8

Virginia

JAMES I, King of England, claimed as his personal domain, which he could bequeath to his successors, or otherwise do with as he pleased, all the land in America between the French settlement on the St. Lawrence and the Spanish settlement in Florida. [145]

The first Virginia charter, issued by James I on April 10, 1606, granted to Sir Thomas Gates and three others named, "and any others whom they join with them, to be called the first colony [known as the London Company], all the lands, woods, soil, havens, ports, rivers, mines, minerals, marshes, waters, fishings, commodities and hereditaments whatsoever for fifty miles north and fifty miles south from the seat of their first location in America [which was subsequently made at Jamestown, Virginia], and directly into the main land for one hundred miles, with all the islands within one hundred miles between 34° and 41° north latitude [between Wilmington, North Carolina and Long Island Sound]."

Included in the charter was a similar grant to Thomas Hanham, of Plymouth, England, and three others named, to be called the second colony (known as the Plymouth Company) of an equal area between 38° and 45° north latitude (between the present Virginia-Maryland boundary line, across the Delaware peninsula, and the eastern boundary of Maine).

Inasmuch as these areas overlapped, it was provided that "neither shall locate within a hundred miles of the other that first begins their location."

The grants cited: "They shall order the search for gold, silver and copper, giving to us our heirs and successors the one-fifth part of such gold and silver, and one-fifteenth part of all copper found. Authority is granted to capture any persons, ships or goods which shall be trafficking without license within the limits of said plantations. Upon petition, we shall grant unto such persons and their heirs and assigns, as either council shall nominate, all the lands and tenaments which shall be within that colony."

Those to whom the grant was made solicited subscriptions to stock in the company at its par value of £12, 10*s* per share. A widespread promotion for sale of the stock was developed, the venture even being advocated from church pulpits on the plea of advancing religion by christianizing the aborigines. It was believed that not only gold, but iron and copper would be found to replace imports of those metals from Spain and Sweden respectively; also that wine and silk produced in America would relieve dependence on France and Persia for those commodities; and that dependence on the Baltic countries for naval stores would be similarly relieved.

A satire, "Eastward Ho," by Ben Jonson and associates, when produced on the stage excited the public imagination. In it one of the characters declared: "I tell thee gold is more plentiful in Virginia than copper is with us; and for as much red copper as I can bring I'll have thrist the weight in gold. All the dripping pans there are of gold; all the chains for chaining the streets are massive gold, all prisoners are fetterd in gold; rubies and diamonds are gathered on the seashore. Why man!"

The promotion not only brought subscriptions for the stock, but a great desire by many to emigrate. The stock was subscribed for by more than one thousand men and women, many in high places, and by merchants, professional men, tradesmen and land speculators.

The following January 1, 1607, three ships of the London Company, in command of Captain Christopher Newport, sailed from London with colonists, stated by various writers as 105 and 143 in number, but which Captain John Smith, one of the colonists, reported "to the number of 100."

By prevoyage agreement all products of labor during the first

seven years were to be pooled for the entire colony. This communist principle induced hundreds of unemployed in England presently to go to Virginia, or to be sent there as indented servants.

Each emigrant was to receive, at the end of the seventh year, a share of stock in the company and every shareholder was to receive a grant of land in proportion to the number of shares held.

When the colony was scarcely more than a year old stockholders in England began clamoring for profits from their supposed Eldorado. They demanded a piece of gold, and threatened to forsake the settlers as "banished men" unless a cargo of goods worth £2,000 sterling was sent.

In May, 1609, James issued a second charter [145] to the London (Virginia) Company, enlarging the grant, and separating it and the Plymouth Company, designating the former as "The Treasurer and Company of Adventurers and Planters of the City of London for the First Colony in Virginia." The Plymouth Company, under this charter, was not developed, and all attention was centered on the first (London) company.

James expanded the area granted the company from ten thousand square miles to more than one million square miles. Its bounds were to run two hundred miles north and two hundred miles south of Point Comfort (approximately between Wilmington, Delaware and Wilmington, North Carolina), and in depth all the land from sea to sea, north and northwest (which became the basis for Virginia's claim to the land north of the Ohio River) and all the islands within a hundred miles along the coast of both seas, together with all soils, ports and mines. This territory was made over to the sole use of the company and their assigns for ever, with authority to distribute and assign the lands therein granted.

James also increased the number of grantees, designated as adventurers to persons, including by name, 8 earls, 12 lords, 106 knights, 1 bishop, 1 divine, 3 ministers, 57 captains, the mayor of London, the sheriff of London, 28 esquires, 4 doctors; among all of whom there were more than one hundred who then were,

or had been, members of parliament. There were also included fifty-six trade guilds.

To conclude the record of Virginia charters: James on March 12, 1612, added to the grants all those islands lying within three hundred leagues (nine hundred miles) between 30° and 41° north latitude (between Florida and Long Island Sound). This included the Bermuda Islands. George, Lord Archbishop of Canterbury, was added as an adventurer. Lotteries were authorized in England for the benefit of the plantation. Complaint was made against persons who had gone, or been sent, to Virginia and surreptitiously returning maligned it.

Shortly after the English migration to Virginia began, Philip III, King of Spain, wrote his ambassador, Zuniga, at London, "You will report to me what the English are doing in the matter of Virginia. Thereupon it will be taken into consideration here what steps had best be taken to prevent it."

In October, Zuniga had an audience with King James to endeavor to persuade him to recall the Virginia settlers, and send no more there; that Spain claimed all that country. Following this, Zuniga wrote the King of Spain: "It will be serving God and your Majesty to drive these villains out from there [Virginia]: hanging them."

Zuniga, the following March, again wrote his king advising of an intended voyage of English to Virginia, saying, "It seems to me necessary to intercept them on the way." Philip wrote Zuniga: "Report when they will depart, with what force, and what route they will take. You should act with great precaution with the Baron of Arundel." (Arundel was afterwards father-in-law of Cecilius Calvert.)

Philip, in June 1611, wrote his new ambassador at London: "I command you to send from England, two Catholic men whom you can perfectly trust, aboard the first British vessel that may sail to Virginia, directing them to bring to you an exact account of all that is going on there."

Philip himself evidently initiated a voyage of discovery because, just two months later, Governor Dale in Virginia advised London that: "A Spanish caravel came into our river fitted with

a shallop to discover the river and creeks, and anchored at Point Comfort. Three Spaniards were sent ashore into the fort there, demanding a pilot to bring their caravel into the river. The caravel departed, leaving the three Spaniards, who I have here as prisoners." Evidently Spanish spies.

George Calvert, in August 1612, wrote Philip protesting against Zuniga tarrying in England after his mission had ended.

The same year the Spanish ambassador in London wrote his king: "A ship has arrived from Virginia, and well-informed think that the business does not grow, but rather diminishes; that forty or fifty of the English have married women of the savages, and that the women whom they took out from England have gone among the savages and they have received and treated them well—that a zealous minister was seriously wounded in many places because he reprimanded them."

The dire reports from Virginia of deaths and starvation caused many subscribers to the stock of the company to refuse to pay further instalments due, and suits were brought against them. To obtain funds, the company sold the Sommer (Bermuda) Islands for £2,000 to 120 of its members in England. To procure additional badly needed funds the company held a series of lotteries in London, with a first prize of £5,000, but gradually, over a period of years, this source of revenue petered out.

Cultivation of tobacco began in 1612, and within four years the demand in Europe became so great that the colonists devoted all their time to its cultivation to the exclusion of everything else. They even gave guns to the Indians with which to kill game to supply the settlers with meat, while the settlers grew and cured tobacco. Tobacco growing was exhausting to the soil and necessitated constantly taking up more virgin land; the used land was, however, suitable for growing wheat and corn.

The previously fixed seven year era of communism in the colony was terminated by limitation under Dale in 1614. He leased to each of the colonists, many of whom were indented servants whose terms of servitude expired that year, three acres to cultivate at an annual rental, variously stated as two-and-a-half, and six, bushels of corn, payable into the community storehouse. In addition, the lease called for one month's work not

in seedtime or harvest, for the commonwealth. These terms produced an era of energetic activity of which the social effect was marvelous in the reduction of idleness, poverty and crime.

To induce men of family to migrate to Virginia, Dale offered them a house and twelve acres free of rent, food for one year, and implements and domestic animals, if they would grow exclusively wheat, corn, roots and herbs.

The company, as a reward for services, allotted Captain John Martin ten shares, entitling him to a thousand acres, which he selected at Martin Brandon, on the James River. "He was to enjoy his lands in as large and ample manner as any lord of any manor in England." This caused great complaint and the first contest for title to land in America. After prolonged controversy a new deed was offered him in substitution: this he declined to accept until nine years afterwards. [17]

The town of Henrico, named for Prince Henry, was located by enclosing with a stockade seven acres on a peninsula seized from the Indians. The houses were partly of brick and more than half of the population lived in that section. When Dale left in 1616, there were four communities in the region, including Jamestown, Hampton (the oldest continuous English settlement in America, near Old Point Comfort), and Dale's Gift, across the bay at Cape Charles. [112]

The council of the company in England announced: "For that part of the country fit for plantation, we intend, God willing, to begin a present division of land by lot to every man that hath already adventured his money or person: for every single share of £12, 10*s*, fifty acres of land, till further opportunity will afford to divide the rest, which we doubt not will bring at least two hundred acres to every single share. But this present division is to be only in the land lying along the King's (James) River on both sides, and about the town erected. The holder may dispose of his lot, or go there to possess it, or send families to cultivate it, as many do for half the clear profits." This was the beginning of land tenantry and share-cropping in America.

Surveyors were sent to Virginia to make maps and allotments to the shareholders, such allotments to be capable of transfer as an estate of inheritance. To prevent fraud, deeds were not valid

until ratified by the quarter-court, a committee of the board of directors of the company in London.

Captain Christopher Newport, who was prominent in the settlement of Virginia, made five voyages transporting settlers during a period of five years. He was presented by the company with thirty-six shares of stock entitling him to 3,600 acres. He later entered the East India service and died aboard ship in 1617. His widow was granted 3,500 acres. For a time the company shares had a value and were frequently bought and sold. [17]

Samuel Argall was granted land, and arrived in 1617 as deputy-governor. He was recommended by Sir Robert Rich (later Earl of Warwick, who became prominent in making land grants in New England). Argall promptly began to appropriate for himself all the movable property of the company and when he departed two years later nothing much remained.

The company treasury in London was exhausted by 1618, and £16,000, instalments on stock subscriptions, remained unpaid. Suits were begun, but with small results.

A grant of 200,000 acres on the James River, near the mouth of the Chickahominy River, was made to a group of adventurers, and on it 300 tenants were afterwards located. Other grants of large area were made, but only one such was developed by the grantee. [112]

Slaves were first brought to Virginia in 1619; and though the ship was Dutch, there was suspicion that Argall, the late governor, and his ship the "Treasurer," were concerned in the transaction. Notwithstanding all his roguery, Argall was knighted three years later.

George Yeardley, son of a poor merchant tailor, was knighted and sent to Virginia as governor in 1619 to replace the rascally Argall. In accordance with instructions, he inaugurated the first representative assembly in America, which met at Jamestown on July 30.

Grants of land in fee simple became more general and included grants to the early settlers. The assembly petitioned for a resident treasurer to collect land rents, and for rents payable in tobacco which was the currency of the country because there was no coin.

Berkeley's Hundred, 4,500 acres on the upper James River, was granted to five prominent men in England as a first dividend on their stock holdings of forty-five shares. In a feudal manner, the company held land for its absentee shareholders. The purpose was to realize profits from the labor of their tenants and from increase in land value.

When private ownership of land in fee simple became more general, Yeardley was instructed by the company to set aside land at Jamestown, Charles City (City Point), Henrico and Elizabeth City. Three thousand acres were to be for the support of the governor, 1,000 acres for the ministers, 10,000 acres for endowment of a proposed school for Indians, 1,000 acres for the master of the school, 1,200 acres for the superintendent of the company lands, 1,500 acres each to the treasurer of the company and high marshal, 500 acres each to the secretary of the company and the physician, and 300 acres to the vice-admiral.

These were set aside to be inseparable from the office held, and to assure payment of salaries. But as they were valueless without men to work on and produce from them, a certain number of tenants were assigned to each tract, at an annual rent of half the crop.

As it is not possible to develop a colony without women, the company annually for several years sent properly chaperoned marriageable women as prospective wives. To recoup the expense of transportation, each suitor to be accepted, had to pay 120 pounds of tobacco. The company offered married tenants twice the area of land that it offered unmarried men. Ninety maidens were sent in 1619 and the following year a hundred additional were sent.

Planters appealed to England to send charity youths who were a burden on the English parishes. In response, several hundred children, many of them orphans, were sent as apprentices for seven years. After the first seven years they were to become tenants for seven years, and were then each to be allowed twenty-five acres and a cow, at 6*d* land rent.

The first general clause in grants of land, in 1620, was: "To all . . . know that I, Sir George Yeardley, governor, by virtue of the great charter of Orders and Law agreed on by the treas-

urer, council and company of adventurers and planters for the first Southern colony of Virginia, according to authority granted them by his majesty under the great seal, and by them dated London, 18th day of November, 1618, and directed to myself and the council there resident, doe, with the approbation of the council, who are joined in common with me, give and grant to, etc."

After the company treasury became exhausted, it issued what were designated as "bills of adventure," at £12, 10*s* each, which was the same as the par value of the stock. These bills entitled the holder to an allotment of a hundred acres and other emoluments and, in effect, constituted a preferred stock. Many purchasers of these bills associated together in obtaining vast areas of land to be held on speculation, and for rent to others. From some such, Smith's Hundred and Martin's Hundred resulted.

Combinations of shareholders holding two hundred shares were entitled in the initial division of the land to twenty thousand acres and to twenty thousand additional acres when, and if, the first division of land was settled upon.

William Claiborne, aged thirty-eight, son of Sir Edward of Westmoreland, and afterwards prominent in Maryland in opposition to Calvert, was sent in 1621 to Virginia as surveyor to lay off land which was being granted. His compensation was £30 per annum, and house rent.

A grant of a large tract of land on the Nansemond River was made in 1621 to Edward Bennett, a wealthy London merchant, who sent a group of Puritans to Virginia. The company shares, par £12, 10*s*, were that year being offered in London at £10.

Notwithstanding that tobacco had become the all-important commodity of export, King James opposed the use of it, declaring it a "smoke weed," displeasing to him, and scandalous unto the plantation and unto the whole company.

The company granted licenses to fish in the ocean between 33° and 45° north latitude (between the Santee River in Carolina, and the eastern boundary of Maine), with the right to use land for drying nets.

The company refused to recognize that the aborigines had any right of ownership or occupancy of the land. The company agents were continually driving them from their established loca-

tions and preempting the land to distribute to holders of bills of adventure and stockholders.

Brick was being exported from Virginia to Bermuda in 1622, at 18*s* 8¼*d*—a fact which would tend to disprove that buildings in Virginia or Maryland were ever constructed of English brick. The colony exported lumber, furs and tobacco in payment for English goods brought in at high prices.

The company leased land to some tenants at an annual rental of twenty bushels of grain, sixty pounds of tobacco, and one pound of silk. In such leases three or more tenants were obliged to live together, and were each individually bound for the entire rent. Some who were sent over by associations of stockholders were obliged, after clearing the land of heavy timber, to pay a land rent of one-quarter of the product of their labor.

In the early 1620's the company and the settlers were again in fear of an attack by the Spaniards. Since there were no defenses, efforts were made to have Jamestown abandoned and a settlement and fort located in a more suitable place. The company was unable to provide for a fortification, and there were no guns or munitions. An appeal was sent to England for old firearms from the Tower of London and this was complied with.

A demand was made upon the company by the settlers that land be granted in smaller tracts to secure more concentration and closer settlement of people for defense.

The Indians, realizing from the frequent arrivals of the English that they had come to stay and would, unless prevented by starvation or force, drive the natives farther from their fishing and hunting grounds, in March 1622, armed partly with English guns, made a concerted attack on all the white settlements along the James River. As soon as possible thereafter the English made reprisals on the natives, which brought peace for many years.

Within a year after the massacre, sixteen ships, chartered by holders of bills of adventure arrived bearing eight hundred settlers, as tenants. Unpaid subscriptions of the company stock now amounted to £15,000.

Nicholas Marlier (Martin), an ancestor of George Washington, was the first grantee of the land on which Yorktown is now situated. [151]

During the first seventeen years the colony spread along both sides of the James River, almost as far as the present location of Richmond; and on the north, to the York River. The sparse settlements lacked concentration of population for defense, and the practice of granting land in large tracts to absentee holders was severely condemned after the massacre. But protests against this policy were of no avail. The apparent policy of the company was to dispose of all the land possible to appease demands of shareholders for land dividends and increase land rents, regardless of the safety of the settlers.

Factional differences, disputes, strife and slander within the company, political entanglements in England regarding the company, and the growth of popular government in Virginia, prompted King James in 1624 to force a revocation of the company charter. After a strongly waged contest in England, the Lord Chief Justice declared the charter null and void. Thereupon James appointed Sir Francis Wyatt royal governor with a council of eleven members.

Stith, a Virginia historian, contended that the charter rights of the company had not been legally annulled.

James assured the company shareholders that their vested interest in land would not in the slightest respect be infringed; that his intention was to alter the charter only as to form of government, with the preservation of the land privilege of every holder. The following year he again so assured them.

The land grantees included a great array of noblemen, guilds and bishops, including the Archbishop of Canterbury. To have revoked the land grant, which the company was attempting to monopolize while making use of only a very small area about Jamestown, would have been considered an outrage on the recently acquired vested rights of these nobles and bishops. They wanted to hold the territory for themselves and their heirs to use to exact ground rents from succeeding generations.

Maintenance of the private land privilege was subsequently confirmed by the succeeding king, Charles I. As further evidence, for a long time after revocation of the charter, shares in the company were received in payment for land.

It is roughly estimated that the proportion of shareholders who

went to Virginia to live, those who sent others as tenants or indented servants, and those who sold their shares, was about equal.

There were several ways of acquiring land. In the initial division of the land a shareholder was entitled to a hundred acres for each share held. If he placed settlers on it he was entitled to an additional hundred acres in the second division. If of record prior to the dissolution of the company, he was exempt from paying the land rent of 12*d* per fifty acres, but not if before that year he had acquired fifty acres by "transporting himself or others into Virginia at his own charge."

The Indian massacre of 1622, together with the revocation of the charter, caused abandonment of the project for a college, and the ten thousand acres of land which had been allotted for that purpose became subject to disposal by the king.

Taxes could not be levied without approval of the assembly. A tax of 2*s* per hogshead was levied on tobacco and another on indented servants and slaves. Prior to revocation of the charter, land rents were payable to the company. After that time, they were payable to designated collectors for the king; and although the king's personal revenue, they were for a while applied to local public uses.

William Claiborne, the surveyor, for defeating the Indians on the Pamunkey River in 1629, was granted a tract of land there. As a barrier against Indian raids, fifty acres were offered to each person who would locate on the outer fringe of the settlements.

The Virginia assembly in 1634 complained that Governor Calvert, although he had been in Maryland less than five months, was interrupting trade. The lords of the council in England wrote that the farmers in Virginia should enjoy their lands and trade with the same freedom and privileges as before revocation of the charter.

To the Virginia Council's protest of the grant to Calvert of the land in Maryland, all formerly included within the Virginia grant, King James gave the excuse: "There being land enough for many thousands, and work is more easily overcome by a multitude of hands and assistants." [108]

This controversy led, as an outgrowth of the Claiborne fight

for Kent Island in the Chesapeake, to a revolution in Virginia. Governor Harvey, of Virginia, abetted Governor Calvert and was seized and deported to England, but through the intercession of Cecilius Calvert was returned to Virginia.

Yearning for a close monopoly of all the land between Carolina and Long Island Sound, the respective governors of Virginia, in 1623, 1631, and 1635, sent expeditions to the Delaware to drive out the Dutch, who were supposed to be there trading with the Indians. In the second of these expeditions all the Virginians were killed by Indians, and the other two also proved futile, as shown in the chapter on the Delaware Region.

A grant of eighty thousand acres in Martin's Hundred was made in 1635 but, as usual, settlement there was sparse. A grant of eight thousand acres in Barcley Hundred was made the following year by an association of adventurers to William Tucker and associates.

Jerome Hawley, one of the councillors of Maryland, was made treasurer of Virginia. His instructions were to examine all Virginia land grants and demand thereupon a yearly rental for use of the king. [108]

Ever eager for more emoluments, although already granted all the land of Maryland, Cecilius Calvert proposed in February, 1637, that he be made Governor of Virginia, at a salary of £2,000 a year. Despite his plea that he could advance the king's service in that colony, his bid was rejected. Calvert had hoped that as governor of Virginia he could stifle the opposition which had arisen there against the granting to him from the Virginian domain, of all the land in Maryland.

Land rents of one shilling per fifty acres on land granted by the company were not to begin until seven years after the date of each grant. Actually, no serious attempts were made to collect the rents until 1637. At that time, all grantees were directed to pay rent to the king's collector either in coin, which was very scarce, or in tobacco at 3*d* per pound (the price of tobacco was later reduced to 2*d* per pound).

These land rents were almost impossible to collect for the reason that forfeiture of land could not be forced, owing to popular opposition. The office-holding class, including governors, strenu-

ously resisted breaking up speculative landholding. The seven year provision was revoked by Charles II, and the revocation was afterwards confirmed by James II since it induced speculators to take up large tracts of land and hold them out of use. A moratorium on rent was found to be injurious to the development of the colony, just as a low tax on land values is today injurious to the development of any community and state.

Large numbers of English gentry settled on the Eastern Shore; the first deed for land there was recorded in Accomac County, in 1638. [170]

English girls continued at that date to be imported into Virginia for wives for the planters. The cost of their transportation, which the planters had to pay, had declined to one hundred pounds of tobacco, selling at three pence per pound; equivalent to £1, 5*s*.

Francis Wyatt, again governor, in 1639 granted land at the direction of the king.

Richard Lee, of Shropshire, England, with seventeen indented servants, in 1640, was the first of the family to locate in Virginia. He acquired a thousand acres of land between the York and Potomac Rivers, and became the largest individual landholder of his generation in that colony.

Charles I, in October, 1643, granted letters of marque to Governor Calvert in Maryland to seize all ships belonging to Virginia. Whereupon the British Parliament, in opposition, appointed the Earl of Warwick as governor of the colonies, and commissioned eight vessels, one in command of Ingle, to transport ammunition, clothing and supplies to the Chesapeake. The following April a fight occurred on the James River near Newport News between a twelve-gun ship of the adherents of King Charles and two vessels of the parliamentary forces.

Fighting between the English set the Indians a bad example which prompted them to massacre all the settlers they could reach. In this second Indian massacre three hundred whites were killed. [108]

A treaty of peace with the Indians, two years later, provided, as did every treaty ever made between Europeans and Indians, for relinquishment of their land. The Indians were driven, in

this instance, to north of the York River, which restricted their marine food supply.

Revenue collected from rents, and from land granted by the king since revocation of the company charter was appropriated as the personal property of the reigning monarch. In 1645, however, it was ordered by the assembly that the revenue from land rents should be disbursed for such purposes as the assembly should order. Later a portion was appropriated for building William and Mary College. But diversion by the assembly of any part of the revenue for a public purpose was by sufferance only.

Appropriation of the rent of absentee-held land by the public treasury for public purposes, instead of allowing it to be privately appropriated, was a logical policy. Had this been continued through the centuries to the present time, Virginia would have a large, continuing public revenue, with a greatly reduced tax burden and, in all likelihood, no state of municipal debts. Furthermore, by this discouragement of speculation in land values industrial and social welfare would have been advanced far beyond what they are now.

About 1646, as a precaution against the aborigines, land continued to be granted at outlying points to persons who agreed to maintain an armed force for defense. Captain Thomas Rolfe, son of Pocahontas, was granted four hundred acres at Fort James on the Chickahominy River; Captain Roger Marshall six hundred acres at Fort Royal; and Captain Abram Wood six hundred acres at Fort Henry, the present site of Petersburg.

The old problem of non-payment of land rents again came before the assembly in 1648. The treasurer was given authority to levy upon the property of delinquents, but political influences were so powerful in favor of holding land for the anticipated increment that collections continued slow until the latter part of the century, when more regularity was enforced.

The great lack of geographical knowledge in the province is indicated in a pamphlet printed forty-two years after the first settlement. In it is expressed the "Hope soon to discover a way to China. The question is, how broad is the land from the head of the James River?"

In 1649 Charles I was beheaded. Charles II claimed the throne.

In 1650, while in exile, he gave two thousand acres in Virginia to one of his Scotch servants by the name of Prodger. Presumably, Prodger was to pay the usual annual land rent to the crown, beginning after the seventh year.

William Byrd, as a young man and heir of a large tract of land, located in Virginia in 1653, the first of the name in the colony. On part of his land the city of Richmond was afterwards founded.

The English law principle of primogeniture, which grants the father's land to the eldest son, was then respected in Virginia, but not altogether effectively.

In 1653, the assembly, anxious to place a military force in the Roanoke River region as a protection against Indians, offered, regardless of who owned the land, ten thousand acres in fee simple to any association of persons equipped with guns and ammunition who would settle there.

A poll tax enacted in 1657 on all men, including indented servants, was the general method of providing public revenue. The tax on these servants was a property tax payable by their owner.

It may be of interest to note that Colonel John Washington, forty-four years of age, a man of wealth and influence, the great-grandfather of George Washington, came to Virginia in 1657.

After the defeat at Worcester of the adherents of Charles II, Charles was again a fugitive, and Chief Justice St. John, head of affairs under Cromwell, caused Parliament to pass the celebrated Navigation Act of 1651 which proved so harmful to the southern colonies, and led to war between the Dutch and the British.

The act provided that all commodities to or from the English colonies in America, and even some commodities traded between the colonies, should be carried in ships built and owned in England or the colonies. Of the ships' crews, three-fourths should be English subjects. The duties imposed by the act were payable in England.

The effect was to prevent Dutch ships, theretofore important carriers to and from the colonies, from entering American ports, and cut off except through England, with duty added, the important and lucrative export of tobacco to the Dutch market.

Holland vehemently objected, and to enforce its objection, built 150 ships of war. During the following two years, these ships,

commanded by van Tromp, fought several desperate battles with the British fleet under Blake.

Upon the restoration of Charles II, in 1660, the act was made even more drastic; five different times during the next sixty-two years, additional specific commodities were added to the restricted list.

These acts, particularly hard blows to the growers of Virginia tobacco, were the incentive for developing New England shipping in illicit commerce. To evade the restrictions of the act, southern growers sent their products to New England ports, whence they were illegally shipped in fast New England vessels to Portugal and other foreign countries.

As a consequence of the act, the Dutch developed tobacco culture in Sumatra, their East India colony, in competition with Virginia, just as the artificially controlled high price of cotton in the United States in the 1930's was to induce all other countries possible to promote cotton culture and permanently compete with American growers.

Sir William Berkeley, the long-time governor, was sent to England by the colonial assembly to protest against enforcement of the navigation act. He failed to effect any change, but returned the following year with grants of land for himself. [169]

Colonel Edmund Scarborough was a leading planter and merchant on the Eastern Shore of Virginia and Maryland. As the king's collector of land rents he was an important personage in that section. Berkeley held 79,041 acres in the adjoining counties of Accomac and Northampton, and three thousand acres in the disputed territory between Virginia and Maryland. [170]

The Indians in Accomac County, on the Eastern Shore, complained that they had been deprived of their lands to such an extent that they were in straitened circumstances. [170]

Another war broke out between England and Holland in 1664, which continued three years and during which the British captured New Netherland. In the closing year of the war, a Dutch squadron of men-of-war sailed into the Chesapeake and captured twenty-six English vessels, including one man-of-war. The Dutch scuttled most of the prizes and returned to Flushing, Holland, with eleven tobacco-laden ships.

Eight years afterward, England, joined by France, warred on Holland. A Dutch fleet of nine men-of-war took two British warships in the Chesapeake, sank or captured several merchant vessels there, and proceeded to New York, which they recaptured from the British. Both these wars, which were caused by restrictions on international trade, produced economic distress in Virginia.

Not until sixty-three years after the first settlement at Jamestown had the English made any exploration beyond the Alleghenies to learn the nature of the country, or to find the much hoped for opening to the Pacific Ocean. [5]

Universal suffrage in Virginia was abandoned in 1670 when an act of assembly established a property qualification for voting. "None but freeholders, landholders and housekeepers shall hereafter have a voice in the election of burgesses." This disfranchised the majority of the people. [5]

Governor Berkeley in 1671 said: "I thank God we have no free schools nor printing, and I hope we shall not have these hundred years; for learning has brought disobedience and heresy and sects into the world, and printing has divulged them and libels against the government. God keep us from both."

Land rents, and the holding out of use, by private appropriation, of vast areas of land, were a constant cause of dissatisfaction among the settlers, as they were in all colonies. These grievances, and the hardships resulting from the navigation acts, caused a period of hard times in the 1670's, which resulted in Bacon's rebellion.

Nathaniel Bacon was a young cavalier twenty-nine years of age, a lawyer educated at Cambridge, son of an English gentleman, and member of his majesty's council in Virginia. He suddenly appeared as a leader and aroused the people of the York peninsula and contiguous country in a rebellion of the poor against the large landholders. Bacon declared: "All the power and sway is got into the hands of the rich, who, by extortionate activities, having the common people in their debt, have always curbed and oppressed them in all manner of ways."

He opposed the recent enactment of a property qualification for voting, and the poll-tax, which "taxed both rich and poor

alike," as a cruel injustice and declared that "every man should be taxed according to the tracts of land he holds."

At the head of one thousand men of Virginia and Maryland, he moved against Jamestown, burned it, and inflicted widespread damage. In due course a regiment of British soldiers arrived in Virginia to put down the rebellion.

Governor Berkeley hanged so many of the rebellious, including his appointee, Governor Drummond, of North Carolina, that King Charles, when he learned of it, exclaimed: "The old fool has hanged more men in that naked country than I have hanged for the murder of my father." The rebellion terminated the following year with the death of Bacon. Universal suffrage was restored, and some other causes of the rebellion were afterwards removed.

John Bland, a wealthy London merchant interested in the Virginia trade at the time, recognized taxation as an outstanding factor, and said: "All inequalities in taxation might be eliminated by adopting a land tax, which seems to be the most equitable tax, and will generally take off the complaint of the people, although perhaps some who hold greater proportions of land than they actually plant will not like it."

When the people of Warwick County asked that "all persons may be rated and taxed according to their land value," the king's commissioners, who were investigating the matter, replied: "That is a thing to be wished but never to be granted them, since the common usage always has been taxing by the poll." The commissioner's belief that, "whatever was good enough for grandfather is good enough for us," is one hardly conducive to social progress and welfare.

King Charles in 1684 forbade use of printing presses in Virginia, and the same year ordered that land rents be collected in coin, not tobacco. There was no coin in the colony, and the landholders petitioned the governor, Lord Howard, to be permitted to pay in tobacco.

Throughout this period, "squatting" on unused land—that is, locating on land which one neither owns nor rents, was a common practice. In course of time this brought numerous disputes as to land titles. In 1684 many such squatters petitioned that their hold-

ings be made legal. To this the king assented upon condition that the tenants pay, in coin or tobacco, an annual land rent of one shilling per hundred acres. The sheriff, who collected the rent, was to receive 10 per cent for collecting. In default of payment, the land was to revert after three years to the king.

Many grants of land had been made with the proviso that they must be settled upon within three years. Also, land in rent default for three years after the seventh year was to revert to the king. Many tracts did so revert, and were granted to others.

The assembly enacted that a person who had been for two years in occupancy of land which should have reverted to the king, but which had not reverted, could have title thereto by paying a hundred pounds of tobacco for each fifty acres, and annually thereafter the usual land rent.

The following figures are given by Bruce, [20] and quoted by Fiske, [48] as the maximum size of any land grant made to individuals during the years stated (on some the nearest occupant was often two or more miles distant):

1632	350 acres
1634	5,350 acres
1635	2,000 acres
1636	2,000 acres
1637	5,350 acres
1638	3,000 acres
1640	1,300 acres
1641	873 acres
1642	3,000 acres
1643	4,000 acres
1646	1,200 acres
1647	650 acres
1648	1,800 acres
1649	3,500 acres
1650	5,350 acres
1651–5	10,000 acres
1656–66	10,000 acres
1667–79	20,000 acres
1680–89	20,000 acres

Numerous other grants of smaller acreage were made each year.

Of £4,375 collected in land rents during the six years preceding 1692, only £1,985 were expended for public services in Virginia.

Let us revert momentarily to the defunct company. To induce increased immigration and thereby increase the company revenue from future land rents, the company, prior to 1618, announced an addition to the then existing methods of taking up land by shareholders and buyers of bills of adventure. The company would issue what was designated, "a Head Right," for each human being coming, or being brought, to Virginia. Head rights were issued not only to those coming to settle, but to whoever paid for the transportation of another person, including indented servants and Negro slaves.

These rights were exchanged by the holders for tobacco, and the tobacco grower, in turn, presented them in payment for more land; each right being accepted by the company for fifty acres, on which the annual land rent was to begin seven years after date of the deed.

But the privilege was soon abused by connivance of shipmasters bringing in indented servants and Negro slaves. Captains of arriving ships would apply for, and get, rights on all their passengers and the crew; and each one of the white passengers and crew would do likewise for themselves.

Clerks in the land office presently began to graft by issuing for a few shillings rights for fifty acres to all applicants. Colonel Ludwell, a member of the council, was entitled to 2,050 acres on forty-one head rights, but by adding a cypher to each figure on his certificate he received 20,500 acres.

As the object of the company was to dispose of land, the local agents were not particular as to the method of disposal. The more land granted, the greater the prospective revenue from land rents.

The consequence of all these head rights was that vast areas of land were granted in large plantations to tobacco growers, or to speculators whose sole object was to sell or rent it to others. Increasing population made tracts valuable before the land rent became due at the end of the seventh year.

The Beards [10] said: "The land office of Virginia was a sink of

corruption, and all the governors owed their appointments to politics and intrigue." Commenting further on the governors: "Lord Delaware, with the pomp of an Oriental potentate; Dale, hard, brutal and efficient; Argall, a petty tyrant who robbed the settlers and cheated the corporation; Yeardley, a liberal gentleman who applied himself for the most part in planting tobacco; Wyatt, during whose five years' service the colony passed from the company to the crown."

New arrivals coming to create homesteads, and indented servants wanting land at the expiration of their services, found that land along all the streams (in that densely wooded country, the only means of travel and communication) had been appropriated, either by large plantation owners, or by speculators. Shut out from temporarily rent-free land on which to apply their labor, newcomers were forced to become tenant farmers, share croppers, or laborers for others. Under these conditions head rights became less valuable.

Evidently, considerable skepticism prevailed for many years regarding the validity of land titles acquired through head rights. So uncertain were holders that requests were repeatedly made to the successive kings to confirm them. In 1625 King James I gave them his approval; two years later King Charles I, then reigning, further confirmed them; four years later he confirmed them a second time, and two years after that, confirmed them for a third time; and in 1662 Charles II confirmed them.

By the end of the seventeenth century head rights had ceased to be used, and land grants were made at the land office on payment of a fee, on land rent of 5*s* per fifty acres, payable in coin or tobacco; the rent to begin at the end of the seventh year. Head rights were never used in the "Northern Neck" region of Virginia.

Robert Beverley, a Virginia historian, wrote in 1705 of the people of Virginia as "not minding anything but to be masters of great tracts of land"—lords of vast territory. Thirty-one years later, his son, Colonel William Beverley, acquired a grant of 118,491 acres in the Shenandoah Valley.

By 1718 nearly three million acres had been granted. Great opposition was made by speculating officials and politicians to col-

lection of land rents, or the making of rent-rolls. Governor Spotswood and associates took up 85,027 acres prior to 1723. [12]

Some Germans, who squatted on land in the Shenandoah Valley and made improvements, were afterwards obliged to buy the land of a Welshman who had obtained a grant of it in 1730. Thomas Lee promoted a rapid influx of Germans into Northern Virginia and the Shenandoah Valley. Always anxious and eager to acquire land to the westward, he obtained 4,200 acres in the present Fauquier County, and several thousand acres in adjoining Loudoun County, in which Leesburg is situated. [4]

Richmond was planned in 1737. There was no public school in Virginia until 1728, no newspaper published until 1745, and few roads until 1750. With these backward social conditions, land-grabbing, land speculation and other forms of gambling, were diversions of the gentry. Virginia declared the region northwest of the Ohio River to be part of Virginia, as the county of Illinois.

Benjamin Borden, an Indian trader from New Jersey, obtained grants of 600,000 acres in the Shenandoah Valley in 1734 and 1739. In the same region, Yost Heydt, from York, Pennsylvania, was in 1749 granted 140,000 acres on which he settled a hundred German families. Title to this land was disputed by the Fairfax family for the next thirty-seven years.

James Patton petitioned the Virginia council for "200,000 acres on three branches of the Mississippi, and the waters thereof, on which I propose to settle one family for each 1,000 acres." [4] Subsequently the council granted him 100,000 acres in the Woods and Holston Rivers region in southwestern Virginia, and promised an additional 100,000 acres as soon as he had settled 100 families on this grant. The Ohio and Loyal Companies entered caveats (warnings) against Patton. [4] Such grants illustrate the lavish manner which prevailed in the giving away of large areas of land on the promise of only the most meagre use of them. Land speculation was actively promoted to the economic and social injury of continuing generations.

At the same session in which the Patton grants were put through, the council made to its president, John Robinson, a similar grant on the Greenbrier River in present West Virginia, from which he formed the Greenbrier Company. [4]

In 1754 the government in London directed that a thousand acres in Virginia be granted to settlers west of the Alleghenies, free of land rent for ten years. This was revoked nine years afterwards when settlement west of the Alleghenies was forbidden.

People of tidewater Virginia took little interest in the French and Indian War in the 1750's, because they realized the war was for the profit of a few land speculators. [1]

The Father of our Country was quite as much interested in land grabbing and speculation as were many other leading citizens. Land was plentiful, and obtainable for the asking by men of influence. They saw no harm in the practice, just as many otherwise righteous citizens of today see no harm in it. Only since population has increased, and the demand for desirable urban land for acutal use correspondingly increased, has the harm of land grabbing, in the form of slum-housing and the high price of land, become apparent to those who study the effects of it.

George Washington, in 1767, then aged thirty-five years, wrote his friend and associate, William Crawford: "Any person who neglects the present opportunity of hunting out good lands and in some measure marking and distinguishing them for their own (in order to keep others from settling them), will never regain it; if therefore you will be at the trouble of seeking out the lands, I will take it upon me the part of securing them as soon as there is a possibility of doing it . . . By this time it may be easy for you to discover that my plan is to secure a good deal of land." He advised him to carry on his operations "Snugly under pretense of hunting game." [1]

Five years later Crawford wrote Washington: "There will be no possibility of taking up such quantity of land as you want near Fort Pitt, as there is such numbers of people looking for land, and one taking each other's land from him. As soon as a man's back is turned another is on his land. The man that is strong and able to make others afraid of him seems to have the best chance as times go now."

The Virginia Council, in 1773, ordered that squatters should have preemption rights to four hundred acres of land on which they had settled, but unless the settler held a soldier's claim, he was to pay £3 per hundred acres to the land company in which some, if not all, members of the council were shareholders.

No other Virginian could rival Dr. Thomas Walker of Albermarle County, a conspicuous land speculator of the time, in his powerful connections in tidewater Virginia. Walker effectually dominated the land speculation interests of the colony. He was the active head of the Loyal Company, [1] which is treated in the chapter on Kentucky.

Most of the revenue collected from land rents in Colonial Virginia, beginning in the eighteenth century, was sent to England. £7,420 was sent in 1775. A gateway leading to the House of Parliament in London was paid for by Virginia land rents.

That part of Virginia between the Potomac and Rappahannock Rivers, from their sources to the Chesapeake Bay, designated as the Northern Neck was, during the Colonial Period, so apart from the James River region that it is here treated separately.

Charles II, while a fugitive prior to the restoration in 1660, granted all the land in the Northern Neck to: Henry Jermyn, as Lord Hopton; the Earl of St. Albans; Lord Culpepper; Lord Berkeley; Sir William Morton; Sir Dudley Wyatt and Thomas Culpepper. They were to pay Charles one-fifth of all gold and one-tenth of all silver discovered.

By 1673 some of these grantees had died, and a new grant was then made to Lord Culpepper, "one of the most cunning and covetous men in England," and Henry Bennett, Earl of Arlington, father-in-law of the king's son by Lady Castlemaine. Charles gave them for a term of thirty-one years "all the dominion of land and water, called Virginia"; they were to pay him an annual rental of 40*s*.

Culpepper and Arlington's grant gave them the right to grant land anywhere in Virginia, and to confirm former grants, to establish counties, towns, parishes, churches, schools; appoint sheriffs, ministers and other officers; establish fairs, markets, manors and manorial courts for their profit.

It included not only all unallotted land, but all land which had been long cultivated by the hard-working settlers, from whom they were to collect land rents. They might even review the title to land which had been already granted to the settlers. They rented or sold to immigrant settlers and absentee speculators portions of the unallotted domain, to their own profit.

Hopton and Arlington were two of the very few men who had collaborated with Charles in, and knew of, the iniquitous secret treaty of Dover, between Charles II, King of England, and Louis XIV, King of France. In the Dover treaty, Charles, among other things, transferred Dunkerque to Louis. A year after this grant, Arlington, who as secretary of state, had been unscrupulous and self-seeking, fell into disgrace by being impeached by the House of Commons for corruption, betrayal of trust and embezzlement. Nevertheless, Charles, ever trustful of his friends, afterwards appointed him Lord Chamberlain.

Culpepper was, by order from London, to use revenue from land rents to erect a fort on a site which he might select (although thirty-four years previously, the assembly had optimistically enacted that land rents were to be appropriated only by the assembly). The assembly petitioned the king, in 1675, to buy the Northern Neck for the colony, but this was disregarded.

Culpepper, acting through his agents, granted land in the Northern Neck at 5*s* per hundred acres up to six hundred acres, and at 10*s* in excess of that acreage. This resulted in concentration of large tracts in private ownership. One Fitzhugh held twenty thousand acres, and another speculator, Hayward, thirty thousand acres.

The grant to Culpepper created so much discontent in the colony, during the succeeding eight years, that the king revoked the right to collect the land rents. In consolation for the revocation, the British government granted to Culpepper a pension of £600 a year for twenty years, and the government ordered that hereafter no private grant for collecting land rents should be made; that they should be used solely for general purposes.

Culpepper was recalled as governor-general in 1683, and was succeeded by Lord Howard, as lieutenant-general; but the following year Charles confirmed Culpepper in the possession of all the land in the Northern Neck.

By the terms of the grant, the entire Neck region was to be put to use within twenty years, but this provision was afterwards recognized as practically impossible of fulfillment and, in 1688, it was revoked by James II, then ruling, and the entire Neck was granted to Thomas, second Lord Culpepper.

All land in the Neck not disposed of by Culpepper passed, by dower with his daughter Catherine, to Thomas, Lord Fairfax, Baron Cameron. [169]

Early in the eighteenth century Fairfax was selling land in his domain at 5*s* per hundred acres, in tracts under six hundred acres, or at half the rate of crown lands. On larger tracts the rate was 10*s* per hundred acres. [20] At the same time the governor of Virginia, regardless of the Fairfax sales, was granting land to settlers in the same region.

Fairfax came to Virginia in 1735 with an order from the king restraining the governor from making further grants. Eleven years afterwards he became a resident of Virginia, and died there in 1782, willing his land to a nephew, Rev. Denny Martin Fairfax, a British citizen. [12]

After years of building up a strong fortification of precedents and manipulating a legislature, John Marshall, Chief Justice of the United States, and his brother James, managed to get legal hold of the much-coveted Fairfax estate by a decision of his own court, handed down by an associate justice whose fraudulent Fletcher and Peck case had been decided favorably by Marshall four years previously.*

The Provincial Assembly of Virginia ordered the landholders in the Northern Neck to pay their land rents to the public treasurer, but a large sum in past due rents was paid to the Fairfax executors. [12]

The land remaining in Fairfax possession passed to Albert Kirby Fairfax, Virginia born twelfth Baron Fairfax, a citizen of England, to whom the occupants in Virginia must pay land rent.

Large landed estates were established by primogeniture and entail prior to the American Revolution, at which time Jefferson introduced a bill in the Virginia assembly to abolish entail. It was bitterly opposed and nearly defeated. [73x]

The Virginia convention, at the outbreak of the American Revolution in 1775, condemned the land policy which Governor Dunmore had announced . . . the eminent domain of the crown in American land was denied, and it was argued that the land ultimately belongs to the people, or to their local governments. [1]

*Myers, Hist. U. S. Supreme Court

In May, 1776, just prior to the Declaration of Independence, the Virginia assembly took over the crown's control of the land and the right to collect land rents. Three years later it levied taxes for the new state, in lieu of land rent, which had been collected by the crown and sent to England.

The Provincial Assembly of Virginia offered land, in 1778, at £40 per hundred acres, with no limit on the area to any one purchaser. It was estimated that this price, the 2*s* annual land rent having been abolished, was about equivalent, in the then depreciated currency, to the old colonial price of 10*s* per hundred acres. [1]

In 1784 all unallotted land in Virginia became the property of the commonwealth under the laws of escheat and forfeiture. Now the State offered land at £25 per hundred acres on the eastern waters—tidewater region—and at auction in York and Elizabeth Counties, except at Point Comfort (on which suit was to be brought for any unpaid rent).

Absentee holders of large areas of land acquired for speculation realized, after the American Revolution, that the anticipated public demand for land was not appearing. With no prospect of profit from unearned increment in land value, they abandoned much of their holdings to the Commonwealth of Virginia.

In the early days of the colony, when there appeared to be more land than would ever be used, the extravagant granting of land to be held unused on speculation seemed to be not harmful. However, as time passed, and population increased, the demand for land broadened.

Land along the streams, which were the only highways to market, having been privately appropriated and held largely unused, new arrivals, native youths, and freed indented servants were forced to locate on uneconomic locations, to the detriment of the material and social welfare of themselves and the colony.

While a condition of the grants was that they must be settled on within three years all sorts of subterfuges were practiced to circumvent that wise provision. Often it was complied with by merely erecting a shack on a large tract, or planting a few acres of corn, each to be afterwards neglected. Because so many persons of influence, including government officials, were holding

land out of use on speculation to forestall the next generation, forfeiture of such land was seldom ordered. Thus, as in our own times, nefarious practices were countenanced if backed by powerful influences.

Not until eighty-five years after the first settlement, was definite notice given that such land would be forfeited unless settled upon within three years. By that time great harm had been done to generations of native born, and of freed bond servants, who had sought, and been denied, land on which to locate and earn their living within convenient distance of the market for their produce; with the result that these were forced to become tenants of absentee landholders at rack rents, share-croppers, laborers on plantations, or shiftless whites.

Enormous importation of Negro slaves, which afforded more cheap labor, brought large profits from tobacco, for which there was a constantly increasing market. This encouraged the expansion of plantations into thousands of acres, each under one ownership.

Through wealth produced on these plantations, resulting from the land system and slavery, the large landholding families became powerful and their social life aristocratic. Sons and daughters of these families married those of other families of like station, and thus concentration of land and wealth in individual holdings went on apace.

The mere existence of indented servants, landless free men, and Negro slaves, shaped the future social and economic conditions of the commonwealth. With these elements the society became one characterized by large landed proprietors and hordes of landless people, the latter earning but a scanty living; by poverty, bad housing and human wretchedness; by large public debts, and heavy charges for the resulting poverty and crime.

Similar conditions and influences prevailed later throughout the cotton- and tobacco-plantation regions of the Southern States. Without such conditions these states would have become the homes of small landholders earning a decent living. And, what is more, the underlying cause of the war between the states would not have existed.