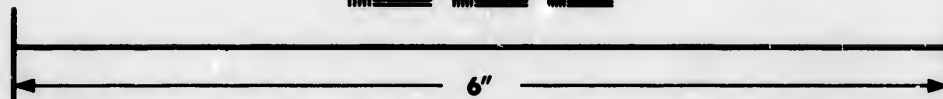
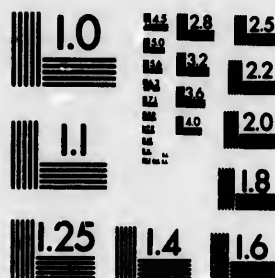
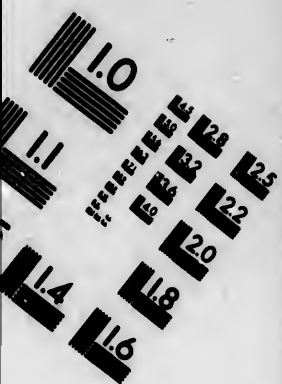


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*The CASE of the Planters of Tobacco in Virginia,
as represented by themselves, signed by the President
of the Council and Speaker of the House of Burgesses.*



E the Council and Burgesses of *Virginia*, the most ancient of the *British* Colonies in *America*, now met in a General Assembly, having under our Consideration the distressed State of the Tobacco Trade, which chiefly employs the Industry of the King's Subjects here, and is their only Support, find ourselves obliged, from a Sense of Duty to His Majesty, and our own Sufferings, to represent, The Progress of that Trade through a long Course of Years; the many Mischiefes that have attended it through the various Changes it has undergone by several Acts of Parliament; and the particular Hardships which are now imposed upon us by the unjust Dealings of most of our Factors, the Tobacco Merchants in *Great Britain*.

TOBACCO, after the Act of Tonnage and Poundage made in the Twelfth Year of King *Charles* the Second, until the First Year of King *James* the Second, was liable only to the old Subsidy of One Penny, and the additional Duty of another Penny per Pound; and during that Time the Duties were no great Burthen upon the Merchants; and the Frauds in the Customs (if there were any) were so inconsiderable, that they did little affect the Planters. But their principal Disadvantage then was, that the Use of Tobacco was not so much grown into Custom, and the Quantity imported into *England*, though it was vastly less than at this Time, did exceed the Consumption; yet it was a more profitable Trade, and perhaps yielded a much better Revenue in Proportion than all the Duties do now.

By the 1st of King *James*, an Imposition of Three Pence per Pound was added, to be paid with several Abatements by the Consumptioner before he should be permitted to receive it from the Merchant; and in the mean Time, the Merchant or Importer was obliged to give Bond with one or more sufficient Securities, or to procure two other Persons to become bound to the King, not to deliver any Tobacco to the Buyer before the Duty should be duly paid; or, in Case he should not sell or export it before the Expiration of Twelve Months from the Importation, to pay the Duty.

These Bonds were to be discharged by Certificate of the Buyer's, having paid the Duty, or giving Bond to export it; and the Merchant or Importer was liable once in Three Months to account upon Oath to the Commissioners of the Customs, and his Warehouse to be searched for all Tobacco remaining in his Hands from Time to Time; and in Case he should fail to make Payment of the Duties which should be found due, his Bonds were to be returned into the Exchequer, there to be prosecuted according to the Course of Law.

Then there arose a sufficient Temptation to defraud the Customs, and the Running of Tobacco became soon a very great Abuse; but in other Respects the Course of the Trade was very little altered, the Price was raised in some Degree in Proportion to the Duties, and this Import was much better secured to the Crown, than by the Method introduced afterwards by the 7th and 8th of King *William*, which obliged the Importer to give Bond for the Payment of it at the End of Eighteen Months from the Importation, discounting for prompt Payment Ten, Six, Four, and Two per Cent. according to the Time, which was to be discharged by Duties upon Exportation of the same Tobacco within Twelve Months. It was said that the former Method of paying the Duty by the Consumptioner was found prejudicial to Trade, and grievous to the Merchants; but Experience has not yet discovered any Advantage from the Merchants bonding the Duties; nor were the People of *Virginia* acquainted with the Inconveniences that were suggested to the Parliament, and were the Grounds upon which that Alteration was made; but many Abuses did soon arise from thence in regard to the King and People. The Merchants indeed had immediately apparent Benefit by this Regulation; for in all their Accounts afterwards, they charged their Commissions upon all the Duties due upon the Tobacco as exported, and only the first Penny paid, and the Molesty of that drawn back: Which has been considerably augmented upon the Planters since the further Subsidy of One Penny by the Act of the 9th and 10th of King *William*, and the one Third Subsidy by the 2d and 3d of Queen *Ann* were added: So that at this Day, the Merchants Commissions may be generally computed to be above an Eighth Part of the net Produce of the Tobacco, in most of their Accounts; and

upon

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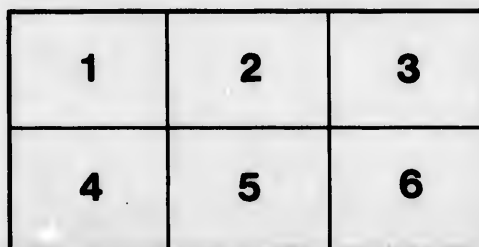
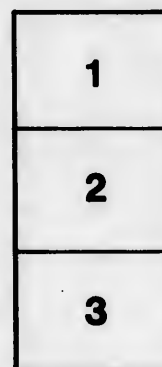
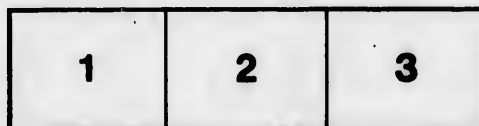
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The C A S E of the Planters of
Tobacco in *Virginia*, as re-
presented by themselves, sign-
ed by the President of the
Council and Speaker of the
House of Burgesses.

upon many Sales to more than the whole Balance coming to the Planter. Divers Acts of Parliament have been since made in several Reigns for advancing the Trade; and we conceive that the Prohibition to import Bulk Tobacco was so far useful, as to make the Running of it more difficult: Enlarging the Time for Exportation to Three Years, drawing back the whole Duty upon Exportation, and reducing the several Discounts and Allowances upon the respective Duties to one uniform Abatement, have produced some good Effects. But so long as the Merchant is trusted with the keeping of Tobacco in his own Warehouses, and the Payment of the Duties continues under the present Method, we apprehend no Expedient will be found adequate to the Mischiefs designed to be remedied.

For, with respect to the King, it is very obvious from many recent Instances, that many of the Merchants are forced to contract Debts at the Custom-House far exceeding the Value of their Estates, which has occasioned the Loss of vast Sums of Money to the Revenue. The Planters find an unaccountable Difference in the Weights of their Tobacco when it is shipped off here, and when it is weighed again at the Custom-Houses in *Great Britain*, especially in *London*. It will be very clear from an Enquiry into the Balances paid every Year into the Exchequer, that not above one half of the Tobacco which must necessarily be consumed in *Great Britain* can have paid the Duties: And it may be worth while to consider by what Means it has been possible for many Merchants who have fail'd, and thereby discovered the ill State of their Affairs, to maintain their Credit for many Years at the Custom-House.

It will be, without Doubt, a very great Difficulty upon us at this Distance, to give any clear Account of the Causes which produce such Evils, and whatever we are able to offer upon the Subject, may possibly amount only to a probable Conjecture. Yet if Recourse be had to the Number of Hogheads imported and exported, and a just Calculation made of the Weights of one Hoghead with another, (which may now be easily known from the several Custom Houses in *Great Britain*, as to *Virginia* Tobacco, seeing the net Weight when it goes from hence, by a Law lately made here, is marked upon every Hoghead by sworn Inspectors) there will remain a very pregnant Suspicion, that a considerable Part of the Frauds must proceed from weighing the Tobacco upon the Landing of it, either through Corruption or Negligence: And if this be probable, the Merchant having the Tobacco in his own Warehouses, or his Servants, Coopers, or Porters, may take out of a great Number of Hogheads a large Proportion of the whole, and yet by the Favour and Connivance of a corrupt Officer, when it comes to be weighed again for Exportation, may obtain a Debenture for a greater Quantity, and thereby not only defraud the Crown of the Duty which ought to have been paid, but even receive a Drawback for what was never paid: And we think it impossible to account in any Degree for such prodigious Frauds in another Manner.

We conceive it is no hard Matter for a Man of a small Fortune to make a considerable Figure in Trade by a large Credit at the Custom House; for if a Merchant, for Example, enters Five Hundred Hogheads of Tobacco, which he sells for the Home Consumption, and bonds the Duties, though they are payable at the End of Eighteen Months, no Process can issue against him till after the Time allowed for Exportation, then he cannot be molested upon such a Bond within three Years, and so long he has to contrive a Way to discharge it, which may be done in this Manner: If he can procure the same Quantity every Year, by exporting the Consignment of every Third Year only, the Debenture (if any body will swear it to be for the same Tobacco that was entered Two Years before) will discharge all the Bonds that can be prosecuted against him, and reimburse him for what he was obliged to pay down for the First Penny: So by such a Management, a Merchant may trade with good Credit a considerable Time upon the Money he really owes to the Crown; and if he is very dexterous, may actually discharge all his Bonds, and by the Frauds in the Weights at the Landing and Shipping off, gain a great deal of Money. A flagrant Instance of this Sort, we are informed, was discovered by the Commissioners of the Customs, in the Case of Mr. *Midford*, and without Doubt many more have remained undiscovered.

As this Method of bonding the Duties turns so much to the Prejudice of the Crown, it is no less injurious to the Planters, not only because it cannot be expected, while such enormous Practices subsist in the Trade, that the Tobacco which really pays the Duty can sell at any tolerable Price; but the Merchants, especially in *London*, have it in their Power to oppress the Subjects of the Tobacco Colonies in many grievous Instances. One has been already mentioned in respect to their Commissions; and we must beg Leave to observe several others.

The Merchants, when they sell our Tobacco for the Home Consumption, think themselves under no Obligation to secure the Duties, but deliver it to the Retailer upon a long Credit, as they pretend; and if he happens to become a Bankrupt, they hold the Planter engaged to repay all the Charges of that Tobacco, including the Duties, and even their

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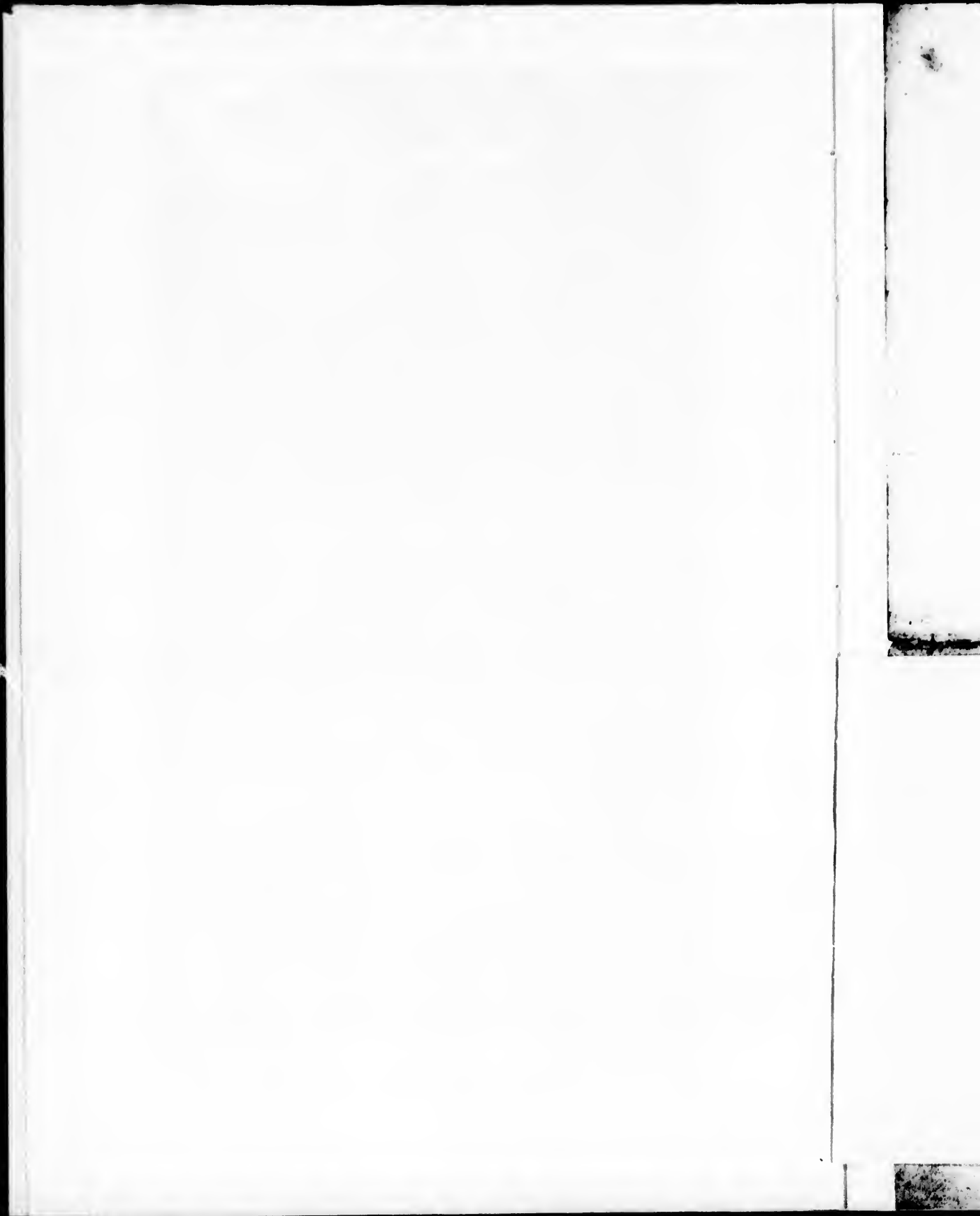
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own Commissions. By this Means, a Man, whose Misfortune it is to have his Tobacco sold to a Bankrupt, will be brought in Debt to the Merchant Eighteen or Nineteen Pounds a Hoghead, besides losing the net Produce; which is so terrible a Circumstance, that some are obliged to make a further Allowance to the Merchant to make good all Debts; and those that will not submit to these Terms are continually exposed to Ruin, and he that has the best Estate is most in Danger.

The Tret and Clough, which is an Allowance to the Freemen of London upon all waisting Commodities, is another heavy Article upon us: It is deducted out of the net Tobacco which pays the Duty upon every Sale to any Retailer, and amounts to above Twenty Shillings upon a Hoghead. We are allowed at the Custom House Eight Pounds upon a Hoghead by Act of Parliament for Draught, and Two Pounds for Sample; but this the Merchant in most Cases converts to his own Use, and thereby deprives the Planter of about Seven Shillings upon every Hoghead, and very often more. And whereas formerly all the petty Charges upon Tobacco did amount to little more than Five Shillings per Hoghead, which we conceive did exceed considerably what was really paid, the present Set of Merchants have of late contrived to raise that Article to upwards of Ten Shillings in all their Accounts, and very frequently to more than Fifteen Shillings. One extraordinary Charge, among others, is Three Pence a Hoghead, amounting to between Four and Five Hundred Pounds a Year from Virginia, and as much from Maryland, lately imposed upon us, without our Consent, to defray their Expences in applying to the Parliament upon any Occasion to relieve us from the Hardships we groan under: How well they deserve this Money, will best appear from the Records of Parliament.

We do admit the Act of Parliament which last settled the Abatements upon prompt Payment of the Duties, was designed for the Good of the Planters, and is so on Account of reducing the Duties to what they are at present; but the Merchants have so determin'd by their own Decrees, as to ingross, in great Measure, the Advantage of this Discount to themselves. For it is the Misfortune of the greatest Part of the Shippers of Tobacco, not to be able to remit Money to pay down the Duties, though some are; but they are obliged by the mysterious Rules of Trade, to lodge in the Hands of their Correspondents double the Sum that would be sufficient for that Purpose, or at least a very great Overplus; whereby the Merchant is manifestly in a much better Condition when he allows his Correspondent here the Advantage of the Discount, than when he takes it to himself, and makes it not worth any Man's while to keep Money to make the prompt Payment of the Duties upon his Tobacco, seeing upon the Merchants Terms of allowing the Discount, and their unreasonable Delays in bringing the Money back to our Credit, no body can make Four per Cent Interest, and very seldom so much. Besides, the Planter without Money, must, in a fair way of paying, be very frequently, if not always, entitled to the Discount of Seven per Cent per Annum, allowed by the 9th of the late King, upon the Payment of the Duties within Eighteen Months: For it is a very great Abuse in the Trade, that the Merchants are too hasty on many Occasions in selling Tobacco, in order to raise ready Money for their own Purposes; and though they keep their Accounts back several Years from their Correspondents, none of them will say that they never receive any Money upon the Sales of Tobacco within Eighteen Months from the Importation. Yet we know not one Instance of any Allowance being made upon this Article by any Merchant in London, though it has been made by some few in the Out-Ports.

This is only an Examine of some of our Grievances, and there are many other that cannot be properly mentioned upon this Occasion. But lest these should not be sufficient by their own Weights to undoe us, we are informed the Merchants have lately obtained an Act of Parliament whereby an Affidavit before the chief Magistrate of any Town or Borough, is made equal to *viva voce* Evidence, for the Proof of their Accounts, however unjust or mistaken; and the Nature of our Estates (which have from our first Settlement been under the same Circumstances that the like Estates are in England) are altered by making our Lands subject to the Payment of their Book Debts, in order to enable them to give us larger Credit. It will not become us, nor do we presume to dispute with the Wisdom of the Parliament; but we are justly alarmed with the Consequences of the additional Power the Merchants will have now to oppress us more than they have ever done before; and are apprehensive they cannot be restrained but by the Laws of their own Consciences, from making themselves Masters of the Estates in both the Tobacco Colonies, unless we can be assisted by the Parliament. And we persuade ourselves, that these Colonies who employ above Four Hundred Sail of Ships, maintain more than Four Thousand Seamen, consume of the Manufactures of Great Britain to the Value of near half a Million yearly, have so considerable a Share in supporting the Balance of Trade with Foreign Nations, and raise so great a Revenue to the Crown, without being one Farthing Expence to our Mother Country, will be thought worthy the Consideration of a British Parliament.



To this End we humbly Propose, that the Merchants be no longer solely trusted with the keeping of Tobacco, but that the same be deposited in Warehouses under the Lock and Key of the King and Merchant; that all the Duties be reduced to Four Pence Three Farthings the Pound, which is the net Duty, at present, after discounting the Twenty Five per Cent; that no Bonds be taken for securing the Duties upon Importation; that all Tobacco be weighed when it is landed, and weighed again when sold and delivered out to the Retailer or Exporter; that such Retailer pay down the Duty according to the last Weight, and only remain answerable to the Merchant for the Overplus of the Price; that all Tobacco be exported Duty-free, and the same Time allowed for Exportation as is now; and that some severer Penalties be annexed to the relanding of Tobacco delivered out for Exportation, or selling it at home: By this Method no Alteration will be made in respect to the Duty, but that will be better secured, and cannot fail of being encreased by suppressing the Multitude of Frauds, which must needs arise from the Merchant's having the Tobacco in his Power, and bonding the Duties: Many Perjuries will be prevented; the Merchant will then have no Interest in lessening the Weights, but for the sake of his Commissions will see that Justice be done to the King and the Planter, and the Custom-House Books will be a Check upon him if he does any wrong; the Planters will be able to chuse their Merchants for their Probity and kind Treatment, and not for their Riches or Credit; the Sword will be taken out of their Hands, and the Balance held more equally between them and us.

Yet we cannot doubt, but many Objections will be raised by our Enemies to this Scheme, and terrible Consequences must be foretold, to follow upon it, even with Respect to our selves: But however that may be, we have this Consolation in being assured, that we cannot be in a worse Condition than we are at this Juncture; and if the Trade should not be restored to a better State, we shall at least be secure in our Poverty, and be defended from those who seek to undoe us.

Signed in the Name and Behalf of the Council.

Williamsburg, June
28, 1732.

ROBERT CARTER, *President.*

JOHN HOLLOWAY, *Speaker of the
House of Burgesses.*

