

The Transformation of Contraband Commerce in the Late Seventeenth-Century Atlantic World

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Did a transformation in the nature of contraband trade emerge in the Early Modern Atlantic economy of the seventeenth century? Clandestine trade clearly underwent a number of changes as the New World became economically linked to the Old. The sixteenth century provides numerous examples of contraband, from unknown French captains cutting Brazilwood in defiance of Portuguese claims to that region from at least the 1520s, to John Hawkins' trade in African slaves at Vera Cruz in the 1560s, to the rapid advance of Dutch merchants from the late 1580s, a part of the larger war of independence from Spain (1568-1648). However, as these examples suggest, such illicit trade was a form of piracy, an overt challenge to dynastic and imperial pretensions aimed specifically at the Iberian powers. The commodities clearly changed to reflect the growing influx of bullion and plantation products such as tobacco, sugar, and dyewoods. The trade axes appeared to shift; most English trade in the sixteenth century, for example, lay either cross-Channel with Holland and Zealand, or from the west country ports to the

north of Spain.¹ By the early eighteenth century, smuggling of all types into England began to assume gargantuan proportions, possibly surpassing 50% of all trade according to one famous estimate,² and this Anglo-French trade was mirrored in the Americas by the rise of the as yet poorly documented British American/French trade in molasses and coffee.³ But it is not clear that contraband changed in any fundamental way, other than specifics associated with the new commodities, such as the shift of tobacco trade to Scottish houses in the eighteenth century, as noted by R.C. Nash.⁴ And most notoriously, the rise of the early modern state system is closely bound to the efforts to control imports and exports for emergent national economies, such as England's Navigation Laws.⁵ The act of smuggling, however, remains viewed as simply a minor infraction of a prevailing customs policy.

Smugglers themselves appear in the hands of historians as curiously inert over time. Greed remains the most salient trait of merchants and captains who dealt in contraband. As late as the end of the eighteenth century, Cesare Beccaria, in On Crimes and Punishment, defined the *contrabandiste* as one who steals from the prince, an imposing and distant figure, and thus the crime is made less damning in common view by its removal of immediate hurt; nevertheless, he is still guided by narrow, selfish greed.⁶ The romanticized image inherited from the 19th century still imagines the 'smuggler' as an archetype who "is lacking in everything but a desire to make money" but does possess "at times, a certain dare-deviltry."⁷ Since merchants in the Early Modern era are often considered to be lacking in strong commitments to public virtue (less in England and Holland than France), smugglers must be even more so.⁸ This causes no end of problems for historians examining the crucial period leading to the American Revolution,

when smuggling appeared to become a badge of patriotic pride.⁹ In short, the historical role of contraband for scholars of the non-Iberian Atlantic remains a kind of hazy marchland, marginal, even dangerous for serious inquiry. Yet the evidence from contemporaries, the evident impact on early modern wars and state-building, and the very ubiquity of illicit exchange among colonists and metropolitan merchants throughout the Atlantic would suggest that clandestine trade and the creation of the Atlantic World are inseparable.

This paper explores the rise of Atlantic Contraband¹⁰ in the second half of the seventeenth century, suggesting that clandestine trade, at least as practised by the English and French, became altered by at least three distinct operational aspects, effectively reconstituting Old World illicit trade. First, even before the implementation of rigorous restrictive trade laws in both England and France after 1660, there appeared a defense of colonial trade, including contraband, based on an argument of scarcity, whether of food, materials, manpower, or markets. The scarcity argument offered an implicit critique of the metropolitan authorities or, in the case of France, its merchants, who were not doing enough to alleviate shortages, and often explicitly claimed a right to act autonomously with foreign colonies (or indigenes), even (and sometimes especially) during war. Later merchants even began to see a 'natural' complementarity between geographic regions, such as New England and the French West Indies. A second foundational argument rested on what I call here 'commercial flexibility'. In the world of long-distance trans-Atlantic or circulatory Atlantic trade based on monoculture, easily glutted markets, and marked by considerable violence, merchants and ship captains stretched their options on all fronts—from credit terms to commodity arrays—in order to lessen risk on voyages

and improve returns. The last aspect is the most subtle. If 'liberty' provided the essential ingredient upon which trade could fashion *imperium*, as David Armitage has potently suggested in his reading of seventeenth-century English polemicists, contraband appeared to work in reverse.¹¹ In the Atlantic World, trade beget liberty, or to be more precise, restrictions on trade sparked the desire for free, autonomous exchange beyond or independent of relations normally sanctioned by the sovereign. These three 'foundations' hardly grew in a vacuum. Relatively unimpeded trade flourished not only in the seventeenth-century Caribbean and North America, but throughout northern Europe, and throughout the East Indies trades as well. But the effect of the restrictive *national* laws was to turn largely acceptable exchange (from the court's viewpoint) into illegal exchange. We also must recognize that relations and conditions were highly dynamic. Intermittent warfare before 1660, and the generalized and engulfing wars to contain Louis XIV's ambitions after 1689, provided the 'ground' upon which the 'figure' of illicit trade would be defined.

The sea lanes and ports beyond European waters, and often within them, were far more permeable than has often been imagined. Northern European illicit trade prior to 1600 is particularly difficult to gauge, whether by volume, operations, or players. In a world of numerous local customs and laws, the relative absence of centralized taxing authorities, and high regional tolls on the movement of goods, it might be more appropriate to think of trade as a constantly shifting mix of what we might call 'free' and 'unfree'. However, contemporaries clearly identified two basic types of contraband: the

first was the import or export of goods to evade princely customs, on wool or brandy in the case of England,¹² and the movement of bulk goods across frontiers internal to a kingdom, such as the *faux sauniers* (salt-smugglers) of France. Contraband in these cases was primarily seasonal or supplementary means of providing a livelihood (as it indeed remained well into the 19th century), concerned few goods, and often pitted local leaders and communities against regional rulers in the king's name.

The emerging Atlantic World economy by as late as 1660 did not at first appear to be significantly different from northern European trade of the same era. The size of trade was very small, compared to say, the Baltic trade: to take just one example, grain exports by Holland through the Danish sound alone averaged 140,000 tons yearly in the 1640s and 50s, carried on approximately 1800-2100 ships. We have few comparable statistics over the same comparable period, but as the Jamaican trade expanded with Spanish American in 1686, only some 151 ships carried less than 8,000 tons of merchandise in both directions.¹³ Trade, even across the Atlantic, remained regionally-based. In the Caribbean, the 'Dutch' sailed mainly from Holland and Zealand, and a strong contingent of these—up to a third—of colonial merchants were Jewish, many of whom settled in English and French possessions after their ouster from Dutch Brazil.¹⁴ On the eve of the passing of new French regulations, only 30 ships from France (varying widely in size) reached the French islands, while one anonymous French source reported that at least 150 Dutch ships returned to Amsterdam and Middlebourg, an undoubtedly exaggerated figure (one contemporary French source placed the figure closer to 30 for the main island of Martinique).¹⁵ So prevalent were trading ships from these two provinces that it might be better to speak of the Caribbean as a truly international endeavor

comprising vast populations in the tropics of various indigenous peoples toiling largely under Spanish rule, with a few dots of islands settled by rogue English or French pioneers, all supplied by Portuguese, Italian, and but especially the two Dutch provinces, Holland and Zealand. As late as 1660, Normans and Poitevans still dominated the `French' islands, and a mix of Bretons, Poitevans, and Parisian poor sailed for Canada roughly during the same period.¹⁶ London, rather uniquely, served as a `re-export' center for all of England and Wales, although there appeared to be a significant West Country presence.¹⁷ Hollanders again predominated in New Netherland and the eastern shore of the Chesapeake,¹⁸ English merchants carried on the tradition of the medieval factory by settling into communities in Amsterdam and Rotterdam, while Basques, Bayonnais, Gascons, Bretons, Portuguese, and Cornish seamen, among others, split the Grand Banks of Newfoundland between them.¹⁹

Merchants engaged in long-distance trade between Europe, the Atlantic littoral of Africa, and along the long American coasts, north and south largely unimpeded *de facto* although officially barred *de jure*. To the degree that regulation existed, it might well be said that privateers were more effective than customs collection in controlling illicit ship movements. Given the small export markets for colonial produce at the time, this should not perhaps surprise us. France's *de facto* first minister, Armand de Duplessis, Cardinal Richelieu, in the 1630s tried to secure steady tax revenues by assigning monopolies to specific companies, that is, awarding economic privileges to syndicates that could make large, dependable loans to the crown. For this reason he created several, often competing companies with overlapping territories between 1626 and 1638, such as the Company of the Indies to produce tobacco in the Antilles (1635). Even these depended

largely on revenues from licenses levied on ships sailing from the Texel.²⁰ Only in the case of the Company of 100 Associates in the Canadian fur trade did some version of a monopoly exist, and even this was undercut by a new group of fur-traders, later known as the *coureur de bois*, who bypassed company trade posts and official selling prices to deal directly with French or *Canadien* merchants.²¹ [See “Dutch Vijver” Map]

The true changes to this early, non-Iberian world of Atlantic trade date rather precisely from 1660, and was marked by increasing bellicosity and with growing legal sophistication. From this period both England and France introduced restrictive trade laws to smash Dutch commercial superiority, and, of equal importance, replace them as the primary merchants to the Spanish colonies in the Circum-Caribbean (often referred to as the ‘Islands of Peru’). Mercantilist trade restrictions and the formal ideologies that defended (or even critiqued them) had arisen at least a century before; the English Artificers Law dating to 1563 is often cited as one of the earliest.²² But trade restrictions were grants of monopoly and were generally written into the charters of overseas trade or proprietary companies; the most famous of these, and often a model for other Western European powers, was the Dutch VOC (Vereenigde Oost-Indische Compagnie, 1602), and later the WIC (West-Indische Compagnie, 1621).²³ Richelieu’s similar companies were also promoted to carry war to Spain by attacking its overseas possessions, and incidentally raise marketable crops if possible.²⁴ Although scholars usually date the start of mercantilist trade laws from the first Navigation Act passed by England in 1652, and which helped precipitate the first Anglo-Dutch War (1652-54),²⁵ it is important to note that this law was closer to its predecessors than a herald of a New Commercial Order. As Charles Andrews notes, major London merchants in the Baltic and trans-Channel

trades greatly influenced the timing of the 1652 Act, although the parameters passed into law appeared to transcend the desires of this clique.²⁶

The true onslaught of trade restriction began immediately after the Restoration of Charles II in England, and the attaining of majority of Louis XIV in France. Although most scholars tend to treat the trajectory of the laws in isolation from each other, it appears that the timing and content formed a closed triangle with events in the United Provinces, almost a macabre dance alternating delicate diplomatic missions with friendly trade and bloody battles. [See 'Major Restrictive Laws and War'] It is this commencement of the cycle of violence over trade, often fought independently of dynastic calculations, which completely re-shaped western European patterns of trans-Atlantic trade. During this era, it is hard to make the claim that there was any peace on either side of the 'the Line.'²⁷ Arguably this period, stretching from 1660 to roughly the early 1690s, was the genesis of what we might recognize as a 'second era' of an Atlantic World economy, no longer dominated by the navigation and imperial agendas of the Iberian powers.

The restrictive laws can be divided into roughly three periods. From 1660 to the start of the Anglo-French alliance against the Dutch in 1672, England's parliament excluded foreign ships, curtailed overt free trade with foreign colonies, and most significantly, 'enumerated' a select number of colonial goods for exclusion in trade, in effect reserving the most profitable colonial goods for home markets or re-exports (1660).²⁸ Under Louis XIV's omnipresent first minister, Jean-Baptiste Colbert, French royal decrees created an overseas mercantile arm of the state, with sweeping trade, military, and proprietary powers, but rather ingeniously disguised as a 'private'

company, the *Compagnie des Indes Occidentales*, in 1664.²⁹ Imbedded were laws aimed directly at excluding Dutch ships and cargoes, in effect creating a *cordon sanitaire* around French overseas commerce. The new powers of the company were politically instituted by the epic voyage of the veteran Alexandre Prouville de Tracy (1664-66), who used his broad vice-regal powers and small but experienced force of soldiers to re-plant uniform royal sovereignty and company policy in what had been largely private overseas fiefs. Not only did de Tracy re-install royal authority, but he engineered a sounder organization of defense for colonies as disparate as Cayenne and Canada.³⁰

Over the next decade, the English Parliament further refined the existing laws to bolster its maritime population (and ensure experienced sailors for its navy)(1663), enhanced the position of London and the West Country ports as colonial re-export centers (1663), reluctantly agreed to the Treaty of Madrid, which excluded trade with Spanish and Spanish American merchants (nearly completely ignored, 1670), and tightened oversight over a serious loophole, colonial trade with Ireland (1673). Colbert also refined the French laws: he authorized the *Compagnie* to sell trading licenses to non-share holding merchants (1666), which turned a privileged corporate body into something approaching a nationalistic one, leading to a distinct surge in French colonial trade between 1667 and 1670; restated the original trade prohibition on foreign ships that had taken advantage of the licensing system (1668); forbade foreign ships from anchoring in any French colony, which sparked a year-long revolt on French St. Domingue (1670-71); and reserved the re-export trade to the company, though again with the right to sell licenses (1670, 1671). The English laws were truly passed and applied as *national* laws, applicable to all subjects of the king, and started to be regarded as such by both English

and English colonial merchants.³¹ French regulations, in contrast, applied to specific corporate bodies of French merchants, and worked legally through chartered enterprises and the principles of corporate privileges. However, the issuing of licenses and the older patterns of relatively unimpeded freer trade persisted to such a degree that even Colbert and the Parisian financiers who underwrote the companies accepted the role of taxing (or licensing) free trade, rather than trying to enforce restrictions, placing them closer to contemporary English regulations.

In the second era, 1672-1679 and its immediate aftermath, the initiative in restrictive laws passed from the English to the French, framed by the Dutch War (French) or the Third Anglo-Dutch War. The very separate names highlight the distinct agendas of the two erstwhile allies. With signs of encouraging growth in French American trade, but also recognizing the futility and draining cost, Colbert revoked the *Compagnie's* charter in 1674 in the midst of war, to better divert resources to privateering and outright conquest of Dutch settlements in the Caribbean (Tobago, 1674) and trade forts in West Africa (Arguin, 1677).³² In its place, he created a taxing authority, the *Domaine d'Occident*, which charged (and actually collected) a minimum 3% duty on all colonial products, from furs to fish to fustic.³³ The leasing, sub-leasing, and sub-sub-leasing of this tax farm is an obscure history until itself; but the net result was not so dissimilar from the English initiatives, insofar as rates depended on the value of colonial products, it supported French shipping and goods to the exclusion of all others, and created, if anything, a somewhat more effective bureaucracy and earlier than the English overseas customs. In Canada, the period is remembered as one of indecisive imperial will and outright mismanagement; nevertheless, it also marked the sudden and almost breath-

taking growth of an independent fur trade exploited by officials and Montreal entrepreneurs alike. The English made territorial gains by seizing, for example, New Netherland (New York, 1674), and imposing formal English rule over Dutch mercantile activity in North America. Of far greater significance, the state institutionalized the restrictive laws for the first real time by creating a bond system to curtail independent colonial trade to Continental Europe, and appointing officers to enforce it. However irregular the acts were enforced in New England or the West Indies, it is from this era that an overseas, nationalized, or imperial, bureaucracy, dates. Not surprisingly this is also the start of acerbic critiques of the old freer trade patterns, of which Edward Randolph was among the most prominent, but far from alone. We must underscore here that France and England dismantled the old Dutch 'lake' (or 'vijver') by force; as James Pritchard has convincingly demonstrated, France succeeded in diminishing the Dutch presence by destroying it, not outselling it.³⁴

It is a commonplace among scholars that, with the Dutch merchants now confined to their puny islets of St. Eustatius and Curaçao in the Antilles, France and England now faced each other for the battle of economic supremacy in Europe and across the Atlantic. With hindsight, and by compressing events distant in time, this appears to be the case. However, it is not clear that such conflict was inevitable in 1679. The courts of St. James and (by the early 1680s) Versailles were still allies, the Dutch maintained a considerable trade presence in the Americas, its merchants having shifted quickly to what Cornelius Goslinga called the *Kleine Vaart* (carrying/entrepot trade to based on the two main Dutch islands), and the Spanish colonies still beckoned as *the* market of consequence.³⁵ But the third period (1685-1697) saw the consolidation of restrictive legislation and

decrees, and the irrevocable restructuring of trade in Americas and West Africa, and by extension, throughout the Atlantic World. With the legal apparatus largely in place, consolidation marked this third phase. For the first time, English laws directly addressed the problem of contraband trade, tightening existing loopholes such as crewing compositions (to further ensure the ship was in fact English), and incorporating the rooting out of contraband as a major requirement of colonial governor's duties (1696). All ensuing laws until 1733 were supplemental and largely geared to regulating/taxing new or valued colonial products. French regulations continued to use the vehicles of government-inspired private companies, such as the *Compagnie de Guinée* (1685), and the *Compagnie de St. Domingue* (1698) to structure overseas trade; licenses again dispersed economic activity more widely than might at first appear. Ironically, it would have to wait until the 'freeing' of the slave trade in 1716 for the French to introduce a truly 'national' decree that applied to (almost) all French subjects. [See 'Restricted Trade, c. 1690']

But the restrictive laws must be understood within the context of two larger socio-political movements in this period. First, the 'take-off' of sugar in the Caribbean, and the less trumpeted but arguably critical 'take-off' of Chesapeake tobacco in Continental Europe, already in place in the old Dutch 'Vijver', pitted English and French merchants and colonial products throughout northern Europe, and, for the first time, as major players in the vast and still wealthy Mediterranean markets.³⁶ Intimately linked to the sharp growth in colonial exports was the sudden acerbic contestation between the two powers in the Atlantic littoral of African for enslaved labor. It cannot be said that either France or England were definitely and primarily slave-traders before c. 1680, although

the slaves formed a significant stream of revenue for English ship captains since at least the 1630s; but by c. 1700, and even 1695, there can be no doubt.³⁷

Second, the increasingly ultra-conservative Catholicism and isolationist views of Louis the XIV as he withdrew within the vast caverns of Versailles unleashed a veritable army of consequences. Already the French court had lost tremendous prestige throughout central Europe by Louis' withdrawal of support to defend Vienna against the Ottoman armies. After 1683, French rulers could no longer make any legitimate claim to be the defender of universal Catholicism and the *imperium* it represented. In 1685, Louis revoked the Edict of Nantes, turning streams of Huguenot (and some Jewish) out-migration into a veritable torrent, and placing those who remained under severe repression, at least temporarily. The growing atmosphere of suspicion and intolerance led to the deposition of the catholic sympathizer James II in England, the alliance of Holland and England through William of Orange and Mary, and the Nine Years' War, the first of two wars that not only consumed much of Western and Central Europe, but were fought truly globally.³⁸ The dispersion of the Huguenots appears to have been critical. French religious émigrés carried their trade connections with them to Amsterdam, London, Boston and later Charleston, retaining contacts in La Rochelle, Bordeaux and Nantes, as well as the French Antilles, the new Senegal posts, and, it would seem, even New France.³⁹ As J.F. Boshier has found in his meticulous genealogically-based research, these religio-familial connections endured and formed a tight, Atlantic 'net' of trade and insurance.⁴⁰ According to Charles Frostin, they also may have provided the leadership for the already heavily Protestant buccaneers in the late 1680s and 90s.⁴¹ While it is hard to estimate the immediate impact of this re-constitution of the 'Protestant International' on

trade, it is clear that, like the dispersal of Portuguese and Spanish Sephardim before it in the 15th and 16th centuries, the beneficiaries were largely the new homelands of the displaced talent. And like the persistence of Dutch connections after English conquest of New Netherland and extent on the Eastern shore of Virginia, these 'supranational' (Claudia Schnurmann's wonderful term) relations helped create (or rather keep alive and extend) a core of trade relations that would unite British and French merchants even as their governments and large segments of the populace battled as bitter enemies throughout the rest of the seventeenth and into the eighteenth century.⁴²

The nearly continual warfare from 1652 onward reinforced the isolated and often relatively impoverished condition of all American colonies in the circum-Caribbean and North America, with a few spectacular exceptions such as Mexico in Spanish America, Barbados, tidewater Virginia, and, increasingly after c. 1650, Boston. The recourse to contraband was often simply, but consistently, explained using a rhetoric of necessity for food and basic goods, whether caused by war, dearth of goods/high prices, or less dramatically, a lack of familiar products. After 1680, in settlements dominated by plantation monoculture, planters switched the 'scarcity' argument to the need for enslaved laborers. New England and possibly Dutch merchants used a supply-side variation of a 'scarcity' argument, applying it to markets instead: freer trade would allow them to scratch a living from the meager resources at their disposal. While clearly scarcity is in the eye of the beholder, it could be a very powerful argument in new societies where famine was real and real enemies occupied the neighbouring islands or lands. Scarcity prompted individual planters, farmers, and merchants to take autonomous

economic action to procure what was lacked, a kind of scarcity-autonomy defense.

While such shortages might lead to revolts, as William Beik has shown during the same period in France,⁴³ American colonists generally had a recourse that was unavailable to most peasants or urban dwellers: marketable commodities and ready purchasers, and therein lay the key difference.

Any argument for actions based on scarcity may easily seem a cover, and thus strike the modern ear as disingenuous, but I think it is essential here to place scarcity within the pervasive context of what might be referred to as a 'moral,' 'just price,' or 'social justice' economy. The Robert Keayne affair has been studied in some depth in New England;⁴⁴ but the examples begin to multiply once when begins to look for them. A prime example of how contemporaries perceived such an economy (and how some historians have fudged contemporary points) can be illustrated the observations of Father Jean-Baptiste Du Tertre. His Histoire Generale des Antilles Habitees par les Francois(1667-71) contains an oft-cited passage on the preponderance of Dutch ships and goods, and the overwhelming dependence created on them by French island *habitants*. But examining the whole of Du Tertre's chapter on 'Traffic' yields a very different moral. He begins by describing the bringing to market of the chief export commodity, island tobacco. All tobacco was gathered together, carefully weighed, and inspected in a public venue, to lessen short-changing bales, and one suspects, to ease the levying of taxes. Dutch ships, some 30 per year he estimates, bring much of the European merchandise, including non-tropical food such as cheese and wine. All merchandise to be exchanged is arranged in warehouses next to each other, so that buyers might choose and compare. At this point, he might be describing a small but nearly serene parish

market town back in France, except that the people barter through a fictive currency of pounds of tobacco.⁴⁵ Du Tertre then takes up a shrill note, berating French merchants for selling metropolitan goods at grossly inflated prices, with mark-ups in excess of 100%. Worse, French ship captains engage in the loathsome practice of transporting and selling young boys and girls as *engagés*, tricking their parents in France with promises of easy riches in the Antilles. The captains from Holland, however, not only offered goods more cheaply, and eschewed the trade in white ‘slaves’, but were content with at best a 25% profit. To show the close amity between French habitant and Dutch merchant, Du Tertre noted that the Dutch granted the settlers the rights of Dutch bourgeoisie; and when war threatened to explode between the United Provinces and France in 1657, the Dutch even dispatched a frigate to assure that colonists that “que qouy qu’ils arrivait, leurs effets estoit aussi assurez que s’ils estoient en France.”⁴⁶ Far from being predatory, the ship captains from Holland and Zealand demonstrated to Du Tertre their commitment to a moral economy, and a practical, if profitable, desire to alleviate privation.

If these assumptions about the power and even rights of the consumer were in fact widely held in the colonies, both French and English, (and, one might add, seemed to inform most Native-European relations)⁴⁷ they would go far to explain the depth and bitterness of protests against the pre-set purchase prices and often inexplicable regime of customs duties collected by lower officials. Our best examples of the connection of material scarcity are derived from the French islands. In the early years, concerns over food were paramount. For example, upon the arrival of the very first *Compagnie de Indes* ships to Martinique ravaged by food shortages in early 1665, Du Tertre reports that so few foodstuffs were included that the new company warehouses were pillaged to the

cries of 'Vive les Hollandais!' while unfurling the flag of the United Provinces over the wreckage.⁴⁸ On St. Domingue, in another example, the new prohibition against growing tobacco in 1674 (a 'communal law' in the hope of preserving the diminishing exports of the Iles du Vent, or eastern islands), created widespread hardship among planters and de-commissioned buccaneers, who had recently settled down on a few hectares, leading to a pronounced dispossession of land. Indigo remained the only viable alternative. But unlike tobacco planting, in which a living might be scratched communally or with one or two indentured servants or slaves, indigo required a substantial investment in forced labor. The aftermath of the 1674 regulations culminated in a series of riots in the North Province in 1680 when new prices and stricter anti-contraband regulations were announced by representatives of the revamped *Compagnie du Sénégal*.⁴⁹ At the heart of the protests were the inability of the impoverished planters to afford the new prices for slaves.

Overt defense of contraband is admittedly even harder to discern in seventeenth-century New England or the Dutch islands. However, we might be admitted a glimpse in the writings of the era. One prominent Puritan merchant, John Hull, equated the fears engendered by relative isolation from the crown and the right to trade in a rare passage. This passage has been quoted in part before⁵⁰ but I believe the fullness of the connections between necessity, trade, and liberty, emerge best when cited at length. Writing in 1677, only a year after the end of the traumatic King Phillip's War (1675-76), Hull addressed his concerns over trade regulations, an ill wind which appeared to buffet Boston from yet another direction:

Gent[lemen]: you have now an oportunity which it may be you will not have againe the like to Supplicate the kings Majtyes grace & favour and also the

Parliamts... that wee may not be oppressed in the Exsercise of the trew Religion nor in or Trade. If that wee send o[u]r fish to Bilboa & Carreie the Produce thereof into the Streights at great charge and Hasard & procure fruite[,] oyle[,] sope[,] wine & Salt the bulke of o[u]r Loadings Salt beca[u]se that most nesisary for us and always Redy to be had ad Cadiz and beca[u]se we have little of the other goods for o[u]r nesesity call not for much[,] wee must goe to England to Pay his majstys customs which is as the cutting off or hands & feete [A]s to o[u]r trade we must neither doe nor walke any more but this orphant Plantation will be Crushed iff we carry o[u]r Provisions (which we heare Raise with great difficultyes becase of long winters &c) to the west Indies we pay custom for o[u]r cotton wool and sugere there & the bulke of them are sent to England againe from hence and Pay custome there a second time If we might have liberty for or own vessels only to trade into the Streights or asertaine [a certain] number of them every yeare. Though it ware but two or three shipps in a yeare to supply the country with such nesisaryes as those p[a]rts afford[;] but for this so remote plantation to be Punctually bound up to the acts of trade relating to England me thinkes iff represented to a gracious Souereigne and a compassionate Parliamt such a poor orphant Plantation might have some Exemption from the security of those acts of trade⁵¹

The fear of imminent abandonment (“Poor country”, “remote” and “orphant plantation”) is palpable, as are the hardships of procuring trade items (the “provisions” “Raise with great difficultyes”). But so is the (in Hull’s view) the reasonable alternative of allowing a limited number of ships to access Mediterranean markets (which had been allowed up to that point, as far as Malaga in Spain), markets that would otherwise be denied. Even allowing for hyperbole and a rather blunt, polemical style, it is clear that in Hull’s mind, not only were trade and liberty linked, but they were also neatly equated with the

morality of the “Trew religion.” We might also note in passing Hull’s mixing of metaphors of family and body to forecast doom, themes we shall briefly return to later.

The precariousness of New England’s trade lifeline became especially evident during war. During the depths of the War of the Spanish Succession (1702-13), a local Boston wit penned these verses in a composition entitled “New England’s Lament”:

Great cause have we of Bitter Lamentation
 For loe! All sorts of Persons much Complaine
 But their bewayleings are almost in vaine
 The Inhabitants of Boston they complaine
 For want of Trade Sufficient to maintaine
 Their Familys: and divers lately Broken
 Are of their poverty a certain Token...
 By licences increast, by Mulks for Crimes
 So we must live th’ Evills of the times
 If these things were Reform’d you’d cease yor Cryes
 Unto the Queen: for yor Necessityes
 To be Supply’d by other Colonys⁵²

While it is an open question whether the author referred to the French or Dutch possessions (“other Colonys”), these two examples taken together suggest the kind of mindset that would accept smuggling as a rational and indeed necessary alternative to lawful trade, the “ground” upon which the “figure” of necessary contraband might be deemed legitimate.

The second foundation of the new type of Atlantic contraband is based more expressly on the operational experiences of merchants and ship captains. Simply put, merchants and ship captains needed to take advantage of every possible avenue of trade

in order to survive. While this might be considered a `necessity', the stress here is on the low `opportunity costs' associated with the New World of circulatory Atlantic trade, and is thus distinctly a `supply-side' argument: the possibilities of a wide array of trade relations, products, and regions, especially clandestine trade, appeared to make such exchange absolutely indispensable.⁵³ New commodities from a more diverse set of biozones than in old Europe, the greatly extended range of ships, and the dearth of basic necessities imposed by the profit logic of plantation monoculture together suggested a multitude of new and viable trade opportunities. I will refer to this idea as `commercial flexibility', another way of addressing the what Richard Pares called avoiding "clogs upon free movement" by "human contrivance."⁵⁴ Merchants and their captains understood that during the course of each voyage, they had to be as sensitive as possible, at all times, to adjustments and new possibilities in cargo composition, destination, financial terms, and political realities, and thereby continually recalculate the commercial trajectory of a single voyage. This second form of `commercial flexibility' is more of an operational characteristic; it is located in the grey region where a mode of conduct shades into motivational behavior. We will again return to John Hull of Boston.

Hull is a very unusual choice in many respects. In an era when merchants were regarded as consumed with "mercenary greed, percentages, commissions, and opportunism"⁵⁵ the Boston community admired Hull as a devout, socially charitable, law-abiding Puritan. For a scholar of contraband, Hull was relentlessly cautious, morally firm, and depressingly honest. Though a hard-nosed businessman who constantly sought payments of debts, he demonstrated great family devotion by taking huge losses after the death of his uncle, losing money to ease the payment by widows, and never failed to

stock sober, 'sad-collared kerseys' for his customers. By the mid-1670s he was wealthy and well-connected enough to be appointed the treasurer of Massachusetts Bay colony, and placed his own considerable financial contacts at the disposal of the colony to help fund colonial militias during King Phillip's War. It is precisely because of Hull's scrupulous conduct that he interests us: his grey trade alerts us to both the ubiquitous extent and utter normalcy of conducting illicit exchange in the late seventeenth-century.

From 1670 until his death in 1683, Hull either dealt in, or ordered his captains to obtain, contraband articles on at least twelve separate occasions.⁵⁶ The evidence is necessarily circumstantial, for much depended how goods were received, or upon the exact sailing itinerary of his captains. In sailing for Jamaica (or Curacao, on one occasion) Hull instructed his captains to load not only sugar, but also cocoa, hides, Spanish iron, and gold and silver bullion. These last five items were major clandestine exports that came only from the Venezuelan coast (cocoa and hides), and Cartagena in New Granda (iron and bullion).⁵⁷ In addition, Hull ordered his captains to cut and load logwood from the 'Mosquito Coast' (and salt, once, off the coast of Venezuela), though he also engaged more regularly in obtaining the inferior dyewood, brasileto wood, cut and sold in New Providence, the Bahamas. Spanish colonial authorities considered such trade contraband as a breach of the Treaty of Madrid (1670), even if the merchants of English Jamaica waved such accusations away. These instructions or inventories account for seven of the instances recorded by Hull. [See 'Trading World of John Hull']

Evidence for European trade is more complex in part because there appeared to be in practice a fine and often ambiguous and constantly shifting line between prohibited goods and those carrying high tariffs, complicated further by war. In addition, Hull

consistently gave his captains wide latitude over their sailing itineraries. In probably the most flagrant example of a clandestine voyage he recorded Hull wrote in April 1675 to one of his established London agents, John Ive, asking him to help one of his captains, John Harris, who usually sailed only to the Caribbean, find his bearings in the unfamiliar world of cross-Channel trade. Hull wrote that

in this Confidence have I thus made bold to write to you honord sir[,] which is not my wonted Course to bee soe bold but hope you will att this time excuse mee[.] his orders will supply as to perticuler directions which I need here say Nothings of[.] it is pricipally (sic) with respecte to procure salte in france how hee may doe it with most speed least hazarde & charge that soe his returne to us may not be retarded

According to the 1663 Act, an English ship could legally carry non-tropical goods to a foreign country, load up, return to England, and then continue on to an English colony. If Harris loaded his salt in France and returned immediately to England, he could not be accused of smuggling. However, if Harris left directly from France for New England, as the sailing orders clearly directed, he would be guilty of breaking the law. In his instructions to Captain Harris, Hull did suggest the option of returning to England first, but only if it would “improve the ketch.”⁵⁸ Hull had paved the way for the French contact earlier by entrusting a small consignment of Honduran dyewood and two hogsheads of “sweet-sented” tobacco (probably from Cuba) to “Montsier James De La Ronde” (probably Jacques de La Ronde, of the de la Ronde family in La Rochelle?) at the beginning of the year.⁵⁹ As it transpired, this voyage never took place: after Harris left, Boston was swamped with salt, and even the high-quality French salt would barely fetch

enough to pay.⁶⁰ Hull frantically wrote Harris, who apparently received new orders in time.

Why would Hull even consider such possibilities? Hull alerts us to at least a part of the answer in his sailing orders, when he unfailingly urges his captains to seek, above all else, “the best opportunities” for the “improvement of the Vessell.” For example, in 1673, Hull instructed Harris to steer for Jamaica, load up with any marketable produce there according to the captain’s good sense, or load with salt “in any part of the Indies soe as not to take up too much time; [however] iff you find a good improvement for the vessel, then loade [it for] any port of Europe.” Just before Harris sailed, Hull added yet another possible opportunity, suggesting his captain load brasiletto wood at New Providence. While ‘improvement’ usually carries the connotation of ‘civilizing’ when applied to colonial agriculture, it is not clear that the same assumptions applied to ships. In regard to ocean commerce, ‘improvement’ may have referred to the inevitability of profit and loss cycles, with ‘opportunities’ pulling the voyage distinctly into a profitable course. Hull observed the same principle of commercial flexibility even in his correspondence with his London or Bristol wholesalers. Aside from his requests for ‘sad-colored kerseys’ (dark cloth) there are remarkably few goods that he ordered consistently: too much was dependent not only on the home market, but on purchase price and quality, available credit, the time of season, and the assortment of other goods in the same shipment. For example, in placing an order with his cousin Daniel Allin, he admonished “let me not be oppressed for my love, you send me such a multitude of Hatts... I have tendered them to able & Honest men while I I [sic] am weary & would be glad to sell them as they Cost but Canot especially the French hatts they are so big that

noe heads heer are bigg enough for them.”⁶¹ Hull not only sought and valued good trading sense in his agents, but especially valued their *intuitive* sense for both goods and financing arrangements that might work in dynamic markets. It is no exaggeration to say that one the greatest sources of conflict, second to long-standing debts, were poor choices made by his agents in sending the wrong goods, at the wrong prices, at the wrong time.

Dealing in contraband helped alleviate the problem of assortments as well as the high costs of transporting goods. As Richard Pares, John McCusker, Jacob Price, and others have been at pains to stress, profits were not simply a factor of items bought and sold. A sizable portion of profits in colonial trade lay not simply in exchanging produce, but the ‘invisible earnings’ of ship sales, credits, and profits on carrying goods (‘invisible’ because they would not recorded in the cargo lading papers).⁶² But arguably costs were just as important for any given voyage to succeed. We must always think of trade voyages as fraught with entropy, where the universe of returns diminished the moment the goods were loaded on board, even before the ship sailed from its haven.

Every ship captain faced a number of potentially debilitating costs that ate away at the selling price of cargoes, even on the easiest and safest of voyages. For example, in loading a cargo of molasses, rum, and sugar from Barbados (3 separate entries totaling 4 hh and 31 bbls of molasses, 1 bbl sugar, 1 hh rum), Boston merchant Robert Gibbs also charged his clients separately for each of the following: storehousing the original goods, labor to pack them in casks, weighing, ‘filling up’, for moving them to the dock or beach, keeping them on the dock while being loaded (wharfage), ferrying goods from the dock/beach to the ship in smaller craft (lighterage)(the last operations increasingly performed by slaves, which would help keep costs down), in addition to customs, his

commission for making all these arrangements, and the actual transport and insurance costs of carrying the casks from Barbados to New England.⁶³ Of course similar charges would apply to the original load sent from Boston. On a shipment totaling £93/9/2, these costs amounted to £27/18/6, or 29% of the total. While this amount is abnormally high (the voyage was made during 1666, during the Second Anglo-Dutch War, and freight and insurance costs were more than half of the costs at £16/10), it is indicative of the high end for movement costs.

In addition, colonial North American ship captains faced two perennial problems. Because populations were small and largely regional, it took only a few ships to glut markets; and, for the same reasons, it was easier for planters to increase selling prices. Most of our evidence for this thus far is for the mid-18th c by Richard Pares.⁶⁴ Yet given the volatility of tobacco, sugar, and indigo prices, the upward but highly variable prices for slaves, and the entry of relatively newer export products such as cocoa, molasses, and rum, it is quite likely that Pares' ideas can be extended back at least to the mid-17th century. And due to the high cost of commodity handling, ship costs, and sailor's wages, any time or effort spent selling or trying to buy could easily turn any potentially successful voyage into a disastrous one. A wide assortment of tempting cargoes was thus a key component of any successful voyage.

Contraband trade lessened the risks by expanding the opportunities. Consider the plight of a New England captain with an assortment of lumber and fish who arrives at the tiny English island of Montserrat, only to find three other ships carrying the same cargoes. He has five options: sell the cargo at a loss, possibly buy at a loss, and face the wrath of his employer (or risk losing command); tramp from island to island, hoping to

find a stronger market, (later called `sugar droging`), losing a few shillings with every sea mile; sell his cargo in a non-English port; or drop anchor at an entrepot such as English Port Royal, or Dutch St. Eustatius and Curaçao (later Danish St. Thomas or one of the smaller inlets on St. Lucia or Dominica.

In recommending such tainted possibilities for commodities or destinations to his captains, Hull also throws light on another dimension of `commercial flexibility`: the role of credit. Since credit as both reputation and as actual financial resource were essential to all long-distance merchants in this era (indeed, in any era), continuous attention to the smooth cycling and recycling of commodities and credit--keeping the wheels of commerce in motion, to borrow from Fernand Braudel—it is always imperative to be keep open sources of new credit enhancement, credit meaning here both as future cash and current reputation. Given the very real and ongoing problem of entropy in colonial trade relations – at any one time, some exchange, and usually several of them, were going to turn sour, and threaten the merchant with perishing—the only way to re-assert balance—think of re-establishing the balance of ship when it is listing dangerously—meant constantly seeking new sources of exchange.⁶⁵

Established merchants were not the only ones to dabble in contraband. Given the difficulty of breaking into long-distance trade when dominated by better-connected merchants, marginal, new, and especially young and adventurous players may attempt to make the most of their talents or connections to expand the range of opportunities of trade. Louis Dechene has studied fur trade ventures from Montreal in the late seventeenth-century, and concluded that this was exactly a motivation for the young *coureur de bois* of New France from the 1680s.⁶⁶ Another example is afforded by the

wreck of a small time smuggler operating out of Connecticut, whose father happened to be among the most influential New York merchants and landowners in the late seventeenth century. John Livingston, one of the sons of the eminent politician and fur trader Robert Livingston, undertook two voyages to Quebec in 1701, in connection with his relation, Samuel Vetch (future governor of English Nova Scotia). Although the first voyage was largely successful (despite the impounding of some brandy and wines landed in Boston), the second was disastrous. Returning home from Canada on the 'Mary' in late November 1701 (NB: correct from heading out, early September), a sudden, thick fog enveloped their vessel, which wrecked on Block Island (between Rhode Island and the northeastern tip of Long Island). Great mystery surrounded the vessel, since fishermen found it completely abandoned with a full cargo but no sign or message from the crew, a highly unusual circumstance. Political enemies of John's father, tried to use the voyage to politically embarrass his father, although the incident appeared to get lost in the general apprehension that seized the English colonies in the prelude to war.⁶⁷

We have thus far regarded contraband as in strictly economic terms, with hazy allusions to broader concepts of liberty and freedom. But it is critical to understand contraband as, above all, a *political* act, for two reasons. First, the regulations that make exchange illegal can only be brought into existence by legislative action or sovereign decree. The abridgement or evasion of a sovereign act by definition constituted an attack on, or at least an attempt to compromise, the sovereign's authority. Second, if contraband had a political dimension, then we might reasonably expect such exchange to have political ramifications, at the very least by those attempting to suppress it: that is, it must be viewed as challenging power. But the equation that relates contraband to a

political concept, such as `liberty' or `freedom' which we might expect, is not so clearly proclaimed.

In seeking the roots of British imperial ideology, David Armitage argued that seventeenth-century English writers preceded from notions of liberty (increasingly defined in the context of free alienation of property) as the basis of English trade, and hence of imperial domain. George Savile, Marquis of Halifax neatly made the point when he wrote “wee are a very little spot in the Map of the World, and made a great figure onely by trade, which is the Creature of Liberty.”⁶⁸ Freedom to trade and political liberty were not considered linked in seventeenth-century Europe. As historians have found in France, criticisms by merchants or by their corporate voices, the municipal chambers of commerce, demanded an end to monopoly companies, regulated prices, or quotas based on arguments for enriching the greater community even if it meant the sacrificing of gain by the privileged few.⁶⁹ In an important sense, calls for free or freer trade were specific opportunities to redress imbalances in the moral economy. For example, writing in 1700 to complain of the monopoly on the Guinea slave trade, one memorialist from the port towns noted that “nothing save competition and freedom render companies useful to the subjects of the king and especially to the state...it is clear that freedom is the soul of commerce, the source of abundance, the happiness of the peoples, and one of the firmest pillars of the state.”⁷⁰ Protests against English merchants and in favor of Dutch ones also came from Virginia in 1647, and Barbados in 1651; Cromwell sent a small fleet in the latter year to chase Dutch ships from both colonies and bring them both firmly under the impending Navigation Law. Merchants in Boston also made public statements in support of freer trade in 1673. Similar protests were launched

somewhat later from Jamaica in 1677-80.⁷¹ The more practical experience in colonial America, however, appears to have generated the same equation in reverse: freedom to trade beget ambitions toward political liberty.

The year-long revolt on St. Domingue in 1670 provides insight into how the trade-liberty relationship emerged. St. Domingue had only been brought clearly under royal sovereignty with de Tracy's expedition in 1665, and his installation of a buccaneer-friendly governor, Bertrand d'Ogeron. It may be argued that the enjoyment of free trade and liberty had long been hallmarks of the buccaneers, although as Charles Frostin has observed, the buccaneers submitted rather easily, since they feared conquest by the Spanish in Santo Domingo, their fearsome reputation notwithstanding.⁷² However, it is more plausible that young French adventurers took with them to the Antilles the cultural baggage of old France, which regularly contested authority (though never the king directly) on a regular basis and under stressful circumstances such as famine.

By 1669, Colbert had already expressly prohibited any contact with Holland merchants by law. However, a cycle of glut and low prices of tobacco for two years had severely limited the interest of French merchants, quickly turning promises of good returns into small sales and inescapable debts. To increase woes, Colbert had also banned tobacco as a medium for debt clearance, which had the effect of further reducing the chances of paying off French merchants. In May 1670, in the absence of d'Ogeron, two large Flushing vessels anchored off Tortuga, and, aware of the prohibitions of trade, sent envoys ashore over a period of eight days, arguing that "La Compagnie occidentale n'avait point le droit de s'emparer de cette Coste, c'etait une usurpation de sa part... don't sa Majesté n'avait aucune connaissance."⁷³ Trade proceeded. D'Ogeron, incensed

by their audacity, set out to pursue the ships, which also stopped at other ports further south. To ease exchange, local habitants went so far as to arrest and imprison one of the king's officials on the Dutch boat at Léogane, so as not to interfere. More Dutch vessels began to arrive in the ensuing weeks, and trade increased, according to one source, to the cries of "No Company, No Governor!" After barely avoiding a plot to assassinate him in his 'capital' at Tortuga in June 1670, d'Ogeron simply waited for nearly six months for reinforcements from Martinique, while the rest of the colonists resorted to free trade with various Dutch ship captains. Among their purchases were muskets, shot, and powder, and among the targets of their vengeful avidity were the goods of local officials. According to Charlevoix, the rebels also organized themselves into 'communes', with appointed "officiers", had military leaders, created syndics', presumably of merchants, in two towns (Léogane and Nippes), and according to rumors, forced married men, and women (note emphasis on female influence) to flee or be quiet, a crude form of social control. A powerful sense of equality also seemed to inform the crowd's actions: when one king's officer tried to shunt the 'leader' of the Léogane rebels, Fougierias, to a quieter venue to hold negotiations, the crowd cried "Fougierais is no different from anyone else!" and forced the officials to hold the talks openly.⁷⁴

After abortive attempts to pound the rebels into submission by force at Léogane and the hamlet of Nippes, d'Ogeron and the commander of the naval frigate sent to support him, Louis Gabaret, negotiated an amnesty in February-March 1671, which included recognition of the governor as the undisputed figure of authority, but also confirmation of the old rights of trade (including, apparently, the use of tobacco for debts), and voluntary, not enforced, service in the militia.⁷⁵ The wording of the amnesty

is instructive. Although inclined to punish such “flagrant” disregard for disorder, nevertheless Louis had been persuaded by d’Ogeron that “ont mis bas les armes et one un regret sensible de s’être éloignés de l’obéissance... nous avons estimné devoir plutôt user envers eux de notre bonté et clémence.”⁷⁶ The strong flavor of a benign father sternly but lovingly forgiving their errant sons is unmistakable. D’Ogeron with his own authority diminished and fearful of being surrounded by habitants he dubbed as “Hollanders at heart,” lasted another three years before being recalled to France. The buccaneers-cum-planters had not only revolted against royal authority over the issue of free trade, but mustered their own militias, pursued their own trade relations, presumably established (or re-established) some type of local justice, and negotiated with king’s representatives to end to hostilities. While Frostin rightly reads this episode as one where questionable loyalty defined an emerging creole identity, it is arguable that the core of that identity lay in expanding political freedoms, however briefly, from the power to traffic in colonial products.

Is it too brash to suggest that these three operational changes together also constituted the origins of an ‘ideology’ of contraband? An ideology implies a formal articulation of an integrated body of thought. David Armitage, for example, in his study of the imperial ideology of the first British Empire, explored two different strands of ‘ideology’: one a “systematic model” and second as a contestable “world-view.”⁷⁷

While formal articulations of contraband were written, they date from the 18th century, and within the British Atlantic, specifically arise with the debate surrounding the Molasses Act of 1733.⁷⁸ Indeed, if there exists any consistent body of ‘thought’ about

contraband trade, which is, after all, an activity, then clearly it lies within the realm of a collective consciousness (or *mentalité*) of a particular group of individuals. Analyzing their actions might expose the latent and unarticulated fears and dreams that motivated the operations and guided their goals in the first place.⁷⁹ Trading in contraband to alleviate the scarcity of materials, particularly for plantation monoculture, is an argument for recasting the role of colonies, the 'children' of the 'mother countries,' into autonomous economic entities pursuing their own rational agendas, whether with the home country or 'foreign' colonies, into an increasingly integrated, smoothly circulating, economic machine of buying and selling.⁸⁰ Commercial flexibility highlighted a relentlessly secular, and even an experimental, mentality into the nature of commerce, the better to pursue gain along rational lines of inquiry, feedback and revised conclusions. And the construction of independent political action from the rejection of trade restrictions conceivably might join two powerful engines of thought into one, a law, as it were, of cause and effect. It is this sense that the nature of contraband in the late seventeenth-century Atlantic World, as a series of individual practices, business failures, and successes, may have contributed as much as any published critiques of the state and restricted commerce toward the rise of laissez-faire ideology, free ports, and free markets.

NOTES

¹ Evan T. Jones, "Illicit Business: accounting for smuggling in mid-sixteenth-century Bristol," in Economic History Review 54 (2001): 17-38.

² W.A. Cole, "Trends in Eighteenth-Century Smuggling," in Economic History Review 10 (1958): 395.

³ See, for example, Charles M Andrews, The Colonial Period of American History, vol. 4: England's Commercial and Colonial Policy (New Haven: Yale UP, 1938), 36-174; Jean Tarrade, Le commerce colonial de la France à la fin de l'ancien régime:l'évolution du régime de l'Exclusif de 1763 à 1789, 2 vols., 2: ch. 3.

⁴ RC Nash, "English and Scottish Tobacco Trades in the Seventeenth and Eighteenth Centuries: Legal and Illegal Trade,"

⁵ Douglas Irwin, Against the Tide: An Intellectual History of Free Trade (Princeton: Princeton UP, 1996), Ch. 3; Gianni Vaggi and Peter Groenewegen, A Concise History of Economic Thought: From Mercantilism to Monetarism (New York: Palgrave Macmillan, 2003), 39-56.

⁶ Beccaria, An Essay On Crimes and Punishments, With a commentary by M. Voltaire, (Philadelphia: William Young, 1793), 126-28.

⁷ A. Hyatt Verrill, Smugglers and Smuggling (New York: Duffield, 1924), 9.

⁸ On a reading of mercantile virtue, see, for example, Nannerl O. Keohane, Philosophy and the State in France: The Renaissance to the Enlightenment (Princeton: Princeton UP, 1980), 159-66; and Henry C. Clark, "Commerce, the Virtues, and the Public Sphere in Early-Seveneteenth-Century France," French Historical Studies 21(Summer 1998): 415-40.

⁹; Arthur M. Schlesinger, The Colonial Merchants and the American Revolution (1918; New York: Frederick Ungar, 1957), 41-49, 102-04; Thomas C. Barrow, Trade and Empire: The British Customs Service in Colonial America, 1660-1775 (Cambridge: Harvard UP, 1967), Ch. 11; John W. Tyler, Smugglers and Patriots: Boston Merchants and the Advent of the American Revolution (Boston: Northeastern University Press, 1986), Introduction, esp. 16-17; and Larry Sawyers, "The Navigation Acts Revisited," in Economic History Review New Series, Vol. 45, No. 2 (May 1992): 262-84, esp. 265-67.

¹⁰ Contraband goes under a variety of guises, and the term is often used interchangeably with smuggling, illicit (or illegal) trade, interlope and in the French, *commerce étranger*. However these terms appear to have had more nuanced shades of meaning among contemporaries. Technically, contraband is the exchange of any goods, usually weapons and ammunition, but not limited to these, that would help the enemies of the ruler. The *contra* means to counter the ruling prince's promulgation (the *banda*) when war is declared. Charles Molloy, in *De Jure Maritimo* (1682), for example, cites the example of the Hanse towns carrying goods to Spain in the 1580s as "ropus Contrabanda", being fair prey for capture: "as neuters are not compellable by the rigour of War, to give anything against their will, so must they not against the will of each Party afford such things, as may damage one another." Smuggling has a more pejorative form. One of the root words is Old English *smūgan*, 'to creep', as well as the word 'smock', perhaps referring to a type of clothing worn, or the social order of those engaged in it. At any rate, the word is associated with the action itself. More interesting is the use of both the terms 'interlope' and '*commerce étranger*', both of which describe forms of extralegal trade, the former to describe exchange within a corporate body or a nation (in the sense of 'intruding' upon the members of a charter company), and the latter between 'nations' (nations taken to have fixed cultural and linguistic dimensions, not nation-state). However, in the French, the meaning of *commerce étranger*, while meaning literally foreign exchange, hints of introducing a pollutant into the body politic, foreign in the sense of 'alien to'. While it is not at all clear that even contemporaries always and carefully distinguished between these terms (and my impression is that they appeared to conflate them by at least by the mid-eighteenth century), it is the prevalent use of the xenophobic -tinged 'foreign exchange' by both French and English in the seventeenth century that suggests the power of trade to corrupt as well as enrich.

¹¹ See Anthony Pagden, Lords of All the World: Ideologies of Empire in Spain, Britain, and France, c. 1500-c.1800 (New Haven: Yale University Press, 1995), 29-62.

¹² The period before 1600 is rife with romaniticized accounts; for one that relies to a limited extent on primary sources (despite its title), see Lord Teighnmouth and Charles G. Harper, The Smugglers: Picturesque Chapters in the History of Contraband, 2 vols., (New York: George H. Doran, 1923), 1: 1-21; and N. Williams, Seven Centuries of Smuggling (1959).

- ¹³ Richard S. Dunn, Sugar and Slaves: The Rise of the Planter Class in the English West Indies, 1624-1713 (New York: WW Norton, 1973), 202-07; Jan de Vries, The Economy of Europe in an Age of Crisis, 1600-1750 (Cambridge: Cambridge UP, 1976), 33 and Figure 2; Nuala Zahedieh, "The Merchants of Port Royal, Jamaica, and the Spanish Contraband Trade, 1655-1692," in William and Mary Quarterly 3rd series, Vol. 43, no. 4 (Oct. 1986): Table 1; David Ormrod, The Rise of Commercial Empires: England and the Netherlands in the Age of Mercantilism, 1650-1770 (Cambridge: Cambridge UP, 2003), Ch. 2.
- ¹⁴ C. R. Boxer, The Dutch Seaborne Empire, 1600-1800 (1965; London: Penguin, 1973, reprinted 1988), 255-56; Wim Klooster, "Networks of Colonial Entrepreneurs: The Founders of the Jewish Settlements in Dutch America, 1650s and 1660s," circulated paper, 2006, used by kind permission of the author.
- ¹⁵ Père Jean-Baptiste du Tertre, Histoire Générale des Antilles Habitées par les François. 4 vols. (Paris: Thomas Jolly, 1667-71), II: 463; see also Louis-Philippe May, Histoire économique de la Martinique (1635-1763), (1930; reprint, Fort-de-France: Société de Distribution et de Culture, 1972), 108-09; Charles Frostin, Les Révoltes blanches à Saint-Domingueaux XVIIe et XVIIIe siècles: Haiti avant 1789 (Paris: l'École, 1975), 78.
- ¹⁶ May, Histoire économique, 34; Gabriel Debien, "Les Engagés pour les Antilles (1634-1715)," in Revue d'histoire des Colonies 38(1951): 7-279; Leslie Choquette, Frenchmen into Peasants: Modernity and Tradition in the Peopling of French Canada (Cambridge: Harvard UP, 1997).
- ¹⁷ Alison Games, Migration and the Origins of the English Atlantic World (Cambridge: Harvard University Press, 1999), esp. Ch. 1; Bernard Bailyn found similar results for the period immediately before the American Revolution, see Bailyn, assisted by Barbara DeWolfe, Voyagers to the West: A Passage in the Peopling of America on the Eve of the Revolution (New York: Alfred A. Knopf, 1986), 104-13.
- ¹⁸ My thinking on the regional and inter-colonial contexts of trade owes much to Claudia Schnurmann, "Atlantic Trade and American Identities: The Correlations of Supranational Commerce, Political Opposition, and Colonial Regionalism," 186-204; see also April Lee Hatfield, "Dutch and New Netherland Merchants in the Seventeenth-Century English Chesapeake," 205-28, both in Peter A. Coclanis, ed. The Atlantic Economy during the Seventeenth and Eighteenth Centuries: organization, Operaton, Practic, and Personnel (Columbia: University of South Carolina Press, 2005).
- ¹⁹ Paul Butel, The Atlantic, trans. Iain Hamilton Grant (London: Routledge, 1999), 114-15; Charles de La Morandière, Histoire de la pêche française de la morue dans l'Amérique septentrionale 2 vols. (Paris: GP Maisonneuve et Larose, 1962); Wim Klooster, "Anglo-Dutch Trade," circulated paper, 2006; used by kind permission of the author.
- ²⁰ CW Cole, Colbert and a Century of French Mercantilism, 2 vols., (1939; Hamden, CT: Archon Books, 1964), I: 164-208.
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- ²² Walter E. Minchinton, Mercantilism: System or Expediency? (New York: DC Heath, 1969), 1-6.
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- ²⁴ Cole, Colbert, II:164-94.
- ²⁵ Andrews, Commercial Policy, 32-41; Lawrence A. Harper, The English Navigation Laws: a Seventeenth-century Experiment in Social Engineering (1939; New York: Octagon Books, 1964) 254-66; Merrill Jensen, ed., English Historical Documents: American Colonial Documents to 1776 (London: Eyre & Spottiswoode, 1964), 353-54.
- ²⁶ Andrews, Commercial Policy, 32-41.
- ²⁷ Carl Bridenbaugh, and Roberta Bridenbaugh, No Peace Beyond the Line: The English in the Caribbean, 1624-1690 (New York: Oxford University Press, 1972), 3-4; Derek McKay and H.M.Scott, The rise of the great powers, 1648-1815 (London: Longman, 1983), 6-42.
- ²⁸ Andrews, Commercial Policy, 60-90, 108-113, Jensen, English Historical Documents, 354-58.
- ²⁹ Cole, Colbert II:1-27.
- ³⁰ Eccles, Canadian Frontier, 62-65; Frostin, Révoltes Blanches, 78-79.
- ³¹ See the brief summaries in Harper, English Navigation Laws, 391-409; and Elizabeth Mancke, "Empire and State," in David Armitage and Michael Braddick, eds. The British Atlantic World, 1500-1800 (New York: Palgrave Macmillan, 2002), esp. 188-89.

- ³² Abdoulaye Ly, La Compagnie du Sénégal (Paris: Présence Africaine, 1958), 132-47; Kenneth Banks, "Financiers, Factors, and French Proprietary Companies in West Africa, 1664-1713," forthcoming.
- ³³ Frostin, Révoltes blanches, 119-20.
- ³⁴ James Pritchard, In Search of Empire: The French in the Americas, 1670-1730 (Cambridge: Cambridge UP, 2004), 295-96.
- ³⁵ Cornelius Ch. Goslinga, The Dutch in the Caribbean and in the Guianas, 1680-1791, Maria JL van Yperen, ed., (Assen/Maastricht, The Netherlands: Van Gorcum, 1985), 189-96.
- ³⁶ Also Philip D. Curtin The Rise and Fall of the Plantation Complex (Cambridge: Cambridge UP, 1998), esp. Ch. 6
- ³⁷ Robert Louis Stein, The French Slave Trade in the Eighteenth Century (Madison: University of Wisconsin Press, 1979), Ch. 1; Liliane Crété, La traite des nègres sous l'Ancien Régime (1989; Paris: Perrin, 1998), 11-24; Banks, "Financiers, Factors and French Companies."
- ³⁸ KG Davies, The North Atlantic World in the Seventeenth Century (Minneapolis: University of Minnesota Press, 1974), 299-304.
- ³⁹ For example, see Dale Miquelon, Dugard of Rouen: French Trade to Canada and the West Indies, 1729-1770 (Montreal: McGill-Queen's UP, 1978), 163.
- ⁴⁰ JF Bosher, "Huguenot Merchants and the Protestant International in the Seventeenth Century," in William and Mary Quarterly, 3rd series, Vol. LII, No. 1 (Jan. 1995): 77-102.
- ⁴¹ Frostin, Révoltes Blanches, 128-29.
- ⁴² See sources in note 18 above.
- ⁴³ William Beik, Urban protest in seventeenth-century France: The culture of Retribution (Cambridge: Cambridge UP, 1997), 1-27.
- ⁴⁴ Bernard Bailyn, The New England Merchants in the Seventeenth Century, (1955; New York: Harper and Row, 1964), 36-44; Stephen Innes, Creating the Commonwealth: The Economic Culture of Puritan New England (New York: WW Norton, 1995), Ch. 4
- ⁴⁵ Pierre Goubert, Louis XIV and Twenty Million Frenchmen, translated by Anne Carter, (1966; New York: Vintage Books, 1972), 40-43.
- ⁴⁶ "Regardless of what will happen, their belongings would be as safe as if they were [warehoused] in France." Du Tertre, Histoire Générale, II:460-67, quote 464.
- ⁴⁷ James Axtell, The Invasion Within: The contest of cultures in Colonial North America (New York: Oxford UP, 1985); Richard White, The Middle Ground: Indians, empires and republics in the Great Lakes region, 1650-1815 (New York: Cambridge UP, 1991); Gilles Havard, The Great Peace of Montreal of 1701, translated by Phyllis Aronoff and Howard Scott (Montreal: McGill-Queen's UP, 2003), 16-20.
- ⁴⁸ Frostin, Révoltes blanches, 98.
- ⁴⁹ *Ibid.*, 126-27.
- ⁵⁰ Bailyn, New England Merchants, 152; Herman F. Clarke, "John Hull – Colonial Merchant, 1624-1683," in Proceedings of the American Antiquarian Society, new series, vol. 46, pt. 2 (Oct. 1936): 203.
- ⁵¹ American Antiquarian Society, John Hull Papers, Folio, Vol 2, 365-66.
- ⁵² *Ibid.*, John Saffin Notebook, 1708-09, 167-70.
- ⁵³ Price??
- ⁵⁴ Richard Pares, Yankees and Creoles: The Trade between North America and the West Indies before the American Revolution (Cambridge: Harvard UP, 1956), 68-69.
- ⁵⁵ G.B. Warden, Boston: 1689-1776 (Boston: Little, Brown, 1970), 50.
- ⁵⁶ I have added here one voyage in each category that were probable contraband cases, for a total of 9 Spanish and 5 European cases. American Antiquarian Society, John Hull Papers, Folio, Vol 2 – Cargoes originating in part from Spanish possessions: Order to Mr. John Harris, Nov. 20, 1671 (34); Copy of Mr. John Harris Orders, Dec. 10, 1672 (90-91); Copy of Mr. Thomas Downe orders, May 22, 1674 (181); Orders for Thomas Downe, Oct. 30, 1674 (216-18)(this also includes orders for taking on salt in France); John Harris Orders, Dec. 5, 1674 (223); JH to John Peake, Jan 4 (?), 1675, (237)(probable); Vol. 3: John Harris Orders, Nov. 10, 1676 (324-25); Vol. 3: Mr. Harris his sailing orders, Sep. 18, 1677 (355-57); JH to Jacob Jesson, Nov. 13, 1678 (397-98). Cargoes originating in Continental Europe: JH to Dan[iell] Allin, Jan. 31, 1671 (46-47)(probable) ; JH to Mountsier James DelaRonde (via Wm. Caswell), Jan. 22, 1674(5), (238); JH to John Ive, April 7 1675 (247-48), & Copy of John Harris Orders, April(sic) 6, 1675 (248-50); JH to Thomas Papillon, Sep. 4, 1675 (273-74); Mr. John Harris Orders, Oct. 8, 1675 (294-95).

Technically, restrictions applied only to salt originating in the Netherlands/Germany (1662); apparently these two destinations were not included in a 1664 law allowing the loading and importing of salt from anywhere in Europe, but only into the New England and Newfoundland fisheries (from 1664). The relaxation of this prohibition appears to have been a part of the Treaty of Breda in 1667 ending the Second Anglo-Dutch War. It may be that Hull used loading salt in France as pretext to also take on finished fine goods, which would explain his apparent unease in the letter to John Ive (247-48).

⁵⁷ Zahedieh, "Merchants of Port Royal,"; Lance R. Grahn, The Political Economy of Smuggling: regional informal economies in early Bourbon New Granada (Boulder, Co: Westview Press, 1997).

⁵⁸ JH to John Ive, April 7 1675 (247-48); Copy of John Harris Orders, Aprill(sic) 6, 1675 (248-50).

⁵⁹ JH to Mountsier James DelaRonde (via Wm. Caswell), Jan. 22, 1674(5), (238).

⁶⁰ JH to John Harris, June 9, 1675 (260).

⁶¹ JH to Dan[iel] Allin, Jan. 31, 1671 (46-,47).

⁶² McCusker and Menard, Economy of Colonial North America, Ch. 4

⁶³ The breakdown is as follows:

- Freight: £16/10
 - Customs (Rum) £3/15
 - For portorage, wharfage, lighterage, primage £1/7
 - For `selleridg` (cellaring) and cooping of goods, £1/6/6
 - Cash paid for gaging and `filling up` £0/6/6
 - Gibbs` commission for sales (at 5 [shill?]/hh: £4/13/6
- (Gibbs also carried forward a previous balance of £68/10/6 to arrive at the total of £93/9/2)

⁶⁴ Pares, Yankees and Creoles, 67-83, 94-107.

⁶⁵ Jacob M. Price, Capital and Credit in British Overseas Trade: The view from the Chesapeake, 1700-1776, (Cambridge: Harvard UP, 1980), 96-123; RC Nash, "The Organization of Trade and Finance in the British Atlantic Economy, 1600-1830," in Coclanis ed., Atlantic Economy, 95-151.

⁶⁶ Dechene, Habitants et marchands, 224-25.

⁶⁷ Livingston Papers, Gilder Lehrman Collection, GLC3107.00611, John Livingston to Robert Livingston and Alida Livingston, June 17, 1701; Ibid., 3107.02177, John Livingston to Alida Livingston, Aug. 28, 1701; Ibid., 3107.00630, Same to Robert Livingston, Sept. 3, 1701; Ibid., 3107.00638, Same to same, Sept. 16, 1701; Ibid., 3107.00657, Robert Watts to Robert Livingston, Nov. 26, 1701; for the political implications, which were potentially major at the time, see Lawrence H. Leder, Robert Livingston, 1654-1728, and the politics of colonial New York (Chapel Hill: University of North Carolina Press, 1961).

⁶⁸ Armitage, British Empire, Ch. 5 passim, quote 143. Beccaria arrives succinctly at the juncture of crime and political act when he states "This crime [smuggling] is owing to the laws themselves." See Beccaria, Crimes and Punishments, 126.

⁶⁹ CW Cole, French Mercantilism, 1683-1700 (1943; New York: Octagon Press, 1965), 244-67; Lionel Rothkrug, Opposition to Louis XIV: The Political and Social Origins of the French Enlightenment (Princeton: Princeton UP, 1965), 373-92.

⁷⁰ Cole, French Mercantilism, 265.

⁷¹ Schnurmann, "Atlantic Trade and American Identities," 189-91, 196-97; Bridenbaugh, No Peace Beyond the Line, 409-10.

⁷² Frostin, Révoltes blanches, 95-96.

⁷³ Ibid., 103. "The West India Company has no right whatever to seize this colony (the `Coast`), being merely a pretension on their part...of which his Majesty [Louis XIV] would surely make no recognition."

⁷⁴ Charlevoix, Histoire du St-Domingue, 123.

⁷⁵ Drawn largely from Père Pierre-François-Xavier Charlevoix, Histoire de l'Isle Espagnole ou S. Domingue, 4 vols (Amsterdam: Chez François l'Honoré, 1733) 3:112-28; Frostin, Révoltes Blanches, 99-114; Paul Butel, Les Caribes au temps de flibustiers: XVIIe – XVIIIe siècles (Paris: Aubier Montaigne, 1982), Ch. 4; also Pritchard, In Search of Empire, 132, 254.

⁷⁶ Frostin, Révoltes blanches, 112. "[H]aving retired their arms and being clearly regretful of alienating themselves from [our] obedience...We have determined that we might show unto them our kindness and clemency."

⁷⁷ David Armitage, The Ideological Origins of the British Empire (Cambridge: Cambridge UP, 2000), 4-5. My view is closer to the 'archaeological' perspective of Immanuel Wallerstein. See the cryptic references to ideology in his The Modern World System: Capitalist Agriculture and the Origins of the European Economy in the Sixteenth Century 2 vols., I: 4, 67, 144-45.

⁷⁸ Charles M. Andrews, "Anglo-French Commercial Rivalry, 1700-1750: The Western Phase, I," in American Historical Review 20:3 (April 1915): 539-56.

⁷⁹ George Rudé, The Crowd in the French Revolution (New York: Oxford UP, 1958), 232-39; see also Henry C. Clark, "Commece, the Virtues, and the Public Sphere in Early-Seventeenth-Century France," in French Historical Studies Vol. 21, No. 3 (summer 1998):415-40.

⁸⁰ There seems to be a subtle, but largely consistent shift in rhetorical form from corporeal and Christian contexts for understanding exchange to a more mechanistic view over the course of the eighteenth century. This is a point that might be elaborated further elsewhere, but for now, compare Gerard Malynes (1622): "I do descend to the three essential parts of Traffick, divided into three parts accordingly, by comparing them to the Body, Soul, and Spirit of Commerce: Namely Commodities. Money, and Exchange for Money by Bills of Exchanges. The first, as the body, upheld the World by Commutation and Bartring of Commodities... The Second, as the Soul in the Body, did infuse life to Traffick, by the means of Equality and Equity, preventing advantage between Buyers and Sellers. The Third, as the Spirit and faculty of the Soul (being seated every where) corroborateth the vital Spirit of Traffick, directing and controlling, by just proportions, the Prices and Values of Commodities and Moneys."

Then consider Charles Davenant's analogy to construction, universal mathematical laws, and integrated 'chains' (1697): "He that advances a new Matter, is bound to show the Foundation he builds upon, whereby the Publick may better judg, whither he be right or wrong in his Superstructure... [B]y Political Arithmetick, we mean the Art of Reasoning, by Figures, upon Things relating to Government... And perhaps this Art alone can shew the Links and Chains by which one Business hangs upon another, and the dependence, which all our various Dealings, have each upon the other." Davenant does elsewhere use references to the body (eg., I:7-8), closely paraphrasing slightly earlier statements by Sir William Petty (1690). Gerard Malynes, Consuetudo, vel, Lex Mercatoria: or, the Ancient Law-Merchant. In Three Parts, according to the Essentials of Traffick Necessary for Statemen, Judges Magistrates, Temporal and Civil Lawyers, Mint-men, Merchants, Mariners, and all others Negotiating in any Parts of the World. 3rd ed. (1622; London: Printed for T. Basset, R. Chiswell, and M. Horne and E. Smith, 1686), Introduction; and Charles Davenant, Discourses on the Publick Revenues and on the Trade of England 2 vols. (London: James Knapton, 1698), 1: quotes, 1, 2, 31.