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Eyes on the prize: Dutch Privateering in New Netherland

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EYES ON THE PRIZE

Dutch Privateering in New Netherland



“View of New Amsterdam”, Johannes Vingboon (1664), Nationaal Archief Den Haag.

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EYES ON THE PRIZE

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INTRODUCTION

The docks of New Amsterdam in the Dutch American colony of New Netherland were crowded after the arrival of Captain Willem Albertsen Blauvelt and his crew on May 29, 1644; apart from the *La Garce*, the frigate under Blauvelt's command, Blauvelt and crew anchored two Spanish vessels too. Blauvelt had been granted a commission to go privateering in the West Indies "against the enemies of the High and Mighty Lords of the Estates General of the United Netherlands".¹ "With the help of God" and "by force of arms," Blauvelt and crew managed to capture a Spanish bark sailing from Santiago (Cuba) to Cartagena on January 7, 1644. The Spanish vessel, commanded by Captain Franck Creolie, was laden with valuable colonial goods: sugar, tobacco, and ebony wood. On March 11, they captured another vessel in the river of Matique Bay, probably Amatique Bay in the Gulf of Honduras. This ship, captained by Crosie of Biscaye and sailing from New Spain to "Witte Male", most likely Guatemala, was laden with wines. Three days after Blauvelt arrived at Fort Amsterdam, the council of New Netherland proclaimed these two Spanish barks to be "good prizes" by default, with the stipulation that if someone had cause to declare otherwise, they were to appear in Fort Amsterdam in a fortnight to make their case. Nobody appeared and, consequently, on July 8, Blauvelt's prizes were officially declared "good".² This was probably not Blauvelt's first privateering expedition, and later records from the council reveal it was not his last.

The rich history of Dutch North America has been studied by many, yet existing historiography often overlooks the significant naval warfare and confrontations that marked this period.³ This omission is puzzling. The archives that New Netherland scholars generally consult

¹ "... ende dat op de vyanden vande Ho: Mo: Heeren der Staten Generaal der verenichde Nederlanden...", "...met de hulpe Godes vechtenderhant...", "... goede prinsen...". New York State Archives (hereafter "NYSA"). New York (Colony). Council. Dutch colonial council minutes, 1638-1665. Series A1809-78 (hereafter "A1809-78"), Volume 4, doc. 188-189, May 17-June 6 1644. English translation can be found in A.J.F. Van Laer, Kenneth Scott en Kenn. Stryker-Rodda, *Council Minutes, 1638-1649* 4. New York historical manuscripts: Dutch (Baltimore: Genealogical Publishing 1974), 219-220.

² NYSA, A1809-78, V04, doc. 192-193, 6-8 July 1643, doc. 194, 8-14 July 1643, also in .

³ Jaap Jacobs, *New Netherland : A Dutch Colony in Seventeenth-Century America* (Leiden; BRILL 2004); Jaap Jacobs en L. H. Roper, *The Worlds of the Seventeenth-Century Hudson Valley*. SUNY Series, an American Region: Studies in the Hudson Valley (Albany: Excelsior Editions 2013)

<<https://login.ezproxy.leidenuniv.nl:2443/login?URL=https://search.ebscohost.com/login.aspx?direct=true&db=e000xww&AN=780185&site=ehost-live>>; Van Cleef. Bachman, *Peltries or plantations : the economic policies of the Dutch West India Company in New Netherland, 1623-1639* (Baltimore, MD: The Johns Hopkins Press 1969); Joyce D. Goodfriend, *Revisiting New Netherland: Perspectives on Early Dutch America* (Leiden, The Netherlands: Brill 2005) <<https://doi.org/10.1163/9789047407997>>; Susanah Shaw Romney, *New Netherland Connections: Intimate Networks and Atlantic Ties in Seventeenth-Century America* (Chapel Hill: The University of North Carolina Press 2014) <https://doi.org/10.5149/9781469614267_romney>; Janny Venema, *Kiliaen van Rensselaer (1586-1643) : designing a New World* (Hilversum: Verloren 2010); Wim Klooster, *The Dutch moment : war, trade, and settlement in the seventeenth-century Atlantic world* (Leiden : Leiden University Press 2016); Warren

contain sufficient data to investigate this aspect, the above-mentioned case being one of many. Furthermore, during its fifty-year existence, New Netherland was primarily controlled by the Dutch West India Company (WIC), often regarded as a military branch of the Dutch States-General, charged to challenge Iberian control over the Atlantic.⁴ A primary objective of this chartered company was to target and seize Iberian ships carrying precious metals or colonial commodities across the Atlantic, the most notable of such an attack being Piet Hein's seizure of the 'Silver Fleet' in the Bay of Matanzas (Cuba) in 1628.⁵ This practice of authorising private parties to seize enemy vessels and goods during conflicts began in the late Middle Ages. It developed into a commonly adopted and professionalised maritime strategy in premodern Europe. Privateering, as this practice of privatised warfare became known in the seventeenth century, served as the principal naval weapon for the Dutch Republic in its war against Spain (1568-1648).⁶

For states, privateering served both *military* and *economic* purposes, with private parties bearing the costs and risks of warfare. For the commissioned men, privateering was primarily a business activity. The possibility of obtaining booty often enticed them to partake; the commission authorised privateers to attack and seize hostile vessels and goods. When privateers had acquired booty, their 'prize' would be adjudicated, a crucial aspect that legitimised the raid and liquidised investment. Only

George Sherwood, 'The Patroons of New Netherland', *The Quarterly Journal of the New York State Historical Association* 12 (1931) 271-294; A. J. F. van Laer, 'Patroon system and the colony of Rensselaerwyck', *Proceedings of the New York State Historical Association* 8 (1909) 222-233; Simon Hart, *The prehistory of the New Netherland Company: Amsterdam notarial records of the first Dutch voyages to the Hudson* (Amsterdam 1959); Kim Todt en Martha Dickinson Shattuck, 'Capable Entrepreneurs: The Women Merchants and Traders of New Netherland', *Women in Port* (2012) 183-214 <doi:https://doi.org/10.1163/9789004233195_010>; Susanah Shaw Romney, "'With & alongside his housewife": Claiming Ground in New Netherland and the Early Modern Dutch Empire', *The William and Mary Quarterly* 73 (2016) 187-224 <doi:10.5309/willmaryquar.73.2.0187>.

⁴ Alexander Bick, *Governing the free sea: The Dutch West India Company and commercial politics, 1618-1645* (Princeton University, 2012), 10; Henk den Heijer, *De geschiedenis van de WIC* (2e gew. dr.; Zutphen: Walburg Pers 2002), 9; Jacobs, *New Netherland: A Dutch Colony in Seventeenth-Century America*; Erik Odegard, 'Recapitalization or Reform? The Bankruptcy of the First Dutch West India Company and the Formation of the Second West India Company, 1674', *Itinerario* 43 (2019) 88-89 <doi:10.1017/S016511531900007X>; Klooster, *The Dutch moment: war, trade, and settlement in the seventeenth-century Atlantic world*, 3; Pepijn Brandon, *War, Capital, and the Dutch State (1588-1795)* (Leiden, The Netherlands: Brill 2015), 55-56 <doi:10.1163/9789004302518>.

⁵ Heijer, *De geschiedenis van de WIC*, 63.

⁶ Ivo van Loo, 'For freedom and fortune. The rise of Dutch privateering in the first half of the Dutch Revolt, 1568-1609', *Exercise of Arms: Warfare in the Netherlands, 1568-1648* (1997) 173-195 <doi:10.1163/9789004476356_012>; Henk den Heijer, 'A Public and Private Dutch West India Interest', *Dutch Atlantic Connections, 1680-1800* (2014) 159-182 <doi:10.1163/9789004271319_009>; Cátia A. P. Antunes, *Pursuing Empire: Brazilians, the Dutch and the Portuguese in Brazil and the South Atlantic, c.1620-1660* (Leiden, The Netherlands: Brill 2022) <doi:10.1163/9789004528482>; Heijer, *De geschiedenis van de WIC*; Wim Klooster, 'The Place of New Netherland in the West India Company's Grand Scheme', *Revisiting New Netherland: Perspectives on early Dutch America* (2005) 57-70 <doi:https://doi.org/10.1163/9789047407997_webready>; Victor Enthoven, *Zeeland en de opkomst van de Republiek: handel en strijd in de Scheldedelta, c. 1550-1621* (s.n. 1996).

after adjudication could prizes be auctioned off and their proceeds paid out to the parties involved according to their investment, either labour or (part)-ownership of the privateering vessel.⁷

The first paragraph pertains to the adjudication of Blauvelt's prizes, which confirms that New Amsterdam was a location from which privateering expeditions departed and to which prizes were returned. This may seem unsurprising, considering that privateering was a pillar upon which the WIC, and thus, by extension, New Netherland, was founded. Yet, this colony's relationship to privateering is not addressed in existing New Netherland scholarship, thereby arguably undermining itself. This study addresses this lacuna, aiming to uncover what role privateering played in New Netherland. It will do so by answering some interrelated questions: how did privateering become a maritime weapon for the Dutch Republic? To what extent did privateering contribute to the WIC's expansion in the Atlantic on behalf of the States-General? Why did New Netherland become a centre of privateering activities? And how did privateering affect this colony's history?

CONCEPTUALISATION

Since privateering is not a topic featured in current New Netherland scholarship, there is no historical debate to position this study in. The present thesis stands at a crossroads of different branches of historiography on the privateering concept and New Netherland historiography. Notable works on the latter include Van Cleef Bachman's study on the early colonisation of Dutch North America and the internal deliberation within the WIC's management board to promote trade or settlement in this colony during 1623-1638.⁸ He elaborated on the economic motivations for creating the 'Patroon system', a system of private colonisation that the company's management designed to satisfy those among the board who favoured colonisation.⁹ Van Laer and Sherwood assessed the historical trajectories of these private colonies, while Venema recently provided an elaborate biography of one of these patroons, Killiaen van Rensselaer.¹⁰

Oliver Albert Rink's book on the economic and social history of New Amsterdam continues where Van Claef Bachman's book left off.¹¹ Jaap Jacobs enriched Rink's work with his thorough history

⁷ Loo, 'For freedom and fortune. The rise of Dutch privateering in the first half of the Dutch Revolt, 1568–1609', 173; J. D. (John Davidson) Ford, *The emergence of privateering* (Brill 2023), 1-3, 134; Louis Sicking, *Neptune and the Netherlands: state, economy, and war at sea in the Renaissance* (Leiden: Brill 2004), 420.

⁸ Bachman, *Peltries or plantations : the economic policies of the Dutch West India Company in New Netherland, 1623-1639*.

⁹ Ibid, chapters V and VI.

¹⁰ Van Laer, 'Patroon system and the colony of Rensselaerwyck'; Sherwood, 'The Patroons of New Netherland'; Venema, *Kiliaen van Rensselaer (1586-1643) : designing a New World*.

¹¹ Oliver Albert Rink, *Holland on the Hudson : an economic and social history of Dutch New York, Holland on the Hudson : an economic and social history of Dutch New York* (Ithaca, N.Y. [etc: Cornell University Press 1986).

of New Netherlands.¹² He analysed multiple elements of the colony, including the characteristics of Dutch colonial policy, the dynamics between the Dutch and native Americans, the colony's social and economic frameworks, and its subsequent conversion into an English colony. Jacobs challenges the view of New Netherland as an unsuccessful colony with a simple structure, using diverse sources to present a nuanced perspective.

Jacobs also contributed essays to a book focused on European interest in the Hudson Valley during the seventeenth century and analysed the struggle for hegemony in New Netherlands between merchant colonists and WIC 1640s.¹³ Furthermore, he is currently writing a biography of New Netherland's most famous director-general New Netherland, Petrus Stuyvesant, about whom he published before in Joyce Goodfriend's *Revisiting New Netherland*.¹⁴ The essays in Goodfriend's publication cover various themes, including New Netherland's historical memory, political economy, and Atlantic position. Susanah Shaw Romney's publication links to this, as she studied the interpersonal networks of New Netherlanders and their connections in the broader Atlantic context.¹⁵

Conceptualising privateering is slightly harder to do. A challenge surrounding privateering research is the semantic ambiguity hovering over this concept. In English, as noted by Ford in his juridical history of English privateering, the terms "*privateer*" and "*privateering*" were only coined in the mid-seventeenth century. Still, historians have applied these terms to earlier periods. Although the activities conducted at sea did not significantly change, the increasing institutionalisation and professionalisation of privateering over time render the use of this term to describe these activities before the seventeenth century misleading.¹⁶ A similar problem exists in Dutch: the English terms *privateer* and *privateering* are commonly translated into "*kaper*" and "*kaapvaart*", but throughout the seventeenth century, people spoke of "*commissievaart*" or "*vrije nering*".¹⁷ Both English and Dutch scholars typically resolve this linguistic ambiguity by emphasising that these terms refer to a *legal* practice, sanctioned by a lord or state, rather than the *illegal* practice of piracy (*piraterij*).¹⁸ Unlike Ford's study, most studies on Dutch privateering relevant to this research are not works in legal history.

¹² Jacobs, *New Netherland : A Dutch Colony in Seventeenth-Century America*.

¹³ Jaap Jacobs en L. H. Roper, *The Worlds of the Seventeenth-Century Hudson Valley*; Jaap Jacobs, "'Act with the Cunning of a Fox': The Political Dimensions of the Struggle for Hegemony over New Netherland, 1647–1653", *Journal of Early American History* 8 (2018) 122-152 <doi:https://doi.org/10.1163/18770703-00802002>.

¹⁴ Goodfriend, *Revisiting New Netherland: Perspectives on Early Dutch America*.

¹⁵ Romney, *New Netherland Connections: Intimate Networks and Atlantic Ties in Seventeenth-Century America*.

¹⁶ Ford, *The emergence of privateering*, 1-2.

¹⁷ Johan Francke, *Utiliteyt voor de gemeene saake : de Zeeuwse commissievaart en haar achterban tijdens de Negenjarige Oorlog, 1688-1697 Dl. I. (s.n.) 2001*, 11.

¹⁸ Ford, *The emergence of privateering*, 2.

For example, Bruijn's study on privateering during the Second and Third Anglo-Dutch Wars (1665-1667, 1672-1674) focuses on the strategic purpose and practical organisation of the Dutch privateering business.¹⁹ Bruijn was the first Dutch historian to highlight the lack of Dutch privateering research up to that point. His call to increase Dutch privateering studies was answered by J. Verhees-van der Meer, whose dissertation focused on the financial and numerical scope of Zeeland privateering during the War of Spanish Succession (1702-1713). She examined this by analysing prize records of prizes captured by Zeeland privateers.²⁰ Francke extended, completed and improved Verhees-Van der Meer's work in his dissertation on Zeeland privateering during the Nine Years' War (1689-1697). He assessed the scope of privateering during this conflict and studied the practical, technological, and tactical aspects of how the privateering branch was exercised and the people involved. According to him, privateering professionalised to such an extent in the late seventeenth century that entire towns in the coastal areas in the Dutch provinces of Zeeland and Holland engaged in these activities.²¹

Apart from assessing privateering during specific conflicts, scholars have also written about the significance of privateering for premodern states. The histories of privateering in the Low Countries, as documented by Vrijman and Korteweg, demonstrate that involving private parties to maintain maritime hegemony and protect trade routes during conflicts increased violence at sea.²² This undermined state power and forced states to impose controls on those they sanctioned for naval violence, which increased institutionalisation in many European premodern states. Marjolein t'Hart also addresses this dilemma premodern rulers faced, and the institutionalisation privatised warfare brought about.²³ Ivo van Loo contends that privateering contributed to the establishment of the Dutch Republic during the first half of the Dutch Revolt (1568-1609) in various ways: by the nature of these activities, a maritime weapon used by Dutch rebels in their fight against the Habsburgs, by the regulations the Dutch implemented to control these privateers, by the incorporation of these activities in the young Republic's fiscal-military apparatus, and because of its connection to (colonial) merchant shipping, thereby contributing to the rise of the Dutch empire.²⁴

¹⁹ J.R. Bruijn, 'Kaapvaart in de tweede en derde Engelse oorlog' (1975).

²⁰ J.Th.H. Verhees-van Meer, *De Zeeuwse Kaapvaart tijdens de Spaanse successieoorlog 1702-1713, Werken uitgegeven door het Koninklijk Zeeuwsch Genootschap der Wetenschappen* (Middelburg 1986).

²¹ Ibid, 377-92.

²² L.C. Vrijman, *Kaapvaart en zeerooverij : uit de geschiedenis der vrije nering in de Lage Landen* (Amsterdam: Van Kampen 1938), 33-35; J.E. Korteweg, *Kaperbloed en koopmansgeest : 'legale zeeroof' door de eeuwen heen, Kaperbloed en koopmansgeest : 'legale zeeroof' door de eeuwen heen* (Amsterdam: Balans 2006), 43-56.

²³ Marjolein 't Hart, 'Kaapvaart en staatsmacht. Dilemma's van de geprivatiseerde oorlogvoering op zee', *De Zeventiende eeuw* 13 (1997), 425-434.

²⁴ Loo, 'For freedom and fortune. The rise of Dutch privateering in the first half of the Dutch Revolt, 1568–1609'.

The late-medieval origin of the institutions the Dutch created to effectuate the first three aspects Van Loo recognises — the five Admiralty colleges — has been assessed by Louis Sicking.²⁵ In his book, Sicking examines the Ordinances of the Admiralty, the legal framework of Habsburg maritime policy aimed at monopolising maritime violence. He demonstrates how the Habsburg government failed to implement a centralised Habsburg maritime policy due to its reliance on the maritime and financial resources of provincial and urban authorities during conflicts. The maritime interests of the central government did not align with those of the local authorities, resulting in the latter refusing to provide resources, continuing to serve their maritime interests, and adhering to medieval policies rather than the rulers'.²⁶ How the rulers of the emerging Republic succeeded in extracting financial resources from their subjects by cooperating with the Dutch commercial classes during wars is the core question of Pepijn Brandon's book. Brandon identifies three different types of such "brokerage" practices of the Dutch state, including the "merchant warriors" brokerage type, whereby merchants were awarded the privilege to execute military tasks and governed these as their private undertakings.²⁷ He briefly reflects on privateering as an example of merchant warrior-brokerage in naval warfare. Still, he builds his analyses on the Dutch East- and West India Company, considering these colonial companies as the "clearest examples" of this brokerage practice.²⁸

Gelderblom, De Jong, and Jonker's article on the conflicting conceptions of the VOC's managerial board and shareholders was published before Brandon's book, but it echoes the latter's ideas.²⁹ They challenge the notion of the VOC as the precursor of the modern corporation,³⁰ arguing that the VOC's charter showed more similarities with the Dutch admiralty colleges, also hybrid institutions wherein the Dutch state held a preeminent position. Interestingly, this argument has not yet been applied to the WIC, despite the historical consensus of the WIC being a military extension of the Dutch state in the Atlantic. Contemporaries even underwrote this; in the seventeenth-century review of the WIC's early activities drawn up by one of the company's first directors, Johannes de Laet, the company's military operations receive most attention. De Laet's *Iaerlijck Verhael* still serves as the principal source for the WIC's early operations, including its privateering activities. To his

²⁵ Sicking, *Neptune and the Netherlands*.

²⁶ Ibid, 2, 488.

²⁷ The other two types of brokerage Brandon identifies are "Merchants as Administrators" and "Financial Intermediaries in Troop Payments". Brandon, *War, Capital, and the Dutch State (1588-1795)*, 51-52.

²⁸ Ibid, 83-84.

²⁹ Oscar Gelderblom, Abe de Jong en Joost Jonker, 'An Admiralty for Asia: Isaac le Maire and conflicting conceptions about the corporate governance of the VOC', *ERIM report series research in management Erasmus Research Institute of Management* (2010) 1-50 <doi:10.1057/9780230116665_2>.

³⁰ For example: Henk den Heijer, *De geotrooieerde compagnie: de VOC en de WIC als voorlopers van de naamloze vennootschap*. Ars notariatus 128 (Amsterdam: Stichting tot Bevordering der Notariële Wetenschap [u.a.] 2005); F.S. Gaastra en Peter. Daniels, *The Dutch East India Company : expansion and decline* (Zutphen 2003).

chronicle, De Laet added an extensive list of over 500 Iberian vessels the company captured or destroyed between 1623 and 1636.³¹

Based on these figures, Henk den Heijer, in his book on the WIC, asserts that privateering generated the most profit for the company during its first charter period. According to him, the company managed to inflict damage of over a hundred million guilders on the Iberians.³² These captured ships and prizes amounted to approximately eighty million guilders, which, after deducting the costs the company incurred for fitting out the ships and crews, resulted in thirty-six million guilders of direct profit for the company. Brandon nuances these numbers, estimating the damage inflicted by the company to be around seventy million guilders.³³ More insight on this issue will surely be provided by Erik Odegard, who is currently preparing a work about the WIC as a privateering company. Odegard has already conducted multiple studies on the WIC, including a few on its colony in Brazil, and one on the company's bankruptcy procedure in 1674. His forthcoming work appears to be the first modern publication to assess the importance of privateering for the WIC.³⁴

This thesis contributes to historiography in multiple ways. Primarily, by pioneering in New Netherland scholarship and introducing the privateering concept into this research field, effectively opening a novel historiographical debate within New Netherland studies. Additionally, this study enhances our understanding of the formation of Dutch maritime institutions and jurisdictions, as well as their evolution during Dutch colonial expansion. It supports the notion that privateering contributed to Dutch state-formation and empire-building by emphasising the importance of privateering for the WIC, thereby underwriting the historical consensus that the WIC was a military extension of the States-General in the Atlantic. By analysing New Netherland's privateering records and comparing them to WIC privateering regulations, this research will reveal how New Netherlanders engaged in privateering and developed their own privateering tradition over time.

³¹ Johannes De Laet, *Historie ofte iaerlijck verhael van de verrichtinghen der geoctroyeerde West-Indische Compagnie, zedert haer begin, tot het eynde van 't jaer seshien-hondert ses-en-dertich; begrepen in derthien boecken, ende met verscheyden koperen platen verciert: Historie ofte jaerlijck verhael van de verrichtinghen der geoctroyeerde West-Indische Compagnie* (Tot Leyden: by Bonaventuer ende Abraham Elsevier ... 1644).

³² Heijer, *De geschiedenis van de WIC*, 65.

³³ Brandon, *War, Capital, and the Dutch State (1588-1795)*, 100.

³⁴ Erik Odegard, *Patronage, patrimonialism, and governors' careers in the Dutch chartered companies, 1630-1681: careers of empire* (Leiden, The Netherlands 2022); Erik Odegard, 'Investing in Engenhos: Credit, Claims, and Sugar Mills in Dutch Brazil', *Tijdschrift voor sociale en economische geschiedenis* 19 (2022) 45-68 <doi:10.52024/tseg.8144>; Carolina Monteiro en Erik Odegard, 'Slavery at the Court of the 'Humanist Prince' Reexamining Johan Maurits van Nassau-Siegen and his Role in Slavery, Slave Trade and Slave-smuggling in Dutch Brazil', *Journal of early American history* 2020, 10 (2020) 3-32 <doi:10.1163/18770703-01001004>; Odegard, 'Recapitalization or Reform? The Bankruptcy of the First Dutch West India Company and the Formation of the Second West India Company, 1674'.

SOURCES AND METHOD

The juridical nature of privateering makes jurisdictions and institutions key to this research. During the period this thesis investigates, the jurisdictions and institutions regulating Dutch privateering changed. The States-General created these; therefore, this study includes materials from the Archive of the Dutch States-General, housed in the Dutch National Archives (NA) in The Hague, accessible online.³⁵ Resolutions taken by States-General during 1576-1630 were retrieved through the search engine of the Huygens Institute for History of the Netherlands (*Huygens Instituut*).³⁶

Data on Dutch privateering is usually found in the archive of the institutions regulating the Republic's maritime affairs, the Archive of the Admiralty Colleges (1586-1795), in the Dutch NA.³⁷ These five Admiralties in Holland (Amsterdam, Rotterdam and Hoorn/Enkhuizen), Zeeland, and Friesland, could all issue commissions and adjudicate prizes, and had their own jurisdictions. When the States-General chartered the WIC, the company also received these privileges.³⁸ Hence, instead of consulting the archive of the 'Admiraliteitscolleges', whose jurisdictions were limited to a European context, this thesis retrieved materials from the archive of the WIC, also found in the NA. Although this archive was partially lost to a fire and wastepaper sale in the nineteenth century, the surviving materials contain privateering data.³⁹ This collection has become online-accessible and searchable through the development of Handwritten Text Recognition (HTR)-technology and the search engine of historian and programmer Gerhard de Kok.⁴⁰ Though the transcriptions his program provides are far from accurate, it massively increased access to this (damaged) archive and allowed for the retrieval of information on the WIC's privateering activities

HTR technology has also been applied to the collection of Amsterdam notary archives, housed in the Amsterdam City Archive.⁴¹ Part of this collection is the archive of the WIC's notary, which contains anything that would have required sworn testimony before a notary, including wills, testaments, contracts, powers of attorney, and witness testimonies. These more personal sources offer a supplementary perspective on the people involved in privateering within the WIC's jurisdiction.

³⁵ See Nationaal Archief, Den Haag (hereafter NL-HaNA), 1.01.02 Inventaris van het archief van de Staten-Generaal, (1431) 1576-1796.

³⁶ <https://resources.huygens.knaw.nl/besluitenstatengeneraal1576-1630>

³⁷ NL-HaNA, 1.01.46 Inventaris van het archief van de Admiraliteitscolleges, 1586-1795.

³⁸ Heijer, *De geschiedenis van de WIC*, 68.

³⁹ NL-HaNA, 1.05.01.01 Inventaris van het archief van de Oude West-Indische Compagnie (Oude WIC), 1621-1674 (1711)

⁴⁰ <https://dekok.xyz/htsearch/>

⁴¹ Stadsarchief Amsterdam (hereafter SAA), 5075 Archief van de Notarissen ter Standplaats Amsterdam.

Most of the sources incorporated in this thesis, though, are administrative records drawn up by the governments of New Netherland, which is part of the 'Dutch Records' collection of the New York State Archives (NYSA) in Albany, New York.⁴² This invaluable collection forms the foundation of New Netherland scholarship. Scans of these records are available online, but the collection does not cover New Netherland's tenure entirely. Administrative records from New Netherland's governments before Willem Kieft's directorship (1597-1647, 1638-1647) are missing. Historians assume that Kieft's predecessors, Peter Minuit (1590-1638, 1626-1633) and Wouter van Twiller (1606-1654, 1633-1638), brought their records back to the Republic after their discharge to turn them over to the WIC, but the demolition of the company's archive cannot confirm or deny this. Hence, they are considered lost.

The surviving materials include minutes of the Colonial Council from 1638 to 1649 and 1652 to 1665. Most of the Council Minutes (CM) concern the executive decisions taken by the colonial government on the colony's defences and well-being. Civil cases were also brought before the director and council for resolution. Since the council served as New Amsterdam's court, the council adjudicated prizes brought to the port of New Amsterdam, and these are, therefore, (mostly) recorded in the CM. All these proceedings were recorded and archived by the Provincial Secretary, whose registers thus comprise an array of legal documents pertaining to civil and criminal cases. The Register of the Provincial Secretary (RPS) consists of three volumes, spanning the years 1638-1660, which contain records such as deeds, contracts, wills, and powers of attorney. Due to the juridical nature of prize adjudication, both collections contain several documents related to privateering matters.

These administrative records are transcribed, translated, and published in ten volumes. Scans of the manuscripts are available online through the NYSA website, except for the RPS of 1638-1642, which was destroyed by a fire in 1911. Luckily, the transcription of the first half of this volume and the English translation of the entire volume survived. This research consulted this English translation to assess New Netherland privateering before 1642.⁴³

Administrative records are also available for Petrus Stuyvesant's (1610-1672) directorship. He succeeded Willem Kieft in 1647 and stayed director-general until the English gained control over the colony in 1664. There is a gap in the CM between August 1649 and January 1652. The RPS covers these years, though, and contains records dealing with captures during this period. Therefore, one can still see how New Netherlanders involved in privateering dealt with prizes, just not how the council handled these upon arrival. These years are also covered by Stuyvesant's incoming

⁴² For the entire digitalized collection of Dutch Records see <https://digitalcollections.archives.nysed.gov/index.php/Detail/collections/7781>

⁴³ A.J.F. Van Laer, Kenneth Scott en Kenn. Stryker-Rodda, *Register of the Provincial Secretary, 1638-1642* 1. New York historical manuscripts: Dutch (Baltimore: Genealogical Publishing 1974).

correspondence. These include letters from the WIC directors and governors of neighbouring colonies. Occasionally, these letters discuss privateering-related matters, demonstrating how the colony's principal government tried to monitor and control New Netherland privateering from the other side of the Atlantic.

Studying Dutch privateering in North America with these sources is only possible with an understanding of how privateering worked within the Republic itself. Therefore, the first chapter of this four-chaptered thesis will address the Republic's privateering tradition by analysing the development of the formal institutions regulating Dutch privateering, the admiralties. It will also elucidate how privateering was practised around 1600. Chapter Two addresses how the Dutch exported their privateering tradition as they expanded colonially in the early seventeenth century. It will discuss the creation and privateering activities of the VOC and elaborate on these aspects concerning the WIC. Chapter Three begins with a concise overview of the early history of New Netherland under WIC control. By then, the contextual and institutional elements a study on New Netherland privateering requires will have been provided, which is what this chapter continues with, assessing the privateering-related materials of the council during Kieft's directorship. The materials drawn up during the directorship of Kieft's successor, Stuyvesant, are considered in Chapter Four. Analysing these records chronologically allows for drawing conclusions on the development of New Netherland privateering and the role these activities played in this Dutch colony.

1. NAVAL WARFARE IN THE NETHERLANDS

Synchronous with most European countries, the late-medieval rulers of the Netherlands began to realise that they could utilise the sea for the state's autonomy and defence during wars. However, because they lacked the power and funds to build and sail warships and/or assemble war fleets, they were forced to rely on their seafaring subjects, who already possessed ships and maritime experience.⁴⁴ Rulers began to commandeer private vessels and crews to impinge upon their enemies during conflicts. By disrupting the counterparties' shipping and trade through the seizure of ships and goods, these privateers could inflict economic damage on their ruler's enemies.⁴⁵

By utilising individuals who owned their ships and equipped their men, sovereigns could wage maritime warfare at relatively low costs. The interest was commercial for privateers; they were entitled to (partly) keep the spoils of war they had obtained. Privateering could provide them with alternative or additional employment when conflicts disturbed peacetime occupations and businesses. However, by privatising warfare, states decreased their control over maritime violence. Inherent during conflicts, violence at sea outside wartime was undesirable; it could significantly disrupt a state's shipping and trade. To regulate violence at sea, authorities began to distinguish between legal and illegal forms of maritime violence. The distinction arose between privateers, who had permission from a sovereign to engage in naval violence, and pirates, who did not.⁴⁶

This chapter elaborates on the development of Dutch privateering until the formal creation of five admiralties, the institutions that controlled Dutch maritime affairs, including privateering, in 1597, just before Dutch colonial expansion took off. The Habsburg-Burgundian rulers of the Netherlands created the institutional framework of these institutions. The genesis of these medieval institutions is addressed in section one. Section two elaborates on how the rebelling provinces utilised privateering in their struggle against Spain, and how the States-General attempted to increase control over privateers by adopting and modifying Burgundian-Habsburg institutions to accommodate the decentralised nature of the new Dutch state. These institutions laid down the privateers' limits and privileges and positioned them within the Republic's fiscal and military apparatus. What these regulations practically entailed around 1600 is briefly discussed in section three.

⁴⁴ Louis Sicking, *Neptune and the Netherlands: state, economy, and war at sea in the Renaissance* (Leiden: Brill 2004), 4.

⁴⁵ Jan Glete, 'Warfare, entrepreneurship, and the fiscal-military state', in: Frank Tallett en D. J. B. Trim ed., *European Warfare, 1350–1750* (Cambridge: Cambridge University Press 2010) 303, <doi:10.1017/CBO9780511806278.016>.

⁴⁶ Sicking, *Neptune and the Netherlands*, 420.

To legally engage in maritime violence in the medieval Netherlands, privateers needed either a letter of commission, marque, or letter of reprisal. The latter (*represaillebrief*) entitled one to claim compensation for damages sustained by a raider or state on interior waters, while letters of marque (*retorsiebrief*) entitled a ship to do so on external waters. Both could be issued outside wartime, unlike letters of commission (*commissiebrief*), which were only issued and valid during conflicts, and concerned economic warfare at sea. Letters dealing with compensation gradually disappeared in the seventeenth century, but the term “letter of marque” survived. In Anglophone historiography, letters of marque usually refer to letters of commission, but they can also differentiate between offensive and defensive privateering. Because these letters sanctioned maritime violence, merchant ships sometimes carried commissions/ letters of marque during conflicts to protect themselves from belligerents at sea, hence, defensive privateering. It is usually offensive privateering, when privateers are commissioned to attack enemy ships, that is referred to when discussing this concept, though.⁴⁷

Because this system of letters did not suffice in regulating maritime violence, authorities used another way to assess the legality of raids: prize adjudication. This proceeding revolved around two aspects: firstly, whether a prize, one or more ships and/or goods, had been lawfully taken, so, whether the captain possessed a commission at time of the raid. Secondly, to confirm the origin of the prize to determine whether the commission held by the privateer was indeed legal. If either condition was not met, privateers were to compensate the losses incurred by the captured vessel(s). So, commissions determined the legality of the violence used during the raid, while adjudication determined the ownership of property post-violence.⁴⁸ By making privateers juridically liable for their actions and providing them legal security, states increased their control over the maritime sphere whilst curbing piracy.

In the Netherlands, this interdependent system of letters and adjudication was laid down in an institutional framework in the Ordinances of the Admiralty, promulgated in 1488 by Maximilian of Austria (1469-1517).⁴⁹ The sovereign appointed a central official, the Admiral of the Sea, or the Admiral General of the Netherlands, who served as his representative and was responsible for implementing his maritime policy. In practice, this office had been in use for some time, but what it

⁴⁷ Ibid, 420-28; Francke, *Utiliteyt voor de gemeene saake : de Zeeuwse commissievaart en haar achterban tijdens de Negenjarige Oorlog, 1688-1697* Dl. I., 40-41; Vrijman, *Kaapvaart en zeerooverij : uit de geschiedenis der vrije nering in de Lage Landen*, 33-35; Korteweg, *Kaperbloed en koopmansgeest : 'legale zeeroof' door de eeuwen heen*, 44-45.

⁴⁸ J. D. (John Davidson) Ford, *The emergence of privateering* (Brill 2023), 134.

⁴⁹ Korteweg, *Kaperbloed en koopmansgeest : 'legale zeeroof' door de eeuwen heen*, 54-55; Sicking, *Neptune and the Netherlands*, 422.

entailed was defined in the 1488 ordinance. Though focused on the admiral, this document also laid down the framework for Dutch privateering activities.⁵⁰

Sicking examined the origins and implementation of the ordinance. Although privateering is the primary focus of his work, his analysis of this framework makes it relevant for this thesis. Sicking considers the promulgation of the Ordinance of the Admiralty to be the government's reaction to the regional and international conflicts of this century. These conflicts threatened the Netherlands' maritime-based economic network. By centralising administration and policy, the ruler intended to restore naval order and support the defence of the maritime interests and resources of his subjects, while integrating the maritime power of the coastal towns and provinces, thereby curbing provincial maritime autonomy and enhancing his authority and prestige.⁵¹ Sicking extensively elaborates on the political background that spurred these institutions. Some aspects regarding their build-up will also be mentioned here, including the economic network of the late-medieval Netherlands and the political implications of this network in the Habsburg-Burgundian state. These developments shaped the historical trajectories of the Dutch coastal provinces, which would engage in privateering before and during the Dutch Revolt, thereby playing a crucial role in the genesis of the Republic as a whole.

In the Burgundian Netherlands, the coastal provinces of Flanders, Holland, and Zeeland developed into a network of interrelated and complementary economic activities connected by the rivers Scheldt, Maas, and Rhine. Flanders was the region's economic core. In the cities of Bruges and Ghent, merchant capitalism had brought about significant growth, though their success would be overshadowed by Europe's uncontested leader of premodern economic activity: Antwerp. Holland's economy and population were smaller, but over time, Flanders had come to largely depend on bulk goods and shipping from Holland and Zeeland. Of these provinces, Holland possessed the largest fleet of seagoing vessels. Regarding demography and economics, Zeeland was less significant, but its key position between Holland, Flanders, and the North Sea provided the province with economic clout. Centrally located in the Scheldt delta, the island of Walcheren benefited most from trade and shipping, becoming Zeeland's largest and most urbanised island.⁵²

These provinces within the composite Burgundian Union had their own individual political systems.⁵³ Each province had its provincial institutions, the Provincial States, where representatives of

⁵⁰ For an elaborate description of the twenty-four articles of the ordinance, see Sicking, *Neptune and the Netherlands*, 73-76.

⁵¹ Ibid, 60-65.

⁵² Ibid, 17; Jonathan I. Israel, *The Dutch Republic: its rise, greatness, and fall, 1477-1806*, *Oxford history of modern Europe*. Oxford history of early modern Europe (Oxford 1998), 16-20.

⁵³ A composite state refers to a state consisting of different principalities with their own institutions, laws, and customs, united under one ruler but treated as separate administrative entities within the umbrella state. Although the concept is mostly applied to premodern monarchies, historians have applied to the Burgundian

the clergy, nobility and commons, usually the towns, assembled. Representatives of these Provincial States gathered in a central institution, the States-General.⁵⁴ In exchange for legitimacy and financial and military resources, many urban centres were granted privileges through constitutional guarantees from medieval lords. These privileges hampered the centralisation aspirations of the Burgundian (and later Habsburg) rulers.⁵⁵ To achieve these, the dukes needed to find a way to infringe upon these privileges through the existing institutions, which proved challenging.

Although Holland and Zeeland were in some respects subordinated to the interest of the southern Netherlands – the lord-lieutenants Burgundian dukes appointed as provincial governors in Holland and Zeeland, so-called “stadholders”, were, for example, often chosen from the southern provinces⁵⁶ – the provincial power of States of Holland, which represented both Holland and Zeeland, was significant. Holland’s main economic assets – the fisheries and bulk-carrying fleet – resided in its coastal towns, making them, due to awarded privileges, relatively autonomous and less receptive to the Burgundian government's interference.⁵⁷

Burgundian influence in Zeeland was more substantial, but the province’s largest town, Middelburg, remained relatively autonomous too. Through Zeeland’s most powerful noble family, the Van Borselen, Lords of Veere, the Burgundians exerted their influence in Zeeland. This family possessed various seagoing vessels, making them an independent seapower in the province.⁵⁸ In 1493, Maximilian appointed the Lord of Veere⁵⁹ as Admiral of the Netherlands. By incorporating Zeeland’s most powerful figure in his administration while acknowledging the family’s power, the duke gained control over almost all of Zeeland’s maritime resources.⁶⁰ The following seventy years, the admiralty remained with the Lords of Veere in Veere and Zeeland the Burgundian Netherlands’ maritime centre.⁶¹

Union as well. J. H. Elliott, ‘A Europe of Composite Monarchies’, *Past & Present* (1992) 48-71; Robert Stein, *Magnanimous Dukes and Rising States: The Unification of the Burgundian Netherlands, 1380-1480* (Oxford University Press 2017), 12-13, <doi:10.1093/acprof:oso/9780198757108.001.0001>; Jelle Haemers, *For the common good : state power and urban revolts in the reign of Mary of Burgundy (1477-1482)*, *Studies in European urban history (1100-1800)*. *Studies in European urban history (1100-1800)*; 17 (Turnhout: Brepols 2009), 2-3; Jan Dumolyn en Graeme Small, ‘Speech Acts and Political Communication in the Estates General of Valois and Habsburg Burgundy c. 1370–1530 Towards a Shared Political Language’ 15. *Later Medieval Europe* (2018) 240, <doi:10.1163/9789004363915_014>.

⁵⁴ Israel, *The Dutch Republic: its rise, greatness, and fall, 1477-1806*, 21; Stein, *Magnanimous Dukes and Rising States: The Unification of the Burgundian Netherlands, 1380-1480*, 55.

⁵⁵ Haemers, *For the common good : state power and urban revolts in the reign of Mary of Burgundy (1477-1482)*, 3.

⁵⁶ Israel, *The Dutch Republic : its rise, greatness, and fall, 1477-1806*, 23.

⁵⁷ Ibid, 24-25.; Sicking, *Neptune and the Netherlands*, 31.

⁵⁸ Sicking, *Neptune and the Netherlands*, 44-48.

⁵⁹ At the time, this was Philip of Burgundy-Beveren (1450-1498).

⁶⁰ W.P. Blockmans, *Metropolen aan de Noordzee : de geschiedenis van Nederland, 1100-1560, De geschiedenis van Nederland*. *De geschiedenis van Nederland* ; [dl. 3] (Amsterdam: Bakker 2010), 466-69.

⁶¹ Sicking, *Neptune and the Netherlands*, 129.

Holland and Middelburg refused to recognise the admiralty. They deemed that the framework did not respect their privileges enough. Though the ordinance bound the admiral to local customs, he enjoyed the authority of a stadholder-general on maritime affairs. Hence, his executive and juridical power surpassed that of the province and towns. The central authority resigned to Holland and Middelburg autonomy, despite the jurisdictional conflicts this provoked, having two royal deputies authorised to deal with maritime concerns. For decades, the issuing of privateering letters and prize adjudication remained decentralised.⁶² From the government's perspective, the desire to strictly control adjudication by centralising this process is understandable. Less so amidst hostilities, but particularly during diplomatic overtures or peace negotiations, adjudication was a serious matter. Wrongfully taken prizes could have consequences for fragile interstate relations. Hence, any institution competent in prize adjudication played an essential role in diplomacy.⁶³

The outbreak of a legal conflict between Holland and the admiral prompted the state to solve the issue of overlapping jurisdictions.⁶⁴ It resulted in a new Ordinance of the Admiralty in 1540, designed by Habsburg emperor Charles V (1500-1558), which Holland again refused to recognise.⁶⁵ The central government strategically resolved this issue in 1547 by appointing the present Admiral of the Netherlands⁶⁶ as Stadholder of Holland. By consolidating these offices, a simultaneity that reoccurs during and continues after the Revolt, the government integrated Holland into its maritime policy. The jurisdictional conflict on issuing privateering letters was solved by allowing the president of the Court of Holland to act as a deputy of the Admiralty. Regarding adjudication, Holland's recognition was only formal: the relation of the Court of Holland became servient to the Admiralty in Veere, but it remained equal in line of appeal and competent in maritime matters, so in practice, little changed.⁶⁷

⁶² Envisioned to fall under the jurisdiction of the central Admiralty in Veere, it appears that in Holland and Middelburg privateering letters continued being issued by the provincial authorities, the stadholder or, in his absence, on his behalf by the Court of Holland. Adjudication remained with urban courts, subordinate to the Court of Holland, competent in provincial maritime matters, but in line of appeal, subordinate to the central judicial institution, the Great Council in Malines. Ibid, 88-89, 423-25.

⁶³ Ibid, 440-43; Stein, *Magnanimous Dukes and Rising States: The Unification of the Burgundian Netherlands, 1380-1480*, 152-55; Blockmans, *Metropolen aan de Noordzee : de geschiedenis van Nederland, 1100-1560*, 621-22.

⁶⁴ This conflict broke out during the Third Habsburg-Valois War (1536-1536) and concerned the protection of fisheries through letters of safe conduct. Instigated by their rulers, the admirals of the Netherlands and France had exchanged such letters and passports to guarantee free and safe fishing for their subjects during this war. With this, Admiral Adolph of Burgundy (1489-1540), son to Philip van Burgundy-Beveren and Anna van Borselen, saved the fishers the costly expense of convoying their vessels but the stadholder and the States of Holland regarded this as an attempt of admiral to establish his authority in the province. Sicking, *Neptune and the Netherlands*, 202.

⁶⁵ Ibid, 125-131.

⁶⁶ This was Maximilian of Burgundy (1514-1558), who had succeeded his father Adolph of Burgundy (1489-1540) after the latter's passing in 1540.

⁶⁷ Both the Court of Holland and the Admiralty in Veere lodged appeal to the Great Council in Malines. Ibid, 442-43.

Real change came when the stadholder-admiral died childless in 1558 and was succeeded in his admiralship by the Count of Horn, Philip of Montmorency (1524-1568), and as stadholder by William of Orange (1533-1584), Count of Nassau and Prince of Orange. The separation of these offices allowed Holland to regain its autonomy, and the province again refused to recognise the Admiral. The central government's grip on the Netherlands' maritime affairs deteriorated quickly. The Admiralty was transferred from Veere to Ghent to work with the Council of Flanders in 1560. When, a year later, the small but permanent royal war fleet⁶⁸ in Veere was auctioned off, the central government lost its northern naval base. The relocation of the Admiralty and the sale of the fleet diminished Zeeland's socio-political status in the empire, but this led the province to specialise in wartime shipping and privateering, an asset that would play a role in the years to come.⁶⁹

RAIDING REBELS

The iconoclastic fury of 1566 turned the Protestant Reformation violent in the Habsburg Netherlands. The rigorous repression of King Philip II's⁷⁰ (1527-1598) army, commanded by the Duke of Alva (1507-1582), and subsequent increase of taxation fostered opposition against Habsburg rule throughout Dutch society, hurt by foreign soldiers treading on their customs, laws and privileges. Grievances were articulated through existing institutions, but to no avail. In 1568, the resistance was taken into the military sphere, with rebels united under Stadholder William of Orange.⁷¹ Throughout the conflict, which lasted until the Spanish recognition of the Dutch Republic in 1648, the rebels used privateering to challenge Habsburg power at sea. The importance of privateering for the emerging Dutch state increased as the war dragged on. Privateering was incorporated into the Republic's state apparatus from the moment it was founded, anchoring it firmly in Dutch society. Van Loo contends this happened in four stages during the first half of the Revolt (1568-1609).⁷² His analysis demonstrates the reciprocity between privateering and Dutch state formation well, but his institutional focus slightly disregards privateering's local impact. Nevertheless, his periodisation offers a systematic

⁶⁸ Maximilian had erected this fleet in Veere to defend the Netherlands during the Italian War (1551-1559). Ibid. 415-19

⁶⁹ Ibid, 450, 493.

⁷⁰ King Philips had succeeded his father, Charles V, in 1555.

⁷¹ Wim Blockmans, 'The Medieval Roots of the Constitution of the United Provinces', *The Medieval Low Countries* 4 (2017) 215-18 <doi:10.1484/J.MLC.5.114820>; Israel, *The Dutch Republic : its rise, greatness, and fall, 1477-1806*, 156-69; Wim Klooster, *The Dutch moment : war, trade, and settlement in the seventeenth-century Atlantic world* (Leiden : Leiden University Press 2016), 13-15.

⁷² Loo, 'For freedom and fortune. The rise of Dutch privateering in the first half of the Dutch Revolt, 1568–1609'.

framework for this chapter and the next, with the colonial nature of the final stage making it thematically relevant to Chapter Two.

The freebooting practices of the Seabeggars, rebels loyal to William striving to instate Protestantism in the Northern Provinces, against the Spanish forces during 1568-1572, mark Van Loo's first stage.⁷³ The Seabeggars served as a relatively successful but uncontrolled weapon against Spain, operating from ports outside the Low Countries, some without letters of marque – making them pirates in the eyes of the law.⁷⁴ To regulate their activities and align his war chest with their booty, William began issuing them privateering letters in his name in February 1570. For example, on June 10, 1570, the Frisian commissary Basius drafted a letter in William's name for Captain Claes Ruyschaver to infringe upon the ships of the Duke of Alva in the Vlie.⁷⁵ ⁷⁶ Like Maximilian of Habsburg, William subjected the Seabeggars to uniform regulation and appointed an admiral to their fleet in mid-1570, aiming to turn them into a legal war fleet and invasion force.⁷⁷

The raid on Den Briel in April 1572 heralded phase two, during which privateering regulations increased, and privateers were positioned in the rebels' fiscal and military organisation. The capture of Den Briel allowed the Seabeggars to spread the revolt into Holland and Zeeland, where they were subjected to city councils keen on eliminating their undisciplined elements. Letters issued to the Seabeggars were retracted during the first 'free' assembly of the States of Holland in June 1572. Now that Holland's obedience to the Habsburg government and institutions had *de facto* disappeared, the States began reorganising its maritime administration. They confirmed William's position as stadholder and appointed him admiral-general of the rebelling forces, consolidating these offices again.⁷⁸ However, the separation of the rebellious cities and regions prevented the establishment of a

⁷³ For elaborate works on the Seabeggars, see A. Doedens en Jan Houter, *De Watergeuzen: een vergeten geschiedenis, 1568-1575* (Zutphen: Walburg Pers 2018); J.C.A. de Meij, *De watergeuzen en de Nederlanden, 1568-1572, De watergeuzen en de Nederlanden, 1568-1572*. Verhandelingen der Koninklijke Nederlandsche Akademie van Wetenschappen. Afdeling Letterkunde ; N.R., dl. 77, no. 2 (Amsterdam: Noord-Hollandsche Uitgevers Maatschappij 1972).

⁷⁴ Loo, 'For freedom and fortune. The rise of Dutch privateering in the first half of the Dutch Revolt, 1568–1609', 174.

⁷⁵ A sea stream between the Wadden Islands Vlieland and Terschelling

⁷⁶ "... omme van weggen sijne f.g. t'oweruallen becrijghen, in brandt te steecken, ofte andersins te beschadighen d'ouloghs schepen vande Hartoghe van Alva in Vlie ofte elders geleghen..." Letter 9253 signed by Basius in the name of William of Orange to Claes Ruyschaver, 10-06-1570, in Briefwisseling van Willem van Oranje, accessed online via <https://resources.huygens.knaw.nl/wvo/app/brief?nr=9253>

⁷⁷ Legal is very subjective here. Based on the historical outcome, yes, based on the contemporary institutions the rebels were subjected to, no. Furthermore, according to contemporary law, we are talking about a rebellion that grows into a civil war until the signing of the Act of Abjuration in 1581, when the rebelling provinces grant sovereignty to themselves.

⁷⁸ This was also the case during Maximilian of Burgundy's admiralship (1547-1558).

centralised maritime organisation, leading to the appointment of separate lieutenant-admirals in Holland, Friesland, and Zeeland.⁷⁹

To supplement the provincial war chests carrying the costs of these military operations, Holland and Zeeland increased existing and introduced new forms of taxation from 1572 onwards, including customs on trade, so-called *convooien en licenten*.⁸⁰ Privateers served as customs officers, seizing interlopers, Dutch and foreign, and taking these to prize courts,⁸¹ where they would be declared prize. Hence, privateering became a fiscal instrument to finance the war. Enthoven estimates that almost 500.000 guilders out of an unknown amount of prize money was collected to complement Zeeland's military expenditures between 1572-1577.⁸²

The growth of the maritime administration during the 1570s ties into this. In February 1574, a prize court with jurisdiction was established in Flushing. One lieutenant-admiral for Holland and Zeeland was appointed that spring, but maritime affairs remained a provincial concern.⁸³ In Zeeland, maritime affairs were assigned to an admiralty council within the newly established Provincial States of Zeeland.⁸⁴ To avoid abuse in maritime warfare, instructions were emanated: commissions would now be issued by the admiral-general and approved by the lieutenant general, names of persons vouching for the behaviour of the captain were to be given, and privateers were obliged to fly both the admiral's - and Phillip II's⁸⁵ flag. Rules on prize distribution were also drawn up, modelled after the Habsburg-Burgundian framework. As admiral-general, William would receive 10% of the profits of

⁷⁹ In Zeeland the cities of Veere, Zierikzee and Flushing each appointed their own admiral, but all three fleets were commanded by the admiral from Flushing, who was made Admiral of Zeeland, subordinate to William's governor in Zeeland, seeing this city provided most ships. A significant portion of Zeeland's maritime forces consisted of captured enemy vessels, which is probably why Flushing's share was the largest. During Habsburg rule, this fishing village had already developed into a 'privateering den', the place where most Zeeland privateers originated from and would return to sell their prizes. Its location, Zeeland's most westerly port, probably also played a role in its ability to fit out a comparatively large fleet. Loo, 'For freedom and fortune. The rise of Dutch privateering in the first half of the Dutch Revolt, 1568–1609', 176-77; Meij, *De watergeuzen en de Nederlanden, 1568-1572*, 307-08; Sicking, *Neptune and the Netherlands*, 404-05.

⁸⁰ *Convooien* were levied in import from neutral states for maritime protection, *licenten* on import and export with the enemy. J.W. Koopmans, *De Staten van Holland en de Opstand : de ontwikkeling van hun functies en organisatie in de periode 1544-1588* ('s-Gravenhage: Stichting Hollandse Historische Reeks 1990), 150-55.

⁸¹ Interlopers were taken to provincial prize courts in Holland, Zeeland and Flanders. Loo, 'For freedom and fortune. The rise of Dutch privateering in the first half of the Dutch Revolt, 1568–1609', 178.

⁸² Victor Enthoven, *Zeeland en de opkomst van de Republiek : handel en strijd in de Scheldedelta, c. 1550-1621* (s.n. 1996), 64.

⁸³ A. P. van Vliet, 'Foundation, organization and effects of the Dutch navy (1568–1648)' (Leiden, The Netherlands: Brill 1997) 154-55, <doi:10.1163/9789004476356_011>.

⁸⁴ This council consisted of Orange-adherent governors from Zierikzee, Veere and Flushing, and one deputy from each of these towns, plus one deputy from Middelburg. Veenstra, *Tussen gewest en Generaliteit: Staatsvorming en financiering van de oorlog te water in de Republiek der Verenigde Nederlanden, in het bijzonder Zeeland (1586-1795)*, 41.

⁸⁵ During this stage of the Revolt, the Northern Provinces had not yet refuted King Philip II as their sovereign.

captured prizes, 20% would go to the “*gemene zake*”, i.e. maritime warfare, and the remainder would go to the owners/financiers of the privateering vessels and their crews.⁸⁶

Until the Pacification of Ghent (1576)⁸⁷ and the temporary abolition of the *convooiën* and *licenten* (1577), privateering grew into an extensive maritime business, especially in Zeeland. Van Loo connects this development to the decline of trade in the Scheldt estuary, which likely spurred privateering investments to supplement or replace commercial incomes. This also clarifies why privateering ceased after 1576, thereby concluding stage two. The Pacification heralded a new phase of the revolt wherein the provinces focused on their political affairs, which resulted in the emergence of the Dutch state, with the States-General as its sovereign governing body.⁸⁸

Privateering briefly returned during 1584-1587, when the States-General issued several trade embargoes, including one against trade with the Iberian Union⁸⁹ (1586).⁹⁰ Like in the 1570s, privateering was directed against illegal merchant shipping during this third stage. The scope, however, was smaller than it had been before. Privateering disappeared again in 1587 when, under political pressure from Holland, the embargo on Iberian trade was lifted.⁹¹ Additional privateering instructions were instated, which were institutionalised by the formal creation of the institutions that would receive the authority on the Republic’s maritime affairs and privateering until 1795: the admiralty colleges.⁹²

Resistance from areas where regional and urban interests prevailed over national ones resulted in the definite system of central maritime administration with a strong provincial character only being set up in 1597: the States-General received the highest authority of naval affairs, and appointed a college of seven representatives from towns and provinces for each of the five admiralty

⁸⁶ Loo, ‘For freedom and fortune. The rise of Dutch privateering in the first half of the Dutch Revolt, 1568–1609’, 177-78.

⁸⁷ The Pacification of Ghent ended hostilities between the Habsburg provinces in the Netherlands and united them against Spain.

⁸⁸ These include the unification of the provinces against Spain through the Union of Utrecht in 1579, the repudiation of Habsburg sovereignty in 1581 by the Act of Abjuration, and the death of William of Orange in 1584. Israel, *The Dutch Republic : its rise, greatness, and fall, 1477-1806*, 209; Loo, ‘For freedom and fortune. The rise of Dutch privateering in the first half of the Dutch Revolt, 1568–1609’, 178.

⁸⁹ This Union was formed in 1580, when Philip II united the Spanish and Portuguese Crowns. Contemporaries usually continued to view the Spanish and Portuguese as separate peoples, though.

⁹⁰ Before the embargo of 1586, it was already forbidden for inhabitants of the United Provinces and foreigners were to trade with the Southern Netherlands (1584) and to export victuals to neutral countries (1585). Loo, ‘For freedom and fortune. The rise of Dutch privateering in the first half of the Dutch Revolt, 1568–1609’, 179.

⁹¹ Ibid, 179.

⁹² Among these were the introduction of a deposit to ensure appropriate behaviour of privateering captains, which was to be paid to the admiralty council and would be used to recover piracy damages. Complaints about the workings and officials running the prize court in Flushing were also addressed by moving the court to an abbey in Middelburg in 1586. To prevent conflicts of interests, it became forbidden for admiralty personnel to invest in privateering. Enthoven, *Zeeland en de opkomst van de Republiek : handel en strijd in de Scheldtedelta, c. 1550-1621*, 173-78.

colleges.⁹³ This decentralised structure implied five separate administrations, navies, privateering jurisdictions and prize courts. Each college appointed admirals and captains, flew its flags, and had its staff responsible for executing and collecting the necessary funds to perform each college's task. These were laid down in a consensually agreed-upon maritime budget, the "*Ordre op de beveilinge van de zee*", which prescribed the number of ships each college had to equip for blockades, convoys of fishing and merchant vessels, and the protection of inland and coastal waterways. The colleges were positioned in the Republic's fiscal system, but the envisioned funding system rarely covered their expenses, forcing the States-General to contribute funds often.⁹⁴

The creation, tasks, and system of funding of the colleges reflect the increasing cooperation of the state with commercial groups in warfare, notes Brandon.⁹⁵ Fiscally, the admiralties were connected to local merchant communities, their primary source of income being the *convoaien* and *licenten*. Reinforcing this connection was a social bias in the appointment of the colleges' delegates, which strengthened the influence of local merchant communities over the employment of the navies: merchants largely paid for the upkeep of fleets, which they believed entitled them to benefit from their naval protection. Because merchants dominated the admiralties' administration, Brandon considers these institutions examples of a brokerage-type he calls "merchants as administrators".⁹⁶ Another fiscal connection, not stated by Brandon but supporting his point, involves privateering: the admiralties received 20% of privateering prizes.⁹⁷ Furthermore, local merchants often bought these prizes (see next section). Though it was forbidden for admiralty personnel to invest in privateering, this fiscal connection between the admiralties and privateering undoubtedly enticed the sway of local merchants over the admiralties, too.

⁹³ The colleges were located in the cities of Amsterdam, Rotterdam, Hoorn/Enkhuizen, Middelburg and Dokkum. Of the seven members, four were appointed after a nomination by the province where the college was located. The other three members were appointed from other provinces. The Admiralty in Zeeland consisted of four members from the delegate council of Zeeland, plus three members from other provinces appointed by the States General. Vliet, 'Foundation, organization and effects of the Dutch navy (1568–1648)', 156.

⁹⁴ Michiel de Jong, '*Staat van oorlog*': *wapenbedrijf en militaire hervorming in de Republiek der Verenigde Nederlanden, 1585-1621* (Hilversum 2005), 55-59; Vliet, 'Foundation, organization and effects of the Dutch navy (1568–1648)', 156-57; Enthoven, *Zeeland en de opkomst van de Republiek: handel en strijd in de Scheldedelta, c. 1550-1621*, 176-77.

⁹⁵ Brandon, *War, Capital, and the Dutch State (1588-1795)*, 59.

⁹⁶ *Ibid.*, 57-65.

⁹⁷ As the institution concerned with the Republic's naval warfare, the admiralties received the "*gemene zake*"-part of privateering prizes.

In the young Republic, privateering and merchant shipping were incredibly interrelated, with significant overlap regarding organisation and individuals. Like merchant ships, privateering ships were generally owned by multiple individuals/investors, looking to maximise their investment. War put merchant investments on somewhat equal footing with privateering investments, although privateering was innately riskier, with a costlier equipage: privateering vessels were manned by larger, (lightly) armed crews than merchant ships commonly were. Conversely, conflicts significantly increased the risks and costs of merchant shipping; ships could be lost to foreign privateers, and insurance rates were much higher than during peacetimes.⁹⁸

Each ship formed a company, a *rederij*, with investments varying from ¼ to 1/64 of the ship's total worth during the Revolt. These *scheepsparten* were transferable and transmissible,⁹⁹ with limited liability. Investments and risks were relatively low in this system of *partenrederijen*, resulting in a diverse socio-economic background of privateering creditors. Larger investors commonly invested in multiple *partenrederijen*, but a tavern holder, sail maker, or sailor could also be a 1/64 *partenhouder* of one ship. Interest in *scheepsparten* was relatively high: contributing to a ship's equipage allowed manufacturers and suppliers to create their own sales market.¹⁰⁰ Around 1600, privateering ships were usually manoeuvrable merchant or fishing vessels, either secondhandedly bought by the *reders* or because merchants or fishers engaged in privateering themselves. Privateering vessels were less armed than war vessels - damaging a prize ship or its cargo lowered the value of the prize at auction – but there were cannons and firearms onboard.¹⁰¹

Reders in a *partenrederij* would appoint one of their number as the accountant, typically a merchant, serving as *primus inter pares*, responsible for the financial administration of the *rederij*, the ship's equipment, and, alongside admiralty officials, for proper prize distribution. The accountant also recruited the captain. Privateering captains were usually around thirty years of age, at the top of their career, with fifteen to twenty years of seafaring experience, often acquired in merchant shipping, with substantial combat skills. Charisma and the ability to assert authority were also sought after.¹⁰² The accountant needed a captain to apply for a commission, as this would bear the names of both the

⁹⁸ Francke Francke, *Utiliteyt voor de gemeene saake : de Zeeuwse commissievaart en haar achterban tijdens de Negenjarige Oorlog, 1688-1697 Dl. I*, 55.

⁹⁹ *Scheepsparten* could be voluntarily exchanged by owner (transferable), so be sold or gifted, and as well as automatically transferred by operation of law (transmissible), so be part of an inheritance or dowry.

¹⁰⁰ Francke, 'Utiliteyt voor de gemeene saake : de Zeeuwse commissievaart en haar achterban tijdens de Negenjarige Oorlog, 1688-1697 Dl. I.', 54-55.

¹⁰¹ Korteweg, *Kaperbloed en koopmansgeest : 'legale zeeroof' door de eeuwen heen*, 72-77.

¹⁰² J.R. Bruijn, 'Kaapvaart in de tweede en derde Engelse oorlog', 413-14; Francke, *Utiliteyt voor de gemeene saake : de Zeeuwse commissievaart en haar achterban tijdens de Negenjarige Oorlog, 1688-1697 Dl. I*, 111-14.

captain and the vessel. Commissions were issued on behalf of the stadholder but handed out by one of the admiralties, the one from which the captain would depart. The admiralties demanded a guarantee from the *rederij* that their captain would act following their guidelines through a deposit. In 1602, this amounted to 20,000 guilders, which several private individuals could pay, but in practice rarely was. During the Revolt, providing only the names of guarantors was sufficient.¹⁰³ During the War of Spanish Succession (1702-1712), accountants and *reders* could act as guarantors, which may have been true for earlier periods.¹⁰⁴ When picking up the commission, the captain swore an oath to the admiralty, promising to keep a log which he would hand in to the admiralty upon his return and that he and his crew would obey the Generality's instructions.¹⁰⁵

The captain and the accountant recruited a crew together. Privateering crews were larger than merchants' on ships of similar tonnage to compensate losses suffered during captures and to man prize ships. Larger crews lessened the workload, a pleasant bonus which may have played a role in crew recruitment. Little is known about the wages of Dutch privateers, but data on the salaries of Dunkirk privateers suggest these were like VOC and WIC crews, higher than navy crews.¹⁰⁶ Little evidence of complaints on shortages of privateering crews, contrary to the navy's, seems to confirm that privateering crews received higher wages. Furthermore, besides their wages, privateers also received a higher percentage of prizes compared to navy crews.¹⁰⁷

If privateers had captured a prize, the captains brought these to the admiralty where they had received their commission from for adjudication, but this did not always happen. The distance between the raid's location and the admiralty, safety at sea, and the nature of the prize all played a role in this. Adjudication could also occur in harbours of allied or neutral states, supervised by a Dutch consul obliged to send all the documentation on the raid and sale back to the admiralty. In the

¹⁰³ Enthoven, *Zeeland en de opkomst van de Republiek : handel en strijd in de Scheldedelta, c. 1550-1621*, 58-61.

¹⁰⁴ Francke, 'Utiliteyt voor de gemeene saake : de Zeeuwse commissievaart en haar achterban tijdens de Negenjarige Oorlog, 1688-1697 Dl. I.', 48.

¹⁰⁵ These concerned discipline on board, the bringing in of prizes, its captain and one officer to attest to the capture during the adjudication process, treatment of the rest of the prize crews, and behaviour towards Dutch and neutral vessels. Punishments were by flogging, keelhauling, marooning and death. Most shipowners provided their captains with their own instructions too, on the destination and purpose of the expedition and the distribution of provisions on board, but also often encouraging them to undertake illegal activities. J.R. Bruijn, 'Kaapvaart in de tweede en derde Engelse oorlog' (1975), 412-14; Francke, 'Utiliteyt voor de gemeene saake : de Zeeuwse commissievaart en haar achterban tijdens de Negenjarige Oorlog, 1688-1697 Dl. I.', 42-49, 74-75.

¹⁰⁶ For the exact numbers of the wages of Dunkirk privateers, see: Jaap R. Bruijn, *The Dutch Navy of the Seventeenth and Eighteenth Centuries* (St. John's, Newfoundland: Liverpool University Press 2011), 50.

¹⁰⁷ Privateers had to cede 10% to the admiral-general, the stadholder Prince of Orange, and 20% for the country/admiralty. From prizes captured by admiralty ships, 5/6-part of the booty went to the admiralty and the remaining 1/6-part was distributed among the officers, crew and admiralty delegates and servants. Korteweg, *Kaperbloed en koopmansgeest : 'legale zeeroof' door de eeuwen heen*, 78-81; Francke, *Utiliteyt voor de gemeene saake : de Zeeuwse commissievaart en haar achterban tijdens de Negenjarige Oorlog, 1688-1697 Dl. I.*, 105-08; Enthoven, *Zeeland en de opkomst van de Republiek : handel en strijd in de Scheldedelta, c. 1550-1621*, 180-81.

Republic, an admiralty officer analysed the capture and declared a prize as a 'good' (or not). Good prizes were publicly auctioned to the highest bidder, supervised by an admiralty auctioneer, a *vendumeester*. There was one *vendumeester* in Amsterdam, Veere, Middelburg and in Flushing. Prizes often yielded no more than half of their actual value.¹⁰⁸ Privateering, therefore, concludes Marjolein t'Hart, could never have substantially contributed to the admiralty fiscally. For the state, privateering's primary purpose resided in its function as a less costly and less risky naval war strategy.¹⁰⁹ The undervaluation of prizes at auctions did, however, result in local merchant interests, providing a cheap(er) or, sometimes only, way to obtain goods, for personal use or resale purposes.¹¹⁰

Essentially, this system remained unchanged when the Dutch began sailing to different shores, but colonial expansion did alter Dutch privateering in various ways, as the following chapter will demonstrate.

¹⁰⁸ Francke, 'Utiliteyt voor de gemeene saake : de Zeeuwse commissievaart en haar achterban tijdens de Negenjarige Oorlog, 1688-1697 Dl. I.', 234-45; Bruijn, 'Kaapvaart in de tweede en derde Engelse oorlog', 413-14.

¹⁰⁹ Marjolein 't Hart, 'Kaapvaart en staatsmacht. Dilemma's van de geprivatiseerde oorlogvoering op zee', *De Zeventiende eeuw* 13 (1997) 427-29.

¹¹⁰ Francke, 'Utiliteyt voor de gemeene saake : de Zeeuwse commissievaart en haar achterban tijdens de Negenjarige Oorlog, 1688-1697 Dl. I.', 339-73.

2. SAILING TO DIFFERENT SHORES

The fall of Antwerp in 1585 played a pivotal role in Dutch colonial expansion and, consequently, Dutch privateering. Not so much the Spanish victory itself, but rather the Northern Provinces' immediate response, closing off the Scheldt and blocking the Flemish coast, had far-reaching consequences and allowed for their rise on the global stage. The blockade shut off Antwerp, the centre of import and redistribution of commodities from southern Europe and the rest of the world. If merchants in the Southern Netherlands had not yet fled from Spanish violence, the blockade forced them to relocate their businesses elsewhere. Some continued their commercial activities in Amsterdam, now dominating the Baltic and Scandinavian bulk trade in grain, timber, wine and herring. Bringing their skills, connections, knowledge, and capital with them, the arrival of these refugees gave an enormous impetus to the United Provinces' growing economy. Incited by this influx, merchants from Holland and Zeeland opened direct commercial links themselves, filling the gaps left by this exodus from the south. Other factors contributing to the Dutch rise were Philip II's decisions to lift the embargo on Dutch trade (1585-1589) and his intervention in the French civil war (1590), which left him to go over to the defensive in the Netherlands. A resurrection of Dutch Iberian shipping followed. Until the 1580s, only a few Iberian products were traded in Amsterdam; however, by the early 1590s, many colonial commodities from the Iberian East and West Indian colonies were passing through Holland and Zeeland.¹¹¹

Dutch privateering against the Habsburgs resurged in response to these developments. The character of privateering changed fundamentally in the years leading up to the Twelve Years' Truce (1609-1621). Apart from a fiscal instrument, privateering became a direct instrument of naval warfare against Spain. The Dutch combined maritime war and trade through mercantile privateering, a strategy so successful for both public and private interests that it returned after the truce, on a scale much larger than before. Until 1609 and after 1621, Dutch merchant-privateers swarmed worldwide, searching for colonial cargoes. When the ceasefire prevented them from engaging in privateering, their business interests led them to explore uncharted territories, where they established trading posts to obtain colonial commodities. These developments are central to this chapter, which starts with examining Van Loo's fourth and final privateering stage. Extra attention will be paid to the creation and early activities of the Dutch East India Company (VOC, 1602) since the company's organisational structure and undertakings essentially formed the blueprint for the WIC. The formation

¹¹¹ Jonathan Israel, *Dutch primacy in world trade, 1585-1740* (Oxford: Clarendon Press ; New York : Oxford University Press 1989), 18-29, 38-42; Enthoven, *Zeeland en de opkomst van de Republiek : handel en strijd in de Scheldedelta, c. 1550-1621*, 225-26; Klooster, *The Dutch moment : war, trade, and settlement in the seventeenth-century Atlantic world*, 17-99; Heijer, *De geschiedenis van de WIC*, 15-17.

and structure of this Atlantic-oriented company are addressed in section two, as is the establishment of New Netherland during the truce. Section three revolves around the WIC's privateering, arguing that this company served as the Republic's admiralty for the Atlantic based on its charter and early operations.

AN INCREMENTING INDUSTRY

The fourth privateering stage began in November 1598, posits Van Loo, with King Philip III's (1578-1621) embargo¹¹² against the Dutch. By checking the expansion of Dutch commerce and shipping, Philip hoped to bring the Revolt to a rapid conclusion. Van Loo relates the embargo to two significant developments. Firstly, as the Dutch were now forced to obtain the colonial commodities formerly bought from the Iberians, the embargo may have accelerated Dutch colonial expansion, a notion he borrowed from Israel, but Klooster questioned.¹¹³ Secondly, to the emergence of defensive or mercantile privateering. Dutch vessels in Iberian terrains were now regarded by the latter as smugglers or interlopers, so, to parry Spanish attacks, Dutch merchants began to apply for commissions: of the twenty-nine commissions issued between 1597-1602, twenty-four were applied for by merchants as a precaution.¹¹⁴

Apart from defensive privateering, the States-General also played a role in increasing privateering around 1600. In response to the embargo, the States-General issued a similar decree against the Iberian colonial trade on April 2, 1599.¹¹⁵ To effectuate this embargo and attack Spanish possessions in West Africa, a war fleet of seventy-three admiralty, merchant and privateering vessels was erected, commanded by Pieter van der Does. However, malaria forced the decimated fleet to return earlier than planned. The expedition's costs did not outweigh its success. They left the admiralties with enormous debts, forcing the States-General to change its strategy against Spain to one that would spare the Republic's treasury. The solution was found in stimulating privateering. This would save the admiralties expenses, while ensuring income from prize money. In June 1599, the

¹¹² Philip III, who had succeeded his father Philip II earlier that year, forbade all Iberian subjects to trade with the rebels and had all Dutch ships in Iberian harbours seized. Loo, 'For freedom and fortune. The rise of Dutch privateering in the first half of the Dutch Revolt, 1568–1609', 179-80.

¹¹³ Loo, 'For freedom and fortune. The rise of Dutch privateering in the first half of the Dutch Revolt, 1568–1609', 182-83; Israel, *Dutch primacy in world trade, 1585-1740*, 63-69; Klooster, *The Dutch moment : war, trade, and settlement in the seventeenth-century Atlantic world*, 17-18. Klooster ascribes it to internal factors, like the Republic's response to the fall of Antwerp and the migration this caused.

¹¹⁴ Loo, 'For freedom and fortune. The rise of Dutch privateering in the first half of the Dutch Revolt, 1568–1609', 183.

¹¹⁵ All goods and possessions of Philip's subjects at sea were declared prize, and it became forbidden for inhabitants of the Republic, Dutch or foreign, to trade with the Iberian Peninsula. Ibid, 180.

States-General issued instructions encouraging private men-of-war to combat the Spanish in the East and West Indies, giving out privateering letters solely valid in the “Spanish seas”.¹¹⁶ Following December, even if the provisions of their commissions only allowed them to defend themselves, merchant ships sailing to the Indies were encouraged to attack Iberian vessels whenever they encountered them, to seize and keep their goods, capture the crews for ransom, do to them all that “the laws of war allow for but to be respectful and thoughtful towards people from other kingdoms”, and to take these goods back to the same admiralty from where they had departed.¹¹⁷ Further privateering enhancement was provided by Prince Maurits of Orange, who decided to lower his share of prizes captured below the Tropic of Cancer from 10% to 3%.¹¹⁸

Thus, the character of Dutch privateering gradually shifted from defensive to offensive, synchronous with their colonial expansion and closely related to merchant shipping. The creation and early operations of the VOC illustrate this well. It goes beyond the scope of this thesis to extensively elaborate on the VOC; various historians have already done so.¹¹⁹ Some elements concerning this company will be emphasised, though, because of their influence on the WIC.

The VOC and privateering were connected from the start. The people involved in the company were the same ones to whom the States-General’s instructions from 1599 applied; the VOC

¹¹⁶ Jaap R. Bruijn, *The Dutch Navy of the Seventeenth and Eighteenth Centuries* (St. John’s, Newfoundland: Liverpool University Press 2011), 17-18; Loo, ‘For freedom and fortune. The rise of Dutch privateering in the first half of the Dutch Revolt, 1568–1609’, 179-84.

¹¹⁷ “Sullen de voorsz. capiteynen mede vermogen aen alle landen, den Coninck van Spaignen subiect zijnde, ende andere vyanden landen oft deselver aenhangen, invallen te doen ende aldaer hostileyten te plegen, zoe jegens personen als, deselve gevangen nemende, rantzoenerende, de goederen binnen scheepsboot brengende, ende alles te doen jegens de voorn. vyantlicke platsen..”, “...de rechten van oorloge eenichsints zijn toelatende, altyt goede respecten ende insichten nemende opte personen van andere coninck- rycken ende landen...” Resoluties Staten-Generaal (RSG), December 12, 1599, accessed online via https://resources.huygens.knaw.nl/retroboeken/statengeneraal/#page=821&accessor=toc&source=100R&accessor_href=https%3A%2F%2Fresources.huygens.knaw.nl%2Fretroboeken%2Fstatengeneraal%2Ftoc%2Findex.html%3Fpage%3D0%26source%3D1OR%26id%3Dtoc.

¹¹⁸ NL-HaNA, Staten-Generaal, 1.01.02, inv. nr. 28, *Registers van ordinarijse minuten-resoluties 1602*, April 1, 1602, folio 93.

¹¹⁹ Examples of works on or dealing with the VOC include: Gaastra en Daniels, *The Dutch East India Company : expansion and decline*; Pieter C. Emmer, *The Dutch Overseas Empire, 1600–1800* (New edition.; Cambridge 2020); Den Heijer, *De geötrooieerde compagnie*; Robert. Parthesius, *Dutch ships in tropical waters : the development of the Dutch East India Company (VOC) shipping network in Asia 1595-1660*. Amsterdam studies in the Dutch golden age dissertation (Amsterdam: Amsterdam University Press 2010) <<http://www.doabooks.org/doab?func=fulltext&rid=15199>>; Oscar Gelderblom, Abe de Jong en Joost Jonker, ‘The Formative Years of the Modern Corporation: The Dutch East India Company VOC, 1602–1623’, *The Journal of Economic History* 73 (2013) 1050-1076; Israel, *Dutch primacy in world trade, 1585-1740*; Odegard, *Patronage, patrimonialism, and governors’ careers in the Dutch chartered companies, 1630-1681 : careers of empire*; M.A.P. Roelofs e.a., *De archieven van de Verenigde Oostindische Compagnie = The archives of the Dutch East India Company : (1602-1795)*, *Algemeen Rijksarchief*. Algemeen Rijksarchief. Eerste Afdeling (’s-Gravenhage 1992); Gelderblom, De Jong en Jonker, ‘An Admiralty for Asia: Isaac le Maire and conflicting conceptions about the corporate governance of the VOC’; J.R. Bruijn e.a., *Dutch-Asiatic shipping in the 17th and 18th centuries* (The Hague 1979); Loo, ‘For freedom and fortune. The rise of Dutch privateering in the first half of the Dutch Revolt, 1568–1609’.

was born out of a merger of existing trading companies, the so-called “*voorcompagnieën*”. The competition between these companies had started to undermine the young Republic’s political unity and economic prosperity. A merger of these companies was thought to end this competition and enhance the Dutch presence in Asia.

Negotiations for the VOC took a long time. The financial and commercial interests of the towns and provinces involved needed to be considered, and the monopoly could only work if most Asian traders joined in. A solution to the first issue was found by mirroring the organisation of the admiralties: the VOC would have six local chambers running operations, each delegated a fixed number of directors to a central executive board of seventeen men. Regarding the second issue, many directors of the *voorcompagnieën* continued in the Asian trade as directors in one of the VOC’s chambers. On March 20, 1602, some parties finally reached an agreement, after which the States-General issued a charter granting the VOC a monopoly on the Asian trade for twenty-one years.¹²⁰

The charter, comprising forty-six articles, explicitly mentions privateering in article thirty-seven. The States-General allowed VOC ships to capture vessels and goods “if Spanish, Portuguese or other enemy vessels were to attack company ships”.¹²¹ These prizes were to be divided following the “orders of state”¹²² with the state and the admiral enjoying their rightful part, but only after the “company had subtracted the damages incurred during the capture of the prize”. Captures would be adjudicated by the admiralty administering the port of arrival of the company ship, but the administration of the prize would remain with the company. Parties aggrieved by the VOC could appeal to the States-General. In other words, juridically, VOC prizes fell, just like non-company prizes, under admiralty jurisdictions, in line of appeal subject to the States-General, but were auctioned by the company, which kept their proceedings.

Several points can be raised about this article. It appears that VOC ships were, institutionally, allowed to engage in *defensive* privateering to protect their operations. This echoes Van Loo’s findings, demonstrating the interconnectedness of privateering and merchant shipping around 1600, as well as the merchant-privateering phenomenon. This suggests that the Dutch intended to execute different privateering strategies in the east and west: defensive in the area to which the VOC’s

¹²⁰ Gelderblom, De Jong en Jonker, ‘An Admiralty for Asia: Isaac le Maire and conflicting conceptions about the corporate governance of the VOC’, 14-15.

¹²¹ “Oft gebeurde dat de Schepen van Spaignen Portugael ofte andere vyanden die Schepen van dese Compaignie vyantlycken aentasten ende int vechten eenige der vyanden Schepen veroverd werdden...”, “...sullen verdeelt werdden naer die ordre vanden Lande...”, “...Mits dat vooren affgetrocken sal worden de schade die de Compaignie in den selven rencontre geleden sal hebbe...”. NL-HaNA, 1.04.02 Inventaris van het archief van de Verenigde Oost-Indische Compagnie (VOC), inv. 1, *Octrooi verleend door de Staten-Generaal aan de Verenigde Oost-Indische Compagnie*, March 20, 1602, folio 9.

¹²² These “orders of state” are probably the instructions issued in December 1599. No other instructions had been issued since.

monopoly pertained, from Cape of Good Hope up and through the Street of Malacca, while west from the Cape, non-company vessels were still encouraged to engage in offensive privateering via the instructions from December 1599. In this respect, the VOC's privateering prerogatives differed from its predecessors, the latter adhering to the 1599 instructions. This discontinuity is juxtaposed by the rest of the clause, which indicates that, contrary to non-company privateering, where shipowners and investors bore the risks of the enterprise, the States-General provided the VOC a guarantee against the admiral and admiralties. By granting the VOC this privilege in its first charter, the state effectively created a company interest in privateering by increasing the private interest inherent to the privateering enterprise for the company, enabling it to generate capital by mitigating the usual risks.

The clause attests to Brandon's analysis of the VOC exemplifying the "merchant warriors" brokerage-type; it shows Asian traders receiving the full responsibility for the execution of war-related tasks, while the privilege to use privateering as an economic activity, is the brokerage solution States-General employed to incite these merchants to engage in these activities voluntarily.¹²³ In this regard, the VOC was similar to its commissioned predecessors, continuing the same brokerage dynamic. For the VOC, however, the economic interest to engage in privateering was greater because, in principle, it did not have to cede any privateering proceedings, which expounds the company's early development: almost immediately after the company's establishment, the VOC's directors abandoned the defensive "trade only" policy and began issuing offensive commissions to all eastbound ships. At least thirty Portuguese carracks were captured before 1609, some worth millions of guilders.¹²⁴ Because of this shift, the VOC was more a privateering enterprise during its first years than a commercial company.¹²⁵ The company's military operations are also reflected in Michiel de Jong's study on the Republic's weapon industry and military reforms. He concludes that, together with the *voorcompagnieën*, the VOC was the Republic's largest civil purchasers of war materials during 1595-1621.¹²⁶

The charter and these developments support the notion put forward by Gelderblom, de Jong, and Jonker that the VOC was created to serve as an "Admiralty for Asia".¹²⁷ They analysed the company's corporate governance structure as laid down in its charter and contend that this reveals the company's hybrid character as a private corporation entrusted with a public task. This objective, they argue, inspired a governance structure modelled after already existing semi-public institutions

¹²³ Brandon, *War, Capital, and the Dutch State (1588-1795)*, 51-53.

¹²⁴ Loo, 'For freedom and fortune. The rise of Dutch privateering in the first half of the Dutch Revolt, 1568–1609', 184-85.

¹²⁵ Ibid, 185.

¹²⁶ Jong, *'Staat van oorlog': wapenbedrijf en militaire hervorming in de Republiek der Verenigde Nederlanden, 1585-1621*, 150-51.

¹²⁷ Gelderblom, De Jong en Jonker, 'An Admiralty for Asia: Isaac le Maire and conflicting conceptions about the corporate governance of the VOC'.

like the admiralties, which also provided their public goods, i.e. the navy, by levying duties of its use, i.e. taxes on trade. The States-General's willingness to have the company succeed and continue its military operations despite its weak financial position during its first charter period and the protests voiced by commercially oriented shareholders about the company's military operations are also factors they highlight.¹²⁸ Erik Odegard arrived at a similar conclusion, calling the VOC "the sixth admiralty board", by assessing the company's corporation with the admiralty boards during the mid-seventeenth century, and the similarities between VOC- and admiralty shipbuilding.¹²⁹ What forced the VOC out of its role as admiralty, posits Odegard, was its inability to deal with the risks of battlefleet strategy. Furthermore, the admiralties could request additional subsidies from the States General, but the company had to satisfy its investors through its commercial operations.¹³⁰

Another factor testifying to the VOC as admiralty is the 1606 decision of the States-General to allow the company to adjudicate prizes taken below the Tropic of Cancer. This likely resulted from the company experiencing the impracticality of having its prizes returned to the Republic for adjudication by the admiralties. The company was still to relinquish a percentage of the yield to the Generality and the Prince of Orange. Still, repartition between the VOC and the Republic could take several years.¹³¹ Hence, by 1606, the company possessed a similar responsibility regarding maritime warfare as the admiralties *and* was allowed to execute two quintessentially admiralty tasks, i.e. commissioning sailors and adjudicating prizes. Whereas it would be a stretch to claim the VOC was an admiralty upon its creation – in its charter, commercial activities preside over military ones, which also follows from the privateering clause – it could be posited that the VOC *became* an admiralty in 1606. Consequently, the company's creation and earliest activities should be considered a significant moment in the institutionalisation and increase of privateering during Van Loo's fourth phase, arguably even more important than Van Loo himself considers these to be.

The Treaty of London, signed in 1604 to end nineteen years of Anglo-Spanish rivalry, also fuelled Dutch privateering. English society, like the Dutch, embraced privateering during this period. Unwilling to abandon their profitable businesses, some English privateers sought Dutch commissions, leading to many English privateers taking their prizes to Zealand harbours. The profits from these activities brought the Dutch to organise privateering expeditions themselves, resulting in the rise of offensive non-company privateering after 1605. In the spring of 1606, over 130 privateering vessels left Dutch harbours. Privateering involvement became widespread, yet most of these ventures were

¹²⁸ Ibid.

¹²⁹ Erik Odegard, 'The sixth admiralty: The Dutch East India Company and the military revolution at sea, c. 1639–1667', *International journal of maritime history* 26 (2014) 669–684.

¹³⁰ Ibid, 680–84.

¹³¹ Francke, 'Utiliteyt voor de gemeene saake : de Zeeuwse commissievaart en haar achterban tijdens de Negenjarige Oorlog, 1688–1697 Dl. I.', 83.

financed by the Dutch merchant elite and regent class of Holland and Zeeland towns, a continuation of earlier privateering phases. The growing privateering business was only temporarily halted by a cease-fire in 1607, restrictive measures against piracy, and the start of the Twelve Years' Truce in 1609.¹³² If one continues Van Loo's line of reasoning, the creation of the WIC could be considered the fifth stage, because of the scale on which the Dutch resumed these activities and the growing institutionalisation post-truce.

WANDERING WESTWARDS

Ideas for an Atlantic company had existed ever since the Dutch joined the New World trade. However, contrary to the VOC, where competition brought merchants to agree upon a monopolistic enterprise, there was no economic reason for the merger of Atlantic businesses. In 1606, some influential merchants managed to convince the States of Holland to institute a commission to investigate the feasibility of an Atlantic company. A rapport followed, including a draft charter modelled after the VOC charter for a company focused on trade and shipping with far-reaching juridical and military prerogatives. Despite some particularist urban protests regarding the areas the future company's monopoly would encompass, little prevented the company from being established soon.¹³³

Things changed in 1608, when it was revealed that Johan van Oldenbarnevelt, the Grand Pensionary of Holland, was negotiating a peace treaty with the Habsburgs. Fearing that an Atlantic company would worsen their colonial dominance and financial struggles, the Habsburgs agreed to recognise the United Provinces as an independent sovereign state for twelve years, provided the Dutch would abandon the Atlantic company project, stop attacking Iberian shipping and strongholds, and maintain their positions in Africa and Asia. The news sparked intense domestic conflict between the States faction, who backed Van Oldenbarnevelt, and the Orangist faction, led by Prince Maurits, who was keen to continue the war mainly for his benefit. The Orangists were primarily based in Zeeland, where many relied on privateering and the transit trade to the Southern Netherlands due to the Dutch naval blockade, and in Holland, where directors of trading companies worried that a ceasefire would jeopardise their overseas enterprises. Despite these concerns, the States-General sided with Van Oldenbarnevelt, and on 9 April 1609, the Twelve Years' Truce was ratified in Antwerp.¹³⁴

¹³² Loo, 'For freedom and fortune. The rise of Dutch privateering in the first half of the Dutch Revolt, 1568–1609', 186–92.

¹³³ Heijer, *De geschiedenis van de WIC*, 22–27.

¹³⁴ Israel, *Dutch primacy in world trade, 1585–1740*, 84–87.

The founding of New Netherland connects to these developments. A truce would compel the VOC to halt its military activities against the Habsburgs, reinvigorating their mission to discover shorter, alternative routes to Asia. Eager to give the Northeast passage one more try, the VOC directors commissioned the Englishman Henry Hudson, who had already undertaken several voyages north, to explore this route. Hudson and crew departed from Amsterdam on the *Halve Maen* on April 4, 1606, never to return to the Republic again. Ignoring company instructions, Hudson sailed northwest instead of northeast and travelled to the relatively unknown area between Chesapeake Bay and Cape Cod. While exploring the Lower Bay, they found a river they sailed up on September 2, 1609, until it became too shallow to continue. During the sail on the river that would bear his name, Hudson and his crew traded with Native American groups, obtaining tobacco, otter and beaver pelts in return for European commodities and returned to Europe in October. Upon his arrival in England, Hudson was arrested by the English authorities for contravening a royal charter.¹³⁵ He remained in England and made another attempt to find an alternative route to Asia, which proved fatal: his crew mutinied and, together with his son and some crew members, Hudson was set adrift in a sloop and never seen again.¹³⁶

Reports of Hudson's travels reached the Republic about a year after he departed from Amsterdam. Enticed by the prospect of participating in the American fur trade, some Amsterdam merchants quickly organised a voyage to the area. Like most luxury goods, demand for furs had sharply increased in Western Europe, but as European supplies thinned, European merchants began to obtain their furs in other places, including the New World.¹³⁷ In the 1610s, several Dutch merchant ships sailed to the region. Historiography assumes that during these voyages, the trading post Fort Nassau was established near the modern-day capital of New York State, Albany.¹³⁸ As with the *voorcompagnieën*, the competition between North American companies forced them to merge. On March 27, 1614, the States-General issued a statement that allowed merchants to receive a charter for newly discovered areas.¹³⁹ The New Netherland Company (NNC, *Compagnie van Nieuwnederlant*) received such a charter on October 11, 1614, allowing it to undertake four voyages within three years to those American territories between the fortieth and forty-fifth parallel of "New Netherland", to the exclusion of all other Dutchmen.¹⁴⁰

¹³⁵ This charter from 1609 allocated most of the North American coast to two English chartered companies.

¹³⁶ Jacobs, *New Netherland : A Dutch Colony in Seventeenth-Century America*, 30-32.

¹³⁷ Bachman, *Peltries or plantations : the economic policies of the Dutch West India Company in New Netherland, 1623-1639*, 3-4.

¹³⁸ Ibid, 11-12; Jacobs, *New Netherland : A Dutch Colony in Seventeenth-Century America*, 32.

¹³⁹ RSG, March 27, 1614.

¹⁴⁰ RSG, October 11, 1614.

The activities of NNC during its charter period remain vague. It undertook some voyages, including one to South River, for which it requested another charter (this region lay below the fortieth parallel). The States-General never honoured this request, nor the NNC's request to renew their monopoly. Jacobs assumes both were rejected because plans of the WIC were again in the making by 1618.¹⁴¹

Mid-1618, Organists had imprisoned Van Oldebarneveltdt. The latter's brutal execution following spring eliminated the chance of the truce being prolonged in 1621. It became clear that when the war would recommence, it would be extended to the Atlantic: on September 18, 1618, weeks after Van Oldenbarneveltdt's imprisonment, the States of Holland sent an improved version of their 1606 draft to the States-General. As in 1606, controversies arose regarding the company's monopoly and internal organisation. Both issues were largely accommodated for when on June 3, 1621, mere weeks after the conclusion of the Twelve Years' Truce, the States-General issued the charter of the Dutch West India Company (WIC), transferring to this organisation the sole right to sail and trade along the coast of West Africa, below the Tropic of Cancer to the Cape of Good Hope, the entire American continent, and island lying between this geographical line until the most western-point of New Guinea, for the next twenty-four years.¹⁴²

The company's structure, privileges, and exemptions were laid down in forty-five articles. The WIC consisted of five regional chambers: Amsterdam, Zealand, Maze, Noorderkwartier, and Stad and Lande, which were responsible for the company's daily activities at home and raising the funds to execute them. These activities included shipbuilding, recruiting sailors and soldiers, organising auctions to sell goods, and purchasing the supplies the company needed to carry out its commercial and military operations.¹⁴³ The division of administration among the chambers was based on the Republic's tax system and the presumption of how much capital each chamber would be able to invest in the company. As such, Amsterdam acquired four-ninths of the company's administration and twenty directors, Zealand two-ninths and twelve directors, and the other smaller chambers each one-ninth of the administration and fourteen directors.

Each chamber consisted of shareholders and directors from multiple cities. Cities or regions not represented in these chambers could obtain a directorship in one of the existing chambers if they invested at least 100,000 guilders in a chamber. The chambers were led by a central board of managing directors to which each chamber delegated a fixed number of directors. The *Heeren XIX*, or "Gentlemen XIX", set the strategy and tasks for the chambers handling daily activities. In the WIC

¹⁴¹ Jacobs, *New Netherland : A Dutch Colony in Seventeenth-Century America*, 35-36.

¹⁴² NL-HaNA, 1.05.01.01 OWIC, inv. 13, *Octrooi verleend door de Staten-Generaal aan de West-Indische Compagnie*, June 3, 1621; Heijer, *De geschiedenis van de WIC*, 27-31.

¹⁴³ NL-HaNA, 1.05.01.01 OWIC, inv. 13, article 11, folio 3.

administration, Amsterdam had eight representatives on the board, Zealand four, the three smaller chambers two each, and the States-General one representative.¹⁴⁴

Compared to the VOC, the WIC's internal organisation was more political. The possibility of purchasing a directorship and the preset voting balance were, for example, decisions made to accommodate objections raised in the States-General during the company discussions.¹⁴⁵ Internally, the chambers of the WIC were also organised differently from the VOC, which also resulted from experiences with the VOC.¹⁴⁶ Furthermore, the VOC never had a representative of the States-General on its board, a privilege it received because of its financial support. Unlike the VOC's charter, which stated that the States-General could only provide financial support or tax benefits (which it often did) and had asked for 25,000 guilders as payment for its monopoly (a sum that was never paid, but instead converted into shares), the States-General invested 1.000.000 guilders into the WIC, making it its largest direct investor and shareholder.¹⁴⁷ The States-General also guaranteed that if the company were caught up in a war, it would provide additional financial support. The WIC also received various fully equipped ships, sixteen warships of at least 140 lasts and four yachts, but only if the company would fit out the same number of vessels itself and would staff the entire fleet.¹⁴⁸

Contrary to the States-General, the public was hesitant to get the WIC off the ground. It took over two years to raise the 7,108,161 guilders the company needed to commence its operations, an amount the VOC had raised in less than a month.¹⁴⁹ Amsterdam's share of the investment illustrates this reluctance. The city had become richer over the years, but its share in the WIC was almost a

¹⁴⁴ NL-HaNA, 1.05.01.01 OWIC, inv. 13, folio 3, article 12. Odegard, 'Recapitalization or Reform? The Bankruptcy of the First Dutch West India Company and the Formation of the Second West India Company, 1674', 90-91.

¹⁴⁵ To address protests on the lack of northern representation in chamber division of the VOC, the States-General awarded the northern provinces the opportunity to establish their own chamber own if they could raise 500,000 guilders in investment capital. The province of Stad en Lande (Groningen) managed to do this and got two directors on the board. Friesland did not, making it an inveterate opponent of the company from the start. Ibid, 91-92.

¹⁴⁶ Critiques of VOC shareholders on shareholder rights were addressed by awarding WIC-shareholders more executive power by making large shareholders eligible for directorship in the chamber wherein they invested. To qualify as a main shareholder (*hoofdparticipant*) rather than a regular shareholder (*participant*), someone had to invest more than 6000 guilders in the Amsterdam chamber or 4000 in any of the other chambers. From the main shareholders, three candidates would be nominated for a directorship and the provincial or urban elites would then elect one from these candidates for the position. Shareholders' capital was locked into the company for twenty-four years during which the total body of shareholders could not increase, to assure investors of their dividend, which they would receive if the company's trade profits reached 10%. NL-HaNA, 1.05.01.01 OWIC, inv. 13, folio 3, articles 13, 17.

¹⁴⁷ Half of this amount was given to the company as a loan, while the other half was invested in return for shares. Den Heijer, *De geotrooieerde compagnie*, 54-55.

¹⁴⁸ NL-HaNA, 1.05.01.01 OWIC, inv. 13, folio 5, article 39 and 40. These warships were probably ships of admiralty fleets that were partially made available at the service of the company, similarly to the VOC, while some shall have been rented from private owners. Jaap R. Bruijn, *The Dutch Navy of the Seventeenth and Eighteenth Centuries*, 20-22; Odegard, 'The sixth admiralty: The Dutch East India Company and the military revolution at sea, c. 1639-1667', 672-73.

¹⁴⁹ Bick, *Governing the free sea: The Dutch West India Company and commercial politics, 1618-1645*, 10.

million guilders less than in the VOC, 2,846,582 versus 3,676,915 guilders.¹⁵⁰ Hence, Amsterdam's interest in the company was very little. Figure 1 demonstrates the investments of the other chambers and their voting shares on the board. These numbers show the mismatch between the chamber's investments and their share in the Nineteenth, revealing that the WIC's administration was founded on political rather than economic principles.¹⁵¹

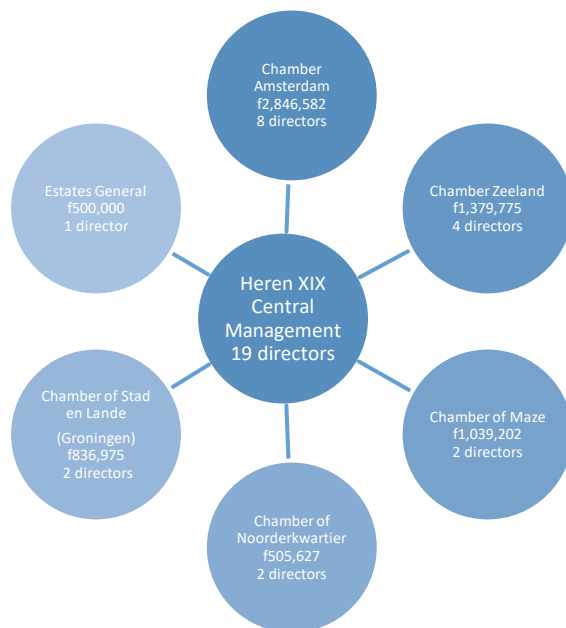


Figure 1. Organisation of the WIC in chambers, initial investments of the chambers, and votes in the central management board.

Source: H. den Heijer, *De geschiedenis van de WIC*, 31-33.

AN ADMIRALTY FOR THE ATLANTIC

The WIC's charter mentions privateering in articles forty-two and forty-three. In the event of war, the States-General authorised the company to capture vessels of hostile states and sea rovers, within its operational limits. Like the VOC, the WIC could subtract its expenses and damages from these prizes

¹⁵⁰ This number is further skewed considering the cities Haarlem, Leiden and Deventer purchased themselves a directorship in the Amsterdam-chamber by investing over 100,000 guilders each. Den Heijer, *De geëtrooideerde compagnie*, 61.

¹⁵¹ For example, the Maze-chamber, representing the interests of cities in the south of Holland received the same number of votes as Holland's Northern Quarter-chamber (*Noorderkwartier*), despite investing almost twice as much, and only a quarter of votes the Amsterdam-chamber whilst Amsterdam's investment was only 2,7 times larger. Being the most powerful city in Holland, Amsterdam would not accept less than eight out of the nineteenth votes, while Zeeland would not accept Amsterdam being able to outvote the other chambers. Odegard, 'Recapitalization or Reform? The Bankruptcy of the First Dutch West India Company and the Formation of the Second West India Company, 1674', 91-92.

before deducting the 3.3% to which the admiral was entitled and a 1/10 part for the officials, crew, and soldiers involved in the capture. The remaining amount would be at the disposal of the company directors, registered in a different account, separated from the company's commercial accounts.¹⁵² Profits of prizes were to be spent on company activities¹⁵⁵, but if profits were so high that a sum remained after covering all the company's expenses, 10% of this amount was to go to the "*gemeene saecke*" and the rest distributed among the company's shareholders. Adjudication was to occur, indicative of the admiralty, whereto the company ship had returned, but the legal process and administration of the prize remained with the company; admiralty officials could not claim any rights over the prizes brought in by the company. Goods obtained during captures were to be properly inventoried, and parties aggrieved by the verdict could appeal conform admiralty instructions.¹⁵³

Privateering is more elaborately covered in the WIC charter than in the VOC's. The WIC had the same prerogatives and could use privateering to raise capital. A notable difference is that these incomes were kept in a separate account, reflecting the company's political nature. This separation allowed the WIC to engage in privateering without affecting shareholder dividends, which were paid from trade profits only. In Brandon's terms, this can be considered a brokerage solution of the States-General, a response to the VOC experience to enhance the merchant-warrior-brokerage dynamic. The States-General likely chose this to assure investors that the WIC's military activities would not impact their returns as with the VOC¹⁵⁴ while securing income from war activities to conserve cash and obtain colonial commodities. Hence, the WIC's creation marks a step in institutionalising privateering in the Dutch Republic.

Article forty-three of the WIC's charter warrants attention. It states that the WIC could adjudicate prizes within its monopoly in accordance with admiralty instructions. So, the WIC was awarded jurisdiction and not liable to the admiralties. If a company ship captured a prize within admiralty jurisdictions, the prize content would remain with the WIC. The WIC had to cede a percentage of prize proceeds to the admiralties but only after subtracting company costs. So, juridically, the company was immediately levelled with the admiralties and could execute admiralty tasks in its charter area. Having concluded that from a privateering perspective, the VOC could, from 1606, be considered the Republic's admiralty for Asia, the privateering prerogatives of the WIC indicate the WIC was *created* as an admiralty for the Atlantic. The resemblance of the WIC's government structure to the VOC's, which Gelderblom *et al* argue resembles the admiralties,

¹⁵² NL-HaNA, 1.05.01.01 OWIC, inv. 13, folio 6, article 42.

¹⁵³ NL-HaNA, 1.05.01.01 OWIC, inv. 13, folio 6, article 43.

¹⁵⁴ Gelderblom, De Jong en Jonker, 'An Admiralty for Asia: Isaac le Maire and conflicting conceptions about the corporate governance of the VOC', 29-31.

substantiates this. Moreover, the States-General's support in terms of warships indicates a forestalled corporation between the WIC and admiralties, which links to Odegard's conclusions.

The creation of the company had rather severe consequences for the existing admiralties. Financially, the company undermined the admiralties since the WIC drastically reduced their jurisdiction and income. Interestingly, the admiral was spared this fate. The company still had to pay him his share, another sign of the political inclination of the WIC. This issue of jurisdictions repeatedly served as a bone of contention between the company and the admiralties. Whenever a disagreement arose about a prize, these institutions would turn to the States-General; however, as the company's largest shareholder and manager, the latter's verdict was often biased. On March 31, 1628, for example, the directors of the WIC complained that the Zeeland-admiralty had taken possession of a prize a company ship had captured near Lisbon, which, according to the admiralty, was taken outside the WIC's monopoly. The directors claimed this went against article forty-three of the company's charter and requested the States-General to demand that the admiralty return the prize to them.¹⁵⁵

The admiralty was reluctant to return the ship: the matter was brought before the States-General again on May 26. According to the statement signed by some company directors of the Zeeland-chamber, the company ship that had captured the prize had been on the return leg of its journey, having brought colonists to Nieuw Walcheren.¹⁵⁶ Upon arrival in Zeeland, the captain had been robbed of his prize by the Zeeland-admiralty, who had ordered all the prize goods to be stored in admiralty warehouses. By doing so, the directors claimed the admiralty undermined articles one, two, forty-two, and forty-three of the WIC's charter. The next day, two deputies of the Zeeland-admiralty appeared before the States-General to reply to the company's statement and to account for the board's actions. They asserted that, although the prize had been taken by a company captain on a company ship, the capture had taken place outside the company's monopoly and thus belonged to the Zeeland-admiralty. The States-General disagreed and commanded the admiralty to return the prize to the WIC; it was the WIC's primary task to impinge upon the Republic's enemies by disrupting maritime traffic, a task that the admiralty was not to hinder.¹⁵⁷

The company's early activities reflect its primary task well. Although the first company ships departed on trade voyages to West Africa and the Amazon in 1623, the Nineteen quickly began with the execution of the plan designed to challenge Iberian Atlantic hegemony, the so-called "Great Design" (*Groot Dessyn*). By conquering the Brazilian sugar plantation of the weaker half of the Iberian Union, Portugal, along with its forts in Angola and on the Gold Coast, the company hoped to become the world's major sugar producer. In the sixteenth century, sugar had been flowing into the Republic

¹⁵⁵ RSG, March 31, 1628.

¹⁵⁶ A colony founded on Tobago by Johan de Moor, a former mayor of Flushing.

¹⁵⁷ RSG, May 26, 1628, and May 27, 1628.

from Antwerp. Most unrefined sugar arriving in Antwerp, where it would be refined and exported, was brought to Europe through Lisbon. There had also been more direct trade with Antwerp from plantations on the Canary Islands, Madeira, São Tomé, and Brazil. Various sugar refineries were established in the Republic after the Antwerp exodus, and sugar production quickly flourished.¹⁵⁸ Privateering was another means by which the Republic obtained sugar. Since sugar could only arrive in Europe by sea, privateers only needed to avoid patrols until the ships reached European ports. By bypassing Lisbon and sourcing sugar directly from South American plantations, the Nineteen could undermine the Portuguese and promote Dutch sugar production and trade. Conquering Portuguese slave fortresses in West Africa was part of this strategy to secure labourers for the future plantations.¹⁵⁹ To target Spain's colonies, another plan was established. Portugal's colonial strength in the Americas stemmed from its relatively accessible Brazilian sugar plantations, while Spain's key colonial assets were the Peruvian and Mexican silver mines. The Nineteen recognised that seizing these mines was unfeasible and chose to intensify privateering instead.

In 1624, the company outfitted four fleets: two to attack the Portuguese in Brazil and West Africa, and two privateering fleets to challenge Spain's shipping. One of these privateering fleets, commanded by Pieter Schouten, was sent to the Caribbean to impair maritime traffic and gather information on Spain's naval activities and fortifications. During its six-month voyage in the Caribbean, the fleet managed to capture various barks, plundered some villages in Yucatan, encountered the heavily armed Tierra Firme-Silver Fleet near the island of Cuba but lacked the means to engage in an attack, and returned to the Republic in April 1625. The other privateering fleet, led by Henrick Jacobz. Kat, sailed the coast of the Iberian Peninsula to impinge upon Iberian merchant shipping, which it successfully did.¹⁶⁰ The fleets sent to Brazil and West Africa failed in their objectives, but still managed to capture various Iberian merchant vessels during their voyages.

Capturing the Silver Fleet remained the Nineteenth prime objective, though. Now acquainted with routes and timing of Spanish shipping, the company sent off four privateering fleets again in 1628, including the one led by arguably the most famous seventeenth-century Dutch privateer, Piet Heyn. In September, Heyn's fleet managed to capture one of the Silver Fleets in the Bay of Matanzas near Cuba, while the Tierra Firma Fleet was waiting to be joined to cross the Atlantic. Heyn returned to the Republic with his grand prize in January 1629, where he received a royal welcome, and understandably so; the yield of his capture amounted to 11,5 million guilders, including 177,000 Amsterdam pounds of silver, 66 pounds of gold, thousands of pearls, indigo, silk, animal skins and

¹⁵⁸ Heijer, *De geschiedenis van de WIC*, 15-17.

¹⁵⁹ Ibid, 55.

¹⁶⁰ Ibid, 55-57.

various other colonial goods.¹⁶¹ Even after retracting the costs of not only Heyn's expedition but also of the other three privateering fleets the company had sent off, a profit of seven million guilders remained.

In his company chronicle, Johannes de Laet, director of the Amsterdam-chamber and representative of the city of Leiden, records that the WIC managed to capture or destroy 547 enemy ships during the years 1623-1636, which he estimates to have amounted to 118.283.166 guilders of damage for the King of Spain and 30.309.736 guilders of company profit from these prizes.¹⁶² Ironically, most of this money would be spent on what eventually wrecked the WIC's finances: the conquest and occupation of Brazil (1630-1654) (Chapter 3). Partly because of Brazil, the company ceased sending out privateering fleets by 1640, after the fleet commanded by Admiral Cornelis Cornelisz. Jol had, for the second time, failed to capture the Silver Fleet. Though the two privateering expeditions he commanded were not fruitful, he significantly contributed to the company's conquest of Recife in 1630. He managed to conquer Angola and São Tomé just before passing in 1641.¹⁶³

Having captured Recife and Olinda in 1630, maintaining control proved a challenge. The company could not supply its troops in Brazil and needed the help of private vessels to transport materials across the Atlantic. A solution was found in 1633 by partly opening the WIC's monopoly on Atlantic shipping.¹⁶⁴ By allowing private captains to engage in privateering, the company could lower the rent for these vessels while maintaining economic pressure on the Iberian Union.¹⁶⁵ Furthermore, partially relinquishing the monopoly was thought to lessen interloping, which had become a widespread phenomenon, also when it came to privateering activities;¹⁶⁶ the company could not control the entire Atlantic basin and local elites were rather reluctant to detect and prosecute interlopers, especially in Zealand.

The States-General issued regulations concerning this matter in July 1633, which altered company-privateering radically.¹⁶⁷ Ships departing from the Republic could sail along the South

¹⁶¹ Ibid, 59-60, 63.

¹⁶² De Laet, *Historie ofte iaerlijck verhael van de verrichtinghen der geoctroyeerde West-Indische Compagnie, zedert haer begin, tot het eynde van 't jaer seshien-hondert ses-en-dertich; begrepen in derthien boecken, ende met verscheyden koperen platen verciert*., 631-47; These figures are currently being assessed by Erik Odegard, who is writing a book on the WIC as a privateering enterprise.

¹⁶³ Heijer, *De geschiedenis van de WIC*, 66.

¹⁶⁴ Ibid, 66-67.

¹⁶⁵ Ibid, 67-68.

¹⁶⁶ A very illustrative work on interloping the WIC's monopoly is Ruud Paesie, *Lorrendrayen op Africa de illegale goederen- en slavenhandel op West-Afrika tijdens het achttiende-eeuwse handelsmonopolie van de West-Indische Compagnie, 1700-1734* (Amsterdam : De Bataafsche Leeuw, 2000).

¹⁶⁷ Vessels were to notify the chamber wherefrom they wished to depart and provide this chamber the name of the captain, vessel, and deposit. 16% of the yield of Iberian prizes, regardless of where these were captured in relation to the Tropic of Cancer, would go to the company after subtracting the stadholder-admiral's percentage. Prizes were to be handed over to the chamber directors unsullied before these were to be

American coasts from Brazil to Florida, and the islands within this area to impinge upon Spanish subjects. New Netherlands and Africa remained under the WIC's monopoly. These regulations also significantly increased the company's admiralty function. Company chambers received the same administrative function as the admiralties regarding the application procedure. Furthermore, the company's jurisdiction was extended at the expense of the admiralties; it no longer mattered where, concerning the Tropic of Cancer, captains with company commissions captured prizes, 16% of the yield was to go to the WIC. Arguably, this recognition fee replaced the "*gemene zake*" percentage that captains commissioned by the admiralties were to cede. From now on, prizes also could be adjudicated and sold in the Atlantic, albeit to the company, instead of the Republic, reflecting the WIC's increasing admiralty function in a practical sense. The latter also serves as an institutional springboard for New Netherland privateering in the future. The company's choice to maintain its monopoly on New Netherland shipping relates to the WIC as admiralty, too. Few Iberian prizes were found on this route, so little privateering interest existed here. Relying on its trade, relinquishing its monopoly would be counterproductive, as it would increase competition and undermine the company. This different policy regarding New Netherland connects to the next chapter, where this colony takes the centre stage.

transported to company warehouses. Prizes would be sold at the expense of the capturers. The company would oversee the sale and pay the capturers their proceeds, minus the recognition fee and 1% company provision. The judicature over prizes remained with the admiralties. Prizes could now also be brought to Brazil and sold to the company there. Captains would then receive bills of exchange to collect their proceeds *in patria*. If captains did not want to sell their prizes in Brazil, they could hand these over to the company to be transported back to the Republic for a fee. If private vessels hired by the company or loaded with company supplies were to capture vessels *en route* to Brazil, they were to cede half of the yield to the company, in return for which they could cruise along the Brazilian coast after having unloaded their cargo, if their commissions allowed them to. NL-HaNA, 1.05.01.01 Oude WIC, inv. 19, scan 62-7, *Reglement van de Staten-Generaal op de scheepvaart binnen het octrooigebied van de Westindische compagnie*, July 15, 1633.

3. BRINGING IN BARKS

The WIC's interest in the colony remained relatively low throughout New Netherland's existence. Especially during the WIC's first charter period, North America, the only territory within the WIC's monopoly outside Iberian influence, rarely occupied the directors' minds.¹⁶⁸ Johannes de Laet's history illustrates this well: despite his personal interest in North America,¹⁶⁹ he refers to New Netherland thrice, all departures from the main storyline, the execution of the Great Design.¹⁷⁰ This does not imply that New Netherland's integration into the WIC left the colony unaffected. The WIC's establishment severely affected Dutch enterprises, which now fell under the company's monopoly. However, because it took the WIC years to raise the capital it needed to commence its operations, the situation *in* New Netherland did not alter much at first.

The NNC disintegrated after the States-General refused to renew its monopoly. Still, it continued its commercial activities along the Hudson, albeit with increased competition, as the parties that had left the NNC also remained active. The States-General granted New Netherland-traders dispensation, allowing them to temporarily breach the WIC's monopoly. It permitted the NNC to send two ships to the area on September 28, 1621, to round up their activities, on the condition that they would be back in the Republic the following summer.¹⁷¹ This deadline was eventually extended until late 1623.¹⁷² The sloops and yachts that remained there were sold to the WIC. So, when the WIC began exploiting the region in 1623, it continued building on the foundations laid by these enterprises.

Since merchants involved in the American trade before the WIC's establishment were predominantly based in Amsterdam, it was decided that the Amsterdam chamber would be

¹⁶⁸ Klooster, 'The Place of New Netherland in the West India Company's Grand Scheme', 62.

¹⁶⁹ In 1625, Johannes de Laet published an extensive description of New Netherland based on reports and journals of people that had visited the area to provide the other company directors sound information about North America. His work and perception of the New World have been assessed by Jaap Jacobs. Johannes De Laet, *Nieuuwe wereldt : ofte Beschrijvinghe van West-Indien wt veelderhande schriften ende aen-teeckeninghen van verscheyden natien by een versamelt*, *Nieuuwe wereldt : ofte Beschrijvinghe van West-Indien wt veelderhande schriften ende aen-teeckeninghen van verscheyden natien by een versamelt* (Tot Leyden: in de druckerye van Isaack Elzevier 1625); Jaap Jacobs, 'Johannes de Laet en de Nieuw Wereld', *Jaarboek van het Centraal Bureau voor Genealogie* (1996) 108-30.

¹⁷⁰ Klooster, 'The Place of New Netherland in the West India Company's Grand Scheme', 68.

¹⁷¹ RSG, September 28 1621.

¹⁷² This was probably because by then the WIC's starting capital had been raised but the personal involvement of Amsterdam directors Samuel Godijn and Jonas Cornelisz. Witsen in the NNC shall have also played a role.

responsible for administering this region.¹⁷³ A committee was formed within the chamber, whose members would serve as the intermediaries between the colonial government and the company.¹⁷⁴

This study cannot disregard the early development of New Netherland under company control. During this period, the colonial administration was set up. These years were formative for the colony's socio-economic structure, which, as demonstrated in earlier chapters, serves as a determinative factor in privateering engagement. These developments, and how the WIC attempted to position New Netherland within the expanding Dutch Empire, are addressed in section one. By examining privateering sources, the New Netherland's position in the WIC's privateering scheme is sketched out in section two. The activities of a privately owned vessel operating from New Netherland, the *La Garce*, are assessed in section three. This frigate is an excellent case study due to its high prevalence in administrative records. The data concerning this vessel is so large that this chapter only discusses the materials produced during Kieft's directorship (1638-1647).

COMMERCE OR COLONISATION?

The first WIC voyage to New Netherland departed for the North River in 1623. In November 1623, a small colony was established here to support the fur trade and to bolster the Dutch claim on the region. Protests from the English ambassador in The Hague prompted the WIC to consider the legal grounds of colonial possession. The company decided that the mere discovery of a territory or allocation by a sovereign was insufficient but that territorial claims were only valid if the area was populated by at least fifty colonists, forcing themselves to send colonists over; in January 1624, a small group of colonists departed from Texel on the ship the *Eendracht*. Upon their arrival, they erected various forts, rather dispersedly, along the upper reaches of the North River, along the Fresh River, near Manhattan, and along the South River, probably so the company could claim the whole region. Two months later, ship *Nieu Nederlandt* transported thirty Walloon Huguenot families, and in the subsequent months, various ships with colonists and animals followed.¹⁷⁵

This influx of colonists prompted the WIC to create a system of local administration. Archival materials on the early colonisation of New Netherland are scarce. Yet, a document promulgating the conditions under which the Walloon families went to the colony survived, the *Provisional Regulations*

¹⁷³ Heijer, *De geschiedenis van de WIC*, 83.

¹⁷⁴ Bachman, *Peltries or plantations : the economic policies of the Dutch West India Company in New Netherland, 1623-1639*, 41.

¹⁷⁵ Jacobs, *New Netherland : A Dutch Colony in Seventeenth-Century America*, 41-42. Israel, *Dutch primacy in world trade, 1585-1740*, 460-61, 628-29.

(*Provisionele Ordere*) of March 30, 1624.¹⁷⁶ It is essentially a contract between the WIC and the colonist, outlining the duties and rights of both.¹⁷⁷ Until the appointment of the first provisional director, Willem Verhulst, in 1625, company captains Adriaen Jorisz. Thienpoint and Cornelis Jacobsz were in charge. According to the company's instructions for Verhulst 1625, the company planned for him to chair a council composed of two Walloon colonists and two company officials, a number that would later increase to nine men that year. Company captains also enjoyed a seat on the council during their stay in the colony. Hence, the company maintained a firm hold on the colony's administration. The council and the director-general were responsible for the colony's administrative affairs but remained subordinate to the company.¹⁷⁸ The company wanted to be thoroughly informed about local developments; the council was to send copies of their resolution books, annual overviews of the colonists, and inventories of cattle and horses to the Amsterdam chamber. The latter were also kept informed via captains returning to the Republic, but their primary source of information was the letters they exchanged with the New Netherland director. These, however, only allowed the company retrospective control.¹⁷⁹

During these years, the director and council exclusively exercised justice. Verhulst's instructions and the *Provisional Regulations* refer to an *artikelbrief*. No WIC *artikelbrieven* from this period have survived. Jacobs presumes these were like the VOC's, which show that offences were punished by the *scheepraad* (ship's council), or *brede raad* (broad council), depending on the severity

¹⁷⁶ F.C. Wieder, *De stichting van New York in juli 1625 : reconstructies en nieuwe gegevens ontleend aan de Van Rappard documenten*, *De stichting van New York in juli 1625 : reconstructies en nieuwe gegevens ontleend aan de Van Rappard documenten*. Werken uitgegeven door de Linschoten-Vereeniging, 26 (Zutphen: Walburg Pers 2009), 111-17.

¹⁷⁷ To substantiate its territorial claim, the company effectively employed the Walloons to be settlers for six years. Rather than a salary, they received benefits, like free passage, free victuals for two years, land and animals to set up farms, and were, despite the WIC's monopoly, allowed to trade with the Native Americans. After six years, the Walloons could sell or retain their farms. In return, the company expected them to be obedient, to settle in the by the company designated areas, and not to engage in handicrafts competing with the Republic's produce, which Jacobs believes to reflect the contemporary perception on the economic role of the colony. Jacobs, *New Netherland : A Dutch Colony in Seventeenth-Century America*, 98; Bachman, *Peltries or plantations : the economic policies of the Dutch West India Company in New Netherland, 1623-1639*, 77-81.

¹⁷⁸ Jacobs, *New Netherland : A Dutch Colony in Seventeenth-Century America*, 98-99; Wieder, *De stichting van New York in juli 1625 : reconstructies en nieuwe gegevens ontleend aan de Van Rappard documenten*, 130-44.

¹⁷⁹ Jacobs, *New Netherland : A Dutch Colony in Seventeenth-Century America*, 100-01.

of the case.¹⁸⁰ Regarding civil law, Verhulst's instructions reveal that the council was to enforce the civil law practices of Holland and Zeeland as laid down by the States of Holland in 1587.¹⁸¹

Under WIC control, New Netherland faced administrative challenges on both sides of the Atlantic. Verhulst's swift discharge illustrates this well. He was harsh on the colonists, making them bitter and reluctant to follow up on his orders. The council appointed Peter Minuit as his successor in early 1626. Minuit also experienced problems maintaining his authority but kept his office until 1632.¹⁸² During his directorship, the report of Pieter Jansz. Schaghen¹⁸³ reached the Republic, informing the States-General that the Dutch had bought the island of "Manhattes" from the Native Americans for sixty guilders, assumed to have been paid in trading commodities.¹⁸⁴ When Schaghen's letter arrived in the Republic in November 1626, several children had already been born in the colony and the colonists had harvested various crops. Schaghen also added a cargo list of the *Wapen van Amsterdam*, which included 1000 animal skins and different woods, with a total value of over 45,000 guilders.¹⁸⁵ Apart from its historical significance in reporting the Dutch purchase of the island, this letter also demonstrates how the colony was slowly transforming from a trading post into a settlement, precisely the development that lay at the core of the administrative issues *in patria*.

The New Netherland Committee within the Amsterdam Chamber was divided on policy. Two factions emerged: the 'colonisation faction' and the 'trade faction'.¹⁸⁶ The colonisation faction got its way initially, the colony's population growing beyond what was necessary to maintain the trade, making it an anomaly in the Dutch Empire. There was little permanent settlement in the colonies of

¹⁸⁰ The *scheepsraad* dealt with minor offences but was also empowered to handle more serious cases if ships were sailing alone, while the *brede raad* took care of more serious cases when ships sailed on convoy. Captains and officers would sit on both councils, so would commercial functionaries like the *opperkoopman* (senior merchant), if these were on board. There was less commercial company personal in New Netherland than in the East Indies, so from 1626, trade with the Native Americans became the responsibility of New Netherland's secretary Isaac de Rasière. The council's duties also included the administration of criminal law, but they could not impose corporal or capital punishment until 1629, when new orders of administration and justice for the by the Dutch conquered West Indian territories were introduced. Jacobs, *New Netherland : A Dutch Colony in Seventeenth-Century America*, 102-04.

¹⁸¹ Wieder, *De stichting van New York in juli 1625 : reconstructies en nieuwe gegevens ontleend aan de Van Rappard documenten*, 143.

¹⁸² RSG, February 2, 1622; Ibid, 107-08.

¹⁸³ Schaghen was a member of the States-General, supervising West Indian affairs.

¹⁸⁴ NL-HaNA, Staten-Generaal, 1.01.02, inv. nr. 5751B, *Schaghenbrief, 5 november 1626*.

¹⁸⁵ Jaap Jacobs en L. H. Roper, *The Worlds of the Seventeenth-Century Hudson Valley*, 149-50.

¹⁸⁶ The 'colonisation faction' saw merit in opening the colony to private investment in agricultural settlements. This would increase immigration, which would strengthen the colony against its English neighbours. The 'trade faction' deemed this to be too great an investment and preferred to restrict the colony to a few company trading posts, run at minimum expense, so the profits from the fur trade would solely belong to the WIC. Ibid, 150-51; Heijer, *De geschiedenis van de WIC*, 81.

Batavia and Ceylon. Contrary to Brazil, where the Portuguese were already established, there was also no “existing”¹⁸⁷ society the Dutch had to consider, making it easier to settle in America.¹⁸⁸

The fur trade could not cover the costs of colonisation, and some directors concluded that it would be better for the company to invest only in New Netherland what was necessary to maintain this trade to gain at least some profit. The colonisation faction, however, still believed that if agriculture could be established in the area, New Netherland could become the Republic’s main agricultural supplier. This would require more colonists, though, which the WIC could only attract by abolishing its monopoly on the fur trade.¹⁸⁹

In 1629, the factions reached a compromise by allowing breaches in the company’s monopoly through the adoption of a system of private colonisation, known as the ‘Patroon system’, outlined in the charter of *Vryheden ende Exemptien* (Freedom and Exemptions).¹⁹⁰ This system and its implementation have been addressed by historians before,¹⁹¹ but, in short, patroons were given privileges comparable to *heerlijke rechten* (manorial rights), receiving administration and jurisdiction over certain areas from the overlord, in this case the WIC. This charter also partly opened the company’s monopoly on commercial activities and shipping to the region: the fur trade was opened to patroons and ‘free’ settlers in areas where the WIC did not maintain an agent in return for a recognition fee, and settlers, including non-company ones, gained the right to trade the eastern seaboard from Florida to *Terra Neuf* (Newfoundland). To travel to New Netherland, patroons and colonists could, for a fee, use company ships or, with the company’s consent, fit out ships themselves if no company ships were available. Several Amsterdam directors attempted to establish a patroonship. Only Killian van Rensselaer (1586-1643), an Amsterdam diamond merchant, persevered and managed to, despite the high costs, establish a durable one, Rensselaerwijck.¹⁹² The patroonships are highlighted in this research because of their role in the history of New Netherland and because

¹⁸⁷ There were, of course, the Native Americans.

¹⁸⁸ Klooster, ‘The Place of New Netherland in the West India Company’s Grand Scheme’, 69-70; Jacobs, *New Netherland : A Dutch Colony in Seventeenth-Century America*, 2-3.

¹⁸⁹ Jacobs, *New Netherland : A Dutch Colony in Seventeenth-Century America*, 112.

¹⁹⁰ A Dutch transcription and English translation of the charter can be found in Kiliaen van Rensselaer e.a., *Van Rensselaer Bowier manuscripts: being the letters of Kiliaen van Rensselaer, 1630-1643, and other documents relating to the colony of Rensselaerswyck* (Albany: University of the State of New York 1908).

¹⁹¹ For example: Ibid; A. J. F. van Laer, ‘Patroon system and the colony of Rensselaerwyck’, *Proceedings of the New York State Historical Association* 8 (1909) 222-233; Warren George Sherwood, ‘The Patroons of New Netherland’, *The Quarterly Journal of the New York State Historical Association* 12 (1931) 271-794; Jacobs, *New Netherland : A Dutch Colony in Seventeenth-Century America*; Donna Merwick, ‘A Genre of Their Own: Kiliaen van Rensselaer as Guide to the Reading and Writing Practices of Early Modern Businessmen’, *The William and Mary Quarterly* 65 (2008) 669-712; Janny Venema, *Kiliaen van Rensselaer (1586-1643) : designing a New World*, *Kiliaen van Rensselaer (1586-1643) : designing a New World* (Hilversum: Verloren 2010).

¹⁹² Bachman, *Peltries or plantations : the economic policies of the Dutch West India Company in New Netherland, 1623-1639*, 97-109; Jacobs, *New Netherland : A Dutch Colony in Seventeenth-Century America*, 112-16.

there are materials drawn up by patroons which supplement the privateering references in the administrative records.

CRUISING ALONG THE AMERICAN COASTS

The earliest privateering reference in New Netherland's administrative records is found in the surviving translation of the RSP from 1638-1642. In a deposition from March 1639, listing the ships Tymen Jansen worked on during Wouter van Twiller's directorship (1606-1654, 1633-1638), Jansen stated he had rebuilt and planked the yacht *Hope* in 1633. Jansen claimed that it had been captured by Wouter van Twiller in 1632. Van Twiller probably did not capture this yacht, but he seems to have been on the company ship that captured it, the *Southbergh*, which had also been repaired by Tymen Jansen in 1633.¹⁹³ This is suggested by translator van Laer, referring to the travelogue of David de Vries, an acquaintance of Amsterdam director and New Netherland patroon Samuel Godijn, who had been encouraged by Godijn to set up a patroonship in New Netherland as well. According to De Vries, the *Southbergh* had arrived at Fort Amsterdam on April 16, 1633, with a prize laden with sugar, which van Laer believes to be yacht the *Hope*.¹⁹⁴

The writings of patroon Killian van Rensselaer reveal that the *Southbergh* had departed from Texel in July 1632 to take van Twiller (who was van Rensselaer's nephew) and some colonists for his patroonship Rensselaerwijck to the colony.¹⁹⁵ Though the name *Hope* does not give the impression of it being an Iberian vessel, the fact that she was carrying sugar and was captured by *Southbergh* suggests it was. The yacht may have been renamed after repairs, but no evidence exists to confirm this. It also remains unclear where she came from, how much sugar she was carrying, who this sugar belonged to, and where it went. The New Amsterdam sales market was limited during the early 1630s, but a market nonetheless existed, so some of it could have been (illegally) sold there. The sugar could have also been brought back to the Republic on the *Southbergh*, where she arrived in July 1633.¹⁹⁶

No other administrative records mention the *Southbergh*, so it appears she sailed to New Netherland only once. She did undertake various voyages in the South Atlantic in the subsequent years, though: the ship and its captain, Jacob Hes, are mentioned in a list drawn up in 1634 recording

¹⁹³ Van Laer, Scott en Stryker-Rodda, *Register of the Provincial Secretary, 1638-1642* 1, doc. 83, p. 110-11.

¹⁹⁴ J. Franklin Jameson, *Narratives of New Netherland 1609-1664* (New York: Charles Scribner's Sons 1909), 186.

¹⁹⁵ Rensselaer e.a., *Van Rensselaer Bowier manuscripts: being the letters of Kiliaen van Rensselaer, 1630-1643, and other documents relating to the colony of Rensselaerswyck*, 807-09.

¹⁹⁶ Killian van Rensselaer to Wouter van Twiller, 23-04-1634, in *Ibid*, 266.

Dutch vessels “*cruysende*” along the Brazilian coast.¹⁹⁷ In a letter from September 2, 1634, three members of the Political Council of Brazil informed the Heren XIX of the arrival of the *Soutbergh* in Brazil two days earlier with Portuguese prizes sailing from Lisbon, the *Nossa S.^{ra} De Monserrate* and *St. Antonio de Padua*, carrying wine, ammunition, and commodities.¹⁹⁸ It remains unclear if the *Soutbergh* captured others in the following months. The minutes of the Amsterdam-chamber show that the ship arrived back in Amsterdam with some soldiers on September 17, 1635. In November 1635, the chamber began preparing the *Southbergh* for another expedition to Brazil: on November 21, Captain Jacob Hes was hired again, while on November 26, the chamber resolved to man the ship with forty shipmates, plus twenty recruits for Brazil. On December 21, supercargo Jan Siewertsz. was hired.¹⁹⁹

The records contain no privateering references other than the *Hope* until August 1639, when Harman Meyndersen, supercargo on the yacht the *Canarivogel*, and the yacht’s skipper, Adriaen Cornelissen, appeared before the colonial council to attest to the provenance of some textiles.²⁰⁰ At the request of prosecutor Cornelis van der Hoykens, Meyndersen declared in court that he had seen linen being distributed among the crew of the *Canarivogel* and that he was not resolved to take an oath that no linen had been divided on the yacht after the capture of the prize. He had also seen that skipper Adriaen Cornelissen had bought goods from ships in the West Indies. Skipper Cornelissen refuted that any theft had occurred, declaring, under oath, that he had not sold any linen coming from the prize.

The declaration suggests that the *Canarivogel* had sailed to New Netherland with a prize, but this is hard to verify since this account is the only record mentioning this yacht. Company records reveal that the *Canarivogel*, was, just as the *Soutbergh*, a ship from the Amsterdam-chamber engaged in Brazil privateering since 1633.²⁰¹ But where the *Soutbergh* seems to have captured the *Hope* during its voyage to New Netherland, it remains unclear why the *Canarivogel* had sailed to the colony with a prize, if it had even done so. Prevailing company regulations did not allow prizes to be adjudicated in New Netherland, but captains could ignore these rules. This could be why New Netherland’s prosecutor requested Meyndersen to attest to the provenance of the goods, to mitigate repercussions from the directors *in patria*. During the 1630s, New Netherland had become an attractive destination for privateers. Though its population and sales market were relatively small, the

¹⁹⁷ NL-HaNA OWIC inv. 50, *Overgekomen brieven en papieren van Brazilië, 1635-1637, tevens Curaçao*, scan 73/1.

¹⁹⁸ NL-HaNA OWIC inv. 50 scan 82/23.

¹⁹⁹ NL-HaNA OWIC inv. 14 *Notulen van de de Kamer Amsterdam 1635 januari 1-1636 december 31*, scans 132, 190, 191, 206.

²⁰⁰ NYSA A1809-78, V04, doc. 48, 11 August 1639, also in Van Laer, Scott en Stryker-Rodda, *Council Minutes, 1638-1649* 4.

²⁰¹ NL-HaNA OWIC inv. 50 scan 20/1.

company's indifference regarding the colony had effectively incentivised the colonists to engage in 'illegal' trade activities. The Amsterdam directors were aware of this but were overshadowed by developments in the South Atlantic, where the WIC's priority still lay.²⁰²

The capture of Recife in 1630²⁰³ (chapter 2) marked a breakthrough for the WIC. Still the company faced strong Portuguese resistance in the following years, which had a detrimental effect on the area's sugar export. Many sugar plantations were destroyed by the fighting, which increased the company's privateering interest along the Brazilian coast. The situation improved in 1634, when the Portuguese were pushed back, and the WIC succeeded in subjugating and garrisoning a large part of the country. Sugar production resumed, but the trade did not cover the company's expenses. The directors, however, remained convinced that Brazil would eventually rescue the company's dire financial situation, which could only be achieved through proper local management, they reasoned. Together with the States-General, they decided to appoint stadholder Fredrik Hendrik's cousin, Count Johan-Maurits of Naussau Siegen (1604-1679), as the first (and last) governor-general of Dutch Brazil. During his governorate,²⁰⁴ from 1637-1644, the WIC's fortunes in Brazil reached its zenith. Johan-Maurits managed to expand the WIC's territory in Brazil and conquer the Portuguese slave fortress São Jorge da Mina on the Gold Coast, thereby securing the export of enslaved workers for the Brazilian sugar plantations. He attempted to develop the colony's economic potential, but his efforts were thwarted by the company's monopoly on Brazil trade, which had been reinstated in December 1636.²⁰⁵ The question of upholding or partially relinquishing the WIC's monopoly was debated for years, but the matter was finally settled in May 1638. With the hope of increasing immigration to the colony, the company reopened private trade to Brazil.²⁰⁶

The Brazil dispute directly influenced the company's New Netherland policy. In 1637, after the reinstalment of the WIC's monopoly on the Brazil trade, the Amsterdam chamber decided to recall New Netherland's director Wouter van Twiller, who had, in their eyes, failed to increase the profitability of the monopolised fur trade and withstand English provocation.²⁰⁷ They appointed Willem Kieft (1597-1647) as his successor, who arrived in the colony in 1638. The choice for Kieft may seem surprising. He had no governing experience or connection to the WIC before his appointment.

²⁰² Bachman, *Peltries or plantations : the economic policies of the Dutch West India Company in New Netherland, 1623-1639*, 147.

²⁰³ On Dutch Brazil, see C.R. Boxer, *The Dutch in Brazil, 1624-1654* (Oxford: At the Clarendon press 1957).

²⁰⁴ A thorough analysis of Johan-Maurits' governorate has been provided by Odegard, *Patronage, patrimonialism, and governors' careers in the Dutch chartered companies, 1630-1681 : careers of empire*.

²⁰⁵ Heijer, *De geschiedenis van de WIC*, 41-45; Israel, *Dutch primacy in world trade, 1585-1740*, 162-64.

²⁰⁶ The trade in slaves, ammunition and dyewoods remained under the WIC's monopoly, though. Bachman, *Peltries or plantations : the economic policies of the Dutch West India Company in New Netherland, 1623-1639*, 144-46 ; Heijer, *De geschiedenis van de WIC*, 45; Israel, *Dutch primacy in world trade, 1585-1740*, 164-65.

²⁰⁷ Bachman, *Peltries or plantations : the economic policies of the Dutch West India Company in New Netherland, 1623-1639*, 140-41.

However, Kieft originated from a prominent Amsterdam mercantile family and was acquainted with intra-European trade, having worked as a merchant in various countries. These factors and his rigid personality probably made him look like the right man for the job.²⁰⁸ Given his merchant experience, his assessment of the situation in New Netherland shortly after his arrival may have influenced the company to apply the same logic they had done to Brazil, abandon its monopoly on, in this case, New Netherland shipping and the fur trade, to increase migration. This was done by a series of measures taken between 1638-1640.

A renewed charter of Freedom and Exemptions, issued in July 1640, opened New Netherland shipping. As with the opening of Brazil shipping, this renewed charter contained privateering regulations: New Netherland colonists could now engage in privateering activities while sailing between the colony and the Republic and along the American east coast, from Newfoundland to Florida. If they managed to capture prizes during their voyages, they would take these to the New Netherland government or the chamber from which they had departed for adjudication. One-third of the yield would go to the company, then the admiral's and country's share would be retained, and the remaining two-thirds would go to the shipowners.²⁰⁹ This news must have reached the colonists by the end of 1640 or early 1641. Yet, it would take some years before the administrative records show signs of private shipowners engaging in privateering. This may be because organising an expedition takes time, but political development on the Iberian Peninsula probably played a bigger role in this.

The Portuguese revolted against the Spanish and left the Iberian Union in December 1640. In early 1641, Portugal's newly crowned King João IV appealed to the States-General for a strategic and commercially advantageous truce to halt the Dutch-Portuguese conflict. Despite WIC opposition, the States-General agreed, and a treaty was ratified in June 1641.²¹⁰ The truce significantly impacted Atlantic privateering, bringing Brazil-privateering to a halt. This forced Dutch privateers in the Americas to prey on the ships of those still their enemy: Spain. Consequently, Dutch privateering activities in the New World moved from the South Atlantic to the Caribbean after 1641.

Amidst these developments, the *La Garce*, a privately owned privateering vessel commanded by Captain Willem Albertsen Blauvelt, appears in New Netherland's records. Its frequent appearance in

²⁰⁸ Willem Frijhoff, 'Good and Bad Reputations: The Career of Willem Kieft (1602–1647) and His Appointment as Director of New Netherland', *Journal of early American history* 13 (2023) 31-59.

²⁰⁹ NL-HaNA 1.01.02. inv. 5755 1638-1640, scan 596, 19 juli 1640.

²¹⁰ The WIC opposed the truce because it would force the company to stop its territorial expansion in Brazil and South-Atlantic privateering but due to some political missteps of the Portuguese delegate, the WIC received the States-General's permission to continue its operations during the months of negotiations that followed. Heijer, *De geschiedenis van de WIC*, 48-49; Cátia A. P. Antunes, *Pursuing Empire: Brazilians, the Dutch and the Portuguese in Brazil and the South Atlantic, c.1620-1660* (Leiden, The Netherlands: Brill 2022), 153-55, <doi:10.1163/9789004528482>; Odegard, *Patronage, patrimonialism, and governors' careers in the Dutch chartered companies, 1630-1681 : careers of empire*, 120; Israel, *Dutch primacy in world trade, 1585-1740*, 167. On the truce, see Boxer, *The Dutch in Brazil, 1624-1654*.

the colony's records over several years provides a clear picture of its activities, making *La Garce* illustrative of what the privateering business entailed during this period. There is some discrepancy between the CM and the RPS, the latter mentioning prizes that the CM do not. Captured goods were usually sold soon after being brought in to prevent damage or warehouse theft,²¹¹ so the dates on bonds and bills in the register indicate when goods were brought to the colony. This discrepancy between the collections implies that the council was either not very conscientious in recording adjudications or that not all prizes were adjudicated. These are both viable options that should be considered in general and seem to apply to the *La Garce*.

Furthermore, the charter of 1640 allowed New Netherland colonists to engage in privateering in the North Atlantic, yet the adjudicated prizes were captured in more southern waters. That the council adjudicated these captures and found them to be legal anyhow suggests that the New Netherland government possibly awarded itself a level of authority it may not have possessed, which, looking at the colony's historical development, would not be surprising.

A PRODUCTIVE PRIVATEER

The *La Garce* emerges in the administration on July 2, 1642, in a power of attorney wherein Frans Joosen empowered attorney Tonis Cray to collect his share of the “copper, slaves, coral, etc” from the shipowners of the *La Garce*.²¹² The document does not mention how or where this cargo was obtained, but later records suggest it had been part of a prize or the result of interloping. The ship appears in the materials again on October 8, 1643; Captain Blauvelt, together with one of the co-owners of the *La Garce*, Antoni Crol, appeared before the colony's secretary, Cornelis van Tienhoven, on behalf of all the co-owners of the frigate to add a new owner and contributor to the ship, Jacob Stoffelsen. Stoffelsen had invested 350 guilders in the ship, coming down to one-tenth share in the equipment.²¹³ Blauvelt and his crew must have been preparing to sail out because on October 13, three men visited the secretary, declaring that they had seen the crew of the *La Garce*, together with

²¹¹ Francke, 'Utiliteyt voor de gemeene saake : de Zeeuwse commissievaart en haar achterban tijdens de Negenjarige Oorlog, 1688-1697 Dl. I.', 221.

²¹² NYSA Register of the Provincial Secretary, 1642-1660, Series A0270-78, Volume 2, document 25a, July 2 1642, English quotation was taken from A.J.F. Van Laer, Kenneth Scott en Kenn. Stryker-Rodda, *Register of the Provincial Secretary, 1642-1647* 2. New York historical manuscripts: Dutch (Baltimore: Genealogical Publishing 1974), 58.

²¹³ NYSA A0270-78 V2 doc. 79, October 13, 1643, English quotation was taken from Ibid, 166.

the crew of the ship the *Sevenster*,²¹⁴ on a farm in the bay, and that an English crewmember of one of the ships had told them that they had taken 200 pumpkins. The deponents had asked the crew what they were doing there, to which they had replied that they were looking for hogs on “Konynen Eylant” (Coney Island), and that if they found these, they would take them all. To this, the deponents replied that the hogs there belonged to a certain Lady Moody, to which the sailors replied that they would not go there then. The crews must have received a reprimand because the following day four crew members of *La Garce*, including pilot Ary Leendersen, declared that there only between 20 or 30 heads of cabbages on board of the frigate, some of them no bigger than a fist, about 70 pumpkins, some turnips, and 16 fowls, which were actually for the crew of the *Sevenster*.²¹⁵ It remains unclear whether the latter ship was also provisioning to go privateering.

Somewhere in the following weeks, the *La Garce* departed for a privateering expedition from which it returned to Fort Amsterdam the following spring. On June 1, 1644, the council recorded Blauvelt’s arrival in New Amsterdam’s port three days earlier to bring in the two Spanish prizes mentioned in the introduction of this thesis. While details of the capture can be found in the introduction, this recording contains aspects worth elaborating upon. For example, according to the minutes, Blauvelt had received his commission from Kieft and his council (see page 55). Another point concerns the stipulation in the record that these vessels were considered “good prizes” by default. However, if someone had cause to declare otherwise, they would have to appear in Fort Amsterdam within a fortnight to make their case.²¹⁶ This term was likely chosen strategically, too short for anyone to travel across the Atlantic to make their case, allowing the council to retain the goods. Unsurprisingly, no one appeared, and subsequently, on July 8, the council officially declared both Spanish vessels good prizes.²¹⁷

Though the minutes do not mention any prizes brought in by the *La Garce* in the autumn of 1644, the records suggest that *La Garce* went to sea again in late 1644: on September 12, Pieter Janz. visited the secretary for a testament. Intending to go to sea with Blauvelt, and aware of the risk of such an endeavour, he deemed it proper to draw up a will.²¹⁸ Their departure date is unclear, but they returned in November. On November 17, the English merchant Isaac Allerton called on the

²¹⁴ The *Sevenster* was a company ships that sailed to New Netherland in the 1630s, see NL-HaNA OWIC inv. 14, scans 44, 61, 62, 64, 86-87, and 367, and Rensselaer e.a., *Van Rensselaer Bowier manuscripts: being the letters of Kiliaen van Rensselaer, 1630-1643, and other documents relating to the colony of Rensselaerswyck*.

²¹⁵ Van Laer, Scott en Stryker-Rodda, *Register of the Provincial Secretary, 1638-1642* 2, doc. 80a, page 166. The original manuscript of this deposition is missing.

²¹⁶ NYSA A1809-78 V4 doc. 188-189, May 17-June 6 1644, also in Van Laer, Scott en Stryker-Rodda, *Council Minutes, 1638-1649* 4.

²¹⁷ NYSA A1809-78 V4, doc.192-193, July 6-8 1644, also in Ibid.

²¹⁸ NYSA A0270-78 V2, doc. 122b, September 12 1644, also in Van Laer, Scott en Stryker-Rodda, *Register of the Provincial Secretary, 1642-1647* 2.

secretary, asserting that he owed the owners of the frigate 534 guilders and 2 *stuivers* for the sugar he had received.²¹⁹

Blauvelt had visited the secretary the previous day, probably because he would sail out again soon, empowering director Kieft or Kieft's successor to demand from the agent of the *La Garce*, Symon Joosten, Blauvelt's share of the goods still in Joosten's hands, even if Joosten were to "depart or die before his return". Furthermore, if Blauvelt were to die himself during his voyage, Kieft or his successor were to retain the captain's goods, his share of the vessel, and any future prizes until either Blauvelt's wife, Dorete Blauvelt, or son, Antony Blauvelt, in London – which suggests that Blauvelt was an Englishman – claimed these, or pay Blauvelt's family the sum these prizes would realize.²²⁰

Co-owners and crew members of the *La Garce*, Antony Crol and Philip Jansen Ringo, called on the secretary on November 18, to assert a joint will. If either of them were to die during the voyage, the survivor would receive ownership of the departed's share of the ship and profits. Regarding their possessions ashore, Crol's part was to go to his brother, and Ringo's part to Crol, provided that Crol would give 200 guilders to the poor.²²¹ On November 26, agent and co-owner of the *La Garce*, Symon Joosen, drew up a similar joint will with co-owner Abraham Jansz..²²² The privateers seem to have returned to New Netherland with a prize in January 1645. Isaac Allerton signed a bond at van Thienhoven on January 18, laying down the two instalments in which he would pay the owners of the *La Garce* 3773 guilders and 14 *stuivers* for sugar received.²²³

Blauvelt and his men reappear in the administration in the summer of 1646, a break likely caused by the Portuguese rebellion against the WIC in Brazil.²²⁴ This situation brought about a new wave of Dutch privateering against the Portuguese in the South Atlantic. In addition to military actions, the company responded to the rebellion by cooperating with Zeeland privateers on an entirely new level. The Zeeland chamber was powerful enough to get the *Heren XIX* to approve the creation of a separate but subordinate WIC *kaperrederij* (privateering company) in Zeeland that would coordinate Brazil privateering until 1654, the '*Brasilse Directie tot Middelburg*'. According to Den

²¹⁹ NYSA A0207-78 V2, doc. 134b, November 17 1644, also in Ibid.

²²⁰ NYSA A0207-78 V2, doc. 133b, November 16 1644, English quotation was taken from Ibid, 268-69.

²²¹ NYSA A0207-78 V2, doc. 134c, November 18 1644, also in Ibid.

²²² NYSA A0207-78 V2, doc. 135b, November 26 1644, also in Ibid.

²²³ NYSA A0207-78 V2, doc. 140a, January 18 1645, also in Ibid.

²²⁴ In response to the 1641-truce, the *Heren XIX*, struggling with the WIC's financial situation, had recalled most of their Brazilian forces to save military costs. This gave room to anti-Dutch sentiment, especially under Portuguese colonists, manifested in various rebellions the subsequent years. The conflict escalated mid-1645, resulting in a collapse of Dutch power in the region which eventually led to the WIC losing the colony in 1654. Den Heijer, *De geootrooieerde compagnie*, 49-50; Antunes, *Pursuing Empire: Brazilians, the Dutch and the Portuguese in Brazil and the South Atlantic, c.1620-1660*, 155-56; Odegard, *Patronage, patrimonialism, and governors' careers in the Dutch chartered companies, 1630-1681 : careers of empire*, 121-22. On the company's response to the rebellion, see Bick, *Governing the free sea: The Dutch West India Company and commercial politics, 1618-1645*.

Heijer and Roos, the ships of the *Brasilse Directie*, whereof the first only arrived in Brazilian waters in the spring of 1647, managed to capture over 230 Portuguese sugar barks during 1647-1648.²²⁵ To reduce the risks of being attacked by Dutch privateers and protect their intercontinental shipping (and thereby their financial stability), the Portuguese started convoying their merchant fleets with warships in 1649. A measure that would, over the years, prove detrimental for the Dutch and, in addition to the eventual loss of the colony, cause Brazil privateering to wane.

Irrespective of the above, the area of interest thus shifted south again after 1645 for Dutch privateers, but Caribbean privateering did not terminate. Blauvelt and crew testify to this. The privateers likely withheld themselves from another expedition in 1645 to see how the situation in Brazil would evolve, but they definitely sailed out again in early 1646. On August 2, 1646, the council declared the *St. Antonio de la Havana*, laden with sugar and tobacco, a good prize. Blauvelt had captured her on May 7 during her voyage from Havana and Campeche. Blauvelt had brought her in on July 8, and since no one had claimed the prize, the council had declared it “good”.²²⁶

Interestingly, in the subsequent months, some alterations regarding the partnership of the *La Garce* occurred. It remains unclear why, but in September 1646, the ship is recorded as having been sold at Fort Amsterdam. The bill of sale records the owners of the frigate selling the vessel to Christiaan Pietersz. and partners.²²⁷ Later records suggest that Pietersz. simply joined the body of partners in the ship: Blauvelt signed a co-partnership with Augustyn Herman on December 4, wherein Herman is recorded as having invested one-sixth of 1773 guilders in the frigate in Blauvelt’s name, for which Herman would receive a sixth part of captured goods out of his one-eighth share.²²⁸ Blauvelt thus did not relinquish his share in the vessel but found a sponsor. This partnership between Herman and Blauvelt was followed by a contract recording the investment and co-partnership of director-general Kieft in the *La Garce*. Apart from Kieft’s investment, this manuscript also reveals the investments of all the partners in said vessel.²²⁹ One of these partners, Christiaan Pietersz. Rams, transferred his share in July 1647 to the commissary of Fort Orange, Harmen Meyndersen vande Bogaert, and Cornelis Antonisz, resident of Rensselaerwijck.²³⁰

²²⁵ Doeke Roos, *Zeeuwen en de Westindische Compagnie (1621-1674)* (Hulst 1992), 69-72; Heijer, *De geschiedenis van de WIC*, 67.

²²⁶ NYSA A1809-78 V4, doc. 267, August 2 1646, also in Van Laer, Scott en Stryker-Rodda, *Council Minutes, 1638-1649* 4.

²²⁷ The recorded owners are captain Blauvelt, Antoni Crol, Symon Joosten, Abraham Jansz, Hendrick Arents., Jans Jansz., Jacob Stoffelsz., Hendrick Jacobsz. and Philip Jansz. NYSA A0207-78 V2, doc. 148d, September 1646, also in Van Laer, Scott en Stryker-Rodda, *Register of the Provincial Secretary, 1642-1647* 2.

²²⁸ NYSA A0207-78 V2, doc. 153d, December 4 1646, also in Ibid.

²²⁹ Kieft invested one-eighth part, as did Jan Damen, Hendrick Jacobsz Pater Vaer and captain Blauvelt. Marten Crigier and Willem de Key both invested one-sixteenth part, Adriaen Dircksen one thirty-second part, Jacob Wolphersen 1500 guilders, Jacob Stoffelsen 1100 guilders, Hendrick Arentsen 1300 guilders, and Christiaan Pijters Rams 1400 guilders. NYSA A0207-78 V2, doc. 153e, December 4 1646, also in Ibid.

²³⁰ NYSA A0207-78 V2, doc. 159g, July 1647, also in Ibid.

Apart from illustrating the notarial side of privateering, the abovementioned documents also provide information on who in New Netherland invested in this privateer. It appears that the shareholders of the *La Garce* were a specific, elitist group of men. Director-general Kieft and Fort Orange commissary Harmen Meyndersen van de Bogaerts were not the only men involved in the colonial administration. Jacobs added various appendices to his book, including lists of persons who were in some capacity involved in or part of the colonial government. Placing his lists next to the documents mentioning partners of the *La Garce* reveals a relatively high involvement of men with sociopolitical clout in the privateer.²³¹

Another feature worth emphasising is that the minutes state that Blauvelt had received his commission from the director and his council, a privilege that the council probably did not possess. In 1646, retired company captain Jan de Vries was brought before the council, charged with slander against the director. According to the prosecutor of the colony, De Vries, who had been “leading a scandalous life” upon his arrival in New Netherland, associating himself with “dangerous persons”, had called the director “a liar” and intended to strike him, in front of the council.²³² But it was not De Vries’ lifestyle or his precedents²³³ that had induced the prosecutor to bring him before the court, but what he had said in a tavern on June 7 in front of five witnesses: that the director was not authorised to grant commissions or to make captains and that he, De Vries, “did not care a damn for the director’s commission”. De Vries, who, as company captain, had been a member of the colonial council, replied to these accusations with a rejoinder that was “full of facetious statements and not fit to be presented court”. Since De Vries accused the court of partiality, the council referred the case to the company directors. De Vries was “forbidden to return” until the directors had considered the matter. He was sent off to Holland on the first ship heading there.²³⁴ Though the directors’ verdict on the matter remains unclear, De Vries’ case nonetheless contains some noteworthy elements.

If De Vries was right, it could explain why, compared to other records, few commissions have survived in the colonial administration. Offensive commissions were probably officially only issued in

²³¹ Farmer Jan Jansz. Damen was elected to be on the colony’s advisory body, the Twelve Men in 1641, the Eight Men in 1643, and the Nine Men in 1647. Jacob Stoffelsen was among the Twelve Men in 1641, and among the Eight Men in 1644. August (Augustijn) Hermans joined the Nine Men in the years 1647-1650, just as Jacob Wolphertsz. van Couwenhoven. Marten Krigier was among the Nine Men in 1652. After New Amsterdam had received its municipal charter in 1653, Kregier served as *burgemeester* and *weesmeester* (orphan master) in the city’s government from 1653-1655 and 1658-1663. Jacobs, *New Netherland : A Dutch Colony in Seventeenth-Century America*, 483-89. For a thorough article on New-Amsterdam’s municipal charter, see Jacobs, “‘Act with the Cunning of a Fox’: The Political Dimensions of the Struggle for Hegemony over New Netherland, 1647–1653’.

²³² NYSA A1809-78, V4, doc. 265, August 2 1644, English quotation was taken from Van Laer, Scott en Stryker-Rodda, *Council Minutes, 1638-1649* 4, 331-33.

²³³ De Vries had been charged with slander before, see NYSA A1809-78, V4, doc. 221, 223, 235, also in Ibid.

²³⁴ This was ship *De Jager* which departed for Europe in September 1646, see NYSA A1809-78 V4, doc. 270, 10-27 September 1646, also in Ibid.

patria. There is one company ship that the council endowed to engage in defensive privateering on its journey back to the Republic in 1641, the *Engel Gabriel*.²³⁵ On September 6, 1641, two charter parties were drawn up for the ship to transport some colonial wares to the Amsterdam chamber, one without a privateering clause and unsigned, and one more elaborate one with a privateering clause and co-signed by director Kieft.²³⁶ Kieft and his council were, according to the renewed Freedom and Exemption charter, allowed to issue such defensive commissions, but probably not offensive ones.

Evidence of fraud committed by Kieft and council regarding offensive commissions is suggested by a notarial deed from April 30, 1646, registered by the by the company employed Amsterdam notary Hendrick Schaeff: Pieter Pietersz., a sailor from Rotterdam, authorised his brother-in-law, Willem de Neij, to act as his legal representative as he was about to leave Amsterdam for New Netherland to obtain from Secretary van Thienhoven his one-sixteenth share of a prize to which he was entitled as part-owner and crewmember of the privateer *Sibiliaen*. Pietersz., had travelled to New Netherland as a boatswain, where he and fifteen others had bought the *Sibiliaen*. Commissioned by the Prince of Orange and commanded by Captain Adriaen Leendersen, the *Sibiliaen* had cooperated with Blauvelt and captured a Spanish frigate in the bay of Honduras, laden with wax and 200 pots of wine. The prize had been sent up to New Netherland to be sold there. Pietersz. had not been able to obtain his share of the prize yet because the *Sibiliaen* had been taken by a Spanish privateer itself.²³⁷ Interestingly, the deed explicitly mentions that the *Sibiliaen* was commissioned by the “Prince of Orange”. This is rather peculiar. Commissions on behalf of the prince were only issued by the admiralties *in patria* and not valid within the WIC’s jurisdiction. Seeing that the *Sibiliaen*, according to this deed, had been bought in and departed from New Netherland, and the prize had been taken and sold there, the commission ought to have been, illicitly, issued by Kieft and his council, which they seemingly did on behalf of the prince.

Schaeff probably noticed this inconsistency as a company notary, but it remains unclear whether he reported it and/or if it had any consequences for the persons involved. What is certain, though, is that by the time of this deed, the WIC had already decided to recall Kieft and had appointed Petrus Stuyvesant as his successor, which forms an apt bridge to the subsequent chapter covering his administration.

²³⁵ This ship had arrived in New Netherland from Curaçao out of mere necessity. After its departure from the island one mast had broken and a leak was discovered, so, the crew, knowing that they would not make it to the Republic, had decided to sail to New Netherland instead. Van Laer, Scott en Stryker-Rodda, *Register of the Provincial Secretary, 1638-1642* 1, doc. 267.

²³⁶ Ibid, doc. 267, doc. 272.

²³⁷ SAA, 5075 *Archief van de Notarisen ter Standplaats Amsterdam*, 54 1293/20,

4. CONTENTIOUS CAPTURES

When Petrus Stuyvesant arrived in Manhattan in May 1647, New Netherland was in crisis. Kieft had plunged the colony into war with the Native Americans, which had brought various settlers to leave. Some of those who stayed, including several members of his council, blamed Kieft for provoking the conflict, having Kieft's War (1643-1645) jeopardise their livelihoods, while others remained loyal to Kieft.²³⁸ The opposition against Kieft, and by extension the WIC's Amsterdam-chamber, effectively mirrored the situation in the Republic at the time. Over the years, some Dutch nobles had become peeved by the growing dominance of Holland, and particularly Amsterdam, in state affairs. In the 1640s, the main political issue was whether to continue the war with Spain. As was the case towards the end of the Twelve Years' Truce (see chapter 2), the Organist faction and the States faction in the States-General had opposing views. Peace with Spain would benefit Holland's trade, but it would also reduce the Dutch army and navy, thereby removing career opportunities for the sons of nobles and harming the privateering industry. The factions were also divided on colonial matters. The failure of the WIC's management, also dominated by merchants, in Brazil and New Netherland had brought the Organist faction to oppose the WIC, believing these to have been caused by the innate unsuitability of merchants in governmental positions.²³⁹ The WIC could not afford such opposition in the States-General, having become increasingly dependent on state subsidies.

Kieft's discharge and Stuyvesant's appointment should be considered in this political context. The Amsterdam chamber was reluctant to recall Kieft despite his actions, but did so under the pressure of the States-General.²⁴⁰ The decision to replace him with Petrus Stuyvesant, son of a Calvinist minister who had been serving the company for years, should also be considered in this line. According to New Netherland scholars, Stuyvesant's rapid rise in the company's service, from commissary in Brazil to director-general of New Netherland, reflects the WIC's high regard for his administrative and military abilities.²⁴¹ Though he was involved in various military actions against the Spanish during his company career before his position in New Netherland, Jaap Jacobs rebuked the

²³⁸ In September 1639, Kieft and his council had agreed to a resolution which obliged the Natives Americans residing in New Netherland to pay the company a contribution in return for the protection the company provided them from neighbouring group, something the Natives refused. This caused the relation between the Natives and council to deteriorate and the latter to take military actions against the former in July 1640. The Natives retaliated, a dynamic that continued for months and escalated in 1643 with Kieft launching an attack on Native refugee camps. For an accurate description of the course of the conflict, see Jacobs, *New Netherland : A Dutch Colony in Seventeenth-Century America*, 133-39.

²³⁹ Jacobs, "“Act with the Cunning of a Fox”: The Political Dimensions of the Struggle for Hegemony over New Netherland, 1647–1653", 133-35.

²⁴⁰ Jacobs, *New Netherland : A Dutch Colony in Seventeenth-Century America*, 140-41.

²⁴¹ Peter Stuyvesant en Charles T. Gehring ed., *Correspondence, 1647-1653* 11. New Netherland documents series (1st ed; Syracuse, N.Y: Syracuse University Press 2000), xiii.

perception of Stuyvesant being a “military man”, placing him in the administrative branch of the company.²⁴²

Stuyvesant had to repair the local administration’s relationship with the colonists while reasserting the WIC’s authority. He inclined towards the latter initially and managed to restore political order in the colony. But over the years, he began to affiliate himself with the colonists and behave like a New Netherlander more than a company official, to the frustration of his superiors in the Republic.

This chapter presents a chronological assessment of privateering materials drawn up by New Netherland’s administration during Stuyvesant’s directorship (1647-1664) and the latter’s incoming correspondence from his superiors in Amsterdam. During this period, the political situation in the Atlantic underwent a complete transformation, marked by the most significant event: the signing of the Treaty of Münster on May 15, 1648. This treaty concluded the Republic’s war with Spain and, consequently, Dutch privateering against the Spanish. This development forced the WIC to be extra careful in handling privateering cases, especially those whereby the capture had taken place around the effectuation of the peace, which was later in the West Indies than in Europe.²⁴³ The trans-Atlantic distance was another complicating factor, hampering communication between the parties.

Section one addresses how Stuyvesant and his administration handled such contentious captures and how the Amsterdam directors felt about how Stuyvesant’s council conducted this. Section two relates to this but deals with captures that, based on their mentions in the RPS, were surely brought to New Netherland, but whose adjudications are not included in the CM. Section three differs slightly. The materials assessed herein relate to different political contexts but provide rather unique insights, in both New Netherland privateering and privateering in general.

(IM)PROPER PROCEDURES

Stuyvesant began involving himself in New Netherland privateering soon after his arrival: on June 6, Stuyvesant and council ordered the superintendent of equipment, Paulus Leendersen, “for the increase of trade commerce of this country” to prepare the ships *Groote Gerrit*, *De Kath* and *De Liefde* to “cruise against our common enemy, the Spaniards, in the West Indies”.²⁴⁴ Records from June 20

²⁴² Jacobs, ““Act with the Cunning of a Fox”: The Political Dimensions of the Struggle for Hegemony over New Netherland, 1647–1653”, 128-29.

²⁴³ In the West Indies, the peace started in November 1648. Any damages incurred by the WIC after November 19, were to be repaid by the company. NYSA A1809-78 V4, doc. 440, July 7-July 17 1649, also in Van Laer, Scott en Stryker-Rodda, *Council Minutes, 1638-1649* 4.

²⁴⁴ NYSA A1809-78 V4 doc. 288, May 27-June 6 1647, English quotation were taken from Ibid, 364.

reveal that instead of privateering, the *Groote Gerit* was sent to Boston to trade and obtain provisions.²⁴⁵ The *De Liefde* and *De Kath* still went privateering.²⁴⁶

On April 20, 1648, the council received a letter from Luycas Hoodenborch, vice-director of Curacao, dated February 19, informing them that *De Liefde* and *De Kath* had arrived in Curacao, where they were to remain because both crews had fallen ill.²⁴⁷ By the summer, the crew of the *De Kath* had either recovered or been replaced: on July 2, 1648, company yacht *De Kath* (*De Cath*, *De Cat*, *De Kat*), commanded by Hans Wyer, brought in a Spanish bark, the *Nostra Signora do Rosario*. According to the proclamation affixed in Fort Amsterdam,²⁴⁸ the Spanish bark had been laden with hides. The minutes reveal, however, that the prize had also been carrying other cargo. Prosecutor Hendrick van Dyck claimed that the crew of the *De Cat* had taken some pieces of eight and pearls from the prize, demanding restitution of these. Furthermore, against company orders, the crew failed to bring in prisoners from the bark they had captured below Margarita. Normally, a crew would be punished for such violations, but as they were short on men and the vessel had to be fitted out again to procure salt, the council decided to pardon the crew of the *De Cat*, on the condition the company could confiscate the prize money.²⁴⁹

What happened with the *De Liefde* remains unclear. She appears to have returned to New Amsterdam without a prize before *De Cath*: the minutes from June 19 reveal that the council had received complaints from the neighbouring Swedish and English colonies that guns and weapons had been secretly imported into New Netherland and sold to the Natives. To prevent this illicit trade and punish the offenders, the council stationed the *De Liefde* behind Sandy Hook to monitor incoming ships, but only briefly, as the *De Liefde* was sent to procure salt on July 15.²⁵⁰ It remains unclear whether she really did this, as on August 15, the council resolved to sell *De Liefde* because of her unseaworthiness, being leaky and unfit.²⁵¹ Stuyvesant's incoming correspondence sheds some light on what happened to the vessel before her return. A letter from the Amsterdam directors dated January 27, 1649, reveals that Stuyvesant had confiscated her, for which he had asked but had not yet received the directors' approval.²⁵² When or why Stuyvesant confiscated the ship remains vague. The confiscation is not mentioned in the colony's records, which is one of the reasons why the Amsterdam

²⁴⁵ NYSA A1809-78 V4 doc. 297, 20-28 June 1647, also in Ibid.

²⁴⁶ NYSA A1809-78 V4 doc. 298, 20-24 June 1647, also in Ibid.

²⁴⁷ NYSA A1809-78 V4 doc. 381, 20 April, 1648, also in Ibid.

²⁴⁸ This was done to notify the colonists of the capture and award them the chance to claim the prize.

²⁴⁹ NYSA A1809-78 V4 doc. 391, June 29-July 2 1648, also in Van Laer, Scott en Stryker-Rodda, *Council Minutes, 1638-1649* 4.

²⁵⁰ NYSA A1809-78 V4 doc. 389-390, 19-23 June, 1648, and doc. 396-397, 9-16 July 1648, both also in Ibid.

²⁵¹ NYSA A1809-78 V4 doc. 409, 15 August 1648, also in Ibid.

²⁵² NYSA A1810-78 V11, doc. 14, *Letter from the directors at Amsterdam to Petrus Stuyvesant, 27-01-1649*, also in Stuyvesant en Gehring ed., *Correspondence, 1647-1653* 11.

directors discuss the vessel in their letter. They write that they had not formally approved the confiscation because they had not yet received a report from Stuyvesant. They agreed with the confiscation based on what Stuyvesant had told them (what precisely remains unclear) but disapproved of Stuyvesant's handling of the affair.

Apparently, Stuyvesant had directly passed the sentence on board the ship, not instituting the proper legal proceedings. He had inventoried the goods, but these had not been sold at public auction, nor had their value been announced, nor had the prosecutor published the required three summons, which explains the confiscation not being in the records. The owners of *De Liefde* had responded to the confiscation by suing the company, demanding compensation of 10.000 guilders, and the directors were sure they would use the council's negligence in their case.²⁵³

Three dispositions drawn up at Amsterdam notary Hendrick Schaeff mention that Stuyvesant captured *De Liefde* as prize during its voyage from Curacao to New Netherland, but do not mention why.²⁵⁴ It is interesting and understandable that the deponents talk about Stuyvesant capturing *De Liefde* rather than confiscating it. This wording has a juridical objective. If Stuyvesant, and thus by extension, the WIC had taken the vessel as a prize and not gone through the proper legal procedure, the company would be obliged to compensate the owners for the 'illegitimate' capture. It remains unclear what the ship had been carrying and where this lading ended up, which also problematizes what the owners of the *De Liefde* wanted compensation for. All these materials suggest, though, that Stuyvesant and the council had taken ownership over this apparently private vessel and lading; otherwise, the council would not have been able to put her up for sale in August 1648.

In the same letter, the directors also confront Stuyvesant with another incident, accusing him of allowing the plunder of pearls and pieces of eight, likely referring to the Spanish prize Hans Wyer, captain of the *De Kath*, had brought in. The directors had discovered that the prize had been captured on April 15 and taken in on April 23, not July 2, the recorded date. It surprised them that the council had only published one summons of the prize, but it astounded them that Stuyvesant had not sent them a cargo list of what this caravel had been laden with, including 2000 pounds of tobacco. If he had received these goods, the directors wished to know for how much they had been sold. They could have asked eight guilders per pound in the Republic for the tobacco. In the eyes of the directors, this was not a matter of little importance, so Stuyvesant was ordered to send them a list of the whole cargo and all documentation relating to the capture. They presumed these would not "be according to the laws of this country, where no bench of judges has as yet confiscated a ship or merchandise to

²⁵³ Ibid.

²⁵⁴ SAA, 5075 54, 1294/221, 1298 /66, 1342/20.

be kept by them after an arbitrary division and appraisement".²⁵⁵ In the Republic, they stressed, goods were sold publicly, and they knew that this custom used to prevail in New Netherland too.

Possibly induced by the directors' written reprimand, the council registered various captures during the summer of 1649. These cases were rather complex, with contentious captures and registrations. On July 6, the council recorded the arrival of some goods and a laden ship captured by Blauvelt. These goods had been taken from a bark that, according to the invoice of the supercargo, had departed from Porto Bello with break bulk cargo. Blauvelt had only sent the ship's lading or a part thereof to New Netherland as a prize. It is unclear where the rest was sent and when exactly the capture occurred; the records only state that it had happened before December 20, 1648, before the peace between the Republic and the King of Spain.²⁵⁶ Despite being the first public announcement, the goods were declared a good prize, with the usual stipulation. The second prize sent up by Blauvelt was intended for unspecified private owners, suggesting some had hired Blauvelt to go privateering. Wherefrom this bark *De Hoop van een Beter* – the council probably translated its name – laden with break bulk cargo, including twenty-eight cases of indigo, linen and hides, had departed remains unclear. By letter, Blauvelt had informed the council that the bark had been captured in the Bay of Campeachy on January 30, 1648, also months before the peace. Since the capture had taken place before December 20, the council declared this prize good too, provided no contrary evidence was provided. A few hides, apparently captured after or during the start of the peace,²⁵⁷ were not declared prize and, therefore, were stored in the WIC's warehouse. The indigo and linen were partly spoiled due to water damage, but interested parties could still accept these and receive the same pro rata after subtracting the company's share, provided that proper bonds and security for restitution were given for the received goods.²⁵⁸

However, contrary proof was provided, so the council rectified this adjudication the following day. Having read the captain's and supercargo's letter, the council had discovered *De Hoop* had been captured in the river of Tabasco in Campeachy Bay months after the peace with Spain, on April 22, 1649. Having been informed by the States-General that the WIC was to repair all damages incurred within its charter by way of hostility after November 19, 1648, the vessel, taken in violation of the treaty, could not be declared a good prize and was to be returned to its rightful owners. But since the

²⁵⁵ NYSA A1810-78 V11, doc. 14, *Letter from the directors at Amsterdam to Petrus Stuyvesant, 27-01-1649*. The English quotations were taken from Stuyvesant en Gehring ed., *Correspondence, 1647-1653* 11, 64-65.

²⁵⁶ December 20, 1648, is not the date the peace began, and it remains unclear why they used this date in the minutes, especially since later minutes reveal they were aware of the instruction that were given to the WIC to repay damages inflicted after November 19.

²⁵⁷ These may have been obtained during another raid and loaded onto the Spanish prize, which was then sent to New Amsterdam.

²⁵⁸ NYSA A1809-78 V4, doc. 439, July 6 1649, doc. 440 July 6-7 1649, both also in Van Laer, Scott en Stryker-Rodda, *Council Minutes, 1638-1649* 4.

company had not been able to identify the vessel's owners and it was "very leaky and unfit", the council thought it to be in the owners' best interest to move the goods aboard the ship to the company warehouse to prevent further deterioration. Here, they would be inventoried and remain under the supervision of two council members and two *reders* of the privateer until further notice.²⁵⁹ On July 17, 1649, the council resolved to appraise the goods of *De Hoop* to the company according to the price for which the *reders* had sold their goods, which were to be delivered upon credit.²⁶⁰

The RPS discloses how the privateers responded to these proceedings. On July 9, a day after the council had rectified the adjudication of *De Hoop*, the owners of *La Garce* signed a bond to settle any future claims arising from *De Hoop*. They offered themselves as sureties for what they would *pro rata* receive from the goods brought in on *De Hoop*. It was unlikely they took sureties on goods from *De Hoop*, as its legality was uncertain, although the privateers claimed *De Hoop* was captured on January 30, 1648. These sureties might have been on goods from another prize brought in on *De Hoop*.²⁶¹ The bond also reveals that the composition of the frigate's owners had undergone some changes since 1646.²⁶²

RELUCTANCE TOWARDS REGISTRATION

De Hoop was the last prize adjudication in this volume of CM, but the RSP suggest that *La Garce* brought in another prize in July 1649. Crew members of the *La Garce* visited the secretary on July 25 to report that during their voyage through the West Indies on the *La Garce*, they had captured a Spanish bark named *Tabasko* in the Tabasco River, now the Grijalva River in Mexico. The disposition suggests they questioned the legality of the capture. The sailors, namely, solemnly swore they had been unaware of the peace. The Spanish crew had also not informed them of this.²⁶³ The

²⁵⁹ NYSA A1809-78 V4, doc. 440, July 7 -July 17 1649, English quotation was taken from Ibid, 605.

²⁶⁰ NYSA A1809-78 V4, doc. 440, July 7-July 17 1649, also in Ibid.

²⁶¹ NYSA A0270-78 V3, doc. 40a, July 9 1649, also in Arnold J. F. Van Laer e.a. ed., *Register of the Provincial Secretary, 1648 - 1660* 3. New York historical manuscripts (Baltimore: Genealogical Publ 1974).

²⁶² Jan Jansz. Damen, Jacob Wolphersen van Kouwenhoven, Captain Blauvelt, Hendrick Jacobs Patervaer, Adriaen Dircksz Coen, and Martin Cruger are still recorded as owners in 1648, though Blauvelt and Cruger appear to not have been present when the bond was signed. Blauvelt's sponsor, Augustin Herman, signed in his name, and a certain Claes van Elslant vouched for Martin Cruger. A name that was not on the 1646-record but appears in the 1649 bond is Jan Labatie, represented by lawyer Adriaen van der Donck. Labatie had obtained his share from Harmen Bogardus after the latter's passing in November 1648, see NYSA A0270-78 V3, doc. 25, November 10 1648, also in Ibid.

²⁶³ NYSA A0270-78 V3, doc. 44, July 25 1649, also in Ibid.

contentiousness of this capture is also suggested by the powers of attorney of other crewmembers, who gave power to collect the prize yields if the capture was declared lawful.²⁶⁴

The *Tabasko* proved an intricate case. By late August, the council had not yet decided on the matter, and the crews of both prize and privateer knew this would not happen any time soon. On August 27, the Italian sailor Kempo Sybada, who had arrived in New Netherland on the *Tabasko*, called on the secretary to give power of attorney to Jacob Stoffelsen, co-owner of the *La Garce*, to demand and receive all claims and debts if these arose, and represent him if a legal procedure would be instituted.²⁶⁵ The record refers to a note Blauvelt left to Sybada, whereof a copy was added to the register. Drawn up in the *La Garce* in the West Indies on May 5, 1649, Blauvelt attested that Sybada, whom he mentions as the pilot of the *Tabasko*, had given the privateers their share of the prize. Blauvelt had ordered Sybada to sail the *Tabasko* to New Netherland and authorised him to do with the goods whatever the pilot deemed proper, once the council would have discharged the captured cargo.²⁶⁶ One of Sybada's crewmembers who had sailed with him to New Netherland, the Spaniard Anthony Bermoeda, called on the secretary on September 1, for a power of attorney, as well: he empowered Hans Weber, the colony's captain at arms, to demand and receive his share of the prize from whomever would determine what the crew's share of the prize would be, if it were declared good.²⁶⁷

There are a few points to consider here. Firstly, Blauvelt's note reveals that the *Tabasko* was captured in May 1649 and that the crews of both *La Garce* and *Tabasko*, were either genuinely or at least pretended to be unaware of the effectuation of the peace. Secondly, why Sybada and Bermoeda would be entitled to a share of the prize, which cannot be deduced from these manuscripts. It seems that, based on Blauvelt's note and their nationalities, these men were part of *Tabasko*'s crew and, rather opportunistically, considered themselves entitled to a share of the prize money for having, either voluntarily or involuntary, if the privateers had forced them to do so, collaborated with Blauvelt by taking the ship to New Netherland. They may have literally jumped ship. A precarious thing to do if they ever wanted to return to Spanish territory, which could play a part in Sybada's decision to travel northwards, to distance himself from Spanish influence. Furthermore, these manuscripts suggest that whilst the *Tabasko* was on its way to New Netherland for adjudication, the *La Garce* remained in West Indian waters, where it seems to have stayed over the summer.

It remains unclear when the privateer arrived back in New Amsterdam, but by late September, the *La Garce* had surely returned. At the request of the owners of the *La Garce*, the

²⁶⁴ NYSA A0270-78 V3, doc. 55a, August 16 1649, doc. 56a, August 17 1649, both in Ibid.

²⁶⁵ NYSA A0270-78 V3, doc. 62a, August 27 1649, also in Ibid.

²⁶⁶ NYSA A0270-78 V3, doc. 62b, May 5 1649, also in Ibid.

²⁶⁷ NYSA A0270-78 V3, doc. 64a, September 1 1649, also in Ibid.

Majorcan Anthony Leon and Irish Tyck Terry visited the secretary's office for a disposition on September 27. Their detailed declaration, too detailed to be fully included here, contains various noteworthy elements, including the international character of these crews, which also follows from the *Tabasko* records. Leon and Terry, who had come over onto Blauvelt's ship as passengers from a bark commanded by a supposedly French captain, Flip d'Rest, told the secretary's clerk Jacob Kip that they had been attacked by a Spanish ship on July 18 near the Bay of Campeachy.²⁶⁸ Their deposition emphasises Spanish aggression towards the *La Garce*. The deposition, which is drawn up at the request of the owners of the privateer, probably relates to the damage the privateer incurred at sea. Another aspect to consider regarding its purpose is its juridical value. A declaration attesting to Spanish aggression could work in favour of the privateers in the lawsuit the latter were tangled up in.

A power of attorney from September 29 suggests that during the summer, the *La Garce* had captured another prize that had not yet been brought back when the record was drafted. The document concerns a Frenchman, Nicola Ble of Diepen (likely the French town of Dieppe), who had arrived in the colony on the *La Garce*. His relation to the privateer remains unclear, but he had an interest in the ship. About to leave for Barbados with a certain Adriaen Blommert, Ble authorised others to obtain his share of a yet-to-arrive prize captured by Blauvelt from whoever was to distribute the crew's share. Ble authorised his French comrade Sack Kallyn (probably Jacques Calin), a crewmember on the yet to arrive prize, to do this, but in case his comrade would never show, also one of the colony's inhabitants, Philip Geraerdy.²⁶⁹ A similar record was drawn up by Sacke (Jacques) de Blaigny of Rouen, who had, just as Nicola Ble, arrived in New Netherland on the *La Garce*, and was also about to leave for Barbados. De Blaigny also authorised a French comrade on the yet to arrive prize, Augustyn de Boulieu, and if de Boulieu would remain absent, just as Ble had done, Philip Geraerdy, to obtain his share as crewman, if the capture would be declared lawful.²⁷⁰ Since the prize mentioned in these records had not arrived in the colony by the time these were composed, it excludes the possibility of these men referring to the *Tabasko*, which had already arrived in New Netherland in August.

Records from November 1649 suggest that the unidentified prize had been brought in by then. Surgeon Willem Nobel, who had arrived on Blauvelt's frigate, visited the secretary on November 12 to authorise co-owner of the *La Garce* and now master of the yacht *'t Vliegende Hart*, Hendrick Jacobs Patervaer, to obtain his share of the Spanish prize the *La Garce* had captured, if she was declared a good prize.²⁷¹ Joining Nobel at the secretary's office was the *La Garce's* skipper, Teunis

²⁶⁸ NYSA A0270-78 V3, doc. 65a, September 27, 1649, also in Ibid.

²⁶⁹ NYSA A0270-78 V3, doc. 66a, September 29, 1649, also in Ibid.

²⁷⁰ NYSA A0270-78 V3, doc. 66b, September 29, 1649, also in Ibid.

²⁷¹ NYSA A0270-78 V3, doc. 70a, November 12 1649, also in Ibid.

Dircks, who also had the clerk draw up a document authorising New Netherland resident Isaack d'Foreest to obtain and receive his share of said price.²⁷² The skipper also authorised the surgeon, who was about to depart for the Republic, to obtain a sum from a certain Cornelis van Bruggen in Flushing, Zealand. Dircks owned 25 pounds of indigo, which he had given to Van Bruggen because the latter had told him he could sell the indigo "to the best advantage". Nobel was to procure the money Van Bruggen had realised, or if it had not been sold yet, the indigo itself. If Nobel were to find out that Van Bruggen had not honoured the agreement, Dircks also authorised him to institute legal proceedings in his name and to "prosecute the case to the end". It is not unthinkable that this indigo had been part of a prize, but there are no records confirming this notion.

It seems that one of Blauvelt's contentious prizes, the *Tabasko*, was sold at auction in 1650. It has been noted that a prize could be sold before the capture was declared lawful (chapter 1), which appears to have happened with the *Tabasko*. On November 17, 1649, Willem Woutersen from Hitland (probably the Shetland Islands) authorised Aert Willemsz., an inhabitant of New Amsterdam, to receive his share of the *Tabasko*, if declared a lawful prize. The record specifies that Woutersen had arrived in the colony earlier that year on Blauvelt's prize, the *De Hoop*, suggesting he had joined Blauvelt's crew after the privateer's departure from New Amsterdam.²⁷³ His authorisation reveals that the legality of the capture of the *Tabasko* was still in question at that time. This was still the case in early 1650. In a letter from February 16, 1650, the directors advised Stuyvesant not to break the cargo of either Spanish prize, in case it might be reclaimed. Stuyvesant appears to have warned the directors that these captures might be contested, having occurred after the conclusion of the peace. In their letter, the directors inform him that they had not yet received any complaints concerning the capture of these Spanish caravels.²⁷⁴ A power of attorney from October 10, 1651, confirms that by that time, the *Tabasko* had been sold. That day Doeke Nessler, who had sailed on Blauvelt's frigate as constable, authorised Albert Cornelisen Wantenaer to receive, according to the payroll, his portion "of the proceeds of the Spanish bark *Tabasko*, brought in as a prize and sold here".²⁷⁵

More evidence for the *Tabasko* being sold in 1650 can be found in a petition issued by the *reders* of the *La Garce* in June 1656, regarding the payment of prize money for some prize goods sold at public auction in 1650.²⁷⁶ The council had apparently retained the proceedings, which they had

²⁷² NYSA A0270-78 V3, doc. 70b, November 12 1649, English quotation are from Ibid, 199.

²⁷³ NYSA A0270-78 V3, doc. 72a, November 17 1649, also in Ibid.

²⁷⁴ NYSA A1810-78 V11, doc. 18, *Letter from the directors at Amsterdam to Petrus Stuyvesant, 16-02-1650*, also in Stuyvesant en Gehring ed., *Correspondence, 1647-1653* 11, 79.

²⁷⁵ NYSA A0270-78 V3, doc. 96c, October 10 1651, English quotations are from Van Laer e.a. ed., *Register of the Provincial Secretary, 1648 - 1660* 3, 312.

²⁷⁶ NYSA A1809-78 V08, doc. 23b, 24, English quotation are taken from Charles Gehring en Janny Venema ed., *Council minutes, 1656-1658* 8. New Netherland documents series (1ste druk; Syracuse, NY: Syracuse University Press 2018).

paid out to the petitioners as shares and compensation. Now the petitioners humbly requested to receive the actual funds, pledging sufficient security in case claims and demands would arise if the capture were declared lawful. The council denied their request: the ship had been captured *anno* 1650, long after peace had been concluded, contrary to the treaty and could, therefore, “not be declared as a prize”. Earlier that year, on March 16, Jacob Stoffelsen, had petitioned, demanding from the council the 200 guilders he was owed as partner of the *La Garce*. The council replied that they could not pay him this amount, since the legality of capture was still in question and there had not yet been a judgment from a higher court.²⁷⁷ It seems that the court had ruled on the matter by the time the shared petition was issued, three months after Stoffelsen’s petition.

Even though the shared petition does not mention the date of the capture or when these prize goods were brought in, it seems that it concerns the *Tabasko*, a notion based on the petitioners who signed the document, either in person or by proxy. Among the “interested parties” are the earlier-mentioned Willem Woutersz and Antony Bermuda, represented by Mattheus Capito. Their interest is rather indicative as they both authorised others to obtain their share of what this prize would realise. The person Woutersz. authorised to obtain his share in the prize, Aert Willemsz., is also recorded as a petitioner, but his interest is not specified. Another petitioner whose name has been mentioned is Jacob Kip, the secretary’s clerk. He appears to have obtained a share in the privateer himself, seeing that he signed for himself and a Gerrit Hendricks. Interestingly, the only names corresponding with the 1646 contract listing the partners of the *La Garce* at that time are Jacob Stoffelsen and Augustijn Hermans.²⁷⁸ The interest of the other petitioners may have derived from passed-down or purchased shares, but this is speculation. What is certain, though, is that by the time of the petition, some partners had passed away, like ex-director Kieft, who was shipwrecked off the coast of England in August 1647.²⁷⁹

A clue to what happened to Blauvelt, who is also not recorded on the shared petition, can be found in a letter from the Amsterdam directors to Stuyvesant: Blauvelt ran off with some goods, for which, the directors write, the captain was to be prosecuted either by them or by Stuyvesant.²⁸⁰ This could explain why Blauvelt never returned to the colony after his 1648 expedition²⁸¹, because he

²⁷⁷ NYSA A1809-78 V6, doc 327b, March 14 1656, also in Ch.T. Gehring en The Holland Society of New York (New York)., *Council minutes, 1655-1656, New Netherland documents series*. New Netherland documents series ; vol. 6 (Syracuse, N.Y 1995).

²⁷⁸ The other petitioners recorded are Jacob Stevensz, Willem Pietersz de Groot, Janten Claes, widow of Tobias Claes, Hendrick Hendricksz, Jan Peecq, and Mary Gerardij, Ibid.

²⁷⁹ Jacobs, *New Netherland : A Dutch Colony in Seventeenth-Century America*, 280.

²⁸⁰ NYSA A1810-78 V11, doc. 18, *Letter from the directors at Amsterdam to Petrus Stuyvesant, 16-02-1650*, , also in Stuyvesant en Gehring ed., *Correspondence, 1647-1653* 11, 79.

²⁸¹ This is an assumption I based on the fact that apart from the documents I have included in this chapter, Captain Blauvelt simply vanishes from the collection after his note to the pilot of the *Tabasko* in May 1649.

presumably knew he would face trial if he did. The directors discuss Blauvelt again on April 20, 1650. He had captured some goods, and though little information is provided, the letter discloses that the directors considered it an “intricate case”, one they did not intend to burden themselves with, having their hands full maintaining “lawful claims”. It bothered them that despite having directed Stuyvesant to keep these goods in safe storage in case these might be adjudicated, they had learned that soldiers and sailors had sold parties of *cochencille silvestre*²⁸² on Manhattan at “shamefully low prices”. A matter that Stuyvesant was to thoroughly investigate, as it gave “food for various thoughts”.²⁸³

The directors refer to this case again on March 21, 1651. They had discovered that some dyewood had been brought to the colony and sold there, as had been the case with the *cochenille silvestre* captured by Blauvelt, all “directly contrary” to their orders. They had given their “reasons before and that should have been sufficient” to prevent them from placing them “in danger of unnecessary lawsuits”.²⁸⁴ The topic of lawsuits is one they engage with in this letter, as they update Stuyvesant on some currently pending against the company, including the one filed by the owners of the *De Liefde*. These owners and their demand for 10,000 guilders significantly troubled the company. The suit looked “very bad” for them, considering the shipowners had “many friends”.²⁸⁵

The *De Liefde* was not the only vessel Stuyvesant had confiscated. Under the suspicion of interloping, Stuyvesant had also confiscated the *Jonge Prins van Denemarken* in December 1649, and the *St. Beninio* (or *Hercules*) in September 1647. New Netherland scholars consider the confiscation of the *St. Beninio* as the pretext of the conflicts between the Dutch and English, who both laid claim to the territory wherein Stuyvesant had asserted his power by confiscating the ship.²⁸⁶ On March 21, 1651, the Amsterdam directors informed Stuyvesant that although he may believe he had “lawfully and properly confiscated” the *De Liefde*, *St. Beninio* and *Jonge Prins*, the company was “called to account about it” and the lawsuits were not looking good. In the documentary evidence Stuyvesant had sent them, they had seen that the colony’s prosecutor had not formulated “his complaint correctly” and not accompanied it with “sufficient proofs”. The prosecutor was to be “more careful in the future” and ought to have investigated the matter. They urged Stuyvesant to investigate it and to “admonish the Fiscal to do his duty”.²⁸⁷

²⁸² A dye derived from New World insects.

²⁸³ NYSA A1810-78 V11, doc. 20, *Letter of the directors at Amsterdam to Petrus Stuyvesant, 20-04-1650*. English quotation are taken from Stuyvesant en Gehring ed., *Correspondence, 1647-1653* 11, 88.

²⁸⁴ NYSA A1810-78 V11, doc. 29b, *Letter of the directors at Amsterdam to Director General Petrus Stuyvesant, 21-03-1651*, English quotations are taken from Ibid, 111.

²⁸⁵ NYSA A1810-78 V11, doc. 18, *Letter from the directors at Amsterdam to Petrus Stuyvesant, 16-02-1650*, English quotations are from Ibid, 78-79.

²⁸⁶ According to Stuyvesant, Roobergh or Roodebergh belonged to New Netherland, while the English of New Haven claimed “Red Hill” to be part of New England’s territory. Ibid, xxi-xxii.

²⁸⁷ NYSA A1810-78 V11, doc. 29b, *Letter of the directors at Amsterdam to Director General Petrus Stuyvesant, 21-03-1651*, English quotations are taken from Ibid, 112.

Regardless of whether Stuyvesant reproved his council, the directors noticed little change. Another case whereby the council did not, to the directors' frustration, follow company guidelines is mentioned in a letter from April 4, 1652,²⁸⁸ which relates to developments in Brazil (chapter 3). The directors call upon Stuyvesant, who they believe should have mentioned the council's actions in his correspondence, concerning the commission granted to a privately owned ship, *Den Waterhont*, to which Stuyvesant seemingly ascribed "great dangers". *Den Waterhont* had indeed received an unusual commission, the directors wrote. Instead of being chartered for outbound and return voyages, like most ships, *Den Waterhont* was only to sail to New Netherland, where it was to try to find "advantageous return cargo". Though they could not see any dangers in this commission, the directors did see the danger in *Den Waterhont*'s skipper negligence in obtaining letters of reprisal (chapter 1), as all other skippers had done. Particularly so because the skipper "had the luck to encounter a sugar bark, which he also captured, and your honour and councillors confiscated by formal judgement". The council made a reparation concerning the prize, as if the skipper had "a commission in debit form", forcing the company to say that the prize had been taken for the company rather than the shipowners. All the sugar ought to have been confiscated and brought to the directors so it could be proceeded for the company's claims against the Portuguese.

Consequently, they now "suffered many calumnies", having to respond to various proceedings, including those of the "owners, and the underwriters thereof". It had forced them to "put an attachment on the sugar, claiming, since the captain did not have a proper commission of reprisal, he was to be punished as a pirate". Unsure of the outcome, they were "having much difficulty with it" already because "these people", presumably the Portuguese, still had spokesmen in the Republic and because the insurance loss was a "burden on the burghers and inhabitants here".²⁸⁹ The directors mentioned various other ships Stuyvesant had confiscated under the suspicion of carrying contraband, all of which he handled poorly. They needed "much clearer proofs" concerning all these confiscations, reprimanding Stuyvesant again for causing them "nothing but great trouble".²⁹⁰ Interestingly, despite Stuyvesant's carelessness, the directors informed him in December that they had won the lawsuit concerning the sugar bark *Den Waterhont* had captured, *Nostre Signore de los Remedios*. Nevertheless, he was ordered to be more careful if similar cases were to occur and take the greatest care with the papers and invoices. These cargoes often belonged to the Portuguese,

²⁸⁸ NYSA A1810-78 V11, doc. 53, *Letter from the directors at Amsterdam to Petrus Stuyvesant, 04-04-1652*, English quotations are from Ibid, 150-51.

²⁸⁹ NYSA A1810-78 V11, doc. 53, *Letter from the directors at Amsterdam to Petrus Stuyvesant, 04-04-1652*, English quotations are from Ibid, 150-51.

²⁹⁰ NYSA A1810-78 V11, doc. 53, *Letter from the directors at Amsterdam to Petrus Stuyvesant, 04-04-1652*, English quotations are from Ibid, 152-153.

from whom they could demand money, “with good reason”, as they owed the “company a large sum”.²⁹¹

EVOKING ESCALATION

It is not until 1655 that the colonial administration shows signs of privateering activities again. While it is conceivable that privateers sailed from or to New Netherland as part of the Brazil rebellion, the records lack any adjudications or evidence of these after 1650, aside from the bark captured by the *Waterhont*, mentioned above. The fact that the *Waterhont*'s prize is only mentioned in the correspondence and its adjudication not registered, proves that not all prizes were recorded by the council. Other factors to consider regarding the absence of ‘new prizes’ during 1650-1655 are the waning of Brazil-privateering after 1649 (chapter 3) and the outbreak of the First Anglo-Dutch War (1652-1654). This conflict, caused by disputes over trade, allowed Dutch privateers to conduct their business closer to home, under admiralty jurisdictions. A reduced number of privateers operating with company commissions would also explain why there are few to no mentions of English prizes in the New Netherland records during the war.²⁹² The chance of capturing an English prize in the Channel or North Sea was greater than in the Atlantic Ocean. This also worked the other way around, which elevated the risk of the Dutch being attacked. Privateers may have also been more interested in the types of cargo encountered in Europe than in America. When the records show signs of privateering activities again in 1655, these pertain to a different, local conflict: New Sweden.²⁹³

Among Stuyvesant's forces against the Swedes was a French privateer: on August 31, 1655, the council chartered the recently arrived galiot *L'Esperance*, commanded by Captain Jean Flaman.²⁹⁴

²⁹¹ NYSA A1810-78 V11, doc. 75, *Letter from the directors at Amsterdam to Director Stuyvesant, 13-12-1652*, English quotations are from Ibid, 190.

²⁹² It is possible that English ships were confiscated during the war, but these captures were then not registered.

²⁹³ In 1637, the Swedish West India Company had established a colony with the aid of former New Netherland director Peter Minuit in the Delaware region, an area that the Dutch West India Company considered to be theirs. In the years that followed, the Dutch had repeatedly demanded the Swedes to vacate New Sweden but without success. tension between the Swedes and Dutch reached its zenith in late 1654, when the Swedes managed to gain control of the Fort Casimir, leaving the Dutch without any significant presence in South River area. In reaction to the Swedish attack, the WIC ordered Stuyvesant to eradicate the Swedish colony. The directors were not amused to find out that Stuyvesant was not in New Netherland when the Swedish attacked; he had gone to Barbados and Curacao to investigate the effects of the English Navigation Act, without the company's permission. Upon his return to the colony in July 1655, Stuyvesant immediately began with the organisation of the “Swedish expedition” and muster up an invasion force. By early September, he had assembled about 350 soldiers and seven ships. Heijer, *De geschiedenis van de WIC*, 86-88; Gehring en The Holland Society of New York (New York)., *Council minutes, 1655-1656*, xv-xvi.

²⁹⁴ NYSA A1809-78 V06, doc. 85c, August 31 1655, also in Gehring en The Holland Society of New York (New York)., *Council minutes, 1655-1656*.

Stuyvesant's troops sailed to the Delaware region on September 5 and gained control of all Swedish possessions within one week. The following month, a dispute arose between Flaman and the council. On October 18, Flaman petitioned, claiming that he had not yet received compensation for his service, the use of the ship, or the expenses incurred by him and his crew. The council had placed an attachment on the ship the previous week, from which the captain requested release. Flaman did not understand why the council had done this and asked the council to provide him with a written justification for the attachment, so he could include it in the report he was about to send to Martinique, from where he had sailed. If the council refused his request, he would submit to deposition, leave the ship to the council, and return to Martinique because he could no longer support his crew.²⁹⁵

The council replied the next day. The captain had, in fact, already received funds for his and his crew's services on the galiot, but Flaman had disagreed with the sum. Arbitrators had been appointed to settle the matter, but without success. However, the council was willing to grant Flaman his request and ordered the prosecutor to hand the petitioner a copy of his charge.²⁹⁶ The order to release the galiot reveals that the prosecutor suspected the ship had been stolen. Some evidence, including a testimony, had reached him of this galiot being galiot *de Sparwer*, which had supposedly been overpowered in Brazil. Various Frenchmen, probably Flaman's crew, provided proof of Flaman's innocence, all declaring that Flaman had bought the ship from the Conté of Granade, the governor of Martinique. Flaman also still possessed the receipt for the sale, which was indeed signed by the Conte's power of attorney. This evidence convinced the council, and consequently, the prosecutor was ordered to remove the attachment and return the ship to Flaman so that he could continue his voyage.²⁹⁷ Flaman and the *L'Esperance* are not mentioned in later records, so it seems he left the colony.

Flaman's case illustrates that although hiring foreign privateers was common during conflicts, this custom could lead to confusion. Another confusing case presented itself in July 1656. Regrettably, these manuscripts have been severely damaged, but one can still understand the situation based on what is legible. A captain named Pieter de Graeff had arrived at the colony in June with a Spanish bark. Presumably in the context of the Franco-Spanish War (1635-1659), De Graeff had been commissioned by the governor of Guadalupe, Charles Houelle, but lost his commission because his ship had shipwrecked. The only evidence he could provide of having had a commission were testimonies of his crew. The Spanish prize, on which he most likely arrived in New Netherland, had been sold multiple times, but because the captain could not present a commission, the prosecutor

²⁹⁵ NYSA A1809-78 V06, doc. 112a, October 18 1655, also in Ibid.

²⁹⁶ NYSA A1809-78 V06, doc. 112b, October 19 1655, also in Ibid.

²⁹⁷ NYSA A1809-78 V06, doc. 118, October 26 1655, also in Ibid.

had seized the bark on July 21, concerned about possible claims.²⁹⁸ The council rendered a decision on July 24. The validity of De Graeff's commission and authorisation of the capture were unclear to them. Furthermore, this "claimed commission" stipulated that De Graeff was beholden to bring Spanish goods to Guadeloupe, not New Netherland. Furthermore, due to the Spanish-Dutch treaty, seizing and selling confiscated Spanish goods in the colony was no longer permitted. The council granted De Graeff one year and six weeks to collect evidence to prove the legality of the commission, but in the meantime, the bark remained impounded.²⁹⁹

It is unclear whether De Graeff managed to do this; his name does not resurface in later records. It is also vague why De Graeff went to New Netherland in the first place, and why the council, in the context of the peace, did not outrightly reject him, but preoccupied itself with the validity of a French commission. Perhaps the council hoped to claim the prize, which would be bold considering current conventions. If the commission were valid, one would expect the prize to belong to the French, as they were at war with Spain. In case of an invalid commission, the Republic's treaty with Spain would force the Dutch to return the prize to the Spanish. In either scenario, New Netherland would have no claim whatsoever. It appears, however, that there was a particular mechanism that commissions of allied states, in this case the French, were also permissible in one's own jurisdiction, a notion substantiated by two other, later cases.

On September 6, 1656, Spanish pilot Juan Gallarda Ferra of the St. Lucas de Barramera (modern-day Sanlúcar de Barrameda) petitioned and handed the council various documents, including a letter from the States-General, one from the burgomaster of Amsterdam, and a disposition elucidating Juan's case. In April 1652, the pilot had been "unlawfully deprived" of forty-four slaves at the latitude of the hook of Morante³⁰⁰ by one Geurt Tijssen, who had brought them to New Netherland. Juan had discovered that some of these enslaved people resided here and knew they would recognise him. He requested the council to restore the enslaved back to him and to please provide him with lodgings and board money until the next ship to the fatherland would depart, as he was a poor man now.³⁰¹ The council replied the same day, and their reply reveals that among the documents Juan had provided was a copy of a memorial from the Spanish ambassador respecting Juan's case. The memorial charged Captain Sebastiaan Raaff and his lieutenant, Jan van Campen, with having seized Juan's ship and enslaved, taking these to New Netherland, after which Raaff had been discharged back in Amsterdam. The States-General's letter from January 10, 1656, informed the

²⁹⁸ On 8 July, de Graeff sold the bark at the house of public innkeeper, Abraham dela Nooy, bought the ship back again for 905 guilders, only to sell it privately to one Jan Perin for 600 guilders. NYSA A1809-78 V08, doc. 76b, July 21 1656, English quotations are taken from Gehring en Venema ed., *Council minutes, 1656-1658* 8, 55.

²⁹⁹ NYSA A1809-78 V08, doc. 78, 24 July 1656, also in Ibid.

³⁰⁰ Probably Jamaica.

³⁰¹ NYSA A1809-78 V08, doc. 166, September 6 1656, English quotations are taken from Ibid, 104.

council they would send van Campen and those who had claimed interest in the enslaved to the colony “*pede ligato*”³⁰² so the council could administer justice.³⁰³

The council considered the memorial “very erroneously drawn up and submitted”; neither Raaff nor van Campen had ever been to New Netherland, or at least not during Stuyvesant’s directorship. They did, however, recall the arrival of a ship during the summer of 1652 commanded by captain Geurt Tijssen and lieutenant Jan van Campen, who possessed a commission sealed by the French governor of St. Christopher.³⁰⁴ Since France and the Republic were allies, the council validated the commission and allowed the sailors to have their ship, the *Swarten Raven*, and its accompanying prize, mended, repaired and revictualled for some money and merchandise. The *Swarte Raven* remained in New Amsterdam for about three months, during which Tijssen sold some enslaved to the colony’s inhabitants. They sailed off during the winter and never returned. Some of the slaves Tijssen had brought ashore had died by then, some had run away, and some were still in the colony as bondage servants, but these had been repeatedly resold already. Since the council could not deprive any settlers, city-subjects or owners of enslaved people who had long since paid for them, they resolved to inform the States-General and the company of the case and await their advice.

During the following weeks, Juan issued a remonstrance, which the council replied to on October 31. Adhering to their earlier judgment that they could not remove the enslaved from their proprietors, the council again stressed the validity of Tijssen’s actions, having possessed a French commission. They did not know whether Tijssen and van Campen were the same person and considered this immaterial. Nor were they cognisant of the number of enslaved the captain had sold in the colony, or how much silver, cash, or other merchandise Tijssen had taken. If the petitioner could present the council with proof of the privateers’ present whereabouts or how the council could reach them, he was free to send these materials over. He was also free to proceed “according to the tenor of the law” if he had any further pretensions and rights over the enslaved or any other goods. He could bring the sailor he had mentioned in his remonstrance to the colonial secretary for examination.³⁰⁵ By early 1658, the case had not yet been resolved. Juan’s patience had clearly run out: on March 26, the council replied to a petition Juan had issued, wherein they listed four incidents of Spanish hostility against Dutch shipping in early 1650, but seeing that the manuscript is badly damaged, it is difficult to determine why the council did this.³⁰⁶ One gets the impression of the lists being a vindication, but this is speculation.

³⁰² Literally translated into “with tied feet”, so under arrest.

³⁰³ NYSA A1809-78 V08, doc. 168b, September 6 1656, English quotations are taken from Ibid, 105.

³⁰⁴ Lieutenant-general Chevallier du Poincy

³⁰⁵ NYSA A1809-78 V08, doc. 258, October 31 1656, English quotations are from Ibid, 154-55.

³⁰⁶ NYSA A1809-78 V08, doc. 795, March 26 1658, , English quotations are from Ibid, 427-28.

What is clear, though, is that Juan was getting on the council's nerves, writing that the Spaniard "continually pesters and nearly exhausts the director-general and councillors with his repeated requests for his papers and permission to depart". Juan appears to have handed the council some other papers, but these contained the same information as those they had already replied to. To his request to depart from the colony, the council responded that he had never been "hindered nor will be hindered by their order to depart". This verdict did not prevent the Spaniard from visiting the council once more to request them to pay for his voyage to the Republic as alms. He had used all his means during his stay and could not afford the fare. The council granted his request because the burgomasters of Amsterdam had given him free passage to the colony, and probably also because they were glad to see him go.³⁰⁷ Juan's name does not reappear in the records, nor do these reveal anything about the outcome of his case.

The arrival of French Captain Augustijn Beaulieu in May 1657 is another case in which the council allowed a privateer commissioned by an allied nation into the port. Beaulieu had issued a petition, requesting the council to send an official to inspect his commission to ensure his frigate, the *St. Pierre*, and his accompanying prize could enter the port. After the secretary had inspected the captain's commission, the council honoured his request on June 5. Being "an ally of our nation", they granted him free entrance and departure and allowed him to take what he deemed necessary to continue his voyage.³⁰⁸ In the following days, an issue arose, which resulted in the council coming together in an extraordinary session on June 9. The proceedings of this session cannot be reconstructed entirely; the manuscripts were partially burned. What is legible contains enough information to get an idea of the issue at stake, though. The English captain-lieutenant Brian Nuton, whose presence is recorded in the minutes, had accused the council of confiscating some Spanish goods or ships. The council denied this accusation; they had only "let an allied friend come in", something they could not refuse "allied friends and neighbours, as, among others, the officials of the French Crown always have been, and as are now the officials of the king of Spain as well". Nor had they consented to the sale of the prize; they had not even been asked to consent, so how could they have approved or refused? They had only, "as allied friends", allowed Beaulieu to buy or barter goods to obtain what he required. Had the English not done the same with Spanish and Dutch vessels during the Republic's war with Spain? These countries had never accused their king or parliament of confiscating Dutch and Spanish prizes. The only thing the council had done was allow an ally to enter.

Another point the council is found replying to is Beaulieu's heritage. The petitioner had claimed that Beaulieu had been born in England and that his mother and sister were the petitioner's

³⁰⁷ NYSA A1809-78 V08, doc. 844b, April 16 1658, also in Ibid.

³⁰⁸ NYSA A1809-78 V08, doc. 587, 588., 589, June 5 1657, English quotations are from Ibid, 308.

neighbours back in England. The council deemed this to be irrelevant. The captain had arrived in New Netherland with the Spaniard he had robbed, Juan Ballardo Ferrerra from St. Lucar de Berramen, for which he could seek and demand better justice in *his* country. The council could “not forbid him” from coming up this roadstead or from dividing or disposing goods, which had taken place outside the fort’s canons on *Nooten Eylant* (Governors Island), and not, as the petitioner mistakenly claimed, in New Amsterdam’s harbour. If the petitioner indeed maintained that allowing or not obstructing equalled giving absolute consent, he could also contend that the council had given him permission for his smuggling of linen, impudent lies and intolerable and bold gestures and actions during this session, since the council had allowed this and not prevented it.³⁰⁹

Unfortunately, the Englishmen’s reply to these accusations is not included in the minutes. The Amsterdam directors’ feelings about this situation can be reconstructed because Stuyvesant had asked them for advice. Their reply, drafted on September 15, 1657, reveals that they were, again, unsatisfied with the council’s actions. They scolded Stuyvesant for asking them to “know how to act in such cases considering the peace with Spain, while you shut your eyes in the meantime to the sale of the prize cargo”. No, he could indeed not prevent privateers from entering his port. Still, he could “forbid them to break cargo and sell some of the prize goods, which must not be allowed to be done in either directly or indirectly within the company’s jurisdiction”. They were surprised he made such a mistake, acting against the Republic’s customs, which had to be followed. Because if this were not done, the company and country “would become involved in great trouble”, having treaties with Spain and France. The directors also reminded Stuyvesant that “such tolerance and connivance in our territory would also ruin the trade with the Spaniards which we expect to establish at Curacao”.³¹⁰ To prevent Stuyvesant from ruining this possibility and offence no one, the directors “seriously recommend not to allow or connive at such breaking of cargo and selling of prize goods under any circumstances”, expecting him to “act accordingly” in the future.³¹¹

Beaulieu’s case was the final privateering case the New Netherland administration dealt with during Stuyvesant’s directorship. The absence of privateering related materials in the colonial administration from 1657 until the English takeover of New Netherland on August 27, 1664,³¹² which

³⁰⁹ NYSA A1809-78 V08, doc. 622b-626, June 9 1657, English quotations are from Ibid, 329-30.

³¹⁰ Here, the company was trying to procure the monopoly to provide the Spanish Americans with enslaved Africans, the *Asiento de Negros*

³¹¹ NYSA A1810-78 V12, doc. 66, *Letter from the directors at Amsterdam to Petrus Stuyvesant, 15-09-1657*, English quotations are from Petrus Stuyvesant en Charles T. Gehring ed., *Correspondence. 1654-1658* 12. New Netherland documents series (1. ed; Syracuse, NY: Syracuse Univ. Press 2003), 150.

³¹² Examples of works addressing the English takeover and further development of New Netherland: Jacobs, *New Netherland : A Dutch Colony in Seventeenth-Century America*; Joyce D. Goodfriend, *Before the Melting Pot Society and Culture in Colonial New York City, 1664-1730* (1. paperback print; Princeton, N.J 1994); Donna Merwick, *Possessing Albany, 1630-1710 : the Dutch and English experiences, Possessing Albany, 1630-1710 : the*

marks the end of Stuyvesant's governate, allows for the assertion that the analysis put forward in this chapter applies to the entirety of Stuyvesant's tenure, thereby concluding this chapter.

Dutch and English experiences (Cambridge [etc: Cambridge University Press 1990); Thomas J. Archdeacon, *New York City, 1664-1710 : conquest and change* (1st ed.; Ithaca 2013); Albert E. McKinley, 'The Transition From Dutch to English Rule in New York: A Study in Political Imitation' 6 (1901) 693-724; Romney, *New Netherland Connections: Intimate Networks and Atlantic Ties in Seventeenth-Century America*.

5. ALL CAPTURES CONSIDERED

This study examined Dutch privateering in New Netherland. For centuries, rulers of the Netherlands relied on privately owned vessels to pursue their maritime interests. By allowing these 'privateers' to seize and obtain hostile ships and goods, thereby inflicting economic damage on the ruler's enemies, rulers saved themselves the risks and costs of naval warfare. To distinguish privateering from piracy, sovereigns issued letters justifying maritime violence and assessed the legality of employed violence through juridical procedures. In the Netherlands, the institutional framework of this interdependent system was laid down by its Habsburg-Burgundian rulers. The autonomy of urban centres regarding maritime affairs prevented the implementation of this centralised framework and allowed for the development of different maritime traditions that would shape Dutch history.

The Dutch used privateering throughout their fight for independence from Habsburg Spain. It was their key weapon against Habsburg sovereignty at sea and was integrated into the Republic's fiscal-military apparatus. The creation of the five Admiralty Colleges in 1597 marks the end of this institutionalisation process before Dutch colonial expansion takes off. Modelled after the institutions created by the Burgundian-Habsburgs but adapted to fit the decentralised Dutch state, the Admiralty Colleges regulated Dutch privateering in European waters.

The character of Dutch privateering altered when the Dutch began to sail to different shores. The emergence of defensive, merchant-privateering and encouragements of the States-General to engage in offensive privateering in Habsburg waters significantly contributed to the rise of privateering. So did the creation of the VOC in 1602. By awarding the VOC the privilege to use privateering as an economic activity, the States-General commercialised maritime warfare. The company's privateering prerogatives and activities support the notion of the VOC as the Republic's sixth admiralty.

The WIC ought to be considered as the Republic's seventh admiralty. With a charter modelled after the VOC but tailored to accommodate Dutch particularism, resulting in a highly political organisational structure, with even further-reaching military prerogatives, this company was founded almost immediately after the Twelve Years' Truce, in June 1621. Exempt from Habsburg aggression, the Dutch presence in the Atlantic had increased during the truce years, during which New Netherland was founded in the region that Henry Hudson had discovered. Reports of his travels enticed Dutch merchants to explore the commercial possibilities of this land. When the WIC was established, it gained control over New Netherland, but the company's military activities against the Habsburgs overshadowed its interest in this colony, far removed from the Habsburg sphere.

Once the WIC could commence its operations, it began executing the *Groot Dession*, the plan designed to challenge Atlantic Iberian supremacy. Being able to, like the VOC, fund itself through privateering, the WIC raised millions of guilders by capturing Iberian vessels, which allowed it to conquer and occupy Brazil. It would, however, be the WIC's Brazil adventure that forced it to relinquish its monopoly on shipping and privateering in 1633. The regulations concerning this matter levelled the WIC's function to the Republic's admiralties, at the latter's expense. While the company focused on its South Atlantic territories, New Netherland transformed into a settlement where the people felt they were being left to their own devices. The company's lack of effective control over New Netherland and the reluctance of the people residing there created a situation in which the privateering business could thrive under the prevailing geopolitical context.

Though the South Atlantic was the centre of Dutch privateering during the WIC's first charter period, records from the New Netherland council show privateers commissioned by the company to infringe upon the Iberians sailing up to New Netherland to have their prizes adjudicated there, assumably because this colony's small sales market allowed them to make more profit from their prizes. Under Willem Kieft, the New Netherland council issued offensive privateering commissions, endowing New Netherland to go on expeditions in the Caribbean against company regulations. Frequently commissioned by the council, the records on the *La Garce*, commanded by Captain Willem Blauvelt, illustrate what the privateering business in New Netherland entailed. While the council minutes demonstrate the process of prize adjudication, the records of the colonial secretary provide insights into the administrative aspects of privateering pre- and post-expedition. These reveal that the people in Kieft's administration, including himself, were actively involved in these activities and contain sufficient information for future research on where these prize goods ended up.

When Stuyvesant arrived in New Netherland to replace Kieft, he became director of a colony whose inhabitants had been actively engaging in privateering for years and had developed their privateering tradition. Stuyvesant was quick to participate, issuing commissions to company and private vessels but disappointed his superiors *in patria* in how he and his council dealt with the prizes these ships brought in. Whereas during Kieft's administration, the council largely adhered to company guidelines regarding adjudication procedures, Stuyvesant's incoming correspondence suggests that under him, the council cared less for proper procedures and rather kept their eyes on the prize. The council's negligence regarding procedures became problematic for the company after signing the Treaty of Munster in 1648, which ended the Republic's war with Spain. The treaty increased the importance of accurate registration, particularly of captures made around the time of the peace's effectuation. The records demonstrate how Stuyvesant's council dealt with contentious captures. It is, however, the lack of prizes in the minutes, which were sent off to the Amsterdam directors to see,

and the mention of captures in the register of the secretary, that is more telling. These confirm the reluctance of Stuyvesant's administration regarding prize registration and suggest they preferred to keep things to themselves, sometimes at the expense of privateers residing in the colony. The Amsterdam directors appear to have had a hunch about the council's illicit activities, but there was little they could do about it.

Besides New Netherland privateering, the records composed by Stuyvesant's administration provide insights into the seventeenth-century privateering phenomenon. These materials confirm that privateering crews in the West Indies were international and that it was indeed common to hire foreign privateers. This custom could lead to confusion and consequently, evoke conflicts in local and global contexts. Furthermore, these records reveal that there appears to have been a specific mechanism whereby commissions issued by allied states were also valid in one's own jurisdiction, thereby increasing the likelihood of political escalation. Bearing in mind that New Netherlanders often played by their rules, one cannot disregard the possibility of this being a risky New Netherlandish way to obtain prize goods without embarking on expeditions themselves. However, the materials incorporated in this chapter suggest that this was not only a New Netherland phenomenon, but a broader European occurrence, a topic surely fit for further research.

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