

SHAPING BRITISH IDENTITY: TRANSATLANTIC  
ANGLO-SPANISH RIVALRY IN THE  
EARLY MODERN PERIOD

by

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ABSTRACT

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Traditional nationalism studies focus primarily on nineteenth-century developments of state-formation and the imposition of nationalistic compulsions from the top down. This study challenges that theoretical framework by arguing that nationalism is evident in much earlier centuries, that nationalistic sentiment is expressed from the bottom up, and that the state is often compelled to assert itself against political rivals in response to the needs and desires of its citizenry. Nationalism is essentially mere rhetoric—the language of the state and its people—in order to encourage or compel compliance in response to the necessity of the state to achieve specific political goals. The examination of the British anti-Spanish rhetoric of the seventeenth and eighteenth centuries regarding colonial issues reveals the emergence of the British

national identity. From this early modern British rhetoric is the revelation that nationalism is not necessarily a state-imposed mandate, rather nationalism emerges from the people and the state as a response to outside political, economic, and social threats.

This study evaluates the language of the British people who were interested in transatlantic colonial activities, between the years 1606-1739 (the founding of Jamestown to the War of Jenkins' Ear/Anglo-Spanish War). British colonial and trading activities placed them within the territories that the Spanish claimed for themselves, resulting in an inevitable conflict between the two nations for nearly two centuries. Through the evaluation of cases of British ship seizures and the public discussion of those cases, the British reveal their assertion of national identity as a product of the nation's ability to "triumph" over the Spanish through successful negotiations for ship reparations as well as gain Spanish acknowledgements to British "rights" to their colonial territories.

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## CHAPTER 1

### INTRODUCTION

Approaching European and American history from a transatlantic perspective is to implement a unique methodology in order to move away from traditional studies of a single entity—such as a nation or peoples—to better understand historical developments as they are influenced by stimuli both in Europe and the New World. In effect, transatlantic theory de-emphasizes political, social, and economic historical events as being purely “European” or “American.” Such is the case in understanding national identity and political conflict between western European entities. After 1500, conflict and interaction between European powers was aggravated or enhanced through their Atlantic activities, and, arguably, their Atlantic activities became more important to their interaction as time progressed. More importantly, the relative successes and failures of the Atlantic endeavors of European powers helped shape how they viewed themselves and their place in the political and social order of the Western world.

The sense of national identity as cultivated through competitive transatlantic activities is especially evident when we evaluate the development of the First British Empire and its political rivalry with Spain. Political competition and antagonism between England and Spain originated approximately half a century after the Columbian discoveries and continued to accelerate through the eighteenth century largely because of their comparative and combined European and Atlantic activities. The rivalry between

these two powers was unique as compared to other European rivalries during this period in that it was unrelenting (whether during war or peacetime), its essence was founded in both ideological differences and fatalistic beliefs, and it functioned to encourage the movement toward the development of a British national identity.

An individual's identity generally is shaped by her/his association or affiliation with an entity that differentiates itself by race, ethnicity, culture, philosophy, religion, nationality, or some varying combination of these elements. Consciousness of one's "identity" develops either through external encouragement/discouragement by others or through individual assertion of belonging/separateness. From a historian's perspective, discerning individual and group identity is an essential component in understanding and conveying the motivations, impulses, and meaning of human actors in the past. While determining and defining identity is integral to historical scholarship, the historian must avoid perils such as gross generalization, teleological projections, ahistorical attributions, and the imposition of modern constructs upon the past. Whereas racial, ethnic, and religious designations are perhaps less susceptible to inaccurate historical representation, assuming that entire populations within certain geopolitical boundaries consciously acknowledge that their sense of self is either partially or wholly defined by nationalistic impulses becomes more difficult, especially as we move further back in time.

Such is the case when one attempts to define—as is the focus of this research—what it meant to be English and/or British in the sixteenth through eighteenth centuries. In the historical scholarship of nation building and nationalism to contend that any society could conceptualize the nation as a distinct and definable entity—one with which

they exhibit a sense of association—is a historical fallacy in any period prior to the nineteenth and twentieth centuries. The main contention of nationalism scholarship is that nation building is a function of the state, and that it occurs in a climate of institutional changes resulting in an assertion of distinctness from other national entities. These institutional changes are attributable to adoption of economic and political theories that are more compatible with modernization, industrialization, and post-colonial state formation. Fundamental to the traditional view of national identity is that it is an imposition upon the populace in order to create hegemony rather than being a conscious assertion of individuals.

My research aligns itself with the historical scholarship that seeks to challenge established theoretical parameters of nationalism studies largely through the analysis of the rhetoric of individuals who assert their identity with the nation without the manipulation of the state. The basis of this challenge is to create new theoretical tools in which to understand ways in which historical actors asserted their sense of identity with the nation through their actions and rhetoric. Historians Michael Braddick, Linda Colley, and Carol Z. Wiener each challenge established conceptions of the nation from varying perspectives that both reflect and influence my scholarship. Braddick argues that viewing state formation as “a purely institutional phenomenon” creates theoretical difficulties that diminish or do not take into consideration social change and actions of historical actors.<sup>1</sup> His contention is that state formation was a “dynamic process” in

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<sup>1</sup> Michael Braddick, “State Formation and Social Change in Early Modern England: A Problem Stated and Approaches Suggested,” *Social History* 16, no. 1 (January 1991): 2-4.

which “the effectiveness of the state may be approached as a question of identity as much as institutional reform, as brokers came to identify themselves and their role in a way that favoured the state in achieving its ends.”<sup>2</sup> Historians Colley and Wiener focus more intently on determining exactly how and in what ways the English were exhibiting national identity. Both of these historians argue that the theoretical framework of national identity does not consider the voices and behaviors of British peoples who did avow a sense of national identity prior to the nineteenth century.<sup>3</sup> Wiener argues that a British national identity and sense of unity existed as early as the middle of the sixteenth century in consideration of “mainstream” publications and personal papers of non-“fanatics” of the period.<sup>4</sup> Whereas Wiener interprets British national identity in terms of fear of Catholicism and Catholic powers, my own research expands upon her argument by asserting that it is not merely fear but a more directed contention with, and the hopeful triumph over, a specific Catholic power (i.e.; Spain) that united the country. The people of historical England, later Great Britain—a nation comprised of a diverse population of different ethnic and cultural identities and loyalties—revealed their devout affiliation with the nation usually when it was engaged in direct competition with European rivals, especially when the origin of that political and social contention was Spain. Colley

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<sup>2</sup> Ibid, 4.

<sup>3</sup> Linda Colley, *Britons: Forging the Nation, 1707-1837*, (New Haven: Yale University Press, 1992), 4-5.

<sup>4</sup> Carol Z. Wiener, “The Beleaguered Isle. A Study of Elizabethan and Early Jacobean Anti-Catholicism,” *Past and Present* 51 (May 1971): 28-29, <http://www.jstor.org/stable/650402> (accessed 24 January 2009).

succinctly states, “Britishness was superimposed over an array of internal differences in response to contact with the Other, and above all in response to conflict with the Other.”<sup>5</sup>

This research argues that British national identity developed from the moment of their first transatlantic movements and their interactions with their common Spanish “enemy.”

William Maltby—in his seminal study of English anti-Hispanicism in the sixteenth and seventeenth centuries—argues that during the early modern period “Englishmen were unquestionably aware of their national identity” primarily because their conflicts with Spain were concerning national affairs rather than dynastic troubles.<sup>6</sup> Maltby is dismissive of the idea that early modern Britons had the capacity of experience the modern sense of nationalism; rather he believes that it is more accurate to state that the English developed a “national consciousness” that was derived through comparison with, and negative stereotypes of, the Spanish.<sup>7</sup> Thus, to affirm that the general population possessed a sense of British national identity of the general population is to state that such patriotism and self-definition resulted from the external influence and unifying causes of anti-Catholic and anti-Spanish sentiment. Maltby’s review and analysis of anti-Spanish writings of the Elizabethan through Cromwellian eras is, to date, unparalleled. His work tremendously influences this research, thus it is important to explain where his and this research take divergent paths. While both of our research

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<sup>5</sup> Colley, 6.

<sup>6</sup> William S. Maltby, *The Black Legend in England: The development of anti-Spanish sentiment, 1558-1660* (Durham, NC: Duke University Press, 1971), 134-5.

<sup>7</sup> Ibid.

emphasizes the rhetoric of anti-Hispanicism, his work focuses solely upon analysis of the sources, messages, and diffusion of anti-Spanish sentiments expressed in English writings. This research, likewise, relies on similar analysis, but the emphasis is upon the use and application of anti-Spanish sentiments in the Atlantic colonial context. In other words, Maltby's research is about origins and this research is about the application of anti-Spanish rhetoric.

A burgeoning British national identity (as a direct response to Anglo-Spanish relations) during the colonial period reveals itself in the administrative, diplomatic, and media source records of the time. By examining these sources, we discover evidentiary language that explicitly indicates a contemporarily held opinion that Britishness and national honor had a direct connection to the relative successes and/or failures of the nation when pitted against the activities of the Spanish in the continental and transatlantic context. Additionally, and most importantly, source records on the connection between Anglo-Spanish competition and national identity originate from varying sectors of British society. British national identity was not necessarily a political imposition by authoritative entities in order to encourage obedience and enforce homogeneity by authoritative entities, but was embraced and evoked by individuals out of self-interest and patriotic fervor. The role played by the individual British citizen as the proponent and purveyor of nationalistic sentiment is apparent when consulting sources such as contemporary books, pamphlets, colonization propaganda, cosmographies, newsbooks and literary news journals, and formal appeals to governing bodies. What these sources reveal is a sense of British national identity as derived and fueled by the real and

imagined “evil” actions of the Spanish to hinder, infringe, inhibit, and injure their European and colonial aims. In other words, the British perception of their political and economic activities as “good” and rightful meant that individuals were adopting a nationalist identity when those activities were in any way restricted by the Spanish.

The vilification of the Spaniard originated in the religious-political rivalry in the sixteenth century (to be discussed in the next section of the introduction), and later expanded into a more complicated economic-political conflict in the Atlantic world of the seventeenth and eighteenth centuries. From the viewpoint of the British, every “evil” purpose and intention they believed the Spanish held was confirmed by the peacetime depredations committed against ships belonging to “innocent” British citizens who were pursuing their natural right to “free navigation and trade” to and from their Atlantic colonies. To illustrate what was essentially a prolonged “silent war,” this study draws upon examples of the Spanish tactic of seizing British trading/merchant/passenger ships when they navigated throughout the Atlantic Ocean and the Caribbean, and examines how the British drew upon nationalistic language in their responses to those seizures. Historians frequently refer to the Spanish attacks on British ships and sailors in the colonial context, and often refer those actions a primary cause in the outbreak of the War of Jenkins’ Ear (where this study concludes) in 1739. However, to date, there has been very little exploration or analysis into the cases of ship seizures themselves. Even in the case of the seizure of the ship *Rebecca*, the ship captained by Robert Jenkins by which the 1739 war gains its name, very little research exists illustrating the way in which ship seizures influenced British thought or action. Spanish seizures of British ships—whether

done out of malice or for legitimate reasons, such as illegal trading and piracy—in every instance revived the rhetoric of rivalry and national honor. Thus, the texts of British news reports, public protests, and appeals to governing bodies for restitution or reprisal of seized ships constitute a rich body of literature and that illuminates of the fierceness of Anglo-Spanish competition, as well as the contemporary connection individuals made between colonial endeavors and political preeminence in Europe.

Additionally, using ship seizures and the corresponding British responses as a methodological measuring tool is useful because the Spanish employed this tactic throughout the early colonial period as a means to discourage or limit British colonial expansion. The British responded predictably, interpreting the tactic as evidence of what they “understood” about Spanish and their character. The Spanish viewed all non-Spanish vessels in proximity to their colonies as some variation of pirate, whether the vessel’s presence was by design or accident.<sup>8</sup> Furthermore, Spanish seizing of British ships accelerated contemporaneously with the expansion and increasing numbers of British colonial holdings, especially as those colonies were in close proximity with Spanish colonies. As offensive as the ship seizures were—from both an economic and nationalistic perspective—both England and Spain were operating under the economic/political premise of mercantilism, which held that each country had the absolute right to protect and exploit its claimed territories while preventing the other from infringing on that right. In the absence of open warfare, both powers sought to curtail or

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<sup>8</sup> T. O. Lloyd, *The British Empire, 1558-1983*, The Short Oxford History of the Modern World, edited by J. M. Roberts (Oxford: Oxford University Press, 1984), 4.



diminish each other's political and economic strength by exacerbating the natural difficulties involved in Atlantic trade and commerce. Despite the few British voices that understood or even sympathized with Spanish actions to protect their American and Caribbean interests, the prevailing axiom—derived from the public reactions of ship seizures and the language employed to relate those seizures—was that the honor of the nation and the British peoples depended upon “triumph” over their enemy.

### 1.1 Foundations of Conflict: Review of Anglo-Spanish Rivalry before 1606

The advent of Anglo-Spanish rivalry has its ideological foundation in the religious and political consequences of the Protestant Reformation in England. European nations that recognized Protestantism found themselves not only in religious but also political conflict with competing Catholic European powers. Religious affiliation of kingdoms added a new factor in the consideration of political alliances, creating antagonism between nations where conflict had been previously minimal. Initially, a newly Protestant England and Catholic Spain were at odds, yet they remained relatively peaceful until the Counter Reformation activities of the Elizabethan era. Whereas Protestantism created ideological differences that only secondarily influenced international diplomacy in the first half of the sixteenth century, the actions to restore England to the Catholic fold by the Spanish under the leadership of Philip II instigated a legacy of rivalry between the two nations that dominated their relationship for the next two centuries.

Historians argue that Britain had been growing weary of the Catholic Church a full century prior to the English Reformation due to the perceived irrelevance of its

authority over British interests and various accusations of corruption.<sup>9</sup> The dynastic concerns of Henry VIII of England, however, eventually precipitated the break with Rome. The failure of Henry to produce a male heir by his wife, Catherine of Aragon, led him to seek an annulment, which had to be granted by the pope as marriage is considered a sacrament within the Church. Pope Clement VII denied the request, partly because the marriage originally required approval through a papal dispensation, and largely because the pope at the time was under the control of the Spanish king, Charles V, who was also the nephew of the unfortunate Catherine.<sup>10</sup> Divorcing Catherine was the only option that Henry believed to be possible, and to achieve this he had to place himself as head of the church in England, an institution outside the reach and influence of Rome.

Protestantism had a rocky beginning in the first three decades of its practice in England owing to the harsh impositions of Henry VIII that demanded allegiance and obedience to his dictates, a clash between faithful Catholics and newly converted Protestants, and the machinations of religious leaders vying for political power by aligning themselves with the faith of the ruling monarch. Despite the conflict and pain of enforced conversion, Henry's dictates to insure conformity to his policies revolutionized how the English viewed themselves and their perceptions of their Catholic counterparts. According to Edwin Jones, Henry VIII tasked his chief minister Thomas Cromwell to

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<sup>9</sup> Roland H. Bainton, *The Age of Reformation* (1956; repr., Malabar, FL: Kreiger Publishing, 1984), 55-6.

<sup>10</sup> Ibid.

rewrite the English past in order to justify his Reformation-era policies.<sup>11</sup> This historical revisionism “did more towards the building of a conventional attitude of mind, never contested because taken for granted, becoming ever more rigid and unyielding as it sank deeper into the subconscious mind of the nation.”<sup>12</sup> Jones further asserts that in this recreation of the English past included the establishment of the notion that England has historically had an antagonistic political relationship with the papacy, which has always sought to restrict and oppress English sovereignty.<sup>13</sup> While Henry and his advisors certainly advocated this version of their own history as political justification for their break with Rome, this particular revisionism resonated with the English population that was becoming increasingly frustrated with the Catholic Church. Whereas the religious ideology of Protestantism was initially difficult for the English to assimilate, the political ideology of a nation separate from Rome’s influence was more palatable. Consequently, the adoption of an anti-papal/Catholic sentiment rapidly became anti-Spanish sentiment in England, in that Spain was, at that time, closely connected personally, politically and ideologically with Rome. Spaniards, by English perception, were the worst sort of papists, in that they were the soldiers of Rome set on enforcing the Church’s religio-political agenda.<sup>14</sup> Thus, it is during Henry’s reign that the foundation for anti-Catholic

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<sup>11</sup> Edwin Jones, *The English Nation: The Great Myth* (London: Sutton Publishing, 1998), 38-40.

<sup>12</sup> *Ibid*, 45.

<sup>13</sup> *Ibid*, 42-3.

<sup>14</sup> Maltby, 29. The *Oxford English Dictionary*, online edition, (2009) definition of papist is “A Roman Catholic; an advocate of papal supremacy.” Yet, in the period of the sixteenth- through eighteenth-centuries, the English usage of the word papist was a derogatory designation that implied religio-political

and anti-Spanish sentiment was established, if not a complete acceptance of Protestantism.

The movement toward creating a Protestant majority in England owes a great deal to the perceived and actual attempts to restore Catholicism as the state religion under the rule of Mary I, otherwise known as “Bloody Mary.” The actions of Mary that influenced the growth of Protestantism are her marriage and her “persecutions” of Protestant “martyrs” in England. From the onset of the marital discussions for Mary I, her personal faith and that of her perspective spouse, Philip II of Spain, caused anxiety for an increasingly Protestant England. Though her research is primarily concerned with sixteenth-century views of gender and their implications for Mary Tudor as the primary monarch of England, Judith M. Richards relates that there was a persistent fear that Philip II would have “undue influence” over English affairs and force England to submit to Spanish rule.<sup>15</sup> There was truth in the notion that Spain had a stake in the return of Catholicism to England, because it hoped to gain an ally for its continental political aims, and to fulfill the “messianic” vision of Philip II of Spain through a political marital alliance.<sup>16</sup> The power of rumor, supposition, and public opinion gave more credence to a

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radicalism. Papists, in this usage, were Catholics (or supposed Catholics) who actively sought to overthrow or undermine the English nation through plots and other machinations. Additional implications of the term were synonymous with evil behavior and, to a lesser extent, ignorance.

<sup>15</sup> Judith M. Richards, “Mary Tudor as ‘Sole Quene’?: Gendering Tudor Monarchy,” *The Historical Journal* 40, no. 4 (December 1997): 919-921. <http://www.jstor.org/stable/2640128> (accessed 25 January 2009).

<sup>16</sup> Geoffrey Parker, “The Place of Tudor England in the Messianic Vision of Philip II of Spain: The Prothero Lecture,” *Transactions of the Royal Historical Society*, 6<sup>th</sup> ser., 12 (2002): 181-4, <http://www.jstor.org/stable/3679344> (accessed 23 May 2008).

Catholic conspiracy spearheaded by Mary and Philip, rather than any actual behavior on their part to discourage the flourishing of Protestantism.<sup>17</sup> Despite ascending to the throne with a desire to bring peace by proclaiming an act of religious toleration, Mary discovered that to insure her own security from staunch Protestants, as well as preserve the practice of Catholicism, that she and her advisors had to take a proactive stance of discovering, trying, and executing religious (Protestant) heretics.<sup>18</sup> Recent scholarship focuses on rehabilitating the historical interpretation of the reign of Mary I by offering a more sympathetic view of her as an individual and as a monarch as well as by qualifying her persecutions of Protestants.<sup>19</sup> Regardless of modern attempts to view Mary with a fairer, equitable approach, one must still contend with her contemporaries and those of her successor. In her study of late sixteenth-century chronicles, Marcia Lee Metzger asserts that official, popularly consumed “histories” of contemporary times were often tinged with what was considered politically advantageous stances, especially views regarding the monarch. Metzger argues that chroniclers under Elizabeth I began the vilification of Mary’s history so that Elizabeth was portrayed as the better ruler. Yet, she

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<sup>17</sup> Richards, 922-3.

<sup>18</sup> Smith, 161, 164-5.

<sup>19</sup> Much of this innovative scholarship began in the 1990’s, for an overview see, David Loades, “The Reign of Mary Tudor: Historiography and Research,” *Albion: A Quarterly Journal Concerned with British Studies* 21, no. 4 (Winter 1989); for a more sympathetic biography see, Judith M. Richards, *Mary Tudor*, New York: Routledge, 2008.

continues, “even had the chroniclers been of largely Catholic inclination, they would have been hard pressed to portray Mary’s final years as a triumph.”<sup>20</sup>

The propaganda of the Elizabethan historical chronicles were reinforced by the writings of a group of individuals known as the Marian exiles, individuals who were generally Calvinist in the religious leanings and who fled England during the heresy trials during the reign of Mary I. Of these Marian exiles, the most influential was John Foxe, who upon his return after the accession of Elizabeth to the throne began to write his famous *Acts and Monuments*, better known as *Foxe’s Book of Martyrs*. Foxe’s work is a compilation of the historical and contemporary persecutions that heretics had suffered under the Catholic Church. We can not underestimate the influence of Foxe’s work—along with the other pro-Protestant works of the period—historically or contemporarily, in its role in increasing the conversion of the English people to Protestantism, as well as fueling anti-Spanish sentiment. The relation of persecutions in the *Book of Martyrs* resonated with the English of the Elizabethan period that Edwin Jones characterizes as being fatalistic and the subject of long-term persecution. Additionally, Maltby’s interpretation of Foxe’s writing reveals that Foxe consistently correlated English suffering as the result of Spanish actions, regardless of their involvement in the persecutions.<sup>21</sup> The English religious tumult of the mid- to late sixteenth century in England, combined with the political clash between England and Spain during that same

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<sup>20</sup> Marcia Lee Metzger, “Controversy and ‘Correctness’: English Chronicles and the Chroniclers, 1553-1568,” *Sixteenth Century Journal* 27, no. 2 (Summer 1996): 442-445, <http://www.jstor.org/stable/2544143> (accessed 25 May 2008).

<sup>21</sup> Maltby, 40.

period, propelled the English country toward a Protestant majority by the end of the century.

During the Elizabethan era, various forms of Protestantism (primarily Anglican and Calvinist derivatives) firmly took hold in England, and thereafter religious-political status dictated and influenced international diplomacy for nearly the next two centuries. Elizabeth herself was somewhat ambiguous when it came to the matter of her personal faith and belief, but the challenges she had to overcome required her to position herself as a Protestant monarch. In many ways, Elizabeth's early presentations of herself as a leader of a Protestant nation were reactionary responses to the continual discovery of plots for her assassination (many of which were attributed to domestic and foreign Catholic factions) and to the fact that rival Catholic monarchs denied the legitimacy of her birth and therefore her right to the throne. During her reign, Elizabeth was able to calm the tension between Catholic and Protestant in England, and by the time of her death, some form of Protestantism was the faith of the majority of her subjects.<sup>22</sup> As Protestantism strengthened in England, so did the resolve of the Spanish king, Philip II,

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<sup>22</sup> To clarify the use of the word "majority" here is not to be purposefully dismissive the significant and extant English Catholic population, nor is it intended to imply a homogeneity of a single Protestant doctrine during the Elizabethan period. The issues of conflict between Anglican and Calvinist dogma certainly forestalled any type of Protestant consensus throughout British history, not to mention the presence and continual formation of dissenting and separatist Protestant churches. Lastly, we must acknowledge that the Reformation in England was a much longer process, lasting well in the eighteenth century. This process is what contemporary historians refer to as the "Long Reformation." However, to address and examine all of these qualifiers to any extent cannot be addressed in the course of this research. Some respectable studies of these issues can be found in, Nicholas Tyacke, et. al, *England's Long Reformation, 1500-1800* (London: University of College London, 1998); Peter G. Wallace, *The Long European Reformation: Religion, Political Conflict, and the Search for Conformity, 1350-1750* (New York: Palgrave MacMillan, 2004).

to fulfill what he believed to be God's wish to return England to the True Faith.<sup>23</sup> Throughout the 1570's and 1580's, Philip entertained and cultivated plots to reclaim England through the dispossession of Elizabeth. The consciousness of Elizabeth, her advisors, and the English public of failed Spanish plans such as instigating a domestic English Catholic uprising, attempts to promote the accession of Mary Stuart, Queen of Scots to the British throne, and the attempted Armada invasion of 1588 shaped a British political vision that extended far beyond the crisis of those times. The evidence (real and supposed) of these proposed treacheries not only provided the foundation for a prolonged Anglo-Spanish rivalry, but also provided the inspiration for the long-held belief that Spanish prejudices against the British perpetually aimed to undermine, if not crush, their sovereignty.<sup>24</sup> Even when threats of English sovereignty originated with non-Spanish political entities, such as the papal bull *Regnans in Excelsis* of 1570,—which released the English subjects from the submission to Elizabeth's "heretical" rule—those threats were interpreted as the work of Spanish influence. The resulting reaction, as David Loades explains is that, "After 1570, for the first time patriotism became unequivocally Protestant, and the queen [Elizabeth I] was forced to take sides in the ideological struggle that was increasingly preoccupying European politics."<sup>25</sup> Hence, England—under the

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<sup>23</sup> Parker, 191.

<sup>24</sup> Malcolm R. Thorp, "Catholic Conspiracy in Early Elizabethan Foreign Policy," *Sixteenth Century Journal* 15, no. 4 (Winter 1984): 441-2, <http://www.jstor.org/stable/2540360> (accessed 23 May 2008).

<sup>25</sup> David Loades, *England's Maritime Empire: Seapower, Commerce and Policy, 1490-1690*, Turning Points, ed. Keith Robbins (Harlow, England: Pearson Longman, 2000), 110.



leadership of Elizabeth—was, through self-determination, to be the champion of Protestant statehood at home and abroad.<sup>26</sup> Niall Ferguson summarizes:

The English sense of empire envy only grew more acute after the Reformation, when proponents of war against Catholic Spain began to argue that England had a religious duty to build a Protestant empire to match the 'Popish' empires of the Spanish . . . . The English conception of empire was thus formed in reaction to that of her Spanish rival. England's empire was to be based on Protestantism; Spain's rested on Popery.<sup>27</sup>

The “triumph” of the English over the ill-fated Spanish Armada helped to encourage British thinking that the ideological and political battle with Spain was not merely a conflict to protect the sovereignty and security of England, but that the field of contention was much larger. To truly assert and protect its independence, England must be able to compete with, and break the control of, Spain in Europe and in the New World.

Early twentieth-century scholars interpreted the movement of English adventurers, explorers, and later colonists into the Atlantic World as primarily an economic desire to expand their own wealth and secondarily increase the power of the state.<sup>28</sup> This early scholarship continues to dictate recent studies of the British Atlantic by the emphasis placed upon, for example, the rise of the merchant class and issues with trade and wealth. Atlantic scholarship (old and new) acknowledges the motivation of the Anglo-Spanish rivalry; however, that motivation is considered secondary or of lesser

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<sup>26</sup> Maltby, 29.

<sup>27</sup> Niall Ferguson, *Empire: the Rise and Demise of the British World Order and the Lessons for Global Power* ( New York: Basic Books, 2002), 3.

<sup>28</sup> George Louis Beer, “The Early English Colonial Movement I,” *Political Science Quarterly* 23, no. 1 (March 1908): 80, <http://www.jstor.org/stable/2140942> (accessed 23 May 2008).

importance.<sup>29</sup> This study argues that the Anglo-Spanish rivalry was of equal importance to the economic desires of individuals and the state, as it was consistently part of the political and public discourse.

### 1.2 The British Public: Media, Readership, and the Realm of Public Opinion

While Elizabethan advisors and counselors were ever conscious of the real, and perceived, Spanish threats to the queen and the security of England, there are indications that the masses were aware and felt concern for issues that affected themselves and their country. Information and intelligence reached the public through several forms: the propaganda of anti-Spanish and pro-Protestant writers, the publications of state matters that originated with the queen and her advisors, word-of-mouth, and in religious services. According to Maltby, “English readers were being subjected to propaganda in the modern sense: a conscious and systematic attempt to control their attitudes in the interests of Protestantism.”<sup>30</sup> The public’s greater access to political, social, economic, and religious matters in England was a result of Elizabeth’s decrees that such communications were to be conveyed and published in the English vernacular.<sup>31</sup> Throughout her reign matters of state were increasingly published in pamphlets and broadsheets for the purposes of public consumption and for potential public adherence to decisions and policy. For example, in 1596, the English were launching a sea offensive against Spain that led to the subsequent

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<sup>29</sup> Ibid, 76-80.

<sup>30</sup> Maltby, 41.

<sup>31</sup> For example, see Church of England and Elizabeth I, *Iniunctions geuen by the Queenes Maieftie Anno Domini. 1559. The fyrft yere of the raigne of our Soueraigne Lady Queene Elizabeth. Cum priuilegio Regie Maieftatis.* (London: Printed by Richard Jugge and John Cawood, 1562?), n.p.

publishing of a three-page pamphlet to both rationalize the action and serve as public notice for those who may be affected by the military action. The pamphlet, signed by Richard Devereux, Earl of Essex, and Charles Howard, Earl of Nottingham, concludes with the statement, “and for the more notification hereof, we haue thought good to haue the Originall hereof bee figned with our hands and with our feales, to bee seene by any that will require to reade or see the same.”<sup>32</sup> Published and translated into other languages as well,—this pamphlet ostensibly warned foreign traders and peoples outside England who would be affected—but, the argument can be advanced that a formal declaration and appeal to those within England indicates a shift in the consideration of the role of the general public in relation to matters of state. While the intention of such publications was to encourage conformity and law-abiding behavior among the English people, the spreading of information in such a manner inspired public discussion that often dissented from the opinion and desires of the state.

In Adam Fox’s study of sixteenth-century prosecutions of violators of the sedition laws, he finds that extensive networks of information and misinformation spread news, shaped popular opinion, and politicized the common man, even the illiterate or those distant from hubs of information such as London.<sup>33</sup> Despite the noted disparate interests and regionalism commonly associated with England and her peoples, movement

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<sup>32</sup> Robert Devereux, Earl of Essex and Charles Howard, Earl of Nottingham, *A Declaration of the Causes Mouing the Queenes Maiestie of England, to prepare and fend a Nauy to the Seas, for the defense of her Realmes againft the King of Spaines forces. . .*, (London: Deputies of Christopher Barker, 1596), 3.

<sup>33</sup> Adam Fox, “Rumour, News and Popular Political Opinion in Elizabethan and Early Stuart England,” *Historical Journal* 40, no. 3 (September 1997): 597, <http://www.jstor.org/stable/2639880> (accessed 25 May 2008).

of information (usually through oral communication) could create a unifying popular opinion on any number of subjects. Whereas dissent and conflict with state-sanctioned policies were evident throughout Elizabeth's reign, the persistence of anti-Spanish sentiment in printed literature disseminated among the people indicates that the attempts to shape public opinion on the subject of their Catholic "enemy" were successful.<sup>34</sup> As a largely Protestant nation moving into the seventeenth century—carrying with them the memory of their glorious Elizabeth—and embarking on the prospect of creating an overseas empire, it can be confidently argued that the British rivalry with Spain was a principle that was understood and embraced by all sectors of society.<sup>35</sup>

During the seventeenth and eighteenth centuries, mass media in the form of corantos, newsbooks, and finally newspapers expanded exponentially the access that the common person had news about social, political, and economic affairs at home and abroad. Concurrent with the increasing numbers of periodicals was the increasing rate of literacy amongst the masses. Protestantism was most responsible for the increasing rates of literacy, with its emphasis on individuals' responsibility of constant Christian education through the reading of the Bible and other religious texts. Exact figures for determining the literacy rate in Early Modern Britain are subject to much historical debate and discussion, but the consensus is that by the middle of the seventeenth century approximately half of the population was literate. Scholars have measured historical

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<sup>34</sup> Maltby, 41.

<sup>35</sup> The possible exception to "all" of the English would be English Catholics. Maltby explains that during the late sixteenth century they "may not have shared these views, but they were rarely in a position to oppose them. . . . there is no evidence to indicate that the bulk of them were pro-Spanish to begin with," 30.

literacy rates by the ability of individuals to sign their own name, which is problematic in that reading was a skill that was easier to obtain than writing. Lawrence Stone remarked that, “the mere ability to sign one’s name in was of no great value to a man in the seventeenth-century . . . society, and the genuinely literate had therefore no incentive to learn this particular trick and nothing more.”<sup>36</sup> Rather than using literacy as a measure to determine individual’s access to information and news, a better indicator of how individuals accessed news is in the historical commentary of public readings of newspapers and tract literature. A common historical scenario is that of a public gathering in a tavern or inn where townspeople gather to listen to an individual read letters and newsheets out-loud to the audience.<sup>37</sup> Public readings of newspapers and subsequent debating of the news items was also common in urban coffee houses.

Accordingly, as periodical literature rose with literacy rates into the eighteenth century, so does evidence that public discourse continued to strengthen, regardless of how the public acquired their information. A popular lament of politicians in the seventeenth and eighteenth centuries was against what they felt was an undue “excitement” of the masses by news “journalists” and parties who used periodical and pamphlet literature as an appeal to the public to support their cause. Increased literacy

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<sup>36</sup> Lawrence Stone, “The Education Revolution in England, 1560-1640,” *Past and Present* no. 28 (July 1964): 43, <http://www.jstor.org/stable/649877> (accessed 26 January 2009).

<sup>37</sup> In many instances, this designated reader was the village vicar who might have been the only literate individual in the immediate area. Interestingly, toward the end of the seventeenth century, there is some indication that the village minister was expected to foster literacy as part of his regular spiritual duties. For example, in the preface to a seventeenth-century auction catalogue, the auctioneer advertises many of the lots as being cheaper printings of edifying works perfect for a minister to purchase for the better education of his parishioners.

and access to news information led to a perceived increased agency of individuals who used printed media in which to contribute their perspective on events. This is best exhibited in the “pamphlet wars” during the English Civil War, and later, where this research concludes, in the years leading up to the War of Jenkins’ Ear/War of Austrian Succession. In the case of the latter event, the flow of written commentary not only supported/criticized the government, but also supported/criticized the stances of editorial writers. Regardless, contemporaries during the 1730s acknowledged (and sometimes condemned) that the war with Spain—aside from being the result of activities of the Spanish against British trading and colonial interests—was instigated by public outrage fueled by the discourse of popular media.

### 1.3 The Place of other Competing European Powers

Aside from periods of outright war, British conflicts over colonial issues with other European entities—France, the Netherlands, Portugal—were minimal in the early modern period. This lack of conflict is largely due to four factors: First, their limited American/Caribbean holdings—while desirable to the British—were not extensive enough to present a significant challenge to the British presence. Second, in the absence of significant colonial holdings, other Europeans expended limited human and military resources to maintain those colonies. Third, other Europeans rarely challenged British rights to their colonial possessions. Lastly, when conflict did occur between England and other Europeans over colonial/trading issues, the “battleground” was (during peacetime and wartime) in Europe or other parts of the world (i.e., Africa, East Indies, and the Mediterranean).

This is not to disregard the fact that during periods of peace the British did lose ships to both the French and Dutch in the Atlantic and Caribbean; however, in almost all recorded instances those activities were reported (in the media and Parliamentary petitions and accounts) as acts of individual piracy rather than attributed to the nation of the offender. The historical record indicates there were periodic attempts to gain restitution for piratical acts from respective home countries of the offender/s, yet more frequently there appears to be a curious disconnect by the reporters between, for example, a French pirate and the French state. Additionally, reports on non-Spanish piratical acts use less inflammatory language than we see in Spanish cases of ship seizures. The rhetorical terminology continually associated with Spanish acts—such as “barbarous,” “depredations,” and “cruelty”—are used in connection with other Europeans only during times of eminent or actual warfare.

Secondary in rank to Spain in the hierarchy of colonial rivalries were conflicts with France and the Netherlands. The French, whose presence in Canada, the Mississippi River Valley, the North American fishing banks, and Saint-Domingue, along with and the Dutch colonies on the upper mid-Atlantic region, often caused discord over the competition for control of natural resources and trade. Anglo-Dutch rivalry ended with the conclusion of the Third Anglo-Dutch War in 1674 and the unification of commercial and political interest with the accession of William of Orange to the throne of England in 1688.<sup>38</sup> Anglo-French rivalry declined toward the last quarter of the sixteenth century,

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<sup>38</sup> Ferguson, 18-19.

but later revived to displace that of the Anglo-Spanish to any significant degree after 1740.<sup>39</sup> British conflicts with the French prior to 1740 were confined to periods of officially declared war that sought only secondarily to dispossess each other of the colonial holdings. The qualitative differences between the rivalries of England and Spain, and that of England and France or the Netherlands may be understood in terms of the philosophical approaches toward colonial possessions. David J. Weber argues that:

England and France saw North America itself as their main chance for profit in the Americas. In contrast to Spain, which formed its empire in the sixteenth century when European kingdoms put primacy on territorial acquisition through political and religious domination, England and France entered North America in an era of commercial expansion, when control of trade had become more important than control of territory.<sup>40</sup>

Whether the tenor of the Anglo-Spanish rivalry was shaped by historical inheritance of the religio-political conflicts originating in the sixteenth century or, more in agreement with Weber's argument, the product of differing theoretical approaches to the role of colonial enterprise, that competition has a unique quality that influenced how the English understood themselves and their place in the world. Whereas anti-French and anti-Dutch sentiment arose during periodic conflict and declined in peacetime, anti-

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<sup>39</sup> Smith, 175. Practically speaking, the French were a more significant threat to England long before 1740 than the Spanish. While late seventeenth-century English contemporaries advised that more caution and attention should be placed on the French (particularly in light of their political alliances and trading privileges), the conscious and subconscious desire of the English to "triumph" over their Spanish enemy tended to blind them to approaching problems on the horizon. The peacetime competition with the French in the late seventeenth and early eighteenth was almost exclusively economic. While economic and trading issues were extremely important to the British, and the subject of much discourse, the perceived ideological "battle" that was being fought in Europe and the colonies between England and Spain dominated Atlantic-related policy until 1740.

<sup>40</sup> David J. Weber, *The Spanish Frontier in North America* (New Haven: Yale University Press, 1992): 177.



Spanish sentiment—exacerbated by continual Atlantic/Caribbean conflict—approached being a cultural constant requisite to the formation of the early modern Briton’s identity.

Anglo-Portuguese relations differed significantly from those with France, Holland, or Spain in that the English had maintained an alliance with the Portuguese since 1385, when England interceded on the behalf of John in his claim to the Portuguese throne. Although there was some degree of conflict between the English and the Portuguese, especially when the English attempted to expand their territories in areas that Portugal had claimed as their own (Brazil particularly) and in instances of English piracy of Portuguese trading ships, the two countries remained in near political harmony for over four centuries.<sup>41</sup> Atlantic conflict between England and Portugal, generally, was minimal owing to their political alliance and the failures of English attempts to colonize in parts of South America. This lasting Anglo-Portuguese alliance would be continually renewed and particularly solidified through a series of treaties of peace and trade in the seventeenth centuries.

#### 1.4 Methodology of Research

The course of this research will progress from the founding of the Jamestown colony (1606) until the outbreak of the War of Jenkins’ Ear (1739). This period serves as the framework for this research for three reasons: relevance in accordance to the main argument; the majority of British Atlantic colonies were settled by this time; and, the causes War of Jenkins’ Ear was a culmination of all the themes and sub-themes of

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<sup>41</sup> A. J. R. Rusell-Wood, *The Portuguese Empire, 1415-1808: A World on the Move* (Baltimore: Johns Hopkins University Press, 1992), 24-25.

this research. Although Anglo-Spanish conflict will continue past 1739, the primacy of their competition diminishes substantially replaced by an arguably more formidable Anglo-French rivalry that lasts into the nineteenth century. However, the purpose and conclusions of this research are not to determine or measure the degree of rivalry between Britain and her competitors, but to illustrate how the British perceptions of the degree of that rivalry influence their sense of nationalism. This study implements narratives of the diplomatic relations and negotiations over colonial issues between Britain and Spain, however, not in an attempt to compile a definitive diplomatic history of the two nations. Rather, the diplomatic discourse between Britain and Spain is used to provide the context for analysis of the language of the British—of various sectors of society—in response to those diplomatic relations and how that language relates to the formation of British national identity. British representations of the threat of Spain, either in Europe, the Caribbean, or the Americas, were often very accurate but in many other instances, were mere rhetoric. Thus to ascertain how the British translated their competition with Spain to their sense of self lies in the rhetoric, the words and language, drawn from primary sources arguing for their interests. Hence, the premise of this scholarship is that Anglo-Spanish rivalry of the colonial period resulted in persistent sentiment that not only explains why the British felt the compulsion to colonize and expand those colonies for political, economic, and strategic reasons, but also demonstrates the way that their successes and failures against the Spanish shaped their identity.

Because British rivalries with other European powers tended to be periodic, lacking the same degree of animosity as that with the Spanish, and more frequent after 1739, this study will trace the chronological development of anti-Spanish sentiment in Britain as it coincided with transatlantic activities. Furthermore, to advance the argument of the pervasiveness and relevance of English anti-Spanish sentiment to national sense of self, this research will focus on peacetime rather than wartime. For clarification, my use of the term peacetime refers to the literal definition of a period when not at war. Much of the anti-Spanish rhetoric under evaluation was reactionary to events of Spanish “aggression” that factored into decisions to declare war against Spain.<sup>42</sup> Focusing on anti-Spanish sentiment in peacetime also helps to establish that thought as a societal norm, as opposed to wartime sentiment where there is an expectation that the expressed feelings toward an enemy will be negative. Rather, it is the language of peacetime that best argues for the importance of that rivalry in the formation of the nation’s identity. Anti-Spanish sentiment throughout the period, both in peacetime and wartime, functions as given variable that matures as increasingly greater portions of the British populace embrace the rhetoric to advocate their own interests as well as those of the nation.

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<sup>42</sup> My use of quotes here is not to diminish real acts of aggression perpetuated by the Spanish against English interest, rather it is to emphasize that some of the historical literature regarding these acts were inflammatory and failed to recognize English acts against the Spanish that instigated certain reactions. Additionally, beginning in the 1650s, colonial issues and conflict began to factor more importantly into the decisions to declare war in Europe, thus, the subsequent chapters will emphasize how colonial activities fed Anglo-Spanish rivalry.

## CHAPTER 2

### EARLY BRITISH COLONIZATION EFFORTS, SPANISH RELATIONS AND CONFLICTS: 1606-1647

As the sixteenth century transitioned into the seventeenth century, the spirit of Elizabethan era came to an end, and not only because of the death of the queen. This “spirit” has been defined in many ways by historians of the period, but overall it was characterized by a defiant, defensive posture toward all of England’s rivals who questioned the sovereignty and power of England, most notably Spain. England, while fractured by internal social, religious, and political divisions, the advent of the seventeenth century marked a more complete sense of unity in England, as that of a nation positioned to be the champion for European Protestant religio-political causes. Furthermore, the English of the seventeenth century had a completely different view of the potential of the Atlantic and the “New World” in relation to their political sense of self. When Elizabethan Atlantic adventurers developed and implemented colonial plans in North America, they designed those attempts more in keeping with the defiant defensiveness of the period in that they intended—from the perspective of the state—to aggravate and harass Spain rather than a long-range policy of economic exploitation for the benefit of England. The abortive attempts of the colonial endeavors of the period failed, primarily, due to the Elizabethan view of short-term political gains in relation to Spain. It would not be amiss to assert that the failures of English colonial attempts, from

the disaster of Sir Humphrey Gilbert's shipwreck to the mysterious disappearance of the Roanoke colony were as much failures of individual adventures as they were failures of the state to see beyond its own immediate needs in terms English political conflict with Spain. Even as those colonial attempts failed for differing reasons, the English viewed early attempts at colonization not fundamentally different from a piratical raid on Spanish West Indian colonies. Colonial activities were just another form of Elizabethan piracy in theory and practice: once they failed they were aborted because the organization and implementation was the hands of a single adventurer seeking primarily his own fortune and glory, and secondarily that of the honor of England. In other words, the political imperative of the Elizabethan period overshadowed any imperial imperative, hence colonial activities were essentially state-sanctioned individual adventures that either succeeded or failed due to the capricious nature of fate and luck. If the colonial plans succeeded then they might have had the added benefit of perpetuating some degree of economic and political loss for Spain and the assertion of England's growing power.

The more long-range view of New World colonization and its multiple benefits for the nation and individuals under the Stuart monarchs replaced the short-term goals of Anglo-Spanish policy of the Elizabethan era. The defensive stance of the Elizabethan period gave way to a more offensive posture toward Spain and other continental rivals. The language and theory of colonization in the seventeenth century still carried the aspect of English defiance, especially against Spanish monopoly and power, but more clearly asserted that the future of England's economic and political power had become intertwined with the growth of an overseas empire in territories they had explored and

claimed in the sixteenth century. There was a heightened consciousness among select government officials, investors, merchants, and the monarchy, that the field of political contention was no longer confined to the European continent, and that for England to remain in a position of political equality then the nation had to engage in that field with their primary ideological and political rival.

In tandem with this consciousness was the fact that the economic needs of England and other European nations demanded new sources of wealth that were not obtainable solely through continental trade. The wealth of Spain that had funded their continental expansion and military/naval power derived almost exclusively from Spanish American and Caribbean colonies, and access to that or a similar source of wealth was essential if England was going to be able to compete with Spain. While the Elizabethan privateers had at various times diverted some of the Spanish wealth into the nation's coffers, those types of wealth-building endeavors were too arbitrary and unreliable to provide stable revenue to finance the military and political resources necessary for England to become a primary contender in European politics. The new economic vision of merchants and colonial organizers was that England needed to establish American colonies by which they could exploit potentially valuable resources while creating new trading markets with colonial residents. Vital to this new vision was government support of colonizers efforts as well as recruitment of a large circle of investors and organizers who had an economic and political interest in the success and perpetuation of the colonies. Thus, to insure and promote the support and interest of the government and the English people, colonial organizers, merchants, and investors increasingly relied upon

petition and appeal—in both popular publications and before king and parliament—to emphasize their belief in the connection between English prosperity and honor with empire building.

The establishment of English colonies in territories claimed by the Spanish since the end of the fifteenth century, English “discoveries” notwithstanding, created obvious conflict between the two nations throughout the seventeenth century. Anglo-Spanish rivalry of the sixteenth century, from the English viewpoint, was a religious/political continental conflict that demanded England to defend their sovereignty as a nation independent from Rome. The view of Anglo-Spanish rivalry as a religious ideological conflict continued to be influential on seventeenth-century English thought; however, the Spanish protests against English colonization provoked a need in the English to assert sovereignty rather than defend it, at home and abroad. Consequently, pro-colonial sectors of the English population believed that the successful establishment of their colonies, in spite of Spanish protest, was the measure by which the English would “succeed” against Spain. Thus, when conflicts between England and Spain occurred in the Atlantic, the reporting and discussion of those incidents either explicitly or implicitly reminded the English people that who they were as a nation measured whether they could triumph over their Spanish rivals. .

This chapter begins with the English colonization of Jamestown in 1607, which marks not only the first successful English attempt at colonization, but establishes the bases of conflict between England and Spain over English colonial activities. From Jamestown onward, the English government and colonial organizers established the

precedent of defending their colonial establishments against Spanish protest through the quasi-legal language of “rights” coupled with the rhetoric of the English “good” of their activities. Additionally, this chapter addresses the arguments of the Spanish as they challenged English colonization and the methods in which the Spanish exhibited their displeasure with the English colonies. It is from the very first permanent English settlement that England and Spain find themselves in an undeclared war, in other words a cold war of sorts as the Spanish attempt to restrain English Atlantic colonial and trade activities through diplomatic protest and seizing English ships. In order to illustrate the nature of this cold war this chapter concludes with an examination of a case of the seizure of an English ship captured in the Atlantic during what was ostensibly peacetime between England and Spain. This particular case is particularly representative of all the elements of Anglo-Spanish Atlantic rivalry in the seventeenth century, in that during the two-decade long restitution process, we can gain understanding of why the Spanish employed ship seizures, how the English responded to those seizures, and the rhetoric of English national identity.

### 2.1 Colonization, “Rightful” Claims, and Conflict

One of the first acts of James I of England after his accession to the throne in 1603 was to end the Anglo-Spanish war fought officially since the Spanish Armada—the attempted invasion of 1588. Upon the signing of the Treaty of London 1604, James additionally sought to improve diplomatic relations with Spain. The Treaty of London greatly improved economic relations between England and Spain, in that it provided for a relatively open trade and navigation agreements between the two nations (Articles IX,



X).<sup>1</sup> In the years after 1604, the primary method by which James I attempted to create a political alliance was through the ill-fated “Spanish Match,” the proposed marriage between his son and heir, later Charles I of England, to the Spanish Infanta.<sup>2</sup> The negotiations for the proposed marital alliance lasted for a decade, eventually failing due to the disinterest of the Infanta, James’ failure to promise toleration for English Catholics, and parliamentary outrage over what they perceived as James’ “pro-Spanish policy.”<sup>3</sup> During this same period, when James ostensibly sought a more peaceful relationship with Spain, he granted the charter for the establishment of the Virginia Company, the organizing and investment group that coordinated the colonization of the Virginia territory. The state-sanctioning of the Virginia colony was a peculiar move by James I—particularly in light of his attempts to improve Anglo-Spanish relations—as he was aware that an English colony in territory that Spain claimed by right of discovery would inspire conflict between the two nations. John Bowle characterizes James’ overall Anglo-Spanish diplomacy as “an ambivalent policy, at once threatening and appeasing Spain.”<sup>4</sup>

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<sup>1</sup> England Spain, *Articles of Peace, and Entercovrse, and Commerce, Concluded in the names of the moft high and mighty Kings, and Princes James . . . And Philip the third, King of Spaine &c.* (London: Printed by Robert Barker, 1605).

<sup>2</sup> There had been earlier attempts to marry James I’s eldest son Henry to the elder sister, however those plans were quashed because of a prior engagement. Thus, James began the match for his second son. Brennan C. Pursell, “The End of the Spanish Match,” *The Historical Journal* 45, no. 4 (December 2002):701-02, <http://www.jstor.org/stable/3133525> (accessed 6 April 2009).

<sup>3</sup> John Bowle, *The English Experience: A Survey of English History from Earliest Times to the End of Empire*, (London: Phoenix Press, 1971), 298. J. H. Elliott, *The Count-Duke Olivares: The Statesman in an Age of Decline* (New Haven: Yale University Press, 1986), 59, 204-10. David L. Smith, “Digby, John, first earl of Bristol (1580–1653),” in *Oxford Dictionary of National Biography*, ed. H. C. G. Matthew and Brian Harrison (Oxford: OUP, 2004); online ed., ed. Lawrence Goldman, January 2008, [http://libproxy.uta.edu:2422 /view/article/7628](http://libproxy.uta.edu:2422/view/article/7628) (accessed April 12, 2009).

<sup>4</sup> *Ibid.*

Yet Robert Brenner argues more generally that “English monarchs were more and more dependent on returns from customs and, for this reason among others, had to facilitate, to the extent they were able, the expansion of overseas trade.”<sup>5</sup> The potential economic gains from colonization were perhaps the most influential in James’ I decision-making, as he was notoriously in a constant state of financial peril. For investors and colonial organizers, the intent and aspirations of the Virginia Company, and later colonies, were twofold: to find sources of exploitable wealth that would rival Spain’s, and to create markets for trading. In 1610, the Council for Virginia issued a pamphlet on their three-pronged purpose of the colony. The first two purposes for the Virginia settlement were the increased spread of the Gospel, the second, the better defense and glory of England, and the third:

The appearance [sic] and assurance of Private commodity to the particular undertakers, by recovering and possessing to them-selves, a fruitfull land, from when they may furnish and provide this Kingdome, with all such necessities, & defects vnder which we labour, and now enforced to buy, and receive at the curtesie of other Princes, vnder the burthen of great Customes, and at so high rates of traffique.<sup>6</sup>

An eighteenth-century treatise on the trade of Great Britain further explains:

We began in the same reign [Elizabeth I] to extend our trade, by which we made it necessary to ourselves to watch the commercial progress of our neighbours; and if, not to incommode and obstruct their traffick, to hinder them from impairing ours. We then likewise settled colonies in *America*, which was become the great scene of *European* ambition; for, seeing what

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<sup>5</sup> Robert Brenner, *Merchants and Revolution: Commercial Change, Political Conflict, and London’s Overseas Traders, 1550-1653*, (London: Verso, 1993): 46.

<sup>6</sup> Council of Virginia, *A true and sincere declaration of the purpose and ends of the Plantation in Virginia . . .*, (London: Printed by [George Eld] for I. Stepney [Stepneth]), 4.

treasures the *Spaniards* were annually enriched from *Mexico* and *Peru*, every nation imagined, that an *American* conquest or plantation would certainly fill the mother country with gold and silver.<sup>7</sup>

The Virginia Company then proceeded cautiously, employing a modicum of secrecy in order to minimize Spanish anger and possible retribution until there was some security in the knowledge that the colony was firmly established. This first colonial attempt at Jamestown in 1607, while fraught with tribulation and the constant threat of failure, succeeded through the continual migration of colonists, and the sheer persistence of a new socio-economic class of investors, and merchants.<sup>8</sup> From the settlement—and relative success—of Jamestown sprang England’s Atlantic empire, establishing colonies in territories that Spain had claimed dominion over a century earlier.

During the planning stages and the first few years of settlement of Virginia, there was the expectation in both England and Virginia of protest, if not an aggressive attack, from Spain. That expectation displayed a curious dichotomy of English belief and behavior regarding current and future dealings of the English with the Spanish over colonial issues. There always existed a cognizance of a certain amount of trespassing on Spanish rights, yet the English belief in the “rightness” of their purpose superseded Spanish rights by legitimate and quasi-legitimate claims fueled by a sense of patriotism

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<sup>7</sup> *An Account of the Constitution and Present State of Great Britain, together with a View of its Trade, Policy, and Interest, Respecting Other nations &c* (London: Printed for J. Newbery, 1759), 193.

<sup>8</sup> Brenner, 45, 114-5.

and national identity.<sup>9</sup> As discussed in the introduction, this “rightness” of purpose derives, initially, from the conversion of England to a Protestant state, and how the conversion placed England into immediate contention with Catholic nations such as Spain. Yet for the English, the perception of their contentious relationship with Spain went beyond mere religious ideological preferences. Whereas the policies of Philip II of Spain toward England have been characterized as “messianic” in purpose, the English view of their continental and colonial endeavors as an attempted opposition to the power of Spain was a realization of the “Protestant apocalyptic tradition.”<sup>10</sup> Edwin Jones explains that:

The concept of the English as a ‘chosen people’ or the ‘the elect nation’, who had had to suffer pain and adversity before reaching their final triumphant victory, sank deeply into the English mind and remained there . . . . It left two great impressions on the English psychology. One was a deeply anti-Catholic and anti-foreign prejudice, distrust, and hostility. The other was an abiding belief that Britain was better than other countries.<sup>11</sup>

Thus, the England’s expansion into territories under Spanish claim in the Atlantic world were completely justifiable to the English way of thinking, as they rationalized and legitimized this as of how they understood themselves.

Aside from the underlying ideological and economic reasons that led to the colonization of Virginia, the British armed themselves against any protest from Spain by

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<sup>9</sup> This is most evident as the British settlements moved closer to the Spanish colonies in the latter half of the seventeenth and early eighteenth centuries.

<sup>10</sup> Edwin Jones, *The English Nation: The Great Myth*, (London: Sutton Publishing, 1998): 69.

<sup>11</sup> *Ibid.*

defending their legal right of settlement through discovery. The English claim originated with the explorations and discoveries made by John Cabot in 1497, which Cabot's son Sebastian later expanded upon. While Cabot's explorations followed Columbus by five years, England contemporarily, and continually, defended their discoveries through the comparative geographical locations of England and Spain's respective findings.<sup>12</sup> In 1759, an anonymous author wrote:

Henry the seventh sent Sebastian Cabot to try what could be found for the benefit of England: he declined the track of Columbus, and, steering to the westward, fell upon the island, which, from that time, was called by the English, Newfoundland. Our princes seem to have considered themselves as intitled by their right of prior seizure to the northern parts of America, as the Spaniards were allowed by universal consent their claim to the southern region of the same reason, and we accordingly made our principal settlements within the limits of our own discoveries.<sup>13</sup>

From these earlier voyages—during the reign of Henry VII of England—the British government asserted their rights to the greater part of the North American continent despite the fact that John and Sebastian Cabot confined their explorations far northward of the later Virginia colony.<sup>14</sup> Even more importantly, perhaps, was that the British did not respect the legitimacy of the Spanish claim over the entirety of Americas, especially as the papal gift of the “western discoveries” (1493) and the Treaty of

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<sup>12</sup>Michael Foss, *Undreamed Shores: England's Wasted Empire in America, A Story of Rogues, Pirates, High-flying Ambition and Plain Greed*, (London: Phoenix Press, 1974): 25.

<sup>13</sup> *An Account of the Constitution and Present State of Great Britain . . .*, 219.

<sup>14</sup> Foss, 23-4, 31-2.

Tordesillas (1494) fortified it.<sup>15</sup> The treaty—negotiated and authored by Pope Alexander VI—intended to settle the disputes between the Portuguese and the Spanish over the Atlantic discoveries and explorations, effectively dividing the world in half laterally between the two nations. From the perspective of Henry VII, the treaty was not far-sighted enough to be inclusive of other exploring Europeans. For later British monarchs, their adoption of Protestantism compelled them to believe themselves exempted from the authority of a papal negotiation arbitrated for the exclusive benefit of rival Catholic nations.

During the first half of the seventeenth century, treatises on the Americas (in various forms of histories, geographies, atlases, pamphlet literature) consistently featured sections reiterating England’s “rightful claims” in the Americas and Atlantic. The authors of these works always began with the most verifiable claim, that of the Cabot voyages, yet they often included “newly discovered” proofs of even earlier “British discoveries” to strengthen their claims many of which were more fantasy and lore than having any basis in fact. One of the more commonly repeated tales was based upon a twelfth-century Welsh history (which had been newly translated and annotated in the late sixteenth century) that argued England’s claim to America by right of discovery preceded that of Columbus approximately three hundred years by the epic journey of the Welsh prince, Madoc ap Owen Gruffydd. Many contemporaries of the period were cautiously dismissive of such a claim, such as Peter Heylyn, who wrote:

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<sup>15</sup> David J. Weber, *The Spanish Frontier in North America* (New Haven: Yale University Press, 1992): 19.

And though I needs must say for the honour of *Wales*, that they have more grounds for what they say, than those which look for this New World in the *Atlantis* of *Plato*, the *Atlantick* Islands of *Aristotle* and *Plutarch*, or the Discoveries of *Hanno* the *Carthaginian*: yet am I not so far convinced of the truth thereof, the use of the Mariners *Compasses* being not so antient (without which such a Voyage could not be performed)<sup>16</sup>

Whereas learned men would not venture to assert British rights on a flimsy Welsh claim, nor would they completely disclaim the assertion.

In this battle over who had the earlier and rightful claims to America, the Spanish found themselves in a particular quandary in their defense of the breadth of their American territories. To defend their claims the Spanish had to contend with two fundamental problems: the absence of a legal framework of international law in reference to newly discovered territories; and, their determination to protect their discoveries and explorations. Whereas the pope gave most of the lands of the “New World” to the Spanish in 1493, other competing European groups objected to such a broadly defined gift of vast lands, the majority of which remained unknown in the fifteenth century. The source of European protest against the papal donation was, as Thomas Joseph Lawrence explains, that:

the scanty international code of the Middle Ages could deal with questions of vassalage and supremacy, and settle the legal effects of the conquest or cessation of territory; but it was powerless to decide what acts were necessary in order to obtain dominion over newly discovered territory, or how great an extent of country could be acquired by one act of discovery or colonization.<sup>17</sup>

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<sup>16</sup> Peter Heylyn, *Cosmography in Four Books: Containing the Chorography and History of the Whole World, and all the Principal Kingdoms, Provinces, Seas, and Isles thereof*, Sixth edition (London: Printed for Philip Chetwind, 1670), 1012.

<sup>17</sup> T[homas] J[oseph] Lawrence, *The Principles of International Law*, 3<sup>rd</sup> ed. (Boston: D. C. Heath & Co., 1905), 52.

The European discoveries in the Americas and the Caribbean were unique to the European legal tradition and experience, because these lands had not come into Old World nation's possession through warfare or through territorial treaty concessions. Initially, because of the Atlantic discoveries, developing international law recognized rights of possession by "discovery," and the time precedence of those discoveries.<sup>18</sup> For the Spanish, however, right by discovery was often difficult for them to establish largely due to their extreme secretiveness about their explorations and discoveries. David J. Weber asserts that this secretiveness was a proactive decision of the Spanish government to eliminate foreign competition through publication of what Spanish explorers discovered.<sup>19</sup> Weber also attributes difficulties that the Spanish had in defending their claims because their explorers failed to map the areas where they ventured.<sup>20</sup>

As competing European nations began to establish colonies in those same territories, the law changed to reflect rights not only by discovery and by claims of possession, but also rights being valid only if there was actual settlement by a European entity.<sup>21</sup> English colonial charters and authorizations to colonize, of the late sixteenth- and early seventeenth-centuries, often carried a provision that the settlement must be in

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<sup>18</sup> Ibid, 143.

<sup>19</sup> Weber, 55.

<sup>20</sup> Ibid.

<sup>21</sup> Lawrence, 143-4.



lands that were not “inhabited by any other Christian prince.” In 1609, Robert Johnson asserted:

That the Coasts and parts of Virginia haue beene long since discovered, peopled and possessed by many English both men, women, and children, the naturall subjects of our late Queene Elizabeth, of famous memorie conducted and left there at sundrie times, And that the same footing and possession is there kept and possessed by the same English or by their feede and offspring, without any interruption or mutation[?] either of the Sauages (the natives of the country) or of any other Prince or people (for ought wee heare or know) to this day, which argueth sufficiently to us (and it is true) that ouer those English and Indian people, no Christian King or Prince (other then James our Soueraigne Lord and King) ought to haue rule or Dominion, or can by possession, conquest, or inheritance, truly claime or make [illegible] title to those Territories.<sup>22</sup>

This is not to say that the right of claim as established by habitation was necessarily acceptable or palatable to the Spanish. Rather, Spanish recognition of English claims of possession by creating, populating, and maintaining a colony were concessions made primarily through either war or treaty negotiations. Thus, rights of possession by actual settlement became *de facto* law that was enforceable or legitimized only through acknowledgement by the Spanish.<sup>23</sup> J. H. Parry argues that these concessions made by Spain in recognition of British North American settlement were largely insignificant to the Spanish way of thinking. He writes that, “the list of territorial exceptions, losses and defaults is a long one, and covers an immense area; but too much

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<sup>22</sup> Robert Johnson, *Nova Britannia: Offering Most Excellent Fruits by Planting in Virginia. Exciting all such as be well affected to further the fame* (London: Printed for Samuel Macham, 1609), n.p.

<sup>23</sup> Lawrence, 144. Throughout the Atlantic colonial period, England (by far) had the greatest rate of emigration to their colonies compared to their competitors. Emigrating colonists were motivated by both self-interest and desire to secure the interests of the nation in their colonial aims. The belief that, through emigration, colonists were advancing English interests and protecting their land claims is in accordance with this *de facto* legal premise was reinforced by the state and colonial promotional literature (as will be discussed in the next section).

should not be made of it. . . . [they] were galling to Spanish pride, and potentially dangerous, but not disastrous.”<sup>24</sup>

There is truth in the assertion that Spanish losses of territory to their foreign competitors were not detrimental to Spain’s financial well-being, as the Spanish government was able to protect and retain colonies that generated substantial amounts of gold, silver, and natural and agricultural commodities. However, much *should* be made of the territorial concessions that Spain made with the English, as those were concessions begrudgingly made by the Spanish in an effort to secure treaty agreements. Whereas treaties recognized English colonies—as they existed at the time of the agreement—the Spanish conveyed their displeasure with those colonies by seizing English ships throughout the colonial period. In the instances of ship seizures and the subsequent attempts of restitution, the English protested that the behavior of the Spanish was in “violation of treaties” that acknowledged their rights of colonial possession, trade, and navigation. Additionally, one must agree with Parry that the problem presented by the proximity of English colonies to the Spanish colonies certainly created “potential danger.” Even though the first colony of Virginia was distant from the more prominent Spanish colonies, Spanish ships returning to Spain from their colonies often sailed with prevailing winds along the North American coast. This could provide the English opportunities to attack Spanish ships laden with colonial treasure and goods; however,

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<sup>24</sup> J. H. Parry, *Trade and Dominion: The European Overseas Empires in the Eighteenth Century*, (London: Phoenix Press, 1971), 22.

what was more common was that this passage provided Spain with opportunities to encounter and seize English ships en route to Virginia and (later) other colonies.<sup>25</sup>

When determining the location for the planting of the Jamestown colony, two factors influenced the colonists' decision: the failure of the Roanoke colony (1585/1587-?) and the expectation of a Spanish attempt to roust the British from their settlement.<sup>26</sup> While the fate of Roanoke was, then and now, unknown, the Jamestown settlers realized that the location of the former colony was vulnerable to poor weather and left anyone residing there exposed to any foreign rival who was sailing along the coastline. Hence, the colonists moved up into Chesapeake Bay and established their fort within a tributary northeast of the mouth. This location, they believed, would provide them with a fair vantage point to see anyone who entered the Chesapeake. Once the settlement was established, they began seeking sources of possible mineral wealth, while watching and waiting for the Spanish to arrive.

Back in England, the government and colonial agents also speculated and waited for the Spanish protest over the Virginia colony. In August 1607, Dudley Carleton (later, Viscount Dorchester) wrote to John Chamberlain of news of the fledgling colony via the return of Captain Christopher Newport who commanded the ship *Susan Constant*, which

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<sup>25</sup> In subsequent chapters, this research will discuss the expansion of British colonial holdings that were in fact more dangerous to Spanish colonies, such as the Carolinas, Georgia, and Jamaica. These colonies—most especially Jamaica—were much closer to Spanish holdings and were bases in which the English did operate to reduce the preeminence and wealth of Spain.

<sup>26</sup> One of the primary purposes of the Roanoke colony was to provide a home base in which the English could launch effective attacks on the Spanish West India fleet on its return journey to Spain. This plan was discussed to some degree at the founding of the Jamestown colony, but the desire to protect the fledgling colony from Spanish attacks was of more immediate importance and thus prevailed.

had transported the original colonists to Virginia.<sup>27</sup> Carleton remarked that he, “doubts not the Spaniards will say it [Jamestown] comes too near *Vlliaco*,” in full expectation of the Spanish protest.<sup>28</sup> The colonial records do not reflect any official protest or action from Spain until 1611. This lack of reaction was because in the earliest reports concerning the colony, the condition of the colonists was so poor that Spain adopted an initial policy of wait and watch.<sup>29</sup> Early reports coming out of Virginia in the first few years seemed to indicate that the colony was doomed to fail, and it is possible that the Spanish sent a reconnaissance ship either to confirm their suspicions of the imminent failure of the colony, or perhaps to destroy the colony.<sup>30</sup> In a letter dated 17 August 1611, Sir Thomas Dale reported (as summarized by W. Noël Sainsbury) from Virginia to Robert Cecil, Earl of Salisbury:

a Spanish carvall, fitted with a shallop for discovery, lately came into the river, anchored at Point Comfort, and sent, in search of a pilot, three

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<sup>27</sup> David R. Ransome, “Newport, Christopher (*bap.* 1561, *d.* 1617),” in *Oxford Dictionary of National Biography*, ed. H. C. G. Matthew and Brian Harrison (Oxford: OUP, 2004); online ed., ed. Lawrence Goldman, January 2008, <http://libproxy.uta.edu:2422/view/article/20032> (accessed April 12, 2009).

<sup>28</sup> England and Wales, “Dudley Carleton to John Chamberlain, 18Aug 1607,” *Calendar of State Papers, Colonial Series, America and West Indies*, vol 1, ed. by W. Noël Sainsbury, (London, 1860). Hereafter this source will be referred to by the abbreviation *CSPCS*.

<sup>29</sup> “Sir John Digbye to the King, 12 November 1611 [relation of Don Pedro de Cuñega’s dispatch],” *CSPCS*, vol. 9.

<sup>30</sup> It should be noted here that in the years 1606-1612 there were several pamphlets written in defense and support of the colony. Authors of these essays were mainly Virginia Company investors and individuals, such as John Smith, who had lived in the colony. These works discussed various trials the colonists endured, yet the books’ true purpose was to refute and rectify any “misconceptions” the public had about Virginia. Perhaps Spain’s lack of immediate action in regard to Virginia is due in part to the contribution of varying sorts of information veiling the true status of the English colony. One might further suggest that until the Spanish could ascertain for themselves whether the colony would be permanent, they exercised restraint over the issue.

Spaniards ashore, who he has detained prisoners. Leaves to his Lordship the consideration of the danger likely to befall them from their weak and unfortified state.<sup>31</sup>

In this same missive, Dale reiterated the poor condition of the colonists and was highly critical of the state of the colony, leading him to enforce a harsh rule to improve its chances for survival and prosperity.<sup>32</sup> During Dale's tenure in the colony, he spearheaded the expansion of Virginia by leading a group of colonists to settle a second establishment at Henrico.

The creation of a new settlement, the knowledge that the Virginia Company was regularly recruiting new settlers to continue to populate the colony, and the colonization of Bermuda (1609) were perhaps some of the factors that provided the impetus to Spain's making their first formal complaints and actions against the colonizing activities of the English.<sup>33</sup> Sir John Digby (later the Earl of Bristol), English Ambassador to Spain, in attempt to discover the Spanish plan of action against Virginia, wrote to James I:

I have formerly advertized your Majesty of a report come unto Seville that three or four of this King's galleons should be cast away upon the coast of Florida, which went forth with an intent to have attempted somewhat

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<sup>31</sup> "Sir Thomas Dale to [Salisbury], 17 Aug 1610," *CSPCS*, vol. 1. These Spaniards apparently remained prisoners as late as 1612, as the State Papers contain letters regarding the negotiations for their release. At one point, apparently, an English pilot was captured by the Spanish and held in order to gain more information about the state of Virginia, and, eventually, for a exchange of prisoners. See, "Sir John Digby to the King, 18 February 1611/2;" "Sir John Digby to Sir Thomas Lake, 26 May 1612," *CSPCS*, vol. 1; "Advertisements sent from Don Alonso de Velasco 20/30 April 1612;" "Sir John Digby to the King, 3 September 1612," *CSPCS*, vol. 9

<sup>32</sup> *Ibid*; Basil Morgan, "Dale, Sir Thomas (*d.* 1619)," in *Oxford Dictionary of National Biography*, ed. H. C. G. Matthew and Brian Harrison (Oxford: OUP, 2004), <http://libproxy.uta.edu:2422/view/article/7017> (accessed April 12, 2009).

<sup>33</sup> It is important to note that Spain was also distracted by war with the Dutch that was nominally concluded in 1609, Elliott, 50-1.

against the English Plantation in Virginia. But though this news can not be absolutely contradicted, yet I can learn so small ground for the report thereof that I conceive it to be likelier to be untrue than otherwise.<sup>34</sup>

In the years 1612-1613 Digby continued to send reports that the Spanish expected the Virginia colony to fail, yet they were planning to remove the English from their colony either “by fair means” or through an attempt to establish their own settlement in Virginia or Bermuda.<sup>35</sup> The delay of Spanish action—according to Digby—was attributed to the Spanish wanting to “get perfect information of the state thereof,” in addition to determining what the English reaction would be in response to Spanish action.<sup>36</sup> Numerous communications during these two years of the English ambassador in Spain and various individuals in England related many rumors and plans of the Spanish to prepare to remove the Virginia and Bermuda colonies by force. Contemporarily the Spanish ambassador to England, Don Pedro de Cuñega, conveyed the Spanish king’s insistence that the English remove their colonies voluntarily. In May 1613, Digby related to James I that, “it is hope in Spain that the business will fall of itself, though Don Pedro de Cuñega, when last in England, demanded that the removing of the plantation might no longer be deferred.”<sup>37</sup>

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<sup>34</sup> “Sir John Digby to the King,” *CSPCS*, vol. 9.

<sup>35</sup> “Sir John Digby to Salisbury, 18 Apr 1612,” and “Sir John Digby to Sir Dud[ley] Carleton, 10 Oct 1612,” *CSPCS*, vol. 1. Also, “Letter from Liston, 21 February 1612/3,” *CSPCS*, vol. 9.

<sup>36</sup> “Sir John Digby to Sir Dudley Carleton 22 May 1612,” *CSPCS*, vol. 9.

<sup>37</sup> “Digby to the King, 13 May 1613,” *CSPCS*, vol. 1.

The exact Anglo-Spanish diplomatic conclusion concerning the Virginia and Bermuda issues is unclear. In September 1612, Digby reported that the Spanish Council had decided to retreat from their protest, because:

the Spanish Ambassador in England hath received letters from Molina, the Spaniard that is there [one of the prisoners captured in 1610 in Virginia], of the misery and distress in which they live; so it is determined by this Council not to speak any more in that business, being a thing (they suppose) which will die of itself.<sup>38</sup>

Yet in November of that same year, Digby claimed that the Virginia issue was a “hot dispute” in the Spanish court, probably owing to the issue over the captured Spaniards in Virginia; however, it was the last entry in the State Papers during this two-year period.<sup>39</sup> The safety and security of the Virginia and Bermuda colonies from Spanish attack was largely assured through the outbreak of the Thirty Years’ War (1618-1648), a conflict that placed England and Spain on opposing sides. However, the actual English involvement in that continental war was limited to a few years in the 1620s as they were compelled to contend with the political conflict that eventually erupted into the English Civil War. Thus, while not actively engaged in the war, the English remained ideologically opposed to Spain in the Thirty Years’ War, which certainly exacerbated their Atlantic conflict. Complicating the Anglo-Spanish conflict was the continued expansion and establishment of English North American colonies. The Spanish irritation with increased English presence in the Atlantic, in the absence of open warfare, found expression through harassment and seizures of English ships traveling to and from their

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<sup>38</sup> Ibid, “Sir John Digbye to the King, 3 September 1612,” *CSPCS*, vol. 9.

<sup>39</sup> “Sir John Digby to Sir Dudley Carleton, 3 November 1613,” *CSPCS*, vol. 1

colonies. In those first few decades of colonization, the Spanish view of English colonization and trade was “to be no more than a continuation of the piracy that had typified Elizabeth’s reign.”<sup>40</sup>

## 2.2 The Propaganda of Colonization and the Anti-Spanish Rhetoric of the Early Colonial Period: 1606-1647

In the first section of the present chapter, this research touches upon the desires of the English monarchy and individuals to begin colonization of their earlier “discoveries.” In this section those reasons are more closely analyzed by examining written works related to the colonies and the Atlantic that were published in the first half of the seventeenth century. Recourse to this same body of writing reveals how important the success of English colonization—in conjunction with the desire to triumph over their Spanish “enemy”—was to their sense of national identity. Colonization efforts were motivated primarily for economic reasons, but those motivations were intertwined with the English religio-political rivalry with Spain and the identity of the developing English state. For seventeenth-century writers, the present and future strength and sovereignty of England depended on colonial establishments as much as continental politics. This section will also consider the relationship between the use of the press by proponents of colonization and the increasing socio-political agency of the merchants and investors. These individuals came to dominate all aspects of colonial issues, and through this domination asserted for themselves a right to voice their concerns to the government and

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<sup>40</sup> Glyn Redworth, “Sarmiento de Acuña, Diego, count of Gondomar in the Spanish nobility (1567–1626),” in *Oxford Dictionary of National Biography*, ed. H. C. G. Matthew and Brian Harrison (Oxford: OUP, 2004); online ed., ed. Lawrence Goldman, October 2006, <http://libproxy.uta.edu:2422/view/article/69257> (accessed April 12, 2009).



the public. Consequently, merchants and others with colonial interests had increased expectations that the government would address, and the public would support, their petitions and appeals to protect their interests. The rise of expectations and demands resulted from the way in which these individuals presented themselves: as the standard bearers by which England would achieve glory and honor.

Aside from the obvious economic benefit that could result from the exploitation of commodities in new lands, proponents of protecting and expanding colonization generally emphasized three main arguments: first, that the colonies provided the opportunity for the fulfillment of God's desires for Protestant peoples. Second, that the colonies were a solution for various socio-economic problems in England, most especially that of criminals and other "idle" persons. Third, that they served as the means to fulfill the destiny of England as a powerful contender in European politics. Interestingly, each of these arguments, when employed in colonial-related literature of the period, either implicitly or explicitly advocated the benefits of English colonization as "good" in contrast to the "evil" activities and behaviors of the Spanish in their colonies. Hence, as a subtheme of this literature—implicitly or explicitly stated—was the argument that not only would the English triumph over their Spanish rival be accomplished through the derivation of political/economic power by strategically-important colonial settlements, but also through the superior behavior and management of those colonies by English Protestants.

The religious imperative for colonization, as expressed by seventeenth-century writers, was summed up in the phrase the "propagation of the Gospel." This imperative

had two meanings, the first, always explicitly stated, was that colonization was the means for the betterment of Native Americans through conversion to Christianity. Whereas the second meaning, both explicitly and implicitly asserted, was to increase the presence of English Protestants in the Americas to counteract the economic power (which enhanced their political power) derived from those lands by Spanish Catholics. Both interpretations functioned to support the same argument that the English were duty-bound to colonize as leaders of the true faith. In 1641 the Anglican minister William Castell presented a proposal before Parliament seeking to gain support for a plan to send ministers to the colonies to further serve England's holy purpose:<sup>41</sup>

But yet (if it be duly considered) how fully God hath imparted his Gospel unto this Iland [sic], how miraculoufly, hee hath lately protected us from Spanilh Invalions, and Popilh conspiracies . . . . Nor is the Arme of the Lord fhortened, or his wonted bounty fo restrained, but that undertaking the voyage principally for Gods glory, and in compaffion to mens foules, we may expect a more then an ordinary bleffing from him, whose ufual cuftome is to honour thofe that honour him . . . . The Spaniard boafteth much of what hee hath already done in this kind, but their owne Authors report their unchristian behavior, especially their monftrous cruelties to be fuch, as they caufed the Infidels to deteft the name of Chrif. <sup>42</sup>

Castell, like many writers who advocated Christianizing of Native Americans in a manner diametrically opposed to Spanish efforts, were informed by Bartolomé de las Casas' *Brevísima relación de la destrucción de las Indias*, which had been first translated

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<sup>41</sup> David R. Ransome, "Castell, William (d. 1645)," in *Oxford Dictionary of National Biography*, ed. H. C. G. Matthew and Brian Harrison (Oxford: OUP, 2004), <http://libproxy.uta.edu:2422/view/article/4866> (accessed 16 April 2009).

<sup>42</sup> William Castell, *A petition of W. C. Exhibited to the High Covrt of Parliament now affembled, for the propagating of the Gospel in America, and the West Indies . . .* (London: n.p., 1641), 8.

into English (via a French translation) and published in 1583 as *The Spanish Colonie*.<sup>43</sup> It was from las Casas' work that the English exploited the concept of the Spanish "Black Legend."<sup>44</sup> The Black Legend was the portrayal of the Spanish as a cruel and vicious people as revealed in their harsh treatment of Native Americans for their unwillingness to work as enslaved labor, and the persecution of natives for heresy under the Spanish Inquisition. Despite the numerous violent confrontations between the English and Native Americans, the English preferred to regard those comparable events as situational, not as an indication of their character, as was the case with the Spanish. Such hypocrisy went without remark for good reason, the Black Legend, allowed the English to position themselves as justified in their actions as "good" and "right" in comparison with that of the "evil" Spaniard. Sir William Alexander (later the Earl of Stirling) stated in his proposal for a Scottish settlement in Newfoundland that, "we here goe to cause preach the Gospel where it was neuer heard, and not to subdue but to ciuillize the Sauages, for their ruine could giue us neither glory nor benefit, since in place of fame it would breed infamie."<sup>45</sup> The implication was that the behavior of the Spaniards towards the natives should serve as an opposite example for which the English engage. As the historical record informs us, the English plans of conversions of the natives were, in reality, never

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<sup>43</sup> De las Casas' work was re-translated in 1656, and published under the more inflammatory title of *Tears of the Indians*.

<sup>44</sup> For a very good historiographical review of scholarship and assessment of the "Black Legend," and its uses by non-English European countries, see Benjamin Keen, "The Black Legend Revisited: Assumptions and Realities," *The Hispanic American Historical Review*, vol. 49, no. 4 (November 1969)

<sup>45</sup> William Alexander, Earl of Stirling, *An Encouragement to Colonies* (London: Printed by William Stansby, 1624), 37-8.

systematically carried out. While propagation of the Protestant doctrine was of some importance to the English, their desire to convert the natives was more for facilitating trade. Colonial proponent, Sir Robert Gordon implied the religious imperative was closely related to the economic imperative when he wrote, “Then doth it not belonge vnto vs to profecute his worke, and by merchandizing and trade wee buy at them the pearles of the Earth; wee ought to communicate vnto them the pearles of Heaven.”<sup>46</sup>

In the first few decades of colonization one of the primary problems colonial organizers experienced was supplying the colony with a sufficient population for its security by habitation and labor. All colonial literature and propaganda intended to serve the purpose of encouraging more people to emigrate. In order to promote the colonies, writers relied heavily on the rhetoric of religion, rivalry, and national honor to inspire future colonists. The preference was for voluntary emigration; however, much of the colonial promotional literature also was an appeal to the government to assist in populating the colonies through compulsory emigration. Castell, in his tract merged all three aspects of recruitment rhetoric when he wrote:

When a Kingdom beginneth to be over-burthened with a multitude of people (as England and Scotland now do) to have a convenient place where to fend forth Colonies [sic] is no final benefit: And such are the North-east and North-west parts of America . . . which, at this time doe even offer themselves unto us, to bee protected by us, against the knowne cruelty of the over-neare-approaching Spaniard.<sup>47</sup>

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<sup>46</sup> Sir Robert Gordon, “Motive I,” *Encovragements. For such as shall have intention to bee Vnder-takers in the new plantation of Cape Briton, now New Galloway in America, By Mee Lochinvar* (Edinburgh: Printed by John Wreittoun, 1625), n.p.

<sup>47</sup> Castell, 11.

Arguments such as Castell's were especially persuasive in light of the English monarchy's striving to find solutions to social problems, such as poverty, orphaned children, and criminality. Sir Thomas Dale first proposed populating Virginia by suggesting, "all offenders out of the common gaols condemned to die should be sent for three years to the colony; so do the Spaniards people the Indies."<sup>48</sup> In the years 1615-1618, the State Papers indicate that the government was allowing criminals and children to be sent to the colonies as indentured servants. Whereas this action may appear to be inconsistent with the ideals and nationalistic vision of England, writers such as Alexander argue that even those who were a "burden" to the country could fulfill their goals, in that:

And if we rightly consider the benefit that may arise by this enterprise abroad, it is not only able to afford a sufficient means for their maintenance, who cannot conveniently live at home, by disburdening the Country of the, but it is able to enable them to deserve of their Country, by bringing vnto it both Honour and Profit.<sup>49</sup>

The organizers felt that unfortunate individuals without individual honor would be compelled to serve the interests of national honor in the colonies.

According to Robert Brenner, the group of American colonial organizers and investors came from a lower social class than had typically been allowed to take part in investment schemes. He argues that investors were usually drawn from the landed classes and powerful London merchants, and these groups did have some influence in the early years of the Virginia Company's governance; yet, they soon removed themselves from those activities, which he credits to a lack of enthusiasm and the avoidance of

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<sup>48</sup> "Sir Thomas Dale to [Salisbury], 17 August 1611," *CSPCS*, vol. 1.

<sup>49</sup> Stirling, 42.

financial risk.<sup>50</sup> Thus, according to Brenner, the field of colonial trade and management fell to men with, “unimpressive, often obscure socioeconomic backgrounds,” who, “were willing to accept profit margins, take risks, and adopt methods of operation that neither the merchants nor the gentry would seriously consider.”<sup>51</sup> The opportunity to enter into the field of colonial trade and management allowed for this new class of men to advance both socioeconomically and politically as well. Perhaps due to their inferior social status, these men often asserted themselves and their interests more enthusiastically and prominently than those of higher social standing. Their extensive use of media, in the form of pamphlet literature, to press their causes often drew disdain upon them, resulting in accusations of attempting to incite the masses to serve their own self-interest. Additionally, appropriating the designation as “agents of national honor” was likely an attempt to elevate them to a level of importance that the elite social classes denied them. Yet, their activities in the Atlantic (and later the Caribbean) did place them in the path of the Spanish, the archrival of all English people by their estimation. This fact alone encouraged the colonial merchants, traders, investors, and organizers to ingratiate themselves into the public and political spheres by evoking the rhetoric of anti-Spanish sentiment and national honor. It was these groups of men who successfully argued that how the English interpreted themselves was directly related to how they could surpass the Spanish in the New World.

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<sup>50</sup> Brenner, 107-9.

<sup>51</sup> Ibid, 111-2.

One of the most publically and politically active merchants of the mid-seventeenth century was Randall Mainwaring (later Sir). Mainwaring was a younger son from a family of landed gentry, who entered into the mercantile sector upon his move to London and subsequent marriage to Elizabeth Hawes, the daughter and sister of a family of prominent London-based colonial merchants.<sup>52</sup> However, through his marital and familial connections, Mainwaring entered into the London political scene and was considered a “radical organizer” against Charles I in what came to be known as the “municipal revolt of 1641-42.”<sup>53</sup> Aside from the political calamity of what would become the English Civil War, Mainwaring was primarily, through his political aspirations, an advocate for colonial trade and the assertion of English rights to their colonies. The strength of Mainwaring’s convictions about the sovereignty of English colonies, as well as the duty of the English government to protect colonial trade for the honor of England, emerges in the case of ship belonging to his brother-in-law Joseph Hawes (and in which Mainwaring was monetarily invested) which had been seized by the Spanish.

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<sup>52</sup> Brenner, 138

<sup>53</sup> Ibid, 373.

### 2.3 The Case of *The Elizabeth* of London (1637)<sup>54</sup>

In late September 1637, the ship *Elizabeth* departed London bound for Virginia, carrying approximately 100 colonists and a cargo of various supplies and goods. On the 11<sup>th</sup> of October, being approximately two hundred and fifty leagues from Virginia, the *Elizabeth* was overtaken and halted at mid-sea by eleven ships of the Spanish West India Fleet. The Marquis de Cardenoza, the Spanish Commander, boarded the *Elizabeth*, and o stated succinctly that he was seizing the vessel. The master of the *Elizabeth*, Benjamin Woolmer, appeared confused about why they were being captured: he declared that they were a mere merchant ship laden with colonial goods and passengers bound for Virginia. Woolmer asserted that his ship did not threaten the Spanish, and thus did not provide any due cause for their being captured. The commander replied—according to later testimonies—that the reason for his seizure of their ship was because the Spanish king did not recognize the British claim or right to colonize Virginia.<sup>55</sup> Upon this proclamation, the ship was forcibly sailed along with the fleet to Cadiz where Woolmer, his crew, and their passengers were imprisoned (Woolmer and a sailor named Samuel Leigh were eventually ransomed for £4000). Abstracts of the depositions from the

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<sup>54</sup>This narrative is the product of multiple sources that are noted individually and specifically when referenced directly throughout this section. The primary document which provides the bulk of the information regarding this case is, Nathaniel Hawes, Randall Mainwaring, and George Payne *The Case of Mainwaring, Hawes, Payne and others, Concerning a Depredation made by the Spanish-West-India Fleete, upon the Ship Elizabeth. Refitution fought in Spayne; Justice denied; and thereupon, according to Lawe, Iustice Petitioned of the Honorable Houses of Parliament* (London: n.p, 1646). This pamphlet contains all of the various documents related to the case petitioner’s case, including their various petitions to Parliament, the Admiralty, and the king up to the date of publication.

<sup>55</sup> Another variation of the speech made by the Marquis, as related by Hawes and company was that “*That he would carry us into Spayne to knowe if the King his Mafter would give leave to the King of England that his subjects might plant and trade in Virginia.*” Hawes, Mainwaring, and Payne, 15.



passengers' claim that until their return to England was negotiated, the Spanish forced them to labor in the manner of "slaves." From the moment that the news arrived in London of the fate of the *Elizabeth*, the principal owners and investors found themselves engaged in an ill-fated battle to gain restitution of their losses that lasted over two decades. The case of the *Elizabeth* was the first in the series of notorious Spanish seizures of English ships in order to limit English Atlantic (later Caribbean) activities.<sup>56</sup> The case of this ship and the subsequent attempts for its restitution (and the other cases that follow in later chapters) illustrate the connection that English colonial activities, Anglo-Spanish rivalry, and the assertion of national identity had upon each other.

The fate of the *Elizabeth* is unknown, other than the fact that the ship was never returned to England. What is better known is the method in which the owners and investors in the *Elizabeth* attempted to gain reparation for the ship from the years 1637 until 1660. Once a ship had been lost to a foreign entity, the owners were first required to petition and appear before the Admiralty court. In this court, first-hand witnesses gave their depositions, and then assessment was made by the court of the documentation regarding the ship ownership and value of its cargo. In the case of the *Elizabeth*, the Admiralty court determined that the owners, Joseph Hawes, Nathaniel Hawes, Randall Mainwaring, George Payne, and Company, had a loss of £12,000, and that their expectation of £5000-£6000 of potential profit had they been able to return with a cargo

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<sup>56</sup>There are other, earlier instances of Spanish seizures of English ships traveling to and from their colonies. The *Elizabeth* is "first" in the sense that it is the first instance of a seizure that initiates a large-scale effort for restitution that gains the same result. In many ways, the case of this ship and the resulting diplomatic process will establish the pattern by which the English government will protest, and the Spanish government will stall, all future claims and attempts at restitution.

of tobacco from Virginia was reasonable. It was easy for the court to assess the ship's value, and it was assuredly the largest portion of the loss; however, calculating the loss of any future trips it might have made—thus determining potential future losses—was less simple. Thus, the Admiralty could value the potential loss only on that specific voyage. Even that loss, however, was significant because the importance of an anticipated profit on a return cargo of tobacco, according to Ralph Davis, “represented nearly the whole of a ship's earning for the year.”<sup>57</sup> Armed with this verdict from the Admiralty, Hawes and company then entered into a legal process, which, unbeknownst to them, would never be resolved for their benefit. Their next level of action was to send the judgment of the Admiralty to the English ambassador to Spain.

Walter Lord Aston, the English ambassador to Spain, presented the first appeal for reparation to the Spanish government regarding the *Elizabeth*. Arthur Hopton, a later ambassador to Spain, recalled that Aston, “in the time of his service in this Court, used all fit diligences; the effect whereof was, a promise that the ship and goods deposited at *Cadiz* should be forthwith restored.”<sup>58</sup> Hopton, who was similarly charged with another request out the Admiralty court to seek the desired reparation, reported that Lord Aston was

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<sup>57</sup> Ralph Davis, *The Rise of the English Shipping Industry in the Seventeenth and Eighteenth Centuries*. (London: Macmillan & Co Ltd, 1962), 287.

<sup>58</sup> Arthur Hopton, “The English Ambassadors Answere out of Spaine,” In *The Case of Mainwaring, Hawes, Payne and others, Concerning a Depredation made by the Spanish-West-India Fleete, upon the Ship Elizabeth. Restitution fought in Spayne; Justice denied; and thereupon, according to Lawe, Justice Petitioned of the Honorable Houses of Parliament*. (London: unknown publisher, 1646), Microcard, 7.

ultimately unsuccessful due to “fome delayes.”<sup>59</sup> The second commission brought to Hopton by Benjamin Woolmer in August 1639 met with similar frustration. Delayed from any hope of receiving a positive outcome and without the finances to remain in Spain for an extended duration, Woolmer was forced to return to England with Hopton’s assessment that:

. . . although I have received many faire hopes and promifes from all fides . . . yet untill the day of the date hereof, being the 20/30 of May in the yeare 1640. I have been able to get no Refolution, nor are the likelyhoods thereof greater now then they were the firft day. . . . I have failed to give eyther your or them the Anfwere that may be expected, It is becaufe I can get none, which is the ordinary courfe of this Court; where the doing Juftice is prejudciall to the Kings Revenues.”<sup>60</sup>

Hopton’s frustration with the Spanish court in their failure to both acknowledge the illegal capture and to make restitution established the pattern that would be the experience of subsequent English appeals for restitution for the next hundred years. As was the case with Hopton’s appeal, the Spanish court, who did not intend to make restitution for the ship and cargo, used stalling tactics until the aggrieved parties gave the matter up out of frustration and/or their inability to sustain the expense of the legal process. After this second attempt to gain satisfaction from the Spanish had failed, Hawes and company, were left with only one other option: to personally (or through commission) capture one of the ships responsible for the taking of the *Elizabeth*, hopefully laden with a valuable cargo that was equal to their real and anticipated loss.

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<sup>59</sup> Ibid.

<sup>60</sup> Ibid, 8.

One of the primary owners of the *Elizabeth*, Joseph Hawes, petitioned Charles II for a letter of *marque*, which the Admiralty court eventually granted.<sup>61</sup> To employ this recourse, the owner or his representation were to seize a ship that belonged to the original offender. Historical and legal precedent permitted this type of reparation. A statute under Edward III stated that:

That nor Marchant Stranger be impeached for anothers Trespasse, or anothers Debt . . . . Provided always, that if our liege people Merchants or other, be indamaged by any Lords of strange Lands or their subjects, and the said Lords (duely required) faile of right to our said subjects, we shall haue the law of Merque, and of taking them againe, as hath bene used in time past, without fraud or male-engine.<sup>62</sup>

This ancient form of seeking damages was a valid mode of recompense in the case of the *Elizabeth*, particularly when its seizure was a failure of the Spanish to honor the more recent treaty of 1604 that explicitly upheld rights to freedom of trade and commerce. Article XXV of the 1604 treaty required that if any attempt to interfere in trade was perpetuated by either the Spanish or English, the offending party was to be granted “fixe Moneths from the time of the monition, to transport their Merchandises without any arrest, disturbance, or hunt in the meane seafon, to be done or giuen vnto them either in their persons or Merchandises.”<sup>63</sup> However, various laws, established by

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<sup>61</sup> Joseph Hawes, “The most humble petition of Joseph Hawes Merchant,” SP 16/438, Courtesy of the Virginia Colonial Records Project.

<sup>62</sup> England, Laws, Statutes, etc. 27 Edw. 3 , c.17, In *The Case of Mainwaring, Hawes, Payne and others, Concerning a Depredation made by the Spanissh-West-India Fleete, upon the Ship Elizabeth. Restitution fought in Spayne; Justice denied; and thereupon, according to Lawe, Iustice Petitioned of the Honorable Houses of Parliament* (London: unknown publisher, 1646), 9.

<sup>63</sup> England and Wales, James I, *Articles of Peace, Entercovrse, and Commerce, Concluded in the names of the most high and mighty Kings, and Princes Iames by the grace of God, King of great Britaine,*

treaty, provided that the ship seized in retribution must have been party to committing the original offense. For Hawes and company, who sought this avenue for compensation twice, they were similarly fated to failure as they were through the more orthodox legal channels. Joseph Hawes approached the Council of State in 1639 seeking permission to “arrest two of the Spanish galleons, or to hand over the money and goods brought home in a Bermuda ship belonging to the same company which took the Elizabeth.”<sup>64</sup>

The first attempt at compensation through the acquisition of a Spanish ship involved an unknown ship that Joseph Hawes captured in 1641 out of Bermuda by commission. This capture, however, was deemed to not be in conformity with the law of *marque* by the Admiralty court, because, as summarized in the House of Lord Journal on 11 June 1641:

in Lieu whereof the said *Hawes* took a Ship of *Spanish* Goods, and brought her into England, and proceeded here in due Courfe of Law, for his Satisfaction . . . but, on a sudden, the Ship with the Goods, prized at Eight Thousand Four Hundred Pounds was releafed and fent away into *Spaine*.<sup>65</sup>

It is unknown why the Admiralty released this ship, but the assumption was that the capture of that particular ship did not comply with the legal manner by which Hawes

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*France, and Ireland, defender of the faith, &c. And Philip the third, King of Spaine, &c. . . In a Treatie at London the 18. day of Auguft after the old Stile in the yeere of our Lord God 1604* (London: Robert Barker, 1605), n.p.

<sup>64</sup> England and Wales, Public Record Office, “Petition of Joseph Hawes, merchant, to the same [Charles I],” 1639, *Calendar of State Papers, Domestic Series, of the Reign of Charles [I]* (1639-1640), (London, 1877) 1639 [undated].

<sup>65</sup> England and Wales, *Journals, Lords*. Vol. IV (1641), 11 June 1641.

was required to employ his letter of *marque*. By order of the Admiralty court Hawes was subsequently arrested and placed in the Admiralty prison. In 1642, while in prison, Hawes made one last appeal “To desire that there may be a Seizure, at the Ports and Custom Houfe, of the Goods of the Subjects, of the King of Spaine”<sup>66</sup> This was the last appeal of Joseph Hawes, as he died in the Admiralty prison about October 1642 at the age of 37 years.<sup>67</sup> Around the time of Hawes’ death, another Spanish ship, the *Santa Clara*, had been captured by an English captain and brought into England as a prize. This ship, richly laden, provided another opportunity for the surviving co-investors of the *Elizabeth* owners to gain their just compensation.

In December 1642, Captain Bennet Strafford had captured a Spanish ship which he brought into Southampton in hopes for a successful adjudication of the Admiralty court deeming it a “lawful” prize. From newssheet accounts, Strafford, along with his ship, had been “forcibly” made to enter the Spanish West India fleet, making runs back and forth from the West Indies to Spain carrying silver and other goods for three or four years.<sup>68</sup> Impressments of English sailors and ships were another form of “legal” seizures,

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<sup>66</sup> England and Wales, *Journals*, Lords Vol. V (1642), 26 May 1642.

<sup>67</sup> Joseph Hawes was buried at St. Katherine by the Tower, London, England; he was born to Humphrey & Katherine Hawes of London, and christened on 5 May 1605 in London. His brother Nathaniel and two sisters, who are married to Randal Mainwaring and George Payne, will continue on with his case because they all were also invested in the ship *Elizabeth*. Ancestry.com, *Middlesex, England: Parish and Probate Records* (Provo, UT: Ancestry.com, 2001), online database. Joseph Jackson Howard and Joseph Lemuel Chester, eds, *The publications of the Harleian Society 15 & 17: The Visitation of London, Anno Domini 1633, 1634, and 1635*, vol. 1 (London: Harleian Society, 1880), Ancestry.com. Provo, UT: MyFamily.com, 2003.

<sup>68</sup> *England’s Memorable Accidents* 14 January 1642/3. Also, *A Perfect Diurnall of the Passages in Parliament*, no. 32, 20 January 1642/3.

often employed by the Spanish throughout the seventeenth and early eighteenth centuries. The Spanish employed these impressments when Spain was on the brink of war with another European nation, but other miscellaneous reasons could lead to impressments of foreign ships and their crews. However, there are many instances when English sailors voluntarily entered in the service of Spain (legal when England and Spain were at peace, illegal when they were not), and later they would claim they were forced by the Spanish when they were unsatisfied with their compensation for that service. Determining whether English ships and sailors were forcibly or voluntarily compelled to work for Spain is extremely difficult. Yet, despite the manner by which they entered into Spanish service usually did not make much difference, because when compensation for service was not paid, it reinforced the notion of the unjust and underhanded manner by which the Spanish operated.

Finding himself back in Spain with his ship no longer sea-worthy, Strafford returned to the West Indies aboard a Spanish ship bound for Santo Domingo. It is quite clear that Strafford was angry with the Spanish in that, “found he should have no redrefs nor satisfaction for the damage done to her [his ship] . . . he took his opportunity being fevered for *Eng.*”<sup>69</sup> He found his opportunity in the Spanish vessel called the *Santa Clara* (or *Sancta Clara*) that had been stayed at Santo Domingo for several months until orders from Spain arrived for its departure. While waiting for these orders, the *Santa*

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<sup>69</sup> *A Perfect Diurnall of the Passages of Parliament*, no. 32, 20 January 1642/3.

*Clara* had been loaded with a cargo of silver ingots, cochineal, hides, and tobacco with a value of £30,000.<sup>70</sup>

On 8 October 1642, some members of Strafford's crew boarded the *Santa Clara* under the guise of "cheering and merry making, observing the wind served for their designe, cut the cables, and let her drive, till such time that the Captain perceiving his advantage, forthwith seized and boarded the said Ship."<sup>71</sup> Strafford then brought the *Santa Clara* into Southampton and turned it and its cargo over to the Admiralty for proper disposal. Deemed a lawful prize, the cargo was sold and Parliament was charged by the Admiralty in determining the disbursement of proceeds of the sale, "[for] wanting money to defray the publique charge . . . and engaged the publique Faith for the repayment of the value of them."<sup>72</sup> Yet, the disposition of the cash derived from the sale of the goods of the *Santa Clara*, although rich enough to compensate the Hawes company, was not something that could be easily determined by Parliament. The difficulty for Parliament was that the claims against the *Santa Clara* were numerous, the investors of the *Elizabeth* being one group out of many.

In 1642 Hawes and company acquired their Letters of Administration from the Admiralty against part of the value of the *Santa Clara*. Nevertheless, they never realized

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<sup>70</sup>Parliament also receives payment from the Spanish, for some undetermined reason in the amount of £20,000 in relation to the *Santa Clara*; thus, the total amount that Parliament will hold until it can determine the correct claimants on the value of the cargo is £50,000.

<sup>71</sup> Alonso de Cardenas, *A Speech, or Complaint, Lately Made by the Spanish Embassadour to his Majestie at Oxford, upon occasion of the taking of a Ship called Sancta Clara in the Port of Sancto Domingo, richly laden with Plate, Cocheneal and other commodities of great vale, By one Captaine Bennet Strafford, and by Him brought to Southampton*, Translated by Giovanni Torriano (London: Printed for Nathaniel Butter, 1643), 4.

<sup>72</sup> *England's Memorable Accidents*, p. 152.



compensation for their claim—and of those of lesser shareholders in the *Elizabeth*—as it seems that it could not be satisfactorily determined by Parliament exactly who should receive portions of the proceeds. The greatest impediment to the case of Hawes and company against the *Santa Clara* was that their interpretation of the precedent of Edward III used evidence based upon their own deduction and supposition. Their contention was that they could not absolutely prove that the *Santa Clara* was part of the original fleet that seized the *Elizabeth*, but they could reasonably deduce that the few members of the crew Strafford brought in with the *Santa Clara* had been part of the crew of one of those ships.<sup>73</sup> Three of those sailors, namely, Hieronimo Favian Loretto, Ignatius Landahola, and Marcus de la Rombida stated in their testimonies before the Admiralty that they were “ufuall Traders to the *West Indies*,” each in service twelve, eleven, and twelve years respectively.<sup>74</sup> Hawes and Company’s argument was that, if the *Santa Clara* had or had not been part of that original fleet, these traders most certainly had been party to the original offence. They argued, that because of the years in which the Spanish traders were in service to the West India fleet naturally meant that they had been present during the seizure of the *Elizabeth*. Their argument, thus, was that:

this voyage 1640 they were about two years before they returned; That the Ships that goe forth in one yeere, returne not until the next, whereby of necessitie is mult follow; That these very perfons were in the Fleete that robbed the *Elizabeth*, being in all the voyages for the space of 11 or 12 years.”<sup>75</sup>

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<sup>73</sup> Hawes, Mainwaring, and Payne, 16.

<sup>74</sup> Ibid.

<sup>75</sup> Ibid.

For Parliament, it would seem that this argument was not compelling enough for them to release the funds to Hawes and company, nor to any of the other claimants against this ship.<sup>76</sup> Although each time the Hawes group petitioned Parliament, and there were orders for a “speedy” investigation into the matter, the proceeds of the *Santa Clara* remained in Parliamentary hands, never disbursed to the owners and investors of the *Elizabeth*.

In the end, with the failure to gain compensation for any part of the *Elizabeth*, the merchant owners faced a large amount of debt because of their loss. At the beginning of the legal journey that Hawes and company initiated, it would seem that all interested parties assumed that the matter would be resolved quickly. Their assumption was founded on the belief that the English government would not tolerate such a blatant illegal seizure, especially as it was justified by the Spanish contention against English settlement in North America. This confidence in the English government to act in their favor led Joseph Hawes to buy out another investor in the *Elizabeth*, Stephen Webb. The sale of Webb’s interest was recorded on 25 June 1638, with £240 paid by Hawes to Webb, and explained, “for the recovery of which a suit has lately been commenced against the King of Spain. All recompense and money for damages to paid to Hawes.”<sup>77</sup> When Hawes died in 1642, he did so in debt, and the executors and heirs of his estate

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<sup>76</sup> The State Papers identify three other claimants of the *Santa Clara* but it is uncertain if they were part of the Hawes group. The records seem to indicate that they were other investors who had other losses to the Spanish. But these names only come up occasionally and sporadically, whereas Hawes and company were the most persistent of the claimants.

<sup>77</sup> England and Wales. Public Record Office, “Bill of sale of Stephen Webb,” 25 June 1638, *Calendar of State Papers, Domestic Series, Supplementary, Letters and Papers, of the Reign of Charles [I]*. (Abstracted by the Library of Virginia, Virginia Colonial Records Project), no 14544.

inherited those debts. Joseph's brother, Nathaniel, and his brothers-in-law, Randal Mainwaring and Captain George Payne, were all primary investors in the *Elizabeth*, which left them in debt for their own adventure, but also indebted for Joseph's portion as well because "the consequences of the Depradation in the losse his friends susteined, who were in naturall affection bound to his support."<sup>78</sup> The breadth of financial loss included:

the ruine of his naturall Brother *Nath. Hawes*, ingaged for him divers great summes of money, part of which he paid, and had Execution served upon his estate for more, to his damage above 6000l. besides losse of his Trade . . . . *Randall Mainwaring* and *Geo. Payne* that married his two Sisters have likewise paid severall great summes of money for him, and reft engaged for more. There hath beene spent 1400 or 1500.l. in purfuance of satisfaction, These damages we humbly conceive Justice will make good, besides the suffrances of the Saylor and Passengers.<sup>79</sup>

By 1652, those who had an interest in the *Elizabeth* were still feeling the effects of the financial loss and thus claims persisted against the *Santa Clara*. In yet another petition to the Council of State, the petitioners ask for redress, and add that the ranks of those with an interest in the *Elizabeth* have increased "being 30 persons, merchants, seamen, and their widows and orphans . . . . whereby many of the petitioners are prisoners, and ruined, though of good estates, and disabled to serve the State."<sup>80</sup> The notion that so many people could have been put into such perilous financial situations was not unknown in the early half of the seventeenth century. The earliest investor groups often were small and personal, like the Hawes group, which consisted of two

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<sup>78</sup> Hawes, Mainwaring and Payne, 17.

<sup>79</sup> Ibid.

<sup>80</sup> England and Wales, Public Record Office, "Petition of Nath. Hawes & Co.," ?1652, *Calendar of State Papers, Domestic Series*, Commonwealth (1652-1653).

brothers and two brothers-in-law with some smaller investors outside of the family. What made such groups so vulnerable was the fact that they often invested a substantial portion of their personal fortunes into the venture in the anticipation that the return cargo would arrive safely and fetch a good price on the market.<sup>81</sup> Additionally, the crew of the ship received their wages only once a ship had returned to England, the source of those wages coming from the profit of the sale of the cargo from the return trip.

The last petition for redress in the *Elizabeth* incident was read in parliament sometime in June 1660. By this time Randal Mainwaring had died, leaving Nathaniel Hawes and George Payne working to seek their satisfaction. For the last time, the House of Lords tabled the motion, and we find no other record of Hawes and Payne presenting more petitions in relation to the *Elizabeth*, nor any further mention of the *Santa Clara* by any other parties.

Nathaniel Hawes, Randal Mainwaring, and George Payne asserted in 1646 that the taking of their ship the *Elizabeth* and of other similar ships under similar pretences indicated that, “the designe was higher, and had a further intent, and may hereafter have a more reasonable thought.”<sup>82</sup> The implication here was that the Spanish respected the right of the English to trade with their plantations; however, they had absolutely no intent to allow peaceful settlement and commerce with those possessions. Despite changing political situations and treaties later negotiated in an attempt to remedy

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<sup>81</sup> Davis, 102.

<sup>82</sup> Hawes, Mainwaring and Payne, 15.

American conflicts, the English merchants and ship owners will contend that, regardless of the reasons why the Spanish claim their right to seize “suspicious” ships, their true motive is to oust the English out of their colonies.

For merchant-owners, like the Hawes family, with impending financial ruin on the horizon, and feeling the frustration of little possibility for compensation, they looked to the English government to aid their cause in order to relieve their debts. In their 1646 petition, Hawes, Mainwaring, and Payne state that they will only find justice “by that supreme power to which they are subject.”<sup>83</sup> Not only does the judgment of Parliament decide their financial futures, but also, refraining from seeking justice legitimizes the actions of the Spanish against English merchants who are part of the success of British colonial endeavor. They wrote:

You are thofe from whom we expect fhelter againft the ftormes of forreigne windes, and the droppings of unjuft judgements: You are the refuge and Sanctuary of the diftreffed members of this kingdome . . . . with you is the Wifdome to difcerne the high inconveniences that enfue upon connivence at injuries of this nature and to perceive that through our fides the Nation is wounded, when unto other former attempts to discourage the Navigation of the *English* to the *Western-Plantations* . . . . Sure the Honor of the *English* Nation is not come to this, nor are thofe Plantations with fo great charge brought to fome perfection, to have fo fhort an end as the Will of the *Spanyard* would meafure them out.<sup>84</sup>

For the investors of the *Elizabeth*, it was necessary for Parliament to act accordingly with the national assertion that English-American dominions were legitimate and not succumbing to Spanish pressures to challenge those assertions. It was also their

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<sup>83</sup> Ibid, 2.

<sup>84</sup> Ibid, 15.

hope that aggressive action on their behalf would establish the proper precedent in any other future conflicts of this nature. Their petition stated, “that it may be for the publique good of the Nation, the vindicating the Honor thereof, the preventing future inuries, and manifeftation of that Juftice which is Gods own work, and you the faithfull difpencers.”<sup>85</sup> In the trials of the owners of the *Elizabeth*, it would seem that they had some degree of premonition regarding the failure of the English government to exert a more forceful policy against the Spanish in the matter of ship seizures would only continue to plague English ships and settlements in the Atlantic for the next hundred years.

In the first half of the seventeenth century, Spanish seizures of English ships proved to be an effective method to protest and/or limit English colonization and trade activity. As was the case with the *Elizabeth*, Spain unofficially condoned the capture of English ships, and when appealed to for restitution or reparation, they could delay consideration of the matter until interested parties withdrew their petitions out of frustration. Additionally, if the Spanish limited how many English ships they captured—thus making it an irregular activity that they could argue was not a sanctioned state policy—they could confidently continue those activities without fear of repercussions, such as war. This Spanish assumption had its foundation, partly, by the attempts of the early Stuart monarchs to improve diplomatic and trade relationships between the two countries. As long as England sought peace with Spain, they were certainly not going to engage in a conflict over a ship captured here and there. Yet, for merchants and investors, ships captured “here and there” often proved to be devastating to their finances

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<sup>85</sup> Ibid, 17.

and could destroy their livelihoods. And between the years 1607 to 1648, the aggregate of those losses was substantial. Those individuals involved in colonial trade believed themselves to be the lifeblood of the English Atlantic Empire, and their activities were more than just the pursuit of private economic gain. A pro-Spanish policy benefitted those involved in continental trade, but Atlantic merchants argued that their trade was the foundation for the wealth and glory of England. When the English government failed to protect their interests against Spain, they were undermining the purpose of their colonies, as well as sacrificing the honor and sovereignty of England and her dominions.

## CHAPTER 3

### LATE SEVENTEENTH CENTURY COLONIAL AND TRADE CONCESSIONS: 1649-1701

During this fifty-two year period, from the conclusions of the English Civil War and the Thirty Years' War to the outbreak of the War of Spanish Succession, England engaged Spain in what historians ostensibly regard was the first conflict regarding colonial rights and trade. The Anglo-Spanish War (1655-1660) was largely a failure for the English, in terms of actual territorial gains in the Americas and Caribbean, with the notable exception of the acquisition of Spanish-held Jamaica. The real victory for the English was the Treaty of Madrid (1667) and its companion Treaty of Madrid (1670) otherwise known as the American Treaty. These treaties were the first between England and Spain to acknowledge the respective rights to their colonial holdings, navigation, and trade. The provisions in these treaties served as the reference point for the negotiation of all colonial and trade conflicts between England and Spain for the next several decades.

Despite provisions that were supposed to address all areas of contention regarding England and Spain's respective Atlantic possessions, these treaties proved to be problematic due to their vagueness and the manner in which England and Spain chose to "interpret" the meaning and spirit of the treaties. Remarkably, rather than providing a peaceful acknowledgement of their respective rights, these formal agreements only accelerated the confrontations between England and Spain in the Atlantic and Caribbean.



Such confrontations were occasioned by the continued expansion of English settlements in North America, the increased presence of English ships near Spanish colonies, English piracy and illegal trade in and around Spanish colonies, and (to some extent) the anger and frustration of Spain over diminished monopoly over the West Indies.

Additionally, the expansion of printed matter for public consumption accelerated at a fantastic rate. In the years leading up to, and during, the English Civil War, both Royalists and Parliamentarians used the press extensively to communicate their views and document their military movements and achievements.<sup>1</sup> As discussed in the introduction, under Elizabeth I the government began to use the press to communicate policy and various state activities. Subsequent monarchs in the first half of the seventeenth century continued this practice, albeit intermittently. In the last half of the seventeenth century, government had a greater appreciation of the influence of popular media on the public that had the added benefit of satisfying citizens' demands for information.<sup>2</sup> During the Protectorate of Oliver Cromwell, the government increasingly used the press as a forum to argue for its various policies to achieve popular support. Those who identified themselves as royalists also produced their own newsbooks to counter and criticize the Interregnum governments. Under Charles II, the *London Gazette* (originally titled the *Oxford Gazette* during the first four months of its publication), first published in 1665, was the official, state-sanctioned source of foreign

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<sup>1</sup>Nigel Smith, *Literature & Revolution in England, 1640-1660* (New Haven: Yale University Press, 1994), 56.

<sup>2</sup>Ibid, 59, 67-8.

and domestic news. Thus, its publication served as tacit acknowledgement by the state that it should meet the public demands for regular information, albeit news that met with state approval.

Whereas the government increasingly used the press to convey news and matters of policy, independent authors and publishers flooded the market with their own newsbooks and editorial pamphlets. Much of the news acquired by these publishers was through a variety of “reporters” located throughout Europe and the Americas, or gathered through supposition and rumor. Concurrently, editorial publications increased among independent publishers, allowing anyone to state his or her own views or promote personal interests. Instances of independent reporting of “news” that did not align with the state-approved news, and publications that openly criticized the government, became especially problematic to the monarchy in the 1670s. Two royal proclamations, issued in 1675 and 1680, attempted to stop independent publishing. The first of these proclamations provided for a reward of £20 to any individual who could give information regarding either authorship or publishers of inflammatory writings, stating:

Whereas divers malicious and disaffected persons do daily devise and publish, as well by Writing, as Printing, sundry false, infamous, and scandalous Lies, endeavouring thereby, not only to traduce and reproach the Ecclesiastical and Temporal Government of this Kingdom, and the publick Ministers of the same, but also to stir up and dispose the minds of his Majesties Subjects to Sedition and Rebellion.<sup>3</sup>

The second proclamation, addressing publishers of unlicensed newsbooks:

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<sup>3</sup>England and Wales, Charles II, *By the King. A Proclamation For the better Discovery of Seditious Libellers*, (London: Printed by John Bill and Christopher Barker 1675).

Whereas it is of great Importance to the State, That all News Printed and Published to the People, as well concerning Foreign, as Domestick Affairs, should be agreeable to Truth, or at least Warranted by good Intelligence, that the minds of his Majesties Subjects may not be disturbed or amused by Lies or vain Reports, Which are many times raised on purpose to Scandalize the Government, or for other indirect Ends.<sup>4</sup>

Both of these proclamations, while directed at two different sources of illegal publishing, both referenced how those writings sought to inflame the masses.

From the 1640s through the end of the century, the masses were easily stirred up over any issue of conflict with Spain especially when writers related news about increased conflict in the Americas and Caribbean. In those items, writers reported sensational tales of English ships seized by the Spanish in the course of normal trade and navigation, and the subsequent torturing of their crews. Some writers chose to hearken back to historical incidents of Spanish unreasonableness toward, and even aggression against, the English to stir up old passions and further fuel public outrage. As ship seizures increased, so did the reporting of these incidents. Writers and other interested parties turned to the press to elicit support of the public; they demanded that the English government should act in some measure toward Spain for the protection of English trade, colonies, and navigation. These demands became more critical of the English government for not being more aggressive or decisive toward the Spanish when they refused to consider or discuss reparations for ship seizures. By the 1690s, most restrictions and regulations of the press fell by the wayside, allowing for an increased

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<sup>4</sup>England and Wales, Charles II, *By the King. A Proclamation For Supreßing the Printing and Publishing Unlicensfed News-Books, and Pamphlets of News*, (London: Printed by John Bill, Thomas Newcomb, and Henry Hills, 1680).

liberty of the press. This opening provided for the zenith of anti-Spanish rhetoric in the eighteenth century, which will be discussed in subsequent chapters.

With the combined resources of regular news and a wide of variety of editorial and informational pamphlets (whether authorized or not), anti-Spanish and anti-Catholic rhetoric, while unchanged in its phrasing and premise, in the very late 1600s became a more regular feature of English writings that related to Spain. Whereas anti-Spanish and Catholic sentiments influenced the cultural psyche of Protestant English peoples of the sixteenth century, the exacerbating of those sentiments increased in that part of the early modern age of information. Rather than relying solely on historical accounts of “vile” Spanish attempts to undermine the sovereignty of Protestant England, late seventeenth-century readers became exposed to recent news and opinions that portrayed the long-term rivalry as a battle still being fought and needed to be won for the preservation of national honor. The language of English nationalism of this period increasingly connected English identity to “defeat” of the evil Spaniard. This rhetoric was more intensive than it had been previously, because regular information from around the world informed the public more “reliably” on the aspirations of England in the Atlantic world and the Spanish opposition to those goals.

### 3.1 Colonial Expansion: Cromwell’s “Western Design” and Restoration-era Colonization

Upon the conclusion of the first Anglo-Dutch War in 1654, England sought to restore severed, or neglected, trade and diplomatic relationships during the war and the English Civil War. Merchants and those with trading interests were particularly anxious to reestablish foreign relations as their common lament was that war destroyed their

livelihoods and that they relied upon foreign trade to restore honor for themselves and the nation. From the perspective of the Commonwealth government, England theoretically had two choices for a post-war alliance or conflict, France or Spain.<sup>5</sup> In reality, there was no such choice in that the Lord Protector Oliver Cromwell had been discussing an attack on the Spanish West Indies since about 1651, a plan later known as his “Western Design.” For Cromwell, the peace of 1654 was not the moment for England to attend to its domestic economic and political strengthening by merely re-negotiating trade and commerce agreements with foreign competitors. The peace was the opportunity for England to seize its imperial moment and rectify past wrongs.<sup>6</sup> Cromwell explained that, “it would have been Dishonourable and Unworthy of Us, who, through the goodness and Providence of God, were so well furnished with Ships of War fit for Foreign Service, to let them lie rotting at home, rather than to have employed them for the just Revenge of so much English [blood].”<sup>7</sup>

Historians argue that Cromwell’s economic, religious, and political ideology motivated him to attack Spanish West Indian colonies; his goal, they maintain, was to actualize and legitimize his authority and that of the Commonwealth. Yet these studies tend to be insular in their analyses and neglect Cromwell’s rhetoric, which reflected his

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<sup>5</sup>Frank Strong, “The Causes of Cromwell’s West Indian Expedition,” *The American Historical Review* 4, no. 2 (January 1899), 228, <http://www.jstor.org/stable/1833554> (accessed 25 August 2007); David Armitage, “The Cromwellian Protectorate and the Languages of Empire,” *The Historical Journal* 35, no. 3 (September 1992), 536, [www.jstor.org/stable/2639629](http://www.jstor.org/stable/2639629) (accessed 25 August 2007).

<sup>6</sup> Armitage, 533-535.

<sup>7</sup> England and Wales, Oliver Cromwell, *A Declaration of His Highness, By Advice of His Council; Setting forth, On the behalf of this Commonwealth, the Justice of their Cause Against Spain*, (Edinburgh: Re-printed by Christopher Higgins, 1655), 4.

English cultural inheritance that generally viewed Spain as a persistent enemy to England in all ideological and practical matters of state. Public disclosure that Cromwell had waged a secret attack on Spanish colonies—a disclosure that resulted from the failure of Cromwell’s generals to capture Hispaniola, and the subsequent Spanish declaration of war—was criticized by the public and Parliament, which led him to produce his *Declaration* of 1655 to explain his actions. The declaration was a curious document in that it patched together a rambling, erratic “history” of Spanish depredations against Englishmen, the nation, their trade, and their colonies. The language Cromwell used in this document drew from traditional anti-Spanish rhetoric, which heavily employed terms such as “barbarous,” “cruel,” “murder,” “slaughter,” and “atrocities” to describe how the Spanish had treated the English in the Atlantic World. The reiteration of the history combined with the rhetoric intended to remind detractors that the Anglo-Spanish conflict in America:

hath been no other then a continual state of open War and Hostility . . . . That of late Years the English have for the most part been Patients . . . which may possibly occasion some to look upon the late Expedition in the *West-Indies*, as an Entrance into a new War, and not, as it was indeed the prosecution of a War already in being.<sup>8</sup>

This declaration, intended to garner public support for his cause, touched on religious, political, and economic issues, but it relied more heavily on the cultural imperative of the English to defeat their historic enemy. He wrote:

For the better clearing whereof, and manifesting what hath been already alledged in generall, it will be necessary to cast our eyes a little back, and to take a view of

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<sup>8</sup> Ibid, 3.

the Tranfactions between *England* and *Spain*, and the state they have been in, with Relation to each other, since the Reformation of Religion, and the discovery of the *West-Indies*.<sup>9</sup>

In other words, Cromwell, at least in his declaration, did not depict his Western Design as a reaction to immediate impulse or his own unique agenda; rather, he placed his actions within the larger historical and ideological struggle between the two nations.

England, long had coveted the wealth of Spanish America, and had sought access to that wealth through piracy and colonization in the West Indies. Raiding the Spanish West Indies as a means to divert Spanish wealth into England's hands—as a state-sanctioned policy—was an activity of days gone by, the glory period of Elizabethan piracy and policy. Historian Frank Strong characterizes Cromwell's Western Design as a mid-seventeenth-century revival of Elizabethan adventurer spirit combined with a modern vision for England's position in European and imperialistic politics.<sup>10</sup> In Karen Ordahl Kupperman's study of the Puritan American and Caribbean colonies, she modifies Strong's argument by stating that, "Cromwell saw his policies, not as an anachronistic throwback to the days of Elizabeth, but as the logical culmination of thirty years of development and struggle."<sup>11</sup> Yet there is a sense that Cromwell was attempting to go back in time to correct what the Tudor predecessors had failed to achieve in their moments of opportunity. One of Cromwell's most influential advisors and informants

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<sup>9</sup> Ibid, 5.

<sup>10</sup> Strong, 233, 242.

<sup>11</sup> Karen Ordahl Kupperman, "Errand to the Indies: Puritan Colonization from Providence Island through the Western Design," *The William and Mary Quarterly* 45, third series, no. 1 (January 1988), 90, <http://www.jstor.org/stable/1922214> (accessed 23 May 2008).

about Spanish America, Thomas Gage, argued that the vast Spanish American empire did not result from any great achievement or strength on Spain's part, it was merely the failure of Henry VII of England to take advantage of an opportunity that was his for the taking. In Gage's Epistle to his *New Survey of the West Indies*, dedicated to Lord Fairfax, he wrote:

To your Excellency therefore I offer a New-World, to be the subject of your future pains, valour, and piety, and beseeching your acceptance of this plain but faithful relation of mine, wherein your Excellency, and by you the English Nation shall see what wealth and honor they have lost by one of their narrow hearted Princes, who living in peace and abounding in riches, did notwithstanding reject the offer of being first discoverer of America.<sup>12</sup>

David Armitage, in his evaluation of Cromwell's Declaration, concurs with the assessment that, "Cromwell's hope was for a providential defeat of Spain in order that England could replace her as overlord of the Indies, thus running back the clock to link the rediscovery of America with the reformed religion."<sup>13</sup>

Cromwell, however, was not a solitary throwback who sought to rewrite English history. The reading public of the mid-seventeenth century was equally interested in Tudor-era thought, policies, history, and individuals in connection with Anglo-Spanish relations in Europe and the Atlantic. Throughout the last half of the seventeenth century, dozens of books and pamphlets were published regarding the historic, current, ideological and political conflicts England had with Spain. Some of the books celebrated Elizabethan adventurers and privateers who had terrorized and raided Spanish-American

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<sup>12</sup> Thomas Gage, *The English-American by Travail by Sea and Land: Or, A New Survey of the West-India's . . .* (London: Printed by R. Cotes, 1648), n.p.

<sup>13</sup> Armitage 542.



colonies such as Sir Philip Sidney, Sir Walter Raleigh, and Sir Francis Drake. Many of the titles were updated versions of sixteenth-century texts that were intended to “instruct” readers of the origins and inherent evil of Spanish policy toward England, such as Edmund Chilmead’s translated versions of Thomas Campanella’s *Spanish Monarchy*.<sup>14</sup> And the greatest number of similarly-themed texts addressed and sensationalized instances of Spanish cruelty toward anyone in religious or ideological opposition to them. De las Casas was republished under two different titles, *Tears of the Indians, being a historical Account of the Cruel Massacres of Above Twenty Millions of Innocent People, Committed by the Spaniards* (1656), and *A Relation of the First Voyages and Discoveries made by the Spaniards in America. With an account of their unparallel’d cruelties on the Indians, in the destruction of above forty millions people* (1699). Additionally, Spanish Inquisition titles abounded, especially those that told the stories of English men and women who had been victims of that policy. The English reading public was not completely out of step with Cromwell on the ideological front of Anglo-Spanish rivalry, nor was Cromwell’s “design” seen as attempting to revitalize and refashion English history along lines the public considered irrelevant. Thus, it was Cromwell’s seemingly solitary decision to wage a war without Parliamentary consent, along with the prospect of yet another potentially long and costly war that drew the most outrage.

And yet opposition to Cromwell’s Western Design—his plan that later developed into the Anglo-Spanish War—came from all levels and sectors of English society and

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<sup>14</sup> Chilmead published two versions of Campanella’s history, the first *A discourse touching the Spanish Monarchy* (London: Printed for Philemon Stephens, 1653/4), and *Thomas Campanella an Italian friar and second Machiavel* (London: Printed for Philemon Stephens, 1660).

government. The economic consequences of the English Civil War and the Anglo-Dutch War had yet to be rectified, and once outright war was declared, the prospect of a lengthy war with Spain drew protest from parliamentary and mercantile quarters. From the parliamentary perspective, Cromwell acted in a manner that was outside the realm of his authority, behaving more like a monarch or a tyrant.<sup>15</sup> In fact, it was nearly a full year after the official declaration of war that Parliament sanctioned the conflict:

*Resolved*, upon the Question, by the Parliament, *Nemine contradicente*, That the Parliament doth declare the War against the *Spaniard* was undertaken upon just and necessary Grounds, and for the Good of the People of this Commonwealth: And the Parliament doth approve thereof; and will, by God's Blessing, assist his Highness therein.<sup>16</sup>

It is important to note that continued parliamentary approval depended upon regular status reports on the conduct and progress of the war. Funding for the war also became contingent upon an annual report to justify its expense.

Despite significant opposition to a Spanish war, few could fail to appreciate the advantages the English could gain from Spain in the West Indies. From a practical standpoint, expansion of English colonial holdings could only benefit the trade and wealth of merchants and shippers by the creation of new markets and the possible exploitation of new commodities. At least this was the position of the “new merchants” that controlled the West Indian trade. According to Robert Brenner, this new class of merchants began petitioning Parliament as early as 1641 to launch an attack on the

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<sup>15</sup> Armitage, 541, 544-5.

<sup>16</sup> England and Wales, House of Commons, 1 Oct 1656, *House of Commons Journals 7: 1652-1660*, 431, <http://www.british-history.ac.uk>.

Spanish West Indies to provide better security for existing English colonies and possibly to acquire Spanish colonies.<sup>17</sup> It was the more moderate, continental merchants and traders who opposed a war with Spain. What motivated most of the mercantile sector's protests against any foreign wars was the interruption of trade or loss of trading rights to competing foreign powers. Because there was no guarantee that war would necessarily expand English territory in the West Indies, some merchants were unwilling to sacrifice their profit for what they skeptically viewed as a worthless ambition. In a compilation of two treatises directed toward Oliver Cromwell, one pessimistically argued:

Let it be granted, that the place intended be surprized yet before it can be put in a thriving way, what an endlesse treafure must be disbursed, beside the losse of men and shipping, and 'tis questionable whether ever the benefit from thence will pay it again, these designs promising great matters, but in effect come to nothing, we have the example in hand of New-England, Barbadoes, [St.] Christophers, &c.<sup>18</sup>

A measure of that pessimism undoubtedly can be attributed to the significant defeat of the English in their attempt to capture Hispaniola. Even when presented with the capture of the Spanish colony of Jamaica, continental merchants saw little value in the acquisition.

While Cromwell had the support and enthusiasm of the West Indian merchants, he also needed to persuade the economically and politically powerful groups of merchants who traded with the continent. Cromwell addressed their skepticism directly in his Declaration by attempting to appeal their sense of patriotism in that:

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<sup>17</sup> Brenner, 350.

<sup>18</sup> F. B., "Some Considerations upon the prefet Expedition supposed for the West-India's, humbly remitted to his Highnesse the Lord Protector, and delivered to Secretary Thurloe, in September 1654 long before the Fleetes Departure," in *Considerations and Proposals Presented to his Late Highnesse Oliver Lord Protector of England, Touching the not Warring with Spain, or the more advantgiuous prosecution thereof, after it was begun*, (London: n.p., 1659), 3.

We hope all true hearted *English* men will lay by their private animosities against each other, and rather deny themselves in the particular concerns, then out of Covetousness of a little gain by Trade (which cannot be had but upon Dishonourable, and in some sort, Dishonest terms, and may be supplied otherwise) hazard the Souls . . . and sacrifice the Lives and Estates of many of their Christian Brethren in America, together with the Honour of this Nation.<sup>19</sup>

The greatest trade concern for merchants in the last half of the seventeenth century was not only that Spanish markets would be closed to English products (especially woolen goods), but that the French and the Dutch would expand their foreign trade into markets that the English were denied because of their involvement in a war. There was general alarm, particularly at the growing influence and power of France, and some merchants scorned the decision to pursue Spain, whom they regarded as the lesser threat to English interests. T. O. Lloyd asserts, however, that France was indeed the greater threat from a continental perspective. But, he continues, “an attack on Spain made very good sense for anyone who wanted to follow a plan of overseas expansion.”<sup>20</sup>

Upon the restoration of Charles II to the throne of England in 1660, the government became more aggressive in their colonial expansion policies.<sup>21</sup> The colonization of the Carolinas in 1663 and the formal recognition of Jamaica as English territory in 1670 both accelerated Anglo-Spanish hostility. The simplest explanation for that increased hostility—in a supposed period of peace—was that both of those colonies

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<sup>19</sup> Cromwell, 19.

<sup>20</sup> T. O. Lloyd, *The British Empire: 1558-1983*, The Short Oxford History of the Modern World, edited by J. M. Roberts (Oxford: Oxford University Press, 1984), 32.

<sup>21</sup> J. Leitch Wright Jr., *Anglo-Spanish Rivalry in North America* (Athens, GA: University of Georgia Press, 1971), 49.

were further intrusions into territories the Spanish had jealously claimed for nearly two hundred years. Both colonies, however, came into English possession in the absence or minimal presence of Spanish settlement. The English easily captured Jamaica during the Anglo-Spanish war because of its lack of strong fortifications and small population.<sup>22</sup> In contrast, the English were able during peacetime to grant a colonial charter to colonize Carolina because of the absence of Spanish settlement.<sup>23</sup> The reasoning for the expansion into Carolina by the English was, initially, to contend with overpopulation and land shortages in the English Atlantic/Caribbean and Virginia colonies. Yet the colonization of Carolina was a decidedly aggressive move against the Spanish to challenge their claims to North America. J. Leitch Wright argues that aggressiveness was evident in that the language of the Carolina charter, which did not include the proviso, found in earlier charters, that settlement must only occur in places “not inhabited by any Christian prince.”<sup>24</sup> Regardless of the different means of acquisition of these colonies, their English possession meant the same thing for the Spanish, not only were the Spanish losing territory to a historic rival, but those territories literally placed the English on their proverbial doorstep in North America and the Caribbean.

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<sup>22</sup> Michael Pawson and David Buisseret, *Port Royal, Jamaica*, 2<sup>nd</sup> ed. (Barbados: University of the West Indies Press, 2000), 7.

<sup>23</sup> This assertion must be qualified with the fact that the original land grant and charter for Carolina included Spanish Florida and part of the Gulf Coast, however English settlers established their towns in regions in which there was not any active Spanish settlement, Wright, 49-50.

<sup>24</sup> *Ibid.*

Further frustrating to the Spanish was that they lacked the resources to forcefully challenge the English on any considerable scale. Long periods of warfare and declining domestic production left Spain without sufficient financial resources to increase and repair their military and navy.<sup>25</sup> Although still in possession of rich mines in the Americas, English piracy against the Spanish treasure fleets and a decline in Peruvian silver production exacerbated Spain's continental financial problems.<sup>26</sup> Thus, the Spanish utilized their available resources to inflict economic damage upon, and show their displeasure with, the English. Spanish policies included prohibiting English trading in their colonies, launching the occasional attacks on English settlements, and seizing English ships for a variety of trade and navigation infractions. Ship seizures resulted in the most outrage, particularly among vessels engaged in legal trade but seized under questionable circumstances.

In the last three decades of the seventeenth century, the Spanish seized, by contemporary estimation, 100-300 English ships, the majority of which either departed from or destined for Jamaica. In the cases of five ship seizures discussed in the next section, their estimated losses alone were approximately £30,000, nearly none of which was recovered. The same financial problems that diminished Hispanic political power in Europe likewise affected their ability to pay sums to wronged investors. The English treasury sustained some damage directly through these seizures due to the loss of customs

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<sup>25</sup> R. A. Stradling, *Europe and the Decline of Spain*, Early Modern Europe Today, edited by J. H. Shennan (London: George Allen & Unwin, 1981), 151, 156-7.

<sup>26</sup> Timothy R. Walton, *The Spanish Treasure Fleets* (Sarasota, FL: Pineapple Press Inc., 1994), 128-38.

on goods that never arrived in England and in other indirect ways. However, those losses, in aggregate, most likely had little impact on the national treasury. The full burden of the financial losses fell upon the ship owners and the merchants who had consigned goods as cargo. While the English government expressed outrage over the Spanish seizures, it is questionable whether they would have actively pursued reparations from the Spanish government if they did not have to contend with a mercantile establishment that evoked national honor while employing its increased political franchise through petition and public appeals.

The new class of merchants gained considerable political capital through their support of parliamentary forces during the Civil War, and continued to build upon that entry into the political sphere to petition for redress for the wrongs perpetuated against their interests during the Interregnum.<sup>27</sup> Jeffery Corbet wrote:

I doe earnestly befeech all Protestants under what forme whatsoever, specially in, and about the City of London , and Westminster . . . That they would unite as one man, and improve their utmost Interest in the Parliament by Petition and otherwise . . . to end the Innocent blood which hath been spilt by the Treachery of those secret Enemies may be expiated, and the Pope's bloody Designs now on foot may bee defeated. And that they complaining in our Streets may cease by letting the oppressed free from the obstructions of Justice which they have long groaned under.<sup>28</sup>

Access to government in seeking redress increased greatly with the 1650 passage of *An Act For preventing Injuries and Wrongs done to Merchants at Sea, In their Persons,*

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<sup>27</sup> Brenner, 634.

<sup>28</sup> Jeffrey Corbet, *The Protestant's Warning-Piece* . . . (London: n.p., 1656).

*Ships, or Goods.*<sup>29</sup> This piece of legislation commissioned the Council of State, as appointed by Parliament, to “have full and absolute power” to hear all cases of ship seizures and issue letters of *marque* under the seal of the Admiralty.<sup>30</sup> In effect, this legislation intended to accelerate restitution by eliminating the arduous bureaucratic procedures and bringing the petition closer to Parliament much earlier in the diplomatic process.

In this climate of increased access to government to have their appeals heard, by extension, merchants felt even more emboldened to comment or criticize upon any policy that would negatively influence trade. One anonymous writer, proposing what demands the English should make upon Spain when negotiating a treaty at the conclusion of the Anglo-Spanish war, wrote:

Private men, we know, muft not meddle with the myfteries of State, where fo judicious persons fit at the Helme of Government: yet as well-wilhers to the whole, being made too fenfible as to the thing in hand; we fuppose it our duty modeftly to prefent our thoughts concerning the affairs with Spain, as verft with the difpofitions of that Nation.<sup>31</sup>

The author of this treatise proposed that in any treaty negotiations, the priority of the English government should be for the exclusive protection of its trade. The treatise argued that the war resulted from the English government’s failure to protect English

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<sup>29</sup> England and Wales, Parliament, *An Act For preventing Injuries and Wrongs done to Merchants at Sea, In their Perfons, Ships or Goods . . .* 13 April 1650 (London: Printed by Edward Husband and John Field, 1650), 799-800.

<sup>30</sup> Brenner, 630.

<sup>31</sup> *Some Brief Considerations and Proposals, Relating to the Dependencies of the English Nation with Spaine, &c.* (London: n.p., 1658/9), 2.



shipping and trade, and that the Cromwell's strategy in fighting the war conveyed a weakness of England to assert her power. The author suggested that it was imperative that England should be in a position of power and authority if, and when, treaty negotiations ensued. It was also his belief that power could be gained through attacking the Spanish West India Fleet and through an embargo of Spanish goods.<sup>32</sup>

### 3.2 Violations of the Treaty of Madrid: Ship Seizures in the 1670s and 1680s

*What acts of Hostility have been committed since the Peace made in the year 1670. betwixt the Spaniards, and the Privateers of several Nations; have been many and considerable, amongst which we have had no small losfs fallen on our Merchant men, trading there in the West-Indies, causing a great obstruction of our Trade. The number of ships taken since then, as I am informed, is no less than one Hundred and Twenty . . . which thing I fear increasfs the number of Privateers, in those Seas.*<sup>33</sup>

Technically, the Anglo-Spanish war ended shortly after the accession of Charles II to the English throne in 1660, yet settlement of the terms of the peace did not occur until mutual ratification of the Treaty of Madrid (1667).<sup>34</sup> Caribbean hostilities continued throughout the late 1660s, though, leading to the second "war" in 1669, which in turn required a second peace, achieved with the second Treaty of Madrid of 1670 (American Treaty). When Queen Regent Marianna of Spain protested English attacks on Spanish ships, citing the 1667 treaty, Charles II responded "that his subjects had no peace in the Indies," to explain English hostilities against the Spanish, which led to the Queen's

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<sup>32</sup> Ibid, 2-4.

<sup>33</sup> Philip Ayres, "Preface," in *The Voyages and Adventures of Capt. Barth. Sharp And others, in the South Sea* (London, Printed by B. W., 1684), n.p.

<sup>34</sup> England and Wales, Charles II, *By the King, A Proclamation Declaring the Cesffation of Hostility, and preserving an entire Amity between His Majesty, and the King of SPAIN* (London: Printed by John Bill and Christopher Barker, 1660), broadsheet.

declaration of war in 1669.<sup>35</sup> In the first few years after each war there seemed to have been some confusion among English and Spanish colonial governors and ship captains about the nature of the truce and peace. For the first few years after both of the treaties signings, each side continued capturing each other's ships under pretense of ignorance that the war had indeed ended. The veracity of those claims is somewhat suspect in light of what had become an unofficial policy of both nations of asserting their rights to their respective Caribbean territories by seizing or hindering each other's ships.

Another post-treaty "confusion" concerned the rights of English to exploit American resources not within their territorial holdings, especially the cutting of logwood in the Bay of Campeche.<sup>36</sup> Campeche was a Spanish territory on the Yucatan peninsula with significant settlements and established governance. Since the English takeover of Jamaica, however, English men and ships regularly had been cutting logwood near modern-day Champotón, an area they claimed was uninhabited by any Spanish and distant from Hispanic settlement.<sup>37</sup> The Spaniards rightly protested against this activity, because they considered logwood as "produce" of the Spanish colonies, thereby granting them exclusive rights to that resource, an understanding shared by European nations influenced by mercantilist policy and thought. Additionally, Article VIII of the 1670

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<sup>35</sup> "No. 149, Jan/Feb 1670, Commission of War by the Spaniards against the English in the West Indies," *CSPCS*, vol. 7.

<sup>36</sup> Logwood is a generic term referring to any number of varieties of hardwoods that are used for dye making. The logwood that grows in what is now the modern Mexican state of Campeche, is a variety native to that region exclusively, often referred to as Campeachy wood.

<sup>37</sup> "No. 825.I. Extracts from Sir Thomas Lynch's letter of 10<sup>th</sup> March 1672, and Sir Thomas Modyford's letter to Lord Arlington of 16<sup>th</sup> May 1672," *CSPCS*, vol. 7

treaty protected Spanish colonies from English intrusion in that “The Subjects of the King of *Great Britain* shall not Sail unto, and Trade in, the Havens and Plantations which the Catholique King holdeth in the laid *INDIES*.”<sup>38</sup> The English challenged these rights, though, through their own “settlement” in the region prior to the Treaties of Madrid; thus, by default of the territorial recognition of the 1670 the English claimed the right to exploit the resources of their “territory” without infringement. The foundation for the English claim of established settlement in the Yucatan before 1670 was within Article VII of the 1670 treaty, which stated:

That the Most Serene King of *Great Britain*, His Heirs and Successors, shall *have, hold, keep and enjoy* for ever, with plenary *Right of Sovereignty* [sic], *Dominion, Possession and Property* of those *Lands, Regions, Islands, Colonies and Places* whatsoever, being situated in the *WEST-INDIES*, or in any Part of *AMERICA*, which the said King of *Great Britain* and His Subjects do at present hold and possess.<sup>39</sup>

The primary problem with this vague article was its absence of actual enumeration and boundary designations of British possessions that Spain acknowledged or visa versa; nor did it provide allowances or legal parameters for colonial expansion for either nation. English officials in Jamaica who encouraged the cutting of logwood gathered and submitted depositions to London of English “settlers” and logwood cutters in the Bay of Campeche who attested to their settlement in order to strengthen their rights and claims. The issue of English “rights” to logwood cutting dominated communications between

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<sup>38</sup> Great Britain, *A Treaty For the Composing of Differences, Refraining of Depredations, and Establishing the Peace in America, Between the Crowns of Great Britain and Spain*, (London: Printed by John Bill and Christopher Barker, 1670).

<sup>39</sup> Ibid.

Jamaica and England for the next decade and served as one of the primary areas of contention between England and Spain in the West Indies well into the eighteenth century.

The Jamaican colonial governor, Sir Thomas Lynch (1671-1674, 1682-1684), was a strong advocate for the cutting of logwood in Campeche, veiling his own personal interest in the trade (and often his own illegal trading activities) in his assertions of logwood cutting for the economic benefit of England.<sup>40</sup> His 1672 letters to London constantly petitioned King and Council to consider whether the issue of English logwood cutting violated of the Treaties of Madrid. Lynch contended that English logwood cutting should be permitted as it was performed by English subjects who had “built small houses and planted provisions,” thereby rendering those settlements as English territory per Article VII.<sup>41</sup>

Lynch further argued that employing men in the logwood trade was another means to reduce piracy on Spanish ships.<sup>42</sup> Men who had served as privateers during the Anglo-Spanish war and in the ensuing years made up the majority of the population of

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<sup>40</sup> Nuala Zahaedieh, “The Merchants of Port Royal, Jamaica, and the Spanish Contraband Trade, 1655-1692,” *The William and Mary Quarterly* 43, 3<sup>rd</sup> series, no. 4 (October 1986): 579, <http://www.jstor.org/stable/1923683> (accessed 25 August 2007); Trevor Burnard, “Lynch, Sir Thomas (*d.* 1684),” in *Oxford Dictionary of National Biography*, ed. H. C. G. Matthew and Brian Harrison (Oxford: OUP, 2004); online ed., ed. Lawrence Goldman, January 2008, <http://libproxy.uta.edu:2422/view/article/17260> (accessed 26 April 2009); “No. 743. Sir Thos. Lynch to Sir Chas. Lyttleton, 28 January 1672,” *CSPCS*, vol. 7.

<sup>41</sup> “No. 825. I. Extracts from Sir Thomas Lynch’s letter of 10<sup>th</sup> March 1672, and Sir Thomas Modyford’s letter to Lord Arlington of 16<sup>th</sup> May 1672,” *CSPCS*, vol. 7; “No. 825.II.” for depositions of English “settlers” in Campeche about their activities, as well as their assertions that they were operating in territories with no indication of Spanish habitation or activity.

<sup>42</sup> “No. 729. Sir Thos. Lynch to Joseph Williamson, 13 January 1672,” *CSPCS*, vol. 7.

English logwood cutters. The employment of these men was an alternate occupation for individuals whose skills became unnecessary during peacetime. This argument is rather suspect in light of the fact that these men found “employment” in Spanish territory that had considerable traffic in Spanish ships, and that the cutters understood the Spanish hostility toward their activities in Campeche. Although colonial governors outwardly condemned peacetime piracy, they rationalized that piratical acts occurred because of the lack of employment for adventurous men.<sup>43</sup> Regardless, Lynch’s argument does not lack the insinuation of English menace toward the Spanish ships and colonies. In a letter to Don Francisco Rodrigues, the governor of Havana, dated April 1672, Lynch wrote, “[that] he did not know that the Spaniards’ interest lay more in preserving trade than their lives and countries.”<sup>44</sup> Upon Lynch’s petitions and other information, Sir William Godolphin, English Ambassador to Spain, in a report to the Secretary of State, Henry Bennet, Earl of Arlington, asserted that:

So that Spain has as well too much right as advantage not to assert the propriety of these woods; for though not all inhabited, these people may justly pretend to make use of our rivers, mountains, and commons, as we can to enjoy any benefit of those woods. And this is the sense of all Spaniards, since to inhabit and possess are distinct, neither is the former essential to the latter. . . . if the English would restrain themselves to cutting wood alone, and in places remote from their towns, it may be advisable for his Majesty to connive at, though not to authorize, their doing so.<sup>45</sup>

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<sup>43</sup> “No. 794, Peter Beckford to Secretary Williamson, 26 January 1676,” *CSPCS*, vol. 9.

<sup>44</sup> “No. 793, Governor to Don Francisco Rodrigues, Governor and Captain-General of the Havannah, 5 April 1672,” *CSPCS*, vol. 7.

<sup>45</sup> “No. 825, Sir Wm. Godolphin to See. Lord Arlington, 10/20 May 1672,” *CSPCS*, vol. 7.

In July 1672, the Council for Plantations recommended to the king that they believed that the West Indian colonial governors “should not hinder or discourage trade of logwood cutting in places uninhabited by the Spaniard, which is great advantage to his Majesty’s custom and trade.”<sup>46</sup> Toward the end of 1672 up to 1679, the English government unofficially approved of logwood cutting in Campeche until they were able to determine if the activity reconciled with the second Treaty of Madrid. These unofficial approvals continually reiterated the clause that they must only do so in uninhabited territories. In 1679, England called for a halt of logwood cutting officially, yet the British government continued to sanction it unofficially through imports of “West Indian” logwood.

Spain challenged English logwood cutting by seizing ships that were in the area or elsewhere in the Gulf of Mexico or Caribbean that carried a cargo of logwood or other commodities the Spanish claimed as their exclusive trade. During Lynch’s first year as governor of Jamaica, he estimated about 20 ships had been captured by the Spanish and predicted, “If the Spaniards may take out of our vessels what they call plunder or Spanish goods, then we shall lose as much by the peace as they did by war.”<sup>47</sup> By 1677, various estimates placed the number of ship captures between 50 and 70. Yet the English were not attempting to be covert in their exploitative activities in dominions Spain claimed as their own, which made them vulnerable to Spanish capture. In his report of the state of Jamaica, then Governor Lord John Vaughan (later Earl of Carbery), estimated that from

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<sup>46</sup> “No. 879. Opinion and advice of the Council for Plantations to the King, 2 July 1672,” *CSPCS*, vol. 7.

<sup>47</sup> “No. 729, Sir Thos. Lynch to Joseph Williamson, 13 January 1672,” *CSPCS*, vol. 7. See also, Zahedieh, 586.

their island alone they sent out 60 to 70 ships “wholly employed in fetching logwood and salt, turtling and striking manatee, or fishing in the bays of Cuba.”<sup>48</sup> This did not include English ships out of other Caribbean and North American colonies, with ships coming out of New England being the most numerous second to Jamaica. As a side note, the diplomatic debate over the issue of justifiable seizures, based upon a ship carrying contraband Spanish logwood, added confusion to reparation claims by the fact that other varieties of logwood grew in English Caribbean and Atlantic colonies, primarily Jamaica, the Bahamas, and Barbados.<sup>49</sup> Thus, the English had an arguable defense that their ships were illegally captured as proof of the origins of the wood were difficult to ascertain.

Whether a ship seizure occurred because of suspicion of exploiting Spanish-controlled resources, “confusion” about the rights allowed in the Treaty of Madrid, or English illegal trading or piracy, they were all occasioned by the same fact: the proximity of English and Spanish colonial holdings. The colonial and trade activities of the English undoubtedly placed them in the heart of the Spanish Caribbean, which portended the potential decline of the Spanish monopoly if not the loss of more territory to England and other European competitors. The treaty concession of the Spanish to the English that recognized English colonial holdings was a bitter pill for the Spanish to swallow,

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<sup>48</sup> “An account of the present state and condition of His Majesty’s Island of Jamaica under the command of his Excellency John Lord Vaughan, Captain-General and Chief Governor of the said Island, this 1<sup>st</sup> day of January 1676,” *CSPCS*, vol. 9.

<sup>49</sup> House of Lords Record Office, “Representations from the Commissioners of Trade and Plantations to House of Lords, pursuant to His Majesty’s orders upon their addresses of 1 and 5 April 1734,” *Lords Journals, Main Papers*, XXIV, 13 February 1734/5, 458-459, p.19, courtesy of the Virginia Colonial Records Project, Library of Virginia; Richard Blome, *A Description Of the Island of Jamaica* (London: Printed by T. Milbourn, 1672), 11.

especially the recognition of Jamaica as English territory. In Godolphin's May 1672 letter discussing logwood cutting, he wrote that:

But what renders the pretension to a freedom of cutting this wood more odious to the Spaniards is, that for the same reason we may infer a liberty to inhabit there; and it may easily be judged how they who so obstinately disputed a peculiar right to the very sea there, will endure to have the propriety of their lands called into question.<sup>50</sup>

English Jamaica's notorious history as a base of piracy and illegal trade—at times sanctioned or condemned by the English government—became well earned. Yet those English ships that traveled to and from Jamaica for purposes of legitimate trade often found themselves victims of Spanish attacks as retaliation for piratical acts and out of resentment of their presence in the Atlantic and Caribbean. Peter Beckford reported in 1675 that, “they [Spaniards] are daily taking all ships they can master . . . they would look upon us as enemies, and take all they came up with.”<sup>51</sup> For the Spanish, the presence of the English so close to their most valuable colonies was an encroachment for which they had little tolerance, treaty agreements notwithstanding.

### 3.3 Diplomacy and Restitution: Interpreting the Treaty of Madrid through Seizure Cases

The first tests of the Treaties of Madrid came upon the heels of their issuance. After the English acquisition of Jamaica, “peace” was a relative term in reference to the dealings and interactions of the English and Spanish in the Atlantic and Caribbean. The Spanish reacted to increased English presence in the West Indies through improving the

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<sup>50</sup> No. 825,” *CSPCS*, vol. 7.

<sup>51</sup> “No. 735. Peter Beckford (Secretary of Jamaica) to Sec. Sir Joseph Williamson, 6 December 1675,” *CSPCS*, vol. 9.



fortifications in their most valuable colonial towns, and increased their vigilance against foreign intruders. This increased vigilance led to constant captures of English ships that were engaged in both legal and illegal activities. The fundamental problem in cases of ship owners pursuing reparation or restitution was the differing interpretations of the rights and legalities bestowed by the Treaties of Madrid. England certainly benefited the greatest in these treaties, and their claims reflected a desire to press their full advantage of those rights gained. On the other hand, when Spain was defending ship seizures, their interpretation of the treaties was to the purpose of protecting their trade monopoly of American commodities. Regardless of the peace treaties, the interests of each nation clashed with to each other's goals on the continent and in the Americas.

On 31 August 1671, the *Peter* pink, commanded by Thomas Wayte had been assisting in the salvage of the *Loyal James*, which had wrecked off the coast of Cuba earlier in the month. Sometime after their departure, the Spanish Captain Candalero captured the *Peter* near the Spanish settlement of Campeche, apparently with the intent to cut and load logwood.<sup>52</sup> Once captured, the Spanish "stripped the company of their clothes, ransacked their trunks, took all their writings, and carried the ship to Campeachy."<sup>53</sup> The individuals aboard the ship, by their accounts, initially believed the Spanish seized them because they were not aware that the war between the two nations

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<sup>52</sup> "No. 1022. II.'Extracts of several letters concerning the usage of the English by the Spaniards in the West Indies since the Peace: 13 January 1672 Nathaniel Radley to William Williams of London," *CSPCS*, vol. 7, January 1673.

<sup>53</sup> "No. 820, "Petition of Peter Brent, Serjeant Plumber to his Majesty, and John Augier, part owners of the Pink Peter of London, to the King and Council, (Received 3d May [1672])," *CSPCS*, vol. 7, May 1672.

had ended. At the time of the seizure, and again once in Campeche, a part-owner of the ship, Charles Cogan, protested the seizure by declaring that war between the two nations was over, later claiming that they even carried with them the notice of peace that they presented to their captor and again to the colonial governor of Campeche.<sup>54</sup> At Campeche, the crew and passengers were imprisoned for nearly two months until Governor Don Fernando Francisco Descovedo released them and their ship. Before the release of the prisoners, their ship was stripped of its rigging, sails, and equipment and the cargo disposed of—a combined loss of £2200-£4000. The crew and passengers were sent back to Jamaica with the advice from the governor to seek justice in Spain.<sup>55</sup>

Sir Thomas Lynch, who witnessed the depositions, began the diplomatic process of seeking restitution by appealing to both the governors of Havana and Campeche as well as colonial authorities in England. In January 1672, Lynch dispatched three ships that were given the task of capturing pirates for a time and then continuing on to Campeche to present the application for restitution of the goods from the *Peter*. This dispatch carried the original loss claim to be “300 marks of plate, 600 pieces of 8, and

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<sup>54</sup> “No. 733, Sir Thos. Lynch to Joseph Williamson, 16 January 1672, *CSPCS*, vol. 7. Also, “No. 820.”

<sup>55</sup> The amount of the monetary loss varies from account to account, partially due to the failure of individuals to submit their claims at the same time. The State Papers contain one early list dated 13 January 1671/2, enumerating ten individuals (including Wayte) whose combined claims of loss at that time were £2911.10.0. Within a year, the total losses were nearer £4000, whether this amount resulted from late entries of claimants or exaggeration of the loss for dramatic purposes is unknown. “No. 733. Sir Thomas Lynch to Joseph Williamson, 16 January 1672,” and “No. 733. I. Depositions of several merchants and gentlemen that embarked at Jamaica . . ., 13 January 1671/2,” *CSPCS*, vol. 7, January 1672.

two negroes,” in addition to the damages to the ship.<sup>56</sup> The commission, led by Robert Hewett, applied to the governor of Campeche for a total of 14,000 pieces of eight.<sup>57</sup> Hewett reported that the governor delayed restitution for several days, eventually sending Hewett back to Jamaica with a letter of response to Lynch. In Descovedo’s response, he began with disclaiming jurisdiction over restitution arguing that since the slaves and plate had been turned over to the Church, and that application should be made to that institution. As for the remainder of the claim, Descovedo advised Lynch to pursue the matter with the “Royal Audience of Mexico” and Spain.<sup>58</sup> The rest of the letter then challenged every assertion that the ship’s crew made about their actions, the reasons for their capture, the assertion that the passengers carried and presented the notice of peace, and the amount of the total loss of the cargo and ship damages. Descovedo argued that the ship was not a mere merchant vessel, but armed as a warship, which implied English hostility near Spanish territory. Whereas Article XVII of the 1667 Treaty allowed for ships and individuals to be armed for their protection, the 1670 Treaty did not include this clause. Further, Descovedo justified the seizure to gain reparation for the attack and plunder of Panama by Henry Morgan in 1668. Descovedo, “declared that his Honour had recovered 700 slaves of Panama, and was using all the diligence to recover the plunder of

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<sup>56</sup> “No. 733,” “No. 743. Sir Thos. Lynch to Joseph Williamson,” and “No. 944.I. A relation by Robert Hewytt of his voyage to Campeachy in his Majesty’s service, by order of Sir Thomas Lynch.” *CSPCS*, vol. 7.

<sup>57</sup> *Ibid.*

<sup>58</sup> “No. 944. II. Don Fernando Decovedo, Governor of Campeachy, to Sir Thos. Lynch, 6 April 1672,” *CSPCS*, vol. 7.

that city and restore it to the owners, which advice makes it lawful to detain these goods.”<sup>59</sup> This last claim was an interpretation of Article XIV of the 1670 treaty that stated:

Neither shall one man satisfy for the offence of another by Reprisals, or other such like odious proceedings, unless Justice be denied or unreasonably delayed; in which case it shall be lawful for that King, whose subject hath suffered the Loss and Injury, to take any Course according to the *Rules* and *Method* of the Law of *Nations*, untill reparation be made to the Sufferer.<sup>60</sup>

However, to claim reparation for a loss before 1670 violated of Article VII of the 1670 treaty which stated:

All Offences, Damages, Losses, Injuries, which the Nations and People of Great Britain and Spain have at any time heretofore, upon what Cause or Pretext soever suffered by each other in America, shall be expunged out of remembrance, and buried in Oblivion, as if no such thing ever past.<sup>61</sup>

If, as Descovedo claimed, he was unaware of the peace of 1670, then Articles XIV, XV, and XXIII of the 1667 Treaty that addressed the issues of contraband goods and the method by which a nation may recover them protected his argument for seizing the goods out of the *Peter* was protected. Descovedo’s claim that he was unaware that England and Spain were at peace is slightly unbelievable as the 1670 treaty was to go into effect around September of 1670 and to be published within eight months of the date of effect.<sup>62</sup>

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<sup>59</sup> Ibid.

<sup>60</sup> Great Britain, 9-10.

<sup>61</sup> Ibid, 5.

<sup>62</sup> Ibid, 10-11.

Even with this time delay, the capture of the *Peter* took place outside the period where the argument could be made that the treaty was not in full effect.

Thus stalled by the governor, Lynch turned the whole matter over to London for consideration. Lynch attached his communication with the plea that he “hopes his Majesty will put a stop to this, for ‘we have lost this year of peace by these kind of seizures, twice as much as in St [Sir] Th[omas] M[odyford]’s 7 years of war.”<sup>63</sup> In October 1672, Charles II communicated to the Spanish Ambassador that he “hopes the Queen of Spain has or will give order for redress of several injuries his Majesty’s subjects have sustained from hers.”<sup>64</sup> Meanwhile the Council of Plantations considered the issue of logwood cutting and whether it should proceed against the Court of Spain in regard to the *Peter* and a few other ships captured near or in Campeche. In January 1673, the Council appears to have decided to not pursue the matter, citing Article VII of the 1670 treaty. Although the date of the seizure took place clearly after the peace treaty, it is reasonable to assume that their decision most likely based upon their desire to minimize conflict with the Spanish and preserve the rights afforded in the 1667 Treaty. Supposedly, the 1667 Treaty of Madrid was a tremendous victory for continental trade, because it allowed for increased protection and trade allowances for English merchants and shippers to Spain. Peace between England and Spain in the seventeenth century was always a fragile thing, and in the first decade after the Anglo-Spanish war, peace became

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<sup>63</sup> “No. 945. Sir Thomas Lynch to Henry Slingsby, Secretary to the Council for Plantations, 9 Oct 1672,” *CSPCS*, vol. 7.

<sup>64</sup> “No. 950. Memorial given to the Spanish Ambassador by his Majesty’s command, 30 October 1672,” *CSPCS*, vol. 7.

a relative state of existence. Additionally, the individuals who suffered monetary losses with the *Peter* did not continue their protest for redress. The last mention of the ship in the State Papers was the decision of the Council in January 1673. In the absence of continued petitions by the owners for reparation, the English government had little reason to harass the Spanish court over one ship.

Throughout the next three decades and well into the eighteenth century, seizure of English ships, in and around the Atlantic and Caribbean, by Spanish privateers increased with each passing year. According to the testimony of a ship's master, who had been captured by the Spanish, the governor of Havana claimed that they "had taken 75 ships of Jamaica, New England, Virginia, and Old England since the peace in 1670."<sup>65</sup> The increased numbers of ships captured is attributable to a variety of factors, with some English ships justifiably seized for outright treaty violations, such as attempting to trade directly with Spanish colonies, and non-sanctioned peacetime piracy. However, the largest portion of the ships captured were for either cutting or possessing logwood, (as discussed earlier), carrying a cargo deemed as contraband under the opinion that it was the produce of Spanish colonies, or for being near a Spanish colony.

Ships captured merely because of their proximity to Spanish colonies caused the greatest uproar among those with a financial interest in the ships, as well as the English reading public. The simplest explanation of English anger over those seizures was that it was impossible for English ships traveling to their Caribbean or North American colonies

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<sup>65</sup> "No. 1226. III, Minutes of the Committee for Trade and Plantations, 5 March 1674," *CSPCS*, vol. 7.

not to come into close proximity of the Spanish colonies. This was especially true of any ships destined for Jamaica, as it is directly south of Cuba and directly east of Hispaniola. To sail to Jamaica, ships had to sail north of Leeward Islands and along the southern coast of Hispaniola. Departing from Jamaica offered two equally problematic routes; one was to sail through the Westward Passage, a strait of water between Cuba and Hispaniola (so narrow that each island is able to view each other). The second option secondly, to sail north toward the Yucatan peninsula, around the northern tip of Cuba, then entering into the Gulf Passage that brought a ship along the coast of Florida.<sup>66</sup> Additionally, ships heading to the southern North American colonies, often tacked southward toward the British Caribbean colonies before making their trek northward. Consequently, the majority of English ships captured by the Spanish in the last half of the seventeenth century were in and around Cuba, Hispaniola, Mexico, and Florida.

To justify these seizures, the Spanish cited Article VIII of the 1670 Treaty, which forbade English ships sailing into Spanish colonial ports.<sup>67</sup> Through a loose translation of that article, the Spanish reasoned that they had the right to capture a ship that neared their colonies because an English ship in their vicinity operated, potentially, for illegal reasons. Although the Spanish had reasons to be suspicious, especially as there were numerous English illegal traders and pirates, there is very little indication that the Spanish attempted

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<sup>66</sup> Ian Kenneth Steele, *The English Atlantic, 1675-1750: An Exploration of Communication and Community* (Oxford: Oxford University Press, 1986), 22.

<sup>67</sup> There were exceptions allowed for each country's ships to sail into each other's ports was if a ship was endangered by weather, pirates, or ship damages, which was provided for in Articles X-XII of the 1670 Treaty. Additionally, Article IX stated that there might a time in the future when agreements might be made between England and Spain which would lift the restrictions of Article VIII.

to determine the innocence of those ships that were merely traveling from one place to another for legitimate reasons. The English outwardly scorned and disavowed pirates, yet there were not willing to concede the Spanish their interpretation of the 1670 Treaty as it placed the regular traffic to and from English colonies in continual peril.

Between 1672-1673, the Spanish captured four English ships because of their close proximity to, and/or entry into, Spanish colonies.<sup>68</sup> The first two ships, the *Thomas & Mary* of Exeter, William How master, and the *Rebecca*, John Channon master, were captured in the fall of 1672, and the *Virgin* of London, Edmond Cooke master, and the *Humility* of London, Matthew Fox master were captured the mid-part of 1673. The exact circumstances of the capture of the *Thomas & Mary* is not documented, but later references to its capture indicate that it was seized at sea upon its departure from Jamaica.<sup>69</sup> In the case of the *Rebecca*, the ship was on its voyage from Jamaica to Barbados, when they were “forced by foul weather into Cape Antonis [Antonio]” in Cuba.<sup>70</sup> While waiting out the poor weather, some Spaniards approached them in a canoe, lured the crew to shore, and then stranded them in that remote place by taking their ship. Channon’s testimony continues their misfortune as they walked for 31 days until they were able to find a Spanish ship captain that would take them to Havana to

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<sup>68</sup>Several similar incidents are recorded in the colonial records from 1670 onward. I have selected this four for review, because of their occurring within a few years of the signing of the second Treaty of Madrid; and, to illustrate the deficiencies of that treaty that denied the English and Spanish a peaceable cohabitation in the Caribbean. For a more complete listing of English ships captured in the seventeenth century, consult Appendix A.

<sup>69</sup>“No. 965, Whitehall, 23 July 1673, Petition of Mary How,” *APC*, 593.

<sup>70</sup>“No. 1180, Relation by John Channon, master of the ship *Rebecca*, of his barbarous usage by the Spaniards,” *CSPCS*, vol. 7.



apply to the governor there for restitution of their ship. When Channon and his crew arrived in Havana, they discovered that the governor had appropriated their ship for the use as “a man of war” and was not going to make reparation. Channon challenged this action and he was informed by the governor that the Spanish viewed his and every other Englishmen’s presence being a “crime to go into the West Indies.” Channon argued that “he thought he was free to sail from one of his Majesty’s islands to another as they were to their ports,” to which the governor replied that they did not recognize those colonies as legitimate English claims. Both Channon and How were imprisoned and sent back to Spain, where Channon was sentenced as “a slave for four years for the quicksilver mines.” Fox, whose ship was captured near Havana on his voyage to Virginia from Jamaica, escaped his captors “alone by great providence.”<sup>71</sup> Likewise, Cooke’s ship *Virgin*, was seized near Cuba during his return to London from Jamaica. The *Virgin* was detained at sea for two weeks, and then Cooke and his crew were put on their ship’s long boat and set adrift without food or supplies, eventually making it back to Jamaica after two months at sea.<sup>72</sup>

The captures of these ships was attributed, wholly and in part, to the pirates Philip FitzGerald, aka Don Philip Hellen, and Francisco Lopez de Andrade, both somewhat

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<sup>71</sup> “No. 1178, Order of the King in Council, 5 December 1673,” *CSPCS*, vol. 7.

<sup>72</sup> “No. 1178. I, A true relation of the circumstances and manner of the taking and suprising by the Spaniards the ship or pink *Virgin* of London . . .,” *CSPCS*, vol. 7.

unofficially commissioned to capture as many English ships as possible.<sup>73</sup> FitzGerald was an Irishman, disaffected toward the English, who had taken to hiring himself out to various Spanish colonial governors as a means for his personal revenge. Matthew Fox, who described FitzGerald as an “Irish Papist,” stated that he treated the captured men “barbarously,” because “his countrymen were ill-used by the English 24 years ago, and he should never be satisfied with English blood, but could drink it as freely as water when he was adry.”<sup>74</sup> Fox “was run into the body in several places with a sword,” by FitzGerald, who later killed Timothy Stamp, a merchant aboard the ship *Humility*.<sup>75</sup> FitzGerald threatened to kill Edmond Cooke when Cooke refused to turn over letters from the governor of Jamaica to the King, but was released after the pirate accepted that Cooke had thrown the missives overboard per instructions he was given if under any threat.<sup>76</sup> While FitzGerald might have had a personal reason for taking up with the Spanish, there are several other English subjects who followed his same path. Men who pursued the career of piracy were infrequently motivated by nationalistic concerns; rather, they sought employment from whoever offered it and were indiscriminate in the nationality of the ships they attacked, even when they had explicit commissions to capture certain ships. Essentially, from the English perspective, FitzGerald was Spanish

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<sup>73</sup>England and Wales, Privy Council, “No. 984, Whitehall, 11 Mar 1674,” *Acts of the Privy Council (Colonial), 1613-1783*, edited by William Lawson Grant and others, 6 vols (Hereford, 1908-1912), 599-600. Hereafter this sources will be referred by *APC*.

<sup>74</sup>“No. 1226. III.”

<sup>75</sup>“No. 1351. Order of the King in Council, 9 September 1674,” *CSPCS*, vol. 7.

<sup>76</sup>“No. 1178. I.”

as he chose to serve Spanish interests and represented the application of their policies regarding English navigation in the Caribbean and Atlantic.

Likewise, as the seizures continued in greater numbers, so did appeals from the parties interested in the ships. Unlike the case of the *Peter*, the ship owners and merchants connected to the *Humility*, *Rebecca*, *Thomas & Mary*, and the *Virgin* became more insistent that restitution or reparation be made, and were willing to pursue the matter with the English and Spanish governments for several years. Financial loss was the obvious reason for the insistence of English West Indian and colonial merchants and sailors to pursue reparations from the Spanish government. Yet, losses of a single ship were a small part of their concern, as it became evident through the constant reports of captured ships that the seizures were becoming a sanctioned manner of Spanish policy toward English colonial activities. In a joint petition, dated 27 February 1674, of the masters and investors of the four ships captured in 1672-1673, they stated that:

finding no redress by their own applications and those of his Majesty's Ambassador in Spain, where they find their delays as cruel as their other inhumanities. . . . [from their petition] whereby his Majesty may take a prospect how much the acts of the Spaniards tend to the destruction of his Majesty's subjects and Plantations, and the diminution of his Majesty's honor.<sup>77</sup>

Not only was the acceleration in the numbers of ships being captured an indication of a Spanish colonial (if not of continental Spanish) policy, but also the methods by which the Spanish delayed and deliberated over petitions for restitution. Initially, the failure to gain

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<sup>77</sup>“No. 1226, Petition of Thomas Jarvis, William How, Robert Higgins, Richard Ashall, Edmond Cooke, Matthew Fox, and divers others trading into the Western Plantations to the King in Council,” *CSPCS*, vol. 7.

reparation from the Spanish, the English assumed, was because of the diplomatic climate in Spain under the Regency of Queen Mariana:

It is a great mortification to Sir Wm. that he has obtained no better satisfaction for the injuries Littleton and others concerned in the ship *Virgin* have sustained from the Spaniards . . . . They will not disburse anything here towards reparation and he is too well acquainted with Spanish forms of proceeding to advise him on so weak grounds to seek any at the Havana, unless by virtue of his Majesty's Commission, instead of this from the Queen of Spain. Nothing has been omitted on his part for the prevention of violent remedies which he easily foresees must follow, and Captain Cooke has solicited with all vigour and dexterity; but their misfortune has been the loose constitution of this Government during the minority which God be thanked will expire two months hence and the erroneous opinions the Spaniards conceive of ours from some transactions in Parliament. They fancy Parliament will not suffer the King to do them any harm, and that without the Spanish trade England would be all in disorder, and this makes them bold.<sup>78</sup>

The Spanish perception that the English government would not aggressively seek restitution was not without merit. Between the years 1674-1680, on seven different occasions, various English governmental entities communicated to Spain the threat that the King would be forced to issue letters of *marque* against Spain for restitution of these ships. Each of these warnings demanded that a satisfactory restitution be made within four months, per Article XIV of the 1670 treaty, yet the English government never followed through with the threats. Every petition sent to Sir William Godolphin was prone to long delays and “considerations” of the Spanish government, which Godolphin explained as “an amusement only, their wonted way of denial, which is not to answer,” and “perceiving their mind is not to give any real satisfaction for injuries done in the

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<sup>78</sup>“No. 643. Sir William Godolphin to James Littleton, 7-17 August 1675,” *CSPCS*, vol. 9.

Indies.”<sup>79</sup> As long as the Spanish gave the appearance of considering the issue of unjust seizures, the English government would not retaliate against them.

And yet still, Edmond Cooke, William How, and Martin Stamp (brother of the murdered Timothy Stamp) continued their demands for restitution. Edmond Cooke spent the better part of 1675 in Spain pleading his case and those of the ships *Humility* and *Virgin*. Queen Mariana ordered restitution for the *Thomas & Mary* in June 1675 and for the *Virgin* in July of that same year.<sup>80</sup> Yet, each restitution order provided for reparation, less the value of logwood each ship had as cargo at the time of their seizure, and that the claimants had to present themselves in Havana to gain their restitution. According to earlier testimonies, only the *Virgin* had any logwood, which they had obtained in Jamaica, and Cooke considered the restitution amount as “insufficient.”<sup>81</sup> Before his departure from Spain, Cooke, through Godolphin, attempted to gain a reconsideration of the amount and method of reparation without success. By December 1675, Edmond Cooke was back in England, petitioning the king, once again, to issue an order for reprisal as the terms of his order from the Queen of Spain were unsatisfactory. His petition of behalf of the *Virgin* and the *Thomas & Mary* argued that the king had promised to order reprisal if negotiations for full restitution were not granted. Cooke

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<sup>79</sup>“No. 640, Sir Wm. Godolphin to Sec. Coventry, 7-17 August 1675,” *CSPCS*, vol. 9; “No. 639, Sir Wm. Godolphin to the Lord Privy Seal, 7-17 August 1675,” *CSPCS*, vol. 9.

<sup>80</sup>“No. 640, xxviii, Commission of the Queen Regent of Span to Don Antonio Ortiz de Matienzo, Lieutenant to the Governor and Captain-General of Cuba and the City of San Christobel of the Havana;” “No. 640, xxxii, Commission of the Queen Regent of Spain to Don Antonio de Matienzo,” *CSPCS*, vol. 9

<sup>81</sup>“No. 1226. III;” “No. 640. xxxvi, Sir Wm. Godolphin to the Conde de Medellin, 16 July 1675,” *CSPCS*, vol. 9.

based his insistence upon reprisal due to the expense and time invested in the attempt to gain restitution, as well as his belief that attempting to gain restitution directly from Havana was a veritable death sentence. Additionally, he warned that if he “should accept the Queen’s decree, they would be ‘concluded’ from demanding [sic] reparation for the logwood, and it would be brought hereafter for a precedent against his Majesty’s subjects.”<sup>82</sup> The king, for the last time, threatened the Spanish ambassador that he would be compelled to order reprisal if failure to gain full restitution was continually denied. The outcome of Cooke and the others claims remained unresolved, and their petitions finally ceased, Martin Stamp’s made his last petition in September 1678, and Edmond Cooke’s case was last reviewed in February 1680.<sup>83</sup>

The continued frustration of failed diplomacy with the Spanish for reparation, the increased number of captured English ships, and the sensational reporting of Spanish mistreatment against English subjects in the commission of capture and imprisonment, all worked together toward refining popular English attitudes and views of the Spanish. In the last quarter of the seventeenth century, every reported incident of an English ship capture recited some version of the “barbarous” manner in which English sailors and merchants were treated. This standard Spanish treatment of Englishmen was viewed an extraordinary—incomparable to any other that the English had experienced among their

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<sup>82</sup>“No. 729, Petition of Capt. Edmond Cooke, on behalf of himself and the merchants and owners of the ship *Virgin* to the King and Council,” *CSPCS*, vol. 9.

<sup>83</sup> “No. 799, Petition of Martin Stamp to the King and Privy Council, 17 September 1678;” “No. 205. vi, The English Ambassadors letter and Memorial about the *Virgin*,” *CSPCS*, vol. 10.

other rivals. One petition evoked the historical memory of the Dutch “massacre” of English spice traders of 1622, in that:

the intollerable injuries, unheard of cruelties, innumerable depredations and bloody murders, committed by the Spaniards upon His Majesty's subjects in the West Indies ever since the Peace with Spain of July 1670, far exceed those so much worthily detested tortures of Amboyna.<sup>84</sup>

With the century drawing to close, it became apparent that the Anglo-Spanish rivalry being played out in the Atlantic was not going to change. The English “understood” that the character and behaviors of the Spanish were persistently against their rightful colonial claims, which served to validate every belief they had about the “evilness” of the Spanish and their purpose. Because, as R. A. Stradling argues, that because “the makers of English policy had accepted that the arguments for the cooperation and peace were potentially the more productive for their economic ambitions,” the last quarter of the seventeenth century saw a growing divide between public opinion of Anglo-Spanish policy and the actions of the English government.<sup>85</sup>

#### 3.4 Anti-Spanish Rhetoric and the Language of National Honor: 1648-1701

*So to conclude and end my song,  
I would have them pay the gold,  
Which they have robb'd us of so long,  
Like knavish rogues and villains bold.*

*For while we here do reft at ease,  
The Spaniards take a mighty power,  
To make our Englishmen their slaves,*

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<sup>84</sup> “No. 798, Petition of Merchants and Traders to your Majesty’s most flourishing island of Jamaica and the Western Plantations to the King and Privy Council,” *CSPCS*, vol. 10.

<sup>85</sup>Stradling, 148.

*And use them basely every hour.*<sup>86</sup>

During the last half of the seventeenth century, anti-Spanish and anti-Catholic sentiment was shaped by the perception that the particular deviousness of the Spanish—in their dealings at home, abroad, and in England—was evident in their historic and current attempts to undermine English sovereignty and rightful navigation and possession of their territories. The last half of the century can essentially be divided into two distinct eras, the Commonwealth government and the later Restoration monarchy. That division not only reflected periods of governance, but also a division of views in the way the Spanish had, and continued to, plot against the English. Despite the differences in which Commonwealth and Restoration-era viewed the methods of Spanish “evil” methods, they both shared the absolute belief that the Spanish were active agents of Rome who assumed the mission to destroy Protestant nations, such as England. The element of religious as well as ideological differences persisted throughout the texts of this period; however, texts increasingly based their views upon the Spanish “character” as interpreted through the Spanish “behavior” toward the English. Anti-Spanish rhetoric of this period formulated a vocabulary that denigrated the Spanish character, which influenced this type of writing well into the next century. This vocabulary, which writers implemented, included words such as “barbarous,” “inhumane,” “cruel,” and “evil.” Likewise, as a counterpoint to the Spanish character was the vocabulary of the character of the Englishman and the English nation, those words and phrases included “good,” “rightful,”

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<sup>86</sup>A *Dialogue between an Englishman and a Spaniard* ([London: n.p., 1690]).



and “abused.” One of the best examples of this comparison between the Spanish and English character is in Philip Ayres’ defense of Henry Morgan’s activities in the Caribbean. Ayres argued that the reports of atrocities committed by Morgan were inherently false, because they were “contrary to the nature and temper of an Englishman.” And, if the English had committed violent acts, it was in revenge for their suffering and cruel treatment by the Spanish who “Used our Men with all the severity and rigour, that an enemy could do.”<sup>87</sup>

The juxtaposition of the English versus Spanish characters was part of the larger discussions of the “honor” of the English nation. The English Civil War had divided the country into two opposing sides, and upon the conclusion of that conflict, a sense of unity needed to return the country to the formation of the Commonwealth government. In some ways, we can interpret Cromwell’s Western Design as part of that effort to build a unity in a divided England. As discussed earlier, Cromwell’s Declaration explained his plan as a way in which England could assert its honor through the attack on the territories of the country that had historically stripped away that honor through its attempted invasions, secret plots, and assaults upon of English colonies. Perhaps for the first time, Cromwell stated explicitly the connection between England’s honor and the defeat of the Spanish.

The concept of the “honor of the English nation” as subject to the actions of the Spanish against them, was not unique or new at the time of the Anglo-Spanish War, but the idea tended to be more implicit in texts prior to Cromwell’s Declaration. Contemporary to Cromwell, and thereafter, writers directly connected the nation’s honor

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<sup>87</sup> Ayers, n.p.

with that of “triumph” over the Spanish. That triumph became initially defined through a victory in the Anglo-Spanish War, but after the war, as succeeding in their colonial and continental endeavors despite Spanish entities attempting to limit or prevent them, and by forcing the Spanish to acknowledge their power and authority by giving due recourse to any wrongs through diplomacy. The latter triumph was instrumental in the concept of English national honor, because it the English believed that the reason why the Spanish were able to remain dominant because English government often backed down from asserting claims for injuries done upon them out of the desire to avoid conflict. Writers who touched on the subject of national honor lauded the “pacifist” nature of the English government, but duly argued that such peace-seeking behavior only encouraged the Spanish to continue their destructive activities because they viewed England as “weak” and anticipated no real threat from England.

Revelation of English “weakness,” also, writers argued, was in the various vulnerabilities in the historic sensibilities of English leaders, as well as vulnerabilities in not exercising enough caution toward Spanish subjects in England. Cromwell and those sympathetic to his political ideology argued that English weakness resulted from the pro-Spanish policies of James I and Charles I. The writers of more moderate views placed blame on the early Stuart kings because their policies of maintaining the peace with Spain led those monarchs into making economic and political concessions that belittled the honor of the English nation. The radical arguments, shared by Cromwell, vilified the Stuarts, especially Charles I, in that those kings were in league with the Spanish to force the subjection of England under Spanish rule. Both moderate and radical views held that

the belief that the Stuart kings certainly were too much under the influence of Spanish ministers and ambassadors, especially that of Diego Sarmiento de Acuña, Count Gondomar, who was ambassador to England in the years 1613-1618 and 1620-1622. Gondomar's influence, resulted in the active pursuit and expansion of English colonization, and failure to seek justice for Spanish injuries against the English in the Atlantic.<sup>88</sup> In an anonymously written colonial promotion tract, the author wrote that:

But it is well known, that our *English* Plantations have had little countenances, nay, that our *Statesmen* (when time was) had store of *Gondemores* gold to destroy and difcountenance the Plantation of *Virginia*, and he effected it in great part, by diffolving the Company, wherein most of the Nobility, Gentry, Corporate Cities, and most Merchants of *England*, were Interestred and Engaged. . . . For *Gundemore* [sic] did affirme to his Friends, that hee had Commiffion from his Master to ruine that *Plantation*. For, said he, should they thrive and goe on increafing . . . my Malters *West-Indies*, and his *Mexico* would shortly be vifited by Sea and Land, from those Planters in *Virginia*. . . . But this is a touch by the way, and for a future *Item* to our Countrey not to despife Plantations.<sup>89</sup>

There was also some indication of radical anti-Spanish sentiment from the opposition to Cromwell and the Commonwealth government. The most radical views argued that a "Spanish Faction," masking themselves as English Protestants, led by Oliver Cromwell had orchestrated the English Civil War and were behind the execution of Charles I.<sup>90</sup>

After the Restoration of Charles II, radical and moderate anti-Spanish rhetoric continued to argue that the Spanish had and continued secret plotting against England toward its eventual destruction, albeit from a different perspective than those sympathetic

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<sup>88</sup> Redworth, n.p.

<sup>89</sup> *A Perfect Description of Virginia* . . . (London: Printed for Richard Wodenoth, 1649), 8-9.

<sup>90</sup> *ΤΟ ΞΕΙΦΟΣ ΤΩΝ ΜΑΡΤΥΡΩΝ, Or, A Brief Narration of the Mysteries of State carried on by the Spanifh Faction in England* . . . (The Hague: Printed by Samuel Brown, 1651).

to the former government's rule. There was tremendous speculation that there were Catholic (internal and external) plots to assassinate Charles II, most notable were the "Popish Plots," instigated by Titus Oates in the late 1670s. The anti-Catholicism of the Restoration was primarily concerned with the supposed domestic Catholic threat, but the writings of the period indelibly linked their current "threats" to the larger threat of Rome and Spain.<sup>91</sup> Writings of the period, such as the sensational, anonymously authored, 1689 pamphlet, *A Relation of the Bloody Maffacre in Ireland . . . Executed by the Irish Papifts upon the English Protestants: With An Account of the Spanifh Inquifition*, illustrate how the English correlated their fears and prejudices to Anglo-Spanish rivalry. Additionally, the Cromwellian notion that Anglo-Spanish rivalry, and the ideological religious battle between English Protestants and Catholics, was part of a historical continuum carried through to the Restoration period. One history of the conflict between England, Rome and its agents wrote:

From what hath been faid, we may conclude the Pope and his Party have been in a perpetual Conſpiracy againſt the Lives and Religion of Proteſtant Princes till the happy return of our Gracious King. . . . Our Gracious King calls it a Bloody Traiterous Deſign of Popilh Recuſants againſt his Majeſties Sacred Perſon, the Government, and the Proteſtant Religion.<sup>92</sup>

This written work, like many of its contemporaries, reiterated that Catholic Spain still threatened the honor and sovereignty of England, as much in the late seventeenth century

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<sup>91</sup>Extreme Catholic prejudice during this period inspired a many panics, which led to the creation of several penal laws that severely restricted and disenfranchised English and Irish Catholics. Much of the anti-Catholic writing from this time was propaganda to promote the passage of those laws.

<sup>92</sup> *A True History Of the Lives of the Popes of Rome*, (London: Printed for H.M. and R.T., 1679), 12.

as it was under Elizabeth I. Social and political commentators of the period began to argue, that the honor of the English nation was to be obtained only through England's continental and colonial activities. To neutralize the efforts of the Spanish, in other words, the English must succeed in their endeavors and demand the recognition of their rights. As Richard Blome summarized in his promotion of the Jamaica colony, "it is against the fundamental *Lawes of Spain* to make a peace . . . now there being no *medium*, War must needs be justifiable where a Peace is not allowable."<sup>93</sup>

Although Spain fought a war over England's colonial and continental policies, during the last half of the seventeenth century it was becoming increasingly clear that England had other, more significant political and economic rivals in France and Holland. After the turn of the century, these other rivals continue to become more powerful and threatening to England's continental and colonial activities. Thus, the question begged to be asked is: why did Anglo-Spanish rivalry continue to dominate discourse when there were, clearly, more formidable competitors on the horizon? The answer was that the development of the English national identity was still a process that had yet to be completed even after their "triumph" over the Spanish. The Anglo-Spanish rivalry was a historic cultural legacy inherited by subsequent generations of English people who believed they were charged with obtaining ultimate victory over the Spanish. The ongoing conflict in the Atlantic and Caribbean, and the failure to both stop those attacks and gain recourse for them became the primary indicator by which individuals translated into how they saw themselves. The fulfillment of being a truly sovereign people who

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<sup>93</sup>Blome, 53.

were defined by their religious, economic, and political ideologies, had not achieved, especially as long as the Spanish continued to threaten that sovereignty. The century closed with the advent of war with France, who was in the position to dominate continental and Atlantic politics through a potential unification of the French and Spanish thrones. Even so the English conflict with the Spanish persisted as the factor by which the English formed their national identity.

## CHAPTER 4

### ESCALATING TENSIONS AND ATTEMPTS AT RECONCILIATION: 1713-1732

The War of Spanish Succession (1701-1712/1714), War of the Quadruple Alliance (1718-1720/1721), and the Anglo-Spanish War (1727-1729)—and their outcomes, were viewed by the British as being instrumental in being decisive in their nearly two century long rivalry with Spain. The connection between these wars was not merely their chronology or their occurrence within the same period. Rather, each war after the War of Spanish Succession was a continuation of Spanish efforts to overthrow the attempts of Britain and her allies to limit Spanish political control in Europe and abroad. Although these eighteenth century wars arose from political events specific to the period, the importance of these wars to Britain figured significantly into the longer historical continuum of British fears of a Spanish “universal monarchy” that potentially threatened British sovereignty. Even the fact that Britain’s primary opponent in the War of Spanish Succession was France, the British were more fearful that a more powerful Spain (aligned with France) would substantially diminish Britain’s colonial and continental political and economic aims.<sup>1</sup>

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<sup>1</sup> The War of Spanish Succession began by the accession to the Spanish crown of Philip of France, grandson of Louis XIV. The last Spanish king, Charles II, was unable to produce an heir and named Philip as his successor in his will. Toward the end of the seventeenth century, European powers began to debate which candidate should succeed to the Spanish throne. England agreed to support the Austrian emperor Charles years before the war erupted. The War of the Quadruple Alliance and the Anglo-Spanish War originated with Spain’s violations of the Treaty of Utrecht, which ended the War of Spanish Succession.

In this and the following chapter, this study will focus on the brief periods of peace between England (Great Britain as of 1707) and Spain that were interspersed between several continental and colonial wars where Great Britain and Spain were in opposition to each other. To assuage British fears, Queen Anne, and later George I and George II, as well as the British ministers charged with negotiating peace with Spain demanded a more precise and explicit language in the treaties that specifically enumerated Spanish concessions to Britain in terms of territorial acquisitions and trading rights. British continental merchants and investors were extremely influential in persuading the British monarchy and government to demand more exacting treaty concessions from the Spanish and other rivals. Merchants, since the latter part of the seventeenth century, gained powerful access to the British government through their loaning of money the government to finance wars, as well increased virtual and actual representation in Parliament.<sup>2</sup>

Despite these more explicit treaties, Spain expressed their dissatisfaction in the concessions they made to Britain and other European nations by instigating attempts to recuperate their losses by war and treaty, which eventually led to outbreak of the War of the Quadruple Alliance and the Anglo-Spanish War. Additionally, as was the case in the expansion of British colonies in the Atlantic and Caribbean in the seventeenth century, Anglo-Spanish hostility in the early eighteenth century manifested itself in the

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<sup>2</sup> Peter Padfield, *Maritime Supremacy and the Opening of the Western Mind* (Woodstock, NY: Overlook Press, 2002), 162.



continuation of peacetime seizures of English ships.<sup>3</sup> The most galling treaty concessions Spain made were the surrender of Gibraltar and Minorca to Britain, along with the granting of slave trading rights to Spanish-American colonies for thirty years in Treaty of Utrecht (1713). Possession of Gibraltar and Minorca gave the British a strong foothold in the Mediterranean (in addition to their strategic locations to Spain), while the slave trading license, or *Asiento*, gave British traders and merchants an entry into the lucrative Spanish-American trade.<sup>4</sup> The *Asiento*, had previously been granted by Spain to the French, however the French contract had only been for ten-year duration, and the Franco-Spanish alliance minimized French abuses of the trading privilege. All of these early eighteenth century wars involving Britain and Spain had an important impact on the manner in which the British viewed their rivalry with Spain, in Europe and in the Atlantic World.

In the eighteenth century, Great Britain was a country with diversity of opinions regarding its political and economic relationships and rivalries. Division of opinion certainly was not a new state in Great Britain, yet the proliferation of printed matter that

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<sup>3</sup> The regions where the Spanish seized British ships expanded beyond the Atlantic and Caribbean during this period. As will be discussed in the next section of this chapter, the British wartime acquisitions of Gibraltar and Minorca (ceded to Britain by the Spanish in the Treaty of Utrecht) led to Spanish seizures of English ships in and around Spain and in the Mediterranean.

<sup>4</sup> The British possession of Gibraltar is still an area of Anglo-Spanish contention today. As recently as 9 June 2009, Spain in response to a petition to the United Nations, Spain wishes to keep Gibraltar's status as a non-self-governing territory despite Gibraltar's move toward decolonization and establishment of their own constitution. A representative from Gibraltar accused Spain as being "stuck in a time warp," expecting Gibraltarians to accept that their rights as a people should be measured by the yardstick of the Europe that had existed in 1713 rather than 2009." United Nations Special Committee on Decolonization, *Special Committee on Decolonization Hears Petition From Gibraltar as Spain Opposes its Removal from List of Non-Self-Governing Territories*, 4<sup>th</sup> Meeting, GA/COL/3192 (New York, 2009), <http://www.un.org/News/Press/docs//2009/gacol3192.doc.htm> (accessed 15 June 2009).

expressed opinion, contested another's opinion, and attempted to influence public opinion demonstrated a fervency not seen since the English Civil War. The areas of contested opinion were many and the primary arguments concerned several interrelated questions: which country was the greatest threat to Great Britain, Spain or France? Which trade was more valuable to Great Britain, continental or colonial? Can Great Britain be more assertive with their rivals in their demands, yet still maintain peaceful relations? Are the king, British ambassadors, and Parliament sacrificing the continental and colonial trade in order to create peace? Was the creation of allied relationships with Spanish enemies lucrative enough, politically and economically, to offset the economic loss of the Spanish trade if Great Britain was drawn into their allies' wars?

These heated discussions and debates conducted in print—especially in the periods immediately before outbreaks of war and in the periods nearing conclusions of war—were persistent and extensive throughout the period, to the point that some writers argued that such public discourse of every policy and action of the British government was to the detriment of public well-being and the nation. The general perception was that those editorialists and other writers were having undue influence on an easily excitable public by evoking fear through distributing misinformation, sensationalizing, and utilizing historical prejudices. Critics of the more inflammatory authors, it is important to note, were not necessarily pro-Spanish, rather they implored the public to trust in the British government to act in the best interest of the people instead of stirring up unrest over every reported alleged Spanish “depredation.” Yet, the notion of how Britain was to

assert their national honor in response to their relationship with Spain became more important in the early eighteenth century than it had in the seventeenth century.

Historians of this period, and of these wars, are remiss in integrating the importance and connectivity of the transatlantic aspect of these continental wars. Historians typically depict these colonial wars as separate or companion conflicts rather than integrating them into the larger picture and history of the long-term Anglo-Spanish rivalry and political relationship. J. H. Parry, however, elevates the importance of European wars in relation to colonial European relationships during this period when he asserts that:

Few European wars, it is true, originated wholly or even primarily in colonial disputes; but every major eighteenth century war had its colonial aspect; colonial territory and overseas commercial concessions figured prominently in every major treaty of peace. . . . Far more force was exerted in attempts to defend or acquire territorial possessions, to protect or extend trade, in the West Indies than in the in the East. More was at stake there. The colonies and plantations of the New World were living extensions of Europe, as eastern factories, even eastern conquests, could never be.<sup>5</sup>

Historians treatment of the colonial theater of European wars as “companion wars” has much to do with the combatants used in fighting these wars and the focus upon the North American conflicts. Regarding the former, in the North American colonial theater the fighting was usually as “war by proxy,” where Native American allies of rival Europeans were compelled to fight one another. Thus, these wars are considered historiographically as “Indian Wars” with a de-emphasis upon the European context. In addition, there is also a lack in modern historical studies (Parry excepted) in the analysis of the Caribbean

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<sup>5</sup> Parry, 91.

theater, owing to the fact that there were not any organized battles. This latter omission is egregious in that European rivals stationed or residing in the Caribbean colonies actively participated in attacking their enemies as matter of course. Perhaps because the Caribbean conflict was constant, not limited to wartime, and affected by the taint of insinuation and reality of illegal British trading activities best explains that omission. Nevertheless, expanding French trading establishments in North America and the Caribbean, as well as the century-long Spanish resistance to all British colonization contributed as much to the outbreak of these early-eighteenth century wars as continental politics, especially after the War of Spanish Succession.

#### 4.1 Negotiations: Conventions and Treaties

*So with the faithless Monarch oft it fares,  
Who ne're regards the solemn Oath he swears;  
But when he sees an Opportunity,  
A Prince will undermine by Treachery;  
Does often bring Revenge upon his Head,  
And when it is too late, repent the Deed.  
Him we have reason always to distrust,  
For he who'll once will always prove unjust.*

Anonymous, *Æsop at Utrecht* (1712)

Treaties between Britain and Spain in the first few decades of the eighteenth century garnered more political and trade concessions for Britain compared to the treaties between the two nations of the previous century. The British were able to directly and indirectly force the Spanish to make undesirable territorial and trade concessions because the expense of war exceeded Spanish economic resources to continue fighting. Rather, Spain met British demands not solely out of a desire for peace or because the British had

achieved an absolute victory over Spain, but to halt further endangering of the Spanish economy which had been in decline for several decades. Contrary to the state of the Spanish (and French) economy of the early eighteenth century, British finances were better able to sustain lengthy wars by efficient use of trade revenue, taxation, and loans, a system the British had adopted from the Dutch.<sup>6</sup> In the 1720s, both Spain and France begin to reform their economic and taxation policies that enabled both countries to recover losses to the British and their allies, and to engage in wars to reclaim or expand their political and territorial influence.<sup>7</sup> Yet France was at various times throughout the first three decades of the eighteenth century alternatively an ally and enemy to Britain, depending upon the source of European conflict, whereas Spain remained the constant enemy in both peacetime and wartime.<sup>8</sup>

From the British perspective, especially that of merchants and investors of the colonial trade, the negotiations of the several peace treaties with Spain presented opportunities for other types of victories: a chance to gain Spanish acknowledgement of British territorial rights, valuable trade agreements, and the restoration of British national honor through forcing the Spanish to uphold treaty concessions in peacetime. In the years leading up to and during the first of several eighteenth Anglo-Spanish treaty

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<sup>6</sup> Padfield, 164-5.

<sup>7</sup> Ibid, 189-90; Parry, 105.

<sup>8</sup> Since the 1680s, France—in terms of actual threats to Britain’s political and trade interests—was a more serious rival to Britain than Spain. This rivalry with France affected Britain’s European concerns as well as their colonial territories, which many contemporaries to the period stressed when public outrage against Spain escalated. However, the substitution of France for Spain as Britain’s chief rival does not take full effect within British popular sentiment until the period after the War of Austrian Succession (which is more fully discussed in the conclusion of this study, see chapter VI).

negotiations (notably the Treaty of Utrecht, 1713) self-proclaimed merchants and writers posing as proponents of trade authored several pamphlets and editorial articles/letters discussing the various advantages and shortcomings of the proposals British ministers were to present to French and Spanish ministers. Merchants in the colonial trade thought that it was their responsibility to impress upon the government and the public the need for clearly enumerated treaty provisions, which provided recourse for the British if the Spanish failed to uphold their concessions. One anonymous “West India merchant” wrote:

And since her Majesty has again and again declar’d, that her best Endeavours should be employ’d to procure a just Satisfaction to all in Alliance with her, according to their several Treaties, and particularly with relation to *Spain* and the *West-Indies*, there’s no doubt but it will be the fault of our Merchants, in not representing the Matter fully, if her Majesty don’t procure Satisfaction on that Head to her own Subjects, accord to the above-mention’d Alliances in our favour, wth respect to the Trade of *Spain* and the *West-Indies*.<sup>9</sup>

What was most troubling to merchants was the British government’s intent to use the Treaties of Madrid (1667 and 1670) as a template to settle Anglo-Spanish conflict in the Atlantic. As discussed in chapter three, the 1670 Treaty of Madrid was insufficient and ineffective in dealing with any number of problems between Britain and Spain due the treaty’s imprecise language regarding each country’s colonial rights. The anonymous “West-India Merchant” wrote in response to using the Treaties of Madrid, arguing that, “this Propofal is very ambiguous, and may be liable to many Difficulties, that ought to be

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<sup>9</sup> *A Letter from a West-India Merchant to a Gentleman at Tunbridg, Concerning That Part of the French Proposals, which relates to North-America, and particularly Newfoundland, with Some Thoughts on their Offers about our Trade to Span and the West-Indies* (London, n.p., 1712), 18-9.

explain'd in as strong Terms as we can."<sup>10</sup> The priorities of the British government at the end of the War of Spanish Succession were the prevention of the Spanish king eventually succeeding to the French throne (Article II), the recognition of the Protestant Succession to the British throne through the house of Hanover (Articles V & VI), and the release of Sicily from Spanish authority (Article XIV).<sup>11</sup> The British also were able to gain formal recognition of their possession of Gibraltar (Article X) and Minorca (Article XI) as spoils of war, as well as the lucrative *Asiento* (Article XII), the license to import African slaves into the Spanish colonies for thirty years.<sup>12</sup> From the perspective of the British government, especially in the case of the *Asiento*, the potential of the slave trade directly to Spanish colonies, along with a few complimentary Spanish colonial trading rights, were Spanish acknowledgements of British "rights" in the West Indies.

The first Treaty of Utrecht left many trade issues, such as payment of duties of trade goods entering either Britain or Spain, unresolved. Thus, later in 1713, Britain and Spain entered into a second Treaty of Utrecht, more commonly known as the Commercial

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<sup>10</sup> Ibid, 15.

<sup>11</sup> Great Britain and Spain, *Treaty of Peace and Friendship between the most Serene and most Potent Princess Anne, by the Grace of God Queen of Great Britain, France, and Ireland, Defender of the Faith, &c. and the most Serene and most Potent Prince Philip V. the Catholick King of Spain, concluded at Utrecht, the 2/13<sup>th</sup> Day of July 1713*, in *A General Collection of Treatys of Peace and Commerce, Renunciations, Manifestos, and Publick Papers, from the Year 1642, to the End of the Reign of Queen Anne*, vol. III (London: Printed for J. J. Knapton, et. al., 1732), 472-3, 474-5, 480-1.

<sup>12</sup> Ibid, 477-9. The provisions of the *Asiento* contract were agreed upon before the ratification of the Treaty of Utrecht on 26 March 1713. Although the *Asiento* was included in the Treaty of Utrecht as one of the provisions for peace between Great Britain and Spain, the details of the *Asiento* were explained in the earlier document. Great Britain and Spain, *The Affiento, adjusted between their Britannick and Catholick Majesties, for the the English Company's obliging itself to supply the Spanish West-Indies with black Slaves, for the Term of thirty Years, to commence on the first Day of May 1713, and to end the same Day in the year 1743*, *ibid*, 375-97.

Treaty to resolve and standardize the trade relationship between Britain and Spain. This second treaty, when published, confirmed the fears that merchants to the colonies had, in that nearly all of the treaty provisions concerned the continental Anglo-Spanish trade, without any new provisions that addressed colonial trade. The second Treaty of Utrecht/Commercial Treaty begins by resolving to restore Anglo-Spanish trade on the same footing as it was during the reign of Charles II of Spain, using the 1667 Treaty of Madrid as its foundation. This treaty included, literally, the entire text of the 1667 Treaty, and then annexed that treaty with a few articles that were relevant to Anglo-Spanish trade issues in the eighteenth century (particularly the updating of the Book of Rates). On the matter of the colonial trade, there was only one applicable reference in the second Treaty of Utrecht, which stated:

Moreover the Treaty of 1670, made between the Crowns of Great Britain and Spain, for preventing all Differences, Refraining Depredations, and Eftablishing Peace between the faid Crowns in America, is again Ratified and Confirmed, without any Prejudice however to any Contract, or other Privilege or League granted by his Catholick Majefty to the Queen of Great Britain or her Subjects.<sup>13</sup>

While merchants were somewhat mollified by the new territorial gains and the *Asiento*, the failure of both Treaties of Utrecht to address the persistent Anglo-Spanish colonial problems and establish firmer procedures for presenting claims against depredations caused criticism and debate for nearly a decade. From the moment of the first *Asiento*

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<sup>13</sup> Great Britain and Spain, *Treaty of Navigation and Commerce Between the moft Serene and Potent Princefs Anne, By the Grace of God, Queen of Great Britan, France, and Ireland, Defender of the Faith, & c. And the moft Serene and moft Potent Prince Philip the Vth, The Catholick King of Spain, Concluded at Utrecht the 28/9 Day of November/December 1713* (London: Printed for J. Roberts, 1713), 65.



ship sent to the Spanish Caribbean, it was apparent that the trading privilege was not going to bear fruit as once anticipated. There is very little doubt that the illegal trading activities of the South Sea Company (which had been granted the *Asiento*) worsened colonial Anglo-Spanish relations, which reverberated throughout the rest of the Atlantic and Caribbean.<sup>14</sup> Both South Sea Company ships as well as other British ships were regularly seized, arguably more than ever had been seized before the trade concession. Merchants in the colonial trade came to believe that their claims were not receiving backing by the British government because of the fear of losing the *Asiento*. As one colonial advocate questioned in 1731, “is our Gain so great by the *Asiento* Contract, that we had better be silent than run the Hazard of ruffling their Tempers by making a proper Demand?”<sup>15</sup> While there was no overt mention of a conspiracy or accusation of corruption, it probably did not escape notice that a great many investors of the South Sea Company were significant figures in government. Colonial merchants became the greatest critics of the South Sea Company and the *Asiento*, primarily because the “benefit” of the slave trade to the Spanish Caribbean did little to improve their confrontations with the Spanish.

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<sup>14</sup> Some of the best studies of the illegal trading activities of the South Sea Company were done by Vera Lee Brown in the early twentieth century. See, Vera Lee Brown, “The South Sea Company and Contraband Trade,” *The American Historical Review* 31, no. 4 (July 1926): 662-78; “Contraband Trade: A Factor in the Decline of Spain’s Empire in America,” *The Hispanic American Historical Review* 8, no. 2 (May 1928): 178-89, <http://www.jstor.org/stable/1840061> (accessed 25 August 2007).

<sup>15</sup> Fayer Hall, *The Importance of the British Plantations in America to this Kingdom* (London, Printed for J. Peele, 1731), 53.

In 1715, Britain and Spain agreed to another commercial treaty in Madrid. This very brief treaty once again concerned the issue of import duties, but it also included a provision that allowed the British to gather salt at Tortuga (Article III).<sup>16</sup> Permission to gather salt, however, did not necessarily convey a right for British navigation in those waters. Tortuga is an island off the northern part of Haiti (then a French colony), and in relative proximity to the Spanish part of Hispaniola. Many British ships were seized by the Spanish in and around Tortuga since the 1650s, several for acts of piracy (Tortuga was famous as a pirate haven) and others while legitimately gathering salt. British ships in and around Tortuga often fell victim to Spanish seizures by virtue of their presence when Spanish governors felt aggrieved with the British, which Article III of the 1715 treaty was to resolve. Yet the simplicity in the wording of the concession, without any provision for recourse for unwarranted seizures, meant that there was very little advantage in the salt-gathering provision. Whether Article III encouraged greater British traffic to Tortuga is unknown, but of the 46 officially documented British ships seized by the Spanish in years 1715-1718, at least seven of those ships were captured at Tortuga or near Hispaniola (see Appendix B).<sup>17</sup> The anger of the British public toward the Spanish was continually fueled by new reports of ship seizures that appeared to be greater in number after the peace of Utrecht than any other time previous. For many in Britain and

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<sup>16</sup> Great Britain and Spain, *Treaty of Commerce between Great Britain and Spain, concluded at Madrid, the 14<sup>th</sup> of December 1715*, in *A Collection of Treatys of Peace and Commerce, Manifestos, Declarations of War, and other Publick Papers, from the End of the Reign of Queen Anne to the Year 1731*, vol. 4 (London: Printed for J. J. Knapton, et. al., 1732), 82.

<sup>17</sup> The use of “officially documented” is to mean cases of ship seizures which were actually presented to the Board of Trade, the Privy Council, Parliament, or the Admiralty. For various reasons, many ship owners did not file claims, which is discussed later in this and the following chapter.

the colonies, there was no peace with Spain, and without any method of recourse outside of declaring war, appeals to Parliament and the king multiplied.

By the 1720s, through improving economic and political connections merchants, ship owners, and investors had the ear of several sympathetic members of the House of Commons who continually presented the problem of Spanish ship seizures for debate and to push the king and Parliament for action. Most of the support of merchants came from the Whig party, yet the Whig leadership (under Sir Robert Walpole, later Earl of Orford) in the Commons for the better part of the first half of the eighteenth century suppressed any motions that encouraged rash action against the Spanish for attacks on British ships. Both George I and George II, acknowledged the Spanish depredations on British ships, but only publicly condemned the Spanish for those activities when it was politically expedient (usually in times of eminent war with Spain). Such was the case in the year 1718, when George I sent a fleet of British warships to the Mediterranean as a preemptive measure against Spanish intentions to retake Sardinia and Sicily, as well as a reaction against Spain's alleged failure to allow the South Sea Company ships to trade under the *Asiento*. James Craggs (the elder), presented the king's rationale for his actions in Commons:

it became necessary for his Majesty's Naval Forces to check these insolent and violent Proceedings, as well to maintain the Faith of his Majesty's Engagements, and prevent the Consequences of this War, as to protect and defend the Trade of the British Subjects, which labours under the heaviest Hardships and Difficulties.' To confirm this last Assertion, Col. Bladen

produc'd a List of many Merchant Ships, taken or detain'd by the Spaniards.<sup>18</sup>

In November 1718, when George I declared war against Spain, and the king's declaration was delivered in the House of Commons by Hugh Boscawen (later Viscount Falmouth), debate ensued amongst the Whig majority. Walpole and his contingent began a "warm debate", with "Some Members alledging, 'That they did not see the Necessity of declaring War against Spain, and that they rather were inclin'd to believe that the Grievances complain'd of by our Merchants might have been redress'd in an amicable Manner.'"<sup>19</sup>

The conclusion of the War of the Quadruple Alliance once again presented another opportunity for gaining better security for legal British navigation and trade in the Atlantic and Caribbean. Although this war was largely concerned with European and Mediterranean political issues, the peace Treaty of Madrid of 1721 for the first time stipulated that the:

Catholick Majesty, in like Conformity, will order, that all the Goods, Merchandizes, Money, Ships and other Effects, which have been seized, as well in *Spain* as in the *Indies* . . . at the time before the War was declared between the two Crowns, or after it was declared, be speedily restored in the same Kind, as to those which shall be still in Being; or, if they are not, the just and true Value of them, at the time they were seized.<sup>20</sup>

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<sup>18</sup> Great Britain, House of Commons, "Account of Mr. [James] Craggs, 11 November 1718," First Parliament of George I, *The History and Proceedings of the House of Commons: 1714-1727*, vol. 6, <http://www.british-history.ac.uk> (accessed 22 June 2007).

<sup>19</sup> Ibid, "Mr. Boscawen acquaints the House with the King's having declar'd War against Spain; Mr. Trely's Motion for an Address of Thanks.; Debate thereon. The above Address agreed to."

<sup>20</sup> Great Britain and Spain, *The Treaty between Great Britain and Spain, concluded at Madrid, June 13, N. S. 1721*, in *A Collection of Treatys of Peace and Commerce, Manifestos, Declarations of War*,

The article then proceeds to instruct claimants that they are to present their case at the place of the seizure, with an accurate representation of the goods the ship carried. Previous peace treaties usually included articles that required the return of seized goods and property, but none had ever stipulated or included ships and goods in the West Indies specifically. How many ships and cargo, or their equivalent worth, were restored to British owners and investors is unknown, but if contemporary accounts are to be believed, the Spanish rarely granted restitution via the king's decree or by his colonial governors. An anonymous author claiming to be a former resident of Jamaica published a pamphlet in 1726, comprised of a history of the Spanish seizures of British ships since the Treaty of Utrecht, along with a collection of letters, affidavits, and testimonies regarding the more sensational of the seizures. The preface of this pamphlet discusses the difficulties for ship owners in seeking restitution from the Spanish, in that:

We have fully experienced the unreasonable Delays, and evasive Answers of the Spanish Governors, and other Officers in America; and that his Majesty's Subjects never obtain'd any Manner of Satisfaction, by their Applications to them . . . . For how unhappy must be the Condition of that Person, who falls into the Hands of the Spaniards, though he is allowed Council to appear, and solicit his Cause, (which by the Way has seldom been granted) when Appeals are made from Place to Place, with no other View, than to tire out the Claimants. For Instance, from Carthagena to Santa Fee [sic], and from thence to Madrid. In such Case, he must be oblig'd to drop his Claim, (as several have done) rather than leave his Affairs in America, and come to Europe to solicit Justice, at the Expence of his Time and Money, and Loss of his Business, which might end in his Ruin.<sup>21</sup>

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*and other Publick Papers, from the End of the Reign of Queen Anne to the Year 1731*, vol. 4 (London: Printed for J. J. Knapton, et. al., 1732), 121.

<sup>21</sup> A. B., *The State of The Island of Jamaica. Chiefly in Relation to its Commerce, and the Conduct of the Spaniards in the West-Indies* (London, Printed for H. Whitridge, 1726), 25.

Included in this pamphlet was a list of ships the Spanish had seized between the years 1713-1725, only about half of which corresponded to petitions and testimonies found in the State Papers. The disparity between official and unofficial reports of ship seizures was a result of an interested party not willing or able to expend the time and money necessary in pursuing restitution.

However, there was certainly those who chose to avoid the legal process altogether and sought restitution through piracy. The British-Jamaican author explained that colonials engaged in piracy because:

After the Peace they went cheerfully into the Merchants Service, and were well contented with their employment, till they had been taken several times . . . . It is a common saying among them, which I have often heard, that it was very hard they should be so used and insulted by the *Spaniards*, and to have their Hands tyed. Repentment, and want of Employ (as the Merchants were discouraged by those vile Practices from Trading) were certainly the Motives to a course of Life, which I am of Opinion, most or many of them would not have taken up, had they been redrefs'd.<sup>22</sup>

British piracy in the Caribbean had a very important role in fueling Anglo-Spanish conflict, yet the illegal trading activities of those individuals only partially explains the increasing numbers of ship seizures in the mid-1720s. Since the middle of the seventeenth century, Spain had slowly been losing political influence in Europe and abroad. Between the stipulations for the forced surrender of territories in the Treaty of Utrecht, the reaffirmation of those concessions in the Treaty of the Quadruple Alliance (1718), and the inability to hold a territorial monopoly in the Americas and Caribbean,

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<sup>22</sup> Ibid, 8

encouraged the Spanish compulsion to regain some measure of authority and control in those places they lost.

The Spanish were especially unhappy with the British possession of Gibraltar, and there was speculation beginning in late 1725 to early 1726 that the Spanish were planning to recapture the territory. Reports coming out of Spain indicated that a siege of Gibraltar was imminent by the spring of 1726. Out of the belief that the Spanish attack on Gibraltar was dependant upon the arrival of money from the Spanish West Indies, George I sent a fleet of ships under the command of Rear-Admiral Francis Hosier to attempt the capture of the Spanish West India fleet on its departure from Porto Bello.<sup>23</sup> Hosier's attempt failed, and the siege of Gibraltar began in 1727 leading to the outbreak of the Anglo-Spanish War (without a formal declaration of war).<sup>24</sup>

Within a year of open fighting, the British and the Spanish began negotiations for settling their differences over Gibraltar and ship seizures. Negotiations broke down, though, and at the Convention of El Pardo in March 1728, peace negotiations stalled because of the presence of British squadrons in the West Indies and Spanish continental waters, as well as the Spanish capture and detention of the *Aseinto* ship *Prince Frederick* at Vera Cruz.<sup>25</sup> Eventually a declaration of cessation of hostilities and the formalizing

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<sup>23</sup> A. B., *The Treaty of Seville, and The Measures that have been taken for the Four Last Years, Impartially Considered. In a Letter to a Friend* (London: Printed for J. Roberts, 1730), 11-2.

<sup>24</sup> Arthur Percival Newton, "Introduction," *CSPCS*, vol. 35, <http://www.british-history.ac.uk> (accessed 5 June 2009).

<sup>25</sup> Great Britain and Spain, *Convention between Spain and Great Britain, relating to the Execution of the Preliminarys, sign'd at the Pardo, the 6<sup>th</sup> of March 1728 N. S.* in *A Collection of Treatys of Peace and Commerce, Manifestos, Declarations of War, and other Publick Papers, from the End of the Reign of*

of peace occurred with the Treaty of Seville (1729) between Great Britain, France, and Spain. The Treaty of Seville was the first treaty between Britain and Spain that directly concerned terms of reparation for seized British ships, albeit only ships seized since June of 1728.<sup>26</sup> Articles VI-VIII of the Treaty of Seville established a commission, represented by both British and Spanish representatives, which was to examine other ship seizure claims outside of those ships captured since 1728. This commission was to have a three-year deadline to discuss and settle all claims that either side had against the other. These several articles were the most prominent of the Treaty of Seville, yet needed additional clarifications, which were attached as separate articles at the end of the treaty. Separate Article II demanded immediate restitution for all captured British ships, excepting those that were engaged in “unlawful Commerce.”<sup>27</sup>

A strict interpretation of the phrase “unlawful commerce” was any individual or ship that was engaged in illegal trade or smuggling with Spanish-American colonies. Both the British public and government openly criticized illegal trading activities, and British commissioners only presented cases in which they were certain was not associated with the practice. Yet the Spanish interpreted “unlawful commerce” as not only the act of illegal trading, but the presumed intent to illegally trade based upon the location of a ship and its proximity to Spanish colonies. Further, the Spanish alleged that when stopping a British ship, and if the subsequent search revealed any goods being “produce”

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*Queen Anne to the Year 1731*, vol. 4 (London: Printed for J. J. Knapton, et. al., 1732), 182-3; also, A. B., 14-5.

<sup>26</sup> Great Britain and Spain, *The Treaty of Peac, Union, Friendship and Mutual Defenfe, between the Crowns of Great Britain, France, and Spain, concluded at Seville, November 9, N. S. 1729*, *ibid*, 203-5

<sup>27</sup> *Ibid*, 208.



of Spanish colonies, the seizure of the ship was justified and the Spanish had no obligation to make restitution. As discussed in chapter three, proximity to Spanish colonies could not be avoided in legal navigation to the British colonies (except colonies north of Virginia), and with the exception of Spanish coins minted in the colonies, it was extremely difficult to determine the exact origin of American commodities. The protection of the trade of Spanish colonial goods and the prevention of the importation of British goods into Spanish colonies was secured in the 1670 Treaty of Madrid, yet that treaty, nor the Treaty of Seville, specified how Britain and Spain mutually agreed upon the definition of “unlawful commerce.” Therefore, the several meetings throughout the 1730s of the special commissions on ship seizures failed to gain restitution for a majority of British claims due to differing interpretations of whether ships were captured in the progress of normal navigation or in the commission of illegal activities.

In the months leading up to the authoring of the Treaty of Utrecht, the provisions that the British government were seeking was common knowledge and subject to much debate. Yet the negotiations for the Treaty of Seville were conducted “secretly,” leading to much speculation about its contents, which were freely discussed in the press. Many writers were pessimistic about what concessions/terms the Treaty of Seville would secure for the British interest (based upon previous experiences of treaties with Spain), while other writers were confident that the British ministers negotiating peace would finally put Spain in her place. The editor of *Fog’s Weekly Journal* was optimistic about what the treaty would achieve for Britain and was incredulous that other writers could believe that

Britain would concede anything to the Spanish. In his issue of 20 December 1729, he wrote:

I cannot conceive therefore why Men shou'd entertain a Notion that any Article of this Treaty shou'd be inconsistent with the Honour and true Interest of *Great Britain*, for I think we are in a Condition to command such Terms, as shall appear intirely for our Safety. I believe the most sanguine Malecontent will not pretend to say, that the *Spaniards* are able to look us in the Face at Sea; and let it be consider'd what an Advantage we must have over an Nation whose Frontiers are accessible by these wooden Towers our Ships. . . . we may rest satisfied (upon a View of our Strength, as well as Weakness of the Enemy) that it is the most honorable and advantageous [sic] *Great Britain* ever gain'd; we may count upon it, I say, that the Enemy hath been oblig'd to make such Submissions and Concessions to us, as will make the neighbouring Nations tremble at the Fear of rousing the *British Lion*.<sup>28</sup>

Yet when the Treaty of Seville was published, those who expected the worse were angered by the treaty and its lack for a definitive clause regarding Britain's possession of Gibraltar and the British recognition of Spain's right to several Italian duchies. The treaty's detractors were even unhappy with the provisions to gain restitution for British ships, believing those articles permitted too much leeway for the Spanish to avoid making reparation and made it difficult for merchants to present their claims. One such detractor wrote a facetious address, in the voice of British ministers, to claimants against Spain illustrating what they gained by the Treaty of Seville, in that:

*Gentlemen*, after having been obliged to acknowledge that your *Ships* and *Effects* have been seized, detained, and even confiscated, by the *Spaniards*, in a most unusual and unjustifiable Manner; I present you with the common Provisions, which are made *ordinary Cafes*, for your Satisfaction, as to what is passed, in this very extraordinary Cafe. After having complain'd of the Violation of all your Privileges and Rights of

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<sup>28</sup> *Fog's Weekly Journal*, no.65, 20 December 1729.

*Commerce, committed by the Spaniards, without any Regard to the most solemn Treaties in force between the two Nations, I offer you, for your future Security, the very same security, which hath appeared already to be ineffectual.*<sup>29</sup>

This pamphlet, supplemented with other dissenting commentaries, began a pamphlet war debating the Treaty of Seville and the status of Anglo-Spanish relations that lasted throughout 1730 and into 1731. Nor was the debate confined to the press. Critics in the House of Lords had arguments about every condition of the treaty. For instance, regarding the articles on ship restitution and/or reparation dissenting opinion they maintained that the provision that required claimants to present their cases at the Court of Spain was prejudicial to merchants who could not afford the expense to pursuit that legal action. Further, opinion in the Lords was that, “after all, they have only the slender Comfort of hoping, if they think there is any Room for them to hope, to get that Redrefs by Commiffaries, which they have not hitherto been able to obtain by Plenipotentiaries.”<sup>30</sup>

Despite the many admonitions against writers who were displeased with the reparation portion of the Treaty of Seville and who argued for British citizens to be content with the “absolute peace” the treaty guaranteed between Britain and Spain, tempers in Britain against Spain persisted. Merchants, writers, and political commentators continually argued that the Treaty of Seville guaranteed very little in terms of reparation and/or restitution, and ship seizures continued unabated—peace

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<sup>29</sup> *Observations on the Treaty of Seville Examined* (London, Printed for R. Franklin, 1730), 28-9.

<sup>30</sup> This protest had the support, and signed by, the Dukes of Beaufort and Bedford, along with twenty-three other peers. These groups of peers were part of the Lords’ contingent in opposition to the policies of Robert Walpole. Great Britain, House of Lords, *The Lords Protest in the Late Session of the Prefent Parliament* (London: Printed by T. Reynolds, 1730), 2.

notwithstanding. For those with an interest in the colonies, there was no peace in the Atlantic and Caribbean, and some argued that ministers sacrificed the strength of their colonies for continental peace. Among colonial merchants, the future of Anglo-Spanish relations was particularly pessimistic. Contrary to the assurances of the British government that they had finally secured a lasting peace, many saw the succession of eighteenth-century treaties as an unstable diplomatic structure rather than one of strength. Each subsequent treaty between Britain and Spain was essentially a codicil to the previous treaty rather than a reformation of policy between the two nations. The editor of *Fog's Weekly Journal* summarized the vulnerability in the interdependency of these treaties when he wrote, "Now if any Power breaks one of these Treaties, they break them all; for they stand like Nine Pins, tip but the first, all the rest will knock down one another."<sup>31</sup>

#### 4.2 In The News & the Press: Debating Anglo-Spanish Rivalry, Ship Seizures, and National Honor

Newspapers and news journals of the early eighteenth century had a very different format from their seventeenth century predecessors: the newer versions often began with an essay or letters to the editor with news items on the subsequent sheets. News items in these papers were primarily a few short lines of information organized in no particular fashion, which gives the impression that news items were added to the page as the

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<sup>31</sup> *Fog's Weekly Journal*, no. 72, 7 February 1730.

information came into the printing office.<sup>32</sup> Thus in the news section, one may read about an election result, then the announcement of the arrival of an individual at court, a death, a curious marriage between a 100-year old man and 16-year old girl, and the results of the trials held at the Old Bailey. Lengthy news items only existed when the news was especially sensational or concurred and/or validated the opinions of the news editor. Newspapers of the early eighteenth century may have looked more like modern newspapers, yet these papers were really more for the delivery of opinion and counter-debates to others' opinions as the majority of the papers were devoted to editorial essays and letters to the editor. Newspapers and news journals of the period were unashamedly biased—politically, economically, and socially—and many papers began their first issues with essays on the intent and purpose of the editors.<sup>33</sup> Very few newspapers outside of the *London Gazette* published news items exclusively, and when they printed only news items, there is usually a note at the front of the paper informing the readers that the editor is working on his next installment on whatever was the most discussed issue of the time.

News items were provided to the papers through a series of various informants. Such relationships existed between the editor/publisher and “reporters” who were in a position to supply information because of their residence within Britain or abroad, or who

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<sup>32</sup> One begins to see sectioning of news items, primarily in the form of grouping news under headings such as “foreign news,” around the 1720s. Within those headings, though, news items were intermingled regardless of theme.

<sup>33</sup> Even when a newspaper did not begin its publication with an essay about the nature of what it intended to cover, it is relatively easy to determine the political leanings of the editor/s by perusing a few issues. Social bias of these newspapers is less obvious, but a strong indication of an editor's social class (or the social class in which they had the most affinity) is evident in the birth, marriage, and death notices. Outside of the vital passages on the royal family, no two newspapers recorded the vital statistics of the same people in any given time period.

had connections to various sectors of society and/or the government. “Reporters” were nearly always anonymous, partially for protection of their identity if they were privy to sensitive information. When a particular news item—such as the reporting of ship seizure, via a letter from a colonial source—was published anonymously, the veracity of the event was often called into question by editorial writers who scorned any news that was published for the purpose (per their opinion) of inciting public anger and unrest. Daniel Defoe, in his tri-weekly *Mercator, or Commerce Retrieved, Being Considerations of the State of British Trade*, took particular issue with reporting of ship seizures by anonymous authors, and consistently condemned publishers who published the reports. In one instance, another newspaper had printed a letter from “R. T.” of Jamaica about the capture of the ship *Macclesfield*, Captain Barlow commander, which Defoe roundly chastised when he wrote:

As the poor innocent People of this Nation are frequently imposed upon to believe these specious strange Stories, contrary to the Nature and Reason of Things: So it is needful on many Accounts to set the Truth in some Cafes in a clear Light; that the Fact being seperated from the Party Glofs put upon it, for carrying on a particular Frenzy of the Times, People may know how to judge for themselves, and many know who deceives them, and who not. This respects a Letter or pretended Letter lately publish'd in one of our weekly printed Oracles from Jamaica concerning a Sloop from Jamaica, which was trepan'd by the Spaniards.<sup>34</sup>

Additionally, editors and editorialists nearly always published their writings anonymously or under pseudonyms ranging from the classically inspired to the whimsical (i.e.; Simeon Probe, John Heartfree, Peter Meanwell). The adoption of pseudonyms was

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<sup>34</sup> Daniel Defoe, No. 169, 19 June to 22 June 1714, *Mercator: Or, Commerce Retrieved, Being Considerations of the State of the British Trade*.

necessary for many writers and editors because the content of their writings were criticisms of government figures, government policy, social institutions, and/or other writers.

The most controversial news journal of the first three decades of the eighteenth century was the *The Craftsman*, edited by Caleb D’Anvers (Nicholas Amhurst). Amhurst, and other writers for the journal (including Henry St. John, Viscount Bolingbroke and William Pulteney, Earl of Bath) set the tone for the rhetoric of Anglo-Spanish rivalry in the eighteenth century as well as being the leading critics of the government.<sup>35</sup> Whether this influence on British sentiment toward the Spanish was deliberate is difficult to determine, as it might have been a by-product of the original intention of the news journal: a venue to criticize the Whig majority in Parliament under the leadership of Sir Robert Walpole. Walpole’s administration was notoriously anti-war because of his disdain for the economic constraints war placed on the country through increased taxation, declining manufactures, and interruption of trade. Because of the temper of the British merchants and the public over Spanish depredations on British ships, Walpole consistently throughout the 1720s and 1730s suppressed any debate or petition presented to parliament that demanded action against the Spanish. This implacability of Walpole’s caused much anger within the colonial merchant community,

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<sup>35</sup> Viscount Bolingbroke in his earlier political career was something of an advocate for the colonies, and highly critical of the insufficiencies in the Treaty of Seville to protect the colonial trade. Through his patronage, several petitions regarding Spanish seizures of British ships made their way to the Board of Trade and Plantations.

and thusly, became another arena in which Amhurst and company could exploit British anti-Spanish sentiment in order to deliver criticism on Walpole.

Anti-Spanish rhetoric of the eighteenth century still sounded much as it did in the seventeenth century, but the language of anti-Spanish sentiment became more secular in nature, utilizing political and economic conflicts between Britain and Spain instead of the religious conflict between Protestant and Catholic. This is not to insinuate that Britain was any less anti-Catholic than it had been in the previous century. Rather, after the Jacobite Rebellion of 1715, the use of *Spanish* Catholicism as a source of threat to the British diminished substantially. When the faith of the Spanish was referenced in anti-Spanish writings after 1715, religious affiliation was more influential as an indication of the Spanish “character,” the implication being that Catholicism breeds a sort of evil that is oppressive to liberty and free will. Additionally, the lack of religious tone of anti-Spanish rhetoric owes a great deal to Enlightenment philosophy that de-emphasized religion in the pursuit of rationalism and the application of reason.

What had not changed in anti-Spanish rhetoric was the vocabulary that described Spanish behaviors and actions toward the British. Spanish depredations of British subjects and their ships were described consistently as barbarous, cruel, inhumane, murderous, and unjust, much as they had in the seventeenth century. What is most compelling about this vocabulary assigned to the Spanish is that these words function as measure of the depth of British prejudice toward (possibly even hatred of) the Spanish. In conducting this research, there has not been one case of a Spanish seizure of a British ship that did not use this “special” vocabulary to describe Spanish treatment of British



subjects and their ships. At first glance, reading reports of ship seizures that occurred during the first third of the eighteenth century, the language used to describe those events is so repetitious, that it appears that the only apparent variances were dates of seizure, the place of seizure, and the fate of the crews and passengers. Yet when we view this language in comparison with previous and contemporary writings, it is apparent that the vocabulary is not repetitious merely to push for a specific agenda or to scandalize the reader, but is the vocabulary that, to the British way of thinking, is synonymous with the character of the Spanish. Rather, the treatment of British subjects by the Spanish is barbarous, cruel, and inhumane because the Spanish, by nature and culture, are barbarous, cruel, and inhumane. By comparison, the British saw themselves as honorable, peace-loving, and just proponents of liberty, the positive reflection of all the Spanish were not. This juxtaposition between British and Spanish characters is fundamental in understanding British national identity in the early eighteenth century as a culmination of their historic relationship with, and prejudice against, the Spanish.

A significant aspect of British national identity—as it influences British political and economic priorities/ relationships—derives a great deal of British consciousness of their being an “island nation” with fixed territorial limits and limited resources. As an island nation, there is a subconscious sense of vulnerability; thus to maintain and preserve their sovereignty the British must be on the offensive rather than the defensive, an attitude influenced contemporaneously by Georgian politics.<sup>36</sup> This need to strike

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<sup>36</sup> The British have been ever conscious of their vulnerability to outside attacks and invasions, as much of their historic sense of self has been shaped by outside invasions beginning with the Romans.

offensively in their economic and political relationships was “understood” by the British people, yet division of opinion was based on what degree of offensiveness the nation should aspire when dealing with their rivals. Trade was the most important economic function of Britain due to their limited resources, and the greatest difficulty for Britain was finding the balance between lucrative trade relationships while not subjecting themselves to the dictates of their rivals. In other words, for the British to be powerful it was necessary to secure international and colonial trade relationships in which the British were able to set terms of trade without sacrificing the upper hand to a rival, such as Spain. Other than the debate about how forceful Britain needed to be in trade negotiations, was the debate over which trade was more important, continental or colonial?

Colonial merchants argued that the continental trade with Spain, while valuable and important, was changeable and always subject to whatever political disturbance was occurring on the continent. For merchants and traders to the colonies, and the colonists themselves, became more insistent that the true wealth and glory of Britain was to be in their colonial trade, thus the government should do all they can to secure their colonies against any rival. Fayer Hall, in the dedication of his treatise on the colonial trade (which is addressed to Sir Robert Walpole), stated:

A Treatise of Trade in this Nation of ours, which flourishes, and indeed subsists by it, cannot be so properly inscribed, as to one who bears, and has long borne, so eminent a Share in directing our National Councils, and consequently our National Commerce. For no Man knows better than Yourself, that these two can never be separated without fatal Effects; and that whenever our Trade perishes, so must our public Dignity and Strength. How much we are indebted to that of our Plantations, is generally confessed, tho' I believe not universally understood. . . . Permit me

however to say, that this is a Consideration which will always be a Pledge for every able and wise Minister, that for his own Advantage and Glory, he must pursue the Interest of the whole.<sup>37</sup>

On the other side of the argument were the continental traders, who argued that the seat of government was in Europe, and European concerns had to come first. The political balance of power was dependant upon Britain securing lucrative, monopolistic trade agreements with countries such as Spain to check the economic and political power of countries such as France and the Netherlands.

As merchants trading primarily to the colonies grew more aggrieved with what they viewed as lack of consideration for their interests (as evidence of the lack of bold policy of the government to pursue restitution for their ships), they made greater use of the press in order to bring public attention to their troubles. As frustrations increased without any forms of restitution, merchants and their advocates unashamedly appealed to the popular anti-Spanish prejudices and patriotism of the British people by producing multitudes of pamphlets and letters to the editors of newspapers in order to garner public support. One such advocate, of anonymous authorship, wrote in his dedicatory essay to the reader:

The calamitous Situation of the Trade and Navigation of Great Britain, with respect to the constant Spoil and Havock it has sustained of late Years from the King of Spain, is a Matter of so great Concernment, as is worthy to awaken the Attention and rouse the Spirit of a Nation, equally renowned for its good Sense and Bravery . . . . To all this we are excited by every Civil Motive that can lay hold on the Heart of Man. If we have any Duty and Respect for the Person and Majesty of the King; any Remains of Love for our Country; any Regard, for the antient [sic] Glory of the Nation; any real Desire for the Prosperity of the Kingdom; the

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<sup>37</sup> Hall, "The Dedication," n. p.

Spoilers shall be spoiled, and the Ravagers of Britain shall feel the Force of that righteous Power which God and Nature have conferr'd upon her, to awe the Nations, to assert her own Rights, to defend the Oppressed, and to abate the Proud.<sup>38</sup>

This rhetoric was extremely effective in provoking outrage among the populace, as is indicated by the critics of these writers, primarily other merchants, political commentators, and individuals connected with the government in some capacity. The common lament was that in order to garner public support, anti-Spanish writers were encouraging a “clamour” among the people that led to unrest. Not only were the comments about public outrage an indication of the effectiveness of anti-Spanish rhetoric, but also an indication about how easily the British people were affected when they believed they were either at a disadvantage to, or received an injury from, the Spanish.

William Arnall, editor of the *Free Briton*, in response to a series of articles in the *The Craftsman* and another pamphlet attributed to Amhurst, about the Treaty of Seville, accused Amhurst as being a “hungry and rapacious Crocodile Patriot, who, with Tears in his Eyes and Sighs, carries Guile in his Motions . . . . Such a Creature as this, may delight in the Storms, and live upon the Wreck of his Country.”<sup>39</sup>

#### 4.3 Peacetime Seizures: The *Rebecca* and the “Barbarous” Treatment of British Subjects

After the signing of the Treaty of Utrecht, newspapers sympathetic to merchant interests began to publish, regularly, reports of Spanish seizures of British ships. This

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<sup>38</sup> *A View of the Depredations and Ravages Committed by the Spaniards on the British Trade and Navigation. Most humbly offer'd to the Consideration of the Parliament of Great Britain* (London: Printed for W. Hinchliffe, 1731), A2, ix.

<sup>39</sup> Francis Walsingham, [William Arnall], *The Free Briton Extraordinary: Or, A Short Review of British Affairs* (London: Printed for J. Peele, 1730), 30.

trend is attributable to several factors. The reports, for example, were scintillating, thus encouraging readership. Instances of ship seizures functioned as barometer of the true nature of peace between Britain and Spain (which appeared to support the argument that there was never peace between the two nations). Lastly, reporting of ship seizures was validation of the perceived belief in the insufficiency of existing peace treaties to protect British colonial trade. The fact that the numbers of reported ship seizures increased dramatically from the late seventeenth to the early eighteenth century has some basis in the increased strain in Anglo-Spanish relations, but owes a great deal to number and proliferation of newspapers in which to provide a forum for these reports. As discussed earlier, many injured merchants and sailors were financially unable to seek restitution of their ships and goods, thus, sending a letter to a newspaper gave exposure to their loss that before would have gone without comment. While a newspaper article had nothing to do with legal restitution, it certainly gave exposure to a colonial problem that might spark enough public outrage to inspire the government to act against the Spanish.

The heightened publicity of ship seizures and captures after 1713 might have made it easier for merchant groups to gain an audience with Parliament and the king. The number of petitions of colonial merchants increased dramatically from the time of the publication of the Treaty of Seville until 1739. While the number of petitions remained consistent in the first few decades of the eighteenth century, there were spikes of petitions in the one to two year period after the conclusion of each treaty agreement between Britain and Spain. These spikes in the numbers had a lot to do with the delay in the communication to the colonies (British and Spanish) now that the countries were at

peace, but also had a lot to do with merchants unhappy that treaty provisions did not do more to protect their trade. Regarding the latter, merchants made their petitions arguing that since the cessation of hostilities they have lost many ships, rarely specifying them by name or number, to bolster their argument that the treaties were insufficient. In a petition from either late 1714 or early 1715, a group of merchants “interested in Jamaica,” took issue that the Treaty of Utrecht did not address the French possession of the western part of Hispaniola, and desired the return of French settlements back to the Spanish. The concern of the merchants in this petition was that the combination of French and Spanish settlements, working singly and in cooperation, would be devastating to the trade and navigation of Jamaica. They wrote:

the [French] keeping possession thereof to an unlawfull incroachment and therefore was made one of the Articles of the Treaty of Gertruydenburgh [sic] to be restored to Spaine which we had hoped would be insisted upon againe at the late Treaty of peace seeing it is a point likely to affect Great Britaine in the most vitall and tender part of our Trade in that of the Plantations and our great Navigation depending thereon, *etc*<sup>40</sup>

The primary concerns with the French colonization of Hispaniola (Haiti) were that it was rapidly becoming a very productive and populous colony, and that the French would be able to undersell the British in American commodities in Europe, especially sugar. Of secondary concern to the merchants were the Franco-Spanish alliance, and the Spanish hiring of French privateers to attack British ships. The petition then concluded with a list of seven ships and “divers others belonging to New England to New Yorke and other

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<sup>40</sup> “No. 271.i. Representation of merchants, planters, and others interested in Jamaica to the King, n.d.,” *CSPCS*, vol. 28.

places whose names we have not” that had been “taken by the Spaniards in the West Indies since the peace and made prize of under the most frivolous pretences.”<sup>41</sup> Interestingly, and rather contrarily to the main argument of their petition, was that only one of the specifically named ships involved a French privateer in the service of Spain. Annexed to this petition was a letter from one James Knight of Jamaica, who reported that:

A snow fitted out with 100 men has lately taken four sloops and a brigantine belonging to this island which had been tradeing at the Musketoes Fruxilla [Mosquito Coast] and Honduras; in short 'tis not in our power to help ourselves and some measures must be taken at home or this Island will be in a manner ruin'd.”<sup>42</sup>

Petitions and reports such as this initially garnered very little diplomatic attention other than a review by the Board of Trade and Plantations, which then usually responded with a rather bland effort to advise the king of the affair. Thus, the merchant community in Britain and in the colonies utilized the press to get the attention they desired through public support. Although the merchant community was steadily becoming more powerful economically and politically—easing their path to the king and government—the role of the press in increasing the ability of merchants to get their petitions heard was, arguably, considerable.

The appeal of news articles about ship seizures was that they were sensational in their language, which interested the public because people generally enjoyed titillation,

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<sup>41</sup> One of the specifically named ships was the *Macclesfield*, which Defoe had questioned the validity of the original report in his newspaper.

<sup>42</sup> “Extract of a letter from James Knight to Francis Melmoth, Jamaica, 15<sup>th</sup> Oct., 1714,” Ibid.

and the articles genuinely stirred British nationalistic impulses. Anti-Spanish rhetoric acted as a trigger, for lack of a better term, among the British reading public. By the eighteenth century, anti-Hispanicism was a culturally ingrained sentiment, and fresh reports of Spanish injuries upon British subjects created automatic responses. As persons interested and invested in the colonial trade noted these responses, the reports became more gruesome in the treatment of British sailors at the hands of Spanish *Guardas Coastas* and privateers. The onset of this more sensational reporting was the late 1720s and early 1730s, in and around the Anglo-Spanish War. Newspapers and journals such as *The Craftsman* and *The Universal Spectator and Weekly Journal* were the main reporters of ships seizures during this period of time, which drew substantial criticism from various sectors of society, commerce, and the government. The most sensational report of a particularly cruel encounter between a British ship and the Spanish, and the first truly lengthy article of its type, was the case of the *Rebecca*, captained by Robert Jenkins which was seized on 9 April 1731 near Havana. News of the capture and experiences of the crew reached London relatively quickly as the story first made the news on 19 June 1731 after “Jenkins went to Hampton Court, with his Owners, to lay his Case before his Grace the Duke of Newcastle, his Majesty’s Secretary of State for the Southern Parts.”<sup>43</sup>

The story of the experiences of Capt. Jenkins and the crew of the *Rebecca*—along with accompanying stories of the ship *Bacchus*, commanded by Capt. Stephens and several others—was unusually lengthy for this type of story, nearly commanding two full

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<sup>43</sup> Henry Stonecastle [pseudo.], *The Universal Spectator, and Weekly Journal* no. CXLI, 19 June 1731.



columns. The incident began when the *Rebecca* on her return journey from Jamaica to London was “becalmed” outside of Havana. Unable to sail and lingering, they were approached and boarded by a Spanish *Guardas Costas*, who ordered a search of the ship for “Money, Logwood, Hydes, or Tallow, the Product of the Spanish Settlements in America.” Not finding any illegal cargo, the Spanish men then proceeded to demand money, allegedly beating Jenkins’ mulatto servant boy for information on the location of any money to no avail. What then follows, by the news account, was several hours of repeated torture by near hanging until Jenkins was nearly strangled for the purpose of getting him to tell his captors where he was hiding money. Eventually deciding that Jenkins was not concealing anything of value, he was stripped of his watch, silver shoe buckles, a few coins, his clothes, while all of the navigation equipment of the ship was removed. Before Jenkins was stripped, the captors urged him to confess what he was concealing, but upon his protestations the Spanish lieutenant “took hold of his left Ear, and with his Cutlafs flit it down, and then another of the Spaniards took hold of it and tore it off, but gave him the Piece of his Ear again.” Eventually Jenkins, his crew, and ship were released, but remained to see if they could get assistance from a passing British ship, but the Spanish officers told them to leave for the Gulf or they would set the ship afire. For all their trouble, the Spanish made away with about £112 worth of Jenkins’ personal effects. Within the same month, the newspaper continues, the Spanish *Guardas Costas* captured at least seven other ships, with the crews experiencing similar treatment. One of the ships seized in April 1731, the *Runlet* sloop of Rhode Island was captured with another ship, the *Bacchus* of Bristol. Captains and crews of both ships received

similar treatment, with some of the crew aboard the *Runlet* being tortured by “putting their Fingers between Gun-lock Screws ’till they flatten’d them, and some had lighted Matches between, in order to extort a Confession where their Money lay, of which they had none on board.”

Tales of these sorts of encounters between British ships and the Spanish were not wholly unique to the eighteenth century but earlier reports had a limited audience, usually only governmental entities. As discussed in previous chapters, some stories of mistreatment made their way into general populace, either by word of mouth or by an individual with an interest in the ship publishing a pamphlet about their case. While all accounts of ship seizures since the early seventeenth century claimed that the ship’s crew was “barbarously used,” there is some question as to whether experiences such as those of the *Rebecca* and *Runlet* were an acceleration of Spanish violence toward the British as a response to early eighteenth century conflicts between the two nations. Another question is how accurate were these stories of mistreatment? Certainly in the case of Captain Jenkins, he had physical proof of some sort of injury, but outside of the cases where Spanish privateer or *Guarda Costa* killed a British subject, there was considerable doubt placed upon some previous and subsequent accounts. Thus, were the stories exaggerated for economic and political purposes? Were the Spanish acting more aggressively and viciously toward the British as time progressed in the eighteenth century? Moreover, perhaps the most controversial question of the period was, did the British bring some of the violence upon themselves for engaging in illegal trading

activities and/or intruding into Spanish territory? Earlier in the century by Daniel Defoe, addressed this latter question, by arguing:

For Answer, nothing of the Kind can be more unjust that to say so, for that it is the highest Justice in the Spaniards to take all our Ships, who offer to Trade on the Coast, by any Method, whether by Force or Stratagem, and on Resistance to put the Resisters to the Sword; and in Case of taking them Prisoners, to send them to the Mines if they please, or dispose of them any other way. . . . This Dealing of the Spaniards, with our Men from Jamaica is nothing more or less than we do by all Nations in our Colonies in America. . . . Their Colonies in New-Spain are the essential part of their Wealth, and makes them so considerable in the World, who would otherwise be the most Contemptible Nation in Europe. If we were to suppose the Spaniards insensible of this, we must suppose them at the same time the most stupid and stupidified People in the Universe, and as they are sensible of it, they would be equally so if they were not as careful as possible to prevent the Encroachments of all *European* nations upon this Trade, and to fall upon all those who attempt it with the utmost Violence.<sup>44</sup>

Opinions such as Defoe's were almost radically conservative, but they did have their adherents. Most individuals who refused to concede that Anglo-Spanish Atlantic and Caribbean hostilities were detrimental to the honor of the British nation usually steered away from opinions such as Defoe's, arguing instead that the honor of the nation was in its ability to secure and maintain peace, even if at the expense of some ships. Yet after what many considered to be a hundred year silent war between Britain and Spain, British pacifism was coming to be seen as the dishonor of the nation. Thus, with a precarious political situation in Europe held in the balance by a string of treaties, combined with what was by all appearances an increase in colonial hostilities and the growth of public

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<sup>44</sup> Defoe, *Mercator, or Commerce Retrieved*, no. 170, 22 June-24 June 1714.

outrage, Britain and Spain were moving toward a showdown where there could be only one victor.

## CHAPTER 5

### THE COMING OF THE WAR OF JENKINS' EAR: 1732-1739

One of the greatest historiographical injustices in transatlantic studies involving Britain is the marginalization of the War of Jenkins' Ear as merely either "Britain's first trade war" or "a conflict arising out of Spanish mistreatment of British sailors." Both of those characterizations imply that the war was the result of some immediate or transitory dispute of no real or lasting importance. Then there is the story of Captain Robert Jenkins, who for some bizarre reason kept the part of his ear that the Spanish had severed in a box eight years previous, and the attempt to compel him to appear and tell his personal story of Spanish mistreatment by pro-war members of the House of Commons. Not only do historians treat the War of Jenkins' Ear as a sort of amusing historical footnote, but they also render the war itself into historical obscurity by the outbreak of the more significant War of Austrian Succession in 1740, which scholars view as the initialization of the fierce Anglo-French rivalry that lasted until the early nineteenth century.

Yet to diminish the War of Jenkins' Ear is to dismiss the century and a half historical progression of ideas and events that precipitated the war. Certainly short-term instigators led to the eruption of war between Britain and Spain. And yet at the very minimum, there had been a steady and rapid breakdown of diplomacy and communication between the two nations for a decade prior to the declaration of war.

When one places the War of Jenkins' Ear into the larger historical context of Anglo-Spanish rivalry since the sixteenth century the war of 1739 is no longer a situational conflict but the culmination of a much more significant political and ideological struggle. While historians such as Linda Colley refer to the War of Jenkins' Ear as a "fiasco," the conflict itself had very important symbolic connotations for the British people. The war did not end in any significant military victory, yet the declaration and fighting of the war was for the vindication of British national honor. The parliamentary debates, pamphlet wars, and editorial commentary of the decade prior to 1739 show the heavy investment of the populace in nationalistic sentiment that derived the nation's sense of self from the ability of the British nation to force Spain to respect British sovereignty in Europe and in their colonies. Additionally, the British people saw their struggles with Spain as being both current and part of a historical trajectory. The current problems of increased attacks on British ships in and around the colonies were discussed within the same context as the actions of Elizabeth I (and occasionally Oliver Cromwell) when they were confronted with the "Spanish menace." For many writers and political commentators of the 1730s, the only difference between the Elizabethan period and that of their current situation with the Spanish was that under the leadership of Elizabeth, England would have never sacrificed honor for peace.

#### 5.1 Commission to Spain: The Breakdown of the Treaty of Seville

According to the Treaty of Seville (1729), both Britain and Spain were to appoint representatives to a special commission to evaluate all claims of alleged illegal ship seizures, both those captured during the Anglo-Spanish War and any ships before and

since the treaty signing (per the separate article to the treaty). George II acted immediately to secure the Spanish treaty concession to make reparations for captured ships by appointing and dispatching commissaries to Spain. Thus, in April 1730, the following notice appeared in the *London Gazette* (upon the instructions of Thomas Pelham-Holles, the Duke of Newcastle):

*His Majesty having been pleased to appoint Benjamin Keene, Arthur Stert, and John Goddard, Esqrs. His Commissaries, to treat with those who are, or shall be named by His Catholic Majesty, concerning such Matters as by the Treaty of Seville are referred to the Examination, Discussion and Decision of Commissaries to be appointed for that Purpose by His Majesty and the King of Spain; Notice is hereby given thereof, that the Merchants and others who have any Claims to be laid before the said Commissaries, may forthwith bring them to the Office of the Right Honorable Lord Commissioners for Trade and Plantations, with the necessary Proofs and Vouchers to justify the same, that they may be delivered to the said Commissaries.*<sup>1</sup>

Likewise the Spanish appointed their commissioners, who were reported in the *London Gazette* as “Don Mateo Pable Diaz de Lavandero, of his Catholick Majesty’s Council of Finances, Don Francisco Manuel de Herrera, Fiscal of the Tribunal of the Contratacion Houfe for the Indies, and Don Joseph de la Quintana.”<sup>2</sup> The commission was to convene within four months of the treaty signing, but:

by several unforeseen Accidents, the Meeting of the said Commissaries after the Arrival of ours in Spain, was so long delayed, that the first Conferences were not opened before the 23d of February 1732. N.S. and

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<sup>1</sup> “Whitehall, April 9, 1730,” *London Gazette*, no. 6873, 11 April to 14 April 1730; Board of Trade and Plantations, “Trade, Spain, Letter from the Duke of Newcastle, Claim Losses, Plantations General,” Journal Book GG, April 1730, *Journals of the Board of Trade and Plantations, vol. 6: January 1729-December 1734*, ed. K. H. Leward (1926), <http://www.british-history.ac.uk> (accessed 5 May 2009). [Hereafter referred to as *JBTP*]

<sup>2</sup> “Seville, Aug. 3, N. S.,” *London Gazette*, no. 7012, 10 August to 14 August 1731.

as fo much time has elapsed before the opening of their Commiffions, it has been since agreed between the two Crowns, that the three Years for finishing the Commiffion of the laid Commiffaries, fhall be computed from their firft Meeting on the laid 23d of February. And it may be computed, that besides the Delay of Payment as to what is due to us, the Spaniards get from us about 1500l. a Year; by the Continuance of our Commiffaries among them.<sup>3</sup>

The “several unforeseen accidents” chiefly were the disagreements between Britain and Spain in determining how they were going to satisfy the two major treaty concessions that were of the greatest interest to themselves. The Spanish wanted British support of the installation of Don Carlos to his Italian duchies, and the British wanted affirmation that the Spanish crown was sincere in its promise to give reparation for British ships. Eventually the British government began to arrange a naval escort and transport for Don Carlos and his retinue to Italy. When the British government gave indication that they were going to support Spain’s Italian territorial ambitions, then the Spanish would sit down to discuss the reparation of British ships.

Benjamin Keene (later Sir) began his career in Spain in 1723 as an agent for the South Sea Company. Eventually he became British Consul to Spain in 1724, Minister Plenipotentiary in 1727, and “Envoy Extraordinary and Plenipotentiary to the Catholic King” in 1734 (the latter position he held until 1739).<sup>4</sup> Historian Richard Lodge also accredits Keene as being the primary negotiator of the Treaty of Seville, despite the fact

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<sup>3</sup> Eustace Budgell, ed., “Two Articles of News Extracted from Fog’s laft Journal,” in *The Bee: or, Universal Weekly Pamphlet*, Vol. I, February 1733, (London: Printed for W. Burton, 1733), 153.

<sup>4</sup> “Whitehall, April 16,” *London Gazette*, no. 7289, 13 April to 16 April 1734; Richard Lodge, “Presidential Address: Sir Benjamin Keene, K. B.: A Study in Anglo-Spanish Relations in the Earlier Part of the Eighteenth Century,” in *Transactions of the Royal Historical Society, 4<sup>th</sup> Series*, vol 15 (1932), 6.



that William Stanhope (later Earl of Harrington) received all the credit.<sup>5</sup> Keene was the best qualified to head the commission as he was largely responsible for negotiating the articles that addressed Spanish seizures of British ships. Keene is the one the most visible and integral British ambassadors in this last period before the War of Jenkins' Ear, and as a protégée of Sir Robert Walpole, worked tirelessly to gain restitution for seized ships while trying to keep Britain out of a war with Spain.

The *London Gazette* continued to publish notifications for merchants and others to present their claims until June 1730, but there appear to have been some difficulties of claimants not having the proper “proofs.” To make a claim before the Board of Trade and Plantations one must have already appeared before the Admiralty Court and received a favorable ruling. Apparently merchants were concerned that their peers were unfamiliar with the proper legal procedures, and that the costs of filing a claim in the Admiralty Court would be prohibitive to certain claimants. Thus to better serve all merchants and other investors another announcement was published in the *London Gazette* that on 23 May 1730, George II “hath graciously pleafed to take upon Himself the Payment of the Fees for authenticating fuch Claims in the faid Court.”<sup>6</sup> The Board of Trade and Plantations heard the first claimants on 1 May 1730 and continued hearing claims on a twice-weekly basis until April 1731. The Board then transmitted, in either

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<sup>5</sup> Ibid.

<sup>6</sup> “Whitehall, May 23,” *London Gazette*, no. 6884, 19 May 1730 to 23 May 1730.

April or May 1731, all the claims to Keene for his review and subsequent presentation to the Spanish commissaries.

A year after the last petition before the Board, on 17 April 1732, Keene, Goddard, and Stert produced the master list of 165 claims, the earliest seizure going back to the year 1702.<sup>7</sup> Of those 165 ships, 58 were ships captured in or near the colonies, the remaining ships captured in or near Spain.<sup>8</sup> The colonial seizures had loss values listed in British pounds or Spanish reales (depending on the case and the original assessment), thus the combined monetary losses of colonial ships on the list was £15375 and 60407R (which converted to approximately £1625, for a combined total of £17000).<sup>9</sup> When comparing the Keene list against the list of seized ships in Appendix B, the difference in number of ships is substantial. There are several possible explanations in the discrepancy between the Keene list and the total reports of ship seizures including, but not limited to: the decease of the claimants and their heirs (or the absence thereof), inability to appear before the Board because the claimants were not in Britain, and/ or the inability to produce sufficient proof of the claim. Interestingly, throughout the nearly two-year tenure of the commission, reports of new ship seizures continued. The Duke of Newcastle, Secretary of State for the Southern Department under George II, continually forwarded new claims to Keene in Spain, even after the commission finalized their

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<sup>7</sup> Benjamin Keene, et. al., Memorial of the Demands given in by the Commifsarys of His Britannick Majest to the Commifsarys of the King of Spain, 17 April 1732, *Journal of the House of Lords*, vol. 24 (13 May 1735), Courtesy of the Virginia Colonial Records Project, Library of Virginia.

<sup>9</sup> The modern equivalent of this total would be approximately 2.5 million British pounds or 3.5 million dollars (US).

agreements on restitution and/or reparation. The continuation of the very problem that the commission was set to resolve made both claimants and the public extremely anxious for any positive news out of Spain.

By all accounts, there was very little progress made in gaining any restitution for the ships through Keene's representation. The newspapers avidly reported any news from Spain through Keene, but by the summer of 1732 without any mention of a reparation agreement simmering tempers in Britain began to erupt. In his editorial of 8 July 1732, Nicholas Amhurst, in response to an earlier pamphlet lamented that, "I cannot learn that We have yet received any Restitution for our Losses, even since June 1727, though the Treaty of Seville hath been sign'd almost Three Years."<sup>10</sup> It was heartening to many interested people, however, to get the news that George II ordered a small fleet of ships, under the command of Rear Admiral Charles Stewart of the *HMS Devonshire*, to the West Indies to gain restitution for seized ships and patrol for Spanish *Guarda Costas* operating beyond the territorial waters of Spanish colonies. Stewart set up a separate commission in Jamaica to investigate claims against the Spanish, but reported in April 1732 that he had only received three claims, one of which was for the ship *Woolball* captured in 1731.<sup>11</sup> Stewart's orders were to apply to the Spanish colonial governors where the ships had been taken and disposed of after their capture to seek restitution/reparation, and if those efforts failed, then to proceed with reprisal.

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<sup>10</sup> *The Craftsman*, No. 314, 8 July 1732.

<sup>11</sup> "Whitehall, June 29," *London Gazette*, no. 7104, 27 June to 1 July 1732.

Apparently, the governor at Campeche either refused or admitted no wrongdoing in the case of the *Woolball* because Stewart gave orders for the reprisal of a Spanish ship. The *HMS Deal Castle* under the command of Captain Aubyn captured the Spanish ship *La Dichosa* as reprisal for the *Woolball* and for the suspicion of Spanish menace toward logwood cutters in the Bay of Campeche.<sup>12</sup> The Spanish court protested that the seizure of the *La Dichosa* was unjustified. After a review of the case, George II ordered the ship restored to the Spanish, but with the condition that the Spanish return all British ships that were taken as retribution for the capture of the *La Dichosa*.<sup>13</sup> As for the *Woolball*, the king of Spain issued a *cédula* for reparation in October 1733, but as of February 1738, the owners still had not received redemption for their loss.<sup>14</sup> The Stewart mission overall achieved very little in terms of restitution or reparation for any ships, and after a year the fleet returned to Europe to reassign later to the Mediterranean. The presence of the British naval fleet in the West Indies did little to facilitate reparation negotiations in Spain. The Spanish historically and contemporaneously saw the presence of any British naval fleet, for any purpose, as a hostile act. Whether this British action was primarily responsible for difficulties in the commission to come to an agreement is uncertain. Many in Britain and in the colonies viewed the Spanish anger over the seizure of one of their ships as a means to delay reparation negotiations, or as just another stalling tactic by

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<sup>12</sup> “No. 415, Oct. 12. [1732], Kensington, Duke of Newcastle to Sr. Chaloner Ogle,” *CSPCS*, vol. 39.

<sup>13</sup> “No. 430, Oct. 30 [1732], Kensington, Duke of Newcastle to Sir Chaloner Ogle,” *ibid*.

<sup>14</sup> “No. 55, 9 February [1738], Memorial of the merchants interested in and trading to H. M. Plantations in America to the Duke of Newcastle,” *CSPCS*, vol. 44.

the Spanish to avoid honoring their obligations per the Treaty of Seville. The euphoria of the late summer and early fall of 1732, borne out of the promise that Britain was finally take the Spanish to task by naval force if need be, passed. Newspapers and petitions to Parliament about new seizures, all supposedly resulting from the breakdown of relations in the West Indies over the taking of the *La Dichosa*, even after the officials at Jamaica restored the ship to the Spanish. Thus, British eyes and ears turned to news from Spain that the commission was able to secure some benefit of the peace.

In June 1733, John Goddard returned to Britain with a report from the commission amongst tremendous public skepticism of any favorable reports. The editor of *Fog's Weekly Journal* marked the arrival and the anticipated result rather cynically, predicting that the final verdict was “as ample Satisfaction as our Merchants can expect.”<sup>15</sup> The Board of Trade and Plantations summoned Goddard, but he obviously had nothing to report nor did he carry reparation orders as the minutes of the board merely remark that Goddard made an appearance. Reports continued throughout 1733-1735 that the commission and/or the King of Spain were near completion of the review of seizure cases. Yet if any agreements were made by the commission the amount or terms of any restitution were never publically recorded by any agency—in the Board of Trade and Plantations papers, parliamentary papers, or in newspapers. In light of the current and ongoing seizures, even if the Spanish king or ministers had made any measures for restitution/reparation for merchants and investors, the redemption of such orders was

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<sup>15</sup> Budgell, ed., “Articles of News extracted from Fog’s laft Journal,” *The Bee, or, Universal Weekly Pamphlet*, no. XVII, vol. II, 733.

nearly impossible.<sup>16</sup> For those who were able to gain a *cédula* (the Spanish document from the king ordering the colonial governors to make restitution/reparation), they had to present their documentation at the place where their ships and goods were taken. Then, rather than returning the ship and its effects to the British, Spanish colonial governors dithered and attempted to bargain their way out of full restitution.

One example of these difficulties involved in the attempt to gain restitution for the ship *Prince William*, seized 9 September 1731 on her voyage from Virginia to Jamaica.<sup>17</sup> By June of 1732, Rear Admiral Stewart had obtained, via Keene, a *cédula* from the King of Spain for full restitution of the *Prince William*, which Stewart sent Captain Richard Lestock, commander of the *HMS Kingston*, to Puerto Rico to claim. Lestock remained at anchor outside of Puerto Rico and began a volley of letters on 14 July 1732 between himself and the governor of Puerto Rico for nearly two weeks. In Lestock' first letter, after the required pleasantries, he rather forcefully wrote:

With this also waits on You Mr. David McClenahan a Merchant in his Brittannick Majesty's Colony of Virginia, who has been robbed of a Vessel and her Cargoe, authentick proofs of which he will produce you, the which I demand, you will see restor'd with full satisfaction to him the Sufferer, so that if on the one hand, You will pay a due Obedience to the King of Spain's Cedula, I will behave myself suitable to the ffriendship Subsisting between the two Crowns, but on the other hand if You disobey or elude those orders, I shall be oblig'd to put in execution the instructions

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<sup>16</sup> It also bears noting that a great deal of money in Spain was committed to the establishment of garrisons in Italy where Don Carlos of Spain was to be installed per the Treaty of Seville, as well as an expedition against Oran in 1732. Additionally, Spain was in preparation for another war that erupted in 1733-1734, which contributed to Spain's inability to pay reparations.

<sup>17</sup> William Joy, "Copy of the Deposition of Mr. William Joy Master of the Prince William taken at Port Royal the 15 of October 1731," *Lord Journals* XXV, 305.

I am under for seizing all ships acting in a piratical manner, and for making reprisals.<sup>18</sup>

In the Spanish governor's reply of the same date, he writes that he has full intention of honoring the king of Spain's *cédula*. Regarding the *Prince William*, though, he wrote, "I order'd the effects of which consisted of 150 Barrells of flesh, and remitted the cause to the Royal and Supreme Council of the Indies where I have no power to serve you."<sup>19</sup> As a show of good faith, the Spanish governor sent with a letter an unnamed prisoner back to the *Kingston*. The next day, 15 July, after interviewing the released prisoner, Lestock learned that he was William White, master of the *Two Brothers* of New York which had been seized a week or so prior to Lestock's arrival. Lestock's second communication to the governor was even more forceful, demanding reparation of both the *Prince William* and the *Two Brothers*. The latter he demanded by virtue of the power vested in him to "hear & receive the Complaints that shall come to them on the part of the British Officer or commander either in Person or by letter, always administering justice to them."<sup>20</sup> The governor's return letter of the same day reiterated the same argument he had made the day before, this time in reference to both ships, that he was unable to make restitution or reparation until the Council of the Indies rendered their decision. The governor answered back, offering a proposal in which he would have the value of the ship *Two Brothers* and

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<sup>18</sup> Richard Lestock, "A Copy of a Letter from Richd Lestock Esq. to the Governour of Puerto Rico, 14 July 1732," *ibid*.

<sup>19</sup> "A Copy of a Letter from the Governor of Puerto Rico to Richd Lestock, 14 July, 1732," *ibid*.

<sup>20</sup> Richard Lestock, "A Copy of Letter from Richd Lestck Esq. to the Governor of Puerto Rico, 15 July 1732," *ibid*.

its cargo assessed, and then would give half of that value in money to Lestock as security until he could hear the deposition of the ship from Spain.<sup>21</sup>

Lestock's emissary in Puerto Rico, Lieutenant John Forbes made his report regarding his discussions with the Spanish governor—who by Forbes' account was extremely genial and receptive to making amends. Forbes then continues that the governor remained receptive until the privateer responsible for taking the *Two Brothers*, Miguel Henrigues, pointed out that the king of Spain's *cédula* required that restoration was to be made of only British ships captured in due navigation to their colonies. Henrigues then explained that "this Sloop Two Brothers was not in the proper Road to Jamaica, by being so far the Eastward, and so was justly a Prize."<sup>22</sup> According to William White's testimony, the ship had blown off course in her voyage to Jamaica, sending the ship near Cuba where it was seized subsequently for illegal navigation. In the end, Forbes reports that the governor became convinced that the navigation clause of the general *cédula* from the king of Spain exempted him from making reparation. The governor of Puerto Rico asserted that "he must act agreeable to the Words of the Cedula, for the King gave Laws and it was his Duty as a Subject to obey them in the direct Sense of the Words, and not put Construction on them."<sup>23</sup> Captain Lestock then returned to

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<sup>21</sup> "A Copy of a Letter from the Governour of Puerto Rico to Richd. Lesock Esq., 15 July, 1732," *ibid.*

<sup>22</sup> Copies of Lieut: Forbes Letters to Rd. Lestock Esq. of the 4<sup>th</sup>, 5<sup>th</sup> & 6<sup>th</sup> of July 1732," *ibid.*

<sup>23</sup> *Ibid.*



Jamaica to report about his lack of progress in Puerto Rico.<sup>24</sup> Under amicable relations between Britain and Spain, Spanish colonial governors might have honored these orders for reparation, but there is little evidence that there was any period of time where peace reigned in the Atlantic or Caribbean. Revelation of evidence of the inability to redeem reparation orders is in the lists of claims presented at the Convention of El Pardo in 1739, which included many of the same ships in Keene's 1732 list (such as both the *Woolball* and the *Prince William*).

Although nominally at peace, West Indian and Atlantic hostilities continued without interruption, and the *Guardas Costas* (or those claiming to be) continued to seize ships both in and around Spanish colonies, as well as outside Spanish territorial waters where ship traffic was most frequent. Within the same year that the commission convened, Spanish anger toward the British worsened upon the reassertion of the British right to cut logwood at Campeche, along with the establishment of the British colony of Georgia. Then in 1733, Britain set a naval fleet to Portugal out of the belief that Spain intended an attempt to capture the returning Brazilian fleet of Britain's long-term ally.<sup>25</sup> Spain reacted to the British naval presence with suspicion and anger primarily because it was then unknown whether Britain or Portugal were going to enter into the War of Polish

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<sup>24</sup> Daniel A. Baugh, in his entry for Richard Lestock in the Oxford Dictionary of National Biography (online edition) states that Lestock was ordered to return to England in November 1732, in which he was to report to the Admiralty on his return. Baugh remarks that is a bit of mystery why Lestock was passed over for a promotion while in the West Indies in 1732 and sent back to England, but one has to wonder if his failure to secure reparation, or the manner in which he pursued it, led to his recall.

<sup>25</sup> The Anglo-Portuguese alliance, dating back to the fourteenth century, had long angered the Spanish and had been a source of contention between England/Britain and Spain for a long time prior to the Reformation, Elizabeth I's Anglo-Spanish war, and British Atlantic colonization.

Succession, in opposition to Spain and France, through an alliance with Austria. Although Britain eventually decided to remain neutral in the Polish war diplomacy between Britain and Spain, that dialogue, which was in a poor state already, further disintegrated.

At the opening of Parliament in 1735, rather than the customary addresses of thanks and fidelity given by the Lords and Commons to the king after his address, the Commons began a heated debate regarding the wording and meaning of their return address to the king. Led by a group of Tory and dissident Whig members, the substance of the debate was that they did not think that the king and his ministers should receive compliments, particularly, for keeping Britain out of the War of Polish Succession, nor should regard be bestowed for maintaining peace with all foreign nations. Regarding the latter, the dissenting members argued:

That our late Conduct has not been quite so prudent is, I am sure, very much suspected by the Generality of the Nation. . . . It is those who are well affected towards his Majesty, those who are real Friends to the present Establishment, who have been lately amused, and it must be acknowledged they have had a great deal of Patience. That the Nation has been affronted, that our Trade has been interrupted, that our Merchants have been plundered, and our Seamen most cruelly used, are Facts not to be controverted. Whether they have proceeded from the ambitious Projects of foreign Courts, or from the Blunders of some of our own People at home, is a Question this House ought to look into; and for that Purpose we ought to insist upon having all necessary Lights laid before us. But for the present, I shall suppose, that they have all proceeded from the ambitious Projects of foreign Courts: What Satisfaction then have we obtained for the Insults and Indignities we have suffered? What Reparation have our Merchants got for the Losses they have sustained? Is this Nation brought so low, that we must submit to suffer, to be disturbed, by the ambitious Projects of foreign Courts, without daring once to insist upon an adequate Satisfaction, a full Reparation? I hope not, Sir; and 'till an adequate Satisfaction and full Reparation be obtained, I shall not be ready to agree to pass Compliments upon our late Conduct. If we have

met with so few or so small Disturbances, if our Trade has so greatly increased, what Advantage hath the publick reaped from the happy State we have been in? . . . In short, Sir, we have been for these several Years in a very odd Sort of State; we have had War without Hostilities, and Peace without Quiet; and while the Nation continues in the same mongrel Sort of State, shall this House pass high Compliments on the Conduct of our Ministers?<sup>26</sup>

The recommended address put forth by Sir Arthur Onslow, Speaker of the House of Commons, did not include any of the amendments the dissident members desired. This Parliamentary session set the tone of debate and focus of the House for the next several years. With a growing anger among the British people and the merchant community, the editorial publications criticizing the British government, and reports of uninterrupted Spanish seizures of British ships, Parliament had to respond in some measure. The dissident members came from both the Tory and Whig parties. The Whigs often were members who were disaffected toward the leadership of Sir Robert Walpole, and many were genuinely incensed over definitive action toward the Spanish due to their investments in colonial trading. With a growing sympathetic contingent in Parliament, merchants now had even greater chance to present their petitions and claims before the Commons. After 1733, merchants from London, Bristol, Liverpool, and those residing in the colonies inundated the press, the Board for Trade and Plantations, and Parliament with their petitions on the depth of the toll the Spanish depredations were taking on their trade and on the honor of the British nation.

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<sup>26</sup> Great Britain, House of Commons, "Speeches and Debates in the House of Commons, During the First Session of the Eighth Parliament of Great Britain," *The History and Proceedings of the House of Commons*, vol. 9 (1734-1737), <http://www.british-history.ac.uk> (accessed 08 August 2008).

## 5.2 Merchants as Agents of National Honor

In her study of the “creation” of the British nation and emergence of British national identity after 1707, Linda Colley contends that the merchant community of Great Britain was “never monolithic” in their patriotism because the community was too diverse in their interests and priorities.<sup>27</sup> Her contention is simultaneously correct and erroneously simplistic. Colley’s thesis seeks to identify the particular combination of individuals, events, and social, political, and economic contributions that created a specific British sense of self in the eighteenth century. As discussed in previous chapters, since the 1650s divisions within the merchant community were over whether colonial or continental trade was more vital to Britain’s economic and political interests. This merchant debate raged in the last few years before the War of Jenkins’ Ear, yet it was tempered by the belief of all sectors of the British merchant community that British honor was in her trade and Britain’s enemies should not interrupt British trading rights. Still a transformation occurred in the divisions of merchants, whereas the divide was not always between continental and colonial merchants because of the heightened cognizance of the interrelatedness of colonial goods and continental trade. Colley reckons that the continental trade was “absorbing some four-fifths of its domestic exports and re-exports,” with re-exports deriving from colonial sources, which “increased almost fourfold in value in the first half of the century.”<sup>28</sup> Eighteenth century merchants, through their pamphlet

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<sup>27</sup> Colley, 71.

<sup>28</sup> Ibid, 68-9.

literature, constantly reemphasized that the colonial trade was integral to the continental trade, gaining many adherents. Thus, in the last five years or so before the outbreak of war in 1739 it is more accurate to divide the merchant community into two different sectors: pro-war and anti-war contingents.

Whether a merchant was pro-war or anti-war mattered little to all merchants' sense that they were the agents of national honor. In a letter to *The British Journal: or, the Censor*, "W. R." writing from Union Coffeehouse in Cornhill asserted that:

The MERCHANT is the greatest Benefactor of the Commonwealth, and hazards more than any one to enrich his Country. He trusts his whole Substance in Storms and on Oceans to carry their Manufactures to a Market, and tho' the Perils of those unsteady Elements, and the uncertainties of an advantageous Exchange are present to his View: yet, intrepid in the Cause of a general Interest, he ventures these, and every Danger else, encouraged by the delightful Prospect of large Returns to his Country.<sup>29</sup>

Trade, merchants argued, was the lifeblood and very essence of Britain's strength, thus the government and the people should support the measures that supported, protected, and augmented the growth of, trade. Back in 1725, the editor of the *Plain Dealer* in championing the political franchise and honor of the merchants wrote:

That a Merchant ought to be qualify'd for a Minister of State, I will add this Wish, of my own—That we may, never have a Minister of State, who is not qualified for a Merchant!—Not Trade alone, but Politicks, would soon feel the Benefit of so new a Regulation. —Yet, there is a Happiness, still greater; and it is the Last, the warmest, Hope, of those, to whose successful Industry we owe our Commerce!—That the Way might always lie open, to the Ear of our Princes Themselves, without passing the narrow

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<sup>29</sup> W. R., "To Roger Manley, Esq., July 2, 1728," *The British Journal: or, the Censor*, no. 25, 6 July 1728, ed. Roger Manley.

Posterns, which Truth is often obliged to wait at, till it has wearied itself,  
to no Purpofe.<sup>30</sup>

Not every sector of British society, however, was in accordance with the sentiment that merchants should direct and/or influence governmental policy. Each passing month in the years 1732-1739, as more petitions to Parliament were made, as more pamphlets written criticizing the pacifism of the British government in relation to Spain, as reports of more ship seizures appeared in the state papers and newspapers, criticism of merchants and their tactics increased concurrently.

The merchant class had always been at a social disadvantage to the landed classes and aristocracy who held the majority of parliamentary seats, and social consciousness certainly influenced critics of merchants and their writings. For the elite classes, merchants posing themselves as the bearers of national honor, and to presume the gall to criticize the king, the government, and governmental ministers was beyond what was socially acceptable for a group of people with varying socio-economic backgrounds. Class conflict, though, appeared only in subtle ways in the criticisms of the merchant class; class division was masked in the discussion of the presumption of merchants to criticize the government. An anonymous letter to *The Daily Gazetteer* argued:

It has been often alleged, and of late with greater Heat than ever, That a Free People have a Right to convafs all Publick Affairs; and fo, without question they have: It is the very Thing which constitutes a Free People. . . . But does it follow, that the People have a Right, because they are free to dictate to their Governors? No, certainly, they have not; for that would subvert all Government. . . .The Difference between propounding one's Opinion, and giving one's Voice in an Affembly, is not difficult to comprehend; and yet, to our not attending to this Distinction, all our

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<sup>30</sup> *The Plain Dealer*, no. LXXXV, 11 January 1725 (London: Printed for J. Roberts, 1725).

Disputes about the Power and Liberty of the People are owing. . . .But for a Set of Men full of Envy, Repentment, and Ambition, to pretend to dictate to their Governors what they shall do, under Pain of incurring Publick Hate; this, I say, is a flagrant Offence.<sup>31</sup>

Throughout the 1720s and 1730s, sentiment such as the preceding commentary was a common refrain. The very idea that the merchant community had any right to dictate to the government—their political, social, and intellectual superiors—was outrageous to the British social and political leadership. Yet this argument was not restricted to the elite classes, as there too was a hierarchy within the mercantile sector, and the elite of the merchant class (primarily made up of continental traders) took the lower members to task similarly. But the criticisms within merchant society was only secondarily concerned with the proper “place” of merchants, rather their greatest admonitions against other merchants was that they were too caught up in the heat of the moment and not considering the effect of a war, if there was to be one, on their livelihood. One merchant proposed to his peers that:

the Cause of Trade, and our plundered Merchants is sonorous and alarming, and soon raises a temporary Ferment; but do you think, Gentlemen, that those who have raised it, mean your Interest or their own? Will a War at the present Juncture advance your Trade and Navigation?<sup>32</sup>

The primary complaint against all merchants who advocated a show of force against the Spanish was whether the cost of a war equaled or was less than the monetary loss of some ships. Once war was declared in 1739, the point about the cost of the war for

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<sup>31</sup> R. Freeman [pseud.], “To the Daily Gazetteer, Dec. 24, 1737,” *The Daily Gazetteer*, no. 777, 30 December 1737.

<sup>32</sup> *An Address to the Merchants of Great-Britain: or, A Review of the Conduct of the Administration, with Regard to our Trade and Navigation* (London: Printed for J. Roberts, [1739?]), 33.

traders was still a very sensitive issue. In approximately 1741, an anonymous publication, without any accompanying text, of a list of 313 merchant ships that had been captured since the outbreak of war appeared to make the point about the cost of war.<sup>33</sup> For injured merchants who indeed suffered and were self-interested in their substantial personal monetary loss, it was not the cost of war that was their concern; it was the cost of national honor lost.

As merchants and their sympathizers increased efforts to persuade public and parliamentary support to pressure the king for some decisive action, the backlash against merchants and other writers increased accordingly. Not only were merchants accused of unduly exciting the masses to instigate chaos; critics of the war also implied that merchants and the writers who supported them were hypocrites. Accusations against political writers by other commentators generally argued that those writers were proselytizing about something that they knew nothing about, or in other words, they had no concept of the intricacies of trade and diplomacy. Additionally, in stirring up the masses, political writers were encouraging the same sort of ignorance among the populace. One letter writer to the *Daily Gazetteer* criticized:

For while Factious Men are suffered with Impunity to diffufe bad Principles under artful Glosses, and the Weak and Prejudic'd to draw Vicious Inferences therefrom; and while the Affairs of the Administration (by means of Weekly Scandalous Papers) are canvall'd even in every Alehouse, and by all Ranks of People, in a false, ridiculous, and unbecoming Sense . . . . In fhort, 'tis become as common to hear Men, who were never the Length of a *Bowftick* out of their own Country; or, perhaps, have had no other Knowledge than an imperfect Account of Places: Yet these very Men (unmindful of the main Chance) are as bufy

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<sup>33</sup> *A List of Ships taken by the Spaniards* ([London?: n. p., 1741?]).



about Balance of Trade, Spanish Depredations, Georgia, and Gibraltar, as others more Prudent and Industrious are careful, and cautious of their own Affairs.<sup>34</sup>

The character of merchants was called into question in what could only be considered “guilt by association” with traders and merchants who were involved in illegal trade. One merchant lamented, that the state had never aggressively pursued their claims against Spain so that “instead of receiving any Reparation, nay we have even been perfidiously treated by some of our *own Countrymen*, as a lawless band of Robbers and Pyrates.”<sup>35</sup>

The argument made by Defoe after the signing of the Treaty of Utrecht—that merchants and ship owners got what they deserved from the Spanish for their illegal activities—resurfaced in the years when merchants were becoming more adamant and forceful about reparation for their claims. In an anti-war essay, George Lyttelton went so far as to say that the British were just as guilty of cruel behavior as the Spanish were, and if the Spanish treated British sailors poorly it was because the Spanish had received the first offense. Lyttelton wrote, “There are many Instances of Robbery an Barbarity on both Sides; for when Cruelty is begun one, it is sure to be returned on the other.”<sup>36</sup> Lyttelton continues arguing against the claim that the Spanish were seizing ships distant from their colonies: “I know several Persons thoroughly informed in these Affairs, who positively

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<sup>34</sup> A. B. “To the Author of the Daily Gazetteer,” *The Daily Gazetteer*, no.759, 9 December 1737.

<sup>35</sup> *A Series of Wisdom and Policy: Being a Full Justication of all Our Measures Ever since the Year 1721, inclusive; and Especially Of our late most Honourable Convention with Spain.*(London: Printed for T. Cooper, 1739), 55.

<sup>36</sup> George Lyttelton, *Popular Prejudices Against the Convention and Treaty with Spain, Examined and Answer'd* . . . (London: Printed for T. Cooper, 1739), 17.

deny any such Seizure, and any Condemnation in Consequence of it.”<sup>37</sup> The counter-arguments to this sort of disavowal were the evidence of the ships captured nowhere near Spanish colonies or ships seized in direct passage to British colonies. After 1714, claimants were careful to note exactly when and where the capture of their ship occurred to counter any accusation that the ship was involved in anything beyond their normal navigation. Yet, evidently in various cases in this research, the “normal navigation” to and from British colonies was the same navigation that placed British ships within the general vicinity of Spanish colonies. As long as the British had any colonies in the Americas or Caribbean, they were always going to be in close proximity to Spanish colonies, legally or otherwise. This was the primary contention of the merchants—that those engaging in legal trade were at as much risk as those who were in the illegal trade. Thus, for the British government not to protect the interests in the course of normal trade was to sacrifice the honor and essence of British sovereignty in their territories.

While the merchants used nationalistic rhetoric in order to serve their own purposes, their contention that, the inability of the British government to secure and protect colonial trade conveyed a weakness that all European rivals would exploit. Because if the British did not hold the Spanish to their end of treaty obligations, merchants argued, what would compel other European nations to honor their obligations to Britain? William Pulteney maintained that the failure to make the Spanish adhere to treaty concessions, damaged the international reputation of Britain in that, “it is an old Reflection upon Us, that We are commonly the Dupes of all Nations, in our *Treaties* with

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<sup>37</sup> Ibid, 11.

Them.”<sup>38</sup> This sentiment resonated throughout all sectors of society and often was reiterated by political writers, and later, parliamentary representatives.

### 5.3 The Convention of El Pardo (1739) and the Outbreak of War

By 1737, any pretense of peace between Britain and Spain was diminishing monthly with each new report of another captured ship. Before 1737, there had not been a call for war by pamphleteers, just a plea for some degree of assertiveness or force of the British government against the Spanish. Nevertheless, the rising “clamour” became martial in spirit and that spirit reflected in print and discussions among anyone with an opinion. To inflame the people, writers, merchants, and government officials further were the reports of continuing ship seizures, and the failures to gain reparation for any *cédulas* issued by the king of Spain in his colonies.

In November 1737, the Duke of Newcastle wrote a letter to Sir Benjamin Keene presenting new demands from George II, that were more martial sounding than what had come from the monarch previously. In addition to Newcastle’s demands for reparation for specifically named ships, he conveys that the British government is no longer going to accept *cédulas* that require reparation be made in the Spanish colonies. He writes:

And I am by His Maty’s Command, upon this Occasion directed to observe to you, That if His Maty’s Subjects have suffered in their Properties by Ships acting under the King of Spain’ authority, It seems reasonable that the King of Spain himself should make Satisfaction for them, especially when the Sufferers can have no other Redrefs, which is the Case, when the Effects taken may have been embezelled, or seized by

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<sup>38</sup> William Pulteney, Earl of Bath, *A Review of All that hath pass’d between the Courts of Great Britain and Spain, Relating to Our Trade and Navigation From the Year 1721, to the Present Convention; With some Particular Observations Upon it* (London: Printed for H. Goreham, 1739), 12.

private Persons, who had the Benefit and Advantage of them, and are now not forthcoming, or not able to make Satisfaction for them.<sup>39</sup>

Newcastle included with his letter documentation for several ships that had been taken, the oldest case being the *Robert*, a galley which was captured in 1720, as well as a petition to the king by 151 merchants to the West Indies demanding satisfaction. Keene was able to get the Spanish court to begin re-negotiations of British claims, a second convention that began in late 1737. On 1 February 1738/9 the king appeared in the House of Lords, and addressed that body that:

I am able to acquaint you, that the Measures I have pursued, have had so good an Effect, that a Convention is concluded, and ratified between me and the King of Spain; whereby, upon Consideration had of the Demands on both Sides, that Prince hath obliged himself to make Reparation to my Subjects for their Losses, by a certain stipulated Payment.<sup>40</sup>

This convention and its subsequent treaty, commenced and ratified at the Royal Palace of El Pardo on 14 January 1739, called for the reparation of five specific ships: the *Woolball*, the *Loyal Charles*, the *George*, and the *Prince William*. In addition, the King of Spain was to make a cash payment of £95,000 to Britain within four months of the treaty signing (Article IV).<sup>41</sup> Many considered the amount unsatisfactory, and wondered

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<sup>39</sup> "Copy of a Letter from Duke of Newcastle to Mr. K, Nov. 4<sup>th</sup> 1737," *Lord Journals XXXV*, 227-8, Courtesy of the Colonial Virginia Records Project.

<sup>40</sup> "Westminster, February," *London Gazette*, no. 7776, 30 January to 3 February 1738[1739].

<sup>41</sup> Great Britain and Spain, *The Convention between the Crowns of Great Britain and Spain, concluded at the Pardo on the 14<sup>th</sup> of January 1739* (London: n. p., 1739), 7.

at how anyone could praise such a lowly sum when the total demanded from the Spanish in 1738 was £343,277, less £180,000 the British owed the Spanish.<sup>42</sup>

Within a matter of days of the publication of the convention agreement rumors began to spread that there was a secret agreement made by Benjamin Keene in order to secure the convention concessions. The opening session of Parliament on 6 February 1739 began with a demand by the House of Commons to review all documentation regarding all ships taken by the Spanish, as well as the accompanying papers regarding all negotiations and communications of Benjamin Keene.<sup>43</sup> In the ensuing debate Horatio (Baron) Walpole, brother of Robert Walpole, argued against the demand for all of the documentation regarding the negotiations between Britain and Spain. Walpole's contention that Keene "had been instructed publickly to insist on very high Terms, and yet has had private Instructions to abate very much these Terms, provided he could obtain an Equivalent, or compass a favourite View of his Court."<sup>44</sup> The motion for the demand of the papers was defeated, but the motion was re-introduced and on 13 February 1739, the Commons was able to pass through demand to the king to provide them the representations Keene made to the court of Spain. George II, however, refused the Commons request:

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<sup>42</sup> Benjamin Rogers, *Observations on the Present Convention with Spain* (London: Printed for T. Cooper, 1739), 38-9.

<sup>43</sup> Great Britain, House of Commons, Resolutions 6 February 1738/9, "Second Parliament of George II: Fifth Session, *The History and Proceedings of the House of Commons*, vol. 10: 1737-1739.

<sup>44</sup> *Ibid.*

because they related to Affairs not yet concluded; others because the Affairs to which they related were already concluded; some because, as he [George II] asserted, they were not necessary to give Information; others because they could be of no use to those who would approve the Convention; and others again because they could only be of use in case the Convention was condemned.<sup>45</sup>

In the end, the houses of Parliament learned of the complete treaty, along with the secondary or “secret” agreements made between the British and Spanish, when the treaty terms were published for general consumption.

On 23 February 1739, a group of West India merchants put another petition before the House of Commons arguing that the convention treaty did not provide any measures to prevent the Spanish from continuing the practice of seizing British ships.<sup>46</sup> On the same day a petition to the Commons by the Lord-Mayor, Alderman, and Commons of the City of London was read, echoing their concern over the right of navigation, and their interest in the matter more as a reflection of patriotic sentiment rather than being actually victimized.<sup>47</sup> Likewise, that same day, the Commons heard two petitions by ship owners who had lost their ships to the Spanish, and then the Trustees for Georgia appeared arguing that the El Pardo convention and treaty did not provide for the protection of the British right to possess the colony of Georgia. Among all of the petitions and the furor over what the convention treaty did not contain, the news came out that in order to secure an agreement with Spain, Benjamin Keene negotiated

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<sup>45</sup> Hugh Hume, Earl of Marchmont, *A State of the Rise and Progress of our Disputes with Spain, and of the Conduct of our Ministers relating thereto* (London: Printed for T. Cooper, 1739), 43.

<sup>46</sup> Great Britain, House of Commons, “Petition of the West-India Merchants, 23 February,” *ibid.*

<sup>47</sup> “Petition from the City of London,” *ibid.*

that the South Sea Company would be required to pay £68,000 to Spain for unpaid duties on slaves the company had imported in the Spanish colonies. Additionally, Keene agreed to the right of the Spanish to suspend the *Asiento* at any time of their choosing.<sup>48</sup> This demand created a great deal of anger, because as Benjamin Rogers explained:

The King of *Spain* confesses himself indebted to the *South-Sea* Company, in a Sum above 300,000*l.* and gives them Orders on his Treafury for Payment; but the Treafury being found to be out of Cash, they are put off to a longer term: He in the mean time creates an imaginary Claim on the Company of 68,000*l.* not contented with this fictitious Demand (for such we have feen to be) allowed in Part of Payment, he infist upon having it immediately difcharged, leaving his own Debt to the Company entire.<sup>49</sup>

Thus, with what the South Sea Company was due to pay the Spanish, Britain would net £27,000 for all of the ships illegally captured by the Spanish since the accession of Philip V to the throne of Spain in 1700. Beyond the paltry sum, critics directed their anger of the South Sea Company, who had no hand in the agreement in paying £68,000 to the king of Spain and which they later refused to pay (Spain received notice of their refusal on 4 June 1739).<sup>50</sup> The press vilified Benjamin Keene and in the ensuing pamphleteering, according to Richard Lodge, Keene “was bitterly denounced in England, and his enemies called him ‘Don Benjamin’ to imply that he was more of a Spaniard than an

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<sup>48</sup> Rogers, 9-10.

<sup>49</sup> Ibid, 21.

<sup>50</sup> *His Catholick Majesty's Conduct Compared with that of His Britannick Majesty [Cotejo de la Conducta de S. M. con la de el Rey Britanico]*, (London: Printed for T. Cooper, 1739, 61

Englishman.”<sup>51</sup> Hugh Hume (later Earl of Marchmont) was one of Keene’s greatest critics, calling him the “Tool of Spain.”<sup>52</sup>

Sometime in the late spring of 1739, the British sent a fleet under the command of Admiral Nicholas Haddock to Gibraltar as well as an additional fleet to Jamaica. The Spanish government saw both of these naval movements as the British government not honoring their end of the concessions of the Convention Treaty.<sup>53</sup> On 15 May, the Spanish commissioners to the convention gave the following condition to Benjamin Keene:

That till this Squadron [Haddock’s] goes back to England, and till Orders for the Execution of what is needful, to those that by reason of the past Disgusts are found or stationed in America, it follows, that powerful and strong Hindrances are given to his Majesty, to adjust entirely what is agreed upon; since the Demonstrations of England being averse to the contracted Tranquillity, his Majesty cannot go on in the good Faith wherewith he proceeds, if he find not suitable Returns, and sees the Armaments laid aside, which is the most convincing Sign of Peace.<sup>54</sup>

In July 1739, after the king of Spain refused payment of the £95,000, George II issued an order that letters of *marque* or “General Reprizal . . . to any of His Majesty’s Subjects” was to be given to anyone willing or able to fit out their ships in order to attack Spanish ships.<sup>55</sup> Keene, who was still at Madrid, declared at the Spanish court that the reprisals of

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<sup>51</sup> Lodge, 7.

<sup>52</sup> Hume, 41.

<sup>53</sup> Ibid, 53-5.

<sup>54</sup> Ibid, 59.

<sup>55</sup> “Admiralty Office, July 21, 1739,” *London Gazette*, no. 7828, 31 July to 4 August 1739.



the British were not to break the peace with Spain, they were merely the rightful actions afforded to them by previous treaties (Treaty of Madrid, 1670).<sup>56</sup> According to French sources, the Marquis de Villarias [Sebastián de la Cuadra y Llerena] replied:

That the King of Spain was very far from considering Things in the same Light as the Court of Great-Britain seemed to do, not believing it had any Right by Treaties either to make reprisals itself, or authorize others to make them; that the Equity of the Conduct of the crown of Spain was evident in every Thing which had passed since the Convention of the 14<sup>th</sup> of January the Catholick King therefore could not help looking upon the making Reprisals as an Act of Hostility, and would, on his Side, permit his Subjects to repulse the Insults which might be made on them.<sup>57</sup>

During the summer and early fall of 1739 the allies of both Britain and Spain (the Dutch and French, respectively) were watching the developing hostilities between the two nations, while their respective ambassadors were trying to secure guarantees that those same allies would come to their aid. Likewise, ambassadors from both the Netherlands and France were anxiously attempting to determine if either country was going to involve them in the Anglo-Spanish conflict. If one ally was to join the conflict, then it would be incumbent upon the opposing ally to act similarly. By September 1739, the British had the reasonable expectation that the Dutch would assist them in the event of war with Spain, and in that same month ambassadors from both countries were at the court of Vienna attempting to gain their promise of assistance as well. France had offered throughout the summer and into the early fall of 1739 to act as mediator between the two nations, which offer Britain eventually refused. Toward the end of September, the

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<sup>56</sup> Benjamin Keene, "Paris, August 27," *The General Evening Post (London)*, no. 919, 14 August to 16 August 1739.

<sup>57</sup> *Ibid.*

French agreed to supply assistance to Spain through offering thirty-five ships to impede the British fleets.

The formal declaration of war by George II was not until October of 1739, with the Spanish issuing a counter-declaration of war on 28 November 1739.

We see, we have declared what ought to be acquired by it [war]. An explicit Acknowledgement of our Rights is necessary in Point of Honor; an effectual, a real Security for the Freedom of our Navigation in the Seas of *America*, is necessary in Point of Safety. *Spanish* Promises, Cédulas, and Treaties have been found vain and frivolous Amusements. A commanding Force in those Seas can alone secure us. A Harbour, a Settlement, a Colony can alone conclude our Disputes, assert and preserve the Rights of Great Britain, and protect Trade even of Spain.<sup>58</sup>

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<sup>58</sup> Hume, 75.

## CHAPTER 6

### CONCLUSION

In his sociological study of the origins of nationalism, Benedict Anderson defines nationalism as a national self-consciousness that individuals obtain through the dissemination and consumption of printed material written in the vernacular.<sup>1</sup> This national self-consciousness is an “imagined community” bound together through camaraderie regardless of distinction of class.<sup>2</sup> Anderson—like many scholars who write about the history of nationalism—view national self-consciousness as a product of the late eighteenth and early nineteenth centuries as a result of the Enlightenment, disappearance of political dynasties, and capitalism. Yet, by Anderson’s basic definition of what constitutes a sense of a nation by its citizens, then it is possible to move back in time to an earlier period for the advent of nationalism especially when we look to the rhetoric of the English (later British) people of the sixteenth through early eighteenth centuries. Furthermore, it is important to understand how individuals within geopolitical boundaries assert their sense of national belonging because of real and perceived threats from other nations. In other words, nationalistic sentiment and the

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<sup>1</sup> Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 2006).

<sup>2</sup> *Ibid.*, 7.

conception of a national “community” is actuated by opposition to another entity with whom the community is at either political, ideological, economic, and/or social odds. In contemplation of Anglo-Spanish rivalry of the sixteenth through eighteenth centuries in both actions and the complimentary rhetoric, we can assert that the British people had a sense of themselves as a nation or a national community.

The developing British sense of identity in the sixteenth through eighteenth centuries was certainly not homogenous, and often was exclusionary to individuals who were not in political or religious conformity (i.e.: Catholics, non-conformist Protestants, the Irish, the Scottish) with the centralized Anglican state. Yet even those who were disaffected toward the monarchy, other government institutions, or the Anglican Church occasionally were drawn into nationalistic fervor when their private interests were affected by Anglo-Spanish conflict. This ability to draw individuals into a national cause is what differentiates nationalism from mere patriotism. Patriotism is the love of one’s country, whereas nationalism is the “sense of national consciousness exalting one nation above all others and placing primary emphasis on promotion of its culture and interests.”<sup>3</sup>

Vitally important to the development of British nationalism in early modern period were their transatlantic colonial, trade, and navigation activities. When Europeans began to explore and colonize the New World after the Spanish and the Portuguese, an exacerbation and reshaping of existing European allied and adversarial

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<sup>3</sup> *Merriam-Webster Online Dictionary*, s.v. “nationalism,” 2009.

relationships occurred because of competition for land, natural resources, and wealth. The study and teaching of Early American history is usually from the perspective of European influence and the subsequent shaping of those lands and its native inhabitants by those influences. However, very little is analyzed in the reverse—the shaping of Europe in light and respect of these new, contested lands. With the settlement of newly discovered territories, European rivalries and competitions—whether political, economic, ideological in nature—became more acute, and the stakes increased in the contest for political dominance in Europe and abroad.

It is at this juncture of European competition and the establishment of Atlantic and Caribbean colonies, which transatlantic history and British nationalism coincide. Peacetime Anglo-Spanish rivalry was a continual war fought exclusively in and around their respective colonies. As the British were in constant defense of their right to inhabit unsettled lands, the existing rivalry with Spain increased, especially after the British colonies became viable and important, economically and politically. Because of the constant Spanish anger over the intrusion of Britain, and other Europeans, into territories that had claimed as their own, and the resulting Spanish aggression against that intrusion precipitated a heightened sense of nationalism. Every seizure of a British ship was seen by the British citizenry as an attack on British sovereignty, and the resulting rhetoric protesting those attacks is nothing but nationalistic in tenor.

As with the course of any study, the pursuit of answering historical questions leads to the creation of other historical questions that cannot be answered within the scope of the primary research. In chapter one, there is an initial discussion on how an

absence of international law complicated and aggravated competition over newly discovered and settled lands. This absence of a legal framework by which nations could or could not resolve differences over colonial issues hovers like a specter over the entire period this study covers. Questions of how colonization and the conflicts between European nations led to the development of international law deserve research beyond which this study can cover.

Secondly, another intriguing historical question is how the perception of the lack of British assertion of their rights against Spanish depredations created or contributed political difference between Britain and their colonies. In the first quarter of the eighteenth century, some of the most critical tracts of British inaction introduce the idea that it was quite possible that Britain may lose their colonies if the government refused to look out for their best interests. Many of the ships captured after 1660 came from the British North American colonies and the absence of those ship claims in the various delegations seeking restitution/reparation from the Spanish is conspicuous. Additionally, many of the author's of the tracts discussing the issue claimed authorship of people resident in the colonies. It is certainly disingenuous to assert that Spanish seizures of British ships and the failure of the British government to protect the colonial interests were causes of the American Revolution. Yet, there is some merit in seeking the connection between the pursuit of British national honor to the detriment of colonial security and protection.

While the aftermath of the War of Austrian Succession began a new era of European diplomacy and rivalries, for the British it was an end of an era, the era of

national identity formation that made it possible for them to contend with late eighteenth century conflicts with a new confidence. Additionally, it was lamented by anti-war writers that the War of Jenkins' Ear resulted more from pressure of the British citizenry than from an actual threat from Spain. The empowerment of the people through constitutional change was still distant in 1739, yet in many ways it was one of the stepping-stones toward those liberties. Without the democratization of information and opinion disseminated through pamphlets and newspapers, it is difficult to envision the development of British national identity, much less the power of the public to press for government action. Nationalism is not a sentiment reserved for those in power, it can be evoked by even the socially marginalized citizen, and given the proper incentive (such as real or perceived outside threats) it can unite a country to pressure the political and social elite to respond to their cause.

APPENDIX A  
SEVENTEETH CENTURY SEIZED SHIPS



**Abbreviations of Sources:**

- APC            *Acts of the Privy Council of England, Volume 1*  
 BSD            *The British Sailor's Discovery*  
 CSPCS        *Calendar of State Papers, Colonial Series* (number following indicates volume number)  
 CSPD        *Calendar of State Papers, Domestic* (number following indicates volume number)  
 GR            Robert Morden, *Geography Rectified, or A Description of the World*  
 SDN          *Sad and dreadful News From New-England. . .*  
 THDT        Trinity House of Deptford Transactions (number following indicates volume number)

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<b>Ship Name/ Captain or Master</b>	<b>Departed From/ Bound To</b>	<b>Date of Seizure/ Place Seized/ Where Taken</b>	<b>Premise of Seizure</b>	<b>Value of Loss Ship/Cargo</b>	<b>Sources</b>
<i>Friendship</i> unknown		1605		£1500	BSD
<i>Mary</i> Ambrose Birch		1605/ Hispaniola		£5400	BSD
<i>Neptune</i> unknown		1606/ Tortuga		£4300	BSD
<i>Gallant Anne</i> William Curry		1608/ Hispaniola		£8000	BSD
<i>Richard</i> Henry Challins	Plymouth/ Virginia	1608/ at sea		£2500	BSD
<i>Blessing</i> George Larriman	Ireland Malaga	1612			THDT 1

<b>Ship Name/ Captain or Master</b>	<b>Departed From/ Bound To</b>	<b>Date of Seizure/ Place Seized/ Where Taken</b>	<b>Premise of Seizure</b>	<b>Value of Loss Ship/Cargo</b>	<b>Sources</b>
<i>Charity</i> William Jackis		c1613			THDT 1
<i>Margaret &amp; John</i> (unknown)	London Virginia	19 March 1621			CSPD 120
<i>Blessing</i> ? Rous		1637		£2000	CSPCS 1
<i>Elizabeth</i> Benjamin Woolmer	London Virginia	11 October 1637 At sea Cadiz	Spain not recognizing right to Virginia colony	£12,000	CSPCS 1, APC
<i>Mayflower</i> Peter Butler	Virginia New England	July 1652 San Domingo San Domingo		£930	CSPCS 1 & 9
<i>Virgin</i> ? Swadle		1 February 1663			CSPCS 9
<i>Leghorn Merchant</i>	London Jamaica	October 1664			CSPCS 5
<i>Concord</i> Henry Wasey					CSPCS 5
<i>Merchant's Adventure</i> Francis Steward	Jamaica London	10 June 1668			CSPCS 5
<i>Sweepstakes</i> Sir John Narborough	London Strait of Magellan	1670-1671			GR
<i>George &amp; Samuel</i> Thomas Potts		1670?		£1000	

<b>Ship Name/ Captain or Master</b>	<b>Departed From/ Bound To</b>	<b>Date of Seizure/ Place Seized/ Where Taken</b>	<b>Premise of Seizure</b>	<b>Value of Loss Ship/Cargo</b>	<b>Sources</b>
<i>Susan</i> Joseph Wild		1670?		£600	CSPCS 7
<i>Thomas &amp; Richard</i> ? Yeames	Guinea & Jamaica London	September 1670			CSPD
<i>Peter pink</i> Thomas Wayte	London Jamaica/New York	31 August 1671		£4000	CSPCS 7, APC
<i>Thomas &amp; Mary</i> William How	Jamaica London	September 1672		£6000	CSPCS 7 & 9, APC
<i>Rebecca</i> John Channon	Jamaica Barbados	23 October 1672		£1828.18	CSPCS 7
<i>Humility</i> Matthew Fox	Jamaica Virginia	1673		£5000	CSPCS 7 & 9, APC
<i>Virgin pink</i> Edmond Cooke	Jamaica London	10 May 1673		£12000.8.11	CSPCS 7 & 9
<i>Diligence</i> Nicholas Stone	Honduras London	1675			
<i>Pelican</i> Mathew Shears	New York Jamaica	1675-1676			CSPCS 9
<i>Swiftsure</i> James Risbee		1675-1676			CSPCS 10
<i>William &amp; John</i> Benjamin Smith	unknown Jamaica	1675-1676			CSPCS 10
<i>Charles</i>	Amsterdam West Indies	August 1678			
<i>John</i> ? Bockingham		January 1680			CSPCS 11

<b>Ship Name/ Captain or Master</b>	<b>Departed From/ Bound To</b>	<b>Date of Seizure/ Place Seized/ Where Taken</b>	<b>Premise of Seizure</b>	<b>Value of Loss Ship/Cargo</b>	<b>Sources</b>
<i>Loyal Farmers</i> pink		January 1680			CSPCS 11
<i>Susan</i> ketch Ralph Morris	London Trist Island	January 1680			CSPCS 11
<i>Expectation</i> John Whitehead		May 1680			CSPCS 11
<i>Laurel</i> Robert Oxe	Bay of Campeche	6 May 1680		£5000	CSPCS 11
<i>Recovery</i> James Browne	Bay of Campeche	6 May 1680			
<i>Anne</i> Thomas Shellam		July 1680			CSPCS 11
<i>Bear</i> William Diggins		August 1680			CSPCS 11
<i>Fortune</i> John Smith		August 1680			CSPCS 11
<i>Agreement</i> Joseph Harris	Ireland & Nevis New England	15 August 1680		£100	CSPCS 10
<i>Providence</i> Joseph Crockeyes		1682?			CSPCS 11
<i>Blessing</i> David East	Jamaica Boston	March 1683		£40	SDN
<i>Hereford</i> Boucher Clauson	unknown Jamaica	August 1683		£4000	CSPCS 11
<i>Africa</i> George Stanley	Nevis St. Thomas	August 1683			CSPCS 11

<b>Ship Name/ Captain or Master</b>	<b>Departed From/ Bound To</b>	<b>Date of Seizure/ Place Seized/ Where Taken</b>	<b>Premise of Seizure</b>	<b>Value of Loss Ship/Cargo</b>	<b>Sources</b>
<i>Hopewell</i> unknown	Nevis St. Thomas	August 1683			CSPCS 11
<i>St. Thomas</i> Samuel Kempthorn		19 September 1684			CSPCS 11
<i>Blessing</i> John Dorell		3 October 1684			CSPCS 11
<i>Success</i> Edwin Carter	unknown Jamaica	4 November 1684			CSPCS 11
<i>Loving Land</i> Joseph Parrott	Barbados Tortuga	September 1686			CSPCS 12
<i>Dolphin</i> William Fullwood		1693?			CSPCS 18
<i>Friendship</i> Henry Hodge	Nevis Crab Island	10 September 1698		£1000	CSPCS 17
<i>Friendship</i> Robert Jones	Nevis Crab Island	10 September 1698			CSPCS 17
<i>Merchant's Goodwill</i>	Guinea Cartagena	25 December 1698			
<i>Pearl</i> John Smith	Biddeford Newfoundland	April 1699		£3000	CSPCS 18

APPENDIX B

EIGHTEENTH CENTURY SEIZED SHIPS

**Abbreviations of Sources:**

CSPCS	Calendar of State Papers, Colonial Series (number following indicates volume number)	JBP	Journals of the Board of Trade and Plantations (letter of Book)
DG	<i>Daily Gazetteer</i> (number following indicates issue number)	KSG	Benjamin Keene, John Stert, and Arthur Goddard, "Copy of the Demands made by the English Commifarys. . . "
DRC	<i>A View of the Depredations and Ravages Committed by the Spaniards on the British Trade and Navigation</i>	SIJ	<i>The State of the Island of Jamaica</i>
HOC	<i>The History and Proceedings of the House of Commons</i> (number following indicates volume number)	SL	<i>A Schedule of such Lofses as have been sustain'd by British Subjects in their Shipping and Effects. . .</i>
HOL	<i>House of Lords Record Office</i> , Letter of Thomas Pelham-Holles, Duke of Newcastle to Benjamin Keene, 4 Nov 1737	US	<i>Universal Spectator and Weekly Journal</i> (number following indicates issue number)
		ADM	Admiralty Records, extracted by J. K. Laughton

**Key/Legend:**

†	Captain and/or Master of Ship killed during seizure, or died shortly thereafter as a result of seizure-related injuries
c	About/approximately (year/date)

<b>Ship Name/ Captain or Master</b>	<b>Departed From/ Bound To</b>	<b>Date of Seizure/ Place Seized/ Where Taken</b>	<b>Premise of Seizure</b>	<b>Value of Loss Ship/Cargo</b>	<b>Sources</b>
<i>Prudent Mary</i> Thomas Smith		8 Mar 1700 Cuba	Victim of piracy		CSPCS 11
<i>Providence</i>	unknown/ Cartagena	1709			CSPCS 32
<i>Baltimore</i>	Bristol/ Jamaica	1713 Bay of Honduras/ San Domingo	Gathering contraband goods (logwood)		
<i>Marlborough</i> Daniel Frizell	Boson/ Tortuga	1713 Tortuga/ San Domingo	Gathering contraband goods (salt)		CSPCS 27, JBP Q
<i>Charles</i> Anthony Smith	Nicaragua/ Jamaica	9 Jan 1713 Trinidad	Contraband cargo	£4214	DRC, SIJ
<i>Samuels</i> Samuel Sherlock	Pennsylvania/ West Indies	May 1713 Crooked Island/ Havana	Contraband cargo (salt)		CSPCS 27
<i>Merchant of Curacao</i> William Lock		6 Sep 1713		11580 reales	KSG/ <i>Mercator</i>
<i>Macclesfield</i> Samuel Barlow	Barbados/ Nevis	28 Sep 1713 Porto Rico/ Porto Rico	Thought to be still at war	14738 reales	CSPCS 28 <i>Mercator</i>
<i>Swan</i> Thomas Jones	Bermuda/ St. Thomas	18 Oct 1713 Bonaire/ Porto Rico	Contraband cargo (cocoa)		CSPCS 27
<i>Kensington</i>	Jamaica/ unkown	30 Nov 1713 at sea	Illegal trading		CSPCS 27



<b>Ship Name/ Captain or Master</b>	<b>Departed From/ Bound To</b>	<b>Date of Seizure/ Place Seized/ Where Taken</b>	<b>Premise of Seizure</b>	<b>Value of Loss Ship/Cargo</b>	<b>Sources</b>
<i>John Thomas</i> Charles Bags	Jamaica/ Nicaragua	1714 Campeche	Gathering contraband goods (logwood)		
<i>Pearle</i> John Drudge	Jamaica/ Guadeloupe	1714 San Domingo			
<i>Ruby</i> Nathaniel Vial	Jamaica/ Curacao	1714 Cartagena			
<i>John &amp; Sarah</i> Francis Targier	Jamaica/ Curacao	1714 San Domingo			
<i>Henry</i> Steven Smith	Jamaica/ Nicaragua	1714 Tolu			
<i>Sarah</i> Andrew Crean	Jamaica/ Guadeloupe	1714 Trinidad			
<i>Content</i> Joseph Morgan	Jamaica/ (coastal trade)	1714 Trinidad			
<i>Westmoreland</i> B. Schoolmaster	Jamaica/ (coastal trade)	1714 Trinidad			
<i>Tyger</i> John Bennett		2 Feb 1714 Road of Madero		£1237.6	CSPCS 27
<i>Thomas &amp; Elizabeth</i> Brian Wells†	Nicaragua/ Jamaica	Sep 1714/ Trinidad	Illegal navigation		DRC, SIJ
<i>Port Royal</i> John Stephens†	Jamaica/ unknown	c 1715 “Windward of Rio de la Hacha”	Illegal trading		DRC, SIJ

<b>Ship Name/ Captain or Master</b>	<b>Departed From/ Bound To</b>	<b>Date of Seizure/ Place Seized/ Where Taken</b>	<b>Premise of Seizure</b>	<b>Value of Loss Ship/Cargo</b>	<b>Sources</b>
<i>Hunter</i> Richard Jones		29 Jan 1715 Venezuela			KSG
<i>Leeds</i> John Thomas	London/ Bahamas	22 May 1715 Exuma/ St. Jago de Cuba			KSG
<i>Pearle</i> James F. Targier	Jamaica/ Curacao	Jun 1715 Hispaniola	Illegal cargo (logwood, snuff)	£2000	SIJ
<i>John &amp; Mary</i> John Stevensen	Jamaica/ Philadelphia	23 Jul 1715 Hispaniola/ Trinidad	Illegal cargo (hides)		SIJ
<i>Rachel</i> William Cooke	Jamaica/ (coastal trade)	1716 Trinidad			
<i>Return</i> John Andrews	Barbados/ Cape Francois	1716 St. Jago de Cuba			
<i>Swan</i> John Lynch	Jamaica/ Providence Is.	1716 Havana			
<i>Turtle Dove</i> John Stoneman	Jamaica/ Carolina	1716			
<i>Virgin Queen</i>	Pennsylvania/ Jamaica	1716 St. Jago de Cuba			
<i>Samuel</i> Andrew Crean†	Jamaica/ Curacao	16 Apr 1716 St. Jago de Cuba	Illegal navigation	£4500	SIJ
<i>Newport</i> William Musto	Carolina/ Jamaica	22 May 1716 St. Jago de Cuba	Illegal cargo (logwood)		SIJ

<b>Ship Name/ Captain or Master</b>	<b>Departed From/ Bound To</b>	<b>Date of Seizure/ Place Seized/ Where Taken</b>	<b>Premise of Seizure</b>	<b>Value of Loss Ship/Cargo</b>	<b>Sources</b>
<i>Virgin</i> Harry Beverley	Virginia/ Providence Is.	5 Jul 1716 Virginia San Domingo		£3125	KSG, CSPCS 30, JBP P
<i>Elizabeth</i> William Murphy	New York/ West Indies	17 Aug 1716 St. Jago de Cuba	Illegal navigation	£1200	CSPCS 37, SL
<i>William</i> Thomas Fag	Jamaica/ Curacao	Aug 1716 Hispaniola	Illegal trading		SIJ
<i>Penelope</i> Henry Comb	Philadelphia/ Jamaica	7 Jul 1716 Jamaica/ St. Jago de Cuba (ship burned)	Victim of piracy		SIJ
<i>Bathshua</i> John Wells	Jamaica/ (coastal trade	1717 Trinidad			
<i>Dolphin</i> ? Palmer	Pennsylvania/ Jamaica	1717			
<i>Palmer</i> Thomas Milechamp	London/ Jamaica	1717 St. Jago de Cuba			
<i>St. Ann</i> Thomas Quinn	London/ Jamaica	1717 Trinidad			
<i>Sarah</i> ? Austin	London/ Carolina	1717			
<i>Griffin</i> William Taylor	London/ Jamaica	1717 Havana			
<i>Stowell</i>	Bristol/ Jamaica	1717			

<b>Ship Name/ Captain or Master</b>	<b>Departed From/ Bound To</b>	<b>Date of Seizure/ Place Seized/ Where Taken</b>	<b>Premise of Seizure</b>	<b>Value of Loss Ship/Cargo</b>	<b>Sources</b>
<i>Agnis</i> Andrew Tubutt	Barbados/ Virginia	7 Apr 1717 at sea			JBP P
<i>Anne</i> Alex. Montgomery	Glasgow/ Virginia	7 Apr 1717 at sea			JBP P
<i>Endeavor</i> John Scott	Brighthelmstone /Virginia	7 Apr 1717 at sea			JBP P
<i>Tryal</i> John Lucas	Brighthelmstone Virginia	9 Apr 1717 at sea			JBP P
<i>Betty</i> Henry Bridgen	Jamaica/ London	10 Jun 1717 at sea/Havana		10478.13.9 reales	KSG
<i>Swallow</i> Robert Hayes		15 Jul 1717 Tortuga	Gathering contraband goods (salt)	£2576.10	CSPCS 37, KSG
<i>Kezia</i> Thomas Henmout	Boston/ Streights	Jan 1718 Cartagena	Forced into service of Spain	£274.11	CSPCS 37, KSG
<i>Britannia</i>	New England/ Streights	Feb 1718	Forced into service of Spain	£1231.1	
<i>Aurangzel</i> James Sandwell		8 Feb 1718 Cartagena		£500	KSG
<i>Dolphin</i> Thomas Bowlin	Harbor Island/ Cuba	c Jun 1718			CSPCS 30
<i>Mary &amp; Elizabeth</i> Anthony Attwood	Antigua/ Tortuga	3 Jul 1718 Tortuga/Cumana	Illegal cargo (salt)		CSPCS 30, SL
<i>Neptune</i> Joseph Bosworth	Antigua/ Tortuga	3 Jul 1718 Tortuga/Cumana	Illegal cargo (salt)		CSPCS 30

<b>Ship Name/ Captain or Master</b>	<b>Departed From/ Bound To</b>	<b>Date of Seizure/ Place Seized/ Where Taken</b>	<b>Premise of Seizure</b>	<b>Value of Loss Ship/Cargo</b>	<b>Sources</b>
<i>Elizabeth &amp; Mary</i> Richard Taylor	unknown/ Exuma	5 Jul 1718			CSPCS 30
<i>Edward &amp; William</i>	unknown/ Florida	19 Aug 1718			CSPCS 30
<i>Neptune</i>	Newfoundland/ Corunna	25 Sep 1718		£2762.10	CSPCS 30
<i>Swallow</i>	Newfoundland/ Bilboa	30 Sep 1718		£1506.19.6	
<i>Elias</i> Thomas Romerill		1 Oct 1718 St. Vincent		£1042	CSPCS 30
<i>Dauphin</i> Lewis Gentet Henry Welts	Jamaica/ New York	10 Oct 1718 Ribadios		£768.9 (£1627.10)	CSPCS 37, KSG
<i>Hope</i> Thomas Lake	Newfoundland/ Cadiz	13 Oct 1718		£2320	CSPCS 37
<i>Samuel</i> Thomas Necks		26 Oct 1718 San Antonio		2325.2 reales	CSPCS 37
<i>Kent</i> Thomas Lawton		c Nov 1718			
<i>Queen Anne</i> Thomas Gibbs		c Nov 1718 Curacao		36362 reales	CSPCS 37
<i>Honest Bess</i> unknown	New England	Nov 1718		£1582.1.3	CSPCS 37
<i>Greyhound</i> John Marshall		Havana		3300 reales	CSPCS 34, KSG

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<i>Prophet Samuel</i> unknown	Newfoundland/ Leghorn	23 Nov 1718		£3487.11.9	CSPCS 37
<i>Princess</i> unknown	New England/ Bilboa	Dec 1718		£556	CSPCS 36
<i>Mulberry Tree</i> George Basset		1718-1723 at sea/ St. Augustine		£200	SL
<i>Ann/e</i> Samuel Kemp	Barbados/ Carolina	1718-1723 at sea/ St. Augustine		£400	SL
<i>Industry</i> Joseph Palmer	unknown/ Carolina	1718-1723 at sea/ St Augustine		£300	SL
<i>Union</i> John Younger		1718-1723 Virginia		£500	SL
<i>Phoenix</i> ? Buchanan		1718-1723 at sea/ St. Augustine		£700	SL
<i>Samuel</i>	Guinea	1718-1723 Virginia/ St. Augustine		£2400	SL
<i>Recovery</i> Daniel Russell		1718-1723 unknown/ St. Augustine		£1000	SL

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<i>Mary Ann</i> Edward Hardy	Carolina/ London	1718-1723 unknown/ St. Augustine		£1900	SL
<i>Lark/e</i> James Morgan	Jamaica/ (coastal trade)	1719 Trinidad			
<i>George</i> John Evans		6 Apr 1719 Cape St. Mary		£1210	KSG
<i>Martha</i> Howell Knethell	Cork/ Jamaica	5/25 Jul 1719 Jamaica		£600	CSPCS 37, KSG
<i>Mary</i> unknown	Philadelphia/ Virginia	c Sept 1719			CSPCS 32
<i>Recovery</i> unknown	Africa Virginia	c Sep 1719			CSPCS 32
<i>Prince of Orange</i> Edward Sparks	Philadelphia/ St. Augustine	c Sep 1719 St. Augustine		£3226.11.4	CSPCS 32, SL
<i>Faro Merchant</i> Edmund Brookes	New England/ Bilboa	Dec 1719 Castro		£1800	CSPCS 37
<i>Grape</i> Joseph Nock		Dec 1719 at sea		£305.15	
<i>Siralone</i> Rice Harris	Africa/ Virginia	c 1720			
<i>Benjamin</i> William Rivers	Jamaica/ (coastal trade)	1720 Trinidad			

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<i>Content</i> William Cooke	Jamaica/ ? Lugan	1720			
<i>Hamilton</i> Joseph Smith	Bristol/ Jamaica	1720 Havana			
<i>Joseph</i> ? Emes	London/ Jamaica	1720 Havana			
<i>Cato</i> Gerard King		7 Mar 1720/ at sea		£3000	
<i>Westbury galley</i> Jabez Biglow	Guinea/ Barbados	21 Mar 1720/ Hispaniola/ Baracoa	Illegal navigation	£4000	CSPCS 37, SIJ, SL
<i>John</i> John Wat		30 Mar 1720/ at sea		£602.5.7	KSG
<i>Two Friends</i> Walter Stewart	St. Christopher's /Philadelphia	Jun 1720/ at sea		£1101.16.6	CSPCS 36, SL
<i>St. Christopher</i> Joseph Wesham		5 Jun 1720/ "Coast of America"		£3072.12.7	KSG
<i>Phoenix</i> Thomas Buchanan		10 Jun 1720 Virginia		£3171.17.3	KSG
<i>Defiance</i> ? Oxbrough	Jamaica/ coastal defense	1721/ Trinidad			
<i>Paradox</i> William Quarrel	Jamaica/ Portugal	1721/ (ship burned)			



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<i>William</i> Oth. Davis	Jamaica/ Portugal	1721/ Trinidad			
<i>Kingsale</i> ? England	Bristol/ Jamaica	1722/ Baracoa			
<i>Crane</i> John Morguson		7 Mar 1722/ Anguilla		£12000	KSG
<i>Betty</i> Henry James	Barbados/ Jamaica	31 May 1722/ San Domingo		£2500	SL
<i>Hester</i> John Marshall		6 Jun 1722/ NNW of Cuba		£5323	CSPCS 34 & 37, SL, KSG
<i>Oak</i> William Williams		27 Jul 1722/ Virginia		£255.14	
<i>Unity</i> Francis Plaisted	Guinea/ Jamaica	28 Jul 1722/ Jamaica/ Baracoa		£10000	CSPCS 37, DRC, SL
<i>Success</i> Thaddeus Mccarty	Boston/ Jamaica	c 1723			CSPCS 33
<i>Blackwood galley</i> John Hamilton	Cork & Madeira/ Jamaica	1723/ Curacao	Illegal navigation	c 100000 reales	DRC
<i>Griffin</i> Michael Taylor	Jamaica/ London	4 Jan 1722/3 Cape Mary/ Porto Prince	Illegal trade		KSG, SIJ
<i>Galley</i> unknown		c 1724/ Curacao			DRC

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<i>Susan(na)</i> John Owen	Curacao/ Philadelphia	21 Jul 1723		£400 & 3000 reales	CSPCS 37
<i>Wanton</i> William Wanton	Jamaica/ Rhode Island?	Apr 1724/ West Indies		£1800	CSPCS 36, KSG, SL
<i>John &amp; Mary</i> John Jones	Africa/ Virginia	5 Jun 1724			CSPCS 34, JBP Q
<i>Prudent Hannah</i> Thomas Monsell	Boston/ Virginia	5 Jun 1724/ Virginia		£500	CSPCS 37, KSG, JBP
<i>Godolphin</i> Theodore Bere	unknown/ Virginia	6 Jun 1724			CSPCS 34, JBP Q
<i>Lovely Polly</i> unknown	London/ Jamaica	1725 (ship released)			
<i>Princess of Portugal</i> ? Godfrey	Madeira/ Jamaica	1725/ Hispaniola/ St. Jago de Cuba			
<i>Mermaid</i> ? Underwood	Honduras/ Boston	1725/ Florida			
<i>Jane &amp; Mary</i> ? Mortland	Hondruas/ Boston	1725/ Florida/(sunk)			
<i>Anna Maria</i> James Phelps	Jamaica/ Bristol	7 Mar 1724/5/ Long Island/ St. Jago de Cuba		£15000	SIJ, SL
<i>Sarah &amp; Mary</i> James Wilkins/ Anthony Morris	Curacao/ Philadelphia	17 Mar 1724/5/ Hispaniola		4582 reales	CSPCS 37, KSG

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<i>Snapper</i> Thomas Petty	Bahamas/ Jamaica	24 Mar 1725/ (escaped)		£875	CSPCS 34, SL
— <i>Samuel</i> William Sutherland	London/ Guinea & Jamaica	1727/ Vera Cruz		£150	SL
<i>Harriot</i> John Rhodes	Jamaica/ Bristol	1727/ Bermuda		£2961.14.6	SL
<i>Alida</i> Thomas Cochran	New York/ St. Christopher's	12 Feb 1727/ Santa Cruz/ San Domingo			CSPCS 35, SL
<i>Charles</i> Samuel Scranton	Nevis/ St. Christopher's	12 Feb 1727/ Santa Cruz/ San Domingo			CSPCS 35, SL
<i>Eagle</i> George Fraser		12 Feb 1727/ Santa Cruz/ San Domingo			CSPCS 35, SL
<i>Endeavour</i> William Griffith	Antigua/ St. Christopher's	12 Feb 1727/ Santa Cruz/ San Domingo			CSPCS 35, SL
<i>Loyal Hart</i> Samuel Mitchell	St. Christopher's /unknown	12 Feb 1727/ Santa Cruz/ San Domingo			CSPCS 35, SL
<i>Marygold</i> Richard Bardin	Barbados/ St. Christopher's	12 Feb 1727/ Santa Cruz/ San Domingo			CSPCS 35, SL

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<i>Mary &amp; Rebecca</i> Michael Rann	St. Christopher's /unknown	12 Feb 1727/ Santa Cruz/ San Domingo			CSPCS 35, SL
<i>Adventure</i> Charles Devon	Tortuga/ New England	Mar 1727		£1500	CSPCS36
<i>Catherine</i> ? Fuler	Tortuga/ unknown	Mar 1727			
<i>Charles Town</i> Ebenezer Breed	Tortuga/ unknown	Mar 1727			
<i>Benjamin</i> unknown	New Providence /unknown	18 Mar 1727/ (released)			
<i>Praxton</i> Samuel Cornoch	London/ Virginia	6 Apr 1727			SL
<i>Parthenope</i> Robert Beale	Newfoundland /London	7 Apr 1727		£2000	CSPCS 37
<i>Richmond</i> Charles Halifax	London/ Jamaica	May 1727/ Jamaica		£200	CSPCS 36 & 37, KSG, HOL
<i>Chitty</i> Robert Rogers		24 May 1727/ Cartagena		£200	KSG
<i>Lusitania</i> William Brown		15 Jun 1727/ at sea		£929.2.1	KSG
<i>Killminston</i> Thomas Price	Carolina/ London	28 Jul 1727 Carolina/ Havana		£3454+	CSPCS 36 &37, KSG, SL

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<i>Beginning</i> John Hall	Honduras/ South Carolina	Aug 1727/ (released)			CSPCS 35
<i>William</i> Peter Jump	Boston/ Honduras	7 Aug 1727/ Havana			CSPCS 37, KSG, SL
<i>Two Brothers</i> Jacobus Kiersted	Pennsylvania/ South Carolina	21 Aug 1727 Havana			CSPCS 35 & 38
<i>Tryal</i> William Hunter		23 Aug 1727		£655.11.6	CSPCS 37, KSG
<i>Betty</i> Solomon Middleton	Philadelphia/ South Carolina	25 Aug 1727/ South Carolina/ Havana		£880	CSPCS 37, SL
<i>Mary</i> Edward Andrew	Lisbon/ Newfoundland	Sep 1727		£957.15.8	CSPCS 37
<i>Penelope</i> Nathaniel Letherland	Virginia/ Liverpool	8 Sep 1727/ Virginia/ Havana		£2488.4.2	CSPCS 37, KSG, SL
<i>William &amp; Cord</i> Issac Clark	Boston/ Antigua	22 Sep 1727/ Cape Cod		£1793.9.8	CSPCS 37, KSG, SL
<i>Jolly</i> Robert Theobalds	Barbados/ New York	13 Nov 1727/ at sea/ St. Margarita (?)		£998	CSPCS 37, KSG, SL
<i>Francis &amp; Rebecca</i> unknown	Virginia/ London	1727-1728 (recaptured)	eminent war		CSPCS 36
<i>Faro Merchant</i> William Brooker	unknown/ Bilboa	c 1728		£1400	CSPCS 36

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<i>Dolphin (Dauphin)</i> Jasper Morris	Barbados London	10 Jun 1728/ Barbados		£6604.5.9	CSPCS 36 & 37, KSG
<i>Ann/e galley</i> Joseph Spackman	Guinea/ Jamaica	13 Jun 1728/ St. Jago de Cuba		£10590.56	HOC 10, KSG
<i>Beaver</i> Matthew Smith		20 Aug 1728/ Curacao		£2089.1.9	KSG
<i>Pearl</i> ? Bloodworth	Jamaica/ New York	Dec 1728/ Havana			
<i>Prince of Asturias</i> ? Williams		1729			
<i>Achilles</i> unknown	Bristol/ Jamaica	c Jan 1729			
<i>Pheasant</i> William Wilson	Barbados/ South Carolina	13 Jan 1728/9/ South Carolina/ Montserrat	victim of piracy	£3660	KSG, US 29, HOL
<i>Catherine</i> Servant Ballard		4 Feb 1729/ Haiti		£524.19.6	CSPCS 37, KSG
<i>Friendship</i> Timothy McDaniel	New England/ Barbados	24 Feb 1728/9/ Jamaica			CSPCS 38, KSG
<i>Ferret</i> Richard Barrey	Jamaica/ unknown	4 May 1729		£5745 & 47407 reales	KSG
<i>Robert</i> Storey King	Guinea/ Jamaica	20 May 1729/ Hispaniola/ San Domingo	Illegal navigation	£10664+	HOC 10, KSG, HOL

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<i>Midford (Medford)</i> Robert Ball	Jamaica/ Boston	4 Aug 1729/ at sea		£800	CSPCS 37, KSG
<i>Joseph &amp; Anna</i> unknown	Jamaica/ Bristol	10 Oct 1729			
<i>Scipio</i> unknown	Jamaica/ Bristol	1730/ Windward Passage			US
<i>Sea Nymph</i> Samuel Wickham	Jamaica/ Rhode Island	1730	victim of piracy		
<i>Success</i> William Knot		3 May 1730/ Cape Mare		£637.10	KSG
<i>Birch</i> Joseph Turner	Jamaica/ Bristol	19 May 1730/ at sea		£145.17.6	CSPCS 37, KSG
<i>Frances &amp; Katherine</i> Ellis Bennet	Jamaica/ Bristol	7/8 Jun 1730/ Havana (released)		£50	CSPCS 37, KSG
<i>Carolina</i> Thomas Nusum	unknown/ Jamaica	6 Oct 1730			CSPCS 38
<i>Mary snow</i> William Benson	Liverpool/ Cork & Jamaica	8 Oct 1730/ at sea/ Porto Rico		£3748.18.6	CSPCS 38, HOC 10
<i>Jolly</i> unknown	Barbados/ New York	13 Nov 1730			
<i>Biddy</i> John Roberts	Guinea/ Jamaica	1731/ Porto Rico (released)	Victim of piracy		<i>Craftsman</i> 299

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<i>John &amp; Jane</i> ? Burt	London & Jamaica/ Honduras	1731	Illegal navigation		<i>Craftsman</i> 273
<i>Salisbury</i> unknown	Jamaica/ Carolina	1731/ Campeche	Victim of piracy		<i>Craftsman</i> 293
<i>St. Michael</i> unknown	Liverpool/ Jamaica	1731/ Campeche	Victim of piracy		<i>Craftsman</i> 293
<i>Camberwell</i> John London		4 Feb 1731/ at sea/ Havana (sunk)		6000 reales	KSG
<i>Humber</i> ? Rogers		Apr 1731			
<i>Recovery</i> ? Wheatly		Apr 1731			ADM
<i>Rebecca</i> Robert Jenkins	Jamaica/ London	9 Apr 1731/ Havana		£112	KSG, US 141
<i>Bacchus</i> ? Stephens	Jamaica/ London	27 Apr 1731/ Havana			
<i>Runlet</i> ? Brin		27 Apr 1731/ Havana			
<i>Woolball</i> Matthew Kent	Jamaica/ unknown	2 Jun 1731			<i>Craftsman</i> 279
<i>Prince William</i> William Ivy	Virginia/ Jamaica	9 Sep 1731/ Virginia/ Baracoa	Victim of piracy	£595+	<i>Craftsman</i> 322, HOL



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<i>Dolphin</i> Benjamin Carkett	Barbados/ Cape Fear	21 Jul 1731/ Baracoa			ADM
<i>Alice &amp; Elizabeth</i> ? Payne	Jamaica/ Bristol	1732	Illegal navigation	£300-400	<i>Craftsman</i> 294
<i>Westbury</i> ? Thomas	unknown/ Honduras	1732			
<i>Two Brothers</i> William White	New York/ Jamaica	Jul 1732/ Porto Rico			
<i>Mary</i> John Harris	Jamaica/ unknown	30 Jan 1732/3		£273.3.9	CSPCS 40
<i>Two Sisters</i> unknown		14 Mar 1732/3			
<i>Hopewell</i> unknown		14 Mar 1732/3			
<i>Prosperous</i> ? Ball	Bermuda/ Liverpool	1733/ at sea (released)			
<i>Industry</i> Richard Crawden	Tobago/ unknown	1 May 1733			CSPCS 40
<i>Endeavour</i> John Poseland	Tobago/ unknown	14 May 1733			
<i>Friend's Adventure</i> Alphonso Maison	Jamaica/ Anguila	4 Mar 1734/ at sea			CSPCS 41, HOL

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<i>Thomas</i> William Keeling	Curacoa/ Virginia	3 Apr 1734/ at sea		£350	HOL
<i>Bermuda</i> unknown		Feb 1734/5			
<i>Endeavour</i> Joseph Smith		26 Feb 1735/ St. Christopher's		£1000	CSPCS 41, HOL
<i>Mercury</i> Samuel Lawford	Jamaica/ Curacao	17 Jun 1735/ Maracaibo	Illegal navigation		CSPCS 42
<i>Free Mason</i> Jacob Phenix	Jamaica/ Cowes & Amsterdam	29 Aug 1736/ Havana	Illegal navigation		CSPCS 43
<i>Fanny</i> Thomas Nanton	Antigua/ St. Vincent	9 Sep 1736	Victim of piracy		CSPCS 43
<i>Wheel of Fortune</i> Roger Maddox	Rhode Island	12 Sep 1736/ Havana			CSPCS 43
<i>Prince William</i> John Kineslagh	St. Christopher's London	24 Mar 1736/7			
<i>St. James</i> John Curtis	Bristol/ Cork & Jamaica	12 May 1737/ San Juan	Illegal trading		CSPCS 43
<i>George</i> Henry Weare	Jamaica/ London	21 May 1737/ Havana	Illegal cargo (currency)		CSPCS 44
<i>Hopewell</i> John Harris	Crab Island/ unknown	18 Jun 1737	Victim of piracy		CSPCS 43
<i>Neptune</i> unknown		12 Jul 1737 (released)			

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<i>Loyal Charles</i> Benjamin Way	Jamaica/ London	5 Aug 1737/ Havana	Illegal cargo (logwood)		CSPCS 43
<i>Dispatch</i> Phillip de la Motte	Jamaica/ London	5 Aug 1737/ Havana			CSPCS 43
<i>Seahorse</i> William Griffith		18/19 Aug 1737 (released)			
<i>Success</i> Ignatius Semmes	Antigua/ Maryland	14 Apr 1738/ Antigua/ Puerto Rico	Victim of piracy		CSPCS 44
<i>Union</i> Henry Bennet		c Jun 1738/ Havana	Illegal trading		CSPCS 44
<i>Loyal Betty</i> George Wane		c Jun 1738/ Havana (released)	eminent war		CSPCS 44 & 45
<i>Sarah</i> Jason Vaughan	Jamaica/ Bristol	29 Jun 1738/ Cuba		£9000+	CSPCS 44, HOC 10, DG 1100
<i>Benjamin</i> ? Bedloo		c Oct 1738			

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Dr. Andrea Haga is a three-time graduate of the University of Texas at Arlington, receiving her Bachelor of Arts in History in December 2000, her Master of Arts in History in August of 2002, and her Doctor of Philosophy in Transatlantic History in August of 2009. Throughout her many years of study, her core research interests have included the role of literacy, popular literature, and news media and their influence on public opinion in early modern Britain. Her secondary areas of research include indentured servitude, British intellectual “images” of the Americas, colonial emigration, and naval studies. Dr. Haga’s intention is to continue and broadening her research in selected areas of her research interests, as well as developing a bibliography of early modern European publications regarding the Americas and colonial subjects.

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