

**“20. and odd Negroes”**

JOHN ROLFE TO SIR EDWIN SANDYS, JANUARY 1619/20

About the latter end of August, a Dutch man of Warr of the burden of a 160 tuñes arriued at Point-Comfort, the Comando<sup>rs</sup> name Capt Jope, his Pilott for the West Indies one M<sup>r</sup> Marmaduke an Englishman. They mett w<sup>th</sup> the Trēr in the West Indyēs, and determynd to hold consort shipp hetherward, but in their passage lost one the other. He brought not any thing but 20. and odd Negroes, w<sup>ch</sup> the Governo<sup>r</sup> and Cape Marchant bought for victuallē (whereof he was in greate need as he p̄tended) at the best and easyest ratē they could. He hadd a lardge and ample Com̄yssiōn from his Excellency to range and to take purchase in the West Indyēs.

Three or 4. daies after the Trēr arriued. At his arriuall he sent word p<sup>r</sup>sently to the Gou<sup>o</sup>no<sup>r</sup> to know his pleasure, who wrote to him, and did request myself Leiften<sup>ante</sup> Peace and M<sup>r</sup> Ewens to goe downe to him, to desyre [2<sup>a</sup>] him to come vp to James Cytie. But before we gott downe he hadd sett saile and was gone out of the Bay. The occasion hereof hap-pened by the vnfrendly dealing of the Inhitantē of Keqnoughton, for he was in greate want of victuallē, wherew<sup>th</sup> they would not relieue him nor his Company vpon any termes. He reported (whilst he staid at Keq-noughton) that if wee gott not some Ord<sup>nance</sup> planted at Point Comfort, the Colony would be quyte vndone and that ere long: for that vndoubtedly

the Spanyard would be here the next §spring§ wch he gathered (as was sayd) from some Spanyardē in y<sup>e</sup> West Indyēs. This being spread abroade doth much disharten the people ingenerall. ffor wee haue no place of strength to retreat vnto, no shipping of c<sup>o</sup>teynty (wch would be to vs as the wodden walles of England) no sound and experienced souldyers to vndertake, no Engineers and arthmen to erect workē, few Ordenance, not a serviceable carriadge to mount them on; not Am̄unyōn of powlder, shott and leade, to fight and 2. wholl dayes, no not one gunner belonging to the Plantaçōn, so y<sup>e</sup> Hono<sup>rs</sup> o<sup>r</sup> soveraignes dignity, yo<sup>r</sup> hono<sup>rs</sup> o<sup>r</sup> poore reputaçōns §lives§ and labo<sup>rs</sup> thus long spent lieth too open to a suddayne, and to an inevitable hazard, if a forroigne enemy oppose against §vs§. Of this I cannot better doe, to giue yo<sup>w</sup> full satisfacçōn, then to referr yo<sup>w</sup> to the iudgem<sup>t</sup> and opynion of Capt Argall who hath often spoken and herof during his govern<sup>t</sup>, and knoweth (none better) these defectē.

**JOHN PORY TO THE RIGHT HONBLE AND MY SINGULAR GOOD LORDE  
[SIR DUDLEY CARLETON], SEPTEMBER 30,1619**

Right hon<sup>ble</sup> and my singular good lorde, Hauing mett w<sup>th</sup> so fitt a messenger as this man of warre of Flushing, I could not but imparte w<sup>th</sup> yo<sup>r</sup> lo<sup>p</sup> (to whom I am so euerlastingly bounde) these poore frutes of our labours here; wherein though your lo<sup>p</sup> will espie many errours & imperfections, and matters of lowe esteeme; yet w<sup>th</sup>all you wilbe contente to obserue the very principle and rudiments of our Infant-Commonwealth; w<sup>th</sup> though nowe contemptible, your lo<sup>p</sup> may liue to see a flourishing Estate; maugre both Spaniards & Indians. The occasion of this ships coming hither was an accidental consortship in the West Indies w<sup>th</sup> the Tresurer an English man of warre also, licensed by a Comission from the Duke of Sauoye to take Spaniards as lawfull prize. This ship the Tresurer wente out of England in Aprill was tweluemoneth, about a moneth, I thinke, before any peace was concluded between the king of Spaine & that prince. Hither shee came to Captaine Argall then govern<sup>r</sup> of this Colony, being parte-owner of her. Hee more for loue of gaine the root of all euill, [x x x x] then for any true love he bore to this Plantation, victualled & manned her anewe, and sente her w<sup>th</sup> the same Comission to raunge the Indies. The eunte whereof (we may misdoubte) will prooue some attempte of the Spaniard upon us, either by waye of revenge, or by way of prevention; least we might in time make this place sedem belli against the West Indies. But our Govern<sup>r</sup> being a soldier truly bred in that vniversity of warre the lowe Countries, purposeth at a place or two upon the riuier fortifiable to prouide for them, animating in the meane while this warlike people (then whom for their small number, no prince can be serued w<sup>th</sup> better) by his example to prepare their courages.

**Richard Stafford of Staplehurst, Kent, gent aged 25, examined on an allegation of the Spanish Ambassador, 3 June 1620.**

Daniel Elfrith, whom he has known for 5 years, went as Master of the Treasurer in 1619 to the West Indies where he was in company with a Dutch ship. When the Treasurer brought into the Somer Islands 25 negroes the then Governor, Captain Kendall, suspected that they had been taken at sea from a Spanish ship and caused them to be put into a longhouse at St. George's Town. Some were then sold and others hired out by Captain [Nathaniel] Butler, now Governor. The Treasurer left the Somer Islands in February 1619/20.

**Reinold Booth of Reigate, Surrey, gent aged 26, examined on an allegation of the Spanish Ambassador, 23 July 1620**

He has known Daniel Elfrith for 10 years. In 1619 the deponent went on the Treasurer from Virginia to Bermuda and at the end of June 1619 she was compelled, while in the West Indies, to consort with a Flemish man of war, the White Lion of Flushing, commanded by Captain Chope who threatened to shoot at the Treasurer unless Elfrith complied with his wishes. Chope had permission to seize Spanish ships and in mid July 1619 he took 25 men from his own and Elfrith's Ships and sailed away in a pinnace. After 3 days he brought back a Spanish frigate which he had captured and, out of goodwill towards Elfrith gave him some tallow and grain from her. Immediately after this the deponent left the Treasurer in the Seaflower for Bermuda and departed from there for England.

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*Sir Nathaniel Rich's Draft Defending the Earl of Warwick*  
1620 [HMC 279]

Breifely thus:

My Lord of Warwick sent a ship calld the Threas. [*Treasurer*] to Cap Argoll [Samuel Argall] then Governour resident in Virginia, for the releife of the Colony there, and to be employed as formerlie she had done in trade to the North parts of Virginia.<sup>1</sup> Cap. Argoll sends this ship to the Western Ilands [Bahamas?] for salt and goates to supply the urgent wants of the Colonye, and before the retourne of the Ship Cap. Argoll comes for England.<sup>2</sup>

Cap. Yardley (that is now Governour there) advertiseth [informs] Sir Ed. Sandys, being Threas. [*Treasurer*] and the Counsell of Virginia by his letters that there was a constant report in Virginia, and that not without many apparant probabilities that this Ship [the *Treasurer*] was gone to rob the King of Spaynes Subjects by seeking Pillage in the West Indyes and that this was done by direction from my Lord of Warwick.

As soon as Sir Ed. Sandys received this letter of advertisement, he [assures?] the Counsell of Virginia to aske theyr opinion in it (having first blotted my Lord of Warwicks name out of those letters and any thing that might directly touch him and so lest leaving the information to rest wholly upon Cap. Argoll). Sir Ed. Sandys & the Counsell agreed that it was fitt to acquaint the Lords with it, for so it was alleaged that by theyr Oath they were bound, there beeing a clause in the oath that in all matters of Importance concerning the state should be made knowne to the Lords.<sup>3</sup> The resolution beeing thus taken, Sir Ed. Sandys, consydering how deeply this might concerne my Lord of Warwick not only to the loss of his Ship and goods (which yet was a great loss to my Lord, who only for the good of Virginia had ben at a very great charge in twice setting her out), but also in case that these Fellowes (to save theyr owne

<sup>1</sup>In 1612 Argall had sailed the *Treasurer* to Virginia and then up and down the coast. The 'North parts of Virginia' were the territory granted in 1606 to the Virginia Company of Plymouth, from present Delaware to Maine.

<sup>2</sup>Argall returned to answer piracy-involvement charges for having allowed Elfrith and the *Treasurer* to use Jamestown as a base. Sir George Yardley or Yeardley, who had been wrecked on the *Sea Venture*, was twice governor of Virginia.

<sup>3</sup>The Lords referred to were members of the Privy Council, a body of advisers to King James and largely selected by him. The Privy Council was a forerunner of the cabinet.

neckes) should lay the business upon my L[ord] of W[arwick], as it was not unlikely they would, that then it might tend infinitely to the prejudice or rather ruine of his estate, and knowing that it was not the blotting out of my Lords name would serve the turne, Sir Ed. Sandys, befor he went to the L[or]ds sends to my L[ord] of W[arwick] and my selfe to speake with us about it.

After some conference and difference in opinion touching our goeing to the L[or]ds with this complaint, we desyred the next morning that Sir Ed. Sandys, Sir Jo[hn] Danvers, my L[ord] of War[wick] and my selfe, with I thinke not above one or 2 more of your Counsell of Virginia, might mete at my Lo[rd] of South[ampton] to consider further of it.<sup>4</sup> Where it was resolved that to make less opposition in the business and give a fairer way to the ending of it, Sir Ed. Sandys should pursue the direcion given by those of your Virginia Councell that were assembled at the opening of the letter, but that this should be done very cautiously without any aggravation and carryed so, as might serve only to discharge our dutyes with such a tenor of words (the effect whereof was considerably agreed upon) as might conduce to a quiett settling of the business.

And because it was conceaved that this busines might tend not only to my Lo[rd] of W[arwicks] loss, but be of farr more dangerous consequence to his person and estate, my Lord Southampton promised himselfe to be there then at Councell Table and upon the opening of the matter by Sir E[dwin] S[andys] to offer his opinion and advise to the L[or]ds to the same purpose, so to quiett any further search or stirring in the business. His Lordship promised likewise privately to enforme some other of the Lordships (cheife members and ministers of State) and to entreate theyr favour likewise for a fayre passage therein as a complaynt rather necessit[ous] to be made in regard of our Oath than a matter fitt for theyr Lordships to enquire af[ter], seeing it was not to be doubted but the Ministers of the King of Spayne would be inquisitive ynough after such matters and then would be a fitter tyme for theyr Lordships to take into theyr farther consyderations.

To this purpose he wished my Lord of Warwick to goe with him to some of the Lordships and to goe alone of himselfe, others to entreat

<sup>4</sup>Danvers was a member of the Virginia Council and later head of the Bermuda Company. The Earl of Southampton became treasurer of the Virginia Company in June 1620, without opposition. He was also a member of the Privy Council.

theyr favour on Cap. Argolls behalfe. And this was soe efe[ctu]ally pursued and so cautiously handled that the issue was answerable. In both the matters the Virginia Counsell had discharged theyr parts in acquainting your Lordships<sup>5</sup> with it and the business was dismissed without prejudice to any. And soe [arested very?] quiett.

And all this whyle no exception taken to Sir E[dwin] S[andys] untill of late, about the beginning of Lent, there came new letters from the Governour of Virginia, directed as the former were to the Threas. and Councell, in which letters were signified some particulars that this ship [the *Treasurer*] which formerly was complaynd of, was returned againe to Virginia, where, having cold entertainements (for they would not offer them a vessell of water), they soone departed in a very distressed estate, leaving amongst others of theyr company one principall member, Masters Mate or Lieftenant behynd them.<sup>6</sup> Which man the Governour [Yardley] there examines uppon his Oath concerning theyr voyage, who, though it were to be endangering of his own life, confessed that they had ben robbing the Spanyard in the West Indies; and some particularities of the maner of theyr proceeding. Which deposition Sir G[eorge] Yardley sends also, together with his letter of advertisement. And the exception which my Lord of Warwick takes to Sir Edwin Sandys is touching his carriage of himselfe in this business uppon the second information.

But before I come to speake of that, I must entreate you to take notice of these particulars. First was this, that the last Sumer, my self hearing that Sir G[eorge] Yardley had either a Commission or intention at the retourne of the Ship to examyne those that were in her uppon theyr Oath where they had ben and what they had done, whereby the poore soules might be brought to accuse themselves capitally, I went to my Lord of Southampton and asked his lordships opinion whither he did not thinke it a very unjust thing so to doe. His lordship declared himselfe fully and feelingly in it that he thought it not fitt. I remember well (whither my Lord does so or no I know not) the matter. His lordship allowes that this came nearer the Spanish Inquisition than the Law of England by which

<sup>5</sup>The phrase 'your Lordships' indicates that this draft was to be the basis of a speech to be given before the Privy Council.

<sup>6</sup>This episode of the *Treasurer's* rebuff in Jamestown is also described in Dutton's letter to the Earl of Warwick of 20 January 1619/20.

we were to governe, for by the law it is a maxim, *Nemo tenetur prodere scipsum*.<sup>7</sup> And my Lord desyred me to goe to Sir Edwin Sandys to tell him so much that that was his opinion and to entreat him that he would write to the Governour there that he should not take any such examynations, which I did, & Sir E[dwin] S[andys] seemed to like the advise well, concurring for ought he then made shew of in the same opinion. Now whither [whether] he did so or no I know not, neither, as he sayd the other day, doth he himself remember, for the matter was not great, [since] this deposition was taken before his letter could arrive there. And this is the first thing before I come to complayne of Sir E[dwin] S[andys] ill usage of my Lord of Warwick which I desyre may be borne in mynd, which is briefly this: that a deposition of this nature which was now sent to Sir E[dwin] S[andys] as a ground of accusation against Argoll was held [unjust?] both by my Lord of Southampton and for ought I could then perceave by Sir E[dwin] S[andys] himselfe. Sure I am he will not offer to justifie it.

A second thing which before I make the complaynt I pray you to take notice of is this: which is that in cases of this nature where any [residents] of our Colonye either in theyr goinge from or comming to England goeing directly from Virginia committ any such offence as to spoyle or rob the Subjects of any other Prince, our Letters Patents declare precisely what in that case is to be done: viz, that uppon Complaynt of any such Prince so offended, the King will cause Proclamation of restitution within a certayne tyme, which if it be not done he will putt the parte [party] out of his Proteccion. From hence it is apparant that we were not tyed to complayne against our owne Countrey men.

I must add a thyrd thing: it is that I demanded of my L[ord] of W[arwick] the Ship and goods to be returned for England and bond to be answerable for them, which my Lord of Southampton tould Sir E[dwin] was so reasonable that it could not be denied. Yet Sir E[dwin] S[andys] afterwards found meanes even to cross him in this, alleaging that it could not be done without first acquainting their Lordships so, as except my L[ord] of W[arwick] would himself revive this matter a new at the counsell table, he was content to sitt still and abyde the issue, which yet was a courtesye would not have ben denied the meanest merchant in

<sup>7</sup>'No one may be held to betray [himself?].' The word *scipsum* is partially illegible, but the sense agrees with the context.



towne. And as was then sayd by Sir Ed. Cecil<sup>8</sup> was much safer and better for the Colony than any other way, to [lett?] the goods lye in Virginia in the hands of poore people, there to be embeasiled. And this was but a forerunner of Sir E[dwin] Sandys ill affection to my L[ord] of W[arwick], which showed it selfe more particularly playnly afterwards for.

Now upon the receaving of this letter and of this deposition which charged this ship with Pyracie, what doth Sir Ed[win] Sandys[?] He had not forgott that my L[ord] of W[arwick] was not named, yet both by that which passed at South[ampton?] house upon the [*illegible*] complaynt, and by the letters which then came from thence, and by the generall rumor and report of the Towne, and my L[ord] of Warwick's owne demand but a few weekes before, that though he knew both by the first letters that came from Virginia that my L[ord] of Warwick was accused in this business, though he knew in the passages of the former complaynt which was grounded upon report and rumor of intention of Pyracie, how carefull my L[ord] of Southampton [*illegible*] on the behalfe of my L[ord] of W[arwick] and how perplexed both my L[ord] of W[arwick] and his freinds [were?] at it, what paynes they tooke to prevent the ill consequence which might have [*illegible*] out upon that complaynt; and how they laboured to the Lords particularly, as I sayd before, that it might be favorable past over without further inquirie, and all this as I sayd only upon a doubt that the Ship might committ Pyracie.

Now as soone as Sir E[dwin] S[andys] was informed that that which they so much feared was come to pass, what doth he, my Lord, without acquainting my L[ord] of W[arwick] either before or after [?] He assembles the Counsell of Virginia, publisheth theis letters, produceth this (as I take it and as he once took it) unjust[ly] taken depositions, perswadeth the Counsell earnestly to goe and acquaint the Spanish Ambassador<sup>9</sup> with it, as also the Lords of the Counsell, so putt upon my L[ord] of Warwick sodaynly, ere he was aware, a confiscation of his shippes and goods, and to throw him into such further extremities as the ill conse-

<sup>8</sup>Sir Edward Cecil was a famous general and a member of the Council of the Virginia Company. In 1620 he was consulted by the Company about fortifying the Virginia colony.

<sup>9</sup>The Count de Gondomar, one of the ablest diplomats of his day, was twice ambassador to England and constantly warned Spain about Virginia and Bermuda being bases for English sea rovers preying on Spanish ships.

quences of such a business might produce. Which you well know how dangerous they are and almost unavoydable, for that if that which my L[ord] had ben accused of could have ben proved and what would not men of that sort sweare to putt of[f] a business from themselves to another whom they thinke more able to beare it, he had not only ben in the mercye of our own King, but must have ben brought under the clutches of the King of Spayne, which perhaps would not have ben remooved till he had crusht him to peices. For God deliver me from the clemencye of the Spanyard and from them that would enforme for him, especially without giving any warning.

And so in conclusion Sir E[dwin] Sandys counsell tooke effect, for he acquainted first the Lords (who being satisfied) he then mooved he might go to the Spanish Agent. And this is the charge, the aggravations are these:

1. If Sir E[dwin] S[andys] had not an ill affection to my L[ord], why did he not acquaint him (espec. being then in Towne) with a business so nearly concerning him[?]
2. Why did he not acquaint the Counsell of Virginia that the Lords had already notice of it[?]
3. Why did he not lett them know (which they were ignorant of) the clause of direction in the Letters Patents in these cases[?]
4. Why did he not (after this resolution of goeing to the Counsell taken) make it knowne to my L[ord] of W[arwick] that he might use meanes to prevent at least the confiscation of his goodnes and Ship, or if he had not an ill affection to my L[ord] of W[arwick] why would he not putt the Counsell in mynd of so much (which he might have done without endangering my Lord) that the goods and Ship were my Lords, which if they had knowne, in humanitie they would have stayed till my L[ord] might have made triall what might have ben done for the preservacion of them[?]
5. That either to mitigate or putt of[f] the business did he not utterly conceale what had ben formerly delivered to him concerning the nature of such a deposition upon which he grounded his complaynt[?] Did he so much as say that it was doubted whither such a deposition ought to be taken[?] Nay, on the contrary did he not press the publishing both of letter and deposition and that both to the Lords and Spanish Ambassador[?]

6. When the Table was satisfied by my Lord Digby<sup>10</sup> and the business quieted, did he not revive it by another motion to the Lords that they might send to the Spanish Agent and there disclayme the business, which the Lords allowing and that some were named in the Court to goe to the Spanish Agent, amongst others Sir X[?] R. as a freind to my L[ord] of Warwick beeing named did not Sir E[dwin] S[andys] [banke?] him and sayd Sir Jo. D[anvers?] and D[illegible] were ynough[?] In conclusion, whereas they should have gone to one, they delivered this Message to both, notwithstanding Sir E[dwin] S[andys] was forewarned of the danger of it. And uppon returne of theyr arrand some hott disputation growing in the Court about it, whereby the business [*illegible*] might have growne into more trouble, did Sir E[dwin] S[andys] speake one word to quiett it[?] No. Note: Where the Lords willd him to be wary in his report, fearing the master of the ship should run away with the ship, Sir E[dwin] Sandys in open Court sayd that now the business must lie wholly uppon Elfried [Elfrith] who [*words missing*] Pyrate must [*balance missing*].

<sup>10</sup>Sir John Digby, later Earl of Bristol, was a distinguished diplomat, twice ambassador to Spain, and a member of the Privy Council.