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TURMOIL IN AN ORDERLY SOCIETY:
COLONIAL VIRGINIA, 1607-1754;
A HISTORY AND ANALYSIS

A Dissertation

Presented to

The Faculty of the Department of History
The College of William and Mary in Virginia

In Partial Fulfillment
Of the Requirements for the Degree of
Doctor of Philosophy

by

Timothy E. Morgan

1976

APPROVAL SHEET

This dissertation is submitted in partial fulfillment of the
requirements for the degree of

Doctor of Philosophy

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LIST OF ABBREVIATIONS

Throughout this study several works will be used recurrently; works will be abbreviated in the following fashions.

- W. L. Hall and H. R. McIlwaine, eds., Executive Journals of the Council of Colonial Virginia, will be cited as EJC.
- W. W. Hening, ed., The Statutes-at-Large: Being a Collection of All the Laws of Virginia From the First Session of the Legislature in the Year 1619, will be cited as Hening, ed., Statutes-at-Large.
- J. P. Kennedy and H. R. McIlwaine, eds., Journals of the House of Burgesses, 1619-1776, will be cited as JHB.
- H. R. McIlwaine, ed., Legislative Journals of the Council of Colonial Virginia, will be cited as LJC.
- H. R. McIlwaine, ed., Minutes of the Council and General Court of Virginia, 1622-1632, 1670-1676, will be cited as Minutes of the Council and General Court.
- Public Record Office, Colonial Office Series will be cited as PRO, CO.
- The Virginia Magazine of History and Biography will be cited as VMHB.
- The William and Mary Quarterly will be cited as WMQ.

ABSTRACT

The purpose of this study is the investigation of the history of violent activity in colonial Virginia, paying particular attention to the use of violence as a factor in shaping Virginia's orderly society.

Research materials consulted indicate a major pattern of social violence consisting of an early component of Indian-white hostility, a middle component of white social violence derived from severe social stresses, and a later component of violence between white masters and black slaves. A minor pattern of official violence, in which the colonial government used force and punishment to control crime and social deviance, occurred. The government helped shape Virginia society through that official violence.

The major pattern of violent activity occurred between 1607 and 1735, with the Indian-white component lasting from 1607 to 1646, when whites succeeded in crushing the power of Virginia Tidewater Indians to resist white expansion. Between 1646 and 1705, a number of stresses within white society helped breed extensive unrest which found fullest expression in Bacon's Rebellion. Imperial relations such as commercial policy, royal land grants, centralization of the Empire, and religious and political upheaval of the 1680s in England encouraged disorder in Virginia. In the colony itself extensive exploitation of land and labor by the elite and a decline of opportunity for political recognition helped produce major discontent. By 1705, however, that unrest had largely dissipated and slavery had replaced white servitude as the principal labor system. The introduction of large numbers of slaves in the first quarter of the eighteenth century exacerbated race relations and was reflected in violence between blacks and whites. By 1735, threats of major violence between slaves and masters had ended. From 1735 until 1755, violence consisted of criminal activity and a low level of political unrest expressed in election riots and assaults on the families or servants of burgesses.

The minor pattern of official violence suggests that, despite the harsh requirements of penal law, by 1755 colonial Virginia courts had found ways to ameliorate criminal punishment. Fines, jail sentences, and pardons or reprieves were often substituted for the whippings or hangings which had been used in the seventeenth century.

This study suggests, thus, that early Virginians "used" violence in a number of ways which aided the creation and development of an orderly colonial society.

TURMOIL IN AN ORDERLY SOCIETY:
COLONIAL VIRGINIA, 1607-1754;
A HISTORY AND ANALYSIS

CHAPTER I
INTRODUCTION

In 1950 Henry Steele Commager published The American Mind, a book in which he depicted American characteristics as essentially benevolent. Gregarious, optimistic, confident--these he identified then as typifying the American individual. American society was "the most favored of all countries, the happiest and most virtuous of all societies," Commager claimed.¹ Exactly twenty years later Commager delivered an address at the Milton S. Eisenhower Symposium, The Johns Hopkins University, a symposium whose topic was violence. His opinion of American character had altered significantly. In his address Commager called attention to the pervasiveness of violence throughout American history, arguing that violence was a major characteristic of America. In his analysis of American violence he commented that the vast bulk of violent activity in this country was not only official, but cloaked with respectability by the very nature of its officialness.

In America violence is clad in the vestments of respectability and armored with the authority of the law. It customarily took and takes the form of assaults on the weak and helpless, on the whole of society, on future generations. It is violence against native peoples, Negroes, immigrants, women and children, perishing and dangerous classes; it is violence against nature herself.²

Commager defined violence very broadly, charging that historians studying the topic had used too narrow an angle of vision to encompass the vast extent of violence during America's rise. Not only were actual, physical acts of violence against person and property (the usual

definition of violence and the one used in this work) included in his interpretation, but non-physical acts using power and force against those unprotected from groups representing authority were included in his overview of violence in American history.³ The impression left the reader is that American history is pervaded with violence, with little break in that violent thread since the earliest settlements.

Commager's insights suggest that a major element of violence in the history of the United States has been that of the dominant white males against many minority racial groups. To resolve the apparent paradox that so little political violence appeared in the pages of American history, although the nation had been denominated a violent society, many scholars have pointed to racial and social group violence as the key to explanation.⁴ They suggest that American whites have used violence repeatedly to subject or to repress racial minorities in the country. Group or racial violence has served as a "safety valve"; that is, it has reduced tensions within the dominant white culture, thus, relieving pressures which might have manifested themselves in political violence or in other forms of violence more visible to American historians prior to 1965. American historians preceding that date have focused upon the political history of this nation, a concern generally confined to national politics, an area largely free of the violence so prevalent in other areas of the nation's history.⁵

Earliest investigations of the violent history of the nation have examined the Revolution, the Civil War, or the Indian Wars of the late nineteenth century. As Commager noted, American whites think of King Philip's War, the Deerfield Massacre, slave uprisings, attacks

against management mounted by labor, or destruction by alleged anarchists or socialists when they consider violence.⁶ They seldom perceive that white intrusions on Indian lands and culture prompted Indian retaliation. They do not understand the deprivations and dehumanization of slavery. They have suffered an inability to see that management has probably been more guilty of beginning so-called labor violence than workers. Socialists or anarchists in this country have been subjected to violence more often than they have practiced it against an otherwise peaceful American people.⁷

Thus the fact that America's great violence has been confined within the social structure and fabric rather than the political arena has obscured the intellectual focus for much scholarly work.⁸ With the great violence of the 1960s--ghetto riots, campus and student turbulence and disorder, and the Vietnam War--American social scientists awakened to the general problem of the role of violence in shaping American society. By 1970 many historians had marked out lines of investigation and had begun to point to some conclusions about the nature and origins of violence in the United States' history. One of the most important general points made was that violence was generated by the dominant white group in American society and that violence or force were used against those classes or groups in America possessing little or no authority or power to resist.⁹

At the same time a reexamination of the history of relations between colonial whites and Indians as well as the origins of slavery began. In both lines of investigation violence was shown to play an important role. Not only were Indian wars responsible for clearing a great deal of the eastern seaboard for colonial purposes, but less

visible intrusions into Indian lands and culture likewise forced Indians to evacuate their ancestral homelands. Although Indians generally were a semi-nomadic peoples, many tribes and nations such as the Iroquois Confederation or the Powhatan Confederation of Virginia had long resided in their respective homesites before English or other European settlers arrived.¹⁰ The many ways in which Europeans pressured Indians along the east coast resulted in a century of almost continuous warfare and hostility with whites eventually the victors.

The course of hostile relations between Indians and English developed and refined notions of English ethnocentrism and racism. The English had arrived with an already-established sense of ethnocentrism, one perhaps more keenly developed than their fellow Europeans. Ethnocentrism, the notion that one's national group is inherently superior to any other, encouraged English aggressiveness, for it stimulated ideas of Englishmen's natural abilities to lead other peoples.¹¹ Once that notion was firmly engrained in English minds in the New World, racism and its associated violence virtually became inevitable. There was a fine line of distinction between English ethnocentrism and racism by 1600, when permanent English colonization of North America became a possibility; and some surviving evidence from pre-1600 English colonizing experiments suggests that those engaged in the experiment had come close to crossing the line.

Historically, then, Englishmen arrived in the New World with some already-established ethnocentric notions conditioning their perceptions of Indian receptions of them. However, full-blown racism was a product both of the Indian-English confrontations and the process of Negro enslavement in North America. The use of white labor,

so prevalent in the seventeenth century, yielded often to Negro slavery in those colonies engaged in commercial crop agriculture. The "unthinking decision" brought to English mainland America large numbers of "seasoned" and fresh black Africans to work plantation fields.¹² The conjunction of labor, English conceptions of blacks, and Africans as slaves helped to establish powerful racist notions in eighteenth-century white Americans.¹³ Associated with the process of enslavement came severe and harsh abuses of Negroes, violence itself written into slave codes to be used as threats to repress rebelliousness and resistance. Brutal reprisals on blacks even suspected of insurrectionary plotting reminded other blacks of the penalties for resistance to slavery. Thus, by the end of the colonial era, violence, repression, and exploitation of racial minorities were tied together.

Racial violence remained prominent in the general scope of violent activity within the United States. The nation grew with an increasingly diverse population as Europeans of many nations flooded into the country during the nineteenth century. Those who considered themselves "true natives" did not receive the new immigrants benevolently. Whether discussing the Irish and German immigration of the mid-nineteenth or the Eastern, Southeastern, and Southern European immigration of the late nineteenth and early twentieth centuries, scholars have found a high level of intolerance, frequently resulting in violence, on the part of the older Anglo-Saxon groups.¹⁴

Although "native" Americans resisted the influx of immigrants, they also exploited slave labor and Indian lands during most of the nineteenth century. Slavery became a central political issue of the mid-century, with many anti-abolition riots occurring in the 1830s to

repress Americans protesting continuation of the institution. The issues in which slavery came to play a part reflected most of the major political difficulties of the era. It required a civil war lasting four years and costing six hundred thousand lives before slavery legally ended in the nation.¹⁵ But the racial issue, of which slavery was so much a part, did not die with the institution. It continued a part of the violent activity of the nation from the end of the Civil War until the present. Lynchings, race riots, and other forms of violent exploitation of blacks by whites extended to the post-World War II era. Whether the racism which is so ingrained in white society will ever disappear is questionable; however, some of the worst racial violence has quieted as lynchings have ended and major race riots have been replaced by ghetto riots. Race riots of the pre-1960s meant major outbreaks of violence between whites and blacks, but ghetto riots were confined to black areas of residence. Blacks aimed their violence at the property of whites rather than at the whites themselves, a reversal of earlier race tensions, when whites deliberately sought out blacks in order to kill them, to deprive them of their property, or to humiliate them in some other way.¹⁶

One of the oldest and most continuous threads of violence in American history was that of the nearly three hundred years' war between whites and Indians for control of the continent. Begun in the early seventeenth century, whites pushed and coerced Indians until the 1890s. Seldom were Indians able to resist successfully white attempts to clear them from their native lands. This is not to say that Indians were entirely blameless in the long, cruel wars. They taught Europeans new means of inflicting barbaric tortures on their enemies and

they often initiated warfare with their raids, skirmishes, and outright massacres. However, whites retaliated with a much higher level of violence than their red counterparts. Whites also exerted full authority over Indians when they surrendered their independence. Whether in the seventeenth or the nineteenth centuries, Indians became wards of the victorious governments conquering them. Their independence was severely curtailed--another example of whites in America expanding their freedom at the expense of a minority people. The extensive use of violence by both peoples may have conditioned a callous reaction to the use of violence, thus contributing to a rise in the visible level of violence within white society. In regions where whites and Indians fought most bitterly, whites may have been conditioned to resort to violence more readily than their European cousins. The Indians remained a people to exploit, especially in terms of their lands. The white desired above all access to land, free or inexpensive. Whites came to regard it as their birthright that they should have such land, but Indians possessed it.¹⁷

Although slavery and Indian wars represent two major violent stresses in American history, there did exist significant, major violence within white society itself. White violence often occurred during an absence of racial strife or turbulence and it was more social than political; that is, upper- and middle-class whites struggled to repress and to control lower-class whites. Vigilante movements represent the classic example of the use of violence by upper- and middle-class whites against their lower-class counterparts.¹⁸ Violence within white society assumed characteristics different from vigilantism, also. But those other elements of violence remained

directed at groups within white society. Seldom did that violence spill over ~~into~~ the political arena, for absorption of violence within the many, diverse social groups of the United States relieved political pressure.¹⁹

The late nineteenth century was one of the most violent eras of American history, but there occurred little major political violence in the thirty-five years following the Civil War. Not only did vigilante movements appear throughout the trans-Mississippi West, but family feuds, labor-management violence, and farmer protest characterized violence of that era.²⁰ In addition, racial strife had not disappeared, for Indian wars moved toward their inexorable conclusion and high levels of violence directed at blacks continued.²¹ These types of violence represent social stresses and strains not reflected in the political arena until the 1890s.

In that decade a third-party political movement, the Populists, redirected into politics much discontent represented by the social violence. The channeling of that discontent reduced levels of violence. Along with the politicization of that social violence came increased attention beyond the United States' borders as American imperialism struggled to fashion a "place in the sun" for the young nation. The imperialistic forces released by such events as the Spanish-American War or annexation of the Hawaiian Islands also involved American racism. Whites in the nation reasoned that if Cubans or Filipinos were unfit to govern themselves, then so were non-white elements of the domestic population. Dominant groups in the nation sanctioned withdrawal of political rights from blacks and other minorities previously accorded participation. Moreover, the racism associated with

the rise of American imperialism spread into domestic relations, and blacks found themselves even more the victims of violence as lynchings rose and race riots grew.²²

An interesting pattern of violence suggests itself from the late nineteenth and early twentieth centuries. As racist impulses erupted in the late 1890s and as social discontent was siphoned into political action, violence within white society itself declined. Moreover, when the threat of a Populist political association of the white and black lower classes transcending race developed in southern society, southern upper-class whites, trying to regain control of political affairs, made race an issue in that early 1890s Populist movement. The conscious appeal to racism broke the incipient connection between lower-class whites and blacks and released the worst racial impulses of those whites.²³ How much effect that conscious appeal to race had in redirecting violence generally in the society is difficult to measure, but an unconscious result of the rise of Jim Crowism was the reduction of tensions within white society. White violent proclivities were redirected at blacks and other minority peoples in the United States, and major violence within white society itself was reduced. Certainly other factors helped alleviate the violence within white classes. Reduction of bitterness and hatred following the Civil War was marked by northern Republican willingness to abandon the Negro in an effort to win substantial economic favors from southern whites.²⁴ The election of 1896 also helped lessen white tensions, because the Republican Party succeeded in forging a new political coalition transforming that party into a majority party for the next several decades. Republican willingness to sponsor reform of abuses by privileged

classes, while making concessions to those very same privileged groups, relieved many social pressures within white society in the early twentieth century. A number of other factors also reduced those tensions which had bred violence earlier, factors independent of race but not necessarily divorced from the group nature of that earlier violence.²⁵

Patterns of the type briefly sketched above may not be unique to the late nineteenth and early twentieth centuries. In earlier times, dominant groups of white society may have used many of the same techniques to reduce tensions within the white society and to redirect white violent proclivities in other directions. Whether these choices were conscious or unconscious is usually impossible to tell, but there may be similar patterns earlier, perhaps as early as the colonial era.

An excellent colony to begin such a study is Virginia. Her colonial society possessed all elements playing roles in the violent pattern suggested above. Indians, whites, and blacks lived and mingled in colonial Virginia. There existed a long period of skirmishing, hostility, and warfare between Indians and whites, a period inaugurating a racism transferred to blacks when they appeared in large numbers in the colony in the eighteenth century. There was a period of high-level white violence and a sudden diminution of that violence. Blacks became the target of a virulent racism in the eighteenth century, and a high level of violence and threatened insurrection between the two peoples marked several decades. Finally, a social structure constructed from wealth and acquisitiveness, but using for its principles a more medieval vision, characterized Virginia society by 1720. The post-1720 structure has been cited as an

example of an orderly society, one exemplifying the principles of deference. The image suggested by the deferential nature of eighteenth-century Virginia is one of a slow-changing rural, peaceful society, disturbed only by the onslaught of the Revolution. Violence in the colony remained minimal in this image. What few violent events were observed appeared patternless, isolated incidents, generally committed by lower-class convict servants.²⁶

But Virginia's leadership had risen largely from the classes it was seeking to control. It did not possess until the early eighteenth century the traditional privileges of deference, birth, property, and education, which English social and political leadership did. Those qualities Virginia's leadership had to secure over time. Not until the second or third decade of the eighteenth century had sufficient property, labor to work that property, and educational opportunities passed into the hands of the elite so that traditional principles of deference could be asserted. Until then, the elite relied on power derived from its acquisitiveness to control the society. Abuses of that power may have encouraged severe stresses within the white society, stresses causing major violent upheavals in the late seventeenth century.²⁷

But the redirection of violence to blacks in the early eighteenth century, and the threat to white control of the Virginia wilderness posed by blacks, aroused harsh racial antagonisms during the first three decades of that century. A number of other factors encouraged reduction of tensions within the society, but the racial threat perceived by whites may have added one more factor to the alleviation of those tensions.²⁸

Virginia's colonial society spanned the whole of the colonial

American evolutionary era. The colony, some one-hundred and forty-seven years old by the beginning of the Great War for Empire in 1754, was born as a business enterprise and developed into a full-fledged society replete with its own institutions of government, religion, labor, and courts before 1700.²⁹ By 1754 Virginia had reached maturity and was in the process of integrating with the rest of colonial America.³⁰ Virginia had reached a level of stability matched only by South Carolina by 1754, but the process had been neither easy nor violence-free, for a distinct pattern of violence emerges from study of surviving colonial records.³¹

This pattern, based primarily on race, appears in three distinct epochs. First, a struggle between Indians and whites from 1607 until 1646 left whites access to land and physical control of the Tidewater region. Second, between 1646 and 1705 whites in the colony struggled violently among themselves over a number of major difficulties. Third, with the arrival of a great number of blacks in Virginia a new racial threat was perceived by whites by 1705. Between 1705 and 1735 whites struggled to suppress blacks into slavery and blacks fought to ameliorate the institution. Following 1735, some minor patterns of violence within white society appeared as outlaw gangs and political turmoil added new elements to the history of violence in the colony.

Between 1607 and 1646, whites and Indians fought each other, with whites achieving physical supremacy over Indians by the latter year. During that almost forty-year period, English attitudes toward Indians deteriorated from ambivalence and ambiguity to outright hostility bordering on racism. By 1646 most whites in the colony dismissed Indians as barriers to expansion and mastery of the wilderness, more

like obstacles to be cleared than fellow-forest residents with some share in the development of the society. Yet this had not been the case when the first whites arrived in 1607. Several years passed in which whites and Indians treated each other warily, but with respect and, on occasion, affection and humanity. By 1625, however, all such feelings between the two peoples were disappearing and a separation based on race and violence was ensuing.³²

Between 1607 and 1614 Indians and whites felt each other out, skirmishing and raiding. In some years outright war occurred. With the kidnapping of Pocahontas in 1613 and her subsequent marriage to John Rolfe in 1614, the hostilities temporarily ended. During those seven years English suspicions of Powhatan Confederation Indians convinced many whites that the Indians intended to exterminate them. Between 1614 and 1622 some skirmishes and raids occurred, but by-and-large conditions remained stable. In 1622, however, the Confederation Indians launched an attack on the colony, now grown to some fifteen hundred, which cost the lives of three hundred and fifty whites. The subsequent Indian war lasted into the 1630s, drove Indians from the peninsula between the James and York Rivers, and aroused white hatred of the natives. Peace in the 1630s continued into the 1640s only to be broken by another Indian attack in 1644. This attack brought a response from colonists now determined to destroy the Confederation and to throw open its lands to white settlement. By 1646 Indian resistance had crumbled and the Confederation had disappeared.

During the long hostilities between whites and Indians, basic institutions within the colony were initiated. Most were borrowed, but later modified, from English precedents. Labor remained the dearest

necessity, after foodstuffs, throughout the colony's history, but never more so than during the 1620s when tobacco prices in England and other European markets were at their highest. Although Virginians could not produce crops sufficient to fill those markets, the competition for labor and land was so great in the 1620s that considerable violence was generated between masters and servants, violence which helped create a need for local courts.³³ The lack of adherence to the English concept of an ordered society in that era contributed further to the disruption and disorder.³⁴ There existed few "orders" in Virginia after the Company's dissolution in 1624, because so many of those to whom leadership was entrusted by virtue of their birth, education, and social position had either died or left the colony by that date.³⁵

The idea of the ordered society, comparable in its construction to the concept of the ordered universe, governed English social models in the seventeenth century. The attempt to duplicate that model in Virginia took several decades to complete. But the early years of English existence in the Chesapeake Bay region were largely artificial in that the Virginia Company of London ruled the colony and tried to fashion it more into a business factory than into a colony. Thus, proportionately large numbers of educated, well-born Englishmen came to the colony, for the Company was composed of numbers of wealthy, upper-middle-class merchants and many gentlemen, both landed gentry and nobles. Those who came to Virginia, however, helped little and harmed much, for they became idle and disorderly. Soldiers returned from wars in support of Dutch independence were frequently among those arriving in Virginia to aid in protection of the colony. The mixture of Indian hostilities, constant friction between master and servant,

and substantial numbers of idle gentlemen, whether soldiers or scions of well-born families in England, was an explosive one, difficult to govern.³⁶

Indian hostilities, infrequent between 1614 and 1622 but by-and-large constant until 1646, created a need for internal unity among whites. One method by which that unity could be achieved was through governmental coercion and force. The use of official violence, that is, governmental punishment to control criminal or immoral behavior, served as one means by which order and stability could be effected in the colony. With the high level of Indian-white hostility in the 1620s, the constant need for labor, and the competitive struggle for profits from the tobacco trade the infant society was beset by violence or threats of violence. A need for order existed, but those who might have provided such were busily engaged pursuing their own interests. During that decade and the next one, Virginia's government succeeded in fashioning means, using violence, to control the disorder and instability in the society. Official violence and the erection of local militia units gave security and strength to the society. At the same time, the creation of county governments permitted those struggling for recognition and power in the society the opportunity to acquire status through elevation to county courts.³⁷

By 1625 cultural hatreds was another method used by white leadership to forge a more unified society, for appeals to hatred of Indians brought together disparate class elements for security purposes. Moreover, to ensure that respect for authority and for status was effected in the colony, the government used high levels of official violence. Samplings from county courts suggest that they also were prepared to

uphold their positions of power and dignity through the use of severe punishments for offenses.³⁸ The most important component of violence during those first four decades of Virginia's existence, however, was Indian-white.

Indian-white violence suffused the entire early history of the colony. Although Englishmen arrived in Virginia suspicious of Indians, they did not intend to eradicate Indian culture nor to deprive Indians of their lands. But the history of Indian-white relations in Virginia during the seventeenth century is a history of constant encroachments on Indian lands and removal of Indians either to reservations within the colony or to lands beyond the colony's frontiers. The violence associated with this history may have encouraged Virginia whites to use violence whenever it seemed appropriate.

By 1646 the English had successfully crushed resistance from local Indians wishing to retain their lands. The whites asserted full control over affairs of those tribes comprising the Powhatan Confederation, and for the rest of the seventeenth century, the colonists had only to confront Indians from beyond Virginia's tidewater districts. As the colony expanded into the eastern portions of the Piedmont, colonists pressured Indians both in the Northern Neck (and in those areas of Maryland adjacent to that region) and to the west of the settlements. Yet those Indians, taken collectively, posed no threat to the existence of the colony. The Powhatan Confederation had posed such a threat, and that threat is the basic distinction between the two groups of Indians. During the last half of the seventeenth century, Virginia's existence was not confronted by an internal, racial life-or-death situation. Whites living on the fringes of the colony were, of course, exposed to

constant threats from the red men with whom they came in almost-daily contact. Moreover, pressures on Indians resident near Virginia from whites and Indians dwelling far beyond the colony mounted until in the late seventeenth century frequent raids and skirmishes occurred. Those raids remained a frontier phenomenon, however one no longer posing a threat to the security and safety of the colony itself. But Virginians exaggerated the fears of the Indians raiding the fringes of the colony, often raising a specter of Indian massacre far out of proportion to the real threat.³⁹

The release from the dangerous, internal threat posed by the Powhatan Confederation left whites to confront themselves in Virginia. There existed many grievances between Virginians and England as well as among Virginians after 1650. As the seventeenth century advanced whites grew increasingly restive for a variety of reasons. Disorder and violence erupted on several occasions in the colony, turbulence arising out of a multiplicity of grievances. Coupled with the grievances came social changes such as rapid population growth and expansion of wealth. Labor supply continued to be a problem for it had been exploited repeatedly during the early decades of the colony's settlement. However, the internal threat of Indian annihilation may have prevented resort to mass violence by those being exploited. Even when Indian-white hostilities were reduced, as in the 1630s, whites did not react to major grievances with mass violence as they would in later decades. The revolt against Governor Harvey was engineered and carried out by a handful of men, most of whom had acquired positions of power by exploiting opportunities for obtaining labor presented in the 1620s and 1630s.⁴⁰ It is possible that the populace followed their lead because

they were identified as Virginians, but their exploitation of every opportunity and advantage in those years makes them sound much like those against whom whites of many classes rebelled in 1676.

During the years following 1646 grievances and exploitation became common in Virginia. The economy, tied closely to tobacco by 1650, was subject to shifts and changes of English mercantile policy which might not have occurred in a more diversified economy.⁴¹ English Navigation Laws enacted following 1651, royal grants of huge pieces of Virginia to the Crown's favorites, and creation of new colonies adjacent to Virginia's lands aroused antagonisms between Virginians and the royal government.⁴² By the 1660s Virginia and her sister colony Maryland were producing more tobacco than the English domestic market could absorb. The price had plummeted and hundreds of Virginians found themselves impoverished. The continued exploitation of white indentured servants, the most common form of labor in the colony, and the engrossment of enormous chunks of land by those possessing power and position in the colony aggravated relations between the leaders and the led. Protests and remonstrances were presented, both by Virginia to England and by Virginians to Virginians, but, at least in the perceptions of ordinary, seventeenth-century white settlers, to little avail.

Moreover, beginning in the late 1640s and continuing until 1675, large numbers of new colonists arrived in Virginia to enter the labor force or to take up new lands. The population swelled from fifteen thousand to forty thousand in the twenty-year period from 1649 to 1670.⁴³ Many of those coming to the colony were young men, ranging in ages from sixteen to twenty-five. Moreover, there existed an increasing supply of guns in the colony, guns many young men were able to

obtain for one reason or another.⁴⁴ Also, the existence of a large class of white indentured servants meant that every year many of those servants would be freed. But opportunity for them had largely been curtailed by those who had engrossed the lands and labor. Upon freedom, then, the young, often-armed men had little else to do but wander or become the seventeenth-century equivalent of a tenant farmer. He might return to his service or enter the service of another master, but that usually meant loss of personal freedom for another four-to-seven years.⁴⁵ Thus, a class of discontented, rootless young men arose in Virginia with a set of grievances against the colony's rulers, grievances arising from excessive taxation, continued low prices for tobacco, and engrossment of lands. How aware the men were of the causes of their impoverishment is murky, but they were a fertile group for demagoguery.

From 1650 until 1675 threats of mass violence and occasional riots and revolts erupted within Virginia. Virginia's leaders became increasingly alarmed over the potentially-explosive situation. Birkenhead's Revolt in 1663, a servants' uprising, and a taxpayers' revolt in Surry County in 1674 suggest the growing tension in the colony, but the leadership could or would do little to eradicate the problems.

Yet it required an Indian uprising, one not of the order of the 1622 or 1644 massacres to be sure, to launch the major upheaval in 1676. Most of the fighting of Bacon's Rebellion was directed at Indians, but for the first time in the colony's history open class divisions appeared. Although the leadership of the rebels originated in the colony's elite, the bulk of the followers came from newly-freed servants, servants, and slaves.⁴⁶ The uprising against Governor William Berkeley led by Nathaniel Bacon, Jr., from whom the rebellion

takes its name, temporarily siphoned some discontent and lowered the level of tension, thus lessening the threat of resort to more violence. However, the uprising did not remove many grievances and problems afflicting the colony. Bacon's Rebellion was more a major link in a chain of violent events occurring in the late seventeenth century than it was an end to the threat of violence.

Although no violence up to the level of Bacon's Rebellion occurred in Virginia after 1676, two other uprisings happened and threats of riots and mutinies appeared from time to time until the early eighteenth century. These violent events reflected continued hard times and exploitation of the labor resources in the colony.⁴⁷ White indentured servitude remained the preeminent form of labor in the colony until the first decade of the eighteenth century. But slavery, a form of labor which would effectively allay the discontents of the white lower classes, was rising in Virginia.

During the last four decades of the seventeenth century Virginia's Assembly created the institution of slavery in a piece-meal, unplanned fashion. Although Virginia's courts had used life-time servitude as a punishment for blacks convicted of misdemeanors before 1660, blacks in the colony had not been intended as a permanent labor force. But in the 1660s a process of enslavement making the status of children dependent upon the status of their mother was initiated, thus making slavery a labor system rather than a punishment. The Assembly provided in this fashion permanent servitude not only for individuals but for generations. During the last decades of the seventeenth century, then, the Virginia Assembly refined the definition of slavery in order to remove rights and privileges from enslaved blacks.⁴⁸ The culmination

of the enslavement process came in 1705 when the Assembly codified the slave laws it had enacted over the last four decades. In so doing, the colony had institutionalized the use of violence in the treatment of black slaves. The fact that white masters could use violence on their slaves was a carry-over from the abuses of white servants permitted masters but may also have been the result of perceptions of colored people generated by the constant violence between Indians and whites. By 1705 not only had a new labor force been introduced into Virginia, but methods of violent treatment of those slaves written into Virginia law. Slaves did not respond docilely to that treatment, however, using many forms of violence to resist the institution.

During the initiation of slavery, however, blacks posed no distinct threat to the security or safety of the colony, for there were no more than a few thousand blacks in Virginia at the time of the 1705 codification. Thus, the colony's productive elements continued to rely on white servitude for their labor. The continued low prices for tobacco in the last two decades of the seventeenth century combined with the growing integration of the English Empire through centralizing changes in the administration of it served to produce unrest and discontent not only in Virginia but in other colonies as well.⁴⁹

The violence generated by the exploited groups of Virginia's society combined with fears of religious changes and suspicion of English governmental intent in the decades between 1680 and 1700 to produce unrest and discontent. The Tobacco-Cutters' Riots of 1682 and Parson Waugh's Tumult of 1689 mark the extent of the open, violent uprisings, but colonial leaders repeatedly warned England that unless action was taken to relieve the suffering in the colony, mass uprisings

were inevitable.⁵⁰ By 1700, however, some tension had been alleviated; tobacco prices had risen from their lowest levels, slavery was replacing indentured servitude as the primary form of labor, and new lands were being opened to settlement. Moreover, the beginning of warfare between France and England over colonial possessions provided an opportunity to integrate colonial undertakings and to lessen fears of internal unrest. The colonies, including Virginia, responded half-heartedly to the war requirements unless they were directly threatened. But the rise of extensive piracy added more violence within colonies, for many privateers converted to pirates upon the completion of the wars after 1689.

Piracy remained a problem to Virginia's government throughout the next thirty years. Although criminality existed within the colony, there had been little of the organized crime represented by pirates and their depredations on colonial merchandise. As pirates began raiding Virginia and other colonies, they provided a signal of the growing wealth of the provinces. The extensive pirate activity between 1690 and 1720 in Virginia waters suggests that Virginia's economy had become attractive and her population sufficiently large that pirates felt they could hide themselves adequately among the colonists. Although the colony's government maintained an intransigent position respecting pirates, not until the second decade of the eighteenth century was it able to destroy local nests and to remove much of the local menace. The government had kept a vigilant stance all during the years after 1690, but not until the advent of cooperation from the English home government and other provincial governments was Virginia able to overcome the infestation of the Chesapeake Bay.⁵¹

Along with the piracy, between 1700 and 1720 the colony's government experienced its first opportunity at self-government, convincing the Council that it could function effectively without a governor if necessary.⁵² Slaves, however, suddenly seemed to threaten the security of the colony. Between 1687 and 1730 whites discovered five insurrectionary plots, plots which awakened in the masters a dread of slave revolt prompting harsher reprisals not only on the alleged plotters but on blacks in general. Yet slaves devised many other means, some violent, of resisting slavery during these decades, also. Running off and committing suicide if threatened with capture was one way of escaping slavery. Flight in small groups to the mountains and violently resisting recapture was another means. Attacking overseers or masters' families was still another expression of resistance. Whites regarded slaves as property, and could seek compensation for those blacks who lost their lives through one of those means of resistance.⁵³

The institution of slavery had important effects on both whites and blacks in Virginia. Its importance for the history of violence in the colony, however, lay in the fact that the growth of an extensive slave population provided a new, alternative labor force alleviating the need for indentured servants. The drop of indentured servants reduced the numbers coming out of servitude and brought a decline in pressure on the society for new lands and opportunity. Those young men who had been freed from servitude in the late seventeenth century had had little opportunity to carve out even a small place for themselves in Virginia. After 1700, however, young white males could more easily acquire land from their fathers or by purchase, thus reducing their propensities to violent solutions for economic problems. Their

resentments against those in power lessened considerably and fear of black slaves prompted a common bond among whites which helped to unify the society.

Thus slavery not only replaced servitude as the principal labor system in the colony but eased tensions within white society by introducing a new racial threat into Virginia. The rise of slavery also provided whites the opportunity to degrade blacks through a degradation of labor. Hard, manual labor acquired a stigma in Virginia it previously had not had, for labor and slavery were closely associated by the 1730s. The impact of slavery in all its ramifications eased tensions within white society and, by 1720, made white Virginia a model of colonial stability, both political and social.⁵⁴ However slavery did not transfer all violence from within the white society to black-white relations.

During the early eighteenth century some new forms of political violence emerged in the colony. Although not up to the level of Bacon's Rebellion nor of a similar nature to that uprising, the new forms of political violence heralded an approaching political maturity. During the eighteenth-century's second decade a wave of tobacco warehouse burnings occurred, prompting the Assembly to pass legislation designed to make such arsons an act of criminal behavior for which the convicted could receive no benefit of clergy.⁵⁵ The instances of such burnings did not recur until the early 1730s, when at least four warehouses and two churches were burned in the northern parts of the colony. The arsons occurred as protests against the enactment of special tobacco legislation late in the 1720s, legislation requiring deposit of all export tobacco in warehouses.⁵⁶ The arsonists, never caught, kept up their depredations into late 1732, and yet another warehouse was set

afire in 1744, thus continuing that form of protest.⁵⁷

There also existed other forms of political protest during those decades, protest reaching its climax in the years after 1735. Assaults on families or servants of members of the House of Burgesses, several election riots, and some assaults on appointed officers of the House of Burgesses characterized that political turbulence. This political violence indicated the growing power of the House of Burgesses and also suggests that some class discontent still existed in the colony. By 1755, then, there existed an undercurrent of political turbulence in Virginia.⁵⁸

Along with the political violence came the growth of what appears to be an outlaw-gang tradition. By 1750 there existed a gang of horse-thieves and a counterfeit ring operating side-by-side in the colony. Perhaps they represent two parts of the same gang. Their operations and organization, just as piracy in the earlier decades, indicate increasing wealth in the colony. Their ability to operate successfully suggests that they worked across colonial boundaries and may have had aid from some member or members of Virginia's ruling elite. By 1755 attempts had been made by the government to eliminate the outlaws but with no success.⁵⁹

The Virginia government had, however, succeeded in forging a slightly different method of punishing criminals by 1750. No longer were hanging or whipping the only alternatives for convicted criminals. For between the inauguration of the colony and 1750 the provincial courts added fines and jail sentences to the range of punishments, and they began to exercise leniency on many convicted felons through recommending mercy to the Crown in the case of capital crimes or simply

pardoning those convicted of crimes for which the courts could exercise clemency independently.⁶⁰

Thus, between 1607 and 1754, the history of violence in Virginia evinced a major pattern based primarily on race. From 1607 until 1646, Indians and whites struggled violently with each other in the colony for control of the wilderness. Between 1646 and 1705 whites felt no racial threat to their security. Not only that, but grievances within the white society itself boiled over into extensive violence and turbulence, disorder which might have been tempered had some external threat existed to check those wishing to raise a mob. By 1705 sufficient blacks had entered the colony to alarm whites. Between 1705 and 1735 whites and blacks struggled with as well as accommodated to each other, the one seeking to enforce slavery and the other seeking to resist it. Following 1735 there existed patterns of violence, one political and the other criminal, characterizing violence in the colony. Along with this primary pattern, there existed secondary patterns, in some ways related to the primary one such as the institutionalization of violence in slavery. Among the more important secondary patterns, however, was the gradual relaxation of punishment for criminal and immoral behavior. But the primary pattern was initially determined by English contact with Indians and blacks at historically the same time. English reactions to Indians, explained in part by English ethnocentrism, was also the result of English suspicions of colored people, suspicions raised during English contacts with both blacks and reds in the late sixteenth century.

NOTES

INTRODUCTION

¹Henry Steele Commager, The American Mind: An Interpretation of American Thought and Character Since the 1880s (New Haven, 1950), 431-433, for Commager's assessment of Americans in 1950.

²Henry Steele Commager, "The History of American Violence: An Interpretation," in Hugh Davis Graham, Stephen Paul Mahinka, and Dean William Rudoy, eds., Violence: The Crisis of American Confidence (Baltimore, 1971), 8.

³Ibid., 5-7. By force is meant the threat of the application of force. Power refers to the authority vested in those charged with the responsibility for preserving order, whether at the public, political level or in some private, non-political area.

⁴Hugh Davis Graham, "The Paradox of American Violence: A Historical Commentary," in "Collective Violence," The Annals of the American Academy of Political and Social Science, Vol. 391 (Sept. 1970), 74-83. detects this pattern. For an historical overview of patterns of violence in American history, see Richard Maxwell Brown, "Historical Patterns of Violence in America," in Hugh Davis Graham and Ted Robert Gurr, eds., Violence in America: Historical and Comparative Perspectives (New York, 1969), 45-84.

⁵Moreover, in focusing on political history, violence that was observed was analyzed for its effects on politics, not in some broader or entirely different perspective.

⁶Commager, "History of American Violence," 6.

⁷See Douglas E. Leach, Flintlock and Tomahawk: New England in King Philip's War (New York, 1966); William T. Hagan, American Indians (Chicago, 1961), for a treatment of the major Indian wars. For a psychological analysis of the growth of American-white racial attitudes against Negroes, see Winthrop Jordan, White Over Black: American Attitudes Toward the Negro, 1555-1812 (Chapel Hill, N. C., 1968). For examples of labor violence, see Wayne G. Broehl, Jr., The Molly Maguires (Cambridge, Mass., 1964); Louis Adamic, Dynamite: The Story of Class Violence in America (New York, 1934); and Graham Adams, Jr., Age of Industrial Violence, 1910-1915: The Activities and Findings of the United States Commission on Industrial Relations (New York, 1966). Henry David's The History of the Haymarket Affair (New York, 1936), provides a convenient introduction to that incident involving anarchists and socialists.

⁸Sheldon Levy, "A 150-Year Study of Political Violence in the United States," in Graham and Gurr, eds., Violence in America, pp. 84-100, provides an introduction to the political violence of the nation.

⁹Commager, "History of American Violence," 24.

¹⁰Still the standard work on the Iroquois is Lewis H. Morgan, The League of the Ho-De-Nau-Sau-Nee or Iroquois, (New York, 1901). For the Powhatan Confederation, see Nancy O. Lurie, "Indian Cultural Adjustments to European Civilization" in James Morton Smith, ed. Seventeenth-Century America (Chapel Hill, N. C., 1957), 15-23. For other materials on violence between colonial whites and Indians, see the Leach and Hagan works cited above in note 7, p. 28. Other secondary works include Wilbur R. Jacobs, Dispossessing the American Indian: Indians and Whites on the Colonial Frontier (New York, 1972); Gary B. Nash, "The Image of the Indian in the Southern Colonial Mind," WMQ, 3rd Series, XXIX (1972), 197-231; Alden T. Vaughan, New England Frontier: Puritans and Indians, 1620-1675 (Boston, 1965); and Wilcomb E. Washburn, The Indian in America (New York, 1975).

¹¹Ethnocentrism is defined in terms of one's social or national group. Jordan, White Over Black, 9-10, 25, delineates English notions of ethnocentrism.

¹²Ibid., Chap. 2, points up the unconscious nature of the process of enslavement, calling it an "unthinking decision" because little thought to the consequences was apparently given the enslavement. The phrase "unthinking decision" is Jordan's.

¹³Ibid., Chap. 3. Jordan highlighted the conjunction of the three factors, showing how whites came to regard manual labor as degrading because it was so closely associated with slavery.

¹⁴For resistance to Irish immigrants, see Ray Allen Billington, The Protestant Crusade, 1800-1860: A Study of the Origins of American Nativism (New York, 1952). For a discussion of the reception of immigrants in the late nineteenth century, see John Higham, Strangers in the Land: Patterns of American Nativism, 1860-1925 (New Brunswick, New Jersey, 1955). A number of violent incidents marked the reception of the immigrants, especially the Irish. See Billington, Protestant Crusade, 40, 60, 70-76, 222-234, for them.

¹⁵For the anti-abolition riots see Leonard F. Richards, Gentlemen of Property and Standing: Anti-Abolition Mobs in Jacksonian America (New York, 1970). The Civil War ended slavery, but by no means eliminated racism from American society. The Thirteenth Amendment to the Constitution, ratified in 1865, abolished slavery. The Civil War itself cost not only the six hundred thousand lives, but inflicted wounds on perhaps one and one-half to two million young men. The war left a legacy of hatred, disillusionment, and discontent which bred corruption and violence during the last decades of the nineteenth century.

¹⁶Major race riots occurred in East St. Louis (1917), Chicago (1919), Harlem (1935), and Detroit (1943). In each of these outbursts, whites entered black ghettos bent on savage destruction of lives and property. But the ghetto riots of the 1960s were conducted by blacks; however, they were aimed at white-owned property. Analyses of these later riots reveal that blacks were reacting to the severe repressions of them by whites. See Report of the National Advisory Commission on Civil Disorders (New York, 1968) for an overview of the nature of the riots in the 1960s.

¹⁷The literature of the Indian-white struggle for land mastery is voluminous. Jacobs, Dispossessing the American Indian, presents a powerful statement on behalf of the Indians and their view of land use, another point of contention between the two peoples.

¹⁸For analysis of vigilante movements, see Richard Maxwell Brown, "The American Vigilante Tradition," in Graham and Gurr, eds., Violence in America, 154-226; and Richard Maxwell Brown, Strain of Violence: Historical Studies of American Violence and Vigilantism (New York, 1975), Chaps. 3, 4, and 5.

¹⁹Some important types of non-vigilante violence were labor strife, nativist movements, and outlaw gang activity.

²⁰Brown, "American Vigilante Tradition," 160-163; Brown, Strain of Violence, 3-37, 251-260.

²¹Indian wars disappeared after 1891, with the Wounded Knee Massacre in South Dakota quieting the last Indian resistance to the reservation policy. By that time, however, lynchings and other forms of violence and discrimination were characteristically thrust upon Negroes.

²²The imperialism associated with American expansion is treated in a number of works. Coupled with the racist notions of expansion was the proscription of blacks from the society. See C. Vann Woodward, The Strange Career of Jim Crow (3rd revised edition, New York, 1974), Chap. III.

²³Ibid., 82-86.

²⁴Ibid., 69-72.

²⁵For the effects of the election of 1896, see Walter Dean Burnham, Critical Elections and the Mainsprings of American Politics (New York, 1970), 72-90. Burnham showed how without violence the nation's political leaders defused a potentially explosive situation and brought stability to politics. With the establishment of the Republican majority came efforts at reform, but not overhaul, of the political system. Some abuses in the progressive era were corrected, but neither completely nor successfully. However, McKinley's and Roosevelt's recognition that labor had legitimate grievances lessened tensions between labor and management, thus reducing one form of violence quite prevalent in the 1880s and 1890s.

²⁶Jack P. Greene, "Changing Interpretations of Early American Politics," in Ray Allen Billington, ed., The Reinterpretation of Early American History: Essays in honor of John Edwin Pomfret (New York, 1968), arrives at the conclusion that by 1720 Virginia "was almost wholly faction free with a maximum dispersal of political opportunity within the dominant group composed of the elite and potential members of the elite." (p. 177) Greene arrived at his conclusion about Virginia's political system after examining such works as Bernard Bailyn, "Politics and Social Structure," in Smith, ed., Seventeenth-Century America, 90-115; Wesley F. Craven, The Southern Colonies in the Seventeenth Century, 1607-1689 in I. Wendell Stephenson and E. Merton Coulter, eds., A History of the South (Baton Rouge, 1949), I; Robert E. and B. Katherine Brown, Virginia, 1705-1786: Democracy or Aristocracy (East Lansing, 1964); Jack P. Greene, The Quest for Power: The Lower Houses of Assembly in the Southern Royal Provinces, 1689-1776 (Chapel Hill, 1963); Charles S. Sydnor, American Revolutionaries in the Making: Political Practices in Washington's Virginia (New York, 1965); and David Alan Williams, "Political Alignments in Colonial Virginia Politics, 1698-1750" (unpublished Ph.D. dissertation, Northwestern, 1959).

²⁷See Williams, "Political Alignments," 209, 213-215, 354-358, for the appearance of stability. For a class analysis of the seventeenth-century violence, see Edmund S. Morgan, American Slavery, American Freedom: The Ordeal of Colonial Virginia (New York, 1975), Chaps. XII and XIII. Morgan emphasizes the abuses of power and the exploitation of white labor practiced by Virginia's acquisitive classes.

²⁸Jordan, White Over Black, 109, 110-122, makes the points about blacks not only for Virginia but colonial society as a whole. Williams, "Political Alignments," 351-354, presents material supporting other factors which heralded the appearance of stability. He included homogeneity of the white society, geographic confinement east of the Blue Ridge, agrarian backgrounds and work, dedication to local forms of government, and resistance to British impositions. Little mention of violence was made in his work, either within white society or between blacks and whites.

²⁹The title for the last of the Anglo-French colonial wars in North America derives from Lawrence Henry Gipson, "The American Revolution as an Aftermath of the Great War for Empire," Political Science Quarterly, LXV (1950), 86-105. In his analysis, Gipson suggests that that war should be treated as a precursor to the Revolution, not as an end to the colonial period. Bernhard Knollenberg in Origin of the American Revolution: 1759-1766 (revised edition, New York, 1961) makes much the same argument citing British policy changes during the war to suggest the coming struggle between England and her mainland colonies. Virginia's wide-ranging claims to the Ohio Valley and the growth of political disputes and religious struggles heralding the development of Revolutionary principles made analysis of violence in the colony difficult. The claims to the Ohio Valley prompted Indian-white violence in that region which impinged more on the post-1763 disputes between Britain and the colonies than on Virginia's colonial development and maturity. The same argument applies to the political and religious

difficulties, hence the decision to use 1754 as an end-date. The business-enterprise character of the first seventeen years of the colony's history is suggested by Sigmund Diamond, "From Organization to Society: Virginia in the Seventeenth Century," American Journal of Sociology, LXIII (1958), 457-475. By 1700 the colony had a well-developed set of political institutions. See Craven, Southern Colonies, 129-131, 166-172, 269-294, 391-392.

³⁰The process of colonial integration into a community is treated in Richard L. Merritt, Symbols of American Community, 1735-1775 (New Haven, Connecticut, 1966).

³¹Greene, "Changing Interpretations," in Billington, ed., Re-interpretation of Early American History, 177, makes this comparison.

³²See Chaps. II and III for this portion of the Indian-white component of the general racial pattern.

³³Edmund S. Morgan, "The First American Boom: Virginia, 1618 to 1630," WMQ, 3rd Ser., XXVIII (1971), 169-199.

³⁴Although much has been written focussing attention upon the notion of cosmic order in sixteenth and seventeenth century English society, this literature has not been connected with a practical means by which order was preserved in society. English society of the late sixteenth and seventeenth centuries used a well-developed system of courts to control those individuals and groups who might disrupt society. For the literature explaining medieval and English Renaissance concepts of cosmic order, see E. M. W. Tillyard, The Elizabethan World View (New York, 1944), *passim*, but especially Chapters 1 and 2, and Arthur O. Lovejoy, The Great Chain of Being: The History of an Idea (Cambridge, Massachusetts, 1936). For some contemporary references to the ordered nature of the universe and society see William Shakespeare's classic statement in Troilus and Cressida (New Haven, 1956), 22-23; Richard Hooker, Of the Laws of Ecclesiastical Polity (London, 1965), 232; and Edmund Spenser, Hymn of Love (Oxford, England, 1960), 439. While the notion of cosmic order infused the whole of English and colonial society, it bears upon the subject of this dissertation only at the point at which governing elites used instruments of social and criminal control to reinforce that notion of cosmic order. Thus courts, as those instruments, served as means of reinforcing theoretic concepts of an ordered society. Disorder, in this context, does not mean any social or criminal deviance, but disruption of the orderly progress of the society. Carl Bridenbaugh has argued that the theoretical notion of cosmic order infused more than literature, poetry, and philosophy in early seventeenth-century England. The idea of an ordered society controlled, in part, by a system of punishment meted out by courts is developed by Bridenbaugh in Vexed and Troubled Englishmen: 1590-1642 (New York, 1968), Chapter VII.

³⁵Bailyn, "Politics and Social Structure," 91. Seventeenth-century colonists believed in an ordered society in which the rich, powerful, and dignified ruled as the "better sort." Important men dwelled

in Virginia during the Company period, but after 1624 those who had amassed fortunes on their own became the rulers. That generation possessed none of the blood or business connections either of their predecessors or their successors.

³⁶For the development of Virginia's militia, see Darrett B. Rutman, "The Virginia Company and Its Military Regime," in Darrett B. Rutman, ed., The Old Dominion: Essays for Thomas Perkins Abernathy (Charlottesville, Virginia, 1964), 1-21. For an alternate view, see Diamond, "From Organization to Society."

³⁷Creation of Virginia's county courts has been traced in several studies. See Craven, Southern Colonies in the Seventeenth Century, 129-131, 166-172, 269-291. For the effects of county court development upon the political situation in Virginia in the mid-seventeenth century, see Warren Billings, "The Growth of Political Institutions in Virginia, 1634 to 1676," WMQ, 3rd Series, Vol. 31 (1974), 225-243, and M. W. Hiden, How Justice Grew, Virginia Counties: An Abstract of Their Formation (Richmond, 1957), 1-15. The colonial government quickly transferred significant portions of its authority to the local governments. For the transfer of jurisdiction over criminal and social control, see William W. Hening, ed., The Statutes-at-Large: Being a Collection of all the Laws of Virginia, From the First Session of the Legislature in the Year 1619 (Charlottesville, 1969), Vol. I (1619-1660), 168-170, 185-187, 221, 227, 237, 244-246, 253, 254-255; Vol. II (1660-1682), 41-148.

³⁸See Chap. III for cases from the Eastern Shore county court in the 1630s.

³⁹See Chap. IV. Virginians referred to Indians resident well beyond the colony's borders as "strangers." But most references to "strangers" in the late seventeenth century meant parties of Iroquois, usually Senecas. See George T. Hunt, The Wars of the Iroquois: A Study in Intertribal Trade Relations (Madison, Wisconsin, 1940), 23, 69, Chapter X, for examples of Iroquois raiding parties moving southward through Virginia's backcountry. For a consideration of the effect disease had on American Indians, see Alfred W. Crosby, The Columbian Exchange: Biological and Cultural Consequences of 1492 in Contributions in American Studies, No. 2 (Westport, Connecticut, 1872).

⁴⁰Chap. III; Bailyn, "Politics and Social Structure," 96-98; Morgan, American Slavery, American Freedom, 145.

⁴¹John C. Rainbolt, From Prescription to Persuasion: Manipulation of Eighteenth [sic] Century Virginia Economy (Port Washington, N. Y., 1974) treats the theme of economic diversification for the latter half of the seventeenth century, but his perceptions seem to apply to the first half as well.

⁴²See Chap. IV.

⁴³For population estimates of Virginia in the seventeenth and eighteenth centuries, see Wesley F. Craven, White, Red, and Black (Charlottesville, Virginia, 1972), 1-39; E. B. Greene and Virginia Harrington, American Population Before the Federal Census of 1790 (New York, 1932), 134-139; Stella H. Sutherland, Population Distribution in Colonial America (New York, 1936), Chap. V, esp. 180-186.

⁴⁴Morgan, American Slavery, American Freedom, 239-240.

⁴⁵Ibid., Chap. 12.

⁴⁶See Chap. V.

⁴⁷See Chap. VI for this point.

⁴⁸See Chap. VII and Jordan, White Over Black, Chap. II, for the development of slavery.

⁴⁹David S. Lovejoy, The Glorious Revolution in America (New York, 1972), Chapter III.

⁵⁰See Chapter VI.

⁵¹Chapter VII and Hugh R. Rankin, The Golden Age of Piracy (New York, 1969).

⁵²The period between 1706 and 1710 was one in which no governor lived in the colony to administer the colony's needs. During the absence of a governor and of instructions from England, the Council directed the colony's affairs, discovering that it could carry on its expanded duties quite well. See Williams, "Political Alignments," 83-86.

⁵³See Chapter VII.

⁵⁴Greene, "Changing Interpretations of Early American Politics," 167-168, and "Foundations of Political Power in the Virginia House of Burgesses, 1720-1776," WMQ, 3rd Series, XVI (1959), 485-506.

⁵⁵See Chapter VII.

⁵⁶See Chapter VIII.

⁵⁷Ibid., and Chapter IX.

⁵⁸See Chapter IX.

⁵⁹Ibid.

⁶⁰This point is developed throughout the chapters, especially beginning in Chapters VI and VII and proceeding to Chapter IX.

CHAPTER II
CULTURES IN CONFLICT:
REDS AND WHITES IN EARLY VIRGINIA

The 1607 establishment of English colonization in Virginia made neither clashes between whites and Indians nor the destruction of the red man's culture inevitable. Although each people regarded the other with suspicion and distrust, attempts were made during the first decade and a half of life to forge a workable solution to the problem of living together in the Tidewater wilderness. The English, seldom numbering more than a few hundred people during those early years, remained a valuable asset to the principal Indian leader Powhatan.¹ He could rely upon them for their technology and aid against his enemies, whether within his Confederation or without. The English, in turn, could expect from the Confederation food stores and protection from their own enemies.

The background to relations between the two peoples, however, helped create an atmosphere of suspicion and distrust and helped determine the violent aspect of red-white associations. Englishmen had attempted settlement on Roanoke Island, North Carolina, twenty years prior to the 1607 establishment. North Carolina Indian memories of those contacts in the mid-1580s left bitter reminders of English vengeance, for the natives had suffered retribution for alleged thievery and may have communicated their apprehensions to the Virginia Indians

with whom they had extensive trade contacts.² The English who arrived in Virginia, however, probably suffered no anguish over their forebears' treatment of the Carolina red men, but retained that ethnocentric outlook then characterizing English contacts with so much of the world beyond England.³

Although the violence attending red-white relations in Virginia does not represent the full scope of violent activity during the first fifteen years of settlement, it was by far the most important dimension of that violence. Englishmen feared Spanish threats of extermination, and English state papers of that era are replete with references to Spanish plots to crush or destroy the infant colony. Spanish documents also reveal the extent to which Spanish officials accredited to the English court believed in the need for the colony's destruction. However, Spain's ruler never ordered an attack upon the colony, despite the fact that from 1611 until 1613 Spanish spies dwelled in Virginia. Internal disruptions also plagued the colony's foundation, with disorder within the leadership representing an early crisis for the colony's existence. Finally, although only passing references to food riots in 1614 were made in surviving documents, the very existence of such in that summer suggests the possibility that other such violent events took place.⁴

Whites resident in Virginia suspected Indians of treachery and deceit. Each incident of violence reinforced whites' distrust of their red counterparts. Seldom did whites consider that their own actions might have provoked Indians to behave as they did. When the first landing party set foot on shore on Cape Henry on April 26, 1607, they were greeted by a small raiding party of Indians, probably of the

Nansemond tribe. The thirty whites fought off the five warriors, sustaining only minor injuries. However, no white seems to have considered the possibility that those Indians knew of the treatment meted to the North Carolina coastal Indians by Raleigh's colonists in the mid-1580s. Neither George Percy nor John Smith did little more than mention the incident, although Percy dwelled upon the savagery of the Indians. He wrote of the incident: "At night, when we were going aboard [abroad], there came the savages creeping upon all fours from the hills like bears, with their bows in their mouths, charged us very desperately in the faces...."⁵ Throughout the surviving remnants of his "A Discourse of the Plantation of the Southern Colony in Virginia by the English," Percy referred to Tidewater Virginia Indians as savages.⁶ His attitude toward the natives may have been harder than some of his compatriots, although his sense of ethnocentrism regarding those people differed little.

Other Englishmen viewed Indians in more objective or even more favorable light. Smith seldom delivered himself of the harsh judgment similar to Percy's, although he often dealt smartly with them. John Rolfe advanced his views from the position of a man in love with one of the native women; thus he sought positive evidence of the humanity of the red men in the colony.⁷ Yet these three men retained their sense of innate superiority to the Indians of Tidewater Virginia. Seldom did they couch their expressions about the natives in less than the overt terminology of a superior to an inferior culture. They followed much the same line as laid out by Thomas Hariot in his Briefs and True Report of the New Found Land of Virginia, in which he noted that "discreet dealing and government" with the red men would win them more

easily than overt violence. However, one infers from his writing that he considered the Indians could become little more than junior partners in any type of amalgamation of the two peoples.⁸ Thus, Englishmen brought with them to Virginia in 1607 a set of attitudes which prejudiced their first meetings with natives.

The days and months of first contacts with the Indians further enhanced Englishmen's suspicions of the Indians. Language and custom barriers contributed to those preconceived notions, for misunderstanding generated by linguistic difficulties frequently resulted in violence between the two peoples. A good example was the fight begun at a feast on May 18. The Paspahugh Indian werowance and approximately one hundred of his warriors came to feast with the whites upon the occasion of the completion of preliminary landing sites and the disembarkation of all the colonists. Indian curiosity was aroused by the assortment of white metal tools and weapons, especially those with which Indians had some familiarity, such as their own hatchets or knives. When a white spied an Indian fingering a hatchet, he immediately concluded the red man intended to steal it and attacked him. More likely, the Indian simply wanted to examine it, since it bore a resemblance to one of his own tools. However, a melee quickly ensued resulting in the colonists seizing their arms and the Indians fleeing.⁹ The Paspahughs became much more hostile toward the whites after this incident. The results of this incident suggest that early confrontations between Indians and English were not necessarily the result of land disputes, but of cultural differences and misunderstandings.¹⁰

The Paspahughs retaliated for the incident one week later. On May 26, while a party of whites led by Captain Christopher Newport was

exploring up the James River, a large band of two hundred to four hundred Paspaheghs and Chickahominies attacked the half-finished fort. A boy was slain and twenty others were wounded, including four members of the Council. Ordnance from the English ships had to be used to ward off the attackers. The hostility of the Paspaheghs-Chickahominies continued during spring and early summer. Ambushes of individuals and harassment of small parties eventually forced the English to remain in the fort during much of the summer.¹¹

These hostilities served only to increase white suspicion and distrust of the intentions of any Indians with whom they came in contact. Percy, describing the incident which precipitated the hostilities, once again revealed his general suspicion of red men. To Percy, Indians came more "in villainy than any love they bare us." They were full of "treachery," would "betray us," and wished to "execute their villainy."¹² Smith described the Paspaheghs as "churlish and treacherous," although when he met Powhatan in late 1607 or early 1608 he was quite impressed with the werowance's "grave and majestical countenance, as drove me into admiration to see such state in a naked savage."¹³

By June 25, Powhatan had evidently ordered the Paspaheghs and Tappahannocks (a small tribe closely related to and allies of the former) to cease their hostilities with the whites. A messenger sent by the great werowance informed Edward-Maria Wingfield, President of the Council, not only that he had ordered the cessation of hostilities but that he wished peace and friendship with the whites himself. Wingfield noted when he composed his Discourse in late 1607 that "this message fell out true; for both these werowances have ever since remained in peace and trade with us."¹⁴ However, nothing was said of the

Chickahominies, for they were nearly autonomous respecting the great confederation of Indians over which Powhatan exercised control.

Most likely that tribe was the one which continued hostilities and depredations against the whites in Jamestown throughout that first summer. Only sporadic attacks, usually ambushes of one or two individuals, continued, but they were enough to close off white access to the region around the fort. During July a minimum of three men died at the hands of the hostiles and in August at least two more were killed by Indian attacks. One of those who died in August was Jerome Alicock, an Ensign and middle-level leader in the colony.¹⁵ Thus, by the end of the first summer of colonial existence in Virginia, from a white population numbering one hundred and five, hostilities had cost the whites a minimum of ten men killed and thirty wounded. How many Indians died or were wounded is hard to estimate, for no reports of such were made. Probably no fewer Indians than whites were killed or wounded, and perhaps many more.

The violence between the two peoples increased white suspicion and distrust of the natives. The combination of the lateness of the planting season when the Englishmen came and the continued Indian attacks prevented any extensive harvest of crops by the settlers in the fall. But the Virginia Company had not intended that the colony should be self-sustaining. It had planned to support the settlers from its own resources in London and from Indian crops in Virginia. Its instructions to the President and Council, the governing body of the colony, were to collect a year's supply of corn from the Indians even before building the settlement. Although the colonists were enjoined to "have great care not to offend the naturals," they were also cautioned

not to allow the Indians possession of firearms or knowledge of deaths within the colony.¹⁶

Thus, in the fall of 1607 parties had to go out to trade for corn and other foodstuffs. John Smith, a member of the Council, led one party in December up the James to explore and to trade for corn. The party entered the Chickahominy River in the small barge left by Captain Newport for such purposes. Leaving two or three men to guard the barge, Smith set out with three other men to find Indians with whom to trade. A party of Pamunkey Indians commanded by Opechancanough attacked Smith and his men, killing two and taking Smith and George Casson prisoner. Smith, wounded in the thigh, had killed one of his attackers during the fight. For that death, the dead Indian's father attempted revenge while Smith was a prisoner of Opechancanough. The attack combined with the subsequent torture and execution of Casson convinced Smith of the savagery and barbarity of the Indians. Despite profferment of friendship and amity by Powhatan, Smith now believed Indians' nature to be duplicitous and treacherous. He commented when three of Powhatan's nobles presented him gifts that he doubted the existence of such nobility among Indians. Concerning Powhatan's profession of friendship, he wrote: "experience had well taught me to believe his friendship till convenient opportunity suffered him to betray us." He sensed that Indians had little but "cruel minds towards the fort," meaning he suspected that the Indians had little intent other than exterminating the fort.¹⁷

But Powhatan never ordered the destruction of the English in Virginia. He may have remembered the cruel revenge of the Spanish for the destruction of their mission in the Chesapeake Bay region during

the mid-1570s. Powhatan, however, may have had more practical notions in mind. The English, with tools and weapons superior to his people's or his enemies', could provide valuable assistance and aid in time of stress. Furthermore, Indians throughout the North American continent valued and traded for white goods, often becoming dependent upon those goods. Moreover, the English seldom numbered more than a few hundred during the first three years of settlement in Tidewater Virginia. Consequently, Powhatan, while not liking the English, was willing to tolerate them for the aid and goods they could provide. Thus, violence associated with early relations between the two peoples did not necessarily portend a future of constant hostility and warfare, but it did reinforce in Englishmen's minds their preconceived notions about the treachery, deceit, and cruelty of Indians in Tidewater Virginia.¹⁸

The six years following Smith's return in 1608 were as filled with hostility, skirmishing and fighting as the first year of the infant colony's existence. Certainly, Indians and whites tried to establish some other form of co-existence, but the diversity of the Indian population and the fact that Powhatan could not command the undivided allegiance of all Indians in Tidewater Virginia meant continued confusion between the two peoples, contributing one more ingredient to strained relations between English and natives.

In the spring of 1608, hostility between reds and whites in Tidewater Virginia mounted. Indians openly stole whites' tools and weapons and sometimes dared Smith or other colonists to chase them and try to capture them. In one incident Smith and a band of whites confronted four Indians who had come to take tools. After Smith beat one of the natives, the others fled the peninsula upon which was located James

Fort. They soon returned with many of the tools and weapons previously taken. Evidently, Paspaheghs, Chickahominies, and Pamunkeys had inaugurated a policy of harassment to obtain colonists' tools. When Indians approached the fort with offers of valuable stones, as did one Indian in the spring of 1608, Smith, believing them trying to entice his men into an ambush, ordered the natives beaten.¹⁹

The Indians, however, may have felt cheated by Smith's parsimonious dealings with them. They compared his trade deals with those of Newport's and found Smith's clearly lacking. When Powhatan had presented Newport with twenty turkeys before he left in June 1607 to return to England, Newport had responded with twenty swords. When Powhatan did the same for Smith, Smith returned nothing. Powhatan, evidently considering himself the subordinate of no man, retaliated by ordering certain tribes to prey upon white tools and weapons. The Paspaheghs, their honor probably still hurt by the misunderstanding in 1607 and, by early 1608, alarmed by the continued presence of the whites on their lands, most likely responded favorably to Powhatan's orders. The Pamunkeys, already hostile as evidenced by their attack upon Smith and his party, were also willing to participate. The third nation, the Chickahominies, could do much as they pleased since they remained largely independent of Powhatan's control.²⁰

Smith, the President of the colony by fall 1608, could not directly challenge the Indians, for that action was contrary to Company orders. But when he speculated upon what Powhatan was doing and concluded that the great werowance had probably ordered the raids, he decided to offer himself as bait. In a number of incidents he did just that. When Indians appeared before the fort, he went out to allow them

to attack him. Whenever possible, he captured, whipped, and imprisoned native warriors. The red men soon retaliated with the capture of whites. They then offered to exchange their prisoners for those held at the fort. Smith so intimidated them that they set their own prisoners free and confessed that Powhatan had ordered them to steal the weapons.²¹

Powhatan also practiced more subtle means of intimidating the whites in the colony. After an attack against the Piankatank Indians in which twenty-four Piankatanks were killed and the werowance and his family given to Powhatan as servants, the scalps were hung near Powhatan's lodge to overawe the English. Moreover, the method of attack used by the great werowance's minions was symptomatic of the Confederation's methods of warmaking. Warriors entered the Piankatank village under pretense of friendship to lodge with the villagers the night before and led the attack the next morning. Although the English knew of this method of attack, they did not recognize the significance of the mode of infiltration, and thus became victims of it themselves fourteen years later.²²

Sporadic incidents of violence continued during 1608, including an attack by Newport upon the Nansemond Indians, who had been responsible for the April 26, 1607, hostilities. Also, Powhatan tried but failed to trap Smith and forty-six others when they were out trading with Indians for corn in the winter of 1608-1609. The return of the party to the settlement found Smith in complete charge, and he ordered martial law proclaimed in order to force discipline upon the colonists. In an effort to forestall more Indian depredations in the spring of 1609, Smith violated Company instructions by ordering the execution of seven Indians, the imprisoning of seven more, the razing of Indian

dwellings and villages in the area, and the seizing of fishing boats and gear belonging to Indians. The Company had enjoined the colonists from provocations of the Indians unless direct attack was made. Thus, by the late spring of 1609, Indians and English in Virginia were close to a state of warfare.²³

That spring also brought several hundred more colonists in the Third Supply. The English at Jamestown had enough difficulties feeding and caring for themselves without the addition of several hundred more mouths to feed and provide shelter for. Moreover, the command vessel had been lost near the Bermudas, and it had carried not only those appointed to lead the colony but the new instructions derived from the rechartering of the Company. Those colonists who did arrive in the Third Supply had to be sent away from the center of settlement so that they might have some chance of survival. Smith, who resisted all attempts on the part of those newcomers to assert their own authority, ordered Francis West and John Martin to take sizeable numbers of the new colonists to establish forts at the Falls of the James and in Nansemond country respectively. West, Lord De la Warr's younger brother, led some one hundred and twenty men to the Falls, and Martin, a like number to the Nansemond country. Both leaders evidently behaved barbarously toward the local Indians, for the Chickahomnies and the Nansemonds tried to destroy the colonies. Martin had kidnapped the Nansemond werowance and had stolen over one thousand bushels of corn from them. In retaliation, those Indians wiped out almost all colonists living at his settlement. West, in the meantime, had ordered the mistreatment of the Chickahomnies, despite the fact that sometime in mid-1608 they had applied for white protection, perhaps fearing an

attack upon their autonomy by Powhatan. Smith attempted to mediate the situation, but West and his men refused to heed his warnings. Consequently, when Smith returned to Jamestown, the Chickahominies attacked his fort and killed approximately as many men as had the Nansemonds at Martin's fort. Smith had to return to West's settlement to appease the Chickahominies and to reestablish the fort on higher ground. It was on his return to Jamestown in September 1609 that a powder keg blew up, and the resultant personal injury allegedly forced his return to England.²⁴

The winter of 1609-1610 has traditionally been depicted as the most severe test of the colony, resulting in great death, deprivation, and depression. When Smith left the colony, he asserted that there remained from four hundred and ninety to five hundred settlers alive in the colony. They had ten weeks' provisions, seven boats, three hundred guns and ammunition, and a growing number of men trained in Indian languages and fighting customs. By the spring of 1610, approximately sixty of the nearly five hundred settlers remained alive. Although starvation and disease must have claimed a large percentage of that four hundred and forty, Indian attacks accounted for many deaths also. When the Indians heard of Smith's departure, they immediately slaughtered those whites who had been placed among them to live until more permanent dwellings could be constructed, killed many of those remaining at West's and Martin's settlements, and besieged the fort. Moreover, a band of thirty whites led by Captain John Ratcliffe (alias Sicklemore), was slaughtered, except for Jeffrey Shortridge, who escaped, and Henry Spellman, whose life Pocahontas allegedly saved.²⁵

By 1610, the first three years of English colonization in Virginia

had produced little more than hostility and suspicion of Indians. Indians, likewise, had responded with animosity and distrust of the English. Although Powhatan could have easily destroyed the infant colony, his reluctance to do so may be interpreted from two points of view. As suggested above, he most likely valued the tools, weapons, and military aid whites could give him. But white resistance to sharing English technology with him must have aroused his antagonism. From another view, however, he may have reasoned that the colony could not survive anyway. Thus, he hesitated to annihilate the colony because the English might retaliate as the Spanish had done forty years before. If Powhatan thought in this fashion then he calculated correctly. With the spring of 1610, those few colonists still surviving plus the commanders of the Third Supply, who had arrived from Bermuda, vowed to return to England. They were floating down the James River when the Fourth Supply, led by the appointed governor, Lord De la Warr, arrived.²⁶

The restoration of the colony brought renewed hostilities with the Indians. During the summer of 1610 the whites launched bitter reprisal attacks in retaliation for earlier Indian depredations. Among the first targets were the Paspaheghs, who had not remained allies of the whites, for the English had continued to settle upon their lands. Captain George Percy led a surprise party of fifty to sixty soldiers against the principal Paspahegh village. The whites killed many warriors, burned the village, and executed the queen and her children.²⁷ From that incident arose a state of hostilities which can only be described as full-scale war. The war, lasting until 1613, temporarily cleared the Kecoughtan area of natives and rid the Falls of the James region of the red men as well. Expeditions sent into the countryside for

purposes other than Indian fighting were attacked by the natives and usually had to retaliate.²⁸

During the years before peace was made, the whites fashioned a method of fighting Indians which circumvented the need to pursue warriors into local woods and forests. White expeditions attacked Indians' sources of supply and shelter, their villages. After forcing a village's population to flee into the surrounding wilderness, the Englishmen then burned the houses in the town and destroyed whatever cornfields and other gardens they could find in clearings about the village. Expeditions did not march against the Indians until late summer or early fall when Indian crops were maturing and ready for harvest. Such delays served a two-fold purpose. Whites could destroy Indians' sources of vegetable foodstuffs. Secondly, they could seize crops they could carry back to their settlements to serve as supplements for their own meager food supplies. Although no evidence survives to suggest the extent of deprivation that this method of warfare brought to the Indians on the James-York peninsula during those four years of warfare, when the next major period of warfare began after 1622, the same method brought starvation and severe debilitation upon the native population of the peninsula. How extensive such deprivation was during the 1610-1613 period is conjectural, but Powhatan's protestations in early 1613 suggest that the whites' method of warfare had had considerable effect upon those Indian populations conducting the war against the colonists.²⁹

The warfare concluded only when the whites succeeded in kidnapping Powhatan's daughter, Pocahontas. Japazaws, werowance of the Potomac Indians, conspired with Samuel Argall to seize the girl when she came

to visit the Potomacs in the early spring of 1613. The English held her hostage for almost a year before Powhatan made peace. Initially, the whites demanded only the return of Englishmen held hostage by the Indians and of tools and weapons taken by redmen. Then the whites demanded sufficient corn to sustain themselves during coming years. However, when John Rolfe confessed his love for the Indian maiden in early 1614, the opportunity presented itself for the erection of a lasting peace built upon a formal marriage between prominent persons of the two peoples. Rolfe's letter of 1614 averred that his love for Pocahontas was motivated by reasons of "the good of this plantation, for the honor of our country, for the glory of God, for my own salvation, and for the converting to the true knowledge of God and Jesus Christ, an unbelieving creature."³⁰ His letter suggests that while relations between Indians and whites had generally been hostile since the foundation of the colony, some Englishmen retained their altruistic notions about the Virginia natives. Moreover, the attitude expressed by Rolfe suggests more the characteristic attitude of the colony in the next eight years. After 1614 only sporadic violence between the two peoples evidently occurred, for little mention of hostilities has survived in existing sources.³¹ What violence did occur, however, altered significantly the power structure among the various tribes. In 1616, whites under the command of Sir George Yeardley attacked and decimated the Chickahominy Indians. This incident, however, was not the signal for another round of general Indian-white warfare, but the destruction of a tribe which had retained its autonomy. Evidently, Yeardley led out his party to punish the Chickahominies for their refusal to pay tribute levied of them in the 1614 treaty. Moreover, Powhatan probably encouraged the

whites in their attack because he wished to see the semi-autonomous Chickahominies reduced in order that he might bring them under his control. The Chickahominies, however, recovered sufficiently to engage in minor harassment and disturbance of the colony until they discovered that the whites' powder in 1618 was in short supply. Then they expanded their harassment to include seizure of corn and other crops during the fall harvest season. But their autonomy was seriously curtailed.³²

Other Indian tribes became hostile to the colonists between 1614 and 1622, also. The Potomacs, formerly allies of the whites, dissolved their alliance with the English in 1619. In December of that year a Captain Ward journeyed to their country to trade for corn. The Potomacs refused to trade with him, and he and his men seized by force over eight hundred bushels of maize. The Indians had perhaps had a poor growing year or simply might not have been able to provide the size supplies Ward requested of them. Not only that, but the whites were also collecting tribute from Confederation Indians, tribute which should, the Indians thought, have supplied them throughout the non-productive seasons. Thus, the Potomacs refused to trade, and by 1620 the whites had another formidable enemy with which to contend. They evidently felt, however, that with the aid of Powhatan's loyal tribes they could resist any hostilities from the Potomacs.³³

From 1607 until 1614, Indians and English in Virginia maintained their relations in an atmosphere of open hostility and warfare. After 1614 suspicion and distrust characterized their associations. Although many Englishmen then tried to forge a more durable relationship based upon amalgamation and conversion of the Indians, the record after 1622

demonstrates failure on those points. By 1614, the English at Jamestown felt they had sufficient evidence of Indians' treacherous nature to retain their ethnocentric condescension toward the red men. Furthermore, Englishmen continued to regard Indians as savage. Despite hard evidence to the contrary, whites persistently identified differences of culture and custom as inferior and savage. The violence generated by cultural misunderstanding during the earliest days of white settlement had become general warfare and hostility by 1614. After that date, however, more peaceful relations between the English and the Confederation leadership permitted the London Company the opportunity to erect experiments designed to raise or elevate the Indians to the whites' cultural level. This constituted more evidence of the altruistic side of the colonial experiment that the company had undertaken. But continued incidents of violence encouraged a more antagonistic attitude on the part of those whites believing the lands on which they were situated should be cleared of Indian inhabitants.³⁴ The effect of fifteen years' hostilities between natives and English upon the colony's existence needs to be considered, however. Whether Indian pressure on the white populace encouraged or discouraged internal violence is more conjectural than the concrete growth of white suspicion, distrust, and hostility toward the Indians.

But Indian-white hostility did not fully delineate the violence of those early years of Virginia's history, for disorder and violence also marked the formative years of white society. Englishmen coming to Virginia possessed a strong sense of order and discipline within their own social structure and that sense underwent considerable alteration when they reached Virginia. Arriving with no utopian purpose

similar to Puritans or Plymouth settlers in New England, the Virginia settlers adapted quickly to Indian methods of living within the wilderness. The Company's instructions to the colony's governors indicated the concern the Company's leaders felt for the lack of discipline within the colony. Martial law was required, they believed, in order to prevent further deterioration of the colony into disorder. One of the most feared elements of that disorder was running off to live with the Indians. Moreover, contemporary as well as later commentators on early Virginia suggested a close connection between that lack of order and discipline within the colony and the Indian methods of life with which the settlers were becoming increasingly familiar. Robert Beverley, writing one hundred years after the foundation of Jamestown, declared:

They were no sooner settled in all this Happiness and Security, but they fell into Jars and Dissentions among themselves, by a greedy Grasping at the Indian Treasures, envying and overreaching one another in that Trade. . . .

After the Ships were gone, the same sort of Feuds and Disorders happen'd continually among them, to the unspeakable Damage of the Plantation.³⁵

Although Beverley alludes here more to a profit motive than a more direct connection with Indians as the source of disorder within the colony, he later referred to the problems and difficulties within the colony as a direct consequence of the breakdown of hospitable relations between Powhatan and the English. Greed, freed from restraints, encouraged each trader to outbid others for Indian goods. Beverley asserted that

by letting one [Indian] have a better Bargain than another...such of them as had been hardest dealt by in their Commodities, thought themselves cheated and abused; and so conceiv'd a Grudge against the English in general, making it a National Quarrel; And this seems to be original Cause of most of their subsequent Misfortunes by the Indians.³⁶

John Smith perceived much the same connection, although not couched in the trade nexus. Smith, when called upon to assess the reasons for the 1622 Indian attack, suggested that relaxation of discipline to the extent that Indians could visit at will within the colony, had encouraged the aggressive plans of Opechancanough. Beverley recognized the same problem, a decline in security within the settlements scattered up and down the James. Thus, Indian ways and trade encouraged within the English a diminution of discipline and order, which, conversely, suggested to the Indian leadership a means of attack upon the very heart of the colony.³⁷

However, violent incidents among the small band of whites in Virginia during the first years of settlement enhanced the breakdown of discipline, a breakdown not checked until the advent of Smith as leader in 1608. Even before arriving in 1607, the colonists evidently divided into factions which led to the arrest and imprisonment on board ship of John Smith for alleged mutiny and treason. Smith spent some weeks in chains, but he most likely was set free when it was discovered that he had been appointed a member of the Colony's Council.³⁸ Smith's account of the May 1607 Indian attack upon the newly-erected fort suggests that he was among the exploring party led by Newport which went upriver to discover what it could. But he continued "disgraced through others malice."³⁹ By that time (June 1607) severe divisions and dissensions were already apparent within the body of the Council. Smith noted "for the President and Captain Gosnold, with the rest of the Council, being for the most part discontented with one another, in so much, that things were neither carried with that discretion nor any business effected through the hard dealing of our President, the rest

of the Council being diversely affected through his audacious command." Only Captain Martin, in Smith's eyes, appeared "very honest."⁴⁰ Thus, by the time Newport left for England in June 1607, the experiment of government by committee was showing considerable signs of weakness.

During the rest of that summer and fall dissensions within the Council provoked even more divisiveness within the colony itself. These troubles within the leadership reached their peak that fall with the deposition of Wingfield and substitution in his stead of John Ratcliffe (alias Sicklemore) as President, and the execution of George Kendall for provocation of dissension on the Council throughout the summer. By early fall, however, the problem had developed into a far more complex situation than just the charges against Kendall. Councillors suspected each other and hurled charges and countercharges of mismanagement, hoarding, and lack of concern for the general body of colonists. When Wingfield found himself deposed, he wrote a defense of his actions in which he refuted every charge brought against him and predicted that similar circumstances would befall not only his successor, Ratcliffe, but most of the other councillors.⁴¹

This internal squabbling and dissension, however, does not bear heavily upon any consideration of the impact of violence upon early Virginia. But it does provide evidence of the nature of the discontents and discords encouraging violent confrontations, not only within the colony, but between the colonists and the Indians. In November 1607, however, the discontents boiled over into violence. For some unexplained reason the blacksmith of the colony, James Read, confronted and assaulted the President of the Council, Ratcliffe. Smith alleged that Ratcliffe had initiated the assault, while Wingfield asserted that

Read had first attacked Ratcliffe, who then beat him, only to have Read renew his assault. The smith was condemned to hang, but upon the date of his hanging he implicated George Kendall in a mutiny (a plot or conspiracy to overthrow the leadership). For his implication of Kendall, he was pardoned and set free.⁴² The accusation by Read, Wingfield alleged, was "framed" by "Master Recorder," Gabriel Archer. Moreover, Wingfield asserted that Archer, Ratcliffe, the rest of the Council and their officers "beat men at their pleasures. One lies sick till death, another walks lame, the third cries out of all his bones. . . .were this whipping, lawing, beating, and hanging, in Virginia, known in England, I fear it would drive many well affected minds from this honorable action of Virginia."⁴³

The case against Kendall was apparently two-fold. He had already been dismissed from the Council and imprisoned before the accusation of his mutiny was made by Read. More important, however, is the suggestion that Kendall might have been a Spanish spy. Kendall, an English Catholic, was implicated as a spy in the relation of Francis Maguel, Magnel or Miguel, an Irish sailor who came to Virginia in 1607 and returned with Newport in April 1608. Maguel's relation referred to the execution of a Captain Tindol, an English Catholic and Captain, within the confines of the fort, for the crime of spying for the Spanish. His reference to Tindol might be a copyist's misprint for Kindol, thus Kendall; for Captain Robert Tindall was in the employ of Prince Henry, was not Catholic, and was not executed. But the fact of existence of at least this one Spanish spy in Virginia in 1607 suggests the interest the Spanish ambassadors in England had in this enterprise. Moreover, when Kendall's suspected duplicity is taken in context with

the mission of Don Diego de Molina, the duration and level of that interest indicates how closely the Spanish watched developments in the infant colony.⁴⁴

During the next two years, the order and discipline among the colonists continued to deteriorate, although John Smith did all in his power to enforce a conformity among his English fellows. But periodic outbreaks of discontent and unrest suggest that even his strong will and his perception of the need for discipline were not enough to provide the cohesion necessary to orderly behavior in the Virginia wilderness. After the departure of Newport in spring 1608, the committee system of government continued its slow collapse as more councillors died, resigned, or were deposed. The remnant refused to appoint new councillors; thus by late 1608, John Smith remained as the only leader of the colony. He enforced his will harshly, insisting, for instance, that no one ate unless he worked.⁴⁵

But Smith was unable to reconcile new arrivals to his discipline. When the bulk of the 1609 Supply arrived in June of that year, they did not have with them either the newly appointed political leaders or the new instructions derived from the rechartering of the Company earlier that year. These new arrivals behaved in much the same fashion as had the first colonists themselves. They factionalized the colony and resisted Smith's arbitrary rule as well. The appointed leaders of that expedition were stranded on the Bermuda Islands, their ship a victim of a fierce storm which had washed them up on those shores. The several hundred new arrivals, however, brought by word-of-mouth the major changes effected via the rechartering, and they informed Smith that they refused to follow his lead. Gabriel Archer described the situation

in August 1609 thus:

Now did we all lament the absence of our Governor, for contentions began to grow, and factions, and partakings etc. Inso-much as the President [Captain Smith], to strengthen his authority, accorded with the Mariners, and gave not any due respect to many worthy Gentlemen that came in our Ships: whereupon they generally (having also my consent) chose Master West, my Lord de la War[re]s brother, to be their Governor, or president de bene esse, in the absence of Sir Thomas Gates, or if he miscarried by Sea, then to continue till we heard news from our Council in England. This choice of him they made not to disturb the old President during his time: but as his authority expired, then to take upon him the sole gove[r]nment, with such assistants of the Captains, as discreetest persons as the Colonie afforded.

Perhaps you shall have it blazoned a mutinie by such as retain old malice; but Master West, Master Percie, and all the respected Gentlemen of worth in Virginia, can and will testifie otherwise upon their oaths. For the King's Patent we ratified, but refused to be governed by the President that now is, after his time was expired; and only subjected our selves to Master West, whom we labor to have next President.⁴⁶

The internal discord peaked that fall when the dissidents had the opportunity to send Smith back to England in what they considered disgrace. Ratcliffe averred that "this man (Smith) is sent home to answer some misdemeanors, whereof I persuade me he can scarcely clear himselfe from great imputation of blame." Thus, at least two letters asserted that Smith was sent home by the colonists rather than having to return due to the gunpowder explosion which burned his leg.⁴⁷

Immediately preceding that incident, however, Smith had busily engaged himself in seating several hundred of the new arrivals of the massive immigration of 1609 in sites other than Jamestown. The hosts had had no time to prepare housing for the new arrivals nor to plant crops sufficient to feed them. Smith, who in the spring of 1609 had ordered both West and Martin to lead parties to the Falls of the James and Nansemond area respectively, journeyed to each fort where he found mutinous sentiment mounting against him. As he approached the site of

West's fort, he received word that West and his men no longer recognized him as their leader. Smith and his small party seized some of the leaders of the revolt but were forced to retreat in the face of greater numbers. The band managed to seize the provision ship of the fort, thus bringing many former enemies into alliance with him. The revolt was just beginning to collapse when an Indian attack took place. So many of West's settlers were killed in that fighting that the rest begged Smith's forgiveness. He did imprison six of the leaders and reestablish the fort on higher ground, but so few of the English were left to man it that the site was temporarily abandoned.⁴⁸

The "Starving Time," which took the lives of over four hundred settlers, began that fall after Smith's departure. Almost all semblance of order and discipline within the colonists must have disappeared. The English cannibalized dead whites and Indians, on occasion exhuming warriors who had been buried near the fort. In one instance, a settler who probably hated his wife, killed her, salted her parts, and ate them, despite the fact that a search of his house revealed large quantities of oatmeal, beans, and peas. The colonial leaders had ordered the dispersal of many colonists among the Indians who had, evidently, promised to support those distributed among them. However, when the red men learned of Smith's departure, they immediately slaughtered all those dispersed among them.⁴⁹

Not until the arrival of the group trapped on the Bermudas in early 1610 did any semblance of order return to the colony. But that order lasted just long enough to provide time to collect supplies and equipment for the purpose of abandoning the colony. Only when Lord De la Warr, the appointed governor, arrived with a major supply did the

colonists sufficiently regain their confidence that the settlement could be restored. As John Oldmixon one hundred years later described the reconstitution of the colony in the summer of 1610, it finally had the

Form of an Establishment, and several Men of Quality bore Offices in it, as the Lord Delaware, Lord Governor, and Captain-General Sir Thomas Gates, Lieutenant-General, Sir George Summers, Admiral, the Honorable George Piercy [sic], Esq; Governor of James Town and Fort, Sir Ferdnindo Winman Master of the Ordnance, Capt. Newport Vice-Admiral, William Strachey, Esq; Secretary; and Appearance of Officers that has not since that time been seen in Virginia.⁵⁰

These men immediately set out to restore the colony's strength through the proclamation of martial law. The use of that instrument as one of coercion and discipline lasted several years and has long been debated as to its effectiveness and need. It would appear from the state of the colony in early 1610 that not only was martial law needed, but that without it the extensive order required to preserve discipline was unattainable.

But colonists fled that regime, running off to live among the Indians, where they were either killed or retaken. Those retaken were hanged, shot, or broken on the wheel. In one incident, a colonist was chained to a tree until he starved to death. However, much of the evidence upon which the allegations of Dale's harsh treatments of colonists is either after-the-fact or general with few hard facts to support the allegations. It is not altogether impossible that many statements of Dale's alleged brutality were parts of a broader attack upon the Sir Thomas Smyth administration of the Company's affairs. This attack began as condemnation of the physical environment of the colony. It then expanded to include the savagery and brutality with which the colonists allegedly treated the Indians and vice versa. But

it reached its culmination during the internal conflicts which marked the Company's affairs in the early 1620s. Whatever the reality of Dale's rule during the years from 1611 until 1614, peace was made between the English and the Indians and some semblance of internal order was restored within the colony.

But Dale did not succeed in restoring order and discipline completely, for after he returned from the negotiations with Powhatan in the summer of 1614, he found the colony broken by food riots and mutinies. The government ordered six of the leaders executed. Whether these affrays occurred more commonly than in 1614 alone is difficult to tell because so many sources from the pre-1614 era refer to tumults or dissensions, phrases which might mean extensive unrest or localized bickering and discontent.⁵¹ But other evidence prior to 1614 suggests how extensive the disaffection within the colony was.

Among the new arrivals to the colony in 1610 was a small vessel the Swallow, actually little more than a boat of a few tons. Between twenty-eight and thirty men volunteered to man the boat to trade for corn among the Indians. After accumulating a large stock of corn, the men deserted the colony in the boat. They vowed to make for England, to pirate whatever vessels they could find along the way, and to do all in their power to discredit the colony and the land off which it was existing. They were the first to relate in England the story of the man who cannibalized his wife, a story which Sir Thomas Gates later corroborated.⁵²

Thus, by 1614, the small colony at Jamestown had barely survived extensive Indian hostility which had broadened into major warfare, internal disruptions deriving from factional disputes, and Spanish

threats mounted to the colony's security. After 1614, the possibility of Spanish attacks upon the colony clearly declined, although at least two separate incidents concerning violence within the colony had revolved about Spanish spies. Between 1614 and 1622, relations between Indians and whites became cordial, even friendly, as English and Indians alike began exploring the implications of the peace treaty. Too, little mention of internal disruption appeared, suggesting that the combination of peaceful relations between the settlers and natives, the introduction of a successful cash crop which would enrich not only the Company but freeholding colonists, and the imposition of strong discipline upon the colony had produced, finally, the desired effect, a reduction of disorder.

Surviving evidence suggests that the colony's government did not have to deal with extensive disorder or criminality after 1614. It appears significant that during the years between 1614 and 1622 the governor issued several pardons to convicted criminals. Among these were two men who had run off to live with the Indians. One, George White, had taken arms and ammunition with him, an offense strictly forbidden by Dale's interpretation of martial law, and the other, Henry Potter, had stolen a calf to take with him.⁵³ The apparent significance of the pardons for these men hinges upon the fact that whenever peaceful relations were restored between English and Indians permissiveness of the government then encouraged the growth of informal relations between ordinary colonial and Indian families. Those relations provided Indians more than adequate opportunity to assess the strength and power of the whites when planning their secret attacks in 1622 and 1644. Although formal amalgamation of the two peoples through intermarriage

apparently halted after the Rolfe-Pocahontas union, more informal relations ranging from mutual extension of hospitality to physical liaisons between whites and reds strengthened the peace forged in 1614.

Otherwise, Virginia's governor and Council dealt with low-level criminal activity or with activity associated with social control after 1614. For instance, at the first meeting of the Assembly in 1619, that body tried Thomas Garnett, a servant of Captain William Powell, for a number of crimes and misdemeanors. Powell accused Garnett of plotting against his life, of fornicating with one of his servant girls, and of making criminal accusations against him. Garnett, found guilty, was sentenced to sit in the public stocks for four days and on each of those four days to receive a public whipping. This incident may mark the first of what would become a major drive to effect social control and some order within the colony during the 1620s. Other cases of assault were tried prior to 1622 as well as one case of alleged murder, but the surviving records of court trials are rather sparse and little may be said with any certainty about them.⁵⁵

By 1622, the colony had experienced extensive hostility with the Indians and major disruptions within its social borders. But for the years from 1614 until 1622 little major violence occurred, evidently, and no distinct pattern of criminality developed either. However, suspicion and distrust of the Indians remained a principal ingredient of the settlers' intellectual make-up while a fascination with the modes and methods of existence of the Indians motivated many whites to try to emulate their red neighbors. This ambiguous situation was not resolved until the 1622 Indian attack, which reduced white feelings about Indians to a level of constant hostility. From that point, the

extermination, in some form or another, of the red men in Virginia became a paramount concern of most whites.

NOTES

CULTURES IN CONFLICT:

REDS AND WHITES IN EARLY VIRGINIA

¹An early analysis of the Indian Confederation led by Powhatan may be found in William Strachey, The Historie of Travaile into Virginia Britannia; Expressing the Cosmographie and Commodities of the Country, Together with the Manners and Customes of the People: Works issued by the Hakluyt Society, no. VI, ed., by R. H. Major, esq. (London, England, 1849) pp. 49-51. The suggestion that Powhatan valued the English for material and military purposes may be found in Nancy O. Lurie, "Indian Cultural Adjustment to European Civilization," in James M. Smith, ed., Seventeenth-Century America: Essays in Colonial History (Chapel Hill, North Carolina, 1959) pp. 43-44. For English population figures for the early years, see Greene and Harrington, American Population, 134, where figures suggest that the peak population of 500 occurred in mid-1609.

²One of the charges the Company gave the colonists was to seek the remnants of Raleigh's 1587 colony. The colonists did discover that some "Lost Colony" survivors might have migrated to the Appomattox River Valley only to be massacred by order of Powhatan one or two years before the arrival of the 1607 expedition. The important documents relating to Raleigh's Roanoke colonies may be found in David Beers Quinn, ed., The Roanoke Voyages, 1584-1590: Documents to Illustrate the English Voyages to North America Under the Patent Granted to Walter Raleigh in 1584 (Cambridge, England, 1955), 2 Vols., The Hakluyt Society, 2nd series, nos. 104-105. For the information concerning the discovery of information about the "Lost Colony" survivors, see Philip L. Barbour, ed., The Jamestown Voyages Under the First Charter, 1606-1609 (Cambridge, England, 1969), 2 Vols., The Hakluyt Society, nos. 136-137. For the inference about cultural contacts between North Carolina and Nansemond Indians, see Lurie, "Indian Cultural Adjustment," 36. She conjectures that the Nansemond Indians, resident near Cape Henry, had learned of English treatment of North Carolina Indians in 1585 for the alleged theft of one silver cup.

³English ethnocentric views of other peoples, especially West African Negroes, are best set out in Jordan, White Over Black, pp. 3-44, and see above, Chapter 1, for further considerations of ethnocentrism. Almost any surviving document descriptive of late sixteenth or early seventeenth century coastal Indian tribes reveals the author's perception of his own cultural superiority. See Strachey, Historie of

Travaile, 10-13, 16, 19, for allusions to the Indians as savages or heathens. By 1600 the English used "savage" to refer to a people as in a state of nature or wild. The word carried connotations of uncivilized behavior or of possessing the lowest state of cultures. It was, thus, a more pejorative adjective than barbarous. See the Oxford English Dictionary, IX (S-Soldo), 134-135.

⁴English state papers as well as Spanish archival materials contain many references to plans for extermination of the colony. The Company's fears of such activity were by no means groundless. Plans were elaborately constructed for smuggling the mentioned spies into Virginia. Much of the correspondence is contained in Alexander Brown, compiler and editor, The Genesis of the United States: A Narrative of the Movement in England, 1605-1616, Which Resulted in the Plantation of North America by Englishmen, Disclosing the Contest Between England and Spain for the Possession of the Soil Now Occupied by the United States of America; Set Forth Through A Series of Historical Manuscripts Now First Printed Together with a Reissue of Rare Contemporaneous Tracts, Accompanied by Bibliographical Memoranda, Notes, and Brief Biographies, 2 Vols. (New York, 1964), Vol. I, *passim*, but especially 440, 442-443, 451-452, 455-457, 473, 476, 494-495, 509-510, 511-524.

⁵George Percy, Observations Gathered out of "A Discourse of the Plantation of the Southern Colony in Virginia by the English, 1606," ed. by David B. Quinn (Charlottesville, Va., 1967) 8; John Smith, "A True Relation of Occurrences and Accidents in Virginia," in Edward Arber and A. G. Bradley, eds., Travels and Works of Captain John Smith, 2 vols. (Edinburgh, Scotland, 1910), I, 5.

⁶Percy, Observations out of "A Discourse," 8, 9, 11, 16-17, 18, 23, 24-25, 26.

⁷See Smith, "A True Relation," 14-16, 33, 35, 36-39; John Rolfe's views may be found in "Letter of the Gentle-man to Sir Thomas Dale that after married Powhatans daughter, containing the reasons moving him thereunto," in Lyon G. Tyler, ed., Narratives of Early Virginia, 1606-1625, in J. Franklin Jameson, gen. ed., Original Narratives of Early American History (New York, 1959), 240-242.

⁸Thomas Hariot, "A Briefe and True Report of the New Found Land of Virginia," in Quinn, ed., The Roanoke Voyages, 368-382. Roy Harvey Pearce, The Savages of America: A Study of the Indian and the Idea of Civilization (Baltimore, 1965), develops the white colonial perception of the Indian as savage.

⁹Percy, Observations out of a Discourse, 16-18.

¹⁰Lurie in "Indian Cultural Adjustments" pp. 43-48, argues for misunderstandings arising from linguistic difficulties and cultural

differences.

¹¹Captain Gabriel Archer (?), "A relayton of the Discovery, &c. 21 May--22 June 1607," in Arber and Bradley eds., Smith's Works, I, lii-lv; Smith, "True Relation," in ibid., 7; W. Noel Sainsbury, ed. and comp., Calendar of State Papers, Colonial Series, America and the West Indies, 1574-1660 (reprint edition, Vaduz, Liechtenstein, 1964), 6.

¹²Percy, Observations out of a Discourse, 16-18. In a sidenote on page 17 of this document is written "these savages are naturally great thieves." Whether this was in Percy's handwriting or not the editor did not state. The reader presumes Percy's authorship, however.

¹³Smith, "True Relation," 11, 19.

¹⁴Edward Maria Wingfield, "A Discourse of Virginia," in Arber and Bradley, eds., Smith's Works, I, lxxv-lxxvi.

¹⁵Barbour, ed., The Jamestown Voyages, I, 90, 95, 96-98, 110; Percy, Observations out of a Discourse, 24-25.

¹⁶See the Company's "Instructions by way of advice, for the intended Voyage to Virginia," in Arber and Bradley, eds., Smith's Works, I, xxxv.

¹⁷Smith, "True Relation," 15, 17, 19, 24, 27; John Smith, "Description of Virginia and Proceedings of the Colonie," in Lyon G. Tyler, ed., Narratives of Early Virginia, 1606-1625 in J. Franklin Jameson, gen. ed., Original Narratives of Early American History (New York, 1946), 115-116, 130; Strachey, Historie of Travaile, 52.

¹⁸Lurie in "Indian Cultural Adjustments," 37, 44, argues for economic motive and revenge fears of Powhatan. Spain's Jesuit mission story is recounted by C. M. Lewis and A. J. Loomie, The Spanish Jesuit Mission in Virginia, 1570-1572 (Chapel Hill, 1953). The authors believe that the mission existed on the peninsula bounded by the James and York Rivers, although little conclusive evidence can be adduced to prove that site. Ralph Hamor's comments about Powhatan and the Confederation during the year-long negotiations preceding the 1614 peace reveal his suspicions and distrust of them. He called the Indians "revengeful, implacable" and the great werowance "that subtle old-revengeful Powhatan." Ralph Hamor, the Younger, A True Discourse of the Present State of Virginia, and the successe of the affaires there till the 18 of June, 1614, together with a Relation of the several English Townes and forts, the assured hopes of that countrie and the Peace concluded with the Indians, The Christening of Powhatan's daughter and marriage with an Englishman (Reproduced for microfiche from the original in the Henry E. Huntington Library and Art Gallery, London, 1615), 2. Hamor's views corresponded closely to those of Smith or Strachey or other colonial leaders.

¹⁹Smith, "A True Relation," in Tyler, ed., Narratives, 63, 70; Smith, ibid., in Arbor and Bradley, eds., Smith's Works, 32.

²⁰Smith, "A Description of the Colonie," in Tyler, ed., Narratives, 138-139. When Christopher Newport made him king of the Indians and James I's vassal in 1608, the Indian werowance refused to bend his knee to be crowned, signifying his independence. More importantly, the rich coronation ceremony further convinced Powhatan of Smith's unfair bargaining. Lurie, "Indian Cultural Adjustments," 47-48. Alden Vaughan, American Genesis: Captain John Smith and the Founding of Virginia (Boston, 1975), explores the American career of Smith. For a view of Smith and his whole career, see Philip L. Barbour, The Three Worlds of Captain John Smith (Boston, 1964).

²¹Smith, "A Description of the Colonie," 138-139.

²²Ibid., 11.

²³Smith, "A True Relation," in Tyler, ed., Narratives, 62; ibid., "Description of Virginia," in ibid., 168, 181-182.

²⁴Ibid., 191-195.

²⁵Ibid., 198, 200; Smith, "Generall Historie of Virginia by Captain John Smith, 1624; 'the Fourth Booke,'" in Tyler, ed., Narratives, 294-295; Smith, "True Relation," in ibid., 37; Council of Virginia, "A True Declaration of the estate of the colonie in Virginia. . . , 1610," in Peter Force, ed., Tracts and Other Papers. . . , III, 17.

²⁶Lurie, "Indian Cultural Adjustments," 44, 47; for the survival of the colony, see Richard L. Morton, Colonial Virginia (2 volumes, Chapel Hill, 1959), I, 28-32.

²⁷Smith, "Generall Historie of Virginia," 300.

²⁸Virginia General Assembly, Colonial Records of Virginia (reprint edition, Baltimore, 1964), 72.

²⁹Ibid., 73, 75-76; Smith, "Generall Historie of Virginia," 307; Brown, Genesis of the United States, II, 642-644; Strachey, Historie of Travaile, 100-103.

³⁰Rolfe, "Letter of the Gentle-man to Sir Thomas Dale," 240.

³¹Besides Rolfe's letter see Hamor, True Discourse of the Present State of Virginia, 2, 6, 7, 8, 10, 11, 14-15, for the chronology and violence of the year the peace negotiations took.

³²Smith, "Generall Historie of Virginia," in Tyler, ed., Narratives, 323; General Assembly, Colonial Records, 78; Hamor, True Discourse, 14-15; Strachey, Historie of Travaile, 51. That attack set off sporadic raids and fights between the English and Chickahomines. See Susan M. Kingsbury, editor and compiler, The Records of the Virginia Company of London (4 volumes, Washington, 1906-1936), III, 147, 372.

³³Kingsbury, ed., Records of the Virginia Company, III, 396-397. On the same pages appeared a list of eight residents of the Smyth of Nibley particular plantation. These residents, marked slain, apparently died of Indian skirmishing. The plantation, located well up the James from Jamestown and known as Berkeley Hundred, was settled in 1620 by approximately thirty-five colonists sent over by the associates who had taken out the patent for that plantation. Arriving in December 1619, the colonists evidently waited until spring 1620 to settle the hundred. Apparently they were a small fraction of the great waves of settlers coming to Virginia in those years and formed part of the general expansion of the colony which Indians were probably covertly resisting. The Smyth of Nibley papers, containing the records of the Berkeley Hundred colony, have been published in New York Public Library's Bulletin, I(1897), and III(1899).

³⁴Ralph Hamor, the Younger, suggests the duplicity with which Englishmen in Virginia would treat even Powhatan. During the negotiations with the werowance over the peace of 1614, Sir Thomas Dale ordered Hamor and Thomas Savage, the interpreter, to ask Powhatan to give another daughter (Pocahontas still being held hostage by English) "for surer pledge of peace." Hamor presented the message as a suit on Dale's part for the hand of that other daughter, believed to be Powhatan's "delight, and darling." Powhatan, however, refused, remarking that he could not think of her "whom he loved most dear of all his children," among the English. This second attempt at unifying through marriage between the two peoples failed. That attempt, however, raises some questions about the extent of informal liaisons between Englishmen and Indian women. Perhaps Powhatan and other Indian males balked at the thought of having Englishmen brothers-in-law without obtaining reciprocity. See Hamor, True Discourse, pp. 37-42.

³⁵Robert Beverley, The History and Present State of Virginia, ed. by Louis B. Wright (Charlottesville, Virginia, 1947), 28-29.

³⁶Ibid., 29-30. See Diamond, "From Organization to Society," for analysis of the foundation of the colony as a factory outpost of the Virginia Company.

³⁷John Smith cited lack of "marshal discipline" and "being so dispersed as they were" as his explanation for the settlers' inability "to defend themselves against any enemy." Smith, "The Generall Historie of Virginia, New England, and the Summer Isles, 1624," in Arber and Bradley, eds., Smith's Works, II, 616; Beverley, History and Present State, 51-55.

³⁸For Smith's imprisonment, see Morton, Colonial Virginia, I, 10-11; Percy, "Observations by Master George Percy, 1607," in Tyler, ed., Narratives, 5n 4.

³⁹Smith, "True Relation" in Arber and Bradley, eds., Smith's Works, I, 8.

⁴⁰Ibid.

⁴¹Ibid., 12-13; Percy, Observations out of Discourse, ed. Quinn, 23, 25; Barbour, ed., Jamestown Voyages, I, 218-222; Philip Barbour, "Captain George Kendall, Mutineer or Intelligencer?," VMHB, LXX(1962), 300, 313; Wingfield, "Discourse" in Arber and Bradley, eds., Smith's Works, I, lxxix-lxxxii; "Report of Francis Maguel," June 21, 1610, in Brown, ed., Genesis of the United States, I, 393-399.

⁴²Wingfield, "Discourse," in Arber and Bradley, eds., Smith's Works, I, lxxvii, lxxxiv-lxxxv; Smith, "True Relation," in ibid., I, 12-13; Barbour, "Captain George Kendall."

⁴³Wingfield, "Discourse," in Arber and Bradley, eds., Smith's Works, I, lxxxiv.

⁴⁴"Report of Maguel," in Brown, ed., Genesis of the United States, I, 399.

⁴⁵Smith, "Description of Virginia," in Tyler, ed., Narratives, 151.

⁴⁶Captain Gabriel Archer, "Letter From Jamestown, 1609," in Arber and Bradley, eds., Smith's Works, I, xcvi.

⁴⁷Captain John Ratcliffe alias Sicklemore, "Letter to the Earl of Salisbury, 4 October 1609," in Arber and Bradley, eds., Smith's Works, I, xcvi-xcvii. Although Henry Spelman, Jr., did not send home a grievance against Smith, he certainly had one, for Smith had sold him to Powhatan in exchange for a village site in 1609. See Henry Spelman, "Relation of Virginia," in ibid., I, cii-cv. Other complaints of Smith's arbitrary behavior were sent back with him. One of West's men accused Smith of whipping him without evidence for alleged misdeeds and several Dutchmen accused him of similar arbitrary behavior. Smith, "Description of Virginia and Proceedings of the Colony," in Tyler, ed., Narratives, 198-200.

⁴⁸Smith, "Description of Virginia," in Tyler, ed., Narratives, 193-195. For the West and Martin forts, see page 45 above, and for the Indian attack, see page 46.

⁴⁹Colonial Records of Virginia, 7; Brown, ed., Genesis of the United States, I, 392; Smith, "Generall Historie," in Tyler, ed., Narratives, 295; Council of Virginia, "A True Declaration," 16.

⁵⁰John Oldmixon, The British Empire in America: containing the History of the Discovery, Settlement, Progress and State of the British Colonies on the Continent and Islands of America (2 volumes, reprint edition, New York, 1964), I, 363.

⁵¹Colonial Records of Virginia, 77.

⁵²Council of Virginia, "A True Declaration," 16.

⁵³Kingsbury, ed., Records, III, 69-70.

⁵⁴Calendar of State Papers, Colonial Series, 1574-1660, 22; "Proceedings of the Virginia Assembly, 1619," in Tyler, ed., Narratives, 268.

CHAPTER III

VIOLENCE AND THE SHAPING OF EARLY VIRGINIA SOCIETY

From 1618 until 1622 whites in Virginia had little idea that the new leader of the Indian Confederation, Opechancanough, would in the latter year launch a devastating massacre upon them resulting in a war lasting until 1632. With the outbreak of that war came the conclusion of attempts at forging any type of amalgamated red-white society in Virginia. Opechancanough's motivation for the 1622 attack appears to be tied closely to expansion of white population after 1618. Although the Indian werowance had long professed his friendship for the English, the continual pressure for land after 1618 must have convinced him that the whites intended to drive out his people. Not only did his reaction to that period of rapid population expansion mean war, so did a like reaction from him produce war in 1644. Each war was a disaster for the Indian Confederation and proved a blessing-in-disguise for the English because they could force the Indians from lands coveted by them without having to bargain for that acreage. An important fact, then, of the period from 1622 to 1644 was that white violence against Indians cleared large portions of the Virginia wilderness of indigenous population and prepared the way for more white settlers.

Opechancanough's origins are still largely unknown. He may have been the half-brother of Powhatan or he may have been the leader of an entirely different tribe which had migrated from Mexico into Virginia

sometime before 1607. His succession to control of the Confederation is also not clear, for Opitchapam, also known as Itopatan, actually succeeded Powhatan when the latter died in 1618. By 1619, however, Opechancanough was the leader, or great werowance, of the Confederation.¹

Opechancanough perceived the growth of the colony as a direct threat to his confederation and the Indians of eastern Virginia in general. By 1622, the colony had expanded from a primitive fort located on a low-lying peninsula in the James River to a peninsula-wide group of plantations and small settlements scattered up and down that river. Perhaps he understood that the whites would continue pressuring his people for their lands, gradually pushing the red men back until they came directly into conflict with their Piedmont Indian enemies, the Monacans and Manahoacs. Although the Indians had willingly sold whites land earlier, it seems apparent that when increased demands for acreage after 1618 suggested the future loss of much of their home territory, the Indians resolved upon war.²

Other factors convinced the werowance to launch the attack, however. The colonists had relaxed their vigilance against Indians for several years. Their settlements were so spread out that the plantations became easy prey in case of hostilities. Richard Frethorne wrote in the aftermath of the attack that the nearest settlement to his was over ten miles away. Other references mention similar distances.³ Moreover, the colonists had let down their guard so much that Indians freely came and went within the settlements. Native hunters brought food and game to the whites, often spending the night with their hosts. In some instances, the evidence suggests that Indians were living with whites, and not as servants. This close contact enabled the red men to

gain access to many white tools and weapons, a fact giving them the opportunity for greater surprise on the morning of the attack since they did not have to bring their own weapons into the settlements.⁴

There existed another motivation to the attack, also. Contemporaries reported that Opechancanough ordered the massacre in revenge for the murder of Nematanow, a favorite war-captain of his. Jack-of-the-Feather, the English version of Nematanow, had long boasted that his medicine made him impervious to white weapons. But two apprentices to the colony's toymaker, a Mr. Morgan, killed the Indian, for they believed he had murdered Morgan. When word of his favorite's death reached him, Opechancanough worked himself into a vengeful fury, threatening to do great harm to the colony unless Nematanow's murderers were punished. However, the English responded in just as harsh a manner, bringing Opechancanough to declare that he would keep the peace so long that "the sky should fall [before] he dissolved it."⁵ Revenge was among the most common motives for war in Indian cultures, although it seldom assumed the dimensions it did in 1622. Indians bent upon revenge usually demanded the death of only those responsible for the death of the loved one. Consequently, it would appear that Opechancanough used the death of Nematanow as his rationale for the attack, actually intending the destruction of the colony rather than revenge for the death of his favorite.

The war broke out on Good Friday, March 22, 1622, when several hundred Indian warriors attacked the small English settlements scattered up and down the James River. Opechancanough had so carefully planned and coordinated the attack that no warning reached the English until just hours before the fighting began. Opechancanough used a plan quite

standard for Confederation Indians. Several warriors entered plantations and settlements the night before, just as they had been doing for several weeks previously. They remained the night and were joined the next morning by many more bringing game and other food for the whites. At a prearranged time, the warriors dropped whatever they were doing and began the slaughter. At least three hundred and forty-seven colonists died in that initial attack and twenty women were taken hostage. The colonial population was reduced by one-fifth and was quite demoralized by the attack, the settlements contracting to six or seven concentrated about Jamestown.⁶ The massacre almost worked to perfection. Complete surprise was achieved in the outlying settlements, but those located near Jamestown, the center of the colony, were largely spared by the warning of Chanco, a Christian Indian in the service of a Mr. Pace who lived on the south bank of the James directly across the river from Jamestown. Perhaps two or three times the number of colonists who were actually killed would have died that first day of fighting were it not for the warning. Chanco, however, alerted his master early that morning of the attack, two Indians having spent the night with Pace and having tried to enlist Chanco in the plot. Although Pace informed the Jamestown area, the colony's officials did not have enough time to pass the word to outlying regions and the brunt of the attack fell upon those areas.⁷

The Indian attack launched the war. That war ended for several decades any further attempts by the colonists to "civilize" the natives of Tidewater Virginia. The Indians were cleared from the James-York peninsula, and whites were assured the opportunity of pursuing their own economic concerns. White leadership altered radically its Indian

policy, approaching a point of genocide. Virginia colonists, defending their new policy to the Company on the basis that treachery and deceit deserved the same response, advocated and carried out the most barbaric plans against the Indians. The colony declared total war upon the red men, holding them to be perpetual enemies. The Confederation became, temporarily, an enemy to which white leadership could look as a means to promote order and discipline within the colony, for simultaneously with the attack came a significant shift in the government's handling of deviant behavior. Much tougher punishments and more careful monitoring of the colonists were instituted by colonial leadership, evidently to enforce order within the society.⁸

The massacre so took the colonists by surprise and so demoralized the colonial government, killing six of the eight members of the Council, that several weeks were required before reprisals could begin, and the first feeble efforts at revenge brought little success. Moreover, the colonists could not plant their crops for Indians remained close to the settlements waiting to kill whites caught unguarded. The government fell back upon its earlier methods of food gathering, bartering with friendly Indians for foodstuffs. In doing so, however, those colonists charged with food procurement used violence and coercion to force foods from previously friendly Indians, thus arousing that many more enemies. Moreover, some form of plague or epidemic disease erupted among colonists in December 1622, killing many hundred settlers. Even though the Company had dispatched several hundred new colonists and many thousands of pounds of foodstuffs between July and December of 1622, by early 1623 the colony had approached a state of collapse similar to the spring of 1610.⁹

Colonists retaliated whenever and wherever possible. A pattern of attack against the natives, used first during the earliest years of Indian-white hostilities, 1607-1614, was perfected in the war. The English adopted a plan of attacking Indians at their source of supply. Their aims were manifold, but the most important were to acquire food for themselves and to deprive the red men of their sustenance. Repeated attacks of this nature also served to drive the natives farther into the interior, for the whites mercilessly destroyed Indian villages as well as Indian crops. Few Indians were killed in these attacks, for the red men could flee into the wilderness, but the destruction of their homes and food proved quite successful. During the 1620s Opechancanough sued for peace on at least one occasion; however, the whites decided to complete the destruction of Indian power on the James-York peninsula before making peace with the werowance.¹⁰

In defense of their actions, the councilors reported to the Company in 1623 and 1624 their rationale for their activity. The Council declared that no longer would it interpose itself between Indians and more aggressive colonists. Whereas prior to the attack the Council had carefully followed the Company's injunctions about friendly treatment of the natives, the Council now advocated any means, no matter how foul, of prosecuting the war.¹¹ Between 1622 and the end of 1624, then, the colony devised a method by which it could drive Indians from lands coveted by the colonists. Troops went out in late summer or early fall to destroy Indians' crops, to burn Indians' villages, and to kill Indians caught by the forces. The troops seized whatever crops they needed to supplement colonial foodstuffs, for until the planting season of 1624 the colonists had to subsist on very meager supplies, because

pressure from Indian warriors, the plague or epidemic of 1622, and lack of sufficient farming population retarded agricultural recovery.¹²

The colonial method of waging war against the Indians proved so successful that on at least one occasion Indians simply watched as the whites destroyed their crops and homes. In 1624, the troops attacked Otiotan and Pamunkey Indians, driving them from their villages. Warriors stood quietly by as whites cut corn sufficient to feed an estimated four thousand Indians for a winter. Although none of the sixty English troops died, sixteen were wounded, yet the English victory apparently so demoralized the Pamunkeys, the tribe Opechancanough had commanded before he became great werowance, that they simply observed from the woods. Apparently the English victory also brought a reduction in faith and confidence in the Pamunkeys on the part of their allies, an important point since the Pamunkeys probably provided much of the Confederation's leadership.¹³

Although the evidence so far presented does not support an assertion of great white hostility to Indians, treatment of Indians after 1622 does point to a major change in white attitudes. The extension of the war long beyond either the Indians' desire or ability to fight suggests white intransigence. Chanco, acting as Opechancanough's ambassador, and another Indian came to the colony in 1623 to offer the werowance's terms for peace. Governor Sir Francis Wyatt and the Council agreed to enter negotiations so that the colony might recover the women hostages seized during the Good Friday attack. Wyatt ordered Chanco's companion seized to be held as a hostage and instructed Chanco to return to Opechancanough with word of the colonists' acceptance. When the women were returned to the colony, however, the colony resumed

the war. Using the method of attack described above, the colonial government prosecuted the war quite successfully from the whites' viewpoint, for Chanco informed the colonists that the Indians were faced with starvation and deprivation. They were moving into the interior of Virginia, retreating from the whites' aggression.¹⁴

Other evidence of white hatred emerges from letters and events in the mid-1620s. Edward Waterhouse, in his relation penned in 1622, wrote:

we, who hitherto have had possession of no more ground than their waste, and our purchase at a valuable consideration to their own contentment, gained; may now by right of War, and law of Nations, invade the Country, and destroy them who sought to destroy us. . . . Now their cleared grounds in all their villages (which are situate in the fruitfulest places of the land) shall be inhabited by us, whereas heretofore the grubbing of woods was the greatest labor.¹⁵

John Smith noted in his "Generall Historie" which he was writing in England at this time that a few prominent men would now aver that the massacre "will be good for the Plantation, because now we have just cause to destroy them by all means possible: but I think it had been much better it had never happened."¹⁶ Smith, more sympathetic to the experiment in amalgamation than Waterhouse, mentioned that many Englishmen had received the impression from pre-massacre letters that the two peoples were succeeding in forging themselves into "one Nation: yet by a general combination in one day plotted to subvert the whole Colony."¹⁷ Even though Smith was living and working in England, his judgments were no longer heard favorably. Smith did perceive, as did others in England, that the Indian attack would provide the English in Virginia with the excuse they needed to drive the Indians from their ancestral lands, but he evidently did not foresee the means to be used.

Robert Bennett of Bennett's Welcome in Virginia left an account of

one means by which the colonists fought against Indians. Bennett wrote his brother Edward in 1623 relating English methods of negotiating peace. On May 22, 1623, Captain Tucker and a twelve-man escort journeyed to the Potomac River Indian country to treat for the release of white prisoners held there. After a treaty had been drafted and signed, Tucker offered Apochanzion, sachem of the Chiskiacks and head of the Indian delegation, some sack poisoned by Dr. John Pott, the colony's only physician. Tucker then distributed the rest of the wine to the two hundred Indians gathered at the conference. As the whites left the conference, their interpreter leaped aside at the command of Tucker and a volley was fired into the Indians, killing several outright. The colonists then left the rest to die slow deaths from the poison. On their way back to Jamestown, the party killed another fifty Indians. When Bennett's letter and corroborating documents were shown English royal officials, they were outraged, not only at Pott, but at the colony for such inhuman behavior.¹⁸ If this type of behavior occurred during the early phases of the war when records were better preserved than for the late 1620s, it is quite possible that the colony practiced these tactics in the latter part of the decade.

Scanty evidence has survived to detail the course of the war between 1624 and 1632, but sufficient material exists to document not only the continuation of hostilities but the methods by which it endured. Whites killed by Indians in those eight years were frequently reported as the government needed to send such information to England so that lawyers there could make disposition of the dead colonists' estates.¹⁹ In 1629 the Assembly considered it necessary to enact legislation empowering colonial military leaders to attack Indians whenever they

deemed such proper. By no means, however, were the military leaders given full discretion, for they were instructed to march at least three times during a year. Only in time of Indian attack did the commanders have discretionary authority to summon their troops. No evidence remains to detail these attacks, but many must have taken place for Governor Harvey, one year after his arrival in 1629, wrote the Crown requesting two or three lasts (barrels) of powder be sent the colony because that which he had brought with him was already gone due to the continued prosecution of the war.²⁰ In 1632, the Assembly enacted a resolution stating the Indians to be the settlers' implacable enemies.²¹ The Assembly's action suggests that the whites had no intention of reducing the pressure on the Indians until they had departed from the peninsula. Peace probably came rather quickly after that resolution, for mention of the war abruptly ceases in that year and, more important, the colony began a rapid geographic expansion. Thus, the adoption of a policy of force and coercion against the Indians worked for the colonists. The use of whatever means they could conceive, including some very inhumane tactics, to drive the Indians from lands coveted by whites encouraged them to resort to violence again when the need arose for more land. If they could not "civilize" the Indians, they could drive them before them as they expanded northward and westward into Virginia.

The conclusion of the war cleared the Indians from the James-York peninsula permanently, but it also reinforced white notions of the inferiority of the Indians. English ethnocentrism surfaced during the war and, at times, came very close to overt racism. The use of extensive violence had worked successfully for the whites, even though the 1622 massacre had come close to wiping out the colony. With the accession

of extensive new lands and Indian withdrawal farther into the interior of Virginia, whites after 1632 took advantage of the opportunity to exploit their gains.

During the Indian war Virginia's settlers began the slow transition from a military-business factory to a colonial society.²² The 1622 massacre provided impetus to the Crown's decision to revoke the Virginia Company's charter. In 1624 the Crown's lawyers won a quo warranto decision before the bar and the Virginia Company lost its colony. The Crown assumed control of the colony and by 1630 had decided to keep it as a royal colony.²³ During the war between Indians and whites little additional migration came to Virginia after the 1622 supply. Robert Beverley noted that end of the war and decision about the royal government provided new impetus to colonization. He wrote of the 1630s that: "the Constitution being thus firmly established, and continuing its Course regularly for some time, People began to lay aside all Fears of any Misfortune. Several Gentlemen of Condition went over with their whole Families."²⁴

During the war the colonial government began to use official violence to shape order and discipline in a society beset by a terrible external threat. Had the government continued the relaxed approach to discipline inaugurated after 1614 in the colony, all sense of order might have disappeared. The need for tight discipline within the settlements to meet the Indian threat required extensive use of official violence, usually exceeding the harsh seventeenth-century forms of punishment. During the 1620s the colonial government began to transfer some of its power, however, to local institutions. The creation in 1629 of military districts and the appointment of local leaders to

command those districts marked an opening step in the process toward localization. Until the formation of full county courts in 1634, however, the colony's Governor and Council, sitting as the General Court, continued to hear all criminal and misdemeanor cases and to impose official punishments for those convicted. The General Court, during the 1620s, used its full powers and authority to punish convicted criminals, especially those challenging the social and political order in some manner. With the creation of the county court structure in 1634 came the transfer of much of that power to those local institutions. By 1640 there existed in colonial Virginia an elaborate court system consisting of local courts and the General Court, and this system was shaping, with the use of official violence, the early society of Virginia.

The collapse in 1632 of Indian resistance relieved Virginia's young society of a major threat to its security and safety. The rapid growth of the colony during the 1630s contributed, however, to the development of new stresses within the society and those stresses were complicated by the creation of the Maryland colony. Between 1634 and 1640 the Maryland proprietary effectively halted Virginia's northerly expansion up the Chesapeake Bay. Virginia traders found their entrepreneurial and colonizing efforts in the northern part of the bay blocked and their efforts to remove that block failed during the decade. Moreover, another important stress appeared as Virginians who possessed wealth struggled to secure their positions of power and privilege in the colony. The colony's post-1624 leadership consisted largely of self-made men such as William Claiborne, Edward Digges, or Samuel Mathews.²⁵ These men did not fulfill the seventeenth-century definition

of leadership. Their power derived from economic wealth in Virginia, control of large numbers of laborers who could be exploited ruthlessly, and direction of the tobacco and Indian trade, the twin economic foundations of Virginia. Colonists refused to defer to men who had come to Virginia like themselves and did not possess the associations of wealth, birth, and rank which marked English leadership. In order to fashion respect for their control men such as Claiborne or Mathews, sitting as members of the General Court, used official violence to secure the deference they felt their economic preeminence accorded them. In the decade of the Indian war, that leadership also used official violence to coerce the colonists into discipline and order to insure a united front against the enemy Indians. Thus, the General Court became a major instrument in the establishment of Virginia's society after 1624.

Between 1622 and 1634 the General Court tried numerous criminal and misdemeanor cases and in those instances in which the accused did not challenge the authority of the government he received the prescribed seventeenth-century form of punishment. If his offense involved some direct challenge to the government, however, the General Court ordered much more brutal forms of punishment.²⁶ It would be misleading to suggest that punishments for crimes or misdemeanors were not more stringently enforced after 1622 than before, however. What records of trials have survived from the pre-1622 period suggest that some leniency was characteristic of colonists sitting in judgment of their peers.

For example, Thomas Garnett was severely punished for his crimes and false accusations in 1619, but several other accused criminals were either pardoned or were ordered to pay fines in tobacco and to post bond for their future good behavior. In one case of assault tried just

before the 1622 massacre, the accused were ordered only to pay fines upon their conviction.²⁷ Few cases tried by the General Court between 1622 and 1634 demonstrated the leniency suggested for the pre-1622 years. The combination of great profits to be made from the tobacco trade and the ever-present danger from the Indians created an atmosphere in which the court could use its authority to suppress social and criminal deviance.²⁸

The level of deviance, either social or criminal, between 1622 and 1634 does not appear to have been very high. Thus, it would not appear that the court had to impose strict discipline in order to curb crime or social disorder. Most trials conducted before the General Court consisted of fornication, assaults, batteries, or petty thievery, yet the court used levels of punishment quite severe by seventeenth-century standards. The combination of Indian war, need to create deference, and desire to exploit labor explain the severity of the court when it inflicted punishments.

Food was so scarce in the immediate post-massacre period that many colonists resorted to stealing their fellows' animals and slaughtering them for meat. On August 5, 1623, Daniel Francke and George Clarke were found guilty by the General Court of stealing, slaughtering, and eating a calf belonging to Sir George Yeardley, a leader of the colony. Francke, found guilty of that offense plus stealing a carpet, a pullet, and one napkin belonging to Randall Smalewoods of Jamestown, was hanged, but Clarke, a gunsmith and found guilty only as an accessory, was reprieved without even a whipping. The Court must have acted in such a fashion because of Clarke's obvious value to a society under siege. The trial implies that food was a main concern for many Virginians at that

time, as Francke stole not only the calf but the pullet. Yeardley, a leader in the colony and a two-time former governor, owned a great deal of property and on a social scale must have ranked near the top.²⁹

Francke's offense must have been quite common, for on September 21, 1623, Governor Wyatt issued a proclamation against stealing animals. The problem appeared sporadically throughout the rest of the decade, on some occasions the penalty being death, on others, corporal punishment. Most of those caught stealing animals were servants, suggesting that their masters forbade them sufficient food on which to survive.³⁰

Other forms of petty thievery occurred in the colony, many times the result of servant discontent. Servants attempted to run off from their service, stealing from their masters items they felt necessary to secure their escape. Nicholas Weasell received sentence of a whipping and one year's service for stealing and wrecking a boat belonging to Henry Geney. He had to serve Geney for that year. John Joyse ran off from his master Ensign Francis Epps in the summer of 1626. At his trial in August, testimony revealed that he had taken two Snaphance pieces, powder, and shot. He had also stolen a canoe from Symon Sturgis, one of his accusers. The General Court ordered that he receive thirty lashes, a half year's extra service for Epps, and five years service for the colony when he finished his service for Epps.³¹

This harsh treatment of Joyse helps confirm the suggestion of the extensive abuse of labor in Virginia in the 1620s. However, the need for foodstuffs for sustenance and tobacco for profit suggests that the colony had been thrown almost completely upon its own resources, resources that required extensive and hard labor. The collapse of the Company, the constant hostility of Indians (even those who were not

part of the Confederation), and a cautious policy toward the colony on the Crown's part after official recovery of the Charter in 1624 all meant that Virginia whites had no other resources than their own upon which to rely. Thus, the extensive use of labor, even to the apparent abuse of it, continued unchecked throughout the 1620s. The official violence used to control labor remained part of Virginia's later servant and slave policy.

The General Court seldom interfered with the right of a master to treat his labor as he pleased, thus encouraging the growth of deference through master-servant violence. Laborers, especially those arriving in the colony already servants, received severe and harsh treatment. The incident most often cited as evidence of this extraordinarily harsh mistreatment is that of the death of Elizabeth Abbott due to the brutal beatings administered to her by her master, John Proctor. The General Court took no action against Proctor for his obvious mistreatment of the girl. He had beaten her with fishhooks and whipped her at least two hundred times consecutively. This case, however, was quite out of the ordinary. Similar instances of such maltreatment simply have not survived, if they occurred at all in the early seventeenth-century history of colonial Virginia. The Proctors evidently ordered their other servants to beat the Abbott girl and when one manservant refused to comply with their orders, Proctor beat him severely with a rake handle.³² The Proctors were apparently extreme cases of sadistic masters and mistresses in early Virginia, and they were certainly not representative of those complaints brought before the General Court alleging mistreatment of servants by masters.

Thus, the Proctors do not highlight the use of violence made by

those possessing power in Virginia, for they were irrational. The fact that the General Court allowed them to mistreat their servants in such a fashion demonstrates that the court was more concerned with establishing a social order than it was in protecting the lives and rights of servants, despite the fact that masters and servants had contracts guaranteeing some rights to servants. The General Court itself made free use of violence whenever it felt its power, prestige, or position threatened by subordinates. Although deference may have been expected from inferiors, the free use of violence by those leading the colony suggests strongly that only where principles of deference were rigidly enforced did such behavior occur.³³

In some recorded incidents, one of which aroused the ire of the English government, the court clearly abused its authority. The most noted incident and the one which aroused the Privy Council's ire occurred during the Crown's investigation of the operations of both the Virginia Company and colony. A royal commission came to Virginia in 1623 to seek answers to a variety of questions concerning the Company's handling of its colony. Edward Sharples, Clerk of the colony's Council, gave unauthorized information to the commission. When the Council discovered his offense, it tried him for treason. The Council averred that when he had taken office he had, in an oath required of him, sworn himself to secrecy about that body's affairs. He had allegedly broken that oath and for that was severely punished. He was sentenced to the loss of both ears, but only one was cut off. His trial, occurring in May 1624, came to the attention of the Privy Council, which demanded an explanation and the Council rather arrogantly replied that he had been treated leniently.³⁴

At the same session, another case representing the jealousy with which the Council guarded its new-grown prestige occurred. Richard Barnes was convicted by the Court for "base and detracting speeches" to the Governor, at that time Sir Francis Wyatt. His sentence suggests the distance to which the Court would go to protect its prestige and power within the colonial structure. After surrendering his arms, they were broken and destroyed. Then he had to have his tongue punctured by an awl, run a gauntlet of forty men, and be literally kicked out of Jamestown and off the island upon which it rested. All his privileges and freedom of the country were removed from him and he had to post a \$200 sterling bond as surety for his good behavior. The Court clearly was dealing with a freeman here, one who probably held extensive lands and numbers of servants, since he had weapons and money. What his offense beyond the speeches against the governor was was not specified, but speculation suggests that he may have given information to the investigating committee detracting from the image the government in Virginia had tried to establish. The combination of his trial and that of Sharples on the same date suggests furthermore that the Court was in a particularly bad mood, willing to use the limit of its power to enforce its authority.³⁵

Official violence was also used just to maintain seventeenth-century concepts of social order. Women who did not refrain from gossip, scolding, or more violent expressions of opinion were frequently beaten by their husbands. Although husbands who administered such to their wives were taken to court by neighbors, the court usually did nothing other than require a bond as surety for the good behavior of the man. In 1625, Cadwallader Jones accused Joseph Johnson of beating

his wife repeatedly. Moreover, Johnson, a servant belonging to Mr. Bransby, had often strayed from the plantation despite Bransby's warning about the Indian danger. Upon further testimony, it was concluded that Johnson was guilty of such behavior, but the Court required only a bond for good behavior. In August 1626 Doctor Pott testified that Thomas Wilsons had beaten his wife. Wilsons, drunk when he beat her, was sentenced to sit in the stocks and to pay a 20s fine. The sentence was for his drunkenness, not his wife-beating.³⁶

Women, however, who broke the social peace in the colony usually received severe punishments. Margaret Jones, for attacking several males, was sentenced to be towed at the stern of a boat out to the Margaret and John, anchored in the middle of the James River, and back. She had attacked Steven Webb and John Butterfield in September 1626, perhaps because they were gathering food from her garden. In 1627 Ann Usher and Avis Partin received sentence of forty lashes, for what offenses not stated, but presumably for fighting with each other. Later that year Alice Thornbury received a similar sentence for having beaten Anne Snoade to the extent that the Snoade woman had miscarried. Duckings and towings tied at the stern of a boat presumably were reserved for those who attacked men. Amy Hall, wife of Christopher Hall, had scolded, had beaten and had fought with many of her neighbors. The Court ordered her not only towed to the Margaret and John, but ducked three times while at the boat.³⁷

The English conviction that courts were an instrument for the imposition of order and control within a society carried over into the creation of the county courts. If the uses of violence to impose social control on the Eastern Shore are any indication of the general usage

practiced by county courts after 1634, then county courts became a principal agent for social control in Virginia. Although the General Court retained the power to impose capital punishment, the Assembly delegated authority to impose corporal punishment to county courts. Those bodies followed much the same traditions after 1634 as had the General Court prior to that date. But Indian-white violence which helped shape the General Court's interpretations of the law and resulted in the imposition of such stringent punishments disappeared after 1632.

The conditions of warfare creating the need for strict control within the white society ended with the clearing of the peninsula of Indians following the war. Officials moved rapidly to establish local governments and county courts quickly responded to the need for control. However, county courts apparently used violence to establish respect for their authority and power within the system of local government, just as had the General Court. Moreover, to secure respect for that system of government, the Governor and his Council usually appointed the most influential men of any county to that county's commission of the peace.³⁸

Accomac County Court began trying cases of social control and minor criminal misdemeanors in 1634. But associations with the General Court did not end. That body remained interested in cases it felt beyond its skill or authority. Moreover, the General Court and county courts generally acted well together where cooperation was needed, the General Court usually upholding a county's authority when it was challenged. For instance, when Stafford Barlowe, the under-sheriff of Henrico County, challenged the decision of the Henrico County court ordering him whipped for slander, the General Court approved the county

court's decision despite evidence that that body may have been wrong.³⁹

But the county courts, measured by the Eastern Shore court records, generally used the same harsh methods as the General Court to enforce their authority. However, the county courts evidently began their careers of law enforcement somewhat gingerly. In May 1634 the Accomac County court heard the case of William Berriman vs. Daniel Cugley. Berriman accused Cugley of assault and battery. Cugley admitted his guilt, but asked the court that he be fined the charges of "daubinge the Church," a request the court granted. But the court was not so lenient in other early cases. In September 1634 Phillip Taylor complained that John Little had defiled his house by bedding one of Taylor's maid-servants, Ellen Muce. Although the Muce girl entered a plea of forcible rape against Little, the court believed neither her plea nor Little's denial. The court ordered her whipped but decreed that Little had to "lie neck and heels" (lie in the stocks) for three hours and to pay a 5s fine for drunkenness.⁴⁰ Even though the Muce girl was physically punished, Little was not, suggesting that differences of sex and class played significant roles in county court sentences, just as they did in the General Court's decrees. Moreover, the fine and public humiliation of Little were for his drunkenness and not his abuse of the Muce girl, just as in the Wilson trial.

Differences of sex played the most frequent role in the Accomac County court's sentences of punishment, with women receiving rather severe punishment and men usually fines or confinement to the stocks. These were typical punishments in the seventeenth century. Thus, the imposition of corporal punishments usually marked only the enforcement of laws by county courts, but during the early years of a county's

existence, its court frequently imposed much harsher punishments than the law demanded so that citizens would respect the authority and power of the court. Women convicted of fornication by law were to receive twenty-nine lashes, but many received thirty-nine or more.

Those cases in which men and women were charged together reveal this fact most clearly. The Muce-Little trial coupled with the John Holloway-Catherin Joanes trial in November 1638 illustrate differences in punishment based upon sex. Phillip Chapman, a churchwarden on the Eastern Shore, testified that Holloway and Joanes had had illicit relations. The court ordered Holloway to confess his sin before the church congregation the next Sabbath and pay a fine of two hundred pounds of tobacco, but the Joanes woman received thirty lashes on her back. Although Holloway was clearly a freeman, probably owning property, such may not have been the case with Catherin Joanes. She might have been a servant, but court records usually mentioned someone of such class and she was not listed as a servant.

That there were clear differences in punishment meted to offenders of different classes is evident both in General Court and county court decisions. In February 1636 George Hort swore in Accomac County court that one Mrs. Stonne went to Thomas Wyatt's shop to deny that she had refused milk to Wyatt's wife because the goodwife was sick. Hort testified that William Evans, a servant of Wyatt's, had told her that she lied, whereupon Mrs. Stonne accused Hort of illegally milking Mr. Dodworth's cattle. In defense of Hort, Evans then accused Mrs. Stonne of keeping and starving her servants. The court ordered Evans severely whipped. Some interesting points may be made about this case. First, Evans, clearly defined as a servant, received the only punishment.

Second, apparently neither Hort nor Mrs. Stonne was a servant. This conclusion emerges from the enumeration of Mrs. Stonne's cattle and servants and the fact that Hort was not defined as a servant. Third, while each made accusations against the other bordering on slander (a crime carrying severe whippings), neither received even a fine, suggesting that both were prominent socially and economically, if not politically, on the Eastern Shore. Moreover, Hort, aged twenty, must have been a son of a prominent figure, for he appears too young to have yet made a significant figure for himself.⁴¹

Thus, between 1622 and 1640, the colony had begun to forge a system of colonial and local government which institutionalized methods of violent punishment for the purpose of enforcing social control. Offenses against the social order such as slander, fornication, and assault became means by which local courts could use their authority to impose order. Whenever those courts' decisions were challenged, they could rely on the General Court to uphold their power, even if evidence suggested that they had made an unjust decision. Methods of corporal punishment included whipping and ducking as the most common.⁴²

The use of a system of public ridicule in which the offender was incarcerated in a pillory or stocks dated from English precedent, but in early Virginia, prior to the 1620s, it was not frequently used. A system of such ridicule was introduced in the 1620s and 1630s. The government relied upon more direct and physical means of punishment. As the society began to grow, the character and usage of official violence expanded and broadened. No longer was early Virginia dependent upon the Virginia Company, thus it abandoned its factory character. Englishmen in Virginia following 1625 had to form their society them-

selves and one means by which they did so was their court structure, which, using official violence, enforced social order, even helping to create that order. A system of social control born of the need for discipline in the society to withstand external shocks from hostile Indians was quickly adapted for use to give structure to that society after the Indian threat declined.

The security attendant upon the decline of the Indian threat encouraged a rapid growth of population after 1630. That population increase brought new stresses in the colony, stresses erupting in revolt in 1635. Prior to that event, evidence argues that some disruption and discontent existed in the colony during the late 1620s. Governor Harvey had appointed Sergeant-Major George Donne, second son of the poet, John Donne, as special agent to the Crown to prosecute "those persons that were lately seditious and disturbed the peaceable government." Donne petitioned the Crown in 1631, stating that he had completed his assignment and that he requested the return of his Sergeant-Majorship entitling him to admission to the Council of the colony. Although no mention of the nature of the mutiny was made, a trial for petit treason was held in 1630. William Mathews, a servant of Henry Booth, was convicted of the crime and sentenced to be drawn and quartered, a punishment usually reserved for those convicted of treason.⁴³

Governor Harvey, reputedly a difficult man to get along with, had been involved in two violent incidents in the colony long before his governorship. During his first journey to Virginia in 1623 the master and mate of the ship on which he sailed raised a mutiny against him. Harvey claimed that the Virginia Company had appointed him Admiral for the voyage and that the master, one Guyar, and his mate, a Mr. White,

had incited the rest of the crew against him. Later, in January 1625, Harvey assaulted William Mutch for insolently refusing to deliver certain written covenants between the two to Harvey. Mutch took Harvey to the General Court, but that body refused to punish Harvey.⁴⁴

The turmoil suggested by the Donne-Mathews evidence either continued or revived in late 1634. In December of that year, Governor Harvey ordered the arrest of William England, Captain Martin, and Francis Pott, brother of Dr. John Pott, for conducting a series of secret and unlawful meetings. Harvey hoped that that action quelled incipient mutiny. Instead, the mutineers, both in and out of jail, continued their plotting. On the night of April 27, 1635, William Barrene, the sheriff of York County, held a secret meeting at his house at which about two hundred citizens appeared. Barrene spoke and circulated a paper written by Francis Pott and smuggled out of jail. The paper alleged three complaints against Governor Harvey: a tax imposed by him, a lack of justice on his part, and a fear that his Indian policies would bring on another Indian massacre.⁴⁵

When Harvey heard the next day of the meeting at Barrene's he summoned the Council. Councilor Mathews, speaking on behalf of most of the Council, informed Harvey that "the fury of the people was up against him" and that if he did not go to England to respond to the complaints, the Council could not appease the populace. Harvey attempted to assert his authority to quell the meeting, but when forty to fifty musketeers commanded by the Council surrounded the house, he acquiesced. Harvey's return to England did not lessen the difficulties. The Crown ordered him back to Virginia, even if only to demonstrate the King's authority. Virginia's Council had chosen John West, Lord De la Warr's

younger brother, as the new governor. West and members of the Council who had conspired against Harvey--Samuel Mathews, John Utie, William Pearce, and William Claiborne--ran the colony in Harvey's absence. Throughout the next five years, political disruption continued to hamper the colonial government's operations. The Crown appointed Sir Francis Wyatt as a replacement for Harvey in 1638, but after Wyatt had served only eighteen months, the Crown appointed Sir William Berkeley as governor. Berkeley arrived to assume his duties in February 1642.

Little violence attended the expulsion of Governor Harvey, although the Council used great force against the governor. Harvey was an irascible man and that characteristic has marked him through the histories of the uprising which bears his name. However, those who fomented the uprising evidently did so for personal, selfish reasons. They possessed estates, plantations, and trading posts along the northern coasts of the Chesapeake Bay and the settlement of Maryland in 1634 alarmed those men who stood to gain so much by exploiting their advantages in that area. Counciler Claiborne had a major Indian trading post in the northern Chesapeake as well as a plantation on Kent Island which fell within Lord Baltimore's grant of Maryland. Baltimore had already used force and violence to expel Claiborne's colony from Kent, an incident which cost three lives and led to bitter rancor between the two men during the next two decades. While the actual violence of the revolt against the Governor was minimal, those who fomented the rebellion did so because Harvey had violated their interests and they would not forgive him for those transgressions.⁴⁶ The fact that they aroused so much support from the populace suggests that their hold on Virginia's society was beginning to consolidate. While there would continue to be

some unrest and disorder in the colony, the next decade would reveal the strength which the newly-emergent elite had.

The colony remained disorderly, although little violence occurred, in part due to the continued ill-feelings generated by the expulsion of Governor Harvey. Events in England affected the stability of the colonial society, and Berkeley himself did not contribute to harmonious relations initially. Berkeley had ordered the administration of a religious oath which required submission to the Church of England. Virginians of Puritan persuasion balked at this oath, for they did not wish to renounce their own faith. The oath was "tendered at mens houses, the people murmured, and most refused to take it: Those few that took it did it more for fear than affection."⁴⁷

The unrest and turbulence brought about by this action encouraged the ancient Indian leader, Opechancanough, in his old dream of destroying the English settlements. During the 1630s the Indians had generally remained quiet. Cleared from the peninsula between the James and York Rivers, the natives had retreated to the southwest, along the Appomattox River and to regions west of the colony. Although Indian labor had been tried, neither imported Indian slaves nor native Indian servants sufficed. A band of West Indian aborigines described as Caribs had been imported into Virginia sometime before 1627, but they had evidently plotted to kill their own masters and to raise a servant revolt. At least, the General Court, meeting October 11, 1627 concluded that those Indians had plotted to overthrow their own masters and the colony as well. The Caribs had already killed several whites and some of the fifteen had run off from their service. The Court decreed that upon the capture of those runaways, the whole band should hang.⁴⁸

The Caribs posed no real threat to the colony in 1627 when its population numbered probably no more than 1,500, and by 1640 such a plot required far more extensive participation and planning. By the latter date, whites in Virginia were quite confident of their ability to master the Indians. In 1640 a pair of incidents occurred suggesting significant alterations in white attitudes to the natives still inhabiting Tidewater Virginia. On June 23 Arthur Price complained to the General Court that an Indian had stolen a gun, a pair of breeches, and a shirt from him. Price suspected that the Indian had come from among those living with a Mr. Panton, the owner of a plantation adjacent to Price's. The Court granted Price leave to seize the first Indian who had information of the thief. In December, John Burton killed an Indian who he presumed was stealing from his plantation. Later evidence proved the dead Indian was not the culprit. The Court ordered Burton to pay a £20 fine and leave the county in which he resided, a punishment little more than a slap on the wrist. Yet a few of the "great men" of the local Indians interceded on his behalf and the punishments were remitted.⁴⁹ The Indians themselves seem to have accepted a role submissive to the whites. These incidents suggest that the General Court, the highest judicial body in Virginia, had come to regard Indians as beings whose rights were clearly limited by their culture and race. In the Burton case, the court apparently believed that a white who murdered an Indian should go unpunished.

By the time of the second attack in 1644, Opechancanough may have been one hundred years old, and he lived at a considerable distance from the white settlements. Moreover, he evidently still regarded whites as the single greatest threat to the security and safety of his people.

Whites, in the meantime, had discarded all humanitarian concerns for natives in Virginia, although the xenophobia of the 1620s had lessened considerably. The high-minded phrases with which English preachers and colonial propagandists had encouraged white settlement among Indians for the purpose of converting them to English Christianity had disappeared. By the middle 1650s propagandists could write pamphlets in praise of Virginia and Maryland without even mentioning the native population. John Hammond's Leah and Rachel made no reference to Indians, even though it was penned and published a decade after the 1644 attack.⁵⁰

Virginia's government and the Indians after 1632 made no new attempts at forging a common society. They remained separate culturally, although in close proximity geographically. The white population had swelled to approximately eight thousand by 1640, and regions of settlement well beyond the already-established counties were flourishing. Opechancanough's Confederation of Algonquin-speaking peoples probably numbered no more than the whites and most likely several thousand fewer, for attrition of the native population proceeded rapidly as cultural disintegration set in. That Indian Confederation had lost population through a variety of means, war being among the more important. While comparatively few Indians probably died from hostilities, the losses due to starvation and deprivation from white methods of war quite possibly accounted for a considerable percentage of the population decline.⁵¹

Opechancanough possibly perceived the tension and divisiveness in the colony as an opportunity which he could exploit. The attack, occurring on April 18, 1644, took the lives of over five hundred colonists, the Southside and western frontiers being the areas of heaviest

loss of life. The Indians sustained their fighting for more than two days, but just as had been true in 1622, whenever whites stood their ground the Indians gave way. White frontier settlements were most susceptible to attack, for those settlers had allegedly returned to the pre-1622 relations with Indians, a pattern counter to the government's policy of separation. Indians had been able to enter their homes at will, bringing game and presents and receiving hospitality in return.⁵²

According to John Winthrop, Opechancanough was well aware of the dissension within the colony. Winthrop reported in his Journals that a Virginia ship arrived on May 22, 1644, with first word of the massacre. The ship's master told Winthrop that an Indian prisoner had revealed Opechancanough's assessment of the Virginia situation. The werowance's motivation for ordering the attack was the continued English demand for land. The settlers were driving the natives out of their own country. But, evidently, the Indian leader wanted assurance that an attack would force the English from Virginia. He understood that unusual conditions in the colony had to develop before such an attack could be made. He had learned that Civil War existed in England itself, and the English could not help their Virginia colonists. Moreover, it appeared to Opechancanough that the Virginians themselves were at war with one another. Opechancanough had apparently seen in the Chesapeake Bay a battle between a London vessel sailing for Parliament and a Bristol ship sailing for the King. He had misunderstood the nature of the battle, assuming that the ships signalled warring factions in Virginia itself.⁵³

Winthrop's journal entries appear acceptable in the face of the dissensions aroused by Berkeley's religious oath, an oath part of the general tension wrought by the onslaught of the Civil Wars in England.

Furthermore, the unrest engendered by the Harvey revolt of nine years before might have had an effect in disrupting the colony's social order. Moreover, another anonymous document pointed out that several whites had kept the old chief well-informed of the unrest and disorder in the colony, especially the unrest associated with divisions over the English Civil Wars. The Indian chieftain had concluded that even if he could not surprise and kill all the whites, the disruption of the local economy and the lack of supply from England would so discourage the survivors that they would leave Virginia.⁵⁴

Virginians recovered slowly from the attack. They did not possess much powder, "so that it is the opinion of judicious men that if the Indians had but forborne for a month longer, they had found us in such a combustion among our selves that they might with ease had cut of[f] every man if once we had spent that little powder and shot that we had among our selves."⁵⁵ On June 3, 1644, the Assembly voted to send Mr. Cornelius Loyd to New Netherland to act as agent for the colony. The Burgesses instructed Loyd to seek any aid and supplies he might find, but especially to obtain arms, powder, and ammunition from other colonies. Neither he nor agents sent to New England were particularly successful in obtaining those needed supplies, for Winthrop stated in his Journal for early September that a Virginia pinnace had arrived to seek arms, but the Puritans had turned down the supplicants claiming they did not have enough for their own defense.⁵⁶

Thus, not until 1645 did Virginians begin offensive operations against the Indians. In the meantime, the Assembly ordered the erection of several forts to be placed at the heads of the major Virginia rivers. In late winter, 1644-1645, the Assembly also created flying forces

charged with pursuing any Indian bands coming into the settlements. In March 1646 the Assembly ordered tactics similar to those used against the natives in the war of the 1620s: cutting up the Indians' corn, destroying their villages, and killing any Indians caught. The intent was to drive Indians farther into the interior so that Virginia could win more land.⁵⁷

Opechancanough had already offered to treat for peace, but the colony had refused, for the Assembly wished to prosecute the war to a total victory. By early 1646, the Assembly could write Parliament that "the savage King, who contrived the massacre of our people is so abandoned by his people, and they so routed and dispersed, that they are no longer a nation, and we now suffer only from robbery by a few starved outlaws, whom by God's assistance, we doubt not to root out in another year."⁵⁸ They did not have to wait that long, for the Indians surrendered later that year.

Governor Berkeley had returned from England, where he had gone to obtain instructions and to clarify for Virginians conditions resultant from the Civil Wars. Colonial military activity "first, by the valour, courage and hot charge of Captain Marshall, and valiant Stillwell, and finished by the personal and resolute march and victory of Sir William Berkeley, Governor there, taking the old King Ope Chancino [Opechancanough] prisoner" had crushed Indian will to resist.⁵⁹ The capture of the ancient werowance brought the complete collapse of native independence. His death from a shot in the back from one of his guards, who may have killed him more out of mercy than malice, ended the career of one of the first Indian leaders in North America to recognize the potent threat to Indian culture posed by whites.

The Confederation's new leader, Necotowance, entered peace negotiations with the whites and a treaty was ratified in October 1646. The document provided that no longer could Indians enter any parts of the colony, even areas which might be described as frontier. The treaty itself is an expression of the conclusion of the great violence which had characterized Indian-white relationships in early Virginia. The provisions of the treaty suggest that the whites become patriarchs over the red men of the defunct Confederation. The English not only claimed the right to educate Indian children, but to govern and to control Indian governments. Necotowance even accepted the King of England as his overlord and, thus, Virginia whites had won completely the struggle for mastery of the Virginia wilderness.⁶⁰

Those negotiations ended forty years of fighting and violence between the whites and Confederation Indians. Having arrived with the mission of "civilizing" the Indians, the English converted their preconceptions of Indians as savages into hostility and condemnation. The Indians were not to amalgamate with the English after 1622, and after 1646 the natives of Virginia became the vassals of Englishmen.

Although the two societies remained separate and the Indian tribes comprising the Confederation were confined to reservations following 1650, the clear dependency of Indians upon whites is perhaps no better expressed than in their new appellation of Tributary. No longer were Confederation Indians independent, but dependent upon their white masters. The natives had surrendered not only control of their children, but control of their governments in the treaty. The ethnocentric notions inaugurated in English ideas of the savages of the wilderness had hardened into racist thought, considering Indians not

only different, but inferior and properly subordinate. White usage of violence and the technological-military advantages they possessed over the Indians had insured that ultimate success.

Moreover, official violence had become an important means by which white leadership assured its control in the society being fashioned in Virginia's wilderness. Bringing institutionalized means of corporal and capital punishments with them, the leadership had had to strengthen its control of the colonists in the face of the great Indian threat and economic boom of the 1620s. The disappearance of that threat meant some relaxation of governmental vigilance as the government struggled to inculcate deference in the new society. Severe and often harsh punishments were still meted out to transgressors in an effort to insure stability and order within the society. By 1646, then, violence had come to play an important role not only in assuring colonial Virginia's security but also in shaping the early society.

NOTES

VIOLENCE AND THE SHAPING OF EARLY VIRGINIA SOCIETY

¹Richard L. Morton, Colonial Virginia (2 vols., Chapel Hill, North Carolina, 1960), I, 49, 73, 154; Vaughan, American Genesis, 48.

²Lurie, "Indian Cultural Adjustment," 49-50. Wesley F. Craven, "Indian Policy in Early Virginia," WMQ, 3rd Ser., I (1944), 65-83, takes the view that the English intended the natives no harm, but to improve their level of civilization. His evidence shows, however, that with every conclusion of hostilities between the two peoples the whites took more land.

³Richard Frethorne to his parents, March 20, 1623, in Kingsbury, ed., Records of the Virginia Company, IV, 58; Smith, "Generall Historie," in Tyler, ed., Narratives, 361-362.

⁴Beverley, History and Present State, 54; Smith, "Generall Historie," in Tyler, ed., Narratives, 358.

⁵Beverley, History and Present State, ed., Wright, 52-54; Master Wimp, "The Death of Nematanow," in Smith, "Generall Historie," in Tyler, ed., Narratives, 357.

⁶When the time of attack, 10 a.m. that morning, came, Indians seized whatever weapons or tools to be used as weapons they could lay their hands on. Colonists were killed indiscriminately: men, women, and children alike falling victim. Those whites who had professed greatest friendship for the Indians were included in the slaughter. George Thorpe, deputy to the College lands and powerful advocate on behalf of the Indians, died in the attack, his body terribly mutilated by the natives. Smith, "General Historie," in Arber and Bradley, eds., Smith's Works, II, 573-574; Beverley, History and Present State, ed., Wright, 51-52; Kingsbury, ed., Records of the Virginia Company, III, 541-571, 652, IV, 89, 98, 106, 167; Tyler, ed., Narratives of Early Virginia, 359-360.

⁷Morton, Colonial Virginia, I, 73-78; Beverley, History and Present State, 52.

⁸In official letters, the colony's government averred its intention of utterly destroying the Indians or, if that proved impossible, driving them from the peninsula. See Calendar of State Papers, Colon-

ial, 1574-1660, 41-42; Kingsbury, ed., Records of the Virginia Company, IV, 98-99. For the handling of deviant behavior, see pp. 86-90.

⁹Many prominent colonists lost their lives in the attack. Captain Nathaniel Powell, one of the original 1607 settlers and well-known among the natives, was killed by the Indians, his family annihilated by them, and their bodies all "hagled." The archaic use of "hagle" [haggle] means "to cut in a mutilating fashion," The American College Dictionary (New York, 1966), 543. When other colonists resisted the Indians, however, they usually fled. Mr. Baldwin of Warraskoyack plantation saved himself, his wife, and several others with repeated discharges of his gun. Nathaniel Causie, another original planter like Powell, was wounded severely by the Indians, but he fought back, splitting the skull of one of his attackers, and the rest ran off. Smith, writing in England of the massacre, noted that: "for they (the Indians) hurt not any that either did fight or stand upon their guard." When two men stoutly defended their house against an attack by sixty Indians, Smith claimed that the Indians fled. The English who could resist must have fought ferociously against their attackers, perhaps their anger and hatred at the treachery and deceit of the natives fired their spirits. Other Englishmen lost their lives, however, when they refused to recognize that they needed protection. At Mr. Harrison's house, about one-half mile from Baldwin's, were located Master Thomas Hamor, Captain Ralph Hamor's brother, six other men, and eighteen women and children. The Indians first tried to lure the men out of the house with presents and persuasion. When that failed, they set fire to Harrison's tobacco shed. All the men but Hamor ran to the shed and were immediately killed. Hamor ventured out to see what had happened only to receive an arrow in the back. Harrison's apprentice, a young boy, dragged him back into the house, firing Hamor's gun point-blank at the charging natives. The survivors, including Hamor, fled to Baldwin's. Captain Hamor arrived at Harrison's a short time later only to find it deserted and in ruins. He then raised a party of forty-six armed and unarmed whites and fought his way to Baldwin's house. United, the whole group fought its way to Jamestown, counting seventy-three slain on the way but encountering one household in which the residents had heard nothing of the massacre. Smith, "Generall Historie," in Tyler, ed., Narratives, 359-362.

¹⁰The English used a tactic against the Paspaheghs which called for an attack against their village which would destroy the village as a base for supply. Although the plan was originally just a tactic, with the reprisals in 1622 and 1623 it became the strategy of the colony. For Opechancanough's peace suit, see below, note 14.

¹¹The Council of Virginia to the Virginia Company, January 30, 1623/4, in Kingsbury, ed., Records of the Virginia Company, IV, 450-451. The Council reported earlier in 1623 its plan for carrying on offensive operations. Governor Sir Francis Wyatt divided the colony into four military districts and assigned military commanders to each. He assigned each commander a separate Indian nation or group of small tribes to harass. Expeditions went out more than once a season, also.

¹²Council in Virginia to Virginia Company of London, January 20, 1622/23, in Kingsbury, ed., Records of the Virginia Company, IV, 9-10; George Sandys to John Ferrar, March 1622/3, in ibid., 25; Richard Frethorne to Mr. Bateman, March 5, 1622/3, in ibid., 41.

¹³Ibid., 507-508; Calendar of State Papers, Colonial, 1574-1660, 70-71.

¹⁴Calendar of State Papers, Colonial, 1574-1660, 41-42; Kingsbury, ed., Records of the Virginia Company, IV, 98-99.

¹⁵Kingsbury, ed., Records of the Virginia Company, III, 550-560, especially 556-557. Waterhouse's relation, published in London in late 1622, examined the colony's economic potential, the state of colony, and the search for a Northwest Passage as well as the massacre itself.

¹⁶Smith, "Generall Historie," in Tyler, ed., Narratives, 364.

¹⁷Ibid., 362-363. Smith commented that the pre-Massacre letters had all been read in public meetings of the Company's Quarter Courts, so that the knowledge of amalgamation attempts had become public and general in England.

¹⁸Robert Bennett to Edward Bennett, June 9, 1623, in Kingsbury, ed., Records of the Virginia Company, IV, 221-222, II, 478, 482; Calendar of State Papers, Colonial, 1574-1660, 48.

¹⁹Ibid., 51, 153, 198; for representative samples of such petitions, see Kingsbury, ed., Records of the Virginia Company, II, 105-109.

²⁰Hening, ed., Statutes-at-Large, I (1619-1660), 140, 144; Calendar of State Papers, Colonial, 1574-1660, 113.

²¹The resolution may be found in Hening, ed., Statutes-at-Large, I(1619-1660), 176.

²²The colony had been a factory outpost of the Virginia Company until the massacre. Subsequently, the Company lost the colony to the Crown in 1624 and the colony had to find a new definition. The production of tobacco which began in the years between 1615 and 1620 provided those in the colony with an economic opportunity and the 1620s was a decade in which exploitation of that opportunity began. Diamond, "From Organization to Society," and Morgan, American Slavery, American Freedom, Chap. 6.

²³For the loss of the charter, see Wesley F. Craven, Dissolution of the Virginia Company: Failure of a Colonial Experiment (New York, 1932).

²⁴Beverley, History and Present State, ed. Wright, 58.

²⁵William Claiborne had developed by 1635 an extensive Indian trade which brought him into contact with Indians as far north from Jamestown as the head of the Chesapeake. He began a plantation on Kent Island in 1631. Digges came to Virginia in the 1640s and bought Chiskiack plantation near the York River. He was the fourth son of Sir Dudley Digges, Charles I's Master of the Rolls. Samuel Mathews became a Councilor with the dissolution of the Company's charter for the colony. He remained a power in the colony until his death, amassing a fortune and a fine plantation. Morton, Colonial Virginia, I, 120, 124, 125, 134-136, 145, 214. For the establishment of these men as leaders, see Bailyn, "Politics and Social Structure in Virginia," 90-115.

²⁶At least twice in the 1620s colonists were tried for making derogatory remarks about the government's handling of the Richard Williams, alias Cornush case. On November 30, 1624, the General Court heard testimony from William Cause, aged 29, that Williams on the previous August 27, had forced him to have homosexual relations. Although Cause complied the first time, he refused later in the afternoon whereupon Williams had him tied to a mast on board the ship they were riding at anchor in the James. Testimony of a witness corroborated Cause's story and Williams was ordered hanged. Although no record of his execution has survived, it seems certain that he did hang, for another incident clearly reveals his death. Minutes of the Council and General Court, 34, 42, 47, 93. In early February 1626 the General Court ordered Thomas Hatch whipped severely for having said that in his conscience he thought Richard Cornish was hanged wrongfully. The Court would not stand for such behavior and instructed that he be whipped from the fort to the gallows and back, sit in the pillory, lose one ear, and become Sir George Yeardley's servant for seven years. Ibid., 93. Edward Nevell, for having told Cornish's brother the circumstances of his death on board a ship off the coast of Canada in terms derogatory to the Council, had to sit in the pillory, lose both ears, be a servant for one year, and have removed all privileges of freeman in the colony. Ibid., 85; Morgan, American Slavery, American Freedom, 125. These incidents suggest the jealousy with which the General Court guarded its privileges, prerogatives, and power in the 1620s. Moreover, the Court apparently had motives more than personal for its actions. Its decisions appear to be governed, in part, by a desire to shape the society and to create a deferential social system.

²⁷Minutes of the Council and General Court, 3.

²⁸The great profits to be made from the tobacco trade probably stimulated disorder though not violence. Tobacco sold for approximately three shillings sterling per pound in the 1620s. The Company sent so many colonists after 1620 that those in need of labor could depend upon a fairly constant supply. The social and economic leaders such as Yeardly or Abraham Peirse had sufficient incomes to purchase servants. However, the need to control those servants combined with the Indian threat may have produced the harsh treatment which Edmund

Morgan ascribed to the exploitative nature of the colonial leadership. Morgan, "First American Boom," 169-199.

²⁹Minutes of the Council and General Court 4-5. For similar cases, see ibid., 164, 200; Susie M. Ames, County Court Records of Accomack-Northampton, Virginia, 1632-1640 (Washington, 1954), 38, 47-48. Yeardley was described as not only one of the wealthiest men of the colony but a "right worthie Statesman, for his own profit." He held thirty-nine servants according to the master of those living and dead in Virginia in early 1625. See Morgan, "First American Boom," 188, 192.

³⁰The proclamation specified two different punishments for stealing domestic animals. If the animal was valued by a magistrate at more than twelve shillings, the convicted culprit was to die. If, however, the animal was valued at less than twelve shillings, some suitable form of corporal punishment was prescribed. Wyatt pointed out that the crime was capital in England, but that the contraction of the colony due to Indian pressure necessitated the proclamation. Kingsbury, ed., Records of the Virginia Company, IV, 283-284. For the servant starvation see the Frethorne letters mentioned in note 3, p. 105, above, and the sources cited in note 29, above.

³¹Minutes of the Council and General Court, 86-105. Ensign Epps may have been the same Epps who killed Edward Rosecraft (alias Stallings) in a drunken brawl in 1619. He was referred to in that incident only as Captain Epps. The captain may also have been William Epps identified by Morgan as one of the wealthiest men of the colony. The 1619 incident may be found in Smith, "Generall Historie," in Tyler, ed., Narratives, 334-335; Kingsbury, ed., Records of the Virginia Company, I, 274, III, 121, 242, IV, 511-512. For Morgan's identification see "First American Boom," 188, 189n85.

³²Minutes of the Council and General Court, 22-24.

³³The idea that each individual had his place in society and should remain there stemmed from the notions of cosmic order which infused English society. See Lovejoy, Great Chain of Being, 99-144, and Tillyard, The Elizabethan World View, 26-36, for the depth of this idea.

³⁴Minutes of the Council and General Court, 14; Kingsbury, ed., Records of the Virginia Company, IV, 560-561.

³⁵Minutes of the Council and General Court, 14; Morgan, American Slavery, American Freedom, 124-125.

³⁶Ibid., 70, 108. Edmund S. Morgan, The Puritan Family: Religion and Domestic Relations in Seventeenth-Century New England (revised edition, New York, 1966), chap. 2, demonstrates the social assumptions upon which English family life was founded. The wife played a role of junior partner in marriage, giving up whatever rights she had possessed

as a single girl. The treatment meted to women by colonial courts seems to confirm the legal status of women suggested by Morgan.

³⁷Minutes of the Council and General Court, 119, 149, 150, 153.

³⁸For the county courts' powers, see Craven, Southern Colonies in the Seventeenth Century, 166-172; Billings, "Growth of Political Institutions in Virginia," 228-234.

³⁹"Virginia Council and General Court Records, 1640-1641, From Robinson's Notes," VMHB, VI (1903-1904), 279-280.

⁴⁰Ames, ed., Records of the Eastern Shore, 15, 20.

⁴¹Ibid., 49. For incidents in which slanderous statements brought harsh punishments, see ibid., 20, 22, 85, 86-87, 88, 117. Among the punishments meted to offenders were fines, bonds for future good behavior, and most frequently, whippings.

⁴²For such cases, see Ames, ed., Records of the Eastern Shore, 20, 22, 85, 88, 159, 159n34.

⁴³Calendar of State Papers, Colonial, 1574-1660, 134; Minutes of the Council and General Court, 479. For the family history, see Edward Neill, Virginia Carolorum: The Colony Under the Rule of Charles the First and Second, A. D. 1625-A. D. 1685 (Albany, 1886), 132-133.

⁴⁴Kingsbury, ed., Records of the Virginia Company, IV, 459-464, 471-472; Minutes of the Council and General Court, 46.

⁴⁵Calendar of State Papers, Colonial, 1574-1660, 134, 212-213.

⁴⁶Morgan, American Slavery, American Freedom, 145; Bailyn, "Politics and Social Structure," 95, 96-97.

⁴⁷Anonymous, "Newes From Virginny," ed. Joseph Frank, VMHB, LXV (1957), 85.

⁴⁸Minutes of the Council and General Court, 155.

⁴⁹Ibid., 478. "Great men" was a phrase frequently used to describe important Indian leaders who were not sachems or werowances, but principal advisers.

⁵⁰Many English clergymen had lectured their parishioners in the first decade of Virginia's settlement about the need for Indian conversion to English Christianity. Secular propogandists of colonization all the way back to Richard Hakluyt had argued that only English

Christianity could bring Indians into God's realm. See Alexander Whitaker, "Good Newes From Virginia" (London, 1614), which demonstrates a clerical view of Indian conversion by a cleric "on the scene." Hakluyt in "Discourse on Western Planting" devotes the first chapter to Indian conversion as a colonizing motivation. William Crashaw's "A Sermon Preached in London Before the Right Honorable Lord La Warre, . . ." develops even further the Indian conversion principle. John Hammond, Leah and Rachel, or, The Two Fruitfull Sisters, Virginia and Mary-land; . . ., in Force, ed., Tracts and Other Papers, III (1844), no. 14.

⁵¹For estimates of white population in 1640, see Greene and Harrington, American Population, 136. For the reductions in Indian population, see Lurie, "Indian Cultural Adjustment," 52.

⁵²Beverley, History and Present State, ed. Wright, 60; Anonymous, "A Perfect Description of Virginia," in Peter Force, ed., Tracts and Other Papers (Washington, 1836), II, 11-12.

⁵³John Winthrop, Winthrop's Journal "History of New England," 1630-1649, ed. by James K. Hosmer (2 vols., New York, 1908), II, 167-168.

⁵⁴"A Perfect Description of Virginia," 11-12.

⁵⁵"Newes From Virginny," 85-86.

⁵⁶JHB, 1619-1658/9, 71; Winthrop, Winthrop's Journal, ed. by Hosmer, II, 167-168.

⁵⁷Beverley, History and Present State, ed. Wright, 60-61; Hening, ed., Statutes-at-Large, I (1619-1660), 292-294, 315, 317-319; Winthrop, Winthrop's Journal, ed. Hosmer, II, 167-168.

⁵⁸Neill, Virginia Carolorum, 192.

⁵⁹Ibid., 188, 192.

⁶⁰Ibid.; Hening, ed., Statutes-at-Large, I (1619-1660), 323-326, for the peace treaty.

CHAPTER IV

VIOLENCE IN THE FORMATION OF VIRGINIA SOCIETY:

1646-1675

With the collapse of the Indian Confederation in 1646, Virginia whites no longer had to be concerned with threats of internal Indian hostility over resistance to expansion. Tension in Indian affairs remained high until 1675, but the threat of massive Indian attack ravaging the colony itself had ended. Virginia Confederation Indians became tributary to whites and those natives lost control of their own affairs. They no longer possessed the independence of action they had had prior to 1646, becoming dependents of white Virginians. Violent outbursts by frontier Indians not part of the Confederation, especially in the 1660s, continued, and those no longer threatened colonial security as they had in 1607-1614, 1622-1632, or 1644-1646. Moreover, "strange" Indians, meaning natives from well beyond Virginia's borders, also entered the colony to present violent problems. Thus, whites in the colony had to deal with three groups of Indians: Tributaries dependent on the colony; frontier Indians, not part of the Confederation, feeling increased pressure from Virginia's expansion; and "strange" Indians, resident well beyond the colony, who raided in Virginia or passed through Virginia's expanding backcountry on their way to hunting grounds.

The collapse of internal Indian resistance ushered in a period of rapid expansion for Virginia. The population of the colony grew from

approximately 15,300 in 1648 to 40,000 in 1671, an increase unprecedented in earlier Virginia history.¹ By 1675, no longer was Virginia an insecure outpost of English civilization along the Chesapeake and its tributaries. Moreover, during the third quarter of the seventeenth century, Virginia society developed along many lines inaugurated in the years since 1624: agriculture continued the predominant mode of economic existence, with tobacco providing not only income from its production but the principal medium of exchange in the colony; farms and plantations, scattered along major or minor rivers, remained basic economic units; families were defined as much by numbers contained within one household unit as by blood; laboring systems consisting of free-men and freeholders, indentured servants, and a small number of slaves, both Negro and Indian, continued to work the fields; Indian trade, especially with major Indian nations of the Southeast such as the Cherokee, provided many Virginians lucrative incomes; and county courts became the principal foci of government for most whites in the colony, as those institutions refined the definition of their duties during the last half of the seventeenth century.² The use of violence by all courts in the colony remained an important instrument of control of the society, even though fines, measured in tobacco, were often levied.

Violent behavior among whites in the colony, however, reached its highest levels during the fifty years between 1650 and 1700. No sooner had the Indian Confederation commanded by Opechancanough been crushed than Parliamentary forces, in the aftermath of the successful overthrow of royal authority in 1648, came to the colony to demand its surrender to Parliament. That event passed peacefully enough, but evidence of the early 1650s suggests that not all Virginians accepted the decision

rendered. Confrontations between Royalists and Parliamentarians continued in the colony during the decade of the 1650s, resulting in threats of violence.

On occasion the General Assembly refused to seat duly elected members from counties because they had uttered seditious statements royalist in sentiment. At the 1653 session of the Assembly, neither John Hammond nor James Pyland was permitted his seat. The two men, representatives from Isle of Wight County, were accused of seditious and rebellious behavior. The Assembly alleged that Hammond was a disturber of the peace in both "libellous and scandalous manners." Pyland had supposedly aided and abetted Thomas Woodward in his mutinous and rebellious declaration, a reference to a royalist movement initiated by Woodward. At the same session of the Assembly, Captain Abraham Read was tried for behaving "contemptuously" to the governor and government of the colony. Read had claimed authority over both Cornelius Loyd, agent to the northern colonies, and Governor Bennett himself. He had also made disparaging accusations about the loyalty of the Virginia government to the royalist cause. Read pleaded guilty and the Assembly fined him 10,000 lbs. of tobacco and cask.³

Although neither of these incidents involved violent behavior, they do provide indications that resistance to Parliamentary control did not disappear with the surrender of the colony by Sir William Berkeley in 1652. Moreover, the offense of which Read was accused was generally punished by severe whipping. However, people of importance in the colony were seldom punished in such fashion. Neither Hammond nor Pyland received any punishment, suggesting that they also possessed significant social status.

Those incidents did not end resistance to the Parliamentary form of government. On the Eastern Shore, a major insurgency rose, motivated by imposition of Parliamentary control. When the Parliamentary Commission received Virginia's formal submission on March 12, 1651/2, two members of the newly-appointed Council for the Commonwealth of Virginia, Colonels Nathaniel Littleton and Argoll Yeardley, crossed the Chesapeake to obtain the submission of strongly disaffected Northampton County. Between March 12 and 25, Colonel Edmund Scarborough, a prominent merchant and strong royalist, circulated a petition known as the Northampton Protest among the populace. Many Eastern Shore residents signed the document by March 30, although by March 25 over one hundred settlers there, including Scarborough, had signed another statement acceding to the commissioners who had arrived on March 12. The Protest expressed resentment of the imposition of very heavy taxation upon the Eastern Shore despite the fact that no Assembly burgesses had been returned from that region since 1647. The signers complained that the newly proclaimed Virginia Parliamentary government had neither the power nor the right to impose such taxation when no representatives from the Eastern Shore were present to remonstrate. Neither Governor Berkeley nor Governor Bennett had ordered elections on the Eastern Shore. Later that spring the Assembly proclaimed the signers of the Protest "scandalous and seditious," appointing a commission made up of the governor, colonial secretary, and several assistants to go to Northampton to try those accused of such behavior. Many were tried and convicted. Rather than receiving corporal punishment, they were deprived of political offices and were fined in sums ranging from three hundred to five hundred pounds of tobacco.⁴ Once again, socially and politically prominent men were fined rather

them whipped. This principle of distinguishing punishments on the basis of class standing in the colony doubtless had its origins in England, but became a method of reenforcing class distinctions in Virginia during the colonial era.

Although the English social system displayed more fluidity than any of its European counterparts, by 1650 it was obviously more sharply stratified and defined than its Virginia offspring. Land and birth, two of the principal requisites for gentility in England, were not replicated in Virginia. Acquisition of land was much easier in the colony than it was in England. The nobility did not migrate to Virginia in sufficient numbers to replenish themselves and to establish a nobility based upon birth and descent. Thus, those in Virginia interested in establishing a position of high social rank for themselves had to rely upon devices of their own making. Admission to the county commissions of peace provided one avenue of recognition for those who had acquired economic and social prominence in their counties. To assure the continuation of distinction became, however, one purpose for the use of official violence in county and colonial courts. Different punishments based upon class or sex for the same crime served as a reminder to ordinary Virginians, whether servant or free, of their status.

While white resistance to Parliamentary control was building, Virginians and Indians began working out the implications of the 1646 treaty. That treaty had placed Virginia Indians under white control, assigning the colonial government responsibility for directing and protecting the "Tributary" Indians of the colony.⁵ Virginia's government, thus, was thrust into a role which governments throughout American history have had, the role of attempting to remain true to treaties

with natives in the face of constant expansive pressure and land-grabbing by ordinary white citizens.

In an effort to establish and to enforce governmental authority in Indian-white affairs, on May 10, 1651, the Northampton County Court tried Edmund Scarborough, Thomas Johnson, Richard Vaughan, John Dollings, John Tomlin Pierce, and "diverse others" for breaking colonial laws by illegally attacking Eastern Shore Indians, probably the Pocomokes, natives unconnected to Virginia tributaries. The attack, made on April 28, included an attempt upon the King of Pocomoke's life. The whites shot at Indian prisoners and bound one of them with a chain. As a result of the raid, large numbers of Indians were currently invading the county. The county court ordered the sheriff to take the men to Jamestown to stand trial before the General Court there.⁶

Evidence from later in the 1650s and the early 1660s suggests that the colonial government took seriously its charge to protect Tributary Indians. On March 23, 1661/2, the Assembly ordered Gerrard Fowke and Giles Brent to pay 15,000 pounds of tobacco each. Moreover, they were stripped of all their civil and military offices and forbidden from holding any offices for the rest of their lives. The two had bungled a case in which several Indians had been turned over to them by Wahanganoche, sachem of the Potomacs, on charges of murder. The two had allowed at least one of the murderers to escape and, to cover their mistake, had illegally ordered the arrest and confinement of Wahanganoche, contrary to the safe conducts for the sachem and his advisers issued by Governor Berkeley. The two officers, however, received very high fines not only for their treatment of Wahanganoche but also because they had alleged that they had done so by Governor Berkeley's authority.

The sachem was set free, but depredations by non-Tributary northern Indians continued. Indian violence in the Potomac region persisted during the whole third quarter of the seventeenth century.⁷

As early as 1653, Potomac-area Indians provoked warfare with the colony. In 1654 the Assembly instructed Lancaster, Northumberland, and Westmoreland Counties to raise a force to march against the Rappahannock Indians, a nation that had no connection with Tributary natives. The three counties had complained repeatedly of "injuries and insolencies" done their citizens by that tribe. The Assembly instructed Lancaster to levy one hundred men, Northumberland forty men, and Westmoreland thirty men to march against the Indians.⁸ The frontier Indians had remained outside the peace of 1646 and their lands lay along the path of northward Virginia expansion.

The summer prior to the Brent-Fowke trial, Richard White of the Northern Neck had lost his son, two servants, and his crops and farm buildings during an Indian raid. The Assembly voted him compensation in the amount of 10,000 pounds of tobacco at the same session as it tried Fowke and Brent. Evidently, the Indian murderers entrusted to their care were those accused of taking part in the raid on the White plantation.⁹

While the Northern Neck was the subject of repeated raids, more Indian depredations broke out on the Eastern Shore, doing significant damage. On March 13, 1659/60, the newly-restored Governor Berkeley and Speaker of the Assembly Theodorick Bland ordered 71,500 pounds of tobacco paid to inhabitants of Accomac County who had suffered damages during the "late war." Most likely the reference was to the series of raids occurring late in the 1650s.¹⁰

Indian migrations and movements, difficult to trace in anything more than very general terms, appear to have reached high levels in the 1650s and 1660s. The Iroquois had begun their wars of conquest and expansion to the southward during those decades; thus, they frequently intruded into Virginia's frontiers as they raided Indians geographically close to the colony. Moreover, rapid growth of colonial population after 1650, especially in Virginia, increased pressure upon frontier natives to vacate their traditional homelands. Consequently, Indian migrations throughout the whole of the colonies, from New England to Virginia, created tensions that bred violence.

Virginians compounded their problems with natives by enacting laws asserting full governmental authority over Tributary Indians. These laws provided that the colonial government should appoint all sachems for the Tributaries and stipulated that any resistance to their decisions required the death penalty. Indian villages located near the scene of a murder of a white were responsible for conducting a search for the murderer, especially if he were an Indian.¹¹ No evidence survives to demonstrate whether these laws affected Indian violence in the 1660s or 1670s, but they do provide a clue to the increasingly paternalistic and ethnocentric attitudes of whites to Indians. Thus, the disintegration of the Tributary Indian culture continued throughout the decades from 1650 until 1675, leaving those natives ill-prepared to resist aggressive, frontier whites when war between Indians and whites broke out in 1675.

Another factor contributing to Tributary resentment of whites was that whites used them as pawns to protect settlements from "strange" Indians raiding into Virginia. "Strange" Indians were those from well

beyond the colony's frontiers, who raided backcountry plantations or settled in Virginia. In 1656 between six and seven hundred Indians identified as Richahecrians, probably a Siouxan-speaking people, settled near the falls of the James. The Assembly considered those Indians a great danger, "it [the falls of the James] being so apt a place to invade us and within those limits which in a just war were formerly conquered by us, and by us reserved at the last conclusion of peace with the Indians."¹² The Assembly then ordered Colonel Hill to lead a force of one hundred against the Indians and required Tottopottomoy, the successor of Necotowance, and one hundred Indian warriors to accompany the whites. In a military disaster almost the whole two-hundred man force was wiped out by the "strange" Indians, who evidently then moved out of the colony. Although the Assembly tried Hill for incompetence, found him guilty as charged, and stripped him of all offices, the incident left considerable bitterness among the natives. In 1675, Tottopottomoy's widow, the Queen of the Pamunkey, refused aid to the whites during that Indian war because she resented the treatment given the Indians after 1656.¹³

In the decade of the 1660s Indian difficulties persisted. Although tributary natives no longer posed a direct threat to the colony's security, and remained passive, the possibility of "strangers'" attacks and frontier-native skirmishes created considerable tension in the colony. The Richard White and Fowke-Brent incidents suggest that Indian hostility helped block northward expansion. Moreover, continual raids by Doegs and other northern frontier Indians during that entire decade kept the Northern Neck region perpetually disrupted. In 1666 the Council received several reports of murders and raids along the

Potomac River's southern bank. The Council, evidently resolved to end the menace which had been going on for four years, ordered war made upon the villages of Montazion, Nansimond, and Port Tobacco. The militia was instructed to kill all males and to destroy totally the villages, but to capture as many women and children as possible for sale as indentured servants. It was this crisis which provoked Governor Berkeley to assert that the only feasible policy regarding the Indians along Virginia's northern frontiers was complete extermination. He wrote in 1666 that "I think it is necessary to Destroy all these Northern Indians for they must Needs be Conscious of the Coming of these other Indians, twill be a great Terror and Example of Instruction to all other Indians." He added that the sale of the women and children would defray all costs of the war.¹⁴ Thus, even Berkeley, by no means an avowed hater of Indians, had concluded that white power in Virginia was now so strong that the colony could destroy with impunity those non-Tributary, frontier Indians who attempted to protect their lands.

Berkeley's phrase the "coming of the other Indians" referred to movement of Iroquois war and hunting parties down the Virginia back-country. During the third quarter of the seventeenth "strangers" who were Iroquois remained particularly bothersome to Virginians, and Berkeley meant them as much as he did frontier Indians in Virginia when he wrote that the destruction of the Northern Indians would "be a great Terror and Example of Instruction to all other Indians." Thus, by 1670 Virginia whites no longer feared internal Indian power, but Indian hostilities in newly-settled lands could still provoke considerable tension, tension alleviated only by the extermination of Indians

living on the colony's northern fringes.

Even attempts by whites to expand Indian trade resulted in Indian violence. Abraham Wood, a prominent Indian trader who had received the grant of Fort Henry upon its abandonment by the colony after 1646, annually sent out trading expeditions to the south-central portions of modern-day Virginia. These expeditions traded at first mostly with the Occaneechee Indians, a nearby band having their principal fortified village on an island in the Roanoke River. By 1673, however, Wood felt confident enough to order his traders to extend their contacts directly to the Cherokee nation. The party, led by James Needham and Gabriel Arthur, and accompanied by Indian guides, set off on April 10. They lodged with the Occaneechees for a few weeks, discussing with those Indians the shortest and quickest routes to get to the Cherokees. The Occaneechees resented this attempt at circumventing a trade they had controlled as middlemen for so long. When the traders sensed the shift in Occaneechee attitude, they made plans to escape, but Needham was killed before they could flee. Arthur escaped successfully, but he did not return to Fort Henry until June 18, 1674. This incident may have prompted Bacon's revenge in 1676, when he and his men destroyed the Occaneechee fort.¹⁵

Thus, by the outbreak of the Susquehanna War in 1675, tensions between frontier Virginians living on the northern reaches of the colony and on its southwestern fringes and frontier Indians resident in those two areas had mounted to the point of open warfare. Moreover, Virginia's leadership had concluded that the only way to deal with hostile Indians was extermination. Ethnocentric beliefs of white superiority, implicit in the assumption of control of Tributary Indians,

became explicit in the decision to assert control over or to exterminate all Indians resident within or near Virginia's borders. The decision to control or to exterminate would depend on the circumstances, but in either instance violence was required. Although the colonial government tried to enforce the injunctions of the 1646 treaty, occasionally applying force against white citizens in Virginia, the resolution of the tension over whether to protect Indians from whites or vice versa ultimately resulted in the latter.¹⁶

What effect the repeated use of force and violence against Indians had upon the English in the colony is difficult to assess. However, applications of harsh and cruel punishments even by seventeenth-century standards suggests that colonial courts relied not only upon English systems of punishment but upon their own experience in the New World. Moreover, disregard for Indian life may also have conditioned white violence in colonial society itself. Mass violence and the use of harsh physical punishments to correct criminals or social deviants, when taken together, leave an impression of declining respect for human life. Frequent resort to violence within white society and uses of violence not only against Indians but Negroes suggest a connection. Whether the New World wilderness conditioned whites to use those means of violence they possessed and to devise new uses of violence for means of control is conjectural; however, the evidence points to such a conclusion.

Repeated use of official violence to punish both incidents of social control and crimes involving loss of life in the third quarter of the seventeenth century argues that Virginians had accepted decisions made in the 1620s and 1630s concerning discriminations of sex and class.

In cases of fornication tried during the 1650s or 1660s, the courts usually ordered the man involved to pay a fine or to be jailed for a period of time. Women normally received corporal punishment, a severe whipping being the most frequent form. In August of 1652, Lancaster's county court ordered Charles Snead to pay a fine of five hundred pounds of tobacco and costs for the trial for having fornicated with Elizabeth Wig. The Wig girl, however, received a sentence of twenty stripes "well laid on" her bare back. It is possible that she was a servant girl having no money with which to pay a fine. However, courts often required masters or husbands to pay fines for servants or wives caught misbehaving. In another incident of fornication occurring in 1662, William Burgh [Burg] was ordered jailed by the Assembly until he could pay a bond for his future good behavior. His partner, Elizabeth Billingsley, received a whipping for her participation. By the early 1660s, however, colonial courts, either the General Court or the Assembly sitting as a court of final appeals, were discouraging cases of such a nature from their dockets. They preferred to let county courts, meeting more frequently, have full jurisdiction in such matters.¹⁷

Servants received more severe punishments for crimes they committed than did freemen for similar misdeeds. In cases of assault in which servants beat a freeman, the servants received harsh physical punishments and additional time added to their service. In 1672 the General Court tried two servants for having assaulted their overseer. Although the service time of the two had expired, the court ordered that they be severely whipped. On the other hand, in a case of assault tried before the court in 1673, Mr. Wheeler, a freeman of Charles City

County, was found guilty of assaulting Captain John Rudd. Wheeler confessed and the Court ordered him to pay Captain Rudd 2,000 pounds of tobacco and cask, to beg the captain's pardon, and to pay all costs, both for Rudd's medical treatment and the trials.¹⁸

However, servants possessing special skills such as carpentry could expect lighter punishments for such offenses as running off or assaulting their overseers. In 1674 seven servants were tried for attempting to run off from their service. The seven pleaded guilty before the General Court, but one, Edward Day a carpenter, received no sentence of whipping despite the fact that he was implicated in the planning. The other six were ordered whipped and additional service added to their indentures, all except a Negro belonging to Mr. Richard James, who was probably an "indenture for life." The distinction of Day was that he possessed a special skill, one which was valuable to the colonial society. He was also a servant of the governor; however, four others were also servants of the governor, and they were ordered severely whipped.¹⁹ This indicates that courts discriminated among servants based on their abilities and skills, establishing further evidence that courts used violence to discriminate among classes and groups in early Virginia in an effort to secure an orderly society progression from bottom to top.

Evidence suggests, moreover, that those at the top of the social pyramid frequently were excused from judicial process when accused of crimes. For instance, Lieutenant Colonel Thomas Swann of Surry County was brought before the 1654/5 session of the Assembly for the murder of one of his servants, Elizabeth Buck. The Surry County Court had already arraigned him on the charge and certified to the Assembly that

sufficient presumptive evidence existed to warrant a trial of him. Swann, leader of a prominent social family in Surry County and holding high office in the county, denied his guilt, alleging that the Buck girl had died by accident. The Assembly accepted his plea and pardoned him, finding that the girl had died by misadventure.²⁰

Not only did the colonial government use official violence to aid in the construction of a social structure, but the government helped to define limits of acceptable behavior within the colony. To some degree, those limits were elastic, expanding in times of security and confidence and contracting when insecurity and fear appeared.²¹ For instance, witches and religious dissenters represented deviant behavior which, in the middle of the seventeenth century, the colonial government was unprepared to accept, but a half-century later the government was willing to tolerate. The Assembly had empowered county courts to handle cases of witchcraft, and in 1656 the Northumberland County Court tried William Harding for such an offense. Mr. David Lindsaye, an Anglican minister, charged Harding with being a witch, and on November 29, 1656, a twenty-four man jury found Harding guilty as charged. The court, however, sentenced him to ten lashes and banishment from the colony.²²

Religious dissenters were no more acceptable to colonial leadership in the 1650s than witches. Puritans, although tolerated if they remained quiet and peaceful, were subject to persecution when they became too visible. Virginia was officially an Anglican-established colony, but it remained low-church in the seventeenth and eighteenth centuries, for the Virginia Anglican Church was shorn of its ceremony and vestries controlled the appointment of ministers. Thus, the colony

tolerated Puritans as long as they did not disturb the religious status quo. When three Boston, Massachusetts, Puritan ministers came to Virginia in the 1640s to preach and to convert Virginians to a more Calvinistic view of religion, Governor Berkeley threatened to use force to rid the colony of them. Quakers of the 1650s and 1660s were even more reprehensible, for they were at the peak of their proselytizing zeal, often returning repeatedly to colonies which had banished them from their boundaries. A handful of Quakers returned to Massachusetts so frequently that they were eventually hanged. Virginia's government had many more Quakers with whom to deal and by the early 1660s had imprisoned most of them.²³

The 1659/60 session of the Virginia Assembly prohibited Quakers from entering the colony. The law directed the governor to arrest and imprison all Quakers currently in the colony, allowing them their freedom only when they promised to leave Virginia. By 1662 this action had come to the attention of King Charles II, and recorded in his Domestic Papers were the facts that Virginia Quakers had been banished and others had had their worldly goods confiscated. The Quaker problem remained to plague the Virginia government for several years, for Charles II repeatedly requested an explanation for Virginia's official policy regarding these dissenters. The King evidently considered Virginia's actions high-handed, although Sir William Berkeley had always supported the Church of England against dissenters of whatever religious stripe.²⁴

The colonial government used violence to limit another social problem that exceeded the limits of permissible deviance. Following the restoration of the monarchy, the Crown began sending convicts to

the colonies to rid England's jails of them. Many of these convicts, political prisoners arrested by the Crown for participation in the Civil Wars, were sent to Virginia, but large numbers of felons were also shipped to the colony. The surviving records suggest that many of these prisoners, whether criminal or political, had to remain in service in Virginia for a minimum of twelve years. The colonists needed a large labor supply, relying upon indentured servitude to fill that need. The transported convicts would certainly have augmented the supplies of labor, and at a cheaper price than those indenturing themselves of their own free will, but during the 1660s those convicts seriously disturbed the social fabric of the colony. In that decade Virginia evidently experienced serious social disruption by the convicts, for in 1670 the Virginia Governor and Council forbade further introduction of convict servants into Virginia's society.²⁵ Once again, the colonial government helped define the society's limits of deviance. In this instance, a policy promising economic rewards had to be rejected on the basis of overarching social considerations. Violence and threats of violence that resulted from the introduction of convicts into the lower classes of the society had become apparent to Virginia's leaders, and they had had to act to curtail that immigration.

The peak of that convict-servant violence occurred in 1663 when a large band of servants from Gloucester County planned and mounted an insurrection against their masters. On Sunday, September 6, 1663, the leaders met at Newman's Land in the county to plot their uprising. They agreed to meet the following Saturday at midnight at Poplar Spring and from there to march to the house of Councilor Willis to seize the

county militia's arms and drum stored there. Leaving the councilor's house, they planned to march to Governor Berkeley's plantation, Green Spring, collecting more arms and servants as they went. Once at Berkeley's, they intended to demand their freedom. Their plot was revealed, however, by John Birkenhead, a servant of Major John Smith of Purton, Gloucester County. Governor Berkeley stationed the county militia at the meeting point on the night of the plot, and it was broken before it began. Four ringleaders were hanged and the Assembly rewarded Birkenhead with freedom and 5,000 pounds of tobacco.²⁶ Although most of the plotters were former Cromwellian soldiers who believed their true station in life was not servitude, the growing social disruptions attendant upon the tobacco trade and its decline, and unrest created by extensive persecution of the Quakers and other sectaries in the colony contributed to the fears and tensions helping to set off the plot.

By 1675, then, the courts of Virginia, especially the General Court, had helped shape Virginia's society through the use of official violence.

From 1625 until 1675, colonial and county courts had used their authority to give substance to the social structure of the colony and to help define acceptable limits of deviant behavior for colonists within the social structure. By using that authority extensively, the courts had refined what punishments fitted what social classes. Those punishments usually were most physical and severe for those at the lower edges of the social structure. Those at the top could expect fines, if they received any censure for their behavior. If they could afford a fine, they could usually expect such proportional to their

ability to pay.

The colonial courts had less difficulty dealing with criminal deviance. Behavior defined as criminal was more easily delineated than social deviance and, thus, colonial courts, generally more poorly trained in law than their English counterparts, had less trouble establishing guilt in criminal cases. Virginia's Assembly and courts largely adopted English precedents for criminal definition in the colony. Murder, rape, and other crimes against the person were stipulated criminal and carried punishments either corporal or capital, mostly the latter. Crimes against property were not as well defined, thus providing an opportunity for the Virginia government to adapt the definition of criminal behavior according to conditions in the colony.²⁷

The evidence from criminal trials of the third quarter of the seventeenth century reveals that Virginia courts tried to model their procedures on English practice. Virginians even practiced the "ordeal of touch," an English medieval system for determining guilt in certain types of criminal cases, especially murder. In at least two instances, that ancient practice was used by county courts in the colony in order to ascertain whether the accused should be bound over to the General Court for trial. Although county courts tried accused criminals for misdemeanors requiring corporal punishments, the General Court retained the power to try those committing crimes requiring the death penalty. The "ordeal of touch" required that the accused touch the body of the deceased and, if that body then bled, the accused was ordered bound over for trial for murder. In two instances, county courts used that practice, but in only one case was the accused ordered to stand trial before the General Court.²⁸

By the 1670s criminal activity had become widespread and the General Court heard many cases during its sessions. The high level of criminal behavior may be read as a sign of the great tension and unrest building in Virginia. A number of murders occurred and lesser crimes abounded. The General Court usually had a full docket of criminal cases every session from 1670 until the outbreak of Bacon's Rebellion, and the criminal activity in the colony ranged from robbery and simple assault to murder and rape. The punishments used by the Court point up the tension within the colony. Although the Court might have wished to defer to the King's judgment in some cases, it usually applied the full measure of the law to convicted criminals.

Even those convicted of crimes in which courts had discretion about punishments received the harshest of the choices. At the spring 1671 session of the General Court Edward Reddish was convicted of manslaughter. The law permitted a range of punishments for this crime from branding to a fine. Reddish, accused of murder, had his charge reduced to manslaughter by the grand jury. After he pleaded benefit of clergy, the General Court ordered him burned in the hand. At the same session the Court heard the murder case of Thomas Shaw. He was accused of the murder of Thomas Seaman and was convicted of that crime. Although sentenced by the court to hang, acting governor Sir Henry Chicheley, old and frequently indecisive, ordered a delay until the King's pleasure might be known, suggesting at least one instance in which the Court doubted its own power and prerogative. The case dragged on through 1672 with the Crown ordering a reprieve which arrived in March 1672. But in 1673 Shaw finally hanged.²⁹

Between the 1671 and 1673 spring sessions of the General Court,

several other murders occurred in the colony, and two of the alleged murderers were caught and tried that latter spring. Grand juries brought in true bills against Richard Thomas and Mary Blades for the murders of Edward Morrice and Phillip Lettice respectively. At the March 15, 1672/3, session of the General Court the juries of life and death found both defendants guilty and the court ordered them hanged. Thomas hanged soon thereafter, but the Blades woman was ordered reprieved until the next court session that fall.³⁰

The numbers of murder and other major criminal trials increased after that date, until by the outbreak of Bacon's Rebellion, the General Court was hearing three to five murder cases per year, an unusually high number compared to other eras. Although few General Court records have survived from periods other than 1622-1632 and 1670-1676, those that have do not suggest a similarly high level of major crimes; thus, the incidence of murder and other capital crimes for those few years prior to Bacon's Rebellion appears symbolic of the growing unrest and uneasiness within Virginia.

The fall 1673 session of the General Court brought another murder trial, this one of William Lightly for the murders of James and Ann Canady, husband and wife. The grand jury indicted him on October 23 and the jury of life and death found him guilty on the next day. The Court ordered him hanged and his execution took place a few days after. One year later, "Harry the Indian" was tried and found guilty of murder by the jury of life and death. The General Court sentenced him to hang for his crime. Moreover, trials of women for the murder of their illegitimate children began to appear before the General Court in these years. Sarah Greene, although acquitted, was tried for the murder of

her bastard child at the same session as the trial of "Harry the Indian."³¹

Although court records mentioned no motives for any of these murders, they suggest growing tension within the colony. By spring 1675, murder had apparently reached major proportions as individual General Court sessions heard three, four, or five cases. Moreover, the prevalence of guns in the colony had become a subject of discussion, at least by Governor Berkeley himself, who was a member of the General Court. Berkeley wrote in 1673 that "at least one third are Single freedmen (whose labor will hardly maintain them) or men much in debt, both which we may reasonably expect upon any Small advantage the Enemy [the Dutch] may gain upon us, would revolt to them in hopes of bettering their condition by Sharing the Plunder of the Country with them." During Bacon's Rebellion, Berkeley became even more explicit in his fears of the lower sort when he wrote "how miserable that man is that Governs a People where six parts of seven at least are Poor, Indebted, Discontented, and Armed."³²

Berkeley's fears, best exemplified by Bacon's Rebellion itself, were certainly not allayed by his experiences on the General Court which was hearing so many cases in which guns played a significant role. Immediately after the Susquehanna Indian War began in late summer 1675, the General Court tried at least four cases for murder. Evan Ward was indicted, convicted, and sentenced to hang for the murder of Jonathan Button. The Court, while agreeing with the verdict of the life and death jury, had to banish Ward from the colony because "invariances" of the evidence and a lack of a corpse prevented the implementation of the full death penalty. In other trials, the accused

were found guilty of manslaughter and pleaded benefit of clergy, requiring branding in the hand. Both Edward Washington and Jonathan Douglace received such sentences for the killing of William Norcott and Jonathan Taylor respectively.³³

The combination of a higher level of violent crimes against the person and greater need for social control, imply significant unrest within the colony. Moreover, citizens' violent reactions to political and economic problems besetting the colony between 1650 and 1675 add weight to the perception of a white society increasingly violent and disorderly, freed from internal Indian threats. Virginians found themselves plagued by a configuration of political difficulties with which neither they nor their government could adequately cope. English imperial policy, huge grants of Virginia lands to court favorites, external Indian tensions, Dutch invasions in 1667 and 1673, natural disasters such as hurricanes, high levels of taxes, and periodic gluts of Chesapeake tobacco on English markets came together in the third quarter of the seventeenth century to produce great political tension within the body politic of Virginia.³⁴ These tensions resulted in disorder and disharmony and helped to produce a major rebellion in 1676. But many signs of that rebellion appeared in Virginia prior to that year. In addition to the Northampton Protest, a "taxpayers' revolt" occurred in Surry County in 1673. The protest, confined to Lawne's Creek parish of that county, marked a significant challenge to magistrates' authority to levy and to collect taxes.³⁵ Not only that, the "revolt," actually a protest, reflected growing discontent about increased levies in the colony, levies resulting from the need to raise better means of defense. The Dutch attack in July 1673 had

demonstrated the colony's weak defensive posture. New taxes had been levied in the fall 1673 session of the Assembly in order to correct the problem. But heavy taxes for various other needs and projects had so angered colonists that grumbling and discontent mounted and resistance flared in Lawnes Creek parish.

On December 12, 1673, a small group of protesters met at the parish church of Lawnes Creek. The leaders of the conspiracy were Mathew Swan, Roger Delk, Jonathan Barnes, and William Nancock. They claimed that the county magistrates had no right to levy them for excise taxes on liquor and eider down. Their protest was symptomatic of the fact that Virginians resisted higher levies to be used to correct problems the government seemed unable to rectify. They hoped that many other residents of their parish would join them, but a total of only fourteen men took part in the first meeting. They agreed that they would protest the new levies, maintaining that the taxes fell exclusively upon their parish. Between December 12 and the new year the plot fell apart as some participants revealed their roles to local authorities. Although a second meeting was held at Devil's Field near Smith's Fort on Gray's Creek in early January 1674, sufficient information about the nature of the protest had been revealed to officials for them to quell it. By April, when the General Court heard appeals from the Surry County Court about the decisions in the case, the protest had come to an end. In a gesture of leniency, however, Governor Berkeley pardoned all the leaders of the plot on September 23, 1674.³⁶

Additionally, whites in Virginia were becoming more violent in their responses to political and economic problems over which they

believed they had no control. The very fragility of political institutions coupled with a rapidly growing society to produce major stresses in the colony, stresses that released violence. Virginia's society was still experiencing growing pains. Her political institutions represented attempts at recreating English practices, but the necessary social ingredients had not yet been fabricated. Although county and colonial courts used their power in part to create social distinctions and gradations, the process had not yet reached its fruition. In the stress of birth of a distinctive Virginia society between 1650 and 1675, even ordinary problems assumed disproportionate dimensions. But the extraordinary difficulties experienced in that quarter century could not be siphoned off into a mature, well-developed political and social system because that did not yet exist in the colony. The rising level of violence, both criminal and civil, during that quarter-century demonstrates not only that the institutions of government and society were unable to control the population, but that that population was losing its respect for its institutions.

Even such minor incidents as the trial of Richard Price by the Lancaster County Court suggest the breakdown of ties that bound together the society. Price had intruded himself into parish church pews reserved for the high sheriff and county justices of the peace and the court tried him on November 8, 1671, for his offense. The county's high sheriff described Price as a "rude irreligious and uncivil man." The sheriff further stated that although two justices of the peace and he had tried to eject Price, the man had pushed and shoved his way into the pew, knocking over the sheriff. The court, perplexed by the incident, sent it to the General Court, believing that

since two justices and the sheriff were involved personally, they might be prejudiced.³⁷ The court's decision suggests that not only was it perplexed by Price's behavior, but was insecure in its own authority. Seldom did a county or colonial court behave in such a manner later in the colony's history. Any alleged affront to the authority of a judicial body usually resulted in swift and harsh punishment or in public humiliation, but the Lancaster County Court apparently was quite confused about its ability to handle Price and his behavior.

Other incidents coming before courts in the quarter century prior to 1675 indicate disorder may have been increasing. In July 1652 Jane Safford, a servant, testified before the Northampton County Court that she had witnessed a fight between Jane Hartly and Susannah Smyth, two other servant girls. The Hartly woman had owed a debt to the Smyth girl and had refused to pay. When the Smyth girl confronted her, she asked Jane Safford's mistress to loan her money to repay "this turnip woman." The Smyth girl thereupon tossed a jug of beer in Hartly's face and a scuffle ensued in which some blows were exchanged, but no damage done. Jane Hartly then drew a knife, but Jane Safford managed to keep her from the Smyth girl. The court, strangely enough, considering its handling of similar cases, took no action on the basis that no damage, either property or personal, was done. In other servant-related instances, a Mr. Dennis complained before the Surry County Court against his mistress, Fortune Mills. She had written him a note in which she said "I would entreat you to do me the favor as to come down to me & do me a little work for my occasions are very urgent at present." Upon his arrival she and some of her friends whipped him severely and smeared palm oil over his wounds. The oil caused him as much pain as had the

whipping. The court rendered no decision in the matter, probably due to the family connections of Mrs. Mills. She was the sister of Lieutenant Colonel George Jordan of the Royal Army and had first married Colonel John Flood and then James Mills, a London and Surry County merchant.³⁸ Once again, officials, withholding the use of their authority, encouraged the growth of social and political distinctions based upon social status. But at the same time, they contributed to disorder by withholding punishment, thus encouraging those willing to disobey social constraints.

The colony's restlessness exemplified in both court trials and serious disruptions of the body politic were products of deep-seated difficulties within the institutional situation, but also manifestations of tensions produced by specific incidents in the colony. During the last two Anglo-Dutch wars Dutch fleets invaded the Chesapeake Bay, wreaking havoc with the tobacco crop. Governor Berkeley in 1660 had asserted that Virginia could easily resist any invasion force the Dutch could mount against the colony. In a letter to the King dated August 1, 1665, the governor reported a list of every man fit to bear arms and informed His Majesty that if an invasion did occur, the men could either fight on land or man merchant ships to repel invasion from the sea. In another letter of the same date to Lord Arlington, Secretary of State, he told him that Virginia would raise 1500 men for dragoons and 2500 men for infantry in case of a Dutch attack.³⁹ Moreover, no apparent threat of a Dutch invasion could be discerned.

Not until 1666 did the first sign of danger from the Dutch appear when a caper, a Dutch privateering vessel, seized a tobacco ship in Hampton Roads. This privateer was the harbinger of the 1667 invasion

which virtually destroyed the tobacco fleet that year. On June 1, 1667, a Dutch fleet consisting of four men-of-war and two fire-ships entered the Chesapeake. In a two-hour fight the men-of-war destroyed Captain Conway's guardship and sailed up the James, where they found HMS Elizabeth (forty-six guns) completely unprepared for action. After burning her to the waterline, the fleet attacked the tobacco ships, burning five and seizing thirteen others, the whole fleet for that year. The destruction of the crop contributed significantly to the impoverishment of middling and lower sorts in the colony in that and subsequent years.⁴⁰ Again, Virginians found themselves having to bear heavy taxation for defense and other purposes when little could be done to prevent recurrences of such violence.

Although taxes for such events were usually temporary, they added significantly to the already high tax load the average white colonist had to bear. It is difficult to estimate the total percentage of income collected for taxes each year in the colony, but it must have been quite high, probably on the order of thirty-three to forty percent during times of crisis such as the Second or Third Anglo-Dutch Wars. However, those collections bear little upon violence except as motivations to violent behavior on the part of individuals and groups in the colony. It was the excessively high rates imposed after the second Dutch incursion in 1673 prompting the Lawne's Creek revolt detailed above.⁴¹

The second Dutch attack occurred in 1673 after war between England and the Dutch Republic broke out. On Friday, July 11, 1673, four Dutch men-of-war entered the Chesapeake Bay searching for the tobacco fleet, scheduled to sail that month. Even though the colonists were fore-

warned and prepared to meet the attack, the Dutch fleet proved too strong for their resistance. Sixteen tobacco vessels were destroyed, five being run aground and eleven sunk. As in 1667, that comprised almost the whole tobacco fleet for that year. On July 16, 1673, Sir Henry Chicheley wrote his brother, Sir Thomas, informing him that if England did not have a care and provide some aid for Virginia, she could never expect the colony to withstand attacks of this nature. The royal government had instructed the colony to build a fort on Point Comfort to protect the entrance to the James River, but Governor Berkeley had consistently pointed out that a fort there could not expect to command that river without very heavy artillery sent from England itself, artillery which the English government would not send. The colony was ordered to build at its own expense a fort on that site and that necessitated new and higher levels of taxation. Thus, by 1674 Virginia colonists were paying very high levels of taxes and were, in their viewpoints, receiving very little for those taxes.⁴²

Although political events such as the Dutch wars and Navigation Laws encouraged disaffection in Virginia society during the third quarter of the seventeenth century, there existed deep-seated social grievances as well. Since the 1620s Virginia laborers had been brutally exploited by their masters. The price of tobacco governed the demand for and exploitation of labor in the colony. When prices were very high, as in the 1620s, the demand was almost insatiable.⁴³ When tobacco prices "busted," the demand for labor remained high only because the great planters of the colony could afford to grow the weed profitably, and they became the principal producers of Virginia's major export crop. The exploitation of labor in the colony continued during

the post-1660 years largely because those who could afford labor worked their servants long and arduously in order to be able to afford more servants as their old hands earned their freedom. This point was a fundamental paradox of the Virginia economic system after 1660. Masters found that they had to exploit their labor selfishlessly and brutally in order to provide themselves sufficient land and labor to produce tobacco necessary to cover their expenses. Only a very few at the pinnacle of Virginia's society were actually becoming wealthy during the third quarter of the seventeenth century. Other planters either marked time or lost ground, some falling into the class of small planters, owning perhaps one or two hundred acres and a servant or two.⁴⁴

The most important result of the increased numbers of indentured servants between 1650 and 1675, however, was the eventual freedom they won, for then they became threats to the society's safety and order. Frequently, the newly-freed servants resorted to a variety of disorderly activities as they found avenues of opportunity closed to them. The great planters engrossed enormous quantities of acreages during the third quarter of the seventeenth century as they acquired positions of power in Virginia. Consequently, those entering the free ranks after their terms of service ended found opportunities closed, assuming they had ambition to better themselves. They became idle in a disorderly sense, committing minor crimes, inciting Indians, squatting on lands not theirs, or provoking election riots and other types of brawls.⁴⁵ This growing class of newly-freed servants provided the core of disorderly, violence-prone individuals necessary to a major violent upheaval.

By the outbreak of Bacon's Rebellion Virginia society had reached a high level of disorder. Although the internal Indian danger had disappeared in 1646, no longer threatening the security and safety of the colony, frontier and "strange" Indians still aggravated tensions and slowed expansion. Confederation Indians had become Tributaries of the colonial government and had given up attempts of resistance to white expansion. Tributaries became, in effect, the wards of Virginia's government.

At the same time, social and political discontent mounted rapidly. The government's apparent inability to solve political problems affecting the colony's society and economy aroused widespread resentment reflected in protests and disorder. Exploitation of labor, the freeing of large numbers of servants annually from their indentures, and the lack of opportunity for those former servants bred a high level of social discontent. Moreover, that discontent was easily fused with the political discontent, for the political leaders who could not solve the political problems were the social elite exploiting the rest of the society for their own advantage. Thus, the discontent of white society joined with an increasing number of frontier Indian raids and "strange" Indian incursions to produce a situation which could set off mass violence and revolt.

NOTES

VIOLENCE IN THE FORMATION OF VIRGINIA SOCIETY:

1646-1675

¹The population estimates for those two years are contained in Greene and Harrington, American Population, 136. Included in these estimates are three hundred Negro servants in 1648 and two thousand in 1670. The slow growth of the Negro population in the third quarter of the seventeenth century proceeded along with the institutionalization of slavery, the violence of which provides a minor theme for this period. For analyses of the population growth, see Morgan, American Slavery, American Freedom, 405-410; Craven, White, Red and Black, 1-39.

²A summary of the growth of Virginia institutions in the seventeenth century may be found in Craven, Southern Colonies in the Seventeenth Century, Chapter 5. Supplementary to Craven's work on county governments is Billings, "Growth of Political Institutions," and Hiden, How Justice Grew.

³JHB, 1619-1658/9, 84, 86-87; Neill, Virginia Carolorum, 229.

⁴JHB, 1619-1658/9, 90, 91; Hening, ed., Statutes-at-Large, I (1619-1660), 380; Jennings Cropper Wise, Ye Kingdom of Accomack: or the Eastern Shore of Virginia in the Seventeenth Century (Richmond, Virginia, 1911), 133-141; "Northampton County Records in the Seventeenth Century," VMHB, V (1897-1898), 37-38; Neill, Virginia Carolorum, 233, 418.

⁵The treaty granted Virginians' responsibility for directing the various Tributary Indians. The Council was granted authority to appoint chiefs for the various tribes. Hening, ed., Statutes-at-Large, I (1619-1660), 323-326.

⁶"Northampton County Records," 33-34.

⁷JHB, 1659/60-1693, 14; Hening, ed., Statutes-at-Large, II (1660-1685), 149.

⁸JHB, 1619-1658/9, 94.

⁹JHB, 1659/60-1693, 15.

¹⁰Ibid., 6.

¹¹Neill, Virginia Carolorum, 313; Hening, ed., Statutes-at-Large, II (1660-1682), 218-220. Berkeley, in 1670, wrote that the colonists had no reason to be apprehensive about the Tributaries, for "the Indians, our neighbors, are absolutely subjected, so that there is no fear of them." Neill, Virginia Carolorum, 332.

¹²JHB, 1619-1658/9, 99-100; Hening, ed., Statutes-at-Large, I (1619-1660), 422, 426, 506. Although Hill was stripped of all offices, he quickly recovered, being Speaker of the House in 1659.

¹³David I. Bushnell, Jr., in Smithsonian Miscellaneous Collections, XCVI, No. 4, 1 ff; Charles Campbell, History of Colony and Ancient Dominion of Virginia (Philadelphia, 1860), 233-234; Captain John Berry, Colonel Herbert Jeffreys, Francis Moryson, "A True Narrative of the Late Rebellion in Virginia by the Royal Commissioners, 1677," in Charles McLean Andrews, Narratives of the Insurrections, 1675-1690 (New York, 1915), 114. Hereafter cited as The Royal Commissioners, "True Narrative."

¹⁴Minutes of the Council and General Court, 488-489; Neill, Virginia Carolorum, 313; Sir William Berkeley to My Most Honr'd Friend Maj. Gen. [Robert] Smyth, June 22, 1666, Rappahannock County Deeds and Wills, 1665-1668, 57, quoted in Warren M. Billings, ed., The Old Dominion in the Seventeenth Century: A Documentary History of Virginia, 1606-1689 (Chapel Hill, 1975), Doc. E, p. 231.

¹⁵Morton, Colonial Virginia, I, 204-207.

¹⁶Hening, ed., Statutes-at-Large, I (1619-1660), 323-326, II (1660-1682), 149-156.

¹⁷Lyon G. Tyler, ed., "Some Extracts from the Records of Lancaster County," WMQ, 1st Series, XX (1911-1912), 134; Hening, ed., Statutes-at-Large, II (1660-1685), 162.

¹⁸Minutes of the Council and General Court, 295, 346.

¹⁹Ibid., 382.

²⁰JHB, 1619-1658/9, 96.

²¹For this suggestion, see Kai T. Erikson, Wayward Puritans: A Study in the Sociology of Deviance (New York, 1966).

²²Lyon G. Tyler, ed., "Witchcraft in Virginia," WMQ, 1st Series, I (1892-1893), 127. The normal punishment for witchcraft was death by burning. For a quite different treatment of witchcraft, see the 1706 Grace Sherwood case in EJC, III (1705-1721), 75, 78.

²³Erikson, Wayward Puritans, 107-136, 176-179. For Berkeley's treatment of the Puritans, see Morton, Colonial Virginia, I, 151-153.

²⁴Hening, ed., Statutes-at-Large, I (1619-1660), 532-533; Calendar of State Papers, Colonial, 1660-1668, 118.

²⁵Calendar of State Papers, Colonial, 1660-1668, 112, 117; Minutes of the Council and General Court, 209-210; Morgan, American Slavery, American Freedom, 236.

²⁶Beverly, History and Present State, ed. Wright, 68-69; JHB, 1659/60-1691, 24; Morton, Colonial Virginia, I, 197.

²⁷Virginians borrowed heavily from English criminal law of the seventeenth century. But in the colony variations were often necessary to meet conditions. For instance, theft of food and breeding animals in the early decades of Virginia's history became capital crimes since those animals provided necessities. Later in the century, hog-stealing became a capital crime on the order of horse-stealing in the eighteenth or nineteenth centuries. For English criminal law history, see Sir James Fitzjames Stephen, A History of the Criminal Law of England (3 volumes, London, 1883). Early Virginia criminal law is detailed in Hugh F. Rankin, Criminal Trial Proceedings in the General Court of Colonial Virginia (Charlottesville, 1965); O. P. Chitwood, Justice in Colonial Virginia (Johns Hopkins, 1905); and A. P. Scott, Criminal Law in Colonial Virginia (Chicago, Illinois, 1930). Chapter IV of Rankin's book explains the operations of the General Court in the punishment of crime. The other three chapters explain that court's origins and development, personnel and jurisdiction and procedural methods. The gubernatorial order respecting animal-stealing may be found above, pp. 84-85 and the acts of Assembly respecting hog-stealing in Hening, ed., Statutes-at-Large, I (1619-1660), 350-351, II (1660-1682), 129, 440-441.

²⁸"Northampton County Records," 40; "The Ordeal of Touch in Colonial Virginia," VMHB, IV (1896-1897), 187. On the ordeal of touch as a means of criminal identification in medieval Europe and modern civilization, see Henry C. Lea, Superstition and Force: Essays on The Wager of Law--The Wager of Battle--The Ordeal--Torture (Philadelphia, 1878), 315-323.

²⁹Minutes of the Council and General Court, 252.

³⁰Ibid., 329.

³¹Ibid., 353, 380.

³²Quoted in Edmund S. Morgan, "Slavery and Freedom: The American Paradox," Journal of American History, LIX (1972), 21-22. In American Slavery, American Freedom, 239-240, Morgan makes much of the prevalence

of guns in the society, especially those possessed by the newly-freed young men.

³³Minutes of the Council and General Court, 404,429.

³⁴David S. Lovejoy, The Glorious Revolution in America (New York, 1972), 32-53; Billings, ed., Old Dominion in the Seventeenth Century, 230-234, 258-262, 267-280.

³⁵Billings, ed., Old Dominion in the Seventeenth Century, 262-267. For the Northampton Protest, see above, pp. 115-116.

³⁶Ibid., 258-267; Minutes of the Council and General Court, 367; Lyon G. Tyler, ed., "Rebellion of 1674," WMQ, III (1894-1895), 122-125.

³⁷Lyon G. Tyler, ed., "Lancaster County Records," WMQ, 1st Ser., I (1892-1893), 156-157. For similar view of incidents such as Price's see Morgan, American Slavery, American Freedom, 248.

³⁸"Northampton County Records," 33-34; Lyon G. Tyler, ed., "Extracts from the Records of Surry County," WMQ, 1st Ser., XI (1902-1903), 79, 87nl.

³⁹Calendar of State Papers, Colonial, 1660-1668, 316.

⁴⁰Minutes of the Council and General Court, 490; Morton, Colonial Virginia, I, 194-195; Calendar of State Papers, Colonial, 1660-1668, 316, 396, 474, 475, 490-491.

⁴¹Ibid.

⁴²Morton, Colonial Virginia, I, 215; Calendar of State Papers, Colonial Series, 1669-1674, 508-510; Billings, "Virginia's Deploured Condition," 235-237.

⁴³Morgan, American Slavery, American Freedom, Chapt. 6.

⁴⁴Ibid., Chapt. 11.

⁴⁵Ibid., 237-244.

CHAPTER V
INDIAN WAR AND CIVIL WAR:
BACON'S REBELLION, 1675-1677

The years 1675 until 1705 comprise a period of turbulence and disorder generally in the English American colonies, and Virginia was no exception. Virginians resorted to mass violence three times during those three decades. Discontent remained rife and colonial leaders worried constantly about new uprisings. The colony's government did not possess sufficient police powers to control the disorder and officials in Virginia repeatedly warned English imperial officers they feared violent outbreaks and disruptions during those years. Their fears were well-grounded, for their experience during the decade and a half prior to 1675 suggested that discontent and disorder had not subsided but rather had increased as that year approached. Problems breeding the unrest included English governmental attempts to alter significantly the relations between colony and mother country. The continued exploitation of the laboring classes and smallholders by those possessing power and wealth aggravated the situation in Virginia. Political factions within the elite heightened the unrest, for they competed for political support from those beneath them socially.¹

During the fifteen years between 1660 and 1675 the turbulence, as measured by political protests and violent or near-violent uprisings, had mounted until all that was needed in the latter year was some trigger

to set off the populace in a rebellion. The pressures built solely within the white society, so that it appears surprising that an Indian war provided the occasion for the outburst of mass violence. After 1646 this older pattern of violence within Virginia disappeared as a distinct threat to the safety and security of the colony. No longer did the Indian Confederation pose a threat to the colony's survival. Indians resident on the colony's frontiers had presented problems of security for the frontiersmen of the colony, but those problems since 1646 had by no means suggested a massive, violent confrontation between frontiersmen and colonial leaders. Indian policy had remained in the hands of Governor Berkeley and his Council, although by 1676 many Virginians suspected that the Governor had used the lucrative Indian trade to his own advantage, a suspicion probably without major foundation.²

The bulk of Indian violence preceding the 1675 Indian War occurred on the colony's northern frontiers, a region growing rapidly as colonists competed for the rich lands of the Northern Neck peninsula.³ Indians of both sides of the Potomac River had long enjoyed hunting in the present-day Stafford and Prince William Counties, regions into which colonists were already intruding by 1660.⁴ But even the recurrent intrusions and threats of land appropriations had brought little more than skirmishes and raids between Indians and whites before 1675. The incident triggering the Indian War occurred in July 1675 and revealed that whites had little to fear from Indians resident near Virginia's borders. Those Indians could be treated harshly and severely if the colonists so chose.

Virginia and Maryland whites had long traded with the Doeg Indians, a tribe probably created from the remnants of several tribes partially

destroyed by disease and war in the first half of the seventeenth century. The Doegs resided on the north bank of the Potomac, well up-river from the nearest Maryland or Virginia settlements. The Doegs had allegedly murdered several whites in Virginia during the 1660s, but by 1675 their hostility had been replaced with extensive trade with the whites. They had, however, been subjected to new pressures, for they had had to welcome the Susquehanna Indians into their homeland due to the failure of the Susquehannas to maintain control of their own lands located at the northern end of the Chesapeake Bay and along the banks of the river that bears their name.⁵ The Susquehannas, being among the Indians visited by John Smith in 1608 during his explorations of the Chesapeake Bay, had long been acquainted with the whites. A formal treaty of protection had been drawn between the Susquehannas and Maryland in 1651 in order to shield the Indians from their aggressive and war-making linguistic cousins, the Iroquois Confederation.⁶ The Susquehannas had done little to antagonize whites prior to the summer of 1675, for they required white protection from the Iroquois. But their hosts, the Doegs, began a series of raids into Virginia to take hogs and other meat animals.

The Doegs raided in July 1675 to recover from Northern Neck planters such as Thomas Mathew payment for truck and other agricultural goods provided the whites. The whites preferred to interpret the Doeg actions as stealing. Approximately thirty planters, including Mathew, pursued the Doegs, catching many of the natives. The whites beat and killed their captives, while those who escaped reported to their chiefs their reasons for their actions and the colonists' responses. The warriors insisted that they had taken the hogs only as payment for goods whites

had ordered and received from them. In revenge for the killing of their fellow-warriors the Doegs recrossed the Potomac and raided Mathew's plantation, killing two of his servants and, somewhat later, his son.⁷

These skirmishes did not portend a rapid escalation into a full-scale Indian war, for neither the Doegs nor the Maryland settlers wished to make war on each other. The Doegs and Maryland whites preferred to negotiate, but the actions of Virginia settlers in the Northern Neck expanded the hostilities into war. Colonels George Brent and George Mason raised the local militia to pursue the colonial boundaries, crossing the Potomac River into Maryland, where they soon found two cabins filled with Indians. Mason and Brent divided their force into two commands and surrounded the two cabins, which the two Virginia leaders suspected of harboring hostile Doegs. One cabin, in fact, contained a Doeg chief and several of his warriors, but they denied any knowledge of or participation in the skirmishing with the Virginians. Colonel Brent, commanding that force, ordered the chief immediately executed and instructed his men to begin an attack on the cabin.⁸ Although the appearance of the Doegs in the cabin so far from their home villages would have alarmed any white party searching for hostiles, it was quite possible that the natives were hunting as the chief averred. It was one of the traditional hunting seasons for Chesapeake Bay Indians, and they frequently ranged over hundreds of square miles in search of game. Moreover, the regions encompassed by the Northern Neck, Stafford, and Prince William were traditional Indian hunting grounds, and the natives evidently resented continual encroachment upon those lands by whites. If the source of friction was land possession, then the whites were acting aggressively to rid the region of Indians.⁹

Although the Doegs' raids prompted the outbreak of hostilities, it was a case of mistaken identity which launched the Indian War. The Doegs remained neutral when the war actually broke out, preferring the protection of Maryland's government to the attempt at making war chosen by the Susquehannas. The second cabin containing Indians was filled with Susquehannas, not Doegs. That cabin, located about a mile from the scene of the skirmish with the Doegs, was surrounded by Mason's force. When the Susquehannas heard the firing from the first cabin, they fled in alarm, only to be picked off by Mason's men. Not until a Susquehanna chief made it clear that they were Susquehannas did the firing cease. By that time, however, fourteen warriors had died. The Doeg battle had taken ten Indians' lives.¹⁰ Thus, by the middle of August, at least three whites and twenty-five or thirty Indians had died in the skirmishing.

Yet the fighting did not mean that an Indian War actually had to break out. Mason remained most apologetic to the Susquehannas for the mistake he and his men had made, but the Virginians had furnished both the Susquehannas and the Doegs with motives for revenge. The escalation of the skirmishing into a full-scale war came only with the northern Virginia militia's deliberate violation of orders issued it by Governor Berkeley. Most probably the settlers from the northern regions of the colony assumed that the Susquehannas and Doegs were both responsible for the murders and raids which had occurred in their home counties since the early 1660s. But, as had already been pointed out, there had been a number of years of peace in that area; otherwise such extensive trading relations as hinted at by the Doeg relations probably never would have developed. However, the reaction of northern Virginians to Governor

Berkeley's instructions to investigate the situation suggests that hysteria about the Indian problem was already beginning.¹¹

On August 31, 1675, Governor Berkeley ordered Colonel John Washington and Major Isaac Allerton to call together the various militia officers of the Northern Neck to make "a full and thorough inquisition" of those inaugurating the attacks on the Indians. He instructed the two militia officers to investigate the reasons for the unprovoked hostilities against the Susquehannas. But the hysteria alluded to above prevented a successful conclusion of the investigation. Rather than follow their instructions, the two leaders summoned militia forces in preparation for war and wrote Maryland authorities requesting their aid in the matter. The Virginia forces met Maryland militia units in late September and surrounded the principal Susquehanna fort.¹²

When the whites completed their investment of the Susquehanna fort, located on the Maryland side of the Potomac upriver from Stafford County, they summoned the Indian leaders for a conference. Five Susquehanna chiefs appeared and demanded an explanation for the whites' hostility. Approximately one thousand white men surrounded an Indian fort containing no more than one hundred warriors and their wives and children.¹³ Rather than explain to the Susquehanna chiefs the reason for the warlike posture, the Maryland commander, Major Thomas Truman, demanded satisfaction for the murders of that summer. The chiefs denied first-hand knowledge and participation in those murders. They were then led a distance from the fort and murdered by the whites. Neither Maryland's nor Virginia's government took strong measures to punish whoever was responsible for the murders of the Indians. Rather, the militia forces continued the siege for several weeks. When Berkeley heard of the incident, he wrote

that "if they had killed my Grandfather and Grandmother, my father and Mother and all my friends, yet if they had come to treat of Peace, they ought to have gone in Peace."¹⁴ But he did nothing to punish Washington or Allerton.

Berkeley's words are revealing, for they suggest the caution and diplomacy with which he intended to pursue the war. Yet he could not control the irresponsible behavior of his officers and men in the field, nor could he foresee that the Indian war would occasion mass resistance to his Indian policy from civilians. The slaughter of the five chiefs and the obvious fact that government leaders took no reprisals against the murderers convinced the remainder of the Susquehannas to make revenge. The killing of the chiefs provided the occasion on which the war formally broke out. The warriors and their families remained in the fort for the next several weeks, maintaining a desultory skirmishing and sharpshooting. They apparently did have arms and ammunition, but that began to give out after a few weeks. The braves may have killed as many as fifty Englishmen besieging the fort before resolving to break out of the fort and to kill as many English troops as necessary to effect their escape. As the hostile Susquehannas fled from their fort one October night, they clubbed to death ten sleeping English guards.¹⁵ The fleeing Indians crossed the Potomac into Virginia's backcountry where they held a council of war to decide their course of action. Their leaders resolved to avenge the murder of their chiefs by killing ten English for every chief slain. The hostiles, numbering perhaps one hundred Indians, set off for the headwaters of the James River after having conducted a series of raids for revenge in Sittingbourne Parish, Old Rappahannock County. Beginning in late January and continuing into

early February, they killed at least thirty-six settlers in that parish, forcing the settlements to contract from seventy-one to eleven plantations.¹⁶ The English could do little to abate these raids, for they lacked the means to launch search parties and to establish a protective posture. But the hostiles seem to have finished their raiding with the destruction of that parish, for evidently they requested peace negotiations with Governor Berkeley and historians who have studied Bacon's Rebellion intensively have found no further direct evidence of Indian raids and hostilities.¹⁷

The Virginians, however, would not allow Berkeley to make peace with the Indians. The hysteria first noticed during the fall of 1675 rose to a peak in the spring of 1676. There already existed considerable discontent in the colony, both with imperial relations and with local government. Throughout the years from 1660 until 1675 discontent among the settlers had mounted over the government's inability to alleviate the distress and over officials' obvious misuses of power and privilege. But in the early spring of 1676 that social discontent was exacerbated by the Indian war and by other factors.

Word reached Virginia in February 1676 of the outbreak of King Philip's War in New England and Virginians were quick to believe that connections between the Susquehannas and New England Indians already existed. Although many historians have discounted the possibility of a conspiracy between the Susquehannas and Doegs on the one hand and the New England Algonquins on the other, two modern-day historians, Wilcomb Washburn and David S. Lovejoy, have explored the likelihood of such an occurrence. Washburn makes only a conjectural case that the conspiracy did exist, while Lovejoy asserts it as a fact.¹⁸ Whether such plotting

did occur, the fact remains that extensive talks between independent Indians of the Chesapeake Bay and New England may have happened. The important point is that Virginians believed the talk of a conspiracy and reached the conclusion that if Philip's minions were successful in New England, they would expand their operations and bring in more allies all along the east coast. Virginians also believed that the Susquehannas had killed far more than the thirty-six slain in Sittingbourne. Rumors began circulating that over three hundred settlers had died at the hands of the Indians that winter. While the records do not bear out the assertions that Indians slaughtered that many colonists, an abnormal number of Virginians did die in an epidemic. Several hundred--some reports mentioned three hundred--died of a malady which carried off mostly children and old people. News of these deaths may have been confused with word of the Indians' raids and created a false impression of large-scale loss of life from the Indian fighting. Apparently, then, by the time the March 1675 meeting of the Assembly began, Virginians had hysterically demanded war against Indians, regardless of who they were and what the circumstances of the current hostilities.¹⁹

The colony had reached a point of discontent and instability which required only a catalyst to launch a revolt. Nathaniel Bacon, Junior, provided just such a catalyst. The young man had arrived in the colony in the summer of 1674, welcomed by the one for whom he was named, Nathaniel Bacon, Senior, and his cousin-by-marriage, Governor Berkeley. The two men represented the highest levels of power in Virginia. Berkeley, as governor, and Bacon, as a senior member of the Council, held positions of great trust and authority. The younger Bacon was probably in his mid- to late-twenties when he came to Virginia. His father was a

well-to-do member of the Suffolk County gentry in England and the younger Nathaniel had had many advantages, including some education at Cambridge. Evidently, however, the young man was psychologically unstable. His father had withdrawn him from Cambridge for he had "broken into some extravagancies." He then married Elizabeth Duke against the will of her father and proceeded to defraud another young man of his lawful inheritance. His father then decided to ship the young man to Virginia, hoping to correct some of his errant ways. Although the evidence of his instability in England suggests more a willful and selfish disposition; his behavior in Virginia argues for a much more unstable character.²⁰

Once Bacon was in the colony, Governor Berkeley nominated him to the Council (this in March 1675), indicating his reception in the highest social and political circles in the colony. But he and his wife settled on the frontier fringes of Henrico County, near the Falls of the James. His neighbors who described him called him a loner, a picture he himself painted when he remarked that he "always. . .delighted in solitude and mistique employments." Others pictured him as "not given to much talk or to make sudden replies, of a most imperious and dangerous Pride of heart, despising the wisest of his neighbors for their Ignorance, and very ambitious and arrogant." Perhaps it is misreading his character to label him unstable, but his behavior in Virginia, both before and during the rebellion, seem to point to instability deeply rooted in his personality.²¹

His actions in the colony bearing most heavily upon his later rebel leadership occurred in the fall of 1675. While the siege of the Susquehanna fort was going on, Indian troubles began to erupt on the

western frontier. Bacon was mixed up in one such incident when he seized a small group of Appomattox Indians for stealing corn. The corn belonged neither to his neighbors nor to him. Governor Berkeley rebuked his young relative for his action, pointing out to Bacon that little good would come from such behavior toward Indians. Berkeley feared that all Bacon did was to excite already-nervous settlers and to anger Indians long the tributaries of the colony.²²

Bacon's volatility and impetuous behavior provided the catalyst necessary for the outbreak of mass violence and resistance to the government's Indian policy. Governor Berkeley summoned the Assembly in March 1675 to prepare a defensive plan for the colony. He proposed to the Assembly that a line of forts along the frontiers be created and garrisoned. To protect the interstices the governor suggested that a two-hundred man "flying force" composed of cavalry be reated to range those open spaces.²³ His proposals suggested to frontiersmen that new taxes would result and that little would be accomplished. They wanted revenge for the more than three hundred they supposed had died at the hands of Indians, but the Assembly accepted his proposals.

In April a group of Charles City County planters petitioned Berkeley for a commission to pursue Indians. Berkeley refused their request, replying that the Assembly's plan would work much better. Berkeley feared that frontiersmen chasing Indians would be more likely to slaughter friendly or neutral Indians than they would be to catch hostiles. He remembered quite vividly what Washington and Allerton had done the fall before. Finally, he pointed out that the Susquehannas had already submitted an offer of peace and that he wished to explore that possibility.²⁴

Berkeley's response did not mollify the frontiersmen; rather it infuriated them more. By that time Bacon's own plantation had been raided and his overseer killed. Men from the frontier regions now turned to Bacon to seek his leadership. Although he had been appointed to the Council one year before, he had attended only three meetings of that body. He was impetuous and critical of Berkeley's policies, characteristics which made him attractive to the frontiersmen. Moreover, his social and political prominence provided dissident Virginians the leadership considered necessary in the seventeenth century.²⁵ Thus, the turbulence, discontent, and upheaval of the years prior to 1676 came to a head in the person of Bacon.

When Berkeley refused the commission to the Charles City planters, they turned to Bacon and made him their leader. He already had attracted considerable support from residents of his home county of Henrico, and that combined with the Charles City dissidents provided a force sufficient to demand a commission to fight the Indians. By that time, word had reached the colony that a band of Susquehannas had camped near the village of the Occaneechee Indians, a fort on an island in the Roanoke River located near the point at which the Dan and Staunton Rivers join to form the Roanoke. Berkeley had already realized that his policy of protecting those Indians tributary to Virginia had failed, but he still refused to allow Bacon a commission.²⁶

Bacon led a party of approximately one hundred men to the Occaneechees, who had informed the whites of the presence of the Susquehannas. Once they arrived at the fort, the whites began feasting and negotiating with the Indians. The Occaneechees offered to attack the Susquehannas and Bacon accepted. When the war party of Indians returned successfully

from their mission, fighting between the Occaneechees and the whites began. Bacon may have wanted to secure the £1,000 worth of furs which the Indians had or he may have wanted to make sure that he could return to the colony and report that his mission had been a success. The accounts of the outbreak of fighting between the Indians and the whites differ, but they all suggest that the Virginians intended to wipe out the Occaneechees completely.²⁷

Bacon and his men killed over one hundred and fifty Indians and destroyed their palisaded village. The destruction of the Occaneechees removed the Indian middle-man trading complex interrupting the direct flow of goods between Virginia whites and Cherokee Indians to the southwest. During the early 1670s Virginians had been making every effort to expand their Indian trade toward the southwest, and Bacon simply may have taken the opportunity to clear the trading path completely. Moreover, the Occaneechees had attacked without provocation Abraham Wood's trading expedition in 1673, and Bacon may have been interested in avenging that attack. Whatever the motivation, white ethnocentric suspicion of Indians certainly played a role in the destruction of the Occaneechees.²⁸

The attack on the Occaneechees confirmed Berkeley's worst fears and suspicions about frontiersmen's desires to hunt Indians. He had long resisted whites' aggressive advances. Frontier colonists intended the destruction of any Indians, whether they posed a threat to the settlements or not. Moreover, whites intended to clear the last enfeebled resisters to colonial expansion from lands coveted by whites. The conclusion appears warranted that the Baconians were motivated not by a sense of fear or terror of Indian attack but, on the contrary, by a

sense of confidence that they could and should crush Indians who might possibly obstruct the colony's future expansion.²⁹

By the time the Baconians returned to the colony in late May, word had been received of their exploits. Berkeley had issued warrants for elections for a new Assembly, the first such warrants since 1661. The dissolution of the "Long Assembly" paved the way for the drafting of grievances about the royal government and imperial administration. Bacon's constituents in Henrico County promptly elected him to a burgess seat from that county, a move Berkeley disliked because it removed the young man from the Council where Berkeley could better watch him. This new Assembly heralded changes for the colony, changes which might have resolved some of the manifold social and economic problems.³⁰

When the new Assembly began its sessions in June of 1676, however, the problem between Berkeley and Bacon had not been resolved. Berkeley had proclaimed Bacon a rebel when he marched off to attack the Occaneechees and, when he appeared in Jamestown, Berkeley ordered him seized, clapped in irons, and imprisoned as a traitor and rebel. After Bacon offered his abject submission, Berkeley ordered him restored to his Council seat and promised him a commission to lead Virginians against hostile Indians only.³¹

But by the end of July, Bacon had raised a full rebellion against Berkeley's authority, for when he found that the populace supported him, he concluded that he could make himself master of the colony and petition the Crown for redress of grievances. Bacon's willingness to lead the rebellion was in part derived from the mounting evidence of the general population's acceptance of his rebellious ways. The level of the rebellion and the number of participants belies the small number of casualties

resulting from it.³²

But the important factors contributing to the growth of the rebellion in the summer of 1676 were the unrest, discontent, and disorderliness of Virginia's population, especially among the young men of the colony who could look to no economic future. From 1660 until 1676 discontent within the white society had mounted to a point at which someone of Bacon's nature could exploit the unrest to his own advantage. This is not to say that Bacon was not sincere in his devotion to the rebellion. His constant energy and movement on behalf of the rebellion and Indian war, both events proceeding simultaneously after August 1, 1676, provide sufficient evidence of his own belief that a restructuring of the political leadership in the colony was essential. However, his own volatile character and impetuous behavior encouraged not only his own act of rebellion, but his willingness to exploit what he considered an ideal situation for general rebellion. The sources of discontent in Virginia were basically economic, a tobacco price depression and extensive taxation to pay for governmental services such as defense and suits to break royal grants of lands, especially in the Northern Neck.³³ But many social and political grievances existed as well. Extensive repression of lower-class whites, both freemen and servants, by masters combined with the unrest of many upper-class whites who did not believe that they had been sufficiently rewarded politically for their social status.³⁴ Bacon, whose own act of rebellion was generated by his confrontation with Berkeley over Indian policy, concluded in late July that he could convert the discontent with that policy into general rebellion. Thus, he was able to provoke full-scale rebellion in Virginia when he required citizens loyal to him to renounce the royal government of

Berkeley. Until Bacon made that decision, the situation was not irreconcilable. Although Berkeley had proclaimed him a rebel once, he had rescinded that proclamation upon Bacon's offer of submission in June. But the chain of events directly responsible for the outbreak of the rebellion began when Bacon demanded the commission to fight Indians in June.

Bacon's decision for a full rebellion also hinged on Berkeley's Indian policy, a policy ratified by the colony's March Assembly, yet questioned by many colonists. Bacon wanted to fight Indians. The death of his overseer the previous fall, the political trust placed in him by his constituents in Henrico County, and the opportunity to lead his fellow frontiersmen against Indians encouraged his demands for a commission.

In June Bacon heard rumors after his restoration to the Council that Berkeley was plotting his arrest and imprisonment, so he sneaked out of Jamestown to raise supporters who would provide him a bodyguard against Berkeley's alleged machinations. Upon his return to Jamestown the young man demanded the commission to fight Indians, threatening to use force to get it. The old governor grudgingly gave it and the four hundred Baconians marched from the town to search for Indians. Berkeley, for the second time, proclaimed Bacon a rebel and summoned the Gloucester County train-band (militia) to march against Bacon.³⁵

When Bacon heard word of Berkeley's duplicity, he reversed his march and made an encampment at Middle Plantation (the future Williamsburg). The Gloucester County train-band revolted in favor of Bacon and Governor Berkeley had to flee to the Eastern Shore of Virginia because he had no support on the Western Shore. No real fighting between the

two forces had occurred yet, but the break appeared irreparable at this point. Berkeley waited on the Eastern Shore for developments which he might turn to his advantage while Bacon prepared his Pamunkey Indian campaign and planned his coup within the government.³⁶

With the exception that he desired a commission to fight Indians, Bacon never was clear about the nature of his grievances against Governor Berkeley. Yet he prepared a series of oaths to be administered to his followers. In those oaths Bacon announced his seizure of control of the colony, but he did not renounce his allegiance to the Crown. He may have intended to free Virginia from its ties to England and, if so, he hoped to exploit the widespread discontent in the colony. In order to crush Berkeley's resistance to his revolt, he ordered William Carver and Giles Bland to take two hundred men and some heavy artillery with them to the Eastern Shore. The expedition used as its flagship a sloop formerly commanded by Captain Thomas Larrimore, a loyalist who remained aboard as master under duress.³⁷

The vessel and its consorts reached the Eastern Shore without incident, but Berkeley succeeded in seizing control of it. The governor occupied Carver in negotiations while Colonel Philip Ludwell, a member of the Council and one of Berkeley's warmest advocates, slipped aboard the vessel along with a party of loyalists and they, with Larrimore's aid, overpowered the rebel crew. When Carver and his escort returned to the ship, they were immediately seized. This first action between the rebels and loyalists resulted in no loss of life and almost no injuries.³⁸ Berkeley then recrossed the Chesapeake with six hundred men and several vessels, mostly sloops and ships.

Berkeley quickly effected the recapture of Jamestown, a strategic

point which the rebels could ill afford to lose since it commanded many of the important water routes of the southern end of the colony. When Berkeley's fleet appeared before the town, Thomas Hansford and the nine hundred rebels occupying the city fled, for they could not resist the guns of the ships. The town's artillery had been dismantled and placed on Larrimore's ship when Carver and Bland tried to capture Berkeley. In the meantime, Bacon had marched off to fight the Pamunkeys, an Indian tribe he was convinced had participated, either with direct aid or information, in the attacks in the colony.³⁹

Bacon's party, some one hundred and fifty, marched against the Indians following the promulgation of his oaths. The Pamunkeys had a reservation located on the peninsula separating the York and Rappahannock Rivers and it was surrounded by low, swampy land. Many Pamunkey warriors had died in 1656 when they had participated in an attack with the Virginians against the Richahecrians. Their losses from such military defeats coupled with their decline in population resultant from disease had reduced their numbers to approximately two or three hundred men, women, and children by 1675. They had remained quiet and passive since the end of the Indian wars in 1646, but white frontiersmen and even many Virginians living within the settled portions of the colony now believed that tributary Indians such as the Pamunkey were doing all in their power to bedevil the colony.⁴⁰

Bacon intended to destroy the tribe when he caught the natives, but when the marchers reached the Pamunkey reservation in mid-August, they found that the Indians had fled into the swamps surrounding their village. The whites found one woman whom they killed, seized one child as a prisoner, and set off in pursuit of the natives. They discovered

one old woman, a nurse to the Queen of the tribe, and forced her to show them where the rest were hidden. She, however, led them in the opposite direction from where her people were hidden, and when Bacon found this out, he ordered her clubbed to death. Finally locating the main encampment, the Baconians killed only a few Indians, captured forty-five others to be sold into slavery, and carried off three horse-loads of plunder. The Baconians seized more Indians to be sold as slaves than they killed. Bacon wishes, probably, to pay the expenses of the expedition from the captives and plunder, a common practice among European peoples in the seventeenth century and a very common occurrence during Bacon's Rebellion.⁴¹ Upon the completion of the attack in late August, Bacon returned to Jamestown to face Berkeley who had, by then, retaken the town.

The rebellion reached its culmination in the succeeding month as the opposing forces directly confronted each other. The two men, Bacon especially, became symbols of the two sides of the rebellion. Bacon's own instability and volatile personality matched that of the colony in general and Berkeley's early attempts to reassert his control suggest how much Bacon represented to Virginians. Most Virginians must have supported the rebellion, with the exception of the Eastern Shore population who continually welcomed Berkeley when he fled from Jamestown. But wherever Bacon went, the rebellion went figuratively and literally. When he and his men returned from the campaign against the Pamunkeys in late August, Berkeley had easily effected the reduction of the Baconians controlling the capital city, Jamestown, and no rebels had dared to try to force him out. Yet Bacon's return infused new spirit into the movement and within a month Berkeley was back on the Eastern Shore. Bacon

erected fortifications at Paspahegh Old Fields, an old Indian clearing directly in front of Jamestown. To prevent Berkeley from driving his men from the fortifications while they were being constructed, Bacon ordered that several wives of prominent colonists be kidnapped and used as hostages. By the last third of September, Jamestown was surrounded on all sides, although Berkeley still controlled the waterways.⁴²

Berkeley had to commit his forces in a charge trying to break the siege. When on September 20 he sent between six and seven hundred men against the rebel fortifications, the Baconians broke the charge with great loss of life inflicted on the loyalists. No accurate estimates of losses have survived, but a surmise suggests one-quarter to one-third were killed and wounded. Berkeley departed hastily for the Eastern Shore again so that he might regroup his forces and plan new strategy. Bacon reinvested Jamestown that evening, but in a strategy conference with his lieutenants he concluded that the town was untenable with Berkeley still controlling the waterways. Richard Lawrence suggested that the town be burned to the ground and promptly set his own house afire. In the ensuing hours the Baconians burned Jamestown to the ground, probably fearing that Berkeley would use the town again if royal troops arrived and he could rally support. It was good tactics to remove the one urban center of the colony, especially since it was so accessible from the water, and Berkeley held the waterways.⁴³

Following the evacuation of Jamestown, Bacon tightened security and discipline within his ranks. He established courts-martial to try suspected loyalists, and these tribunals convicted several suspected Berkeleyites; however, only James Wilkensen was executed. But suspected loyalists were not Bacon's only discipline problem. His own men were

plundering and seizing the property not only of loyalists but of those trying to remain neutral in the conflict. Bacon had to halt those obnoxious practices before they destroyed his bases of support, the settlers from whom he drew his food and supplies. Moreover, if the revolt succeeded and Berkeley were forced from Virginia, those settlers would be his subjects until some sort of settlement with the Crown was made.⁴⁴ So, even if he defeated Berkeley, without the cooperation of the rest of the colonists his movement was doomed. Consequently, Bacon tightened discipline and threatened those who plundered neutrals with severe punishments.⁴⁵

The peak violence of the rebellion lasted from late August until mid-October. When the destruction of Jamestown was complete, Bacon turned his attention to the Indian problem, but the two-front character of the rebellion had so taxed Bacon's health that he died in mid-October. He had not fashioned a chain of command within his own rebel forces, nor had he provided any means whereby some followers might be included in a reconstituted royal government. His death removed the one symbol around which dissident groups in Virginia could rally. The rebellion, of short duration, collapsed with his death, although resistance continued. While he lived, Virginians disenchanted with Berkeley's rule had someone to look to for leadership. Even though several men of high status had joined Bacon's revolt and supported him wholeheartedly, they did not possess the qualities to which Virginians would look for guidance. Bacon had directed that Joseph Ingram assume leadership of the movement, but the latter was never able to effect his control as the movement dissolved into at least five pieces.⁴⁶

The five groups fortified themselves in strategic locations and

prepared to resist the return of Berkeley. Whether the rebellion continued depended now upon the success of the rebels located in fortified positions in the southern end of the colony. The five combined forces probably totalled one thousand men, but they could expect substantial reinforcements if their resistance to Berkeley proved successful. Thus, in a sense, Bacon's Rebellion had come to its proving point. Had the rebels resisted the return of royal government, they might have established something similar to what occurred in Maryland thirteen years later. But Berkeley recovered his rule even before the two regiments of royal troops sent by the Crown arrived in Virginia in December 1676.

When Berkeley learned of Bacon's death, he immediately returned to the Western Shore to destroy the movement. He did not know how successful he would be until he met Major Robert Beverley, father of the historian Robert Beverley, who, as a loyalist, had already crushed a small group of rebels stationed at a Mr. Howard's house in Gloucester County. Berkeley and Beverley joined forces to attack Joseph Ingram's force at West Point, an attack resulting in the surrender of the whole two-hundred-and-fifty man rebel unit. Analysis of that group revealed that it consisted of slaves, servants, and freemen, meaning those who were franchised but who did not possess much land, if they held land at all. These three groups comprised the lower classes of Virginia at that time.⁴⁷ It is impossible to relate what percentages of the population servants and freemen represented then. There were some two thousand slaves in the colony in 1671, and that number had probably not risen much by 1676.⁴⁸ Edmund Morgan's analysis of the grievances and discontents of Virginians in the 1660s and 1670s suggests that freemen, described as young men just out of service with little or no

prospect of obtaining land, were among the most discontented people in the colony. Thus, it is not surprising that they participated freely in the rebellion.⁴⁹

With the surrender of Ingram's force, the second group of rebels across the York River from West Point, under the command of Lawrence and Drummond, combined with Captain Drew's forces stationed at Berkeley's Green Spring plantation to begin a march westward through New Kent County in an effort to flee the colony. The force began breaking up, however, and by the end of December Berkeleyites had captured many of its leaders, including James Crewes, burgess from Henrico County and described by Berkeley as "Bacon's Parasyte"; Major John Page; a Captain Young; and a Mr. Harriss. Lawrence successfully escaped, but Drummond was captured on January 14, 1677.⁵⁰

The two other rebel strongholds were similarly reduced by Berkeley, although the army regiments arrived in Virginia just as he was doing so. Bacon's Rebellion marked the peak of violent discontent in Virginia in the late seventeenth century. Formal grievances submitted by the various counties at the invitation of the royal commission which arrived with the army regiments reveal the extent of discontent and disorderliness in the colony.⁵¹ But the rebellion had helped release much of the tension within Virginia. Moreover, the Indian problem was now settled to the satisfaction of Virginia's settlers. From 1677 until 1754 Indian violence remained a frontier phenomenon and no longer affected the nature or levels of violence within Virginia. Within the white society, the rebellion scored some accomplishments, aside from the psychological release of tension. The reduction of the tobacco crop of that year helped raise the weed's price temporarily as the massive

glut on the English market subsided. But many grievances plaguing the colonists prior to 1676 continued. Taxes remained high, the Northern Neck suit continued, and masters continued to exploit their servants brutally. Although county governments were opened to those desiring political recognition for their status, positions at the provincial level remained in the possession of those who had surrounded Berkeley for so long.⁵²

The old governor extracted severe penalties from those who had challenged his authority, hanging at least twenty-nine rebels he thought might encourage new rebellion or contest with him for political power. Although his executions of so many rebel leaders in the early months of 1677 might seem harsh and unwarranted, he was aware of the institutional weakness of the colony and the need for a clearly-recognized authority. To destroy the rebellion root and branch might have been Berkeley's aim. He surely must have known that if Bacon could so easily play upon the discontents of the settlers, so could someone else in the future. In the interests of the colony, then, Berkeley may have elected to execute so many leaders of the rebels. Those hangings would have a two-fold effect, crush out the last vestiges of rebellion and assert the authority of government. Institutional weakness in Virginia was one of the signal problems of the late seventeenth century, and Bacon's Rebellion highlights the shortcomings of the colony's institutions. Berkeley may even have believed that his own leadership during the critical days of 1676 had been too weak, not too strong. He had encouraged the counties to file grievances with their newly-elected burgesses in the spring of 1676. He had offered to resign if the colonists wished. He may have believed that he was operating in an even-handed, rational

manner, offering to negotiate with colonists, and showing restraint where force might have been used. When the rebellion erupted, however, he may have concluded that stronger rule rather than the rational approach was necessary and decided to crush root and branch the last vestiges of rebellion. Thus, Berkeley may have had much more than revenge in mind when he presided at the trials of so many rebels.⁵³

The rebellion ended by January 1677, having accomplished some relief from the conditions which had aroused discontent and unrest. Indian-white violence became in the ensuing years a frontier phenomenon as whites seized the opportunity offered by the destruction and disruption of frontier Indian tribes to expand once again. Within white society the revolt alleviated some of the tension. Tobacco prices rose temporarily, removing some of the economic misery, but masters continued to exploit their servants harshly and greedily. Few imperial political problems were resolved, either, as taxes remained high to raise monies to fight royal land grants and other difficulties. Within the local systems of government, however, came some important readjustments, for the opening of new lands permitted the growth of new counties and admission to those county administrations provided political recognition for those who both desired and warranted such recognition.

The rebellion marked the high point of white social and political violence between 1607 and 1754. Some fighting and loss of life occurred, but perhaps not as much as might be expected from a revolt which involved almost the whole population of the colony at one time or another. Why the social unrest which it represented did not bring on more such high-level disturbances later in the century is difficult to explain, for many of the problems which had brought on the revolt remained. How-

ever, tighter authority and official violence in punishment, the shift to slavery from indentured servitude, and the expansion of the colony may have helped to resolve the social tension.

NOTES

INDIAN WAR AND CIVIL WAR:

BACON'S REBELLION, 1675-1677

¹Recent secondary works concerning Bacon's Rebellion have focused on one or more of these problems within Virginia. Much earlier historical work on the revolt confined itself, however, to analysis of the personal differences between Governor Berkeley and Bacon. See Thomas J. Wertenbaker, Torchbearer of the Revolution: The Story of Bacon's Rebellion and Its Leader (Princeton, 1940) for the fullest discussion of the clash of personalities. Wertenbaker, however, did not confine himself exclusively to those personal differences. Indian policy and class conflict were fundamental to Wertenbaker's analysis of the uprising. Wilcomb Washburn in The Governor and the Rebel: A History of Bacon's Rebellion in Virginia (Chapel Hill, 1957) replied to the Wertenbaker interpretation. Washburn largely confined himself to analyzing a body of new material in light of Wertenbaker's interpretation. He did broaden the discussion by identifying several problems creating tensions in Virginia other than the issues spelled out by Wertenbaker. With the publication of his work, other scholars began to explore the directions he had suggested: tobacco policy, factional politics at the upper levels of Virginia society, Navigation laws, and royal land grants threatening freeholders in the colony. At the same time as Washburn was publishing his work, Bernard Bailyn in "Politics and Social Structure in Virginia" suggested that fundamental institutional weakness exemplified by continual competition for political office helped explain the onslaught of Bacon's Rebellion. Bailyn argued that, rather than class consciousness fostering the revolt, a group of political "outs" who saw no peaceful means to get "in" incited the rebellion. Billings' "'Virginias Deploured Condition'" analyzed the institutional weaknesses and instabilities suggested in Bailyn's work and demonstrated that avenues to political power had been closed by 1676. But the continued expansion of population through immigration created tensions and pressures requiring relief through new political openings. Craven's White, Red, and Black revealed the extent of the immigration into Virginia in the quarter-century between 1649 and 1675. While ambitious and power-hungry young men were certainly among those entering the colony, the very fact of the rapid population growth itself dislocated and disjointed the fragile social and political fabric being woven prior to 1649. The exploitation of the servant classes has been thoroughly explored in Morgan, American Slavery, American Freedom, Chap. 12.

²For Indian raids on the northern frontiers, see above, pp. 118-119. Wertenbaker, Torchbearer of the Revolution, 80-86, 90-94, points out

Berkeley's control of Indian policy. "Frontier" is used here in much the same sense as Washburn defined it in Governor and Rebel, 182n 10. The seventeenth-century Virginia frontiersman is defined solely in geographic terms. There were many wealthy educated, well-connected men living on Virginia's frontier in the seventeenth century. In this sense, Bacon was a frontiersman even though he was a product of English culture and education.

³Washburn, Governor and the Rebel, 20, for the growth of the Northern Neck.

⁴See above, pp. 118-120; Fairfax Harrison, Landmarks of Old Prince William: A Study of Origins in Northern Virginia in Two Volumes (Berryville, Virginia, 1964), 37-39.

⁵For the Doeg raids, see Chapter IV, pages 120-122. Virginians as early as John Smith had contacted and befriended the Susquehannas. By-and-large continuation of those contacts have been lost. William Claiborne, however, provides one link between the first settlements and the 1675 war, for he, as a principal Indian trader of the mid-seventeenth century, maintained contact with the Susquehannas and other Indians of the northern end of the Chesapeake Bay. For a discussion of Claiborne's role in Virginia Indian history, see John Herbert Claiborne, William Claiborne of Virginia (New York, 1917). Iroquois Confederation expansion is detailed in both George T. Hunt's The Wars of the Iroquois (Madison, Wisconsin, 1940), 131-145, for Virginia; and Allen W. Trelease, Indian Affairs in Colonial New York: The Seventeenth Century (Ithaca, New York, 1960).

⁶Wertebaker, Torchbearer of the Revolution, 74; Lois Green Carr and David W. Jordan, Maryland's Revolution of Government, 1689-1692 (Ithaca, New York, 1974), passim, for Maryland-Indian relations.

⁷Captain John Berry, Colonel Herbert Jeffreys, and Francis Moryson, "A True Narrative of the Late Rebellion in Virginia by the Royal Commissioners, 1677," in Charles McLean Andrews, ed., Narratives of the Insurrections, 1675-1690 (reprint edition, New York, 1959), 105-106.

⁸T[homas] M[athew], "The Beginning, Progress and Conclusion of Bacon's Rebellion, 1675-1676," in Andrews, ed., Narratives, 16-17. Hereafter cited as TM, "Beginning, Progress, and Conclusion." Royal Commissioners, "A True Narrative," 106.

⁹Washburn in Governor and the Rebel, 20, makes this suggestion.

¹⁰Royal Commissioners, "A True Narrative," 106.

¹¹Washburn in Governor and the Rebel, 25-26, mentions that hysterical fear of the Indians originated in February 1676, but Virginians' reactions to the Doeg-Susquehanna activity argues for an earlier origin.

¹²Washburn, Governor and the Rebel, 21-23; WMO, 1st Series, 4 (1895), 86.

¹³Mrs. Ann Cotton, "An Account of Our Late Troubles in Virginia, written in 1676," in Peter Force, Ed., Tracts and Other Papers, 3; Royal Commissioners, "True Narrative," 106; TM, "Beginning, Progress, and Conclusion," 18-19, 23. Washburn, Governor and the Rebel, 23-24.

¹⁴Ibid. Maryland's government did conduct an investigation of the incident. During the inquiry into Truman's actions by the Maryland Assembly, the point was made that "the Unanimous Consent of the Virginians and general Impetuosity of the Whole field" forced Truman to comport himself as he did in order to "prevent a mutiny of the whole army." Governmental officials would be faced with this problem during the history of Indian-white hostilities. Seldom could officers of a white government control in the field a situation between Indians and settlers. Washburn, Governor and Rebel, 23; William Hand Browne, ed., Archives of Maryland, II, 500-501, 504.

¹⁵Cotton, "An Account of Our Late Troubles," 3-4; TM, "Beginning, Progress, and Conclusion," 18-20; Royal Commissioners, "True Narrative," 106-107. Wertebaker asserts that many more than fifty Virginians were killed and great quantities of materials taken, especially horses for eating. But he provides no figures. Torchbearer of the Revolution, 82-83.

¹⁶Cotton, "An Account of Our Late Troubles," 3-4; TM, "Beginning, Progress, and Conclusion," 18-20; Royal Commissioners, "True Narrative," 106-107.

¹⁷Wertebaker, Torchbearer of the Revolution, 85; Washburn, Governor and the Rebel, 25.

¹⁸Washburn, Governor and Rebel, 25-26; Governor William Berkeley to Secretary of State Williamson, April 1, 1676, CO 1/36, 65-66, Reel M-317, VCRMP, CWRL; Washburn, "Governor Berkeley and King Philip's War," New England Quarterly, 30 (1957), 363-377; David S. Lovejoy, The Glorious Revolution in America (New York, 1972), 35. Beverley, History and Present State, ed. Wright, 77; Trelease, Indian Affairs in Colonial New York

¹⁹The only specific mentions of victims of the Indians are found in Cotton, "An Account of Our Late Troubles," 4; TM, "Beginning, Progress, and Conclusion," 19-20; Royal Commissioners, "True Narrative," 107. Washburn highlights this point in Governor and Rebel, 24, 32-33; Nathaniel Osborn at Waymouth to Secretary Williamson, April 15, 1676, SP 29/380, 184, VCRPM, CWRL, for the epidemic.

²⁰Wertebaker, Torchbearer of the Revolution, 39-50.

²¹Washburn, Governor and the Rebel, 17-19.

²²Ibid., 22; Cotton "An Account of Our Late Troubles," 3-4; TM, "Beginning, Progress, and Conclusion," 18-20; Royal Commissioners, "True Narrative, 107.

²³Hening, ed., Statutes-at-Large, II (1660-1682), 327, 331-332, 336-337; Wertebaker, Torchbearer of the Revolution, 86-87.

²⁴Royal Commissioners, "True Narrative," 107-108, 110, 112; Washburn, Governor and the Rebel, 26-28, 32-35; TM, "Beginning, Progress, and Conclusion," 21; Cotton, "An Account of Our Late Troubles," 8-9.

²⁵Wertebaker suggests this, although in a different light than used here. Moreover, Wertebaker implies that Bacon consciously sought the support of his fellow frontiersmen, Torchbearer of the Revolution, 91-93. The observation by Washburn that "it is doubtful whether the 'vulgar' would have followed him in rebellion against Governor Berkeley unless he had been a gentleman" supports the point that a fusion of education, wealth, social status, and political power were requisites of leadership in the seventeenth century. Washburn, Governor and the Rebel, 182n 10.

²⁶Washburn, Governor and the Rebel, 35; Cotton, "An Account of Our Late Troubles," 8-10; TM, "Beginning, Progress, and Conclusion," 21.

²⁷Washburn, Governor and the Rebel, 42-45; Cotton, "An Account of Our Late Troubles," 8-9; TM, "Beginning, Progress, and Conclusion," 21.

²⁸Ibid.; Chapter IV, pp.122-123, for the Wood expedition.

²⁹Washburn, Governor and the Rebel, 46-48.

³⁰Cotton, "An Account of Our Late Troubles," 8-10; TM, "Beginning, Progress, and Conclusion," 21-22; Washburn, Governor and the Rebel, 49-51; Morgan, American Slavery, American Freedom, 263-264.

³¹Royal Commissioners, "True Narrative," 110-112; TM, "Beginning, Progress, and Conclusion," 21; "History of Bacon's and Ingram's Rebellion," 53-54.

³²Ibid.

³³See Chap. IV, 125, 128-129, 133, for incidents of violence and other signs of unrest.

³⁴Morgan, American Slavery, American Freedom, Chap. 12, for

evidence and interpretation of the exploitation in the colony of laborers, servant or free, by the masters in the years prior to the outbreak of Bacon's Rebellion.

³⁵Royal Commissioners, "True Narrative," 116; TM, "Beginning, Progress, and Conclusion," 28.

³⁶Ibid.

³⁷Washburn, Governor and the Rebel, 72-74; "History of Bacon's and Ingram's Rebellion," 60-63; Billings, ed., Old Dominion, 277-280; John Fiske, Old Virginia and Her Neighbors (2 vols., Boston, 1877), II, 83-86.

³⁸Royal Commissioners, "True Narrative," 122, 128-129; TM, "Beginning, Progress, and Conclusion," 36-37; "History of Bacon's and Ingram's Rebellion," 65; Cotton, "An Account of Our Late Troubles," 6-7.

³⁹Royal Commissioners, "True Narrative," 131-134; "History of Bacon's and Ingram's Rebellion," 67-71; TM, "Beginning, Progress, and Conclusion," 35; Cotton, "An Account of Our Late Troubles," 7-8.

⁴⁰Royal Commissioners, "True Narrative," 114; Chapter IV, pp. 118-122. Bacon's oaths, promulgated in early August, indirectly illustrate the young man's frustration with Berkeley's vacillations about Indian policy, for he proclaimed himself ruler of the colony on August 3. Bacon wanted complete control of Indian policy, hoping to destroy Indians in Virginia. For the Richahecrians' war, see above, Chap. IV, pp. 119-120.

⁴¹Royal Commissioners, "True Narrative," 124-125, 127. For the point about plunder in Bacon's Rebellion, see Morgan, American Slavery, American Freedom, 267-268.

⁴²Royal Commissioners, "True Narrative," 131-134; "History of Bacon's and Ingram's Rebellion," 67-71; TM, "Beginning, Progress, and Conclusion," 35; Cotton, "An Account of Our Late Troubles," 7-8.

⁴³Ibid.

⁴⁴Carr and Jordan, Maryland's Revolution of Government, passim, makes this point. The point is, in fact, a major thesis of that book.

⁴⁵Berkeley had already ordered the execution of several rebel leaders captured on the Eastern Shore. They included Thomas Hansford and Captains Wilford, Carver, and Forlow. Major Thomas Cheesman died while in prison. "History of Bacon's and Ingram's Rebellion," 81-82, 84.

⁴⁶Ibid., 85-89, 94-95.

⁴⁷"History of Bacon's and Ingram's Rebellion," 85-89, 94-95. Composition of the forces of Bacon's supporters has always been conjectural, especially those of the rank-and-file. The leadership has been analyzed to reveal their social and political standing and the conclusion seems to be that men such as William Drummond and Richard Lawrence were expressing their dissatisfaction, jealousy, and envy of those garnering the political plums of the colony. Moreover, those who led the rebels generally held extensive estates on the frontier and apparently wished to despoil their Indian neighbors of even more lands. Washburn suggests the appeals that rebel leaders made to the "meanest" sorts of people were the results of their desires to destroy Indians. Governor and the Rebel, 164. Moreover, there is a possibility that the extensive dislocation of the impoverished led to the creation of a "household" situation akin to the aristocratic households of retainers who supported their lord or master militarily. The prevalence of young, unpropertied men armed with guns was considered an important danger in Virginia in the late seventeenth century. William Byrd I suggested that fortified towns be created along the frontiers. In the aftermath of the rebellion Byrd's suggestion that two hundred and fifty armed men be stationed in each of a series of towns appeared quite attractive to the Burgesses and Councilors. Some criticized the program for what it was--an opportunity to erect a private army--thus it was suppressed. But Byrd's proposal might have been nothing more than an attempt to legalize a phenomenon already proceeding. Morgan, American Slavery, American Freedom, 279-280.

⁴⁸The estimate of the five elements of the Baconians was derived from the approximate strength of each unit. No account was taken of other forces. The population may have risen from forty thousand to fifty thousand between 1671 and 1675, a point that has not been considered in the outbreak of violence. Population figures for the colony as a whole were taken from Greene and Harrington, American Population, 136. Although the rise of ten thousand in four years seems excessive, by 1680-1681 estimates range from eighty to one hundred thousand. Slave population figures were reported by Berkeley in 1670.

⁴⁹Morgan, American Slavery, American Freedom, Chap. 12.

⁵⁰"History of Bacon's and Ingram's Rebellion," 97-98; Washburn, Governor and the Rebel, 90.

⁵¹The royal government received first word of the Indian and civil unrests in April 1676, but almost six months of delay occurred before a royal commission and an armed expedition were ordered to Virginia. Not until November 1676 did the first ships leaving for Virginia depart. Washburn, Governor and the Rebel, 92-97. Grievances submitted by various counties have been printed in early issues of the VMHB, e.g., II (1895), 291, 380-392, as well as in other sources.

⁵²Bailyn, "Politics and Social Structure in Virginia," 105-106,

points out some of the political results of the rebellion. Morgan, American Slavery, American Freedom, 276-292, demonstrates how much exploitation of laborers continued during the last quarter of the seventeenth century. As a factor in the continuing discontent, it retained its importance.

⁵³Wertebaker, Torchbearer of the Revolution, 14, 32, makes the most trenchant arguments against Berkeley's authoritarianism and vengeance. Washburn, Governor and the Rebel, Chapter VIII, defends Berkeley, but does not suggest that Berkeley might have had motives other than revenge. He had lived too long in the service of the colony to make convincing the argument that he had become an arbitrary autocrat, bent on destroying for the sake of revenge those who opposed him.

CHAPTER VI
TENSION, VIOLENCE AND THE TRANSITION
TO PROVINCIAL SOCIETY: 1677-1705

Between 1677 and 1705 colonial Virginia society approached its maturation. This transition from settlement to province did not proceed smoothly or nonviolently. Violence ensued from tobacco policy and religion, both of which became imperial problems in the 1670s and 1680s. The poverty and class conflict which had encouraged mass violence in the Bacon era kept tension high in the colony during the last decades of the seventeenth century, although the poverty did ameliorate somewhat after 1680. The large-scale plantation system, worked increasingly by slave labor, provided enhanced social prestige for those aspiring to recognition of their worth. Those amassing fortunes in those thirty years, however, still relied on the brutal exploitation of their labor supplies as well as a variety of enterprises such as Indian trade, merchandising of English imports, participation in the slave trade, shipbuilding, and other forms of economic endeavor to accumulate their wealth. County formation accelerated in the late seventeenth century, providing those enriching themselves economically with political recognition and relieving one possible source of tension and violence. Yet violence and threats of violence remained an integral part of the colony's existence until 1705.¹ The sources of those tensions were manifold, including fears of an imperial reversion to Catholicism, continued

problems in the imperial tobacco trade, labor exploitation, population growth, and border disputes with Maryland.

By 1700 the General Court remained the single colony-wide institution empowered to use violence as an instrument of control. Officially composed of the Governor and Council, the Court sat every six months, April and October, and had original jurisdiction in capital crimes and appellate jurisdiction on important misdemeanors requiring corporal punishment. No centralized police power existed in colonial Virginia, unless the James City County sheriff could be called such.²

The surviving criminal trial record for the late seventeenth century, a record which is quite scanty, suggests that the Court had inaugurated a process altering its traditional view of capital crimes, that it was no longer binding itself to quick trials. The Court apparently explored new avenues of defense and appeals during the late seventeenth century. Certainly those convicted of murder and other capital crimes continued to be hanged, but the Court, perhaps more assured of its authority and power and perceiving increased respect and deference from those below it both socially and politically, constricted the definition of murder and began to explore means of ameliorating the harsh criminal code of the colony.³ Of fifteen murder cases for which records have survived, seven of the accused were executed, one was acquitted, two were transported, three were reprieved and two were sent to England. These cases do not account for all murders in the colony nor do they reflect accurately the extent of capital felonies tried in Virginia. They are suggestive, however, of changes taking place in Virginia's criminal jurisprudence, for in earlier eras, almost all those convicted of murder were executed. The colony's major law en-

forcement and judicial agency was beginning a change in its role, one reducing the level of violence applied in criminal treatment.

Not only did the Court inaugurate procedural changes, but it also began some substantive alterations. Women in English jurisprudence were allowed to "plead their bellies," that is, claim pregnancy in order to escape execution for a capital crime. The Virginia General Court had seldom used this device before the end of the seventeenth century.⁴ Joanna Hardy used the plea in 1683 to escape execution for a murder she had committed. Other women used the plea successfully before 1705. In another type of case involving women the Court before 1705 made some significant changes. The concealment of the death of an illegitimate baby was defined as murder by English criminal law and some Virginia women had been hanged earlier in the century for such concealment. By 1705, however, the Court required positive proof that the mother had murdered her baby before it convicted her. Had the baby been born dead or had it died after birth of natural causes, even if unreported, the Court no longer imposed the death penalty. Moreover, Sarah Williams in 1703 petitioned the Court for release on bail, for she had been jailed on suspicion of murdering her illegitimate infant. The Court allowed the petition, thus introducing another innovation, that of bail, in its jurisprudence.⁵

The Court's use of official violence suggests not that its members were themselves becoming more sympathetic to criminals but that criminals had certain avenues of defense the judge felt should be explored. The era appears to be a transition to a more relaxed period respecting criminal control. Yet the rapid population growth of the colony, soaring from forty thousand in the years of Bacon's Rebellion to approx-

imately eighty to one hundred thousand by 1705, suggests a major increase in crime. Virginia's jails were not equipped to maintain criminals for long periods of time nor was the society willing to spend money for such maintenance. The only other alternative was increased court sittings so that criminals could be tried quickly. Between 1677 and 1705 the Governor and Council examined possibilities of using special Oyer and Terminer courts to handle the increased case loads. Coupled with the population increase as explanation for the crime rate came tensions in those years and the growth of a black population requiring special attention according to colonial criminal law.

The first experiments with Oyer and Terminer courts began in the 1680s and were done on the basis that special cases be handled by them. They had no regularly assigned schedule of sittings, being used only when the governor issued a warrant. The question of appointment remained thorny, however, for the Council demanded that it comprise those Oyer and Terminer courts whereas the governor wanted freedom to choose whom he pleased. For example, in 1691 Rappahannock County Court ordered that Jonathan Devoll be tried for the murder of Robert Peachy, but that order reached the General Court too late for trial. The Council directed Governor Francis Nicholson to issue writs for an Oyer and Terminer court, yet required that the governor appoint the Council to try the case.⁶ The Council would continue to experiment with this procedure for the next three decades and by 1720 the Oyer and Terminer courts had become a permanent fixture of the judicial system of colonial Virginia, meeting every six months as did the General Court.⁷

By 1705, then, the criminal system of Virginia had altered with the addition of new methods of trying cases, new courts, and new

penalties such as transportation to substitute for hanging. Arthur Jarvis was transported to another colony in 1698 after his trial for burglary and felony. Jarvis, a yeoman of James City County, was also suspected of burning the Statehouse in Jamestown that year, but no evidence of his participation in the arson could be found.⁸ Along with these new procedures and punishments for cases within Virginia, the General Court began hearing cases from other colonies. The Maryland government underwent considerable tension during the 1680s. That tension was expressed in the murder of two customs collectors, Christopher Rousby in 1684, and John Paine in 1689. The two collectors were killed by proprietary favorites, thus exacerbating an already tense situation between Lord Baltimore, the proprietor, and the Crown. Neither murder was connected to the other, but in the minds of Virginians and Marylanders alike, the actions appeared part of a general conspiracy on the part of the Calverts, the proprietary family of Maryland. In Virginia, that perception would be exploited in 1689 in Parson Waugh's Tumult in Stafford County.⁹ But the point that the General Court had become an integral part of the official violence of Virginia after 1677, giving shape to the dimensions of crime and punishment in those years, should not be obscured.

Violence, however, assumed broader proportions than just the crime and related activities in which the General Court participated. Settlers were uneasy and discontented during the last decades of the seventeenth century for a multiplicity of reasons. Tobacco prices and policy, continued class conflict, and the threat of the Catholicization of the English Empire brought resistance and violence in the colony. Along with those problems, settlers were also disturbed by the continued high

levels of taxation necessary to fight for colonial interests in England. The rise of black population in the colony sparked apprehension especially when signs of black rebelliousness appeared in 1687 and after.¹⁰

On the morrow of Bacon's Rebellion, unrest declined as tobacco prices rose sufficiently to mollify planter discontent over their livelihood. However, by 1680, tobacco crops had reached such a level that they once again glutted the English domestic market. Since no Chesapeake tobacco could legally go to any market save English, supply quickly exceeded demand and planters once again found prices dropping. Compounding the unrest generated by tobacco price was the continued presence of royal troops in Virginia. Sir Henry Chicheley, a longtime resident of the colony, having arrived in 1650, commanded the two companies of troops which remained after 1677. However, neither the home nor colonial government would agree to pay and supply the soldiers. They had become quite unruly and disorderly, several times threatening open rebellion and mutiny.

From 1677 until 1682 the problem of the soldiers created friction between the colonial and the English government. Many Virginians came to see the companies as symbols of a standing army, an entity Englishmen dreaded and despised, for such represented a means to the destruction of English liberties and freedoms. In June 1678, Colonel Jeffreys wrote Secretary of State Sir Joseph Williamson that portions of the soldiers had threatened a mutiny. The troops had planned to seize the magazines and to join with the "old party" (the Baconians) to disturb the peace. Jeffreys had no direct evidence with which to try the plotters themselves but he complained to Williamson that the men were unpaid, having last received money and provisions in May 1677. Jeffreys had ordered

the companies quartered among the inhabitants at the rate of 8s a week per man.¹¹

Two years later a second soldiers' revolt took place and the royal companies were desperate for food and pay. On July 22, 1680, the Council debated the rebellion and "extravagant mutiny" among the company of soldiers commanded by Sir Henry Chicheley. The riot had occurred two days before. Two officers of the company had personal differences exacerbating the situation. Sir Henry Chicheley, acting governor and commander of the troops, summoned them before the Council and himself to reprimand them. The reproof did little good, for on August 3 the Council wrote Lord Culpeper pleading with him to intercede with the King to recall the troops. By August 20, even more stringent measures had had to be taken, for Nicholas Spencer, Secretary of the Colony, wrote Secretary of State Coventry informing him that the soldiers were even more mutinous and that thirty-two of the most rebellious troops had been garrisoned among settlers. Whether the Virginians feared that those men might "contaminate" the other troops was not mentioned, but when the tobacco-cutting riots did break out, officials placed partial blame on the dissident soldiers.¹²

Accompanying the difficulties with the soldiers came constant turnover in the governorship between 1677 and 1681. Lord Culpeper eventually arrived in Virginia to assume his gubernatorial duties, but before he came Berkeley governed until spring 1677, then Jeffreys until the summer of 1678, and Sir Henry Chicheley from then until the arrival of Culpeper. Moreover, Culpeper inspired little confidence on the part of Virginians since he left the colony only months after his first arrival, to return following the Tobacco-Cutters' Riots of 1682. Tobacco prices

remained low into the early 1680s and the constant tension generated by lack of direction from the political leadership of the colony coupled with the continued presence of the soldiers recreated discontent and disorder reminiscent of 1675 and 1676.¹³

Tobacco prices represented a third problem. At least two years before the 1682 uprisings, colonial leaders were writing to England complaining of the low prices. Secretary Spencer wrote Secretary of State Covington in July 1680 that tobacco prices were so low that the planters would not have sufficient income to clothe themselves. Tobacco may have brought $\frac{1}{2}$ penny per pound, scarcely enough to feed and shelter a small planter and his family for a year. A year later the problem remained, for the Assembly wrote the still-absent Lord Culpeper asking for a cessation of tobacco-planting. Only the removal of the tobacco glut from the English market could end the price depression. The Council, in May 1681, wrote Culpeper much the same complaint, adding, however, that the soldiers ought to be recalled or paid, for they had become great nuisances.¹⁴

But these requests went unheeded for the next several months. On the date that the Council wrote its letter to Culpeper seeking his aid, Chicheley issued a proclamation proroguing the Assembly from February 15, 1682, until April 18, 1682. Six months later, word was received from England ordering Chicheley to do what he had already done, prorogue the Assembly until April 1682. Chicheley made plans for that session, fully expecting to introduce legislation calling for a cessation of tobacco planting in early June. But one week before the session began, a letter from the King arrived, ordering Chicheley to prorogue the Assembly until November 1682. Moreover, only maintenance of the soldiers could be con-

sidered at that session, for the King instructed Chicheley to ask the Assembly whether the colony would assume pay and provisions for the troops. The King had decided that he would disband the companies unless Virginia assumed their support. Chicheley realized that it was too late to prorogue the Assembly again, for many members were already in Jamestown and most others were on their way. He allowed the session to begin, but in his opening address he informed the Burgesses of the King's letter and its contents. He therefore instructed that session to consider only the question of what to do about the soldiers.¹⁵

It ought perhaps to be noted here that Charles II had more than just his income in mind when he ordered Chicheley to prorogue the Assembly until November 1682. The King had been trying repeatedly to get Culpeper out of England and into Virginia. He did not want Virginians meeting in Assembly until their governor was in attendance. Charles was concerned about centralization of the English Empire, and he feared a rebirth of the disorder and rebellion of the mid-1670s if a firm hand was not in control. English officials and Virginia leaders alike considered Chicheley too old and feeble for effective leadership. Chicheley appears to have behaved more as an administrator than an executive, although in conjunction with Nicholas Spencer he could order quick action.¹⁶

The House of Burgesses met on April 18, 1682, fully expecting to enact a cessation of planting. Previous attempts had failed, due largely to lack of cooperation from Maryland and North Carolina. Neither of those colonies was able to cut its tobacco production because its proprietor as well as the King would not countenance such. But that April, Virginians were convinced that cooperation could be effected and that a

halt to planting ordered until tobacco prices had risen. The Burgesses were astounded to learn from Chicheley's opening address that they were forbidden to consider any proposition other than one concerning the royal troops. The Assembly spent the next week debating the Acting Governor's instructions while it searched for a legal way to circumvent his orders and prepare for a cessation. The Burgesses feared an immediate revolt if they returned home to their constituents to inform them that they had taken no action. To defend themselves, they ordered the journals for that session prepared for public reading within their home counties, accomplishing this before Chicheley prorogued them on April 27.¹⁷

Between April 27 and May 1, many burgesses from counties surrounding Jamestown reached their homes and reported to their constituents the results of the session. On May 1 riots began and on May 3 first word of the violence reached Jamestown. The outbreaks had begun in Gloucester County when some planters cut up their own tobacco. They then attacked plantations whose owners refused to cooperate. By May 3 planters were moving at will through the county cutting down the young tobacco. Chicheley and the Council ordered Colonel Mathew Kemp, commander of the Gloucester County militia, to summon the train-band to help suppress the mutineers. Those who resisted were to be met with force. Although Kemp arrested some cutters, he was unable to quell the disturbances in his county.¹⁸

By mid-May the riots had spread into New Kent and Middlesex Counties and threatened to become colony-wide. Two colonial leaders busily wrote letters to England explaining the situation and pointing up the poverty in the colony as the basic cause of the discontent.

Chicheley informed the King on May 8 that the crops on approximately two hundred plantations had already been destroyed and that more would soon meet the same fate. While he could not yet fully explain the violence, he averred that the fact that the Assembly had not enacted a cessation had "blown this coal which has inflamed the people." In another letter of the same date to Sir Lyonel Jenkins, Chicheley provided more details about the violence. After the initial raids had been made, the rioters split into small groups of approximately twenty men each. Colonel Kemp had caught one such party, had arrested its two leaders, and had pardoned the rest on promise of good behavior. Once again, Chicheley took advantage of the opportunity to tell Jenkins that the lack of a cessation had brought the outbreaks. He wrote that the Assembly's determination to inform the settlers of the results of that meeting had set off the demonstrations.¹⁹

In letters of the same date Secretary of the Colony Spencer more fully informed Jenkins about the riots. He asserted that those who resisted the rioters were threatened with force and that many then joined the demonstrators. Spencer implicated Major Robert Beverley, father of the historian and Clerk of the Assembly at that time. He charged Beverley with stirring up the rebellion after the prorogation, declaring:

by which prorogation the selfish purposes of some persons were frustrated, most particularly the Clerk of the House of Burgesses who to accomplish his designs of no Tobacco this year to be planted, to advance those great quantities of Tobacco now on his hands, hath instilled into the multitude (as it is vehemently suspected) to justify the right of making a Cessation by cutting up of Plants, so that the ground and rise of our present troubles and disorders is from the ill times Assembly.²⁰

Beverley was generally considered the man responsible for inciting the riots, yet as Clerk of the Assembly it was his duty to carry out its

instructions, which were to prepare the journals for publication. But he did possess enormous crops of tobacco, yet so did many other prominent men in the colony.²¹

The riots lasted until the end of May. The cutters broke up into small groups as mentioned above and began cutting at night when militia patrols became too numerous to continue in the day. As men left the demonstrations, their positions were taken by women and many women participated well into June in sporadic attacks on plantations. A great deal of damage to that season's tobacco crop was done. Estimates of destruction ranged up to ten thousand hogsheads, although a more appropriate figure might be six to seven thousand hogsheads lost. Even after the disappearance of the tobacco-cutters, officials remained apprehensive. They feared that when the apple crops were harvested, rioting, perhaps even outright rebellion, would begin anew. Although large quantities of that fruit were produced in the colony, they were not sold as market commodities but were converted into alcoholic beverages and consumed almost immediately. Officials feared that the constant state of inebriation induced by the continual consumption of the alcohol would produce by late August renewed violence. There were scattered incidents throughout July and August, but nothing of the order of the May and early June cuttings. By the fall of the year the colony had subsided into an uneasy tension threatening new violence if a new stimulus was applied.²²

Culpeper finally returned to the colony in December 1682 to find only a handful of commoners in jail charged with leading the riots. Chicheley had pardoned several leaders and most of the rank-and-file of the cutters. John Sackler, Somerset Davis, John Cockin, Bartholomew Austin, and Richard Bayley had already been convicted on charges of

treason in connection with their leading the rioters. Culpeper pardoned Bayley and reprieved Sackler on the condition that he finance the construction and maintenance of a bridge through the Dragon Swamp, a condition rather suspicious in its nature since that bridge ran remarkably close to Chicheley's plantation.²³

The Tobacco-Cutters' Riots represented a violent step in a set of subtle shifts taking place in Virginia's economy and society. A certain amount of agricultural diversification was taking place, but only at the level of subsistence production. Since most planters remained perpetually in debt during the 1670s and 1680s, only those possessing large acreages and labor forces could afford to continue tobacco production. High prices for indentured servants, English attempts at halting emigration from the homeland to the New World colonies, low prices for tobacco engendered by the tobacco depression, and poverty generated by the depression produced economic conditions in Virginia conducive to the development of a large-scale planter class which could hold out against such adverse economic conditions. Even the great planters wished higher prices and many of them held back their extensive crops.²⁴ They willingly encouraged violent solutions to the economic problems if cessations of planting could not be effected, for they wanted to force up prices to make greater profits. The very violence of the society itself contributed to more social unrest and discontent and, at the same time, wrenched fundamental changes within the society. Between 1675 and 1682 the Negro slave population increased by approximately one thousand. Planters were finding a new, cheap source of labor, one upon which they could rely for a continual supply of workers in the future. But slaves cost more initially than did an indentured servant, thus raising labor costs which

further cut the small-holder out of the tobacco market. The inability of Berkeley, his successors, and the Council to solve these tobacco problems moved planters both great and small to take matters into their own hands. Unable to make a living, worried about English attempts to centralize the Empire, pressured by constant immigration until 1675, beset with Indian problems and wide distribution of firearms and other weapons in what was still a frontier, rough, "wild" society, Virginians saw no solutions to their troubles other than violence.

The level of violence may have dropped substantially between 1682 and 1689, but the threat of rebellion and the unrest associated with the tobacco problems still remained. Imperial attacks on colonial autonomy began in Virginia during the 1680s, and improving communications within England's colonial empire evoked expanded responses to English domestic activity. The movement toward consolidation of the colonies, exemplified by the Dominion of New England and attacks on other colonial charters, frightened colonial leaders. Of equal importance were rumors coming from England convincing many Virginians that the monarchy was planning to reconvert the Empire to Catholicism. Reports of Charles II's secret Catholicism and then James II's open conversion alarmed those in the colonies committed to a dissenting form of Protestantism or to Low Anglican Church forms of worship. Finally, rumors of plots between the monarchy and the French government to raise a combined force of ten thousand Catholics and Indians to conquer and reduce the colonies completed the picture of the imminent restoration of the Old Faith.²⁵

In Virginia events such as the Rye House Plot or the Exclusion Crisis were followed closely and carefully.²⁶ During the decade rumors of a Catholic-Indian conspiracy were bred in colonial America and had

impacts in both Maryland and Virginia. Protestant Virginians and Marylanders feared that the Maryland leadership, primarily Catholic, was conspiring with the French government in Canada and the Iroquois Confederation in New York to crush Protestantism in the Chesapeake Bay region and then to turn on the northern colonies to reduce them to Catholicism. The political murders of Rousby and Paine in Maryland convinced many Virginians that Catholics were plotting the overthrow of Protestantism in North America. They also perceived the continued raids by Seneca Indians on the Virginia frontier as further evidence of the plot. These Indian raids took many lives and destroyed a great deal of property, but the most pronounced effect was the continued disturbance of local Indians.²⁷

Charles II died in 1685 and many believed that revolt to remove James II from the throne was imminent. Not, however, until November 1688 did Protestant Whigs succeed in forging an invasion force with William of Orange at its head. The force landed in England in that month and quickly overthrew James. Parliament then offered Mary and her husband the throne, which they accepted.²⁸

Although several colonial agents were in England at that time, they could not get accurate word of the revolt to their constituencies. First rumors of William's invasion reached colonial America in late winter and early spring 1688-1689, and they were garbled, unofficial, and completely erroneous. These rumors mentioned possible Catholic uprisings and Indian attacks and prompted an outbreak of violence in Stafford County and its adjoining regions in 1689.

First rumors of James' overthrow reaching Virginia indicated a full-scale Catholic plot had overthrown Parliament and established

James II as an absolute monarch in the fashion of Louis XIV. The revolt had supposedly ended and the Catholics were allegedly crushing what was left of the resistance. In the confusion of the reports and of the allegations of Catholic conspiracy in the colonies, zealous Protestants in northern Virginia attempted an overthrow of that colony's government. Following the leadership of John Coode's rebellion in Maryland, the heads of the northern Virginia violence asserted that no government in England meant no government in the colony. The leadership claimed that Maryland and Virginia Catholics had conspired to raise a force of French Catholics from Canada, supplemented by ten thousand Iroquois Indians in order to destroy all Protestant resistance in the two colonies. The leadership of the movement consisted of the Reverend John Waugh, Anglican priest of Potomac parish, Stafford County, and a number of laymen of that parish: Burr Harrison, John West, William Gannock, William Heather, Timothy Davis, and George Lambert.²⁹

A few Maryland Indians crossed into Virginia to hunt in the Stafford backcountry and the irrational fears generated by the news from England convinced Virginia residents that they were about to be destroyed by the Catholic-Indian conspiracy. Waugh played successfully upon the fears of his own parishioners, citing the unrest and disorder associated with Coode's Rebellion in Maryland as further proof of his allegations. Waugh convinced his followers that the King had lost his throne in England; thus, no government existed in Virginia. He roused Stafford's residents to attack those they suspected of participating in the Catholic plot. Rappahannock County residents were brought into the uprising, for Waugh argued that magistrates of both Stafford and Rappahannock were secret Catholics. He also accused members of Virginia's Council

of being Catholics. Armed bands of Protestants roamed northern regions of Virginia, robbing and plundering the suspected. Burr Harrison and John West commanded large numbers of men in support of Waugh. The outbreaks, beginning in March and lasting into April, died out rapidly when the Virginia government formally proclaimed William and Mary the new English monarchs and clarified the situation in England. Colonel Nicholas Spencer, president of the Council and chief executive of the colony in the absence of the royal governor, acted with alacrity and authority to handle the situation. By mid-May the uprising was suppressed and the ringleaders were in Jamestown for trial. During the rest of the spring and summer, other leaders were likewise arrested and tried. However, they were generally pardoned on promise of good behavior and agreement to restore the property of those whom they had despoiled. Sporadic outbursts continued during the late spring; however, they did not approach the levels of Parson Waugh's Tumult.³⁰

In the aftermath of The Tumult and Coode's Revolt in Maryland, the Virginia Council found it necessary to arrest other mutinous and seditious participants in the disorderly series of uprisings and tumults characterizing the Chesapeake's reaction to the Glorious Revolution. On August 16, 1690, the Council entertained a request from Maryland's government to detain Richard Hill and return him to that colony to stand trial for treason. The Council, however, decided that since Hill was in fleet bound for England, he should be summoned to provide bond that he would answer the charges in England. The bond was to be transmitted to the Secretary of State in order to assure Hill's trial.³¹ The minor violence and charges of treason did not halt with Hill's trial, however.

Mutinies and threats of treason, occurred during the 1690s, all

suggesting that the unrest and disorder characterizing the previous two decades still had not disappeared. But these uprisings were more like aftershocks from an earthquake. These few uprisings revealed the fact that fears and tensions continued in the 1690s but were at the same time considerably allayed.

In 1691 the commodore of the tobacco fleet, Captain Jonathan Jennings, Captain, HMS Experiment, led a squad of his crewmen into a courtroom to assault and to kidnap Jonathan Porter, Jr. The circumstances of the case began when the Lower Norfolk County Court tried Porter on charges brought by Christopher Thurston, Master of the Little John. As Porter argued his case, Jennings and his men broke into the courtroom, seized Porter, and carried him back to the Experiment, where he was clapped in irons. On May 9, 1691, the House of Burgesses heard the case against Jennings and referred it to the Council. That body decided on May 20 that, since Jennings was commodore of the fleet, he should be tried in England so that the fleet's sailing would not be delayed. A trial in the colony would have meant too extended a delay for the fleet, for economic conditions remained bad and war between England and France had just begun.³² The price of tobacco continued low and, in spite of the fact that the fleet did leave, few ships arrived from England that summer or fall bringing fresh supplies. Moreover, the Glorious Revolution had yet done little to alleviate the grievances left from the Stuart period. Petitions submitted to William and Mary by the Assembly had not yet been acted upon and Governor Sir Francis Nicholson pleaded with the Lords of Trade and Plantation not to reject them outright for fear that the "mob" might immediately take matters into its hands again.³³

Apprehensions of social violence remained high during the decade and another minor rebellion occurred in 1699 when several prominent citizens of Nansemond County acted in a "seditious and illegal" manner. The men, all of Nansemond, were ordered bound over for indictment. The Attorney-General recommended on May 30, that Major Thomas Godwin, Captain Edmund Godwin, Captain Thomas Jordan, Captain Thomas Godwin, Andrew Ross, and John Gourdon, a cleric, should be tried for several high crimes and misdemeanors, including the "uttering and publishing a scandalous Libell against His Maj^{ty} and His Governm^t here." Between the May and October sittings of the Council, the six men confessed their crimes and the Governor pardoned them.³⁴ This type of minor insurrectionary activity continued through the early eighteenth century.

William Byrd I allegedly fomented insurrection in King and Queen County in 1702 by demanding that a new tax enacted by Virginia's colonial government be repealed. The tax, for the use of the College of William and Mary, amounted to £17,000 per year and Byrd protested having to pay his share. Nathaniel Harrison and George Marable were jailed for offering the Speaker of the House ten thousand pounds of tobacco as a bribe. The Council and House agreed that Byrd should lose his office of justice of the peace in King and Queen, that he should appear at the next sitting of King and Queen County court to answer for his offense, and that he should make public acknowledgment of his offense. But Byrd appealed and on April 24, 1703, he informed the Council that he had repeated what he had been told, not inciting resistance or violence. The Council absolved him.³⁵

While the governing elite dealt with these threatened mutinies, it also was deluged with cases of assault and battery. The problem

arose from the presence of several naval ships in Virginia waters. War broke out between England and France in 1689 and, with exception of a short breathing space between 1697 and 1701, continued until 1713. There were numbers of royal naval vessels in Virginia waters before 1713 and privateers and pirates abounded. The pirates were products of the wars and the provincial integration of colonial America. HMS Southampton's Captain, James Moodie, and his crew repeatedly committed assaults on residents of Virginia. The Southampton was on guard duty in the Chesapeake. In early 1703 Moodie and several of his men threatened to beat and maim Colonel William Wilson, Colonel Miles Cary and Lieutenant Colonel Thomas Ballard as the three sat as a quorum for Elizabeth City County's court. Similar complaints were registered against Moodie, who evidently believed that as captain of a Royal Navy frigate he had the same rights of command on shore as he did at sea.³⁶

Seamen discharged from their duty were also a nuisance to the government. In February 1705, the Council instructed the sheriffs of York and Gloucester Counties to impress eleven seamen just released from the Coddrington Galley, a merchantman lying in the York River. The seamen had been "stragglng about" on the shore, committing minor crimes and assaults. Council wished the men placed on board HMS Strombulo, Captain Matthew Teate, to bring that ship's complement to full strength. Governor Nicholson had already written Teate informing him that he might impress the men, but that he must do it quietly and quickly or they would escape and the county residents would protest the press both vocally and violently. Nicholson suggested that Teate seize the men after midnight, making little disturbance.³⁷

Other seamen committed violence requiring Council action. The

Council asserted jurisdiction over merchant ships within Virginia waters, claiming it could legally try crewmen accused of crimes. Ships' captains refused to recognize any authority but their own on board ship, even when at anchor in Virginia's territorial waters. Jonathan Yates, carpenter on board the Thomas and John, a slaver at anchor in the York River, accused the captain, Robert Ranson, of beating to death Valentine Arrison, one of the ship's complement. Governor Nott ordered examinations of the crew, but when these were delivered to the Council, they said little about the case other than that Ranson had beaten Arrison severely. No other crew members accused the captain of killing their fellow crewman, but the examinations revealed Ranson's cruel temper. Arrison had taken some fresh water to the slaves in order that they might have a drink and for that the captain had beaten him. The Council, however, decided to send the case to the Privy Council with the recommendation that Yates' charge be viewed only as a malicious accusation. But Ranson did have a vicious temper, for six months later he was back in the colony and was charged with assaulting the under-sheriff of York County. William Barber, York County's sheriff, sent depositions to the Council requesting an investigation of the incident. Ranson had assaulted Barrentine Howles, the under-sheriff, when he served Ranson with several writs, relating both to the Arrison killing and other instances of Ranson's violent temper. The Council instructed the Attorney-General to prosecute the case.³⁸

Coincident with the violence of ships' masters and their crews came a wave of piracy in Virginia waters. The pirate problem allowed Virginia's government the opportunity to expand its influence and prestige, for it alone took seriously its royal charge to pirates from

local waters. During the first two decades of the eighteenth century, pirates abounded in North American waters, including the West Indies. Names such as William Kidd, Stede Bonnett, or Edward Teach (Blackbeard) appeared in those decades.

On the other hand, the absence of hard currency and the opportunity to trade for luxury items with pirates afforded colonial societies chances to expand their commerce and acquire finer things which normal, legitimate courses of trade denied them. In some colonies, close ties between notorious pirates and the colonial governments provided protection and haven to the illegitimate activities of the pirate crews. The pirate population of North America concentrated in the West Indies, but in 1718 the English Navy scattered it to the mainland North American coasts.³⁹

Pirate violence first appeared in the 1660s and 1670s, but became especially acute after 1700.⁴⁰ Prior to that year, however, pirates broke into the homes of Mrs. Rebecca Leake and Mr. Jonathan Williams, both of Tindall's Point, in June 1682, carrying off goods, monies, and silver plate. Colonel William Cole captured several, with another five taken in Rhode Island and extradited to Virginia, by December. Although several hanged by order of the Council, two others, William Harrison and John Manly, escaped only to return voluntarily by December 10. Several prominent residents of the colony petitioned the Governor to relieve them, which he did, a gesture future governors would not duplicate.⁴¹

Between 1682 and 1699 pirates occasionally plagued the colony. Roger Meekeel, himself a Virginian, raised a band of pirates in the mid-1680s and became locally notorious. Meekeel and his band were captured, and hanged, but only after involved trials and several appeals.⁴²

In July and September of 1699 a pirate ship, the Providence, thirty guns and 150 men, seized two vessels clearing for England. In doing so, she successfully fought off the guardship HMS Essex, sixteen guns and sixty men. Captain John Alred, commander of the Essex, told the Council his vessel was too small to protect adequately the colony's trade. The Council petitioned the Crown for a larger warship and erected a system of bonfire signals along the coasts to warn of pirates approaching the Capes and did the same for Lynnhaven Bay, poorly protected but with many sheltering coves and inlets, provided excellent cover for pirates.⁴³

In the meantime, Nicholson issued a pair of proclamations calling for the capture of several pirates as the wave of piracy sweeping the colony crested in May 1700 when HMS Shoreham captured the French pirate vessel La Paix in Lynnhaven Bay. The La Paix, commanded by Lewis Guitar, had been taken with all hands on board. The crew of the pirate numbered at least 122, and probably many more, although that point is not clear. On April 28, Captain Passenger, commander of the Shoreham, received word that the La Paix had entered Lynnhaven Bay that afternoon. He immediately set sail, anchoring within three leagues of the pirate that night. At 10 p.m. Governor Nicholson boarded the Shoreham and at 4 a.m. the next morning the English naval vessel tacked to within one-half league of the pirate. Although the pirate tried to escape, he had his rigging and masts shot away in the course of several hours of fighting. When the pirate ran ashore, Guitar threatened to blow up the ship, and he had sufficient English prisoners from other ships aboard to make the threat a real one. Nicholson agreed to send the pirates to England to stand trial and to ask for His Majesty's mercy. Despite his agreement, Nicholson still tried three pirates in the colony and had them executed and

at least eleven other pirates died before they sailed for England. Nicholson was not satisfied that the removal of the La Paix ended the pirate threat. He ordered HMS Essex Prize to escort the tobacco convoy that summer fifty leagues into the Atlantic and then to return to continue guard duty in the Chesapeake.⁴⁴

One year later the War of the Spanish Succession began and French privateers once again appeared in Virginia waters. During the next decade those privateers threatened seriously Virginia's tobacco trade, but the colonial government maintained its vigilance and continually warned England that the Chesapeake tobacco fleet was in danger from the threat. Not until late in that decade did the threat of privateering become a reality, for several French vessels appeared off Virginia's coasts. By that time, however, the colony had sufficient defenses to cope.⁴⁵

The impact of piracy and privateering on violence in Virginia is difficult to assess, but threats to the stability of the colony could not have been great. The government's intransigent resistance to pirate incursions discouraged cooperation between pirates and colonists noted in other colonies. But the growth of piracy appears to be a clear indication of economic progress colonial societies were making. The advance of wealth and sophistication of Virginia attracted those bent upon making quick and illicit profits. Yet if piracy played any role in the level of mass violence in Virginia society, it was a minor one, for there was no connection between domestic violence and piracy.

If piracy suggests prosperity, reduction of mass violence suggests the appearance of stability. What probably encouraged the decline of turmoil within the white society was a combination of the revival of a

racial threat and certain economic and social factors which, taken together, helped to bind the society.⁴⁶ However, the rapid expansion of slavery ought to have generated greater instability, since quick growth of any institution within a society generally brought on instability. Instead, fears of Negroes probably added another binding force. The need for vigilance regarding slave rebelliousness helped cement slaveholders and non-slaveholders into a union of common interest against the Negro.

Indian-white violence, however, had become little more than a frontier phenomenon. Indians no longer posed any significant threat to stability, but frontier violence probably accelerated the disregard for human life suggested for the years between 1622 and 1677. Indian-white violence, in this context, then assumes greater importance than if it were just a manifestation of frontier expansion. Colonial Virginians, by the early eighteenth century, had come to regard Indians simply as obstacles to be moved at will and into whatever cultural milieu the whites desired. Only a few Virginians had come to perceive Indian culture as having intrinsic value of its own.⁴⁷ In the late seventeenth and early eighteenth centuries Virginians commonly treated Indians much as they pleased. Fears generated by frontier Indian-white violence did little more, however, than force retreats of frontiersmen into the center of Virginia. By 1700 Tributary Indian nations in Virginia were reduced to no more than one to three hundred in population each, a combined population of perhaps fifteen hundred to two thousand. They lived on small reservations scattered throughout the colony delivering their annual tribute to the governor. They were inoffensive and passive.⁴⁸

Not only were they fully subordinate to the whites in the colony,

but they were constantly subject to raids and threats of raids by their far more powerful adversaries, the Iroquois. Iroquois raids account for much of the frontier violence in the last quarter of the seventeenth century in Virginia. The Iroquois route to the south lay along the eastern side of the Blue Ridge mountains and, as whites pushed into that territory, they encountered Iroquois hostiles. All during the 1680s and 1690s colonial leaders made preparations to resist a full-scale attack of the Iroquois Confederation.⁴⁹

While Virginia Tributary Indians remained passive, Nansiatticoes allegedly provoked many violent incidents in the colony. This nation, however, could never be proven guilty of the charges. Their activity (they lived in Richmond County in the Northern Neck) was confined to the northern regions of Virginia. The Nansiatticoes were a small group, numbering about one hundred men, women, and children, but they remained a center of Indian-white violence during the late seventeenth century. In 1681 Maryland accused Nehemin, a Nansiattico chief, of murder. The Maryland government asked Virginia's Council to investigate the alleged murder of a Maryland colonist by Nehemin, but no proof could be found of his participation in the crime.⁵⁰ Attacks and raids in northern Virginia were generally attributed to the Nansiatticoes or the Piscataways, a Maryland tribe living along the falls of the Potomac, however, those attacks were actually launched by marauding bands of Senecas.

A wave of murders occurred in Stafford and neighboring counties beginning in the late 1690s.⁵¹ Stafford County had long been prime hunting grounds for Virginia and Maryland Indians living along the Potomac River. The extent of Stafford was much greater then than today, but white Virginians continued to settle within its environs despite the

Indian violence. Indians occasionally protested the trespass on what they considered their best hunting lands, but the protests drew little response.⁵² The murders continued despite repeated trials and executions of alleged murderers, until in 1705 Virginia's government made provision for the sale of the Nansiatticoes.

In the late summer of 1704, a small band of Indians, numbering ten at most, attacked the family of John Rowley, living in Richmond County. Five of the six residents of the Rowley house were killed in the attack, and Colonel William Tayloe, commander of the Richmond County militia, captured and interrogated seven Nansiatticoes who revealed that they had taken part in the attack. By October 30, the General Court had tried and convicted all seven, condemning them to death. Only five were executed and one was sold as a slave in one of the West Indies colonies. A letter written by Governor Nicholson to the Board of Trade suggests that colonial officials now considered the case closed.⁵³

However, a special session of the Assembly met in the spring of 1705 for the express purpose of selling the one-hundred-member Nansiattico tribe, allegedly for its continual participation in murders and attacks on frontier plantations and settlements. The Assembly relied upon a 1662 law making Indian villages nearest the scene of a murder responsible for finding the murderer. However, whether through misunderstanding of its own law or for some other reason, the Assembly interpreted it to mean that the village became liable for the murder, if no murderer were found.⁵⁴ Even so, the murderers of the Rowleys had been caught and executed for their crime. A possible clue to the treatment of the Nansiatticoes was an event which occurred the previous spring, when the tribe protested to the Council that it was being de-

prived of its lands. Its chiefs complained in 1704 to the Council that Thomas Kendal, acting as agent for Dr. Lomax, had broken their fences, had seized some of their property, and had driven them off their lands. The murders committed by the tribe that summer may have constituted the act needed by Lomax and others hungry for lands in the Northern Neck. The doctor and his compatriots may have convinced several key figures in the Assembly to interpret the 1662 law in a manner necessary to clear the Indians from the reservation.⁵⁵

The sale to the West Indies of the Nansiattico Indians halted any more racial violence from northern Indians. No longer were efforts made to keep whites from lands, but the violence of the Indians of that region may have been broken not by the sale of the Nansiatticoes but by the capture and execution of those guilty of the Rowley murders.

Indians of the west and southwest, however, took somewhat longer to quiet. Not until the Tuscarora War in North Carolina, 1711-1713, did western and southwestern Virginia Indians cease their attacks and raids in that region. In the meantime, however, whites in Virginia had an entirely new racial threat. By 1700, approximately one-half of the labor force in the colony was comprised by Negro slaves. By 1708 about two-fifths of all the tithables in the colony were Negroes and their population was increasing quite rapidly. Colonel Edmund Jennings, president of the Council in those years, estimated that the Negro population had risen by over three thousand between 1705 and 1708.⁵⁶ The appearance of a new racial threat is well-documented, but the violence generated by growing conflict between Negroes and whites is not. The arrogant treatment of Indians by the whites paralleled the growth of the dehumanization of Negroes in Virginia. From 1646 until 1705, whites

conferred upon themselves the powers and prerogatives of tribal government that had been the Indians prior to 1646. At the same time, the whites institutionalized slavery and made Negroes the victims of that process. Although slavery had existed since the dawn of civilization, it had seldom taken on the dehumanizing form it did in colonial America. Especially in those regions in which Negro slavery became the principal labor system did the institution dehumanize its victims.⁵⁷

Although Negroes inhabited Virginia from at least 1619, their status was not fixed in slavery until late in the seventeenth century. The evidence is quite scanty for the first half of that century about the process of enslavement, but it would appear that English prejudices about Negroes inaugurated conditions by which blacks in the colony were set apart and considered suitable for life-time servitude. Moreover, English knowledge of and participation in the slave trade in Latin America established precedents upon which Englishmen in the New World could rely for labor. By the late seventeenth century, conditions in Virginia were such that some alternative labor source was necessary. Indentured servitude, relying upon English, Irish or Scots, was helping create the chaotic social conditions and violence characterizing the last quarter of that century.⁵⁸ Some alternative labor form was necessary to alleviate the great tensions and violence generated by the class conflicts associated with the tobacco glut, land grabs by prominent citizens, and servile system. By the late seventeenth century Negro life-time servitude was already a common practice through the institutionalization of slavery, and violence in many forms was generated by slavery.

NOTES

TENSION, VIOLENCE AND THE TRANSITION

TO PROVINCIAL SOCIETY: 1677-1705

¹William Byrd I and William Fitzhugh provide examples of the process by which the tobacco families began. Byrd was an Indian trader and merchant before he entered the tobacco trade. Fitzhugh, of Stafford County, also participated in general merchandising and other economic endeavors. See Allen Johnson, et al., Dictionary of American Biography (25 volumes, New York, 1928-1974), Vol. III (1929), 383, Vol. VI (1931), 438-439.

²Rankin, Criminal Trial Proceedings in the General Court, Chapter 1, esp. p. 15; Hening, ed., Statutes-at-Large, III (1682-1710), 10-11.

³Sometime about 1680 the General Assembly divided into its two constituent bodies, the Council and House of Burgesses. Thus, Council records came to be preserved separately from the Burgess collections. EJC, I (1680-1699), 490. Perhaps the Council had ordered that county court to try the felon since the General Court was not in session and could not be summoned until the next spring. The colony found a solution to this problem in the 1690s. Colonial governments usually could not afford to expend monies necessary to keep criminals incarcerated for long periods of time, especially when facilities for retaining prisoners would have to have been improved considerably in order to make them liveable for prisoners and jailers alike.

⁴Ibid., 496; see William Byrd, The Secret Diary of William Byrd of Westover, 1709-1712, ed. by Louis B. Wright and Marion Tinling (Richmond, 1941), 452-453 for the "pleading her belly" defense.

⁵EJC, I, 67-68, 504-506, 72-73; II, 331.

⁶Rankin, Criminal Trial Proceedings in the General Court, 24-37; EJC, I (1680-1699), 171-172.

⁷For Negro Oyer and Terminer trials, see above, p. 183.

⁸EJC, I (1680-1699), 397. Although England had sent several shiploads of convicts to Virginia in the early 1660s, Virginia's government soon concluded that it had to discourage such practices. But Virginia

had not used transportation. See Chapter IV, pp. 127-129.

⁹Carr and Jordan, Maryland's Revolution of Government, 152-153; Lovejoy, Glorious Revolution in America, 93-96, 308-310, 327. The incidents were generated in part by feuds between Baltimore and William Penn over Penn's charters to lands claimed by Baltimore and in part by Baltimore's resistance to attempts by the royal government to weaken Maryland's charter. For Virginia's participation, see EJC, IV, 67-68, 72-73, 109-110, 162-163, 504-506; Calendar of State Papers, Colonial, 1681-1685, Doc. 1952, 731; Docs. 1963 and 1963 I-VI, 734-37.

¹⁰For the rise of black-white violence, see Chapter VII, 217-219. Negro population began to burgeon between 1670 and 1680. By 1715, approximately twenty-three thousand Negroes inhabited Virginia. By 1705 the total tithable population of the colony was twenty-seven thousand and fifty-three, which, if a conversion factor of three is applied, represents a total population of about eighty-one thousand people, black and white. For these figures, see Greene and Harrington, American Population, 138, 139, 145nb, 149-150.

¹¹Colonel Herbert Jeffreys, Governor of Virginia, to Sir Joseph Williamson, Secretary of State, June 8, 1678, VMHB, 5 (1897), 50-53; Lovejoy, Glorious Revolution in America, 54, for the point about the standing army.

¹²EJC, I, 10-11; Calendar of State Papers, Colonial, 1677-1680, 588-589.

¹³Although the considerations in this paragraph do not bear directly on violence in Virginia society, they do set the background and suggest the deep-rooted disorder prevalent in the colony at that time. By the spring of 1682 only an "incident" was necessary to set off mass riots again.

¹⁴EJC, I, 485; Secretary Nicholas Spencer to Secretary of State Covington, July 9, 1680, VMHB, 25 (1919), 143-144; Calendar of State Papers, Colonial, 1677-1680, 569; Lovejoy, Glorious Revolution in America, 133-134; VMHB, 8 (1900-1901), 188-189. By 1682, one man's tobacco crop may have meant 7 for the Crown, Calendar of State Papers, Colonial, 1681-1685, Doc. 768, p.

¹⁵Ibid., 17-18; CSPC, 1681-1685, 221-222, 274-275; JHB, 1659/60-1693.

¹⁶Estimates suggest that Charles received as much as 100,000 per year income from revenues raised by the tobacco trade. That figure matched the size of the secret subsidy sent him yearly by French King Louis XIV. For that reason Charles may have been reluctant to allow a cessation of planting. But he had been fighting with Lord Culpeper, appointed governor of Virginia in 1675, to get him out to the colony.

Chicheley, Acting Governor, had arrived in Virginia some thirty years earlier and had served the growing colony ever since. But he was old, 67, by the time the Tobacco-Cutters' Riots erupted. Whether a firmer hand could have prevented the violence is questionable, for it appears that only a severe curtailment of that season's tobacco crop could have staved off the cutting. With the deterioration of tobacco prices Culpeper and other officials attempted to push diversity and urbanization of the economy, an effort which for many reasons failed but was revived periodically and met resistance, sometimes violent. For Charles' considerations of Culpeper, see Hartwell, Blair, and Chilton, Present State of Virginia, 32-33; Lovejoy, Glorious Revolution in America, 55, 58. The late seventeenth century attempts at economic diversification are detailed in Rainbolt, From Prescription to Persuasion, passim.

¹⁷Sir Henry Chicheley to Sir Lyonel Jenkins, May 8, 1682, CO5/1356, 66-69, Reel M-227, VCRMP, CWRL.

¹⁸EJC, I (1680-1699), 17-18.

¹⁹Sir Henry Chicheley to King Charles II, May 8, 1682, CO5/1356, 65-66, Reel M-227, VCRMP, CWRL; Chicheley to Jenkins, May 8, 1682, 66-69, Ibid.

²⁰Spencer to Jenkins, May 8, 1682, CO5/1356, 69-74, Reel M-227, VCRMP, CWRL.

²¹A long controversy arose over Beverley's participation in and leadership of the tobacco-cutters. For several years he was under official censure. Although never tried for riot or treason, he was convicted of tampering with public documents for refusing to surrender the Assembly's Journals to the Governor and Council. Beverley, a staunch supporter of Berkeley in Bacon's Rebellion, became an enemy of royal government when Berkeley left the colony under royal command and reproof. Beverley had used his influence to help strengthen Berkeley's control of the Assembly. When Jeffreys assumed the governorship, Beverley was stripped of his offices in the House as part of the new governor's attack on the "Green Spring" faction. By the time of the tobacco-cutters, Beverley had little influence within the Council, but he retained the allegiance of many Burgesses. See Hartwell, Blair, and Chilton, Present State of Virginia, 21-26; Calendar of State Papers, Colonial, 1677-1680, #453, #821; VMHB, 22 (1914), 365; 23 (1915), 152; 24 (1916), 77-79; 18 (1910), 6-20; EJC, I (1680-1699), 489, 490-491, 494-495; CSPC, 1681-1685, 228-229, 233, 237-238, 240-241, 243-244, 274-275.

²²EJC, I (1680-1699), 23-24; CSPC, 1681-1685, 275-276; Lovejoy, Glorious Revolution in America, 58-59.

²³EJC, I (1680-1699), 20-22; 24-30, 36, 40-41; Thomas Lord Culpeper, "Culpeper's Report on Virginia in 1683," VMHB, III (1895-1896), 226, 229-230.

²⁴CSP, Colonial, 1681-1685, 157.

²⁵Lovejoy, Glorious Revolution in America, 53-69, 220-235. Lovejoy points out that during the early 1680s, some dissenting Protestants and staunch Whigs in England fomented attempts to prevent James, the Duke of York, from ascending the throne. Revolts and rumors of revolts arrived in America from England, spurring speculation and fears of Catholic intentions. Such events as the Exclusion Crisis, Rye House Plot, or Shaftesbury's release from the Tower of London had profound effects in colonial America, effects startling to both English and colonial officials. The rumors kept alive colonial fears of overthrow of the Empire or a Catholicization of it, an option almost as distasteful as the Empire's overthrow.

²⁶Ibid., 164-166.

²⁷For fears generated by Indian raids, see EJC, I (1680-1699), 205-207, 216-217, 254-255, 262, 266; JHB, 1659/60-1693, 426. The Iroquois raids may be found on pp. 194-195.

²⁸Lovejoy, Glorious Revolution in America, 220-228, for the background and actual revolt itself.

²⁹EJC, I (1680-1699), 104-106, 519, 522; Carr and Jordan, Maryland's Revolution of Government, 48. Parson Waugh had a history of obstreperous activity in the Northern Neck. Some ten years after his "Tumult" he was charged with conduct unbecoming his office when he secretly married a daughter of Kenelm Chiseldine to some stranger from Maryland. Waugh allegedly had sneaked the maid across the Potomac into Maryland and performed the ceremony there. Chiseldine accused him of illegally performing the ceremony, for Waugh had neither published the banns nor had he issued a license. Although Chiseldine wanted Waugh punished for his effrontery, the Council asked Commissary Blair and Attorney-General Bartholomew Fowler to investigate the matter, a means of burying the incident, EJC, II (1699-1705), 31-32.

³⁰EJC, I (1680-1699), 104-106; Fairfax Harrison, Landmarks of Old Prince William: A Study of Origins in Northern Virginia (Berryville, Virginia, 1964), 127-143.

³¹EJC, I (1680-1699), 523-524.

³²Ibid., 177-178; JHB, 1659/60-1693, 355-356, 367-368. CSPC, 1689-1692, 473.

³³CSPC, 1689-1692, 473.

³⁴EJC, I (1680-1699), 438-439; II (1699-1705), 11-12.

³⁵EJC, II (1699-1705), 259; LJC, I (1680-1714), 347-348. A similar

incident had occurred in 1699 when Lieutenant Colonel Bridger requested that the Council prosecute Richard Reynolds for fomenting a riot. At the October sitting the Council instructed the Attorney-General to investigate and to initiate trial proceedings. EJC, II (1699-1705), 19.

³⁶Ibid., 283-285.

³⁷Ibid., 431-432; Colonel Francis Nicholson to Captain Matthew Teate, HMS Strombulo, February 1, 1704/5, PRO, CO5/1214, f289, Reel M-237, VCRMP, CWRL.

³⁸EJC, II (1699-1705), 42, 44, 65, III (1705-1721), 104; "Copy of the Depositions of the Seamen belonging to the ship Thomas and John, taken upon Complaint ag^t Captain Ranson, Master of the said Ship--concerning the death of Valentine Arrison, October 23, 1705, PRO, CO5/1315, Pt. 1, ff 34-37, Reel M-238, VCRMP, CWRL; Governor Edward Nott to the Board of Trade, December 24, 1705, PRO, CO5/1315, Pt. 1, ff 26-29, Reel M-238, VCRMP, CWRL.

³⁹See Rankin, Golden Age of Piracy, 18-21.

⁴⁰See Chapter IV, pp. 138-139.

⁴¹EJC, I (1680-1699), 26; CSPC, 1681-1685, 356-357.

⁴²EJC, I (1680-1699), 68; LJC, I (1680-1714), 89. The most famous pirate case was that in which Edward Davis, Lionell Delawayfer, and Jonathan Hinson contributed a ~~300~~ 300 sterling bribe to Commissary James Blair to obtain their freedom. They were alleged to be pirates, but they proclaimed themselves innocent of the charges. However, the use of the bribe suggests that they were actually pirates. Their bribe was used by Blair to help finance the foundation of the College of William and Mary. EJC, I (1680-1699), 107-109.

⁴³Ibid., II (1699-1705), 4-6, 19-20.

⁴⁴Ibid., 21, 38-39, 65-66, 70; CSPC, 1700, 230-231, 239-240, 262-263, 300-301, 307-308, 311-313. Governor Francis Nicholson to the Board of Trade, June 10, 1700, PRO, CO5/1360, 1-14, Reel M-228, VCRMP, CWRL; Captain Passenger to [?], April 29, 1700, PRO, CO5/1311, 29-30, Reel M-235, VCRMP, CWRL; List of Masters, Ships' Names, Port, Prisoners' Names and Number of Prisoners, June 8, 1700, PRO, CO5/1311, 28, Reel M-235, VCRMP, CWRL.

⁴⁵EJC, III (1705-1721), 190, 205-206, 208-210, 212-213, 216, 217-219.

⁴⁶A number of historians have analyzed the appearance of stability in Virginia in the early eighteenth century, but Williams' "Political Alignments in Colonial Virginia," 339-340, 349-354, is the most compre-

hensive treatment with respect to those binding factors. He does not take into account the rapid development of slavery, but explores the homogeneity of the population, common economic endeavors, geographic proximity of the population, and system of local government, citing these and a common outlook as the keys to the arrival of stability.

⁴⁷Beverley's History and Present State of Virginia is an excellent example of that new perception. Yet he did not represent the attitude of his fellows to any great degree. Not until later in the century do Virginia whites come to view Indians as white men with copper skins, to paraphrase Kenneth M. Stamp. Patrick Henry and Thomas Jefferson both advocated increased recognition of Indian humanity.

⁴⁸See Francis Nicholson to [?], April 29, 1699, CO5/1310, pp. Reel M-235, VCRMP, CWRL, for a survey of Virginia tributary Indians at the end of the seventeenth century.

⁴⁹Attacks launched in Virginia are mentioned in LJC, I (1680-1714), 304-305; EJC, II (1699-1705), 269-270, 322-323, 331, 359, 364, 366-368; JHB, 1702/3-1712, 76.

⁵⁰EJC, I (1680-1699), 13-14; CSPC, 1681-1685, 92-93.

⁵¹Murders and raids began in Stafford in 1697 and depredations in that region continued until the sale of the Nansiatticoes. See EJC, I (1680-1699), 370, 456, 466; II (1699-1705), 96-99, 104; JHB, 1695-1702, 105-106, 158, 159, 163, 193, 194; LJC, I (1680-1714), 262, 264-272; CSPC, 1700, 407, 448-457; Governor Francis Nicholson to the Right Honourable the Lords Commissioners for Trade and Plantations, August 1, 1700, CO5/1360, 31-47, Reel M-228, VCRMP, CWRL.

⁵²The Nansiatticoes themselves complained of trespasses on their lands. See p. 207.

⁵³EJC, II (1699-1705), 383-386, 396-398; Richmond County Order Book, No. 3, 1699-1704, September 6, 1704, 361-364, Reel M-117-17, VCRMP, CWRL; Colonel Francis Nicholson to the Lords of Trade, October 30, 1704, CO5/1361, pp. 233-235, Reel M-228, VCRMP, CWRL; CSPC, 1704-1705, 298.

⁵⁴The original law is in Hening, ed., Statutes-at-Large, II (1660-1682), 193-194, and its revision in ibid., 218-222.

⁵⁵EJC, II (1699-1705), 359, III (1705-1721), 50; JHB, 1702/3-1712, xxv, 49, 74, 88, 96-98, 103, 104, 108, 109, 113-114, 119, 122-123; LJC, I (1680-1714), 4, 14, 417, 419, 420-423; Waverly R. Winfree, comp., The Laws of Virginia: Being A Supplement to Hening's The Statutes at Large, 1700-1750 (Richmond, 1971), 41-45. Governor Nicholson described this tributary tribe in 1699 as "small and weak" and averred that he had lowered their annual tribute from ten to eight beaver skins due to

their poverty. Governor Francis Nicholson to [?], April 29, 1699, CO5/1310, pp. 139-140, Reel M-235, VCRMP, CWRL.

⁵⁶This is Edmund S. Morgan's estimate in American Slavery, American Freedom. Tithing estimates may be found in Greene and Harrington, American Population, 138-139.

⁵⁷Examples of laws controlling Indians may be found in Hening, ed., Statutes-at-Large, II (1660-1682), 193-194, 218-222. For those who argue that slavery was most dehumanizing where it was most profitable, see Herbert S. Klein, Slavery in the Americas: A Comparative Study of Virginia and Cuba (Chicago, 1967).

⁵⁸Morgan, American Slavery, American Freedom, Chap. 14.

CHAPTER VII
SLAVERY AND PIRACY: VIOLENCE IN THE
EARLY EIGHTEENTH CENTURY: 1705-1720

In the early eighteenth century a racial threat once again arose in Virginia, one reflecting increased importation of and reliance upon Negroes as slave labor. Blacks were never to challenge the very existence of the colony as Indians had done in 1622 or 1644 nor did Negroes threaten security and stability as had indentured servants in the late seventeenth century, but their growing numbers alarmed whites whose anti-Negro prejudices were already firmly rooted. Slavery did, however, create a class of discontented, restless Negroes who used violence to resist their condition and upon whom whites used extensive violence to keep subjugated. Although the piecemeal process of enslavement was well under way by 1705, Virginia's Assembly enacted a formal slave code that year, thus symbolically marking 1705 as the year in which slavery replaced indentured servitude as the prime labor system. The code renewed previous slave laws and defined slaves, whether Negro or other, as chattel, personal property. Colonial courts had encouraged that view of slaves, allowing owners to treat them as property. Negroes comprised the bulk of slaves in 1705, but whites occasionally enslaved Indians who had offended the colony in some manner.¹

The codification of slavery was occasioned by a twofold need, to digest all Virginia's slave laws and to rationalize slave policy.

Slavery was expanding so rapidly by 1705 that a need existed for clearly defined statements of treatment, care, punishments and other issues. The accelerated influx of slaves began in the late 1690s when large numbers of "seasoned" blacks were brought from the West Indies. By the early 1700s, however, Royal African Company and "separate" traders were importing slaves directly from West Africa and Virginians no longer could depend on importation of "seasoned" blacks for slaves.² Just as in the 1660s when whites eagerly embraced the importation of convicts from England only to discover that they bred violence and disorder, Virginians responded eagerly to the imports of slaves in the early eighteenth century only to find that blacks introduced new elements of disorder and discontent into the society.³ As the slave population mushroomed after 1700, Negro criminality and violence generated between whites and blacks rose rapidly. The violence accelerated after 1705 as blacks found means to resist slavery and as whites used blacks, perhaps unconsciously, to cement formerly antagonistic class elements of the white society. Although 1705 marks an important date in which whites recognized the increasing presence of blacks in Virginia, slaves had participated in violent events long prior to that date. But their physical numbers and their levels of violence had not yet brought disorder to the society, for late seventeenth-century white leaders were more occupied with searching for means to suppress white lower-class rebelliousness.

Between 1687 and 1735, slaves plotted at least five major insurrections, one general, the others local. Individuals and groups of slaves ran off, some seeking to establish their own colonies in the mountains. In several instances, individual slaves threatened with

capture committed suicide. These methods of resistance represent various levels of acculturation to slavery, but slave resistance, however, comprises only half the story associated with black-white violence. Whites used violence against their slaves in order to eradicate black rebelliousness and to keep the slaves working. During the first third of the eighteenth century, then, the major thread of violence was racial and reflected need for vigilance on the part of whites and extensive exploration of ways and means to circumvent slavery on the part of blacks. Moreover, the racial threat posed by Negroes may have served as a binding force, helping tie together a society which had for decades been unstable, violent, and disorderly.⁴

Although scattered mentions of Negroes participating in criminal activity or running off from their service appeared in the seventeenth century, no major slave violence evidently occurred until Bacon's Rebellion and that was part of the general pattern of lower-class resistance to upper-class exploitation rather than a racial pattern. Not until 1687 did a major insurrectionary plot occur. In October 1687, Lord Howard of Effingham, Virginia's royal governor, informed the Council that Nicholas Spencer, himself a member of the Council and Secretary of the colony, had discovered a plot among Negro slaves in the Northern Neck of the colony. The plotters had intended to destroy their own masters' plantations, to murder their masters and their masters' families, and to spread their insurrection throughout the colony. The restive slaves had hoped to kill all whites in the Northern Neck. The Council ordered that the principals and advisers seized by Spencer be tried at the next session of the General Court. The Council then issued suggestions to all slaveholders asking that they no longer allow

their slaves to congregate in large numbers at funerals, church, or other public meetings. Moreover, masters were asked not to allow their slaves to leave plantations on Saturdays or Sundays.⁵ In this instance, the government asked the cooperation of the masters; in the future, the government ordered such through instructions or laws.

In the spring of 1688 two leaders of the plot were tried. In one instance, only a brief mention ordering the whipping of an unnamed Negro appeared. In the other instance, however, much more information was revealed. In May 1688 the Westmoreland County Court, the county in which the plot occurred, ordered that the James City County sheriff punish Sam, a slave belonging to Richard Metcalfe. Sam had helped inspire the recent plot, but he had fomented plots and conspiracies for several years. The sheriff was to whip Sam at a cart's tail, leading him through Jamestown to the gallows and then back to the county's jail. While Sam was being whipped and kept in prison, he was to wear a halter around his neck, signifying his subordinate status. Following his whipping in Jamestown, he was to be transported to Westmoreland County, where once again he was to be whipped. When those two punishments were concluded, the county court instructed his master to fit him with an iron collar to be worn around his neck for the rest of his life. Moreover, if he survived the whippings, he was to be permanently confined to his master's plantation. Sam's punishment was by no means unusual, but at no time did whites who intended such activity receive that much abuse. They were either pardoned, as in the case of William Byrd I, or executed, as in the case of the leaders of Bacon's Revellion.⁶

Moreover, the insurrection touched off a flurry of legislative

activity in 1691, when the Assembly and Governor agreed to several new laws respecting Negroes. The legislature passed laws prohibiting marriage between whites and blacks, defining and providing punishments for Negro outlaws, and excluding Negro slaves from social activities they had previously enjoyed. At the same time the Council experimented with a new means of trying accused Negro felons. The General Court needed an alternative method of handling special classes of cases, for after 1691 Negroes were forbidden to testify in court.⁷

County courts had begun requesting writs of Oyer and Terminer in order to hold special court sessions to try Negroes accused of capital crimes, for county courts were acquiring trial powers over Negroes-- especially for criminal behavior. The General Court traditionally tried capital offenses, but in the aftermath of the uprising, new methods of criminal prosecution for Negroes were evidently deemed necessary. The General Court hesitated in this instance, refusing to accord county courts the rights of criminal prosecution it had maintained for so many years, but it did not reject outright the idea of using Oyer and Terminer courts for such trials.⁸

Thus, entirely different standards of punishment were being devised for Negro felons, standards to remind slaves of their powerlessness. Negro insurrectionists were drawn and quartered and their parts prominently displayed as warnings to other Negroes not to attempt such activity. But the colony still had the problem of potential white labor unrest with which to deal and kept its attention focused on that violence.

Not until 1701 was the 1691 outlaw act tested. John Tullett requested that year that the Assembly declare Billy, a slave of his, an

outlaw. Billy had run off sometime in 1698, living in the colony as a fugitive. While in hiding he had committed several robberies and other felonies, Tullett's petition alleged. The bill outlawing the slave was before the House of Burgesses when Billy surrendered to the James City County sheriff. Although the question was raised as to the condition of Billy vis-a-vis this bill, the House voted to pass Tullett's petition. Governor Nicholson signed it and Billy was hanged.⁹

Similar petitions submitted to the House over the next several years reveal that the colony had accepted the principle of compensation to slave owners whose slaves were killed either as outlaws or as fugitives from a crime they had committed. Thus, even before 1705 the Assembly had made the decision to complete the dehumanization of Negro slaves by providing compensation to owners whose slaves were killed as outlaws. This compensation was not a reward, as in nineteenth-century jurisprudence, but the assessed value of the slave based on current slave prices and the proven condition of the slave upon his death or outlawry. With this decision, Virginia whites completed their assault on the humanity of the Negro. Whether this assault was conscious is questionable. The evidence certainly suggests that it was unconscious. But petitions such as Henry Lownd's, William Bressie's, or Anthony Armistead's asking compensation for slaves who had run off or who had been executed confirm the suspicion that whites in Virginia by 1705 had largely discarded humanitarian concern for their slaves. Free Negroes retained many rights and privileges of citizens, but as the eighteenth century proceeded, they lost privileges when violence between masters and slaves occurred in the colony, for free blacks were usually accused of fomenting the plots.¹⁰

By 1705, then, colonial Virginians abandoned their heavy reliance on indentured servants and turned to slavery for their labor force. However, this choice was not without its consequences for white society, because after 1705 whites became increasingly apprehensive and fearful of their slaves. Violence institutionalized in the slave code encouraged racial violence prior to 1735. Masters, applying force as they pleased to their slaves, aroused blacks' antagonisms as they arrived in the colony. Those who had not experienced slavery in Africa most likely were those who resisted it most fiercely in Virginia. Thus, they may have inspired many of the runaways and uprisings happening prior to 1735.¹¹

In retaliation for repeated misbehavior, Virginia applied transportation to rid itself of black recalcitrants. The practice was frequently employed for slaves and free Negroes refusing to accept their situation in Virginia. On August 9, 1706, the Council ordered sold a Negro bought for the use of the government. He had been imprisoned for general disobedience and "offering violence" to Mr. Cary. The Council ordered him sold in another English colony but did not specify which one. The councilors believed that he should be taken to the colony in which he would bring the best price.¹²

Moreover, by 1706 Virginia had accepted the principle of Oyer and Terminer courts for trials of Negroes. In 1706 the Council once again received a petition regarding Oyer and Terminer commissions. The commissioners of Oyer and Terminer for Westmoreland County had convicted five Negroes for several felonies and burglaries committed in that county. The commissioners, however, felt that three of the blacks deserved mercy, but the Council disagreed and all five were executed in

September. Once again, another innovation in criminal proceedings had eased the burden placed upon the Council's responsibilities for controlling violent behavior in the colony.¹³

By 1710, however, the Negro population had swelled to twelve thousand.¹⁴ The treatment of Negroes had become even more inhuman since the 1705 codification of the slave laws. But rebelliousness of newly-imported Negroes was not quelled. In 1710 a major conspiracy occurred in Surry and James City Counties. On March 21 of that year first reports of the plot indicated the conspiracy was designed to become colony-wide. Many slaves, both Indian and Negro, had already been arrested, including two leaders, Salvadore and Scipio. Will, a Negro slave belonging to Robert Ruffin, had revealed the plot, and he was sent to the Northern Neck for his own protection, for word had circulated that the plotters would kill him. The General Court, in the meantime, tried and convicted the two leaders for high treason. The Court ordered them hanged, after which they were drawn and quartered and their remains prominently displayed throughout the colony to warn future conspirators of their fate should they elect to pursue the same policy. Many other slaves hanged along with Salvadore and Scipio, for many petitions for compensation were presented to the Assembly. As a reward for his revelation, Will was ordered freed by the Assembly and his master Ruffin received $\text{\$}40$ compensation for the loss of his property.¹⁵

In the aftermath of the conspiracy, the Assembly enacted an import duty on slaves of $\text{\$}5$ per head. The tax was intended mostly to raise revenue for the colony rather than to discourage importation of slaves into Virginia. But there was some apprehension on the part of

whites regarding their Negro population. In the next several years, slave imports dropped appreciably--averaging about five hundred per year compared to the one thousand per year of the first decade. The slowing of the imports did help reduce white-black tensions temporarily, but it also provided slaves time to acculturate.¹⁶

With the 1710 plot, major Negro resistance to slavery temporarily quieted. Some violence occurred between 1710 and 1720, but few hints of the great restiveness of the 1720s appeared. The violence between whites and blacks that did happen was generally low-level, that is, blacks committing crimes or individual whites and blacks assaulting each other. Governor Spotswood, immediately after his arrival in 1710 as governor, had to issue a proclamation calling for the capture of two Negro escapees. Imprisoned in the King and Queen County jail, on felony charges, they had assaulted their jailer and fled.¹⁷ Other instances of violence between blacks and whites suggest how much the unrest of the first decade had quieted. Moreover, some ambiguities in slaves' status still remained and the government had a hand in resolving some of those problems.

In two instances, 1711 and 1717, Negroes petitioned the Council for their freedom, both instances provoking violence between them and their masters. John Demerea, belonging to John Leaf of Nansemond County, and John Coomee, belonging to Michael Herney [Hearney], both requested their freedom. The General Court instructed Lear not to abuse Demerea, but two months later Demerea protested to the Council that Lear had severely beaten him whereupon the Council instructed Demerea to remain out of Lear's service until Lear agreed to post bond for his future good behavior.¹⁸ Coomee's petition alleged that Herney

had illegally enslaved him. When Coomee had presented his petition to the Elizabeth County Court, Herney had taken him home and had beaten him severely, Coomee informed the Council. The Council ordered that Coomee have a fair trial, just as it had done in the case of Demerea.¹⁹ Thus, ambiguities in the rights of Negroes remained in Virginia during the decades after the codification of slavery, but at the same time whites were tightening the system of slavery, for the privilege of compensation for deceased slaves was considerably expanded beyond its original intent.

By 1720 the use of compensation was considerably altered from its intent in 1691 when masters could request compensation for slaves killed as outlaws. Masters claimed compensation for slaves killed by a variety of means. Susan Allen requested that the House of Burgesses indemnify her for the death of one of her slaves. David had killed the slave in self-defense, clearly beyond the intent of the outlaw legislation, and she received the compensation. Richard Richardson petitioned in 1722 for $\text{£}25$ current money awarded him by a jury which had tried and convicted a slave of his for burglary and felony. The slave's case again did not fall within the definition of outlaw, but the House granted his petition.²⁰ Consequently, by 1720 whites had translated black slaves into property, carrying out the definition ascribed to Negroes by the 1705 codification.

As that decade ended, moreover, black restiveness awakened again, portending the 1720s as a period of major black unrest. Some slaves began running off, both singly and in groups, and that practice often resulted in violence. For instance, Governor Spotswood had used opportunities opened to him in Virginia to acquire extensive plantations in

the newly-found county which came to bear his name. The principal labor force for these new plantations was slave and a group of Spotswood's blacks ran off. The slaves, described as mutinous before their flight, fled toward the Blue Ridge mountains, intending perhaps to establish their own colony, suggesting that they were newly-arrived Africans. Spotswood was so concerned about the runaways that he offered a reward and wrote to the governors of Maryland, New York, and Pennsylvania asking them to send out their tributary Indians to try to find the blacks.²¹

Whites had come to realize by 1720 that a new racial threat, one by no means so great as the Indian threat of the era 1607-1646, had appeared in Virginia. Negroes might threaten the stability and security of the society, but their violence was disruptive, not only of the society but the economy. White reaction to Negro unrest was usually swift and calculated to repress black discontent, but at the same time white violence against blacks might have relieved tensions and unrest within white society. The shift from reliance upon white to reliance upon black labor relieved many tensions associated with the late seventeenth century. Those whites who had come to Virginia as servants after 1660 had had no future to look forward to when they earned their freedom, but whites after 1700 who came to Virginia had a much brighter set of opportunities, for they were not condemned to perpetual poverty. Slaves, as a permanent laboring class, were deprived of opportunity, either for personal freedom or for economic improvement. But whites of all classes in the colony had access to both personal freedom and economic gain, not all to the same degree certainly, but that access did provide some new ties within the society. Moreover, as the first

two decades of the eighteenth century ended, whites perceived blacks as a threat to their concept of order and stability, a threat requiring violent repression whenever necessary.²²

The black-white dimension of violence in the early eighteenth century represented only one element of violent activity. Virginia's economic maturity, coupled with Governor Spotswood's imperial outlook, brought participation in violence crossing colonial boundaries. The Hyde-Cary civil war in North Carolina, the Tuscarora Indian War in that colony, and the Yamassee war in South Carolina all affected Virginia. Virginia's participation in the violence of those events suggests that southern colonial integration on political and military levels was beginning. Spotswood, himself a member of the English Army and accustomed to an imperial viewpoint, encouraged a more imperial outlook on the part of his advisers in Virginia. Virginia's wealth and maturity were already well established and it was natural that colonies less wealthy could look to Virginia for aid when threatened by Indian or civil menaces. Although these three violent events were tangential to violence in Virginia between 1710 and 1720, they directed the government's attention away from domestic tensions.²³ Spotswood himself pointed out why Virginia needed to help the two Carolinas, for he feared that both the civil war and the Indian uprisings would spread northward to engulf the Virginia frontier and settled regions. Perhaps his fears were groundless, but nevertheless he and the rest of the Council, with the cooperation of the House of Burgesses, committed large-scale military forces and financial funds to the distressed provinces south of Virginia.²⁴

While participation in regional violence suggests colonial

integration and incipient Negro unrest suggests social violence during the pre-1720 period, piracy continued sweeping North America after the 1713 conclusion of the War of Spanish Succession. During the war itself, Virginia had had repeated warnings of foreign pirate or privateer incursions, but following 1700 none of those threats had actually materialized. When the war ended, however, English and foreign privateers eagerly converted to outright piracy, ranging colonial waters in quest of prey. Although pirates and privateers were officially tolerated, sometimes welcomed, in most colonies prior to 1713, Virginia was an exception. Her government had refused to sanction pirates, whether English or foreign, hanging or sending to England for trial those caught.²⁵

On July 3, 1716, Governor Spotswood wrote the Board of Trade warning it that New Providence Island in the West Indies had become a notorious nest of pirates. He commented that the pirates infesting those waters posed a clear threat to the trade of Virginia and other English colonies in North America. The pirate nest was international and cosmopolitan in makeup, comprising not only Europeans from all seafaring nations, but American Indians, Negroes, North Africans, and even some Asians. Among the clearest threats, however, were those privateering Englishmen who had gone "a pirating" after 1713, for they knew well the waters of the North American mainland coasts and had many contacts upon whom they could rely for aid. Spotswood mentioned in his letter that several months previously a man named Forbes and three companions had entered the colony boasting of their piratical exploits in Spanish Florida.²⁶

Nine months later Spotswood addressed a letter to the Board of Trade

informed it that pirates were lying off the Virginia Capes and that they had seized several English merchantmen. He asked that English warships be dispatched to Virginia, for merchant ships were too weak to resist the pirates. By 1718 pirate raids and trials were commonplace. On May 12 Captain Richard Smith, master of the sloop Anne of Maryland, complained to the Council that Richard Tucker, Edward Wells, John Jackson, James Carr, Barthena Leeds, Edward Lee, and Peter Oliver had "inveigled away" Edward Limbry, the Anne's mate, and had threatened to seize his ship. The Council issued orders to capture the seven if they still remained in the colony.²⁷ Pirates already knew Virginia's government as one of their most powerful institutional enemies, and, by 1719, Spotswood feared pirates' revenge, not only on Virginia, but on his person, for he was one of their most powerful and intransigent enemies.²⁸

Spotswood's animus toward pirates appeared most transparently in 1718 when he ordered the trial of William Howard and the attack on Blackbeard. Howard, former quartermaster for Edward Teach, Blackbeard, came to Virginia after subscribing to the King's royal pardon of January 1718. During his stay in the colony, however, it appeared to Spotswood and the Council that he intended to raise a new pirate crew and "go on account." Spotswood was determined to try Howard, but his political enemies, including John Holloway, a judge of the local vice admiralty court and a future mayor of Williamsburg, succeeded in thwarting Howard's execution. At his trial, however, the colony proved he had participated in plundering twelve English vessels since the closing date of the King's pardon, January 5, 1718. Yet, before his execution, word of an extension of the royal pardon until August 18

reached the colony and Holloway and others of Spotswood's political enemies quickly informed Howard, who of course took advantage of it. Howard was ordered by the government, however, to ship out on board HMS Lyme, Captain Ellis Brand, as a common seaman.²⁹

Howard's trial also proved conclusively that Teach and his men were by no means abiding by the royal pardon, but rather "like Dogs to their Vomits they have returned to their old detestable way of living."³⁰ Spotswood and Captain Brand kept spies in North Carolina watching Teach and his crews, and the two men began planning a furtive attack upon that nest of pirates. Teach and his men could operate with impunity in North Carolina waters because, as with Howard and Holloway in Virginia, Teach had forged an alliance with North Carolina Governor Eden and Secretary Tobias Knight.³¹

In November 1718, Spotswood requested from the Assembly funds for the planned expedition, justifying the attack because Teach intended to revenge pirates for the many executions in Virginia. The House of Burgesses consented to the bill and on November 24 Spotswood signed it. Within two and one-half months following that legislative action, Spotswood and Brand had destroyed Teach and his pirate nest.³² The crushing of those pirate crews removed a major threat to the trade of Virginia, and, at the same time, dealt a severe psychological blow to pirates all along the Atlantic coast of North America. Teach was one of the most feared, insolent, and powerful pirate leaders in his day. His death and the destruction of the nest not only removed a direct threat to trade but also eliminated a powerful influence on behalf of the pirates.

In 1718, other trials were held, these for participation in a

raid on the merchant ship Providence in September. Three members of Charles Vane's crew--Henry Mann, William Stoke, and Aure Van Pelt--were caught and tried in the colony but were reprieved, for they claimed the King's pardon. Vane, a pirate ranging South Carolina waters, was almost as notorious as Teach and had spawned almost as many crews as had the infamous Blackbeard.³³ When caught, they apparently were bound in the Providence for Charleston, South Carolina, where they wished to claim the King's mercy. Not until just before their execution was this fact discovered in Virginia, and the pirates were then reprieved and placed on board an under-manned royal naval guardship in the Chesapeake.

By 1720 the gravest threats to Virginia's waters had pretty well passed, although pirates still left on the high seas were becoming even more desperate and cruel in their depredations. Their numbers dwindling rapidly, those still "on the account" attempted to gain revenge for their fallen comrades. But vigilance in Virginia and circumstances on the high seas prevented major attacks on Virginia shipping until the mid-1720s, when renewed threats appeared from the West Indies. By 1727, however, piracy had almost disappeared from Virginia's waters.³⁴ Thus, Virginia's trade after 1720 was largely secure from marauding pirates, but internal security and stability withered somewhat as the Negro population's restiveness increased and as lower-class whites began a series of violent episodes protesting tobacco policy.

NOTES

SLAVERY AND PIRACY: VIOLENCE IN THE
EARLY EIGHTEENTH CENTURY: 1705-1720

¹The slave codification is found in Hening, ed., Statutes-at-Large, III (1684-1710), 447-462, especially 447-448, 451, 456-462. Slaves are defined as chattel on pages 333-335 of that codification. Jordan, White Over Black, Chap. 1, describes the conceptions Englishmen had of Negroes by 1700. The correlation between acculturation and resistance to slavery by Negroes is explored by Gerald W. Mullin, Flight and Rebellion: Slave Resistance in Eighteenth-Century Virginia (New York, 1972).

²According to estimates of the tithable population in the 1690s, there were probably six thousand Negroes in the colony by 1700. By 1705 that number had most likely swelled to nine thousand. Greene and Harrington, American Population, 137-139. The shift in the character of the slave trade is detailed in Elizabeth Suttell, "The British Slave Trade to Virginia, 1698-1728," unpublished M.A. thesis, College of William and Mary, 1965), Chapter 2. "Separate" traders were those who did not belong to the Royal African Company.

³See Chap. IV, pp. 127-129, for the convicts.

⁴Legalization of slavery in 1662 in Virginia complemented the piecemeal process of enslavement begun with common law decisions, but continued through legislation into the eighteenth century. Before the decision to legalize slavery, the courts had sentenced blacks to service for life rather than specific periods of time as they did for whites, asserted the immorality of sexual intercourse between whites and blacks, and ordered more severe punishments for blacks than whites. Minutes of the Council and General Court, 467, 479; Hening, ed., Statutes-at-Large, I (1619-1660), 146; "Virginia Council and General Court Records," VMHB, V (1898-1899), 238. In 1705 Virginia drafted a slave code as part of a general codification of the laws. The slave code legalized a slave's murder if done while correcting him, banned marriages between blacks and whites, and continued the definition of certain classes of "outlying" slaves as outlaws. Hening, ed., Statutes-at-Large, III (1682-1710), 455-462. Mullin, Flight and Rebellion, concentrates attention on the years 1735-1801, overlooking much of the racial violence which occurred prior to 1735.

⁵EJC, I (1680-1699), 86-87. Vague hints of plots appeared in

1694 and 1703. Ibid., 317; II (1699-1705), 311-312.

⁶Ibid., 523; Lyon G. Tyler, ed., "Punishment for a Negro Rebel," WMQ, 1st Ser., X (1901-1902), 177-178.

⁷Hening, ed., Statutes-at-Large, III (1684-1710), 102-103; JHB, 1659/60-1693, 396, 397, 399, 401, 404, 472, 476.

⁸Oyer and Terminer courts were special criminal courts summoned by writs issued by the Governor and the Council. The requests for writs came from Warwick and New Kent County courts in 1694. In both instances the Council rejected the requests, encouraging the county courts, however, to punish the accused Negroes for whatever they had done. EJC, I (1680-1699), 309, 310.

⁹JHB, 1695/6-1703, 278, 287, 322, 384, 388. The next year Tullett petitioned the Assembly for the 4,000 lbs. of tobacco provided by the law for an outlaw's execution and the legislature granted him his request.

¹⁰For the petitions, see LJC, I (1680-1714), 334, for Lownd's petitions. His Negro male's rape of a white woman is one of the few recorded instances of such occurrence in Virginia prior to 1755. For Bressie's and Armistead's petitions, see JHB, 1695/6-1706, 351, and EJC, II (1699-1705), 305. Regarding free Negroes, such laws as the 1691 legislation banning inter-marriage applied to free Negroes as much as to slaves.

¹¹For general considerations of the African slave trade, see Philip D. Curtin, The African Slave Trade: A Census (Madison, Wisconsin, 1964); Basil Davidson, Black Mother: The Years of the African Slave Trade (Boston, 1961); and Daniel P. Mannix in collaboration with Malcolm Cowley, Black Cargoes: A History of the African Slave Trade (New York, 1962). For considerations of Africans' reactions in Virginia, see Mullin, Flight and Rebellion, 34-38.

¹²EJC, III (1705-1721), 118.

¹³Ibid., 128.

¹⁴Greene and Harrington, American Population, 139.

¹⁵EJC, III (1705-1721), 234-235, 236, 242-243, 246; LJC, I (1680-1714), 492-493; JHB, 1702/3-1712, 270, 276; Hening, ed., Statutes-at-Large, III (1684-1710), 537-538; CSPC, 1710-1711, 83, 113-115; Colonel Edmund Jenings to the Lords Commissioners for Trade and Plantations, April 24, 1710, CO5/1363, 189-191, Reel M-229, VCRMP, CWRL.

¹⁶For the $\text{£}5$ head tax, see JHB, 1702/3-1712, 271, 273, 276, 281,

286-287, 290, 298; Hening, ed., Statutes-at-Large, III (1684-1710), 482; Waverly K. Winfree, compiler, The Laws of Virginia: Being a Supplement to Henings' The Statutes At Large, 1700-1750 (Richmond, Virginia, 1971), 50. For analysis of the role the slave duty played in the economy and society of colonial Virginia, see Suttell, "British Slave Trade to Virginia," 32-34; Darold D. Wax, "Negro Import Duties in Colonial Virginia: A Study of British Commercial Policy and Local Public Policy," VMHB, Vol. 79 (1971), 29-45. Wax points to four reasons Virginians enacted such a high import duty: raise revenue, keep blacks out for fear of new insurrections, slow the import of slaves to allow time for the colony's credit to recover, and raise money to aid the Carolinas in turmoil and Indian wars. Thus, the fear of insurrection was part of the calculations which entered the Assembly's conclusion to enact a duty which appeared on paper to be prohibitive. Actually, it just slowed the rate of import.

¹⁷EJC, III (1705-1721), 264. Spotswood arrived in Virginia that fall to assume his duties. Note that the Council had handled the 1710 plot, giving more reassurance to Virginians of their abilities not only to govern themselves, but to shape their society.

¹⁹Ibid., 442.

²⁰EJC, II (1715-1754), 618; JHB, 1712-1726, 342.

²¹EJC, III (1705-1721), 549-550; Mullin, Flight and Rebellion, 42-44.

²²For analysis of the improved economic position of whites in the early eighteenth century, see Morgan, American Slavery, American Freedom, Chap. 15. Negroes were imported into Virginia in great numbers during the first three decades of the eighteenth century. They came largely from Africa, although Barbados supplied, at certain times, great numbers also. During the eight years of the \$5 duty per head (1710-1718), traders brought Negroes from Africa and Barbados about equally, that is, 1907 from Africa and 2185 from Barbados. In other periods for which records survive for both Africa and Barbados, however, African imports outnumbered Barbadian imports by at least ten to one. Between 1699 and 1708, 6371 Africans were imported and 236 Barbadians. Between 1727 and 1755, 25409 Africans and 2404 Barbadians were imported. The masters of the seventeenth century had frequently preferred West Indian slaves, believing that they were already "seasoned" and could withstand the rigors of work and climate in Virginia. The figures for total imports were compiled from the naval officers' returns printed in Elizabeth Donnan, ed., Documents Illustrative of the History of the Slave Trade to America (4 volumes, Washington, D. C., 1930-1935), IV (1935), 175-224.

²³For the Hyde-Cary civil war in North Carolina, see EJC, III (1705-1721), 277, 279-283; Alexander Spotswood, The Official Letters of Alexander Spotswood, ed. by R. A. Brock (2 vols., Richmond, Virginia,

1882), I, 81-86, 91-95, 100-102, 105-106. For the Tuscarora War, see Hugh T. Lefler and Albert Ray Newsome, North Carolina: The History of a Southern State (revised edition, Chapel Hill, North Carolina, 1963), 57; Spotswood, Letters, ed. Brock, I, 115-120, 146-150, 169-172, II, 2-4; EJC, III (1705-1721), 284-287, 291-304, 310-311, 315, 320, 329, 331-332, 324, 347, 483. For the Yamassee War, see Spotswood, Letters, ed. Brock, II, 112, 118, 119, 127-128, 135-136, 141, 240; Governor Alexander Spotswood to the Board of Trade, June 4, 1715, CO5/1364, 345-346, Reel M-229, VCRMP, CWRL. A great deal of other Indian violence accompanied these two wars, most of which appeared in Virginia sources, but was of peripheral importance to violence in the colony. Spotswood's imperial view is explained in Leonidas Dodson, Alexander Spotswood: Governor of Colonial Virginia, 1710-1722 (Philadelphia, 1932), Waverly K. Winfree, The Laws of Virginia: Being a Supplement to Hening's The Statutes At Large, 1700-1750 (Richmond, Virginia, 1971), 50.

²⁴There is documentation of Tuscarora plans to enlist Nottoway and Meherrin Indians, two Iroquois-speaking peoples living south of the James and who had not been much bothered by whites until the early eighteenth century. But as settlement was inaugurated in the Southside, the two Indian nations came under pressure for their lands and the Tuscaroras were evidently playing on those fears. However, neither the Meherrin nor the Nottoway peoples accepted the Tuscarora proposals. See EJC, III (1705-1721), 296-297, 303-304. Less direct connections can be made between the Yamassee and Virginia Indians, but rumors that the Yamassees were seeking allies in Virginia reached Governor Spotswood, who passed them on to the Board of Trade. Spotswood to Board of Trade, June 4, 1715, CO5/1364, 345-346, Reel M-229, VCRMP, CWRL.

²⁵See Chapter VI, pp. 202-203, for Governor Nicholson's handling of pirates.

²⁶Spotswood, Letters, ed. Brock, II, 170-171, EJC III (1705-1721), 443-444.

²⁷Spotswood, Letters, ed. Brock, II, 249-250; EJC, III (1705-1721), 469.

²⁸Ibid., 481-482; Rankin, Golden Age of Piracy, 118, 128-129, 132, 133, 135, 136-137, 138. In 1718 the Council received word from North Carolina that two pirate vessels had run aground on the Outer Banks. The two crews had surrendered to North Carolina's government, receiving certificates of pardon in return. Spotswood, fearing that members of those crews might come to Virginia, asked the Council to prepare a proclamation requiring any of those pirates who came to Virginia to surrender their arms and to travel in groups no larger than three. Spotswood may also have feared some personal attack upon himself if those crews arrived in Virginia.

²⁹The phrase "go on account" was a euphemism for pirating. The

trial of Howard and its implications for Virginia's official position on pirates is in Rankin, Golden Age of Piracy, 116, 117-118; EJC, III (1705-1721), 484, 490.

³⁰Rankin, Golden Age of Piracy, 118.

³¹The general point that pirates could not have operated in North America without the aid of many prominent merchants and officials is the central theme of Rankin's Golden Age of Piracy. Not all colonials worked with the pirate crews, and, as the commerce raiders became more voracious and insolent, fewer colonials were willing to put up with them. By 1718, for instance, Virginia's "Trading People" along with many other prominent citizens had sickened of the pirates in their midst and requested their removal by the government. More importantly, close parallels exist between the pirate-general society ties and many other types of violent behavior within a society. For instance, tobacco-cutters in 1682 operated with the aid of prominent members of the general society. Modern guerillas carrying on warfare against an "aggressor" power can do so only with the toleration and aid of the people on behalf of whom they are fighting. Vigilante movements in nineteenth-century America existed because society tolerated, accepted, and sometimes even encouraged them. Finally, what amounted to an outlaw gang developed in Virginia several decades after these pirate incursions, but it functioned with the toleration of prominent and important parts of Virginia's society. The examples of such connections are so many and so varied that they almost suggest a general law of violence; that is, mass outlaw violence can exist only where a society or even just controlling groups within a society condone it. This point is made in E. J. Hobsbawm, Social Bandits and Primitive Rebels: Studies in Archaic Forms of Social Movement in the 19th and 20th Centuries (Glen-coe, Ill., 1959).

³²The royal government had not furnished Captain Brand, the commander of a guardship stationed in the Chesapeake, with supplies for such a mission. Spotswood was so concerned about Teach's crews that he used his own monies to procure not only the supplies but the small ships necessary to work the coastal waters of North Carolina. The governor rented two sloops, fitted them out, and hired two pilots familiar with North Carolina's Outer Banks to direct the ships. On November 22, 1718, the sloops caught Teach near Ocracoke Inlet in the Outer Banks. After a hard, but brief, fight, Teach's two sloops were destroyed and the surviving members of his crew captured. Teach and nine of his crewmen died while twelve of the attackers were killed. The pirates who surrendered, including six Negroes, were brought to Williamsburg, were tried, and were executed. JHB, 1712-1726, 223-225; Winfree, comp., The Laws of Virginia . . . Supplement, 175-177; Rankin, Golden Age of Piracy, 115, 118-127; Spotswood, Letters, ed. Brock, II, 273-274; EJC, III (1705-1721), 495-496, for the trials of six Negroes belonging to Teach's crew.

³³EJC, III (1705-1721), 495-497. For other trials and acts of piracy, see ibid., 501, 522, 523; Spotswood, Letters, ed. Brock, II,

321, 337-338.

³⁴Hugh Drysdale to the Board of Trade, July 10, 1724, CO5/1319, ff 208-211, Reel M-240, VCRMP, CWRL; EJC, IV (1721-1736), 144-149; Robert Carter, President of the Council, to the Board of Trade, 1727, CO5/1321, ff 2-4, Reel M-241, VCRMP, CWRL.

CHAPTER VIII

SLAVERY, TOBACCO POLICY, AND VIOLENCE, 1720-1735

Between 1720 and 1735 the threat of violence implicit in the major racial changes taking place in Virginia earlier became explicit. The tension within white society dissipated with the exception of discontent over tobacco policy, but anxieties and fears of black insurrectionary activity increased as the black population grew. Following the demise of the £5 duty on slaves in 1718, there were no subsequent duty laws until 1732, although the assembly enacted laws in 1723 and 1728 which were disallowed by the Crown. There apparently is a tie between tobacco policy and slave rebelliousness in the colony during the 1720s, a connection difficult to establish and tenuous at best. As tobacco prices moderated after 1720, the number of slave imports from Africa rose dramatically and their reaction to their new status suggests not a demoralized people but one rebellious, discontented, and occasionally contemptuous of their masters.

By no means was Virginia society of the 1720s and early 1730s as violent or disorderly as during the late seventeenth century, but ugly undertones of racism and class unrest did exist. By 1735, however, class and racial unrest had quieted considerably and the possibility of a repeat of the late seventeenth century had ended. After 1735 economic conditions enabled most whites to make a life of comfort for themselves with a minimum of labor.¹ To a large degree that prosperity was a function not only of tobacco prices, but to agricultural diversifi-

cation through the introduction of general grain crops and some different commercial crops such as hemp.

To control their slaves, Virginians fashioned instruments and means during the 1720s which essentially completed the policing aspects of slave policy. The uses of militia patrols to detect or to prevent mass slave meetings and the application of entirely different standards of punishment against slave malefactors helped perfect the methods of control. Moreover, by 1736 many white males could participate in the political organization of the colonial government. Property qualifications for the franchise had been introduced in the 1670 franchise law and were retained in the 1736 revision, but its provisions, designed in England to be restrictive, were in Virginia quite liberal. It is difficult to estimate the number of free, white males over the age of twenty-one who could vote according to the 1736 law, but perhaps seventy-five to eighty-five percent could vote.² Furthermore, a liberal interpretation of that franchise frequently allowed those technically deprived of the vote the opportunity to do so. Thus, by 1735, systems of slave control and liberalization of political and economic opportunity had stifled the undercurrents of social unrest evident in the 1720s and early 1730s.³

The Negro restiveness prior to 1720 blossomed into significant turbulence and unrest during the fifteen years following that date. Slave plots, a major riot, and a high level of criminality indicate great discontent within the black population of the colony. Whites became increasingly apprehensive of that population as the decade passed. The black population swelled rapidly during the decade because the duty on slaves had been dropped and, more importantly, the

price of tobacco rose increasing the demand for new slaves. Although tobacco prices fluctuated somewhat during the 1720s, they did not drop so low as to discourage a high level of imports. The rebelliousness, expressed in a number of ways, of Negroes in the colony suggests that new arrivals quickly acculturated, requiring only a few years to learn enough of white society to rebel against it or, at least, to resist slavery.⁴

Slaves resisted their masters in a variety of ways: work slow-downs, running-off and becoming outlaws, assaulting their masters or overseers, fleeing in numbers to establish their own colonies, or plotting insurrections. It is possible to measure the level of acculturation of slaves by analyzing the means by which they resisted slavery; some attempted methods described as self-destructive, others tried to destroy the institution or its agents.⁵ The years between 1690 and 1730 mark an era of slavery in Virginia in which Negroes sought means to circumvent their masters while whites endeavored to close off opportunities for slave resistance. Only with 1735 did the unrest which characterized relations between blacks and whites quiet.

Between 1710 and 1720 the total black and white population of Virginia rose by an estimated nine thousand and five hundred, of which roughly three thousand and four hundred were Negroes.⁶ Slave imports totaled about four thousand and eight hundred in that same decade. Between 1720 and 1730 Virginia's population reportedly increased at least twenty-six thousand and five hundred, of which approximately three thousand and five hundred were Negroes.⁷ These figures do not appear to correlate, for between 1718 and 1727 at least eleven thousand slaves were imported and sold in Virginia and between 1727 and 1732 another

two thousand slaves were brought in.⁸ Unless some catastrophic disease killed many thousand slaves, leaving whites relatively untouched, the black population must have risen more than the eleven thousand, for measuring black population increase against slave imports for every decade surrounding the 1720s shows a population increase greater than the number of slave imports. Moreover, no mention of an epidemic affecting slaves appeared in sources, thus the estimate of the number of blacks inhabiting Virginia in 1730 appears far below what the figure ought to be, perhaps forty thousand would be a more accurate estimate.

The effect of the rapid growth of black population in the colony is difficult to assess, but the instability represented by that increase suggests that violence between slaves and masters became inevitable. When Major Hugh Drysdale arrived in Virginia in the fall of 1722 to replace the recently-dismissed Alexander Spotswood, he was confronted immediately with a Negro insurrectionary plot in Gloucester and Middlesex Counties. There is probably no correlation, but of the five naval districts of Virginia, York River district (adjacent to Gloucester and Middlesex Counties) received the most slaves by a factor of three to two over all other naval districts combined, this in the years 1710-1718.⁹ But between 1718 and 1727, slaves brought into York River district outnumbered other districts combined by almost four to one. Certainly not all those slaves were sold in the immediate vicinity of York River District (some were reshipped elsewhere for sale in the colony and others were bought for transport to other regions of Virginia), but the bulk of the almost eleven thousand slaves imported for sale in the York River district probably were sold locally. Moreover, almost nine thousand of those slaves were brought directly from Africa.

The African character of the slaves may not have had a significant impact on the threat of violence in the Gloucester-Middlesex conspiracy, but the fact that over six thousand African slaves were brought into Virginia in the decade before the 1710 James City-Surry County conspiracy and the African character of the pre-1722 immigration suggests some connection.¹⁰

The description of the 1722 conspiracy fits the general pattern of slave insurrection plots for the years 1687-1730, that is, the blacks intended to rise against their own masters, and kill them, then attack other whites, and conclude by possessing "themselves of the Country."¹¹ Drysdale suggests a number of conclusions about this conspiracy in his expression of black intent. First, he implies that whites suspected their slaves of intending to overthrow the white-dominated social structure, reversing it in fact, making whites the slaves. This may say more about white fears than black intentions, but since similar allegations were made in the 1710 conspiracy and would be made in the 1729-1730 unrest and disturbances, the whites may have had some grounds upon which to rest their fears. Second, one infers from Drysdale's comments upon the situation in 1722 that the blacks had a rather well-thought-out plan for their conspiracy. Whether the blacks leading the plot were native-born Africans or already-acculturated slaves either born in Virginia or bought from some other English plantation is not known, but if the York River district supplied the bulk of fresh slaves for Gloucester and Middlesex Counties, the slave leaders may have been West Indian, for between 1710 and 1718 about an equal number of African and West Indian slaves were imported into the York River district.¹²

The aftermath of the plot also suggests that whites believed that

the blacks were actually conspiring. Drysdale surmised that, because blacks could not testify in court, the ringleaders would be transported to the West Indies to be sold, with appropriate compensation to their owners. At the spring 1723 session of the Assembly, the blacks were ordered transported and sold, but the Assembly went further by depriving free blacks of the franchise, for several free blacks allegedly inspired and encouraged the conspiracy. Moreover, the Assembly restored, on a limited basis, the right of Negroes to testify in court, providing that they could give testimony only if against other Negroes.¹³

The law enacted providing for transportation of the plot's ringleaders to the West Indies included eight blacks. These slaves were the principal ringleaders: Dick, belonging to Mathew Kemp; Tom (alias Bambeo Tom), belonging to Thomas Smith; Sanco, Isaac, and Jeffrey, slaves of Armisted Churchill; Robin, belonging to John Rhodes; Sam, belonging to Elizabeth Burwell; and Sam, a slave of Elizabeth Robinson. Moreover, the law provided that the slaves could never return to Virginia under penalty of death. Colonial officials once again used transportation as a method of removing alleged wrongdoers from the colony. In this fashion the legislature tried to close opportunities for rebellious blacks, whether slave or free, to mount rebellion against the white society.¹⁴

If these measures, plus all other regulations and punishments designed to keep Negroes quiescent, were at all successful in suppressing black unrest, they were such only for a short period of time. Negro criminality in the 1720s revealed a heightened level of Negro unrest. Moreover, increased Negro criminality reflects not only the appreciable rise in Negro population, but that the blacks were accul-

turating. However, until the founding of the Virginia Gazette in 1736, criminality occurring in the colony can be found in sources which do not reveal the full extent of illegal behavior. For instance, Negroes convicted of crimes for which they were executed or lost their lives in some other fashion showed up in petitions to the House of Burgesses as requests for compensation. But materials revealing the nature and method of trial of Negroes or any other criminals have largely been lost.

Among petitions submitted in the 1720s that of Baldwin Matthews in 1726 suggests the extent of Negro awareness of wealth and goods and one method of resistance to slavery. On May 18 Matthews asked compensation from the public treasury in the sum of the evaluated worth of a slave of his. The slave, jailed on charges of burglary and felony, had died before he could be tried. The House referred the petition to the Committee of Public Claims, which approved the request.¹⁵ Considering the nature of public jails during the early eighteenth century, the slave's death before his trial was not an unusual circumstance, thus the approval of the request.

In similar circumstances the government likewise compensated masters for slaves killed. For instance, Hannah, a slave belonging to George Walker of Elizabeth City County, had been convicted of first-degree murder and sentenced to death. The trial court had set the date for her hanging, but the county sheriff had died the day before her scheduled execution. The Council instructed its president, Robert Carter, to sign Hannah's death warrant and to forward an evaluation of her worth to the Assembly so that it might provide compensation to her master.¹⁶

In other instances, whites petitioned for and received rewards for capturing escaped slaves wanted for crimes. These petitions demonstrate that few Negroes tried to escape from the colony after committing violence in defiance of their master or some other white. Henry Embry, William Wynne, and Richard Burch submitted such a document to the House of Burgesses in 1728. The petition, submitted Thursday, February 8, claimed that they had been at great personal expense to recapture two Negroes accused of murdering their master, Henry Maynard. The blacks had murdered their master as an act of defiance and then fled the colony to escape slavery. The blacks had been captured and jailed, but they had escaped. They fled for another colony, but the three petitioners had caught them and returned them for trial. The House referred the petition to the Committee of Public Claims which accepted the request and incorporated it into that year's budget.¹⁷

In a similar situation in 1730 John Grimes petitioned the House for pensions for the widows and children of Jacob Rice and Christopher Chaffin. Two of Grimes' Negroes had murdered the two whites when the whites had gone to Maryland to return the blacks to Virginia. The blacks had escaped from their bondage to Grimes, and some Maryland citizens had captured them. Grimes had commissioned Chaffin and Rice to bring the slaves from Maryland. On the way back the Negroes had disarmed the whites and had murdered them. Upon receiving word of the murders, Grimes himself had gone to Maryland to bring his slaves to justice. His petition requested not only pensions for the relicts and orphans of Chaffin and Rice, but compensation for his slaves and expenses in returning the Negroes.¹⁸

In the meantime, a group of fifteen slaves ran away from their plantation, a new one located at the head of the James River. They had planned their flight very carefully, stealing many tools, weapons, provisions, bedding, clothing, and seeds with them. Governor Gooch wrote the Board of Trade that the slaves had intended to found their own plantation in the mountains well beyond the limit of white settlement. Their master and a posse pursued and caught them at the site of their plantation where construction of several cabins had begun and land clearing for planting had been inaugurated. They may have been newly-arrived Africans which would explain their running off in the group. The event, occurring in the spring of 1729, provides further evidence of Negroes' belief that they could establish settlements approximating Maroon settlements in the West Indies or those of the Cimarrons in Central America.¹⁹ The posse catching the blacks helped discourage a pattern for escaped slaves in Virginia.²⁰

The level of unrest of Negroes as measured by incidents such as running off to establish independent settlements or stealing goods from their masters had risen to high levels by the last five years of the 1720s. Although whites seldom aided Negroes in their attempts at resisting slavery, one such incident did occur in 1729, suggesting that the racist nature of black-white relations had not fully hardened.

On April 19, 1729, charges that Christopher Brooke and Elizabeth Whiting had conspired to prevent trial of Negroes who had broken into Brooke's storehouse were presented to the Council. Brooke, master of the Cambridge of London, had his storehouse in Gloucester County, and the slaves belonged to the Whiting woman. The report alleged that Brooke and Whiting had suppressed the incident in order to protect the

slaves from trial and execution. Their loss meant deprivation of property for the Whiting woman, a loss she might not have been able to sustain. An explanation might be that she and Brooke were romantically tied to each other and he agreed not to prosecute on grounds of his affection for her. Whatever the explanation for their behavior, they still faced prosecution, for the Council ordered that not only should the Negroes be tried, but charges be prepared against Brooke "that others may be deterred from the like practices for the future."²¹ The colony was agitated in those years and slaves' resistance to white domination lay at the heart of much of that agitation. The Council did not accept the Brooke-Whiting explanation. The prospect of two whites protecting Negro criminals in those years must have seriously alarmed the Council.

Peak Negro restiveness occurred in the years 1729-1730, with major incidents of Negro violence threatening to erupt. Negroes were disorderly all over the colony, with the highest level of unrest being the Northern Neck and the southeastern regions, areas already experiencing considerable discontent from other lower-class white restiveness. Although historians might minimize the rebelliousness of Negroes, the fact that it existed and expressed itself in numerous violent means suggests that slaves threatened whites in a manner masters could ill afford to overlook.²² Although slavery allowed whites to increase significantly their profits from tobacco growing, that institution was not without its costs in terms of violence and disorder in Virginia. Slaves were unable to destroy completely the society, but then the freemen and servants who comprised Bacon's followers in 1676-1677 were unable to subvert the society which was so clearly victimizing them.²³

Virginians by 1725 had clearly come to regard Negroes as inferior to themselves and were not hesitant about expressing their beliefs. Hugh Jones, visiting Virginia in the 1720s, wrote a tract about the colony in which he described Negroes and their role in the society. Although his view does not suggest the blatant racism of other commentators in the colony, his analysis of blacks is characteristic of Virginians: "and when they are free, they know not how to provide so well for themselves generally; neither did they live so plentifully nor (many of them) so easily in their own country, where they are made slaves by one another, or taken captives by their enemies." Doubtless Jones was unaware of the suppression and exploitation of white laborers and even freemen in seventeenth-century Virginia, for they did not "live so plentifully nor so easily" during that century.²⁴

In 1729 and 1730 slave unrest reached a height to which it would not return until 1800.²⁵ During the decade Negroes were becoming increasingly insolent and they refused to perform their assigned tasks. Repeatedly, imprisoned black criminals expressed their contempt for whites. Governor Drysdale wrote to the Board of Trade in 1723 that Negroes accused of fomenting the 1722 insurrection responded "insolently" when interrogated about their role in the plot.²⁶ During the rest of the decade Negro "insolence" and recalcitrance increased until in 1729, the Governor and Council felt it necessary to pardon Andrew Bourne for the murder of a Negro slave.

In early 1729 a Court of Oyer and Terminer had found Andrew Bourne guilty of murdering a slave. Bourne, the slave's overseer, had whipped the black to death for repeatedly running away. At his trial Bourne

defended himself with the plea that he had not meant to kill the slave, just correct him so severely that he would stop running off. He appealed his conviction to the Council which decided to recommend pardon, not on the merits of his appeal, but out of fear of the results his execution would produce. In a letter to the Board of Trade, Governor Gooch said that to execute the man would heighten already existing contempt Negroes had for whites. Gooch emphasized that to punish him for killing the Negro would raise Negro restiveness even more and encourage black contempt and insolence.²⁷

While the Bourne trial and appeal was proceeding, the Council received a report confirming the high level of Negro restiveness. William Harrison, a justice of the peace for Prince George County, reported to the Council in early 1729 that an unidentified group of Negroes had burned one of his tobacco barns to the ground, destroying not only the barn but its contents. A year later he petitioned the Assembly for recovery of the losses. The Negroes had burned the barn to retaliate for his having dispersed a band of illegally gathered slaves the night prior. He had lost approximately six thousand pounds of tobacco in the fire.²⁸

While the level of unrest in the colony was heightened by continued importation of Negroes directly from Africa's slave coasts, treatment and care for Negroes in the colony also played a significant role in determining unrest. William Byrd of Westover wrote the Earl of Egremont in 1736 expressing his fear that slaves would eventually erupt into a massive insurrection. He realized that slavery harmed both slaves and masters and he wished that Parliament would "put an end to this unchristian traffic, of making merchandise of our fellow creatures."²⁹

Parliament did not consider ending slavery in Virginia, because Virginians never made an effort to shift their reliance on slavery to some other labor system.

Attempts by Virginians to slow or halt slave importations did little to lessen Negro restiveness. In 1730 two distinct major conspiracies occurred marking the high tide of Negro rebelliousness for the next seventy years in the colony. Taken in conjunction with white lower-class restiveness and growing smallholder resistance to tobacco policy, the rebellions demonstrate that unrest and discontent had returned to Virginia.

The two plots happened almost simultaneously. When Alexander Spotswood left the governorship in 1722, he elected to remain in the colony. Later in the 1720s he returned to England to settle some personal business, coming back to Virginia in early 1730. When Spotswood returned he supposedly brought with him a copy of a royal proclamation which freed all slaves who converted to Christianity. But when the summer of 1730 passed and the colonial government did not issue such a document, slaves became restive. Slaves were convinced that Spotswood had brought the document with him and word via the slaves' "grapevine" quickly spread that the prominent planters and officials in the colony had suppressed the document. Negroes roamed at will through the colony in small and large groups. Although the blacks committed no violence during their restlessness, the colonial government issued emergency orders to suppress the blacks. Governor Gooch instructed the militia to prevent Negroes from meeting. When Negroes remained disorderly, the Governor instructed the county militias to whip Negroes who appeared most prominent in leading the restiveness. Suppression of

the Negroes continued during the summer to prevent spontaneous rebellion from occurring. If the royal proclamation was ever issued, no evidence has been found of such issuance in England or in any of the colonies.³⁰ The extent of Negro knowledge of the alleged document indicates that by 1730 blacks had fabricated a widespread and extensive system of communication, a system suggesting that Negroes quickly acculturated in an institution ostensibly removing all opportunity for personal and cultural expression. Moreover, the extent of Negro communications is a clue to the extent of white control of slaves. Although Virginians possessed theoretically absolute power over their blacks, they could not control their slaves to prevent blatant disruption of their chores and duties on the plantations.

Scarcely had this disturbance quieted when slaves in Princess Anne and Norfolk Counties plotted an insurrection. Six weeks had passed since the last of the Negroes had been suppressed for their disturbances when the planning in those southeastern counties began. On a Sunday in September, roughly two hundred Negroes were observed gathered while their masters were attending church. A militia patrol was immediately summoned and it arrested four ringleaders who were transported to Williamsburg to be tried. They were hanged and others severely whipped for their participation in the attempted insurrection.³¹

At this point, the colonial government questioned the role Dr. Bray's Associates, a division of the Society for the Propagation of the Gospel in Foreign Parts charged with the responsibility for converting Negro slaves to Anglican Christianity, played in the uprisings in 1729 and 1730. Virginia believed that Dr. Bray's Associates had fomented the discontent. However, the association denied emphatically any responsi-

bility for the uprisings, asserting that in neither Virginia nor Jamaica had it done anything but attempt the conversion of Negroes. However, the organization made no mention of the rumor which had fomented the uprising, that is that Christianized Negro slaves would be freed from their servitude.³²

The aftermath of the insurrections must have brought several trials and executions of Negroes, for compensation requests flooded the Assembly after 1730. Moreover, Virginia's government now began using the militia as an armed police force to control Negro unrest, gatherings, and discontent. Militia patrols became a common feature of slave control after 1730 and in times of threatened black insurrection, militia patrols roamed their respective counties to insure suppression of blacks leaving their plantations. This might have been the key to the sudden disappearance of slave insurrections, conspiracies, and revolts. On the other hand, Negroes in Virginia might have been so disheartened by the suppression of their attempts at revolt that they turned to other means of expressing their dissatisfaction with slavery.

The numbers of petitions to the House of Burgesses for compensation for slaves in the early 1730s suggests how repressive the Virginia society had become for those blacks caught in rebellion or criminal acts. But, at the same time, Negroes apparently engaged in higher numbers of criminal acts. Their activity suggests that the rebellious slaves shifted their resistance from large-scale insurrectionary activity to small-scale crime.

In 1733, six slaves, five men and a woman, murdered Robert Allen of Goochland County. This was one of the first reported instances in which slaves murdered their master. The six were tried on June 25 and

three men were exonerated. The woman was convicted of being an accessory after the fact and the court of Oyer and Terminer ordered twenty lashes "well laid on" her back. The two convicted of the killing, Champion and Valentine, were sentenced to death by hanging. Their bodies were ordered drawn and quartered and the parts prominently displayed throughout Goochland.³³

For another instance, William Cox petitioned the Assembly in August of 1736 asking compensation not only for a dead slave but for all the lives she had taken and property she had destroyed. The woman, a slave of his, had broken into his house and had stolen a few goods belonging to him. When his son discovered her, she attacked and wounded him. She then burned his tobacco house to the ground and murdered three other of his slaves. Following that, she killed her own children and drowned herself. The House voted him £60 as compensation for the slaves lost. But the woman's rampage must have ruined him. Perhaps he was a severe and harsh master or, perhaps, she had gone berserk. Whatever the explanation, this type of behavior by slaves would rise rather than decline as the decades passed in Virginia.³⁴

In fact, in the same session of the House in which Cox's petition was presented, four other requests for compensation revealed the extent to which rebellious slaves were willing to go in seeking release from slavery. In each instance, the slave had either resisted capture after flight or had committed suicide when threatened with seizure. In three of the four instances, the slave had violently assaulted another slave or a white.³⁵ Blacks were using violent methods to resist their masters. Whatever the triggering incidents were is difficult to say, but rebel slaves certainly refused to abide by the strictures and laws by which

they were bound.

While rebellious slaves sought to change their condition through violence, lower-class whites fomented disorder against their lot in Virginia society. During the 1720s and early 1730s the English government once again sent to Virginia and Maryland large numbers of convicts to enter servitude. This group was responsible for much of the violence and crime in the late 1720s. Other lower-class whites participated in the general restlessness, however, causing alarm and concern among Virginia's leadership. The lower classes resisted violently implementation of new tobacco warehousing laws. Most Virginians had never accepted the need for such laws, believing that their society operated on an individualistic rather than communal basis. Tobacco warehousing and town construction laws usually had a common purpose, bringing together sufficient numbers of colonists to warrant the development of permanent towns and cities in the Old Dominion. By 1730, however, such development had met little success. In the 1720s the colonial legislature repeatedly legislated centrally-located tobacco warehouses to which planters brought their crop each season. Not only would warehouses collect people at central locations in the colony, but they would also provide inspectors and customs collectors the opportunities to grade and to evaluate Virginia tobacco far more accurately than in the past. Such policies would eliminate much of poor quality tobacco transmitted to England in the past, insuring that good quality, top-grade tobacco would be exported. Small planters and freemen just trying to get a start in the colony were, however, those hardest hit by such policy reorientation. Their livelihood depended on getting as high a volume of tobacco as they could produce to English markets, no matter

the quality, each year. If each man working tobacco could produce twelve to eighteen hundred pounds of the weed annually, then in good years he could make some profit and at least break even in poor years.³⁶

The convict servants and smallholders comprising the bulk of the rioters and crowds protesting the new tobacco laws began their activities in the late 1720s. In early 1729 convict servants burned down Colonel Thomas Lee's house and outbuildings. At the same time, they robbed Lee's Westmoreland County estate of a considerable quantity of goods and silver plate. The fire spread through his house at an alarming rate, the roof collapsing in just a few minutes after the fire's outbreak. Lee, his wife, and three children escaped, but a white servant girl never made it out of her bed. The servants set the fire because, just as with the Negroes at the Harrison tobacco barn, he had broken up an illegal servants' meeting and issued warrants for the arrest of several servants on a variety of charges. In early April 1729, Governor Gooch offered a ~~2~~50 sterling reward for the capture of those involved in burning Lee's house. By early 1730, however, Gooch despaired of finding any guilty servants because he believed that they had escaped to another colony and had sold their illicitly gained goods there.³⁷

Although the Northern Neck remained the center of unrest and general unruliness during the 1720s and early 1730s, other regions of the colony experienced white lower class unrest and discontent. The frontier of the colony, whether western or Southside areas, received substantial numbers of convicts who contributed to unrest in the decade after 1730. One of those frontier counties, Prince William, formed in 1731, was the scene of an uprising in 1732, when a group of the "meaner

sort" of people banded together to destroy public tobacco warehouses in that county and counties adjacent to it. Colonel Thomas Harrison reported to the Council that about fifty people had gathered, hoping that rioters from counties located in more settled regions, notably the Northern Neck, would join the uprising. The Council ordered that all access to Prince William be closed by militia units. Council members were particularly worried that residents from south of the Rappahannock River would cross to join the insurgents. Six weeks later, three leaders of the insurrectionists--James Bland, John Schumach, and Thomas Furr--begged the Council's pardon for their participation in the affair. The Council, however, ordered them and several other leaders to appear before the next Court of Oyer and Terminer to answer questions about the matter.³⁸

So quick was the violent response to the new tobacco laws that the Assembly enacted a new law covering public warehouse burnings. The law, passed in 1730, listed punishments for such offenses and removed the right of benefit of clergy.³⁹

The legislation did little good, however, for warehouse burnings continued. In 1732 several warehouses were burned. No ships engaged in the tobacco trade had arrived in January or February 1732, the normal time for tobacco vessels to appear in Virginia waters. Rumors soon flew throughout the colony that London merchants had ordered a boycott of Virginia tobacco until the colony repealed its tobacco legislation. But no one pointed out that no ships had arrived in Maryland, a colony which did not have an inspection law. The problem was one which soon corrected itself, for the first ships began arriving in late February and early March. By mid-March, however, burnings of

public warehouses had begun, and incidents of arson continued sporadically for the next year.⁴⁰

In his first report on warehouse burnings, Governor Gooch informed the Council that public buildings at Deep Creek in Lancaster County were burned the previous week. The Council recommended that £100 rewards be offered for information leading to the capture of any of those responsible for the burnings. By the May session of the Assembly the uprisings had supposedly been suppressed. Governor Gooch addressed the House of Burgesses on the subject, saying:

The late Tumults, which have been raised by an inconsiderable Number of ignorant deluded People, who have dared to threaten the Government with open Violence, is to us a Subject of Contempt, as well as Abhorrence, and cannot turn us from our just Purposes, nor discourage us to hope for the Continuance of His Majesty's good opinion of our Proceedings. Yet we cannot but acknowledge and approve your Prudence and Lenity, after suppressing those Disorders by singular Diligence and Management, in suffering the Offenders to atone for their Boldness by a peaceable and submissive Deportment, without undergoing any other Punishment than the Shame and Reproach of their own Misdoings.⁴¹

But the Governor's optimism was shortlived, for within one month more arsons had been reported.

Not only were more warehouses destroyed, but two churches were burned in the summer of 1732. In June the Council offered new rewards for those who had burned tobacco warehouses at Falmouth, King George County. The arsonists had burned the buildings to the ground and the Council offered £100 reward for information leading to the solution of the crimes. Three months later the two churches were reported destroyed. The Parish churches of St. Mark's and St. George's in Spotsylvania County had been burned. But no explanation was ever offered for the two churches destruction. However, the Governor and Council did offer rewards for information which would reveal those responsible.⁴²

Evidently the arsonists stopped their destruction of public and religious buildings in the fall of 1732, but those discontented with tobacco policy continued to protest the centralization and rationalization of tobacco policy. In 1735 the tobacco warehouses in Yeocomico were robbed of their contents, some eight thousand pounds of transfer tobacco and three hogsheads brought in by local farmers. The Yeocomico tobacco inspectors, Willoughby Newton and Samuel Eskridge, asked the House of Burgesses to vote them compensation so that they might recover the monies they had to pay to the owners of the tobacco stored in their warehouse.⁴³

The violent attacks on public warehousing policy represented just one facet of white unrest in the early 1730s. With the rise in violence came a consequent increase in crime. But governmental officials, sitting as justices, had clearly begun to use their prerogative to reduce punishments for convictions which in the seventeenth century would have brought either the death penalty or serious corporal punishments. Throughout the decades after 1720, high-ranking judicial officers in the colony either meted out lesser sentences or pardoned felons for crimes for which they had been convicted. Felons convicted before even the General Court had better chances of pardon or reprieve for their crimes than they had in 1700 or earlier.

Although the General Court no longer heard minor felony or social control cases, it remained the court of original jurisdiction for capital crimes and the last appeals court for all other instances. Reduced sentences and instances in which prisoners received fines or jail sentences in lieu of corporal punishment suggest that the Virginia penal system was clearly altering its concepts of criminal treatment.

In fact, in no instance of reported felony was the convicted criminal sentenced to the full punishment provided by the statutes. In many instances between 1720 and 1735, the felon was either pardoned, fined, or pardoned and then banished from the colony. Even criminals who took someone else's life could expect at least recommendation for pardon from the Governor, even if the Crown did not accept the recommendation. Thus, a trend discernible in the early eighteenth century had begun to mature into a more humane form of criminal treatment.

By 1723 the trend was clearly identifiable. On April 26, 1723, the Council recommended that David Seal, Mason French, and Joseph King be pardoned for the killing of Jonas Adams of King George County. The Governor ordered that the recommendation be carried out, despite the fact that the General Court had tried and convicted the three men. In the seventeenth century manslaughter was interpreted by Virginia's courts as a capital offense, second only to murder. The punishment--hanging--remained the same in the eighteenth century, yet the colonial government was clearly reinterpreting the law. A year later, the Council recommended similar treatment for Edmund Sikes, convicted by the spring 1724 General Court of an unnamed felony. The felony must have been serious for the General Court to have tried it, but the Council's pardon suggests that it did not feel that Sikes' execution or whipping was warranted. The Council's decisions in these two cases is even more remarkable considering that that body and the General Court were one and the same.⁴⁴

By 1725 requests for pardon were granted almost automatically. In June a Court of Oyer and Terminer had found Archibald Richil guilty of several burglaries and felonies (usually meaning related crimes such as

larceny in this context⁴⁵) and had sentenced him to death. On the day after his sentencing, the Council pardoned him on his request. The case of Andrew Bourne has already been detailed, but it was a special instance in which the Council felt a distinct threat from a potentially dangerous group of people in the colony.⁴⁶ Yet in the 1730s the Council, at times at the recommendation of the trial court, pardoned convicted criminals without demurrer.

Even those of social and political prominence victimized by criminals could not expect to have those criminals executed. In June 1731 the Council recommended that Matthew English and John Fitzpatrick be pardoned, but only if they were sold outside the colony for a seven-year period of indenture. The two boys, for such they were, had broken into and robbed the storehouse of John Washington, a prominent planter of the Northern Neck. The judges of the Court of Oyer and Terminer who had tried them recommended them for pardon due to their youth. The Council understandingly did so, but with the above stipulation. Earlier, the Council had merely imposed the equivalent of a fine. In a proclamation issued in 1723, the Council had called for the arrest of Henry Irby, John Donnet, and Pallister Bowles. The three had committed several robberies and other felonies for which their lives were forfeit. Not until 1725 were any of the accused felons captured. Donnet, tried and convicted by the General Court for his participation in the felonies, was sentenced to death, but he petitioned the Council for clemency. On November 5, 1725, the Governor recommended that Donnet go free if he and three other men would post $\text{\textsterling}100$ sterling bonds for a one-year period. Thus, the Council was introducing the equivalent of remittable fines for punishment for criminals convicted of capital offenses.⁴⁷

By the early 1730s, officials in the colony were talking of a crime wave; yet convicted criminals continued to appeal for and receive pardons for their crimes. John Clayton, the colony's Attorney-General, petitioned the government for a salary increase, alleging that his work load necessitated such. One year later, Matthew Kemp, clerk of the General Court, petitioned the Council for more pay on the same grounds as Clayton and in 1737 the Assembly voted to increase the salary of Reverend William Dawson for his attendance to convicted criminals.⁴⁸ Thus, while the Council reduced punishments, other officials reported a high level of criminality.

Thus, by 1735 the colonial government was offering a degree of clemency to convicted wrongdoers in Virginia. Several robbers and other felons, some killers, and a girl convicted of concealing the death of her illegitimate child had all been recommended for pardon. While surviving evidence of criminal behavior is scanty due to the loss of the records of the General Court, in earlier decades the Council had never so onesidedly befriended the criminal. In many of the cases detailed above, there existed extenuating circumstances militating against the full implementation of the prescribed punishment. Almost certainly, had the General Court records survived in full for that period, they would reveal clearly another side to the official Virginia position on criminal behavior. However, in no earlier times had the Council so frequently overridden the decision of the General Court. In the years 1720-1735 the Council reversed the General Court's decision, sometimes with that body's own recommendation. Moreover, the Council and the General Court were composed of the same people, making the occurrence even more striking. Finally, the Council appears to have assumed to

itself the right of a court of final appeals, a prerogative of the General Court.

Perhaps the Council and General Court were adopting this leniency as a means of binding white society together. The humanity of those courts seems difficult to comprehend when a high level of Negro and lower-class white unrest disrupted Virginia's society, requiring the mustering of militia patrols to repress the discontent within the colony. The adoption of lenient treatment for convicted criminals may have been an unconscious signal to lower class whites that their behavior, while not fully condoned, was at least more acceptable than that of blacks. Slaves convicted in the court system for crimes or rebellion were by no means accorded such privileged treatment as William Major or the sixteen-year old girl. Consequently, the impression exists that the leaders of Virginia were attempting to cement lower-class whites within the society and using racism to do so.⁴⁹ This is not to say that all white criminals were accorded lenient treatment. A cursory examination of the Virginia Gazette after 1736 reveals that a great many convicted criminals received full sentences for their crimes, and the results of those trials may be read back into the earlier 1730s. However, the fact that the Council had seldom interfered in the decisions of the General Court, even with a recommendation for an altered sentence from that body, suggests that Virginia's leadership needed some means of demonstrating its concern for the lower classes at the precise time that leadership was attacking the livelihood of those people. For while the Council was recommending clemency and mercy for so many convicted criminals, the government as a whole was enacting and enforcing tobacco collection laws.

The racism Virginians exhibited by the early 1730s was symptomatic of North American colonials in general. By 1730 racism infused relations between whites and blacks in Virginia. Violence had become one common denominator of behavior between the two peoples. The colony found that it needed a new mechanism for repressing the rapidly-expanding slave population of the 1720s. The rebelliousness and restlessness of those slaves peaked in 1730, but new methods of control, principally the militia patrol, were introduced while, at the same time, the leadership adopted other measures to quell lower-class insurrectionism. By 1735, though, much of the Negro rebelliousness was gone, the society was settling into its familiar eighteenth-century pattern of tranquility, and prosperity was appearing in the economy. By 1735, the major pattern of violence in Virginia had ended. No longer did Virginia's leaders have to use the racial issue to assure white solidarity.

NOTES

SLAVERY, TOBACCO POLICY, AND VIOLENCE, 1720-1735

¹Sometime between 1730 and 1740 Virginia's prosperity returned. Between 1740 and 1765 the level of personal debt in the colony increased tenfold by some estimates. Tobacco prices had dropped to 10s the hundredweight by the 1670s (approximately 0.8d per pound) and, with temporary fluctuations, remained there into the 1720s. Morgan, American Slavery, American Freedom, 301-302. As Morgan emphasized, only the larger planters could possibly make any profits from the growth of the weed. By 1735, however, tobacco prices began rising to a point at which small and large planters alike could profit. Prices remained substantial into the Revolutionary era. However, by 1735 Virginia's economy was much more diversified than it had been in the last quarter of the seventeenth century, and the colony's social structure had substituted a slave labor force which could be much more easily controlled than the white servant and tenant force which had characterized the earlier era. For tobacco prices in the eighteenth century, see L. C. Gray, "The Market Surplus Problems of Colonial Tobacco," WMQ, 2nd Series, VII (1927), 231-245, VIII (1928), 1-16.

²Until 1670 any freeman in the colony could vote. In that year the Assembly tied the franchise to ownership of land, which might have cut the number of eligible to vote by fifty per cent. Hening, ed., Statutes-at-Large, II (1660-1682), 280. The 1736 election remained the basic franchise law until the Revolution and it continued to require a "stake in society," that is, possession of real property. However, the cost of obtaining that land had clearly diminished between 1670 and 1735. Moreover, the social conditions under which freemen operated in the 1670s had altered so significantly that a young man just released from his indenture in the 1730s could expect, with some hard work, to accumulate sufficient cash to buy a plot of land large enough to qualify for the franchise. Unfortunately little is known of the smallholder's view of eighteenth century politics. He may have cared neither for the vote nor for politics, for turnouts at elections were generally poor. For the 1736 election law, see Hening, ed., Statutes-at-Large, IV (1711-1736), 475-478.

³During the seventeenth century, Negroes and whites intermingled and mixed far more openly than in later centuries. In two instances, Negro and white servants ran off together to escape the colony; however, they were all caught and whipped at the order of the General Court. Minutes of the Council and General Court, 382, 467. Occasionally a white and black engaging in illicit sexual relations were discovered by the

government. "Virginia Council and General Court Records, 1640-1641," 281. Blacks and lower-class whites also mingled in eighteenth-century Williamsburg. See Thad W. Tate, Jr., The Negro in Eighteenth-Century Williamsburg (Charlottesville, 1966).

⁴Mullin, Flight and Rebellion, Chap. 2, 89-94, discusses acculturation, but suggests that that process required considerable time, decades, to complete.

⁵Ibid., 34-38.

⁶Statistical History of the United States, Series Z 14, 756.

⁷Ibid.; Donnan, ed., Documents Illustrative of the History of the Slave Trade, 182ff.

⁸Ibid.

⁹Ibid.

¹⁰Ibid., 175-176.

¹¹With the exception of the 1730 general uprising, whites accused all Negro plotters of intent to destroy white society. Whether officials asserted that point as a suspicion or as a result of interrogation of Negro rebels is seldom revealed, but the evidence suggests the latter. Drysdale to the Board of Trade, June 19, 1723, C05/1319, ff 111-117, Reel M-240, VCRMP, CWRL.

¹²Donnan, ed., Documents Illustrative of the History of the Slave Trade, 179-180.

¹³For these laws, see JHB, 1712-1726, 360, 367, 368, 395, 403, 405, 407; Hening, ed., Statutes-at-Large, IV (1711-1736), 126; Winfree, comp., The Laws of Virginia . . . Supplement, 257-259.

¹⁴Ibid.

¹⁵JHB, 1712-1726, 407.

¹⁶EJC, IV (1721-1739), 141.

¹⁷JHB, 1727-1740, 16; LJC, II (1715-1754), 728.

¹⁸JHB, 1727-1740, 65.

¹⁹The Maroons were described extensively by several of Jamaica's governors in the eighteenth century. Their way-of-life was remarkably similar to that intended by this party. See Orlando Patterson, The Sociology of Slavery: An Analysis of the Origins, Development and Structure of Negro Slave Society in Jamaica (Rutherford, New Jersey, 1967), 266-273. The Cimarrons of sixteenth-century Central America lived much the same, with intent to raid white settlements for supplies and additional members. Ironically, sixteenth-century English sea captains bent on raiding Spanish mainland settlements offered partnerships and aid to the Cimarrons. See Morgan, American Slavery, American Freedom, 10-20.

²⁰Governor William Gooch to the Board of Trade, June 29, 1729, CO5/1322, ff 10-13, Reel M-241, VCRMP, CWRL.

²¹EJC, IV (1721-1739), 198.

²²Morgan, American Slavery, American Freedom, 308-309, plays down the Negro discontent in the late 1720s, asserting, however, that the introduction and expansion of slavery brought social stability to Virginia. It seems, on the other hand, that the threat of Negro rebelliousness served as a catalyst to fuse white classes into a stable society. The catalytic effect of slavery was not only the removal of freemen and indentured servants from the labor force, but the threat that rebelliousness Negroes threatened whites ought not be minimized.

²³Morgan, American Slavery, American Freedom, 235-270, argues clearly and persuasively the class nature of Bacon's Rebellion and suggests that Baconians were unable to overcome the plundering, exploitative characteristics of Virginia's society. Many freemen willingly joined Bacon when he let loose his followers to plunder. See ibid., 265, 267.

²⁴Hugh Jones, The Present State of Virginia: From Whence Is Inferred a Short View of Maryland and North Carolina, ed. with an Introduction by Richard L. Morton (Chapel Hill, North Carolina, 1956), 76. Jones compared Negroes and Indians to the detriment of the former, commenting "Several of them (Negroes) are taught to be sawyers, carpenters, smiths, coopers, etc. and though for the most they be none of the aptest or nicest; yet they are by nature cut out for hard labour and fatigue, and will perform tolerably well; though they fall much short of an Indian, that has learned and seen the same things." Ibid. Jones' view of the two peoples was characteristic of eighteenth-century Virginians. Thomas Jefferson's Notes on the State of Virginia, ed. with an Introduction by William Peden (Chapel Hill, 1954), 138-143, follows Jones' sentiment very closely. Morgan, American Slavery, American Freedom, Chap. 12, documents the miserable living conditions for white laborers, servants, and freemen in late seventeenth century Virginia.

²⁵Between 1736 and 1800, there were no major slave insurrections and few plots. See Mullin, Flight and Rebellion, 59-60.

²⁶Drysdale to the Board of Trade, December 20, 1722, CO5/1319, ff 82-84, Reel M-240, VCRMP, CWRL.

²⁷EJC, IV (1721-1739), 206; Governor William Gooch to Secretary of State Alured Popple, June 29, 1729, CO5/1337, ff 132-133, Reel M-246, VCRMP, CWRL.

²⁸JHB, 1727-1740, 63; LJC, II (1715-1754), 757; Gooch to the Board of Trade, March 26, 1729, CO5/1321, ff 110-111, Reel M-241, VCRMP, CWRL. The recommended pardon for Bourne adds one more piece of evidence to the accumulated total suggesting the use of racism to bind white society.

²⁹Byrd to the Earl of Egremont, July 17, 1736, VMHB, XXXVI (1928), 219-222.

³⁰EJC, IV (1721-1739), 228; Governor Gooch to the Board of Trade, September 14, 1730, CO5/1322, ff 158-159, Reel M-241, VCRMP, CWRL.

³¹Gooch to the Board of Trade, February 12, 1730/1, CO5/1322, ff 161-163, Reel M-241, VCRMP, CWRL: William Gooch, "The Virginia Colonial Clergy, Governor Gooch's Letters to the Bishop of London, 1727-1749," ed. by G. M. Brydon, VMHB, XXXII (1924), 322-323. Gerald Mullin makes only cursory mention in Flight and Rebellion of these insurrections, plots, or disturbances conducted by Negroes. Mullin confined his work to the period from the foundation of the Virginia Gazette in 1736 until 1801, the end of Gabriel's Revolt, a period remarkably free of insurrectionary disturbances.

³²"Minutes of Dr. Bray's Associates," SPG, London, October 2 and November 2, 1730, Vol. I, pp. 13 & 15, DO137, Reel M-297, VCRMP, CWRL.

³³Once again, a colonial court used a system of punishment which clearly differentiated blacks from whites. Philip A. Bruce, "rebuttal of a book review," VMHB, I (1893-1894), 328-330.

³⁴JHB, 1727-1740, 254.

³⁵For the four cases, see the petitions of Edmund Scarborough, William Morris, Joseph Peace, and Benjamin Morris in JHB, 1727-1740, 257, 262, 263. In all four cases, the slave in question had either committed suicide or had so challenged his pursuers that they killed him.

³⁶Morgan estimated that a good hand could produce a minimum of twelve hundred pounds of tobacco per year. However, if one-fifth to one-quarter of that product was waste or trash, then the individual planter lost just that much of his yearly income. Another provision of the law prohibited sending tobacco still attached to the stalk, a piece of the tobacco plant unfit for smoking but still sold by London tobacco merchants to England's lower classes. Morgan, American Slavery,

American Freedom, 142, 302; Morton, Colonial Virginia, II, 511-517. The colony's attempts at tobacco warehousing laws during the eighteenth century began in 1713 when Governor Spotswood won passage of such a law. The law provided for collection and inspection of tobacco at several points in the colony and it became the model for later legislative attempts. That law was disallowed by the Crown in 1717, as were attempts at similar legislation in 1723 and 1728. Morton, Colonial Virginia, II, 512; Hening, ed., Statutes-at-Large, IV (1711-1736), 182; Winfree, comp., The Laws of Virginia . . . Supplement, 285-291. The 1730 inspection and warehouse law relied on the 1713 legislation but provided that all packing would be done in hogsheads rather than shipping in bulk (the latter an opportunity for anyone to steal what he wanted). Trash tobacco was to be burned on the spot. The Crown approved it in early 1731. Hening, ed., Statutes-at-Large, IV (1711-1736), 247-271; Calendar of State Papers, Colonial, 1731, 47-50, 101.

³⁷When Governor Gooch wrote the Board of Trade asking that Lee be granted a seat on the Council as compensation for the losses he sustained, the governor informed the Board that the Northern Neck was "remote from the seat of government, where the common people are generally of a more turbulent and unruly disposition than anywhere else, and are not likely to become better by being the place of all this Dominion where most of the transported convicts are sold and settled." Gooch to the Board of Trade, October 5, 1732, Calendar of State Papers, Colonial, 1732, 236. For other evidence associated with this incident, see EJC, IV (1721-1739), 196, 307; Gooch to the Board of Trade, March 26, 1729, CO5/1321, Reel M-241, VCRMP, CWRL; Gooch to the Board of Trade, January 9, 1729/30, CO5/1322, ff 137-139, Reel M-241, VCRMP, CWRL.

³⁸EJC, IV (1721-1739), 263-264, 269.

³⁹Hening, ed., Statutes-at-Large, IV (1711-1736), 271-273. In 1713, as in 1730 and 1731, the tobacco warehouse law was greeted with resistance, the violence of which took the form of public warehouse burnings.

⁴⁰Morton, Colonial Virginia, II, 512-513.

⁴¹EJC, IV (1721-1739), 259; JHB, 1727-1740, 120, for Gooch's speech.

⁴²EJC, IV (1721-1739), 281; LJC, II (1715-1754), 806, 812; JHB, 1727-1740, 123, 151-152, 154, 156, 197; Gooch to the Board of Trade, July 18, 1732, CO5/1323, ff. 44-49, Reel M-241, VCRMP, CWRL.

⁴³JHB, 1727-1740, 253. The Committee for Public Claims, however, rejected their petition on the grounds that too little evidence had been presented to support the petition.

⁴⁴EJC, IV (1721-1739), 31, 70.

⁴⁵Rankin, Criminal Trial Proceedings, 148, 158.

⁴⁶EJC, IV (1721-1739), 88-89. See above, p. 249, for Bourne's trial.

⁴⁷Ibid., 88, 92, 249; Governor Drysdale to the Secretary of State, July 5, 1723, CO5/1343, ff 72-74, Reel M-247, VCRMP, CWRL.

⁴⁸EJC, IV (1721-1739), 281-282, 375, 398, 399. For further evidence of the Council's leniency, see the trials of William Major and an unidentified, sixteen year old girl. Major was convicted of the murder of John Crochford, a sailor, and the girl was convicted of concealing the death of her stillborn, illegitimate child. In both cases the Council overrode the sentence of the General Court and recommended pardons for both individuals. The Council did not even suggest reduced sentences, but rather submitted the cases to the Crown with recommendations that the Crown extend mercy to both people. Ibid., 341; Gooch to the Secretary of State, July 13, 1733, CO5/1337, ff 159-160, Reel M-246, VCRMP, CWRL; Gooch to the Secretary of State, June 29, 1729, CO5/1337, ff 132-133, Reel M-246, VCRMP, CWRL.

⁴⁹See Morgan, American Slavery, American Freedom, p. 344, for this suggestion.

CHAPTER IX
POLITICS AND OUTLAW GANGS:
VIOLENCE IN MID-EIGHTEENTH-CENTURY VIRGINIA

With the disappearance of a perceived racial threat to white security in the years following 1735, violence in the colony assumed two characteristics setting off those years from the previous one hundred and thirty of the colony's history. Until the outbreak of the French and Indian War in 1754, colonials felt neither exterior nor interior threats to their security. The new characteristics were the presence of political turbulence and outlaw gangs. The rise of a wave of election riots, contested elections, and assaults on families and servant personnel belonging to burgesses suggests that violence had assumed a political coloration unknown even in the late seventeenth century. This violence was not economically motivated, as was that of the seventeenth century, nor was there a high level of class consciousness. But the political nature of the rioting and related violence can be neither overlooked nor underemphasized.

Second, by 1750 a clearly established outlaw gang tradition was rooted in Virginia. A closely related pair of horse thief and counterfeiting gangs operated on and just inside the frontier of the colony, near Amelia County. The evidence identifying these two gangs suggests they might really have been one. Their operations took them beyond the Virginia borders, as will be seen below, but the bulk of their activity

was confined within the colony. Although revelations about the gangs sparked a major investigation and an important series of trials, the gangs apparently were not broken up, for reports of counterfeited currency and stolen horses continued to come to Williamsburg by 1755.

After 1735, discontented Negroes remained restive, using individual violence to assert their resistance to slavery, but by no means were they as willing to organize into large groups for conspiracies or of insurrections. Their individual acts of violence suggest, however, how desperate some became while confined within the slave system. Furthermore, if those acts of violence are taken in context with all non-violent evidence of black resistance, a picture emerges of slaves seeking some means to "get back" at their masters. This picture expands what is known of Negro rebelliousness, suggesting that in colonial Virginia many blacks had little intention of accepting slavery.¹

Efforts at reforming criminal punishments continued during the mid-eighteenth century. The founding of the Virginia Gazette provided a guide to criminal trials occurring before the General Court and regular Courts of Oyer and Terminer. The Gazette's reports suggested that the Council continued to ameliorate punishments through recommendations for pardons and reduced sentences. Incarceration for periods of time and fines, if the criminal could pay, appeared somewhat infrequently between 1735 and 1755, indicating the Council's willingness to explore other means of criminal punishment. The middle third of the eighteenth century witnessed the practical delineation in Europe of many of the intellectual threads of the Enlightenment, one thread being penal reform. Suggestions for altering traditional methods of criminal punishment abounded in Europe and Virginians finishing their education in

England may have become attuned to these reform suggestions. Upon their return to the colony, some were eventually appointed to the Council, an institution already sympathetic to reform efforts as evidenced by its operations in the 1720s.²

Efforts at penal reform did not meet with overnight success, but they had some effect, as the evidence demonstrates. The Virginia Gazette makes it possible to compare more accurately criminals actually receiving the full sentence for their misdeeds with those receiving reduced sentences. In many cases reported in the Gazette, the criminal was hanged or was whipped, but occasionally the Council, or even the General Court, recommended clemency. In some instances these recommendations arose from special circumstances of the case itself; in other situations the Council was apparently trying to reduce the punishment generally for a specific crime.

The Gazette reported April and October General Court and June and December Oyer and Terminer court sessions in the late 1730s and 1740s, providing, however, few details of the cases. Charges against the criminals were often reported only as "felonies," which could mean anything from highway or armed robbery to petty thievery to breaking and entering. On Wednesday, November 3, 1736, nine criminals were tried before the General Court on a variety of charges. By the end of the month, sentences imposed on the convicted felons had been carried out, although one man, a Simon Malpas was pardoned by the General Court, the grounds unfortunately not being stated. The other eight were either hanged or pleaded their benefit of clergy. The two hanged, James Matthews and Elizabeth Greenley, had stolen horses and committed murder, respectively. John Freelove, William Sharp, John Strickland, James

Tool, John Donahoe, and Elizabeth Blair, all convicted of felonies, asked for benefit of clergy and were ordered branded in the hand. The possibility exists that the colonial government had begun using luke warm or cool irons for the branding, irons which would leave no marks and inflict no pain on the recipient.³ Thus, the government was already carrying further a trend discerned in the 1720s and early 1730s.

In May 1737, three young men were tried and convicted of robbing the house of the Reverend Mortland. The three young men received sentence of death because they had long records, not for the robbery itself, implying that the General Court would have ordered lesser punishment for the offense had it been the convicts' first. At the same session the Court found Mary Thornton guilty of concealing the death of her illegitimate infant. The young woman had pleaded before the court that the baby was stillborn and the justices believed her. Governor Gooch wrote Peter Leheup, Virginia's agent in London at that time, asking him to plead for His Majesty's pardon for the Thornton woman.⁴ Again, the leading officials of Virginia were expressing their concern for a convicted criminal and seeking a means of alleviating the harsh laws of Anglo-America. Furthermore, the practice of executing women who concealed deaths of their illegitimate infants was one offense Virginia officials seemed bent on abolishing.

Moreover, as suggested above, the government seemed to apply more moderate corrections dependent on the number as well as the nature of the offense. If a criminal were arrested for robbery or burglary and that was his first offense, he received benefit of clergy and was branded. For instance, Nathaniel Morgan pleaded his clergy at the June 1737 session of the regular Court of Oyer and Terminer. He

had admitted to committing a robbery. For stealing a silver spoon, William Jackson asked for his clergy and so did Elizabeth Danielson, John Holmes, Elizabeth Herbert, and Samuel MacHenly, their offenses being felonies. Even those convicted of manslaughter, a former capital crime, were pleading clergy, as in the case of John Oldham.⁵ In every case these were probably first offenses.

By the early 1750s, the General Court was fining those who could afford to pay and jailed many in lieu of corporal punishment. A tobacco-stealing ring was broken in 1750 and those convicted of participation received fines or pleaded benefit of clergy. Joseph Markham of Northumberland County and John Birk of King George County were convicted of stealing the tobacco and John Boah of selling it. Markham and Birk were ordered branded after asking for clergy, but Boah received a forty shilling fine and six months in jail. In late 1751 the General Court ordered Robert Howles imprisoned for one extra year for an attempted jailbreak, the inference being that Howles had already spent time in jail for some felony.⁶

Each year in April, May, June, October, November, and December sessions of the General Court and Court of Oyer and Terminer ordered the execution of from one to nine felons. Between 1735 and 1755 the usual crime for which a convicted criminal received the death penalty was murder, although in 1738 the General Court instructed the Council to seek a pardon for John Davis, convicted of murder, and one year later the General Court pardoned William Barbasore of York County for the robbery of Philip Lightfoot's store.⁷ But those convicted of murder and those who had committed several crimes in their careers received the death penalty from provincial courts.⁸ The numbers of executions

during the twenty years 1735-1755 outnumbered those instances in which courts reduced sentences or demonstrated some other form of clemency, but the very fact that a trend toward penal reform had begun in Virginia seems significant when compared to the traditional view of Anglo-American eighteenth-century criminal behavior and punishment.⁹

Eighteenth-century executions were public occasions, social outings for those living close to the hanging sites. The lower, middle, and upper classes enjoyed the spectacle of the public hangings at Williamsburg every three or four months. Executions and official holidays such as the King's or Prince of Wales' birthdays, anniversaries of great military or naval victories, times of public thanksgiving, or at the gathering of public leaders during the spring and fall for legislative activity, provided the citizenry with an opportunity for socializing.¹⁰ These activities also had deeper meanings, too, for they encouraged a sense of community and helped to cement Virginians into a society.

In most reports of crimes, whether in the Virginia Gazette or some other source, only brief mention of the occurrence was made. However, occasionally the Virginia Gazette published the details of a felony, especially, one suspects, if the case might serve as a warning and instruction to potential criminals or possessed sensational ingredients necessary to attract reader interest. The few cases fully reported indicate motive, method, and opportunity. In 1737 William Marr, servant of Colonel John Chiswell of Hanover County, confessed to Robert Lewis and Richard Clough, members of the county commission for Orange County, his role in the murder of Lifelet Larby. Larby, a frontier hunter, had welcomed Marr and three other men to his cabin on April 30. The four guests--Marr, Peter Heckie, Matthew O'Conner, and Bryan Conner--

had set off with Larby the next day, May 1, for the nearest settlements in Orange County so that the hunter could buy needed powder and shot. About two hundred and fifty yards from Larby's cabin, Heckie suddenly pulled his gun and shot Larby, following which he beat out his brains. Marr revealed to the two justices that Heckie, the two other men, and he had planned the murder the night before so that they could steal Larby's furs. Marr had second thoughts, however, and fled when the crime began. Once he reached the settled portions of Orange County, he summoned his own master, Chiswell, and the master of the other three, a Captain Avery of Prince William County, before he confessed to the justices. He had been having bad dreams about the affair and had even seen apparitions of the dead man. Although the other three fled the area, they were captured, tried, convicted, and two were hanged in November 1737.¹¹ The frightening apparitions Marr saw and the bad dreams he had probably served to suggest the horrid results of such activity, even though he was not directly responsible for the murder. Moreover, the fact that only servants participated in the crime reinforced Virginians' suspicions about the nature of their white laborers.

The next year another murder on the colony's frontier repeated the same lessons to the Gazette's readers. The details, carefully printed by the paper, revealed that a coachmaker named Evans, who had just arrived in the colony and was journeying to his new home in Rappahannock County, was murdered by a servant. Evans had stopped overnight at a house in Hanover County's backcountry. Before he retired, he gave a large sum of money tied in a handkerchief to the master of the house for safekeeping. The next morning, collecting his belongings including the handkerchief, he continued his journey. A convict-servant named

Anthony-Francis Dittond must have seen the transaction, for he soon disappeared from his master's house. The servant was found in Spotsylvania County with a handkerchief containing a large sum of money. A check of the region in which Dittond's master lived revealed Evans' body with his skull fractured. Dittond was promptly bound over to the October General Court where he was tried, convicted, and ordered hanged. His execution took place in November.¹² Once again, the Gazette had published the full details of the crime, the sensationalism of which provided an opportunity to obtain readers and the morality of which served to instruct those readers.

The criminality occurring in Virginia in the years following 1735 was complicated by the growth of an outlaw gang tradition. Although many criminals operated alone or in small numbers, by 1750 a sizeable gang had collected on the colony's frontier and was busy stealing horses to be sold outside the colony's boundaries. These horse thieves took advantage of the terrain to escape capture and detection. Consequently, their numbers and the extent of their operations are known only in very general terms. However, the success of their organization indicates that they were a constant problem to many frontier counties as well as the more settled regions. Furthermore, a possible association with counterfeiters suggests a very high level of organization and an effective range of operations throughout the entire Middle Atlantic colonial region.

Horse stealing had become a serious activity in Virginia by 1750, but Virginia's government had little idea of its extent until the late 1740s when members of the House of Burgesses presented a petition protesting activity of horse thieves. Horses stolen in Virginia were

driven into other provinces where they were sold. On other occasions the thieves would simply drive the animals well away from the place at which they were stolen and let them go. Other members of the gangs would then take them up as strays and sell them. This effectively screened the actual thieves from identification. Moreover, by driving the horses into other colonies fewer questions would be asked. Finally, the thieves sold in Virginia horses stolen in other provinces. The petition concluded by asking aid from the House in breaking up the rings.¹³

Six months later Amelia County burgesses petitioned the House for compensation to be paid to two men who had caught a notorious horse thief named John Benton, alias Holloway. The General Court had convicted and ordered the execution of Holloway, an act already carried out when the petition appeared before the House. The burgesses who presented the petition asked for compensation to Charles Anderson and Joseph Morton, Junior, for their role in apprehending Holloway. Although the Committee of Propositions and Grievances to which the petition was referred recommended rejection of the memorial, the House voted that £10 each be paid the two.¹⁴

These two petitions must have sparked a crackdown on horse thieves in the colony, for along with the rewards Anderson and Morton received, George McKeen also received £10 as a reward for his capture of Reason Rutledge and Anthony Wheeler as horse thieves. Rutledge was tried and executed, but Wheeler escaped before his trial. In 1752 the General Court outlawed George Smith and John Schockley as horse thieves. Six months later, at the October 1752 regular session, the General Court found Moses Thomson and Thomas Aubery, alias Smith, guilty of horse

stealing and sentenced them to death. That December the Oyer and Terminer Court acquitted Thomas Kelly of Fairfax County of the killing of Thomas Davis because Davis had been a robber and horse thief.¹⁵

These horse thieves were all caught on the western and northwestern frontiers of the country. Moreover, Amelia and Albemarle Counties abutted each other, so it is not unreasonable to assume that connections existed among Benton, Rutledge, and Wheeler, and the others. The flurry of government activity related to horse thievery did not, however, wipe out the menace. By the mid-century, then, horse thievery had become a permanent element of the criminal patterns of Virginia and had stimulated the growth of an outlaw gang tradition, closely intertwined, apparently, with a growing counterfeiting movement in the colony.

A central figure of the counterfeiting ring, Lowe Jackson, was caught and tried before the General Court in April 1751. Although convicted and sentenced to hang, he was ordered reprieved until His Majesty's pleasure should be known in the case. A possibility of influential friends in the colony may explain the reprieve, for many counterfeiters in later years in Virginia had powerful friends seeking to protect them from prosecution. At the same session the Court tried John Hill, alias Seale, for horse stealing and sentenced him to hang. However, just as in the case of Jackson, the Court took mercy and pardoned him. Whether there existed any connection between the two men is difficult to say, but apparently they both had influence in the colony preventing their immediate executions, for Hill had been convicted three times previously for felonies and the Court invariably ordered the execution of an individual convicted of that many crimes.¹⁶

The beginnings of an outlaw gang tradition implicit in the trials of these two men and the other horse thieves argue that many men in Virginia had recognized the easiest way for them to make quick fortunes was an extensively organized gang operating within and without the colony's borders. Their boldness and techniques also argue that by 1750 the integration of the colonies had proceeded so far and their settlements become so close that those needing to transport their ill-gotten goods rapidly and efficiently to neighboring provinces could do so.¹⁷

The ability of outlaw gangs to operate with great skill on the frontiers of Virginia and her neighbors indicates also that the criminals may have had protection from powerful or influential Virginians. The outlaw gangs and the apparent relaxation of stringent enforcements of punishments suggest that Virginia's society had grown to accept a certain level of criminal behavior, thus expanding its toleration of deviance.¹⁸ The establishment of white supremacy and systems of control of slaves in the colony released some tensions binding white society and constricting whites' behavior. Furthermore, the disappearance of major forms of rebellion among whites probably also encouraged some relaxation by governmental officials of their enforcement of criminal punishment.

While such a trend toward permissiveness was occurring, a wave of potentially major violence was building. Although not destined to approach the levels of the 1670s or 1680s, the new violence was political and, to some degree, class in origin. No identifiable leaders tied together the various acts committed. Although class divisions in Virginia were more artificial than their European counterparts, this did not mean that Virginians did not try to maintain such divisions. The use of the lash and other corporal punishments, both by masters and courts, helped

ingrain in servants, white or black, the idea of their "natural" inferiority. However, when slavery became the principal labor system in the colony and most white servants were freed, their notions of "inferiority" were certainly tempered by the presence of a servile class knowing no hope of freedom and the liberty associated with that quality. Thus, a race consciousness helped erase some elements of class consciousness.¹⁹

The evidence of a growing political-class violence manifests itself in the 1730s and 1740s, although signs of it were apparent as early as the 1690s when Mr. Matthew Kemp, a burgess from Middlesex County, reported to the House in October 1693 that Thomas Rooke had physically and verbally assaulted him. The House instructed Kemp to prepare a memorial of the incident and deliver it to the House, which he did. The House then ordered Rooke incarcerated and, on November 2, had him appear before the House to beg its pardon and that of Kemp.²⁰ The only incident of its kind to appear in the records of the seventeenth or early eighteenth centuries, this type of occurrence became much more common after 1735 and the assault on Kemp may have been solely the result of drunkenness on Rooke's part. But more important suggestions of the coming trend of violence began to appear in the 1720s as residents of Essex County memorialized the House of Burgesses complaining that Colonel Joseph Smith had exercised "great severities" in his dispensation of fines under a court martial.²¹ Smith might have been trying to foster his fortune, a common practice among the "great men" of the colony in the seventeenth century, but one becoming increasingly reprehensible in the eighteenth century as the need to exploit the labor of common Virginians declined. Thus, citizens of Essex County could obtain at

least a hearing on their petition, when in the seventeenth century to have even presented such a petition became tantamount to treason.

A year later, in 1724, the Council heard the appeal of Robert Jourdan, Junior, of Nansemond County on his conviction of writing and publishing "a scandalous libel on this Government and the established Church," the twin pillars of deference in Virginia. Whereas seventeenth-century courts would have ordered him hanged, the Council rescinded the General Court's sentence. Significantly, Jourdan was ordered imprisoned until he furnished security and a bond for his future good behavior. But Jourdan could not enter a bond because that required an oath and he was a Quaker. He offered the Council an alternative which it readily accepted; that is, he would secure two members of the Church of England as sureties to be bound for him.²²

Once again, a significant change in official attitudes to a group formerly proscribed from the society is suggested. Quakers had been imprisoned for their faith in Virginia in the 1650s and 1660s to discourage more from coming to the colony. Even as late as 1710, their reputations were questionable, for they were blamed for inciting the civil war in North Carolina in 1711, as Governor Spotswood remarked in a letter to the Earl of Rochester.²³ Yet by the mid-1720s they were no longer proscribed and could expect some favorable treatment from the Council.

In 1728 an election riot occurred serving as a harbinger of another type of violence associated with this trend. At the opening of the 1728 Assembly in February, Northumberland County residents petitioned the House that their representatives had not been chosen properly. The House immediately referred the petition to the Committee of Elections

and Privileges which reported on February 9 that indeed the election had been improperly conducted. Four candidates had stood for the two seats from the county: Peter Presley and George Ball, the incumbents; and Robert Carter and a Mr. Neal, the opponents. When the voters had assembled at the polling place, Presley asked for a general voice vote. No voters objected, and Presley promptly received a large voice vote. Then Carter demanded that the voters be polled individually. As the poll proceeded, many of Presley's voters cast their ballots for only one candidate, a procedure at best questionable since voters in eighteenth-century Virginia county elections were required to vote for two candidates. However, with the poll almost completed, the county sheriff proclaimed Presley one winner. A voter then demanded his two ballots, which was his right, and he and the sheriff fell into a long argument settled only when the voter won his point. Other voters then demanded their two ballots, but the sheriff refused adamantly. Fighting and tumults ensued and the voters of Northumberland protested to the House the manner in which the sheriff had conducted the election. While the Committee of Privileges and Elections upheld the protest, the House overrode the committee's recommendation for a new election and seated the two incumbents. During the fracas, nearly fifty voters had left the county courthouse dissatisfied and many had threatened reprisals on the sheriff. The House had, however, overlooked these clear threats to authority.²⁴

This election illustrates the great power and privilege exerted by the county sheriffs in eighteenth-century Virginia. The sheriff was a key figure in the manipulation and direction of elections in that century, and, thus, a principal in the control and direction of the

deferential society. His favor during the administration of an election often insured victory for a candidate.²⁵ But seldom did voters revolt against an election decision until the 1720s and 1730s, suggesting that provincial politics had now become important enough that serious competition, in many forms including violence, was warranted. Moreover, while county elites provided candidates for election to burgesses, the fact of the increasing number of election riots and disputed elections indicates that county elites were fighting within themselves for power at the provincial level and exploiting incipient class unrest to gain the means to win those struggles.

A good example of the riotous and tumultuous behavior of voters occurred in Hanover County in 1736. Sheriff Garland reported to the House of Burgesses that he had been unable to poll the voters due to their riotous and violent behavior. The House considered the incident so unusual and threatening that it asked Garland to appear before it to explain the fracas. He averred that he had opened the polls as usual, but the voters had quickly become too tumultuous and he had had to stop the procedure. The Attorney-General, John Clayton, had been there, and he confirmed the sheriff's report. The three men accused of fomenting the disorders were quickly sent for, but only Thomas Prosser and Pouncey Anderson appeared. Matthew Anderson was in the Hanover County jail and could not be heard from. The House authorized Governor Gooch to issue writs for new elections in the county.²⁶ Again, the House had had to deal with the fact of a contested election which bred violence. Perhaps too many liquid "treats" had been dispensed prior to the polling and that had launched the riots. However, candidates' representatives knew that custom demanded that "treats" be held until the polls closed.

Thus, they obviously intended to influence the election, or even to prevent its conduct if enough of their voters had not yet appeared at the polling place.

In the 1740s members of the House of Burgesses and county sheriffs reported several assaults and election riots, taken together suggesting a high level of competition and some decline of deference. In 1740 Benjamin Harrison of Charles City County charged John Parker with assault on one of Harrison's servants and with uttering "several rude and abusive expressions" about Harrison himself. The next day, June 7, the House found Parker guilty of the acts alleged of him and ordered that he be brought before its bar to beg forgiveness not only of the House but of Harrison.²⁷

Two years later the House learned that Henry Downs, burgess from Orange County, had been guilty of "many scandalous practices of which he had been convicted and received punishment." In 1721 as a lad in Marlborough, Prince George County, Maryland, Downs had stolen several sheep, for which that county's court had ordered fifteen lashes "well laid on, . . . , so that the Blood appear." Downs was then ordered sold for one year and nine months as a servant. In consequence, the Virginia House of Burgesses refused to seat Downs.²⁸

His election to the House was contested anyway, and about one month later Mr. Edwin Conway, chairman of the Committee of Privileges and Elections, reported his committee's findings to the House. Seven men had stood for election in Orange County that year and reasonable doubt existed about the seating of Robert Slaughter and Downs because election irregularities had occurred. The complaint was filed by Thomas-Wright Belfield on behalf of himself and the other losing

candidates: Thomas Chew, Zaccariah Taylor, William Russell, and James Wood. As soon as the poll opened, tumults broke out lasting intermittently throughout the afternoon. The county sheriff had posted guards at the doors of the courthouse to keep the peace, but John Tucker, campaigning for Slaughter, dispensed punch the whole afternoon. When the sheriff dismissed the guards later that afternoon, the merry-makers and rioters returned to the courthouse to resume their brawling. The House, on June 5, resolved that Slaughter's election was illegal and, of course, Downs was already out.²⁹

Violence and mayhem respecting not only elections but individual members of the House continued through the 1740s and into the 1750s. No observable peak of activity was reached, nor did the election violence seem to decline as the French and Indian War approached. In 1752 Bertrand Ewell of Prince William County alleged that he had been defrauded of election as a burgess. He accused Thomas Harrison and Joseph Blackwell of illegally obtaining their own elections as burgesses. The House, however, found that the actual violence and mayhem of that county's election had been sponsored by Ewell. He had hired Abraham Farrow, Joseph Nevill, and Henry Peyton of the county to behave "riotously and unlawfully," and to "assault the sheriff." The three had violently intimidated voters as well. The House rejected Ewell's petition and ordered that the three hirelings be brought before it to beg the forgiveness of that body and the sitting members from Prince William. They also had to pay all costs associated with the action.³⁰

In addition three other incidents in which families or servants of members of the House had been assaulted or verbally abused had occurred. James Levie, doorkeeper to the House, informed the members that William

Nugent of James City County had assaulted and had beaten him severely. The House immediately instructed the James City County sheriff to arrest Nugent to bring him before the House. On Saturday, October 13, the House received Nugent's formal, written apology for the assault, but it still demanded that he come before the House's bar to be reprimanded publicly and to beg forgiveness verbally.³¹

In 1752 Joshua Hurt and Charles Oaks, both of King William County, were called before the House to answer for their assaults on a group of servants traveling to Williamsburg on business for their masters, all unidentified burgesses. The House resolved that the two were guilty of breaches of the privileges of the House and should be severely and publicly reprimanded. On Tuesday, April 14, Hurt and Oaks acknowledged their faults before the House and begged its forgiveness. The Speaker administered a public reprimand before fining them costs and dismissing them.³²

One year later, in November 1753, George Fox was summoned before the House to answer for an assault on the wife and servants of an unidentified member of the House. Once again, he was made to appear publicly for a reprimand by the Speaker and to pay all costs associated with the incident.³³

The assaults on families of members of the House were beginning to have their effects on attitudes toward other representatives of public authority. In 1744 a Lieutenant Shenton of the Royal Army appeared before the House to charge William Harvey with insult and disrespect to His Majesty's army. Shenton, his sergeant, and other members were in Virginia recruiting for service in King George's War. Harvey had insulted Shenton's sergeant and had challenged him to a duel.

He had abused His Majesty's service in attempts to dissuade men from enlisting, and he had even tried to convince some recruits for a Colonel Trelawney's regiment that they should desert. The Council ordered him prosecuted for his activity.³⁴

This type of assault on public figures, especially those representing public authority, evidently remained a form of low-level violence throughout the pre-Revolutionary period. The presence of black slaves in the colony contributed to a decline in deference by emphasizing equality among all whites in Virginia. That emphasis derived from the transition to slavery made in the early portion of the eighteenth century. The decision to substitute Negro slaves for white indentured servants, unconscious in nature, provided an opportunity for whites in the colony to assert a unity of race versus a diversity of class. However, political considerations and class consciousness could not be completely separated and a low-level of political unrest persisted.

Negro slave violence helped reinforce the dual, paradoxical nature of the decision to enslave. The repeated suicides by felonious or outlawed blacks threatened with capture reminded Virginians, however, that their slaves desired freedom and would resort to death as a release from the "peculiar institution." Although the advertisement section of the Virginia Gazette contained about fifteen hundred mentions of runaway slaves between 1736 and 1801, the records of violence in which slaves participated imply that the conditions of slavery were so harsh on many plantations that blacks retaliated with more than just running off.³⁵ They resorted to a variety of violent attacks upon masters, masters' families, and overseers to highlight their resistance to slavery.

Moreover, an increase in slave population from forty-five thousand

in 1730 to over one hundred thousand in 1750 provided more opportunities for blacks to commit individual acts of crime, violence, and rebellion. Approximately twenty-six thousand slaves were imported between 1732 and 1755, over twenty-three thousand of them directly from Africa. If the population of slaves increased roughly fifty-five thousand in those same years, then imports accounted for about fifty percent of the total, natural increase the other fifty percent. The transition to native-born from African-born slaves may explain the sudden decline in collective violence because the comparative reduction of formerly-free, adult Negroes in the colony's slave population lessened the collective desire for freedom. Additionally, masters and courts practiced forms of correction and punishment far harsher than used against whites at that time; for instance, in the late 1730s a slave belonging to John Baylor of Orange County was sentenced to death for stealing eighteen pence from Erasmus Taylor.³⁶

In most instances of violence committed by slaves or done to slaves, the blacks were clearly discriminated against as a special class. Their role in society was socially to remain objects of white disdain and scorn and economically to perform the hard, arduous labor required to clear land and to grow tobacco. Their only recourse to resistance to slavery was at the individual level after 1735, for no plots or insurrections occurred between 1735 and 1800. Although plotters and fomenters of the period 1687 to 1730 never successfully raised a major revolt, that fact never deterred them. Five insurrectionary plots, evidently more carefully planned than white uprisings of the 1670s and 1680s, suggest that blacks would not cease their major resistance until the masters had taken sufficient means to quell any possible

disturbance. This was done through strict enforcement of slave control laws such as forbidding them to meet in large numbers and requiring their presence with their masters at church or funerals, times which slaves had formerly used to plan their uprisings. Unfortunately for the plotters, their insurrections were usually discovered.³⁷

With the realization that white methods of mass control were too strict and stringent for them, the blacks who wished to revolt against slavery had to turn to other means. Thus, the level of individual resistance rose in inverse proportion to the decline of mass rebellion. Between 1735 and 1755 white masters entered before the House of Burgesses thirty-nine petitions for compensation for slaves. This class of petitions revealed the means by which the slaves had died and explained why they had been killed. In addition to the petitions there were fourteen court trials of slaves reported. In most instances the trials were conducted before special courts of Oyer and Terminer appointed by the governor and charged for the express purpose of trying those blacks. Although courts frequently ordered punishments far more inhumane compared to those given contemporary whites for similar offenses, compared to punishments inflicted on white servants in the seventeenth century, eighteenth-century slave punishments differed little. Yet, court-ordered punishments for slaves remained a means of distinguishing blacks and setting them off from whites in Virginia; thus another symbol of the pervasiveness of racism within the colony appeared.³⁸

Among the trials suggesting this insight is that of Eve in Orange County in 1746. Eve's master had died December 27, 1745, and she was accused of having administered a slow poison to him on the preceding August 19th. Her trial, occurring January 23, 1746, found her pleading

not guilty and having to conduct her own defense as well as testify on her own behalf. However, several witnesses claimed that she had indeed administered the poison. The court sentenced her to death by burning and directed that her execution take place on a high hill in the county so that as many slaves as possible might be able to witness the execution while at their labors.³⁹

In another trial, this one in 1737, a court of Oyer and Terminer sentenced Peter to hanging for the murder of his master, Thomas Riddle. Not only would Peter hang but his head was to be cut from his body and prominently displayed near the Orange County courthouse as a warning to other Negroes. In a third instance, a slave woman was ordered burned at the stake for the murder of her mistress, a Mrs. Prudden of Nansemond County.⁴⁰

In addition to trials, their masters' petitions to the House of Burgesses asking compensation, reveal black rebelliousness. In many instances the slaves had killed another slave or a white before fleeing their plantations. In consequence, their masters had had them outlawed and they had been killed resisting capture or had committed suicide to escape capture. Joseph Hale asked compensation for a slave who had murdered another slave and then hanged himself. Moor Fantleroy requested compensation for a slave who had murdered his own wife, also Fantleroy's slave, had run off and been outlawed, and had drowned himself to escape capture. In addition to these types of petitions masters also requested compensation for slaves who had run off in the classic outlaw slave tradition defined in 1691. These slaves remained in hiding, foraging for food and other necessities by robbing and stealing throughout their environs. Several of these petitions

revealed that many slaves were doing such in the colony, signalling the permissiveness to which Gerald Mullin pointed in his analysis of slave resistance in eighteenth-century Virginia.⁴¹

Thus, by 1755 blacks had fashioned several violent means of resisting slavery. Combined with those non-violent means of resistance, such as work slowdowns, abuse of farm animals and equipment, and frequent "sickness," the impression arises of a people somewhat more rebellious than many historians have recognized.⁴² Moreover, the effects of this rebelliousness is apparently of at least a two-fold, paradoxical nature. On the one hand, the harsh punishments administered to miscreant blacks reinforced notions of white supremacy and superiority in Virginia. However, the continued need to inflict such punishments reminded white Virginians of the rebelliousness of blacks and, thus, of the threat to the peace, security, and order of the colony posed by slaves. If that threat had any effect, however, on the reduction of violence within white society itself, it was at best minimal, for the transition to a slave society provided the opportunity needed to reduce tensions within white classes. By transferring laboring chores to blacks, the constant exploitation of poor whites which had characterized the seventeenth century ended. All whites could feel not only a common bond in race, but experience a more practical set of bonds erected from the decline of exploitation and the rise of universal propertyholding.⁴³ Thus, by 1755 white confidence in control and administration of the society in Virginia, a control free from external racial threats, had reached maturity. White Virginians felt their new power, concentrated in the House of Burgesses, and challenged the "prerogative" with increasing success.⁴⁴ However, while Virginians were exerting their newfound

political strength, within the white society challenges to the political leadership such as election day riots and assaults on families of burgesses, were building, challenges reflecting not only awareness of the House's position of prestige, but a jealousy of those who controlled it.

NOTES

POLITICS AND OUTLAW GANGS:

VIOLENCE IN MID-EIGHTEENTH-CENTURY VIRGINIA

¹Nonviolent means of resisting slavery have been detailed in a number of secondary works. See, for example, Kenneth M. Stamp, The Peculiar Institution: Slavery in the Ante-Bellum South (New York, 1956), pp. 98-109, 124-127; Lawrence W. Levine, "Slave Songs and Slave Consciousness: An Exploration in Neglected Sources," in Tamara K. Hareven, ed., Anonymous Americans: Explorations in Nineteenth-Century Social History (Englewood Cliffs, New Jersey, 1971), 99-126. Mullin, Flight and Rebellion, pp. 33-34, 53-56, provides insights into mid-eighteenth century Virginia slaves' habits of resistance.

²The classic statement of eighteenth century penal reform is Cesare Beccaria's An Essay on Crimes and Punishments (English translation, Philadelphia, 1819) (1764), a statement attacking capital punishment and advocating humanitarian treatment of criminals. Some young Virginians finished their educations in English or colonial colleges and those institutions introduced them to the enlightened ideas as well as classical principles of equity and law. In their later years, some of these Virginians sat on the Council and, thus, the General Court. It is possible that they were influenced by considerations of penal reform.

³Parks' Virginia Gazette (Williamsburg), November 5, 1736; November 26, 1736. For burning in the hand, see Dalzell, Benefit of Clergy, 17, 25, where he suggests that branding with cold irons was practiced in England before 1700. The Greenly woman had murdered a fellow-servant and Matthews formed part of an expanding pattern of horse thievery.

⁴Parks' Virginia Gazette, May 6, 1737; May 27, 1737. For Gooch's letter, see Gooch to Peter Leheup, June 22, 1737, CO5/1337, ff 197-199, Reel M-246, VCRMP, CWRL.

⁵Parks' Virginia Gazette, June 17, 1737, for Morgan's case. A man by the same name was ordered executed for horse stealing two years later, however. Moreover, another man, Joseph Lightburn, from Prince William County the same county as Morgan, was also ordered hanged for horse stealing. The two men were probably operating together. See ibid., Nov. 2 and 23, 1739. For Jackson, see ibid., May 4, 1739; Nov. 23, 1739; Dec. 14, 1739.

⁶Hunter's Virginia Gazette, April 18, 1751; October 17, 1751.

⁷Parks' Virginia Gazette, Dec. 15, 1738; Nov. 2, 1739.

⁸Fifteen felons were hanged for murder and thirty others hanged for one of a variety of crimes ranging from horse stealing to pick-pocketing. Included in those capital crimes were a number of acts which today would be punishable by jail sentences of short duration, one to five years. But in some instances, the Gazette's brief report suggested that the felon had committed at least one other crime earlier in his life. For some examples of "repeaters," see Parks' Virginia Gazette, November 23, 1739.

⁹Rankin, Criminal Trial Proceedings, 121-123, suggests that judicial penal reform was well along by 1750.

¹⁰Ibid., 116.

¹¹Parks' Virginia Gazette, June 10, 1737; Sept. 16, 1737; Nov. 18, 1737.

¹²Ibid., Aug. 18, 1738; Aug. 25, 1738; Nov. 3, 1738; Nov. 24, 1738.

¹³JHB, 1742-1749, 274.

¹⁴Ibid., 338-339, 345.

¹⁵LJC, II (1715-1754), 1024; Hunter's Virginia Gazette, Apr. 30, 1752; Oct. 20, 1752; Dec. 15, 1752.

¹⁶Hunter's Virginia Gazette, Apr. 18, 1751; May 1, 1751; Aug. 8, 1751; Aug. 16, 1751.

¹⁷The idea that a sense of community was developing in America long before the Revolution is treated in Merritt, Symbols of American Community; and Michael Kraus, Intercolonial Aspects of American Culture on the Eve of the Revolution: With Special Reference to the Northern Towns (New York, 1928).

¹⁸Erikson, Wayward Puritans, 3-4, 6-7, 9-14, introduces the concept of deviance as a function of the limits of tolerable behavior in a society. In this context, a society may not permit certain behavior, such as Quakerism, in one era, but allow such much later. Virginia society rejected continued use of full punishment for many crimes in the eighteenth century, yet apparently never relaxed its vigilance in the seventeenth. Moreover, horse thieves were banished or executed in the early portions of the eighteenth century; yet by 1750 horse thievery had become impossible to eradicate.

¹⁹Virginia's social structure derived from a white, middle-class

English background. In the colony, however, those with ambition and means had little trouble forcing their way to the top, where, by a number of stratagems, they succeeded in remaining and passing their wealth and power to their sons who, in turn, passed control on to their sons. By 1720, this system had fashioned itself into the Virginia family-dominated structure and compared in miniature to the control administered by the great, landed families of England. Moreover, the substitution of black slave labor for the white, indentured servants had profound effects on class and race in the Old Dominion. See Morgan, American Slavery, American Freedom, 341-346, for the impact of racism.

²⁰JHB, 1658/60-1693, 426.

²¹Smith's abuses resembled methods of exploitation practiced earlier, JHB, 1712-1726, 365.

²²EJC, IV (1721-1739), 67.

²³For treatment of Quakers in the 1650s and 1660s, see pp. 126-127, above. For Spotswood's letter, see Spotswood, Letters, ed. Dodson, I, 108.

²⁴JHB, 1727-1740, 15-16.

²⁵For ways sheriffs could manipulate eighteenth century elections, see Sydnor, American Revolutionaries, 24-25, 27-33, 68-70, 78, 147.

²⁶JHB, 1727-1740, 256-266, 278. For the liberal use of liquid "treats," see Sydnor, American Revolutionaries, 53-58, 70.

²⁷JHB, 1727-1740, 419-421.

²⁸JHB, 1742-1749, 7, 11.

²⁹Ibid., 50-51, 53.

³⁰JHB, 1752-1758, 57-58, 73, 81. For examples of later riots and tumults, see Sydnor, American Revolutionaries, 24-26, 29-31. Even George Washington was personally involved in a brawl in the 1755 burgess election in Fairfax County.

³¹JHB, 1742-1749, 131, 132.

³²JHB, 1752-1758, 84, 87.

³³Ibid., 125, 134.

³⁴EJC, V (1739-1754), 160. See also ibid., 279n 127, for a similar incident which did not result in violence.

³⁵Mullin, Flight and Rebellion, 39-40.

³⁶For the increase in slave importation, see Chapter VIII, pp. 240-241, above, and Donnan, ed., Documents Illustrative of the History of the Slave Trade, IV, 175 ff. The total black population increase may be found in Statistical History of the United States, Series L 14, 756. The case appears in A. G. Grinnan, "The Burning of Eve in Virginia," VMHB, III (1895-1896), 308.

³⁷This point contrasts with Morgan, American Slavery, American Freedom, 308-309, where the author minimizes the extent of slave insurrections and plots. For laws curtailing slave activities, see Hening, ed., Statutes-at-Large, III (1684-1710), 459-462; IV (1711-1736), 126-127, 129-131.

³⁸For representative petitions, see JHB, 1727-1740, 338, 339; 1742-1749, 27, 94, 95; 1752-1758, 27, 31. For the trials see the Virginia Gazette, Dec. 9, 1737; August 21, 1752; October 27, 1755.

³⁹Grinnan, "Burning of Eve," 309-310.

⁴⁰Ibid., 308; Parks' Virginia Gazette, Aug. 26, 1737.

⁴¹JHB, 1742-1749, 108; 1752-1758, 111, 115. For some petitions concerning outlaws, see ibid., 1742-1749, 273, 280. Mullin, Flight and Rebellion, 124-130, introduces the idea about permissiveness.

⁴²See note 1, this Chapter, p. 294, for references to non-violent means of slave resistance.

⁴³Morgan, American Slavery, American Freedom, Chap. 16, emphasizes the racist backdrop to the birth of white freedom.

⁴⁴For the political attacks against the prerogative, see Morton, Colonial Virginia, II, Chaps. 4, 18, 27-30.

CHAPTER X

CONCLUSION

The evidence derived from study of the major surviving groups of official, provincial-level documents between 1607 and 1754 indicates that the violence in the colony of Virginia followed a general pattern determined not by political but by social and racial issues. Whenever a racial group threatened the order and stability of the white population, that population struck back with organized forms of violence designed to subordinate the racial threat. In the absence of racial threats, violence within white society generated by social and economic issues erupted. The general pattern may be divided into three significant components: an Indian-white, and exclusively white, and a black-white portion. Each component was dependent upon English notions of order and social stability. In the first epoch Indians and whites struggled with each other, the first trying to resist the loss of their lands and the destruction of their culture, the second wishing to extend their controls over lands they considered unused and to force Indians into a cultural pattern similar to their own. The success of English settlers derived from their technological strength and their means of social organization. More to the point, the English were able to perceive the Indians as a unitary threat, one which had to be crushed, whereas Indians were less able to regard the English as an enemy which had to be destroyed. Only Opechancanough perceived the whites as an

enemy to be eliminated from Virginia. In the years between 1622 and 1646, the Old Indian chief made two determined efforts at the destruction of the Virginia colony. Although no narratives or any other documents have survived to present Indians' view of whites, one may reasonably infer from white materials that at least Opechancanough recognized that without destruction of the whites Indian culture and land possession were doomed.

Although land remained the point of practical difference between the two peoples, it was symbolic of the more fundamental cultural differences separating Indian from white. Official fears of "going Indian" led to strict laws and harsh punishments for those who did do so. The imposition of those punishments inaugurated a trend of severe, even inhuman, punishment for any type of deviant behavior in early Virginia. White officials regarded those trying to live with the Indians as a threat to the concept of order and discipline they brought with them from England and wished to recreate in the New World. Indian work habits particularly bothered English officials, for Indian males appeared to do little, if any, work. Work was not only a calling, that is, a quality assuring an individual some station in life, but a means of social order and discipline. Those violating that order in Virginia were severely punished, and, to the leadership of the colony, none of their fellow whites violated more clearly the strictures about work and discipline than those who deliberately ran off to live with Indians. They were most severely punished; at least many observers alleged such.¹

The competition for land and struggle for cultural survival dominating English-Indian existence in early Virginia inevitably bred great violence which characterized relations between the two peoples

not only after 1622 but during some periods prior to 1622. With continued violence came white disregard for the humanity of the Indian. As the seventeenth century wore on, whites became increasingly callous about the red men in Virginia. It was symbolic that a guard shot Opechancanough in the back after he was captured and jailed. Even more symbolic was the rumor that Governor Berkeley intended to send the almost one-hundred-year-old man to England to be placed on view in an iron cage.² Later treatment of Indians in the colony bears out the impression of a callous disregard for the red man's humanity, a disregard generated by constant warfare and mistreatment during the first forty years of Virginia's existence.³ Furthermore, that disregard was easily transferred not only to slaves but lower-class whites, exploited by both the Crown in England and the wealthy in the colony.

Following conclusion of the Indian phase of violence in 1646 came a sixty-year period which freed whites from any major racial threat. Although settlers continued to perceive an Indian threat, domination of the Virginia natives was assured and complete by 1650. Only Indians living beyond Virginia's frontiers posed any problem to the security and safety of whites, and those were largely frontier whites.⁴ But Virginians were slow to recognize this fact, for Bacon and his followers generated their violence in response to what they considered an Indian uprising threatening the whole colony. Yet social and economic problems existed which clearly overrode the importance of the Indian factor in Bacon's Rebellion. The Indian uprising provided the event necessary to launch the revolt, but that Indian threat was not a significant menace to Virginia's existence.

Many other factors prompted resort to massive violence in 1676.

Among factors generating the turbulence, discontent, and major violence of the last quarter of the seventeenth century were included England's tobacco policy, her tougher administrative position, extensive land grants to court favorites, and the harsh exploitation of white labor--free or servant--by those controlling the lands.⁵ By the time the eighteenth century had arrived, the colony's labor exploiters had shifted from white indentured servants to black slaves. Not only had the choice for slavery been made but the colony had fashioned an extensive slave code designed, in part, to use violence to prevent rebelliousness and resistance to the institution.⁶

However, the years between 1646 and 1705, generally free of racial threat, were the years of highest turbulence among whites in Virginia. The evidence of that violence suggests that not only did class warfare appear but that English definitions of freedom and individual liberty became subordinate to the economic interests of those controlling society.⁷ Additionally, those leading Virginia remained intensely concerned with means of forging order and stability in a society not yet susceptible to such qualities.

The immigrant nature of Virginia's population alone suggests that some instability inhered in the society. Moreover, the bulk of those immigrants were white youths, probably in the age group sixteen to twenty-five. When they received their freedom from indentured servitude, they might have easily integrated with the rest of Virginia's society, but the continued exploitation of them by their former masters aroused grievances and resentments which fomented into turbulence, disorder, and violence. Not until the transition to slavery was made did the tension represented by the presence of those exploited whites

recede. Furthermore, achievement of a modicum of balance between natural and immigration population increase helped relieve that social tension.⁸

The prevalence of guns in the frontier society of Virginia further contributed to violence, for easy access to guns allowed for a high level of violent response to real or perceived insults and grievances.⁹ Too many free, young white males in the colony, many of them possessing firearms, encouraged demagogues such as Nathaniel Bacon, Jr., to exploit their unrest. Bacon's ability to exploit that unrest, however, was rooted as much in his social position as in his demagogic powers. His social standing in the colony was of the highest order, a member of the Council, intimately connected by blood and marriage to other very high-ranking Virginians such as the Governor and another Councilor, and possessor of extensive lands and plantations in the colony. His high social standing helped him win a large following.¹⁰

The fact of extensive unrest in the colony is suggested by the growing level of crime, most notably murders and other crimes against the person. By 1676 the colony's General Court, acting as court of first instance in capital cases, was bearing a greater case-load. Although simple population growth accounts for some of the increased case-load, the fact that so many young men, rootless and armed, lived in the colony also helps explain the growth of criminality. These men resorted to violence when quarreling or arguing. Along with the rise of murders and other crimes against the person came an apparent increase in crimes against property, for the poverty of so many in the colony encouraged "easy" solutions to the difficulties of earning a livelihood. With no land and inability to earn a living pursuing some other calling,

many young men turned to robbery or piracy to provide a quick and easy income. Thus, before pirates derived from the inter-colonial wars appeared in Virginia, domestic crises had inaugurated a pattern of piracy. Although domestic problems declined after 1695 and, thus, domestic forms of piracy disappeared, Virginia's location and the extent of water associated with the colony attracted pirates. Moreover, by 1705 the wealth of the colony had so advanced that the opportunity for quick riches provided another incentive to pirates. Thus, the colony, along with so many others, became a major attraction to pirates. Piracy, then, was generated by social conditions in the colony prior to 1680, but its greatest impact on the history of violence in Virginia occurred in the early eighteenth century.

The violence of the late seventeenth century reflected the immaturity of the society as well as the economic and social ills afflicting the colony. Neither the upper nor the lower classes was fixed; that is, there existed no permanence in a generational sense. The scramble for riches continued unabated and some fluidity marked the classes. However, certain men had fastened onto the means to wealth and the perquisites derived from wealth. Men such as William Byrd I, the early Wormeleys, first Fitzhughs, Major Robert Beverley and others like them held high office in the colony.¹² Yet even many of them were dissatisfied, for they had no access to the inner workings of the power structure surrounding the governor, and they were jealous of that fact. Hence, many encouraged and exploited the unrest within the colony prior to and after 1676. They used whatever means they possessed to secure power to themselves for selfish, personal reasons as well as so they might pass on to their progeny their status in the colony. In order

to do this, they contributed to unrest and discontent and challenged those holding and wielding great power in the colony. Their positions in the colony were not enhanced by their activities on their own behalf, for those close to the wellsprings of power guarded jealously their prerogatives and positions. Giles Bland, the young customs collector and critic of Governor Berkeley's role in the colony, lost his life because he dared to criticize too openly the exploitations of those at the top of the society.¹³ In this context, it is little wonder that the rest of the Virginia population remained discontented and restless throughout the last quarter of the seventeenth century.

The violence of the late seventeenth century was in a narrow sense motivated by economic factors and issues, but in a broader view those economic issues mirrored the great social strains within the very fabric of Virginia's society. The social structure was unable to withstand the continued shocks delivered by blows aimed at Virginia's economy. Whether any colonial society could have better withstood the storm of economic issues afflicting Virginia in the seventeenth century is questionable. However, colonial Massachusetts underwent considerable economic and political pressure from 1675 until 1700 and did not dissolve into the violent and near-violent chaos of Virginia's society. Massachusetts' society was founded upon a more clearly defined set of social and political principles than Virginia, and Massachusetts was maturing in a more diversified economy than Virginia. Thus the northern colony had more resiliency built into its structure than did her tobacco-oriented sister.¹⁴

Virginia's social structure had not reached the maturity of Massachusetts' by 1675; too much scramble for wealth in the tobacco colony

prevented the development of a stable social structure and interrupted the advance of the colony toward a set of social principles helping bind man to man.¹⁵ The absence of any principles of social organization other than an effort to recreate England's country squire system prevented significant ties from developing. This was a lesson that the Virginia Company was learning in the second decade of the colony's settlement. In order to attract new settlers, the company was creating roles or statuses to provide attractions for those having to come to the colony either as company or private servants. What attractions there were had to be made in land or occupations, a point which characterized American history until the end of the frontier period.¹⁶

Although Virginia's economy depended upon tobacco for its basic needs, the trade in that item had been brought close to ruin during the last decades of the seventeenth century for many reasons. Included among those problems were England's enumeration of tobacco, thus prohibiting its exportation to any place other than England; the entrance into large-scale production of the plant by settlers in North Carolina and Maryland, thus competing with Virginia's already large annual crop; and the continued exploitation of large numbers of white servants to provide the labor necessary to growth of the crop.¹⁷ Even though efforts to diversify Virginia's economy were made with some indications of success in those experiments, Virginia's farmers and planters did not make a transition to a more broadly-based economy.¹⁸ In part, that failure explains the resort to turbulence and violence in the late seventeenth century, for those possessing the land and labor exploited both to the extent that laborers could take no more. Outbreaks of servile violence in the 1660s suggest that migration from an essentially

free society, one with a high regard for personal liberty, to the Virginia colony emphasizing the constant need for labor and using many means, including institutionalized violence, to force that labor to work was a socially unhealthy decision.¹⁹ Although servants generally stopped short of large-scale violence until Bacon's Rebellion, they remained a constant and ever present threat to the masters of Virginia's society. Their willingness to remain non-violent was based on the condition that some independent place existed for them within society when their servitude ended. However, if their only opportunity after their indentures expired was to remain in the employ of their former masters or to hire themselves as agricultural laborers or tenants to another large landowner, they listened to and heeded those who promised them another alternative, the Baconians.

Thus, in one sense the principal source of tension in the colony after 1660 was economic. But the strains of the society were reflected in the developing social structure, a structure which after seventy years of existence ought to have been more mature. The high level of immigration, the yearly exit of many indentured servants from their service, and the constant physical expansion of the colony at the expense of frontier Indians suggests that a fluid society existed, one filled with economic opportunity. But many factors militated against that opportunity. The facts that the powerful landholders continually engrossed great quantities of acres and that the King muddled landholding even further with his extensive grants to favorites shut off much of the presumed opportunity.²⁰ Thus, some social fluidity existed, but only from servitude to freedom. The movement upward virtually halted there. Even though newly-freed servants might acquire small

plots of land, fifty acres or more, their ability to make a living off that land was contingent upon some working relationship with a major planter marketing their surplus tobacco for them. London merchants charging high prices for the sale of commodities and products in the colony took much of the income of those small farmers, taxes much of the rest. Thus, those smallholders found themselves in the unenviable position of having to choose between a return to servitude or a slide into some form of tenancy, in either of which they were confronted with a loss of freedom.²¹

By the last two decades of that century, even though Virginians had tried to resist the centralization and integration of the English Empire, that rationalizing process had already begun and was well-advanced.²² Virginia's society felt the impact of events in England much more than it had earlier in the century. Some impetus to the violence of the 1680s and to the threats of violence in the 1690s derived from English events, events closely tied to religion and notions of imperial definition. Whether the Empire was to revert to Catholicism was an immediate and pressing problem of the 1680s. If Whigs and Dissenters permitted such a reversion, then the Empire would be remodelled on divine right theories and few in the colonies or England wished for an event of this nature. The Glorious Revolution in Virginia, known as Parson Waugh's Tumult, resulted from not only fears of a Catholic upheaval in England but aversion to the definition of Empire and government implicit in such a reversion.²³ Consequently, the violence and threats of violence of the 1680s and 1690s were generated as much by discontents over the nature of the Empire as they were over exclusively local issues. Those decades provide some clues to the approaching

stability of Virginia. The abuse of white labor had to be ended if any disciplined order was to appear in the colony.²⁴ Moreover, more orderly means for recognition of the status and position of those who had arrived at the top of the society had to be provided. In addition, the nature of the Empire and Virginia's role within that entity had to be more clearly defined. By 1705 these major problems had been worked out.²⁵

The substitution of slavery for indentured servitude was largely completed by that year and the nature of the Empire and its governance settled. The inauguration of slavery is lost in the seventeenth century. Its formal introduction, that is as a legal institution with the authority and sanction of law, occurred in the 1660s, and by the 1670s many basic laws had been enacted.²⁶ However, the massive importation of slaves to replace white labor did not occur until the early eighteenth century. By 1705 Virginians signalled through the enactment of a slave code their intention to use slaves as their basic labor force. Within the early laws and the 1705 code were contained acts institutionalizing violence as a means of black control in the colony. The colonial government had long used violence as a means of controlling the society, violence aimed not only at individual malefactors, but those who fomented mass resistance. But the legal violence associated with slavery was of a much more brutal nature, for it permitted masters to kill their slaves without fear of legal reprisals. This institutionalization of slavery was rooted as much in the need to prevent slaves from shirking their work as racism.²⁷ However, the continued association of slavery with labor in the late seventeenth and early eighteenth centuries encouraged the growth of a view of labor as degrading and of slaves

as degraded beings. Defined as chattel in 1705, slaves had to live a paradoxical existence.²⁸ On the one hand, their masters expected them to know Christian definitions of right and wrong and to refrain from wrongdoing. On the other hand, the definition of slaves as property presumed no reasoning faculties; thus, they could not know such differences. Yet, they were constantly violently corrected for their misdeeds, real or fancied. Thus, in one sense, the institutionalization of slavery increased the level of personal violence in the colony, for it encouraged violence between black and white. On the other hand, however, the growth of slavery and its substitution for indentured servitude as the principal laboring system in Virginia siphoned off much of the lower-class white discontent which had marked the late seventeenth century.

As Virginians completed the transition from dependence upon indentured servants to slaves, there appeared a clear decline in unrest within the society. Not only did the substitution of slaves siphon off that discontent, but the opening of opportunity for cheap or free land acquisition enabled many white lower-class males to acquire land and a slave or two with which to work that land. Their newfound status relieved many of their anxieties and, at the same time, helped create a set of common bonds between them and the upper class of the colony.²⁹ These bonds encompassed attachment to the land and racial fears, for the important point from considerations of violence is the growth of those racial fears. The renewal of a racial threat in Virginia provided one more bond tying the society together. During the 1680s and 1690s, first expressions of those racial threats appeared. The resistance of blacks to slavery as well as the resurgent racism of Virginians provoked

some thirty years of unrest between the two peoples.

Blacks used many means, some violent, to resist the institution to which they were confined after 1700. Those violent means of expressing their discontent aroused fears and apprehensions within white society. Several insurrectionary plots, some allegedly involving free blacks, reinforced those apprehensions. While the reality of those plots may be questionable, emphasizing that white paranoia and guilt read into black meetings motives more sinister than slaves intended, the evidence of five plots in Virginia between 1687 and 1730 suggests that white fears were by no means exaggerated. Blacks recoiled against slavery and the evidence of individual violent resistance to the institution simply augments and supports the evidence of mass plots.³⁰

White fears of their slaves reinforced the bond in white society as slavery replaced servitude. This is not to say that white indentured servitude disappeared, but that slavery greatly eclipsed it. Therefore, in a twofold fashion, slavery encouraged a common bond among whites, helping forge an orderly society which had not developed by the end of the seventeenth century. Moreover, slavery diminished much violence among whites in the society because whites now had another race to which they could direct their violent proclivities. The continuation, even the entrenchment, of slavery in eighteenth-century Virginia eliminated much class conflict which had marked seventeenth-century Virginia.³¹

Even those symptoms of class conflict apparent in the 1720s and 1730s remained just symptoms. They did not blossom into full-scale class conflict as they had in the 1670s, for slavery helped alleviate the tensions within white society. Certainly Virginia's white society

had reached a level of stability and maturity it had not attained in the last half of the seventeenth century, but probably without that institution the stability for which Virginia became so famous in the eighteenth century would not have developed so far as it had by 1740.³² The evidence of incipient unrest, tobacco warehouse burnings, outlaw gangs, and political assaults exemplified by the election riots and violence done to burgesses' families and servants suggests strongly that Virginia might have become a society beset by disorder such as New York or Pennsylvania, were it not for slavery.³³ That institution, even when mass slave unrest disappeared after 1735, remained a means by which a rough egalitarianism developed among all whites in the colony. The "legitimate" use of violence against blacks not only reduced white unrest but provided a means by which whites could release their own violence. Moreover, the growth of slavery and the use of violence in its control may have, in a fashion difficult to explain, lessened Virginia's governmental commitment to a system of inhumane punishments for convicted criminals. Certainly the evidence from the 1730s and 1740s indicates a slightly more permissive official attitude to white criminals than had appeared even as late as 1700.³⁴ The trend toward a nonphysical system of punishment, so apparent by 1750, was hardly discernible in 1700. Yet the transition to slavery and the use of violence by white against black within that institution probably encouraged more lenient views of punishment within the white society.

Virginia's black population remained roughly one-third to four-tenths of the colony's total population between 1730 and 1750. But those fractions represented a dramatic increase since 1700. In that year the black population was perhaps one-tenth of Virginia's total

population, and there was not yet apparent to the colony's leaders a trend of rapid slave increase. Five years later the leadership suddenly awoke to growth of the black population.³⁵ As seen above, efforts were made to limit the importation of slaves, but to little avail until 1732.³⁶ By then, however, blacks had arrived in sufficient numbers that their population rise could rely on natural increase rather than immigration. By that latter date, mass slave plots had been curtailed and blacks were resorting increasingly to individual means and methods of resistance. Thus, white relaxation of punishment within white criminal elements reflects the rise in black individual violence and the attendant use of harsh physical means of correction against the slaves. Probably no better example of white concern for preserving a united front against their slaves may be found in Virginia than the Andrew Bourne trial of 1729. In that trial the Governor and Council, sitting as the General Court, found him guilty of murdering a slave, only to reverse the conviction sitting as the colony's Council. This reversal was based on the impetus his execution would give to the contempt and arrogance blacks were allegedly expressing for their white rulers and masters.³⁷

In consequence of the evidence of the overt and covert racial and social uses of violence in colonial Virginia, long before nineteenth- and twentieth-century whites in America were using violence to separate themselves from groups of whom they were either suspicious or fearful, it seems that the apparent paradox of a society, violent by nature yet with little tradition of political violence, appeared even before independence. White Virginians used many forms of violence to forge a stable, orderly society, but the bulk of that violence was directed

at groups too weak to fight back on even terms. What Henry Steele Commager suggested as a focus for examining the history of violence, that is, that whites directed their violence at those unable to retaliate, in the United States during its national period had its roots in the colonial era.³⁸ While colonial Virginia was probably not a violent society compared to some of her colonial sisters, the peaks of violence such as Bacon's Rebellion certainly outstripped any violent event in other colonies in terms of sheer numbers. But the bulk of the physical violence and deaths associated with the history of violence in colonial Virginia occurred between racial groups, Indians and whites in the early seventeenth century and blacks and whites in the early eighteenth century. Thus, turmoil in Virginia's society between 1607 and 1754 revolved about a major racial pattern and a minor pattern of official violence used to help create an orderly society. At times the society collapsed into disorder and violence, especially during Bacon's Rebellion, however, the surviving record suggests that Virginia experienced little major violence compared to other English colonial societies of the seventeenth or eighteenth centuries. But Virginians' use of violence helped enable them to forge a stable, orderly society.

NOTES

CONCLUSION

¹See Morgan's discussion of Indian living in American Slavery, American Freedom, 48-58. For specific reference to those "going Indian," see above, chap. II, pp. 53, 59. Lurie, "Indian Cultural Adjustments," 49-50, makes the argument for Opechancanough's perceptions of whites. The notion of calling infused English society, although the Puritans developed it to its highest degree. See Bridenbaugh, Vexed and Troubled Englishmen, 315-316.

²Morton, Colonial Virginia, I, 154, points out the rumor that Berkeley intended to send the old Indian chief to England. For the story of the guard shooting Opechancanough, see above, chap. III, p. 102.

³Some acts of Assembly subordinating the tribes to the will of the whites have already been cited. The treatment of the Nansiatticoes is the most blatant example of the disregard. See above, chap. IV, 117-119, and chap. VI, 206-207. For further evidence of the disregard, see Morgan, American Slavery, American Freedom, 232-234.

⁴The problem of frontier Indians remained an important one during the rest of the colonial era. Virginia's leadership had to deal with frontier Indian violence and with violence generated by tributary tribes within the colony. However, these violent events were usually confined to Indians alone, especially the tributaries. Indian raiders seldom penetrated the more settled regions of the colony, confining their attacks to the isolated settlements of the frontier.

⁵Lovejoy, Glorious Revolution in America, 32-70, details the effects of tobacco policy and administrative changes on Virginia as well as other colonies. Land grants to court favorites and their impact on Virginia's society may be found in Morgan, American Slavery, American Freedom, 244-246; and Lovejoy, Glorious Revolution in America, 32-42.

⁶Hening, ed., Statutes-at-Large, III (1684-1710), 453-462.

⁷Morgan, American Slavery, American Freedom, Book III, details the great discontent engendered by labor exploitation in the last half of the seventeenth century.

⁸Ibid.; Craven, White, Red, and Black, 1-39; and Edmund S. Morgan, "Headrights and Head Counts: A Review Article," VMHB, LXXX (1972), 361-371.

⁹An individual angered by a friend or loved one will not resist the temptation to grab the nearest weapon, a handgun in modern America, in order to vent his anger. In a colonial society possessing large numbers of guns, the same insight would probably apply.

¹⁰Wertenbaker, Torchbearer of the Revolution, 39-50, for Bacon's social standing.

¹¹See above, chaps. IV and VI.

¹²Bailyn, "Politics and Social Structure," 99-102; Morgan, American Slavery, American Freedom, 255, 268-269, 274, 279-280, 304, 305.

¹³Ibid., 255-256.

¹⁴For an analysis of the problems besetting colonial Massachusetts in the late seventeenth century, see Lovejoy, Glorious Revolution in America, 143-150.

¹⁵Morgan, American Slavery, American Freedom, Book III, emphasizes this point repeatedly.

¹⁶Diamond, "From Organization to Society," makes this point for the Company period of Virginia history, but it seems plausible to extend it throughout the colony's seventeenth century history.

¹⁷Attempts at limiting tobacco production by all three colonies may be found in Morton, Colonial Virginia, I, 170-194.

¹⁸Rainbolt, From Prescription to Persuasion, 161-165, where he contrasts the seventeenth-century government attempts at forced diversification with the gradual diversification of the eighteenth century.

¹⁹Morgan, American Slavery, American Freedom, 235-242; see above, chap. IV, pp. 128-129, for Birkenhead's Revolt.

²⁰Morgan, American Slavery, American Freedom, 244-249; Craven, White, Red, and Black, 1-39, for land grants.

²¹Bailyn, "Politics and Social Structure," 99-104; Morton, Colonial Virginia, I, 190-194, for the tobacco surplus of the 1660s and 1670s.

²²Lovejoy, Glorious Revolution in America, Chap. 9.

²³Ibid., 220-225.

²⁴Morgan, American Slavery, American Freedom, 308.

- ²⁵Lovejoy, Glorious Revolution in America, 263-264.
- ²⁶Jordan, White Over Black, 80-82; Hening, ed., Statutes-at-Large, II (1660-1682), 170, 270-271, 479-480, 490-491.
- ²⁷Jordan, White Over Black, 103-108.
- ²⁸Hening, ed., Statutes-at-Large, III (1684-1710), 333-335.
- ²⁹Williams, "Political Alignments in Colonial Virginia," 351-353.
- ³⁰For the plots, see chaps. VII, pp. 217-219, and VIII, pp. 250-252.
 . One historian who minimizes the importance of the slave plots is Morgan, American Slavery, American Freedom, 309. For an analysis of individual resistance, see Mullin, Flight and Rebellion, 38-43.
- ³¹Morgan, American Slavery, American Freedom, 308-309, for the social results of the choice for slavery.
- ³²Greene, "Changing Interpretations of Early American Politics," 177, makes the point that Virginia by 1720 had achieved a political and social stability unmatched in other American colonies.
- ³³See the classic and still viable analyses of New York in Carl L. Becker, The History of Political Parties in the Province of New York, 1760-1776 (Madison, 1909) and Pennsylvania in Charles H. Lincoln, The Revolutionary Movement in Pennsylvania, 1760-1776 (Philadelphia, 1901). The political disorder of the two colonies resulted from social stresses derived from a variety of factors.
- ³⁴The rise of severe treatment of slaves paralleled the decline of inhumane punishments of whites. While cross-cultural ties between Europe and Virginia played a role as suggested in chapter IX, the racial factor also encouraged the decline. See chaps. VII, p. 222; VIII, pp. 258-262; and IX, pp. 271-277, for the trend.
- ³⁵Greene and Harrington, American Population, 138.
- ³⁶Chap. VII, pp. 223-224.
- ³⁷Chap. VIII, pp. 240-241.
- ³⁸Commager, "History of American Violence," 9-10.

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