

Cambridge University Press

978-0-521-70743-5 - A Search for Sovereignty: Law and Geography in European Empires, 1400-1900

Lauren Benton

Index

[More information](#)

Index

- abolition
of convict transportation, 196
of slavery, 35, 209–210
- Acadians, 175
- Acosta, Juan de, 232, 233
- Act for the More Effectual Suppression of Piracy, 147
- Acuña, Cristóbal de, 54
- adelantado, 68
Cabeza de Vaca as, 72, 74–76
legal role of, 68–69
- admiralty law
in colonies, 146–147, 150
common law and, 127, 145–146
Gentili and, 124–131
piracy and, 146, 147
prize cases and, 124, 145, 148
in Rhode Island, 155–156
- Africa
Basutoland, 266–271
disease in, 45
North, 126, 171, 176
Portuguese in, 22, 44, 48–49, 57
rivers in, 43–45
settlements in, xii
slave trade from, 164
trading posts in, 44
West, 25, 44, 150
- Agamben, Giorgio, 39, 282–287
- Aguirre, Lope de, 79–81
- Aitchison, Charles, 244
- Almadén, 176
- Alpujarras, 228
- Amazon River, 46, 48, 54
imperial rivalry and, 46, 54, 58
interior sea and, 49–50, 69
Pizarro on, 26, 53, 79
Spanish chronicles and, 79–81
- Ancient Law* (Maine), 246
- Andes, 68–71, 233
- Anghie, Antony, 238, 264–265, 284, 296–297
- Angola, 170, 235
- Annals and Antiquities of Rathast'han* (Tod), 241
- anomalous legal zones, 6, 9, 30, 298–299
islands and, 165
quasi-sovereignty and, 227, 243, 266
- Antequera, José de, 88–90
- Arabian Sea, 148. *See also* Indian Ocean
- Araucanians, 233–234
- Arbousset, Thomas, 266–267
- Asia, 14
Central, 236
European trade in, 106–108, 141–142
Southeast, 224
- asiento*, 151. *See also* slave trade
- astronomy, 10, 55
- Asunción, 71–75, 77–78, 86, 87–90, 100
- Atlantic Ocean
campaign against pirates in, 150, 158
Dutch in, 140
European voyages in, xii
geographic imagination and, 15
as legal region, 137–149
navigation map of, 107

Cambridge University Press

978-0-521-70743-5 - A Search for Sovereignty: Law and Geography in European Empires, 1400-1900

Lauren Benton

Index

[More information](#)

330

Index

- Atlantic Ocean (*cont.*)
 prize courts in, xii, 19, 145-147, 158
 rivers and, 33-34, 40-103
 audiencia, 68-71, 88, 183
 Austin, John, 246
 Avery, Henry, 118, 119, 142
 Avilés, Pedro Menéndez de, 54
 Ayolas, Juan de, 71
- Bacon, Nathaniel, 96-99
 Bacon's Rebellion, 96-99
bagnes, 175
 banishment, 35, 167. *See also* convict transportation; penal colonies
 China and, 167
 of clergy, 168
 islands and, 163-164
 Ottoman empire and, 167
 Portugal and, 167
 Roman law and, 166-167
 slavery and, 209
 in Spain, 168
 in Spanish empire, 168, 170
 Banks, Joseph, 188
 Barbados, 152, 209, 210-211
 Barbary states, 124-127
 Baroda, 250-260
bastides, 229
 Basutoland, 266-271
 jurisdiction in, 227
 quasi-sovereignty in, 227
 bays. *See* harbors
behetría, 232, 233
 Bello, Andrés, 214-216
 Bentham and, 214-216
 Bellomont, Earl of, 117, 118
 Bemoim (king), 65
 Bentham, Jeremy, xiv, 29, 191-196, 297
 Bello and, 214-216
 martial law and, 192, 196
 Berkeley, William, 96-99
 Bhils, 241, 264
 Blackbeard. *See* Teach, Edward
 Blackstone, William, 201
 Bligh, William, 190
 Bodin, Jean, 287-288
 Bombay, 247, 253
 Bordeaux, 43
 borderlands, 37-38, 229
- Botany Bay, 165, 175, 188, 189. *See also* New South Wales
 Braudel, Fernand, 4, 222-223
 Brazil, 78, 129, 235
 convicts in, 170
 geography of, 51
 slavery in, 235
 Brisbane, Thomas, 205
 British empire, 236. *See also* England
 admiralty law in, 117-120, 146-147, 148, 150
 Bacon's Rebellion and, 96-99
 Basutoland and, 266-271
 campaign against piracy in, 150, 158
 convict transportation in, 169, 172-174
 Indian princely states and, 227, 237, 238-240, 242-264
 mapping and, 2, 10-11, 13-14
 martial law in, 211-212
 navy in, 150
 North America and, 10-11, 13-14, 90-101
 treason in, 81-85
 Buenos Aires, 69, 71-72, 87-88, 90
 Bureau of Indian Affairs, 272
 Burma, 242, 259
- Cabeza de Vaca, Alvar Nuñez, 48, 52, 68-79
 Cabral, Pedro Álvares, 168
 Cáceres, Felipe, 87
 Cádiz, 20, 155, 179, 180
 Calcutta, 260
 California, 181
 Calvin's Case, 29, 194
 Cambrensis, Giraldus, 228
 Camões, Luís de, 104, 105
 Canada, 211. *See also* New France
 Canary Islands, 22, 78
 canon law, xiv, 22-23, 24, 25, 36, 62
 Cão, Diogo, 44, 57
 Cape Coast Castle, 189
 Cape Colony, 211, 267-270
 captains. *See* ship captains
cartaz (permit to sail), 141
 cartography. *See* mapping
 Castro, João de, 1
 Catholicism, 23, 63
 Jesuits, 88-90
 papal authority and, 22-23
 treason and, 63, 80

Cambridge University Press

978-0-521-70743-5 - A Search for Sovereignty: Law and Geography in European Empires, 1400-1900

Lauren Benton

Index

[More information](#)

Index

331

- Ceylon, 211
- Champlain, Samuel de, 66–68
- Charles I (king), 63
- Charles River, 91
- The Charles the Second* (ship), 119
- Chesapeake Bay, 83
- Chile, 186, 217, 233
 - constitution in, 214–215
 - penal colonies and, 215–216
- China, 167
 - banishment and, 167
- chorography, 18
 - settlements and, 229
- Christianity. *See also* Catholicism
 - conversion to, 65, 222
 - Indians and, 91
 - Reconquest and, 229
- Cicero, 123
- citizenship, 29, 274, 297
 - imperial, 289, 293
 - in Rome, 166
- civility
 - law and, 58
 - towns and, 56, 229
 - vs.* wildness, 32, 296
- claims, 4, 10–11, 152
 - ivers and, 54–55
 - Roman law and, 55–56
- clergy. *See also* Jesuits
 - banishment of, 168
 - benefit of, 173
 - jurisdiction over, 62
- Cochin, 257, 265–266
- Coke, Edward, 29, 66, 98, 146, 194
- Collins, David, 195
- Columbus, Christopher, 106
 - harbors and, 20, 46
 - ivers and, 19
- Commentaries* (Blackstone), 201
- commissions. *See also* letters of marque
 - to privateers, 113–116, 140
- common law
 - admiralty law and, 127, 145–146
 - in empire, 29, 145
 - martial law and, 212
 - piracy and, 66, 146–147
 - treason and, 63
- comuneros*, 62, 73, 86, 89, 186
- Congo River, 44, 45, 57
- Connecticut River, 91, 96, 100
- Conrad, Joseph, 40–41
- constitutions
 - in Chile, 214–215
 - imperial, 164, 166, 175, 208–217
 - in Spain, 213–214
 - United States, 273
- consulados (Spanish merchant courts), 145
- contraband, 151, 152, 153, 177
- convict transportation. *See also* penal colonies
 - abolition of, 196
 - England and, 169–174, 187–197
 - France and, 169, 174–175
 - islands and, 162–221
 - to Maryland, 173
 - to New South Wales, 187–197
 - Peru and, 179
 - in Portuguese empire, 168–169, 170, 171–172
 - Spain and, 165–166, 169
 - to Virginia, 169, 173
 - VOC and, 170
- Cook, James, 16, 197, 198
- corridors, 2, 3, 10–23, 34, 149–158. *See also* rivers; sea lanes
 - law and, 8–9
 - ocean passages as, 106–108
- cosmography, 1, 11, 18, 21, 28
- Council of the Indies, 74, 79, 170
- courts martial. *See* martial law
- crosses, 56
 - at Jamestown, 57
 - on Mississippi River, 58
 - on St. Lawrence River, 57
- Cuba. *See also* Havana
 - penal colonies in, 177, 216–217
 - piracy and, 115
- currents, 106, 108
 - in oceans, 108–110
- Cusack, George, 114
- Dampier, William, 114
- Dangs, 263
- Daston, Lorraine, 20
- Davis, Edward, 114
- Dawes Act, 272
- De iure belli ac pacis* (Grotius), 124, 131, 132, 135
- De iure praedae* (Grotius), 131, 132, 133–135
- DeBry, Theodore, 47
- Defoe, Daniel, 162, 163

Cambridge University Press

978-0-521-70743-5 - A Search for Sovereignty: Law and Geography in European Empires, 1400-1900

Lauren Benton

Index

[More information](#)

332

Index

- degredado* (convict), 169, 171–172
 slave trade and, 171
 Delaware River, 90
 delegated legal authority, 3, 30–31, 209, 217
 Demerara, 209–210
derottas (routes), 106
 descriptive geography, 18
 desert, 15
 desertion, 66, 179, 181, 184
 despotism
 on islands, 163
 sovereignty and, 225
 Turkish, 223
destierró, 168, 170. *See also* banishment;
 convict transportation
The Discovery of the large, rich, and beautiful Empire of Guiana (Raleigh), 81
dominium, 5, 11
 definition of, 4–5
donatario, 172
Downes v. Bidwell, 274
 Durand, H. Mortimer, 244
 Dutch
 Amazon River and, 46, 58
 in Atlantic Ocean, 140
 in East Indies, 133–134
 England and, 128–129, 140
 Indian Ocean pass system and, 141–142
 mercantile law and, 145
 Portugal and, 106–108, 133
 ship captains, 138
 Spain and, 124, 133, 155–156
 Dutch East India Company (VOC), 124
 convict transportation and, 170
 Duval, Jean, 67
 East India Company (EIC), 143, 148, 241
 Mughal empire and, 143–144
 Ecuador, 233
 Edward III (king), 94
 EIC. *See* East India Company
 El Dorado, 51
 Elphinstone, Mountstuart, 241
 emergency, law of, 218–219
 empires. *See also specific empires*
 anomalies of, 1–9
 bare sovereignty and, 256, 294, 299
 competition among, xiii, 8, 108, 177, 198
 international law and, xii, 8
 islands and, xiii
 mapping and, 1–3, 13–15
 oceans and, xi
 pirates and, xi–xii
 Rome and, 231
 rule of law in, 286–294
 slave trade and, 239
 sovereignty and, xii, 279–280
 subjecthood in, xiii, 28–31
 territoriality and, xii, 1–2, 3–5, 11–12, 280–281, 282
 enclaves, 3, 10–23. *See also* hills; islands;
 mountains
 along corridors, 2
 in colonies, xiii
 quasi-sovereignty and, 222–278
 Endeavor Bay, 16
 England, 2, 229. *See also* British empire
 Catholicism in, 63
 common law in, 29, 145
 convict transportation and, 169, 172–174, 187–197
 Dutch and, 128–129, 140
 garrisons in, 229
 hills and, 228
 hulks in, 187
 law of nations and, 157
 martial law in, 201–202
 in New World, 54
 Northwest Passage and, 50, 108
 pirates and, 110
 Spain and, 124, 150–156
 treason in, 61, 63
 Zanzibar and, 237
 epistemology, 9, 16
 geography and, 18–21
 law and, 21–22, 26–28
escribanos, 25–26, 77
ex parte Crow Dog, 272
 exile. *See* banishment
 extraterritoriality, 238
 eyewitness testimony, 17, 19, 27
 Eyre, Edward, 211
 Falkland Islands, 216
 Fernando Po, 216
 Florida
 France in, 46–47
 harbors in, 49
 rivers in, 46

Cambridge University Press

978-0-521-70743-5 - A Search for Sovereignty: Law and Geography in European Empires, 1400-1900

Lauren Benton

Index

[More information](#)

Index

333

- Spain in, 46–48, 53–54, 68
 forced labor, 168, 176, 208–217
 on galleys, 168
 in presidios, 177, 179
 Roman law and, 167
 Foreign Office, of British government of
 India, 242, 244, 257
 forts, 56, 58. *See also* garrisons
 on Amazon River, 58
 Fosse, Eustache de la, 26
 Foster, George, 197
 Foveaux, Joseph, 204–205
 Fradera, Josep, 214
 France, 112, 145
 in Angola, 235
 convict transportation and, 174–175
 in Florida, 46–47
 garrisons in, 229
 Guiana and, 175
 Indian Ocean pass system and, 141–142
 New Caledonia and, 174, 219
 treason in, 61
 French Guiana, 175
 Frobisher, Martin, 169
fuero militar (military jurisdiction), 213
fueros (local law codes), 62, 229
- gakwar, 176, 247, 251–256, 258–260
 galleys, 168
 Gambia River, 44, 188–189
Ganj-I Sawai (ship), 142
 Garcia, Aleixo, 71
 garrison government, 34, 163, 299
 garrisons, 2. *See also bastides*; forts;
 presidios
 in England, 229
 in France, 229
 on rivers, 58
 Genoese, 123
 Gentili, Alberico, xiv, 122, 124–131,
 297
 geographic imagination, xii, 7–8, 15–21,
 87, 100, 103, 110
 rivers and, 43–59
 geography, 1–2, 11, 7–8, 15–21
 chorography and, 18
 descriptive geography and, 18
 rivers and, 43–59
 Germanic law, 60, 81
 Gilbert, Humphrey, 66
 Gillis, John, 15
- Gironde River, 43
 globalization, 12–13, 104
 Goa, 170
 Gordon, George, 211, 271
 Great Swamp Fight, 96
 Greaves, John, 108
 Grotius, Hugo, 124, 131–137, 297
 prize courts and, 111
 Guadalquivir River, 43
 Guaraní Indians, 71
 Guantánamo Bay, 6, 299
guardacostas (coast guards), 150–155
 guides, 27, 41, 51–53, 71, 76, 85
 Gujarat, 247
- Habeas Corpus Act, 169, 173, 195
 Hakluyt, Richard, 28
 Hale, Matthew, 201
Hall v. Campbell, 193
 harbors, 19
 Columbus and, 20, 46
 in Florida, 49
 rivers and, 43
 settlements and, 20
 Havana, 152, 155–156, 177–180. *See also*
 Cuba
Heart of Darkness (Conrad), 40
 heresy, treason and, 62
 high seas, 15, 34, 110
 Hill Tipperah, 258
 hills, 227–236, 296
 England and, 228
 in India, 241–242
 Spain and, 228
Hispanica advocatio (Gentili), 124,
 126–131
Historia natural y moral de las Indias
 (Acosta), 232
 Holy Roman Empire, 237
 Honduras, 189, 209
 Hudson River, 90
 hulks, 187–188
 Hussain, Nasser, 284
 Hyderabad, 242, 256
 hydrography, 108–109
 hydrology, 49, 50, 51
- imperium*, 5, 235
 bebetría and, 233
 definition of, 5
 Incas, 233

- India
 British empire in, 238–245
 mountains of, 241–242
 princely states in, 227, 237, 238–240, 242–260
 subjecthood in, 256–257
 territoriality in, 240, 260–264
- Indian Ocean
 as legal region, 137–149
 piracy in, 116–117
 privateering in, 139–140
 prize courts in, 118, 148
 sea lanes in, 137, 144–145, 158
- Indian princely states, 227, 237, 238–240, 242–264
- Indians. *See also specific Indian groups*
 Bacon's Rebellion and, 96–99
 in California, 177
 Christianity and, 91
 Guaraní, 71, 74–77
 as imperial legal subjects, 75, 91, 93–95, 99
 Incas, 233
 King Philip's War and, 93–96
 as local guides, 51–53, 71, 76, 85, 91–96
 Spain and, 29, 69, 231–235
 territory and, 13–14
 treason and, 64, 75, 95
 in United States, 272–276
- indigenous peoples, 14–15
 mapping by, 11, 14–15, 229
- indirect rule, 29
 quasi-sovereignty and, 226, 243, 268, 271
- Inquisition, 62
- Institutes*, of Justinian, 55, 122
- Instructions for the intended voyage to Virginia*, 50
- insular cases, 274–275
- international law, xii, xiii, 8, 297. *See also* law of nations
 Europeans and, xiv
 mountains and, 223–224, 225
 natural law and, 5–6, 131–132
 oceans and, 105, 110, 120–137
 piracy and, 112–113
 quasi-sovereignty and, 226
 sovereignty and, 9–10, 35–36, 121
 Spain and, 22–23, 158
- Irala, Domingo de, 68, 72, 74, 75, 77
- Ireland, 64, 228
 convicts from, 204
- Isla de Pinos, 186, 216–217
- Islam. *See* Muslims
- islands, 15, 296
 anomalous legal zones and, 165
 banishment and, 163–164
 convict transportation and, 162–221
 empires and, xiii
 garrison government on, 34, 163, 299
 legal imagination and, 164
 military law and, 162–221
 penal colonies on, 35
 sovereignty of, 163, 164
 wildness of, 296
- isolarios*, 18
- itineraries. *See* tours
- ius gentium* (law of nations), 120, 235. *See also* law of nations
- Jamaica, 115, 146–147
 martial law in, 211–212
 slavery in, 235
- James I (king), 82–83, 169
- James River, 96
- Jamestown, 54, 83–85
 claims at, 57
- Jesuits, 88–90
- John of Fordun, 228
- Johnson, Charles, 149
- Johnson, Samuel, 222
- Juan Fernández Islands, 178, 186, 215–216
- jurisdiction
 in Basutoland, 227
 criminal, 146
 imperial authority and, xii, 6, 31
 Indian princely states and, 227, 250–260, 261–262
 military, 185, 213
 in oceans, xii, 111, 121–123, 128–129, 130–131, 134–136
vs. ownership, 29, 123, 135–136
 on rivers, 34, 101
 in Roman law, 31, 122
 sea lanes and, 106, 123, 137–138
 ship captains and, 112
- Justinian's *Institutes*, 55, 122
- Kabyles, 235–236
- Kathiawar, 247–248
- Keene, Benjamin, 153

Cambridge University Press

978-0-521-70743-5 - A Search for Sovereignty: Law and Geography in European Empires, 1400-1900

Lauren Benton

Index

[More information](#)

Index

335

- Kercher, Bruce, 190
 Khoi, 169
 Kidd, William, 116–120, 143
 King, Philip Gidley, 198–199, 200–201, 202–203
 King Philip's War, 93–96
 Kircher, Athanasius, 108, 109
 Krasner, Stephen, 281
- lançados*. *See* Luso-Africans
- Lane, Frederick, 123
 Las Casas, Bartolomé de, 234
 law of nations
 English law and, 157
 Gentili and, 129
 natural law and, 120
 oceans and, 111, 120, 149–158
 prize courts and, 34, 157
The Law of Nations (Twiss), 272
 lawlessness, 25, 28–32
 in England, 229
 oceans and, 105
 zones of, 30–32, 102, 282–283, 284
 laws of Oléron, 66
 Le Moyne, Jacques, 47
 legal culture, 3, 23, 25. *See also* legal imagination
 pirates and, 112–120
 legal imagination, 8, 9, 25
 islands and, 164
 legal posturing, 24–25, 34, 211
 of pirates, 113–116, 150
 Leisler, Jacob, 94
 Leith, James, 210
 Lemain, island of, 188–189
 lèse-majesté, 61. *See also* treason
 Lesotho, 268
 letters of marque and, 113, 140
 Santa Catarina and, 140
 lex mercatoria, 146
 Lisbon, 43
 Locke, John, 58
 Loire River, 43
 London, 43, 117, 124, 126, 207, 214, 228
 Louisiana, 179
 L'Ouverture, Toussaint, 180
 Luso-Africans, 45, 101
 Lyall, Alfred, 244
- Maconochie, Alexander, 197, 206–207
 Madagascar, 116
 magistrates, 112, 167, 185, 187, 192, 270, 288
 Magna Carta, 194
 Maier, Charles, 7
maiestas, 60–61. *See also* lèse-majesté
 Maine, Henry Sumner, xiv, 244–246, 297
 Maine (colony), 91
 Major Crimes Act, 273
 Málaga, 180, 181
 Malhar Rao, 251–256, 258–260. *See also* gaekwar
 Manipur, 289
 Mansfield, Edward, 115
 mapping
 by Asians, 14
 empires and, 1–2, 10–12
 by indigenous people, 14–15, 229
 of Massachusetts, 92
 by Muslims, 14
 of oceans, 2, 105–106
 rationalization of space and, 14
 of rivers, 2, 83–84
 sketch-maps, 18
 of South America, 70
 of Spanish empire, 14, 18
 to stake claims, 56
 tours and, 16–17
 way-finding maps, 18
 world map, 1
 Marathas, 142, 241
Mare liberum (Grotius), 124, 131, 132
 maritime law. *See* admiralty law; prize courts
 Marshall, John, 272
 Martí, José, 216
 martial law, 94, 211, 283, 290. *See also* military law
 in Barbados, 209, 210–211
 Bentham and, 192, 196
 Blackstone and, 201
 in British empire, 211–212
 constitutions and, 166
 in Demerara, 60–61, 209–210
 in England, 94, 201–202
 in Jamaica, 211–212
 in New South Wales, 190–191
 on Norfolk Island, 199–200, 291
 penal colonies and, 35, 164
 rebellion and, 94
 slavery and, 209–211
 Maryland, convict transportation to, 173

Cambridge University Press

978-0-521-70743-5 - A Search for Sovereignty: Law and Geography in European Empires, 1400-1900

Lauren Benton

Index

[More information](#)

336

Index

- Más-a-Tierra. *See* Juan Fernández Islands
- Massachusetts
 King Philip's War and, 93–96
 Massachusetts Bay Colony and, 91, 92–93
 rivers and, 92
 Massachusetts Bay Colony, 91, 92–93
- May, William, 119, 148
- Mello, João de, 172
- Mendoza, Pedro de, 46, 71
- Merrimack River, 91, 92
- Mexico, 233. *See also* New Spain
- military law, 34. *See also* fuero militar;
 martial law
 islands and, 162–221
 in Spanish presidios, 213–214
- Mill, John Stuart, 211
- Mississippi River, 51, 58
- Mobile Bay, 49
- Molucca Islands, 10, 52, 170
- Montemorancy, Florys de, 62
- Morgan, Henry, 115–116
- moriscos, 228
- Moshoeshoe, 266–270
- Mosto, Ca' da, 45
- mountains, 222–227. *See also* hills
 Andes, 233
 of India, 241–242
 international law and, 223–224, 225
 Mediterranean, 223
 slavery and, 235
 sovereignty and, 225
 wildness of, 263
- Mughal empire, 141–145
 EIC and, 143–144
 Europeans and, 144
 piracy and, 142–143
- Muldoon, James, 234
- Muslims
 banishment and, 167
 mapping by, 14
- mutiny, 33, 66, 67, 76, 83, 205, 218, 220
- Mysore, 242
- naming, 16
- Nantes, 43
- Narragansetts, 92, 93, 95
- natural law, 131–132
 international law and, 5–6
 law of nations and, 120
Mare liberum and, 132
- oceans and, 106
vs. positive law, 29
 Roman law and, 55, 121
 nature, 9, 17, 20–21, 132, 163
 admiration of, 267
 taming of, 229
- Netherlands. *See* Dutch
- New Caledonia, 174, 219
- New England. *See also specific colonies*
 Indians in, 91–96, 99
- New France, 169
- New Granada, 179, 180
- New Hampshire, 91
- New Laws (1542), 78
- New Netherland, 90
- New South Wales, 187–197, 297
- New Spain, 179, 235
- New Zealand, 16, 198
- Niger River, 44, 48
- Nile River, 49–50
- Nipmucks, 93, 96
- Norfolk Island, 35, 197–208
 martial law on, 199–200, 291
- Northwest Passage, 50, 108
- oaths, 92, 96, 99, 289
- occupation, 122, 123, 135
- oceans, xi, xii, 15, 104–161. *See also specific oceans*
 currents in, 108–110
 globalization and, 104
 international law and, 105, 110, 120–137
 jurisdiction in, xii, 111, 121–123, 130–131, 134–136
 law of nations and, 111, 149–158
 lawlessness and, 105
 natural law and, 106
 territoriality and, xi, 10
- Opechancanough, 51, 85
- Orange River Sovereignty, 267
- Orellana, Francisco de, 26, 79, 80
- Orinoco River, 83
- Ottoman empire, 125, 127
 banishment and, 167
- outports, 43
- Pacific Ocean, imperial rivalries in, 198
- padrão*, 57
- Paraguay. *See* Asunción

Cambridge University Press

978-0-521-70743-5 - A Search for Sovereignty: Law and Geography in European Empires, 1400-1900

Lauren Benton

Index

[More information](#)

Index

337

- Paraguay River, 71–72, 74, 76–77, 100
 paramountcy, 245, 260, 272
 Paraná River, 88
 headwaters of, 69
 pardons, 42, 81, 83, 97–98, 149, 168, 171, 173, 203–204
 Paris Evangelical Missionary Society, 266
 Park, Katherine, 20
 pass system, in Indian Ocean, 141–142
 Peace of Utrecht, 149
 Pelly, Lewis, 259–260, 261
 penal colonies, 209–211, 217–221, 290.
 See also convict transportation
 on Falkland Islands, 216
 in French Guiana, 174–175
 on islands, 35, 164–166, 219–220, 221
 martial law and, 35, 164, 190–191, 199–200
 on Norfolk Island, 35, 197–208
 presidios as, 176–187
 Pensacola Bay, 49
perduelli, 60. *See also* treason
 Pérez, Antonio, 62
 Peru, 58, 90
 convict transportation and, 179
 exile in, 170
 mountains in, 233
 rebellion in, 78–79
 peshwa, 247
 Phayre, Robert, 250–256, 258–260
 Philip II (king), 62, 80, 81
 privateers and, 151
 Philippines, 170, 179, 214
 piracy, 34, 66
 admiralty law and, 117–120, 146
 Barbary states and, 124–127
 campaign against, 110, 150, 158
 empires and, xi–xii
 international law and, 112–113
 legal culture and, 112–120
 Mughal empire and, 142–143
 pardons and, 149
 privateering and, 113, 130
 Spain and, 150
 Pizarro, Gonzalo, 26, 53, 78–79, 170
 on Amazon River, 26
A Plea for the Constitution (Bentham), 191–195
 Pocahontas, 84
policía, 231
 political law, 242
 Portugal
 in Africa, 22, 44, 48–49, 57
 Amazon River and, 46
 astronomy and, 1, 10
 Atlantic Ocean and, 10
 in Brazil, 235
 convict transportation and, 167
 Dutch and, 106–108, 133
 factories and, 44
 Spain and, 10, 22–23
 treason in, 65
 positive law
 international law and, 5–6
 vs. natural law, 29
 possession, 55–59
 ceremonies of, 51
 of rivers, 34
 in Roman law, 41, 56
 settlements and, 57
postliminium, 126
 Poverty Bay, 16
 Powhatan, 51, 84, 85
 presidios
 in California, 177, 181
 in Cuba, 177–180
 forced labor and, 177, 179
 in North Africa, 176
 as penal colonies, 176–187
 in San Juan, 177–180, 181, 183
 Spain and, 176–187, 213–214
 Príncipe, 172
 privateering, 153
 commissions and, 113–116, 140
 in Indian Ocean, 139–140
 Philip II and, 151
 piracy and, 113, 130
 Privy Council, 256
 prize courts, 145, 148
 in Atlantic, 145–147, 158
 Grotius and, 111
 in Indian Ocean, 118, 148
 law of nations and, 34, 157
 in Spanish empire, 145, 151–156
 treaties and, 152
probanzas, 26
 protectorates, 266
 Puerto Rico, 179, 184, 274. *See also* San Juan
 Punjab, 245

Cambridge University Press

978-0-521-70743-5 - A Search for Sovereignty: Law and Geography in European Empires, 1400-1900

Lauren Benton

Index

[More information](#)

338

Index

- quasi-sovereignty, 226, 293–294, 297
 anomalous legal zones and, 227, 243, 266
 in Basutoland, 227
 enclaves and, 222–278
 indirect rule and, 226
 international law and, 226, 236–250
 treaties and, 264
 Quebec, 42, 66, 67
Quedah Merchant (ship), 117, 137, 143
- Rajputana, 244–245, 261, 262
 Raleigh, Walter, 83
 Raper, George, 199
 Rappanhanock River, 96
 rationalization of space, xii, 1, 9, 10–15, 16
 mapping and, 14
 rebellion
 martial law and, 94
 in Peru, 78–79
 treason and, 64–65
 reconquest, 229
Relaciones de Indias, 27
Relaciones Geográficas, 18
relegatio in insulam (relegation to an island), 166
Report on the Territories Conquered from the Paishwa (Elphinstone), 241
res communes (common things), 122
res nullius (things without owners), 58–59, 122
res publicae (public things), 122
res universitatis (community things), 122
Resolution (ship), 197
Revenge and Success v. Welhelm Gally, 155
 Rhode Island, 95–96
 Río de la Plata, 46, 57, 68, 69–71, 86, 87–88
 rivers, 34, 40–103, 57–58. *See also specific rivers*
 in Africa, xii, 43–45
 of Atlantic, 40–103
 Columbus and, 19
 danger on, xiii
 Europeans and, xii, 19
 in Florida, 46
 garrisons on, 58
 harbors and, 43
 jurisdiction on, 34
 mapping of, 2, 83–84
 in New World, 45–48
 possession of, 34
 settlements on, 58
 in South America, 51, 69–71
 subjecthood and, 296
 treason and, 40–103
 Roanoke, 54
 Robben Island, 169
Robinson Crusoe (Defoe), 162, 163
 Roman law, xiv, 8, 25, 28, 31, 58, 235
 banishment and, 166–167
 Europeans and, 297
 forced labor and, 167
 jurisdiction in, 31, 122
 natural law and, 55, 121
 possession and, 41, 55–56
 settlements and, 8
 treason and, 41, 59–60
 rule of law, 283, 286–294
 Rum Rebellion, 190
 Russell, P.E., 65
- Sable Island, 169
 Salazar, Gabriel, 17, 53
 San Juan, 177–180, 181, 183. *See also* Puerto Rico
sanads, 244
Santa Catarina (ship), 124, 131, 134, 139
 Grotius and, 124
 letters of marque and, 140
 Santo Domingo, 152, 153, 179
 São Tomé, 171–172
 Scheduled Districts Act, 262
 Schmidel, Ulrich, 70
 Schmitt, Carl, 282–287
 science, 19, 21, 27. *See also* epistemology
 Scott, James, 224
 Scottish Highlands, 228
 sea lanes, 2, 105–106, 157
 in Atlantic, 107
 in Caribbean, 152–153
 as corridors, 295–296
 in Indian Ocean, 137, 144–145, 158
 jurisdiction and, 105–106, 123, 137–138
 Pacific routes and, 177, 197
 settlements and, 2
 Selkirk, Alexander, 163
 Senegal River, 44, 45
 servitude, law and, 35, 164
 settlements. *See also* garrisons; penal colonies
 in Africa, xii

Cambridge University Press

978-0-521-70743-5 - A Search for Sovereignty: Law and Geography in European Empires, 1400-1900

Lauren Benton

Index

[More information](#)

Index

339

- on Amazon River, 58
- in British North America, 231
- chorography and, 229
- harbors and, 20
- political uncertainty in, 42
- possession and, 57
- on rivers, 58
- Roman law and, 8
- sea lanes and, 2
- in Spanish empire, 229
- to stake claims, 56
- subjecthood in, xiii
- Seven Years' War, 175, 177
- Seville, 43
- Shakespeare, William, 162
- ship captains, 112
 - Dutch, 138
 - from England, 112
 - from France, 112
 - as legal authorities, 26, 31, 112, 134, 136
 - as pirates, 66
 - from Spain, 112
- Shivaji, 142
- Signaty, 144
- singularity, 16, 19–21
- Sirius* (ship), 200
- sketch-maps, 18
- slave trade
 - from Africa, 164
 - degredados* and, 171
 - empires and, 239
- slavery, 291–292. *See also* forced labor
 - abolition of, 35
 - banishment and, 209
 - in Brazil, 235
 - hill regions and, 235
 - in Jamaica, 235
 - martial law and, 209–211
 - treason and, 95, 101–103
- Smith, John, 51, 83–85
- Solis, Juan de, 57, 71
- Soto, Hernando de, 52
- South America. *See also specific colonies and countries*
 - map of, 70
 - rivers in, 51
- sovereignty
 - bare, 256–257, 294, 299
 - divisible, 5, 244, 246, 248, 258, 279–280, 297–298
 - domestic, 281
 - imperial, 4–5, 31, 37, 132, 176, 212, 225, 279–280
 - international, 281
 - international law and, 9–10, 35–36, 121
 - layered, 31, 295
 - national, 4, 279
 - partial, xiii
 - quasi-sovereignty, 222–278, 297
 - rule of law and, 286–294
 - state, 279
 - territoriality and, xii, 1–4, 11–12, 103, 280–281, 282
 - Westphalian, 281
- Spain. *See also* Spanish empire
 - constitution in, 213–214
 - convict transportation and, 165–166, 176–187
 - Dutch and, 124, 155–156
 - England and, 150–156
 - in Florida, 46–48, 53–54, 68
 - mercantile law in, 145
 - mountains in, 228
 - Portugal and, 22–23
 - ship captains from, 112
 - sworn statements and, 26
 - towns and, 56–57
- Spanish empire, 24. *See also* Spain
 - convicts in, 170
 - Indians and, 29, 231–235
 - international law and, 158
 - mapping in, 14, 18
 - militarization of, 212–214
 - presidios in, 176–187, 213–214
 - prize courts in, 145, 151–156
 - towns in, 229
 - treason and, 64, 68–79
 - treaties and, 152
 - Treaty of Tordesillas and, 10, 13, 22–23
- spatial history, 38
- Spelman, Henry, 85
- St. Domingue, 209
- St. Johns River, 54
- St. Lawrence River, 51
 - Champlain on, 66
 - crosses at, 57
- St. Vincent, 211
- state of exception, 218, 284
- subjecthood, 3, 29, 94, 286, 297
 - in empires, xiii, 28–31, 288, 289
 - in India, 256–257
 - of Indians, 75, 91, 93–95, 99

Cambridge University Press

978-0-521-70743-5 - A Search for Sovereignty: Law and Geography in European Empires, 1400-1900

Lauren Benton

Index

[More information](#)

340

Index

- subjecthood (*cont.*)
 mariners and, 129, 133–134
 rivers and, 296
 in settlements, xiii
 treason and, 65, 101–102
- Swan, Charles, 114
- Tagus River, 43
- Talton v. Mayes*, 273
- Teach, Edward, 149–150
- Tebicuary River, 88
- Teixeira, Pedro, 54
- The Tempest* (Shakespeare), 162
- terra nullius*, 58
- territoriality, 7, 14–15, 282
 empires and, 1–2, 4–5, 11–12, 280–281, 282
 in India, 240, 260–264
 oceans and, 10, 128–129
 sovereignty and, xii, 1–5, 12, 280–281, 282
- Thames River, 43
- Theal, George, 268–270
- Tift, Joshua, 95
- Topography of Ireland* (Cambrensis), 228
- tours
 geography and, 16
 mapping and, 16–17
- towns. *See* settlements
- trading posts, 2, 44
- Transportation Act of 1718, 172
- Travancore, 265–266
- travel literature, 25
- treason, xiii, 40–103
 British empire and, 81–85, 97–99
 empire and, 63–65
 in England, 61, 63
 in France, 61
 heresy and, 62
 Indians and, 64, 75–76, 93–95
 petty, 60, 66, 75
 in Portuguese empire, 65
 punishment for, 61
 rebellion and, 64–65
 Roman law and, 41, 59–60
 slavery and, 95, 101–103
 in Spanish empire, 64, 68–79
 subjecthood and, 65
- treaties, 130
 prize courts and, 152
 quasi-sovereignty and, 264
 Spain and, 10, 13, 22–23, 152
 suspension of, 238
 Treaty of Tordesillas, 10, 13, 22–23
 Treaty of Westphalia, 4
 Triangulation Survey of British India, 11
 Tunis, 126–127
 Tupper, Charles Lewis, 243–245, 248
 Twiss, Travers, 272
- United Provinces. *See* Dutch
- United States. *See also specific states*
 Constitution of, 273
 Indians in, 272–276
United States v. Kagama, 273
 Ursúa, Pedro de, 79
- vacuum domicilium*, 58
- Van Diemen's Land, 197, 207
- Van Heemskerck, Jacob, 139–140
- Vaz da Cunha, Pero, 65
- Velasco, Juan López de, 27
- Venice, 123, 126–128
- vice admiralty courts. *See* admiralty law
- viceroy, 31, 64, 80, 89
- Virginia, 91, 100
 Bacon's Rebellion and, 96–99
 convict transportation to, 169, 173
- Vitoria, Francisco de, 234
- Vivar, Gerónimo de, 233
- VOC. *See* Dutch East India Company
- Voiaige à la Guinée* (Fosse), 26
- Wampanoags, 93
- Ward, John, 127
- Wecopeak, John, 95
- West Indies, 154, 169, 187
- Westlake, John, 239–241
- Westphalian sovereignty, 281
- wildness, 32, 229
 of islands, 296
 of mountains, 263
- Williams, Isaac, 204
- world map, 1, 109
- yerba mate*, 88, 89
- York River, 96
- Zanzibar, 237
- zones, of law, 28–32, 38, 281–286, 294–298. *See also* anomalous legal zones