

Roger Williams, *The Complete Writings of Roger Williams*, 1647, 46-47.

Roger Williams was a Puritan minister, famous for founding the colony of Rhode Island and for writing the first study of the indigenous language Narragansett. Williams had a stake in proving that the indigenous tribes had legally possessed the land as he had purchased his land directly from Narragansett chiefs. The sale, and his own possession, could only be considered legal if the tribes had legally owned the land in the first place.

This Patent, M^r. *Williams* publickly, and vehemently preached against, as containing matter of falshood, and injustice: Falshood in making the King the first Christian Prince who had discovered these parts: and injustice, in giving the Countrey to his *English* Subjects, which belonged to the Native *Indians*. This therefore he pressed upon the Magistrates and People, to be humbled for from time to time in dayes of solemne Humiliation, and to returne the Patent back againe to the King. It was answered to him, first, That it was neither the Kings intendement, nor the *English* Planters to take possession of the Countrey by murder of the Natives, or by robbery: but either to take possession of the voyd places of the Countrey by the Law of Nature, (for *Vacuum Domicilium cedit occupanti*:) or if we tooke any Lands from the Natives, it was by way of purchase, and free consent.

A little before our coming, God had by pestilence, and other contagious diseases, swept away many thousands of the Natives, [28] who had inhabited the Bay of *Massachusetts*, for which the Patent was granted. Such few of them as survived were glad of the coming of the *English*, who might preserve them from the oppression of the *Nabargansets*. For it is the manner of the Natives, the stronger Nations to oppresse the weaker.

This answer did not satisfie M^r. *Williams*, who pleaded, the Natives, though they did not, nor could subdue the Coun-

treys, (but left it *vacuum Domicilium*) yet they hunted all the Countrey over, and for the expedition of their hunting voyages, they burnt up all the underwoods in the Countrey, once or twice a yeare, and therefore as Noble men in *England* possessed great Parkes, and the King, great Forrests in *England* onely for their game, and no man might lawfully invade their Propriety: So might the Natives challenge the like Propriety of the Countrey here.

It was replied unto him. 1. That the King, and Noble men in *England*, as they possessed greater Territories then other men, so they did greater service to Church, and Common-wealth.

2. That they employed their Parkes, and Forrests, not for hunting onely, but for Timber, and for the nourishment of tame beasts, as well as wild, and also for habitation to sundry Tenants.

3. That our Townes here did not disturb the huntings of the Natives, but did rather keepe their Game fitter for their taking; for they take their Deere by Traps, and not by Hounds.

4. That if they complained of any straites wee put upon them, wee gave satisfaction in some payments, or other, to their content.

5. We did not conceive that it is a just Title to so vast a Continent, to make no other improvement of millions of Acres in it, but onely to burne it up for pastime.

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~~for them. When Isaac sojourned among the Philistines, he digged one well, and the Philistines strove for it, and he called it Esek: and he digged another well, and for that they strove also, therefore he called it Sitnah: and he removed thence, and digged an other well, and for that they strove not, and he called it Reboboth, and said, For now the Lord hath made roome for us, and we shall be fruitfull in the Land. Now no Esek, no Sitnah, no quarrell or contention, but now he sits downe in Reboboth, in a peaceable roome.~~

Now God makes room for a people 3 ways:

First, when he casts out the enemies of a people before them by lawfull warre with the inhabitants, which God calls them unto: as in *Ps. 44. 2. Thou didst drive out the Heathen before them.* But this course of warring against others, & driving them out without provocation, depends upon speciall Commission from God, or else it is not imitable.

Secondly, when hee gives a forreigne people favour in the eyes of any native people to come and sit downe with them either by way of purchase, as *Abraham* did obtaine the field of *Machpelah*; or else when they give it in courtesie, as *Pharoah* did the land of *Goshen* unto the sons of *Jacob*.

Thirdly, when hee makes a Country though not altogether void of Inhabitants, yet void in that place where they reside. Where there is a vacant place, there is liberty for the sonnes of *Adam* or *Noah* to come and inhabite, though they neither buy it, nor aske their leaves. *Abraham* and *Isaac*,

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when they * sojourned amongst the *Philistines*, they did not buy that land to feede their cattle, because they said There is roome enough. And so did *Jacob* pitch his Tent by *Secchem*, *Gen. 34. 21.* There was roome enough, as *Hamor* said, *Let them sit downe amongst us.* And in this case if the people who were former Inhabitants did disturbe them in their possessions, they complained to the King, as of wrong done unto them: As *Abraham* did because they tooke away his well, in *Gen. 21, 25.* For his right whereto he pleaded not his immediate calling from God, (for that would have seemed frivolous among the Heathen) but his owne industry and culture in digging the well, verse 30. Nor doth the King reject his plea, with what had he to doe to digge wells in their soyle? but admitteth it as a Principle in Nature, That in a vacant soyle, hee that taketh possession of it, and bestoweth culture and husbandry upon it, his Right it is. And the ground of this is from the grand Charter given to *Adam* and his posterity in Paradise, *Gen. 1. 28. Multiply, and replenish the earth, and subdue it.* If therefore any sonne of *Adam* come and finde a place empty, he hath liberty to come, and fill, and subdue the earth there. This Charter was renewed to *Noah*, *Gen. 9. 1. Fulfill the earth and multiply.* So that it is free from that common Grant, for any to take possession of vacant Countries. Indeed no Nation is to drive out another without speciall Commission from heaven, such as the *Israelites* had, unlesse the Natives do unjustly wrong them, and will not recompence the wrongs

* This sojourning was a constant residence there, as in a possession of their owne; although it be called sojourning or dwelling as strangers, because they neither had the soveraigne government of the whole Countrey in their owne hand, nor yet did incorporate them selves into the Commonwealt of the Natives, to submit themselves unto their government.

John Winthrop Defends the Right of Puritans to Settle on Indian Land England, 1629

John Winthrop (1588–1649), lawyer and leader of the 1630 migration of English Puritans to Massachusetts Bay Colony, penned a brief document in 1629 that answered several objections to the project. In the passage below, he drew on the Bible to justify settling land that was already occupied by other “sons of Adam.” Earlier in the text, he had asserted that “The whole earth is the Lord’s garden and he hath given it to the sons of Adam to be tilled and improved by them.” The argument below reflects this understanding of the proper relationship between humans and the land. Non-standard spellings have been modernized. —D. Voelker

[Question.] What warrant have we to take that land, which is and hath been of long time possessed of others the sons of Adam?

Ans[wer]. That which is common to all is proper to none. This savage people ruleth over many lands without title or property; for they enclose no ground, neither have they cattle to maintain it, but remove their dwellings as they have occasion, or as they can prevail against their neighbors. And why may not Christians have liberty to go and dwell amongst them in their wastelands and woods (leaving them such places as they have manured for their corn) as lawfully as Abraham did among the Sodomites? For God hath given to the sons of men a twofold right to the earth; there is a natural right and a civil right. The first right was natural when men held the earth in common, every man sowing and feeding where he pleased: Then, as men and cattle increased, they appropriated some parcels of ground by enclosing and peculiar manurance, and this in time got them a civil right. Such was the right which Ephron the Hittite had to the field of Machpelah, wherein Abraham could not bury a dead corpse without leave, though for the out parts of the country which lay common, he [Abraham] dwelt upon them and took the fruit of them at his pleasure. This appears also in Jacob and his sons, who fed their flocks as boldly in the Canaanites’ land, for he [Jacob] is said to be lord of the country; and at Dotham and all other places [where] men accounted nothing their own, but that which they had appropriated by their own industry

2dly, There is more than enough for them and us.

3dly, God hath consumed the natives with a miraculous plague, whereby the greater part of the country is left void of inhabitants.

4thly, We shall come in with good leave of the natives.

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