

INDIAN SLAVERY IN COLONIAL VIRGINIA
//
AND SOUTH CAROLINA

A Thesis

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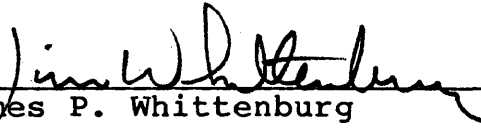


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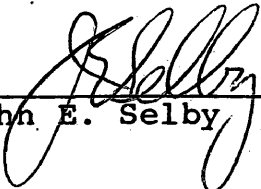
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ABSTRACT

The purpose of this study is to examine and compare the practice of enslaving Indians in colonial Virginia and South Carolina.

Virginia and South Carolina were colonized at different times, under different circumstances and for different reasons. Both colonies, however, became increasingly dependent on slave labor. The paper attempts to answer how Indians were affected by this dependence.

Each colony was examined separately before a comparison and some conclusions were drawn.

The process by which Indian slavery gained legal sanction in Virginia was a long one. In general, Indians followed the same evolutionary path to slavery as blacks. Most Indians were enslaved through capture in war, as a punishment for a crime, in trade with other colonists or as the result of a corrupt "hostage" system.

In South Carolina, Indian slavery gained legal status shortly after colonization began and retained that status much longer than in Virginia. Indians were enslaved as a result of wars between colonists and Indians and as the result of wars between two or more Indian tribes. An extensive trade network from the Atlantic coast to the Mississippi River and from North Carolina to Florida also became a profitable way to enslave Indians.

More Indians were enslaved in South Carolina than in Virginia and Indian slavery played a more central role in the lives of colonists there. But both colonies eventually abandoned Indian slavery for the same reasons: Indians made poor slaves, they failed to offer a sufficient supply, they caused alarm by inciting slave insurrections, they could not be marketed elsewhere, and they were feared for their retaliatory capabilities.

Indian slavery in both colonies never became general practice. Indians were enslaved haphazardly as a punishment for their "savagery." Indian slavery resulted from conflict amongst white men in Virginia and South Carolina - opposing groups of colonists vented their anger with each other on the Indians. Indian slavery was one method employed to safeguard English civility in both Virginia and South Carolina.

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INTRODUCTION

The arrival of Europeans in the Americas after 1500 created havoc among the native societies of the western hemisphere. Indian populations on both continents were ravaged by the deadly diseases introduced by the Europeans. Wars between colonists and Indians further decreased the Indian population, as did intertribal warfare sparked by European intervention. Too easily forgotten in the wake of these disastrous consequences (and in the wake of the tremendous forced migration of blacks to the New World) were those Indians who survived only to be enslaved by their conquerors. Many Indians were forced to labor in the fields and in the mines to make the colonies a productive venture for the Europeans. Being the first to arrive in the New World, the Spanish established a well-known precedent for the abuse of the native populations. Indians were transported from place to place throughout the Caribbean, Central and South America, and forced to work for Spanish profit-seekers. The great hoards of silver sent back to Spain were mined by those Indians held in "absolute, perpetually, forced, and unwilling bondage."¹

When the English came to North America about a century later, they were fully aware of the Spanish policy towards

Indians. The English, without a legal sanction of slavery at the time, were completely familiar with its operation due to the Spanish example. The Indians of North America and the West Indies were also familiar with slavery. Most tribes held slaves: some were captured members of enemy tribes or punished members of their own tribes. The physical regimen of these slaves was certainly less onerous than that imposed by the Spanish. When the enslavement of Indians evolved in English colonies, then, it was not new to either party. The "respectability" given Indian slavery by the Spanish certainly played a part in its adoption by the English. Other reasons peculiar to the English experience and each colony's experience shaped slavery's use in North America. All of the original thirteen colonies held Indian slaves during the colonial period. The southern colonies, however, enslaved the most Indians. South Carolina, in particular, led the colonies in the numbers of Indian slaves. Peaking in about 1708, South Carolina had 1400 Indian slaves, almost one third of their slave labor force.²

Virginia and South Carolina were the dominant southern colonies of British North America. In their adoption of a slave labor system, they departed from the northern colonies. Because slavery achieved such great importance in the societies of Virginia and South Carolina, it is interesting to discover the role of Indian slavery in their labor systems. Indian slavery in all the original thirteen colonies peaked around or before 1700 and declined in importance

through the eighteenth century. In the northern colonies, Negro slavery experienced a similar decline. In the south, however, Negro slavery grew significantly in the eighteenth century. Why did the enslavement of Indians decline in Virginia and South Carolina just as slavery as a whole assumed a greater role in colonial society? Part of the answer to that question rested on the reasons for the enslavement of Indians and blacks.

From the beginning of contact, Europeans differentiated between Indians and blacks, not only in their color but in their proper role in a white-dominated society. In 1705, Hugh Jones described the Indians as

"descended from Asia, and not Africa; because in their copper colour, long black hair, strait proper shape, and haughty carriage, they are somewhat like the East-Indians; whereas they seem to be a different breed from the Negroes, who are blacker, have uglier faces and bodies, and are of a more servile carriage, and slavish temper: besides, the Africans circumcise, which with other Jewish customs, I imagine, they may derive from Egypt; whereas the Indians use no such practices: moreover they hate, and despise the very sight of a Negroe; but they seem to like an East-Indian, and fear and revere the whites."³

If there was such a thing as the "noble savage," then, in English eyes, the Indian came closer to that ideal than the Negro. When it came to enslaving these two races, allowances had to be made for their different characteristics. The Indian was enslaved for his savagery, an arbitrary punishment for misbehavior. The Negro, on the other hand, was enslaved because slavery was a deserved status, a calculated punishment based on race.

Although Virginia and South Carolina followed the same general trend towards a concentration on enslaving blacks exclusively, differences and other similarities were apparent in their policies regarding Indian slavery. Slavery never became the basis of Indian policy in either colony. From time to time, the enslavement of Indians took on added importance or became less significant depending on the circumstances in each colony. Slavery was simply one option the English utilized in dealing with hostile, alien cultures. With the first settlements, the English were confronted with the question of how to incorporate the Indians into English society. In 1619, the General Assembly of Virginia counselled "those of the Colony neither utterly to rejecte them, nor yet to drawe them to come in."⁴ Slavery was one way to accomplish both of these ends, for a slave was positioned on the outskirts of society while still a part of it.

Since they were a hundred years behind the Spanish in colonizing the New World, the English had plenty of time to preconceive notions on how to manage their relations with the natives. But the timing of and people involved in colonization of Virginia and South Carolina brought two different mindsets to the problem of Indian-white relations. The founders of Virginia landed at Jamestown with a two-fold purpose: to make money and, equally important, to spread English "civilization" and win souls for Christ. When the colonists landed, slavery was not practiced in England, nor did it seem a viable alternative. The founders of South

Carolina were motivated differently. Most of them came from Barbados and came to make money. No other colony was established with a more single-minded commercial purpose. Furthermore, colonized in 1670, South Carolina was populated by transplanted Barbadians who had practiced Indian slavery on their island before emigrating. The differing experiences of these two sets of colonists affected their handling of the Indian question.

Indian slavery in these colonies was further complicated by attempts to "civilize" and convert the Indians. Conversion to Christianity implied a certain degree of equality between Indians and white men. The colonists hoped that, once presented with the benefits of "civilization," the Indians would abandon their savage ways and become "passable Englishmen." But what were the colonists to do if the Indians rejected English offers? Could the Indians' enslavement be a means to Christianize and civilize them? Were slavery and Christianity mutually exclusive? For the most part, colonists concluded that the ends justified the means, that enslavement was an acceptable method to civilize the Indians. Thomas Nairne, an Indian trader in South Carolina, noted that the enslavement of Indians "serves to Lessen their number before the French can arm them and it is a more Effectual way of Civilising and Instructing, Then all the Efforts used by the French Missionaries."⁵

The decision to enslave the Indians was affected by numerous circumstances. One important consideration was

diplomacy. Enslaving Indians always carried with it the possibility of native uprisings. Enslaving too many Indians or the wrong Indians could bring a war upon the colony. In the early years, when English numbers were small, such a threat was extremely significant. Therefore, the enslavement of Indians was more individualized than the enslavement of blacks. Only after wars were large groups of Indians sold into slavery. At other times, individual Indians were enslaved but only when their captivity appeared harmless to colonial interests. Indian slavery was a hit-and-miss proposition.

The most revealing evidence of the colonists' ambivalent feelings toward Indian slavery was found in the confusion of statutory law concerning the subject. Both colonies legally sanctioned the enslavement of Indians for a time. Under what circumstances enslavement could occur was never spelled out clearly, however. Most laws were passed to correct abuses already in practice, but these laws lacked teeth. A wide discrepancy between the prescript and practice resulted. A closer examination of Indian slavery in Virginia and South Carolina will help explain the difficulty the colonists experienced when confronted with the natives of North America.

NOTES FOR INTRODUCTION

¹Bartolome de las Casas, The Spanish Colonie, or Briefe Chronicle of the Actes and Gestes of the Spaniards in the West Indies, quoted in Winthrop Jordan, White Over Black, (Chapel Hill: University of North Carolina Press for the Institute of Early American History and Culture at Williamsburg, Virginia, 1968), p. 57n.

²Verner W. Crane, The Southern Frontier, 1670-1732, (Durham, North Carolina: Duke University Press, 1928), p. 113.

³Hugh Jones, The Present State of Virginia, ed. by Richard L. Morton, (Chapel Hill: University of North Carolina Press, 1956), p. 50.

⁴H. R. McIlwaine, ed., Journals of the House of Burgesses of Virginia, 1619-1658/59, (Richmond: The Virginia State Library, 1912), 1:10.

⁵Thomas Cooper, Statutes at Large of South Carolina, 10 vols., (Columbia, South Carolina: A. S. Johnston, 1836), 3:197.

CHAPTER I

INDIAN SERVITUDE AND SLAVERY IN COLONIAL VIRGINIA

When the English finally made a concerted effort to settle the North American continent in 1607, they came fully aware of the Spanish example in colonization. The Spanish relied heavily on slave labor, both black and Indian, to carry out their objectives in the New World. This example was not wasted on the English colonists of Virginia. Upon meeting the Indians of Virginia, John Smith felt that the English could learn much from the Spanish method of conquest. Smith admired the way the Spanish "forced the treacherous and rebellious Infidels to doe all manner of drudgery worke and slavery for them, themselves living like souldiers upon the fruits of their labours."¹ Not all Englishmen concurred with Smith's sentiments, however. Neither were the English possessed of a slave labor system in which the Indian could be easily inserted. Slavery occurred in Virginia as the result of a lengthy evolutionary process, a process which eventually embraced the blacks completely and the Indians partially. Legally and in practice, the Virginians enslaved Indians during the seventeenth and eighteenth centuries.

Before colonization began, the English formed ideas of

how Indian-white relations would be handled. Unlike the brutal Spanish, the English would treat their new subjects kindly, offering the Indians "gentle government, civility, Christianity, superior technology and abundance."² There were unrealistic expectations in England that the New World "savages" would enthusiastically welcome Englishmen and English civility. Since the Indians would easily be transformed into "tawny" Englishmen, chief backers of colonization saw no need for oppressive measures. Instead, they instructed the colonists to treat the natives with justice and equanimity. The promoters of the failed Roanoke expedition exhorted their settlers not to force the Indians to "labor unwillingly."³ Likewise, the officers of the Virginia Company advised their colonists to take "great care not to offend the naturals . . ."⁴ The backers of the Jamestown expedition envisioned a tributary status for the Indians of Virginia: each tribe would pay tribute annually in corn, skins, dye materials, and the weekly labor of several men; in return the English would provide protection from foreign nations and "foreign" tribes. Before contact, then, the English had devised a system for Indian-white relations based on cooperation, not oppression.

The expectations of the Virginia Company suffered when confronted by reality. The Indians of Virginia did not fit into the English mold prescribed for them. Neither were the colonists infused with the lofty ideals of the proprietors back in England. Differences soon arose which destroyed any

hope for a cooperative relationship. To the colonists, the Indians were, at times, friendly allies, sources of food supplies, helpful guides in the unfamiliar forest, and subjects for conversion; but at other times, the Indians were "irreconcilable enemies and trecherous devils in human shape."⁵ In 1621 George Thorpe reported to the Virginia Company in London that "there is scarce any man amongst us that doth soe much as afforde them [the Indians] a good thought in his heart and most men with their mouthes give them nothings but maledictions and bitter execrations."⁶ Despite this hatred of the Indians, the colonists, shortly after settlement, began to employ them as servants.

Although relations with the Indians were precarious from the beginning, the colonists owed their lives to the food cultivated by Indians. Even up to the uprising of 1622, the colonists were not able to produce enough food to sustain the colony. Unwilling to labor in the fields themselves, many colonists hired Indian servants. As early as 1609 colonists were instructed by the Virginia Company to take Indian children into their homes. These children would not only be easy targets for conversion away from their Indian priests, but also a source of labor for the colony. Ten years later, the General Assembly also addressed the need for Indian labor: the Assembly "thinke it fitte to enjoine, at least to counsell those of the Colony neither utterly to rejecte them [the Indians], nor yet to drawe them to come in. But in case they will of themselves come

voluntarily to places well peopled there to doe service, in killing of Deere, Fishing, beattig Corne, and other workes that then five or sixe may be admitted into every such place . . ."⁷ Indian servants played a major role in the maintenance of the colony and one servant in particular assumed a significant role in its survival. Chanco, an Indian boy living with a Mr. Pace, revealed the plot to kill the colonists in 1622 to his master "that used him as a Sonne: And thus the rest of the Colony that had warning given them, by this meanes was saved . . ."⁸

The 1622 "massacre" of nearly 350 colonists destroyed any hopes for peaceful coexistence between Indians and Englishmen. Efforts to include Indians in colonial society were abandoned. To the colonists, the Indians had proven that they could not be saved from the depths of savagery. After the uprising, the Virginia Company neither was able nor attempted to restrain the colonists in their revenge against the Indians. By legislative enactment, the date of the "massacre" was commemorated annually to remind the colonists of their need for constant preparation.⁹ The Virginians vented their revenge in many different ways. Most often punitive expeditions against the Indians sought nothing but total extermination. Those colonists who thirsted for the enslavement of the Indians also acquired a larger audience after the uprising. John Martin argued that the Indians would adjust well to slavery as they were "fitt to rowe in Gallies and friggetts and many other pregnant

uses too tedious to sett downe."¹⁰ In 1626, the General Court of Virginia allowed "any man to use any other way or meanes for the kepinge of Any Indyan w^{ch} they shall attaine unto," a move suggesting enslavement as a permissible "meanes."¹¹

The Virginians backed up these harsher viewpoints in actual practice after the uprising. In 1627, a Captain Sampson arrived in Virginia with a boatload of Carib Indians from the West Indies. The Assembly discovered that the Indians had "runn away and hid themselves in the woods attempting to goe to the Indians of this Country." Since that contact could prove a "means to overthrow the whole Colony," Sampson was ordered to capture the Carib Indians that they might be hung.¹² Virginians proved that transportation could work the other way, also. After the uprising of 1644, some of the captured Indians were shipped out of the colony and sold as slaves.¹³ Gradually after 1644, Indian servants and slaves began showing up in the wills of the colonists. In the accounts of Thomas Smallcomb in 1646, two Indians were listed as being sold to William Berkeley, Governor of Virginia. Smallcomb probably obtained the Indians as captives in the wars following the uprising of 1644.¹⁴ Upon the death of Thomas Ray in 1653, his son inherited, among other possessions, an Indian girl.¹⁵ In 1659, Elisabeth Short of Surry county purchased an Indian boy for the "full terme of his life" from the King of the Weyanoke Indians. The House of Burgesses later set aside

this sale and freed the Indian. Although enslavement of Indians was practiced at the time, legal sanction did not evolve for another twenty-three years.¹⁶

The course towards legal enslavement of Indians was long and complicated. The legal status of Indians declined almost continuously throughout the seventeenth century, culminating in the 1682 statute which legitimized slavery in most circumstances. As the English population of Virginia increased, settlement expanded and contact with the Indians became more general. Laws were required to regulate that contact and insure the security of the colonists.

By a treaty in 1646 with Necotowance, chief of the maimed Powhatan confederation, the Virginians forced tributary status on most of the Virginia tribes. Under tributary status, as long as the Indians obeyed the laws of the colony and kept the peace, they were to be treated as if they were Englishmen. In 1661, the General Assembly underlined this reciprocal relationship by allowing the Chesskoiack Indians to retain their land and few guns, "to show other Indians how kind wee are to such who are obedient to our laws . . ."¹⁷ The following year the Assembly continued to demonstrate its concern for the Indians' protection: "whoever shall defraud or take from them [the Indians] their goods and doe hurt and injury to their persons shall make such satisfaction and suffer such punishment as the laws of England or this country doe inflict, if the same had bin done to an Englishman."¹⁸ The same general principle was to govern the

employment of Indians. The 1662 statute stated that "what Englishman, trader or other shall bring in any Indians as servants and shall assigne them over to any other, shall not sell them for slaves nor for any longer time than English of the like ages should serve by act of assembly."¹⁹ The prime motivation behind these statutes protective of Indian rights was the desire to prevent Indian-white hostilities.²⁰

Despite the above statutes, other statutes prior to 1662 weakened the legal status of Indians. A 1654 act required a license from the governor or an allowance from the county court for Indian servants to use guns.²¹ The seventeenth-century law on tithables also reduced the legal status of Virginia's Indians. Like female black servants, female Indian servants were considered tithables and thus subject to a poll tax. Female white servants were not taxed. This law implied that the Indian servant was headed down the blacks' path to slavery rather than the whites' path to freemen status.²²

As the blacks sank even deeper into slavery, one English attitude slowed the Indians' decline into that same system: the Indian was considered a better candidate for conversion than the Negro.²³ Until 1682, conversion to Christianity kept both the black and Indian from slave status. In 1662, the General Assembly ordered freed Metappin, a Powhatan Indian sold for his lifetime by the King of the Weyanoke Indians to Elisabeth Short, "he speaking perfectly the English tongue and desiring baptism."²⁴ By a law of

1670, even free Christian Indians could not purchase Christian servants. They were permitted to buy non-Christian members of their own nations, however.²⁵ Another act of 1670 widened the difference in treatment of blacks and Indians. This act stated that "all servants not being Christians imported into this colony by shipping shall be slaves for their lives; but what shall come by land shall serve, if boyes or girles, untill thirty yeares of age, if men or women twelve yeares and no longer."²⁶ Since most blacks came by ship and most Indians by land, this act favored the Indians. Although not legally slaves, Indians, by this act, could expect longer terms of indenture than their English counterparts. The legal status of the Indian continued to decline with the unrest of the 1670s in Virginia.

The first law sanctioning Indian slavery in Virginia was passed by Bacon's Assembly in 1676. Bacon's Rebellion, a short-lived revolt against those in control of Virginia's government, manifested itself in large part by attacks on several Indian tribes in the colony. Settlers in the frontier regions had many grievances against the Indians: trespassing, damaging their crops, killing their livestock. Bacon's law provided "that all Indians taken in warr be held and accounted slaves dureing life, and if any differences shall arise in cases about plunder or slaves, the cheife commander of the party takeing such slaves or plunder is to be the sole judge thereof to make equall division as hee

shall see fit."²⁷ Although all of Bacon's laws were voided upon the return of the original Assembly, acts of 1677 and 1679 essentially copied Bacon's law. In 1678, William Sloan petitioned Governor William Berkeley to allow him to keep an Indian girl taken during Bacon's march against the Indians. Berkeley granted the petition and assigned the slave to Sloan's estate.²⁸ The notion that prisoner-of-war status conferred slave status on the captive was not new to the English.²⁹ The English only put the notion into practice, however, when confronted by the American Indian. Allowing soldiers to profit from the sale of their captives was considered by the General Assembly a "Better Encouragement to such Service."³⁰

Having found one reason for enslaving Indians, the Virginia government did not take long to widen the basis for Indian slavery. By an act of 1682 "all Indians which shall hereafter be sold by our neighbouring Indians, or any other trafiqueing with us as for slaves are hereby adjudged, deemed and taken, . . . to be slaves to all intents and purposes, any law, usage or custome to the contrary notwithstanding."³¹ This act placed the Indian on a par with the black slave. The Christian Indian was no longer exempt from slave status.

Virginia colonists also employed many Indian children. A special body of legislation quickly evolved to handle that circumstance. Indian children were especially desirable not only for their physical labor but also for the opportunity

to convert and "civilize" them. Both religiously and culturally, Indian children were more easily transformed into passable Englishmen than adult Indians. According to the colonists, there was no better way to win the Indian from a life of savagery than to insure that he did not embark on the path to savagery. As a result of this logic, legislation was passed to encourage Indians to bring in their children as servants. In 1655 an act was passed which declared that "if the Indians shall bring in any children as gages of their good and quiet intention to us and amity with us . . . the countrey by us their representatives do engage that wee will not use them as slaves."³² A further act of 1658 made the Indian child's servitude nontransferable and provided for his freedom at age 25.³³

In specific cases the General Assembly also strove to secure these children from abuse by their masters. In 1660 John Beauchamp, a merchant, wanted to take his Indian boy servant to England. Beauchamp was permitted to take the boy as long as he gained the "consent of the said boy's parents."³⁴ In 1662 warrants were issued for William Johnson's appearance at the next quarter court, evidently over some improprieties in his employment of an Indian boy. The quarter court was to decide whether "the Indian boy detained by the said Johnson be continued according to his desire among the English or to returne to the Indians . . ."³⁵ No doubt much of the legislation passed to safeguard the servant status of the Indian children was an attempt to

correct prevailing abuses.³⁶ As relations with the Indians worsened, leading to the Indian wars of Bacon's rebellion, special treatment for Indian children was abandoned. Indian children became valuable plunder during the wars of 1676, and the 1682 act sealed the fate of Indian children along with their parents.

Probably the most productive method for enslaving Indians was warfare. The sale of Indian war captives aroused little controversy. Warring upon the colonists, the Indians forfeited any rights to liberty they might have claimed earlier. After the "massacre" of 1644, many captured Indians were transported and sold as slaves.³⁷ This isolated incident soon became general practice. In 1668 Governor William Berkeley wrote a letter to Major-General Robert Smith, commander of the militia in Rappahannock county. Berkeley proposed a scheme to destroy all the Northern Indians as an "example and Instruction to all other Indians."³⁸ Furthermore, the expedition would pay for itself through the sale of the captured Indian women and children.³⁹ Should General Smith have trouble recruiting men for the march, Governor Berkeley acknowledged that there would be enough men from Jamestown who would "undertake it for their share of the Booty."⁴⁰ As Berkeley suggested, most war captives were women and children. Punitive expeditions against the Indians were usually sparked by revenge, and the colonists were more inclined to kill the male warriors than to capture them.⁴¹

The first laws sanctioning Indian slavery dealt specifically with war captives. An act of 1670 had as its subject those Indians "taken in warr by any other nation, and by that nation . . . sold to the English."⁴² A law passed by Bacon's Assembly in 1676, and by subsequent Assemblies in 1677 and 1679, declared "that all Indians taken in warr be held and accounted slaves dureing life."⁴³ The Council of Virginia enforced this legislation when on September 21, 1677, it acknowledged the right of a colonist to keep an Indian woman taken in one of the recent hostilities.⁴⁴ Before 1676, Indians captured in war could expect to be enslaved as a matter of course; after 1676, they could be enslaved legally, and the enslavement of Indian war captives became a part of the government's planning and war strategy.

The enslavement of Indians captured during wartime continued into the eighteenth century. As an aid to the recruitment of soldiers and as a means to defray the cost of military campaigns, the enslavement of Indian captives became a popular policy. Virginians even tried to obtain the assistance of friendly tribes when fighting hostile Indians. In 1711 the governor promised to the Tuscarora Indians "the usual price of Slaves for each Woman and Child delivered Captives" if the Tuscaroras would help in a campaign against unruly members of their own tribe.⁴⁵ An act of that same year called for the transportation and sale of any Indians "found to belong to any of the nations in warr with this government."⁴⁶ Not all war captives were sold out

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of the colony, however. Around 1711, the College of William and Mary bought "Indians of remote nations taken in war to be educated in pursuance of a donation left for that purpose by Mr. Boyle."⁴⁷ The transference of slave status on Indian war captives received widespread acceptance throughout colonial Virginia.

Kidnapping was another method of obtaining Indian slaves. Colonists were not averse to capturing Indian men, women, and children and selling them as slaves. Often colonists elicited the service of one tribe to kidnap members of another tribe, with the profits from the sale of those captured Indians going to the colonists. In 1693 the Cherokees complained to the North Carolina government that other tribes had been capturing their people and selling them as slaves to "colonial authorities."⁴⁸ Again, in 1711, one cause of the Tuscarora war in North Carolina was the kidnapping of Indian men, women, and children.⁴⁹ Many of those Indians kidnapped in North Carolina, no doubt, found their way to Virginia. Many Indian traders from Virginia operated in North Carolina and were probably involved to some extent in kidnapping.

Further, various laws in Virginia prohibiting the kidnapping and sale of Indians recognized the existence of that practice. In 1649 the Assembly passed an act to prevent the kidnapping of Indian children. The act took notice of "severall persons whoe by their Indirect practices have Corrupted some of the Indians to steale, and Conveigh away

some other Indians Children, . . . haveinge violentlye or fraudelentlye forced them from them to the Great Scandall of christianitye, . . . It is therefore Enacted . . . that any person hath transgressed this Act, the truth therof being proved, such persons shall Returne such Indian, or Indians within tenn dayes to the place from whence he was taken . . ."50 Apparently failing to solve the problem, this act was renewed in 1658.⁵¹ Since the kidnapping of Indians never gained legal sanction and because of its secretive nature, the prominence of kidnapping as a method for enslaving Indians is difficult to gauge. It was a serious enough problem, however, to cause complaints from the Indians, to contribute to Indian wars, and to receive continuous legislative action.

Trade was a third means by which Indians were enslaved. Unlike kidnapping, trade in Indian slaves gained legal sanction with the act of 1682.⁵² Before that time, although prohibited, trafficking in Indian slaves was practiced. The 1658 law which forbade the kidnapping of Indian children also recognized the significance of the illegal trade in Indian slaves. This act prohibited any persons "to buy any Indian or Indians from or of the English."⁵³ An example of the kind of trade this act hoped to stop occurred in 1648. In June of that year, Mr. Sowth of Virginia attempted to buy an Indian girl from a Maryland colonist. Having none to sell at that time, the Maryland colonist asked Mr. Sowth "to goe with him up to Wicocomoco, and gett him an Indian (girle),

and hee would give him content. And upon these speeches they went with the Sloop."⁵⁴ Again, in 1653, two Virginians contracted with a Maryland colonist to deliver two Indian youths upon payment of five thousand weight of tobacco and an unspecified amount of cash.⁵⁵

With the act of 1682, trade in Indian slaves became not only legal but also a source of government revenue. As with the black slave, a duty was placed on all Indian slaves imported into the colony. A distinction was made between Indians brought in by sea and those brought in by land. Since most Indian slaves came into the colony by land, a smaller fee of twenty schillings was collected. A larger five pound duty was placed on Indian slaves brought in by the sea.⁵⁶ Because of the 1682 law, direct trade with the Indians for slaves became possible. Many tribes had slaves from other Indian nations and outlawed members of their own tribes who they were willing to offer in trade, especially if the price was right. In his travels through Virginia and North Carolina, John Lawson noticed a great willingness among the Indians to sell "Skins, Furs, Slaves and other of their Commodities" for liquor.⁵⁷ Virginians also expanded their trade in Indian slaves overseas. In 1716 Captain Harry Beverley and his ship were captured by the Spanish. Many Indian slaves were on board, undoubtedly being transported to the West Indies for sale.⁵⁸

An Indian could also be made a slave as punishment for a crime. An act of 1665 concerning Indians stated that if

the Indians murdered an Englishman they would be "answerable for it with their lives or liberties to the use of the publique."⁵⁹ Slavery was also the prescribed punishment for lesser crimes. In 1660 John Powell complained to the Assembly of damages done to him by Indians in Northumberland. A commission was appointed to investigate the damages, and the commissioners were empowered "to cause some of those Indians to be apprehended and to bee accordingly disposed of, if they find it necessarie." In this case, the Indians were to be "sold into a fforaigne countrey."⁶⁰ The tribe as a whole was held responsible for the actions of its individual members.

Into the eighteenth century, slavery as punishment for a crime was the general practice. By the Albany treaty of 1722, Indians from Virginia were forbidden to pass north of the Potomac River or west of the "great ridge of mountains." The penalty for breaking this treaty was death or transportation to the West Indies, "there to be sold as slaves."⁶¹ Transportation was the usual sentence for criminal Indians. They could not be kept in Virginia because of the real or supposed threat they posed to society. Further, being transported, they provided a source of revenue for the transporter.⁶² In 1705 the legislature acted to transport the entire Nansiatico tribe due to a perceived threat it posed to Virginia. The children of the tribe under the age of 12, however, remained in Virginia to be used as servants until the age of 24. Four of these children were given to

the governor.⁶³ Although not considered slaves, these children were part of a large number of Indian children taken into the colonists' homes. Due to lack of regulation, many of these children became virtual slaves as the "hostage" system evolved.

For many reasons, the Virginia colonists desired Indian children as servants, and these children were to be nothing more than servants. The law of 1654 stated that "all Indian children by leave of their parents shall be taken as servants for such a terme as shall be agreed on by the said parent and master."⁶⁴ These children would be brought up in the Christian religion. It was much easier to convert a child than an adult who had spent his entire life under the influence of the Indian spiritual leaders. Further, the colonists realized that the younger the Indian, the easier it would be to educate him and mold him into a passable Englishman.⁶⁵ Most important, however, the colonists used these children as hostages. The incorporation of native children into Virginia society ensured that the Indians would be peaceful towards the English. Although never openly acknowledged, the tribes understood that any hostile action on their part could mean retaliation against the Indian children serving in colonists' homes.⁶⁶ The colonists used a variety of methods to obtain these hostages. A tribe at war with Virginia was expected to send several children to the English settlements as hostages to gain a peace treaty.⁶⁷ When guilty of causing trouble, Indians were

required by law to bring in hostages.⁶⁸ The Virginians even tried to entice Indians to send their children to the English settlements. In 1711 Governor Alexander Spotswood offered to remit the tribute of skins Indians in Virginia paid to the colonial government if the Indians would send their children to the college in Williamsburg "to be brought up to Learning and Christianity."⁶⁹ The Nottoways, Meherrins, Nansemonds, and Pamunkeys all sent children.

Many of these Indian children were never released from their servitude.⁷⁰ The keeping of "hostages" as slaves never received legal approval. On the contrary, many laws were passed to safeguard the servant status of these children. The continuous passage of these laws, however, suggested that, in practice, the children were enslaved.⁷¹ The Indians petitioned the Virginia government on many occasions, complaining that a tribal member's service had been unjustly prolonged. Upon the complaint of May, the Indian "Empress," the court found that the indenture of her son had been "unduly perpetuated."⁷² Alexander Spotswood, while promoting his plan for bringing Indian children to the College, noted the wariness of some of the tribes. The Indians were suspicious, Spotswood said, because of "the breach of a former Compact made long ago by this Government, when instead of their Children receiving the promised education they were transported (as they say) to other Countrys and sold as slaves . . ."⁷³ Not through lack of legislation, but through lack of concern and lack of enforcement, the hostage "system"

became a guise for the enslavement of Indians.

Once the colonists succeeded in enslaving the Indians, they treated them only slightly different than black slaves. These differences appeared in how the Indians were employed, in their social status in relation to the blacks, and in their value compared to the black slaves.

From the outset of the colony, the Indians were recognized for their value as hunters, fishermen and guides. John Smith noted that "the Salvages hath beene . . . employed in hunting and fowling with our fowling peeces, and our men rooting in the ground about Tobacco like Swine."⁷⁴ Throughout the seventeenth century, Indians supplemented the colony's diet. Orders and petitions continued to allow Indians the use of guns for hunting purposes.⁷⁵ Even as late as 1711, when the Indians were no longer needed to feed the colony, their talent was still exploited. In that year, Richard Littlepage employed "one man of the Pamunkey Indians to hunt for him."⁷⁶ The Indians were also incomparable guides for traders and travelers in the frontier regions of Virginia. Colonel Norwood, who published an account of his travels through Virginia in 1649, called his Indian guide, who lived and died his servant, "our sheet-anchor in this our peregrination."⁷⁷

Unlike the black slave population, most enslaved Indians were women and children. Children were especially desirable because they could be brought up to be efficient and manageable workers, unlike adult male Indians who had spent their

entire life in the forests. A 1680 law required slave children to be registered to determine their age because they became tithable at age 12. Many Indian children were registered as a result; thirty-three children were recorded in a one-year period from Henrico county alone.⁷⁸ More female than male Indians were enslaved.⁷⁹ In part, this situation can be explained by examining one method for enslaving Indians. War captives were a significant proportion of the Indian slave population. Most of these captives were women, since the colonists were more inclined to kill male warriors than to capture them. The colonists were well aware of the agricultural role women played in Indian society. Many of these women were employed in the fields. Others were used as household servants.

In one respect the Indian slave was treated exactly like the black slave. Neither race could be trusted; so both races were excluded from positions of authority and positions where they could injure large numbers of white colonists. In 1755 free Indians and blacks were allowed to serve in the militia but only as "drummers, trumpeters or pioneers."⁸⁰ They were not armed out of fear that they would incite their enslaved "relatives" to rebellion. Indians and blacks were also prohibited from being employed as millers and overseers by an act of 1710.⁸¹ As millers, blacks and Indians would be in a position to poison the white population; as overseers, they would be given authority over white servants. Out of racial prejudice, white servants

refused to acknowledge this authority.⁸² In general, colonial society would not tolerate Indians and blacks in positions of authority.

Socially and legally the Indian slave enjoyed a slightly more privileged position than the black slave. From the beginning of the colony, Indian-white intermarriage was not considered a serious breach of the moral code.⁸³ The marriage in 1614 of John Rolfe and Pocahontas, daughter of Powhatan, demonstrated that fact. Not until after the Indians were enslaved were these intermarriages forbidden by law.⁸⁴ This sequence suggested that slave status, not racial difference, prevented further Indian-white marriages. On the other hand, black-white intermarriage was never socially acceptable. The concerted effort made to convert the Indians, but not the Negroes, further emphasized the marginal superiority of brown over black. Slavery simply became another means to a pious end - the salvation of the Indian nations.⁸⁵ The definition of a mulatto also recognized the social pre-eminence of the Indian: one needed only a black great-grandparent but an Indian parent to be classified a mulatto.⁸⁶

Several reasons explain why the colonists drew distinctions between Indians and blacks, distinctions which influenced the structure of the slave system in Virginia. First, the colonists' actions were determined by practical considerations. In the beginning, the colonists were greatly outnumbered by Indians. As a result, colonists placed a

great deal of emphasis on diplomacy to settle disputes. Even after Indian slavery became legal in 1676, a significant population of Indians remained free as tributary tribes. In response to this situation, the English did not abuse Indian slaves because they wanted to "promote as far as possible peaceful relations with the surrounding tribes."⁸⁷ Second, blacks and Indians were further differentiated because the Indians were organized into nations. Once taken from Africa, blacks were nothing more than individuals. Tribes from Africa were not transplanted to the colonies in tact. Most black slaves had no more in common with their fellow slaves than would an Iroquois Indian and a Tuscarora Indian working side by side. The English respected the national unity of the Indians. Finally, the colonists perceived the Indians as less governable, less controllable in nature than the blacks. Carolus Linnaeus, an eighteenth-century scientist listing characteristics of the various races, described the Indians as "free." The colonist still felt that the Indians deserved slave status, but he sometimes doubted whether the Indian was suited to be a slave.⁸⁸

When a colonist purchased an Indian slave, then, he was taking a chance. Could the Indian be forced to adopt a slavish temperament? The answer was not always. As a result, Indian slaves were valued at lower prices than black slaves.⁸⁹ When not proven ungovernable, Indian slaves were viewed as poor workers. One of William Byrd's Indian slaves was often punished for evading work. In his diary Byrd stated:

"Redskin Peter pretended he fell and hurt himself, but it was dissimulation . . . (He) was very well again after he had worn the bit 24 hours, and went to work very actively."⁹⁰ Whether uncontrollable or lazy, the Indian proved a poor slave, and he was valued accordingly.

Indian slavery in Virginia did not end like Negro slavery. No major war was fought over the issue, nor did a legal proclamation specifically outlaw the practice. Instead, Indian slavery gradually declined in importance from its inception. When the first colonists arrived at Jamestown in 1607, the Indian population of what is present-day Virginia was approximately 18,000 people. By the time Indian slavery became legal in 1676, that number had been reduced to 6,000. At the turn of the century the number had again declined, to about 2,000.⁹¹ Most of those two thousand remained on their own land as tributary tribes. Hugh Jones noted in 1705 that few Indians lived among the whites.⁹² Few Indian slaves were imported into Virginia, also, because the other colonies were experiencing similar declines in their Indian populations. A Virginia judge in the late eighteenth century argued that "the supply of indian slaves, natives of the continent of America, between 1682 and 1705, must have been very scanty, adverting to the state of things with respect to our neighbouring indians during that period; and there never was any source of a supply from abroad, except such as might be kidnapped in the West Indies, for there slaves were more valuable than here."⁹³ Indian slavery in

Virginia failed due to the lack of an available source.

Diplomatic aims also played a part in the demise of Indian slavery. The colonists desired peace with the Indians more than they wanted Indian slaves. Since enslaving Indians often disrupted the peace, enslavement policy was not always desirable. In 1710, the Tuscarora Indians of North Carolina petitioned the Pennsylvania government to remove to that colony because of "their people being seized and sold into slavery" by the North Carolinians and Virginians.⁹⁴ Pennsylvania denied the petition, so for this grievance and others the Tuscaroras turned to war against North Carolina and Virginia. The Virginians learned from this occurrence, however. When a group of marauding foreign Indians caused trouble in 1777, the Council abandoned a punitive expedition against them which would have included the capture of women and children for later sale as slaves. The Congress, which made the request to abandon the expedition, feared that other Indians might become involved if the hostilities got out of hand.⁹⁵

The closing of colonial markets placed another brake on the continuation of Indian slavery. A large percentage of Indians enslaved in Virginia had been transported to other North American colonies or the West Indies. Although the Tuscarora petition to Pennsylvania did not accomplish its desired purpose, it did produce a related result. Fearing an uprising among their own Indians, the Pennsylvania council legislated against the importation of Indian slaves from

other colonies.⁹⁶ Both Jamaica and Barbados followed suit, barring the admittance of ungovernable Indian captives. It became increasingly difficult to unload this unwanted cargo. One vessel from New England stopped at port after port, trying in vain to sell its cargo of Indian prisoners. Finally, the slaves were dumped at Tangier in North Africa.⁹⁷ One purpose of Indian slavery was to transport troublemakers out of the colony. The closing of "foreign" markets undermined that purpose and contributed to the demise of Indian slavery.

More than any other reason, the Indians' unsuitability for slavery explained their decreasing numbers as slaves. Most colonists found the Indians too lazy and deceitful to make good slaves. The Indian slave created more problems than his economic value could justify. He was not the most hard-working farmer. He ran away easily, a greater master of the woods than his captors. He lied, he stole, and he incited other Indians to insurrection. Indians were notorious thieves. In 1737, Mr Heylin was robbed by his Indian servant of a "Pair of Pistols, a Horse-whip . . . and some Clothes."⁹⁸ When not conniving to steal colonists' possessions, Indian slaves were conniving to escape. Amungos, "a great man of Mattompkin," was kept in irons for being "a principal dealer in the seducing, devising and concealing" of runaway slaves.⁹⁹ Especially troubling to the colonists were rumors of Indian insurrections. In 1692, rumors swept Stafford County of another massacre attempt to

be led by Indian slaves.¹⁰⁰ Regardless of the inability of the Indians to wage such an attack at that late date, nothing created greater fear in colonists than a reminder of the two earlier uprisings of 1622 and 1644. Even if the Indians had been well-behaved, they would still have made poor slaves. John Lawson summed up the general view of Indians held by the colonists: "They [Indians] are not of so robust and strong Bodies as to lift great Burdens, and endure Labour and Slavish Work, as the Europeans are; . . . taking care for no farther than what is absolutely necessary to support life."¹⁰¹ The colonists simply found it impossible to transform Indians into slaves.¹⁰²

Although Indian slavery rapidly declined after 1700, those Indians enslaved before that year continued as slaves. Further, laws were passed through the mid-eighteenth century recognizing circumstances in which free Indians could be enslaved. In response to the Tuscarora War of 1711, the Virginia Assembly ordered the transportation and sale of all captured Indians from that conflict. In 1722 the Treaty of Albany prohibited tributary Indians in Virginia from passing north of the Potomac River. Offenders were to be transported and sold.¹⁰³ Indian slaves were passed down from generation to generation and descendants of Indian slaves continued in slavery. By the mid-eighteenth century, these descendants were beginning to sue for their freedom.¹⁰⁴

In 1705 the Virginia Assembly passed a law requiring "that there be free and open trade for all persons, at all

times, and at all places, with all Indians whatsoever."¹⁰⁵ Sixty-seven years later, in Robin v. Hardaway, the courts held that the act of 1705 repealed Indian slavery. In other words, any Indian enslaved in Virginia after 1705 was entitled to his freedom. Of course, descendants of these Indians were also to be freed. In 1806, another court case, Hudgins v. Wrights, moved the date of repeal of Indian slavery back to 1691 when an earlier free trade act with the Indians had been passed. This court case was the culmination of a growing sentiment to elevate the Indians' status. Two of the three judges based their decision on the belief "that freedom is the birthright" of Indians. The descendants of Indians enslaved before 1691 could still be held as slaves according to this court decision. In practice, however, the court was likely to grant freedom to Indian petitioners. Mary and Bess were two Indians legally enslaved in Virginia before 1682. Nevertheless, in 1792, their descendants were adjudged free.¹⁰⁶

Although Indian slavery in Virginia was not economically important, it reflected the difficulty colonial authorities had in dealing with native Americans. Slavery, like tributary status, became one way of pacifying the Indians and protecting the English settlers. Indian slavery was never meant to be a permanent measure; that could be seen in the confusion of statutory law surrounding the subject. Indian slavery differed from Negro slavery in that for the Indian it was a punishment, not a deserved status. As long as the

Indians remained a threat or a perceived threat to white security, the Virginians allowed their enslavement. That threat no longer existed by the late eighteenth century, and Indian slavery became an anomaly of the past.

NOTES FOR CHAPTER I

¹Edmund S. Morgan, American Slavery, American Freedom, (New York: W. W. Norton and Co., Inc., 1975), p. 77.

²Ibid., p. 24.

³Ibid., p. 30.

⁴Everett H. Emerson, Captain John Smith, (New York: Twayne Publishers, Inc., 1971), p. 58.

⁵W. Stitt Robinson, "Tributary Indians in Colonial Virginia," Virginia Magazine of History and Biography, 67 (1959):51.

⁶Morgan, American Slavery, p. 97.

⁷H. R. McIlwaine, ed., Journals of the House of Burgesses of Virginia, 1619-1658/59, Volume 1, (Richmond: The Virginia State Library, 1912), p. 10.

⁸Edward Waterhouse, "A Declaration of the State of the Colonie and Affaires in Virginia . . . (1622)" in The Old Dominion in the Seventeenth Century, ed. by Warren M. Billings, (Chapel Hill: University of North Carolina Press, 1975), p. 224.

⁹Wesley Frank Craven, "Indian Policy in Early Virginia," William and Mary Quarterly, Third Series, 1 (1944):73.

¹⁰Morgan, American Slavery, p. 99.

¹¹H. R. McIlwaine, ed., Minutes of the Council and General Court of Colonial Virginia, (Richmond: The Virginia State Library, 1924), p. 111.

¹²Helen Tunnickliff Catterall, Judicial Cases Concerning American Slavery and the Negro, 4 vols., (Washington, D.C.: Carnegie Institution of Washington, 1926), 1:76.

¹³Wesley Frank Craven, White, Red and Black, (Charlottesville: University Press of Virginia, 1971), p. 65.

¹⁴"Indian Slaves," William and Mary Quarterly, 1st Series, 6 (1897):214-215.

¹⁵"Notes on Records of York County," William and Mary Quarterly, 1st Series, 24 (1915):43.

¹⁶Ibid.; also in William Waller Hening, Statutes at Large, 12 vols. and supplement, (New York: R. & W. & G. Barton, 1823), p. 155.

¹⁷Hening, Statutes, 2:39.

¹⁸Ibid.

¹⁹Ibid., p. 143.

²⁰Ibid., p. 141. A law of March 1662 stated: "And because the imprisonment of an Indian may bring a Warre upon the country, and consequently the making of peace and Warre wrested out of those hands it is by his majestys commission intrusted into the power of every individuall in the country, Be it therefore enacted that noe person of what quality soever presume to imprison any Indian King without speciall warrant from the governor and two of the councill as they will answer the contrary at their utmost perill."

²¹Hening, Statutes, 1:391.

²²Virginia Magazine of History and Biography, 5 (1897): 158.

²³Winthrop Jordan, White Over Black, (Chapel Hill: University of North Carolina Press for the Institute of Early American History and Culture at Williamsburg, Virginia, 1968), p. 22.

²⁴Hening, Statutes, 2:155.

²⁵Ibid., p. 280.

²⁶Ibid., p. 283.

²⁷Ibid., p. 346.

²⁸Robert S. Cope, Carry Me Back: Slavery and Servitude in Seventeenth Century Virginia, (Pikeville, Kentucky: Pikeville College Press, 1973), p. 46.

²⁹Morgan, American Slavery, p. 233.

³⁰McIlwaine, Journals of the House of Burgesses of Virginia, 1659/60-1693, p. 69.

³¹Hening, Statutes, 2:491.

³²Herbert S. Klein, Slavery in the Americas, (Chicago: University of Chicago Press, 1967), p. 45.

³³Hening, Statutes, 1:455. also, Catterall, Judicial Cases, 1:69.

³⁴Hening, Statutes, 1:546.

³⁵Ibid., 2:155.

³⁶Craven, "Indian Policy in Early Virginia," p. 79. Craven concluded that Indian children serving in colonists' homes were "officially recognized as hostages and the usage provided an obvious cover for their enslavement." also, Susie M. Ames, Studies of the Virginia Eastern Shore in the Seventeenth Century, (Richmond: Dietz Press, 1940), pp. 72-76. Ames also acknowledged that "with the great demand for labor and with the Indian living in close proximity, he [the Indian child] soon became involved, and sometimes inextricably entangled, in the [slave] system."

³⁷Craven, White, Red and Black, p. 65.

³⁸"Indian Slaves," William and Mary Quarterly, 1st Series, 8 (1899):165. also, Morgan, American Slavery, p. 233.

³⁹Ibid.

⁴⁰Ibid.

⁴¹Morgan, American Slavery, p. 100.

⁴²Catterall, Judicial Cases, 1:61.

⁴³Morgan, American Slavery, p. 264. The 1677 act stated: "It is ordered that all such souldiers who either already have taken or hereafter shall take prisoners any of our Indian enemies, . . . that they retheyne and keep all such Indian slaves or other Indian goods as they either have taken or hereafter shall take to their owne proper use for their better encouragement to such service." The 1679 act: "And for the better encouragement and more orderly government of the souldiers, that what Indian prisoners or other plunder shalbe taken in warre, shalbe free purchase to the souldier takeing the same . . ."

⁴⁴McIlwaine, Minutes of the Council, p. 519.

⁴⁵McIlwaine, ed., Executive Journals of the Council of Colonial Virginia, 5 vols., (Richmond: The Virginia State Library, 1928), III (1705-1721):287. also, Morgan, American Slavery, p. 330. also, Louis B. Wright and Marion Tinling, eds., The Secret Diary of William Byrd of Westover, 1709-1712, (Richmond: Dietz Press, 1941), p. 425.

⁴⁶Hening, Statutes, 4:10.

⁴⁷The Official Letters of Alexander Spotswood, in Collections of the Virginia Historical Society, New Series, (Richmond: Virginia Historical Society, 1882), 1:122. Taken from a letter to the Council of Trade, November 17, 1711.

⁴⁸Douglas Letell Rights, The American Indian in North Carolina, (Durham, N. C.: Duke University Press, 1947), p. 155.

⁴⁹R. D. W. Connor, History of North Carolina, (Chicago: The Lewis Publishing Company, 1919), 1:100.

⁵⁰Billings, The Old Dominion, p. 228. "An Act Preventing the Kidnapping of Indian Children, October 1649," from "Acts Not in Hening's Statutes" by Billings.

⁵¹Hening, Statutes, 1:481. also, Catterall, Judicial Cases, 1:69.

⁵²Ibid., 2:491.

⁵³Ibid., 1:481.

⁵⁴Catterall, Judicial Cases, 1:62.

⁵⁵Ibid.

⁵⁶Hening, Statutes, Supplement: p. 52. also, "Letter in Regard to the Duty on Imported Negroes, etc." from John Ingram to Governor Spotswood, September 4, 1713, Virginia Magazine of History and Biography, 17 (1909):39.

⁵⁷John Lawson, Lawson's History of North Carolina, (Richmond: Garrett and Massie, publishers, 1937), p. 214.

⁵⁸W. G. Stanard, "Major Robert Beverley and His Descendants," Virginia Magazine of History and Biography, 3 (1895):176.

⁵⁹Laws of the Colonial and State Governments, Relating to Indian Affairs, from 1633 to 1831, Inclusive, (Washington: Thompson and Homans, 1832), p. 150.

⁶⁰Hening, Statutes, 2:15. also, Morgan, American Slavery, p. 233.

⁶¹Hening, Statutes, 4:104.

⁶²Ibid., p. 105. One section of the Albany Treaty of 1722 provided that "if such Indian shall be condemned to transportation, the taker up shall have the benefit of selling and disposing of the said Indian, and have and receive to his own use, the money arising by such sale."

⁶³McIlwaine, Executive Journals, III:5. see also, McIlwaine, Journals of the House of Burgesses of Virginia, 1702/3-1705, 1705-1706, 1710-1712, (Richmond: The Virginia State Library, 1912), p. 114. Hening, Statutes, Supplement: p. 42.

⁶⁴Hening, Statutes, 1:410.

⁶⁵Ibid. also, The Official Letters of Alexander Spotswood, p. 122. Phillip Alexander Bruce, Economic History of Virginia in the Seventeenth Century, 2 vols., (New York: Macmillan and Co., 1896), 2:54. Bruce concluded that "it was recognized by the planters that the younger the Indian, the greater the probability that he might be educated to become tractable and useful."

⁶⁶Hening, Statutes, 2:327.

⁶⁷William P. Palmer, M. D., Calendar of Virginia State Papers, 1652-1869, 11 vols., (Richmond: R. F. Walker, Superintendent of Public Printing, 1875), 1:179.

⁶⁸Hening, Statutes, 2:193.

⁶⁹The Official Letters of Alexander Spotswood, p. 122.

⁷⁰Craven, "Indian Policy in Early Virginia," p. 79. also, Ames, Studies of the Virginia, pp. 72-76.

⁷¹Catterall, Judicial Cases, 1:69. Three acts were passed from 1655 to 1658 to insure Indian children would not be enslaved. The 1656 act stated: "If the Indians shall bring in any children as gages . . . then the parents . . . shall choose the persons to whom the care of such children shall be intrusted and the countrey . . . (do engage that wee will not use them as slaves), but do their best to bring them up in Christianity, civility and the knowledge of necessary trades . . ."

⁷²Ames, Studies of the Virginia, pp. 72-76.

⁷³The Official Letters of Alexander Spotswood, p. 125. Taken from a letter to Lord Dartmouth, November 11, 1711.

⁷⁴Catterall, Judicial Cases, 1:68.

⁷⁵Ibid. also, Cope, Carry Me Back, p. 43.

⁷⁶Palmer, Virginia State Papers, 1:150.

⁷⁷William Maxwell, ed., Virginia Historical Register and Literary Companion, (Richmond: MacFarlane and Fergusson, 1852), 2:130. Taken from the tract, "A Voyage to Virginia, by Colonel Norwood."

⁷⁸Morgan, American Slavery, p. 330. Henrico's position at the head of navigation of the James River gave it greater access to Indian slaves.

⁷⁹Catterall, Judicial Cases, 1:147. An examination of wills and inventories from Virginia county records confirmed this conclusion. See William and Mary Quarterly, 1st Series, 13:139; 24:274; 25:91, 198; also Virginia Magazine of History and Biography, 3 (1895):408.

⁸⁰Hening, Statutes, 6:533.

⁸¹McIlwaine, Journals of the House of Burgesses of Virginia, 1702/3-1705. 1705-1706, 1710-1712, p. 264.

⁸²Ames, Studies of the Virginia, p. 76. Ames related an incident which supports this statement. "When Edward Revell's Indian overseer attempted to correct a servant, the servant fought the Indian; it should never be said that he yielded to an Indian dog."

⁸³Cope, Carry Me Back, pp. 41-42.

⁸⁴James Curtis Ballagh, A History of Slavery in Virginia, (Baltimore: Johns Hopkins Press, 1902), p. 57. Indian-white intermarriage was outlawed in 1691. Perpetual banishment for the white was the punishment for breaking this law.

⁸⁵Ibid., p. 46. Craven, White, Red and Black, p. 73.

⁸⁶Ibid., p. 57.

⁸⁷Bruce, Economic History, 2:130.

⁸⁸Jordan, White Over Black, pp. 89-91, 220.

⁸⁹Bruce, Economic History, 2:130. See also, Almon Wheeler Lauber, Indian Slavery in Colonial Times Within the Present Limits of the United States, (New York: Longmans, Green and Co., 1913), pp. 301-302.

⁹⁰Pierre Marambaud, William Byrd of Westover, 1674-1744, (Charlottesville: University Press of Virginia, 1971), p. 177.

⁹¹W. Stitt Robinson, "Tributary Indians in Colonial Virginia," Virginia Magazine of History and Biography, 67 (1959):50-54. Ben C. McCary, "Indians in Seventeenth Century Virginia," Jamestown 350th Anniversary Historical Booklets, Number 18, (1957), p. 10.

⁹²Hugh Jones, The Present State of Virginia, ed. by Richard L. Morton, (Chapel Hill: University of North Carolina Press, 1956), p. 153.

⁹³Catterall, Judicial Cases, 1:64. Not many Indians could have come from the West Indies either since Virginia had little trade with the West Indies involving the exchange of Indian slaves. W. Stitt Robinson, Jr., "The Legal Status of the Indian in Colonial Virginia," The Virginia Magazine of History and Biography, 61 (July 1953):257.

⁹⁴Rights, The American Indian, p. 46.

⁹⁵H. R. McIlwaine, ed., Official Letters of the Governors of the State of Virginia, 3 vols., (Richmond: Virginia State Library, 1926), vol. 2: "The Letters of Patrick Henry," pp. 118-120.

⁹⁶Rights, The American Indian, p. 46.

⁹⁷Douglas Edward Leach, Flintlock and Tomahawk, (New York: The Macmillan Company, 1958), p. 226.

⁹⁸Maxwell, Virginia Historical Register, 6:94.

⁹⁹Ames, Studies of the Virginia, pp. 72-76.

¹⁰⁰Cope, Carry Me Back, p. 47.

¹⁰¹Lawson, Lawson's History, p. 183.

¹⁰²See the following for further explanations of the unsuitability of Indians as slaves: Cope, Carry Me Back, p. 4; Ballagh, A History of Slavery, p. 36; Thomas J. Wertenbaker, Planters of Colonial Virginia, (Princeton: Princeton University Press, 1922), p. 30; Klein, Slavery in the Americas, p. 43.

¹⁰³Robinson, Jr., "The Legal Status of the Indian in Colonial Virginia," p. 256. The Virginia Gazette was publishing descriptions of runaway Indian slaves until the eve of the American Revolution.

¹⁰⁴Ames, Studies of the Virginia, pp. 72-76. Approximately mid-century, two Indians sued for their freedom but the court decided they had "no leave to prosecute for their freedom but that they return to their respective masters' service."

¹⁰⁵Klein, Slavery in the Americas, p. 52.

¹⁰⁶Information on court cases involving Indian slaves was found in the following: Klein, Slavery in the Americas, p. 52; Catterall, Judicial Cases, 1:61, 65, 112.

CHAPTER II
INDIAN SLAVERY IN SOUTH CAROLINA

Of the thirteen original English colonies in North America, South Carolina enslaved the most Indians. South Carolina also emerged as the only colony with more black slaves than white settlers. From its beginnings, South Carolina evolved as a society dominated by slavery. Several elements in the birth of South Carolina accounted for this early dependence on slave labor: the colonization of South Carolina by residents of Barbados; the express interest in commercial gain by the Proprietors founding South Carolina; and the perceived unsuitability of white labor for the hot, humid low-country. Indian slavery sprang for these and other reasons peculiar to Indian-white relations in South Carolina.

Soon after the arrival of the first permanent settlers in 1670, trade with the Indians became a very profitable venture. Unimpeded by geography or strong Indian alliances, South Carolina traders quickly penetrated the backcountry to garner valuable deer skins and furs. In general, the Indians welcomed trade with colonists. The first ten years of settlement witnessed no major clashes; Thomas Ashe's propaganda tract commissioned by the Lord's Proprietors in 1682

was essentially accurate when it stated that the Indians "have hitherto lived in good Correspondence and Amity with the English, who by their just and equitable Carriage have extreamly winn'd and obliged them; Justice being exactly and impartially administred, prevents Jealousies, and maintains between them a good Understanding, that the Neighbouring Indians are very kind and serviceable, doing our Nation such civilities and good Turns as lie in their Power."¹ This propaganda report did not tell the whole story, however. Several minor clashes over the conduct of Indian-white trade occurred and certain abusive trading practices were established in the first ten years of the colony's existence. In 1674, a skirmish with the Indians living along the Stono River led to the capture of several prisoners. These Indian captives were sold to colonial traders on their way to the West Indies.² The same year Dr. Henry Woodward, one of the Proprietor's representatives in South Carolina, set out to establish trade relations with the Savannah tribe. Included in the items for trade by the Indians were "deare skins, furs and young slaves."³ Early on, then, the two principle means of obtaining Indian slaves had been established: war and trade.

The enslavement of Indians was a familiar practice for both cultures involved. The Indians of South Carolina often enslaved their war captives. These newly acquired slaves were then distributed to families who had lost one of its members in the war.⁴ On the other side, those colonists

coming from Barbados had experienced Indian slavery on that island. Many Indian slaves from King Phillip's War in New England were sent to Barbados. Further, the South Carolinians were aware of the Spanish example in the West Indies. Having enslaved native Arawaks and Caribs, the Spanish also transported many enslaved Indians from the continent to their West Indian colonies.⁵

The mindset of the Carolinians, therefore, was not opposed to Indian slavery. In the beginning, however, the Proprietors in England ordered the colonists to stop enslaving Indians. The Proprietors were not impelled by any humanitarian concern; they simply felt the enslavement of the Indians would lead to continuous wars and chaos in the colony. Their economic interests would not be served by such a situation.⁶ Instead, the Proprietors desired the colonists "to take great care that ye Indians be not abused and that all means may be used to civilize them."⁷ The colonists responded by continuing to enslave Indians because they could not conceive of civilizing Indians without enslaving them. In a 1708 letter to the Lord's Proprietors, Thomas Nairne, an Indian agent, wrote that rather than let the French arm the Indians to the south and west of the Carolina settlements, enslaving those Indians was "a more Effectual way of Civilising and Instructing, then all the Efforts used by the French Missionaries."⁸ A substantial number of colonists saw Indian slavery as a positive good for themselves as well as the Indians.

In 1709 Dr. Francis Le Jau, a minister of the Society for the Propagation of the Gospel, remarked: "I cannot to this day prevail upon some to make a difference between Slaves and free Indians, and Beasts, yet there are Worthy persons of another Mind in this Parish, else I show'd have little comfort in my spiritual endeavours."⁹ It would not be an exaggeration to say that the Indian traders resembled the type of person mentioned first in Le Jau's statement. As long as Indian slaves commanded a profit, the traders were there to exploit that market.

The case of the Sewee tribe demonstrated the attitude of the Carolinians towards Indian slavery. By 1700, the Sewee tribe had become very involved in trade with the English in South Carolina. In return for furs and skins, the Sewees received clothing and English-made utensils. The Sewees also received information about England. Observing that English trading vessels came from across the ocean, the Sewees assumed that England was not far off to the east. Rather than deal with the Carolinian middlemen, the Sewees decided to take their furs and skins directly to England. Several members of the tribe assembled a flotilla of large canoes, loaded them down with their trading goods, and set off across the ocean. A storm came up, capsizing and dispersing the armada. Unfortunately, a ship from South Carolina happened on the shipwrecked Indians and rescued them. The surviving Indians were taken to the West Indies where they were sold into slavery.¹⁰ The question, then,

was not whether Indian slavery should be allowed, but how should it be regulated for the better profit of the colony.

Trade was one important way to obtain Indian slaves in South Carolina. In general, the traders could purchase two types of slaves from an Indian chief: members of his own tribe who had been "punished" into slave status, or members of another tribe who had been captured and relegated to slave status. The second case was by far the more likely. Once the Proprietors discovered that they could not stop the trade in Indian slaves, they tried to regulate its activity to insure the security of the colony. As such, they ordered in 1680 that traders take "speciall care not to suffer any Indian that is in League or friendly correspondence with us and that lives within 200 miles of us to be made slaves or sent away from the country . . ."11 Two years later the Proprietors extended the limit to 400 miles.12 The colonists, especially those migrating from Barbados, considered these rules unnecessary interference by the Proprietors. As the colonists saw it, the Proprietors were trying to monopolize the Indian trade, including the trade in Indian slaves.13 Again the traders disobeyed the Proprietors and conducted the Indian trade on the basis of self-interest. Fierce competition destructive of Indian-white relations resulted.

Traders abused the system for obtaining slaves continually. Many complaints by Indian tribes reached the colonial government in Charlestown, but one of the most common was that traders were selling free Indians into slavery.

In 1711 the Yamassees complained to the Commissioners of the Indian Trade "that Cornelius Macarty took away the Wife and child of an Indian that was gon to War and that Geo. Wright took away a free woman that had a Husband in Tomatly Town."¹⁴ A similar incident occurred in 1712. While he was away at war, "Yuskenehau's Wife named Toolodeha, a free woman, and her Mother, a slave belonging to the said Tuskenahau upon the Pretence of paying some Town Debts due from the Others of the said Town to Mr John Pight" were kidnapped.¹⁵ The Commissioners of the Indian Trade ordered that Toolodeha be returned to her husband and that Pight be compensated by the Town "for so much Mony as he took the said Toolodeha for and no more."¹⁶ Apparently, Tuskenehau neither asked for or got his mother-in-law back.

Indian debts became a means by which traders could abuse their position. Often the Indians would buy liquor, guns and ammunition on credit. Later, the trader would demand payment in furs, skins, or slaves. In 1712 "Capt. John Cochran demanded a Slave from Nenehebau for the Run of his Canoe . . ."¹⁷ In the same year a "Tomatly Indian came to the Pallachuclas with a slave with which he desighned to pay George Wright a Debt . . ."¹⁸

Competition between various traders often affected adversely those Indians amongst whom they were trading. The Commissioners received a complaint in 1712 from a Mr. Simmons demanding satisfaction for a slave allegedly extorted from him by a Captain Peterson. Six years earlier an Indian

slave was charged with murdering his master, "not for any Quarrel that was between them, but only to remove a too successful Competitor in that Trade . . ."19 The accusation was that James Moore, Governor of the colony at the time and a big investor in the Indian trade, hired this Indian slave to commit the murder. Many colonial officials were involved in the Indian trade and most placed their personal interests over those of the colony. John Wright, Indian agent for the Commissioners of the Indian Trade, declared a Creek Indian free in 1713 only so that he might later sell her himself.²⁰

Finally, traders abused the Indians out of personal revenge. In 1714 Alexander Long, a trader, came out of an altercation with a Yuchi Indian dispossessed of most of his hair. Having trade relations with the Cherokee tribe also, Long persuaded that nation to attack the Yuchis and thereby placate his anger. The Yuchis were massacred. Long only gained six Yuchi slaves out of the deal, five of them children.²¹

These and other abuses by the traders led the Proprietors and the colonial government to establish some kind of regulation of the Indian trade. Many different approaches were tried, but the abuses continued. First, the Proprietors tried to regulate the trade by proclaiming their monopoly over all its aspects. They were opposed by all the trading interests in South Carolina, both those in and out of colonial government. In 1680 the Proprietors established a commission to handle disputes with the Indians. The

commission was comprised of the Governor and other colonial officials, many of them deeply involved in the slave trade with the Indians. To say the least, the commission did not act in the manner prescribed by the Proprietors. In 1682 the commission was disbanded, the Proprietors claiming it had been used as a device "rather . . . for the oppression then protection of the Indians."²² With the failure of this commission, the Proprietors essentially gave up on any concerted measure to regulate the trade. Late in the century they made a half-hearted effort to regulate the trade by sending an Attorney General to the colony to investigate abuses by traders and to recommend legislation to the Assembly to deal with those abuses.²³

An act was passed in 1707 which addressed the problems caused by the traders, but no effective mechanism for enforcement was laid out. This act required every Indian trader to obtain a license before going among the Indians; a trader was to be fined if found guilty of selling a free Indian or extorting slaves from Indians under false pretenses.²⁴ In 1710 the colonial government reestablished a commission to adjudicate disputes concerning the Indian trade. Before 1716 the Commissioners of the Indian Trade had little power, however. Their strongest weapon was the revocation of a trader's license and that did not necessarily prevent him from trading.²⁵ The Commission also had the problem of working slowly. Often, by the time a complaint reached the Commissioners, little could be done to right the

wrong. In July 1711, a trader "was directed . . . to send to New York to bring back an Indian Woman and Child who had bin free and was sold thither by him."²⁶ Not being able to travel throughout the Indian territory, the Commission appointed an Indian Agent to be its eyes and ears in the trading towns. More often than not, however, the Indian Agent served his own interests over those of the Commission.

A new act passed in 1716 greatly strengthened the power of the Commissioners by placing the management of the Indian trade in their hands "for the sole Use, Benefit and Behoof of the Publick of the Province . . ."²⁷ Fines were increased, and a schedule of prices governed "Barter and Exchange." Trading centers were established in the interior and an act of 1719 required that all traders "shall come and enter all their furs and skins, and Indian slaves, or other merchandize, purchased from the Indians aforesaid, with the public factor of the respective garrison most convenient for them to come to . . ."²⁸ Two years later the Assembly forbade traders to provide credit to the Indians. Not allowed to become debtors, the Indians had less to worry about from the traders.²⁹ By 1723 one Commissioner was sufficient to handle the Indian trade. The chaos and abuse of the previous fifty years, although not eliminated, had been reduced substantially.

There being no opposition to the contention that prisoner of war status made the Indian a slave, the greatest number of Indian slaves in South Carolina were obtained

through war. In 1711 the Commissioners of the Indian Trade ruled that "No Indian shall be deemed a Slave and bought as such unless taken in War . . ."30 Two types of warfare brought in slaves: wars between the colonists and the Indians, and wars between one Indian nation and another.

When a colonist killed a member of their tribe in 1671, the Cussos retaliated by raiding the colonists' corn and hogs. The colonial government responded by declaring an "open Warr . . . against the said Kussoe Indians."31 Several Indians were captured and transported, the profits from the sale going to the men who captured them. This first war set the precedent for all future wars with the Indians. In 1680 war broke out with the Westo tribe and again the colonists' efforts were rewarded by the plundering of slaves and other goods. Colonists soon found that war with the Indians could be profitable. The Proprietors were informed that settlers around Winyah Bay were making war on the Indians to obtain slaves.³² Even officials of the colonial government "contrived most unjust warrs upon ye Indians in order to ye getting of slaves . . ."33

The Indian slave population increased from 350 slaves in 1703 to 1400 slaves in 1708.³⁴ In a letter to the Lord's Proprietors in 1709, Governor Nathaniel Johnson attributed the increase to the "success of our Forces against the Applalaskye & other Indian Engagements . . . within the Five years . . ."35 Women and children accounted for the greatest proportion of those 1400 slaves in 1708. Two major

wars between 1710 and 1720 added to the number immensely. In 1711 the Tuscarora War erupted in North Carolina. South Carolina sent two expeditions, one headed by Colonel John Barwell and the other by Colonel James Moore, to aid the North Carolinians. Barwell's expedition took 200 Indian women and children prisoners. Moore's forces essentially ended the fighting by killing or capturing 900 Tuscarora in a fort where the tribe had taken refuge. At least 700 prisoners from this war were sold into slavery.³⁶ Only three years later the South Carolinians were faced with an even more widespread Indian uprising, this time closer to home. Called the Yamassee War of 1715, the conflict included almost every tribe that traded with South Carolina. Over 400 colonists were killed before an alliance with the Cherokee nation turned the tide in the favor of the South Carolinians.³⁷ Slavery was again the prescribed punishment for prisoners of war. South Carolina even tried to win the support of the Tuscarora in 1715 by agreeing that "for every Indian enemy slave they [the Tuscarora] shall take and bring in, there shall be returned in lieu another slave of their own nation."³⁸

Warfare between various Indian nations also brought slaves into the hands of Indian traders. Traders would incite a war between two tribes, guaranteeing one tribe that any captives brought back from the war could be exchanged for English goods. Thomas Welch, an Indian trader, "Lede a party consisting of five English, and 300 Indians, against

the Chacta Indians," furnishing "the said 300 Indians with Ammunition for this Enterprise upon a Contract that if they had Success, they should pay fifteen Slaves" to him.³⁹ The prime motivation for these Indians to attack another tribe was the promise of guns and other European goods. As early as 1683 the Proprietors recognized that traders induced the Indians "through Couvetousness of . . . guns, Powder, and skott & other European Commodities to make war upon their neighbours, to ravish the wife from the Husband, kill the father to get ye Child & to burne and Destroy ye habitations of these poore people into whose Country wee are charefully Reced. by them . . ."⁴⁰ These slave-raids backfired on occasion, however. The war in 1680 between the colonists and the Westos was the result of over-zealous actions by slave dealers.⁴¹

Indian slavery also became a means to combat the Spanish and French threat. Both in the South and the West, South Carolina sought alliances with Indians bordering on "enemy" territory. By arming these tribes and promoting their slave-raiding missions against French and Spanish Indians, the South Carolinians not only created a strong force along the colony's borders but also weakened the Indian allies of the French and Spanish through the capture of those tribes' people. In 1685 a group of Scot settlers incited the Yamassee to attack the Timecho tribe, a group of Indians allied with the Spanish, who were "Christians and had a Spanish Fryer and a Chappell among them."⁴² The

Yamassee returned with "Two and Twenty Prisoners which they delivered to the Scotts as slaves . . ."43 By 1708 this policy had nearly destroyed the Spanish Indians in Florida. Thomas Nairne reported to the Proprietors that "our Indian Subjects . . . in quest of Booty are now obliged to goe down as farr on the point of Florida as the firm land will permit. They have drove the Floridians to the Islands of the Cape, have brought in and sold many Hundreds of them, and Dayly now Continue that Trade so that in some few years thay'le Reduce these Barbarians to a farr less number . . ."44 The policy worked with equal efficiency in the West against the French.45

Most Indians enslaved in South Carolina were transported out of the colony. Indians captured in wars usually ended up in Charlestown where slave traders were waiting to transport them to the West Indies. In 1720 sixty members of the Waccamaw tribe were sold in the West Indies.46 Alexander Hewatt recorded that during the Stono War "captive savages were disposed of to the traders, who sent them to the West Indies and there sold them for slaves."47 Carolinians were required to pay duties on Indian slaves being transported out of the colony. Although the duty was often evaded, the tax was paid on seventy-five Indians following the Tuscarora War and on 308 Indians following the Yamassee uprising of 1715.48 Not all Indian slaves were exported to the West Indies, however. The South Carolinians also had "Commerce with Boston, Road Island, Pennsylvania New York & Virginia

to which places we export Indian slaves . . ."49 Sixty-six slaves were exported to Virginia between 1711 and 1718, most of them going to planters along the upper James.⁵⁰

Several reasons explained the South Carolinian preference for transporting Indian slaves. Indians found it easy to run away. They usually ran across the border to another colony, Virginia or Florida, which caused many problems in procuring their return, especially in Florida where the Spanish seldom desired to cooperate with the South Carolina government.⁵¹ The presence of large numbers of Indian slaves in the colony would also have raised the danger of conspiracy with free Indians against the colonists. Indian slaves were suspected in an alarm of a slave insurrection in 1700.⁵² Finally, the relatively good prices that the traders early received for Indian slaves outside of South Carolina formed a precedent in favor of transportation.⁵³

Despite the many incentives for transportation, a substantial number of Indian slaves remained in South Carolina. As a percentage of the slave population, Indian slavery probably reached its peak in 1708.⁵⁴ A census that year placed the total number of Indian slaves at 1400, about 26% of the total slave population. The majority of those 1400 were women and children. Undoubtedly, women and children were easier to capture and more likely to be captured alive than male warriors. Most large planters had a few Indian slaves. Elias Foissin, a Georgetown planter, had five Indian slaves when he died in 1739.⁵⁵ The twenty

shilling duty on each Indian slave exported might have convinced some traders to sell their slaves inside the colony.

Indian slaves, as a rule, were employed at the same tasks as black slaves. In a 1703 raid on the Apalachee Indians, the governor "procured a number of Indian slaves, whom he employed to cultivate his fields or sold for his own profit and advantage."⁵⁶ Most Indians ended up in the fields with the other slaves. When it came to training a slave in a craft, little distinction was made between black and Indian. John Lawson knew several Indians "that were Slaves to the English, learn Handicraft-Trades very well and speedily."⁵⁷ In 1725 John Gendron owned 87 slaves, four of them Indians. One Indian and two blacks were trained as shoemakers.⁵⁸ Indians were also trained as carpenters and wheelwrights.⁵⁹ Apparently, South Carolinians observed only slight differences between Indians and blacks in their ability to learn a skill. Negroes, coming from a more advanced culture than the Indians, probably were placed in the more skilled positions, especially metal-working chores.

The Indians did possess one talent which their white owners exploited, however. Many traders owned Indian slaves and employed them as "burtheners" on their long expeditions amongst the Indians. The Indian slave was also valuable as a hunter and guide on these expeditions. Colonel John Barnwell even hired out "his two Indian Slaves, for Oarsmen for the Periago [canoe] designed for the Northward Indian Trade, at three Pounds per Month, each Slave."⁶⁰

Legally, the Indian slave enjoyed no more privileges than the black slave. Although colonial laws usually acknowledged the presence of two distinct enslaved races, no differences in treatment were specified. The law of 1740 continued what had been practiced throughout South Carolina's history when it stated that "all negroes and Indians, (free Indians in amity with this government, and negroes, mulattoes and mustizoes, who are now free, excepted,) mulattoes or mustizoes who now are, or shall hereafter be, in this Province, and all their issue and offspring, born or to be born, shall be, and they are hereby declared to be, and remain forever hereafter, absolute slaves . . ."61 As with all other slaves, Indians were "marked." An act of Assembly, July 24, 1716, called for the branding of Indian slaves like the trader branded skins and furs. That law was changed six months later and traders were directed "that the Slaves be marked as usual and not branded with the Iron."62 In 1707 Governor Archdale intimated that Christianity might free an Indian slave. A group of Yamassee had captured four Spanish Indians near St. Augustine and had brought them back to South Carolina to sell. Discovering these four prisoners to be Christians, Archdale freed them and sent them home.63 This action suggested that Indian slavery and Christianity were mutually exclusive. Archdale's action was an aberration, however. Only four years earlier at least one hundred Christian Apalachee Indians were sold into slavery. Archdale was probably more interested in placating the Spanish than

he was in the Christianity of the four Indians.

Whether the Indian made a good slave or not was best reflected in his market value. From the beginning of the eighteenth century, the value of the Indian in comparison to the black slave continually declined. A contemporary observer remarked in 1712: "An Indian Man or Woman may cost 18 or 20 Pound, but a good Negro is worth more than twice that Sum."⁶⁴ By 1722 that gap had increased: Colonel Theophilus Hastings was promised 50 pounds for any remaining Yamassees he could capture, whereas a black slave was worth several hundred pounds in Carolina currency.⁶⁵ As Peter Wood pointed out, part of the reason for this gap was the susceptibility of the Indians to smallpox.⁶⁶

The heyday of Indian slavery in South Carolina occurred between 1703 and 1708 when Indian slaves were the fastest growing segment of the population. After 1708, however, the South Carolina government stepped in to regulate an Indian trade that had gotten out of control. The major wars of the next decade quickly diminished the Indian presence in the colony. The parish records of St. Thomas verified the waning importance of Indian slavery. Thomas Hasell, a resident of the parish, set the non-white population at 800 black slaves and 90 Indian slaves in 1720. His next census four years later noted 950 blacks but only 62 Indian slaves. By 1728 the black population had again risen, to 1000, but there were only 50 Indian slaves remaining.⁶⁷

Several circumstances caused the decline of Indian

slavery in South Carolina. The declining Indian population due to wars and disease rapidly diminished the potential supply of slaves. As early as 1707 John Archdale was trying to cleanse the English of guilt over the decline of the Indians due to disease and intertribal war.⁶⁸ The increasing use of black slave labor replaced any early need for Indian slavery. The Indian could never compare with the black as a slave. The idea originated soon after settlement that the free Indian might even be of more value to the South Carolina slave society than the enslaved Indian. The Proprietors in 1683 posited "that the Indians will be of great Use to ye Inhabitants of our province for the fetching in againe of such Negor Slaves as shall Runn away from their masters." In fact, the Proprietors could not "see how in a large Contingent [continent] you negroes when Run away shall bee brought in againe, unless ye Indians be preserved."⁶⁹ Finally, South Carolina was faced with a shrinking market for Indian slaves. In 1705 Pennsylvania closed its doors on the importation of Carolina Indian slaves because such importation caused undesirable behavior in local Indians. Massachusetts followed suit in 1712 claiming the imported slaves only caused trouble. Connecticut and Rhode Island passed similar statutes several years later.⁷⁰

Indian slaves could be found in South Carolina into the nineteenth century. The process of enslavement ended several decades before the turn of the century, however. During the American Revolution several Loyalists joined with

the Senecas and Cherokee to fight the South Carolina patriots. The commander of the patriot forces asked the government if the selling of Indian prisoners was allowable. The Assembly voted against permitting such enslavement, stating that it would "impede a future peace, give the Indians a precedent that may be fatal to those of our people who may unfortunately fall into their hands, and prevent a mutual exchange of prisoners."⁷¹ This action on the part of the South Carolina Assembly officially abolished the enslavement of Indians. Later court decisions interpreted an act of 1740, "for the better Ordering and Governing Negroes and other Slaves in this Province," as the law ending Indian slavery.⁷² The Court ruled in State v. Belmont, 1850: "ought we . . . to hold in the category of slaves . . . the spare remnants of the red man? . . . would not . . . Virginia, and all the blood of Pocahontas say, this is not international - it is not like South Carolina? . . ." ⁷³ The Indians having vanished from South Carolina, the Court was safe in voicing such charitable sentiments.

NOTES FOR CHAPTER II

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CHAPTER III

A COMPARISON, AN ANALYSIS AND SOME CONCLUSIONS

Indian slavery differed only slightly in Virginia and South Carolina. In general, those differences were quantitative rather than qualitative, superficial rather than fundamental. For instance, South Carolina enslaved greater numbers of Indians than did Virginia. Nearing slavery's numerical peak in 1708, Indian slaves comprised almost one third of the slave labor force in South Carolina, about 1400 people. In fact, the two censuses taken in 1703 and 1708 proved Indian slaves to be the fastest growing segment of the population.¹ This growth was short-lived, however. Indian slavery rapidly declined after the wars and stricter trade regulations of the 1710s. In comparison, Virginia enslaved insignificant numbers of Indians. No censuses differentiated between black and Indian slaves because very few Indians were to be found. By 1705, Hugh Jones noted that only a few Indians, slave or free, lived among the whites.² A greater supply of Indians in South Carolina explained the difference between the colonies. Because of a lack of geographic barriers, South Carolinians quickly expanded their Indian trading alliances as far south as Florida and as far

west as the Mississippi River. This brought them in contact with numerous and populous tribes. On the other hand, Virginia was limited in the potential supply of Indian slaves by the Appalachian mountains and by the Powhatan confederation. Further, by the time Indian slavery evolved in Virginia and became an acceptable practice, the Indian presence had diminished drastically. From a high of 18,000 in 1607, the Indian population had declined to 2,000 a century later. South Carolina enslaved more Indians, then, partly because it had more Indians to enslave.

Indian slavery was more prominent in South Carolina because Indian trade played a more significant role there. Early in South Carolina history, deerskins became one of the most important exports.³ Goods obtained from the Indians proved essential to the colony's economy. Because of the money to be made in the Indian trade, more people got involved and more commodities were exchanged, including Indian slaves. South Carolina's accessibility to the western tribes further stimulated Indian trade, and correspondingly, the trade in Indian slaves. No confederation bound the Indian tribes of South Carolina together (as in Virginia), so relations between these independent tribes were not always friendly. Inevitably, each tribe held captured members of other tribes in slavery and offered them in trade to the South Carolinians. The necessity of establishing special commissions to regulate the Indian trade in South Carolina attested to its great importance. Virginia's Indian trade

never reached the level of South Carolina's. The Virginia Assembly adequately controlled the trade along with its other matters; no special commissions were needed. Trade, then, was not a productive means of obtaining Indian slaves in Virginia. South Carolina exported some slaves to Virginia, but most were sent to the West Indies.

The founding of Virginia was an attempt to transplant English civilization to America; the founding of South Carolina was more clearly a business venture. Because the leaders of South Carolina were so commercially oriented, Indian slavery was accepted more readily there. The Barbadians who assumed a major role in establishing South Carolina were not infused with lofty ideals about Indian-white relations. Instead, they were prepared to follow any path that would ensure economic success. As a result, Indian slavery was accepted nonchalantly for its role in the economy. In 1716, the Factor of the Indian trade was ordered to "receive in exchange for the same, all such Manner of Truck, as Skins, Furrs, Slaves or other vendible Commodities as is customary to receive from Indians . . ."4 South Carolina's connection with Barbados meant extensive trade relations between South Carolina and the West Indies. This extensive network encouraged trade in Indian slaves. Virginia, on the other hand, was founded with the express desire to cooperate with the Indians. Cooperation did not always prove successful, but commercial interests alone were not sufficient for Virginians to enslave Indians.

South Carolinians, then, experienced less confusion about the morality of Indian slavery than did Virginians. In South Carolina, legislation provided for the enslavement of Indians two years after the founding of the colony. Enslavement was based more on practice than on legal sanction. Few laws were needed to define the operation of enslavement. In Virginia, however, a number of laws were passed in an attempt to define when, where, and why Indian slavery was acceptable. At first, only Indians taken in war could be enslaved. Later, the basis was expanded to include all "trafiqueing with us as for slaves."⁵ But even these laws were improper gauges of Indian slavery's acceptability. In 1677, a special government commission set many Indians free who had been captured in the recent hostilities. Obviously, the Virginians had difficulty in coming to terms with Indian slavery. Large amounts of contradictory and ineffective legislation reflected that ambivalence.

South Carolinians openly provoked hostilities in order to take Indian slaves. No attempts were made to conceal these illegal slave-raiding missions. Settlers and traders sparked wars out of revenge or greed knowing that profits could be made on the sale of captured Indians. The government knew about these raids as did the Proprietors. Missionaries of the Society for the Propagation of the Gospel and even the French knew.⁶ In spite of this knowledge, the leaders of South Carolina reacted almost with indifference to the situation. Certainly they were alarmed

by the problems generated by these raids, but they viewed the raids as overzealousness, not as a crime. According to South Carolina's leaders, the men fomenting these hostilities were sinful because their actions threatened the colony with an Indian war, not because their actions were immoral. Even Francis Le Jau, a missionary to South Carolina and opponent of the slave-raiders, trusted that these sins would not be "imputed to us."⁷ Virginia, however, strongly condemned slave-raiding missions, which not only posed a threat to the colony (the South Carolina argument against them) but were also a "greate Scandall of Christianitie and of the English nation, . . . rendring religion contemptible, and the name of Englishmen odious . . ."⁸ Ethical considerations played a greater role in Virginia than in South Carolina when the Indians were involved.

Fundamentally, the enslavement of Indians was similar in Virginia and South Carolina. Neither colony justified Indian slavery on the need for labor. Slavery was a punishment for the Indians' savagery; and that punishment was not simply an excuse to force the Indians into the fields. Had the colonists desired Indians as slaves, they would have kept the Indian slaves at home. Instead, almost all provisions calling for the enslavement of Indians also advocated their transportation out of the colony. The idea behind transportation was to remove a threat to the security of the colony. In 1711 the Virginia Assembly ordered that "if any Indian or Indians so taken shall upon examination or tryal be found to

belong to any of the nations in warr with this government, such Indian or Indians shall be transported and sold . . ."9

Much of the profit gained from the sale of the Indian slaves went towards the purchase of black slave labor, especially in South Carolina. But Indians would have been enslaved without this connection. The New England colonies did not rely heavily on slave labor in their economy, but they too enslaved Indians. Here, as in the south, punishment for misbehavior became a reason for Indian slavery. After King Phillip's War in Massachusetts in 1676, hundreds of Indians were transported out of the colony and sold as slaves. The English inability to live at peace with the Indians resulted in the natives' enslavement.

Those Indian slaves kept in the colonies proved to be poor laborers anyway. Coming from a culture which did not work to provide food and shelter beyond the subsistence level, Indians did not adjust well to the intensive labor required to win a profit for their masters. As a result, Indian slaves rapidly earned a reputation as lazy workers. William Byrd's "Redskin Peter," who constantly feigned some illness, reflected the Indians' attitudes towards work. The colonists not only faulted their character but also attributed their inability to do heavy labor to a biological fault: "They are not of so robust and strong Bodies as to lift great Burdens, and endure Labour and Slavish Work . . ."10

Further, the prices of Indian slaves at home declined in comparison to the Negro slave, demonstrating their value to

the colonists. In Charlestown, an Indian man would have cost about 20 pounds in 1712, "but a good Negro is worth more than twice that Sum."¹¹ For several reasons, then, the colonists did not perceive the Indians as the solution to their labor shortage.

Indian slavery was a vicarious result of conflict amongst white men in Virginia and South Carolina. It was no accident that the first laws sanctioning Indian slavery in Virginia occurred during Bacon's Rebellion. The causes of the rebellion were difficult to assess, but certainly resentment by the lower class freedmen of the ruling elite was involved. The conflict between these two groups, however, expressed itself in attacks on and oppressive measures against the Indians. Nathaniel Bacon gained fame and won support not primarily for his role as a rebel leader but for his role as an Indian fighter. Bacon's Assembly, which held power briefly in the summer of 1676, ordered that "all Indians taken in warr be held and accounted slaves dureing life."¹² The fact that "legitimate" Assemblies in 1679 and 1682 reenacted this law demonstrated the determination of white men in Virginia to camouflage their own conflicts in the oppression of the alien races, Indians and blacks.¹³

If the scapegoat scenario explained Virginia's situation, it held double significance for South Carolina. South Carolinians not only abused Indians as a result of competition among themselves, but also as a result of

conflict with other European nations. The Proprietors of South Carolina upon founding the colony claimed a monopoly of the Indian trade. Private traders immediately challenged that monopoly. Chaotic trading practices resulted, and avarice authorized any means available for getting a jump on the competitor. In 1706, James Moore, attorney-general of the colony, was indirectly accused of hiring an Indian slave to kill his master, "only to remove a too successful Competitor in that Trade."¹⁴ Traders sparked many inter-tribal wars in order to obtain Indian goods and slaves. The Stono War of 1674 and the Westo War of 1680 were results of the voracious zeal of South Carolina traders. The Indian slave population in South Carolina continued to increase until the Indian trade was better organized by an act of 1716 and the Proprietors were ousted in 1719.

Indian slavery also resulted from competition and conflict between the English, the Spanish and the French. Because of its position on the southern frontiers, South Carolina was the first line of defense against the Spanish and French threat. In order to minimize this threat, South Carolina allied itself with Indian nations in the south and west. The South Carolina government openly encouraged these allies to attack Spanish and French territory. In 1685 some Scottish settlers near Port Royal encouraged the Yamassees to attack the Timecho Indians of Florida, allies of the Spanish. The Yamassee "burnt severall Townes, . . . killed fifty of the Timechos and brought away Two and Twenty

Prisoners which they delivered to the Scotts as slaves . . ."15
Having allied themselves with the enemy, it was thought, the
Timecho deserved slavery. These slave-raids on "enemy"
tribes became an acceptable means of reducing the Spanish
and French threat; it was certainly less costly in European
blood than open warfare.¹⁶ In 1708, five Englishmen led a
party of "300 Indians, against the Chacta Indians allies to
the French and Enemies to the Crown of England."¹⁷

Indian slavery declined in importance for the same
reasons in Virginia and South Carolina. Neither colony made
it general practice to enslave all Indians: free Indians
continued to live alone and in tribes within the colony.
Because the enslavement of Indians could incite these tribes
to war against the colonists, diplomatic considerations
operated against enslaving Indians. Both colonies experi-
enced devastating Indian wars and valued peace with the
Indians. Virginia even returned some captives of the wars
during Bacon's Rebellion in order to insure a future peace.¹⁸
Other diplomatic reasons caused South Carolina in 1776 to
reject slavery as a means of handling Indian war captives:
it would "impede a future peace, give the Indians a precedent
that may be fatal to those of our people who may unfortunately
fall into their hands, and prevent a mutual exchange of
prisoners."¹⁹

The declining presence of Indians in Virginia and South
Carolina caused Indian slavery to fail because of an insuf-
ficient supply. The Indian population of Virginia fell from

18,000 to 2,000 from the beginning of the seventeenth century to the end.²⁰ Although disclaiming any English responsibility, Governor John Archdale of South Carolina noted in 1707 the decline of Indians due to wars and disease in his colony. As early as 1682, Samuel Wilson, in a propaganda tract about South Carolina, acknowledged that "they [Indians] have not suffered any increase of People, there having been several Nations in a manner quite extirpated by Wars amongst themselves since the English settled at Ashly River . . ." ²¹

Rumors of slave insurrections caused alarm in both Virginia and South Carolina and proved another deterrent to the enslavement of Indians. Indian slaves seemed especially dangerous because of the ease with which they could communicate with free Indian tribes in the colony. In 1710 Salvadore, an Indian slave, was executed in Virginia for "entering into . . . dangerous Conspiracys." ²² Further, the colonists viewed the Indian as treacherous, cunning and trouble-making. When an Indian slave testified before the South Carolina Assembly "that an Indian Woman had told him that all the Indians on the Continent design'd to rise and make War against the English," the threat was taken seriously. ²³

Finally, the shrinking market for Indian slaves from Virginia and South Carolina caused the demise of Indian slavery. Almost all of the New England colonies and the West Indian islands banned the importation of Indian slaves in the first half of the eighteenth century.

Indian slavery was only a small part of Indian policy in Virginia and South Carolina. It was reserved for those Indians who deserved a special punishment. Colonial objectives dictated a more general policy, the policy of tributary status. Both Virginia and South Carolina made the distinction between "friendly" and "foreign" Indians. "Friendly" Indian tribes received the protection of the colonial government in return for a specified number of skins and furs. These tributary tribes fell under the laws of the colony.²⁴ "Foreign" Indians, usually found on the frontiers of the colonies, were dealt with by treaty. Any violations of those treaties could lead to war with the colonists. A number of reasons supported the policy of tributary status over enslavement (even if the enslavement of all Indians had been feasible). Tributary tribes were expected to play the major role in protecting the colony from invasion. In South Carolina the Spanish and French threat was minimized by the extensive alliances between South Carolinians and the surrounding tribes. In Virginia the threat came from hostile northern tribes who made occasional forays into Virginia. Tributary tribes were the first line of defense. Tributary status also accomplished another major colonial goal. It pacified the Indians, made them useful to the colony, yet kept them apart from colonial society. The ethnic and cultural purity of English colonial society was not jeopardized by tributary status. By excluding Indians from society, the colonists thought they were excluding savagery

from civilized society.²⁵

If Indians in Virginia and South Carolina were enslaved as punishment for their savagery, it can be argued ironically that their savagery also kept them from enslavement. The Indians fought to retain their culture against overwhelming odds. The early colonists were repelled by the Indians' way of life, but more importantly, they feared its influence on their own culture. As long as the Indian threat remained, any measures - war, enslavement, alienation - were justifiable to preserve English civility. Once that threat ended, however, the colonists could safely express an admiration for the free spirit embodied in the American Indian. As the American Revolution grew near, the colonists could readily identify with a group of people fighting to maintain their way of life.

NOTES TO CHAPTER III

- ¹Wood, Black Majority, p. 143.
- ²Jones, The Present State, p. 153.
- ³Phillip M. Brown, "Early Indian Trade in the Development of South Carolina," South Carolina History Magazine, 76, no. 3 (July 1975):124.
- ⁴William L McDowell, Jr. ed., Journals of the Commissioners of the Indian Trade, 1710-1718, p. 103.
- ⁵Hening, Statutes, 2:491.
- ⁶Milling, Red Carolinians, p. 56. Le Jau, Carolina Chronicle, p. 39. Crane, The Southern Frontier, p. 45.
- ⁷Le Jau, Carolina Chronicle, p. 41.
- ⁸Hening, Statutes, 1:481.
- ⁹Hening, Statutes, 4:10.
- ¹⁰Lawson, Lawson's History, p. 183.
- ¹¹Crane, The Southern Frontier, p. 113.
- ¹²Hening, Statutes, 2:346.
- ¹³For a more thorough discussion of this analysis, see Morgan, American Slavery, pp. 328-330. also, Wilcomb E. Washburn, The Governor and the Rebel, (Chapel Hill: University of North Carolina Press for the Institute of Early American History and Culture at Williamsburg, 1957), p. 154. Washburn notes that Robert Beverley, writing in 1705, related "Virginia's depressed condition to the psychology of the planters and shows how this condition affected their attitudes towards the Indians, Governor Berkeley, and the rebel Bacon. It was the Indian disturbances, he (Beverley) finds, which tipped the balance and caused men whose minds were 'already full of Discontent' to imagine there was an easy way out by 'venting all their Resentment against the poor Indians.'" "
- ¹⁴Catterall, Judicial Cases, 2:275.
- ¹⁵Cooper, Statutes, 2:66.

¹⁶Crane, The Southern Frontier, p. 18. In 1671, the Kusso tribe was accused of conspiring with the Spanish. The South Carolina government declared "open war" with this traitorous Indian nation.

¹⁷Ibid., p. 85.

¹⁸Washburn, The Governor and the Rebel, p. 123.

¹⁹Milling, Red Carolinians, p. 316n.

²⁰McCary, Indians in 17th Century Virginia, p. 10.

²¹Salley, Narratives of Early Carolina, 1650-1708, p. 172.

²²McIlwaine, ed., Executive Journals of the Council of Colonial Virginia, 3:243.

²³Wood, Black Majority, p. 303.

²⁴Hening, Statutes, 3:467. Catterall, Judicial Cases, 2:108-110.

²⁵For further information on how English colonists viewed themselves and the Indians, see Bernard W. Sheehan, Savagism and Civility, (Cambridge: Cambridge University Press, 1980).

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