

THE IMMIGRATION POLICIES OF COLONIAL MASSACHUSETTS  
PENNSYLVANIA AND VIRGINIA

BY

EDNA CORNELIA KAROW

A THESIS SUBMITTED FOR THE DEGREE OF  
MASTER OF ARTS

UNIVERSITY OF WISCONSIN

1922

410169

JUL 30 1934

AWM

K1476

TABLE OF CONTENTS

Chapter I. Massachusetts. . . . .	1
Encouragement to immigrants	
Early period of immigration	
Immigration after 1691	
French Huguenots	
Scotch Irish	
Germans	
Control of Immigration by towns	
Problem of Acadians	
Restrictive legislation	
Fugers, negroes, quarantine.	
Chapter II. Pennsylvania. . . . .	36
Inducements to immigrants	
Immigrations	
Germans and Scotch-Irish	
Act of 1729	
Laws against Catholics	
French Huguenots	
Restrictions on negroes and Indians, quarantine.	
Chapter III. Virginia. . . . .	55
The Virginia Company	
Indentured servitude	
Legislation against negroes	
Encouragement to settlers	

Germans, Scotch-Irish, French Huguenots

Duties on negroes

Measures against quakers and Catholics

Quarantine

Chapter IV. Conclusion. . . . . 70

## BIBLIOGRAPHY

### (1) General Accounts

Holmes, Abiel. The Annals of America. 2 vols. Cambridge, 1829

### (2) Special Accounts

Baird, Charles W. History of the Huguenot Emigration to America. 2 vols. New York, 1885

Ballagh, James Curtis. "White Servitude in the Colony of Virginia," in Johns Hopkins University Studies, XIII (1895)

Faust, Albert B. The German Element in the United States. 2 vols. Boston and New York, 1909

Ford, Henry Jones. The Scotch-Irish in America. Princeton, N. J., 1915

Fosdick, Lucian J. The French Blood in America. New York, 1906

Hanna, Charles A. The Scotch-Irish. 2 vols. New York, 1902

Mauduit, Israel. A Short View of the History of the Colony of Massachusetts Bay, with respect to their Charters and Constitutions. London, 1774

Penn, William. The Rise and Progress of the People Called Quakers. Philadelphia, 1876

Proper, Emberson Edward. "Colonial Immigration Laws," in Columbia University Studies in History, XII (1900)

Reid, Whitelaw. The Scot in America, and the Ulster Scot. London, 1911

### (3) Documents

Acts of the Privy Council. Colonial Series. 1613 - 1783  
6 vols.

Acts and Resolves of the Province of Massachusetts Bay.  
20 vols.

The Statutes at Large of Pennsylvania, 1682 - 1801.  
18 vols.

The Statutes at Large of Virginia. Ed. by W. W. Hening.  
13 vols.

Votes and Proceedings of the House of Representatives of  
the Province of Pennsylvania. 6 vols.

THE IMMIGRATION POLICIES OF COLONIAL MASSACHUSETTS,  
PENNSYLVANIA, AND VIRGINIA

CHAPTER I

Massachusetts

Charles I stated in his Letters Patents to the Massachusetts Bay Company in 1629 that the progress of religion, good order, and the conversion of the Indians should be the prime objects of the colony which was about to be established.<sup>1</sup> It was assumed by the Puritans, the founders of the colony, that liberty of conscience in religion was assured only to them. They desired a place of their own where they might have a church based on tenets which they believed to be right. When William and Mary came to the throne a new charter was granted to the Massachusetts Bay Colony in 1691 which granted religious toleration except to Roman Catholics. "For the greater ease and encouragement of Our Loveing Subjects Inhabiting our said Province or Territory of the Massachusetts Bay and of such as shall come to Inhabit there Wee doe by these presents for us Our heires and Successors Grant Establish and Ordaine that for ever hereafter there shall be a liberty of Conscience allowed in the Worshipp of God to all Christians (Except Papists) Inhabiting or which

<sup>1</sup> Acts and Resolves of the Province of Massachusetts Bay,  
I, p. 16.

shall Inhabit or be Resident within our said Province or Territory."<sup>2</sup> "All Libertyes and Immunities of Free and naturall Subjects" of England were guaranteed to persons born in New England and all who went and inhabited New England. Among these "Libertyes and Immunities" was the right of franchise, which was based on property qualifications of a freehold valued at forty shillings a year as a minimum, or other estate to the value of forty pounds sterling.<sup>3</sup>

The prospect of obtaining land was the chief encouragement to settlers to come to New England. The charter of 1691 provided that the General Court of Massachusetts had the power to grant land in Massachusetts, Plymouth, or the province of Maine as they had done by virtue of any former charter or Letters Patent, "which grants of lands within the Bounds aforesaid Wee doe hereby Will and ordaine to be and continue for ever of full force and effect without our further Approbation or Consent."<sup>4</sup>

To make these land grants attractive special facilities for surveying and plotting, and security and guarantee of title were granted not only in Massachusetts but in the other colonies as well. The General Court passed an act in 1692 for the quieting of possessions and settling of titles. The purpose of this act was to prevent contests and law-suits referring to

<sup>2</sup> Acts and Resolves, I, p. 14

<sup>3</sup> Ibid., I, pp. 11-12, 14

<sup>4</sup> Ibid., I, p. 17

housing and lands. In the infancy of the colonies, the people were not careful about observing legal methods in the confirmation of sales. In 1657 it had been enacted that five years quiet possession of land was necessary to secure a title to the land. The act of 1692 sought to change the term to three years, but the Privy Council objected because it considered the term too short, and there was no clause in the act recognizing the rights of the Crown; so the act was disallowed in 1695. It was suggested, however, that a new act including these changes be drawn up, and in 1697 the legislature acted accordingly.<sup>5</sup>

Immigration to New England started in 1620, but it did not reach any great numbers until the period from 1629 to 1640 when Charles I sought to rule without Parliament. In this interval the King was ably supported by the English Church in his designs. William Laud was appointed Archbishop of Canterbury in 1633, and he adopted a policy of vigorous persecution of all dissenters from the Established Church. The rulers of the Irish Church under official pressure of Thomas Wentworth, the Lord Deputy of Ireland, adopted the same policy as their English brethren. Besides religious persecution there was economic oppression. The people were forced to loan money or pay taxes to pay for the King's wars and all other expenses of the government. As a result about 21,200 persons immigrated to New England in the years 1620 to 1640. In 1640, when Charles was

<sup>5</sup> Emberson, Edward Proper, "Colonial Immigration Laws," in Columbia University Studies in History, XII, pp. 12-13; Acts and Resolves, I, pp. 41-42, 299-301



forced to call Parliament again, this immigration almost ceased, because the oppression by the despotic king was removed.<sup>6</sup>

In the period before the union of Plymouth colony and the province of Maine with the Massachusetts Bay Colony in 1691 religion was a prime factor in the life of the colony and determined the policy of immigration of Massachusetts. Religious freedom did not exist. Persons who were not members of the recognized church of Massachusetts might live in the colony without enjoying political rights, such as the right of franchise and holding of office, on condition that they paid their share of the taxes for the support of the ministers, and that they did nothing to resist or bring into discredit the Puritan form of worship and system of government.<sup>7</sup>

In 1647 the legislature passed an act against Jesuits. In 1656 the first Quakers appeared in New England. Because of the peculiar doctrine of non-resistance to evil which made the Quakers refuse to take up arms and participate in war, whether defensive or offensive, the General Court considered them hostile both to civil and ecclesiastical order. Consequently a sentence of banishment was imposed on twelve Quakers, the whole

<sup>6</sup> Columbia University Studies, XII, pp. 21-22;  
Henry Jones Ford, The Scotch-Irish in America (Princeton, N. J., 1915), p. 129;  
Charles A. Hanna, The Scotch-Irish or The Scot in North Britain, North Ireland, and North America (2 vols., New York, 1902), I, p. 560;  
Israel Mauduit, A Short View of the History of the Colony of Massachusetts Bay (London, 1774), pp. 28-29

<sup>7</sup> Abiel Holmes, The Annals of America (2 vols., Cambridge, 1829), I, p. 210; Mauduit, p. 22

number then in the colony. In 1659 three Quakers, William Robinson, Marmaduke Stevenson, and Mary Dyer were tried before the General Court and sentenced to die. The two men were executed, but the woman was reprieved on condition of her departure from the colony within forty-eight hours. They carried her to the gallows and she stood with a rope around her neck until the others were executed; then she departed but returned the next year and was executed.<sup>8</sup>

As a contrast to the policy of Massachusetts was the policy of Pennsylvania which granted freedom to worship in any manner or place to all people, "who confess or acknowledge the Almighty and Eternal God, to be the Creator, Upholder and Ruler of the World". Persons of all persuasions were allowed to appear in all the Courts in their own way to plead their cause themselves, or if unable were permitted to let their friends appear for them. Such a policy was broad and liberal enough to allow any Protestants to settle with equal civil and religious rights, whereas in Massachusetts only those persons adhering to the established church of the Puritans could enjoy full civil and religious rights. In Massachusetts the tendency was to safeguard the Church against all radical elements, such as the Quakers were considered at that time.<sup>9</sup>

<sup>8</sup> Holmes, Annals of America, I, pp. 285, 307, 312;  
William Penn, The Rise and Progress of the People  
Called Quakers (Philadelphia, 1876), pp. 26-27.

<sup>9</sup> Votes and Proceedings of the House of Representatives  
of the Province of Pennsylvania, I, Pt. I, pp.  
XXXII, XXXIV.

In 1661 the government of Massachusetts received a letter from the king asking that the penal laws against the Quakers be suspended and that any Quakers who were condemned to punishment by the Massachusetts government should be sent to England for trial. The colonists defended their action as lenient because they had tried to exercise patience in dealing with the Quakers by releasing some who were condemned, and sending those who had been imprisoned out of the colony, but often they returned and caused trouble by sending their grievances to the king and securing his sympathy and intervention. Nevertheless the Court acquiesced with the King's request by suspending all penal laws against the Quakers which referred to corporal punishment or death. Upon this order twenty-eight Quakers were released from prison and conducted out of the jurisdiction of Massachusetts.<sup>10</sup>

From 1691 on, however, this policy of religious intolerance had to be modified, because William and Mary's Charter provided for religious freedom for all Christians except Catholics. When conditions became too bad in England the dissenters knew that in the American colonies they could have more freedom. The persecuted people of other countries, also, could look to the colonies for refuge. As a result, immigration to the colonies started in the latter part of the seventeenth century and continued in the eighteenth century. Although the New England

<sup>10</sup>Holmes, Annals of America, I, pp. 318-319.

colonies were and remained more purely English than any of the other colonies, there were immigrations by Germans, French, and some Scotch-Irish.<sup>11</sup>

The French Protestants or Huguenots were subjected to very severe persecution which tended to drive them out of France. Some French Huguenots came along in the Mayflower in 1620, but the actual immigration of the Huguenots did not take place until the latter part of the seventeenth century and the early eighteenth century. Not until the Revocation of the Edict of Nantes in 1685 crushed all hope of religious toleration in France and rendered the lives of the Protestants unsafe did the Huguenots begin to flock to New England in any considerable numbers. In the period following the Revocation hundreds of thousands fled the country and Massachusetts received its largest accession of Huguenots. New England was looked on as a haven because three years previous twelve Huguenots had found their way to Boston and had been received with the kindest of hospitality. The churches of Boston and the neighboring towns made collections for these twelve refugees, and the news of their reception probably caused the people of La Rochelle, who were suffering from persecutions to look toward Boston and Massachusetts for relief and liberty. One of them depicted their suffering in a letter to an unknown correspondent in Boston: "Our temple is condemned and razed, our ministers banished forever, all their goods confiscated, and moreover they are condemned to the fine of a thousand crowns . . . . By act of

<sup>11</sup>Ford, p. 165

Parliament we are hindered to be masters in any trade or skill. We expect every day the lord governour or Guienne, whom shall put soldiers in our houses, and take away our children to be offered to the Idol as they have done in t'other countrys."<sup>12</sup>

Besides these causes which operated to draw the French to America there were conscious aids and inducements to immigration. In their flight from France many of the refugees came to England. As they were mainly of the working class, both agricultural and industrial, their value as colonists in the new colonies in America was recognized, and various schemes of colonization were pressed upon their attention during their stay in England. They were given financial aid in the form of payment of the expenses for their transportation. No small part of the Royal Bounty - the English Peoples' Bounty - went to pay the passage of refugees across the ocean.<sup>13</sup> A brief for the collection in behalf of the Protestant refugees was issued by King William III in 1699. The proceeds, amounting to nearly twelve thousand pounds, were intrusted to the chamber of the city of London for safe-keeping. From this fund disbursements were made by the Chamberlain upon the order of a special committee. On April 4, 1700, the Chamberlain was asked to pay to Sir William Ashurst eighteen hundred pounds sterling, the remainder of a sum of three thousand pounds appropriated at the rate of six pounds

<sup>12</sup>Lucian J. Fosdick, The French Blood in America (Chicago, 1906), pp. 125, 130-131, 206;  
Charles W. Baird, History of the Huguenot Emigration to America (2 vols., New York, 1885) II, pp. 195-197.

<sup>13</sup>Baird, II, pp. 170, 175.

per head "for the transportation of five hundred Vandois and French refugees designed for some of his Majestic plantations; to be paid to Sir William Ashurst upon an account given by him for so many of them as from Tyme to Tyme, shall bee on ship-board in order to their transportation".<sup>14</sup>

Another inducement was the letters of naturalization which the British Government granted to those who applied for them before they left England. It was not easy for the French Protestant to renounce his country even though the exercise of civil and religious rights had been denied him, but it was deemed wise to secure the protection of Great Britain and obtain the privileges of trade as naturalized subjects. At first the only requirements for these grants were actual residence in England or elsewhere in the King's dominions. Later, certain political conditions, as oaths of allegiance and supremacy, and religious conditions, as participation in the Sacrament of the Lord's Supper "according to the usage of the church of England", had to be complied with by the applicants. The provinces, too, granted acts of naturalization to many hundreds of French and other foreign Protestants, but the home government held persistently that no provincial legislature or governor had the power to grant letters of denization. In 1731 the Massachusetts government secured the passage of an act which granted naturalization to French Huguenots upon showing that they had behaved as good subjects to the ruler of England, had cheerfully borne the burdens laid on them for the support of the government, and had

<sup>14</sup>Baird, II, p. 179.

resided in the province one year.<sup>15</sup>

The particular reason for the Huguenots going to Boston was that they had heard and knew about its social and commercial advantages through the trade of the seaports of Western France with Canada and Nova Scotia which was controlled by Protestant merchants and conducted by Protestant shipmasters of LaRochele. Consequently the French Protestants, who were expelled from LaRochele, petitioned the governor and magistrates of Massachusetts in 1662 for liberty to settle among the English in Massachusetts. For the next twenty years no considerable number of refugees came to Boston.<sup>16</sup>

In 1686 three ships of French Huguenots arrived. The first party came in July and had no cause for disappointment in the way they were received by the people of Boston. The Council gave them free citizenship in granting admission to the colony. By this generous action Massachusetts put herself on record as being ready and eager to furnish a home for all those who truly desired to dwell in liberty of conscience.<sup>17</sup> In August a second party of more than eighty persons landed. These refugees had suffered greatly from the long voyage and had lost their doctor and twelve of their fellows through sickness on the way over. The survivors were in a sad plight and the

<sup>15</sup> Baird, II, pp. 172-175; Acts and Resolves, II, pp. 586-587, 595.

<sup>16</sup> Baird, II, pp. 189-190.

<sup>17</sup> Baird, II, pp. 198-199; Fosdick pp. 131-132.

council took charge of relief work for them. The third ship of Huguenots arrived in September, but they went to Salem where kindness and hospitality was shown to them, too. The "French house" in Salem was the place where many of these immigrants were sheltered upon their arrival. Not all French who settled in the colonies were poor people who needed assistance from the governments to get a start in their new life. Philip English, a prosperous merchant, came to Salem about 1670. From time to time he brought over men and women from Jersey. The men were to be let out at sea-service for four years and the girls to serve as apprentices for seven years. It is very probable that the Huguenots received much help from this Salem merchant. Massachusetts received ample compensation for her generous policy toward these French immigrants in the benefits which the colony derived from their thrift, perseverance, and industry. They did not stand in need of assistance very long because they were soon able to take care of themselves and give aid to later arrivals.<sup>18</sup>

Gabriel Bernon was another wealthy refugee from La Rochelle who became the prime mover in the French settlement of Oxford, Massachusetts. At the same time that the Court of Massachusetts had granted five hundred acres of land in the Nipmuck region to Bernon for valuable services rendered, a large tract of land eight miles square had been granted to a company organized in London with Robert Thompson at its head. The terms of the grant were that thirty families were to occupy the land within

<sup>18</sup> Baird, II, pp. 192-193, 199-201; Fosdick, pp. 132-133.



four years from the date of the grant, and that they should be accompanied by an able orthodox minister. The term of four years had almost lapsed and the company had applied for an extension of three years when Bernon arrived in London in 1687. The company looked upon him as a godsend and he was tempted by the vision of a holding in the new world. When Isaac Bertrand du Tuffeau, a refugee from Poitou, offered to cross over to New England at once, obtain land and begin a settlement, Bernon was induced to acquiesce in the arrangement and advanced the money. Du Tuffeau arrived in Boston in the latter part of the summer of 1687 and upon presenting credentials was given a grant of 750 acres of land in the Nipmuck region, on the site of the present town of Oxford. The site, although in a forest far removed from civilization, was a fertile river valley with abundant waterpower. The first settlers at Oxford, not more than ten families, arrived in the summer of 1687 under the leadership of Daniel Bondet, a French Protestant Minister. When the work of clearing land and building log cabins had just been started du Tuffeau took up residence in the colony.<sup>19</sup>

The following year Bernon arrived with some servants and several families. In all the company numbered about forty and the expenses of the enterprise were paid by Bernon. He secured the confirmation to a tract of land giving him twenty-five hundred acres within the boundaries of Oxford. He was given the

<sup>19</sup> Baird, II, pp. 168-169, 204, 256-258; Fosdick, pp. 134-135, 187-188.

land with all the formalities of investiture by turf and twig. Chief Justice of the province of Massachusetts and President of the Provincial Council, Dudley performed the ceremony. Bernon's presence in the colony gave fresh impetus to the little village and by 1690 twenty-five to thirty families were clustered together. During the first few years of the settlement the Indians did not molest the colonists but trouble came with the practice of unscrupulous traders selling rum to the Indians. Although Bondet implored the Massachusetts authorities to put a stop to the traffic, nothing seemed to be done and the inhabitants of Oxford had to suffer the consequences of Indian raids. Since the frontier towns were established for the purpose of protecting the rest of the province from Indian attacks, the government of Massachusetts deemed it wise to exempt the frontier towns, which had been impoverished as a result of Indian hostilities, from paying the public taxes. In 1694 Oxford was not required to pay its poll taxes, because the Indians had caused many families to leave and had destroyed their crops. The colony was abandoned, however, in 1696, and in 1703 after a second attempt to build up the village the Huguenots left never to return.<sup>20</sup>

Some Huguenots of the Lutheran branch of the Reformed Church found their way to Maine and settled in Dresden about

<sup>20</sup> Acts and Resolves, VII, pp. 58-59, 445-447;  
 Baird, II, pp. 258-260, 265, 266, 271-279, 289;  
 Fossdick, pp. 135-140.

1752. Due to their adaptability, their identity oftentimes became submerged in that of the country to which they had fled as refugees. The settlers of Dresden were generally thought to be Germans because they came from Germany. Many of them, however, were French Huguénots who had fled to Germany after the Revocation of the Edict of Nantes. From Germany they had emigrated with a few German families. Of the forty-six German and French emigrants who left Frankfort in 1752 twenty-eight French names are known and five German so that the colony was mostly French.<sup>21</sup>

Although the Huguenot immigration to Massachusetts started before religious toleration was established by the charter of 1691, the government of the province was anxious to have the colony grow. Not all the Huguenots were willing to worship as the Puritans did; so the government began the policy of sending such immigrants to the frontier where they could establish settlements of their own. They had no political rights in the government of the province, although they had to pay taxes for the support of the government, and in defending themselves against the attacks of Indians they were serving as a buffer for the province. In return, however, they could govern themselves in their own little communities, enjoy trading privileges, and worship as they pleased. This policy of frontier settlements by immigrants who dissented from the Puritan form of worship did not become definite or conscious until the Scotch-Irish began

<sup>21</sup> Fosdick, p. 196.

coming in great numbers, because they persisted in adhering to the Presbyterian faith.<sup>22</sup>

On the other hand French Catholics received no encouragement to settle in the province, not even on the frontier. In 1692 a law was passed which allowed them to reside in any of the seaport or frontier towns only on condition of securing a license from the governor and council. If they wished to open a shop or pursue any manual trade they had to receive a written approbation from the select men of the town or suffer imprisonment.<sup>23</sup>

It was found that the attacks by the Indians on the frontier settlements were incited by Canadian priests who were trying to prevent English colonization in America. Consequently the legislature of Massachusetts enacted in June, 1700, that Jesuits and priests depart from the province by September 10, 1700, or suffer "perpetual imprisonment". If an attempt was made to escape and they were recaptured, then death was the punishment. The penalty for receiving or harboring any Jesuit or priest was two hundred pounds sterling.<sup>24</sup>

April 20, 1704, on the eve of the expedition which was being planned by the French and Indians the government received a memorial from Samuel Sewall stating that thirty-

<sup>22</sup>

Baird, II, pp. 266, 282; Fosdick, pp. 136, 140;  
Hanna, II, pp. 16-17.

<sup>23</sup>

Acts and Resolves, I, p. 90.

<sup>24</sup>

Acts and Resolves, I, pp. 423-424.

seven French privateers were brought to Boston, who had been put ashore at Marshfield. The plan was to have the Indians harass the colonists by land and the French to impoverish the colony by sea by intercepting the trade of the colony. The same day an order was issued requiring all Frenchmen residing in the province to be registered and directing that all French Catholics be made prisoners of war.<sup>25</sup>

The northern part of Ireland was another scene of religious persecution and economic oppression. The inhabitants of Ulster were mainly Scotch who had come from Scotland to escape the persecutions of the Presbyterians by King James I. But if they hoped for peace and freedom of conscience in Ireland they were disillusioned, for under the administration of Thomas Wentworth, who was appointed Lord Deputy in 1685, the Irish Established Church was influenced to discard the articles of religion whose Puritan tone had made it possible for the Presbyterians to expect a reasonable amount of religious freedom. With the exception of the reign of King William III the Scotch-Irish had very little respite from persecutions by the government. With the accession of Anne in 1702 penal laws against the Roman Catholics and the Presbyterians were enacted which were cruel and degrading. Although the acts against the Presbyterians were not as severe as those against the Catholics, they were unreasonable and galling, because they were directed against men who had been the stoutest bulwark of Protestantism not twenty years be-

fore. Protestant dissenters were restricted by a Test Act which compelled all persons holding any kind of public office to take the communion of the Established Church. The councils of the Ulster towns were emptied at once.<sup>26</sup>

The economic conditions in Ulster were the outcome of the narrow views of the commercial policy that then inspired governmental action. Colonies were valued as a convenience to home interests and it was considered intolerable that they should develop industries of a competitive character. After the Restoration when Ireland had recovered from the Cromwellian wars England complained that her commercial interests were suffering as a result of the competition of Irish natural products, such as cattle, salt beef, meal, and grains. These complaints were so loud and persistent that an embargo was placed on the importation of all natural products of Ireland. Scotland was probably even more restrictive than England. Consequently the Irish woollen manufactures were revived, but in 1699 that too was prohibited from exportation to any other country whatever. In addition to shutting Irish produce out of English markets, English commercial selfishness was as urgent in keeping Irish enterprise out of all the colonies and not interfering with English trade there. This explains the general poverty in Ulster which caused the emigration in 1684. The end of the seventeenth century saw the last of the emigration of the Scots into Ulster

<sup>26</sup> Hanna, I, pp. 559, 614, 617; Ford, p. 129.

while for years following the Scots left Ulster in thousands  
for America.<sup>27</sup>

Lord Primate Boulter, who had come from England had been appointed one of the Lords Justices in 1728, wrote on November 23 of the same year to the ministry in England regarding emigration from Ulster: "We have had for several years some agents from the colonies in America, and several masters of ships, that have gone about the country and deluded the people with stories of great plenty, and estates to be had for going for, in those parts of the world; and they have been the better able to seduce people, by reason of the necessities of the poor of late . . . . But whatever occasions their going, it is certain that above 4200 men, women, and children have been shipped off from hence for the West Indies (i.e., North America) within three years, and of these above 2100 this last summer."<sup>28</sup>

After the famine of 1740, about twelve thousand emigrants annually left Ulster for America, while from 1771 to 1773 the whole emigration from Ulster was estimated at thirty thousand, of whom ten thousand were weavers. Ulster like France was drained of the young, enterprising and most desirable classes of population.<sup>29</sup>

About 1715 the Scotch-Irish began to emigrate to New England. In November three Irish Presbyterian Ministers, the

<sup>27</sup> Ford, pp. 181-185; Hanna, I, p. 614

<sup>28</sup> Hanna, II, p. 180.

<sup>29</sup> Hanna, I, p. 621.

Rev. James Kirkpatrick of Belfast, the Rev. John Abernethy of Antrim, and the Rev. Francis Iredell laid before the Lord Lieutenant of Ireland a representation of the state of their church, setting forth the grievances under which the ministers and the people were still suffering. These disappointments and discouragements had caused them to consider emigrating to America where they might enjoy religious freedom. Thomas Craighead and Samuel Gelston were among the first ministers thus self-banished. They came to America in 1715. Craighead settled in Massachusetts but removed to Pennsylvania eight years later. Craighead's nephew, the Rev. William Holmes, visited New England and returned to Ulster with a very favorable account. At the same time that this account was being circulated Jackson, a landlord in the valley of the Bann, raised his tenants' rent and almost a total emigration to America was produced.<sup>30</sup>

Early in the year 1718 the Rev. William Boyd of Macaskey was sent with an address signed by 319 persons to Governor Samuel Shute of Massachusetts expressing a strong desire to remove to New England if he would afford them suitable encouragement. Boyd was employed to make all the arrangements with the civil authorities for the immigrants' reception. Governor Shute gave them the desired encouragement and the six hundred to eight hundred emigrants embarked in five ships and reached Boston in August. When they arrived in Boston their belief



In religious liberty was undeceived at once, for they found that newcomers would not be admitted to citizenship in any of the Puritan communities without first connecting themselves with the State Church. This was just what they had tried to escape and they refused to conform; so they had to find a home elsewhere. As Massachusetts had been suffering from Indian attacks on the frontier and needed defenders, Governor Shute suggested that they might establish new communities on the frontier. A township right covering an area of twelve miles square which they were privileged to occupy at any suitable place in the wilderness which they might select was granted them. They were told that there was good land along Casco Bay; so two or three hundred emigrants left Boston and went to Maine. The severe winter, however, made them seek a warmer and less exposed part which they found at Nutfield near Havershill, New Hampshire. The other immigrants had passed the winter on the frontier waiting until a suitable tract of land should be found. They, too, went to Nutfield where they had control of civil matters and liberty of worship.<sup>31</sup>

The second Scotch-Irish emigration in 1719-1720 had Captain Robert Temple for its manager. He became a partner in a company which owned land on the east side of the Kennebec River and sought to settle it with Scotch-Irish from Ulster. In 1719 and 1720 several hundred families landed on the shores of

<sup>31</sup>

Hanna, II, pp. 16-18.

the Kennebec, but Indians caused them to remove to Pennsylvania which was becoming a center for Scotch-Irish settlers.<sup>32</sup>

Colonel Dunbar started another settlement in 1729 when he obtained a commission from the Crown as governor of Sagadahoc. The tract of land which he received in Maine was between the Kennebec and St. Croix Rivers. In the course of two or three years more than 150 families of Scotch had settled there. Samuel Waldo brought twenty-seven Scottish families to his land in 1735, and in 1753 a second colony from Scotland consisting of about sixty adults and many children, that settled at Stirling.<sup>33</sup>

Although the governments of New England were glad to have the Scotch-Irish settle on the frontier or in frontier towns which had suffered from Indian hostilities, as in the case of Worcester which in 1718 was making its third attempt at settlement, the Ulster element was unpopular, because they were Irish and Presbyterian. The Ulsterites asked that they be called Scots, because in reality they were not Irish, but the prejudice against them still remained. The Puritans of New England did not like the dissenters because they refused to pay the parish tax collected from all residents by civil authority for the support of ministers of the State Church. The prejudice was not confined to individuals or communities, as the general Court of

<sup>32</sup> Hanna, II, pp. 24, 60.

<sup>33</sup> Ibid., II, p. 25.

Massachusetts resolved in 1720 that "Whereas, It appears that certain families recently arrived from Ireland and others from this Province have presumed to make a settlement . . . . ordered, that the said people be warned to move off within the space of seven months and if they fail to do so, that they be prosecuted by the Attorney-General by suits of trespass and ejectment".<sup>34</sup> In this same town of Worcester the Presbyterians attempted to build a church, but one night the Puritans destroyed the unfinished structure and the Presbyterians could do nothing but move away to new settlements. It was necessary for them to found new communities where their religious doctrines would not clash with those of the Puritans.<sup>35</sup>

Religious intolerance and persecution as evidenced by the Catholics against the Protestants, Lutherans and Reformed, in the Palatinate, and political oppression by despotic governments were the causes for the emigration of the Germans from their homes in the old world to America. The tyranny of the petty princes in Germany, which was broken up into hundreds of practically independent principalities, caused much suffering among the peasant classes. Excessive taxes were wrung from them and religious persecution inflicted on them. Wars in Germany during the seventeenth century caused terrible devastation, of which the southwestern part of Germany, the Palatinate, was the chief victim. Of these wars the Thirty Years' War was the most terrible

<sup>34</sup> Hanna, II, p. 19.

<sup>35</sup> Ibid., II, pp. 19-22.

in its results, yet the Palatinate showed wonderful recuperative power. When the Elector Karl Ludwig ascended the throne the Palatinate was a barren waste. With his aid the region was rapidly improved to such an extent that Louis XIV found it worthwhile to send Turenne to plunder the country in 1674 and at different times after that up to 1688. "The Palatinate was to be made and kept a desert in order not to serve as a granary for the enemies of France."<sup>36</sup> As a result the emigrations from the Palatinate for a time surpassed in extent those from all other parts of Germany, so much so that emigrants from Germany were called Palatines in England and America.<sup>37</sup>

The beginnings of German colonies in New England are associated with the name of Samuel Waldo, whose father was of Swedish Pomeranian nobility. About 1724 he became interested in a land speculation in the province of Maine. Land was purchased on the Muscongus River and after some trouble in securing a clear title, Waldo had the land surveyed in 1732 and prepared to colonize it. The first settlement in 1735 consisted principally of Scotch-Irish. In 1738 Waldo went to Germany to get colonists. Circulars advertising the place were distributed. By 1740 forty German families from Brunswick and Saxony had been induced to come and settle in the Broad Bay district of

<sup>36</sup> Albert Bernhardt Faust, The German Element in the United States (2 vols., Boston, 1909), I, p. 57.

<sup>37</sup> Faust I, pp. 55-59; Columbia University Studies, XII, p. 10.

Maine. They founded Waldoborough and led a wretched existence until larger numbers of German settlers joined them.<sup>38</sup>

From 150 to 160 Germans came in 1742 and settled at Waldoborough. They came in autumn when they had no chance to make provision for the winter. In spring they were in such straits that they could not better their condition or migrate. They petitioned Governor Shirley and the Assembly to aid them and although a committee of investigation reported that the suffering had been great and that a sum of money be granted to be used for provisions and clothing to help them through the winter it was voted down and the colonists were left to shift for themselves. Such seemingly criminal neglect can be attributed only to indifference rather than to an actual determination to let the colonists suffer. The government was not yet aware of the value which the province might derive from the German immigration.<sup>39</sup>

In 1748 after the destruction of Waldoborough by the Indians, the colonists started to build up their village again and Waldo brought thirty families of German immigrants from Philadelphia. The infusion of new life resulted in the erection of grist-mills, saw-mills, and a church.<sup>40</sup>

In a speech on November 23, 1749, Lieutenant-Governor Phips made it evident that Massachusetts was awakening to the

<sup>38</sup> Faust, I, pp. 247-249

<sup>39</sup> Faust, I, pp. 249-251

<sup>40</sup> Ibid., I, pp. 252-253

fact that other colonies, like Pennsylvania, were benefiting by giving encouragement to German immigrants; therefore efforts were to be made to secure like advantages. The importation of industrious and well-disposed Protestant foreigners ought to be encouraged, he said, because of a scarcity of laborers to carry on the cultivation of lands and manufactures. He recommended that those province laws which tended to prevent the importation of foreigners ought to be altered or amended.<sup>41</sup>

Consequently a society was formed in Boston for promoting industry and frugality or in other words for encouraging the immigration of Germans, because they were likely to introduce useful manufactures and by example teach the people of Massachusetts "the most necessary and excellent Arts for increasing our Wealth, I mean Frugality and Diligence, in which we are at present exceedingly defective".<sup>42</sup> The government of the province purchased the factory in Boston. It granted four townships of land, two in the western and two in the eastern parts of the province for the use of foreign Protestants, and permitted the provincial frigate Massachusetts to be employed for the transportation of Protestants of Ireland, as had been petitioned by a group of Boston merchants. Action was also taken by the House of Representatives to prepare a bill which was to supersede or explain any acts that had in any measure a tendency to discourage the importation of foreign Protestants.<sup>43</sup> In the grant of the four

<sup>41</sup> Acts and Resolves, III, p. 557.

<sup>42</sup> Ibid., III, p. 558

<sup>43</sup> Acts and Resolves, III, pp. 557-558.

townships the government stipulated that each township was to be settled with 120 settlers within three years from January, 1749. Two hundred acres in each township would be granted to Joseph Crellius, the agent who sought to get Germans to immigrate to Massachusetts, if he succeeded in fulfilling the stipulations. In May, 1750, Crellius came to the province to take up personally the work of transporting German Protestant families to Massachusetts.<sup>44</sup>

In December, 1751, it was necessary to give aid to the new German settlers, because they were in danger of suffering during the winter. The government directed that the Commissary General supply the needy German settlers with blankets and beds not exceeding ten each and if the Commissary did not have enough he was directed to purchase as many as were necessary to comply with the order.<sup>45</sup> Their attitude was obviously quite different from what it had been when the inhabitants of Waldo-borough petitioned for help in 1743.

A memorial of thirty-one German Protestants, received on June 6, 1753, showed that due to the encouragement of Governor Phips they had migrated to Massachusetts to settle upon such lands as would be allotted to them. Crellius had failed to fulfill the stipulations of the grant of the General Court in 1749, but since the petitioners were without aid they were to be allotted land in the German township at Fort Massachusetts. The

<sup>44</sup> Acts and Resolves, III, p. 558.

<sup>45</sup> Acts and Resolves, III, p. 559.

original grant to Crellius was declared void and forfeited to  
the government.<sup>46</sup>

To Crellius, however, belongs the credit of advocating an act passed by the House of Representatives in February, 1750, which regulated the importation of German and other passengers to prevent the spreading of infectious diseases by overcrowding and other abuses. Crellius thought to gain an advantage thereby, but the ship-companies, whose profits were interfered with, refused to let their vessels go to the Massachusetts colony. The act provided that no shipmaster should import more passengers than could be provided with enough wholesome food for the entire voyage and enough room for them, so that each adult passenger would have a space six feet long and one and one-half feet wide. The penalty was five pounds sterling for each passenger not properly provided for.<sup>47</sup>

Another case of the government giving aid to a German settlement was that of Germantown, ten miles south of Boston. In August, 1750, many Germans arrived and settled in this town. Twelve families were engaged to go to the Germantown glassworks. The town grew rapidly, for by 1752 there were one hundred houses. In 1757 some of the buildings of the glassworks were destroyed by fire and aid was asked. The government, accordingly, enacted that a lottery be set up for the purpose of raising 1215 l. to be

<sup>46</sup> Acts and Resolves, III, p. 559.

<sup>47</sup> Ibid., III, pp. 536-537.



used for new buildings. In spite of this aid by 1760 the enterprise seemed to have failed and the colony broke up.<sup>48</sup>

With the influx of a large number of immigrants from different countries it was inevitable that not all persons would be desirable inhabitants and some kind of policy had to be pursued to control the influx of foreigners. In the preamble to an act of March, 1700, directing the admission of town inhabitants, were stated the objects which the government hoped to secure thereby: to prevent persons obtruding themselves on any particular town in a colony without admission by the inhabitants or selectmen of the town, to remedy many inconveniences and great charges, and to enable selectmen to know persons, who come to reside in a town, and their circumstances more readily. The act required all masters of ships to give a list of all passengers to the receiver of imposts under a penalty of five pounds sterling for the name of each passenger omitted from the list. In case of lame, infirm or impotent passengers who were apt to be a charge on the town, the master had to give security to indemnify the town from all charges. If he could not give security he had to take them back within two months after arrival in the colony. It is to be noted that the actual admission of inhabitants to a town was determined by that town or its authorities; so the immigration policy of the province was controlled by the towns of the province.<sup>49</sup>

A later act of June, 1722, tried to prevent the evasion of masters of ships by landing in harbors where there

<sup>48</sup> Acts and Resolves, III, pp. 1053-1054.

<sup>49</sup> Acts and Resolves, I, pp. 451-453.

were no impost officers to receive the list of the passengers. In such harbors the list was to be handed to the selectmen or treasurer of the town.<sup>50</sup> Another method of evading the town authorities, it seems, was the entertaining of immigrants or strangers, as they were called, by friends who were inhabitants of the town. In 1723 a law was passed prohibiting the entertainment of strangers in a town more than forty days without giving notice to the selectmen or the town clerk. The penalty for each neglect was five pounds sterling. In 1726 the length of time of entertaining strangers was shortened to twenty days, but the fine, too, was lowered to forty shillings.<sup>51</sup>

In 1755 and 1756 the government had to deal with the problem occasioned by the arrival of French neutrals from Nova Scotia. An act of 1755 provided that the sessions, justices, and selectmen be authorized to employ, bind out or support the Acadians in the same manner as if they were inhabitants of Massachusetts. They were to be disposed of in various towns of the province, but receiving and entertaining them in the towns was not to be construed as an admission of them as town inhabitants. To protect the towns from too heavy expenses incurred by helping the Acadians, who were sent to them, it was enacted that any expenses which the French could not pay themselves were to be paid by the province. Later, government aid, not to exceed forty shillings a person, was given to the poor people in the form of implements of husbandry, spinning, and

<sup>50</sup>Acts and Resolves, II, pp. 244-245

<sup>51</sup>Ibid., II, pp. 283-284, 386.

other handicraft work according to the capacity for labor of the different individuals. Any families that needed houses were to have them provided.<sup>52</sup>

At length in 1756, after about one thousand Acadians had arrived in the province, a committee of the Council prepared a message to the governor stating that they did not want so many Acadians, because they were Catholics and loyal to Louis XV. Massachusetts was willing to help them, but it did not want to stand the expenses of such aid. Since there were some colonies to which no French neutrals had been sent it was agreed by the legislature "that no Master of a Vessel having any of said French Neutrals aboard presume to land them in this Government without leave of the Governor and Council and that only in case of Distress".<sup>53</sup> In May, 1756, the Council committee reported that the Acadians who had been last imported into Massachusetts be allowed to remain in the province and be distributed into the seaport towns between Plymouth and Gloucester included. This report received the governor's consent. A similar order was issued for ninety-nine more French who arrived in Boston in August, 1756.<sup>54</sup>

Massachusetts had found it necessary to protect its towns against charges of supporting poor persons, who were not inhabitants of those towns or, in some cases, of the province, before the Acadians came, because many of the immigrants from

<sup>52</sup> Acts and Resolves, III, pp. 887, 917-918, 958-959.

<sup>53</sup> Acts and Resolves, III, p. 960.

<sup>54</sup> Ibid., III, pp. 960-961.

France, Germany, and Ireland, in particular, were destitute when they arrived in America. Lord Primate Boulter brings out this fact in his letter of November 28, 1728, to the English ministry when he discusses emigration from Ulster: "Possibly one in ten may be a man of substance. . . but the case of the rest is deplorable. The rest either hire themselves to those of substance for passage, or contract with the masters of ships for four years' servitude when they come thither; or if they make a shift to pay for their passage, will be under the necessity of selling themselves for servants when they come there."<sup>55</sup> As early as 1692 provision was made for ridding the towns of poor persons who were not inhabitants. "Any person orderly warned to depart any town whereof he is not an inhabitant, and neglecting so to do by the space of fourteen days next after such warning given, may by warrant from the next justice of (the) peace be sent and conveyed from constable to constable unto the town where he properly belongs. . . at his own charge, if able to pay the same, or otherwise at the charge of the town so sending him."<sup>56</sup>

The influx of Acadians gave a new impetus to legislation regarding the poor. The Acadians did not want to stay in Massachusetts because Catholics did not have religious rights there. Their distress and the burden they imposed on the several towns made it necessary that speedy provision be made for them outside of the province where they might settle as British sub-

<sup>55</sup> Hanna, II, p. 180.

<sup>56</sup> Acts and Resolves, I, p. 68.

jects and become self-sustaining. The newly acquired territory of Canada seemed the most available, because there "Romish priests and Protestant ministers enjoyed equal toleration". An act in 1767 provided for defraying the expenses of relieving and transporting them to Canada. This act applied to other poor as well and provided for their transportation by the cheapest route to the province to which they belonged. Renewal at various times kept it in force well into the Revolutionary period. Poor children and minors who were found in a town to which they did not belong were to be bound out as apprentices by the overseers of the poor. They were not sent to their home town within or out of the province, because the expenses were sometimes quite large.<sup>57</sup>

There never were many negroes in New England, yet Massachusetts saw fit to discourage the importation of black servants and Indian servants or slaves for the sake of encouraging the importation of white Christian servants, especially from Great Britain. As has already been mentioned the Scotch-Irish from Ulster, on account of their poverty, hired themselves out as servants and consequently formed a major part of the servant class in America. By an act of December, 1705, a duty of four pounds sterling was placed on each negro imported into the province. The importation of Indian slaves was in 1709, placed under the same restrictions and penalties. The same act provid-

<sup>57</sup>

Acts and Resolves, IV, pp. 911-912, 946, V. pp. 161-162.

ed for a grant of forty shillings per head for white servants between eight and twenty-five years of age to be paid to the importer. This policy was continued in 1712, because the colony was suffering from the bad effects of rebellion and hostilities of the Indians. There were so many in the colony that the importation of white servants tended to be discouraged. By the act of 1712 any Indians brought into the colony were to be forfeited to the Crown unless security amounting to fifty pounds sterling could be given to carry them out again within one month.<sup>58</sup>

The large number of immigrants and the greed of ship-owners caused crowded conditions which combined with improper food or lack of food and water during the long voyages were conducive to the spreading of infectious diseases and endangered the health of the colony. Efforts were made to safeguard the colony against inroads of small-pox, plague and other infectious diseases by requiring incoming ships and passengers to observe some form of quarantine until any danger of spreading any of those diseases had passed. The first act passed in 1699 stipulated that any ship infected with contagious diseases remain half a mile distant from any landing place in Massachusetts unless a license had been secured to go on. The penalty for violation of the act was one hundred pounds sterling. The Privy Council disallowed the act, because they considered the fines too high; there was no such act in any other of His Majesty's Plantations,

<sup>58</sup>Acts and Resolves, I, pp. 578-580, 654, 698.

and there was a chance for abuses due to the uncertainty of interpretation of the terms contagious, epidemical, and prevailing sickness. They thought the matter might better be provided for by an order of the Governor and Council from time to time than by any standing act of the Grand Assembly. In 1701 a hospital for contagious diseases was provided for on Spectacle Island, and the sick persons on the incoming ships were removed to this hospital where they remained until they were declared fit to enter the province.<sup>59</sup>

In November, 1721, when the Assembly went into session, it was necessary to change the place of meeting to Harvard College, Cambridge because of small-pox in Boston. To alleviate conditions in Massachusetts vessels coming from France and the Mediterranean country, where the plague was raging, were required to observe a quarantine of at least forty days. Similar care was taken with vessels from Newfoundland and Cape Breton which had been in some port of these infected countries during the preceding six months. The law was very severe in its punishment of offenders. The master of a ship who violated the act suffered death, and the passengers and seamen who came on shore without permission were imprisoned three years without bail. In 1739 provision was made against the spreading of small-pox and other infectious diseases by persons from other provinces. Per-

<sup>59</sup> Acts and Resolves, I, pp. 376-377, 469-470  
II, pp. 91-92.

sons who came from infected places of other provinces had to give notice within two hours of their arrival or pay a penalty of twenty pounds sterling and when warned to leave had to do so within two hours. Laws of this nature were enacted from time to time throughout the colonial period.<sup>60</sup>

<sup>60</sup> Acts and Resolves, II, pp. 228-229, 232, 987-988.



## CHAPTER II

## Pennsylvania

The charter of privileges which William Penn formed for his colony in America secured both civil and religious liberty for the settlers. In the laws agreed on in England in 1682 it was granted: "That in all Courts all persons of all persuasions may freely appear in their own way, and according to their own manner, and there personally plead their own cause themselves, or if unable, by their friends."<sup>1</sup> Another law granted: "That all persons living in this province who confess or acknowledge the One Almighty and Eternal God, to be the Creator, Upholder and Ruler of the World, and that hold themselves obliged in conscience to live peaceably and justly in civil Society, shall in no ways be molested or prejudiced for their religious persuasion or practice in matters of faith and worship, nor shall they be compelled at any time to frequent or maintain any religious worship, place, or ministry whatever."<sup>2</sup> These generous laws when contrasted with the religious intolerance and lack of civil rights in Massachusetts reacted greatly in favor of Pennsylvania. The persecuted Protestants of European countries as well as of other American provinces flocked to Penn's province.

<sup>1</sup>Votes and Proceedings of the House of Representatives of the Province of Pennsylvania, I, Part I, p. XXXII.

<sup>2</sup>Votes and Proceedings, I, Part I, p. XXXIV.

As in Massachusetts the prospect of securing land was another encouragement for people to settle in Pennsylvania. On land holding depended the privilege of becoming a freeman according to the law of England. The conditions which determined the status of a freeman were agreed on in England May 5, 1682. "Every inhabitant in the said province that is or shall be a purchaser of one hundred acres of land or upwards, his heirs and assigns, and every person who shall have paid his passage and taken up one hundred acres of land at one penny an acre and have cultivated ten acres thereof, and every person that hath been a servant or bondsman, and is free by his service, that shall have taken up his fifty acres of land and cultivated twenty acres thereof, and every inhabitant, artificer, or other resident in the said province that pays scot and lot to the government shall be deemed and accounted a freeman of the said province and every such person shall and may be capable of electing or being elected Representatives of the people in Provincial Council or General Assembly in the said Province."<sup>3</sup> Protection in the holding of their estates and in trade was warranted them by the Act of Naturalization after giving a solemn promise "of faith and allegiance to the King of England and his lawful heirs and successors and of fidelity and lawful obedience to William Penn, the proprietary and governor of Pennsylvania and his heirs and assigns". The foreigners already

<sup>3</sup> Votes and Proceedings, I, Part I, p. XXXII.

settled in the colony were to take this oath of affirmation or allegiance within three months after the publication of the Act. Any foreigner who in the future requested this freedom of the Proprietary was to be admitted on the conditions mentioned and upon the payment of an admission fee of twenty shillings.<sup>4</sup>

All these civil and religious privileges were a great inducement for many foreigners to settle in Penn's province. In particular did Pennsylvania become the center of Germans and Scotch-Irish, French Huguenots, too, settled there in goodly numbers.

The Germans who came were mainly from the Rhine countries and Switzerland. They were not paupers, though many to pay their passage had to pledge themselves to several years of servitude, nor were they wealthy, and consequently the later they came the farther west they had to go where land was cheaper. This fact accounts for so many Germans becoming frontier settlers. The first German settlement, so called because of its permanence and individuality, was a colony of religious refugees mainly from the Palatinate who settled at Germantown, Pennsylvania in 1683. William Penn was closely associated with its beginnings, because he aroused interest in his province in America while on visits to Holland and Germany in 1671 and 1677. Although his journeys were for the purpose of spreading the Quaker doctrines on the continent of Europe, the second journey was important not for starting a great religious but a great political and social movement. An immigration movement

<sup>4</sup>Votes and Proceedings, I, Part I, Appendix, p. II.

was started that tended towards the depopulation of southwestern Germany and the overrunning of the new country.<sup>5</sup>

Advertisement was resorted to for the purpose of getting immigrants. Soon after the charter was issued in 1681 a book describing Pennsylvania was issued and caused the persons who were intimate with Penn on his journey to Germany in 1677 to begin a correspondence with Penn's agent, Benjamin Furley. They formed a company and bought a large tract of land in Pennsylvania for the purposes of immigration. Francis Daniel Pastorius, a young lawyer, visited Frankfort-on-the-Main in 1682 and became intimate with the people who formed this company. When they disclosed to him their secret of the purchase of fifteen thousand acres in Pennsylvania and the purpose of some of their members to migrate there, Pastorius says, "This begat a desire in my soul to continue in their society and with them to lead a quiet, godly, and honest life in the howling wilderness".<sup>6</sup> These were the beginnings of the Frankfort Company of whom, however, none except Pastorius ever came to America. Pastorius was appointed agent of the company in America and sailed in advance so as to land in Philadelphia August 20, 1683. He was accompanied by a few men and women of the serving class who later became property owners in Germantown. October 6, 1683, the first shipload of Germans arrived in America. German and Dutch Mennonites of Orefeld and Kriegsheim were in this

<sup>5</sup>Albert B. Faust, The German Element in The United States (2 vols., Boston, 1909), I, pp. 30-32, 129-130.

<sup>6</sup>Faust, I, p. 33.

shipload. They settled at Germantown six miles above Philadelphia. In a few years the number of inhabitants had increased to the extent that additions had to be made to the town. In 1693 a group of men who were noted as Mystics came and settled on a high tract of land, known as the Ridge, near Germantown. The settlement at Germantown prospered so that by the end of the seventeenth century the Germans had gained a permanent foothold in America. It was located close to Philadelphia, the leading port of entry, and founded just in advance of the larger migrations of the eighteenth century. It remained a German city and became prominent as a base for the distribution of German immigrants to other favorable parts of Pennsylvania.<sup>7</sup>

The second strong current of German immigration into Pennsylvania was that of the Swiss Mennonites about 1710. They were of the same religious faith as the original settlers of Germantown before joining the Quakers. The favorable reports of the latter, the German Mennonites, most likely induced the Swiss to come. The movement gained strength in 1711. The Mennonites of Bern were offered free transportation down the Rhine if they would pledge themselves never to return to Switzerland. Their settlement was a tract of ten thousand acres on Pequa Creek in what is now Lancaster County. Other persecuted sects, who chose Pennsylvania as a place of refuge, were the Dunkards or Tunkers and the Schwenkfelders. The Dunkards were founded in Germany in 1708 and in course of time all came to Pennsylvania. The Schwenkfelders suffered persecution at the hands of Protestants and

<sup>7</sup> Faust, I, pp. 33-36, 47-50.

Catholics alike and immigrated to Pennsylvania in 1733 and 1734 where they settled mainly in Montgomery County near Goshenhoppen.<sup>8</sup>

The three most important religious denominations represented, however, were the Lutherans, German Reformed, and United Brethern or Moravians. They were not so prominent in the earliest history of the German settlements in Pennsylvania, though they may have been represented. They were far more numerous in the mother country and as German immigration increased they became more prominent. Most of the Palatines probably belonged to the Reformed Church. The first settlement of Moravians was in Georgia, but like the Quakers they refused to bear arms; so in 1738 when they were expected to bear arms in defense of the colony against Spain they removed to Pennsylvania. There they settled "in a barren wooded region" on the Lehigh which Count Zinzendorf on his arrival in 1741 named Bethlehem. The number of Moravians that came between 1741 and 1762 was from seven hundred to eight hundred. Even some German Catholics settled in Pennsylvania. By 1757 they numbered about nine hundred.<sup>9</sup>

The Germans during the eighteenth century became more numerous in Pennsylvania than in any other colony numbering at least one-third of the total population. From Pennsylvania they spread southward through Maryland into Virginia ascending the Shenandoah Valley and settling it from Harper's Ferry to Lexington, Virginia. They used this valley as an avenue for their further progress into North Carolina and later Kentucky and Ten-

<sup>8</sup> Faust, I, pp. 112-115.

<sup>9</sup> Faust, I, pp. 116, 122-126, 128.

nessee. Pennsylvania therefore was the distributing point for the German immigrations.<sup>10</sup>

Pennsylvania became the center of Scotch-Irish settlements in the New World because Penn established religious freedom while the Puritans did not. The milder climate and cheaper land, also, helped to divert the Ulster immigration from its earlier field in New England to Western Pennsylvania. The early immigration followed the river valleys. One stream went up the Delaware River about 1720. The Susquehanna Valley, however, was the principal field of Scotch-Irish settlements. At first, they generally settled in the southeast corner of the Province near the disputed Maryland boundary line but their eager desire for land led them to push into the wilderness and settle on lands to which the Indian title had not been quieted. By 1725 they had made such an impression that Governor Logan declared, "It looks as if Ireland were to send all her inhabitants. If they continue to come, they will make themselves proprietors of the Province".<sup>11</sup> They began to enter the Cumberland Valley before 1730, and Cumberland County came to be settled almost wholly by Scotch-Irish. The fear of restrictive legislation in Ireland caused a great rush of emigration in 1735 and 1736. In 1774 Benjamin Franklin computed the proportion as one-third in a total of 350,000 inhabitants.<sup>12</sup>

<sup>10</sup>Faust, I, p. 129.

<sup>11</sup>Whitelaw Reid, The Scot in America, and the Ulster Scot (London, 1911), p. 25.

<sup>12</sup>Henry Jones Ford, The Scotch-Irish in America (Princeton, N.J., 1915), pp. 265-266;  
Charles A. Hanna, The Scotch-Irish (2 vols., New York, 1902), II, pp. 60, 64.

The great influx of German and Scotch-Irish immigrants alarmed the government and James Logan wrote to John Penn November 23, 1727, concerning these newcomers: "We have many thousands of foreigners, mostly Palatines so-called, already in the country, of whom some fifteen hundred came in this last summer, many of them surly people, divers Papists among them, and the men generally well-armed. (Bearing arms was particularly averse to Quaker doctrines.) We have from the North of Ireland great numbers yearly. Eight or nine ships this last fall discharged at Newcastle. Both these sets frequently sit down on any spot of vacant land they can find, without asking question. The last Palatines say there will be twice the number next year; and the Irish say the same of their people. Last week, one of these latter applied to me in the name of four hundred, as he said, who depended all on me for directions where they should settle. They say the Proprietor invited people to come and settle his country; they came for that end and must live. Both they and the Palatines pretend that they will buy, but not one in twenty has anything to pay with. The Irish settle generally towards the Maryland line where no lands can honestly be sold till the dispute with Lord Baltimore is decided."<sup>13</sup>

In January, 1728, it was reported in the Assembly that great numbers of Palatines had been imported into the province. Without authority or pretence of right they settled on the pro-

<sup>13</sup> Hanna, II, pp. 62-63.



prietary's lands as well as those of private persons. As a result they had caused disquiet to the older inhabitants of the colony and had refused to yield obedience to the government. A committee of investigation was appointed which reported that the complaints arose from the behavior of Palatines who had come over from the York government or elsewhere and not of those who had been imported directly into Pennsylvania for several years past. The House, accordingly, appealed to the Governor, Patrick Gordon, for aid. He informed them that he had the heartiest assurance of support from Britain of any law that tended to check the immigration of foreigners in too great numbers. The chief reason for this policy was not any dislike of the people themselves, but to prevent an English plantation from being converted into a colony of foreigners. A check on the importation of Scotch-Irish was urged, also. It was found that in the year which ended in December, 1729, 6,208 emigrants had arrived. Of this number only 243 were Germans, 267 were English and Welsh, 43 were Scotch and 5,605 were Scotch-Irish. The latter because of their poverty settled on the frontier where they could get land cheaper and where they were exempt from quitrents in consideration of their forming a line of defense around the non-fighting Quakers. Logan, said, however, that they were rough to the Indians and a breach with them might result. While action on a bill to restrict the immigration of Germans and Scotch-Irish was going on, a petition was received in February, 1729, from the overseers of the poor in Philadelphia. They set forth the hardships which they labored under because of

the great number of poor persons from foreign countries and the neighboring colonies. On May 10, 1729, the act was passed which placed a duty of twenty shillings on each Irish servant and person on redemption and a duty of forty shillings on each alien or German imported into the colony.<sup>14</sup> From all evidence it appears that the Germans were causing less trouble than the Scotch-Irish; so the reason for the discrimination in duty probably was that the Scotch-Irish were British subjects, whereas the Germans were aliens. If too many Germans settled in the province it would lose its character of being a British colony.

Protests against the act were received from Germans in August, 1729, and in January and February of 1730. Although these petitions were rejected, it was resolved January 16, 1730, that this act and another act restricting the importation of persons convicted of heinous crimes be repealed and a new bill be framed, which was to be entitled: "An Act imposing a Duty on Persons convicted of Heinous Crimes, and to prevent poor and impotent Persons being imported into the Province of Pennsylvania." The act restricting the importation of Germans and Scotch-Irish was consequently repealed February 14, 1730.<sup>15</sup>

Another group of immigrants to be considered was the French Huguenots. Other colonies besides Massachusetts had their advocates in London eager to secure the French refugees for

<sup>14</sup>Votes and Proceedings, III, pp. 42, 45-46, 65, 73, 85, 88-89; Hanna, II, pp. 62-63.

<sup>15</sup>Votes and Proceedings, III, pp. 90, 99, 103; The Statutes at Large of Pennsylvania, IV, pp. 135-136.

settlers, Chief among these was Pennsylvania. William Penn was very anxious to have the Huguenots settle on his plantations on the Delaware and Susquehanna rivers, and many Huguenots even before reaching England had heard of the advantages to be had in Pennsylvania through the statements which Penn's agents circulated in all Europe. The majority of French settlers in the Delaware region came over at the time of the first general immigration from the Palatinate in 1654 to 1664. They had fled to the Palatinate as refugees and from there removed to America. As the settlement at Germantown was established about the time when religious persecution reached its height in France, some Huguenots were its earliest settlers. Lancaster County became a place of refuge for many Huguenots. In the days before a permanent settlement had been effected there were several Huguenots in that region, who were engaged in trading with the Indians. As the news of the colony in Lancaster County spread among the exiles in the Palatinate they came over in large numbers. Due to their adaptability, which, however, was a main reason for their desirability as settlers, the identity of many of these French Huguenots was lost. Their names were changed and they did not support any church organization of their own but united with other churches while in Germany. Several of the Huguenot families that came to Philadelphia became prominent in the life of the colony. Among these families were the Duches who came about 1700, the Ferees who came about 1712 and the Bayards who removed

from the Delaware branch of the family about 1756.<sup>16</sup>

Penn's Colony was based on very liberal principles that did not exclude many people from settling there, but at the same time he desired to build up a society that was peaceable and law-abiding. The British policy of employing the American plantations as penal colonies for the felons of Britain caused a conflict with the government of Pennsylvania, as with the other American colonies. In 1717 this policy was fixed by a statute authorizing the transportation of convicts to the colonies. In quite a number of cases the convicts were political not social criminals, as, for instance, the Scotch prisoners of Dunbar and rebels of 1666 were sent to New England and other colonies. In many cases, however, these people were actual criminals. In 1618 a man convicted of murder and sentenced to be hanged was reprieved to be sent to Virginia, because he was a carpenter and the plantation needed carpenters. In trying to restrain the transportation of felons the colonies were steadfastly opposed by the British government. They had to endure the evils of the system for a long time without remedy. To some extent Pennsylvania succeeded, however, in safeguarding its social welfare against the influence of convicts by securing legislation which kept out convicts. According to the Proprietary Charter full power was granted to enact any laws whatsoever for the public state, peace, or safety of the colony. Laws made

<sup>16</sup> Charles W. Baird, History of the Huguenot Emigration to America (2 vols., New York, 1885), II, pp. 169-170; Lucian J. Fosdick, The French Blood in America (New York, 1906), pp. 291, 295-297, 311, 316, 318.

in the province were to be transmitted to the Privy Council of the King within five years after they had been enacted. If declared void within six months after received by the Privy Council, they became void; otherwise they stood in full force as intended.<sup>17</sup>

The first action taken on the transportation of felons into the province was by the House April 3, 1685. It was resolved that those felons might be admitted into the colony by a law established for that purpose who under conviction of conscience were likely to become good men. A duty of five pounds sterling, to be paid by the master of the ship or merchant who imported persons convicted of heinous crimes, was fixed by the act of May 5, 1722. Only those immigrants were deemed fit for admission who had not formerly been convicted of crimes like murder, burglary, or forgery. The Crown apparently never considered the act, so it became a law.<sup>18</sup>

The problem of preventing the importation of poor and helpless persons was closely associated with that of the convicts. In fact some convicts were debtors, who when they arrived in America had to depend on aid from the provincial governments in order to get a new start in life. Both classes did not

<sup>17</sup> James Curtis Ballagh, "White Servitude in the Colony of Virginia", in Johns Hopkins University Studies, XIII (1895), pp. 35-36; Pennsylvania Statutes, III, pp. 506-507, IV, pp. 467-468.

<sup>18</sup> Votes and Proceedings, I, Part I, p. 21; Pennsylvania Statutes, III, pp. 264-266, 268.

tend to contribute toward the development of the colonies; therefore they were a drain on the colonies. An act of February 14, 1750, imposed a duty of five pounds sterling on convicts and prevented the importation of poor and helpless persons. If it was found that any immigrants were apt to become chargeable to the community in which they lived the master of the ship was required to give security for their transportation back to the place from which they came or to indemnify the inhabitants of the colony from any charges brought on the colony by these persons.<sup>19</sup>

In the consideration on a supplement to this act the Board of Trade and Plantations in 1758 objected that the duty of 5 l. and security of 50 l. for the good behavior of the convicts would make the importation of convicts prohibitive. The statute relating to the transportation of felons would be rendered ineffectual. Accordingly an act of 1743 repealed this act and placed a duty of 5 l. on convicts not warranted by the laws of Great Britain. The latter phrase was inserted so that the act would not prevent the importation of such servants who could be legally imported into the colony. This act, too, met the disapproval of the King in Council and was repealed, because the duty and fines prohibited the importation of persons who as servants "might be of public utility in the improvement and well peopling of the province".<sup>20</sup> Pennsylvania was determined,

<sup>19</sup> Pennsylvania Statutes, IV, pp. 165-167.

<sup>20</sup> Pennsylvania Statutes, IV, pp. 360-362, 467-468, 503-504, 510.

however, to keep out felons; so they found a way to evade the repeal of the act. Since the act of February, 1730 had been repealed by the act of 1743, which in turn was repealed by the King in Council in December, 1746, the first act was again in force and was declared so by a supplement in 1749. It was never submitted to the Crown, as it was repealed two years later by another act.<sup>21</sup>

Another source of dispute between the British government and the Quaker province was the policy which was developed to restrict the importation of negro slaves. The German Quakers of Germantown, who may be considered the radical wing of the Quakers on abolition, were the first to make a formal protest against slavery. The system of negro slavery was repulsive to them from the very beginning, and they could not understand how the Quakers could harmonize this criminal abuse with their religion. At a meeting held in Germantown April 18, 1688, they drew up a document and presented it at the monthly meeting of the Quakers. The monthly gathering deemed the matter of such importance that they could not pretend to take action upon it. They referred it to the quarterly meeting which followed their example and laid the protest before the annual meeting, the highest tribunal of the Quakers. The latter also evaded passing a judgment on the document. Not until seventeen years later did

<sup>21</sup>

Pennsylvania Statutes, V. pp. 77-79.

the Quakers pass resolutions against the slave trade. In 1705 a duty of forty shillings was placed on negroes. The law was not very restrictive, but served more as a source of revenue, for about a year later several freemen of Philadelphia petitioned the House to restrict the employment of negroes. The free laborers were suffering from lack of employment and low wages, because negro slaves were being hired out by their owners. No action was taken regarding the petition.<sup>22</sup>

An act of February 28, 1710, placing a duty of two pounds sterling on negroes, to be in effect three years, was repealed by the Queen in Council February 20, 1713, because they feared English trade might suffer. The Queen's Council declared that this act showed the ill consequences of the clause in the charter which allowed the colony five years' time for transmitting the laws to England and only six months' time for the Crown to consider the laws. The law in question had been in effect and was almost ready to expire. Then it could be re-enacted and by keeping it until near the time of expiration the colonists were able in effect to evade the Royal prerogative of repealing laws which were harmful to the Crown's interest or the trade of the Crown's subjects.<sup>23</sup>

Another act was repealed at the same time which placed a duty of twenty pounds sterling on negro and Indian slaves. This

<sup>22</sup> Faust, I, pp. 45-46; Pennsylvania Statutes, II, pp. 285-287, 291; Votes and Proceedings, I, Part I, p. 132.

<sup>23</sup> Pennsylvania Statutes, II, pp. 382-388, 551, 555.



high duty was considered necessary in 1712, because plots and insurrections by negroes, not only on the islands but also on the mainland, had resulted in the murder of several inhabitants. Such an instance had occurred in New York. The importation of Indian slaves from Carolina or other places was a source of dissatisfaction and suspicion to the Indians of Pennsylvania. This action regarding Indian slaves was not the first, as in 1706 it was enacted that if they were imported they would have to be forfeited to the government and set free. The Queen in Council took no action on the measure; so it became a law by lapse of time. The act of 1712 was repealed ostensibly because the officers were authorized to search houses day or night for concealed negroes or Indians and such a right of search was rarely allowed by British law in offenses of an inferior nature. The fundamental reason was that the African slave trade would be injured.<sup>24</sup>

Feeling against negro slavery had developed, however, for in 1715 the duty on negroes imported was placed at five pounds sterling. In spite of objections from the home government this duty was continued until 1729. The acts during these years usually extended over a period of three years and were apparently never submitted to the Crown for consideration.

August 11, 1727, the House received a petition of persons con-

<sup>24</sup>Votes and Proceedings, I, Part II, pp. 54, 61-62, 64-66, 68, 80-81; Pennsylvania Statutes, II, pp. 236, 433-436, 552.

nected with the iron-works which set forth "that the Difficulty of getting Labourers, and their excessive Wages, are a great Discouragement and Hindrance to their Undertakings, praying that Negroes may be imported or purchased for the said Works Duty free, and that they may have Liberty to bring in a Bill for that Purpose".<sup>25</sup> The House was not able, however, to come to any agreement at that time, but the petition from these manufacturing interests did influence the next act passed in 1729, as the duty was reduced to two pounds sterling.<sup>26</sup>

In the interval of over thirty years that followed there are no laws recorded for regulating the importation of negro slaves. It is probable that the Quaker doctrine of humanity and the feeling that had been aroused against slavery were enough to restrict the trade. In February, 1761, while a new law was being made the merchants of Philadelphia presented a petition objecting to a duty on negroes, because laborers were scarce and negro slaves would reduce the price of labor and bring down the prices of staple commodities. The act which was passed March 14, however, increased the duty to ten pounds sterling. In 1773 the duty was increased another ten pounds and the English government raised the objection that a duty of twenty pounds would make the trade of negroes and mulatto slaves prohibitive. Nevertheless, the act became a law by lapse of time and Pennsylvania had succeeded in establishing a humane policy

<sup>25</sup> Votes and Proceedings, III, p. 31.

<sup>26</sup> Ibid., III, p. 31.

regarding negro slaves.<sup>27</sup>

As in Massachusetts the government of Pennsylvania recognized that many diseases were brought in by the immigrants, consequently similar precautions in admitting diseased persons were exercised. In 1700 an act was secured to prevent any ship with diseased passengers from coming nearer than a mile to any port or town of Pennsylvania without bills of health. In 1743 Fisher's Island, later known as Province Island, was purchased as a place where sick passengers might be landed. A hospital and other necessary buildings for the keeper were erected. Attempts were made in 1750 and again in 1765 to limit the number of immigrants on a ship to prevent over-crowded conditions. In 1774 all the laws passed so far were repealed, because the legislature felt that they had not proved as effectual as had been intended. According to the act of 1774 no shipmaster was allowed to have more than forty passengers. The penalty for allowing any persons sick with infectious diseases to land was 500 l. After the removal of the sick passengers to the hospital on Province Island the ship had to be fumigated and disinfected with gunpowder and vinegar for forty-eight hours. A tax of six pence a passenger was to be paid by the shipmaster for the support of the keeper of the hospital to insure proper conditions and care for the sick.<sup>28</sup>

<sup>27</sup>

Pennsylvania Statutes, VI, pp. 104-111, 468-471, VIII, pp. 530-532, 614, 619-620.

<sup>28</sup>

Pennsylvania Statutes, II, p. 80, V, pp. 94-96, VI, pp. 432-433, 440, VIII, pp. 369-376.

## CHAPTER III

## Virginia

Virginia was the oldest of the British colonies in America and quite different in its foundation and development from the other two colonies which have just been considered. The Virginia Company was composed of two divisions, the Plymouth Company and the London Company, of which the latter alone effected a permanent colonization in Virginia. Charter members of the Company were merchants of London. After the organization was perfected two classes of members were distinguished: the "Adventurers", who remained in England and subscribed money towards a capital stock, and the "planters" who went in person as colonists and were expected by their industry or trade to greatly enlarge the stock and its profits. All stockholders were to receive a share in the profits in proportion to the number of their shares.<sup>1</sup> Theoretically a planter was a member of the Company who received maintenance, or transportation at the Company's charge during the time he gave his services to the Company. Practically he was little better than a servant. Up to 1613 he worked as a hireling of the Crown and received a miserable support for his labor.<sup>2</sup>

<sup>1</sup>James Curtis Ballah, "White Servitude in the Colony of Virginia", in Johns Hopkins University Studies, XIII (1895), pp. 11-12.

<sup>2</sup>Ballagh, pp. 13-14, 22.

A communal system of landholding was provided for in the King's Charter to the Company in 1606. Land was to be granted "in free and common soccage only and not in Capite". The colonists were to be furnished out of a common storehouse for five years. They were to live "in the fear and true worship of Almighty God, Christian peace and civil quietness each with other, whereby every one may with more safety, pleasure, and profit, enjoy that, whereunto they shall attain with great pain, and peril".<sup>3</sup> No private ownership of land seems to have existed until about 1619 when Governor Yeardley arrived. The new life which began in that year greatly encouraged industry and husbandry and led to a large increase of independent proprietors in a few years. Special inducements were offered by large grants of land and exceptional privileges to associations of planters for the establishment of separate plantations. To encourage immigration additional grants of fifty acres were made to them for every person transported in the next seven years.<sup>4</sup>

Due to the stimulus given to the acquisition of wealth by the establishment of private ownership of land, and the very rapid growth of tobacco culture, a large number of servants and tenants were needed in Virginia. Due to the encouragement given to immigration the practice of importing servants was pursued for some time. This developed into the com-

<sup>3</sup> The Statutes at Large of Virginia, ed. by W. W. Hening, I, pp. 65-66, 95.

<sup>4</sup> Ballagh, pp. 17, 31; Hening, Statutes, II, pp. 523-524, 530.

mon mode of transporting servants on contracts by indenture for a limited time of service varying in individual cases. The indented servants became a distinct class in 1619 and consisted of two kinds: those who entered into voluntary servitude based on a free contract with the London Company or with private persons, and those who by legal authority were sentenced to a term of servitude judged necessary for their reformation, or as a reprieve from other punishment for misdemeanors already committed. In March, 1616, King James directed the Privy Council that the execution of those persons be stayed who were convicted of any robbery or felony - wilful murder, witch-craft and burglary excepted - and "who for strength of bodye or other abilityes shall be thought fitt to be imployed in forreine discoveryes or other Services beyond the Seaes".<sup>5</sup> The great body of servants was comprised in the class of voluntary servitude. They were free persons largely from England, Scotland, Wales, and Ireland, who wished to settle in the colonies to better their condition but were too poor to pay for the cost of transportation. Consequently they entered into a voluntary contract with anyone who would assume the cost of the passage and their maintenance for such a term of years of service as would repay the outlay. The other large class was composed chiefly of English paupers, vagrants, and dissolute persons sent by court sentences and later by the

<sup>5</sup>  
Acts of the Privy Council of England. Colonial Series.  
 I, p. 11.

action of English penal statutes.<sup>6</sup>

Virginia did not favor this policy of being a penal colony for the home government because experience had taught the Virginians that felons were seldom reformed. If they permitted the practice, the province would lose its reputation of being a desirable colony to live in. Desirable settlers would stay away, because they would believe it was "a place onely fitt to receive such base and lewd persons". In April, 1670, the General Court upon receiving petitions from the counties, Gloucester and Middlesex, issued an order prohibiting any further importation of "jail birds or others who for notorious offences have deserved to die in England from and after Jan. 20 next upon pain of being forced to keep them on board and carry them to some other country".<sup>7</sup> In October the order was confirmed in England. A strict system of search was applied to every ship that entered the ports of Virginia, and for the next half-century the colony had a respite from "Newgaters" and "Jail birds". The transportation after 1671 was diverted to the West Indies but proved so ineffectual in putting a stop to petty felonies, that in 1717 Parliament passed a statute over the most vigorous protests from Virginia merchants in London making the American colonies a veritable reformatory and dumping ground for the felons of England. Many attempts were made to prevent their coming by the imposition of heavy duties, but not until 1788 was effective

<sup>6</sup> Ballagh, pp. 33-35, 42

<sup>7</sup> Henning, Statutes, II pp. 509-510.

legislation secured.<sup>8</sup>

The Virginia government was anxious to have settlers on the western frontiers for the sake of protection from the Indians. In 1701 the Assembly passed an act entitled, "An act for the better strengthening the frontiers and discovering the approaches of an enemy." Provision was made that a quantity of land not less than ten thousand acres be granted to societies as tenants in common. The surveys and quitrents were to be paid at public expense for twenty years. The settlers were exempted from taxes for twenty years and from military service except for their own defense. Settlement rights to two hundred acres of land were to be granted to each person until thirty thousand acres were taken up.<sup>9</sup>

Furthermore, among the colonial legislatures, that of Virginia was foremost in encouraging applications for naturalization, so that the foreigners might enjoy full civil rights and protection of British subjects. In 1657 it was enacted, "That all aliens and strangers who have inhabited the country for the space of four years, and have a firme resolution to make this countrey their place of residence shall be free denisons of this collony".<sup>10</sup> An act of 1671 made it possible for any foreigner upon petition to the Grand Assembly and upon taking

<sup>8</sup> Ballagh, pp. 37-38; Acts of the Privy Council, I, p. 553, III, pp. 54-55, IV, p. 140.

<sup>9</sup> Hening, Statutes, III, pp. 205-207.

<sup>10</sup> Lucian J. Fosdick, The French Blood in America (New York, 1906), pp. 248-249; Hening, Statutes, I, p. 486.



the oaths of allegiance and supremacy to his Majesty to become naturalized.<sup>11</sup>

Encouragement of this kind, the great fertility of the land in Virginia, and the natural protection of the Valley of Virginia against the Indians induced many settlers to pour into the western part of the province. The popular impression is that Virginia was settled entirely by English stock. It is true the English formed a larger percentage in the population than of most other states. The Tidewater region was mostly English, but on the Piedmont slope and in the Valley of Virginia Germans and Scotch-Irish predominated. The Germans avoided the eastern part of the province, because they were a class of industrious people who did not like to have negroes working at their side, and their natural averseness to idleness did not fit them into the society of Virginia gentlemen.<sup>12</sup>

The earliest German settlement in Virginia was made under the auspices of Governor Spotswood, who was favorably disposed toward colonists and "appreciative of the value of the Germans as settlers". This settlement, called Germanna, was situated in the county of Spotsylvania. The first colonists were twelve German families of the Reformed Church who arrived in 1714. They came on Baron de Graffenried's solicitation to

<sup>11</sup> Hening, Statutes, II, pp. 289-290.

<sup>12</sup> Albert B. Faust, The German Element in the United States (2 vols., Boston, 1909) I, pp. 177-178, 202-203.

establish and operate for Governor Spotswood the ironworks which they built about ten miles northwest of the present town of Fredericksburg. About sixty more families had settled there by 1720, and Governor Spotswood secured 1500 l. current money of Virginia for building a church, court house, prison, pillory and stocks, and for arms and ammunition to be distributed to each Christian titheable. The undertaking was not successful and by 1748 only three families were left. The other families had made new settlements at Germantown, Virginia and in Madison County. They left their first settlement because Governor Spotswood refused to sell them the land on which they were settled at Germanna. The reason for his refusal probably was that he would thereby lose a source of income, the profits from the ironworks.<sup>13</sup>

Besides these settlements on the Piedmont Plateau there was a larger current of immigration into the Valley of Virginia which lies between the two mountain ranges, the Alleghanies and the Blue Ridge. The northern part of this valley was settled by Germans mainly from Pennsylvania, whereas the southern slope of the valley was settled by Scotch-Irish and Huguenots. The settlers were usually squatters at first, but in the course of time they were compelled to buy the lands they had cultivated from some fortunate individual, who had received a land grant. The first of the pioneers into the Valley was Adam Muller, who settled in 1726 and 1727. He came from Lan-

<sup>13</sup> Faust, I, pp. 178-180; Hening, Statutes, IV, pp. 77-78.

caster County, Pennsylvania. Upon his favorable representations of the Valley his former friends and neighbors in Pennsylvania joined him, and a tide of immigration into the Valley was started. As the Indians on the Pennsylvania frontier became more and more hostile the migrations grew more numerous. The Virginia government encouraged the movement by exempting the settlers from the payment of public, county, and parish levies. Naturalization was granted upon receiving a certificate from the clerk that the oaths of allegiance and supremacy to the British Sovereign had been taken.<sup>14</sup>

There were no large colonies of Scots from North Britain in the colony of Virginia, but multitudes of Scottish families emigrated during the seventeenth and eighteenth centuries, and their descendants in time became numerous in almost every one of the tidewater counties of Virginia. Most of the early comers seem to have landed and made settlements along the Elizabeth River in the vicinity of Norfolk.<sup>15</sup>

As was the case with the Germans the larger number of Scotch-Irish settled in the Valley of Virginia to which they removed from Pennsylvania. As in Massachusetts and Pennsylvania they helped to defend the frontiers against the Indians. Principally, through the labors of four men, John and Isaac Vanmeter, William Beverley, and Benjamin Borden, the settlements of Scotch-

<sup>14</sup> Faust, I, pp. 183, 186-190, 193; Henning, Statutes, V. pp. 78-80.

<sup>15</sup> Charles A. Hanna, The Scotch-Irish (2 vols., New York, 1902), II, p. 44.

Irish in the Valley of Virginia were started. Governor Gooch granted them much land beyond the Blue Ridge on condition they were colonized within a reasonable time. John and Isaac Van-meter of Pennsylvania in 1730 obtained a grant of forty thousand acres in the lower Shenandoah Valley. This warrant was sold in 1731 by the grantees to Joist Hite, a Hollander, who in 1732 with his own and fifteen other families, mostly Scotch-Irish, removed from Pennsylvania. In the early part of 1736 Benjamin Borden received the promise of a grant of 500,000 acres, principally along the headwaters of the James and Shenandoah Rivers. He received the grant under a condition of having a hundred families or settlers located on the land before he received the title. He succeeded in procuring the erection of ninety-two cabins within two years and received a patent from the governor bearing the date November 8, 1739. James Patton, a native of Ireland of Scottish descent, was a very efficient agent of Beverley and Borden in the colonization of their lands. He became the owner of a "passenger ship" and traded between Ireland and Hobbes's Hole, Virginia on the Rappahannock River. He is said to have crossed the Atlantic twenty-five times, carrying abroad cargoes of furs and tobacco and returning with Ulster immigrants.<sup>16</sup>

In 1738 upon the application of John Caldwell, a Scotch-Irish, the Synod of Philadelphia sent a commissioner to the

<sup>16</sup> Hanna, II, pp. 44-46

governor with a proposal to people the valley with Presbyterians, who should hold the western frontier against the Indians and thus protect the colony upon one condition only, "that they be allowed the liberty of their consciences and of worshipping God in a way agreeable to the principles of their education". To this Governor Gooch replied November 4, 1738: "As I have always been inclined to favour the people who have lately removed from other provinces, to settle on the western side of our great mountains; so you may be assured, that no interruption shall be given to any minister of your profession who shall come among them, so as they conform themselves to the rules prescribed by the Act of Toleration in England, by taking the oaths enjoined thereby, and registering the places of their meeting, and behave themselves peaceably towards the government."<sup>17</sup> Consequently the southern part of the Valley of Virginia was soon filled with a Scotch-Irish population who protected the Virginians against the Indians in payment for religious and civil liberty.

Another group of immigrants who settled in Virginia were the French Huguenots. They were welcomed by Virginia and received very generous treatment from the government of the province. There were some scattered but unsuccessful ventures in the early seventeenth century, as that of Baron De Sauce at Nansemond. As the seventeenth century waxed, however, the Huguenot emigration to Virginia increased. In the last decade of the seventeenth century at least a thousand French Protestants

<sup>17</sup> Hanna, II, pp. 27-28.

came to America receiving transportation from the Relief Committee in London. Most of them about seven hundred, landed in Virginia to establish a settlement on the James River. In 1700 four fleets sailed from Gravesend bringing all told more than seven hundred French refugees. They settled about twenty miles north of Richmond on the James River. They were given ten thousand acres of land which had belonged to the extinct tribe of Manakin Indians. This colony was interesting, because many of the members were Waldensians who had taken refuge in Switzerland when driven from their Piedmontese homes by Louis XIV. They became too many for the Swiss cantons to support; so England gave them aid to go to America together with the Huguenots. They received very liberal treatment from the Virginia government. Provisions and donations of money were bestowed on them until they were able to support themselves. In December, 1700, the legislature passed an act "making the French refugees inhabiting at the Manakin towne and the parts adjacent a distinct parrish by themselves, and exempting them from the payment of publick and county levyes for seven years". In 1705 the exemption from taxes was extended three years further.<sup>18</sup>

Settlements on the Mississippi River were encouraged by Virginia in 1754 by borrowing money, not to exceed ten thousand pounds, for the purpose of protecting the settlers from en-

<sup>18</sup> Charles W. Baird, History of the Huguenot Emigration to America, (2 vols., New York, 1885), II, pp. 176-180; Fosdick, pp. 348-352; Henning, Statutes, III, pp. 201, 478-479.

encroachments by the French and Indians. The Privy Council approved of this action, because the settlement of these lands would tend to defeat the designs of the French and put a stop to the progress they had made in gaining possession of the Mississippi country. The settlers of this region in return for the defense which they afforded for the rest of the province were exempted from paying quitrents for twenty years.<sup>19</sup>

Because the life of the province of Virginia depended on its one large crop, tobacco, which required many laborers, the policy governing the importation of slaves was different from that of Massachusetts and Pennsylvania. The latter two colonies tried to prohibit the trade entirely. In Virginia negro slaves and servants served a double purpose: that of furnishing labor and that of furnishing revenue when they were imported. The colonists did not like to pay all the taxes that would be necessary to furnish the government with enough money to defray all expenses; so the duties on slaves became a regular source of supply to meet these expenses. In 1676 the state-house at James City was burned down by Nathaniel Bacon. To secure money for building a new Capitol the government in 1699 enacted that a duty of fifteen shillings be levied on every servant not born in England or Wales, and twenty shillings on every negro or other slave imported into Virginia. Whenever

<sup>19</sup>Hening, Statutes, VI, pp. 417-420; Acts of the Privy Council, IV, pp. 237-238.

the government needed more money, an extra duty was placed on negroes imported into the province, so that at times they almost thwarted their purpose by causing the planters to get their negroes from other colonies where the duties were not as high.<sup>20</sup>

Restrictive legislation, whose purpose was to keep out undesirable elements because of the harmful influence they might have on the province, was not only directed against felons but also against certain religious sects. The founders of Virginia were avowed Episcopalians, who wanted no non-conformists and took active measures to enforce the policy of prohibiting their settling in the colony. In 1643 the legislature passed an act for the preservation of the purity of doctrine and the unity of the church. All ministers must conform to and preach the doctrines of the church of England. The Governor and Council were authorized to compel non-conformists to depart from the colony.<sup>21</sup>

Quakers in England were imprisoned, or oftentimes sent to the colonies. Their radical doctrines caused them to be disliked by the Virginians. They wanted immigrants who were willing to bear arms for the defense of the colony. Consequently, Virginia passed a law in 1660 for suppressing the Quakers. The preamble to the act clearly depicts the attitude of the colonists toward the Quakers: "there is an unreasonable and turbulent sort of people, comonly called Quakers, who contrary to the law do dayly gather together unto them unlawfull Assemblies and congre-

<sup>20</sup> Hening, Statutes, II, p. 405, III, pp. 193-195, VII, pp. 338, 340.

<sup>21</sup> Hening, Statutes, I, p. 277.



gations of people teaching and publishing, lies, miracles, false visions, prophecies and doctrines" which have a harmful influence on the people both in religious and civil matters.<sup>22</sup> To remedy this non-conformity a penalty of one hundred pounds sterling was levied on the master of a ship for bringing in Quakers. The Quakers in the colony were to be imprisoned until they gave security to leave the province. The Privy Council supported Virginia in its action. In 1705 the Toleration Act, passed by Parliament in the first year of the reign of William and Mary, was recognized in an act entitled: "An act for exempting their Majesty's protestant subjects dissenting from the Church of England, from the penalties of certain laws." As a result the policy regarding the Quakers became more lenient. Thereafter, in court Quakers were allowed to give their evidence by way of solemn affirmation and declaration instead of an oath in the usual form. Catholics, however, were not tolerated. Anyone whom they suspected of "effecting the superstitions of the Church of Rome" had to leave the colony.<sup>23</sup>

Virginia, too, found it necessary to protect the health of its inhabitants from inroads by contagious diseases. As early as 1658 the Assembly took action regarding the abuses

<sup>22</sup> Hening, Statutes, I, p. 532.

<sup>23</sup> Hening, Statutes, I, pp. 97-98, 532-533, III, pp. 298, 358, 360-361; Acts of the Privy Council, I, pp. 388, 393, 401.

which the immigrants suffered during the passage over the Atlantic. Masters of ships were obliged to provide four months' allowance of food for the passengers when they left England. Poor servants were not to be in want of clothes and bedding during the voyage. In 1722 provisions were made to prevent the spread of diseases by persons coming from ships which had been in places infected with the plague. Those ships had to go into quarantine. The penalty for a captain allowing a person on such a ship to go on shore before the quarantine was over was the forfeiture of the vessel and her outfitting to the Crown. Acts in 1766 and 1772 provided especially for quarantine in cases of "jail fever" or small-pox.<sup>24</sup>

<sup>24</sup>Hening, Statutes, I, p. 435, IV, pp. 99-103, VIII, pp. 260-261, 537-538.

## CHAPTER IV

## Conclusion

In all three colonies we find an eagerness to secure settlers. Various inducements were offered to immigrants for the purpose of promoting a broader and more balanced growth of the colonies. Their greatest inducement was land, of which they had an almost limitless amount, and of great fertility. Many poor people who had been unable to gain a living in Europe were drawn to America by the prospect of owning a farm which would give them enough for a comfortable living and to spare. The policy of granting naturalization to the foreigners on reasonable terms was another advantage to be considered. Virginia was foremost in this policy, probably because they were particularly anxious to have desirable settlers to counterbalance the influence of indented servitude. The economic advantages to be enjoyed in the new country were of more importance than the religious advantages. Pennsylvania was the only one of the three colonies considered that was based on liberality in religion. Evidently it was an inducement for many immigrants, because people of many different radical sects made Pennsylvania their home. All the Dunkards in Europe eventually came to Pennsylvania. Many inhabitants of other colonies, where they did not have religious freedom, came to Penn's province.

In spite of the non-conformity of many immigrants to the established church of the Puritans in Massachusetts and the Episcopal Church in Virginia, the colonial governments did not generally prevent their settling in these colonies, because the majority of these immigrants were people who had been law-abiding subjects except for differences in religion. Their serious purpose was to settle where unmolested they could earn a living through their own labors and have religious freedom. Both Massachusetts and Virginia overcame the obstacle of admitting non-conformists by giving them tracts of lands in unsettled regions or on the frontiers where they might establish new communities to be governed by themselves. This system of frontier settlements was a wise policy, because the provinces gained both political and economic advantages thereby. The frontier settlements served as a defense against the Indians, and the industry of the settlers added to the development of the colonies not only by the establishment of new communities as such, but also by the increase in trade of the colonies. Even after the Toleration Act had been proclaimed the immigrants were induced to settle on the frontiers because the land was cheaper, and the provincial governments granted them exemption from quitrents and taxes for a specified term of years.

Of actual restrictive legislation by these colonies there was little. They were all opposed to Roman Catholics and were quite successful in keeping them out, but that was a policy which had been established for them by the home government.

Except in Pennsylvania Quakers fared as badly as Catholics because of their peculiar doctrine of refusal to bear arms. England met staunch and persistent opposition to her policy of employing the American plantations as penal colonies, for they feared the moral influence which felons were likely to exercise on society and the danger which might result from harboring criminals. Virginia was very strongly opposed to the policy because they had to cope with this element to a greater extent as a result of the system of involuntary servitude which was more largely employed there than in the other colonies. Pennsylvania seemed to show a humanitarian attitude toward felons by imposing a duty, which might operate to keep out the less desirable ones and give the others an opportunity under favorable conditions to get a new start in life.

The religious influence in Massachusetts and Pennsylvania largely determined the importation of negro slaves. In Massachusetts heavy duties were imposed on negro slaves for the sake of encouraging the importation of Christian white servants. The doctrines of the Quakers were opposed to slavery and consequently prohibitive duties were levied on negroes. In Virginia the economic influence out-weighed the religious consideration. The planters needed laborers and as they were not able to get enough cheap white labor they secured negro slaves. The government felt safe in placing duties on negroes for purposes of revenue, because a duty, unless unreasonably high, would not deter the planters from buying the necessary laborers for their tobacco crops.

Thus, England's policy in general was to encourage all immigrants to go to the colonies, and the colonists passed few restrictive measures against this policy.

Approved T. Roth

P. J. ...

W. 24-2