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# MAKING PEACE BEYOND THE LINE

## Capitulations, interpolity law, and political pluralism in Suriname and New Netherland, 1664–1675

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### Introduction

On 3 March 1667, following several hours of pitched battle, an unsuccessful retreat into the forest, and an ultimatum from his near-mutinous subjects, William Byam decided to surrender Suriname. Surrender was not difficult. Indeed, it was expected. Byam had already exchanged hostages with Abraham Crijnssen, commander of the invading Dutch fleet, whose own envoys had been spreading promises of fair treatment among the planters in the English colony. Byam came to the table with a list of 27 conditions required for his surrender. Constant back-and-forth translation made for lengthy negotiations, and Byam complained of treacherous planters who weakened his hand by revealing the parlous state of the English supplies and defenses. Nevertheless, on 6 March, Byam signed an amended list of 21 articles of surrender, rendering Suriname a colony of the Dutch province of Zeeland.

This scene in Suriname would have seemed familiar to the inhabitants of New York, formerly New Amsterdam. Less than three years earlier, Dutch settlers in Manhattan had surrendered to a similar fleet, this one English and under the command of Richard Nicolls. Those settlers had also scrambled frantically to build makeshift defenses, only to sue for peace almost as soon as the enemy fleet appeared. Like Byam, the Dutch director general of New Netherland, Petrus Stuyvesant, presided over a settler population unwilling to fight on behalf of their sovereign and comfortably familiar with the process of a quick capitulation. Stuyvesant, too, soon signed articles of surrender that established the terms of the English takeover.

The parties to the Suriname and New Netherland surrenders confronted a political challenge that reoccurred across the Atlantic world: how to incorporate foreign subjects into a newly conquered colony. Like many Atlantic colonies, Suriname and New Netherland depended on a culturally diverse settler population that included

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French Huguenots, English dissenters, Scandinavian and German migrants, and Sephardic Jews.[1] Such religious and cultural heterogeneity often worried colonial officials, but they expressed particularly deep anxiety about the uncertain status and loyalty of recently conquered subjects with political and cultural ties to competing colonies.[2] At the same time, officials recognized the vital importance of retaining inhabitants in demographically precarious settlements, where population size was critical to security and prosperity. Such pressures were perceived as particularly acute in plantation colonies, where officials feared that the demographic imbalance between free settlers and enslaved laborers would undermine the stability of burgeoning slave societies. Settlers, meanwhile, were wary of losing political influence or religious and economic rights under a new regime, but could also use a change of government to negotiate for new privileges. With competition for experienced planters high, neighboring colonies tried to tempt these settlers away by offering economic incentives or simply a return to more familiar government. Amid these conflicting interests and competing jurisdictions, the surrenders in Suriname and New Netherland marked the starting point in a gradual process of negotiating new 'diversity formations' to incorporate conquered subjects within composite colonial communities.

This chapter uses the capitulations of Suriname and New Netherland as a lens through which to examine the interplay between inter- and intra-imperial legal arguments in this process of community (re-)formation. Capitulations provide a revealing window onto the process of imagining and constituting colonial political communities.[3] Surrenders generated a substantial paper trail, producing articles of capitulation but also extensive (self-)justifications, accusations of treason, and sometimes years of subsequent litigation. Such high-stakes moments of transition between political regimes compelled participants to articulate assumptions about the nature and purposes of subjecthood and the terms of belonging within the colonial polity. Localised conflicts and peace negotiations also significantly influenced colonial institutions and regional legal orders. Episodes of military conquest marked acute but not final inflection points in ongoing processes of raiding, open warfare, and peace-making.[4] Articles of capitulation took on important legal meanings in such processes, serving as quasi-constitutional documents for both the inter-imperial legal order and the domestic government of occupied settlements. It was here that participants drew the contours of legal and political frameworks for governing the culturally and politically diverse populations of newly conquered colonies.

Diversity and the politics of difference has proven a fruitful framework for analyzing the political culture and institutional development of empires. Much of this work has focused on the hierarchies of difference produced and maintained through imperial institutions.[5] Another highly influential approach has been to focus on the role of cross-cultural encounters and intermediaries in creating the contact zones of legal pluralism and political hybridity that characterized early modern European empires.[6] Whether focused on metropolitan government or borderlands disputes,

these approaches have helpfully illuminated the internal development of colonial governments and served as an analytical lens for comparisons between empires.

Less attention has been paid to how the politics of diversity shaped and was shaped by emerging inter-imperial legal regimes.[7] Contests over diversity within communities frequently spilled out into wider disputes between colonial polities about migration, trade, and fugitivity across imperial boundaries. Warfare and peace-making inevitably blurred distinctions between foreign and domestic politics, reconfiguring legal and political institutions in the process.[8] Negotiating a political settlement to retain foreign subjects in conquered colonies necessarily involved engaging with both political actors in neighboring colonies and legal questions about how the rights of strangers and subjects travelled across boundaries. As officials and settlers strained to define terms of belonging and subjecthood in this protean political space, repeated surrenders and peace negotiations contributed to an emerging inter-imperial legal repertoire for managing mobility and diversity within and between empires.

This chapter argues that frequent capitulations contributed to a rough but widely replicated set of protocols for establishing terms of government in pluralistic Atlantic colonies. These protocols, I contend, centered on an expansive understanding of private property as a global domain of political rights. I support these arguments through a roughly chronological analysis of the stages of surrender in New Netherland and Suriname. Though the articles of capitulation in both colonies were brief documents, they required lengthy justification, involved protracted negotiation, and produced long-running contestations. At each stage of this process, colonial officials faced a concerted challenge from settlers anxious to secure their political and property rights or to win the right to depart the colony. The resulting articles of capitulation established expansive protections for property claims and commercial rights while leaving questions of subjecthood and political belonging deliberately ambiguous. Settlers used this ambiguity to launch appeals to multiple authorities, but the local politics of property and debt ultimately served to tie people to colonial political communities, binding together settlers of all nationalities. I conclude the chapter with a brief reflection on how practices of war and peace-making shaped an emerging inter-imperial legal regime for adjudicating political status and property claims.

## Justifying capitulation

Capitulation was a risky business that required careful justification. Opportunistic raiding, privateering, and the seasonal cycles of maritime warfare in the Atlantic world made it challenging to gauge how long an occupation might last. Settlers weighed their political allegiances with at least one eye on the future, factoring in the possibility of a speedy reconquest by their previous rulers. Quick capitulation might come to be framed as treasonous surrender or even collusion if the old regime was restored. Such risks were especially great for colonial officials who could face professional and legal repercussions for losing their imperial sponsors'

colonies. Both Stuyvesant and Byam faced accusations of treason on their return to Europe and had to pen lengthy accounts of their actions to save their lives and careers.[9] Surrender thus needed to be legally and politically justified. In the days and even months prior to their capitulations, settlers in Suriname and New Netherland sought to convince their leaders that surrendering to a new suzerain was not only permissible but necessary. Officials generally did not take much convincing, but their subjects' petitions provided a useful rationale for surrender and a degree of legal cover in case of a quick return to the original government. However strategically deployed, these justifications for surrender reveal prevailing currents of colonial thought about the relationship between ruler and subject and the constitution of political community.

The 1664 English invasion of New Netherland was prefigured by years of legal maneuvering and strategically targeted violence. A planned attack on New Amsterdam had previously been averted at the last minute by the end of the First Anglo-Dutch War. A decade later, as relations between England and the United Provinces deteriorated once more, ambitious English colonists in Connecticut and on Long Island saw an opportunity to expand into the Dutch colony. Officials in Hartford insisted that several Dutch villages had voluntarily placed themselves under Connecticut's jurisdiction.[10] At the same time, English soldiers began raiding and extorting Dutch settlements, while the Connecticut governor Winthrop Jr. petitioned Charles II to fund an expeditionary force to capture Manhattan.[11] In August 1664, a fleet under the command of Richard Nicolls arrived in New England intending to 'restore' English rule over the interlopers occupying New Netherland – a legal framing necessary in part because England and the United Provinces were not yet formally at war.

When the English invasion finally arrived, New Netherland's settlers had a legal response ready at hand. Between July 1663 and April 1664, director general Peter Stuyvesant called three *landdag* assemblies to discuss how best to defend the colony against the growing English threat. At these meetings, colonists drew up several petitions emphasizing the importance of legal protections to secure their property from the dangers of Atlantic geopolitics. The settlers reminded the Dutch West India Company (WIC) directors that had 'oblige[d]' themselves to provide 'reasonable protection' for the 'enjoyment of the bona fide property of the lands.' In return for their defence against 'all intestine and foreign wars,' the colonists had 'exhibited such willingness in bearing all imports and taxes.' Because the Company had failed to establish a secure legal basis for its claim to New Netherland, it had left its inhabitants and their property rights 'upon black ice.' Nor was it only the Dutch left in this 'state of anxiety.' The 'well-intentioned English' inhabitants of the colony were 'held in a labyrinth and maze,' unsure of their legal status or how to comply with their oaths of loyalty. As much as military assistance, the colonists thus demanded that the Company take diplomatic and legal steps to extend its 'fatherly care to the protection and preservation of many hundred families' by securing the legality of their property claims.[12]

The petitioners' emphasis on legal protections for property rights is instructive.[13] They were less worried about the English killing them than about the possibility of their land titles being wiped out as a consequence of the English argument that the WIC had never held legitimate possession of the Hudson Valley. The inhabitants of New Netherland had gambled on the institutions of the Dutch Empire as a solid foundation for their settlements; increasingly it seemed the English empire was a safer bet. Nor were colonists shy about making this point. 'Most of us are now advanced in life,' explained a February 1664 petition, and 'we have invested all our means in the improvement of New Netherland.' Without greater Company protection, they faced being 'stripped of all our property and deprived of our land, to be forced to wander abroad with our wives and children in poverty.' With no military or legal security, colonists declared they could no longer 'dwell and sit down on an uncertainty.' To their 'heart's grief,' they would be forced to 'seek, by submission to another government, better protection.'[14]

In addition to a genuine anxiety, there was a strategic legal logic to these repeated protests and requests for WIC assistance. In establishing the unprotected state of the colony and arguing that this voided the social contract between settlers and company, petitioners presented a pre-emptive justification for capitulation to foreign invasion. Their vehement declarations that New Amsterdam could not possibly be defended in its present condition foreshadowed city magistrates' later efforts to persuade Stuyvesant to surrender the colony without bloodshed. Colonists may well have viewed their petitions as a part of a documentary record that might protect them from charges of treason down the road. Indeed, the multiple remonstrances did end up as part of a treason trial. Following his capitulation, Stuyvesant returned to Europe and spent the better part of two years submitting some 50,000 words of evidence to the States General to contest the WIC's claim that he had been negligent in his duties and treasonous in his surrender.[15]

The Dutch invasion of Suriname came as more of a surprise, but there too planters argued for a speedy surrender in language that closely matched the New Netherland petitions. When Abraham Crijnssen's Zeelandic fleet first arrived on the coast of Suriname and demanded that the English surrender, governor Byam resolved to defend Fort Willoughby 'against all opposers.' The Dutch fleet approached and the parties 'mutually played our guns as fast as we could,' but Byam soon realized his half-completed fort was no match for the Dutch cannons. The following day, Byam parleyed with Crijnssen who agreed to let the English forces depart the fort, leaving behind all cannons and powder as well as some of the more persuadable soldiers who joined sides with the Dutch. Byam now retreated upriver to the settlement of Torarica where he took stock. The English commander found his men 'divided' with some convinced by the Dutch promises that 'they came not to destroy but to build' while others 'were for war and would stand it out till the last.' Byam called an assembly of the planters to ask them for support and badly needed supplies. Mirroring Stuyvesant's *landdag* assemblies, this meeting became a forum for planters to agitate for surrender.[16]

In a show of patriotic loyalty, the Suriname planters agreed that Byam could take what he needed from their estates to 'serve our King,' but they also submitted a 'humble address of representation' suggesting that war was not the best course of action. This petition began by enumerating the various disadvantages the planters suffered against the Dutch invaders. Disease, food shortages, mutinous soldiers and 'dishonest' servants and enslaved people, a lack of medicine and munitions, and the vulnerability of their homes and families all meant that 'entering into blood' promised 'little hope of success.' If forced into 'the miserable refuge of Flying into the woods with our wives Children and Families for safety,' the planters predicted that eventually 'the Necessities of nature will force us to a shameful yielding up our selves.'[17] With supplies running low and little hope of relief, the planters suggested, surrender was an inevitable necessity to preserve their families.

As in New Netherland, the debate in Suriname centered on protection and property. Surrender was justified, planters argued, because neither proprietor nor sovereign could provide the necessary protection for their families and the property in land and people that they controlled. Without this protection, the planters were incapable of 'preserving of those fortunes and estates which many of us brought hither and others by many years industry and the painful sweat of their brews have attained.' Fighting the Dutch would 'unavoidably procure the utter ruining of us, all our Children, and posterity.' As such, the petitioners requested that Byam 'seek a speedy accommodation' rather than pursue a 'war we have no abilities to perform.' The planters asked only that any capitulation would 'secure us in our estates and Liberties and have noe staine [*sic*] of dishonor or Cowardice upon us nor have any Consequence of Abjuring that allegiance we owe to our natural Sovereign.'[18]

Endorsing the planters' assessment, Byam expressed further concern about enemies within. As well as increasing numbers of English defectors, Byam particularly worried about 'the Insolencies of our Negroes, killing our stock, breaking open houses, threatening our women, and some flying into the woods in rebellion.'[19] Given a choice between external invasion and internal slave rebellion, Byam quickly resolved to surrender to the Dutch. In his proposed articles of capitulation, Byam further highlighted his overriding concern for maintaining the repressive order of plantation slavery. As part of the surrender, the English governor demanded that Crijnssen ensure escaped and captured slaves were returned to their previous enslavers. Though Crijnssen did not agree to the demand, a telling clause in the final capitulations did stipulate that the planters could keep 'as many arms as every one in his family shall need to keep his Negroes in awe and to defend themselves against the Indians.'[20]

In both New Netherland and Suriname, then, settlers sought to justify and advocate for swift surrender as a licit act of desperation brought on by their government's inability to protect their property and families. Rhetorically, their petitions echoed each other in striking ways. Settlers emphasized the labour and wealth they had invested in improving their properties and the destitution that would befall their children and families if the property were lost. These accounts positioned settlers

as selfless investors in the common good, concerned primarily for the wellbeing of their familial dependents and the survival of the community. More fundamentally, these justifications of surrender drew on the idea that subjecthood was predicated on the sovereign's ability to protect. Insufficient protection could justify surrendering to an invading power or even actively seeking out a new protector. Adequate protectors had to preserve life and property against both 'intestine and foreign wars,' as settlers put it. Such protection involved repelling raids and invasions but also preserving domestic order and preventing slave rebellions. In colonies like Suriname, where settlers were vastly outnumbered by enslaved Africans, planters often prioritized the preservation of plantation slavery over imperial sovereignty.[21] Blending the politics of household, plantation, and empire, settlers framed the imperative to preserve property as a trans-political right that superseded obligations of allegiance to imperial sovereigns.

## Negotiating capitulation

Though Byam and Stuyvesant penned defiant letters to their would-be conquerors, both soon came to the negotiating table. Under pressure from their subjects and with no hope of relief, the two officials had little choice. The resulting negotiations were 'tedious,' Byam complained. Each proposal had to be laboriously translated, allowing the invading Zeelanders more time to discover the true weakness of the English negotiating position through the 'insinuating infidelity of some of our men.'[22] And yet the invading forces did not hold all the negotiating leverage. Critically, the conquests would mean relatively little if the new government was not able to retain a colony's inhabitants. People and their property gave colonial spaces political meaning and economic value. As a result, settlers' threats to depart for other colonies held real weight, compelling occupying forces to enter genuine if unequal negotiations over how the new regime would operate.

The resulting articles of capitulation reveal shared currents of thought about how to build flourishing colonies as well the political and legal institutions officials believed necessary to retain control over a diverse population of conquered colonists. Occupying forces were primarily concerned about restricting or disincentivizing the departure of settlers from the colony. Anxious conquerors promised a range of rights and privileges, intended to assure settlers they would prosper if they remained under the new government, while also setting limits on when and how settlers might depart if they wished. Settlers meanwhile sought to secure their existing property claims while retaining commercial privileges and a degree of political and religious autonomy. These agendas found considerable common ground by focusing squarely on the protection, distribution, and mobilization of property. Seeking to render a moment of imperial rupture as social and political continuity, both colonists and invaders sought to downplay the significance of the change in political affiliation and emphasize the continuation of existing property rights and social privileges.

Richard Nicolls went to considerable lengths to convince the inhabitants of New Netherland they would retain all their property rights under the new English government. The New Netherland articles of capitulation pledged that all inhabitants and even the WIC itself would continue to 'freely enjoy' all their lands and property. Dutch inhabitants could continue to 'enjoy their own customs concerning their inheritance,' and all prior court judgements and private contracts would remain valid and be 'determined according to the manner of the Dutch.' Perhaps most remarkably, Nicolls agreed to honor existing payment arrangements for any 'public engagement of debt by the town of the Manhatoes,' as well as organizing the compensation of those owed money by the WIC.[23] Both private property and public debts, the articles of capitulation promised, would be respected by the new English regime.

The post-conquest accounting of property was more complex and contested in Suriname. In part, this reflected the fact the Crijnssen expedition was fitted out for the purpose of conquest while England and the Dutch Republic were openly at war. Suriname would thus explicitly be a conquered province – rather than a supposedly errant jurisdiction restored to the fold – and subject to the seizure of booty to cover the cost of the invasion. Unlike New Netherland, English Suriname was also a proprietary colony controlled by the powerful Willoughby family from Barbados, who stood to lose considerable power and wealth from the Dutch takeover.[24] Crijnssen thus faced a more complex calculus than Nicolls, but he too sought to convince the majority of the planters that their property was safe. All inhabitants of Suriname, the articles of capitulation promised, 'whether they be English, Jews, &c,' would continue to enjoy absolute ownership over their lands, property, and inheritances. But absentee planters who were not resident in Suriname were 'absolutely excluded out of these articles' and their estates would be confiscated for the province of Zeeland. This measure effectively removed the Willoughbys from Suriname and supplied the new government with revenues without alienating the smaller landholders and aspiring planters whose support would be critical for the Dutch regime.

As well as retaining their land and property, the invaders reassured settlers they would continue to enjoy their customary social rights and privileges. Demarcating access to the resources of the commons and permission to carry out commercial activities, such rights were critical to settlers' subsistence but also formed a key marker of membership in the political community.[25] The Suriname articles of surrender stipulated in considerable detail that inhabitants would continue to enjoy the right to fish, hunt turtles, cut specklewood, and trade with Indigenous groups. Beyond access and usage rights, Crijnssen guaranteed Suriname's inhabitants commercial rights in the commons with the promise that there would be 'no prohibition upon the Planters to make any thing a Commodity.'[26] In New Netherland, Nicolls similarly promised continued freedom to 'travel or traffic' with both Indigenous polities and the United Provinces.[27] Expanded commercial privileges were a considerable enticement for keeping settlers in New Netherland and Nicolls promised that inhabitants would now gain free access to trade in England or any of its colonies.

Alongside economic privileges, settlers sought to secure or even expand their existing social and political freedoms. Freedom of worship was a critical concern for settlers. The relative religious congruence between the Dutch and English and the expectation of religious tolerance certainly influenced settlers' appetite for a speedy surrender. Indeed, the articles of capitulation in both New Netherland and Suriname promised 'liberty of conscience' for the inhabitants. In Suriname this loose tolerance encompassed a substantial Jewish community who had previously received similarly nebulous religious freedoms from Byam's English government.[28] Spiritual matters were not divorced from material concerns. The Suriname document stipulated that properties previously reserved to the Church would continue to fund an English minister. Funds and offices of local government were also covered, particularly for the municipal institutions of New Netherland, where Nicolls agreed to allow the local magistrates to remain in office until replaced in free municipal elections.

The capitulations also set the terms for when and how settlers could depart the newly conquered colonies. The New Netherland articles stipulated that any inhabitant would have a year and six weeks to 'remove himself, wife, children, servants, goods, and to dispose of his lands here.'[29] Nicolls also promised a safe passport for any WIC soldiers seeking to return to Holland, although he tried to tempt them with the promise of 50 acres of land for any willing to remain in New Netherland as servants. In Suriname, the Dutch conquerors granted all inhabitants the right to freely depart the captured colony, but the status of their property was less clear. Two clauses discussed inhabitants' right to depart the colony. One declared that settlers would be allowed to sell their estates and leave at any time while the other promised only that inhabitants could leave with their slaves and goods if they quit Suriname immediately, along with the departing Crijnssen fleet.[30] The central question was thus how long inhabitants retained the right to leave and how many of their enslaved laborers they could take with them. The articles also established that debts incurred prior to the conquest would not prevent emigration but debts taken on post-conquest would have to be settled prior to departure. As we will see, these clauses and their seemingly minor distinctions would become critically important in the years of legal contestation that followed the Dutch takeover.

As they sought to emphasize and secure the continuity of existing property claims and local privileges, the negotiators of the capitulations also tried to downplay or sidestep the political significance of their change in imperial subjecthood. The subject status of conquered colonists certainly formed a significant part of negotiations. Byam, playing to the metropolitan galleries, claimed that the question of allegiance to the King was the 'first and sharpest' disagreement in his negotiations with Crijnssen.[31] But the ultimate outcome in Suriname, much as in New Netherland, was deliberately ambiguous. Both articles of capitulation recognized that subjecthood status was complex, sensitive, and largely unsettled. Rather than attempting to resolve it, the negotiators opted to create a framework to accommodate such ambiguous allegiances.

The solution involved a kind of suspended subjecthood, in which settlers could remain subject to their previous sovereigns outside of the colony but would owe full allegiance to the new government inside the colony. Conquered colonists were not required to renounce their former sovereigns or pledge permanent allegiance to their new rulers. Instead, settlers took an oath promising obedience to local authorities as long as they were resident in the colonies. This was a localized and situational form of political belonging. Such arrangements allowed colonists to remain as fully-fledged members of the political community, enjoying greater rights than sojourners or visitors without having to permanently renounce their suzerain.

This tenuous arrangement could come under pressure in the event of further military conflicts in the colonies. The oaths of loyalty, therefore, required settlers to pledge not to take arms in support of any potential invasion by the former sovereign. Both articles of capitulation likewise promised that no settlers would be impressed or forced to fight against their former countrymen. In New Netherland, the articles also stipulated that the English would peaceably surrender the colony back to the Dutch should the Crown and the United Provinces make peace on those terms. The distinct possibility of a later reconquest suggested that overly strong commitment to a change in subjecthood might be unnecessary and unwise. Articles of surrender, and the forms of subjecthood they delineated, were crafted in the expectation of future warfare and geopolitical changes that would again realign political configurations.

The capitulations' solution to the conundrum of how to govern conquered foreigners was thus to meticulously arrange the local distribution of property and commercial privileges while largely bracketing questions of subjecthood and allegiance. Just as it served as a justification for swift surrender, the imperative of protecting property also shaped the terms by which settlers sought to define membership of their political communities. This approach was far from unique and the terms on which settlers eventually surrendered did not emerge in isolation. The inhabitants of New Netherland and Suriname were well aware of political conditions in other Atlantic settlements, which served as both examples and competitors to the negotiators of the capitulations. Settlers could point to the privileges and protections on offer in neighboring colonies as a benchmark their new government would have to meet if it wanted to retain inhabitants. Crijnssen acknowledged this regional competition by arguing forcefully that the English planters would not find a better deal outside of Suriname, promising they would 'be granted as many privileges and libertys as ever was customary in any Country in these parts.'[32] Indeed, Crijnssen's offer to the planters of Suriname closely matched the religious freedoms, lenient oaths of loyalty, and tax exemptions advertised by competing English governments in Jamaica and Antigua.[33]

The similar terms of surrender in New Netherland and Suriname thus reflected their adherence to an emerging consensus on the kind of government that could create flourishing colonies out of diverse settler populations. The basic package involved some combination of tax breaks for new planters, freedom of conscience, expansive trading rights, a supply of cheap credit and enslaved people, and robust

protections against external threats and internal disorder. Such terms were advertised or advocated by officials and settlers in colonies across the Caribbean, often accompanied by promises that foreigners need only uphold a local oath of loyalty to settle. Negotiations over capitulations – accompanied by the threat of leaving for neighboring colonies – offered an opportunity to enshrine some of these commitments in quasi-constitutional form. Once established, these documents became touchstones for lengthy and expansive legal disputes over the right to move across empires.

## Contesting capitulation

The articles of capitulation signed in New Netherland and Suriname were the starting point of much longer processes of negotiation and contestation over the government of these colonies and their inhabitants. As with most treaties in early modern diplomacy, the capitulations did not finally resolve questions of subjecthood, ownership, and political autonomy but simply added another layer of argument to complex legal claimsmaking.[34] In this context, the capitulations had a significant legal afterlife. Despite their ad hoc nature and origins on the outskirts of the empire, colonists and metropolitan authorities would continue to refer to these documents for decades to come. As late as 1760, the descendants of one English planter in Suriname referred to the articles of capitulation in their long-standing efforts to claim compensation for the seizure of his plantation.[35]

Many of these disputes centered on the unresolved issue of subjecthood. The capitulations' focus on the local politics of property and residence rather than imperial sovereignty and subjecthood left open a potential avenue for future legal disputes, as settlers claimed protections from multiple sovereigns. But despite the involvement of metropolitan authorities and their rhetorical emphasis on subjecthood and suzerainty, local imperatives of property and debt frequently proved critical in resolving or side-lining matters of subjecthood and loyalty.

Contests over the subject status of planters in Suriname offer a particularly vivid example of these dynamics. The articles of capitulation allowed settlers full membership in the Suriname polity while remaining subjects of the English Crown. The key question was how long this state of suspended (and therefore suspect) subjecthood remained valid. Early on, Willoughby had threatened planters that if they did not leave Suriname for an English colony immediately they would be 'excluded from the privileges of their nation and branded with dishonor.'[36] This threat of denaturalization was a fabrication for which the Crown privately reprimanded Willoughby. Stripping the Suriname settlers of their English subjecthood was the last thing the Crown wanted. Without a sovereign–subject relationship, English officials would have no legal basis to interpose with the States General on the Surinamers' behalf. Losing their status as English subjects would have seemed equally unappealing to the settlers in Suriname, who maintained their potential claim to sovereign protection from the English Crown even as they petitioned for grants of greater rights and protections from Dutch authorities. Settlers' ambiguous post-conquest legal status

allowed them to claim rights and protections from multiple sovereign bodies as the circumstances demanded.

Dutch officials sought to foreclose this double-subjecthood and position themselves as the sole legal arbiter in Suriname. Questioning the legal validity of the English Crown's interventions on behalf of the Suriname settlers, the Dutch insisted that the Treaty of Breda had settled their status as Dutch subjects. Johan de Witt, the Grand Pensionary of Holland and de facto political leader of the Dutch Republic, submitted a lengthy memo to the English Ambassador William Temple explaining this interpretation. Once the Treaty of Breda converted Dutch possession into sovereignty, De Witt argued, all the inhabitants of Suriname became subjects of the States General, 'to the Exclusion of all other [sovereigns].'[37] De Witt offered the example of den Bosch and Breda – towns whose conquest by the Dutch had been confirmed by Spain in the treaty of Muenster. Following the treaty, the inhabitants of these towns had to direct any complaints about the initial terms of their surrender to their new sovereigns. Any attempt to appeal to Spain would render them 'notoriously guilty of the Cryme of Rebellion' while any attempt at intersession by the King of Spain would be a violation of Dutch sovereignty.[38] Thus, while the inhabitants of Breda and den Bosch had been granted the right to leave their cities in the articles of capitulation, if that right was denied to any of them, they could only take up the question with their new sovereigns, the States General.

The principle that the sovereign–subject relationship was unitary and exclusive seemed necessary to de Witt for the basic functioning of international order. Given how many territories had historically changed hands between sovereigns, 'the whole world would bee disturbed, and turned up syde Downe' if previous sovereigns could 'plead that they had a right of Protection upon their former Subjects.'[39] An internal English response to de Witt's memo, possibly written by the ambassador William Temple, suggests that these arguments carried some weight. Recognizing 'great Maturenesse in the discourse of my Lord De Witt,' the English author agreed that if conquered places had 'their Jurisdiction, or Dominion soe mixed as that any beside the present soveraigne of them should Challenge a Right of interposition, Mediation, or Arbitration' there would 'never be any peace, or any end putt to the settlement of the Soveraignty or Dominion of them.' 'Mixed soveraignety,' in the author's eyes, would 'in it's owne nature introduce a manifest confusion, and Create Endlesse Disputes, about the Lawfullnesse of the said Dominion.'[40]

However sound these theoretical objections, 'mixed soveraignety' – meaning people sustaining claims to protection from multiple sovereigns – continued to be the norm in Suriname. Following the ratification of the Treaty of Breda, English planters submitted a petition promising 'loyalty and fidelity' to the States General while they resided in Suriname. The planters requested various 'encouragements' and 'immunities' including relief from taxation and the publication of laws to secure 'good governance' of the colony and particularly the punishment of runaways and maroons.[41] With these promises, and with confirmation that the articles of surrender allowed them the right to depart whenever they wished, the planters pledged to

'remain here with great contentment.' Crijnssen – the acting governor – agreed to most of these demands but maintained that settlers would not be allowed to move or sell enslaved people or sugar kettles outside the colony.[42] Unsatisfied, the leading English agitator James Bannister returned with another petition in which he demanded 'as a free subject to his matie' the liberty to 'repaire to some one of his Maties colonies' together with 'all his estate of what nature soever that is moveable.' If denied this, Bannister threatened to petition the King and the States General to 'obteyne from them the Benefits and privileges common to him, with all other English subjects.'[43]

Crijnssen did not take this appeal to royal intervention well and promptly deported Bannister to the United Provinces. In Europe, however, Bannister's lobbying found a receptive audience with Charles II, who was eager to relocate the Suriname planters to Jamaica. The resulting diplomatic dispute, interwoven with the complexities of Anglo-Dutch geopolitics, eventually culminated in Bannister's return to Suriname in 1671. Now appointed as a royal commissioner, Bannister was authorized by the States General and sponsored by the English Crown to transport any English settlers who so wished to Jamaica. Crucially, they would be permitted to 'carry away with them all their Slaves except such as they shall have bought since the Surrender of Surynam.'[44]

Bannister's appeal for royal protection appeared wholly successful, but once again the local politics of property would prove more than equal to the authority of imperial subjecthood. Though he made a public show of compliance, the new Dutch governor, Philip Julius Lichtenbergh, made every effort to inconvenience Bannister and discourage English planters from leaving Suriname. He quickly determined that the complex networks of credit sustaining Suriname's plantation economy offered the best means of binding inhabitants to the colony.[45] Invoking the terms laid out in the articles of capitulation, Lichtenbergh declared that any departing English settlers had to resolve all outstanding debts incurred since the Dutch conquest without using promissory notes. Though the Dutch framed this policy as a necessary protection for creditors' property, Bannister saw it as a deliberate strategy to prevent the English from departing by 'leaveing them noe way to pay their Debts but money.'[46] Bannister proposed various solutions but Lichtenberg insisted he could not compel creditors to amend their contracts with the English, and in the end, Bannister departed for Jamaica with far fewer planters than he had hoped.

As Bannister told it, there was something coercive about the credit contracts that left planters 'intangled with Debt to the Dutch.' The planters had been convinced by manipulative Dutch 'Placcatts, and other politicke instruments' to build up their plantations and become 'soe deeply indebted to the Dutch that without apparent ruine . . . it was altogether at this tyme impossible to remove.'[47] A combination of misinformation and market pressures forced them into an economic bind they could not escape, compromising their political rights as English subjects. But for others, cheap credit was precisely what drew them to Dutch colonies. In 1669, the inhabitants of Suriname had argued that 'the unfailing maxim for the cultivation of these

lands and the advancement of the same is credit.'[48] There was truth to both interpretations of credit. As Lichtenbergh put it, cheaper credit provided 'the means to make this colony flourish' and would 'attract planters from all quarters' to Suriname. 'In addition to this,' he observed, 'all those people will be so fixed here that they will never leave the country.'[49]

A subsequent dispute in Suriname further highlights the enduring influence of the capitulations in shaping this legal politics of inter-imperial subjecthood. In 1675, another Crown-sponsored expedition arrived in Suriname to transport more English planters to Jamaica. The expedition's commander, Edward Cranfield, had learned from Bannister's mistakes and came prepared to help settle and arbitrate planters' debts. With the financial obstacles removed, the Dutch governor Versterre raised a new set of objections centering on the subject status of the colony's substantial Jewish population.[50] When 12 Jewish planters requested permission to depart with Cranfield, Dutch and English officials confronted the question of whether the Jewish inhabitants of Suriname counted as English subjects who were entitled to the rights and protections negotiated by the English Crown. Initially, Versterre rejected the Jewish petition to leave, claiming his instructions were only to permit English subjects to depart. Interposing on behalf of the Jewish planters, Cranfield argued that this violated both the articles of surrender and the Treaty of Westminster, which had granted all inhabitants the right of departure. Cranfield presumed these rights applied to the Jewish inhabitants as well as the English, as there had been no separate articles of surrender for the two groups. Versterre nevertheless insisted that the relevant clauses mentioned only English inhabitants, which did not, in his view, include Jews.[51]

Versterre, Cranfield, and the Jewish planters focused their debate on the meaning of subjecthood and how it was established. One Jewish planter was able to produce a bill of naturalization by the English Parliament. For most others, establishing their status as English subjects proved much less straightforward. Versterre maintained that unless they had received a patent of naturalization or denization, Jews in English-governed Suriname had merely been residents and could make no lasting claim to royal protection as natural subjects could. Cranfield and the Jewish planters argued that as free inhabitants of English Suriname they had been granted status as 'free denizens': a form of political incorporation somewhere in between residency and full subjecthood that granted a right to Royal protection. Each side had a plausible case. Willoughby's government had sought to attract Jewish settlers by granting them 'all the privileges and freedoms . . . as if they were born English.'[52] But this was not explicitly an act of naturalization or denization – which could only be granted by Parliament and the Crown respectively – and in practice, the English did not grant the Jewish planters full political rights in the colony's government. Ultimately, Versterre refused to allow the Jewish planters to depart Suriname, fearing their loss would lead to the destruction of the colony.[53]

Bonds of property and credit could outweigh those of subjecthood. While they disputed the origins of their debts and their ability to settle them, Suriname's settlers

did not contest the underlying principle that they should be prevented from leaving the community to which they were indebted. Protections for the private property of creditors carried more weight than the rights of free movement granted by English subjecthood. Meanwhile, for all de Witt's warnings about the dangers of 'mixed sovereignty,' settlers continued to leverage their ambiguous subjecthood by seeking protections and privileges from multiple authorities. Yet subject status still mattered, and, as the Jewish planters discovered in 1675, the negotiated and ambiguous nature of colonial subjecthood carried risks as well as advantages. Despite ostensibly being superseded by the Treaty of Breda, the articles of capitulation continued to be an important legal resource in contests over the nature and strength of subjecthood. Both Dutch and English officials and planters continued to refer to the rights and categories of belonging established by the capitulations. But amid these shifting constellations of subjecthood and sovereignty, the local politics of property continued to hold the greatest gravitational pull.

## Conclusion

Though particular in certain respects, the surrenders of Suriname and New Netherland are indicative of influential legal dynamics and political ideas that shaped the development of pluralistic colonies across the Atlantic world. Through the quasi-constitutional qualities of truces, surrenders, and peace treaties, small- and large-scale warfare shaped evolving legal and political practices for governing foreign subjects. Surrenders were relatively common and not always permanent. Some inhabitants of New Netherland and Suriname had previously lived in Dutch Brazil and other colonies in the Guianas, where they experienced multiple occupations and capitulations. This frequency and familiarity gave capitulations a convergent quality, as a familiar set of protocols and demands began to emerge for securing successful takeovers. The relative mobility and demographic importance of colonial families gave further impetus to this convergence, as settlers threatened to relocate to competing colonies that offered better political terms. Waves of warfare and peace-making gradually sculpted an emerging trans-imperial constitutional landscape, subtly eroding major differences between colonies' treatment of diverse settler populations.

Most strikingly, the negotiations and contestations over capitulation in Suriname and New Netherland illuminate how this emerging field of inter-imperial legal and political practice was underpinned by settlers' understanding of property as a universal domain of trans-political rights. Colonists pre-emptively and retroactively justified their surrenders by positioning their subjecthood as conditional upon the adequate protection of their property and the households that contained it. Possession of property, in these accounts, seemed to convey not merely a right but almost an obligation – to dependents and posterity – to seek the protection of another sovereign when facing threats of external invasion or internal disorder. For the same reason, occupying forces were keen to stress their commitment to preserving or even expanding property rights as they negotiated terms of surrender. Both articles of

capitulation focused on the distribution of property and commercial privileges as the primary determinant of political belonging, largely side-lining complex determinations of subjecthood and loyalty.

This is not to say that subjecthood and suzerainty did not matter. On the contrary, colonial and metropolitan officials spent a great deal of time worrying about the suspect loyalties of their foreign subjects. Dutch officials in particular lived in fear of repeating their experience in Brazil, where the Portuguese planters eventually turned on the Dutch occupiers. Such anxieties were not unreasonable. As in Suriname, settlers did not hesitate to invoke ties to multiple sovereigns when conditions made it advantageous – a possibility in part enabled by the ambiguous legal precedent of the articles of capitulation. In such circumstances, the politics of subjecthood could matter acutely. But these contests also took place within local political frameworks geared towards protecting the property and policing the membership of colonial communities. Processes of peace-making and capitulation played a small but significant role in shaping and codifying the underlying vision of political pluralism predicated on the preservation of property and policing of mobility.

## Notes

1 While cultural and ethnic diversity, both among colonizers and enslaved African and Indigenous people, was a hallmark of many Atlantic colonies, Dutch imperial ventures were particularly dependent on settlers and soldiers from across Europe due to the relatively small population of willing and suitable settlers in the Dutch Republic. For a good overview, see Wim Klooster, *The Dutch Moment: War, Trade, and Settlement in the Seventeenth-Century Atlantic World* (Ithaca: Cornell University Press, 2016), Chapter 7.

2 The example of Dutch Brazil loomed large over Anglo-Dutch colonizing ventures in the second half of the seventeenth century. Colonial officials and boosters dreamed of establishing sugar-producing colonies that could become a 'second Brazil,' but they also feared repeating the uprising of Lusophone planters against Dutch rule in Brazil. On the enduring influence of Brazil on the colonial imagination, see Stuart B. Schwartz, "Looking for a New Brazil: Crisis and Rebirth in the Atlantic World after the Fall of Pernambuco," in *The Legacy of Dutch Brazil*, ed. Michiel van Groesen (Cambridge: Cambridge University Press, 2014).

3 My focus on colonial capitulations joins a growing literature emphasizing the vernacular production and development of colonial law and political thought. Rather than national culture or metropolitan institutions, this approach suggests that the political institutions governing diverse populations in conquered colonies emerged through local processes of legal and political contestation. See, for example, Tamar Herzog, *Frontiers of Possession: Spain and Portugal in Europe and the Americas* (Cambridge, MA: Harvard University Press, 2015); Lauren Benton and Lisa Ford, *Rage for Order: The British Empire and the Origins of International Law, 1800–1850* (Cambridge, MA: Harvard University Press, 2016).

4 On the complex nature of early modern conquest and the role of peace treaties in these processes, see Lauren Benton, "The Legal Logic of Wars of Conquest: Truces and Betrayal in the Early Modern World," *Duke Journal of Comparative & International Law* 28, no. 3 (May 10, 2018): 425–48.

5 For the classic programmatic synthesis, see Jane Burbank and Frederick Cooper, *Empires in World History: Power and the Politics of Difference* (Princeton, NJ: Princeton University Press, 2010).

6 Again, the literature is vast. Classic works include Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650–1815* (Cambridge: Cambridge University Press, 2010); Marshall Sahlins, *Islands of History* (Chicago: University of Chicago Press, 1985); James H. Merrell, *Into the American Woods: Negotiators on the Colonial Pennsylvania*, (New York: W W Norton & Co Inc, 1999). On legal pluralism as a feature of European empire building, see Richard J. Ross and Lauren Benton, eds., *Legal Pluralism and Empires, 1500–1850* (New York: NYU Press, 2013).

7 For an analysis of early modern interpolity law as recurring and overlapping protocols embedded in everyday encounters, see Lauren Benton and Adam Clulow, "Legal Encounters and the Origins of Global Law," in *Cambridge History of the World*, eds. Sanjay Subrahmanyam and Merry Wiesner-Hanks (Cambridge: Cambridge University Press, 2015), vol. 6. On inter-imperial legal regimes as a central feature of the Caribbean in the early nineteenth century, see Jeppe Mulich, *In a Sea of Empires: Networks and Crossings in the Revolutionary Caribbean* (Cambridge: Cambridge University Press, 2020).

8 My approach centers the importance of warfare and violence in constituting imperial law. Attention to the drawn-out processes of war and peacemaking, I suggest, reveals how multiple European empires converged on similar legal and political frameworks for managing diverse subject populations in pluralistic colonial polities. See also, Benton, "The Legal Logic of Wars of Conquest," On the role of warfare in shaping formal constitution-making, see Linda Colley, *The Gun, the Ship, and the Pen: Warfare, Constitutions, and the Making of the Modern World* (New York, NY: Liveright, 2021).

9 On Stuyvesant's justification of his tenure before a hostile WIC committee, see Donna Merwick, *Stuyvesant Bound: An Essay on Loss Across Time* (Philadelphia: University of Pennsylvania Press, 2013), 109–20. On Byam's account of his surrender as a response to being court-martialled, see Alison Games, "Cohabitation, Suriname-Style: English Inhabitants in Dutch Suriname after 1667," *The William and Mary Quarterly* 72, no. 2 (April 2015), n1.

10 Hartford leaders framed this as a spontaneous change of affiliation by protection-seeking colonists over which they had little control: "what can we do now that they are included in our Patent, and desire to be received and protected by us, which we cannot deny them?" Journal kept by Cornelis van Ruyven, Oloff Stevensen van Cortland and John Lawrence of their visit to Hartford, October 1663. New York Colonial Manuscripts (NYCM), vol. 15, 69; digital id NYSA_A1810-78_V15_0069.

11 On the factional interests and lobbying by Winthrop Jr. that shaped the Crown's decision to dispatch a fleet to New Netherland, see L. H. Roper, "The Fall of New Netherland and Seventeenth-Century Anglo-American Imperial Formation, 1654–1676," *New England Quarterly* 87, no. 4 (December 2014).

12 All quotes, translated from Dutch, from "Remonstrance of the convention to the directors of the West India Company at Amsterdam, 2 November 1663." NYCM vol. 10 pt. 2, 369; NYSA_A1809-78_V10_pt2_0369.

13 On 'protection talk' as a recurring rubric of early modern legal and political thought, and interpolity law in particular, see Lauren Benton, Adam Clulow, and Bain Attwood, eds., *Protection and Empire: A Global History* (New York, NY: Cambridge University Press, 2017); Lauren Benton and Adam Clulow, "Empires and Protection: Making Interpolity Law in the Early Modern World," *Journal of Global History* 12, no. 1 (March 2017).

14 E. B. O'Callaghan, *Documents Relative to the Colonial History of the State of New-York* (hereafter *DRCHNY*) (Albany: Weed, Parsons and Co., 1858), vol. 2, 375.

15 Merwick, *Stuyvesant Bound*.

16 Stuyvesant and Byam's sudden and uncharacteristic enthusiasm for democratic decision making may have been an attempt to share responsibility for the surrenders. Byam was at pains to emphasize that he had 'never yet Levied any thing without [the planters'] Consent so neither would I none in time of war without their approbation,' but he had previously been accused by Suriname planters of operating a tyrannical government. All quotes from William Byam, 'An Exact Narrative of the State of Guiana as it Stood Ano 1665

Pticularly of ye English Colony in Surynam, Beginning of the Warr and of its Actions Dureing the Warr, And the Takeing Thereof by a Ffleet from Zeland,' Sloane 3662, fols. 30v, 31v, British Library (BL), London. All quotes from English-language sources in this chapter are in their original spelling.

17 Byam, "An Exact Narrative," Sloane 3662, fols. 32v, 33.

18 All quotes from Byam, "An Exact Narrative," Sloane 3662, fol. 33.

19 Byam, "An Exact Narrative," Sloane 3662, fol. 33v.

20 Byam, "An Exact Narrative," Sloane 3662, fol. 34v, 36f. For another copy, see The National Archives of the UK (TNA), CO 278/3, fol 64.

21 Justin Roberts estimates Suriname's population in 1663 at around 5000 people, of whom approximately 1250 were free Europeans and 3750 were enslaved African and Indigenous people. Justin Roberts, "Surrendering Surinam: The Barbadian Diaspora and the Expansion of the English Sugar Frontier, 1650–75," *The William and Mary Quarterly* 73, no. 2 (2016): 235.

22 Byam, "An Exact Narrative," Sloane 3662, fol. 35; TNA, CO 278/3, fol 64.

23 O'Callaghan, *DRCHNY,* vol. 2, 250–52.

24 On the Willoughby family, see Sarah Barber, "Power in the English Caribbean: The Proprietorship of Lord Willoughby of Parham," in *Constructing Early Modern Empires: Proprietary Ventures in the Atlantic World, 1500–1750*, eds. L. H Roper and Bertrand Van Ruymbeke (Leiden: Brill, 2007).

25 On the role of the commons in shaping the legal and political vernaculars of Atlantic colonizing, see Gabriel de Avilez Rocha, "Empire from the Commons: Making Colonial Archipelagos in the Early Iberian Atlantic" (Ph.D. Dissertation, New York, New York University, 2016); Gabriel De Avilez Rocha, "Politics of the Hinterland: Taxing Fowl in and beyond the Ports of Terceira Island, 1550–1600," *Early American Studies: An Interdisciplinary Journal* 15, no. 4 (November 1, 2017).

26 Byam, "An Exact Narrative," Sloane 3662, fol. 36; TNA, CO 278/3, fol 64.

27 O'Callaghan, *DRCHNY,* vol. 2, 251.

28 Aviva Ben-Ur, *Jewish Autonomy in a Slave Society: Suriname in the Atlantic World, 1651–1825* (Philadelphia: University of Pennsylvania Press, 2020), 80–82.

29 O'Callaghan, *DRCHNY,* vol. 2, 250.

30 The latter stipulated that those who 'now or hereafter intend to depart' would be allowed to sell their estates and receive transportation from the government at a reasonable rate 'to transport themselves, with their slaves and Goods etc with a Passe from Commander Crynsens.' Byam, "An Exact Narrative," Sloane 3662, fol. 36v; TNA, CO 278/3, fol 64.

31 Byam, "An Exact Narrative," Sloane 3662, fol. 34v.

32 'soo veele privilegien ende vrijheyt sal gegeven werden, als oyt in eenig Landt alhier ghebruijckelyck is geweest.' Zeeuws Archief (ZA), Staten van Zeeland (2.1), inv. 2035.1, no. 62.

33 Suze Zijlstra, "Competing for European Settlers: Local Loyalties of Colonial Governments in Suriname and Jamaica, 1660–1680," *Journal of Early American History* 4, no. 2 (2014).

34 On this claimsmaking dynamic and the indeterminate nature of early modern treaties, see Herzog, *Frontiers of Possession*.

35 *The Conduct of the Dutch, Relating to Their Breach of Treaties with England. Particularly Their Breach of the Articles of Capitulation, for the Surrender of Surinam, in 1667; and their Oppressions committed upon the English Subjects in that Colony. With A full Account of the Case of Jeronimy Clifford . . . whereby the Treachery and Injustice of the Dutch, towards the English, are displayed in a very interesting Light* (London, 1760). On this case, see Jacob Selwood, *At Kingdom's Edge: The Suriname Struggles of Jeronimy Clifford, English Subject* (Ithaca: Cornell University Press, 2022).

36 ZA, 2.1, 2035.1, no. 88. Quoted in Zijlstra, *Anglo-Dutch Suriname,* 41. 'De wederspannige ende haere naekoomelingen moogen uitgheslooten worden van de privilegien van haer natie, ende met oneere ghebrandtmerckt werden,' ZA, 2.1, 2035.1, no. 88.

37 TNA, CO 278/2/1, fol. 7 'Discourse by Mr. de Witt concerning Surynam.' 'None can forme any pretence, but only the said Soveraigne and the said Subjects reciprocally,' de Witt argued, 'noe not hee, or those who before the date of such Capitulations might have beene Soveraignes to the same Subjects, after an entry, Cession and Confirmacon by a Treaty of peace.'
38 'Discourse by de Witt,' TNA, CO 278/2/1, fol. 7. 'in soe doeing [the king of Spain] would still attribute to himself some right of Superiority, or at least of protection over those which have quitted his protection and Subjection.'
39 'Discourse by de Witt,' TNA, CO 278/2/1, fol. 7.
40 TNA, CO 278/2/1, fol. 13 'Answer to Mr. de Witt's Paper Concerning Surynam.'
41 All quotes from ZA, 2.1, 2035.1, no. 61, 'Requeste van Majoor Bannister.' This petition is not transcribed in *Zeeuwse Archivalia*. Dutch officials took seriously the issues of social order raised by the English petition. In 1669, the Suriname government posted the new Dutch laws for Suriname, framing them as the product of the 'articles of agreement with the inhabitants.' Amongst these were laws forbidding the inhabitants from insulting either the English Crown or the Dutch States General and from using nationality as an insult or curse word. ZA, 2.1, 2035.1, no. 114. Laddy van Putten and Philip Dikland, eds., *Zeeuwse Archivalia Uit Suriname En Omliggende Kwartieren, 1667–1683* (Paramaribo: Surinaams Museum, 2003), 99.
42 'carrying away slaves or livestock' was, in Crijnssen's view, 'directly in contradiction with the intent of the articles [of surrender].' As he read them, the articles promised the English freedom to depart but they would have to sell their possessions in the colony before leaving. This was especially true of the enslaved laborers who were essential to the colony's sugar economy. Perhaps in future settlers would be permitted to sell enslaved people outside of Suriname, but for now 'the Colony has the greatest need [of them].' ZA, 2.1, 2035.1, no. 62.
43 ZA, 2.1, 2035.1, no. 67.
44 TNA, CO 278/2/1, fol. 21.
45 Dutch credit enabled less affluent English planters to expand their plantations while Dutch planters paid premium wages to English laborers with experience of local conditions and sugar planting. Many of these newly affluent English planters held debts to the colony's Dutch and Jewish settlers, with two-thirds of debtors in Suriname owing money to colonists from other ethnic groups. Lichtenbergh reported confidently in February 1670 that 'all in general say they want to remain here, and even if they wanted to [leave], they could not do so because of the many debts in which they are entangled.' Zijlstra, *Anglo-Dutch Suriname,* 43–47. 'Brief Lichtenberg februari 8,' ZA, 2.1, 2035.1, no. 204. Van Putten and Dikland, *Zeeuwse Archivalia*, 159.
46 TNA, CO 278/2/1, fol. 33.
47 All quotes from TNA, CO 278/2/1, fol 58. 'The petition from the remaining English at Surynam to his Matie.'
48 'De onfeijlbaere maxime van de culture van deese lande, ende het advancement derselven, bestaet uijt credit, dat vergunt wert aen de planters, twelck genauwer ende besnedener hetselve is, hoemeer dat het tendeert tot onderdrucking van den colonie, principaelijck die maer even op de beene gewascht is.' ZA, 2.1, 2035.1, no. 129. Van Putten and Dikland, *Zeeuwse Archivalia*, 116.
49 All quotes from 'Brief Julius Lichtenbergh' ZA, 2.1, 2035.1, no. 124. Transcribed in Van Putten and Dikland, *Zeeuwse Archivalia,* 108. 'Sijnde dit het rechte middel om dese Colonie te doen floreeren, van alle kanten planters herwaerts te trecken, ende groote quantiteijt Suickeren te maecken'; 'en komt daer oock bij dat alle die luijden soo vast alhier geset worden dat nimmermeer van t' lant sullen afgaen.'
50 Around 60 Jewish settlers lived in Suriname, largely concentrated in a cluster of plantations, the Dutch called the 'Jodensavanne' [Jews' savannah]. Like the colony's other inhabitants, many of these Jewish settlers came to Suriname by way of other colonial ventures. Some had been part of Dutch colonies, in Brazil, Tobago, and Essequibo, or

came from other Atlantic colonies including some from French Guiana. Zijlstra, *Anglo-Dutch Suriname*, 90; Wim Klooster, "Networks of Colonial Entrepreneurs: The Founders of the Jewish Settlements in Dutch America, 1650s and 1660s," in *Atlantic Diasporas: Jews, Conversos, and Crypto-Jews in the Age of Mercantilism, 1500–1800;* Ben-Ur, *Jewish Autonomy in a Slave Society*.

51 To some extent, this was a question of translation. Cranfield pointed out that the Dutch copy of treaty specified Englishmen, but the English copy and – crucially – the Latin original referenced English *subjects*. In Cranfield's view, the Jewish inhabitants surely had to be considered subjects of the King for if cultural or ethnic origins precluded subjecthood then inhabitants of Scottish or Irish descent would also be barred from leaving. TNA, CO 278/3, fol. 142. Also available in print: J. H. Hollander, "Documents Relating to the Attempted Departure of the Jews from Surinam in 1675," *Publications of the American Jewish Historical Society*, no. 6 (1897): 9–29.

52 Quoted in Zijlstra, *Anglo-Dutch Suriname*, 121: 'alle de privilegien en vrijheeden, de burgers ende inwoonders van dese colonie vergunt, als oft sij Engelse gebooren waeren.'

53 For a longer account of this dispute, see Jacob Selwood, "Left Behind: Subjecthood, Nationality, and the Status of Jews after the Loss of English Surinam," *Journal of British Studies* 54, no. 3 (July 2015).

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