



1966

The Tobacco Trade Under the Stuarts, 1603-49

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**THE TOBACCO TRADE UNDER
THE STUARTS, 1603-49**

by

Patrick T. Darcy, S.J.

**A Thesis Submitted in Partial Fulfilment of
the Requirements for the Degree in
Master of Arts**

September

1966

LIFE

Patrick Thomas Darcy, S.J., was born in Chicago on March 18, 1940. He attended Visitation and St. Mary of Mount Carmel Grade Schools. From 1954 to 1958 he was a student at St. Ignatius High School. In 1958 he entered the Society of Jesus at Milford Novitiate, Milford, Ohio, where he studied the Classics. In 1962 he began his philosophical studies at West Baden College, West Baden Springs, Indiana. He completed his third year of philosophy at Bellarmine School of Theology, North Aurora, Illinois. In 1963 he received his A.B. (Philosophy) from Loyola University. He then began taking courses at Loyola towards a Master's degree in history. He taught history at Brebeuf Preparatory School, Indianapolis, Indiana, 1965-66.

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LIST OF ABBREVIATIONS

A.P.C. Col. Acts of the Privy Council of England, Colonial Series.

A.P.C. Acts of the Privy Council of England, 1613-31.

C.S.P. Col. Calendar of State Papers, Colonial Series.

C.S.P. Dom. Calendar of State Papers, Domestic Series.

Hening. The Statutes at Large: being a Collection of all the Laws of Virginia, 1619-60.

Royal Proclamations. British Royal Proclamations Relating to America, 1603-1783.

Rymer. Foedera, Conventiones, Literae et cujuscunque Generis Acta Publica

Tudor-Stuart. A Bibliography of Royal Proclamations of the Tudor and Stuart Sovereigns.

Virg. Co. Records of the Virginia Company of London, 1619-22.

INTRODUCTION

The regulation of the tobacco trade during the reigns of the early Stuarts, James I and Charles I, gives us an insight into both their manner of government and the prevailing economic system of the day. Throughout their reigns James and Charles were faced constantly with the problem of raising money so that they might live as befitted their sovereign rank.

It was not until after the fall of the Armada in 1588 that Parliament began to question the monarch concerning various policies (e.g., the prerogative of the monarch to grant certain monopolies). As will be seen, both James and Charles were accustomed to grant monopolies to individuals in return for a yearly rent which helped meet the personal expenses of the King. As early as 1604, James granted such an indenture to Thomas Lane and Philip Bold and in return received an annual rent of £2,000.¹ In return for this annual rent, Lane and Bold

¹Common Debates, 1621; I-VII, Eds. Wallace Notestein, Frances Helen Relf, Hartley Simpson (New Haven: Yale University Press, 1935) (October 23, 1604), 452.

were given a "demise... of the new impost of 6s. 8d. and the old custom of 2d. per pound on tobacco."² Thus, at the same time, the Stuarts were both freeing themselves from dependence upon Parliament and also regulating industry.³

While the Stuarts wished to be free of Parliamentary control, Parliament, especially the House of Commons, did not desire such a situation. James made it clear both by message and by word that the Parliament should refrain from debating the King's right of imposing levies upon peoples' goods exported out of or imported into the Realm. Parliament felt this was imposing upon its liberty,⁴ and it also felt that the right to impose was not just the King's right but something which also belonged to it. The tobacco trade, however, provided the Stuart Kings with needed money, and they did not want Parliament's interference.

Stuart control of tobacco also provides a basic understanding of mercantilism, which was the accepted economic and political system of that era. Any individual, merchant, producer, or consumer, was not regarded simply as an individual. Whether he lived in the realm or in one of the King's colonies, the

²C.S.P. Dom., 1603-1610 (October 19, 1604), 159.

³George Louis Beer, The Origin of the British Colonial System, 1578-1660 (New York: Peter Smith, 1933), 117.

⁴Sir J. Whitelocke, A Learned and Necessary Argument to Prove that each Subject hath a Propriety in his Goods (London: Richard Bishop, 1641), 1.

individual was considered primarily as an Englishman, and as such his main motive was the advancement of his country and of his King.⁵

The purpose of mercantilism was to make the country economically self-sufficient. To accomplish such an end, England, like the Spanish and Dutch of the time, established in the New World colonies which would provide her with necessary commodities. Such a system had a two-fold purpose and advantage: first, the products would be grown and shipped by Englishmen, and secondly, it would free England from dependence upon another country which might, at a future date, become her enemy. As we shall see, this was one of the purposes of establishing Virginia: to provide the Mother Country with a colony which would produce and import into England necessary commodities. While this was the theory, in practice Virginia was able to grow only one commodity: tobacco. This grieved both James and Charles.

The reflections sketched above are in substance the outline of this paper. In the first chapter, however, we will consider the policy of James towards the regulation of tobacco. The second chapter will discuss the important issue of how the Crown and the Virginia Colony tried to work out a solution to the tobacco controversy. The third chapter will consider Charles' regulation of and proclamations about tobacco. In the conclusion

⁵Herbert L. Osgood, ... Seventeenth Century; Vol. III: Imperial Control, Beginnings of the System of Royal Provinces (New York: The Macmillan Co., 1907), 193.

we will attempt to draw together our reflections.

CHAPTER I

JAMES I AND THE "WEED"

John Hawkins, according to tradition, was supposed to have introduced tobacco into England in the first decade of Queen Elizabeth's reign. By 1614 its use had spread so widely and rapidly that there was said to be in London alone seven thousand shops selling tobacco.⁶ Although used by both nobility and commoners, it was not looked upon with favor by James I. In his little pamphlet, A Covnter-Blaste to Tobacco, James clearly states that "surely in my opinion there cannot be a more base, and yet hurtful corruption in a Country, than is the vile use (or other abuse) of taking tobacco in this Kingdom...."⁷ While the purpose of the pamphlet was to point out the disadvantages of tobacco, he did, however, go along with the current opinion

⁶Beer, 78.

⁷James I, A Covnter-Blaste to Tobacco (Edinburgh, 1684), 9.

of the day that tobacco might be used for medicinal purposes:

It is true that those that have decaying bodies, those that are of years, and oppress with moisture and sleame, those that are subject to rhumes, and the cough, that have cold stomaches, and are inclined to the gout, or have it, or that are subject to any of the imperfections before named, for those it is a singular remedy.

Its medicinal value was the one saving feature of tobacco, which otherwise James felt was loathsome to the eye, hateful to the nose, harmful to the brain, and dangerous to the lungs.

Although James held such a strong opinion against tobacco, and his judgment merely reflected the mind of many ethicicians of his day, he still had at hand a practical problem which would force him to modify his position concerning the "loathsome weed". Shortly after he had ascended the throne in 1603 upon the death of the popular and politically astute Elizabeth I, James began to feel the pressure of a Parliament which administered money for his personal expenses. Parliament, by controlling these purse strings, had the Stuarts at its mercy. Thus arose the constant struggle, which would eventually end in the Civil War, between King and Parliament.

While disliking tobacco the King soon discovered that such a commodity might be a good means for him to gain money and at the same time to remain independent of Parliament. Thus, on October 17, 1604, James sent a commission to Thomas, Earl of

⁸"C.T.", An Advice Howv to Plant Tobacco in England, etc. (London: J. Smith, 1615), 3. Cf. Rymer, XVII (September 29, 1624), 621; Thomas Jefferson Wertenbaker, The First Americans, 1607-90 (New York: The Macmillan Co., 1929), 170.

Dorset and Lord High Treasurer of England.⁹ According to this commission, the King placed an extra customs duty of 6s. 8d. upon every pound of tobacco coming into the realm. This was in addition to the 2d. usually paid for every pound.

James' action is somewhat paradoxical, for at the very moment that he was attempting to gain more revenue, he was also discouraging traders from bringing in much tobacco. This merely reflects the basic tension expressed earlier between his dislike of tobacco and his need of money. In that same commission, James also made it clear that a stiff punishment awaited those who would dare bring in any tobacco without first paying the assigned amount of money. The culprit was to undergo both forfeiture of his tobacco and further penalties and corporal punishment befitting such high contempt for the royal command.¹⁰

Two years after his accession to the throne, James granted a patent to Sir Thomas Gates, Sir George Somers, and others to begin a colony in the New World.¹¹ The new establishment, which was called Virginia, had a two-fold purpose and importance. First, it contributed a more complete knowledge of the country. Earlier expeditions had been sent out of England, and most ended

⁹Rymer, XVI (October 17, 1604), 602.

¹⁰Ibid.

¹¹Edward Neill, Virginia Vetusta (Albany: J. Mansell and Sons, 1865) (April 10, 1606), 4.

in complete failure. Having to face many difficulties, the colonists soon discovered more about the land and sent the information back to the Mother Country. Secondly, and more important for our discussion, is the fact that the early settlers, by their constant intercourse with the Indians, had acquired a relish for the latter's favorite enjoyment of smoking tobacco. The Indians not only ascribed a thousand imaginary virtues to the "weed", but their superstition considered it as a gracious gift from the gods.¹²

Once a specimen of that commodity was introduced into England, it gained great popularity through Sir Walter Raleigh and his friends. Tobacco, which had been used earlier by Englishmen, thus received a greater impetus with the founding of England's first colony. From love of novelty and from the opinion of its salutary qualities entertained by several physicians, the practice spread so rapidly throughout England that the use of tobacco became "almost as universal as the demands of those appetites originally implanted in our nature."¹³

In 1612 the tobacco industry was given an additional uplift by John Rolfe, who has gained fame as the husband of Pocahontas. Under his guidance the systematic culture of tobacco was begun in that year and soon it executed much influence in the colony.

¹²William Robertson, The History of America, Bks. IX-X (London: A. Strahan, 1796), 25.

¹³Ibid., 26.

With time all other interests, agricultural as well as manufacturing, were subordinated to the growing of tobacco. "This influence permeated the entire social fabric of the colony, directed its laws, and was an element in all its political and religious disturbances...."¹⁴

Up to the time when Rolfe took a "professional" interest in growing tobacco, the Virginia colony had had its share of disasters and almost total ruin. Lack of food, surprise Indian raids which wiped out many of the settlers, and the colonists' own laziness helped contribute to the precarious situation existing in the colony. With the cultivation of tobacco, however, the colonists soon found the one staple that was able to be grown in great quantity, but it also needed a fertile soil and the right type of climate if a good crop were to be produced. Fortunately, Virginia had both of these important elements.

When James had issued the charter in 1606,¹⁵ his original purpose was to get from Virginia as many staple products as possible. The principle of mercantilism would be fulfilled and England would benefit because now that realm could get these products from her own countrymen rather than from foreigners.

¹⁴Robert A. Brock, "Virginia, 1606-89," Narrative and Critical History of America, ed. Justin Winsor (Boston: R. Gutteringham, 1884), 139.

¹⁵Anonymous, The Charters of the British Colonies in America (London: J. Almon, ?), 73.

This was the theory; however, the colonists found that after much trial and error the land was good chiefly for raising one staple commodity--tobacco. By 1616 tobacco had become that chief commodity of the colony and was being shipped to England in small quantities. "In 1617 the exports amounted to only 20,000 pounds, but a decade later they had increased to 500,000 pounds and were rapidly expanding."¹⁶ Nothing more could have disturbed James who foresaw a much greater destiny for the colony.

Land was needed to cultivate the crop, and so obsessed did the colonists become that it is reported they even went so far as to plant tobacco in the streets of Jamestown.¹⁷ The monarch tried time and again to get the settlers to develop something other than tobacco, but this was of no avail. What the King wanted was the setting up of sawmills and ironworks, the production of naval stores, and of such products as hemp, grain, grapes, and licorice.¹⁸

Thus, during the early years of Virginia's existence, tobacco gradually assumed a more significant role as the colony's one commodity. As was remarked earlier, James imposed an additional duty of 6s. 8d. on all tobacco imported into England. These tobacco duties were given to the farmers of the customs,

¹⁶Beer, 87.

¹⁷Robertson, 56.

¹⁸Charles Andrews, Our Earliest Colonial Settlement (New York: New York University Press, 1889), 42.

whose obligation it was to collect the taxes on all tobacco coming into the country. Practically all of the colonists importing tobacco found such a duty impossible to pay and cases such as the one of John Eldred, who refused to pay the imposts on the tobacco which he had imported, were common.¹⁹ This duty was reduced in 1608 to one shilling in the pound,²⁰ and finally on May 26, 1615, it was decided that "the imposition of two shillings upon every pound of tobacco imported into the kingdom is to come into force on June first, and not before."²¹

Immediately, the king granted to Edmund Peshall and Edward White of London the right to import tobacco for ten years, paying the King £3,500 the first year and £7,000 per annum afterwards. They had the sole power to import tobacco and to name persons for selling the same.²²

In order to give Peshall and White their patent, the King took away from the Earl of Montgomery a previous patent which had been issued to that peer. In return the Earl was given "£3,000, for twenty years, on surrender of his patent for the impost on tobacco."²³ The fact that the King took away the Earl's patent

¹⁹C.S.P. Dom., 1603-1610 (Dec. 31, 1607), 393; Beer, 109.

²⁰Beer, 109.

²¹A.P.C. Col., 1613-80 (May 26, 1615), 9.

²²C.S.P. Dom., 1611-18 (March 29, 1615), 280-281.

²³Ibid., (July 30, 1615), 299.

and gave it to two other men shows that James was desirous of getting as much money as possible from the tobacco trade. Thus, in order to obtain this aim, to get the money, James followed this principle which was expressed in the patent to Peshall and White: if the grant proved damaging to the state, six months notice would be given and the grant would cease.²⁴

In order to get more revenue, a project was proposed in December, 1613 by which the monarch would assume into his own hands the sole importation of tobacco, and then regrant it to an agent who would yield him half the profits, which were estimated at £15,000.²⁵ The project was abandoned,²⁶ but, as we shall see subsequently, it was actually to come into fruition a number of years later.

Besides the fact that much tobacco was smuggled into England without any customs duty being paid, the early tobacco trade also saw a great quantity of poorer grade tobacco being imported. This was in comparison with Spanish tobacco, which was of a far superior quality. To curb the flow of such inferior grade, James issued a proclamation on November 10, 1619,²⁷ which provided for the "garbling" of all imported tobacco, a process

²⁴C.S.P. Dom., 1611-18 (March 29, 1615), 280-281.

²⁵Ibid. (December 7, 1613), 214.

²⁶Ibid.

²⁷Tudor-Stuart (November 10, 1619), 149-150; Royal Proclamations (November 10, 1619), 15.

by which the poor-grade tobacco was removed from the better grade. In his proclamation the King pointed out that both drugs and spices were garbled, while tobacco, on the other hand, was commonly sold ungarbled. Merchants and masters of ships had concealed such tobacco without paying impost or customs duties.

A patent had already been issued on May 25, 1619 which had forbidden any person to sell tobacco until it had been reviewed and inspected by Francis Nichols, Jasper Leake, and Philip Eden and the customs and imposts duties paid.²⁸ Obviously this had not been enforced, for in the proclamation the King implied that smuggling was being practiced and also that poor-grade tobacco was being sold. In order that the tobacco might be garbled, deputies and watchmen were appointed for all ports of entry; further they had the power of search and entry, in the accomplishment of which they were to be accompanied by a constable. The King further declared that all officers were to aid those appointed, and the tobacco was to be entered in the name of the true owner only. Like so many other proclamations, however, the order of the King fell on deaf ears.²⁹

Two things can be noted from this proclamation: in the first place, James was distressed to find so much inferior-grade tobacco being imported, legally or illegally, into the country.

²⁸C.S.P. Dom. (May 25, 1619), 47.

²⁹Tudor-Stuart (Nov. 10, 1619), 149-150.

If we consider the proclamation from this point of view, then it seems as if James had the health of his people in mind when he issued his first proclamation concerning tobacco. James, however, had another problem, one which would annoy him throughout his reign. In spite of his repeated warnings and proclamations, which were the law of the land, many merchants and shippers continued to smuggle tobacco into England. Such an abuse of the King's orders was bad enough in itself; yet, James was also concerned about the amount of money the Crown lost by people not paying custom duties. The King and other English authorities immediately regarded the tobacco trade as an ideal subject for taxation, "and by far the greater number of laws and proclamations affecting and regulating the trade have grown out of the imposition of taxes, or the attempt to suppress various methods of evading them."³⁰

Not everyone, however, tried to cheat the Crown. Thomas Biggs, a surgeon by profession, petitioned the Privy Council in 1620 to pardon him for planting an acre of tobacco in Nottinghamshire. Biggs said that because his profession was being practiced by a number of ladies and gentlewomen it was necessary for him to grow some tobacco to meet his expenses. He maintained that he planted the tobacco in ignorance of the

³⁰Alfred Rive, "A Brief History of the Regulation and Taxation of Tobacco in England," William and Mary Quarterly, IX (Williamsburg: William and Mary College, Jan., 1929), 1.

King's proclamation.³¹

While Biggs was innocent, there were many who could not plead ignorance of the King's laws. Because so many of his subjects disregarded his proclamations, James in 1620 made another appeal, this time setting up a special commission concerning the garbling of tobacco. This commission, consisting of Sir William Paddy, Matthew Groyne, Simon Bourn, Richard Ashcraft, Thomas Hampson, Philip Bacon, and Edward Philips, was to set down ordinances and directions in writing "for the manner of garbling and distinguishing of the aforesaid drug called Tobacco.... whereby the goodness or badness of the said tobacco may be discerned."³²

From 1604 to 1619, therefore, James was concerned with the growth of tobacco in Virginia and with the covert, and even overt, flaunting of his decrees concerning the raising, selling, and importing of tobacco. During the next period, 1619 to 1624, he took particular interest in the situation as it developed both in England and in Virginia.

³¹C.S.P. Dom., 1619-23 (May 7, 1620), 149.

³²Rymer, XVII (April 17, 1620), 191; C.S.P. Dom., 1619-23 (April 17, 1620), 138.

CHAPTER II

CROWN AND COLONY: MERCANTILISM IN ACTION

During the period from 1619 to 1624, tobacco played an important part in the concern of the home government and the dependent Virginia colony. Importation of Virginia and Bermuda tobacco into England had risen from 2,300 pounds in 1615 to 119,981 pounds in 1619.³³ The tobacco trade would grow so rapidly that by 1631 Virginia and Bermuda would export 1,300,000 pounds of tobacco.³⁴ As will be shown, however, the fact that the overall importation of Spanish tobacco into the realm still continued to outstrip Virginia tobacco caused consternation in the minds of the colonists.

On the other hand, it will be noticed that the colonists

³³"Lord Sackville's Papers Respecting Virginia, 1613-31," American Historical Review, XXVII (April, 1922), 526.

³⁴C. M. MacInnes, The Early English Tobacco Trade (London: K. Paul Trench, 1926), 134.

pleaded for the exclusive right to import their tobacco. Their reason was sound: tobacco, since 1616, had become the chief, and, in fact, the only money-making commodity. If the colony were to survive, it would need the government's assistance. While this was true, James found it hard both to condone the growth and importation of tobacco and also to offend the Spanish king. Spain and England were at peace, an economic treaty had been reached, and the King did not wish to disturb the situation by forbidding any Spanish tobacco from entering the realm.

According to the charter granted to the Virginia Company of London by James,³⁵ any commodities being imported into England were free from payment of all customs duties. This concession to the Virginia Company was to last for seven years, 1612 to 1619. After that date the import duties were not to exceed the customary subsidy to the sum of five per cent. James, however, felt it would be wise to raise the import duty on tobacco to 12d. The council of the Virginia Company, the policy body of that organization, did not consider this a fair move since in virtue of their patent, they were to pay no more than five per cent on every pound. To pay more would mean a breach in their duty, and they felt this would create a hazard for the colony.³⁶

³⁵The Charters of the British Colonies in America, 89.

³⁶Records of the Virginia Company of London, 1619-22, ed. Susan Myra Kingsbury (Washington: Government Printing Office, 1906) (Jan. 8, 1619), 280.

After some discussion with the King on their position, the Company was able to secure an agreement with the Crown. Sir Edwin Sandys, a leader of the Company and also a member of Parliament, finally told the governing council that the King, out of love and affection for the Company, had given orders to the inhabitants of England to prohibit the planting of tobacco in the realm for the next five years. Thus, in gratitude to the King for his generosity it was proposed that during that time the Company would add 9d. upon each pound to the 3d. already demanded. In reality, then, the Company was paying the full import of 12d., but not in the same form as demanded earlier by the King.³⁷

An agreement had been reached between Crown and Company, but the Company wanted to make sure that the conditions of the arrangement were known both at that time and in the future. As a result many members of the Company Council felt that the agreement ought to be entered into the Lords Commissioners' records in order that, at the end of the five-year limit, it would be clear the Company no longer had to pay the 12d. duty. A committee was formed to see that the bargain was recorded and to procure a copy of it for the Company's files.³⁸

³⁷Virg. Co. I (January 8, 1619), 291.

³⁸Ibid. (January 12, 1619), 292.

After this first major disagreement was healed between Crown and Colony, James issued a new and third charter for the Colony. Within Virginia a change took place so that "the product of tobacco in Virginia was now equal, not only to the consumption of it in Great Britain, but could furnish some quantity for a foreign market."³⁹ Yet, in order to prevent an overproduction of tobacco, "a clause was inserted in all fresh patents of land, binding the holder to cultivate a certain amount of other commodities."⁴⁰

On December 30, 1619 James further cemented relations with the Colony by issuing a proclamation forbidding the planting of tobacco in England.⁴¹ In it he expressed the opinion that the importation of tobacco is much more to be preferred than allowing it to be grown in England. While the growth of tobacco had been forbidden near London and the immediate area surrounding it, this proclamation was now made general for a number of weighty reasons. First, the spread of tobacco was now universal, being cultivated even in the smallest villages. Previously, tobacco was used only in cities and great towns, "where riot and excess used to take place." Secondly, English tobacco was

³⁹Robertson, 59-60.

⁴⁰J.A. Doyle, English Colonies in America (New York: Macmillan Co., 1889), 162.

⁴¹Tudor-Stuart (December 30, 1619), 150; C.S.P. Dom., 1619-23 (Dec. 30, 1619), 107; Royal Proclamations, 18-21.

more harmful than the foreign-grown crop; because tobacco needs a warm climate, a poor-grade quality was being grown. Thus, the medicinal value of tobacco was also "corrupted and infected." The King went on to say, thirdly, that Virginia and the Sumer Islands were in danger of losing their trade unless some provision was made for them. Fourthly, it was better to use the soil for crops rather than for tobacco growing. The King did not want it planted in England "thereby to abuse and misemploy the Soile of this fruitfull Kingdome." Finally, the customs had been reduced. James adamantly forbade the planting and cultivating of tobacco and further ordered that all plants were to be destroyed. To obtain quick results, he ordered all officers to execute the proclamation or suffer the punishments imposed in the Star Chamber.

By this proclamation James had reached an agreement with the Company, and at the same time had protected the interests of his subjects in England. The King had stated that English-grown tobacco was more harmful due to the poor soil and the climate of the country. To back up his point, James had only to refer to an earlier report issued by the College of Physicians in the same month. In that document they state "that tobacco grown in England and Ireland is much more unwholesome than that imported from countries whence it grows naturally."⁴² Of course,

⁴²C.S.P. Dom., 1619-23 (Dec. ?, 1619), 107.

the eminent scholars of the College were only saying what delighted the ears of the monarch;

While the King and the Company were coming to their agreement, another issue flared up to add confusion to an already perplexing situation. In 1618 a grant had been given to Abraham Jacob and his son, John, to collect all impositions on tobacco.⁴³ This grant, which was given for life,⁴⁴ was renewed the following year.⁴⁵ Jacob, who thus had the right to collect all import duties, wanted to charge the company 12d. customs on every pound of tobacco. This was, according to members of the Company, double what the book of rates prescribed (6d.). Furthermore, such a customs duty would be in violation of His Majesty's patent to the colony. The upshot of the situation was a decision to draw up a petition to the Lord Commissioner of the Treasury and the appointment of Lord Warwick, the Alderman Johnson, and a Mr. Brook as a committee for representing the Company's case.⁴⁶

Until the Company agreed to pay the duties prescribed by Jacob, their newly arrived ship from Virginia, together with

⁴³C.S.P. Dom., 1611-18 (April 17, 1618), 535.

⁴⁴C.S.P. Dom., 1619-23 (September 20, 1620), 179.

⁴⁵Ibid. (March 22, 1619), 27.

⁴⁶Virg. Co. I (July 13, 1619), 245; Abstracts of the Proceedings of the Virginia Company of London, 1619-24, ed. Conway Robinson (Richmond: The Society, 1888) (July 13, 1619), 13.

its cargo of twenty thousand pounds of tobacco, would remain in custody of the customs officer. The petition, which was drawn up by the committee, was presented to the Lords of the Privy Council. The Company members hoped that the Council would show their accustomed favors towards the Virginia Plantation by preserving it from the utter ruin now threatened by Jacob's action. Furthermore, they asked the Council to uphold the King's grant and allow them to pay only those duties demanded by their contract.⁴⁷

After the company's representative, Sir Edwin Sandys, had presented the petition on December 1, the Council decided in favor of the Virginia Plantation.⁴⁸ A few days later, December 6, the Privy Council addressed a letter to Jacob in which it stated that he was required to deliver both the twenty thousand pounds of tobacco, which were presently in the customs house, and also any other quantity of tobacco, which should shortly arrive from the Sumer Islands.⁴⁹

Jacob, however, in contempt of the Privy Council's instructions, had refused to deliver the tobacco as ordered. The Company again complained and estimated a loss of about £2,500.⁵⁰

⁴⁷Abstracts of the Proceedings of the Virg. Co. (Dec. 15, 1619), 33.

⁴⁸Virg. Co. I (Dec. 1, 1619), 277.

⁴⁹A.P.C. Col., 1613-80 (Dec. 6, 1619), 28; A.P.C., 1619-21 (Dec. 6, 1619), 86-87.

⁵⁰Virg. Co. I (November 3, 1619), 258.

Finally on December 15, with Jacob and the Company court present, the Council ordered Jacob to deliver the said tobacco to the Company, owing to the fact that by their patent they were free from impositions.⁵¹

During all the excitement, the King had thought it wise to issue another proclamation concerning the viewing and sealing of all tobacco imported.⁵² In it he also restated the terms of the patent granted to Nicholas, Leake, and Eden on May 25, 1619. This again demonstrates James' solicitude for his subjects, while at the same time showing his displeasure at so much tobacco being imported illegally. Less than two months before the King had issued his proclamation, the Privy Council, in a letter to the Justices of the Peace of Middlesex,⁵³ had felt it necessary to reiterate the main points contained in James' proclamation of December 30, 1619. That decree had forbidden the planting of any tobacco in England and allowed only foreign-grown tobacco to be imported. The Council received information that gardens and yards, formerly used for planting "roots, herbes, and other necessary provisions of foode," now were being cultivated with tobacco plants. The letter goes on to say that

⁵¹Virg. Co. I (Dec. 15, 1619), 281.

⁵²C.S.P. Dom., 1619-23 (November 10, 1619), 92.

⁵³A.P.C. Col., 1613-80 (Sept. 28, 1619), 27; A.P.C., 1619-21 (Sept. 28, 1619), 34-35.

the Council felt it expedient to pass this information on to the Justices, implying that such illegal planting was going on "right under the Justices' very noses". They thus ordered them to prohibit the planting so that the soil may be reserved for such necessary use as that to which it was formerly accustomed.

This phase of the relationship between the Crown and the Company finally closed on June 29, 1620.⁵⁴ James issued a second proclamation which confirmed the previous one of December 30, 1619. Taking into consideration the great waste and consumption of wealth in his kingdom and also the endangering and impairing of his subjects' health by the inordinate use of tobacco, "a weed of no necessarie use,"⁵⁵ he again prohibited the growth of tobacco in England. Also, only those appointed by the Crown were to import tobacco, and these people were to see that all tobacco presently in store was sealed by July 10. One gets the impression of James as a "voice crying in the wilderness," for at the end of the decree he again empowers officers to help the importers search out violators and prosecute them in a court of law.

The position James took in his two proclamations of December 30, 1619 and June 29, 1620 in prohibiting the planting of tobacco in England was not accepted by everyone. During a debate in the

⁵⁴Tudor-Stuart (June 29, 1620), 152; Rymer, XVII (June 29, 1620), 233-235; C.S.P. Dom., 1619-23 (June 29, 1620), 158; Royal Proclamations, 27-31.

⁵⁵Rymer, XVII (June 29, 1620), 233.

House of Commons, Sir Edward Coke, the famed Common Lawyer, felt that such action violated the law and liberty of the King's subjects.⁵⁶ Coke was not against the wise prohibition of tobacco for a short time, but believed a perpetual restraint of planting tobacco belonged to Parliament alone.

In spite of some opposition, James' proclamations remained law. The relationship between the Crown and the Colony in 1620 was of great significance and importance because this was "the first instance of a policy that later became a characteristic feature of the English Colonial system; namely, of giving colonial products a monopoly of the English market."⁵⁷

⁵⁶Commons Debate, V (April 17, 1621), 74.

⁵⁷Beer, 114.

CHAPTER III

CROWN AND COLONY: PROBLEM OF MONOPOLIES

A second phase of the Crown-Company dispute centers on the problem of the various monopolies of the importation of tobacco. On August 21, 1619, William Budd and others were granted the monopoly to import tobacco.⁵⁸ In 1620 Sir Thomas Roe, Mr. Leate, Mr. Caning, and other merchants petitioned the Crown for the sole importation of tobacco during the next seven years.⁵⁹ The men who had petitioned for the monopoly of importation were supposed to appear before the Privy Council to answer objections as to why they should be allowed this privilege. These objections were posed by the Spanish ambassador, and by Spanish and Dutch merchants and retailers of tobacco in England. Having heard the

⁵⁸C.S.P. Dom., 1619-23 (August 21, 1619), 71.

⁵⁹A.P.C. Col., 1613-80 (April 5, 1620), 32-33; A.P.C., 1619-21 (April 5, 1620), 171.

the reasons why the petition should be honored, the Council five days later awarded the decision in favor of the merchants.⁶⁰

In July of the same year, the company court appointed a committee to draw up a petition to the King concerning the recent monopoly, which "would tend to the utter overthrow and destruction of both the plantations."⁶¹ The King answered by affirming it was never his intention to grant anything harmful to any of the plantations. As a result he allowed 55,000 pounds of tobacco to be imported by both the Virginia and the Sumer Islands Company.⁶²

However, in an extraordinary session of the Virginia Company, the court consented that the whole 55,000 pounds of tobacco, allowed to be sold in the realm by both the plantations, should be appropriated to the Sumer Islands alone.⁶³ The court felt that if the 55,000 pounds were divided between the two plantations, this would ruin the Sumer Islands, for they had no means to subsist except by the sale of their tobacco. Instead of bringing their shipment to London, the court decided to send their cargo

⁶⁰A.P.C. Col. (April 10, 1620), 33; A.P.C., 1619-21 (April 10, 1620), 175.

⁶¹Virg. Co. I, 398.

⁶²Ibid., 402.

⁶³Virg. Co. I (July 18, 1620), 406; Abstracts of the Proceedings of Virginia Company (July 18, 1620), 88-89.

of tobacco to Flushing, or to Middleborough in Holland, or to any other port to be sold.⁶⁴ Committees were set up to provide for a magazine (storehouse) and to write letters to the States for importing tobacco at the easiest rates. The colonists felt they had the right to trade with whomever they desired, for they claimed "the general privilege of Englishmen to carry their commodities to the best markets."⁶⁵ By their action, however, the colonists brought about the first major difference between the Colony and the Mother Country.

This new idea did not square with the theory of mercantilism, nor did it please the King. While a fiery debate ensued, the Privy Council acted on October 24, 1621 and cleared up the situation by restating the principles of mercantilism.⁶⁶ The Council pointed out that the Virginia Company had been given special privileges, "not doubting that the plantation would incorporate itself into the Commonwealth and be most beneficial to it." If this were to be accomplished, all commodities from the colonies should be appropriated into the kingdom and not communicated to foreign countries unless done by trade and commerce from England alone. As a result they set down a policy

⁶⁴Virg. Co. I (July 18, 1620), 406.

⁶⁵Robertson, 60.

⁶⁶A.P.C. Col. (Oct. 24, 1621), 49; A.P.C., 1621-23 (Oct. 24, 1621), 73; C.S.P. Col., 1574-1660 (Oct. 24, 1621), 26.

which foreshadowed the Navigation Acts:

Henceforth all tobacco and other commodities whatsoever to be brought and traded from the aforesaid plantation shall not be carried into any foreign parties until the same have been landed here and his Majesty's customs paid therefore.

Two years later, however, this decree was renewed by the Council.⁶⁷ Information had been given to the Lords of the Privy Council that there were violations of its order of October 24, 1621 which prohibited the transportation of tobacco to foreign ports without first being landed in England and his Majesty's customs paid. They were told that certain ships with tobacco from Virginia and the Sumer Islands had lately been conveyed into foreign ports without even landing in England. Thus, the Council reiterated its warning that anyone engaging in such illegal action would be severely prosecuted.

The years 1621 and 1622 witnessed important discussions concerning various aspects of the tobacco trade. It was felt by many people that Spanish tobacco imported into the realm was a constant drain on the country's wealth. The purchase of foreign tobacco involved the export of precious metal--and this is what James had stated in 1620.⁶⁸ Opinions differed as to what was the underlying reason for the scarcity of coin. The

⁶⁷A.P.C. Col., 1613-80 (March 4, 1623), 58; A.P.C., 1621-23 (March 4, 1623), 434-35.

⁶⁸Tudor-Stuart (June 29, 1620), 152.

Master of the Wards and Sir Edwin Sandys agreed as to the cause: Spanish tobacco importation.⁶⁹ In December, 1622 Edward Bennett wrote a treatise in which the inconveniences of importing tobacco from Spain were described. He contended that the importation of Spanish tobacco was the chief cause for the scarcity of coin and bullion in England, "£60,000 being spent yearly in its purchase and English goods fallen 20 per cent in the Spanish Market."⁷⁰ Both Bennett and Lord Cranfield, in his official report concerning the decline of trade,⁷¹ believed that the quickest remedy for such a state would be to prohibit Spanish and foreign-grown tobacco and only allow Virginia and the Sumer Islands to import the commodity. While England remained at peace with Spain, the prohibition of Spanish tobacco in England might be a possible cause for war between the two countries. Sandys, however, pointed out that the King had already prohibited pepper, a commodity of Spain, and gold thread from Venice. The leader of the Virginia Company further stated that there would be no fear of Spain prohibiting importation of English products since trade with Spain was better in time of

⁶⁹Commons Debates, 1621, V (March 13, 1621), 44; Commons Debates, 1621, V (Feb. 26, 1621), 105; Journals of the House of Commons, 1547-1628 (London: House of Commons, 1803), 552.

⁷⁰C.S.P. Dom., 1619-23 (December, 1622?), 477.

⁷¹Commons Debates, 1621, V (April 17, 1621), 73.

war than in peacetime.⁷² The debate was waged in the House of Commons, and on April 18, 1621 it was resolved that Spanish tobacco should be banished from the King's dominions;⁷³ however, the bill failed to pass the House of Lords and was killed.⁷⁴

While those who opposed Spanish tobacco did so for economic reasons, many of them and others also wanted to rid England of all tobacco. Others, however, were not so strong in their denunciation. Mr. Strowde argued that while Virginia should have for a time the benefit of importing it into the Mother Country, eventually the inhabitants of that colony should "betake themselves to husbandry."⁷⁵ In regard to Strowde's suggestion, the Governor and Council of Virginia, in a letter to the Virginia Company in England, stated that they were trying to prevent the immoderate planting of tobacco by restraining people "to one hundred plants per head."⁷⁶ On the same day that Strowde spoke in Commons, Sir Guide Palmes affirmed passionately that "tobacco undoes men in their bodies and estates, draws them to drink and to continue at it."⁷⁷ He and others like him felt that tobacco

⁷²Journals of the House of Commons (April 18, 1621), 581.

⁷³Commons Debates, 1621, V (April 18, 1621), 334.

⁷⁴Beer, 122.

⁷⁵Commons Debates, 1621, V (April 18, 1621), 76-77.

⁷⁶Journal of the House of Burgesses of Virginia, 1619-58/59, ed. H.R. McIlwaine (Richmond, ? 1815), 17.

⁷⁷Commons Debates, 1621, V (April 18, 1621), 77-78.

was nothing but a bad weed which should be pulled up by the roots.

A bill was proposed in Commons on May 3, 1621 to restrain the inordinate use of tobacco.⁷⁸ It was felt that tobacco corrupted men's minds, diminished the treasury, and was the cause of decline of trade, and of commodities, and private estates. Tobacco, it was finally determined, was to be allowed to come into the realm to benefit the Virginia and Sumer Islands Companies, but only for seven years. None should be planted in the realm because the country was cold, and such tobacco grown in England was crude and unwholesome and hindered the planting of more necessary herbs.⁷⁹

A discussion followed the reading of the bill. During the debate Sir Peter Freshwell proposed an amusing and quite logical argument--at least it must have seemed logical to Sir Peter!

Causa causae est causa causatae--Tobacco is the cause of drunkenness, drunkenness of idleness, idleness of beggery, so tobacco of beggery. But now to bar the use of Tobacco altogether I would not...Tobacco est necessary for some bodies, taken moderately.⁸⁰

Sir Peter also felt that "tobacco and ale now made inseparable in the base vulgar Sort..."⁸¹ were tending to ruin the health

⁷⁸Commons Debates, 1621, V (May 3, 1621), 136; II (May 3, 1621), 341.

⁷⁹Ibid., V (May 3, 1621), 136.

⁸⁰Ibid., III (May 3, 1621), 148.

⁸¹Journals of the House of Commons, 1547-1628 (May 3, 1621),

of Englishmen. Freshwell's argument merely reflected what many others also believed.

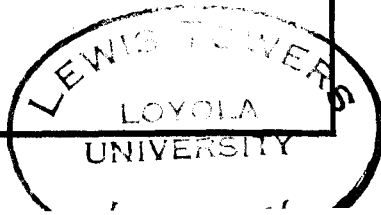
All of the arguments were not in favor of getting rid of tobacco. Naturally the farmers of the customs and those who had the right for its sole importation did not want to lose their grant and the money that came from it. The Privy Council, acknowledging a request from the undertakers for the importation of tobacco, ordered the Lord High Treasurer of England to prevent and suppress the importation and sale of tobacco other than that which was legitimately imported.⁸² Again, in August of the same year, the Council addressed itself to the Lord Mayor and aldermen of the city of London. Since many of the King's subjects still continued to disobey his proclamations, these officials were to sequester any tobacco which was illegally grown in the city.⁸³

The tobacco problem, then, as it developed between Crown and Colony, did not seem to offer a ready or ultimate solution. So far the Crown and the Colony had gone through two phases: how much customs duty the Company should pay on importing its product and the problem of various monopolies of importation which were harmful to the Colony's prosperity and very existence.

For the King the ultimate answer could be found in the

⁸²A.P.C. Col., 1613-80 (July 20, 1621), 44.

⁸³Ibid. (August 6, 1621), 44.



extermination of all tobacco and the concentration on developing substantial commodities. In 1622 there was an attempt to stop the many abuses associated with the tobacco trade. The Lord Mayor and aldermen of London received a letter from the Privy Council which wanted the names and dwelling places, together with their conditions and professions, of all those selling tobacco.⁸⁴ Such action, although not actually carried out at that time,⁸⁵ tried to curtail certain abuses by having an accurate knowledge of those selling tobacco. While some action was being taken, it must be remembered that the colony depended more and more on tobacco as the one means of survival. James had granted certain concessions which must have exasperated him, for he believed that tobacco was "of no necessary use".

The Company, on the other hand, tried to manage as best it could. Her leaders, in agreement with James' repeated admonitions, constantly stressed the importance of developing other products. It was felt that "the chief cause of all other commodities being neglected is the high price of tobacco."⁸⁶ Sir Edwin Sandys lamented that the Virginia Plantation had "not produced any other effect, then that smokie weed of tobacco."⁸⁷ The treasurer,

⁸⁴A.P.C., 1613-31 (June 5, 1622), 280.

⁸⁵"Lord Sackville's Papers...", American Historical Review, XXVII (April, 1922), 529.

⁸⁶Virg. Co. I (June 11, 1621), 480.

⁸⁷Ibid.

deputy, and others of the Company received a letter, "recommending them to breed silkworms for establishing the manufacture of silk, in preference to the cultivation of tobacco."⁸⁸ Sandys also desired the Company Court to consider how necessary it was to suppress the inordinately excessive planting of tobacco and encouraged the people of Virginia to plant staple commodities such as silk and corn.⁸⁹ Even the House of Commons had great faith that the Virginia colonists would produce staple commodities, for they had "hopes of as good silk to be made there as in Persia, because the best Mulberry Trees grow there."⁹⁰

Thus, both the King and the Company officers were in agreement concerning tobacco. However, the situation in Virginia was still inadequate. An attempted solution to the problem was offered by Lord Cranfield, the High Treasurer of England. On June 5, 1622 Sir Edwin Sandys told the assembled Council of the Virginia Company of Cranfield's proposal that the Virginia and Sumer Islands Companies should take over the contract for the sole importation of tobacco into England and Ireland. The former contractors had mismanaged the grant; more profit would accrue to the Company if it managed the contract, and of course,

⁸⁸C.S.P. Col., 1574-1660 (July 11, 1622), 31; C.S.P. Dom., 1619-23 (July 11, 1622), 422.

⁸⁹Virg. Co. I (Nov. 4, 1620), 413.

⁹⁰Journals of the House of Commons, 1547-1628 (May 16, 1621), 622.

this would be negotiated by paying His Majesty a stipulated rent.⁹¹ However, Sandys and Sir Arthur Ingram, who initially had the responsibility of considering the proposition, believed that any such rent might bankrupt the Company and ruin the Plantation. They felt it was much safer for the Company to pay the King a certain proportion in specie rather than a determined revenue in money.⁹²

Sandys told Cranfield that since the commodity was being managed by men of skill, a fourth part of the revenue would be given to the King as a fair rent. Cranfield, however, felt that nothing less than a third part would be sufficient. This was demanded because of the quantity of tobacco spent in England and the prices at which it might be sold.⁹³ Committees were then set up within the two companies to consider the various propositions of the proposed contract.⁹⁴

At an extraordinary session of the Company Council on June 29, Sandys read a report prepared by the special committee for the Lord Treasurer. Some of the highlights of their fifteen items were the following:

(1) Sole right of importing tobacco into the realm of England and Ireland was given to the Company;

⁹¹Virg. Co. II (June 5, 1622), 36.

⁹²Ibid.

⁹³Ibid., 37

⁹⁴Ibid., 38.

(2) His Majesty should inhibit by proclamation all others from importing tobacco under pain of confiscation of their holdings;

(3) Growing of tobacco in England and Ireland should be prohibited by the same proclamation;

(4) A fourth part of the tobacco that shall be imported and sold in the realm should be paid to the King yearly;

(5) The Company will make up the difference if the fourth part does not amount to £20,000;

(6) The contract should last for seven years.

Cranfield again stressed the fact that an absolute grant of a third part should be given the King. Sandys was in favor of this and did the utmost to convince the committee.⁹⁵ The King, on his part having calculated the medium of tobacco that had been imported in the last seven years, felt that he could demand nothing less than a third part.⁹⁶

By its proposals the Company was actually attempting to kill the Spanish trade in tobacco. This the government did not want to do, for a peaceful alliance existed between Spain and England, and, as we have already noted, James did not want to break it. Finally, an agreement was reached which consisted of three points. First, Spanish tobacco could be imported into the realm for the next two years. Secondly, the quantity of imported tobacco was not to exceed 60,000 pounds, nor to be less than 40,000 pounds. Thirdly, the market in Spain was to be free

⁹⁵Virg. Co. II (June 29, 1622), 58-60.

⁹⁶Ibid., 69.

as it formerly was, otherwise Spanish tobacco would be completely prohibited.⁹⁷

On July 1, the committee informed the Company of Cranfield's decision that if the Company should at any time desire to transport into any foreign port the tobacco which it could not sell at home, it would always be free from customs. Perhaps because of that gracious gesture, the Court agreed to give the King a third part of the tobacco.⁹⁸ Discussion, however, continued between Cranfield and the Company. On July 3, a vote was taken whether the contract should be adopted, and with almost unanimous consent all those exercising the ballot approved it--one person alone opposing the ratification of the contract.⁹⁹ Among the articles adopted, it was agreed that all confiscations and penalties should be divided equally among the King, the Company, and the informer.¹⁰⁰ Finally the contract was passed on November 27, 1622.¹⁰¹

The new contract was supposed to give the colonists fresh hope and encouragement and "restore the former life to the plantation."¹⁰² Instead of satisfaction, quarrelling and dis-

⁹⁷Virg. Co. II (June 29, 1622), 63.

⁹⁸Ibid. (July 1, 1622), 70.

⁹⁹Ibid. (July 3, 1622), 85.

¹⁰⁰Ibid., 87.

¹⁰¹Considerations Touching the New Contract, etc., photostated at Mass. Historical Society, July, 1923.

agreement over the contract broke out, and on April 28, 1623 it was annulled.¹⁰³ On the same day, however, the Privy Council ordered an abatement from 12d. to 9d. per pound on all tobacco belonging to the King. The companies were also accorded the sole importation of tobacco into the King's dominions.¹⁰⁴ Even this arrangement was not satisfactory, for the Company itself was dissolved the following year. Virginia then became a royal colony. The dissolution of the Virginia Company was the first step in the long process by which the Crown regained complete authority over those colonies which originally had been granted to individuals or corporations. The change, then, from chartered colonies to royal provinces brought about imperial control of colonization.¹⁰⁵ With the dissolution of the Colony Company, the colonists petitioned the King "that no tobacco contracts be entered into that would be to the disadvantage of the planters."¹⁰⁶

The tobacco problem continued to bother James until his death in 1625. The next move for the King was to assume the tobacco monopoly into his hands. Earlier we saw that this

¹⁰³A.P.C., 1621-23 (April 28, 1623), 474-75; Andrews, 49.

¹⁰⁴C.S.P. Col., 1574-1660 (April 28, 1623), 45.

¹⁰⁵Osgood, 52-53.

¹⁰⁶Andrews, 54.

had been suggested but not acted upon. In gratitude for James' solicitude, the Council of Virginia wrote to Lord President Mandeville and expressed its thanks that the King had taken the commodity to his own immediate use. It was because of that act that the members of the Council regained new hope. Thanks were given to James "for having been the greatest means to overthrow the former contracts...."¹⁰⁷

In June of 1624 James wrote to Solicitor General Heath and told him that the Virginia planters had asked consideration for their colony which seemingly could not subsist except on tobacco. The King expressed the fact that the Colony could not prosper if it relied alone on this commodity; yet, he directed Heath to draw up a contract with the Virginia planters for the importation of their tobacco. In regard to foreign tobacco, the King decided he would declare his opinion later concerning that of other countries.¹⁰⁸

Heath wrote to the Chief royal adviser, the Duke of Buckingham, a few weeks later and asked his assistance in settling the contract for Virginia tobacco, "which, if well handled, will be both honorable and handsome."¹⁰⁹ The Governor, Sir Francis Wyatt, the Council, and the Assembly of Virginia wrote to James, this time expressing their appreciation for the right

¹⁰⁷C.S.P. Col., 1574-1660 (March 30, 1623), 41.

¹⁰⁸C.S.P. Dom., 1623-24 (July 2, 1624), 290.

¹⁰⁹Ibid. (August 2, 1624), 320.

of sole importation of tobacco, "not as an end to affect that contemptible weed, but as a present means to set up staple commodities...."¹¹⁰

The colonists did have reason to show their gratitude to James, for his proclamation of September 29, 1624¹¹¹ was a very favorable gesture on his part. While pointing out his personal dislike for the plant, he explained that, due to the number of petitions he had received, the Colony would not have grown either to maturity or perfection unless tobacco planting in Virginia had been tolerated for a short time. He further stipulated that only tobacco from Virginia and the Sumer Islands could be imported and sold in England, thus excluding all foreign tobacco. This had earlier been stated in another proclamation. James reiterated another item expressed time and again: tobacco grown in England was to be plucked up and destroyed. In order that these orders would be carried out efficiently and effectively, all imported tobacco had to be landed at the London Customs Office since smuggling still continued on a large scale. Furthermore, all foreign tobacco had to be registered by October 20 for London and December 1 for the rest of the country.

A similar plea to stop tobacco smuggling was issued on

¹¹⁰C.S.P. Col., 1574-1660 (July, 1624), 66.

¹¹¹Rymer, XVII (September 29, 1624), 621-24; Proclamations on Tobacco (Sept. 29, 1624), 8; Tudor-Stuart (Sept. 29, 1624), 164; Royal Proclamations (Sept. 29, 1624), 35-41.

March 2, 1625, the last proclamation about tobacco which James promulgated before his death.¹¹² Informers who helped uncover smuggled cargoes were to receive half the value of the commodity, and the people in general were asked to keep an eye out for such smuggling and report it to the constables. Finally, if any foreign tobacco, which was forbidden in the country, was brought in, it was to be exported immediately. It was stipulated that unless tobacco was delivered to the Customs House within fourteen days after landing, it was then to be seized by the King's agents for his use.

¹¹²Tudor-Stuart (March 2, 1625), 165; Rymer, XVII (March 2, 1625), 668-672; Royal Proclamations (March 2, 1625), 42-50.

CHAPTER IV

TOBACCO REGULATION UNDER CHARLES I

On March 25, 1625 the Lords of the Privy Council received a petition from some grocers, apothecaries, and druggists who asked that they should be given a longer time to sell their tobacco recently imported from foreign countries.¹¹³ According to one of James' last proclamations (September 29, 1624), no tobacco except of the Virginia and Sumer Islands were to be imported after October 20. These merchants, however, had brought in such tobacco and had it sealed and marked, but could not sell it in the time allotted. Therefore, they were asking the Privy Council to give them a longer time to sell their tobacco or be allowed to sell it to the King's agents for the two plantations. Thus, at his accession Charles I found himself faced with the very same problems concerning tobacco which had troubled his father.

¹¹³A.P.C. Col., 1613-80 (March 25, 1625), 85; A.P.C., 1623-25 (March 25, 1625), 506-507.

One of the first acts Charles did as monarch was to issue a proclamation concerning tobacco.¹¹⁴ It had come to the King's attention that "private persons, desiring their own gain and neglecting the public interest, have boldly and secretly imported great quantities of tobacco not of the Virginia and Sumer Plantations...."¹¹⁵ Since such a practice was leading to the utter destruction of the plantation, Charles prohibited anyone, either directly or indirectly, from importing, buying, selling, or planting tobacco not of the proper colonial growth. He further ordered that by May 4 all foreign tobacco should be exported out of the realm or dominion. Anyone caught using or receiving illegal tobacco would be prosecuted in the Court of the Star Chamber.

Less than a month later, Charles followed up this decree with another proclamation on May 13,¹¹⁶ in which he showed his concern for the development of the Colony. Two other factors influenced his policy besides this concern for the Colony. First, he needed money and soon learned that Parliament would not easily grant his wishes in this matter. This can be seen from the fact

¹¹⁴Rymer, XVIII (April 9, 1625), 19; Tudor-Stuart (April 9, 1625), 167; C.S.P. Dom., 1625-26 (April 9, 1625), 7; C.S.P. Col., 1574-1660 (April 9, 1625), 72.

¹¹⁵Royal Proclamations (April 9, 1625), 50.

¹¹⁶Rymer, XVIII (May 13, 1625), 72-73; Tudor-Stuart (May 13, 1625), 168; Proclamations on Tobacco (May 13, 1625), 10.

that Parliament refused to grant the King tonnage and poundage for life. Secondly, there was much confusion over the various people who were handling the importation of the Colony's tobacco, and Charles felt that unless the management of the tobacco industry were brought into the hands of one person, it would fall apart; therefore, he assumed management of the industry, gave encouragement to the colonists, and promised to sell the tobacco at a fair price. And simultaneously emphasis was placed on keeping all foreign tobacco out of the realm. Charles felt that by taking over the Colony "there would be a uniform course of government in and through the monarchy."¹¹⁷ A Company or Corporation could be trusted with matters of trade and commerce, but was not fit or safe to communicate orders of State affairs to the colonists. In his proclamation the King further established a Council in England, consisting of a few persons "of understanding and quality" to whom he could trust the immediate cares of the affairs of the Colony. He also established a second Council, made up of Virginia colonists, which was subordinated to the London Council.

The fact that Spanish tobacco was now prohibited by Charles' proclamation greatly pleased the two plantations and was a distinct advantage for them. As we have already seen,

¹¹⁷Royal Proclamations (May 13, 1625), 53.

there were many Englishmen supporting the prohibition of Spanish tobacco by Parliament.¹¹⁸ In spite of the King's proclamation, some people in England were discovered selling Spanish tobacco in various shops and places under the name of Virginia and Bermuda tobacco. To remedy the situation, the Privy Council promised a reward to anyone discovering a fraud and a severe punishment to the offenders.¹¹⁹

In spite of Charles' insistence that Spanish tobacco be prohibited, the illegal commodity was smuggled into the country. One of the reasons why tobacco from Spain was sought by Englishmen was that many felt Spanish tobacco was of a better quality than Virginia tobacco. In a reasonable attempt to stop smuggling and appease those who preferred Spanish tobacco, the King issued another proclamation,¹²⁰ this time allowing 50,000 pounds of tobacco from Spain to be imported by royal commissioners for "Our own particular use".¹²¹ The tobacco, brought to the port of London, was to be sealed--three different seals, one for Virginia and the Sumer Islands (King's arms), another for other

¹¹⁸C.S.P. Dom., 1625-26 (April 6, 1626), 311.

¹¹⁹A.P.C. Col., 1613-80 (May 24, 1625), 89-90; A.P.C., 1613-31 (May 24, 1625), 71.

¹²⁰Tudor-Stuart (Feb. 17, 1627), 177; C.S.P. Dom. (Feb. 17, 1627), 58; C.S.P. Col., 1574-1660 (Feb. 17, 1627), 83.

¹²¹Rymer, XVIII (Feb. 17, 1627), 848-51; Royal Proclamations (Feb. 17, 1627), 57; Proclamations on Tobacco, 12-14.

English plantations (lion and crown), and a third for Spanish tobacco (broad arrow and portcullis). One hundred crowns were offered to anyone finding someone counterfeiting a seal.

Charles tried to satisfy all by taking a middle position: yet, his commands were openly disregarded. Like James Charles had to face a major problem: there were many who carried Virginia tobacco into foreign countries. Such action violated the theory of mercantilism and lessened the King's profits.¹²² The Privy Council was ordered by the King to stop ships from transporting and selling tobacco in the Low Countries. Also, since the tobacco trade had become so extensive "that Dutch as well as English ships sought the landings of the planters,"¹²³ Charles wanted an immediate halt to this illegal practice.

Both James and Charles had strictly forbidden any Englishman to plant tobacco in the realm. However, this practice still continued. On August 17, 1626 the Privy Council addressed a warrant to Edward Wiggins, who was to bring Michael Bland before the Council. Bland, who came from Lincoln, had planted so great a quantity of tobacco that it seemed not intended for medicine "but to be taken in the pipe or otherwise as foreign tobacco."¹²⁴

¹²²A.P.C. Col., 1613-80 (July 7, 1626), 103; A.P.C., 1625-26 (July 7, 1626), 61.

¹²³Neill, Virginia Carolorum, 94.

¹²⁴A.P.C., 1613-31 (August 17, 1626), 193.

Bland was supposed to be taken into custody and appear before the Council to answer any objections.

Another warrant was issued to Henry Somerscales, a gentleman of the county of Nottingham.¹²⁵ He was to go into the homes of people in Buckingham, Lincoln, York, or any city or town in England, London and Westminster excepted, to search for either English-grown tobacco or Spanish and foreign tobacco. In case anyone should be found possessing such commodities, they were to be seized and to put up a bond of £100 apiece until their appearance before the Council. William Bedo also received the same instructions to go into the county of Gloucester to find illegal English and Spanish tobacco.¹²⁶ The Privy Council sent William King to help Bedo by authorizing him "to root up and destroy all English-grown tobacco in the counties of Worcester and Gloucester."¹²⁷ Justices of the Peace were required to assist him since seventeen places in Worcester and forty places in Gloucester were known to be guilty of violating the King's laws.

While the Crown and royal officials tried to stamp out illegal practices in England, the Governor and the Virginia Council

¹²⁵A.P.C. Col., 1613-80 (Sept. 3, 1626), 110.

¹²⁶Ibid. (February 9, 1627), 113.

¹²⁷Ibid. (July 10, 1627), 115; A.P.C., 1627 (July 10, 1627), 409-410.

wrote to Charles and asked him to forbid the importation of Spanish tobacco, for "great quantities will be imported, and the market glutted, to our damage and hindrance."¹²⁸ (It will be recalled that Charles had allowed 50,000 pounds of tobacco from Spain to be imported.) The Virginia planters honestly concurred that tobacco was the only means for their support and survival. The Crown, however, still insisted upon a point made clear by James and by the Virginia Company when it controlled the Colony. The people were to apply themselves to the raising of more staple commodities than tobacco and also to plant corn. They were further ordered to plant gardens and orchards and enclose land for cattle so that the country might advance in abundance.¹²⁹ The current official pattern thus becomes evident: While the Privy Council related the King's message to the Governor and people of Virginia, at the same time it tried to suppress abuses existing in England.¹³⁰

Charles desired to work out some solution with the colonists. However, any control of the tobacco industry was in no way pleasing to the planters, for they felt "the monopoly of the tobacco trade tended to produce stagnation in business and dis-

¹²⁸Journal of the House of Burgesses, 46.

¹²⁹A.P.C. Col. (April 19, 1627), 100; A.P.C., 1625-26 (April 19, 1627), 438; C.S.P. Col., 1574-1660 (April 19, 1627), 80.

¹³⁰A.P.C. Col., 1613-80 (September 3, 1628), 110.

content...."¹³¹ In April, 1627 Governor Yeardley and the Virginia Council, writing to the Privy Council, complained about the contract given to a Mr. Anis. Among their demands, they wanted free trade, sole importation of tobacco, and exclusion of Spanish tobacco from the realm. The Commissioners were asked not to allow the Plantation to be ruined by letting it fall into the hands of avaricious and cruel men whose only desire was for their own profit.¹³² The colonists, on their part, promised "the planting of a great store of corn."¹³³

Charles, however, was still concerned that so much tobacco was being brought into the country. He, therefore, confirmed a previous order (February 17, 1627) by issuing a proclamation about the sealing of tobacco.¹³⁴ Spanish tobacco, not exceeding 50,000 pounds, was allowed to be imported into the country. In order to discover offenders and protect the innocent, Charles stated that all Virginia tobacco, which had been imported or would be imported, should be sealed to distinguish it from foreign tobacco. Anyone not complying with these orders would forfeit

¹³¹Neill, Virginia Carolorum, 27.

¹³²Ibid., 47.

¹³³Minutes of Council and General Court of Colonial Virginia, 1622-32, ed. H.R. McMillwaine (Richmond: ?, 1824), 167.

¹³⁴Tudor-Stuart (March 30, 1627), 177; Rymer, XVIII (March 30, 1627), 886; Royal Proclamations (March 30, 1627), 61-62; Proclamations on Tobacco (March 30, 1627), 14.

his cargo of tobacco.

As another means of regulating the trade, Charles had the Privy Council proclaim the quantity of tobacco which the colonists would be allowed to bring into the realm and the price they would receive for it. Neither the quantity nor the price pleased the colonists, and at the meeting in Sir John Wolstenholme's home¹³⁵ they said that both the quantity and the price were not sufficient to maintain the people in the plantation.

The King answered on August 9, 1627 and again he issued a proclamation.¹³⁶ For the most part there was nothing which had not been said previously: no tobacco was to be planted in England--English tobacco was to be plucked up; Spanish and foreign tobacco was prohibited because it was a waste of the King's wealth. He did, however, order that no tobacco would be imported from Virginia and the Sumer Islands unless it had the Great Seal. Such tobacco was to be sold to royal commissioners from whom all tobacco was to be purchased. This was done to prevent the colonists from growing tobacco to make a profit and thus neglecting to apply themselves to solid commodities. Charles was thus mainly troubled by the prevailing situation: little

¹³⁵C.S.P. Col., 1574-1660 (April 7, 1627), 83.

¹³⁶Rymer, XVIII (Aug. 9, 1627), 920-22; C.S.P. Col. (Aug. 9, 1627), 86; C.S.P. Dom. (Aug. 9, 1627), 281; Proclamations on Tobacco (Aug. 9, 1627), 18; Tudor-Stuart (Aug. 9, 1627), 179; Virginia Carolorum, 47; Royal Proclamations, 62-65.

attention was given to substantial commodities, and it could truly be said that "this plantation is wholly built upon smoke, tobacco being the only means it hath produced."¹³⁷ Instead of devoting themselves to tobacco, they should search out rich mines, plant vines, and make pitch, tar, pipe-staves, potashes, iron, and salt.

A year after Charles' warning, the Privy Council addressed an instruction to Governor John Harvey and the Virginia Council of State. Harvey was told to raise hemp and flax, to plant orchards and gardens, and to enclose land for cattle.¹³⁸ The planters, however, believed that tobacco would be the means by which they could recover new life and thus raise staple commodities--a theory which never seemed to work out in practice.

The colonists not only believed that tobacco would give them new life but would also preserve their colony from total destruction; this was constantly stressed by the Governor, Council, and planters of Virginia. Therefore, they asked the King to permit them to import yearly 500,000 pounds of tobacco into the realm.¹³⁹ If this did not satisfy His Majesty, they

¹³⁷C.S.P. Col., 1574-1660 (Nov., 1627), 86; Virginia Carolorum, 47.

¹³⁸A.P.C. Col., 1613-80 (August 6, 1628), 128.

¹³⁹Virginia Carolorum, 55; C.S.P. Col., 1574-1660 (March 26, 1628), 89.

wished to export their tobacco to other ports after having paid customs duties. After having struggled for six years under the oppression of cruel merchants, the colonists hoped that the King would recognize their petition and give them new life and enable them to raise staple commodities. As a result of their petition, Charles once more prohibited both English-grown tobacco and the importation of Spanish tobacco.¹⁴⁰ Charles also stressed that only fit persons should take care of buying and selling tobacco brought into the realm. While making this concession, Charles, through his Privy Council, warned Governor Yeardley not to allow any ship to sail directly to a foreign country without having first paid customs.¹⁴¹ Furthermore, Yeardley was to make a distinction between those who go to Virginia "to make it their country over secure and beneficial places and those who go there only to enrich themselves by a crop of tobacco."¹⁴²

Although the Governor and Council received many warnings, one should not get the impression, however, that the government of Virginia did not try to carry out the King's orders, nor that they did not believe or agree with his arguments. The fault, if any, belonged to the planters who had found a good

¹⁴⁰A.P.C. Col., 1613-80 (Dec. 21, 1628), 120-21; A.P.C., 1613-31 (Dec. 21, 1628), 193-94.

¹⁴¹A.P.C. Col., 1613-80 (August 6, 1628), 129.

¹⁴²Ibid., 130.

commodity and wanted to get as much money from it as possible. The Virginia Assembly attempted to implement the King's orders by limiting the number of tobacco plants to each planter: in March only two thousand plants were permitted per person;¹⁴³ in October, 1629 no one could plant above three thousand plants.¹⁴⁴ Inferior and bad tobacco was not to be grown, nor was such tobacco to be used for paying back debts. If such tobacco were found, the Assembly ordered it burned, and the culprit was further prohibited from growing more tobacco until the General Assembly gave him permission.¹⁴⁵

Charles was by no means satisfied with the arrangement. The colonists constantly petitioned him to allow them both to plant and to import tobacco into the realm. On January 6, 1631 he confirmed this privilege, even though he expressed his concern that tobacco would ruin the colony.¹⁴⁶ Since the bodies and manners of Englishmen were in danger of corruption and the wealth of the nation tended to be exhausted by such a useless "weed", Charles ordered a double check of all tobacco in order to prevent inferior-grade tobacco from entering the realm. When the tobacco left a colony, it was to be ordered and certified by

¹⁴³Hening (March 24, 1629), 152.

¹⁴⁴Ibid. (October 16, 1629), 141-42.

¹⁴⁵Ibid. (March 24, 1629), 152.

¹⁴⁶Proclamations on Tobacco (January 6, 1631), 17.

the governor of the place; then after its arrival in England, another inspection and sealing was to take place.

The Privy Council, working hard to enforce Charles' decrees, sent a letter to Governor Harvey in January, 1631 in which they ordered him to consider what quantity of tobacco was necessary for the support of the Colony during the coming year. Harvey was instructed to rate every planter according to this norm and not allow anyone to exceed his quota.¹⁴⁷ As an incentive to carrying out these orders, they enclosed Charles' latest proclamation, which spoke of the speedy ruin likely to befall Virginia due to the excessive concern for tobacco.¹⁴⁸ In this proclamation Charles laments that the "unlimited desire of gain and the inordinate appetite of taking tobacco has so prevailed" that tobacco is still planted in England and still imported from Brazil and Spain. Charles stated that since adventurers in the colonies and retailers and sellers of tobacco in London and Westminster have petitioned him for help, he had decided to restate again the Crown's policy of regulating tobacco: no tobacco was to be grown in England, Ireland, or Wales; no foreign tobacco was allowed unless a treaty was made between a foreign power and the King; all tobacco was to be landed at London.

¹⁴⁷C.S.P. Col., 1574-1660 (January 7, 1631), 125.

¹⁴⁸C.S.P. Col. (Jan. 6, 1631), 125; C.S.P. Dom. (Jan. 6, 1631), 475; Tudor-Stuart (Jan. 6, 1631, 192; Rymer, XIX (Jan. 6, 1631), 235-36; Royal Proclamations (Jan. 6, 1631), 68-71.

On the same day that the proclamation was issued, the Privy Council fulfilled the King's orders. In one letter to the farmers and officers of the customs, they stated that the King had placed new impositions upon tobacco.¹⁴⁹ Planters importing tobacco from St. Christopher's and the Barbadoes and other islands in those parts will pay 12d. per pound; for the importation of tobacco from Virginia and the Sumer Islands, the planters and merchants will pay 9d. per pound. The Council also ordered the Earl of Danby to see that the King's proclamation was enforced on the island of Guernsey.¹⁵⁰ Danby was to see that there all plants and herbs of English or foreign growth were to be destroyed: Guernsey was noted for its disobedience to the royal proclamations. A few years earlier, it had been necessary for Attorney-General Heath to have the Privy Council commission John Blanch to destroy tobacco grown in Guernsey and Jersey.¹⁵¹ Heath felt that the land, used for growing tobacco, was being made unfit for the planting of corn. The fact that tobacco-growing was ruining the soil had been expressed during James' reign, and Charles also asked the College of Physicians "to give their mature deliberation and certify their opinion" about tobacco which was unwholesome for men and tended to destroy the King's

¹⁴⁹C.S.P. Col., 1574-1660 (Jan. 6, 1631), 125.

¹⁵⁰C.S.P. Dom., 1625-49 (Jan. 6, 1631), 404.

¹⁵¹Ibid., 1628-30 (September 15, 1628), 329.

plantations in Virginia.¹⁵² The College again concurred with the ideas Charles had expressed in his proclamations as to the unfitness of tobacco for the soil.

We have seen that Charles laid new impositions upon tobacco in 1631. His policy tended to become stricter since there were so many violations of the law. Previous to this order, however, Charles declared two years earlier that only 3d. would be charged upon every pound of tobacco imported into England from Virginia and the Sumer Islands.¹⁵³ Even in spite of this mild tax, many still continued to violate the law. On October 31, 1629 the Lord Treasurer directed Gabriel Marsh to investigate the ship, Whelpe,¹⁵⁴ James Banford, captain of the Whelpe, and some merchants had taken aboard 400 hogsheads of tobacco with the intention of deceiving the King of his customs. Marsh, who held the office of Marshal of the Admiralty, was to seize the tobacco and other merchandise and bring Banford before the Privy Council to answer questions about his activity. In that same year,¹⁵⁵ the Mayor and aldermen of Southampton were told by the Privy Council to assist Thomas Wullfreis, collector for the port

¹⁵²A.P.C. Col., 1613-31 (Sept. 28, 1628), 131-132; A.P.C., 1628-29 (Sept. 28, 1628), 166-167.

¹⁵³C.S.P. Col., 1574-1660 (Sept. 18, 1629), 101; C.S.P. Dom., 1629-31 (Sept. 18, 1629), 59.

¹⁵⁴A.P.C., 1613-31 (October 31, 1629), 165.

¹⁵⁵Ibid. (December 4, 1629), 199.

of Southampton, in determining whether William Nichols had conveyed tobacco into the port without paying the customary duties. The Council wanted it made clear that if any persons presumed to commit the same offense their names were to be sent to the Council Board in order that further course might be taken for punishing them. Nichols was to appear before the Board to answer the charges made against him.

Thus, the Privy Council was ever watchful to catch merchants and shippers who violated the mercantile theory. Samuel Vassal, who sailed into Tilbury with a cargo of tobacco, apparently wanted to defraud the King of his customs duties. Vassal's ship was, as a result, ordered to be confiscated by Gabriel Marsh, Marshal of the Admiralty.¹⁵⁶ Vassal seems to have been mixed up in another incident involving tobacco.¹⁵⁷ John King, master of the Christopher and Mary, petitioned the Privy Council for permission to take his tobacco out of customs without paying any duties. Vassal, Peter Andrews, and other merchants had hired King to bring merchandise from Virginia; for this service King was to have received £90, but instead Vassal paid him with tobacco. Since King did not have the money to pay the customs duties on the tobacco, he was forced to leave it with the farmers of the customs, and the tobacco, in the meantime, had spoiled. Thus,

¹⁵⁶A.P.C. Col., 1613-80 (June 16, 1630), 149; A.P.C., 1630-31 (June 16, 1630), 19.

¹⁵⁷C.S.P. Dom., 1625-49 (?1631), 430.

he was asking the Council to allow him to bring his tobacco out of customs without paying any duties.

Gloucester, a county we have referred to earlier, received some prominence in 1631. It was here that the King's representative, William King, met open opposition.¹⁵⁸ King had been given a warrant by the Privy Council to determine whether tobacco was being grown in that county, and if he found any, he was to destroy it according to the norms set down by the King in his proclamations. King complained that he had received "many great affronts in divers places," and he stated that the violators were daily bringing their tobacco to London fraudulently selling it for Virginia and Bermuda tobacco. Such activity in Gloucester and in Westminster was reprimanded by the Council in a letter to the Justices of the Peace of those two counties.¹⁵⁹ Planting tobacco continued strong despite protests from the King and the Council. The King's proclamations had been unsuccessful, and "the interest in the industry was shared by powerful groups in Gloucestershire."¹⁶⁰ The fact that such illegal actions was practiced can be traced to two sources: local justices had been negligent in their duties and royal officials had actually been resisted. From such activity the logical conclusion to be

¹⁵⁸C.S.P. Dom., 1631-32 (1631?), 224.

¹⁵⁹A.P.C. Col., 1613-80 (July 24, 1631), 167-68.

¹⁶⁰MacInnes, 87.

drawn was that English tobacco at that time was popular in the country.¹⁶¹

Since there was much open resistance to the King's laws, the Privy Council in 1630 had recommended to the Justices of the Peace of Westminster a policy which the Crown would adopt later: "that there be not so many tobacco sellers suffered which are the occasion of many inconveniences."¹⁶² Because of the Gloucester affair, it gradually became clear to Charles that it was impossible for the Crown to have an adequate regulation of the industry unless the Crown knew who were the official retailers of tobacco.

The battle between those violating the law and the Crown continued strongly, and there did not seem to be a simple solution. In order to stop illegal actions, the Privy Council found it necessary, as we have already seen, to police various ports of England. Sir James Bag, Vice-Admiral of the county of Devon, was commissioned by the Council on two different occasions to stop abuses against the King's proclamations. On March 12, 1631 he was ordered to seize John Lelond's ship which docked at the port of Barnestable.¹⁶³ Charles had ordered that tobacco was to be landed only at London; Bag, therefore, was charged to bring the

¹⁶¹MacInnes, 87.

¹⁶²A.P.C., 1629-30 (May 31, 1630), 411.

¹⁶³A.P.C. Col., 1613-80 (March 12, 1631), 160-61; A.P.C., 1630-31 (March 12, 1631), 255.

ship to London and make Lelond pay the customary import duties. On another occasion Bag had to confiscate Captain Peter Andrews' ship.¹⁶⁴ Andrews was guilty on two counts: first, he brought tobacco to Plymouth, and secondly he intended to ship the tobacco to the Low Countries; this was a clear violation of the King's numerous proclamations and of mercantilism. Captain John Mennes was also ordered by the Council to detain the Christopher and Mary and the Loye because their captains had violated the King's decrees concerning tobacco.¹⁶⁵ On July 15, 1631 the Board was informed that the captain of the Jane, lying in the Thames, had tobacco on board, but he refused to allow the cargo to be brought into the King's storehouse. The Privy Council, therefore, ordered "that the said tobacco shalbe landed and brought into the said Storehouses that his Majestye's duties may be paide."¹⁶⁶

During this time the Virginia Government also had its problems in trying to restrain the inhabitants of the colony from abusing the law. The Virginia Assembly, to prevent the growing of inferior or poor tobacco, ordered that commissioners should inspect tobacco, and if any bad quality of tobacco were found, it was to be burned.¹⁶⁷ It was also stipulated that any

¹⁶⁴A.P.C. Col., 1613-80 (April 12, 1631), 161; A.P.C., 1630-31 (April 12, 1631), 291; C.S.P. Dom., 1631-32 (April 12, 1631), 7-8.

¹⁶⁵A.P.C., 1630-31 (April 14, 1631), 294.

¹⁶⁶A.P.C. Col., 1613-80 (July 15, 1631), 166.

¹⁶⁷Hening (February 1, 1632), 204; (August 21, 1633), 211.

colonist found planting poor-grade tobacco was to be forbidden to plant any more of that product. As another incentive to force planters to grow good tobacco, the Assembly passed a law which stated that anyone found growing inferior-grade tobacco could not hold any office in the colony for one year.¹⁶⁸ Governor Harvey, writing to the Privy Council in 1633, spoke with pride in relating his activities about curbing the abuses associated with the tobacco industry. He pointed out that under his administration "it has always been his care to moderate the excess of tobacco, by lessening the quantity and mending the quality and price."¹⁶⁹ He had sent to England samples of potashes which were well received. In another letter he pointed out that excessive planting of tobacco had been lessened, the effect of which was the increase of the corn crop, "ten thousand bushels having this year been sent for relief of New England."¹⁷⁰ Yet, in spite of Harvey's record, the illegal growth of bad tobacco and the illegal traffic of the commodity were continuous.

In 1633 the King took an important step in the regulation of the tobacco trade. We have already seen that he opposed it for economic reasons. Concordant with this position was his stand against tobacco on moral grounds. It is true that Charles

¹⁶⁸Hening (February 21, 1632), 165.

¹⁶⁹C.S.P. Col., 1574-1660 (February 20, 1633), 160.

¹⁷⁰Ibid. (July 14, 1634), 184.

did not have the "theological" background of his father. Yet, he was able to see the development of the tobacco industry as nothing but a disastrous corruption of men's minds, for in his opinion, and in the minds of any clear-sighted individual, one could readily perceive an equation between tobacco and corruption. All along there had been trouble with smuggling, with the mixing of inferior tobacco with better grades, and with the growing of tobacco in England contrary to the King's wishes. This was bad in itself, but gradually the type of person who sold tobacco also caused the King to conclude that tobacco was a means of spreading corruption and immorality.

The House of Commons also was disturbed with the state of affairs existing in England. They stated that tobacco was not only used by grocers, druggists, and innkeepers, but also by brothel-keepers, who made tobacco pipes their signs.¹⁷¹ They resolved to set up an office which would grant licenses for selling tobacco to respectable people. It was proposed that those taking out a license should pay 40s. for the first year and 6s. 8d. per annum afterwards.

The proposal to grant licenses to respectable persons was taken up by the King, and in his next proclamation he stated a major problem facing the management of the tobacco industry: "little care had been taken to see that those who sell tobacco

¹⁷¹C.S.P. Dom., 1633-34 (February, 1633), 479.

by retail are upright men."¹⁷² It was stated that "Victuallers, Taverners, Alehouse keepers, Tapsters, Chamberlainers, Hostlers have used tobacco as an allurement to naughtiness."¹⁷³ Although tobacco had been used for medicine, in time it came to satisfy the appetites of both men and women and "has become an access to the impairing of health and depraving of manners."¹⁷⁴ It was thus clear that reform was necessary to prevent the abuses which daily arose from ungoverned selling and retailing of tobacco.

As a result the King issued the following order: the Privy Council was to inquire from Justices of the Peace of the several counties of the kingdom and from the mayors and bailiffs of various cities and towns in what places and towns it might seem suitable to sell and retail tobacco. These officials were also to indicate how many people in each place were fit to be licensed to sell tobacco. The King's subjects were to be notified of what places were allowed to have tobacco sold and of what persons were certified by the Privy Council to sell the commodity. An added precaution was taken to make sure that no immorality or corrup-

¹⁷²Royal Proclamations (October 13, 1633), 72; C.S.P. Dom., 1633-34 (October 13, 1633), 244-45.

¹⁷³A.P.C. Col., 1613-80 (August 14, 1633), 191-92; this citation from the A.P.C. Col. attributes the proclamation to the attorney-general. However, all other sources attribute the proclamation to the King and date it October 13, 1633.

¹⁷⁴Tudor-Stuart (October 13, 1633), 198; Rymer, XIX (October 13, 1633), 474-75.

tion would be associated with tobacco:

All persons thus authorized are expressly forbidden to keep any tavern, alehouse, or victualling house, or otherwise to sell any distilled or hot water, wine, ale, beer, or cider in their houses so long as they shall be permitted to sell tobacco by retail...¹⁷⁵

The action Charles took in 1633 to regulate tobacco was continued the following year. In 1634 he appointed five men, Sir Henry Spiller, Sir Abraham Dawes, Laurence Whitaker, Edward Ayscough, and Lawrence Lownes, as commissioners "to inquire after and prosecute offenders against his father's and his proclamations."¹⁷⁶ Charles renewed this commission two years later;¹⁷⁷ among their duties they were to see that no tobacco was imported illegally and no tobacco was grown in England. The commissioners went about their business and reported to the Privy Council, which had charge of issuing licenses for selling tobacco, that there were 109 persons in various counties in England who had refused to appear at their summons and continued to retail tobacco without any license.¹⁷⁸

On March 13, 1634 Charles declared he wanted to have a more accurate account of those selling tobacco by retail and where

¹⁷⁵A.P.C. Col., 1613-80 (August 14, 1633), 191-92.

¹⁷⁶C.S.P. Dom., 1634-35 (March 11, 1634), 573.

¹⁷⁷Ibid., 1635-36 (April 21, 1636), 377-78.

¹⁷⁸Ibid., 1633-34 (March, 1634), 534.

they were selling that product.¹⁷⁹ Charles' main concern for issuing the proclamation was that with such knowledge he would be able to determine the quantity of tobacco which yearly should be imported into the country. He also warned that those selling tobacco without a license would be fined and part of their fine would go to those informing the Privy Council of the offenders. A few months later, another proclamation was issued;¹⁸⁰ this time the King officially designated the "Customehouse Key", situated in the city of London, as the only port where tobacco could be landed. Tobacco, which was landed elsewhere, was to be confiscated and brought to London, its owners arrested, and the duties paid at London. The fact that tobacco could be landed only at London was a possible remedy for smuggling, falsifying material, and mingling good-grade tobacco with poor-grade.¹⁸¹ The king furthermore stressed a point he had repeatedly stated: the planting of tobacco in England was forbidden. Two reasons were given for such action: tobacco, which was grown in a northern and moist climate, was unwholesome for men's bodies, and it also

¹⁷⁹Royal Proclamations (March 13, 1634), 74-75; C.S.P. Dom., 1633-34 (March 13, 1634), 500; Tudor-Stuart (March 13, 1634), 199; Rymer, XIX (March 13, 1634), 522.

¹⁸⁰Royal Proclamations (May 19, 1634), 75-78; C.S.P. Dom., 1634-35 (May 19, 1634), 30; Tudor-Stuart (May 19, 1634), 200.

¹⁸¹Rymer, XIX (May 19, 1634), 553.

left fertile ground less fruitful for planting other worthwhile commodities such as corn and herbs. It has been pointed out, however, that in the opinion of modern agricultural experts such a charge is unfounded. "Tobacco like any other crop, if continually planted in the same place, will exhaust the soil, if nothing is done to replace the properties which it absorbs."¹⁸²

We have seen that the job of carrying out the King's orders went to the Privy Council, which in turn issued warrants to various men throughout the realm to bring all offenders of the law to justice. All Justices of the Peace were given an open warrant to aid William King "to cause to be rooted up and utterly destroyed" all English tobacco.¹⁸³ It would seem as if the local justices were not adequately fulfilling the King's orders. On June 24, 1634 King, while investigating the county of Gloucester, found many people growing tobacco contrary to Charles' numerous decrees against such activity.¹⁸⁴ The Justices of the Peace were ordered by the Council to see that such illegal tobacco was destroyed; for, very evidently, such illegal practices were very prominent in Gloucester. The people violently resisted King's commands, and the inhabitants of the town of Winchcombe threatened

¹⁸²MacInnes, 88.

¹⁸³A.P.C. Col., 1613-80 (June 7, 1634), 202.

¹⁸⁴Ibid. (June 24, 1634), 202.

"that they will not allow their tobacco to be destroyed."¹⁸⁵ The situation became very serious in 1638 when riots broke out in Gloucester because the people did not want their tobacco destroyed. The fact that the people continued to resist royal authority can be traced to the local justices who seem to have been remiss in their jobs.¹⁸⁶

While officials tried to stop illegal planting of tobacco, another problem continued to cause trouble for the Privy Council. A constant headache for them was to stop merchants from transporting their cargoes of tobacco to foreign countries without paying import duties. As a means of preventing this practice, the Council ordered that "the master, owner, or owners of any ships bound for the plantations shall before his departure give bond to return direct to the Port of London, and there unload his whole freight of tobacco."¹⁸⁷ The Governor of Virginia was warned to keep a watch-out for strangers trading with Virginia colonists and for English colonists selling tobacco directly to the Dutch.¹⁸⁸ In 1637 George Lord Goring, who was appointed one of the farmers of the customs, complained that ship captains were freely taking their ships "for Hamburg and the Low Coun-

¹⁸⁵A.P.C. Col., 1613-80 (July 10, 1635), 208.

¹⁸⁶Ibid. (June 27, 1638), 232.

¹⁸⁷Ibid. (July 2, 1634), 202.

¹⁸⁸Ibid. (July 14, 1634), 203.

tries."¹⁸⁹ Besides that the King was losing money, Goring also stood to lose a considerable amount of money by such practices. He singled out Thomas Irish, master of the Falcon, who asked directions from merchants as to what was the best route to the Low Countries.

Besides being a farmer of the customs, Lord Goring was also appointed one of the commissioners for the granting of licenses to sell tobacco.¹⁹⁰ The commission, which was given to Goring on March 16, 1637, stated that the King had received complaints from those licensed to sell tobacco "that there were many unlicensed persons who unlawfully sold tobacco in the realm." This was seen as a great hindrance to those who had been granted patents because they were unable to pay rent for their license since so much tobacco was being sold by unlicensed persons.

The Justices of the Peace of Middlesex were asked by Jeremy Turpin and other patentees in that county to arrest "the great number of unlicensed tradesmen" who were selling tobacco in the parish of St. Giles'-in-the-Fields.¹⁹¹ Turpin asked that the guilty persons either get a patent or be jailed "unless they give bond for their obedience de futuro." It was the office of the commission, of which Goring was a member, to call before

¹⁸⁹C.S.P. Dom., 1637 (October 23, 1637), 494.

¹⁹⁰Rymer, XX (March 16, 1637), 116-118.

¹⁹¹C.S.P. Dom., 1634-35 (June 30, 1634), 98.

them any person selling tobacco unlawfully. They were to determine what quantity of tobacco had been sold by these people and to inquire whether any innkeepers or alehouse keepers had sold tobacco contrary to the King's proclamations. To carry out their job, the commissioners had to review complaints of patentees whose income was being hurt by unlicensed persons. In their investigations throughout the realm, they found a number of people who fitted into this category; for instance, Edward Grigge had for more than three years sold tobacco in London without a license.¹⁹² Grigge was to pay a fine of £5, but he departed from London and continued to sell tobacco. On another occasion the commissioners ordered William Hide and William Stubbs, both of Surrey, to appear before them, but they also departed without submitting to the demands of the commissioners.¹⁹³ Another incident shows that the people openly refused to obey the commissioners.¹⁹⁴ The commissioners complained that twenty-two persons in Middlesex, Essex, Surrey, and Bucks not only refused to obey them, but also used "many reproachful speeches against us and say the Council will do nothing against them."

While the common, ordinary citizen, who had a patent to sell tobacco, was hurt by unlicensed persons, it was clear that

¹⁹²C.S.P. Dom., 1637-38 (April 26, 1638), 381.

¹⁹³Ibid., 1638-39 (December 10, 1638), 160.

¹⁹⁴Ibid., 1639 (May 23, 1639), 212-13.

Charles would also lose much revenue. The licensing of tobacco retailers was designed to control excessive tobacco selling and to provide the King with needed money, which would not be gotten from Parliament. In the year 1635, Charles received about £17,000 from people taking out licenses to sell tobacco.¹⁹⁵ Thus, unless the commissioners curbed the illegal selling of tobacco in England, the King would not get an adequate amount of revenue.

The King, while he dealt with the tobacco problem at home, did not forget about the problems Virginia was facing in regard to the tobacco trade. As we have already pointed out, his desire was to have Virginia produce worthwhile commodities. As a result he instructed the King and Council of Virginia to restrain the excessive planting of tobacco.¹⁹⁶ He ordered them to plant only 1,200,000 pounds of tobacco during the coming two years in order to advance the price of the commodity. The Virginia Assembly also tried to increase the value of tobacco by limiting the quantity produced; they stipulated that all rotten and half the good tobacco was to be destroyed.¹⁹⁷ Sir Francis Wyatt, Governor of the Colony, however, defended himself, for since his arrival in the Colony, he declared he was wholly taken up with the regulation of tobacco. He felt that "though the physic seems sharp yet I hope it will bring the body of the colony to a

¹⁹⁵C.S.P. Dom., 1635 (June 30, 1635), 160-61.

¹⁹⁶C.S.P. Col., 1574-1660 (?1639), 115.

¹⁹⁷Hening (January 6, 1639), 224-45.

sounder constitution of health than it ever enjoyed before."¹⁹⁸

Charles was pleased with Wyatt's work, but he was not satisfied with the co-operation given to the commissioners and farmers of the customs by his subjects. Thus, the King issued a proclamation on March 14, 1638 in which he summarized the problems which the tobacco trade had brought about.¹⁹⁹ Because of the constant violations of his laws, he was going to regulate the planting of tobacco in the plantations and limit the quantity to be imported into the Kingdom. Charles did not want tobacco mixed "with rotten fruit, the stalks of tobacco, or any other bad or corrupt ingredient."

The farmers of the customs petitioned Charles in 1639 to allow tobacco to be landed at Plymouth, Dartmouth, Bristol, and Southampton.²⁰⁰ Because London was the only designated port of importation, the farmers felt that ship captains, instead of giving excuses why they could not land their cargoes at London, would co-operate with them if they were allowed to import their tobacco elsewhere. The permission was granted in the hope that the merchants and captains would be more honest. In spite of this liberal policy, violations continued and Charles was forced

¹⁹⁸C.S.P. Col., 1574-1660 (March 25, 1640), 310.

¹⁹⁹Royal Proclamations (March 14, 1638), 82-87; Tudor-Stuart (March 14, 1638), 213.

²⁰⁰A.P.C. Col., 1613-80 (February 17, 1639), 249-250

to revert to his previous policy: London was officially the only port of entry for tobacco.²⁰¹ In this proclamation he pointed out that no one, either directly or indirectly, could sell tobacco without first getting a special license. Although he was considering the welfare and health of his subjects, they, nevertheless, refused to follow his commands. This last proclamation was a fitting climax, for Charles never was able adequately to regulate the tobacco trade, and at the same time, persuade the Virginia colonists to produce staple commodities.

²⁰¹Royal Proclamations (March 25, 1639), 88-89; Tudor-Stuart (March 25, 1639), 218.

CONCLUSION

Our study of the tobacco industry has been considered in light of the economic system of the day, mercantilism. As was pointed out, this theory emphasized the dependence and subordination of the colonies to the Mother Country. It would seem that the tobacco trade has to be viewed in this context if the study is not to be merely a chronicle of the various proclamations issued by James and Charles.

This study of the tobacco trade highlights a very interesting discussion concerning whether the interests of the King or of the realm were in the forefront of the decrees which the sovereigns issued. In other words, was the regulation of the tobacco industry fulfilling a personal need of the King (e.g., the need of money) or were the interests of the whole realm considered and the various proclamations a response to those interests. The Divine Right theory, which both James and Charles held, would in some way substantiate the claim that the King was only considering his own needs in the regulation of the trade. However, James did point out on one occasion that if the impor-

tation of tobacco proved harmful to the state, he would annul the contract. Likewise, the theory of mercantilism identified the interests of the King with the good of the whole realm.

The answer to this difficult problem seems to be in medias res. The tobacco industry shows that the King identified himself with the realm, so that we today should look upon the regulation of tobacco as being in the interest of both the King and the realm. The King was certainly aware of what would benefit his own person, and we think at the same time he also considered what would be best for the country-at-large: for example, the health of his subjects, his desire not to get England involved in war with Spain.

As we have seen, James and Charles were unsuccessful in controlling the tobacco trade. Both monarchs exhorted the colonists to produce other commodities besides tobacco. However, the Virginia planters constantly asserted they were trying to grow other products, but that it was necessary for them to export tobacco if the Colony were to survive. Thus, the colonists came to depend upon the King to be protected against the importation of Spanish tobacco into England and the growing of tobacco by Englishmen.²⁰²

In conclusion it should be said that the tobacco industry was in itself an important aspect of the English economy at the

²⁰²Doyle, 193.

time. The various regulations of the industry set a precedent for future enactments of both the Crown and the Parliament. For example, consider our discussion of the compromise made in 1620 concerning the monopoly of tobacco and the order of the Privy Council of October 24, 1621 concerning the landing of products first in England before they were sent to another country. The importance of tobacco can be seen in the continuous and violent opposition James and Charles received. Tobacco gained prominence not only with the Virginia planters but also with Englishmen who found a profitable business in growing and selling the commodity--even though they did this illegally. Much of this opposition was due to the fact that the realm was too large to be policed adequately; however, another reason for the opposition was active participation of royal official sin smuggling and their failure to bring guilty persons to justice.²⁰³ Finally, it should be noted that the opposition Charles received from his subjects in Gloucester was only a preview of the wider struggle which would break out later.

²⁰³C.S.P. Dom., 1638-39 (October 17, 1638), 58; MacInnes, 93.

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APPROVAL SHEET

The thesis submitted by Patrick T. Darcy, S.J. has been read and approved by the director of the thesis. Furthermore, the final copies have been examined by the director of the thesis and the signature which appears below verifies the fact that any necessary changes have been incorporated, and that the thesis is now given final approval with reference to content, form, and mechanical accuracy.

The thesis is therefore accepted in partial fulfillment of the requirements for the Degree of Master of Arts.

December 24, 1966

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