

Populist Revolt and the Problem of Indian Subjects in the Seventeenth-Century English Empire

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In the summer of 1676 Virginia stood on the brink of civil war. A faction of colonists under Nathaniel Bacon challenged the legitimacy of the government under Sir William Berkeley, moving rapidly from scattered demonstrations of discontent to armed insurrection. The rebels' "manifesto," issued in July, spelled out the reasons for opposing the government, including political favoritism, unjust restrictions on economic opportunities, and endemic corruption. It also, to a surprising extent for a document concerned so directly with political in-fighting, addressed the problem posed by Native American subjects in an English colony. It bluntly declared Virginia's Indians to be "enemies to the King and Country, Robbers and Theeves and Invaders of his Majesties Right and our Interest and Estates." But the problem was not so much their actions as their existence within the political structure of the colony. Since the English could not physically distinguish one group of Indians from another, "Their Persons being difficulty distinguished or known," it was impossible for any state authority to effectively regulate Native American nations or punish violations of the law. The Indians' status as subjects with the same rights and protections afforded to the English allowed them to wage a covert war, taking on the appearance of foreign Indians so that they could pretend loyalty while murdering English settlers. The rebel solution was simple: Indians must be excluded from the body politic because they were "wholly unqualified for the benefitt and Protection of the law." The manifesto made it clear that the populist insurgency against the government was, at its root, because of that government's insupportable commitment to its Indian subjects.¹

¹ Nathaniel Bacon, "Proclamations of Nathaniel Bacon," *Virginia Magazine of History and Biography* 1, no. 1 (July 1893): 57-58.

The scholarship on Bacon's Rebellion has never fully addressed the implications of this constitutional argument. Most historians treat the rebellion from start to finish as a contest between rival factions of Englishmen, with the rebellion's causes and consequences confined to Virginia's internal political, social, and economic circumstances.² Even Edmund Morgan's interpretation in his influential synthesis, *American Slavery, American Freedom*, considers the role of Native Americans to be ancillary to the conflict between oppressed servants and freemen, on the one hand, and planter oligarchs on the other. They were significant, according to Morgan, mostly as a point of transference: Nathaniel Bacon attempted to defuse simmering class tensions by displacing settlers' frustration with the oligarchs through the venting of racial hatred on vulnerable Native Americans. The "crusade against Indians" escalated into rebellion only when the Jamestown government rejected the populist logic of racial exclusion.³ In this paper I will argue, in contrast, that rebel antagonism toward Indians and their challenge to the government were part of a structural relationship, and that the challenge to one necessitated a challenge to the other.

² Angelo T. Angelis, "'By Consent of the People': Riot and Regulation in Seventeenth-Century Virginia," in *Colonial Chesapeake: New Perspectives*, ed. Debra Meyers and Melanie Perreault (Lanham, Md.: Lexington Books, 2006), 117-40; Warren M. Billings, "'Virginia's Deploured Condition,' 1660-1676: The Coming of Bacon's Rebellion" (Ph.D. diss., Northern Illinois University, 1968); Warren M. Billings, "The Causes of Bacon's Rebellion: Some Suggestions," *Virginia Magazine of History and Biography* 78, no. 4 (October 1970): 409-35; Kathleen Brown, *Good Wives, Anxious Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia* (Chapel Hill and London: University of North Carolina Press, 1996), 137-86; Peter Thompson, "The Thief, the Householder, and the Commons: Languages of Class in Seventeenth-Century Virginia," *William and Mary Quarterly* 63, no. 2, 3rd ser. (April 2006): 253-280; Wilcomb E. Washburn, *The Governor and the Rebel: A History of Bacon's Rebellion in Virginia* (New York: W.W. Norton and Company, 1957); Stephen Saunders Webb, *1676: The End of American Independence* (1984; reprint ed., Syracuse, NY: Syracuse University Press, 1995), Part I. An exception to this generalization would be legal historian Lauren Benton, who considers the question of Native American subjecthood to be an important aspect of the rebellion in *A Search for Sovereignty: Law and Geography in European Empires, 1400-1900* (Cambridge: Cambridge University Press, 2009), 96-99. Her analysis of Bacon's Rebellion, however, is based entirely on a single secondary source, and she locates this argument primarily as part of a pattern of opportunistic accusations of treason.

³ Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (1975; reprint ed., New York: W.W. Norton and Company, 2003), 269-70.

The place of the legal argument about Indian subjects in this structure is difficult to identify, in large part because the historiography of Indian subjecthood is almost non-existent.⁴ Historians of the U.S., dealing with federal law and the Supreme Court cases of the “Marshall Trilogy” (*Johnson v. M’Intosh* [1823], *Cherokee Nation v. Georgia* [1831], and *Worcester v. Georgia* [1832]), have a more developed literature on the question of Native American citizenship.⁵ But these arguments about Indian citizenship in the nation-state have not been connected to their antecedents about subjecthood in the composite kingdoms of the earlier British and English empires. Gregory Dowd, one of the few historians to have addressed this topic, focused his attention on Pontiac’s War (1763-1765) which provoked a political crisis over the question of whether Indians were subjects in the British empire. Imperial attempts to include Native Americans within the imperial structure caused a surge of discontent among American colonists, whose opposition to the Proclamation Line of 1763 helped to spark the imperial crisis and the American Revolution. Significantly, settlers during this conflict made the same legal argument that appeared almost a century earlier in Bacon’s manifesto. The Paxton Boys, who

⁴ Gregory Dowd, *War Under Heaven: Pontiac, the Indian Nations, and the British Empire* (Baltimore: Johns Hopkins University Press, 2002), 325 n. 2. For a more recent exception, see Jenny Hale Pulsipher’s account of the battle over authority in seventeenth-century Massachusetts, which argues that Indians appealed to their subjection to the king as a way to contest the direct authority of the colonial government; Jenny Hale Pulsipher, *Subjects Unto the Same King: Indians, English, and the Contest for Authority in Colonial New England* (Philadelphia: University of Pennsylvania Press, 2005). Most histories that deal with Native Americans and the law focus on other issues, especially land ownership, jurisprudence, or intercultural diplomacy. See for example, Peter Charles Hoffer, *Law and People in Colonial America* (1992; rev. ed., Baltimore and London: Johns Hopkins University Press, 1998), ch. 3; Stuart Banner, *How the Indians Lost Their Land: Law and Power on the Frontier* (Cambridge: The Belknap Press of Harvard University Press, 2005); Yasuhide Kawashima, *Puritan Justice and the Indian: White Man’s Law in Massachusetts, 1630-1763* (Middletown, Conn.: Wesleyan University Press, 1986; Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815* (Cambridge and New York: Cambridge University Press, 1991).

⁵ See, for example, Francis Paul Prucha, *American Indian Treaties: The History of a Political Anomaly* (Berkeley: University of California Press, 1994); Ronald N. Satz, *American Indian Policy in the Jacksonian Era* (Norman: University of Oklahoma Press, 2002); Frederick E. Hoxie, “What was Taney Thinking? American Indian Citizenship in the Era of *Dred Scott*,” *Chicago-Kent Law Review* 82, no. 1 (2007): 329-59; Tom Holm, *The Great Confusion in Indian Affairs: Native Americans and Whites in the Progressive Era* (Austin: University of Texas Press, 2005); Lucy Maddox, *Citizen Indians: Native American Intellectuals, Race, And Reform* (Ithaca: Cornell University Press, 2005); Kenneth Philp, *Termination Revisited: American Indians on the Trail to Self-Determination, 1933-1953* (Lincoln: University of Nebraska Press 1999); Daniel Cobb, *Native Activism in Cold War America: The Struggle for Sovereignty* (Norman: University Press of Kansas, 2008).

massacred a group of Conestoga Indians under the protection of the Pennsylvania government, insisted that Indians were inherently enemies of the empire and thus could never subjects of the king. They led an armed riot from the western backcountry to Philadelphia, threatening insurrection unless the government recognized the justice of their case.⁶ Though the permanent shift toward the official rejection of Native American subjecthood occurred only after the British empire was replaced by the American state, the early manifestation of that argument during Bacon's Rebellion sheds important light on its origins.

The link between populist revolt and Indian exclusion relies on understanding the structure of the *colonial state*. In his dissertation on state formation in early Pennsylvania, Patrick Spero describes the colonial state as a negotiated structure that incorporated both formal institutions and the informal politics of frontier settlers, whose "negotiations" ranged from peaceful petitioning to rioting and rebellion. Like the conceptual "negotiated empires" that stress the lack of a strong coercive core and the power of far-flung peripheries, colonial states were characterized by a constant tug of war between the imperatives of the colonial government and the necessity for that government to respond to the desires of its marginal subjects in order to function.⁷ According to Spero, the negotiated structure of the colonial state allowed frontier settlers—those most vulnerable to Indian attack in a time of war—to demand a "militarized state that took a more hostile position toward Native peoples, a collective group that these settlers

⁶ Dowd, *War Under Heaven*, 192-199.

⁷ Patrick Spero, "Creating Pennsylvania: The Politics of the Frontier and the State, 1682-1800" (Ph.D. Diss., Philadelphia: University of Pennsylvania, 2009), 16-18. On the model of empires as the inspiration for colonial states, see Jack P. Greene, *Peripheries and Center: Constitutional Development in the Extended Politics of the British Empire and United States, 1607-1788* (1986; reprint ed., New York and London: W.W. Norton and Company, 1990); Jack P. Greene, *Negotiated Authorities: Essays in Colonial Political and Constitutional Histories* (Charlottesville: University of Virginia Press, 1994); Christine Daniels and Michael Kennedy, eds., *Negotiated Empires: Centers and Peripheries in the New World, 1500-1820* (New York and London: Routledge, 2002).

placed explicitly outside of the protections of the colonial state because they deemed all Indians an inherent and singular threat.”⁸

This paper uses Spero’s work on the colonial state to understand why populist revolt during Bacon’s Rebellion was tied so closely to the question of Native American’s constitutional status. Virginia settlers justified their uprising on the grounds that their rights as English subjects were being unlawfully abrogated by the Jamestown government. Above all, they cited the government’s failure to protect them from Native American attacks. They framed this claim by contrasting their political status as English subjects with that of Native Americans, whose incorporation into the body politic inherently violated their rights because it placed them in danger. Thus, English subjects’ desires for protection negated Native American claims to an equivalent status—and the only legitimate colonial was a government that recognized this zero-sum relationship. This constitutional argument played out not in the halls of power in the imperial metropole but on the battlefields of the colonial marchlands, and the argument was articulated not by legal theorists but by servants and freemen engaging in the performative language of rebellion. In this way, constitutional issues of the highest importance were decided outside the arena of jurists and lawyers, in the tumultuous negotiations of politics in the colonial state.

This paper also seeks to enrich Spero’s conceptual framework by analyzing the roots of popular politics in emotional experience. Whether justifying their defiance of the colonial government or articulating constitutional arguments about Native American subjecthood, rebels relied on the emotionally charged languages of fear and suffering. These discourses of emotion were not simply rhetorical weapons in political battles, but the elemental components of individual experience during frontier warfare. Emotions not only organized perception, but were

⁸ Spero, “Creating Pennsylvania,” 21.

also shaped by the political culture of early modern England and its exaltation of the patriarchal household. In this paper I argue that the negotiated structure of the colonial state was more than the intersection of institutions in the core and settlers on the periphery: it was also an intersection between the public world of colonial policy and the private world of the domestic household. The intensely personal experience of terror was thus productive of the politics of constitutional debate.⁹

On the eve of Bacon's Rebellion, Native American subjects occupied an ambiguous place within the colonial order. England had claimed sovereignty over vast swathes of North America by the right of discovery, an early modern doctrine under the general set of propositions known as the law of nations. But this asserted sovereignty over North America resulted in contradictory imperatives in the process of colonization. On the one hand, English colonizers attempted to bring Native American nations into the national fold as subjects of the crown, as Christopher Newport did when he "crowned" Wahunsonacock, paramount chieftain of the Powhatans, as a vassal to King James I.¹⁰ These markers of political subjection were accompanied, in theory if seldom in practice, with a commitment to assimilate Native Americans into English culture and

⁹ This paper draws conceptual and methodological inspiration on the history of emotions from Nicole Eustace, *Passion is the Gale: Emotion, Power, and the Coming of the American Revolution* (Chapel Hill and London: University of North Carolina Press, 2008).

¹⁰ "True Declaration of the Estate of the Colonie in Virginia" (1610), in Peter Force, ed., *Tracts and Other Papers Relating Principally to the Origin, Settlement, and Progress of the Colonies in North America: From the Discovery of the Country to the Year 1776* (New York: Murray Printing Company, 1947), vol. 3, doc. 1, p. 6-7; Samuel Purchas, "Virginia's Verger," in *Hakluytus Posthumus, or, Purchas His Pilgrimes: Contayning a History of the World in Sea Voyages and Lande Travells by Englishmen and Others* (Glasgow: James MacLehose and Sons, 1905), 19: 228-29; Smith, "The Proceedings of the English Colonie in Virginia since their first beginning from England in the yeare of our Lord 1606, till this present 1612," in Philip L. Barbour, ed., *The Complete Works of Captain John Smith (1580-1631)* (Chapel Hill and London: University of North Carolina Press, 1986), 1: 181-84, 234-37. Unsurprisingly, Wahunsonacock did not consider himself to be anyone's vassal, and in fact treated the Virginia colonists as *his* subjects under his *werowance* (tributary chief) John Smith; see Frederic W. Gleach, *Powhatan's World and Colonial Virginia: A Conflict of Cultures* (Lincoln and London: University of Nebraska Press, 1997), 123-47; Helen C. Rountree, *Pocahontas Powhatan Opechancanough: Three Indian Lives Changed by Jamestown* (Charlottesville and London: University of Virginia Press, 2005), 112-14.

society.¹¹ On the other hand, as Lauren Benton points out, the purported subjection of Native Americans was also a convenient justification for brutal warfare when the king's Indian subjects "rebelled" against colonial authority.¹²

Indian resistance to English attempts to enforce their subjection led to three Anglo-Powhatan Wars (1609-1646) that devastated both the fledgling colony and the Powhatan chiefdom. But these wars were not rejections of Native Americans' subjection. On the contrary, they were fought in the name of reducing Native Americans to subjection—that is, using military force to make them recognize their status as subjects under crown authority.¹³ The third Anglo-Powhatan War smashed the power of the chiefdom and ensured that it would never again pose a military threat to the colony. It also cemented the Powhatans' status as English subjects. According to the terms of the 1646 peace treaty, the Powhatan chief Necotowance did "acknowledge to hold his kingdome from the King's Majestie of England." Significantly, it also bound the the Virginian government to "protect him or them [the Powhatans] against any rebels or enemies whatsoever."¹⁴ However, the treaty did not make these Indian subjects equal to their English counterparts. The treaty required them to live on reserved land, restricted their movements, and forced them to pay an annual tribute.¹⁵

¹¹ William Strachey, *The Historie of Travaile into Virginia Britannia: Expressing the Cosmographie and Comodities of the Country, Together with the Manners and Customes of the People*, ed. Richard Henry Major (London, Hakluyt Society, 1849), 85; R[obert] J[ohnson], "Nova Britannia: Offering Most Excellent fruites by Planting in Virginia" (1609), in Force, *Tracts*, vol. 1, doc. 6, 13-14; Karen Ordahl Kupperman, *Indians and English: Facing Off in Early America* (Ithaca and London: Cornell University Press, 2000), 174-211; Morgan, *American Slavery, American Freedom*, 44, 46-48, 97-98.

¹² Benton, *A Search for Sovereignty*, 64, 91-100. See also Ronald Dale Karr discussion of the early modern laws of war in "'Why Should You Be So Furious?': The Violence of the Pequot War," *Journal of American History* 85, no. 3 (December 1998): 876-909.

¹³ John Martin, "The Manner Howe to Bringe the Indians into Subjection," December 15, 1622, in Susan Myra Kingsbury, ed., *The Records of the Virginia Company of London* (Washington: Government Printing Office, 1906-1935), 3: 704-707; Purchas, "Virginia's Vergere," in *Hakluytus Posthumus*, 19: 229-30.

¹⁴ William Waller Hening, ed., *The Statutes at Large: Being a Collection of All the Laws of Virginia, from the First Session of the Legislature, in the Year 1619* (Richmond, 1809), 1: 323.

¹⁵ Hening, *Statutes*, 1: 323-26.

While the 1646 treaty marked an unequivocal defeat for the Powhatans and ended the era of their independence, it also inaugurated a new period in which Powhatans were valuable members of colonial society. The restrictions on their movements gradually eased, and within a few years they were interacting with English settlers on a daily basis. Indian men worked as wolf-hunters and wilderness scouts, farm laborers and fishermen; women found employment as domestic servants or sold goods like baskets, pottery, and tobacco pipes. Despite continual tensions over land, contact was extensive enough that Indians and English lived and worked side by side, occasionally even intermarrying.¹⁶ On a more strategic level, they contributed to the colony's military strength and served as buffers against potentially hostile nations further into the continental interior. The Virginian governor, Sir William Berkeley, recognized the contributions of Indian subjects to the economy and security of the colony, and he cultivated positive relations with Virginia's subject nations by preventing colonists from encroaching on reserved lands.¹⁷

Berkeley and his circle of political allies, the oligarchs known as the "Green Spring faction" after Berkeley's plantation, cultivated similarly positive relationships with foreign Indians, with fateful consequences in 1676. English planters tapped into existing Indian trade networks and accelerated the development of regional exchange, especially in beaver furs and deer skins. Colonial demands for labor, in an era where Virginia had virtually no access to the African slave trade, led to a small but growing trade in Native American slaves.¹⁸ English traders

¹⁶ Helen C. Rountree, *Pocahontas's People: The Powhatan Indians of Virginia Through Four Centuries* (Norman and London: University of Oklahoma Press, 1990), 104-8, 128-43; Kristalyn Marie Shefveld, "'Wholly Subjected?': Anglo-Indian Interaction in Colonial Virginia, 1646-1718" (Ph.D. Diss., University of Mississippi, 2010).

¹⁷ Morgan, *American Slavery, American Freedom*, 230-33; Washburn, *Governor and the Rebel*, 26-28, 160-62.

¹⁸ C.S. Everett, "'They shall be slaves for their lives': Indian Slavery in Colonial Virginia," in *Indian Slavery in Colonial America*, ed. Alan Galloway (Lincoln and London: University of Nebraska Press, 2009), 67-108; Paul Kelton, *Epidemics and Enslavement: Biological Catastrophe in the Native Southeast, 1492-1715* (Lincoln and London: University of Nebraska Press, 2007), 108-26. See also Alan Galloway's landmark study of the later Indian slave trade based in Carolina; Alan Galloway, *The Indian Slave Trade: The Rise of the English Empire in the American South, 1670-1717* (New Haven and London: Yale University Press, 2002).

provided their Indian partners with guns, vastly increasing their war-making capacity, and in turn those partners raided their Indian neighbors for captives that they sold to the English for more guns. In the long run, this created a spiral of increasing violence that destabilized the whole region and turned the Southeast into a zone of endemic instability that Robbie Ethridge has called a “shatter zone.”¹⁹ In the short run, however, the Native American slave trade was a mutually advantageous and highly profitable partnership that enriched English planters and empowered Indian slavers—especially their primary partners, the Ocaneechis of southeastern Virginia. It also created a fault line that pitted English oligarchs and foreign Indians against freemen on the frontier. Wealthy colonists monopolized access to these lucrative markets, and their militarized Indian partners did not hesitate to turn their English guns against English settlers in times of war.

That is exactly what happened in 1675, when a petty dispute between a Virginia planter and a group of Indians over some pigs led to an escalating series of robberies, fights, murders, raids, and military skirmishes in the borderlands between Virginia and Maryland. By January 1676 the Susquehannock Indians were ravaging the frontier, raiding isolated plantations with virtual impunity. Indian war parties killed as many as three hundred colonists in the span of a month.²⁰ Terrified settlers reported a sense of powerlessness before these withering assaults, especially because they could never predict when or where the Susquehannocks would attack.

¹⁹ Robbie Ethridge and Sheri Shuck-Hall, eds. *Mapping the Mississippian Shatter Zone: The Colonial Indian Slave Trade and Regional Instability in the American South* (Lincoln and London: University of Nebraska Press, 2009); Robbie Ethridge, *From Chicaza to Chickasaw: The European Invasion and the Transformation of the Mississippian World, 1540-1715* (Chapel Hill and London: University of North Carolina Press, 2010).

²⁰ John Berry and Francis Moryson, “A True Narrative of the Rise, Progress, and Cessation of the Late Rebellion in Virginia, Most Humbly and Impartially Reported by his Majestyes Commissioners Appointed to Enquire into the Affaires of the Said Colony (1677),” in *Narratives of the Insurrections, 1675-1690*, ed. Charles M. Andrews (New York: Charles Scribner’s Sons, 1915), 105-108; ; [John Cotton], “The History of Bacon’s and Ingram’s Rebellion, 1676,” in *Narratives of the Insurrections*, ed. Charles M. Andrews, 56; The National Archives of the UK, Public Record Office, Colonial Office (hereafter cited as PRO CO), 1/39, 197, 200, 212, 224, 233-34, 243.

Dispersed settlement and the Indians' stealth left even "the most secure of our habitations" vulnerable to surprise attack, not only on the frontiers but "in the very heart and midst of the country."²¹

There was more to fear than death alone, for each colonist faced the specter of unimaginable pain. Aside from those killed in the fighting, the Susquehannocks captured their English enemies and tortured them, sometimes for days before allowing them to die. William Sherwood's account related that the Indians "roast alive... such English prisoners as they keep languishing by a lingering death, pulling their nails off[f], making holes, and sticking feathers in their flesh, some they rip open, and make run their guts round trees, with such like barbarous crueltys."²² Though wartime rumors often dwell on imagined atrocities committed by the enemy, there is no reason to doubt the veracity of these reports. Like other Iroquoian Indians, Susquehannocks executed captives through ritual torture as a way to express the powerful emotions unleashed by the violence of war.²³ Every Susquehannock man was raised to go into battle expecting that he might have to prove his courage by enduring pain, demonstrating power over his enemies by remaining silent during the ordeal. Those same men were contemptuous of English captives who begged for mercy and screamed in agony while under their knives or in the heat of their fires. In some cases raiders performed these grisly executions within earshot of English settlers—neighbors, friends, or relations of the victim. The horror of which, settlers

²¹ "Charles City County Grievances 1676," *Virginia Magazine of History and Biography* 3, no. 2 (October 1895): 138.

²² [William Sherwood], "Virginias Deploured Condition, Or an Impartiall Narrative of the Murders committed by the Indians there, and of the Sufferings of his Maties Loyall Subjects under the Rebellious outrages of Mr Nathaniell Bacon Junr: to the tenth day of August Anno Dom 1676 (1676)," in *Collections of the Massachusetts Historical Society*, vol. 9, 4th ser. (Boston: Massachusetts Historical Society, 1876), 176.

²³ Daniel K. Richter, "War and Culture: The Iroquois Experience," *William and Mary Quarterly* 40, no. 4, 3rd ser. (October 1983): 528-559.

lamented, “makes our harts Ready to bleed to heare.”²⁴ Another observer reported that the Susquehannocks mutilated the bodies of those killed in combat, or who died too quickly under torture to satisfy their rage. Their purpose was to “leave som of there brutish Markes upon there fenceless bodies, that might testifye it could be none but they who had commited the fact.”²⁵ Native Americans marked the dead in the symbolic language of torn flesh and scattered blood, leaving echoes of suffering calculated to inflict the maximum amount of terror among the survivors. The English could hardly have missed the message, and it is not difficult to imagine why traumatized settlers emphasized how difficult it was for them to bury the dead.²⁶

Virginia colonists faced the terrifying prospect that the worst was yet to come. Just six months prior to the first Susquehannock raids, King Philip’s War had broken out in New England. By early 1676 the northern colonies were at war with a coalition of Native Americans led by the Wampanoag sachem Philip, who had banded together most of the Algonquian peoples in New England. At the same time that the Virginian borderlands descended into carnage, horrifying reports of slaughtered militia, mutilated women and children, and burned towns filtered throughout the English Atlantic.²⁷ Spread by mariners sailing from northern ports, the news rippled through Virginia as rumor and hearsay, causing widespread panic. Before long even colonists far from the frontier went “raging and exclaiming against the Indians, expressing the calamity that befell New England.”²⁸ Even levelheaded administrators considered the

²⁴ “Petition from Henrico,” in Warren M. Billings, ed., *The Papers of Sir William Berkeley, 1605-1677* (Richmond: Library of Virginia, 2007), 498.

²⁵ [Cotton], “History of Bacon’s and Ingram’s Rebellion,” 50.

²⁶ PRO CO 1/39, 200. On Native Americans and the use of terror as a psychological weapon, see Peter Silver, *Our Savage Neighbors: How Indian War Transformed Early America* (New York: W.W. Norton, 2007), 41; Jill Lepore, *The Name of War: King Philip’s War and the Origins of American Identity* (New York: Vintage, 1998), 71-124.

²⁷ Webb, *1676*, 169-244.

²⁸ Berry and Moryson, “True Narrative . . . of the Late Rebellion,” 113; see also “To Thomas Ludwell, 16 February 1675/76,” in Billings, *Papers of Sir William Berkeley*, 498; Webb, *1676*, 200; April Lee Hatfield, *Atlantic*

coincidence with alarm. In March of 1676 Berkeley wrote to Whitehall that he suspected the Susquehannocks of trying to form their own intertribal coalition—perhaps even an allying with Philip’s Algonquians—to create “a generall Combination of all from New-England hither.”²⁹

Fears of Native American confederacies included not just foreign nations, but also Virginia’s subject Indians. Many Virginians questioned the loyalty of the Powhatans and other nations living within the colony’s borders. Even Berkeley, who had worked for decades to maintain friendly relationships with Indians, had his doubts. He wrote that Virginia’s Indians were “giveing us dayly Suspitions,” so that if an attack came he would not be “able to ghuesse where the Storme will fall.” Berkeley’s concern reflected the volatile mixture of fear and suspicion roiling throughout the colony. In private correspondence, he wrote that “the Country was all Armed by a feare and Jelousie that all the Indians were conspired against us.”³⁰ Ferocious raids by shadowy enemies along the frontier, rumors of Indian armies massing further in the interior, and paranoid fantasies of Indian enemies within did not just terrify settlers. It left them defenseless on all sides but with no clear enemy to fight.

Both publicly and privately, settlers often described their experience of frontier warfare by highlighting the suffering inflicted on families, a representation that carried immense political weight in Virginia’s patriarchal culture. The ideal of the patriarchal household served as the foundation for social and political order in Virginia, just as it did in England. It was so fundamental to early modern English conceptions of an orderly society that David Underdown

Virginia: Intercolonial Relations in the Seventeenth Century (Philadelphia: University of Pennsylvania Press, 2004), 60-85.

²⁹ Letter from Sir William Berkeley to the King, March 3, 1675/6, “Coventry Papers of the Marquess of Bath at Longleat House,” microfilm (Longleat House, n.d.), Longleat House, 77: 66. See also PRO CO 1/36, 67-68; Wilcomb E. Washburn, “Governor Berkeley and King Philip’s War,” *New England Quarterly* 30, no. 3 (September 1957): 363-377.

³⁰ “To Nathaniel Bacon, 14 September 1675,” in Billings, ed., *Papers of Sir William Berkeley*, 487. Rather than the modern usage as a synonym for envy, the context suggests that “Jelousie” here carries one of the word’s obsolete meanings, such as “anger, wrath, indignation,” “anxiety for the preservation or well-being of something,” or “apprehension of evil.” *OED*, defs. 1, 3, 5.

has called it “the central axiom on which all else depended.”³¹ In theory, the patriarch was husband, father, and householder. He possessed authority over all his dependents and was entitled to their deference and obedience. But it was a reciprocal relationship: patriarchal authority came with a set of obligations, none more fundamental than the patriarch’s responsibility to defend his household from harm. It was almost impossible for English men to fulfill this duty during a guerilla war on the frontier. Native war parties violently demonstrated their ability to fulfill their most basic obligations, and such helplessness was psychologically devastating. For a patriarch in Virginia, failure to provide protection meant a failure of manhood. It was also a metonym for his own experience of terror, which allowed him to communicate crippling fear in a form that was socially acceptable. One group of petitioners wrote that “wee the poore subjects are in dayly dandger of Loosing our lives by the Heathen in soe much that wee are all afraid of goeing about our demesticall affaires.”³² By highlighting the domestic in their expressions of vulnerability, frontier men expressed their own experience of terror as fear for their families’ safety. Another petition similarly complained of the “violent and deadly fears of danger wee apprehended from the Indian, many of the people having left their plantations and stocks and drawne together inwards to secure their wives and children, whose daylye cries made our lives uncomfortable.”³³ The conflation of intense emotion with the social ideal of the patriarchal defender thus shaped men’s experience of Indian violence on the frontier.

The intersection of patriarchy and terror was the embodied basis of Virginian men’s political subjectivity, and it reshaped their sense of the proper relationship between the colonial

³¹ David Underdown, *Revel, Riot, and Rebellion: Popular Politics and Culture in England, 1603-1660* (Oxford: Oxford University Press, 1985), 9. James Horn has demonstrated a high degree of cultural continuity between England and Virginia, including the maintenance of a patriarchal ideal; see James Horn, *Adapting to a New World: English Society in the Seventeenth-Century Chesapeake* (Chapel Hill and London: University of North Carolina Press, 1994), 41, 218.

³² “Petition from Henrico,” in Billings, ed., *Papers of Sir William Berkeley*, 498.

³³ “Charles City County Grievances,” 137.

state and its subjects.³⁴ In addition to their susceptibility to Indian attack, Virginian men faced a threat to their masculine identity in the form of an erosion of their rights as Englishmen. During the 1650s and 1660s they had seen a steady concentration of power in the hands of the Green Spring faction. These oligarchs systematically gathered the political and economic prerogatives of patriarchal power for themselves while restricting the opportunities of potential rivals. Terms of indenture became longer and the labor regime became harsher, making it difficult for servants to attain the status of freemen. Upon fulfilling their contracts, moreover, freemen found that elite planters already owned most of the available land, forcing them to make the hard choice of becoming tenant farmers—servants in all but name—or move to marginal frontier lands that left them exposed to Indian hostility. Moreover, the demographic imbalance between the sexes—three or four men to each woman—made it difficult for poor freemen to marry. Aspiring patriarchs, then, already faced daunting obstacles to setting up a household by 1675, and these restricted opportunities contributed to a rising tide of discontent. Frontier violence only underscored the freeman’s lack of the basic privileges of subjecthood and fueled his resolve to make demands upon the state for the protection it owed to him.³⁵

Patriarchy was not only an organizing principle for the household, but also by extension the basis for a properly governed society.³⁶ Just as the father provided for his family members in return for their obedience, the king, as the nation’s patriarch, cared for the commonwealth but in return demanded the loyalty of his subjects. Virginia colonists therefore expected the king’s local representatives to protect them from their enemies. The men of Charles City County,

³⁴ Brown, *Good Wives, Nasty Wenches*, 163, 170.

³⁵ Billings, “Causes of Bacon’s Rebellion,” 409-435; T.H. Breen, “A Changing Labor Force and Race Relations in Virginia 1660-1710,” *Journal of Social History* 7, no. 1 (Autumn 1973): 5-9; Brown, *Good Wives, Nasty Wenches*, 149-54; Morgan, *American Slavery, American Freedom*, 235-41; Thompson, “The Thief, the Householder, and the Commons,” 261.

³⁶ Horn, *Adapting to a New World*, 219.

accordingly, framed their appeals for government aid in the discourse of patriarchal obligation. They believed, they wrote, “it our duty incumbent on us both by the laws of God and nature... to take up armes, many of us for the just defence of ourselves, wives and children.”³⁷ They made it clear that, as the heads of households, they had a duty to protect their helpless dependents. This was an obligation according to the “laws of God and nature” that superceded the laws of men—even the commands of a prince, much less a mere functionary like Berkeley. The petitioners drew attention, moreover, to the failure of the colonial government to fulfill the same duty writ large—to protect the subjects of the commonwealth. This failure was not only a breach of legal obligation, but also an intolerable injustice in any properly ordered society. The fear and suffering of families thus translated the frustrated patriarchal aspirations of English subjects into a populist challenge to the legitimacy of the Jamestown government.³⁸

The government’s patriarchal failure was rooted in their commitment to the protection of the colonial state’s Native American subjects. Despite vociferous calls to mobilize an army to battle the invaders and take the fight into Indian country, Berkeley preferred not to unleash the militia. He had every reason to expect that an army in the field would antagonize the Indian nations that he and the other Green Spring men relied on as economic and strategic allies.³⁹ Instead, the General Assembly passed a series of defensive provisions that included five hundred

³⁷ “Charles City County Grievances,” 137-38. Similar rhetoric appeared in the “The Virginians’ plea for opposing the Indians without the Governor’s order,” abstracted in William Noel Sainsbury and J.W. Fortescue, eds., *Calendar of State Papers, Colonial, America and West Indies*, (hereafter cited as *CSPC*) 9: 962.

³⁸ This pattern closely parallels Krista Camenzind’s argument that patriarchal failure fueled anti-Indian violence during the Seven Years’ War and the Paxton Riots of 1763-1764; see Krista Camenzind, “Violence, Race, and the Paxton Boys,” in *Friends and Enemies in Penn’s Woods: Indians, Colonists, and the Racial Construction of Pennsylvania* (University Park, Pa.: Pennsylvania State University Press, 2004), 206-8.

³⁹ The war against the Susquehannocks had been precipitated by the overreaction of militia commanders John Washington and Isaac Allerton. Their decision to lay siege to the Susquehannock settlement along the Potomac, rather than investigate the small-scale robberies and murders in the region, turned nominal allies into deadly enemies. See T[homas] M[athew], “The Beginning, Progress, and Conclusion of Bacon’s Rebellion, 1675-1676 (1705),” in Andrews, ed., *Narratives of the Insurrections*, 18-19; Francis Jennings, “Indians and Frontiers in Seventeenth-Century Maryland,” in *Early Maryland in a Wider World*, ed. David B. Quinn (Detroit: Wayne State University Press, 1982), 228-30; “Washington and His Neighbors,” *William and Mary Quarterly* 4, no. 2, 1st ser. (October 1895): 86.

men garrisoned in a series of strategically-located forts. The laws forbade any military action without express orders from the governor.⁴⁰ In practice, this meant that the most remote settlers had to travel over a hundred miles to inform Berkeley of an Indian assault, then wait while the Governor mobilized his forces and marched a hundred miles back to engage the attackers.⁴¹ Outraged colonists asserted that this procedure not only failed to defend the country, but in fact “gave the Indians encouragement to persist in their bloody Practice,” and that the Governor’s policy “did att once give the Indyans both Opertunitis, & Encouragement” to slaughter helpless English subjects.⁴²

The “Humble petition of the poore distressed subjects in the upper parts of James River in verginia” illustrated the relationship between patriarchal failure and the populist challenge to the colonial state. As Susan Westbury points out, phrasing petitions in the gendered language of patriarchal failure was “a standard device” for “calling attention to social chaos,” and since English society was predicated on the mutual obligations of the ruler and the ruled, it was also a way of preemptively justifying unlawful actions.⁴³ After months of Indian depredations and no concerted response from Berkeley, settlers began to formulate a response that would replace helpless paralysis with action. Their petition requested permission to raise a militia that could meet the Indian threat head on. In order to illustrate the meanings and implication of this petition, it is worth quoting in full:

⁴⁰ Hening, *Statutes*, 2: 326-336.

⁴¹ “Charles City County Grievances,” 139. See also Berry and Moryson, “True Narrative . . . of the Late Rebellion,” 112.

⁴² PRO CO 1/39, 243, 201. For additional complaints that Berkeley’s defense strategy actually increased the colony’s vulnerability, see PRO CO 1/39, 194, 226, 207, 209, 217, 225, 233, 238, 246. For more moderate complaints that the defensive strategy failed to prevent Indian attacks, see PRO CO 1/39, 216, 242-43, 245, 247, 250. Military historian William L. Shea concurs with their assessment; see William L. Shea, *The Virginia Militia in the Seventeenth Century* (Baton Rouge and London: Louisiana State University Press, 1983), 101-102.

⁴³ Susan Westbury, “Women in Bacon’s Rebellion,” in *Southern Women: Histories and Identities*, ed. Virginia Bernhard et al. (Columbia: University of Missouri Press, 1992), 35.

To the Right Honorable Sir William Barkly Knight goverour and Captain Generall of verginia: The Humble petition of the poore distressed subjects in the upper parts of James River in verginia

Humbly Complain that the Indians hath allready most barberously & Inhumanly taken & Murdered severall of our bretheren & put them to most cruell torture by burning of them alive & by cruell torturing of others which makes our harts Ready to bleed to heare & wee the poore subjects are in dayly dandger of Loosing our lives by the Heathen in soe much that wee are all afraid of goeing about our demesticall affaires. Wherefore we Most Humbly request that your gracious Honor would be pleased to grant us a Committed & to make choice of Committed Officers to lead this party now redy to take armes in defence of our lives and estates which without speedy prevention lie liable to the Injury of such insulting enimies not that your petitioners desire to make any disturbance or put the Country to any charge wherefore we Humbly implead your Honnours speedy answer for we are informed that the Indians dayly approach nearer our habitations and we your petitioners as in duty bound shall ever pray.⁴⁴

The petitioners used the emotional discourse of domestic innocence to underscore their desperate situation, linking the everyday experience of fear and suffering to their mobilization for political action. They then highlighted the importance of protecting their property, the economic basis of every patriarchal household. The implication was that the colonial government had failed to live up to its obligations, which weakened the basis of its legitimate authority. Their request for a military commission effectively presented the government with a way to recover that authority by investing the volunteers with the power of the colonial state, a solution that also satisfied the settlers' desire to act while staying within the bounds of the law. Nevertheless, the allusion to an already-mobilized army only barely concealed the threat that they fully intended to march against the Indians, whether Berkeley granted them the legal authority or not. By presenting this form of ultimatum, the petitioners assumed the mantle of loyal subjects even as they prepared for extralegal action.⁴⁵

⁴⁴ "Petition from Henrico," in Billings, *Papers of Sir William Berkeley*, 497-98.

⁴⁵ M[athew], "Bacon's Rebellion," 21. My analysis of the Henrico petition is based on David Luebke's conceptualization of "the petition as *performance*, as a document that transcends the formal boundary between gesture and literary artifact," see David M. Luebke, "How to Become a Loyalist: Petitions, Self-Fashioning, and the Repression of Unrest (East Frisia, 1725-1727)," *Central European History* 38, no. 3 (2005): 353-383 (quote p. 367,

Petitions in early 1676 made claims on the colonial state and challenged the existing government by implicating the government's failure to effectively contain hostile Indians. As the rebellion escalated in the spring and summer of that year, the linkage became more explicit because the rebels became convinced that it was only foreign Indian nations that posed a threat, but also ostensible allies. This connection crystallized at the end of May, when a body of rebel volunteers met with the Ocaneechi Indians. The Ocaneechis were important English allies and partners in the Native American slave trade, but their economic interests lay primarily with Berkeley and the oligarchs, rather than with Bacon and his volunteers. Since Berkeley had by this time declared Bacon's men to be guilty of treason for mobilizing an illegal army, the Ocaneechis' loyalties were uncertain at best. The meeting ended in a confused melee and a massacre in which English volunteers slaughtered between fifty and three hundred Ocaneechis.⁴⁶ Though the precise reasons for this outcome remain murky, it was at least partially because Bacon and his lieutenants believed that the Ocaneechis were conspiring with Berkeley to betray them to the loyalist government.⁴⁷

After the Ocaneechi massacre, rebels treated all Indians as essentially alike in that they posed a material threat to the security of English colonists. It did not matter whether they were at war with Virginia, like the Susquehannocks, or allied to Virginia, like the Ocaneechis. It did not even matter if they were part of colonial society, like the Powhatan tribes, whose official status was as subjects of the crown. These Indians were, if anything, an even greater threat than foreign nations because their nominal friendship gave them the perfect cover for guerilla attacks. This

italics in the original).

⁴⁶ [Anonymous], "A Discription of the Fight between the English and the Indians, in May 1676," *William and Mary Quarterly* 9, no. 1, 1st ser. (July 1900): 1-4; Nathaniel Bacon, "Mr. Bacon's acct of their troubles in Virginia by ye Indians, June ye 18th, 1676," *William and Mary Quarterly* 9, no. 1, 1st ser. (July 1900): 7-8; Philip Ludwell, "Philip Ludwell's Account," *Virginia Magazine of History and Biography* 1, no. 2 (October 1893): 190-82; [Sherwood], "Virginias Deploured Condition," 167-68.

⁴⁷ M[athew], "Bacon's Rebellion," 21.

was the logic behind Bacon's manifesto: Native Americans' close proximity and easy access to English settlements, coupled with the impossibility of telling friend from foe, created a danger so extreme that it nullified the Indians' claim to protections afforded to subjects of the crown. Moreover, the just claims of English subjects to those protections required that the colonial state defend them against Indians. Since all Indians represented an intolerable threat, actual or potential, Indians were by definition outside the body politic.⁴⁸ According to Bacon's argument, the only way that the government could discharge its duty to its English subjects and regain its legitimacy was to declare war on its Indian subjects.

Bacon's larger populist claims were clearly connected to this argument about Indian subjecthood. He decried Berkeley and the other loyalist oligarchs as "Parasites" and "Grandees" who had formed a "powerfull Cabal" to oppress the people of Virginia. These men were guilty of gross miscarriages of justice, such as levying excessive taxes that enriched private fortunes rather than the public good and using political favoritism to make a mockery of judicial proceedings. But their main article of guilt was preferring the "protected and Darling Indians" over the lives of loyal English subjects. They had unjustly monopolized the trade with Indians, accumulating vast furs in furs and slaves, and in the process providing those Indians with the guns that they turned on English colonists. The "Cabal" had by that "unjust gaine Bartered and sould his Majesty's Country and the lives of his Loyal Subjects to the Barbarous Heathen." Sealing the corrupt bargain, the assembly's defensive military strategy conveniently protected the client Indians enriching Berkeley and his friends at the expense of suffering English subjects. It was precisely because the colonial state extended the umbrella of protection to these Indians that they were capable of planning and executing attacks against English subjects. These denunciations of the elite's political and economic power were directly tied to the fact that the elite had "protected

⁴⁸ Bacon, "Proclamations," 57-58.

favoured and Imboldened the Indians against his Majesty's most Loyall Subjects."⁴⁹ The patriarchal failure of the colonial state to protect English subjects was thus rooted in the government's definition of Indians as subjects due the full protection of the law.

The centrality of the anti-Indian argument to the rebels' populist revolt helps to explain why they mounted at least two campaigns against Virginia's Indians in 1676, devoting considerable amounts of manpower to eradicating defenseless non-combatants even as their conflict with the government escalated into full-scale civil war. Bacon's growing army of volunteers, coupled with the increasingly popular belief in universal Indian enmity, fueled the transformation from Indian-fearing to Indian-hating. "Soe the common cry and vogue of the Vulgar," wrote one chronicler, "was away with these distinctions, wee will have warr with all Indians."⁵⁰ Toward the end of August, at the same time that he was preparing for a siege of Jamestown, Bacon mounted two invasions of the Great Dragon Swamp where most of Virginia's Indians had sought refuge. The rebels killed some (the number is unrecorded in any account) and enslaved forty-five; the rest fled further into the interior.⁵¹

Most historians treat these attacks as scapegoating actions, in which colonists unable to counter Susquehannock guerilla tactics vented their frustration on more vulnerable targets.⁵² On the contrary, though, these attacks were critical to the larger rebel project of toppling the colonial government. Bacon demonstrated as much when he paraded his Indian captives in front of the besieged loyalists at Jamestown, lashing them to the ramparts of his earthworks. If Berkeley insisted on defending his "Darling Indians," then the two would ultimately meet the same fate.⁵³

⁴⁹ Bacon, "Proclamations," 57-59. See also PRO CO 1/39, 223, 226.

⁵⁰ Berry and Moryson, "True Narrative . . . of the Late Rebellion," 113.

⁵¹ Berry and Moryson, "True Narrative . . . of the Late Rebellion," 123-27,

⁵² See, for example, Morgan, *American Slavery, American Freedom*, 257, 259; Washburn, *Governor and the Rebel*, 33.

⁵³ Berry and Moryson, "True Narrative . . . of the Late Rebellion," 130, 133.

The forceful rejection of Indians as subjects was as central to the rebel agenda as the eviction of Berkeley and his oligarchs from the seat of government. The two goals were complementary parts of the rebels' populist project to reconfigure the shape of patriarchal power.⁵⁴

The populist conflation of oligarchical government and Indian subjecthood were so intertwined, in fact, that English settlers continued to make the same arguments well after the defeat of the rebellion in January 1677. Bacon's death and loyalist victory over his followers' army did nothing to end Indian hostility, so the underlying rationale for the political exclusion of Indians remained unchanged.⁵⁵ If anything, it was strengthened by the demobilization of the colony's only military force willing to take the offensive against Native Americans. Colonists in some areas complained of Virginia's subject Indians taking advantage of this situation, massing their warriors and preparing to massacre the unprotected English. Others argued that the Indian practice of body painting allowed Virginia's Indians to pretend loyalty but surreptitiously disguise themselves as enemy warriors to raid nearby plantations. Echoing Bacon's earlier arguments, they asserted that physical proximity and the "free accesse of the Indians amongst us" allowed natives to gain vital knowledge of English defenses and settlers' habitual movements.⁵⁶ These treacherous raiders could wash the stain of English blood off their hands as easily as they washed off their war paint. Since colonial authorities would be unable to demonstrate their guilt or hold them to account, such Indians effectively stood outside the law and thus did not deserve the law's protections. Therefore, some colonists called for "Warr against all Indians in Generall," including nations in Virginia that conspired to destroy the

⁵⁴ Brown, *Good Wives, Nasty Wenches*, 139, 160-61.

⁵⁵ PRO CO 1/39, 194, 197, 201, 203, 217, 223, 226, 238, 243. See also Governor Thomas Notley to [Lord Baltimore?], January 22 1676/77 in *CSPC* 10: 12; Hening, *Statutes*, 2: 397-98.

⁵⁶ PRO CO 1/39, 194. C.f. Bacon, "Proclamations," 58.

colony from within.⁵⁷ Even in defeat, colonists continued to argue that they deserved the protection of the colonial state, and that claim included protection not only from enemy nations but also from Indians in their midst.

Arguments about Indian policy always carried a double valence, since they were intertwined with the tense political standoff between defeated rebels and victorious loyalists. Former rebels linked their ongoing vulnerability to Indian attack with Berkeley's punitive loyalist regime, which had confiscated their guns after the defeat of the uprising and thus rendered them incapable of resisting Native American raids.⁵⁸ Some went further and accused the oligarchs who monopolized the Indian trade of enabling Indian violence by continuing to provide them with firearms. One group of colonists, for example, complained, "we have found by wofull experience that diverse covetous persons, to advance themselves by trade with the Indians; have sold very great quantities of powder, shott, & amuniton to them." These "covetous persons" were the same loyalists who had confiscated weapons from defeated rebels, so that for a time "the Indians have bin therewith better provided then our selves."⁵⁹ Thus, concluded settlers bitterly, "the people are betrayed to the perfidies of the mercyleless Indians."⁶⁰ Native Americans thus served as proxies in the larger argument about the relationship between English subjects and the colonial state. Their complaint that the government maintained relationships with Native Americans boiled down to a simple logic: the existence of Indian subjects was a betrayal of English subjects by their own government.

Colonial administrators and royal officials resisted the force of this argument, but simmering discontent among the populace made it clear that they would have to respond to their

⁵⁷ PRO CO 1/39, 201, 217, 238 (quote from PRO CO 1/39, 238).

⁵⁸ PRO CO 1/39, 201, 203, 207, 209, 224-26, 238, 244, 247-48.

⁵⁹ PRO CO 1/39, 194.

⁶⁰ PRO CO 1/39, 238. See also PRO CO 1/39, 245.

demands or else face a new round of insurrection. They offered two interlocking solutions. First, they tried to ease colonists' concerns about security. The Treaty of Middle Plantation (1677) established a new formal relationship between Virginia and its subject Indians that strictly segregated English and Native American peoples. It prohibited body painting, movement off reserved lands without official permission, communication with foreign Indian nations, and employment by English colonists. It set a minimum distance between Indian and English communities, effectively ending the daily rounds of trade and socialization but also reassuring English colonists that they would not be stalked by enemies as they went about their "demestical affairs."⁶¹ Royal agents also concluded an imperial peace with the Susquehannocks through the mediation of the Five Nations Iroquois. Though the terms of the Treaty of Albany (1677) were somewhat ambiguous, and Susquehannocks continued to harass the Virginia borderlands into the 1680s, the immediate effect was to end more than a year of devastating war and restore an uneasy peace to the frontier.⁶² By ending the fighting and increasing security measures, the colonial state fulfilled—at least partially—its obligation to protect its English subjects.

The second solution was a response to populist fury with the Virginia elite over its relationship to foreign Native Americans. The rebel massacre of the Ocaneechis had smashed one side of a cartel that had dominated the Indian trade, weakening their geographical stranglehold and diminishing their ability to act as middlemen between the English and Indian nations further west. Legal reforms enacted in the wake of Bacon's Rebellion smashed the other side of the cartel by loosening the oligarch's monopoly and expanding the scope of the Indian

⁶¹ Michael Leroy Oberg, ed., *Samuel Wiseman's Book of Record: The Official Account of Bacon's Rebellion in Virginia* (Lanham, Md.: Lexington Books, 2005), 134-41. C.f. "Petition from Henrico," in Billings, *Papers of Sir William Berkeley*, 498 (quotation).

⁶² Francis Jennings, "Glory, Death, and Transfiguration: the Susquehannock Indians in the Seventeenth Century," *Proceedings of the American Philosophical Society* 112, no. 1 (February 1968): 42-45.

slave trade.⁶³ In 1677 the General Assembly passed a law allowing the enslavement of all current and future Indian captives.⁶⁴ Two years later the assembly legalized the open trade of slaves, and by 1682 even Indians who had previously been considered servants became slaves under the law.⁶⁵ According to C.S. Everett, these changes “democratized and redirected” the trade toward ambitious and enterprising young men, weakening the power of the oligarchs enough that entrepreneurial Englishmen like William Byrd could aspire to join their ranks.⁶⁶ By allowing English colonists to profit from economic connections with Native Americans, they also defused the political potency of the argument for Indian exclusion.

Nevertheless, neither colonial nor imperial officials actually resolved the constitutional problem of Indian subjects in the English empire. What they accomplished was merely a return to the antebellum status quo of constitutional ambiguity. The first article of the Treaty of Middle Plantation stated that “the Respective Indian Kings and Queens doe from henceforth acknowledge to have their immediate Dependency on, and owne all subjection to, the great King of England.” But their “Just Rights” and obligations were distinct from that of any other English subjects: they were required to pay a symbolic tribute of three arrows each year, and their rights were explicitly limited by the remaining twenty articles.⁶⁷ Moreover, the government’s ad hoc solutions did nothing to alter the structural relationship between frontier settlers and the colonial state. The ambiguous political status of Native Americans could serve as a fruitful basis for intercultural coexistence (however unequal) as long as there was peace. But future outbreaks of

⁶³ Everett, “‘They shalbe slaves’,” 83-90; Kelton, *Epidemics and Enslavement*, 120-26.

⁶⁴ Hening, *Statutes*, 2: 404; H.R. McIlwaine, ed., *Journals of the House of Burgesses of Virginia, 1659/60-1693* (Richmond, 1914), 2: 69.

⁶⁵ Hening, *Statutes*, 2: 440, 490-92. See also Gregory Ablavsky, “Making Indians ‘White’: The Judicial Abolition of Native Slavery in Revolutionary Virginia and Its Racial Legacy,” *University of Pennsylvania Law Review* 159, no. 5 (April 2011): 1463-76.

⁶⁶ Everett, “‘They shalbe slaves’,” 87. See also Owen Stanwood, “Captives and Slaves: Indian Labor, Cultural Conversion, and the Plantation Revolution in Virginia,” *Virginia Magazine of History and Biography* 114, no. 4 (2006): 446.

⁶⁷ Oberg, *Wiseman’s Book of Record*, 134-35.

war would bring the same cycles of violence, fear, and anger—not only toward Indians, but toward any government that insisted on protecting them as subjects of a multicultural empire.