

Kristalyn Marie Shefveland

**Virginia's Eastern Shore and Edmund
Scarburgh: Indigenous Labor and
the Plantation Economy in the
Seventeenth Century**

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English settler colonies introduced a new market structure to the Native peoples of the Chesapeake watershed. Alongside trade in goods, traders and merchants exchanged peoples for labor. Within the Virginia colony the Eastern Shore was a small and sparsely populated peninsula of sandy soil with necks of land jutting west out into the Chesapeake. While the bulk of English settlements concentrated on the Western Shore in the fertile lands of the Powhatan paramountcy, the smaller settlements of the Eastern Shore provide a window into the greater Atlantic world due to their position in proximity to European shipping lanes. In a study of this settlement one can see some of the importance of Native laborers alongside African and English laborers in the early plantation economy and the transatlantic exchange of commodities. While many Virginia counties relied primarily on English indentured servants and few Native laborers before the plantation economy converted to large scale enslavement of Africans, the counties of Accomack and Northampton stand out as notable exceptions.¹ Power dynamics in colonial Virginia were characterized by social hierarchies, economic interests, and the exercise of authority by influential individuals. This essay is a case study of

¹ See Kristalyn Marie Shefveld, “The Many Faces of Native Bonded Labor in Colonial Virginia,” *Native South* 7 (2014): 68–91; Kristalyn Marie Shefveld, *Anglo-Native Virginia: Trade, Conversion, and Indian Slavery in the Old Dominion, 1646–1722* (Athens, GA: University of Georgia Press, 2016); C.S. Everett, “‘They Shalbe Slaves for Their Lives,’” in *Indian Slavery in Colonial America*, ed. Alan Galloway (Lincoln: University of Nebraska Press, 2009): 67–108; John C. Coombs, “Building ‘the Machine’: The Development of Slavery and Slave Society in Early Colonial Virginia” (PhD diss., College of William and Mary, 2003): 96–97. Coombs finds that “twelve of twenty-nine men who held office in Charles City between 1655 and 1665 employed Indians in some capacity, a higher percentage than can be documented for any other county during the same period” (96). Historians who consider the Eastern Shore exclusively and are cited throughout this essay are Jennings Cropper Wise, *Ye Kingdom of Accawmacke or the Eastern Shore of Virginia in the Seventeenth Century* (Richmond: Bell Book and Stationery Company, 1911); Susie M. Ames, *Studies of the Virginia Eastern Shore in the Seventeenth Century* (New York: Dietz Press, 1973 [1940]); James W. Perry, *The Formation of a Society on Virginia’s Eastern Shore* (Chapel Hill: University of North Carolina Press, 1990); J. Douglas Deal, *Race and Class in Colonial Virginia: Indians, Englishmen, and Africans on the Eastern Shore During the Seventeenth Century* (New York: Garland, 1993). In comparison, another area that held a high number of enslaved Natives were the mainland counties of Henrico and Charles City near the falls of the James River where William Byrd I was an active Indian slave and skins trader as well as a transatlantic broker in commodities and enslaved Africans.

Edmund Scarborough, one man and his ambitions, who stands out within the colonial and historical record. Scarborough emerges as an unstoppable vigilante both at the time and in historical memory, because of his accumulation of wealth and power through the Indigenous slave trade as well as his transatlantic trade interests. I will show this by examining the actions of Scarborough as well as the creation of the historical record that lionized his narrative.

Introduction

Scarborough was born in St. Martin's-in-the-Fields, London, 1617, to Captain Edmund Scarborough, a barrister and graduate of Caius College of the University of Cambridge. His older brother, Sir Charles Scarborough, went on to become a noted physician and mathematician, knighted by King Charles after the restoration in 1660. While Scarborough is well known in the Eastern Shore and holds a notorious reputation in local spaces and histories akin to famed pirates and rapsCALLIONS of the Atlantic World, what receives less attention is his role in the trade and exploitation of forced Indigenous labor and Indigenous perspectives on forced labor and stole knowledge practices. By examining the importance of historical memory and the colonial record, one can analyze the agency of men like Edmund Scarborough. Additionally, by focusing on the creation of colonial records and memory one can consider the impact of settler memory in places like the Eastern Shore. Physically, and in many ways legally, isolated from the rest of the Virginia colony, the Eastern Shore serves as a window into the ambitious desires of the nascent plantation economy. While certain English settlers like Scarborough functioned as empire builders, the larger issues at play for the Native peoples of the Eastern Shore indicate the violent nature of forced labor and often raises more questions about their experiences than it answers. These interactions at times highlight the ways in which tributaries of the English government sought to protect their rights within the colony and work within the emerging Atlantic economy of trade. Forced labor, in all its peculiarities—enslaved or quasi-legally indentured—was ever present,

persistent, and wide ranging in its varieties, but always forced by violence or circumstance.²

The Eastern Shore was an excellent location for trade and the exchange of commodities—tobacco, corn, beef, and fur. From 1622–1675 the tidewater beaver trade held great promise for mutually beneficial economies between colonists and Native peoples, as J. Frederick Fausz argues, the trade “might have obviated the large-scale exploitation of slave labor and the massive dispossession of Indian lands that became the southern frontier legacy.”³ Instead, the young economies of Indigenous trade gave way to nascent plantation crops that led to a constant demand for laborers. The scarcity of workers accounts for the taking of Native peoples as indentured servants and slaves as the settlement progressed. English planters employed white indentured servants as well as African and Native slaves and servants in their fields planting tobacco, wheat, and corn in the sandy soil. Laborers also raised cattle, hogs, and poultry on the newly formed plantations while the cleared trees provided oak, hickory, and pine for the emerging lumber industry. A salt works was one of the primary motivations for English settlement of the Eastern Shore in March 1614 with the arrival of Sir Thomas Dale to the Virginia colony as governor. A friendly relationship with Accomac leader, Esmy Shichans (The Laughing King) allowed for easy settlements on the lower half of the peninsula facing the Chesapeake Bay. Twenty English men endeavored to create a fishery and salt works on Smith’s Island (a small piece of land adjacent to the peninsula) to preserve the fish and other foods.⁴ The English intended to make salt by boiling down the sea water while establishing a settlement on the mainland peninsula.

² See Kristalyn Marie Shefveld, “Cockacoeske and Sarah: Women and the Native Slave Trade in Early Colonial Virginia” in *Virginia Women: Their Lives and Times*, vol. 1, ed. Cynthia A. Kierner and Sandra Gioia Treadway (Athens, GA: University of Georgia Press, 2015).

³ J. Frederick Fausz, “Merging and Emerging Worlds: Anglo-Indian Interest Groups and the Development of the Seventeenth-Century Chesapeake,” in *Colonial Chesapeake Society*, ed. Lois Green Carr, Philip D. Morgan and Jean B. Russo (Chapel Hill: University of North Carolina Press, 1988): 47–98, 50.

⁴ Julie Richter, *Changing Relationships Among the Indians, Europeans, and Africans in the Old Plantation Creek Neighborhood During the Seventeenth Century* (Eastville, VA: Arlington Foundation, 2005): 26–27.

Despite Dale's original intentions for the area to support a salt works and the Eastern Shore to flourish as the Virginia Company's "garden", by April 1619 under the administration of Samuel Argall, a company observer noted that at great loss to the company, "this wholl State of the publique was gone..." and there were no tenants, servants, saltworks, or cattle to be found.

While in a prime location for production, salt was off to an inauspicious start for the colony. Salt was a precious commodity and necessary dietary staple for the Virginia Company members and in May 1620 they sought to restore the works at Smith's Island with twenty more men.⁵ Interestingly, within the record there is no mention of Native Virginian saltworks in the colonial literature which is curious given the location and the widespread Eastern Woodlands practice of boiling to evaporate salt.⁶ Despite efforts to reinvigorate the production and the recommendation of Company Secretary John Pory that the Company should evaporate the saltwater by the "heate of ye sunne" and employ workers from Rochelle and other places familiar with the practice—by 1622 the salt works were entirely a failure.⁷ The primary commodity on the Eastern Shore during the early English settlement was instead a lively fur and corn trade between settler Thomas Savage and the Accomacs/Mattawombe/Gingaskins of the southern peninsula and the Onancoks/Occohannocks of the northern peninsula.⁸

By 1621, Esmy Shichans chose to further align himself with the English in a political as well as economic alliance. Esmy Shichans was an "easygoing man, the titular ruler of both the Accomacs and the Occhanocks," and he developed a strong relationship with Thomas Savage.⁹

⁵ Richter, *Changing Relationships*: 29–31. Quoted from Kingsbury, ed., *Records of the Virginia Company II*: 52.

⁶ See Ashley Ann Dumas, "The Role of Salt in the Late Woodland to Early Mississippian Transition in Southwest Alabama" (PhD diss., University of Alabama, 2007): 103.

⁷ Richter, *Changing Relationships*: 33.

⁸ See J. Frederick Fausz, "Merging and Emerging Worlds: Anglo-Indian Interest Groups and the Development of the Seventeenth-Century Chesapeake," in *Colonial Chesapeake Society*, ed. Lois Green Carr, Philip D. Morgan and Jean B. Russo (Chapel Hill: The University of North Carolina Press, 1988).

⁹ Helen C. Rountree and Thomas E. Davidson, *Eastern Shore Indians of Maryland and Virginia* (Charlottesville: University of Virginia Press, 1997): 50.

Thomas was one of three English boys who lived with Native Virginians from the onset of the English colony, acting as interpreters and quasi-diplomats. The exchange of children in Virginia allowed for language acquisition as children as intermediaries learned the customs and languages of their communities which allowed them to become interpreters at a young age. This crucial tool in settlement, placed enormous pressure on these youths, malleable as they were in their adolescence, the desires to please disparate masters led to fraught and tense situations for all involved.¹⁰ Thomas Savage arrived in the Eastern Shore sometime around 1621 and became well-liked by Esmy Shichans and the Accomac, who provided him a 9,000-acre tract of land on the Eastern Shore, a region known today as Savage Neck.¹¹ Why Thomas moved to the Eastern Shore is not entirely certain, however, the fact that Casatowap of the Patuxent did not like him and that Opechancanough of the Western Shore tried to have him killed may have played no small role in his emigration across the Chesapeake Bay to the protection of the Accomack. That this coincided with the second Anglo-Powhatan War along the Western Shore is no likely no coincidence either. Recognizing a potential for trade in furs and foodstuffs, Savage began trading in corn. Showing that Savage may have become too close to Native peoples, Captain William Epps, a rival of Savage, took over the trade by 1624, after civil authorities sought it necessary to “check the operations of a trade or interpreter who seemed to take the Indians’ interests too much to heart.”¹² By 1634 there were almost four hundred English settlers on the peninsula seeking to carve out corn, tobacco, and other cash commodity plantations on the land of the Accomacs.¹³ As the colony matured in the 1640s the relationship between English settlers and the

¹⁰ See Karen Ordahl Kupperman, *Pocahontas and the English Boys: Caught between Cultures in Early Virginia* (New York: New York University Press, 2019).

¹¹ Martha McCartney, “Thomas Savage,” *Encyclopedia Virginia*, <https://encyclopediavirginia.org/entries/savage-thomas-ca-1595-before-september-1633/> [accessed 01.11.2023].

¹² Deal, *Race and Class in Colonial Virginia*: 11–13.

¹³ See Perry, *Formation of a Society*: 31; Warren M. Billings, John E. Selby, Thad W. Tate. *Colonial Virginia: A History* (New York: KTO Press, 1986): 69–76; Richter, *Changing Relationships*: 47.

Native Mattawombe/Gingaskin in the southern peninsula began to sour, particularly with the death of Debedeavon, the actions of Edmund Scarburgh, and the splitting of the peninsula into two English counties.¹⁴ On Occahannock Neck in the spring of 1650, an overseer of Scarburgh found Native hunters in the woods and claiming the land for his employer, threatened them at gunpoint to leave. Wachiwamp, a weroance of the Occahannock complained to the court of his treatment, “whereby hee was disturbed in his hunteinge.” Due to his stature the court found in his favor and ordered that “for future tyme noe English man shall disturb, mollest or act any thinge against the said Indian Kinge to hinder him in his hunteinge.” Edmund Scarburgh would later pay for Wachiwamp’s land, adding to his two thousand acres on Occahannock Land.¹⁵ In the latter half of the seventeenth century, the Native peoples came to the English and told them they were “straightened for want of land” while the colonists were committing “acts of rapine and violence.”¹⁶

Firsting and Lasting

Language in the record about Native land loss and settler violence highlights the importance of the Eastern Shore as a space to examine settler memory and the creation of the American narrative in both primary and secondary sources. While Native peoples often have a role in settler origin stories, as Ojibwe historian Jean O’Brien explains, firsting in the historical narrative can be seen in the creation of origin stories that continue to downplay Indigenous presence and history. When settler origin stories do acknowledge Indigenous peoples, they incorporate them only as the preface for non-indigenous history, relegating their story to a dis-

¹⁴ Richter, *Changing Relationships*: 62.

¹⁵ Quoted in Deal, *Race and Class in Colonial Virginia*: 19.

¹⁶ William Waller Hening, *The Statutes at Large: Being a Collection of all the Laws of Virginia* (Richmond, VA: Samuel Pleasants junior, 1810–1823): 1:551; Susie B. Ames, “Beginnings and Progress,” in Charles B. Clark, ed., *The Eastern Shore of Maryland and Virginia* (New York: Lewis Historical Publishing Company, 1950): 74–75.

tant past and denying them contemporary or future presence.¹⁷ Thus the result, O'Brien argues, "is the successful mounting of the argument that Native peoples and their cultures represented an 'inauthentic' and prefatory history."¹⁸ Firsting, therefore, is that legitimate, or authentic, history, begins with European settlement. In the case of the Eastern Shore, popular memory focuses on settler narratives like Scarborough.

Lasting is another common element of settler histories, emphasizing so-called Native lasts in contradiction to settler firsts. For example, the discourse of the Vanishing Native or the last of their kind reflects a "rhetorical strategy that asserts as a fact the claim that Indian can never be modern." By that definition, Native peoples are placed into cultural stasis, residing in an "ahistorical temporality in which they can only be the victims of change, not active subjects in the making of change" whereas settlers are afforded progress narratives.¹⁹ Settler usage of lasting is often employed in naming practices, organizing a territory in a way that amplifies a message of extinction, in a pattern of replacing/removing. By situating the settler at the heart of the narrative, the story becomes about a preordained inevitability of replacement whereby previous Native histories of a region become a "dead end" and the settler claims the region as their own.²⁰ This message of replacement is found in monuments, place names, and archaeological sites. This is interconnected with themes of Divine Providence, Manifest Destiny, and American expansionism that characterizes American settler narratives. A 1991 article on an upcoming Eastern Shore Native Powwow in *The Washington Post* reflects this theme perfectly, whereby the author opines, "The first American tribes to be discovered by the Europeans, they were also the first to fall..." as he claims that river with "peculiar names are among the few surviving reminders of Native American cultures."²¹ By conflating

¹⁷ Jean O'Brien, *Firsting and Lasting: Writing Indians Out of Existence in New England* (Minneapolis: University of Minnesota Press, 2010).

¹⁸ O'Brien, *Firsting and Lasting*: 52–53.

¹⁹ O'Brien, *Firsting and Lasting*: 107, 105.

²⁰ O'Brien, *Firsting and Lasting*: 55.

²¹ Robert Kyle, "Lost Tribes of the Eastern Shore," *The Washington Post*, 01.09.1991, <https://www.washingtonpost.com/archive/opinions/1991/09/01/lost-tribes-of-the-eastern-shore/fcbe2ead-f7bd-45b8-a105-3d65ae4115ad/> [accessed 01.11.2023].

Native history with the history of the land itself, the author, like generations of settler writers and archivists before him have removed Native peoples from the narrative. Historical memory plays a crucial role in Virginia's Eastern Shore as it influences various aspects of the region's culture, society, and interactions. Issues such as colonialism, slavery, Indigenous displacement, and other historical injustices are part of the region's history and may influence conversations about reconciliation, social justice, and equity.

Scarburgh and the Historical Narrative

Unpacking the narrative of Scarburgh and in the Eastern shore involves examining the facts and historical memory of those facts, through the lens of settler memory and especially the concept of firsting/lasting. Settler narratives often craft an idealized past, a process that creates two vastly different types of histories. One must examine the remaining archive and the facts therein; however, interpretation of those facts leads to a wide variety of narratives, colored by bias and perspective. In the latter half of the seventeenth century, Scarburgh and his presumed mistress, a seventeen-year-old English émigré named Ann Toft, owned many Native laborers whose status varied from indentured servant to enslaved. To illustrate the attention paid to Scarburgh's legacy we should consider the account of Jennings Cropper Wise, a descendant of Scarburgh who studied him in the nineteenth century, and described his ancestor thusly, "Unscrupulous have we called Colonel Edmund Scarburgh? Yes. But brilliant too; exceedingly brilliant, and a power in his day."²² A more recent local history shares that Scarburgh was "all sorts of a man... warm hearted, pugnacious, fearless, enterprising. He was as fearless as the most fearless in defense of his country and as brave as the bravest as a soldier."²³

²² Wise, *Eastern Shore of Virginia History*: 151.

²³ Frances Lankford Taylor, *Highlights in the Early History of the Eastern Shore of Virginia* (Eastville, VA: Hickory House, 2001): 6.

In Scarborough's activities, one can see the competitive English interests at work. One of the eight original shires in the colony of Virginia, Accomack, formed in 1634, once covered the entire Eastern Shore. In 1643 the County was renamed Northampton due to the efforts of Obedience Robins, a Cromwell supporter during the English Civil War and Protectorate. With the restoration of the monarchy and the return of Royalist control, settlers divided the Eastern Shore into halves, renaming the northern half of the peninsula near the Maryland border, Accomack, in reference to the Native polity of the region. A rival of Obedience Robins, Scarborough made sure that his county received the most acreage in the Eastern Shore, well over 50%. Scarborough, a Royalist supporter in the English Civil War and Protectorate, was the major settler landholder in Accomack County and an example of the emerging English Atlantic economy. A man of great ambition, Scarborough successfully engaged in commodity activities throughout New England, the Netherlands, and England. His occupations included county burgess, land speculator as surveyor-general (1655–1670), and he was an amateur physician. (he “cured” an enslaved man named Congo of an unknown illness in 1660 and was paid 1500 pounds tobacco).²⁴

Methodological Difficulties: Enslavement and Indenture

All told, Scarborough held 75,000 acres of land and numerous tithable English, African, and Native servants and slaves. In 1667, he had forty-three tithables, his eldest son Charles had thirteen and his mistress and partner Ann Toft held at Gargaphia forty-five tithables.²⁵ In seventeenth- and eighteenth-century Virginia, the term “tithable” referred to the landowner who paid the taxes imposed by the General Assembly to support the colonial government. The General Assembly placed a poll tax, sometimes called the capitation tax, on free white males, enslaved people,

²⁴ Ralph T. Whitelaw, *Virginia's Eastern Shore: A History of Northampton and Accomack Counties* (Richmond, VA: P. Smith, Publishing 1951): 1:627.

²⁵ Whitelaw, *Virginia's Eastern Shore*: 2:1150–51; 1-628; Ames, *Virginia Eastern Shore*: 109.

and servants, all age sixteen or older. Enslavers like Scarborough paid the taxes levied on their enslaved workers and servants. To put that into perspective, the peninsula at that time held about 302,960 acres, making Scarborough's holdings at about a quarter of the entire settlements. For tithables, in 1666, Northampton County held 426 total laborers. Increasingly a small number of planters, including Scarborough, consolidated their landholdings and held the largest number of tithables and laborers.²⁶ Analysis of Scarborough's plantations and the issue of forced labor and enslavement must be viewed not only through the lens of legal codes but through the reality that laws passed in Jamestown likely had little to no bearing on lawless power brokers like Scarborough. Labor relations in Virginia in the seventeenth century, by all accounts, were a complex set of laws and realities wrapped in antagonisms over class and racial assumptions. Throughout the colonial period, the realities of forced labor and enslavement changed remarkably over time and by region but in all cases, one sees denials of freedom. The constant revision of laws regarding Native servitude and slavery suggests changing opinions in Virginia about how to categorize such laborers. Should they be servants or slaves? If they were servants for how long should their indenture be? Could they legally be enslaved? Should enslavement be a result of war? Should tributary Natives (the remaining Powhatan groups) have a fixed indenture or were they subject to enslavement as well? Were all Natives regardless of origin subject to slavery? If they were instead serving as servants did they have any legal rights? These questions about Native labor provoked debates within the colony, debates mirrored in frequent amendment of the laws governing Native labor.

Studying Native labor and slavery, alongside any study of the emergence of chattel slavery and the plantation economy, in colonial Virginia can be a complicated task.²⁷ The records reveal a myriad of legal statuses

²⁶ Susie B. Ames, "Colonel Edmund Scarborough," *Randolph Macon Alumnae Bulletin* (1932): 16–23, 17; Ames, *Virginia Eastern Shore*: 108–9.

²⁷ In Earl G. Swem's *Virginia Historical Index*, Swem indexed thirty years' worth of late nineteenth and early twentieth century academic journals devoted to Virginia history and genealogy, including the first and second series of the *William and Mary Quarterly*, the *Virginia Magazine of History and Biography*, *Tyler's Quarterly*, *Calendar of Virginia State Papers*, and the *Virginia Register*. In the first volume of Swem's index the entries

for all types of laborers in the colonial period. Labor in Virginia did not simply transplant traditions of servitude adopted from legal cultures of England, instead, a “stratified legal culture which accommodated distinct regimes of work,” came to be applied to forced labor.²⁸ According to Christopher Tomlins, the legal culture that the Virginians adopted from their English forefathers was focused primarily on “manorialism, hierarchical social relations, strong county elites, powerful justices of the peace, powerful county courts, and a comparatively atomized population that had few centers of countervailing authority.”²⁹ Although a few sources remain about the North American colonies and the enslavement of Native peoples which provide an avenue to “envision the daily lives of some enslaved Indians might have been like—the labor, personal relationships, kinship networks, privation, among other issues—it remains difficult to move beyond broad generalizations.”³⁰

While the English utilized few Native laborers at the beginning of their settlement on the peninsula, by mid-century that number was growing both legally by indenture and through enslavement. With the 1646 Treaty of Peace with Necotowance of the Western Shore Pamunkey, the English allowed for the taking of children from the tributaries as hostages. Foreign Natives, that is, Indigenous peoples not allied with the English Virginians, could be legally taken as slaves in war.³¹ Buying and selling of children both on the Eastern Shore and Western Shore of the colony led to several rules regulating Native labor. First, children were to be servants and not slaves, they were to be educated in Christianity and set free at the age of twenty-five years. From county court records

for the heading “Indian Servants and Slaves” runs nearly two full columns, including eighty occurrences in these journals. From these citations, one can surmise that at the very least a strong demand existed for Indian labor in the seventeenth century and that Indian slavery posed a problem that warranted several dozen laws and court cases.

²⁸ Christopher Tomlins, *Freedom Bound: Law, Labor, and Civic Identity in Colonizing English America, 1580–1865* (Cambridge: Cambridge University Press, 2006): 297, 306.

²⁹ Tomlins, *Freedom Bound*: 258–59; It is important to note, however, that there was virtually no precedent for “enslaving a class of people for life and making that status inevitable.” See Anthony S. Parent, Jr., *Foul Means: The Formation of a Slave Society in Virginia, 1660–1740* (Chapel Hill: University of North Carolina Press, 2003): 105.

³⁰ Rebecca Anne Goetz, “Indian Slavery: An Atlantic and Hemispheric Problem,” *History Compass* 14, no. 2 (2016) 59–70, 65.

³¹ Henning, *Statutes at Large*: 1:322–26.

and the rash of subsequent legislation, the picture quickly emerges that English settlers did not abide by these rules. By 1662, legislation reveals that further regulation was necessary. The English could not sell Natives as slaves, nor could Native servants serve longer than an English servant of similar age and no Native could be held without special license from the governor.³² Articles of indenture for several Native boys emerge from the Eastern Shore after this legislation.

To compare indenture to enslavement one must consider the nature of forced labor and one can see within Accomack the ways that Native peoples sought to protect their interests as well as the ways men like Scarburgh sought to undermine their rights and force them into lifelong service. The length of indentures varied greatly as county and colonial courts subjected contracts to shifting degrees of interpretation. Among the indentures available from Accomack were Indigenous children ranging from seven to twelve years of age, indentured until the age of twenty-four with incentives promised upon completion. One contract included corn, clothes, a cow, and calf, plus fifty acres of land to use during his natural life after completion of indenture.³³ In another case from Accomack, Daniel Jenifer promised two of his Native servants, Margarite, and Nanny, that they would serve a term for no longer than six years, after which time they would have their freedom, Nanny would receive a cow, if they “behaved during their terms of service.” However, Nanny had a daughter named Anne with an enslaved African named Old Daniel and in 1687, the child that resulted from that union was sentenced for indenture until the age of thirty, and any children the child might have would be servants for life.³⁴

Overall, indentured Native children had contracts that lasted until they were anywhere from twenty-four to thirty years of age, despite rules stating that the age limit was twenty-five.³⁵ The length of indenture

³² Hening, *Statutes at Large*: 1: 402; Hening, *Statutes at Large*, 1: 393–96.

³³ Accomack County Order Book 1666–1670 (Microfilm, Accomack County Reel 78, Library of Virginia, Richmond Virginia), 62b.

³⁴ Accomack County Order Book 1683–1690 (Microfilm, Accomack County Reel 79, Library of Virginia, Richmond Virginia), 216; Deal, *Race and Class in Colonial Virginia*: 58.

³⁵ Hening, *Statutes at Large*: 1: 402; Hening, *Statutes at Large*: 1: 393–96.

typically obligated the adult Native for five or six years, but the Anglo-master could legally lengthen the indenture from anywhere, twelve years to life. At court, masters could find ways to lengthen an indenture for running away, insolence, laziness, and moral delinquency. In complaints, the county courts frequently sided with the English owner. In fact, Virginians often ignored the indentures of their Native servants and refused to set them free after their period of servitude ended. In terms of indentured servitude and slavery, the record does not always discern clearly whether the Native served as one or both. As “semi-clandestine practice,” the laws often appear as a thinly veiled guise to prevent slavery without doing anything to stop the practice. The record is quite clear that a domestic traffic in humans typified the late seventeenth-century southern colonies in North America. Native servants, in all practicality, became slaves for life. The reality of a life in servitude and/or slavery resulted in mistreatment of a physical, emotional, legal, financial, and social nature. Both servitude and slavery provided harsh conditions for the laborer. The enslavement of Indigenous peoples had a devastating impact on their communities, as it led to loss of lives, disruption of cultural practices, and the disintegration of traditional social structures. The removal of individuals from their communities contributed to the weakening of Indigenous societies on the Eastern Shore and beyond. Virginia was not the only English colony to attempt to outlaw and regulate the trade in Indigenous peoples. Only with a series of devastating trade wars in the Carolinas did the practice dissipate.³⁶

³⁶ Goetz, “Indian Slavery”: 64. Virginia was not the only English colony to attempt to outlaw and regulate the trade in indigenous peoples. Only with a series of devastating trade wars in the Carolinas did the practice dissipate. On conditions of African slavery see in particular, David Brion Davis, *Inhuman Bondage: The Rise and Fall of Slavery in the New World* (New York: Oxford University Press, 2006); Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge, MA: Harvard University Press, 1998); Betty Wood, *Slavery in Colonial America, 1619–1776* (Lanham, MD: Rowman and Littlefield, 2005); and Peter H. Wood, *Strange New Land: Africans in Colonial America, 1526–1776* (New York: Oxford University Press, 2003). On English indentured servitude in comparison to African slavery start with Kenneth Morgan, *Slavery and Servitude in Colonial North America: A Short History* (New York: New York University Press, 2001); Russell R. Menard, *Migrants, Servants, and Slaves: Unfree Labor in Colonial British America* (Aldershot; Burlington: Ashgate; Variorum, 2001).

As mentioned earlier, while the laws clearly banned the sale of Native people, there were no proposals within them that indicate how the Assembly intended to eliminate the problem. In August 1647, Randall Revell agreed to supply to Luke Billington a twelve-year-old Native boy. Billington also owned a woman named Jane and all her children by January 1648. In that sale, Roger Marshall (captain of Fort Royal and commander of a company against the Western Shore Natives in 1644) sold Jane and “all her increase” in a manner similar to the sale of slaves. John Nutall paid John Tomlinson 800 pounds of tobacco for a Native boy in September 1649 while the 1650 inventory of an estate owned by William Pinley included two Native children, a girl, and a boy, valued at 1500 pounds of tobacco each.³⁷ The colonists saw these Native children as a solution to a labor shortage, as a cheaper alternative to both enslaved Africans and European indentured servants. A 1655 incident in Northampton County highlights the dangerous Atlantic context of the trade in Native peoples. A planter, William Jones, complained that one of his English servants had told Jones’ Native servants to run away claiming that Jones’ “was mynded to send them to the Barbadoes.”³⁸ The Eastern Shore of Virginia serves as interesting and vital focal point for studies on enslavement and the social construction of race in the Colonial South. Students of that subject are certainly familiar with the famous case of Anthony Johnson, an enslaved African who bought freedom for his entire family and went on to become a landowner and planter in Northampton County. As T.H. Breen and Stephen Innes described him, “Anthony Johnson would have been a success no matter where he lived. He possessed immense energy and ingenuity.”³⁹ Subsequent scholarship has established the place of vibrant free black communities in the early settlements of the Eastern Shore before the demarcating racial politics that emerged in the latter half of the eighteenth century. What is often missing from these discussions, however, is

³⁷ Richter, *Changing Relationships*: 65; Deal, *Race and Class in Colonial Virginia*: 50, 81 n. 181–82.

³⁸ Deal, *Race and Class in Colonial Virginia*: 50.

³⁹ T.H. Breen and Stephen Innes, “Myne Owne Ground”: *Race and Freedom on Virginia’s Eastern Shore, 1640–1676* (New York: Oxford University Press, 1980): 6.

a clear understanding of Indigenous intersections to this development, the stories and ways in which Native people sought to determine their own destiny through manipulation of the court system and what role race played in their decision making. America is clearly a multiracial society and always has been, but American record keeping and the study of the past, particularly the history of the South, divides the world into only two, Black and White.

Paternity of children born out of wedlock was particularly important for a wide variety of reasons. Economic concerns for the church parish and county government played a major role as the Virginians sought to model themselves off the English Poor Law of 1576 which included a strict anti-bastardy provision. This act allowed any two justices of the peace who lived in the parish (adjacent to) to punish the parents and force them to reimburse the parish for the cost of the child and its maintenance.⁴⁰ Communities existed throughout the Eastern Shore of white, black, and Indigenous planters and laborers who lived together, worked together, and inevitably had personal relationships with one another. Through an examination of these cases, one can see the aftermath of enslavement of Indigenous and African peoples through the intersections of racial classification as it emerged in Virginia and Native peoples of the Eastern Shore encountered and processed those events.

Scarburgh's Empire

For the nascent plantation and commodity market, planters and settlers demanded a high number of laborers. The Eastern Shore was a territory where English settlers invested heavily in tobacco and shipbuilding by 1618, with food production focused primarily on corn and some livestock for local consumption. A small fur trade in the northern Chesapeake was profitable for a time but a greater illegal trade existed with the Dutch for finished goods, particularly guns, in exchange for tobacco.⁴¹ Dutch

⁴⁰ John Ruston Pagan, *Anne Orthwood's Bastard: Sex and Law in Early Virginia* (Oxford: Oxford University Press, 2003): 83–84.

⁴¹ Wise, *Eastern Shore of Virginia History*: 94, 99.

settlers and trade made up a large part of the Eastern Shore and upper Chesapeake economy, particularly for Toft and Scarborough. During the first Anglo-Dutch War (1652–1654), when rumors emerged that Dutch settlers might arm the Native Assateague, Nanticoke, Wicocomico, and Pocomoke to attack English settlements; the county banned the Dutch from trading in skins and furs. Scarborough followed through with orders from Governor Bennett to attempt to seize Dutch vessels, after his own ship, the *Sea Horse* was taken by Dutch authorities in 1651.

Scarborough was a dangerous man to Native and Dutch alike, a man described by one historian as one who would be “delighted to commence their extermination,” if it suited his agenda.⁴² In April 1651, Scarborough led a vigilante party of fifty armed colonists against the Pocomoke under the pretense that the Pocomoke were trading furs to the Dutch, and a “resolution to take or kill the Queen of Pocomoke, shott att Indians, slashed & cut their bowles, tooke Indyans prisoners, and bound one of them with a chayne.” To prevent further hostilities, Northampton County authorities sent an offering of one hundred arms’ length of roanoke to the Pocomoke, two weeding hoes to the Matomkin, a coat for each of the men bound in chains, and twenty arms’ length of roanoke to a Native that a colonist had shot at the year before. At Jamestown, however, the colonial government found in favor of Scarborough’s actions, and he received the sole trading rights on the Susquehannock River and Palmer’s Island in southern Maryland.⁴³

The combined numbers of enslaved laborers between Scarborough and Toft eventually outnumbered those of any other planter in the region, demonstrating both their desire for and dependence on forced servitude. Scarborough sought to utilize rumor and the threat of violence to encourage attacks on Native peoples, particularly, the Pocamoke on the pretense they were “their common enemy who soe long triumphed in the ruines of Christian bloud.”⁴⁴ His abuse of authority previously led to a 1659 conflict with the Assateague that further strained cross cultural

⁴² Wise, *Eastern Shore of Virginia History*: 128, 133; Whitelaw, *Virginia’s Eastern Shore*: 629.

⁴³ Deal, *Race and Class in Colonial Virginia*: 27–28

⁴⁴ Deal, *Race and Class*: 22; Hatfield, *Atlantic Virginia*: 57.

relations on the peninsula and may have been merely a pretense to raid for slaves among the Assateague.⁴⁵ It is highly possible that a number of Scarburgh's laborers were captives he seized in his attacks on the Assateague alongside children presented by their parents and community leaders. Frequently absent from his various landholdings, several of Scarburgh's servants and slaves ran away as was the case throughout the peninsula.⁴⁶

After the first Anglo-Dutch war, Scarburgh was eager to reestablish trade and he quickly set out to Manhattan to purchase African slaves from the Dutch to return to their good graces and continue his maritime trade.⁴⁷ Trade with the Dutch was important, in part because of a trade in guns. Trade in guns, although at times prohibited by the Virginia government, played a crucial role in the emergence of the trading caravans bartering for skins and slaves. Scholars of Indigenous slavery argue that Native slavery began with the trade in guns as European traders armed Native allies to go out and raid against unarmed groups. Quickly, Native dependency on guns grew as they faced attack from gun-wielding slave raiders. As Rebecca Goetz argues, the analysis of Indigenous enslavement is rooted in archival silences. Since the practice was illegal or only allowed in certain circumstances, "slavers and slave traders hid their actions from the prying eyes of colonial administrators, tax collectors, and census takers in part by not documenting them."⁴⁸

⁴⁵ Ames, "Beginnings and Progress": 75.

⁴⁶ Deal, *Race and Class*: 148 n. 94; Richter, *Changing Relationships*: 79.

⁴⁷ Edward D. Neill, *Virginia Carolorum: The Colony under the rule of Charles the first and second, A.D.1625 to A.D.1685: Manuscripts and Documents of the Period* (Albany, NY: J. Munsell's Sons, 1886): 240.

⁴⁸ See Paul Kelton, *Epidemics and Enslavement: Biological Catastrophe in the Native Southeast 1492–1715* (Lincoln: University of Nebraska Press, 2007): 90; Robbie Ethridge, *From Chicaza to Chickasaw: The European Invasion and the Transformation of the Mississippian World, 1540–1715* (Chapel Hill: University of North Carolina Press, 2010): 98–99, 103; Maureen Meyers, "From Refugees to Slave Traders: The Transformation of the Westo," in *Mapping the Shatterzone: The Indian Slave Trade and Regional Instability*, ed. Robbie Ethridge and Sheri Shuck-Hall (Lincoln: University of Nebraska Press, 2009); Alan Galloway, *The Indian Slave Trade* (New Haven: Yale University Press, 2002); Brett Rushforth, *Bonds of Alliance: Indigenous and Atlantic Slavery in New France* (Chapel Hill: University of North Carolina Press, 2012): 19; Michael Guasco, *Slaves and Englishmen: Human Bondage in the Early Modern Atlantic World* (Philadelphia: University of Pennsylvania Press, 2014). Rushforth discusses at length the wide-ranging

Virginia's Assembly actively encouraged the gun trade during the 1650s. In 1658, the Assembly specifically allowed every man to trade with the Natives using guns, powder, and shot. They did this in direct response to the Dutch traders who provided the Natives with arms and ammunition.⁴⁹ In 1659, the Assembly again permitted trade with Natives for guns, powder, and shot.⁵⁰ Reflecting on the anxiety of arming Native allies and the threat it might pose to English settlements, by late 1661, the Assembly made it a crime to supply the Natives with guns and persons selling guns risked two years imprisonment. Although colonists found it was exceedingly difficult to acquire more than a handful of guns for illegal sale in the English colonies, scholars speculate that the traders continued to supply guns to the Natives. The majority of guns, however, came from European sources such as the Swedes and the Dutch in the northern Chesapeake.⁵¹ This was problematic for the Virginians as traders gained easy access to guns for trade and in 1665, the Assembly attempted to prohibit the trade in guns again but traders openly defied the laws, and numerous regulations put into effect had little marked change.⁵² An arms race for access to guns grew and Virginia regulations could do little to stop it as a trade in slaves through weapons provided the most immediate material advantage to the Native consumer.

Evidence from the colonial record highlights how Virginia leaders experienced concerns over issues of servitude and slavery, seeking to find a way to define and codify their own interaction with Natives. The colonists also expressed concerns over the issue of Native slavery, sometimes passing laws allowing slavery, other times making the practice ille-

conditions that indigenous peoples faced in patterns of enslavement preceding and following European contact while Michael Guasco clearly illustrates the long history that English people had with forced labor and enslavement. With the Native peoples of Virginia, however, they waffled consistently. See Goetz, "Indian Slavery" for a synthesis on the varying models of indigenous enslavement preceding European settlement and the impact of colonization.

⁴⁹ Hening, *Statutes at Large*: 1: 525.

⁵⁰ Hening, *Statutes at Large*: 1: 541.

⁵¹ Kelton, *Epidemics and Enslavement*: 110; Galloway, *The Indian Slave Trade*; Ethridge, *From Chicaza to Chickasaw*.

⁵² Hening, *Statutes at Large*: 2: 215, 337, 350.

gal.⁵³ At times, they justified slavery legally as the result of the capture of prisoners of war, as was the case in 1646, 1668, and 1676.⁵⁴ In 1670, the assembly argued that Natives taken captive in war should have rights of indenture.⁵⁵ Despite the restrictions, enslavers sold a large number of Natives from the lower colonies of the Southeast to the sugar plantations of the Caribbean, and enslavement of Native peoples for life soon emerged with 1676 legislation during the Susquehannock War/Bacon's Rebellion.⁵⁶ In 1682, the English legalized all Native slavery. The 1682 statutes joined enslaved Natives and Africans together as "negroes and other slaves" and made Native women over the age of sixteen tithable.⁵⁷ After the passing of laws regulating the enslavement of Native peoples, the value of Native and African slaves on the Eastern Shore are quite similar. A Native boy in 1713 in one inventory valued at £20 compared to an African boy in the same inventory at £24 and an African girl at £15; the following year a Native girl listed at £25.⁵⁸

African, English, and Native laborers at both Toft and Scarburgh's plantations worked on a wide variety of economic endeavors. Most important to Scarburgh's enterprise was maritime shipping, trade, and production of goods, namely tobacco and salt. A salt works existed at his Occohannock plantation and at Gargaphia, the plantation he gave to Toft. At Gargaphia, as part of his agreement with Toft, he had "free use... [of] all parts of woods, water, barke, or anything he shall think fit to employ in his salt making, tanning [and] shoe making."⁵⁹ In 1660, the Assembly granted him a monopoly on production of salt for manufacture and importation, paying him ten thousand pounds of tobacco if he made 800 bushels of salt annually.⁶⁰ And while Scarburgh only listed two "salt boilers" among his various tithables in 1662, he had salt works at both

⁵³ Hening, *Statutes at Large*: 1: 393–96, 455, 481.

⁵⁴ Hening, *Statutes at Large*: 2: 15–16, 341–50; n.n., "Indian Slaves," *William and Mary Quarterly* 8, no. 3 (1900): 165.

⁵⁵ Hening, *Statutes at Large*: 2: 283.

⁵⁶ Hening, *Statutes at Large*: I:396, 410, 455–56; II:346, 404, 440, 491.

⁵⁷ Hening, *Statutes at Large*: 2:491–92; Richter, *Changing Relationships*: 101.

⁵⁸ Ames, "Beginnings and Progress": 85.

⁵⁹ Ames, *Virginia Eastern Shore*: 134; Pleasants, ed., *Proceedings*, 54:680.

⁶⁰ Whitelaw, *Virginia's Eastern Shore*: 1:627; Hening, *Statutes at Large*: 2:38

his largest plantations, and production of salt with African and Native labor continued at Occcohannock and Gargaphia well after Scarburgh's death. It is likely, given the existence of the salt boilers at his two largest plantations, that Scarburgh found salt to be a profitable investment and the English in Virginia set the price of salt at "thirty pounds of tobacco ... maximum of two shillings, six pence per bushel" and prohibited any importation of salt into Northampton County.⁶¹

Scarburgh was busy empire building, expanding his influence through bullying and intimidation. After the 1662 death of his rival, Obedience Robins, Scarburgh divided the Eastern Shore into two counties, Accomack and Northampton, securing for himself a power base in Accomack that he controlled for eight years.⁶² As one recent scholar opines, "Edmund Scarburgh seems to have jousting at every windmill in his path to success," and in 1663 he fixed his sights on the Maryland border and Quaker settlers there and led a force of Virginian militia into their settlement in Maryland, claiming the territory for Virginia.⁶³ A study of the Scarburgh inventories and sales of Native peoples leads to a partial understanding of the trade and the emerging plantation economy but also gives a glimpse into the ways Native laborers responded to Scarburgh's plots. Scarburgh was at the center of a case involving a Native named Pickpocket who confessed to "felonious cheats" and breaking into colonist homes. An interesting statement emerged from this case, when questioned by the Accomack County Court, Pickpocket told John

⁶¹ Whitelaw, *Virginia's Eastern Shore*: 2:1150–51; 1:628; Ames, "Edmund Scarborough": 18; Hening, *Statutes at Large*: 2:122, 123, 186, 236, 138; Accomack County Order Book 1666–1670 (Microfilm, Accomack County Reel 78, Library of Virginia, Richmond Virginia): 142; Ames, "Beginnings and Progress": 101; Philip Alexander Bruce, *Economic History of Virginia in the Seventeenth Century: An Inquiry Into the Material Condition of the People, Based Upon Original and Contemporaneous Records* (New York: Macmillan, 1896): 486; Hening, *Statutes at Large*: 3:405.

⁶² Deal, *Race and Class*: 116.

⁶³ John G. Kolp, "Mrs. Ann' and 'The Colonel'," *Virginia Magazine of History and Biography* 130, no. 3 (2022): 218–52, 239; Scarburgh's report on this excursion is illuminating on his personal character, as Warren Billings finds, "Scarburgh was a high-handed individual who interpreted his authority loosely and in such a way as might overawe his inferiors or groups, such as Quakers, whom he despised. Warren Billings, ed., *The Papers of William Berkeley 1605–1677* (Richmond, VA: Library of Virginia, 2007): 213–17.

Stokely that although they were afraid of Scarborough, they hoped to have their revenge and “before long they would make Scarborough afraid of them.” The Court, under Scarborough’s influence, had one Mr. Pitt “dispose of him [Pickpocket] in the Indies.” The proceeds of the sale were to pay for Pickpockets debts and any excess went to the county.⁶⁴ 1667 was a particularly important year for the Eastern Shore and the use of Native labor. A harsh spring and summer destroyed the tobacco crop as well as several of the roads and warehouses. English servants ran away from service in large numbers and an influx of Native laborers emerge in the record from Accomack and Northampton.⁶⁵ Scarborough persuaded Governor Sir William Berkeley to allow Accomack justices of the peace to oversee licensing, making it a bit easier for that part of the peninsula to obtain Native laborers.⁶⁶ Scarborough sold multiple Indigenous children as servants to various people throughout the county, including Tabby, aged nine, whom he sold to English trader Devorax Browne to make up for a girl he had intended for Browne but instead sent to Governor Berkeley as a gift.⁶⁷

Toft shipped nearly all Eastern Shore tobacco west to the Jamestown settlements before shipping north and east to Dutch and English markets including New England and Netherland. Within a brief time, however, there were public warehouses to store tobacco in Northampton County at Cherrystone, Nassawadox, and Hungars; and in Accomack County at Pungoteague, Pitts, and Guildford. Direct trade between the Eastern Shore and the Northeast benefitted Scarborough as ships sailed directly to English settlements in New England, stopped at Manhattan on their return voyage south to trade for African slaves and munitions, and then traded south to the West Indies before heading back north to Virginia. An example voyage included payment of thirty tons of beer in return for tobacco delivered in New England. By midcentury, Scarborough had a partnership with a Massachusetts merchant, Major General Gibbons,

⁶⁴ Northampton County, *Orders, Deeds, Wills, Etc., No. 2, 1640–1645* (Microfilm, Accomack/Northampton County Reel 2, Library of Virginia, Richmond Virginia), 53a.

⁶⁵ Deal, *Race and Class*: 52.

⁶⁶ Richter, *Changing Relationships*: 78.

⁶⁷ Accomack County Order Book 1666–1670 (Microfilm, Accomack County Reel 78, Library of Virginia, Richmond Virginia), 194.

owning the ship called *Artillery*.⁶⁸ Beyond these industries, Scarborough had English, African, and Native tanners, cobblers, woodcutters, coopers, carpenters, tailors, and an above ground malt house at his plantations.⁶⁹ For his cobbling industry, the records indicate that he had a shop at both Occohannock and later at Gargaphia. As early as 1662, he had nine shoemakers and by 1668, fourteen shoemakers alongside a variety of laborers. One of the comments relating to the shoe trade was that there was an abundance of raw material and a shortage of skilled labor, that the labor present was inadequate.⁷⁰ Agricultural production along the Eastern Shore was much more diversified than the Western Shore, with tobacco from that region in 1664 accounting for only 8% of total production, reaching a low of 4.2% in 1687. This allowed for a diversity of production and producers, with small grain and livestock holders having the opportunity to flourish within the local economy.⁷¹

Indigenous Slavery and the Historical Record

Scarborough certainly was not the only planter looking for Indigenous labor. After receiving several petitions for Native child servants, the County of Accomack officially commissioned a Native the colonists called “Mr. John” to procure “fatherless” Native children, promising him fifteen arms lengths of roanoke shell beads for each child.⁷² Typically these were abducted children from slave raids, not orphans. Traders sold these children to English families as house servants and slaves. The children easily become lost in the legal record, as colonists frequently sold them, often changing their names in the process. For example, Ann Toft

⁶⁸ Ames, “Beginnings and Progress”: 94–95; Accomack-Northampton II, 101 (Microfilm, Library of Virginia, Richmond Virginia); McIlwaine, *Executive Journals*: 4:237–39

⁶⁹ Whitelaw, *Virginia’s Eastern Shore*: 2:1150–51; 1–628; Ames, “Edmund Scarborough”: 18.

⁷⁰ Ames, “Beginnings and Progress,” 102; Accomack Deeds and Wills I 1663–66, 53 (Microfilm, Library of Virginia, Richmond Virginia); Northampton Order Book VIII, 1657–64, 153 (Microfilm, Library of Virginia, Richmond Virginia).

⁷¹ Breen and Innes, “Myne Owne Ground”: 39.

⁷² Northampton County, [WILLS] ORDER BOOK NO. 9, 1664–1674 (Microfilm, Accomack/Northampton County Reel 46, Library of Virginia, Richmond Virginia).

received from the Accomack County Court 3,800 acres of land for transporting sixty indentured servants. Toft was a femme sole, an unmarried woman that arrived in the colony at age seventeen. Scarburgh and Toft's lives intersect through a wide variety of deeds and court documents. Through her partnership with Scarburgh, Toft amassed "as much as 30,000 acres of land in Virginia in the 1660s," along with 6,850 acres in Maryland along the border with Accomack County, Virginia.⁷³

The English planters of the Eastern Shore demanded many laborers and supplied that demand with English and Native indentured servants, alongside enslaved African and Natives. Scarburgh had more servants overall than any other planter on the Eastern Shore.⁷⁴ That said, the Accomack court records highlight a significant population of Native children brought forth by several planters who renamed them in the process. On 16 August 1667, Robert Hutchison indentured a young Native boy, of Matomkin descent, aged twelve, by the name of Wincewough, and renamed him James. James (Wincewough) was to serve until he was twenty-four years of age, at which time, he would receive corn and clothing to mark the end of his indenture.⁷⁵ Another boy, whose Native name was not recorded by the court, was brought in that October by Edward Revell. He too was renamed and took the name James Revell. His indenture was nearly identical.⁷⁶ Also in August 1667, four boys came in from Kicotank, purchased by Toft. The court recorded the boys' Native names and then renamed them before turning them over to Toft. The fourteen-year-old Wickepeason became Humphrey; Oquiock and Chotohoin, both twelve, were renamed Edward and George, respectively, and the ten-year-old Anuck they called Richard. In October, planters sold two boys from Onancock, and two boys and a girl from Matomkin. Later in December, planters presented three Native boys from unnamed towns. From 1668 to 1670, planters brought a total of nine boys and three

⁷³ J. Hall Pleasants, ed., *Proceedings of the County Courts of Kent (1648–1676), Talbot (1662–1674), and Somerset (1665–1668)* (Baltimore: Maryland Historical Society, 1937), 54:680; Kolp, "'Mrs. Ann' and 'The Colonel'": 227–28.

⁷⁴ Deal, *Race and Class*: 116–23.

⁷⁵ Accomack County, Orders, 1666–1670 (Microfilm, Accomack County Reel 78, Library of Virginia, Richmond Virginia), 35a.

⁷⁶ Deal, *Race and Class*: 52–53; Rountree and Davidson, *Eastern Shore Indians*: 79–81.

girls in to have their ages adjudged for tax purposes.⁷⁷ In August 1684, colonist William Anderson brought in ten-year-old girl named Betty to the court to be adjudged.⁷⁸ Anderson brought in another Native child that November, a young boy named Harry, age nine.⁷⁹ An even younger child was presented by Henry Read in May 1686, a girl called Jone, only four years old as well as a five year old boy named Robin, presented by Captain William Custis.⁸⁰ In a study of Eastern Shore Natives, Helen C. Rountree and Thomas E. Davidson posit that poverty was the likely cause to send children to the English, “an inability to feed their children on their vanishing land base drove these Accomack County Indians to bind out their children.”⁸¹ The records of these children are difficult to interpret as their names are often lost in the process. As Rountree finds, the first group of children recorded in the late 1660s included their Native name alongside their English Name but “only noted tribal origin and new English names in the second wave, and in the third wave of children only the English name of each child was considered significant, making the records so impersonal as to indicate a change for the worse in English attitudes toward the local Indians.” By the late seventeenth century, these children not only came from the Eastern Shore but from the Indigenous Slave Trade that devastated Native groups throughout the piedmont and south into Florida.⁸²

⁷⁷ Accomack County Order Book 1666–1670 (Microfilm, Accomack County Reel 78, Library of Virginia, Richmond Virginia), 33b; Deal, *Race and Class in Colonial Virginia*, 82 n.187.

⁷⁸ Accomack County Order Book 1683–1690 (Microfilm, Accomack County Reel 79, Library of Virginia, Richmond Virginia), 47.

⁷⁹ Accomack County Order Book 1683–1690 (Microfilm, Accomack County Reel 79, Library of Virginia, Richmond Virginia), 86, 86a.

⁸⁰ Accomack County Order Book 1683–1690 (Microfilm, Accomack County Reel 79, Library of Virginia, Richmond Virginia), 150.

⁸¹ Rountree and Davidson, *Eastern Shore Indians*: 77.

⁸² Rountree and Davidson, *Eastern Shore Indians*: 77–78; See Alan Galloway, *The Indian Slave Trade* (New Haven: Yale University Press, 2002); Christina Snyder, *Slavery in Indian Country: The Changing Face of Captivity in Early America* (Cambridge, MA: Harvard University Press, 2010); Sheffveland, *Anglo-Native Virginia*.

Edmund Scarborough and Ann Toft

Scarborough owned Occohannock, his primary residence; Gargaphia, the residence of his paramour, Ann Toft; Fairfield at Pungoteague, a plantation patented and plotted for his legitimate son Charles; and Arcadia, land held south of Gargaphia for one of his illegitimate daughters with Toft. Toft had three daughters by him during the 1660s at her Gargaphie Plantation, an estate where she began living at age 17 that Scarborough owned and transferred to her at the age of 21. Gargaphie references Ovid's *Metamorphoses* and refers to a valley and spring where Diana the goddess and her nymphs would bathe themselves. A character in the poem, Actaeon, sees the naked Diana and is punished for his transgression. Turned into a stag, he later dies in an attack by his own hunting dogs.⁸³ Quite the literary inspiration for Scarborough to name Toft's abode. To that end, early historians did not know quite what to do with Toft and Scarborough, at times ignoring her presence in his life entirely, or, choosing to make "only brief reference to her business interactions with Scarborough."⁸⁴ As one scholar remarked in 1951, "the records available about her are intriguing, but most tantalizing, as so much is left unsaid."⁸⁵ By the millennium, however, genealogists and local historians agreed that Scarborough was the father of Toft's three daughters and one podcast called them "one of the New World's most notorious power couples."⁸⁶

Scholar J. Douglas Deal describes Scarborough as a "militant planter" who through "vigilante" behaviors flouted law and "simply took matters into their own hands," and "decimate those who occupied territory coveted for personal and political reasons."⁸⁷ T.H. Breen and Stephen Innes opine that "one was well advised not to cross Scarborough (sic). In personal exchanges he obtained his way by one means or another, and in the county records he comes across not as an efficient entrepreneur,

⁸³ Ovid, *Metamorphoses*, trans. Ralph Harvey (London: Hachette and Company, 1894): Book III, Line 138.

⁸⁴ Kolp, "'Mrs. Ann' and 'The Colonel'": 222.

⁸⁵ Whitelaw, *Virginia's Eastern Shore*: 2:1150–51.

⁸⁶ Kolp, "'Mrs. Ann' and 'The Colonel'": 222.

⁸⁷ Deal, *Race and Class in Colonial Virginia*: 19.

but as a wily brigand.”⁸⁸ As a colorful character in the colonial record, Scarburgh provides intriguing insight into his mechanizations and the nature of the Eastern Shore, a turbulent settlement at every stage of its growth. One should note that Scarburgh is not the only remarkably violent offender to be found in the colonial record. His close neighbor, Henry Smith, the owner of two large plantations including the 1,700-acre Oak Hall along the Pocomoke River, is certainly one of the more notorious for the voluminous record of his attacks on women. Accused of wife-beating, child abuse, fathering of bastard children, sexual harassment, rape, and vicious brutality towards his servants, Smith is intimately connected to the Scarburgh story. Smith accused his wife Joanna of having an illicit relationship with Scarburgh, an allegation she vehemently denied and their neighbor, Ruth Bunduck, went on record in favor of Joanna, “I am very confident yu need not trouble yor selfe about the Coll and keepe yor wife at home.”⁸⁹ At this same time, for reasons not clearly stated in the record, the court ordered on May 17, 1669, that Smith’s servants, Richard Chambers and William Nock, mend the salt pans at Occahannock House with Smith’s tools, coals, forge, iron, and his food. Compensation for Smith was thirty pounds of tobacco for each day’s work.⁹⁰ Clearly, trade and development of the Eastern Shore economy held the most important rank in Scarburgh’s estimation as he and Toft build their enterprises.

Like Scarburgh before her, Toft was also deeply invested in intercolonial trade, holding patents in Maryland, Virginia, and Jamaica. Toft’s personal and economic connections to the Atlantic world spanned from the Caribbean north to New England. With her connection to Dutch merchants like Simon Overzee, and his vessel, *Virginia Merchant*, she traded along the Eastern seaboard gaining advantages that “may have eased her entry into a commercial world not commonly the domain of English

⁸⁸ Breen and Innes, “*Myne Owne Ground*”: 50.

⁸⁹ See Irmira Wawrzyczek, “The Women of Accomack versus Henry Smith: Gender, Legal Recourse, and the Social Order in Seventeenth-Century Virginia,” *Virginia Magazine of History and Biography* 105, no. 1 (1997): 5–26, 16; Deal, *Race and Class in Colonial Virginia*: 117–18.

⁹⁰ Accomack County Order Book 1666–1670 (Microfilm, Accomack County Reel 78, Library of Virginia, Richmond Virginia), 142.

colonial women.”⁹¹ In August 1668, Edmund Scarborough and Ann Toft came to an agreement that allowed him “during his natural life” to make use of her plantation as he “thinks fitt” to conduct his business and she agreed to improve all and every part of his concerns during his absence to his “best advantage.” Thus, Scarborough renounced “all and every claim, right interest, profitt or title” to any part of the land, animals, or goods on the land after his natural life for himself and his heirs or creditors.⁹² She also acted as a Native broker for servants and slaves. Toft presented many Natives to have their ages judged for tithes by the court, including an appearance at the court on 3 February 1670 when she brought in Will, age thirteen; Ned, age sixteen; Antony, age sixteen; Black Jack, age eleven; Harry, age ten; Jonas, age ten; Moll, age thirteen; and Bess, age eight.⁹³ The record does not reveal the origin of these children.

There were a variety of labor types that Eastern Woodland Native peoples faced in Scarborough’s care alongside white indentured servants and African slaves. Throughout most of the seventeenth century, English farming techniques depended on Native knowledge of crops and the region, especially with tobacco farming. However, once given a license to employ a Native or indenture a Native, the Anglo-master had a great deal of control over his laborer. By understanding the types of labor and the economic activities of the Scarborough plantations and others on the Eastern Shore, one gains a clearer picture of the importance of Native labor to the early Virginia plantation economy. The folk history of the area describes Scarborough as a scoundrel in an almost affectionate tone. A man always ready “to vent his spleen” against a foe, which included political enemies and Native peoples alike. It is with a bemused tone that one local historian stated that “charges of piracy, mutiny, debt, sedition,

⁹¹ Hatfield, *Atlantic Virginia*: 101–2.

⁹² Pleasants, ed., *Proceedings*, 54: 680; Robert Leland Johnson and Pamela Johnson have this affair as the central argument in their 2003 genealogical work, *In Memory of Colonel Edmund Scarborough II (Scarburgh) (1618–1671) and Anne Toft (1643–1687) of Accomack County, Virginia* (Denver: n.p., 2003); Whitelaw, *Virginia’s Eastern Shore*, 2:1151.

⁹³ Accomack County Order Book 1666–1670 (Microfilm, Accomack County Reel 78, Library of Virginia, Richmond Virginia), 181.

and selling weapons to Indians rolled away from his as quickly as a mist on a spring morning.”⁹⁴

Scarburgh’s Difficulties and Demise

On May 10, 1670, the Accomack court held at Toft’s home, Gargaphia, heard allegations of an assault upon Scarburgh by Martin Moore and his wife Margret two days prior. After striking him with a wooden lantern, they called Scarburgh “an old rogue [and] an old dog.” After hearing depositions from many witnesses, a scene of violence and chaos emerges, one John Hancock testified that Moore and his wife left in a rage after the attack stating that he “would work no more for Scarburgh and his whores and bastards.” Scarburgh demanded that other servants capture Moore and his wife and Hancock along with Miles Hulbert went after the pair as Margret threatened to stab anyone who touched her husband who also defied the pursuers, “if you come, you come on your own peril.” The court found in favor of Scarburgh and ordered that Martin Moore receive 36 lashes and kept his wife Margret in jail until Martin could pay her bond for good behavior.⁹⁵ In a recent analysis of their relationship, scholar John G. Kolp considers the implications of the event, as the “assault was certainly extreme, but perhaps not out of character; Moore and his wife had a reputation for quarrels, fighting, and foul language and had been in court many times before.” That said, the public allegations against Toft and Scarburgh and their out of wedlock daughters may have left the worst scar, as “Martin Moore’s accusations suggested the Anne Toft had knowingly doomed her offspring to a life of misery and shame.”⁹⁶ All told, the precarious power structure that Scarburgh and Toft held in the Eastern Shore was beginning to unravel.

1670 did not prove to be a good year for Scarburgh as the consequences of his flagrant abuse of power started to catch up with him and

⁹⁴ Taylor, *Highlights in the Early History of the Eastern Shore of Virginia*: 7–8.

⁹⁵ Accomack County Order Book 1666–1670 (Microfilm, Accomack County Reel 78, Library of Virginia, Richmond Virginia), 199–201.

⁹⁶ Kolp, “‘Mrs. Ann’ and ‘The Colonel’”: 233–34.

his schemes began to slowly unravel. Colonial authorities had reason to believe that Scarburgh was illegally trading guns to Virginia Natives and as early as March 1654 they opened an investigation into his holdings. They found no evidence and while Scarburgh was exonerated, suspicion of his dealings remained prevalent.⁹⁷ Helen Rountree and others have asserted that the Accomack called Scarburgh the “Conjuror” and feared as well as despised him.⁹⁸ There is evidence that his frequent violation of Native tributary rights was so egregious that Governor Berkeley had to step in. The county removed him from office and deprived him of his profits for land speculation and the sale of Native children. For many contemporaries, the belief remained that Scarburgh was at the heart of the illegal trade and authorities attempted to arrest him. In the September 1670 warrant issued by Governor Berkeley, the allegations are stark and illuminating to Scarburgh’s behavior, as he stood accused of breaking the peace between the settlers and Eastern Shore Natives, and treating them “unjustly & most Treacherously oppressed them by Murthering Whipping & burning them, By taking their children by forcing from them who are their Parents & many other waies to the apparent hazard of the said Peace...”⁹⁹

A search of his estate found no evidence, but it is assumed, both by contemporary sources and by historians, that he concealed the contraband materials.¹⁰⁰ He could not be arrested, Scarburgh claimed, because he was a burgess for the County and thus immune from arrest. Boldly, he found ways to continue his trade while expanding his landholdings and laborers. Of note, Scarburgh’s argument had legal precedence. Immunity to arrest was to protect legislative freedom within the colonial government. Without it the King, or his representative, the Governor of Virginia, could arrest burgesses and prevent them from voting in the elected House of Burgesses. In many aspects, political and personal, Scarburgh experimented and expanded with reckless abandon, virtually unchecked

⁹⁷ Deal, *Race and Class in Colonial Virginia*: 30.

⁹⁸ Billings, ed., *The Papers of William Berkeley*: 380; McIlwaine, *Minutes of the Council and General Court*: 238; Rountree, *Pocahontas’ People*: 135.

⁹⁹ Billings, ed., *Papers of William Berkeley*: 380.

¹⁰⁰ Wise, *Eastern Shore of Virginia*: 149.

by the colonial assembly on the Western Shore. Indeed, he had been doing so for quite some time. The county removed him from office and deprived him of his profits for land speculation and the sale of Native children. The governor and colonial authorities also reunited the two counties of Accomack and Northampton into one, under the leadership of planters in Northampton, thus dissolving Scarborough's power over the region.¹⁰¹ The following year, having "pushing and often exceeded the legal limits of male power," he died in May 1671 of natural causes, in the shadow of his loss of political power and with "creditors lurking about the courts."¹⁰² Toft's fortunes proved better than her late paramour, as she quickly married planter, Daniel Jenifer, had a son they named Daniel of St. Thomas Jenifer, and appears to have lived a less dramatic life in her post Scarborough years, her descendants moving into the upper echelon of power brokers in the Mid-Atlantic. The Scarborough estate paid Jenifer and Toft £1000 to compensate for land claims in Jamaica that included several enslaved laborers who returned to Virginia.¹⁰³ For his part, Governor Berkeley also played a role in assuring that the Scarborough estate paid his debts writing to Henry Bennet, Earl of Arlington, on May 23, 1671, that "I doe assure your Lordship that I have secured the Estate of Scarborough for fairfax and he wil now sooner have his debt then if Scarborough had beene Livinge."¹⁰⁴ This is in reference to one of Scarborough's most outstanding debts, to London Merchant Daniel Fairfax, whom he owed almost a thousand pounds and had been refusing to pay, going so far as to enlist assistance from friends in the court of Charles II.¹⁰⁵ It should be no surprise then, that given Scarborough's aggressive and often violent acquisition of power and wealth, that the dismantling of his estate would provide noteworthy cases in the colonial record.

¹⁰¹ Deal, *Race and Class in Colonial Virginia*: 117.

¹⁰² Kolp, "'Mrs. Ann' and 'The Colonel'": 241.

¹⁰³ Kolp, "'Mrs. Ann' and 'The Colonel'": 219, 232. Her great grandson, also named Daniel of St. Thomas Jenifer, was Maryland's representative at the U.S. Constitutional Convention.

¹⁰⁴ Billings, ed., *Papers of William Berkeley*: 392, 455. It took quite some time to pay off his debts, a further final judgment against the estate on behalf of Berkeley in the amount of twenty pounds sterling occurred on September 28, 1674.

¹⁰⁵ Breen and Innes, *"Myne Owne Ground"*: 51.

Scarburgh's Estate and Legacy

As the county and colony sought to unpack the legacy of the Scarburgh estate and pay off his debts, several Native laborers saw the opportunity to receive justice against Scarburgh and his descendants. In a case involving the Scarburgh estate on 7 March 1672, a Native servant named Peter alleged that Scarburgh illegally extended his indenture. The court found in favor of Peter, the servant, and ordered the estate of Scarburgh give him his corn and clothes and to pay the court costs. Peter was not the last Native to take the Scarburgh estate to court. On 16 June 1673, Indigenous laborers, Anthony, Will, Ned, and Besse all petitioned for their freedom from the Scarburgh estate and won.¹⁰⁶ Winning against the estate, however, was not always a foregone conclusion. On 17 July 1672, the court found that the previously mentioned James (Wincewough), at this point about 15 years old, was absent from service from 20 November 1670 to 12 July 1672. It ordered his time doubled to pay for his absence, so that he would not be released at the age of twenty-four as stipulated in his original indenture. In the court proceedings regarding James, the court discovered that Amongos, a leader of the Matomkin, returned James to Hutchison but also likely concealed other servants belonging to Scarburgh, as they alleged that he was a “principal actor in the seducing, advising and concealing,” of James.¹⁰⁷ The court placed Amongos in irons and returned a servant, Humphry, to Scarburgh's estate. On 17 September 1672, Scarburgh's servant Humphry confessed to a six-month absence from service, which Scarburgh estate countered was eight months, and the court ordered that Humphry serve an additional twelve months to make up for the loss.¹⁰⁸ James, preferring his real name, Wincewough, ran away again in 1675 and once again the court imprisoned Amongos while another Matomkin, Dick Shooes,

¹⁰⁶ Accomack County, [Deeds] Orders and Wills [Of Upper Northampton], 1671–1674 (Microfilm, Northampton County Reel 2, Library of Virginia, Richmond Virginia), 119.

¹⁰⁷ Northampton County, [Deeds] Orders and Wills [Of Upper Northampton], 1671–1674 (Microfilm, Northampton County Reel 2, Library of Virginia, Richmond Virginia), 119.

¹⁰⁸ Rountree and Davidson, *Eastern Shore Indians*: 79–81; Accomack County, [Deeds] Orders and Wills [Of Upper Northampton], 1671–1674 (Microfilm, Northampton County Reel 2, Library of Virginia, Richmond Virginia), 130, 249, 264.

secured the return of Wincewough whose service was further extended. Within two years, Wincewough was again in court, this time because of a tavern argument involving credit for drinks where Wincewough had told an Englishman, George Boice, to “kiss my arse.” And Boice retorted by calling Wincewough, an “Indian Dogg.” A violent fight followed. Wincewough attempted to escape one last time in 1678 and does not appear in the records again.¹⁰⁹

Another Native boy, also named James by the court at the same time as Wincewough, entered indenture to Edward Revell. His experience indicates some of the fluidity present in the early Eastern Shore settlement. Eleven at the age of his indenture, by the age of 21 he was the overseer of the Revell plantation at Matomkin neck on the bay side of the peninsula. However, when he tried to correct English servant, David Griffin, the servant fought the overseer, stating that he would never yield to “Indian dog.” James went on to attempt his own hog-raising enterprise on Matomkin Neck but died in 1681 (the year his term of indenture was to expire), his master Edward Revell was his largest creditor. The records of his enterprise indicate that he was likely to have a strong livestock trade had he continued.¹¹⁰ As the Eastern Shore plantation economy developed and mature in the latter half of the seventeenth century court cases and laws demonstrate a colonial position that represents the conflicted nature of the debate on slavery and English desires for the Native population. As a county facing both the Western Shore of the Virginia colony and deeply invested in the Atlantic trade, the Eastern Shore and the plantations of English settlers warrant further investigation.

¹⁰⁹ Deal, *Race and Class*: 54–55; Rountree and Davidson, *Eastern Shore Indians*: 79–81; Accomack County, [Deeds] Orders and Wills [Of Upper Northampton], 1671–1674 (Microfilm, Northampton County Reel 2, Library of Virginia, Richmond Virginia), 119, Accomack County, Orders, 1676–1678 (Microfilm, Accomack County Reel 79, Library of Virginia, Richmond Virginia), 54–55.

¹¹⁰ Ames, “Beginnings and Progress”: 86; Deal, *Race and Class*: 56; Accomack County, [Deeds] Orders and Wills [Of Upper Northampton], 1676–1690 (Microfilm, Northampton County Reel 3, Library of Virginia, Richmond Virginia), 176.

Legacies of Indigenous Slavery in the Eastern Shore

The creative ways in which these settlers sought to exploit Native labor is quite evident, however, the fact that Virginians consistently passed laws at odd with their practices, raises a wide variety of questions. What is clear is that more attention on the legacy of Scarburgh and his protege, Toft, unscrupulous empire builders who built their wealth through the trade in Native peoples, deserves a reexamination and the story of Indigenous slavery, both on the Eastern Shore, and throughout the Chesapeake, is more than that of one man's plantations and the people they exploited. For example, an interesting case emerged on November 16, 1671, when Elisabeth Lang, a female white servant to William Custis, admitted that her bastard was the child of Oni Kitt, a tributary Native rug weaver. The court gave Custis permission to appoint a constable to find Kitt and bring him forward to pay his fines lest the church be burdened by the child.¹¹¹ On January 17, 1672, the court heard the case of the Lang and her child with Kitt. The court ordered Elisabeth whipped or to pay a 500lb tobacco fine. Into this discussion came Thomas Bagwell, an English planter who offered to pay for her fines at the next crop to which the court agreed and had him the court costs as well.¹¹² It took some time to find Kitt and "when he was run to earth in mid-1672, he condemned the warrant that was served on him for neglecting to pay child support." Elisabeth then spoke to the court, expressing her willingness to serve for three extra years beyond her initial indenture and any extra time for the "hinderance and loss of time" that her pregnancy might pose to William Custis. When questioned by the court, she agreed that her child would also serve Custis, until it was 24 years old, to prevent any cost to the church or county. She also presented a written confession that proved her determination to sever Oni Kitt's paternal rights,

¹¹¹ Rountree and Davidson, *Eastern Shore Indians*: 74–75. Rountree and Davidson surmise that this "sounds like an affair gone wrong."; Northampton County, [Deeds] Orders and Wills [Of Upper Northampton], 1671–1674 (Microfilm, Northampton County Reel 2, Library of Virginia, Richmond Virginia), 23, 51–52, 116.

¹¹² Northampton County, [Deeds] Orders and Wills [Of Upper Northampton], 1671–1674 (Microfilm, Northampton County Reel 2, Library of Virginia, Richmond Virginia), 51.

she “humbly desireth that the Native may not have the bringing up of my child, nor anything to do with it... a Pagan may not have my child.”¹¹³

Officials often indentured bastard children at birth to recuperate the cost and burden. Most became indentured to their mother’s employer but when a father admitted paternity and paid his fines, he had the right to determine who would have title to the child. The removal of Oni Kitt’s paternal rights speaks to the triracial composition emerging in the Eastern Shore. From court cases of the era, if the father was an enslaved African, the mother decided, unless she herself were a servant, and then her master decided. With Kitt and Lang, however, Kitt was a tributary, gainfully employed, and should have had some protection in the courts by the tributary agreements. The magistrates ignored Kitt’s rights and granted Lang’s request, giving to Custis, a justice of the peace, a servant for three more years and a child to work or sell for 24 years.¹¹⁴ Custis would receive another financial windfall ten years later, on December 17, 1681, when an unnamed female Native servant belonging to Custis also appeared in court for charges of fornication. In his suit, Custis accused Daniel Hilliar and John Popewell for 3000lbs tobacco for “damages and disbursements” related to a child born to his Native servant. The court ruled in favor for Custis for 1200lbs tobacco from each, as well as court costs, to defray “for twelve months nursing the said Custis Indian womans child.”¹¹⁵

The 1682 statutes joined enslaved Natives and Africans together as “negroes and other slaves” and made Native women over the age of sixteen tithable.¹¹⁶ Between 1684 and 1688 the county of Northampton imported thirteen enslaved Native children into the peninsula.¹¹⁷ Interconnected with the English elite of the peninsula is a Native man who frequents the record, Edward Bagwell. When one focusing merely on

¹¹³ Rountree and Davidson, *Eastern Shore Indians*: 74; Northampton County, [Deeds] Orders and Wills [Of Upper Northampton], 1671–1674 (Microfilm, Northampton County Reel 2, Library of Virginia, Richmond Virginia), 51–52.

¹¹⁴ Pagan, *Anne Orthwood’s Bastard*: 108–9.

¹¹⁵ Accomack County, [Deeds] Orders and Wills [Of Upper Northampton], 1678–1682 (Microfilm, Northampton County Reel 4, Library of Virginia, Richmond Virginia), 276.

¹¹⁶ Henning, *Statutes*: 2:491–92; Richter, *Changing Relationships*: 101.

¹¹⁷ Deal, *Race and Class*: 61, 74.

firsting/lasting and the rhetoric of settler memory, it can be easy to forget how complicated the Eastern Shore was. It is clear the Bagwell paid English taxes, socialized within the parish, and married a woman named Mary who presented his estate for probate after his death. Between 1698 and 1709, Bagwell shows up in the Accomack County court record several times and at this stage in the records the English Virginians utilized the term “an Indian” when referencing a tributary of the Virginia government thus Bagwell could have been Gingaskin, Anacock, or Accomack. It appears, however, that Bagwell moved past being merely a ward of the Virginians and became a prosperous member of the emergent plantation economy, appearing alongside the established English elite of the peninsula, men like William Custis and Edmund Scarburgh. By June 1699, he had a list of tithables worthy of concern when he neglected to submit his proper taxes to the court. Bagwell let the court know he had attempted to turn them in to Captain George Parker, in due diligence of the law, and the court acquitted him of any fines but charged him his due taxes and court costs.¹¹⁸ In December 1705, Colonel Custis issued a warrant on behalf of Edward Bagwell against one Peter Turlington. It related back to an incident the preceding September. On the Sabbath, September 9, Bagwell claimed he was “peaceably and quietly” in the home of planter Thomas Wilson. For reasons unknown, Turlington allegedly came into the house and attacked Bagwell, where he did “beat, bruise and batter the complainant with several blows on his jaw.” English Virginians Thomas Wilson, Henry Lewis, and Straton Burton all came forward as witness in favor of Bagwell. Turlington for his part, denied their stories, claiming self-defense. The court ruled partially in favor of Bagwell, ordering Turlington to pay all court costs.¹¹⁹

Bagwell’s most interesting court appearance involved a woman named Priscilla, described in the record as “a malatta or mustee big with a bastard child got in Somerset County in Maryland.”¹²⁰ In August

¹¹⁸ Accomack County, Order Book, 1697–1703 (Microfilm, Accomack County Reel 27a, Library of Virginia, Richmond Virginia), 62.

¹¹⁹ Accomack County, Order Book, 1703–1710 (Microfilm, Accomack County Reel 27a, Library of Virginia, Richmond Virginia), 55, 55a.

¹²⁰ Accomack County, Order Book, 1703–1710 (Microfilm, Accomack County Reel 27a, Library of Virginia, Richmond Virginia), 75.

1706, the court alleged that she would be a burden to the parish. Edward Bagwell appeared and agreed to pay the court charges to save the parish from supporting the child, William. The child was bound to Bagwell for an indefinite amount of time. That Bagwell paid Priscilla's fines does not mean he was a magnanimous individual, it indicates how he sought to climb the social and economic ladder of the Eastern Shore. Paying the fine was a straightforward way to gain a laborer and by being the master he could find numerous legal loopholes to extend the service of his laborers. Surprisingly, William and his descendants did not end up enslaved, instead they went on to be freedmen in the county, subsequent descendants are described in the record as Native and/or "free colored."¹²¹ The Eastern Shore ceased tobacco production as a cash crop by 1727 as planters shifted towards producing corn, wheat, oats, hogs, cattle, and lumber for export. Domestic manufacture of goods increased alongside specialized craftsmen and merchants.¹²² As tributaries of the English government, Native peoples of the Eastern Shore retained their lands and tributary reservation until 1815 when the Virginia government broke the allotment into individual tracts of land. Many of the individual families held title to these lands well into the twentieth century.¹²³

Conclusion

The emergence of English settler colonies in the Chesapeake watershed brought about significant changes in the market structure and labor dynamics among the Native peoples of the region. The introduction of new trading practices, along with the exchange of people for labor, reshaped the economic landscape. While the larger English settlements

¹²¹ Deal, *Race and Class*: 44–45; Pagan, *Anne Orthwood's Bastard*: 84–85. William showed up again in 1731 when the court fined him 1,000 pounds of tobacco for failure to list himself as a tithable. William also had a domestic dispute in October 1732 when his mother-in-law also listed an Indian, Ibby, complained that William beat her. The court agreed to let him go on 5 pounds security with his promise that he would be good to her.

¹²² Rountree and Davidson, *Eastern Shore Indians*: 167.

¹²³ Rountree and Davidson, *Eastern Shore Indians*K 191–95.

on the Western Shore focused on exploiting the fertile lands of the Powhatan paramountcy, the smaller settlements on the Eastern Shore played a unique role in the Atlantic world due to their strategic proximity to European shipping lanes.

Through a close examination of the Eastern Shore settlements, it becomes evident that the early plantation economy relied on a diverse labor force consisting of Native, African, and English individuals. Accomack and Northampton counties stood out as exceptions within Virginia, as they actively engaged in Native labor alongside other forms of labor. The colonial era in Virginia was defined by intricate social hierarchies, complex economic interests, and the exercise of authority by individuals like Scarburgh. His accumulation of wealth and authority through participation in the Indigenous slave trade and transatlantic commerce solidified his position as an influential individual, leaving an indelible mark both in his time and in the annals of history.

When reflecting on the historical record, it is not uncommon to overlook the intricate role that memory plays in analysis of the events communities and scholars choose to remember, and how these memories shape the historical narrative. Settler memory encompasses the various ways in which individuals and communities with a history of settling in a specific area commemorate and recall their past. This encompasses not only the tales, customs, and cultural traditions that settlers employ to establish a connection with their history but also the physical places, monuments, and memorials they construct to honor their heritage. Settler memory often mirrors the values, beliefs, and viewpoints of the settler community. This may manifest in a desire to celebrate their accomplishments, establish their ownership and dominance over the land, and safeguard their cultural heritage. Delving into the study of settler and historical memory is pivotal in navigating the intricate and evolving relationships between heritage and identity. It is important to note that Scarburgh's historical importance and his role in the historical record is also linked to the broader context of colonialism, Indigenous displacement, and the social dynamics of the time. By downplaying the violent nature of men like Scarburgh to focus on his brilliance or tenacious energy as a settler in the colonial Atlantic is emblematic of the

issues within the record itself. Scarborough's historical importance cannot be divorced from the violent and exploitative nature of the colonial enterprise. Scarborough's involvement in the Indigenous slave trade and his accumulation of wealth and power were interconnected with the broader patterns of exploitation and oppression that marked colonial societies. The tendency to downplay or overlook the violent aspects of historical figures like Scarborough is indeed a reflection of the challenges within historical records themselves. Historiography has often been shaped by the perspectives of the dominant groups, and this has led to narratives that may sanitize or romanticize the actions of colonizers and settlers while marginalizing the experiences and perspectives of Indigenous peoples.

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English settler colonies introduced a new market structure to the Native peoples of the Chesapeake watershed. Alongside trade in goods, traders and merchants exchanged peoples for labor. The Eastern Shore of the Virginia colony provides an interesting case study that provides a clear picture of the importance of Native laborers alongside African and English laborers in the early plantation economy. Power dynamics in colonial Virginia were characterized by social hierarchies, economic interests, and the exercise of authority by influential individuals. By examining cases of illegal indenture and enslavement of Native peoples by Colonel Edmund Scarborough in the 17th century, one can see that Scarborough emerges as an unstoppable vigilante both at the time and in historical memory, because of his accumulation of wealth and power through the Indigenous slave trade as well as his transatlantic trade interests. Physically, and in many ways legally, isolated from the rest of the Virginia colony, the case study presented herein serves as a window into the power machinations and ambitions of one man and his desire to build his plantation empire unchecked by any conventions or rules of law.

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