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, 216
  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
Index

Atlantic Ocean (cont.)
  prize courts in, xii, 19, 145–147, 158
  rivers and, 33–34, 40–103
audencia, 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
Bhilis, 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, Giralduis, 228
Camões, Luís de, 235
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
### Index

- **Constitutions**
  - in Chile, 214–215
  - imperial, 164, 166, 175, 208–217
  - in Spain, 213–214
  - United States, 273
- **Contraband**
  - Spanish merchant courts, 145
- **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 also maritime 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, 132, 133, 135
- **De iure praedae**
  - Grotius, 131, 132, 133–135
- **De Bry, Theodoric**
  - 47
- **Defoe, Daniel**
  - 162, 163
- **Cicero**
  - 29
- **Coke, Edward**
  - 29
- **Columbus, Christopher**
  - 106
- **Collins, David**
  - 195
- **Columbus, Christopher**
  - 106
- **Harbors and**
  - 20, 46
- **Rivers 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, 65
- **Comuneros**
  - 62, 73, 86, 89, 186
- **Congo River**
  - 44, 45, 57
- **Connecticut River**
  - 91, 96, 100
- **Conrad, Joseph**
  - 40–41
- **Civility**
  - law and, 58
  - towns and, 56, 229
  - vs. wildness, 32, 296
- **Claims**
  - 4, 10–11, 132
  - rivers 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
- **Rivers 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, 65
- **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
- **Contraband**
  - Spanish merchant courts, 145
- **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 also maritime 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, 132, 133, 135
- **De iure praedae**
  - Grotius, 131, 132, 133–135
- **De Bry, Theodoric**
  - 47
- **Defoe, Daniel**
  - 162, 163
<table>
<thead>
<tr>
<th>Index</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>degredado (convict), 169, 171–172</td>
<td>332</td>
</tr>
<tr>
<td>Delaware River, 209–210</td>
<td>90</td>
</tr>
<tr>
<td>delegated legal authority, 3, 30–31, 209, 217</td>
<td></td>
</tr>
<tr>
<td>Demerara, 209–210</td>
<td></td>
</tr>
<tr>
<td>derottas (routes), 106</td>
<td></td>
</tr>
<tr>
<td>descriptive geography, 18</td>
<td></td>
</tr>
<tr>
<td>desert, 15</td>
<td></td>
</tr>
<tr>
<td>desertion, 66, 179, 181, 184</td>
<td></td>
</tr>
<tr>
<td>despotism on islands, 163</td>
<td></td>
</tr>
<tr>
<td>sovereignty and, 225</td>
<td></td>
</tr>
<tr>
<td>Turkish, 223</td>
<td></td>
</tr>
<tr>
<td>destierro, 168, 170. See also banishment; convict transportation</td>
<td></td>
</tr>
<tr>
<td>The Discovery of the large, rich, and beautiful Empire of Guiana</td>
<td>81</td>
</tr>
<tr>
<td>(Raleigh),</td>
<td></td>
</tr>
<tr>
<td>dominium, 5, 11</td>
<td></td>
</tr>
<tr>
<td>definition of, 4–5</td>
<td></td>
</tr>
<tr>
<td>donatario, 172</td>
<td></td>
</tr>
<tr>
<td>Downes v. Bidwell, 274</td>
<td></td>
</tr>
<tr>
<td>Durand, H. Mortimer, 244</td>
<td></td>
</tr>
<tr>
<td>Dutch</td>
<td></td>
</tr>
<tr>
<td>Amazon River and, 46, 58</td>
<td></td>
</tr>
<tr>
<td>in Atlantic Ocean, 140</td>
<td></td>
</tr>
<tr>
<td>in East Indies, 133–134</td>
<td></td>
</tr>
<tr>
<td>England and, 128–129, 140</td>
<td></td>
</tr>
<tr>
<td>Indian Ocean pass system and, 141–142</td>
<td></td>
</tr>
<tr>
<td>mercantile law and, 145</td>
<td></td>
</tr>
<tr>
<td>Portugal and, 106–108, 133</td>
<td></td>
</tr>
<tr>
<td>ship captains, 138</td>
<td></td>
</tr>
<tr>
<td>Spain and, 124, 133, 155–156</td>
<td></td>
</tr>
<tr>
<td>Dutch East India Company (VOC), 124</td>
<td></td>
</tr>
<tr>
<td>convict transportation and, 170</td>
<td></td>
</tr>
<tr>
<td>Duval, Jean, 67</td>
<td></td>
</tr>
<tr>
<td>East India Company (EIC), 143, 148, 241</td>
<td></td>
</tr>
<tr>
<td>Mughal empire and, 143–144</td>
<td></td>
</tr>
<tr>
<td>Ecuador, 233</td>
<td></td>
</tr>
<tr>
<td>Edward III (king), 94</td>
<td></td>
</tr>
<tr>
<td>EIC. See East India Company</td>
<td></td>
</tr>
<tr>
<td>El Dorado, 51</td>
<td></td>
</tr>
<tr>
<td>Elphinstone, Mountstuart, 241</td>
<td></td>
</tr>
<tr>
<td>emergency, law of, 218–219</td>
<td></td>
</tr>
<tr>
<td>empires. See also specific empires</td>
<td></td>
</tr>
<tr>
<td>anomalies of, 1–9</td>
<td></td>
</tr>
<tr>
<td>bare sovereignty and, 256, 294, 299</td>
<td></td>
</tr>
<tr>
<td>competition among, 8, 108, 177, 198</td>
<td></td>
</tr>
<tr>
<td>international law and, xii, 8</td>
<td></td>
</tr>
<tr>
<td>islands and, xiii</td>
<td></td>
</tr>
<tr>
<td>mapping and, 1–3, 13–15</td>
<td></td>
</tr>
<tr>
<td>oceans and, xi</td>
<td></td>
</tr>
<tr>
<td>pirates and, xi–xii</td>
<td></td>
</tr>
<tr>
<td>Rome and, 231</td>
<td></td>
</tr>
<tr>
<td>rule of law in, 286–294</td>
<td></td>
</tr>
<tr>
<td>slave trade and, 239</td>
<td></td>
</tr>
<tr>
<td>sovereignty and, xii, 279–280</td>
<td></td>
</tr>
<tr>
<td>subjecthood in, xiii, 28–31</td>
<td></td>
</tr>
<tr>
<td>territoriality and, xii, 1–2, 3–5, 11–12, 280–281, 282</td>
<td></td>
</tr>
<tr>
<td>enclaves, 3, 10–23. See also hills; islands; mountains</td>
<td></td>
</tr>
<tr>
<td>along corridors, 2</td>
<td></td>
</tr>
<tr>
<td>in colonies, xiii</td>
<td></td>
</tr>
<tr>
<td>quasi-sovereignty and, 222–278</td>
<td></td>
</tr>
<tr>
<td>Endeavor Bay, 16</td>
<td></td>
</tr>
<tr>
<td>England, 2, 229. See also British empire</td>
<td></td>
</tr>
<tr>
<td>Catholicism in, 63</td>
<td></td>
</tr>
<tr>
<td>common law in, 29, 145</td>
<td></td>
</tr>
<tr>
<td>convict transportation and, 169, 172–174, 187–197</td>
<td></td>
</tr>
<tr>
<td>Dutch and, 128–129, 140</td>
<td></td>
</tr>
<tr>
<td>garrisons in, 229</td>
<td></td>
</tr>
<tr>
<td>hills and, 228</td>
<td></td>
</tr>
<tr>
<td>hulks in, 187</td>
<td></td>
</tr>
<tr>
<td>law of nations and, 157</td>
<td></td>
</tr>
<tr>
<td>martial law in, 201–202</td>
<td></td>
</tr>
<tr>
<td>in New World, 54</td>
<td></td>
</tr>
<tr>
<td>Northwest Passage and, 50, 108</td>
<td></td>
</tr>
<tr>
<td>pirates and, 110</td>
<td></td>
</tr>
<tr>
<td>Spain and, 124, 150–156</td>
<td></td>
</tr>
<tr>
<td>treason in, 61, 65</td>
<td></td>
</tr>
<tr>
<td>Zanzibar and, 217</td>
<td></td>
</tr>
<tr>
<td>epistemology, 9, 16</td>
<td></td>
</tr>
<tr>
<td>geography and, 18–21</td>
<td></td>
</tr>
<tr>
<td>law and, 21–22, 26–28</td>
<td></td>
</tr>
<tr>
<td>escribanos, 25–26, 77</td>
<td></td>
</tr>
<tr>
<td>ex parte Crow Dog, 272</td>
<td></td>
</tr>
<tr>
<td>exile. See banishment</td>
<td></td>
</tr>
<tr>
<td>extraterritoriality, 238</td>
<td></td>
</tr>
<tr>
<td>eyewitness testimony, 17, 19, 27</td>
<td></td>
</tr>
<tr>
<td>Eyre, Edward, 211</td>
<td></td>
</tr>
<tr>
<td>Falkland Islands, 216</td>
<td></td>
</tr>
<tr>
<td>Fernando Po, 216</td>
<td></td>
</tr>
<tr>
<td>Florida</td>
<td></td>
</tr>
<tr>
<td>France in, 46–47</td>
<td></td>
</tr>
<tr>
<td>harbors in, 49</td>
<td></td>
</tr>
<tr>
<td>rivers in, 46</td>
<td></td>
</tr>
</tbody>
</table>
Index

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
gaekwar, 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. 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
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), 212
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
bethecria and, 233
definition of, 5
Incas, 233
Index

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
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
Index

Kercher, Bruce, 190
Khoi, 169
Kidd, William, 116–120, 143
King, Philip Gidley, 198–199, 200–201, 202–203
King Philip’s War, 91–96
Kircher, Athanasius, 108, 109
Krasner, Stephen, 281

lancados. 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 Oleron, 66
Le Moyne, Jacques, 47
legal culture, 3, 23, 25. See also legal imagination
   pirates and, 111–120
   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
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, 213–221
Mill, John Stuart, 211
Mississippi River, 51, 58
Mobile Bay, 49
Molucca Islands, 10, 52, 170
Montemorcency, 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, 145–144
   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
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
   outposts, 43
Pacific Ocean, imperial rivalries in, 198
padrão, 57
Paraguay. See Asunción
Index

Paraná 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
policia, 231
political law, 242
Portugal
in Africa, 52, 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
Principe, 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
Index

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
Schmitt, Carl, 282
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

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 Geogr´aficas, 18
relegatio in insulam (relegation to an
island), 166
Report on the Territories Conquered from
the Pasha (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
Rio 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
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, 85–87
Solís, 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, 18
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
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
Teibucary 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, 3, 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
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
viceroys, 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
Voyage à la Guiné (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