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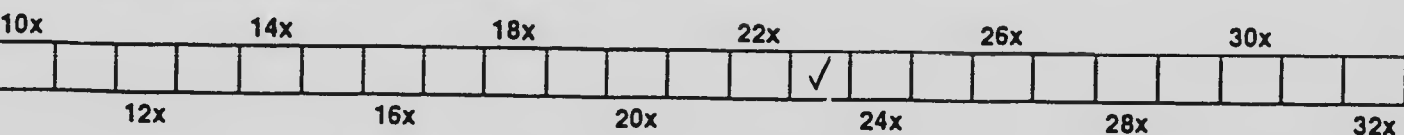
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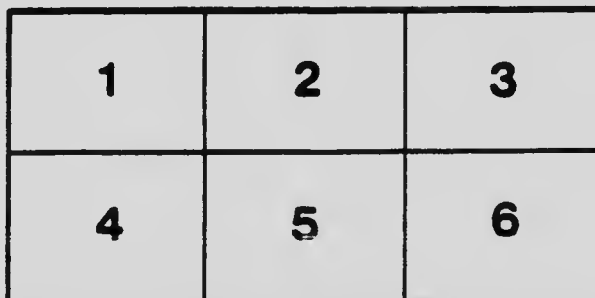
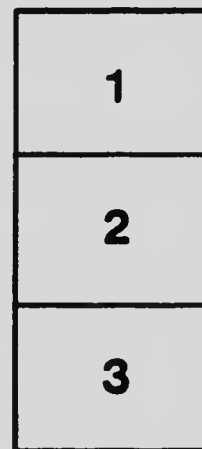
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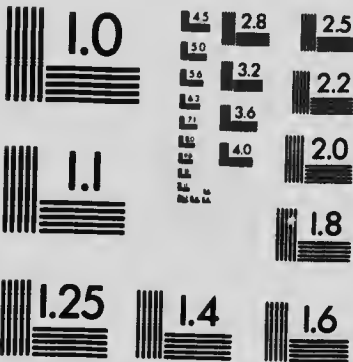
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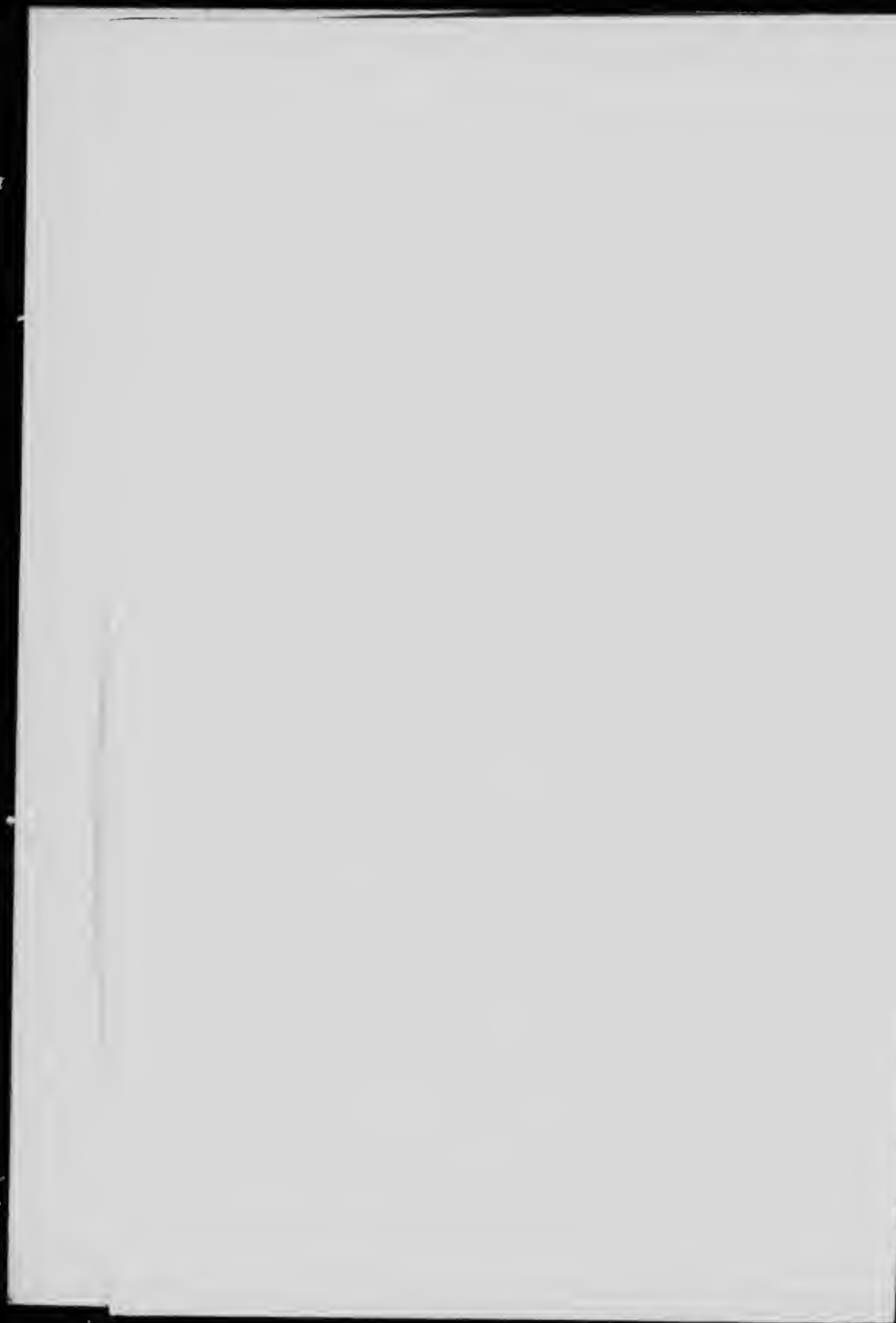
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THE OLD COLONIAL SYSTEM

1660-1754

PART I.—VOL. II.



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THE  
OLD COLONIAL SYSTEM  
1660-1754

BY

GEORGE LOUIS BEER

AUTHOR OF "BRITISH COLONIAL POLICY, 1754-1765," "THE ORIGINS  
OF THE BRITISH COLONIAL SYSTEM, 1578-1660"

PART I  
THE ESTABLISHMENT OF THE SYSTEM  
1660-1688

IN TWO VOLUMES  
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## CHAPTER VI

### BARBADOS AND THE LEEWARD ISLANDS

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THE Restoration commercial system, in particular the enumeration of sugar under the law of 1660 and the provisions of the Staple Act of 1663, meant a far more stringent control of the commerce of the West Indian colonies than had prevailed during the Cromwellian era. Under the Act of 1650, foreign ships were not allowed to trade to the English colonies; but all colonial products could be sent in English bottoms directly to any market whatsoever, and such carriers could also bring to the colonies European goods from places other than England.<sup>1</sup> The more restrictive system of the Restoration period was put into effect at a most inopportune moment — just when the enormous profits of the early years of the sugar industry were rapidly disappearing, in consequence of the ever increasing output of the English and foreign colonies. The almost perpendicular fall in the price of sugar was fundamentally due to this large increase in supply, in combination with a much more

<sup>1</sup> Beer, *Origins*, pp. 384 *et seq.*

slowly expanding demand. The bonanza years were giving way to a period of more normal industry, during which the selling price tended to bear some more or less approximate relation to the cost of production. While this process was going on, and some time before it would normally have reached its inevitable conclusion, the English government adopted the comprehensive restrictive commercial system, which aggravated the hardships inseparably connected with an economic readjustment of this nature. As a result, the chief of the sugar colonies, Barbados, complained bitterly, and, forgetting, or not realizing, that the fundamental cause of the lower prices for sugar was the increased production,<sup>1</sup> tended to attribute it solely or mainly to the policy of the English government.<sup>2</sup>

This colony insistently opposed the system adopted for carrying on the slave-trade, claiming that it raised the cost of their indispensable labor. Constant objections were made to the four and a half per cent duty on the alleged ground that this revenue was diverted from the colony's public services. Moreover, the English schedule of sugar duties imposed in 1660 was not wholly satisfactory to the planters; and when, in 1685, a heavy additional tax was imposed, the economic ruin of the colony was confidently predicted. Finally, Barbados strenuously opposed some of the provi-

<sup>1</sup> A few years before the Restoration, it was stated that the price of raw sugar in Barbados was, at the lowest, 28s. a cwt. Richard Ligon, *A True and Exact History of Barbados* (London, 1657), p. 95. In 1670, the price was 12s. Brit. Mus., Egerton MSS. 2395, ff. 639-641; C. O. 1/26, 57; *ibid.* 31/2, ff. 54 *et seq.*; P. C. Cal. I, pp. 533, 534.

<sup>2</sup> Brit. Mus., Stowe MSS. 3662, f. 59<sup>a</sup> reversed.

sions embodied in the laws of trade and navigation. Thus, throughout this entire period, the colony was incessantly complaining of this or that phase of English policy. In these complaints there was that marked tendency to over-accentuate all unfavorable features, which is a characteristic of all periods of falling prices. The colony was in a decidedly pessimistic and querulous mood. In addition, as is seemingly inevitable in all statements made by interested parties to influence the government, the facts presented were not only those most favorable to the cause advocated, but they were also at times grossly, and apparently wilfully, inaccurate.

In Barbados, at the time of the Restoration, sugar had to a great extent displaced the earlier crops of tobacco and cotton,<sup>1</sup> and the colony's welfare was intimately bound up with the sugar trade. Its main interest in the Navigation Act of 1660 was in the clauses enumerating sugar. In 1661, the Barbados government stated that they would enforce this Act, but at the same time they forwarded a petition to the Council for Foreign Plantations, stating that sugar, their 'chief and almost only manufacture,' commanded so inconsiderable a price that many would be forced to leave the island. They argued that the new Act, by forcing all their sugar into one market, would cause a glut 'and a still further fall' in its value, and therefore prayed for permission

<sup>1</sup> In 1661, the colony stated that sugar was the principal commodity; 'some parts afford cotton, the country is too barren for indigo, and ginger (at the present price) is not worth planting.' C. C. 1661-1668, no. 84. On sugar and cotton in this colony, see also Davies, *The History of Barbados, St Christophers, etc.* (London, 1666), pp. 9, 198.



to ship their produce to any market whatsoever on giving security to pay the lawful customs.<sup>1</sup> In addition, very shortly thereafter, the President and the Council (the Assembly refused to join, judging the moment unfavorable) sent a similar petition to the King and at the same time wrote to the Secretary of State.<sup>2</sup> In this letter, they stated that their lands were already becoming less fertile and yielded poorer and less sugar; that the people were, as a rule, not prosperous, but being vainglorious, made an ostentation of riches which they did not possess; that the planters were generally indebted to the merchants, and that sugar was then "of no price worth making." Furthermore, it was pointed out that the sugars shipped by the planters to England yielded only contemptible returns, for the English merchants 'having us in their power that we can send sugars nowhere else, give us what they please, and soe having the market in themselves . . . make us simple planters only the property of their gain, and sell the poor for bread and the rich for shoes.' Therefore, they begged to be released from the enumeration clauses of the Navigation Act, and lest the King's revenue should suffer, they proposed that there be established at Barbados a custom-house, where should be collected on all sugars exported to foreign countries in legally qualified vessels duties equivalent to one-half of the English subsidy of 1660.<sup>3</sup>

<sup>1</sup> C. C. 1661-1668, nos. 84, 85.

<sup>2</sup> C. O. 1/15, 69-71; Brit. Mus., Egerton MSS. 2395, ff. 305 *et seq.*; C. C. 1661-1668, nos. 127, 129.

<sup>3</sup> This was equivalent to the amount such sugars would have paid if shipped *via* England.

At about the same time, the government also received a petition from the Barbados planters, merchants, and traders,<sup>1</sup> who stated that 'scarce any island in the world yields so great a revenue or employs so much shipping and stock,' and that its destruction would not only spell their ruin, but would also gravely prejudice England's shipping and the customs revenue. But such, they said, 'has been the increase and unmerchantableness of the sugars lately made' that its value is utterly destroyed, 'not yielding above one or two and twenty shillings per hundred.'<sup>2</sup> As a means of raising the price and improving the quality, they suggested that no one should be allowed to sell merchantable sugar for less than thirty shillings a hundredweight, the rate at which sugar was valued in the English tariff of 1660.

This suggestion did not meet with an unfavorable reception, because just at this time some English merchants, with the support of the government, were trying to make arrangements to monopolize the European sugar trade. They were willing to buy the entire English colonial crop at a fixed price, and also proposed to secure control of that of Brazil.<sup>3</sup> The Council of Foreign Plantations, to whom

<sup>1</sup> C. C. 1661-1668, no. 130; P. C. Cal. I, p. 314.

<sup>2</sup> They stated that formerly raw sugar had sold in England for £3 10s. the cwt. In 1663, in a letter to Willoughby, Charles II also stated that excessive planting was the cause of the low prices. C. C. 1661-1668, no. 576.

<sup>3</sup> Prior to the cultivation of sugar in the English West Indies, the great source of supply was Brazil. On the expulsion of the Dutch, onerous taxes were imposed by the reinstated Portuguese, and at the same time Brazil had to compete with the newly developed sources of supply in the West Indies. As a result, according to a memorial written in 1668, the Brazilian

the petition of the Barbados traders had been referred, reported on August 19, 1661, that a letter should be written by the King, acquainting Barbados with the overtures made by these merchants to buy their sugars at such rates as would make the planters comfortable and ordering the convening of an Assembly to consider these proposals.<sup>1</sup> In order to carry into effect the Portuguese section of the scheme, Sir Richard Fanshaw, who was at this time sent as Ambassador to Portugal, was instructed to make careful inquiries about the sugar situation there, with the special object of ascertaining "whether it may be practicable that the English may engross to themselves the sole trade of sugar, taking the whole commodity at a price, and we being bound to send our fleet to Brazil, and therewith to convoy such a proportion of sugar to Portugal as shall every year be assigned to that consumption, and may then transport the rest whither shall seem best."<sup>2</sup>

This far-reaching scheme resulted in nothing. Portugal was by no means inclined to enter upon such an arrange-

exports to Europe fell off from 70,000 chests yearly to 20,000, and the English seemed to be in a fair way to monopolize the sugar trade. Memorial on the sugar trade, endorsed September, 1668, in Public Record Office, Shaftesbury Papers, Section X; Bodleian, Rawlinson MSS., A 478, f. 88.

<sup>1</sup> C. O. 1/14, 59, ff. 37, 38; C. C. 1661-1668, no. 158.

<sup>2</sup> In conclusion the instruction read: "You have had so much said to you upon this argument by those who manage that design that there need be no more enlargement upon it in this place." Section 5 of the instructions to Fanshaw, Aug. 23, 1661. Heathcote MSS. (H.M.C. 1899), p. 19. On Dec. 6, 1661, Clarendon wrote to Fanshaw: "You are enough instructed in the business of the sugar to make at least such approaches to it as to discover what is practicable in that kind." *Ibid.* pp. 23, 24.

ment;<sup>1</sup> and the negotiations with Barbados were deferred until the future political status of the colony was definitely settled. Finally, when in 1663 Lord Willoughby was sent out as Governor, he was instructed to lay this matter before the colony, and, if a reasonable price could be agreed upon, the King promised to "recommend it in such manner to a Body of good and substantiall Merchants, that the whole Growth of Sugars shall be taken off."<sup>2</sup> Thirty years before this, under similar circumstances, a number of attempts to raise the price of Virginia tobacco by such means had utterly failed.<sup>3</sup> Experience had shown that it was impossible for the English merchants and the colonial planters to agree upon a mutually satisfactory price. Willoughby, apparently, saw the futility of any such attempt and did not waste his energies on it. Instead, having large interests in Barbados as well as in his own proprietary colony at Surinam, where sugar was also produced,<sup>4</sup> he fully adopted the viewpoint

<sup>1</sup> Eventually, this part of the scheme dwindled down to an attempt to secure permission for the Duke of York to send three ships to Brazil to fetch sugar. Concerning this, Fanshaw wrote, in 1663, that he had put the matter in the hands of the King's favorite, but that it had to be laid before the Council, who of late have objected to granting such licenses, even though paid for, believing them to be detrimental to Portugal. *Ibid.* pp. 123, 124.

<sup>2</sup> The instruction stated that Willoughby had been present "at severall Debates in Our Councill of Plantations upon the finding some Expedient, by which both Merchant and Planter might be encouraged in carrying on the Trade and Manufacture of Sugars, and preventing the same from being become a Drugg of small value." P. C. Cal. I, pp. 360, 361; C. C. 1661-1668, no. 489.

<sup>3</sup> Beer, *Origins*, pp. 152 *et seq.*

<sup>4</sup> C. C. 1661-1668, no. 83.

of the colonial planters and complained bitterly of the restrictions imposed on the sugar trade.

On September 10, 1663,<sup>1</sup> shortly after his arrival in the colony, Lord Willoughby wrote to Charles II that he hoped some relief might be granted by relaxing the Navigation Act, and a few weeks later he reported that otherwise the colonies would all be ruined.<sup>2</sup> The following year, he again wrote of the ill effects of the laws of trade and navigation.<sup>3</sup> At this time events were inevitably leading to war with the United Provinces. In this conflict, the French joined hands with their Dutch allies, and, as a result of this combination, the English West Indies were exposed to disastrous assaults and their commerce was grievously harassed. On May 12, 1666,<sup>4</sup> Willoughby sent to Charles II a vigorous and frank expression of his views. The French, he wrote, had captured the English part of St. Kitts, and Nevis was about to surrender to them, so that he feared for the safety of Barbados, "that fair jewell of your Majesty's Crown," which is the best peopled spot in the western hemisphere and yields her sovereign the largest revenue. As he apprehended the loss of all the West Indies, the writer begged the King to pardon the frankness of the following observation, that "free trade is y<sup>e</sup> life increase & beeing of all Collonyes," and that, for lack of it, the West Indies have not clothes sufficient to hide their nakedness or food to fill their bellies.<sup>5</sup>

<sup>1</sup> C. C. 1661-1668, no. 561.

<sup>2</sup> *Ibid.* no. 578.

<sup>3</sup> C. O. 1/18, 104; C. C. 1661-1668, no. 804.

<sup>4</sup> C. O. 1/20, 92; C. C. 1661-1668, no. 1204.

<sup>5</sup> He continued: "May itt please yo<sup>r</sup> Ma<sup>ty</sup> to giue mee leaue to say this, whoeuer hee bee that hath advised yo<sup>r</sup> Ma<sup>ty</sup> to restraine & tye upp

Shortly after sending this letter, Willoughby was drowned while trying to reestablish the English in St. Kitts, and was succeeded in the government of Barbados by his brother and heir to the barony, William, Lord Willoughby.<sup>1</sup>

The war had clearly demonstrated the military weakness of Barbados, but this was a direct result of the plantation system of production and could not, except very indirectly, be attributed to English policy. During the twenty-five years following the introduction of the sugar industry, the wealth of Barbados had increased at a phenomenal pace, and was estimated to have been in 1666 seventeen times what it was in 1643.<sup>2</sup> According to a contemporary account, 'the buildings in 1643 were mean, with things only for necessity, but in 1666 plate, jewels, and household stuff were estimated at 500,000 l., their buildings very fair and beautiful, and their houses like castles, their sugar houses and negroes' huts show themselves from the sea like so many small towns, each defended by its castle.' But this great increase in wealth was accompanied by a serious decline in defensive strength. In 1643, it was so asserted, the colony had over 18,000 effective white males, of whom more than one-half were landed proprietors. In 1666, there were only

yo<sup>r</sup> Colonyes in pointe of trade, lett him be neuer so greate A merchant or pretender to the knowledge of affaires in these parts, I must assure yo<sup>r</sup> Ma<sup>ty</sup> hee is more a Merchant than a good Subject, & would haue your Islands but nursed upp to work for him & such men."

<sup>1</sup> C. C. 1661-1668, nos. 1341, 1342, 1353.

<sup>2</sup> According to one estimate, Barbados was forty times as rich in 1667 as in 1645.

about 8000 white men,<sup>1</sup> and of these less than 800 were proprietors of sugar estates. Hand in hand with this diminution in the white population and the concentration of the ownership of land went a large increase in the number of negro slaves. These were estimated to have been at the former date about 5000 and at the latter approximately eight times that number. During these twenty odd years Barbados had lost from 12,000 to 14,000 men in Willoughby's military expeditions and by emigration to the other English colonies — especially to Surinam and Jamaica — as well as to those of foreign nations.<sup>2</sup>

The new Governor, William, Lord Willoughby, was considerably worried by the military weakness of the colony, and suggested that it could be remedied if white servants were brought from Scotland. The Staple Act of 1663, which debarred Scotland from exporting its products directly to the colonies, had excepted servants and provisions, but it was claimed that, unless all the restrictions on trade to and from Scotland were removed, Scotsmen could not be induced to emigrate to Barbados. Shortly after his assumption of the government, Willoughby wrote to the King that, if the West Indies were not to be ruined, two matters had speedily to be remedied: one was the lack of free trade with Scotland, by means whereof these islands had formerly

<sup>1</sup> One-half of these was said to consist of "desolate English, Scotch, and Irish."

<sup>2</sup> John Scott's Description of Barbados, in Brit. Mus., Stowe MSS. 3662, ff. 50<sup>b</sup> *et seq.* of the volume reversed; C. C. 1661-1668, no. 1657. These two accounts contain a number of loose statements and do not fully agree with one another. Some of the obvious errors have been corrected in the text.

been supplied with brave servants and useful subjects; the other was the monopoly of the Royal African Company.<sup>1</sup> Later in the same year 1667, he wrote to the Privy Council that the war had caused a great scarcity of white servants, who were necessary, not only in themselves, but also in order to keep the slaves in subjection, and that a trade for servants from Scotland was essential.<sup>2</sup> In September of 1667,<sup>3</sup> the Barbados Assembly, in the course of a petition to the King, stated that 'free trade is the best means of living to any colony, of which these islands having for some years been debarred, the planters have been so impoverished and the enemy's trade so advanced, that the English to maintain a livelihood have been forced to fish with the French nets,' and requested free trade with Scotland and a supply of servants thence, and likewise permission to export their produce to any place in amity with England in ships qualified under the Navigation Act after payment of the English customs.

At about the time that these complaints reached England, the government also received a detailed "Account of the Eng-

<sup>1</sup> C. O. 1/21, 89; C. C. 1661-1668, no. 1539.

<sup>2</sup> Willoughby expressly stated that Irish servants were not wanted. C. O. 1/21, 162; C. C. 1661-1668, no. 1648. In another letter, written about the same time, Willoughby requested that three to four thousand Scottish servants be transported to Barbados. "By such a Supply whether Peace or Warr," he wrote, "I should be able to grapple with Mons<sup>r</sup>." Brit. Mus., Stowe MSS. 755, f. 19. In 1668, Willoughby stated that Barbados had 40,000 negroes, 'whose different tongues and animosities have kept them from insurrection, but (he) fears the Creolian generation now growing up and increasing may hereafter "mancipate" their masters.' C. C. 1661-1668, no. 1788.

<sup>3</sup> *Ibid.* no. 1565.



lish Sugar Plantations,"<sup>1</sup> which was tantamount to an elaborate indictment of English policy. Therein it was pointed out that the West Indies were of great value and importance to England; that they had formerly given employment to a large number of ships yearly, most of which were freighted with English manufactures and brought back to England sugar, indigo, cotton, and tobacco, "w<sup>ch</sup> great Treasure cost this Nation not one penny of its Bullion." Most of this sugar was again reexported from England and was an important factor in rectifying the nation's trade balance; and, furthermore, the duties on these West Indian products greatly increased the English customs revenue. This prosperous state, it was said, had continued until the passage of the Navigation Act of 1660, "which in time would ruine them." Since then the West Indies have decayed, their trade employing only one hundred and fifty ships yearly. This decline was attributed directly to the Restoration colonial system. "In the growth and former flourishing Condiçon of the Colonyes the planter in the West Indies had freedom of Trade with all Nations in amity with England by meanes whereof they bought their supplies for their plantaçon on Cheap Tearmes and Sent their Sugars etc to the best Markets." As a result of the Staple Act, it was further claimed, the planters were forced to pay double and treble the prices formerly demanded for their supplies.<sup>2</sup> Moreover,

<sup>1</sup> C. O. 1/22, 20; C. C. 1661-1668, no. 16; ; Brit. Mus., Stowe MSS. 324, ff. 4 *et seq.*; Egerton MSS. 2395, ff. 629 *et seq.*

<sup>2</sup> It was asserted that this Act, which prohibited the importation of European goods into the colonies except from England, was of advantage to no one, and that the customs collected on such goods in England did

they were cut off from trading with Scotland, whence formerly Barbados had obtained numerous servants.

Early in 1668, these various complaints were considered by the English government. The Committee for Foreign Plantations reported that they apprehended that Barbados was in ill condition, on account of the multitude of negroes and Irish there and the great decrease in its other population, but, pending further consideration of the matter, they recommended the despatch of a dilatory letter.<sup>1</sup> In the meanwhile a disastrous conflagration<sup>2</sup> had caused considerable distress in Barbados, in consequence whereof a special Committee of the Privy Council was appointed to confer with the merchants and planters in London about the best means for the colony's relief.<sup>3</sup> These merchants and planters proposed among other things that the Committee should take into consideration the petition of the colony, especially in so far as it concerned a free trade for negroes from Africa and for servants from Scotland.<sup>4</sup> Shortly after this conference, in August of 1668, the Barbados legislature renewed its complaints and suggestions of the preceding year,<sup>5</sup> but on these

not compensate for the decay of Barbados. "Neither is the Custome the tenth part of the damage the planter sustaines thereby; for that the losse of time the paying a double fraught, a double Adventure, together with the decay and damage the said Goods doe sustaine doth infinitely surmount his Ma<sup>ty</sup> duty, and no man is the better for this losse."

<sup>1</sup> C. C. 1661-1668, no. 1712; P. C. Cal. I, pp. 465, 466.

<sup>2</sup> C. C. 1661-1668, nos. 1734, 1739.

<sup>3</sup> P. C. Cal. I, p. 472; C. C. 1661-1668, no. 1768.

<sup>4</sup> C. C. 1661-1668, no. 1769. These suggestions were referred to the Committee on Trade. P. C. Cal. I, pp. 475, 476.

<sup>5</sup> C. C. 1661-1668, no. 1816.

points no satisfaction could be obtained.<sup>1</sup> In 1670, Barbados again forwarded a similar petition,<sup>2</sup> and instructions were sent to the Committee of Gentlemen Planters in London, which was composed of influential men of whom some, like Sir Peter Colleton and Henry Drax, were large landed proprietors in Barbados, to endeavor to secure redress for their grievances.<sup>3</sup> These included requests for liberty to ship their sugar directly to any friendly port on giving security for the payment of the English duties and for free trade with Scotland so as to secure servants thence.<sup>4</sup> In 1671, the Assembly renewed these complaints and again instructed the Gentlemen Planters to work for their relief.<sup>5</sup>

This Barbados Committee did not find the times favor-

<sup>1</sup> P. C. Cal. I, p. 519.

<sup>2</sup> C. O. 31/2, f. 1; C. C. 1669-1674, p. 15.

<sup>3</sup> C. C. 1669-1674, pp. 134, 135, 497. This committee, which took the place of the ordinary colonial agent, was a unique institution peculiar to Barbados. It was regularly organized, having a paid legal adviser, Edward Thornburgh, who acted as its secretary. Funds for this and other expenses — which in 1671 included about £100 for entertaining members of Parliament — were remitted by the colonial Assembly. This body, which was also called the "Committee for the Publique Concern of Barbados," held meetings at irregular intervals, and corresponded actively with the colonial legislature whenever the occasion demanded it. C. O. 31/2, ff. 103-109; C. C. 1669-1674, pp. 370-373.

<sup>4</sup> C. C. 1669-1674, p. 200; Brit. Mus., Egerton MSS. 2395, f. 465.

<sup>5</sup> C. O. 31/2, ff. 26-29; C. C. 1669-1674, pp. 199-201. Among the relief measures suggested in these annual complaints was permission to set up a mint for coining money in the colony, or that a special coin, which should pass current there at somewhat more than its intrinsic value, should be provided. The object of this proposal was to do away with the system of barter that prevailed in Barbados and to enable it to retain a supply of money. C. C. 1661-1668, no. 1816; P. C. Cal. I, pp. 518-520; C. C. 1669, p. 591; *ibid.* 1669-1674, p. 200.

able for urging these matters, but concentrated its attention on opposing the increase of the English sugar duties, which was then being debated in Parliament. Early in 1673, however, after this question had been disposed of, there was read by the Privy Council an able memorial of Ferdinando Gorges, one of the most active of the Gentlemen Planters. After emphasizing the great economic value of the sugar colonies to England, Gorges stated that they needed white servants to keep the slaves in subjection and to defend the colony against foreign enemies, and recommended that, with this object in view, free trade with Scotland be allowed.<sup>1</sup> This matter was also presented to the House of Commons, where, as Colonel Thornburgh, the Committee's secretary, wrote to the Assembly, it was expected to be taken under consideration at the fall session of 1673.<sup>2</sup> Nothing could, however, be effected.

Willoughby died in 1673, and, pending the appointment of his successor, the government devolved upon the President of the Council, Sir Peter Colleton.<sup>3</sup> Towards the end of 1673, Sir Jonathan Atkins was appointed Governor and, somewhat less than a year later, assumed the duties

<sup>1</sup> Brit. Mus., Egerton MSS. 2395, f. 490. In addition, Gorges stated that the West Indies needed very great quantities of provisions and manufactures and urged that liberty be granted to export them from England duty free "as formerly, the said Plantations being memb<sup>rs</sup> of England." In 1669, one Nicholas Blake made the same suggestion, saying 'those of New England have had that favour long, and we think we have as much reason to enjoy that privilege as they.' C. C. 1699, p. 590. New England had enjoyed this privilege during the Interregnum. Beer, *Origins*, p. 344.

<sup>2</sup> *Ibid.* 1669-1674, p. 475.

<sup>3</sup> C. O. 1/30, 43; C. C. 1669-1674, pp. 408, 499.

of his office.<sup>1</sup> In the main from sincere conviction, but to some extent also in order to gain the goodwill of the colony,<sup>2</sup> Atkins fully adopted the colonial viewpoint on all questions and actively sought to have their complaints redressed in England. In the spring of 1675, the Assembly petitioned the King, complaining among other things of the scarcity of white servants and of the ill effects of the enumeration of sugar. Formerly, they said, they were plentifully supplied with English and Scottish servants, but the first no longer came as there was available no land, "their maine allurement," which could be given to them on the expiration of their period of servitude. As for the latter, the Act of Navigation stood in the way, for men would not bring servants, if they could not also carry commodities directly from Scotland. The enumeration clauses, they claimed, by forcing all sugar into one market, had lowered prices, raised freight rates, and would shortly ruin the colonies. They suggested that it be permitted to ship sugar to any place on payment of the English duties of 1660. This, they pointed out, would mean an increase in the English customs revenue, as sugars shipped *via* England to foreign markets paid only one-half of this subsidy. They further suggested that the direct importation of goods from Europe be allowed on payment of the English customs in Barbados. This permission, they said, could not prejudice any one in England, "since wee must still fetch our Provisions, & all those other Goods of the English manufacture as formerly." Finally, they stated that they were willing to trade in none

<sup>1</sup> C. C. 1669-1674, pp. 541, 615.

<sup>2</sup> *Ibid.* 1677-1680, pp. 6, 7, 62, 63.

but ships qualified under the Navigation Act, "wee being lykewise thereby Incouraged to Build Ships of ou<sup>r</sup> owne, which must necessarily Increase Navigation."<sup>1</sup>

Funds were sent to the Gentlemen Planters in London to defray the expenses 'of prosecuting these Addresses to his Majesty.' At the same time, Atkins wrote to the Secretary of State, Sir Joseph Williamson,<sup>2</sup> that he could not refuse his assistance in securing relief for these grievances, 'seeing the evil consequences portended,' and that in his opinion the laws of trade and navigation were greatly injuring the West Indies. A few months later, in the fall of 1675, the Assembly renewed its complaints, pointing out that a recent plot of the slaves to rebel against their masters had still further emphasized the necessity of free trade with Scotland, and besides requesting that the export duties on enumerated goods imposed by Parliament in 1673 might be repealed, since they hampered the colony's trade with New England for provisions.<sup>3</sup> In this connection, however, Atkins wrote that the scarcity of provisions was due to the embargo laid thereon in New England, which was then in the throes of a severe Indian war, and that it was this war which was the primary cause of the bad state of the colonies, but that these conditions were 'made much worse by the severity of the Act of Trade.'<sup>4</sup> In April of 1676, Atkins again addressed Secretary Williamson on this subject. "Butt I con-

<sup>1</sup> C. O. 31/2, ff. 165, 172, 177-183; C. C. 1675-1676, pp. 193, 206, 208, 302, 304; P. C. Cal. I, pp. 635, 636, 676.

<sup>2</sup> C. C. 1675-1676, p. 210.

<sup>3</sup> *Ibid.* pp. 288, 289.

<sup>4</sup> *Ibid.* pp. 301, 302.

fesse," his despatch reads, "I lye under some affliction when I consider the threatened Dissolution of these Plantations impending them, being so considerable a Perquisite to the Crowne of England, for if the Indians did not hasten their Fate, the Act for Trade and Commerce in a short tyme will effect it, fer by bringing all their Commodities to one Market it hath brought downe the price of them to so low an Ebb" that it is less than the cost of production. He further added that it was inconsistent with all reason and against all practice not to allow free trade to an island.<sup>1</sup>

In October of 1676, the Lords of Trade took under consideration Atkins's statements, and resolved 'to give him a cheque for upholding this maxim of free trade' and to censure him severely for 'these dangerous principles which he entertains contrary to the settled laws of the Kingdom and the apparent advantage of it.'<sup>2</sup> At the same time, they ordered the Commissioners of the Customs and other interested parties to attend a hearing on the grievances and remedial suggestions forwarded by the Barbados Assembly. On this occasion,<sup>3</sup> Sir George Downing, representing the Customs, argued that the established method of trade was necessary for the increase of shipping and "Welfare of Old England," and stated that Barbados had least reason to complain of these restraints, since the English customs on sugar were inconsiderable in comparison with

<sup>1</sup> C. O. 1/36, 39; C. C. 1675-1676, p. 368. Later in the year Atkins repeated these views in a despatch to the Lords of Trade. *Ibid.* p. 424.

<sup>2</sup> *Ibid.* pp. 474, 475

<sup>3</sup> C. O. 391/1, ff. 240, 241; C. C. 1675-1676, p. 482.

those on tobacco. Colonel Thornburgh and Sir Peter Colleton were then called in, and the Lords of Trade represented to them the necessity of the Acts of Trade and Navigation. Colleton then stated that the condition of the colonies had changed very much since these laws were first enacted, and that, "the occasion being now ceased, It is his Maj<sup>ty's</sup> Interest to Suspend Some part of those Lawes w<sup>ch</sup> are hurtfull to the English Trade." He claimed that the sugar trade was so much burdened by being confined to one market that, in time, the English would be ousted by the French. Furthermore, he asserted that other nations gave greater encouragement to their sugar colonies, and complained that the sugar schedule in the tariff of 1660 allowed the importation into England of some refined Brazilian sugar.<sup>1</sup>

Downing, in answer, asserted that the repeal of the enumeration of sugar "would quite destroy the Trade of England, and consequently ruine Barbados." Colleton replied that this restraint had lessened the employment of English shipping and asserted that before these Acts all European commodities, except oil from Spain and salt from France, had been imported from England. Downing denied this, stating that at that time over three-quarters of the ships trading to Barbados were Dutch. Downing further demonstrated "the necessity of bringing the groweth of Our Plantations immediately into England by the Scale of Commodities, w<sup>ch</sup> are imported in far greater quantities then are

<sup>1</sup> He stated that the expenses involved in landing in England such sugars as were exported thence to foreign markets amounted to 17s. a ton.



exported, So that vnlesse Wee had the groweth of Our Plantations and Fish to Export, Our Ships would go out, and forreigners return Empty, w<sup>ch</sup> would occasion a great decay of our Navigation.”

The Lords of Trade accordingly unanimously agreed that the demands of Barbados should not be granted, and represented to the King “of what evill Consequence it is, that any of your Subjects should presume to petition your Majesty against Acts of Parliament (which are the Laws they must live under) and call them Greivances, And Acts upon which the whole fframe of the Trade and Navigation of this Kingdome doth turne, and indeed would be destroyed by such a Dispensation.”<sup>1</sup> They then added that, in their opinion, the colony would not have presumed to make such an address, had it not been for the connivance of Governor Atkins, who, instead of restraining, had encouraged these views.<sup>2</sup> Accordingly, they recommended that he be severely reprimanded and also instructed in the future to suppress any such notions, “which tend not only to the ruine of the Trade of this Kingdome, but in the end would be the ruine of the Trade of that Island also.” Such a severe letter of censure was sent in the King’s name to Atkins,<sup>3</sup> who in reply stated

<sup>1</sup> C. O. 1/38, 31; P. C. Cal. I, pp. 676-679; C. C. 1675-1676, pp. 484, 485.

<sup>2</sup> “Wee finde him if not the Prompter, yet the Consenter with the Inhabitants of the Island for suspending the Acts of Navigation and Trade, and that he doth labour with more Arguments for it then the Inhabitants themselves in their said Paper of Greivances.”

<sup>3</sup> C. O. 324/2, ff. 103-106; P. C. Cal. I, p. 65; C. C. 1675-1676, pp. 510, 511.

that he had agreed to the Assembly's address, lest "by shocking with them at my first coming, might render me incapable of doing the service I had done and hope to do."<sup>1</sup>

This decision was so uncompromisingly explicit that thereafter Barbados abandoned its attempts to secure an extensive alteration of the trade laws. It was at last realized that it would be futile to work for a fundamental change in the policy of the English government. Hence, in the future, such efforts were abandoned, and the colony's attention was limited to securing only minor modifications of these Acts.<sup>2</sup> In the main, however, during the decade preceding the English Revolution of 1688/9, Barbados centred its efforts on securing a modification of the four and a half per cent export tax and the repeal of the additional duty on sugar imposed by Parliament in 1685. This cessation of agitation against the laws of trade and navigation does not, however, imply any change in attitude towards them, since it was chiefly due to a recognition of the futility of attempts to secure so radical a departure in English policy.

<sup>1</sup> C. C. 1677-1680, p. 63.

<sup>2</sup> In 1679, the Barbados legislature wrote to the Gentlemen Planters that, as free trade with Scotland was unobtainable, they should endeavor to secure permission for six ships to engage yearly in this trade with the object of bringing white servants, 'the want of which is become an apparent hazard of the place,' on account of the danger of a foreign attack and the still graver peril of a slave insurrection. In addition, they were instructed to secure for Barbados the same trade privileges as Tangier enjoyed, and also a more favorable construction of the law as regards the importation of tallow from Ireland. Hitherto tallow had been considered as provisions, which legally could be imported into the colonies directly from Ireland, but a recent decision had held that it was "noe provision." C. O. 31/2, ff. 339-341; C. C. 1677-1680, p. 352.

Barbados's complaints against the laws of trade and navigation were in the main directed against two points: the enumeration of sugar and the prohibition of free trade to and from Scotland. The colony approved of the Navigation Act, in so far as it excluded foreign ships, since protection was desired for its own fleet of small trading sloops.<sup>1</sup> In addition, there was some opposition to the Staple Act of 1673, which it was claimed added to the cost of their European supplies. The overshadowing grievance, however, was the enumeration of sugar. According to the law, sugar could not be shipped directly from the colonies to foreign markets, but had first to be unloaded and landed in England, whence, after the payment of slight duties, it could be sent to its ultimate destination. A considerable portion of the English sugar crop was sold in the markets of continental Europe, where it had to compete with the produce of the colonies of foreign nations. The roundabout course enjoined in reaching this international market, together with the additional expenses necessitated thereby, unquestionably hampered the English sugar colonies and diminished the profits of the planters.

It was claimed in 1668 that the restrictive English policy had led directly to the rapid development of the sugar industry in the French West Indies.<sup>2</sup> Up to that time, the colonial policy of France was somewhat more

<sup>1</sup> In 1676 and 1684, it was stated that Barbados owned about 60 sloops. C. C. 1675-1676, pp. 348, 349, 423; Brit. Mus., Sloane MSS. 2441, f. 14.

<sup>2</sup> Memorial of 1668 on the Sugar Trade, in Shaftesbury Papers, Section X; Bodleian, Rawlinson MSS., A 478, f. 88.

liberal than that of England, but shortly thereafter it was modified and became much more restrictive. In their broad features, the regulations of both countries ran parallel. France, like her neighbor, prohibited foreigners from trading to her colonies, and obliged them to ship their sugars to the metropolis. But the French duties and fiscal arrangements were such that the colonial producer was largely at the mercy of the refiner in France.<sup>1</sup> In this connection may be quoted a significant remark of Sir William Stapleton, the able Governor of the Leeward Islands. In 1681, he conceived the project of exchanging the English island of Montserrat for the French portions of St. Kitts, as the close proximity of the two rival nations there had led

<sup>1</sup> Up to 1670, the French duties on raw sugar, amounting to four *livres* a cwt., were repaid on reshipments to foreign markets. In that year, this privilege was withdrawn, but the duties were reduced to two *livres*. They remained at this figure until 1675, when the higher rate was restored. This duty virtually prevented reshipments of raw sugar from France, and finally in 1684 such exports were formally forbidden. Thus the French sugar colonies were confined to one market. On the other hand, the raw sugars of the English colonies had to pay in England duties amounting to only 1s. 6d. a cwt., of which one-half was repaid on reshipments to foreign markets. The French tariff, however, encouraged refining in the colonies. Up to 1682 there was a uniform duty in France on all sugars from the French colonies and, as a result, it was found profitable to establish refineries in the West Indies. In that year, however, the duty on refined sugars was raised from four to eight *livres*. This ratio between the refined and raw product of 2 to 1 was considerably more favorable to the colonial refiner than that adopted in the English tariff of 1660, which was 3½ to 1. The French refiners were not satisfied with this additional duty imposed on their colonial competitors' product, and accordingly, in 1684, an *arrêt* prohibited the establishment of new refineries in the French colonies. S. L. Mims, Col- bert's West India Policy, pp. 260-281.

to incessant bickering. In this connection, he wrote to the Lords of Trade that, in his opinion, the French in St. Kitts would be induced by self-interest to prefer to 'live under the English Government which is so sweet and easy.'<sup>1</sup>

Irrespective of the comparative liberality or stringency of the English and French regulations, it would manifestly be most unjust to judge English policy in its entirety by merely one of the provisions of a cohesive and complex system. The sugar islands, located in the centre of Europe's cockpit, required continual protection, in return for which England felt fully justified in imposing such commercial restrictions as might seem advisable. Moreover, the direct complement to the enumeration restriction was the virtual monopoly of the home market accorded to English colonial sugar. But as at this time a large portion of such sugar, approximately one-half,<sup>2</sup> was sold in foreign markets, the price there largely controlled the price in England; and hence this monopoly by no means offset the disadvantages of enumeration. But the time was to come when England, consuming practically its entire colonial crop, had in consequence of these preferential duties to pay the West Indies monopoly prices, far in excess of those ruling in the neutral international markets.

The second of the colony's two main grievances was based on far less solid grounds. There was but little likelihood

<sup>1</sup> He pointed out that the French paid 120 pounds of sugar as capital rent yearly for themselves, servants, and slaves, and 4 *livres* in France for every 100 pounds weight of their produce imported, 'and we only pay the 4½ per cent here and eightpence at home.' C. C. 1681-1685. p. 95.

<sup>2</sup> Dalby Thomas, in *Harleian Miscellany II*, p. 346.

that free trade with Scotland would materially have added to the island's white population. The total area of Barbados is somewhat over one hundred thousand acres, about equal to that of the Isle of Wight. All of this small territory was at that time in a comparatively advanced state of cultivation, and land commanded high prices. The lack of free land and the great extension of the system of slave labor not only cut down the white immigration, but had even stimulated a movement in the opposite direction.<sup>1</sup> As Governor Atkins wrote in 1680 to the Lords of Trade, numbers were leaving Barbados for Carolina, Jamaica, and the Leeward Islands in the hope of securing land, while few white servants had come to the island, 'since people have found out the convenience and cheapness of slave-labor.'<sup>2</sup>

As a rule in communities, where the opposition to a law is virtually unanimous, its effects are greatly mitigated by wholesale violations of its provisions. In Barbados, however, there does not seem to have prevailed extensive illegal trading. The evidence on this point is indirect and necessarily inconclusive. Violators of the law naturally do not publish details of their actions, and the extent of the evasion must largely be judged by suits brought for its enforcement and by other circumstantial evidence. The bulk of the sugar was exported from the island in English trading ships that had given bond in England to bring the enumerated

<sup>1</sup> In the year ending June 24, 1683, 446 freemen left Barbados, of whom 285 went to the other colonies. During the same period 325 freemen and 385 white servants arrived in the colony. Brit. Mus., Sloane MSS. 2441, f. 20.

<sup>2</sup> C. C. 1677-1680, p. 485.

products back to the metropolis. There is every reason to believe that the terms of these bonds were rigidly enforced by the English customs authorities. A portion of the crop, however, was shipped in vessels either belonging to Barbados or that had come to the island from places other than England, mainly from the continental colonies. These vessels were required to give bond in Barbados not to carry the enumerated commodities elsewhere than to England and the other colonies. These bonds were exacted, but apparently during the years from 1666 to 1681 no attempt was made to see that their terms were complied with. In 1681, Sir Richard Dutton, the mercenary Governor of Barbados, stated that since 1666 no certificates had been received in the colony that the goods, for which bonds had been given there, had been duly landed in England or in the colonies; and he petitioned for the proceeds of the suits brought on account of these outstanding bonds.<sup>1</sup> In reply, the Lords of Trade instructed Dutton to ascertain in what instances the terms of these uncertified bonds had been complied with and to cause the others to be put in process, and in future to prosecute all bonds for which certificates had not been returned within a reasonable time.<sup>2</sup> Obviously, such lax control as these facts demonstrate gave ample opportunity for the direct shipment of some enumerated commodities to continental Europe. There are other indications also that the laws were not fully enforced.

In 1669, the English government instructed the Governor

<sup>1</sup> C. C. 1681-1685, pp. 112, 113.

<sup>2</sup> C. O. 1/52, 60; C. C. 1681-1685, p. 549.

of Barbados to seize two ships that had sailed from Holland for that island.<sup>1</sup> In answer thereto, Christopher Codrington, who was acting as governor during Willoughby's absence, wrote that he had already seized one of these vessels, and that the other had not as yet arrived. He added that he was 'very glad to find himself so well backed by his Majesty's commands, since his former actions of this nature have with some gained him the imputation of severity.' "I doubt not," he further wrote, "but there are generally many such things underhand done," but in his opinion the English customs authorities were in part to blame, since they permitted ships from Holland to touch in England and there gave them the certificates upon which permission to trade had always been granted in the colonies.<sup>2</sup> While apparently there was some violation of the enumeration clauses and also some illegal importation of European goods, there is, however, no reason to doubt the essential accuracy of Governor Atkins's statement that no foreign ships were ever permitted to come to Barbados.<sup>3</sup> All the officials were probably not so conscientious as Deputy-Governor Edwyn Stede, who wrote in 1687 of his care "to prevent all frauds or dealing contrary to the Acts of Trade and Navigation having some time since confiscated a Small Vessel or two for breach thereof,"<sup>4</sup> yet the essential principles of the laws were apparently fairly adequately enforced.<sup>5</sup>

<sup>1</sup> C. O. 1/24, 4; C. C. 1669-1674, p. 2.

<sup>2</sup> C. O. 1/24, 42; C. C. 1669-1674, p. 15.

<sup>3</sup> C. C. 1675-1676, p. 424.

<sup>4</sup> C. O. 1/60, 12.

<sup>5</sup> In 1673, discussing the question of a fit successor to Willoughby in the government of Barbados, Sir Peter Colleton wrote that in his opinion 'a



During the course of the incessant campaign against this or that feature of English policy it was claimed, with wearisome reiteration and in exaggerated terms, that Barbados was on the verge of economic ruin. In general, these partisan statements have been uncritically accepted, and the development of the island has usually been represented as one of unexampled prosperity culminating rapidly and then changing equally swiftly to decay and decline. In reality, Barbados's record had been one of fairly constant progress, with intervening periods of stagnation and even of recession, and the island to-day has a far more extensive foreign trade and supports a much larger population than in the heyday of its glory. In historical evolution, growth and decadence are terms used more frequently in a relative, than in an absolute, sense. The prosperity of the island towards the middle of the seventeenth century was especially conspicuous because contemporary writers contrasted it with the meagre results attained in the other colonies. The small area of Barbados, however, absolutely prevented a growth commensurate with that of some of the other dominions; and, as those increased in wealth and numbers, the importance of this colony became relatively less. When viewed from this comparative standpoint, which inevitably

man that has an interest on the place will be more certain to be such than one sent from England, who may think his employment a reward for past services, and that he shall be winked at if for his particular profit he break the Acts of Trade and Navigation and other orders; which the other will never dare to do, especially if he have also an estate in England, and other than such he would never advise to be trusted.' C. O. 3, 43; C. C. 1669-1674. pp. 498, 499.

gave a false perspective, the island seemed even to be declining. Only relatively was this true; absolutely the process in general, after the initial giant strides following the introduction of the sugar industry, was one of intermittent and slow progress. But throughout the entire Restoration period, and for a considerable time thereafter, Barbados continued actually to be from the imperial standpoint by far the richest and most important of the English colonies.

The introduction of the comprehensive commercial system was accompanied in time, and only to a minor extent in the relationship of inseparable cause and effect, by a severe fall in the price of sugar; and the difficulties of the planters were further increased by the diminishing fertility of the soil.<sup>1</sup> The abnormally large profits of the bonanza period disappeared, and with them the inordinate luxury always accompanying such an era,<sup>2</sup> but the sugar industry was placed on a more permanent and solid basis. At the time of the conclusion of the Dutch and French war in 1667, the worst days of the economic readjustment were over, and despite the curtailed profits derived from sugar, Barbados, though expanding very slowly, continued to remain the most considerable of the English colonies. The white population,

<sup>1</sup> In 1668, Lord Willoughby stated that the land was almost worn out and did not yield two-thirds as much per acre as formerly. C. C. 1661-1668, no. 1788.

<sup>2</sup> In 1671, Sir Thomas Lynch wrote to Lord Arlington: 'The island (Barbados) appears very flourishing, and the people numerous and live splendidly: what they owe in London does not appear here, but has caused the Deputy Governor and Assembly to make an Act prohibiting the importation of all wines for three years, to entrench the expense of the planter and pride of the Portuguese.' *Ibid.* 1669-1674, p. 223.

which in 1668 was estimated roughly at 20,000, continued about stationary, but the number of slaves increased from 40,000 in 1668 to about 50,000 twenty years later.<sup>1</sup>

This white population and the slaves belonging to it were chiefly occupied in producing sugar and its by-products, molasses and rum. But in addition to sugar, Barbados yielded other exotic commodities. Tobacco, the first staple of the island, was no longer raised for export, but a little indigo and relatively considerable quantities of cotton and ginger were shipped to England.<sup>2</sup> There the cotton was used to make candle-wicks and textiles; and it was claimed in 1690 that, as a result of its production in the English West Indies, the price in England had fallen from one shilling to five and a half pence a pound.<sup>3</sup> The ginger to some extent took the place of pepper in England, and had fallen even more considerably in price as a result of the large supplies coming from the English colonies.<sup>4</sup> No reliable figures

<sup>1</sup> There are available numerous documents on the population of Barbados, but they disagree with one another, and are especially inaccurate in so far as the number of slaves is concerned. The estimates of the negro population were based on the tax returns, which grossly understated the actual numbers. C. C. 1661-1668, no. 1788; *ibid.* 1699, p. 500; *ibid.* 1669-1674, pp. 495, 496; *ibid.* 1675-1676, pp. 348, 349; *ibid.* 1677-1680, p. 500; *ibid.* 1681-1685, pp. 110, 150; Brit. Mus., Sloane MSS. 2441, f. 12<sup>p</sup>.

<sup>2</sup> C. C. 1669-1674, p. 107; *ibid.* 1699, p. 591; *ibid.* 1675-1676, p. 422; *ibid.* 1677-1680, p. 110; *ibid.* 1681-1685, p. 71; Davies, *The History of Barbados, St Christophers, etc.* (London, 1666), p. 198.

<sup>3</sup> Dalby Thomas, in *Harleian Miscellany* II, pp. 347, 352; *Social England* (ed. 1895) IV, p. 449.

<sup>4</sup> Dalby Thomas, in *Harleian Miscellany* II, pp. 347, 353. According to this writer, the English West Indies produced yearly 1000 tons of cotton and 4000 tons of ginger.

as to the quantity and value of the colony's exports during this period are available,<sup>1</sup> but it was generally stated that from 150 to 200 ships were yearly required to load its produce.<sup>2</sup>

The attention of the colony was so largely concentrated on raising these exotic products for export, that the production of food-stuffs was neglected. Instead of devoting its valuable and limited acreage to Indian corn, as might have been done,<sup>3</sup> it was found more profitable to import provisions from Europe and the continental colonies. From England the colony obtained its clothing, tools, utensils, and other manufactures, as well as some provisions and liquors; from Ireland were imported meats, fish, cheese, and butter; the continental colonies supplied peas, pork, fish, flour, and other food-stuffs, as well as horses and lumber, taking in return sugar, molasses, rum, cotton, and ginger.<sup>4</sup>

The economic history of the Leeward Islands differs in this respect from that of the Barbados, that whereas that colony was from the standpoint of the day already in 1660 fully settled, Nevis, Montserrat, Antigua, and the English portion of St. Kitts were then largely undeveloped, and the

<sup>1</sup> In 1676, Governor Atkins stated that it was impossible to give the value of the imports and exports. C. C. 1675-1676, p. 422.

<sup>2</sup> These ships ranged from 20 to 300 tons, the vessels trading from New England and the other colonies being as a rule considerably smaller than those from England.

<sup>3</sup> In 1676, it was stated that Barbados yielded two crops of Indian corn yearly. C. C. 1675-1676, pp. 348, 349.

<sup>4</sup> C. O. 33, 13 and 14 *passim*; C. O. 390/6, f. 51; C. C. 1675-1676, p. 423; Cal. Treas. Books, 1672-1675, p. 100; Richard Blome, A Description of the Island of Jamaica (London, 1672). pp. 65-70.

lesser islands of this group were virtually in their primitive state. As Lord Willoughby wrote in 1664, these settlements were as yet but "very poore things."<sup>1</sup> Their population was small, and, in addition, the sugar industry did not as yet completely dominate their life. In St. Kitts, ginger was a staple crop;<sup>2</sup> and, in Antigua and elsewhere as well, tobacco still continued to be planted on a comparatively extensive scale.<sup>3</sup>

The Leeward Islands had been included in the grant made by Charles I to the Earl of Carlisle, and by the Restoration settlement these islands and Barbados were united in one government. As Governor of the Caribbee Islands, Willoughby was their chief magistrate. In 1664, the Council and Assembly of Nevis complained to him that 'they had been debarred from free trade by the self-driving interest of some not well affected to our well-being.'<sup>4</sup> The other islands sent similar petitions to Willoughby,<sup>5</sup> who strongly supported their complaints. He wrote to Lord Arlington that these settlements "indeed are too hard pinched by the *acts of trade and navigation*," and that the French, allowing a free trade, have all their ports full of vessels, while none come to the English, which formerly was quite otherwise; "for when there was a free and open trade the English had all the shipping and the French little or none."<sup>6</sup> Later

<sup>1</sup> C. O. 1/18, 97.

<sup>2</sup> Davies, *The History of Barbados, St Christophers, etc.* (London, 1666), p. 108.

<sup>3</sup> C. C. 1661-1668, no. 731.

<sup>4</sup> *Ibid.*

<sup>5</sup> C. O. 1/18, 104 i-iii.

<sup>6</sup> C. O. 1/18, 97; C. C. 1661-1668, no. 792.

in the same year, 1664, Willoughby wrote to the King of the "Heavie & Insupportable Pressures" these islands suffered from the Acts of 1660 and 1663, "whereby they are brought into that great want & Necessity, as if not Relieued by yo<sup>r</sup> Majestie, they must bee Inforced eyther to Seeke out for Some other Place (as many haue of late Yeeres don) Or els Perish where they are; there being few, or noe English Shipping that come at them."<sup>1</sup>

After making all allowances for the personal bias in these statements, it still cannot be questioned that the laws of trade were retarding the economic development of these islands. In addition, shortly after the despatch of these complaints, the Dutch and French war all but compassed their ruin. The French took the English part of St. Kitts, as well as Montserrat and Antigua,<sup>2</sup> and Nevis barely escaped the same fate. The English succeeded in retaking Antigua and Montserrat, and their part of St. Kitts was restored by the Treaty of Breda in 1667, but great damage had been inflicted in the course of these vicissitudes. Plantations were in ruins, the indispensable slaves had been taken away by the French, and many of the English settlers had permanently abandoned the islands for more secure homes.<sup>3</sup> The islands were but sparsely settled and required fresh capital and settlers.<sup>4</sup> Their economic life had virtually

<sup>1</sup> C. O. 1/18, 104; C. C. 1661-1668, no. 804.

<sup>2</sup> C. C. 1661-1668, nos. 1180, 1392.

<sup>3</sup> C. O. 1/42, 36; C. C. 1677-1680, pp. 222, 223.

<sup>4</sup> C. C. 1661-1668, no. 1788; P. C. Cal. I, pp. 521, 522. In 1668, Antigua petitioned that for some years it might be a free port for all friendly nations. C. C. 1661-1668, no. 1687.

to begin anew. The comparative insignificance of these islands is concretely manifested by the fact that in 1670 the rent of the farm of the export duties in Barbados was ten times that of the Leeward Islands.

The Leeward Islands objected to their political connection with Barbados, claiming that their interests were subordinated to those of this rich colony, which was not desirous that the resources of competing islands should be developed.<sup>1</sup> Despite the opposition of Lord Willoughby, the English government granted this demand for separation; and, in 1671, Sir Charles Wheler was appointed Governor-in-Chief of the Leeward Islands, which thereafter constituted a separate jurisdiction.<sup>2</sup> Wheler was an ardent mercantilist, and urged an even more extensive system of commercial control than the one in force,<sup>3</sup> but his conduct being in other

<sup>1</sup> C. C. 1669-1674, pp. 97, 98; Brit. Mus., Sloane MSS. 2441, f. 8<sup>b</sup>. In 1671, while at Barbados on his way to assume the government of Jamaica, Sir Thomas Lynch wrote to Lord Arlington: 'Nobody here thinks of St. Kitts or the Leeward Isles, but judges it *oleum et opera perdere* to endeavour their settlement.' C. C. 1669-1674, p. 223.

<sup>2</sup> *Ibid.* pp. 119, 120, 126, 127, 157.

<sup>3</sup> L. 1671, in his answers to the detailed inquiries of the Council for Foreign Plantations, Wheler wrote that so much cotton and indigo were produced in these islands that he hoped His Majesty would favor them by prohibiting the importation into England of Cyprus cotton and East India indigo, which robbed England of money. He further added that in his government was "noe manufacture, nor shall be while I am Governour, unless I have further Commands therein." He pointed out that the exports of these islands could all be exchanged for English merchandise if the English merchants would do their part, but that instead Irish beef and New England fish had to be bought. "I aske the English merchant if euer he failed yet of vending whatsoever he brought to Neuis of Pease, beefe, Bisquett, flower, butter, Cheese? how Comes it to pass then. y:

respects unsatisfactory — he was guilty of “many indiscreet managements,” says Evelyn — he was in the very year of his appointment recalled.<sup>1</sup> In 1672, Lieutenant-Colonel William Stapleton was appointed to succeed him.<sup>2</sup> During this public-spirited soldier’s efficient administration of nearly fourteen years, the islands increased greatly in wealth and prosperity.<sup>3</sup>

At the date of their separation from Barbados and for a considerable time thereafter, Nevis, a small island of but fifty square miles, was the most highly developed of these communities and was the chief centre of trade. The produce of Antigua and Montserrat was regularly sent there for export.<sup>4</sup> Of the other islands of this group, Mont-

Ireland does interlope in these particulars?” English salted salmon, he argued, might drive out New England fish, and if not, then the New England trade could be prohibited. Similarly, he suggested, that under proper regulations the West Indies might be obliged to buy only English beef, which would raise gentlemen’s rents in England and make the land-tax less burdensome. C. O. 1/27, 52; C. C. 1669-1674, pp. 165, 287-292.

<sup>1</sup> C. C. 1669-1674, pp. 275, 276, 333; Evelyn, Aug. 15 and Nov. 14, 1671.

<sup>2</sup> C. C. 1669-1674, pp. 274, 275, 300, 301, 331, 333, 334.

<sup>3</sup> In 1684, the Council of St. Kitts wrote to the Lords of Trade that they understood that Stapleton was soliciting to be relieved of the government and begged them not to accede to this request. If this petition arrived too late, they prayed that his successor might be an experienced soldier. The Council of Nevis sent a similar petition. On May 7, 1684, the Lords of Trade took notice of ‘the too great forwardness of these Islands in meddling with the King’s intentions as to the appointment of a new Governor.’ *Ibid.* 1681-1685, pp. 582, 583, 587, 628. In 1685, Stapleton returned to England, and the following year he died in France, where he was taking a cure. *Ibid.* 1685-1688, pp. 127, 229.

<sup>4</sup> C. O. 1/27, 52; C. C. 1669-1674, pp. 291, 292. In 1676, Stapleton estimated the value of the estates of the planters and the wealth of the



serrat was in good shape, as the French, out of a fellow feeling for the Catholic Irish there — so it was alleged — had refrained from inflicting much damage during the war.<sup>1</sup> Moreover, it had received a number of refugees from the English settlement in St. Kitts.<sup>2</sup> Its possibilities were, however, small, as its area was even more insignificant than that of Nevis. The English colony on St. Kitts was embroiled in constant altercations with its French neighbors; and Antigua, which still continued to grow tobacco on a comparatively extensive scale, was suffering from the low price of this commodity.<sup>3</sup> The population of these islands was at this time very sparse. The whites numbered roughly about 6000, of whom 3500 were capable of bearing arms, and the slaves amounted approximately to 3000.<sup>4</sup> Nevis, it was said in 1671, was not half planted for want of negroes.<sup>5</sup> The population, however, quickly increased.

islands in general as follows: Nevis £384,660; St. Kitts £67,000; Antigua £67,000; Montserrat £62,500. C. C. 1675-1676, p. 501. In 1680, the Council of Montserrat stated that few ships traded there and that a great part of their sugar and indigo had in consequence to be transported in sloops to Nevis for export thence. *Ibid.* 1677-1680, pp. 574, 575.

<sup>1</sup> MSS. of Earl of Egmont (H.M.C. 1909) II, p. 17.

<sup>2</sup> C. O. 1/26, 73; C. C. 1669-1674, pp. 226, 227.

<sup>3</sup> C. O. 1/26, 73; C. C. 1669-1674, pp. 226, 227, 288; P. C. Cal. I, p. 582; Cal. Dom. 1675-1676, p. 293; *ibid.* 1676-1677, p. 312; *ibid.* 1677-1678, pp. 328, 349. At this time, tobacco and sugar were used as alternate standards of value in Antigua. C. C. 1677-1680, pp. 274, 320. In 1685 was shipped from this island to England, on account of the 4½ per cent revenue, some tobacco which did not realize enough to pay the freight and other charges. Treas. Books, Out-Letters, Customs 10, f. 49.

<sup>4</sup> P. C. Cal. I, pp. 521, 522; C. O. 1/26, 73; *ibid.* 1/29, 141; C. C. 1669-1674, pp. 226, 227, 391-393.

<sup>5</sup> C. O. 1/27, 52; C. C. 1669-1674, p. 291.

In 1678, there were in all 10,500 whites and 8500 negroes in the four main islands of this group.<sup>1</sup>

This increase in population was naturally accompanied by a larger trade. The products of the Leeward Islands were in 1671 far more diversified than those of Barbados. In addition to sugar — the chief commodity — tobacco, ginger, and indigo were grown on a comparatively extensive scale.<sup>2</sup> As time passed, tobacco was virtually entirely abandoned except in Antigua, and the other crops became less and less important, while sugar assumed a dominant position.<sup>3</sup> In 1676, according to Stapleton,<sup>4</sup> the chief products were sugar, tobacco, and indigo, and only insignificant quantities of cotton and ginger were exported. About 3600

1

	WHITES	NEGROES
St. Kitts . . . . .	1897	1436
Nevis . . . . .	3521	3849
Montserrat . . . . .	2682	992
Antigua . . . . .	2308	2172
	10,408	8,449

C. C. 1677-1680, p. 266. See also *ibid.* pp. 222, 223; C. O. 1/42, 36. Naturally this does not include the French population of St. Kitts.

<sup>2</sup> C. O. 1/26, 73; *ibid.* 1/29, 141; C. C. 1669-1674, pp. 226, 227, 392. In 1680, the Council of Montserrat stated that the scarcity of negroes and white servants compelled the inhabitants to plant a little tobacco (which was of poor quality and of little value) and indigo (whose price was low), and that as a consequence the people were kept poor. C. C. 1677-1680, pp. 574, 575. For details of the amounts of sugar, tobacco, cotton, and indigo exported from Montserrat in 1683-1684, see C. O. 1/54, Part I, 9; C. C. 1681-1685, p. 627.

<sup>3</sup> C. C. 1681-1685, p. 627.

<sup>4</sup> C. O. 1/38, 63; C. C. 1675-1676, p. 500.

tons<sup>1</sup> of sugar were shipped yearly to England, as opposed to not more than 40 tons exported to New England, New York, and Virginia. From England was imported merchandise to the value of £50,000. The imports of wine from the Madeiras and of hcses and provisions from Scotland, Ireland, and New England amounted to about £20,000 yearly. Thus, in general, the trade of these settlements followed the same course as that of Barbados. Not being self-supporting and having no manufactures, these islands exported a large proportion of their produce, securing in return provisions, European goods, and slaves.<sup>2</sup> From England were obtained manufactures and also food-stuffs, such as beef and pork; from the Madeiras, wine; from Africa, negroes; from Ireland, beef, butter, and candles; from the New England colonies, horses, lumber, fish, and provisions of various sorts, such as peas, bread, beef, and cider.<sup>3</sup> The great bulk of the trade was with England, where was shipped most of the sugar produced.<sup>4</sup>

In 1672, Stapleton said that about a hundred ships,

<sup>1</sup> According to contemporary estimates, the total sugar output of the French islands was in 1674 only 12,000,000 pounds and in 1682, 18,000,000 pounds. S. L. Mims, *Colbert's West India Policy*, p. 280.

<sup>2</sup> From Oct. 4, 1682, to Feb. 2, 1684, were imported 'into St. Kitts 330½ tons of provisions. C. O. 1/53, 87; C. C. 1681-1685, p. 627.

<sup>3</sup> C. O. 1/47, 32.

<sup>4</sup> Of 34 vessels arriving in St. Kitts from Oct. 4, 1682, to Feb. 2, 1684, 23 were either English or Irish and 11 belonged to the continental colonies. As the colonial vessels were far smaller than the others, the disparity is much greater than these figures seemingly indicate. C. O. 1/53, 87. See also C. O. 1/47, 32; *ibid.* 1/64, 134; *ibid.* 1/49, Part I, 18; *ibid.* 1/54, Part I, 9.

all less than 200 and most of them under 100 tons, came yearly from Europe and New England to supply the islands and to take off their produce.<sup>1</sup> Six years later, another authority stated that the Leeward Islands consumed "greate quantities of Comodities and Manufactures and load off yearly some two hundred Sail of Ships with Sugar Tobacco and Indigo considerable to His Ma<sup>ties</sup> Customs Revenue." According to this writer, these islands were in themselves worth one million sterling, and moreover their loss to the French would endanger Barbados.<sup>2</sup> So prosperous was this federal colony that the jealousy of opulent Barbados was aroused. In 1683, Sir Richard Dutton reported that the people in his government were little interested in the welfare of the Leeward Islands, which they thought were 'already growing too fast upon them,' and that they would be content to see them lessened rather than advanced.<sup>3</sup>

During the period of their political connection with Barbados there was considerable evasion of the laws of trade and navigation in the Leeward Islands. Sir Thomas Lynch reported in 1671 that most of the produce of Montserrat

<sup>1</sup> *Ibid.* 1/29, 141; C. C. 1669-1674, p. 393. Cf. C. C. 1669-1674, p. 289. In 1676, Stapleton repeated this statement. C. O. 1/38, 65; C. C. 1675-1676, p. 501.

<sup>2</sup> C. O. 1/42, 36; C. C. 1677-1680, pp. 222, 232.

<sup>3</sup> C. C. 1681-1685, p. 181. Cf. *ibid.* pp. 96, 97, 140. One factor retarding the rapid development of these islands was their close proximity to the French and the virtually incessant hostilities with them. A number of English ships were seized on trivial grounds. These difficulties were greatly mitigated by the Anglo-French treaty of neutrality concluded in 1686. C. C. 1685-1688, pp. 133, 134, 301.

and Antigua was carried to St. Eustatius by the Dutch, and that the preceding year these traders had thus secured nearly 400,000 pounds of tobacco.<sup>1</sup> The first Governor of the newly organized colony, Sir Charles Wheler, tried to remedy this, and enforced the law vigorously. Early in 1672, he wrote to the English government that, at the time of his arrival, there were in Nevis 'all sorts of shipping, but that now there were none but English-built vessels all trading according to the Act of Navigation, yet their number was not less.' He further stated that last year some millions of pounds of sugar produced in these islands had been shipped to Holland, but that this year he hoped there would not be a ton, unless his deputy-governors in the various islands failed in their duty. He then remarked that this had not been accomplished in eight months without holding the reins very tight, in consequence of which 'the merchants' pens have flown abroad liberally and falsely,' but that he would not knowingly act against the law to the value of a barleycorn for all the sugar in the West Indies.<sup>2</sup>

<sup>1</sup> C. O. 1/26, 73; C. C. 1669-1674, pp. 226, 227. In 1670, Du Lion wrote to Colbert: "The quantity of merchandise is so great at St. Eustatius that the Dutch do not know what to do with it and are forced to sell it at very low prices to the English at Nevis, Montserrat and Antigua." S. L. Mims, *Colbert's West India Policy*, p. 207.

<sup>2</sup> C. C. 1660-1674, p. 339. See the petition, *ibid.* p. 353, wherein it was alleged that Wheler had arbitrarily and unjustly forced the condemnation of a free ship. In 1682, Wheler also complained of the hardship he labored under, writing: "I haue reason to suspect y<sup>e</sup> noe other Gouvernour hath beene sworne but my selfe" to enforce the laws of trade and navigation. As a consequence, for aught he could see, masters and merchants punished

Wheler's successor, Stapleton, was equally diligent in enforcing the law. In 1679, he wrote to the Lords of Trade that he knew of no violator of the laws of trade and navigation in late years who had not been prosecuted, and that all precautions were being taken to prevent illegal trade.<sup>1</sup> In fact, the trade regulations were occasionally enforced with

by him might trade freely to the other islands. Even his deputy-governors might permit such illegal trade and, as a result, Wheler feared that this would drive trade away from St. Kitts where he resided. C. O. 1/28, 9; C. C. 1669-1674, pp. 327, 328.

<sup>1</sup> Bonds, he wrote, were taken according to law from all that had not certificates that these bonds for the enumerated commodities had been given in England, and these certificates were carefully examined. Furthermore, all the deputy-governors, marshals, secretaries, and customs officials, as well as he himself, had taken the oaths to obey these laws. In conclusion, he wrote that 'their Lordships kind admonishment of the penalties he might incur by wilful neglect of the Act are too fresh in his mind to allow him to fail in his duty in respect of the Acts; 5000 l. fine and incapacity to serve his sovereign would make a great hole in his estate, and he would rather resign than have the least complaint of him made with any colour of justice.' C. C. 1677-1680, p. 307. The following year, the Lords of Trade wrote to Stapleton that they had heard that some goods had been imported into St. Kitts in a Dutch vessel. In reply, Stapleton wrote: 'I protest before God that there is no such thing really as goods brought by a Dutch ship to English St. Christophers — to the best of my knowledge and as far as any negative can be sworn to.' *Ibid.* pp. 475, 526, 527. In 1680 also, the Council of St. Kitts stated that their 'trade inward and outward was carried forward very regularly by the merchants, conformable to your orders and the Acts of Trade and Navigation.' *Ibid.* p. 571. A letter of ~~information~~ sent in the King's name to Stapleton in 1679 had stated that ~~information~~ had been received in England that "great quantities of ~~European goods~~ are by remissness of the officers employed under you imported into our islands under your Government" by ships directly from ~~new England~~ Scotland, Ireland, and other parts, and that several of these vessels frequently exported the enumerated goods without giving bond. *Treas. Books, 1676-1679, pp. 1208, 1209.*

a diligence that appears excessive.<sup>1</sup> Thus, in 1682, Stapleton ordered a New England vessel trading at St. Kitts to be seized, because a native of France was a part owner. But as this Frenchman had received letters of naturalization from Lord Culpeper, the Governor of Virginia, Stapleton deferred execution of the sentence of condemnation and wrote to England for instructions. Acting on the opinion of Chief Justice North, that naturalization in any colony was only local, the Lords of Trade decided that the condemnation was just and ordered it carried into effect.<sup>2</sup> Similarly, in 1685, was received by the English government a petition from one Arnall, whose ship and bond had been forfeited because he had carelessly and in ignorance neglected to bring the necessary certificate from Boston to Antigua. Sir William Stapleton recommended Arnall as a fit object for royal mercy; and, as no prejudice had been sustained and the violation of the law was merely a technical one, the forfeiture was remitted.<sup>3</sup> Despite Stapleton's zeal there is good reason to believe that there were occasional violations of the law which escaped his attention, and some which he was unable to check in a government of such geographical formation and location as was his. These isl-

<sup>1</sup> In 1681, Stapleton wrote to the Lords of Trade that the orders he had received from the Treasury not to remit any fines or forfeitures would work hardship; for, if a man transgressed the Acts of Trade and Navigation and imported something illegal in his canoe, he lost it and then could not support his family. C. C. 1681-1685, pp. 96, 97.

<sup>2</sup> *Ibid.* pp. 198, 211, 243, 250, 258, 346; P. C. Cal. II, p. 38; Blathwayt, Journal I, f. 102.

<sup>3</sup> C. C. 1685-1688, pp. 71, 79, 81, 88, 116.

ands afforded too many tempting opportunities to evade the customs officials. Moreover, they had as close neighbors the possessions of France and the United Provinces, and it was a virtual impossibility to stop all trade between them.<sup>1</sup>

In 1685, Stapleton left the islands for Europe, where he died in the following year. His successor, Sir Nathaniel Johnson, who is better known from his later connection with Carolina,<sup>2</sup> did not assume the government until 1687. During the interval, the colony was in the charge of the deputy-governors of the separate islands,<sup>3</sup> and the law was no longer so strictly enforced. In 1686 arrived in the Leeward Islands Captain St. Lo of H.M.S. *Dartmouth*, with instructions to prevent interloping and also illegal trade in general.<sup>4</sup> He soon became involved in an acrimonious quarrel with the Deputy-Governor of Nevis, Sir James Russell. Both parties forwarded detailed complaints to England.<sup>5</sup> Russell accused St. Lo of continual disobedi-

<sup>1</sup> In 1682, Governor Lynch wrote to the Lords of Trade that, if Tobago were settled by the Duke of Courland, it would be supplied by the Dutch, 'who can sell European goods thirty per cent. cheaper than we, and will pay dearer for American goods' and consequently this island would supply Barbados with sloops and ruin the trade with England. He further added: 'The neighbourhood of Statia, Saba, Curaçoa, and the French islands to our Leeward Islands has done the customs and trade of England much hurt.' C. C. 1681-1685, p. 285. It was naturally also impossible to prevent trade between the French and English colonies in St. Kitts, and France even recognized its legality. S. L. Mims, *Colbert's West India Policy*, pp. 91, 192, 216-218.

<sup>2</sup> McCrady, *South Carolina, 1670-1710*, p. 368.

<sup>3</sup> In addition to the deputies in the four chief islands, there were also in 1685 deputy-governors in Anguilla, Tortola, and Barbuda. C. C. 1685-1688, p. 132.

<sup>4</sup> *Ibid.* p. 146.

<sup>5</sup> *Ibid.* pp. 311, 312, 363, 364, 378, 379, 399, 400.



ence to the instructions issued by him,<sup>1</sup> which St. Lo denied and, in his turn, charged Russell with countenancing violations of the laws of trade.<sup>2</sup> According to St. Lo, Dutch vessels, on pretext of watering, stopped at the English islands, and, while there, managed to smuggle ashore the bulk of their cargoes to the manifest loss of the revenue and to the detriment of the English merchants, who could not sell so cheaply since they had paid customs duties in England. These Dutch ships then proceeded to St. Eustatius, whence, after being laden with sugar clandestinely imported from the English islands, they sailed for Holland.<sup>3</sup> In addition, St. Lo claimed that most of the brandy and French wines consumed in these islands was illegally imported.<sup>4</sup> On account of the number of bays and inlets, he added, the customs officers could not stop this illegal trade unless they had several small and swift vessels to examine all sloops and boats passing to and fro. In connection with this memorial of St. Lo, the Commissioners of the Customs reported that they could not acquit the governors from connivance in this illegal trade, and in especial pointed out that they had advice that Sir James Russell in one instance had refused to send the frigate on the Leeward Island station to prevent a Dutch ship from trading at Antigua. They advised that

<sup>1</sup> C. O. 1/59, 56.

<sup>2</sup> C. C. 1685-1688, pp. 398-400.

<sup>3</sup> C. O. 1/60, 62; C. C. 1685-1688, pp. 378, 379.

<sup>4</sup> "Most of y<sup>e</sup> Brandys & ffrench Wines they drink in those parts which is a considerable quantity are all brought either from Ireland directly (mixt amongst their Beef Cask) or else are brought from French St. Christophers: our Merchants who pay his Maj<sup>ties</sup> Customes being not able to Supply them at near y<sup>e</sup> Price they so illegally get them."

the governors be again instructed as to their duties and that the captains of the frigates of the navy should have particular orders to enforce the laws.<sup>1</sup> Accordingly, in 1687, the Lords of Trade wrote to the Governor, Sir Nathaniel Johnson, to prevent such abuses in the future and to permit no Dutch vessel to come to an English colony unless driven there by storm, pirates, or other urgent necessity.<sup>2</sup>

In the Leeward Islands, there were not nearly so many complaints against the trade laws as in Barbados. In the main, this was due to the fact that their economic structure grew up under this system, while in Barbados an already nearly fully developed industry had to adjust itself to changed conditions. In addition, Barbados was well represented in England by influential men, while the Leeward Islands had no means of giving similar expression to whatever grievances they may have felt. When the trade with the Dutch was suppressed in 1671, Sir Charles Wheeler wrote that such illegal intercourse was due to the fact that the English merchants not only demanded far larger profits and declined to give credit, but they also refused to take tobacco, which the poor mostly planted. This, he said, "makes the Planter cry out for the Kings favour, that a

<sup>1</sup> C. O. 1/60, 67; C. C. 1685-1688, pp. 380, 382.

<sup>2</sup> C. C. 1685-1688, p. 384. By the Treaty of Breda such access was allowed to the ships of the contracting parties provided trade were not carried on. *Ibid.* pp. 383, 384. Russell died in the summer of 1687, but the illegal trade with the Dutch did not disappear with his removal from the scene. A year later, Governor Johnson wrote to the Lords of Trade that one Crispe was represented to him by the customs officials and those of the Royal African Company as a persistent smuggler of negroes and sugar to and from the Dutch islands. *Ibid.* pp. 415, 552-555.

Shipp or two onely might trade w<sup>th</sup> them from Holland or from them to Holland or Elsewhere."<sup>1</sup> Thereafter, however, such general complaints virtually disappeared. But it was frequently pointed out that the great need of the islands was an abundant supply both of slaves and of white servants.<sup>2</sup> St. Kitts especially needed a larger population, because the presence of a French colony on the same island and the resulting friction drove off the English settlers and prevented fresh immigration. In case of war with France, there was imminent danger of the English colony falling a helpless prey to their better protected neighbors.<sup>3</sup> In order to obviate this, the English government in 1676 agreed to contribute to the expense involved in transporting three hundred 'malefactors' to the island.<sup>4</sup> Four years later, as this order had not been and was not likely to be executed, the St. Kitts Council suggested that the money that this would have required should be used to encourage other immigration into the colony, and, further, that for this purpose Scottish ships should be allowed to trade there.<sup>5</sup> It was only to this limited extent that complaints against the colonial system were registered and that attempts were made to secure a modification of the laws.

<sup>1</sup> C. O. 1/27, 52; C. C. 1669-1674, pp. 287-292.

<sup>2</sup> C. O. 1/29, 141; C. C. 1669-1674, pp. 391-393; C. O. 1/38, 65; C. C. 1675-1676, pp. 497-502.

<sup>3</sup> C. C. 1677-1680, pp. 1, 222, 223; C. O. 1/42, 36.

<sup>4</sup> C. C. 1675-1676, pp. 335, 346, 347; P. C. Cal. I, pp. 708, 709.

<sup>5</sup> Such ships, they said, could give bonds to obey the enumeration clauses. C. C. 1677-1680, pp. 572, 573. At this time also, the Council of Montserrat stated that the scarcity of negroes and white servants, especially the former, retarded the development of the island and kept the people poor. *Ibid.* pp. 574, 575.

## CHAPTER VII

### JAMAICA AND THE OUTLYING ISLANDS

Great expectations from Jamaica — Its economic development — The buccaneers and their suppression — The logwood trade and the difficulties with Spain — The enumeration of logwood — Growth of the colony — Illegal trade — The settlement of the Bahamas and their development — The Bermudas — Their struggle with the proprietary Company and its downfall.

THE determination to retain Cromwell's conquest, Jamaica, even at the risk of not concluding peace with Spain, showed clearly the great interest taken by the Restoration government in colonization, more especially in that of tropical regions. Herein the Court had the full support of the House of Commons.<sup>1</sup> The development of plantations that produced exotic products, such as sugar, cotton, indigo, and cacao, promised the greatest advantages, not only to the individual settler,<sup>2</sup> but also to the state. It was clearly recognized in those days that national strength was funda-

<sup>1</sup> Com. Journal VIII, p. 163.

<sup>2</sup> See Sir Balthazar Gerbier, *A Sommary Description*, manifesting that greater Profits are to be done in the hott then in the could parts off the Coast off America, published in 1660. In 1662, Gerbier gave the government some valuable advice about the method of settling Jamaica. C. C. 1661-1668, no. 216. On Gerbier, see the *Dict. of Nat. Biography*. Cf. also Otto Keyen, *Kurzer Entwarrff von Neu-Niederland und Guajana* (einander entgegengesetzt um den Unterschied zwischen warmen u. kalten Landen herauz zu bringen), Leipzig, 1672. This work was translated from the Dutch.

mentally based upon economic conditions, and it was generally held that foreign commerce was the ultimate source of power.<sup>1</sup> The bulk of England's colonial trade was with the dominions producing tobacco and sugar,<sup>2</sup> and it was assumed that any further development in this general direction would correspondingly add to the national prosperity.

In view of the great economic value of Barbados, large hopes were naturally entertained for Jamaica, whose soil and climate were essentially similar and whose area was twenty-five times greater. Barbados only somewhat exceeded the size of the Isle of Wight, while Jamaica's area was considerably more than half that of Wales. During the Interregnum, every encouragement was at the outset given to the settlers on the conquered island, and a start was made in the production of tobacco, sugar, cacao, and cotton.<sup>3</sup> But little could, however, be accomplished during these first five years of English possession. The soldiers proved poor planters,<sup>4</sup> and moreover were kept on the alert to resist several Spanish attempts for the recovery of the island. While the Spanish peril thus necessitated the main-

<sup>1</sup> English statesmen in general agreed with the statement made in 1671 by the Venetian Ambassador to England that commerce was "la vera base alla grandezza degli stati." *Le Relazioni Degli Stati Europei*, Serie iv, Inghilterra (Venezia, 1863), p. 449.

<sup>2</sup> "Of all the Colonies which these three European Nations (the English, French, and Dutch) have planted in *America*, those that settled themselves in the *Caribby-Islands* are of greatest account, and the most frequented by Merchants, as being the most advantageous upon the score of Trade." Davies, *The History of Barbados, St Christophers, etc.* (London, 1666), p. 158.

<sup>3</sup> Beer, *Origins*, p. 413.

<sup>4</sup> C. C. 1675-1676, p. 109.

tenance of a military government, this, in turn, naturally deterred planters from settling in Jamaica. Finally, during the confusion following the death of Cromwell, the affairs of the colony were perforce somewhat neglected, and the pay of the army of conquest was in arrear.<sup>1</sup> The Restoration statesmen devoted their especial attention to Jamaica and devised various schemes for its rapid development. The essential condition was an adequate population, for on the island there was as yet only a handful of settlers. According to one estimate, its population was then about 3350 whites (of whom 2450 were men) and 500 negroes.<sup>2</sup> In order to people the island, the Earl of Marlborough, who had been personally concerned in the colonization of Santa Cruz, proposed that emigration from the other West Indies be encouraged; that the settlement of New England affairs be hastened, since plenty of men might be expected thence; and also that women — not inmates of Newgate and Bridewell, but poor maids who burdened the English parishes — be transported to furnish wives for the planters. In addition, he suggested that the commodities of the island be exempted for a short period from the payment of the English customs duties.<sup>3</sup> Several of these recommendations were adopted by the English government; and, besides, it was determined to establish civil government in place of the military system that had been in force since the conquest.

<sup>1</sup> *Ibid.* 1685-1688, p. 632.

<sup>2</sup> *Ibid.* 1661-1668, no. 204; *ibid.* 1685-1688, p. 632. Another account gives about 1000 more. *Ibid.* 1574-1660, p. 492.

<sup>3</sup> *Ibid.* p. 491.

The Cromwellian Governor, Edward Doyley, was temporarily continued in office, but was instructed to govern with the advice of a council.<sup>1</sup> Doyley was also directed to employ such ships as could be spared from the task of defending the island in fetching planters from the other colonies.<sup>2</sup> At the same time, the Council for Foreign Plantations recommended that the soldiers in Jamaica, with the exception of 200, be allotted land and be converted into planters, and further that Jamaica be exempted for seven years from paying customs in England on all commodities except sugar, tobacco, cotton, and indigo.<sup>3</sup> The task of settling Jamaica was entrusted to Thomas, Lord Windsor, who was appointed Governor of Jamaica in 1661, and assumed the administration about a year later.<sup>4</sup> His salary, and subsequently also the expense of fortifying the island, was made a charge on the English Exchequer.<sup>5</sup> That so exceptionally large a sum as £21,200 was ordered paid to Lord Windsor for carrying on the plantation of Jamaica is ample proof of the government's keen interest in this colony.<sup>6</sup> Windsor's instructions were carefully prepared.<sup>7</sup> By them<sup>8</sup> he was directed 'to promulgate' the King's license for transporting planters from the neigh-

<sup>1</sup> C. C. 1661-1668, nos. 20, 21, 22.

<sup>2</sup> *Ibid.* no. 22.

<sup>3</sup> *Ibid.* nos. 5, 107. Of the army of conquest there were at this time about 2200 men in Jamaica. *Ibid.* 1574-1660, pp. 489, 492.

<sup>4</sup> Pepys, April 10, 1662.

<sup>5</sup> C. C. 1661-1668, nos. 135, 145. See also *ibid.* nos. 616, 656, 664; P. C. Cal. I, pp. 484, 485; Cal. Treasury Books, 1660-1667, pp. 259, 267, 303, 589, 617, 667, 685, 720.

<sup>6</sup> Cal. Treasury Books, 1660-1667, pp. 362, 534.

<sup>7</sup> P. C. Cal. I, pp. 309, 312, 313.

<sup>8</sup> C. C. 1661-1668, no. 259.

boring colonies to Jamaica, to grant lands on liberal terms, to permit the free exportation of all goods for five years, after which an export duty of five per cent was to be paid to the Crown.<sup>1</sup> In addition, Windsor was authorized to call Assemblies to levy money and to make laws, which, however, were to be in force for only two years unless confirmed by the Crown.

On account of ill-health, Windsor remained in the island but a very short time, returning to England unexpectedly, which fact made Mr. Bland, one of the most prominent colonial merchants of the day, and Pepys agree that "these young Lords are not fit to do any service abroad."<sup>2</sup> Pending the appointment of his successor, which occasioned some discussion in England,<sup>3</sup> the Deputy-Governor, Sir Charles Lyttelton, was in charge of affairs. During the administrations of Windsor and Lyttelton, civil government was definitely established, and in 1664 the first Assembly of the colony met.<sup>4</sup> Towards the end of 1663, Lyttelton reported that the island was more prosperous than when he had arrived somewhat over a year prior thereto, but that the population was not increasing rapidly.<sup>5</sup> Since the Restoration a few settlers had come from the other colonies,<sup>6</sup> and

<sup>1</sup> Article xii of these instructions. C. O. 1/16, nos. 35, 36.

<sup>2</sup> Pepys, Feb. 13, 1663. See also Feb. 23, 1663.

<sup>3</sup> MSS. of J. M. Heathcote (H.M.C. 1899), pp. 88, 89.

<sup>4</sup> C. C. 1661-1668, nos. 379, 573, 810, 812.

<sup>5</sup> Lyttelton wrote that 'since Lord Windsor's arrival not more than 200 have come and the year has been very sickly, and carried away great numbers.' *Ibid.* no. 566.

<sup>6</sup> *Ibid.* no. 267.



apparently some convicts were transported from England,<sup>1</sup> but there was no influx commensurate with the immense opportunities offered by Jamaica.<sup>2</sup>

In 1664, Sir Thomas Modyford, a prominent Barbadian and a relative of Monck, was appointed Governor of Jamaica with instructions similar to those issued to Windsor, and in addition, for the further encouragement of the colony, providing that for twenty-one years goods imported into or exported from Jamaica should be exempt from the payment of customs, and that for five years the products of the island could be imported into England free of duty.<sup>3</sup> When he received his instructions, Modyford was in Barbados, where he gathered together as many settlers for Jamaica as was possible. About 800 sailed with him, but he claimed that a yearly supply of 1000 might be expected from this colony. The English government had made some provision for the transportation of settlers from Barbados, but Modyford proposed that the Crown should assume this entire expense. Governor Willoughby objected to this policy, and requested Lord Arlington to 'divert his Majesty from giving any more such orders, for it is not beginning at the right end to improve his interest in these

<sup>1</sup> P. C. Cal. I, pp. 310, 314, 315.

<sup>2</sup> In 1664, the President of the Jamaica Council, Thomas Lynch, wrote that the island was in a hopeful state, but that its population did not exceed 5000. C. C. 1661-1668, no. 744.

<sup>3</sup> *Ibid.* nos. 664, 998, 1003, 1165; P. C. Cal. I, pp. 515, 516; C. O. 1/26, 15. Although the five years had already expired, on June 18, 1669, the Treasury instructed the Farmers of the Customs to allow the *Mary & Jane* of Jamaica to unload free of duties, since this vessel had been delayed by storms. Treas. Books, Out-Letters, Customs 1, f. 166.

parts for he doth but take out of his right pocket to put into his left. Europe is the magazine of people,' he continued, 'and from thence his Majesty ought to send them a constant supply every year.' In addition, before departing for Jamaica, Modyford wrote a careful letter to the English government on the best way of rapidly peopling that island, advising the King to 'be prodigal in granting the first million acres,' and that, until these be planted, exports from England should be exempt from customs. He further proposed that free trade should be allowed with all friendly nations, and that all servants for the colony should be transported at the expense of the government.<sup>1</sup> Of these suggestions, the English government agreed only to that about the liberal granting of land.<sup>2</sup>

During Sir Thomas Modyford's administration, which lasted for seven years, from 1664 to 1671, the colony made some progress. From an absolute standpoint the development was considerable,<sup>3</sup> but it was insignificant in contrast with the potential capacities of so fertile and large an island. The natural resources of Jamaica were more varied than those of the other West Indies, and in addition the colony was

<sup>1</sup> C. O. 1/18, 65; C. C. 1661-1668, nos. 739, 741, 764; P. C. Cal. I, p. 384.

<sup>2</sup> C. C. 1661-1668, no. 784.

<sup>3</sup> In 1664, the population was but 5000, while in 1670, according to an estimate based upon an apparently careful survey of the island, it was 15,000. Lynch said that this latter estimate, which had been prepared for Modyford, was only a guess. It should also be noted that earlier in the same year Modyford had sent another account to England, according to which the inhabitants, including 2500 negroes, numbered in all but 8200. *Ibid.* 1669-1674, pp. 52, 104, 341.

not so dependent on other communities for its food supply. At the outset, the chief products were sugar, cacao, and tobacco, and, as was usual in the early stages of colonial economic life, these staples were used as standards of value in commercial transactions.<sup>1</sup> In addition, cotton, indigo, pimento, dyeing-woods, ginger, and a variety of drugs were produced.<sup>2</sup> Furthermore, in 1668, the English government ordered that the planting of pepper, cloves, and other spices be encouraged, but this attempt to make of Jamaica a rival of the Dutch Spice Islands of the Far East was not successful.<sup>3</sup> Tobacco soon ceased to be grown for export, and the most profitable products for this purpose were found to be cacao, sugar, and indigo.<sup>4</sup> Besides these exotic products, the island raised a considerable quantity of corn, potatoes, peas, and other provisions, and was well stocked with cattle and hogs.<sup>5</sup> A portion of its food supply was, however, imported from New England.<sup>6</sup>

<sup>1</sup> In 1661, the Governor and Council ordered that sugar should pass at 25s. a cwt., tobacco and cacao at 4d. a pound. In 1662, Lord Windsor changed these valuations. C. O. 140/1, ff. 14, 15; C. C. 1661-1668, nos. 108, 374.

<sup>2</sup> C. C. 1661-1668, no. 810.

<sup>3</sup> P. C. Cal. I, pp. 487, 488. In 1664, the Committee for Jamaica was ordered to consider the planting of "Coco-Nutts, Erecting Iron-works there, and at Virginia, and about making Pitch and Tarr, and whatsoever els they shall thinke fitt." *Ibid.* p. 384. In 1672, the Council of Plantations "entered on inquiries about improving the Plantations by silks, galls, flax, senna, &c., and considered how nutmegs and cinnamon might be obtained, and brought to Jamaica, that soil and climate promising success." Evelyn, Feb. 12, 1672.

<sup>4</sup> C. C. 1661-1668, no. 815.

<sup>5</sup> *Ibid.* nos. 810, 1023; C. C. 1669-1674, pp. 104, 105.

<sup>6</sup> *Ibid.* p. 5.

During the first decade of the Restoration era, cacao was the principal staple of Jamaica; and, as it was a typically Spanish colonial product, which was grown in no other of the English colonies, great stress was laid upon its encouragement.<sup>1</sup> According to a description of Jamaica, of about the year 1670, no island had greater abundance of cacao, and the claim was made that with good management it would be easy to 'beat out' the Spaniard.<sup>2</sup> Another writer<sup>3</sup> said that "the meanest Labourer in Jamaica compounds his Morning-draughts" of chocolate — at that time a considerable luxury in Europe. Sugar was gradually assuming an ever increasing importance in the colony's economic life, and was in the main shipped to England in competition with that of the other West Indies.<sup>4</sup> According to a Jamaica correspondent of John Winthrop, Jr., indigo in 1671 yielded "the principall profit," but he believed that "in shorte space" the price would decline greatly.<sup>5</sup> In 1670, there were in Jamaica 57 sugar works with a yearly output of 1710 thousand-weight; 47 cacao walks, yielding 188,000 pounds of nuts; and 49 works, producing 490 hundredweight of indigo.<sup>6</sup> Twenty ships of over 80

<sup>1</sup> C. C. 1661-1668, nos. 259, 664; *ibid.* 1675-1676, pp. 134, 135; *ibid.* 1669-1674, pp. 52, 53, 145-147; C. O. 138/1, ff. 88-95.

<sup>2</sup> C. C. 1669-1674, p. 151.

<sup>3</sup> E. Hickerlingill, *Jamaica Viewed* (1st ed. London, 1661), pp. 23, 24.

<sup>4</sup> *Cf.* Cal. Treas. Books, 1660-1667, pp. 339, 451.

<sup>5</sup> "All matters considered," he added, "I iudge our husbandmen in Connecticut doe liue better then the greater part of the inhabitants heare." Winthrop Papers II, p. 152.

<sup>6</sup> C. C. 1669-1674, pp. 104, 105. *Cf.* Richard Blome, *A Description of the Island of Jamaica* (London, 1672), pp. 8-10. Blome said that Jamaica

tons were required that year to take away Jamaica's produce.<sup>1</sup> But compared with Barbados, this development was insignificant. In fact, the enormous resources of Jamaica had been barely tapped. Of the total land in the colony only a small portion had been granted to private owners, and most of this was in an uncultivated state.<sup>2</sup> The slow progress made in settling the island was primarily due to the continuance of the war with Spain. The large profits derived from privateering diverted the colony's energies from the more humdrum processes of agricultural development. Until 1671, the most lucrative pursuit was warfare on the commerce and colonies of Spain.

At this time, the waters of the Caribbean swarmed with self-confessed pirates and with nearly equally lawless privateers who, on the strength of commissions from French, Spanish, Dutch, and English colonial governors, preyed upon commerce.<sup>3</sup> When in 1660 the monarchy was restored, England and Spain were still at war. Peace negotiations were forthwith opened, but on account of the determination of the Restoration government to retain Jamaica, they were not brought to a successful conclusion; and for a decade longer informal and irregular hostilities between the two sugar outsold that of Barbados by 5s. a cwt.; that cacao was the principal and most beneficial product and that in time Jamaica would become "the only noted place for that Commodity in the world."

<sup>1</sup> C. C. 1669-1674, p. 52.

<sup>2</sup> *Ibid.* pp. 95, 96, 98-104, 107.

<sup>3</sup> There have been recently published two reliable accounts of their activities: C. H. Haring, *The Buccaneers in the West Indies*; and Violet Barbour, *Privateers and Pirates of the West Indies*, in *Am. Hist. Rev.* XVI, 3.

nations continued in a desultory manner in the West Indies. Shortly after Lord Windsor was appointed to succeed Doyley, the Cromwellian Governor of Jamaica, he was instructed to preserve good correspondence and free commerce with the Spanish colonies, but, if this were refused, to settle such trade by force.<sup>1</sup> On being denied this privilege, and it being feared that the Spaniards might send an expedition to reconquer Jamaica,<sup>2</sup> Windsor prepared an armed force which, in 1662, captured and plundered Santiago in Cuba.<sup>3</sup> In the following year, a successful assault was made on the town of Campeachy on the mainland. In addition, English privateers, duly commissioned by the colonial authorities were actively seizing Spanish vessels in the Caribbean.<sup>4</sup> Such exploits as the attack on Cuba embarrassed the English government and exceeded its intention. Accordingly, in 1663, instructions were sent to the authorities in Jamaica that no such enterprises 'be pursued for the future.'<sup>5</sup> Again the following year, when Sir Thomas Modyford was appointed Governor of Jamaica, he was enjoined not to issue any letters of marque and to preserve good correspondence with the Spanish colonies.<sup>6</sup> A few months later, Charles II reiterated these instructions, expressing extreme dissatisfaction at the daily complaints of depredations committed by Jamaicans on Spaniards, and ordering the Governor to forbid such actions and to 'inflict condign punishment on offenders.'<sup>7</sup> At the outset, Mody-

<sup>1</sup> C. C. 1661-1668, no. 278.

<sup>2</sup> *Ibid.* no. 259.

<sup>3</sup> Haring, *op. cit.* pp. 105, 106.

<sup>4</sup> C. C. 1661-1668, no. 571.

<sup>5</sup> *Ibid.* no. 443. Cf. no. 441.

<sup>6</sup> *Ibid.* no. 664.

<sup>7</sup> *Ibid.* no. 753.

ford apparently tried to follow his instructions,<sup>1</sup> but he met with grave difficulties. In the first place, the Spanish colonial governors had no authority to admit the English to trade, nor, as an able Jamaican official pointed out, would 'any necessity or advantage bring private Spaniards to Jamaica, for we and they have used too many mutual barbarisms to have a sudden correspondence.'<sup>2</sup> Moreover, the English privateers, between 1500 and 2000 hardy and lawless men in fourteen or fifteen vessels, could not be controlled by the Governor. As was pointed out at the time, these privateers could be suppressed only by five or six men-of-war.<sup>3</sup> Most of them were ready to turn pirate or to join the French, and then to prey upon English commerce, if their commissions were taken from them.

The outbreak of the Dutch war gave the privateers a more legitimate field for their activities, and letters of marque were again freely issued in Jamaica.<sup>4</sup> Some signal successes against the Dutch — St. Eustatius and Saba were taken — were gained by their efforts,<sup>5</sup> but in addition the privateers exceeded their authority and continued to seize Spanish vessels and to plunder Spanish towns on the Main and in Cuba.<sup>6</sup> At this juncture the English government changed its policy, and, in the early summer of 1665, authorized Sir Thomas Modyford to use his discretion about issuing commissions against the Spanish. In 1666, on the advice of the colonial Council, he decided to issue them with the

<sup>1</sup> C. C. 1661-1668, nos. 746, 767.

<sup>2</sup> *Ibid.* no. 744. Cf. no. 762.

<sup>3</sup> *Ibid.* nos. 744, 812.

<sup>4</sup> *Ibid.* no. 942.

<sup>5</sup> *Ibid.* nos. 1042, 1063, 1082.

<sup>6</sup> *Ibid.* nos. 1142, 1147.

object of strengthening the colony, for it was fully realized that the exceptionally excellent market available in Jamaica for Spanish spoils would attract there a host of buccaneers of various nationalities.<sup>1</sup>

In 1667, peace was concluded between England and the allies, France and Holland, and thus an end was put to the half-hearted operations of the privateers against these nations. At the same time also was signed a treaty with Spain, which recognized England's right to the American territories then in her possession, but prohibited trade with the Spanish colonies. Rumors of this proposed treaty had reached America already the preceding year. On August 21, 1666,<sup>2</sup> Governor Modyford wrote to Lord Arlington, then Secretary of State, that, in accordance with the authority specifically given to him, he had since last March issued commissions against the Spaniards, which had attracted to Jamaica many people, especially French buccaneers, and had enriched and strengthened the colony. He added that he had heard of the proposed peace with Spain, and had also received orders from Albemarle despite this to employ privateers as formerly, 'if it be for the benefit of his Maj-

<sup>1</sup> *Ibid.* nos. 1144, 1264. On Feb. 22, 1666, the Council of Jamaica resolved that it was to the interest of the colony to issue letters of marque against the Spaniards, because: 1, it furnished the island with necessary commodities at low prices and enabled it to buy provisions from the New England men; 2, it attracted many settlers and 'is the only means to keep the buccaneers on Hispaniola, Tortugas, and the South and North Quays of Cuba from being their enemies and infesting their sea-side plantation'; 3, 'It seems to be the only means to force the Spaniards in time to a free trade.' *Ibid.* no. 1138.

<sup>2</sup> *Ibid.* no. 1264.



esty's affairs, which is really so, as the keeping of this island is for his honour and service.' Modyford further wrote that 'the Spaniards look on us as intruders and trespassers wheresoever they find us in the Indies and use us accordingly; and were it in their power, as it is fixed in their wills, would soon turn us out of all our Plantations. . . It must be force alone that can cut in sunder that unneighbourly maxim of their Government to deny all access of strangers.' When, toward the end of 1667, the heads of the treaty with Spain finally reached Modyford, he was unable to understand their exact meaning; and, as no specific instructions accompanied them, he wrote that he would not alter 'his position, nor does he intend until further orders.'<sup>1</sup>

In pursuing this course Modyford assumed a grave responsibility. Although he had received no explicit orders to stop issuing commissions against the Spaniards, he knew full well that the Secretary of State, Lord Arlington, to whom he was immediately responsible, was opposed to such action.<sup>2</sup> Proceeding under such a commission, Henry Morgan, at the head of a fleet of buccaneers, inflicted upon the Spanish Empire the most stinging blow that it had received since Cromwell's conquest of Jamaica. In 1668, after taking Puerto Principe in northern Cuba, Morgan sailed to Porto Bello on the mainland, surprised and sacked the city, securing a large booty and ransom. Modyford was somewhat dismayed at the too signal success of this exploit and wrote to the English government that Morgan had

<sup>1</sup> C. C. 1661-1668, no. 1652.

<sup>2</sup> *Ibid.* no. 1537.

exceeded his instructions, which authorized him to attack only Spanish ships and not their towns.<sup>1</sup> But fearing Spanish reprisals, Modyford again assumed the aggressive, and in 1669 the Jamaica buccaneers garnered fresh booty from the town of Maracaibo.<sup>2</sup>

The English government was placed in a disagreeable position by these actions, which were clearly contrary to the treaty of 1667. Bitter complaints from Spain<sup>3</sup> and demands for satisfaction were, however, answered by the assertion that the Spaniards themselves were not observing the peace in the Indies.<sup>4</sup> Spanish pride was wounded to the quick and unwonted energy was displayed in preparations for reprisals, but in 1670/1 the English struck another severe blow when Morgan took Panama.<sup>5</sup> Shortly before this event, in 1670, the two nations had definitely settled their differences in the treaty of Madrid, which provided for a complete cessation of hostilities and explicitly recognized

<sup>1</sup> *Ibid.* no. 1850.

<sup>2</sup> *Ibid.* no. 1867. A full and picturesque contemporary account of the exploits of Morgan and his fellow buccaneers is available in Exquemelin's history, a well-known book of which many editions have been published in various languages since the original in Dutch first appeared in 1678.

<sup>3</sup> C. C. 1669-1674, pp. 1, 2.

<sup>4</sup> On Oct. 1, 1668, Modyford wrote to Albemarle: 'It is most certain that the Spaniards had full intention to attempt this island, but could not get men; and they still hold the same minds, and therefore I cannot but presume to say, that it is very unequal that we should in any measure be restrained, while they are at liberty to act as they please upon us, from which we shall never be secure until the King of Spain acknowledge this island to be his Majesty's, and so includes it by name in the capitulations.'

*Ibid.* 1661-1668, no. 1850.

<sup>5</sup> *Ibid.* 1669-1674, pp. 72, 120-122, 142.

England's title to all her American possessions. The English government was incensed at Modyford's conduct.<sup>1</sup> He was immediately dismissed from office and was sent to England for trial, but after considerable detention in the Tower ultimately escaped punishment.<sup>2</sup> Morgan, likewise, was ordered home to answer for his conduct. His commission from the Jamaica government was, however, a complete legal justification for his exploits.<sup>3</sup> Instead of being punished, "Panama Morgan" was viewed as a national hero, who had conferred great "Honour to the Nation"; and, as a reward for his services, he was knighted by Charles II.<sup>4</sup>

<sup>1</sup> On Nov. 21, 1670, Arlington wrote to Sir William Godolphin, the English Ambassador in Spain, that Modyford, on sight of commissions issued by Spain against the English, "whilst the Matter of the Treaty" was in debate, began a new war, but that His Majesty will quickly put "an end to all his Extravagancies and Follies" by sending a new Governor to Jamaica. Colonel Lynch, he added, was to go there as Lieutenant-Governor with two frigates, to put in execution the government's orders. On March 9, 1671, Arlington wrote to Godolphin: "This gives me occasion to tell you what Abomination and Scandal His Majesty hath receiv'd upon the knowledge of new Violences committed by Sir *Tho. Modiford*, upon his Catholick Majesty's Territories in the *West-Indies*, in which perhaps he may justifie himself to His said Majesty for having committed them within the time limited by your Treaty, and by the Provocations he hath had from the *Spaniards* there, but he never will be able to do it to the King our Master, it having been so contrary to all his orders." Arlington's Letters (London, 1701) II, pp. 309, 319. See also pp. 327, 328.

<sup>2</sup> C. C. 1660-1674, pp. 151, 152, 238, 239, 272, 401; Dict. Nat. Biog.

<sup>3</sup> Governor Lynch, who vigorously opposed the buccaneers, when sending Morgan to England, wrote that he was 'an honest brave fellow,' and had both Modyford's and the Council's commission and instructions, which they thought he had obeyed so well that they gave him public thanks. C. O. 1/27, 58; C. C. 1660-1674, p. 200.

<sup>4</sup> Dalby Thomas, *op. cit.* in Harl. Misc. II. p. 364.

The English government was now determined to suppress the buccaneers and to convert them into peaceful members of society. But the dragon's teeth, which she herself had sown, yielded their inevitable crop. In 1669, John Style, who had been a fellow student with Lord Arlington at Christ Church<sup>1</sup> and had settled in Jamaica in 1665, wrote to the former Secretary of State, Sir William Morice, that about 800 men were out as privateers, but that they were of little use for the permanent defence of the colony as they had no interest in land. 'Gold and gain,' he said, 'is the only god they worship; they can drive the same trade with far more profit and advantage under French commissions, paying neither tenths, fifteenths nor waiting for Admiralty Courts.'<sup>2</sup> The following year, Style wrote of the horrible barbarities and atrocities committed by these privateers on the Spaniards.<sup>3</sup> The attempt was now made to convert these lawless desperadoes, accustomed to a riotous life of brawling and excesses, into useful citizens of Jamaica. This all but impossible task was imposed upon Sir Thomas Lynch, to whom, as Lieutenant-Governor, was entrusted the administration of the colony. He was instructed to publish the treaty of 1670 with Spain, to revoke all commissions issued against the Spaniards, to use all efforts to bring in the privateers and to encourage them to settle in Jamaica.<sup>4</sup> A small naval force was placed at his disposal, for otherwise nothing at all could have been accomplished.

A number of these privateers now abandoned their pre-

<sup>1</sup> C. C. 1669-1674, p. xxiii.    <sup>3</sup> *Ibid.* pp. 49-51.

<sup>2</sup> *Ibid.* pp. 3-5.

<sup>4</sup> *Ibid.* pp. 145-147; C. O. 138/1, ff. 88-95.

carious life, and habituated themselves to a more regular mode of existence. Many engaged in the logwood trade to Yucatan. But some refused to submit and continued to seize Spanish vessels.<sup>1</sup> Others joined with the French and engaged in such exploits as barbarous raids in Cuba.<sup>2</sup> In a spirit somewhat approaching disgust and despair, Sir Thomas Lynch wrote on January 13, 1672,<sup>3</sup> to Sir Joseph Williamson, Arlington's secretary, that "this cursed trade has been so long followed, and there is so many of it, that like Weeds or Hidras they spring up as fast as we can cut them down." Lynch, however, persisted, and, thanks to the invaluable aid of the frigates supplied by England, was in reality able to accomplish a good deal. A number of pirates were brought to justice in Jamaica, which deterred others from their devious paths.<sup>4</sup> Towards the end of 1672, he was able to inform the Council for Plantations that he had reduced all the privateers and that there was not one English pirate in the West Indies, although a few Englishmen were continuing their former career in French vessels.<sup>5</sup>

This outcome promised an era of economic expansion. As Lynch wrote, "privateering was the sickness of Jamaica, for that and planting a country are absolutely inconsistent."<sup>6</sup> Unfortunately, conditions were leading to a recrudescence of this evil. Shortly before the treaty of 1670 with Spain, English traders had begun to resort to Campeachy and adjacent places for the purpose of cutting logwood, which was

<sup>1</sup> C. C. 1669-1674, pp. 263, 264, 298, 299.

<sup>2</sup> *Ibid.* pp. 318, 322.

<sup>3</sup> *Ibid.* pp. 315, 316.

<sup>4</sup> *Ibid.* pp. 322, 323, 340, 342, 343.

<sup>5</sup> *Ibid.* pp. 425-428.

<sup>6</sup> *Ibid.* pp. 339-341.

extensively used in Europe for dyeing textiles. In 1670, Governor Modyford wrote to Arlington that a dozen Jamaica vessels, belonging to former privateers, were engaged in cutting this wood in Yucatan and elsewhere, but only in uninhabited places, where they did not trespass on the Spaniards. As the trade was very profitable and as in his opinion two-thirds of the privateers would engage in it on the conclusion of a definitive peace with Spain, he urged that it be authorized by the English government.<sup>1</sup> A few weeks later, he wrote that the number of Jamaica vessels engaged in the logwood trade had grown to twenty and was likely to increase daily.<sup>2</sup>

On July 2, 1671, shortly after his arrival in Jamaica, Lieutenant-Governor Sir Thomas Lynch begged Lord Arlington to give instructions about this trade.<sup>3</sup> This earnest request he repeated on various occasions in subsequent despatches, but pending the receipt of definite instructions, he did not interfere with the logwood cutters.<sup>4</sup> In 1671, there were about forty Jamaica ships engaged in this trade, which then was of especial importance to the colony, as both the cacao and sugar crops of that year had turned out failures.<sup>5</sup> Lynch contended that the English had a right to cut logwood in uninhabited places in the Gulf of Campeachy, as they had done so before the Spanish treaty of 1670, which recognized England's then existing posses-

<sup>1</sup> *Ibid.* pp. 120-122.

<sup>2</sup> *Ibid.* pp. 238, 239.

<sup>3</sup> *Ibid.* p. 142.

<sup>4</sup> *Ibid.* pp. 241, 263-266, 322-324.

<sup>5</sup> *Ibid.* pp. 241, 263, 264, 310. According to one account, the actual number of Jamaica ships in this trade was 32 of 1170 tons, 424 men and 74 guns. C. O. 138/1, f. 121; C. C. 1669-1674, p. 306.

sions in America.<sup>1</sup> As, however, it was highly improbable that Spain would take this view of the matter,<sup>2</sup> the English government proceeded cautiously. Early in 1672, Lynch received word from Arlington that this question was under discussion, and at the same time he was instructed not to "choque with Spain for small things," which he took to be "a tacit prohibition."<sup>3</sup>

In the meanwhile, Arlington had written to the English Ambassador in Spain, Sir William Godolphin, asking whether this cutting of logwood in uninhabited places was inconsistent with the treaty of 1670, and how Spain would regard such practices.<sup>4</sup> In reply,<sup>5</sup> Godolphin stated that this wood came from Yucatan, a large province of New Spain which was sufficiently peopled. Spain's title to it, he continued, was absolutely valid, and unquestionably the desired permission to cut logwood would not be conceded, for, on the same grounds, the English might claim a right to inhabit there. While England thus had no legal standing, Godolphin added that, in his opinion, if the wood were cut in

<sup>1</sup> C. O. 1/27, 58; C. C. 1669-1674, pp. 297-300, 310.

<sup>2</sup> On Dec. 25, 1671, Lynch wrote to Arlington that the Spanish were preparing to seize the logwood cutters. C. C. 1669-1674, p. 310.

<sup>3</sup> *Ibid.* pp. 339-341. The Jamaica Council was, however, of the opinion that, since Arlington's letter of November, 1671, did not directly forbid this trade, it ought not to be prohibited, especially as the Spaniards had never complained, as the English had 'great colour of right' to it under the treaty of 1670, and as it was of great importance to the island and the only way to divert the privateers from their vocation. *Ibid.* p. 343.

<sup>4</sup> Arlington's Letters (London, 1701) II, pp. 336, 373.

<sup>5</sup> Brit. Mus., Stowe MSS. 256, ff. 305-307; C. C. 1669-1674, pp. 357, 358.

remote places and in a secret manner, the English government might connive at it, though not authorizing it until it should be seen to what degree Spain would show resentment. If the other articles of the American treaty of 1670 were observed by the English, and if this trade were carried on cautiously, Godolphin concluded, Spain might overlook the matter. In accordance with this advice, instructions were sent to Lynch to permit logwood cutting in uninhabited places, but to use care and prudence so as not to offend the Spaniards.<sup>1</sup>

Spain, however, did not overlook this matter. Towards the end of 1671, a Dutchman named Yellowes, an old Jamaica privateer of considerable notoriety, who had entered the service of Spain and was employed by the Governor of Campeachy to break up this trade, seized five English ships engaged in it.<sup>2</sup> Subsequently, more logwood vessels were captured by this Yellowes, but Governor Lynch refused to take any notice thereof, because, as he wrote, 'he only connives at the wood cutting, and without orders dare not direct the retaking of our ships.'<sup>3</sup> These seizures were but the preliminary to even greater activity on the part of the Spanish. Not only were vessels actually engaged in this trade on the coast of Yucatan seized, but also others guiltless of any connection with it. English vessels having logwood on board were captured on the high seas by the Spanish, even though this logwood had been purchased in Jamaica or elsewhere. In some instances also, ships were taken with-

<sup>1</sup> C. C. 1669-1674, pp. 382, 417.

<sup>2</sup> *Ibid.* pp. 298, 384, 401.

<sup>3</sup> *Ibid.* pp. 420, 421.



out even this excuse, apparently merely because they were of English nationality. It was said in 1674 that the Spaniards had seized seventy-five English ships since the treaty of 1670.<sup>1</sup> Essentially the same situation had arisen two generations later brought on the famous war of 1739 between England and Spain. Although the English had carried on this trade prior to 1670 and with this object had established small temporary settlements in Yucatan,<sup>2</sup> yet any claim of right on this score was of questionable legality and certainly would have been resisted by Spain. On the other hand, logwood was not contraband, and the seizure on the high seas of vessels carrying it undoubtedly violated English rights. On this point especially, England made strong, but fruitless, representations to Spain. No redress could, however, be secured.<sup>3</sup>

<sup>1</sup> C. C. 1669-1674, pp. 485, 486, 505, 537-539, 556-559, 602, 608; Winthrop Papers II, pp. 153-155; P. C. Cal. I, pp. 577, 594, 595, 598-601, 607; C. C. 1675-1676, pp. 205, 239, 261, 263.

<sup>2</sup> According to Lynch, the best logwood was obtainable in "morose and swampish" lands in Yucatan, where it was impossible to settle. The English had built huts there for the convenience of the trade and in 1672 had cut, so Lynch believed, over 2000 tons. C. C. 1669-1674, p. 426. According to a deposition sent by Lynch, the English had begun this trade just prior to 1670, and since then had huts and 100 to 200 people resident there, but only in places remote from any Indians or Spanish. *Ibid.* p. 427. Cf. Brit. Mus., Egerton MSS. 2395, ff. 481, 482. According to other testimony, 300 English had been living in Yucatan since 1666, but none of them within 45 leagues of any Spanish plantation. C. C. 1669-1674, pp. 556-559.

<sup>3</sup> On Dec. 31, 1674, Secretary Coventry wrote to Lord Vaughan that the Council had not yet decided what to do about the claim to cut logwood at Campeachy; that there were many arguments *pro* and *con*, but unquestionably the Spaniards had no right to seize English vessels carrying logwood, as it was not contraband. Brit. Mus., Add. MSS. 25,1-3, f. 43.

The matter was in this unsettled state when Lord Vaughan in 1675 assumed the government of Jamaica. What does most injury, he wrote to the Secretary of State, Sir Joseph Williamson, was that their right of cutting logwood had not been determined. As a result, he said, the trade could neither be carried on profitably nor so governed as to exclude strangers, which might easily be effected if England should assert its title to this part of Newfoundland, annex it to Jamaica.<sup>1</sup> The Spanish seizure of English vessels naturally led to a revival of activity on the part of the privateers; and, as the English colonial officials could not empower them, the Jamaica buccaneers carried on their operations under the authority of French commissions. Under these conditions, the development of the island's agricultural resources progressed slowly. Governor Lord Vaughan tried to suppress privateering, since it was so inimical to planting, but as he wrote: "These Indies are so vast and rich and this kind of rapine so sweet that it is one of the hardest things in the world to draw those from it which have used it so long."<sup>2</sup> All

See also ff. 47, 65. On July 23, 1675, he wrote to Sir Henry Morgan at Jamaica: "I hope the Spaniards will at last see their own Interest, and then they will be wary of offending ours so much and so often as they do, tho' as yet we cannot brag of much besides words obtained from them; But that of visiting our Ships and taking out any Goods not allowed Counterband by the Treaty, his Majesty will by no means endure and hath accordingly declared as much to the Spanish Ambassador here." *Ibid.* f. 50. See also Haring, *op. cit.* pp. 207-211.

<sup>1</sup> C. C. 1675-1676, p. 282.

<sup>2</sup> *Ibid.* pp. 368, 369. At the same time, Governor Atkins of Barbados wrote to Secretary Williamson that Jamaica's chiefest dependence was 'upon a difference with Spain that they may make up by rapine what they cannot obtain by industry.' *Ibid.* p. 368.

efforts of the English colonial authorities to suppress the privateers were in vain, and at the same time the frequent seizures<sup>1</sup> made by Spain did not break up the logwood trade, in which the Jamaica vessels were being joined by an increasingly large number from New England.<sup>2</sup> Men like William Dampier, then at the outset of his career, readily alternated between log-cutting and buccaneering. The urgency of some settlement of the disputed right to cut this wood was becoming daily more apparent. In 1678, Lord Carlisle, who had succeeded Lord Vaughan as Governor of Jamaica, wrote earnestly to Secretary Coventry about the necessity of adjusting this matter.<sup>3</sup> The Lords of Trade, however, reported that Spain would not at present admit of any accommodation, and accordingly in 1679 instructions were sent to Carlisle to "discourage as much as in him lyeth all Persons under his Government from cutting any Logwood at Campeche, or any other part of the King of Spains Dominions, And . . . to induce the Privateers to apply themselves to Planting upon the said Island of Jamaica."<sup>4</sup>

On the receipt of further requests from Carlisle that this

<sup>1</sup> P. C. Cal. I, pp. 701, 704-706, 716-718; C. C. 1677-1680, p. 292.

<sup>2</sup> In 1673, Lynch wrote that he could not see how the logwood trade could be long continued as the price in London was so low, the freights so high, and the risk so great. In this, however, he was mistaken. C. C. 1669-1674, pp. 485, 486. In 1675, Edward Cranfield reported that in about two and a half months, seventeen New England vessels had touched at Port Royal, Jamaica, bound to Campeachy for logwood. C. C. 1675-1676, pp. 314, 315.

<sup>3</sup> C. C. 1677-1680, pp. 280, 281.

<sup>4</sup> P. C. Cal. I, p. 814; C. C. 1677-1680, pp. 343, 346.

difficulty with Spain be adjusted,<sup>1</sup> the English government decided that, as Campeachy was within the Spanish dominions, no settlement could be sanctioned there without violating the treaty with Spain, and that Carlisle should govern himself by the instructions issued to him in 1679.<sup>2</sup>

Despite these orders, the logwood trade still continued and with it the mutual hostilities between the two nations. In addition, the Spaniards now seized English vessels in the Caribbean, carrying either cacao or logwood, on the untenable theory that both were typically Spanish products that must have been obtained by means of contraband trade with their colonies.<sup>3</sup> In 1680, the Jamaica Council wrote to the Lords of Trade<sup>4</sup> that nothing could further their trade more than a firm and uninterrupted preservation of the peace with Spain, but that, on account of the lack of an adequate naval force, the Governor of Jamaica was unable to reduce the privateers. They maintained that, if such a peace could be secured, a large trade in English manufactures could be carried on with the Spanish colonies through the connivance of their governors.<sup>5</sup> The naval force on the

<sup>1</sup> C. C. 1677-1680, pp. 319, 320.

<sup>2</sup> *Ibid.* pp. 364, 365; P. C. Cal. I, pp. 835, 836. In 1680, Carlisle was also instructed to get the Jamaica legislature to pass a law for the suppression of privateers.

<sup>3</sup> C. C. 1677-1680, pp. 406, 428, 429. On receipt of this information, the Lords of Trade recommended that speedy satisfaction and redress be demanded of Spain, that the cacao and logwood seized be restored, and that in future English ships be not molested for such reasons. *Ibid.* p. 471; P. C. Cal. I, pp. 880, 881.

<sup>4</sup> C. C. 1677-1680, pp. 531, 532.

<sup>5</sup> On account of the heavy taxes imposed in Spain on English goods exported thence to the Spanish colonies, the merchants in the English col-

Jamaica station, one or two frigates, was insufficient, they added, to suppress these "ravenous vermin." As they were disowned by the English authorities, these buccaneers acted under French commissions. Disregarding these facts, Spain resented their English nationality and laid their "detestable depredations" at England's door, treating with horrible cruelty such English as fell into their clutches. Thus was kept alive the bitter animosity between the two nations in the West Indies.<sup>1</sup>

In 1681, Sir Thomas Lynch, who ten years before had been remarkably successful in curbing the privateers, was again placed in charge of Jamaica.<sup>2</sup> The old race of buccaneers had virtually disappeared. Despite their lawlessness, Morgan and his fellows had acted under regular commissions, and hence their deeds were those of a lawful, though barbarous, guerilla warfare. In the eighties, the privateers degenerated into mere pirates, plundering indiscriminately the commerce of all nations. But many of the old buccaneers, like Morgan himself, being unwilling to place themselves totally beyond the pale of the law, had abandoned their roving life of adventure. Rarely did they settle down as planters,

onies were able to undersell goods imported through the legitimate channel. A small trade of such nature was at this time carried on from Jamaica. See also *ibid.* p. 630.

<sup>1</sup> In 1681, Sir Henry Morgan, the Deputy-Governor of Jamaica, reported that the Spaniards continued to take all English ships that they could master at sea or circumvent in the harbors, refusing all reparation. C. C. 1681-1685, pp. 5, 6. See also *ibid.* pp. 7, 8. At this time, Morgan was in charge of affairs and apparently was doing his utmost to suppress his former associates, the buccaneers. *Ibid.* pp. 7, 8, 21, 22, 82, 87.

<sup>2</sup> C. C. 1681-1685, pp. 87, 113, 115.

since they had become unfitted for so routine an existence. Numbers had engaged in the logwood trade, but in 1682 Lynch forbade the cutting of logwood in Campeachy, and consequently for the time being this field was no longer open to them.<sup>1</sup> At this time nearly all the old privateers, who had submitted to the government's orders calling them in, were engaged in a clandestine trade from Jamaica to the Spanish colonies. Twenty Jamaica sloops were said to be selling negroes and European goods to Spanish America. Lynch wrote to England that all the privateers would submit, if he had permission to connive at this contraband trade. But, evidently from fear of offending Spain, the Lords of Trade did not think fit that the desired orders should be sent.<sup>2</sup> To some extent this diminished this outlet for the old buccaneers' energies. In addition, some Englishmen became outright pirates, and with their Dutch, Spanish, and French brethren, harassed peaceful traders. Especially notorious at this time was a Frenchman, John Hamlin, in the ship *La Trompeuse*, whose depredations were put an end to in 1683.<sup>3</sup> Early in that year, Lynch wrote to Blathwayt<sup>4</sup> that Jamaica's losses through these pirates were intolerable and fell heavily 'on a young Colony with a young trade.' All the efforts of the energetic Governor to suppress them were largely frustrated since not only did the foreign colonies, especially the French one in Hispaniola, give these pirates a willing refuge, but in addition the English continental colonies, prominently South Carolina, welcomed them

<sup>1</sup> C. C. 1681-1685, p. 284.

<sup>2</sup> *Ibid.* p. 375.

<sup>3</sup> *Ibid.* pp. 456-459, 475-477, 480-494, 519-521.

<sup>4</sup> *Ibid.* pp. 391-397.

and asked no indiscreet questions about the source of their cargoes.<sup>1</sup> Although Jamaica had been the headquarters of the English buccaneers, the colony had no sympathy with these pirates, who seized its trading and fishing vessels and retarded its development.<sup>2</sup> The colonial Assembly passed a stringent law against them, which was so satisfactory that the English government in 1684 ordered all the other colonies to use this as a model and to enact like measures.<sup>3</sup>

Despite Lynch's orders to the contrary and the insistent opposition of Spain, the logwood trade was still continued, over twenty vessels being engaged in it in 1687.<sup>4</sup> A large proportion of this logwood was shipped directly from Jamaica and New England to continental European ports, such as Hamburg and Amsterdam.<sup>5</sup> Logwood was placed among

<sup>1</sup> In 1684, Lynch wrote to the Lords of Trade: 'I have formerly advised you that our laws against privateers neither discourage nor lessen them while they have such retreats as Carolina, New England, and other Colonies. They have permitted Jacob Hall (of the only English ship that was at Vera Cruz) to come to Carolina, where he is free, as all such are; and therefore they call it Puerto Franco. The colonists are now full of pirates' money, and from Boston I hear that the privateers have brought in 80,000 *l.*' C. C. 1681-1685, p. 508. See also S. C. Hughson, *The Carolina Pirates and Colonial Commerce, 1670-1740*, pp. 18-21.

<sup>2</sup> C. C. 1681-1685, pp. 657, 687, 721, 755, 765, 766; C. C. 1685-1688, pp. 357, 403, 494, 540, 541.

<sup>3</sup> P. C. Cal. I, p. 733; C. C. 1677-1680, pp. 216, 217, 216; C. C. 1681-1685, p. 82; No. Ca. Col. Rec. I, pp. 347, 348; Conn. Col. Rec. III, pp. 336, 337.

<sup>4</sup> C. O. 1/60, 28; C. C. 1685-1688, p. 361.

<sup>5</sup> In 1672, Lynch reported that he had heard there were at Boston 600 tons of logwood which, 'with other American goods, it is reported they send to foreign markets.' C. C. 1669-1674, p. 426. Ten years later, Lynch stated that most of this logwood was carried to Hamburg, Holland, New

the enumerated commodities by the Navigation Act of 1660; and the question now arose, whether or no the products of the English settlements in Yucatan were included within this provision. In 1686, one of these traders to the Bay of Honduras, anchored at the mouth of Port Royal, Jamaica, preliminary to sailing for some foreign port with his logwood. As no bond had been given to carry this commodity to England or its colonies, the Lieutenant-Governor, Hender Molesworth, ordered the seizure of the vessel. The owners, however, protested that they were not within the compass of the enumeration clauses of the Navigation Act, since Honduras was not an English colony. In this claim they were undoubtedly correct, as England neither exercised nor claimed sovereignty over the logwood settlements, and as the Navigation Act enumerated only English colonial products. To this, however, Molesworth replied that then they were robbers and might be seized as such, for unless they considered this region an English colony, they had no right to cut logwood there. "You had better," he said, "own it to bee a Plantation belonging to his Ma<sup>ty</sup> & soe within the Act, than bring yo<sup>r</sup> Selves vnder worse circumstances." On this threat, the owners submitted, and immediately thereafter this vessel was seized as unfree (it had a certificate of freedom within the tropics), but on trial it was released.<sup>1</sup>

This case naturally came before the English government.

England, and other places, 'which injures us and the customs and trade of the nation.' C. C. 1681-1685, p. 284.

<sup>1</sup> C. O. 1/60, 28; C. C. 1685-1688, p. 361.



The Commissioners of the Customs reported in 1687 that the colonial governors should be ordered strictly to enforce the Acts of Trade, "and Particularly to take especial Care to the Utmost of their Power, that no Ship be Suffered to pass with any Logwood coming from the Bay on any Pretence whatsoever, without being duly qualified and giving Bond to bring the Same to England, Wales or Berwick or to Some of His Ma<sup>ty</sup> Plantations as is provided by Law."<sup>1</sup> Obviously, such an order would merely result in the direct shipment of the logwood from Yucatan to continental Europe, and it might even destroy the English logwood trade, as most of the ships engaged in it were not free under the Navigation Act.<sup>2</sup> The English government desired neither of these eventualities, and in its dilemma appealed to the law officers. The Attorney-General, Sir Thomas Powys, did not enter into the legal question, whether or no such logwood came within the scope of the enumeration clauses, but stated that, if such vessels had traded within the Spanish dominions in violation of the treaty of 1670, they might be punished for so doing.<sup>3</sup> The Solicitor-General, Sir William Williams, agreed with this opinion and stated that, if vessels had traded contrary to a treaty, "the King may by his royal Authority seize the Offending Shippes in order to their condemnation or punishment."<sup>4</sup> As the seizure of ships on this ground

<sup>1</sup> C. O. 138/5, ff. 326-328; C. C. 1685-1688, p. 303.

<sup>2</sup> C. C. 1685-1688, p. 484.

<sup>3</sup> C. O. 1/62, 22; Brit. Mus., Add. MSS. 30,218, ff. 135-137.

<sup>4</sup> C. O. 1, 62, 23; Brit. Mus., Add. MSS. 30,218, ff. 137, 138.

would have been equivalent to a renunciation of whatever rights England might have had in Yucatan and would have gravely prejudiced her case against Spain; and as England was as yet not ready to assert her sovereignty over this region, the matter was with characteristically English common sense not pushed to any logical conclusion, but for the time being was left in abeyance.<sup>1</sup>

<sup>1</sup> The indeterminate status of these logwood settlements brought up this question on several subsequent occasions. In 1690, the English consul at Venice wrote to the English government that an English vessel had arrived there directly from Honduras with thirty tons of logwood. The Board of Trade, to whom the matter had been referred, asked the law officers whether, since Honduras was "no part of his Maj<sup>ty</sup> plantacons," there was any law against a ship engaging in this trade. The Attorney and Solicitor General reported that, as Honduras was not an English colony, there was no law against such logwood being carried directly to Venice, "unless the Ship doth belong unto some of his Maj<sup>ty</sup> plantations." The statute referred to was 22 & 23 Ch. II, c. 26, § vii, which provided that, in case any vessel belonging to the colonies should have unloaded any of the enumerated commodities in any place in Europe other than England, "such Shipp or Vessell shall be forfeited." In their report to the Lords Justices, after pointing out that Honduras was not an English colony and that logwood might be cut there by any nation, the Board of Trade said: "It seems some sort of hardship that Englishmen should not have the same liberty as others to reap any Advantage that may be made by y<sup>e</sup> Trade." They, however, added that the Act of 1671 laid a greater restraint on colonial than on English ships and was designed to secure the enforcement of the enumeration clauses, and, as it was "highly Necessary that the utmost Care & Watchfulness be constantly employed for preventing of that pernicious Practice" (*i.e.* the evasion of the enumeration clauses), they suggested that this vessel be prosecuted whenever it should arrive in England. Orders to this effect were accordingly issued to the Commissioners of the Customs. C. O. 380/16, ff. 303, 304, 308, 344, 345; P. C. Cal. II, p. 345. Two years later, a similar case came up in connection with an English ship that had brought logwood to Leghorn. The Board of Trade repeated its former report, and the Commissioners of the Customs were again instructed to prosecute the vessel on arrival in Eng-

Thus, in spite of the conclusion of peace with Spain in 1670, hostilities between the two nations were of almost daily occurrence in the West Indies. Instead of settling down as planters, many Jamaicans found it more lucrative to prey upon Spanish commerce. Others engaged in the logwood trade to Yucatan, or clandestinely sold their European wares to the Spanish colonies in the Caribbean and on the Main. These factors hampered the agricultural land. The Customs, however, reported to the Treasury that they had read the clause in the Act of 1671, under which the Board of Trade claimed that this vessel was forfeited, and that it seemed doubtful to them whether colonial ships were restrained by it from loading logwood in the Bay of Campeachy, "supposing that to be a foreign Plantation," and then to carry it to a foreign country, "more than Other English Shipping," since the former part of the clause, as well as the entire statute and also the other Acts of Trade, referred only to English colonial products and not to those of foreign colonies. Therefore, as the case seemed doubtful, before ordering the prosecution of the vessel, they requested the opinion of the King's Counsel. Sir Edward Northey, the Attorney-General, reported that he was "Doubtfull whether the Ship may not be forfeited by the Statute" of 1671, and advised that, if the vessel belonged to the colonies, it be prosecuted on its return to England, so that the matter might be judicially determined in the Court of Exchequer. *Brit. Mus., Hargrave MSS.* 231, ff. 10-12; *C. O.* 389/17, ff. 231-235. Somewhat over ten years later, the question arose again in a somewhat different shape. An English ship arrived in New England from the Bay of Campeachy with logwood, and being leaky, with the permission of the Boston customs officials, transferred this logwood to another vessel, which then cleared for the Mediterranean. Thereupon, the Surveyor General of the Customs, Birchfeild, seized this vessel, on the ground that the Act of 1660 enumerated logwood and that the duties imposed by the Act of 1673 on logwood shipped from one English colony to another had not been paid. In 1714, the Attorney-General, Sir Edward Northey, gave his unqualified opinion that the two statutes in question referred only to English colonial produce, and that, as this was foreign logwood, the ship and cargo were not liable to forfeiture. *Brit. Mus., Hargrave MSS.* 275, ff. 16, 17; 141, ff. 136, 137; *Add. MSS.* 8832, ff. 198-200.

development of the island.<sup>1</sup> The white population in part found these other pursuits more attractive; and, when the Jamaica authorities refused any longer to countenance privateering, numbers left the island in order to secure French commissions. At the same time, on account of these incessant hostilities and the depredations of the pirates, few settlers were attracted to Jamaica. In somewhat under eight full years, from 1671 to 1679, 5396 white immigrants arrived, of whom at least one-quarter left the island again. On the other hand, during this period nearly 12,000 negroes were imported.<sup>2</sup> The slave population, which at the time of the Restoration was about 500, had risen to approximately 9000 in 1675.<sup>3</sup> Thanks to this labor, the development of the island's resources made considerable headway, even in the face of the existing handicaps.

Until 1671, the chief staple of Jamaica was cacao, but in that year the trees became blighted beyond possibility of recovery, and the attempt to plant anew met with meagre success.<sup>4</sup> Thereafter, the chief products exported were sugar, indigo, and cotton. In 1672, Governor Lynch wrote to the Council for Trade and Plantations<sup>5</sup> that Jamaica was more flourishing than ever, and was likely to produce abundance of good sugars, some indigo, but no cacao. The following year,<sup>6</sup> he stated that, if Jamaica had easy

<sup>1</sup> Cf. C. C. 1669-1674, p. 298.

<sup>2</sup> C. C. 1677-1680, p. 344.

<sup>3</sup> C. C. 1675-1676, pp. 314, 315.

<sup>4</sup> C. C. 1669-1674, pp. 238, 239, 241, 263, 264, 300, 385, 386, 426; Dalby Thomas, *op. cit.*, in Harleian Miscellany II, pp. 353, 354.

<sup>5</sup> C. C. 1669-1674, pp. 330-341.

<sup>6</sup> C. O. 1/30, 19; C. C. 1669-1674, pp. 476-478.

government, were defended from enemies, were well supplied with negroes and servants, and had no privateering, in six years it might produce as much sugar as Barbados, and that in time their other products — such as indigo, hides, and wood — would be worth even more than their sugar. Such a flourishing condition was as yet still far distant. In 1675,<sup>1</sup> Jamaica was accurately described as being still in its infancy. There were then seventy large sugar-works in the island and forty more were building. The ground, being new, yielded per acre a larger quantity, and it was even claimed a better quality, of sugar than did Barbados.<sup>2</sup> The output of the colony was continually expanding at a promising, if not at a phenomenally rapid, rate. During this decade, the exports of sugar averaged annually 1000 tons, those of indigo were about 40 tons, and in addition there were exported considerable quantities of ginger, fustic, logwood, pimento, cotton, and hides.<sup>3</sup> This

<sup>1</sup> C. C. 1675-1676, pp. 314, 315. At this time, the price of sugar in Jamaica was 18s. to 20s. a cwt., that of pimento 9d. a lb., that of indigo 2s. 6d. a lb.

<sup>2</sup> The Governor of Barbados, Sir Jonathan Atkins, did not have so favorable an opinion of Jamaica. In 1676, he wrote that the land was very sterile and would not last over three years if planted with sugar-cane. C. C. 1675-1676, p. 368. At the same time, Lord Vaughan, the colony's Governor, wrote that he had no doubt that in a few years Jamaica would prove a most hopeful and thriving colony. *Ibid.* pp. 368, 369. According to another account, Jamaica was not generally so fertile or proper for sugar as was Barbados. *The Present State of Jamaica* (London, 1683), p. 2.

<sup>3</sup> From June 25, 1671, to March 25, 1670, the exports consisted of: sugar 7637½ tons, cacao 44½ tons, indigo 305 tons, ginger 177 tons, fustic 2357 tons, logwood 5110 tons, tobacco 43½ tons, pimento 134½ tons, hides 38,587, cotton 876 bags. C. C. 1677-1680, p. 344.

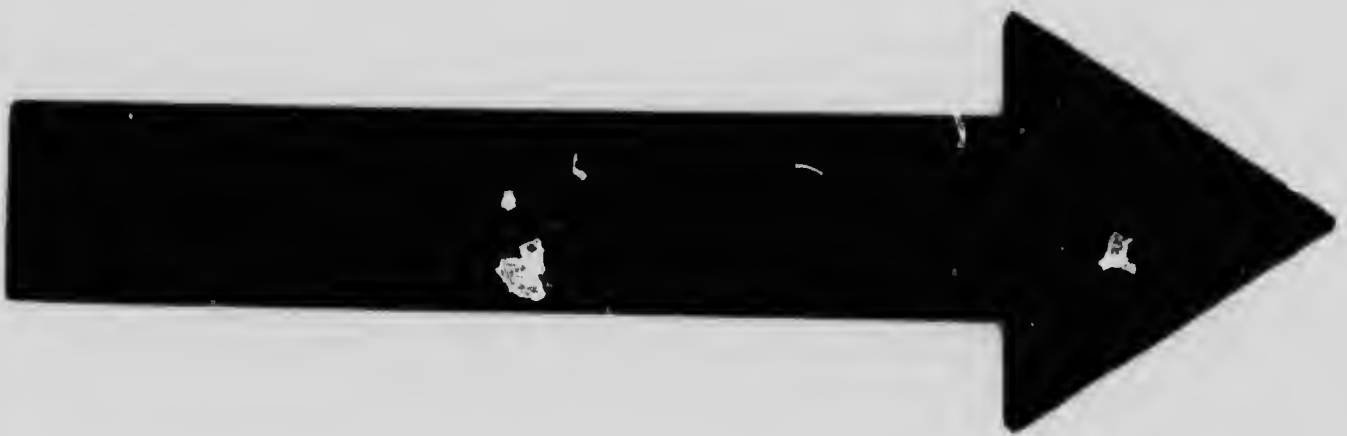
was a considerable improvement on the record of the first ten years after the Restoration, but the advance in the eighties was still more marked. During the four years from 1680 to 1684, Jamaica shipped to England on an average 8000 hogsheads of sugar annually, besides comparatively large quantities of cotton, ginger, indigo, logwood, fustic, and hides. During the following five years, nearly 12,000 hogsheads of sugar were annually exported to England.<sup>1</sup> The island was at this time on a firm economic basis, and, although not as yet so important commercially as its smaller rival Barbados, it was in some degree answering the great expectations aroused by its conquest from Spain.<sup>2</sup>

In general, Jamaica's trade took the same course as that of the other West Indian islands.<sup>3</sup> The bulk of its exports

<sup>1</sup> Full details, based on the naval office lists, are available, but the fact must not be lost sight of, that these accounts are not absolutely reliable. See Bodleian, Rawlinson MSS., B 250, ff. 59, 60; C. O. 142/13; C. O. 390/6, ff. 31-34. Cf. also Richard Blome, *The Present State of America* (London, 1687), pp. 13, 14. Ten years later, each Jamaica hogshead contained approximately 7 cwt. House of Lords MSS., 1699-1702, IV, p. 444.

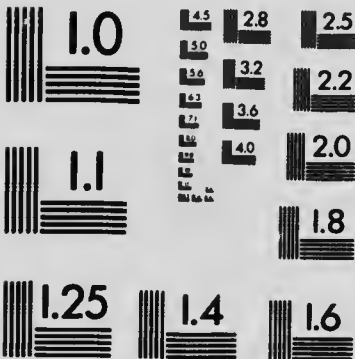
<sup>2</sup> Cf. Brit. Mus., Sloane MSS. 3861, f. 67<sup>b</sup>. From Dec. 15, 1697, to Sept. 29, 1700, Jamaica exported to England 32,438 hogsheads and 980 barrels of sugar. Barbados shipped more to England in two years. From March 25, 1698, to March 25, 1700, this colony's exports to England amounted to 33,788 hogsheads, 7940 barrels, and 2646 tierces of sugar. Moreover, the Jamaica hogsheads contained only about 7 cwt., as opposed to 10 cwt. in those of Barbados. The imports from Jamaica into England in the year beginning Sept. 29, 1697, amounted to £180,566, as opposed to £308,089 from Barbados. The exports from England were, however, more nearly equal; those to Barbados were £146,849, those to Jamaica £120,774. House of Lords MSS., 1699-1702, IV, pp. 444-447.

<sup>3</sup> Full details are available in the naval office lists from 1685 to 1705.



# MICROCOPY RESOLUTION TEST CHART

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went to England,<sup>1</sup> whence were obtained in return all sorts of manufactures, especially wearing apparel and utensils, as well as some provisions and liquors — beer, cider, French wines, and brandy. Apart from the native rum, the chief beverage of the richer planters in Jamaica, as in the other colonies, was, however, wine from the Madeiras.<sup>2</sup> From Ireland were imported servants and food-stuffs — pork, butter, flour, biscuit, bacon, and grain. The continental colonies supplied Jamaica with lumber, horses, fish, and provisions in general. But, as in the main the New England traders refused merchandise and demanded money in payment, this trade was not favored by Jamaica.<sup>3</sup> From Yucatan and the other Spanish colonies were secured log-wood, hides, and cacao, which were again reëxported.<sup>4</sup> In addition, Jamaica had a miscellaneous trade with Barbados and the other English islands, as well as with the French and Dutch colonies. The European trade was carried on in English ships, that from the continental colonies mainly in New England vessels of far less burden, while Jamaica's small fleet of sloops was engaged in catching turtles and

See C. O. 142 / 13. Cf. also Brit. Mus., Sloane MSS. 3984, ff. 20. 209; C. C. 1675-1676, pp. 314, 315, 342-344.

<sup>1</sup> During the year from March 25, 1683, to March 25, 1684, there were exported to England from Jamaica in 61 ships 9803 hogsheads of sugar, 1367 bags of cotton and 200 barrels of indigo. During the same period, 24 vessels took 302 hogsheads and 5 barrels of sugar, 96 bags of cotton, 17½ tons and 36 barrels of molasses, and 3¾ tons of rum to the other English colonies. C. O. 390 / 6, ff. 31-34.

<sup>2</sup> The Present State of Jamaica (London, 1683), p. 22.

<sup>3</sup> C. C. 1675-1676, pp. 342-344; C. C. 1677-1680, pp. 319, 320.

<sup>4</sup> C. C. 1681-1685, p. 284.

fish, in conveying the logwood cutters to Yucatan, and in evading the strict laws forbidding foreigners to trade with Spanish America.<sup>1</sup>

In marked contradistinction to Barbados, Jamaica did not register any complaints against the Acts of Trade and Navigation. When these laws were enacted, the economic life of the colony had barely begun, and hence no vested interests were dislocated and no painful readjustment was necessary. The industries developed under the restrictive system; and, as no knowledge was had of unfettered conditions, no grievance was felt. While Governors of Barbados, like the Willoughbys and Atkins, were fearlessly outspoken in their condemnation of the commercial system, equally public-spirited and well-informed officials in Jamaica, such as Modyford and Lynch, virtually ignored this phase of the colonial problem.<sup>2</sup>

<sup>1</sup> In 1676, it was said that Jamaica owned about 60 or 70 vessels, which were employed in fetching logwood and salt, in 'turtling,' *etc.* Some sloops traded with the French for hides, meat, and tobacco, and some with the Spaniards and Dutch. At this time, the Deputy-Governor, Sir Henry Morgan, forbade trade with the French and Spaniards. C. C. 1675-1676, pp. 342-345. In 1679, Lord Carlisle urged that the French in Hispaniola be allowed to bring cacao and money to Jamaica for English manufactures. In this connection the Lords of Trade recommended that he be reminded that the Act of Navigation, which he had sworn to obey, prohibited such trade, and added that a "Publick Allowance of a Trade either with the Spaniards or French, would afford matter of Offence to those Kings who are so strict in prohibiting any Traffick with Strangers." C. C. 1677-1680, pp. 319, 320, 364, 365; P. C. Cal. I, pp. 835, 836. See also C. C. 1677-1680, p. 344. In 1682, Lynch said that Jamaica had about 20 sloops of from 15 to 45 tons. C. C. 1681-1685, p. 284.

<sup>2</sup> On this point, Lynch merely said that the only obstruction to trade was the want of servants and slaves, and that had all nations permission to bring

Although Jamaica did not register any complaints against the Acts of Trade, their effect was apparently only to a very slight extent mitigated by illegal practices. Making all due allowances for the impossibility of determining such a question precisely, there were seemingly but few evasions of the law in Jamaica. Some of the ships owned in the colony were not fully qualified under the strict terms of the Navigation Act, but this violation of the law was largely a technical one.<sup>1</sup> Occasionally also, a vessel from one of the neighboring foreign colonies, especially from French Hispaniola, came to Jamaica.<sup>2</sup> Apart from these and the Spanish ships that were authorized to fetch slaves in Jamaica, foreign ships did not trade to the island.<sup>3</sup> Edward Cranfield, better known from his later connection with New Hampshire, reported positively to this effect in 1675.<sup>4</sup> Similarly, the enumeration clauses and the Staple Act were carefully enforced.<sup>5</sup> The

them, they would not 'feel those lesser obstructions laid on them by Act of Parliament,' that is, 12 Ch. II, c. 18 and 15 Ch. II, c. 7. C. C. 1669-1674, p. 304.

<sup>1</sup> See *ante*, Vol. I, pp. 68, 69.

<sup>2</sup> In 1671, Lynch reported that every English ship paid 12*d.* a ton, every foreign one 2*s.* C. C. 1669-1674, p. 304.

<sup>3</sup> Before the government of Jamaica had been settled, in 1661, the Cromwellian Governor, Doyley, against the advice of the Council, allowed a Dutch vessel to trade, saying that the only penalty was loss of his office which he had virtually lost already. Captain Whiteing of H.M.S. *Diamond* then seized the vessel, but was dispossessed by the Governor. This seizure led to protracted disputes. C. O. 1/15, 31, f. 15; C. O. 1/16, 30, 31; C. C. 1661-1668, nos. 106, 253, 461, 594, 599, 641, 643, 672.

<sup>4</sup> C. C. 1675-1676, pp. 314, 315. In 1681, Sir Henry Morgan reported that 'the bare ship' of an interloping slave-trader was seized by the Naval Officer, 'by virtue of the Act of Navigation.' C. C. 1681-1685, p. 6.

<sup>5</sup> C. C. 1675-1676, pp. 342-344.

bulk of the island's produce was shipped to England, where also were obtained nearly all the European goods consumed. There was some importation of French commodities from Hispaniola,<sup>1</sup> but this was apparently of slight importance. In general, the authorities were careful about enforcing the laws.<sup>2</sup> Thus, when in 1687 the Spanish agent for the Assiento in Jamaica petitioned the local authorities for permission to export some of the island's produce, especially sugar which was cheaper in Jamaica than in Cuba, Lieutenant-Governor Molesworth refused his assent, as this trade was illegal.<sup>3</sup>

Situated to the north of Cuba is a long line of small coral islands, collectively known as the Bahamas. During the Civil War in England, Eleuthera, one of the islands of this group, had been occupied by settlers from the Bermudas.<sup>4</sup> Somewhat over twenty years later, in 1666, another of these

<sup>1</sup> During the course of the constitutional struggle, Jamaica passed a temporary revenue law containing among other duties one on French wines. The Lords of Trade wrote that they could not understand the imposition of this duty, as it was 'inconsistent with existing Acts of Parliament.' In reply, Lord Carlisle stated that the Assembly had insisted on continuing these duties. C. C. 1677-1680, pp. 470, 518.

<sup>2</sup> The accounts of Sir Thomas Lynch passed in the Jamaica Council in 1687 showed that five ships and some piratical goods were condemned in the Admiralty Court, and also four ships in the common law courts. The total appraised value of these seizures was very low, the Crown's one-third amounting to only £178. C. O. 1/61, 42. In 1688, Albemarle wrote that he had seized two Spanish sloops for illegal trading, of which one on trial had been cleared by the Admiralty Judge and the other would be tried in open court. C. C. 1685-1688, pp. 525, 530. In 1688, a Dutch vessel was seized and condemned in Jamaica for trading contrary to the Act of Navigation. C. O. 140/4, ff. 255-257; C. C. 1685-1688, p. 621.

<sup>3</sup> C. C. 1685-1688, p. 357.

<sup>4</sup> Beer, *Origins*, p. 380; Lucas, *West Indies*, pp. 15, 16.

islands, New Providence, was peopled from the same source. In 1668, these settlers, then numbering 250, applied to Governor Modyford of Jamaica, who issued a commission and instructions to their elected Governor, John Wentworth, until the King's pleasure should be known.<sup>1</sup> In the meanwhile, there developed a faction opposed to Governor Wentworth; and at its head were his brother Hugh and John Dorrell. In 1670,<sup>2</sup> these two men wrote to Lord Ashley, one of the Carolina proprietors, that, having heard of his desire to promote new plantations, they desired to call his attention to the fact that people were emigrating from the Bermudas, then already over-populated, and had settled New Providence, which produced 'good cotton and gallant tobacco.' They further suggested that Ashley should obtain a grant of the Bahamas, so that they might be governed according to His Majesty's laws.<sup>3</sup> Accordingly, the proprietors of Carolina secured a patent for the Bahamas, and Ashley wrote to Hugh Wentworth and John Dorrell, thanking them for their willingness to put themselves and the rest of the inhabitants of New Providence into his hands. Not being fully informed as to the situation, and

<sup>1</sup> C. C. 1669-1674, p. 403. Cf. pp. 432, 444.

<sup>2</sup> *Ibid.* p. 56.

<sup>3</sup> On Sept. 9, 1670, that is, after steps had been taken to secure the patent, Governor Sayle and the Council wrote from Carolina to the Proprietors that the Bahamas had been recently settled, but that no patent covering them had as yet been issued. They "may be worthy yo' Hon<sup>rs</sup> care to take notice of," the letter continued, "for from thence wee can be supplied with salt & shipps goinge home without freight (if any such should be) may take in a loading of Brazellette wood." So. Ca. Hist. Soc. Collections V, p. 180; C. C. 1669-1674, p. 86; A. S. Salley, *Narratives of Early Carolina*, p. 124.

confusing Hugh Wentworth with his brother, the popularly elected Governor, the proprietors appointed the former chief magistrate.<sup>1</sup> Before this error could lead to serious consequences, Hugh died, and in the fall of 1671 John Wentworth succeeded to his post.<sup>2</sup>

As in Carolina, so in the Bahamas, the chief economic interest of the proprietors was in the production of such commodities as were not indigenous to England and which had to be imported from foreign nations. Special stress was laid on the production of cacao, which up to that time had proven a very remunerative staple in Jamaica; and great interest was taken in the possibility of securing in New Providence a dyeing-wood, known as braziletto from its usual place of origin.<sup>3</sup> In order to secure some returns for the supplies that they were sending to the colony, the proprietors reserved certain commodities, such as braziletto, cedar, and ambergris for themselves, and prohibited any invasion of their royalties.<sup>4</sup> This attempt to introduce the system of the Bermuda Company led to considerable opposition, and, in addition, the colony was already dissatisfied on other counts. Although elaborate plans were drawn up for the settlement of the islands, they could not be carried into effect, partly for lack of funds, partly because the proprietors had their hands already more than full with Carolina.<sup>5</sup> In

<sup>1</sup> C. C. 1669-1674, pp. 119, 122, 123, 206, 444; C. C. 1675-1676, p. 147.

<sup>2</sup> C. C. 1669-1674, pp. 280, 296, 297, 310.

<sup>3</sup> *Ibid.* pp. 123, 433.

<sup>4</sup> Shaftesbury Papers, Bundle 48, no. 55; C. C. 1669-1674, pp. 574, 575; C. C. 1675-1676, pp. 232, 233, 418.

<sup>5</sup> It was figured that the cost of transporting and settling 300 families of

1672, Governor Wentworth complained to Lieutenant-Governor Lynch that the proprietors neglected them, and prayed that they might be joined to Jamaica, 'the rock whence their first Government and order was hewn.'<sup>1</sup> In reply, Lynch sent him a commission, expressing the hope that he was invading nobody's rights in so doing.<sup>2</sup> The proprietors, however, succeeded in maintaining their charter rights, but were able to exercise but scant authority in the colony. In 1687, New Providence elected twelve persons to carry on the government, of whom one, Thomas Bridges, was to act as Moderator.<sup>3</sup> A year later, this elected official was appointed Governor by the proprietors.<sup>4</sup> Nor was any material economic advantage derived from the colony, as but slight progress was made.<sup>5</sup> Fundamentally, this was due to the fact that New Providence had degenerated into a resort for pirates.

1000 persons and 8000 slaves and of fortifying the islands would amount to over £600,000, an impossible sum for those days. C. C. 1669-1674, p. 123.

<sup>1</sup> *Ibid.* pp. 402, 403.

<sup>2</sup> C. O. 1/29, 26; C. C. 1669-1674, pp. 406, 407. Wentworth had asked for arms to defend the colony in the impending war, and in reply Lynch stated that, in passing on the needs of the Bahamas, the Council for Foreign Plantations would only consider whether you increase trade and "soe consequently the King's Customes and the English Navigation, or whether yo<sup>u</sup> strengthen the Colonies abroad, or lye Convenient for Com̄erce or Receipt of our Shippes in their Voyages, or can produce something extraordinary."

<sup>3</sup> C. C. 1685-1688, p. 448. Shortly before this, the Governor of New Providence had suggested that the colony be annexed to Jamaica. *Ibid.* p. 357.

<sup>4</sup> *Ibid.* p. 570.

<sup>5</sup> In 1683, the proprietors instructed Governor Robert Lilburne to reduce their royalties in general from one-fifth to one-sixth, and to demand only one-tenth on brazilletto. C. C. 1681-1685, p. 516.

In 1682, Governor Lynch reported that these islands 'were once under this Government and must return to the King's, or they will remain nests of robbers.'<sup>1</sup> At this time, a number of Bahama vessels, duly commissioned by the Governor, Robert Clarke, were preying upon Spanish commerce, and in reprisal the Spaniards were seizing English ships. Whose was the initial blame cannot be determined, as the hostilities were part and parcel of that protracted and futile attempt of Spain to keep foreigners away from her Indies. At all events, they seriously interfered with the aim of the English government to establish peaceful relations with Spain, and accordingly Clarke was dismissed from office in 1682.<sup>2</sup> In his stead was appointed Robert Lilburne, and although he did not issue commissions, the attacks on the Spanish continued.<sup>3</sup> On their side, the Spanish also seized Bahama vessels,<sup>4</sup> and in 1684 raided and plundered New Providence.<sup>5</sup> In his turn, Lilburne then commissioned a number of privateers, ostensibly for the defence of the island, and the hostilities continued.<sup>6</sup> Such, in general, remained the condition of these islands for over thirty years. Spain stoutly contested England's title to them, as they commanded one of the main outlets from the Gulf of Mexico. A state of chronic warfare existed, under which no settled government could be established. Lawless men and pirates found a safe refuge in the Bahamas, and their scant natural resources remained undeveloped.

<sup>1</sup> *Ibid.* p. 284.

<sup>2</sup> *Ibid.* pp. 246, 261, 269, 284, 291, 301, 320, 386, 387.

<sup>3</sup> *Ibid.* pp. 395, 516.

<sup>4</sup> *Ibid.* pp. 726, 745.

<sup>5</sup> *Ibid.* pp. 578, 579, 717, 718, 726.

<sup>6</sup> *Ibid.* pp. 587, 609, 621, 751.



Although the Bahamas were at one time politically associated with Jamaica, their connection with the Bermudas was much more intimate, for from that source was derived the bulk of their population. Already at the time of the Restoration, the Bermudas were almost as fully developed as their small, and not especially fertile, area would allow. In fact, their natural resources were already inadequate for the growing population, whose surplus drifted to the other English settlements, especially to the Bahamas and Carolina.<sup>1</sup> The central point in Bermudian history during the reign of Charles II was the continuous hostility of the colony to the proprietary body, until finally, in 1684, the Company's charter was abrogated and royal government was instituted. The dissatisfaction with the Company's rule was both political and economic in nature, especially the latter.

The Bermuda Company sought to monopolize the colony's commerce, and with this object in view prohibited any one else from selling European goods in the islands. All such supplies had to be sent in the Company's "magazine ship," and in this ship also had to be exported the two chief staples, tobacco and cedar wood. In addition, the Company declared the whale-fishery to be a royalty belonging to it, and exacted fees from those engaging in it.

Ever since the earliest days of the settlement, the chief staple of the Bermudas had been tobacco. Despite the

<sup>1</sup> Cf. McCrady, *South Carolina, 1670-1719*, pp. 114, 128. In 1666, it was said: "Though Barmoodoes be wonderful healthy and fruitful, yet is it but a Prison to the Inhabitants, who are much streightned for want of room and therefore many of them are come to Carolina and more intend to follow." A. S. Salley, *Narratives of Early Carolina*, pp. 66, 67.

earnest exhortations of the Company to develop other industries, such as wine, sugar, and silk,<sup>1</sup> this had continued to be the chief crop for export to Europe. After the Restoration, the Company continued its efforts to introduce other products, notably olives and indigo, and complained frequently of the poor quality of the tobacco produced and ordered the destruction of the lower grades.<sup>2</sup> It was all in vain, for tobacco maintained its dominant position. The output, however, was very small in contrast with that of Virginia or Maryland. In 1679, the total value of this crop was said to be only £5000,<sup>3</sup> and its quantity varied during the following years from about 400,000 to 500,000 pounds.<sup>4</sup> At this time the total importations of tobacco into London alone from all sources amounted to about 14,000,000 pounds.

Apart from what was consumed in the colony, the entire crop of tobacco had to be exported to England in the magazine ship, and on every pound the Company ordered the payment of a duty of one-penny for the stated purpose of defraying the cost of governing the colony. Similarly, the Company prohibited the export of cedar wood except in the magazine ship. Against these regulations, the colony complained steadfastly; and, as the Company refused to recede from its position, in a number of instances its privileges were disregarded. Tobacco, especially, was clandestinely

<sup>1</sup> Beer, *Origins*, pp. 259-264, 413, 414.

<sup>2</sup> Lefroy, *Memorials of the Bermudas II*, pp. 134-136, 166, 167, 255, 261, 370-372.

<sup>3</sup> *Ibid.* II, p. 431; C. C. 1677-1680, pp. 393, 394.

<sup>4</sup> C. C. 1681-1685, pp. 663, 664; C. C. 1685-1688, pp. 48-51.

exported in other than the magazine ship.<sup>1</sup> Perient Trott, who in 1659 had bought some shares in the Company that had belonged to the Earl of Warwick from the inception of the enterprise,<sup>2</sup> was accused of secretly exporting large quantities of tobacco and some cedar.<sup>3</sup> As a consequence of these evasions, in 1670 the Company renewed its instructions prohibiting the export of tobacco except in the magazine ship. At the same time, in order to preserve the colony's valuable cedar forests, which were being rapidly destroyed by the exportation of wood to England and elsewhere, and by the building of sloops for the colony's trade and for sale in the West Indies, orders were sent that in future no cedar could be exported even in the magazine ship, and that the vessels built of it in the Bermudas could not be sold to residents of other places.<sup>4</sup> A year later, the Company also instructed the Governor, Sir John Heydon, that there should be proclaimed a law making "forfeit all such goods and Commodities that are usually imported into the Somer Islands in the Company's Ships, in case the same be imported thither in any other Ships."<sup>5</sup>

It was absolutely impossible for the Company, from so distant a centre as was London, to enforce these regulations in a community conspicuous for its independent spirit. The Company's personal representative, Governor Sir John Heydon, paid but scant attention to its orders, and the colo-

<sup>1</sup> Lefroy II, pp. 174, 175, 195, 196, 303.

<sup>2</sup> W. R. Scott, *Joint-Stock Companies II*, pp. 294, 295.

<sup>3</sup> Lefroy II, pp. 323-326.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.* pp. 370-372.

nists flouted its authority.<sup>1</sup> Since the regulations continued to be violated, the Company's rule did not, however, bear so hard on the colony as might be supposed. Furthermore, the settlement was by no means so dependent on its European trade as were Barbados and Virginia. To a great extent the Bermudians derived their livelihood from other sources than tobacco. Thus the production of provisions for the other English colonies had, ever since the days of settlement, been a fundamental industry. According to the answers to the searching set of queries prepared by the Lords of Trade,<sup>2</sup> the colony in 1679 had 8000 inhabitants, including slaves; its exports of tobacco amounted yearly to £5000, while at the same time beef, pork, fish, wax, honey, palmetto hats, baskets, and wooden-ware, to the value of about £6000, were annually shipped to the neighboring colonies. About ten to twelve small vessels came yearly from New England, Barbados, and the other colonies to trade for provisions; eight to ten ships stopped at the islands in their passage to and from other places, and thirteen to fourteen small vessels, from twenty to eighty tons, belonged to the colony.<sup>3</sup>

Despite these countervailing factors, the Company's rule was irksome and constituted a distinct grievance. In 1677, the matter was brought prominently to the attention of the English government by a petition to the King from four

<sup>1</sup> *Ibid.* p. 285.

<sup>2</sup> *Ibid.* pp. 428-433; C. C. 1677-1680, pp. 393, 394.

<sup>3</sup> According to another account, the Bermudas had a good number of handsome vessels in which they traded to the West Indies and elsewhere in America, and exported cattle, swine, and turkeys. *A New and Most Exact Account . . . of Carolina* (Dublin, 1683), p. 4.

merchants, all of whom were members of the Bermuda Company.<sup>1</sup> These merchants, among whom was Perient Trott, the persistent opponent of the Company's monopoly,<sup>2</sup> complained that they were not permitted to send commodities in their own ships to the Bermudas, and that the Company's annual magazine ship, which alone was allowed to engage in this trade, was unable to take away the colony's entire produce. As a result thereof, they stated that not only did the planters suffer grievously, but tobacco and other goods were clandestinely loaded on other vessels, which then were obliged to carry them to foreign markets so as to escape the watchful eye of the Company in England.<sup>3</sup> They therefore petitioned that such merchants as were members of the Company might be allowed full liberty to trade independently in their own ships to the Bermudas.

In reply to this petition, the Company stated that the magazine ship was seldom fully freighted and was more than adequate to bring to England the entire crop of tobacco, and further that Trott had the same liberty as other members of the Company to send out his merchandise and to bring home his tobacco in this vessel. After a careful hearing,

<sup>1</sup> William Righton, *The Disloyal Actings of the Bermuda Company in London* (1678), pp. 15-18; *Lefroy II*, pp. 448-450; C. C. 1677-1680, pp. 5, 6; P. C. Cal. I, p. 685.

<sup>2</sup> P. C. Cal. I, pp. 618, 619, 630; C. C. 1609, p. 593.

<sup>3</sup> They pointed out "the great damage of your Majesty in the loss of your Customs, the Planters and others being necessitated by such usage, to ship their Tobacco and Goods on any Strange Vessels which happen to touch there, which carry the same to foreign Markets, which otherwise they would not do."

"all Partys attending and having been fully heard two severall dayes by their Councill Learned touching the Lawfulnessse and Reasonablenessse of the said Lawes," the government decided that there was no cause to alter the Company's method of managing its trade, and dismissed the petition. But the adroit charge, that the Company's regulations had resulted in a violation of the enumeration clauses of the Navigation Act, made a distinct impression. Further consideration was ordered given to the question, whether the Company should not send more than one ship yearly "for the better Conveniency of the Inhabitants in venting the Growth and Product of the said Island, and preventing the Trade of that Island with fforrain Nations."<sup>1</sup>

Having thus failed with the executive, the insurgents in the Company brought the matter before the House of Commons,<sup>2</sup> but were apparently equally unsuccessful there, as no action was taken. Two years later, however, in 1679, the colony brought forward the same economic grievances, complaining that, as a result of the Company's monopoly of supplying them with European goods, they had to pay excessive prices; that they could not ship tobacco to the other colonies, as the Company, in order to collect its one-penny duty, insisted on all being exported to London; and that they were prevented from engaging in the local whale-fishery. In addition, they charged that the Company had ceased to call together the local legislature and had imposed unjust taxes.<sup>3</sup>

<sup>1</sup> P. C. Cal. I, pp. 686, 687.

<sup>2</sup> Com. Journal IX, p. 394.

<sup>3</sup> C. C. 1677-1680, pp. 357-359. Cf. p. 389.

The Company handed in a detailed reply answering these charges,<sup>1</sup> and the entire subject was then carefully investigated by the Lords of Trade. They disregarded the economic grievances and placed main stress on the anomalous political situation arising from the fact that the colony was governed by a minority of the Company resident in London. By this time, three-quarters of the members or stockholders of the Company lived in the Bermudas, and thus were virtually debarred from any but a sporadic voice in its decisions. The Lords of Trade therefore advised that, in case the dispute could not be settled otherwise, a suit should be entered against the Company's charter.<sup>2</sup> This report was approved, and on January 21, 1680, the Attorney-General was ordered to institute either *quo warranto* or *scire facias* proceedings against the letters-patent.<sup>3</sup>

Action was, however, delayed, and in 1681 were presented fresh petitions for and against the Company.<sup>4</sup> One from the Bermudas was strongly in favor of their 'nursing fathers,' the Company, but this unquestionably misrepresented the real sentiments of the majority in the colony.<sup>5</sup> Towards the end of 1681, the Lords of Trade advised a vigorous prosecution of the writ of *quo warranto*. Never-

<sup>1</sup> C. C. 1677-1680, pp. 395, 396.

<sup>2</sup> P. C. Cal. I, pp. 868, 869.

<sup>3</sup> *Ibid.* pp. 878, 879.

<sup>4</sup> C. C. 1681-1685, pp. 8-11.

<sup>5</sup> Mr. W. R. Scott, whose opinions as a scholarly investigator are entitled to the most careful consideration, is of the opinion that the agitation against the Company was to some extent factitious. It would seem, however, that he has over-accentuated this characteristic of the contest. W. R. Scott, *Joint-Stock Companies II*, pp. 295, 297.

theless, the definitive decision was again delayed,<sup>1</sup> and the ensuing uncertainty produced considerable disturbance in the colony.<sup>2</sup> Matters drifted along until November of 1683, when the Attorney-General, Sir Robert Sawyer, decided in favor of instituting the suit,<sup>3</sup> and in 1684 judgment was entered against the Company.<sup>4</sup>

As a result of this decision, the Crown took the place of the Company and inherited all its rights and privileges. These privileges had constituted the chief grievance of the colony, but the decision of the government to proceed against the Company was based mainly on the arbitrary nature of its political control. In spite of this fact, it is most surprising that the English government unwisely decided to continue the commercial regulations of the preceding régime. This inevitably led to considerable friction, and within a few years the system had perforce to be abandoned since it was completely unworkable.

At first it was determined to appoint Francis Burghill, one of the chief figures in the contest against the Company,<sup>5</sup> as royal Governor.<sup>6</sup> He was, however, unpopular with some sections in the colony,<sup>7</sup> and the Company's Governor, Richard Cony, was continued in office.<sup>8</sup> This selection

<sup>1</sup> C. C. 1681-1685, pp. 168, 169, 270, 271, 337.

<sup>2</sup> *Ibid.* pp. 432, 439, 675.

<sup>3</sup> *Ibid.* p. 548.

<sup>4</sup> *Ibid.* pp. 676, 738.

<sup>5</sup> On his activities, see especially Bodleian, Rawlinson MSS., D 764, *passim*.

<sup>6</sup> C. C. 1681-1685, p. 663.

<sup>7</sup> *Ibid.* p. 676.

<sup>8</sup> *Ibid.* pp. 677, 678, 680, 751.



was an unwise one, as Cony was too closely identified with the old system and had been constantly wrangling with the opponents of the now defunct Company.<sup>1</sup> When, as royal Governor, he conscientiously endeavored to obey his instructions to continue the prevailing system of trade, his position became untenable. The chief points of contention were the magazine ship and the one-penny duty on tobacco, which at this time should have yielded yearly at least £1600 to £1800.<sup>2</sup> If this amount could have been collected, and also the other revenue which, subject to some prior claims, accrued to the Crown as the Company's successor, the income would have been far in excess of the cost of governing the colony.<sup>3</sup>

In June of 1685, Governor Cony wrote to the Earl of Sunderland, James II's principal Secretary of State, that the people refused to pay the duty on tobacco and clandestinely shipped this product in casks lined with fish to New Eng-

<sup>1</sup> On Aug. 11, 1684, Samuel Trott and William Righton wrote from the Bermudas to Francis Burghill: 'We have transcribed the Company's letters to the subordinate officers, or, as they now call them, the Janissaries, the Governor being the Aga. Indeed, it is difficult to distinguish between this Government and that of the Grand Signor, except that we have not yet got to the bowstring.' C. C. 1681-1685, p. 675. See also *ibid.* pp. 658, 659, 713.

<sup>2</sup> *Ibid.* pp. 663, 664.

<sup>3</sup> Burghill stated that the entire cost of government had been £300 annually. In addition to the tobacco duty, it was figured that the Company's lands would yield £600 and the whale-fishery £100 yearly. The colony besides paid a number of small taxes. C. C. 1681-1685, pp. 663, 664; C. C. 1685-1688, pp. 258, 259; C. O. 1658, 75. Actually very much less, only a fraction of these amounts, was obtained. C. C. 1685-1688, p. 302.

land, Barbados, and elsewhere, whence in the main it was exported to foreign markets. The people, he added, esteemed all government not of their own establishment to be slavery.<sup>1</sup> A few months later, he reported that his appointment had been distasteful to the opponents of the Company, and that they refused to recognize his authority. It was estimated, he said, that at least 100,000 pounds of tobacco had been transported to Barbados and elsewhere. 'This is their old trade, and they do not like to be obstructed in it. Every officer that appears on the side of the Government is threatened, and stands in danger of his life.'<sup>2</sup> In fact, the colony was practically in open rebellion, and conditions verging closely on anarchy prevailed.<sup>3</sup> As Cony could not cope with the situation, he was recalled; and, in 1686, Sir Robert Robinson was appointed to succeed him.<sup>4</sup> The government did not, however, fundamentally alter the system of trading, and the troubles continued.<sup>5</sup> Robinson was instructed to propose to the Assembly the passage of laws imposing a

<sup>1</sup> Vessels, he said, refused to enter and be searched, 'calling it an oppression of the subject.' C. C. 1685-1688, pp. 48-51.

<sup>2</sup> *Ibid.* pp. 100-103. The private exportation of tobacco, he added, could be stopped only by a royal order forbidding any vessel to load or unload but at St. George's harbor, under the muzzle of the fort's guns.

<sup>3</sup> *Ibid.* pp. 128-130, 135-138, 144-146, 162-164, 168-170, 174, 175, 179, 471, 472.

<sup>4</sup> *Ibid.* pp. 211, 219. There was some question of appointing as Cony's successor the well-known customs-official in New England, Edward Randolph. Toppan, Randolph IV, pp. 28-31.

<sup>5</sup> In 1686, the Commissioners of the Customs reported in favor of retaining the tobacco duty and the magazine ship. C. C. 1685-1688, pp. 157, 185, 206, 211.

duty on tobacco and improving its quality; to prevent ships from loading or unloading but at St. George's; and not to allow the exportation of any tobacco until the magazine ship was fully laden.<sup>1</sup>

Shortly after his arrival in the colony, in the spring of 1687, Governor Robinson reported on the inconvenience of binding the people to one ship instead of giving them the same liberty that the other colonies enjoyed.<sup>2</sup> Unless this were granted, he wrote somewhat later, the Bermudas would be undone, as the magazine ship was entirely inadequate.<sup>3</sup> Of the last crop of tobacco, 100,000 pounds had to be left in the colony for want of shipping to England. Similar protests were received from Henry Hordesnell, the Chief Justice of the Bermudas. Early in 1688, he wrote to the Lords of Trade that free trade with all the English dominions was necessary for their prosperity, and that last year the planters had been forced to keep their tobacco till it rotted.<sup>4</sup> As was usual in such cases, these

<sup>1</sup> C. C. 1685-1688, p. 270.

<sup>2</sup> *Ibid.* p. 359.

<sup>3</sup> *Ibid.* pp. 392, 393; C. O. 1/60, 88. At the same time, in the answers to the queries submitted to him, Robinson informed the government that the limitation to one ship was very destructive to trade, as it kept other ships from coming to the colony. C. O. 1 60, 88 vii; C. C. 1685-1688, pp. 394, 395.

<sup>4</sup> As a result thereof, he wrote, "the Inconvenience is not only to the People, but to his Maj<sup>ty</sup>, whose loss in his customes has been more than 3000<sup>l</sup> this last yeare." This referred to the English duties that would have been collected, could this tobacco have been shipped to England. C. O. 1 62, 36; C. C. 1685-1688, pp. 400, 491, 510, 551. A similar request for the abolition of the magazine ship was made by the Bermuda Grand Jury. *Ibid.* p. 529.

complaints<sup>1</sup> were referred to the Commissioners of the Customs, who reported that they could see no reason why the Bermudas should not have liberty to trade as did the other colonies in any duly qualified ship, provided the Acts of Trade and Navigation were observed.<sup>2</sup> Accordingly, on October 1, 1688, instructions to this effect were sent to the Governor of the colony.<sup>3</sup> At the same time, the efforts to collect the one-penny duty on tobacco had also come to naught; the Assembly resolutely refused to pass a law imposing such a tax.<sup>4</sup> Though the claim to this revenue was kept alive, henceforth it was of little practical importance. Thus, finally, the Bermudas were freed from their two main grievances, and although some vestiges of the Company's régime were retained, from 1688 on it was governed on the same general model as the other crown colonies and enjoyed the same commercial privileges and rights.

Despite the protracted fight against the Company's commercial regulations, the Bermudas were in a prosperous condition. The colonists simply evaded these rules, when they interfered too much with their interests, and moreover their welfare was only partially dependent upon the European trade. The population remained virtually stationary; in 1679 it was estimated at 8000, and in 1687 at possibly 1000

<sup>1</sup> It should be noted, however, that Governor Robinson reported in 1688 that, notwithstanding all possible care, 250,000 pounds of tobacco had been smuggled out of the colony and that, as a result, the magazine ship had not half a cargo. *Ibid.* p. 556.

<sup>2</sup> *Ibid.* p. 568.

<sup>3</sup> *Ibid.* p. 597.

<sup>4</sup> C. O. 1/60, 88; C. C. 1685-1688, pp. 392, 393.

more, one-third of the total consisting of slaves.<sup>1</sup> The tobacco crop during the reign of James II apparently showed a considerable increase, but already there were indications that low prices would ultimately lead to the virtual disappearance of this industry.<sup>2</sup> The most marked development was in the Bermudas' trade with the other English colonies. In this trade, in fishing, in whaling, and in recovering treasure from sunken wrecks,<sup>3</sup> was employed the colony's growing fleet of small cedar vessels, which already then were highly esteemed,<sup>4</sup> and in the eighteenth century were considered superior to any other craft of like size. In 1679, the Bermudas were said to have owned only fourteen small vessels, but six years later this number had increased to almost thirty.<sup>5</sup> In 1687, Governor Robinson reported that the colony had forty-two vessels—sloops, shallops, and barks of from ten to ninety tons—and that but few ships of the other colonies traded there.<sup>6</sup>

It is obvious from the foregoing that the Bermudas were of little direct economic value to the Empire. They were neither an important source of supply for the mother coun-

<sup>1</sup> C. O. 1/60, 88vii; C. C. 1685-1688, pp. 394, 395.

<sup>2</sup> *Ibid.* and C. C. 1685-1688, p. 359.

<sup>3</sup> In 1687, a number of Bermuda vessels were engaged in recovering treasure from the valuable wreck, which played so large a part in the fortunes of Sir William Phipps. About £50,000 was obtained from this source, but the colonial authorities were able to secure only a part of the Crown's share thereof. C. O. 1/60, 88; C. C. 1685-1688, pp. 392, 393, 490, 491, 519, 521, 520.

<sup>4</sup> R. F., *The Present State of Carolina* (London, 1682), pp. 7, 8.

<sup>5</sup> C. C. 1685-1688, pp. 48-51.

<sup>6</sup> C. O. 1/60, 88vii; C. C. 1685-1688, pp. 394, 395.

try, nor did they afford a considerable market for English manufactures. Their importance was strategic rather than economic. The colony was not so much a plantation as an imperial outpost. Situated as they were on the trade-route from England to the colonies and on that between New England and the West Indies, their retention was necessary to the safety of the Empire's trade. As Judge Jeffreys said in 1682, 'Bermuda lies in the eye of all trade to the West Indies,' and, if it were in an enemy's hand, this important branch of England's foreign commerce would be grievously imperilled.<sup>1</sup>

<sup>1</sup> C. C. 1681-1685, p. 439. Another writer pointed out that Spain could be from nowhere else so cheaply, certainly, and effectively harassed as from the Bermudas. Brit. Mus., Egerton MSS. 2395, f. 125.

## CHAPTER VIII

### VIRGINIA AND MARYLAND

English policy towards the colonial tobacco industry — Virginia under the laws of trade — Criticisms of John Bland and Sir William Berkeley — Attitude of the colony — Attempts to restrict the tobacco output and to diversify Virginia's economic life — Bacon's rebellion — The causes of the social unrest — Economic development of Virginia — Illegal trade — Maryland — Quarrels with the customs officials — Their significance.

LIKE the sugar colonies, Virginia and Maryland were highly esteemed by the seventeenth-century imperialists, but in this case their approbation was far from being so unconditional. Although they produced a commodity, tobacco, for which there was an extensive demand, not only in England, but also in foreign markets, yet it could not be forgotten that a number of the English counties had clearly demonstrated their fitness for this crop. Moreover, the tobacco trade was passing through a series of recurrent crises, and many in England feared that the outcome would be that Virginia and Maryland would be diverted to other pursuits that would compete with English industries and lessen the value of these colonies as markets for English manufactures.<sup>1</sup>

The exclusive reliance of these colonies on tobacco as virtually their sole article for export had been consistently opposed by the first Stuarts; and, under the auspices of the

<sup>1</sup>See *ante*, Vol. I, pp. 46, 145, 146.

home government, with the full support of colonial sentiment, various unsuccessful attempts had been made to introduce other products, such as England was obliged to purchase from her European rivals. This early opposition to the culture of tobacco had been in part due to a strong moral aversion from smoking, which persisted for two generations. But, in part also, it proceeded from a keen realization of the fact that the fluctuations in the price of tobacco, and especially its generally low market value consequent upon a rapidly expanding production, rendered social conditions in Virginia and Maryland precariously unstable.

In general, the policy of the Restoration government towards the tobacco industry followed the previously established lines. The attempts to establish other crops Virginia still continued, but there was no longer manit. . any desire entirely to displace tobacco. Instead of supplanting this staple, these newer products, such as silks and naval stores, were merely to supplement it. In the reaction against the sterner moral code of the preceding decades, smoking was no longer regarded as a serious vice. Moreover, heavy taxes were imposed upon tobacco in England, and of all the colonial products it contributed by far the most to the English customs revenue.<sup>1</sup> In the eyes of Charles II's advisers, haunted as they were by the perpetual nightmare of national bankruptcy, this fiscal advantage tended naturally to offset any still persisting moral antipathy to the hedonistic uses of tobacco. In 1661, the Commissioners of the Customs significantly reported that the colonies were beginning "to

<sup>1</sup> Cf. C. O. 1/30, 78; C. C. 1669-1674, pp. 508, 530.



grow into Commodities of great Value and esteeme, and though Some of them Continue in Tobacco, yet upon the Returne hither it Smells well, and paies more Custome to his Ma<sup>ty</sup> than the East Indies four times ouer." <sup>1</sup> Despite this, the Restoration government at the outset sought earnestly to mitigate the evils connected with the close dependence of Virginia and Maryland on this crop by encouraging the introduction and cultivation of other staples. These attempts, however, came to naught, since it was found impossible to divert the tobacco planters to other pursuits. At the same time, the revenue-producing qualities of tobacco were making an ever greater impression on the English statesmen, and hence, ultimately, the English government abandoned its fruitless efforts to diversify the economic life of Virginia and Maryland and looked askance at all schemes to lessen the size of the tobacco crop.

In another respect, also, the Restoration implied new conditions for Virginia and Maryland, since the commercial code put into effect at that time meant a more strict control of the tobacco trade and closer commercial relations between the colonies and the mother country. The Acts of Trade and Navigation did not, however, change conditions to the same extent in Virginia and Maryland as they did in Barbados, for the comprehensive colonial system of the Restoration era was in the main based upon principles that had been gradually and empirically elaborated under the first Stuarts in the actual process of regulating the tobacco trade.

In 1620, the English government prohibited the growing

<sup>1</sup> S. P. Domestic, Ch. II, XLIV, no. 12; P. C. Cal. I, pp. 319, 320.

of tobacco in England, and in return the Virginia Company agreed to pay customs on tobacco in excess of the amount stipulated in its charter, but equal only to one-half of those imposed on the competing Spanish product.<sup>1</sup> This arrangement did not give English colonial tobacco a monopoly of the home market, for Spanish tobacco continued to be imported in spite of the discriminating duties. Hence, three years later, in order to secure such a monopoly, the companies colonizing Virginia and the Bermudas agreed to ship all their tobacco to England, in consideration of the exclusion from England of all but a very small quantity of the Spanish product.<sup>2</sup> Thereafter, this policy was continued and extended. In the first place, foreign tobacco was practically excluded from England and Ireland, either by absolute prohibitions or by marked differential duties, and the culture of the plant within these kingdoms was forbidden. The Restoration government adopted these principles from its predecessors. Secondly, the restriction of the colony's exports of tobacco to England had been maintained by both James I and Charles I. This regulation had, however, been allowed to lapse during the confusion of the Interregnum. Traces of this principle still perdured during that period; and, despite the non-existence of any positive prohibition, the shipment of colonial products to foreign markets was looked upon as reprehensible. It is of considerable significance that Virginia in 1658 and in 1660 voluntarily imposed a heavy surtax on tobacco shipped to any place but

<sup>1</sup> Beer, *Origins*, pp. 111-114.

<sup>2</sup> *Ibid.* p. 132; P. C. Cal. I, pp. 61, 62.

England and its European dominions.<sup>1</sup> The Restoration government definitely revived this earlier Stuart practice, and the enumeration of tobacco made illegal the direct shipment of this product to foreign markets. As some trading of this nature had been carried on in Virginia during the Interregnum, its prohibition under the Restoration system to this extent implied a greater restraint. Similarly, the Staple Act of 1663 prohibited the importation of European goods into the colonies from any place but England, and this regulation was also more restrictive than that previously in force. By the Order in Council of 1633<sup>2</sup> and the Act of 1650, foreigners had been forbidden to trade to the colonies, but English vessels could bring to them directly from Holland and other foreign countries such manufactures as they wanted. This trade was now interdicted.

Thus, to some extent, the Restoration system meant a more stringent control of the commerce of Virginia and Maryland. As these colonies were not in a thriving state, this naturally produced some dissatisfaction. In considering the justice of complaints of this nature, it is essential to keep in mind that the system in force imposed restraints on the metropolis as well as on the colony. While the colonial planter was forced to ship his tobacco to England and to buy his supplies from English merchants, on the other hand, not only was the English smoker denied the use of the Spanish product, but the cultivation of tobacco in England and Ireland was prohibited. The forcible and long-continued measures required to uproot this industry in England

<sup>1</sup> Beer, *Origins*, pp. 400-402.

<sup>2</sup> P. C. Cal. I, p. 192.

furnish ample proof of its vigor and vitality, and indicate plainly the sacrifice exacted from the English farmer. This prohibition, combined with the virtual exclusion of Spanish and other foreign tobaccos, obliged the English smoker to waive his own individual taste and to use the English colonial product. Just as the Methuen Treaty with Portugal led to the great consumption of port in eighteenth-century England, and the permission to import wine directly from the Portuguese islands off Africa made the Madeira product the favorite beverage of the American colonial planter, so this monopoly accorded to Virginia and Maryland determined the taste of the English consumer and led to habits that still persist. In such a system of mutual monopoly, it is well-nigh impossible to determine with any degree of certitude the relative extent of sacrifice demanded from each of the parties to the reciprocal agreement. It is, however, obvious that any criticism of England's regulation of the colonial tobacco trade, which is based on a *laissez-faire* social philosophy, is equally applicable to the arrangement by means of which the tobacco planter secured exclusive privileges in the home market.

The most searching criticism of English policy emanated from the pen of a prominent English merchant, John Bland, one of Pepys's friends.<sup>1</sup> Apart from his other interests,<sup>2</sup> Bland had settled two brothers in Virginia, and according

<sup>1</sup> Pepys, Sept. 5, 1662, Feb. 13, 1663, March 30, 1664, May 2, 1664, June 14, 1666.

<sup>2</sup> Cf. C. C. 1574-1660, p. 451; Cal. Treas. Books, 1660-1667, pp. 633, 662. Bland was also Mayor of Tangier. E. M. G. Routh, Tangier, pp. 120-123; Cal. Treas. Books, 1669-1672, p. 108.

to his own account had supplied them with the exceptionally large sum of £10,000, 'expecting proportionable returns.' On their death, he sent over his son Giles — the well-known Virginia Collector of the Customs — to take care of this estate.<sup>1</sup> Thus Bland's interests were closely identified with those of the colony, which fact undoubtedly somewhat tinged the views expressed in the undated "Humble Remonstrance," prepared by him some few years after the Restoration system had been put into effect.<sup>2</sup> Therein Bland maintained that the Act of 1650 — "for debarring the Hollanders trading to those Plantations" — had been secured by the English merchants for the purpose of monopolizing and engrossing the trade of Virginia and Maryland, and of being thus enabled to secure tobacco cheaply and to force the colonists to purchase their goods at high prices. Apart from these purely personal and selfish ends of the merchants, this measure, according to Bland, was based on the following broader public grounds: that the Dutch would not permit the English to trade to their Eastern possessions, while their intercourse with Virginia and Maryland injured England's commerce both there and at home, hindered the increase of shipping, and lessened the customs. But this argument, Bland claimed, was unsound, because the Dutch Indies had a natural monopoly of certain products, while Virginia and Maryland afforded only tobacco, as well as corn and cattle, "commodities almost in every country what-

<sup>1</sup> C. C. 1675-1676, p. 392.

<sup>2</sup> This memorial is in the London Public Record Office, but it has been printed in Va. Mag. I, pp. 142-155.

ever to be had." He maintained that, as a result of the exclusion of foreigners from the English colonial trade, coupled with the subsequent enumeration clauses in the Act of 1660, tobacco was being successfully planted in Holland and also in France. The quantity grown in Holland, he further contended, would increase greatly; and, in time, the Dutch would become accustomed to their home-grown tobacco, even though it was of poorer quality than that of Virginia, just as the English had been diverted from the superior Spanish article to the inferior product of their own colonies. Furthermore, he pointed out, that the Dutch used a grade of Maryland and Virginia tobacco different from that consumed in England, and that, if the colonies were unable to dispose of that portion of their crop to the Dutch, they would have no market for it whatsoever. As a consequence thereof, he predicted the ruin of the tobacco colonies unless the system of trading were radically changed. But, if the repeal of the Navigation Act were out of the question, he suggested that the English merchants be obliged to supply the colonies as cheaply "as the Hollanders used to," when they were admitted to trade there, that they take the entire crop of tobacco at the prices formerly paid by the Dutch, and that they charge the same low freight rates. No means could have been devised to put into effect these suggestions, however much or little they may have commended themselves; and, as was the fate of many other memorials, that of Bland was fruitless and was shelved in the English archives.

Despite its obvious over-statements and confident prophecies that never came true, Bland's argument rested upon a

substantially true foundation. Its fundamental error was that only one side of the question was considered. No attention whatsoever was paid to the fact that the system in force was the historical outcome of a bargain between the mother country and the colony. The advantages that Maryland and Virginia derived from their monopoly of the English market were completely ignored.

Less convincing and less cogently reasoned was a spirited attack on England's policy by Virginia's veteran Governor, Sir William Berkeley. During the Interregnum, Berkeley had been deprived of his post, but early in 1660, when the restoration of Charles II was all but inevitable, he was reinstated by the colony, and shortly thereafter a royal commission appointing him Governor was issued.<sup>1</sup> Apart from his official position, Berkeley had large private interests in Virginia and was deeply interested in its welfare. In 1662, he was in England as the colony's representative, with the express object of securing certain measures designed to further its prosperity. For this purpose, he wrote a memorial, entitled "A Discourse and View of Virginia," which described the handicaps that hampered its growth. Among the hindrances mentioned by him was the fact that the planters were restricted to trade with England only. Such a regulation, he said, would not be opposed by any good subject were it for the benefit of the Crown or of England, "but if it shall appear that neither of those are advantaged by it, then wee cannot but resent, that forty thousand people should bee empoverished

<sup>1</sup> Hening I, p. 530; C. C. 1574-1660, p. 486.

to enrich little more then forty merchts, who being the onely buyers of our Tobacco, giues us what they please for it, and after it is here Sell how they please, and indeed haue forty thousand Servants in us at cheaper rates, then any other Men haue Slaues, for they find them meat, drink and Clothes, wee furnish ourselves and their Seamen with meat and drink, and all our Sweat and labour, as they order vs, will hardly procure vs course clothes to keep vs from the extremities of heat and cold: yett if these pressures of vs did advance the Custome, or benefitt the Nation, wee should not repine; but that it does the Contrary to both I shall easily evidence when Commanded." <sup>1</sup>

Nine years later,<sup>2</sup> Berkeley again took up this question. In answer to the query of the Council for Foreign Plantations, as to what, if any, obstructions hindered Virginia's trade and navigation, he wrote<sup>3</sup>: "Mighty and destructive by that seuer Act of parliament w<sup>ch</sup> excludes us from haueuing any Commerce w<sup>th</sup> any Na<sup>o</sup>n in Europe but our owne, Soe that wee cannot add to our planta<sup>o</sup>n any Comodity that growes out of itt, as oliue trees, Cotton or Vines, besides this wee Cannot procure any skilfull Men for our now hopefull Comodity Silke, For it is not lawfull for us to

<sup>1</sup> Berkeley also added that the Virginia Assembly had desired him to propose that such ships as had been built in the colony might be permitted to carry its produce to any market. He claimed that by these means the excellence of their timber would become known, and that as they were able to build ships more cheaply than could England, the mother country's forests would last longer. Brit. Mus., Egerton MSS. 2395, f. 356<sup>b</sup>.

<sup>2</sup> In 1666, Berkeley wrote to Lord Arlington, requesting permission for two Scottish ships to trade to Virginia. C. C. 1661-1668, no. 1340.

<sup>3</sup> C. O. 1/26, 771; Hening II, pp. 511-517.



carry a pipe Staf or a Bushell of Corne to any place in Europe out of the King's dominions. If this were for his Maty Service or the good of his Subjects wee should not repine w'euer our Sufferings are for it. But on my Soule it is the Contrary for both, And this is the cause Why noe Small or gr<sup>t</sup> vessels are built here." He, therefore, suggested that they should have liberty to transport their pipe-staves, timber, and corn directly to foreign markets. Their inability to do so constituted the gravamen of his complaint, and was due to a strange misinterpretation of the Navigation Act by the English authorities.

This statute provided that ships before leaving England for the colonies should give bond to bring back the enumerated commodities laden there. Instead of demanding these limited bonds, the English officials insisted on security being given to bring to England all the commodities laden in the colonies. In 1661, on the complaint of some New England merchants that their timber, fish, and other coarse merchandise could be disposed of in foreign markets to better advantage than in England, an Order in Council specifically exempted the trade of those colonies from this regulation.<sup>1</sup> But ships trading from England to the other plantations did not enjoy this privilege.<sup>2</sup> In 1674, however, on a report of the Commissioners of the Customs that these

<sup>1</sup> C. C. 1661-1668, nos. 28-30; P. C. Cal. I, pp. 303, 304; Cal. Treas. Books, 1660-1667, pp. 206, 207; Mass. Hist. Soc. Coll. Series II, IV, pp. 270, 280.

<sup>2</sup> On the provisions of the bonds demanded from these vessels, see P. C. Register Charles II, III, ff. 450, 451; P. C. Cal. I, pp. 365-367; N. Y. Col. Doc. III, pp. 44-46, 50.

unenumerated commodities were "really not confined to be brought home hither, as is pretended, but that sufficient Liberty is given to the Merchants by the said Act," the above Order in Council of 1661 was revoked as superfluous.<sup>1</sup> As thereafter no hindrance was placed in the way of Virginia's corn and timber being shipped to any market whatsoever, Berkeley's indictment was no longer pertinent.

Apart from these criticisms of Bland and Berkeley, there was virtually no complaint against the system of trade enjoined by the Navigation Acts. While the Barbados Assembly and that colony's governors were vociferous in their protests, the Virginia legislature remained strangely mute. Whether this silence was due merely to a recognition of the futility of any attempt to have these laws altered, or proceeded from a tacit acknowledgment of the fundamental equity of the arrangement in its entirety, cannot be positively determined. Unquestionably, the colony would have rejoiced in a relaxation of the system, and would especially have welcomed permission to ship tobacco directly to foreign markets. In 1673, Sir John Knight, a prominent Bristol merchant, wrote to the Earl of Shaftesbury about the desire of the Virginia planters 'for a trade with the Dutch and all other nations, and not to be singly bound to England, they saying openly that they are in the nature of slaves, so that the hearts of the greatest part of them are taken away from his Majesty, and his Majesty's best, greatest and richest plantation is in danger, with the planters' consent,

<sup>1</sup> P. C. Cal. I, p. 603.

to fall into the enemy's hands.'<sup>1</sup> Even with full allowance for the writer's peculiar temperament—Roger North called him 'the most perverse, clamorous old party man in the whole city or nation'<sup>2</sup>—there is no reason to question the essential accuracy of this statement. The farmers of Worcestershire and Gloucestershire undoubtedly felt even more bitter at the soldiers who annually uprooted their tobacco plants. In any reciprocal arrangement, mankind is prone to ignore the benefits conferred and to dwell solely upon the restraints imposed. The essential point is, would Virginia have welcomed complete free trade with the removal both of all restrictions and of all special privileges? Obviously, no positive answer can be made to such a hypothetical question, but unquestionably the gains and losses would have been so evenly balanced as to render a decision extremely difficult.

Virginia, however, at no time pressed this point, but sought by other means to better her economic condition. The urgent need was to raise the price of tobacco, about which complaints had been just as insistent before, as after 1660. From 1649 to 1662 the price of tobacco in Virginia fluctuated between a half-penny and threepence a pound, and at the latter date, according to Governor Berkeley, it was one-penny.<sup>3</sup> The colony realized that the low market value of its tobacco was primarily due to over-production,

<sup>1</sup> C. O. 1/30, 78; C. C. 1669-1674, p. 530.

<sup>2</sup> See Dict. of Nat. Biography, Sir John Knight, 'the elder.'

<sup>3</sup> Brit. Mus., Egerton MSS. 2395, f. 356<sup>a</sup>; Beer, *Origins*, pp. 417, 418; Bruce, *Economic History I*, p. 389.

and hence favored measures for curtailing and improving the quality of the crop, and, to compensate for this restricted output, desired the introduction of other staples.

In 1661, with the object of preventing forestalling and of maintaining an even price in England, the representatives of Virginia's interests in London requested an order prohibiting the departure of any ship from the tobacco colonies before May 1, 1662. At first instructions to this effect were issued, but they were subsequently revoked when it was pointed out that such ships as had left England before this had been proposed would be prejudiced thereby.<sup>1</sup> In 1662, this request was renewed, and at the same time the English government was urged to prohibit the planting of tobacco in Virginia and Maryland after June 10 in any year. The object of this suggested prohibition was to raise the price by improving the quality of the crop and by lessening its quantity, since tobacco planted after the date mentioned was most likely to be inferior. In addition, the curtailment of the tobacco output would permit the production of more staple commodities, such as silk, flax, hemp, pitch, and potashes.<sup>2</sup> In 1661, the Virginia Assembly had passed a law prohibiting the planting of tobacco after June 30, provided Maryland would join in this regulation, but otherwise only after July 10.<sup>3</sup> Obviously, the success of such a measure depended upon the concurrence of Maryland.

<sup>1</sup> P. C. Cal. I, pp. 317, 318.

<sup>2</sup> *Ibid.* p. 331; C. C. 1661-1663, nos. 301, 307; Va. Mag. XVIII, pp. 299-300.

<sup>3</sup> Hening II, p. 32. In 1662, Virginia prohibited planting after July 10. *Ibid.* II, p. 119.

Without such joint-action this restriction would not only be ineffective, but positively injurious to Virginia, as its people would emigrate to Maryland.<sup>1</sup> It was mainly with the object of obtaining an order binding on Lord Baltimore's colony that recourse was had to the English government.

In its efforts to curtail the tobacco crop and to introduce other products, Virginia had an able and influential advocate in Governor Berkeley, who was at this time in London for the specific purpose of advancing the colony's economic interests.<sup>2</sup> In a memorial<sup>3</sup> prepared by him for the government, he glowingly described the great resources of Virginia apart from "the vicious ruinous plant of Tobacco," which, however, he admitted, had brought more revenue to the Crown "than all the Islands in America." He maintained that, if "resoluting instructions and indulgent encouragements" were sent to the colony, within seven years England would no longer be dependent upon northern and southern Europe for her supplies of silk, flax, hemp, pitch, tar, iron, masts, timber, and potash. "For all of these but iron, wee want only Skillfull men to produce them, the cheapest and readiest way; but the making of iron will require abler purses then wee are yett masters of." In order to procure experienced men to start these new industries, Berkeley stated that the Virginia Assembly had requested him to propose that an additional import duty of one-penny a pound

<sup>1</sup> Brit. Mus., Egerton MSS. 2395, ff. 356<sup>a</sup>, b.

<sup>2</sup> Va. Mag. XIV, pp. 195, 196.

<sup>3</sup> "A Discourse and View of Virginia," in Brit. Mus., Egerton MSS. 2395, ff. 354 *et seq.*

be levied on tobacco in England, out of which should be defrayed the expenses necessitated by this scheme, as well as all the public charges of Virginia.<sup>1</sup> Their existing intolerable condition, according to him, was primarily due to Virginia's sole reliance "on this vicious weed of tobacco, which at length has brought them to that extremity, that they can neither handsomely subsist with it, nor without it."<sup>2</sup>

There was every reason to expect that these views would commend themselves to the government. They coincided with the policy of its predecessors, and in 1661 the Council for Foreign Plantations had advised that the Virginia planters be instructed to apply themselves to the increase and improvement of flax, silk, and other manufactures.<sup>3</sup> When, however, Virginia's request for a restriction of tobacco planting was considered, it was peremptorily rejected, and the Privy Council declared that "they henceforth would not receive any Petition of that nature."<sup>4</sup> At the instance of the petitioners, a fortnight or so later, the Council reconsidered its hasty decision, declaring that "it was not their Intention to forbid or discourage the Merchants and Planters of Virginia from making their Addresses to them," and summoned the interested parties,

<sup>1</sup> See also Berkeley's petition in C. C. 1661-1668, no. 333.

<sup>2</sup> Berkeley retained a large share of the earlier aversion from tobacco. In 1666, he wrote to Lord Clarendon: "From my soul I wish it, and so doe all good men, that his Matie and the Parliament would impose more customes and greater on this vild weed and imploy some part of it in building forts where they are necessary." Bodleian, Clarendon MSS. 84, ff. 230, 231.

<sup>3</sup> Brit. Mus., Egerton MSS. 2395, ff. 335 *et seq.*; C. C. 1661-1668, no. 32.

<sup>4</sup> P. C. Register Charles II, II, f. 641; P. C. Cal. I, p. 331; C. C. 1661-1668, no. 308.

including Lord Baltimore, to a fresh hearing.<sup>1</sup> As a result thereof, on June 29, 1662, the Council ordered Berkeley to repair to his government and to agree with Maryland upon some plan for "the promoting of the Planting of Hemp, Flax, and other like considerable Comodityes in those Plantations, and the Lessening of Planting Tobacco there; And that the restraint for planting Tobacco may be alike in both Places." As regards the request that ships be enjoined from leaving the colonies in question before May 1, 1663, the Council decided that there should be no such restraint, unless it should be thought fit by the respective Governors, Councils, and Assemblies of both Virginia and Maryland.<sup>2</sup> This decision was embodied in the formal set of instructions issued to Berkeley on his departure for Virginia; and, in addition, he was ordered to encourage the planters to build towns on every river, in which "they cannot have a better example than from their neighbours of New England, who have in few years reduced that colony to breed wealth, reputation, and security." Berkeley was also ordered to transmit to England his opinion and advice regarding the erection of an iron-work, which Charles II himself wished to undertake.<sup>3</sup> That the government was

<sup>1</sup> P. C. Cal. I, p. 331.

<sup>2</sup> *Ibid.* pp. 331, 332. Berkeley, Sir Henry Chicheley, Edward Digges, Richard Lee, and others, however, again petitioned that orders be issued preventing the tobacco ships from leaving before May 1, 1663. A large number of English traders to the tobacco colonies sent in a counter-petition, and the decision of the government remained unchanged. C. C. 1661-1668, nos. 358, 365, 366.

<sup>3</sup> C. C. 1661-1668, no. 368; Va. Mag. III, pp. 15-20.

keenly interested in this scheme to introduce staple commodities is manifest from the fact that Berkeley was given permission to import customs free a three hundred ton ship's cargo of tobacco, whenever he should send to England a vessel of the same burden laden with silk, hemp, flax, pitch, and potash produced in Virginia.<sup>1</sup>

In accordance with these instructions, commissioners appointed by Governor Berkeley and by Governor Calvert of Maryland held a conference in the spring of 1663; and, with a view "to the lessening the great quantities now made which glutts all marketts," they agreed to propose to their respective Assemblies that no tobacco should be planted in either colony after June 20 during the year 1664, and that this restraint should be in effect for one year only, unless the Assemblies should decide to continue it.<sup>2</sup> Virginia passed a law to this effect,<sup>3</sup> but the Maryland Assembly refused to confirm the agreement, mainly on the ground that it was inequitable, in that, if tobacco planting should be prohibited after the same date in both colonies, Virginia, with its more moderate climate, would bear a smaller share of the burden of the stint than her northern neighbor.<sup>4</sup>

<sup>1</sup> C. C. 1661-1668, no. 369; Va. Mag. XIX, pp. 349, 350.

<sup>2</sup> C. O. 1/17, 29. According to Lord Baltimore, the Maryland commissioners proposed a total cessation of planting for one year, but the Virginia commissioners rejected this suggestion, because then they would not be able to give the stipulated clothes, tools, and other necessaries to their servants whose term of service was expiring, and because during the year of cessation no ships would come from England, and, as a result, these ships would then turn to a new course of trade. C. O. 1/21, 133.

<sup>3</sup> Hening II, p. 190.

<sup>4</sup> C. O. 1/21, 133. In addition, Maryland claimed that tobacco v



Virginia complained to England of Maryland's failure to ratify this agreement and sought relief there. The representatives of the two interested colonies, as well as the Farmers of the Customs, were ordered to attend a hearing before the Privy Council.<sup>1</sup> As the Virginia spokesmen and Lord Baltimore could not reach a mutually satisfactory agreement, the Council's colonial Committee reported that in their opinion the proposal for a limitation of the crop was "inconvenient both to the Planters and his Majesties Customes ;"<sup>2</sup> but, in order to encourage these colonies to apply themselves to products "which may be of more Benefit then Tobacco," they recommended that all hemp, pitch, or tar imported from them into England should be free of duties for five years. This report was approved, and the necessary orders were issued.<sup>3</sup> Lord Baltimore's positive statement, that the bad state of the colonies was exaggerated,<sup>4</sup> influenced the Committee in reaching this decision, but the fear of the Farmers of the Customs that a stint would diminish the English revenue was the deciding factor. Thereafter England opposed a direct limitation of the tobacco crop, although still favoring the introduction of other products which in time would indirectly accomplish this.

her sole means of livelihood, and that unless the same restraint were laid on the West Indies their output would increase.

<sup>1</sup> P. C. Cal. I, p. 381.

<sup>2</sup> They reported to the same effect on the proposition to limit the time for ships to return to England from these colonies.

<sup>3</sup> P. C. Register Charles II, IV, ff. 301-303; C. O. 1/18, 148; P. C. Cal. I, pp. 386-388; No. Ca. Col. Rec. I, pp. 73-77. C. C. 1661-1668, no. 852.

<sup>4</sup> C. O. 1/21, 133.

At the time of the Order in Council of 1664, events were inevitably leading up to a war with the Dutch, and when this actually broke out, the market for English colonial tobacco was considerably curtailed and fewer English ships came to the colonies. The stock of tobacco accumulated rapidly.<sup>1</sup> According to Berkeley and the Virginia Council, more was growing in 1666 than would be carried away in three years.<sup>2</sup> In this dilemma, Virginia, Maryland, and also Carolina, which was just becoming a factor in the tobacco trade, made an agreement not to plant any tobacco for one year, commencing February 1, 1667.<sup>3</sup> The Virginia law for putting this agreement into effect stated that the large quantity produced had glutted all markets and had lowered the price, and that the enforced cessation would enable the planters to find some other staples.<sup>4</sup> These expectations were, however, dashed to the ground. The small planters in Maryland protested strenuously against the measure and made their objections known to Lord Baltimore, who disallowed the Act enforcing the cessation in his colony.<sup>5</sup> As

<sup>1</sup> On Feb. 12, 1667, Secretary Thomas Ludwell of Virginia wrote to Clarendon that, as few ships had or were likely to come from England, they feared "that those great quantities of tob<sup>o</sup> now vpon our hands will remaine soe," and had agreed upon a cessation. He hoped that this measure would be approved of in England, and that it would divert Virginia to "making more staple comodities as silke flax &c." *New York Hist. Soc. Coll.* (1869), pp. 160, 161. Cf. C. C. 1661-1668, no. 1410.

<sup>2</sup> C. C. 1661-1668, no. 1241.

<sup>3</sup> *Ibid.* nos. 1211, 1222, 1250, 1306, 1450; No. Ca. Col. Rec. I, pp. 117, 118, 130-144, 151-153.

<sup>4</sup> Hening II, pp. 224-226.

<sup>5</sup> C. C. 1661-1668, no. 1325; Mereness, Maryland, pp. 108, 109.

Secretary Ludwell of Virginia wrote to Lord Berkeley, the Governor's influential brother, 'Lord Baltimore at one stroke lopped their present and future hopes of the benefit of a cessation.'<sup>1</sup> Virginia appealed to the English authorities,<sup>2</sup> accusing Baltimore of being "an obstructor of the publique Good of those Collonies."<sup>3</sup> In answer, Baltimore cited as justification for his act the Order in Council of 1664; and, after a hearing and full debate, and also again a consultation with the Farmers of the Customs, the government adhered to its decision of 1664 that such a cessation would be disadvantageous.<sup>4</sup>

While these futile attempts were being made to secure a limitation of the tobacco crop, Virginia was actively engaged in trying to diversify its economic life by introducing other industries, especially the cultivation of silk, which had already been unsuccessfully tried on several previous occasions. In 1662, a Virginia law obliged all landholders to plant ten mulberry trees for every one hundred acres, and offered generous bounties for the silk that was made.<sup>5</sup> At the same time, the production of flax was encouraged and premiums were offered by the legislature for cloth made from it.<sup>6</sup> Similarly in this same year, bounties were offered

<sup>1</sup> C. C. 1661-1668, no. 1625; Va. Mag. XIX, p. 250. Despite the great devastation inflicted on Virginia by the memorable storm of 1667, which destroyed a large portion of the tobacco, Ludwell in 1668 again offered arguments in favor of a cessation for one year. C. C. 1661-1668, no. 1798.

<sup>2</sup> *Ibid.* nos. 1505, 1509.

<sup>3</sup> C. O. 1/21, 133.

<sup>4</sup> P. C. Cal. I, pp. 445, 446; C. O. 1/21, 133.

<sup>5</sup> Hening II, p. 121. See also p. 191.

<sup>6</sup> This Act stated that "the incertaine value of tobacco the unstaplenesse of the comodity & the probability of its planting in other places" threaten

for ships built in Virginia,<sup>1</sup> and the exportation of wool, hides, and iron was forbidden.<sup>2</sup> With the object of diversifying its industries, Virginia likewise exempted vessels wholly owned in the colony from payment of the export duties and castle dues.<sup>3</sup>

At the outset, great results were anticipated from these industrial experiments. In 1663, Governor Berkeley wrote to the Secretary of State<sup>4</sup> that Virginians "in mighty numbers will shortly bee employed in perfecting those excellent Commodities of Hemp and flax, & Silk, which this Country is most capable of, and now the Planters are most industriously intent on, and truly (my Lord) the Successe has outgone my own hopes." He complained, however, that the English merchants, whatever was pretended, did not desire them to stint their crop, and, as proof of this assertion, he rather naïvely stated that during the current year they had generally "given us greater prices for our Tobacco then usually they did, and haue sent in eight shippes at least more than wee are able to fraygt."<sup>5</sup> If tobacco brings a good

it with ruin, and that the increased output in Virginia had already glutted all markets and had lowered its price. Hening II, pp. 120, 121.

<sup>1</sup> *Ibid.* II, p. 122.

<sup>2</sup> *Ibid.* II, p. 124. Cf. pp. 179, 185, 216. In 1671, this law was repealed. *Ibid.* II, p. 287.

<sup>3</sup> *Ibid.* II, pp. 135, 136, 272.

<sup>4</sup> Brit. Mus., Egerton MSS. 2395, ff. 362 *et seq.*

<sup>5</sup> As further evidence of this contention, he said that, although the English merchants "knew his Maj<sup>ty</sup> and your Lordshipp did earnestly desire wee should endeavour to plant those most usefull Commodities of Hempe and flax," yet they had disregarded his frequent requests for seed. He added, however, that Virginia had sown some four hundred bushels, which would furnish them with seed for the following year.

price, he further said, Virginia is well, but she would be even better off if the price were low, for this would necessitate the production of other staples after "forty yeares promoting the basest and foolishhest vice in the world." Berkeley himself was engaged in producing flax, hemp, and potash, and expected soon to send to England a cargo of these commodities made on his own estate. Having in view the history of tobacco and sugar, he, however, expressed the hope that they would not meet the fate of all such colonial products, "to fall in price as soon as they are made by the English."<sup>1</sup>

Two years later, in 1665, Secretary Ludwell wrote to Lord Arlington that they had made a satisfactory start in producing silk, flax, potash, and English grain, and that they hoped soon to make great quantities. He further informed the Secretary of State that they had built several small vessels to trade with their neighbors, and expected ere long to launch such as could cross the Atlantic.<sup>2</sup> Berkeley likewise continued to be enthusiastic. According to him, Virginia had made great and unexpected progress in silk; and he predicted that its production would double every year until 100,000 pounds were made, because they had innumerable mulberry trees, which in four or five years would come to their "perfectest." He admitted, however, that their efforts to produce flax had been unsuccessful and that he himself had lost £1000 in this venture. This failure

<sup>1</sup> At this time, Berkeley sent to England a ton of potash, stating that if it yielded a good price, he would ship 200 tons more of his own manufacture. Brit. Mus., Egerton MSS. 2395, f. 365.

<sup>2</sup> C. C. 1661-1668, no. 975.

he attributed to want of experienced men, and suggested that some able "flaxmen" be sent to Virginia by the English government.<sup>1</sup>

This optimism apparently pervaded the entire colony, for in 1666 the Assembly repealed, as no longer necessary, its laws for the encouragement of ship-building and the manufacture of silk and cloth, and also that making the planting of mulberry trees obligatory.<sup>2</sup> This action was, however, decidedly premature. At this time Virginia proposed to send a present of three hundred pounds of silk to Charles II, but when ultimately, in 1668, it reached England, the infant industry already showed alarming signs of premature extinction.<sup>3</sup> Accordingly, in 1669, the Assembly revived

<sup>1</sup> C. C. 1661-1668, no. 1030. See also Berkeley to Clarendon, July 20, 1666, in Bodleian, Clarendon MSS. 84, ff. 230, 231.

<sup>2</sup> Hening II, p. 241. See also Va. Mag. XVII, pp. 227, 228.

<sup>3</sup> This gift of silk was ordered in 1666, but was actually sent two years later. When sending these "first fruites of their labours in that kind," the colony stated that they hoped that the King would be induced thereby to send them men "better skilled in that and other staple comodities, for which this country is very proper," so that in short time they may "noe longer depend wholly upon tobacco, to the ruine of this collony and decay of your Majestes customes." At the same time, Governor Berkeley wrote to Charles II that "the present is smal of it selfe, but the hopes and consequences of this excelente commodity may be hereafter of an inestimable benefit to your Majestie's kingdomes." But for this, as well as for flax and hemp, he added, "we want some able skilful men to instruct us." When acknowledging the receipt of this present, Charles II said he intended to have it made up for his own use. It was ordered "to be wrought into bed furniture" for the King. C. C. 1661-1668, nos. 1250, 1805, 1806, 1878; Bodleian, Clarendon MSS. 84, ff. 230, 231; C. C. 1669-1674, p. 27; Fleming MSS. (H.M.C. 1890), p. 60. This, however, was not the first gift of this nature to Charles II. During the Interregnum, and also during the régime of the original proprietary Company, serious attempts had been

the bounties on silk, which three years before had been deemed no longer necessary.<sup>1</sup> This was, however, of no avail.

Apart from all other considerations, the chief initial obstacle to the successful production of silk was the lack of experienced and skilled workmen. In 1671, Governor Berkeley wrote that, if they had such men from Sicily, Naples, or Marseilles, "in ten or fifteen yeares we might make and send for England five hundred Bayles Yearly of Silke."<sup>2</sup> This was a virtual confession of failure and, as these experts were not forthcoming, the attempts to produce silk were abandoned. Likewise no progress was made in introducing flax, nor had the colony's policy of preferential treatment to its own shipping as yet yielded any commensurate results. In 1671, Berkeley reported that Virginia had never at any time owned more than two small vessels of not over twenty tons each.<sup>3</sup> Thus the attempts to diversify the colony's economic life had again come to naught. Despite all

made to raise silk in Virginia. Beer, *Origins*, pp. 244, 418; Bruce, *Economic History I*, pp. 365-370. In 1661, Charles II received from Edward Digges, the chief promoter of this enterprise, "a verie acceptable Present of Silke" produced in Virginia, which he ordered made into a garment for himself. The King expressed delight that "soe laudable and profittable a Comoditie" was made in Virginia and hoped that by its increase there "our Subjects shall not need to fetch it from Persia, but may trade, and bee Cloathed with those Native and rich Proceeds of our own Dominions." *Brit. Mus.*, Egerton MSS. 2543, f. 22. See also *Brit. Mus.*, Add. MSS. 11, 411, f. 24.

<sup>1</sup> Hening II, p. 272.

<sup>2</sup> C. O. 1/26, 77; C. C. 1669-1674, p. 232; *Va. Mag.* XX, p. 17. In 1672, Berkeley repeated his request for such skilled men. C. C. 1669-1674, p. 321.

<sup>3</sup> C. O. 1/26, 77i; Hening II, pp. 511-517.

efforts, the planters could not be lured away from tobacco, and Virginia's prosperity remained as heretofore contingent upon the fluctuating price of that commodity.<sup>1</sup>

In 1671, the population of Virginia was estimated at 40,000, of whom only 2000 were negroes. Apart from raising their own food supplies and attending to such matters as could best be done by the local handicraftsmen, the chief occupation of the inhabitants was the production of tobacco for the European markets. Some New England ketches traded to the colony, but the bulk of the tobacco was exported in the ships from England and Ireland, of which about eighty come yearly to Virginia.<sup>2</sup> These ships brought to Virginia commodities of all sorts and kinds — wines, brandies, utensils, wearing apparel, silks, linens, and woollens.<sup>3</sup>

Virginia's history during the first decade of the Restoration is preëminently an account of these unsuccessful attempts to curtail the size of the tobacco crop and to introduce staple commodities. The second decade is dominated by the political disturbances culminating in Bacon's rebellion. Its interest is thus mainly political, but as the move-

<sup>1</sup> At this time, a writer stated that Virginia's chief commodity was tobacco, but that it would be well if other products were introduced, for "then their *Tobacco* would not be so great a Drug as of late it is, insomuch that the Merchant ofttimes had rather lose it, then to pay the charges and Duties of Freight, Custome, Excise, &c." Richard Blome, *A Description of the Island of Jamaica* (London, 1672), pp. 146, 147.

<sup>2</sup> C. O. 1/26, 771; Hening II, pp. 511-517.

<sup>3</sup> Richard Blome, *op. cit.* p. 148. In 1683, it was said that the exports from England to Virginia consisted of linens and woollens, nails, iron tools, soap, starch, gunpowder, shot, wine, liquors, sugar, spices, *etc.* *The Present State of England* (London, 1683), IV, p. 63.



ment had deep social roots, the question naturally arises in this connection, to what extent, if any, was this unrest the result of unsatisfactory economic conditions created or aggravated by the laws of trade and navigation.

In part, the troubles in Virginia proceeded from the lavish territorial grants made by the Crown to courtiers. In 1649, Charles bestowed upon several of his most zealous supporters that portion of Virginia between the Rappahannock and Potomac rivers, known as the Northern Neck, which comprised a not insignificant fraction of the then accessible area of the province.<sup>1</sup> After the Restoration, the surviving patentees sought to exercise their rights, and leased the territory for a number of years to Sir Humphrey Hooke and two others. In 1662, Charles II wrote to the Governor and Council of Virginia that it was not the intention to withdraw the colony from their care, and that they should aid the representatives of Hooke and his associates in settling the plantation and in receiving its rents and profits.<sup>2</sup> Berkeley and the Council, however, obstructed the execution of this grant as destructive to Virginia, and requested its revocation.<sup>3</sup> On account of their determined opposition, it could not be enforced. Five years later, however, this plan was revived, and in order to facilitate it, those interested in the patent of 1649 — the Earl of St. Albans, Lord Berkeley, Sir William Moreton, and John Tretheway — sur-

<sup>1</sup> C. C. 1669-1674, pp. 22-24, 53; Va. Hist. Register III, p. 183; Blathwayt, Journal II, f. 403.

<sup>2</sup> C. C. 1661-1668, no. 391.

<sup>3</sup> Brit. Mus., Egerton MSS. 2395, ff. 361<sup>b</sup>, 365; C. C. 1661-1668, no. 520.

rendered it,<sup>1</sup> and, in return, received in 1669 a fresh grant. This patent of 1669 covered the same area as did its predecessor, and authorized the proprietors to exercise within their domain political rights similar to those enjoyed by the mediæval manorial barons, subject, however, to the general power of the Virginia Assembly to impose taxes and to make laws for the colony as a whole.<sup>2</sup>

This patent created considerable unrest in Virginia. In 1671, Secretary Ludwell wrote to Lord Arlington that the clause confirming only such land grants within the Northern Neck as had been made by the Governor and Council prior to September 29, 1661,<sup>3</sup> 'breeds infinite discontents and may produce sad effects.' He added that he had 'never observed anything so much move the people's grief or passion, or which doth more put a stop to their industry, than their uncertainty whether they should make a country for the King or other Proprietors.' He also stated that the agents of the patentees were already beginning to slight the Virginia authorities 'further than their patent warrants,' and that he believed their design was 'to get themselves freed wholly from this Government,' which would ruin the colony and render it incapable of defending itself.<sup>4</sup>

Heedless of this protest, in 1673, Charles II further granted to the Earl of Arlington and Lord Culpeper<sup>5</sup> all of Virginia

<sup>1</sup> C. C. 1661-1668, nos. 1508, 1512.

<sup>2</sup> C. C. 1669-1674, pp. 22-24. For the royal instructions to obey this patent, see *ibid.* p. 53.

<sup>3</sup> Cf. C. C. 1661-1668, no. 1513.

<sup>4</sup> C. C. 1669-1674, pp. 234, 235; Va. Mag. XX, pp. 19-21.

<sup>5</sup> Hening II, pp. 427, 428, 519, 568-578; P. C. Cal. I, p. 810. This patent is erroneously calendared under the year 1672 in C. C. 1669-1674, p. 334.

for thirty-one years with even somewhat more extensive political powers than had been conveyed by the patent of 1669.<sup>1</sup> In addition, these grantees received the right to collect the quit-rents, whose payment had hitherto not been enforced, although they were a condition of all the Virginia land grants. Alarmed at this prospect, and fearing that the somewhat vague political powers of the patentees might ultimately be construed so as to reduce Virginia to the status of a proprietary colony, in 1674 the Assembly voted to petition the King and to send representatives to England to further their cause.<sup>2</sup> To the existing agent, Francis Moryson, were added Robert Smith and Secretary Ludwell, and a heavy poll-tax was levied to meet their expenses. After protracted negotiations, during which it was pointed out that the King's authority in Virginia must in no way be lessened, "for the New England disease is very catching,"<sup>3</sup> it was decided that the inhabitants of Virginia should "have their immediate dependance upon the Crowne of England under the Jurisdiction and Rule of such Governor as your Majesty . . . shall appoint."<sup>4</sup> In other words, Lords Arlington and Culpeper surrendered their political rights, retaining only the quit-rents and escheats.<sup>5</sup> Charles II, however, soon thereafter gave his royal word to take over this as yet only prospective revenue and to apply it to the public uses and support of Virginia;<sup>6</sup> and ultimately, in 1684, this was effected.<sup>7</sup> In

<sup>1</sup> Cf. C. O. 1/34, 101 and 102.      <sup>2</sup> Hening II, pp. 311, 518-520.

<sup>3</sup> C. O. 1/33, 108; C. C. 1675-1676, pp. 152-153.

<sup>4</sup> P. C. Cal. I, pp. 636-638. Cf. C. C. 1675-1676, p. 447.

<sup>5</sup> C. C. 1669-1674, p. 334.

<sup>6</sup> P. C. Cal. I, p. 810.

<sup>7</sup> See *ante*, Vol. I, pp. 195, 196.

so far as the patent for the Northern Neck was concerned, it was decided in 1675 to grant a charter incorporating Virginia for the sole purpose of enabling it "to purchase and reteyne" the rights of St. Albans and the other patentees of 1669.<sup>1</sup> The political unrest and the subsequent disturbances in Virginia,<sup>2</sup> however, halted this movement, and ultimately the plan of giving a charter to the colony was abandoned.<sup>3</sup>

To a considerable extent the unrest in Virginia was due to the uncertainty produced by these ill-advised grants of Charles II. In their protest against them, the agents of Virginia stated in 1675 that, though they paid more customs in England than any other colony, they had been "*overwell satisfied with their Condiçon*" until the issue of the patent of 1669, which was extremely prejudicial, and when this was followed by the more extensive grant of 1673, "to their unspeakable greife and Astonishment," they saw themselves reduced to a condition far worse than that which had

<sup>1</sup> P. C. Cal. I, pp. 636-638. Cf. *ibid.* pp. 629, 630; C. C. 1675-1676, pp. 248, 249, 302.

<sup>2</sup> The Order in Council ordering the issue of the charter was dated November 19, 1675, but the first news of the actual disturbances preceding the rebellion reached England in June of 1676. P. C. Cal. I, p. 636; C. C. 1675-1676, p. 386.

<sup>3</sup> C. C. 1675-1676, pp. 376, 398, 447; P. C. Cal. I, p. 661. In addition to making the colony a corporation so as to enable it to purchase the patent of 1669, the proposed charter would in addition have guaranteed to Virginia certain invaluable rights and privileges, such as: 1, immediate dependence upon the English Crown; 2, freedom from taxation except with the consent of the Governor, Council, and Burgesses; 3, confirmation of existing land titles and the abstention of the Crown from future grants prejudicial to the colony; 4, confirmation of the power and authority of the Grand Assembly of the colony. *Ibid.* pp. 636-638.

prevailed under the original colonizing Company.<sup>1</sup> Other factors were, however, even more disturbing. The system of government in Virginia after the Restoration had gradually become a close oligarchy. Political power was to a great extent in the hands of the Governor and of the large planters, who composed the Council and divided all public offices among themselves and their associates. The Assembly was an impotent body, subservient to the wishes of the Governor and Council, and no longer adequately represented the colony's wishes. The burgesses had been chosen by universal suffrage in 1661, during the flood-tide of the royalist reaction; and, although conditions had greatly altered since then, this Assembly had been kept alive by adjournments and prorogations. Its life all but paralleled in duration that of the "Cavalier Parliament" in England, and both bodies in time equally misrepresented the true sentiments of their respective communities.

At the head, and in full command of this political oligarchy, which virtually completely controlled the colony, was the Governor, Sir William Berkeley. Of excellent family and of considerable scholarly attainments — his drama, "The Lost Lady," found some favor with Pepys<sup>2</sup> — Berkeley had for a long time proved himself an efficient administrator and energetic public servant. He had been closely identified with Virginia ever since 1641, when first he was appointed Governor, was largely interested in local enterprises, and had in time become more Virginian than English. He was an even more outspoken champion of his

<sup>1</sup> C. O. 1/34, 101 and 102.

<sup>2</sup> Pepys, Jan. 19, 28, 1661.

colony's interests than was Lord Willoughby in Barbados. But Berkeley was conservative to the core, and was opposed to the spread of popular education and of democratic ideas. During his régime, in 1670, the suffrage was limited to freeholders. This measure was designed to perpetuate the control of the large landowners, whenever the necessity should arise for dissolving the Assembly of 1661 and calling a new one. Steps were also taken to maintain secure the power of this class in the parish, which was the most important institution of local government in Virginia. The authority of the parish was exercised by the vestrymen, who had been popularly chosen, but in 1662 a Virginia law provided that in future all vacancies in these boards should be filled by the remaining members.<sup>1</sup>

While this oligarchy was consolidating its power, the area of settlement was slowly encroaching on the wilderness. The settlers in these new counties embodied the frontier spirit, which played so prominent a part in the relations of England and America during the old Empire and which was one of the fundamental factors in shaping the history of the United States. The individualism of the frontiersman, his contempt for the forms and processes of orderly government since they were of little avail on the unsettled border where self-help constituted the best chance for survival, marked a cleavage tending to separate this region from the older water-water counties. Moreover, in the cradle of the "Old Dominion" itself there had grown up a new generation,

<sup>1</sup> G. E. Howard, *Local Constitutional History of United States I*, pp. 27-28.

which resented its exclusion from political power. Thus developed throughout the entire colony considerable opposition to the existing system of government. At the same time, with increasing age and long tenure of undisputed power, the Governor had become ever more autocratic and arrogant, and resented any infringement of his absolute authority.

Among the specific complaints against the ruling oligarchy were the unnecessarily frequent sessions of the Assembly, which were found burdensome as the burgesses were paid, and the heavy and unequal taxes. In especial, complaint was made against the poll-tax, which was raised to defray the expenses of the agents in securing the abrogation of the Arlington-Culpeper grant of 1673. The poor man paid as much as he that had twenty thousand acres, wrote Giles Bland.<sup>1</sup> Moreover, the members of the Council were exempt from taxation. In addition, there was a widespread suspicion that the colony's revenue was used for other than public purposes and that the officials were taking advantage of their positions to further their own private ends.<sup>2</sup> In the years 1673 to 1675 the discontent with these conditions had

<sup>1</sup> Bland also said that 'the charge of two burgesses is 500 lbs. of tobacco daily to each county, though many of the counties are so small that they have not 500 tithables in them.' C. C. 1675-1676, p. 386.

<sup>2</sup> In 1672, Nicholas Spencer wrote from Virginia to his brother that, by the favor of Governor Berkeley, he was collector of the colony's export duties in the Lower Potomac District, and that he would like this position confirmed by letters patent, as Berkeley was aged and might die soon, and as his successor would probably bestow such places on the highest bidders. He added significantly that, while the salary was not of much account, the office gave him many advantages. Brit. Mus., Sloane MSS. 3511, f. 134.

led to some disturbances, but these had been easily quelled;<sup>1</sup> and it is doubtful if any fundamental commotion would have occurred had not the Indian situation demonstrated the incompetence of the oligarchic political machine. In another connection, a distinguished publicist has well said: "An exclusive government may be pardoned if it is efficient, an inefficient government if it rests upon the people. But a government which is both inefficient and exclusive incurs a weight of odium under which it must ultimately sink."<sup>2</sup>

In 1675, some minor difficulties were encountered with the Indians on the northern frontier, during the course of which some Susquehannas were unjustly executed by the colonials. In retaliation for this action, this tribe and its allies attacked the plantations in the Northern Neck and elsewhere, causing considerable loss of life and property. Berkeley took no effective steps to cope with this serious situation, and answered the petitions of the distressed settlers by bidding them await the action of the Assembly, which was to reconvene only in March of 1676. The measures then adopted by the burgesses were, however, equally futile, and accordingly the planters in some of the affected counties organized for self-defence against the Indians. They found an able leader in Nathaniel Bacon, who, though but a recent arrival in the colony, had as a result of his prominent family connections already been made a member of the Council. At the head of a small force, Bacon was signally successful

<sup>1</sup> William & Mary Coll. Quart. III, pp. 123-125; C. C. 1675-1676, pp. 366, 368.

<sup>2</sup> James Bryce, *Impressions of South Africa* (New York, 1900), p. xix.



against the Indians. In the meanwhile, Governor Berkeley, irritated at such independence of conduct, had in vain tried to recall Bacon from this expedition, and, as no heed was paid to these commands, dubbed him a rebel, suspended him from his public offices, and made an ineffectual attempt to arrest him. Public opinion naturally favored the successful Indian fighter, and when in this emergency Berkeley, unwisely from his standpoint, dissolved the old Assembly and called a new one, it was filled with supporters of Bacon, who himself was returned from Henrico, one of the upper counties.

Bacon was, however, not to sit with the burgesses, for a somewhat perfunctory reconciliation between him and the Governor was effected, and he was restored to his seat in the Council. The new Assembly passed various reform measures, annulling the restrictions on the suffrage, restoring the open vestry, and repealing the exemption of councillors from taxation. In addition, provision was made for raising an effective military force for operations against the Indians, and Bacon was designated as its commander. Berkeley, however, delayed issuing the commission so long that Bacon's mistrust was aroused. Accordingly, Bacon withdrew from Jamestown, and, returning with a considerable body of armed supporters, demanded his commission from the Governor. Against this show of force, Berkeley was helpless, and, short of surrendering his office, he had no choice but to give Bacon full military authority. The reforming Assembly was then dissolved, and while Bacon was effectively restoring peace on the frontier, the Governor, smarting in his humiliation, again proclaimed him a rebel and traitor.

Berkeley's efforts to raise a military force in tide-water Virginia were, however, unsuccessful, for even in these older counties there was no desire to enlist against so energetic a defender of the colony as was Bacon.

By his actions Bacon had placed himself in open hostility and in plain rebellion to the established government of the province, and, as its authority was derived from the Crown, he was forced by the logic of events, whatever may have been his original intentions, into contemplating the possibility of disobeying the direct commands of the imperial government and of opposing any troops sent from England to secure their enforcement. Apparently his impetuous nature was not deterred by this prospect, nor even by the possibility of political separation from England, but before anything of this nature had crystallized, in the fall of 1676, while the entire colony was at his mercy and the Governor was a virtual fugitive, a sudden illness extinguished his meteoric career. With his removal, the entire movement speedily collapsed. Berkeley recovered his authority, and vindictively used it to rush to the gallows nearly two score of the Baconians, besides punishing others with undue severity. Charles II had not exacted so severe a punishment for his father's execution at Whitehall and the privations endured during his own decade of exile. Moreover, the new Assembly that was elected during this reaction undid in part the reform work of its predecessor.<sup>1</sup>

<sup>1</sup> The best narratives of these crowded events are to be found in Osgood, *The American Colonies III*, pp. 258-279, and in Fiske, *Old Virginia and Her Neighbours II*, pp. 58-95.

Throughout the summer of 1676 news of the discontent and disturbances in Virginia was being received in England.<sup>1</sup> As the movement progressed the necessity for action became ever more apparent. Various steps were proposed, and finally it was decided to recall Berkeley, as his age and infirmities unfitted him for so weighty a charge, but, out of consideration for 'his long, faithful, and successful services,' he was not deprived of the title and dignity of Governor.<sup>2</sup> At the same time, three commissioners — Herbert Jeffreys, Sir John Berry, and Francis Moryson — with one thousand soldiers, were sent to the colony to restore peace and to inquire into the causes of the disturbances.<sup>3</sup> Jeffreys was also appointed Lieutenant-Governor of the colony, with instructions to take charge of its administration after Berkeley's departure for England.<sup>4</sup> These three men were of such character as to inspire confidence in their findings. Moryson had for a considerable time been Virginia's faithful agent in England. Berry was a distinguished naval officer,<sup>5</sup> who had just shown his open-minded impartiality by vigorously defending the Newfoundland settlers against the false charges of the English fishermen.<sup>6</sup> Moryson was highly

<sup>1</sup> Giles Bland's account of the unrest, dated April 28, was received in June. C. C. 1675-1676, p. 386. See also pp. 401, 412, 413, 426.

<sup>2</sup> *Ibid.* p. 449.

<sup>3</sup> *Ibid.* pp. 455, 457-461.

<sup>4</sup> *Ibid.* pp. 485, 486; Va. Mag. XIV, pp. 356-359.

<sup>5</sup> He was "a 'tarpaulin' officer who had worked his way up from the forecandle by sheer merit and hard fighting." Corbett, *England in the Mediterranean II*, p. 134.

<sup>6</sup> C. C. 1675-1676, pp. 259-261, 275, 276, 316, 317, 329, 330, 439, 507; C. C. 1699, pp. 601, 602. See also post, Chapter IX.

pleased with his colleagues; a fitter person than Jeffreys, he said, could not have been found, and Berry, according to him, was 'of unbiassed principles, prudent conduct, and unwearied industry for the service.'<sup>1</sup>

When, early in 1677, these Commissioners arrived in Virginia, the rebellion was over, and Berkeley was in the midst of his insensate measures of retaliation. There was virtually nothing for the soldiers to do, and but little for the Commissioners beyond stopping Berkeley's excesses and inducing him to leave for Europe.<sup>2</sup> After some delay this was effected, but as Berkeley died in the early summer of 1677, shortly after his arrival in England, no investigation of his conduct was made there.<sup>3</sup> Two years before, the reversion of this place had been granted to Lord Culpeper,<sup>4</sup> and accordingly on Berkeley's death he took the oaths of office as Governor of Virginia.<sup>5</sup> As Culpeper was, however, exceedingly averse from leaving the congenial atmosphere of London, the administration remained in the hands of Lieutenant-Governor Jeffreys. His associates, Berry and Moryson, had returned to England during the summer of 1677, and at the same time the bulk of the troops sent to Virginia were also withdrawn.<sup>6</sup>

Before their departure, Berry and Moryson, together with

<sup>1</sup> C. C. 1677-1680, p. 42.

<sup>2</sup> Cf. Va. Mag. XIV, p. 272.

<sup>3</sup> C. C. 1677-1680, pp. 106, 138.

<sup>4</sup> C. C. 1675-1676, p. 247; C. C. 1677-1680, p. 107; Va. Mag. XIV, pp. 197, 198.

<sup>5</sup> C. C. 1677-1680, pp. 107, 131, 142, 143.

<sup>6</sup> *Ibid.* pp. 85, 163.

Jeffreys, established Indian relations on a firm and rational basis.<sup>1</sup> In addition, in pursuance of their instructions,<sup>2</sup> the Commissioners made elaborate and careful inquiries into the causes of the disturbances of the preceding year.<sup>3</sup> The various counties were instructed to state their complaints, if any, and thus there are available in all reports from seventeen counties and two parishes, which included nearly the entire colony.<sup>4</sup> In these statements of grievances there is a substantial unanimity as to the causes of the troubles. Great stress was laid on the inadequacy of the measures adopted by Berkeley to cope with the Indian peril. Similarly, there was almost a universal complaint that the taxes were excessive and unequal, and that the revenue was diverted from the purposes for which it had been intended. In the opinion of James City County, which was concurred in by nearly all the others, the late Indian trouble, together with the payment for two years of the heavy poll-tax, were "the greate Causes of these rebellions & Civill Comotions in this poor Country."<sup>5</sup> Gloucester County also stated that "this Tax occasioned the first Discontents among the People."<sup>6</sup>

<sup>1</sup> Va. Mag. XIV, pp. 289-296. Cf. Osgood, *op. cit.* III, pp. 288, 289.

<sup>2</sup> Va. Mag. XIV, p. 273.

<sup>3</sup> *Ibid.* p. 278.

<sup>4</sup> These reports are in C. O. 1/39, nos. 58-100. Some have been printed in the Virginia Magazine of History and Biography, and a very summary abstract is given in C. C. 1677-1680, pp. 44-50.

<sup>5</sup> C. O. 1/39, 58.

<sup>6</sup> *Ibid.* 94. On April 1, 1676, Governor Berkeley wrote to Thomas Ludwell: "Here are divers that would faine perswade the People that al their High Taxes wil bring them no benefit so that if the most advantageous termes had been proposed to us it had beene impossible to have perswaded the people to have parted with more Tobb. til a more certaine demonstration had been given them of what is already donne I appeasd two mutinies

Despite this general agreement, it has at various times been contended that the uprising was, in part at least, one against the laws of trade and navigation.<sup>1</sup> If there had existed in Virginia any widespread and well-defined feeling of antagonism to these laws, it would unquestionably have found expression in these statements of grievances. Most of these reports were drawn up in a number of articles, and in all there were nearly two hundred of such separate subdivisions, yet only three of this large number of complaints refer in any way to these statutes. Moreover, no one of these three articles attacks England's policy in its entirety, but only some one specific and minor phase of it. No reference at all was made to the enumeration of tobacco, which was the most vital point.

The second of York County's twelve grievances<sup>2</sup> was a request for permission "to transport wheate, any Comodity of this Countrey's produce (except Tobacco) to the Azores and Canary Islands, to returne w<sup>th</sup> any Comodities of the produce of those Islands, as alsoe the Liberty that is granted to New England, Newfoundland to fetch Salt from any port in Europe by the Shipping that Solely belongs to the Inhabit<sup>s</sup>

this last yeare rayed by some secret villaines that wisperd amongst the People that there was nothing entended by the fifty pound leavy but the enriching of some few people. But this yeare it has beene cherfully payde by every one though the necessity of a new tax is layde upon us for the Indians are Generally combined against us." Va. Mag. XX, pp. 246, 247.

<sup>1</sup> This contention was first made by Robert Beverley, Virginia's eighteenth-century historian. His statement has been accepted by Philip A. Bruce (Econ. Hist. I, p. 359) and has been given considerable extension by John Fiske (Old Virginia and Her Neighbours II, pp. 96, 97).

<sup>2</sup> C. O. 1/39, 92.

of this his Ma<sup>ty</sup> Country." Under the law as it stood, Virginia could export all her produce, except tobacco, to any market, and could import wines directly from the Madeiras and Azores. There was some doubt whether such importations could lawfully be made directly from the Canaries. Thus the request narrowed itself down to one for permission to import salt directly from Europe in Virginia ships, and for a somewhat greater extension of the trade already allowed from the Portuguese wine islands, as well as the inclusion of the Canaries within this privileged group. The proposal was far from revolutionary, and it is not surprising that the Commissioners replied that in their opinion it was worthy of the consideration of the Lords of Trade.

Then, Lower Norfolk County requested permission to export tobacco to the other English colonies without paying the one-penny duty imposed by the Act of 1673, which they claimed had discouraged all adventurers.<sup>1</sup> Similarly among the fourteen complaints<sup>2</sup> registered by a part of Citternborn parish in Rappahannock County,<sup>3</sup> it was also claimed that this duty was injurious and had almost ruined them, because it kept the New England traders away and thus deprived Virginia of its supply of corn and other necessities, which "wee are at a Cheaper rate suppli'd w<sup>th</sup>" thence. In reply, the Commissioners stated that "the penny impost being lay'd by Act of Parliam<sup>t</sup> & y<sup>e</sup> onely way to keepe y<sup>e</sup> New Eng<sup>d</sup> men from defrauding His Ma<sup>ty</sup> of his Customes, being a most necessary Imposicion, is not to be complain'd but to

<sup>1</sup> C. O. 1/39, 95.

<sup>2</sup> *Ibid.* 62.

<sup>3</sup> This is now Essex County.

be executed." They further added, and unquestionably correctly so, that the allegation about the trade with New England was "utterly false." The severe Indian conflict in the northern colonies, known as King Philip's War, had seriously interfered with the crops there, and as a result these colonies had no surplus for export. On account of the prevailing scarcity, Massachusetts in 1675 suspended its law prohibiting the importation of wheat, biscuit, and flour, and forbade the exportation of all provisions, except fish and such as were needed to supply the trading ships.<sup>1</sup> Not only did Barbados suffer from the ensuing lack of supplies,<sup>2</sup> but it was also felt in Virginia and Maryland, where poor crops further aggravated the difficulties of the situation.<sup>3</sup> Instead of bringing food-stuffs to Virginia, the New England traders tried to secure grain there and so alarmed the Virginia authorities that they were "forced to promulgate a severe law that no more provisions shall be exported."<sup>4</sup> However effective the one-penny duty of

<sup>1</sup> Mass. Col. Rec. V, p. 65.

<sup>2</sup> In 1675, Governor Atkins wrote that the scarcity of provisions in Barbados was due to the embargo laid in New England in consequence of the Indian war. C. C. 1675-1676, pp. 288, 289, 294, 295, 301, 302.

<sup>3</sup> In 1675 and 1676, mainly on account of unfavorable weather, there was a great scarcity of corn in Virginia and Maryland and, in addition, the tobacco crop was poor and scanty. In partial compensation, the price of tobacco was high. In 1675, a vessel from Maryland reported in England that tobacco was scarce and worth threepence a pound. A year later, tobacco sold in Virginia at fifteen shillings the hundredweight. Cal. Dom. 1675-1676, pp. 5, 81, 85, 134, 141, 154, 342; *ibid.* 1676-1677, pp. 74, 216.

<sup>4</sup> Va. Mag. XX, p. 247; C. C. 1675-1676, p. 366. See also C. C. 1675-1676, pp. 314, 315, 350; Cal. Dom. 1675-1676, p. 342; *ibid.* 1676-1677, p. 216.



1673 may have been in preventing the evasion of the enumeration clauses by the New England traders, it certainly was only a most insignificant, if not a wholly negligible, factor in producing the scarcity of provisions that prevailed at this time in Virginia.<sup>1</sup>

Of these three complaints, two came from tide-water counties, York and Lower Norfolk. One originated in a parish in one of the upper counties, Rappahannock, but the report from this county as a whole did not mention this grievance. As to a certain extent Bacon's rebellion was a civil conflict between these two divisions of Virginia, the assumption that the Navigation Acts were a potent factor in causing the outbreak would lead to the incongruous conclusion that the tide-water counties, which more than the others objected to this phase of England's colonial policy, opposed a movement springing from this very same feeling. As has already been explained, there was inevitably some opposition in Virginia to the restrictive phases of the colonial system. This attitude was not confined to one section, but

<sup>1</sup> On April 1, 1676, Berkeley wrote to Ludwell: "I thinke al considering men conclude that one yeares want of provision does impoverish kingdomes and states (of all natures) more than seaven yeares Luxury but this is not halfe the New-England mens misery for they have lost al their Beaver trade Halfe at least of their fishing and have nothing to cary to the Barbadoes with whose comodities they were wont to cary away our Tobb: and other provisions Add to this the new tax of one penny per pound on Tobb w'ch my Officers rigorously exaet of them to conclude this if this warr lasts one Yeare longer they in new England will be the poorest miserablest People of al the Plantations of the English in America Indeed I should Pitty them had they deservd it of the King or his Blessed father." Va. Mag. XX, pp. 247, 248.

it was naturally more pronounced in the older counties and among the richer planters, who in general sided with Berkeley against Bacon. Moreover, the Governor himself was the most vehement opponent of these laws. Thus there is no valid reason for assuming that the commercial system played any part whatsoever, or was to any degree an issue, in the upheaval of 1676. The assumption that it was a fundamental factor is entirely gratuitous and rests on no solid basis, either documentary or inferential. Like many other untenable hypotheses, it proceeds from the dangerous and well-nigh incurable tendency to infer subjectively that, because men of the present day would have found a system insufferably restrictive, their predecessors, living several hundred years before under radically different social and intellectual conditions, must necessarily also have done so.

During the disturbed conditions leading up to Bacon's rebellion and until the final pacification of the colony, naturally no further attempts were made to diversify its products or to curtail the tobacco crop.<sup>1</sup> The price of tobacco was apparently satisfactory to the planter, for complaints about it were conspicuously absent. Among the grievances enumerated by James City County in 1677 was that tobacco

<sup>1</sup> A Virginia law of 1673 stated that "forasmuch as it much conduceth to the well being of any country that the necessities thereof be supplied from their owne industry within themselves," because then there will be less dependence on foreign supplies, and whereas "the low and contemptable price" allowed for tobacco is "occasioned cheifely by the greate quantityes yearely made," therefore it is advisable to make seed and *dax*. The distribution of seed was accordingly ordered and its cultivation was made obligatory. Henning II, p 306.

delivered in payment of the unpopular poll-tax was rated at only eight shillings the hundredweight, although commonly sold at twice this figure.<sup>1</sup> At this price, nearly twopence a pound, the production of tobacco was very remunerative. But during this decade, the population had increased very rapidly, and with it the quantity of tobacco planted. In 1671, Berkeley estimated the number of inhabitants at 40,000,<sup>2</sup> while ten years later Culpeper placed it at 70,000 to 80,000, of whom 15,000 were indentured servants and 3000 negro slaves.<sup>3</sup> In addition, the high prices prevailing from 1675 to 1677 had stimulated production. The market for tobacco was expanding much more slowly, and as a result, in 1680, occurred one of those periodical crises in the industry when the price sank so low that the planter was completely disheartened.

On July 9, 1680,<sup>4</sup> the Virginia Secretary, Nicholas Spencer, wrote to Secretary Coventry, forwarding an address of the Assembly imploring the King to order a cessation of the planting of tobacco in Virginia, Maryland, and Carolina during the year 1681. He admitted that this request seemed to imply such a diminution of the English customs revenue as to carry its own denial, but he pointed out that tobacco had been so reduced in value by over-production, that the people would be unable to support themselves any longer unless the supply were lessened and the price raised.

<sup>1</sup> C. O. 1/39, 58.

<sup>2</sup> C. O. 1/26, 77 i; Hening II, pp. 511-517.

<sup>3</sup> C. C. 1681-1685, p. 157. According to another estimate, the population was at this time between 80,000 and 100,000. *Ibid.* p. 134.

<sup>4</sup> No. Ca. Col. Rec. I, p. 312; C. C. 1677-1680, p. 569.

Such a cessation, he further claimed, would encourage the people to raise other products.<sup>1</sup> The Assembly's address<sup>2</sup> was of essentially the same tenor, and further requested the King to approve of the Act that they had just passed with the same ultimate object in view. This law 'for cohabitation and the encouragement of trade and manufacture'<sup>3</sup> provided that in each county should be established towns and storehouses, at which a'one vessels were to be permitted to load and unload. Secretary Spencer wrote that they were beginning to see that their miseries were in great part due to their scattered method of living,<sup>4</sup> and it was hoped that the erection of towns would mean a diversification of the colony's economic life. In order to further this scheme, the Assembly requested the King to remit for seven years to the inhabitants of such towns payment of the one-penny duty of 1673 on tobacco shipped to the other colonies and also of one half-penny in the customs on shipments to England. And for "the better advance of trade and Cohabitation," the Assembly further begged that they might be permitted to enhance the value of all English and foreign coins by twenty-five per cent and to prohibit their exportation from the colony.<sup>5</sup>

<sup>1</sup> In addition, he wrote that tobacco was so low that the planter was not able to clothe himself even meanly, and besides 'we have the greatest crop ever known now,' which with the stock in the country will be more than the ships can carry away in the next two years.

<sup>2</sup> Va. Mag. XIV, pp. 369-371.

<sup>3</sup> Hening II, pp. 477, 478.

<sup>4</sup> No. Ca. Col. Rec. I, p. 312; C. C. 1677-1680, p. 569.

<sup>5</sup> Va. Mag. XIV, p. 370.

The proposal for a cessation<sup>1</sup> was sent to the Treasury,<sup>2</sup> and by them was referred to their subordinate board, the Commissioners of the Customs, who reported, early in 1681,<sup>3</sup> that they doubted whether the plan would prove agreeable to the poorer planters, although 'it might be of advantage to the wealthier men in Virginia, and still more to the merchants who are engrossers here and have large stocks on their hands.' Following up Secretary Spencer's hint, they, however, pointed out that the average customs receipts in England on tobacco during the preceding years had been £100,000; and that, if planting were stopped for a year, the greater part of this revenue would be lost, and further there would be no employment for the shipping engaged in the tobacco trade. In regard to what Spencer had written about the size of the crop, they remarked that there had been 'the like reports of great crops in former years, and that our shipping has rather wanted freight than the crops a sale.' Finally, they stated that most parts of Christendom were at present supplied with Virginia tobacco, and that, if a cessation were ordered, 'the Spaniards, Dutch, and French may grow a greater quantity in their plantations and take the trade from us, to say nothing of the stimulus that would be given to the production of tobacco in England.' Thus, as in 1664 and 1667, the Customs officials reported against

<sup>1</sup> Lord Culpeper, who had finally assumed the duties of his office in Virginia, proposed that Lord Baltimore be ordered to concur with Virginia in such reduction of tobacco planting as might seem advisable to the Council and Assembly there. C. O. 1/45, 74; C. C. 1677-1680, pp. 587, 588.

<sup>2</sup> C. C. 1677-1680, p. 637.

<sup>3</sup> C. C. 1681-1685, p. 2.

this scheme for restricting the output, and accordingly the English government rejected it.

Virginia, however, continued to urge the necessity of such a measure. On May 13, 1681,<sup>1</sup> Nicholas Spencer wrote to Sir Leoline Jenkins that Virginia was very quiet and that of late the Indians had troubled them very little, but 'our most formidable enemy, poverty, is falling violently on us through the low value, or rather no value, of tobacco.' Their only hope, he said, lay in a year's cessation, as their general poverty prevented the erection of iron and potash works for which Virginia had the raw materials in abundance. They could also furnish, he added, enough corn, pipe-staves, and timber to supply other markets, were it not that the freight devoured their entire produce, while flax, which was their most hopeful product, had hitherto been of little advantage, owing to their lack of skill. At the same time, the Council and Burgesses petitioned the King in similar terms for a cessation, and also renewed their requests of the preceding year in connection with the "Cohabitation Act."<sup>2</sup> Lord Culpeper, who was again in England, strongly supported the colony. He told the government that the low price of tobacco spelt disaster and that the situation was desperate, as it was commonly reported that there was enough tobacco in London to last all England for five years. 'Too much plenty would make gold itself a drug,' he said, and 'our thriving is our undoing, and our purchase of negroes, by increasing the supply

<sup>1</sup> C. C. 1681-1685, pp. 47, 48.

<sup>2</sup> *Ibid.* p. 94.

of tobacco, has greatly contributed thereunto.' Culpeper urged the advisability of building towns in the colony, and recommended the concession of the favors asked by Virginia for this purpose.<sup>1</sup> The Virginia "Cohabitation Act" of 1680 was, however, poorly drafted,<sup>2</sup> and, as the Commissioners of the Customs reported that it was unworkable,<sup>3</sup> the government ordered Lord Culpeper to get the Virginia Assembly to frame a law that would be more practicable and less prejudicial to the customs revenue.<sup>4</sup> Permission was, however, granted to issue a proclamation making foreign coins legal tender, except for certain taxes, at rates above their intrinsic value.<sup>5</sup> Culpeper, likewise suggested that a fresh market for tobacco might be found in Russia, but, as the Muscovy Company reported that its use there was forbidden by both ecclesiastical and secular law, this was for the present fruitless. Despite the shortness of his stay in Virginia, Culpeper had an intelligent insight into conditions there and proposed many reforms, especially the substitution of import duties on liquors for the burdensome and inequitable poll-tax. This suggestion, and also his recommendation that £300 worth of flax and hemp seed should be sent to Virginia, met with the approval of the Lords of Trade.<sup>6</sup>

<sup>1</sup> C. C. 1681-1685, pp. 127, 128, 130, 131, 153, 154, 156, 160.

<sup>2</sup> C. C. 1677-1680, pp. 588, 589; Hening II, pp. 541, 542.

<sup>3</sup> C. C. 1681-1685, p. 152. Cf. *ibid.* pp. 423-426; Hening II, pp. 561-563.

<sup>4</sup> C. C. 1681-1685, pp. 157, 158, 169, 171; Hening II, p. 508.

<sup>5</sup> C. C. 1681-1685, p. 160.

<sup>6</sup> *Ibid.* pp. 142, 156, 160, 169.

No immediate relief, however, could be expected from these measures, and it is doubtful if any effective remedy could have been devised by the government. In their impatience and despair, the planters in some sections of Virginia decided in the spring of 1682 upon steps of so radical a nature as to furnish absolute proof of the genuineness of the distress. The low price of tobacco was at this time termed a calamity, "the sad resentment of which would force blood from any loyal Christian subject's heart."<sup>1</sup> In Gloucester County and in New Kent, some of the people entered into an agreement to destroy their growing crops and those of their neighbors.<sup>2</sup> Despite the vigorous opposition of the colonial authorities, this movement gained considerable headway, and, before it was under control, a large part of the growing crops in these two counties and also some small quantities in the neighboring districts were destroyed.<sup>3</sup> According to Lord Baltimore, the amount of tobacco thus ruined was equivalent to six or seven thousand hogsheads, while some placed it as high as ten thousand.<sup>4</sup>

<sup>1</sup> *Ibid.* p. 221.

<sup>2</sup> *Ibid.* pp. 228, 229. See also *ibid.* pp. 231-233. In 1680, there were already sporadic instances of such plant-cutting. C. O. 1/45, 74; C. C. 1677-1680, pp. 587, 588.

<sup>3</sup> C. C. 1681-1685, pp. 237, 238, 240, 241, 244, 245.

<sup>4</sup> *Ibid.* p. 241. This estimate was given by Baltimore in his letter of May 31, 1682, at which time the movement had been virtually suppressed. Some considerable quantity of tobacco continued, however, to be destroyed at night, and in August Secretary Spencer wrote that there was a revival of this 'extravagant and sick-brained tobacco-plant-cutting,' adding also that 'it is plain that Bacon's rebellion has left an itching behind it.' *Ibid.* pp. 275, 276. Cf. *ibid.* p. 424.



When the news of these proceedings reached England in June of 1682, Lord Culpeper was ordered to repair with all possible speed to Virginia in order to put a stop to the riots and to punish those most guilty.<sup>1</sup> Culpeper, however, on various grounds delayed his departure, and it was only shortly before the end of the year that he arrived in Virginia.<sup>2</sup> He found an entirely changed condition. The riots had been quelled and some of the ringleaders were in prison.<sup>3</sup> Moreover, through one of the sudden shifts characteristic of that unstable commodity, the price of tobacco had risen so much that there was no longer any complaint on this score. This rise was in the face of a growing crop of unprecedented size.<sup>4</sup> On March 25, 1683,<sup>5</sup> Nicholas Spencer wrote to the Secretary of State, Sir Leoline Jenkins, that the higher prices had 'quieted the minds of our unthrifty inhabitants, who cannot be persuaded to undertake some new industry, but prefer to live miserably by tobacco. The pleasing thought of a cessation of planting they have for the present laid aside, but when the market is again cloyed with tobacco (as it probably will be in two years' time, for never was greater promise of a crop than this spring), then they will cry out again for a cessation, which, if granted, would only serve to enrich some few and make the generality far more miserable. By my observation I cannot persuade myself

<sup>1</sup> C. C. 1681-1685, pp. 249-251, 260, 266, 267, 291, 293.

<sup>2</sup> *Ibid.* pp. 308, 309, 385, 401.

<sup>3</sup> On May 29, 1683, Secretary Spencer wrote that two of the plant-cutters had been executed. *Ibid.* p. 434.

<sup>4</sup> *Ibid.* pp. 385, 406, 407, 434, 506, 507.

<sup>5</sup> *Ibid.* pp. 410, 411.

that either a cessation or a stint in the number of plants will effect what is intended. The work must do itself; the crop must grow to such vast quantities that no one will come to fetch it, and then the law of necessity will force them to new industries.' Lord Culpeper was of the same opinion, and, on his return to England in the early fall of 1683, he told the government that he had rather encouraged the planting of tobacco, as it would 'sooner cause another glut, and force the people to new industry.'<sup>1</sup> This was unquestionably a wise and sensible view of the situation. A restriction of the output or a cessation enjoined by the government would have been ineffective, for, if the price of tobacco were sufficiently tempting, the planters would grow as much as might seem advisable to them and the meagre forces in the colony would have been completely unable to enforce the law. It was only by such natural means as Spencer and Culpeper had outlined — through the stress of dire necessity — that Virginia could be diverted to other pursuits.

During this period of distress, Virginia had adopted some measures designed to introduce other industries. A law of 1682 prohibited the exportation of iron, wool, woolfells, hides and skins (both tanned and raw), on the ground that they were necessary to Virginia and would give work to many unemployed.<sup>2</sup> Another Act of the same year obliged every tithable to plant a certain quantity of flax and hemp, and

<sup>1</sup> *Ibid.* pp. 496-499; Va. Mag. III, pp. 225-238.

<sup>2</sup> Hening II, pp. 493-497. In 1680, the exportation of raw hides and skins had been forbidden. *Ibid.* pp. 482, 483.

offered bounties for these commodities as well as for linens, woollens, hats, and worsted hose.<sup>1</sup> Similar measures had been enacted by Virginia in former years. They had all been equally futile, and had hitherto attracted no attention in England. These Acts were now referred to the Commissioners of the Customs, whose advice was being more and more sought on all questions of this nature. They reported that, in view of the fact that the Staple Act of 1663 was designed to make England the colonies' source of supply for manufactured goods, it was inappropriate 'that the people of a Colony should be compelled to manufacture goods under penalties'; and, further, that the Act would not only injure the customs and trade of England, but, as the bounties were to be paid out of the commodities shipped to England, the price thereof would be raised to the English consumer.<sup>2</sup> The Lords of Trade confirmed this report, and the new Governor, Lord Howard of Effingham, was notified that the King disapproved and repealed the Act for the encouragement of manufactures.<sup>3</sup> Accordingly in 1684 Virginia repealed this law, stating that the bounties had been "found to be rather a charge and inconvenience, then any benefit to the publique."<sup>4</sup> Similarly, among the five laws which, in accordance with his instructions, Governor Lord Howard of Effingham

<sup>1</sup> Hening II, pp. 503-506. See also C. C. 1681-1685, pp. 322, 323, 564, 567. The two last entries in the calendar should be under 1682, not 1683.

<sup>2</sup> C. C. 1681-1685, p. 529.

<sup>3</sup> *Ibid.* pp. 537, 558.

<sup>4</sup> Hening III, p. 16; C. C. 1681-1685, pp. 623, 641.

repealed by proclamation in June of 1684 was the law prohibiting the exportation of iron, wool, and other commodities.<sup>1</sup> As such laws had hitherto proven themselves completely useless, this action was of but slight practical importance, but it marked a distinct step in English policy. The attempts to divert the colonies from tobacco were hereafter abandoned. The most potent factor in inducing this change in the English government's attitude was the large revenue derived from the customs on this commodity, which at this time was greatly increased by the additional duty imposed in 1685.<sup>2</sup>

After punishing the leaders of the riotous plant-cutters in Virginia, Culpeper had in 1683 returned to England without requesting permission from the English government. In punishment he was deprived of his post, and Lord Howard of Effingham was appointed in his stead.<sup>3</sup> During Lord Howard's administration constitutional questions, involving mainly the respective rights and privileges of the Assembly and Governor, became prominent,<sup>4</sup> and the economic problem was shifted to the background. In 1684, immoderate rains greatly curtailed the size of the crop,<sup>5</sup> but in 1685 there was a plentiful harvest.<sup>6</sup> In 1686, there was again a very large crop, and in order to curtail the next one,

<sup>1</sup> Va. Mag. XVIII, p. 371; C. C. 1681-1685, p. 655.

<sup>2</sup> Cf. C. C. 1685-1688, p. 76.

<sup>3</sup> C. C. 1681-1685, pp. 473, 478, 479, 505.

<sup>4</sup> *Ibid.* pp. 623, 639, 640, 655, 747; C. C. 1685-1688, pp. 118, 149-151, 168, 185, 224.

<sup>5</sup> C. C. 1681-1685, pp. 665, 669; Ormonde MSS. New Series (H.M.C. 1912) VII, p. 250.

<sup>6</sup> C. C. 1685-1688, p. 168.

so as to prevent a glut of the market, the Assembly passed a law forbidding the planting of tobacco after June 30 in any year.<sup>1</sup> After considerable hesitation, Lord Howard assented to it, arguing that the English customs would not be lessened as the surplus of the 1686 crop would compensate for any deficiency in that of 1687, and besides the Crown could disallow the law.<sup>2</sup> When the Act came up for consideration in England, the Commissioners of the Customs again registered their disapproval of such proposals on the same grounds as before, and also 'more especially considering the greatness of the new impost on tobacco, we do not recommend that it be confirmed, lest some unforeseen inconvenience to trade should follow, with prejudice to the King's revenue.'<sup>3</sup> The Assembly, however, insisted that the law was a good one, and refused to repeal it.<sup>4</sup> Its fear of a marked decline in the price of tobacco was, however, not realized; and, during the reign of James II, Virginia was apparently in an exceptionally prosperous state. Apart from some small quantities of skins and lumber,<sup>5</sup> virtually

<sup>1</sup> Hening III, pp. 33-35. In 1683, the Virginia Council wrote to the Lords of Trade that 'the inhabitants of the country are mostly extremely poor,' and that it was necessary that the output of tobacco be reduced. With this object in view, they proposed to forbid the planting of tobacco after June 24, and petitioned the King to enjoin a like regulation upon Maryland and Carolina. C. C. 1681-1685, pp. 423-426; Hening II, pp. 561-563.

<sup>2</sup> C. C. 1685-1688, pp. 313, 324.

<sup>3</sup> *Ibid.* p. 391.

<sup>4</sup> *Ibid.* pp. 539, 547-549.

<sup>5</sup> In 1682, William Fitzhugh shipped to England fairly large quantities of pipe-staves and also some walnut wood. Fitzhugh Letters. in Va. Mag. I,

the sole export was tobacco, and this for the time being commanded a fair price.<sup>1</sup>

During Lord Howard's administration the question of illegal trade in Virginia became very prominent. When used in an undifferentiated sense, illegal trade is a term of considerable extension, covering, besides violations of the laws of trade and navigation, evasions of the colonial revenue laws,<sup>2</sup> intercourse with pirates, and infringements of the monopolies of the great trading companies, especially that of the Royal African Company. For the purpose immediately in hand, attention may advantageously be confined to the violations of the laws of trade and navigation. The main provisions likely to be violated in Virginia were those enumerating tobacco and prohibiting the importation of European goods from places other than England. As Virginia had virtually no mercantile marine, its inhabitants could not be the direct perpetrators of any such violations, although there was some opportunity for guilt in conniving at them. The great bulk of Virginia tobacco was exported in ships from England, which had given bond there to bring back the enumerated commodities. It was the duty of the English

pp. 107, 122 *et passim*. In 1683-1684, William Byrd shipped to Perry, Lane, and other English merchants tobacco, furs, and deer-skins. Byrd Letters in Va. Hist. Register I, pp. 62 *et seq.*, 114 *et seq.*; II, pp. 78 *et seq.*, 203 *et seq.* See also *The Present State of England* (London, 1683) IV, p. 63.

<sup>1</sup> Cf. Va. Mag. II. p. 137.

<sup>2</sup> In 1681, Lord Culpeper stated that there were great abuses in the payment of the Virginia two shillings a hogshead export duties, but that these could not be discovered until the ships had unloaded in England. C. C. 1631-1685, p. 142.

customs authorities to ascertain if the condition of these bonds was complied with, it being solely incumbent upon the officials in the colony to see that each ship had given such bond in England. After this had been attended to, the colony had no further concern in the matter, and could not be held to account if these ships violated the law. The penalties for so doing were, however, so heavy that, in the absence of direct evidence to the contrary, it must be assumed that such evasions were very exceptional and sporadic. In addition to the English vessels, a number of colonial ships, far fewer in numbers and much smaller in burden, traded to Virginia. These traders, especially those from New England, were responsible for most of the illegal practices in Virginia, and in large part these violations of the law must be attributed to the laxity of the authorities in Massachusetts and elsewhere. The New England ships imported into Virginia some European goods that had not originally come from England. They also exported from Virginia some tobacco which, after being landed in New England in accordance with the condition of the bonds given on shipment, was subsequently, in violation of the law, sent to foreign markets. In some instances also, these colonial traders evaded the payment of the one-penny duty of 1673.

It is naturally a most difficult matter to determine precisely the extent of this illegal trade. In 1662 and 1663, various complaints were made of a secret trade between the tobacco colonies and New Netherland,<sup>1</sup> but the con-

<sup>1</sup> C. C. 1661-1668, nos. 345, 357, 597; N. Y. Col. Doc. III, pp. 44-47; C. O. 1/14, 59, ff. 53, 54.

quest of the Dutch colony in 1664 removed this difficulty. Thereafter, naturally, no complaint was made of such practices, but in other respects also the laws seem to have been fairly effectively enforced. In reply to the English government's injunctions for their strict observance, Secretary Ludwell wrote in 1670 that Governor Berkeley "is certainly most carefull of his Ma'ties interest and the farmers (of the customs), & (we) doe assure yo'r Hon'r that there hath never any ship or vessell traded here contrary to the s'd acts, nor any suspected soe to have donn w'ch hath not by his com'and been brought to tryall. . . . The Gove'r takes such care to imploy officers in all parts of the best quality and greatest honesty that (it) is very difficult for any to escape and, having publish it, that all may know the reward assigned by the acts of Parl. upon convicted shippes, every man makes himselfe a waighter<sup>1</sup> and reddy to informe upon any breach of law."<sup>2</sup>

A few years later, however, during the course of his acrimonious dispute with Governor Berkeley, the Collector of the Customs, Giles Bland, sent to the Governor an account "of the dayly frauds comitted or intended to be comitted ag<sup>t</sup> his ma<sup>ty</sup> Interest & the expresse Acts of Parliam<sup>t</sup> relating to the Plantation trade, w<sup>ch</sup> w<sup>th</sup> out yo<sup>r</sup> Hono<sup>r</sup>'s assistance cannot be putt in effectual execution."<sup>3</sup> Bland

<sup>1</sup> *I.e.* a customs inspector.

<sup>2</sup> *Va. Mag.* XIX, pp. 354, 355. In 1671, Berkeley himself wrote: "Wee are most obedient to all Lawes whilst the New England men breake through them, and trade to any place that their interest leade them too." *C. O.* 1/26, 771; *Hening II*, pp. 511-517.

<sup>3</sup> *Brit. Mus.*, Egerton MSS. 2395, ff. 511 *et seq.*



further wrote to the Commissioners of the Customs that several vessels had arrived from New England with miscellaneous cargoes, consisting in part of Canary wines, textiles, oils, and other European goods, without having certificates showing that they had been originally shipped from England. "But how to proceed ag<sup>t</sup> them," he said, "I know not, they being Indulged by the higher powers." Furthermore, he complained that these New England vessels evaded the payment of the 1673 one-penny duty on tobacco.<sup>1</sup>

After making due allowance for the partisan bias in these statements, still some credence must be given to them,<sup>2</sup> for no laws of this nature could be fully carried into effect in a country so well watered as was Virginia. In 1683, the Council of the colony wrote to the Lords of Trade that a small man-of-war was necessary to suppress piracy and to check the frauds of dishonest traders, and that no other means would prove effective on account of the numerous ports and rivers.<sup>3</sup> At the same time, the newly appointed Governor of the colony, Lord Howard of Effingham, also urged the despatch of a frigate to Virginia for the same purposes.<sup>4</sup> This recommendation was adopted;<sup>5</sup> and, in 1684, H.M.S. *Quaker*, a ketch under the command of Captain

<sup>1</sup> Brit. Mus., Egerton MSS. 2395, ff. 511 *et seq.*

<sup>2</sup> In 1676, Berkeley wrote to Secretary Ludwell that his officers "rigorously" exacted the payment of the 1673 duties from the New England traders. Va. Mag. XX, p. 247.

<sup>3</sup> C. C. 1681-1685, pp. 423-426; Hening II, pp. 561-563.

<sup>4</sup> C. C. 1681-1685, p. 505.

<sup>5</sup> *Ibid.* pp. 529, 531, 557, 572.

Allen, arrived on the Virginia station.<sup>1</sup> Secretary Ludwell wrote that she was welcome, and would both protect them against pirates and also prevent the frauds too often practised by the New England traders. About two years later, H.M.S. *Deptford*, under Captain Crofts, was likewise stationed in the tobacco colonies.<sup>2</sup> The letters of these naval officers to their superiors in England throw considerable light upon the administration of the law in Virginia.

On December 25, 1685 Captain Allen wrote that the Virginians were angry at the King, saying they would not let them cheat the King; they called him *the old dog* and *old dog and*, when they saw his ship, said, "*here comes the devil's ketch.*" While he was absent, the letter continued, they hired small vessels and shipped tobacco to New York or Newfoundland, "and from thence bring french brandy, and the Tobacco they ship away for Holland, and soe cheat the King of his due."<sup>3</sup> Twelve months later, Captain Allen wrote that he

<sup>1</sup> *Ibid.* pp. 658, 659.

<sup>2</sup> C. C. 1685-1688, p. 277.

<sup>3</sup> C. O. 1/61, 60 i. One of the main causes of Bacon's rebellion was the inequitable poll-tax, which fell equally on poor and rich. Lord Culpeper had especially recommended that, in its stead, Virginia should impose an import duty on liquors. Instructions to this effect were sent to the colony, and, in 1684, the Assembly passed a law imposing such a duty. C. C. 1681-1685, pp. 155, 156, 641, 642, 658. Cf. W. Z. Ripley, *Financial History of Virginia*, pp. 69, 70. In contradistinction to the Massachusetts law, which aroused Randolph's indignation and formed one section of his indictment against that colony, this Virginia law specifically exempted from these duties such wines, brandies, *etc.* as were imported directly from England. Hening III, p. 23. Allen was, however, not satisfied. In the letter quoted in the text, he stated that the traders, who illegally imported

hoped that a great deal of tobacco would reach England this year, since he had defeated the designs of the New York and New England vessels. On April 10, 1687, Captain Crofts wrote that the Governor, Lord Howard, was treating them very badly and interfered with their work, citing three specific instances in which seizures made by him had been discharged. The first case was a bark from New England with seven bales of dry-goods, of which only four had been entered. Then, an English ship, which had entered for export but ninety-two out of two hundred hogsheads, was also dismissed. Thirdly, he had taken a French ship with brandy, but as Lord Howard said it belonged to Governor Dongan of New York, he had released it. This vessel, Crofts said, was then seized by one of the Virginia collectors, on Howard's orders, and was subsequently condemned. In another letter, Crofts maintained that Lord Howard was hostile to him because he interfered with the illicit traders from New York and New England; and he further stated that most of the Virginia Collectors were members of the

brandy from New York and Newfoundland, paid "the 3<sup>d</sup> p Gallon which they haue by an Act of Assembly and soe they goe free, and I satisfie them that noe European Goods must pay Custome to your Country here but Rume fiall or Medear. You may lay what duty you will, but if Rume fiall or Medear come out of England they shall pay noe duty here, for theire Act of Assembly cant reach England or his Ma<sup>ty</sup> duty." As most of the wine consumed came directly from the Madeiras, the point raised was in this connection of no great practical importance. As yet the English government had taken no definite stand on this matter. Later, however, the colonies were forbidden to levy duties on merchandise imported from England, but this instruction was never strictly enforced. See A. A. Giesecke, *American Commercial Legislation before 1789*, pp. 26-31.

Council, and also merchants, 'and my Lord takes it ill that I should examine their ships especially.'<sup>1</sup>

These letters apparently indicate a serious condition of affairs, but fortunately the other side of the shield is also visible. Governor Howard had accused Crofts of insubordination, of cruelty to his officers, and of blackmailing innocent traders.<sup>2</sup> These charges and the accompanying documents were sent by William Blathwayt to the Secretary of the Admiralty, Samuel Pepys, who in his turn forwarded to the Lords of Trade the above-quoted extracts from the letters of Captains Allen and Crofts, so that Lord Howard might have an opportunity of answering them. In reply thereto, on February 14, 1688, Governor Howard wrote to the Earl of Sunderland and the Lords of the Council denying Crofts's charges, and stating that they were simply a cloak to cover his own oppressions.<sup>3</sup> At the same time, he enclosed answers to each specific article, with documents to support them.<sup>4</sup> In reply to Allen's charge that tobacco was shipped *via* New York and Newfoundland to Holland, whence in turn brandy was imported, he merely stated that

<sup>1</sup> C. O. 1/61, 601; C. C. 1685-1688, pp. 465-467. Crofts wrote: "I cruising betwixt the Capes of Virginia meets with New England Ketches, New York Sloops and Vessels that belongs to this place, w<sup>ch</sup> formerly paid but little Custome to his Ma<sup>ty</sup> and likewise Shippes that goes for Holland, Hamburgh, & other places adjacent there, who uses to bring in European Goods here, w<sup>ch</sup> now by Reason of the(ir) hauing not y<sup>e</sup> liberty & Priviledge as formerly ior feare of my meeting with them makes my Lord soe unkind to me."

<sup>2</sup> C. C. 1685-1688, pp. 372-374, 387, 388, 444.

<sup>3</sup> C. O. 1/62, 20; C. C. 1685-1688, p. 494.

<sup>4</sup> C. O. 1/62, 20 ii, iv-xv.

the accusers refused to give any particulars. But, when the accusation was precise and definite, Howard gave the detailed facts. Thus in answer to Crofts's charge that an English vessel had laden one hundred more hogsheads than had been entered, Lord Howard stated that this was simply an error of Secretary Spencer's, who had carelessly written 92 for 192. This ship had given bond in Bristol, had paid the Virginia export duties on 192 hogsheads, and no fraud had been either intended or committed.<sup>1</sup> As regards the charge that a ship had been freed after entering seven bales of merchandise, while the certificate of the English customs-house called for only four, Lord Howard said that at the trial it was contended to the satisfaction of the jury that the goods had had to be repacked in transit, which accounted for the discrepancy.<sup>2</sup> Less satisfactory was the explanation about Dongan's vessel, which Lord Howard had ordered Crofts to release and which subsequently was seized and condemned by a jury. At the trial in the York County Court two charges were made, of which the first was that the vessel was not navigated according to law. The master acknowledged that he was a native of France, but "hee conceived himself a ffree Denizen to trade in any of his Ma<sup>ty's</sup> Dominions" by virtue of the denization granted to him by Governor Dongan of New York. The second charge was that the Staple Act of 1663 had been violated in that "the said Goods & Comodityes of y<sup>e</sup> Growth & production of Europe were taken on board in the Province of New-York," as was evidenced by a certificate from the Collector of the

<sup>1</sup> C. O. 1/62, 20 ii, iii, v.

<sup>2</sup> *Ibid.* 20 ii, vi.

Customs there, and had not been imported directly from England.<sup>1</sup> While it would seem that Crofts had been unfairly treated in this matter,<sup>2</sup> there is no question that this judgment of condemnation was largely technical, and, if it was not legally unsound, it certainly erred on the side of undue severity. This instance unquestionably does not indicate that the law was laxly enforced in Virginia. Finally, Lord Howard stated that no one of the Council, but Bacon, was concerned in trade, although some were part owners of London ships. But as these ships gave bonds in England to return there with the enumerated goods, he claimed that they could not be concerned in the evasion of the one-penny duty on tobacco, which was one of the main complaints.<sup>3</sup>

From the entire mass of evidence submitted by Lord Howard, no other conclusion can be drawn but that the officers of the navy were over-zealous in enforcing the law, and that the violations were not serious in extent. In the main, they were the work of the New York and New England traders, but they unquestionably were insignificant in comparison with that portion of Virginia's trade which followed the channels marked by the laws of trade and navigation.

In its broad general features, the economic development of Maryland closely paralleled that of its more populous neighbor, Virginia. Both were essentially tobacco colonies, whose prosperity depended primarily upon the price of this

<sup>1</sup> *Ibid.* 20 viii. The New York Collector, Lucas Santen, had given a certificate that this vessel, the *Katherine*, had made entry and cleared at the New York custom-house. C. O. 1/62, 20 vii.

<sup>2</sup> *Cf.* Va. Hist. Register II, p. 207.

<sup>3</sup> C. O. 1, 62, 20 ii, xv.

staple. Virginia's efforts to restrict the output had been largely thwarted by the inability to conclude an agreement satisfactory to both colonies. Apart from the inequity of the proposal made in 1663, the smaller planters in Maryland claimed that a stint would ruin them, and presumably the same class in Virginia also was opposed to these suggestions which emanated from the rich planters constituting the ruling oligarchy in that colony. Moreover, Lord Baltimore objected to such measures, as his proprietary revenue was in part derived from export duties on tobacco.<sup>1</sup> The political commotions and economic disturbances in Virginia from 1675 to 1682 naturally had their echoes in Maryland, but they were faint, and the proprietor never lost control of the situation.

As in Virginia, ships came yearly from England with supplies of clothing and tools, and took away the tobacco crop.<sup>2</sup> The New England traders were also prominent in Maryland, bringing Madeira wine and other commodities, and taking away provisions and tobacco.<sup>3</sup> Although tobacco was "the only Staple Commodity," some meat and cereals were also exported, as well as a few furs obtained from the In-

<sup>1</sup> Cf. C. C. 1681-1685, pp. 211, 212.

<sup>2</sup> "Between *November* and *January* there arrives in this Province Shipping to the number of twenty sail and upwards, all Merchant-men loaden with Commodities to Trafique and dispose of, trucking with the Planter Silks, Hollands, Serges, and Broad-clothes, with other necessary Goods . . . for Tobacco at so much the pound." George Alsop, *A Character of the Province of Maryland* (1666), edition Mereness, p. 70. See also Baltimore's answers to the queries of the Lords of Trade, 1678, in C. O. 1/42, 40; C. C. 1677-1680, pp. 226, 227.

<sup>3</sup> Alsop, *op. cit.* p. 71.

dians.<sup>1</sup> In general, there was a comparatively larger production of grain in Maryland than in the neighboring colony,<sup>2</sup> and in addition the quality of the tobacco produced was somewhat different. That of Maryland was in greater demand in the markets of continental Europe.<sup>3</sup>

In their internal political organization these two colonies also closely resembled one another. Besides, the political machine created by Berkeley found a close counterpart in that of the proprietor, whose relatives occupied the important public positions. There was, however, one marked and fundamental difference between the two colonies. Virginia was a crown colony governed by officials appointed in England, who among other matters were directly responsible for the enforcement of the laws of trade and navigation. In Maryland, the executive officials were appointed by Lord Baltimore as proprietor, and for a considerable period there was no direct representative of English authority within the province. The appointment of customs officials in Maryland after the passage of the Act of 1673 was the initial inroad into the proprietor's semi-feudal jurisdiction, and first brought the people of Maryland into direct relations with the English government. Prior thereto, the enforcement of the laws comprising the colonial system was in the hands of Lord Baltimore and the Governor appointed by him.

<sup>1</sup> *Ibid.* pp. 68, 69; C. O. 1/42, 40; C. C. 1677-1680, pp. 226, 227.

<sup>2</sup> Nathaniel Shrigley, *A True Relation of Virginia and Maryland*, 1660, in *Force III*, no. 7, p. 5; Also, *op. cit.* pp. 41, 42, 72.

<sup>3</sup> Richard Blome, *A Description of the Island of Jamaica* (London, 1672), p. 160.



As the proprietor's tenure of the province was by no means secure, it was highly advisable not to irritate the English government, which would quickly have brought suit against the charter. In 1661, Charles Calvert, the son of Lord Baltimore, was appointed Governor, and, although he thought these laws prejudicial,<sup>1</sup> he was very careful that their provisions were carried into effect. More detailed and fuller accounts of the trade of the colony and of the bonds for the enumerated goods issued there were sent by him to England than were received from any crown colony prior to 1674.<sup>2</sup> Furthermore, vessels suspected of illicit practices were seized, and, if found guilty on trial, were condemned.<sup>3</sup>

After the passage of the Act of 1673, which was the basis for the authority exercised by the Commissioners of the Customs in the colonies, the Governor himself was appointed by them to collect the duties imposed by this law. When Charles Calvert became Lord Baltimore, he requested Sir George Downing to appoint Christopher Rousby as Collector

<sup>1</sup> In 1678, after he had succeeded to his father's title, Calvert stated that the greatest obstruction to the trade of Maryland were these laws, but that their removal could not be expected until it was England's interest to repeal them. Maryland Archives, Proc. of Council, 1676-1688, pp. 268 *et seq.*

<sup>2</sup> Calvert Papers I, pp. 263, 264, 270, 271, 270, 295, 300.

<sup>3</sup> P. C. Cal. I, pp. 473, 474, 546, 548. On June 2, 1673, Governor Calvert wrote to Lord Baltimore regarding certain vessels that had been seized as Dutch, but had been freed on trial, adding that they always brought with them "as authentique Testimonials, and Certificates from his Ma<sup>ties</sup> Customers Collecto<sup>r</sup>s & other Officers as any Londoner that trades here." Calvert Papers I, pp. 279 *et seq.*

of the Customs in Maryland,<sup>1</sup> and his appointment followed in 1676.<sup>2</sup> Within a few years, Rousby became involved in one of those bitter quarrels with the colonial authorities which were characteristic of the history of all the charter and proprietary colonies. As these customs officials represented the authority of the Crown within these quasi-feudal jurisdictions, they refused to subordinate themselves to the colonial governors, and occasionally developed an overweening sense of their own importance. On their side, the colonies were prone to regard the appointment of these officials as an invasion of their charter rights, and at times hampered them in the execution of their legitimate duties. Under the circumstances, such quarrels were inevitable. Their effect was constantly to bring the affairs of these colonies to the attention of the English government, and to hasten the process of annulling their charters and converting them into royal provinces.

In 1681, Baltimore wrote to the English government that Rousby should be removed from office, as he was guilty of various malpractices and had also expressed himself in favor of the exclusion of the Duke of York from the succession to the throne. The main trouble arose from friction between the imperial customs officials and the provincial revenue officers appointed by Baltimore, resulting from the fact that both were concerned in the enforcement of the Acts of Trade and Navigation and had overlapping duties.<sup>3</sup>

<sup>1</sup> C. C. 1681-1685, p. 78.

<sup>2</sup> Cal. Treas. Books, 1676-1670, pp. 220, 230, 373.

<sup>3</sup> C. C. 1681-1685, pp. 66, 67, 78-80.

Rousby, who was in England, was not only able to make a satisfactory answer to the charges brought by Baltimore,<sup>1</sup> but in addition his case was very much strengthened by events in Maryland. During Rousby's absence, Nicholas Badcock, the Comptroller and Surveyor of the Customs, insisted that all vessels whose bonds permitted them to sail for Ireland should pay the one-penny duty of 1673 on their shipments of tobacco. The law on the point at issue was somewhat confusing, and, as Baltimore did not understand it, he supported those who refused to pay these duties. His interference cost the revenue a considerable sum, and naturally aroused the anger of the English government.<sup>2</sup> Baltimore was severely reprimanded,<sup>3</sup> and Rousby was ordered to resume his duties in Maryland.<sup>4</sup>

Baltimore learned by this experience that any undue interference with the customs officials would lead to the institution of *quo warranto* proceedings against his charter, and thereafter no complaints were made by Rousby. In 1684, however, Baltimore sailed for England and left the

<sup>1</sup> C. C. 1681-1685, pp. 160-166.

<sup>2</sup> See *ante*, Vol. I, pp. 98-100. In his letter of July 10, 1681, complaining of Baltimore's interference, Badcock informed the Commissioners of the Customs that their orders must be very authoritative. "for I perceive my Lord and his Government almost thinke themselves out of the Verge of y<sup>e</sup> King's Sovereignty. Nay I plainly see that nothing is soe evill in their Eyes as this little matter of the King's interest, and nothing sounds so bad in their ears as but y<sup>e</sup> naming the King's authority." C. O. 5 723, ff. 61-65; C. C. 1681-1685, p. 85.

<sup>3</sup> C. C. 1681-1685, pp. 157, 159, 160, 195, 196; P. C. Cal. II, pp. 28-31; C. O. 391 3, f. 317.

<sup>4</sup> C. O. 1/47, 110, 110 i, ii; C. C. 1681-1685, pp. 160-166.

administration of Maryland in the hands of the leading member of the Council, George Talbot. In the autumn of this year, Talbot went on board the *Quaker*, a ketch of the navy, and while in a state of pugnacious intoxication first tried to pick a quarrel with Captain Allen and then insulted, stabbed, and killed Rousby, the Collector.<sup>1</sup> Although unprovoked, the murder was preceded by some discussion as to the relative authority of Talbot and the royal officers.<sup>2</sup> Such friction was unavoidable in the proprietary and charter colonies, and to a great extent made unworkable any comprehensive system of imperial policy.

Captain Allen took Talbot to Virginia, whose Governor, Lord Howard of Effingham, refused to deliver him for trial to the Maryland authorities until he should hear from England. After considerable delay, which in part could not be obviated as Talbot had succeeded in escaping to temporary liberty, ultimately, in the spring of 1686, the murderer was convicted by the Virginia General Court. The capital sentence was, however, commuted by the King to one of five years' banishment.<sup>3</sup>

<sup>1</sup> C. C. 1681-1685, pp. 734, 735; Toppan, Randolph IV, pp. 4, 5.

<sup>2</sup> After examining the evidence, the Committee of the Privy Council reported in 1685 that the murder was committed "after some words had passed between Captain Allen the Comander, and the said Talbot, chiefly concerning your Majestys Right of Jurisdiction in those parts." According to Captain Allen, Talbot said to Rousby: "You dog, give me your hand. Don't you know that I am your Governor and can do you a kindness." Rousby answered: "I don't value anything you can do to me." P. C. Cal. II, p. 77; C. C. 1681-1685, p. 735.

<sup>3</sup> C. C. 1681-1685, pp. 735, 765; C. C. 1685-1688, pp. 30, 31, 173, 188, 213, 216.

This brutal episode was followed by events again illustrating the inevitability of friction between the imperial officials and those of the proprietor. After the murder of Rousby, the Maryland authorities nominated two men as 'Collectors of the King's dues' until some successor should be appointed by the Commissioners of the Customs,<sup>1</sup> ignoring the claims of Nehemiah Blackiston, who as Comptroller was already in the imperial customs service in Maryland. On April 20, 1685,<sup>2</sup> Blackiston wrote to his superiors in London: 'Since the murder I have been continually discountenanced and obstructed in my proceedings for the King's service by the chief persons deputed for the government of this Province. They have contemned and disowned my commission, torn and burnt my certificates to masters of ships, and diverted masters from applying to me, so that ships have been cleared without my privity, by which means I am sure that my transgressors have escaped and many frauds been undetected.' Blackiston refused to recognize the commissions of the temporary collectors appointed by Maryland, and claimed that the King lost several thousands pounds annually, 'by the obstruction and confusion of his affairs here.' Baltimore showed that this was a gross exaggeration,<sup>3</sup> but on the general merits of the case Blackiston was upheld and was appointed to succeed Rousby as Collector of the Customs. At the same time, the Commissioners of the Customs sent to all the colonial governors fresh general

<sup>1</sup> C. C. 1685-1688, p. 66.

<sup>2</sup> *Ibid.* pp. 30, 31; C. O. 1/55, 92.

<sup>3</sup> C. C. 1685-1688, p. 66.

instructions about the enforcement of the laws of trade and navigation. To those sent to Maryland were added several special articles, ordering the proprietary officials to assist the royal Collector and to desist from collecting the plantation duties of 1673.<sup>1</sup>

As a result of Rousby's murder and of the subsequent interference with Blackiston, Lord Baltimore was in great disfavor with the government.<sup>2</sup> In addition, the Maryland charter stood in the way of James II's desire to grant a favorable boundary to Pennsylvania, whose founder was one of his favorites.<sup>3</sup> Accordingly, in 1685, the Attorney-General was ordered to bring *quo warranto* proceedings against the charter. In the following year the prosecution of the writ was ordered, but nothing had been effected when the landing of William of Orange put an end to the Stuart dynasty.<sup>4</sup>

These quarrels in Maryland seemingly indicate a lax administration of the provisions of the colonial system. It should, however, be remembered that the disturbances proceeded not from opposition to these laws, but primarily from disputes between the royal and proprietary officials as to their respective authority in enforcing them. Apart from Badcock's complaints, which concerned an exceptional and somewhat confusing temporary state of affairs,<sup>5</sup> the

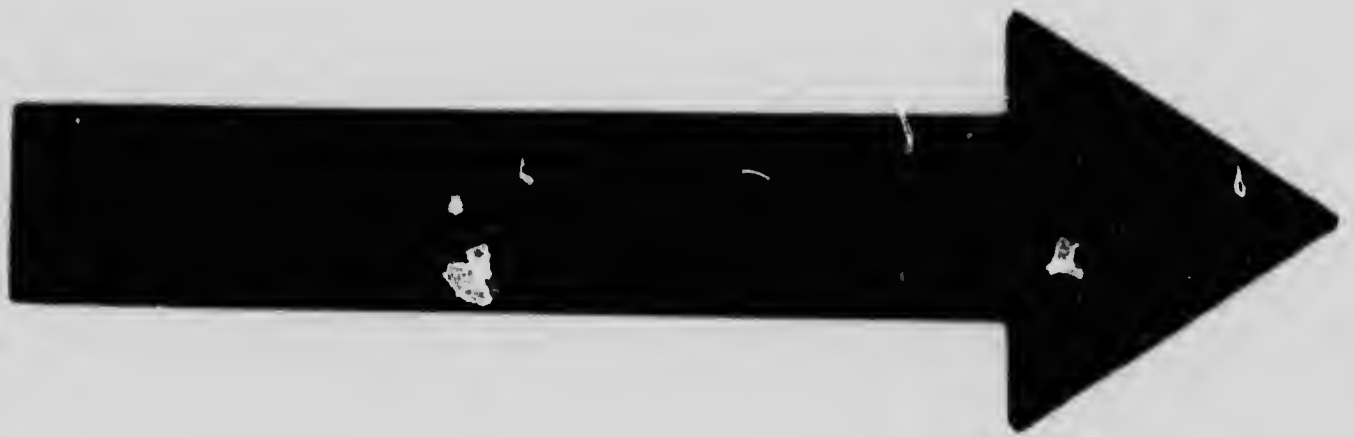
<sup>1</sup> *Ibid.* pp. 74-76.

<sup>2</sup> See E. Randolph to Sir Robert Southwell, July 30, 1685. Toppan, Randolph III, pp. 26-28.

<sup>3</sup> Mereness, Maryland, pp. 32, 33.

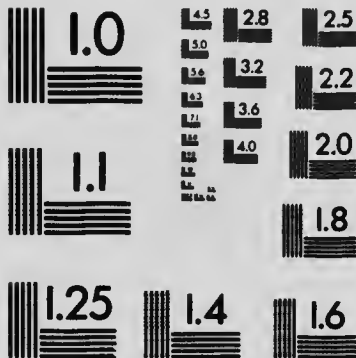
<sup>4</sup> C. C. 1685-1688, p. 173; P. C. Cal. II, pp. 88, 92.

<sup>5</sup> See *ante*, Vol. I, pp. 98-100.



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documents in the *dossier* do not indicate that there were extensive violations of the laws of trade and navigation. This view is fully confirmed by the statement of Patrick Mein, the Surveyor General of the Customs in America, who had investigated conditions on the spot. On June 15, 1686, Mein wrote to Lord Howard of Effingham:<sup>1</sup> "Though I find y<sup>e</sup> Kings interest here has suffered by M<sup>r</sup> Rousby's death and y<sup>e</sup> difference y<sup>t</sup> ensued upon it betwixt y<sup>e</sup> Kings Officers and my Lord Baltimores, and y<sup>t</sup> severall Bonds haue been taken to goe for England or Ireland, yet I must say I neuer saw any Merch<sup>ts</sup> Bookes kept in better Order than y<sup>e</sup> Accounts are here, and there haue been coppies of all Bonds and Certificates sent into England every year, severall Bonds put in Suit, and all of them bear a Condition to return Certificat w<sup>th</sup>in 12 months."<sup>2</sup>

<sup>1</sup> C. O. 1/62, 20 xi.

<sup>2</sup> On March 12, 1688, on the information of Mein that the *John* of London had transgressed the laws of trade, the Maryland Council ordered a special court for the trial of this vessel and its cargo. C. O. 5/739, pp. 141-145.

## CHAPTER IX

### THE CAROLINAS

The economic aims of the proprietors — Foundation of South Carolina — Its development — Piracy — Character of North Carolina — The New England traders — Attempts to collect the 1673 export duties on tobacco — The Culpepper rebellion.

PRIOR to the eighteenth century the economic importance of the Carolinas was but slight, and as yet there were manifest but faint indications of that later development, which was to transform both North and South Carolina, especially the latter, into most valuable and highly esteemed members of the British Empire. For forty years or so their growth was slow; and, although tentative experiments with various products had been made, the real path leading to their ultimate prosperity had not as yet been disclosed. During this period, these small undeveloped settlements had but little trade and commerce, and contributed only slightly to the wealth of the commercial empire that was being consolidated under the regulations of the parliamentary colonial system by the energy and activity of the English merchants and colonial planters. While, however, the early history of the Carolinas constitutes an unimportant chapter in the actual evolution of the Empire, the steps leading to the settlement of this region throw a flood of light on the colonial policy of the era.

In 1663, a number of prominent men, most of whom were closely identified with the work of commercial and colonial expansion — such as the Earl of Clarendon, Lord Berkeley, Lord Ashley, Sir William Berkeley, and Sir John Colleton — received from Charles II the grant of a large tract of land reaching from Virginia to Spanish Florida.<sup>1</sup> As in the case of the charters of the first Stuarts, the government expected the patentees to produce within their dominion commodities such as England was obliged to purchase from her European rivals. In order to stimulate such production, the government exempted from the payment of the English customs duties all silks, wines, currants, raisins, capers, wax, almonds, oils, and olives imported thence for seven years from September 29, 1667.<sup>2</sup> None of these products could be raised in England, but all had to be imported, in the main from the Mediterranean countries in Europe. It was largely in the hope of developing a national source of supply that the Carolina charter was issued. This list contained no one of the commodities already afforded by the existing English

<sup>1</sup> No. Ca. Col. Rec. I, p. 27; C. C. 1661-1668, no. 427.

<sup>2</sup> This privilege was confirmed in the second Carolina charter of 1665. No. Ca. Col. Rec. I, p. 108; C. C. 1661-1668, no. 1011. In addition, tools shipped to Carolina for the use of the planters were exempted from the payment of the English export duties. In 1663, the proprietors granted the full benefit of these immunities to intending settlers. No. Ca. Col. Rec. I, pp. 43-46; C. C. 1661-1668, no. 536. See also C. C. 1675-1676, p. 145. In 1667, it was also suggested that 'the King grant the first lading of every ship built in the said country custom free' and that 'said inhabitants may trade with goods of their own growth in ships built there into any port in Christendom, which he conceives will be the only means to put that Colony into a flourishing condition.' C. C. 1675-1676, p. 146.

colonies. The new settlements were expected to avoid such products as sugar and tobacco, in order not further to depress their price. This point was significantly emphasized in the statements of the proprietors.

In the hope of obtaining settlers for the proposed colony, the patentees at the outset looked in the main to Barbados, where the large plantation system, based ever more exclusively on negro slave labor, was driving away the smaller capitalists and the white laborers. One of the proprietors, Sir John Colleton, was a prominent Barbadian, thoroughly conversant with the situation in that colony. In 1663, the proprietors wrote to the Governor, Lord Willoughby, and also to Thomas Modyford and Peter Colleton in Barbados, that they had heard that a number of people were desirous of emigrating to Carolina, and pointed out that its soil was proper for such commodities as England consumed in great quantities, but which were not raised in the already established colonies. If wine, oil, currants, raisins, and silks were successfully produced in Carolina, they further said, "the money of the nation that goes out for these things wilbe Kept in the Kinges Dominions and the planting part of the people employ there time in planting those comodyties that will not injure nor overthrow the other plantations which may very well happen, if there be a very great increase of sugar workes and more Tobacco, Ginger, Cotton and indicoe made then the world will vena." <sup>1</sup> The proprietors represented, with greater truthfulness than they themselves

<sup>1</sup> No. Ca. Col. Rec. I, pp. 46-48; So. Ca. Hist. Soc. Coll. V, pp. 13-15; C. C. 1661-1668, nos. 547, 549.

probably realized, that the enterprise was for the King's and nation's service more than for their own, and as, in addition, they included such influential men as the Earl of Clarendon and the Duke of Albermarle, the support of the government was readily secured. Charles II instructed Lord Willoughby, and also the Governor of the Bermudas, not to hinder people from emigrating to Carolina, stating that, as this country was fit for commodities not produced in any other of the English dominions, "therefore such removall will be noe wayes preiudiciall but rather advantageous to our settled plantations, by lessening the excessive increase of those Comodities which they produce, which through their abundance have abated the prices to such inconsiderable sums that our Subiects (Planters or Traders therein concerned) cannot subsist by their labour and stock employed upon the same."<sup>1</sup> Thus Carolina was to be a colony supplying England with the typical products of southern Europe, such as were not obtainable in any of the other English colonies. The actual course of development, however, by no means corresponded with the anticipations of those projecting the enterprise.

At the time of the issue of the Carolina charter there was already established within the bounds of the province, on Albemarle Sound, a small community composed in the main of settlers from adjacent Virginia. The proprietors, however, paid but little attention to this region and devoted

<sup>1</sup> So. Ca. Hist. Soc. Coll. V, p. 6; Lefroy, Bermudas II, pp. 199, 200; C. C. 1661-1668, no. 576. On the attempts to found settlements from Barbados, see A. S. Salley, *Narratives of Early Carolina*, pp. 33-61, 77-108.

their chief efforts to developing the more southerly portion of their grant. During the initial years, several unsuccessful attempts at settlement were made, but as nothing permanent had been accomplished by 1669, the need of more comprehensive measures was realized. Thereafter, the guiding spirit among the proprietors was Ashley, the future Earl of Shaftesbury. Adequate funds were contributed to purchase ships and supplies, and some emigrants were secured in England and Ireland, as events had shown that no reliance could be placed on securing a sufficient number of settlers from Barbados and the Bermudas.<sup>1</sup> In 1670, as a result of this expedition, was founded a settlement on the Ashley River, which formed the nucleus of the future South Carolina.<sup>2</sup> Glowing reports of the fertility of the soil were sent to England. In 1670, Governor Sayle and the Council wrote that 'there was never a more hopeful design set on foot,' and that flax, wine, tobacco, silk, sugar, and all sorts of English grain could be produced in plenty.<sup>3</sup> The planters from Barbados claimed that as good ginger and cotton could be grown there as in the West Indies, and some successful experiments were made with these commodities and with tobacco. At the outset, however, the settlers were in the main fully occupied in raising provisions, for, as Governor West wrote in 1671, it was 'the life of a new settlement to provide in the first place for the belly.' Peas, Indian corn, and wheat were planted, but not enough was raised to feed

<sup>1</sup> C. C. 1669-1674, p. 19.

<sup>2</sup> E. McCrady, *South Carolina, 1670-1710*, pp. 114-128.

<sup>3</sup> C. C. 1669-1674, pp. 85, 86; *So. Ca. Hist. Soc. Coll. V*, pp. 175, 176.

the infant colony, and the deficiency was supplied by provisions imported from the other colonies, especially from Virginia and the Bermudas.<sup>1</sup>

In order to hasten the process of settlement, in 1671 the proprietors sent out a ship, the *Blessing*, with detailed instructions to its commander, Captain Halstead.<sup>2</sup> On his arrival in Ashley River, he was to secure a cargo of timber, pipe-staves, and other commodities fit for the Barbados market, and while in Carolina he was to investigate its economic resources, and especially to inquire if there were a supply of large mast trees growing near the water whence they could readily be transported to England. After disposing of his cargo in Barbados, Halstead was to take passengers thence for Carolina, which the proprietors emphatically stated was their main object. In addition, Halstead was to procure sugar and rum, which he was to exchange in Virginia for cattle and provisions and with these he was to return to Ashley River, whence again he was directed to proceed with lumber to Barbados for passengers. Finally, he was to secure a cargo of braziletto wood in the Bahamas, or, if this were unobtainable, he was to return to England with cedar wood from Carolina. The proprietors had not lost sight of their underlying purpose of finding for the nation new sources of supply, and instructed Halstead to learn the best methods of raising silk, tobacco, indigo,

<sup>1</sup> C. C. 1669-1674, pp. 85, 86, 88, 89, 167, 168, 206-208; So. Ca. Hist. Soc. Coll. V, pp. 175, 176, 188; No. Ca. Col. Rec. I, pp. 206-208.

<sup>2</sup> C. O. 5/286, pp. 68-71; So. Ca. Hist. Soc. Coll. V, pp. 318-322; C. C. 1669-1674, pp. 211, 212. Cf. C. C. 1669-1674, pp. 210, 296, 313.

cotton, and other products of a similar nature. Further, he was to inform the settlers that, as the proprietors aimed at their thriving and to that end had spent considerable sums, "soe wee expect from them faire and punctuall Dealeing in repaying us for what we Let them have."<sup>1</sup>

Though Halstead proved himself an unsatisfactory agent,<sup>2</sup> a number of people were attracted to the new settlement, and by 1672 it counted somewhat over four hundred souls.<sup>3</sup> Enthusiastic reports about the economic resources of the country continued to be forwarded to England, but naturally no wine, silk, indigo, or oil could be produced until the pressing problem of the colony's food supply was solved.<sup>4</sup> For a number of years the settlement was dependent upon supplies furnished by the proprietors, and until it became self-sup-

<sup>1</sup> The idea of developing new sources of supply is well illustrated in a contemporary book, whose author claimed that Carolina could and actually did produce wines, oil, silk, cotton, indigo, ginger, tobacco, etc. "It is believed," he further stated, "that here may be made of the three first, viz. *Wines, Oyl, and Silk*, such great abundance, to theirs and this *Kingdoms* enrichment that besides what we shall use our selves, we may have wherewith to furnish Forrain Parts." Richard Blome, *A Description of the Island of Jamaica* (London, 1672), p. 128.

<sup>2</sup> C. C. 1669-1674, p. 620.

<sup>3</sup> So. Ca. Hist. Soc. Coll. V, pp. 376-383; C. C. 1669-1674, pp. 319-321. In 1671, Ashley instructed Halstead to encourage men at all places where he touched to remove to Carolina, but to forbear to invite the poorer yet awhile, "for we find ourselves mightily mistaken in endeavouring to get a great number of poor people there, it being substantial men and their families that must make the plantation which will stock the country with negroes, cattle, and oth. necessaries, whereas others rely and eat upon us." C. C. 1669-1674, pp. 296, 297.

<sup>4</sup> Shaftesbury Papers, bundle 48, no. 77; So. Ca. Hist. Soc. Coll. V, pp. 376-383; C. C. 1669-1674, pp. 254, 277-280, 319-321.



porting there was no possibility that any of the advantages expected from the enterprise could be realized.

In the course of time, the Carolina proprietors began to tire of sending tools and clothes to the colony, especially as they saw no prospect of any return on the ever expanding amount invested in the enterprise.<sup>1</sup> In 1674,<sup>2</sup> they sent to Ashley, now Earl of Shaftesbury, a mass of correspondence recently received from the colony, and at the same time asked his advice how 'to set as narrow bounds as may be to expenses and yet order that all may not be lost by a total desertion and ruin of the settlement at Ashley river.' There was reason to think, they added, that these settlers no longer needed or expected supplies of provisions from them, but they did not see how the colony could subsist unless they furnished them with clothing, tools, and arms until 'the products of their labour' should draw trade there. They further said that the settlers might possibly be already able to make considerable returns in tobacco, which they claimed was equal to the Spanish product, and that within a short time not immoderate quantities of cotton and indigo might be expected.

Accordingly, on June 10, 1675,<sup>3</sup> Shaftesbury wrote to the Governor and Council at Charles Town: "You cannot be ignorant of the particular care I have taken of you and your Setlem<sup>t</sup> ever since you first sate downe upon Ashley River. And how the rest of the Lords Proprietors

<sup>1</sup> C. C. 1669-1674, pp. 578, 579.

<sup>2</sup> *Ibid.* pp. 620-622; So. Ca. Hist. Soc. Coll. V, pp. 454, 455.

<sup>3</sup> So. Ca. Hist. Soc. Coll. V, pp. 466-468; C. C. 1675-1676, pp. 240, 241.

have been perswaded by the hopes I had that their expenses would not be endless to be out a greater Summe of Money in Carrying on that Plantacon and sending you supplies then they at first designed or could have imagined." Last year, he continued, when their expectations of returns grew weary, "having received from you neither any beginning of paym<sup>t</sup> nor any faire or probable Proposals how they may in tyme be reimbursed," I induced them to consent to a new method of supplying you. It was expected that, when we had put the continuance of sending you necessaries in so settled an order, "you at least would have considered of some way of making returns to us, and given us some acc<sup>t</sup> that wee might have seene, that you had taken it into your thoughts." Their failure to do so, he concluded, had discouraged the Lords Proprietors, who had "just cause to apprehend that by the Expense of 9 or £10,000 we have purchased nothing but the charge of maintaineing on 5 or 600 people who expect to live upon us."

Shaftesbury's letter of admonition to the colony must not be construed too literally. The proprietors were well-informed men of affairs, and could not have expected any immediate returns on their investment. Past experiences, with which they must have been familiar, had shown conclusively that such colonial enterprises were very costly and, as a rule, financially disastrous. At best it was only in the distant future that some income might reasonably be expected. It was in connection with a similar enterprise, in which two of the Carolina proprietors, Lord Berkeley and Sir George Carteret, were engaged, that Governor Nicolls

of New York had remarked some ten years before this: "It will cost them 20,000 lb before it will yield a penny, and their childrens children may reap the profit." <sup>1</sup> In view of their unquestionable realization of the hazardous and expensive character of such undertakings, it must be inferred that the proprietors were to a great extent actuated by patriotic, as distinct from purely personal, motives.

Theirs was not, however, the idealistic patriotism of Cecil Rhodes, who two hundred years later was ready to sacrifice his own fortune and also the surplus of the great diamond company which he was managing, in order to further his dream of northern expansion, from which personally he could expect no direct pecuniary profit. <sup>2</sup> In part, the difference was due to the personal equation; in part, it resulted from fundamentally distinct theories of colonial expansion. Neither Shaftesbury, nor any one of his associates, was built on Rhodes's gigantic lines, or was so consistently and constantly under the sway of one all-absorbing ideal. Rhodes wanted Central Africa as a "breathing-space" for England's expanding population, becoming more and more congested within the narrow limits of its island home. Shaftesbury, on the other hand, recognized that England herself needed a larger population, and favored the encouragement of immigration. It was not as an outlet for England's surplus numbers that he and his associates founded Carolina, but in developing the economic resources

<sup>1</sup> N. Y. Col. Doc. III, p. 105; N. J. Col. Doc. I. p. 48; C. C. 1661-1668, no. 1095.

<sup>2</sup> Sir Thomas E. Fuller, Cecil John Rhodes, pp. 68, 69.

of the new settlement they sought both to increase the commerce of England and to create new sources of supply. In addition, the Carolina proprietors hoped for some income on the funds expended, and, as the colony paid no attention to their legitimate demands, they tightened their purse-strings.

By the end of the decade the colony had, however, taken firm root.<sup>1</sup> Provisions were produced, not only in sufficient quantity for home consumption, but also for export to the West Indies. In 1680 to 1682 there was a considerable influx of new settlers, composed in the main of French Huguenots and English dissenters.<sup>2</sup> During these two years the population about doubled itself, and at the latter date numbered roughly 2500.<sup>3</sup> A few years before this, in 1679, the proprietors stated that they had expended on the enterprise £17,000 to £18,000.<sup>4</sup> But on this relatively large sum they had as yet received virtually no return, although some provision was being made for a future proprietary revenue by the establishment of annual quit-rents of one-penny an acre.<sup>5</sup> Nor was there as yet any indication that the colony would one day answer the fundamental economic ends of its settlement.<sup>6</sup>

<sup>1</sup> C. C. 1677-1680, p. 60.

<sup>2</sup> McCrady, *South Carolina, 1670-1710*, pp. 193, 194.

<sup>3</sup> T. A., *Carolina* (London, 1682), pp. 38, 39. The name of the author of this pamphlet is generally given as Thomas Ashe.

<sup>4</sup> C. C. 1677-1680, p. 336.

<sup>5</sup> R. F., *The Present State of Carolina* (London, 1682), p. 19; T. A., *Carolina* (London, 1682), p. 39; C. C. 1681-1685, p. 646; C. C. 1685-1688, pp. 10-12.

<sup>6</sup> Cf. C. C. 1677-1680, p. 60.

Much had been hoped from the Huguenot immigrants who were expected to produce wine, oil, silk, and such other things as England was forced to purchase from foreign nations.<sup>1</sup> The various pamphleteers of the day, many of whom wrote with the special purpose of attracting settlers, extolled the natural resources of the colony and predicted for it a brilliant future. One of these writers, who had been clerk on board H.M.S. *Richmond* which carried over some of the Huguenots in 1680, reported that Carolina would shortly prove a most beneficial colony, and that many people were attracted there by the climate and "the likelihood of Wines, Oyls and Silks, and the great Variety of other Natural Commodities." He spoke hopefully of these experiments, and of the prospect that Carolina would "in a little time prove a *Magazine* and *Staple* for Wines to the whole *West Indies*."<sup>2</sup> Another writer in the same year, 1682, stated that, in addition to grain of all sorts, South Carolina produced abundance of beef and pork, and that attempts were being made to raise wine, oil, cotton, silk, tobacco, hemp, and flax. These, together with hides, wool, pitch, tar, and cordage, he predicted, would be the staple commodities of the colony.<sup>3</sup> The attempts to produce

<sup>1</sup> C. C. 1677-1680, pp. 321, 328, 336, 340, 341, 351, 364, 366, 367, 428, 435; No. Ca. Col. Rec. I, pp. 242-244; P. C. Cal. I, pp. 825, 826.

<sup>2</sup> T. A., *Carolina, or a Description of the Present State of that Country* (London, 1682), preface and pp. 8-10. In the same year, another pamphleteer, Samuel Wilson, said that, "besides the great profit that will be made by the vast herds of Cattle and Swine, the Country appears to be proper" for wine, oil, silk, tobacco, indigo, cotton, flax and hemp, pitch and tar, etc. A. S. Salley, *Narratives of Early Carolina*, pp. 174-176.

<sup>3</sup> R. F., *The Present State of Carolina* (London, 1682), pp. 7-10.

these commodities, especially silk and oil, were persistently pursued,<sup>1</sup> but led to no practical results. Prior to the Revolution of 1688/9, the only noteworthy exports from this settlement to Europe were cedar wood and furs. In 1687, the proprietors stated that these shipments did not amount in value to £2000 yearly. As in the first decade of Massachusetts' history,<sup>2</sup> the basic industry of the colony was the production of foodstuffs—grain of all kinds, beef, and pork—which were exchanged with the incoming settlers for clothes and tools. In addition, provisions, and also some pitch, tar, and lumber, were shipped to the English West Indies, whence in return were imported sugar, molasses, rum, and ginger.<sup>3</sup>

Although the colony's commerce was far from extensive, it was of sufficient importance to make it advisable for the Commissioners of the Customs to appoint in 1673 officials to see to the enforcement of the laws of trade and navigation.<sup>4</sup> If inconspicuousness is an indication of inactivity, these officials apparently had little to do until toward the very end of this period. In 1685, one George Muschamp

<sup>1</sup> C. C. 1681-1685, p. 662. See also Samuel Wilson, *An Account of . . . Carolina* (London, 1682), pp. 17, 18; *A New and Most Exact Account . . . of Carolina* (Dublin, 1683), p. 5; *Carolina Described* (Dublin, 1684), p. 26.

<sup>2</sup> Beer, *Origins*, pp. 284, 285.

<sup>3</sup> T. A., *Carolina* (London, 1682), pp. 38; 39; C. O. 324/5, ff. 5-7; C. C. 1685-1688, pp. 425, 426.

<sup>4</sup> In 1673, Joseph West was appointed Collector, and William Owen Comptroller and Surveyor. *Cal. Treas. Books, 1672-1675*, p. 427. In 1683, James Wych was appointed Collector and Surveyor. *Treas. Books, Out-Letters, Customs 8*, f. 233.

was appointed Collector of the Customs,<sup>1</sup> and at the same time the proprietors wrote to Governor Joseph Morton to take care that the laws of trade were observed and to remember that any neglect on his part made him liable to a penalty of £1000.<sup>2</sup> Muschamp, however, encountered some difficulties. In 1687,<sup>3</sup> he wrote to his superior officers in England that he feared it would be difficult to enforce the Navigation Act in South Carolina, as last week he had under peculiar circumstances lost an action for illegal trade. He admitted that the evidence in this case was not quite clear; but he asserted that it was declared that even if it "had been never so evident they would have pleaded the Benefit of their charter against me; pretending that it gives them full Power to Trade with Scotland and Ireland, and Likewise that the Natives of the Said Countries have Liberty to transport their owne Productions and Manufactures in their shipp, Navigated with Scotch Men, which I am sure is directly contrary to the Letter of the Law."

This claim was referred to the Attorney-General, who naturally held that it was without warrant of law. In addition, an explanation was demanded from the proprietors, who stated<sup>4</sup> that they conceived that no one in the government of the colony was guilty of asserting such a claim, and that they had constantly ordered the Governor and Council to obey the Acts of Trade and Navigation and to assist

<sup>1</sup> Treas. Books, Out-Letters, Customs 10, f. 46.

<sup>2</sup> C. C. 1685-1688, p. 92.

<sup>3</sup> C. O. 1/60, 19; *ibid.* 324/5, ff. 2-4; C. C. 1685-1688, pp. 353, 354.

<sup>4</sup> C. O. 324/5, ff. 5-7; C. C. 1685-1688, pp. 425, 426.

Muschamp. Furthermore, they remarked that they did not know of any inducement that would attract Scottish and Irish traders to South Carolina, as the inhabitants had "hardly overcome y<sup>e</sup> Want of Victualls & nott as yett produced any Commodities fitt for y<sup>e</sup> Markett of Europe butt a few Skins they purchase from the Native Indians & a little Cedar w<sup>th</sup> w<sup>ch</sup> they help to fill y<sup>e</sup> Ship that brings y<sup>e</sup> Skins for London," where was their best market.<sup>1</sup> At the same time, the proprietors ordered Governor James Colleton to inquire into the subject of Muschamp's complaint and to remove from office in the Court of Admiralty such men as had advanced the claim that the charter exempted the colony from the provisions of the Act of Navigation. Further, Colleton was instructed carefully to execute the laws and to send them quarterly returns of the shipping trading to the colony, as well as other documents bearing on such matters, so that they could deliver them to the Commissioners of the Customs.<sup>2</sup>

This solicitous care of the proprietors in enforcing the law was due to a desire not further to offend the English government, which had already been annoyed by reports that pirates were being harbored in South Carolina and by the disorderly conduct of the northern settlement on Albemarle Sound. As a consequence thereof, the Attorney-

<sup>1</sup> Muschamp claimed that, as four-fifths of the crew of the vessel in question were Scottish, it was not legally navigated. This claim was, however, of questionable validity. See *ante*, Vol. I, pp. 90, 91. According to the proprietors, this ship had been trading at the Leeward Islands, and had come to Carolina for repairs.

<sup>2</sup> C. C. 1685-1688, pp. 451, 452.



General had been instructed in 1686 to proceed by *quo warranto* against the charters of Carolina and the Bahama Islands.<sup>1</sup> Two years before this, in 1684, Governor Lynch of Jamaica, who was conducting a vigorous campaign against piracy, complained that his efforts were being thwarted by the asylum given to the buccaneers in Carolina, New England, and the other continental colonies. In especial, he complained of the aid given in South Carolina to Jacob Hall, one of the two English captains who in 1683 had participated in the raid on Vera Cruz by the Hispaniola filibusters under the lead of Vanhorn and de Graff.<sup>2</sup> In his vigorous reply on behalf of the Carolina proprietors, the Earl of Craven wrote to the Lords of Trade<sup>3</sup> that, on his return from Vera Cruz, Hall had stopped for a few days in Carolina to wood and water, but that as he had acted under the command of Vanhorn, who had a commission from the French, and, as it was not known that it was illegal for Englishmen to serve under foreign powers, no attempt had been made to seize him. Craven added that he had never heard of but one other pirate in Carolina, and that he and his accomplices were 'hung in chains at the entrance to the port, where they hang to this day.' In addition, he wrote that the King's instructions to "the colonies to pass a law against pirates similar to that of Jamaica had been sent to the colony, and that he had no doubt but that such a law

<sup>1</sup> P. C. Cal. II, p. 92.

<sup>2</sup> C. C. 1681-1685, p. 598. On this expedition, see Haring, *The Buccaneers in the West Indies*, pp. 241-243.

<sup>3</sup> C. C. 1681-1685, p. 642.

would be speedily passed.<sup>1</sup> At the same time, the proprietors instructed the Governor, Sir Richard Kyrle, to seize all pirates and to secure the enactment of the desired law.<sup>2</sup>

In 1685, Carolina passed such an Act,<sup>3</sup> but it naturally could not be effectively enforced in the unfrequented bays of this sparsely settled country, and it was apparently not construed very strictly even where there was a regular government. The Secretary of the province, Robert Quarry, while temporarily in charge of affairs, had been suspected of complicity with the pirates, and shortly afterwards Governor Joseph Morton was accused of allowing two buccaneers to bring a Spanish prize to South Carolina.<sup>4</sup> James Colleton, a member of the distinguished Barbadian family and a brother of one of the proprietors, was appointed Governor in 1686,<sup>5</sup> and was instructed to investigate these matters.<sup>6</sup> In addition, the proprietors wrote to him of some Portuguese brigantines laden with sugar, which had been captured by English pirates and brought to South Carolina, where they were condemned by collusion between Quarry and the pirates as unfree ships. In this manner a technically legal title was secured. "Wee see," the propri-

<sup>1</sup> On these instructions, see No. Ca. Col. Rec. I, pp. 347, 348; C. C. 1681-1685, p. 592; Conn. Col. Rec. III, pp. 336, 337.

<sup>2</sup> C. C. 1681-1685, pp. 645, 646.

<sup>3</sup> Hughson, *The Carolina Pirates*, p. 21. See also C. C. 1685-1688, pp. 12, 92, 178.

<sup>4</sup> C. O. 5/288, ff. 75, 76; C. C. 1685-1688, pp. 153, 154, 178, 179, 243.

<sup>5</sup> C. C. 1685-1688, p. 233.

<sup>6</sup> C. O. 5/288, ff. 103-105; C. C. 1685-1688, p. 338.

etors commented, "that Capt. Quarry hath had too great a hand in these Transactions for which Reason you are, if you see Cause, to put him out of all Offices he holds by our Choice or Commission from us." As a result of these charges, and for other causes, Quarry was removed from office,<sup>1</sup> but apparently he was able fully to vindicate himself, for subsequently he was not only restored to the favor of the proprietors, but was also appointed to high office in the imperial colonial service

At this time, the proprietary and charter colonies were in bad repute with the English government, mainly because of the difficulty encountered in enforcing the regulations of the colonial system within them. The claim advanced in South Carolina that the charter exempted them from the provisions of the Acts of Trade and Navigation, combined with the colony's friendly attitude towards pirates, had furnished additional proof that the Carolina proprietors were not able effectively to control the settlements within their grant. This had already been clearly demonstrated in the case of the small community on Albemarle Sound, out of which developed the future North Carolina. The bulk of the settlers there had come from Virginia, which was close by; and, as was natural under these circumstances, they turned to tobacco planting as their main means of gaining a livelihood. Since access to the harbors of this region was barred by shifting sands, it was dangerous for the larger ships employed in the trans-Atlantic trade to venture into these inlets; and hence the bulk of the tobacco was carried in small vessels to Virginia

<sup>1</sup> C. C. 1685-1688, pp. 451, 452.

and New England.<sup>1</sup> The New England traders were especially prominent and virtually controlled the commerce of this small settlement. Although the proprietors had paid but scant attention to the Albemarle community and had even treated it with something akin to systematic neglect, they opposed these close commercial relations with New England. In 1676, they instructed the Governor and Council to do all in their power to divert this trade to the mother country, "itt beinge certaine Beggary to our people of Albemarle if they buy goods at 2<sup>d</sup> hand" and sell their tobacco and other commodities at lower prices than those prevailing in England. In addition, they were ordered to send an exact account of the depth of water in the inlets where ships could load and unload, "for this has been so concealed and uncertainly reported here as if some persons amongst you had joined with some of New England to engross the poor trade you have and keep you still under hatches."<sup>2</sup>

In the eighth decade the tobacco crop of this region amounted, roughly speaking, to about two thousand hogsheads or one million pounds.<sup>3</sup> Although some of this was shipped directly to England,<sup>4</sup> a large proportion was transported to the other colonies, and on this part a duty of one-penny a pound was payable according to the Act of 1673. The collection of this duty would, however, have meant a complete alteration of the course of the settlement's trade,

<sup>1</sup> No. Ca. Col. Rec. I, pp. 242-244; C. C. 1677-1680, p. 351.

<sup>2</sup> No. Ca. Col. Rec. I, pp. 230-232; C. C. 1675-1676, p. 496.

<sup>3</sup> No. Ca. Col. Rec. I, pp. 247, 265, 266.

<sup>4</sup> *Ibid.* pp. 322, 323.

which would have been diverted from New England to the mother country. The attempt to do so led to serious commotions, in which not unnaturally the New England traders played a conspicuous part.

In 1675<sup>1</sup> were sent to the Governor at Albemarle commissions for one Copley as Collector of the Customs and one Birch as Comptroller, with instructions to appoint others in their stead in case the men designated were not in the colony. As the orders implied the collection of the one-penny duty, they met with considerable opposition, it being declared that as a result the New England traders would double the price of their wares. "Upon w<sup>ch</sup> the people were very mutinous and reviled & threatened y<sup>e</sup> Members off the Counsell." The duty was, however, collected for a short time; but in 1676, while the country was in arms to resist the Indians, the Governor was forced to remit to the New England traders three farthings in every penny.<sup>2</sup>

As the affairs of the colony were thus "in ill order," the proprietors removed the existing Governor and appointed in his place Thomas Eastchurch with instructions to check the New England trade, which they claimed "ruin'd the place."<sup>3</sup> On the same ship with Eastchurch went Thomas Miller with a commission appointing him Collector of the

<sup>1</sup> The warrants for their appointment were dated May 15, 1674. Cal. Treas. Books. 1672-1675, p. 522.

<sup>2</sup> No. Cal. Co. Rec. I, pp. 291-293.

<sup>3</sup> The proprietors asserted that the New England traders "ventur'd in, in small Vessels & had soe manadg'd their affayres that they bought their goods att very lowe rates, eate out & ruin'd y<sup>e</sup> place, defrauded y<sup>e</sup> King of his Customes & yet govern'd the people ag<sup>t</sup> their owne Interest."

Customs.<sup>1</sup> The vessel stopped at one of the West Indian islands, where Eastchurch, "lighting upon a woman y<sup>t</sup> was a considerable fortune took hold of the oppertunity marryed her," and sent Miller to Carolina to settle the affairs there "against his comeing." Miller assumed the administration, and, according to the proprietors, "did many extravagant things making strange limitations for y<sup>e</sup> choyce of y<sup>e</sup> Parliam<sup>t</sup> gitting pow<sup>r</sup> in his hands of laying fynes w<sup>ch</sup> tis to be feared he neither did nor meant to use moderately sending out strange warrants to bring some of y<sup>e</sup> most considerable men of y<sup>e</sup> Country alive or dead before him, setting a summe of money upon their heads."<sup>2</sup> In addition, as Collector of the Customs, Miller enforced the laws of trade strictly, and, together with his deputies, seized a considerable quantity of tobacco as well as some European goods that had been illegally imported.<sup>3</sup> As a result, the New England trade was greatly hampered, and in characteristically frontier fashion the community sought its own remedy.<sup>4</sup>

<sup>1</sup> November 16, 1676, warrant for the appointment of Thomas Miller as Collector at Albemarle. Cal. Treas. Books, 1676-1679, p. 373.

<sup>2</sup> C. O. 391/3, ff. 118 *et seq.*; No. Ca. Col. Rec. I, pp. 278-284, 286-289, 326-328.

<sup>3</sup> No. Ca. Col. Rec. I, pp. 255, 264-267; P. C. Cal. I, pp. 875, 876; Treas. Books, Out-Letters, Customs 5, ff. 154, 163.

<sup>4</sup> From the account of Henry Hudson, one of Miller's deputies in the customs service, it appears that the main cause of the rebellion was the desire to continue unchecked their dealings with the New England traders. According to him, the Assembly convened after the uprising was instructed by the people "to insist upon a free traid to transport their tobacco where they pleased and how they pleased without paying any duty to y<sup>e</sup> King." No. Ca. Col. Rec. I, pp. 272-274; C. O. 1/44, 20 ii.

Towards the end of 1677, the people rose in rebellion against the existing authorities. The leaders of the outbreak were John Culpepper, who a few years before had left South Carolina with a bad record;<sup>1</sup> Captain Zachariah Gillam, a prominent trader, who had been closely identified with the formation of the Hudson's Bay Company;<sup>2</sup> Valentine Bird, the former Collector, who had permitted the shipment of tobacco on which the export duty of 1673 had not been paid;<sup>3</sup> and the New England traders, who objected to this duty.<sup>4</sup> Miller was imprisoned, and the duties collected by him, as well as the seized goods, were taken from him by the rebels.<sup>5</sup> In his place, they appointed Culpepper to act as Collector<sup>6</sup> and formed a temporary government, which remained in power for about a year and a half.<sup>7</sup> Culpepper refused to allow Timothy Biggs, the royal Comptroller and Surveyor of the Customs at Albemarle, to enter and clear vessels, and exercised all the powers of his imprisoned predecessor.<sup>8</sup>

When the proprietors heard of these revolutionary proceedings, they induced one of their members, Seth Sothell, to undertake the task of straightening out the situation. At

<sup>1</sup> So. Ca. Hist. Soc. Coll. V, p. 285.

<sup>2</sup> A. C. Laut, *The Conquest of the Great Northwest I*, pp. 102, 106, 125, 166; C. P. Lucas, *History of Canada (Part I, New France)*, pp. 185, 186.

<sup>3</sup> No. Ca. Col. Rec. I, pp. 256, 257, 265, 266; C. C. 1677-1680, p. 462.

<sup>4</sup> No. Ca. Col. Rec. I, pp. 286-289.

<sup>5</sup> C. O. 391/3, f. 120; Cal. Treas. Books, 1676-1679, pp. 1371, 1372.

<sup>6</sup> C. C. 1677-1680, p. 478. <sup>7</sup> *Ibid.* pp. 372, 373.

<sup>8</sup> C. O. 1/44, 19, 191; No. Ca. Col. Rec. I, pp. 242, 275-277; C. C. 1677-1680, p. 478; Sept. 28, 1678, warrant for the appointment of Biggs. in Cal. Treas. Books, 1676-1679, p. 1119.

the same time, pending an investigation of Miller's conduct, Sothell was also temporarily appointed Collector by the Commissioners of the Customs.<sup>1</sup> While on his way to assume the governorship, Sothell was taken prisoner by the Barbary pirates. During the interval necessary to secure his redemption from captivity, the proprietors nominated a temporary governor, and with this commission went Robert Holden, who was appointed Collector in place of Sothell by the Customs Board in England.<sup>2</sup> Holden soon became involved in an acrimonious quarrel with Biggs, the royal Comptroller of the Customs, but in 1680 the Proprietors reported that all was peaceful, "his Maj<sup>ty</sup>'s Customes quyety paid by the People," and that the colony had taxed itself to repay that part of the duties used by it during the late disorders.<sup>3</sup>

Being anxious to prevent a suit for the voiding of their charter, the proprietors understated the gravity of the situation. The Albemarle settlement was a typical frontier community, in which neither the imperial nor the proprietary officials could exercise any effective authority in opposition to the wishes of the inhabitants. The colony was generally in bad odor. In 1681, Lord Culpeper said that it 'is and always was the sink of America, the refuge of our renegades; and till in better order it is a danger to Virginia.'<sup>4</sup> But slight control was exercised during the ten years following the

<sup>1</sup> Cal. Treas. Books, 1676-1679, p. 1093.

<sup>2</sup> *Ibid.* p. 1266.

<sup>3</sup> No. Ca. Col. Rec. I, pp. 286-289, 318-321, 326-328.

<sup>4</sup> C. C. 1681-1685, p. 155.



Culpepper rebellion, and little is known of the exact course of events.

In 1682, Albemarle had from 2000 to 3000 inhabitants and in general the country was better settled than that around Charles Town.<sup>1</sup> As heretofore the main crop was tobacco, but in addition some beef and pork were exported to the West Indies.<sup>2</sup> There was little direct commercial intercourse with England, and, as Virginia in 1679 prohibited the importation of tobacco from Carolina,<sup>3</sup> the bulk of this crop was shipped to New England.<sup>4</sup> There is no evidence that the plantation duties on these shipments were paid, and everything points to the opposite conclusion. In the first place, this one-penny tax would have been an insuperable burden on this trade. Furthermore, it would have yielded a considerable income, the tax on 1,000,000 pounds of tobacco amounting to somewhat over £4000. As no sum in any degree commensurate with this was accounted for, the only conclusion that can be drawn is that the customs officials were completely unable to enforce the law in face of the popular opposition to it.<sup>5</sup>

<sup>1</sup> R. F., *The Present State of Carolina* (London, 1682), p. 4; C. O. 324/5, ff. 5-7; C. C. 1685-1688, pp. 425, 426.

<sup>2</sup> R. F., *The Present State of Carolina* (London, 1682), p. 7.

<sup>3</sup> Hening II, p. 445.

<sup>4</sup> C. O. 324/5, ff. 5-7; C. C. 1685-1688, pp. 425, 426.

<sup>5</sup> For the various customs officials during these years, see *Treas. Books, Out-Letters, Customs* 5, f. 309; 8, ff. 1, 175.

## CHAPTER X

### NEWFOUNDLAND

The fishing regulations — Disputes between the settlers and the English fishermen — Agitation for the appointment of a royal governor — The decision to remove the settlers — Sir John Berry's reports reopen the question — The planters are allowed to remain, but no governor is appointed — The colony and the laws of trade — New England's trade to Newfoundland — Development of the fishery.

ENGLAND'S chief interest in Newfoundland arose from the fisheries, which were highly valued as a source of naval and commercial strength. A considerable part of the fish caught was consumed in the Catholic countries of southern Europe, and these exports constituted an important item in England's balance-sheet as drawn by the economists of that day. Furthermore, the fisheries employed a large number of vessels and were a nursery of seamen for the royal navy and the mercantile marine. At the time of the Restoration, there existed in Newfoundland several small English communities, the struggling remnants of the various futile attempts at effective settlement made in the first half of the century.<sup>1</sup> These survivors of the abortive schemes of Guy, Mason, Vaughan, Baltimore, Kirke, and others were reinforced by English fishermen, who chose to remain in the island throughout the bleak and frigid winter. In the aggregate their numbers were insignificant, and, though scattered

<sup>1</sup> J. D. Rogers, *Newfoundland*, pp. 53-70.

in about thirty small distinct settlements, they were all grouped in one section of the island, and thus gave to the southeastern part of Newfoundland, from Trepassey Bay to Cape Bonavista, the outward semblance of an English colony. In the main, however, the fishery was not carried on by the permanent inhabitants, but by the fishermen who annually left the ports of western and southwestern England for this purpose. Between these fishermen, generally known as the Western Adventurers, and the settlers, there had existed bitter rivalry and competition ever since the days of the Newfoundland Company of 1610.<sup>1</sup> After 1660 this friction became increasingly acute.

During the Interregnum, the rights of the patentees under the Newfoundland charter of 1637, which at the time had superseded all previous grants, were set aside, and Commissioners were appointed by the home government to administer the colony.<sup>2</sup> The restoration of the monarchy in 1660 necessitated a readjustment of affairs in Newfoundland, as it did elsewhere, and brought up the question, whether the colony there should be continued or the field should be left entirely to the English fishermen. The government was saved from the necessity of an immediate decision by the claims of former patentees. Those of the Kirkes under the charter of 1637 were not admitted, but Lord Baltimore secured recognition for his rights under the patent issued in 1623 to his father, Sir George Calvert.<sup>3</sup> Baltimore appointed

<sup>1</sup> Beer, *Origins*, p. 290.

<sup>2</sup> J. D. Rogers, *op. cit.* pp. 70-72; Beer, *Origins*, pp. 370, 371.

<sup>3</sup> C. C. 1574-1660, pp. 481, 482; C. C. 1675-1676, p. 157.

a Deputy-Governor for his province of Avalon,<sup>1</sup> but as this region was not coterminous with the area of English settlement in Newfoundland, civil government was not thereby established over all the inhabitants.

For the regulation of the fishing industry, the Restoration government adopted with one additional clause the provisions of the order of the Court of Star Chamber issued in 1634, which had been embodied in the charter granted in the same year to the merchants and traders to Newfoundland.<sup>2</sup> This order and charter of 1634 — the so-called Western Charter — provided that no ballast should be thrown into the harbors; that no person should damage the stages, cook-rooms, and other structures required in the fishery; that no person should “sett fire in anie of the woods” or injure them by rinding the trees; that the first fishing ship entering any harbor should be the admiral thereof; that no person “doe sett vpp anie Tauern for selling of Wine, Beare, or strong waters, or Tobacco to entertaine the ffishermen because it is found that by such meanes they are debauched”; and, finally, that the mayors of the fishing towns in England and the Vice-Admirals of the counties wherein they were situated should exercise jurisdiction respectively over offences committed on land and at sea. In 1661, these regulations were reissued with an additional proviso, prohibiting the English fishermen from taking to Newfoundland any but their crew, “or such as are to plant and do intend to settle there.”<sup>3</sup>

<sup>1</sup> C. C. 1661-1668, nos. 385, 452, 1109, 1666, 1729.

<sup>2</sup> C. O. 195/2, ff. 3, 4; P. C. Cal. I, pp. 192-197.

<sup>3</sup> P. C. Cal. I, pp. 374, 375; C. C. 1661-1668, no. 7.

The object of this prohibition was to prevent the transportation of such men — the so-called boat-keepers — as intended to fish in small craft from Newfoundland as a base. If conducted in this manner, the fishery would obviously employ fewer ocean-going ships and would train fewer sailors. It was feared that as a result of such a method of carrying on the industry, "when this present Stock of Seamen is worne out," the whole trade would be destroyed "for want of supplies of Mariners." Thus inevitably Newfoundland's value as a source of sea power would be greatly impaired.<sup>1</sup>

As Baltimore's interest in Avalon was rapidly waning, and as the detailed regulations issued in 1661 were inadequately enforced, there soon arose a demand that the Crown appoint a governor for the colony. It was urged in 1667 that this invaluable fishing trade was in danger of being lost to the French, unless "some able Person" were sent as governor and the harbors were fortified.<sup>2</sup> The fishermen from Plymouth, Dartmouth, and other English ports, however, protested that their trade tended "greatly to the Increase of Mariners and Shipping and augmentation of his Majesties Customs," that heretofore the establishment of a governor had proved very pernicious, and that such an official would be "an Vseless and insupportable Charge."<sup>3</sup> During the three following years this controversy assumed considerable proportions, and the arguments in favor and against the proposed step were greatly amplified.

<sup>1</sup> P. C. Cal. I, pp. 374, 375; C. C. 1661-1668, no. 589.

<sup>2</sup> P. C. Cal. I, pp. 448, 449.

<sup>3</sup> *Ibid.* pp. 432, 433; C. C. 1661-1668, nos. 1548, 1561.

Those in favor of the establishment of a regular government laid especial stress upon the danger of the French gaining control of the Newfoundland fisheries and of ousting the English from them.<sup>1</sup> The French had no settlement on the island prior to 1662, but in that year they established themselves at Placentia, on the western side of the province of Avalon, not far from the English colonists. This place they proceeded to fortify, and the claim was made that its safety from pirates and enemies attracted people from the adjacent English parts. On the other hand, the English harbors were totally unprotected, and, as no government had been established except in Baltimore's province, everything was in disorder and confusion.

On their side the English fishermen<sup>2</sup> stated that their industry was not very prosperous, and recommended that, instead of appointing a governor, the settlers should be removed from Newfoundland, since it was most barren and rocky and did not produce any commodities such as the other colonies did. If this were done, they said, the trade in provisions, 'now mostly supplied from New England,' would be carried on by the English fishing ships. They admitted that the regulations were violated, but claimed that the inhabitants, not they, were at fault. Finally these Adventurers pointed out that Sir David Kirke's administration had been so very unsatisfactory as to give little encouragement for the appointment of another governor, and that, if the colony were supported, 'the trade in

<sup>1</sup> C. C. 1661-1668, nos. 1666, 1729.

<sup>2</sup> *Ibid.* no. 1732.

a few years will be removed from this kingdom and become as that fishery of New England, which at first was maintained from these parts, but is now managed altogether by the inhabitants of New England.' This was by far the most effective argument advanced.

These contentions were answered by the leader of the movement in favor of a regularly organized colony, Captain Robert Robinson, R.N., who in 1669 had applied for the post of governor.<sup>1</sup> He pointed out that Kirke's maladministration during the English Civil War had no logical bearing on the question, since the same bad results would not follow from the appointment of a satisfactory governor. Under the existing conditions, according to him, the constant friction between the fishermen and the planters could not be controlled, and as a consequence the English industry was already so severely handicapped that he feared the French would monopolize the Newfoundland fisheries. France, he said, employed in this trade 400 ships and 18,000 men, as opposed to England's 300 ships and 15,000 men. Hence, if France should gain complete control of the industry, England would lose a valuable nursery of seamen and a large yearly trade credit, 'for which is not carried out of the kingdom 100 *l.* per annum.'<sup>2</sup> Furthermore, if the French should add Newfoundland to Canada and Nova Scotia, they would become exceedingly dangerous neighbors to New England, New York, and Virginia.

The English government was not convinced by the ex-

<sup>1</sup> P. C. Cal. I, pp. 537, 538; C. C. 1635-1688, p. 635.

<sup>2</sup> C. C. 1661-1668, no. 1731; C. C. 1669-1674, pp. 147-149.

treme arguments of either party, and in 1670 merely decided not to appoint a governor.<sup>1</sup> It was realized, however, that something had to be done, since the existing state of affairs was most unsatisfactory. In addition, in 1670, the English fishermen complained that in spite of the order of 1661 a great number of passengers were still carried to Newfoundland for the purpose of fishing there, and prayed that this be stopped. The matter was referred to the Council for Plantations, which early in 1671 suggested the addition of several new clauses to the existing regulations.<sup>2</sup> These recommendations<sup>3</sup> were adopted by the government, and provided that no alien be permitted to take bait or to fish in Newfoundland between Cape Race and Cape Bonavista; that no inhabitant should cut down any trees, erect any houses, or live within six miles of the sea-shore;<sup>4</sup> that the planters should not take possession of any of the fishing places before the arrival of the ships from England; that the regulations of 1661 be amended so that in future the English ships were to be forbidden to take to Newfoundland any but their crews, and that every fifth man thereof had to be "a Greene Man"; that such vessels should give bond to obey the preceding regulation and to bring back to England their entire crew. These new regulations were decidedly hostile to the further growth and even to the continued existence of the colony. The enforcement of the

<sup>1</sup> P. C. Cal. I, p. 544; C. C. 1685-1688, p. 635.

<sup>2</sup> C. C. 1669-1674, pp. 143, 144; P. C. Cal. I, pp. 555, 556.

<sup>3</sup> P. C. Cal. I, pp. 558-563; C. O. 105 2. f. 7.

<sup>4</sup> An order to this effect had already been issued in 1637, but it had never been enforced. P. C. Cal. I, p. 559; C. C. 1675-1676, pp. 504, 505.



clause prohibiting the settlers from living within six miles of the shore would have made their further continuance in the island impossible, and, even if this regulation were ignored, the future growth of the colony would be hampered by the fact that the English ships were prohibited from bringing over new settlers. In fact, it was the half-formed purpose of the government to break up the existing settlements and to encourage the inhabitants to remove to Jamaica, St. Kitts, or to some of the other English colonies.<sup>1</sup>

Partly in order to protect the fishermen, but partly also in order to enforce these regulations and those issued in 1661, it became customary at this time to send a convoy of the navy with the fishing fleet from England.<sup>2</sup> The Duke of York<sup>3</sup> was instructed in 1671 to give orders to all captains "of Convoyes yearly appointed by his Majesty for securing the ffishery Trade there" to assist the admirals of the various harbors in preserving the place, and to report in detail on the number of ships engaged in fishing, the quantity of fish caught, and the number of inhabitants.

It naturally proved impossible to enforce the stringent order forbidding settlement within six miles of the sea-shore. In 1671, Captain Davis, in command of one of the convoy ships, reported that this clause had aroused great complaints, and that he feared the inhabitants, 'being so affrighted with this order for their removing,' would repair to the French.

<sup>1</sup> P. C. Cal. I, p. 565.

<sup>2</sup> Cf. *ibid.* p. 544; C. C. 1685-1688, p. 635. Convoys were appointed annually only from 1675 on.

<sup>3</sup> P. C. Cal. I, pp. 563-565.

In general, he said, the chief trouble came from the English fishermen; they destroyed the fishing-stages in order to provide fuel for their home voyage, and they, to save provisions, at the end of the season shipped their seamen to New England.<sup>1</sup> Shortly after this, in 1672, England became involved in war with the United Provinces, and it was only three years later, after peace had been concluded, that attention could again be paid to the Newfoundland problem.

In February of 1675, a petition urging the Crown to appoint a governor was referred to the Lords of Trade, who during the following months examined a mass of documents bearing on the question and held a number of hearings at which the parties interested presented their views in considerable detail.<sup>2</sup> The appointment of a governor, and also the further existence of the colony, were opposed by the English fishermen. On their behalf, it was contended that the island was not suitable for settlement. In this connection was cited a proverb current in the English fishing ports: "If it were not for Wood, Water, and Fish, Newfoundland were not worth a Rush." They maintained that, with two exceptions, the ports in Newfoundland could not be defended by fortifications such as those who wanted a governor had suggested, and moreover that such defences were not necessary, since the English possessions were adequately pro-

<sup>1</sup> C. C. 1669-1674, p. 257. Cf. C. C. 1661-1668, no. 1730. This document is obviously entered under a wrong date.

<sup>2</sup> C. O. 391/1, ff. 3-15; C. C. 1675-1676, pp. 177, 179, 187-189, 191, 192, 197-199; C. C. 1699, pp. 596-601; P. C. Cal. I, p. 619; Fleming MSS. (H.M.C. 1890), pp. 117, 118.

tected: in winter, by the ice which barred the way to all foes; in summer, by the large fishing fleet. It was further asserted that the industry was greatly handicapped by the inhabitants, who destroyed the woods and the fishing-stages after the departure of the English fishermen, and who took early possession of the best fishing places and debauched the English seamen with wine and brandy.

Those favoring the appointment of a governor laid main stress on the rapid growth of the French fishery, as a result of which, they claimed, the English had lost a valuable market in France and were apparently about to lose those of Portugal, Spain, and Italy as well. They maintained that the inhabitants could fish more cheaply than the English fishermen, and that the only way to regain what had been lost was to encourage the growth of the colony, which would enable the English to undersell the French.

The English fishermen, however, categorically denied the truth of these statements. They contended that they could fish more cheaply than the inhabitants, and that they kept 'a superiority over the French in all the foreign markets except in France, where we vend none.' They further pointed out that, if the fishery were carried on by a colony, Newfoundland's great value as a nursery of seamen would vanish. As was said at the final hearing: "Should wee indulge a Colony at Newfoundland, the more it prospered, the lesse would it be to the advantage of Old England, but they would all adhere and depend on New England, Yielding his Maj<sup>ty</sup> no more obedience, Seamen or Shippes at his neede then those doe, and bating that they spoke the Eng-

lish Language be no more to his Maj<sup>ty</sup> then the Inhabitants of Island.”<sup>1</sup>

This argument made most impression on the Lords of Trade and induced them to adhere to the existing system. Before reporting, however, they instructed the English fishermen to attend them in order to advise on the following points: what amendments to the regulations of 1671 should be made; what instructions should be given to the commanders of the convoys so as to increase their usefulness; what disposition should be made of the planters in Newfoundland.<sup>2</sup> The Adventurers stated that the existing rules were adequate, but that they did not know what encouragements to offer to the planters to withdraw from Newfoundland. They said that they were unwilling to advise their forcible deportation, though nothing but their removal could cure the existing evils, but they suggested that, as the settlements depended upon provisions brought by the New England ships, a man-of-war should be appointed to seize such vessels. This somewhat inhuman expedient did not meet

<sup>1</sup> C. O. 301/1, f. 15.

<sup>2</sup> The Lords of Trade also wanted information about the French method of carrying on the fishery. C. C. 1675-1676, p. 201. The possible removal of the English settlers brought up the question whether or no England would not then forfeit her title to Newfoundland. Sir Leoline Jenkins reported that, if the French took possession, grave difficulties might result, as the general law of nations took no notice 'of any other than any actual corporeal gross occupancy of a place with its dependencies.' In case the English settlers were to be withdrawn, he suggested that the King should declare his reasons for this step, stating that he did not mean to depart from his rights there, and that the French government should be formally and officially notified to this effect. *Ibid.* pp. 203, 204.

with the approval of the Lords of Trade. They agreed, however, to recommend that the commander of the convoy should order the planters to remove six miles from the shore, that he should bring to England such as wanted to come and should tell those who preferred to go to the other colonies that orders had been given for their kind reception there, and finally that he should threaten those who would not obey the charter with forcible removal thereafter.<sup>1</sup>

This careful investigation had taken three months' time, during which the available facts were carefully studied. But as the colony's side of the controversy was inadequately represented, the report which the Lords of Trade handed in on April 15, 1675, was strongly in favor of the English fishermen. Therein<sup>2</sup> the Committee of the Privy Council pointed out that the English fisheries were declining as a result of several factors. In the first place, they said, the French had of recent years applied themselves energetically to this industry, with the result that they had ousted the English from their own market and were competing with them in those of neutral countries. In the second place, the fisheries on the New England coast were increasing, which affected adversely those at Newfoundland. Thirdly, the English fishermen had suffered severely during the wars of the past twenty years and besides fish was no longer so plentiful. Finally, the planters, in direct violation of the charter, lived within six miles of the shore, destroyed

<sup>1</sup> C. C. 1675-1676, pp. 204, 205.

<sup>2</sup> P. C. Cal. I, pp. 621-625.

the woods and whatever structures the fishermen left behind them, took possession of the best places before the ships arrived from England, sold wine and brandy to the seamen and induced them to remain in the country, "while their Families do thereby become Burthens to their respective Parishes at home." The Lords of Trade then stated that in their opinion the appointment of a governor would not cure any of these evils. They pointed out that as the planters numbered between eight hundred and a thousand<sup>1</sup> and were scattered in twenty-five different harbors, between which there was no communication either by sea or land during the winters when these abuses were committed, a governor would be powerless. Nor, even if the fishery could stand the expense, was the appointment of a governor and the erection of forts necessary for purposes of defence, since the ice in winter and the fishermen in summer were adequate, as "that place will allwayes belong to him that is superior at Sea." Furthermore, they reported that they were opposed to encouraging a colony in a region so disadvantageous on account of its rigorous climate and barren soil, and because the settlers chiefly consumed "the Products of New England, the Shipping of which Country furnish them with French Brandy, and Madera Wines in exchange for their Fish, without depending for any supply from hence; And we had reasons to presume that if the Climate and Soyle could favor a Colony, they would rather adhere to New England, and in time tread in the same steps, to the losse

<sup>1</sup> According to Sir John Berry, the planters numbered in 1675, 1655 men, women, and children. C. C. 1675-1676, p. 275.

of those many advantages, which at present, by the Method things are in, we yet enjoy." They then added that, on inquiry, they found that the English Adventurers fished more cheaply than the planters, and that, while the testimony was conflicting as regards French competition, they had reached the conclusion that "the English do in general still preserve a superiority in the Trade. They Catch it as cheap, Cure it as well, come as early to Market, can there sell as dear, and afford it as cheap as any the French can doe." They therefore recommended that "all Plantation and Inhabiting in that Country be discouraged," and that with this design the commander of the convoy should be instructed to declare the King's pleasure that the planters should leave voluntarily, but that in case of disobedience he should proclaim that from 1676 on the six-mile regulation would be strictly enforced and all offenders against it would be seized and deported. This report was approved by the government, and the necessary instructions were ordered issued.<sup>1</sup>

Apparently the inchoate colony was doomed to extinction. It was saved from this fate by the courageous frankness and energy of Sir John Berry, who two years later was again to prove his worth in pacifying Virginia after the turmoil of Bacon's rebellion. In 1675, this distinguished naval officer was appointed commander of the Newfoundland convoy, and his investigations of conditions there convinced him that the colonists had been grievously maligned and the government grossly misled by the English fishermen. Once assured of this fact, he insistently brought it to the attention

<sup>1</sup> P. C. Cal. I, pp. 620-626; C. C. 1675-1676, pp. 225, 226.

of the English government and sought to have the situation redressed. On July 24, 1675, he wrote to the Secretary of State, Sir Joseph Williamson<sup>1</sup> that he had made the King's instructions known to the inhabitants of St. John's and of the other harbors between Cape Race and Cape Bonavista, but that the greatest part of them were too poor to remove unless a ship were sent for them. The planters implored for permission to remain, he said, and he predicted that, if they were transported to England, they would become a charge on the parishes. Berry then stated that upon inquiry he had found that most of the charges against the planters were false. The fishing-stages were not destroyed by the planters, but by the English fishermen, who sold the wood out of which they were built to the ships that carried the cured fish to the Mediterranean markets. Similarly, it was not the planters who induced the seamen to remain in Newfoundland, but the fishing captains, with the purpose of saving the cost of their passage home to England. In addition, he reported that the New England vessels did not bring wine and brandy to Newfoundland, but on the contrary secured these commodities there. Two months later, Berry wrote to Williamson confirming these statements and giving considerable statistical information about the fisheries.<sup>2</sup> The catch of the English ships amounted to £116,000, while that of the planters, numbering 1655 in all, was valued at £47,000. From this it was apparent, he argued, that England would suffer greatly if the intention to remove the in-

<sup>1</sup> C. C. 1675-1676, pp. 259-261.

<sup>2</sup> *Ibid.* pp. 275, 276.



habitants were persisted in, especially as they then planned to settle among the French. He stood in admiration, he wrote sarcastically, 'how people could appear before his Majesty with so many untruths against the inhabitants,' and asserted that the fishery would never be properly regulated unless a governor were appointed, 'for the strongest treads down the weakest.' Berry likewise wrote in the same strain to Sir Robert Southwell,<sup>1</sup> and later in the year he again wrote to Williamson that he could not 'but pity the poor inhabitants, considering so many false informations have been laid to their charge.'<sup>2</sup> At the same time, in another carefully prepared memorial,<sup>3</sup> he again urged the appointment of a governor and predicted that, if the inhabitants were removed, the French would enlarge their fisheries as they pleased and would shortly take possession of Ferryland and St. John's, two of the chief English harbors.

Berry's statements, which were confirmed,<sup>4</sup> naturally reopened the entire question.<sup>5</sup> The order for the removal of the planters was left in abeyance and the appointment of a governor was reconsidered. In 1677, John Downing, whose father had been the Governor of the colony in 1640 under the Kirke patent,<sup>6</sup> petitioned for the establishment of a regular government, complaining that the English fishermen molested the planters by violently taking possession

<sup>1</sup> C. C. 1675-1676, pp. 276, 277.

<sup>2</sup> *Ibid.* pp. 316, 317.

<sup>3</sup> *Ibid.* pp. 329, 330.

<sup>4</sup> *Ibid.* pp. 439, 504, 505.

<sup>5</sup> *Ibid.* pp. 310, 311, 370, 371, 375, 439, 507.

<sup>6</sup> *Ibid.* pp. 504, 505.

of their houses and goods, and that they further threatened to drive them away from the country on the strength of the six-mile regulation of 1671. He protested that this provision, which had never been enforced, was contrary to law, and he claimed that, if the inhabitants were driven off, the French would take the entire island.<sup>1</sup> In response to this complaint, the government ordered the English fishermen "to forbear any Violence to the Planters upon pretence of the said Western Charter, and suffer them to inhabite and fish according to the Usage of the years last past."<sup>2</sup>

In addition, in the fall of the year, the commander of the convoy, Sir William Poole, reported<sup>3</sup> on the whole situation. If matters were left to their own "managery," he said, conditions would not become better, because of the ancient animosity between the planters and the fishermen. The latter, Poole wrote, grumbled because the inhabitants were still allowed to remain in the country, though they admitted that the colony was of very great use to them. According to him, the planters occupied themselves during the winter in felling trees and sawing them into boards for making oars and boats to be used in the fishing season. In their houses they preserved the unused salt and sheltered the sick fishermen. Furthermore, if at the beginning of the season the winds were contrary, the English fishermen sent their boats ahead to take possession of the harbors, where

<sup>1</sup> C. C. 1677-1680, pp. 24, 38; P. C. Cal. I, p. 700. Cf. C. C. 1677-1680, pp. 76-78.

<sup>2</sup> C. C. 1677-1680, pp. 39, 43; P. C. Cal. I, pp. 701, 702, 706.

<sup>3</sup> C. O. 1/41, 62; C. C. 1677-1680, pp. 153, 154.

the rule was, "first come, first served." These boats arrived some ten or twelve days before the ships, and during this interval the inhabitants gave shelter and food to their crews. To insist upon the planters moving six miles from the shore, he concluded, were 'worse than to turn them off, and to turn them quite off, the masters of the fishery cry God forbid.' Poole assured the Lords of Trade that there was ample room for both fishermen and planters, "yet they would fain be injuring one another."

At this time and throughout the following year, 1678, this entire question was actively discussed by the English government and evidence of the same general nature as before was produced.<sup>1</sup> No conclusion, however, was reached. In 1679,<sup>2</sup> Charles Talbot, the commander of that year's convoy, wrote to Sir Robert Southwell that the planters, who then numbered 1700, observed the rules issued in 1671 better than did the English fishermen, who destroyed the stages in order to have firewood for their home voyages, and that, 'far from being prejudicial, the trade could not be so well managed' without the inhabitants. He added that these permanent settlers could not undersell the English fishermen, and that, as they had suffered so many abuses at their hands, some had removed to the French. He concluded that the only way to preserve England's sovereignty in Newfoundland and to prevent the French from seizing the island was to re-

<sup>1</sup> C. C. 1677-1680, pp. 193, 194, 214, 215, 348, 350, 355, 356; P. C. Cal. I, pp. 754, 755.

<sup>2</sup> C. C. 1677-1680, pp. 417-419.

tain the existing colony, to appoint a governor, to fortify some of the harbors, and to maintain garrisons in them. A few months after this, early in 1680, were received renewed petitions for an established government.<sup>1</sup> The matter was again taken under consideration and the Lords of Trade reported<sup>2</sup> that the planters should be allowed to live as near the shore as they pleased, that settlers should be permitted to go to the island, that a governor should be sent to Newfoundland with power to punish the planters and to secure all offenders from the English fishing vessels and to send them for punishment on board their ships or to England.

Thus within five years the government had completely reversed itself. Instead of removing the planters, the colony was not only allowed to remain, but additional settlers were permitted to go there. Furthermore, it was decided to appoint a governor and to erect fortifications in the island. Before taking this step, the government ordered the English fishermen to give their opinion as to what regulations were necessary for the settlement of such a governor.<sup>3</sup> As on many other occasions, the crucial point was the financial one. It was determined that the English Exchequer should not bear this additional expense, but that it should be ap-

<sup>1</sup> C. O. 1/44, 27; C. C. 1677-1680, pp. 477, 480, 483, 434, 491, 643; P. C. Cal. I, pp. 882, 883.

<sup>2</sup> C. O. 391/3, f. 133; C. C. 1677-1680, pp. 480, 481, 483. Ten days thereafter, the Lords of Trade somewhat modified this by agreeing that the planters be not permitted to keep any buildings or gardens, which might disturb the fishery, within a quarter of a mile of the shore. C. C. 1677-1680, p. 490. In actual practice, however, this was not insisted upon.

<sup>3</sup> P. C. Cal. I, p. 887.

portioned among the inhabitants and the fishermen. But, as no satisfactory arrangement could be made, a governor was not appointed.<sup>1</sup> There was, however, no longer any idea of removing the settlers, who were allowed to remain undisturbed in their homes. Under these unsettled conditions, few additional immigrants were attracted, and the population increased but slowly from 1655 in 1675 to about 2000 in 1684.<sup>2</sup> The state of affairs in the island remained as unsatisfactory as before. The friction between the planters and the English fisherman continued, and the regulations of the so-called Western Charter of 1676,<sup>3</sup> embodying the rules of 1634, 1661, and 1671, were flagrantly violated. 'Without better government the Colony will come to an end; all is confusion till the man-of-war comes,' reported Captain Jones, R.N., in 1682.<sup>4</sup> The government was frequently urged to carry into effect its decision to appoint a governor,<sup>5</sup> but the policy of drift was not abandoned until nearly two generations later.

During this entire controversy, the English government's main object was to preserve and develop the Newfoundland fisheries as a source of naval and commercial strength. Everything was subordinated to this end. The most effective argument against the establishment of a regularly organized colony was that the fishery would then no

<sup>1</sup> C. C. 1677-1680, p. 612; C. C. 1681-1685, pp. 383, 403. See also J. D. Rogers, Newfoundland, pp. 85, 86.

<sup>2</sup> C. O. 380/10, ff. 1-6; C. C. 1675-1676, pp. 189, 275, 276, 508, 509. C. C. 1677-1680, pp. 154, 155, 642; C. O. 1/38, 91; C. O. 1/41, 62 x; C. O. 1/46, 78, 79.

<sup>3</sup> C. C. 1699, p. 602.

<sup>4</sup> C. C. 1681-1685, p. 294.

<sup>5</sup> *Ibid.* pp. 707-710; C. O. 1/54, 56.

longer be carried on from England as a base, but would become a purely colonial enterprise as had that of Massachusetts. The valuable New England fisheries in no way added to England's sea power. The dread that Newfoundland would follow the course of New England was ever present in the minds of English statesmen, and their opposition to an established colony was primarily due to the fear of losing so valuable a nursery of seamen. It was only when it was proven that the planters were of assistance to the English fishermen and could not undersell them that the plans for their removal were abandoned. The existing settlements, while not encouraged, were countenanced, and emigration to them from England was even allowed. But no steps were taken to establish civil government as in the other colonies, and in consequence the question arose, whether or no Newfoundland was included within the scope of the laws of trade and navigation.

At the outset, it was unquestionably the intention of Parliament that the trade of Newfoundland should be subject to the same regulations as was that of the other colonies. This is evident from the clause in the Staple Act of 1663, which specifically exempted salt for Newfoundland from the prohibition to import into the colonies European goods from places other than England. At this time, Baltimore had an organized colony on the island, and there was no reason to make any distinction between it and the other colonies. In 1661 and 1662 were seized in Newfoundland several foreign ships, of which Baltimore's Deputy-Governor in Avalon claimed as his share the one-third stipulated in the

Act of Navigation.<sup>1</sup> But after a short time, Baltimore allowed his jurisdiction to lapse and was no longer represented by a governor, and as the English Treasury did not appoint any customs officials in Newfoundland, there was no one to enforce the law except the officers of the navy in command of the convoys. These officers prevented foreign ships from trading within the English limits, but they were not entrusted with the enforcement of the laws as a whole. This lack of administrative machinery led to several inconveniences, which the English government unsuccessfully sought to overcome in various ways. Finally, as there was some danger that Newfoundland would become a free port through which prohibited goods might be shipped to the other colonies, the English government ordered that it should be considered as outside the barriers of the English colonial system, as Tangier had been.

In accordance with the prevailing economic views, the government insisted that the English fishing ships and the additional vessels required to carry the cured fish to market — the so-called sack ships<sup>2</sup> — should be victualled and supplied for their entire voyage in England.<sup>3</sup> These orders could not, however, be enforced. Provisions were bought in Ireland, where in a number of instances they could be secured more cheaply. Furthermore, as salt could not be

<sup>1</sup> C. O. 1/16, 112, 113; C. C. 1661-1668, nos. 172, 385, 386; P. C. Cal. I, pp. 330-341.

<sup>2</sup> In 1680, the fishing fleet numbered 97 of 9305 tons with 3922 men, and the sack ships 99 of 8123 tons with 1157 men. C. O. 1/46, 78, 79. See also C. O. 390/6, ff. 1-6; C. C. 1681-1685, p. 710.

<sup>3</sup> P. C. Cal. I, pp. 545, 560.

advantageously procured in England, these ships were permitted to buy this commodity in the markets of continental Europe, and during their stay there they naturally laid in supplies of wine and brandy as well as some other European goods. As Newfoundland was held to be an English colony, this was clearly illegal under the Staple Act of 1663, but there was no official in the colony to stop such practices. If such illegal trade were limited to the comparatively small wants of the fishermen and planters, it was not a very serious matter; but it would imply a grave infraction of the colonial system, if Newfoundland were being more and more used as a source whence the other colonies were supplied with these prohibited goods. Some trade of this nature was carried on by the Massachusetts merchants and was one of the many reasons for that colony's disfavor in England. In addition, some of the enumerated goods, especially tobacco, were brought to Newfoundland and thence shipped to foreign markets.<sup>1</sup> Alarming exaggerated reports as to the extent of this trade reached England. Accordingly, in 1687, the Commissioners of the Customs stated that they found that, under color of a trade to Newfoundland for fish, large quantities of wine, brandy, and other European goods were imported into the other colonies, especially into New England, and that Newfoundland "had become a Magazine of all sorts of Goods brought thither directly from France Holland Scotland Ireland and other places." This trade, they claimed, was illegal, since Newfoundland "is not to be taken or accompted a plantation

<sup>1</sup> C. C. 1685-1688, pp. 465, 466.



being under no Governm<sup>t</sup> or other Regulation as all His Ma<sup>ty</sup> Plantations are," and consequently they ordered the seizure of all European goods imported into the other American colonies from these settlements.<sup>1</sup> This view of the status of Newfoundland was unsound legally, and it was soon reversed.<sup>2</sup> Moreover, the order was based upon grossly exaggerated reports of the extent of the importations of European goods into Newfoundland and the size of New England's trade there.

In general, the English fishing and sack ships took in their provisions and other supplies in England and Ireland. 'What relates to the fishery,' it was said in 1679, 'comes solely from England in English ships.'<sup>3</sup> On their way to Newfoundland a number of these vessels stopped at the continental European ports for salt, and at the same time bought there some wine and brandy, as well as a few provisions and other goods.<sup>4</sup> Berry stated in 1675 that over one-half of this wine and brandy was consumed by the crews of the fishing ships.<sup>5</sup> The balance was sold to the planters

<sup>1</sup> C. O. 5/904, ff. 410, 411; Toppan, Randolph IV, pp. 145-147; C. C. 1685-1688, p. 309. Cf. also C. O. 1/63, 92.

<sup>2</sup> Towards the end of the century a vessel, which on technical grounds was not free under the Navigation Acts, was seized on its return from a fishing voyage to Newfoundland. The Attorney-General held that the seizure was valid. The Solicitor-General said: "I should have thought that Newfoundland was neither a Collony or Plantation belonging to his Majesty having no Settled Govern<sup>t</sup> there nor pretending to any Dominion therein that I can be Informed of," but since Parliament has reckoned Newfoundland among the colonies, the ship is forfeited. Brit. Mus., Add. MSS. 30.218, ff. 227<sup>a, b</sup>.

<sup>3</sup> C. C. 1677-1680, pp. 417-419.

<sup>4</sup> *Ibid.* pp. 417-419; C. O. 1/42, 62 x.

<sup>5</sup> C. C. 1675-1676, pp. 270, 277.

and to the New England traders, who exchanged their provisions and some tobacco, sugar, rum, and molasses for these commodities and for fish.<sup>1</sup> In addition, these traders secured some cordage, linens, and woollens.<sup>2</sup> But the entire New England trade was unquestionably of small volume. In 1676 it was stated by a prominent resident of Newfoundland that eight vessels came annually from New England for purposes of trade.<sup>3</sup> Five years later there were only six such small ships.<sup>4</sup> In 1684,<sup>5</sup> Captain Wheler, R.N., reported that the planters in Newfoundland could not feed themselves, and had to rely upon provisions brought from England, Ireland, and New England. All clothing and fishing tackle, he said, came from England, while from France and New England were imported some salt, liquors, and provisions. The New Englanders, he said, brought pork, peas, some beef, lumber, but chiefly rum, sugar, and molasses, and in return took bills of exchange and fish for the Barbados market.<sup>6</sup> Wheler said that this commerce was "considerable," but this term conveys no definite meaning. Its volume can be better judged by the accounts of Boston's trade prepared by the well-known customs official, Edward Randolph. Between May 18 and September 29, 1686, there arrived in that port from Newfoundland three vessels with oil and fish.<sup>7</sup> During the same period, seven ships left for

<sup>1</sup> *Ibid.* pp. 275, 276; *ibid.* 1677-1680, pp. 600, 601; C. O. 1/42, 62 x.

<sup>2</sup> C. C. 1681-1685, pp. 105-107.

<sup>3</sup> C. C. 1675-1676, pp. 504, 505.

<sup>4</sup> C. C. 1681-1685, p. 106.

<sup>5</sup> C. O. 1/54, 56; C. C. 1681-1685, pp. 707-710.

<sup>6</sup> *Ibid.*

<sup>7</sup> C. O. 5/848, 1-5.

Newfoundland with sugar, molasses, rum, lumber, and provisions.<sup>1</sup> From these facts it is plainly apparent that Newfoundland was not the extensive magazine of contraband goods that it was reported to be, and that the New England traders secured only relatively insignificant quantities of such commodities there.<sup>2</sup>

It was not only on account of these illegal practices that New England's trade with Newfoundland was unfavorably regarded in England. There was one other reason. It was largely as a nursery of seamen that these fisheries were so highly esteemed by English statesmen. Hence the rules of 1671 obliged the English fishing ships to bring back to England their entire crew. This regulation was, however, evaded. In 1679, it was reported that the New England traders yearly induced a number of fishermen to go away with them, and that as a result their own fisheries were increasing.<sup>3</sup> In the following two years, similar complaints were made, and it was even claimed that this had led to a scarcity of sailors in England.<sup>4</sup> In 1682, Captain Jones, R.N., wrote that 'none violate the rules of the Western Charter so much as the New England traders, who spirit away the inhabitants, to the mischief both of adventurers

<sup>1</sup> C. O. 5/848, 6.

<sup>2</sup> It should, however, be noted that, in 1680, Captain Robert Robinson, R.N., reported that 'daily several ships and vessels come in and out from New England, which may, in the whole year, amount to 100 sail, and which it is impossible for the men-of-war to take account of.' C. C. 1677-1680, p. 600. No other document indicates so extensive a trade.

<sup>3</sup> C. C. 1677-1680, pp. 417-419.

<sup>4</sup> *Ibid.* pp. 600, 601; C. C. 1681-1685, pp. 105-107.

and planters.' He reported that he had seen one vessel, which had arrived from New England with eleven hands, leaving with twenty, but that he had had the extra men put ashore. In addition, he obliged the New England traders to give bonds not to take away English subjects from Newfoundland.<sup>1</sup> The practice was, however, not stopped,<sup>2</sup> and constituted one of the many reasons why New England was viewed so unfavorably in the mother country.

In spite of the great attention paid to the Newfoundland fisheries, England's share in them did not increase during the seventeenth century. In 1615, it was estimated that 250 English ships of 15,000 tons employing 5000 men were engaged in this industry, and that the value of the catch was £135,000. Twenty years later, it was stated that the English fleet fishing at Newfoundland employed 10,680 mariners and amounted in the aggregate to 26,700 tons.<sup>3</sup> During the Interregnum, especially at the time of Cromwell's war with Spain, the industry declined; and, after the Restoration, the competition of the French was felt severely.<sup>4</sup> The English were entirely driven out of the French market and had difficulty in maintaining themselves in Portugal, Spain, and Italy.<sup>5</sup>

<sup>1</sup> C. C. 1681-1685, p. 294.

<sup>2</sup> In 1684, Captain Wheler, R.N., wrote: "Butt this I find very inconvenient for the Kings Service, y<sup>e</sup> the New England Men constantly carry away abundance of y<sup>e</sup> fishermen, & Seamen, who presently marry, & then that is there home." C. O. 1/54, 56.

<sup>3</sup> Beer, *Origins*, pp. 292, 293.

<sup>4</sup> C. C. 1661-1668, no. 1730; C. C. 1669-1674, pp. 147, 148; C. C. 1675-1676, pp. 187-189; Sir Francis Brewster, *Essays on Trade and Navigation* (London, 1695), pp. 69, 70.

<sup>5</sup> P. C. Cal. I, pp. 621-625; C. C. 1675-1676, pp. 226, 227. As late as

In 1675, 175 English ships with 4300 men were engaged in this industry, and their catch together with that of the planters was valued at £163,000.<sup>1</sup> During the following two years there was a slight decrease,<sup>2</sup> and on the whole no progress had been made since 1615.<sup>3</sup> At this time, the French were rapidly acquiring an unquestionable superiority. They made more and better cured fish, and arrived earlier at the European markets.<sup>4</sup> In the eighties, the English fishery showed a marked decline. In 1680, 201,250 quintals of fish were cured as against 241,250 five years before.<sup>5</sup> In 1682, Captain Jones, R.N., wrote that the fishing had been indifferent and could not compare with the French catch, and that as a result the Adventurers were so discouraged that

1675, however, some English ships sailed with fish from Newfoundland to France. C. O. 1/35, 16 i. In addition to the English and French, some few ships from Biscay and Portugal fished upon the northern coast of Newfoundland and upon the Great Bank. C. C. 1677-1680, p. 156.

<sup>1</sup> C. O. 300/6, f. 1; C. C. 1675-1676, pp. 275, 276.

<sup>2</sup> C. O. 1/38, 91; C. O. 1/41, 62 i-x; C. O. 300/6, ff. 2, 3; C. C. 1675-1676, pp. 508, 509; C. C. 1677-1680, pp. 154, 155.

<sup>3</sup> In 1615, the yield was 300,000 quintals at 8s., amounting to £120,000. In 1677, the corresponding figures were 221,220 quintals at 12s., amounting to £132,732. C. O. 105/2, f. 23.

<sup>4</sup> C. O. 1/41, 62; C. C. 1677-1680, pp. 153, 154. In 1676, the total yield of the French fishery was £386,478, that of the English £143,788. C. O. 105/2, ff. 23, 27. See also C. C. 1681-1685, pp. 107, 204, 708.

<sup>5</sup> In 1680, 97 English ships of 9305 tons with 3922 men and 793 boats fished in Newfoundland, making for export 133,910 quintals, which at 12s. 6d. amounted to £83,693 15s. The planters with 361 boats made 67,340 quintals valued at £42,087 10s. The fishing ships carried to market 75,510 quintals. The balance exported to Europe, 125,740 quintals, was carried in 99 sack ships of 8123 tons with 1157 men. C. O. 1/46, 78, 79; C. O. 300/6, f. 4; C. C. 1677-1680, p. 643.

some had laid up their ships and more threatened to do so.<sup>1</sup> In 1684, the output was only 115,420 quintals.<sup>2</sup> Despite this unsatisfactory state of affairs, which was not remedied until after the commercial competition with France had assumed the form of armed conflict, Newfoundland was a valuable imperial asset. Its fisheries gave employment to a large number of vessels and produced a considerable number of trained sailors. The cured fish was in the main sold to the Catholic nations of southern Europe, and their resulting indebtedness constituted an important item in England's international balance-sheet.

<sup>1</sup> C. C. 1681-1685, p. 294. Cf. *ibid.* p. 178, and C. O. 390/6, ff. 4, 5.

<sup>2</sup> C. O. 390/6, f. 6.

## CHAPTER XI

### MASSACHUSETTS

England's attitude towards the New England colonies — Massachusetts's view of the imperial relation — The situation in 1660 — The royal Commissioners of 1664 — The claims of Mason and Gorges — New England's irregular trading threatens the integrity of the colonial system — Edward Randolph's mission in 1676 — His reports and the beginnings of the movement to abrogate the Massachusetts charter — Randolph appointed Collector of the Customs in New England — His difficulties in enforcing the laws — Extent of illegal trade — The Massachusetts Naval Office Act — Abrogation of the charter — Summary.

THE colonies, whose economic problems and development have hitherto been considered, had this feature in common, that each in its own way corresponded in some degree to the aims and ideals of English imperialism. The sugar and other products of the West Indies both freed England from dependence upon foreign sources of supply and also gave her a credit balance in the international market. Furthermore, a large number of ships were employed in transporting these commodities to Europe, and a considerable revenue was collected from the import duties to which they were subject in England. In addition, these colonies consumed an abundant quantity of English goods. The trade to Virginia and Maryland was in a similar way of great national advantage. Although in themselves of but slight direct economic value, the Bahamas and Bermudas were important in that their strategic position facilitated the protection of the in-

valuable sugar and tobacco trades. The two small settlements in the Carolinas had not as yet fulfilled the over-sanguine anticipations of the proprietors, but each in a different manner was later to contribute to the economic strength and self-sufficiency of the Empire. Finally Newfoundland, in spite of French competition, was still an important imperial asset, employing many mariners and ships and enabling England to pay with its fish for the wine, silk, fruits, and other products of Mediterranean Europe.

When considered from this standpoint, the New England colonies and those added to the Empire later—New York, Pennsylvania, and the Jerseys—form an entirely distinct and separate group. At the time of the settlement of New England, it was expected that this region would supplant the Baltic countries as England's source of supply for naval stores and that an extensive fishery would be developed in this region.<sup>1</sup> The latter hope was realized, but the fishery on the New England coast soon became a purely colonial enterprise, in no way adding to England's naval and commercial strength, and even lessening it by competing with the English Adventurers in Newfoundland. Moreover, the attempts to secure from New England pitch, tar, hemp, and other naval stores, though persisted in for a considerable period, were unmitigated failures. Hence interest was shifted from this region, and there developed in England a

<sup>1</sup> Beer, *Origins*, pp. 63-70. In his notes on New England, Sir Simonds D'Ewes stated that in that region were all the materials for supplying shipping to England, whose resources in timber were failing. *Brit. Mus., Harleian MSS.* 167, f. 105.



marked tendency in favor of tropical and semi-tropical colonization, by means of which England would be able to secure an abundant supply of exotic products both for home consumption and for export to foreign nations. At the time of the Restoration but scant national advantage was expected from the colonization of the more northerly regions of America, and the attention of the government was primarily directed towards the development of the West Indies and those parts of the continent to the South of Delaware Bay. A colony was valued mainly as a source of supply, and beyond some fish-oil, a few furs, ships, and some masts (mainly those of exceptionally large size, which were scarce in Europe), New England furnished the metropolis with virtually nothing. Moreover, these colonies to some extent duplicated the economic life of England and competed with her in supplying food-stuffs to the West Indies, in the carrying trade, and in the fisheries.<sup>1</sup> The main economic advan-

<sup>1</sup> In 1661, Captain Thomas Breedon urged the English authorities to settle the government and secure the obedience of New England, "they being the key to the Indies without which Jamaica, Barbadoes and y<sup>e</sup> Charibby Islands are not able to subsist, there being many thousand tunns of provisions, as beefe, porke, pease, biskett, butter, fish, carried to Spaine Portugall and the Indies every year, besides sufficient for the Countrey's use." N. Y. Col. Doc. III, p. 40. At this time, however, the West Indies could have been abundantly supplied from England, Ireland, and Newfoundland, and hence this argument was as yet of little force and validity. Only at a considerably later date would such a claim have been true. During the Restoration, England was an exporter of food-stuffs and competed with the continental colonies in the West Indian markets. Cf. Cal. Treas. Books. 1672-1675, p. 100. In 1680, Governor Bradstreet of Massachusetts reported that they sold their horses, lumber, provisions, and fish to the sugar colonies, but that many times they found these markets "so overlaid and

tage derived from the New England colonies consisted in their consumption of English goods. Not only was this outlet under normal conditions not large, but in addition Massachusetts consistently sought to lessen it by the creation of local industries.<sup>1</sup>

In 1671, the Earl of Sandwich—one of the surviving Cromwellian worthies—put in writing his opinion of the New England situation, which was based upon the many sources of information open to him as President of the Council for Plantations. New England was already at that date, he said, a numerous and thriving people and in twenty years was likely “to be mighty rich and powerfull and not at all carefull of their dependance upon old England.” As a result, England was exposed to the following inconveniences: 1, the loss of her exports of manufactures to these colonies

clogged with the like commodities from England Ireland and other places” that many of their products had to be sold there for less than their value in Massachusetts. C. O. 1/44, 61 i. The isolated details available about the prices current in England and the colonies are not sufficiently complete, for precise deductions. According to such a list for the year 1677, the price of bread in England was about half that in Massachusetts, while beef and pork were considerably dearer. Bodleian, Rawlinson MSS., A185, f. 263. The facts are, however, far from clear. In 1671, Sandwich stated that New England supplied the West Indies with provisions and “all wooden utensills, much cheaper then others can.” F. R. Harris, Edward Mountagu, Earl of Sandwich II, p. 337. In 1680, it was also claimed that the other colonies could not subsist without the supplies of beef, pork, fish, meal, lumber, and horses from New England. A Brief Relation of the State of New England (London, 1680), in Force IV, no. 11, pp. 7, 8. Some few years later, Davenant based his defence of the northern colonies on this fact. On this entire subject, see also *ante*, Vol. I, pp. 49-51.

<sup>1</sup> Mass. Col. Rec. IV, Part II, pp. 296, 320, 512; V, p. 28. Cf. W. B. Weedon, Economic and Social History of New England I, pp. 303-310.

—“possibly to the value of £50,000 per ann.”—and moreover the likelihood of their competing with England in the sale of such goods in foreign markets; 2, the dependence of the West Indies upon them for provisions and “all wooden utensills,” and the probability that they would also furnish those islands with other manufactures “that we doe,” and so “reape the whole benefitt of those colonies;” their control of the trade in masts and naval stores in northern America, whose later development he foresaw. Sandwich realized that it was impossible “to prevent wholly their encrease and arrivall at this power,” but he deemed it “advisable to hinder their growth as much as can be.” With this object in view, he suggested: 1, the passage of an Act of Parliament prohibiting emigration to the colonies without license from the King—“at present 40 or 50 families or more goinge yearely thither;” 2, “to remoove as many people from New England to our southern plantations as may be, where the produce of their labours will not be commodities of the same nature with old England to out-trade us withall.”<sup>1</sup>

Thus, however significant from the standpoint of universal history was the colonization of New England, however vital and fundamental a part it played in the transfer of European civilization to the American continent, these communities were in the eyes of contemporary statesmen but the unfortunate results of misdirected efforts, since in no way did they answer the national ends of their creation. It would be difficult to over-emphasize the influence of New England

<sup>1</sup> F. R. Harris, *Edward Mountagu, Earl of Sandwich II*, pp. 337, 338.

in the genesis of the American Nation, but the English government, when directing the movement of colonization, did not aim to create embryonic national states, but colonies of the plantation type or trading and fishing stations, whose commercial and political welfare would be intimately bound up with that of the metropolis. That the outcome was far different from the one contemplated is merely one of the innumerable historical instances in which forces beyond the foresight of contemporaries in the end turned their labors towards an entirely different result. It was the inexorable force of circumstances, not choice, that first made England the "Mother of Nations." The course of events in Massachusetts was the most potent factor in forcing this unwelcome rôle upon England.

The seventeenth and eighteenth century statesmen aimed primarily to create a self-sufficient commercial Empire of mutually complementary economic parts. As New England did not fit into such a scheme, its political connection with England was constantly a disturbing factor, interfering with the plans of the English government. Despite persistent efforts, it could not be moulded into the proper economic shape. It remained always a centre of disharmony, out of accord with the spirit of British imperialism until ultimately, when events were favorable, its secession and that of the other continental colonies disrupted the old commercial Empire.

To some extent a parallel may be drawn between the development of New England and a significant episode in Roman imperialism. At the time of Cæsar's conquest,

Gaul was in the eyes of Rome a poor barbarous region of swamps and forests, which offered the prospect of much fighting, but of little booty or permanent wealth. Everyone then was planning the conquest of the rich and civilized Orient.<sup>1</sup> Similarly, in Restoration England slight or no economic advantages to the nation were expected from the colonization and settlement of the more northerly, temperate regions of America, but it was from the southerly and tropical parts that great wealth was anticipated. Yet Gaul became in time the richest of Roman provinces, and New England likewise attained a similar position in the British Empire. Moreover, in a broad way, the conquest of Gaul marks the beginning of European civilization and, as a result of its subsequent economic development, this province counterbalanced the Oriental influences that threatened to change the culture of Rome. In the same broad way, New England was the chief centre, or at least one of the two chief ones, whence European civilization spread over the North American continent. Ultimately, in population and in wealth, Gaul overshadowed its parent state, just as the United States has in these respects outstripped its metropolis. None of these momentous results was even vaguely foreseen by the Roman or English statesmen, who set in movement and directed the forces leading thereto, and both had in view ends far different from those ultimately realized.

In 1660, the position of New England towards the Empire offered very many difficulties. These communities — Massachusetts, New Plymouth, Connecticut, Rhode Island —

<sup>1</sup> Ferrero, *Characters and Events of Roman History*, pp. 72, 73.

were virtually independent commonwealths, acknowledging only the slenderest tie of allegiance to the mother country. They all, but especially Massachusetts, regarded with suspicion and disfavor the restored monarchy, dreading a loss of the liberties that they had enjoyed during the supremacy of their spiritual kin in England under the Commonwealth and Protectorate. Many of the most influential of the colonists would have welcomed a status of absolute independence. But they dared not attempt to carry their ideal into practice, for even if English opposition could have been overcome, there were present other deterring factors. New England was surrounded by the possessions of France and the United Provinces, and these European powers would not have hesitated to add this region to the list of their colonial dependencies, if the prospect of war with England had been removed. In that age of keen international rivalry in colonization, a small and undeveloped community, like Massachusetts, could under no circumstances hope to remain an independent political entity.<sup>1</sup> That independence from

<sup>1</sup> In 1664, Sir John Wolstenholme, one of the Farmers of the Customs, wrote to Edward Rawson, the Secretary of Massachusetts, that, "if wayed with judgment and discretion," the colonies were as much concerned as England in the enforcement of the laws of trade and navigation, "for if wee doe not maintaine here the honour and reputation of his Majesty and the nation which must be by our navigation and shipping which are our walls, the plantations will be subject to be devoured by strainers." Hutchinson Papers II, p. 108. In 1677, when discussing the possibility of New England's secession, Sandwich, however, stated: "I confesse as yet informed I doe not in the least apprehend their need of, or disposition to admitt the protection of any other Nation either French or Dutch, but if any the French rather of the 2, for the likelihood of better usage and power already in America." F. R. Harris, *op. cit.* II, p. 338.

England would merely have been a step to their conquest by the French or Dutch, in all likelihood the former, was keenly realized, though but faintly expressed, by the Puritan colonies. Throughout the entire colonial period, until the conquest of Canada in 1760, the Gallic peril was the dominating dynamic factor controlling the political relations between New England and the Empire. The more acute was this danger, the more these colonies were thrown back upon England, and when once it was entirely removed, independence, whether merely in fact or in name also, was the inevitable result. New England's thought upon imperial questions was not consciously dominated by this factor, but unconsciously and continuously it determined the strength and weakness of the tie binding together metropolis and colony. The colonist did not say to himself: "If my country were independent, it could remain so only on the sufferance of France, and it could never expand inland while that aggressive and powerful neighbor claimed the land that surrounds it." But a realization of this fact formed the background of all colonial speculation on these subjects.

Accordingly it is not surprising that Massachusetts in 1660, after some hesitation, determined to acknowledge allegiance to the restored monarchy, while at the same time reserving the greatest possible amount of freedom of action. At the outset, the political question was not complicated by the economic one, for the Act of Navigation protected their ship-building and carrying trades from foreign competition, and did not put in the enumerated list any of New England's

products.<sup>1</sup> Towards the end of 1660, Governor Endicott of Massachusetts, in a letter written in an humble, and even obsequious, tone, full of characteristic Biblical references and phrases, supplicated Charles's "gratious protection of us in the continuance both of our civill priviledges . . . and of our religious liberties," as expressed in the colony's charter.<sup>2</sup> The despatch was extremely vague and merely acknowledged Charles II as their lawful sovereign. To this letter an equally non-committal reply was sent, in which Charles II wrote that he had made 'it his care to settle his lately distracted kingdoms at home, and to extend his thoughts to increase the trade and advantages of his Colonies and Plantations abroad, among which His Majesty considers New England to be one of the chiefest.'<sup>3</sup> Apart from recognizing a vague allegiance to the Crown, Massachusetts was willing to concede no political rights to England and in especial was opposed to having appeals from the colonial courts heard there.<sup>4</sup> According to their officially expressed view, the colony was "by the pattent a body politicke, in

<sup>1</sup> As has, however, already been pointed out, the law, as administered at the outset, obliged vessels sailing from England to bring back whatsoever products they should lade in the colonies. As far as New England was concerned, this error was rectified already in 1661. See *ante*, Vol. II, pp. 114, 115.

<sup>2</sup> "Our wittnes is in heaven, that wee left not our countrje vpon any dissatisfaction as to the constitution of the civil State. Our lott after the example of the good old non conformist, hath binn onely to act a passiuue part throughout these late vicissitudes and successiue ouerturninges of State." Mass. Col. Rec. IV, Part I, pp. 448-453; C. C. 1661-1668, no. 26.

<sup>3</sup> C. C. 1661-1668, no. 31.

<sup>4</sup> Mass. Col. Rec. IV, Part I, pp. 445, 446.



fact and name," and had "full power & authoritje, both legislative & executive, for the goufment of all the people heere, whither inhabitants or straingers, both concerning ecclesiasticks & in ciuils w<sup>h</sup>out appeale, excepting lawe or lawes repugnant to the lawes of England." <sup>1</sup>

Such revolutionary views, so subversive of all imperial control, were in the nature of a challenge to the English government. In 1661 were also received several complaints against Massachusetts,<sup>2</sup> of which the most effective was that addressed by Captain Thomas Breedon to the Council for Foreign Plantations.<sup>3</sup> "It is not vnknowne to you," he wrote, "that they looke on themselves as a Free State, and how they sate in Counsell in December last a weeke before they could agree of writeing to his Ma<sup>tie</sup>, there being too many against owning the King or their haveing any dependance on England." He further added that the French and Dutch traded to the English colonies very much to England's prejudice and to the loss of many thousands of pounds to His Majesty's customs.

On the strength of these various complaints and of other sources of information, the Council for Foreign Plantations reported in the spring of 1661 <sup>4</sup> that New England had "strayed into many enormities," had transgressed the powers of its charters, and "that their Trade is in no way managed to y<sup>e</sup> Advantage of His Ma<sup>ties</sup> Crown." They

<sup>1</sup> Mass. Col. Rec. IV, Part II, pp. 24-26.

<sup>2</sup> C. C. 1661-1668, nos. 46, 48-53.

<sup>3</sup> *Ibid.* no. 45; N. Y. Col. Doc. III, pp. 39-41; N. Y. Hist. Soc. Coll. 1869, pp. 16-19; C. C. 1677-1680, pp. 297-298; C. O. 1/42, 133.

<sup>4</sup> C. O. 1/15, nos. 42, 47; Brit. Mus., Egerton MSS. 2395, f. 299.

import "hither very little to the Balance of their Exportation," and "Contrary to the Policies & restrictions heretofore observed by Yo<sup>r</sup> Ma<sup>ties</sup> Predecessors have transported & increased a Stock of Sheepe to the number of neere one hundred thousand Sheepe, whereby, not only, this Nation & y<sup>e</sup> manufacture thereof are become less necessary to them, but they are likely to be so stored with wool that the Dutch, who Trade freely with them, may supply themselves from thence, of such Wool as shall be necessary for them to mingle with their finer Wools, w<sup>ch</sup> they draw together out of several parts of Europe." The Council then stated that they had called before them Leverett, who had acted for several years as agent for Massachusetts, but that he claimed that he had no authority to give any information or to answer the complaints, as his agency had expired. "By all which it appears," the report continued, "that the Government there hath purposely & upon design withdrawn all manner of means of corresponding or being understood, or having their Affairs judg'd, or disposed of in England, as if they intended to suspend their absolute obedience to His Ma<sup>ties</sup> Authority, until time shall farther discover how far Necessity or their Interests shall compell them thereunto." As the situation was a delicate one, the Council prepared a tactful letter for New England, one written "with all possible tenderness," avoiding all contentious matters and not mentioning either their reception of the regicides, Whalley and Goffe, or "pressing upon them the Act of Navigation (as we have done to other places) which restraines the Licentiousness of their Trading."

This report and the proposed letter were submitted to the Privy Council, which did not think it fit that the despatch should be sent at that time, 'nor at all by the Council of Plantations,' and, as the question was 'a matter of State,' it appointed its own special committee for this purpose.<sup>1</sup> The English government was, however, unwilling to bring matters to an issue, as there was little to be gained even in the event of success. Far different would have been its attitude, if Massachusetts had been producing some commodity like sugar or tobacco. Hence it pursued a waiting policy and its attitude was to a marked degree conciliatory. In 1662 and 1663, respectively, exceedingly liberal charters were granted to Connecticut and Rhode Island;<sup>2</sup> and, although Massachusetts was mildly taken to task for its bigoted intolerance towards the Quakers,<sup>3</sup> its charter was confirmed and a free pardon was granted for offences committed during the Civil War, provided the oath of allegiance were observed and justice were administered in the King's name.<sup>4</sup>

Matters could not, however, continue long in this indeterminate condition. Massachusetts had either to become an actual member of the Empire or to withdraw wholly from it. It could not continue to enjoy the advantage of being protected as an English colony, while in other respects acting as if it were an independent state. Self-respect, if nothing else, obliged England not to permit Massachusetts to ignore the duties that were a corollary to the privileges it enjoyed

<sup>1</sup> C. C. 1661-1668, nos. 86, 87, 88, 91.

<sup>2</sup> *Ibid.* nos. 284, 512; R. I. Col. Rec. II, pp. 1-21.

<sup>3</sup> C. C. 1661-1668, nos. 89, 90, 168.     <sup>4</sup> *Ibid.* no. 314.

as a member of the English Empire. Towards the end of 1662, after a serious debate on New England affairs in the Committee for Plantations, the Lord Chancellor declared that the King would speedily send commissioners to settle the affairs of these colonies.<sup>1</sup> But it was only a year and a half later, when England was sending an expedition to attack New Netherland, that this resolution was carried into effect. Presumably it was thought that the presence of an armed force would make recalcitrant Massachusetts more pliable.

In 1664, a commission was issued to Colonel Richard Nicolls, Sir Robert Carr, George Cartwright, and Samuel Maverick to visit the several colonies in New England, to examine and determine complaints and appeals in all causes, and to settle the peace and security of that country.<sup>2</sup> These Commissioners were ordered to proceed to Massachusetts and, among other things, to see that the Act of Navigation was punctually observed and to make particular inquiries into the whole frame and constitution of their government.<sup>3</sup> On the same day that these instructions were issued, Charles II wrote to the Massachusetts authorities that one of the reasons for sending the Commissioners was 'to discountenance, suppress, and utterly extinguish all unreasonable jealousies and malicious calumnies that the King's subjects in those parts do not submit to his Majesty's Government, but look upon themselves as independent upon us and our laws.'<sup>4</sup> In so far as the other New England colonies were

<sup>1</sup> P. C. Cal. I, pp. 337, 338; C. C. 1661-1668, no. 370.

<sup>2</sup> C. C. 1661-1668, no. 708.

<sup>3</sup> Brit. Mus., Egerton MSS. 2305, ff. 387 *et seq.*; Mass. Col. Rec. IV, Part II, p. 117; C. C. 1661-1668, no. 711.

<sup>4</sup> C. C. 1661-1668, no. 715.

concerned, essentially the same instructions were issued; and, in addition, the Commissioners were especially directed to inquire what iron-works had already been erected in Connecticut, what opportunities existed for others, and of what nature was their ore.<sup>1</sup> Thus these Commissioners were to inform themselves not only about religious and political conditions in New England, but also about their economic development. The aim of the English government was to secure both their submission to the sovereignty of the mother country, and also their incorporation into the commercial system which the Restoration statesmen were creating.

The Commissioners met with a satisfactory reception in the smaller New England colonies — Connecticut, Rhode Island, and New Plymouth. In them justice was administered in the King's name, and they further allowed the Commissioners to hear appeals and promised loyalty and obedience to England. These colonies were, however, feeble and of slight commercial importance. Plymouth was situated in the most barren part of the country. They had, the Commissioners reported, about twelve small towns, one saw-mill, "one bloomery for iron," but they were very poor, having no good river, no good harbor, nor any place of strength. Rhode Island and Connecticut, though much more fertile, were still largely undeveloped. In the former, considerable attention was paid to the raising of sheep; but, in general, the chief occupation of both colonies was the production of provisions for home consumption

<sup>1</sup> C. C. 1661-1668, no. 717; Brit. Mus., Egerton MSS. 2395, ff. 393 *et seq.*

and for export to the West Indies and Newfoundland.<sup>1</sup> The attitude of these colonies was, however, of no special importance, as in material resources and development they were insignificant in comparison with Massachusetts. Politically, and even more so economically, they were dwarfed by their powerful neighbor. As the Commissioners reported, Massachusetts had engrossed the whole trade of New England, and was by far the richest and most prosperous of these communities.

At this time it was said that Boston, a growing town of several thousand people, was "full of good Shoppes well furnished with all kind of Merchandize and many Artificers and Trad'smen of all sorts."<sup>2</sup> The basic industries of the colony were ship-building, fishing, and agriculture. A large number of boats were employed in the local fishery, and the best fish was sent to southern Europe and to the Spanish and Portuguese "Wine Islands," while that of poorer quality found a market in the English West Indies. In addition, they shipped pipe-staves, masts, lumber, some pitch and tar, beef, pork, horses, and corn to Virginia, Barbados, and the

<sup>1</sup> The Commissioners reported that the best English grass and most sheep were in Rhode Island, 'the ground being very fruitful, ewes bring ordinarily two lambs, corn yields 80 for one, and in some places has grown 26 years together without manuring.' C. C. 1661-1668, no. 1103; Brit. Mus., Egerton MSS. 2395, ff. 426 *et seq.* On September 19, 1660, John Winthrop, Jr., wrote from Hartford that Connecticut exported large quantities of biscuit, peas, beef, butter, *etc.*, to Barbados, Newfoundland, and elsewhere. Winthrop Papers IV. In 1664, New Plymouth added a clause to the oath taken by its Governor, binding him to obey the Act of Navigation. Records of New Plymouth, Laws 1623-1682, p. 159.

<sup>2</sup> C. C. 1661-1668, no. 1660; Brit. Mus., Egerton MSS. 2395, f. 402.

other West Indian islands. Part of these supplies came from the neighboring colonies. In return, they brought back sugar and tobacco, which the Commissioners said "they after send for England." The exports to England consisted mainly of the large masts required by the ships of the line in the Royal Navy, which were scarce at all times in Europe, and were especially difficult to obtain during time of war, when the communications with the Baltic countries were precarious. During the Dutch war of 1665-1667, England drew freely upon the supply in New England. From England, Massachusetts imported wearing apparel, textiles, and utensils.<sup>1</sup> The colony's comparatively extensive trade was carried well-nigh exclusively in its own shipping. In 1665, Massachusetts had about 132 ships, of which forty were from 40 to 100 tons, and twelve were even larger.<sup>2</sup> Nearly all these ships were built in the colony, and unquestionably this development was in part due to the stimulus given by the English Navigation Act. But in addition Massachusetts, like Virginia, gave preferential treatment to its own shipping. By a law of 1667 all vessels of above twenty tons not belonging to Massachusetts had to pay tonnage dues in gunpowder for every voyage made there.<sup>3</sup>

<sup>1</sup> C. C. 1661-1668, nos. 1103, 1336, 1660; P. C. Cal. I, pp. 300, 301; N. Y. Col. Doc. III, pp. 110-113; Brit. Mus., Egerton MSS. 2395, ff. 402, 434; Richard Blome, *A Description of the Island of Jamaica* (London, 1672), p. 170.

<sup>2</sup> Mass. Col. Rec. IV, Part II, p. 203. In 1671, the Council for Foreign Plantations was informed that New England had about 200 vessels, of which 8 or 10 were of 200 tons burden. C. C. 1669-1674, p. 232.

<sup>3</sup> Mass. Col. Rec. IV, Part II, pp. 331, 332.

Already before the appointment in 1664 of the royal Commissioners, Massachusetts had taken steps to make the Act of Navigation effective within its bounds. In the spring of 1663, on receipt of a petition from several inhabitants of the colony, the General Court ordered Secretary Rawson to take bonds from vessels loading the enumerated commodities.<sup>1</sup> Later in the year, in response to the circular letter of the Privy Council enjoining upon the colonies a strict observance of these laws, the General Court appointed officers at Boston and other ports to seize unfree vessels, to take the enumeration bonds, to keep an account of all vessels arriving and departing, and to send these accounts together with the copies of all bonds to the Governor, who should transmit them to the authorities in London.<sup>2</sup> These orders were carried into effect, and Secretary Rawson in 1664 sent to Sir John Wolstenholme "eleven copies of bonds" and a copy of the order of the General Court "in pursuance of the act of navigation."<sup>3</sup> Thus at this time Massachusetts unequivocally recognized the legal force of this law within its jurisdiction.

The royal Commissioners of 1664 were especially instructed<sup>4</sup> to see that provision was made for the strict enforcement of the Act of Navigation and that careful accounts of all ships freighted in New England were forwarded

<sup>1</sup> *Ibid.* p. 73.

<sup>2</sup> *Ibid.* pp. 86, 87; *The Colonial Laws of Massachusetts* (Boston, 1889), pp. 222, 223.

<sup>3</sup> *Hutchinson Papers II*, p. 108. See also *Mass. Col. Rec. IV*, Part II, p. 90.

<sup>4</sup> *Mass. Col. Rec. IV*, Part II, p. 103; *N. Y. Col. Doc. III*, p. 54.



once a year to the English customs authorities. It was pointed out to them how earnestly Parliament had presented this law to the King as of infinite concern to the trade of England and her dominions, and how carefully it had been enforced "as a thing wee well know the heart of this whole nation are set vpon." Accordingly, the Commissioners were to inform the Massachusetts authorities that the English government could not but take notice of how much the Act was violated in Massachusetts, and "what ill acts are practised by some in authority there to enervate & avoyd the same"; and they were further to see that all Massachusetts laws repugnant to this Act were repealed.<sup>1</sup> In reply to the accusations in this instruction, the Massachusetts General Court declared in 1665 that they had been misrepresented to the King. "The act for trade hath for some yeares beene observed heere, as our orders will declare," and we are not conscious, they further said, "that wee haue greatly violated the same, neither know wee any lawe of ours against it."<sup>2</sup>

As far as this phase of the royal commission's errand was concerned, no fault could be found with Massachusetts's attitude. The political question was far graver. Massachusetts recognized a somewhat vague allegiance to England, while claiming virtual sovereignty within its own bounds.

<sup>1</sup> In addition, the Commissioners were to inquire into a complaint that in a specific case during 1661 the Massachusetts authorities had not enforced the law. *Cf.* Toppan, *Randolph I*, p. 28 n. In 1665, the General Court denied that it had acted unjustly in this case. *Mass. Col. Rec. IV, Part II*, p. 202.

<sup>2</sup> *Mass. Col. Rec. IV, Part II*, p. 202.

As a result of this allegiance, the colonial authorities acknowledged their obligation to defend themselves from foreign foes. During the Dutch and French war, the conduct of Massachusetts was from the imperial standpoint on the whole satisfactory. In 1664, the colony raised some men and money for the Dutch war<sup>1</sup>; and, although in 1666 it refused to coöperate in the projected expedition against Canada, there was some justification, as the season had become so advanced that success was more than doubtful.<sup>2</sup> On the other hand, Massachusetts made a gift to the Royal Navy of some valuable masts, "as a testimony of loyalty & affection,"<sup>3</sup> and contributed a considerable amount of provisions to the naval expedition designed for the recovery of the Leeward Islands from the French.<sup>4</sup> Lord Willoughby stated that this aid was invaluable,<sup>5</sup> and Charles II thanked the colony for its generosity in this instance and in contributing masts to the English navy.<sup>6</sup> To some extent, this zeal of Massachusetts was unquestionably intended to ward off any possible attack upon its charter. In 1664 and 1665, however, the English government's attitude toward the

<sup>1</sup> *Ibid.* pp. 117, 120-122, 137, 140, 157, 158.

<sup>2</sup> N. Y. Col. Doc. III, pp. 120, 137, 138; Hutchinson Papers II, p. 134; C. C. 1661-1668, no. 1292; Mass. Col. Rec. IV, Part II, pp. 316, 317, 328, 329; Winthrop Papers IV, pp. 101-103; Conn. Col. Rec. II, p. 514.

<sup>3</sup> C. C. 1661-1668, nos. 1409, 1797; Mass. Col. Rec. IV, Part II, pp. 318, 327, 328, 368, 369.

<sup>4</sup> C. C. 1661-1668, no. 1574; Mass. Col. Rec. IV, Part II, pp. 345, 423; Hutchinson Papers II, pp. 154, 155; Conn. Col. Rec. II, pp. 515, 516; Winthrop Papers IV, pp. 117-119.

<sup>5</sup> C. C. 1661-1668, no. 1648.

<sup>6</sup> *Ibid.* no. 1798; C. C. 1669-1674, pp. 20, 31.

colony was decidedly conciliatory and there was no intention whatsoever of taking such proceedings.<sup>1</sup> But there was a radical difference between the English government's interpretation of the scope of this patent and that of Massachusetts.

When the royal Commissioners arrived in Massachusetts, they found that justice was being administered in the King's name, but they were not permitted to hear cases on the ground that the General Court was the supreme judicature in the colony. "They hope," these Commissioners reported, "by writing to tire the King, the Lord Chancellor, and the Secretaries, and say they can easily spin out seven years by writing and before that time a change may come; nay some have dared to say, who knows what the event of this Dutch war may be. . . . Many times in their lawes (they) stile themselves this State, this Comon-wealth, & now believe themselves to be so."<sup>2</sup> After these reports had been duly considered, in the spring of 1666 Charles II wrote to the New England colonies that he was pleased at the

<sup>1</sup> In 1666, the distinguished English scientist, Robert Boyle, wrote from London to John Endicott in Massachusetts about the favorable inclination he had found in the King and Clarendon towards New England. 'Though Clarendon,' he continued, 'again repeated and confirmed the assurance he authorized me to give your friends in the city, yet I cannot but acquaint you with this, observing that in your last addresses to His Majesty and letters to Clarendon there are some passages that were much more unexpected than welcome, in so much that not only those who are concerned in your affairs, but the most considerable persons that favor you in England, have expressed to me their being unsatisfied in more particulars than I am speaking of.' Winthrop Papers III, pp. 401, 402.

<sup>2</sup> Brit. Mus., Egerton MSS. 2395, f. 434; N. Y. Col. Doc. III, pp. 110-113; C. C. 1661-1668, no. 1103.

treatment accorded to the Commissioners by all of them except Massachusetts, whose denial of appeals from their judgments was "a matter of such high consequence as every man discerns where it must end." Therefore, Massachusetts was commanded to appoint persons to attend the government in England, so that the question might be settled. At the same time assurances were given that the charter would not be infringed.<sup>1</sup> The prediction of the Commissioners, however, came true. Massachusetts evaded the summons and appointed no agents,<sup>2</sup> apparently trusting to the patent disinclination of the English government to force matters to an issue.

During the subsequent five years this troublesome question was not again raised, primarily because the English government was not sufficiently interested in this region to use force in order to secure the submission of Massachusetts. The English statesmen could well ask themselves, what would be the national advantage even if, after the expenditure of much time and energy, their views were enforced. At this time many in England, apparently without much regret, regarded Massachusetts as on the verge of casting off all allegiance to the mother country. In 1671, however, this question came up prominently again, mainly through the claims of Ferdinando Gorges to Maine and of Robert Mason to New Hampshire. Massachusetts had overturned the government that the royal Commissioners of 1664 had organized in Maine, and refused to recognize Gorges's rights to this country. New Hampshire had been virtually annexed

<sup>1</sup> C. C. 1661-1668, no. 1171.

<sup>2</sup> *Ibid.* no. 1297.

without any legal warrant.<sup>1</sup> Both of these steps, however, were taken in agreement with the wishes of the majority of the people in these two districts. Through the petitions of Mason and Gorges, this matter was brought before the Council for Foreign Plantations.

At its session of May 26, 1671, Evelyn reports, what was "most insisted on was to know the condition of New England, which appearing to be very independent as to their regard to Old England, or his Majesty, rich and strong as they now were, there were great debates in what style to write to them; for the condition of that Colony was such, that they were able to contest with all other Plantations about them, and there was fear of their breaking from all dependence on this nation." Some of the Council "were for sending them a menacing letter, which those who better understood the peevish and touchy humour of that Colony were utterly against," and it was finally decided in the first place to secure accurate information about the state of New England.<sup>2</sup> Ten days later,<sup>3</sup> there was a long debate in the Council on New England, "but at length it was concluded that, if any, it should be only a conciliating paper at first, or civil letter, till we had better information of the present face of things, since we understood they were a people almost upon the very brink of renouncing any dependence on the Crown." On August 3, the same subject again came up, and it was debated, whether or no to send "a Deputy" to New England to require Massachusetts to recognize

<sup>1</sup> P. C. Cal. I, pp. 543, 544; C. C. 1669-1674, pp. 20, 31, 171, 208.

<sup>2</sup> Evelyn, May 26, 1671.

<sup>3</sup> *Ibid.* June 6, 1671.

the rights of Mason and Gorges, and "with secret instructions to inform us of the condition of those Colonies, and whether they were of such power as to be able to resist his Majesty, and declare for themselves as independent of the Crown, which we were told, and which of late years made them refractory." The Council determined to advise the King to send commissioners to New England to adjust the disputed boundaries and "with some other instructions" as well.<sup>1</sup> The government adopted this recommendation, and decided to send the commissioners in the spring of 1672. On April 30, 1672, the Plantation Council was informed that the King had actually named commission-

<sup>1</sup> Evelyn, August 3, 1671; C. C. 1669-1674, p. 208. Among the Pepys Manuscripts at Magdalene College, Cambridge, is a memorandum, apparently of about this time, wherein Evelyn after commenting upon the military strength of New England wrote: "When all is said to deter us from attempting anything of force upon them (which yet were not impossible) if New Engd. finds that his Ma<sup>ty</sup> takes care of their Ministers and will confirm them a better subsistence (for which many of them extremely begin to complain) you disarm them of their zeal, which is their chief Artillery and Ammunition. In sum, N. England is to be gained by either policy or force, so the means be prudently carried on." Pepys MSS. (H.M.C. 1911), pp. 270, 271. The President of the Council, Sandwich, urged a moderate course. On July 2, 1671, he wrote: "Our principall care then must be to regulate this people and gett as much hand in their government as wee can, to enable us to keepe off prejudice from us as long as wee can. I take the way of roughnesse and peremptory orders, with force to backe them, to be utterly unadviseable. For they are already too strong to be compelled. . . I beleeve if wee use severity towards them in their Government civill or religious, that they will (being made desperate) sett up for themselves and reject us." His plan "to prevent the growing power" of Massachusetts included the sending of royal commissioners to New England, who should introduce and establish crown government in Rhode Island, Maine, New Hampshire, and Kennebec. F. R. Harris, *op. cit.* II, pp. 338-341.

ers,<sup>1</sup> but at the last moment the plan was abandoned owing to the serious nature of the war with the Dutch, in which England had shortly before this become involved. These hostilities deferred for three years all attempts to settle the New England question.

When urging their claims to New Hampshire and Maine, Mason and Gorges had placed great stress upon the economic value of these territories to the Empire. In a memorial of 1671,<sup>2</sup> Mason stated that New Hampshire was the best developed and most populous place in New England; that it abounded in corn, cattle, timber and fish; that it had an extensive trade and considerable shipping, importing and exporting yearly thousands of tons, "which neuer pays any custome to the King." These customs, if looked after, he said, might amount to £4000 yearly.<sup>3</sup> In the following year, the King was urged to interfere on behalf of Gorges in order to prevent the great destruction among the mast trees of Maine, where an abundant supply was available for the Royal Navy.<sup>4</sup> In 1674,<sup>5</sup> another memorial

<sup>1</sup> C. C. 1669-1674, p. 208. See also Evelyn, Feb. 12, 1672.

<sup>2</sup> C. O. 1/27, 56; C. C. 1669-1674, p. 294.

<sup>3</sup> According to Mason, New Hampshire's yearly exports were 20,000 tons of lumber, 10,000 quintals of fish, 10 shiploads of masts, and several thousand beaver and otter skins. Its imports were 300 tons of wine and brandy, 200 tons of goods from the Leeward Islands, and 2000 tons of salt. The Commissioners of 1664 had reported that in New Hampshire were obtained excellent masts, that there were over 20 saw-mills upon the Piscataqua River, and that "heere are great store of Pipe-staves made, & great Store of good Timber spoyled." Brit. Mus., Egerton MSS. 2395, f. 427; C. C. 1661-1668, no. 1103.

<sup>4</sup> C. C. 1669-1674, p. 448.

<sup>5</sup> *Ibid.* pp. 579-582.

stated that the prosperity of New England was greatly hindered by these territorial controversies and prayed the King to purchase the rights of Mason and Gorges. The writer of this petition was enthusiastic about the agricultural and mineral resources of New Hampshire and Maine. He claimed that England could be supplied thence with masts, tar, timber, and other naval stores at cheaper rates than those current in Europe (which would conduce to the national safety), and that a considerable trade in beaver and other furs could be established with the Indians.

It was not these optimistic accounts of the economic possibilities of New Hampshire and Maine that led the English government seriously to take in hand this entire question, when in 1675 Mason and Gorges renewed their claims.<sup>1</sup> Nor would the opinion of the law officers of the Crown that these claims were valid<sup>2</sup> in itself have sufficed to induce the government to grapple with this thorny problem. But at this time those in charge of colonial affairs became keenly alive to the fact that Massachusetts's trade was developing along lines that threatened to nullify the efforts of the English statesmen and to disrupt the colonial system in its very inception. It was of relatively little importance to England to what extent Massachusetts violated the laws of trade and navigation in so far as that colony alone was concerned. For Massachusetts produced no one of the enumerated commodities<sup>3</sup> and furnished a comparatively small market for

<sup>1</sup> C. C. 1675-1676, pp. 200, 201, 211, 222-224.

<sup>2</sup> *Ibid.* pp. 232, 233.

<sup>3</sup> *Cf. ibid.* p. 381.



English manufactures. But it became a most serious matter when the New England traders took the sugar and tobacco of the other colonies directly to Europe, and brought back to them European goods which had not passed through England. If unchecked, his trade might in the end nullify all the benefits that England expected to derive from the other colonies. In addition, the New England fisheries competed with those at Newfoundland and lessened their value as a nursery of seamen. By this time also, the New England traders had acquired a strong position in the Yucatan logwood trade, which threatened to involve England in fresh hostilities with Spain. As these traders carried this logwood directly to the countries of continental Europe, England's industrial rivals were supplied with this dye-stuff as cheaply as the mother country and without the unpleasant prospect of war with Spain.<sup>1</sup> Detailed reports of this general nature had reached England and had led to the passage by Parliament of the Act of 1673 imposing the plantation duties. This measure had not proven itself an effective remedy, and in 1675 and 1676 the complaints

<sup>1</sup> In 1675, the Governor of Jamaica, Lord Vaughan, wrote to Secretary Williamson that the New England traders were reaping the whole profit from the logwood trade, 'and his Majesty receives no Customs for it, and unless his Majesty's authority be settled there they will, under colour of their patent, make the trade of most of the Plantations (as they have their own) independent of that of England, nor will the late Act of Parliament restrain them.' 'It much imports his Majesty's interest that this point be timely considered,' he added, 'and possibly this is a juncture his authority might be easily established, the Indians being in rebellion against Plymouth and the Massachusetts, and not like to be reduced this winter.' C. C. 1675-1676, p. 282.

became so insistent and so circumstantial that the government realized the gravity of the situation and was forced to take steps to rectify this dangerous state of affairs.<sup>1</sup>

Of the memorials presented to the government one of the most important was that of Captain Wyborne of H.M.S. *Garland*, who in 1673 had gone to Boston for profit and had remained there for three months.<sup>2</sup> Coming from such a

<sup>1</sup> The stress laid on these complaints in England is well illustrated by the following correspondence. In the fall of 1673 a merchant and a close personal friend of Massachusetts, wrote from England to Governor Thomson about the dissatisfaction in some great ministers in England that the English and England traders were defrauding the customs by shipping tobacco to the West Indies. "I know this is don by particular persons, and I am sure they want to the government," he wrote, "yet I know not how to excuse it." Accordingly, he advised Leverett to prevent such practices in the future and if any vessels escaped the authorities to inform against them. Leverett's reply shows no realization of the seriousness of such charges from the English viewpoint. He wrote to Thomson that he did not understand that any but one vessel had gone from their ports this year and that this vessel was bound for England and was laden mainly with logwood. If any of their ships did take tobacco directly to Europe, he added, they must have sailed from Virginia, but he supposed that the payment of the 1673 export duties there would in the future remove these complaints. "For myself," he concluded, "I am not concerned therein, the general court haveing left the care of that affair with the secretary, onely shall advertise him to more circumspection in his place." In reply, Thomson wrote early in 1675 that the payment of the 1673 duties did not allow the direct exportation of the enumerated products to foreign parts. "I should be sorry," he continued, "that his Majestie should have any ground of offence in this kind, for a little profit to some particular persons to be an occasion of depriveing the whole of their chiefest enjoyments. Its objected here by some that you have noe such law there, and soe will not judg by our lawes in exporting or importing of goods to or from foraine kingdomes. If it be soe, as a true friend to you, I would advise it be one of the first things you doe to prevent greater evils." Hutchinson Papers II, pp. 105, 201, 202, 204.

<sup>2</sup> C. O. 1/35, 50; C. C. 1675-1676, pp. 306-308.

source his statements unquestionably carried great weight, but in estimating their accuracy it should not be forgotten that Wyborne was a prejudiced witness, having been publicly insulted in the colony.<sup>1</sup> This naval captain reported that the trade of New England was very great both to the English West Indies, "as also to most parts of Europe so that it is become a Magasine both of all American & European Commodities for the furnishing & supplying of the seaverall Countreys & that during his stay ships dayly arrived from Spain France Holland & Canareys bringing all sorts of Wines Linins Silks & fruits which they transport to all the other plantations taking American commodities in exchange which they carry back to the aforesaid Kingdomes without coming to England." Wyborne said that he had complained of this illegal trade to the Boston magistrates, but was unable to secure any satisfaction.<sup>2</sup> Nor would they assist him in his scheme to recapture New York from the Dutch. 'By their discourse,' he added, 'they look upon themselves as a free State, not at all to be interested in the King's differences with other nations.'

Early in 1676, shortly after this memorial was considered, a number of English merchants complained to the King

<sup>1</sup> Chalmers, *Political Annals* (London, 1780), p. 434.

<sup>2</sup> In 1677, Sir Thomas Lynch told the Lords of Trade that, while he was Lieutenant-Governor of Jamaica, a New England ship had come there directly from France with brandy, and that, on his refusing to allow her to trade, she had sailed to New England, where Captain Wyborne tried to seize her, but was prevented by the magistrates. C. O. 301/2, f. 53; C. C. 1677-1680, pp. 102, 103; Toppan, *Randolph II*, pp. 268-270; P. C. Cal. I, p. 710.

that of late the inhabitants of New England traded directly to most parts of Europe and encouraged strangers to trade with them, 'whereby all sorts of merchandise of the produce of Europe are imported directly into New England, and thence carried to all the other of the King's dominions in America, and sold at far cheaper rates than any that can be sent from hence, and that they take in exchange the commodities of the Plantations which are transported to Europe without coming to England, so that New England is become the great mart and staple, by which means the navigation of the kingdom is greatly prejudiced, the King's revenue inexpressibly impaired, the price of home and foreign commodities lessened, trade decreased, and the King's subjects much impoverished.'<sup>1</sup>

These and similar complaints, as well as the claims of Mason and Gorges, were considered by the Lords of Trade, who naturally turned to the Commissioners of the Customs for further information.<sup>2</sup> This board reported<sup>3</sup> that while they had hoped that the appointment of customs officials in the colonies would prove effective, yet there was some illegal trade in New England, but they had 'nothing on which to ground a calculation of the particular detriment thus arising.'<sup>4</sup> At first, the Lords of Trade were in favor of sending commissioners to New England as had been done

<sup>1</sup> C. C. 1675-1676, p. 337.

<sup>2</sup> *Ibid.* p. 224.

<sup>3</sup> C. O. 1/34, nos. 74, 75; C. C. 1675-1676, p. 231.

<sup>4</sup> On October 11, 1675, the Commissioners of the Customs reported that they had received from the Secretary of Massachusetts eight bonds for enumerated commodities, which he said were all that had been taken in 1674. C. O. 324/4, ff. 22-24; C. C. 1675-1676, pp. 206-208.

ten years before.<sup>1</sup> In the spring of 1675, they reported in favor of sending five men 'of great sobriety and discretion'<sup>2</sup>; but towards the end of the year they stated that such a step, 'besides the charge, uncertainty of success and danger of affront, would look like awarding execution on those people before they were heard,' and therefore they advised that a copy of the complaints of Mason and Gorges be sent to Massachusetts and that the colony be required to send representatives to England to answer them.<sup>3</sup> Accordingly, in March of 1676, Charles II wrote to the Massachusetts authorities about the claims of Mason and Gorges and stated that it was 'high time to afford a solemn hearing,' so that justice should be administered to all. He commanded them to send to England within six months agents fully instructed and empowered to answer these claims.<sup>4</sup> It was evidently deemed advisable to reopen the entire question of Massachusetts's relations to England by means of this one specific point. No mention was made of the colony's evasion of the laws of trade and navigation. This subject was purposely deferred, as it was realized that it was first requisite 'to do something effectual for the better regulation of that Government, or else all hopes of it may be hereafter lost.'<sup>5</sup> Circular letters were, however, again sent to the Governors in the royal colonies, enjoining a strict en-

<sup>1</sup> C. O. 1/34, nos. 68, 69; C. O. 5/903, ff. 9-13; C. C. 1675-1676, pp. 222-224. Cf. C. O. 1/18, 46.

<sup>2</sup> C. C. 1675-1676, p. 224.

<sup>3</sup> *Ibid.* pp. 308, 322. Cf. P. C. Cal. I, pp. 640, 641.

<sup>4</sup> C. C. 1675-1676, pp. 358, 360, 361; Toppan, Randolph II, pp. 104-106.

<sup>5</sup> C. C. 1675-1676, pp. 350, 361, 362.

forcement of these laws, which would have put a stop to a considerable part of the illegal trade of the New Englanders.<sup>1</sup>

It was in connection with these royal commands that Edward Randolph's long connection with the colonies began. He was entrusted with the delivery of the King's letter and the accompanying documents, and was commanded to bring back the colony's answer.<sup>2</sup> In addition, Randolph was instructed to collect information as to what laws were in force derogatory to those of England, as to the colony's military strength, trade, commerce, public revenue, disposition toward England, and observance of the laws of trade and navigation. A number of statements as to the size of New England's population, its shipping, iron-works, its trade and industry were given to him for confirmation or correction as the facts ascertained might warrant. The lack of reliable information was evidently keenly felt.<sup>3</sup>

<sup>1</sup> C. O. 324/4, ff. 37-39; C. C. 1675-1676, pp. 369-371, 381. See also Cal. Treas. Books, 1676-1679, p. 170. According to Williamson's notes it was also planned at this time to send customs officials to New England. Cal. Dom. 1675-1676, p. 574.

<sup>2</sup> C. C. 1675-1676, pp. 358, 360, 361; Toppan, Randolph II, pp. 194-196; Cal. Treas. Books, 1676-1679, pp. 28, 150.

<sup>3</sup> Among the statements whose reliability Randolph was to investigate was one to the effect that the population of New England was 120,000, of whom 16,000 were able to bear arms. C. O. 5 903, ff. 103-105; Brit. Mus., Egerton MSS. 2305, f. 522; Toppan, Randolph II, pp. 198-201; C. C. 1675-1676, pp. 361, 362. In 1675, William Harris, a well-known New Englander (see I. B. Richman, Rhode Island II, pp. 207 *et passim*, and Osgood, *op. cit.* II, pp. 337 *et seq.*), had given considerable information about the trade of these colonies. He stated that the number of men capable of bearing arms was between 7000 and 8000 foot and about 650 horse, and that Massachusetts built every year twelve ships of from 40 to 80 tons. C. O. 1 34, nos. 59-60; C. C. 1675-1676, pp. 213, 220-222. In connection

While Randolph was engaged in this mission, the English government continued to investigate the question of illegal trade in New England. On April 10, 1676, was read before the Lords of Trade a petition from the mercers and silkweavers of London, stating that formerly large quantities of silks had been shipped from England to the colonies, but that in recent years they had been supplied by the New England traders with goods imported directly from France, Italy, and other foreign countries, "so that yo<sup>r</sup> pet<sup>r</sup> send little or none thither, by meanes whereof they are many of them totally ruined, others of them greatly hurt, and most of them very much prejudiced." In addition to this illegal importation of silks and stuffs, they asserted that the New Englanders furnished the other colonies with brandy, wine, oil, and other commodities, all of which by law ought to be shipped from England and pay customs there, and that the total loss to the revenue on these accounts "would amount to above sixty thousand pounds per Annum."<sup>1</sup>

with the general policy towards New England at this time and more specifically Randolph's mission, Professor Channing writes that "the Commissioners of the Customs and William Blathwayt, secretary to the Lords of Trade, were the moving spirits in this enterprise." Channing, *History of the United States II*, p. 158. At this time, Blathwayt had as yet no influence, having been employed only a few months, since September 1675, in a minor capacity, as assistant to Sir Robert Southwell (the Clerk of the Council attending the Lords of Trade), with a salary of £150. *Cal. Treas. Books, 1676-1670*, pp. 249, 282, 299; *P. C. Cal. I*, pp. 664, 665.

<sup>1</sup> *C. O.* 5 003, ff. 106-108; *C. C.* 1675-1676, pp. 374, 375. At this time, information was also received that the New England traders were implicated in the illegal importation of tobacco into Ireland which was giving the government so much trouble. *Cal. Dom.* 1676-1677, pp. 586, 587.

Although grossly exaggerated, these statements demanded further investigation, and the Lords of Trade summoned before them a number of men qualified to give information, including some who were to be found at the Exchange, 'upon the New England Walk.'<sup>1</sup> On their appearance before the Lords of Trade, some of the New England merchants "were shie to unfold y<sup>e</sup> mistery thereof, others pretended Ignorance, but the most of them declared plainly, how all sorts of goods growing in his Ma<sup>ties</sup> other Plantations were brought to New England on paym<sup>t</sup> of y<sup>e</sup> duties payable by the Act for going from one plantation to another." With these goods, and often also with cargoes of logwood,<sup>2</sup> they then sailed to all parts of Europe, returning with merchandise to the colonies "without euer calling at Old England, but when they thought fitt," so that wines, brandies and other commodities were sold in the colonies for one-fifth less than the English merchants trading according to law could afford to furnish them. This, they claimed, would entirely destroy England's trade to the colonies "and leave no sort of dependancy in that place from hence." Thereupon the Lords of Trade, thinking it "inconvenient to ravel into any of the past miscarriages, but to prevent the mischief in the future" resolved: 1, that all the colonial Governors should be obliged to take the oaths to obey the Acts of Trade and Navigation; 2, that royal customs

<sup>1</sup> C. C. 1675-1676, p. 377.

<sup>2</sup> A month after this, Edward Cranfield told the Lords of Trade that while he was in America 'seventeen sail of New England ships with logwood were bound to France whence they bring the commodities of that place to sell in the West Indies.' C. C. 1675-1676, p. 398.



officials should be established in New England as in the other colonies and, "in case of refusall in them to admitt such Officers, that the rest of the Plantations should be forbid to allowe them any liberty or intercourse of Trade"; 3, that the captains of the frigates of the navy should be instructed to seize and bring in offenders "that avoided to come and make their Entries here in England."<sup>1</sup> But beyond preparing a new form of oath and taking steps to see that it was administered to the royal Governors,<sup>2</sup> nothing further was done, presumably because it was thought advisable to await the answer of Massachusetts to the royal letter and Randolph's report on his mission.

When, in the summer of 1676, Randolph arrived in Boston, he delivered the letter to Governor Leverett, who made light of the Mason and Gorges claims, calling them 'impernencies, mistakes, and falsehoods,' and left the matter to the consideration of the General Court at its next session.<sup>3</sup> Leverett with the other colonial authorities regarded Randolph as Mason's agent,<sup>4</sup> and treated him with scant courtesy, paying him none of the respect due to an official messenger of the King. Contrary to the royal instructions, they refused to deliver to Randolph their answer to the complaints,

<sup>1</sup> C. O. 5/903, ff. 108-110; C. C. 1675-1676, pp. 379, 380. Cf. *ibid.* pp. 156, 381.

<sup>2</sup> C. O. 324/6, f. 53; No. Ca. Col. Rec. I, pp. 227, 228; P. C. Cal. I, pp. 663, 664; C. C. 1675-1676, pp. 385, 389, 390; Cal. Treas. Books, 1670-1679, pp. 170, 227.

<sup>3</sup> C. C. 1675-1676, pp. 402, 403.

<sup>4</sup> Mason was a brother-in-law of Randolph's wife. Goodrick, Randolph VI, p. 9.

but despatched it by other conveyance to England. As a result, Randolph was from the very start forced into a position of hostility to those in power in Massachusetts, and his feelings quickly developed into those of bitter animosity. This bias is apparent in the reports of his mission delivered to the English government. In addition, while in the colony, Randolph was the natural centre to which gravitated all the malcontents in Maine, New Hampshire, and Massachusetts. They filled his ears with their numerous grievances against the dominant theocratic oligarchy. Hence his reports were strongly partisan and highly colored, especially in their phraseology. Some of the facts reported, especially those relating to resources and population, were also untrustworthy, but in their fundamental statements his accounts were reliable and were confirmed not only by a mass of corroborative testimony, but by the actual course of New England history itself. They showed conclusively, what had become already plainly apparent, that Massachusetts was determined to remain a virtually independent commonwealth, denying to England any more than a merely nominal authority, and that the independent course of her traders was threatening to wreck the attempts of the English statesmen to create a self-contained commercial Empire.

As instructed, Randolph gathered together considerable information about the political and economic conditions of New England, and embodied these facts in his reports.<sup>1</sup> He

<sup>1</sup> Toppan, Randolph II. pp. 203-209, 225-259; C. C. 1675-1676, pp. 406-409, 455, 456, 463-468; Hutchinson Papers II, pp. 210-240; Brit. Mus., Add. MSS. 20,080, II. 7-20.

stated that New England had suffered greatly from the recently concluded Indian war, and that its commodities consisted of naval stores, provisions, cattle, and fish, which were shipped to the other colonies and to Europe. Their exports of fish alone were valued at £50,000 yearly. Randolph further reported that they launched yearly twenty vessels, some as large as 100 tons, and that in 1676 thirty were ordered to be set on the stocks by the merchants in England, 'who make their returns from hence in new shipping.' Although the Indian war had prevented that number being built, yet twelve, some over 160 tons, were being constructed. In all, he stated, Massachusetts had built 730 ships of from 6 to 250 tons. Further, Randolph reported, that the iron ore was excellent, and that there were six forges employed in working it. The population of Massachusetts, including Maine and New Hampshire, he estimated at 150,000 and that of Connecticut and New Plymouth at 80,000 — figures far in excess of the actual facts. These two last colonies, Randolph stated, observed the Navigation Acts and were ready to submit to English control. He also asserted that in Massachusetts, New Hampshire, and Maine were many opponents of the ruling theocracy, who would look favorably upon the establishment of royal government.

More important for the specific purposes of this work was Randolph's account of Massachusetts's attitude toward the laws of trade. This colony, he stated, traded to most parts of Europe, from which they imported so much merchandise, that little was left for the English merchants to sell. In one

week during his stay at Boston, two vessels<sup>1</sup> had arrived there from France with some brandy, wine, and other commodities and three from the Canaries with wine.<sup>2</sup> He further reported that, some weeks prior to his arrival, two other Boston vessels had arrived with Canary and Spanish wines, as well as with oil and other products. When Randolph complained to Leverett of these open violations of the law, the Governor "freely declared that the laws made by the King and Parliament oblige them in nothing but what consists with the interest of New England, that the legislative power abides in them freely to make laws not repugnant to the laws of England by their charter, and that all matters in difference are to be concluded by their final determination, denying any appeal to the King."

In view of this statement and the facts that had come to his notice, it is not surprising that Randolph returned to England impressed with the advisability of a thorough change in the political system of Massachusetts. This he deemed essential, not only for political reasons, but as a necessary prerequisite to the effective working of the economic policies embodied in the laws of trade and navigation. Although Randolph had confidently predicted that Massachusetts would adhere to its policy of contumacious procrastination and, as in 1666, would ignore the royal commands to send agents, the colony did obey. William Stoughton and Peter Bulkeley were appointed to represent its interests in England. These agents were, however, authorized to act

<sup>1</sup> These two were Boston ships.

<sup>2</sup> Of these, one was of Boston, one was English, and the other Scottish.

only in the Mason and Gorges matter.<sup>1</sup> But the fundamental point in dispute far transcended these narrow limits. Stripped of all collateral matter, the naked question at issue was whether Massachusetts was to remain an English colony and to become an effective member of the Empire, or was to sever all political ties with the mother country. Unquestionably the existing anomalous conditions could not continue.

The uncertainty prevailing in England as to the status of Massachusetts and the ultimate outcome is well illustrated in a report of Lords of Trade, dated February 6, 1677, on the rules to be observed in issuing passes to ships trading to the colonies. They stated that, although New England was included in the colonies, they had not framed "any Rules for Passes thither, inasmuch as they doe not yet conform themselves to the Laws by which other ye plantations doe trade, but take a liberty of Trading to all manner of places, where they think fit. Soe that Until Your Ma<sup>tie</sup> come to a better understanding touching what degree of dependance that Government will acknowledge to Your Ma<sup>tie</sup> or that Your Ma<sup>ties</sup> Officers may be there received and setted, to administer what the Laws require in respect of Trade," in conformity with the practice of the other colonies, they refrained from proposing any rules for passes in that place. Speedy care, they added, should be taken to come to some resolution in this matter, as it was "of great importance unto Trade."<sup>2</sup>

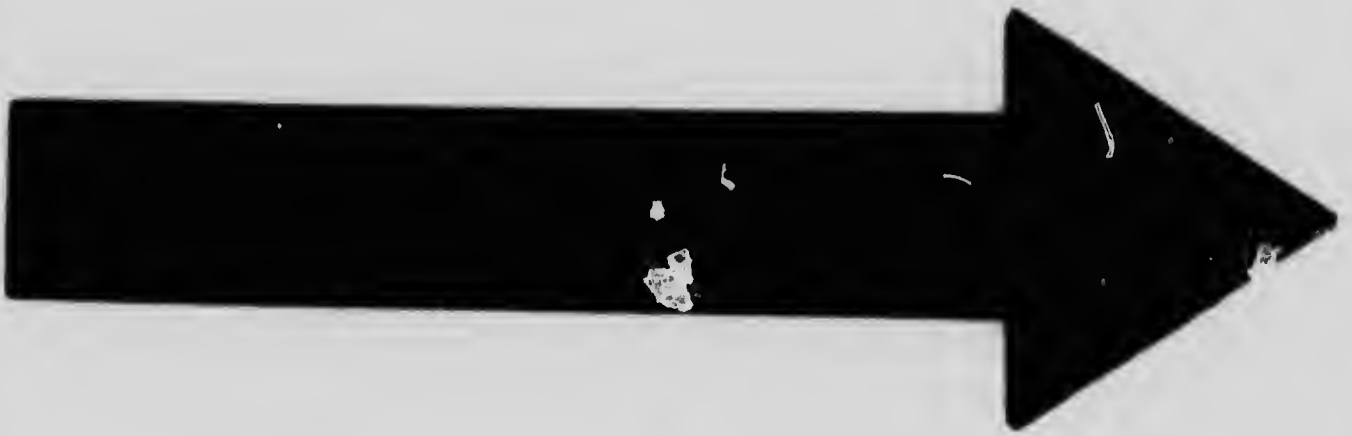
<sup>1</sup> C. C. 1675-1676, pp. 403-405, 513.

<sup>2</sup> C. O. 1/30. 26; C. C. 1677-1680, pp. 15, 16. This report was based upon one from Sir George Downing, made at the request of Sir Robert

Randolph's views regarding the measures demanded in this crisis were embodied in a memorial presented to the government a short time after his return to England.<sup>1</sup> Herein, he attacked the legal validity of the Massachusetts charter and stated that the colony had formed itself into a commonwealth, denying appeals to England and not taking the oath of allegiance. After citing various matters in which he claimed that they had exceeded their legal powers — such as the coining of money with their own impress, the infliction of the death penalty on religious dissenters — he asserted that they violated the laws of trade and navigation so extensively that the English customs revenue suffered a loss of £100,000 yearly. As a remedy, he suggested the use of the English troops then in Virginia to reduce Massachusetts to obedience and to settle that country under royal authority.

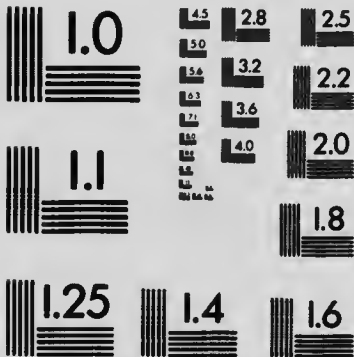
Southwell on behalf of the Lords of Trade. Therein this Harvard graduate said that he thought it would be convenient if the colonies had the rules for Spanish and Dutch passes, but that he knew of no occasion that they might have for Swedish, Danish, and Turkish passes. Consequently, he sent rules for Spanish and Dutch passes for all the colonies. Downing then added: "Although New England be among the Plantations, I do not suppose the intent is to send any rules, &c., for passes thither at present, they having their own government and doing what they please, and not conforming themselves to his Majesty's laws relating to the Plantations." If, however, the Lords of Trade should decide to send the rules for passes there, he wrote, "it will be necessary to send them rules in pursuance of every treaty, for they *de facto* trade to all places." Cal. Dom. 1676-1677, pp. 504, 521. See also Cal. Dom. 1677-1678, p. 116. In 1683, a writer pointed out that "the Government of *New England* (both civil and Ecclesiastical) do so differ from that of his Majesties other Dominions that it is hard to say what may be the Consequence of it." England's Guide to Industry (London, 1683), pp. 75, 76.

<sup>1</sup> Toppan, Randolph II, pp. 265-268; C. C. 1677-1680, p. 79.



# MICROCOPY RESOLUTION TEST CHART

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From this time dates the movement to abrogate the Massachusetts charter. To many this must have suggested itself as the only means of escape from the existing *impasse*. Unless Massachusetts were allowed to go its own way and to become an independent commonwealth — which in the prevailing acute state of international rivalry was a condition that could not have lasted — there was no other solution consistent with the accepted theory of colonization. Although the English statesmen were far from approving of many of the political tenets of the Massachusetts theocracy, the movement against the charter did not spring from any opposition to colonial self-government in itself, but from the conviction forced upon the home authorities that the uncontrolled manner in which the colony was exercising its powers was becoming increasingly detrimental to the economic welfare of England and the Empire.

In June of 1677, the Lords of Trade took Randolph's memorial under their careful consideration. Before venturing an opinion on the legal points raised in it, 'as these matters were of such high concern,' they sought the advice of the Judges, and merely reported on the question of illegal trade.<sup>1</sup> On this point, they stated that the guilt of the Massachusetts government had been clearly proven; and, to prevent such practices in the future, they proposed that the King should again instruct the colony to enforce these laws and that the Lord Treasurer should appoint "such Officers of the Customs at Boston, and other parts of New England,

<sup>1</sup> C. O. 391/2, ff. 53, 62; C. C. 1677-1680, pp. 102-104; Toppan, Randolph II, pp. 268-270, 272-274; P. C. Cal. I, p. 710.

as the said Acts doe prescribe." Within a few weeks, the Judges also rendered their opinion. While they held that Massachusetts had no legal jurisdiction over Maine and New Hampshire, they pronounced the colony's charter of 1629 valid and that it made 'the Adventurers a corporation upon the place.' This decision raised serious legal difficulties in the way of those who planned to abrogate the Massachusetts charter and to establish in that system's stead crown government as in Barbados and Virginia.<sup>1</sup>

On July 19, 1677, two days after this report of the Judges was read, the Massachusetts agents, Stoughton and Bulkeley, were summoned before the Lords of Trade and were questioned about the charges made by Randolph. The agents stated that they had no authority except in the Mason and Gorges matter, but that as private individuals they would give the desired information. Although putting the facts in a different setting, in general they were unable to refute Randolph's accusations. As regards illegal trade, they said that there were perhaps some private persons who had in ignorance violated these laws, but that the Governor was obliged to take bonds to prevent such evasions and would obey the orders of the English government in this respect.<sup>2</sup> Furthermore, in a written reply to Randolph's indictment,<sup>3</sup> they said that they supposed that the trade laws "have not bene strictly observed by some Merchants but

<sup>1</sup> This plan had quickly assumed definite shape in Randolph's mind. See his "Narrative of the State of New England," in C. C. 1677-1680, pp. 128, 129.

<sup>2</sup> Toppan, Randolph II, pp. 274-277; C. C. 1677-1680, p. 123.

<sup>3</sup> C. O. 1/41, 31; C. C. 1677-1680, pp. 124-126.

as to the damage thereby accruing to his Ma<sup>ty</sup> we doe most certainly know is very inconsiderable in comparison of what is reported." In this they were correct, as Randolph had grossly over-estimated the actual direct and indirect harm caused by the Massachusetts traders. Since the agents were most anxious to prevent the appointment of royal customs officials in the colony, they then added that they did not doubt but that "vpon due consideraçon of this Matter and a right vnderstanding of the said Acts his Ma<sup>ty</sup> Government of the Massachusetts will readily apply themselves to attend the duty incumbent on them in that Respect, Humbly hoping his Ma<sup>ty</sup> will be pleased first to experience their Managery before any other be employed therein."

A week later, the Lords of Trade resumed their consideration of the New England question and discussed 'the necessity of bringing those people under a more palpable declaration of their obedience to His Majesty, and that they may be of use to him in times of necessity, which hath hitherto remained too long undecided.' They told the Massachusetts agents that the colony must confine itself to the territorial limits recently reported by the Judges, that they had transgressed in coining money, that such of their laws as were defective and contrary to those of England had to be amended and repealed, and that 'the Act of Navigation must for the future be religiously observed.' Finally, they were informed that, although their attendance in England was long, it was necessary, and although they were not authorized to act in all these matters, 'they were to know that His Majesty did not think of treating with his own subjects as

with foreigners and to expect the formality of powers.'<sup>1</sup> A few days later, the Lords of Trade again told Stoughton and Bulkeley 'that his Majesty would not suffer the abuse of the Navigation Act to continue,' and that they would receive an officer of the customs to see that the laws were fully obeyed.<sup>2</sup>

These instructions were forwarded to Massachusetts, and on October 10, 1677, the General Court ordered the masters of all vessels to yield obedience to the trade laws, stating, however, that the King's pleasure in this respect had not "binn before now signified vnto us, either by expresse from his majesty or any his ministers of state."<sup>3</sup> This statement was an absolute perversion of the actual facts. Orders to this effect had been sent, and in 1663 Massachusetts had taken measures for the enforcement of the Act of Navigation. Such indefensible prevarications naturally sorely tried the patience of the English government, and ultimately could lead only to the downfall of the charter government. Even more ill-advised was the claim made by the General Court in this connection shortly thereafter.<sup>4</sup> "Wee humbly conceive," they said, "according to the vsuall sayings of the learned in the lawe, that the lawes of England are bounded w<sup>th</sup>in the fower seas, and doe not reach America. The subjects of his maj<sup>tie</sup> here being not represented in Parl<sup>j</sup>ament, so wee haue not looked at ourselues to be impeded in our trade by them, nor yett wee abate<sup>d</sup> in our relative allegiance

<sup>1</sup> C. C. 1677-1680, pp. 135, 136.

<sup>2</sup> *Ibid.* p. 141; Toppan, Randolph II, pp. 281-284.

<sup>3</sup> Mass. Col. Rec. V, p. 155.      <sup>4</sup> *Ibid.* p. 200.

to his maj<sup>ty</sup>." However, they continued, as soon as the King's pleasure was known that the laws should be observed — which could not be done without invading the liberty and property of the subject except by action of the General Court — measures to this effect were adopted. Such revolutionary views were bound to bring matters to a crisis. Without loss of self-respect, England could not decline the challenge implied in them.<sup>1</sup>

In the spring of 1678, the Lords of Trade again resumed consideration of the New England situation. Considerable annoyance was aroused by the fact that Massachusetts had reimposed the oath of fidelity to the colony. This action brought upon them a severe letter of rebuke from the King.<sup>2</sup>

<sup>1</sup> On this occasion, the General Court also stated that they doubted not that these restraints on their trade would in time prove to be "an abstraction of his maj<sup>ty</sup>'s customs in England," and that it seemed hard that they might not ship the enumerated commodities to foreign markets after they had paid the export duties of 1673. Shortly before this, the General Court wrote in a similar strain to Stoughton and Bulkeley, stating that their trade had not lessened the English customs revenue. "as is so falsely suggested," and complaining that, if they shipped the enumerated goods *via* their ports to England, they had to pay both the plantation duties of 1673 and those imposed in England. Mass. Col. Rec. V, p. 174. For an instance of a New England vessel arriving in England from Boston with tobacco, sugar, and logwood, see Cal. Dom. 1677-1678, p. 7. This volume also records the arrival in England of another New England vessel with tobacco from Maryland. *Ibid.* p. 665.

<sup>2</sup> C. C. 1677-1680, pp. 247, 248. On April 27, 1678, Charles II wrote to Massachusetts that the imposition of the oath of fidelity to the colony was very displeasing to him, "inasmuch as the allegiance due to us, and the fidelity to the country are joyned together in the same undecent forme, wherein such fidelity is made even to precede your allegiance to us." Toppan, Randolph III, pp. 1, 2.

Nor had Massachusetts remedied the other matters in complaint, except that the laws of trade and navigation were ordered enforced. Whatsoever credit the colony was entitled to on account of this order was, however, more than counterbalanced by the false statement that instructions to obey these laws had hitherto not been received from England. Randolph, who was ever on the alert, had brought this serious misrepresentation to the attention of the Lords of Trade.<sup>1</sup> The colony's agents sought to exculpate their principals, stating that the error was due to the hurry of the General Court to carry into effect the English government's instructions.<sup>2</sup> This, however, was no excuse for so gross a misstatement, which showed conclusively what scant attention had been paid by Massachusetts to the laws of trade during the preceding decade. In view of these facts, it is not surprising that the Lords of Trade 'very much resented that no more notice was taken of those points which were so fairly and with so much softness intimated to the agents,' and reached the conclusion that nothing but the appointment of a royal governor would prove effective.<sup>3</sup>

On May 16, 1678, they advised the institution of *quo warranto* proceedings against the Massachusetts charter.<sup>4</sup> At the same time, the Lords of Trade were recommending the appointment of Edward Randolph as Collector of the Customs in New England.<sup>5</sup> The Massachusetts agents, however,

<sup>1</sup> Goodrick, Randolph VI, pp. 71-75.

<sup>2</sup> C. C. 1677-1680, pp. 233-236; Toppan, Randolph II, pp. 289-298.

<sup>3</sup> *Ibid.*

<sup>4</sup> C. C. 1677-1680, p. 253.

<sup>5</sup> *Ibid.* pp. 229, 230, 253. In accordance with the recommendations of the Lords of Trade during the preceding year, the Treasury wrote on July

strenuously opposed the selection of Randolph, both on the ground that he was a "person of a very indigent fortune" and so not likely to be unbiassed in this employment, and because his attacks on the charter had made him so "extremely obnoxious" to the colony that they feared the government of Massachusetts would be unable to guard him from disrespect.<sup>1</sup> The Customs reported that, in their opinion, Randolph might "be fitt for that employment," but, since the New England agents objected to him as "obnoxious to the hatred of that People," this involved a matter of state, which they left to the decision of the Lord Treasurer.<sup>2</sup> As a result of this opposition, on May 6, 1678, the appointment of one Daniel Whitfield was ordered; but Randolph continued to urge his claims, and the Lord Treasurer then referred the question to the King for his personal determination.<sup>3</sup> Randolph, who had gathered his impressions of colonial sentiment from virtually exclusive association with those dissatisfied with the theocratic party, assured Charles II "that the generality of the People there were loyall and well affected to his Government and that it would be much to their contentment if he were the per-

17, 1677, to the Customs that there were officers in all the plantations except "in the Colonyes of New England, which for some weighty reasons hath been deferred until now: the commotions in those parts being now quieted, his Majesty doth now think fitt that officers should be forthwith settled there as in other the Plantations," and instructed them to take up this matter speedily. Cal. Treas. Books, 1676-1670, pp. 688, 689.

<sup>1</sup> Goodrick, Randolph VI, pp. 75-80.

<sup>2</sup> *Ibid.* pp. 80, 81.

<sup>3</sup> Cal. Treas. Books, 1676-1670, pp. 083, 1359.

son sent over ;” and on the strength of this statement, after over a year of indecision, he finally, in June of 1678, secured the position.<sup>1</sup> This was a most important step. For the first time in the history of the New England colonies there was permanently established in their midst an official who was not responsible to them.<sup>2</sup> It was all but a half century after the foundation of Massachusetts before the imperial government was represented by an official resident in the colony.

In contradistinction to the practice in the other colonies, whose collectors retained as their remuneration varying portions of the duties received by them, Randolph's salary of £100 was inserted in the English establishment.<sup>3</sup> He was instructed by the Commissioners of the Customs to enforce within his jurisdiction, which included also the other New

<sup>1</sup> P. C. Cal. I, p. 782; Cal. Treas. Books, 1676-1679, pp. 1023, 1386. On November 16, 1677, Danby had instructed the Customs Board to select some one for this post so “that I may present a fit officer to his Majesty in case of objection against Mr. Randolph, as obnoxious to the hatred of the people.” Cal. Treas. Books, 1676-1679, p. 784. At this time, Sir Edmund Andros wrote of Massachusetts: “I doe not find but the generality of the Magistrates, & people are well affected to y<sup>e</sup> King and Kingdome, but most knowing noe other Governm<sup>t</sup> then their owne, think it best, and are wedded to & oppiniatre for it.” C. O. 1/42, 52; N. Y. Col. Doc. III, pp. 262-264.

<sup>2</sup> Cf. C. O. 1/45, 74; C. C. 1677-1680, pp. 587, 588.

<sup>3</sup> His salary was to commence from September 10, 1676, the date of his return from New England. Toppan, Randolph III, p. 41; P. C. Cal. I, pp. 84, 845; C. C. 1677-1680, p. 378; Cal. Treas. Books, 1676-1679, p. 114. No provision was made for Randolph's expenses in hiring clerks, etc., but the Customs Board was authorized to make such allowances as they “should see reason of the same.” Treas. Books, Out-Letters, Customs 5, f. 93.



England colonies, all the Acts of Trade and Navigation, as well as the Statute of Frauds in the Customs of 1662<sup>1</sup> whose force in the colonies was of questionable legality. Randolph was to reside in Boston and was authorized to appoint deputies for the other colonies.<sup>2</sup> In addition, special commissions were issued to Randolph and others to administer to the separate Governors in the four New England colonies the oaths to obey the laws of trade.<sup>3</sup>

Further action by the English government was delayed by the frenzied excitement arising from the alleged Popish Plot, and it was only in the fall of 1679 that Randolph left England to assume his post. In the meanwhile, much to the annoyance of the English government, the Massachusetts agents had bought the claims of the Gorges heirs and, although this purchase did not carry with it the legal right to govern Maine, it disposed of one of the colony's important opponents. Mason, to whom similar overtures had been made,<sup>4</sup> refused to sell his interests in New Hampshire; but as the English legal authorities held that these did not include the right to govern this territory, and as Massachusetts had no valid authority for exercising jurisdiction there, it was decided to establish crown government.<sup>5</sup> The Massachusetts agents, who were impatiently fretting at their prolonged stay in England, were also finally permitted to return home.<sup>6</sup> Randolph carried with him commissions

<sup>1</sup> 13 & 14 Ch. II, c. xi.

<sup>2</sup> Toppan, Randolph I, pp. 19-30.

<sup>3</sup> C. C. 1677-1680, pp. 289, 290. <sup>4</sup> *Ibid.* p. 224.

<sup>5</sup> *Ibid.* pp. 362, 384, 390, 391; P. C. Cal. I, pp. 851-856.

<sup>6</sup> P. C. Cal. I, pp. 786, 787; C. C. 1677-1680, pp. 361, 362.

for the erection of the new government in New Hampshire; letters from the Lords of Trade to the Governors of Massachusetts, New Plymouth, Connecticut, and Rhode Island; commissions to administer to these officials the statutory oaths to obey the laws of trade; and also a letter from the King to the Governor and Company of Massachusetts.<sup>1</sup>

In this letter, which was carefully prepared by the Lords of Trade,<sup>2</sup> Charles II stated that he had consented to the return of Stoughton and Bulkeley to Massachusetts, as the Privy Council's time was so taken up with the Popish Plot that "there appears little prospect of any speedy leasure for entring upon Regulations in your affaires as is certainly necessary, not only in respect of Our Dignity, but of your own perfect Settlement." In order to arrange such a settlement, he commanded them to send "other fit person or persons clearly instructed" within six months after the receipt of this letter. After expressing satisfaction at their taking the oath of allegiance the preceding year,<sup>3</sup> Charles II stated his surprise at their attitude toward such Protestants as did not belong to the Congregational Church, since "Liberty of Conscience was made one principall motive for your first Transplantation into those parts," and instructed them to extend the suffrage to all other than Papists and also to make such persons eligible to public office. In addition, all military commissions, as well as all judicial proceedings, were to be in the King's name. Gratification

<sup>1</sup> C. C. 1677-1680, p. 421; Cal. Treas. Books, 1676-1679, p. 1089.

<sup>2</sup> C. C. 1677-1680, pp. 361, 362, 366, 377.

<sup>3</sup> See Mass. Col. Rec. V, p. 193.

was then expressed at the provision made by them for enforcing the laws of trade, and they were ordered to repeal all local acts repugnant to them and to assist Randolph in his work. The King then took them to task for their presumption in buying Maine and ordered them to surrender the title-deed to him on receipt of the purchase-money paid, — £1250. Finally, the letter commanded them to cease exercising any jurisdiction in New Hampshire, since the King intended to provide for its government.<sup>1</sup>

In the meanwhile the extremists in Massachusetts had been deposed from office and, in place of the intransigent Leverett, a moderate, Bradstreet, had been elected Governor. Some attention was now paid to the royal orders. Military commissions were issued in the King's name, and the exercise of authority in New Hampshire was discontinued. But Maine was not surrendered to the King, the laws repugnant to those of England were not repealed, the disabilities of religious dissenters were not removed, and agents to represent the colony in England were not appointed.<sup>2</sup> Moreover, illegal trading still continued, as the reports of Randolph during the year 1680 abundantly proved.

The selection of Randolph as the first imperial customs official in New England was far from a wise one. On the score of ability and energy there can be no question of his fitness, except in so far as his legal training occasionally led him to insist upon a meticulous obedience to the law,

<sup>1</sup> P. C. Cal. I, pp. 840-844; Hutchinson Papers II, p. 260; C. C. 1677-1680, pp. 377, 378.

<sup>2</sup> C. C. 1677-1680, pp. 536, 549.

when a broader and less technical interpretation of its spirit would have injured no one and would have obviated considerable friction. But Randolph had been the main source whence the English government during the preceding three years had derived the data for its charges against Massachusetts, and it was well known that he had advocated the abrogation of the colony's charter.<sup>1</sup> Hence it was only natural that he was extremely unpopular in Massachusetts. On January 29, 1680, shortly after his advent from England, he wrote: "I am received at Boston more like a spy, than one of his majesty's servants."<sup>2</sup> To greet him were prepared some doggerel verses, in which it was lamented that, if Cæsar would have his due, it should be by such a "wicked Hand" as Randolph's. Some of the difficulties to be encountered by him were foreshadowed by the lines:

"Wee veryly belieue wee are not bound  
To pay onc Mite to you, much less a Pound."<sup>3</sup>

Randolph remained at his post for somewhat over a year and sent detailed reports of his experiences to the English government. Shortly after his arrival he wrote that, in spite of the protestations of the agents, the Bostoners were 'acting as high as ever,' the merchants trading as freely, and that no seizure had been made for illegal trade since

<sup>1</sup> A copy of Randolph's "Narrative of the State of New England," in which he urged the government to appoint a general governor for these colonies, had been given to the Massachusetts agents by Mason, who had assisted in drawing up the memorial. Stoughton and Bulkeley in turn sent the document to Massachusetts. *Ibid.* pp. 128, 129, 229.

<sup>2</sup> Toppan, Randolph III, pp. 64-66.

<sup>3</sup> *Ibid.* III, pp. 61-64.

their law of 1677. It is in every man's mouth, he added, that they are not subject to the laws of England, nor are they of any force in Massachusetts until confirmed by them.<sup>1</sup> The merchants insisted that, after payment of the plantation duties of 1673, they could export tobacco directly to foreign markets.<sup>2</sup> There was no sound legal basis for this contention, and the English government's insistence that even after payment of these export duties the enumerated goods had still to be shipped to England was one of the two chief complaints of the colony against the laws of trade. The other arose from the Staple Act of 1663, which obliged Massachusetts vessels taking fish to the Mediterranean countries to return home *via* England, provided they loaded there any commodities other than salt.<sup>3</sup> Randolph reported that vessels outward bound from Massachusetts did not clear with any officials or give the enumerated bonds, and that it was necessary to have added to his instructions a clause obliging all vessels to enter and clear with him.<sup>4</sup>

In his efforts to enforce the law, Randolph encountered

<sup>1</sup> Toppan, Randolph III, pp. 56-61; C. C. 1677-1680, pp. 487-490.

<sup>2</sup> *Ibid.*

<sup>3</sup> In 1678, the Massachusetts agents, Stoughton and Bulkeley, pointed out that these were the two chief obstructions to trade. C. C. 1677-1680, pp. 269, 270.

<sup>4</sup> Toppan, Randolph III, pp. 66-68, 70-73; C. C. 1677-1680, pp. 544, 545. In 1678, however, Governor Andros of New York stated regarding New England that "the acts of trade & Navigacon are Sayd & is generally believed not to be observed in the Collonyes as they ought, there being noe Custome houses, but the governo<sup>r</sup> of the Massachusetts giues Clearings Certificates & passes for euery pticuler thing from thence to New Yorke." C. O. 1/42, 52; Toppan, Randolph II, pp. 301-305; N. Y. Col. Doc. III, pp. 262-264.

obstruction from all sides — from the government, courts, and the people. Public sentiment was hostile to him, since he was looked upon as the country's inveterate enemy;<sup>1</sup> and this hostility aggravated the difficulties which even under the most favorable circumstances were inherent in the task entrusted to him. During the year 1680, Randolph made a number of seizures of ships and goods. Some were of vessels that had imported goods directly from Ireland and Spain; others arose from the illegal exportation of tobacco to foreign markets.<sup>2</sup> On trial of virtually all these cases, Randolph was defeated, as under no circumstances would the juries bring in verdicts in his favor. During the trial of the *Expectation*, a Boston vessel that had imported directly from Ireland a small quantity of various European goods, it was urged that "some of y<sup>e</sup> lawes of trade did not relate to their Country, that they have not been sufficiently published, and that it is very hard a vessel should be lost upon such niceties besides that the Comm<sup>rs</sup> of the Customs have noe power to depute an Officer to act in their Country." In some instances, Randolph had to deposit £10 to defray the court's expenses so as to secure the trial of the case and,

<sup>1</sup> In 1680, Governor Bradstreet wrote to the Lords of Trade: "It is true that the people here shew him [Randolph] lyttle respect, or good affeccion: because they generally looke att him as one that beares noe good will to the Country: but Sought the ruin of it, by being a meanes and instrum<sup>t</sup> highly to incense his Ma<sup>ty</sup> and y<sup>e</sup> Hon<sup>rs</sup> against this poore place, and people, for which they are deeply senseable and sorrowfull." C. O. 1/44, 61.

<sup>2</sup> C. O. 1/45, 10; C. O. 1/46, nos. 1, 72; Toppan, Randolph III, pp. 70-76, 84-86; C. C. 1677-1680, pp. 544, 545, 547, 548, 591, 592, 640; C. O. 1681-1685, pp. 19, 20.

after losing it, costs were charged against him. In the case of the ship *Expectation*, he was even sued by the master for £800 damages. Moreover, Randolph was not allowed by the Massachusetts court to appeal from its decisions to England. Other obstacles were also put in his way. The authority derived by him from the Commissioners of the Customs was not recognized, seizures were prevented by violence, and goods seized were forcibly taken from him; his deputies were not recognized, and the one appointed at Charlestown was warned out of doors by some of the townsmen.

The general effect of these actions was to nullify the laws of trade in Massachusetts. Although the Deputy-Governor, Thomas Danforth, who belonged to the extreme party, was most conspicuous in denying Randolph's authority, Governor Bradstreet, who probably foresaw the inevitable result of such obstruction, coöperated with Randolph and ordered the marshals and constables to assist him.<sup>1</sup> But his aid was of no avail in the face of the popular hostility to this extension of the imperial power. The open flouting of Randolph's authority and the contempt and disrespect manifested towards him demonstrated anew that the Massachusetts system of government required remodelling, unless England were willing to abandon the policy embodied in the laws of trade and navigation. But such a step the statesmen of the day never for a single moment contemplated.

<sup>1</sup> C. O. 1/45, 10 i. See also C. O. 1/44, 61; C. C. 1677-1680, pp. 528-530.

Randolph's statements about illegal trade in New England were confirmed by Robert Holden, who had stopped at Boston when on his way to assume his duties as Collector of the Customs at Albemarle in Carolina. In 1679, he wrote from Boston to the Commissioners of the Customs that about six traders of that city received the bulk of the Albemarle crop of tobacco and shipped it to Ireland, Holland, France, and Spain, "under the notion of Fish and such goods." Canary wines, he said, were imported under the name of Madeira, and "the Scotch Trade by the like Leger de main jugles is driven." According to him, ships cleared from an English port with a small quantity of goods, and then proceeded to Scotland, whence they carried to Boston linens and other articles, which they entered on the strength of their English clearances. In addition, on the pretence that they were salt, linens, wines, and silks were imported directly from France, and also wines, fruits, and oils from Spain and Portugal.<sup>1</sup>

The statements of Randolph as to the extent of this illegal trade were traversed by Governor Bradstreet. In answer to Randolph's exaggerated assertion, made in 1677, that this irregular trading cost the English customs revenue £100,000 yearly,<sup>2</sup> he wrote on May 18, 1680,<sup>3</sup> to the Lords of Trade that upon the strictest inquiry he finds "there hath neuer bene £5000 irregularly traded by the merchants of

<sup>1</sup> C. O. 1/43, 71; No. Ca. Col. Rec. I, pp. 244-246; C. C. 1677-1680, pp. 372, 373.

<sup>2</sup> Toppan, Randolph II, pp. 265-268; C. C. 1677-1680, p. 79.

<sup>3</sup> C. O. 1/44, 61; C. C. 1677-1680, pp. 528-530.



this place in one year." He admitted that now and then a vessel might steal away from the colony with tobacco to Holland or France, which could not be prevented even with the greatest care and diligence, but he asserted that the damage to the English customs revenue was unimportant. It really amounted, he said, only to the slight duties that should have been paid in England on such goods as were imported by these ships in violation of the law directly from these foreign countries into Massachusetts. For the tobacco illegally exported from the colony, he pointed out, had already paid the 1673 export duties in the place of production. Besides, he said, if they carried these enumerated goods to England, "which generally is done," then they had to pay the customs again there. Bradstreet finally stated that their merchants complained of thus having to pay double duties, and that this tempted them to ship these goods from Massachusetts elsewhere than to England. In this defence of the colony the Governor, however, failed to take account of the actions of the New England traders in supplying the other colonies with illegally imported European goods and in taking the enumerated products directly from them to European markets. The inclusion of this indirect loss in Randolph's statement and its omission in Bradstreet's to some extent accounted for the discrepancy between them, but still left a very wide margin of difference.

From these statements of Randolph, Holden, and Bradstreet, as well as from other available evidence, it is plainly apparent that there was considerable evasion of the laws in Massachusetts, especially in the direct shipment

of tobacco to foreign markets. The amount thus illegally exported from the colony cannot, however, be determined with any precision. But it was unquestionably only a most insignificant fraction of the total tobacco exports from all the colonies. Furthermore, the New England ships, that took fish and lumber to southern Europe, brought back from these countries some commodities, mainly wines, oils, and fruits.<sup>1</sup> Wine was also imported from the Canary Islands, but there was some legitimate doubt about the alleged illegality of this practice.<sup>2</sup> These were the two chief branches of illegal trade in Massachusetts, but in addition European goods and manufactures were occasionally imported directly from Ireland, Scotland, France, and Holland. In one of his despatches of 1680, Randolph mentioned that several ships had arrived from France, Holland, and Spain, and

<sup>1</sup> In 1678, the Massachusetts agents said that the imports were English commodities and those of Europe, such as salt, oil, wines, fruits, spices, and iron. C. C. 1677-1680, pp. 269, 270.

<sup>2</sup> On this legal point, see *ante*, Vol. I, pp. 78, 79. Some attention was, however, paid to the forms of the law, for Canary and Spanish wines were usually imported as the product of the Madeiras. Regarding one of his seizures, Randolph wrote: "He went to the Gou'n<sup>s</sup> house and he saw the entry of John Place in the Gouverno<sup>s</sup> Booke of Entry<sup>s</sup> in these words viz<sup>t</sup> The ship Hope of Boston John Place master arrived from maderar<sup>s</sup> (the Madeiras) 16th laden wyth thirty pipes of Marmasee which the Gouverno<sup>s</sup> was pleased to tell me was made by said Place (*i.e.* the Madeiras) some time after dinner." Goodrick, Randolph VI, pp. 112, 113. We are indebted to the efficient editor of the final volumes of these Randolph papers for a curiously humorous misinterpretation of this document. In his introduction, Goodrick writes: "But the effrontery of the violators of the Acts of Trade clearly appears from the case of the ship Hope the master of which claimed to have manufactured thirty pipes Malmsey himself, a statement which was corroborated by the Governor 'after dinner.'" *Ibid.* p. 5.

that three or four more were expected.<sup>1</sup> Apparently, however, this trade was not large. Massachusetts had developed a number of household industries, making linens, woollens, shoes, hats, and other goods, which curtailed the demand for European manufactures.<sup>2</sup> Hence, in proportion to its population, it did not furnish by any means so large a market for European goods as did the plantation colonies. Its imports from England were estimated by Governor Bradstreet at from £40,000 to £50,000 yearly,<sup>3</sup> and apparently this comprised the larger portion of the manufactures imported. In 1678, Governor Andros of New York stated that Massachusetts imported "all manner of European goods of all Sorts, Chiefly woollen & other English manufactures, & linings."<sup>4</sup>

The violations of the laws as a whole were, however, so extensive in Massachusetts, that any attempt to stop them would naturally arouse considerable opposition. But it was not solely, or even primarily, such objections to England's

<sup>1</sup> Toppan, Randolph III, pp. 70-73; C. C. 1677-1680, pp. 544, 545.

<sup>2</sup> C. O. 1/44, 61 i; C. C. 1677-1680, pp. 528-530.

<sup>3</sup> *Ibid.*

<sup>4</sup> C. O. 1/42, 52; Forgan, Randolph II, pp. 301-315; N. Y. Col. Doc. III, pp. 262-264. According to Governor Cranfield of New Hampshire, the importations of foreign goods were more extensive than is indicated by the other evidence. In 1683, he wrote to Blathwayt that the trade of Boston "is chiefly of french and Holland goods, which are imported in such quantitys and sold so much cheap! then those brought from England that of y<sup>e</sup> Cargo I brought with me, I haue scarsely sold sufficient to defray my expenses." It would be impossible, he added, to prevent this irregular trade without a frigate or two upon the coast, as the prohibited goods were transferred at sea into sloops and so landed. Goodrick, Randolph VI, pp. 143-145.

economic policy that created the difficulties which beset Randolph's path. It was not so much the customs official that was hated and feared, as the representative of the home government. For the first time in the colony's brief life of fifty years were its people brought into direct contact with an official not created by and directly responsible to them. It was a distinct diminution of the complete self-government hitherto enjoyed, and no one in the colony could foresee how far this entering wedge might penetrate. Unquestionably, many in the colony regarded it as the preliminary step to the revocation of their charter. Such was the aim of some in England, but the government acted with characteristic patience and deliberation. The reports received from Randolph, and the neglect of the Massachusetts government to comply with its instructions of 1679, however, demanded some immediate action. On September 15, 1680, the Lords of Trade reported on Massachusetts's failure to send agents, to remove the disabilities from Anglicans and other non-congregational Protestants, to repeal such of their laws as were repugnant to those of England, to obey the laws of trade, and offered the draft of a letter to be sent in the King's name to the colony. This draft was approved, and the letter was sent. Therein the colony was firmly, though gently, taken to task for its neglect and was ordered to observe the royal commands and to send over agents within three months of its receipt, "in default whereof wee shall take the most effectual means" to procure satisfaction.<sup>1</sup>

<sup>1</sup> C. C. 1677-1680, pp. 598, 599; P. C. Cal. II, pp. 8-11.

This should have been ample warning and should have brought Massachusetts to a full realization of the gravity of the situation and of the necessity of meeting the English government at least halfway. But the colony remained obdurate and delayed compliance with the royal commands. It was only in June of 1681 that the Secretary of Massachusetts wrote to Sir Leoline Jenkins, acknowledging receipt of the King's letter of the preceding September, and seeking to excuse the colony's neglect to send agents to England, on the ground that no one in any degree qualified could be prevailed upon to accept this task.<sup>1</sup> The position was indeed far from an enviable one, as it was impossible so to act as to give satisfaction both to the English government and to the colony.<sup>2</sup> Yet the conclusion is irresistible that Massachusetts's excuses were not wholly sincere, and that, had the colony been willing to discuss the questions at issue, suitable agents would have been found. The failure to do so naturally prejudiced its case in England.

In the spring of 1681, Randolph had returned to England, full of his grievances against the colony. On some of the moot points raised by his experiences in Massachusetts, he consulted the English legal authorities. In reply to his chief questions, the Attorney-General stated that the laws of trade and navigation were in effect in Massachusetts without any notification whatsoever, and that an appeal could be taken from the decisions of the colonial courts to

<sup>1</sup> C. C. 1681-1685, pp. 65, 66.

<sup>2</sup> See Cotton Mather's statement, quoted in Kimball's *Joseph Dudley*, p. 13.

the King in Council.<sup>1</sup> Accordingly, by Order in Council an appeal was allowed in a number of cases arising out of the seizure of ships or goods, in which Randolph claimed that he had been unjustly treated by the colonial courts.<sup>2</sup> Randolph also explained the difficulties that he had encountered to the Commissioners of the Customs, who fully supported him in a lengthy report.<sup>3</sup> In especial, they commented adversely upon the fact that no law was considered to be binding by Massachusetts unless it had been proclaimed by beat of drum and other formalities, and that, as these proceedings had been omitted in connection with the order of the General Court of 1677 enjoining the execution of the laws of trade, their validity was questioned in the colony.

In addition to this activity, which directly concerned his office, Randolph overstepped its immediate limits and strongly advised the government to institute proceedings

<sup>1</sup> C. C. 1681-1685, pp. 36, 37; Brit. Mus., Egerton MSS. 2305, ff. 595, 596. The Attorney-General also answered the other questions asked by Randolph. To the question, how should juries be treated who brought in verdicts against the law and the facts, he replied that a new trial should be ordered by the local courts. He pronounced illegal the order of the Massachusetts court requiring Randolph to pay £10 for calling a special court for trying his seizures. Furthermore, he held that one-half of the fines and forfeitures for breaches of the laws of trade and navigation belonged to the Crown and that Massachusetts was not entitled to the entire amount. C. C. 1681-1685, pp. 59, 60.

<sup>2</sup> P. C. Cal. I, pp. 22, 23. Cf. C. C. 1681-1685, p. 77; Goodrick, Randolph VI, pp. 84-86.

<sup>3</sup> C. C. 1681-1685, pp. 103-105; Goodrick, Randolph VI, pp. 99-112. The Commissioners also reported on Randolph's statement that the illegal trade to Massachusetts had been facilitated by the corruption of officials at Carlisle and Minehead, who had given false certificates; and stated that the guilty official at the latter port had been dismissed.

for the abrogation of the Massachusetts charter. There was no danger of rebellion, he said, nor of their joining the French, for 'they have such a pique against them that they only want an opportunity to dispossess them in Nova Scotia, Canada and Newfoundland.' Furthermore, he somewhat hesitatingly suggested the uniting of the five separate New England colonies under one general governor. Such a united government, he claimed, would gain greatly in military strength, and besides it would facilitate the enforcement of the laws of trade in the other colonies, 'when they see New England subjected to them as well as themselves.' No one, according to him, was better qualified for this position than Lord Culpeper, the Governor of Virginia.<sup>1</sup> In his turn, Lord Culpeper wrote to the Lords of Trade confirming in general Randolph's charges against Massachusetts.<sup>2</sup>

In the fall of 1681, Randolph was ready to return to his post. His authority had in the meanwhile been strengthened by the issue of a new commission directly from the Crown in the form of letters patent,<sup>3</sup> and in addition William Blathwayt, the Auditor-General of the colonial revenues, had appointed him his deputy in New England.<sup>4</sup> Although the

<sup>1</sup> C. C. 1681-1685, pp. 31, 32, 34-36; Goodrick, Randolph VI, pp. 89-92.

<sup>2</sup> C. C. 1681-1685, pp. 99, 100.

<sup>3</sup> October 15, 33 Charles II.

<sup>4</sup> His duties as deputy-auditor did not, however, extend to New Hampshire. Blathwayt, Journal I, f. 88. In this connection, Joseph Dudley wrote on Feb. 9, 1682, to the Secretary of Connecticut that Randolph "hath besides a power to govern your trade, an order to examine your Treasury & make you vomit up all deadands, escheats, felon's goods & fines upon penall lawes." Conn. Col. Rec. II, p. 312.

latter position gave him no additional powers in the enforcement of the laws of trade, it conferred upon him jurisdiction over the royalties reserved to the Crown and also over the Crown's share of the fines and forfeitures for violations of these laws. Politically, it marked one further step in the extension of the imperial government's control over these colonies.

At the same time also, on October 21, 1681, the King wrote to the Massachusetts authorities, sternly rebuking them for their conduct towards Randolph, and commanding them to 'give all countenance and encouragement to him,' to restore the money paid for the holding of special courts, to give an account of one-half of the fines for breaches of the laws of trade which belonged to the Crown, and to admit appeals to England in all cases affecting the revenue. The purely political questions in dispute were purposely not mentioned in view of Massachusetts's expressed intention to send agents for their discussion, but the colony's hollow excuses for not sending them earlier were exposed by the remark, that 'we cannot doubt but there are many of our subjects, fitly qualified for the same, who would be willing to attend us here were they fully instructed and authorised by you.'<sup>1</sup>

On receipt of this letter, it was finally recognized in the colony that further attempts to protract matters were out of the question, and early in 1682 Joseph Dudley and John Richards were appointed to act as its agents. Carefully prepared instructions were drawn up to govern their actions

<sup>1</sup> C. C. 1681-1685, pp. 128, 129; Toppan, Randolph III, pp. 110-113.



in England.<sup>1</sup> They were to beg pardon for having coined money, but were to point out that this had been done only as a result of the need of currency.<sup>2</sup> Then they were to represent that members of the Church of England had the same liberty as all others, and that provision had been made for the enforcement of the laws of trade. While they were to promise full support to Randolph in the execution of these laws<sup>3</sup> and to deny any claim to the Crown's moiety of forfeitures for their violation, they were ordered to represent that the allowance of appeals to England in all revenue cases would be extremely troublesome and intolerable; and that, while fees for trials of revenue cases during the regular court term had not been demanded, it would be very burdensome to allow the summoning of special courts and juries "upon the meere pleasure of such officers as may desire to give trouble & disquiet to persons, without any service to his

<sup>1</sup> Mass. Col. Rec. V, pp. 347, 348; C. C. 1681-1685, pp. 198, 100, 240.

<sup>2</sup> The Massachusetts mint was active during this entire period and coined silver money of which one shilling was equal to ninepence sterling, "upon designe to keep it from being carried out again." C. O. 1/34, 59; C. O. 1/35, 50; Mass. Col. Rec. V, pp. 29, 30. Spanish money, the well-known pieces of eight, were also made current in the colony at a similarly over-valued rate with the same object. Mass. Col. Rec. IV, Part II, p. 533; V, p. 351. In 1681, Lord Culpeper told the Lords of Trade that this debasement of the coin by the Boston mint was extremely prejudicial to all dealing with the colony, as unless a special contract were made it was current in all payments as equivalent to one shilling sterling. C. C. 1681-1685, pp. 99, 100.

<sup>3</sup> "The acts of trade, so farr as they concerne vs, shall be strictly observed in this colonje; and that all due encouragement and assistance shalbe given to his maj<sup>ties</sup> officers and informers that may prosecute the breaches of sajd acts of trade and navigation."

maj<sup>ty</sup>," unless some compensation were demanded.<sup>1</sup> They were also instructed to contend that the customs officers should be liable for damages arising out of the unwarranted detention of goods. Furthermore, they were to represent that the small import duties levied by them, which some considered illegal, mainly in so far as they were collected on goods from England,<sup>2</sup> were necessary for the support of their government. In addition, they were instructed to petition the King that, on payment of the 1673 plantation duties, the enumerated goods might be shipped anywhere, and, if sent to England, tha' no further duties on them should be exacted there. As regards the fundamental political question at issue, the agents were instructed not to consent to anything that might violate or infringe the liber-

<sup>1</sup> In 1682, Randolph pointed out in connection with this demand of Massachusetts, that in 1680 he had held over one case until the regular session of the court, but had lost the action and was then arrested in a suit for £800 damages for demurrage, so that he had been forced to have cases tried quickly. C. C. 1681-1685, p. 310.

<sup>2</sup> These duties were very low, being one-penny in the pound, and raised an inconsiderable revenue. Mass. Col. Rec. IV, Part II, pp. 400, 410; C. O. 1/41. 31; C. C. 1677-1680, pp. 124-126. In 1681, Randolph inquired whether Massachusetts had the legal right to impose such customs. The Attorney-General replied that in his opinion the charter did not warrant the levying of such duties upon any but such as were 'free of the Company.' C. C. 1681-1685, pp. 59, 60. At this time, considerable stress was laid upon the fact that Massachusetts collected these duties on goods from England. Cf. J. W., A Letter from New-England (London, 1682), p. 3. Somewhat later, Charles Davenant proposed that the colonies be prohibited from laying such duties as the practice was "unwarrantable by the Laws of England." Davenant, Discourses on the Public Revenue and on the Trade of England (London, 1698), II, p. 243. On this, see also *ante*, Vol. II, pp. 163, 164 n.

ties conferred by their charter; but, if anything of that nature were proposed, they were to plead lack of instructions and to consult the Massachusetts authorities before answering. As has been well said, "this brought the negotiation — for such it essentially was — back to the point where all the earlier efforts which had been made to reach an understanding had broken down."<sup>1</sup> The English government was by this time fully convinced that some modification of the charter was necessary, but the agents had been specifically debarred from taking any action whatsoever on this subject.

When, in the late summer of 1682, the agents of Massachusetts handed to the English government the colony's belated answer to the various complaints of the preceding years, it was found unsatisfactory; and they were ordered forthwith to procure sufficient powers to consent to an adequate regulation of their government, failing which, they were told, proceedings against the charter would be instituted.<sup>2</sup> At the same time, during this year 1682, Randolph was sending from Boston reports which showed conclusively that under the existing political conditions there was but scant prospect of securing the enforcement of the laws of trade. It is true that, in February of 1682, Massachusetts passed a law which went much further than anything of this nature hitherto done by the colony, and which apparently showed a desire to secure the enforcement of the laws. But this Act was obviously designed to keep the administration

<sup>1</sup> Osgood, *op. cit.* III, p. 329.

<sup>2</sup> C. C. 1681-1685, pp. 288-290, 296; Toppan, Randolph III, pp. 191 *et seq.*

of the laws of trade virtually entirely in the hands of the officials of the colony and to lessen the legitimate scope of Randolph's authority. This feature, as well as other defects, were explained in great detail in the Collector's despatches to England. But at the same time Randolph advanced claims to powers in excess of those warranted by the statute conferring upon the Commissioners of the Customs jurisdiction in the colonies. If the colony sought to diminish Randolph's sphere of activity, he at the same time tried to exclude the local officials from all direct participation in the enforcement of these Acts of Parliament. But these statutes had made all the colonial governors, not only those in the royal provinces, directly responsible for their execution.

The Massachusetts law in question,<sup>1</sup> the Naval Office Act, provided for the formal proclamation and strict observance of the Navigation Act of 1660 and the Staple Act of 1663, and established a Naval Officer at Boston<sup>2</sup> and also one at Salem and the adjacent ports for entering and clearing ships, taking the enumeration bonds, and receiving the certificates issued by the English customs authorities, "according as in said acts is directed." Randolph pointed out<sup>3</sup> that this law ignored the King's proclamation of 1675<sup>4</sup>

<sup>1</sup> C. O. 1/48, 34; Mass. Col. Rec. V, p. 337.

<sup>2</sup> James Russell, the Boston Naval Officer, was the colony's Treasurer. Mass. Col. Rec. V, pp. 265, 308. For his commission, see *ibid.* p. 338.

<sup>3</sup> C. O. 1/48, 111. See also C. C. 1681-1685, pp. 213, 214, 238, 239; Toppan, Randolph III, pp. 123-126, 130-132.

<sup>4</sup> British Royal Proclamations, 1603-1783 (American Antiqu. Society, 1911), pp. 126-128.

and a number of the fundamental statutes constituting the colonial commercial code, especially the Statute of Frauds in the Customs of 1662 and the Act of 1673 imposing the so-called plantation duties. Hence these two laws were not deemed to be of force in the colony and it was upon the latter that Randolph's authority rested. The Act of 1673, which gave the Commissioners of the Customs jurisdiction in the colonies, was of unquestionable force there, but the validity of the statute of 1662 in the colonies was open to legitimate doubts. This Act referred to the customs officials in England and gave them exceptional powers in enforcing the laws.<sup>1</sup> At the time of its passage it was naturally not meant to apply to the colonies, since as yet no imperial customs officials had been established in them. But in 1678, when Randolph had been originally appointed Collector, he was ordered to enforce this law.<sup>2</sup> The Customs Board was evidently, however, in serious doubt about the legality of this instruction, for three years later it recommended that the Act in question be extended to the colonies.<sup>3</sup> In point of fact, this disputed question was definitely settled only in 1696, when Parliament specifically extended this statute to the colonies.<sup>4</sup> Thus, while the colony was open to serious criticism for not proclaiming the Act of 1673, it had good legal grounds for questioning the force of the Statute of Frauds in the Customs, and for refusing to recognize the

<sup>1</sup> 13 & 14 Ch. II. c. 11, §§ xv, xvi, xviii.

<sup>2</sup> Toppan, Randolph III, pp. 19-30.

<sup>3</sup> C. C. 1681-1685, p. 104.

<sup>4</sup> 7 & 8 W. III, c. 22, § vi.

exceptionally broad powers that it would have conferred upon Randolph.<sup>1</sup>

In addition, the Massachusetts Naval Office Act contained some objectionable clauses. It provided that, if an official secured the holding of a special court and jury for the trial of a seizure, he should be liable for all costs, and that, if any person were injured by wrongful seizure or search, he could recover damages in any of the colony's courts. This liability to suits for damages, Randolph claimed, nullified his powers, and the obligation to pay the costs of special courts, he pointed out, was diametrically opposed to the royal instructions.<sup>2</sup> Another clause of the colonial law in question stipulated that vessels engaged in the New England coastwise trade need not enter or clear, unless they had loaded more than one ton of any one of the enumerated commodities. Under this provision, as Randolph showed, a vessel could with impunity ship in the aggregate a considerable quantity of these commodities to foreign ports.<sup>3</sup>

<sup>1</sup> As this law was held not to apply in Massachusetts, Randolph was denied warrants for the seizure of contraband goods in warehouses. Toppan, Randolph III, pp. 164-167; C. O. 1681-1685, pp. 254, 255. See also C. O. 1/48, III.

<sup>2</sup> In 1684, Randolph stated that the total amount which he had been compelled to pay for damages and costs of prosecution was £257 14s. currency or £193 6s. sterling. Toppan, Randolph III, pp. 341, 342. For the details, see *ibid.* pp. 342-351.

<sup>3</sup> C. O. 1/48, III; C. O. 1/49, Part II, 145. Randolph also criticized as without legal warrant the appointment of the naval officers by the General Court instead of by the Governor, and besides he claimed that, under the Act of Parliament, only the Governor of a crown colony, and consequently not the Massachusetts Governor, was authorized to appoint such officials. Neither of these points was well taken. Similarly, Randolph objected to

In the actual performance of his duties, Randolph was thwarted by these and additional obstacles.<sup>1</sup> His authority under the letters patent of his office to search vessels was denied, and he was obliged to secure special warrants for this purpose from the colony's officials.<sup>2</sup> Ships refused to enter with him, taking their papers to the Naval Officer. When seizures made by him were brought to trial, no matter how clear the case, he was unable to secure favorable verdicts from the juries, and then was denied appeals to England.<sup>3</sup> One of his deputies, who had made seizure of a vessel, was sued for heavy damages, and on losing the case was imprisoned for their non-payment.<sup>4</sup>

the fact that these naval officers were empowered to take enumeration bonds, although this was legitimately a part of their duties. C. O. 1/48, 111; Toppan, Randolph III, pp. 123-126; C. C. 1681-1685, pp. 213, 214.

<sup>1</sup> Massachusetts paid to Randolph the King's moiety of the fine retained by it, about which he had complained in 1681 to the English government, but refused to reimburse the money paid by him for special courts held in 1680. Toppan, Randolph III, pp. 130-132, 213-216; C. C. 1681-1685, pp. 238, 239, 325, 326.

<sup>2</sup> Toppan, Randolph III, pp. 128, 129. The Massachusetts Naval Office law provided that, in enforcing the Acts of Trade, the royal officer should be assisted and be given warrants by the Governor, Deputy-Governor, and the magistrates. On the margin of the copy of this Act sent by Randolph to England, he wrote "but not without" (such warrants). C. O. 1/48, 34.

<sup>3</sup> Toppan, Randolph III, pp. 213-216.

<sup>4</sup> C. O. 1/49, 20, C. C. 1681-1685, pp. 272-274, 296, 303; Toppan, Randolph III, pp. 184, 206. This seizure arose from the importation of some Canary wine that was unloaded off Boston into small sailing boats, which then brought it to port. The testimony was sufficiently clear. C. O. 1/49, Part I, nos. 16, 17. As a result of these proceedings, Randolph claimed that no one was willing to give him information about cases of illicit trading or to give evidence before a magistrate.

As a result, the laws were most ineffectually enforced. Vessels unloaded their prohibited goods before entering the harbor of Boston, and then secured an unquestioned entry at the Naval Office as if in ballast or with salt from some European country.<sup>1</sup> In other cases, this devious method was not resorted to. The illegally imported goods were in the main fruits and wines from Spain, Scotch specialties, and also Canary wines. The illegality of the direct importation of Canary wines was, however, open to serious question. In all, about ten specific cases of such contraband trading were reported by Randolph,<sup>2</sup> but it is a legitimate presumption that there were other instances that escaped his vigilance. In the aggregate, the amount of smuggled goods was apparently not large,<sup>3</sup> but this illegal trade, in combination with the obstructions placed in Randolph's path and the questions raised as to the validity in the colony of parliamentary statutes,<sup>4</sup> made the existing situation a serious one. In view of his experiences, it is not surprising that Randolph again advocated the institution of proceedings to annul the charter.<sup>5</sup>

<sup>1</sup> C. O. 1/48, 111.

<sup>2</sup> *Ibid.*; Toppan, Randolph III, pp. 164-168; C. C. 1681-1685, pp. 254-256, 295.

<sup>3</sup> The value of five seizures made by Randolph in 1682 and subsequently freed by the verdict of the court was £1170 currency or £877 10s. sterling. The value of the seizures made by him in 1680 was £1650 currency. C. O. 1/49, Part II, 105.

<sup>4</sup> Toppan, Randolph III, pp. 149-154; C. C. 1681-1685, p. 244.

<sup>5</sup> C. C. 1681-1685, pp. 248, 249, 272-274; Toppan, Randolph III, pp. 184 *et seq.*; C. O. 1/49, 20. Copies of Randolph's memorials of the preceding year, urging such a course, had been forwarded to Boston and, on his



Randolph stated that these obstructive tactics emanated from the extreme party in the colony under the lead of the Deputy-Governor, Thomas Danforth. These men were closely watching the course of political events in England — especially the fortunes of the Whig leader, Shaftesbury — evidently hoping that a crisis there would divert attention from imperial questions and again allow Massachusetts to go its way unmolested. Randolph claimed that this party was in a large minority, but the number of those who sympathized with these irreconcilables — above all in the country districts which had remained comparatively untouched by the growing commercial spirit — was far greater than he realized. Governor Bradstreet, who was of the moderate party, which was rapidly gaining in numbers and influence, had in general supported Randolph in the performance of his duties. But the aged Governor could not successfully contend against a group animated with the one-eyed zeal of something closely akin to fanaticism.<sup>1</sup> As Randolph proposed to return to England early in 1684, Bradstreet requested him not to do anything to the prejudice of Massachusetts; but Randolph replied<sup>2</sup> that nothing had been insisted on at Whitehall but what had arisen from

return there, he was threatened with prosecution as a subverter of the government. C. C. 1681-1685, pp. 216, 217. Randolph also called the attention of the English government to the fact that Massachusetts levied duties on English shipping, from which vessels built and owned in the colony were exempt. C. O. 1/49, Part II. 145.

<sup>1</sup> C. O. 1/49, 20; Toppan, Randolph III, pp. 132-132, 142-144, 162-167, 184, 213-216; C. C. 1681-1685, pp. 216, 217, 238-240, 254-256, 272-274, 325, 326.

<sup>2</sup> Toppan, Randolph III, pp. 221 *et seq.*; C. C. 1681-1685, pp. 322-322.

some unwarranted act of the Massachusetts legislature or some continued neglect of the King's orders, so that it was apparent that all their 'loyal addresses have been made simply to protract time and avoid compliance with the regulations prescribed.' He significantly added that the law officers of the Crown had already given their opinion that there were sufficient grounds to vacate the charter. Such an outcome was inevitable, for at this very time the General Court again absolutely refused to consider any fundamental change in their political system,<sup>1</sup> though so modifying the Naval Office Act of the preceding year as to insure a better enforcement of the laws of trade.<sup>2</sup> Accordingly, in the summer of 1683, the Attorney-General was instructed to institute *quo warranto* proceedings against the Massachusetts charter, and Randolph, who was again in England, was ordered to furnish him with the evidence on which to base the government's case.<sup>3</sup> The fundamental charge was that the colony had in a number of specific instances exceeded the powers conferred by the charter<sup>4</sup> and had usurped "to

<sup>1</sup> Mass. Col. Rec. V, pp. 386-392.

<sup>2</sup> In reference to this law, the General Court wrote to the agents in England: "We haue also agreed vpon such emendations of our acts of trade so that they doe compleately or fully agree in all things w<sup>th</sup> the lawes of England." *Ibid.* pp. 383, 384.

<sup>3</sup> C. C. 1681-1685, pp. 434, 449, 450.

<sup>4</sup> The charges made by Randolph included the coining of money, the refusal of appeals, the imposition of duties on goods from England, the erection of a Naval Office in opposition to the King's, the obstruction of the execution of the laws of trade, the demand for security from royal officials in trials, the refusal to admit the force of several Acts of Parliament, the passage of laws repugnant to those of England and their refusal to repeal

bee a body politick." <sup>1</sup> At the suggestion of Randolph, who feared that news of these proceedings might lead to 'false insinuations' about the future of the colony, a declaration was drawn up promising to respect all private interests and properties and to regulate the charter liberally, provided the Governor and Company would submit and not defend the suit. Randolph was selected to carry this declaration to the colony and to serve legal notice of the proceedings. <sup>2</sup> The Assistants, constituting the upper house of the Massachusetts legislature, were in favor of submission; but the Deputies refused their consent, and accordingly an attorney was appointed to contest the suit in England. <sup>3</sup> As the writ was served after the date of its expiration, the English government was obliged to drop the *quo warranto* proceedings and to seek a remedy by other legal means. <sup>4</sup> These were successful, and finally, in the fall of 1684, the charter of Massachusetts was annulled. <sup>5</sup>

Thus, after fifty-five years of virtually complete self-government, one closely approaching a status of political independence, Massachusetts lost its charter liberties and became subject to the direct government of the Crown. From the provincial viewpoint this event may seem a mis-

them, the continued exaction of an oath of fidelity to themselves. Toppan, Randolph III, pp. 229, 230, 232-235; C. C. 1681-1685, pp. 440, 441, 445, 446.

<sup>1</sup> Toppan, Randolph III, pp. 297, 298, C. C. 1681-1685, p. 631.

<sup>2</sup> C. C. 1681-1685, pp. 453, 454, 456, 473.

<sup>3</sup> *Ibid.* pp. 563, 587, 588, 599, 600, 610.

<sup>4</sup> *Ibid.* p. 631.

<sup>5</sup> For a full account of these legal proceedings, see Osgood, *op. cit.* III, pp. 332-335.

fortune, and in a broader way it will probably always continue to arouse among some that sympathy which is accorded to small and fairly homogenous communities with a type of culture peculiar to themselves, when the onward march of events forces them out of their isolation and makes them parts of larger political bodies. But from the imperial standpoint it is difficult to conceive of any other possible outcome at that time. In the twenty years of negotiation preceding the cancellation of the charter, the English government had shown such unparalleled patience as to suggest that there must have been some special reason for its moderation. It was not thus that the Stuart monarchy was wont to deal with refractory subjects. The English statesmen of the day did not refrain from energetic measures because of any sympathy with the religious and political ideals of Massachusetts. Nor did they feel any respect for local liberties as such. But, to put it bluntly, they did not want to be bothered with this problem, whose solution, while entailing infinite worry and work, promised practically no direct national advantage. It was an unwelcome question, forced upon them by the existing situation, which neither they nor their predecessors had any hand in creating, but which arose from the fact that a body of Englishmen had seceded from the English body politic and had formed on American soil an organic political community modelled on the religious and political creed of Puritanism. According to the accepted legal doctrines, these men, even if they had so wished, could not expatriate themselves, and thus this community was in the eyes of all unquestionably English

and a part of the incipient Empire. But Massachusetts corresponded to no one of the ideals of English imperialism, and, according to the economic canons then applied in testing the value of colonies, it was found decidedly lacking.

Thus the Restoration statesmen saw England saddled with a colony whose possession was deemed rather disadvantageous than otherwise. They would have opposed its transfer to France, because this would not only have diminished England's prestige, but would also have endangered the safety of the tobacco colonies; but apparently they viewed with careless equanimity the possibility of its virtual political independence. This general attitude explains why, for nearly two decades after the Restoration, Massachusetts was permitted to go its own way practically unmolested. Far different would England have acted if the colony had produced tobacco, sugar, or some other product for which there was an extensive demand in Europe. Despite the decentralized and cumbersome administrative machinery of the day,<sup>1</sup> England could act quickly and energetically when the occasion warranted it. Within a few months of the receipt of the news of Bacon's actual rebellion, English troops were in Virginia to suppress it. When, however, it became apparent that the independent course of the New England traders threatened ultimately to divert a more or less considerable part of the trade of the other colonies from England and that these illegal practices were facilitated by

<sup>1</sup> On this subject, Professor C. M. Andrews has contributed some interesting remarks in his paper on "The Value of London Topography for American Colonial History." *The History Teacher's Magazine* III, 5, pp. 101, 102.

the failure of Massachusetts to recognize and enforce the laws of trade, England was obliged to interfere. Even then great moderation was shown, and extreme measures were adopted reluctantly only when the uncompromising attitude of Massachusetts permitted no other alternative. Had the colony admitted without question the validity of the laws of trade and assisted, instead of obstructing, Randolph in their enforcement, the abrogation of the charter would in all probability have been averted.<sup>1</sup>

This Massachusetts could have done, without to any marked degree injuring its commercial prosperity. The laws of trade in no wise interfered with the colony's fundamental economic activities. They protected its ship-building and carrying trades and allowed the direct exportation of fish, provisions, lumber, and all its other products to whatsoever market seemed most advantageous. The colony's main economic objections to them were that the enumerated commodities, which they secured in the other colonies, could not be shipped directly to foreign markets, and that the fruit, oil, and wines of those countries of southern Europe, where they sold their fish, could not be imported directly into the colony. Apart from other available evidence, it is obvious from the very fact that export duties were payable

<sup>1</sup>One of the Massachusetts agents, Stoughton, wrote in 1677: "The country's not taking notice of these acts of navigation to observe them, hath been the most unhappy neglect that we could have fallen into, for, more and more every day, we find it most certain, that without a fair compliance in that matter, there can be nothing expected but a total breach, and the storms of displeasure that may be." Hutchinson, *History of Massachusetts* (London, 1765) I, pp. 319, 320.

on the enumerated commodities when shipped to another colony, that such of the New England traders as violated the laws in carrying these articles to foreign countries in the main shipped directly from the producing colonies. Had they confined themselves to such exports of tobacco and not used Massachusetts as an *entrepôt* for this trade, the authorities of Virginia, Maryland, and North Carolina, not those of their colony, would have been held accountable for the laxity of administration which permitted these transgressions. Moreover, the New Englander had no legitimate grievance against the policy of enumeration. When he bought these commodities in Virginia or in Barbados, he knew that the law required their shipment either to England or to some other colony. Whatever burden this restriction imposed was borne by the producer, and by so much reduced the price paid by the purchaser. Thus, in general, when the Massachusetts traders shipped tobacco directly from Virginia to foreign markets, they were merely seeking an additional and illegitimate profit beyond that which they could have made, had the trade been entirely unrestricted. It can, however, be readily understood that they objected to the plantation duties of 1673 because, even after their payment, the enumerated commodities could not be sent to foreign countries, and on arrival in England had again to pay customs there.<sup>1</sup> But this law was passed specifically

<sup>1</sup> This was the main complaint registered by Massachusetts against the laws. In 1686, the Council instructed Robert Mason, who was leaving for England, to urge that the 1673 duties be repaid on sugar and tobacco imported there from New England. *Mass. Hist. Soc. Proc. Series II, XIII, pp. 244, 245.*

for the purpose of making the illegal shipment of these goods from Massachusetts to foreign markets unprofitable, and the double taxation could have been nearly entirely avoided by importing into the colony only approximately what was needed for consumption there. Unquestionably strict conformity with the English regulations would, in so far as this was concerned, have entailed no appreciable hardship.

The same, though to a much less extent, is true of the Staple Act of 1663. The bulk of the manufactures that the colony required could be bought in England about as advantageously as elsewhere. It was not alone a question of price, but of credit also. Occasionally some Scottish, French, and Dutch goods were imported directly, but in the aggregate this amount was apparently small when compared with the shipments from England. Included in these shipments were foreign manufactures, such as Hamburg cloth and Portuguese linen.<sup>1</sup> The main violation of the law consisted in the direct importation of wines, fruits, and oil from the Mediterranean countries and the Canary Islands. Of these commodities, wine, which was then far more extensively consumed than at the present time, was the most important and was shipped from Massachusetts to the more luxurious plantation colonies. It is, however, a well-established fact that the favorite beverage of these planters was Madeira wine, which under the law could be, and was in

<sup>1</sup> Randolph gave full details of eight cargoes imported from England in 1682. The goods included coals, woollens, linens, shoes, dry goods, grinn-stones, hats, hose, Hamburg cloth, coarse Portuguese linens, *etc.* C. O. 1/51, 2.



large quantities, imported directly from these islands. Under these circumstances, a strict enforcement of the law would not have meant any great hardship, but, from the very fact that this branch of illegal trade was persisted in until the time of the American Revolution,<sup>1</sup> it is apparent that its complete suppression would have somewhat adversely affected the interests of those engaged in selling salted fish to southern Europe.

On the whole, however, the stringent enforcement of the laws of trade would have had no serious effect on the general economic development of Massachusetts,<sup>2</sup> and hence it is apparent that the colony's persistent opposition to this system proceeded in part from other than purely economic motives. England was mainly intent on securing the colony's submission to these laws in order to safeguard the nascent commercial system, while Massachusetts's opposition was based predominantly upon the political consequences implied in their full recognition. The fundamental charge of the English government, that Massachusetts without warrant claimed to be a body politic, was not unjustified. From many of its official and unofficial utterances and actions, it is plain that Massachusetts regarded itself as a commonwealth bound only by the slenderest of ties to the parent state.<sup>3</sup>

<sup>1</sup> Beer, *British Colonial Policy, 1754-1765*, pp. 239, 245.

<sup>2</sup> In 1684, Governor Bradstreet wrote: 'I have heard many say that in their irregular trading they have seldom or never seen their own money again, and are resolved wholly to give it over, and I should be heartily glad if they would.' C. C. 1681-1685, p. 746.

<sup>3</sup> In 1683, in connection with a complicated land claim in New England, an appeal was made to the King in Council, and an order was issued that a

Its view of the colonial status approached that of the Greeks and diverged radically from the prevailing concept, which combined elements both from Roman provincial and mediæval feudal institutions. As the Lords of Trade pointed out, the Massachusetts agents in England did not act as if they were subjects of the Crown, but like the formally accredited representatives of a foreign power. Hence the colony refused to recognize the supremacy of Parliament, and held that the Acts of Trade were not in force within its jurisdiction unless special provision to this effect had been made by its own legislature. But to make such provision at the behest of the English government seemed derogatory to the dignity and independence of a legislature claiming virtual sovereignty, and thus such action was reluctantly taken. Moreover, all the Acts of Trade were not included in this colonial law, and consequently the validity of the statute of 1673 imposing the plantation duties was not admitted. Similarly, the colony persistently opposed and obstructed Randolph, not primarily because

certain document necessary for the decision of the case should be supplied by the town of Braintree and sent to England. The individual interested in the case complained that, when he showed this Order in Council, the town authorities defied him to prove the seal to be that of the Privy Council, saying that for all they knew it might have been signed under a hedge and that "Yo<sup>r</sup> Ma<sup>ty</sup> had nothing to doe with them, They were a ffree People." C. O. 1/53, 65; C. C. 1681-1685, pp. 347, 402, 613. In 1680, in support of a proposal to allow the French West Indies to sell their rum and molasses to the English colonies, the Intendant, Patoulet, wrote to Colbert: "The English who dwell near Boston will not worry themselves about the prohibitions which the king of England may issue, because they hardly recognize his authority." S. L. Mims, *Colbert's West India Policy*, p. 222.

he was interfering with their trade, but chiefly because he was the representative of what was regarded almost as an alien power and whatever recognition was given to the authority vested in him by the Crown by so much diminished the extent of the colony's self-government.

This position of Massachusetts was wholly untenable. The policy of its leaders was fatuous, as its logical conclusion was either the abrogation of the charter or the severance of all political ties with England; and the colony was prepared to accept neither of these alternatives. Massachusetts was neither ready nor willing to assume the burdens and responsibilities of complete independence. Those who may have contemplated such an outcome must have realized its impossibility, even if England had been acquiescent. Independence would have entailed economic ruin, as the Navigation Acts would have prevented the sale of their ships in England<sup>1</sup> and would have debarred them from all trade with the other English colonies. As was shrewdly pointed out during these controversies, "the New Englanders can revolt to no other nation because they can have no plantations to trade withall."<sup>2</sup> Their vessels could not have entered any English port in the West Indies, and in the Mediterranean they would have been preyed upon by the Barbary pirates. Moreover, Massachusetts needed the strong arm

<sup>1</sup> Foreign vessels bought after 1662 were not free under the Navigation Acts. In a pamphlet of 1689 it was stated that "great Numbers" of ships were built in New England and sold in the mother country. *A Brief Relation of the State of New England* (London, 1689), in *Force IV*, no. 11, pp. 7, 8.

<sup>2</sup> *Brit. Mus., Add. MSS.* 28,089, f. 3.

of England against her aggressive French neighbors. Thus Massachusetts was satisfied to remain within the Empire, but while claiming all the privileges of a colony, disavowed and disregarded most of the complementary duties and obligations. It was this anomalous situation that inevitably brought about the revocation of the charter.

## CHAPTER XII

### THE DOMINION OF NEW ENGLAND

Attitude of Massachusetts on the loss of the charter — English plans for the political reconstruction of New England — The failure of royal government in New Hampshire and the situation there — New Plymouth, Rhode Island, and Connecticut — Joseph Dudley's administration and that of Andros — The English government's plan to reorganize all the charter colonies — Inclusion of the Jerseys and New York in the Dominion — New York's development as an English colony.

FIFTY years before this, in 1635, when had been instituted similar proceedings against the charter, Massachusetts had actively prepared for violent resistance. Now there was no thought of forcible opposition to the decree of the court.<sup>1</sup>

<sup>1</sup> Some inflammatory protests had been made against a surrender of the charter without defending the government's suit, and Joseph Dudley and some other moderates, who in 1683 had advised this policy, were punished by being dropped from the list of Assistants. In his letter to the English Secretary of State narrating these facts, Dudley wrote: 'I beseech you on my knees for the King's favour towards the Colony that no severity may be used to spoil the growth of the plantations.' C. C. 1681-1685, pp. 606, 607, 628, 629, 633, 634, 669; Toppan, Randolph III, pp. 283-285. From this time on, Dudley was regarded with undeserved suspicion by many in Massachusetts. Stoughton thought the failure to reelect Dudley unjust, and accordingly he, and Bulkeley as well, resigned from the upper house. It is significant that three of the four agents, who had represented the colony in England since 1677 and were better qualified than any others in Massachusetts to judge of the temper of the English government, belonged to the moderate party and opposed the unconciliatory attitude of the

In these intervening decades there was no marked increase in the spirit of loyalty to England,<sup>1</sup> but conditions had altered radically. At the former date, Massachusetts was an isolated community in the centre of a wilderness and had little to dread from its weak foreign neighbors. But now the government of Louis XIV was pursuing an energetic colonial policy and, in seeking to extend the power of France, came into conflict with English interests in New York, in Hudson Bay, and in Nova Scotia. French activity in Nova Scotia was especially ominous for Massachusetts, since its fishermen were plying their trade on the coasts of that region. The base of the New England fishery was constantly shifting farther north. In 1667, under the pressure of defeat, England had restored to France Nova Scotia, which with Dunkirk and Jamaica represented the concrete results of Cromwell's imperialistic policy, securing at the same time the return of the English part of St. Kitts, which the French had taken during the hostilities that had just

stiff-necked extremists. At this time, Stoughton wrote to a correspondent in London: "Of matters here are not in so good a frame as I could wish by reason of many distempered Spirits & Actings. Good people can be out of order as well as others, & jealousies & hard thoughts of one another are sure to be, not only an affliction in themselves, but a wide door to let in many sorrows & troubles." Brit. Mus., Stowe MSS. 746, f. 89.

<sup>1</sup> In 1683, Governor Cranfield of New Hampshire wrote to Sir Leoline Jenkins that the 'prevailing faction' at Boston was opposed to the King, and that he believed they would 'at once fall off from their allegiance to the Crown' in case James, Duke of York, succeeded to the throne. C. C. 1681-1685, p. 388. Cranfield of course was a partisan, but there is no evidence whatsoever of any disinterested loyalty to England, except possibly among the malcontents, who, however, did not truly represent the spirit of Massachusetts.

been brought to a close.<sup>1</sup> Despite its independent attitude towards England, Massachusetts did not hesitate to register its objections to this clause in the treaty, pointing out to Lord Arlington that 'the parting with Nova Scotia or Acadia for St. Christopher's holds slender proportion,' since the French possession of that region would obstruct their peltry trade and interfere with their fishery.<sup>2</sup>

During the following fifteen years there were some minor complaints of French interference,<sup>3</sup> but it was only at the time of the revocation of the Massachusetts charter that these fears were definitely realized. In 1684, the French Company, which had secured a patent for the Nova Scotia fishery, issued a prohibition against foreign vessels entering within its territorial limits, and in August of the same year eight fishing ships belonging to Massachusetts and New Hampshire were seized.<sup>4</sup> The need of English protection against such actions was a potent factor in preventing any violent opposition to the decree of the court cancelling the charter; and, moreover, it could not but be realized that a breach with England would inevitably throw Massachusetts into the arms of the arch-enemy, France. Anglican Eng-

<sup>1</sup> Treaty of Breda, §§ vii, x. Dumont, *Corps Universel Diplomatique* (Amsterdam, 1731) VII, i, p. 41. During the preliminary discussions of the proposed treaty of peace, the Earl of St. Albans threatened to break off the negotiations unless St. Kitts were restored. Arlington's Letters (London, 1701) I, pp. 117-120, 132-134.

<sup>2</sup> C. C. 1669-1674, pp. 25, 26.

<sup>3</sup> See, e.g., Governor Bradstreet's complaint made in 1680. C. O. 1744, 61 i. For some details, see also Lucas, *Canada I*, pp. 180-182; R. McFarland, *A History of the New England Fisheries*, pp. 72, 73.

<sup>4</sup> C. C. 1681-1685, pp. 688, 689, 743; C. C. 1685-1688, pp. 141, 142, 261.

land might possibly be intolerable, but, in the eyes of the Puritan, "papist" France was unquestionably *anathema maranatha*.

In addition, but few of the founders of Massachusetts still remained alive. The second generation was not animated by the stern religious idealism that caused Massachusetts to take so bold a stand in 1635. In part, this decline in spiritual fervor<sup>1</sup> represented the inevitable reaction against the extreme views of the founders of the commonwealth. Human nature cannot forever dwell upon the heights. Besides, Massachusetts had developed important economic and commercial interests which would be imperilled, if not ruined, by a breach with the mother country. The commercial spirit's regard for these material interests checked the uncompromising Puritan's innate tendency to resist. Since the English navy could at will drive the colony's trading and fishing vessels from the ocean, there can be but little wonder that there was no rebellion. Massachusetts was essentially a sea-faring and commercial community, whose prosperity depended upon its exports of fish, provisions, and lumber to southern Europe, the Madeiras, and the other English colonies, especially the sugar islands in the West Indies.<sup>2</sup> According to Governor Bradstreet's

<sup>1</sup> In their account of Boston in 1680, Dankers and Sluyter refer to the prevailing lack of religious fervor. They apparently, however, judged subjectively from too high a standard and tended somewhat to exaggerate this phase. A translation of their journal was published by the Long Island Hist. Soc. in 1867.

<sup>2</sup> See Andros's report on New England of 1678 (C. O. 1/42, 52; Toppan, Randolph II, pp. 301-305; N. Y. Col. Doc. III, pp. 262-264; C. C. 1677-



report of 1680, there traded annually in Massachusetts from one hundred to a hundred and twenty ships, of which most belonged to the colony. These trading vessels were completely at the mercy of a hostile English fleet.

On the revocation of the charter, it became necessary for the English government to make some provision for the administration of Massachusetts, and in this connection it was immediately decided to include in the new province both Maine and New Hampshire.<sup>1</sup> In the latter colony, matters have been going far from well. It was only in 1679, two years after had been delivered the opinion of the law officers to the effect that neither the proprietor nor Massachusetts had any warrant for exercising jurisdiction there and that the government "remained still in the Crowne," that royal control was established. John Cutt, a prominent local merchant, was made President of the Council, which was composed of leading men in the colony, and they were empowered to call an assembly within three months.<sup>2</sup> Furthermore, Mason's ownership of the unimproved lands was recognized, and he was authorized to collect quit-rents of a not unreasonable size from the possessors of the developed tracts.<sup>3</sup>

These territorial rights of the Mason family were legally

1680, p. 233); the answers of Stoughton and Bulkeley to the queries in 1678 (C. C. 1677-1680, pp. 269-270); Bradstreet's answers to the queries in 1680 (C. O. 1/44, 61 i; C. C. 1677-1680, pp. 528-530).

<sup>1</sup> C. C. 1681-1685, pp. 718, 729. The possibility of having to use force was contemplated by some in England. Ormonde MSS. (H.M.C. 1012), New Series VII, pp. 280, 291.

<sup>2</sup> P. C. Cal. I, pp. 851-856; C. C. 1677-1680, pp. 362, 390, 391.

<sup>3</sup> C. C. 1677-1680, p. 384.

of unquestionable validity, but from the independent temper of the New Hampshire people it could readily have been predicted that the settlers would not be willing to pay rents on the strength of an ancient grant, which had never been enforced. Mason was naturally not able to collect his legal dues, and returned to England with bitter complaints against those entrusted with the colony's government. In addition, Randolph, whose commission included New Hampshire, was on a smaller scale having the same experiences there that he had in Massachusetts. The basic industry of New Hampshire was lumbering,<sup>1</sup> and, as the laws of trade did not in any way restrict the free exportation of timber, it is apparent that the opposition to Randolph and his deputies was more political than economic in its nature. Much the same social conditions and the same political ideals prevailed in New Hampshire as in Massachusetts. Although the government was in the hands of royal appointees, these men were colonials imbued with the same independent religious-political views that obtained in the neighboring colony.

In 1680, the President and Council appointed a special official to take entries from all ships and to see to the execution of the Acts of Trade and Navigation.<sup>2</sup> Captain Walter Barefoote, one of Randolph's deputies, was fined for obliging vessels to enter and clear with him, without first having secured authorization from the President and Council.<sup>3</sup> On another occasion, Barefoote and two other depu-

<sup>1</sup> C. C. 1631-1685, pp. 38, 39.

<sup>2</sup> *Ibid.* pp. 38, 39; New Hampshire State Papers XIX, p. 668.

<sup>3</sup> New Hampshire State Papers XIX, pp. 665, 666.

ties were haled before the Council because of a seizure made by them. Their authority was questioned, and they were fined because the Council maintained that they had shown no cause justifying the seizure of this vessel.<sup>1</sup> From Randolph himself was demanded surety covering the costs of the trial of a seizure made by him, but he refused to comply. The owner of the ship in question then sued Randolph for trespass, and succeeded in recovering a small sum as damages as well as the costs of the trial.<sup>2</sup> In view of these facts,<sup>3</sup> it was determined to take the government out of the hands of those responsible for this obstruction, which tended to nullify the parliamentary commercial system.

Accordingly in 1682, Edward Cranfield, who had been employed as one of the Commissioners to superintend the removal of the English settlers from Surinam after its final cession to the Dutch in 1674,<sup>4</sup> was appointed Governor of New Hampshire.<sup>5</sup> He was instructed to suspend from the Council Richard Waldern, who had succeeded to the presidency on Cutt's death in 1681,<sup>6</sup> and Richard Martyn — the leaders in the opposition to Mason and Randolph.<sup>7</sup> Shortly after his arrival in the colony, in the fall of 1682, Cranfield reported that Mason had grievously misrepresented conditions, that the people were not disloyal, and, though he had

<sup>1</sup> New Hampshire State Papers XIX, pp. 683, 684.

<sup>2</sup> *Ibid.* pp. 662-665; C. O. 1/54, Part II, 102; C. C. 1681-1685, p. 44.

<sup>3</sup> See also C. C. 1681-1685, pp. 187, 203, 234, 311, 312; Goodrick, Randolph VI, pp. 95-98, 118-120. <sup>4</sup> C. O. 278/3, ff. 1-10 *et passim*.

<sup>5</sup> C. C. 1681-1685, pp. 199, 200, 213.

<sup>6</sup> *Ibid.* p. 45.

<sup>7</sup> *Ibid.* p. 213.

at first suspended Waldern and Martyn from the Council, after investigation of the charges, he had readmitted them.<sup>1</sup> But within a month Cranfield had completely veered around from this attitude of friendly sympathy to one of strong hostility to the leaders of the colony. On December 30, 1682,<sup>2</sup> he wrote to the Lords of Trade that 'his mind had totally changed,' that the 'Council and chief inhabitants are part of the grand combination of Church members and Congregational Assemblies throughout New England,' and that the people were not loyal.<sup>3</sup> During the two following years this quarrel between Cranfield and the leading men in the colony continued with increasing intensity and bitterness. Both sides lacked a reasonable spirit that would admit of compromise. The Assembly was at loggerheads with the Governor, and legislation was at a standstill.

This impossible situation was largely the outcome of Cranfield's arbitrary efforts to enforce Mason's territorial rights and of the steadfast determination of the settlers not to pay any rent.<sup>4</sup> But in addition the colony, in much the

<sup>1</sup> C. C. 1681-1685, pp. 312, 313, 342-344. Cf. Goodrick, Randolph VI, pp. 115-118, 120-125.

<sup>2</sup> C. C. 1681-1685, pp. 361, 362. See also Goodrick, Randolph VI, pp. 130-133.

<sup>3</sup> More specifically, he complained that a Scottish vessel, which had been allowed to trade, was freed on trial by the jury. The jury subsequently changed its verdict, but the judgment could not be enforced as the vessel had been allowed to escape. On this case, see also New Hampshire Col. Rec. I, pp. 491-496; Toppan, Randolph III, pp. 216-219; C. C. 1681-1685, pp. 362, 363, 516, 517. Cf. Goodrick, Randolph VI, pp. 130-133.

<sup>4</sup> C. C. 1681-1685, pp. 575-578, 666, 667, 670, 697-701, 702-704. Cranfield stated that if every man paid the quit-rents of 6*d.* in the pound, the revenue would not amount to over £100. C. C. 1681-1685, pp. 343, 349.

same spirit as Massachusetts, resented the presence of English officials in its midst, and failed to pay due regard to the laws of trade. According to Cranfield, goods were imported directly from Scotland,<sup>1</sup> and he claimed to believe that there was a design to make the colony a centre of irregular trading.<sup>2</sup> Randolph's deputy, in one instance at least, was maltreated in the performance of his duties.<sup>3</sup> Occasionally a ship was condemned,<sup>4</sup> but in general the laws could not be effectively enforced in face of the popular opposition to the royal officials.<sup>5</sup> Finally Cranfield, worn out by this constant bickering, requested leave of absence and, on it being accorded, expressed the hope that he might never again be ordered to New Hampshire.<sup>6</sup> Five months or so later,

Randolph, who was always prone to criticize his fellow officials, held that Cranfield's conduct was oppressive and arbitrary. Toppan, Randolph IV, pp. 3, 4, 17.

<sup>1</sup> C. C. 1681-1685, pp. 368, 369; Goodrick, Randolph VI, pp. 130-133. In this connection, Cranfield requested the Attorney-General's ruling, whether or no Scotsmen could act as factors or merchants in the colonies, as in his opinion the Navigation Act prohibited it. The people in New Hampshire contended correctly that all born within the King's allegiance could so act. See *ante*, Vol. I, pp. 89-91.

<sup>2</sup> C. C. 1681-1685, p. 389. In 1683, with the object of preventing forbidden goods from being imported into New Hampshire in small sloops, the Governor and Council prohibited the entry of any vessel of less than one hundred tons from Boston. New Hampshire Col. Rec. I, pp. 463, 464.

<sup>3</sup> C. O. 1/54, Part I, 50 v, vi.

<sup>4</sup> In the case of the ship *Diligence*, condemned in 1684, the owner William Vaughan appealed to England, but the Committee of the Privy Council in 1686 confirmed the judgment. C. O. 5/940, f. 162; C. C. 1685-1688, p. 300.

<sup>5</sup> Cf. C. C. 1681-1685, pp. 412, 413.

<sup>6</sup> In this letter of Jan. 6, 1683, Cranfield further wrote: 'I esteem it the greatest happiness of my life to remove from among these people, the rather

in the summer of 1685, he departed for Barbados.<sup>1</sup> In view of this unsatisfactory state of affairs, it had already been determined in England to incorporate New Hampshire in the new crown colony of New England that was being formed.

The person originally selected for the governorship of Massachusetts and New Hampshire was Colonel Percy Kirke,<sup>2</sup> who had acquitted himself well under difficult conditions at Tangier.<sup>3</sup> However well adapted this soldier's "fierce and reckless personality" was for dealing with the Emperor at Fez, it rendered him unfit for the New England post. Fortunately, before his appointment was definitely made, Charles II died, and the ensuing rebellion under the lead of Monmouth provided other activities for Kirke and his regiment of "Lambs." This uprising aroused some futile hopes in Massachusetts that James would not succeed to the throne, and that then the charter might be restored,<sup>4</sup> but it only postponed the appointment of a royal executive. In the fall of 1685, it was decided to entrust the government of Massachusetts and New Hampshire to Joseph Dudley as President of a Council, which was to be composed in the

since as the world can see that it is not my person but the terms of my commission that are in question.' C. C. 1681-1685, pp. 758-759.

<sup>1</sup> C. C. 1685-1686, pp. 41, 64. He was subsequently, in 1687, appointed one of the Commissioners of the 4½ per cent Revenue there. Treas. Books, out letters Customs 11, i, 6.

<sup>2</sup> C. C. 1685-1686, pp. 713, 719.

<sup>3</sup> Robert, England in the Mediterranean II, pp. 120-126; E. M. G. Rieu, Tangier, pp. 201-207.

<sup>4</sup> C. C. 1685-1686, pp. 95, 117. During the interval, the old charter system with Bradstreet as Governor was continued. This government duly proclaimed James II's accession to the throne. *Ibid.* pp. 31, 32.

main of prominent colonials. This was only a temporary expedient, as in the meanwhile it had been determined in England to extend the process of unification and to include in the new province Plymouth, Rhode Island, and Connecticut. In this readjustment and in this plan, Randolph was the moving spirit. He had opposed the appointment of Kirke and had favored that of Dudley, and already in 1681 he had advocated the union of all the New England colonies in one government.<sup>1</sup> The legal obstacles to this scheme were such as could easily be surmounted. Plymouth did not have a royal charter and thus could readily be disposed of, while against the patents of Connecticut and Rhode Island a sufficiently good case could be made to convince the subservient courts of James II that there was ample ground for their cancellation. Randolph prepared charges against these last two colonies, on the strength of which writs of *quo warranto* were issued. Among other things, Rhode Island was accused of making laws repugnant to those of England, of denying appeals to the King, and of violating the laws of trade. Connecticut was called to account for legislation contrary to that of England and for denying religious liberty to Anglicans.<sup>2</sup>

Although Plymouth, Rhode Island, and Connecticut were not guilty of the excesses that had brought about the revocation of the Massachusetts charter,<sup>3</sup> the obvious advan-

<sup>1</sup> C. C. 1681-1685, pp. 34-36.

<sup>2</sup> C. C. 1685-1688, p. 65; Toppan, Randolph IV, pp. 22, 23.

<sup>3</sup> In 1680. Connecticut had made due provision for the execution of the laws of trade. In this connection, the Governor wrote to the Commis-

tages of a united New England were such as to outweigh in the minds of English statesmen whatever element of injustice there might be in these proceedings. For purposes of offence and defence, one colony was far more effective than four separate discordant jurisdictions. Moreover, such an arrangement would unquestionably greatly facilitate the enforcement of the laws of trade. These considerations would have appealed to any statesman with a broad outlook, but the plan naturally found especial favor in the days of James II, when the influence of French methods of administration was at its zenith. Like the measures of France, it was logical to the core, but it was un-English to the extent that it disregarded historic continuity and destroyed local institutions and liberties, which were deeply cherished by the peoples who had lived under them. There is this to be said, however, in mitigation of this criticism. The people of New England were in general a homogeneous body, divided only by differences of creed, which then loomed large, but were by no means fundamental. Moreover, economically New England was a unit, of which Boston was the commercial centre, and in a material sense it could not but benefit by a political union which would abolish the

sioners of the Customs that hitherto they had not "arrived at any capacities to defraude; for though we may not boast of our own goodness, yet penury hath hitherto obstructed." Conn. Col. Rec. III, pp. 49, 307-309. The Governor of Rhode Island also took the oath to obey the laws of trade, and in 1682 a naval office was created in the colony to secure their execution. R. I. Col. Rec. III, pp. 108-110, 119. At about this time also, Randolph wrote that, though treated with great disrespect in Massachusetts, he was accorded due consideration in the other New England colonies. C. C. 1677-1680, pp. 544, 545; Toppan, Randolph III, pp. 70-73.



artificial boundary lines that somewhat interfered with the freedom of exchanges.

New Plymouth's chief products<sup>1</sup> were fish and provisions of all sorts — beef, pork, mutton, and some grain.<sup>2</sup> The colony had no large vessels and no trade beyond the seas. A few small boats were employed in the fishery and in carrying the colony's surplus produce to Boston, whence it was transported to market. Boston was the colony's *entrepôt*. "Commodities Imported from beyond Sea wee haue none to us directly," wrote Governor Winslow in 1680, "but haue all our Supplies from our Neighbours of the Massachusets." Similarly, the exports and imports of Rhode Island were inconsiderable.<sup>3</sup> According to Governor Sanford's statement made in 1680, there were no merchants in Rhode Island, "but the most of our Colloney live comfortably by improvinge the wilderness." With the exception of a few sloops, the colony had no shipping, nor was there any trade with foreigners or Indians. Its chief exports were horses and provisions, and its main imports consisted of a small quantity of West Indian goods for local consumption. Connecticut was also essentially an agricultural community, raising wheat, corn and other grains, peas, pork, beef, horses, and lumber, which were for the most part transported to Boston

<sup>1</sup> See Governor Winslow's answers to the queries of 168c. C. O. 1/44, 55 i; C. C. 1677-1680, pp. 522, 523.

<sup>2</sup> In addition, the colony raised horses and cows, and produced some ship-timber, tar, hemp, and flax.

<sup>3</sup> See Governor Peleg Sanford's answers to the queries of 1680. C. O. 1/44, 58 i; C. C. 1677-1680, pp. 523, 524; A. B. Hart, *Am. Hist. told by Contemporaries I*, pp. 407-409.

and there exchanged for clothing.<sup>1</sup> Some also were shipped to New York. This constituted the bulk of the colony's commerce, but, in addition, there was a small direct export trade to the West Indies and occasionally a ship took a cargo to the Madeiras.<sup>2</sup>

The provisions thus obtained from the neighboring colonies constituted an important factor in Boston's trade.<sup>3</sup> However much Massachusetts might object to the provincial form of government, the unification of New England in itself was eagerly welcomed there. In 1686, the President and Council wrote to the Lords of Trade supporting this policy and stating that Connecticut and Rhode Island 'have always been nourished by us, and they depend on us not only for supplies, but for manufactures of all kinds, so that to divide them from us to lay restraint on trade would be ruinous to all.'<sup>4</sup>

In May of 1686,<sup>5</sup> Randolph arrived in Boston with instructions to serve the legal papers in the suits against

<sup>1</sup> See Governor William Leete's answers of 1680. Conn. Col. Rec. III. pp. 294-301; C. C. 1677-1680, pp. 576-578.

<sup>2</sup> See also Governor Leete's letter of 1681. Conn. Col. Rec. III, pp. 308, 309.

<sup>3</sup> In 1687, Andros reported that Massachusetts could not carry on its trade without these provisions from Connecticut. C. C. 1685-1688, p. 350. See also Dongan's statements. *Ibid.* pp. 329, 370, 371; C. C. 1699, p. 604.

<sup>4</sup> C. C. 1685-1688, p. 261. At the same time, Dudley wrote to Blathwayt praying for the annexation of Rhode Island and Connecticut, as these "are the Principall parts of the Countrey whose Corne and Cattle are raised for the supply of the Great Trade of fishing and Other shipping belonging to this his Majestyes Territory." Goodrick, Randolph VI, p. 196.

<sup>5</sup> C. C. 1685-1688, p. 188; Toppan, Randolph IV, pp. 49, 50.

Rhode Island and Connecticut and to organize the provisional government, which was to replace that of the Massachusetts Bay Company. Randolph himself had been appointed Secretary of the new government and also one of the Council.<sup>1</sup> In addition, he had also secured for himself some other posts,<sup>2</sup> and likewise continued to be the Collector of the Customs. Joseph Dudley and the Council were installed in office without any opposition, except that a protest was lodged against the lack of an assembly.<sup>3</sup> Although Randolph had been Dudley's sponsor,<sup>4</sup> he quickly became dissatisfied, mainly because in his opinion the new government neither sufficiently furthered the interests of Anglicanism, nor adequately supported him in enforcing the laws of trade.

For approximately three years Randolph had been able to pay only slight attention to his duties as Collector, since his time had been fully taken up with the legal proceedings against the New England charters. On his departure from Massachusetts in 1683, he had delegated his authority to his brother Bernard. But the deputy fared no better than the chief. According to Governor Cranfield, Bernard Randolph was 'daily affronted and abused.' In despair of being able to accomplish anything, after a few months he

<sup>1</sup> C. C. 1681-1685, pp. 718, 719. In 1687, Randolph leased his office of Secretary for £150 yearly. C. C. 1685-1688, p. 364.

<sup>2</sup> Randolph was appointed Surveyor of the Woods in Maine with a salary of £50 payable by the Treasurer of the Navy, and also Deputy-Postmaster in New England. Toppan, Randolph IV, pp. 58, 59, 67, 68, 71; C. C. 1685-1688, pp. 120.

<sup>3</sup> C. C. 1685-1688, p. 200.

<sup>4</sup> *Ibid.* pp. 77, 87, 88.

decided to go to England to complain.<sup>1</sup> Early in 1684, when he was about to depart, he was arrested in suits for damages caused by his acts in trying to enforce the laws,<sup>2</sup> and shortly thereafter he died.<sup>3</sup> At about this time William Dyre, who had been appointed in 1683 Surveyor General of the Customs, came to New England. His activities were, however, chiefly confined to suppressing the pirates who were disposing of their spoils there.<sup>4</sup> Thus, until Randolph's reassumption of his duties in 1686, the administration of the laws was mainly in the hands of local authorities. Governor Bradstreet apparently did his utmost to enforce them,<sup>5</sup> but the task was one of great difficulty.<sup>6</sup> Accordingly, when Randolph returned to Massachusetts in 1686, new instruments were provided for suppressing the illegal traders. It was determined to erect an admiralty court and to station a frigate in Massachusetts to assist the cus-

<sup>1</sup> C. C. 1681-1685, pp. 449, 450, 460; Toppan, Randolph III, pp. 249, 250.

<sup>2</sup> C. C. 1681-1685, p. 607.

<sup>3</sup> *Ibid.* p. 634. When reporting Bernard Randolph's death, Governor Cranfield of New Hampshire wrote that this vacancy should be filled, as he had himself observed that Canary wines and French commodities were more plentiful than ever in Boston. *Ibid.*

<sup>4</sup> *Ibid.* pp. 678, 680, 681, 684-686.

<sup>5</sup> Toppan, Randolph III, p. 340.

<sup>6</sup> Cf. C. C. 1681-1685, p. 669. In 1684, Randolph wrote to Bradstreet about a trader who had shipped tobacco directly from Virginia to Glasgow. After selling the tobacco, he proceeded to Rotterdam, where he was securing a cargo for direct shipment to Boston. In reply, Bradstreet wrote that this trader had arrived with a clearing from Whitehaven in England, "which I could not disprove, but doubt whether ever hee came there or not." Toppan, Randolph III, pp. 323, 336-341.

toms officials. Such agencies had already been effectively employed for this purpose in the West Indies.

As in the case of the other colonial executives appointed by the Crown, Joseph Dudley was commissioned Vice-Admiral;<sup>1</sup> and, in addition, a court of this nature was established and a judge, registrar, and marshal were appointed to serve in it.<sup>2</sup> It was expected that this tribunal, which acted without juries, would be free from the local prejudices of the colonial courts and would condemn all legitimate seizures made by the customs officials.<sup>3</sup> In 1685, Randolph had also urged the necessity of employing a ship of the navy against the smugglers.<sup>4</sup> Accordingly, Captain George of H.M.S. *Rose*, which brought Randolph to Boston, was ordered to remain on that station.

Under these new arrangements, the laws were more effectively enforced than ever before. During the year 1686 a number of seizures were condemned, mainly in the Admiralty Court.<sup>5</sup> The administrative system did not, however, work smoothly. Randolph complained that Captain George was exceeding his authority in seizing vessels

<sup>1</sup> Mass. Hist. Soc. Proc. Series II, XIII, p. 228.

<sup>2</sup> C. C. 1685-1688, p. 119.

<sup>3</sup> The Vice-Admiralty Court sat for the first time on July 5, 1686. Sewall's Letter-Book, in Mass. Hist. Soc. Coll. Series VI, I, p. 34.

<sup>4</sup> Toppan, Randolph IV, p. 48.

<sup>5</sup> The total value of six seizures and condemnations reported was £865. C. O. 1/61, 21 i. In the case of one of these seizures, which had imported Scottish goods, Randolph wrote to the Commissioners of the Customs that the master had secured fraudulent certificates from some of the English customs officials. Toppan, Randolph IV, p. 112. For further details of some of these cases, see Goodrick, Randolph VI, pp. 183-185.

in port, thus depriving the Collector of the share of condemnations to which he was entitled.<sup>1</sup> Although Dudley and his Council were naturally pursuing a conciliatory policy towards their countrymen, they fully realized that any neglect on their part to enforce the laws of trade would react grievously on Massachusetts and evidently in full sincerity endeavored to enforce them.<sup>2</sup> But Randolph, who was described at the time as "a Person generally hated by the Bostonians,"<sup>3</sup> encountered personal opposition that could not be overcome; and, moreover, he was annoyed because Dudley would not support him in his quarrels with Captain George.<sup>4</sup> He accordingly complained to England, stating that a governor general was much needed and that delay in this matter was prejudicial.<sup>5</sup> Already in June of 1686, Sir Edmund Andros had been commissioned Governor of New England, but it was only in December that he arrived in America. In the meanwhile, Randolph had served the

<sup>1</sup> Toppan, Randolph IV, pp. 91-93, 97-100, 126-128; Goodrick, Randolph VI, pp. 183, 184, 186, 187.

<sup>2</sup> Dudley and the Council wrote to the Lords of Trade: "Wee are also preparing strict methods, for the pursuance of the Acts of trade and navigation, in every Port of this Governm!" Toppan, Randolph IV, pp. 80-82. See also C. C. 1685-1688, pp. 260-262.

<sup>3</sup> John Dunton's Letters from New England in 1686 (W. H. Whitmore ed. for Prince Soc.), p. 137. Randolph himself wrote: 'I am accounted by all to be the sole enemy of the country, having served the King here eleven years, and taken the writs to the other colonies.' C. C. 1685-1688, pp. 222, 223.

<sup>4</sup> Toppan, Randolph IV, pp. 91-93; Goodrick, Randolph VI, pp. 187-180.

<sup>5</sup> C. C. 1685-1688, pp. 222, 223, 230, 231, 658, 659; Toppan, Randolph IV, pp. 116-118.

*quo warranto* writs on Rhode Island and Connecticut. The former had submitted already in July;<sup>1</sup> Connecticut was not so pliable, but on seeing that the English government was determined and fearing that resistance might lead to its annexation to New York, likewise surrendered somewhat less than a year later.<sup>2</sup> Thus in the autumn of 1687 Andros was at the head of a government comprising all the New England colonies.

Andros was a soldier of excellent reputation, who had made a satisfactory record as Governor of New York. He was empowered to impose taxes and to legislate with the advice of the Council, and his salary of £1200 was to be paid by the English Exchequer until a revenue should be established in New England.<sup>3</sup> Although the Council was composed of the leading men of each colony, the contrast between the new system and that which had prevailed under the charters was a striking one. The absence of a legislature could not but be deemed a serious grievance by men accustomed to self-government. An appointed Council, no matter how representative, could not take the place of an elected assembly; and, moreover, Andros dominated and, occasionally, even overrode this body. Although no attempt was made at the time to dispense with the popularly elected legislatures in Virginia, Jamaica, Barbados, and the other crown colonies, James's treatment of his own pro-

<sup>1</sup> C. C. 1685-1688, pp. 211, 217; Goodrick, Randolph VI, pp. 190, 196.

<sup>2</sup> C. C. 1685-1688, pp. 198, 199, 205, 206, 215, 222, 350, 364, 365, 383, 387; Goodrick, Randolph VI, pp. 233, 234.

<sup>3</sup> C. C. 1685-1688, pp. 203, 242; Blathwayt, Journal I, f. 199.

proprietary province of New York naturally led to the inference that this was to be a permanent arrangement in New England. At the present day, there may be some legitimate doubt on this point, but contemporaries in the colonies affected inevitably regarded this proconsular system not as a temporary expedient, but as an expression of James II's absolute theories of government. The slightest uncertainty about so vital a subject was sufficient to arouse misgivings and unrest in a people so jealous of their liberties as were the New Englanders. Whether Andros's government were benevolent or tyrannical mattered little; under no circumstances could it find favor in the eyes of a people to whom its autocratic form was abhorrent.

In practice, the administration and legislation of Andros was not oppressive. The old system of taxation in Massachusetts was continued, and, although a larger revenue was anticipated, it was but trifling in comparison with the colony's wealth and population.<sup>1</sup> Naturally, the laws of trade and navigation were more effectively enforced, as the means of obstruction had been considerably lessened.<sup>2</sup>

<sup>1</sup> Cf. P. C. Cal. II, pp. 104, 105; C. C. 1685-1688, pp. 422, 464.

<sup>2</sup> In 1690, it was said that under Andros these laws "were carefully enforced, and their constant and profitable correspondence with Foreigners and Pyrats diligently obstructed." John Palmer, *An Impartial Account of the State of New England* (London, 1690), in *Andros Tracts I*, p. 41. See also *Andros Records in Am. Antiqu. Soc., New Series XIII*, pp. 242, 249, 464, 467; C. C. 1685-1688, pp. 311, 350. In 1687, the Commissioners of the Customs wrote to Andros that they had been frequently informed by their agent in Scotland that several vessels with enumerated goods came there directly from the colonies, "being generally shippes that pretend to belong to and give Bond in the Plantacons, which are plaine instances of



The carefully prepared and detailed accounts of the entries of ships inwards and outwards at Boston, which date from Randolph's return in 1686 and were continued under Andros, are in themselves a concrete evidence of the vastly greater respect paid to these laws.<sup>1</sup> More disturbing than anything else was Andros's land policy, which threw grave doubts on the validity of a large number of titles. Al-

the great neglect or corruption of the officers employed in executing the laws." Andros was instructed to be very careful that all ships not producing certificates of having given bond in England should give bond in the colonies and that such colonial bonds should be cancelled only by certificates to the effect that the goods had been landed in England. Toppan, Randolph IV, pp. 145-147.

<sup>1</sup> C. O. 5/848. Of these accounts, numbers 1 to 5 cover roughly the first five of the seven months of Dudley's presidency. Sixty-two vessels of from 4 to 120 tons arrived from the other colonies with small quantities of sugar, tobacco, cotton, *etc.* Twenty-nine ships, of which 14 were English of 1040 tons and 15 were colonial of 805 tons, came from other places, in which was included Newfoundland, whence came 3 vessels. Seventeen ships came from England. During the same period, there left Boston 23 ships bound for England and Europe; of these, 15 of 780 tons were colonial, and 8 of 720 tons were English. Six were bound for London with sugar, molasses, rum, dyeing-wood, skins, oil, fish, and lumber; seven sailed for Newfoundland with sugar, molasses, rum, lumber, and provisions; and ten carried fish to Spain. The total exports of the products of the other colonies, except molasses, were not large: sugar, 339 hogsheads, 18 tierces, 7 barrels; molasses, 1471 hogsheads, 6 tierces; rum, 12 hogsheads; dyeing-wood, 55 tons. Of skins exported, there were 35 hogsheads and 2 barrels; of oil, 41 tierces and 57 barrels. The account of goods exported to the other colonies gives details regarding 70 ships of 2036 tons, of which apparently all were colonial, except one English vessel of 140 tons. Included in this list were 2 ships with lumber and oil for the Madeiras and one with fish for the Canaries. Of these vessels, 9 were bound for Virginia with provisions, salt, lumber, oil, fish, a small quantity of English manufactures, and also some sugar, molasses, rum, and ginger. The majority of these 70 ships took lumber, fish, horses, and provisions to the West Indies.

though actually but few individuals were disturbed in their possessions, yet the uncertainty caused by the legal proceedings kept the colony in a ferment of unrest and excitement.

The plans of the government of James II were of a far wider scope than the mere unification of New England. In the first place, it was proposed to annul all the colonial charters. In 1685, the Lords of Trade reported that it was "of very Great & Growing Prejudice to Yo<sup>r</sup> Ma<sup>ty</sup>'s Affaires in y<sup>e</sup> Plantaçons & to yo<sup>r</sup> Customs here that such independent Govern<sup>ts</sup> be kept up & maintained w<sup>th</sup>out a nearer & more Imediate Dependance on yo<sup>r</sup> Ma<sup>ty</sup>." <sup>1</sup> The fundamental cause of this movement was the difficulty that had been experienced in enforcing the laws of trade in these independent jurisdictions.<sup>2</sup> In consequence of complaints of this nature received from Maryland, on July 10, 1685, the Privy Council instructed the Attorney-General to bring suit against Lord Baltimore's patent.<sup>3</sup> Complaints had also been received from New York that its trade had suffered severely by the separation from it of the Jerseys and Delaware, and accordingly a week later, at the same time that the proceedings against Connecticut and Rhode Island were instituted, writs of *quo warranto* were also ordered to be issued against the charters of these colonies.<sup>4</sup> A few months after the issue of this order, the

<sup>1</sup> C. O. 324/4, f. 230.

<sup>2</sup> See for Maryland, *ante*, Chapter VIII, and for the Carolinas, *ante*, Chapter IX.

<sup>3</sup> P. C. Cal. II, p. 88.

<sup>4</sup> C. O. 324/4, f. 230; N. Y. Col. Doc. III, p. 361; P. C. Cal. II, p. 88; C. C. 1685-1688, pp. 42, 65, 67, 73; Toppan, Randolph IV, pp. 26-28.

government received a letter from William Dyre, the Surveyor General of the Customs in America, complaining that he had been arrested in East New Jersey as a consequence of refusing to pay the costs of the trial of a vessel seized by him and then unjustly freed on trial by a jury.<sup>1</sup> As a result, the Privy Council renewed its instructions to the Attorney-General to begin suit against the charter of that colony.<sup>2</sup> The following year, 1686, the prosecution of all these outstanding writs of *quo warranto* was again ordered,<sup>3</sup> and also the institution of suits against the patents for Pennsylvania, the Carolinas, and the Bahamas.<sup>4</sup> Thus, at this time preparations were made to abrogate every one of the existing colonial charters. The English legal processes were, however, exceedingly dilatory, and but little came of this comprehensive movement. The charters of Carolina, Maryland, Pennsylvania, Delaware, and the Bahamas were still intact at the time of the Revolution of 1688/9. On the other hand, Rhode Island and Connecticut had submitted, and the writs had also been served on the proprietors of the Jerseys,<sup>5</sup> who had surrendered their questionable rights of government.<sup>6</sup> Had all the suits been carried to a successful conclusion, the English government would have been enabled to consolidate the continental colonies in two distinct political entities with Virginia and Massachusetts

<sup>1</sup> C. C. 1681-1685, pp. 61, 106; P. C. Cal. II, p. 89.

<sup>2</sup> P. C. Cal. II, p. 89.

<sup>3</sup> *Ibid.* p. 88; C. O. 5/723, f. 109; C. O. 324/4, ff. 233, 240.

<sup>4</sup> P. C. Cal. II, p. 92; C. O. 5/723, ff. 109, 110; No. Ca. Col. Rec. I, pp. 352-354.

<sup>5</sup> C. C. 1685-1688, p. 77.

<sup>6</sup> *Ibid.* pp. 526, 542.

as their respective centres. That some idea of this nature was entertained, if only vaguely, may be surmised from what was done with the northern colonies.

In 1688,<sup>1</sup> a new commission was issued to Andros including within "the Dominion of New England" both New York and the Jerseys.<sup>2</sup> At the same time, Captain Francis Nicholson was appointed Lieutenant-Governor.<sup>3</sup> The main purpose of this short-lived consolidation was to increase the military efficiency of the colonies,<sup>4</sup> as the French and Indian situation was becoming daily more threatening.<sup>5</sup> But before its efficacy in this respect could be tested, the Dominion of New England, after an existence of only a few months, fell to pieces in the turmoil and confusion caused by the English Revolution of 1688/9. Such an artificial union was bound to be short-lived. The middle colonies differed so fundamentally from those in New England that no other outcome was possible.

Of the colonies situated between Virginia and Maryland to the South and New England to the North, only New York had at this time any commercial importance. But even this possession was from the imperial standpoint insignificant, when compared with the tobacco and sugar colonies.

<sup>1</sup> *Ibid.* pp. 525, 526; N. Y. Col. Doc. III, pp. 536, 537.

<sup>2</sup> Andres's salary was raised to £1400. Balthwayt, *Journal* I, f. 296; C. C. 1685-1688, p. 560.

<sup>3</sup> C. C. 1685-1688, p. 533.

<sup>4</sup> Balthwayt wrote to Randolph that such a consolidation of the colonies, "besides other advantages, will be terrible to the French and make them proceed with more caution than they have lately done." Toppan, Randolph IV, pp. 216-218.

<sup>5</sup> C. C. 1685-1688, pp. 352, 353, 588-592.

Although the process of settlement in Pennsylvania was proceeding at an exceptionally rapid pace,<sup>1</sup> Penn's "holy experiment" had naturally so far not been able to do more than demonstrate its prospective future worth, since the charter had been issued only in 1681.<sup>2</sup> The Jerseys, it is true, were of older date, and their great agricultural resources had already been more than tapped.<sup>3</sup> But the trade of these sparse and scattered settlements and their demand for foreign supplies was insignificant. In 1687, Governor Dongan of New York wrote to the Lords of Trade that last year two or three ships had come to East Jersey with merchandise, which unquestionably was then smuggled into New York, as he was 'sure that East Jersey

<sup>1</sup> The immigration into Pennsylvania was abnormally large, and there had already been established trade relations with Barbados. A. C. Myers, *Narratives of Early Pennsylvania, etc.*, pp. 229, 253, 260, 287, 290, 291, 293. Already in 1684, a ship was condemned in Philadelphia on the ground that it was a French bottom and as such not allowed to trade. Pa. Col. Rec., Council 1683-1700, I, pp. 122, 123. According to the English Treasury Records, a Scottish vessel had been condemned by the Governor and Council of Pennsylvania in 1683. Treas. Books, Out-Letters, Customs 10, ff. 177, 178.

<sup>2</sup> Careful provision was made in the charter to obviate the difficulties that had been encountered in enforcing the laws of trade in the other colonies of this general type. The patentee was obliged to admit all officials appointed by the Commissioners of the Customs and to appoint an attorney or agent in London to answer for "any wilfull default or neglect permitted by the said William Penn, his heirs or assignes against our Lawes of Trade or Navigacon." Pa. Col. Records, Council 1683-1700, I, pp. 22, 23. See also C. C. 1681-1685, p. 3.

<sup>3</sup> A Further Account of New Jersey (London, 1676), pp. 2, 6-8; C. C. 1669-1674, pp. 44, 45; N. Y. Col. Doc. III, p. 122; A. C. Myers, *Narratives of Early Pennsylvania, etc.*, pp. 191, 192.

and West Jersey together cannot consume over £1000 worth of goods in two years.'<sup>1</sup> In comparison with its southern neighbors, New York was already a considerable commercial centre.

The settlement of the Dutch in this region had from the very outset been resented by the English, who claimed as their own the entire Atlantic coast from Canada to Florida. Prior to the Restoration no consistent attempts had been made to render these claims effective, but after 1660 they were renewed and enforced, because the presence of these Dutch settlements in the very midst of the English dominions was found increasingly inconvenient. New Netherland separated the territorial continuity of the English colonies, interfered with their future expansion, and complicated the question of defence. Its conquest would mean a return to the conditions of 1606, when James I granted the entire Atlantic seaboard to Virginia and New England.<sup>2</sup> Moreover, and this was the fundamental motive, the proximity of the Dutch to the English colonies facilitated illegal trade and rendered it far more difficult to put into effect the colonial system.

In 1662, the Council for Foreign Plantations took under

<sup>1</sup> C. C. 1685-1688, p. 327. This statement is presumably an underestimate.

<sup>2</sup> In the fall of 1664, shortly after the conquest of New Netherland, Samuel Maverick wrote to John Winthrop, Jr.: "So that now, thourough Gods mercey, the two Colloneyes, Virginia and New England, are once more intirely ioyned together vnder the Gouernment of our soueraigne lord the Kinge, and vnder him his royall highness the Duke of York." Winthrop Papers II, p. 310.

its consideration some information that had been received of a secret trade in tobacco between the Dutch and English colonies, "as namely by delivering the same at sea, by carrying the same to New England and other Plantacons and thence shipping the same in Dutch bottoms," and also by taking it to the Dutch settlements in Delaware Bay. Lord Baltimore was summoned before the Council, and promised to instruct his deputy in Maryland to put a stop to such practices.<sup>1</sup> In 1663, the Privy Council wrote to the colonial Governors about this direct trade to the Dutch settlements and ordered them strictly to enforce the Act of Navigation.<sup>2</sup> At the same time, in connection with a complaint against the Dutch intrusion at New Netherland and Long Island, which it was claimed belonged to England, attention was again directed to this intercourse as in great part frustrating the 'good intention' of the laws regulating English colonial trade.<sup>3</sup> During the ensuing investigation, the Farmers of the Customs stated that the ships trading to the English colonies "doe both by land & water carry & convey greate quantities of Tobacco to the Dutch whose Plantations are contiguous, the Custom whereof would amount to tenne thousand pounds *p. ann.* or upwards."<sup>4</sup> As a remedy, it was proposed that the Farmers of the Customs should establish officials in the colonies to prevent such illegal trading;<sup>5</sup> but, while this proposal was being debated,

<sup>1</sup> C. C. 1661-1668, nos. 345, 357; N. Y. Col. Doc. III, p. 44.

<sup>2</sup> N. Y. Col. Doc. III, pp. 44-46.      <sup>3</sup> C. O. 1/14, 59, f. 53.

<sup>4</sup> *Ibid.* ff. 53, 54; N. Y. Col. Doc. III, p. 47; C. C. 1661-1668, no. 597.

<sup>5</sup> C. O. 1/14, 59 ff. 54-56; N. Y. Col. Doc. III, pp. 48-50; C. C. 1661-1668, nos. 605, 644, 649.

the international situation had become critical, and war between England and Holland was imminent.

According to the prevailing international practice, the Dutch had acquired an unquestionably valid title to New Netherland from their long occupation of this region. England's insistence on her strictly formal legal rights was as untenable as was the Dutch claim to a monopoly of the trade of West Africa. But while the Restoration government did not disturb New Netherland, the Dutch were forcibly driving the English slave-traders from the Guinea coast. In retaliation for these unwarranted aggressions in Africa, England determined to attack the Dutch settlements in America.<sup>1</sup> War was not formally declared, nor was such notification required by international usage; for, until the nineteenth century, nations were frequently engaged in protracted hostilities, while theoretically still at peace. Early in 1664, Charles II granted to his brother, the Duke of York, the Dutch territories in North America,<sup>2</sup> and at the same time the Commissioners, who were being sent to New England, were instructed to reduce these settlements.<sup>3</sup> In the summer of 1664, Colonel Richard Nicolls appeared with a small force before New Amsterdam, which, being totally unprepared for resistance, surrendered.<sup>4</sup> Shortly thereafter, the Dutch settlements on the Delaware were also reduced.<sup>5</sup>

<sup>1</sup> See especially H. L. Schoolcraft, *The Capture of New Amsterdam*, in *English Historical Review* XXII, pp. 687 *et seq.*

<sup>2</sup> C. C. 1661-1668, no. 685.

<sup>3</sup> *Ibid.* nos. 711, 713; *Mass. Col. Rec. IV, Part II, p. 117.*

<sup>4</sup> C. C. 1661-1668, no. 788.

<sup>5</sup> *Ibid.* no. 809; *N. Y. Col. Doc. III, p. 69.*



The Treaty of Breda of 1667, which brought to an end the formal war that followed upon these proceedings, conceded to England these regions, and thus came into being the English colony of New York.

As New York was now an English colony, the Dutch merchants could no longer trade there.<sup>1</sup> The ensuing dislocation for the time being naturally led to considerable inconvenience. The late Dutch Governor, Peter Stuyvesant, insisted that the colony would be ruined unless trade were allowed with Holland, since not only could its supplies be secured more cheaply there, but as yet no other commercial arrangements had been made. He further pointed out that the agricultural methods of New York differed from those of England and required Dutch utensils. In addition, he called attention to the fact that beaver and other furs had been obtained in barter for Dutch commodities, such as "camper duffles, hatchets, and other ironworks made at Utrecht, &c., much esteemed of by the natives," and stated that, if these could not be obtained, the Indian trade would be totally diverted to the French. After citing an article in the terms of capitulation of 1664, which permitted trade

<sup>1</sup> About two months after the surrender in 1664, Colonel Nicolls wrote to Lord Arlington emphasizing the importance of the English merchants sending large quantities of merchandise, as otherwise many in Virginia, Maryland, and New England, who had been accustomed to secure their supplies from New Netherland, would be in want. He also wrote that he feared that the Dutch might try to regain what they had lost, 'which is the whole trade of tobacco,' and stated that the Marylanders were so 'much bribed by their trade with the Dutch' that they were not eager for the conquest of the Delaware settlements. C. C. 1661-1668, no. 800; N. Y. Col. Doc. III, p. 69.

with Holland, he accordingly petitioned the Duke of York to allow two small Dutch vessels to make a voyage to New York with these indispensable supplies.<sup>1</sup>

In this petition Stuyvesant, presumably wilfully, ignored the succeeding clause in the terms of surrender, which limited this freedom of trade to a duration of six months.<sup>2</sup> This matter was referred to the Plantation Committee, and, on their report, an Order in Council was issued in 1667, allowing the Dutch for seven years to trade with three ships to New York.<sup>3</sup> This order was far more extensive in scope than anything that Stuyvesant had requested, and was seemingly a piece of gross carelessness arising from the government's ignorance of the terms of the capitulation. Under the broad scope of this order, New York could have been made an *entrepôt*, whence the other colonies could obtain European supplies and through which enumerated goods could be shipped directly to Europe. The English merchants trading to the colonies complained that foreign linens, shoes, stockings, clothes, and other commodities would be sent in this manner not only to New York, but also to Virginia, Barbados, and New England. Accordingly in 1668, on the recommendation of the Council of Trade, which had investigated the matter, the Privy Council revoked its order of the preceding year.<sup>4</sup> Thereafter the Dutch

<sup>1</sup> N. Y. Col. Doc. III, pp. 163, 164; C. C. 1661-1668, no. 1602.

<sup>2</sup> See articles 6 and 7 of the Capitulation at the Governor's Bowry, Aug. 27, 1664. C. C. 1661-1668, no. 794; N. Y. Col. Doc. II, pp. 250-253.

<sup>3</sup> P. C. Cal. I, pp. 444, 445; N. Y. Col. Doc. III, pp. 164-167; C. C. 1661-1668, no. 1603.

<sup>4</sup> C. C. 1661-1668, nos. 1874, 1875, 1885; P. C. Cal. I, pp. 491, 492,

were rigorously excluded from all commercial intercourse with their former colony on the Hudson.

Agriculture was the chief of the natural resources of New York, and already at this time food-stuffs were exported to the West Indies and Carolina. In addition, some beaver and other furs were secured from the Indians, cod and other fish were plentiful, and whales were caught off Long Island.<sup>1</sup> In 1671, the Governor, Francis Lovelace, wrote that the colony was 'in a hopeful and thriving condition, their harbour being fuller with shipping than ever was known since the discovery was made.'<sup>2</sup> Governor Lovelace and the Collector of the provincial revenue appointed by him<sup>3</sup> were careful that no foreign vessels were among this shipping,<sup>4</sup> but apparently some of the other provisions of the laws

495, 496, 512, 513; C. C. 1669-1674, pp. 10, 11; N. Y. Col. Doc. III, pp. 175-178; Winthrop Papers II, pp. 315, 316. This order was dated Nov. 18, 1668. Six weeks prior to its issue, the Treasury decided that these Dutch ships should not be allowed to load any goods of Virginia, Barbados, or the other colonies, but only the produce of New York. Cal. Treas. Books, 1667-1668, pp. 449-450. For another dispensation of the Navigation Act in favor of New York, secured in 1669, see *ante*, Vol. I, pp. 88, 89.

<sup>1</sup> Winthrop Papers II, pp. 315, 316, 318; C. C. 1669-1674, pp. 21, 44, 45, 49, 138, 139, 167; Daniel Denton, *A Brief Description of New York* (London, 1670), p. 3. In 1671, however, as there was "a generall Scarcity of wheate throughout this Province," its exportation was forbidden for one year. *Minutes of the New York Executive Council, 1668-1673*, ed. Paltsits, pp. 519, 520. See also pp. 520-522.

<sup>2</sup> C. C. 1669-1674, p. 269.

<sup>3</sup> The Collector was Cornelis van Ruijven. *Minutes of the New York Executive Council, 1668-1673*, pp. 39, 40.

<sup>4</sup> See the cases of the ships *Expectation* and *Batchelours Delight*. *Ibid.* pp. 612-615, 643-646.

of trade were not so strictly observed.<sup>1</sup> In 1673, New York's development was again interrupted by a change in rulers, but, on the conclusion of hostilities in the following year, the colony was restored to England by the Dutch, much to the relief of those interested in the future of the English Empire.<sup>2</sup>

From this time dates the real development of New York as an English possession. The Duke of York devoted considerable attention to his province,<sup>3</sup> and was ably seconded by his representatives in the colony, Governors Andros and Dongan. Under their guidance considerable progress was made during the following fourteen years. In 1678,<sup>4</sup> Andros reported that New York's exports consisted of wheat,<sup>5</sup> peas, beef, pork, some "refuse" fish, tobacco, beaver and other furs obtained from the Indians, timber and staves, horses, and also some pitch and tar. Their imports comprised manufactures of all sorts for the use of the settlers and for the Indian trade. There were few merchants in the colony, and one worth £500 or £1000, he said, was ac-

<sup>1</sup> The tariff put into effect in 1668 provided that tobacco exported into any of the King's dominions should be free of duty, "but such quantities thereof as shall be exported into forreigne partes shall pay halfe penny per pound as in England." *Ibid.* p. 194. This shows a strange ignorance or disregard of the enumeration of tobacco.

<sup>2</sup> C. C. 1669-1674, pp. 524-526, 530.

<sup>3</sup> At the outset, he was especially desirous to develop its fisheries and to import ship-timber thence into England. Neither scheme was successful and the latter was even disastrous, costing the Duke a considerable sum of money. N. Y. Col. Doc. III, pp. 232-234, 237; C. C. 1675-1676, pp. 277, 278.

<sup>4</sup> C. O. 155/1, ff. 18-33; N. Y. Col. Doc. III, pp. 260-262; C. C. 1677-1680, pp. 237, 238.

<sup>5</sup> He said that 60,000 bushels of wheat were yearly exported.

counted "a good substantial Merchant," while a planter worth only half as much in movable property was deemed rich. The aggregate value of all the estates in New York he estimated at £150,000. Ten to fifteen ships of about one hundred tons each traded there yearly, and in addition the colony owned six small vessels, of which four had been built in its primitive yards.<sup>1</sup> In 1687, Governor Dongan reported that New York owned about a dozen vessels of fair size, as well as twenty sloops, all of which were engaged in trading up the Hudson River or in carrying the colony's products to market. The exports to England were mainly peltry, whale-oil, and tobacco, while provisions were shipped to the West Indies.<sup>2</sup>

Although considerable progress had been made, much more could have been attained had the colony not been severely handicapped. In the first place, New York was the bulwark of the English colonies against the French, who at this time were energetically seeking to bring the Iroquois Indians under their influence.<sup>3</sup> In the second place, the separation of the Jerseys with their rich agricultural lands

<sup>1</sup> Three years later, in 1681, Andros stated that when he first came to New York it was poor, unsettled, and had only a small coasting trade, but that since then its commerce had increased greatly and its navigation tenfold. C. O. 1/47, 121; N. Y. Col. Doc. III, pp. 308-313.

<sup>2</sup> C. C. 1685-1688, p. 330. On the importations into England of tobacco, hides, and furs from New York, see Cal. Dom. 1676-1677, p. 409; 1677-1678, p. 507.

<sup>3</sup> In 1688, Governor Dongan wrote to Sunderland: "This Government must be y<sup>e</sup> Bullwark to Boston, which is not at the fourth part y<sup>e</sup> charge New Yorke is, and has ten times the Revenue." N. Y. Col. Doc. III, pp. 510-512.

from New York was ill-advised, as it lessened the colony's economic and fiscal resources and consequently its ability to cope with the Indian and French situation.

Apart from the excise for retailing liquor and the quit-rents, which were inconsiderable, the New York revenue was derived from export duties on tobacco and furs and from small import duties. An additional tax was levied on goods shipped up the Hudson for the Indian trade.<sup>1</sup> On the opposite side of the river, in New Jersey, such import duties were not collected, and accordingly commerce was diverted from New York. Goods were smuggled into the colony from its free-trade neighbor, and there was danger that the fur-trade and the revenue arising from it would be lost to New York. In 1684, the Duke instructed Governor Dongan not to suffer any goods to pass up the Hudson River but such as had paid duties in New York, so as to keep the benefits of the Indian trade for the inhabitants of that colony and the revenue arising from it for the support of the government.<sup>2</sup> This instruction, as enforced by Dongan, led to considerable difficulty.<sup>3</sup> In 1687, the proprietors of East New Jersey complained to the King that Dongan had seized at Perth Amboy a vessel from Ireland and obliged it to enter at New York, and had further threatened to seize all other vessels arriving at that port. They

<sup>1</sup> C. O. 155/1, ff. 18-33; C. C. 1677-1680, pp. 237, 238; N. Y. Col. Doc. III, pp. 260-262, 305-308; C. O. 1/48, 118; C. O. 5/1112, ff. 6-13; C. C. 1685-1688, pp. 330, 331.

<sup>2</sup> C. C. 1681-1685, p. 679; N. Y. Col. Doc. III, pp. 348, 349. Cf. C. C. 1681-1685, p. 605.

<sup>3</sup> C. C. 1681-1685, pp. 4, 287.

asserted that this was in violation of their privileges, and that the duties payable in New York were levied by a body in which their colony was not represented. While expressing a willingness, if the King so desired, to impose similar duties in New Jersey, they pointed out that in that event such customs should be collected as well in all the other colonies, 'or trade will desert the unfree ports for the free.'<sup>1</sup> As a result of this complaint, Governor Dongan was instructed to allow all vessels bound for Perth Amboy to enter there, but only provided the government of East New Jersey permitted the New York customs on their cargoes to be collected.<sup>2</sup>

No great increase in revenue could, however, be expected from this source. New York was unquestionably in need of a larger income in order to be able to withstand the aggressive policy of Denonville, the recently appointed Governor of Canada. Owing to the incapacity of the Collector, Lucas Santen, the colony's finances were in a deplorable state. The revenue was greatly in arrear, and the amounts outstanding could not be collected.<sup>3</sup> The need of greater

<sup>1</sup> N. J. Col. Doc. I, pp. 533-539; C. C. 1685-1688, pp. 378, 382, 396.

<sup>2</sup> C. C. 1685-1688, p. 419; N. Y. Col. Doc. III, p. 428. The instructions issued in 1687 to the New York Collector, Matthew Plowman, contain a clause to the same effect. C. O. 5/1113, ff. 140-146; Blathwayt, Journal I, pp. 264-266; N. Y. Col. Doc. III, pp. 501-503. See also C. C. 1685-1688, pp. 526, 572.

<sup>3</sup> Santen was also a member of the New York Council and the royal Collector of the Customs, and, in addition to collecting the provincial revenue and enforcing the laws of trade, he attended to such questions as to whether ships arriving at New York had violated the charter of the Royal African Company and were consequently liable to seizure. C. C.

resources in order to cope with the French led directly to the demand that the Jerseys and Delaware be annexed to New York. In 1685, the Mayor of New York complained that since these colonies had been separated from the province, the city had lost a third of its trade.<sup>1</sup> It was in consequence of this and similar complaints that proceedings were instituted in 1685 against the charters of these colonies. But the annexation of the Jerseys would not have materially increased New York's resources. As Governor Dongan wrote in 1688, 'were the Jerseys annexed to us, they would not bring us in £100 a year nor fifty men in case of need, though East Jersey, it is true, is convenient for us to preserve what revenue we have.'<sup>2</sup> Hence arose a demand that Connecticut, against whose charter a writ of *quo warranto* had also been issued, be likewise added to New York. In their despatches, Dongan and the New York officials insistently urged the necessity of annexing this colony as well as their southern neighbors.<sup>3</sup> If this were done, Dongan wrote in 1687 to James II and his chief minister, the Earl of Sunderland, New York could easily defray its expenses and would no longer be a charge on the Crown.<sup>4</sup> A few weeks later, he even sug-

1685-1688, pp. 42, 220, 231, 232, 242, 249, 305. His accounts of the local revenue were in such disorder that Dongan suspended him from office in 1687. *Ibid.* pp. 270, 279, 280, 287, 288, 294, 298, 301, 303, 309, 321, 322, 325, 330-332, 370, 371; C. C. 1699, p. 604; N. Y. Col. Doc. III, pp. 420-424, 492; Doc. Hist. of New York I, no. 6.

<sup>1</sup> C. C. 1685-1688, p. 42.

<sup>2</sup> *Ibid.* p. 499; N. Y. Col. Doc. III, pp. 510-512.

<sup>3</sup> C. C. 1685-1688, pp. 289, 367.

<sup>4</sup> *Ibid.* pp. 321, 322, 325, 326; N. Y. Col. Doc. III, pp. 420-423.



gested the annexation of Rhode Island.<sup>1</sup> So inadequate was the New York revenue at this time that the patriotic Governor spent his own perquisites, pledged his credit, and even pawned his plate to provide for the current expenses.<sup>2</sup>

Throughout the balance of the year, Dongan continued to press this policy of annexation.<sup>3</sup> On October 25, 1687, he wrote to Sunderland that, unless some steps were taken, the beaver trade and England's title to northern New York would be lost, and the French would then encroach on the other colonies as they had done on this. 'By hard words, fair words, and a little bribery I have hitherto kept the Indians to us indifferent well,' he wrote, 'but that will not do always, for the French are very industrious, both by fair means and foul, to induce them to join them, and where I spend a shilling they are proud to spend ten pound.' The New York revenue, he continued, had fallen off nearly one-half, owing to the diminution of the beaver trade, so that the King will be at great expense to maintain the colony unless Connecticut be annexed. In conclusion, he wrote that if the King should add Connecticut to the province of New England, as was reported, then it would be advisable to include New York also, 'for we cannot maintain ourselves as we are.'<sup>4</sup> This was the solution adopted. In the spring of 1688, Dongan was ordered to return to England, where he was assured of royal favors for his good services. A few

<sup>1</sup> C. C. 1685-1688, pp. 326, 327.

<sup>2</sup> *Ibid.* p. 333.

<sup>3</sup> *Ibid.* pp. 370, 371, 375, 376.

<sup>4</sup> *Ibid.* pp. 457, 458. See also Dongan's despatch of Feb. 19, 1688. *Ibid.* pp. 498, 499; N. Y. Col. Doc. III, pp. 510-512.

months later, on the arrival in New York of Sir Edmund Andros, the colony was incorporated in the Dominion of New England.<sup>1</sup> But before the military efficiency of this step could be adequately tested,<sup>2</sup> the news of the Revolution in England dissolved this artificial union into its component elements.

As a natural consequence of the fact that the Duke of York was proprietor of the province, the laws of trade were more strictly enforced in New York than in most of the other proprietary and charter colonies. Their execution was in the hands of the Governor and the royal customs officials. These collectors of the duties were also as a rule entrusted by the Duke of York with the management of the provincial revenue.<sup>4</sup>

<sup>1</sup> C. C. 1685-1688, pp. 533, 597.

<sup>2</sup> On Aug. 19, 1688, Randolph wrote to Blathwayt that the New York revenue was nearly £5000 a year, and that they had raised a tax of £2555 to pay their soldiers, whose pay was eleven months in arrear. Goodrick, Randolph VI, pp. 258 *et seq.*

<sup>3</sup> In fact, the New York revenue law of 1674 was designed to reinforce the laws of trade in securing the colonial market to England. It imposed a two per cent duty on all imports, "but if it shall appeare that any ship came from any other Country to England w<sup>th</sup> a Cargo of Goods and paying the Customs there, proceed thence for New York w<sup>th</sup> y<sup>e</sup> said Cargo upon the Goods of such Cargo to pay Ten p Cent ad valorem." C. O. 5/1112, f. 6. See also Lewin's remarks on this law, and Dongan's statement of 1687 regarding a similar provision later. C. O. 1/48, 118; C. C. 1685-1688, p. 330.

<sup>4</sup> On July 2, 1674, William Dyre was commissioned by the Duke of York to be Collector of the New York provincial revenue. In this commission and the accompanying instructions there is no reference whatsoever to the laws of trade and navigation. C. O. 5/1112, ff. 4, 5, 12, 13; N. Y. Col. Doc. III, pp. 222, 223. By warrant of May 15, 1674, the Treasury authorized the Commissioners of the Customs to appoint Peter Smith

In 1678, Governor Andros stated that these laws were obeyed.<sup>1</sup> Some three years later, however, John Lewin, who had been commissioned by the Duke to investigate charges of maladministration in New York reported that not only had frauds been committed in the provincial revenue, but that William Dyre, the Collector of these taxes, had several times allowed Frederick Phillipse to import directly from Holland contraband goods, especially such as were used in the Indian trade. Similar favoritism, he claimed, had been shown towards a few other Dutch merchants, while in general the usage was so rigid that as Collector and Surveyor in New York, and a similar warrant subsequently ordered the appointment of John Sharp as Comptroller and Surveyor General. In 1683, John Clarke was appointed to succeed John Sharp deceased. *Cal. Treas. Books, 1672-1675*, pp. 498, 501, 522, 641; *Treas. Books, Out-Letters, Customs 8*, f. 196. On Feb. 17, 1683, the Duke of York appointed Lucas Santen to be Collector and Receiver General of the New York revenues with a salary of £200. On Nov. 4, 1687, James II issued a commission to Matthew Plowman to succeed Santen. These commissions, as well as the instructions issued to Santen and Plowman, refer solely to the New York revenue. *C. O. 5/1112*, f. 45; *C. O. 5/1113*, ff. 138-146; *N. Y. Col. Doc. III*, pp. 335, 336, 500-503; *Blathwayt, Journal I*, ff. 191, 260, 261, 264-266. In addition, Santen and Plowman were appointed Collectors of the Customs by the Commissioners of the Customs and were thus authorized to enforce the trade laws. On Aug. 17, 1684, a warrant was issued for the appointment of Lucas Santen in place of Peter Smith, lately deceased, and on Oct. 12, 1687, a similar warrant was issued in favor of Matthew Plowman in place of Santen, dismissed. *Treas. Books, Out-Letters, Customs 9*, f. 28; *11*, f. 68. See also *Toppan, Randolph IV*, pp. 251, 252; *C. C. 1685-1688*, p. 305. According to Randolph, Andros in 1688 proposed that Cortlandt should succeed Plowman, "if the Lords of the Treasury do not thinke fitt to continue him in that station." *Goodrick, Randolph VI*, p. 273.

<sup>1</sup> *C. O. 155/1*, ff. 18-33; *C. C. 1677-1680*, pp. 237, 238; *N. Y. Col. Doc. III*, pp. 260-262.

trade had been obstructed and immigration from Barbados and elsewhere had been prevented.<sup>1</sup> In reply, Andros stated that he had appointed a full staff of customs officials, each one of whom was a check on the other, and that if they had allowed any illegal importations or exportations, they were responsible for them, but that he "never knew of any such practices." As to the specific charge of connivance with the Dutch merchants, Andros said that this was based upon hearsay and that the two principal men implicated by Lewin were prominent citizens, members of the Council, and had not been favored.<sup>2</sup> On investigation of the matter, the English government completely exonerated Andros and Dyre.<sup>3</sup> A few years later, a similar incident occurred. In 1687, Governor Dongan asserted that the colony was 'very honest in obeying the Navigation Acts,'<sup>4</sup> but he accused Lucas Santen, the inefficient Collector of the Customs and of the New York Revenues, of negligence in taking bonds from masters of ships.<sup>5</sup> In his turn, Santen made counter-accusations, stating that Dongan was interested in various transactions that were contrary to the laws of trade, but the Governor was able to satisfy the government of his innocence.<sup>6</sup> Such charges and counter-charges were freely made during the seventeenth and eighteenth centuries, and were the most conspicuous of offensive weapons used by the officials of the day in their

<sup>1</sup> C. O. 1/48, 118; N. Y. Col. Doc. III, pp. 305-308.

<sup>2</sup> C. O. 1/47, 121; N. Y. Col. Doc. III, pp. 308-313.

<sup>3</sup> C. C. 1685-1688, p. 555; N. Y. Col. Doc. III, pp. 314-316.

<sup>4</sup> C. C. 1685-1688, p. 371.      <sup>5</sup> *Ibid.* p. 332.

<sup>6</sup> *Ibid.* pp. 332, 333; N. Y. Col. Doc. III, pp. 493 *et seq.*

not infrequent mutual recriminations. Like all statements made in the heat of argument they were grossly intemperate and exaggerated, and hence throw little light on the actual conditions that prevailed. But the frequency with which such accusations were made during these controversies between officials indicates that a charge of laxity in the administration of the laws of trade was one of the most effective means of blasting a public servant's reputation with the English authorities. Other faults might possibly be overlooked, but neglect of duty in these matters would not be condoned; for above all else the English government sought effectively to establish the laws of trade and navigation and to create a self-sufficient commercial Empire. This was the paramount aim in view.

LIST OF THE CHIEF ABBREVIATIONS USED  
IN THE REFERENCES

- African Co. Papers. — These documents are in the London Record Office, and are listed as Treasury Board — Miscellanea, Expired Commissions.
- Blathwayt, Journal. — These three volumes, containing a record of Blathwayt's activities as Auditor and Surveyor General of the colonial revenues, are in the Treasury documents in the London Record Office.
- B. T. — These are the Board of Trade Papers in the London Record Office, which have been completely rearranged since the beginning of these investigations. In a few instances, it was impossible to secure in time for publication the new references, but these can be readily secured from the "key" at the disposal of students in the Record Office.
- Bodleian. — The various collections of documents in the Bodleian Library at Oxford.
- Brit. Mus. — The manuscripts deposited in the British Museum at London.
- C. C. — Calendar of State Papers, Colonial Series, America and West Indies.
- Cal. Dom. — Calendar of Domestic State Papers.
- Cal. Treas. Books. — Calendar of the Treasury Books.
- Cal. Treas. Papers. — Calendar of the Treasury Papers.
- Calvert Papers. — Published by the Maryland Historical Society.
- Col. Entry Book. — As in the case of the Board of Trade Papers, a few references have been made to these volumes in the Public Record Office under their original designation. The corresponding new reference is readily ascertainable.
- C. O. — Colonial Office Records in the Public Record Office at London.
- Com. Journal. — Journal of the House of Commons.
- Goodrick. — The supplementary volumes of the Randolph papers edited by Goodrick for the Prince Society.
- Hening. — The Statutes at Large of Virginia.
- H.M.C. — The British Historical Manuscripts Commission.

Hutchinson Papers. — Published by the Prince Society.

Lefroy. — J. H. Lefroy, *Memorials of the Discovery and Early Settlement of the Bermudas or Somers Islands*, 2 vols., London, 1877-1879.

Lords Journal. — Journal of the House of Lords.

Mass. Col. Rec. — Records of the Governor and Company of the Massachusetts Bay in New England.

P. C. Cal. — Calendar of the Acts of the Privy Council, Colonial Series.

P. C. Register. — The original volumes of the Privy Council Register in Downing Street, London.

Shaftesbury Papers. — The collection deposited in the London Record Office.

S. P. Dom. — The Domestic State Papers at the London Record Office.

S. P. Foreign. — The Foreign State Papers at the London Record Office.

Toppan, Randolph. — The Randolph papers edited by Toppan for the Prince Society.

Treas. Books. — The original Treasury Books in the London Record Office.

Va. Mag. — The Virginia Magazine of History and Biography.

Winthrop Papers. — Published in the Collections of the Massachusetts Historical Society.

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