TRIBUTARY SUBJECTS: AFFECTIVE COLONIALISM, POWER, AND THE PROCESS OF SUBJUGATION IN COLONIAL VIRGINIA, C. 1600 – C. 1740

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My dissertation explores tributary relationships between Algonquin, Siouan, and Iroquoian Indians and English settlers in Virginia, placing the process of political subjection into the heart of narratives of dispossession. Both indigenous Chesapeake and European political traditions shared ideas of tribute as a structure linking unequal, but conceptually autonomous and self-governing, polities in hierarchical relationships of power. By treating colonial tributary relations as a trans-Atlantic political institution, I interpret colonial power struggles in Virginia as a local instance of global battles over sovereignty, jurisdiction, and political subordination within the heart of the unfolding project of settler colonialism. Remarkably durable and continuously shifting, the tributary system and its central ritual of exchanging payments symbolizing subordination for the promise of protection and friendship,
provides a powerful lens for understanding the collision of native and English ideas of subjugation that structured colonial interactions in the region. Framing settler colonialism as a contested but unequal political relationship in which subordinated native peoples retained considerable autonomy opens an otherwise obscure era of Virginia’s Native history, in which the English and several dozen Native peoples from the Chesapeake and the Southern Piedmont forged political ties based on a language of friendship and unequal alliance. Drawing on a variety of archival sources, I follow the efforts of small Native polities, who lived in a world of constrained options, to shape the terms of their subordination. Despite numerous disruptions, the tributary system was at the core of both dispossession and resistance in Virginia well into the eighteenth century. Moreover, tributary forms of power continue to structure the experiences of Indigenous peoples in the Chesapeake, the United States, and many of the world’s other settler-states. In Virginia, state-recognized tribes still pay tribute to the governor every fall. In the United States and beyond, indigenous people remain, both theoretically and legally, subordinated yet “sovereign,” or in John Marshall’s phrase, “domestic dependent nations.” By placing political allegiance and subjugation at the heart of settler colonialism, my work expands the scope of dispossession and offers a framework for thinking about contemporary Indigenous politics.

INDEX WORDS: Colonial Virginia, Native Americans, Settler Colonialism, Tribute, Powhatans, Saponis, Meherrins, Nottoways
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by

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DEDICATION

For Bean.
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STATEMENT ON SPELLING AND USAGE

All quotations from early modern sources, print and manuscript, retain original spelling with the following exceptions: usage of u/v and i/j has been modernized, contractions have been silently expanded and superscripts lowered. Thorns have been modernized to "th." Capitalization has been modernized throughout. Punctuation is generally as it appears in the original, though in a few instances I have modified it slightly for the sake of clarity.

Spelling of indigenous words, especially proper names for native peoples, varies dramatically in early modern texts and in modern usage. I have tried to use the most wide-accepted contemporary spelling for native peoples and adopted the plural when using the term as a proper noun, thus for instance "Weyanocks" rather than "Weyanoke" or "Weanock." Spelling of native terms in quotations have not been modified. For reasons of accuracy and clarity, I have referred to the individual often known as Powhatan by the name "Wahunsonacock." Because my work emphasizes the importance of contemporary terminology, I refer to native leaders as "Kings" or "Queens" more often than as "weroances" or "woansquas," though I have tried to mix the terms in a way which recognizes not only the differences between them, but the multiple political traditions that overlapped in Virginia. Partially to help differentiate them from other Iroquoian speaking peoples who feature prominently in this work, and partially out of solidarity with emerging scholarly conventions, the peoples often known as the Iroquois are referred to here as the Haudenosaunee and, on occasion, as the "Senecas," a common, if synecdochal, term for the Haudenosaunee in early modern Virginia.
1 INTRODUCTION: HOLDING THE DREAMSCAPE OF THE SETTLER COLONY AT BAY

As many historians have described, the Seven Years War prompted significant imperial introspection regarding the relationship between Britain, her colonies, and the indigenous peoples of North America. For a glimmering moment, as Daniel Richter puts it, “a handful of British officials on both sides of the Atlantic struggled to imagine an empire where Native Americans and Europeans might coexist.”1 Unsurprisingly, issues of trade and land figured heavily in these discussions and in the proposals and plans that emerged from them. These two topics have long served as the lodestones around which an entire historiography has been organized. Both, especially the land, will figure heavily in the pages that follow, but my work tries to forge a new path and explore less well-trodden questions about the nature of an emergent form of empire now frequently referred to as “settler colonialism.”

The most famous document to arise from these mid-century discussions is the Proclamation of 1763, known for its dubious and futile demarcation of a border between settler and indigenous space. It also made a much less celebrated and indeed often overlooked claim to the political loyalties of the native peoples who lived beyond the line, in doing so asserting that the empire extended beyond the boundaries of the settler state. The nature of that allegiance is conspicuously vague; the proclamation simply declares its authority over the “several nations or tribes of Indians with whom we are connected, and who live under our protection.” The open-endedness of the term "connected" is striking, even once the unusually swift pace at which the Proclamation was drafted is taken into account.2 Though Indians were declared to be under the

2 For the speedy drafting of the Proclamation, see Colin G. Calloway, The Scratch of a Pen: 1763 and the Transformation of North America (Oxford: Oxford University Press, 2006), 94; Jack M. Sosin, Whitehall and the
"sovereignty, protection, and dominion" of the British king, the proclamation also clearly distinguished them from membership among the Crown's "loving subjects." What did it mean to be subjected but not a subject, connected and yet distinct? Despite several recent studies emphasizing colonization as a political contestation over authority and subordination, and a now overflowing body of ethno-historical literature which has established the breadth and depth of interactions between native peoples and the English up and down the length of the continent, the political and intellectual vocabularies and trajectories necessary to make sense of this "connection" and of the political status of Indians in British America remain largely unexplored. What follows attempts a genealogy of these ambiguous "connections," tracing a path through the historical relationships between sovereignty, protection, and subjection within British settler colonialism.

Perhaps the main reason for the relative invisibility of subjugation as part of indigenous dispossession is what might be described as the epistemic closure of the settler colony, an endemic historiographical tendency to describe the English colonial project as always already fixed upon the single-minded transformation of the continent into a bounded world of fences, farms, and property, and the wholesale replacement of an indigenous population by the denizens of the settler-state. This telos is often pronounced by historians to have manifested and become locked into place as the fundamental dynamic of English colonialism before the middle of the seventeenth century. Virginia, the colony at the center of my work, stands as perhaps the most

Wilderness: The Middle West in British Colonial Policy, 1760-1775 (Lincoln: University of Nebraska Press, 1961), 64.

3 All quotations from the proclamation are from “Avalon Project - The Royal Proclamation - October 7, 1763,” accessed August 28, 2016, http://avalon.law.yale.edu/18th_century/proc1763.asp.

pristine example of these tendencies. A recent survey of settler colonialism in American history, for example, characterized it as the primary example of the early foundation of the settler state in British North America. According to Walter Hixson, the settler state was born in Jamestown in the 1610s with the first tobacco boom, and cemented by the "total defeat and ethnic cleansing" of the Powhatans in 1646, which established an "enduring framework for the British-American settler colonial project."\(^5\)

Not coincidentally, in Virginia's historiography, Indians conventionally begin to drop from the stage of history in 1622 or 1646, except for brief cameos as victims of English violence or nuisances on the frontier.\(^6\) Yet, as I demonstrate at length, Indians continued to play an important role in the political history of Virginia and are essential to understanding its expansionary dynamics well into the eighteenth century. Indeed, as Virginia's Algonquian populations diminished, Virginia's governors began to consider the lack of Indians on the frontier a problem rather than a boon. Some, notably Alexander Spotswood, actively recruited Indians to relocate from other colonies into Virginia as tributaries. These histories have been obscured by


the casual readiness with which historians have pronounced the epistemological closure of the settler colonial project. This is certainly true in Virginia, where the urge to declare the emergence of a pure settler colony replicates both ideologically and historiographically the meta-narrative of settler colonialism, with its dreams of homogenous, empty space and its insistence on the irreducible superfluity of the indigenous to an empire focused single-mindedly on taking and transforming the land.⁷

Indeed, Patrick Wolfe, a leading theorist of settler colonialism, has gone so far as to suggest that it is difficult even to speak of a relationship between colonizer and native within

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settler colonialism because its determining relationship is not that between two societies, but between a society and the land. Likewise, Lorenzo Veracini has recently remarked that settler colonialism is distinct from ‘regular’ colonialism because it does not depend on the presence of “exploitable ‘Others,’” and hence is fundamentally oriented towards the reproduction of the settler population on vacated land rather than the reproduction of relationships of power between colonizer and colonized. For Wolfe, a nineteenth-century specialist who looks backwards on occasion to British North America as an essential precursor, the history of power in Colonial America is bifurcated: power over land pertains to the indigenous, whereas power over peoples pertains to the African slaves who labored on the land of the dispossessed. Wolfe is neither an early Americanist nor a historian of Virginia, but his assumptions about the operation of colonial power are implicit in much of its historiography.

Clearly, settler colonialism involved real and deadly serious struggles over territory. There is no good that can come from denying or minimizing this. However, when historians define English colonialism in such a way that Indians figure as "of only secondary importance, persons who were to be displaced, not incorporated," they obscure important chapters in the intellectual, ideological and practical histories of colonialism. Moreover, they miss the importance of political subjugation to the process of dispossession, a process which becomes


more rich, complex, and useful when the episteme of the settler state is held open and
dispossession is treated as more than a synonym for the loss of land.12

As a scholarly term, "settler colonialism" is relatively young, and has focused primarily
on modernity rather than early modernity.13 Many of its practitioners are keenly interested in
indigenous peoples past and present, and with laying bare the violence behind the taking of
native land. Few early Americanists would deny this violence as a central force in American
history. Yet the fashionableness of the term in early American scholarship, where it not
infrequently shows up as a buzzword or a causal descriptive term, is unsurprising insofar as it
replicates one of the guiding tropes of American colonial historiography, which often presumes
that Indians had no place within the colonies except to be dispelled from the colonist's true object
of desire, the emptied land. Perhaps nowhere is this more pronounced than in the work of
intellectual historians, which defines the parameters of early modern colonial theory, and serves
as the context for institutional and cultural histories of power and dispossession. Intellectual
historians have forcefully and almost uniformly argued that English colonization should be told
as the story of property rather than a history of subjugation. For example, in his landmark
comparative study of early modern imperial thought, Anthony Pagden suggested that while the
Elizabethans may have initially sought to emulate the Spanish and build an empire of conquest,
they quickly turned away from the Spanish model of conquering and ruling peoples. Instead,
they came to define themselves as planters, establishing property and dominion in the empty
wilderness of America.14

12 For a more expansive definition of dispossession than is current in much of the literature on Early America, see
Judith Butler and Athena Athanasiou, Dispossession: The Performative in the Political (Malden, MA: Polity Press,
2013), 3–4, who use term to encompass not only the loss of land, but of citizenship and livelihood, a sense of
selfhood, and as well as exposure to military, political and legal violence.
13 Lorenzo Veracini, “‘Settler Colonialism’: Career of a Concept,” The Journal of Imperial and Commonwealth
History 41, no. 2 (2013): 313–33.
14 Pagden, Lords of All the World, 73–86.
Pagden’s general framework has been more or less accepted as definitive, and the small number of others who have studied the history of early modern English colonialism as an event in the history of ideas have worked within it.\textsuperscript{15} David Armitage, for instance, identified as a distinctively British component of colonialism its unique grounding in what he calls the “agriculturalist justification for colonization.”\textsuperscript{16} In this telling, English colonial ideologies and agendas hinged on the Roman idea of \textit{res nullius}, which cast America as a vacant land, roamed over by savages who had failed to properly occupy it, and thus held no claim to dominion over it. British plantations were understood as drawing their legitimacy from the claim to have been the first to have, as Locke put it, “mixed their labor” with the earth and created property rights.\textsuperscript{17} While Stuart Banner and others have recently suggested that the idea of \textit{terra nullius} played only a modest role in the actual process of land acquisition and taking in colonial North America, the presumption that property was the true object of English colonial ideology has remained intact, as evidenced by Christopher Tomlins’ recent assertion that English colonial discourse was noteworthy primarily because it “elevated land over people as the primary object of the colonizer’s attention.”\textsuperscript{18}

The displacement of Indians from the ideological history of the empire may partially explain the disjunction between the Lockean political vocabulary available to describe the

\textsuperscript{15} For an important exception, see Craig Yirush, \textit{Settlers, Liberty, and Empire: The Roots of Early American Political Theory, 1675-1775} (Cambridge: Cambridge University Press, 2011).
theoretical and ideational basis of colonies and a generation of scholarship which has placed
cultural hybridity, political negotiation, and cultural contestation alongside issues of land and
trade at the center of colonial encounters in North America. The way intellectual historians frame
the relationship between knowledge and power, ideology and practice has further enabled this
displacement. Intellectual histories of the empire tend to treat ideology as essentially exterior to
"actual" colonialism, a matter of legitimation, of "formal argument" and learned — usually
metropolitan — debate, rather than as a body of knowledge embodied in, emerging from, and
informing praxis. Pagden, for instance, treats colonial ideology primarily as a mirror of “political
and cultural identity” rather than a tool for thinking about the relationship between knowledge
and power.19 So, too, does Armitage, for whom ideology also boils down to a contestable, but
nevertheless "normative self-conception."20 Defined in these terms, the ideational history of
empire, like Said’s Orient, is essentially self-referential and homogenous. Unsurprisingly, then,
indigenous people play only the most marginal roles in either Pagden’s or Armitage’s theoretical
and ideological histories of colonialism. Likewise, Ken MacMillan's recent work explicitly
defines native dispossession as outside the parameters of a history of sovereignty and possession
in the New World, presenting both terms simply as arguments in a conversation between and
about Europeans.21 Such a conceptual blind-spot might seem far removed from studies of settler
colonialism, yet Wolfe’s monograph on settler colonialism takes the form of a “soliloquy” of
“Western discourse talking to itself.”22

19 Pagden, Lords of All the World, 75, 102.
21 Ken MacMillan, Sovereignty and Possession in the English New World: The Legal Foundations of Empire, 1576-
22 Wolfe, Settler Colonialism and the Transformation of Anthropology, 4.
Taken together, the idea of ideology as legitimation and land as the singular object of colonial power sharply limits the tools available to understand the operations of power and to theorize the social and political worlds uncovered by ethno-historians, in which the political allegiance of Indians (real or presumed) comprised a major currency of empire. Intellectual historians have uncovered little which helps us understand the complexities and specificities of political vocabularies relating to subjection, dependence, alliance, and allegiance necessary to make sense, among other things, of the Proclamation of 1763’s appeal to its non-subjected, but “connected” and subordinated Indians who lived under the sovereignty of the crown. The dismal fruits of this disjunction are clear. Daniel Richter, whose scholarship on the Haudenosaunee vividly describes the dead center of imperial contests over subjugation and allegiance in North America, depends on an awkward place-holder, stating that imperial planners in the 1760s saw Indians as “something resembling subjects,” perhaps even as subjects, but ones who could “not be openly called by that name.”

Likewise Brendan McConville, in a study of affective and political bonds to the King, declares Indians “nominally British subjects” who would nevertheless be held apart and “left to their own devices.” Some of this imprecise and unhelpful language reflects a genuine ambiguity in the nature of Indian subordination, which, I will argue at length, depended on a delicate and perhaps deliberately ambivalent play of similitude and difference, integration and segregation, subordination and autonomy. Yet it also reflects the magnitude of the divide between the literature on theory and practice of colonial power, which my work attempts to bridge.

That such a bridging is possible is suggested by Gregory Dowd’s recent analysis of the Proclamation, which focuses on the status of Indians. In a brief but effective manner, Dowd recounts the changing political history of the term “subject” in the British eighteenth century, a period when the term came to denote a “lofty status” complete with a considerable array of uniform rights, privileges, and liberties within the civil jurisdiction of the law. In contrast, the proclamation held Indians ambiguously apart, distinct from the King’s actual subjects, yet tied to him as “protected, semi-autonomous peoples.” Dowd argues that while Indians sometimes had been conceived as subjects in the past, the proclamation codified a turning point towards a new framework for articulating the status of Indians, one which mixed protection and subordination in ways related to subjection, but which nonetheless left them outside the category of proper subjects. As Dowd repeatedly notes, this relationship bore resemblance to an alliance, but an inequitable one, as the “protections” offered by the King were predicated on his ultimate authority, sovereignty and dominion. Dowd’s sense that alliance, friendship, protection and subjection might be bedfellows is a useful corrective for a common assumption in early American historiography, which often reflexively treats them as opposites.

As articulated by Richard White, the middle ground is a spatial and metaphoric description of colonial dynamics of negotiation and mutual accommodation between Europeans


and Indians on the periphery of empire. Crucially, White argued that middle grounds occurred only under conditions of roughly equitable distributions of power, in situations where neither side could wield enough force to dominate the other, and instead were compelled to seek cooperation and consent in order to further their political agendas. From the middle ground sprang the go-betweens and cultural brokers necessary to massage cultural contestation, as well as the dynamics of cultural hybridity and political triangulation that provide the narrative framework for the genre. White’s model has proven immensely generative, but its considerable interpretive power has helped normalize a problematic narrative of colonial power, in which power struggles are vibrant and live while the political-economy of empire is unresolved, but collapse as the settler colony prevails, leaving in its wake a world of domination and bare survival. White is clear on this point, defining the middle ground as a space and a relationship of power that occurs between the moment of contact and native defeat, at a time before Europeans could either dictate to or ignore Indians because they were still useful, necessary even, “as allies, as partners in exchange, as sexual partners, as friendly neighbors.”

Though White posits a multi-causal end of the middle ground, one important reason for its collapse is the flood of settlers from the young American republic who spilled into the Ohio Country as the heralds of the settler-state and who thought of Indians only as obstacles, people doomed to disappear. The middle ground, in other words, is a model of power relations at the furthest edge of the empire rather than a tool for describing them within the churning core of the settler colony. This tendency has been exacerbated as a recent turn towards continental

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27 White, The Middle Ground, 52.
approaches has pushed explorations of power even further into the interior, situating imperial histories of power not at the joints between indigenous and European worlds, but far beyond them on “native ground,” where Europeans were marginal actors.  

Ironically, a discipline that often presumes the fundamental importance of settlement as the engine of colonialism has not built models of power to explicate what occurs within the zone of settlement. My work explores the colonial history of power on the near side of the frontier, seeking to understand the place and role of Indians and relations of power at the center of empire as something other than an undifferentiated and ill-defined domination.

To do so, I insist on connecting metropolitan and colonial ideas and practices of empire, something ethno-historians have been as reluctant as intellectual historians to do. White, for instance, insisted on the necessity of cutting ties with the history of ideas. European ideas about Indians, he wrote, were of “marginal utility” for understanding the actual world of empire.  

White’s target is Rousseau and Lahontan rather than Locke, but like many ethno-historians he preferred to treat the “intimate and sophisticated knowledge” produced on the ground as unrelated to the types of metropolitan knowledge that might count as part of the intellectual or ideological history of the empire. White is correct to note the limits of Rousseau’s noble savages in the unfolding of empire in North America, and the same point could be made about the limits of Locke and the myth of an empty virgin land. But ethno-historians depend upon a vocabulary of subjection, alliance, subordination and autonomy which they too often treat as transparent and without history. Even Dowd’s careful exploration of the changing meanings of

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31 White, *The Middle Ground*, xi.
32 Ibid., xiv.
the term “subject” (prompted in part, it is worth noting by White’s too easy use of it) leaves its parallel term, “protection,” unexplored and repeatedly implies that the question of the political status of Indians was a new question, prompted for the first time by the circumstances of the Seven Years War. My own study of Virginia’s tributary system will substantively interrogate this presumptive newness and insist upon contextualizing terms such as friends, allies, and subjects.

What follows tracks one historical iteration of these terms over a long seventeenth century in English North America. My goal is to integrate subjugation into the history of dispossession and, in so doing, cast light on the ambiguous “connections” that bound Indians to the Crown. This history of subjugation, I believe, can tell us not only about the past but also about contemporary power relations in the on-going colonial present, because Indians continue to find themselves situated neither clearly within nor without the nation-state, possessed of a peculiar type of sovereignty which partakes of both nationhood and wardship. To illuminate these dynamics, I concentrate on a close analysis of a single institution through which these questions were negotiated, expressed, and contested, Virginia’s tributary system, which has structured relations between colonized and colonizer from the middle of the seventeenth century into the present.

Colonial Virginia may seem an awkward or even foolish place to explore these questions. Certainly, by the end of the colonial period, it had become in many respects peripheral to the Empire’s Indian politics. It was too far south to factor heavily in the diplomatic culture of Albany and the Upper Susquehanna River, and too far north to be a major player in the deerskin trade

33 Indeed, Dowd’s genealogy of the term “subject” was prompted in part by White’s too easy use of the term. Much of the ethno-historical literature of the last three decades plays similarly loose with that term and other such as “friend” or “ally” that demand exploration as explicable concepts.
that ran through Charleston. Virginia's "backcountry" was a hunting ground important to many native peoples, but permanently populated by none, and its most famous indigenous peoples, the Powhatans, were reduced to small numbers by the end of the seventeenth century. For these reasons, and despite its status as the oldest Royal Colony, it would be passed over as an administrative center when the Board of Trade created commissioners for Indian affairs.

Historians have largely concurred with the Board's sense that Virginia was peripheral to Indian affairs; Virginia factors little in histories of Indian politics in the empire between the time of Pocahontas and George Washington’s bungled mission that sparked the Seven Years War. With a developed plantation economy and only a small indigenous population of “sorry remnants,” it stands as an example of a pristine settler colony, in which white planters exploited the labor of black slaves to cultivate land stolen from "vanquished" red people.\(^{34}\)

Paradigmatically hostile to Indians since the 1622 “Jamestown Massacre,” which forever convinced its settlers that Indians were existential enemies fit only for death and dispersal, Virginia’s Indian history has conventionally been all but wrapped up by 1646 and goes completely cold after Bacon’s rebellion.

Yet even here in the belly of the settler-colonial leviathan lies an unexpected, unexplored, and surprisingly sustained history of Indian politics, playing out along the same axis of incorporation and segregation that would characterize the social engineering plans of the Proclamation of 1763. In Virginia, these dynamics were organized around the institution of tribute. Emerging in 1646 from the destruction of three major Anglo-Powhatan wars, the

tributary system created hierarchical relations of power, in which subordinated Indian polities made symbolic payments of submission in exchange for reciprocal, but inequitable, promises of protection and friendship. Despite numerous challenges and crises, the system survived the transition from British to American rule and still forms the legal basis for political relations between Virginia and its state-recognized tribes, who to this day pay tribute to the governor each fall. Remarkably durable and continuously shifting, the tributary system provides a powerful lens for understanding the collision of native and English ideas of subjugation and the importance of political subordination to settler colonialism.

Though they were a common outcome of seventeenth-century Indian wars throughout the mainland colonies, tributary relations have received little sustained attention from historians. This is perhaps nowhere more true than in Virginia, where historians have treated tribute as a shapeless domination pertaining to conquered and remnant peoples, the tragic closing act of the conflict between the English and Powhatans which brought Virginia’s contact period and its “middle ground” conditions to an end. In contrast, I suggest that historians have been too quick to see tribute as little more than a coda and that doing so has erased a rich history of Indian politics in Virginia that continued well into the eighteenth century. During this period, the pertinent question of Anglo-Indian politics was not whether tributaries would be subordinated peoples, but the meaning of that subordination, and what the privileges and duties required of both parties would be.

One important factor in the system’s durability was that concepts of tribute were common to both Algonquian and European political cultures. These two very different political traditions overlapped in unexpected ways on the topic of tribute, a conjunction which helps to explain why both Indians and the English saw tributary relationships as having something to offer. In
Powhatan politics, tributary practices created asymmetrical bonds of rank and stature, in which the inferior party accepted subordinate status in exchange for the protection of the superior party. Community autonomy, however, seems to have been only marginally affected by such arrangements, which generally left local governing structures intact. When they became tributaries of the English, native polities sought to maximize the autonomy that tributary status allowed them within this framework of subordination.

Like their native counterparts, English rulers found substantial reasons to prefer this intermediate form of subordination and its language of friendship and amity to direct rule and pure relations of force. One of the major arguments of this dissertation is that native and European political ideas, strikingly different in many respects, substantively (though by no means completely) overlapped on the meaning of tribute. European political thought, notably the emerging canon of international law, contains a rich and largely unexplored body of literature on the topic of tribute. Somewhat surprisingly, it has been scarcely consulted by early Americanists, even though tribute was a common feature of Anglo-Indian relations in British colonies all along the Atlantic coast. Yet, a long line of important theorists, including Jean Bodin, Hugo Grotius and Emer de Vattel, agreed that tribute was a medial form of subordination that necessarily took place between sovereigns, the lesser of whom sacrificed dignity, not sovereignty, in exchange for protection from the greater party. This confluence of European and indigenous thought provides an opportunity to re-conceptualize much of Virginia’s Indian history as predicated on struggles over the boundaries of what I call subordinated autonomy, and points towards a parallel necessity of developing a critical vocabulary to describe forms of colonial power that cut across binaries of independence and dependence, sovereignty and subjection. My analysis of the tributary system builds around the fundamental idea that we need to take seriously the idea that
subjugation could proceed through structures that in many ways reified the autonomy and distinct communal identity of native peoples. In this respect, tributary subordination differed dramatically from modern liberal modes of incorporation insofar as it subjugated native peoples as corporate entities rather than as individuals. As a mode of power, it worked through the recognition of political, jurisdictional, and communal difference instead of by stripping those layers away to operate on the level of isolated individuals.

Virginia's governing elite exploited the subordinate status of tributaries by making heavy demands on them as the price of English friendship. However, the bonds that linked Indians to Virginia also suspended tributaries at a distance, making possible practices of collective punishment and drastically weakening Indian land title. Properly contained within the tributary system, Indian autonomy could facilitate the colonial ordering of people along the perpetually unstable frontier. From the perspective of Virginia's governing elite, the latitude afforded tributary people reduced the effort of ruling them and the likelihood that attempts to do so would provoke out-right war. It also gave Indian populations who might otherwise have left Virginia an incentive to remain on its frontiers, where they served as an important line of defense protecting advancing settler populations from "foreign" Indians. Finally, the ambiguous political and legal status of Indians as people neither wholly self nor entirely other helped to manage the intense pressures that their status exerted on the fractured social communities of the English, who had drastically different interests in defining Indians as slaves, trading partners, military allies, or perpetual enemies.

The explosive potential of these fault-lines within the English communities was revealed by Bacon's rebellion, which erupted in large part due to a belief among many colonists that the tributary system privileged, even coddled, the Indians it was intended to subjugate. Bacon's
repeated assaults on tributary Indians overthrew both the Royal governor and the tributary system. Yet in the rebellion’s aftermath, the system was not only reaffirmed but significantly expanded by the Treaty of the Middle Plantation (1677/1680), which brought a number of Siouan and Iroquoian peoples into formal political alliance with Virginia. Over the next fifty years, Virginia continued recruiting new Indian polities to its frontiers as tributaries. That some, including the Saponis, Toteros, and Occaneechees, chose to come indicates that Indians continued to see the dangerous friendship and protection of the English as having something to offer, even if only as the best among the increasingly poor options available to small native nations. Only in the late 1720s did the confluence of interests that supported the system collapse, as many of the peoples whom Virginia had courted instead sought protection, also under terms of subordination, from their bitter rivals, the Haudenosaunee, whose terms became more attractive as English populations in the Chesapeake continued to grow.

Tracking the practice of tribute across the seventeenth and into the eighteenth century provides a narrative framework for nearly a half century of Indian politics in Virginia which has virtually no space within an existing historiography that sees in post-Bacon's rebellion Virginia only an unmediated history of Indian-hating, ethnic cleansing and acre-by-acre dispossession. Exploring Virginia as a place where Indians still mattered, not as a subaltern curiosity, but as constituent pieces of a colonial project that unfolded through the institutional mechanism that, in the best Foucauldian fashion, both chained them to the colonial state, and provided their most effect means of resisting it, is an important act of historical recovery. But my aim here is not simply to tell an untold story or reconstitute a lost agency. That more complicated forces shaped even the Old Dominion suggests the need to rethink the foundational dynamics of settler colonialism as it developed at the threshold of modernity, to re-examine the importance of
subjugation to the process of dispossession, to explore the genealogies of power, protection, and connection that often preceded and enabled dispossession to occur.

Though they eventually became somewhat dormant in Virginia, the dynamics at play in the tributary system survived the leap from colony to nation-state, outlasting the early modern context from which they emerged. In the 1830s, the liminal and corporate subordination of Indian peoples became embedded in the heart of U.S. Indian law, as notions of tribute crucially shaped the Marshall decisions and the notion of Indians as neither aliens nor subjects but “domestic dependent nations.” The term’s rich contradictions reveal the ongoing legacy of tribute within a nation-state that continues to practice a form of subordination that simultaneously recognizes and disavows indigenous sovereignty across the United States. This is certainly true in Virginia, where the Mattaponis and Pamunkeys still pay annual tribute to the Governor of Virginia under the terms of the Treaty of the Middle Plantation, a ritual that serves simultaneously to reify the ongoing power of the settler state to force indigenous subordination, and provides an essential political platform for the ongoing revival of native culture in the Chesapeake.
This work consists of six chapters, organized into three narrative parts around the respective themes of affect, tribute, and dispossession. An essential background to my argument, chapter one explores early modern political conceptions of subjugation, understood here as a term describing the relationship between subject and sovereign. Affect, notably love and a closely related form of fear, were at the foundation of these conceptions. The art of governance was frequently described as the act of properly balancing the emotional ties between subjects and sovereigns. By situating love as a political language, and the reciprocal bonds of love between subjects and sovereigns as perhaps the signature achievement of a wise and prudent sovereign,
this chapter demonstrates that the just and fair exercise of power was often conceptualized in affective terms.

Chapter two takes these observations across the Atlantic to Jamestown, using them to situate English colonial aspirations in early Virginia. Though deeply challenged by John Smith's Machiavellian embrace of fear as a competing emotional template, the predominant language of Jamestown colonists continued to call for a colonialism based in love and mildness as not only the most honorable, but also the most practical means of successfully establishing a plantation in Virginia. Peace with the Powhatans after the marriage of John Rolfe and Pocahontas (perhaps the most significant act of love in British colonial history) were understood by many as validating the idea of a colonialism built on love.

This was an incorporative colonialism. Though they were imagined as destined to fill the lowest ranks of colonial society, the English in early Jamestown hoped to bring the Powhatans within the bonds of love and allegiance that defined true subjection as a positive achievement of human society. They hoped, in other words, to convince the Powhatans to transform themselves into "loving subjects" of the King. The dream that the Powhatans would voluntarily subjugate themselves were proven illusory by the 1622 attack on the Virginia Plantations. The attack severely traumatized survivors, and almost immediately led to the articulation of a new language of colonialism built around the idea that Indians could never be incorporated into colonial society, but would necessarily always be outside it as perpetual enemies. In its implications of pure, existential otherness and zero-sum conflict, this language of perpetual enmity was genocidal in its impulses, necessarily precluding any hope of integrating Indians into a colonialism rooted in love. For most historians, it has symbolically marked the beginning of Virginia as a settler colony, having cast off its early — and anomalous — ideas of building a
common, if necessarily unequal, society out of *Tsenaccommacah*, the Powhatans’ term for their polity.

As I argue at length in the second part of the dissertation, this assumption is greatly oversimplified. Often characterized by historians as a period of essentially shapeless domination, my work suggests instead that we need to re-imagine the tributary era as a period in which the English and native peoples worked together to build a political structure which would link them to one another in hierarchical relations of power, but which would stop well short of the full incorporation imagined by the idea of a colonialism based on love and conversion, even as it drew on and transformed the early colonial languages of love and friendship. After 1622, few Virginians advocated for a future in which Indians would be numbered among those fully accepted within the ranks of the "loving subjects." But this did not mean that they intended to cast Indians forever outside the boundaries of the Virginian polity, or even entirely outside the affective ties considered essential to proper political order. If we can conceptualize colonialism along a spectrum ranging from complete assimilation to total alienation, the tributary system was intended — by both the English and Indians — to function somewhere in between. From the perspective of the English, tributaries would receive a form of protection indicative of their status as subordinated "friends" of the colony, but distinct from the full status as "loving subjects." In the process, the warm emotive bonds imagined by earlier settlers were transformed into a similar, but colder, diplomatic vocabulary of “friendship” and “amity.” The emotional gulf between love and friendship was but one indication of a shift in the horizon of power away from incorporation and towards a measured, but not complete, domination through calculated distance.

To make this case, I begin with a close reading of the 1646 treaty which created the tributary system, situating its history in both Algonquian and English political thought. Chapter
three lays out a theoretical and historical context for tribute, which emphasizes how both the English and tributaries saw in it the prospects of a form of subordination which preserved significant amounts of native autonomy even as it subjugated them. This form of political subordination proved durable, despite its always modest efficacy, because both the English and tributary Indians found enduring reasons to work to maintain both distance and connection to each other. Much of the remainder of the dissertation explores in fine detail how and why the many different actors, including not only a string of English governors but around two dozen native polities from three major language families, engaged with the tributary system and negotiated the connections and boundaries that characterized it. What emerges is, I think, a substantively new way to frame colonial power relations in Virginia, and by extension, the British empire in North America and its afterbirth, the United States of America, in which a long process of subjection is emphasized as central to dispossession and fundamental to the dynamics of settler-colonialism.

From the perspective of William Berkeley, Virginia's governor during most of the tributary system's first three decades, tribute served as a way of managing the process of dispossession by establishing flexible relations of power over native peoples in the hopes of organizing a peaceful and orderly dispossession that might yet conform to early Virginia's dreams of a just colonialism. In this important respect, the tributary era — with its vocabulary of friendship, amity, protection, and rights — drew upon the affective terms of pre-1622 aspirations, reconfigured into a more emotionally distant and diplomatic idiom. Its operations also depended on serious, if never effective, efforts at maintaining physical and jurisdictional borders between Virginia and its tributaries, who would remain distinct peoples despite their ties to Virginia.
Chapter four explores the tributary system in its formative years, arguing that while its vocabulary and structural emphasis on rights, reciprocal obligations, and communal distinctiveness provided tributaries with an essential and often used tool for resisting what was becoming an increasingly desperate fight for political and territorial survival, tribute was very much a structure of power and subordination. These decades witness the rapid growth of Virginia's settler population, an expansionary process which the tributary system, by design, facilitated. Yet the system's modest protections were anathema to a vocal constituency of Virginians, who despised what Bacon would call the "darling and protected Indians." Bacon's rebellion, as many historians have noted, marked the official return of the language of Indian-hating to hegemony in Virginia. The Baconite’s Indian-hating is plain enough, as is its corollary rejuvenation of the idea of perpetual enmity and existential conflict as the proper language and practice of settler colonialism. My interpretation builds on this well-known Indian context for the rebellion, but it differs by insisting on the specificity of Bacon's rejection of the tributary community of power and the limited communities, particularly legal communities, that it created. The Baconites may have hated all Indians, but they consistently and single-mindedly targeted "friendly" Indians for violence and articulated a politics aimed quite specifically at burning the tributary system to the ground.

What is perhaps most remarkable about the rebellion is that it failed to destroy the tributary system. Its restoration was an immediate and urgent priority of both the Royal Commissioners sent to put the colony back together and of tributary communities, especially the Pamunkeys. However, few historians have seen the restoration as anything other than pure farce. Indeed, even James Rice’s excellent recent history of the rebellion sees the post-Baconite era as the fulfillment of Virginia's destiny as a settler-colony, the final and irrevocable collapse of any
meaningful history of Indian politics in Virginia into an a permanent condition of "domineering, uncompromising, and indiscriminate" Indian policies, diametrically opposed to Berkeley's model of "trade and alliances." On this point, Rice is merely amplifying the common conclusion of most of Virginia's historians: Indians, to all intents and purposes, have no space within Virginia's historiographical arc after the Treaty of the Middle Plantation.

The third part of my dissertation questions this assumption, pointing out a dramatic, and little studied expansion in Virginia's tributary politics in the immediate aftermath of Bacon's Rebellion. As I describe in chapters five and six, two major factors fueled this expansion. First, broader geopolitical realignments in the interior of the continent, caused in part by the defeat and dispersal of the Susquehannocks during Bacon's rebellion, brought the Haudenosaunee into the heart of Virginia's politics. The mutual need of both Virginia's governing elites and of tributary communities to defend themselves against the threat of the Haudenosaunee prompted an era of military cooperation that gave the newly restored tributary system a purpose it might otherwise have lacked, cementing a return to its familiar rituals of subordination and resistance to Virginia.

Geopolitical developments, particularly the development of a large-scale commercial trade in Indian slaves were dramatically reshaping the Piedmont to Virginia's south, where tributary networks grew in tandem with Virginia’s commercial, political, and territorial interests in what Virginians called the "Southside." For Virginians concerned by the decline in tributary populations, most notably Alexander Spotswood, who invested considerable energy into expanding the tributary system, the peoples of the Piedmont seemed likely candidates for recruitment into tributary relations. Many peoples, most of them Siouan speakers fleeing the instability of the Piedmont, made tributary arrangements with Virginia in the early eighteenth

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century, in the process turning the Southside into an area with numerous, often competing tributaries. Political conditions in and around Virginia, including military threats from the Haudenosaunee and other potentially hostile polities, border disputes with Carolina, and a resurgent interest in what might have become a robust assimilative colonialism similar to those imagined before the 1620s, kept both native peoples and Virginia's elite deeply invested in the tributary system’s middling structure of subordination into the 1720s.

Only in the 1730s, as those conditions changed, did Virginians’ interest in the tributary system as a mode of colonial power begin to wane. Virginians bore much, but not all the blame for the changes that set the stage for an erosion of the tributary system. During the early eighteenth century, the Haudenosaunee and to a lesser extent the Catawba began competing for the political allegiance of Virginia's tributaries. In the 1720s and 1730s many of Virginia's Iroquoian and Siouan tributaries began migrating out of the colony as the calculations that had led them to accept subordination to Virginia shifted. Most of these migrants relocated to the Susquehanna River, where they lived under a looser, but recognizably colonial and predatory "protection" offered by the Haudenosaunee, who were attracting refugees and immigrants from around Eastern North America as part of their efforts to fortify their borders with weaker subordinate allies.

My work concludes with these migrations. In the coming years, Virginia's frontier expanded dramatically and its Indian politics rapidly came to focus on more distant, numerous, and powerful peoples, such as the Cherokees and the Catawbas, with whom any alliance with Virginia would necessarily be closer to equal than unequal. Tributaries communities remained in Virginia, but the institution and its peoples entered a period of near-invisibility in the archives. But the system endured, and indeed, remains intact. Its structure is embedded in the
Proclamation of 1763, with its “connections” of friendship that served to mark not only relationships of power but also a crucial distance between the nature of the bond between Indians and those who could properly be counted among the “loving subjects” of the King. Looking forward even further still, my conclusion draws connections between Virginia's tributary system and the legal situation of Native Americans throughout the United States by looking at the Marshall decisions which embedded deep in U.S. law an essentially tributary notion of Indians' status, declaring them simultaneously autonomous and distinct, yet under the plenary power of the federal government. These decisions, which it is very much worth pointing out, facilitated and enabled what is perhaps the archetypal act of dispossession in American history, were in the first instance concerned with defining the political structure of native subjugation. While Marshall may have "more or less invented" the term domestic dependent nations "on the spot," the legal logic underlying that phrase drew heavily and explicitly on a long colonial legacy. In this respect, attending to the history of Virginia's tributary system can help us to understand not only the history of Virginia, but clarify the process of subjugation and the development of medial forms of subordination central to dispossession in what remains the world's predominant settler state.

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Part One: Affect
2 AFFECT AND SUBJECTION IN EARLY MODERN ENGLAND

In 1609, Robert Johnson described English colonial ambitions in Virginia as enlarging the dominion, multiplying the subjects, and augmenting the glory of King James I. Citing the biblical precedents of David and Solomon, he proposed that “just conquest” might be one means through which such objectives could legitimately be obtained. However, Johnson argued that this was not the method of colonization that the Virginia Company was pursuing. Instead, the Company sought an even more glorious form of subjugation, accomplished not by “stormes of raging cruelties,” but “through faire and loving meanes, suting to our English natures.”¹ A year later, in a sermon addressed to Virginia’s Governor, Thomas West, Baron De La Warr, on the eve of his departure to Jamestown, William Crashaw likewise framed colonialism in affective terms, emphasizing the reciprocal love he believed Virginia’s native population was beginning to feel for the English. God had already inclined the “hearts of the savages, who live in that country, lovingly to call and invite us” to settle among them. Once they converted to Christianity, a prospect that Crashaw and many of his contemporaries imagined as an event of the near future, they will “love us also and eternize their names who brought the Gospell to them.”² Johnson and Crashaw were hardly alone; early English propagandists and colonists frequently described colonization as an act of love.

Historians have noticed the persistent linkage of colonialism and love, but few have considered colonialism as an event in the history of emotions.³ Some, most prominently

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² William Crashaw, A Sermon Preached in London before the Right Honorable the Lord La Warre (London, 1610), sigs. I3r, H1r.
Edmund Morgan, have interpreted expressions of love as symptomatic of an early and naive assumption that the Indians would receive the English as liberators, an illusion that was among the first of Jamestown's many failures. Many others have seen them as little more than empty rhetoric, propaganda of the basest and most cynical kind. In this interpretation, love is a kind of lie, a comfort to jittery investors, a con aimed at potential immigrants, or a rhetorical chip in a game of legitimation against Spanish claims to empire in North America. Both lines of interpretation are useful, but in this chapter, I will suggest that they are also insufficient for understanding the full scope of love as a colonial idea. In the first instance, I argue that expressions of love were more than rhetorical flourishes, and instead mark openings into a series of arguments, expectations, and agendas about the nature of colonial power and the process of subjugation. Thinking about love within this framework can also help us to think of it as interior to the history of colonial power rather than its negation. I suggest that Tudor and early Stuart colonialists considered affect central to the subjugation of Indians. In 1622, for instance, Robert Cushman bragged that the Plymouth colonists had not achieved the “subjection” of the Indians “by threats and blowes, or shaking of sword, and sound of trumpet.” This was not, he argued,
because they lacked the military strength to subjugate the Indians through force. It was because they preferred a different, but no less effective weapon. “Our warring with them is after another manner, namely by friendly usage, love, peace, honest and just carriages.” Cushman is not speaking here of love as an ideology but as a form of “warring,” a mode of subjugation in its own right.

This chapter explores the English political context behind Cushman’s suggestion that emotions might serve as a lens for understanding the history of English settler colonialism as a project of affective colonialism by surveying Tudor and Stuart ideas about the emotional connections between sovereigns and subjects. Emotional bonds, particularly those based on love and fear, were widely understood as fundamental to political community, and the prudent managing of them an essential part of the art of governing. The political and territorial expansion of English power in the sixteenth and seventeenth century centuries provoked considerable discussion about how best to form such bonds with newly subjected peoples, debates that would inform the political agendas and aspiration of the Virginia Company.

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Affect has not been an important category of analysis in the recent historiography of early modern English intellectual history. Yet, as several historians have recently pointed out, in the long century between reformation and revolution emotions were often seen as essential to the

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exercise of political power because they were understood as the sinew that bound subjects to sovereign, inferior to superior, and made political community possible. The nature of those bonds, and the question of which emotions were most lasting and befitting of superiors, was an active one to which many different answers, or at least emphases, were possible. Renaissance beliefs that political rule was constantly vulnerable to fortune created a political culture that stressed the importance of prudence, of careful, calibrated, and active management, as an important princely virtue. A rich historiography has explored the impact of this keen awareness of the instability of rule on early modern debates about the constitutional structure of government, the merits of dissimulation and cunning, and the risks and rewards of territorial expansion. Similarly, there is a substantial body of scholarship exploring the rise of what is sometimes called “neo-stoicism” and the early modern emphasis on control over one’s personal emotions in an inconstant world. In contrast, relatively little work has explored how affect was understood as both a symptom of the instability of rule and as a means through which a prudent prince might rule over others.

It is probably not coincidental that one of the key intellectuals associated with the revival of stoicism, the Dutch humanist Justus Lipsius, who translated the early editions of Seneca upon which the Renaissance cult of constancy grew, also wrote what is perhaps the most elaborate and thorough contemporary exploration of affect as a political tool. Until quite recently, Lipsius has barely figured in the history of English political thought. However, his *Politicorum libri sex* (1589), quickly translated into English as the *Six Bookes of Politickes* (1594), was an important political text of the late sixteenth and early seventeenth centuries, reputedly on every table at

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Oxford. Composed essentially of extensive quotations from classical texts, to modern eyes the *Politickes* is an unruly text lacking a clear authorial presence. The immense patchwork of quotations served, however, a fairly specific and identifiable purpose. Through them, Lipsius advocated what he called a politics of "mixed prudence," an attempt to reconcile an 'older' humanist language of politics built on the Ciceronian foundations of moral virtue with an awareness of political expediency adopted from Tacitus and Machiavelli.10

The emotions in general, and love in particular, were central to this project. The pivotal fourth book of the *Politickes* advised princes on negotiating the perils of rule, many of which could be traced to the “unstable,” “unconstant,” common people, whose lack of control over their own passions was a constant threat to the power and authority of a prince.11 The association of commoners with emotional volatility was conventional and classical, so much so that it could even function as a definition of the term affections, as for instance in John Baret’s 1574 English-Latin-French dictionary, which used Virgil’s “the unconstant people are devided into contrary opinions, or affections” to define them.12 The connection between low status and uncontrolled emotions was part of why gentlemen were counseled to master their own, but Lipsius is interesting to me less for his well-known association with constancy and self-governance than

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11 Justus Lipsius, *Sixe Bookes of Politickes or Civil Doctrine* (London, 1594), 68.

for his argument that those unruly subjects who could not master their own passions could be ruled through them.

While he acknowledged that violence could sometimes contain the unruliness of subjects, Lipsius argued at length that the best strategy of rule was the practice of virtue. The association of virtue and rule was hardly unusual, of course. It was a venerable idea, deeply rooted in the Christianized Ciceronian of the late Middle Ages, and a cornerstone of the mirror for princes literature of the Renaissance. Yet Lipsius used the term in a distinctive way. For him, virtue was not primarily a personal quality of a king that could function as a “paterne to the rest of the people.” Instead, it was an affective relationship between ruler and subject. A virtuous prince was one who had instilled love and authority into the “harts of the people.” Lipsius’ readings of the classics left him with a firm belief that love was uniquely capable of creating stability in a commonwealth because of its psychological power to create willing obedience and control the inconstant affections of subjects always ready to hate their prince. He considered love “necessary in the managing of matters of state,” and described in considerable detail how love and “gentle intreaty” were of greater force than “an imperious commandment,” capable of bringing “to passe, [that] which a violent power is not able to do.”

But Lipsius did not believe that love alone was a sufficient affective basis for subjection. While praising its powers, he recognized that rulers also relied on other forms of emotional

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13 Skinner, The Foundations of Modern Political Thought, 1:213–43; Violet Soen has recently suggested that we think of Lipsius as the last of the mirror for princes rather than the first of the neo-stoics. See her “The Clementia Lipsiana: Political Analysis, Autobiography and Panegyric,” in (Un)masking the Realities of Power: Justus Lipsius and the Dynamics of Political Writing in Early Modern Europe, ed. Erik De Bom et al. (Leiden: Brill, 2011), 207–33.
14 James I, Political Writings, ed. J.P. Sommerville (Cambridge: Cambridge University Press, 1994), 42, 34. Note, however, that Lipsius does gesture towards this interpretation in his epistle to the reader.
16 Lipsius, Six Bookes of Politickes, 33.
management to generate what he termed authority. Authority was defined explicitly by Lipsius as a feeling, a “reverent opinion,” which subjects experienced as “admiration and feare, the temperature or mixture of both the which do make this virtue.” If love worked through liberality and leniency to prevent hatred, authority was generated through severity. As Lipsius recognized, the necessity of resorting to severity created a permanent tension in the art of ruling because the emotional tools used to combat contempt created the conditions for the growth of hatred. Fear was at the center of this tension. An overly lenient prince risked a commonwealth in which the subjects, free from the “bridle of fear,” would feel contempt towards their prince. Yet fear also produced hatred, a “sharper passion, springing of fear,” that — like contempt — could bring down entire empires. The difficulty of adroitly managing these emotional relationships was a major reason why rule was inherently precarious, subject to cataclysmic shifts of fortune. For this reason, the affective dimension of subjugation required vigilant manipulation. Lipsius ultimately concluded that hatred was a greater threat to the stability of a commonwealth than contempt, and generally advocated a form of prudence and moderation that tended towards love, even as he recognized that fear and love were necessarily linked points on a spectrum that functioned more often in combination than in isolation.

Lipsius provided an unusually thorough exploration of the precarious emotional aspects of political power, but the idea that governance could be understood in affective terms, as well as the sense that love was ultimately the most reliable means of securing rule were derived from

17 Ibid., 78.
classical texts and were essentially conventional ideas. The *Politickes* is in many ways an elaborately constructed commonplace book, and for this reason it is unsurprising that its conclusion about politics would be replicated in other works of maxims and common placing that were such important parts of sixteenth- and early seventeenth-century political thought.\(^{19}\) English language political tracts from this period frequently described what we might, as a sort of short hand, call a “Lipsian” politics of affect. Sometimes, the emphasis is quite explicit and clearly articulated, as for instance in William Willymat's 1603 versification of the *Basilikon Duron*

> Let justice so with mercy mixed be,  
> That neither do exceede their just degree,  
> If you perhappes shall be too much severe,  
> In steed of love shall hatred then appeare:  
> But if your selfe too meeke and kind you showe,  
> Contempte, with heapes of mischieffes overlowe.\(^{20}\)

Likewise, Richard Braitwaite's *The English Gentleman*, printed in four editions between 1630-1641, imagined both the rule of sovereigns in particular and of masters in general, in affective terms. Like Lipsius, he recognized the occasional need for severe justice, but counselled both Princes and local Justices of the Peace to err on the side of compassion and love, through which a prince or gentleman might gain more loyalty and obedience than through "any other affection."\(^{21}\)

Similar ideas abound in perhaps the most common genres of political texts, books of maxims and works (of which Lipsius is an excellent example) that were essentially

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\(^{20}\) William Willymat, *A Princes Looking Glasse, or a Princes Direction* (Cambridge, 1603), D2r. For the corresponding passage, see James I, *Political Writings*, 22.

commonplace books in a printed, sometimes slightly more organized form. Because these texts were principally distillations of biblical or classical texts, and were not intended to generate coherent or original arguments about politics, they are seldom considered as evidence in the history of political thought. Yet they circulated widely because the very features that now make them seem arid and jumbled, their derivativeness, their reduction of texts into aphorism bereft of context and nuance, and their evident unconcern with consistency, were highly valued in early modern intellectual life. The immensely popular *Politeuphuiua, or Wits Common-Wealth*, for example, was reprinted over two dozen times between 1597 and 1700. Organized topically, the bulk of its aphorisms on affect and rule stress the superior efficacy of love. It reproduced, for example, such well-worn maxims as the idea that a "Prince that is feared of many must of necessity fear many," and that "all things flourish through love and obedience." George More, in an advice book dedicated to Prince Henry, marshalled a host of authorities to council the young prince that the love of subjects was the “only inexpugnable force of a Prince,” the key to security and strength. The repetition of these notions as clichés, stripped of context and recycled as aphorisms allows us to see the depth of the connection between emotions and power in the early modern period, and in particular the powerful association between love, the emotional bond that "cements all, and makes dominion durable," and political power.

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23 George More, *Principles for Yong Princes: Collected out of Sundry Authors* (London, 1611), 68.

These maxims, and similar ones advising a balanced approach to love and fear, were widely repeated, often with the kind of taken-for-grantedness that their status as aphorisms implies. As clichés, they can be difficult to parse, because they don’t lend themselves to close reading of sophisticated arguments. They can, however, be used as evidence of a kind of strata of common knowledge – or better yet, of common-places – that collectively make it possible to understand and contextualize an emotional political vocabulary that was accessible to large numbers of people, part of a common intellectual culture shared by both modestly educated people and the period’s most eminent scholars.

Nor was this just a language of what we might loosely call “political theory.” The invoking and enactment of affect can be seen at work outside the relatively narrow bounds of “political thought” and in the broader terrain of Tudor and Stuart political culture. As Judith Richards has suggested, Tudor monarchs emphasized love as a language of legal power by evoking it repeatedly in royal proclamations. As an organ of official royal discourse, love served as a name for what James would call the “reciproc and mutuall duetie betwixt a free King and his natural subjects,” a term for the obligation of a subject to obey, and an assurance that the monarch acted in good will and for the common good. In this usage, love seemed to mark a circuit of obligation rather than sentiment, and might be taken as having little to do with

25 Dallington, Aphorismes Ciuill and Militarie, 77, 298 (Dallington cites Lipsius in these passages); Robert Dallington and Edmund Stacy, Dallington Epitomisd: Or, Aphorisms Civil & Military, New Model’d for the Use of the Present Age (London, 1700), 107–8, 115.
26 On the difference between political thought and political culture, and for efforts to bridge them, see Kevin Sharpe, Remapping Early Modern England: The Culture of Seventeenth-Century Politics (Cambridge: Cambridge University Press, 2000); Ian Atherton and Julie Sanders, eds., The 1630s: Interdisciplinary Essays on Culture and Politics in the Caroline Era (Manchester: Manchester University Press, 2006).
28 James I, Political Writings, 62.
affect at all. Proclamations frequently invoked love in this manner. Loving subjects were routinely described as the object of royal pronouncements, royal actions as the product of the King's love for his people.

The evocation of love in proclamations was, of course, always also an expression of power, because if the duty between King and subject was reciprocal it was also uneven. Love was a language of command and submission. When Elizabeth reminded her "loving subjects obediently to receive and truly to observe and keep," her injunctions on matters of religion or risk raising "her highness' displeasure and the pains of the same," we can see how love functioned as a term of command and threat.\(^29\) Yet if love was a language of coercion, it was also a language of consent. Though scholars have debated the relative strength and weakness of the Tudor and Stuart state, the Crown lacked the ability to rule by fiat or by force: in this sense, the declarative tone of royal proclamations, with their language of "will and command" depended to a great extent on the goodwill of the governed as government filtered through what Michael Braddick has described as a decentralized network of local actors.\(^30\)

To navigate this network, the Crown depended heavily on a form of authority rooted on esteem, persuasion, and rhetoric. In this respect, love served as an ideological device that sought to generate authority through the expression of affective ties. As a form of power, such ties would be more effective if they could break the surface of discourse and work at the level of feeling. As rhetoric, they were intended to excite the emotional bond they named.

Great ceremonies of majesty provided public forums for the enactment of reciprocal love. Coronation progressions were the most elaborate and tactile of these, and Elizabeth's was


particularly focused on rituals of love. Such, at least, is the impression conveyed by the most detailed surviving account of the event, the anonymous *Passage of our most Drad Soveraigne Lady Quene Elyzabeth*, first published just nine days after the event, and reprinted several times.\(^3\) From its opening paragraph, the *Passage* is steeped in love, as an aural, visual, tactile, and linguistic phenomenon. On entering London, crowds greeted Elizabeth with “prayers,

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wishes, welcommings, cryes, tender woordes, and all other signes, which argue a wonderfull earnest love of most obedient subjectes toward theyr soveraigne.” She responded in kind,

Figure 3: The love of subjects depicted. 
Guillaume La Perriere, The Mirrour of Policie (London, 1598), 123. (Folger Shakespeare Library, STC 15228.5)

“ravishing” the crowd with “loving answers and gestures” which “confirmed, and indeed emplanted a wonderfull hope in them touchyng her worthy goverenement in the reste of her reyne.” The Passage’s frequent references to signs and semblances of emotion emphasize the
theatricality of the moment. London itself, the author suggested, was a “stage wherin was
shewed the wonderfull spectacle, of a noble hearted princesse toward her most loving people.”\textsuperscript{32} However scripted, these rituals of love were clearly also intended to be felt, and the account of
the procession is punctuated by descriptions of bodies and countenances of both spectators and
the Queen suggesting that love was not just in the air but experienced by individuals. An
“auncient citizen,” was “espied,” “his face backewarde” as he wept for “pure gladnes.”\textsuperscript{33} One of
the children involved in a pageant kissed the paper upon which his oration was written before
handing it to the queen.\textsuperscript{34} The Queen’s countenance also testified to the veracity of her emotional
reactions. At Fenchurch, the procession paused while a child, “appoynted to welcome the
queenes majestie in the hole cities behalf,” recited a poem pledging the blessings and “true
hertes” of the city to the Queen. The pamphlet lingers on the Queen’s visage as she reacted to the
child’s speech, noting that it caused a “marvelous change” in her countenance, revealing that it
had touched her inwardly.\textsuperscript{35} Throughout the day, the Queen's body yielded signs of real emotion
behind the affectation.\textsuperscript{36} We can, of course, no more recover the Queen's emotions then we can
those of the crowd, but it is important to note that, whatever its status as a discourse or ideology,
the love between subject and sovereign was believed to be felt, and powerfully so. As Michael
Renninger would describe in his treatise on obedience, subjects should strive to experience love

\textsuperscript{32} Anon., \textit{The Passage of Our Most Drod Soveraigne Lady Quene Elyzabeth through Citie of London} (London,
1559), sig. Aiir-Aiiv. Hunt and some other recent scholars have suggested that Richard Mulcaster was the author of
this text.

\textsuperscript{33} Ibid., sig. Eiiir.

\textsuperscript{34} Ibid., sig. Diiv. See also Thomas Churchyard, \textit{A Discovrse of the Queenes Maiesties Entertainement in Suffolk
and Norffolk} (London, 1578), sig. Bir–Biv, for a passage which recognizes the scripted or customary nature of such
displays, while insisting that they represented real emotional experience.

\textsuperscript{35} Anon., \textit{The Passage of Our Most Drod Soveraigne}, sig. Aiiiv.

\textsuperscript{36} For renaissance ideas about how emotions were revealed in bodily gestures and expressions, see Lucie Desjardins,
\textit{Le Corps Parlant: Savoirs et Représentation Des Passions Au XVIIe Siècle} (Saint-Nicolas, Quebec: Presses de
l’Université Laval, 2001); Peter Harrison, “Reading the Passions: The Fall, the Passions, and Dominion over
(London: Routledge, 1998), 62–63; Thomas Wright, \textit{The Passions of the Minde} (London, 1601), 49–50; Marin
as a "fier" in their "hearts and bowels," an inward, felt, and powerful emotional bond of subjection. Historians have, at best, few means to study emotions at this level, but if we are largely left to interpret emotions as discourse, we should continuously resist the urge to reduce them to it.

Further stops on the progression detailed allegorical interpretations of the politics of love. At Cornhill, the progress halted before a throne labeled the “seate of worthie governance,” surrounded by personifications of the four virtues of a commonwealth, pure religion, wisdom, justice, and the love of subjects. These personifications were cleverly arranged so as to appear to be supporting the throne, serving quite literally as the foundation of civil society. The "seate of worthie governance" opens a sliver of menace and risk into the heart of the day's proceedings, for the virtues were each represented as “treading” upon parallel vices. In the case of the “love of subjects,” the corresponding vice was “rebellion and insolencie.” Though visually depicted as “suppressed” by virtue, the oration accompanying the display provided an implicit warning about the consequences of love’s lack, hinting that should the Queen “swerve from her right race,” rebellion and insolence might “put the seate of Governement in peryll of falling." On a day devoted to displaying love in its plentitude, the allegory of the “seate of worthie governance,” and the subsequent pageant depicting both a “ruinosa respublica” and “respublica bene instituta” gestured towards the contingency of love, and hence the necessity of managing and producing it through prudent rule.

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37 Michael Renniger, A Treatise Containing Two Parts. 1 An Exhortation to True Loue, Loyaltie, and Fidelitie to Her Maiestie. 2 A Treatise against Treasons, Rebellions, and Such Disloyalties (London, 1587), sig. [A5r]; Nicholas Coeffeteau, A Table of Humane Passions, trans. Edward Grimeston (London, 1621), 648 described loving subjects as being "ravished with a sweete excesse of joy." In contrast, the reciprocated love of a sovereign was usually depicted in cooler terms, in keeping with the idea that the common sort were more prone to violent passions.
38 Anon., The Passage of Our Most Dread Soveraigne, sig. Biiir–[Biiiv].
That love was emphasized in coronation ceremonies is unsurprising. However, as we have seen, Lipsius and other commentators believed that over-reliance on it left Princes exposed to contempt and thus dangerously exposed to ruin. To ward off contempt, a Prince needed to be willing to balance love with fear. As Lipsius put it, Princes should strive to place their subjects “indifferent between love, and aw[e],” uncertain whether to salute their Prince as a lord or as a father.39 Or, as Nathanial Johnston (who cited Lipsius as an authority on the point) put it, a good prince should leave his subjects “attemper’d with fear and love, with interchangeable sentiments, doubt[ing] whether they shall salute him as their lord or parent.”40 This suggests that just as love needs to be situated within its history as a political term, so, too, does fear. The French philosopher Raymond Aron once classified fear as a “primal and, so to speak, subpolitical emotion,” too obvious and simple to need definition or support inquiry, and yet early modern thought, especially in religious literature, developed a rich vocabulary for thinking about fear, much of which revolved around its relationship to love.41 Though it is analytically useful to separate them, love and fear were often understood as thoroughly mingled in the political experience of subjection. In the love of the subject there was something of the sublime, a love that could not but be felt as tinged with fear. Fear and love were often paired, not because they were antagonistic strategies for exercising or signifying power, but because they were understood as deeply intertwined.

The closeness of love and fear was deeply rooted in the Bible, perhaps nowhere more so than in the injunction to fear God. Exegesis on this issue developed in such a way that, by the

39 Lipsius, Six Bookes of Politickes, epistle dedicatory, [Avr].
time of Aquinas (if not sooner), Christian thought broke with Stoic and Platonist ideas that fear was an emotion that should be eliminated or controlled, and instead argued that fear was a positive emotion, a necessary quality of virtuous and Christian life. For Aquinas, fear was vital to Christian ethics, provided it was the proper form of fear. Beyond the simple animal reflex of “natural” fear, Aquinas distinguished many forms of fear unique to humans. The most important of these were servile fear, a fear produced by aversion to punishment, and filial fear, a fear or reverence produced by a "well-ordered and mature love for God." Aquinas himself was overwhelmingly interested in love and fear as religious emotions, but his distinction between natural, servile, and filial fear was widely used in the early modern period to explain the emotional experience of earthly subjection.

The Anglican cleric and future Bishop of Norwich Edward Reynolds, for instance, in his Treatise of the Passions, a work commonly used as a textbook at Oxford through the end of the seventeenth century, framed the distinction in expressly political terms. He described slavish fear as a product of sin and the corruption of nature, an individual rather than social fear, generated by “a secret guilt of minde.” Yet this fear had social consequences, manifesting itself as “hatred of the authors or executioners of justice,” and leading to rebellion. In contrast to this socially dangerous form of fear, Reynolds outlined a second type, a “submissive, awfull, feare,” “vigilant and obedient,” which he labeled admiration. This was a type of fear he specifically

43 John Flavel, Two Treatises: The First of Fear, from Isa. 8, v. 12, 13, and Part of the 14. : The Second, The Righteous Man’s Refuge in the Evil Day, from Isaiah 26, Verse 20 (London, 1682), 7. For evidence of this three-fold distinction circulating as a commonplace, see Christopherus Barovicus, Commonplace Book, c 1650, MS Baldwin 0879, University of Illinois Rare Books and Manuscripts Library, 24.
identified as a “fear of subjection.” It was the fear we felt towards those who are “above our nature,” parents, masters, and governors. As Reynolds explained, this was the fear upon which subjection depended. Without it, men cast “off the yoake of obedience” at the center of civil life. Without it, men were prone to “ferget their original subjection, and in stead of fearing, to terrifie man their lord.”

Reynolds made relatively little effort to connect this fear with love. Others, however, especially those writing on family life linked them tightly together when describing the emotional experience of submission and subjection. For example, William Gouge’s popular treatise, *Of Domesticall Duties* (1622), a work deeply concerned with the emotional basis of power relations within a household, depended on the distinction between servile and filial fear. Gouge described fear as having a “double cause,” because it could indicate either an aversion to punishment or a fear of failing to please. At its root, these two forms of fear, the one servile or slavish, because it is “such an one as bond slaves beare to their masters,” and the wicked to God, the other filial or familial because it resembled the fear of children and wives towards their fathers and husbands, formed the basis of human subordination. The closeness of filial fear to love was immediately clear. As Gouge noted, while servants obeyed only for dread of punishment, sons feared their father because they loved him.

Within the microcosm of the family, both fear and love were crucial to hierarchies of power, with the mixture of emotions reflecting the closeness of the relationship. As John Bunyan

47 Ibid., 280.
put it, “all manner of service carries more or less dread and fear along with it, according as the
quality or condition of the person is, to whom the worship and service is done.” Servants were
at one end of this spectrum. Gouge believed they would feel at most “small love” towards their
masters, who were hence obliged to govern them primarily through servile fear, lest they hold
him in contempt. In contrast, closer relations could be ruled primarily through filial fear.
Wives, for example, should feel the same “awful reverence” towards their husband that servants
felt towards their masters, but it produced a very different effect. Servile fear was inward
looking, whereas filial fear was directed outwards. As such, “wive-like feare” was manifested as
a desire to please, and experienced as either joy in being pleasing, or grief in failing in her duty
to do so. In her emotional experience of subjection, a wife should feel love, but of a type that
“expresseth it self by fear,” that produced “such an affection as yieldeth cheerful subjection.”
Filial submission was the intersection of these two emotions, in which fear was the “spring of
subjection,” and love was the “rise of fear.”

Explorations of familial duty and submissions held clear implications for political
subordination, which was in essence no different from any other human relationship. Gouge, for
instance, argued that subjects had a duty to feel filial fear towards there sovereigns, and that
sovereigns ruled best when they sought to instill filial rather than servile fear in their people. Just
as a husband should foster filial fear by acts of love, Princes had a duty before God to encourage
“free, willing, ready, cheerefull, conscionable submission,” the only godly form of subjection, in

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51 Ibid., 275, 20–1; Commonplace Book of Similes and Comparisons from Scripture and General Literature, ca. 17th
century, Pre-1650 MS 0162, University of Illinois Rare Books and Manuscripts Library, 40v–41r.
53 Ibid., 25.
their subjects. Gouge did not explicate how this is to be achieved, but the moderate, loving authority of a husband is presumably his model for a Prince.

While domestic manuals tended only to glance at political subjection, the concept of filial fear could serve as the organizational centerpiece for more explicitly political texts. For example, in 1604, William Willymat published *A Loyal Subject’s Looking Glasse*, a companion volume to his earlier verse edition of the *Basilikon Doron*, which he called the Prince’s *Looking Glasse*. Unlike the Prince’s *Looking-Glasse*, which approached rule from the position of the prince, the *Loyal Subject’s Looking Glasse* was a guidebook for subjects on how they should experience their own subjection. Willymat used the concept of filial fear to describe the internalized experience of subjection, insisting that being a subject was not only about the “outward shewes” of external obedience, but also the “secret thought” of the heart.” True subjection was an emotional experience of filial fear, which he described as one of the major duties of a subject and quite literally a matter of salvation. As the "very original fountaine of all true obedience flowing and issuing out first from the very internall thoughts of the heart," it was inseparable from the fear of God.

From the perspective of a Prince, filial fear was essential for “all civill pollicie and government among men.” This was partially because fearful subjects were obedient. But, Willymat also described how filial fear spurred in the Prince a love for his subjects, reinforcing the reciprocal links of love and fear that constituted a commonwealth. While he insisted that subjects had a fundamental duty to feel filial fear, Willymat envisioned the Prince as having a duty to promote such fear through moderation and clemency. The fear of subjects, he noted,

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56 Ibid., 12–13.
57 Ibid., 22.
could easily be abused. Overly severe sovereigns risked producing subjects moved only by
servile fear, which Willymat described as a form of folly because it had become disassociated
from its connection to love.\textsuperscript{58} Moreover, because servile fear was transient, it was unsuitable as
a basis for stable rule.

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While there was broad agreement that subjects were best ruled through a sort of loving
fear, there were also vocal advocates of the governing potential of servile fear. Machiavelli’s
works, which began circulating in England during the 1530s, suggested new answers to the
question of affect and rule. Kevin Sharpe has spoken of Machiavellianism as challenging
“affective relations as the foundation of societies and states,” but I would suggest that it is more
useful to see him as substituting one form of affective relation for another.\textsuperscript{59} Machiavelli did not
challenge the idea that emotional bonds were central to the relations between subjects and
sovereigns. In fact, he proceeded from the conventional idea that love and fear, hatred and
contempt, were the emotional spectrums around which subjection revolved. What made
Machiavelli’s text so distinct was his rejection of the ideal of balanced rule, and his suggestion
that since they cannot exist together, "it is much safer to be feared, then be lov’d." Machiavelli
notoriously turned the commonplace idea that love was the strongest and most durable emotional
bond upside down, arguing that fear was by far the more powerful emotion. In so doing, he also
redefined the political emotion of fear. Machiavelli's fear was not filial, but servile. It did not

\textsuperscript{58} Ibid., 28–31.

\textsuperscript{59} Sharpe, \textit{Selling the Tudor Monarchy}, 463; On the early circulation of Machiavellian texts in England, see
Alessandra Petrina, “Machiavelli’s Principe and Its Early Appearance in the British Isles,” in \textit{Machiavelli in the
British Isles: Two Early Modern Translations of the Prince}, ed. Alessandra Petrina (Burlington, VT: Ashgate,
2009), 1–32; Alessandro Arienzo and Alessandra Petrina, eds., \textit{Machiavellian Encounters in Tudor and Stuart
England: Literary and Political Influences from the Reformation to the Restoration} (Burlington, VT: Ashgate,
2013); Emile Gasquet, \textit{Le Courant Machiavelien: Dans La Pensée et La Littérature Anglaises Du XVle Siècle}
(Montreal: Didier, 1970); Christopher Morris, “Machiavelli’s Reputation in Tudor England,” \textit{Il Pensiero Politico} 2,
no. 3 (January 1969): 416–33.
depend on a subject's desire to please, but instead on the "dread of punishment which never forsaks a man."  

What could sometimes get lost in the controversies that followed Machiavelli's ideas was that he had situated his politics of fear within a very precise set of political circumstances, the expansion of territory and the extension of subjection to new people. One of Machiavelli’s first arguments in the Prince was that hereditary or “naturall” Princes, were likely to inherit an affective bond with their subjects, and should be able to rule through love. What made Machiavelli’s text so distinctive was that, unlike most Renaissance discussion of the art of rule, Machiavelli was uninterested in its “naturall” setting, and instead focused his attention on the difficulties of establishing rule over new subjects. His exploration of love and fear was designed to address how affective bonds could be created under conditions of conquest.

In contrast, the literature on love and its near neighbor, filial fear, was rooted in conceptions of static and unchanging polities, where natural monarchs ruled their equally natural subjects. This is the sense of the common term, “natural subjects,” denoting in an unproblematic and straightforward sense those born within the affective community of the Crown, and thus within the sphere of love that “belongeth to natural, good, and true loving subjects.” As a legal term, the affective bonds of faith and allegiance had slowly come to be defined in just such naturalized terms. Though this transformation had been underway for centuries, *Calvin's Case* (1608) has been identified by the legal historian Keechang Kim as a pivotal moment when the

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naturalness of allegiance became a matter of law, and subjection a matter of being. In legal opinions relating to the case, Edward Coke, who considered ligeance the sinew that “joined together the sovereign and all his subjects,” insisted that it was not primarily a legal relationship, but an affective one, a quality of the “mind and soul of man.” Like Francis Bacon, he considered allegiance a mystical bond of faith, an emotional connection rooted in love, which “began before laws” and continued to exist beyond them. In such a domestic context, the superiority of loving and moderate rule over fear and tyranny, naturalized in the image of the prince as a stern but caring father, was perhaps obvious and certainly could be seen as self-interested.

But Machiavelli’s Prince was a conqueror, not a father, and ruling others not his children. Because he focused so clearly on the question of subjection as it related to expansion, it is perhaps unsurprising that Machiavelli’s reception was a bifurcated one. His many and vocal critics often criticized him by domesticating his context. In contrast, his sympathetic readers were often engaged in conquest and colonization themselves, and thus more open to recognizing the distinction between natural and new subjects on which Machiavelli’s embrace of servile fear was built. As Andrew Fitzmaurice has recently remarked, the “colonial experience” needs to be integrated into our understanding of the “reception of Machiavellian thought in England.”

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66 Andrew Fitzmaurice, *Humanism and America: An Intellectual History of English Colonisation, 1500-1625* (Cambridge: Cambridge University Press, 2003), 13; As will become clear, David Quinn’s idea that Irish colonialism was influenced by Machiavelli, but American colonialism was not, is no longer sustainable. David B. Quinn, “Renaissance Influences in English Colonization: The Prothero Lecture,” *Transactions of the Royal Historical Society* 26 (December 1976): 73–93.
Indeed, while it would not be until the 1640s that an Englishman would elaborate a Machiavellian domestic state, by the 1560s, Machiavellian ideas were beginning to play a vocal role in English political dialogs relating to the problem of governing Ireland. Humphrey Gilbert, for instance, argued vigorously that “no conquered nation will ever yield willingly obedience for love but rather for fear.”\(^{67}\)

Theoretically, the Irish were born natural subjects of the English Crown, and thus should have been amenable to rule through love. Yet ongoing attempts to enforce that subjection made clear their lack of affective bonds with the Crown, suggesting to many the need to rethink its utility as a mode of power. The soldier and author Barnabe Rich, for instance, considered the Irish a prime example of the limits of subjugation through love. “Some will say,” He noted, “that there is not a readier meane whereby to draw subjects to a settled love, then a gracious clemency to be used by the Prince.” Yet Elizabeth had tried and failed to “have woon their hearts to a more loving and willing obedience.” Her love had been met with an obstinate ingratitude and contempt that, for Rich, served as a prime example of Irish savagery.\(^{68}\) Similarly, Thomas Lee, who fought in Ireland under Essex, wrote in his widely circulated manuscript account of Irish affairs that English attempts to “deale kyndlie” with the Irish had been consistently interpreted as weakness, proving that clemency and pardons would never “bind them to bee good subjectes.”\(^{69}\) Instead, the English should unleash upon them punishment without mercy, cowing them into obedience.\(^{70}\) For both Lee and Rich, religious differences were largely to blame for this necessity because Irish Catholicism caused them to hate the English, diverting their ties of ligeance away from their


\(^{69}\) Thomas Lee, "The Discoverye and Recoverye of Ireland with the Authors Apologie," ca. 1600, MS V.a. 475, Folger Shakespeare Library, 49v, 30v.

\(^{70}\) Ibid., 44r.
proper, English, sovereign, and towards the Pope instead. Though Rich declared his aspiration that a “perfect love and amity” may yet “join together as well English and Irish,” under one religion, king, and law, and Lee expressed faith in the idea that swift punishment might ultimately create loving, because fearful, subjects, the tenor of both works clearly display English uncertainties about how one could effectively create subjects through bonds of love.

In its Irish context, Machiavellianism offered hope that subjugation might proceed in the absence of love, prompting a re-evaluation of the risks and merits of violence and intimidation, which were widely understood as incomplete and inherently unstable forms of power. Beside Lee, several other important Irish tracts from the era of the Nine Years’ War (1594-1604) advocated intensive campaigns of violence in Ireland. As Sydney Anglo has pointed out, these were also the first English political treatises explicitly built on Machiavellian foundations. The most notorious of these tracts is Edmund Spenser’s View of the State of Ireland. Spenser had studied Machiavelli with Humphrey Gilbert as part of a working group organized by Sir Thomas Smith to discuss colonial theory. The View of the State of Ireland rejected the idea that the English should “plant a peaceable government” amongst the Irish to coax them into a “more voluntary and loyall subjection.” “It is all in vaine,” he believed, for the English to pursue

71 Rich, New Description of Ireland, 16, 28, 90; Lee, "The Discoverye and Recoverye of Ireland," 48r–49v; See also Barnabe Rich, The Irish Hubbub Or, The English Hue and Crie (London, 1617), 53.
72 Rich, New Description of Ireland, 116.
“faire meanes and peaceable plotts.” Instead, the Irish must be brought to heel using cruelty and
the “strong hand” of the sword.\footnote{76}{Ibid., 91, 93; Lee, “The Discoverye and Recoverye of Ireland with the Authors Apologie [Manuscript], Ca. 1600,” 49v.}

Yet, even in Ireland, the scene of horrific bloodshed in the second half of the sixteenth
century, the idea that love was the ultimate goal of rule showed remarkable durability, even
among some writers whose work shows clear debts to Machiavelli. For example, Sir William
Herbert’s \textit{Croftus Sive de Hibernia Liber}, a Latin poem written around 1591, repeatedly cites
both Machiavelli and Lipsius, using the latter to emphasize the necessity of creating and
governing both the Old English and the Gaelic residents of Ireland through love. Good
government, he argued, depended on the “paternal love” of a magistrate towards his people, and
it was this love that has been lacking in Ireland.\footnote{77}{William Herbert, \textit{Croftus Sive de Hibernia Liber}, ed. Arthur Keaveney and John A. Madden (Dublin: Irish Manuscripts Commission, 1992), 67; For a contrasting account of Herbert’s text, see Hadfield, \textit{Edmund Spenser’s Irish Experience}, 39–40.}

In clearly Lipsian language, he identified
“hatred and contempt, which bring destruction and ruin to princes and states of all kinds,” as the
key obstacle to English rule in Ireland.\footnote{78}{Herbert, \textit{Croftus Sive de Hibernia Liber}, 55.} The lack of love was serious enough that he expressed
concern that some future king “will disperse that entire race and will extirpate the inhabitants
there who have lapsed into the habits and customs of the Irish,” but – in contrast to Spenser, who
enthusiastically advocated unleashing military force and famine on the Irish – Herbert used this
prospect as an opening to make an extended case for government by persuasion, using love and
clemency to combat hatred and contempt.\footnote{79}{Ibid., 87.} Ireland’s lord should rule via “kindness and
affability,” a strategy that would “work powerfully upon the minds and hearts of the Irish with
love and goodwill.”\footnote{80}{Ibid., 109.}
Herbert’s persistent emphasis on love should not be taken as an indication that he was a less than enthusiastic colonist. Like Spenser and Beacon, he was a planter in Munster and member of the local provincial council. The *Croftus* advocated further colonization of Ireland, including the transportation of the Irish population. Like Beacon and Spenser, he “defended the use of extra-legal force where it was deemed necessary.” While he stopped short of advocating it himself, Herbert did not object to the theoretical extirpation of the Irish, and was sufficiently influenced by Machiavelli to recognize the advantage of being able to compel rather than merely ask for obedience. Yet he kept returning to the dream of colonial subjugation through love.

In large part, the persistent allure of love as a mode of subjection, even in places such as Ireland where love was elusive, was based on commonplace assumptions that stressed the limitations of conquest as the basis for governance. As Bacon noted in his book of maxims, keeping a conquest was as difficult as making one. This was so because conquest, rooted by definition in fear and violence, was an inherently unstable foundation for durable political power. As Edmund Stacy put it, a government "whose foundation is laid in blood," might somewhat subsist temporarily, but it would eventually fall in dramatic fashion, burying "in the ruins most of the persons that were concern'd in its support." Echoing Aristotelian science, he suggested in another aphorism, "nothing that is violent is permanent," including governments founded in conquest rather than love. Bacon would extend the scientific metaphor, arguing that violent unions could create

84 Francis Bacon, *Apophthegmes New and Old* (London, 1625), 146.
85 Dallington and Stacy, *Dallington Epitomised*, 20.
mixed, but never truly united kingdoms that, like fallen snow, would soon dissolve into their constituent parts. More concretely, he noted that conquests often proved greater burdens than strengths, seed beds of rebellion and revolt. Even Machiavelli, contemplating the potential conquest of Pisa by Florence, noted that a conquest by love would be more likely to last than a conquest by force. The much voiced concern that "all forced governments are both weake and momentary," the association of tyranny with instability and of love with virtue all suggested that conquest and, as we shall see, colonization, would succeed best if planted on firmer footing than fear and violence. In this respect, it is unsurprising that when discussing colonization in the New World, Bacon stressed the ideal of planting in empty lands "where people are not displanted to the end to plant in others." In inhabited places like Virginia, Bacon joined a chorus of voices stressing the importance of treating the Indians "justly and graciously," and ruling as a Lipsian Governor.

3 GENTLE AND FAIRE ENTREATY

Though their transmission has gone largely unnoticed, English ideas about affect and authority crossed the Atlantic, where they shaped both the language and tactics of the English colonial agenda. Love and fear were an important part of the political vocabulary of the propaganda campaigns organized by the Virginia Company. Moreover, the affective languages

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of rule described in the previous chapter were put to work in Virginia, where colonists actively and consciously sought to subjugate Indians through the creation of affective bonds. This was especially true in the first decades of colonialism in the Chesapeake, when the immediate objective of planting was establishing power over a formidably large native population. English efforts to create power through emotions shifted constantly in the cauldron of hunger and cross-cultural violence that was early Jamestown.

Fear was ever present in Jamestown. The English were always, at times overwhelmingly, aware of their vulnerability. It is easy to imagine that this terror, which the Powhatans (playing affective power games of their own) sought to spread, fostered the belief that in colonial space, fear alone could serve as an instrument of power. Certainly, the English understood that the audacity of their plans to subjugate a large and militarily powerful polity made bonds of friendship and love uncertain. As an early set of instructions from the Virginia Council to its settlers remarked, “you cannot carry yourselves so towards them but they will grow discontented with your habitation.”¹ In such circumstances, it is not surprising that the early colonists included a number of advocates of a colonialism designed to turn the tables of dread and subjugate the Powhatans through servile fear. Yet if Jamestown was unquestionably the scene of Machiavellian experimentation and great paroxysms of violence, what is perhaps most remarkable about its first decades is the incredible resilience of the idea that colonialism could and should be rooted in what another set of early instructions termed “good meanes” and “well entreaty.”² Indeed, one impact of the wars that continuously threatened the colony in its first

¹ These instructions are printed in Alexander Brown, ed., The Genesis of the United States (Boston, 1890), 1: 82.
² William Waller Henings, ed., The Statutes at Large Being a Collection of All the Laws of Virginia (New York, 1809), 1: 74.
decades was to reinforce the idea that violence and fear were inherently unstable forms of power and to make more urgent the project of colonial love.

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In late May of 1607, just one week after ground was broken on the Jamestown fort, Christopher Newport ventured up the James River on a diplomatic mission. On board was Gabriel Archer, who wrote a detailed relation of the trip that shows the English observing the emotional state of the Indians as carefully as they did the lie of the land. Such careful observation was necessary because the English saw in them signs of status and power. Newport’s mission hinged on finding and fostering signs of nascent love, a search that frames much of his narrative. Archer’s account, for instance, opens by describing how the English hailed the Indians with one of the few native words that had already become part of the English vocabulary, “Wingapoh,” a word they understood to mean friendship and kindness. According to Archer, when used in combination with a “conference by sygnes,” the word produced a powerful effect. It immediately convinced the Indians of their good intentions, causing one of them to provide an accurate map of the river, volunteer to serve as a guide, procure them food, and arrange that they were "entertayned with much courtesye in every place." In one such village, Newport met a man he believed to be the "greate kyng Powatah," with whom he negotiated a peace, a process that involved professing himself a friend to the Powhatans. In return, Powhatan, who Archer insisted fully understood "by the wordes and signes we made; the signficatyon of our meaning," was

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"moved of his owne accord" to propose a "leaage of fryndship," sealed by giving the English the gown off his back, "laying his hand on his breast," and pronouncing the English "Wingapoh Chemuze," "the most kynde wordes of salutatyon that may be."4

Archer's account, especially his insistence that Powhatan was "moved of his owne accord" to accept friendship suggests that the English interpreted it as an act of voluntary submission. For even here, a week after their arrival, the English were not seeking a friendship of equals but one of subordination. If friendship, as Louis LeRoy put it in his popular and important gloss of Aristotle, was “nothing but an election of living orderly together,” order implied hierarchy in early modernity.5 This was implicit in the idea of “leagues of friendship,” a term which in early modern usage frequently described relationships of subordination rather than of equality. There is perhaps some evidence to suggest that Parahunt, the weorance with whom Newport had actually conversed, also believed the "league" to be a form of submission, but of the English to him. In 1608, Wahunsonacocock, the actual chief known to the English and historians ever since as Powhatan, gave Newport a mantle as part of an exchange of status items in which the English and the Powhatans sought to express dominance.6 Parahunt’s gift of a mantle may well have had similar significations.

Archer consistently portrayed English kindness as leading to Indian loyalty. He described, for example, Newport attempting to use clemency to reinforce nascent affective bonds. After discovering that several Indians had stolen "two bullet-bagges which had shot and dyvers trucking toyes in them," Newport "made knowne unto them the custome of England to be death

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4 “Relation of the Discovery of Our River,” CO 1/1, No. 15 47r–47v. Newport had not in fact met Powhatan, but instead had treated with Parahunt, the weroance of a town known as Powhatan. Helen Rountree, Pocahontas’s People: The Powhatan Indians of Virginia through Four Centuries (Norman: University of Oklahoma Press, 1990), 33. John Smith was the first of the English to meet Powhatan.
5 Aristotle and LeRoy, Aristotles Politiques, Or, Discourses of Gouvernement, 152.
for such offences," before not only forgiving them but also then giving the thieves the objects they had stolen.⁷ For five days, Archer believed that this strategy was working: the Powhatans were willingly serving the English and providing them with all manner of intelligence about the region. Yet the trip would end abruptly and, to the English, inexplicably, in violence. On the morning of the 27th, Nauriraus, the Indian who had first been charmed by the appellation “Wingapoh” and become their most loyal servant, abandoned the English for reasons that Archer could not initially comprehend but that became clear on their return to Jamestown, which had been attacked. For the next several weeks, the ramshackle fort was the scene of almost daily violence. However, at the time, the English had almost no conception of the political boundaries of the native Chesapeake. Archer attributed the skirmishes at Jamestown to peoples who were outside their "prefect league" rather than an act of betrayal. On June 14, Nauriraus appeared unarmed outside Jamestown, assuring the English that he could negotiate peace with their attackers. The raids on Jamestown temporally ceased, reinforcing Nauriraus's credibility.⁸ Archer's account, which he sent back to his superiors in England, ended on an optimistic note. Though he conceded that the Indians were "naturally given to treachery," he had seen no evidence of this on their voyage. Instead, they had encountered “a most kind and loving people," of natural wit, eager to learn from and submit to the English. Their responsiveness to English entreaties was powerful evidence that the English would be the authors of their conversion to Christianity.⁹

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⁷ “Relation of the Discovery of Our River,” CO 1/1, No. 15 48r; Newport's element behavior here contrasted notably to the outcome of a similar incident, reported by George Percy, that occurred just a few days earlier at Jamestown. In that case, Indian theft had been met with immediate English violence. Purchas, *Hakluytus Posthumus*, 4:1688; See also Archer's relation of his early voyage to New England, for a similar story of English mercy after a theft in ibid., 4:1650.

⁸ Rountree, *Pocahontas's People*, 34.

⁹ “Relation of the Discovery of Our River,” CO 1/1, No. 155 6r–56v.
Whether he did so consciously or not, Archer’s relation fit into an established tradition within the still young genre of English colonial thought. As early as the 1580s, when English adventurers took their first tentative and poorly (if often copiously) planned steps towards the establishment of settlements, colonial planners had depended on affect to make their settlements prosper. They expected to find in America the “most gentle, loving, and faithfull,” people, exactly those whom Archer believed he had encountered. Such a people were prime candidates for emotional subjugation in accordance with what George Peckham called the “principle taught us by naturall reason,” that all people might be “rendred more tractable and easier wunne for all assayes, by courtesie and myldnes, then by crueltie or roughnes.”10 While he believed the Indians “fearefull by nature,” Peckham argued that colonialism would alleviate rather than exploit that fear. Colonists would strive to “take away such feare as may growe unto them” because of the strangeness of English arms and manners, as a prelude to convincing them to join with the English in a “mutuall society,” a “league of freendshippe” and “loving conversation.”11 Peckham’s optimistic colonial projection had been amplified by reports from Raleigh’s Roanoke venture. While Peckham spoke of dispelling native fear, Thomas Harriot articulated a more filial emotional politics. Harriot, who spent much of 1585-86 at Roanoke, paid considerable attention to affective assessment of the local Algonquians, and reported seeing clear signs that they could be subjugated. The English, he argued, should not fear the militarily and technologically inferior Indians. Instead, it was they who will come “both to feare and love us.” Poor and lacking in sciences and arts, yet of excellent wit, Harriot believed them capable of recognizing and desiring

the benefits of “our friendship & love.” They would in effect come to desire their own subordination, taking filial pleasure in “pleasing and obeying us.” It was exactly this emotional openness that led him to conclude that “means of good government” could be used to bring the Indians to civility and Christianity.12

The colonial tactics and vocabulary of Newport’s voyage took place within this frame of reference. But Newport left Jamestown for England on June 22, 1607, taking Archer’s relation along with him. In short order, John Smith emerged as the leader of the colony. During his brief but dramatic period of leadership, Smith experimented with a Machiavellian affective politics of fear. As Andrew Fitzmaurice has recently pointed out, Smith's career needs reconsideration as an important chapter in the history of English Machiavellianism. For Fitzmaurice, the primary register of Smith’s Machiavellianism is his insistence on the importance of utilitas over honestas and his advocacy of deceit as a legitimate political tactic.13 To this, I would add that Smith’s debt to Machiavelli is also apparent in his attitude towards fear, around which Smith's concept of the useful is built. His written work and his actions in Virginia operated under the assumption that Indians were “inconstant in everie thing, but what feare constraineth them to keep,” providing a psychological basis for an agenda that stressed fear as the most immediate path to subjugation.14 Smith's affective agenda revolved around the idea that "feare," which "restrains with a dread of punishment which never forsaks a man," was the most effective and certain form of power, and he demonstrated a consistent willingness to use violence and intimidation to secure obedience.15

The mere threat of Smith’s ire, he repeatedly told his readers, was sufficient to render the

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13 Fitzmaurice, Humanism and America, 177–86.
14 Smith, Complete Works, 1: 160. See also 1: 63, where Smith notes that he has learned "by experience the most of their courages to proceede from others feare."
15 Machiavelli, Nicholas Machiavel’s Prince, 131.
savages “so submissive, and willing to doe any thing as might be, and with trembling feare, desire to be friends.” Smith’s use of the word trembling is important here, as it was often associated with servile fear. As Nathanial Hardy put it, trembling fear was the fear of the rod rather than of the wielder, distinct from filial fear in that it was based in terror rather than in delight. Like Machiavelli, Smith’s idea of fear was at best incidentally filial. It was deployed solely to obtain obedience, not to develop loyalty or love. With the single important exception of Pocahontas, in Smith’s vocabulary love was a bare word of submission.

Smith’s considerable oeuvre depicted a colonial world of deep fears and shallow love. This emerged most powerfully in the last of his extended dialogs with Wahunsonacocock. In early 1609, almost exactly one year after his famous stint in captivity, Wahunsonacocock summoned Smith to his capital, Werowocomoco, to trade. The journey took place amidst serious tensions. The English were in desperate need of food and convinced that Wahunsonacocock was intentionally starving them by limiting trade, and Smith had been warned that he was being lured into a trap. On arrival at Werowocomoco, Smith was feasted, after which he and Wahunsonacocock engaged in a long conversation on the nature of fear and love, reported in the 1612 book, the Proceedings of the English Colonie in Virginia, where it is presented as more or less verbatim speech.

Treating the dialog as a literal report of the spoken word presents all kinds of problems. It was written several years after the event, and its author is unknown. Instead, it is better thought of as a set piece, likely modeled on Thucydides, as would have been immediately obvious to early

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16 Smith, Complete Works, 1: 83.  
18 Rountree, Pocahontas’s People, 48; Alfred Cave, Lethal Encounters: Englishmen and Indians in Colonial Virginia (Santa Barbara: Praeger, 2011), 64.  
19 As Barbour details, the work was written by several authors, and the attribution of specific passages in the Proceedings is unclear. See Smith, Complete Works, 1: 194–5.
seventeenth-century readers. In this respect, it should be interpreted less as a straightforward description of a conversion than as an attempt to foreground the moral truth of that conversation. Yet it is precisely this conscious framing between Smith and a “politick salvage” that makes it of interest here, because Smith presents the conversation as an extended effort by both parties to subordinate the other through the manipulation of fear and love.

Smith opened the dialog by expressing his love for Wahunsonacock, arguing that while he could take food by force, he would not “dissolve that friendship, wee have mutually promised,” unless provoked. Wahunsonacock replied by using the language of friendship against the English, suggesting that Smith’s visit was an invasion rather than a trading mission. He challenged Smith to lay down his arms, “we being all friends and for ever Powhatans.” The question of arms already had a history in Powhatan-English debates over the meaning of friendship. When Smith and Newport had visited Wahunsonacock the previous winter, Wahunsonacock had also suggested that friends should not appear before him armed. Wahunsonacock was also reminding Smith that their friendship was predicated on Smith’s earlier subordination, when he agreed to become one of Wahunsonacock’s weroances, to which he added a threat of his own. The English, he remarked, would be unwise to “take that perforce, you may quietly have with love, or to destroy them that provide you with food.” Clearly, Wahunsonacock was referencing the absolute dependence of the English on Indian food, but he was also placing them in a subordinate affective relationship. It was on this basis that he

21 Smith, Complete Works, 1:63.
22 Ibid., 1: 246.
23 Ibid., 1: 69.
24 For English dependence on native foodstuffs, see Morgan, American Slavery, American Freedom, 87, 101–6.
finally offered what the English desperately needed, suggesting “everie year our friendly trade” of corn for “copper, hatchets, or what I want, being your friend.”  

Smith pointedly rejected love on these terms, saying that the English had kept their vows of “love and kindnesse” despite Wahunsonacock’s aggression, and threatened to seize native foodstores by force. Wahunsonacock again reminded Smith that he was a weroance, claiming that he had “never used any of [sic] Weroances, so kindlie as your selfe; yet from you I recea the least kindnesse of anie.” Smith’s response laid bare the affective connections between love and subordination – and attempted to re-write those connections. He insisted that he honored only the king of England, and lived in Virginia not as “your subject, but as your friend.” Finally, he accused Wahunsonacock of attempting to sell “courtesy as a vendible commoditie.”

In this tense and deeply Machiavellian dialog, love and friendship were inextricably tied to fear, subordination, and power. Smith’s exchange showcased the language at its most transparent and cynical, deeply inflected with a willingness to dissimulate. While attentive to “words or signes” of “naturall kind affection,” Smith was equally content to operate in the realm of “fain[ed] love” and “strained cheerefulnes.” The barrenness of Smith’s “love” is readily apparent in the resolution to Smith’s dialog with Wahunsonacock, which ended (at least as a narrative event) in confusion, as Smith, believing Wahunsonacock’s professions of love a mere “trifle” intended to disguise his murderous intentions, agreed to a duplicitous display of friendship of his own. Smith agreed to “leave my armes, and trust to your promise,” to call Wahunsonacock his father and love him as a child. That evening, however, Wahunsonacock fled, and Smith – after an altercation – made off with a cache of corn.

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28 Ibid., 1: 249-50.
was essentially a synonym for obedience, agnostic to the means through which it had been obtained. His writing consistently presented his presidency in Jamestown as a shrewdly calculated regime of fear, and his emotional supremacy as the key to his ability to ‘handle’ the natives, of an affective politics in which “whipping, beating and imprisonment,” could produce such wondrous results as Pocahontas appearing in Jamestown to apologize for the sins of the Indians and offering assurances of their love.\textsuperscript{29}

Even to Smith, however, love mattered, and perhaps not only as a sign of bare submission. He seems to have understood that love remained a privileged mark of enduring subjection, the “chiefest treasure” of a sovereign because it reflected the power and virtue of those who could induce it in others.\textsuperscript{30} As Nicholas Coeffeateau remarked in his \textit{Table of Human Passions}, common men flock towards the truly great, whose virtue was a “powerfull allurement” that caused “them to bee affected and admired in the subjects where they reside.”\textsuperscript{31} In this respect, it is tempting to interpret the increasing importance of Pocahontas’s love in Smith’s histories of Virginia as an effort to prove that he was capable of building subjection through love and not just inspiring fear. Pocahontas was absent from Smith’s first account of the above-discussed dialog with Wahunsonacock, which ended with Wahunsonacock slinking away in fear and attempting to murder Smith. In his 1624 rewrite of that night at Werowocomoco, Pocahontas, who in the intervening years had become an unparalleled symbol of the possibilities of subjection through love, appeared for the first time in the story. As Smith loaded his barges with corn, she appeared quite literally out of nowhere “with tears running down her cheeks,”

\textsuperscript{29} Ibid., 1: 220.
\textsuperscript{31} Coeffeteau, \textit{A Table of Humane Passions. With Their Causes and Effects}, 129.
having risked her life to warn Smith of further plotting by her father. Pocahontas’s literary purpose was to prove Smith capable of generating love beyond simple threats, and thus his uniqueness as an effective conqueror of Virginia.

As an author, Smith proved quite effective at presenting himself as a master of the affective politics of Indian relations. However, he might equally be understood as having instead set the stage for a series of wars that threatened the survival of the colony, an indication that the old maxim that subjugation through fear was always only temporary was warranted. At any rate, Smith’s time in Virginia was as short as it was dramatic, and his departure from Jamestown coincided with a repudiation of Smith’s Machiavellian affective agenda.

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In May of 1609, the flailing Virginia Company reorganized under its second charter. In addition to reforming the governmental structure of the colony, the reorganized Company substantively sharpened its ideological and political agenda. As both Andrew Fitzmaurice and Alexander Haskell have recently remarked, this included a newly focused emphasis on colonialism as an act of commonwealth building. Unsurprisingly, affect figured heavily in this project. As Haskell has shown, the Company’s growing emphasis on maintaining political authority through the “affection of the people,” became increasingly important to the “internal” politics of the colony. In these years, the bonds between elite and subaltern began developing into a domestic politics based on ideas of reciprocal obligations of justice and obedience. As we have seen, the most common contemporary term for this relationship was love. Haskell’s history of love as a highly contested, but durable, bond linking the highly stratified ranks of Virginia’s

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32 Smith, Complete Works, 2: 199.
English population makes it unnecessary for me to closely follow that trajectory. However, paying attention to affect can also help bring to the fore other emotional communities that were developed through colonialism which Haskell, with his strict focus on Virginia’s settler population does not explore. Among these were metropolitan-English communities who were repeatedly asked to join as participants in colonial love, whether that love was felt towards the King, for whose glory the venture was undertaken, or the Indians who would be offered the chance at Christianity and civility. Another was the Indians themselves, whom the company also sought to bind within the affective community of Virginia. In this context, love was the force the English believed would make subjects of them.

As part of its reorganization, the Virginia Company launched an extensive promotional campaign, sponsoring a series of sermons related to the colony. Eight books on Virginia, some based on these sermons, were quickly committed to print. As many historians have noted, this was the largest and most organized English colonial promotional campaign of its time, and it has been widely credited with helping to transform English participation in Virginia from a narrow mercantile project into something approaching a national one. Contemporaries were aware of

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34 Haskell, “The Affections of the People.” With few exceptions, Haskell does not pay much attention to affect as an issue in Indian/colonist relations, in part because he believes Indians to have been rather clearly outside the boundaries of Virginia’s polity, especially in the years after 1622. As will become clear in later chapters, I will make the case for a more complex way of thinking about the relation between Indians and Virginia’s political and affective boundaries.

35 I have borrowed the term “emotional communities” from Barbara Rosenwein, Emotional Communities in the Early Middle Ages (Ithaca: Cornell University Press, 2007).


the importance of this broadening of the colonial project. In his *Nova Britannia*, Robert Johnson specifically noted that the Company’s reorganization took the venture out of the hands of “one or two private subjects” and into the arms of a much broader coalition.³⁸ Love was the force that bound the metropolis to the colony, creating the expansive community of interests encompassing the King and Prince Henry who authorized the colony, the nobility, gentry, and merchants who patronized and funded the venture, the settlers who travelled to Virginia and metropolitan well-wishers who prayed for the success of the venture. To succeed, colonial love had to begin at home, where true love had it source. As Crashaw put it, “how can hee love another, that loves not himself?” Among the key signs of such a lack of self-love was English readiness to "seeke meerely the world and themselves, and no further." This had made them poor colonists, as the struggles at Jamestown clearly showed, because they were engaged in the project only monetarily, privileging profit over conversion in a way that damaged the prospects of the Virginia colony and their souls.³⁹ Crashaw would go so far as to assert that anyone who had the means to invest in Virginia and chose not to was damned to hell.⁴⁰

As Theodore Rabb has emphasized, the prospect of economic gain alone was insufficient for attracting the gentry into the Virginia project, especially given dim prospects of the colony at the time.⁴¹ Broadening the participants of the colonial project necessarily involved appealing to non-economic motivations. Indeed, many of the 1609-10 texts explicitly and repeatedly deemphasized profit as “the least & last end aimed at in this voyage.” Conversion rather than

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³⁸ Robert Johnson, *Nova Britannia* (London, 1609), B3v; For continuing evidence of how important and broad based elite participation was, see Letter from R[ichard] F[errrar?] to [?a Future Member of the Berkeley Hundred Syndicate, 5 December 1618, MS FP 93, Ferrar Papers, Magdalene College. This letter describes in great detail how the political elite of the realm pledged their support for the colony to Sir George Yeardley upon his appointment as governor of Jamestown.


⁴⁰ Ibid., sig. D1v.

profit was presented as the “high and soveraigne ends” of the Jamestown plantation. This religious framework may seem unsurprising given the profession of most of the authors and the nature of the texts, but the explicit and sustained religious language of these texts is unusual in an English colonial tradition better known for its economic and geo-political arguments. Moreover, the pronounced emphasis on conversion as a goal was backed up by the second charter, which unlike Virginia’s first, clearly stated that conversion was the principle aim of the colony. By early 1611, the company could claim itself ready to meet the gaze of the “eyes of all Europe,” who were “looking upon our endevors to spread the gospell among the Heathen people of Virginia.”

The increased prominence of conversion further entrenched the idea that colonialism was a labor of love. Richard Crakanthorpe used the familiar comparison of James to Solomon to suggest that his reign would be characterized by the spread of happiness, not only among his natural subjects, "but even to strangers also." Virginia was one place such strangers might be found. Both Crakanthorpe and William Crashaw believed the Indians would come to experience love and gratitude towards the English, a love that would reflect upon and augment the happiness and glory of the English. As Crashaw put it, as the Indians were converted and came to “love their owne soules, then they will love us also, and eternize their names who brought the gospell to them.” The "inviting" Indians, "inclinable (as we see by some experience already) first to civility, and so to religion," were moved by love to share their land with the English and to trade

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44 Crakanthorpe, *A Sermon at the Solemnizing of the Happie Inauguration*, sig. D2r.
"the commodities which we want, and want that which we have for them." By linking the English and Indians together, love made conversion, and with it the financial success of the plantation, possible. Ultimately, affect was the means through which the religious and economic motives of colonialism might be reconciled.

If the English were framed as a diverse community united by love, Indians could be understood as actively seeking entry into this circle of friendship. God had "inclined" their hearts towards the English, and they had responded by "lovingly" calling the English to settle amongst them. Robert Gray believed the Indians "by nature loving and gentle, and desirous to imbrace a better condition." His words were echoed by Johnson, who imagined the Indians as potential colonial subjects because they were "very loving and gentle," already accustomed to living under "superior commaund" and hence prone to "entertaine and relieve our people with great kindnesse." The Indians’ manifested ability to love was a sign that they would willingly yield to the authority of the English, if the English correctly exploited it. As Crashaw pointed out, the Indians had shown a readiness to "use our men well, (when they themselves are well used)," an indication of the importance of the reciprocality of love. If the English wished to make loving subjects of the Indians, they needed to return that love in kind. To establish their authority, the 1609-10 sermons argued that the English should not "exercise any bloudie crueltie amongst them." Like the Romans, the English could create subjexion through "justice, equitie, clemencie, and upright dealing." Theirs would be a power established through "faire and loving meanes," the fruit of which would be "quiet residence to us and ours," and an Indian population ready to

47 Ibid., sig. I3r; See also Daniel Price, Sauls Prohibition Staide (London, 1609), sig. F2v.
49 Johnson, Nova Britannia, sig. [B4v]. For a similar statement, see Whitaker, Good Newes from Virginia, 26–7.
50 Crashaw, A Sermon Preached in London, sig. I3r.
51 Gray, A Good Speed to Virginia, sig. C2r-C2v.
“conjoyne their labour with ours” in exchange for “equall priviledges with us, in whatsoever good successe, time or meanes may bring to passe.”

Historians have sometimes treated the 1609-10 Virginia sermons as straightforward propaganda. Lauren Pennington, for example, has seen their rhetoric as driven entirely by the urgent need to convince potential investors and settlers that Virginia was a peaceful place, a “community, not . . . a military camp.” From her perspective, the sermons reflected opportunism, cynicism, and dissimulation rather than any “deep-seated philosophical commitment.” Yet the rhetoric of the sermons was engaged with important philosophical debates about the nature of power and political belonging, even if that engagement primarily involved repeating and deploying commonplace ideas about the role of emotions in government. In this respect, my analysis proceeds in the spirit of Perry Miller’s suggestion that the sermons are a useful “index” of the “cosmological conditions” of early English colonialism. More recently, Andrew Fitzmaurice has suggested that the sermons should be understood as positive acts of colonialism, because they were articulated from within a humanistic culture that understood oratory to be the “central act in the foundation of a commonwealth.” Fitzmaurice’s approach has the considerable virtue of connecting the metropolis with the periphery by insisting that documents produced by the Company need to be understood as part of the history of colonialism rather than something distinct and less important than the presumably more real “experience of the colony.” But, his laudable desire to take seriously the discursive by emphasizing the act in

56 Ibid., 69.
speech-acts ends up reifying the very divide it tries to undermine by treating what he calls the “moral philosophy of Jacobean colonisation” as something that existed principally in printed texts, the utopic space of discourse, and the conversations of the learned. Historians interested in the relationship between ideas and actions, in the conjuncture of structure and event, might still conclude that the sermons have little relation to colonialism as it occurred in Jamestown.

There are, however, hints that the new emphasis on evangelism spread beyond public pronouncements. One of the very few private letters to survive from this period is one addressed to William Strachey, then in Virginia, from Richard Martin (later the owner of Martin’s Hundred), who framed the project almost entirely in religious terms, speaking of the “fire that doth not onlie burn in mee, but flames out to the view of every one, for the furtherances & advauncement of this holye honorable enterprise.” However reluctant Martin, or his copist, was to explicitly call the enterprise “holye,” (the term is crossed out in the manuscript), his letter left little doubt that he perceived conversion, the redemption of the savages from “ignorance & infidelitie, to the true knowledge & worshippe of God,” as the principle aim of the colony.57

It was one thing to posit the conversion of the Indians. It was another to attempt it, especially as the colonists in Jamestown remained in a state of perpetual crisis. Indeed, events in Virginia can readily be seen as supporting Pennington’s idea of a radical split between ideology and reality. Since its founding in the spring of 1607, the colony had been the scene of a complex and fragile play of peace and war as the English and the Indians of the Chesapeake engaged in “testing” raids designed to correct the behavior of the other party and encourage them to act

properly as friends.\textsuperscript{58} English plans for the conversion of Indians were shaped by this violence and their on-going weakness. At the level of policy, colonialism as an act of love reflected a more complicated idea of what “gentleness” could mean than was readily described by the Company’s sermons.

This was so in part because the reorganization of the Company coincided with the advent a serious escalation in violence, as the taut friendship of Smith’s era collapsed into open war. The Company’s instructions to its new governor, Sir Thomas Gates, were issued well before the worst of the fighting, but after the colonists had concluded that Wahunsonacock intended to starve them out. Unsurprisingly, they are considerably less optimistic about Indians as easily loving subjects than are the sermons published that same spring in England. Indeed, Gates was explicitly warned that both reason and experience indicated that Wahunsonacock and his weroances “loved not our neigbourhood and therefore you may no way trust him.”\textsuperscript{59} Perhaps following the advice of Smith, the Company believed Wahunsonacock would “never feede you but for feare.”\textsuperscript{60}

Nevertheless, Gates’ instructions were designed to create conditions in which that fear might be transformed into love. Because of this, they provide important evidence of what “fair and gentle usage” might look like as a matter of policy. For example, the instructions recommend that Gates consider either imprisoning or killing native priests as means of pursuing the “most pious and noble end of this plantacon,” the conversion of the Indians.\textsuperscript{61} Likewise, Gates was given permission to either take Wahunsonacock prisoner, or seek means to “make him

\textsuperscript{60} Ibid., 3: 19.
\textsuperscript{61} Ibid., 3: 14-15.
your tributary.”62 In the Company’s estimation, none of these acts constituted either cruelty or “breach of charity,” because without priests, Indians would “easily obey you and become in time civill and Christian,” ready to be ruled by gentleness and love.

Finding a way to govern through fair usage was vital, because at this point the Company’s long-term plans revolved around turning Indian enemies into subjects whose labor and trade goods were believed essential to the economic prospects of the venture. Gates’ instructions mirrored the public pronouncements of the company, which consistently argued for colonialism as incorporative rather than displacing, designed to create bonds of love capable of transforming Indians into a people who would be “most friendly welcome to conjoyne their labours with ours,” and “enjoy equall priviledges with us.”63 In private instructions, the idea that an initial surge of violence might be necessary to “free” the Indians from their tyrannical rulers was more explicit, but the ultimate goal of integrating the Powhatans into the affective economy of subjects, who would exchange their labor for the right to “enjoy their howses, and the rest of their travel quietly and many other commodities and blessings of which they are yet insensible” remained.64

In the event, Gates’ arrival in Jamestown was delayed nearly a year by shipwreck in Bermuda. During that time, violence in the Chesapeake leapt from a persistent, but simmering level of conflict, into the full-scale violence of the first-Anglo Powhatan war (1609-14). According to Frederick Fausz, over 20% of all immigrants to Virginia between 1607-14 were

62 Ibid., 3:18.
63 Johnson, Nova Britannia, sig. C2r.
killed in the conflict, and perhaps 250 Powhatans lost their lives. Several scholars have provided thorough narratives of the fighting, and it is not my intention to reiterate those narratives. Instead, I am interested in exploring what the English understood as the causes of the violence, which all but destroyed the fledging colony and led colonial leaders, in London and in Jamestown, to assess how colonialism through love had gone astray.

Failures of leadership were frequently understood as causing or exacerbating a war, and among these failures were mistakes in affective games of power. In the spring of 1611, the Company sent Lord De La Warr, then governor of the Colony, a letter blaming previous colonists for “alienatinge of the native people of the Country especially by injuries.” De La Warr was urged to find a means of reconciliation, the first step of which was to publicly punish settlers guilty of “strange out rages committed uppon them.” The Company believed that relations with Wahunsonacock might be too damaged to be restored. If so, the colonists were to “joyne frends with his enimies and soe in time uppon just cause given to subdue him.” These new friendships were a chance to reset Indian relations, and “must be upheld by strict justice,” not only because they were necessary military allies, but also because they might yet provide the labor force which the colony desperately needed.

The Company was not only the source of the idea that English mistakes had provoked Indian hatred. Indeed, as far back as Roanoke, commentators on the difficulties of establishing colonies had blamed English failures to control their emotions. Thomas Harriot had argued that the collapse of Roanoke was caused by Governor Ralph Lane’s failure to maintain constancy and

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66 Part of a Letter to Lord Delaware from the Virginia Company in London, c 1611, MS FP 30, Ferrar Papers.
prudence, which had resulted in mis-management of the affective dimension of power.\textsuperscript{67} The English had landed in Roanoke, Harriot wrote, intending to leverage natural sociability into voluntary submission. To this end, they deliberately left unpunished several slights and wrongs committed by Wingina, the local \textit{weroance}, and his people because “wee sought by all meanes possible to win them by gentlenesse.”\textsuperscript{68} Lane, however, had lost his nerve, indulging in a series of attacks on the Indians that culminated in the beheading of Wingina. Harriot framed Lane’s attacks as significant blunders because they upset an affective balance favorable to the English. The English erred when they “shewed themselves too fierce, in slaying some of the people, in some towns, upon causes that on our part, might easily enough have been borne withall.”\textsuperscript{69} Harriot portrayed this as a mistaken play in an affective game, which had caused an “alteration of their opinions . . . concerning us.” He warned his readers that the greatest threat to the success of English colonial ventures was their own control over their emotions. If, however, the English could practice “carefulnesse of our selves,” they would have “nothing at all to be feared.”\textsuperscript{70}

Harriot’s critique suggested that Lane had lost the emotional control that was such an important mark of political and social superiority. This charge was often leveled against the leadership of Jamestown during the First Anglo-Powhatan war, whose paranoid and aggressive behavior in the face of hunger and continuing Indian power suggested to observers at the time (and historians ever since) that the English were being driven by fear. Rather than using it as a tool of subjugation, the English gave into what contemporaries believed to be its most pernicious form. As I have described in chapter two, seventeenth-century thinkers understood some forms

\textsuperscript{68} Hariot, \textit{Brieue and True Report}, sig. Fr.
\textsuperscript{69} Ibid., sig. Fr–F2v: For a narrative of events at Roanoke, see Michael Leroy Oberg, \textit{Dominion and Civility: English Imperialism and Native America, 1585-1685} (Ithaca: Cornell University Press, 1999) 31-47.
\textsuperscript{70} Hariot, \textit{Brieue and True Report}, sig. F2v.
of fear as a positive emotion. Fear could function as a kind of “naturall wisdom” that “frees us from danger, by making us apprehensive therof,” producing moderated behavior, virtue, and piety. But it was also a dangerous passion, capable of leading to “disorder,” a form of giddy madness that degenerated into “hatred, despaire, or loathfulness.”71 As Karen Kupperman has noted, the English in early America were driven by exactly such a form of fear, which left them prone to self-righteous overreaction and to a constant suspicion of Indian treachery that seems likely to have created many of the slights to which the English reacted with “horrifying vengeance.”72 In 1609-10, as the colony starved in the enclosed walls of the Jamestown fort, the English not only failed to use fear to communicate and enforce their own superiority, but their lack of control over their own fear caused them to act in ways that, following contemporary psychological theories, demonstrated a lack of emotional control and moderation associated with social inferiors.

The 1613 text the *Proceedings of the English Colonie in Virginia*, written at least in part by John Smith, described the outbreak of the war in just these terms. In the summer of 1609, Smith sent Capt. John Martin and Francis West to establish satellite settlements in Nansemond territory and at the falls of the James, hoping to alleviate increasingly dire food shortages. Martin led approximately one hundred men to Nansemond, where according to Smith, they used him “kindly”. “Yet such was his jealous fear, and cowardize,” that he reacted by attacking the Nansemond village and destroying their temples. To compound matters, “distracted with fear,” he allowed the Indians to counter attack, “kill his men, redeeme their king, gather and carrie away more then 1000 bushels of corne, hee not once daring to intercept them.”73

Smith missed many of the details of the events at Nansemond, but his emphasis on fear was reinforced by George Percy’s account of the expedition, which reported that the English attacked the Nansemond after their messengers stayed among the Indians “longer then we expected.” Convinced of Indian treachery, the English attacked the Nansemond, “burned their howses ransaked their Temples Tooke downe the Corpes of their deade kings from of their Toambes and caryed away their pearles Copp[er] and braceletts wherew[i]th they doe decore their kings funeralles.”

Both Percy and Martin then left a garrison at Nansemond, but the latter left his post “pretendinge some occasions of busyness, butt inde his owne saffety moved him thereunto, feareinge to be surpryed by the Indyans.” His fear was well justified: the Nansemond soon killed half of the English stationed there, and the English abandoned the settlement.

Smith’s account was clearly intended to insult Martin, who challenged Smith’s rule in Virginia because of his lowly social status. Yet Percy, another of Smith’s critics, provides a version of the same events that suggests that his charge of paranoid fear was not exaggerated. At any rate, the fact that Smith should pick this particular insult is significant, given the underlying implications of succumbing to cowardice and distracting fear. Martin, by succumbing to “jealous” fear was revealing his own lack of emotional mastery and constancy, vitally important parts of the affective demeanor expected of nobles and the gentry, which had resulted in both military defeat and the alienation of a tributary peoples. Martin’s failure of nerve was, of course, intended to be juxtaposed to Smith’s dexterous wielding of fear as a tool rather than a form of desperation and folly. Similarly, Smith believed Francis West’s plantation at the falls of the

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75 Ibid., 264.
77 Smith uses the term “folly” to describe his critics actions in Smith, *Complete Works*, 1: 269.
James fell because of unwarranted violence committed by the English. The Indians there were “tormented” by the English. Even while paying tribute to the settlers they were robbed, beaten, and imprisoned, provoking an assault by the Indians that “so affrighted” the English that they scarcely recovered the weapons of their fallen comrades as they retreated and abandoned the settlement. Later that fall, West again succumbed to terror. Sent to trade for corn among the Patawomecks, West succeeded in loading his boat with corn, “yet used some harshe and crewel dealing by cutteinge of towe of the salvages heads and other extremetyes.” He then stole both the pinnace and its cargo and returned to England, leaving the colony in “extreme misery and wantte.”

As the English continued to starve, the notorious malaise and desperation of the “starving time” set in. When Gates finally arrived in Jamestown in May of 1610, he quickly decided to round up the few remaining settlers and abandon the colony. Only circumstance prevented the Jamestown story from ending in failure. As Gates’ ships sailed downstream, they were met by Lord De La Warr, arriving with food and reinforcements. Like Gates, De La Warr arrived with instructions that emphasized the importance of Indian conversion. If we can believe William Strachey, De La Warr and Gates (who served as Lieutenant Governor) attempted to reset Virginia’s Indian relations. Strachey reported that Gates was determined to avoid violence, despite “all the practices of villainy, with which they daily indangered our men, thinking it possible, by a more tractable course, to winne them to a better condition.” In Strachey’s telling, only after an Englishman was captured and tortured by Indians did Gates come to question the value of gentle means “upon a barbarous disposition,” and resolve instead to seek revenge. Even then, Gates’ might have intended to use severity in a limited manner, or to use violence to

78 Percy, “A Trewe Relaycon,” 266.
generate fear and submission, in the interests of ending the war and enabling a return to colonialism by “fair” means. After attacking the Kecoughtans, the English offered Wahunsonacock peace, “faire quarter,” and “friendship” with them. Once again, however, fear proved insufficient to “draw him upon some better termes” and make him acknowledge “our forces and spirits.” Wahunsonacock replied only with a contemptuous retort that he knew they were frightened of his ability to kill them at his pleasure. De La Warr had explicitly invoked Wahunsonacock’s status as a subordinate, who had vowed at his coronation “not only friendship but homage.” By replying with insolence, Wahunsonacock was engaging in what Lipsius and most other commentators at the time considered as the most destructive emotion a subject could feel towards a prince.80

In European thought, contempt demanded severity as a response.81 Moreover, it was a form of emotion that was inextricably tied to status and gender. To a peer of the realm like Baron De La Warr, and to English ideas of masculinity in general, it was perhaps the ultimate insult and challenge. This perceived need for severity, combined with ongoing military vulnerability, constant rumors of Spanish invasion, hunger, and terror, helped to fuel perhaps the bloodiest season yet seen in Virginia. In the summer of 1610 and into 1611, English attacks surged in number and destructiveness, culminating in a series of attacks perpetrated under false pretenses of peace that included the widespread killing of women, children, and captives.

Largely because of the ferocity of these assaults, historians have seen the tides of the war turning decisively in favor of the English by around 1611, though the English felt no such shift. Rumors swirled in England that the colony would be abandoned.82 Dale believed it would take

82 Chamberlain to Carleton, 9 July 1612, SP 14/70 f.5 (SPO); Chamberlain to Carleton, 12 May 1614, SP 14/77 f.31 (SPO).
two thousand additional soldiers, a number he must have known was not forthcoming, and two
more years, to “render this whole countrie unto his Majestie,” by forcing Wahunsonacock into
exile or compelling him to accept a “firme association with ourselves.” As late as June of 1614,
he described Virginia as in “desperate hazard,” low on men and supplies, and facing an enemy
whom he believed could still field one thousand warriors. Whatever hopes the English may
once have had about easily subjecting the Powhatans floundered on the unpredictability of fear,
which divided rather than united, and in the transparent failure of bonds of love to materialize.
To us this is unsurprising. What is curious is the resilience of the idea that colonialism could
create subjects capable of rule along Lipsian lines and that colonial relations of power could be
managed through “fair means.” Though dimmed, the idea retained a certain currency even during
the first Anglo-Powhatan war, when constant, gnawing hunger and equally constant violence,
created conditions ripe for desensitization, dehumanization, hatred, and the particularly
pernicious fear that consumed the English.

Publicly, the Company continued to stress the colonial model laid out in the 1609
sermons. For example, in 1612, London city alderman Robert Johnson published his authorized
pamphlet, in which he acknowledged that the "poore Indians" might seem "so intollerable
wicked and rooted in mischiefe, that they cannot be moved." Yet he insisted that "weapons of
warre" could not achieve the principle end of the plantation. Only gentleness, wisdom, and
discretion, legal equality and justice could make converts and subjects of Indians. "If you seeke,"
he said "to gaine this victorie upon them by stratagems of warre, you shall utterly lose it, and
never come neere it." Violence could lead only to hatred of the English. Instead, the English
must use "peace and gentlenesse," which will "range them in love to you wards," and secure the

83 Sir Thomas Dale to [Salisbury], August 17, 1611, CO 1/1, No.26, 94r-94v (CSPO).
success of the colony. Repeating the argument that the Company had made to Dale the previous spring, Johnson suggested that the English had unnecessarily alienated a people who could have been ruled through reciprocal love. In the infancy of the colony, Wahunsonacocock had "entertained them lovingly, and admitted them a large countrie to inhabit," and the colony had briefly flourished. However, Gates's shipwreck had left the plantation in the hands of poor leaders, who governed without restraint and made enemies of the Indians by committing "wrongs & injuries" against them. As William Crashaw, in another pamphlet published the following year put it, a single year of misgovernment had left the colony teetering on the brink of ruin, because it "lost us the Savages, which since hath cost many a man his blood, and to this day is not recovered." Johnson was no pacifist - the love and gentleness he advocated included ample space for severity. He spoke positively, for instance, of mixing fear and justice to maintain the obedience of Virginia's English settlers, and recognized that the current situation in Virginia required military force in order to re-establish conditions for gentle rule and praised Dale as a "warlike and resolute Captain." Yet, in the context of 1612, another dreary year of hunger and violence in a colony perpetually on the verge of failure, Johnson’s text should be read as a very public demonstration of the continuing currency of the argument that what ailed Virginia was mis-management of the affective tools of rule.

While the English liked to believe that a "few hands imploied about nothing else," could turn the tides of the war, such hands were not available, and it was left to settlers to imagine a future where they could "peaceably passe from place to place without neede or armes or

86 Ibid., sig. B3v–[B4r]; Samuel Purchas makes much the same point in Samuel Purchas, *Purchas His Pilgrimage* (London, 1617), 942. His statement that English wrongs made the Indians into enemies can be found in the 1613, 1614, and 1617 editions of the Pilgrimage.
88 Johnson, *The New Life of Virginea*, sigs. E3r, D1r.
It may be that the ongoing and clear inability of three years of cruelty to produce servile Indians made Johnson's insistence on the viability of love more urgent. Indeed, even the infamously draconian Lawes Divine and Moral, the colony’s legal code during this period, looked forward to the return of friendship with the Indians, preemptively outlawing any violations of a potential "breach of their league, and friendship, which with so great travaile, desire, and circumspection, we have or shall at any time obtaine from them." Likewise, burning Indian homes, temples, stores, crops, and otherwise offering them "ill intreat" was pronounced punishable by death.  

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In the aftermath of the Anglo-Powhatan war, which famously ended with the marriage of John Rolfe to Pocahontas, the Jamestown colonists found themselves in a position to reset their affective agenda. The marriage, of course, remains Virginia’s most notable instance of colonialism through love. The peace it created lasted between 1614 and 1622, and during this period we can best see the details of what colonization through “just meanes” and “gentle entreaty” meant to the English. Rolfe’s marriage was a powerful symbol of the possibilities of a consensual subordination of the Chesapeake’s indigenous inhabitations. Ultimately, the sexual union may have been less important to English colonial ideas (which would find few advocates of widespread intermarriage in the seventeenth-century) than the means through which it was accomplished. Since the early days of the colony, the English had repeatedly voiced the idea that the conversion of the Indians to both Christianity and English subjection would most likely occur through the kidnapping of native children. In 1609 and 1610, Gates and De La Warr both

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89 Whitaker, Good Newes from Virginia, 40.
received instructions from London that recommended they “procure” from the Wahunsonacock “some convenient number of the Children to be brought up in your language, and manners.” In pursuit of this end, the settlers were authorized to kidnap native children, removing them from the harmful presence of native priests by “surprise of them and detayninge them prisoners.” De La Warr was specifically authorized, if the children proved “willfull and obstinate,” to send some of them to England, where their cultural dislocation would be complete. Not long after, in a letter blaming native hostility on English abuses, the Company once again stressed the importance of “possessinge of our selvs by just meanes of some store of their children” to be trained as laborers and cultivated as potential converts.

The letter does not explicitly define what constituted “just meanes.” The weight of the available evidence, however, would suggest that kidnapping children during a period of warfare would not have been outside the bounds of “just meanes.” Theories of war in the early sixteenth-century considered enslavement and other forms of captive taking as legitimate if they took place in the context of a just war, an idea that we know was circulating in Virginia during the 1610s. In June of 1613, after noting that the Indians would not sell their children to the English, Dale proposed to acquire some by raiding the Paspaheghs, who had been harassing Jamestown. Among the purposes of his raid would be to “save all the chyldren I can get,” and send them to England to be “educated in the fear of god.” In 1619, during a period of peace with the Powhatans, the English were invited to participate in a joint raid on the Massituppanohtnocks, probably a Siouan people of the Piedmont. As a reward, the Powhatans offered to share “all the

93 Part of a Letter to Delaware from the Virginia Company, Ferrar Papers.
94 Letter from Sir Thomas Dale, 10 June 10 1613, MS FP 40, Ferrar Papers.
95 For the identification as Siouan, see Rountree, *Pocahontas’s People*, 71.
booty of male and female children.” Virginia’s Governor and council embraced the idea, satisfied that the war was lawful because the Massituppanohtnocks had attacked the Powhatans, in the process killing women, an act “contrary to the law of Nations.”

Pocahontas, of course, was also taken captive during war. To Samuel Purchas, one of the colony’s closest observers, her captivity was more than simply just. While it had benefited the English by providing them with the means to negotiate peace, he believed Pocahontas to have been the greatest beneficiary of her own kidnapping. Pocahontas’ captivity, he said in 1617, was a “matter of good consequence to them [the English], of best to her, by this means being become a Christian, & married to Master Rolph, an English Gentleman.” To Purchas, the entire event counted as an act of Christian love since it had resulted in her conversion. In both Virginia and London, Pocahontas validated the idea that “procuring” native children could generate a colonialism of love. In the peace that her marriage made possible, the English spent considerable effort trying to recreate the circumstances of her conversion.

It also set the conditions for the ultimate success of the Jamestown colony by allowing the language of love to re-enter Anglo-Powhatan politics, buying the English a crucial half-decade of peace, during which the colony began at least to show signs of prosperity. This peace was evidence that colonization through love and gentle means was working. Pocahontas was at its center, though we have different accounts of how this occurred. Thomas Dale described taking the captive girl to Wahunsonacock, seeking to use her as a bargaining chip. Instead, Wahunsonacock offered peace and his daughter to the English, urging Dale to return her to Jamestown where she would live as “my child, and ever dwell with me” as part of a treaty that

97 Purchas, *Purchas His Pilgrimage*, 943.
would make the Powhatans and English “ever friends.” According to Dale, the kinship tie between himself and Pocahontas brought peace to the colony. Her subsequent marriage to Rolfe, was simply another supplementary “knot to binde this peace the stronger.” In Dale’s account, Wahunsonacock’s friendship had been generated through force. He asked rhetorically if "the God of Battailles had not a helping hand in this, that having our swords drawne, killing their men, burning their houses, and taking their corne: yet they tendred us peace, and strive with all alacritie to keepe us in good opinion of them; by which many benefits arise unto us." Dale's version of events affirmed the idea that such love was decidedly one-sided, expressed in the Indians’ desire to serve the English and keep them happy.98

Dale’s account is quite likely an aggrandizement. Ralph Hamor, who was with him that day, described Dale’s “peace” more modestly as a temporary truce to allow both sides to plant crops, and made no mention of any proposed adoption.99 Hamor, and historians ever since, believed Pocahontas’s marriage to be the true end of the first Anglo-Powhatan war. It had, Hamor said, created “love” between the English and the Indians.100 Recent historians of this period have rightly emphasized that both sides likely saw themselves as having gained the upper hand in the marriage, interpreting it as a sign that the incorporation of the other might still occur on their own terms.101 This is undoubtedly true, but for my purposes, what is most interesting about the marriage is how quickly it reestablished love and friendship as a language of power, making it possible for the English to understand themselves as practitioners of a form of subjugation built on fair entreaty.

100 Ibid., 11.
This understanding manifested itself in many ways, influencing literary works about the colony and colonial practice in both Jamestown and London. Ralph Hamor’s *True Discourse of the Present Estate of Virginia* (1615) praised both Dale and Captain Samuel Argall for having brought five years of war with the “revenegefull implacable Indians” to an end, specifically singling out their mastery of the affective dimensions of colonialism as the key to their success. Peace made it possible for Dale, who was “well experienced in their dispositions, and accordingly makes use of them” to use “lenitie and faire usage” to convince them to furnish the English with the commodities they desired and the labor force they needed. Likewise, Argall was praised for his “experience of the disposition of those people,” and for having “partly by gentle usage & partly by the composition & mixture of threats,” made allies with the Indians to the North, who had become “as carefull in performing their mutuall promises, as though they contended to make that maxim, that there is no faith to be held with Infidels, a mere and absurd paradox.” Both these men are presented in Lipsian terms as having achieved the allusive affective balance of love and fear that could create loving subjects.\(^{102}\)

John Rolfe’s *True Relation of the State of Virginia*, published in 1617, likewise worked within the framework of the 1609 sermons, emphasizing fair means and conversion. In Rolfe’s account, the expansion of English plantations along the James River had occurred through purchase rather than conquest, from Indians who hold a “just & lawfull title to their land.” Samuel Purchas amplified Rolfe’s text by describing Virginia as a colony, where the “milde Law of Nature,” and the free and willing alienation of native land and political authority rather than the “violent Law of Armes,” had laid “the foundation of their possession.”\(^{103}\) As Rolfe argued, now that peace had been established, clemency and civility were the key tools in the conversion...

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\(^{103}\) Purchas, *Purchas His Pilgrimage*, 946.
of the Indians. Some, he said (perhaps referring to his wife), have already been “won to us” through these means, and others would follow if the English acted the part and governed fairly.104

Rolfe’s tract was written in part to renew interest in the religious aspect of colonization, still officially the highest aim of the colony. During the years after the war, the Company organized what scholars are increasingly inclined to recognize as serious, if limited, efforts to pursue Indian conversion. English ambitions exceeded the financial and logistical means of the chronically stretched company. However, real plans were laid for a missionary campaign that drew widespread support from the metropolitan population and decidedly more mixed enthusiasm from settlers in Virginia.

In practical terms, these plans hinged on building an infrastructure for the conversion of Indian children. In 1618, the Company laid aside 10,000 acres of land to support an “Indian college,” and the following year sent fifty servants to work the land.105 In London, large amounts of the Company’s time were devoted to organizing the logistics of this venture and to raising funds to support it. £1500 was collected in churches across England and individual donors contributed bequests amounting to at least another £1000 in cash, as well as books, communion cups, and other goods.106 The company sermons from 1609-10 had inscribed material contributions to the colony and interest in the conversion of Indians into the economy of affect, and these donations were concrete examples of the affective linking of the metropolis to colony, an absolutely crucial part of Jamestown’s eventual success. As the Company reminded Governor

106 Kupperman, The Jamestown Project, 296.
Yeardley in 1621, the success of the college would assure that the “love of all good men here [in England] to the Plantation will therby be encreased.”

Finding Indians to educate proved much more difficult than raising the funds to do so. During the war, Dale had described native parents as unwilling to part with their children. Unsurprisingly, peace did little to change this. Though Rolfe described the Powhatans as “very loving, and willing to parte with their children,” but beyond those who traveled with Rolfe and Pocahontas to England, few were forthcoming. In 1618, the Company issued instructions to its new governor, George Yeardley, urging him to continue to try to obtain Indian children. Yeardley, however, could make little headway, telling the Company that the “spirituall vine you speake of will not so sodaynly be planted as it may be desired, the Indians being very loath upon any tarmes to part with theire children.” Efforts to identify potential converts, usually children whom the English hoped to remove from their families, were major components of cross-cultural diplomacy throughout this period. Yeardley, for instance, recommended trying to recruit entire families to live amongst the English. Under the terms of this plan, native children could continue to live with their parents, but receive instruction among the English, while their parents would be exposed to the world of English goods, which Yeardley hoped would lead to “good affection to coinew [sic] their selves with us and to draw in others who shall see them live so happily.”

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109 John Rolf to Sir Edwin Sandys, 8 June 1617, MS FP 76, Ferrar Papers; For other Indians travelling with Rolfe and Pocahontas, see Geo. Lord Carew to Sir Thos. Roe., 8 Jan 1617, SP 14/90 f.35 (SPO); Brown, Genesis of the United States, 2: 789.
110 Copie of Sir George Yeardleys Instructyons, 2 December 1618, MS FP 92, Ferrar Papers.
While little progress was made in convincing the Powhatans to “to sell or by fayer means to part with their children,” other signs could lead the English to believe that they were beginning to live “together, as if wee had beene one people.” In 1616, Samuel Argall described Jamestown as heavily frequented by Indian visitors, secure enough to leave its palisade in disrepair and to allow an Indian to lead a column of the militia. Argall found the scene at Jamestown deeply upsetting. He banned private trade with the Indians, which archaeological evidence suggest was widespread in the years before 1622, and more broadly, forbade any form of “familiarity” with the Indians. Peace provided the circumstances in which borders between communities began to merge, something the English both desired as the ultimate sign of Indian submission, and deeply feared. As the House of Burgess put it in 1619, they were looking for some ill-defined middle ground in which the colony tried “neither utterly to rejecte them, nor yet to drawe them to come in.” The Burgesses reopened the Indian trade to everyone except servants, and allowed small numbers of Indians to enter English communities as servants – while stipulating that they live in separate houses and be guarded at night. In 1619, the colony agreed to launch a joint military raid with the Powhatans, though it appears that this plan came to naught.

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114 Smith, Complete Works, 2: 262.
117 H.R. McIlwaine and John Pendleton Kennedy, eds., Journal of the House of Burgesses of Virginia, (Richmond, 1905), 1: 10, 12.
1617, suggests an increase in daily contact. If we are to believe Samuel Purchas, colonists even began wearing their hair after the Indian fashion.\textsuperscript{119}

Virginia’s legal code likewise reflected the influence of colonialism through love. In 1617, several colonists were pardoned for running off to join the Indians.\textsuperscript{120} More significantly, in 1619, the Burgesses enacted legislations forbidding any “injury or oppression” of the Indians that might disturb the peace and revive “antient quarrels.”\textsuperscript{121} All traders were required to post bonds for good behavior after Opechancanough complained that John Martin had engaged in forced trading. The following year, a colonist named Luke Burden was detained for stealing goods from Indians.\textsuperscript{122}

My point here is not that we should think of this some kind of golden age of good intentions, nor is it to present a false picture of Virginia in these years as an idyllic instance of some cultural middle ground. Instead, it is to point to the diversity of forms which colonial power could take and to English practices suggestive of the idea that “fair and gentle means” could subjugate the Indians. During the peace of the mid-1610s, as the colony began to stabilize and show its first real signs of economic potential, the English believed they were succeeding in creating a colonization based, as the Company put it, on the “liking and consent” of the Indians.\textsuperscript{123} Love was by no means a negation of power, but instead was one of its forms. Nor was it necessarily opposed to force, as severity and violence were perfectly compatible with English understandings of political love. This was especially true if the Indians manifested what the English understood to be contempt or scorn, an emotion that Powhatan men, like English

\textsuperscript{119} Purchas, \textit{Purchas His Pilgrimage}, 954.
\textsuperscript{120} Kingsbury, \textit{The Records of the Virginia Company of London}, 3: 74.
\textsuperscript{121} McIlwaine and Kennedy, \textit{Journal of the House of Burgesses}, 1: 9.
\textsuperscript{122} Ibid., 1: 5,8,14; Kingsbury, \textit{The Records of the Virginia Company of London}, 1: 400.
\textsuperscript{123} \textit{By His Maisties Counsell for Virginia. A Briefe Declaration of the Present State of Things in Virginia} (London, 1616), 5.
gentlemen, were quick to express.\textsuperscript{124} Ongoing organized violence, especially against the Chickahominys, mark the continuation of force as a form of power that coexisted within the enveloping language of love and fairness.\textsuperscript{125}

The rapid spread of tobacco and dramatic expansion of the English population indicate that in the English mind, dispossession of ever larger areas of prime native farmland was entirely compatible with English definitions of fairness. Colonialism in early Virginia created communities on the ground and political systems involved in policing, mediating, and managing those communities. The English, even if they could never securely establish a line between “utter rejection” and “drawing in,” imagined a system of power in which Indians would become members of an English community. Yet they also and simultaneously believed that subjection through love could emerge in the midst of continual grabbing of land. In part, this is because the English often spoke of love as a one-way relationship, in which the term seems only to indicate submission. The constant threat of revoking their “friendship” unless they received immediate and complete obedience quickly convinced the Powhatans of the limits of English friendship. Within their cultural understanding of the politics of love, the English were not base hypocrites: they were engaged in the managing of the volatile emotional relationship of rule, which required a form of love that encompassed much that we would separate out from that term.

They were also struggling against voices within the English community that continued to question the utility of love as a form of colonial power, and advocated a return to a Smithian politics of fear. In May of 1621, the missionary George Thorpe noted that while the Indians “live round aboute us and are dayly conversant amongst us,” there was “scarce any man amongst us

\textsuperscript{124} Rountree, \textit{The Powhatan Indians of Virginia}, 79–87.

that doth soe much as affoord them a good thought in his hart & most men with their mouthes give them nothinge but maledictions and bitter execration.” He believed the Indians to be of a “peaceable & virtuous disposition,” and urged the Company to reinforce the language of love by making a “publicke declaration” of its “desire of the convertion of this people and there withal a testification of their love and hartie affection towards them.” 126 That same month, John Stockham, another Virginia minister, gave the Company diametrically different advice, saying that it had attempted to “have them converted by faire meanes, but they scorren to acknowledge it,” returning the love and kindness shown to them with “derision and ridiculous answers.” In Stockham’s mind, fair means had failed. He was convinced that “if Mars and Minerva goe hand in hand, they will effect more good in an hooure,” and recommended killing “their Priest and Ancients.”127

The depth of English and Powhatan hatred would become apparent after the attack on Jamestown in 1622, but at the time, Stockham’s recommendations were ignored. The Company and the political elite in Virginia clearly believed that colonialism by love was working more or less as intended. In 1620, the Company declined to send grain to Jamestown, instead sending beads for use in trading for it. In doing so, they showed confidence that Indians would continue to supply food for the colonists, and participate as a labor force in its success.128 The following year, the Company helped facilitate a glass and bead factory in Jamestown. This factory, along with plans to expand the Company’s interests in the fur trade and in locating the passage to the South sea, indicate long term plans for Indians as economic partners in the colony.129

127 Smith, Complete Works, 2: 286.
129 Ibid., 1: 484, 483–4, 513 515, 565–6; Purchas, Hakluytus Posthumus, 4:1783–4; Project of the Intended Voyage to Virginia by Capt. Andrews and Jacob Braems, Merchant, in the Silver Falcon, Addressed to Lord Zouch., October 1618, CO 1/1, No. 38|SP 14/103 (CSPO).
Virginians also acted as though their leagues of friendship with the Indians would continue to hold. In 1621, the company declared that there was no need to appoint a field marshal in Virginia, “in regard of the perpetuall league lately made betwene the Governor there and the Indyan King.”\textsuperscript{130} Just a few months later, at a company meeting in London, the Virginia Council expressed joy at learning that peace had been recently confirmed, noting that a league with the Indians promised not only opportunities for trade, but increased the prospects of conversion and the goal of drawing “them to live amongst our people.”\textsuperscript{131} The Council, perhaps in response to Thorpe’s letter, issued instructions to the Governor of Virginia urging him to “have especiall care that no injurie or oppression bee wrought by the English against any of ye Natives,” reminding him that while “insolence” was to be “severely and sharpeilie punished,” rewards and mild rule were the most effective means of convincing the Indians to “converse with our people and labor amongst them.”\textsuperscript{132}

In the months leading up to the Jamestown attack, Indian insolence was hard to find. In November of 1621, on the arrival of Francis Wyatt as governor of Virginia, the peace was ratified once more, this time “at the request of the Native King stamped in brasse, and fixed to one of his oakes of note.” Wyatt believed the peace “sure and unviolable,” because it was grounded in reciprocal love: the Indians, as the “weaker” party, received shelter and protection from the English, who in turn had the freedom to “pursue and advance our projects, or buildings, plantings, and effecting their conversion by peaceable and faire meanes.”\textsuperscript{133} The English even saw signs that Opechancanough himself was contemplating conversion.\textsuperscript{134}

\textsuperscript{130} Kingsbury, \textit{The Records of the Virginia Company of London}, 1: 447.  
\textsuperscript{131} Ibid., 1: 504.  
\textsuperscript{132} Ibid., 4: 469.  
\textsuperscript{133} Purchas, \textit{Hakluytus Posthumus}, 4:1788.  
We know now that the English were falling for exactly the kind of “treachery” they so often worried about. That Opechancanough’s plot worked is evidence of English faith in love and fair means. Even direct warning of the attack failed to breach growing English confidence in their affective control over Indians, and the Powhatans exploited their personal relationships and intimacy with colonists to devastating effect during the attack on the colony. In the aftermath of the attack, as we will see in the next chapter, a transatlantic debate erupted over the causes of the massacre. The politics of affect loomed large in this debate, which usually positioned Virginians as having lapsed into overly lenient rule, with disastrous results.

**PERPETUI INIMICI?**

The Powhatans’ attack on the Jamestown colony in 1622 immediately and dramatically altered the operating conditions and ideological basis of the venture. This is profoundly unsurprising given the sheer number of the dead and the trauma associated with what the English, in the depths of their narcissism, took as an unprovoked attack. Many historians now believe that the Powhatans intended the assault as a “corrective” strike, a reassertion of their own supremacy through an act of redemptive violence similar to that Spenser fantasized about achieving in Ireland.¹ But the English, understandably, believed they intended to “cutt us of all and to have swept us away at once through owte the whole lande,” and responded in kind.² For the next three decades, much of which is, unfortunately, very poorly documented, the tidewater would be the scene of recurrent waves of brutal violence, largely at the Powhatans’ expense.

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² Susan Kingsbury, ed., *The Records of the Virginia Company of London* (Washington, D.C.: Govt. Printing Office, 1906), 3: 612; Draft of a Letter to the Lords Lieutenant to Raise Men with 20 Li Apiece to Go to Virginia, 1622/1623, MS FP 415, Ferrar Papers, Magdalene College; Sir Thomas Wilson to the Earl of Salisbury, 14 July 14 1622, SP 14/132 f.60 (SPO) suggests that this was how the attack was understood in the metropolis as well.
The intensity of the violence and the discursive transformations that accompanied it have often been seen as the true founding of Virginia, as colonists, liberated from any attempt to forge a society that might include Indians, embraced a new identity as a settler colony bent on extirpation rather than coercive co-existence. As historians usually tell it, after the attack on Jamestown colonists exiled Indians into permanent Otherness. As Nicholas Canny has remarked, until 1622 Virginians evidenced sympathy towards native cultures; after it, they sought only to destroy them. Similarily, Wayne Lee has observed that the attack “permanently soured” Virginians on the idea of Amerindian allies, creating a uniquely xenophobic colonialism in Virginia. Many other historians have portrayed the “Jamestown Massacre” as a fundamental dividing line, a tectonic rupture in the history of the colony.

It also created a fracture in its discursive conventions. With great suddenness and thoroughness, a new tropics of colonialism arose from the fissure. Indians rapidly became characterized as existential, irreducible, “perpetual” enemies. Evidence of this transformation is abundant. Just one month after news of the attack reached England, and as the colony teetered on the edge of collapse, the Virginia Company published its official response to the events in Jamestown, Edward Waterhouse’s *A Declaration of the State of the Colony and Affaires in Virginia*. Waterhouse's text clearly signaled that the pursuit of colonization through love was

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over. "Our hands," he declared, "which before were tied with gentlenesse and faire usage, are now set at liberty by the treacherous violence of the Savages," who had revealed themselves as "false-hearted," incapable of love or faith. Waterhouse re-interpreted the Chesapeake’s indigenous inhabitants as people so depraved that they could never be incorporated through love and cast their disastrous assault as a liberation because it freed the English “by right of warre, and law of nations” to retaliate without restraint.

His account of the violence that might now be inflicted on the Powhatans is giddy in its thoroughness. The English could retaliate “by force, by surprize, by famine in burning their corne, by destroying and burning their boats, canoes, and houses, by breaking their fishing weares, by assailing them in their huntings,” and “by pursuing and chasing them with our horses, and blood-hounds to draw after them, and mastives to teare them.” Those who survived could be “compelled to servitude and drudgery,” used either as a solution to the labor shortages that plagued the colony or sold into slavery in Bermuda. These sentiments were repeated, in even stronger language in Christopher Brooke’s Poem on the Late Massacre in Virginia, another authorized publication released by the Company that fall. Like Waterhouse, Brooke argued that the massacre had revealed the folly of attempting to rule Virginia through mildness. Only the power of “sterne armes” unleashed with the aim of the total “extirpation of that Indian crew” could bring peace to Virginia. Collectively, Waterhouse and Brooke clearly articulated the Company’s new position that colonial love had utterly failed and that henceforth the Indians would be brought to ruin through conquest, servitude, and death.
Events in Virginia proved that this transformation in the colonial project was not merely rhetorical. As the Declaration went to print, the Company issued orders to colonists urging them to engage in “perpetuall warre without peace or truce,” designed to destroy the Powhatans as a people. Following Waterhouse’s suggestions and adopting his language, they authorized ceaseless raiding, the destruction of towns, crops, temples, and whatever else "may yeeld them succor or relief." Male prisoners were to be enslaved, and young children were to be kidnapped into a condition not clearly distinct. To wage this “contynewall warre” the Company requested arms from the king, and made plans to recruit a small army of Englishmen to be sent to Virginia as soldiers. This language of irreducible enmity and existential warfare dramatically redefined the place of Indians within the colonial project. Violence changed its character, no longer functioning as a necessary means for establishing the conditions of ruling Indians as subjects, but as a mechanism for the elimination of an alien other who could not be subjected. As Governor Francis Wyatt remarked, Virginians intended the “expulsion of the Salvages,” a work he knew would be a “continuall charge” to the colony. He had concluded however that it was “infinitely better to have no heathen among us, who at best were but as thornes in our sides, then to be at peace and league with them.” Throughout the colony, existential violence and total otherness worked together as cleansing violence gave way to ethnic cleansing.

In its starkest implications, this idea was essentially new to Virginia, but, like all ideas and practices, it had a history. Indeed, there was recent precedent within English thought for the

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11 “Letter of Francis Wyatt, Governor of Virginia, 1621-1626,” William and Mary Quarterly 6, no. 2 (April 1926): 118.
idea that some peoples were entirely alien, irretrievable foreign and necessarily hostile. In his opinion on Calvin’s Case, Edward Coke had posited the existence of two categories of enemies, those *pro tempore*, and those *pro perpetuus*. Enemies *pro tempore* were so only by circumstance, while perpetual enemies were defined by Coke as those with whom no human connection besides the “fire and sword” could be formed. All infidels, he insisted, were perpetual enemies, “for between them, as with the devil, whose subjects they be, and the Christian, there is perpetual hostility and can be no peace.”

Coke’s ideas were contentious. Francis Bacon, for example, in his own opinion on Calvin’s Case, was careful to describe enemies as an entirely circumstantial category, created by war and extinguished by peace. Yet, Coke’s sentiments were not without antecedents. They drew upon recognizable strands of humanistic legal traditions regarding what we would term international relations. Alberico Gentili, an Italian jurist who taught Roman law at Oxford, believed that Christians could have no faith in infidels and thus should not sign treaties with them. Justius Lipsius had made much the same argument, suggesting that it was legitimate to invade barbarians for no other reason than their radically different customs and religions, which made the possibility of developing trust and community impossible. Nevertheless, the rapid embrace of perpetual enmity in Virginia marked a clear shift in the boundaries of mainstream

14 Richard Tuck, *The Rights of War and Peace: Political Thought and the International Order from Grotius to Kant* (Oxford: Oxford University Press, 1999); Pagden, *Lords of All the World*, 60.
English colonial thought, which since Hakluyt had imagined Indians as voluntary partners in their own subordination. In the burgeoning language of perpetual conflict, we can see the prospect of a new model for planting which envisioned hostility as permanent, and violence as the only interaction that settlers could have with Indians.

For most of the next three decades, the idea of Indians as pure Others and perpetual enemies was the dominant trope of English colonialism in Virginia. Among its practical implications was to give Virginians license to suspend the norms of war. For example, Samuel Purchas, who became a member of the Company just after the massacre, argued that by spurning English love, the Indians had proven themselves “barbarians, borderers and out-lawes of humanity” who were “lyable to the punishments of law,” but “not to the priviledges.”

Throughout the decade, English military tactics reflected this discursive permissiveness. Though colonists would tell the Company in January of 1624 that they held “nothinge unjust (except breach of faith)” against enemies whom could not be subjected neither through “faire warr nor good quarter,” they had in fact already done so. The previous April, colonists had made a treaty with the express purpose of violating it, hoping that the Powhatans would feel secure enough to return to their villages, where they would be easy to attack once their corn began to ripen. This use of dissimulation, though advocated enthusiastically by Machiavellians, was deeply inimical...

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17 See, for example: Kingsbury, The Records of the Virginia Company of London, 3: 672; “Proiect Conserninge Repayringe the Losse in Virginia”; H.R. McIlwaine and John Pendleton Kennedy, eds., Journal of the House of Burgesses of Virginia (Richmond, 1905), 1: 26; William Waller Henings, ed., The Statutes at Large Being a Collection of All the Laws of Virginia (New York, 1809), 1: 176; Governor Sir Francis Wyatt and Council of Virginia to the Privy Council, 17 May 1626 CO 1/4, No. 10., 26v (CSPO); Petition of Gov. Sir Fran. Wyatt, the Council and Assembly of Virginia to the King, July 1624 CO 1/3, No. 21., 86r (CSPO); Reply of the General Assembly of Virginia to the Four Propositions of the Commissioners, 2 March 2, 1624 CO 1/3, No. 7 (CSPO).
18 Purchas, Hakluytus Posthumus, 4: 1811.
20 Dephebus Canne to John Delbridge, 2 July 1623 CO 1/2, No. 36 (CSPO); Kingsbury, The Records of the Virginia Company of London, 4: 71, 75; The Governor and Council of Virginia to the Earl of Southampton, and the Rest of the Council for Virginia, 3 April 1623 CO 1/2, No. 22 (CSPO).
to normative ideas about the proper conduct of warfare in the seventeenth century, and helps illustrate that the license Purchas and others asserted to wage war beyond law was more than rhetoric.\textsuperscript{21} Indeed, nearly a century later, Robert Beverley conceded with palpable uneasiness that Virginians had responded to the “massacre” by adopting the “Roman [Catholic] maxim” that faith need not be kept with infidels.\textsuperscript{22}

In an even more significant violation of the laws of war, the English poisoned and then attacked Opechancanough and his entourage while offering toasts to celebrate yet another false peace.\textsuperscript{23} Perhaps even more than attacking under the flag of a truce, the use of poison was widely considered a violation of the laws of war, and we have good textual evidence that colonists knew that they had committed a dangerous, even illegal, act.\textsuperscript{24} The Company’s enemies soon used the incident as a cudgel, alleging that the immoral and odious act had permanently alienated the Indians against the King, the English Nation, and the Christian religion.\textsuperscript{25} Even King James was angry when rumors of the episode reached him. He interrogated a group of planters visiting England in the spring 1624 about the incident, saying that the Spaniards had just belittled him for having used poison against an enemy. The planters equivocated. Some denied knowledge of the incident entirely, others admitted that they had done so, but insisted they were simply following orders from the governing council in Jamestown.\textsuperscript{26} The Virginia Council, concerned that the allegations threatened both the reputations and perhaps even the lives of its members, drafted its


\textsuperscript{25} Petition Opposed to the Restoration of the Virginia Company, 1625, PH 00 1625 (photocopy), Colonial Williamsburg Foundation Rockefeller Library.

\textsuperscript{26} [partial?] Draft by John Ferrar of a Letter from [himself] to [Sir Francis Wyatt], April 1624, MS FP 539, Ferrar Papers.
own reply in which it nevertheless essentially conceded that it had authorized the poisoning of Opechancanough. In their defense, they suggested that when used against the Powhatans such actions were "lawfull and justefiable" because the depth of Powhatan treachery compelled them to "destroy man, woman and child," without concern for the "kinde of meanes, that we should use in effecting thereof."27

The allure of perpetual warfare and the destruction of the indigenous population, once evoked, continued to shape Indian politics in Virginia long after the 1620s. Here was a language of colonialism as an essential and existential conflict of annihilation and replacement, an archetypal language of settler-colonialism. In its purity, perpetual enmity represents a conceptual extreme in the spectrum of colonial thought, a closed binary between self and other which authorized a metaphysics of Indian-hating in its most complete sense.

However, even as Virginians embraced the twin notion of perpetual enmity and total war, other factors pushed against its final logic. Not least among these was simple pragmatism. The English lacked sufficient resources to subdue the Powhatans on their own, let alone to wage total war against all Indians. And, they remained almost entirely dependent on Indians for food. As Jim Rice has recently enumerated, the English desperately needed, and actively sought native allies throughout the Third Anglo-Powhatan War.28 These alliances of convenience were frequent undermined by English violence, but they highlight the military and caloric necessities, among other relentless pressures of the real, that belied even the theoretical possibility of fighting all Indians. Even in the depths of the Third Anglo-Powhatan war (about which little can

be known because of the fragmentary state of Virginia’s archives after the dissolution of the Virginia Company), it was still necessary to cling to some notion of Indian friendship, without which there could be no end to what had become an exhausting, expensive, and interminable war.

Though the fervency of the 1610s was forever lost, the deep connection between affect and colonial power was not finished in Virginia. As the brutal tropes and even more grotesque violence of the 1620s slowly lost its grip on the colony, the language of friendship reemerged in a new configuration. In this important sense, 1622 was ultimately a less dramatic and final a turning point than many historians have believed. Indeed, the Indian as “perpetual enemy” and pure Other was in fact a failure, and came to be recognized by many of Virginia’s governing elite as such. Ironically, its failure was largely a result of its clarity, inflexibility, and unambiguousness, as the very binaries on which it relied proved unsustainable. Materially speaking, perpetual enmity fostered conditions of continuous upheaval which threatened the economic prosperity of the colony and the lives of its settlers. The high costs of Indian wars remained true throughout the colonial period, even in the years after 1660, when the demography of the settler colony tipped finally and overwhelmingly in favor of Virginia’s English population. Demographic superiority alone might have eliminated any possibility that Indians could pose an existential threat to the colony, but it did little to mitigate the political and economic instability posed by Indian war, and even less to alleviate the ever-present fear and resulting spasms of paranoia so common that it is tempting to treat them as psychosis, that continued to haunt English colonists.

Moreover, precisely because it dismissed the possibility of holding political power over Indians, the trope of perpetual enemies proved unsatisfying to English ideas about how power
ought to work. We are familiar with describing English colonial desires as involving little more than a fantasy of pure, empty spatiality, and clearly the rhetoric of emptiness and the idea of empire as the creation of property from a void were driving forces in English colonialism. Less well understood but of similar import was the desire to co-opt Indians as willing partners in their own subjugation. These material, economic, psychic, and ideological factors worked continuously to bend the horizon of colonial power back towards the dream of a peaceful dispossession and a discursive emphasis on friendship and amity rather than enemies and war.
Part Two: Tribute
5 A THEORY OF TRIBUTE ACROSS TWO CULTURES

In the fall of 1646, after two years of bitter fighting that punctured the uneasy truce of the 1630s and prompted the Assembly to declare their intention to “for ever abandon all formes of peace and familiarity,” the Powhatans and Virginians signed a peace treaty.¹ The 1646 treaty, the first in which the Powhatans recognized the political superiority of the English, initiated a formal link between polities that would serve as the foundation of debates about the place of Indians in the colonial project for more than a century. The basic structure of this new relationship was codified in the first article of the agreement, in which Necotowance, “King of the Indians” and Mamanatowick of the Powhatan chiefdom, acknowledged that henceforth he and his successors would hold their "kingdome" from the King of England. In exchange for this acknowledgement of political subordination and loss of dignity, Virginia pledged to protect Necotowance and his people from "any rebells or other enemies whatsoever." This political relationship was to be confirmed each year "at the goeing away of Geese," by a payment of twenty beaver skins to the Governor as "an acknowledgement and tribute for such protection."²

The act of paying tribute also created an opening for the return of affective languages into the structure of colonial rule. A 1649 account of Necotowance's journey to Jamestown to pay his tribute, reports him making a long speech that ended with him asserting that the "sunne and moon should first lose their glorious lights and shining, before he, or his people should evermore

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² Quotes from the treaty of 1646 as printed in Henings, *Virginia Statutes*, 1:323-26. As Warren Billings notes, the treaty proper is no longer extant. What survives is the statutory form of the lost original. (PWB, 73n1). Unfortunately, we have no record of the negotiations and verbal agreements that underlay the document, a particularly devastating loss because these would have been the most important form of the deal to the Powhatans, and is where we would be more likely to encounter native ideas than in the legalistic language of the statutory treaty. These huge gaps in the record leave us highly dependent on inference and practice if we are to understand something of the contextual history of the words that remain for us.
hereafter wrong the English in any kind, but they would ever hold love and friendship together.”

The language of love and friendship, which we have seen at work in indigenous and English discourses of politics in the first decades of the colony, reasserted itself within the tributary system, with its frequent recourse to amity, neighborliness, and friendship. For the most part, such terms were now more likely to be filtered through an essentially diplomatic idiom, one apparent in the preference towards claims of friendship rather than love and measured distance rather than full incorporation. Nevertheless, they provide a bridge between the 1610s and the 1640s and highlight the continuing centrality of subjugation to the process of colonization.

The 1646 treaty is a widely recognized milestone in Virginia’s colonial history, often used to mark the conclusion of contact-era power struggles and the passing of the Powhatans as autonomous political actors. This assumption is a familiar component of Virginia’s colonial historiography, which sees in the establishment of tributary relations a sign that the "action" is moving elsewhere, and that tributary Indians can be left largely, perhaps entirely, outside the framework of colonial history, except perhaps as hapless and powerless victims of a toxic mix of English bullying and indifference.

Across the English colonies, historians have tended to see tributary relations as an essentially ad hoc creation of the colonial periphery, with few roots in broader legal or political frameworks. Instead, tribute is often taken as an empty political signifier, a fig leaf covering relations of pure force, the limp remnants of a completed conquest.

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3 Anon., A Perfect Description of Virginia, 13.
In contrast, this chapter constructs a new and generative context for thinking about the history of colonial tributary relations. In keeping with a now well-established historiography on native-European diplomatic conventions, I emphasize that, however improvised tribute may have been, it drew heavily from both European and Algonquian cultural ideas about political subordination and must be understood as a mutually created and negotiated structure of power.\(^6\) However, historians have generally seen hybrid diplomatic conventions as features of frontiers and middle grounds, places where neither side was capable of unilateral imposition.\(^7\) Post-1646 Virginia was not a middle ground, which is perhaps why it has attracted relatively little attention from ethno-historians. Yet, the continuation of cross-cultural negotiation and of indigenous political forms within conditions of grossly inequitable power ultimately makes the tributary system more intriguing, not least because attending to its relations of power can bring to the fore new ways of linking the so-called colonial era to native politics within the era of the nation-state.

To create a new context for tribute, this chapter attempts to answer a relatively straightforward question. Out of all the possible settlements that might have ended the third Anglo-Powhatan war, why did the 1646 treaty take the form of a tributary arrangement? I contend that the answer to this question depends on understanding a productive overlap between English and Algonquian cultural ideas about political subordination. Despite immense, some

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\(^7\) White, *The Middle Ground*, 52.
have suggested incommensurable, gulfs between norms of political and communal organization, both traditions shared an assumption that tributary relations marked a hierarchical relationship of power predicated on the substantial autonomy of the subordinated party. It is this mingling of subordination with, indeed often through, autonomy that this chapter explores.

Because thinking of Virginia’s tributary system in this way is unfamiliar, this chapter focuses primarily on elaborating a historically and culturally situated theory of tribute, using this cross-cultural history of ideas to articulate a broader theory of colonial power. While my concern here is principally with the ideological and the ideational, the more empirical and narrative chapters which follow will suggest that the ideas about tribute that are outlined here were deeply, if tensely, embedded within the practice of tribute in Virginia. By taking the ideas about tribute seriously, we can better understand its institutional embodiment and the operation of colonial power not only in the Chesapeake, but also in the subsequent history of settler colonialism in the British Empire and its American offshoot.

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From their earliest days in Jamestown, the English recognized practices they immediately and consistently called "tribute" as central to Powhatan politics. On several occasions, Wahunsonacock himself personally schooled the newcomers on the relationship between tribute and his political authority. In February of 1608, soon after his release from captivity and rebirth as a weroance, John Smith visited Wahunsonacock’s capitol, Werowocomoco. During this visit, Wahunsonacock took Smith to the banks of the York River and encouraged him to imagine the line of canoes anchored to its shores as they returned from across Tsenacommacah laden with tribute.\textsuperscript{8} Smith, who had already been informed that as a weroance he was expected to provide

\textsuperscript{8} Smith, \textit{Complete Works}, 1: 69.
hatchets, bells, beads, and copper to the Mamanatowick, understood the implication that the English were expected to contribute.\textsuperscript{9} Several years later, Smith linked Wahunsonacock’s impressive personal authority to his ability to accumulate tribute in the form of “skinnes, beades, copper, pearle, deare, turkies, wild beasts, and corne.”\textsuperscript{10} Nor was Smith the only early observer of Powhatan politics to make this connection. In a famous passage drawing upon and extending Smith’s account, William Strachey made his case for Wahunsonacock as a tyrant by claiming that he took “eight parts of ten tribute of all the comodities which their country yeldeth . . . and so he robbes the people, in effect, of all they have, even to the deare’s skyn wherewith they cover them from cold.”\textsuperscript{11} In short, early English accounts describe a set of cultural practices, readily identified by the English as “tribute,” that were crucial to understanding the meaning of being cheise, “all one with him or under him.”\textsuperscript{12}

Recent anthropological and archaeological scholarship has confirmed early colonists’ impressions about the importance of tributary practices to Powhatan politics, reconstructing a political system in which the circulation of goods, especially “prestige goods” expressed hierarchies of power as they moved through ascending levels of the elite.\textsuperscript{13} At the village level,

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\begin{enumerate}
\item\textsuperscript{9} Ibid., 2: 151; James D. Rice, “Escape from Tsenacommacah: Chesapeake Algonquians and the Powhatan Menace,” in The Atlantic World and Virginia, 1550-1624, ed. Peter C. Mancall (Chapel Hill: University of North Carolina Press, 2007), 120.
\item\textsuperscript{10} Smith, Complete Works, 1: 174.
\item\textsuperscript{11} William Strachey, The Historie of Travaile into Virginia Brittania, ed. R.H. Major (London, 1849), 81.
\item\textsuperscript{12} Relation of the Discovery of Our River from James Fort into the Main; Made by Capt. Christopher Newport, and Sincerely Written and Observed by a Gentleman of the Colony, 21 May 1607, CO 1/1, No. 15, f. 47v (CSPO). Strachey, Historie of Travaile, 183, 185, defines the word more simply as "all," and also records the word "cheskhamay," which he defines as "all friends." Cheise might also be part of Smith’s "mawchick chammay," which he defined as the "best of friends." (Smith, Complete Works, 1: 137). Further north, the terms "agwa" or "awakann," were common terms for subjection Pulsipher, Subjects unto the Same King, 12; Brett Rushforth, Bonds of Alliance: Indigenous and Atlantic Slaveries in New France (Chapel Hill: University of North Carolina Press, 2012), 375.
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commoners paid tribute to the *weroance* or *weroansqua*, an inherited office normally passed through the matrilineal line.\(^{14}\) *Weroances* used tribute in several ways. Stored in “treasure houses,” it embodied the collective wealth, dignity and strength of the people who had accumulated it. Redistributed throughout the community, it served as what Marshall Sahlins memorably called “funds of power” to be dispensed in the course of politics as rewards, payments for warriors, and as tokens of the personal bonds and "asymmetrical obligations" that held together communities.\(^{15}\) *Weroances* in turn funneled tribute up the social scale to the *Mamanatowick*, who used it in similar ways but on a larger scale.\(^ {16}\) When paid to the *Mamanatowick*, tribute marked the submission of a community to the authority of the chief. As a political ritual, the circulation of tribute was an essential mark of the boundaries of the polity. Communities that paid tribute were *cheisc*; those who did not were outsiders. In short, it seems clear that tribute was at the center of Powhatan politics.

Less clear is what it meant to be within Wahunsonacock’s sphere of authority. What did he expect of subordinated peoples and what did he offer in exchange for submission? These are difficult questions. Recent work has tended to present the chiefdom as more imperial than confederative. However, there is an increasing consensus that Wahunsonacock was not the tyrant of Strachey’s imagination, but instead exercised his power largely through mediation and


consent rather than coercion, in ways similar to leaders in other indigenous polities of the Eastern woodlands. Like many other chiefs in North American history, Wahunsonacock was not an apical figure who delegated power down the social hierarchy, but one whose authority was generated by his mastery of an upward flow of power, rooted in his ability to claim the loyalty of largely autonomous local-level *weroances*. As the anthropologist Frederic Gleach and the archaeologist Martin Gallivan have both emphasized, his rule was exercised through a council composed of *weroances* and priests, and rested on his persuasive abilities rather than his power to compel obedience. Likewise, each of the chiefdom’s constituent peoples had their own consular structure. Coordinating group actions required consent at each of these levels of governance, and one important use of tributary goods was to help manage the web of personal relationships that linked the communities that composed the polity.

Such a perspective emphasizes the relative autonomy of the Powhatan peoples, who lived in hierarchically linked, but not unified, polities rather than as a conglomeration of cowering, abject peoples subjected to what James Mooney called Wahunsonacock’s “despotic personal

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authority.”20 Local communities continued to govern most of their internal affairs, and their weroances continued to serve as mediators between their people and outsiders.21 The documentary record supports this characterization of the polity. The English, always eager for opportunities to divide and conquer, often reported that individual peoples pursued diplomatic or military agendas at the expense of others within the chiefdom and even of the Mamanatowick himself, and were alternatively beneficiaries and victims of the capacity of individual polities within the chiefdom to engage in independent diplomatic maneuvering.22 Historians are just beginning to grapple with the implications of heterogeneity within the chiefdom, which complicates a tendency in early Virginia histories to build narratives around the image of a savvy and in-control Wahunsonacock, delicately orchestrating a finely tuned campaign of alternating violence and benevolence. Surviving sources allow us only occasional glimpses into this “fluid tangle of alliances, military threats, and intermittent hostilities,” but the closer we get to them, the nearer we may be to an indigenous sense of the polity.23

This is not to say that Wahunsonacock’s power was, as Helen Rountree occasionally characterized it, “incomplete.”24 It is instead to note that the meaning of subordination and subjection is historically and culturally contingent. If we want to understand what it meant to be within the empire, to be cheisc, we need to understand a type of subordination that is not an

antonym for autonomy, and a form of unity that is not synonymous with unanimity and univocality. As the anthropologist Eric Johnson noted in his study of Northeastern Algonquian chiefdoms, tributary peoples "could enjoy considerable autonomy while remaining united" within a chiefdom, much as individuals could "pursue courses of action contrary to the wishes of their community leaders and still be members of the community." This was possible because "native ideology supported individual, autonomous action and did not see it as opposed to group solidarity." This autonomy persisted despite the fact that many members of the chiefdom, particularly those on what Rountree has called its "ethnic fringe," clearly viewed their subordinated status as involuntary, oppressive, and undesirable. The English consistently reported that many of the Powhatan peoples had been incorporated into the tributary empire by conquest, and we have several specific accounts of Wahunsonacocock using considerable military force, including the wholesale dispersal of peoples, to extend his power. Details of these events are sparse, but they are powerful reminders that, as the anthropologist Fernando Santos-Granero puts it, tributary relations in the Americas were "founded on violence and coercion - or on the threat thereof" even as they left tributary peoples able to maintain "their economic and social structure, as well as a large degree of political autonomy." The challenge to historians is to understand the meaning of conquest, violence, and political subordination within this logic.

27 Williamson, Powhatan Lords of Life and Death, 64–65.
A glimpse of what this might mean is visible in the first extant Chesapeake treaty, signed between the Chickahominies and the English in 1614.\textsuperscript{29} The Chickahominies, the only Algonquian peoples of the Chesapeake without a \textit{weroance}, occupied an anomalous place in the tidewater. They were considered by the English at the time, and by historians ever since, as independent, despite Strachey’s comment that “they paye certaine duyties to Powhatan, and for copper wil be waged to serve and help him in his warrs.”\textsuperscript{30} Strachey's statement is tantalizing evidence that independence and tribute need not be a zero-sum game, and its articulation of indigenous submission is perhaps the most interesting feature of the first extant treaty signed between Indians and the English in the New World.

The Chickahominies initiated the treaty by sending ambassadors to Jamestown soon after Rolfe's marriage to Pocahontas ended the second Anglo-Powhatan war. Presumably concerned about the possibility that they would become politically isolated and perhaps worried that the Anglo-Powhatan peace would magnify Wahunsonacocks’s power, the Chickahominy emissaries expressed their desire to become “King James his subjects and tributaries, and relinquish their old name of Chichohominies, and take upon them, as they call us the name of Tossantessas.” As part of their offer of subordination, the Chickahominies proposed that Thomas Dale, then governor of Virginia, would become their \textit{weroance}. Ralph Hamor’s account of the subsequent negotiations over the exact terms of such an arrangement provides a relatively clear account of what the Chickahominies understood such a political link to entail.

\textsuperscript{29} Two versions of the treaty exist. The first and more detailed account comes from Ralph Hamor, who was in Virginia when the events took place. The second is by John Smith, who prints a rather calculated abridgment of Hamor’s account. I prefer Hamor’s as more reliable. Compare Hamor, \textit{A True Discourse of the Present Estate of Virginia}, 11–15; Smith, \textit{Complete Works}, 2:246.

The Chickahominies spoke little of obedience and submission. Instead of emphasizing the responsibilities of subjects towards their magistrates, their account of political subordination emphasized the obligations of a chief. As weroance, they expected Dale to act "in all just causes and quarrels to defend them." In exchange, they promised to "be ready at all times to aide him." This reciprocal duty of mutual aid, and the Chickahominies’ emphasis on the obligation of the superior party to defend the subordinate, conforms closely to most of what we know about indigenous leadership in general, which stressed a leader’s power to act on behalf of weaker and dependent people rather than his authority to exercise power over them. Moreover, their offer of political subordination did not seem to include a substantive loss of communal autonomy. They specifically stated that even after Dale became their weroance, they expected to continue to be governed by "their owne lawes and liberties," by "eight of the elders and principall men amongst them," as Dale’s "substitutes and councellers." Overall, the Chickahominies seem to have been expecting their weroance to act principally as a mediator and advocate between their community and the outside world. It was this authority to mediate, to represent them in dealings with outsiders, which the Chickahominies offered to the English.

The written agreement that, for the English, codified the peace largely conformed to this indigenous logic of subordination, most notably by including a clause specifying that even though they would become subjects of James I, they would continue to be governed by their council. Hamor tells us that the Chickahominy elders received the consent of their people to the treaty because of this clause. He describes the Chickahominies debating the treaty in front of an

31 Hamor, A True Discourse of the Present Estate of Virginia, 12.
33 Hamor, A True Discourse of the Present Estate of Virginia, 12.
34 As Richard White remarked, “mediation as a source of influence,” was an essential idea of Algonquian politics. See Richard White, The Middle Ground, 35, more generally 33-40.
assembly of what he describes as the entire Chickahominy population. The elders assured their people that the English had agreed to act as their protectors, having pledged to "defend and keepe them from the fury & danger" of Wahunsonacock and their other enemies. Moreover, the English had agreed to enter into a mutually beneficial trade, providing the Chickahominies with "Copper, Beades, Hatchets, and many other necessaries." Meanwhile, the Chickahominies would continue to "enjoy their owne liberties, freedoms, and lawes," governed "as formerly, by eight of their chiefest men."35

Tribute, in its indigenous form of a circulatory and reciprocal exchange of goods from inferior to superior and back again, figured prominently in the treaty. As a "tribute of their obedience to his Majestie," each Chickahominy male agreed to provide the English with two bushels of corn annually.36 In return, they were to receive iron tomahawks from the English and the eight members of the Chickahominy council would be given an image of the King “ingraven in Copper, with a chaine of Copper to hang it about his necke, whereby they shall be knowne to be King James his noble men,” and "a red coat, or livery from our King yeerely."37 Here, in the earliest recorded treaty between the English and Native Americans, we have the articulation of a tributary relationship that conceded subordination in the name of continued autonomy. While the Chickahominy were indeed a distinctive group, differing in government from their neighbors and of sufficient numbers to back their independence by force, we can see in this treaty something of the indigenous meaning of political subordination and tribute.

35 Hamor, A True Discourse of the Present Estate of Virginia, 14.
36 Different accounts exist regarding the exact amount of corn each warrior was to pay as tribute. Dale put the number at two and a half bushels, see Samuel Purchas, Hakluytus Posthumus, Or, Purchas His Pilgrimes Contayning a History of the World in Sea Voyages & Lande-Trauells by Englishmen and Others (London, 1625), 4:1770. Petition of Gov. Sir Fran. Wyatt, the Council and Assembly of Virginia to the King July 1624, CO 1/3, No. 21, (CSPO) says the Chickahominies were to pay one bushel each.
37 Hamor, A True Discourse of the Present Estate of Virginia, 14.
For their part, the English expressed considerable satisfaction with the treaty. Hamor stressed the conceptual closeness of tribute to affect, repeatedly emphasizing that the hierarchical union it created was one of “love and friendship.” Sir Thomas Dale also spoke of it as an act of subjugation, remarking proudly that James was the first king the Chickahominies had ever acknowledged as their sovereign.\(^{38}\) However, the treaty, which the English expected to be permanent, proved short-lived. Two years later, the Chickahominy town of Ozinies refused to pay tribute to his deputy, George Yeardley, telling him “he was but Sir Thomas Dales man,” and held no authority over them.\(^{39}\) The exact reasons prompting this decision are lost to us, but their refusal to pay tribute to Yeardley highlights the contingent and personal nature of indigenous tributary relations. Predictably, the English responded to such “insolencies” with violence and raided Ozinies, in the process losing their first tributary population. Soon after the attack on Ozinies, Opechancanough, the new Mamanatowick of the Powhatan chiefdom, informed Yeardley that the Chickahominies had “brought him from all parts many presents of beads, copper, and such trash as they had,” and that he was henceforth “the King of Ozinies.”\(^{40}\)

Much like their earlier submission to the English, Opechancanough’s claim to lordship did not alter Chickahominy governance. Indeed, he did not even demand that they accept a weroance in exchange for his protection.\(^{41}\) However, he did begin playing the part of a chief by mediating between them and the English, whom he forced to make peace.\(^{42}\) As subsequent events proved, the English had been outmaneuvered and were forced to accept the loss of their

\(^{38}\) Purchas, *Hakluytus Posthumus*, 4: 1770.
\(^{39}\) Smith, *Complete Works*, 2: 256.
\(^{40}\) Ibid., 2: 257; Over half a century later, the Chickahominies invoked this agreement with Opechancanough. See Philip Ludwell to Sir Joseph Williamson, 28 June 1678, Lee Family Papers, 1638-1867. Section 8. (Mss 1 L51 f 8), Virginia Historical Society (Richmond). The circumstances regarding this letter are discussed in detail in Chapter 5 of this dissertation.
\(^{41}\) Rountree, *Pocahontas’s People*, 62.
\(^{42}\) Ibid., 2:257; The Petition of Gov. Sir Fran. Wyatt, the Council and Assembly of Virginia to the King CO 1/3, No. 21., (CSPO).
Chickahominy subjects and acknowledge the force of Opechancanough’s protection. Two years later, the Chickahominies killed a colonist named Richard Killingbeck, presumably to cover the dead from Yeardley's 1616 attack on Ozinies. The English, significantly, appealed to Opechancanough for redress but he refused to turn the murderers over to the English. 43 Though the Company council in London demanded that the settlers seek “sharpe revenge,” upon both the individuals who committed the murder and the towns that sheltered them, the House of Burgesses declined to pursue the matter, declaring the Chickahominy included within the “present peace” with the Indians unless they again “provoke us by some newe injury.”44

Careful attention to the meanings of tribute and subordination at play in the 1614 Chickahominy treaty can help us to make sense of what Necotowance might have been thinking as he negotiated his political fate. Clearly, the political situation of the Powhatans in 1646 was much more desperate than that of the Chickahominies in 1614. The 1644-1646 war had devastated the Powhatan people and their food supplies, and threatened to splinter the chiefdom. 45 Obviously, the treaty arose under conditions of extreme duress. Even so, Necotowance’s decision to enter a tributary relationship can be understood as a calculated political decision grounded in a specific cultural logic. By the late 1640s, the Powhatans knew the English well enough to understand that they would make dangerous partners, yet the risks the English represented only highlighted the importance of finding a way of transforming them from enemies to friends. From a Powhatan perspective, tribute was a possible means of effecting that transformation and managing that risk, an attempt, however desperate and costly to Necotowance's honor and status, to create the kinds of connections to the English that the

43 Smith, Complete Works, 2: 264-5.
45 Rountree, Pocahontas's People, 86–87.
Powhatans had been seeking since 1607. What was new was the concession that he and his people would play a subordinate role within this relationship.

As I will show in subsequent chapters, most of the Indian peoples who became English tributaries in the decades after the 1640s made consistent efforts to use tribute as a means of creating workable connections with the English and of compelling English governors to act as true leaders. As they became increasingly embattled minority communities within their homelands, these efforts became both more quixotic and more important. Subordination was, of course, not the path a powerful people would take. However, native efforts to negotiate and leverage their ties to the English reveal ongoing indigenous politics in the tidewater long after most historians have believed the conditions necessary for them ceased to exist, highlighting indigenous influences in the 1646 treaty and the tributary system which it created.

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Understanding tribute also requires us to comprehend why the English agreed to its terms. An English perspective on the treaty is particularly important because they came to it from a position of strength, with wide latitude to make demands and veto terms they found unacceptable. Why then, this treaty and these terms? What did tribute mean in the English cultural imaginary? Even as interest in Native Americans has exploded in early American studies, very little work has focused squarely on the topic of tributary relations. This is even more surprising as tribute was a common feature of seventeenth- and early eighteenth-century colonial treaties, not only in Virginia, but also in New England, Maryland, and Carolina.

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46 William Shea, *The Virginia Militia in the Seventeenth Century* (Baton Rouge: Louisiana State University Press, 1983), 71, describes the 1646 treaty as occurring at the peak moment of seventeenth-century Virginia's ability to project military power.
Moreover, detailed discussions about the political and legal meaning of tributary relations are a common feature of early modern texts dealing with the nature of sovereignty and the emerging field of what we would now call international law. These texts are interesting in that they almost uniformly describe tribute as an intermediate form of subordination in which dignity, rather than sovereignty, was surrendered.

As I argued in chapters one and two, the question of making and keeping subjects was a complicated topic in early modern thought. While sovereigns and subjects could be considered as simple and natural categories of being, the mystical birthright Francis Bacon evoked in Calvin’s Case, the political world of early modernity with its composite and multiple monarchies, pluralistic legal regimes, conquests, and empires frequently laid bare the contingency and variability of sovereignty and subjection. As John Hayward, writing on the proposed Scottish Union in 1604 noted, political unions grew from many forms, including “by conquest, or by marriage, or by blood, or else by mutual confederation and consent.” Each of these implied an idiosyncratic range of relationships between sovereigns and subjects, a situation only complicated by the fact that composite unions, which joined political bodies together

47 For the connection between these developments and early modern colonialism, see Tuck, The Rights of War and Peace; Antony Anghie, Imperialism, Sovereignty and the Making of International Law (Cambridge: Cambridge University Press, 2007).
without creating a unified new polity, were historically more common than "perfect" unions of complete incorporation and homogenized subjugation.\textsuperscript{50}

The prevalence of such composite polities and the frequency with which they emerged and dispersed created conditions that led many to emphasize that subjection was a process or continuum of highly variegated circumstances and conditions rather than simply a single event or an ahistorical state of being. Even as increasingly absolute definitions of sovereignty, of the type eventually adopted by the nation-state, developed over the course of the seventeenth century, sovereignty and subjection were frequently described not as opposites, but as matters of degree. For example, the seminal texts of Jean Bodin and Hugo Grotius developed typologies of subjugation, ranging from utter alienness to what Grotius called a “perfect and entire subjection.”\textsuperscript{51} These typologies provide a rich, if often confusing, vocabulary for thinking about political subordination as a dizzying variety of obligations, many of which occurred between sovereigns.

Perhaps the best place to begin understanding this is the writings of Jean Bodin, whose work on the subject informed generations of subsequent commentaries. Bodin is known for his articulation of an idea of absolute sovereignty, yet, as he noted, in the actual world of European politics there were "few or none absolute sovereigne princes to be found," because most were bound to others in relations of "fealtie and homage" and thus were, strictly speaking, subjected.\textsuperscript{52} In this important respect, the idea of absolute sovereignty was, for most sovereigns, only an ideal. Actual politics, Bodin suggested, occurred along an elaborate spectrum of nine degrees of subjugation, ranging from absolute sovereignty to literal slavery, the most abject form of

\textsuperscript{50} A point made by Francis Bacon in his pro-union political tract, \textit{A Briefe Discourse, Touching the Happie Union of the Kingdomes of England, and Scotland} (London, 1603), 14.
\textsuperscript{51} Grotius, \textit{The Rights of War and Peace}, 2: 563.
subjection. The first four of these occurred between peoples whom Bodin described as sovereign. Briefly put, the first were princes who accepted protection from a greater power. The second were those who paid tribute, thereby acknowledging a "superiour in their confederation" as a condition of their protection. The third sort included princes who had been defeated in war and as condition of peace were allowed to "keepe their majestie and soveraigntie, with condition, courteously to reverence the majestie of the victor, and to pay unto him a yearly tribute," yet who received no protection or aid for doing so. The fourth referred to kings who "freely exercise their soveraigntie over their owne subjects," yet were "vassales or feudataries to some other prince for some fee." Only after this point did subjection begin to concern people who lacked sovereignty, minor vassals, the common subjects of a commonweal, and at the extreme edge of subjection, "right slaves."53

Bodin’s argument that tributary relations created hierarchical relationships between sovereigns was widely followed by subsequent writers on the topic. In his extended account of the long and incomplete conquest of Ireland, Sir John Davies cited Bodin while describing tribute as simply the “first degree of subjection.” Davies believed that while tributaries were “lesse and inferiour unto the Prince to whom they pay tribute, yet they hold all other pointes of soveraignty.”54 Hugo Grotius, describing the nature of the subjection of an entire nation to another, likewise noted that it could take many different forms, ranging from a "perfect and entire subjection," to any number of less absolute arrangements.55 Tributary relations occurred in this space of less absolute subordination. In Grotian terms, tribute was a type of "unequal

53 Ibid., 115.
54 Sir John Davies, A Discoverie of the True Causes Why Ireland Was Never Entirely Subdued (London, 1612), 14. For another argument, possibly by Davies, that the Irish had been tributaries see “Certeyn Notes and Observations Touching the Deducing and Planting of Colonies, C. 1607-09” c 1607, BL Cotton MSS, Titus B. X, ff. 402r-09r, British Library (SPO).
alliance," one that need not diminish the sovereignty of the inferior party because dignity and honor were the primary stakes of such agreements. Bodin and Grotius both understood sovereignty as primarily a capacity for internal self-governance, and thus — despite their drastically different opinions on the divisibility of sovereignty within commonwealths — both agreed that forms of political subordination, no matter how inequitable, that left internal rule intact impinged on the honor and dignity of subordinated Princes rather than their sovereignty.

This idea would appear, virtually unchanged, in European discussions of tribute well into the eighteenth century, when Emer de Vattel was still arguing that tributary relations diminished the “dignity of these states, from it being a confession of their weakness; yet it suffers their sovereignty to subsist entire,” because the “right of governing its own body,” remained intact. Vattel noted that tributary relations were less common than they had once been, suggesting that the idea was at last becoming anachronistic. Similarly, Thomas Pownall wrote of such contractual subordination between sovereigns as features of a distant Roman history. Nevertheless, in the century between Grotius and Vattel, the idea was reiterated, with few variations, in popular and obscure treatises on international law, including William Fulbecke's *Pandectes of the Law of Nations*, and Charles Molloy's much reprinted *De jure maritimo*.

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The emphasis on dignity in early modern texts by no means implied that the inequality of such alliances was merely symbolic. In the first place, dignity and honor, the essential signifiers of rank and status, were deadly serious business for princes, who competed constantly with each other for relative dignity and honor, guarding their reputations at all cost.\(^61\) Indeed, majesty and dignity were virtual synonyms.\(^62\) As Vattel described it, dignity was the primary means through which sovereigns ranked one another and the only manner through which precedence and decision-making could function among sovereigns, all technically equal to one another.\(^63\) Thus, dignity was an important currency of international relations.

Moreover, unequal alliances between sovereigns could be considerably coercive, involving tangible forms of subordination that reflected their frequent origins in warfare. Indeed, George Dawson spoke of them as, by definition, outcomes of defeat in war.\(^64\) In part because they were closely associated with military defeat and peace-making, Grotius believed the superior party might demand the right to govern the "common affairs" of its members, require cessions and hostages, punish violators of the peace, and otherwise insist that "all reverence and honour" be shown to the "power and majesty" of the superior partner.\(^65\) Samuel Pufendorf suggested that the lesser partner might be restrained, "in certain causes," from exercising their sovereignty without "the Superior's consent." More modest demands to conform to the wishes of

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\(^61\) Molloy, *De Jure Maritimo*, 99. On Honour in this context, with particular reference to Early Modern England and and its colonial venture in Ireland, see Brendan Kane, *The Politics and Culture of Honour in Britain and Ireland, 1541-1641* (Cambridge: Cambridge University Press, 2010).


the superior partner could be required without a diminution of sovereignty. Deep in the eighteenth century, Vattel suggested that the superior party might prevent its subordinated polities from engaging in war without their consent, compelled to maintain the same allies and enemies, and restricted in its rights to trade.

Precisely because they often occurred between sovereigns of grossly unequal power, tributary relations were recognized as dangerous gambles on the part of the subordinated party, who would usually enter them only under duress. The disparities in power that led to tributary relations made them inherently unstable relationships. As Grotius’ first English translator put it, unequal alliances tended to slip “by little & little” into “empire properly so called.” For Machiavelli, always the most cynical of early modern commentators, the potential for a slow and quiet abrogation of sovereignty seemed the point of tribute. He believed that tribute might be the key to creating the always-elusive durable conquest, because its formal language of friendship might lull the weaker party into self-deception until it was too late to react. Unequal alliances, he suggested in the Discourses, were perhaps the most efficient form of imperial expansion because they could seduce the subordinated party to “subjugate themselves by their own labors and blood without perceiving it.” No other major writer on the topic would follow Machiavelli this far, though all recognized the dangerous position of the inferior partner who entered such inequitable relations of power. By the middle of the eighteenth-century, Thomas Pownall could frame the history of British interactions with Indians as just this slow usurpation of dominion via duplicitous pledges of protection and alliance, a duplicity he condemned. However, apart from

69 Machiavelli, Discourses on Livy, 136.
Sir John Davies, few contemplated the dangerous position of the superior partner, problems with which Virginians had to grapple.

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To be clear, there is no specific evidence that William Berkeley, who negotiated the 1646 treaty (or any of Virginia’s subsequent Governors for that matter), did so while thumbing through his dog-eared copy of *Six Booke of the Commonweale*. If this kind of direct intellectual influence existed, there is no concrete evidence of it. What I am suggesting, however, is that the meaning of the term tribute, and of a string of associated words of Virginia’s colonial lexicon had coherent and canonical meanings less generic and more consistent than early Americanists have usually assumed. Moreover, the side-angled form of subjugation that tributaries represented derived not only from lofty legal tomes but also from the dense webs of classical, biblical and historical sources that were the common stock of educated Englishmen in both the metropolis and the colony.\(^1\) The sometimes subtle but important distinction between tributaries and natural or perfect subjects was a part of the meaning of the term, a connotation that manifested in longer and more formal legal explications and in the discourse and structure of Virginia’s tributary system.

Regardless of whether the tributary system drew consciously upon legal models of tribute, the relations of power that developed in the century after 1646 become more intelligible

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when interpreted through them. Alliance, protection, friendship, league, amity, tribute: these were the fundamental vocabulary of Indian politics in early modern Virginia, and taking them seriously gives historians new tools for understanding the place of sovereignty and subordination, independence and dependence, in the dynamics of English settler colonialism. Notably, thinking through the language of tribute makes it clear that rather than an immediate and terminal assault on indigenous sovereignty, Virginians sought to leverage, shape, and utilize the subordinated sovereignty of their tributary allies as the mechanism of dispossession. Far from signaling the end of indigenous autonomy, the tributary era in fact depended upon it.72

To see this, let us return once again to the 1646 treaty. In it, Necotowance acknowledged himself a vassal of the King of England. Though clearly a lesser dignity than Charles, the treaty's repeated references to Necotowance as a "king" are worth taking seriously. The practice of calling Indian leaders kings had, of course, a long history in Virginia. From the colony's first years, the English had referred to Wahunsonacock and Opechancanough as "emperors" and "kings." Clearly, their use of the term was misguided, but as Karen Kupperman has argued, it was also a clear sign that they recognized in Wahunsonacock and his successor the majesty and authority associated with a sovereign.73 The fact that the 1646 treaty was signed during the middle of the English civil war makes it particularly difficult to imagine that the sacredness of

72 For a reinterpretation of a contemporary treaty in New England which also mingled tribute and indigenous autonomy in the interests of colonial power, see Daragh Grant, “The Treaty of Hartford (1638): Reconsidering Jurisdiction in Southern New England,” William and Mary Quarterly 72, no. 3 (July 2015): 461–98.
the term and the stakes involved in calling someone a king could have escaped Berkeley, a former courtier and arch-royalist governor of the "most royalist colony" in the empire.\textsuperscript{74}

The treaty did more than just reference Necotowance’s princely status. It explicitly reinforced his legitimacy as the leader of a commonwealth with whom Virginia was treating. Even while subordinating him to Charles I, the treaty affirmed his lordship over “his people.” The treaty’s clauses amount to a carefully structured agreement between princes regarding the mutual policing of their respective subjects and territories. Most of its articles were concerned with dividing the tidewater into two segregated and distinct political spaces: one, north of the York River and south of an imaginary line extending from the head of the Blackwater river, in which "the said Necotowance and his people" would live "without any interruption from the English," and another, English political space. Virginia’s governor was to regulate the behavior of colonists, who were prohibited from violating Indian space and ‘entertaining’ Indians within the colony. Necotowance was likewise reciprocally obliged to keep his people out of English plantations. To be sure, this new division of space amounted to a substantial cession of territory on the part of Necotowance, but as John Hayward had noted, territorial diminution on its own was not tantamount to subjection, because even a shrunken kingdom “doth conserve both the name and right of the whole.”\textsuperscript{75} Indeed, no clause in the treaty required Necotowance to submit to English governance within the territorially reduced, but politically extant Tsenacommacah. The segregated spaces it imagined, the enforcement mechanisms that policed the boundaries of those spaces, and the limited exceptions it allowed for border-crossing depended on the mutual


\textsuperscript{75} Hayward, \textit{Treatise of Union}, 52.
existence of two princes, each self-governing and autonomous of the other, yet linked, by tribute, in unequal relations of power.

The inequities of the treaty extended beyond territorial concessions. Berkeley claimed the ambiguous right to appoint or confirm future "Kings of the Indians," though this clause, with its double language suggesting both a right of choice and a power of assent that would prove in subsequent practice to be the latter. Even more ominously, the treaty established a hierarchy of jurisdictions across the cultural frontier. Virginia established its right to punish Indian violators of English space, while insisting that English trespassers on Indian land be punished in accordance with English law. Just a few years later, the English dramatically and unilaterally lifted the prohibition on English interlopers in Indian territory. As we have seen, however, such disparities were compatible with the idea of subordinated sovereignty laid out in the canon of international law.

As historians of early America have often noted, English colonial diplomacy and land grabbing often depended on the maintenance of identifiable and stable indigenous leadership. In Virginia, tribute functioned as a counterweight to detribalization or deracination by shoring up the political coherence of Indian communities and the authorities of Indian 'kings' and 'great men.'77 This was important, as the archaeological records suggests that the pressures of colonization, including inflationary pressures on prestige goods like copper and military losses against the invaders seem to have weakened elite control.78 One important means of doing so

was to bestow gifts upon Indian leaders that held symbolic value in both the English and native cultural lexicons, a practice that dated back to the coronation of Wahunsonacock in 1608. Seventy years later, as part of the peace that ended Anglo-Indian violence during Bacon’s rebellion, the crown supplied “crowns, coronets, purple robes and badges,” along with “a pair of pistols richly inlaid with silver,” gold and silver brocade cloth, scarlet sarsenet, ermine caps, and other gifts associated in England with royalty. That the stones in the jewelry were false and the crowns made of silver were indeed marks of their inferior status, but the colors and types of these gifts are evidence of a continuing English investment in the status of Indian political leaders.

Such gifts were expected to serve several purposes. Royal commissioners John Berry and Francis Moryson expected them to reinforce affective ties to the King, “greatly exalt[ing] their sense of your Majesties favour and indulgency towards them,” and “most infinitly endear[ing] your Royall name and memory amongst them.” The gifts were intended to communicate an important message to settlers and Indian alike by instilling a “reverance to them from their own people as well as your Majesties subjects in Virginia.” The commissioners undoubtedly overestimated the amount of reverence that colonists might show towards Indian leaders, but they were not underestimating the symbolic power of the gifts. Indeed, Governor Culpepper, acting at the request of his council, refused to distribute the coronets on the grounds that “such marks of dignity as coronets,” would dangerously overinflate Indian’s sense of self-worth and provoke

Archaeology of Colonial Encounters along Chesapeake Bay: An Overview,” *Revista de Arqueología Americana*, no. 23 (2004): 244.


81 John Berry and Francis Moryson, Proposals on Behalf of the Indian Kings and Queenes, 1677.”
resentment among other tributaries who were not so well rewarded.82 Hard evidence is scarce, but it would appear that indigenous leaders occasionally wore these gifts when treating with English Governors, using them to signify and reinforce their status as members of a colonial elite.83

Symbolic gifts were not the only means through which the English attempted to reinforce the status of the indigenous elite. Over the years, the English took numerous steps to reinforce the privileged status of Indian kings by funneling trade goods and payments for services through them, granting them forms of diplomatic immunity, and restricting cross-cultural exchange to Indian kings and their designated messengers.84 Within their communities, kings retained considerable power of governance, and near total jurisdiction over the affairs of their people. Moreover, these political efforts to buttress the power of native weroances were reinforced by longstanding attempts, never particularly successful, to maintain physical boundaries between native and English communities via strict segregation. In the early years of the tributary era, the Virginia legislature passed numerous acts designed to restrict or ban the movement of Indians and colonists through the space of the other.85 These attempts at segregation were an important

83 For example, see Francis Howard to Philadelphia Howard, February 23 Feb 1683/84, Francis Howard, Baron Howard of Effingham, papers, 1684-1688, Library of Congress Manuscripts Division (microfilm).
84 See for example Henings, Virginia Statutes, 1: 394; Articles of Peace Between the Most Serene and Mighty Prince (London, 1677), 8; Francis Moryson, The Lawes of Virginia Now in Force (London, 1662), 78, and chapter 5-7 of this dissertation.
85 Henings, Virginia Statutes, 1: 410, 415-6, 2: 20, 237-8; Warren Billings, ed., “Some Acts Not in Hening’s ‘Statutes’: The Acts of Assembly, April 1652, November 1652, and July 1653,” The Virginia Magazine of History and Biography 83, no. 1 (January 1975): 64. See also Grotius, The Rights of War and Peace, 2: 835, who argued that while alliances could be made with pagans and infidels, it “will be very proper, that the dwelling of such people should be in some separate place,” to prevent overly intimate relations between Christians and non-Christians.
part of efforts to fashion political ties of subordinate autonomy. Rather than forbidding all
connections between communities, segregation functioned to corral political links through the
reciprocal bond of sovereign and vassal and discouraged direct interactions between the subjects
of each. Virginia’s governors made considerable efforts to do so well into the 18th century,
repeatedly ordering squatters removed from Indian land.

Collectively, these practices suggest that we should be careful about equating tribute with
the end of native sovereignty, even as we can see it arcing, as Machiavelli and Grotius suggested
it would, in that direction. They focus our attention on the process of subjugation and stretch our
vocabulary for understanding settler colonialism by helpfully muddling the issue of
subordination and autonomy. Speaking of the political status of Indians in the English colonies,
Francis Jennings long ago noted the paucity of our terminology. "There seems to be no word in
English," he wrote, "that properly fits the situation. Our language tidily sorts out dependence,
independence, and interdependence, of which the last comes closest to defining the whole
relationship between Indians and European: but if we want to categorize the special status of
Indians as both dependent and independent the language fails us."86 As Jennings noted, that
ambivalent status extended for centuries, and indeed endures into the present as an ongoing issue
for indigenous peoples, are still framed in U.S. law as simultaneously sovereign and
subordinated.87

86 Jennings, *The Invasion of America*, 118. Ironically, Jennings stumbled across the concept of tribute as a way of
defining the Covenant Chain, but emphatically denied that the term could be used in a "European legal sense,"
because Iroquoian "tribal tributaries varied . . . in the degree of subordination" and benefited from reciprocal duties
and privileges associated in Iroquoian politics with such terms. The English, he suggested, had no word for people
who shared characteristics of allies and subjects, a concept he pronounced as "legally absurd" given European ideas
about the unity of sovereignty. As I have argued at length here, such terms did exist in early modern thought, and it
is the very term he insisted made sense only if divorced from its European context. See Jennings, *The Ambiguous
Iroquois Empire*, 8, 38–9.

87 For an empirical overview, see John Wunder, *Retained by the People: A History of American Indians and the Bill
of Rights* (New York: Oxford University Press, 1994). For a theoretical overview, and an argument that this
ambiguous positioning is both a point of resistance and of power, see Kevin Bruyneel, *The Third Space of
Taking tribute seriously provides an idiom (and a contemporary one no less) that can help us access and critique the ideas, institutions, and practices of colonial subjugation. From this vantage point emerges a mode of subjugation that sought in-between, the murky middle ground between subject and alien, self and other, as its preferred position. This was not because Virginians were incapable of further extending their domination. Tribute was a positive modality of power in its own right. This can be difficult to see when the political world is divided into sovereignty and its absence and empire is conceived as a homogenizing and universalizing force. Yet it is in keeping with an emerging historiography of empire arguing that empires thrived because of their ability to exploit partialized, rather than totalized, spaces of power. As Lauren Benton has suggested, empires worked through the creation of "multiple anomalous legal spaces" and "loosely configured corridors of imperial control that defied easy categorization, even alongside tendencies to define and protect borders." Virginia's tributary system was rooted in a very particular, if shifting and ambivalent, conception of sovereignty as divisible, enclavel, and composite, in which ambiguity could function as a tool of colonial power rather than a by-product or its negation.

The tributary system proved durable because a narrow but influential constituency of indigenous and English elites found enduring reasons to invest in the maintenance of a middling political relationship predicated on the idea that Indians would maintain considerable autonomy within a structure of subordination. Over the next century, native leaders frequently reminded the English of their right to this autonomy. Why they should do so is easy enough to imagine. Local


autonomy, in whatever measure it could be exercised, facilitated cultural survival in the most literal sense. The language of alliance, however unequal, provided an idiom for asserting rights and privileges, a vital tool in the struggle to maintain a land base, communal coherence, and, for elite Powhatans, a claim for privileged status. The close association between European and indigenous ideas about allegiance, tribute, and friendship also created an opening for political appeals based on affect and allegiance, even if the emotive force of the terms was often now filtered through a cooler diplomatic idiom which shared affective terminology. On the whole, Indians were now more likely to appeal to deep affective connection, above all to the power of love and enduring friendship, than were the English, as they sought to maximize their room to maneuver. They could do so, however, because such terms were germane to both English and indigenous political vocabularies.

However, an unequal alliance could not survive based solely on affective language or on the desire of its weaker partner to maintain it. As Richard Dallington remarked in his compendium of political aphorisms, alliances depended on the "particular interests" of both parties to the deal, and as those interests "continueth sound or weake, in any one of the complices, so standeth or falleth" the league.89 The English also found reasons, simultaneously ideological and pragmatic, for maintaining Indians in the middle position of subjection, neither wholly within nor without the colony, and in possession, however precariously, of certain rights, privileges, and spheres of autonomous action. Historians have often described 1646 as the year in which Virginia attained uncontested ascendancy over the tidewater, and indeed, Virginians sometime expressed this sentiment. In 1671, for example, Berkeley told the Board of Trade that

"the Indians our neighbors are absolutely subjected so that there is no fear of them." But, where historians have seen a clear shift in the landscape of power, seventeenth-century Virginians, who had close historical memories of both the 1622 and 1644 ‘massacres’, experienced deep anxiety about their security and power. Into the eighteenth century, ongoing violence on Virginia’s perimeter, fear of the Haudenosaunee (whose conflicts with Southeastern Indians brought streams of war parties through Virginia between approximately 1670 and 1720), reports of King Phillips War, and the much closer Tuscarora and Yamasee wars, only reinforced these perceptions. English efforts to draw Indians into tributary alliances occurred in a climate of ongoing and significant colonial anxieties and a sense of vulnerability that continuously undermined English perceptions of their own power. Taking these fears seriously helps us to understand the tributary system as a tactic in ongoing colonial power struggles rather than a result of power struggles that have ended. The tributary system was productive, not residual, and among its products was the ambivalent Indian vassal, positioned in the fluid space between subject and independence.

The ambivalent status of tributaries allowed Virginia to claim multiple and supple forms of power over its Indian neighbors. At times, Virginians treated Indians as fully subjected, demanding the rights of a sovereign to make laws, choose magistrates and officers, punish and pardon offenders, and determine war and peace. They unilaterally rewrote treaty and trade arrangements in their thirst for land. But all this occurred alongside persistent tendencies towards treating Indians as autonomous polities, which took the form of military protection of tributaries

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90 Billings, Papers of William Berkeley, 394.
against their indigenous enemies, repeated removal of squatters from Indian land, and a general practice of applying collective punishment to Indians, a practice at odds with the individualized judicial punishment appropriate to subjects, but allowed by natural law to be inflicted on aliens.\footnote{Thomas Hobbes, \textit{Leviathan}, ed. Edwin Curley (Indianapolis: Hackett, 1994), 208.}
The language of Indian rights and Indian autonomy furthered English efforts to enforce physical segregation of native villages and English settlements, provided justification for Indian slavery, and shielded the colony from having to acknowledge the Indians as possessors of the full rights of the English guaranteed to all subjects of the Crown in Virginia.

This last issue was perhaps particularly important. Defining Indians as purely other, as Virginia had done in the aftermath of the “Jamestown Massacre” of 1622, created conditions of continuous violence, uncertainty, and war, dangerous both to the economic prosperity of the colony and to the lives of its settlers. Indian wars were expensive and severely taxed the institutional structures of the colony. Funding issues constantly limited frontier patrols and military decisions even in times of relative peace, and significant outbreaks of violence cost not only lives, but also significant property damage capable of reversing the expansion of settlement. In addition, war with the Indians caused immense fear and violence, especially for colonists along the edges of English settlements, whose experience throughout the century remained one of profound vulnerability. But it was equally risky to define Indians as subjects. Here Davies’ account of the subjection of the Irish is a useful point of comparison. Davies considered “perfect conquest” primarily a legal process, which would result in the integration of the Irish as English subjects “governed by the ordinary lawes and magistrates of the soveraigne.”\footnote{Davies, \textit{Discoverie of the True Causes}, 6. Bacon, \textit{Briefe Discourse Touching the Union}; Hayward, \textit{Treatise of Union}, 9–10 both argued that perfect union required unified law. See also Lisa Ford’s use of the idea of a "perfect settler sovereignty," as one which eliminated the possibility of legal pluralism. Ford, \textit{Settler Sovereignty}, 183–203.} In this sense, the ultimate goal of colonialism was to collapse ambiguity into the certainty of similitude. Yet the
idea of the Irish as ‘perfect’ subjects both completed and threatened English power in Ireland. Davies recognized that the English had resisted the perfection of Irish subjection at every turn, fearing that “if the Irish were received into the Kings protection, and made Liege-men and Free-subjectes, the state of England woulde establish them in their possessions by Graunts from the Crowne; reduce their Countries into Counties, ennoble some of them; and enfranchise all.” In so doing, the Crown would “cut off a great part of that greatnesse which they had promised unto themselves,” effectively undermining the entire colonial regime by fulfilling it. As Edmund Spenser warned, extending the common-law to Ireland would have the deleterious effect of allowing the Irish to claim that they had not been “used as subjects.” Likewise, a “perfect conquest” threatened the shaky social fabric of seventeenth-century Virginia, which had inherited England’s immense disparities of wealth, but few of the complex social mechanisms that smoothed the functioning of power within England. Incorporating the Indians into the commonwealth further stretched the already taut social fabric. Indeed, by 1676, grievances over the perception that Indians were being treated as subjects contributed to a rebellion that tore the colony asunder, vividly highlighting the immense risks involved in the politics of Indian subjection.

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94 Davies, Discoverie of the True Causes, 146–47.
95 Spenser, A View of the State of Ireland, 31; Barnabe Rich voiced related concerns that the Irish would abuse jury trials by lying under Oath. See Barnabe Rich, A New Irish Prognostication, or Popish Callender (London, 1624), 30–31.
In the mid-century Chesapeake, Algonquian and European political cultures together created a hierarchy of linked, but largely autonomous communities, bound by the practice of tribute. Constituencies of both found reasons to prefer the system and its uncertainties to complete independence or the total assimilation of a "perfect conquest." Obviously, the tissue of overlapping ideas and practices that allowed the system to cohere was dwarfed by the gaps between them. Nonetheless, we need to be careful about how we frame the differences between Algonquian and European political traditions to account for the ways in which early modern beliefs may have more nearly approached indigenous ideas than scholars, looking backwards from modernity, have sometimes supposed. Following Richard White, we might suggest that the area of overlap made possible a kind of convenient fiction, a functional misunderstanding in which spheres cultural congruence, "no matter how tenuous, can be put to work and can take on a life of its own if it is accepted by both sides." Yet tribute did not take place on the middle ground. In post-1646 Virginia, the roughly equitable distribution of power that White suggested made the hard work of alliance-building necessary simply did not exist. Something else had to hold the system together. Strangely perhaps, what held it together was the very fuzziness of the system, the foggy borders and hazy links of a system of power built to contain colonial difference between abject otherness and similitude, or as an early Virginia assembly put it, “neither utterly to reject them, nor yet to draw them to come in.”

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97 White, *The Middle Ground*, 52–53.
98 Report of Proceedings in the General Assembly Convened at James City in Virginia July 30, 1619, Consisting of Governor Sir Geo. Yeardley, the Council of State, and Two Burgesses Elected from Each Incorporation and Plantation, 30 July 1619, CO 1/1, No. 45., (CSPO). The concept of ambiguity has figured in several ways within the young field of settler colonial studies. Lorenzo Veracini, *Settler Colonialism: A Theoretical Overview* (New York: Palgrave Macmillan, 2010), 23–30, notes that settler colonialism creates tensions between sameness and difference, resulting in helter-skelter patterns of internalization and externalization that will eventually be resolved by a tendency to define the indigenous as an increasingly pure other. Walter L. Hixson, *American Settler Colonialism: A History* (New York: Palgrave Macmillan, 2013), 3–4, likewise sees ambiguity as inherent in colonial dynamics, but believes that this ambiguity can only be destabilizing. In contrast, I am suggesting that certain forms of ambiguity stabilized forms of colonial power. While I agree with Hixson that colonial ambiguities contained explosive
Elites among both tributaries and colonists sought this interstitial space, predicated on both autonomy and subordination. This is not to say that limits and extents of that autonomy were clearly understood or mutually agreeable. The boundaries of the tributary relationship were subject to constant, bitter contestation and negotiations which, despite the massive and ever-growing disparities in demographic and military power and the advantages the system offered to the structurally superior partner, did not always play out in predictable ways, even as they worked, on the whole, to reify and deepen colonial relations of power. Continuously embattled, battered by the conflicting agenda of the colony’s many actors and by a gravitational pull towards more “pure” relations of subjection, the effort of maintaining a tributary balance was immense, yet nevertheless consistently pursued.

Its endurance reminds us of a hidden history of an always-elusive search for peace in the midst of the inherent violence of the colonial tempest, and of the importance of peacemaking to histories of power. It also suggests the need to rethink some basic historiographical commonplaces of colonial Virginia, which posits 1622 as the end of one colonial project and the beginnings of another, still darker one, in which Indians could play no part beyond dispersing away at the edges of an ever-expanding frontier. Clearly, in the years between 1622 and 1646, the predominant colonial language of Virginia was that of perpetual enmity and pure otherness. The advent of the tributary era marks a rejection of this language and its associated practices in favor of an uneasy, but durable, reemergence of a colonial project expressed in affective terms of friendship, and in political terms as an unequal alliance complete with obligations of protection, mutual responsibilities, and even of “rights.” Though advocates of perpetual war and total displacement remained, proponents of the tributary system preferred to rule through the potential for violence, I would argue that such violence tended to occur when ambiguity diminished, not simply by the fact of its existence.
mechanism of "faire and loving meanes." It was not, however, the eternal return of the same: after 1622, few Virginians would express hope that Indians might one day be incorporated among the English as the King's loving subjects. Neither proponents of a perfect conquest nor the more common and vocal advocates of a complete extirpation would entirely vanish from Virginia. Both, however, would find themselves on the margins of a system designed to hold Indians politically, territorially, and affectively, midway between.

6 "FATALL UNDISTINGUISHABLE DISTINCTIONS"

In the spring of 1650, Governor William Berkeley wrote to the Justices of the Peace of Northampton County and ordered them to respect the Accomac Indians' title to their land. Evoking an affective language of mutual interest, he noted that the Accomacs had long been faithful friends of the English, and were not involved in the 1644 attack on the colony. The continuance of this friendship, Berkeley argued, depended on the good faith of Virginians. "Unless wee correspond with them in acts of charitie & amitye, especially unlesse wee abstaine from acts of rapine & violence," he remarked, "wee cannot reasonably hope for the like effecte of theire freindship in case wee should againe need it (which god knows howe soone it may
bee).” Just one year after Necotowance had re-established the use of affective terms to describe political relations in Virginia, Berkeley began returning to the language of amity and fairness to define colonial relationships and suggesting that the peace and security of the colony depended upon maintaining this mutual friendship.

Berkeley’s letter marked the return of a closely related colonial fantasy, tenaciously rooted in Virginia’s short and violent history, of a just and amicable dispossession. This goal was a consistent feature of Berkeley’s Indian politics and it depended on the discursive framing of Indians as friends and neighbors, as peoples bound to the colony not by relations of force but affection. Developing alongside it was the more novel idea that tributary Indians might possess certain rights that Virginia was obliged to protect. In the 1650s and 1660s Virginia’s legal code rapidly incorporated indigenous rights into colonial law as a tributary configuration of power took institutional and discursive form. Together, the language of rights and friendship would serve as both checks on colonial power and as the means through which dispossession occurred. Unsurprisingly, it heavily favored the English, whose bulging demographic superiority ensured they would be best able to exploit the ambiguous network of connection and distance that defined the tributary system. Yet like all systems of domination, it held within it the possibility of resistance – and the dark prospects that such resistance could reify the order it hoped to shake. This chapter traces the development of tribute from idea to institution, exploring the process of subjection up close.

The early tributary era was marked by violence and aggression, neither of which ceased with the establishment of an unequal alliance. Yet what held the system together was the hope of peace. For the colony’s governing elite, tribute served powerful ideological purposes and seemed

to offer the prospect of an orderly dispossession at a minimal cost. For the tributaries who tried to mold it to their interests by demanding the protections and privileges their status legally entailed, it was often the best remaining tool in their attempts to maintain a land-base, communal coherence, and ensure the physical survival of their peoples. This dual commitment lent the system a remarkable durability, despite its demonstrably dubious ability to achieve the goals either side sought in it. English duplicity and greed were persistent obstacles, but so too was a major slippage in the system that could never be resolved: tribute was predicated on the separation of native and English communities, yet the links between them exceeded the harsh segregation imagined in the 1646 treaty. The theoretically and formally discrete physical, social, and jurisdiction spaces of tributaries and the English bled into each other, creating points of overlap that cut through the clean lines of demarcation on which Virginia’s legal code and its treaty-system often presupposed. The spreading connections between native and English communities, symptomatic of and caused by the relentless pressures of dispossession, were spaces of great tension which the tributary system struggled to contain. In hindsight, it is clear that tributaries bore the brunt of these tensions, but in 1676, it was the grievances of white settlers who saw themselves as the victims of a system that coddled and protected Indians, which triggered another spasm of existential warfare.

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In the immediate aftermath of the 1646 treaty, Virginians concentrated on enforcing the segregated communities the treaty envisioned. Despite another two years of bitter warfare, there is evidence that communal segregation needed strict enforcement mechanisms. In York County, the border county between Tsenacommacah and Virginia, local officials received reports in 1648 that colonists “doe dayly entertayne the Indians in there howses both by day and night contrary
to an act of assembly.” County officials gave permission to any settler finding Indians in English houses to immediately kill the Indians, and mandated that any English found harboring Indians be prosecuted for an offence that carried a death penalty without benefit of clergy.\(^2\) Intensely punitive measures designed to enforce strict segregation were common in the first years of the tributary era, during which only official ambassadors wearing special striped coats had permission to enter English space without being killed.\(^3\)

There is evidence to suggest that these messengers were more common than the English would have preferred. For the Powhatans, as for Indians across the Eastern half of the continent, peace was an open-ended process, requiring frequent renewal through ongoing personal contact. In the late 1640s native leaders appear to have been vigorously engaged in building and reinforcing their ties to the governor to stabilize the peace. Unfortunately, the fragmented state of Virginia’s records reveals next to nothing about these visits or the negotiations that accompanied them. Indeed, but for the chance survival of a 1648 order from the Assembly granting Berkeley a bodyguard due to the danger of unspecified "treacherous attempts" upon the governor under the cover of the "frequent resort" of the Powhatans to him "upon pretence of publique negotiations" we would have no record of this otherwise subterranean diplomacy.\(^4\)

In all likelihood, a major topic of discussion was the Assembly’s immediate intention to redraw the political boundaries of the 1646 treaty. As the ink on the treaty dried, colonial sprawl

\(^2\) “York County Deeds & Wills No. 2 1645-1649,” Colonial Williamsburg Foundation Rockefeller Library (microfilm), 389.
\(^4\) Henings, Virginia Statutes, 1: 354-5. One possible clue to the plot is in Gatford’s tract on Virginia, which mentions an indigenous attempt to poison the Governor, perhaps a reference to one of the “treacherous attempts” of the Indians. See Lionel Gatford, Publick Good Without Private Interest, Or A Compendius Remonstrance of the Present Sad State and Condition of the English Colonie in Virginea (London, 1657), 24.
was already at work undermining the prospects of colonial segregation. The Assembly that ratified the treaty had made it clear that existing patents north of the York River were merely being suspended rather than voided, and just three years later, it announced that settlement on the York and Rappahannock Rivers would resume.\(^5\) This expansionary push presumably required new rounds of diplomacy.

As northern settlement began, Virginia passed a law, no longer extant, which either allowed or required Indian communities to patent land.\(^6\) Though this idea had a precedent on the Eastern Shore, where the Accomacs had received a patent for 1500 acres in 1640, the 1649 law marked the beginning of reservations as widespread policy in Virginia.\(^7\) These reservations, the first in the English colonies, inverted the 1646 treaty, which had defined English space while leaving native boundaries unconstrained, and did so in terms that explicitly connected tribute to property rights.\(^8\) When the Pamunkeys, Weyanocks, and an unspecified "north" community of Indians requested surveys, the Assembly noted that this right was based on having "humblye acknowledged themselves tributaryes to his Sacred Majestye, and that the soverainitye of the land whereon they live doth belong to his most Excelent Majestye." In exchange, they were entitled to receive the protection of the Crown and title to the land "whereon they, and theire

\(^{5}\) Henings, _Virginia Statutes_, 1: 353-4.
people may inhabitt, and injoy the priveledges of range and huntinge free from the mollestation, and incroachments of any person, whither Indians, or English."

The quantities of land involved were stunningly parsimonious. The three peoples that initially petitioned received title to a mere 5000 acres each. The following year, the Assembly ordered counties to survey the villages of all tributaries, allotting them fifty communally held and contiguous acres of land for each adult male in their community. The allotment act was clearly designed to allow tributaries to remain in their current locations. This was particularly important along the Rappahannock, where tributaries still held prime tobacco lands. The act specified that if Indian lands were "found to be included in any pattent alreadye granted for land at Rappahannock, ore the parts adjacent," then the English owner must either purchase the land from tributaries or relinquish their claim. The Rappahannock counties at first ignored the act, prompting the legislature to order them to survey the lands of tributaries immediately. In response, officials in Lancaster County decided to use the act as a pretense for forcible dispossession. Choosing to read the legislation as giving them the right to assign Indians whatever land they saw fit, Lancaster’s commissioners mustered the militia to escort local tributaries to their newly allotted lands.

Lancaster’s creative reading of the statute reflected a perpetual issue with which tributary Indians and colonial governors had to contend: though the governor and his council claimed extensive jurisdiction over Indian issues, his ability to act often depended on local officials, who frequently pursued agendas at odds with the colony’s legal codes. As the colony expanded in the mid-seventeenth century, political power in Virginia became based on “a fundamental

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10 Ibid., 68.  
11 “Extracts from the County Records,” Virginia Magazine of History and Biography 8, no. 2 (October 1900): 173–74.
decentralization of power between the provincial government and the emerging county courts," creating a situation in which local magnates were granted "the unlimited right to run local affairs however they wished." In return, Berkeley expected deference over the external affairs of the colony. Overall, this bifurcation of power created conditions conducive for state-building and political stability. In regards to tributaries, however, it cut in several directions. On the one hand, it created an opportunity for small, largely self-governing indigenous communities to persist, because all governance in Virginia was essentially local. Tributary weroances could function in many circumstances as a local elite. On the other hand, the decentralization of power also continuously limited the efficacy of a political relationship structured around the obligation of a governor to offer protection to the communities who paid tribute to him because Indian issues sat awkwardly at the juncture of local and external affairs. Many of the disputes between tributaries and colonists, which tended to involve brawls, a dead pig or a disagreement over a few acres of land, fell within the jurisdiction of the county courts, and the purview of local authorities. Yet they were also affairs of state, diplomatic and military issues with wide implications for war and peace. Berkeley, as jealous to defend his sphere of authority as were local elites, and often guarded his prerogative over Indian affairs in ways that gave tributaries some advantage. However, his major means of intervening required the cooperation of the local planters who controlled the militia and the courts. Berkeley’s reliance on local actors ensured that, the formal structures of the tributary system notwithstanding, Virginia’s counties played important roles in the daily management of Indian affairs.

Regardless of whether local counties cooperated in their creation or not, reservations of several thousand acres were simply too small to support the diversified subsistence patterns on which tidal Algonquians depended.\(^\text{13}\) However, the allotment act also stipulated that Indians had "libertye of all waste and unfenced land" for hunting.\(^\text{14}\) Despite surging English populations (the colony’s population grew from around 8000 in 1644 to over 25,000 by 1662) and environmental degradation, this amounted to huge amounts of acreage, even within the tidewater, to which tributaries could claim usufruct rights.\(^\text{15}\) Large landowners who often left substantial acreage unimproved, the needs of settlers for woodlots to support domesticated animals, and the widespread use of split-rail fences that were often moved as cultivated acreage shifted insured that much land, even if patented, remained unfenced.\(^\text{16}\) Though there is no way of knowing with certainty, it seems reasonable that the right to access unimproved lands was one fruit of the otherwise lost "publique negotiations" between the English and tributaries, a concession extracted by tributaries who could no longer stop expansion. It is difficult to otherwise account for the privilege, without which indigenous lifeways simply could not have continued. Whatever its origins, it was a privilege which tributaries would insist upon retaining in the decades to come. The 1657 Rappahannock County treaty, for example, specified that the Mattaponis had

\(^{13}\) On which, see Rountree, The Powhatan Indians of Virginia, ch 1 and 2.

\(^{14}\) Billings, “Some Acts Not in Hening’s,” 68, 73.

\(^{15}\) Morgan, American Slavery, American Freedom, 404.

“freedom and liberty” to hunt and gather “without the Englishmen’s cleared fenced ground according to an Act of Assembly,” a clause which seems unlikely to have been included except at native insistence.17

Nevertheless, exercising these rights would have been extremely dangerous in the early 1650s. Legislation passed in 1649, as the Assembly opened lands North of the York River to settlement, had ever so slightly relaxed the iron-clad apartheid of the 1646 treaty by specifying that only Indians found committing "tresspasse, or other harme" within the Colony could be killed at will. The law, however, did not require anyone to witness the alleged crimes, judging the "oath of that partie by whome the Indian shall be discovered, or killed shall be full, and sufficient evidence" to satisfy the law.18 At least one colonist was punished for injuring an Indian contrary to this act, but it seems all but certain that many unrecorded killings and attacks on tributaries occurred in the space of legal lawlessness that the lack of evidence required under the law created.19 The Assembly's subsequent actions strongly suggest that it provided “too great a latitude” to settlers. In 1656, it altered the law to forbid the killing of “Indians that are in our protection” unless two witnesses testified that they had been caught in the act of committing a felony. It also provided that "Indians in amity" could obtain passes allowing them to “fowl, fish or gather the wild fruits without the hinderance of any” on unfenced lands.20 In 1662, further legislation on the hunting and gathering rights of tributaries specified that “if any Englishman shall presume to take from the Indians soe comeing in any of their goods, or shall kill, wound or

maime any Indian, he shall suffer as if he had done the same to an Englishman, and be fined for his contempt."\footnote{Ibid., 2: 140.}

Developing in tandem with the twin ideas of reservation and usufruct was a formal recognition that English greed was the primary cause of colonial violence. Both the 1652 and 1657 acts forbidding the taking of indigenous land began with preambles acknowledging that Indians were being wrongly deprived of their lands and that their ability to subsist "either by plantinge, or huntinge," was at risk. This, the assembly claimed, was "contrarye to justice, and the true intent of the English planters of this countrey, whereby the Indians might by all faire, and just usage be reduced to civilitye, and the true worshipp of god." Further, the assembly recognized that continuing English infringements might force Indians to be "justlye driven to dispaire, and to attempt some desperate course for themselves," and in so doing return the colony to a state of war. Both justice and peace, the Assembly concluded, depended on the security of Indian title.\footnote{Billings, “Some Acts Not in Hening’s,” 72; Henings, \textit{Virginia Statutes}, 1: 467; See also Berkeley’s comments on the origins of King Philip’s War in Billings, \textit{Papers of William Berkeley}, 509–10.}

Obviously, we need to be suspicious about treating preambles as guides to practice. It is important to note, however, that professions of friendship and a stated preference for a colonialism rooted in peace and amity rather than perpetual enmity were repeatedly pronounced as official policy by Berkeley and the Assembly. In 1660, for example, Berkeley urged local officials on the Rappahannock to police violence against Indians and to see that “our articles of peace are kept with them.” For reasons of “humanity & Christianity,” as well as reasons of state, he argued that “we ought not to leave them without a possibility of subsistence.”\footnote{Billings, \textit{Papers of William Berkeley}, 123; Billings, “Some Acts Not in Hening’s,” 65.} When the colony reorganized its entire legal code following the Restoration of Charles II, this resurgent
language of fairness remained more or less intact, as the Assembly reiterated its belief that the “mutuall discontents, complaints, jealousies and feares of English and Indians proceed cheifly from the violent intrusions of diverse English made into their lands.”

Disregarding such statements entirely is as mistaken as using them as reassuring evidence of good intentions. If nothing else, they provided a basis upon which tributaries frequently, and sometimes successfully, demanded that their legal rights to property be enforced. On those rare occasions when colonial records provide any sense of the language in which they did so, it seems clear that they latched onto tribute’s language of friendship, fairness, equity, and love, used in Virginia during the seventeenth and eighteenth-centuries primarily as a language of supplication, to make their case. Necotowance had done so in 1649, and the Onanocks did so in 1652 when they reminded the English of the "affectionate love they have bourne unto our Nation," while asking Northampton County officials to keep squatters off their lands. After the 1610s, few Virginians spoke of their relationship with Indians as loving, but the vocabulary of tribute drew heavily on affective terms with overlapping, if less intimate, connotations. When combined with the continuing saliency in English political traditions of subjection as most stable and honorable when grounded in love, native appeals to affective connection could occasionally resonate enough to prompt English action.

Throughout the tributary era, Indian politics were defined by the tensions between a developing language of native rights that unfolded within an emergent settler-colonial project. In this sense, tribute was both a check on colonial dispossession and an important mechanism through which it was affected. This duality is apparent in the dynamics of territorial dispossession at mid-century. The long and ultimately fruitless battle against squatters, which originated with the tributary system, is perhaps the best example of this.27 Into the 1640s, squatting was treated not as a violation of native property rights but as an index of cultural power. Servants and others who ran away to join Indians and become what James Axtell has described as "white Indians" were problematic, not for their refusal to recognize indigenous land title or colonial authority but because their dubious cultural loyalties reflected weakness in English presumptions of cultural superiority.28 After 1646, however, the problem of settlers living on Indian land became a crime against public order, an infraction against the peaceful dispossession that Virginia’s elites were trying to engineer. For this reason, tributaries frequently found sympathetic audiences for complaints against squatters. Legislation prohibiting squatting was a consistent part of Virginia’s legal code beginning in the 1650s, and squatters were often ordered removed from Indian land.29

27 Stuart Banner’s survey of Indian land-loss largely glosses over squatting in the colonial era, and when does speak of it, he implicitly treats it as a late-colonial dynamic. In Virginia at least, this is simply not the case: squatters, encroachers and others were major problems beginning in the middle of the seventeenth century. See Stuart Banner, How the Indians Lost Their Land: Law and Power on the Frontier (Cambridge: Harvard University Press, 2005), 53–4.
An equally serious threat was a type of futures market in tributary real estate. Enabled by laws which stipulated that Indian land would be classified as abandoned if unoccupied for more than three years and by the practice of issuing contingent patents that transferred future title to lands owned by tributaries in the event they relocated, this particular form of land acquisition was popular among elite planters. In November of 1657, for instance Samuel Mathews, governor of Virginia during the Protectorate, was given rights to the Wiccocomico reservation as soon as they should remove from it. Members of the governor's council, high-ranking militia officers, and other members of Virginia's upper crust received similar patents. Unsurprisingly, these contingent patents gave planters an incentive to push tributaries off their lands, in the process creating situations that tested the ability and desire of the colony to enforce its own laws. The resulting actions by the legislature are sometimes surprisingly complex, indicative of the ambiguous protection afforded tributaries. Mathews, for example, took possession of the Wiccocomicos' land in 1659, supposedly with their blessing. After his death, the assembly noted that his patent “appears upon record, but not how justly acquired nor whether voluntary or not,” and ordered further investigation. Eventually, they ordered Mathew’s heirs to offer £50 of trade goods to the Wiccocomicos, who would have the choice whether to accept them as payment or retain title the land.

31 McIlwaine, Minutes of the Council and General Court of Virginia, 504, 506.
A similarly disputed sale of land involved Colonel Moore Fauntleroy and the Rappahannocks. In that instance, local officials were specifically ordered to “acquaint the Indians,” whose complaint had presumably initiated the inquiry, of the “care the assembly take[s] to preserve their rights.” The investigation concluded that while Fauntleroy’s purchase was legitimate, he had not fully paid for the land. Fauntleroy was ordered to pay “thirty matchcoates of two yards a piece wherof one to the king hansomely trimed with copper lace” to complete the transaction. A year later, the assembly reported that he had not only refused to make this additional payment, but had abused his power as a colonel in the militia by imprisoning the Rappahannock King and his great men, demanding ransom before releasing them. To make matters worse, he then lied to the assembly, claiming to have jailed them for refusing to pay tribute to Berkeley. As punishment, Fauntleroy was barred from “any office or command civill or military in this colony” and required to post a bond “with very good securitie” to compel him to leave the Rappahannocks alone.

The occasional willingness of the Assembly to investigate and intervene in disputes between Indians and prominent planters suggests that tributaries could sometimes compel the colony to provide some level of protection, even against well-connected settlers. At the same time, it is important to note that both Fauntleroy and Mathews ultimately received title to supposedly inalienable indigenous land. The Assembly’s concerns for protecting the rights of its tributaries were not simply a check on expansion but a means through which dispossession occurred. This would continue to be the case as legislation aimed at regulating land sales between colonists and tributaries proliferated in Virginia’s legal code. Two distinct rationales underlay these laws. In

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the first instance, they reflect an expressed desire for a permanent native presence in Virginia, and for fixed, stable boundaries that would preclude the “continuall necessity of allotting them new lands and possessions.” Second, the Assembly recognized the vulnerability of tributaries to coerced sales, noting that they could scarcely “distinquish between our desires to buy or enforcement to have.”38 Beginning in the middle of the 1650s, all land transactions involving Indians required explicit assent from the Assembly.39 As we already have seen in the cases of Fauntleroy and Mathews, the assembly took this responsibility somewhat seriously. Perhaps prompted in part by those cases, the reorganized legal code of 1662 strengthened the language prohibiting Indian land sales. Noting that the previous system had been abused, the Assembly pronounced it illegal for the English to “purchase or buy any tract or parcell of land now justly claymed or actually possest by any Indians whatsoever,” and explicitly stated that all such sales were henceforth prohibited, “any acknowledgement, surrender, law or custome formerly used to the contrary notwithstanding.”40

This blanket prohibition had no chance of working for several reasons. In the first instance, as long as tributaries continued to occupy desirable acreage, there would be demand for them to sell. Moreover, the stable and segregated communities that the Assembly liked to imagine simply did not exist on the ground, where connections between tributaries and the English evaded legal efforts to draw sharp boundaries between them. The 1662 law is exemplary in this regard. Its preamble framed the long-term peace of the colony as a matter of stable boundaries between Indians and the English and justified the prohibition of land sales as a means of both maintaining the distinctiveness of indigenous space and regulating traffic across the borders between Virginia

39 Ibid., 1: 391, 396, 468, 2: 34. An exception was allowed on the Eastern shore, where a previous agreement allowed individual Indians to sell land if they obtained the consent of their community to do so.
40 Ibid., 2: 139.
and its tributaries. To this end, the assembly proposed what it presented as an essentially final division of land, appointing commissioners charged with establishing permanent borders and developing ways to prevent “future intrenchments beyond the bounds once fixed.” This vision of segregated space was recognizably the same as that outlined in the 1646 treaty, even if the extent of indigenous space was dramatically revised. But we need look no further than the 1662 law, which conceded that such an “an intervall betweene the Indians and English cannot in the present neernesse of seating be soe laid out,” to recognize the impossibility of such a division.\(^{41}\) The English and their tributaries were too entangled for a surveyor to regularize or legal codes to prohibit. Land disputes and sales would continue.\(^{42}\)

The 1662 law stipulated that tributaries be informed of the new rules regarding land transactions, and in the following years many of them petitioned for relief from squatters, encroachment, and coerced sales. In 1662, the Moraughtacunds petitioned for removal of squatters, as did the Pamunkeys in 1664 and 1665, and the Accomacs in 1667, 1673 and 1674, the year the distant Nottoways first reported squatters.\(^{43}\) The frequency of these complaints is a clear indication of the scope of the problems facing tributary peoples, and of the limited authority of colonial legislation on matters touching Indian politics. But it is also clear that tributaries continued to find it worthwhile to lodge protests, a pattern which is symptomatic of extensive native engagement with the tributary system in the decades before (and after) Bacon’s rebellion. Tributaries clearly understood the legal protections associated with their status and actively demanded that the English respect and uphold them. Often, they did so while in Jamestown or

\(^{41}\) Ibid., 2: 141.
\(^{42}\) Ibid., 152–54.
Williamsburg paying tribute, an annual event that came to be strongly associated with petitioning the governor to act the part of a superior and demand that the terms of native subordination be honored. Despite ever-worsening demographic marginality in the colony – tributaries were outnumbered perhaps 10:1 by colonists as early as 1670 – tributary petitioning was relatively successful at the level of individual complaints, and squatters were frequently ordered removed by the Governor and his council.44

Even in cases involving local magnates, tributaries could petition the Governor with some hope of redress. Several high-profile incidents in the 1660s highlight both efforts to substantively protect tributaries from violence and the immense difficulties of doing so in a highly localized society. Most spectacularly, the entire political class of Westmoreland County was punished for a particularly brazen offense against the Patawomeck weroance Wahangoche. The major culprit in the case was Colonel Giles Brent, who had been involved in a land dispute with Wahangoche for several years.45 In 1662, soon after Wahangoche had delivered an accused murderer over to the English for punishment, Brent and several other members of the local gentry had seized him “contrary to the honourable governors safe conducts and protections,” and charged him with “treason and murder.”46 So many substantial planters were barred from office that the county itself was temporarily dissolved.

46 Henings, Virginia Statutes, 2: 150.
Similarly punished was Edmund Scarburgh, a close political ally of Berkeley, former speaker of the House, and probably the most prominent planter on the Eastern shore. In 1651, Scarburgh had faced trial in Jamestown for leading an attack on the Pocomoke Indians in Northampton County. Though the county paid reparations to the Pocomokes, Scarburgh escaped punishment by convincing the Governor that his actions were prompted by legitimate fears of impending Indian conspiracy, and that he had responded as any “careful and honest men ought to have done.” Almost twenty years later, Scarburgh was arrested again and convicted of violating the “peace long since established between us & the Indians,” by murdering, whipping, burning and enslaving Indians on the Eastern shore. Like Brent, Scarburgh was barred from holding political or military office. A final incident involved none other than Nathaniel Bacon, who was chastised in the fall of 1675 for taking prisoner several Appomattuck Indians, “for stealing corne that was none of yours nor your neighbors,” an action Berkeley called “rash” and an affront to his leadership. Bacon was not further punished, but the sense that the dignity of Indians might be preferred above his own perplexed the newcomer to Virginia, who confessed to Berkeley “for to mee this story of siding with or protecting any Indians is wholly a thing in the clouds.”

Scarburgh died soon after his arrest in 1671, still in political exile, but despite Berkeley’s indignation it is hard to imagine that he would have remained there for long had he lived. Virginia’s population was too small, and too dependent on a finite number of large planters to fill local office, for such punishments to hold. Westmoreland county, for example, was restored soon after its dissolution, and its offices filled by the same men who had so recently been barred from

50 Ibid., 486–87, 492.
public life.\textsuperscript{51} As was often the case, the central government’s ability to meaningfully protect tributaries, even tributary kings, was severely limited by the dependence of the Governor on delegation and cooperation from local officials to create political stability.\textsuperscript{52} In matters relating to Indians, particularly on the volatile Rappahannock and Potomac, this political arrangement tended rather to ensure the perpetual instability of the tributary system.

Spectacular acts of violence directed against tributaries, as well as the frequent, but less well-recorded daily frictions of living amongst the English ensured that these were hard decades for tributary peoples, the occasional intentions of the Governor to protect them notwithstanding. Politically, the impact of the accelerated invasion shattered the chiefdom. Necotowance disappears from colonial records by 1650, having either died or fallen from power as the English spread once more into \textit{Tsenacommacah}. From that point to the end of Bacon’s rebellion, individual Powhatan peoples acted independently in their dealings with the English and each other.

Despite Philip Ludwell's contention some three decades later, that Virginians had intentionally broken the Powhatan chiefdom, shrewdly allowing Virginia's tributaries to weaken themselves "more by their intestine broyles then ever wee could do by all the warrs we have had with them," there is little contemporary evidence that the English intentionally acted to destroy the office of the \textit{Mamanatowick}.\textsuperscript{53} This point bears emphasis since some scholars, including


Ludwell, who was perhaps eight years old in 1646 did not migrate to Virginia until fourteen years after the signing of the 1646 treaty. See Billings, \textit{Berkeley and the Forging of Colonial Virginia}, 131.
Helen Rountree, have asserted that the English intended detribalization.\textsuperscript{54} In contrast, I have suggested that the 1646 treaty can be understood as an effort to support the office of the chief in the interest of maintaining a colonial mediary who could speak for and control identifiable and relatively large constituencies.

While colonial pressure is clearly an important context for this fragmentation in Powhatan political power, it is worth pointing out it fits comfortably within the deep indigenous political history of the continent’s chiefdoms, a political formation prone to disaggregation. Whatever its spark, the Powhatan peoples found opportunity in the 1650s to regain certain forms of autonomy that had been sublimated by the Mamanatowick – not least among them at least potentially greater political and diplomatic maneuverability – even while accepting tributary subordination to the English.\textsuperscript{55} It seems possible that the collapse of a relatively centralized Powhatan polity was an act of resistance, calculated or not, to English hegemony. As James Scott has observed in his work on state-evading peoples in Southeast Asia, resistance to incorporation often produces a movement towards "simpler, smaller, and more dispersed social unit[s], which trade the ability to organize action for social forms less vulnerable to cooption.\textsuperscript{56} In Virginia, political splintering gave individual peoples increased abilities to chart their own course within the increasingly restricted colonial world. In this respect, Powhatan political strategies were similar to native peoples across eastern North America, who often relied on political fragmentation, migration (an option seemingly unavailable to most Powhatans in the seventeenth

\textsuperscript{54} Rountree, \textit{Pocahontas’s People}, 135.
century) and the radical dispersal of political power to survive the upheavals of colonialism. When the English found themselves negotiating with literally dozens of indigenous communities as tributaries, we should be alert to the possibility that what we are seeing is less an intended consequence of English policy than an adaption of it to changes in indigenous political organization. For the Powhatan peoples, such adaptation was essential if they were to survive in the rapidly vanishing Tsenacommacah.

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Despite the segregationist structures of tributary subordination, tributaries and colonists had little choice but to live in close proximity. While more shallow than those in other colonies, Virginia’s frontiers were like others across seventeenth-century British America in that they gave birth to cross-cultural relationships and interactions that the tributary system could only modestly contain. Signs of these communities are spread across the colony’s fragmentary records. Guns were lent and sold despite prohibitions, Indians were hired as hunters and servants, or enslaved, with and without the requisite licenses, and settlers were warned constantly against entertaining and harboring Indians. Unauthorized trading, particularly perhaps on the Southside, occurred, as

57 Sami Lakomaki, Gathering Together: The Shawnee People through Diaspora and Nationhood, 1600-1870 (New Haven: Yale University Press, 2014), 7; Steven C. Hahn, The Invention of the Creek Nation, 1670-1763 (Lincoln: University of Nebraska Press, 2004); Michael Witgen, An Infinity of Nations: How the Native New World Shaped Early North America (Philadelphia: University of Pennsylvania Press, 2012); Colin G. Calloway, The Western Abenakis of Vermont, 1600-1800: War, Migration, and the Survival of an Indian People (University of Oklahoma Press, 1990). As Lakomaki, Hahn and Witgen suggest, such strategies were most effective when fluidity and atomization was combined with the possibility of re-aggregation, or what Witgen calls “shape shifting.”


59 Eric Hinderaker and Peter C. Mancall, At the Edge of Empire: The Backcountry in British North America (Baltimore: Johns Hopkins University Press, 2003), 44–46.
did sales and leasing of Indian lands. The combined weight of these interactions continually exceeded and circumvented the idealized closed communities around which the tributary system had been founded, resulting in a fluid structure of power, perpetually reacting to protean communities forming across, alongside, and against the raw edges of empire, and to the periodic crises of violence that belied both sides’ hopes of peace and order.

These overlapping communities created numerous tensions beyond those directly related to land including acts of theft, violence, and other infractions of the peace that raised significant questions of jurisdiction and sovereignty. In keeping with the idea, central to European ideas of tribute, that tributaries retained an element of sovereignty based on their continuing claim to self-governance, internal "crime" within tributary communities rarely came to the attention of colonial courts. For the most part, tributaries stood outside Virginia’s criminal code, which made no claims of authority over how Indian Kings, Queens, and Great-Men punished individuals within their communities. If, as Katherine Hermes has argued, “jurisdiction is the legal expression of power,” a key means of tracking issues of sovereignty in colonial settings, then the subjection of Indians remained medial.

Less clearly defined were infractions that crossed communal jurisdictions, particularly those involving Indian infractions against the English. The 1646 treaty required Necotowance

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60 A thorough overview of all these trends is available in Rountree, *Pocahontas’s People*, 89–144.
63 Prior to Bacon’s Rebellion, the English made little efforts to police interactions between tributaries, although they did intervene, at the Weyanocks’ request, in a dispute with the Nansemonds. In general, tributaries handled disputes with one another amongst themselves, presumably drawing on shared histories, political ties, and kin networks,
to “uppon demand deliver” Indians accused of illicitly entering English space, but was otherwise silent on jurisdiction over cross-cultural offenses. This is perhaps unsurprising, given the strict controls envisioned by the treaty that essentially limited cross-cultural contact to diplomatic missions and acts of war. There was no room for the category of "crime" in the 1646 treaty. Into the 1650s an essentially corporate model, in which tributary weroances were held responsible for providing “satisfaction” for wrongs their subjects committed against the English, predominated. In those years, two counties received special permission to make their own treaties with tributaries. Both closely followed the corporate structure of 1646. The Rappahannock County treaty with the Mattaponis specified that the “King & Great men shall submit [them]selves to English law” and be held “lyable to make satisfaction therefor,” should any of their subjects attack the English livestock.同样，the Lancaster County treaty specified that the Rappahannock’s weroance would be held responsible should his people steal English livestock. Court records from the Eastern Shore likewise indicate several instances of Indian kings paying fines for the “killing & stealing of hogs by his Indians.”

Corporate punishment was further enshrined in the 1662 reorganization of Virginia’s Indian laws, which required Indians entering the colony to carry “badges (vizt.) silver plates and copper plates with the name of the towne graved upon them.” One purpose of these badges was

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64 “Underwood Family of Virginia,” *Virginia Magazine of History and Biography* 38, no. 4 (October 1930): 391. Amongst the family papers transcribed in this piece is the 1657 Rappahannock County Treaty with the Rappahannocks.


66 “Northampton County Records in the 17th Century (Continued),” 39; “Northampton County Orders, 1657-1664,” Library of Virginia, Richmond (microfilm), f.93.
to allow the identification of Indians who harmed the English, so that the “king or greate man of the place the badge denote shalbe answeable for itt.”

Figure 4: 1662 Badge Marking the Bearer as Subjects of the King of the Patawomecks. http://www.vahistorical.org/sites/default/files/styles/slideshow_slide/adaptive-image/public/slideshow_image/SOV_Contact_IndianBadge_Patomeck.1834.1_bac

One repercussion of these practices was that tributaries remained exposed to practices of collective punishment at odds with deeply held ideas of English law that emphasized personal

culpability and individualized punishment backed by legal proof of guilt. Such incidents were common on the Rappahannock River, at mid-century the bleeding edge of the settler-state, where the always-fragile prospects of tributary peace were most far-fetched. In 1654, the militia marched on the Rappahannocks, who had “refused to give satisfaction though often demanded by the commissioners of the said countyes” for “divers injuries and insolencies.” Violence erupted and the Rappahannock’s weroance was killed. Four years later, the House of Burgesses ordered Northumberland County officials to settle complaints against the Wiccocomicos by a colonist named John Powell. If the Wiccocomicos refused to pay satisfaction, the County was authorized to enslave as many of them as it felt appropriate to “to satisfie the award.” It is unclear what happened in this situation, but in other situations, colonists attacked and enslaved tributaries after their great men failed to pay “satisfaction” to the English.

Colonial legislation entrenched this exposure by mandating collective punishment, particularly in cases involving murder. A 1663 act, for example, required Northern tributaries to turn over murderers of Englishmen from their own or nearby indigenous communities, on pain of being treated as enemies. The idea of holding tributaries “answerable for all murders committed in the parts adjacent” to their reservations was soon extended to all tributaries in the colony before being found “too full of severity and rigour to be put into execution.” Instead, the Assembly once again resorted to segregationist tactics, temporarily reviving the clause in the 1646 treaty that allowed settlers to kill any Indian besides diplomats who ventured within English space.

68 Rice, Nature & History in the Potomac Country, 121–28; Horn, Adapting to a New World, 175.
69 Henings, Virginia Statutes, 1: 389.
70 Rountree, Pocahontas’s People, 93.
72 McIlwaine, Minutes of the Council and General Court of Virginia, 488.
74 Ibid., 2: 237-8.
Collective punishment usually occurred only after negotiations or, perhaps more often, outright demands, on native *weroances*, who faced the choice of cooperating with Virginians or having their entire community held accountable for violating the terms of the tributary peace. For example, in 1659, the Matchoticks delivered two men to Virginia for execution. Berkeley ordered local militia commanders to assure them that because of their cooperation, “wee shall not proceed to any vengeance against the whole nation” unless there was further trouble.\(^{75}\) Because Virginia’s county courts lacked personal jurisdiction over tributary populations, *weroances* were often asked or forced to serve as intermediaries who turned members of their community over to the English, a transfer that allowed counties to try them in its courts.\(^{76}\) This did not abrogate the underlying tributary structuring at work. Grotius, Molloy, and others had specified that tributaries might be required to turn over members of their polity who had committed offenses against the league, provided that the superior did not claim a direct right to apprehend and punish the subjects of their confederates, but instead offered them the choice of turning offenders over or facing collective punishment for violating the peace.\(^{77}\) Colonial records indicate that the English often made at least a show of following this model, by arranging for Indians to pass into English custody through the intervention of great men or *weroances* rather than being directly arrested by the English.\(^{78}\)

As slender a legalism as this may seem, it was a distinction that resonated in Algonquian political culture, and thus served as a tissue connecting indigenous jurispractice to the colonial

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\(^{76}\) Once again, colonial practice was similar in New England. See Hermes, “Jurisdiction in the Colonial Northeast,” 66.


\(^{78}\) Besides the examples discussed above, see “Execution of an Indian,” *William and Mary Quarterly* 6, no. 2 (October 1897): 118-19; McIlwaine, *Minutes of the Council and General Court of Virginia*, 488–89; “Surry County Orders, 1671-1691,” Library of Virginia, Richmond (microfilm), 2; Billings, *Papers of William Berkeley*, 486; Beverley Fleet, ed., *Virginia Colonial Abstracts*, vol. 22; Lancaster County Court Orders 1652-1655 (Baltimore: Genealogical Publishing Company, 1961), 14; Sweeny, “Some References to Indians in Colonial Virginia,” 596.
world of the mid-century tidewater. Though tributaries must frequently have been exposed to the humiliations and losses of dignity that Grotius and others suggested was the lot of tributaries, the tributary system nevertheless provided weroances with opportunities to engage in mediation with outsiders, reinforcing their privileged role in cross-cultural exchange and as experts in the always risky business of navigating the treacherous line between friend and enemy. As Richard White has suggested, playing this role was essential to Algonquian leadership in the colonial era.\(^{79}\) Moreover, the English recourse to communal violence overlapped considerably with Algonquian norms of conflict resolution, which considered both demands for satisfaction and physical vengeance against communities as proper responses to transgression.\(^{80}\) As with many native peoples of Eastern North America, Chesapeake Algonquians likely understood acts of violence, particularly murder, as offenses of one community against another, which could be resolved either through the payment of satisfaction in the forms of materially and spiritually charged goods (such as the Roanoke that the English frequently accepted as satisfaction), retaliatory killings, or by covering the dead by taking captives from the offending community.\(^{81}\) These deeply ingrained cultural expectations about the proper handling of conflicts between groups would have made English demands for satisfactions, militia raids, and captive taking more intelligible to the Powhatans than the English fetish for individualized punishment based on personal culpability. Broadly speaking, Virginians were less likely than native ones to emphasize restrained retribution: nevertheless, in the quarter century between 1650 and Bacon's rebellion, the dominant form of cross-cultural conflict resolution, while fueled by the new geopolitics of

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79 White, *The Middle Ground*, 38.
colonization, had a rhythm and scale similar to what Wayne Lee has called the "not quite war," an indigenous form of conflict "between peace and outright war during which significant levels of violence could be in play."82

Tributary mechanisms for conflict resolution, in the form of indigenous petitions to the governor, payments of satisfaction by weroances, and even the practice of raiding (which Indians and the English engaged in) worked on the whole to reinforce the distinctiveness of the native and English polities by placing conflicts over land, theft, and violence within the realm of diplomacy and war rather than in the interior world of the county courts.83 Legislation from 1660 that prohibited settlers from using the courts to recover debt from Indians drastically reduced tributaries’ exposure to what were by far their most common proceedings.84 Nevertheless, as the century progressed, tributaries slowly became entangled with Virginia’s legal system. This entanglement spread from several different directions. Indians turned over to the English were often tried before punishment. Weroances were summoned to court to pay satisfaction, making the county court house a familiar physical location for dispute resolution. Tributaries, whose status entitled them to sue Virginians and, in theory at least, the right to be treated as Englishmen in legal proceedings, occasionally initiated legal action, and less often were sued by settlers.85 Even more frequent were cases involving Indian servants and slaves, individuals who had slipped across the threshold of tributary subjects and became more fully exposed to English law,

83 Stuart Banner has pointed out that colonial official often preferred to treat Indian land sales as diplomatic transactions. I would add to this that Indians often preferred to treat them as such as well. See Banner, How the Indians Lost Their Land, 70.
84 Henings, Virginia Statutes, 1: 541.
victims of what Davies might have called an increasingly “perfect conquest.” For tributaries, any given engagement with the courts might have been the best available means of handling the immediate necessities of resisting English encroachments and violence, and they were able on occasion to win legal victories. But in victory as well as in defeat, recourse to the courts brought tributaries closer to Davies’ dream of a perfect conquest through the creation of a unified legal community. As Katherine Hermes, in her study of dynamics between Algonquians and settlers in New England has emphasized, these interactions were important parts of a long process of colonialism and the slowly forming "dominance of Anglo-European governance.”

The threats to tributaries of this slow erosion of jurisdictional boundaries is evident, but the halting beginnings of cross-cultural legal communities in Virginia and the slow path towards dominance by the English courts also carried great risks to Virginia’s budding colonial order. While the logic of tribute kept intact the distance necessary for tributaries to maintain an important measure of political autonomy and integrity, the arms-length subordination of Indians offered colonists great latitude to engage in violence by creating a state of exception or of "legal lawlessness" that actively sheltered settlers who attacked, exploited, and intimidated Indians. Yet the tributary system also promised, in its characteristically mixed manner, justice within English courts, at times flatly declaring Indians the equivalent of Englishmen in colonial courts.

These contradictions reveal the in-between status of tributaries, positioned unclearly on the divide between subject and alien, often stuck in the intensely vulnerable position of being


treated as whichever the English preferred at a given moment. This ambiguous positioning served as an extremely supple mode of power, but its ambiguity promoted a growing threat to the very order it was intended to uphold. While Berkeley might have considered himself a master at managing Indians, settlers perceived each act of protection as betrayal. In a perverse act of resentment, so familiar in settler-colonial situations as to perhaps be constitutive of them, settlers saw their own status within the colonial order as threatened by a Governor intent on favoring the victims of dispossession. As Davies had intimated, the threat of a perfect conquest, however farcical it may seem to posterity, would be met by resistance from settlers who saw in fulfillment of colonial subjugation a deep threat to their economic and political interests. The potential that settlers would conceive even limited efforts to protect tributaries as active betrayal lurked just beneath the choppy surface of the tributary order in its first decades, and on occasion burst to the surface. In 1663, for example, Indians killed several settlers in the Northern neck. Rappahannock County settlers believed Wahangoche to blame and, after much effort, convinced Berkeley to give them permission to raid the Patawomeck village. Wahangoche and other prisoners were hauled to Jamestown for trial, but Berkeley and his council, probably recollecting earlier attempts by Potomac River settlers to frame Wahangoche for murder not only acquitted them, but, to the “astonishment of all that knew any thing of the certainty of this affarie . . . sent home with a reward.” John Catlett, our sole source for the details of this incident, believed Berkeley’s judgment clouded by “private interest.” His dismay at Berkeley’s willingness to side with the Patawomecks against the desire of local settlers led him to warn darkly that if future trouble

arose with tributaries, Rappahannock County’s colonists would “not be so forward as we have beene for publique redresse of our wrongs.”

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In March of 1675, Peracuta, weroance of the Appomattuck, following a now well-established pattern, petitioned for permission to clear new farmland on “any land not already taken up by the English” and asked for assurances that his people's hunting and gathering rights would be protected. The Assembly, also following precedent, issued an order giving him permission to do so, in the process reminding the colony’s county courts that encroachment on native land was prohibited. The English knew Peracuta well. In 1671, he and another Appomattuck named Jack Nesso had guided the Batts-Fallam expedition, one of two exploratory expeditions sponsored by Berkeley to discover passes over the Blue Ridge and open the interior trade to Virginians. His personal ties to the English may have helped Peracuta secure a sympathetic response from the Assembly, and partially explain the ferocity with which Berkeley reprimanded Nathaniel Bacon that September, after Bacon falsely imprisoned a number of Appomattuck men in the middle of what was becoming another tense fall in Virginia.

While the rebuke was not public and did not carry the force of law, Berkeley's criticisms of Bacon fit into a long-standing pattern of often tepid but frequent interventions on behalf of tributaries. Like many of those events, it occurred against a backdrop of simmering tensions and hostility on Virginia’s volatile Northern borders, where violence had recently erupted between

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90 John Catlett to Thomas Catlett 1 April 1664, MS 1931.16, Colonial Williamsburg Foundation Rockefeller Library.
settlers and non-tributary Doeg Indians. To make matters worse, the militia sent after the Doegs had accidentally killed more than a dozen Susquehannocks, setting in motion a diplomatic disaster and raising fears of a “generall combination of all the Indians against us.”

Though they lived in Maryland, the Susquehannocks were longstanding allies of Virginians dating back to the 1620s. Battered by years of warfare with the Haudenosaunee, they had recently relocated to the North bank of the Potomac. Despite having lost over a dozen men in an unprovoked attack, the Susquehannocks had little desire to break their "ancient league of amety" with Virginia. They limited their initial reaction to a bare minimum, killing only two or three settlers in response, enough to satisfy the necessity of recompense, but signaling a desire to contain the violence. Berkeley also seems to have been eager to bind the crisis within well-established norms of provocation and response. He ordered the militia to investigate the "true causes of the severall murthers and spoyles" and demand satisfaction. When the Virginians arrived, however, they found that Maryland’s militia had negotiated a deal with the Susquehannocks in which both parties would agree to blame the murders on the Haudenosaunee.

This was likely a legal fiction, but one that Berkeley may have accepted. It was not, however, to be. The Virginia militia refused to accept the guilt of the Senecas, and the situation, which had

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98 Browne, Hall, and Steiner, *Archives of Maryland*, 2: 482.
seemed to be defused, quickly escalated into a lengthy, and ultimately, unsuccessful siege of the Susquehannocks’ town, during which a number of Susquehannock ambassadors were killed.99 As the English would later acknowledge, the attack on the Susquehannock ambassadors was “diametrecall to the law of arms.”100 The Susquehannocks shared this assessment, and killed several dozen English settlers in retaliation. However, they still hoped that decades of friendship with the English could set the stage for peace.101 That winter, after pointedly reminding Berkeley that the English had both started and escalated the conflict, they expressed a desire to see their alliance restored.102 But the fragile equilibrium between violence and counter-violence had come undone by the latest Susquehannock revenge killings, and Berkeley was no longer interested in peace.

If the Susquehannocks had crossed the line between friends and enemies, the line itself held. Despite Berkeley’s suspicions that tributaries “would be rid of us if they could,” he believed them contained within the snares of friendship, too intimidated to declare “themselves our enemies.” Nevertheless, he ordered tributaries to turn over their stocks of ammunition and to provide hostages as a symbol of what the Assembly called “their fidelity and good affection to the English.”103 All private trade with tributaries was suspended, though each county was ordered to appoint authorized traders who would ensure that all Indians “in amity with us” would continue to be supplied with trade goods.104 As harsh as these measures were, it is clear that at this point Berkeley was preparing for a limited war against the Susquehannocks, to which tributaries would contribute. Participation in Virginia’s military campaigns was an established

99 Rice, Tales from a Revolution, 22–23.
101 Billings, Papers of William Berkeley, 498; Thomas Holden to Williamson, 3 January 1676 SP 29/378 f.27 (SPO).
102 Andrews, “The History of Bacon’s and Ingram’s Rebellion,” 49.
104 Henings, Virginia Statutes, 2: 337.
component of the unequal alliance. Berkeley’s call for tributary warriors is a strong indication that war with the Susquehannocks did not yet threaten the tributary system itself. Indeed, like other joint military actions, most notably the 1656 attack on the Rickahockans, in which over one hundred tributaries mobilized in defense of Virginia as required by "the articles of peace concluded with us," it might have further entrenched the tributary system by affirming the importance of subordinated Indian allies to the colony.\textsuperscript{105} It is unlikely that Virginia intended to mobilize that many Indians in 1676, but it is nevertheless clear that they expected significant numbers of tributaries to assist them. Legislation organizing the war effort allowed four Indians to be stationed at each of the forts that would be established along the frontier, but this was not to be the extent of tributary participation. In Stafford County, Colonel George Mason, who had earlier participated in framing Wahangoche and whose mistaken assault on the Susquehannocks had initiated the war, was actively recruiting Indians to join his forces. That even the “notoriously anti-Indian” Mason was recruiting them from the especially fractious Potomac-Rappahannock divide clearly suggests that tributaries as such had not yet become targeted.\textsuperscript{106} Indeed, the Assembly considered Mason’s efforts commendable and encouraged militia officers in other counties to pursue similar agreements with “all other the neighboring Indians.”\textsuperscript{107}

Beyond recruiting tributaries to serve in the war effort, Berkeley ordered the militia to refrain from attacking Indian towns without explicit approval from the Governor.\textsuperscript{108} However, in attempting to maintain a semblance of Indian politics, Berkeley severely misjudged the patience of his subjects, who considered his intentions to protect tributaries an ill-advised form of “lenity”

\textsuperscript{105} Ibid., 1: 403. This language is interesting, as there is no article in the 1646 treaty which required tributaries to participate in Virginia’s defense: the 1646 treaty only compelled Virginia to protect its tributaries. How this obligation came to be understood as reciprocal is unclear, but it is another sign of now-lost verbal agreements that supplemented the 1646 treaty.

\textsuperscript{106} Rice, \textit{Tales from a Revolution}, 19.

\textsuperscript{107} Ibid., 2: 331-32.

\textsuperscript{108} Ibid., 2: 332.
which gave the “Indians incouragement to persist in their bloody practice.” The historical memory of having been “formerly over-run & almost depopulated by the barbarous Indians,” was “not yet worn out of the knowledge & sad remembrances” of Virginians, and in the spring of 1676, as Susquehannock attacks continued, colonists were gripped by one of the recurrent panics which haunted the colonial frontier. Though fewer than a hundred colonists died, “continual and deadly feares and terrors of their Lives” overtook the English population of the colony.

Settlers along the frontier abandoned their plantations in large numbers. The royal commissioners investigating the rebellion later reported, for example, that sixty out of seventy-one plantations in a single parish along the upper Rappahannock were abandoned. Settlers in Nansemond County asked for extensions on their patents, claiming they could not settle their land for fear of Indians. Across the colony an “abundance of the fronteare plantations became eather depopulated by the Indian cruletys, or desarted by the planters feares.” Caught in another of its recurrent fits of “giddy-headed” madness, Virginians began turning en masse towards the dire existentialism of perpetual enmity.

They found a champion in Nathaniel Bacon, who rose dramatically to political power in Virginia because of his enthusiastic embrace of perpetual enmity as official colonial policy. Discursively, Baconite political speech was characterized by its ferocious Indian-hating,

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109 Grievances Presented by the Inhabitants of Glouester County to His Majesty’s Commissioner for Virginia, March 1677 CO 1/39, No. 94, [CO 5/1371, pp. 325-327, f. 243r (CSP)].
110 The Virginians’ Plea for Opposing the Indians without the Governor’s Order Humbly Offered as the Test of Their Utmost Intentions to Clear and Vindicate Them from All Misapprehensions of Disloyalty and Disobedience, June 1676 CO 1/37, No. 14., f.29r (CSP); Considerations upon the Present Troubles in Virginia, with the Means by Which They May Be Settled, to the Great Benefit of the Crown and the Good of That Colony, 28 April 1676 CO 1/36, No. 55. (CSP) also invokes the memory of the Jamestown massacres.
113 Andrews, “The History of Bacon’s and Ingram’s Rebellion,” 49.
114 Oberg, Samuel Wiseman’s Book of Record, 145; Rice, Tales from a Revolution, 35–6. Such fits of madness bear resemblances to the anti-Indian sublime as identified by Peter Silver in his Our Savage Neighbors: How Indian War Transformed Early America (New York: Norton, 2008).
something historians have emphasized since Wilcomb Washburn first placed it at the center of the rebellion. What has not always been clear, however, is how thoroughly and specifically the rebellion revolved around a rejection of the tributary system and its logic of submission in exchange for protection and its emotive language of friendship. However indiscriminate their hatred of Indians, the Baconites were in fact quite discriminating in their use of violence, exclusively targeting “friendly” Indians, notably the Pamunkeys and Occaneechees, with claims to protection from the English.

Scholars have offered several different explanations for why Bacon’s army targeted these peoples. Many consider them essentially coincidental victims. In this reading, Bacon attacked the Pamunkeys, for example, because they were easily located and small enough to harass with little threat, especially after Berkeley had ordered them disarmed. Others have proposed economic explanations, arguing that Bacon targeted the Pamunkeys for their desirable lands and the Occaneechees for their furs or, as April Hatfield has suggested, in order to break their role as middlemen in the Piedmont trade. However, the more seriously we take the tributary system, the more able we are to see that Bacon’s chose his targets not simply due to propinquity but because of their “friendship” with the English. In an effort to annihilate the distinction between


117 Hatfield, Atlantic Virginia, 33–34; Shefveland, “‘Wholly Subjected’,” 60; Parent, Foul Means, 21–22.
neighbor and hostile Indians, Bacon rather sensibly did not attack hostile Indians, but instead deliberately struck at those who had affective, political, and legal claims on the English.

The Pamunkeys, targeted by Bacon on several separate occasions, were not just any group of tributaries. They were the ethnic core of the Powhatan polities, and the highest profile of Virginia’s subordinated allies. Wahunsonacock, Pocahontas, Necotowance, Opechancanough, Tottopottomoy, and the soon to be very important Cockacoeske, Queen of the Pamunkeys, were all Pamunkeys. Moreover, the Pamunkey elite were central participants in the tributary system. Necotowance had helped to create it, Tottopottomoy had been among the very first weroances to request a survey of his peoples’ land, and Cockacoeske had made the trek to Jamestown numerous times to petition for the removal of squatters from their lands on the area known as “Pamunkey Neck.” Soon after the initial wave of Susquehannock retaliatory attacks, Cockacoeske sent ambassadors to Jamestown offering “their assistance against all enemies.” This was unsurprising, as the Pamunkeys had a history of joining with Virginians for military expeditions against "enemy" Indians. In 1656, they contributed most of the warriors for the disastrous raid on the Rickahockans, a mysterious group of "strange" Indians (now thought to be a group of Hurons and Eries, better known as the Westos, displaced by the Haudenosaunee and soon to become notorious for their role in the South Carolina slave trade) who showed up above the falls of the James, alarming the English and, almost certainly, tributaries. The

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118 McCartney, “Cockacoeske, Queen of Pamunkey: Diplomat and Suzeraine,” 243–45.
119 Billings, “Some Acts Not in Hening’s,” 65–6; Henings, Virginia Statutes, 1: 380, 467–8; McIlwaine, Minutes of the Council and General Court of Virginia, 508–10; Rountree, Pocahontas’s People, 110, refers to the whole of Pamunkey neck as "unofficially Indian country" to 1690.
Rickahockans had routed an English/Pamunkey army commanded by Colonel Edward Hill, killing not only Tottopottomoy, but also many of the Pamunkey warriors.\(^\text{122}\)

Tottopottomoy’s death resonated in the metropolis and the colony. In 1657, Lionel Gatford, in a vigorous critique of the morality of Virginia's planters, charged them with having used Tottopottomoy, who had readily shown his "fidelity to the English," as bait in the attack on the Rickahockans. To make matters worse, Virginians had refused to honor his sacrifice by leaving his widow, Cockacoeske, and her children "exposed to shift for themselves."\(^\text{123}\) Samuel Butler's enormously popular satirical poem *Hudibras* mentioned Tottopottomoy by name, recounting a story of him petitioning the English for redress after an Indian was killed in a time of peace solely for being an infidel. Butler's poem is not intentionally historical (he places the murder, for instance, in New England), but it correctly identified Tottopottomoy as allied with the English, who stood accused of a "breach of league" and a violation of the "articles in force" between his people and the English.\(^\text{124}\) Tottopottomoy appeared again in print in John Lederer's account of his explorations of the interior, as Lederer remarked to his readers that he had visited the spot where the “great Indian King called Tottopottomi was heretofore slain in Battel, fighting for the Christians.”\(^\text{125}\)

The Pamunkeys presumably had independent reasons for attacking the Rickahockans and may even have been using the English forces to further their own military and diplomatic agenda. If so, the English characteristically failed to see it. They did understand, however, that


\(^{124}\) Samuel Butler, *Hudibras: The First and Second Parts. Written in the Time of the Late Wars* (London, 1674), 298–99; It is conceivable that the poem is obliquely referring to an actual historical event. Tottopottomoy had visited Jamestown in 1655 seeking satisfaction for “an Indian his brother [who] was slain by an Englishman.” See, McIlwaine, *Minutes of the Council and General Court of Virginia*, 503.

\(^{125}\) John Lederer, *The Discoveries of John Lederer in Three Several Marches from Virginia to the West of Carolina* (London, 1672), 7. Lederer was mistaken about the location of the battle, which took place on the James River.
Tottopottomoy’s death reflected poorly on their reputation as protectors. Even twenty years later, Virginians’ remembered the event clearly and with strong emotions. Thomas Mathews reported that Edward Hill’s son, on being reminded of the event “shook his head” and remarked that the English should be ashamed for having led Tottopottomoy to his death and having provided no compensation to the Pamunkeys for their sacrifice.\textsuperscript{126}

It should come as little surprise, then, that Bacon repeatedly singled out the Pamunkeys as he sought to destroy the tributary system. Indeed, the rebellion began by targeting them. In April of 1676, Bacon took command, without commission, of a group of settlers who had gathered along the James River looking to “take revenge upon the Indians.” He took them straight to New Kent County, which bordered the Pamunkeys’ land.\textsuperscript{127} In New Kent, he found large numbers of people who ascribed to one of the fundamental tenants of perpetual enmity as articulated by Coke, Gentili, and others, the maxim “that faith is not to be kept with heathens.”\textsuperscript{128} The New Kent settlers, “envieing the Pamunkeys and coveting the good land on which they were seated” and nursing grievances against a Governor who they believed was protecting them, quickly joined Bacon’s army of volunteers and forced the Pamunkeys to flee their town.\textsuperscript{129} It may also have been among the Pamunkey that Bacon made what Phillip Ludwell referred to as his “first exployt,” capturing two Indians “who then did & alwayes had lived in peace & freindship amongst the English,” whom he “put to death without examining their crime.” Bacon, Ludwell concluded, “left noe way unattempted to drive our neighbor friend Indians away from us.” \textsuperscript{130}

\textsuperscript{126} Mathews, “The Beginning, Progress, and Conclusion of Bacon’s Rebellion, 1675-1676,” 26.
\textsuperscript{127} Oberg, Samuel Wiseman’s Book of Record, 147; Rice, Tales from a Revolution, 40–1.
\textsuperscript{128} Sherwood, “Virginia’s Deploured Condition,” 164.
\textsuperscript{129} Ibid., 166; For continuing support for Bacon among New Kent settlers, see also William Sherwood to Secretary Williamson, 28 June 1676 CO 1/37, No. 17., 40r (CSPO).
\textsuperscript{130} Phillip Ludwell to Secretary Williamson, 28 June 1676 CO 1/37, No. 16., 36r (CSPO); Rice, Tales from a Revolution, 52, says that Nessom may have been one of the victims referred to here. However, Ludwell - who knew the chronology of the rebellion - says this was Bacon's first exploit, a statement that, if true, rules out Nessom as the victim.
The Pamunkeys and the Chickahominies withdrew into the swamps to hide. These actions prompted Berkeley to issue an order demanding that Bacon “desist from his illegal proceedings.” Unlike the previous fall, however, Bacon would not relent and instead chose open conflict over the status of tributaries.

Throughout the rebellion, Bacon openly declared his specific intentions to attack Virginia’s Indian allies. His manifesto, which insisted that he had been branded a rebel not because of his aversion to foreign Indians but because he extended his ire to the “protected and darling Indians,” left little doubt that tributaries were the root cause of his disagreement with Berkeley. He contrasted himself to the Governor, who considered himself “bound to defend the Queen [of Pamunkey] and the Appamatocks with their blood.” These tributaries, whom Bacon pronounced “enemies to the King and country, robbers and theves and invaders of his Majesties right and our intereste and estates,” had “bin defended and protected” by Berkeley “even against his majesties loyal subjects.” This protection extended so far that “even the complaints and oaths of his majesties most loyall subjects in a lawfull manner profered” against the Indians had been disregarded, acts of clemency which encouraged Indians to commit future offenses. Bacon argued that “all those neighbour Indians” should be declared “wholly unqualifyed for the benefitt and protection of the law,” because English law demanded punishment of offenders and compensation to victims, yet “the Indians cannot according to the tenure and forme of any law to us known be prosecuted, seised or complained against.” Bacon was exaggerating tributarie’s insulation from the legal system, yet the direction of his vitriol is clear. As Kathleen Brown has

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131 Letter from Virginia to the Board of Trade, 31 May 1676 Coventry Papers Vol. 77, Bath 64, f. 95r-96r. Surry County Orders, 1671-1691, Library of Virginia, Richmond (microfilm), 249.
133 Nathaniel Bacon, His Manifesto Concerning the Present Troubles in Virginia, 15 September 1676 CO 1/37, No. 51., 178v-179r (CSPO).
noted, Bacon’s “greatest grievance” was his anger at the “partial and inconsistent application of English justice.”

His solution however, was not to homogenize the field of law and attempt a “perfect conquest,” but to drive tributaries and their structural position of being partially subject to English law back into an undifferentiated category of perpetual enemies. This is not to say that the Baconites did not hate all Indians, but it is to emphasis that they directed their grievances specifically at tributaries, who by accepting submission had gained the status of friends or neighbors and some protection, however fragile, from colonial violence.

The Baconites intended to destroy the tributary system, and for this reason, it makes perfect sense that the Pamunkeys would be their first targets. Left to their own devices, they may well have proceeded to attack the other tributary population living in and around New Kent, including the Mattaponis, Portobaccos, or Nanzaticos, Rappahannocks, or Totuskeys, each of whom lived further up river. Instead, they were temporarily driven south by Berkeley, who assembled an army intended to “call Mr. Bacon to accompt.” Bacon and his men slipped passed Berkeley, however, into the vast native country south of the James River.

Their destination was Occaneechee Island, home of the Occaneechees. Though they were probably not yet paying tribute, the Occaneechees were amongst Virginia’s most highly visible indigenous allies, key participants in Virginia’s trade with the Piedmont. Indeed, it was the Occaneechees who had informed the English that the Susquehannocks had relocated to the Roanoke River, where they solicited local Indians to attack the English. The Susquehannocks asked the Occaneechees to join this anti-English alliance, but they chose not to break their bonds.
with the English. Bacon’s cordial reception at Occaneechee town suggests that the Occaneechees believed him sent by the Governor to attack the Susquehannocks. In fact, after seeing the poor condition of Bacon and his men, who had marched over a hundred miles with few provisions, the Occaneechees offered to attack the Susquehannocks themselves while the English rested. They did so the following day, returning to the island with a number of prisoners, much plunder, and six Monacans who had been captives of the Susquehannocks.

The Occaneechees were surprised to discover that Bacon not only refused to compensate them for their attack on the Susquehannocks, but also demanded that all the plunder and the six Monacans be given to him. The Occaneechees’ leader Posseclay balked at this, arguing that since “his men had taken all the paines & run a great hazard, he thought it was but reasonable his men had the plunder for their encouragment.” He also refused to turn over the Monacans, members of a closely related Siouan polity with whom he was allied, and who had assisted the Occaneechees in the assault on the Susquehannocks. As the two sides reached an impasse, violence erupted, and dozens of Occaneechees were killed.

After battling the Occaneechees, Bacon and his men headed back to Henrico County, where Bacon’s plantation was located. Along the way, Bacon took revenge on the Appomattucks, the tributary peoples whom he had been reprimanded for disturbing the year before. Upon arriving at a nearly empty Fort Henry, Bacon’s men learned that Jack Nessom was being held inside, probably as one of the hostages demanded of tributaries by the March 1676 laws. As mentioned above, the Appomattucks were one of two specific tributary peoples singled out by Bacon as

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138 Letter from Virginia to the Board of Trade, 95v; Phillip Ludwell to Secretary Williamson, 36r.
139 William Sherwood to Secretary Williamson, 167; Phillip Ludwell to Secretary Williamson; Letter from Virginia to the Board of Trade.
having received undue protection from the Governor, and given his prior history with them, it seems plausible that Bacon’s interest in Nessom was personal. When Abraham Wood, the commander of Fort Henry, refused to turn Nessom and his family over to Bacon, his men broke into the fort and seized them. The next day, Bacon wrote Berkeley explaining that Nessom had been seized as an enemy of the English who had nevertheless been “protected and defended by Major General Wood,” despite English witnesses willing to testify of his guilt. Bacon claimed that Nessom and his family had been taken to the Charles County jail, but their fate is unknown.

In the first month of his insurrection, Bacon nearly destroyed Virginia’s first tributary system and its most well established political tie to the Piedmont. Berkeley and his supporters had no illusions about what had happened. Phillip Ludwell wrote that the English “hardly know, (or deserve to know) a friend Indian round our borders.” Bacon, he noted, had alienated the entire indigenous population of the region, creating “at least 1500 enemies more then we needed to have had.” Moreover, Ludwell believed that these former tributaries constituted particularly dangerous enemies, “having had a frequent free intercourse amongst us these 20 odd years, & well knowing our plantations and manner of living.” Like Ludwell, Berkeley insisted that the collapse of the tributary system had robbed Virginia of potentially useful allies. In contrast, his own strategy had been to preserve “those Indians, that I knew were hourly at our mercy, to have been our spies and intelligence to find out our bloody enemies.” As a frustrated Berkeley

141 Billings, Papers of William Berkeley, 522.
142 Ibid., 524.
143 Philip Ludwell to Thomas Ludwell, 12 June 1676 Coventry Papers Vol. 77, Bath 64 f. 121r-121v.
144 Phillip Ludwell to Secretary Williamson.
145 Billings, Papers of William Berkeley, 528.
remarked, the tributary system had been designed to protect the English, yet had resulted in him being considered a “greater frend to the Indians then to the English.”

As Berkeley’s grip on political power slipped, so too did his resolve to protect compliant tributaries. Well into May, he continued to shield tributaries from the violence of the militia. On the 13th, for instance, he had ordered Colonel Goodrich to refrain from attacking the Portobaccos and to focus on finding the Susquehannocks. Just two days later, however, in what may have been a political maneuver designed to outflank Bacon, Berkeley ordered Goodrich to treat all Indians as enemies. That same afternoon, he commissioned William Claiborne to attack the Rappahannocks, Portobaccos and Nanzaticos, and to treat as enemies any Indians that “left their plantations.” This was a specific reference to tributaries, who just weeks later would be formally notified that abandoning their towns would be interpreted as hostile acts. It was also, particularly unfair, as Berkeley knew Bacon had forced most of the tributaries into hiding and away from their normal abodes.

For the most part, however, Berkeley acted throughout the rebellion to salvage the tributary system. In June, as the scene of the rebellion switched from the Southside to Jamestown, English and native defenders of the tributary system worked to restore it. Bacon had been declared a rebel on May 10, but his supporters had nevertheless elected him a member of the House of Burgesses for Henrico County. When the new assembly opened on June 5, Bacon arrived to claim his seat, only to be taken prisoner. Surprisingly, and as it turned out, foolishly, Berkeley cut a deal with the rebel. On June 9, Bacon confessed his crimes, received a pardon, and was

146 Ibid., 537.
147 Colonel William Travers to Giles Cale, 13 May 1676 CO 1/36, No. 65., (CSPO).
150 Henings, Virginia Statutes, 2: 342.
readmitted to the Governor’s counsel. The insurrection seemed perhaps to have passed, but the political issues that had prompted it remained unresolved.

Over the next several weeks, Berkeley and the Burgesses took tentative steps towards rebuilding the tributary system. They were joined in these efforts by Cockacoeske, the Queen of the Pamunkeys, who told the English “she would most willingly returne and be under the Governours protection” once the English had brought Bacon to heel. Soon after Bacon’s pardon, Cockacoeske demonstrated the sincerity of this statement by testifying in front of the committee charged with drafting new legislation on Indians in the colony. Cockacoeske made an impression on some members of the Assembly, showing that Virginians’ ability to recognize native majesty persisted even into the late seventeenth century. Thomas Mathews, who noted her descent from “Oppechankenough a former Emperor of Virginia,” described her as entering the chamber “with a comportment gracefull to admiration,” wearing strings of wampum “three inches broad in imitation of a crown,” and cloaked in a fringed deerskin mantle. With “grave courtlike gestures and a majestick air on her face,” she sat down to testify. On the agenda was a return to the tributary order, signified in the first instance by her willingness to contribute to the defense of the colony.

In a virtuoso bit of political maneuvering, Cockacoeske managed to submit to and manipulate the English in a single performance. Asked to provide warriors, she first passionately reminded the English of the sacrifices her people had already made on their behalf, including the loss of her husband in the attack on the Rickahockans. Her account of Tottopottomoy’s death, described alternatively as passionate and close to tears and as a vehement harangue, might have risked diminishing the majesty of her countenance, but seems instead to have powerfully affected some

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151 For a full account of the circumstances of Bacon’s return, see Rice, *Tales from a Revolution*, 60–5.
among the Burgesses. As mentioned earlier, it caused Colonel Edward Hill's son to shake his head, muttering, “all she said was too true to our shame.” Her speech acted as powerful reminder that it was the English, not the Pamunkeys who had proven untrustworthy allies.

Nonetheless, she continued to face hostile questioning from the chair of the committee, who pressured her to specify how many men she would contribute to the militia. At first, she refused to answer, responding only with a mute and “disdainfull aspect” that in Mathews’ description only added to her nobility. Finally, she agreed to contribute a dozen of the approximately one hundred and fifty men under her command to the war effort before rising up and “gravely,” walking away, “as not pleased with her treatment.” As Ethan Schmidt has noted, her appearance before the Burgesses managed to “satisfy the Virginians of her loyalty while at the same time incurring the least possible amount of loss to her own warrior base.” Moreover, she had reminded at least some members of the Assembly of their debts and ingratitude, that it was they who were “supplicants to her for a favour” and in need of her assistance.

It is unclear if Bacon witnessed her testimony, though he must certainly have heard about it. Perhaps it helps explain why he singled her out in his manifesto as a particularly coddled Indian, and it may have influenced his decision later that summer to once again target the Pamunkeys. Cockacoeske was not, however, alone in her efforts to rebuild the unequal alliance on which the distinction between friendly and enemy Indians depended. As Jim Rice has recently pointed out, the House of Burgesses, a body with little love for Indians, nevertheless made clear that “Berkeley’s measured and discriminating response to the Susquehannock War had more support

154 Ethan A. Schmidt, “Cockacoeske, Weroansqua of the Pamunkeys, and Indian Resistance in Seventeenth-Century Virginia,” American Indian Quarterly 36, no. 3 (Summer 2012): 308; McCartney, “Cockacoeske, Queen of Pamunkey: Diplomat and Suzeraine.”
156 Hill was also later targeted by the Baconites, though probably for reasons unrelated to his support of Cockacoeske. See Washburn, The Governor and the Rebel, 84–5.
than Bacon’s call for a war of extermination.”  

It passed legislation that directly, if timidly, reproached Bacon. While acknowledging the “many outrages, cruell murders, and violent incursions dayly committed perpetrated and made by the barbarous Indians,” the Assembly also noted that they were “not altogether satisfied that all Indians are combined against us, and are our enemies.” Moreover, the Assembly insisted that the laws of war and Christian morality compelled them to recognize the distinction between guilt and innocence. Nevertheless, the legislations set harsh strictures to the definition of “friendly” Indians. Any tributaries who left their normal dwelling places without permission, failed to turn over their guns and ammunition, refused to provide hostages, or failed to supply warriors for military operations as required, would be considered enemies and lose their titles to their land. So, too, would any who had diplomatic or social relations with “any Indian or Indians our present enemies, or Indians that shall hereafter become our enemies, or any strange Indians who doe not properly belong to their said townes.” Unquestionably, these heavy and hostile conditions betray scant trust or goodwill towards tributaries. Nevertheless, they provided some distinction between indigenous populations and, in their strong theoretical distinction between guilt and innocence, firmly rejected Bacon’s call for undifferentiated war. 

More tangibly, even as it prepared for further war, the assembly ordered that any commissions granted to lead the militia into battle would strictly prohibit “falling upon or injureing in any sort any Indians, who are and continue in friendship with us.”

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157 Rice, Tales from a Revolution, 67.
Bacon agitated for just such a commission, though he still refused to accept what he referred to as the “undistinguishable distinction” between tributary and enemy Indians.\textsuperscript{160} In mid-June, at the head of armed mob, Bacon seized control of Jamestown and extracted his commission by force.\textsuperscript{161} As justification for their actions, the Baconites repeatedly argued that Berkeley was guilty of having “protected, favoured and imboldened the Indians against his Majesties most loyall subjects” by refusing to provide proper “meanes of satisfaction for their many invasions murthers and robberies committed upon us.”\textsuperscript{162} As Bacon put it, Berkeley was a traitor who had worked to "protect & cherish the enemy & hinder our opposing them.”\textsuperscript{163} Bacon’s wife not only accused the governor of paying no notice to the Indian’s attacks, but of being “so much their friend, that hee would not suffer any body to hurt one of the Indians.”\textsuperscript{164}

Bacon and his men soon left Jamestown in search of Indians. Their initial whereabouts are uncertain, but it is possible he headed back to New Kent County, following rumors that eight settlers had been killed there.\textsuperscript{165} His attempts to kill Indians were delayed in July and August by military maneuvering against Berkeley and his loyalists.\textsuperscript{166} By September, with Berkeley on the run, Bacon returned his attention to Indians. Once again he targeted the Pamunkey, “whose propinquity and neighborhood to the English & conversing among them was a pretended reason to render the rebells suspitious of them,” even though it was “well known to the whole country

\textsuperscript{160} “Mr Bacon’s Account of Their Troubles in Virginia by the Indians, June 18, 1676,” \textit{William and Mary Quarterly} 9, no. 1 (July 1900): 9.
\textsuperscript{161} William Sherwood to Secretary Williamson; Billings, \textit{Berkeley and the Forging of Colonial Virginia}, 243–44.
\textsuperscript{162} Declaration of the People of Virginia [against the Governor], 3 August 1676 CO 1/37, No. 41., 128r (CSPO); Giles Bland to Thomas Povey at His House in Lincoln’s Inn Fields, next Door to the Earl of Northampton’s, 8 July 1676 CO 1/37, Nos. 27, 27 L, 86r (CSPO).
\textsuperscript{163} The Virginians’ Plea for Opposing the Indians without the Governor’s Order, 29v.
\textsuperscript{164} “Bacon’s Rebellion,” \textit{William and Mary Quarterly} 9, no. 1 (July 1900): 4, and for a similar charge by Byrd’s wife, see page 10; On the role of women in Bacon’s rebellion generally, see Brown, \textit{Good Wives, Nasty Wenches & Anxious Patriarchs}, 162–4.
\textsuperscript{165} William Sherwood to Secretary Williamson; Andrews, “The History of Bacon’s and Ingram’s Rebellion,” 56.
\textsuperscript{166} On which, see Rice, \textit{Tales from a Revolution}, 76–81; Washburn, \textit{The Governor and the Rebel}, 68–75.
that the Queen of Pamunkey and her people had never att any time betray’d or injured the English.” Cockacoeske managed to escape, only to face starvation while in hiding as Bacon’s men plundered an estimated £700 worth of goods and enslaved forty-five of her people and an unknown number of Nanzaticos. As Bacon turned back towards Jamestown (which he would soon burn to the ground), the captive Pamunkeys were “led along as in a shew of triumph” past a settler population that greeted him with “many thanks for his care & endeavours for their preservatione.” During the siege of Jamestown, they would again be displayed from Bacon’s trenches, used not only as human shields but also as powerful visual reminders of the stakes of the rebellion. Weeks later, Bacon was dead. Though the rebellion raged on for several more months, the fighting was increasingly between factions of the English, with the Indians keeping as low a profile as possible.

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Bacon’s rebellion forcefully revived perpetual enmity as a mode of colonial power, in the process revealing that settler resistance to the prospect of any community with Indians could erupt into large-scale violence that threatened not only the Indians who had swallowed the bitter pill of subordinate attachment to the colony but also colonial officials who, however ineffectively and cynically, had offered tributaries even the smallest of protections in exchange for their subordination. The Baconites’ attack on the series of political alliances built over the course of three decades is a powerful reminder of the forces aligned against what, following Michael Oberg, we might call "philanthropic" models of colonial power. It was a lesson

167 Oberg, Samuel Wiseman’s Book of Record, 158.
168 Rice, Tales from a Revolution, 85–6; Oberg, Samuel Wiseman’s Book of Record, 159, 161.
169 Oberg, Samuel Wiseman’s Book of Record, 163, 182.
170 Oberg, Samuel Wiseman’s Book of Record, 166.
171 Oberg, Dominion and Civility.
Virginia’s governors would not soon forget. Yet Bacon’s success at shattering Berkeley’s model of colonialism through friendship was as partial as Berkeley’s long-standing efforts to undermine the urge towards perpetual violence. Throughout the summer, the system held, if only barely. And, as rebellion turned to restoration, a powerful constituency of royal officers, colonial officials, and indigenous leaders worked quickly to put the system back together and to return the frontier from the brink of perpetual war to the less spectacular, but no less colonial, order of tributary subjection.

In the fall of 1676, royal officials began formulating a response to what had clearly become a substantial threat to the King’s peace and the nearly £100,000 revenue Virginia produced annually. Rebuilding the tributary system was an immediate priority for those charged with developing a policy for restoring order. As Francis Moryson told Secretary of State Henry Coventry, any political solution to the problems in Virginia would necessarily include a “peace just to the Indians, and honourable to his Majesty.” “Just it must be,” he emphasized, “or else it will neither be safe nor lasting.” Moryson’s contention signified the resilience of the language of “fair meanes” and friendship that since 1610 had been among the dominant political idioms guiding Virginia’s colonial policies. As proof of the Crown’s commitment to justice for the victims of what Moryson readily perceived as unprovoked attacks against its subordinate allies, he recommended that the Queen of Pamunkey and other tributaries be invited to witness the punishment of the rebels, so that they might see for themselves that the “Great King (for soe justly they stile his Majesty) is sensible of injuries done them by his people in forcing them from the land they hould of his Majesty by tribute.” Witnessing the punishment of the rebells would

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serve as a strong sign of “his Royall word [that] they shall not for the future be disturbd by any act of the English.”

Moryson was no stranger to Virginia. He had lived there for nearly twenty years, serving as Speaker of the House and a member of Berkeley’s Council before moving to London as the Colony’s official representative in 1661. Thus, when he suggested that English aggression and land grabbing had caused the Indian Wars of the last several decades, he spoke from experience. Any solution to Indian violence must, he argued, secure Indian title to their lands. Thomas Ludwell and Robert Smith, two other prominent Virginians living in London, offered the King similar advice, including the suggestion that Berkeley be temporarily allowed to remain in power despite his demonstrated inability to govern, because the “confidence the Indians have in his word will . . . bring over many to the English party who have been driven from it by Bacon.” Ludwell and Smith, writing before word of Bacon’s death reached England, suggested emissaries be sent to hostile Indians, letting them know that Bacon was considered a criminal by the King and that if they helped to bring him in, they would not only see him punished, but be offered peace on “good termes.” All these arguments found a sympathetic audience amongst Royal Officials. Indeed, Moryson was one of three commissioners appointed in October 1676 to restore the King’s Peace in Virginia, with the specific charge of “renewing a peace with the neighbour Indians.” Berkeley was also instructed to make the reestablishment of the tributary system a priority.

173 Francis Moryson to Coventry, 6 September 1676, Coventry Papers Vol. 77, Bath 64/1 f. 204r-205v.
174 Billings, Berkeley and the Forging of Colonial Virginia, 184–85.
175 Proposals, Most Humbly Offered to His Most Sacred Majesty by Thomas Ludwell and Robert Smith, for the Reducing the Rebels in Virginia to Their Obedience, October 1676 CO 1/38, No. 18., 35r–35v (CSPO).
176 Oberg, Samuel Wiseman’s Book of Record, 37.
177 Additional Instructions to William Berkeley, 13 October 1676 CO 5/1355, 112 (VCRP); Oberg, Samuel Wiseman’s Book of Record, 45.
The king’s commissioners arrived in Virginia in late January 1677 to find that “a good foundation” for a peace had already been laid.\textsuperscript{178} By mid-February, a new House of Burgesses had ordered the full restoration of trade with “our freinds and neighbour Indians.” The Chiaskiacks, a Powhatan community that had evidently abandoned its town without authorization and in so doing violated the 1676 law proclaiming this an act of war, were given permission to “quietly and safely retorne to, and abide in theire townes, and have and injoy equall liberty, with all other neighbouring freinde Indians so long as they demean and behave themselves submissively and peaceably to Authority and to the people.”\textsuperscript{179} Cockacoeske appeared once more before the Burgesses with a long list of “proposalls or petitions” and considerable political leverage that she used to her advantage. Like the Chiaskiacks, she received assurances that her lands would not be forfeit and confirmation of her people’s right to access English land for hunting and gathering. Access to English courts for her subjects was also restored, and the assembly agreed to limit the number of her subjects who could be compelled to enter military service at any time. She was also granted the power to block her subjects from being employed by the English without her explicit permission, a tool reminiscent of previous ones designed to restrict cross-cultural ties through the indigenous elite. Finally, she received permission to redeem any of her people sold into slavery that she could find, though she would have to purchase their freedom at prices determined by the county courts.\textsuperscript{180}

\textsuperscript{178} Sir John Berry and Colonel Francis Moryson to Secretary Sir Joseph Williamson, 2 February 1677, 52v, CO 1/39, No. 22; [CO 5/1371, pp. 27-33 (CSPO).
\textsuperscript{180} Ibid., 2: 89–90. This decision is curious, as the same assembly had already specified that only Indians taken captive “under a lawfull command from due and full authority,” were to continue to be enslaved. Her people, who as far as we know, had been enslaved entirely by Bacon’s men, should not have been subjected to this enslavement under the terms of the law. In contrast, the commissioners wanted enslaved tributaries returned, for which see Oberg, \textit{Samuel Wiseman’s Book of Record}, 211.
Unsurprisingly these acts were contentious. The persecution of Bacon sympathizers no doubt prompted many Virginians to play along, but even so, there are clear signs of widespread resentment towards the return of the status quo ante bellum. Herbert Jeffreys, one of the royal commissioners, addressed the Burgesses at the end of February, pressing their case that only a just system of Indian relations, namely the restoration of the tributary system, would provide lasting peace in the colony. Lasting that is, if Virginians refrained from violating it. Jeffreys upbraided those who sought a total war and desired the “utter extirpation of the Indians,” a position he characterized as a form of madness which flirted with a logic of dispossession so extreme as to make the “heathens” more moral in comparison. He went so far as to suggest that Virginians’ abuses of Indians had become so fierce as to provoke divine intervention, and that God himself had punished the colony with widespread destruction for their audacious and shameful behavior towards their indigenous neighbors.181 His speech, however, evidently failed to move many in the House. Several weeks later, he was forced to remind them that they had authority only to advise on the best means of securing peace with tributaries, not to debate whether such a peace was desirable in the first place.182

In April of 1677, Jeffreys replaced Berkeley as the colony’s governor. He pledged to wage war against any Indians who rejected “his majesties royal overtures of peace and amity,” but insisted that those who would enter into a “league” with the English would be taken into the Crown’s protection as friends.183 In the meantime, he met with representatives from the

181 Oberg, Samuel Wiseman’s Book of Record, 90.
182 Ibid., 92; The county grievances collected by the commissioners show that some counties wanted peace, while other wanted to continue a total war against the Indians. See for example, Grievances of the Inhabitants of Henrico County Presented to His Majesty’s Commissioners for Virginia under Six Heads, March 1677 CO 1/39, Nos. 90 and 91; |CO 5/1371, pp. 321, 322 (CSPO); Humble Remonstrance and Address of the Inhabitants of Charles City County, Virginia, to Herbert Jeffreys, Sir John Berry, and Francis Moryson, 10 May 10 1677 CO 1/40, No. 72. (CSPO), and the Oberg, Wiseman's Book of Record, 207-57.
183 Declaration of Colonel Herbert Jeffreys, Governor of Virginia, 27 April 1677) CO 1/40, No. 53; |CO 5/1355, pp. 145-149 (CSPO).
Nottoway, Nansemond, Pamunkey, and Appomattucks, each of whom sought the restoration of peace. At these meetings, an interesting deal emerged in which many of the small tributary communities who had once been part of the Powhatan chiefdom were persuaded or compelled to unite “under the old subjection they formerly did, and now are againe willing to owne and pay to the Queene of Pamunky and to plant themselves by her.” This agreement, presumably the result of collusion between the English and Cockacoeske, was the origin of the clause in the Treaty of the Middle Plantation that specified that a number of “scattered Nations” had agreed to place themselves under the “power & government” of Cockacoeske, and become her subjects.

The symmetry between the subjugation of the “scattered nations,” who paid tribute to Cockacoeske as a sign of their status and her obligation to pay tribute to the English mirrored the tributary structure of subordination that the commissioners and tributaries were working to rebuild.

The agreement is remarkable for several reasons, not least as another instance of the remarkable political skills of Cockacoeske, who used the re-establishment of the tributary system as a tool for the partial rebuilding of the composite chiefdom of her ancestors. It is worth emphasizing, however, that it was not just Cockacoeske who desired this conglomeration of Indian peoples. The English were active partners in this effort to reconstruct the Powhatan chiefdom. No doubt, this reflected their preference for dealing with “a few ‘powerful’ complaisant Indian leaders.” But it also highlights the continuing saliency of the tributary structure, which envisioned Indians as tribalized communities living under the authority of a

184 Nicholas Spencer to Charles Lord Baltimore, 24 May 1677 CO 1/40, No. 89. (CSPO); Oberg, Samuel Wiseman’s Book of Record, 101.
185 The Commissioners for Virginia to Mr. Watkins, 4 May 1677 CO 1/40, No. 66; CO 5/1371, pp. 221-231, 130v (CSPO).
186 Articles of Peace Between the Most Serene and Mighty Prince, 11.
188 Rountree, Pocahontas’s People, 102–3.
“king” or “queen” who was in turn subject to the English king. Just as the 1646 Treaty with Necotowance had buttressed his authority as a ruler even while subjugating him to the English, the Treaty of the Middle Plantation would affirm the importance of indigenous rulers with the power to “governe their owne people” as a means of creating a colonial order of subordinated sovereignty and unequal alliance.189 The tributary system had been restored.

BEYOND TSENACOMMACAH

In the first half of the seventeenth-century, Virginians were largely secluded from direct exposure to the continent’s complex indigenous politics. Sheltered by their location inside perhaps the largest and most powerful polity on the Eastern Seaboard, Virginians knew essentially nothing of world beyond the fall line. 1 The Powhatans interacted frequently with outsiders, though the archive only dimly reflects their histories of diplomacy, trade and war.2 But Virginians, with their restricted vision, had little sense of the world beyond the borders of Tsenacommacah until the end of third Anglo-Powhatan war and the advent of the tributary era exposed them directly to the rich commercial and territorial opportunities and equally great political and military threats of a landscape and a political world alien to them. Moreover, the partial incorporation of the Powhatans as subordinated allies left the colonial entangled in unprecedented ways to the Indian politics of the interior. Both these developments provoked a visceral sense of fear and vulnerability, deeply seated colonial emotions that continued to profoundly shape Virginia well beyond the Jamestown years. Fear and vulnerability provided

189 Articles of Peace Between the Most Serene and Mighty Prince, 11.

1 April Lee Hatfield, Atlantic Virginia: Intercolonial Relations in the Seventeenth Century (Philadelphia: University of Pennsylvania Press, 2004), 10. William Clairborne’s trading network with the Susquehannocks is the exception that proves the rule.

reasons to value the presence of tributary peoples as marchland populations placed along the edges of settlement, ready to absorb the first blows from encroaching "enemy" Indians, and as a source of the guides and diplomatic intermediaries necessary for those who wished to venture beyond the Tidewater.

The Powhatan peoples who formed the first generation of tributaries must also have felt this fear and vulnerability, not only towards the English, but towards the peoples beyond Tsenacommacah, many of whom would have seen the decline of Powhatan power as an opportunity to even old scores and re-align Indigenous political scenes. The shifting politics of the interior, by the late seventeenth century a roiling cauldron of violence and warfare, gave tributaries as well as the English reason to invest in the tributary system, and to accept political subordination in the hopes that the promise of protection would prove true. Yet if tributaries had even more compelling reasons than Virginians to fear their exposure to the growing “shatter-zone” in the heart of the Woodlands, the mere existence of numerous other native polities, many of whom would be recruiting or accepting newcomers by the end of the seventeenth century, provided potential, but risky, alternatives to subordination to the English.3

Fear, political uncertainty, and dependence on native intermediaries of dubious loyalty are the dominant motifs of the record of the first major exploratory expedition of the tributary era, a joint venture organized by the land-speculator Edward Bland and the Indian trader Abraham Wood, who hoped to open trade relations with the Tuscaroras, a powerful Iroquoian speaking people to the South. Wood, whose fort on the Appomattox River was one of the two locales open to Indians under the terms of the 1646 treaty, was “one of the greatest colonial

3 Robbie Franklyn Ethridge and Sheri Shuck-Hall, eds., Mapping the Mississippian Shatter Zone: The Colonial Indian Slave Trade and Regional Instability in the American South (Lincoln: University of Nebraska Press, 2009).
experts on all things Indian."⁴ Even so, scarcely a day’s journey south of Fort Henry, he became a foreigner, completely dependent on his Appomattuck guide and interpreter, Pyancha, to navigate what quickly became a journey fraught with competing political agendas, unfamiliar landscapes, and a deepening sense of paranoia that eventually paralyzed the party and aborted the expedition. As described by Bland, only a few miles from Fort Henry, they left Virginia behind, entering a different world, later known as the Southside. At mid-century, this was an entirely indigenous region, home to the Iroquoian speaking Meherrins, Nottoways, and Tuscaroras. Bland and Wood had no name for this region, and dubbed it "New Britaine." Like the many names Bland bestowed on this landscape, none of which endured, the recourse to "New Britaine" was a sign of crossing into an alien realm as much as it was an expression of imperial desire.

Bland’s account is persistently opaque and confused; its narrative shortcomings rooted his inability to comprehend the identities, let alone the motive, of the Indians they encounter in the Southside. The first town they arrived at was the most northerly of the two Nottoway towns. The Nottoways, a people who for several generations to come would sit at the political and geographical intersection of Virginia's expansionary hopes and at the crossroads of the Algonquian, Iroquoian, and Siouan polities of the Southside, fled from the approaching English party. Only Pyancha's presence — the Appomattucks had close ties to the Nottoways dating back to well before the founding of Jamestown — convinced them to entertain the English for the night.⁵ The following day, a Nottoway Great Man named Chounterounte informed them that "all

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his men [were] very unwilling we should go any further." He was evasive as to why, deploying a long list of reasons why the English should retreat before warning them that the "nations we were to go through would make us away by treachery."\(^6\)

While trying to dissuade the English from continuing their journey, Chounterounte mentioned that the Weyanocks had warned him that Bland's expedition lacked proper authorization from the governor to be in the region. He specifically warned Pyancha that he was risking being “knockt on the head” for guiding a party without valid license.\(^7\) The comments planted in Bland's mind an impression that the Weyanocks were at the center of a vague conspiracy to ambush his party. Bland's suspicions of the Weyanock, a Powhatan people and tributaries of Virginia, are crucial for understanding the early workings of Virginia's tributary system because they highlight the diversity of political agendas possible among tributaries. This diversity is usually obscured in an archival record offering few windows into the motivations of individual tributary peoples, but in Bland's text, we can see something of how even small differences in geography, circumstance, and opportunity effected the decision making of indigenous polities. The Appomattucks, or least Pyancha, were facilitating the venture into the Southside. The Weyanocks appear to have been undermining it at every turn.

For the remainder of the expedition, the Weyanocks figured centrally, if ambiguously in what became an increasingly fraught journey. Several days later, at the Meherrin's village, the English were introduced to a man who claimed to be a Tuscarora king. The "king" informed them that the Weyanocks had warned the Tuscaroras against trading with the English, because “the English would kill them, or detaine them, and would not let them goe without a greate heape

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\(^7\) Ibid., 3.
of Roanoke.” The Tuscarora king, however, indicated that his people nevertheless desired to trade with the English, and arranged a rendezvous on the banks of the Roanoke River.

On the banks of the Roanoke, the sense of foreboding that had been growing since their conversation with Chounterounte exploded into a panic. Pyancha and Oeyocker, a Nottoway who had agreed to guide them south, suddenly warned that the Tuscaroras were plotting to attack them. Oeyocker refused to lead them any further, asking "why we did not get us gone, for the Inhabitants were jealous of us, and angry with us." He then informed them that a messenger supposedly sent to the Tuscaroras several days earlier had in fact "ran another way, and told the Indians that we came to cut them off." Finally, Pyancha, whose own motives suddenly became open to question, chose this moment to inform them that the Tuscarora king they had meet in the Meherrin’s village was not what he appeared to be.

At this point, Bland and Wood lost their nerve and quickly retreated north. On the way, they encountered a Tuscarora party, who again tried to convince them to continue south. This encounter frightened them even more, as Oeyocker believed that the Tuscarora party had not come from the South as they claimed, but from the Meherrin's town to the North. Just days before the English had feasted and danced there, but on their return, they received a cold and angry reception. Apparently, the Weyanocks and Chounterounte had just warned them that the English party intended to attack any Indians they encountered. Pyancha, perhaps informed by a Meherrin woman that "was his Sweet-heart," told them that the runner they had hired the previous week had gone straight to the Weyanocks, and that the so-called Tuscarora king they had encountered in the Meherrin village was a Meherrin in disguise, "done of purpose to get

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8 Ibid., 12.
something out of us." In disarray, the party literally snuck back to Fort Henry, their expedition a complete failure.

Bland's story of defeat is confused and difficult to follow, laden with innuendo and uncertainty. But his confusion is precisely what makes his text such a powerful document of Virginia as it first began to stumble into the indigenous worlds that would shape its future for generations to come. Having defeated the Powhatans, they experienced not confidence but fear, one of the great and enduring limits of colonial power. Fear of the frontier, of the Indian country beyond it, and of the peoples who inhabited it is something we cannot lose sight of or minimize, even in places like Virginia, with its massive and growing disparities in demography and military power. Attending to those anxieties is important not only because it is historically accurate, but because it leaves an opening for theorizing and historicizing an ongoing Indian history in Virginia well after the eclipse of the Powhatan chiefdom. As Bland's dependence on Pyancha reveals in miniature, the English looked to tributaries to limit their exposure to the real and imagined threats of the frontier and to help them maneuver in the obscure world of indigenous politics. Bland’s urgent but fragmented and ultimately opaque account of those politics is, to our great misfortune, characteristic of most Virginians’ observations of Indian politics, riddled with tantalizing but interminable lacunas in the archives that even our most resourceful historians cannot fill. Nevertheless, we cannot understand the tributary system without attempting to account for this world, to hold onto its slippery horizons, and to imagine its influence on both Virginians and on tributary peoples who had to navigate not only the English but also the vast native world of danger and opportunity that surrounded them. From this perspective, their

9 Ibid., 15.
choices regain the dignity of complexity, even as they force awareness of the limits of subaltern agency.

Pyancha’s willingness to assist the English expedition (if that is indeed what he was doing) is one such act. By serving as a guide and diplomat, he reinforced the utility of his community to the English while engaging in activities that were at the core of Powhatan ideas about masculinity.\textsuperscript{10} Other Powhatan men would make similar choices, in the process serving as central actors in the expansion of Virginia’s political and economic power deep in to the Southeast. Those who joined the English ‘rangers’ to patrol the frontiers, protected not only their own communities but the very English settlers who were displacing them from the repercussions of the waves of violence that shattered the interior of the continent in the seventeenth century.

Others would make different choices, because the regional political ties that made men like Pyancha so important to Bland also provided opportunities for resisting or avoiding subordination to the English. The Weyanocks seem to have been among those people. April Lee Hatfield has recently suggested that the Weyanocks sabotaged Bland’s mission to protect their role as middlemen in the Tuscarora trade.\textsuperscript{11} This is certainly possible, but it makes at least as much sense to presume that they were motivated by immediate political circumstances and were trying to break their ties to both the English and other Powhatans by finding a place for themselves in the largely Iroquoian world of the mid-century Southside. Rather than a people seeking, as Hatfield would have it, to shore up their ties to the English by cutting off rivals, they may well have been attempting to create new political ties that would allow them to slip free from subjection to the English and to other Powhatans.

\textsuperscript{10} Helen Rountree, \textit{The Powhatan Indians of Virginia: Their Traditional Culture} (Norman: University of Oklahoma Press, 1989), 79–99.
\textsuperscript{11} Hatfield, \textit{Atlantic Virginia}, 27–28.
At a minimum, there is no reason to resort to the idea of spurned middlemen to understand why the Weyanocks might wish to check English efforts to build relationships with the peoples of the Southside. Until the outbreak of the Third Anglo-Powhatan War, the Weyanocks had lived in towns on both banks of the James River just below the mouth of the Appomattox River, a location that put them on the frontlines of English expansion. In 1646, they fled the James River and moved into the Southside. The timing of their migration clearly suggests that they were fleeing English violence, and it appears that the English sent the militia after them into what is now North Carolina. Moving to the Southside was also an attempt to break their subordination Opechancanough, who sent a substantial war party to locate them and “bring them back.”

Once dislodged from the James River, the Weyanocks became a migratory people, moving back and forth between Virginia and the Southside Iroquoians, alternately attempting to build political ties with one or the other, but finding little security among either. In 1649, they had “humblye acknowledged themselves tributaryes” to the English and received permission to settle a 5000 acre tract of land at a site in the Southside known as Warekeck from the House of Burgesses. At that point, they were actually living in what is now North Carolina, in territory claimed by the Tuscaroras, to whom they also paid tribute. When Bland and Wood crossed through the Southside, their political loyalties remained fluid, although to the extent we can trust Bland, the Weyanocks were clearly keeping their distance from the English and their

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subordinated Powhatan allies by cultivating ties with the Tuscaroras. Their exact intentions are unrecoverable, but their actions reveal that tributary Indians continued to explore political options beyond English subordination and engaged in diplomacy with non-tributary groups for their own reasons, and in their own interests. The political world of some Powhatan tributaries, in other words, if hardly welcoming, was not necessarily closed.

But the Weyanocks’ experience also highlights the immense difficulties of leaving *Tsenacommacah* and the dangers which peoples who attempted, or were forced, to do so faced. Whatever angles they were playing with Bland, the Southside ultimately provided little shelter. For decades, they were essentially trapped in motion, shuffling between the James and the Roanoke Rivers, finding everywhere more hostility than friendship. By 1653, they had moved north, finally settling at Warekeck, where they paid tribute in Roanoke to the Nottoways and in beaver to the English.\(^{16}\) Just a few years later, the Nansemonds, another Powhatan group tributary to Virginia, attacked them and killed their *weroance*. In the aftermath of the attack, the Weyanocks asked the governor for protection, who sent the militia to guard them as they relocated to the James River. They stayed there for several years, before being driven south again by settlers who were “uneasy at the Indians hunting upon their lands.”\(^{17}\) Once again, the Southside proved inhospitable. For unknown reasons, the Tuscarora attacked them, forcing them back into tributary relations with the English. Finally, at the dawn of the eighteenth century, their tiny population splintered, as some Weyanocks found permanent refuge among the Nansemond while others moved to the Nottoway towns.\(^{18}\)


\(^{18}\) Besides the depositions cited above, the most complete account of Weyanock movements (which have been condensed in my account) can be found in Lewis Binford, “An Ethnohistory of the Nottoway, Meherrin and Weanock Indians of Southeastern Virginia,” *Ethnohistory* 14, no. 3/4 (July 1967): 103–218.
The micro-migrations of the Weyanocks serve as a stark reminder of one of the great facts that forced the Powhatans to engage with the tributary system, despite its many humiliations and dangers. Beyond Virginia lay a complex, fluid, and very full political geography, composed primarily of indigenous polities with whom the delicate negotiation of friendship and peace was not necessarily any easier than it was with the English. This world became only more dangerous in the decades after Bacon’s Rebellion. New colonies in Pennsylvania and Carolina as well as the expansion of existing ones sent ever-larger shockwaves throughout the woodlands, increasing pressure on nearby indigenous communities. The rapid development of the Indian slave trade to the South turned the Piedmont into a place of great danger rather than potential refuge, and shifting patterns of warfare among the Haudenosaunee brought war-parties, dispensing their own violence and captive-taking, into Virginia. In such circumstances, the protections offered by tribute, however double edged it might be, could become pressing necessities, as the larger indigenous world of the interior worked, vise-like, to reinforce the tributary system.
Part Three: Dispossession
It is scarcely an exaggeration to say that the historiography of Indians in Virginia goes cold after the Treaty of the Middle Plantation. In part, this is a reflection of the importance of race and slavery to Virginia’s historiographic traditions; since Edmund Morgan, Bacon’s rebellion has served as the pivot point at which Virginia’s history switches from telling the story of native dispossession to the rise of a slave society.\(^1\) Indeed, the most recent historian of the rebellion, whose work focuses more squarely on its indigenous context than previous historians, has nevertheless concluded that despite the pomp and ceremony of the Treaty of the Middle Plantation the “Baconites won the battle over how best to deal with Native Americans.” Henceforth, he writes, Virginia’s Indian politics forsook “trade and alliances” in favor of a “domineering, uncompromising, and indiscriminate approach to Indian affairs.”\(^2\) Similarly, Cynthia Van Zandt, in her recent survey of intercultural alliances throughout the British colonies, concluded that by 1680, colonists had ceased to believe that “intercultural associations were either desirable or necessary,” and that the period when the Chesapeake colonies sought to “serve as linchpins in a web of intercultural alliances as far north as Iroquoia” was over.\(^3\)

As with many historiographical commonplaces, there are good reasons for scholarly consensus. But consensus is a decidedly ambivalent historical achievement. On the one hand, it

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serves as a desirable mark of academic progress, of the repeatability of results that gives historical works some slender claim to the status of objective knowledge. On the other hand, consensus can also be a symptom of historiographical necrosis, indicative of stagnant perspectives. Most dangerously of all, in Virginia’s case it can also serve as ideology, emptying the land and its narratives as it consigns Virginia’s indigenous people to extreme marginality and historical irrelevancy. As I have suggested throughout this dissertation, the tendencies of describing tribute as complete domination and of treating alliances as somehow oppositional to power obscure the dynamics of settler colonialism in Virginia. In contrast, I argue here and in chapter six that in the decades after Bacon’s Rebellion, Virginia’s tributary alliances not only re-formed, but were also given renewed purpose by shifts in the geo-politics of the indigenous interior.

For the Powhatan peoples who had formed the core of the tributary system since its inception, the inequities of the alliance continued to become more pronounced – even as its structural core remained largely intact. Whether trapped in Tsenacommacah, or determined to remain in their homelands, tributaries needed more than ever to coax from the system whatever advantages could be derived from it. Similarly, where historians have often emphasized the rapidly diminishing utility of Indians to the colony and characterized Indians primarily as nuisances and hindrances to settlement, Virginia’s elites often believed them essential to orderly colonial expansion, especially given the threats posed by the powerful indigenous polities to the North and South. However, if the political agendas of Indian polities in the interior in many ways re-enforced the system, they also eventually undermined it. Slowly, the Haudenosaunee and the Catawbas would become interested not only in preying upon tributary populations but in
claiming their political loyalty, offering them shelter and protection as subordinated members of indigenous political formations.

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The combined effect of Bacon’s rebellion and the even greater destruction of King Philip’s War set the stage for a transformation in the geopolitics of Eastern North America. In Albany, Governor Edmund Andros and the Mohawks forged what became known as the “covenant chain,” a spiraling series of unequal alliances that gave the Haudenosaunee a newfound status as a dominant force in the politics of the Northeast. The covenant chain provided the structure through which the Haudenosaunee began recruiting populations displaced by colonial settlement to the frontiers of Iroquoia, where they would live under Haudenosaunee “protection.” From the North and East came coastal Algonquians, Western Abenakis, and Mahicans, displaced by King Philip’s War. Many of these peoples had recently been victims of the Mohawk war parties who had played a decisive role in defeating the native coalition that had ravaged the New England colonies. From the South came many of the surviving Susquehannocks, driven North into dependent status and a contested, but real political subordination to both the Haudenosaunee and New York. In the decades to come, the reach of the covenant chain expanded and many peoples, some arriving as captives and adoptees, others

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recruited as migratory communities, were incorporated into an emerging greater-Iroquoian polity bound by indigenous versions of political subordination.

During this same period, the Haudenosaunee – despite their status as power brokers in British America – were themselves slipping into increasingly unequal alliances with the English governors of Pennsylvania and New York. As early as 1688, Governor Dongan of New York boasted of having annexed them to the Crown, a characterization the Haudenosaunee, who preferred to consider themselves a "free people tho' united to the English," bitterly disputed.7 Their new diplomatic relations involved them in the geopolitics of all the English colonies and native polities of the woodlands. In the process, the Haudenosaunee significantly shaped the politics of tribute in Virginia well into the eighteenth century, first as an imminent and shared military threat that gave the reformed tributary system purpose, later as a competitor for the allegiance of tributaries.

Bacon's rebellion had the immediate effect of bringing the Haudenosaunee, heretofore a non-factor for the English in Virginia, into the heart of its Indian politics. The war broke the alliance between Virginians and the Susquehannocks, who had hitherto shielded the colony from the Haudenosaunee. At the war’s end, after having suffered devastating losses at the hands of both the English and the Haudenosaunee, the Susquehannocks were coerced into absorption within the covenant chain. One benefit of their new status was that they could now recruit Haudenosaunee warriors for raids on their longstanding indigenous enemies, which included the Algonquian peoples of the tidewater and Siouans of the piedmont, notably the Occanechees,

7 Gov. Dongan to Lord Dartmouth 15 Oct. 1688, PH 00 15 Oct 1688, Colonial Williamsburg Foundation Rockefeller Library (photostat); Cadwallader Colden, The History of the Five Indian Nations Depending on the Province of New York in America (New York, 1727), 66.
who had attacked them during Bacon’s rebellion. As a result, the "Senecas" (a Virginian term for the Haudenosaunee and any other 'foreign' Indians that accompanied them) quickly became an annual presence in and around Virginia.

Their presence gave the re-established tributary system an urgency it otherwise would have lacked. Indeed, it likely pushed several peoples who might instead have retreated from the dubious friendship of the English into accepting tributary subordination. On December 30, 1677, Jeffreys reported that several unnamed peoples “never before in amity with the English” had approached him seeking peace. Yet, by mid-February, none had sent ambassadors to Jamestown to formalize their status as tributaries. Jeffreys attributed the delay to winter weather, which of course may have been the case, but it is also possible that the Indians in question, having achieved their goal of ending the immediate threat posed by the English militia, saw little reason to further codify their subordination. If so, their political calculations changed quickly when a large party of reportedly five hundred Senecas showed up above the fall line, intent on “takeing revenge on some of our remote Indians for injuries don them.” Confronted by the militia, the Senecas pledged to attack only Indians who lived “adjoyning upon us, but not entered into the peace, declaring that they would not trouble, molest or surprise, any of the English nor any of those Indian nations, who were entered into a peace” with Virginia. By the end of the month, Jeffreys reported that several additional communities had petitioned to become tributaries.

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9 Herbert Jeffreys to Coventry, 30 December 1677, Coventry Papers Vol. 78, Bath 65 f. 164r-164v.
10 Herbert Jeffreys to Coventry, 11 February 1677/78, Coventry Papers Vol. 78, Bath 65 f. 207v.
11 Thomas Ludwell to Coventry, 15 March 1677/78, Coventry Papers Vol. 78, Bath 65/1 f. 208r-208v.
12 Herbert Jeffreys to Coventry, 31 March 1678, Coventry Papers Vol. 78, Bath 65 f. 215r-215v.
13 Herbert Jeffreys to Coventry, 2 April 2 1678, Coventry Papers Vol. 78, Bath 65 f. 216r-218v.
The Haudenosaunee kept their pledge that winter, a fact that cannot have gone unnoticed among actual and potential tributary peoples, who correctly feared that the Haudenosaunee would return. However, tributaries were not alone in their concern about the arrival of the Senecas in Virginia. The English considered the Haudenosaunee the most powerful of all Indian nations, and began drafting plans to defend the colony and its tributaries. Particularly in the 1680s, when the always fragile "peace" afforded by the tributary system was at a low ebb, this shared fear of the Senecas brought Virginia and its tributaries together, providing a reason for peoples from around the region to invest in the unequal alliance. It seems quite plausible that the expansion of the Treaty of the Middle Plantation in 1680 to include Appomattucks, Monacans and closely related Saponis from around and above the falls of the James, the Nanzaticos and Portobaccos from the upper Rappahannocks and the Meherrins from the Southside into subordinated alliance with Virginia resulted in large part from the unifying effect of this new threat. The 1680 Treaty, nearly identical in language to the 1677 Treaty, codified a reciprocal obligation for military protection at the core of the tributary system. Under its terms, defense of the frontiers and mediation with the interior became joint endeavors. Tributaries were required to give notice to the English militia of any "strange Indians neer the English quarters or plantations," an obligation Jeffreys expected them to keep.\textsuperscript{14} In the summer of 1678, the murder of an English family on the York River and two Indian women gathering blackberries near the Rappahannock's town caused a "very great terror both into our English on the frontiers as well as our owne neighbour Indians."\textsuperscript{15} Jeffreys did not suspect tributaries, but he was furious that they had neglected their obligation under the "articles of peace to be watchfull and keep out rangers and prevent such mischeifs." To reinforce this duty, he ordered them to identify and locate the

\textsuperscript{14} Articles of Peace Between the Most Serene and Mighty Prince, 10.
\textsuperscript{15} Herbert Jeffreys to Coventry, 7 August 1678, Coventry Papers Vol. 78, Bath 65 f. 283r-284v.
Indians suspected in the attack. Just weeks later, in the Southside, the Nansemonds (presumably among those reminded of their duties), informed the English of “strange” Indians in the region, perhaps the party of Tuscaroras who would soon be suspected of attacking a plantation along the Blackwater.

Moreover, tributaries were obliged to join the militia on "any march against the enemy" at the Governor’s request and were guaranteed the right to allocations of powder and shot for self-defense. These obligations were also reciprocal, as the English were required by treaty to deploy county militias “to aid, strengthen, and joyn with our friendly Indians against any foreign attempt, incursion or depredation upon the Indian towns.” In 1679, Virginia established a series of garrisons at the heads of its major rivers. While both the garrisons and the less expensive rangers that replaced them several years later served in part to hold tributaries in “constant awe,” they were also intended to protect them from attacks by “foreign” Indians. The garrisons and rangers were staffed by both Virginia’s militia and its tributary allies, who served as scouts, guides, interpreters, and men-at-arms.

The English took these steps because they believed their fate was tied to their tributaries. Lord Baltimore of Maryland believed the Senecas intended the total destruction of the “neighbouring Indians” of Virginia and Maryland, as a prelude to the destruction of the

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16 Herbert Jeffreys to Coventry, 10 July 1678, Coventry Papers Vol. 78, Bath 65 f. 273r-273v.
17 Thomas Ludwell to Coventry, 3 August 1678, Coventry Papers Vol. 78, Bath 65/1 f. 281r-281v; H.R. McIlwaine, ed., Minutes of the Council and General Court of Virginia (Richmond: Virginia State Library, 1924), 519.
18 Articles of Peace Between the Most Serene and Mighty Prince, 9–11.
20 William Waller Henings, ed., The Statutes at Large Being a Collection of All the Laws of Virginia (New York, 1809), 2: 438; Colonel Nicholas Spencer to Mr. Secretary Coventry, 9 July 1680 CO 1/45, No. 43, [CO 5/1355, pp. 381-385 (CSPO)]; Extracts of Burgess and Council Notes, 1695-96, CO 5/1359 p.8 (VCRP). Tributaries in the Rangers were reauthorized in 1695 and continued intermittently well into the eighteenth century, when John Fontaine reported several Meherrins among the Rangers patrolling the Rappahannock River settlements. See H.R. McIlwaine, ed., Legislative Journals of the Council of Colonial Virginia (Richmond, 1918), 1: 216; “Journal of John Fontaine,” Fontaine Papers, 1710-1874 MS 1968.3.1, Colonial Williamsburg Foundation Rockefeller Library, 142.
Chesapeake's English settlers. The mere presence of the Haudenosaunee warriors, drawn to the colonies to prey on tributary Indians, created friction with English settlers, raising the prospects, especially in "the North part of Virginia," of a revival of the Baconite rebellion.\textsuperscript{21} Virginia’s Acting Governor, Nicholas Spenser, made a similar assessment, describing the safety of “our neighbouring Indians, who inhabit within us,” as of “very great concerne to this government.” Because they provided a buffer between the English and the “evil designes and rapacious inclinations of forraigne Indians,” he considered it a “principle care of the gouvernment to preserve our neighbouring Indians,” if possible without risking open war with the Senecas.\textsuperscript{22} Virginia’s efforts to protect their tributary populations were of course self-interested, and Virginians cynical enough to recognize that the threat of the Senecas kept tributaries from directing their remaining military strength against the English, but this self-interest ensured that Virginians took their duties to defend tributaries somewhat seriously.\textsuperscript{23} As the Assembly noted in a petition asking the King to contribute to Virginia’s rangers, a failure to provide effective protection to tributaries would force them to “draw inwards soe that few (if any) of these are to bee found at the head or to the west of the great rivers on our frontiers to give us warneing.”\textsuperscript{24}

This sense of connection was not unwarranted. Iroquoian violence against tributaries frequently spilled over onto colonists. In November of 1683, a party of Senecas in Rappahannock County "perpatrated great spoiles on the stocks of the inhabitants,，“ ransacked the Mattaponi's town and besieged the Chickahominy's village.\textsuperscript{25} Fearing the consequences of such attacks, the Governor sent William Byrd and the militia to negotiate the end of the siege and

\textsuperscript{22} Nicholas Spencer to Sir Leoline Jenkins, 23 November 1683 CO 1/53, No. 64, (CSPO). This was a long-lived sentiment. See also, among other places, Speech of Spotswood to the General Assembly, November 1713, f. 25 it.
\textsuperscript{23} Extract from a Letter from Virginia, 8 June 1681 PRO CO 1/47 no. 36 f.80-1 (VCRP).
\textsuperscript{24} Address of the House of Burgesses of Virginia to the King, 22 May 22 1684 CO 1/54, No. 103. (CSPO).
\textsuperscript{25} McIlwaine, \textit{EJCCV}, 1: 53.
demand the "reasons of their quarrell with our neighbour Indians, who [are] the King of Englands subjects,” and thus parties to the “friendship” the Haudenosaunee “pretend to hold with us.” Byrd was ordered to provide tributaries with ammunition sufficient to defend themselves and to pursue a permanent peace with the Haudenosaunee covering both English settlers and tributaries.26

The incident inaugurated the beginning of Effingham’s extensive diplomatic efforts designed to keep frontier populations, English and native, free from Iroquoian attacks. In the short term, he used the raid as an opportunity to reorganize tributary populations along the Rappahannock River. Byrd was instructed to query the Rappahannocks and the Nanzaticos regarding their willingness to join together as a “means to defend both nations the better.”27 Effingham believed this the most reasonable means through which to meet his obligations under the Treaty of the Middle Plantation, and offered to pay for the move and guard the Indians during their migration.28 In military terms, concentrated populations made a certain undeniable sense, but for the Rappahannocks it also entailed relocating further upriver. This, of course, meant some presumably welcome distance from the troublesome English neighbors who were already encroaching on the reservation that had been surveyed just one year before, but their new location was also even more exposed to Iroquoian war parties.29 The English, typically, reaped the clearest rewards from the idea, gaining a strategically positioned garrison population while conveniently freeing the closer-in land of the Rappahannock reservation.

27 Ibid.
28 McIlwaine, Executive Journals of the Council of Colonial Virginia, 1:54; Effingham to Leoline Jenkins, 13 March 1683/4, CO1/66 no. 13 f.322 (VCRP).
Nevertheless, both the Rappahannocks and Nanzaticos, who as far as the records indicate were given a genuine choice in the matter, apparently found the move worth its costs. Shortly thereafter, several dozen Rappahannock County colonists helped move them thirty miles upriver to the fortified town of Portobacco, where Spencer hoped that by “reducing and uniting” the towns, they could better defend themselves and the colonists. Effingham, who fought the Burgesses throughout his tenure over his plans to reform and expand the militia, may even have hoped that Portobacco could serve as the first in a series of replacements for the garrisons Virginia had established in 1680 and then abolished as “very burthensome and chargeable to the country” in the fall of 1682. Combined with the roving militia bands that were Virginia’s preferred method of defense, such fortified tributary towns might have served as a defensive perimeter protecting Virginia’s colonists from the interior. This was a possibility that future Governors would return to repeatedly as a “solution” to the question of how to make tributaries more useful to the English.

The 1683 attack on the Mattaponis and Chickahominies also initiated the first of what became a series of efforts by Effingham to negotiate peace between the colony, its tributaries, and the Haudenosaunee. Byrd's instructions ordered him to encourage the Senecas to come to Jamestown to negotiate a peace, and even authorized him to leave English hostages as security for their safety. This summit did not take place, probably because of the Haudenosaunee’s insistence that all formal diplomacy with the English take place in Albany. The following year, while in New York seeking relief from the “violent heat, & sickenesse of Virginia,” Effingham

became Virginia’s first governor to treat directly with the Haudenosaunee. He highlighted the connections between Virginia’s colonial security and its tributaries, noting under the “pretentions of fighting with our frind and neighbour Indians,” the Haudenosaunee had harassed and attacked several English colonists. He reminded them that Virginia’s Indians “have given great King Charles their land and pay him tribute” in exchange for a pledge of protection, an obligation that he assured the Haudenosaunee he was willing to keep. Peace with Virginia depended on their willingness to cease attacks on tributaries, either in their villages or while hunting.

Effingham and the Haudenosaunee agreed to meet again in 1685, this time with a delegation of tributaries in attendance. Effingham spoke of this as simply a ratification, but to the Haudenosaunee it was likely of great significance. For the Haudenosaunee and most other indigenous peoples of the northeast, peace was in the first instance an affective condition, predicated on good will and dependent on frequent personal interaction rather than on the codification of articles of agreement. As parties to a peace, tributaries would have to be integrated into the chains of what the Haudenosaunee, like the English, called “love and friendship.” Moreover, and perhaps at least as importantly, by bringing tributaries to Albany, the Haudenosaunee would have a chance to establish individual diplomatic relationships with peoples who they may have been attempting to court. Certainly, the Haudenosaunee considered themselves as a “free people uniting ourselves to the English,” and they may well have believed

32 Lord Howard of Effingham to the Earl of Sunderland, September 1684 CO 1/55, No. 46, |CO 5/1356, p. 298 (CSPO).
35 Richter, The Ordeal of the Longhouse, 40–41.
37 Jennings, The Ambiguous Iroquois Empire, 180.
Virginia’s tributaries to be similarly attached, an understanding to which Effingham may have contributed by describing their relationship to Virginia as analogous to the protection the Haudenosaunee received from the Governor of New York.\(^{38}\) Effingham clearly conceptualized the meaning of subordination and protection differently than would the Haudenosaunee, but his willingness to bring tributaries to New York, at Virginia’s expense, to ratify the peace indicates the importance he attached to protecting tributaries from them.

In Virginia, the conference was considered a stunning success. Spencer sent multiple letters to London the following spring expressing high hopes that it had created a “well grounded peace.”\(^{39}\) However, the year was not entirely without conflict. When William Byrd, Edmund Jennings, and a delegation of Appomattucks, Nanzaticos, Chickahominies, and Pamunkeys arrived in New York, intent on securing an agreement “on all partes of the Indians sides,” Byrd charged the Haudenosaunee with several violations of the 1684 agreement, most of them offenses against tributaries.\(^{40}\) A Nanzatico had been taken captive, the Appomattucks had been attacked, and a Nottoway killed on the Southside, where the Saponis had also been targeted.\(^{41}\) He demanded the return of all the captives and warned that future attacks against tributaries would be taken “verry ill, & all the English of Virginia and Maryland will joyn against you” to extract revenge.\(^{42}\)


\(^{39}\) Nicholas Spenser to William Blathwayt, 25 April 1685, Volume 16 Folder 3, Blathwayt Papers; The Secretary of Virginia to the Earl of Sunderland, 27 April 1685, CO 1/57, No. 101 (CSPO); The Secretary of Virginia to the Earl of Sunderland, 18 June 1685, CO 1/57, Nos., 156, 156 l., II., [CO 5/1356, pp. 329-330 (CSPO).


\(^{42}\) Leder, *The Livingston Indian Records, 1666-1723*, 86.
When the delegation returned to Virginia with “full assurance” that the peace was “inviolable,” the Assembly moved immediately to disband the rangers as no longer necessary.\textsuperscript{43}

However, the permanent stability that Virginians imagined they had achieved lasted only until 1687, when the limitations of the Indian summit were revealed in several different and simultaneous ways. In the Southside, a party of Senecas attacked the Weyanocks, taking “six Indyan women & a boy” captive before robbing several plantations on the north side of the Blackwater River.\textsuperscript{44} The Haudenosaunee may not have seen the attack on the Weyanocks as a violation of their 1685 agreement, as no Weyanocks (or other Southside tributaries) had been direct parties. It is also possible that the attack was an early instance of what appears to have been a deliberate shift in Haudenosaunee interests towards the Southside, where the Iroquoian speaking Nottoways, Meherrins, and Tuscaroras provided potential diplomatic partners and staging grounds for the Haudenosaunee war parties that began frequenting the piedmont.\textsuperscript{45} The attack on the Weyanocks might have been an effort to build connections with local Iroquoians, including the tributary Nottoways and Meherrins, who had attacked the Weyanocks as recently as 1681 or 1682.\textsuperscript{46} Whatever prompted this specific raid, over the next four decades the emergence of the Haudenosaunee, at first in the shadows and later quite openly, as a competitor

\textsuperscript{43} Notes on a Meeting of the House of Burgesses, October - November 1685 Effingham Papers, 1684-1688, Vol. 1; Billings, \textit{Virginia's Viceroy}, 77–78.

\textsuperscript{44} Leder, \textit{The Livingston Indian Records}, 1666-1723, 125. See also p.135, with its detailed, but otherwise suspiciously uncorroborated account of a major attack in which three Englishmen and a number of Appomattucks, including the Appomattuck king, were killed in April. The said King would have been Peracuta, who was definitely alive the following year.


\textsuperscript{46} “Colonial Letters, &c.,” 49; Binford, “An Ethnohistory of the Nottoway, Meherrin and Weanock Indians of Southeastern Virginia,” 181.
with the English for the political loyalties of tributaries became a major trend in Virginia's Indian politics.

If the Haudenosaunee might plausibly have seen the Weyanocks as outside the boundaries of their agreement with Virginia, they were quickly disabused of this notion. For Virginians, the attack reinforced the connection between violence inflicted upon tributaries and “outrages” committed against English settlers along the frontier. In the immediate aftermath of the raid, the Council mustered the militia, including “such a number of neighbouring Indians as shall be thought necessary,” to prevent further breaches of the peace by the Haudenosaunee. Their orders were explicitly defensive, permitting them to attack only if they caught the Haudenosaunee engaged in further robberies or assaults. This reticence to escalate conflict with the Haudenosaunee, even while acknowledging the significant threat they posed to the “Inglish and Indyan inhabitants” of the colony, was typical of Virginia’s response to their presence well into the eighteenth-century. Virginians greatly feared the consequences of open war, not least because they understood that they had little ability to meaningfully harm the Haudenosaunee, who were too powerful and too remote for Virginia to reduce “by force of armes” into a “peaceable & quiet demeanour.” Conflict with the Senecas, Virginians presumed, might prove of “fatall consequence” to the colony.

This did not mean abandoning their obligation to protect the Weyanocks. As it happened, Effingham was in New York when the attack on the Weyanocks occurred. He immediately lobbied for the recovery of the six Weyanocks taken captive in the raid. At Effingham’s request,

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48 Council Minutes, 21 October 1687 CO 1/63 no. 90 (i) f.413-15 (VCRP).
49 Nicholas Spenser to William Blathwayt, 18 February 1683/4 Volume 16 Folder 3, Blathwayt Papers.
Governor Dongan of New York chastised the Oneida, warning them that Effingham was demanding satisfaction and reminding them that by attacking Virginia’s tributaries, they risked war with the English. He demanded the release of the Weyanocks and an end to Haudenosaunee raiding in Virginia. These demands came at a dangerous moment for the Haudenosaunee, who were at war with the French, and had just been invaded by a substantial French army. Unable to risk further alienating the English, the Oneidas quickly secured the release of the captives and the Haudenosaunee promised that they would avoid Virginia in the future, though the Mohawks complained that they could not see what stake the English had in wars between Indians.

For the next several years, the Haudenosaunee, preoccupied with a string of offensives against the French, do not seem to have been active in Virginia. When they returned, the political context of their presence had changed considerably. In June of 1690, Virginia’s Council received reports from New York that the Five Nations “have or doe intend to send to our neighbour Indyans, to perswade them away with them,” a prospect that Virginians judged of “dangerous consequence to the peace of this their Majesties Dominion.” It is worth emphasizing this reaction. Faced with the possibility that tributaries might be convinced to relocate hundreds of miles away from the colony, they blanched at the perilous prospects of a frontier without Indians. Indeed, they sent the colony’s interpreters to tell tributaries that should “any Forreigne Indyans come to them, and require them to goe with them, they informe them, they are under the

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50 Propositions Made by Governor Dongan to the Chiefs of the Senecas, 5 August 1687 CO 1/63, No. 3., f. 24r, 26r (CSPO). See also Council Minutes, 21 October 1687 CO 1/63 no. 90 (i) f.413-15 (VCRP).
51 Richter, The Ordeal of the Longhouse, 158; Jennings, The Ambiguous Iroquois Empire, 190–91.
52 Robert Livingston to Governor Dongan, 5 September 1687, CO 1/63, Nos. 26, 26I. (CSPO); Answer of the Maquas, Oneidas, Onandagas, Cayongas, and Senecas to the Governor’s Propositions, 6 August 1687, CO 1/63, No. 4. (CSPO); Billings, Papers of Francis Howard, 370–71. For other instances of Virginia redeeming captive tributaries, see McIlwaine, Executive Journals of the Council of Colonial Virginia, 1: 192; H.R. McIlwaine, ed., Legislative Journals of the Council of Colonial Virginia (Richmond, 1918), 1: 165, 169.
53 Richter, The Ordeal of the Longhouse, 159; Nicholas Spenser to the Earl of Sunderland, 17 May 1688 CO1/64 no. 68 f.321r (VCRP).
protection of this government, and that they can do nothing therein.” Tributaries were ordered to keep a “very vigilant” watch for foreign Indians, diplomats or otherwise, who might be in the area and reminded that in case of danger they might “send in their women & children to the English, who will take care of them, and that the English will joyne with them, to protect them from their enemies.”

The slippage from the initial fear that the Haudenosaunee might “perswade” tributaries to migrate to the concluding allusion to captivity is likewise worth noting, not least because we can see within it a trace of the early modern possibility of violence as a tool of persuasion and consent. And, knowingly or not, it accords with the comparatively little we know about Iroquoian incorporative politics, which oscillated between predatory practices and diplomatic entreaties, at times blending the two. This mixture is rarely as explicit in Virginia's records as the Council's frank concern with persuasion and captivity, but it is often implicit in the fragmentary glimpses of Indian politics that breached the colonial archive.

In 1691, for instance, a party of Indians stole some corn, killed a horse, and injured a cow in Stafford County. The militia rounded them up. At first, they were identified as Senecas, an attribution that raises the question of just how often settlers and tributaries blamed the Haudenosaunee for actions they had not committed. On examination, however, the party turned out to be primarily Doegs, including the King of the Doegs, who was judged the "cheifest of the prisoners taken," and was apparently well known to a number of prominent local settlers. On interrogation, he told a story that reflected the density and complexity of local ties between tributary Indians and the Haudenosaunee that had been building since Bacon's rebellion. Taken

54 McIlwaine, Executive Journals of the Council of Colonial Virginia, 1: 117.
55 Ibid., 1: 206-7.
56 Stafford County Court Extracts, 1664-1692 (Typescript) Mss4 ST135 a 1, Virginia Historical Society (Richmond), 3, 7.
captive by the Seneca during the rebellion from the Nanzaticos’ town, he had lived among the Haudenosaunee for over a decade before returning to the Nanzaticos under unknown circumstances that may have been related to ongoing peace talks between the Haudenosaunee and the Piscataway. His close ties to the Nanzaticos suggest the existence of deep ties across the non-tributary Doegs and tributary Nanzaticos. Such cross-communal bonds, probably created through kinship, may have provided one possible route in or out of tributary status, especially among peoples like the Nanzaticos who lived at the edge of Virginia's chartered boundaries as well as on its frontiers. When captured, he was traveling in the company of a Mohawk and a Tuscarora who had also formerly been a captive among the Haudenosaunee, upon whom he blamed the crimes of which his party stood accused. But the Doeg King was not merely attempting to shift the blame. Indeed, he vouched for both of them, saying that the Nanzaticos would pay satisfaction for the damages they had done to the English and pay "securities" for the strange Indians among their number, who the English agreed to allow to live at Nanzatico.57 The tangled political and presumably kinship ties, between Powhatan peoples and the larger Iroquoian polities to their North and South, often created by captivity, were slowly creating new types of connections and communities in and around the tidewater of which the English seem to have been only dimly aware, except when fear of Indian conspiracies flared.

During the 1690s the possibilities opened by indigenous connections to the Haudenosaunee seem to have lain mostly latent, especially among Powhatan tributaries, for whom relief from Haudenosaunee raiding must have been welcome amidst another hard decade of land and population loss. Nevertheless, in and around Virginia, there were hints of a shifting diplomatic landscape within a generally quiet scene. In 1691, during another wave of the

57 Stafford County Court Extracts, 1664-1692; McIlwaine, *Executive Journals of the Council of Colonial Virginia*, 1: 216-17.
recurrent rumors of Indian invasions, interpreters again ordered tributaries to “be not persuaded or affrighted to joyne with any forreigne Indians,” and reminded them that Virginia stood ready at “all times” to “joyne with them to protect them from their enemies.” The incident also reflected a growing, and not incorrect, sense that the subordinate status of tributary polities was being challenged in new ways because tributaries were gaining political options beyond subjugation to Virginia. Haudenosaunee raids in Virginia virtually ceased for much of the 1690s, as the Haudenosaunee struggled through multiple military challenges associated with their position as the American front in King William’s War, in the process losing perhaps a quarter of their population. But during these years, the Tuscaroras, an emerging power in Virginia's Indian politics, tried to convince the Weyanocks, ground down by decades of conflict – not least with the Tuscaroras – to “remove” from the town on the Blackwater River and move considerably further south as their clients. By 1705, Robert Beverley would report that the few remaining Weyanocks had “gone to live among other Indians,” having splintered between the Nottoways and Nansemonds, both of whom had previously attacked, and now sheltered them.

At the turn of the century, political developments to the north again changed Virginia's indigenous landscape. In 1701, the Haudenosaunee began positioning themselves as a neutral party between the French and the English, in the process making peace with France's formidable coalition of Indian allies. As a result, Haudenosaunee military activity shifted to the south.

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58 McIlwaine, Executive Journals of the Council of Colonial Virginia, 1: 182.
59 Richter, The Ordeal of the Longhouse, 188.
62 Richter, The Ordeal of the Longhouse, 211; Jennings, The Ambiguous Iroquois Empire, 211.
towards the Catawbas and Cherokees. War parties again passed through Virginia, posing threats and presenting opportunities to tributaries along Virginia's bulging frontier. In 1704, a surprisingly broad coalition of tributaries made a substantial effort to ensure good relations with the Iroquois. The Nottoways, Meherrins, Nansemonds, Pamunkeys, Chickahominies, Nantzaticos, and even the Tuscaroras — the later a people who paid no tribute to Virginia, but who were increasingly intertwined with its politics by the early 18th century — asked for a pass to journey north and treat with the Senecas. The Nottoways also hoped to ransom their king, who had been taken captive the previous year. They had already petitioned several times for permission to obtain his release, a request Virginians deemed “dangerous,” though they pledged to free him if they could “certainly tell where he is detained.” Freeing captive tributaries was a responsibility that Effingham had taken on seriously, but there is little indication that Governor Nicholson took meaningful steps to do so. In general, Nicholson was among the least inclined of Virginia’s Governors to assist tributaries, and especially after several decades of relative peace with the Haudenosaunee, the urgency of peace between tributaries and the Haudenosaunee as a matter of colonial order was much diminished.

Nicholson refused to pay for a tributary delegation to New York, grant them permission to make the venture at their own expense, or expend political capital negotiating on their behalf. He denied their request, judging it inconvenient “to suffer the said Indians to go further northward than the northern limits of this government,” but did say he would allow them to

64 McIlwaine, Executive Journals of the Council of Colonial Virginia, 2: 380.
66 Rice, “Bacon’s Rebellion in Indian Country,” 748.
negotiate with the Seneca within Virginia and in the presence of English interpreters who would be charged with ensuring that no discussions prejudicial to Virginia occur, and would have veto power over any agreements. The proposed summit seems never to have occurred, perhaps because Virginia’s conditions made its true purpose impractical, and perhaps because of the outbreak of the 1704-5 crises involving the Nanzaticos, which I will discuss below.

The immediate agenda for such a meeting would presumably have been to end Iroquoian predation, which remained a substantial threat to Virginia’s tributaries. However, by the early eighteenth century, the Haudenosaunee were also beginning to attract numerous refugees and migrants from across the colonial shatter zones to relocate closer to Iroquoia. For the Haudenosaunee, the migrants served as buffer populations along the Susquehanna River. To potential migrants, this option was hardly a panacea, though it became increasingly attractive to Indians looking to maximize their autonomy in an increasingly colonial world. Treated by the Haudenosaunee as clients, or as Conrad Weiser put it in 1744, “tributary in an Indian sense,” any potential migration involved creating a new form of unequal alliance including accepting a greater authority, especially in matters of peace, war, and land. Nevertheless, as the Haudenosaunee developed a strategy predicated on creating unequal ties with subordinated groups under their “protection,” a new possibility was opening for Virginia’s tributaries to bargain with one of their few remaining forms of capital, political allegiance. It is difficult to know when Virginia tributaries might first have been approached about such a migration, though it was probably much earlier than Virginians would have known, but by the early 1720s.

Alexander Spotswood would matter-of-factly speak of the “frequent solicitations from the five nations” to which tributaries were subjected. The Haudenosaunee, he noted, routinely sent “emisaries telling our Indians what fools they are to hold their lands of us, when they to the Norward make the English purchase their lands of them, & many such distinctions in their conditions are infused into their heads to tempt them to cast off their dependency on this government.” The possibility of migration to Iroquoia grew haltingly as the seventeenth century wound down and the ambitions of the Haudenosaunee changed. In the meantime, tributaries had few options but to navigate their relationships with each other and the English within the confines of the tributary system.

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Into the eighteenth century, surviving Powhatan peoples continued to make constant use of the tributary system in their efforts to maintain communal identities in scattered and beleaguered pockets of native land. Though now in positions of extremely limited power, they made creative use of the spaces afforded tributaries to hold a perfect conquest at bay and to react to the constant pressures of living alongside colonizers, continually shrinking populations and land bases, and changes in the political horizons of native leadership. Their efforts to do so were boosted by a continuing investment in the system by Virginians’ continuing preference for a mode of subjugation based on difference rather than homogeneity and the orderly grind of tributary dispossession, which gave them ongoing motives to engage in negotiation and diplomacy with their unequal allies. Indeed, particularly in the areas of jurisdiction and politics, Virginians arguably became more active in Indian affairs after Bacon’s rebellion than they had been before.

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70 Spotswood to William Burnet March 8 1721/2 PH 00 16 8 Mar 1722 (photocopy), Colonial Williamsburg Foundation Rockefeller Library.
Immediately after the signing the Treaty of the Middle Plantation, Virginians began to wonder if they had made a mistake by giving themselves too much power over disputes between tributaries. The agreement to combine the "scattered nations" of tributaries under the authority of the Cockacoeske seems to have been at least somewhat consensual, or at least tolerable enough that few of the small communities so united, many probably just a few families by 1677, were willing to challenge it sufficiently to pierce through the indifferent surface of the colonial records. Indeed, in many respects, the Treaty of the Middle Plantation simply codified an existing pattern of consolidation among tributary groups, for whom such mergers, whatever their drawbacks, offered a potential tool in the struggle to maintain viable populations and land bases in the face of the colonial onslaught. Several sources suggest, unfortunately without naming names, that these consolidated communities of several peoples ruled by a single weroance or weroansqua existed into the eighteenth century. However, at least one community slated for subjugation under Cockacoeske almost immediately rebelled, setting off a political tussle that served as an early warning to the English of the complexities of their new position as political mediators. In June of 1678, Philip Ludwell wrote to Sir Joseph Williamson, the English secretary of state, describing a recent incident in Jamestown. At the last court, he noted, a "great contest" had broken out between Cockacoeske and the Chickahominies, whom she believed were subjected to her under the Treaty of the Middle Plantation. For their part, the Chickahominies complained that Cockacoeske had imposed on them a "great tax to be paid every spring & fall besides great service in hunting & weeding of corne." As the Chickahominies pointed out, they had not paid tribute to the Pamunkey since before the "death of Appechankeno," and "intended

noe such subjection” to her. They had not consented to this arrangement and were determined to secure their autonomy from her claim to their labor and their loyalty.72

Showing a clear understanding of the Treaty of the Middle Plantation’s 18th article, which stated that in the event of discord between tributaries they were to seek the mediation of the English before warring with each other, the Chickahominies asked the English to intervene.73 Though the treaty provision was clearly a sign of English authority and positional superiority, the Chickahominies’ expectation that the English would mediate disputes was also indigenous, a contemporary instance of deeply rooted cultural ideas about the nature and meaning of political power and the obligation of leaders. The line between their actions in 1678 and their insistence in 1614 that as their weroance Thomas Dale should defend their interests in “all just causes and quarrels” is clear and direct.74 As Ludwell noted, the Chickahominies expected the English to provide a satisfactory "discision of this difference." So, too, he added glumly, might other tributaries, "which will for ever keep our peace in hazard of being broken." Should the English side with Cockacoeske, he believed that the Chickahominies (as was their unequivocal right to do under the terms of the treaty) would "run to armes," dragging the English into an unwanted Indian war. This was highly risky. While Cockacoeske was the main indigenous partner involved in the restoration of the tributary system, at least some Virginians believed the Chickahominies were in truth "more powerfull then shee."75 Yet should the English side with the Chickahominy, Cockacoeske might charge them with a "breach of the articles & our danger would have been as great that way." The danger of getting caught between tributaries, Ludwell pointed out, was not

72 Philip Ludwell to Sir Joseph Williamson, 28 June 1678, Lee family. Papers, 1638-1867. Section 8. (Mss 1 L51 f 8), Virginia Historical Society; Thomas Ludwell to Coventry, 3 August 1678, Coventry Papers Vol. 78, Bath 65/1 f. 281r-281v.
73 Articles of Peace Between the Most Serene and Mighty Prince, 14.
74 Hamor, A True Discourse of the Present Estate of Virginia, 12. See also chapter 3 of this dissertation.
75 Thomas Ludwell to Henry Coventry, 28 June 1678 Coventry Papers Vol. 78, Bath 65/1 f. 216r-218v; Thomas Ludwell to Coventry, 3 August 1678.
lessened by the fact that tributaries were not genuine threats to Virginia's security on their own, because Indian wars had multiplier effects that far exceeded the direct violence tributaries could inflict. This was painfully clear in 1678 when, as Ludwell noted, Virginia could easily fall into a "new rebellion" should trouble with Indians recur.\textsuperscript{76}

Ludwell’s letter captures a nascent awareness that mediating between tributaries was more fraught with danger than it had initially seemed. The council, he told Williamson, had "used our best endeavours to bring them to a temper but it is in their nature not to reced from their demands." While Cockacoeske had been forced to concede that the Chickahominies had not previously paid her tribute, she nevertheless demanded her treaty rights to rule over them.\textsuperscript{77} All the Council managed was to secure an agreement that neither side would resort to violence prior to the next meeting of the Assembly, where the issue would be discussed again. Ludwell’s appreciation for the delicacy of the situation prompted him to "hartily wish those two articles concerning that subjection & the makeing us judges of their differences had been left out" of the treaty, not least because it placed the English in the paradoxical position of being obliged to unify Indians instead of allowing them to further weaken themselves by "intestine broyles.” Instead, the English had bungled their way into a situation that risked the peace that had just been negotiated and in which they had to choose between offending one or another of their subordinated allies.\textsuperscript{78}

The following day, Cockacoeske showed her determination to win the loyalty of the Chickahominies. Like Ludwell, she reached out to her patrons and allies for intervention, sending a letter to Francis Moryson. The letter, written by Cockacoeske though presumably

\textsuperscript{76} Philip Ludwell to Sir Joseph Williamson, 28 June 1678. 
\textsuperscript{77} Thomas Ludwell to Henry Coventry, 28 June 1678. 
\textsuperscript{78} Philip Ludwell to Sir Joseph Williamson, 28 June 1678.
showing the influence of her interpreter, Cornelius Dabney, depends so heavily on appeals to love and friendship that at first glance it might appear to be essentially a kind of mimicking text, deploying an inert and essentially English idiom of genuflections and platitudes. Certainly, it’s language overlaps with the generic conventions of supplicatory letters and patronage. Yet, it is also a remarkable display of the affective vocabulary of subjugation that had developed as a cross-cultural language of power in the colony’s earliest days and remained embedded within the language of the tributary system. Moreover, the repeated use of the Algonquian word “netop” (friend) to describe Moryson suggests both a personal bond that might be taken to exceed the merely rhetorical and reminds us that the linkage between power, diplomacy, politics and friendship was a feature of European and Algonquian culture.

In the letter’s preamble, Cockacoeske emphasized her friendship, “perpetual fidel[ity]” and “heart[y] love” for the King, whom she styled her “reale defender.” She emphasized her personal loyalty to the king and determination to “make itt my bisiness, to posess those neighbor Indians of mine, and others, to be of the same minde and affections, to his majestie, as I am.” Ultimately, of course, the status of those Indians was the letter’s point. The Chickahominies, she told Moryson, were “very disobedient to my comands,” an issue she was careful to frame narrowly. In her account, the Chickahominies were not disputing their status as her subjects. They were instead angry with her for collecting tribute which, she alleged, she was simply gathering “in the behalfe of the English.” It's worth noting that both these claims seem dubious. The tributary goods that she demanded from the Chickahominies were roanoke and deerskins, not the beaver pelts owed to the Governor, and were probably intended as tributary payments to

79 Eustace, Passion Is the Gale, ch 3.
80 For the suggestion of personal friendship between Cockacoeske and Moryson, see McCartney, “Cockacoeske, Queen of Pamunkey: Diplomat and Suzeraine,” 256.
81 Cockacoewe, Queen of Pamunkey, to Colonel Francis Moryson, 29 June 1678CO 1/42, No. 101. (CSPO).
her. Moreover, there is little reason to believe that the Chickahominies, who had a long tradition of what must have been hard fought independence from the Pamunkeys, would have agreed to be governed by them. Indeed, the very existence of the conflict, the letter's subtext, and a set of grievances she filed earlier in the month, make it clear that the Chickahominies were determined to deny their subjugation to Cockacoeske. According to her grievance, they had refused to pay tribute, obey her, or move their village closer to her people, and tried to poison her great men.82 Cockacoeske noted that she had sought redress from the Governor and his council, a body in which she knew she had few allies. So, she had written to Moryson, who had recently written to her suggesting that he could use his connections at Court on her behalf.83

Unfortunately, the assembly records for 1679 are fragmentary, and further information on the matter is lost. It seems clear, however, that Cockacoeske’s appeals went unheeded, as Virginians henceforth treated the Chickahominies as autonomous peoples.84 Over time, other tributary peoples such as the Mattaponis and Rappahannocks would also drift away from her control. The reconstitution of the Powhatan chiefdom did not hold. It is worth noting, though, that if the English proved reluctant to back-up Cockacoeske’s authority over other tributaries, the dynamics of aggregation and disaggregation and the maintenance of political ties between tributaries remained driven by indigenous agency, as communities, families, and individuals developed their own strategies for coping with the challenges of life under tributary subordination. It is also important to recognize that if, in general, the Chickahominies and others experienced little but frustration with English “protection,” in this instance the Chickahominies

82 Grievances of the Queen of Poemonkey and Her Son Capt. John West. Nine Grievances, Mainly against the Chickahomineys, 5 June 1678 CO 1/42 no. 88 f.177r-77v (VCRP).
83 Cockacoewe, Queen of Pamunkey, to Colonel Francis Moryson, 29 June 1678; Cornelius Dabney, Interpreter to the Queen of Pamunkey, to Colonel Francis Moryson, 29 June 1678 CO 1/42, No. 102. (CSPO).
84 McCartney, “Cockacoeske, Queen of Pamunkey: Diplomat and Suzeraine,” 259; Rountree, Pocahontas’s People, 115.
did receive the advocacy they expected from the Governor, at the expense of Virginia’s most significant tributary partner.

Yet, the Chickahominies’ dispute with the Pamunkeys was not over. Like many aspects of tributary politics in the late seventeenth century, it was complicated by the Haudenosaunee. Soon after the 1683 Seneca siege of their town, the Chickahominies, seeking safety in numbers, moved closer to the Pamunkeys.85 The Pamunkeys took this as an opportunity to incorporate them. In 1689, the Chickahominies petitioned Effingham for relief from the Pamunkeys. Their petition recounted the 1683 Seneca raid, the severity of which convinced them and the equally threatened Pamunkeys to “joyne themselves” with the “designe to continue together untill the Seneccas should returne to their camp or place of residence and noe longer.” The Chickahominies repeatedly emphasized the temporary nature of this measure. After the Seneca war party left Virginia, they expected “at theire own wills & pleasures to remand themselves to theire wonted habitacion or elsewhere they should make choice, on lawfull termes, to sett themselves for their future tranquility.” This they now desired to do, but the Pamunkeys were forcing them to remain. Already they had poisoned many of the Chickahominies, and were actively conspiring to “extirpate & root out . . . from of the face of the earth,” the remainder should they break with the Pamunkeys. Unable to counter these threats on their own, they asked the English to honor their obligation to protect them from the Pamunkeys, a peoples they referred to in colonial terms as “our foraigne enimes.” Invoking the expectation that the English would act as mediators on their behalf, the Chickahominies asked the Governor to help them relocate to the upper Mattaponi River, where they had already acquired land and “obteined the consents & free wills of twenty foure of the chiefe inhabitants about the said place” to live. They

85 Rountree, *Pocahontas’s People*, 115; Council Minutes, 24 April 1684 Effingham Papers Vol 2, seems to imply that they continued to live in separate towns rather than merging together.
emphasized that such a move in no way jeopardized their status as “subjects & tributaries to the Crown of England,” a condition they did not challenge. Indeed, they noted that in their new location, the hunting would be better and thus they would be better able to make their tributary payments.\textsuperscript{86} Shortly thereafter, the Chickahominies relocated.\textsuperscript{87}

Ludwell’s dire predictions of war and rebellion never manifested, but his awareness that the English had placed themselves in an unfamiliar, uncomfortable, and often thankless, position between tributaries with competing claims to protection from their tributary superior proved accurate. The Weyanocks, for instance, had asked several times for protection from other tributaries. In the 1660s, the militia had sheltered them from attacks by the Nansemond and in 1681 they gave shelter to Weyanock refugees after an attack by Southside Iroquoians, including the tributary Nottoways. In 1701, the Nansemond sought redress for two men “forceably taken away by the Pomonkey Indians.” The council, “desireing that peace & amity may be maintained preserved & kept amongst all our neighbouring Indians, and to prevent all feuds & animosities,” ordered them returned.\textsuperscript{88} The following year, the Nottoways complained that several of their peoples had been taken captives by other tributary peoples. The Pamunkeys, Chickahominies, and Nanzaticos were summoned to court to answer to the charges, which for lack of evidence were later dismissed.\textsuperscript{89}

On occasion, the English also became embroiled in disputes within tributary communities. In a most unusual petition, unprecedented in Virginia as far as I have been able determine, the people of Appomattox asked Effingham to force Peracuta, their weroance of over

\textsuperscript{86} Petition of the Chickahominy Indians, 1689 f. 6 it. 24, Virginia Colonial Papers.
\textsuperscript{87} McIlwaine and Kennedy, Journal of the House of Burgesses, 2: 343; McIlwaine, Executive Journals of the Council of Colonial Virginia, 1: 320.
\textsuperscript{88} McIlwaine, Executive Journals of the Council of Colonial Virginia, 2: 148.
\textsuperscript{89} Ibid., 2: 269-70, 275.
a decade and their community’s signatory of the Treaty of the Middle Plantation, to move back among his peoples. Peracuta, they alleged, had “for some time declined to live at his Indyan Towne neer or upon Appomatox,” and failed to “exercise that rule and authority over them, that was his right & due to exercise.” Lacking leadership, the community was “subject to many disorders” and raids from enemies. The Appomattucks asked Effingham to compel Peracuta to either live amongst them and act as their *weroance* or allow them to depose him and choose another leader.  

Where Peracuta was living is unclear, but his longstanding ties with the English make it plausible that he was one of a growing number of tributaries who were “spinning off” from their communities and dwelling among the English, or had resumed his employment for the English traders working the interior. He may also have been living with kin at another tributary town. Whatever the circumstances, his absence clearly caused problems for the Appomattucks, whose location at the falls of the James left them particularly vulnerable to trouble with “foreign” Indians. The complaint to Effingham suggests that Peracuta’s absence was compounding their exposure to these risks and leaving the community without an authority to mediate internal disputes and presumably to deal with the English.

The fact that the Appomattucks were desperate enough to seek English intervention indicates a community in genuine crisis, from which sprang a novel invocation of a convention of subordination, dating from the 1646 treaty, which gave the governor power to name or confirm Indian "kings." In practice, Virginia's governors had tended towards the latter, which allowed them to engage in ceremonies of humiliation but left native elites largely intact. In this

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90 Council Minutes, 23 April 1686 Effingham Papers Vol. 2.  
91 Rountree, *Pocahontas’s People*, 128.  
instance, the Appomattucks successfully used it as a tool to force the hands of their weroance. Effingham ordered Peracuta to either return to his town and rule over his people or give a reason why he could not do so. While the short-term effect of this order is unclear, by 1691, when the Appomattucks petitioned for permission to abandon their reservation and “dwell among the English,” they did so under the authority of an unnamed Queen. Thereafter, the Appomattucks became a landless people living at the margins of English settlements on land owned by English planters, though they maintained a communal identity. In so doing, they lost their status as tributaries and became one of a growing number of native communities who, either by choice or compulsion, staked their survival on the freedoms and uncertainties that came from political invisibility.

In the early eighteenth century, competing Chickahominy factions also requested English involvement in an internal dispute. A Chickahominy named Drammaco reported that another Chickahominy by the name of Tom Perry had “broken down his cabbin beaten his woman & thrented his life.” Several days later, despite the Chickahominies’ assurances that they had “accomodated all differences between them & the said Drammaco,” Perry’s house was burnt down in an apparent act of retaliation. Like Drammaco, Perry sought assistance from the English, an act which firmly breached the jurisdictional wall separating them from their English neighbors. Even in 1705, this remained a very unusual move, as tributaries normally avoided seeking English help resolving internal problems, not least because it constituted one of the most

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93 Council Minutes, 23 April 1686.  
95 Beverley, The History and Present State of Virginia, 63; Council Minutes, 23 April 1686 shows that at least some of the community was already experimenting with this approach.”  
96 McIlwaine, Executive Journals of the Council of Colonial Virginia, 2: 359.
powerful spheres of autonomy left to them. But the Chickahominny dispute was abnormal. Like
the earlier request of the Appomattucks, it involved disputes over leadership within tributary
communities, with both factions attempting to use the English as leverage. The decentralized
politics of the Chickahominies, who continued to be governed by a council rather than through a
weroance, was by no means without advantages in colonial settings, but in this instance, it seems
to have led to political violence over communal decision making around the issue of land. The
attack on Drammaco appears to have been rooted in opposition to his desire to sell parcels of
reservation land.97 The recourse of both sides in the dispute to the English highlighted the
bitterness of Chickahomininy dissension on the issue of further land sales, and serves as a reminder
that decisions about when and how to sell land invoked deep passions among advocates of both
retaining and alienating land.

Perry further alleged that his assailants, Coscohunk and James Mush, had spoken ill of
the Governor and talked of helping the Seneca attack the English. As he probably knew, these
were exactly the kinds of offenses that would catch the attention of the English, who did not
much care about assaults between Indians. If so, his intuition was correct, for Mush and
Coscohunk were immediately arrested. Soon thereafter, Drammaco again petitioned the court,
claiming that the “late quarrell” had forced many Chickahominies to once again seek shelter
among the Pamunkeys. The council ordered all the involved parties questioned. However, they
refused to punish any of the offenders because the alleged infraction was outside its jurisdiction.

This decision was in complete accordance with the logic and practice of the tributary
system. Indeed, the council specifically referenced the existence of discrete legal systems
operating across the Anglo-Algonquian divide. The Chickahominies, they declared, had their

97 Ibid., 2: 380; Rountree, Pocahontas’s People, 116, 159; Report on the Committee Examining Land Claims on
Blackwater and Pamunkey Neck, 2 June 1699 CO 5/1310 no.39 f.156-167v (VCRP).
own “provisions amongst them for punishing any that shall offend against their laws or rules,” and would not intervene in the matter. The council claimed jurisdiction only over the offenses of speaking against the government and conspiring with the Seneca, which concerned the unequal alliance and touched directly on the colonial order of things. Even then, it pardoned Mush and Coscohunk for the crime.98 The council’s reaction to these competing Chickahominy complaints highlights a continuing desire to steer clear of the internal disputes between tributaries and maintain a form of jurisdictional separation that, in general, tributaries and the English both sought to maintain. While competing obligations of protection necessarily entangled Virginians in the inter-communal conflicts that seemed to become even more intense and common as tributary communities shrunk, the ordering of colonial power was designed to minimize the necessity of intervention into intra-communal affairs, even when tributaries asked for it.

In a host of other ways, the underlying logic of the tributary system continued to prove its durability. This was so despite its rapid withering as an economic institution. The Treaty of the Middle Plantation had specified two types of annual tributary payment, a symbolic payment of three arrows that served as quit-rent for their land and twenty beaver skins for protection.99 Even as originally conceived, the system would have produced only modest financial dividends. But by 1683 the monetary value of native tribute was in rapid decline, as tributaries had already become “pittyfull poore nation[s].”100 In response to William Blathwayt’s inquiries into revenue sources of the colony, Nathaniel Bacon reported the “tribut beavers,” given to the Governor as a perquisite of office, to be “much less then it hath bin, for severall nations are extinct, some are

98 McIlwaine, Executive Journals of the Council of Colonial Virginia, 2: 380.
99 Articles of Peace Between the Most Serene and Mighty Prince, 13; Beverley, The History and Present State of Virginia, 232; William Blathwayt to Nathaniel Bacon, 18 December 1682 Volume 13: Folder 1, Blathwayt Papers.
runn away & other[s] are soe wasted, that they joyned 2 or three together to make on[e] nation.”

Others were unable to hunt due to “forraine nations” haunting the frontiers.101 Some, such as the Wiccocomicos, whose territories along the lower end of the northern neck placed them well away from prime hunting grounds, were resorting to having settlers pay their tribute for them, an arrangement that facilitated their dispossession.102 Further evidence that tributaries were falling behind on their payments comes from William Byrd, who in 1683 made a bid for a monopoly of Virginia’s Indian trade, listing as one advantages of such a policy that it would increase the chances that “his Majestys tribute thereafter shall bee duly paid.”103 In 1686, in response to more suggestions that the Crown might seek to claim tributary payments from the Governor, the council reiterated that tribute was worth no more than “fifty pounds sterling” annually.104

These patterns are reflected in the fragmentary surviving documentary evidence of tributary payments. Several snapshots of Virginia’s early tributary communities, most obviously incomplete, survive. In 1669, Virginia passed legislation requiring tributaries to kill wolves each year in proportion to their population. Though it omits the Eastern shore, the law delineates one iteration of the tributary system in the period before Bacon’s rebellion, listing nineteen tributary communities, with a combined population of 725 bowmen (perhaps 2500-3000 total population), all but three Powhatan peoples.105 Eight years later, ten communities signed the Treaties of the Middle Plantation. Of these, only six were Powhatans. As was the case in 1669, the signatories of the treaty are also an incomplete list of Virginia’s tributaries, since it, too, excludes the Eastern Shore peoples, who stayed free of the conflict. Nevertheless, other contemporary

102 William Palmer, ed., Calendar of Virginia State Papers (Richmond, 1875), 1: 14; Rountree, Pocahontas’s People, 124.
103 Mr. Byrd’s Proposals for Regulating the Indian Trade, Feb? 1683 CO 1/51, No. 56. (CSPO).
104 McIlwaine, Executive Journals of the Council of Colonial Virginia, 1: 77.
105 Henings, Virginia Statutes, 2: 274-5. The act was repealed the following year (see Henings, Virginia Statutes, 2: 282).
evidence suggests that throughout the period, Eastern shore peoples were treated as tributaries, and were probably paying tribute in Roanoke.  

Some of the difference between the 1669 and 1680 lists of tributaries can be accounted for by the fact that polities subjected to Cockacoeske did not sign the treaty. The Chickahominies, Rappahannocks, and Mattaponis seem quite certainly to fall into this category. Other small Powhatans peoples such as the Powhites, survivors of the town of Powhatan and one of the core peoples of Wahunsonacock’s chiefdom, may also have been have been sublimated under her authority. The absence of others, such as the Wicocomicos, is simply mysterious. Only slightly less so are peoples such as the Chiaskiacks and Totuskeys, whose movements during the period are obscure, but who may have survived as small independent communities or merged with other tributary communities. Because the proper names of some Powhatan groups reflected occupants of a village or area more so than any specific "ethnic" population, some peoples may have shed and gained names as they relocated or consolidated, making them difficult to track as their identity would have been lost to the English. Even if some of the peoples who "vanished" were in fact living amongst other tributaries or choosing to drop off Virginia's radar and evade rather than engage the colonial state, the net loss of indigenous political units seems clear, a product of both declining populations due to violence, dispossession and almost certainly disease (although sparsely documented among native peoples in Virginia) and political consolidation around a smaller number of native towns.

106 Helen C. Rountree and Thomas E. Davidson, Eastern Shore Indians of Virginia and Maryland (Charlottesville: University of Virginia Press, 1997), 59; List of Tributary Indians, 29 April 1699 CO 5/1310 no.26 f.139 (VCRP) while the first document I have seen referring to tribute, also clearly references a tradition of prior payments.


108 Rountree, Pocahontas's People, 6 and 6n. Rountree remains the best and most comprehensive introduction to the locations and historical events known about various Powhatan peoples in this period, see esp.105-127.
In 1683, the colony’s auditor Nathanial Bacon sent William Blathwayt a list of tribute payments for 1681 and 1683. Unsurprisingly, both correspond closely to the Treaty of the Middle Plantation, although the absence of the Pamunkeys on the 1683 list suggests the need for caution. Nevertheless, there are telling changes in their composition. Overall, the total population of tributaries was roughly stable compared to 1669, as Governor Culpepper’s estimated in 1683 that Virginia’s tributaries “make in all about 700 or 800 Bowmen.”109 This stability, however, is an artefact of a substantial shift in the constitution of tributary populations. Powhatan populations were in steep decline, and if the overall number of tributaries remained relatively stable, this was only because of an influx of Siouan tributaries from the piedmont. The Monacans, signatories of the 1680 treaty, had vanished, presumably having returned to their longstanding pattern of disengagement with Europeans.110 So, too, did the Saponis, who moved deep into the southern piedmont. In contrast, the Occaneechees, whose absence from the Treaty of the Middle Plantation is conspicuous given the extent of their entanglement with Bacon’s rebellion, had begun paying tribute.111 Over the next two decades, these pressures only intensified, and tributary populations plummeted by approximately 50%. By 1697, Edmond Andros, in the earliest list to include the Eastern shore, claimed nineteen tributary communities, with fewer than 400 bowmen between them (total population around 1900). Unfortunately, he mentions only the “famous Pamunkey Indians” by name.112

_Bacon’s lists are also interesting for documenting that most tributaries were in arrears and some were beginning to pay in other types of skins. Iroquoian raiding parties probably_
made the early 1680s particularly difficult years for hunting, but the inability of tributaries to provide their mandated payments became a chronic issue. A 1699 list of tributaries, which lists fourteen communities, provides clear evidence that tributary payments had been dramatically reduced, as tribute lost whatever economic value it may have been intended to have.\textsuperscript{113} By 1699, the five remaining peoples of the Eastern Shore, who paid tribute in roanoke rather than skins, “being now diminished to one tenth part of what they were,” were given permission to reduce their tributary payments by 75%. The Nansemonds, whose tribute had already been reduced from twenty beavers to ten had “lost most of their men” and could now pay only three skins annually. Even the Pamunkeys, who still benefited from a relatively privileged position within the tributary structure, had their tribute cut from twelve to ten beavers.\textsuperscript{114} In 1705, their payments were reduced to a single beaver skin.\textsuperscript{115} The Chickahominies, Rappahannocks, and Nanzaticos also received further reductions to their tributary payments. The Nottoways and Meherrins, whose position in the still indigenous Southside allowed them to maintain relatively healthy populations, paid in less valuable deerskin rather than beaver.\textsuperscript{116} The Rappahannocks, and perhaps the Appomattucks and other groups, had entirely given up their reservations, and with it their status as tributaries. They survived as peoples now by abandoning formally protected status in favor of

\textsuperscript{113} Beverley, \textit{The History and Present State of Virginia}, 62.  
\textsuperscript{114} List of Tributary Indians, 29 April 1699.  
\textsuperscript{115} McIlwaine, \textit{Executive Journals of the Council of Colonial Virginia}, 2:455.  
\textsuperscript{116} List of Tributary Indians, 29 April 1699.
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<td>Anotaways</td>
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The names of the nations whose tribute was unpaid but promised in September court:

- Sappones
- Oconieeas
- Mehennes
- Anotaways

Paid 9th May 19 due:

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<tr>
<td>Other Things</td>
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Tribute in Arrears:

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Mehennes and Oconieeas Neer paid Tribute since I was Concerned.

In 1708, the Pamunkeys, like most of their generation of tributaries, petitioned to be released entirely from tributary payments. Their petition, which survives in its entirety but is unfortunately badly damaged, acknowledged their "subjection" to the Crown and obligation to pay tribute, but noted that it had become impossible to do so, as English settlers were blocking their access to hunting lands necessary for tributary payments and their own subsistence. Moreover, several Pamunkey men had been hired by the English without permission from the Pamunkey Queen, leaving her with too few hunters to gather her tribute. As she noted in her petition, all these acts violated the protections due to her and contributed to the poverty and lack of resources that made it necessary for her to seek relief from tributary payments.\footnote{Pamunkey Petition for Relief from Tribute, c. 1710 Virginia Colonial Papers folder 22 item 18; Palmer, \textit{Calendar of Virginia State Papers}, 1: 127, prints a transcript, which is useful considering the challenges deciphering the badly damaged text, but needs to be used with caution as it contains at least one significant transcription error. McIlwaine, \textit{Executive Journals of the Council of Colonial Virginia}, 3: 198, suggests that the men were in fact recalled.} By the early years of the eighteenth century, most tributaries seemed to have paid only the Indian arrows due as quit rents, as the system transformed from one of at least nominal socio-economic exchange into a pure symbolism of subjugation. Indeed, Virginia’s final round of tributary treaties, signed in 1714, exempted tributaries from payments of skins, and required only “the yearly tribute of three Indian arrows” as an “acknowledgment of their dependence.”\footnote{Treaty with the Tuscaroro Indians Concluded at Williamsburgh, 27 February 1713 CO 5/1316 f.507-511 (VCRP); Treaty with the Saponi Concluded at Williamsburgh, 27 February 1713 CO 5/1316 f.517-18 (VCRP); Treaty with the Nottoway Concluded at Williamsburgh, 27 February 1713 CO 5/1316 f.511-14 (VCRP). The practice of providing children to the Brafferton Indian school at William & Mary as a form of tributary payment, discussed in more detail in chapter 6, likewise highlights the turn away from socio-economics to subjugation.}
Though it was presumably often experienced as farce, tributaries retained a place within Virginia’s symbolic community. When, for instance, Queen Anne’s coronation was celebrated, Governor Francis Nicholson ordered tributaries to send their “young men & boyes . . . with their bows & arrows & other armes,” to Williamsburg to participate in the fireworks, feasting, and militia musters. As Brendan McConville has pointed out, the ceremony was intended to celebrate the empire as an “ethnic confederacy,” in which royalist ceremonies and processions visually and rhetorically linked the subordinated peoples of the empire into the affective bonds of the greater English state. According to Francis Louis Michel, a Swiss visitor in Virginia, four peoples sent delegations to the day’s events, bringing with them skins, baskets, and tobacco pipes as gifts for the newly proclaimed Queen. Among the day’s festivities was a sharpshooting contest, open only to those “born in the country and some Indians.” According to Michel, the Indians who competed “shot with rifles and bows so as to surprize us and put us to shame.”

As the celebrations wound down, Governor Nicholson invited an unnamed Indian Queen, probably Queen Betty of the Pamunkeys, to dine at the Governor’s mansion. She arrived wearing a coronet, “set with stones,” evidence, incidentally, of otherwise unrecorded gifts from the Crown. At dinner, she was treated with a mixture of contempt and respect that simultaneously reveals the extensive and humiliating loss of dignity suffered by tributaries and, paradoxically, a level of social deference indicative of a continuing investment in the status of tributary royalty.

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121 McConville, *The King’s Three Faces: The Rise & Fall of Royal America*, 1688-1776, 73.
When the Queen entered the great hall, all the gentlemen in the room removed their hats. Michel further noted that, had an Indian king been present, the Governor would have given him “the right hand.” These social gestures placed the Queen among the elite, because hat etiquette was serious business in Virginia. Just a year earlier, Nicholson and the Reverend Stephen Fouace had nearly come to blows over Nicholson's insistence that Fouace remove his hat in his presence. Fouace's determination not to do so reflected the humiliating loss of status that removing his hat, even to acknowledge the governor, would entail. Despite this act of deference, the night's festivities soon turned into an exercise in hierarchical ridicule, which seems designed to put the Indian Queen ("so-called" as it was becoming more common to say in this period) into her place. Asked to dance, her audience was “astonished and laughed” at her “mad and ludicrous dance.”

Even though their interactions with the English must frequently have involved humiliation, indications of a painful erosion of dignity which the system was designed above all else to inflict, many tributaries had few options beyond clinging to their slender status and demanding, to the best of their ability, their fragile legal rights. In other words, they engaged with a tributary system that both ordered their dispossession and gave them a platform with which to contest it. Much of this occurred through the act of petitioning, which continued unabated into the early decades of the eighteenth century. It occasionally yielded modest dividends, and the fact that tributaries did it so often suggests that they still found value in the act. Petitioning was closely tied to the payment of tribute: a very high number of tributary

petitions for redress occurred during April, when tributary delegations – sometimes involving large numbers of Indians – arrived in Jamestown or Williamsburg to pay their tribute.\textsuperscript{127} We know unfortunately little about what rituals or ceremonies may have accompanied these payments, but it is clear that members of the tributary elite used the opportunity for personal contact with the Governor to insist upon the reciprocal principles that underlay Virginia’s claim to protection and subordination. Successful appeals probably reinforced their claims to leadership, though unsuccessful ones may have damaged them as well.

Many of these complaints involved land-theft, especially encroachment and squatting. That numerous settlers were ordered removed from tributary land simultaneously reveals a certain responsiveness to it on the part of Virginia's governors, and the scale of a problem that either could or would never be resolved. In April 1684, the Queen of the Weyanocks and James, a Nottoway Great Man, complained of squatters, including their interpreter Thomas Busby, on the Southside in violation of their reserved land and the Treaty of the Middle Plantation. Busby and the others were hauled into court, and an investigation ordered.\textsuperscript{128} Two years later, the Pamunkeys used the payment of tribute to complain of encroachment, as did the Wiccocomicos several years later.\textsuperscript{129} Similar requests occurred well into the eighteenth century, and frequently led to the forced removal of squatters.\textsuperscript{130}

\textsuperscript{127} Surry County Orders, 1691-1713, April 1692 p. 62, and April 16-17 1693, p. 86, Library of Virginia, Richmond (microfilm).
\textsuperscript{128} Council Minutes, 29 April 1684 Effingham Papers, Vol. 2; Council Minutes, 25 October 1684 Effingham Papers Vol. 2.
\textsuperscript{129} Council Minutes, 26 April 1686 Effingham Papers, Vol. 2; McIlwaine, \textit{Executive Journals of the Council of Colonial Virginia}, 1: 284.
By the turn of the century, tributaries were also petitioning to uphold their rights to hunt and gather on English land.\textsuperscript{131} This issue became especially important in 1704, when the Assembly passed a law forbidding Indians to hunt on patented lands, an act which severely hampered the ability of many tributaries to survive. It not only forbade settlers to hire Indians to hunt on patented land, thus limiting a prime income earning opportunity for tributaries, it greatly complicated subsistence hunting.\textsuperscript{132} In the spring of 1705, the Pamunkeys and Chickahominies petitioned for relief from the settlers in New Kent and King William County who were hindering them from hunting and demanded that their treaty rights be upheld.\textsuperscript{133} They and the Accomacs received special exemption from the law.\textsuperscript{134}

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Tributaries also continued to be able to claim certain privileges in relation to labor and servitude. As their populations declined, the loss of even a few individuals caused significant problems to their communities. This became increasingly true as the century ended, a time when Edmond Andros would declare them little more than nuisances, of “little use by any means yet known,” employed primarily in hunting and other “uncertain work.”\textsuperscript{135} Bonded servitude became increasingly common among tributaries as the century advanced, but they seem to have largely avoided outright enslavement, from which they had enjoyed some protection since the late 1650s. Although Virginia did not repeal laws allowing the enslavement of hostile tributaries until 1691, under provision fifteen of the Treaty of the Middle Plantation tributaries could be indentured only for lengths of time identical to those served by the English, and they were

\textsuperscript{131} Complaints of the Occahannock Indians, 29 April 1699 folder 12 item 18, Virginia Colonial Papers.
\textsuperscript{132} Henings, \textit{Virginia Statutes}, 3: 224, 343.
\textsuperscript{133} McIlwaine, \textit{Executive Journals of the Council of Colonial Virginia}, 2: 455.
\textsuperscript{135} Andros Response to Queries from the Board of Trade, 20 Aug 1697, f. 45; Edmund Andros to the Board of Trade, 1 July 1697, 121.
specifically exempted from enslavement.\textsuperscript{136} Virginia's infamous 1682 law defining all servants arriving by either land or sea in the colony to be slaves unless their parents were Christians specifically applied only to people imported into the colony. The law seems to have been designed to exclude tributaries, since it applied only to Indians “taken in warre or otherwise by our neighbouring Indians, confederates or tributaries,” who were to be accounted “slaves to the said neighbouring Indians that soe take them, and by them are likewise sold to his majesties subjects here as slaves.”\textsuperscript{137} Under this law, Indian slaves became common in late seventeenth century Virginia, but the absence of complaints about enslavement and the prevalence of servitude among tributaries seem to suggest that most of Virginia’s Indian slaves came from the interior rather than from local tributary populations.\textsuperscript{138} Indeed, in at least one documented instance, tributary status may have prevented enslavement. In 1685, a Rappahannock woman appeared in county court. An Englishman tried to claim her as a slave, as she had been taken captive during Bacon’s rebellion. The county court, however, believed that the “articles of peace concluded with the neighbour Indians after the late war, in which articles this court do conceive the time of service for neighbouring Indians taken, is limited,” and referred the matter to the Governor.\textsuperscript{139} Seven years later, the same court heard a complaint from another Indian servant that he should be free “by the laws of this colony.” They ordered the overseer responsible for him to appear at the next court or the servant would be automatically freed. As is often the case

\textsuperscript{136} Articles of Peace Between the Most Serene and Mighty Prince, 13; Rountree, Pocahontas’s People, 139.
\textsuperscript{137} Henings, Virginia Statutes, 2: 491.
\textsuperscript{138} Owen Stanwood, “Captives and Slaves: Indian Labor, Cultural Conversion, and the Plantation Revolution in Virginia,” Virginia Magazine of History and Biography 114, no. 4 (2006): 434–63; Rountree, Pocahontas’s People, 137. As C.S. Everett, points out, on several occasions tributaries were collectively punished by enslavement, but they were most likely then sold out of the colony. See C.S. Everett, “‘They Shalbe Slaves for Their Lives’ Indian Slavery in Colonial Virginia,” in Indian Slavery in Colonial America, ed. Alan Gallay (Lincoln: University of Nebraska Press, 2009), 67–109, and my discussions of the Nanzatico below and of collective punishment in Chapter 5.
\textsuperscript{139} Old Rappahannock County Orders, 1683-86, 104–5.
in Virginia, it is unclear what happened next in either of these cases, but the court’s actions show a presumption that tributary servants were not slaves.140

Longstanding but intermittently enforced laws requiring settlers to acquire a license and post bond for Indian servants dated back to the 1650s.141 Their presence in Virginia’s legal code served both as a means of holding settlers accountable for the actions of their servants and as a mechanism for protecting tributaries from enslavement. Moreover, in 1677 Cockacoeske had secured the right to block the employment of her people without her consent and to recall them at her will.142 This privilege apparently became extended to all tributaries and became an explicit purpose of Virginia’s licensing laws. In 1706, for instance, the Council reiterated the ban on employing Indians without a license, noting that the Governor would only issue such licenses if “it be certifyed to him that the King and Queen or Chiefe of the Nation to whom the said Indian so employed doth belong hath given consent.”143 As with other privileges associated with their status, protecting this right required tributaries to engage with the institutional components of the tributary system. The 1708 Pamunkey petition for relief from tributary payments, for instance, focused heavily on demanding that the English enforce their Queen’s right to recall her subjects. Soon thereafter, the Council, citing the Pamunkeys’ complaints that “diverse of their nation are invigled away from their residence at their town,” ordered several settlers to release their Pamunkey servants back to their community.144

The tributary system, which placed most Indian-related matters under the jurisdiction of the governor and his council, also continued to shield tributaries from county governments and

141 McIlwaine, Executive Journals of the Council of Colonial Virginia, 1: 202, 2: 14, 28; McIlwaine and Kennedy, Journal of the House of Burgesses, 4: 14; Surry County Orders, 1691-1713, 204.
143 McIlwaine, Executive Journals of the Council of Colonial Virginia, 3: 81.
144 Ibid., 3: 198.
the Assembly, both of which were frequently more hostile to tributaries than were even the least engaged governors. It was the governors, after all, who were charged by the Treaty of the Middle Plantation with protecting the interests of tributaries, a responsibility of which the Board of Trade occasionally reminded them. The practical impact of exhortations to “exactly observe” Indian treaties and scrupulously uphold tributary rights was, of course, essentially nominal, given the actual disinterest in the metropolis. Yet Governors were representatives of the king and his honor in ways distinct from more local bodies and tributaries could sometimes persuade them to side with them. To cite but one example, in 1701 Governor Nicholson vetoed legislation opening the Pamunkey reservation to settlement, calling it “so very contrary to the articles of peace made with the Indians, to all the rules orders & proceedings of the assembly here, and more particularly & expressly contrary” to the instructions of the Board of Trade. Nicholson’s reluctance to disobey the royal order that had closed Pamunkey Neck and the south side of the Blackwater to settlement would later be used against him by political opponents seeking his removal from office. This was by no means a unique event, as contention between the Assembly and Governors over the opening of Pamunkey Neck and the Blackwater had been high since soon after the signing of the Treaty of the Middle Plantation. In 1685, for example, the Assembly had hoped to see these regions settled, only to find Effingham refuse on the grounds that it would violate the peace. Largely because of resistance from Governors, the Southside

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145 Board of Trade to Nicholson, 4 Jan 1699/1700 PRO CO 5/1359 f.377-78 (VCRP).
147 Affadvit of James Blair Regarding the Behavior of Francis Nicholson, 25 April 1704, folder 6, Nicholson Papers, 4; Affadvit of James Blair, 7 June 1704, folder 7, Nicholson Papers, 3 1680-1721; David Alan Williams, “Political Alignments in Colonial Virginia Politics, 1698-1750” (Northwestern University, 1959), 21, 40.
would remain essentially closed to Virginian settlement until the second decade of the eighteenth century.\footnote{For settlement patterns in the southside, see Michael L. Nicholls, “Origins of the Virginia Southside, 1703-1753: A Social and Economic Study” (Ph.D., William and Mary College, 1972), 14–16.}

The jurisdical separation created by the tributary relationship also remained durably intact through the close of the seventeenth century, with infractions of the peace handled primarily through diplomatic channels. Patronizing and dictatorial as they often were, diplomatic negotiation could occasionally play out differently than the cold calculations of justice. In 1697, for instance, an Appomattuck man shot an English man, ran away, and could not be located. The Council, finding that all was “quiet in those parts,” decided to drop the matter.\footnote{McIlwaine, Executive Journals of the Council of Colonial Virginia, 1: 371.} Similarly, an incident in 1703 in which a party of Meherrins mistakenly killed a few French refugees who had settled at the old Monacan town site, was judged by the council an accident. The French were warned against “straggling” in the woods, but the Meherrins were not punished for the crime.\footnote{Ibid., 2: 322-3.} Like the fugitive Appomattuck, tributaries, especially those living apart from the English, remained largely outside the reach of English law. Even tributaries hired as servants could sometimes benefit from their ambiguous legal status. In Charles City County, a settler asked the county court to punish an Indian servant for fornication, but the court refused because “the Indian woman is not within our laws for that crime.”\footnote{Charles City Orders, 1687-1695 entry under Aug 4 1690. This decision is particularly interesting for occurring during a period which Kathleen Brown has identified as one of particularly intense, and increasingly racialized, regulation of sexual activity among female servants. See Kathleen Brown, Good Wives, Nasty Wenches & Anxious Patriots: Gender, Race, and Power in Colonial Virginia (Chapel Hill: University of North Carolina Press, 1996), 187-200.} Such explicit denials of jurisdiction are scarce, but this is at least in part because they rarely ended up in the courts in the first place.

In 1705, Virginia reorganized its legal code, in the process affirming the basic principles of the system, while also tweaking it in ways that posed new challenges for tributaries. Issues
relating to land remained much the same, and continued, on paper, to emphasize the inalienability of native dominion as the legal mechanism for undermining what was left of native territory. Tributaries continued to hold statutory rights to access English land to gather wild plants, fish or oyster, though only after obtaining license from the county. While doing so, their persons and their goods were protected by laws that made any settler who harmed them liable to punishment “as if he had done the same thing to an Englishman.” However, some tributaries, notably on the Southside, lost their rights to hunt on English land, even as the Pamunkeys, Chickahominies, and Eastern Shore communities had their right to hunt re-affirmed. The military functions of the system were also reiterated. Tributaries were required to give notice of strange Indians in the area. They had the right to request militia assistance should they need it, and the militia had the right to call tributaries into its ranks.

Nothing in the legislation suggested that tributaries were subject to any law other than their own, except in cases relevant to what was still formally an unequal alliance. Indeed, a separate act passed that year re-enforced the jurisdictional gulf between tributaries and the English by stipulating, for the first time, that non-Christian Indians and any Indian servants could not testify in court. Needless to say, it posed a great threat to tributary communities, substantively limiting their ability to use English courts as a tool and severely weakening their positions if they found themselves before one. However, the act also reinforced the importance of the diplomatic channels to the Governor as the primary means through which conflicts between tributaries and the English would be resolved. In this respect, the re-enforcement of the legal distinctiveness of tributaries marked a point of deep continuity within a structure of

154 Ibid., 3: 298; Rountree, *Pocahontas’s People*, 142–43.
domination predicated on the maintenance of distinct, if sometimes overlapping, jurisdictional spheres and communal subordination.

1705 also saw the emphatic renewal of collective punishment in Virginia, on a scale that evoked both the extirpatory dreams of the Anglo-Powhatan wars and the folly of the Baconites, and which resulted in the wholesale and deliberate destruction of an entire tributary community, the Nanzaticos. Tributaries since 1646, the Nanzaticos’ territory on the Rappahannock River left them especially vulnerable to both the Haudenosaunee raids and the rapid expansion of tobacco culture that occurred along the river's flanks after the Third Anglo-Powhatan war. By 1702, they and their Portobacco neighbors combined had just thirty bowmen. Like all Powhatan tributaries, they lived in close proximity to their dispossessors.155

In the spring of 1704, conflicts with their English neighbors spurred them to petition the governor for redress against two Englishmen who were attempting to force them from their land.156 Though Nicholson and the Assembly agreed to investigate the matter and to provide satisfaction should the settlers in question have "done wrong or injury" to the Nanzaticos, they took no concrete steps to address the situation. That summer, the Nanzaticos took matters into their own hands. A party of perhaps ten Nanzaticos showed up at the house of a nearby planter, John Rowley, and after conversing with him in an apparently friendly fashion, killed him and most of his family.157 Perhaps it was the way he was killed, which resonated deeply with English fears of false friendship dating back to 1622, that helps explain why these murders would escalate so dramatically beyond the norms of the tributary system. Nicholson's political

155 A List of the Navigable Rivers Creeks Etc of Virginia, 8 July 1702 CO 5/1312 (part 2) no. 38 (i) f.187-188 (VCRP).
weakness, particular acute in 1704-5, may also have been a factor. A man with precious little political capital to expend, he made only the faintest of efforts to protect the Nanzaticos.158

At first, Virginia's reaction seemed likely to follow an essentially normal course. The Richmond County militia quickly rounded up several suspects in the murder and asked the Governor what to do with them. Concerned that the attack might portend a broader conspiracy involving the non-tributary Piscataways, who had been implicated in several recent murders along the frontier just a few years earlier, the Council reacted quickly to resolve the situation. They sent messengers to the Pamunkeys and Chickahominies, warning them of potential trouble, from Indians and perhaps also from anxious settlers, ordering them to remain in their towns until the “apprehensions of this danger ceases” and to inform the militia should they see any Nanzaticos. The Nottoways and Meherrins were also warned of the danger and asked to assist the militia in apprehending any potential war parties that might be lurking on the frontier.159

But in truth, the institutional constraints that often proved capable of slowing, though never stemming, the violence of colonial dispossession, were already coming apart at the seams. For unclear reasons, the Richmond County militia had rounded up Nanzaticos without discrimination and decided to put all of them, some fifty men, women, and children, on trial for the crime. Four members of the Governor’s Council were sent to Richmond County to supervise the trial as Nicholson, who likely could have stopped the proceedings, instead began considering

159 McIlwaine, Executive Journals of the Council of Colonial Virginia, 2: 384-5; Richmond County Order Book No. 3, 1699-1704, p.364.
how those Nanzaticos who “shal upon trial be acquitted” might best be “disposed of so as may be best for . . . the future peace, quiet & security” of the colony.  

Representatives from tributary communities were ordered to attend the trial, so that they might witness the “equity of the proceedings” and, no doubt, the power of English law. They would not, however, be allowed to speak directly with the Nanzatico prisoners, who had just lost the right to even testify in their own defense. At a mass trial, five Nanzaticos were found guilty of murder and hanged. At this point, however, the proceedings took another highly unusual turn. Despite their acquittals, the remaining four dozen Nanzatico prisoners were not freed. Instead, the Richmond Court proposed to sell all the Nanzaticos into slavery in the name of the “future peace quiet and security” of the colony. As justification, they invoked rarely used legislation from 1663 and 1665 making the nearest Indian town accountable, collectively, for the murder of an Englishman.

At this point, the Governor, perhaps seeking only political cover, made a tepid effort to intervene. The Council, judging the transportation of tributary peoples with “no evidence of their being privy or consenting to the murder” a matter of “very great weight,” called for it to be debated at the next meeting of the House of Burgesses. In the meantime, the Nanzaticos were transported to Williamsburg, where they were held in custody. At least one neighboring county submitted a petition in support of the dispersal of the Nanzaticos, and it became clear that they would be enslaved, the Governor’s weakly articulated scruples aside. The Assembly prepared

160 McIlwaine, Executive Journals of the Council of Colonial Virginia, 2: 388.
161 Ibid., 2: 390.
162 Copy of the Recommendation Made to the Governor by the Richmond County Court, 9 Oct. 1704 CO 5/1314 no.35(v) p.206-7 (VCRP); An Abstract of the Proceedings of a Commission of Oyer and Terminer for the Trial of Indians in Richmond County, 29 Sept 1704 CO 5/1314 no. 35 (vi) p.208-9 (VCRP).
163 Bill Concerning the Natiatico and Other Indians Passed with Amendments by the Council, 9 May 2705 f. 16 it. 1, Virginia Colonial Papers.
164 McIlwaine, Executive Journals of the Council of Colonial Virginia, 2: 396.
165 Ibid., 2: 456.
a bill authorizing the transportation of the Nanzaticos. Under its terms, all the Nanzatico males and most of the women would be sent to the West Indies as indentured servants, theoretically to be freed after seven years of labor. They would, however, be permanently forbidden from returning to Virginia on pain of death. The young girls and some of the women were to be bound as servants on the Eastern Shore for seven years, and then required to live there permanently. Any children they bore while in servitude would be considered servants until they became twenty-four years old. Finally, the youngest of the Nanzatico children were to be “bound out amongst the English here to be servants till they are twenty four years old,” and raised as Christians. Once release from servitude, they would be allowed to remain in Virginia, but forbidden from ever living in an Indian town.\textsuperscript{166}

Without explanation, the Assembly declared that it had “strong presumptions” that the legally acquitted Nanzaticos were nonetheless complicit in the murders. At any rate, they argued, it was “well known by fatal experience that the Indians in general are a people of revengeful tempers, never forgetting what they apprehend to be injurys.” The Assembly also cited the Nanzaticos’ ties to the Piscataways and other “foreign Indians” to make the argument that it would simply be too dangerous to allow them to remain in the colony. If a temperament supposedly universal to Indians and ties to "foreign" Indians could be construed as sufficient evidence for mass enslavement, then all of Virginia's tributary communities were being put on notice. Indeed, the Assembly noted that the transportation of the Nanzaticos could have the positive effect of deterring other tributaries who might, even then, be contemplating “committing the like horrid & execrable murders.”\textsuperscript{167} Within days after the legislation passed, the Nanzatico

\textsuperscript{166} McIlwaine, Legislative Journals of the Council of Colonial Virginia, 1: 414; McIlwaine and Kennedy, Journal of the House of Burgesses, 4:97.
\textsuperscript{167} Bill Concerning the Natiatico, 9 May 1705.
children had been dispersed. Nicholson received four of them. Nine others were “distributed amongst the council by lott.”\textsuperscript{168} Just a few weeks later, the Nanzaticos, whose earthly goods had been auctioned to pay for their transportation, were sold as indentured servants to Antigua, never to be heard from again.\textsuperscript{169}

The violent dispersal of the Nanzaticos is among the most devastating stories from an era with no shortage of them, a stunningly clear eruption of the possibility for the elimination of entire native communities that formed the undercurrent of Virginia's Indian politics since at least 1622, just below the surface of the tributary system. The Indian hating was always present, as were the discursive resources of perpetual enmity and its corollary ontology of existential otherness. The military power that enabled the Nanzaticos to be rounded up and destroyed as a people was available to Virginia at any time, a fact of which both tributaries and Virginians must certainly have been aware. Making an example of the Nanzaticos certainly, and intentionally, communicated just that possibility.

Nevertheless, the transportation of the Nanzaticos is noteworthy for being exceptional, a moment at odds with the slow and comparatively well-ordered grind of institutional dispossession. The fate of the Nanzaticos was in many ways a breakdown in the colonial order of things that laid bare a shallowness in its core that persisted despite its sincerity. But the ambiguities of tributary subordination also played a crucial role, making it impossible to see the destruction of the Nanzaticos as purely aberrant. The ease with which a court system built on the principle of individual responsibility reformed itself into an instrument of collective punishment seems predicated at least in part on the liminality of tributary subjects, who could be treated

\textsuperscript{168} McIlwaine, \textit{Executive Journals of the Council of Colonial Virginia}, 3:5.
\textsuperscript{169} Ibid., 3: 12, 20, 98.
simultaneously as inside and outside the norms of the polity. For the Nanzaticos, the swords of justice and the swords of war had merged, with disastrous consequences.

By the turn of the century, the Powhatan peoples who had formed the core of Virginia’s tributaries had suffered greatly, reaching what Helen Rountree has called their low point in English estimation.\textsuperscript{170} Even so, the few hundred surviving Powhatans had not succumbed to a “perfect conquest.” As Edmond Andros put it with more than a little frustration, though “depressed,” they remained “jealous of liberty,” and refused transformation into what he regarded as “useful” subjects.\textsuperscript{171} They continued to exist largely outside the sphere of English law and to live largely in indigenous communities under their own customs and laws, a separateness that surely helped Powhatan culture remain “more or less intact” deep into the eighteenth century.\textsuperscript{172} As James Merrell noted long ago, historians have often erroneously equated tributary subordination with “cultural disintegration.”\textsuperscript{173} In fact, the tributary system may have facilitated the “traditionalism” that Rountree finds so characteristic of the Powhatans because it helped maintain the distinction between English and indigenous polities, even as it linked them into increasingly unequal alliances and deeper into colonial subjection.

Ideologically, the tributary system remained important to English thought and discourse, even as it’s political, military, and economic value eroded in the decades after Bacon’s rebellion. Instructions to abide by the Treaty of the Middle Plantation and to protect the Indians in their lands and livelihoods continued to be sent from the metropolis.\textsuperscript{174} Virginians continued to assure

\begin{itemize}
  \item \textsuperscript{170} Rountree, \textit{Pocahontas’s People}, 142.
  \item \textsuperscript{171} Edmund Andros to the Board of Trade, 1 July 1697, 121.
  \item \textsuperscript{173} James Merrell, “Cultural Continuity among the Piscataway Indians of Colonial Maryland,” \textit{William and Mary Quarterly} 36, no. 4 (October 1979): 549.
  \item \textsuperscript{174} For example, McIlwaine, \textit{Executive Journals of the Council of Colonial Virginia}, 2: 94-5; Board of Trade to Nicholson, 4 Jan 1699/1700, 377–78.
\end{itemize}
their superiors in England that they were at peace with their neighbors because “we have no
Indians near us but our tributarys, and they have lands laid out and assured to them by law,
according to the Articles of Peace made with them.” On the ground in Virginia, the system’s
momentum may have seemed nearly spent by the end of the century. However, the resurgence of
the Haudenosaunee as an active presence in the region and the expansion of Virginia’s interests
in the Southside would prove that the tributary system had not yet run its course, and was in fact,
about to be revived.

9    POLITICAL SUBORDINATION AND THE EXPANSION OF VIRGINIA

In July of 1708, the Saponi Indians moved from the Yadkin River, near present day
Charlotte, North Carolina, to Virginia's Southside. The move was a homecoming of sorts, as the
Saponis had lived in Virginia as recently as the 1680s. At a village on the Staunton River, they
had been amongst the earliest piedmont peoples to forge trading ties with the Virginian traders
that began exploring the interior in the 1670s. By 1680, when they signed the Treaty of the
Middle Plantation and became a tributary people, they had moved towards Virginia and migrated
to the Southside, where they may have lived among the Occaneechees, another Siouan people
with links to English traders. Their initial time as tributaries was very short. In either 1682 or

175 An Account of the Method of Taking up and Patenting Land in Virginia, 30 August 1706 PRO CO 5/1315 no. 35
(i) f.108-109 (VCRP).
1 John Lederer, The Discoveries of John Lederer in Three Several Marches from Virginia to the West of Carolina
(London, 1672); Journal and Relation of a New Discovery Made behind the Apuleian Mountains to the West of
Virginia, 17 August 1611 CO 1/27, No. 42. (CSPO).
2 For the early interior trade from Virginia, see James Merrell, The Indians’ New World: Catawbas and their
Neighbors from European Contact through the Era of Removal (Chapel Hill: University of North Carolina Press,
1989), ch 1 & 2; April Lee Hatfield, Atlantic Virginia: Intercolonial Relations in the Seventeenth Century
(Philadelphia: University of Pennsylvania Press, 2004), 20–34; Clarence Walworth Alvord and Lee Bidgood, The
First Explorations of the Trans-Allegheny Region by the Virginians, 1650-1674 (Cleveland: The Arthur H. Clark
Company, 1912), 15–99; C.S. Everett, “They Shalbe Slaves for Their Lives’ Indian Slavery in Colonial Virginia,” in
3 Saponi movements during this period are obscure. The most comprehensive evaluation is Christian F. Feest,
“Notes on Saponi Settlements in Virginia Prior to 1714,” Quarterly Bulletin of the Archeological Society of Virginia
29, no. 3 (March 1974): 152–55; Stephanie Gamble, “A Community of Convenience: The Saponi Nation, Governor
1683, they left Virginia for the Yadkin River, where they remained for almost thirty years. The reasons for their migration are unknown, though it is possible that they were pushed south by Tuscaroras and left Virginia to make their first of what would be several attempts to find a place among the Siouan peoples who were beginning to form into the Catawbas. It is equally plausible that they were trying, like the Westos and the Occaneecchees, to use existing ties with Virginia to expand their participation in the slaving economy developing in the Carolina Piedmont in those years.

Whatever their motives, the Saponi’s decision to leave Virginia and their tributary status behind is an important indication of the partialness of the subjugation that the tributary system created, insofar as it demonstrates an element of voluntariness to the political bonds it created. Moreover, the admittedly sketchy available evidence suggests that their decision to break their tributary bonds had no impact on their commercial ties with the English. At the turn of the century, however, the Piedmont was a very dangerous place in which to live, the center of a volatile "shatter-zone" beset by Haudenosaunee war parties and by the volatile spread of the

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slaving economy that may have attracted the Saponis to the region in the first place. It seems likely that the instability of their new home pushed them back to Virginia, where the executive council greeted them as prodigal sons, quickly agreeing to the Saponis’ request to return to "the protection of this government as tributaries."  

If the Saponis’ ability to break their tributary bonds is indicative of voluntarism, so too is their evident desire to return to it. We tend, fairly, to think of tributary status as something that could only arise out of compulsion and defeat, and this is in fact how many of Virginia’s tributaries found themselves integrated into it. Historians have overwhelmingly tended to treat tribute as an outcome of abjection and thus a condition that could only ever be forced on Indians. The Saponis’ return reminds us to be careful with this assumption. Certainly, they had by no means been conquered, and their longstanding ties to the English make it difficult to believe they were unaware of what they were agreeing to. Understanding the Indian politics of colonial Virginia requires recognizing that at least some of the Indians involved in it were willing to accept a form of subordination because it seemed to hold some benefit, if only as the best among bad options. This is particularly true in Virginia’s Southside, where the disputed borders of two English colonies met at the edge of an equally contested indigenous region centered on the Piedmont. In this region of hazy borders, profound enmity, and shifting alliances, the tributary system remained not only functionally intact, but vibrant well into the eighteenth century. The political calculations of native peoples such as the Saponis, who saw in tribute a potential tool for peace and stability in a time of great violence, created some of this vibrancy. Though colonial records rarely allow us clear glimpses into the motives of Indians politics, the promise of

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7 Ethridge and Shuck-Hall, *Mapping the Mississippian Shatter Zone*.
protection, access to trade goods, and the relative indifference of Virginians to regulating the internal politics of its tributaries seem to have been important factors that could, in specific times and places, make it necessary for historians to think of tribute as a negotiated system of subjugation.

It is no less important to think about the implications of Virginia's eagerness to accept the Saponis back. Why Virginia would consider the in-migration of Indians a desirable event is hard to fathom within the historiography of early Virginia, which has emphasized the acre-by-acre westward course of empire, in which the removal and wasting away of Indians was always the overriding goal of colonial policy. As I have argued at length, however, Indians served an important purpose within Virginia’s political system, because a mobile fringe of subordinated peoples was a key component of colonial expansion in the volatile conditions of the era. In fact, at the end of the seventeenth century, Virginia’s governors were concerned about a perceived shortage of Indians, despite the frequent trouble that arose between them and their dispossessors.⁹

As Powhatan populations declined, Virginia's governors, especially Alexander Spotswood, aggressively courted new tributaries to replace them. This history is largely unknown to historians, very few of whom have considered Virginia’s Indian history as involving people other than the Powhatans and periods after Bacon’s rebellion. However, the complexities of building alliances in the Southside put tremendous strain on Virginia’s governors, who invested considerable time attempting to thread the needle of their competing obligations to protect their tributaries and gain influence with the region’s native inhabitants. Virginia’s political,

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commercial, and territorial ambitions required its governors to act in ways that were frequently domineering and violent, but that cannot be dismissed as uncompromising or indiscriminate. Understanding Virginia’s efforts to make a colonial periphery out of an indigenous center through the mechanism of tribute requires careful attention to the ways in which efforts at peacemaking, authority, and jurisdiction shaped the creation of colonial space in the Southside.

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In the early eighteenth century, the Haudenosaunee, intent on a neutralist policy designed to ensure peaceful relations between the English, the French, and Indians around Iroquoia, resumed heavy military operations against peoples of the Piedmont. In the process, they rapidly re-emerged as players in Virginia’s Indian politics. In the 1680s, the first period of sustained involvement of the Five Nations in Virginia, they had been treated primarily as a military threat which helped solidify the reconstituted tributary system after Bacon’s rebellion. In the eighteenth century, Virginia’s governors came to see them as posing multiple types of threats to their network of alliances. While the Haudenosaunee continued to war against tributaries, Virginians became increasingly concerned that they were competing for the political loyalty of tributaries. This fear was based in part on longstanding ideas of the Indians as particularly "treacherous" people. Virginians, for example, had no apparent difficulty simultaneously believing that Bacon had blindsided friendly Indians and that there could be "noe relying" on Indians, who were thought to be most dangerous at the moment they appeared least hostile. However, the idea of an alliance between the Haudenosaunee and tributaries was reasonable, especially in the

Southside, where the majority of the region’s native inhabitants were culturally Iroquoian. Though they evidenced little understanding of its inner dynamics, Virginia's elite were acutely aware that the colony was surrounded by a world of indigenous polities and politics and that their tributaries had option beyond alliance with them. Particularly worrisome were the Nottoways and Meherrins, who had complex ties with larger Iroquoian polities, notably the Haudenosaunee and the Tuscaroras, which crossed the lines of war and peace in ways that we can now recognize as indigenous, but appear in the colonial records only as confusion, hearsay, and fear.

The full implications of these currents of native diplomacy were not revealed until the Tuscarora war (1711-15). However, this diplomatic backdrop formed the immediate political context for the Saponis’ return, who arrived in Virginia at a moment when fears of a pan-Iroquoian alliance were at a high point. On the very day that the Saponis were granted tributary status, the council was facing the prospect of war with the Tuscaroras, who the council believed could mobilize several thousand warriors, in response to a standoff involving the murder of an English settler named Jeremiah Pate that spring.\footnote{Alexander Spotswood, \textit{The Official Letters of Alexander Spotswood, Lieutenant-Governor of the Colony of Virginia, 1710-1722}, ed. R.A. Brock (New York: AMS Press, 1973), 1: 167.} Virginia’s Iroquoian tributaries, particularly the Nottoways, had been implicated as having helped some of the murderers slip back into North Carolina, and of serving as middlemen in an indirect trade that bypassed Virginia's embargo on trade with the Tuscaroras.\footnote{McIlwaine, \textit{Executive Journals of the Council of Colonial Virginia}, 3: 159, 200; Letter from Nath[anie]ll Harrison Re: The Arrest of a Tuscorora Indian Named Tom Robin, 29 October 29 1707 f. 18 it. 23, Virginia Colonial Papers.} In other words, the Saponis returned to Virginia at a moment when the need for non-Iroquoian Indian allies was especially urgent. Indeed, one of the specific reasons that Acting Governor Edmund Jennings cited in favor of accepting the Saponis back into
Virginia was his hope that they would serve as “some kind of barrier against the Tuscoruros or any other Indians that might be suspected to annoy us” on the Southside.¹⁴

One final context, specific to the geopolitics of the Southside, is important for understanding the return of the Saponis, who were given permission to settle along the Meherrin River, at the edge of a heavily disputed border between Carolina and Virginia. By royal command, the region had been officially off-limits to white settlement since the 1680s.¹⁵ There was, however, no prohibition on Indians occupying the land and by placing the Saponis on the Meherrin River, Jennings was putting into play a political and jurisdictional claim that could be used to buttress Virginia’s territorial ones.

The clearest indication of the relationship between Indian politics and the border comes from another of Virginia’s tributaries, the Meherrins. Signatories of the Treaty of the Middle Plantation, the Meherrins had longstanding bonds with Virginia dating back to the 1650s. Soon after becoming tributaries, they moved south to the mouth of the Meherrin River, where their political status became intimately entangled with the competing territorial claims of Virginia and Carolina. In 1703, Carolina’s Governor Henderson Walker complained that the Meherrins were “refusing to pay tribute or render obedience to that Government upon pretence that they are tributaries” of Virginia, “altho their living is amongst the Inhabitants of the Province of North Carolina.” Virginia responded by asserting that its jurisdictional powers over the Meherrins

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¹⁴ Letter from Edmund Jennings to the Board of Trade, 30 Sept. 30 1708 CO 5/1362 p.322 (VCRP).
trumped Carolina's territorial claims, arguing that the Meherrins had "always been reputed tributarys and have accordingly paid tribute to this government as living under the same." Their political ties to Virginia were presented as proof that they did not "live within the bounds of the Province of Carolina." For this reason, Carolina could have neither "pretence of demanding tribute of them," jurisdiction to punish them, or the right to provide restitution for any wrongs they might have done to neighboring settlers.¹⁶ For the next twenty years, Virginia’s governors would claim

![Figure 6: John Lawson's 1709 Map of North Carolina, illustrating its vision of the border with Virginia.](http://dc.lib.unc.edu/cdm/singleitem/collection/ncmaps/id/2641/rec/4 (detail))

Protectorate status over the Meherrins as part of their campaign for a favorable resolution of the boundary issue. They would also try to entice other Indian peoples, including the Saponis, the Occaneechees, and the Toteros, to move to Virginia’s south side as tributaries, where they

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could serve as satellite communities in the conglomeration of polities that made up Greater Virginia.

The Meherrins, the most Southerly of Virginia’s tributaries and thus the lynchpin of Virginia’s plans to create territorial space out of political relationships, benefited significantly from this relationship, for Virginia actively, and reasonably effectively, protected them from North Carolina settlers. For example, when the Meherrins assaulted Lewis Williams in the spring of 1707, Carolina accused Virginia of complicity in the attack because the Meherrins believed Virginia would back them in their disputes with settlers. And indeed, despite repeated requests from Carolina, Virginia refused to punish the Meherrins for assaulting Williams.

With Virginia declining to intervene, Thomas Pollock, North Carolina's largest planter and a future governor of the colony, deployed the militia in a retaliatory raid, temporarily imprisoning thirty-six Meherrins, destroying their homes, and “threatening to cut off their corn and to turn them off their land.” As violent as it was, Pollock's raid shows evidence of restraint indicative of a desire to minimize the possibility of being accused of violating the Crown’s protection and raising Virginia’s ire. No Meherrins were killed, and ultimately their crops were left undisturbed. Nevertheless, Virginia responded with a rebuke that highlighted the confluence of jurisdiction and territoriality at play. Colonel Nathaniel Harrison was sent to “assure” the Meherrins that “if any disturbance be offered them” by Carolina settlers, Virginia would “take care to protect them.”

Jennings then accused Carolina’s Governor Edward Hyde of attempting to enter into a “clandestine treaty” with the Meherrins by "exacting tribute" from a people who,

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with explicit “royall appropriation,” had long been tributary to Virginia. As Jennings pointed out, in so doing, Hyde was angling to “create a title to their lands.” Jennings’s anger, however, was not only over Carolina’s supposed attempts to create political bonds with the Meherrins, but with his unwillingness to recognize their subjection to Virginia. The Meherrins, he insisted, were not a “nation of savages on whom the government of Carolina have power to revenge injurys by force of armes,” but were “as her majestys subjects who are as much under her protection as any of her subjects of Virginia.” By attacking the Meherrins, North Carolina had acted “by way of hostility which is a method proper only for sovereigne powers but can never be justifiable in persons under the same allegiance.” Moreover, as their treaty-designated superiors, Virginia claimed the right to “assigne land for the tributary Indians in any part of her dominion of Virginia” and to mediate disputes between Indians and the English. Settlers with grievances against the Meherrins should appeal to Virginia alone for redress. Jennings made it clear, however, that they would find little sympathy from Virginia, in whose eyes they were illegally squatting on Indian land. Jennings demanded Carolina punish Pollock and pay reparations to the Meherrins.20 Though Pollock was never punished, the Meherrins, who had gone to Virginia seeking help, were left alone for years to come.

Pollock’s raid also provides some evidence that the Crown might have been swayed by the legal logic Virginia was asserting. In 1709, the English Court met to discuss the border dispute. One of their major concerns was that Carolina, "under colour" of its territorial claim to the land on which the Meherrin's lived, had "fallen upon, and in an hostile manner threatened [them] to be dipossessed of their settlements by some of the inhabitants of North Carolina.” This act, which violated the tributary relationship created by the Treaty of the Middle Plantation was

not only detrimental to the "honor and authority of your majestys government of Virginia," but risked "an open rupture with those Indians who will no longer continue tributary than they can find themselves protected."  

Throughout the early decades of the eighteenth-century, Virginia's claim to authority over the Meherrins largely prevailed. In early 1711, Carolina settlers reported the Meherrins to be "very insolent and very abusive to our inhabitants, and kill the cattle and hoggs of ours, supposing they can have protection from you." Their decision to appeal to Virginia was itself a concession of jurisdiction over the Meherrins, and Virginia’s reply suggested that the Meherrins’ sense of being protected was accurate. Governor Spotswood reported that he would talk to the Meherrins, but that if they had injured people living within the “contraverted bounds I think they have as little reason to complain as they have right to be there.”

As the Meherrins illustrate, the geopolitics of the Southside in the early eighteenth century created conditions in which claims of Indian allegiance had the potential to reshape the physical and territorial boundaries of the colony. Unable to openly promote the colonization of the region by English settlers, Virginia’s governors used political relations with Indian tributaries to compete with Carolina over territorial claims to the disputed area between the Nottoway and Meherrin rivers. In the Southside, tributaries could serve as jurisdictional markers of territorial claims. As Spotswood suggested in 1710, the existence of tributary relations with the Meherrins suggested the superiority of Virginia’s border claims. Had North Carolina believed them to live

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21 Order of the Council of Trade and Plantations Relating to the Patenting of Lands in Virginia, 13 January 1708 CO 5/1316 (LOC Class 5 Transcripts); Council of Trade and Plantations to the Queen, 22 Feb. 1710/11 CO 5/1363 p. 252-262 (VCRP); McIlwaine, Executive Journals of the Council of Colonial Virginia, 3: 365.
within its bounds, surely they would have objected to the treaty that gave royal approval to
Virginia’s jurisdiction over them and ultimate title to their land. If the line was determined to
favor Carolina, Spotswood suggested that its tributary relations would justify revising Carolina’s
border in favor of Virginia and the Meherrins. Virginia had met its obligations to protect the
Meherrins, but Carolina had proved it could not be trusted to do so. As he suggested to the Board
of Trade, if it were the fate of the Meherrins to become Carolinians, “your lordships will easily
imagine how much it would exasperate them to find that contrary to a solemn treaty, upon the
faith of which, they have lived quietly so many years, . . . [they] must now be turned over to new
masters and subjected to new laws.”

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As I have shown, tributaries continued to play important roles in Virginia into the
eighteenth century. During this period, Virginia's governors were open to attracting new
tributaries, and were modestly successful in doing so. In the first decades of the eighteenth
century, other Siouan peoples, including the Toteros and Stuckanocks, as well as Enos, Cheraws,
and Occanechees, followed the Saponis. Spotswood, however, was not content with adding
the few hundred Siouans who would eventually end up living at Fort Christanna. As the
outbreak of the Tuscarora war reshaped the Indian politics of the Southside, Spotswood took the
opportunity to court the largest population of Indians in the region as potential tributaries.

The Tuscaroras were an ethnic group of about fifteen politically independent villages
located between the Roanoke and Neuse Rivers in Carolina with a total population of perhaps

25 Spotswood, *Official Letters*, 1: 25. For another other instance of colonies using ties to Indians to assert territorial
26 Merrell, *The Indians’ New World*, 58, 95.
eight thousand. The Northern or "Upper" towns had close trading ties to Virginia dating at least to the 1670s, and to the Meherrins and the Nottoways that presumably dated to pre-Jamestown times. The Southern or "Lower" Tuscaroras, who allied with smaller Algonquian groups on the Carolina coast during the war, faced direct pressure from settler populations expanding up the Pamlico and Neuse rivers in the early years of the eighteenth century. In 1711, when they found Carolina's surveyor, John Lawson, travelling up the Neuse River into the heartland of the Southern Tuscaroran villages, the Tuscaroras captured and executed him before launching a surprise attack on English settlers in the region. Perhaps 140 settlers were killed in the initial assault, and the entire colony of Carolina was thrust into chaos.\textsuperscript{28} North Carolina responded with a panicked call to South Carolina and Virginia, asking for help destroying the “whole nation of the Tuscaroras.”\textsuperscript{29}

Over the next few years, South Carolina organized several largely native armies eager to enslave, disperse and extirpate the Tuscaroras, killing and enslaving thousands.\textsuperscript{30} Many in Virginia, not least those in the House of Burgesses eager for a share in the booty, advocated a similar response.\textsuperscript{31} Yet, Spotswood consistently pursued a diplomatic solution, seeking to leverage existing political and commercial ties with the Upper Tuscaroran villages into an alliance that would provide Carolina with military support while deepening the bonds between the Tuscaroras and Virginia. Tribute and the possibility of Tuscaroran relocation were at the


\textsuperscript{31} Concerning the Burgesses Support of the Gov’s Actions with Regard to the Indians and Asking Him to Declare War, 28 November 1711, f. 23 it. 18, Virginia Colonial Papers; Spotswood, \textit{Official Letters}, 1: 130.
center of this plan. Despite the relatively recent standoff with the Upper Tuscaroras over Jeremiah Pate, the Council agreed to this approach with no hesitation, sending a diplomatic mission to eight Northern Tuscaroran towns clustered along the Roanoke River.\(^{32}\)

After months of negotiations, an alliance with the Northern Tuscaroras was signed in December of 1711. Its terms obligated the Tuscaroras to secure the release of English captives and to attack the Southern Tuscarora towns. In return, Virginia pledged to reopen trade relations and pay the "usual prices of slaves." Spotswood also pledged to engage the "government of Carolina, and the nation of the Saponies" to assist the Northern towns and to "interpose that no unjust encroachments be made upon their lands by the inhabitants of North Carolina."\(^{33}\) This was a formal military alliance rather than a tributary one, but its emphasis on mutual protection and Virginia's commitment to keeping Carolina interlopers off Tuscaroran land shared important characteristics with tributary arrangements and seems to have been designed at least in part to open the door for them.

However, the Northern Tuscaroras had little desire to attack their Southern kin and made no concrete move to enter the fight. By April, as rumors swirled that the Senecas, the Nottoways, and the Meherrins were conspiring with the Tuscaroras to attack Carolina and Virginia, Spotswood was forced to concede that the league had failed.\(^{34}\) Nevertheless, Virginia avoided military options, and instead worked hard to keep diplomatic lines open with the Tuscaroras.


throughout the war. As the fighting subsided in the spring of 1713, it seemed clear that the
Northern Tuscaroras were moving into Virginia's political orbit.

That March, Spotswood wrote to Carolina's new governor, Thomas Pollock, announcing
that many Tuscaroran refugees had moved into Virginia and were refusing to return to Carolina.
Citing the necessity of bringing them “under some regulation,” Spotswood announced that he
had allowed them to relocate deep into Virginia.\footnote{Draft Letter to Col. Thomas Pollock, 19 March 1713, f. 25 it. 8, Virginia Colonial Papers.} Spotswood presented this gesture as one in
support of Carolina, but it was also the beginning of a play for the incorporation of the
Tuscaroras as tributaries of Virginia. That fall, another “great body” of Tuscaroras sought refuge
in Virginia, where they hoped to “become tributarys to Virginia & therefore desired to know
upon what terms they might obtain a peace & enjoy the protection of this Government.” The
council invited them to Williamsburg to negotiate terms.\footnote{McIlwaine, \textit{Executive Journals of the Council of Colonial Virginia}, 3: 357, see also 3: 351.} In response, Pollock accused Virginia
of "drawing them in under your protection, and settling them in your limits." The refugees, he
argued, should be returned to Carolina under the rule of Tom Blount, a Tuscarora headman who
(with Virginia's help) was emerging as the leader of the Tuscaroras, and who had recently been
named by Pollock as the "King" of the Tuscaroras.\footnote{Saunders, \textit{Colonial Records of North Carolina}, 2: 74.}

Pollock's sense that Virginia was trying to "draw" the Tuscarora to them was entirely
accurate. In December, a Tuscarora delegation representing five towns and almost three hundred
warriors (thus a total population of perhaps 1000-1200 people) made an oral agreement to
become Virginia's tributaries.\footnote{Memorandum of the Deputies Who Arrived in Williamsburg from the Tuscarora Towns, 19 December 1713, f. 25 it. 27, Virginia Colonial Papers; Douglas A. Boyce, “‘As the Wind Scatters the Smoke’: The Tuscaroras in the
Eighteenth Century,” in \textit{Beyond the Covenant Chain: The Iroquois and Their Neighbors in Indian North America, 1600-1800}, ed. Daniel K. Richter and James H. Merrell (University Park, PA: The Pennsylvania State University Press, 2003), 161, suggests the number might have reached 1500.} Two months later, on a day of treaty signing that had the
potential to reshape the entire Virginia frontier, the Tuscaroras signed a treaty formalizing terms and binding them to a migration that would have brought at least a thousand Tuscaroras into Virginia.\(^{39}\) This is a more substantial number than it might at first appear to be. Spotswood had recently estimated Virginia’s entire tributary population as no more than seven hundred, so this migration would have at least doubled its tributaries.\(^{40}\) Moreover, two of the villages who signed the 1713 treaty were lower Tuscarora towns that had just been engaged in hostilities with the English in Carolina. Spotswood’s readiness, even enthusiasm, for sheltering these people in the center of Virginia is a powerful reminder that Indian subjects remained important to colonial ambitions in eighteenth-century Virginia.

The Tuscaroras requested an allotment of land along the Roanoke River. Spotswood, however, insisted they move to Northern Virginia, where they could serve as a more effective barrier population against the Haudenosaunee than could Virginia’s remaining Algonquian tributaries and where they would be “cut off [from] all communication between them & North Carolina.” Spotswood presented his insistence on relocating the Tuscaroras as motivated by a desire to protect them from vengeful Carolinians and reduce the odds that Virginia would be drawn into conflict with the “South Carolina Indians.”\(^{41}\) It is equally likely that he intended to lessen the chances that they would drift back into Carolina’s political networks. If so, his insistence backfired, as his refusal to allow the Tuscaroras to remain in their villages on the Roanoke probably caused the collapse of the treaty and the splintering of Virginia’s would-be Tuscaroran tributaries. Within weeks of signing, most of the Tuscarora made peace with

\(^{39}\) Stephen Feeley, “‘Before Long to Be Good Friends’: Diplomatic Perspectives of the Tuscarora War,” in \textit{Creating and Contesting Carolina: Proprietary Era Histories}, ed. Michelle LeMaster and Bradford Wood (Charleston: University of South Carolina Press, 2013), 149, is among the few other historians to remark on the significance of that day’s treaties.


Carolina, joining Blount and his tributaries there. Several hundred migrated to Iroquoia, the first of what would become a steady stream.\(^{42}\) Though some decided to incorporate among the Nottoways, Spotswood was left to lament that the Tuscaroras had been “induced” by Carolina to break their agreement with Virginia. His ambitious attempt to double Virginia's Indian population had failed.\(^{43}\)

Like their neighbors to the North, Carolina also saw the end of the war as an opportunity to rewrite the map of Indian allegiance and resumed its efforts to claim jurisdiction over the Meherrins. During the war, Carolina's Governor Edward Hyde had expressed deep suspicions of them, at one point attempting to maneuver Virginia into attacking them. Nevertheless, Carolina had largely respected Virginia's jurisdictional protection of the Meherrins.\(^{44}\) The Meherrins clearly understood the value of this protection, as they felt secure enough to stare down the Carolina militia in December of 1712, when they approached a party of Carolina rangers and "forced them to lett loose the Indians they had taken, giving them threatening and abusive languadge."\(^{45}\)

Despite their antipathy to the Meherrins, Carolina was eager to claim them. The Meherrins, however, preferred their relationship with Virginia. When, in October of 1713, Pollock demanded tribute and ordered them to provide men to "assist that government, as if they were tributarys thereunto," the Meherrins went to Spotswood for redress. One imagines they received the answer they hoped for. Spotswood urged them "not to acknowledge any subjection


\(^{43}\) Spotswood, Official Letters, 2: 71; McIlwaine, Executive Journals of the Council of Colonial Virginia, 3: 368.

\(^{44}\) McIlwaine, Executive Journals of the Council of Colonial Virginia, 3: 291; Saunders, Colonial Records of North Carolina, 1: 884.

\(^{45}\) Letter from Thomas Pollock, President of North Carolina Reporting on the Poor State of the Country and the Work of the Forces after the Indians, 23 December 1712, f. 24 it. 12, Virginia Colonial Papers.
to the government of Carolina," because of their treaty ties with Virginia and because they lived “within the bounds claimed by Virginia." He ordered them to ignore any commands from Carolina unless he cleared them first. Then, he wrote to Pollock demanding that he back off.\textsuperscript{46}

Pollock, however, pressed the issue, claiming that the Meherrins had "answered to our courts," "submitted themselves to this Government," and even "paid tribute here." He suggested that in fact the Meherrins had "always here been taken to be" within the boundaries and allegiance of Carolina and accused Spotswood of preferring the Meherrins above the battered English subjects of Carolina.\textsuperscript{47}

Spotswood wrote a fiery reply defending himself from Pollock’s accusation that he was acting "in a manner destructive to her Majestys subjects." However, he insisted that the Meherrins, under terms of a "solemn Treaty (which has the Royal sanction)," were “taken under her Majesties protection as a part of her Colony of Virginia and are not subject to divided authoritis." He was furious to have visited the Meherrin town only to discover the "greatest part of the Maherines called away into your Government without my knowledge."\textsuperscript{48} Perhaps in response to Carolina’s presumptions, Spotswood began to consider moving the Meherrins as part of his great plan to reorganize the frontier. At first, he hoped to convince them to incorporate with the Nottoways at a new town site across the Meherrin River from the fort he was building at Christanna.\textsuperscript{49} However, both the Nottoways and the Meherrins judged the proposed site "barren" and refused to move.\textsuperscript{50} As Spotswood became increasingly obsessed with the venture at Christanna, the council rather suddenly decided to acknowledge that the Meherrins had

\begin{itemize}
\item \textsuperscript{46} McIlwaine, \textit{Executive Journals of the Council of Colonial Virginia}, 3: 352.
\item \textsuperscript{48} Letter from Spotswood to Col. Pollock of North Carolina, 16 Dec. 1713, f. 25 it. 26, Virginia Colonial Papers.
\item \textsuperscript{49} McIlwaine, \textit{Executive Journals of the Council of Colonial Virginia}, 3: 363, 367.
\item \textsuperscript{50} Ibid., 3: 376.
\end{itemize}
"removed off the lands assigned them by the Articles of Peace in 1677," and into "the bounds now in controversy between this colony & Carolina," where their presence had caused frequent problems. They ordered the Meherrins removed to Christanna, by force if necessary, though the order was never executed.\textsuperscript{51} The Meherrins remained at the mouth of the Meherrin River and Virginia continued to assist them in their efforts to keep squatters off their land into the 1720s.\textsuperscript{52}

However, they soon began distancing themselves from Virginia by recognizing Carolina's "divided authority" over them. In 1726, they petitioned Carolina for protection of their lands and agreed to pay tribute to Carolina’s Governor as a condition for his help securing their borders from English squatters.\textsuperscript{53} Virginia essentially conceded the shift in the Meherrin’s allegiance. While they would not officially recognize the territorial or jurisdictional loss of the Meherrins until the border was resolved in 1729, Virginians began asking Carolina to ensure that the Meherrins refrained from attacking its tributaries soon after the Meherrins signaled their partial break with Virginia.\textsuperscript{54}

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The Meherrins’ decision to build ties with Carolina was almost certainly motivated in part by the increasing number of settlers, who almost unanimously self-identified as Carolinians, who surrounded them. Yet the timing of their decision was also a product of the long-term

\textsuperscript{51} McIlwaine, \textit{Executive Journals of the Council of Colonial Virginia}, 3: 396. The Nottoway Great-men were briefly jailed in an effort to force them to move to Christanna, but they, too, never moved there. See McIlwaine, \textit{Executive Journals of the Council of Colonial Virginia}, 3:407.

\textsuperscript{52} Ibid., 3: 521, 4: 3, 32, 53–4, 59; Petition of the Meherrin Indians Asking for Protection against the English, Who Are Encroaching on Their Lands, 9 September 1723, f. 31 it. 19, Virginia Colonial Papers; See also Carolina, acting on Virginia’s request to keep squatters off Meherrin land in 1724 in Cain, \textit{Colonial Records of North Carolina}, 7:141.


\textsuperscript{54} McIlwaine, \textit{Executive Journals of the Council of Colonial Virginia}, 4: 152–3; Dawdy, “The Meherrin’s Secret History of the Dividing Line,” 410; Nathaniel Harrison gave the Catawba the distinct impression that the Meherrin were tributaries of Virginia in 1727. See, An Account of Nathaniel Harrison’s Proceedings . . . with the Cautaubau Indians, 10 September 1727 CO 5/1321 (LOC Class 5 Transcripts).
consequences of the return of the Saponis to Virginia who had partnered with Spotswood to create the most ambitious effort to convert and “civilize” Indians in Virginia since the 1610s, Fort Christanna, a project into which Spotswood invested his particularly grandiose sense of what tributaries might become. Though joined by smaller Siouan groups who became new tributaries of Virginia, the Saponis formed the core of the approximately three hundred people who were living along the Meherrin River at Christanna in 1715. With the collapse of the Tuscarora Treaty, the Saponis became Virginia's single largest tributary polity. Spotswood was fond of them, believing them “well affected to the English,” a hopeful sign that longstanding dreams of Indians voluntarily and happily accepting their subordination might still come to pass. Moreover, Spotswood believed they possessed a “good disposition” towards the Christian religion, an assessment many of Spotswood’s contemporaries shared. He also noted with satisfaction that they were “an increasing Nation,” a fact that made them especially useful for his purposes.

The Christanna experiment was a direct product of the shift in Indian politics caused by the Tuscarora war. At first intended to be one of several new Indian towns, including the Tuscaroran settlement in Northern Virginia, and the Meherrin-Nottoway village, the refusal of the Iroquoians to relocate meant that only Christanna was built. In its environs, Spotswood’s visions for the future of tributary peoples were combined into a discrete physical space. Christanna filled the familiar role as a military outpost, a settlement of "friendly" Indians to

defend the frontier against "foreign" ones and protect the English settlers who would live near them.\textsuperscript{57} Christanna thus mirrored the tributary system in that it was not an alternative to dispossession, but an accompaniment and hand maiden. In the summer of 1714, as construction on the Fort began, Spotswood finally opened the area between the Nottoway and Roanoke River to English settlement.\textsuperscript{58} Tributary populations in the region would buttress and enable this expansion. Spotswood himself hoped to become one of these settlers, and began making plans to move to Christanna in his retirement.\textsuperscript{59}

Christanna also served as a way of concentrating the Indian trade in the hopes of bringing it under control. In 1707 and again during the Tuscarora war, Virginia had proven unable to enforce its own trade embargos and Spotswood believed that the abuses of illicit and immoral traders were largely to blame for the outbreak of the Tuscarora war.\textsuperscript{60} Moreover, the monopoly company that ran the trade from Christanna funded a school for tributary Indians on the premises.\textsuperscript{61} Like his predecessor Francis Nicholson, Spotswood had a genuine interest in the conversion of tributaries.\textsuperscript{62} Since his arrival in Virginia, he had accepted Indian children, who became students and hostages at the Brafferton Indian School at the college of William and

\textsuperscript{57} Stephen Saunders Webb, Marlborough’s America (New Haven: Yale University Press, 2013), 344–47, considerably overestimates the novelty of Spotswood’s plans to use Indians as a buffer; Warren R. Hofstra, The Planting of New Virginia: Settlement and Landscape in the Shenandoah Valley (Baltimore: Johns Hopkins University Press, 2004), 59, correctly grasps the relationship between Christanna and expansion, but likewise fails to root it in a half century of tributary policy.

\textsuperscript{58} A Proclamation Enlarging the Liberty of Taking up Land on the Southern Frontiers of This Government, 20 July 1714 CO 5/1316 (LOC Class 5 Transcripts).

\textsuperscript{59} ‘America and West Indies: July 1716,’ in Calendar of State Papers Colonial, America and West Indies, Volume 29, 1716-1717, ed. Cecil Headlam (London: His Majesty’s Stationery Office, 1930), 139-159. Fontaine, who travelled to Christanna with Spotswood in 1716 was among those who considered moving to the region after having spent some time among the Saponis. See, Journal of John Fontaine, 98–99.

\textsuperscript{60} Spotswood, Official Letters, 2: 93-5.

\textsuperscript{61} Ibid., 2: 89.

Mary, as forms of tributary payment. \(^{63}\) Christanna, however, was his largest effort at conversion: at its peak in 1715, almost seventy Indian children were enrolled in its school.\(^{64}\) In its totality, the experiment at Christanna was at the core of Spotswood’s project of re-making the region’s Indians into “useful friends [rather] than dangerous enemys to us.”\(^{65}\)

The good will of the Saponis was the key to all of this. Yet their presence in the Southside created tensions that Virginia could never resolve. From the moment they moved to Christanna, the Saponis were targeted by Iroquoians, not just the Meherrins and the Nottoways, but the Tuscaroras and the Senecas, often working in concert with one another.\(^{66}\) This mutual antipathy was at least partially behind the flat refusal, despite considerable coercion, of the Meherrins and Nottoways to relocate to Christanna.\(^{67}\) Virginia was inevitably drawn into these conflicts, as it was obligated to protect most of the participants.

While Spotswood would occasionally claim that Virginia’s tributaries were in “entire subjection,” historians have been too quick to concur that tributary people can best be described in these terms. The mounting tensions between tributaries on the Southside remind us of the continuing autonomy of tributary peoples, who continued to wage war and make alliances amongst themselves according to indigenous logic and practices. As the tributary system expanded beyond the peoples of the Powhatan chiefdom into the more complex politics of the Southside, managing this autonomy proved a major challenge. The conflicts and intrigues


\(^{66}\) The first killings, or at least the first that came to the attention of the English began in the summer of 1709. See, Letter from Benjamin Harrison to Edmund Jenings, 14 July 1709 f. 20 it. 52, Virginia Colonial Papers; McIlwaine, *Executive Journals of the Council of Colonial Virginia*, 3: 220.

generated by these ongoing instances of tributary autonomy combined with Virginia's lack of real authority (let alone sovereignty) over its tributaries, led to a deep crisis in the tributary system by the end of the 1720s.

Virginia was often caught between tributary groups. On the one hand, the Saponis were widely considered the most “friendly” and tractable of Virginia’s tributaries. Yet Virginia could not favor them at the expense of the Iroquoians with whom they were expected to share the Southside, in part because the Nottoways and Meherrins remained useful as intermediaries to larger Iroquoian polities. Their political ties gave the Iroquoians leverage within the tributary system. 68 In the tense summer of 1719, for instance, Virginia paid "satisfaction" to the Nottoways for a murder allegedly committed by an English settler. Though the English did not believe that the Nottoway in question had in fact been murdered, fear of the Nottoways’ ability to stir up the Haudenosaunee led the English to prefer paying “satisfaction” to forcing the issue. 69

Thus, even though the Meherrins and Nottoways refused to participate in Spotswood’s radical cultural experiments, Virginia could not simply side with the Saponis against them. Instead, Virginia’s governors attempted, ultimately with little success, to navigate between its competing political obligations.

During Fort Christanna's brief heyday, these tensions mostly simmered beneath the surface. However, Christanna's funding was dependent on the fortunes of the Virginia Indian Company, which paid for the fort out of the proceeds of its monopoly of the Virginia Indian trade. The monopoly provoked bitter opposition and was dissolved by Royal order in the summer

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68 Besides the examples referenced in the body of this paper, see also Spotswood’s attempts to negotiate hunting ground boundaries, efforts which used the Nottoways and Meherrins as mediators with the Tuscaroras. McIlwaine, Executive Journals of the Council of Colonial Virginia, 3: 398; Journal of the Lt. Governor’s Travells & Expeditions Undertaken for the Publick Service of Virginia, 11 September 1717 CO 5/1318 (LOC Class 5 Transcripts).

of 1717. 70 Spotswood appealed to the House of Burgesses, arguing that Virginia should pay for the Fort, lest it be guilty of breaking “a Treaty founded upon the acts of former assemblys,” and of abandoning “a nation of Indians who have justly performed their part thereof.” The Burgesses, he said, would be responsible for the “blood of our allies” should they fail to protect them. 71 The Burgesses were unmoved, however, and refused to fund the Fort and its school. The Saponis, they said, would have to be “content with the same protection other tributarys enjoy.” 72

Though the Saponis remained at Christanna, its period as an experiment in colonial subjection was over. In its wake, Siouan and Iroquoian violence quickly became endemic. 73 In 1719, a large Seneca war party was reported in Virginia, hoping to “try the strength of the English at the fort of Christanna” and “cut off and destroy the Sappone Indians.” In response, the Council ordered the militia readied to protect the Saponis’ “lives and estates from the insults of those Indians” and sent messengers to the Nottoways, who were ordered not to assist the Haudenosaunee. The militia, however, was ineffective: the Saponis were attacked in July, September, and October. 74 The Nottoways and Meherrins participated in at least one of these attacks, apparently in retaliation for an earlier murder of a Nottoway by a Saponi. The Nottoways had initially followed tributary protocol by asking Virginia to force the Saponis to turn the killer over to them, but the Saponis had refused. With Virginia unable to mediate

70 Kings Order in Council Repealing the Tobacco and Indian Trade Laws, 31 July 1717 f. 28 it. 23, Virginia Colonial Papers.
73 Gamble, “A Community of Convenience,” 89.
successfully, the Iroquoian tributaries had taken matters into their own hands and joined the Tuscaroras and Haudenosaunee in the October attack on the Saponis.\(^\text{75}\)

As the year ended, Virginia made a substantial attempt to negotiate its precarious Indian politics by mediating a peace agreement between Siouans and Iroquoians. An ambassador was sent to invite the Tuscaroras to a summit, at which Virginia promised to provide satisfaction for any wrongs the Saponis might have inflicted upon them.\(^\text{76}\) When the Tuscaroras refused to attend, Virginia petitioned Carolina for their help in arranging the Tuscaroras’ presence. Carolina’s Governor, perhaps concerned by Virginia’s ongoing efforts to build ties with his tributaries, replied that it was not in his power to compel Blount’s people to come, because they were “apprehensive of the resentment of this government and unwilling to trust themselves” in Virginia.\(^\text{77}\) Blount, while denying any ill intent, would not be persuaded to make peace with Virginia’s tributaries and the Saponis, who also ignored the summons to Williamsburg, remained unsatisfied.\(^\text{78}\) Only the Nottoways and Meherrins showed up in Williamsburg, where they readily conceded that eight Nottoways and twelve Meherrins had participated in an attack on Christanna.\(^\text{79}\)

Virginia's response was indicative of the limits of its authority and its abilities as a mediator. While the Council agreed that the Iroquoians should be punished for attacking the Saponis against the "express directions of the Government," the Nottoways and Meherrins’ ties to the Haudenosaunee and Tuscaroras led to a decidedly ambiguous response that could not have satisfied the Saponis. Virginia arrested the men who had participated in the attack. Instead of

\(^\text{77}\) Ibid., 3: 517.
\(^\text{78}\) Charles Eden to Spotswood Concerning Indian Difficulties, 28 December 1719 f. 29 it. 22, Virginia Colonial Papers.
being turned over to the Saponis, however, they were merely warned that “making war upon any
of his majestys subjects and their firing upon his majestys fort is a crime for which their lives are
forfeited.” However, due to Virginia's "compassion to their ignorance," (of what exactly is
unclear) the militia then released the men. The Haudenosaunee received even more delicate
treatment. They were given permission to remain among the Nottoways through the end of the
year, and received a guarantee of protection from the Saponis, who were warned “at their peril
not to meddle with the Senequas while they are under the protection of this government at their
Nottoway town.” 80

Despite his measured response, Spotswood was livid at the Iroquoian attacks, which
undermined his authority as protector of the Saponis. He wrote to the Governor of New York,
seeking his help restraining the Haudenosaunee, who had repeatedly demanded that Spotswood
"turn the Christanna Indians from under the protection of our Fort.” This, Spotswood noted, “I
could not in honour or conscience agree to, because I knew that when these tributary Indians of
our yeilded to the proposal of this government . . .  they expressly stipulated with me that the
English should build & garrison a fort at their new settlement” to protect them from their
enemies.” 81 He was, however, powerless to stop the violence. Able to neither satisfy nor punish
his various tributaries, he found himself stuck between them.

Haudenosaunee war parties in the Southside diminished significantly after the Treaty of
Albany in 1722, which required the Haudenosaunee to stay west of the Blue Ridge Mountains. 82
Even as the complicating factor of the Haudenosaunee diminished, however, Virginia’s tangled

80 Ibid., 3: 520-1.
81 Copy of a Letter from Col. Spotswood to Col. Schuyler Relating to the Settling of a Peace With the Five Nations.
82 Francis Jennings, “Pennsylvania Indians’ and the Iroquois,” in Beyond the Covenant Chain: The Iroquois and
Their Neighbors in Indian North America, 1600-1800, ed. Daniel K. Richter and James H. Merrell (University Park,
position as mediator between Siouan and Iroquoian continued largely unabated. As Governor Hugh Drysdale noted in 1726, the tributaries seemed intensely interested in Virginia’s protection from indigenous violence.\textsuperscript{83} Yet this was something Virginia could no longer provide. In February 1727, Blount’s Tuscaroras attacked a Saponi hunting party. At the Saponis’ request, Virginia demanded that Carolina turn the accused killers over to the Saponis, a demand which Carolina refused to fulfill. The Saponis were furious. As they suggested to Governor William Gooch, they had shown their "faithful [ness] to the English" by refraining from taking revenge themselves. Yet Virginia had failed to fulfill its end of the tributary arrangement. They demanded that Virginia procure the Tuscaroras for them. If Virginia could not obtain the satisfaction they desired, they threatened “with the assistance of the Indians their confederates to take their revenge in their own way.”\textsuperscript{84}

However, Blount convinced Gooch that the murder had been committed by “Northern Indians” who had “revolted from him, and now lived as pirates & robbers.” Gooch declined to pursue the matter, though he did give the Saponis permission to seek satisfaction on their own.\textsuperscript{85} He almost certainly expected them to obtain it by attacking the Tuscaroras, whom Virginia had no obligation to protect.\textsuperscript{86} The Saponis, however, showing a native sense of political affiliations in the Southside, instead enlisted the Catawbas’ help for a raid on the Meherrins. Shortly thereafter, the Meherrins accused the “old Occoneechy King and the Saponie Indians” of leading a group of Catawbas to their town, where they killed twelve and took a young boy captive.\textsuperscript{87}

\textsuperscript{83} Hugh Drysdale to the Board of Trade, 29 June 1726 CO 5/1320 f.44r-44v, (VCRP).
\textsuperscript{84} McIlwaine, \textit{Executive Journals of the Council of Colonial Virginia}, 4: 126, 132 -133.
\textsuperscript{85} McIlwaine, \textit{Executive Journals of the Council of Colonial Virginia}, 4: 139; Extract of the Proceedings of the Council of NC Concerning Indians Affairs, 4 April 1727 f. 33 it. 4, Virginia Colonial Papers. The proposed October meeting appears not to have occurred.
\textsuperscript{86} As is suggested in Letter from Robert Carter to the Board of Trade, 13 May 1727 CO 5/1320 f.153v (VCRP).
\textsuperscript{87} Sir Richard Everard Concerning Difficulties with the Maheran and Saponie, October 1727 f. 33 it. 20, Virginia Colonial Papers.
Questioned by Colonel Nathanial Harrison, the Catawbas acknowledged participating in the attack, saying that the “Tuskororoes had killed many of the Sappony Indians last winter, that are our Brothers and friends.” Because they considered the “Maherins and Tusks, were all one, and were always together,” they decided to take revenge by attacking the Meherrins. Though its significance was not clear at the time, the Saponis’ decision to enlist the Catawba’s help was an early sign that the Saponis were beginning to look elsewhere for protection.

Now it was the Meherrins who petitioned Virginia, demanding that twelve Saponis “be delivered up to them to be put to death, and that the prisoner be restored to them.” Virginia insisted that the Occaneechee King had a solid alibi and was not involved. The Saponis readily admitted participating – after all, they had received permission to seek vengeance. However, they refused to turn over the warriors who had participated, claiming that they had fled with the Catawbas. The council, because the guilty parties were “no longer in their power, either to be punished or delivered up by them” declined to punish the Saponis for their attack on the Meherrins.

Despite repeated appeals from its tributaries for assistance, not only had Virginia failed to mediate effectively, but the following year Gooch attempted to change the rules of tributary subordination in dramatic fashion. That spring, while in Williamsburg to pay tribute, the Totero King (probably the same individual as the “Occaneechee King”) accused the Nottoways of having killed his son. The Nottoways, in turn, accused the Saponis of two subsequent murders. This time, Virginia ordered the assembled members of both peoples imprisoned until the respective culprits were turned over for trial in English court. This was a highly unusual step,

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88 An Account of Nathaniel Harrison’s Proceedings . . . with the Cautaubau Indians.
89 McIlwaine, Executive Journals of the Council of Colonial Virginia, 4: 153.
well outside the normal tributary custom for intra-tribal killings, which called for Virginia to turn the accused over to the victims for punishment according to their norms. Moreover, because Virginia's Council had agreed that the Nottoways were guilty of killing the Totero King's son, it must have appeared to the Saponis that their men were being punished for a killing that Virginia had acknowledged as just.\textsuperscript{91} The Saponis proved completely unwilling to consent to this major shift in the tributary system, which threatened both their autonomy as military actors and the integrity of indigenous jurispractice in the Southside. Soon thereafter, settlers were reporting that the Saponis had once again sent for the Catawbas and were plotting to “carrey there wives and children over roanoak river and then they would drive the white peopel and negros as far as James river.” Amidst these threats was a clear sense that the English were out of bounds. The Saponis believed they had “noe busnes to com to the fort armed to consern our selves about there killing one another.”\textsuperscript{92} That November, the Totero King was jailed for having “threatned the lives of the Governor and others his Majesty’s subjects, and then to go off to some foreign Indians,” undoubtedly the Catawbas.\textsuperscript{93}

Displaying a tin ear for Indian politics, Gooch found a way to make matters even worse. In the spring of 1729, after deciding there was insufficient evidence to convict any of the accused parties, he took the opportunity to “remonstrate to these savages the justice of our laws which permit no man to be punished without due proof of his crime.” Even Gooch could tell that the Saponis and Nottoways were unimpressed by his lecture. He noted that both sides expressed “great resentment against the English for not concurring with them," and expected them to

\textsuperscript{92} “Draft Letter of [Gooch?] To Sir Richard Everard, Concerning Indians on the Southern Frontier.”
\textsuperscript{93} McIlwaine, \textit{Executive Journals of the Council of Colonial Virginia}, 4: 189.
resume attacking one another, despite his warning that he “forbid all hostility” between them.\textsuperscript{94} It is entirely unsurprising that each side should feel dissatisfied. Both were tributaries, and as such, the English were obligated to protect them from attacks and to assist them in acquiring satisfaction should they occur. This was one of the foundational terms under which the Indians had consented to tributary subordination.

The Saponis seem to have concluded that the English were no longer worth the trouble and soon exercised their continuing ability to abandon political subordination to them. Just a few weeks later, local settlers reported that the Saponis had not planted spring corn and were preparing to desert the lands that had been their home for a generation. By October, they were gone, having abandoned their status as tributaries and “joined themselves” to the Catawbas.\textsuperscript{95} A puzzled, but not particularly concerned, Gooch would later report that he thought he had “in good measure effected” the reconciliation of the Nottoways and Saponis, and was surprised to hear that the Saponis had relocated four hundred miles to the South. But the moment when the loss of a tributary population would have been seen as a matter of great importance was over. Gooch seemed principally relieved at no longer having to expect “any further trouble” from the Saponis.\textsuperscript{96}

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In the event, the Saponis’ story in Virginia was not yet finished. In 1732, the Saponi again returned to Virginia and to their status as tributaries.\textsuperscript{97} We have no clear idea why their merger with the Catawbas, skilled incorporators of other Siouan groups, failed.\textsuperscript{98} Once back in

\textsuperscript{94} Letter from Gooch to the Lords of Trade, 26 March 1729 CO 5/1321 f.110r (VCRP).
\textsuperscript{95} McIlwaine, \textit{Executive Journals of the Council of Colonial Virginia}, 4: 198, 209.
\textsuperscript{96} Letter from Gooch to the Board of Trade, 9 January 1729 CO 5/1322 (LOC Class 5 Transcripts).
\textsuperscript{97} McIlwaine, \textit{Executive Journals of the Council of Colonial Virginia}, 4:269.
\textsuperscript{98} Merrell, \textit{The Indians’ New World}. 
Virginia, their disputes with the Iroquoians, particularly the Nottoways (who raided their town), were quickly renewed. They returned to a Virginia with even less patience for the affairs of Indians than the one they had left. While the governor ordered the Nottoways to return the prisoners they had taken in these raids, the Nottoways were not ordered to turn over the killers, leaving the Saponis with uncovered dead. In fact, in another serious revision of tributary practice, the Council threatened to punish future murderers in English courts and to collectively enslave whichever community was guilty of being the “first Aggressours.” Unsurprisingly, most of the Saponis did not remain tributaries for long. While a Saponi band did find refuge on the retirement estate of Alexander Spotswood, most of the Saponis sought protection from former Iroquoian enemies, requesting permission to incorporate with Blount's Tuscaroras in Carolina. Many who did so would soon join the ongoing migration of Tuscaroras to live among the Haudenosaunee.

In the late 1720s, under the relentless weight of demography, the continuing pressures of disease, warfare and dispossession, transformations in the Indian politics of the interior, and the spread of Virginia’s Indian affairs to a new frontier across the Blue Ridge, the confluence of interests that had created the conditions for the reassertion of the tributary system after Bacon’s rebellion finally collapsed. Virginians deserve much of the blame for this. At their best, the English were often cynical, greedy, and duplicitous actors, and they were rarely at their best. However, even in decline, the tributary system remained a story of subjugation and power over people as well as a story of dispossession. A great many of the peoples that Virginia had courted as its tributaries decided, in the 1720s and 1730s, to take their chances with the equally dubious

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protection offered by the Haudenosaunee, a people most of them hated as bitterly as they had the English just a few years earlier. The Tuscaroras, though initially treated as “children who shall obey our commands & live peaceably and orderly,” eventually arrived in Iroquoia in sufficient numbers to escape their subordinate status as mere “props” of the Longhouse and become adopted as the Sixth Nation of the Iroquois League.\textsuperscript{101} Many smaller peoples of the Chesapeake and the Piedmont, including groups of Piscataways, Nottoways, Meherrins, Saponis, Tutelos, and others who had once accepted tributary subordination also relocated to the polyglot communities along the Susquehanna River, trading their most valuable commodity – their political loyalty – for land on easier terms and greater distance from encroaching colonists.\textsuperscript{102} They would be treated by the Haudenosaunee as members of an unequal alliance given protection and offered the right to live as largely self-governing communities on land the Haudenosaunee nonetheless claimed as their own (and were not averse to selling out from under them) in exchange for deference and political subordination, particularly in matters of war and peace.\textsuperscript{103} According to Conrad Weiser, they lived as “dependents and tributaries” of the Six Nations.\textsuperscript{104}

Only years before, Virginians actively recruited these very people. For a time, indeed for most of the period between 1646 and the 1720s, their terms, though unequal and exploitative, were sufficient to keep many of Virginia’s Indians in or near their homelands, and to induce

\textsuperscript{101} O’Callaghan and Fernow, \textit{Documents Relative to the Colonial History of the State of New-York}, 5: 387.
\textsuperscript{104} Weiser, “An Account of the First Confederacy of the Six Nations,” 666.
some peoples, including the Saponis, to enter multiple times into tributary arrangements. Yet by the end of the 1720s, many of these people were gone. Virginia’s native population, mostly small Powhatan peoples nearing their nadir, Southside Iroquoians who chose to remain, and mobile groups such as the Saponi band that lived on Spotswood’s property at Germanna who are almost impossible to track through the archive, faced a new kind of indifference, the blindness of the settler colony. As the decade ended, William Byrd, surveying the border that had played such an important role in Virginia’s efforts to import Indians, noted that the Nottoways, numbering only a few hundred souls, were the “only Indians of any consequence now remaining within the Limits of Virginia.” Virginia seemed on the verge of becoming an Indian-free zone: at the very least, it had become a place where the Indians on the frontier could be safely ignored as of “very little influence upon the Peace of this Government.”

To the extent Byrd’s dreamscape of an emptied land looked forward to the perfect void of the settler-colonial imagination, it might be taken as a reflection on the fatal shortcomings of the tributary era. Indeed, in the decades to come, tribute and tributaries slip from the minutes of colonial governors and legislatures into increasing obscurity. Enough traces survive to see the slow growth of the patriarchist models of power favored by the colony’s enlightened slaveholding elite seeping into what remained of Virginia’s long tradition of Indian politics. By the century’s end, trustees held the position of mediator once claimed by weroansquas and great men, in the process substituting relations of dependence and guardianship for those of deference and protection. It seems likely that annual tributary payments continued, though their

105 Letter from Gooch to the Board of Trade, 15 July 1733 CO 5/1323 f.92r-92v (VCRP).
political significance, to the settler-state at least, had diminished by the end of the eighteenth-century to the point that they were long considered unworthy of note in the Colony’s archives. By the dawn of the revolution, the tributary system seemed to have permanently lost its political currency, having succumbed to an irrelevance that made its legacy easily obscured. Thomas Jefferson, for instance, in his survey of Indians in his *Notes on the State of Virginia*, made no reference, historical or otherwise to the practice. The long-history of tribute seemed consigned to an increasingly illegible past in a Virginia which no longer cared to claim the loyalty and affection of its remaining native peoples.

**DOMESTIC DEPENDENT NATIONS**

Despite its marginality in Virginia at the end of the eighteenth-century, the history of tribute is not simply a curiosity or quaint piece of local color. In fact, its conceptual and structural components are central to understanding the subsequent history of indigenous people in the era of the nation-state. Though severely challenged by aggressive new forms of colonial power, in the 1820s tributary structures became embedded into the very heart of federal Indian law in perhaps the archetypal incident of “pure” settler colonialism, Cherokee Removal. As a legal matter, removal hinged less on questions of property and title than it did on the meaning and nature of political subordination. In its efforts to dispossess the Cherokee, the state of Georgia articulated a legal position based on what Lisa Ford has recently called "settler sovereignty" a political and legal position which insisted on the territorial and jurisdictional sovereignty of white settlers over indigenous peoples.¹ Among the key contentions of its proponents was to deny long-established traditions of legal pluralism, perhaps the key component of sovereignty in tributary relationships. As Ford notes, Georgia's claims were radical

¹ Ford, *Settler Sovereignty: Jurisdiction and Indigenous Peoples in America and Australia, 1788-1836.*
departures from colonial and early republican precedent, heralds of an aggressive new model of colonial rule antithetical to the continuing corporate existence of Indians within its borders and harbingers of a pure settler state. In its efforts to dispossess the Cherokees, Georgia first sought to make subjects of them by destroying their status as a distinct, though subordinate, political entity.

The resulting legal wrangling led the Supreme Court to issue two landmark decisions defining the political status of Indians in the settler republic. The first, *Cherokee Nation v Georgia* hinged on whether the Cherokees were a foreign nation. The Cherokees argued that their many treaties with the Federal Government both implied and guaranteed their sovereignty and that, as sovereigns they were necessarily foreign. They explicitly appealed to tributary logic to make their case. While they conceded having entered the protection of the United States as the weaker parties in an unequal alliance, they cited the eighteenth-century theorist of international law Emer deVattel to argue that this alliance was itself evidence under international law of their continuing sovereignty. As a sovereign people, they believed they had legal standing to petition the court as a foreign state.

The Cherokees’ request hit directly on one of the major ambiguities of tributary relations. Were tributaries internal or external to the greater power? The question split the court into three factions. Two judges issued opinions highlighting the powerful pull of settler sovereignty, finding the Cherokees to lack sovereignty. Their opinions rested in part on racialized arguments that Indian governments were by, definition, sub-political and unworthy of respect. As Joanne

\[\text{\footnotesize 2 Ibid., 25.}\]
Barker and Jodi Byrd have pointed out, race was rapidly becoming a signifier capable of erasing the sovereignty of native peoples. However, in the Cherokee cases, race was not the only issue of relevance. The justices who denied Cherokee sovereignty made their cases in the first instance on very restrictive interpretations of the meaning of political dependence and protection. Justice Baldwin held that no Indians who had entered into treaties could be considered sovereigns, because in doing so they were acknowledging dependence. As Justice Johnson put it, treaties of peace which "receive them [the Cherokees] into the favour and protection of the United States," clearly represent a "language of sovereigns and conquerors, and not the address of equals to equals." The suggestion that sovereignty could only occur between equals was, in terms of international law, somewhat novel, but in truth neither judge went quite so far as to argue for zero-sum conceptions of sovereignty as either absolute or absent (a position that would have been difficult to maintain given the dual sovereignty of state and federal governments). Indeed, Johnson - in what looks like a nod towards Vattel - recognized that Bodin's spectrum of subjugation had continuing value as a legal conceit. "They have in Europe," he said, "sovereign and demi-sovereign States, and States of doubtful sovereignty." The Cherokee, he contended, were by virtue of their treaty relations "still a grade below them all."

It is hard not to escape the conclusion that race fueled some of this conviction: after-all, he implicitly treats complex sovereignty as appropriate to civil nations but not to colonial situations. However, Johnson also implied that the inequities of power between Indians and the

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5 Peters, The Case of the Cherokee Nation Against the State of Georgia, 182–84; Garrison, The Legal Ideology of Removal, 135–36.
6 Peters, The Case of the Cherokee Nation Against the State of Georgia, 167.
7 Ibid., 170–71.
United States had simply become so great that the Cherokees could no longer claim sovereignty. This was a risk which, according to Grotius, tributary princes necessarily took because tributary relations had a propensity to slip "by little & little" into "Empire properly so called."\footnote{Grotius, \textit{The Illustrious Hugo Grotius of the Law of Warre and Peace}, 131.} Johnson's opinion suggested that this slippage had occurred. Indeed, in his estimation, the very fact that they sought recourse through U.S. courts belied their lack of sovereignty, since it proved that they were no longer their own arbiters of justice, but depended on the laws and intervention of a power from which they nevertheless wished to be counted as distinct.

In contrast, Justices Thompson and Story sided with the Cherokee and upheld the tributary structure of colonial subordination. Though clearly weak, and subject to the humiliations and inequities of power associated with unequal alliance, they insisted that "tributary and feudatory states do not thereby cease to be sovereign and independent states."\footnote{Peters, \textit{The Case of the Cherokee Nation Against the State of Georgia}, 197.} Thompson's opinion laid the case for tributary sovereignty in very traditional terms. Despite having lost wars, ceded territory, and accepted limits on their external affairs, in the process developing a "qualified subjection," they continued to be self-governing and, because of their jurisdictional distinctiveness, foreign. Like Baldwin and Johnson, Thompson acknowledged the possibility that tributary status might lead towards a complete conquest. He noted, for instance, the existence of non-sovereign "remnants of tribes" in the East, who had mixed with the colonists, lost their national character and "gradually become subject to the laws of the States within they are situated." Such peoples, among whose numbers he would surely have placed Virginia's tributaries, no longer deserved the title of sovereign. But the Cherokees were not among them.
John Marshall's opinion, which bequeathed the immortal phrase "domestic dependent nations" to American jurisprudence, split the difference between these two lines of argument. He sided with one majority to find the Cherokee sovereign and with a separate majority who judged them subordinated, and thus not foreign. The Cherokees, he wrote, were "a distinct political society, separated from others, capable of managing its own affairs and governing itself." Yet, like many Indians they had accepted a status of protectorates of the United States, in the process becoming internal to the settler-state. The Cherokees, he argued "look to our government for protection, rely upon its kindness and its power, appeal to it for relief for their wants, and address the president as their Great Father." Yet because their dependence left them unable to form political connections with other nations, they could not be properly considered "foreign," and hence must be "domestic."

The following year, the court revisited the issue of Cherokee sovereignty in *Worcester v. Georgia*. The decision, which adopted largely intact Thompson's reasoning in *Cherokee Nation v Georgia*, left no doubt that the majority considered Indians tributary subjects. In his *Worcester* decision, Marshall briefly described the history of colonial relations in North America as a long process of creating unequal alliances, which created dependent relationships but emphatically left native self-governance intact. Among the centerpieces of his argument was the Royal Proclamation of 1763 which, as he noted placed Indians under both the sovereignty and protection of the Crown. The United States had adopted this diplomatic practice, which provided the assurances it needed to exercise power and expand, while also providing real value to protected Indians. From a native perspective, as Marshall understood it, treaties had made them

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11 Ibid., XII:168–69.
tributaries, "bound" to the colonizers as "a dependent ally, claiming the protection of a powerful friend and neighbor and receiving the advantages of that protection without involving a surrender of their national character." Protection, he argued, cannot be taken to legally imply the "destruction of the protected." 12 As Thompson had in Cherokee Nation v Georgia, Marshall cited Vattel to argue that the status of Indians under law was clear: they were tributaries. 13 On this basis, the court struck down Georgia's jurisdictional and territorial power-grabs because the Cherokees were a sovereign people, subordinate not to the states, but to the Federal Government.

Worcester is sometimes considered by scholars as an "astonishingly pro-Indian document for the era," in contrast to Marshall's decision in Georgia v Cherokee Nation, which has been called waffling, overly cautious, and dependent on legal sleight of hand. 14 Others have seen the two decisions as essentially competing, one denying Cherokee sovereignty, the other affirming it. 15 Seen as pronouncements on the contemporary currency of tributary relations, however, the distinction between the two opinions seems modest at best. Indeed, in oral arguments the Cherokee's legal team explicitly asked the court to affirm their status as domestic, dependent nations, as part of their argument for their sovereignty, which is more or less what the Worcester decision did. 16 In both his opinions, Marshall upheld tributary modes of subordination against the logic of settler sovereignty. Collectively, the two decisions, cornerstones of American Indian law, codified tribute into the heart of U.S. law.

12 Ibid., XII:172.
13 Ibid., XII:179.
15 Rosen, American Indians and State Law, 45–46.
Legal victory on the question of sovereignty was, for the Cherokees and other Indians in the century, bitter and fragile. For if tributaries were sovereign, they were by no means freed from coercive power. As a number of legal historians have shown, throughout the nineteenth century, heyday of unabashed settler colonialism, the courts were more interested in drawing out the implications of dependence and domesticity and developing aggressively paternalistic notions of federal protection than they were in recognizing and enforcing the nationhood of Indians. Even so, the fulfillment of settler sovereignty into what Sir John Davies had long-ago called a "perfect conquest" never quite came to fruition. In the twentieth century, the deeply embedded tributary logic of dual, but unequal sovereignty, has rebounded considerably (though not without challenges and setbacks) as a component of what remains a settler colonial state. Today, Indians remain awkwardly and vulnerably positioned as neither in nor out, sovereign and yet subordinate, a status which exposes them to ongoing dispossession and opens many possibilities for resistance.

In Virginia, conquest remained similarly “incomplete.” As is the case across the settler state, its native peoples never crossed the horizon of absence, and its structures of power never reached the uniformity of pure subjection. Though driven underground, tribute remained part of Virginia’s legal code, and though hidden, it survived the leap from early modernity to modernity, and from royal colony to federal state. In the nineteenth century, the practice re-emerged from the shadows. In its modern guise, tribute unsurprisingly became saturated by modern notions of race, serving as a vital tool in native efforts to maintain communal identities in an era when any hint of racial mixing could result in redefinition as black. By 1890, when the Richmond Daily Times ran a column detailing the history of Indians in Virginia, the editors duly noted the

\[\text{Wunder, } Retained by the People: A History of American Indians and the Bill of Rights, 27.\]
Pamunkeys’ mixed racial heritage, though they remarked that “the distinctive physiognomy of their race” still “strongly asserts itself” in their visage. Nevertheless, their communal identity as both part of and separate from Virginia remained intact, its play of difference and similitude enacted each year by the payment of tribute. This custom, which the Times noted dated back to the “earliest times” of the colonial era, marked both their “fealty” to Virginia and their political distinctiveness, of their ongoing existences as members of a “little state [which] has remained as distinct an autonomy among greater powers as Andorra among the Pyrenees, or as San Marino by the sea.”

Tribute continues to structure political relations between the state of Virginia and its indigenous people, and its central ritual featured prominently in the recent petitions that led to Federal recognition of the Pamunkeys. Like all deeply rooted historical institutions, tribute has changed since the early eighteenth century. It is now paid in the fall, rather than the spring, for instance. But the ambiguous nature at its heart remains largely intact. It still serves a double function, acting on the one hand as a sign of the ongoing power of the settler state to compel subordination and dictate the parameters of political arrangements, and as a key tool of resistance in the ongoing struggles of Virginia’s indigenous peoples to maintain political, cultural, communal, and territorial autonomy.

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