

BOOM

FROM what little can be discovered about the value of a man's labor in Virginia in the 1620s, it is not hard to see why the demand for servants was high, even in the face of a food scarcity. At the time when Sandys took over the company and began pouring men into the colony, Virginia had just begun to ship tobacco in quantity to the English market. The prices it brought were considerably lower than those for Spanish tobacco, but high enough to excite the cupidity of every settler. In the colony in 1619 the best grade sold for export at three shillings a pound.¹ In 1623 what reached England was worth no more than half that, and in bartering within the colony (where it had already become the principal medium of exchange) it was said to be valued at less than a shilling a pound.² In a lawsuit recorded in 1624 it was reckoned at two shillings a pound, and in 1625 at three shillings again.³ The boom lasted until 1629 or 1630, when the price tumbled to a penny a pound.⁴ Though it recovered somewhat in ensuing years, it never again reached the dizzy heights of the 1620s. During that decade the profits from tobacco were enough to keep all the colonists growing

¹ *RVC*, III, 162. The figure 3*d.* given here is an obvious misprint for 3*s.*

² *RVC*, IV, 264; H. R. McIlwaine, ed., *Journals of the House of Burgesses of Virginia, 1619-1658/59* (Richmond, 1915), 24.

³ *Minutes of Council*, 33, 43.

⁴ Evidence about the exact time of the collapse is scanty, but see *VMHB*, VII (1899-1900), 382; C.O. 1/8, ff.17-18; C.O. 1/9, ff.248-49; C.O. 1/10, ff.14-17; Lefroy, *Memorials of the Discovery and Early Settlement of the Bermudas*, I, 479.

as much of it as they could, in spite of every effort to turn them to other products.

By order of the company Virginians were forbidden to raise more than 100 pounds of tobacco apiece, but they paid scant attention to the prohibition and less attention still to producing the silk and potash and other staples that the company had demanded. None of Virginia's prospective commodities stood a chance in competition with the sure thing that the settlers knew tobacco to be. Under its spell Englishmen found that they could work much harder than they had been accustomed to doing and that they could make their servants work even harder. They still would not grow enough corn to feed themselves, but they grew tobacco as though their lives depended on that. As a result, all of Sandys' projects faded away, even when the men sent to conduct them managed to stay alive. Before the massacre put an end to the ironworks, the men sent to run them had already "turned good honest Tobaccoe mongers."⁵ The tenants on both the public lands and the particular plantations scorned the various projects assigned them, so that by 1623 it was reported that "nothing is done in anie one of them but all is vanished into smoke (that is to say into Tobaccoe)."⁶

Without regard to the limitation imposed by the company (which apparently no one did regard), the amount of tobacco one man could produce in a year by his own labor varied from place to place, from year to year, and from man to man. In 1619 John Rolfe, who introduced tobacco cultivation in Virginia, estimated that a man could tend four acres of corn and 1,000 plants of tobacco.⁷ Four years later William Capps, an "old planter," said that a man could tend 2,000 plants and that this would make 500 "weight" (presumably 500 pounds) of tobacco. He also maintained that in 1623 three of his boys, whom he calculated as equal to a man and a half, had produced 3,000 weight of tobacco and 110 barrels (550 bushels) of corn.⁸ Richard Brewster working with three men was said to have grown 2,800 weight of tobacco and 100 bushels of corn.⁹ In 1626 William Spencer testified in court that in 1620 he had overseen the labor of six or seven men who had produced 3,000 or 4,000 weight.¹⁰ The figures differ, perhaps because some of the authors were boasting, because some men worked harder than

⁵ RVC, IV, 141.

⁷ Smith, *Travels and Works*, II, 541.

⁶ RVC, IV, 145.

⁸ RVC, II, 524; IV, 38.

⁹ *Ibid.*

¹⁰ *Minutes of Council*, 99; RVC, I, 256, 268.

others, and because tobacco harvests varied sharply from year to year for reasons beyond human control.¹¹ The amounts are actually much lower than would be normal a few years later, when more experience with the crop had raised Virginians' expectations of the number of plants a man could tend. But by any calculation the financial returns from labor invested in growing tobacco were high. John Pory, after the exceptionally good harvest of 1619, said that one man had cleared £200 sterling by his own labor and another with six servants had cleared £1,000 sterling. These, he admitted, were "rare examples, yet possible to be done by others."¹²

Because of the chances for such profits Virginia in the last years of the company, while a charnel house, was also the first American boom country. There was no gold or silver. A man could not make a fortune by himself. But if he could stay alive and somehow get control of a few servants and keep them alive, he could make more in a year than he was likely to make in several in England. And if he could get a large number of servants, he might indeed make a fortune.

In boom country not everyone strikes it rich; and even those who come in from the hills with a pocketful of gold generally give it up in a hurry—for drink, for women, even for food and clothing at bonanza prices. Life is cheap, but nothing else is. Those who have what gold will buy get the gold a good deal easier and faster than the miners who dig it. And the pleasures and comforts of normal human relationships, the things that gold will not buy, are not to be had at all. Men have come there not to settle down but to make their pile and move on. But the easy-come, easy-go miner generally carries away as little as he carries in.

So it was in Virginia, where tobacco took the place of gold. Virginia's counterpart of the easy-come, easy-go miner was the

¹¹ If we may judge from the English customs records of tobacco imported from Virginia, Bermuda, and Maryland, a good year often produced twice the amount of a poor year and sometimes almost three times the amount. See figures in Neville Williams, "England's Tobacco Trade in the Reign of Charles I," *VMHB*, LXV (1957), 403-49; Stanley Gray and V. J. Wyckoff, "The International Tobacco Trade in the Seventeenth Century," *Southern Economic Journal*, VII (1940), 16-25; *American Historical Review*, XXVII (1921-22), 526; and Elizabeth B. Schumpeter, *English Overseas Trade Statistics, 1697-1808* (Oxford, 1960), 52-55.

¹² *RVC*, III, 221. By the 1640s it was expected that one man's crop might amount to 1,500 or 2,000 pounds, which at 1619 prices would have brought from £225 to £300 per man. See chap. 7, note 40.

small planter who squandered his small crop on the liquor and luxuries that show up in boom towns. "Our Cowe-keeper here of James Citty," wrote John Pory in 1618, "on Sundayes goes acowterd all in fresh flaming silkes and a wife of one that in England had professed the black arte not of a scholler but of a collier of Croydon, weares her rough bever hatt with a faire perle hattband, and a silken suite therto correspondent."¹³ The first legislative assembly in Virginia in 1619 felt obliged to pass acts against excess in apparel and also against drunkenness.¹⁴ For it was drink more than clothes that the planters craved. The thirst of Virginians became notorious in England, and the ships that sailed up the James River were heavily freighted with sack and strong waters, even if they neglected to bring more solid fare.¹⁵

Virginians needed drink, if for nothing else, to solace them for losing the comforts of a settled life. Few were able, like the collier from Croydon, to enjoy the company of a wife. Women were scarcer than corn or liquor in Virginia and fetched a higher price. Seeking to overcome the shortage, the company dispatched shiploads of maids (for whom prospective husbands were expected to pay), but the numbers were not large enough to alter the atmosphere of transience that pervaded the boom country.¹⁶ The lonely men who pressed aboard every ship in the James to drown their cares in drink looked on Virginia "not as a place of Habitation but onely of a short sojourninge."¹⁷ They would marry and settle down later, somewhere else.

The whole appearance of the settlements, a mere collection of ramshackle hovels, argued that this was only a stopping place. It was a time when Englishmen of all classes were putting up larger and more substantial buildings throughout their own country;¹⁸ and an Englishman's idea of a house was something solid, preferably of brick or stone. If it had to be made of wood, the walls at least should

¹³ *RVC*, III, 221.

¹⁴ *RVC*, III, 165.

¹⁵ *RVC*, III, 658, 666; IV, 11, 14, 23, 271-73; *WMQ*, 2nd ser., VII (1927), 247.

¹⁶ *RVC*, I, 256, 269, 566; III, 493; IV, 231. By 1624 the total female population by count, including children, was 244 out of 1,292. In 1625 it was 276 out of 1,210. There are 58 living persons of indeterminable sex in the 1624 list and 14 in the 1625 list. Most of these are children, but some are persons with names like Francis. See Appendix.

¹⁷ *RVC*, I, 566.

¹⁸ W. G. Hoskins, "The Rebuilding of Rural England, 1570-1640," *Past and Present*, No. 4 (1953), 44-59.

be plastered. Visitors to Virginia rightly judged the intentions of the settlers from the way they were content to live: "Their houses standes scattered one from another, and are onlie made of wood, few or none of them beeing framed houses but punches [posts] sett into the Ground And covered with Boardes so as a firebrand is sufficient to consume them all."¹⁹ In fact, it did not even take a firebrand. Virginia "houses" could be kept standing only with difficulty. At Charles City, where the settlers had considered themselves fortunate to be released earlier than others from the company's service, they went on building "such houses as before and in them lived with continual repairs, and buildinge new where the old failed."²⁰ There was no point in putting up more than a temporary shelter if you did not intend to stay; and as late as 1626 the governing council admitted that what people looked for in Virginia was only "a present Cropp, and their hastie retourne."²¹

The present crop stood in the way of everything else. Although the government required everyone to plant a certain amount of corn, men would risk both prosecution and hunger in order to put their time into tobacco. Even self-preservation came second. After the massacre, when the government adopted a policy of continuous attack against the Indians, it was difficult to get men to leave their crops in order to carry on the war for a few days. When the governor commanded them to go, they would "Crye out of the loss of Tyme," and when a campaign lasted as long as two weeks, they would demand "that they might have leave to retourne, lest it should prove theire utter undoinge."²² When William Capps, who had had some experience in Indian fighting, volunteered to lead an expedition of forty men, he found that even the governing council was unwilling to spare them. Capps, whose speech comes through vividly in

¹⁹ *RVC*, IV, 259.

²⁰ *Journals of the House of Burgesses*, 33. Planters who had built houses at Kecoughtan on land later claimed by the company were paid from 70 to 100 pounds of tobacco for them in 1625. At the maximum valuation of 3s. a pound this would make the best house worth £15 (*Minutes of Council*, 41). In spite of the high wages of carpenters in Virginia, this was probably no more than half what an English husbandman's house might be worth. As late as 1642 Governor Berkeley was ordered by the Privy Council to require everyone with 500 acres to build a brick house "and also not suffer men to build slight cottages as heretofore hath been there used. And to remove from place to place, only to plant Tobacco." *VMHB*, II (1894-95), 284, 287.

²¹ *RVC*, IV, 572.

²² *RVC*, IV, 451.

his letters, had his own explanation of the reasons for the council's refusal: "take away one of my men," he pictures them saying to themselves, "there's 2000 Plantes gone, thates 500 waight of Tobacco, yea and what shall this man doe, runne after the Indians? soft, I have perhaps 10, perhaps 15, perhaps 20 men and am able to secure my owne Plantacion; how will they doe that are fewer? let them first be Crusht alitle, and then perhaps they will themselves make up the Number for their owne safetie. Theis I doubt are the Cogitations of some of our worthier men."²³

As in other booms, a large share of the winnings was carried away by those who supplied the flaming silks and strong waters, by men who had even less intention of settling down than the planters. The ships that anchored in Virginia's great rivers every summer were, as one settler observed, moving taverns,²⁴ whose masters, usually private traders, got the greater part of the tobacco that should have been enriching the colonists and the shareholders of the company. Since the company had never been able to satisfy the needs of the colonists, it was helpless to prevent them from trading with outsiders, and by 1620 it gave up trying to.²⁵ Thereafter, the most it could do was to invest its dwindling funds in the magazines, through which still hopeful members tried to recoup some of their losses.

A magazine was supposed to turn a profit by exchanging supplies for tobacco or other commodities, but it became the practice in Virginia to sell for the promise of tobacco when the next crop was in; and somehow the promises were not kept. The floating taverns got the tobacco before it could reach the cape merchant in charge of the magazine, and all magazines seem to have ended with a loss to the investors in England.²⁶ There were sometimes as many as seventeen sail of ships to be seen at one time in the James River, and the Virginians crowded aboard and drank away their promises and their profits. Anything that smelled of alcohol would sell, and the governor and council complained bitterly of the "rates which unconscionable marchantes and maryners doe impose uppon our necessities . . . especyally of rotten Wynes which destroy our bodies and empty our purses."²⁷ One trader even "boasted that the only sale of fower buttes of wyne would be Sufficyent to clere the whole Vioage."²⁸

²³ RVC, IV, 38.

²⁴ Smith, *Travels and Works*, I, 103-4.

²⁵ RVC, I, 303; III, 362.

²⁶ RVC, II, 52, 218-19; III, 502-5; IV, 14, 23.

²⁷ RVC, IV, 453.

²⁸ *Ibid.*; cf. III, 528, 658-59; IV, 11.

The private traders from abroad were not the only ones who seized the commercial opportunities of the boom. Complaints reached England against Virginians who got to the ships first and engrossed the commodities most in demand, to sell at monopoly prices.²⁹ And after the massacre, when corn was at its scarcest, those who had boats and could get a commission from the governor were able to bring back hundreds of bushels from the Chesapeake region, some of it bought, some of it stolen, some of it taken by force from the Indians there. At the price of corn then prevailing in Jamestown, these voyages to the Chesapeake must have been highly profitable, and there were charges that the chief men of the colony were only too willing to prolong the scarcity by discouraging or forbidding the planting of corn. As long as the shortage lasted, "they onely haveing the means in these extremities to Trade for Corne with the Natives doe hereby engrosse all into their hands and soe sell itt abroad at their owne prizes. . . ." ³⁰

In the winter of 1622–23 English meal was selling at thirty shillings the bushel and Indian corn at ten to fifteen shillings. By April even Indian corn was at twenty to thirty shillings "and non to bee had but with great men."³¹ The officers of the colony claimed that corn actually sold at only ten pounds of tobacco a bushel.³² But even at that rate a man who accumulated a thousand bushels of corn on a short trip to the Chesapeake region would be able to trade it for 10,000 pounds of tobacco, worth from £500 to £1,000 sterling.

Although Sir Edwin Sandys had been bent on profit for the company's investors, profiteering, whether by residents or transients, had been no part of his plans for Virginia. He had hoped to build a community without want and without oppression. Ironically, his concentration on getting men across the water played into the hands of local profiteers who engrossed not only goods but men. Virginia differed from later American boom areas in that success depended not on acquiring the right piece of land, but on acquiring men. Land that would grow tobacco was everywhere, so abundant that people frequently did not bother at first to secure patents for the amounts they were entitled to.³³ Instead, men rushed to stake out claims to

²⁹ RVC, III, 504, 703–4; IV, 261.

³⁰ RVC, II, 375; IV, 186, 234.

³¹ RVC, IV, 89, 231, 234.

³² *Journals of the House of Burgesses*, 24.

³³ This is evident from any comparison of the dates of patents with the dates of transportation of persons for which headrights were claimed. When Abraham Peirse made his will in March, 1626/7, he had not yet

men, stole them, lured them, fought over them—and bought and sold them, bidding up the prices to four, five, and six times the initial cost.³⁴ The company's program obligingly poured men into Virginia for the scramble.

Since the number of older, seasoned servants was limited not only by the high death rate but also by completion of their terms of servitude, it was mainly the newcomers under the Sandys program whose labor enriched the aggressive and enterprising traders and planters. At first sight it might seem that the death rate among the new arrivals (even higher than among men who had survived their first year in the country) was so great as to nullify any advantages to those who sought to exploit them. But the records show that enough of them survived to make up almost the whole labor force and also the vast majority of the population of Virginia by 1625. The muster of inhabitants taken in January and February of that year gives the date of arrival in the colony for 740 of the 1,210 living persons listed.³⁵ Of the 740, only 110 had come to Virginia before 1618.³⁶ The muster list also reveals that among the fifteen planters who held ten or more servants, or "men," in 1625, only two servants out of 199 whose arrival dates are known had come before 1618.³⁷

The bondage of the men sent under the Sandys program was

taken up land for the servants he had transported since 1620. Neill, *Virginia Carolorum*, 404.

³⁴ Smith, *Travels and Works*, II, 618; *RVC*, IV, 235.

³⁵ A convenient breakdown of the information in the muster about numbers of cattle and supplies listed for each household is in *VMHB*, VII (1899–1900), 364–67, but this does not analyze dates of arrival or ages, and some of the figures are incorrect. A more detailed analysis is Irene W. D. Hecht, "The Virginia Muster of 1624/5 as a Source for Demographic History," *WMQ*, 3rd ser., XXX (1973), 65–92. My own analysis, which was made before this appeared, differs slightly from hers. See Appendix, note 3. The muster was evidently taken by various people who did not all put down the same kinds of information. The dates of arrival are complete for some plantations; others show no dates at all; and still others show dates for some names but not for others. It seems safe to assume that the 740 are roughly typical of the remaining 470, who include, however, a number of children born in the colony.

³⁶ The rest had come as follows: 1618, 59; 1619, 78; 1620, 124; 1621, 114; 1622, 95; 1623, 117; 1624, 43.

³⁷ I have not counted the few children of servants, but I have included the few wives, and I have assumed that "men," presumably tenants, were under the control of the person under whose name they are listed.

of several kinds. Seemingly the most advantageous status was that of tenant. Although tenants were under the supervision of agents sent by the company or by the association that founded a particular plantation, they were entitled to returns on half of what they earned. Ordinary bond servants, on the other hand, belonged completely to their master: he got everything they earned and had only to supply them with food, clothing, and shelter during their term of service. The least attractive form of servitude was apprenticeship. Apprentices, often known as "Duty Boys" from the name of the ship (the *Duty*) on which some of them were transported, were bound as servants for seven years under any planters who would pay ten pounds apiece for them. After their seven years' service, they were to be tenants for another seven years. If, however, a Duty Boy committed a crime at any time during the first seven years, his term as a servant was to begin again for another seven years.³⁸

Probably the majority of men sent under the Sandys program were tenants. The particular plantations were supposed to be manned by tenants, as were the company lands. And the men sent to support the various offices of government were also tenants. But the difference between a tenant and a servant in boom-time Virginia was not easy to discern. The company's generosity to its officers combined with the high death rate to lay open every surviving tenant sent by the company to exploitation by any officer who claimed him as part of his quota of tenants. And if an officer did not commandeer him, someone else would. Whether a man came as a servant, as an apprentice, as a tenant, or on his own he was vulnerable. If death disposed of the master who could rightly claim his labor, an heir, real or fraudulent, would quickly lay hold of him. Or if, having paid his own transportation, he arrived in Virginia without a master but also without enough provisions, he was easy prey for anyone who could feed and shelter him. Even if he came with enough to set himself up independently, a bad harvest, insurmountable debts, or Indian depredations might force him into the service of a bigger operator. This was particularly true after the massacre, when it was reported that ordinary men who had made a start on their own were obliged, for fear of the Indians, "to forsake their houses (which were very farre scattered) and to joyne themselves to some great mans plantation."³⁹

³⁸ *RVC*, I, 270-71, 293, 304-7, 411-12, 424, 520; III, 259; *Minutes of Council*, 117.

³⁹ *VMHB*, LXXI (1963), 410.

Some planters were not above ransoming captives from the Indians in order to claim their labor. Jane Dickenson and her husband, Ralph, were tenants of Nicholas Hide, when Ralph was killed in the massacre of 1622 and Jane carried into captivity. After some time Dr. John Pott, the physician who had been sent to Virginia at company expense, ransomed Jane for two pounds of glass beads. Ten months after her deliverance she complained to the governor and council that she was held in a servitude that “differeth not from her slavery with the Indians,” Dr. Pott alleging that she was “linked to his servitude with a towefold Chaine the one for her late husbands obligation [to Hide] and thother for her ransome, of both which shee hopeth that in Conscience shee ought to be discharged, of the first by her widdowhood, of the second by the law of nations, Considering shee hath already served teen months, tow much for two pound of beades.”⁴⁰ Other complaints reached London that “divers old Planters and others did allure and beguile divers younge persons and others (ignorant and unskillfull in such matters) to serve them upon intollerable and unchristianlike conditions upon promises of such rewardes and recompence, as they were no wayes able to performe nor ever meant.”⁴¹

Among the worst offenders were the company's own officials in the colony. In Sandys' shipments of men bound to the company, they had perceived an opportunity for exploiting not only the tenants but the company itself. The fact that the men arrived without adequate provisions furnished an excuse for treating tenants as servants.⁴² Instead of being seated on company lands where they were supposed to clear, fence, plant, and build, the tenants were hired out to private planters, like the fifty men who arrived “lusty and well” on the *Bona Nova*.⁴³ Although the officers reported that they hired out the sickly rather than the able-bodied, the company got word that it was the other way round: the strongest men, who might have benefited the company most, were put to work on private plantations. And “where it is pretended this placinge them with old planters is for their health, they are so unmercifully used that it is the

⁴⁰ *RVC*, IV, 473.

⁴¹ *RVC*, II, 113; cf. II, 442.

⁴² The officers also cited the lack of housing. But the company had repeatedly ordered the construction of guesthouses to quarter newcomers until they could build houses of their own. The officers in the colony regularly found excuses to evade the orders. *RVC*, III, 489, 493, 532.

⁴³ *RVC*, III, 479, 489. The same hiring out of tenants by those to whom they were entrusted apparently also occurred in Bermuda. Lefroy, *Memorials*, I, 165.



greatest cause of our Tenntes discontent. . . .”⁴⁴ Thus while company men labored on the lands of private planters, company land went uncleared, unfenced, and unplanted. It would be difficult to believe that the company officials perceived no personal advantage in this situation.

The hiring out of some tenants should have meant more food for those who remained in the company’s care. Apparently, however, the hired men’s share of provisions was converted to private uses;⁴⁵ and the men who continued as company tenants were deprived even of the supplies intended for them. Whatever the company sent the officers appropriated, and gave the tenants only Indian corn and water,⁴⁶ a diet not calculated to speed the recovery of men weakened by a long voyage. But malnutrition and the diseases consequent upon it were not the only reasons for the low productivity of the company men. According to one dissatisfied London investor, the reason the company tenants accomplished so little was that “the officers Tenantes were cheifely regarded and the generall Companies Tenantes the more neglected,”⁴⁷ by which he probably meant that the officers made it their business to get a day’s work out of their own assigned tenants but not out of the rest. Moreover, John Pory reported to the company in 1624, the officers were seating the men assigned to their offices “on their private Lands, not upon that [that] belongeth to their office,” so that the crop produced on these private lands of the officers “alwaies exceeds yours”; and since the land set aside for officers lay “unmanured⁴⁸ to any purpose” it would yield little profit to the succeeding officers. The existing ones, Pory added, used the company’s tenants “to row them up and downe, whereby both you and they lose more then halfe.”⁴⁹

It is only fair to add that what the company wanted for Virginia probably could not have been achieved by even the most faithful and assiduous of officers. The company wanted a stable, diversified society, where men would make reasonable profits and live ordinary, reasonable lives. It was Virginia’s misfortune in the last years of the company to offer opportunities for profit that were much more than reasonable.

The men who seized the opportunities and captured the labor of Virginia’s perishing immigrants are not difficult to identify. In Janu-

⁴⁴ *RVC*, III, 489.

⁴⁷ *RVC*, I, 456–57.

⁴⁵ *Ibid.*

⁴⁸ I.e., uncultivated.

⁴⁶ *RVC*, IV, 175.

⁴⁹ Smith, *Travels and Works*, II, 571; cf. *RVC*, III, 479.

ary and February, 1625, a muster of the inhabitants indicated the names and numbers of every man's "men," or servants, including both tenants and genuine servants.⁵⁰ The fifteen who had ten or more may be taken as the winners in the servant sweepstakes:

Ralph Hamor	10
John Pott	12
Edward Bennett	12
William Epps	13
Roger Smith	14
William Barry	15
Edward Blaney	17
William Peirce	17
Francis Wyatt	17
William Tucker	17
Daniel Gookin	20
Samuel Mathews	23
George Sandys	37
George Yeardley	39
Abraham Peirse	39

Some of these men may have won fair and square; about several of them we know very little.⁵¹ But the careers of the others make it a

⁵⁰ See note 35 and Appendix. The number of persons employing ten or more servants in Virginia, with a living population of a little over 1,200 in 1625, was almost as large as in the English county of Gloucestershire in 1608, where the total population was probably more than 50,000 (men aged 20 to 60 amounted to 19,402). See A. J. and R. H. Tawney, "An Occupational Census of the Seventeenth Century," *Economic History Review*, V (1934-35), 25-64.

⁵¹ Wyatt, who served as governor, 1621-26, and Peirce seem to have made their way without eliciting complaints. Bennett, a Puritan merchant of London and Amsterdam, came to Virginia only after the dissolution of the company and did not remain. His estate was built up through the efforts of his brother Robert, who sold provisions at prices that drew protests (J. B. Boddie, *Seventeenth-Century Isle of Wight County* [Chicago, 1938], 34-53; *RVC*, IV, 453). Gookin too was in Virginia only briefly, though his sons and overseers seem to have done very well for him (F. W. Gookin, *Daniel Gookin, 1612-1687* [Chicago, 1912], 38-48). Barry and Smith were agents of the company, and most of the men listed under their names were probably company tenants and not appropriated to private profit (*RVC*, I, 433; *Minutes of Council*, 78, 90). Samuel Mathews was to play a prominent role in the colony in the 1630s and 1640s. He married Peirse's widow and by 1638 boasted the best estate in the country (Massachusetts Historical Society, *Collections*, 4th ser., IX [1871], 136n; *VMHB*, I [1893-94], 187-88; XI [1903-4], 170-82). Epps, described both as "a mad ranting fellow" and as "a proper yong man," killed another man in a drunken brawl in 1619 and was charged with adultery in 1627. He became a leading figure on the

question whether we should call them labor barons or robber barons. It would be tedious to pile up the evidence about each of them, but a few simple facts may be suggestive.

The front-runner, Abraham Peirse, with thirty-nine servants, though probably from a high-ranking English family, had been “a verie poore man” when he came to Virginia in 1616 as the cape merchant in charge of the company’s magazine. Although he sold goods at two or three times the prices set by the investors, the magazine, under his direction, showed a loss, and in 1626 he had not yet paid the investors for the goods sold. But when he died two years later, he “left the best Estate that was ever yett knowen in Virginia.”⁵² Edward Blaney succeeded Peirse as cape merchant in 1620. At his death in 1626 he too had not paid for the goods he sold, but he had acquired seventeen servants. He had also succeeded in embezzling a fair amount by marrying a widow and successfully claiming an estate left by a man with the same surname as his wife’s first husband, a trick played by a number of quick-witted Virginians at the death of a stranger who happened to bear the same surname.⁵³ George Sandys, treasurer of the colony, having failed to receive the full quota of tenants assigned to his office, simply appropriated sixteen company tenants as his servants. Although for some time before his departure for England in 1625 he refused to execute his

Eastern Shore, but by 1633 he had moved to St. Christopher (*VMHB*, LXV [1957], 313–27; *RVC*, III, 121, 242; *Minutes of Council*, 48, 50, 91, 140, 148; Northampton I, 9, 21, 67, 116, 163–64).

⁵² *Minutes of Council*, 118; *RVC*, I, 333; II, 219; *VMHB*, I (1893–94), 187; XI (1903–4), 175–82; C.O. 1/8, ff.15–18. In spite of his initial poverty, Peirse was evidently well connected, perhaps with the Earl of Northumberland, whose brother, George Percy, has already figured in these pages. It was probably through this connection that Abraham Peirse got the job as cape merchant. His social standing is suggested by the fact that he was able to marry in 1625 the widow of Captain Nathaniel West, brother of Lord De la Warr (who married a first cousin of Queen Elizabeth). The Virginia estate left by Peirse was appraised at only 60,000 pounds of tobacco, but it is likely that his widow’s jointure was not included in this.

⁵³ *RVC*, III, 449, 503–4, 526; IV, 106–7, 111, 263–65; *Minutes of Council*, 93, 121. Blaney evidently married the widow of William Powell. The widow brought with her an estate of which her husband had taken possession on the basis of his name, after the owner, Captain Nathaniel Powell, died in the massacre of 1622. Captain Nathaniel Powell was actually no relation to William Powell, and Nathaniel Powell’s surviving brother, Thomas Powell, was trying to recover the estate from Blaney at the time of the latter’s death (*VMHB*, XVI [1907–8], 30–31; C.O. 1/4, f.36).

office (the commission having expired), he continued to hold the tenants in bondage. One of them, listed in the muster as a freeman, wrote to a friend, "he maketh us serve him whether wee will or noe and how to helpe yt we doe not knowe for hee beareth all the sway."⁵⁴

William Tucker, who may originally have been a ship captain, probably came to Virginia between 1617 and 1619.⁵⁵ Sometime before 1622 he was entrusted by John Ferrar and associates with £900 worth of goods to sell in Virginia, for which, like other Virginia factors, he failed to deliver either cash or accounts.⁵⁶ He was one of the men commissioned to trade with the Indians for corn in 1622–23 and was also empowered to negotiate peace with the Pamunkeys of the Potomac River area. His methods of dealing we have already noted in his poisoning of two hundred Pamunkeys with wine brought for that purpose, which he gave them to drink in celebration of the peace treaty he pretended to conclude with them.⁵⁷ By 1632 the assembly was finding his attitude toward his fellow Virginians unsatisfactory and objected to the Privy Council about merchants "who have by needlesse and unprofitable Commodities . . . engaged the inhabitants in debts of Tobacco, to the value almost of their ensuing croppe . . . amonge whome we have good cause to complayne of Captayne *Tucker*, who hath farr exceeded all other marchants in the prizes of their goods . . ."⁵⁸

Ralph Hamor, though he wrote one of the most effective pamphlets in praise of Virginia, got off to a slow start or else lost heavily in the massacre. In 1623, when other men were already getting rich, George Sandys observed that "Captain Hamor is miserable poore and necessitie will inforce him to shiftes."⁵⁹ The shifts to which he resorted included trading with the Indians and selling English goods

⁵⁴ Lefroy, *Memorials*, I, 264; *VMHB*, VII (1899–1900), 259; C.O. 1/4, f.111. See in general R. B. Davis, *George Sandys, Poet-Adventurer* (New York, 1955).

⁵⁵ He invested in the company in 1617, and in 1619 he represented Kecoughtan in the House of Burgesses, *RVC*, III, 58, 154, 535.

⁵⁶ *RVC*, II, 104.

⁵⁷ *RVC*, IV, 221–22; *WMQ*, 2nd ser., VII (1927), 206–7.

⁵⁸ *Journals of the House of Burgesses*, 55–56. See also Governor Harvey's complaints against him, *VMHB*, VIII (1900–1901), 149–50. Tucker was not slow to perceive the danger of Dutch competition to his high profits. He did his best to secure from the government in England a prohibition of Dutch trading in Virginia (*ibid.*, 154; C.O. 1/6, ff.135, 207–12).

⁵⁹ *RVC*, IV, 110–11.

at prices that brought accusations of extortion.⁶⁰ By 1625, with ten men growing tobacco for him, he was far from poor.

Dr. John Pott seems to have been more assiduous in pursuit of cattle and servants than of his duties as physican. In 1623 George Sandys dismissed him as a mere cipher,⁶¹ but by 1628 he was acting governor. According to his successor, Governor Harvey, he took advantage of the position to advance his private interest “by foule and coveteous ways,” in particular “by cutting out the markes of other mens neate cattell and markinge them for himselfe with his owne handes, whereby he hath gotten into a greate stock of cattell.” Harvey pardoned him because of the colony’s need for his services as a physician and because Harvey found his delinquencies to have been in imitation of “the example of a former governor who passed unquestioned for many notable oppressions.”⁶²

The former governor to whom Harvey referred was probably George Yeardley, who had found Virginia a rewarding environment from the beginning. According to John Pory, when Yeardley arrived there in 1610, he carried with him nothing more valuable than a sword.⁶³ But when he visited London in 1617, after his first term as governor of Virginia, he was able “out of his meer gettings here” to spend “very near three thousand poundes.” Before returning to the colony he got himself knighted, and Londoners observed that “he flaunts yt up and downe the streets in extraordinarie braverie, with fowreteen or fifteen fayre liveries after him.”⁶⁴

Yeardley, when appointed governor in 1618, was assigned 3,000 acres of land and 100 tenants plus 30 more in 1620 to make up for deaths among the first group.⁶⁵ When Yeardley gave up the governorship in 1621, he turned over only 46 tenants. The governor’s council, which now included Yeardley, wrote to the company in London that “as for the rest of the Tenantes Sir George yardley denieth to make them good, And sayeth that havinge made noe

⁶⁰ *WMQ*, 2nd ser., VII (1927), 204-5, 212, 254; *Minutes of Council*, 48, 132, 135.

⁶¹ *RVC*, IV, 110.

⁶² Hening, I, 145-46; C.O. 1/6, ff.36-43; *VMHB*, VII (1899-1900), 378, 381, 382-85; VIII (1900-1901), 33-35; Massachusetts Historical Society, *Collections*, 4th ser., IX (1871), 143ⁿ-144ⁿ.

⁶³ *RVC*, III, 221.

⁶⁴ John Chamberlain to Sir Dudley Carleton, Nov. 28, 1618. SP 14/103 (Public Record Office); *New England Historic Genealogical Register*, XXXVIII (1884), 70.

⁶⁵ *RVC*, I, 268, 332; III, 471.

strong Agreement with you at any tyme he holdeth nott him selfe tyed unto yt, And therefore should take it for a matter of great Injustice to bee Compelled therunto.”⁶⁶ Yeardley, whom William Capps characterized as a “right worthie Statesman, for his owne profit,”⁶⁷ did not give up his tenants, and the records contain accusations against him of appropriating servants belonging to other planters and of keeping as a servant a young man whose relatives had paid his way.⁶⁸ He remained nevertheless a member of the council and was again serving as governor when he died in 1627. He was one of those commissioned to trade for corn after the massacre of 1622 and was accused by one settler of discouraging the planting of corn, the word being “that Sir G. Yardlie should provide them Corne if they would provide Tobacco.”⁶⁹ He did, in fact, provide the corn, 1,000 bushels in January, 1623, alone.⁷⁰ At his death Yeardley’s estate was apparently valued at only about £10,000.⁷¹ But it is not unlikely that he had already transferred much of what he owned to his wife and children in order to circumvent the litigation that a substantial will often produced.⁷²

It seems evident that while the Virginia Company was failing in London, a number of its officers in the colony were growing rich. In order to do so, they not only rendered less than faithful service to their employers; they also reduced other Virginians to a condition which, while short of slavery, was also some distance from the freedom that Englishmen liked to consider as their birthright. The company in 1618 had inaugurated a popularly elected representative assembly, but the effective power remained in the governor and his council.⁷³ By no coincidence, the council consisted almost entirely

⁶⁶ *RVC*, III, 584–85.

⁶⁷ *RVC*, IV, 37. Capps’s opinion was shared by the Earl of Dorset, who blamed the ruin of Southampton Hundred to Yeardley’s “being a man wholly adicted to his private.” Dorset to Governor John Harvey, Aug., 1629. Sackville Mss., Library of Congress microfilm (British Manuscripts Project, reel K334).

⁶⁸ *RVC*, II, 113, 119; IV, 510–14.

⁶⁹ *RVC*, IV, 186. ⁷⁰ *RVC*, IV, 9–10.

⁷¹ *Tyler’s Quarterly Historical and Genealogical Magazine*, II (1921), 121.

⁷² His sons Francis and Argall later cut a large figure in Norfolk and Northampton counties.

⁷³ Even the assembly showed itself to be a meeting of masters, when the first session, in 1619, adopted measures to secure every man’s right to

of the men holding large numbers of servants. Between 1619 and 1627 Hamor, Pott, Peirse, Sandys, Tucker, Mathews, and Yeardley sat on it, while Wyatt and Yeardley took turns in the governor's chair. These men, with a more than average interest in controlling the labor force, were thus enabled to maintain their personal ascendancy not only over their servants but over all lesser men. Whether operating under the company or, after 1625, under the king, they met every challenge to their authority with a rigor not exceeded by what we know of the earlier absolute government of John Smith or Thomas Dale.

In May, 1624, when they discovered that Richard Barnes had uttered "base and detracting" speeches against the governor, they ordered that he "be disarmed, and have his armes broken and his tongue bored through with a awl. shall pass through a guard of 40 men and shalbe butted by every one of them, and att the head of the troope kicked downe and footed out of the fort: that he shalbe banished out of *James Cittye* and the Iland, that he shall not be capable of any priviledge of freedome of the countrey, and that (before he goe out of the Iland) he shall put in suretyes of £200 bond for the good behaviour."⁷⁴ When John Heny was reprimanded by Captain Tucker for going aboard a ship contrary to the governor's command, Heny made the mistake of saying, after Tucker had left, that Tucker "would be the death of him as he was of *Robert leyster*." For these words, reported to the council, Heny got sixty stripes and had to beg forgiveness of Tucker, pay him 100 pounds of tobacco, and be imprisoned until he could give bond for good behaviour.⁷⁵

Heny's offense came at a time when the council had also heard of murmurs against their execution of Richard Cornish, a shipmaster, for sodomy. There is no record of the execution, but some of the testimony in the case was recorded, and there can be no doubt that the execution took place.⁷⁶ Afterwards, on a voyage to Canada, one

his servants. As protection against servants' fraudulently claiming freedom, it ordered the establishment of a registry of all servants in the colony and of all that should come in the future, with the dates of expiration of their terms. It also decreed that if a servant, before leaving England, contracted to serve one master in Virginia and then contracted to serve another (who perhaps made a more attractive offer), he should serve two full terms, one with each master (*RVC*, III, 167, 171, 174).

⁷⁴ *Minutes of Council*, 14. ⁷⁵ *Ibid.*, 85.

⁷⁶ See references to case, *ibid.*, 34, 42, 47, 81, 83, 85.

Edward Nevell met up with Cornish's brother, and upon the latter's inquiry as to how the execution came about, Nevell replied, "he was put to death through a scurvie boys meanes, and no other came against him." For this statement, made aboard ship off Canada where the governing council of Virginia could scarcely claim jurisdiction, Nevell upon his return to Virginia was required to "stand one the pillory with a paper one his head shewing the cause of his offence in the markt place, and to loose both his Ears and to serve the Colony for A yeere, And forever to be incapable to be A ffreeman of the Countrey."⁷⁷ A month later Thomas Hatch was heard to say in a private house in James City "that in his consyence he thought the said Cornishe was put to death wrongfully." Hatch had the misfortune to be a Duty Boy, and his seven-year period of service was nearly up. The court therefore ordered "that *Thomas Hatch* for his offence shalbe whipt from the forte to the gallows and from thence be whipt back againe, and be sett uppon the Pillory and there to loose one of his eares, And that his service to Sir *George Yardley* for seaven years Shalbegain [again] from the present dye."⁷⁸

The councillors not only guarded their authority jealously, and perhaps unconstitutionally, but not infrequently they wielded it on their own behalf, participating in decisions that favored their interests. Sandys sat at a meeting in which Luke Eden was seeking payment of twenty bushels of corn due him from Sandys. Whether Eden got the corn is not recorded, but he did get himself fined 200 pounds of tobacco and laid neck and heels "for his lewd behavior and unreverent speche" toward Sandys in the council chamber.⁷⁹ Wyatt participated in a judgment that awarded him a Negro servant "notwithstanding, any sale by Capt. *Jonnes* to Capt. *Bass*, or any other chaleng by the ships company" (Captain Jones had brought a privateer into the James for provisions and apparently considered the servant part of the ship's booty).⁸⁰ Abraham Peirse sat at a meeting that had Richard Crocker put in the pillory with his ears nailed for saying that Peirse and Hamor were not fit to sit on the council because "they deale uppon nothing but extortion."⁸¹ Yeardley sat at a meeting that ordered the execution of a man for killing a calf of Yeardley's and at another meeting that awarded him as tenants all the Duty Boys who had finished their terms as servants.⁸² He also participated in sentencing John Radish to lie neck

⁷⁷ *Ibid.*, 85.

⁷⁹ *Ibid.*, 57.

⁸¹ *Ibid.*, 135-36.

⁷⁸ *Ibid.*, 93.

⁸⁰ *Ibid.*, 66-68, 73.

⁸² *Ibid.*, 4-5, 154.

and heels, because Radish "Caryed over Sir *George Yardley* his servants to his house at unseasonable tyme of the night and there gave them Entertainment and made them drunke." ⁸³

It was apparently not without reason that ordinary men grumbled at the government. In the words of William Tyler, "nether the Governor nor Counsell could or would doe any poore men right, but that they would shew favor to great men and wronge the poore." ⁸⁴

It may be contended that severe discipline was necessary in a colony consisting predominantly of lusty young men who had just shaken loose the fetters of home and country. And it must be acknowledged that the men entrusted with government did protect some of the rights of servants. When a master failed to teach an indentured apprentice his trade or when he sought to hold a servant beyond the term of his indenture, the council might interfere. Dr. Pott was ordered by a meeting at which he was himself present either to teach his apprentice the art of an apothecary (which he was neglecting to do) or else pay him wages. ⁸⁵

Nevertheless, serious differences made servitude in Virginia more onerous than servitude in England. The ordinary term of service that a man agreed to work in Virginia was not a year but several years; and the wages to which he was entitled had been paid in advance in the form of transportation across the ocean. Almost all servants were therefore in a condition resembling that of the least privileged type of English servant, the parish apprentice, a child who (to relieve the community of supporting him) was bound to service by court order, until he was twenty-one or twenty-four, with no obligation on his appointed master's part to teach him a trade or pay him. In Virginia a master had little reason to treat his servant well in order to obtain a renewal of his services at the expiration of his term; and a servant had little reason to work hard in order to assure being rehired, because men would not bind themselves out for a second long term when they could make more by working for themselves. There was accordingly the more reason for a master to assert his authority in order to get what he considered a full quota of work from his servants. Not surprisingly, it was reported in England that Virginians "abuse their servantes there with intollerable oppression and hard usage." ⁸⁶

Hard usage for a servant in Virginia doubtless included working harder and more continuously than Englishmen were used to

⁸³ *Ibid.*, 58.

⁸⁴ *Ibid.*, 19.

⁸⁵ *Ibid.*, 117.

⁸⁶ *RVC*, II, 442.

working. Although later generations of servants would be made to tend five or six times the number of tobacco plants that the servants of the 1620s tended, the work seemed more onerous and more unrelenting than the intermittent labor of the English farmer; and masters bent on profit “corrected” their laggard, hungry, and diseased servants with barbarous punishments.

The records are not sufficiently complete to show how extensive the abuse may have been, but the council in Virginia (until 1634 the only court) supported masters in severities that would not have been allowed in England. The most extreme example is the case of John and Alice Proctor and their servants Elizabeth Abbott and Elias Hinton, both of whom died after a series of beatings inflicted by the Proctors and by other servants acting under orders from the Proctors.⁸⁷ Thomas Gates testified that he counted five hundred lashes inflicted on the girl at one time and warned Proctor that he might as well kill her and be done with it. Alice Bennett, who examined her, “fownd she had been sore beaten and her body full of sores and holes very dangerously raunckled and putrified both above her wast and uppon her hips and thighes.” Other witnesses testified that Proctor beat Hinton with a rake. Yet there is no indication that the Proctors were punished. Even the compassionate witnesses who testified against them indicated that when the maid came to them for shelter they had instead returned her to her master and mistress in her half-dead condition, with entreaties that they pardon her! By contrast, we find English courts undertaking the work of correcting unruly servants themselves (as the statutes required) and even on occasion forbidding masters to do it.⁸⁸

Whether physically abused or not, Englishmen found servitude in Virginia more degrading than servitude in England. In England the hiring of workers was dignified by laws and customs that gave a servant some control over his own life. He had to give his master three months’ notice if he intended to leave at the end of his term; and in order to move from one place to another he must have a testimonial that his term of service was finished. But by the same token, a master could not turn away a servant before his term was up and must give him three months’ advance notice that his contract would not be renewed.⁸⁹ Once a year, in the petty sessions held by the constables, servants could renew their contracts or make new ones, with

⁸⁷ *Minutes of Council*, 22–24.

⁸⁸ Sachse, *Minutes of the Norwich Court of Mayoralty*, XV, 90.

⁸⁹ 5 Elizabeth I, c. 4, par. 4, 7.



the constables recording the transaction. These sessions, usually held in a churchyard, came to be known as hiring fairs and constituted a kind of open labor market, where workmen sold their annual services.⁹⁰ But in Virginia it was the masters who sold the workmen, and there was no annual hiring fair. Masters bought and sold servants at any time for any period of years covered by their transportation contracts; and during that period a servant might find himself sold without his own consent from one master to another. In 1633 a Dutch sea captain found the planters gambling at cards with their servants as stakes.⁹¹ Virginians dealt in servants the way Englishmen dealt in land or chattels.

This development was a simple outgrowth of the extreme demand for labor in combination with the long terms of service that were exacted for transportation to Virginia. In England itself, after labor became more valuable, the demand produced a certain amount of buying and selling of industrial apprentices. When a man had more apprentices than he needed, he might with the permission of his guild sell an apprentice to another master of the guild.⁹² But industrial apprentices were a special case, and the idea of a large-scale market in men, or at least in English men, was shocking to Englishmen. "My Master Atkins," wrote Thomas Best from Virginia in 1623, "hath sold me for a £150 sterling like a damnd slave."⁹³ This "buying and selling men and boies" had already become a scandal by 1619, when John Rolfe noted that it "was held in *England* a thing most intolerable."⁹⁴ Captain John Smith denounced the "pride, covetousnesse, extortion, and oppression" of men who sold "even men, women and children for who will give most." It would be better, he said, that these profiteers be "made such merchandize themselves,

⁹⁰ M. G. Davies, *The Enforcement of English Apprenticeship* (Cambridge, Mass., 1962), 191, 196–97, 233. There are records of some of these petty sessions in the typescript Calendar of Essex Quarter Sessions Rolls. A good contemporary description is in Henry Best, *Rural Economy in Yorkshire in 1641*, Surtees Society, *Publications*, XXXIII (1857), 134–36.

⁹¹ New-York Historical Society, *Collections*, 2nd ser., III (1857), 36.

⁹² O. G. Dunlop, *English Apprenticeship and Child Labor* (London, 1912), 57–58, 127–29.

⁹³ *RVC*, IV, 235. If the figure is correct and Atkins bore the initial expense of transportation and support, he must have made a profit of several hundred percent on the transaction. The original letter does not survive. The quotation is from a contemporary transcript in the Manchester Papers (P.R.O.), in which it is likely that the scribe erred.

⁹⁴ Smith, *Travels and Works*, II, 542.

then suffered any longer to use that trade.”⁹⁵ And in 1625 Thomas Weston refused to carry servants in his ship from Canada to Virginia, because “servants were sold heere upp and downe like horses, and therefore he held it not lawfull to carie any.”⁹⁶

Other shipmasters were not so scrupulous, and the dissolution of the Virginia Company brought no end to the market in men or to their importation. So much did the planters count on continued importations that the council during the 1620s awarded as yet unarrived, unknown, and unnamed servants to the victors in lawsuits.⁹⁷ A servant, by going to Virginia, became for a number of years a thing, a commodity with a price. Although the government might protect him against continuation in this status beyond the time agreed upon, it was not likely to shorten his term or give him his freedom, even if his master's crimes against him were serious enough to warrant the death penalty. The servant who was the victim of Richard Cornish's homosexual attack did not win his freedom by his master's execution. Even though no other man had a legal claim to his service, the court decreed that he must choose another master, who in return was to compensate the government for the costs of prosecuting Cornish.⁹⁸ A servant in Virginia, as long as his term had not expired, was a machine to make tobacco for somebody else.

In boom-time Virginia, then, we can see not only the fleeting ugliness of private enterprise operating temporarily without check, not only greed magnified by opportunity, producing fortunes for a few and misery for many. We may also see Virginians beginning to move toward a system of labor that treated men as things. In order to make the most out of the high price of tobacco it was necessary to get hard work out of Englishmen who were not used to giving it. The boom produced, and in some measure depended upon, a tightening of labor discipline beyond what had been known in England and probably beyond what had been formerly known in Virginia.

That the masters of Virginia could maintain such power over the colony's work force was due not only to their magisterial backing but to the difficulty of escape from the colony. The nearest European settlements were those of the Dutch hundreds of miles to the north at New Amsterdam and of the Spanish hundreds of miles to the south in Florida. After 1620 there was a small English colony in New England and after 1630 a larger one, but these lay even more

⁹⁵ *Ibid.*, 618.

⁹⁶ *Minutes of Council*, 82.

⁹⁷ *Ibid.*, 181.

⁹⁸ *Ibid.*, 47.



perilous miles away. When Maryland was founded in 1633 at a less terrifying distance for a small stolen boat, it did become a refuge of sorts for discontented Virginians. But in the 1620s a servant's choice was work or flight to a wilderness populated by savages. After the abrogation of the *Lawes Divine, Morall and Martiall* in 1618, a man no longer invited the death penalty by going native. And doubtless some did just that. But the growth of a special feeling about Indians gave men pause and made this avenue of escape less feasible and less and less attractive.

It is difficult to identify the first stirrings of racial hatred in Virginia. Englishmen had always had their share of xenophobia, and national consciousness shades easily into racial consciousness. But something more than nationalism or xenophobia seems to have affected English relations with the Indians from the beginning. When Englishmen at Roanoke react to the alleged theft of a silver cup by burning a village, we suspect that more than meets the eye is involved. And when Englishmen at Jamestown throw Indian children in the water and shoot out their brains, we suspect that they might not have done the same with French or Spanish children. George Thorpe was disturbed by the scorn in which his fellow white Virginians held the Indians, a scorn that also sounds like racism. After the massacre of 1622 the government's policy of extermination and the continuing guerrilla warfare between natives and settlers combined to encourage race hatred in both.

Hatred of the Indians, fed on fear, probably affected all white Virginians; and the more it grew the less likely it became that servants would wish to leave their servitude, however severe, for freedom among the Indians. Moreover, the policy of extermination made life among the Indians far more arduous and more dangerous than formerly. Some servants still thought it worth the risk, but most were caught in Virginia's tightening labor discipline, to be bought and sold as their masters pleased and to hoe tobacco as long as they were likely to live.

"Like a damnd slave," said Thomas Best. To buy and sell servants for a period of years was not the same as buying and selling men and women for life and their unborn children with them. And the servitude of Thomas Best and his contemporaries was not a function of their race or nationality. Nevertheless, in the treatment of labor in boom-time Virginia and in the rising hatred of Indians, we can begin to discern some of the forces that would later link slavery to freedom.

Book II

A NEW DEAL





SETTLING DOWN

IT would not have been surprising if slavery had developed swiftly in Virginia during the booming 1620s, when tobacco prices were high enough to inspire the same overpowering greed that moved the Spaniards on Hispaniola. Two decades later Englishmen in Barbados turned to slavery in as short a time, in order to exploit the island's newly discovered capacity for producing sugar. But in Virginia, although the tobacco barons of the 1620s bought and sold and beat their servants in a manner that shocked other Englishmen, they did not reduce them to slavery, as we understand the term. And Virginians did not import shiploads of African slaves to solve their labor problem until half a century more had passed. Perhaps if the boom had continued, they would have; but when it collapsed, they relaxed a little in their pursuit of riches and began to think about making the best of life in the new land.

Making the best of life in America meant making their part of America as English as possible, and in the decades after 1630 they worked at it. Although they did not share the broad vision of freedom that had moved Raleigh and Hakluyt and other backers of Virginia, they did want the liberty and security that went with "the rights of Englishmen." From the time of Sir Thomas Dale and the *Lawes Divine, Morall and Martiall* through the subversion of Sir Edwin Sandys' good intentions during the boom years, most Virginians had enjoyed fewer civil and political rights than they would have had in England. Now, for a period of thirty years or more, they busied themselves with building a society that would give them a greater freedom than most could have hoped for in their native



land. It was a crude society, peopled by crude men, but it was less crude and less cruel than that presided over by the labor barons of the 1620s. Only by taking a close look at it can we perceive how much like England the Virginians made it—and how unlike it nevertheless remained. Only so will we perceive how it could nurture freedom and yet invite slavery, as new forces emerged to exert new pressures toward the paradoxical union.

It took more than a decade for Virginians to admit to themselves that the boom was indeed over. Tobacco prices, after ranging from one to three shillings a pound during most of the 1620s, fell to as little as a penny a pound in 1630.¹ The reaction of Virginians was to order that the boom return. The legislative assembly, composed of the governor's council and the popularly elected House of Burgesses, continued to meet, albeit unrecognized by the king, after the shift to royal government. In 1629 it tried, ineffectually, to raise prices by limiting tobacco production. In 1632 it took a simpler course and simply forbade anyone to buy English goods at a rate of less than one pound of tobacco for every sixpence that the goods cost in England.² Although the order was renewed the following year (and the price raised) such an edict could not have been widely enforced.³ During the decade tobacco did recover, at least to sixpence a pound, but not for long. When it hit threepence in 1638 and stayed there the next year, the planters again called for controls.

By this time they had divided their settlements into counties, each presided over by a commander, with whom a group of commissioners sat in a county court that exercised extensive jurisdiction, civil and criminal.⁴ Equipped with this new arm of government, the assembly tried once again to legislate the boom back into existence. The king had been demanding a limitation of the tobacco crop ever since he had taken over direction of the colony from the company. Like Sir Edwin Sandys, he thought that Virginia should be able to produce something more than smoke, and that the way to achieve

¹ On tobacco prices in the 1630s see the article by Russell R. Menard cited in note 7.

² Hening, I, 141–42, 152, 162–64, 188–89. ³ *Ibid.*, 203–7, 209–12.

⁴ *Ibid.*, 224; W. F. Craven, *The Southern Colonies in the Seventeenth Century* (Baton Rouge, La., 1949), 166–72. The only counties for which continuous records survive for the period before 1660 are Lower Norfolk and Northampton. Hence this chapter depends heavily on information derived from these two counties.

the goal was to restrict tobacco production. The king wanted to confine production to an amount that he would undertake to market through a royal commission (thus collecting profits as well as customs duties from the undesirable weed). In 1638 his commissioners offered to take 1,600,000 pounds at sixpence a pound. On behalf of the planters, the assembly declined the offer, but the next year ordered on its own initiative a more drastic limitation, 170 pounds per person, which was calculated to produce only 1,300,000 pounds. At the same time the assembly decreed that it should be sold at no less than a shilling a pound.⁵

This was the last serious effort to recover the boom. For two years the county courts tried conscientiously to enforce the law, but by June, 1642, the scheme had to be abandoned, partly because the authorities in England had disapproved, but also because the planters themselves had seen that it was not working.⁶ That summer everyone planted tobacco freely, and the next year it sold at 2.4 pence per pound (20 shillings the hundredweight). It never rose much above that during the rest of the century.⁷ The days of getting-rich-quick by growing tobacco were over.

⁵ George L. Beer, *The Origins of the British Colonial System, 1578-1660* (New York, 1908), 117-75; Hening, I, 224-26; *WMQ*, 2nd ser., IV (1924), 17-31, 146-47. The act also provided for improving quality: all inferior tobacco and half the good produced in 1639 were to be burned, and henceforth all tobacco was to be stripped of stems and smoothed before it was sold. The price was supposed to rise to 2 shillings a pound in 1641, but this provision was given up before it went into effect (Northampton II, 125). The assembly in 1641 also changed the limitation from 170 pounds to 1,000 plants. But 1,000 plants, stripped of stems, would probably have made no more than 170 pounds. In the eighteenth century the ordinary calculation was six or eight plants to the pound. See Journal of William Hugh Grove, 1732, Alderman Library, Charlottesville.

⁶ *VMHB*, II (1894-95), 287. For examples of enforcement in 1640 see Norfolk I, 47, 53, 74. By May, 1641, the court in Northampton County was settling cases at the rate of 16 shillings for 30 pounds (Northampton I, 86). And the Norfolk court in January, 1642, ordered payment of a debt at the rate of eightpence a pound with the stipulation that if the tobacco paid could not be sold in England for that much, the debtor was to satisfy the deficiency at the next return of shipping with 8 percent interest (Norfolk I, 115). Later there were charges that the act was passed by debtors to defraud creditors. Bullock, *Virginia Impartially Examined*, 10.

⁷ Norfolk I, 203. The price had dropped to a penny a pound in 1644, according to a letter from the assembly to the king (Ms. Clarendon 24, f.52, Bodleian Library, Oxford). But this was probably because of a temporary lack of shipping, brought on by the Civil Wars in England. That 20 shil-

Yet Englishmen deprived of the dream of easy riches in Virginia continued to come there. From about 1,300 people in 1625 the colony grew to about 2,600 in 1629 and to roughly 8,000 in 1640. For the first four or five years of the 1640s as the Civil Wars in England began and the so-called Great Migration ended, the Virginia population remained about level and may have dropped a little as a result of an Indian massacre in 1644 and of migration to Maryland. But by 1653 the colony held more than 14,000 and continued to grow rapidly, reaching about 25,000 by 1660.⁸

How was the country able to sustain this rapidly expanding population when for so many years a much smaller number had lived so close to starvation? Virginia's newcomers were no more assiduous about planting corn than their predecessors had been, and no less addicted to growing tobacco despite the low price it fetched. Although there were no more famines, scarcity several times drove up the cost of a barrel of corn (5 bushels) to over 100 pounds of tobacco, a figure that Virginians came to regard as a maximum.⁹ A law requiring every man to plant two acres of corn had to be re-enacted several times before 1660, and during the 1650s people were still being presented to the courts for delinquency either in planting or tending corn.¹⁰ Nevertheless, increased corn production was undoubtedly a factor in Virginia's ability to feed her growing population. Equally important, however, was the fact that the pasture farming introduced by earlier immigrants had at last begun to pay off.

It had occurred to the settlers at least as early as 1624 that they might protect their domestic animals from Indians and wolves by erecting a six-mile palisade between the headwaters of two creeks

lings per 100 pounds was the usual rate for most of the 1640s and 1650s appears from various transactions in county court records: Norfolk III, 128-30a, 206; Northampton II, 387-88; IV, 50, 62; V, 143a. After 1655 prices began to drop: Norfolk III, 222; IV, 66, 234. It should be understood that no reliable or regular series of annual prices current can be constructed for seventeenth-century Virginia. But Russell R. Menard has assembled much of the available data in "A Note on Chesapeake Tobacco Prices, 1618-1660," forthcoming in *VMHB*. See also chapter 10, note 29.

⁸ See Appendix.

⁹ Northampton III, 242; York II, 61, 130; Hening, I, 347.

¹⁰ Hening, I, 152, 166, 190, 246, 344, 419; Norfolk I, 358; II, 10, 122, 206; IV, 167.

in the neighborhood of present-day Williamsburg.¹¹ The palisade would cut off from the mainland a large segment of the peninsula between the James and the York rivers. During the boom everyone was too busy growing tobacco to attempt the job, but in 1634 they got it done. Thereafter, as soon as the wolves in the area had been exterminated, there was a safe cattle range as large, they bragged, as the English county of Kent.¹² Elsewhere, too, by fighting back the Indians and by placing bounties on wolves, the settlers succeeded in building up their herds. While the climate of Virginia continued to be perilous for human beings, it was great for cattle and swine; and once the breeding numbers passed a certain point, they multiplied a good deal more rapidly than people did and provided meat and milk to sustain Virginia's growth. Virginia swine were said to be particularly flavorful, comparable to Westphalian.¹³

Besides neat cattle and swine, the settlers kept a few goats and fewer sheep. Horses were at first a rarity. In the beginning the settlers tried to keep their livestock continually under attendance. Owners of large herds employed cowkeepers to look after them; many families kept dogs to help with the job; and both cattle and swine were sometimes penned up at night.¹⁴ Milch cows may have continued to be thus guarded. But in 1643 Virginians passed a fencing law that in effect gave livestock the run of the land. A man had to place a sufficient fence around his crops, at least four and a half feet high, with the lowest rail close enough to the ground to keep hogs from getting under it. Unless he had such a fence in good repair, he had no chance of recovering damages if someone else's hogs or cattle got into his field and destroyed his crop. The burden of proof

¹¹ *WMQ*, 2nd ser., VI (1926), 118; VIII (1928), 164; C.O. 1/4, ff.21-22.

¹² *VMHB*, II (1894-95), 51-52; VIII (1900-1901), 157; C.O. 1/4, ff.21-22, 28; C.O. 1/8, ff.74-75; "Aspinwall Papers," Massachusetts Historical Society, *Collections*, 4th ser., IX (1871), 110.

¹³ "A Letter from Mr. John Clayton," in Force, *Tracts*, III, No. 12, p. 36; Edmund Berkeley and Dorothy S. Berkeley, eds., "Another Account of Virginia by the Reverend John Clayton," *VMHB*, LXXVI (1968), 415-40, at 419.

¹⁴ The use both of cowkeepers and of dogs is apparent from numerous cases in the county court records; for example, Norfolk I, 52, 204, 256, 281; II, 117a; Northampton I, 61; II, 51, 386; IV, 20. See also "Letter from Mr. John Clayton," p. 38. On the rise of cattle raising in Virginia, see Wesley N. Laing, "Cattle in Seventeenth-Century Virginia," *VMHB*, LXVII (1959), 143-64.

was on the planter to show that his fence was sufficient. The law was a boon to the burgeoning animals and probably no less so to the settlers' corn crops.¹⁵

It would be wrong to assume from the fencing act that Virginians were divided into planters and cattlemen. During these decades every planter was also a cattleman, and cattle constituted a large proportion of the worldly goods of both affluent and ordinary men. The inventories of the smallest estates recorded for probate usually list a cow or two. In Norfolk County, for example, in 1656, one Peter Marks left only a bed, a gun, a chest, three pewter dishes, a pot, a kettle, and two cows—a list that might be considered the basic equipment for keeping house in Virginia.¹⁶ In York County we find in 1646 an estate worth 1,380 pounds of tobacco, of which a cow, a calf, and a young bull account for 850 pounds; or in 1647 an estate worth 700 pounds, of which a cow and yearling heifer account for 550 pounds.¹⁷ In large estates the proportions were frequently similar. When Cornelius Lloyd, a commissioner of Norfolk County, died in 1654, his possessions, other than debts owed him, were appraised at 40,361 pounds of tobacco, of which 87 head of cattle accounted for 25,540 pounds.¹⁸ Cesar Puggett, of the same county, left an estate in 1645 valued at 24,215 pounds, of which 42 cattle accounted for 17,500.¹⁹ When Edmund Scarburgh leased a plantation on the Eastern Shore to William Brenton of Boston, he included 109 head of cattle and “a parcel of hogs.”²⁰ In 1647 Norfolk County had 360 tithables, that is, men over fifteen, and 546 cows three years or more old.²¹ And in Northampton County the clerk of the court recorded cattle marks for 236 persons between 1665 and 1669, a time during which the number of households in the county did not exceed 177.²²

Virginians had recognized that their growing herds might be a way to wealth as well as to health and survival, and so they proved to be. The spectacular increase of cattle when they were sufficiently cared for, in a land where the range was limited only by wolves and

¹⁵ Hening, I, 244, 332, 458. There had been earlier laws requiring men to fence their planting land (*ibid.*, 176, 199), but the 1643 law seems to have been the first to assign responsibility for damage to crops. On the manner of building fences in Virginia, see Berkeley, “Another Account . . . by John Clayton,” 426.

¹⁶ Norfolk IV, 10.

²⁰ Northampton IV, 153.

¹⁷ York II, 156, 294.

²¹ Norfolk II, 56.

¹⁸ Norfolk III, 168, 184a.

²² Northampton IV, 228ff.

¹⁹ Norfolk I, 242–43.

Indians, presented the possibility of high returns on a small investment. Even though the actual increase was seldom equal to the potential, the certainty of a very large increase was taken for granted. In 1638 a jury found that the heirs and assigns of Abraham Peirse owed the heirs and assigns of Samuel Argall fifty head of cattle for two entrusted to Peirse in 1621.²³ This was unrealistic and unfair, but such a rate of increase was not impossible. If we may believe the author of *A Perfect Description of Virginia*, Benjamin Symmes's free school owned forty head of cattle in 1649. They came from eight with which Symmes had endowed the school when he started it fourteen years earlier.²⁴ In 1651 Simon Foscutt of Northampton obtained from William Whittington a ten-year-old cow for which he agreed to deliver two cows between three and seven years old, with calves by their sides, five years later. At prevailing prices the ten-year-old cow would have been worth around 500 pounds of tobacco, and a young cow with a calf by her side around 600 pounds. Whittington made similar bargains with two other people, and in one case he was able to demand two for one in a little over three years.²⁵

Virginians found a market for surplus cattle in exporting to other colonies, especially Barbados,²⁶ and in supplying the tobacco

²³ *VMHB*, XI (1903-4), 285-87.

²⁴ Force, *Tracts*, II, No. 8, p. 15; Neill, *Virginia Carolorum*, 112-13.

²⁵ Northampton IV, 149a, 150.

²⁶ John Hammond, *Leah and Rachel*, Force, *Tracts*, III, No. 14, p. 19; *A Description of the Province of New Albion*, Force, *Tracts*, II, No. 7, p. 5; Richard Ligon, *A True and Exact History of the Island of Barbados* (London, 1657), 37, 58, 113; Vincent T. Harlow, *A History of Barbados, 1625-1685* (Oxford, 1926), 283-84. It is impossible to establish the volume of this trade. For a later period C.O. 1/44, ff.246-66 shows 13 ships clearing from Barbados for Virginia in 1678. C.O. 33/13 contains Barbados shipping returns 1679-1704. The ships entering from and clearing for Virginia constitute only a small percentage of the total. Nevertheless, it would seem to have been a highly profitable trade. Ligon says (p. 113) that an ox worth £5 in Virginia could be sold in Barbados for £25. Maurice Thompson, an English merchant, bought 100 Virginia oxen for transport to Barbados in 1647. Carl and Roberta Bridenbaugh, *No Peace beyond the Line: The English in the Caribbean, 1624-1690* (New York, 1972), 84. The Virginia county court records contain numerous references to Barbados, arising from commerce between the colonies. Governor Andros in 1696, answering queries from the Board of Trade, said that Virginia exported to "New York Barbados and the islands and New England." C.O. 5/1309, No. 16. And the Virginia council, answering similar queries in 1708, said that Barbados was

ships that waited long periods in Virginia rivers to gather cargo. Because immigration kept both the domestic and export markets growing, the rapid increase in cattle brought no slump in prices. And since cattle for the most part sustained themselves by foraging in the woods and marshes,²⁷ the periodic scarcity and high cost of corn did not affect their value either. During the 1640s and 1650s prices of cattle showed no marked fluctuation.²⁸

Although virtually everybody in Virginia raised cattle, corn, and tobacco, a few men specialized in the industrial trades that enabled the colony to carry on business. Shipwrights built small vessels and repaired ships that came from abroad to collect tobacco; coopers made the hogsheads (barrels) in which tobacco was packed for shipment; and carpenters built tobacco sheds and houses for the expanding population.²⁹ But there were never enough artisans to fill all the colony's needs. To get around the shortage, wealthy Virginians sometimes imported craftsmen as servants and hired them out to others. A variety of skilled men (including tailors, carpenters, shoemakers, and even physicians) thus crossed the ocean, but either too few came or too few stuck to their trades after serving out their indentures. The number of "unfixed" guns in inventories and complaints of the difficulty in getting them repaired testify to the shortage and the high cost of ironwork, as does the law forbidding people to burn dilapidated houses for the sake of obtaining nails.³⁰ One of the colony's largest needs was for shoes, which wore out rapidly in

then the only other colony with which Virginia carried on trade of any size. H. R. McIlwaine et al., eds., *Executive Journals of the Council of Colonial Virginia* (Richmond, 1925-66), III, 193.

²⁷ Nathaniel Shrigley, *A True Relation of Virginia and Maryland* (London, 1669), Force, *Tracts*, III, No. 7, p. 5.

²⁸ The available prices are mainly from several hundred inventories in wills in the Norfolk, Northampton, and York county records. Thus they do not usually represent actual sales. Prices naturally varied according to the age and condition of the animals, but the range of variation remained much the same during these two decades. A mature cow was worth from 300 to 600 pounds of tobacco, a cow with calf about 100 pounds more, a yearling from 100 to 200, a bull from 200 to 400, a steer from 200 to 600, with valuations only occasionally rising a little above or falling a little below these levels.

²⁹ Lumber, in spite of Virginia's remaining forests, was considered valuable enough for planters to bring lawsuits against anyone cutting timber on their land. Norfolk I, 264; II, 33a; Northampton IV, 91, 104; V, 71-72a; XII, 154.

³⁰ Hening, I, 291 (cf. *ibid.*, I, 326-27); Norfolk III, 12, 21a; *Executive Journals*, I, 183.

the rough new clearings; and with so many cattle Virginia had the raw materials for making them. But attempts to set up tanneries and cobbler shops proved unsuccessful.³¹

Raising tobacco, even at twenty shillings the hundredweight, was still too lucrative a way of spending one's time to allow serious competition from other pursuits. Tobacco occupied a man nine months of the year, what with sowing, transplanting, weeding, topping, worming, striking, and curing. The remainder of the year he cleared land, fenced, and cut boards for casks. But the tasks, if demanding, were lightened by what the settlers had learned from the Indians' easy manner of agriculture. They did not attempt to use their livestock for dunging the fields or for pulling plows. They did not even attempt to establish permanent fields, cleared of roots and stumps, where they could drive a plow. Instead, they adapted their tobacco farming to the Indians' primitive but labor-saving system: clear a field by girdling the trees, plant it to tobacco for three or four years, to wheat or corn for a few more, and then clear another stretch and let the first recover its fertility by reverting to forest.³² It was a mode that continued to horrify those who measured the merit of a farmer by the neatness of his fields, and it did require a lot of land. But in a country where land was more plentiful than labor it made sense. With a place to live, a couple of acres in corn, a couple in tobacco, a few cattle and swine, and firewood everywhere, a man needed to buy only clothes and tools (hoes and axes and if

³¹ *Perfect Description*, Force, *Tracts*, II, No. 8, 15; Northampton V, 123. Artisans are frequently identified as such in the records, as, for example, Peter Porter, carpenter; Thomas Cooper, joiner; William Dunford, boatwright. On industrial enterprises in one county see Susie M. Ames, *Studies of the Virginia Eastern Shore in the Seventeenth Century* (Richmond, 1940), 109-46. To encourage industry, the House of Burgesses at various times tried to place embargoes on wool, hides, and old iron, but the shortage of craftsmen continued. Hening, I, 174, 199, 307, 314, 488, 525.

³² Williams, *Virginia Richly Valued*, Force, *Tracts*, III, No. 11, p. 48; "Letter from Mr. John Clayton," Force, *Tracts*, III, No. 12, p. 21; Henry Hartwell, James Blair, and Edward Chilton, *The Present State of Virginia and the College* (1697), Hunter D. Farish, ed. (Williamsburg, 1940; Charlottesville, 1964), 8-9. This continued to be the practice in Virginia through most of the colonial period. See William Tatham, *An Historical and Practical Essay on the Culture and Commerce of Tobacco* (London, 1800), 6-11. At the end of the eighteenth century, partly as a result of the influence of English agricultural reformers, Virginians began to chide themselves for their slovenly methods. There grew up a notion that these methods had "exhausted" the soil, a notion accepted by historians (Avery Craven, *Soil Exhaustion as a Factor in the Agricultural History of Virginia and Mary-*

possible a gun). By the 1640s he could produce 1,500 pounds of tobacco in a year (men were sometimes hired by the year for that much or more), probably twice what a man could grow in the 1620s.³³ Between his cattle and his tobacco he could count on coming out ahead.

land, 1606–1860 [Urbana, Ill., 1925]). Actually the Virginians, like many other American colonists, were practicing a “long-fallow” system. They had enough land to be able to allow a large part of it to grow back into forest, a process that took twenty or thirty years after its abandonment. Robert Beverley noted in 1705 that “Wood grows at every Man’s Door so fast, that after it has been cut down, it will in Seven Years time, grow up again from Seed, to substantial Fire-Wood; and in Eighteen or Twenty Years ’twill come to be very good Board-Timber” (*History and Present State of Virginia*, 125–26). And Hartwell, Blair, and Chilton in 1697 observed that “As fast as the Ground is worn out with tobacco and Corn, it runs up again in Underwoods, and in many Places of the Country, that which has been clear’d is thicker in Woods than it was before the clearing” (*Present State of Virginia*, 8–9). Edmund Ruffin, in denouncing the Virginia practice at the opening of the nineteenth century, stated that “After twenty or thirty years, according to the convenience of the owner, the same land would be again cleared, and put under similar scourging tillage” (*An Essay on Calcareous Manures*, J. C. Sitterson, ed. [Cambridge, Mass., 1961], p. 17). Ruffin thought that it did not recover its original fertility, but one of the most ardent Virginia agronomists, Thomas Jefferson, disagreed. Although he acknowledged that tobacco and Indian corn quickly brought diminishing returns, he maintained “that the James river lowgrounds with the cultivation of small grain, will never be exhausted; because we know that under that cultivation we must now and then take them down with Indian corn, or they become, as they were originally, too rich to bring wheat.” Edwin M. Betts, ed., *Thomas Jefferson’s Garden Book, 1766–1824: With Relevant Extracts from His Other Writings* (Philadelphia, 1944), 192. For an analysis of tobacco production in one tidewater Maryland county, see Edward C. Papenfuse, Jr., “Planter Behavior and Economic Opportunity in a Staple Economy,” *Agricultural History*, XLVI (1972), 297–311. Papenfuse shows that Maryland plantations in this county were able to sustain production during the eighteenth century with no evidence of a decline in output per acre.

³³ It has proved impossible to find any records of actual production that would reveal the average output per man of labor devoted to tobacco. L. C. Gray, *History of Agriculture in the Southern United States to 1860* (Washington, D.C., 1932) I, 218–19, has cited most of the estimates of contemporary observers. They range from 1,000 to 4,000 pounds, but the last figure is clearly an exaggeration. The amount undoubtedly varied with the quality of land used, the length of time it had been in use, the time spent in weeding and worming, the type of tobacco grown, and, most of all, with the weather. There were no improvements in technology to increase productivity during the colonial period, though it may be that the

Having found a way to stay alive and even to live more comfortably than most men did in England, Virginians during the second quarter of the seventeenth century at last began to look upon their raw new land as a home rather than a temporary stopping place. And they tried to re-create for themselves the security they associated with home in England, where life was bounded by time-honored social, legal, and political restraints and freedoms.

At the highest level in England those restraints had operated against the king, barring him from arbitrary interference with the lives of his subjects. And the subjects who were most careful to restrain him were those who themselves controlled the counties where they lived. The big men of England exercised a rather larger influence in the everyday lives of their neighbors than the king did. Virginia's big men were a good bit smaller than England's, but they aspired to the same local influence and the same autonomy for their colony as the English nobility enjoyed in their counties. In Virginia English freedom meant, paradoxically, to be as free as possible from interference by England.

Since Virginia's tobacco barons were not to the manner born, they could scarcely expect that the king would defer to the likes of them as he did to his nobility.³⁴ Still, they had the advantage of distance, and three thousand miles of ocean might prove an even more effective bulwark of local autonomy than their lordly counterparts in England gained from rank. They had already experienced the power that distance gave them in circumventing the orders sent by the Virginia Company. And even before the king took control of Virginia's government, they took steps to secure their position. Meeting in the last assembly under the company, the governor's council and the House of Burgesses affirmed that the governor (who would henceforth be appointed by the king) should have no power to levy taxes without the consent of the assembly. At the same time

hours of work were increased as time went on, especially after the transition to slave labor in the eighteenth century. Although in 1644 the assembly in a message to the king said that 1,000 pounds per man was "the utmost that can be imagined to be planted in good and seasonable years" (Ms. Clarendon 24, Bodleian Library), the assembly was seeking to minimize. The fact that planters would sometimes pay 1,500 or more for a year's labor argues that some at least expected to make more than that. For examples see Northampton IV, 30; V, 37a, 116a. A law passed in 1658 required the father of an illegitimate child to pay to the mother's master or mistress 1,500 pounds of tobacco or one year's service. Hening, I, 438.

³⁴ Bernard Bailyn, "Politics and Social Structure in Virginia," in Smith, *Seventeenth-Century America*, 90-118, esp. 93-96.

they sent a letter to the Privy Council, requesting the continuation of the assembly under the new government and advising the king of the need also to rely on local talent for a proper management of the colony.³⁵

The assembly's worries about the shift to royal government centered on the governor whom the king might send, especially if he were someone not familiar with Virginia or not prepared to stay there. Governors sent from England, their letter claimed, "for the first yeare are rawe in experience and for the most part in Ill disposition of health through the change of the Clymate, the seconde yeare they beynn to understand the affaires of the Country, and the thirde provide for their retorne." Moreover, any instructions sent from England, though they might seem good at that distance, were likely to prove otherwise when they came to be carried out. In fact, no "main project" should be undertaken without prior approval of the governor's council, men who knew the country and knew what would work and what would not.³⁶

Between the lines the assemblymen were saying that Virginians would find ways of defeating any English policy toward them that they did not approve. And they soon showed that they could defeat projects sponsored by the king as easily as those sponsored by the company. Although Charles I pointedly refrained from continuing the assembly when he took over the government of Virginia, royal governors found that they could not get along without it or without the council. Actually, the council had been officially continued, and to it the king, like the company, appointed the most successful and powerful men in the colony. As the number of such men grew, however, they could not all be given places on the council, and yet it was necessary to take them into account. The assembly offered the easiest way to do it. Though without instructions to do so, governors called the assembly together on several occasions in the 1620s and 1630s to deal with problems of defense and other local matters. They handled these effectively, but they also exhibited the usual independence of representative assemblies. When the governor asked them to comply with the king's wish for a contract to market their tobacco, they turned him down, as we have seen. In 1632 they took the occasion of their meeting to affirm their own exclusive

³⁵ RVC, IV, 581; *Journals of the House of Burgesses, 1619–1658/59*, 26–27.

³⁶ *Ibid.*

authority to tax the colony.³⁷ It was plain that they intended to exercise that authority whether the king recognized it or not. To be an Englishman was to be ruled only by laws that the country's best men had approved in Parliament; the assembly was Virginia's parliament, and its members were Virginia's best men.

Even though the best might be none too good, they enjoyed a wider popular constituency than any member of the House of Commons in England could boast. There were no legal restrictions on voting in Virginia until 1670. It went without saying that neither women nor children could vote, and it seems unlikely that servants were allowed to. But a man who had finished his term of service, whether he had set up his own household or not, could cast his vote for a representative in the House of Burgesses. It did not follow that he cast it for men like himself. The best men were better than he, and the very best did not need his vote, because they were on the council. Whether appointed by the king or elected by the people, they would not be bashful about telling a royal governor what he could or could not do in Virginia.

The governor who had to contend with Virginia's best men during the 1630s was John Harvey. No newcomer to Virginia, he had been a member of the royal commission sent to investigate the colony in 1623 and knew the people he would encounter when he arrived in 1630. During the next four or five years he made every effort to win them away from tobacco. At the same time he made peace with the Indians, assisted the Catholic colonists who in 1633 planted the colony of Maryland across the Potomac, and called into question some of the shady deals that council members had engaged in during the 1620s. None of these measures won him friends among the men who had been running Virginia. Many of the magnates of the 1620s were dead by this time, but Samuel Mathews, William Peirce, and Dr. John Pott were very much alive, and new potentates were rising in the place of the Yeardeleys and Peirseys, aided frequently by judicious marriages to the widows of their predecessors. They showed their power by seizing Governor Harvey in 1635 and shipping him back to England. When he won vindication and returned in triumph to send his persecutors to England for trial, they there defended themselves so persuasively that in 1639 Harvey was dismissed from office in disgrace.³⁸

³⁷ Hening, I, 171.

³⁸ Harvey's administration and his quarrel with his council have been

Virginia's next two governors were more closely attuned to the facts of political life in Virginia. Francis Wyatt—the old company governor—arrived with royal instructions that finally recognized the assembly and confirmed its claim to legislative authority.³⁹ Wyatt was already identified with Virginia's ruling class. He had long been one of them; and his successor in 1641, Sir William Berkeley, quickly became one and proved as ardent a defender of Virginia's autonomy as anyone could ask of a man who retained his loyalty to the king.

Berkeley's loyalty to the king was unquestioned. His brother John, the first Baron Berkeley, was a favorite at court; and Sir William himself was also an accomplished courtier, a man of ready wit and sophisticated taste. He nevertheless showed his commitment to Virginia by building at Green Spring, near Jamestown, the most substantial house that Virginians had yet seen in their country.

Berkeley won the hearts of Virginians at once. And during his years as governor he repeatedly gave them cause to be grateful for his appointment. Twice he crossed the ocean to seek help for the colony in England. On his first trip in 1644 he found that the king needed help more than Virginia did; and he stayed for a year to fight against the Roundhead forces that had carried the gentry's contest with the king from Parliament to the battlefield. But he returned to Virginia to champion the cause of the colony, no matter who challenged it.

During the Civil Wars, king and Parliament were so occupied with one another in England that neither gave much attention to what was happening in the New World. All talk of a tobacco contract was forgotten now, and the Virginians elevated England's salutary neglect into a matter of principle by asserting their right to a free trade and by affirming it as "the libertye of the Collony and a right of deare esteeme to free borne persons . . . that noe lawe should bee established within the kingdome of England concerninge us without the consent of a grand Assembly here." When a rumor

the subject of several varying interpretations: Thomas J. Wertenbaker, *Virginia under the Stuarts* (Princeton, 1914), 60–84; Wilcomb E. Washburn, *Virginia under Charles I and Cromwell, 1625–1660*, Jamestown 350th Anniversary Historical Booklet, No. 7 (Williamsburg, 1957), 10–29; Richard L. Morton, *Colonial Virginia* (Chapel Hill, N.C., 1960), I, 122–46; Bailyn, "Politics and Social Structure," 94–98; J. Mills Thornton, "The Thrusting Out of Governor Harvey," *VMHB*, LXXVI (1968), 11–26.

³⁹ *VMHB*, XI (1903–4), 50–54.

was spread in 1647 that Parliament had violated this right by forbidding foreigners to trade with English colonies, the assembly dismissed it as “a forgerye of avaritious persons [i.e., the London merchants] whose sickle hath bin ever long in our harvest allready.”⁴⁰ The assembly invited Dutch merchants to bring their “wares and merchandizes” to Virginia and “to trade or traffique for the comoditys of the collony in any shipp or shippes of their owne.”⁴¹ The Dutch responded so warmly that the Virginians once again enjoyed something like prosperity. Though their tobacco never again brought the bonanza prices of the 1620s, the abundance of Dutch traders resulted in a pretty steady price of twenty shillings the hundred pounds during most of the 1640s and 1650s.

Throughout the fight between royal and Parliamentary forces Berkeley remained a staunch partisan of the king, but he was an equally staunch partisan of Virginia and an enthusiastic supporter of the colony’s development of the Dutch trade.⁴² When Parliament beheaded Charles I in 1649 and established the Commonwealth to replace the monarch, Berkeley and his coterie proclaimed the succession of the king’s son as Charles II and warned any potential rebels against taking the occasion of the king’s execution to challenge the authority of the king’s government in Virginia. Berkeley had only to point to his record and to remind Virginians that Parliamentary control could mean the return of “the same poverty wherein the Dutch found and relieved us.”⁴³ And indeed it could have; for in spite of the Virginia assembly’s brave words, Parliament was more than willing to listen to the London merchants, and in 1651, at the merchants’ behest, it did forbid the Dutch trade. Not all of Berkeley’s supporters placed as high a value as he on loyalty to the king. But they all shared his preference for keeping Virginia’s trade free; and so in 1652, when Parliament finally sent commissioners with an armed force to secure the colony’s allegiance to the Commonwealth, there was no great enthusiasm for complying. When Berkeley capitulated, he dictated terms that gave the Virginians virtual autonomy.

⁴⁰ *Journals of the House of Burgesses, 1619–1658/59*, 74; *VMHB*, XXIII (1914–15), 244–47. The pungency of language in this declaration suggests that Berkeley himself may have been the author of it.

⁴¹ Hening, I, 258; cf. *ibid.*, 540.

⁴² William Berkeley, *A Discourse and View of Virginia* (London, 1663), 6–7. Berkeley himself apparently engaged in the trade. See York II, 93.

⁴³ *Journals of the House of Burgesses, 1619–1658/59*, 76.

The new governor installed by the commissioners, Richard Bennett, had been in the colony since the 1620s, when he came to take over the estate of his brother Edward, one of the original tobacco barons of the boom years. He was imbued with the same views as other Virginians, and he made no effort to enforce the act that Parliament had passed making Dutch trade in Virginia illegal. His own power was in any case somewhat less than Berkeley had enjoyed. The Parliamentary commission, in replacing Berkeley, had underwritten the authority of the Virginia assembly, enabling the members even to choose the colony's future governors and councillors. The governors they chose were men of their own kind, like Bennett, and Samuel Mathews, Jr., whose father had married Abraham Peirse's widow and died the richest man in Virginia (as Peirse had been before him). In 1660, just before Charles II recovered his throne in England, the assembly decided that Berkeley, who had remained in Virginia, should again have the job; and they summoned him back to the post, which he retained for the next sixteen years (during which he married the widow of Peirse's grandson).⁴⁴

The men who governed Virginia in the 1640s, 1650s, and 1660s, whether under king or Commonwealth, showed themselves to be only a little less ruthless than those who dominated the colony in the boom period. They continued to sit in judgment on disputes in which they themselves were involved; and their servants frequently had to bring suit in order to obtain freedom when the term of indenture was up.⁴⁵ They demanded handsome support and deference from their inferiors and usually got it. The expenses incurred by the representatives who sat in the House of Burgesses were paid by the people of the counties they represented, and in many cases the amounts can be found in the county court records. A few weeks' attendance generally brought more than an ordinary man was likely to make in a year. Among other expenses that the burgesses of Norfolk County charged to their constituents were 150 pounds of tobacco for a fiddler in 1653 and 500 pounds for a trumpeter in 1660. Charges for such items as "an anchor of drink" or "2 cases of strong waters" suggest that the Virginians' capacity for sack and strong

⁴⁴ Hening, I, 362–73; Washburn, *Virginia under Charles I and Cromwell*, 39–62; Morton, *Colonial Virginia*, I, 174–87; Craven, *Southern Colonies*, 262–69.

⁴⁵ For examples: Northampton IV, 215a; X, 39, 52, 55; Norfolk I, 8, 9, 85, 88, 305; II, 52a, 147a; III, 213a, 221; IV, 20, 40, 46, 55, 226; Lancaster IV, 257.

waters had not decreased and that a legislator considered it his prerogative to be paid for as much as he could drink while doing the public's business.⁴⁶

Though their standard of living remained high, the authority of the men who governed became somewhat diluted, partly because there were a great many more of them as time went on and they were by no means united in their political views and interests. Furthermore, with the expansion of population through several counties, local institutions modeled on English ones began to assume a larger importance in day-to-day life and imposed a familiar network of remembered relationships, of which deference to wealth and birth and success was only a part.

These developments were accelerated after 1644, when the Indians, now vastly outnumbered, launched a last desperate attempt to recover their patrimony. In a surprise attack they killed an estimated five hundred people, but Governor Berkeley himself led the colonists against them and reduced the remaining Pamunkeys and the constituent tribes of their dominion to a tributary status. The way was thus opened for English expansion, and in the next ten years five new counties were formed, each with a county court to maintain order and mediate disputes between neighbors.⁴⁷

In establishing counties and county courts, the Virginians were taking one step toward re-creating the security of English society. By dividing their counties into parishes, each with a vestry and a number of churchwardens, they took another. Not every parish was able to obtain or support a minister of its own. Sometimes two or three parishes shared one in rotation. On the whole, Virginians were much less concerned with the world to come than were the settlers of New England. Although the rise of Puritanism in England was reflected in both political and ecclesiastical disputes in Virginia, the most ardently puritanical settlers were driven out by Governor Berkeley or else left voluntarily, many of them for Maryland.⁴⁸ But

⁴⁶ Norfolk I, 74; III, 62a; IV, 269.

⁴⁷ Washburn, *Virginia under Charles I and Cromwell*, 29-39; W. F. Craven, *White, Red, and Black: The Seventeenth-Century Virginian* (Charlottesville, 1971), 55-58. The counties, besides Northumberland (1645), were Lancaster, Gloucester, Westmoreland, New Kent, and Rappahannock.

⁴⁸ Virginia was founded at a time when Puritan tendencies were strong within the Church of England. Puritanism and subsequently Quakerism seem to have been strongest in the region south of the James River. But the Quakers secured a following in several counties, sometimes among fairly

the frontier environment tended in Virginia, as it did so often in American history, to invigorate transplanted institutions and especially those concerned with moral behavior. The settlers had stretched themselves out along Virginia's network of rivers over areas much larger than the usual English parish. Without proximity to promote a sense of community that would make them feel at home, they tried to bind themselves together by imposing on each other a strict standard of behavior. Without being Puritans in any theological or ecclesiastical sense, they looked a little puritanical in the way they dealt with offenses against conventional morality.

Anyone could report moral offenses to the churchwardens, who were charged with preserving the good behavior of church members. If an accusation seemed justified, the churchwardens presented the offenders to the county court; and the court tried, judged, and sentenced them. Thus the county court in Virginia took the place not only of the English county's quarter session court but also of the English ecclesiastical court and sometimes even of the vestry, which was charged with the care and running of the church. Since the vestrymen and the commissioners who sat on the county court were often identical, and since the same clerk sometimes transcribed the business of both in the same book, it is often difficult to distinguish in the early records between a meeting of the vestry and a meeting of the court. It was the court, however, that prescribed the punishment of delinquents brought before them by the churchwardens. The courts, for example, prescribed penances for couples who appeared with children too soon after marriage, requiring them in the traditional manner to appear at church the next Sunday dressed in white robes and carrying white wands. As in England, they prescribed whipping for the unmarried woman who produced a child, while her lover usually got off with doing penance and paying for the child's support. That the Virginians were not quite Puritans is apparent from the fact that they seldom punished adultery more se-

prominent families. Evidence of Puritanism or Quakerism will be found in Surry II, 86; Norfolk II, 74-75, 120-22, 129, 131; IV, 302, 360, 374, 380, 386, 392, 396; Henrico I, 116, 140-41, 193-94; II (transcript), 41-42; Hening, II, 198. See also Babette M. Levy, "Early Puritanism in the Southern and Island Colonies," American Antiquarian Society, *Proceedings*, LXX (1960), 69-348; Jon Butler, ed., "Two Letters from Virginia Puritans," Massachusetts Historical Society, *Proceedings*, LXXXIV (1972), 99-109; *WMQ*, 1st ser. XI (1902-3), 29-33.

verely than ordinary fornication.⁴⁹ But they joined the New Englanders in trying to prevent as well as punish both. If a man and woman were suspected of “incontinency,” they were forbidden to go near each other.⁵⁰

The courts sometimes punished a man for habitual drunkenness. One addict, for example, was required to stand at the church door with a pot tied about his neck.⁵¹ Since the justices often held their meetings at a tavern, where liquor was readily available, they occasionally had to rebuke drunken behavior during their sessions (even on the part of those sitting on the bench).⁵² But they took an indulgent view of the social drinking that acquainted a man with his neighbors, even though it might lead him to brawl with them. A meeting of the court was an occasion not only for settling disputes but for lifting a glass at the tavern before or after court time. How heavily the taverns were patronized is suggested by the fact that in 1648 eighty men in the parish of Elizabeth River in Norfolk County owed money to William Shipp, who kept the tavern there.⁵³ At the time the whole county contained only 334 men over fifteen.⁵⁴

Those who gathered at the tavern were also expected to gather every Sunday, with the rest of the parish, at church. Wherever a minister was on hand to preside, the courts insisted that men observe this ancient fellowship, which assumed a new importance in binding the far-flung planters together. Working or traveling or “going a fishing” on Sunday instead of going to church brought fines or perhaps a requirement to build a bridge across a creek that would ease the route to church for others. And when the sheriff discovered that church was a good place to serve writs, he was forbidden to do so—too many people stayed home for fear of receiving a summons.⁵⁵

Drinking and worshiping with one’s fellow men were but two

⁴⁹ Norfolk I, 65, 86, 177, 279, 305, 306, 312; II, 106a, 113a. For an example of adultery treated as fornication, see Norfolk I, 183.

⁵⁰ Northampton IV, 89a; Norfolk I, 146, 191, 230, 296; II, 10; IV, 7, 78; York II, 414.

⁵¹ Northampton III, 159a.

⁵² Hening, II, 384; Lancaster IV, 389.

⁵³ Norfolk II, 65–66.

⁵⁴ *Ibid.*, 93. Elizabeth River Parish had 165 tithables in 1645 (Norfolk I, 291). Thus nearly half the men in the parish were indebted to the tavern keeper.

⁵⁵ York II, 386; Hening, I, 457.

threads in the web of community that the settlers were building. The commissioners recognized the fragility of the web and did everything they could to bolster the mutual respect that made it possible for people to live peaceably together. They came down especially hard on any kind of slander. Argall Yeardley, son of Sir George, had come of age in 1642 and had been forthwith made commander of Northampton County. When Thomas Parks scoffed that Yeardley's father "was but a Taylor that Lept off a shopp board in Burchin Lane" and that his mother "was but a middwife not to the honour-Cittizens but to bye blowes," Parks got thirty lashes.⁵⁶ Yeardley was a big man, to be sure, but slander, whether of the high or low, called for punishment. It was almost as dangerous to accuse another person of adultery as it was to commit it. John Dennis had to sit in the stocks and ask forgiveness of Goodwife Williams because he called her "a whore and a base whore" after she had called him "knave and base knave."⁵⁷ These were ordinary people, and so were Francis Millicent and Mary Jolly, a servant. Millicent spread some stories about Jolly, who was apparently sick abed, saying that "if she were not with child, she was lately with child." The court decided that Millicent had "unjustly and wrongfully scandalized and defamed Mary Jolly, servant to Mr. John Neale." In the usual phrasing of Virginia courts, it was "therefore thought Fitt and soe ordered by this Court that the said Francis Millicent shall be whipt and have thirty lashes and to aske the said Mary Jolly forgiveness publicly in the Congregation the first Sabbath that she is able to come to Church and the said Millicent to pay the charges of the suite."⁵⁸

The courts had to spend a good deal of their time in protecting the reputation of Virginia's women, mainly from each other. When the Northampton commissioners heard "that about 3 weeks since Alice Robins said that Mary Hudson was as badd as any salte Bitch," Alice Robins and her husband Sampson both got twenty lashes.⁵⁹ Mary Rayman had to do penance and beg forgiveness of Anne Johnson for saying that Anne was "naught" with her "black shaggy dog."⁶⁰ Eady Hanting had to apologize merely for saying:

that Matthew Haywards wife did live as brave a life as any Weoman in Virginia for she Could lie abead every morninge till

⁵⁶ Northampton II, 313, 351.

⁵⁹ Northampton I, 117.

⁵⁷ Northampton I, 157-58.

⁶⁰ Northampton III, 227, 229.

⁵⁸ Northampton I, 86-87.



hir husband went a milkinge and came Back againe and washt the dishes and skimd the milk and then Mr. Edward Floide would come in and say my Deare will you walke and soe she went abroad and left the Children Crienge that hir husband was faine to Come home and leafe his worke to quiett the Children.”⁶¹

Eady Hanting, who spoke these words, was one of the more impulsive members of the parish of Elizabeth River in Lower Norfolk. Shortly after this episode she married Thomas Tooker, but not soon enough. The churchwardens presented her and her husband for fornication before marriage; and when she came to stand before the congregation in her white sheet and was admonished by the minister “for her fowle Crime Committed” she “like a most obstant and graceless person cutt and mangled the sheet wherein she did penance.” She got twenty lashes for that.⁶²

The courts also protected the inhabitants from defamation that might injure their economic standing in the community. When George Hawkins accused James the Scot, servant to Saville Gaskins, of stealing bacon and could not prove it, the court awarded James 200 pounds of tobacco for the damage to his reputation.⁶³ An imputation of dishonesty might lead to loss of business if the accusation were not publicly disproved in court. Accordingly, when Amy Cottell called the merchant John Lownes a rogue and charged him with presenting a false bill, he brought suit. Although Governor Berkeley himself had called the man a villain some years earlier, Amy was obliged to apologize, saying, “I am heartily sorry and do desire this to be published I have done him great wrong.” She also had to pay him 400 pounds of tobacco for his expenses in bringing the suit.⁶⁴ Similarly, Richard Lemon, a merchant, had to pay John Stringer, a carpenter, 300 pounds for calling him “a cheating fellow.”⁶⁵

The creation of a sense of community in Virginia was complicated by the fact that the English colonists, even while getting a footing in the New World, had to absorb a substantial minority of foreigners. The records show Portuguese, Spanish, French, Turks, Dutch, and Negroes.⁶⁶ Many of them can be identified, for they

⁶¹ Norfolk I, 42.

⁶³ Norfolk IV, 7.

⁶² *Ibid.*, 64, 86, 93.

⁶⁴ Norfolk II, 201; IV, 220.

⁶⁵ Northampton IV, 144. John Stringer, carpenter, was apparently no relation to the physician of the same name mentioned below.

⁶⁶ Norfolk I, 105; II, 50, 135, 142; IV, 225, 244, 356; Northampton III, 116-19; IV, 147.

were frequently designated as Andrew the Spaniard or Cursory the Turk. Or the name itself may be indicative. One Frenchman in Norfolk was invariably known as "James the La Balle." He was officially made a denizen in 1658 and became a churchwarden.⁶⁷ We can watch the gradual transformation of foreign names that appear frequently in the records. But for some reason Dutch names were Anglicized almost at once; the Dutch seem to have absorbed the Virginia version of English ways rapidly and unobtrusively. Often we learn only by chance that someone named William Westerhouse or Jenkin Price is Dutch.⁶⁸

A more conspicuous set of non-English immigrants were the Negroes. They were nevertheless few in number, probably no more than five hundred by 1650. Whether they were brought by traders directly from Africa or by way of the West Indies is not clear. Many had names like Anthony or Ferdinando that suggest a Spanish or Portuguese connection. Whatever their origin, they already occupied an anomalous position. Some were undoubtedly slaves in our sense of the term, that is, they and their offspring were treated as the property of other men; and it seems probable that all Negroes, or nearly all, arrived in the colony as slaves.⁶⁹ But some were free or became free; some were servants or became servants.⁷⁰ And all, servant, slave, or free, enjoyed rights that were later denied all Negroes in Virginia. There is no evidence during the period before 1660 that they were subjected to a more severe discipline than other

⁶⁷ Norfolk IV, 180, 235.

⁶⁸ Northampton IX (no paging), session of April, 1658.

⁶⁹ The status of Virginia's first Negroes has been widely debated. Oscar and Mary Handlin surveyed the previous discussions of the subject and gave their own view, that the first Virginia Negroes were not held in slavery, in "The Origins of the Southern Labor System," *WMQ*, 3rd ser., VII (1950), 199-222. The fullest recent appraisal, by Winthrop Jordan in *White over Black* (Chapel Hill, N.C. 1968), 71-82, and also in his "Modern Tensions and the Origins of American Slavery," *Journal of Southern History*, XXVIII (1962), 18-30, concludes that some were enslaved and some were not. The evidence is too fragmentary to prove that any Negroes were imported as servants on the same terms as white servants, but the evidence is sufficient to show that Negroes were held as slaves in the 1640s and 1650s. See for example Northampton III, 139, where in 1648 a deed is recorded for a "Negro woman and all her increase (which for future tyme shall bee borne of her body)." For other clear examples of slaves in the 1640s and 1650s see Northampton II, 324; III, 120, 180a; IV, 124, 151, 165a; V, 17a, 86-87, 94a; York I, 96; II, 63, 390.

⁷⁰ Northampton III, 150, 152, 205; IV, 226.

servants. Some slaves were allowed to earn money of their own and to buy their freedom with it.⁷¹ They bought and sold and raised cattle of their own.⁷² In one case in 1646 the sale of a slave from one master to another was made to depend upon the slave's consent.⁷³ Another slave was able to purchase the freedom of his daughters and apprenticed them to a white master until they should reach majority.⁷⁴ Two Negroes who showed an unwillingness to work were given an indenture guaranteeing their freedom in return for four years' work and 1,700 pounds of tobacco.⁷⁵ And this is not the only sign in the records that rewards were thought more effective than coercion as a means of extracting labor. In 1645 Edwin Connaway, clerk of the Northampton court, in a remarkable deposition declared:

That being at the house of Capt. Taylor, about the Tenth day of July last past the said Capt. Taylor in the morning went into the quartering house and this deponent coming forth of the dwelling house did see Capt. Taylor and Anthony the negro goeing into the Corne Feild and when they returned from the said Corne Feild, the said negro told this deponent saying now Mr. Taylor and I have divided our Corne And I am very glad of it now I know myne owne, hee finds fault with mee that I doe not worke but now I know myne owne ground I will worke when I please and play when I please, And the said Capt. Taylor asked the said Negro saying are you content with what you have And the Negro answered saying I am very well content with what I have or words to that effect.⁷⁶

While racial feelings undoubtedly affected the position of Negroes, there is more than a little evidence that Virginians during these years were ready to think of Negroes as members or potential members of the community on the same terms as other men and to demand of them the same standards of behavior. Black men and white serving the same master worked, ate, and slept together, and together shared in escapades, escapes, and punishments. In 1649 William Watts, a white man, and Mary, a Negro servant, were required to do penance for fornication, like any other couple, by standing in the church at Elizabeth River with the customary white sheet and white wand; and in 1654 the churchwardens of the upper parish in

⁷¹ Northampton IV, 118a; IX, session of Jan. 30, 1659/60; Surry I, 349.

⁷² Northampton III, 83; IV, 114; V, 38a.

⁷³ Northampton IV, 81a.

⁷⁴ Northampton III, 82a; IV, 82.

⁷⁵ Northampton V, 25a, 27, 54, 60a.

⁷⁶ Northampton II, 457.

Northampton presented both a white couple and a Negro couple for fornication.⁷⁷

There are several cases where masters set up conditions in their wills whereby Negro slaves would become free or could purchase their freedom. And the terms indicate an expectation that they would become regular members of the free community. Argall Yeardeley provided that a Negro boy, then aged three, should be free at the age of twenty-four and be given two cows. The boy's godfather was made a witness to the agreement.⁷⁸ Richard Vaughan provided that each of his three Negro girls should "bee brought upp in the feare of god and to bee taught to reade and make her owne cloaths." When they came of age, they were each to get two cows with calf, and two suits of clothes, two blankets, a rug, a bed, four barrels of corn, and a breeding sow; together they were to have a plantation of 444 acres with a new house 25 feet by 20 feet.⁷⁹

The success of these early efforts at integration is nowhere more dramatically shown than in the behavior of Anthony Longo, a free Negro who had learned not only the merits of industry and thrift but also the truculent attitude to authority which so many Englishmen carried wherever they went and which the courts had so often to put down. One John Neene was sent by Major Walker, a commissioner of the court, to serve a warrant or subpoena on Longo in connection with a case in which Neene needed Longo's testimony. Neene reported his experience in these words:

Sayth that comeinge to Tony Llongo his house with a warrent of Major Walkers your Deponent asked him whether hee would goe alonge to Mr. Walkers with mee. his answeare was what shall I goe to Mr. Walkers for: goe about your business you idle Rascall: Upon those slightinge tearmes, I told him I had a warrant for him, sayeing, will you goe with that, hee made mee answer, shitt of your warrant have I (said hee) nothings to doe but goe to Mr. Walker, goe about your business you idle Rascall as did likewise his wife, with such noyse that I could hardly heare my owne words, reading the warrant to them, which when I had done readeinge, the said Tony stroke att mee, and gave mee some blowes, soe perseavinge it was to little purpose to stave with him,

⁷⁷ Norfolk II, 113a; V, 55. See also Northampton X, 30; *Minutes of Council*, 477; Hening, I, 551.

⁷⁸ Northampton V, 117a-119a.

⁷⁹ Northampton V, 102. See also *ibid.*, 57a, 100a; York I, 233; Henrico I, 139; II (transcript), 64.

I went to Mr. Littleton's house and requested Daniel Baker to goe to Tony Longos with mee only to testifie that I had a warrant from Mr. Walker for his appearance before him; Daniel Baker att my request went with mee which when wee came, I desired him to read it to him which he did his answers were that hee would not goe, hee must gather his corne, Nowe it beinge about the sun settinge (or somethinge after) I told him wee might goe to night and neither hinder himselfe much, nor mee, But his answer was thats a goode one nowe I have bine att worke shall goe to Mr. Walkers I your said deponent requested him to goe alonge with mee And as I could not make my debt appear I would give him for his payment 20 lb of tobacco. Well said hee I cannot goe, why when shall I attend you said your deponent tomorrowe or next daye, or next weeake Ile goe with you att any time his answer was in generall, well, well, Ile goe when my corne is in whereupon I bad him goodnight, and left him, and on the morneinge returned the warrant. All which to the best of my remembrance were his very words (or to same effect).⁸⁰

The commissioners understandably punished Longo for contempt of court.⁸¹ But it was the kind of contempt that Englishmen often showed to authority, and it was combined with an assiduity in pursuit of calling that English moralists were doing their best to inculcate more widely at home. As England had absorbed people of every nationality over the centuries and turned them into Englishmen, Virginia's Englishmen were absorbing their own share of foreigners, including Negroes, and molding a New World community on the English model, a pasture-farming empire stretched out and magnified, altered by the nature of the terrain and the universal preoccupation with tobacco but still recognizably English. Yet this empire upon closer examination will be found more different from England than at first appears.

⁸⁰ Northampton V, 60a.

⁸¹ *Ibid.*, 54a.

LIVING WITH DEATH

THE most obvious difference between Virginia and England was the abundance of land and the absence of people. The native population which might have made the two countries radically different was small to begin with and became rapidly smaller under the onslaught of European diseases and weapons. Once the English pushed the remnants out of the way, they had several million acres of fertile tidewater lands available for a mere handful of settlers. The relative abundance of land and the shortage of people would shape Virginian—and American—history for centuries to come. But during the colony's first half century the shortage of people was different in kind from any experienced in Americans' later absorption of the continent. It was not just that the colony was new. It was not just a matter of time, needed to build up the stream of immigrants. It was a matter of death. The rich lands of the tidewater were empty not simply for lack of immigrants but because the men who did come to settle on them died so fast. We have seen that after 1625 the colony grew rapidly. But the growth was achieved in the face of a continuing death rate of appalling proportions.

It is well known that before 1624 Virginia was a death trap for most of those who went there. One reason why the king dissolved the Virginia Company was that it seemed to have sent so many men to their deaths without taking adequate measures to feed and shelter them. It is well known, too, that summer in Virginia was a dangerous time for new arrivals. This was "seasoning" time, and those who survived it were said to be "seasoned" and thus immune to the dangers of future summers.¹ What is not generally known is that either

¹ David Peter de Vries, in *New-York Historical Society, Collections*, 2nd ser., III (1857), 75; Neill, *Virginia Carolorum*, 109.

the diseases involved in seasoning (probably typhoid fever)² or other diseases continued to kill Virginians in large numbers long after 1625. The years from 1625 to 1640, when population more than quintupled, from 1,300 to about 8,100, included the period of the Great Migration from England. During these years it is probable that immigrants to Virginia averaged at least 1,000 a year. The governor wrote in February, 1628, of 1,000 "lately received,"³ and in February, 1634, of 1,200 as "this yeares newcomers."⁴ Persons arriving "this year" were reported in July, 1634, as 1,500,⁵ in May, 1635, as 2,000,⁶ and in March, 1636, as 1,606.⁷ We have actual records for the year 1635 of 2,010 persons embarking for Virginia from London,⁸ and London was not the only port of embarkation. Perhaps these years were exceptional, but other scattered records indicate a continuing heavy exodus from England.⁹ If immigrants did average 1,000 a year during the years from 1625 to 1640, then 15,000 immigrants increased the population by a little less than 7,000. Since most immigrants came as servants and were bound for periods of four to seven years in order to repay their passage, it is unlikely that there was a heavy return migration of men ready to pay an equally heavy price to go back where they came from. No matter how one reads the figures, they show that Virginians had to cope year after year with a death rate comparable only to that of severe epidemic years in England.

There is literary evidence to support such a conclusion. Samuel Maverick, returning from Virginia to New England in August, 1636, said that 1,800 had died there the year before.¹⁰ A Dutch ship captain who called at the colony in the summer of 1636 noted that thirty-six sail of ship were there but that they had arrived before the seasoning months were over and that fifteen of the thirty-six captains had consequently died.¹¹ In 1638, the House of Burgesses

² Gordon W. Jones, "The First Epidemic in English America," *VMHB*, LXXI (1963), 3-10.

³ C.O. 1/4, f.109.

⁴ C.O. 1/8, ff.9-10; *VMHB*, VIII (1900-1901), 155.

⁵ Massachusetts Historical Society, *Collections*, 4th ser., IX (1871), 110.

⁶ *VMHB*, I (1893-94), 417. ⁷ *Ibid.*, IX (1901-2), 37.

⁸ John C. Hotten, *Our Early Emigrant Ancestors: The Original Lists of Persons of Quality . . .* (New York, 1880), 35-145.

⁹ C.O. 1/10, ff.94-95, 126; P.C. 2/50, f.643; P.C. 2/51, ff.16-18; P.C. 2/52, ff.714-15; P.C. 2/53, ff.182, 187, 199.

¹⁰ John Winthrop, *The History of New England*, James Savage, ed. (Boston, 1853), I, 228.

¹¹ New-York Historical Society, *Collections*, 2nd ser., III (1857), 37, 75, 77.

doubted the feasibility of the king's scheme for limiting tobacco production because of the impossibility of determining the size of such a perishing population as theirs. "In respect," they said, "of the uncertain number of people yearely comeinge and the mortality of people here farre greater some yeares then others . . . wee are not at anie tyme certain of the number of our Inhabitants."¹² At the same time the burgesses objected to a request from the king for an account of the debts owed by each planter. The information could not be had, they said, because a third of the debts outstanding in the country were contracted by persons since deceased and could be ascertained only as suits were brought by creditors.¹³ That the colony would have expired but for the annual transfusion of immigrants is suggested by the complaint of the inhabitants in 1638 that a proposed monopoly contract for the purchase of Virginia tobacco would prevent any ships from coming "excepting some few belonging to the Contractors." The result would be that "the Collonye will in short tyme melt to nothing for want of supplyes of people."¹⁴

Although Virginia was supposed to be particularly deadly for new immigrants, seasoned inhabitants too may have experienced a death rate higher than was common in England. The absence of parish registers makes it virtually impossible to obtain the birth and death dates of any substantial group of seventeenth-century Virginians after the census taken in 1624/5. But one crude index of longevity can be gleaned from the records of the Norfolk County court, which include a substantial number of depositions. At the beginning of a deposition, the witness ordinarily gave his name and age. The ages are doubtless rough, for people frequently did not know their exact age and added "or thereabouts" to the number given. The witnesses were of all social classes, including servants. Of the 207 persons who gave depositions between 1637, when the records begin, and 1664, when the number of depositions drops off, the approximate date of death for 99 shows up incidentally in the records by 1700. For these 99 persons identified (all but three of whom were male) the average age at death was 48.¹⁵

¹² C.O. 1/33, ff.239-40; printed in *Journals of the House of Burgesses, 1619-1658/59*, 59-61. Another copy of this document is printed, wrongly assigned to the year 1668, in H. R. McIlwaine, ed., *Journals of the House of Burgesses of Virginia, 1659/60-1693* (Richmond, 1914), 53-54.

¹³ *Ibid.* ¹⁴ C.O. 1/9, f.228.

¹⁵ The median age was between 47 and 48. The oldest was 80 and the youngest 24. The average age at which the persons made their depositions

It is difficult to measure such a figure against the life tables produced with more precise and abundant figures for England or Europe at the time, but it would seem that the life expectancy of seasoned adults in Norfolk County was somewhat lower than life expectancy in contemporary England and very much lower than in New England, where the men who settled Andover, Massachusetts, at about the same period, lived to an average 71.8 years.¹⁶ We get a

and thus came under observation was 34 and the median 33. The youngest was 20 and the oldest 60. It is doubtful that a search of the records beyond 1700 for persons who may have died after that date would be fruitful, for the names of those whose death had not been mentioned by then had long since ceased to figure in the records. The date of death has been taken as the date when the person's will was proved, or the date of the inventory of his estate, or the date when he is first referred to in the records as "deceased" (frequently one learns of a death only from the mention of someone's having married the widow). The figures thus tend to exaggerate a little the length of life. It should be noted too that longevity in Norfolk may have been lower than in other parts of Virginia. The county apparently had the reputation of being "an unhealthy place." See Francis Nicholson to Board of Trade, August 1, 1700. C.O. 5/1312, f.1; Henry Howe, *Historical Collections of Virginia* (Charleston, S.C., 1845), 395. Kevin P. Kelly, "Economic and Social Development of Seventeenth-Century Surry County, Virginia" (unpublished doctoral dissertation, University of Washington, 1972), 224-38, attempts to construct life tables for men born in that county between 1650 and 1680, based on 63 persons.

¹⁶ On longevity in England see Peter Laslett, *The World We Have Lost* (London, 1965), 93-94; on Andover, Mass., Philip J. Greven, Jr., *Four Generations: Population, Land, and Family in Colonial Andover, Massachusetts* (Ithaca, N.Y., 1970), 26-27. A slightly different measure of longevity in Norfolk can be obtained from the county commissioners. Of the forty men who sat as commissioners between 1637 and 1660, the age at death can be ascertained for twenty-four. The average age at death was 49 and the median between 47 and 48. The oldest was 74 and the youngest 31. The average age at which they became commissioners and thus come under observation was 36 and the median between 37 and 38. The youngest was 22 when he became a commissioner and the oldest 56. The figures accord with the observation of an anonymous Virginia clergyman in 1689. Speaking of the Indians, he said, "They seldome live longer than 40 or 50 years. Neither do the English who are born in Virginia live beyond that age ordinarily" (Pargellis, "Account of the Indians in Virginia," 230). Three other studies of longevity in Virginia show somewhat different results. Wyndham B. Blanton found average longevity in Virginia, "based on a study of 205 seventeenth century families," to be 51 years and 5 months. "Epidemics, Real and Imaginary, and Other Factors Influencing Seventeenth-Century Virginia's Population," *Bulletin of the History of Medicine*, XXXI (1957), 454-62,

glimpse of what Virginians considered to be old age in the orders of the Norfolk court relieving aged persons of taxation. Bartholomew Hoskins was relieved of taxes when he was 47, because he was aged and infirm and had been in the colony since the time of Sir Thomas Dale.¹⁷ Rowland Morgan got the same privilege at 54 because he was a “poor ancient man” and Samuel Turbey at 53 because he was “ancient, poor, and decrepit.”¹⁸ On the other hand, Moses Linton lived to 80 and got along without exemption until 73 as far as the records show.¹⁹

It seems likely that the colony’s women and the children they bore (or at least those that survived infancy) enjoyed more favorable prospects than men. Simply by surviving infancy children were, in a sense, seasoned, and stood a better chance against the colony’s endemic diseases than those entering from outside. Women had already exhibited their durability in the early days of the colony. In 1624 it was the opinion of Sir Francis Wyatt, after living several years in the country, that “the weaker sexe . . . escape better than men, either that their worke lies chiefly within doores, or because they are of a colder temper.”²⁰ Wyatt may not have been a proper authority on the temper or temperature of women, but he was right about their capacity for survival. A list of the living and the dead in Virginia in February, 1624, shows that 35 out of 279 women (12.5 percent) had died in the preceding ten months, as against 294 out of 1,288 men (22.8 percent). In the following year another list shows that 14 out of 282 women died (5 percent) as against 100 out of 1,042 men (9.6 percent).²¹

at p. 461. Kelly, “Economic and Social Development of Surry County,” 28–29, using genealogies of 62 families, found a mean age at death of 57.65 for men born 1620–50, 56.25 for men born 1651–80, and 61.52 for men born 1681–1710. Martin H. Quitt, “The Virginia House of Burgesses, 1660–1706: The Social, Educational, and Economic Bases of Political Power” (unpublished doctoral dissertation, Washington University, St. Louis, Mo., 1970), estimated the median age at death for 30 immigrant burgesses at 60.5 and for 74 natives at 55. But Lorena S. Walsh and Russell R. Menard, in a more widely based study of longevity in Charles County, Maryland, found life expectancy for men born in the county to be between 24.5 and 27.5 years at age 20. Immigrants, even if they survived seasoning, had an even lower life expectancy. “Death in the Chesapeake: Two Life Tables for Men in Early Colonial Maryland,” *Maryland Historical Magazine*, LXIX (1974), 211–27.

¹⁷ Norfolk II, 50. ¹⁸ Norfolk IX, 274. ¹⁹ Norfolk VII, 311.

²⁰ *WMQ*, 2nd ser., VI (1927), 117.

²¹ See Appendix, esp. note 3. The deaths in the 1625 list are incomplete. I have not counted persons whose sex is not clearly indicated by a forename.

The lists, while showing the superior resistance of women to disease, also reveal how small their total numbers were in the population. In 1625 there were 350 men for every 100 women. Subsequent immigration kept the ratio uneven. Of the 2,010 immigrants from London in 1635, less than 14 percent were women. And all the evidence indicates that during the rest of the century women continued to be a minority in Virginia (see Appendix).

We are observing, then, a society that during its first forty or fifty years grew under conditions differing dramatically from those in the world that the settlers had known before. Women, and therefore children, constituted a much smaller proportion of the population in Virginia than anywhere in Europe. Unmarried men constituted a much larger proportion. And the whole population, but especially its men, was dying off rapidly and could sustain itself and grow only by continuing heavy immigration. These unfamiliar and unwelcome circumstances, no less than the colonists' wish to create familiar institutions, dictated the shape of their developing society.

One much lamented development came in the position gained by physicians, or by persons at any rate who claimed to be able to cure disease. Sick men are not likely to be hard bargainers, and dead men cannot bargain. Virginia accordingly became a land of opportunity for doctors and quack doctors; and in the seventeenth century the ministrations of the one were not likely to be more effective than those of the other. The fees charged by people who practiced medicine were by any other standards outrageous. Men who were unable to pay sometimes bound themselves as servants for a year or more in return for a cure. But since the services performed were often unavailing, the physician or "chirurgion" commonly collected his charges from the estate of his newly deceased patient. Sums of 1,000 pounds of tobacco were not uncommon, and they went as high as 2,500.²²

The House of Burgesses noticed that the effect of these "immoderate and excessive rates" was to prevent men from summoning help for sick servants, because "it was the more gainfull and saving way to stand to the hazard of their servants then to entertain the certain charge of a physitian or chirurgeon whose demands for the most parte exceed the purchase of the patient." To prevent gouging by physicians, the burgesses provided that anyone thinking a charge excessive could bring the case to court, where the commissioners would

²² Norfolk III, 136, 172, 212a; IV, 162; Northampton IV, 155, 203; V, 138, 142; York II, 152.

allow what they considered reasonable.²³ But the law seems to have been ineffective. The only complaints that were successful in court were those where the patient had obtained a genuine contract in which payment was to depend on being cured.

In every county a number of physicians set up practice. In Charles City County between 1656 and 1660, when the population was probably about a thousand, at least nine persons are mentioned in the records as practicing medicine. In Northampton County between 1640 and 1660, at least twenty physicians or surgeons are mentioned, though no more than four or five were active at the same time. The county in 1660 probably had fewer than a thousand inhabitants. In Norfolk County between 1637 and 1660 sixteen are mentioned, for a population of around 800.²⁴ Not all those who tried to practice made a go of it; and, in view of their greater exposure to disease, the mortality among physicians may have been above average. But a few of the colony's big men began in this way: John Pott, who was governor for a time; Obedience Robins, one of the most important men in Northampton County; and Colonel John Stringer, another Northampton commissioner, who affected the title of "philomedicus" rather than plain "chirurgion."

But the unusually large role played by physicians in the colony was the least important consequence of Virginia's continuing high death rate. More significant was the effect on the role of women. In a society where men died early, the relatively small number of women could expect to wear widow's weeds and to wear them often, though not for long. Women were too rare in Virginia to be left for long without husbands. The case of Jane Sparrow in 1660 was doubtless extreme. She was sick, and her husband called in a doctor. The cure was successful, but the husband died, leaving the doctor to collect 1,200 pounds of tobacco from his estate. The recovered wife remarried five days later.²⁵

Most Virginia women waited a couple of months; but they were, in the records at least, a singularly unlovely lot. Given their small numbers, they account for a high proportion of the cases of

²³ Hening, I, 316.

²⁴ On population estimates see Appendix. In counting "chirurgions" I have omitted persons who appear to be surgeons aboard ships lying in the Virginia rivers, except when they later became residents. But ships' surgeons did become involved in court cases ashore, and it may be that I have inadvertently included some.

²⁵ Charles City County, Orders 1658-61, in Beverly Fleet, ed., *Virginia Colonial Abstracts*, XI (Richmond, 1941), 89, 92.

slander heard by the courts, and they were also in court too often for abusing their servants. In three cases where servants died after abusive treatment, women were defendants.²⁶ In none of these cases was the woman found guilty, but one, Anne Charlton (widow of Stephen Charlton, a Northampton commissioner), was required to give bond for good behavior in the future. The commissioners had had trouble with her before, when she was the widow of Anthony West. At that time, she had gone after her overseer with a club.²⁷ Another commissioner, Henry Woodhouse, of Norfolk, had to be given protection from the unkind usage of his wife while he was sick. His fellow commissioners ordered that the neighbors should “have free libertie to resorte to the house of Mr. Woodhouse to see that hee have what shalbe both sufficient and necessarie for him dureinge his sickness, and according to his quallitye.” At the same session the court placed in the sheriff’s custody for protection a maidservant of Mrs. Woodhouse who had been “Most unchristian-like used by her mistress.” But the court’s efforts were not enough. By the next session both Woodhouse and the maid were dead. Within the year Mrs. Woodhouse had remarried.²⁸

If an awareness of their scarcity value induced an imperiousness or even downright tyranny in Virginia’s women, it also gave them greater economic advantages than they enjoyed in England. By Virginia’s law, as by England’s, a widow was entitled to a life interest in one-third of her husband’s estate,²⁹ and in Virginia the annual usufruct of an estate was likely to amount to a larger proportion of its value than in England. Furthermore, men of property generally favored their wives with more than the law required. It was common to give specific bequests to the children and everything else to the wife,³⁰ but there was great variety in wills. John Valentine gave his widow one-third of the estate as her own and the use of the rest of it while she remained a widow.³¹ Rowland Burnham gave his wife half the servants, half the cattle, all the furniture, but none of the

²⁶ Norfolk II, 117a, 120; III, 20a; Northampton II, 22, 26; IV, 223a-227; cf. Northumberland III, 454; R. A. Brock, ed., *The Official Letters of Alexander Spotswood*, Virginia Historical Society, *Collections*, n.s., I and II (Richmond, 1882-85), II, 202-3.

²⁷ Northampton IV, 97, 223a-227.

²⁸ Norfolk III, 157a, 165a, 170a, 181, 221.

²⁹ Hening, I, 405.

³⁰ This is an impression formed from reading the numerous wills recorded in the county courts. In the examples cited below, however, I have taken wills available in print.

³¹ *VMHB*, VI (1898-99), 118-20.

land.³² Abraham Peirse gave his widow one-third plus one-twelfth.³³ Adam Thorowgood gave his widow a mare and a foal, one of the best cows in the pen, half a dozen goats, four sows, and part of his plantation for life, “all which I give her as a memorial of my love—not any ways intending to cut her off from a equal share in my estate with my children.”³⁴

Besides getting a large share of the estate, the widow was often appointed administrator. This meant that claimants against the estate had to make their claims to her, and she, by delaying payment, might continue to enjoy the whole for some time. Captain John Sibsey left most of his land, his servants, his plate, and two-thirds of everything else to his widow, one-third to his daughter. But the daughter’s husband had to sue her mother in order to get what was given her.³⁵ If a widow had a jointure (which excluded a part of the estate as belonging to her before any inventory was taken), she was in a particularly advantageous position. Whether she had a jointure or not, she was not responsible for her husband’s debts beyond the value of his estate.³⁶

The wealthy widow has always had an edge on competitors in the marriage market. In Virginia the death rate produced such a rapid turnover of husbands and wives that widowhood became a principal means for the concentration of wealth. It has been suggested that the men who made their way to the top in the 1620s and 1630s in Virginia were unable to perpetuate their family lines; the famous first families of Virginia came to the colony later.³⁷ In a patrilineal sense this was the case. But while the high mortality lasted, with women apparently resisting it more successfully than men, Virginia was on the way to becoming an economic matriarchy, or rather a widowarchy. The man who needed capital could get it most easily by marrying a widow. And she was likely to get it back again, with whatever return he had added to it, when he died. The next husband would have an even larger base to build on.

We can sometimes watch the process taking place among the more successful planters, whose extensive holdings brought them frequently into the court records. One of the men, for example, who made it to the top in Virginia in the late 1620s and early 1630s was

³² *WMQ*, 2nd ser., II (1922), 269.

³⁴ *Ibid.*, II (1894–95), 416.

³³ *VMHB*, I (1893–94), 188.

³⁵ Norfolk III, 12a, 42a, 43.

³⁶ For examples, Norfolk III, 201; IV, 120.

³⁷ Bailyn, “Politics and Social Structure.”

Adam Thorowgood. Though he came as a servant, he was of good family and in 1627 married Sarah Offley, daughter of a London merchant and granddaughter of a Lord Mayor. Thorowgood died in 1640 at the age of 38. Within a year Sarah married Captain John Gookin, whose father had established one of the largest particular plantations under the Virginia Company. John Gookin died in 1643 at the age of 30. Sarah stayed single for four years, playing the grande dame of Norfolk at her house on Lynnhaven Bay. In 1647 she married Francis Yeardley, aged 23, son of Sir George Yeardley, the former governor. She saw to it that most of their property would be hers and not included in the estate if he should die before her, which he did, at the age of 31. Something of her scale of living can be judged from the fact that five years after their marriage Francis traded seven head of cattle to buy jewelry for her (which did not include a diamond necklace that she had at her death).³⁸

The game, of course, could be played the other way around. If a man could stay alive long enough, he might become a repeating widower. And as might well be expected in such a perishing society, repeating widows often married repeating widowers. William Burdett, who arrived as a servant in 1615, was able to marry the widow of Roger Sanders, one of the first commissioners on the Eastern Shore. She had already been a widow at least once before she married Sanders, and evidently Burdett's pursuit of her was a matter to bet on. The Northampton court recorded a deposition "that Mr. George Scovell did laye a wager with mr. mountney £10 starling to £5 starling Calling of us tow to witness the same: That mr. william Burditt should never match in wedlocke with the widow Sanders while they lived in Virginia. Soe the sayd Scovell not Contented but would lay £40 starlinge more to £10 starlinge that the sayd mr. william Burdett should never have the widdowe Sanders." Scovell lost. Burdett got her, outlived her, and before dying at the age of forty-six, he married another widow. When Burdett died, he left 66 head of cattle, 32 goats, a parcel of hogs, 10 servants, and a stack of debts.³⁹

The man with his eye on the main chance went for the widow rather than the daughters when a wealthy Virginian died. Governor Harvey and Thomas Hill both married daughters of Abraham Peir-

³⁸ *VMHB*, II (1894-95), 416; Norfolk III, 242, 193, 201; IV, 117; Gookin, *Daniel Gookin*, 56-57.

³⁹ Northampton I, xxxii, 10; II, 419-25.

sey, the richest man in Virginia. But Samuel Mathews, whom George Sandys had earlier identified as a man addicted to profit, got the widow (she had been the widow of Nathaniel West when Peirse married her) and with her assistance hung on to the whole estate, even though Governor Harvey in a lengthy lawsuit tried to get it away.⁴⁰

As women in Virginia generally became widows sooner or later, children generally became “orphants,” as fatherless children were called in Virginia even when their mothers were still alive. And although orphans usually came off second best in contests with their mother or stepfather for an estate, Virginians were conscious of the orphans’ disadvantages and took measures to protect them. In making a will, men often named a guardian other than the mother to protect the children’s interests, and in addition appointed feoffees in trust to see that the guardian did his job properly. Where a child was left without either parent, the county court appointed a guardian. At the lowest rank in the social scale an orphan without either father or mother was better off than in England. Because he was a potential source of valuable labor, the community seldom had to subsidize his bringing up unless he was a mere infant. Unlike the penniless orphan in England, the parish apprentice, he could expect to be taught a trade, and frequently he received tools and clothes when he attained majority. Sometimes his guardian was required also to set aside a cow calf for him and take care of her increase until he reached majority.⁴¹

Fathers, anticipating that they would not live to see their children launched in the world, frequently deeded cattle to them at birth and appointed feoffees in trust to see that the child received the female increase when he married or came of age. The male increase was usually assigned to pay for the child’s upbringing. Grandparents and godparents often made the same sort of gift. A large portion of the surviving court records consists of these deeds of gift, in which a cow is carefully identified by her appearance, earmarks, and name (Golden Locks, Gentle, Whitefoot, Nightingale, Frisky, Buttermilk). So prevalent was the practice that orphans ranked among Virginia’s principal cattle owners. Parents who did not provide a “stock” for their children by deeds of gift took care of the matter

⁴⁰ *VMHB*, XI (1903-4), 171, 174-82.

⁴¹ For examples, Northampton III, 125; IV, 177; Fleet, *Virginia Colonial Abstracts*, X, 46.

in their wills. Susan English spelled out the usual arrangement with unusual explicitness: After bequeathing various cattle to her three children, she wrote:

whereas there wilbe charge in bringing upp the abovesaid Children both for diet Cloathing and schooling I desire it may be entered upon the records in the court booke that whosoever bringeth upp the children unto the age of discesion with all things necessary and fitting shall have the male cattle for soe long tyme as the Children be with them.⁴²

The acquisition of all the male cattle produced during the orphan's minority was such a lucrative compensation for bringing him up that men on every social level competed for the privilege of guardianship. How serious a matter this could be is revealed in a contest between Governor Harvey and Ambrose Harmer over the guardianship of Benoni Buck, the idiot orphan of the Reverend Richard Buck. Harvey proposed to rotate the guardianship among members of the council in order to help support the government, but Harmer (who claimed the guardianship through his wife, the widow of one of the overseers of Buck's will) carried the case to England's Court of Wards and to the Privy Council. The Privy Council sided with Harmer, much to Harvey's chagrin.⁴³

There was so strong a temptation for guardians and stepfathers to appropriate more than the male increase or whatever was allowed in the writs and deeds of gift that the House of Burgesses in 1643 passed a law requiring a yearly accounting of all orphans' estates by their guardians. Henceforth each county court held an annual session known as an "Orphants Court," in which guardians reported the previous and present number of every orphan's cattle.⁴⁴ Even mothers who were guardians of their own children had to render accounts. Ordinarily the courts allowed no expenditure for an orphan that would diminish the cattle whose increase had been assigned for his upbringing. Mary Woodhouse Batts had to ask special permission of the court to sell two steers in order to buy clothes for her children by Henry Woodhouse. The court granted permission on the condition that the steers be replaced by two younger steers.⁴⁵

⁴² York II, 339.

⁴³ *VMHB*, IX (1901-2), 178-79; XII (1904-5), 390-93.

⁴⁴ Hening, I, 260. For other legislation protecting orphans, see *ibid.*, 260-61, 269-70, 416-17, 443-44, 451. For examples of orphans courts, see Norfolk I, 204-5, 257-58, 270-71; II, 137a-139a; York II, 180-84, 399-408.

⁴⁵ Norfolk IV, 217.

Sarah Offley Thorowgood Gookin was harder to handle. The commissioners of Norfolk County, who were obviously afraid of her, asked her politely but unsuccessfully on ten different occasions to render account of the cattle of her children by Adam Thorowgood. Finally they sent the high sheriff, Thomas Ivey, to levy a fine of 500 pounds of tobacco on her. She replied to the sheriff's hesitant communication with a letter in which she flatly refused to pay a fine or to appear at court, and hinted broadly that the court was going beyond its jurisdiction. It was unheard of, she said, that a mother should be asked to account for the property of her own children. She closed with a characteristic feminine touch: "my respects to your selfe and wyfe most kindly remembred to whome I have sent a small baskett of apples per the bearer." The next sheriff, the following year, like Ivey, lacked the nerve to press the matter further. The court threatened to fine him if he did not proceed. But before anyone else dared to face up to her, Francis Yeardley married her, and upon *his* promise that *he* would render the account, the court with undisguised relief repealed its 500-pound fine.⁴⁶

But not everyone was Sarah Offley Thorowgood Gookin Yeardley. The courts frequently did curb mothers and stepfathers and guardians, even of exalted rank. Richard Vaughan, who was feoffee in trust for Stephen Charlton's stepdaughter Bridget, complained to the court, of which Charlton was a commissioner, when Charlton sold a mare and horse belonging to the girl. His fellow commissioners ordered Charlton to replace the mare and horse by a Negro man and the produce of the crops he should make annually. When Charlton died, Vaughan saw to it that Bridget's cattle and other possessions were not included in the inventory of Charlton's estate and also prevented her stepmother from making use of a mare that belonged to her.⁴⁷ When Matthew Phillips, a commissioner of the Norfolk court, got with child a maidservant who belonged to some orphans of whom he was guardian, his fellow commissioners made him pay the orphans' estate 600 pounds of tobacco for loss of the maid's time during pregnancy and lying-in.⁴⁸

In making provision for children in wills, Virginians usually followed the English pasture-farming pattern of partible inheritance. Each child was likely to get something; but if one had already been given a substantial amount of property by deed of gift, his share in

⁴⁶ Norfolk II, 13a, 36a, 41, 48-48a, 52, 52a, 53a.

⁴⁷ Northampton IV, 218a; V, 125a, 135.

⁴⁸ Norfolk I, 305.

the estate might be smaller. Thus Stephen Charlton left only small bequests to his daughter Elizabeth, but he had already deeded her 1,700 acres of land, a slave, a mare, 3 cows, 6 ewes, and several thousand pounds of tobacco.⁴⁹ John Valentine excluded his eldest daughter Ann “in regard she hath a considerable stock already confirmed her, therefore I only give and bequeath to her at marriage one cow.”⁵⁰ Commonly the eldest son got more than other children, especially of land, but not much more. Occasionally the youngest child got a larger share.⁵¹ Often all shared “by the rule of proportion, that is to say, share and share alike.”⁵² Wills, like deeds of gift, thus contributed not simply to the accumulation of property by women but also to the dispersion of property among women and children, or widows and orphans.

If we examine the property that was being tossed about so rapidly from the dying to the living, we will discover that mobility was only one aspect of its instability. Property itself was evanescent, shifting in value, perishable. Specie was virtually nonexistent, for the export of coin from England to the colonies was forbidden, and whatever came into the colony from other sources quickly found its way out again. And land, the symbol of stable value in England, was the least valuable investment a Virginian could make during the first half of the century, unless he was remarkably farsighted and willing to wait a generation or two for the payoff. It was so abundant and so easy to acquire that the price rose very slowly. Public lands could be obtained by producing evidence of having paid for the transportation of others to the colony, at the rate of fifty acres per person or “headright”; and if a man did not need all the headrights he was entitled to, he could sell them. Such headrights were bought and sold at 40 to 50 pounds of tobacco in the 1650s.⁵³ To convert a headright into actual ownership of a specific tract of land, the secretary of the colony exacted a fee for making out a patent, 30 pounds of tobacco in the 1630s, increased to 50 pounds in 1643 and 80 pounds in 1658.⁵⁴ Even at the highest figure, a hundred acres

⁴⁹ Northampton V, 17a, 56a-57a. ⁵⁰ *VMHB*, VI (1898-99), 119.

⁵¹ Northampton IV, 223.

⁵² *VMHB*, VI (1898-99), 119. This continued to be the common practice in the eighteenth century. See Robert E. and B. Katherine Brown, *Virginia, 1705-1786: Democracy or Aristocracy* (East Lansing, Mich., 1964), 81-83.

⁵³ Norfolk III, 205a; Westmoreland I, 51.

⁵⁴ Hening, I, 201, 265, 463.

of public land could be had for 160 to 180 pounds of tobacco, less than 2 pounds per acre.

Precise valuations of private land are hard to obtain, because lands were seldom appraised in the inventories of estates, and most deeds do not mention the price. Deeds which do mention the price indicate that unimproved river land could be had throughout the 1640s and 1650s for from 4 to 10 pounds of tobacco per acre. At this rate, a hundred acres was worth no more than a couple of cows, worth less than a year's wages for a servant hired by the year. Where a man's plantation was appraised in his estate, it usually accounted for only a small proportion of it. Robert Glascock, for example, left an estate in Norfolk County in 1646 worth 35,850 pounds of tobacco. The plantation and its buildings amounted to only 3,500 pounds.⁵⁵ An orphan left with nothing but land would be poor indeed, and a wise guardian would trade the land for whatever cattle it would buy, as Alexander Mountney did in 1642 with 150 acres belonging to the orphans of Edward Hill and Thomas Spilman, because vacant land "was noe wayes beneficiall to the said Orphants."⁵⁶

While unimproved land was a poor inheritance and a poor investment because its value increased so slowly, improved land was not much better, because it could decline in value. Tobacco could be grown on a piece of land for only three or four years before the crop began to diminish. The planter therefore counted on abandoning a field after that length of time. Efforts to restrict tobacco growing only hastened the process. Tobacco grown on virgin land was of better quality than that from used land, and each plant produced more.⁵⁷ Whether restricted to a certain number of pounds or to a certain number of plants, a man would go for virgin land to make the maximum profit. And as long as land remained abundant, even in the absence of restrictions, there was a temptation to keep moving in search of better crops.

Because of the abundance of low-cost land wealthy Virginians (unlike wealthy men in England) were at first relatively indifferent to the opportunities for acquiring land. Sometimes they waited years

⁵⁵ Norfolk II, 45-46.

⁵⁶ Northampton II, 213; cf. *ibid.*, 219. The value of land in Maryland at this time seems to have been about the same. See William A. Reavis, "The Maryland Gentry and Social Mobility, 1637-1676," *WMQ*, 3rd ser., XIV (1957), 418-28, at 423n.

⁵⁷ "Letter from Clayton," Force, *Tracts*, III, No. 12, pp. 20-21.

before claiming the acres due them by headright for servants they had transported.⁵⁸ Often they sold their headrights rather than patent the land for themselves. When later generations of Virginians settled down, after the tidewater land next to the rivers had been taken up, they felt that a tobacco plantation needed fifty acres per working hand.⁵⁹ Even though a man could care for only three or four acres at a time in tobacco, some was needed for corn and a great deal for pasture and for a long recuperative, fallow period. In the first half of the seventeenth century, however, few Virginians saw the advantage of acquiring large reserves for future use. Good land lay everywhere around them. Something of the cavalier attitude of landed men toward their holdings can be seen in Stephen Charlton's recollection in 1648 of how Francis Pott came to settle on the Eastern Shore:

Sayth that beinge att Mr. [Argall] Yardley his howse about three yeares since (or thereabouts) Capt. Francis Pott alsoe beinge then there and newly come over the Baye, with some servants (whereby to make a cropp) And beinge unprovided of a place to plant, this Deponent spoake and said hee could helpe him to ground: And Mr. Peter Walker hee said alsoe then, that hee could helpe him to grounde to plant on; but Mr. Yardley said noe William Berry his plantation laye voyde and was fenced and hee should have yt for nothinge.⁶⁰

Houses, of course, increased the value of land where they were located but not usually by more than a couple of thousand pounds of tobacco. While land remained abundant, men hesitated to invest much in a house that they might one day wish to abandon. Virginia houses continued to be for the most part small and insubstantial. Even the more well-to-do planters contented themselves with a few rooms, a "quartering house" for their servants, tobacco houses for curing the crop, and perhaps a milkhouse. Though the houses were doubtless better than they had been in the 1620s, most were made of wood and were typically fifteen feet by twenty, twenty by twenty, or twenty-five by twenty. For building a house twenty feet square a carpenter charged 600 pounds of tobacco in 1655, worth

⁵⁸ See E. S. Morgan, "Headrights and Head Counts: A Review Article," *VMHB*, LXXX (1972), 361-71.

⁵⁹ Harry J. Carman, ed., *American Husbandry* (New York, 1939), 165.

⁶⁰ Northampton III, 158a.

only a little more than a cow.⁶¹ The most valuable parts of the building were the nails and sawn boards, the doors, and the glass; and a deserted building was likely to disappear in a hurry from people scavenging these.⁶² But decay rather than pillage was the principal enemy of Virginia houses. Land and houses rapidly declined together. When Philip Chapman in his will ordered his plantation sold to buy cattle for his son John after his death, it was, he said, because the land and house alike would be worn out by the time the boy came of age.⁶³

Even tobacco, the colony's principal commodity, was highly perishable. Stored for a year or more, it was likely to rot, especially if in packing the leaves had been wet down to make them more pliable, or if improperly cured leaves had been included. In these early years Virginians had not acquired the skill in packing necessary to make tobacco keep, and so most planters were eager to get it off their hands as quickly as possible.

If the ships that carried it to market failed to arrive in sufficient numbers, the hogsheads left behind might be a total loss by the next season. Sometimes litigation would hold up shipments, with disastrous results. One Dutch merchant lost heavily when his agent collected 17,000 pounds of tobacco from Edmund Scarburgh before he had conveyance ready for it. A subsequent lawsuit further delayed shipment, so that two years later in the summer of 1654 it was still packed in hogsheads in Scarburgh's tobacco sheds. By that time it was so rotten that Scarburgh's overseer reported he "was forced to flinge it away for wante of roome to cure our crops nor could bee noe longer kept by reason of the extreame stincke it yeilded in the summer tyme."⁶⁴

⁶¹ Norfolk III, 180. Another contract, in 1645, called for 240 pounds and one ewe kid (worth perhaps £3 in all) to build a house 15 by 20 feet with a "Welch chimney." Northampton II, 395. In the following year another man contracted to build a house 25 by 20 feet, the cost of the lumber not included, for five pairs of shoes and the soling of a sixth pair. Northampton III, 7a. Shoes at this time cost 50 pounds of tobacco a pair. Northampton III, 24a, 151a, 171a. For other building contracts see Surry I, 55, 96; Henrico I, 88; Norfolk II, 186a.

⁶² Norfolk III, 215; Henrico I, 100, 490; Northumberland III, 248.

⁶³ Northampton V, 87a-88.

⁶⁴ Northampton V, 62a-65a. In February, 1656/7, John Jeffries, a London merchant who had been trading in tobacco for the preceding twelve years, testified before the High Court of Admiralty that planters in Virginia who had not disposed of their crop by March made it a practice

Virginia's most stable, most secure commodity was cattle. Hence the practice of deeding cattle to children. But even cattle were by no means a sure thing. Throughout the seventeenth century, Virginians were still collecting bounties on wolves (which may even have multiplied as a result of the introduction of cattle) and still fending off Indian poachers. A herd might be cut down by a bad winter or by epidemic disease, or the animals might run wild beyond recovery in the woods. You could not store up cattle and forget them, like acres of land, and expect to find them when you went looking. In demanding an annual accounting of orphans' cattle, the courts were guarding not merely against embezzlement but against the neglect that could destroy an inheritance overnight.

Servants were Virginia's most valued form of property but also the most risky. It was noted in 1648 that servants were "more advantageous . . . than any other commodities" for importation from England.⁶⁵ The initial cost for a man for four or five years was no more in tobacco than he might make in a year.⁶⁶ The risk came from the mortality to which servants were no less subject than masters. During a man's first year in the country it was considered safer not to work him in hot weather, when tobacco needed most care. The risk of losing him anyhow was so great that when the House of Burgesses passed a law against engrossing imported commodities to sell for a profit, they provided that "Nevertheless it shall be lawfull . . . for any person haveing bought a servant and undergone the charge and hazard of seasoning of any such servant, to make his best advantage by putting off or bartering such servant to any other inhabitant within the collony."⁶⁷ The risk was reflected in prices. A seasoned hand, even if he had only two or three years to serve, might be considered more valuable than a new hand for his full term.⁶⁸

"to send their tobacco when March is past by any shippe they can or if noe shipp bound for England bee then there to barter it away to any that will take it for the like quantitie of tobacco to bee paid the next yeare following or send the same for New England, rather than keepe it in Virginia after March is past, by reason it is a Commoditie which with the heate of the Country in Virginia will bee spoiled if it bee kept after the moneth of March next following after the yeare it groweth." H.C.A. 13/71 (P.R.O.).

⁶⁵ Northampton IV, 15a.

⁶⁶ Assuming an output of 1,500 to 2,000 pounds. See chap. 7, note 40.

⁶⁷ Hening, I, 245.

⁶⁸ For example, a new man with four years to serve was exchanged in 1642 for a seasoned man with two years to serve. Norfolk I, 159. In 1643 a

The price for a servant just arriving from England with five years or more to serve ranged from 600 pounds or more in the 1630s up to 1,000 pounds or more in the 1640s and 1650s; a seasoned hand with three years or more to serve was worth from 1,500 to 2,000 pounds during the 1640s and early 1650s.⁶⁹

A servant, though seasoned and in reasonably good health, was valuable only for the work that could be extracted from him in the given time of his service. But servants unless closely supervised were no more diligent in later decades than they had been in the early days of the colony. With this fact in mind, Governor Harvey in 1639 failed to act against one Thomas Loving, who by marrying a widow had gained control of an estate entrusted to her deceased husband by a London merchant. There was no doubt that Loving was detaining the estate illegally, but the governor refrained from taking it away because there would then be no one to look after it, “the servants being thereby left without oversight by whose neglect the Estate in question might suffer much prejudice.”⁷⁰ Harvey later explained the servant problem to his superiors in England: “. . . daily experience informeth how much a Virginia estate (which consisteth for [i.e., of] servants for tearme Yeares and Cattell) is wasted in the absence of a Master, through the neglect of Servants whose tyme expire with certaintye of charge to supplye them and noe advantage to the Master.”⁷¹ A Virginia estate, in other words, might be here today and gone tomorrow simply from failure to make use of it.

Virginia’s high rate of mortality and the fleeting value of property, whether servants, land, tobacco, or—to a lesser degree—cattle,

man with six years to serve was exchanged for a man with two years to serve plus 300 pounds of tobacco. *Ibid.*, 202. In 1655 an inventory evaluated three new men and boys for a total of 4,500, while two seasoned men for three and four years respectively totaled 4,000. Norfolk III, 19. In Northampton a 1648 inventory listed a man with two and a half years to serve at 2,000 and one with five years to serve at 1,800. Northampton III, 180a. In a York inventory in 1653 a man with three years to serve was valued at 1,000 and “a new hand” with seven and a half years to serve at 900. York I, 143.

⁶⁹ A shipload of servants in 1636 brought from 450 to 600 pounds of tobacco apiece. Martha W. Hiden, ed., “Accompts of the Tristram and Jane,” *VMHB*, LXII (1954), 424–47. The values for subsequent years are drawn mainly from inventories in Norfolk, Northampton, and York. See also chap. 15, note 4.

⁷⁰ *VMHB*, XII (1904–5), 389.

⁷¹ *Ibid.*, 393.

precluded any secure accumulation of wealth within the colony and invited theft and embezzlement of all kinds. It was not merely a question of widows and their new husbands hanging on to estates that did not belong to them, or of men claiming, taking, and using up an estate before the true heir could show up. A clever crook could take advantage of almost any transfer of property in a community where every business transaction was a high-risk adventure delicately balanced against the perishability of both the property and the participants involved.

In spite of the handicaps thus imposed by mortality and by the evanescence of property, Virginians did manage in the decades after 1630 to bring a measure of stability to their economic transactions. In the absence of coin they made tobacco their principal medium of exchange, and because it was so perishable a medium, they often made their exchanges in advance, in promissory notes stated in pounds of tobacco "payable at the next crop." Big men, who could take the risk, became merchant planters. They bought shiploads of English goods and supplied their neighbors with clothes and tools in return for such notes. Thus Hugh Yeo, a merchant planter on the Eastern Shore, in April, 1647, supplied seventeen persons there with goods valued at a total of 9,469 pounds of tobacco payable the following October.⁷² Even fines levied as punishments by the courts were made payable at the next crop.⁷³

Although the system was simple, its operation was complicated by the death rate. A not uncommon case occurred in the Norfolk court when the clerk recorded a suit for 966 pounds of tobacco against John Laurence because he had married the widow of John Stratton who was the security for a debt due to Thomas Bridge, because Bridge had married the widow of George Bateman who had married the widow of John Holmes to whom the debt was originally owed.⁷⁴ With the parties dying off so rapidly, it was easy to lose the documents and difficult to keep track of who owed what to whom. Frequently the courts had to arbitrate disputes on the basis of oral testimony from witnesses to a transaction.

In order to lend a greater stability to the system, the House of Burgesses at one point ordered markets to be set up, with the intention of establishing what amounted to an exchange, with the clerk

⁷² Northampton III, 73-75; cf. Northampton IV, 74a; V, 42.

⁷³ For example, Northampton IV, 178a.

⁷⁴ Norfolk IV, 282.



of the market witnessing every transaction. The measure failed and was repealed,⁷⁵ but the courts themselves took on the character of an exchange. All conveyances had to be recorded there; and book debts (those recorded only in a merchant's account book) were made not actionable.⁷⁶ In order to speed collections, debtors could simply "confess judgment," that is, admit that they owed the amount demanded and have the fact recorded without going through the expense of a trial. Speed was essential because of the importance of oral testimony and the mortality of witnesses. For example, creditors who had already collected from a man sometimes tried to collect again from his heirs and often succeeded if death had also removed witnesses to the payment. The courts responded by adjusting the statute of limitations to the character of their society, ordering that no bill or bond should be good after three years from its date.⁷⁷

In requiring the speedy settlement of debts, the courts aimed primarily at preventing fraud. But they were also recognizing the importance of time in the colony's economy. Perhaps because Virginians had less time to reckon with than other people, they came to value it more highly. It was not only that a man had a short while to live. His servants, his most lucrative income-producing property, were worthless unless used before their time ran out. And he had to have them on hand when he and his crop needed them. A Virginian who made a contract to buy servants would go to court if they were not delivered on the agreed date. When John Neale promised to furnish John Harloe with a new man for four years' service but was unable to obtain one by the specified time, he had to turn over his own servant, Richard Bayley, until he could get a new one. Time was money, or at any rate it was tobacco and tobacco was money. The courts recognized the equation by making debts payable in days of work. A debt in work might even be collectible from a dead man, as when the Northampton court in 1641 ordered the estate of Daniel Cugley, deceased, to pay eight days' work to Henry King.⁷⁸

As the courts took on the function of an exchange, they acknowledged the equation of time and money in other ways too. When a man brought suit against another and failed to appear to prosecute it, he subjected the defendant to a waste of time for which

⁷⁵ Hening, I, 362, 397. ⁷⁶ *Ibid.*, 301-2, 417, 472-73, 485-86; II, 111.

⁷⁷ *Ibid.*, I, 390. The limit was later extended to five years. *Ibid.*, 483-84; II, 104-5.

⁷⁸ Northampton I, 98, 112; II, 76.

he ought to pay. It accordingly became the practice in such cases to nonsuit the plaintiff and award the defendant a sum for the amount of work time lost. In an early instance the Norfolk court spelled out the reasoning: Tristram Mason, having caused Robert Taylor “to leave his affaires and to appeare at this court It is therefore ordered that the said masonn shall pay the said Robert Taylor for one dayes worke and his Charges for his diett the said day and likewise the charges of the suite.”⁷⁹ In later instances the court specified an amount of tobacco, usually at the rate of twenty pounds a day, with ten pounds reckoned as the value of a day’s work and ten pounds for diet. Witnesses subpoenaed in a suit were entitled by the same reasoning to payment for their time, and the courts ordered the losing party or the party in whose behalf they were summoned to reward them at a similar rate.

Thus Virginians built a local system of credit and exchange that recognized their peculiar conditions of life and created a kind of stability out of instability. Virginia could not quite be England. As long as the heavy mortality lasted it must be vastly different. Yet the differences were not all in England’s favor. The very abundance of land and scarcity of people that made land a poor investment gave Virginia an irresistible attraction for ordinary men. Land was the anchor of every Englishman’s hope for security, and English political philosophers attributed their country’s freedom to the vigilance of its landowners, whose representatives in Parliament could curb the tyranny of ambitious monarchs. But in England the landowners were few, while in Virginia anyone who survived his seasoning and service could take up a plot, grow his crop, make his voice heard in voting for representatives, and perhaps even aspire to represent his neighbors in the House of Burgesses. Those who survived learned to live with the other risks, even to overcome most of them. And when mortality finally began to decline, it looked for a time as though Virginia might become the center of a New World empire where Englishmen and English liberty would thrive together.

⁷⁹ Norfolk I, 39.

