essex and Robert, Lord Dalziel appear in a list of Carlisle's creditors compiled around 1647.[[19]](#footnote-19)

 As Dunn, who still determines our approach to the Caribbean as one of the 'rise of a planter class' described the period of initial settlement, '[i]nitially the Barbadians showed little sign of developing a planter elite. ... Carlisle was an indolent absentee proprietor, interested only in collecting quitrents, and in 1636 he died, leaving his estates entangled in debts and his proprietary rights over Barbados in dispute'. What may have been Swan's map of 1637 is reproduced in Dunn's book to correspond to around the time of the late 1640s' 'sugar boom' with the caption 'Richard Ligon's map of Barbados, about 1650, at the beginning of the sugar boom. Note that most of the plantations are still on the leeward coast'.[[20]](#footnote-20) What might in the late sixteenth- and early seventeenth centuries have been a co-operative and necessary link between (ad)venture and planting, noted but not much expounded by the historical schools of the early twentieth century, has been severed by the hindsight which has divided the idealistic individualism north of latitude 36o from the requirements of mercantilism, imposts and commodity to the south (with the not-so-implied explanations for the American Revolution, Plantation Society, and Empire).[[21]](#footnote-21) This is a heavy burden to place on these initial colonising ventures. A more productive comparison which I should want to explore might be with the Adventure/Planting of Ulster and the relationship between the Coleraine grant to the London Companies and private or other settlements.[[22]](#footnote-22)

 The second area of manorialism which opens up to greater exposition is that between a foundation settlement in one location and secondary, 'springboard' foundations. I have written earlier about the confused (deliberately so?) relationship between the Carlisles' successor as Lord Proprietor of the Caribbees, Francis Lord Willoughby of Parham, and those who left Barbados in the 1650s to settle in Surinam, accreted to Willoughby's Caribbees as a private fiefdom. It is difficult to tell from the surviving narratives whether first-footers in Surinam were travelling under Willoughby's commission or were fleeing his lordship in search of a greater degree of individual autonomy.[[23]](#footnote-23) Not only are hints emerging as to how the Suffolk-based Willoughbys became the lessees and successors to the Carlisles, but several examples emerge of similar confused relationships between the Carlisles and possible sub-adventuring underlings or rivals, which seem to point to the latter explanation, with a subsequent claim of right by the proprietor.

 The first English landing in the West Indies was not Barbados, but St Christopher's. Thomas Warner, a gentleman of Suffolk, was on a voyage from the Guianas when he touched on St Christopher and made friends with several indigenous leaders and decided that this was a good location to grow tobacco. The account from which I am working makes a great deal of Warner's honesty and therefore we are led to assume, his plain and in the context of martial codes, honourable dealing with the indigenes, important in establishing Warner's 'right'.[[24]](#footnote-24) It is also explicit about the fact that Warner chanced upon the islands during the course of a different design (the use of the term 'design' and expressions of design are critical) and subsequently he formed a design purposely for St Christopher which involved the co-operation and co-existence of indigenes (presumably Kalinago[[25]](#footnote-25)) and the planting of an indigenous plant (tobacco). Warner was 'received att Lond: made some of his freinds acquainted hearwith who in hopes of great benefitt became ptes wth him, & did disburse theire monies towards ye Setting forth a Shipp, & men for ye designe of tobaccoes, wch was in ye yeare of or Lord 1623: & being arrived att St xphs: wth divrs gent & & [sic] othrs'. In attempting to piece together who these people were, what appears to be emerging is a London mercantile group whose interests stretched across south Suffolk and Essex to the Thames. Two who accompanied Warner on the initial voyage were his friends and neighbours from Suffolk, the Jeaffreson brothers, Samuel and John, of whom John would subsequently refer to himself as a 'primitive planter': the Jeaffresons established themselves in the main area of initial St Christopher's planting on the leeward middle-island. Their estate would subsequently come to be known as Wingfield.[[26]](#footnote-26) Over the course of the mid-1620s Warner, as Governor of St Christopher, signed a number of agreements with the French, ratifying the 'partage' of the island, of which John Jeaffreson was also an English signatory.[[27]](#footnote-27) I have not located the original yet, in the morass which is the State Papers, but copies of Warner's commission (with John Jeaffreson as his deputy) direct from Charles I seem to have been made in Southampton on 25 September 1625. When Carlisle was granted Lord Proprietorship of the Caribbees (including St Christopher), he has been described as 'allowing' Warner to continue as Governor and Carlisle's manifest for the *Carlile* in 1628 included expensive carbines to take as (presumably) 'gifts' to the governors of St Christopher's and Barbados.[[28]](#footnote-28)

 Considerable evidence survives of the Jeaffreson family's Wingfield estate. John's son, Christopher, inherited the estate on his father's death, but did not embark for the island until 1675. He did, however, keep a letter book: 'I took a resolution to forsake friends and relations towne [and] country to settle as well as see an Interest wth wch it had pleased or good God to Blesse my ffather upon yt Island who was pleased amongst other things to bequeath it to me to whom he had given ye name of yt Isle'.[[29]](#footnote-29) Not only are all of the contents of the letter book, albeit voluminous, those made by Christopher and mainly after he had returned from the West Indies and settled in Cambridgeshire, but there are no clues other than the above allusion to the interest with which it had pleased God to bless John and Samuel. However, amongst the papers which Walter Beinecke collected as he sailed around the Caribbean are items which fill in some key gaps in our knowledge and understanding of the process of manorialisation.[[30]](#footnote-30) Amongst them is an indenture

made the Third day of Aprill in the fowrth yere of the reign of our Soveraigne Lord Charles [1628] .... Betweene the right honorable James Earle of Carlisle ... And Captaine John Jeffreson and Edward Johnson esquiers ... for and in consideracon of the many and good accons meritte and services wch the said John Jeffreson hath done and Pformed in the Island of the said Earle called St Christopher ... Aswell in the defence maintenance and keepinge of the said Island against the Savadges ... As the defeatinge suppressinge and conquerringe of the Natives and other the Savadge Inhabitants ... attempting and indeavouringe to have slayne and extirpated the said John, and other his Mats Leige Subiects there then planted dwellinge and inhabitinge, As also for and in consideracon that the said John is willinge and content. And doth hereby renownce and quite clayme and yeild upp to the said Earle All such right interest prtence or clayme whatsoever wch he hath or may have to the said Island.[[31]](#footnote-31)

Carlisle thus granted (back) to Jeaffreson 1,000 acres of Wingfield Manor, 'late beinge pcell of certaine Gardens late belonginge to the Indians the Savage natives of that Island ... And also so many more acres ... as shall or may make upp the same Land now in the occupacon of the said John'. John Jeaffreson may have started out as a 'primitive planter' possessed of autonomous freehold, but is now a manorial lord under Carlisle, by virtue of his post-dated letters' patent, ratifying conquest and liege service. It is also worth noting that Carlisle's commission to Warner (at least as it exists as a copy) is dated 29 September 1629 and therefore postdates his grant to Jeaffreson, at one and the same time Warner's associate, equal and underling.[[32]](#footnote-32) In volunteering to surrender to Carlisle, his 'overlord', his rights to the land, Jeaffreson legitimated his estate in the eyes of the English law as it stood in 1628/9, but it is interesting that his reference to himself as a primitive planter was made in complaints against a subsequent governor, Clement Everard, to the Commonwealth in January 1659.

 The 'service' which Jeaffreson had done was his part in repelling a combined French-Kalinago attack on the English settlements at a place immediately south of Jeaffreson's land which became known as 'Bloody Point', thought to have taken place in 1626.[[33]](#footnote-33) The leader of the Kalinago was Tegremare and as the later recollection of the 1620s cited above described him being killed by the English, we must assume that this account also refers to 'the massacre of Bloody Point'. According to this account, Anthony Hilton was working for merchants of Barnstaple[[34]](#footnote-34) in voyages to Virginia when he chanced upon St Christopher's and made the acquaintance of Thomas Warner.[[35]](#footnote-35) On the return via Ireland he resolved with some of the Irish (it subsequently sounds as if these were to be his servants rather than co-investors or planters, but that is yet to be determined) to settle on St Christopher and grow tobacco, so left his Devon employment, returned to St Christopher's 'And wth licence (rather than 'a licence') from capt warner hee did settle upon ye windward side of ye Island, being ye first yt did settle yt side of ye Island'. They 'cleaned ground, built houses, & followed planting'.[[36]](#footnote-36) The St Christopher's settlement having been burned by indigenes,

they resolved to settle [scored out - ?another] [insert – Nevis] Island, by meanes of one mr Tho: Littleton mrchant, who sett them forth wth all things necessary having a com[~]ssion from ye Earle of Carlile to Settle Barbados or any othr not habited Island/ And in theire voyage from ye Downes landed att ye Barbados wch they did not like, nor nor [*sic*] of Antegoa nor Monteserratt, They came downe to Nevis ye 22th of July 1628 wch Island they thought fittest for theire Settlement being next xphs, from whome they might be better Supplied.[[37]](#footnote-37)

In the course of the time in St Christopher's, Anthony's brother, John Hilton described an encounter between the Kalinago and the English in which the latter were tipped off by an old Indian woman who told them that indigenous 'designs' were heralded by three or four days drinking, so the English attacked them while they slept, running a rapier through the hammock and body of 'King Togreoman', but providentially missing the English boy who was also in the hammock.[[38]](#footnote-38) This account mentions the presence of only one French person ('Peter Cuttey', 'did live amongst ye Indians, went naked, & did goe to warr wth ym, but when Capt: Warner did beat ye Indians off, he came & lived amongst ye english') with the treaties and sub-division of the island post-dating Bloody Point. The Anglo-French tensions which led to the subdivision of the island are recounted subsequently.

 Thomas Warner left his young son, Edward, in charge during his absence (in England being knighted), to be assisted by a 'Mr Aston', a man 'to much known in ye lawes for ye poore plantrs'. [[39]](#footnote-39) Aston inveigled Anthony Hilton's servants to murder him by running him through with a keen knife while he slept (although the same fate as befell Tegreman, this was a 'bloody murder', because the indigene had intended attack himself, and Warner's defensive actions had been those of a good soldier and a wise man).[[40]](#footnote-40) Hilton's revenge – firing Warner's tobacco house – was foiled as was Aston's attempt to prevent Hilton's escape, and this correspondent 'supposed' that Warner informed Carlisle of the 'tumult' likely to arise in Nevis, for the latter sent his cousin, George Hay, carrying four commissions to displace Hilton. This implication is that this is the *Carlile* though here commanded by Captain Hall: it landed in Barbados and the crew attempted to inveigle people on board with a view to marooning or murdering them. Hilton resolved to go to England to have his governorship confirmed because the Council decided there were some weaknesses in his authority, though the account makes clear that his providential escape from evil intent was the sign of right authority.

 Very little is known about Sergeant-Major Andrew Judd, who, in early 1640 was Governor of St Lucia.[[41]](#footnote-41) In 1627 he was serving as a captain in the regiment of Colonel Thomas Moreton sailing in Buckingham's navy, and he was the grandson of Sir Andrew Judd, Lord Mayor of London, Skinner, merchant of the Staple of Calais and pioneer of the 1553 attempt to open up a trade route through Russia to Cathay.[[42]](#footnote-42) Sir Andrew Judd's daughter, Alice, married Sir Thomas Smyth. But from the Barbados deeds we learn that on 26 February 1640 Robert Smart disposed of twenty acres which he had previously bought from Judd. There are no other deeds in which Judd is mentioned as a grantor or grantee, and thus although Judd is assumed to be commissioned by Carlisle to settle St Lucia, if twenty acres is the sum total of his hold on the Caribbean this would seem very small for such a trusted task.[[43]](#footnote-43) Might he have been another who came out with Courteen and attempted to escape Carlisle by establishing elsewhere?

 There are therefore a number of cases of dubious practice on Carlisle's part in establishing his manorial control over those who had some claim to native right, and who maintained a combination of indigeneity, initial cultivation, first-footing and intent/design. These examples are generally overshadowed by those offered by the planters who were part of the syndicate of Sir William Courteen, one of whose ships 'chanced' on (uninhabited) Barbados on a journey back from Guiana in 1624. He petitioned for the island in 1625 and on 25 February 1628 his patron the Earl of Pembroke was issued letters patent. The initial settlers travelled with Captain Henry Powell, whose brother, John, was named Governor of Barbados. Carlisle subsequently disputed this claim, citing patents of 2 July 1627 and 7 April 1628. These were in turn disputed in 1647: these depositions from Powell's men are reprinted by Harlow along with an account of the island from Sir Henry Colt in 1631.[[44]](#footnote-44) This explains why the Alexander papers contain copies of Carlisle's lease to Willoughby of the same year, of which Alexander was a witness.[[45]](#footnote-45) The case was tried again at the Restoration as the regime reviewed the power of proprietors in relation to the Crown.[[46]](#footnote-46) But the most startling examples of claims to native right come from Alexander's summary of the judgements made in the light of the Powellites' witness statements, 'The Case concerning my Lord of Carlisle's Interest in the Barbados and Caribee Islands'.[[47]](#footnote-47) The right of ownership and governorship was recast as the rights of the settlers.

 William Steele, of Gray's Inn, pronounced that 'If savadge Lands be tamed by others by the price of their blood and purses, they and not the Kinge have right to it'.[[48]](#footnote-48) James Winstanley, also of Gray's, had been working for the Parliament in the administration of the former-Crown's Duchy of Lancaster estates: he cited the existence of planters prior to the Carlisle claim, and thus the Biblical tyranny of the Earl who was granted power 'too greate for a subiect'. 'Nimrods tyranny, and in the next chapter his destrucc[~]on', determined Winstanley, 'applyed to the Earles takinge and exerciseinge a greater power, then he ought by lawe' and a baleful message was also delivered to Judah, in Jeremiah, chapter 22: 'woe to them that erect the howses by unrightousness ec and for erectinge Mannors or creatinge tenures, `tis more then the king can graunt, nay more then he can doe himselfe'.[[49]](#footnote-49) Plain speaking was exercised by Mr Philips. 'English subiects discover, and plant without licence', was the core of his case, and therefore, even though the Earl of Carlisle maintained that plantation had been at his charge (borrowed, and never repaid, but that was the subject of other litigation), it was the action of the original settlers in first-footing and initial planting which bottomed their right. The planting of those landed by Powell was a *de facto* act which, was also, in essence, *de jure*, and voided any subsequent patent to Carlisle from the Crown, since 'the kinge cannot graunt what his subiects got before'.[[50]](#footnote-50) The statement that Powell had established a republic was the most startling but Philips went on to further degrade the value of Carlisle's patents. The second patent was misdated; a combination of lack of knowledge of the region and confusion of names and places meant 'the Graunt as to Barbadoes is not good, for it is noe parte of the Caribee Islands'; and if the region were defined by latitude, '[t]he mathematicall words are generall are soe not good, as if the Kinge graunts all his lands under the moone or other Planet'.[[51]](#footnote-51)

 Along with the discussions of Biblical origin was legal precedent of 'what agreement can there bee betwixt Christ and Beliael, a Believer, and an In fidell' such as 11 Eliz. Dyer 283,[[52]](#footnote-52) and Dame Hale's case, satirised in Shakespeare's *Hamlet* in which a lease was forfeit by the suicide of Sir James Hale.[[53]](#footnote-53) There was discussion of why, in English law, land was held in fief and could never be held in *allodium*, 'defined to be euerie mans owne land, &c. which he possesseth meerely in his owne right'.[[54]](#footnote-54) Alexander (we must assume) was arguing that 'when kings by their Letter Pattents, doe graunt any such Lands or Territories, the grantee thereof imediately becomes a feodarie thereof unto the king, his heirs and Successors, and this first by a Divine right as an undertaker to god, and his king, for the Propagac[~]on of the Gospell amongst those heathens', so even had Sir William Courteen's men 'first Settled upon the Land [denied] ... yet they gained noe estate therein, unto themselves but to the king ... noe more then if a villaine should purchase Lands abroade, the right were his Lords, where ever it lyes'.[[55]](#footnote-55)

 Mr Steele cited the case of islands – Man, Wight, Guernsey and Jersey – where Coke had argued the king could not make law without the consent of the 'Planters', and should the king have been deceived in his grants (by Carlisle or Charles I – 'If the patent be illegall') such as in the case of tanistry, this would determine the rights of landholding in contested bounds between civility and its enemies.[[56]](#footnote-56) Mr Philips added, 'The Kinge must be actually seized or the graunt not good. Case of Tanistree, if the Kinge appropriate not his conquered lands to be his perticuler demeasnes his Graunt thereof is not good', and in order to answer 'The Planters ought to be governed by the Lawes of England'. When the planters' right of occupancy took precedence over the king's grant of propriety, he cited Calvin's Case: '[t]he difference is whare the king seizeth and graunts his interest there he may appointe what he will for lawe but otherwise when his subiects plant before the seisure, for in that case they are to be governed by noe other lawe then that of England'.[[57]](#footnote-57)

 There is much work to do here, in terms of tracing the lineages of merchant syndicates, and settlers; in exploring the nature of indigeneity and claims to native right made by Europeans; and of the legal precedents cited on both sides of the argument.[[58]](#footnote-58) Ideally, I should prefer to construct a book which is thematic and which integrates the respective histories of the British islands with those of the Caribbean and mainland American colonial provinces which bear comparison. But writing an integrated New British History which wove together the histories of the eastern Atlantic archipelago has proven virtually impossible and to compound it with comparisons with its western counterpart may be a task too far. The default position remains chronological, beginning with a study of the Munster and then Ulster plantations, but even then the beginnings of American adventurism were co-terminous with Munster, and the settlement of Providence and Jamestown with that of Ulster. These are histories which further the complete integration of key Irish and Scottish actors within English adventurism in the Americas. This is a first attempt to articulate the 'native right' argument, and plans are afoot for a chapter on indigeneity and indigenes (particularly Indian Warner) in an edited collection. But for the moment, I am rummaging through the jumble in search of a structure which lends itself to exposition, understanding and the revelation of a new approach to (or at least a revision of) colonialism.

1. Note to self: TCD Barber vol.9; Beinecke Barber vol.11; UVa Barber vol.11; BL Eg.2395 Barber CD-ROM and vol.12. [↑](#footnote-ref-1)
2. Terminology is notoriously slippery and inadequate, either in the seventeenth century or now. The most general and uncontroversial is the 'torrid zone' a term which refers to the heat, though it girdles the globe rather than referring solely to the Americas. I shall tend to refer to the Caribbean because most at least have a sense of place which they associate with the term or the tropics to avoid the cultural determinism inherent in the former. [↑](#footnote-ref-2)
3. Richard Ligon, *A Trve & Exact History Of the Island of Barbados* (London, 1657). [↑](#footnote-ref-3)
4. Nicholas Darnell Davis, *The Cavaliers & Roundheads of Barbados, 1650-1652* (Demerara: Argosy Press, 1883); Gary Puckrein, *Little England: Plantation Society and Anglo-Barbadian Politics, 1627-1700* (1984); Michael Craton, 'Property and propriety: land  tenure and slave property in the creation of a British West Indian plantocracy, 1612-1740', in *Early-modern Conceptions of Property* (1995); Jerome S. Handler, Escaping slavery in a Caribbean plantation society: marronage in Barbados, 1650s-1830s', NWIG: New West Indian Guide / Nieuwe West-Indische Gids vol. 71.3/4 (1997): pp.183-225. It is my contention that Ligon's use of the term 'engine' for the collective plant which ground, boiled and cured sugar cane was the start of the change in the term 'plantation' to mean the collective resources required to produce monocultural commodity, rather than turning a spade to cultivate the soil. The Spanish and Portuguese referred not to plantations at all, but to *ingenios*: Alejandro de la Fuente Garcia, 'Los ingenios de azucar en la Habana del siglo xvii (1640-1700): estructura y mano de obra', *revista de Historia Económica/ Journal of Iberian and Latin American Economic History* 2nd ser., vol.9.1 (1991): pp.35-67. [↑](#footnote-ref-4)
5. The term 'Caribbees' is misleading in itself. 'Lord Proprietorship of the Caribbees or Carliola' granted by two separate letters patent of Charles I to James Hay, first Earl of Carlisle, 1627 and 1628. It was then defined as comprehensively as possible to maximise the territory, but the result was a confusion of names, and rival terms for places which the drafters had never seen and of which they knew nothing, so it did nothing to clarify authority, and everything to obscure it, particularly it was unclear whether Barbados was to be included within the Caribbees. The claim was supposed to take in all of the islands from Saba to Tobago, but many of these remained in the hands of powers other than those of servants of the Stuart state. [↑](#footnote-ref-5)
6. The Western Design only became capitalised after the event: its origins are in Fortescue’s account. [↑](#footnote-ref-6)
7. JCB Map Collection, Cabinet Blathwayt 30; Jeanette Black dates the map of Montserrat to 1673, although the enclosures with Stapleton’s letter are 1675. Jeanette D. Black (ed.), Blathwayt Atlas, vol.ii, pp.175-79. [↑](#footnote-ref-7)
8. Trinity College Dublin (TCD), MSS 736; Vincent Kinane and Anne Walsh (eds.), *Essays on the History of Trinity College Dublin Library* (Dublin: Four Courts’ Press, 2000). Sir Jerome Alexander bequeathed his library to Trinity on his death (1670) with the stipulation that it be called the Alexander Library: TCD, MUN/LIB/10/17. [↑](#footnote-ref-8)
9. Unfortunately, there is a puritan minister with the name John Swan. Swan the surveyor may have been an assessor for Dublin in 1654: *An Assesment for Ireland* (Dublin, 1654), p.5. In 1620 he appears to have been a Captain in the East Indies in command of the *Roebuck* for, significantly, Sir William Courteen: John Darrell, *A True and Compendious Narration; Or (Second Part of Amboyney) or Sundrey Notorious or Remarkable Injuries ... which the Hollanders Have Exercised* (London, 1665), p.9. I cannot trace the quote about Swan's surveying that Karen Kupperman cites in her transcription of Ligon's History, which makes it sound as if Ligon deliberately used Swan. [↑](#footnote-ref-9)
10. JCB, Map Collection, D657 L726t / 1-SIZE: ‘A topographicall [Description and] Admeasurement [of the yland of] Barbados in t[he West Indyaes] with the Mrs. [Names of the Seuerall plantacons]’, (London: Humphrey Moseley, 1657). Another copy is at BL K.Top.123. The original survey and map are thought to have been by John Swan. The original is lost/unknown. [↑](#footnote-ref-10)
11. John Poyer, *The History of Barbados, from the Discovery of the Island, in the Year 1605* (London: 1808), p.20. Marmaduke Rawdon is here given (mistakenly) as Marmaduke Brandon. [↑](#footnote-ref-11)
12. The most interesting survival of Marmaduke Rowdon (of Yorkshire, so possibly linked to Carlisle's assumption of the titles of Doncaster and Sawley which he invariably used in his West Indian dealings) is his little known son, Bevill, who married (c.1663) in Surinam, Ambit Leverton, widow of Nicholas Leverton a peripatetic minister in Bermuda, Barbados, Tobago, Providence and Surinam, with the implication that the two murdered him. Bevill Rowdon died in the Surinam fever of 1666. [↑](#footnote-ref-12)
13. TCD, MSS 736, p.36: ‘Feb.1628/ A letter to Captaine Charles Wolverston Governor of the Island of Barbados under the Earle of Carlisle./’ According to the Calendar this 'first grant' of the Caribbees is at TNA, CO 29/1, pp.1-12. I have still to check, and since this is cited as 'Colonial Entry Book' this may also be a copy. See also, 'Colonial Correspondence, 1607, Jan 9', dated 7 Apr., 1628, a grant of the Caribbee Islands to Carlisle for 10 years, which the Calendar has as 'vol.iv' (supposedly corresponding to TNA, CO 1/4, but unlikely). [↑](#footnote-ref-13)
14. Names of settlers on the map: Advena, Bleman, Bix, Bowyer, Buckl[e]y, Chambers, Cornelius, Coverly, Digbie, Dives, Edwards, Fisher, Foscue [Fortescue], Grene, Ham, Holdip, Holsu, Yrish, Lee, Marshall, Minor, Moris, Muckly, Mylls, Perk, Perkins, Peter, Read, Rich. [↑](#footnote-ref-14)
15. Barbados Department of Archives (BDA), RB 3, of which RB 3/48 is the index volume (by surname); I have been able to make a partial transcription of RB3/1, and analysis of its contents is currently the Masters' thesis of one of my students. Discussion of the process of obtaining the information contained within BDA RB3/1 is at Sarah Barber, 'Digitisation and the survival of documents: the records of seventeenth-century Barbados' in *appositions: Studies in Renaissance/early-modern Literature and Culture*, vol.4 (2011), <http://appositions.blogspot.co.uk/2011/05/sarah-barber-caribbean-heritage-digital.html> retrieved 22.01.14. [↑](#footnote-ref-15)
16. J. Harry Bennett, 'Peter Hay, Proprietary Agent in Barbados, 1636-1641', *Jamaica Historical Review*, vol.v, (1965): pp.9-29; Richard S. Dunn, *Sugar & Slaves*: *the Rise of the Planter Class in the English West Indies, 1624-1713* (Chapel Hill, NC.: UNC Press, 1972), p.49. [↑](#footnote-ref-16)
17. Hertfordshire Archives and Library Service (HALS): DE/HL/. HALS, DE/HL/15522 is a list of merchant creditors drawn up by Benjamin Henshaw early in 1650. There are several hundred pages and around one hundred separate items which document the creditors' (unsuccessful) attempts to recover their initial investment from successive governments and the Carlisles' executors, including the stealthy introduction of a customs' duty from the Caribbees (now Barbados and the Leeward Islands) which became known by the settlers as the Four and a Half, and was the foundation stone for the imperial, economic bond which shackled planters to the principle of 'production abroad, manufacture at home'. [↑](#footnote-ref-17)
18. The *Carlile* was also known by its former name *The Long and Costly* (which indeed it was) and at least one other ship, the *Truelove*, travelled as part of the same 'fleet', principally to St Christopher. [↑](#footnote-ref-18)
19. TCD, MS 736 pp.11-13. [↑](#footnote-ref-19)
20. Dunn, *Sugar and Slaves*, fig.4, p.63. [↑](#footnote-ref-20)
21. Some of these early plantation narratives were noted by Vincent Harlow: V.T. Harlow, *Colonising Expeditions to the West Indies and Guiana, 1623-1667* (London: Hakluyt Society, second series, no.lxi, 1925); and James A. Williamson, *The Caribbee Islands under the proprietary Patents* (Oxford: OUP, 1926). [↑](#footnote-ref-21)
22. 'Motives and Reasons to induce the city of London to undertake the Plantation in the North of Ireland', July 1609; ‘Society of the Governor and Assistants, London, of the New Plantation in Ulster, within the realm of Ireland’ (known from the Restoration as The Honourable The Irish Society), a sub-committee of the City of London Corporation, was created by royal charter in 1613 to undertake the Plantation; the charter was renewed and revised in 1662 which might accord with the post Restoration 'clean-up' by the Stuarts of their allegiances and prerogatives. In 1639 it produced The Great Parchment Book of the Honourable The Irish Society, which as a survey of the Ulster Plantation bears close similarities with the Barbados Deeds (BDA, RB 3/1). Having been badly damaged in the Guildhall fire of 1786, it has been unavailable to scholars, but thanks to digitisation and modern conservation through London Metropolitan Archives, is now becoming legible and accessible again. Constantia Maxwell, 'The Plantation in Ulster at the beginning of James I's reign', *The Sewanee Review*, vol.31.2 (1923), pp.164-177. [↑](#footnote-ref-22)
23. Sarah Barber, 'Power in the English Caribbean: the proprietorship of Lord Willoughby of Parham', in L.H. Roper and Bertrand van Ruymbeke (eds.), *Constructing early-modern Empires*: *Proprietary Ventures in the Atlantic World, 1500-1750* (Leiden: Brill, 2007), pp.189-212. [↑](#footnote-ref-23)
24. British Library (BL), Egerton 2395, f.503. This account is silent about an actual attack by the indigenes on the English (or, indeed, the presence of any French allies) but says that they were tipped off by an old Indian woman who told them that they always spent three or four days drinking before a 'design' and therefore the English attacked them while they slept, running a rapier through the hammock and body of King Togreoman, but providentially missing the English boy who was also in the hammock. Nor does it imply that the child was Warner's son, the woman his wife and the boy's mother, although such claims were made and Thomas Warner junior would go on to have a chequered and tragic career as 'Indian Warner' the half English/ half indigenous son of the Governor, and therefore destined to be a traitor. [↑](#footnote-ref-24)
25. It has been suggested that because the Kalinago were warlike and hostile, and Warner may or may not have formed a family with an indigenous woman who warned him of the attack on the English, the woman must have been from the more co-operative Arawak of the northern Antilles and specifically Igneri. [↑](#footnote-ref-25)
26. Petition of merchants, planters, and others concerned in the good government of St. Christopher's, to the Council of State, [25 Jan.], 1659; John Cordy Jeaffreson, *A Young Squire of the seventeenth Century* (2 vols.) (London: Hurst & Blackett, 1878), i, pp.4-5. These Jeaffreson's are one of the options offered for an origin of Thomas Jefferson. An area of around three square miles in Suffolk accounts for the contemporaneous childhoods of Warner, the Jeaffresons, and Francis Lord Willoughby of Parham. Is this the route by which he came to be the lessee of the Caribbees from the second Earl of Carlisle? [↑](#footnote-ref-26)
27. BL, Eg. 2395, ff.3-3v (28 Apr., 1627), 4-4v, 5-7v (version in French), 8-8v (a version endorsed that it was sent back by William Willoughby of Parham, 24 Nov., 1671), 9-9v, 12-14. The 'partage' is on one occasion called 'the separations'. [↑](#footnote-ref-27)
28. Francis J. Bremer, *First Founders*: *American Puritans and Puritanism in an Atlantic World* (UPNE, 2012), p.182. [↑](#footnote-ref-28)
29. University College London, Special Collections, MS ADD 70: bound letter book, 'The Voyage of St Christophers In ye West Indies', unfol. [↑](#footnote-ref-29)
30. Hamilton College, Clinton, NY., Beinecke Lesser Antilles Collection (hereinafter BLAC); Samuel J. Hough, The Beinecke Lesser Antilles Collection at Hamilton College: A Catalogue of Books, Manuscripts, Prints, Maps, and Drawings, 1521-1860, (Gainesville, Fl.: University Press of Florida, 1994). [↑](#footnote-ref-30)
31. BLAC, Jeaffreson – Box 1/M3b. [↑](#footnote-ref-31)
32. BL, Eg. 2395, ff.15-16v. Copy made by Jonas Colbach, Secretary to the Governor and Council of St Christopher's (though he had ceased to be so by 19 Dec., 1631). He too may have lost his post in the hiatus in regimes. [↑](#footnote-ref-32)
33. There are Kalinago petroglyphs near the site, including the monkey god, sign of evil which has been reproduced as a slogan of indigenous rights in St Kitts and a ceremony of atonement was held in 2002. [↑](#footnote-ref-33)
34. In Devon, though Hilton was brought up within the bishopric of Durham. [↑](#footnote-ref-34)
35. This may well be the same Anthony Hilton who wrote to his mother, Elizabeth, from the Isle of Wight, about to embark on a voyage to Virginia, on 4 May 1623: University of Virginia, Special Collections, Papers of Robert Rich Earl of Warwick, MSS 9202, No.52. (transcribed in *Records of the Virginia Company* pp.164-66). [↑](#footnote-ref-35)
36. BL, Eg. 2395, f.504. This account by John Hilton the chief gunner and store keeper of St Christopher's in 1673 under the governorship of the Irishman Sir William Stapleton, is probably Anthony's brother, described in 1675 as 'old planter'. The account of the settlement of St Christopher's and Nevis which he gave is related in the form of interrogatories, and part of a set of papers Stapleton returned to England in 1673-1675. They mostly relate to the disputes with the French over the Leeward Islands, and therefore are about establishing right between the two European powers, but have been largely overlooked as foundation-accounts or statements of indigeneity. This may be because Stapleton's cover sheet and the list of items he was sending, became separated from the inserts. The cover sheet is at TNA, CO 1/34, no.85, 9 June 1675. Not all of the items listed there seem to be present in the Egerton MSS. The Montserrat map mentioned is probably that in the JCB Library, Providence. The Acts of Nevis could be within the Stapleton papers in the John Rylands Library, Manchester. [↑](#footnote-ref-36)
37. Chancery proceedings, Charles I, L6, No.10, Littleton v Bullock, 29 April 1631: Thomas Littleton of London, merchant says that in 1628 he 'did furnish three ships ... bearing the sole charge ... and did consign them for Nevis ... to sell the goods and at the request of Captaine Anthonie Hilton then governor of the said Isle under the Rt. Hon. James Earl of Carlile' sold these goods to the planters: printed in Vere Langford Oliver, *Caribbeana* vol.ii, p.3 (London: Michael Hughes and Clarke, 1912). I have left alone this reference to Barbados not being inhabited this time, but this was not true of the state of the island at the time Carlisle was issued letters patent. [↑](#footnote-ref-37)
38. Nor does it imply that the child was Warner's son, the woman his wife and the boy's mother, although such claims were made and Thomas Warner junior would go on to have a chequered and tragic career as 'Indian Warner' the half English/ half indigenous son of the Governor, and therefore destined to be a traitor. [↑](#footnote-ref-38)
39. Roy Schreiber, in his biography of Carlisle, plumps for Asten (calling his a close friend of Edward Warner) and speculates that this was a relative of Hugh Aston, groom of the robes under Carlisle. He further believed that Henry Hawley, Carlisle's Governor in Barbados was returning to the West Indies with Carlisle's cousin, George Hay, destined to replace Hilton as Governor of Nevis. He gets this account from Harlow's introduction to *Colonising Expeditions*, pp.6-10: Roy Schreiber, *The First Carlisle. Sir James Hay, first earl of Carlisle as Courtier, Diplomat and Entrepreneur, 1580-1636* (Philadelphia: Transactions of the American Philosophical Society, vol.74, part 7, 1984), p.175. [↑](#footnote-ref-39)
40. This is not the same Capt Hilton who was working for the Providence Island Company, and became Governor of Tortuga (Association Island) and promoted colonisation in the Bay of Fonseca. This was John Hilton, but whether there is a family relationship has yet to be established (Hilton is a tricky name to get right): TNA, CO 124/2, pp.33-35, 36, 70-77, 120-22, 211-12. [↑](#footnote-ref-40)
41. The English (not very British in this case) attempts to colonise St Lucia (and St Vincent) within the Caribbee patent were unsuccessful. Although Willoughby used their prospective capture as a means to stall Carlisle's creditors throughout the 1660s, these islands were largely left to the 'neutrality' of being held by the Kalinago. [↑](#footnote-ref-41)
42. *A Catalogue of all the Kings Ships, as also of all other ships, and pinnaces, together with their squadrons, captaines, burthen, seamen, and landmen, set forth in His Maiesties Seruice, the 27 of Iune 1627,* (London, 1627); William Camden, *Annales* (London, 1625). [↑](#footnote-ref-42)
43. BDA, RB 3/1, p.817: Robert Smart gave the twenty acres to John King and John Dyke, both described as 'of Barbados'. [↑](#footnote-ref-43)
44. Harlow*, Colonising Expeditions* pp.25-42. [↑](#footnote-ref-44)
45. TCD, MS 736, pp.5-11 (copy): 'The Originall Deed of demise from the Earle of Carlile to the Lord Willoughby of Parham of the Caribee Islands for one & twenty yeers', 17 Feb., 22CI (followed by a list of 60 of Carlisle's creditors including Edlin, Latham and Johnston, but not corresponding to the list of merchants with estates or settlers in the Caribbees); pp.14-28 (copy): 'The Lord Willoughbyes Letters Pattents of Lieutenant Generall of the Caribee Islands' ('James Earle of Carlile Viscount Doncaster Lord Hay of Sawley Lord and Proprietor of the Province of Carliola or the Carlile or Caribee Islands in the Parts of America', 26 Feb., 1646(7). [↑](#footnote-ref-45)
46. Oxford Bodleian, Rawlinson MSS C 94: 'A brief collection of the depositions of witnesses and pleadings of commissioners at law in a difference between the merchants and inhabitants of Barbados on the one part and the Earl of Carlisle, Lord Willoughby &c on the other part', 15, 17, 19, 26 march 1647 and 9 Apr., 1647. There are similar depositions from witnesses (some the same witnesses) collected in State Papers and dated 1660: TNA, CO 31/1, pp.18-30 is a guess for the location of these. The *Calendar of State Papers Colonial* is notorious and does not give a PRO reference here (*Calendar of State Papers Colonial, America and West Indies*, vol.1 (1574-1660), pp.486-89. Any papers which fall before the Restoration and after 1649 are in a completely different location, in SP rather than CO. [↑](#footnote-ref-46)
47. TCD, MS 736, p.165. [↑](#footnote-ref-47)
48. TCD, MS 736, pp.109-11, p.109. [↑](#footnote-ref-48)
49. TCD, MS 736, pp.112-14, p.114: Jer.22:13-14: 'Woe unto him that buildeth his house by unrighteousness, and his chambers by wrong; that useth his neighbour's service without wages, and giveth him not for his work;/ That saith, I will build me a wide house and large chambers, and cutteth him out windows; and it is cieled with cedar, and painted with vermillion'. [↑](#footnote-ref-49)
50. TCD, MS 736, p.115. [↑](#footnote-ref-50)
51. TCD, MS 736, pp.117-18. [↑](#footnote-ref-51)
52. Sir Edward Coke, *The Reports of Sir Edward Coke, Knt*: *In English* part v, p.52 (London: 1777), vol.iii. [↑](#footnote-ref-52)
53. Plowden; James Payne Collier and Charles Knight (eds.), *Romeo and Juliet. Othello. Hamlet.* Etc (London, 1847) p.75: referring to Hamlet Act v, scene 1; Thomas Vernon, *Cases Argued and Adjudged in the High Court of Chancery* vol.1, p.9 Prodgers v Phrazier, the argument of Mr Holt that 'where the King has a prerogative, it is intended for the King's advantage, and not for the benefit of the subject'. [↑](#footnote-ref-53)
54. John Cowell, *The Interpreter* (Cambridge, 1607), sig. Ee2/1. [↑](#footnote-ref-54)
55. TCD, MS 736, pp.173-74. [↑](#footnote-ref-55)
56. TCD, MS 736, pp.109-10: Sir John Davies, *Reports* ; Hans S. Pawlisch, [*Sir John Davies and the Conquest of Ireland*](http://ebooks.cambridge.org/ebook.jsf?bid=CBO9780511522758)***. A Study in Legal Imperialism* (Cambridge: CUP, 1985); C. W. Brooks, *Law, Politics and Society in early-modern England* (Cambridge: CUP, 2008), p.129.** [↑](#footnote-ref-56)
57. TCD, MS 736, pp.115-16. [↑](#footnote-ref-57)
58. Shaunnagh Dorsett, 'Since time Immemorial: a story of common law jurisdiction, native title and the Case of tanistry', *Melbourne University Law Review* vol.23 (2002): pp.32-59; James W. Zion and Robert Yazzie, 'indigenous law in North America in the wake of conquest', *Boston College International and Comparative Law Review* vol.20.1 (1997): pp.55-84; P.E. Nygh, 'Problems of nationality and expatriation before English and Australian courts', *The International and Comparative Law Quarterly* vol.12.1 (1963): pp.175-88; Daniel J. Hulsebosch, 'The ancient constitution and the expanding empire: Sir Edward Coke's British jurisprudence', *Law and History Review* vol.21.3 (2003): pp.430-82; Harvey Wheeler, 'Calvin's Case and the Mellwain-Schuyler debate', *The American Historical Review* vol.61.3 (1956): pp.587-97; Constantia Maxwell, 'The plantation of Ulster at the beginning of James I'd reign', *The Sewanee Review* vol.31.2 (1923): pp.164-77; G.C. Bolton, 'The idea of a colonial gentry', *Historical Studies* vol.13.51 (1968): pp.307-28. [↑](#footnote-ref-58)