

seventeenth-century America. In order to comprehend it, we need first of all to examine certain social pressures generated by the American environment and how these pressures interacted with certain qualities of English social thought and law that existed on the eve of settlement, qualities that even then were being modified by examples set by England's rivals for empire in the New World.

1. THE NECESSITIES OF A NEW WORLD

When Englishmen crossed the Atlantic to settle in America, they were immediately subject to novel strains. In some settlements, notably Jamestown and Plymouth, the survival of the community was in question. An appalling proportion of people were dead within a year, from malnutrition, starvation, unconquerable diseases, bitter cold, oppressive heat, Indian attacks, murder, and suicide. The survivors were isolated from the world as they had known it, cut off from friends and family and the familiar sights and sounds and smells which have always told men who and where they are. A similar sense of isolation and disorientation was inevitable even in the settlements that did not suffer through a starving time. English settlers were surrounded by savages. They had to perform a round of daily tasks to which most were unaccustomed. They had undergone the shock of detachment from home in order to set forth upon a dangerous voyage of from ten to thirteen weeks that ranged from unpleasant to fatal and that seared into every passenger's memory the ceaselessly tossing distance that separated him from his old way of life.¹

Life in America put great pressure upon the traditional social and economic controls that Englishmen assumed were to be exercised by civil and often ecclesiastical authority. Somehow the empty woods seemed to lead much more toward license than restraint. At the same time, by reaction, this unfettering resulted in an almost paralytic social conservatism, a yearning for the forms and symbols of the old familiar social order. When in 1618, for example, the Virginia Company wangled a knighthood for a newly appointed governor of the colony the objection from the settlers was not that this fanciful elevation was inappropriate to wilderness conditions but that it did not go far enough to meet them; several planters petitioned that a governor of higher rank be sent, since some settlers had only Reverence of the Commanders Eminence, or Nobilitye

¹ There is an eloquent revivification by William Bradford, *Of Plymouth Plantation, 1620-1647*, ed. Samuel Eliot Morison (N. Y., 1952), 61-69.

II UNTHINKING DECISION

Enslavement of Negroes in America to 1700

AT THE START OF ENGLISH SETTLEMENT IN AMERICA, NO one had in mind to establish the institution of Negro slavery. Yet in less than a century the foundations of a peculiar institution had been laid. The first Negroes landed in Virginia in 1619, though very, very little is known about their precise status during the next twenty years. Between 1640 and 1660 there is evidence of enslavement, and after 1660 slavery crystallized on the statute books of Maryland, Virginia, and other colonies. By 1700 when African Negroes began flooding into English America they were treated as somehow deserving a life and status radically different from English and other European settlers. The Negro had been debased to a condition of chattel slavery; at some point, Englishmen in America had created a legal status which ran counter to English law.

Unfortunately the details of this process can never be completely reconstructed; there is simply not enough evidence (and very little chance of more to come) to show precisely when and how and why Negroes came to be treated so differently from white men, though there is just enough to make historians differ as to its meaning. Concerning the first years of contact especially we have very little information as to what impression Negroes made upon English settlers: accordingly, we are left knowing less about the formative years than about later periods of American slavery. That those early years were crucial ones is obvious, for it was then that the cycle of Negro debasement began; once the Negro became fully the slave it is not hard to see why white men looked down upon him. Yet precisely because understanding the dynamics of these early years is so important to understanding the centuries which followed, it is necessary to bear with the less than satisfactory data and to attempt to reconstruct the course of debasement undergone by Negroes in

(whereunto by Nature everye man subordinate is ready to yeild a willing submission without contempt, or repynning)."² English social forms were transplanted to America not simply because they were nice to have around but because without them the new settlements would have fallen apart and English settlers would have become men of the forest, savage men devoid of civilization.

For the same reason, the communal goals that animated the settlement of the colonies acquired great functional importance in the wilderness; they served as antidotes to social and individual disintegration. The physical hardships of settlement could never have been surmounted without the stiffened nerve and will engendered by commonly recognized if sometimes unarticulated purposes. In New England lack of articulation was no problem. The Puritans knew precisely who they were (the chosen of God, many of them) and that they were seeking to erect a Godly community. Though that community (eventually) eluded them, they retained their conviction that they manned a significant outpost of English civilization. As Cotton Mather grandly told the Massachusetts governor and General Court in 1700, "It is no Little Blessing of God, that we are a part of the *English nation*."³ A similar deep sense of self-transplantation buttressed the settlements in Virginia and Maryland. While there was less talk than in New England about God's special endorsement, virtually every settler knew that Englishmen were serving His greater glory by removing to Virginia and by making a prosperous success of the project. They recognized also that their efforts at western planning aggrandized English wealth and power and the cause of reformed Christianity. As Richard Hakluyt summarized these purposes, "This enterprise may stave the spanish kinge ["the supporter of the greate Antechriste of Rome"] from flowinge over all the face of that waste firme of America, yf wee seate and plante there in time."⁴ For Englishmen planting in America, then, it was of the utmost importance to know that they were Englishmen, which was to say that they were educated (to a degree suitable to their station), Christian (of an appropriate Protestant variety), civilized, and (again to an appropriate degree) free men.

2. Susan M. Kingsbury, ed., *Records of the Virginia Company of London*, vols. (Washington, D.C., 1906-35), III, 216-19, 231-32.

3. Cotton Mather, *A Pillar of Gratitude* . . . (Boston, 1700), 32-33.

4. From his own "Discourse on Western Planting" (1684), in E. G. R. Taylor, ed., *The Original Writings and Correspondence of the Two Richard Hakluyts (Works Issued by the Hakluyt Soc., 2d Ser., 76-77 [1935])*, II, 314-15. See Perry Miller, "Religion and Society in the Early Literature of Virginia," in his *Errand into the Wilderness* (Cambridge, Mass., 1956), 99-140.

It was with personal freedom, of course, that wilderness conditions most suddenly reshaped English laws, assumptions, and practices. In America land was plentiful, labor scarce, and, as in all new colonies, a cash crop desperately needed. These economic conditions were to remain important for centuries; in general they tended to encourage greater geographical mobility, less specialization, higher rewards, and fewer restraints on the processes and products of labor. Supporting traditional assumptions and practices, however, was the need to retain them simply because they were familiar and because they served the vital function of maintaining and advancing orderly settlement. Throughout the seventeenth century there were pressures on traditional practices which similarly told in opposite directions.

In general men who invested capital in agriculture in America came under fewer customary and legal restraints than in England concerning what they did with their land and with the people who worked on it. On the other hand their activities were constrained by the economic necessity of producing cash crops for export, which narrowed their choice of how they could treat it. Men without capital could obtain land relatively easily; hence the shortage of labor and the notably blurred line between men who had capital and men who did not. Men and women in England faced a different situation. A significant amount of capital was required in order to get to America, and the greatest barrier to material advancement in America was the Atlantic Ocean.

Three major systems of labor emerged amid the interplay of these social and economic conditions in America. One, which was present from the beginning, was free wage labor, in which contractual arrangements rested upon a monetary nexus. Another, which was the last to appear, was chattel slavery, in which there were no contractual arrangements (except among owners). The third, which virtually coincided with first settlement in America, was temporary servitude, in which complex contractual arrangements gave shape to the entire system. It was this third system, indentured servitude, which permitted so many English settlers to cross the Atlantic barrier. Indentured servitude was linked to the development of chattel slavery in America, and its operation deserves closer examination. A very sizable proportion of settlers in the English colonies came as indentured servants bound by contract to serve a master for a specified number of years, usually from four to seven or until age twenty-one, as repayment for their ocean passage. The time of servitude to which the servant bound himself was negotiable property, and he might be sold or conveyed from one master to another at any

time up to the expiration of his indenture, at which point he became a free man. (Actually it was his *labor* which was owned and sold, not his *person*, though this distinction was neither important nor obvious at the time.) Custom and statute law regulated the relationship between servant and master. Obligation was reciprocal: the master undertook to feed and clothe and sometimes to educate his servant and to refrain from abusing him, while the servant was obliged to perform such work as his master set him and to obey his master in all things. This typical pattern, with a multitude of variations, was firmly established by mid-seventeenth century. In Virginia and Maryland, both the legal and actual conditions of servants seen to have improved considerably from the early years when servants had often been outrageously abused and sometimes forced to serve long terms. Beginning about 1640 the legislative assemblies of the two colonies passed numerous acts prescribing maximum terms of service and requiring masters to pay the customary "freedom dues" (clothing, provisions, and so forth) at the end of the servant's time.⁵ This legislation may have been actuated partly by the need to attract more immigrants with guarantees of good treatment, in which case underpopulation in relation to level of technology and to natural resources in the English colonies may be said to have made for greater personal freedom. On the other hand, it may also have been a matter of protecting traditional freedoms threatened by this same fact of underpopulation which generated so powerful a need for labor which would not be transient and temporary. In this instance, very clearly, the imperatives enjoined by settlement in the wilderness interacted with previously acquired ideas concerning personal freedom. Indeed without some inquiry into Elizabethan thinking on that subject, it will remain impossible to comprehend why Englishmen became servants in the plantations, and Negroes slaves.

2. FREEDOM AND BONDAGE IN THE ENGLISH TRADITION

~~Thinking about freedom and bondage in Tudor England was confused and self-contradictory. In a period of social dislocation there was considerable disagreement among contempo-~~

5. William Walter Hening, ed., *The Statutes at Large Being a Collection of All the Laws of Virginia*, 13 vols. (Richmond, N.Y., and Phila., 1809-28), I, 237-435, 439-42, II, 113-14, 240, 388, III, 447-62; *Archives of Maryland*, 69 vols. (Baltimore, 1883-), I, 53, 80, 352-53, 409-10, 428, 443-44, 453-54, 464, 469, II, 147-48, 335-36, 527.

rary observers as to what actually was going on and even as to what ought to be. Ideas about personal freedom tended to run both ahead of and behind actual social conditions. Both statute and common law were sometimes considerably more than a century out of phase with actual practice and with commonly held notions about servitude. Finally, ideas and practices were changing rapidly. It is possible, however, to identify certain important tenets of social thought that served as anchor points amid this chaos.

Englishmen lacked accurate methods of ascertaining what actually was happening to their social institutions, but they were not wrong in supposing that villenage, or "bondage" as they more often called it, had virtually disappeared in England. William Harrison put the matter most strenuously in 1577: "As for slaves and bondmen, we have none, save such is the privilege of our countrie by the speciall grace of God, and bountie of our princes, that if anie come further from other realms, so soone as they set foot on land they become so free of condition as their masters, whereby all note of servile bondage is utterly removed from them."⁶ Other observers were of the (correct) opinion that a few lingering vestiges—bondmen whom the progress of freedom had passed by—might still be found in the crannies of the decayed manorial system, but everyone agreed that such vestiges were anachronistic. In fact there were English men and women who were still "bond" in the mid-sixteenth century, but they were few in number and their status was much more a technicality than a condition. In the middle ages, being a villen had meant dependence upon the will of a feudal lord, but by no means deprivation of all social and legal rights. In the thirteenth and fourteenth centuries villenage had decayed markedly, and it may be said not to have existed as a viable social institution in the second half of the sixteenth century.⁷ Personal freedom had become the normal status of Englishmen. Most contemporaries welcomed this fact; indeed it was after about 1550 that there began to develop in England that preening consciousness of the peculiar glories of English liberties.

6. [Harrison], *Historicall Description of Britaine, in Holinshead's Chronicles*, I, 72.
 7. The best place to start on this complicated subject is Paul Vinogradoff, *Villainage in England: Essays in English Mediaeval History* (Oxford, 1892). The latest unsatisfactory studies of vestiges seem to be Alexander Savine, "Bondmen under the Tudors," Royal Historical Society, *Transactions*, 2d Ser., 17 (1903), 37-39; S. Leadam, "The Last Days of Bondage in England," *Law Quarterly Review*, 9 (1898), 348-65; William S. Holdsworth, *A History of English Law*, 3d ed., 12 vols. (Boston, 1923), III, 491-510, explodes the supposed distinction between villens *regardant* and *gross*.

Englishmen generally were unwilling to submit or subscribe to such debasement. Despite a brief statutory experiment with banishment "beyond the Seas" and with judgment "perpetually to the ment 'beyond this Realme" in 1598,¹¹ Tudor authorities gradually hammered out the legal framework of a labor system which permitted compulsion but which did not permit so total a loss of freedom as lifetime hereditary slavery. Apprenticeship seemed to them the ideal status, for apprenticeship provided a means of regulating the economy and of guiding youth into acceptable paths of honest industry. By 1600, many writers had come to think of other kinds of bound labor as inferior forms of apprenticeship, involving less of an educative function, less permanence, and a less rigidly contractual basis. This tendency of reason from apprenticeship downward, rather than from penal service up, had the important effect of imparting some of the very strong contractualism in the master-apprentice relationship to less formal varieties of servitude. There were "indentured" servants in England prior to English settlement in America. Their written "indentures" gave visible evidence of the strong element of mutual obligation between master and servant; each retained a copy of the contract which was "indented" at the top so as to match the other.

As things turned out, it was indentured servitude which best met the requirements for settling in America. Of course there were other forms of bound labor which contributed to the process of settlement: many convicts were sent and many children abducted.¹² Yet among all the numerous varieties and degrees of non-freedom which existed in England, there was none which could have served as a well-formed model for the chattel slavery which developed in America. This is not to say, though, that slavery was an unheard-of novelty in Tudor England. On the contrary, "bond slavery" was a memory trace of long standing. Vague and confused as the concept of slavery was in the minds of Englishmen, it possessed certain fairly consistent connotations which were to help shape English perceptions of the way Europeans should properly treat the newly discovered peoples overseas.

3. THE CONCEPT OF SLAVERY

At first glance, one is likely to see merely a fog of inconsistency and vagueness enveloping the terms *servant* and *slave*

11. *Statutes of the Realm*, 39 Eliz. c. 4.

12. The "standard" work on this subject unfortunately does not address itself to the problem of origins: Abbott Emerson Smith, *Colonists in Bondage: White Servitude and Convict Labor in America, 1607-1776* (Chapel Hill, 1947).

they were used both in England and in seventeenth-century America. When Hamlet declaims "O what a rogue and peasant slave am I," the term seems to have a certain elasticity. When Peter Heylyn defines it in 1627 as "that ignominious word, *Slave*; whereby we use to call ignoble fellows, and the more base sort of people,"¹³ the term seems useless as a key to a specific social status. And when we find in the American colonies a reference in 1665 to "Jacob a negro slave and servant to Nathaniel Urye,"¹⁴ it is tempting to regard slavery as having been in the first half of the seventeenth century merely a not very elevated sort of servitude.

In one sense it was, since the concept embodied in the terms *servitude*, *service*, and *servant* was widely embracive. *Servant* was more a generic term than *slave*. Slaves could be "servants"—as they were eventually and ironically to become in the ante-bellum South—but servants *should not* be "slaves." This injunction, which was common in England, suggests a measure of precision in the concept of slavery. In fact there was a large measure which merits closer inspection.

First of all, the "slave's" loss of freedom was complete. "Of all men which be destitute of liberie or freedom," explained Henry Swinburne in his *Briefe Treatise of Testaments and Last Wills* (1590), "the slave is in greatest subjection, for a slave is that person which is in servitude or bondage to an other, even against nature." "Euen his children," moreover, "... are infected with the Leprosie of his father's bondage." Swinburne was at pains to distinguish this condition from that of the villein, whom he likened to the *Ascriptivus Glebæ* of the civil law, "one that is ascrited or assigned to a ground or farme, for the perpetuall tilling or manuring thereof." "A villeine," he insisted, "howsoever he may seeme like unto a slave, yet his bondage is not so great."¹⁵ Swinburne's was the prevailing view of bond slavery; only the preciseness of emphasis was unusual. At law, much more clearly than in literary usage, "bond slavery" implied utter deprivation of liberty. Slavery was also thought of as a perpetual condition. While it had not yet come invariably to mean lifetime labor, it was frequently thought of in those terms. Except sometimes in instances of punishment for crime, slavery was open ended; in contrast to servitude, it did not involve a definite term of years. Slavery was perpetual also in the sense that it was often thought of as hereditary. It was these

¹³ *Hamlet*, II, iii; Heylyn, ΜΙΚΡÓΚΟΣΜΟΣ, 175.

¹⁴ *Archives of Maryland*, XLIX, 489.

¹⁵ Henry Swinburne, *A Briefe Treatise of Testaments and Last Wills* . . . (London, 1590), 48.

dual aspects of perpetuity which were to assume such importance in America.

So much was slavery a complete loss of liberty that it seemed to Englishmen somehow akin to loss of humanity. No theme was more persistent than the claim that to treat a man as a slave was to treat him as a beast. Almost half a century after Sir Thomas Smith had made this connection a Puritan divine was condemning masters who used "their servants as slaves, or rather as beasts" while Captain John Smith was moaning about being captured by the Turks and "all sold for slaves, like beasts in a market-place."¹⁶ No analogy could have better demonstrated how strongly Englishmen felt about total loss of personal freedom.

Certain prevalent assumptions about the origins of slavery paralleled this analogy at a different level of intellectual construction. Lawyers and divines alike assumed that slavery was impossible before the Fall, that it violated natural law, that it was instituted by positive human laws, and, more generally, that in various ways it was connected with sin. These ideas were as old as the church fathers and the Roman writers on natural law. In the social atmosphere of pre-Restoration England it was virtually inevitable that they should have been capulated in the story of Ham. The Reverend Jeremy Taylor (an opponent of the Puritans) explained what it was "that brought servitude or slavery into the world": God had "consigned a sad example that for ever children should be afraid to dishonour their parents, and discover their nakedness, or reveal their turpitude, their follies and dishonours." Sir Edward Coke (himself scarcely a Puritan) declared, "This is assured, That Bondage or Servitude was first inflicted for dishonouring of Parents: For Cham the Father of Canaan . . . seeing the Nakedness of his Father Noah, and shewing it in Derision to his Brethren, was therefore punished in his Son Canaan with Bondage."¹⁷

The great jurist wrote this in earnest, but at least he did offer another description of slavery's genesis. In it he established what was perhaps the most important and widely acknowledged attribute

16. William Gouge, *Of Domestick Duties Eight Treatises* (London, 1692) 690; Edward Arber, ed., *Travels and Works of Captain John Smith . . .* 2 vols. (Edinburgh, 1910), II, 853.

17. *The Whole Works of the Right Rev. Jeremy Taylor . . .* 10 vols. (London, 1850-54), X, 453; Sir Edward Coke, *The First Part of the Institutes of the Laws of England: or, a Commentary upon Littleton . . .* 12th ed. (London, 1758), Lib. II, Cap. XI. For the long-standing assumption that slavery was brought about by man's sinfulness see R. W. and A. J. Carlyle, *A History of Medieval Political Theory in the West*, 6 vols. (Edinburgh and London, 1903-36), I, 116-24, II, 119-20.

of slavery: at the time of the Flood "all Things were common to all," but afterward, with the emergence of private property, there arose battles"; "then it was ordained by Constitution of Nations . . . that he that was taken in Battle should remain Bond to his taker for ever, and he to do with him, all that should come of him, his Will and Pleasure, as with his Beast, or any other Cattle, to give, or to sell, or to kill." This final power, Coke noted, had since been taken away (owing to "the Cruelty of some Lords") and placed in the hands only of kings.¹⁸ The animating rationale here was that captivity in war meant an end to a person's claim to life as a human being; by sparing the captive's life, the captor acquired virtually absolute power over the life of the man who had lost the power to control his own.

More than any other single quality, *captivity* differentiated slavery from servitude. Although there were other, subsidiary ways of becoming a slave, such as being born of slave parents, selling oneself into slavery, or being adjudged to slavery for crime, none of these were considered to explain the way slavery had originated. Slavery was a power relationship; servitude was a relationship of service. Men were "slaves" to the devil but "servants" of God. Men were "galley-slaves," not galley servants. Bondage had never existed in the county of Kent because Kent was "never vanquished by [William] the Conquerour, but yielded it selfe by composition."¹⁹

This tendency to equate slavery with captivity had important ramifications. Warfare was usually waged against another people; captives were usually foreigners—"strangers" as they were termed. Until the emergence of nation-states in Europe, by far the most important category of strangers was the non-Christian. International warfare seemed above all a ceaseless struggle between Christians and Turks. Slavery, therefore, frequently appeared to rest upon the "perpetual enmity" which existed between Christians on the one hand and "infidels" and "pagans" on the other.²⁰ In the sixteenth and seventeenth centuries Englishmen at home could read scores of accounts concerning the miserable fate of Englishmen and other Christians taken into "captivity" by Turks and Moors and

18. Coke, *Institutes*, Lib. II, Cap. XI.

19. William Lambard[e], *A Perambulation of Kent . . .* (London, 1576), 11. The notion of selling oneself into slavery was very much subsidiary and probably derived from the Old Testament. Isaac Mendelsohn, *Slavery in the Ancient Near East . . .* (N. Y., 1949), 18, points out that the Old Testament was the only ancient law code to mention voluntary slavery and self-sale.

20. The phrases are from Michael Dalton, *The Countrey Justice . . .* (London, 1625), 191.

oppressed by the "verie worst manner of bondmanship and slavery." ²¹ Clearly slavery was tinged by the religious disjunction.

Just as many commentators thought that the spirit of Christianity was responsible for the demise of bondage in England, many divines distinguished between ownership of Christian and of non-Christian servants. The Reverend William Gouge referred to "such servants as being strangers were bond-slaves, over whom masters had a more absolute power than others." The Reverend Henry Smith declared, "He which counteth his servant a slave, is in error: for there is difference betwene believing servants and infidell servants." ²² Implicit in every clerical discourse was the assumption that common brotherhood in Christ imparted a special quality to the master-servant relationship.

Slavery did not possess that quality, which made it fortunate that Englishmen did not enslave one another. As we have seen, however, Englishmen did possess a *concept* of slavery, formed by the clustering of several rough but not illogical equations. The slave was treated like a beast. Slavery was inseparable from the evil in men; it was God's punishment upon Ham's prurient disobedience. Enslavement was captivity, the loser's lot in a contest of power. Slaves were infidels or heathens.

On every count, Negroes qualified.

4. THE PRACTICES OF PORTINGALS AND SPANYARDS

Which is not to say that Englishmen were casting about for a people to enslave. What happened was that they found thrust before them not only instances of Negroes being taken into slavery but attractive opportunities for joining in that business. Englishmen actually were rather slow to seize these opportunities; on most of the sixteenth-century English voyages to West Africa there was no dealing in slaves. The notion that it was appropriate to do so seems to have been drawn chiefly from the example set by the Spanish and Portuguese.

Without inquiring into the reasons, it can be said that slavery had persisted since ancient times in the Iberian peninsula, that prior to the discoveries it was primarily a function of the religious wars against the Moors, ²³ that Portuguese explorers pressing down the

coast in the fifteenth century captured thousands of Negroes whom they carried back to Portugal as slaves, and that after 1500, Portuguese ships began supplying the Spanish and Portuguese settlements in America with Negro slaves. By 1550 European enslavement of Negroes was more than a century old, and Negro slavery had become a fixture of the New World.

For present purposes there is no need to inquire into the precise nature of this slavery except to point out that in actual practice it did fit the English concept of bond slavery. The question which needs answering pertains to contemporary English knowledge of what was going on. And the answer may be given concisely: Englishmen had easily at hand a great deal of not very precise information.

The news that Negroes were being carried off to forced labor in America was broadcast across the pages of the Hakluyt and Purchas collections. While only one account stated explicitly that Negroes be their slaves during their life, "it was clear that the Portuguese and Spaniards treated Negroes and frequently the Indians as slaves." ²⁴ This was the term customarily used by English voyagers and by translators of foreign accounts and documents. Readers of a lament about the treatment of Indians in Brazil by an unnamed Portuguese could hardly mistake learning that slavery there was a clearly defined condition: Indians held "a title of free" but were treated as "slaves, all their lives," and when masters died the poor Indians "remaine in their wils with the name of free, but bound to serve their children perpetually . . . as if they were lawfull slaves." The same author objected to unjust wars mounted against Indians in "the hope of the profit that is offered them, of getting of slaves . . . to serve themselves perpetually." ²⁵ Repeatedly the language employed in these widely read books gave clear indication of how the Negro was involved. William Towerson was told by a Negro

²¹ Prevalent state of enmity becomes clear in Franklin L. Baumer, "England, the Turk, and the Common Corps of Christendom," *American Historical Review*, 50 (1944-45), 26-45; Chew, *The Crescent and the Rose*.

²² Hakluyt, *Principal Navigations* (1589), 572; see also the comment, "It is good trafficking with the people of Guinea, specially with such as are not over ruled and opprest by the Portingales, which take the people, and make them slaves, for which they are hated," in John Huigen van Linschoten, *His Discours of Voyages into the East and West Indies* . . . , trans. William Phillip (London, 1598), 198.

²³ Purchas, *Purchas His Pilgrimes*, XVI, 513-15, 506. See also the early translation of a famous Spanish condemnation of the abuse of Indians in which they were said to be held in "an absolute, perpetuall, forced, and unwilling bondage." Bartolomé de las Casas, *The Spanish Colonie, or Briefe Chronicle of the Actes and Gestes of the Spaniards in the West Indies* . . . (London, 1583), 4 and passim.

21. *The Estate of Christians, Living under the Subjection of the Turke* (London, 1595), 5.

22. Gouge, *Domesticall Duties*, 663; *The Sermons of Master Henry Smith* (London, 1607), 40.

23. The complex situation is set forth by Charles Verhinder, *L'Esclavage dans L'Europe Méridionale. Vol. I. Péninsule Ibtérique-France* (Brugge, 1935). The still

Master, as *Blackmores with us*; of which kinds servants are made sometime forcibly, as in captivity: sometime voluntarily, as when one doth willingly make himselfe over: sometime naturally, as the children of servants are borne the slaves of their Masters: and this [following type] was the most frequent kinde of service, wherein parties are upon certaine termes or conditions for a certaine time onely under the power of a man: such are our Apprentices, Journeyemen, maidservants, etc.³⁸

Here, Negroes were incorporated casually into a thoroughly conventional discussion of age-old categories of servitude. His use of Negroes to illustrate a traditional category of bound labor would not have been possible much earlier. Baynes knew, as everyone did, that the "more slavish" variety of servitude had disappeared in England.

Actually, it is possible that someone else added the "Blackmores" to Baynes's remarks after his death in 1617. In this period sermons were sometimes published with the speaker's original notes as the only basis for the final text, and the colossal tome which contains this passage was not published until the early 1640's. It is possible, therefore, that "as Blackmores with us" reflected more than an accidental spark struck off by English contact with the Hispanic world. For by 1640 it was becoming apparent that in many of the new colonies overseas the English settlers had obtained Negroes and were holding them, frequently, as hereditary slaves for life.

In considering the development of slavery in various groups of colonies, the above passage of (if not by) Paul Baynes can serve as a summary of the most essential features of the Negro's status as a slave. As the passage suggests, that status was at first distinguished from servitude more by duration than by onerousness; the key term in this and in many other early descriptions of the Negro's condition was *perpetual*. Negroes served "for ever" and so would their children. Englishmen did not do so. Despite his conflation of the terms *servant* and *slave*, Baynes clearly differentiated the two statuses, and in this his thinking was typical. Servitude, no matter how

38. Paul Baynes[?], *An Entire Commentary upon the Whole Epistle of the Apostle Paul to the Ephesians*. . . (London, 1614-15), 694-95 (italics mine). Too late for incorporation in the text, I came across a discussion published in 1627 which described five varieties of "servants." The author, a minister, used that term except for one category, the "*servi belli*," as these that are taken slaves in the wars." In this context he explained that "this curse to be a servant was laid, first upon a disobedient sonne Cham, and wee see to this day, that the *Moors*, *Chams* posteritie, are sold like slaves yet." This passage suggests how clearly defined a condition slavery was for Englishmen and that they associated it with Negroes, but of course it fails to disclose *who* is selling Negroes as slaves "yet." John Weemes [i.e., Weemes], *The Portraiture of the Image of God in Man*. . . (London, 1627), 279.

long, brutal, and involuntary, was not the same thing as perpetual slavery. Servitude comprehended alike the young apprentice, the orphan, the indentured servant, the redemptioner, the convicted debtor or criminal, the political prisoner, and, even, the Scottish and Irish captive of war who was sold as a "slave" to New England or Barbados. Yet none of these persons, no matter how miserably treated, served for life in the colonies, though of course many died before their term ended.³⁹ Hereditary lifetime service was restricted to Indians and Negroes. Among the various English colonies in the New World, this service known as "slavery" seems first to have developed in the international cockpit known as the Caribbean.

5. ENSLAVEMENT: THE WEST INDIES

The Englishmen who settled the Caribbean colonies were not very different from those who went to Virginia, Bermuda, Maryland, or even New England. Their experience in the islands, however, was very different indeed. By 1640 there were roughly as many English in the little islands as on the American continent. A half century after the first settlements were established in the 1620's, the major islands—Barbados, St. Kitts and the other Leeward Islands—were overcrowded. Thousands of whites who had been squeezed off the land by burgeoning sugar plantations migrated to other English colonies, including much larger Jamaica which had been captured from the Spanish in 1655. Their places were taken by Negro slaves who had been shipped to the islands, particularly after 1640, to meet an insatiable demand for labor which was cheap to maintain, easy to dragoon, and simple to replace when worked to death. Negroes outnumbered whites in Barbados as early as 1660. This rapid and thorough commitment to slavery placed white settlers under an ever-present danger of slave rebellion (the first rising came in 1688 on Providence Island), and whereas in the very early years authorities had rightly been fearful of white servant revolt, by the 1670's they were casting about desperately for means to attract white servants as protection against foreign and servile attack. Negro slavery matured hothouse fashion in the islands.

This compression of development was most clearly evident in the Puritan colony on the tiny island of Providence 150 miles off the coast of Central America, first settled in 1629 though not a going

39. Smith, *Colonists in Bondage*, 171, said flatly that "there was never any such thing as perpetual slavery for any white man in any English colony." To my knowledge, he was correct.

concern for several years. During the brief period before the Spanish snuffed out the colony in 1641 the settlers bought so many Negroes that white men were nearly outnumbered, and in England the Providence Company, apprehensive over possible Negro uprisings (with good reason as it turned out), drew up regulations for restricting the ratio of slaves to white men, "well knowing that if all men be left at Libby to buy as they please no man will take of English servants."⁴⁰ Not only were Negroes cheaper to maintain but it was felt that they could legitimately be treated in a different way from Englishmen—they could be held to service for life. At least this was the impression prevailing among officials of the Providence Company in London, for in 1638 they wrote Governor Nathaniel Butler and the Council, "We also think it reasonable that whereas the English servants are to answer XX [pounds of tobacco] per head the Negroes being procured at Cheaper rates more easily kept as perpetual servants should answer 40 [pounds of tobacco] per head. And the rather that the desire of English bodies may be kept, we are depending upon them for the defence of the Island. We shall also expect that Negroes performe service in the publique works in double proportion to the English."⁴¹

In Barbados this helpful idea that Negroes served for life seems to have existed even before they were purchased in large numbers. In 1627 the ship bearing the first eighty settlers captured a prize from which ten Negroes were seized, so white men and Negroes settled the island together.⁴² Any doubt which may have existed as to the appropriate status of Negroes was dispelled in 1636 when Governor Henry Hawley and the Council resolved "that Negroes and Indians that came here to be sold, should serve for Life, unless a Contract was before made to the contrary."⁴³ Europeans were not treated in

40. Earl of Holland, John Pym, Robert Warwick, and others to Governor and Council, London, July 3, 1638, Box 9, bundle: 2d and last portion of List no. 7e Royal African Co. and Slavery Matters, 17, Parish Transcripts, New York Historical Society, New York City. For Providence, see Arthur P. Newton, *The Colonizing Activities of the English Puritans: The Last Phase of the Elizabethan Struggle with Spain* (New Haven, 1914); for further details on early slavery in the English West Indies and New England, Winthrop D. Jordan, "The Influence of the West Indies on the Origins of New England Slavery," *William and Mary Quarterly*, 3d Ser., 18 (1961), 243-50.

41. Earl of Holland and others to Governor and Council, July 3, 1638, Box 9, bundle: 2d and last portion of List no. 3, 7e Royal African Co. and Slavery Matters, 17, Parish Transcripts, N.-Y. Hist. Soc.

42. Vincent T. Harlow, *A History of Barbados, 1625-1685* (Oxford, 1965), 4.

43. William Dukel, *Memoirs of the First Settlement of the Island of Barbados and Other the Carribee Islands, with the Succession of the Governors and Commanders in Chief of Barbados to the Year 1742* . . . (London, 1743), 20.

this manner: in 1643 Governor Philip Bell set at liberty fifty Portuguese who had been captured in Brazil and then offered for sale to Barbadians by a Dutch ship. The Governor seems to have been shocked by the proposed sale of Christian white men.⁴⁴ In the 1650's several observers referred to the lifetime slavery of Negroes as if it were a matter of common knowledge. "Its the Custome for a Christian servant to serve foure yeares," one wrote at the beginning of the decade, "and then enjoy his freedom; and (which hee hath dearly earned) 10^s Ster. or the value of it in goods if his Master bee soe honest as to pay it; the Negroes and Indians (of which latter there are but few here) they and the generation are Slaves to their owners to perpetuity." The widely read Richard Ligon wrote in 1657: "The Iland is divided into three sorts of men, viz. Masters, Servants, and slaves. The slaves and their posterity, being subject to their Masters for ever, are kept and preserv'd with greater care then the servants, who are theirs but for five yeeres, according to the law of the Iland."⁴⁵ Finally, one Henry Whistler described the people of the island delightfully in 1655:

The generety heare doth live far better than ours doue in England: they have most of them 100 or 2 or 3 of slaves apes whou they command as they please: hear they may say what they have is thayer oune: and they have that libertie of contience which wee soe long have in England fought for: But they doue abus it. This Island is inhabited with all sortes: with English, french, Dutch, Scotis, Irish, Spaniards thay being Jews: with Ingones and miserabell Negroes borne to perpetuall slavery thay and thayer seed: these Negroes they doue allow as many wifes as thay will have, sume will have 3 or 4 according as they find thayer boote abell: our English heare doth think a negro: child the first day it is born to be worth 05^s, they cost them noething the bringing up, they goe all ways naked: some planters will have go more of the about 4 or 5 yeares ould: they sele them from one to the other as we doue shepe. This Iiland is the Dunghill wharone England doth cast forth its rubbish: Rodgs and hors and such like peopel are those which are generally Broght heare.⁴⁶

Dunghill or no dunghill, Barbados was treating her Negroes as slaves for life.

The rapid introduction of Negro slavery into the English islands

Alan Burns, *History of the British West Indies* (London, 1964), 232n.

44. A Briefe Description of the Ilande of Barbados," Vincent T. Harlow, ed., *Colonising Expeditions to the West Indies and Guiana, 1623-1667* (Works Issued by the Hakluyt Soc., 2d Ser., 36 [1951]), 44-45; Richard Ligon, *A True and Exact History of the Island of Barbadoes* . . . (London, 1657), 43.

45. Extracts from Henry Whistler's Journal of the West India Expedition," Charles H. Firth, ed., *The Narrative of General Venables, with an Appendix of Papers Relating to the Expedition to the West Indies and the Conquest of Jamaica, 1654-1655* (London, 1900), 146.

was accomplished without leaving any permanent trace of hesitation or misgivings. This was not the case in many of the continental colonies, both because different geographic and economic conditions prevailed there and because these conditions permitted a more complete and successful transplantation of English ways and values. This difference was particularly pronounced in New England, and it was therefore particularly ironic that the treatment accorded Negroes in New England seems to have been directly influenced by the West Indian model.

6. ENSLAVEMENT: NEW ENGLAND

Negro slavery never really flourished in New England. It never became so important or so rigorous as in the plantation colonies to the southwards. There were relatively few Negroes, only a few hundred in 1680 and not more than 3 per cent of the population in the eighteenth century; no one thought that Negroes were about to rise and overwhelm the white community.⁴⁷ Treatment of slaves in New England was milder even than the laws allowed: Negroes were not employed in gangs except occasionally in the Narragansett region of Rhode Island, and the established codes of family, congregation, and community mitigated the condition of servitude generally. Negroes were not treated very differently from white servants—except that somehow they and their children served for life.

The question with New England slavery is not why it was weakly rooted, but why it existed at all. No staple crop demanded regiments of raw labor. That there was no compelling economic demand for Negroes is evident in the numbers actually imported: economic exigencies scarcely required establishment of a distinct status for only 3 per cent of the labor force. Indentured servitude was adequate to New England's needs, and in fact some Negroes became free servants rather than slaves. Why, then, did New Englanders enslave Negroes, probably as early as 1638? Why was it that the Puritans rather mindlessly (which was not their way) accepted slavery for Negroes and Indians but not for white men?

The early appearance of slavery in New England may in part be explained by the provenance of the first Negroes imported. They

47. Lorenzo J. Greene, *The Negro in Colonial New England, 1620-1776* (N. Y., 1942); report by the Massachusetts governor, Box 4, bundle: The Royal African Co. of England, MS. relating to the Company's trade in Negroes (1672-1734/35) Parish Transcripts, N. X. Hist. Soc.

were brought by Captain William Peirce of the Salem ship *Desire* in 1638 from the Providence Island colony where Negroes were already being kept as perpetual servants.⁴⁸ A minor traffic in Negroes and other products developed between the two Puritan colonies, though evidently some of the Negroes proved less than satisfactory, though Governor Butler was cautioned by the Providence Company to take special care of "the cannibal negroes brought from New England."⁴⁹ After 1640 a brisk trade got under way between New England and the other English islands, and Massachusetts vessels sometimes touched upon the West African coast before heading for the Caribbean. Trade with Barbados was particularly lively, and Massachusetts vessels carried Negroes to that bustling colony from Africa and the Cape Verde Islands. As John Winthrop gratefully described the salvation of New England's economy, "it pleased the Lord to open to us a trade with Barbados and other Islands in the West Indies."⁵⁰ These strange Negroes from the West Indies must surely have been accompanied by prevailing notions about their usual status. Ship masters who purchased perpetual service in Barbados would not have been likely to sell service for term in Boston. Then too, white settlers from the crowded islands migrated to New England, 1,200 from Barbados alone in the years 1643-47.⁵¹

No amount of contact with the West Indies could have by itself created Negro slavery in New England; settlers there had to be willing to accept the proposition. Because they were Englishmen, they were so prepared—and at the same time they were not. Characteristically, as Puritans, they officially codified this ambivalence in 1641 as follows: "there shall never be any bond-slavery, villenage or captivite amongst us; unless it be lawfull captives taken in just wars, and such strangers as willingly sell themselves, or are sold to us: and such shall have the liberties and christian usages which the law of God established in Israel concerning such persons doth morally require, provided, this exempts none from servitude who shall be judged thereto by Authority."⁵² Here were the wishes of the General Court as expressed in the Massachusetts

48. John Winthrop, *Winthrop's Journal: "History of New England," 1631-1649*, ed. James K. Hosmer, 2 vols. (N. Y., 1908), I, 260.

49. Newton, *Colonizing Activities of the English Puritans*, 260-61.

50. Winthrop, *Journal*, ed. Hosmer, II, 73-74, 328; Donnan, ed., *Documents of the Slave Trade*, III, 4-5, 6, 9, 10, 11-14.

51. Harlow, *Barbados*, 340.

52. Max Farrand, ed., *The Laws and Liberties of Massachusetts* (Cambridge, Mass., 1929), 4. See the very good discussion in George H. Moore, *Notes on the History of Slavery in Massachusetts* (N. Y., 1866).

Body of Liberties, which is to say that as early as 1641 the Puritan settlers were seeking to guarantee in writing their own liberty without closing off the opportunity of taking it from others whom they identified with the Biblical term, "strangers." It was under the aegis of this concept that Theophilus Eaton, one of the founders of New Haven, seems to have owned Negroes before 1658 who were "servants forever or during his pleasure, according to Leviticus, 25: 45 and 46."⁵³ ("Of the children of the strangers that do sojourn among you, of them shall ye buy, and of their families . . . ; and they shall be your possession. And ye shall take them as an inheritance for your children . . . ; they shall be your bondmen for ever: but over your brethren the children of Israel, ye shall not rule one over another with rigor.") Apart from this implication that bond slavery was reserved to those not partaking of true religion not possessing proper nationality, the Body of Liberties expressly reserved the colony's right to enslave convicted criminals. For reasons not clear, this endorsement of an existing practice was followed almost immediately by discontinuance of its application to white men. The first instance of penal "slavery" in Massachusetts came in 1696, when an Indian was sentenced to "bee kept as a slave for life to worke, unless wee see further cause." Then in December 1698, ten months after the first Negroes arrived, the Quarter Court for the first time sentenced three white offenders to be "slaves"—a suggestive but perhaps meaningless coincidence. Having by June 1642 sentenced altogether some half dozen white men to "slavery" (and explicitly releasing several after less than a year) the Court stopped.⁵⁴ Slavery, as had been announced in the Body of Liberties, was to be only for "strangers."

The Body of Liberties made equally clear that captivity in a just war constituted legitimate grounds for slavery. The practice had begun during the first major conflict with the Indians, the Pequot War of 1637. Some of the Pequot captives had been shipped aboard the *Desire*, to Providence Island; accordingly, the first Negroes in New England arrived in exchange for men taken captive in a just war! That this provenance played an important role in shaping views about Negroes is suggested by the first recorded plea by an

53. Simeon E. Baldwin, "Theophilus Eaton, First Governor of the Colony of New Haven," *New Haven Colony Historical Society, Papers*, 7 (1908), 31.

54. Nathaniel B. Shurtleff, ed., *Records of the Governor and Company of the Massachusetts Bay in New England*, 5 vols. in 6 (Boston, 1853-54), I, 181, 246; John Noble and John F. Cronin, eds., *Records of the Court of Assistants of the Colony of the Massachusetts Bay, 1630-1692*, 3 vols. (Boston, 1901-28), II, 78-79; 86, 90, 94, 97, 118.

Englishman on the North American continent for the establishment of an African slave trade. Emanuel Downing, in a letter to his brother-in-law John Winthrop in 1645, described the advantages: "if upon a just warre [with the Narragansett Indians] the Lord should deliver them into our hands, wee might easily have men woemen and children enough to exchange for Moores, which will be more gaynefull pilladge for us then wee conceive, for I doe not see how wee can thrive untill wee get into a stock of slaves sufficient to doe all our business, for our children's children will hardly see this great Continent filled with people, soe that our servants will still desire freedom to plant for themselves, and not stay but for verie great wages. And I suppose you know verie well how wee shall mayneyne 20 Moores cheaper than one English servant."⁵⁵

These two facets of justifiable enslavement—punishment for crime and captivity in war—were closely related. Slavery as punishment probably derived from analogy with captivity, since presumably a king or magistrates could mercifully spare and enslave a man whose crime had forfeited his right to life. The analogy had not been worked out by commentators in England, but a fairly clear linkage between crime and captivity seems to have existed in the minds of New Englanders concerning Indian slavery. In 1644 the commissioners of the United Colonies meeting at New Haven decided, in light of the Indians' "proud affronts," "hostile practices," and "protectinge or rescuinge of offenders," that magistrates might send some convenient strength of English and . . . seise and bring away" Indians from any "plantation of Indians" which persisted in this practice and, if no satisfaction was forthcoming, could deliver the "Indians seased . . . either to serve or be shipped out and exchanged for Negroes."⁵⁶ Captivity and criminal justice seemed to mean the same thing, slavery.

It would be wrong to suppose that all the Puritans' preconceived ideas about freedom and bondage worked in the same direction. While the concepts of difference in religion and of captivity worked against Indians and Negroes, certain Scriptural injunctions and English pride in liberty told in the opposite direction. In Massachusetts the magistrates demonstrated that they were not about to tolerate glaring breaches of "the Law of God established in Israel" even when the victims were Negroes. In 1646 the authorities ar-

55. Donnan, ed., *Documents of the Slave Trade*, III, 8.

56. Nathaniel B. Shurtleff and David Pulsifer, eds., *Records of the Colony of New Plymouth in New England*, 12 vols. (Boston, 1855-61), IX, 70-71. See also Benjamin Hazard, comp., *Historical Collections; Consisting of State Papers, and Other Authentic Documents . . .*, 2 vols. (Phila., 1792-94), II, 63-64.

rested two mariners, James Smith and Thomas Keyser, who had carried two Negroes directly from Africa and sold them in Massachusetts. What distressed the General Court was that the Negroes had been obtained during a raid on an African village and that the "haynos and crying sinn of man stealing" had transpired on the Lord's Day. The General Court decided to free the unfortunate victims and ship them back to Africa, though the death penalty for the crime (clearly mandatory in Scripture) was not imposed.⁵⁷ More quietly than in this dramatic incident, Puritan authorities extended the same protections against maltreatment to Negroes and Indians as to white servants.

Only once before the eighteenth century was New England slavery challenged directly, and in that instance the tone was as much bafflement as indignation. This famous Rhode Island protest perhaps derived from a diffuse Christian equalitarianism which operated to extend the English presumption of liberty to non-Englishmen. The Rhode Island law of 1652 actually forbade enslavement.

Whereas, there is a common course practised amongst English men to buy negers, to that end they may have them for service or slaves forever; for the preventigge of such practices among us, let it be ordered, that no blacke mankind or white being forced by covenant bond, or otherwise, to serve any man or his assignes longer than ten yeares, or untill they come to bee twentie four yeares of age, if they bee taken in under fourteen, from the time of thier cominge within the liberties of this Collonie. And at the end or terme of ten yeares to sett them free, as the manner is with the English servants. And that man that will not let them goe free, or shall sell them away elsewhere, to that end that they may bee enslaved to others for a long time, hee or they shall forfeit to the Collonie forty pounds.

Perhaps it was Rhode Island's tolerance of religious diversity and relatively high standard of justice for the Indian which led to this attempt to prevent Englishmen from taking advantage of a different people.⁵⁸

57. Donnan, ed., *Documents of the Slave Trade*, III, 6-9. Exodus 21:16: "And he that stealeth a man, and selleth him, or if he be found in his hand, he shall surely be put to death." Compare with Deuteronomy 24:7: "If a man be found stealing any of his brethren of the children of Israel, and maketh merchandise of him, or selleth him; then that thief shall die; and thou shalt put evil away from among you."

58. John R. Bartlett ed., *Records of the Colony of Rhode Island and Providence Plantations in New England*, 10 vols. (Providence, 1896-95), I, 248. The act passed during the Coddington secession; only two of the four towns, Providence and Warwick, were represented. Roger Williams was in England, and seems likely Samuel Gorton pressed passage. The absence of the two southern towns (where trading in Negroes must have centered) suggests a strangely prophetic division of opinion. See Charles M. Andrews, *The Colonial Period of American History*, 4 vols. (New Haven, 1934-38), II, 29-30.

The law remained a dead letter. The need for labor, the example seen in the West Indies, the condition of Negroes as "strangers," and their initial connection with captive Indians combined to override any hesitation about introducing Negro bond slavery into New England. Laws regulating the conduct of Negroes specifically did not appear until the 1690's.⁵⁹ From the first, however, there were scattered signs that Negroes were regarded as different from English people, not merely in their status as slaves. In 1639 Samuel Maverick of Noddles Island attempted, apparently rather clumsily, to breed two of his Negroes, or so an English visitor reported: "Mr. Maverick was desirous to have a breed of Negroes, and therefore seeing [that his "Negro woman"] would not yield by persuasions to company with a Negro young man he had in his house; he commanded him willed she mill'd she to go to bed to her which was no sooner done but she kickt him out again, this she took in high disdain beyond new slavery." In 1652 the Massachusetts General Court ordered that Scotsmen, Indians, and Negroes should train with the English in the militia, but four years later abruptly excluded Negroes, as did Connecticut in 1660.⁶⁰ Evidently Negroes, even free Negroes, were regarded as distinct from the English. They were, in New England where economic necessities were not sufficiently pressing to determine the decision, treated differently from other men.

7. ENSLAVEMENT: VIRGINIA AND MARYLAND

In Virginia and Maryland the development of Negro slavery followed a very different course, for several reasons. Most obviously, geographic conditions and the intentions of the settlers quickly combined to produce a successful agricultural staple. The deep tidal rivers, the long growing season, the fertile soil, and the absence of strong communal spirit among the settlers opened the way. Ten years after settlers first landed at Jamestown they were on the way to proving, in the face of assertions to the contrary, that it was possible "to found an empire upon smoke." More than the

59. *The Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay* . . . , 21 vols. (Boston, 1869-1922), I, 130, 154, 156, 325, 327; Hammond Trumbull and Charles J. Hoady, eds., *The Public Records of the Colony of Connecticut*, 15 vols. (Hartford, 1850-90), IV, 40. For treatment of servants see Lawrence W. Towner, "A Fondness for Freedom: Servant Protest in Puritan Society," *Wm. and Mary Qlty*, 3d Ser., 19 (1962), 201-19.

60. John Josselyn, *An Account of Two Voyages to New-England* . . . , 2d ed. (London, 1675), reprinted in Massachusetts Historical Society, *Collections*, 3d Ser., 3 (1838), 291; Shurtleff ed., *Records of Massachusetts Bay*, III, 268, 397, IV, 111, 86, 257; *Acts and Resolves Mass.*, I, 130; Trumbull and Hoady, eds., *Col. Conn.*, I, 349.

miscellaneous productions of New England, tobacco required labor which was cheap but not temporary, mobile but not independent, and tireless rather than skilled. In the Chesapeake area more than anywhere to the northward, the shortage of labor and the abundance of land—the "frontier"—placed a premium on involuntary labor.

This need for labor played more directly upon these settlers' ideas about freedom and bondage than it did either in the West Indies or in New England. Perhaps it would be more accurate to say that settlers in Virginia (and in Maryland after settlement in 1634) made their decisions concerning Negroes while relatively virginal, relatively free from external influences and from firm preconceptions. Of all the important early English settlements, Virginia had the least contact with the Spanish, Portuguese, Dutch, and other English colonies. At the same time, the settlers of Virginia did not possess either the legal or Scriptural learning of the New England Puritans whose conception of the just war had opened the way to the enslavement of Indians. Slavery in the tobacco colonies did not begin as an adjunct of captivity; in marked contrast to the Puritan response to the Pequot War the settlers of Virginia did *not* generally react to the Indian massacre of 1622 with propositions for taking captives and selling them as "slaves." It was perhaps a correct measure of the conceptual atmosphere in Virginia that there was only one such proposition after the 1622 disaster and that that one was defective in precision as to how exactly one treated captive Indians.⁶¹

In the absence, then, of these influences which obtained in other English colonies, slavery as it developed in Virginia and Maryland assumes a special interest and importance over and above the fact that Negro slavery was to become a vitally important institution there and, later, to the southwards. In the tobacco colonies it was possible to watch Negro slavery *develop*, not pop up full-grown overnight, and it is therefore possible to trace, very imperfectly, the development of the shadowy, unexamined rationale which supported it. The concept of Negro slavery there was neither borrowed from foreigners, nor extricated from books, nor generated by whole cloth, nor extrapolated from servitude, nor generated by English reaction to Negroes as such, nor necessitated by the exigencies of the New World. Not any one of these made the Negro slave, but all.

61. Kingsbury, ed., *Recs. Virginia Company*, III, 672-73, 704-7.

In rough outline, slavery's development in the tobacco colonies seems to have undergone three stages. Negroes first arrived in 1619, only a few days late for the meeting of the first representative assembly in America. John Rolfe described the event with the utmost unconcern: "About the last of August came in a dutch man of warre that sold us twenty Negars."⁶² Negroes continued to trickle in slowly for the next half century; one report in 1649 estimated that there were three hundred among Virginia's population of fifteen thousand—about 2 per cent.⁶³ Long before there were more appreciable numbers, the development of slavery had, so far as we can tell, shifted gears. Prior to about 1640, there is very little evidence to show how Negroes were treated—though we will need to return to those first twenty years in a moment. After 1640 there is mounting evidence that some Negroes were in fact being treated as slaves, at least that they were being held in hereditary lifetime service. This is to say that the twin essences of slavery—the two kinds of perpetuity—first become evident during the twenty years prior to the beginning of legal formulation. After 1660 slavery was written into statute law. Negroes began to flood into the two colonies at the end of the seventeenth century. In 1705 Virginia produced a codification of laws applying to slaves.

Concerning the first of these stages, there is only one major historical certainty, and unfortunately it is the sort which historians find hardest to bear. There simply is not enough evidence to indicate with any certainty whether Negroes were treated like white servants or not. At least we can be confident, therefore, that the two most common assertions about the first Negroes—that they were slaves and that they were servants—are *unfounded*, though not necessarily incorrect. And what of the positive evidence?

Some of the first group bore Spanish names and presumably had been baptized, which would mean they were at least nominally Christian, though of the Papist sort. They had been "sold" to the English; so had other Englishmen but not by the Dutch. Certainly these Negroes were not fully free, but many Englishmen were not. It can be said, though, that from the first in Virginia Negroes were set apart from white men by the word *Negroes*. The earliest Virginia census reports plainly distinguished Negroes from white men, often giving Negroes no personal name; in 1629 every commander of the

62. Abern, ed., *Travels of John Smith*, II, 541.

63. *A Perfect Description of Virginia* . . . (London, 1649), reprinted in Peter Barrow, ed., *Tracts* . . . , 4 vols. (N. Y., 1947), II, no. 8.

several plantations was ordered to "take a general muster of all the inhabitants men women and Children as well *Englishe* as Negroes."⁶⁴ A distinct name is not attached to a group unless it is regarded as distinct. It seems logical to suppose that this perception of the Negro as being distinct from the Englishman must have operated to debase his status rather than to raise it, for in the absence of countervailing social factors, the need for labor in the colonies usually told in the direction of non-freedom. There were few countervailing factors present, surely, in such instances as in 1639 when a group of Negroes were brought to Virginia freshly captured from a Portuguese vessel which had snatched them from Angola a few weeks earlier.⁶⁵ Given the context of English thought and experience sketched in this chapter, it seems probable that the Negro's status was not ever the same as that accorded the white servant. But we do not know for sure.

When the first fragmentary evidence appears about 1640 it becomes clear that some Negroes in both Virginia and Maryland were serving for life and some Negro children inheriting the same obligation.⁶⁶ Not all Negroes, certainly, for Nathaniel Littleton had released a Negro named Anthony Longoe from all service whatsoever in 1635, and after the mid-1640's the court records show that other Negroes were incontestably free and were accumulating property of their own. At least one Negro freeman, Anthony Johnson, himself owned a Negro. Some Negroes served only terms of usual length but others were held for terms far longer than custom and statute permitted with white servants.⁶⁷ The first fairly clear indication that slavery was practiced in the tobacco colonies appears in 1639 when a Maryland statute declared that "all the Inhabitants of this Province being Christians (Slaves excepted) Shall have and enjoy all such rights liberties immunities privileges and free customs within this Province as any naturall born subject of England." Another Maryland law passed the same year provided that "all

persons being Christians (Slaves excepted)" over eighteen who were imported without indentures would serve for four years.⁶⁸ These laws make very little sense unless the term *slaves* meant Negroes and perhaps Indians.

The next year, 1640, the first definite indication of outright enslavement appears in Virginia. The General Court pronounced sentence on three servants who had been retaken after absconding to Maryland. Two of them, a Dutchman and a Scot, were ordered to serve their masters for one additional year and then the colony for three more, but "the third being a negro named John Punch shall serve his said master or his assigns for the time of his natural life here or else where." No white servant in any English colony, so far as is known, ever received a like sentence. Later the same month a Negro (possibly the same enterprising fellow) was again singled out from a group of recaptured runaways; six of the seven culprits were assigned additional time while the Negro was given none, presumably because he was already serving for life.⁶⁹

After 1640, when surviving Virginia county court records began to mention Negroes, sales for life, often including any future progeny, were recorded in unmistakable language. In 1646 Francis Port sold a Negro woman and boy to Stephen Charlton "to the use of him . . . forever." Similarly, six years later William Whittington sold to John Port "one Negro girtle named Jowan; aged about Ten years and with her Issue and produce duringe her (or either of them) for their Life tyme. And their Successors forever"; and a Maryland man in 1649 decided two Negro men and a woman "and all their issue both male and Female." The executors of a York County estate in 1647 disposed of eight Negroes—four men, two women, and two children—to Captain John Chisman "to have hold occupy possesse and enjoy and every one of the aforementioned Negroes forever."⁷⁰ The will of Rowland Burnham of "Rappahanocke," made in 1657, dispensed his considerable number of Negroes and white servants in language which clearly differentiated between the two by specifying that the whites were to serve for their "full terme of tyme" and the Negroes "for ever."⁷¹ North-

64. Henry R. McIlwaine, ed., *Minutes of the Council and General Court of Colonial Virginia, 1622-1632, 1670-1676* (Richmond, 1924), 196. Lists and masters of 1624 and 1625 are in John C. Hotten, ed., *The Original Lists of Persons of Quality* . . . (N. Y., 1880), 169-205.

65. Philip A. Bruce, *Economic History of Virginia in the Seventeenth Century* . . . 2 vols. (N. Y., 1896), II, 73.

66. Further details are in Winthrop D. Jordan, "Modern Tensions and the Origins of American Slavery," *Journal of Southern History*, 28 (1962), 18-30.

67. Susie M. Ames, *Studies of the Virginia Eastern Shore in the Seventeenth Century* (Richmond, 1940), 99; John H. Russell, *The Free Negro in Virginia, 1619-1865* (Baltimore, 1913), 23-29; and his "Colored Freemen As Slave Owners

Virginia," *Journal of Negro History*, 1 (1916), 234-37.

68. *Archives Md.*, I, 41, 80, also 409, 453-54.

69. Decisions of the General Court," *Virginia Magazine of History and Biography*, 5 (1898), 236-37.

70. For these four cases, Northampton County Deeds, Wills, etc., no. 4 (1635-54), 28 (misnumbered 29), 124, Virginia State Library, Richmond; *Deeds Md.*, XLI, 261-62; York County Records, no. 2 (transcribed Wills and

Deeds, 1645-49), 256-57, Va. State Lib.

71. Lancaster County Loose Papers, Box of Wills, 1650-1719, Folder 1656-1659, Va. State Lib.

ing in the will indicated that this distinction was exceptional on novel.

Further evidence that some Negroes were serving for life in this period lies in the prices paid for them. In many instances the valuations placed on Negroes (in estate inventories and bills of sale) were far higher than for white servants, even those servants with full terms yet to serve. Higher prices must have meant that Negroes were more highly valued because of their greater length of service. Negro women may have been especially prized, moreover, because their progeny could also be held perpetually. In 1643, for example, William Burdett's inventory listed eight servants, with the time each had still to serve, at valuations ranging from 400 to 1,100 pounds of tobacco, while a "very amiable" Negro was valued at 3,000 and an eight-year-old Negro girl at 2,000 pounds, with no time remaining indicated for either. In the late 1650's an inventory of Thomas Ludlow's estate evaluated a white servant with six years to serve at less than an elderly Negro man and only one half of a Negro woman.⁷² Similarly, the labor owned by James Stone in 1660 was evaluated as follows:

	lb tobo
Thomas Groves, 4 yeares to serve	1300
Francis Bomley for 6 yeares	1500
John Thackstone for 3 yeares	1300
Susan Davis for 3 yeares	1000
Emanuell a Negro man	2000
Roger Stone 3 yeares	1300
Mingo a Negro man	2000 ⁷³

The 1655 inventory of Argoll Yeardeley's estate provides clear evidence of a distinction between perpetual and limited service for Negroes. Under the heading "Servants" were listed "Towe Negro men, tow Negro women (their wives) one Negro girle aged 10 yeares, Item One Negro girle aged about teen yeares and one Negro child aged about six moneths," valued at 12,000 pounds, and under the heading "Corne" were "Servants, tow men their tyme three yeares old" (which by witness of his godfather) is to bee freed in twenty foure yeares of age and then to have tow cowes given him

⁷² Northampton County Orders, Deeds, Wills, etc., no. 2 (1640-45), York County Deeds, Orders, Wills, etc. (1657-62), 108-9; in 1645 two Negro women and a boy sold for 5,500 lbs. of tobacco, York County Records, no. 11, all Va. State Lib.

⁷³ York County Records, no. 2, 390, Va. State Lib.

valued at 600 pounds.⁷⁴ Besides setting a higher value on Negroes, these inventories failed to indicate the number of years they had still to serve, presumably because their service was for an unlimited time.

Where Negro women were involved, higher valuations probably reflected the facts that their issue were valuable and that they could be used for field work while white women generally were not. This later discrimination between Negro and white women did not necessarily involve perpetual service, but it meant that Negroes were set apart in a way clearly not to their advantage. This was not the only instance in which Negroes were subjected to degrading distinctions not immediately and necessarily attached to the concept of slavery. Negroes were singled out for special treatment in several ways which suggest a generalized debasement of Negroes as a group. Significantly, the first indications of this debasement appeared at about the same time as the first indications of actual enslavement. The distinction concerning field work is a case in point. It first appears on the written record in 1643, when Virginia almost pointedly endorsed it in a tax law. Previously, in 1629, tithable persons had been defined as "all those that worke in the ground of what quantity or condition soever." The new law provided that *all* adult men were tithable and, in addition, *Negro* women. The same distinction was made twice again before 1660. Maryland adopted a similar policy beginning in 1654.⁷⁵ This official discrimination between Negro and other women was made by men who were accustomed to thinking of field work as being ordinarily the work of men rather than women. As John Hammond wrote in a 1656 tract defending the tobacco colonies, servant women were not put to work in the fields but in domestic employments, "yet som wenches that are nasty, and beastly and not fit to be so employed are put into the ground."⁷⁶ The essentially racial character of this discrimination stood out clearly in a law passed in 1668 at the time slavery was taking shape in the statute books:

Whereas some doubts have arisen whether negro women set free were still to be accounted tithable according to a former act, *It is declared by this*

⁷⁴ Nora Miller Turman and Mark C. Lewis, eds., "Inventory of the Estate of Argoll Yeardeley of Northampton County, Virginia, in 1655," *Va. Mag. of Hist. and Biog.*, 70 (1962), 410-19.

⁷⁵ Henning, ed., *Statutes Va.*, I, 144, 242, 292, 454; *Archives Md.*, I, 342, II, 196, 391, 538-39, XIII, 538-39.

⁷⁶ John Hammond, *Leah and Rachel, or, the Two Fruitfull Sisters Virginia, and Maryland: Their Present Condition, Impartially Stated and Related . . .* (London, 1656), 9.

grand assembly that negro women, though permitted to enjoy their freedom yet ought not in all respects to be admitted to a full fruition of the exemptions and impunities of the English, and are still liable to payment of taxes.⁷⁷

Virginia law set Negroes apart from all other groups in a second way by denying them the important right and obligation to bear arms. Few restrainers could indicate more clearly the denial to Negroes of membership in the white community. This first fore-shadowing of the slave codes came in 1640, at just the time when other indications first appeared that Negroes were subject to special treatment.⁷⁸

Finally, an even more compelling sense of the separateness of Negroes was revealed in early reactions to sexual union between the races. Prior to 1660 the evidence concerning these reactions is equivocal, and it is not possible to tell whether repugnance for intermixture preceded legislative enactment of slavery. In 1630 an angry Virginia court sentenced "Hugh Davis to be soundly whipped before an assembly of Negroes and others for abusing himself to the dishonor of God and shame of Christians, by defiling his body in lying with a negro," but it is possible that the "negro" may not have been female. With other instances of punishment for interracial union in the ensuing years, fornication rather than miscegenation may well have been the primary offense, though in 1651 a Maryland man sued someone who he claimed had said "that he had a black bastard in Virginia." (The court recognized the legitimacy of his complaint, but thought his claim for £20,000 sterling somewhat

77. Hening, ed., *Statutes Va.*, II, 267.

78. *Ibid.*, I, 266; for the same act in more detail, "Acts of General Assembly Jan. 6, 1639-40," *Wm. and Mary Qlty.*, 2d Ser., 4 (1924), 147. In Bermuda always closely connected with Virginia, the first prohibition of weapons to Negroes came in 1623, only seven years after the first Negro landed. The 1623 law was the first law anywhere in English specifically dealing with Negroes. After stressing the insolence of Negroes secretly carrying "cudgills and other weapons and working tools, very dangerous and not meete to be carried about such vassalls," it prohibited (in addition to arms) Negroes going abroad at night trespassing on other people's lands, and trading in tobacco without permission of their masters. Unfortunately the evidence concerning lifetime service for Negroes is much less definite in the scanty Bermuda sources than in those for Maryland and Virginia; the first known incident suggestive of the practice might reasonably be placed anywhere from 1631 to 1656. Later evidence shows Bermuda's slave and proportion of Negroes similar to Virginia's, and it seems unlikely that the two colonies' early experience was radically different. Henry C. Wilkinson, *The Adventurers of Bermuda: A History of the Island from Its Discovery until the Dissolution of the Somers Island Company in 1684* (London, 1933), 114; J. L. Lefroy, comp., *Memorials of the Discovery and Early Settlement of the Bermudas or Somers Islands, 1515-1685* . . . , 2 vols. (London, 1877-79), I, 308-9, 305, 325-27, 633, 645; II, 34-35, 70. But Negroes were to be armed at times of alarm (*Ibid.*, I, 366, 380 [1666-73]): Bermuda was exposed to foreign attack.

overvalued his reputation and awarded him 1500 pounds "of Tobacco and Cask")⁷⁹ There may have been no racial feeling involved when in 1640 Robert Sweet, a gentleman, was compelled "to do penance in church according to laws of England, for getting a negro woman with child and the woman whipt."⁸⁰ About 1650 a white man and a Negro woman were required to stand clad in white sheets before a congregation in lower Norfolk County for having had relations, but this punishment was sometimes used in cases of fornication between two whites.⁸¹ A quarter century later in 1676, however, the emergence of distaste for racial intermixture was unmistakable. A contemporary account of Bacon's Rebellion causally described one of the ringleaders, Richard Lawrence, as a person who had eclipsed his learning and abilities "in the darke imbraces of a Blackamoore, his slave: And that in so fond a Manner, to the noe meane Scandle and affront of all the Volttrisses in or about towne."⁸²

Such condemnation was not confined to polemics. In the early 1660s when slavery was gaining statutory recognition, the assemblies acted with full-throated indignation against miscegenation. These acts aimed at more than merely avoiding confusion of status. In 1662 Virginia declared that "if any christian shall commit Fornication with a negro man or woman, hee or shee see offending" should pay double the usual fine. (The next year Bermuda prohibited all sexual relations between whites and Negroes.) Two years later Maryland banned interracial marriages: "forasmuch as divers freeborne English women forgetfull of their free Condition and to the disgrace of our Nation doe intermarry with Negro Slaves by which alsoe divers suites may arise touching the Issue of such women and a great damage doth befall the Masters of such Negroes for prevention whereof for deterring such freeborne women from such shameful Matches," strong language indeed if "divers suites" had been the only problem. A Maryland act of 1681 described marriages of white women with Negroes as, among other things, always to the Satisfaction of their Lascivious and Lustfull desires, and to the disgrace not only of the English but also of many other

79. Hening, ed., *Statutes Va.*, I, 146. (The term "negro woman" was in very common use.) *Archives Md.*, X, 114-15.

80. Hening, ed., *Statutes Va.*, I, 552; McIlwaine, ed., *Minutes Council Va.*, 477.

81. Bruce, *Economic History of Va.*, II, 110.

82. "The History of the Insurrections and Ingram's Rebellion, 1676," in Charles M. Andrews, ed., *Narratives of the Insurrections, 1675-1690* (N. Y., 1915), 96. Cf. the will of John Fenwick (1683), *Documents Relating to the Colonial, Revolutionary and Post-Revolutionary History of the State of New Jersey* . . . [New Jersey Archives], 1st Ser. (Newark, etc., 1880-1949), XXIII, 162.

Christian Nations." When Virginia finally prohibited all interracial liaisons in 1691, the Assembly vigorously denounced miscegenation and its fruits as "that abominable mixture and spurious issue."⁸³

From the surviving evidence, it appears that outright enslavement and these other forms of debasement appeared at about the same time in Maryland and Virginia. Indications of perpetual service—the very nub of slavery, coincided with indications that English settlers discriminated against Negro women, withheld arms from Negroes, and—though the timing is far less certain—reacted unfavorably to interracial sexual union. The coincidence suggests a mutual relationship between slavery and unfavorable assessment of Negroes. Rather than slavery causing "prejudice," or vice versa, they seem rather to have generated each other. Both were, after all, twin aspects of a general debasement of the Negro. Slavery and "prejudice" may have been equally cause and effect, continuously reacting upon each other, dynamically joining hands to hustle the Negro down the road to complete degradation. Much more than with the other English colonies, where the enslavement of Negroes was to some extent a borrowed practice, the available evidence for Maryland and Virginia points to less borrowing and to this kind of process: a mutually interactive growth of slavery and unfavorable assessment, with no cause for either which did not cause the other as well. If slavery caused prejudice, then invidious distinctions concerning working in the fields, bearing arms, and sexual union should have appeared *after* slavery's firm establishment. If prejudice caused slavery, then one would expect to find these lesser discriminations preceding the greater discrimination of outright enslavement. Taken as a whole, the evidence reveals a process of debasement of which hereditary lifetime service was an important but not the only part.

White servants did not suffer this debasement. Rather, their position improved, partly for the reason that they were not Negroes. By the early 1660's white men were loudly protesting against being made "slaves" in terms which strongly suggest that they considered slavery not as wrong but as inapplicable to themselves. The father of a Maryland apprentice petitioned in 1663 that "he Graves that his daughter may not be made a Slave a tearme soe Scandalous that if admitted to be the Condition or tytle of the Apprentices in this

83. Henning, ed., *Statutes Va.*, II, 170, III, 86-87; *Archives Md.*, I, 533-34, VII, 204; Lefroy, comp., *Memorials Bermudas*, II, 190 (a resolution, not a statute). Some evidence suggests miscegenation was not taken as seriously in 17th-century Bermuda as on the mainland: *Ibid.*, I, 550, II, 30, 103, 141, 161, 228, 314.

Province will be soe destructive as noe free borne Christians will ever be induced to come over servants."⁸⁴ An Irish youth complained to a Maryland court in 1661 that he had been kidnapped and forced to sign for fifteen years, that he had already served six and a half years and was now twenty-one, and that eight and a half more years of service was "contrary to the lawes of God and man that a Christian Subject should be made a Slave." (The jury handsly compromised the dispute by deciding that he should serve only until age twenty-one, but that he was now only nineteen.) Free Negro servants were generally increasingly less able to defend themselves against this insidious kind of encroachment.⁸⁵ Increasingly, white men were more clearly free because Negroes had become so clearly slave.

Generally it was the case in Maryland and Virginia that the legal enactment of Negro slavery followed social practice, rather than vice versa, and also that the assemblies were slower than in other English colonies to declare how Negroes could or should be treated. These two patterns in themselves suggest that slavery was less a matter of previous conception or external example in Maryland and Virginia than elsewhere.

The Virginia Assembly first showed itself incontrovertibly aware that Negroes were not serving in the same manner as English servants in 1660 when it declared "that for the future no servant coming into the country without indentures, of what christian nation soever, shall serve longer then those of our own country, of the like age." In 1661 the Assembly indirectly provided statutory recognition that some Negroes served for life: "That in case any English servant shall run away in company with any negroes who are incapable of making satisfaction by addition of time," he must serve for the Negroes' lost time as well as his own. Maryland enacted a closely similar law in 1663 (possibly modeled on Virginia's) and in the following year, on the initiative of the lower house, came out with the categorical declaration that Negroes were to serve "Durante Vita."⁸⁶ During the next twenty-odd years a succession of acts

Archives Md., I, 464.
84. *Ibid.*, XII, 476-78, XLIX, 123-24. Compare the contemporary difficulties of Negro servant: William P. Palmer et al., eds., *Calendar of Virginia State Papers*, I, in vols. (Richmond, 1875-98), I, 9-10.

85. Henning, ed., *Statutes Va.*, I, 539, II, 26; *Archives Md.*, I, 449, 489, 526, 633-34. The "any negroes who are incapable" suggests explicit recognition that they were free, but in several sources the law as re-enacted the next year included a comma between "negroes" and "who" as did the Maryland act of 1663. See *The Lanes of Virginia Now in Force: Collected out of the Assembly Records* (London, 1662), 59.

in both colonies defined with increasing precision what sorts of persons might be treated as slaves.⁸⁷ Other acts dealt with the growing problem of slave control, and especially after 1690 slavery began to assume its now familiar character as a complete deprivation of all rights.⁸⁸ As early as 1669 the Virginia Assembly unabashedly enacted a brutal law which showed where the logic of perpetual servitude was inevitably tending. Unruly servants could be chastened by sentences to additional terms, but "WHEREAS the only law in force for the punishment of refractory servants resisting their master, mistress or overseer cannot be inflicted upon negroes, nor the obstinacy of many of them by other then violent means suppressed if a slave "by the extremity of the correction should chance to die his master was not to be adjudged guilty of felony "since it cannot be presumed that prepeined malice (which alone makes murder Felony) should induce any man to destroy his owne estate."⁸⁹ Virginia planters felt they acted out of mounting necessity: there were disturbances among slaves in several areas in the early 1670's.

By about 1700 the slave ships began spilling forth their black cargoes in greater and greater numbers. By that time, racial slavery and the necessary police powers had been written into law. By that time, too, slavery had lost all resemblance to a perpetual and hereditary version of English servitude, though service for life still seemed to contemporaries its most essential feature.⁹¹ In the last quarter of the seventeenth century the trend was to treat Negroes more like property and less like men, to send them to the fields at younger ages, to deny them automatic existence as inherent members of the community, to tighten the bonds on their personal and civil freedom, and correspondingly to loosen the traditional restraints on the master's freedom to deal with his human property as he saw fit.⁹² In 1705 Virginia gathered up the random statutes of a whole generation and baled them into a "slave code" which would not have been out of place in the nineteenth century.⁹³

87. Hening, ed., *Statutes Va.*, II, 170, 270, 283, 490-91, III, 137-40, 447-48; *Archives Md.*, VII, 203-5, XIII, 546-49, XXII, 551-52.

88. Especially Hening, ed., *Statutes Va.*, II, 270-71, 481-82, 493, III, 86, 102-103; *Archives Md.*, XIII, 451-53, XIX, 167, 193, XXII, 546-48, XXVI, 254-56.

89. Hening, ed., *Statutes Va.*, II, 270; compare law for servants, I, 538, II, 118, 90. *Ibid.*, II, 299.

91. Robert Beverley, *The History and Present State of Virginia*, ed. Louisiana Wright (Chapel Hill, 1947), 271-72.

92. For illustration, Hening, ed., *Statutes Va.*, II, 288, 479-80 (Negro children taxed from age 12, white boys from 14), III, 102-3; *Archives Md.*, VII, 177 (county courts required to register births, marriages, burials of all "Except Negroes Indians and Molotos").

93. Hening, ed., *Statutes Va.*, III, 447-62.

8. ENSLAVEMENT: NEW YORK AND THE CAROLINAS

While the development of Negro slavery followed a different pattern in the tobacco colonies than in New England, and while, indeed, there were distinctive patterns of development in each of the English colonies, there were also factors which made for an underlying similarity in the slavery which emerged. The universal need for labor, the common cultural background and acceptance of English law, and the increasing contacts among the various colonies all worked eventually to make Negro slavery a roughly similar institution from one colony to the next, especially where economic and demographic conditions did not differ markedly. In each of the colonies which England acquired after the Restoration of Charles II, slavery developed in a distinctive fashion, yet by 1700 New York's slavery was much like New England's and Carolina's—much like Virginia's.

In 1664, at about the time slavery was being written into law in the tobacco colonies, the English took over a Dutch colony which had been in existence for over forty years. New York was already a hodgepodge of nationalities—Dutch, English, Walloons, French, Negroes and others. The status of Negroes under Dutch rule lies enshrouded in the same sort of fog which envelops the English colonies. It is clear, however, that the early and extensive Dutch experience in the international slave trade must have had some influence on the treatment of Negroes in New Amsterdam. There were Negroes in the colony as early as 1628. In that year (perhaps by coincidence) came the colony's first minister, the Reverend Jonas Michaëlius, who had previously been on the West African coast. Yet the first clearly indicated status of any Negroes was freedom, in the 1640's; indeed it remains possible that Negroes were not slaves in New Netherland until the 1650's.⁹⁴ In 1650 two spinning pamphleteers disagreed as to whether some Negroes were originally slaves.⁹⁵ Within a very few years, though, the records show indisputably that certain colonists were actively interested in the African slave trade. Possibly this interest may have been stimulated by Jacob Steendam, a poet who had resided at a Dutch fort in Guinea before coming to New Amsterdam about 1652.⁹⁶

94. Ellis Lawrence Raesly, *Portrait of New Netherland* (N. Y., 1945), 161-62, 175.

95. Franklin Jameson, ed., *Narratives of New Netherland, 1609-1664* (N. Y., 1909), 329-30, 364.

96. Raesly, *New Netherland*, 160-62, 269-84.

1.4: The Common Folk Come to America (1683)

Both Richard Hakluyt and John Winthrop were promoters of colonies, although Winthrop also emigrated to America himself. But what brought ordinary men and women to the new European settlements? We can assume that the religious factor was important in the founding of some colonies, especially in New England. Obviously politics could also be important, witness Colonel Norwood and Virginia. But were there other motives, especially in the case of the "common sort"?

The following document is an excerpt from a letter of 1683 written by William Penn, the founder of Pennsylvania, to a group of business people interested in trading with his new colony and speculating in its land. Penn had just returned from his first visit to Pennsylvania, and the inducements offered to prospective settlers that he describes were based on his recent experience.

Penn obviously emphasizes the attractive economic environment for men and women of the laboring class, but he also talks about "Younger Brothers of small Inheritances." What is he referring to here? And what sort of people were "Men of universal Spirits"? Why might the American colonies provide the common people with superior economic advantages compared to their native land?

Who Should Go to Pennsylvania?

WILLIAM PENN

V. These persons that providence seems to have most fitted for Plantations are,

- 1st. Industrious Husbandmen and Day-Labourers, that are hardly able (with ex-reme Labour) to maintain their Families and portion their Children.
- 2dly. Laborious Handicrafts, especially Carpenters, Masons, Smiths, Weavers, Taylors, Tanners, Shoemakers, Shipwrights, etc. where they may be spared or are now in the World: And as they shall want no encouragement, so their Labour is worth more there than here, and there provision cheaper.

3dly. A Plantation seems a fit place for those Ingenious Spirits that being Law in the World, are much clogg'd and oppress'd about a livelyhood for the means of living being easie there, they may have time and opportunity to gratify their in- and thereby improve Science and help Nurseries of people.
 4th s^r men to whom a Plantation would be proper, takes in those that small Inheritances; yet because they would live in sight of their

kindred in some proportion to their Quality, and can't do it without a labour that looks like Farming.
 their condition is too strait for them; and if married, their Children are often too numerous for the Estate, and are frequently bred up to no Trades, but are a band of Hungers on the Retainers to the elder Brothers Table and Charity: which is a mischief as in it self to be remedied, so here to be remedied: For Land they have for next to nothing, which with moderate Labour produces plenty of all things necessary for life, and such an increase as by Traffique may supply them with all conveniences.

Lastly, There are another sort of persons, not only fit for, but necessary in Plantations, and that is, Men of universal Spirits, that have an eye to the Good of Posterity, and that both understand and delight to promote good Discipline and just Government among a plain and well intending people; such persons may find Room in Colonies for their good Counsel and Contrivance, who are shut out from being of much use or service to great Nations under settl'd Customs: These men deserve much esteem, and would be harken'd to. Doubtless 'twas this (as I observ'd before) that put some of the famous Greeks and Romans upon Transplanting and Regulating Colonies of People in divers parts of the World; whose Names, for giving so great proof of their Wisdom, Virtue, Labour and Constancy, are with Justice honourably delivered down by story to the praise of our own times; though the World, after all its higher pretences of Religion, barbarously errs from their excellent Example.

1.5: Indentured Servants: Upward Mobility or Deeper Bondage (1622)

Many poor people came to America as "indentured servants." "Indenture" referred to the terms and conditions of service to which they agreed in exchange for transportation to the New World. Situations varied, but harsh conditions usually preceded later manumission. Some servants found themselves in deep bondage, while others ran away to the backwoods or found refuge in Indian lands.

Do the terms of this agreement seem fair or demanding? If the contract was violated, what risks were involved? What forces do you think pushed or pulled people to enter into such arrangements? On which side of the Atlantic did people expect to find greater opportunity?

Servant's Indenture for Transportation to Virginia (September 25, 1622)

To All to Whom these Presents Shall Come Greeting in our Lord God Everlasting. Know you that I, Wessell Webling, son of Nicholas Webling of London, brewer, for and in consideration that I have been furnished and set out and am to be sent into Virginia at the costs and charges of Edward Bennett of London, mer-

his associates, and for and in consideration that they have promised and covenanted to maintain me with sufficient meat, drink, and apparel, do, by these presents, bind myself an apprentice unto the said Edward Bennett for the full term of three years to begin the feast of St. Michael the Archangel next after the date of these presents. And I do promise and bind myself to do and to perform all the said term of my apprenticeship true and faithful service in all such labors and business as the said Edward Bennett or his assigns shall employ me in and to be tractable and obedient as a good servant ought to be in all such things as shall be commanded me by the said Edward Bennett or his assigns in Virginia. And at the end of the said term of three years the said Edward Bennett do promise to give unto the said apprentice a house and 50 acres of land in Virginia to hold to me, my heirs, and assigns forever, according to the custom of land there holden and also shall give to the said apprentice necessary and good apparel and the said apprentice shall inhabit and dwell upon the said land and shall pay yearly for the said fifty acres of land from and after that he shall thereof be possessed unto the said Edward Bennett the yearly rent of 50 shillings sterling forever and two days work yearly and to all and singular the covenants aforesaid on behalf of the said apprentice to be performed and kept in manner and form as aforesaid. The said apprentice binds himself to his said master by these presents. In witness whereof the parties aforesaid to these present indentures have set their hands and seals the 25th of September 1622.

Signet *Ed. Bennett*

1.6: Coercion: The West African Slave (1729)

Thousands of the men and women who crossed the Atlantic during the colonial period came to America against their will. Some of these coerced immigrants were from the British Isles: youths kidnapped by unscrupulous ship captains, convicted felons "transported" as seven-year indentured servants, Irish rebels exiled for defying English rule in Ireland. The largest group of these unwilling newcomers by far, however, consisted of men and women plucked by slavers from their homes along the Atlantic coast of the African continent.

The abduction of human beings from Africa for inclusion in the slave trade constitutes one of the darkest chapters in human history. The methods by which individuals were delivered into European custody often pitted African against African, thus plunging the continent into a vicious cycle of intertribal wars, causing divisions that some historians argue have not been healed to this day. Just as slavery transformed the history of the Americas, it also transformed the history of Africa.

Mary thousands of West Africans were brought as slaves to the Western Hemisphere in the sixteenth, seventeenth, and eighteenth centuries. Most were put to work on the sugar plantations of the Caribbean and South America. Relatively few came directly to the British mainland colonies. One who did was Venture Smith, a young man from Guinea who was seized by slavers in 1735 and brought to Connecticut to work as a house servant and farm hand.

Do you think Venture Smith's experiences, as described in the document below, were typical? What was the typical experience of the transplanted African in mainland British North America? Where did most go? What did most do? Do you know if the treatment of slaves on the mainland colonies was more humane than on the Caribbean sugar plantations?

An Eighteenth-Century African Describes His Enslavement

VENTURE SMITH

Chapter I. Containing an Account of His Life, From His Birth to the Time of His Leaving His Native Country.

I was born at Dukandarra, in Guinea, about the year 1729. My father's name was Saungm Furro, Prince of the tribe of Dukandarra. My father had three wives. Polygamy was not uncommon in that country, especially among the rich, as every man was allowed to keep as many wives as he could maintain. By his first wife he had three children. The eldest of them was myself, named by my father, Broteer. The other two were named Cundazo and Soozaduka. My father had two children by his second wife, and one by his third. I descended from a very large, tall and stout race of beings, much larger than the generality of people in other parts of the globe, being commonly considerable above six feet in height, and every way well proportioned.

Before I dismiss [my] country, I must first inform my reader what I remember concerning this place. A large river runs through this country in a westerly course. The land for a great way on each side is flat and level, hedged in by a considerable rise in the country at a great distance from it. It scarce ever rains there, yet the land is fertile; great dews fall in the night which refresh the soil. About the latter end of June or first of July, the river begins to rise, and gradually increases until it has inundated the country for a great distance, to the height of seven or eight feet. This brings on a slime which enriches the land surprisingly. When the river has subsided, the natives begin to sow and plant, and the vegetation is exceeding rapid. Near this rich river my guardian's land lay. He possessed, I cannot exactly tell how much, yet this I am certain of respecting it, that he owned an immense tract. He possessed likewise a great many cattle and swine.

and with as much tenderness, for what I saw, as his only son, although I was an entire stranger to him, remote from friends and relatives. The principal occupations of the inhabitants there were the cultivation of the soil and the care of their flocks. They were a people pretty similar in every respect to that of mine, except in their persons, which were not so tall and stout. They appeared to be very kind and friendly. I will now return to my departure from that place.

My father sent a man and horse after me. After settling with my guardian for keeping me, he took me away and went for home. It was then about one year since my mother brought me here. Nothing remarkable occurred to us on our journey until we arrived safe home. I found then that the difference between my parents had been made up previous to their sending for me. On my return, I was received both by my father and mother with great joy and affection, and was once more restored to my paternal dwelling in peace and happiness. I was then about six years old.

Not more than six weeks had passed after my return, before a message was brought by an inhabitant of the place where I lived the preceding year to my father, that that place had been invaded by a numerous army, from a nation not far distant, furnished with musical instruments, and all kinds of arms then in use; that they were instigated by some white nation who equipped and sent them to subdue and possess the country; that his nation had made no preparation for war, having been for a long time in profound peace, that they could not defend themselves against such a formidable train of invaders, and must, therefore, necessarily evacuate their lands to the fierce enemy, and fly to the protection of some chief; and that if he would permit them they would come under his rule and protection when they had to retreat from their own possessions. He was a kind and merciful prince, and therefore consented to these proposals.

He had scarcely returned to his nation with the message before the whole of his people were obliged to retreat from their country and come to my father's dominions. He gave them every privilege and all the protection his government could afford. But they had not been there longer than four days before news came to them that the invaders had laid waste their country, and were coming speedily to destroy them in my father's territories. This affrighted them, and therefore they immediately pushed off to the southward, into the unknown countries there, and were never more heard of.

Two days after their retreat, the report turned out to be but too true. A detachment from the enemy came to my father and informed him that the whole army was encamped not far from his dominions, and would invade the territory and deprive his people of their liberties and rights, if he did not comply with the following terms. These were, to pay them a large sum of money, three hundred fat cattle, and a great number of goats, sheep, asses, etc.

My father told the messenger he would comply rather than that his subjects should be deprived of their rights and privileges, which he was not then in circumstances to defer. From so sudden an invasion. Upon turning out those articles, the enemy pledged r faith and honor that they would not attack him. On these he relied, and therefore thought it unnecessary to be on his guard against the enemy. But

hostile nations, for a few days after, a certain relation of the king came and informed him that the enemy who sent terms of accommodation to him, and received tribute to their satisfaction, yet meditated an attack upon his subjects by surprise, and that probably they would commence their attack in less than one day, and concluded with advising him, as he was not prepared for war, to order a speedy retreat of his family and subjects. He complied with this advice.

The same night which was fixed upon to retreat, my father and his family set off about the break of day. The king and his two younger wives went in one company, and my mother and her children in another. We left our dwellings in succession, and my father's company went on first. We directed our course for a large shrub plain, some distance off, where we intended to conceal ourselves from the approaching enemy, until we could refresh ourselves a little. But we presently found that our retreat was not secure. For having struck up a little fire for the purpose of cooking victuals, the enemy, who happened to be encamped a little distance off, had sent out a scouting party who discovered us by the smoke of the fire, just as we were extinguishing it and about to eat. As soon as we had finished eating, my father discovered the party and immediately began to discharge arrows at them. This was what I first saw, and it alarmed both me and the women, who, being unable to make any resistance, immediately betook ourselves to the tall, thick reeds not far off, and left the old king to fight alone. For some time I beheld him from the reeds defending himself with great courage and firmness, till at last he was obliged to surrender himself into their hands.

They then came to us in the reeds, and the very first salute I had from them was a violent blow on the head with the fore part of a gun, and at the same time a grasp round the neck. I then had a rope put about my neck, as had all the women in the thicket with me, and were immediately led to my father, who was likewise pinioned and haltered for leading. In this condition we were all led to the camp. The women and myself, being submissive, had tolerable treatment from the enemy, while my father was closely interrogated respecting his money, which they knew he must have. But as he gave them no account of it, he was instantly cut and pounded on his body with great inhumanity, that he might be induced by the torture he suffered to make the discovery. All this availed not in the least to make him give up his money, but he despised all the tortures which they inflicted, until the continued exercise and increase of torment obliged him to sink and expire. He thus died without informing his enemies where his money lay. I saw him while he was thus tortured to death. The shocking scene is to this day fresh in my memory, and I have often been overcome while thinking on it. He was a man of remarkable stature. I should judge as much as six feet and six or seven inches high, two feet across the shoulders, and every way well proportioned. He was a man of remarkable strength and resolution, affable, kind and gentle, ruling with equity and moderation.

The army of the enemy was large, I should suppose consisting of about six thousand men. Their leader was called Bankurre. After destroying the old prince, they decamped and immediately marched towards the sea, lying to the westward, taking with them myself and the women prisoners. In the march, a scouting party as detached from the main army. To the leader of this party, I was made witness.

of about thirty in number. These we set upon and immediately wrested from their keepers, and afterwards converted them into food for the army. The enemy had remarkable success in destroying the country wherever they went. For as far as they had penetrated they laid the habitations waste and captured the people. The distance they had now brought me was about four hundred miles. All the march I had very hard tasks imposed on me, which I must perform on pain of punishment. I was obliged to carry on my head a large flat stone used for grinding our corn, weighing, as I should suppose, as much as twenty-five pounds; besides victuals, mat and cooking utensils. Though I was pretty large and stout of my age, yet these burdens were very grievous to me, being only six years and a half old.

We were then come to a place called Malagasco. When we entered the place, we could not see the least appearance of either houses or inhabitants, but on stricter search found that instead of houses above ground they had dens in the sides of hillocks, contiguous to ponds and streams of water. In these we perceived they had all hid themselves, as I suppose they usually did on such occasions. In order to compel them to surrender, the enemy contrived to smoke them out with faggots. These they put to the entrance of the caves and set them on fire. While they were engaged in this business, to their great surprise some of them were desperately wounded with arrows which fell from above on them. This mystery they soon found out. They perceived that the enemy discharged these arrows through holes on the top of the dens directly into the air. Their weight brought them back, point downwards, on their enemies' heads, whilst they were smoking the inhabitants out. The points of their arrows were poisoned, but their enemy had an antidote for it which they instantly applied to the wounded part. The smoke at last obliged the people to give themselves up. They came out of their caves, first spitting the palms of their hands together, and immediately after extended their arms, crossed at their wrists, ready to be bound and pinioned. I should judge that the dens above mentioned were extended about eight feet horizontally into the earth, six feet in height, and as many wide. They were arched overhead and lined with earth, which was of the clay kind and made the surface of their walls firm and smooth.

The invaders then pinioned the prisoners of all ages and sexes indiscriminately, took their flocks and all their effects, and moved on their way towards the sea. On the march, the prisoners were treated with clemency, on account of their being submissive and humble. Having come to the next tribe, the enemy laid siege and immediately took men, women, children, flocks, and all their valuable effects. They then went on to the next district, which was contiguous to the sea, called in Africa, Anamaboo. The enemies' provisions were then almost spent, as well as their strength. The inhabitants, knowing what conduct they had pursued, and what were their present intentions, improved the favorable opportunity, attacked them, and took enemy, prisoners, flocks and all their effects. I was then taken a second time. All of us were then put into the castle and kept for market. On a certain time, I and other prisoners were put on board a canoe, under our master, and rowed away to a vessel belonging to Rhode Island, commanded by Captain Collingwood, and the mate, Thomas Mumford. While we were going to the vessel, our master told us to

appear to the best possible advantage for sale. I was bought on board by one Robertson Mumford, steward of said vessel, for four gallons of rum and a piece of calico, and called VENTURE, on account of his having purchased me with his own private venture. Thus I came by my name. All the slaves that were bought for that vessel's cargo were two hundred and sixty.