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THE BRITISH SLAVE TRADE TO VIRGINIA

1698-1728

A Thesis

Presented to

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

In Partial Fulfillment

**Of the Requirements for the Degree of
Master of Arts**

By

Elizabeth Suttell

May 1965

APPROVAL SHEET

This thesis is submitted in partial fulfillment of
the requirements for the degree of
Master of Arts

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ABSTRACT

Slavery as a social institution -- and the African slave trade as an essential and especially unpleasant aspect of slavery -- have long been studied by social historians, most often by considering their effect upon the moral climate of the colonies where the institution of slavery became established. A study of the slave trade itself, however, when divorced as far as possible from moral analysis of the institution, and when examined in a specific time and place has another significance. This significance -- an economic one -- is more precisely formulated and responds more readily to the use of evidence than does the question of origin and motivation. The trade over a specific time -- 1698-1728 -- and in a specific place -- Virginia -- reveals itself as a segment of a larger economic picture. It was both a product of and an influence upon the commercial relations between Virginia and the Mother Country.

In Virginia, the trade in Negroes was naturally part of the all-pervading element in Virginia economic life, the tobacco trade. Negroes provided the cheap labor necessary to work large tobacco plantations. The slave trade therefore provided the means for producing more and more tobacco. But the ability to purchase slaves depended upon the planters' credit with his English merchants, which in turn was determined by the amount of tobacco the planter had supplied the merchant and the price it would bring. The question of money supply was therefore frequently a vital factor in this precarious credit relationship.

One means of examining the course of slave trade activity within the framework of this tobacco trade economy is to consider the motivation behind and the effects of a series of laws passed by the House of Burgesses concerning the trade. Beginning in 1699, Virginia imposed a duty upon slaves entering the colony. Until the importation of Negroes was prohibited in 1778, slave duty acts were almost continually in effect or under consideration. During the earliest period of slave duty legislation the future form and intent of such acts were being determined. A look at these acts under the changing economic conditions affecting Virginia and a consideration of the response of the English government and merchants show something of the relationship between colony and Mother Country. Contemporary testimony and statistics reveal circumstances that called forth decisive actions on the part of Virginia planters and English merchants during the period under consideration and suggest aspects of the imperial-colonial relationship that could lead from conflict of interest to outright conflict.

THE BRITISH SLAVE TRADE TO VIRGINIA

1698-1728

CHAPTER I

THE EARLY SLAVE TRADE TO VIRGINIA, 1619-99

By the time the first Negro was landed in Virginia in 1619, what is considered the modern slave trade already had a history of almost two centuries. Its beginnings are usually traced to Portugal and the early exploratory activities under Prince Henry the Navigator. In 1482 Ant6n Goncalves transported Negroes from Africa to Portugal, beginning what came to be a regular trade in the following half century. The Portuguese maintained a monopoly of the African slave trade throughout the sixteenth and early seventeenth centuries. Portuguese slave traders found markets for their Negroes in the Spanish West Indies, after the native labor there proved unsuitable, and the tropics of the Western Hemisphere became the chief destination thenceforth for the Atlantic slavers.¹

Other countries succeeded Portugal as leaders in the African slave trade, but none achieved the monopoly that Portugal had been able to maintain during the earliest days of the trade.² France, Holland, Denmark, Sweden, Brandenburg, and England, all entered into the international

¹C. M. MacInnes, England and Slavery (Bristol, 1934), 15-17.

²K. G. Davies, The Royal African Company (New York, 1957), 8-9.

rivalry for the African trade, a rivalry which continued through the seventeenth century, waning after the year 1672. The smaller nations were able to vie for a place in the trade because of the inability of any one country to gain a monopoly and the balance of interests that resulted. By the middle of the seventeenth century, however, the Dutch were the strongest power in the African trade.³ England joined the contest among nations for the slave trade somewhat later than the other powers, but was the last nation to abandon the trade.⁴

Before 1662, activity on the part of either English merchants or the English government was merely tentative and exploratory. In the 1530's, on his journeys to Brazil, John Hawkins's father, William, may have included stops along the African coast. In 1554 John Lok brought back "certaine blacke slaves" to England, and in 1562 John Hawkins made his well-known voyage that pointed out the profits in the Africa-West India run. Hawkins's voyages resulted in encouragement of the trade by Queen Elizabeth, and her successors generally continued the same attitude toward the trade.⁵ In 1618 a patent was granted Robert Rich, later Earl of Warwick, to form a company -- the Governor and Company of Adventurers of London trading to "Gynney and Bynney" -- but the charter lapsed due to insufficient funds.⁶ In 1620 the earliest known English explorations of the interior of Africa were made, and a factory was established at the

³ MacInnes, England and Slavery, 17; Davies, Royal African Company, 8-11, 15.

⁴ James Curtis Ballagh, A History of Slavery in Virginia (Baltimore, 1902), 4.

⁵ MacInnes, England and Slavery, 39-41.

⁶ Ballagh, History of Slavery, 5; Davies, Royal African Company, 39.

mouth of the Gambia River, and, later, a fort on James Island. Koromantin, the first important settlement on the Gold Coast, was founded in 1631.⁷ The successor to the 1618 company, chartered in 1630 as the Company of Merchants Trading to Guinea, also was not able to organize an extensive slave trade.⁸

In 1662, the Company of Royal Adventurers Trading to Africa was given a monopoly of the trade. In its charter of January 10, 1663, in addition to the usual references to gold and elephants' teeth, there was specific provision for a yearly supply of three thousand slaves for the English colonies. This company came into conflict with the Dutch West India Company and was important in events leading to the Anglo-Dutch war of 1665-67, which resulted in its financial collapse.⁹ By this time, the development of sugar cultivation in the British West Indies -- Barbados, the Leeward Islands, and Jamaica --and the subsequent "wedding" of sugar cultivation to Negro labor, provided more incentive for England to enter the slave trade in competition with the Portuguese, Spanish, and Dutch.¹⁰ The defunct Company of Royal Adventurers surrendered its charter in 1672 to the Royal African Company, which carried on a growing trade until the

⁷ Davies, Royal African Company, 9.

⁸ Lewis Cecil Gray, History of Agriculture in the Southern United States to 1800, I (Washington, 1933), 352.

⁹ W. E. Burghardt DuBois, The Suppression of the African Slave-Trade to the United States of America (New York, 1896), 2; MacInnes, England and Slavery, 26; George F. Zook, "The Company of Royal Adventurers of England Trading into Africa, 1660-1672," Journal of Negro History, IV (1919), 134-135.

¹⁰ Davies, Royal African Company, 14-15; Elizabeth Dounan, ed., Documents Illustrative of the History of the Slave Trade to America (Washington, 1930-35), I, 17.

end of the century.¹¹

The Company and other traders followed a pattern known as the triangular trade. From the port of the home country slave ships departed with cheap manufactured goods which were exchanged for African Negroes on the West African or Guinea coast. First the Portuguese, and then the other nations that entered into the scramble for the trade, established forts on the coast as places to collect Negroes and hold them for their slave ships. Forts frequently changed hands, peacefully and otherwise. Factors, or middlemen, resided on the African coast, buying slaves from the local native merchants and keeping a supply on hand for slavers. The Africans at the time of European entry were living in kingdoms and commonwealths, with fairly complex cultures. The communities were characterized by a lack of communication among themselves, and thus slavers found it easy to provoke the warfare between tribes that supplied them with their merchandise. Negro merchants helped in maintaining a steady flow of natives for the ships.¹²

The captured Negroes were branded as French, English, or Dutch and put aboard ships for the next leg of the triangular trade, the journey on the "middle passage" to the West Indies or the North American mainland. Each nation claimed its own vessels were the best in the trade.¹³ One report maintains that the slave ships "usually were among the cleanest and best found merchantmen afloat." But more abundant evidence seems to indicate that tight-packing, epidemics, mutinies, and the threat of attacks

¹¹DuBois, Suppression, 2.

¹²Daniel P. Mannix, in collaboration with Malcolm Cowley, Black Cargoes: A History of the Atlantic Slave Trade, 1518-1865 (New York, 1962), 3-5, 12-13, 32.

¹³Ibid., 46-47, 105.

made the voyage on the middle passage a nightmare for crew and cargo. The results of handling a large shipload of Negroes seemed to be "a numbness upon the heart" of captain and crew. The thumbscrew describes its own function as an instrument of torture; the speculum oris or mouth opener was used on slaves who would not eat. The total losses of life on the voyage, and during the later selling and seasoning, sometimes approached 50 per cent.¹⁴

The third stage of the triangular trade was the return to the home country with sugar, rum, molasses, cotton, tobacco, and other tropical and semi-tropical products. The whole trip usually took less than a year, unless there were delays in collecting enough Negroes to ensure having an adequate supply when arriving in the colonies after the dangerous middle passage voyage.¹⁵

The first Negroes were delivered to Virginia in 1619. The Treasurer, an English ship sent out to prey on Spanish commerce, carried a cargo of Negroes to Virginia in that year, but was unfavorably received by the colonists, who were afraid of trouble with Spain. One Negro woman was probably secretly landed, and the rest of the cargo was taken to Bermuda. In August of the same year, a Dutch frigate sold the colonists at Jamestown twenty Negroes.¹⁶ Their arrival did not signal the opening of a new market for Negroes, however. In the next six years there were only three additional Negroes brought in -- the Janes in 1621, the

¹⁴George Francis Dow, Slave Ships and Slaving (Salem, Mass., 1927), xxi; Mannix, Black Caravans, 105-106, 119, 123, 143.

¹⁵MacInnes, England and Slavery, 39-41.

¹⁶Ballagh, History of Slavery, 7-8; Gray, History of Agriculture, I, 351; Donnan, ed., Documents, IV, 2-3.

Margaret and John in 1622, and the Swan in 1623 each bringing one Negro.¹⁷

The census of 1624-25 listed eleven male Negroes, ten females, and two children, a total of twenty-three, indicating that one of the Negroes imported between 1619 and 1624 died before the census.¹⁸ Negro additions to the population can be estimated by the number of headrights granted for their importation. The following compilation, based largely upon records of headrights, shows only a slow multiplication of Negroes during the first half of the century and a noticeable increase from the time the English slave trading companies took the lead away from the Dutch.

Number of Negro Slaves Imported into Virginia¹⁹

1619- 21	1637- 28	1656- 30	1684- 34
1621- 1	1638- 30	1662- 80	1685- 191
1622- 1	1639- 46	1665- 59	1687- 120
1623- 1	1642- 7	1674- 650	1699- 349
1628- 100	1643- 18	1677- 150	1700- 229
1635- 26	1649- 17	1678- 120	
1636- 7	1652- 7	1679- 245	

By 1650, there were three hundred Negroes in Virginia; by 1671, as reported by Governor Berkeley, there were two thousand; by 1680, according to reports from the colony, almost three thousand; and by 1700, there were six thousand.²⁰

¹⁷Ballagh, History of Slavery, 9.

¹⁸Everts B. Greene and Virginia D. Harrington, American Population before the Federal Census of 1790 (New York, 1932), 144.

¹⁹U. S. Bureau of the Census, Historical Statistics of the United States, Colonial Times to 1957 (Washington, 1960), 769.

²⁰Mannix, Black Cargoes, 64; Philip Alexander Bruce, Economic History of Virginia in the Seventeenth Century . . ., II (New York, 1907), 77-78; Lord Culpeper's Instructions of 6th December 1679, with marginal comments against each article, listed under Dec. 12, 1681, in J. W. Fortescue, ed., Calendar of State Papers, Colonial Series, America and West Indies, 1681-1685 (London, 1898), 157; hereafter cited as CSPC.

How many Negroes came by way of Spanish booty or trade with the Dutch or New Englanders, how many sea captains brought a Negro or two to sell, or how many immigrants brought their own Negroes from England cannot be approximated from surviving documents.²¹ But it is apparent that many Negroes imported into Virginia in the seventeenth century before 1680 came directly from the West Indies. Some planters appreciated the fact that West Indian Negroes were properly seasoned and adjusted; others felt they had already been worked to death. Credit was more liberal with the West Indian dealer, who would allow payment in a year, while the Liverpool or Bristol merchant required it in three months. The West Indian Negro came to be considered as criminal or diseased, however, later in the century, when the source shifted to Africa because of a more abundant supply and the establishment of English factories there.²²

This slow development of the slave trade to Virginia is in part explained by England's late entry into the slave trade and therefore by conditions of supply in Virginia. The whole complexion of the Virginia market was determined by the main characteristics of the Virginia economy -- the availability of free land and the difficulty of securing an adequate labor supply.

The availability of free land that characterized Virginia land policy was based upon an early practice that the London Company used to attract settlers. Grantees of the Company were allowed fifty acres of land

²¹Donnan, ed., Documents, IV, 4.

²²Calvin B. Coulter, Jr., "The Import Trade of Colonial Virginia," William and Mary Quarterly, 3d Ser., II (1945), 307-308; Workers of the Writers' Program of the Work Projects Administration, Eudora Ramsay Richardson, State Supervisor, The Negro in Virginia (New York, 1940), 5.

for every person transported to Virginia at the grantee's expense, an allowance which came to be known as a headright. According to the terms of the Company's charter of 1618, these grants were to continue being issued for a seven-year period or until 1625. After that period, however, the government continued to issue land patents on the same terms without official authority to do so until 1634. In July of that year the Privy Council authorized the governor and council to issue such grants, and future royal instructions to governors contained a clause which confirmed this authorization. The immediate significance was to provide the basis for the policy of land distribution in Virginia. Another effect, felt almost immediately, was to place in the hands of the colonists the means of bringing in new labor supplies.²³

In 1635 a headright was allowed for a Negro worker, Angela, belonging to Richard Bennett. Planters began acquiring large tracts of land under the system, sometimes simply on the mere promise of importing so many persons. Illegalities also crept in, particularly during the term of Governor William Berkeley, but the grants remained the basis of the system.²⁴ That there are so many cases of the planters' taking advantage of the headright is as much an indication of the demand for labor as of the desire for land.

The first type of labor successfully employed by the Virginia colonists was the white indentured servant. The adventurers in John Smith's

²³Wesley Frank Craven, The Southern Colonies in the Seventeenth Century, 1607-1689 (Baton Rouge, 1949), 121, 128, 175-176; Richard Pares, Merchants and Planters (Cambridge, Mass., 1960), 7.

²⁴Richardson, superv., Negro in Virginia, 4-5; Manning C. Voorhis, "Crown Versus Council in the Virginia Land Policy," Wm. and Mary Qly. 3d Ser., III (1946), 502.

company were not easily put to hard work, and use of Indian labor proved unsuccessful from the start. Indians were not interested in systematic labor for their own benefit, let alone that of the Englishmen, and early attempts to "civilize" were thwarted by the massacre of 1622.²⁵ The system of white indentured servitude inaugurated by the London Company proved more satisfactory, though limited in usefulness to the planter by the term of contract. Ship captains yearly brought increasing numbers who had their transportation to Virginia paid in exchange for a period of servitude.²⁶ The terms of the servitude varied from a minimum period of two years to seven years, or until twenty-one to, sometimes, twenty-five years of age. Compensation was usually the cost of transportation and sustenance but sometimes included payment in advance and a provision for clothing, foodstuffs, and equipment at the end of the period of service. The quality of the indentured servant could vary, but most were representative of the English working classes. The system had its limitations. The workers were so subject to diseases in acclimating themselves that the death rate was high, their terms expired almost as soon as they were properly trained and adjusted, and after their term of service they often set up in competition with the planter and lowered prices.²⁷

²⁵ Richardson, *superv.*, Negro in Virginia, 3-4.

²⁶ From Bristol alone, 4,874 servants emigrated to Virginia between 1654 and 1686. In the year 1684, 212 servants left London for Virginia. Abbot Emerson Smith, Colonists in Bondage: White Servitude and Convict Labor in America, 1607-1776 (Chapel Hill, 1947), 308.

²⁷ Ulrich Bonnell Phillips, American Negro Slavery: A Survey of the Supply, Employment and Control of Negro Labor as Determined by the Plantation Regime (New York, 1918), 73-74; Smith, Colonists in Bondage, 390n-391n.

Negroes, by contrast, proved more desirable from an economic standpoint. Although their initial cost was too heavy an investment for frontier and marginal planters -- £20-£25 as opposed to about £10 for an indentured servant -- they served for life, and there was no problem of replacing them, but rather the prospect of natural increase. They could live on simpler food and in poorer lodgings. Their physical strength was equal to a white servant's and their endurance greater; the period of seasoning was not so necessary. Natives from Africa were generally more docile, tractable, and less likely to rebel, since, because of differences in tribal origins, they could not even converse with one another. Perhaps, also, planters were expanding their scale of production to the point where large masses of unskilled laborers supervised by a few white overseers were more useful than small quantities of relatively skillful and intense labor.²⁸

From a practical standpoint, Negro labor probably began to replace white indentured servants at the time it did because it became more readily available.²⁹ While the planter may have understood some of the advantages of the Negro to the agricultural system, control of the trade by the Dutch limited the supply in the early seventeenth century.³⁰

²⁸ Bruce, Economic History, II, 59; Craven, Southern Colonies, 401; Zook, "Company of Royal Adventurers," 206; Pares, Merchants and Planters, 19-20; Smith, Colonists in Bondage, 29-30; Richard B. Morris, Government and Labor in Early America (New York, 1946), 313.

²⁹ Pares, Merchants and Planters, 32.

³⁰ Louis Morton, Robert Carter of Nomini Hall . . . (Williamsburg, 1941), 98.

By the last part of the seventeenth century, however, the demand for labor in Virginia was not increasingly by slaves.³¹ The Mother Country's attitude toward the emigration of white servants changed after the Restoration when more laborers were needed at home. Skilled artisans could not be spared for the colonies, which might in turn become rivals in manufacturing. Slaves would tend to keep the colony agricultural. The authorities encouraged the slave trade by establishing the Royal African Company and the availability of slave labor soon practically stopped the flow of white indentured servants.³²

Prices paid for Negroes increased rather than decreased as the supply became more plentiful. In 1640 an adult sold for about £18; in 1695 two men sold for £60 together. The average for the second half of the seventeenth century was probably £18 to £20 (and in the next half century, £28 to £35). Prior to 1699 prices were not subject to any duties.³³

The planters' ability to purchase Negroes depended upon the state of the Virginia economy, or, more specifically, the condition of the tobacco trade. Depressed or prosperous conditions in the tobacco trade were often the result of the effects of war or peace. The War of the League of Augsburg, 1689-97, for example, caused a depression in the tobacco trade and the Virginia economy. The war made ships and supplies of English manufactures scarce, freight rates and insurance premiums high,

³¹John M. Hemphill II, *Virginia and the English Commercial System, 1689-1733* (unpubl. Ph.D. diss., Princeton University, 1964), I, 20.

³²Morris, *Government and Labor*, 23, 323-324; Robert Polk Thomson, *The Merchant in Virginia, 1700-1775* (unpubl. Ph.D. diss., University of Wisconsin, 1955), 62.

³³Bruce, *Economic History*, II, 89-90, 93; Donnan, ed., *Documents*, IV, 6-7.

and tobacco prices low. Low tobacco prices and high costs brought many planters into debt and some resorted to making their own clothing and simple manufactured goods. But local manufacturing was abandoned as soon as tobacco again sold for a good price. The short period of peace that followed this war was a time of expanded production requiring more laborers, stimulated by high prices for tobacco. Production increased to the point, however, where even before the outbreak of another war in 1702, with its effects on shipping, the price had begun to go down. (The next interval of peace and relative prosperity in Virginia, 1714-20, saw the same expansion and again decline, even before the effects of international financial conditions in 1720 had reached Virginia.)³⁴

The planters' form of payment for the slaves supplied them during the seventeenth century also depended upon the mechanisms of the tobacco trade. The credits that Virginia planters built up in England by their shipments of tobacco were lodged in the hands of English tobacco merchants, to be drawn upon when necessary by bills of exchange. The bill of exchange came to serve as a means of making payment in international trade. As a form of money, the bill served something like the equivalent of a modern check, representing the amount for which it was made payable in Great Britain. It also could be endorsed to others and presented for payment by the final assignee. What the bill when used this way as a commodity sold for in Virginia depended upon the relative values of sterling and Virginia currency, the supply of and demand for bills of exchange in the colony, and the credit standing of the colonial drawer

³⁴ Hemphill, Virginia and the English Commercial System, I, 5-13.

and his English correspondent. Thus the money supply in Virginia and the credit standing of the planters depended upon the balance of payments between Great Britain and Virginia.³⁵

Bills of exchange were used increasingly as the business in Negroes became greater after the turn of the century. The extent of their use as payment was some indication of the availability of good bills of exchange -- those that were backed by the planters' credit with their English correspondents -- and of the condition of the planters' state of affairs. In the early period of the slave trade in Virginia, however, shipments were infrequent and procedures not yet established. In 1683, William Fitzhugh, a Virginia planter and merchant with extensive land- and slaveholdings, made the following proposal to John Jackson, a New England master mariner, who was probably making quadrangular trips from home to London to Africa to Virginia, with mixed cargoes of slaves and dry goods.

As to your Proposal about the bringing in Negroes next fall, I have this to offer, and you may communicate the same to your owners and Employers, that I will deal with them for so many as shall amount to 50000lb Tobo. and cash which will be about 120 hnds., under the Condition and at these ages and prices following, to say to give 3000lb Tobo. for every Negro boy or girl, that shall be between the age of seven and eleven years old, to give 4000lb. Tobo. for every youth or girls that shall be between the age of 11 and 15 and to give 5000lb. Tobo. for every young man or woman that shall be above 15 years of age, and not exceed 24. the said Negroes to be delivered at my Landing, some time in Sptr. next . . . at their Delivery I will give such sufficient Caution for the payment of the Tobo., accordingly, by the 20th Decr. then next following, as shall be approved of.³⁶

³⁵ Ibid., III, 1-51.

³⁶ William Fitzhugh to [John] Jackson, Feb. 11, 1683, in Richard Beale Davis, ed., William Fitzhugh and His Chesapeake World . . . (Chapel Hill, 1963), 127-128, and nn.

Fitzhugh did not always deal directly with masters and owners, setting his own terms, as in this case. In 1681 he asked Ralph Wormeley, another large landowner, to secure five or six Negroes for him when he bought his own from a ship that was expected in the York River, explaining that "I am so remote, that before I can have notice, they'll be all disposed of, or at least none left but the refuse."³⁷ Most often, however, he ordered Negroes through merchants in London who were agents for the Royal African Company.³⁸ All the slaves delivered to Virginia by the Company were supplied on contract, with two merchants handling most of the business, Jeffrey Jeffreys and Micaiah Perry.³⁹

³⁷ Fitzhugh to Ralph Wormeley, June 19, 1681, *ibid.*, 93.

³⁸ *Ibid.*, 280n. For example, letters to Oliver Luke of Aug. 15, 1690, and July 21, 1692, recommending that Luke's son, who married Fitzhugh's sister, lodge a sum of £150 to £200 in the hands of the Royal African Company which would deliver Negroes to him in the colony for £16 to £20 each. Later he regrets that the son had not either placed a sum with a London merchant for the purchase of Negroes or paid out a sum to the Company for the same purpose. *Ibid.*, 279, 313.

³⁹ Davies, *Royal African Company*, 295. Instructions to Captain Thomas James, Mar. 18, 1685, in Donnan, ed., *Documents*, IV, 59-61, gives directions for procuring and delivering a cargo under contract to Micaiah Perry and Thomas Lane, London merchants with large Virginia interests. The Survey Reports of the Colonial Records Project indicate that of the letters relevant to Virginia in the Treasury Board Papers, Class 70, LXI, Instructions to Captains, 1685-1700, most of the Virginia shipments mentioned were handled by Jeffrey Jeffreys or Perry and Lane. Instructions of Jan. 12, Mar. 18, 1685, Dec. 23, 1686, Feb. 21, 1687, Aug. 15, 1693, indicate that Jeffreys or Perry and Lane would pay for freight and care of the Negroes or that they would be handled "according to usual arrangements with Jeffery Jefferys." Most of the contracts were for approximately 200 Negroes. T. 70/61, foll. 3-4, 6, 30, 57, 83, 106, 165-166, 168-169, 170, Public Record Office, London. Survey Report Number 6032.

Although the English company established in 1663 made no provision for supplying Virginia with Negroes, the Royal African Company of 1672 made some efforts to send Negroes to the colony.⁴⁰ More vigorous, however, were its efforts to prevent a direct Africa-Virginia trade. Instructions to royal governors required giving every encouragement to the trade of the Company, and warnings against interlopers were frequently issued.⁴¹ Interloping showed a "remarkable growth," however, in the 1670's and 1680's, and during the last twenty years of the seventeenth century, free-traders exported 160,000 Negroes as opposed to the Company's 140,000.⁴² Though the English government tried to encourage the Company's trade through its instructions to royal governors, it did not help them with their more serious problem. Their supply of capital was exhausted.⁴³ In January 1696

⁴⁰ In Jan. 1674 the Company freighted vessels to carry 650 Negroes to Virginia, and in planning the trade for 1676 Virginia was among the markets estimated. Donnan, ed., Documents, IV, 5. The attraction of the Virginia market must be considered, however. In the margin of his 1679 instructions, Thomas, Lord Culpeper made this reference (probably in Dec. 1681) to the slave trade: "Our poverty this last year has quite spoiled that Trade." Next to a query on the numbers imported, Culpeper remarks "formerly about 3 or 600 in a Year by Estimate but now our Poverty deterr[s] Every one from dealing with Us." His instructions of 1682 warn that in order for the colony to have a sufficient supply of Negroes he should "take special care that payment bee duly made and within a competent time, according to their agreement. It being against reason to expect that any should send good wares to a known bad market." Ibid., 56nn.

⁴¹ Ibid.; A. P. Thornton, "The Organization of the Slave Trade in the English West Indies, 1660-1683," Wm. and Mary Q. J., 3d Ser., XII (1955), 401. Proclamation by the King, 1674, read in the General Court of Virginia, June 19, 1675, in Donnan, ed., Documents, I, 194-196, IV, 53. Instructions to Thomas, Lord Culpeper, 1679; Lord Culpeper to the Lords of Trade and Plantations, 1683; Instructions to Captain Thomas James, 1685; Instructions to Francis, Lord Howard, 1687, all ibid., IV, 55 and n-56, 58, 60-61, 62.

⁴² Thornton, "Organization of the Slave Trade," 404; MacInnes, England and Slavery, 28.

⁴³ Thornton, "Organization of the Slave Trade," 402.

the Company represented itself to the House of Commons as being reduced to its last extremity, and for the first time counterpetitions were received from merchants and planters with interests in Virginia and Maryland, as well as the usual petitions against the Company from West Indies merchants. In December 1697 the Commons finally ordered a bill for settling the African trade. Merchants and planters of Virginia and Maryland, Jamaica, and Barbados; the city of Bristol; the artificers and tradesmen of Bristol; the dyers of London; and the clothiers of Somerset and Wiltshire all mobilized their strength this time against the Company's monopoly, and a bill providing a compromise solution received royal assent on July 5, 1698.⁴⁴ The measure provided for an open trade for thirteen years to all who would pay the Company 10 per cent on exports from England or the American plantations to the coast of Africa in exchange for the Company's maintenance of the forts on the African coast.⁴⁵

The opening of the trade was not only a boon to the interlopers, now legally established as separate traders. By the turn of the century, the Mother Country had decided that it would be advantageous to encourage the supply of Negroes to the colonies. The Board of Trade presented a representation in late 1697 maintaining that "whereas the Planting and Curing of Tobacco, Sugar, Cotton, Indigo, and Ginger, the chief Commodities of those Plantations, to make them most advantageous to this Nation, and

⁴⁴ Davies, Royal African Company, 131-133.

⁴⁵ 9 and 10 William III, c.26. Leo Francis Stock, ed., Proceedings and Debates of the British Parliament respecting North America, II (Washington, 1927), 216n; Davies, Royal African Company, 46.

beneficial to the Planters, is best carried on by the Labour of Negroes, we humbly conceive it convenient, that all Encouragement should be given, that the said Colonies be supplied plentifully with Negroes, and at the cheapest Rates."⁴⁶

⁴⁶Representation of Dec. 23, 1697, presented to the House of Commons, Jan. 18, 1698, in Stock, ed., Proceedings and Debates, II, 265_n-266_n.

CHAPTER II

THE PERIOD OF THE FIRST SLAVE DUTY ACTS, 1699-1710

At the same time that the Board of Trade conceived it convenient to encourage a plentiful supply of Negroes at the cheapest rates to the colonies, the colonists in Virginia passed two laws which, if not in opposition to this intention of the Board of Trade, did nothing to foster its aim. At a meeting of the Virginia Council in April 1699 petitions were heard attempting to claim grants to deserted lands by Negro headrights. The response was a "rule" that "His Majesty's Lands in this Colony ought not to be granted to any others then His Xtian Subjects coming to reside here."¹ In July, Governor Francis Nicholson reported the measure to the Board of Trade: "For several years past there has been a very great cheat practised by people taking up land for the importation of negroes. But last April General Court I made an order against it for the future."²

In the same month and year that Negro headrights were abolished, the first law taxing the importation of Negroes was proposed. "An Act

¹At a Council held at James Citty the fifteenth day of April 1699, in H. R. McIlwaine, ed., Executive Journals of the Council of Colonial Virginia (Richmond, 1925-45), I, 420.

²July 1, 1699, in C.S.P.C., 1699 (London, 1908), #579, p. 311.

for laying an imposition upon servants and slaves imported into this country, towards building the Capitol"³ was the first of a long series of laws imposing duties upon the slave trade to Virginia. In order to raise a revenue for the building of the Capitol at Williamsburg, and to ease the levy by the poll,⁴ a duty of twenty shillings was placed upon every Negro or other slave imported and a duty of fifteen shillings upon imported servants. The act was to continue for three years.

This first duty act seems to have been designed as purely a revenue measure and not with the intention of discouraging the slave trade.⁵ Governor Francis Nicholson in June 1700 expressed hope that a good many Negroes would come in that year in order that the money for

³William Waller Hening, The Statutes at Large: Being a Collection of All the Laws of Virginia . . . (Richmond, 1809-23), III, 193-195; May 11, 12, 19, 22, 30, June 6, 1699, in H. R. McIlwaine, ed., Journals of the House of Burgesses of Virginia, 1695-1696, 1696-1697, 1698, 1699, 1700-1702 (Richmond, 1913), 162, 163, 170, 172, 183, 198; hereafter cited as J.H.B. See also, Robert Beverley, The History and Present State of Virginia, ed. Louis B. Wright (Chapel Hill, 1947), 251.

⁴Leonidas Dodson, Alexander Spotswood, Governor of Colonial Virginia, 1710-1722 (Philadelphia, 1932), 59, says that in both England and Virginia it was considered better to use this indirect method of raising revenue than the ever unpopular poll tax.

⁵Donnan, ed., Documents, IV, 66n; Thad W. Tate, Jr., The Negro in Eighteenth-Century Williamsburg (Research Department, Colonial Williamsburg, Inc., Apr. 1957), 23. Gray, History of Agriculture, I, 356, suggests a list of the principal motives for taxing the slave trade: "Fear of insurrection, desire for revenue, a speculative interest in increasing the prices of slaves already in the Colonies, dissatisfaction with the draining out of money, increase of colonial indebtedness, and a desire to prevent a retardation of the progress of the general body of slaves in civilization." Morris, Government and Labor, 186, states that one method used in the colonies to restrict Negro competition with white labor was to impose a duty on importation. Bruce, Economic History, II, 93, maintains there was no intention of discouraging the introduction of slaves because the duty was also upon white servants. Desire for revenue seemed to be the principal motive in Virginia in 1699.

the governor's house and the Capitol might be raised.⁶ In December 1701, he suggested that the duty could even bear a 25 or 50 per cent increase (to raise money to assist New York in warding off a French attack).⁷

At this time, too, Virginia was only beginning to be supplied with Negroes in any significant numbers⁸ and was experiencing a period of prosperity when slaves proved useful and in demand. In the boom period following the War of the League of Augsburg, high profits in the tobacco trade encouraged the Virginia planters to expand their production. To do so, they needed to increase their landholdings and build up their laboring force.⁹ As new lands were patented, planters bought all the Negroes made available to them. In the summer of 1700, Nicholson reported that Negroes were selling at from £28 to £35 per head, "the greatest price that has been known." There were as many buyers as Negroes, and, even if two thousand more were imported, Nicholson declared, they would find buyers.¹⁰ A few weeks later he more strongly urged the Board of Trade to encourage the shipment of Negroes to Virginia.

I do not hear of any more negroes being come in, which I am sorry for, being they would make so much more tobaccos, which I hope would increase His Majesty's revenue; therefore wish that the African Company and others that trade thither would send in some, and that whilst the people have

⁶Nicholson to Board of Trade, June 10, 1700, in C.S.F.C., 1700 (London, 1910), #523, p. 311.

⁷Nicholson to Board of Trade, Dec. 2, 1701, ibid., 1701 (London, 1910), #1040, p. 631.

⁸Gray, History of Agriculture, I, 351-356.

⁹Hemphill, Virginia and the English Commercial System, I, 15-17.

¹⁰Nicholson to Board of Trade, Aug. 1, 1700, in Donnan, ed., Documents, IV, 67.

money to buy them, for it may so happen that if negro's don't come in within a year or two that people may dispose of their money some other way, which may not be to the augmenting His Majesty's Customs, but rather otherwise.¹¹

In instructions of October 23, 1701, to Captain John Prowde, the Royal African Company stated that it now appeared that Virginia was a better market for his Negroes than Jamaica, so he was to proceed to the James River and their factor there, Edward Hill. In December of the same year, the Company wrote to Hill, referring to his letter of July 22, 1700, in which he said that Negroes were of great value in Virginia. In light of that statement, they were sending him three hundred Negroes to be sold for bills of exchange.¹² Considering the ready market described, the duty act was bound to serve the purpose of its probable intention, to raise a revenue.

While the planters continued to import slaves and increase their production, the price of tobacco, the number of ships in the trade, and the availability of credit kept pace with this expansion at first. But the War of the Spanish Succession worked the usual effects of war upon the colonial economy, and in 1702 tobacco prices began to decline, ships became scarce, and freight rates climbed. The planters, however, did not cut expenditures or reduce production. They continued to purchase more slaves and at the same time found less of a market for their increased supplies of tobacco. By 1706, English merchants were protesting all the planters' bills of exchange that were not drawn against credits already on the merchants' books for the planters' tobacco. Supplies were not

¹¹Nicholson to Board of Trade, Aug. 27, 1700, in C.S.P.C., 1700, #739, p. 497.

¹²Company to John Prowde, Oct. 23, 1701, and to Edward Hill, Dec. 2, 1701, in T. 70/58, foll. 18, 29, as abstracted in Survey Rept.No. 6031.

shipped on credit, and payment of debts was demanded. Many of the slaves had been purchased on credit and increasingly the bills of exchange used in their purchase were returned protested.¹³

The correspondence of the Royal African Company with its agents in the colony, Gawin Corbin and Henry Fielding, indicates a preoccupation with collecting protested bills of exchange. Between 1703 and 1706, the Company received 202 bills from Virginia amounting to £8,593. Of these, 61 amounting to £2,253, or 26 per cent, were protested.¹⁴ At first bills were questionable ("We shall give yor accot Credit for What shall be Received on Said Bills for as yett none of them are accepted, the Persons on whom they are Drawn haveing taken time to Consider whether they will accept or not"¹⁵), and then lists of protested bills would accompany letters from the Company to Fielding or Corbin at regular intervals. The Company expressed its disappointment and discouragement frequently, enclosing admonitions to "be more circumspect" and to "do them Justice" and take care "to Inquire into the Circumstances of the Drawers," for if they did they "would Never Send Such a Parcell of Bills." Corbin promised to "do his utmost to Get Good bills," but at times had to admit that it was "Impossible to sell a ship of Negroes for Good bills Negroes would go off pretty well for Tobacco and if Tobacco rises it would be

¹³ Hemphill, *Virginia and the English Commercial System*, I, 15-17.

¹⁴ Curtis P. Nettles, *The Money Supply of the American Colonies before 1720* (Madison, 1934), 52.

¹⁵ Company to Corbin, Dec. 20, 1705, in T. 70/58, fol. 211.

much the better way."¹⁶ Such suggestions indicated that the planters' credit was exhausted.

All during this period of tightening credit conditions the duty on slaves was continued. When the imposition act was first due to expire, the act to continue it -- passed in 1701 -- contained a new provision. If the importer planned to transport his goods out of the colony within six weeks after importation, he was allowed to draw back three fourths of the duty, after giving an account to the customs officer. The act was to continue in force for a year and a half, until December 25, 1703.¹⁷ A petition from traders to Virginia, seeking permission for their ships to leave the colony without convoy, indicates that they had paid the duty in September of 1703 under the impression that it was for "the building of a Colledge and other charitable uses," a purpose not specifically stated

¹⁶Company to Corbin, Feb. 20, 1706, same to same, Mar. 11, 1710, Corbin to Company, Oct. 25, 1709, same to same, June 25, 1707, *ibid.*, foll. 217, 378, *ibid.*, 8, foll. 97, 45. Some letters enclosing protested bills are Company to Henry Fielding, Dec. 18, 1703 (7 protested bills), Mar. 9, 1704, and Nov. 7, 1704; and to Gavin Corbin, Apr. 26, 1705 (9 protested bills), May 15, 1705, Feb. 20, 1706, Feb. 26, 1706 (21 protested bills), Mar. 27, 1707 (37 of 129 bills protested), May 27, 1707 (51 bills totalling £1,686:13:5 protested), Sept. 30, 1707 (3 protested bills), Nov. 18, 1707 (46 bills for £1,483:8:1), Feb. 24, 1709 (35 bills for £1,020:02:6), Apr. 19, 1709 (15 bills for £313:03:5), June 4, 1709 (7 bills for £198:1:1), Mar. 23, 1710 (15 bills for £435:14:1), Apr. 18, 1710 (9 bills for £215:12:3), Aug. 28, 1711 (23 bills for £528:15:6 1/2), all *ibid.*, 58, foll. 112, 124, 151-152, 175-176, 184, 217, 277, 289, 304, 310-311, 350-351, 352, 364, 379, 382, 404.

¹⁷"An act continuing the acts laying impositions on liquors, servants and slaves untill the 25th of December, 1703," Aug. 6, 1701, in Hening, *Statutes*, III, 212-213; Sept. 15, 16, 19, 24, Oct. 2, 1701, in *J.H.B. [1695-1702]*, 297, 299, 302, 309; Sept. 15, Oct. 1, 1701, in *C.S.P.C.*, 1701, #859, p. 318, #911, p. 554.

in the original act of 1699 or the continuing act of 1701.¹⁸ When Henrico and Charles City County attempted in 1703 to get the duty act renewed for three years from the time it was due to expire again -- this time for the purpose of "defraying the Burgesses' charges, and paying of officers that attend the Assemblies" -- their proposition was rejected.¹⁹ The act was then allowed to lapse, resulting in a short period without any duty -- from December 1703 to May 1704.

The passage of a new act on April 20, 1704, was preceded by an incident in the Assembly. Mr. Ben Harrison "and the rest of his gang" used the occasion of the reviving of the duty act to seek revenge, "for not being continued in all places of honor and profit." Their endeavors to have the bill thrown out for their own particular reasons were not successful, however.²⁰ The act "reviving" the duty on liquors, servants, and slaves was imposed for one year, "and no longer." The purpose again was for finishing the Capitol, which had some interior work still incomplete, and for other public uses. The importer was again allowed three fourths the duty if he transported his goods out of the colony within six weeks.²¹

There was another duty-free period after the 1704 act expired.

¹⁸ Enclosed with Council of Trade and Plantations to Mr. Secretary Hedges, Mar. 2, 1704, in C.S.P.C., 1704-5 (London, 1916), #155 i, pp. 63-64. The petitioners were Sir Richard Levett and William Lene, owners of the Dolphin and Merchant.

¹⁹ Mar. 29, 1703, ibid., 1702-3 (London, 1913), 305.

²⁰ Col. Quarry to Board of Trade, May 30, 1704, ibid., 1704-5, #353, pp. 144-145.

²¹ Referred to in Hening, Statutes, III, 225; full text in Waverly Keith Winfree, Acts Not in Hening's Statutes, 1702-1732, With a Biographical Sketch of William Waller Hening (unpubl. M.A. thesis, College of William and Mary, 1959), 73-74; May 2, 3, 4, 5, 6, 9, 10, 11, 1704, in J.H.B. [1702/3-1712] (Richmond, 1912), 63, 67, 68, 69, 71, 76, 78, 79.

Though the new duty act was passed in October 1705, it did not go into effect until May 1706, leaving the period from April 1705 to May 1706 when Negroes could be entered without paying a duty.²² During this period there was some indication of the effect the duty was having upon importation of slaves. Governor Edward Hott reported to the Board of Trade in December 1705 that during the summer of 1705, 1,800 Negroes were brought in, "all these Except a few are imported since the imposition Act Expired." Importation figures for earlier years under the duty acts were 229 for 1700, 796 for 1701, 481 for 1702, 156 for 1703, and 987 for 1704. The slaves were selling, according to Hott, for E54 for a man and woman.²³

Using Governor Hott's figure as the average outlay for a Negro, the capital outlay for slaves in that short period of time can be estimated at about E48,600. To meet this outlay, the planters would need to have accrued substantial credit with their English correspondents. But tobacco prices were low at that time, and it is not surprising, then, to note the complaints of the Royal African Company and its agent Gavin Corbin that many bills of exchange were not made good by the English merchant drawn upon and had to be returned protested.

When the duty went into effect again, under the act passed in 1705, it was, as previously, twenty shillings on slaves and the usual duties on liquors, but no mention was made of the fifteen shilling duty on servants this time. Negroes had undoubtedly taken over the labor market.

²²Donnan, ed., Documents, IV, 88n; May 15, 16, 22, 23, 24, 1706, in J.H.B. [1702/3-1712], 194, 195, 199, 201, 202, 203.

²³Colonial Office Papers, Class 5, Vol. 1316, fol. 421, Public Record Office, as quoted in Donnan, ed., Documents, IV, 88n; U.S. Bureau of the Census, Historical Statistics, 769.

The framework of this bill was followed in future legislation -- penalties for noncompliance, allowances for re-exporting and for payments made in cash (three-fourths and 10 per cent, respectively), apportionment of forfeitures three ways (to the Queen, the governor, and whoever informed or sued for them). The intended uses were expanded somewhat. The governor, Council, and House of Burgesses were empowered to convert the funds "to such use or uses as from time to time they shall think fitt to direct for lessening the levy by the poll and defraying any public charge whatsoever, according to the true intent and meaning of this act." This time the legislators could draw upon experience and pointed out how useful and advantageous the duty acts had been in lessening the levy by the poll. The act was to be in force for two years beginning May 25, 1706.²⁴

The state of the Negro trade to Virginia up to this point, both under the duty act and during the brief periods when it was not in effect, was summarized by Edmund Jennings in a letter to the Board of Trade in November 1708.²⁵ The letter was in response to a circular letter of the Board of Trade²⁶ which in turn was in response to the conflict that existed between the Royal African Company and the separate traders. The 1698 act that opened the African trade to all traders upon payment of a duty of 10 per cent on exports to Africa lasted until 1712. In the period from 1698 to 1706, the conflict between the Company and the separate traders

²⁴Hening, Statutes, III, 229-235.

²⁵Jennings to Board of Trade, Nov. 27, 1707, in C.S.P.C., 1708-9 (London, 1922), #215, pp. 156-158.

²⁶Oct. 19, 1708, in McIlwaine, ed., Exec. Jour. Council, III, 192. (Board of Trade's circular letter of Apr. 15, 1708, received.)

was carried on mainly on the coast of Africa, with economic weapons. By 1706, the separate traders had the upper hand, and the Company then fought its battle for existence before the Board of Trade, in Parliament, and through the press.²⁷

Jenings's 1708 letter giving details for the Board of Trade's evaluation of the controversy between the Company and the separate traders lists 5,692 Negroes from the African coast and 236 from Barbados brought in by separate traders and 679 from the African coast brought in by the Company. The slaves were selling for £20 to £30 from the Company and £20 to £35 from the separate traders. Jenings recalled that before 1698 slaves sold for from £18 to £23 and suggested reasons to account for the price rise. It might be that the Company and the separate traders trying to outbid each other in purchasing Negroes on the African coast raised the rates, or, he ventured, "the prevailing humour of our inhabitants for some years past of buying negroes even beyond their ability." Jenings made further observations on the colonists' buying habits: "For tho' the inhabitants of this country in genll. will not now be so fond of purchasing negroes as of late, being sensibly convinced of their error, which has in a manner ruined the credit of the country, yet there will still be some

²⁷ Davies, Royal African Company, 135-136. The House of Commons ordered the Board of Trade to present a report on the state of the trade to Africa, and in the Board's report on Jan. 27, 1709, were given the main grievances of the Company and of the separate traders. The Company claimed that their 10 per cent duty income was inadequate and blamed the increase in the cost of Negroes on the African coast from £3 to £10 upon the competition of the separate traders. The separate traders accused the Company of not fulfilling their obligations in maintaining the forts. C.O. 390/12, foll. 172-239.

that must, and others that will at any rate venture to buy them;²⁸

The Board's reply to Jenings's letter acknowledged his helpful information and asked for an explanation of one particular that left them in the dark. That was the disparity in prices between the Company slaves and those of the separate traders.²⁹ Jenings's explanation was that the separate traders sent their ships earlier in the season when the Negroes were more in demand because they could be used for that year's crop. The Company was showing no favors to the planters; the Negroes they brought at the end of the year could not command as high a price because they could not be used until the following spring.³⁰ A recent writer explains the disparity in prices as the result of the separate traders' competing among themselves and with the Company -- driving up the cost of Negroes -- and their ability to pay more than the Company because they did not have to maintain expensive settlements. Plainly, monopoly resulted in inadequate and untimely supplies at low prices, while free trade provided larger supplies at the right time and at higher prices.³¹

That the colony was receiving large numbers of Negroes and that the planters were paying the high prices is indicated by the increase in population figures and the percentage increase of Negroes. It is estimated that in 1704 the population of Virginia numbered 6,500 landholders, 4,000

²⁸Jenings to Board of Trade, Nov. 27, 1708, in C.S.P.C., 1708-9, #215, pp. 156-158; Donnan, ed., Documents, IV, 172.

²⁹Board of Trade to Jenings, July 27, 1709, C.S.P.C., 1708-9, #655, p. 429.

³⁰Jenings to Board of Trade, Jan. 11, 1710, ibid., 1710-June, 1711 (London, 1924), #21, p. 4.

³¹Davies, Royal African Company, 144.

servants, and 6,000 slaves.³² In 1708, Jenings reported a total of 30,000 tithables, of which about 12,000 were Negroes. The number of white servants was not considerable enough by then to be mentioned. The increase in the total population, Jenings declared, was caused "chiefly by the importation of negroes."³³ In January 1709, the House of Commons heard a Board of Trade report that stated the annual supply of slaves necessary for Virginia and Maryland was 4,000.³⁴

Jenings's observation that the purchasing of Negroes "has in a manner ruined the credit of the country," can be considered by again looking at the approximate total capital outlay on the part of the planters. If there were, as Jenings reported to the Board of Trade, 6,607 Negroes imported from 1699 to 1708 the total outlay at an average price of £27 per head would have been about £178,389. The number of protested bills would indicate that income from tobacco was not sufficient to meet the outlay on slaves and other purchases. The Royal African Company sent only 679 Negroes during the 1699-1708 period, yet in the year 1717 alone, bills sent to the Company amounting to at least £3,170 were protested. The planters were, as Jenings indicated, "buying negroes even beyond their ability."

In the fall of 1708 a connection was made between low prices, overproduction, and slave importations. The colonists instructed England, in answer to inquiries of the Board of Trade, that though the production of tobacco had been increasing, the value had proportionately decreased,

³² Thomas J. Wertenbaker, The Planters of Colonial Virginia (Princeton, 1922), 55-56.

³³ Jenings to Board of Trade, Nov. 27, 1708, in C.S.P.C., 1708-9, #216, p. 158.

³⁴ C.O. 390/12, fol. 214.

which they conceived was "occasioned by the great number of Negroes imported."³⁵ But nothing was done about the situation by way of a duty. The duty act that went into force on May 25, 1706, was allowed to lapse after two years. There was no meeting of the Assembly -- during which such an action might have been considered -- from the time Governor Edward Nott died in August 1706 until Governor Alexander Spotswood's arrival in 1710. During that period, Edmund Jennings, president of the Council, acted as governor.³⁶ The idea of a duty on slaves that prevailed rather steadily from 1699 to 1708, and then apparently was not thought of for two years, was revived in 1710 with new vigor and meaning.

³⁵Oct. 19, 1708, in McIlwaine, ed., Exec. Jour. Council, III, 194; enclosure with Jennings to Board of Trade, Nov. 27, 1708, in C.S.F.C., 1708-9, #216, p. 160.

³⁶Richard L. Norton, Colonial Virginia (Chapel Hill, 1960), I, 398-399.

CHAPTER III

THE £5 DUTY OF 1710-18

After the arrival of Lieutenant-Governor Alexander Spotswood in 1710, the depressed state of the tobacco trade and the depleted condition of the Virginia treasury inspired the passage of another slave duty act. This duty was designed not only to raise a revenue but also to curtail the demand for slaves in Virginia, which had, as the president of the Council reported in 1708, "in a manner destroyed the credit of the colony." The significant difference in this duty was its amount. Instead of twenty shillings, as previously, the imposition was set at £5. "An Act for laying a Duty on Liquors and Slaves" -- again there was no mention of servants -- was proposed in October 1710. Before being passed, some provisions insisted upon by the Council were inserted. No duty was placed upon Negro children -- those who were not "able to go alone" -- and the duty paid upon slaves who died within forty days of being imported was to be paid back. Though the Burgesses warned the Council that their yielding to these provisions was not to be construed as a precedent, future acts contained the same allowances.¹ The significant increase in the amount of the duty

¹Referred to in Hening, Statutes, III, 482; full text in Winfree, Acts Not in Hening, 105-116; Nov. 18, 20, 22, 24, 30, 1710, in J.H.B. [1702/3-1712], 271, 273, 276, 278, 286-287.

immediately raises the question of intent.²

This question was also on Governor Spotswood's mind when he relayed his message to the House of Burgesses on their imposition bill shortly after it was sent to him. He feared that the high duty might "be interpreted as a prohibition of That Trade," and so enclosed with his reply a set of royal instructions pertaining to British trade. He asked, among other things, for amendments to the section making a distinction between Virginia and British owners of vessels.³ The Burgesses' reply was that they had drawn up the bill imposing such a tax because it had served in the past without being a burden on the people and seemed in harmony with the constitution of that government. Therefore, they intended to keep the bill "as it now Lyes."⁴

Spotswood then had the duty of explaining the act to the Board of Trade. He outlined for them his attempts to persuade the Assembly to

²The editor of Spotswood's letters, R. A. Brock, The Official Letters of Alexander Spotswood . . . (Virginia Historical Society, Collections, I-II [Richmond, 1882-85]), I, 53n, notes that the Board of Trade must have disapproved of the act as a restraint on their income from the African Company and maintains "the colonists were powerless to prevent the extension of an evil which was so profitable to Great Britain." The editor of the J.H.B. [1702/3-1712], xxxvii, states that the motive for passing the act was to prevent all importation of Negroes "since it was deemed that, taking into consideration the very unsatisfactory condition of the tobacco trade, the result of the war then being carried on, a sufficient number of slaves was already in the country." Gawin Corbin, the Royal African Company's agent in Virginia, reported that the slave duty was placed "on purpose to discourage their importation till the Country is out of Debt." T. 70/8, fol. 111. Wertebaker, Planters of Colonial Virginia, 129, explains the imposition of a high duty as being motivated not by consciousness of any social problems that might grow out of slavery, but as the result of the feeling on the part of the planters that the declining price of their tobacco was the result of overproduction induced by recent purchases of Negroes.

³Nov. 27, 1710, in J.H.B. [1702/3-1712], 281.

⁴Nov. 29, 1710, ibid., 286.

moderate the duty, "but they urged what is really true, that the Country is already ruined by the great number of negroes imported of late years." The planters' argument, as Spotswood described it, maintained that they were already in debt for previous purchases of slaves and could not pay off these debts if fresh supplies continued to arrive. With tobacco prices so low, they would run more and more into debt and would probably, Spotswood maintained, consequently turn to their own manufacturing. In the end he assented to the bill, he told the Board, because the country was not in a condition to purchase Negroes, duty or no duty, and it would require at least the three-year duration of the act to get themselves into a more favorable position for purchasing. By way of reassurance, Spotswood informed the Board of Trade that the "Duty will be no Discouragement to the Negro Trade if Tobacco becomes valuable." Spotswood was also in the situation of being in debt to the Assembly for special favors shown him. The same session that placed the E5 duty on slaves appropriated E2,195 for completing the governor's house, to be paid out of the proceeds of the new taxes on liquors and slaves.⁵

The unfavorable state of trade and credit in the colony as described by Spotswood in defense of the duty act was again a reflection of wartime conditions -- this time the War of the Spanish Succession -- upon the tobacco trade. Overproduction for the restricted markets and trade conditions of wartime resulted in low prices and lack of purchasing power and credit on the part of Virginia planters. In addition to the measure taken to restrict slave importations, other attempts were made to

⁵Spotswood to Board of Trade, Mar. 6, 1711, in Brock, ed., Letters of Spotswood, I, 52-53.

reduce the production of tobacco and raise the price. The Council appealed to the Board of Trade to make changes in the administration of the duties on tobacco, and the new Assembly exercised the one control it had over production by passing a stamping act, which provided through inspection for destruction of unmerchantable tobacco.⁶

Spotswood also implied in his letter to the Board of Trade that English slave merchants would be kept away from Virginia not so much by the high duty as by the fact that Virginia was not then a good market for slaves. In 1710, Colonel John Tayloe, a prominent Virginian who lived at Mt. Airy on the Rappahannock River and served as agent for English merchants, handled a shipment of about 163 Negroes on the Leopard galley. His letter to the owners was apologetic. In selling the slaves, he had endeavored to get the most he could for the owners, but "the many nauigre ones did very much prejudice the Sale of them." He tried to keep the owners from being discouraged from dealing with him by predicting that he could sell a cargo the next summer at £23 per head. He had bought one hundred hogsheads of "choice weighty Stemed Tobacco" and fifty of oronoco for the return voyage, but the loading apparently was an "unfortunate" one. He had endeavored to get it as cheap as possible, "it being the lowest price we have heard of this year for choice Stemed Tobacco," but needed to justify a price of 1d per pound for the oronoco by explaining that it was "se weighty and all at one house." About eighty hogsheads of the choice stemmed tobacco had been purchased with the "ordinary" slaves. Tayloe's commission was 8 per cent on Negroes sold for bills of exchange and 5 per cent on those sold for

⁶Hemphill, Virginia and the English Commercial System, I, 32-41.

tobacco, plus 5 per cent for purchasing the tobacco. He confided to his brother what trouble he had had in loading the ship, on top of which the ship was managed poorly because of "what a Set the master" was.⁷ The difficulties described by Tayloe present a suggestive picture of the Virginia market at this time.

One of the consequences of low prices for tobacco was the colonists' inability to secure manufactured goods and the possibility of a resort to domestic manufactures. This sort of threat had meaning to the Board of Trade and Spotswood therefore used it to describe the desperate economic situation of 1711. He appealed to them for some sort of remedy, and again blamed the situation upon "The great number of Negroes imported here (so long as there remained any money or Credit in the Country to buy them)," the increased supply of tobacco, decreased consumption, and markets closed by the war.⁸

Under these conditions, the colonists considered it necessary to continue the £5 duty on slaves by a series of laws down to 1718. An act passed in 1712 continued it for another three years. This time the money was to go for nine hundred yards of duffells and an additional one thousand pounds for the relief of the inhabitants of North Carolina. To make the relief more immediate, the act provided that any person could loan to the treasurer's office a sum not exceeding £1,180 at an annual

⁷John Tayloe to Gent., Oct. 10, 1710, and to Lov. Bror., Oct. 10, 1710, in Account and Letter book of John Tayloe, 1714-78, Virginia Historical Society, Richmond.

⁸Mar. 20, 1711, in Brock, ed., Letters of Spotswood, I, 72.

interest of 8 per cent, to be repaid from the funds raised by the imposition.⁹ The duty was also to go toward finishing the governor's house, for in 1713 Spotswood told the Board of Trade that he had unrestricted use of the duties on liquors and slaves for that purpose.¹⁰ The second continuation of the duty was by an act passed late in 1714. The duty was to be in force for another two years and would be used to pay off debts already contracted and to maintain the public credit. Only a brief message from Spotswood to the Board of Trade was sent to justify this measure.¹¹ Petitions for nonpayment indicate that the duty was in force until 1718.¹² The duty had established itself as an acceptable mechanism in the trade for this eight-year period.

When the war was over in 1713, adverse weather conditions produced a series of bad crops which postponed the usual postwar prosperity.¹³ Income for the expenses of government from the two shillings per hogshead duty on tobacco and from quitrents was insufficient for ordinary expenses as a result of the state of the tobacco trade. In addition, Virginia had to share in the extraordinary expenses of an expedition to Canada in 1710

⁹ Referred to in Hening, Statutes, IV, 30; full text in Winfree, Acts Not in Hening, 132-137; Nov. 19, 20, 21, 24, 29, 1712, in J.H.B. [1712-1726] (Richmond, 1912), 32, 34, 35, 36, 37, 42. The General Assembly of North Carolina had requested aid from Virginia because of the renewal of the Indian war there. Ibid., xix.

¹⁰ Dec. 29, 1713, in Brock, ed., Letters of Spotswood, II, 51-52.

¹¹ Dec. 18, 20, 22, 24, 1714, in J.H.B. [1712-1726], 110, 111, 112, 117; Spotswood to Board of Trade, Jan. 27, 1715, in Brock, ed., Letters of Spotswood, II, 97.

¹² Oct. 15, 1716, and Nov. 13, 1717, in McIlwaine, ed., Exec. Jour. Council, III, 429, 458-459.

¹³ Hamphill, Virginia and the English Commercial System, I, 43-46.

and the troubles of South Carolina leading to the Yamasee War, 1711-15.¹⁴ As has been noted, the continuation of the duty act in 1712 was drawn up specifically for aid in the latter situation.

The restricted credit of these years during and immediately after the war had its effect upon the supply of Negroes to the colony. Spotswood reported in July 1712 that there had been no Negroes brought from Africa either by separate traders or the Company since his arrival and would not likely be while the country was so much in debt.¹⁵ In February 1713 he reported "a small number in one ship last Fall" -- 113.¹⁶ From December 10, 1710, to February 15, 1713, the total revenue from the duty act reported by Treasurer Peter Beverley was E3,008:4:4. Of this amount, E1,787:15:4 1/2 was from the 4 pence duty on liquor, and E1,147:10:11 1/2 was from the E5 duty on slaves. The funds were used for payments for the governor's house, Bruton Church, the prison, and other debts of the country.¹⁷ At E5 per head, the balance collected for the duty would indicate that fewer than three hundred slaves entered between 1710 and 1713.

By 1715, however, prices on tobacco were beginning to rise to

¹⁴Verner W. Crane, The Southern Frontier, 1670-1732 (Durham, 1928), 173-177.

¹⁵July 26, 1712, in Brock, ed., Letters of Spotswood, I, 167; C.S.P.C., July, 1712-July, 1714 (London, 1926), #25, p. 16.

¹⁶Feb. 11, 1713, in C.S.P.C., July, 1712-July, 1714, #272, #272 iv, pp. 137, 139. The Negroes sold for from E20 to E28 each. William Byrd bought Negroes off a ship in 1710 at E23 each. Louis B. Wright and Marion Tilling, eds., The Secret Diary of William Byrd of Westover, 1709-1712 (Richmond, 1941), 186.

¹⁷The Account of Her Majestys Duty on Liquors and Slaves, Feb. 15, 1713, in Colonial Papers, F26 1, Virginia State Library, Richmond.

the point where they produced a noticeable effect upon the Virginia economy.¹⁸ Planters began to have acceptable means of payment and merchants increased their supply of goods to the colony -- among them slaves -- in response.

The new period of prosperity saw increased activity by slave ships in Virginia ports. In the two naval districts where records survive for the number of slave ships entering each year -- the upper and lower James River naval districts -- a comparison shows that while one ship each in the years 1710 through 1714 entered, there were thirteen slave ships in 1715, ten ships in 1716, twenty-nine ships in 1717, and nineteen ships in 1718.¹⁹ As Alexander Spotswood had predicted, the duty did not discourage the trade once tobacco became valuable again, and the sudden increase in these years points up the differing effects of the duties in time of depression and in time of expansion.

By 1717, there were indications of a flourishing trade again. The Charfield, a Bristol ship captained by William Roberts, landed 157 live and 6 dead Negroes from Gambia that year. The shipment was consigned to Colonel John Tayloe by the owners, Samuel Jacobs Company. The amount of

¹⁸ Related postwar prosperity revived prices for tobacco and by Sept. 1718, Spotswood reported that the price was at the highest level within memory of the people. Morton, Colonial Virginia, II, 456.

¹⁹ Tables in Donnan, ed., Documents, IV, 179-182. In 1715, as tobacco prices were improving, an incident took place that was probably part of a new desire for the slaves needed to produce more tobacco. Virginia made an agreement with Arthur Middleton, an agent of South Carolina, to equip and send three hundred men to Charleston who would be paid 22 shillings 6 pence a month in Virginia currency while in the service of North Carolina. In addition, he agreed to send a corresponding number of slaves to Virginia to take the place of the soldiers. About 150 soldiers were sent, but no slaves were ever sent in return. Dodson, Alexander Spotswood, 34-36.

information available on this shipment from Tayloe's account book,²⁰ which lists the purchasers, the number of Negroes each purchased, the price paid, and how the price was met, presents a revealing picture of the state of the slave trade at this time. The high average price paid reflected the relative scarcity and demand for slaves as late as 1717. Men were consistently sold for £35 each, except toward the end of the list where the sick and the elderly who sold last were given, and even these brought no less than £30 for a single man. Women sold for £32 or £33 each, girls for £31, and boys for from £12 for a five-year-old to £30. Men and women usually sold for £68 a pair; pairs that involved children ranged from £57 to £66; and the very old, sick, or "bursten" were paired off and sold for as low as £30 for two. Most of the sales were of individual Negroes (thirty-seven). Nineteen sales involved pairs and eleven sales were for three or more. The total cargo consisted of seventy-six men, thirty-five women, thirty boys, and sixteen girls, what would probably be considered a very saleable assortment. Tayloe had complained about an earlier shipment -- on the Leopard galley in 1710 -- that the "many maugre ones did very much prejudice the Sale of them."²¹

The total value of the sales came to £4,538. Of this amount, only £61:10 was paid in "cash" and £7:17:6 in "current money." The rest was paid in bills of exchange on some fifty-two different persons. In fifteen cases, the purchasers used bills of exchange in their own name, but usually only in partial payment. Large purchases involved as many as

²⁰ Acct Sales of the Charfieldes Slaves begun July 23d 1717 belonging to Samuel Jacobs Compa Bristoll, in Account and Letter book of John Tayloe.

²¹ Tayloe to Gent., Oct. 10, 1710, ibid.

eight different bills of exchange to make up the total amount due. Only a few names are repeated in the list of bills, suggesting widespread availability and use of credit by July 1717.

Taylor indicated that he lent Mr. John Baylor²² E790:1:6 to pay the duty, a sizable sum, probably absorbed by the purchasers who were apparently willing to pay a much higher average price than ten years earlier.²³ There is no indication how many of these particular bills were returned protested, but economic conditions at that time would suggest that it was likely they were almost all "good bills."

Taylor's letter to the owners of the Charfield when the shipment was consigned to Baylor and his contrasts with his letter of 1710 to the owners of the Leopard galley. He indicated in the following letter that the sale of slaves would please the owners and that tobacco was selling for higher prices and there were many ships involved in the Virginia trade -- sure indications of more prosperous times.

We have Recd yours advising the Consignment of the Charfield to Mr Baylor and my Self and for so great a favor shall take my Self obliged to use my utmost Edeavrs for your Intrest: and if Pless God to Send her Safe and Early in; I Doubt nott Our Sales may Pless you Butt this I observe our orders are so Perrentorie as to the Voyage home that we Dare nott recede from them which I Doubt will be of Ill Consequence to you there Being nott the Least Probability of Purchasing or Procuring of freight of tobacco

²² John Baylor was a member of the House of Burgesses from King and Queen County in 1718. Robert Carter describes Baylor just after his death as "Poor John Baylor . . . The great negro seller, and in all respects the greatest merchant we had among us, he made a mighty noise while living. I wish for the sake of his remain, at the winding up of his cotton, the cry did not exceed the wool." Carter to Messrs. Perry, Sept. 27, 1720, in Louis B. Wright, ed., Letters of Robert Carter, 1720-1727: The Commercial Interests of a Virginia Gentleman (San Marino, 1940), 53 and n-54.

²³ In 1708, Jennings reported that slaves were selling for E20 to E30 from the Company and E20 to E35 from separate traders; see chap. 2, n. 25. In 1710, they sold for E20 to E28; see chap. 3, n. 16.

P the time she Can Be in it [tobacco] Being now verry Scarce and has been verry Dear all this winter att 2d Prime to 20 s PGI att which Rates all after Ships would never answr nor I fear the yearly Neither and tis a Longe time to Lye for Next Cropp: and yett that must be the fate I Believe of Severall of the Shippes this year Or whats as Bad Return Empty the Bristol Merchts in the tobacco trade are Certainly all Gone mad and Seem to aim att Nothing Less than Breaking one an other By Sending such Numbrs of Ships heer and yett have the folly to Expect to Buy Good tobacco for a Songe But ye tune wont Pleas them I Dare Say.²⁴

The year 1718 marked the end of a significant period in Virginia's participation in the slave trade. During later episodes in the controversy over a slave duty, references would be made to this period and widely varying inferences drawn. A series of factors combined to make the period from 1710-18 a low point in slave trade activity, with signs of an active revival after the year 1714. War, low prices for tobacco, and the high restrictive duty reduced importations to a comparatively small number, most of which arrived at the end of the period. By 1718, Gawin Corbin was writing to the Royal African Company that the E5 duty was "near Expiring; and is well assured will not be revived and that Negroes will sell very Well, and the bills will be good, Tobacco yielding a Good price both there and in England."²⁵ Spotswood reported an increase of trade and the prospect of "a large addition of Negroes imported."²⁶

By the end of the 1710-18 duty period, £27,840:14:7 had been collected by the treasurer. The slave duty probably accounted for around £22,000 to £23,000 of this amount. Expenditures totaling £9,968:13:8 1/2 went for the governor's house, assisting North Carolina in the Indian war,

²⁴ Taylor to Samuel Jacobs and Company, Apr. 20, 1717, in Account and Letter book of John Taylor.

²⁵ June 4, 1718, in T. 70/8, fol. 211.

²⁶ Spotswood to Secretary Addison, Aug. 14, 1718, in Brock, ed., Letters of Spotswood, II, 298-299.

fortifying the frontiers, building a public magazine, for Bruton Church, and for the prison. Even after these expenditures, a balance of £17,872 remained, the largest in the history of the colony.²⁷ The large balance was due not only to the size of the duty, but also to a new period of prosperity by 1718, increased purchasing power, and a consequent increased demand for Negroes.

The total number of Negroes imported into Virginia during the 1710-18 period was 4,517, as compared with 6,607 between 1699 and 1708.²⁸ The £5 duty undoubtedly kept away some slave ships that might have entered Virginia ports if there had not been such a restriction. But the period was also a time of slow recovery from economic troubles involving trade and credit. As trade improved, revenues from the 2 shillings per hogshead duty on tobacco increased, quitrents increased, and the income from the duty on slaves increased, producing the record high balance in the treasury in 1718. Though the duty may have prevented some entries, Virginians were buying all the Negroes made available to them by the time the duty expired in 1718.

²⁷Spotswood to Board of Trade, May 26, 1719, *ibid.*, II, 323; Dodson, Alexander Spotswood, 179; C.O. 5/1318, fol. 388.

²⁸Tables in Donnan, ed., Documents, IV, 171-182.

CHAPTER IV

VIRGINIA PLANTERS AND ENGLISH SLAVE MERCHANTS IN THE 1720'S

The period of the 1720's opened with world finance having been shaken by the exploits of the Mississippi Company in France and the South Sea Bubble in England. In Virginia, even though the price of tobacco had improved, circumstances still worked against the local planters. Pirates preyed on their shipping off the Virginia coast, and shippers were trying to increase the freight rates charged. At the same time that planters worried about a glut of the tobacco market, they were concerned about an infestation of worms that might cause a crop failure.¹ The balance of trade with England generally turned against the tobacco colonies and remained that way for over ten years. The depression this time was a result of commercial rather than wartime conditions. Its principal features were overproduction and lagging demand. Throughout the period, investment in lands and slaves continued. The heavy stream of Negroes poured in by the British slave merchant continued to drain off cash and credit.²

An important dimension in the story of the slave trade and its

¹Wright, ed., Letters of Robert Carter, viii.

²Hemphill, Virginia and the English Commercial System, II,

influence upon the Virginia economy is the relationship between English merchant and Virginia planter. London merchants involved in the trade from an early date were the Micaiah Perrys, grandfather and grandson, who illustrate the complex relationship between merchant and planter. Their chief American interest was tobacco, and they not only sold the planter's tobacco in Europe, but worked to increase the demand and sought favorable legislation for the trade. They also obliged the planter by serving as his purchasing agent for wine, clothing, and other goods, and even took care of such personal affairs as overseeing the education in England of the planter's children. The Perrys were bankers, postmasters, employment agents, and executors of wills. They served as a source of information about the colonies for the Board of Trade and they represented the colonies before the home government.³ When the controversy over a slave duty came before the Board of Trade in 1723-24, Micaiah Perry was present.

The Perrys were a London house. By the 1720's, Bristol had become the most active port in the conduct of the slave trade.⁴ One Bristol firm supplying slaves to Virginia was Isaac Hobhouse and Company. Hobhouse was a merchant, a shipowner, and had industrial interests as well. Partners in the Hobhouse firm changed from time to time. One of them was

³Elizabeth Donnan, "Eighteenth-Century English Merchants: Micaiah Perry," Journal of Economic and Business History, IV (1931-32), 70; Wright, ed., Letters of Robert Carter, ix.

⁴Walter E. Minchinton, ed., "The Virginia Letters of Isaac Hobhouse, Merchant of Bristol," Virginia Magazine of History and Biography, LXVI (1958), 281. From 1698 to 1708, 5 out of 39 slave ships to Virginia came from Bristol and the rest from London. Between 1710 and 1718, 23 out of 66 ships were from Bristol. From 1718 to 1727, 50 out of 70 ships were from Bristol, 15 from London, and 5 from Liverpool.

Lyonel Lyde who had business connections with Virginia for a long period. He was partner in a firm that had an iron works on the Rappahannock. Hobhouse and Lyde sent the Greyhound to Virginia in 1723, with 174 Negroes from Calabar. The Greyhound had made regular trips to Virginia, bringing 182 Negroes in 1718, 170 in 1719, 222 in 1721, and 166 in 1722. Hobhouse signed a petition of Bristol merchants against the renewal of the slave duty in 1723.⁵

The Hobhouse shipment on the Greyhound in 1723 illustrates another element in the merchant-planter relationship, the role of the agent or correspondent, who helped dispose of the incoming cargo of slaves and loaded the ship for its return journey. The agency was a sought after post, returning a commission of 8 or 10 per cent on each transaction. It was usually combined with another occupation such as storekeeping or working a plantation. One such agent was Augustine Moore, who came to Virginia in 1700 and raised tobacco and indigo on land on the Pamunkey and Mattaponi rivers. Colonel John Tayloe of Mount Airy on the Rappahannock frequently served as agent and was associated with Lyonel Lyde in the iron works on the Rappahannock. Both these men, along with George Braxton, a member of a leading Virginia merchant family, served as agents for the Greyhound cargo in 1723. As such they had to decide on the best place to sell the slaves and the most suitable customers. Tayloe suggested to the owners that the ship be sent to the York River because there was "most money stirring in that river," and the celebration of the King's birthday in Williamsburg had drawn many people to that area. Nevertheless, Tayloe was

⁵Ibid., 278-281. Petition of The Merchants of the City of Bristol Trading to Affrica, Recd. Dec. 18, 1723, in Doonan, ed., Documents, IV, 108-109.

pessimistic because "the money is left in so few hands." Over fifty sold the first day at £40 a pair, not at all comparable to the prices commanded by the Charfield's slaves in 1719. By June 23, only nineteen were left. The Negroes could not be sold at high prices for ready money because of the shortage of currency. Credit was extended, often for six months or a year, and it was important that the agent know the planters in the area and their ability to meet the payment eventually. Payment was usually in bills of exchange. When good bills were not available specie was accepted, but with reluctance because it was overvalued as a result of its scarcity in Virginia.⁶

A planter very much involved in the slave trade was Robert Carter, perhaps the most influential man in the colony at that time. He served in the House of Burgesses, as a member of the Council, and was acting governor in 1726.⁷ Carter often complained of the state of the slave trade, the low prices, the high freight, and the hazards of the sea. Showing little enthusiasm for his own involvement in the trade, he felt Negroes were an uncertain and treacherous commodity.⁸ In 1720, he handled a cargo of 466 Madagascar Negroes on the ship Mercury for Francis Chamberlayne and Francis Sitwell, merchants of Barbados. The captain, George Christiall, arrived in the Rappahannock River with the ship on May 17. By July 26, Carter wrote to the owners that most of the slaves were still not paid for and he had been forced to dispose of them upon bond payable the next June. If he had held them any longer, he felt, he would have received much less

⁶ Minchinton, ed., "Virginia Letters of Isaac Hobhouse," 282-287.

⁷ Wright, ed., Letters of Robert Carter, vii.

⁸ Ibid., xi.

for them. He mentioned the disadvantage he was under "again" in selling the slaves, because the number of boys and girls was out of proportion to the number of men and women. Although the accounts of the cargo were not complete, Carter estimated that it would total about £10,000. At that time he was sending bills of exchange amounting to £5,036:6:10, half in his own name and half in Robert Tucker's name. Each was answerable for the bills he sent and willing to make good all protests after the expiration of thirty days. He wrote to the Perrys on the next day instructing them to make good protested bills of exchange paying them on his account. He was optimistic that they were mainly good bills because he knew the drawers or indorsers to be "men of circumstance here." In a letter to William Dawkins of the same day he mentioned that he had intended to give Dawkins some trouble in his affair with the ship of Negroes but instead had "thrown it wholly on Mr. Perry." He was less optimistic about the bills of exchange by the following January. He was then afraid that "the 'Mercury's' affair will produce ne some considerable protests." In May, he had not yet received one protested bill from the sales on the Mercury's cargo, but still seemed to expect them. His lack of enthusiasm for affairs that created such worries was obvious: "I would not transact another concern of that nature, at this day, in the manner I did before, for £15 per cent." Prices for Negroes were especially low at the time he was writing, May 1721. The best were selling for £16-18 and the worst much lower. Robert Carter's business sense found such fluctuation and uncertainty unattractive.⁹

⁹Table in Dossan, ed., Documents, IV, 187; Carter to Chamberlayne and Sitwell, July 26, 1720, to same, July 27, 1720, to Messrs. Perry, July 27, 1720, to William Dawkins, July 27, 1720, to Messrs. Micajah Perry, Sr. and Jr., Jan. 17, 1721, to same, May 27, 1721, all in Wright, ed., Letters of Robert Carter, 41-42, 41, 40, 37, 60-62, 93-95.

As a purchaser, Carter also made quite an investment in Negroes. He complained of the "great losses of my negroes in my families this last winter" as early as 1720 and more frequently later. Because the recruiting of new Negroes "swallow[ed] a great deal of money" he often prefaced letters to London creditors such as William Dawkins drawing upon them for funds with the explanation that he had had great losses among his Negroes.¹⁰

Whether because of great losses or a desire for more laborers to produce more tobacco, the Virginia planters continued to purchase slaves as long as they were made available and they had some means of paying for them. The trend described by Edmund Jennings in 1708 of buying Negroes even beyond the ability to pay continued true, except for periods of depression, such as that from 1710-15, when merchants had no desire to supply a market where credit was so restricted and sales could be made only for underpriced tobacco or bills that were likely to be returned protested. By the 1720's, the relatively prosperous years preceding had again seen increased supplies of Negroes and purchasing to the point where, as John Custis wrote to Micaiah Perry in 1721, "at this time it is the most difficult thing in nature to get ones Debts in; people will buy nigros at the same time they owe the money to other people."¹¹

The planters indicated in a familiar fashion that they recognized the drain on their resources caused by the heavy purchases of Negroes. They began to consider an imposition upon slave importations again. The May 1723 duty act on liquors and slaves proposed the more modest duty of

¹⁰ Carter to Dawkins, July 13, 1720, in Wright, ed., Letters of Robert Carter, 13.

¹¹ Custis to Perry, 1721, in John Custis Letter book, 1717-41, Manuscript Division, Library of Congress, Washington.

forty shillings per head on slaves, as compared with the £5 duty of the 1710-18 period. The accomplishments of the earlier duty in building the governor's house, a courthouse, a magazine, and a gaol were pointed out. This time the funds were to be directed toward improving the militia. An elaborate system of fines and forfeitures for evasions of the act was worked out. It was scheduled to begin the following April, in order to allow time for the King's approval.¹²

But response to this duty act differed from that of earlier acts and the King's approval did not follow automatically, as expected. Lieutenant Governor Hugh Drysdale, upon learning of the intentions of the House, sent the King's instructions on the passing of acts which might affect the trade and shipping of Britain to the Council, which in turn sent them to the House. Apparently, no changes were made.¹³ Drysdale signed the bill and sent it to the Board of Trade in the belief it would be considered justified for a number of reasons: it would lessen the levy of the poll at a time when tobacco was of little value, it was a method of taxation used satisfactorily in the past, it was £3 less than the 1710-18 duty, and the people "had it so much at heart."¹⁴ The Lieutenant Governor's action was well received in the colony and "Very much Enhanced

¹² Referred to in Hening, Statutes, IV, 118; full text in Winfree, Acts Not in Hening, 269-290; May 31, June 5, 6, 8, 14, 20, 1723, in J.H.B. [1712-1726], 379-380, 382, 383, 384, 390, 395.

¹³ May 20, 1723, in McIlwaine, ed., Exec. Jour. Council, IV, 40.

¹⁴ Drysdale to Board of Trade, June 29, 1723, in C.S.P.C., 1722-1723 (London, 1934), #625, pp. 296-297.

his Value with the Generality of the people,"¹⁵ but the British merchants responded in a contrary manner and almost immediately.

In June, Richard Harris, a separate trader frequently called to testify before the Board of Trade,¹⁶ received a letter from Virginia informing him of the law and suggesting that since the Royal African Company would presumably oppose the law, the separate traders might also want to concern themselves in the matter. The letterwriter stated that the duties collected would probably go to replace the money the Burgesses had taken from the fund to supply bounties on hemp and tar in order to pay themselves.¹⁷ Harris in turn wrote to Alured Popple of the Board of Trade to explain the intent of the act as being to discourage importations of Negroes and keep the planters' funds in the hands of their correspondents in England.¹⁸

Various memorials, petitions, and hearings followed. On November 12, the Board of Trade received a letter from Mr. Lynn, secretary of the Royal African Company, requesting to be heard against the Virginia act laying a duty on liquors and slaves, and the Board scheduled a hearing for the following Tuesday, which Peter LeHoup, the agent for Virginia, was asked to attend.¹⁹ At the November 19 meeting, Mr. Lansdale, Mr. Hayes, and Mr. Tryon appeared in their capacity as directors of the Royal African Company. Miles Carey, a Bristol merchant with an extensive Virginia trade, and the

¹⁵ Robert Carter to [William Byrd?], July 2, 1723, in Robert Carter Letter book, 1723-24, Alderman Library, University of Virginia, Charlottesville (available on Microfilm at Colonial Williamsburg, Inc., Research Library).

¹⁶ Donnan, ed., Documents, IV, 103n.

¹⁷ Extract of a Letter Dated in Virginia 25 June 1723, ibid., 102-103.

¹⁸ Harris to Popple, Sept. 23, 1723, in C.O. 5/1319, fol. 29.

¹⁹ Nov. 12, 1723, in Journal of the Commissioners for Trade and Plantations, from January 1722-3 to December 1728. Preserved in the Public Record Office (London, 1928), 47-48.

London merchant Micaiah Perry also appeared. With Peter LeHeup was William Byrd, Jr., who had appeared before the Board of Trade at other times in behalf of Virginia's interest.²⁰

A month later the Board received a memorial against the act signed by merchants Jno. Colmore, Richard Harris, Fran's Chamberlayne, and Robert Cary.²¹ A memorial from Bristol merchants followed, and prompted another hearing for the following Friday.²² Since William Byrd could not attend then, the hearing was adjourned for a week, until January 17. Extensive testimony was heard from those attending: "Mr. Chamberlaine, Mr. Morris, Mr. Harris, Mr. Carey, Captain Bouchaur and Mr. Marriweather in behalf of themselves and others, Merchants of London and Bristol, attending according to appointment as also Mr. LeHeup Agent for Virginia, Mr. Perry, Mr. Byrd and Mr. Bradley."²³ A later memorial from London merchants argued in favor of the duty act.²⁴ Liverpool merchants petitioned against the duty.²⁵

The weight of the arguments and the total representation of these various petitions, memorials, and hearings greatly favored those who

²⁰ Nov. 19, 1723, ibid., 50-51; Donnan, ed., Documents, IV, 103 and n-104.

²¹ Dec. 3, 1723, in Jour. Com. for Trade and Plantations, 1722-3 to 1728, p. 55; Donnan, ed., Documents, IV, 104-108.

²² Jan. 7, 1724, in Jour. Com. for Trade and Plantations, 1722-3 to 1728, p. 62; Donnan, ed., Documents, IV, 108-109.

²³ Jan. 10 and 17, 1724, in Jour. Com. for Trade and Plantations, 1722-3 to 1728, pp. 64-66; Donnan, ed., Documents, IV, 110-113.

²⁴ Jan. 19, 1724, in G.S.P.C., 1724-1725 (London, 1936), #17, p. 18. Donnan, ed., Documents, IV, 110n, notes that the memorial was read Jan. 9 rather than Jan. 19.

²⁵ Jan. 22, 1724, in G.S.P.C., 1724-1725, #23, p. 20; Donnan, ed., Documents, IV, 113.

were against the duty act. Peter LeBeup, with occasional help from William Byrd and a small group of London merchants which included Micajah Perry, argued against a formidable force of representatives of the Royal African Company, Bristol merchants, and Liverpool merchants.²⁶

The opponents of the act assembled an argument based on at least a score of reasons why the duty should not be imposed. Their most frequently argued point was that the duty would be a discouragement to British trade and practically a prohibition of the slave trade. No other nation, they argued, let its colonies lay whatever duties they wanted, setting a precedent for further impositions and imitation by other colonies. They claimed the act was made in contradiction to the King's order forbidding passage of acts affecting the trade and shipping of Britain. Great Britain should not have to support Virginia funds, contributing as much as 40 per cent of their cargo of English woollens and manufactured goods used to secure Negroes by way of the duty. A further cost to Britain would be a lessening of the revenue from tobacco. The fewer slaves in the colony would decrease production, fewer ships would be employed in transporting tobacco shipments to market, customs revenue would decrease, and the cost would rise and thus invite competition. That the duty would act as a prohibition was proved by the effect of the duty in Maryland and

²⁶ Micajah Perry was present at the Nov. 19 and Jan. 17 hearings and was listed as though he were attending with Byrd and LeBeup. No defense of the act by Perry is recorded, but he is among the signers of the petition from London merchants favoring the act. It is interesting to note that most opposition came from the Bristol merchants, who were then the leaders in the trade. Liverpool, which was to come into the ascendancy a little later, also opposed the duty. London had been completely eclipsed by Bristol by this time and therefore there were fewer slave merchants there to oppose the duty and a number of London tobacco merchants who favored it.

of the earlier high duty in Virginia. The whole burden of the duty fell on the importer because he had to sell for whatever he could get as soon as his shipment reached port. In a cargo of three hundred, it was claimed, forty or fifty were not worth more than £5. Other calculations estimated that the duty would amount to 14 per cent of the whole shipment, considering freight, assurance, commission, and other charges — based on the average sale price at that time of £15:5. If a ship was hired, the cost was £7 per head. At an initial cost of £5 to £6 per Negro, the shipping cost plus duty would leave only £2:5 to the merchant. The duty would then amount to 33 per cent to 50 per cent of cost. In addition, African traders had the heavy expenses of pirates and other such dangers. The merchants argued that the act was passed in the Assembly by only one or two votes, that the Virginia treasury had sufficient funds to cover what the duty was supposedly intended for, and that they could raise more money by a duty of two shillings six pence on all Negroes in the possession of planters. The duty, it was argued, would discourage improving and importing hemp and other naval stores. It would prevent small planters and those in new counties (Spotsylvania and Brunswick) from securing more labor, and large planters could therefore sell tobacco for better prices. Finally, the merchants insisted that an annual supply of 1,500 slaves was needed in Virginia, and that the trade had been enlarged and improved since it had been open, to the advantage of the trade and revenue of Britain.²⁷

The defenders of the act had little ammunition to use against this formidable list. Their first argument was need. The colony had spent

²⁷ Abstracted from memorials and hearings referred to in nn. 19-25; and Carter to [Byrd?], July 2, 1723, and to Micajah Perry, July 3, 1723, both in Robert Carter Letter book, 1723-24.

most of its money to promote the manufacture of naval stores upon the encouragement of an act of Parliament. They had the additional expense of two new frontier counties. Tobacco was so heavily taxed that it could bear no further duty. So the colonists employed the imposition on liquor and slaves, which, they claimed, was actually paid by the purchaser rather than the importer. There had been no objections to the earlier ES duty and no unfavorable consequences to the trade. A tax of this sort had been used for twenty years in Virginia and was currently in effect in Maryland, and so should be allowed in the sister colony. To answer the merchants' main argument, defenders of the act maintained that the duty would not discourage trade, for Virginians were always ready to buy slaves when they had money.²⁸

The weight of arguments and British concern for the state of trade and revenue²⁹ quickly defeated the defenders of the law and it was repealed in April 1724, before it could go into effect. The Board of Trade's recommendation to the King reiterated the arguments against the duty and added the fact that the governor had acted contrary to his instructions by not inserting a suspending clause. The repeal was proclaimed in Virginia on October 27, 1724.³⁰

²⁸ See n. 27.

²⁹ Gerald Montgomery West, The Status of the Negro in Virginia during the Colonial Period (New York, [1889?]), 27 says that "the good of the Colony was, if considered at all, of very secondary importance."

³⁰ Board of Trade to King, Jan. 29, 1724, Minutes of the Privy Council, Feb. 21, 1724, Minutes of a Committee of the Privy Council, Apr. 17, 1724, Order in Council, Apr. 30, 1724, all in Donnan, ed., Documents, IV, 114-117; Jan. 29, Feb. 21, Apr. 30, May 19, Oct. 27, 1724, in G.S.P.C., 1724-1725, #39, p. 21, #56, p. 30, #146, pp. 84-85, #184 p. 99, #487, p. 319; Oct. 27, 1724, in McIlwaine, ed., Exec. Jour. Council, IV, 75, 449.

The King had disallowed the law on April 30, 1724. On the same day, a Bristol ship belonging to Samuel Jacobs with slaves consigned to Augustine Moore entered a Virginia port and was required to pay the duty of forty shillings per Negro. Since the act had included a clause suspending its operation only until April, rather than until it had the King's approval, the naval officer collected the duty and the treasurer refused to pay it back. The owners then petitioned the King, but their request was still unsatisfied in June 1726, when their petition was sent to Governor Drysdale by the Board of Trade.³¹

In the same letter, the Board asked Drysdale for an account of the number of Negroes annually imported. The conflict between the separate traders and the Royal African Company was before the Board of Trade again, and the Board was studying petitions from independent traders and comparative figures on the numbers of Negroes imported. The separate traders pointed out their concern for markets like Virginia, which the Company neglected.³² Robert Carter reported to the Board on June 29, 1727, the number of Negroes sent by the Company and the number sent by separate traders from March 25, 1718, to 1727. He lists a total of 10,624 brought to Virginia by separate traders and only 427 by the Company.³³

Nothing is more indicative of conditions of trade and finance in the business in Negroes than the everyday affairs of a participant in

³¹At the Court at St. James's the 29th of Janry 1725 [1726], in C.O. 5/1319, foll. 273-275; June 30, 1726, in C.S.P.G., 1726-1727 (London, 1936), #185, p. 94.

³²Mar. 5, 17, 22, 1726, ibid., #68, p. 32, #78, p. 34, #86, p. 36.

³³ibid., #622, p. 311. Donnan, ed., Documents, IV, 185n, notes that the total for the separate traders adds up to 50 more than recorded so that the total sent by both sources for 1718-27 was 11,091.

the trade. Robert Carter participated as a purchaser and as an agent for British merchants in the sale of slaves in the colony. Carter's letters in the period 1727-29 contain frequent references to the supply, purchase, or sale of slaves. His most frequent correspondents were the English merchants Micajah Perry and John Pemberton. Others include ship captains, such as James Christian, and fellow Virginia slave agents, such as George Eskridge and John Page. Most of the letters dealing with transactions involving Negroes were written between April and September, when most slave trade activity took place. In fact, frequent reference was made to the most advantageous time to sell slaves in the colony, the "most nicking time" being early in the season when the Negroes could be put to use immediately on the current crop.³⁴ Conversely, to Robert Carter as a purchaser of slaves for his own use, the need to make up losses among his slaves during the winter by replacing them in April, meant a great drain on his money.³⁵

Robert Carter as purchaser illustrated the position of the slave owner, constantly attempting to keep up an adequate supply of Negroes and making up losses among the slaves after a hard winter or a siege with disease. An adequate supply of Negroes was thought of in terms of the amount of land to be worked. For example, Robert Carter estimated that

³⁴ Robert Carter to [John Page], May 21, 1728, in Robert Carter Letter books, 1727-28, Va. Hist. Soc. See also, Carter to John Pemberton, June 3, 1727, and to same, Sept. 15, 1727, in Robert Carter Letter books, 1727-28, Alderman Lib., when he chose not to handle a cargo sent by Pemberton in Sept.

³⁵ Carter to Pemberton, June 3, 1727, in R. Carter Letter book, 1727-28, Alderman.

he could not count on more than one hoghead of tobacco per slave.³⁶ The winter of 1727-27 must have been one of difficult living conditions for the slaves, for Carter reports in May 1727 that he lost at least seventy. To replace them, he bought "near four Score" new Negroes in mid-April, the choice of the ship, at a ratio of three men to one woman bought for £20 each. To buy such a large number in so short a time, Carter had to draw upon his accounts with several of his correspondents. He drew upon John Stark for £300, Micaiah Perry for £500, William Dawkins for £182:5:4, Edward Tucker for £200, John Pemberton for £300.³⁷ At the same time Carter was complaining about the low price of tobacco, and the difficulty of maintaining a family in Virginia at those prices.³⁸

Robert Carter as agent in the sale of slaves faced different problems. Added to the concern over the best time of arrival for a slave ship in the colony, was the problem of the proportions in the cargo. Men, naturally, were most in demand and easiest to sell, but most cargoes that Carter was commissioned to handle seemed to have a disproportionate share of women and children. Out of a cargo of 140 slaves on the John and Betty,

³⁶ Carter to Haswell and Brooks, May 13, 1727, in R. Carter Letter book, 1727-28, V.H.S.

³⁷ The following letters are from R. Carter Letter book, 1727-28, at either Alderman or V.H.S., as indicated: Carter to Edward Tucker, May 11, 1727 (Alderman), to William Dawkins, May 13, 1727 (V.H.S.), to Micaiah Perry, May 13, 1727 (V.H.S.), to John Stark, May 19, 1727 (Alderman), to Perry, June 2, 1727 (V.H.S.), to Perry, June 3, 1727 (Alderman), to William Dawkins, June 3, 1727 (Alderman), to Stark, June 3, 1727 (V.H.S.), to Tucker, June 3, 1727 (Alderman), to Pemberton, June 3, 1727 (Alderman).

³⁸ Carter to Haswell and Brooks, May 13, 1727 (V.H.S.).

only thirty-six were men. Of the 119 slaves that came with Captain James Christian in the Rose from the York River to Carter's place on the Rappahannock, only thirty-eight were men.³⁹

When a shipment arrived, Carter had to sell the cargo immediately. The John and Batty of Liverpool, Captain William Denton, put into the the Rappahannock on July 15, 1727. Carter began the sale of slaves on July 20, and by July 26 only fifteen remained.⁴⁰ On September 21, Carter wrote to George Eskridge saying he had not with a slow sale and still had fifty slaves to dispose of, probably from the Rose, which had arrived on September 11 with 125 slaves. He asked Eskridge if he knew of any buyers or would try to "Sell a Score in your Parts."⁴¹

Carter indicates that the colony was receiving a large supply of Negroes in 1727-29. In June of 1729, he reported 1,200 imported since Ladyday (March 25) of that year. By early September, he remarked about the abundance of Negroes during the year in explaining to the captain of a slave ship the difficult circumstances under which Carter would be working to do his best for the owners. His river, the Rappahannock, had received over six hundred that year, and three times as many had arrived in the York River. By the end of September, he reported above five thousand imported just that year. The next year, Carter told John Pemberton that the Negroes had been "poured in upon us this year in abundance." In

³⁹ Carter to Pemberton, July 26, 1727, added to June 28 letter (V.H.S.) and Sept. 15, 1727, added to "last Letter" (Alderman).

⁴⁰ Carter to Pemberton, July 26, 1727 (V.H.S.).

⁴¹ Carter to Eskridge, Sept. 21, 1727 (V.H.S.).

1729 he informed Micaiah Perry, as he had "so often inculcated" to him, that the lands were overstocked with slaves.⁴² Such a large supply brought relatively low average prices per head. As a seller, Carter lamented the fact that he could sometimes get no more than £16 per Negro and it would appear he was not serving the best interests of the owners of the cargoes.⁴³ But as a purchaser of slaves for his own uses, he refused to pay over £20 each.⁴⁴ During this same period, 1727-29, Negroes were selling for from £34 to £42 a pair.⁴⁵

To the picture presented by Carter of abundant supplies of Negroes, low average sale prices, sometimes slow sales yet, nevertheless, constant purchasing to supply losses of slaves on the plantations, is added the problem of money supply. Throughout the period Carter reported that "money is become prodigious Scarce among us," that "the money of the Country is quite Exhausted," and that "Money is so very Scarce amongst us wee dare not refuse it in any part of Brittain." This meant that good bills of exchange were difficult to come by. Twice in September 1727, Carter reported to Pemberton that he was "forced to Stay for a great many bills till Aprill,"

⁴² Carter to Board of Trade, June 29, 1727 (V.H.S.); to Capt. James Christian, Sept. 7, 1727 (V.H.S.); to Pemberton, Sept. 27, 1727 (Alderman); to Pemberton, July 23, 1728 (V.H.S.); to Perry, Apr. 11, 1729 (V.H.S.).

⁴³ Carter to Pemberton, July 26, 1727 (V.H.S.). See also, to Pemberton, Aug. 20, 1729 (V.H.S.).

⁴⁴ Carter to Pemberton, June 3, 1727 (Alderman); to [Page], May 21, 1728 (V.H.S.).

⁴⁵ Carter to Eskridge, Sept. 21, 1727 (V.H.S.); to Pemberton, Sept. 27, 1727 (Alderman); to Pemberton, July 23, 1728 (V.H.S.).

but that he was glad to take them then. By 1728, Carter told Pemberton that "now no good bills are to be got." When buying slaves himself, Carter had to stipulate that he could provide cash "at yer Immediate call The bills of Excha you will not Expect till the return of yor Ship."⁴⁶

The prospect of receiving cash in payment did not please the slave merchants. A 15 per cent allowance was made on all cash payments, and the merchant sometimes had to consider offering the cash in turn for good bills of exchange at 20 per cent, a loss of 5 per cent. Carter often apologized for having to take a good deal of cash at 15 per cent, or expressed concern that cash would be "plenty." But as a buyer, he wanted to get the discount by paying with cash, and, as has been noted, he did not have the necessary bills of exchange.⁴⁷ An even more unsatisfactory payment for Negroes, in terms of convenience to the slave merchant, was tobacco. Carter reported it as "very troublesome work."⁴⁸ When he was "forced" to sell for tobacco, Carter usually took 4,000 pounds for women and 4,500 for men.⁴⁹

These unsatisfactory methods of payment indicate a market that did not have the credit resources necessary to handle the number of slaves

⁴⁶ Carter to Pemberton, Sept. 27, 1727 (Alderman); to Pemberton & Co., Feb. 20, 1728 (V.H.S.); to Pemberton, July 15, 27, 1727 (V.H.S.); to Pemberton, July 23, 1728 (V.H.S.); to Coll. Braxton, May 21, 1728 (V.H.S.).

⁴⁷ Carter to Pemberton, July 26, 1727 (V.H.S.); to Pemberton, Sept. 15, 1727 (Alderman); to [Page?], May 21, 1728 (V.H.S.); to Coll. Braxton, May 21, 1728 (V.H.S.).

⁴⁸ Carter to the freighters of the Ross, June 20, 1729 (V.H.S.).

⁴⁹ Carter to Eskridge, Sept. 21, 1727 (V.H.S.). In 1683, William Fitzhugh paid more than this amount, 5,000 pounds, for boys and girls 15 to 24 years of age. Fitzhugh to [John] Jackson, Feb. 11, 1683, in Davis, ed., William Fitzhugh, 127-128.

with which it was being supplied. And yet the planter continued to provide payment or promise of payment of some kind in order to make up the losses among his Negroes and increase production so that he could make as much money as when he had produced less tobacco for higher prices. An initial investment of £20 for a slave who, as Carter indicated, produced about one hoghead per year, was slow in working itself off.

In the face of the abundance of slaves imported and the inadequate credit resources for use in the purchase of them, the colonists followed a familiar procedure. A slave duty act was proposed again in 1727, at the same amount as in 1723, forty shillings. This time the act mentioned only a duty on slaves and not on liquor. The explanation of the proposed use of the duty funds was not specific: "a competent Revenue for defraying such necessary Expences of Your Majestys Government here as cannot be discharged by a Poll Tax." The act contained all the provisions for allowances, penalties, and forfeitures of the earlier slave duty acts. This time a proper suspending clause was included, and the act was to be in force for three years after the King's approval. Lieutenant Governor William Gooch assented to the bill on March 30, 1728.⁵⁰

Before the governor signed, however, the House of Burgesses had made a pretense of blocking the bill by moving to refuse to present the bill to the governor for his signature, when it had already been passed by both chambers. The move was in retaliation for the Council's refusal

⁵⁰ Referred to in Hening, Statutes, IV, 182; full text in Winfree, Acts Not in Hening, 338-347; Mar. 6, 7, 9, 11, 13, 30, 1727, in J.H.B. [1727-1740] (Richmond, 1910), 33-38, 52.

to concur on a bill to lessen the levy by the poll by paying the salary of Burgesses in money. Council members, presumably, were interested in seeing the act passed because as wealthy landowners with extensive holdings in slaves they would have the value of their property enhanced by the passage of the act. In the closing days of the session, however, the resolution seems to have been overlooked or dispensed with.⁵¹

Lieutenant Governor Gooch, who proved a sympathetic, constructive, and resourceful executive in his approach toward the colony's economic problems,⁵² defended the act in a letter received by the Board of Trade on July 30, 1728. He stated that although the uses of income from the duty were not specifically given in the act, many annual expenses came up which needed to be met by some such fund, and he proceeded to enumerate them. In addition, a similar duty existed in Maryland, and Virginia disliked being "restrained from the same means of securing and improving their Country." He met what he considered would be the only objection -- the private interest of the importer -- by countering that the price would increase in proportion to the duty and the money would therefore be from the pocket of the purchaser.⁵³

Slave merchants sent petitions against the act to the Board of Trade as they had in 1723. Their lack of vigor, in contrast to the strong indictments and spirited hearings of 1723, seemed to indicate a presumption

⁵¹ J.H.B. [1727-1740], xvii.

⁵² Hamphill, *Virginia and the English Commercial System*, II, 93.

⁵³ Gooch to Board of Trade, undated but with his of July 18, 1728, in Donnan, ed., *Documents*, IV, 122-123.

from the beginning that the law would be disallowed. On October 8, the Board received petitions from merchants of London trading to Africa and the plantations, from merchants of Bristol, and from merchants of Liverpool.⁵⁴ The merchants of Liverpool, which by this time was a port greatly dependent upon the trade in Negroes, aimed their arguments at British trading interests. The duty, they claimed, was placed upon British merchants to support the expenses of the plantation's government. The duty was described as "unreasonable," "Prejudicial" to the Negro trade in general, and "highly Injurious to the true Interest of the Plantations and in the consequences of it destructive not only to the whole Plantation Trade, but to the Trade and Navigation of these Kingdoms."⁵⁵

With this warning in mind, the Board waited for the report of Francis Fane, counsel to the Board. Mr. Fane's report reviewed the arguments used against the duty act of 1723 and the procedure followed in repealing it. He stated that although the act under consideration in 1727 did have the proper suspending clause, the act was "not fit to be passed into Law" for two reasons: the need in Virginia for constant supplies of Negroes at the "Easiest Rates" and the effect of the act upon British revenues. In support of the first point, he cited the "fatal consequences" of the 1710-18 duty, when the number of slaves imported, according to Fane, was "very inconsiderable" and the prices "Excessive." Therefore, making Negroes scarcer and dearer meant less tobacco produced and the inability to sell it cheap in European markets. In support of the second point,

⁵⁴Oct. 8, 1728, in Jour. Com. for Trade and Plantations, 1722-3 to 1728, pp. 428-429.

⁵⁵Petition of the several Merchants of Liverpoole, in Donnan, ed., Documents, IV, 123-124.

Fane pointed out the decrease in revenue that would result from these smaller supplies of tobacco. The act was "inconsistent with the dependency of Virginia on Great Britain" because the tax on Negroes was in essence a tax on the British manufactured goods used to secure the Negroes.⁵⁶ An Order in Council issued August 18, 1729, repealed the act.⁵⁷

⁵⁶ Mr. Fane's Report upon an Act passed at Virginia 30th March 1728, in C.O. 5/1321, foll. 108y.-109y. See also, Morton, Colonial Virginia, II, 522; Wertenbaker, Planters of Colonial Virginia, 132. Wertenbaker refers to a remark by Col. Spencer to the Board of Trade that "The low price of tobacco requires it should be made as cheap as possible. The Blacks can make it cheaper than Whites, so I conceive it is for his Majesty's interest full as much as the Country's or rather much more, to have Blacks as cheap as possible in Virginia." C.O. 5/1356, fol. 139.

⁵⁷ Donnan, ed., Documents, IV, 127n. On Oct. 14, 1729, the Board of Trade drafted a letter to governors of colonies where acts had been passed laying a duty on Negroes imported, recommending that they pass acts substituting other commodities for the duty, since the duty raised the price of labor and consequently the price of "several commodities produced in the Plantations, wherein our neighbours rival us in foreign markets." Ibid.

CHAPTER V

CONCLUSION

Virginia and the Board of Trade did not reach an understanding on slave duty legislation until 1732. The Board sent the governor "hints" on how to draw up bills on this subject that would be allowed by the King. The act for laying a duty on slaves that passed in 1732 incorporated the Board's hints and placed the duty upon the buyer, rather than the importer.¹ Those in favor of the earlier acts suggested that this would have been the case anyway. A series of slave duty acts followed this act down to 1778. The 1732 duty was 5 per cent, as was the duty in the act passed in 1736. In 1740 and 1754, there was an additional duty of 5 per cent. In 1755 and 1757, there was an additional duty of 10 per cent. The 1759 duty was 20 per cent on colonial slaves. In 1766 and 1769 an additional duty of 10 per cent was passed, but may have been disallowed. The 1772 duty act placed a duty of £5 on colonial slaves. The history of the slave duty acts in Virginia was brought to a close when importation was prohibited in 1778.²

The passing of the act in 1732, after two unsuccessful attempts during the 1730's to legislate a duty on slaves, did not solve Virginia's problems, however. In 1736, two prominent Virginians both expressed

¹May 31, June 1, 2, 7, 12, July 1, 1732, in J.H.B. [1727-1740], 131, 132, 133, 139, 145, 165; and ibid., xxiii.

²DuBois, Suppression, 12n.

concern over the proportions of the slave trade. William Byrd II, on noting that Negroes were prohibited from Georgia by the trustees, wished that Virginia "could be blessed with the same Prohibition. They import so many Negroes hither, that I fear this Colony will some time or other be confirmed by the Name of New Guinea." He hoped Parliament would "put an end to this unchristian Traffick."³ John Custis sums up what must have been the outlook of a number of Virginians who had been observing the effects of the slave trade upon economic conditions in the colony.

I observe what you say concerning the Nigros as long as wee will buy them, you will send them; which I entirely agree with your wish there could bee A Stop put to that trade; but it is so sweet, to those concerned; and so much concerne the trade and Navigation of Great Brittain; that it will bee next to impossible to break the neck of it; and when that trade has quite undone the Country; their interest never [?] with our ruin; it is a very melancholly thing seriously to consider it.⁴

Because the trade was "so sweet, to those concerned; and so much concern[ed] the trade and Navigation of Great Brittain," the planter had to contend with the powerful interests of the British merchant and the British government in his attempts to control the slave trade. At the turn of the century, England discovered a new market for slaves in the colony of Virginia. England's subsequent trade in Negroes to the colony was governed by, as one would expect, whether selling conditions were to its own advantage. As long as Virginians continued to purchase all the Negroes sent to the colony, the British merchants continued to increase the supply. In times of economic depression -- usually the result of wartime -- characterized by lack of cash and credit resources in the colony, Virginia

³Col. Wm. Byrd to Lord Egmont, July 12, 1736, Va. Hist. Soc.

⁴Custis to Mr. Loyd, 1736, John Custis Letter book, 1717-41.

was no longer an attractive market. That the increasing supplies of slaves might have contributed to the depression either did not occur to the merchant or was the sort of long-term consideration not taken into account when prevailing conditions were proving so profitable. But the large supply of slave labor clearly did contribute to depressed conditions, by encouraging overproduction of tobacco which, in turn, resulted in low prices for Virginia's essential commodity. At the same time, payment for the slaves drained the colony of its decreasing supply of cash and credit.

As the Virginia planter recognized the unfavorable cycle that resulted from an increasing supply of slave labor, he sought recourse. The planter's most evident attempt at restricting the slave trade was the imposing of a duty on slaves imported. From 1699 to 1708 the duty served mainly as a source of revenue rather than a restriction, but indications that it had served as some sort of regulation appear during the short periods when the duty lapsed. From 1710 to 1718 the duty, imposed to restrict the trade, was considered prohibitive by its opponents. But economic conditions, more than the duty, influenced the number of slave importations. Recovery from wartime depression brought about an active slave market in spite of the duty. By the 1720's both planter and merchant were well aware of the implications of a restricted or unrestricted slave trade, and, therefore, two attempts at a slave duty were defeated by a well-organized opposition. As John Custis observed, it proved "impossible to break the neck of" the trade before it had "quite undone the Country."³ In a contest involving conflicting interests, the more powerful antagonist prevailed.

³Ibid.

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