

THE COLONIAL WILLIAMSBURG

interpreter

VOL. 19 NO. 1

SPRING 1998



FREEING RELIGION 1998

By John Turner

John is manager of religious studies and programs in the Education Division and is chair of the Freeing Religion story line team.

"Marley was dead: to begin with . . . this must be distinctly understood, or nothing wonderful can come of the story I am going to relate."

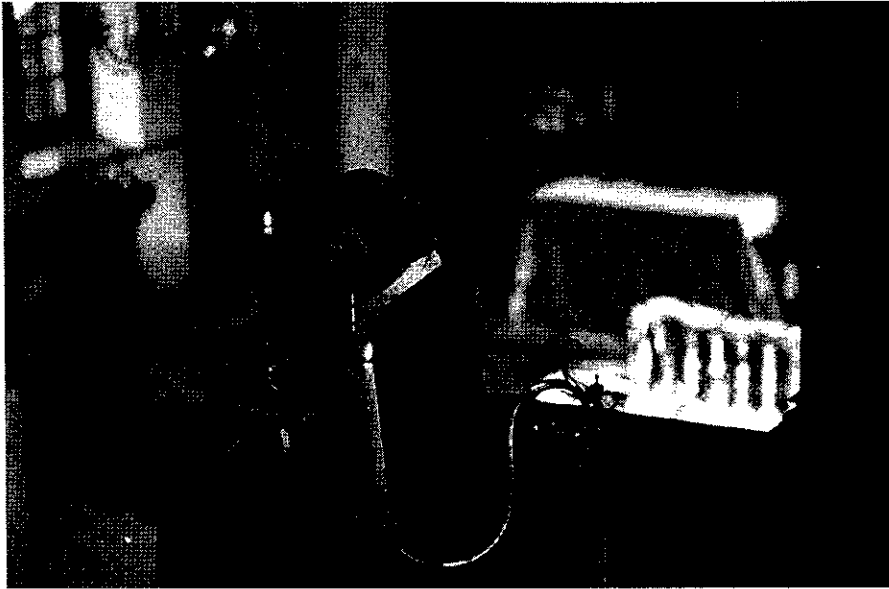
Charles Dickens

Religion was central to the process we call "Becoming Americans." This must be "distinctly understood," or nothing wonderful can come of the stories you are going to relate. And what stories they are!—a veritable Brunswick stew of education, emotion, economics, evolution, conflict, and change. The years 1998 and beyond will be a time for continual visitation by the spirits of "Becoming American" past, present, and future.

Aided by the Great Awakening, the lev-

eling of society and eventual breakdown of the established church helped create the climate for revolution in 1776. Two years ago, religious interpretation focused on the many ways personal and corporate expressions of faith influenced the decision to choose revolution in Virginia. From Anglican clergy encouraging loyalty to England, to dissenting ministers claiming divine favor, to African-American preachers advocating the biblical promise of equality for all in the sight of God, the "Freeing Religion" story line programs supported the "Choosing Revolution" story.

Last year, the role of religion in "Redefining Family" was emphasized in women's programs. The dramatic presentation, "Our Com-



The Reverend Samuel Henley as portrayed by B. J. Pryor.

mon Passage,” and the character interpreter roles of Mrs. Ann Nicholas, Mrs. Ann Wager, Philip Fithian, and Polly Clark focused on the importance of religion in family life. These were developed with funding from Lilly Endowment Inc.’s grant for religious studies and programs.

In years to come, the “Freeing Religion” story line will support “Enslaving Virginia” by showing how religion affected slaves and slavery. “Freeing Religion” will illustrate “Buying Respectability” through the clergy’s upward mobility they attained from appointments to parish churches in Virginia, and will support “Taking Possession” by demonstrating that colonists assumed it was their God-given right to claim the land in the New World and make it their own.

This year the focus is on religion, on how it shaped the social landscape and then changed it dramatically over the course of the seventeenth and eighteenth centuries. Religion is the spirit of “Becoming Americans” present. So let’s begin at the beginning.

In 1607, virtually any of the first English adventurers who survived the long voyage across the great herring pond to the green unknown believed it was “God’s will” that they had escaped the perils of the deep and the arrows of the natives to establish an outpost in the New World for God and King. In the words of Elkanah Settle:

Go, British worthies, go diffuse your day,
Let England evangelic light display;
Go, plant your Saviour, where you plant
your queen,
Let both be with united scepters seen.

The Native Americans who belonged to the federation of tribal groups under Powhatan would have described their understanding of the world and its seen and unseen forces, much differently. What the English settlers and the Native Americans did share was their assumption of the nature of religion’s role. Just as the Church of England was warp and woof for English settlers, so religion was a seamless part of Native Americans’ understanding of the world and their place in it. When Africans arrived in Virginia, they brought their religious backgrounds with them—backgrounds in which natural religions had already been influenced by Muslim or Christian beliefs.

Whether you were Native American, African, or Anglo-European, religion was an integral part of life in 1607. Our task is clear. We must communicate to visitors how religion evolved in three different cultures, and how it helped shape the new culture they created together for almost 170 years. Our task is clear, but I did not say it would be simple. However, it is eminently doable. If you’re thinking, “Bah, Humbug!” right about now, go ahead, say it and get it out of your system.

Of all the stories we could tell to illustra-

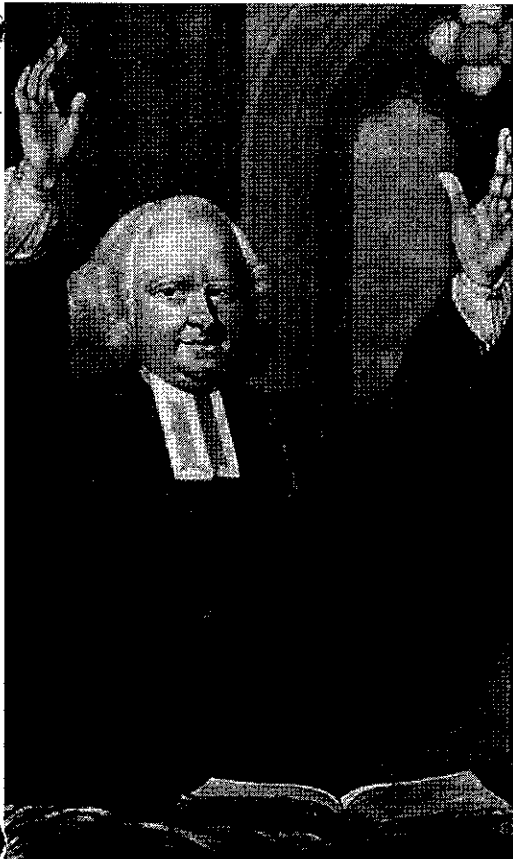
what shapes human lives, what inspires the exploration of the unknown, or what makes people endure the horrors of being enslaved by others, the spirit of "Becoming Americans" present may be the most relevant.

Ultimately, the strength to run the race—across the ocean in floating gaol cells, through the starving times, dodging arrows, facing the western world's most formidable military machine—came from within. It is a most compelling story. How will we tell it? At the Geddy House, catechisms, samplers, Bible reading, and hymn singing chronicle the lives of the Geddys as well as the coffin plate, mourning rings, spoons, and chalices do. At Bruton Parish Church, Mr. Henley's sermons affected the course of his life and probably that of some parishioners as well. In the churchyard, sextons like Edward Lively eked out a living under the care of the parish vestry. At the courthouse and the Capitol, leaders of the established church and active dissenters let their presence be known in the life of the colony.

Most important, it is you, the interpreter, who will tell the "Freeing Religion" story.

Whether you portray Patrick Henry in a daily event, interpret in the Palace area, or work as a silversmith to fill an order for a chalice, this story is one of your tools for crafting an inspired, satisfied, and anxious-to-return visitor. Our goal is not to hit visitors over the head with religious history at every site. Rather, we want them to leave having increased their knowledge of the process of "Becoming Americans." Along the way, they should have experienced "Freeing Religion," "Redefining Family," and "Choosing Revolution" as natural elements in the daily lives of all Virginians.

Unlike Scrooge, we will continue to relate to spirits—the spirits of "Becoming Americans", past, present, and future. I hope the six story lines will continue to be interwoven in our interpretations so that every visitor will experience something of the rich mixture of cultures that make us who we are. With apologies to Mr. Dickens, may it truly be said of us, and all of us, that we know how to keep history well. "And so, as Tiny Tim observed, God Bless Us, Every One." ■



The Reverend George Whitefield—Colonial Superstar

By Robert Doares, Jr.

Bob is program development assistant in the Department of Religious Studies and Programs.

Suppose you were asked to identify the most famous man named George in colonial America before 1770.

If you said George Washington, you'd be fast-forwarding a few years to the Virginia colonel and patriot who became truly a national figure first as General and then as President Washington.

What about the King Georges, one, two, and three? Well, yes, colonial household names indeed—unless we exclude men who never even came to America.

In terms of actual name recognition, the most famous man in British America before the Revolution was undoubtedly the Reverend George Whitefield, ordained Anglican priest and itinerant evangelist, whom his-

tory has judged to be the greatest preacher England ever produced. At the time of his death in 1770, George Whitefield's name (pronounced "Whitfield") was known in virtually every household in the thirteen colonies. During his seven whirlwind evangelical missionary tours to America between 1739 and 1770, some 80 percent of all British Americans saw Whitefield in person and heard him speak. It is estimated that Whitefield preached at least 18,000 times and may have addressed 10,000,000 listeners in Britain and America, phenomenal statistics in a time before efficient means of transportation and communication. Although his name is hardly known now, Whitefield's labors produced a legacy that is still felt in the United States today.

George Whitefield was born in Gloucester, England, on December 16, 1714, at the Blue Bell Inn, a tavern kept by his parents, Thomas and Elizabeth Whitefield. Thomas Whitefield died two years later, leaving his widow and children to run the tavern. Elizabeth remarried when George was about seven years old. At age eleven she entered him in St. Mary de Crypt grammar school where he became fascinated with reading plays and performing in dramatic productions. After a short time George had to drop out and help his mother run the inn.

Whitefield's reaction to his childhood in the tavern—"drawing wine for drunkards,"—he wrote—and his mother's unsuccessful second marriage prompted him toward a more thoughtful and sober existence. He enrolled in Pembroke College, Oxford University, in 1732, paying his way by working as an errand boy for wealthier students. During this first year at Oxford, the

eighteen-year-old George began a five-year self-imposed penitence of prayer and fasting.

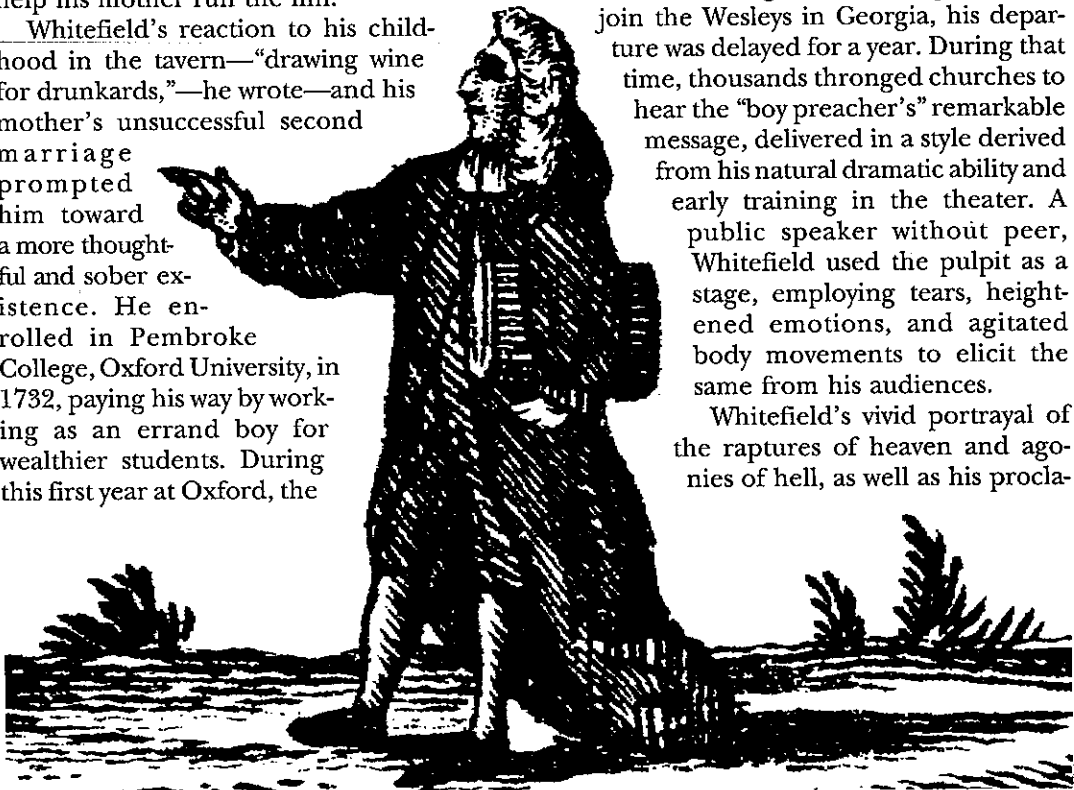
Whitefield and the Methodists

Whitefield soon came under the influence of the somewhat older Wesley brothers, Charles and John, and their Oxford "Holy Club" of some dozen members, derisively dubbed "methodists" by their fellow students. Like the other members of the Holy Club, Whitefield sought salvation through a combination of severe discipline and good works. As a result young George's health failed in 1734 and he was confined to bed for several weeks. He persevered, however, and became the first of the Oxford methodists to experience a conversion of New Birth, of which he wrote, "a full assurance of faith broke in upon my disconsolate soul!" Thereupon he began evangelizing and organizing his converts into the first "methodist" society.

When the Wesley brothers became missionaries to James Oglethorpe's new American colony of Georgia in 1736, the twenty-two-year-old George Whitefield assumed leadership of the Oxford Holy Club. The same year, he became a deacon in the Church of England and began preaching in and around

London. Although Whitefield planned to join the Wesleys in Georgia, his departure was delayed for a year. During that time, thousands thronged churches to hear the "boy preacher's" remarkable message, delivered in a style derived from his natural dramatic ability and early training in the theater. A public speaker without peer, Whitefield used the pulpit as a stage, employing tears, heightened emotions, and agitated body movements to elicit the same from his audiences.

Whitefield's vivid portrayal of the raptures of heaven and agonies of hell, as well as his procla-



mation of the New Birth and a highly personal relationship with God, were unconventional by preaching standards of the day. One captivated listener, actor David Garrick, exclaimed: "I would give a hundred guineas if I could say 'Oh' like Mr. Whitefield."

Also novel in Whitefield's evangelism was his instinct for publicity. He skillfully encouraged press coverage of his controversial revivals. In addition, he began the regular publication of his sermons, copies of which sold extremely well and helped both to spread his fame and to engender opposition. He successfully evangelized among the rich and the poor, securing Selina, countess of Huntingdon, as benefactress for his movement in Britain. Some of the nobility were scandalized by his message, however. The duchess of Buckingham found it "repulsive" that Whitefield and his kind tried "to level all ranks and do away with all distinctions."

Upon return from his trip to assist the Wesleys in Georgia in 1738, he found that opponents in England had succeeded in having him banned from many pulpits. Undaunted by the restrictions placed upon him, Whitefield was ordained a priest of the Anglican Church in 1739 and began to experiment with outdoor extemporaneous preaching. Soon tens of thousands were hearing his thunderous voice in marketplaces and open fields.

In August 1739, Whitefield sailed again for America, intending to establish an orphanage in Georgia. On his first preaching tour of the colonies in 1739-1740 the twenty-five-year-old minister became America's first celebrity. He was mobbed like a modern-day rock star wherever he spoke. From Philadelphia to New York and back, he preached to crowds—sometimes tens of thousands—that often exceeded the population of the towns where he stopped and received enormous monetary offerings for his children's home in Georgia.

George Whitefield met Benjamin Franklin, who was at the time locked in fierce competition with rival printer, Andrew Bradford, in Philadelphia in 1739. Although he disliked the Calvinistic puritanism of Whitefield's message, Franklin recognized the preacher's powerful qualities of persuasion and salesmanship. The two men struck a bargain, and Franklin began to advertise the Reverend Whitefield's sermons and journals in his *Pennsylvania Ga-*

zette. Supply could not meet the demand. The business arrangement between the printer and the preacher gradually developed into a warm friendship that deepened throughout Whitefield's life.

Whitefield in Williamsburg

After preaching all fall in New York, Pennsylvania, New Jersey, Delaware, and Maryland, George Whitefield set out for Georgia at the end of the year. On December 11, 1739, he crossed the Potomac River at Port Tobacco, Maryland, and entered Virginia, visiting Gloucester and Yorktown before he arrived in Williamsburg on December 14. *The Virginia Gazette* reported his arrival:

Williamsburg, Friday, December 14, 1739: We hear from Philadelphia that the Reverend Mr Whitfield (the celebrated preacher) has arrived there from England and had preached in that City nineteen times and in New York eight times; that vast numbers of people flocked to hear him . . . last Friday he preached at Annapolis before the Governor several of the Council and a great number of people. This Evening the Rev. Mr. Whitfield arrived here, on his way to Georgia. We hear he is to preach at our Church on Sunday and on Monday goes on his Journey.

George Whitefield was received graciously by Governor William Gooch and the Reverend James Blair, whom he visited at the College of William and Mary. Whitefield recorded his impressions of Gooch, Blair, and the College in his journal entry for December 15, 1739:

Waited on, and afterwards (at his invitation) dined with the Governor, who received me most courteously. Paid my Respects to the Rev. Mr. Blair, the Commissary of Virginia, and by far the most worthy clergyman I have yet conversed with in all America . . . He has been chiefly instrumental in raising a beautiful College in Williamsburgh, in which is a Foundation for about eight Scholars, a President, two Masters, and Professors in the several Sciences. Here the Gentlemen of Virginia send their Children; and, as far as I could learn by enquiry, they are under the same Regulation and Discipline, as in our Universities at Home . . . I rejoice in seeing such a Place in America. Whitefield accepted Commissary Blair's

invitation to preach in Bruton Parish Church, the royal chapel, on Sunday morning, December 16. Before his departure later that day, Whitefield wrote in his journal:

Preached in the morning . . . A large audience, I found, might have been expected, could timely notice have been given; but being in great haste, and there being no sermon customarily in the afternoon, I dined with the Commissary, and I left Williamsburgh in the afternoon, promising, if possible, to visit these parts again some time in the summer. . . I could not but think, that God intended, in His own time, to work a good work in these southern parts of America. At present they seem more dead to God, but far less prejudiced than in the northern parts.

Although George Whitefield returned to Virginia three times—in 1745, 1755, and 1763—it seems that he never visited the capital again. A few days after Whitefield's departure, the *Virginia Gazette* ran the following article on the preacher's sermon the previous Sunday:

Williamsburg, Friday, December 21, 1739: On Sunday Morning last, the Rev. Mr. Whitfield preached at our Church, on the Words, What think ye of Christ? There was a numerous Congregation, and 'tis thought there would have been many more if timely notice had been given of his preaching. His extraordinary Manner of Preaching gains him the Admiration & Applause of most of his Hearers. He is gone to Carolina, on his way to Georgia—And 'tis said he intends to be here again next April or May.

Orphans and Slaves

Whitefield continued on to Georgia to oversee the establishment of his orphans' home, which he named Bethesda. Supporting the orphanage was a continual mental burden and a financial drain on Whitefield for the next thirty years.

Whitefield's charitable instincts were un-

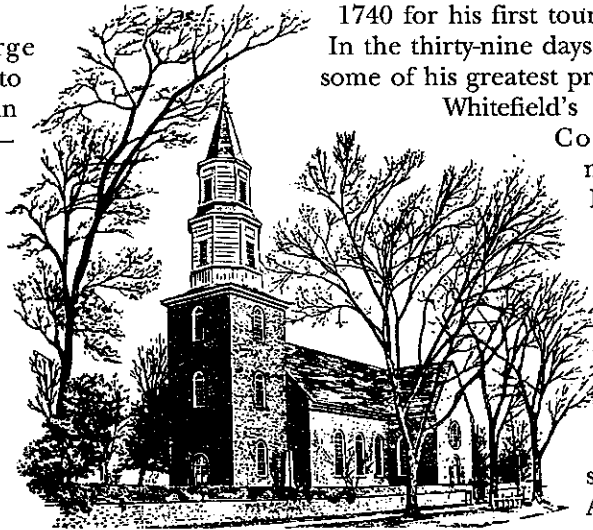
deniable. His obsession with the Georgia orphans, however, may have compromised his judgment on slavery. He spoke often about the plight of slaves and advocated their humane treatment as children of God, but he also admonished them meekly to obey their masters. The evangelist was annoyed that the colony of Georgia had been established as slave-free territory, for he wanted to acquire a plantation there to produce sufficient income for the children's home. Whitefield actively agitated for the legalization of slavery in Georgia, which did not occur until 1749. Meanwhile, through his purchase of land and slaves in South Carolina, the English-speaking world's foremost man of God became a slaveholder.

Whitefield left Georgia in the fall of 1740 for his first tour of New England. In the thirty-nine days there, he enjoyed some of his greatest preaching triumphs.

Whitefield's October stay with Congregationalist minister Jonathan Edwards in Northampton, Massachusetts, produced spectacular results, by fanning the revivalistic sparks of the Great Awakening which would soon blaze across America.

When he returned to England in 1741, Whitefield encountered a storm of hostility, largely stirred by John Wesley's attacks against his teaching of the Calvinist doctrine of predestination. Nevertheless, for the next four years he pursued a vital itinerant ministry throughout England, Scotland, and Wales, during which he and his associates endured verbal and physical attacks from their detractors. Once, Whitefield was beaten almost to death in his own bed.

The evangelist married widow Elizabeth James in 1741. Whitefield had always feared that marriage could only be a distraction from his ministry. Elizabeth Whitefield accompanied her husband once to America, but otherwise led a sad, lonely life, mostly without her husband. Even when the couple's only child died, Whitefield never paused in his preaching, not even on the day of the funeral.



Modern Legacy

Whitefield was continually plagued with illness, a permanent effect of the damage done to his health at Oxford. After preaching nonstop for several hours, he often suffered from a bloody discharge from his mouth. "My continual vomitings almost kill me, but the pulpit is my cure," he wrote.

George Whitefield died on September 30, 1770, at Newburyport, Massachusetts, at the relatively young age of fifty-five. The day before, although very ill, he had preached atop a barrel in an open field in New Hampshire. When a friend tried to dissuade him, Whitefield responded: "Lord, if I have not finished my course, let me go and speak for Thee once more in the fields, seal Thy truth, and come home and die."

Although his name is largely forgotten today, George Whitefield's lasting impact cannot be denied. He paved the way for other preachers and pioneered many of the techniques used by evangelists today: charismatic preaching, cross-denominational appeal, use of mass media (in his case, the press), and marketing revival as a consumer product.

Most significantly, George Whitefield, according to noted historian Mark Noll, may have been the first person on this continent to be considered an *American*. He loomed as a truly national figure, transcending the boundaries of the thirteen separate British colonies. Because of Whitefield and the Great Awakening, eighteenth-century Americans were exposed to their first great unifying cultural experience. ■



The Benefit of Clergy Plea

By Linda Rowe

Linda is a historian in the Department of Historical Research and is a member of the "Freeing Religion" story line team.

Commit a felony in eighteenth-century Virginia, and, if convicted, you faced a mandatory death sentence—unless it was your first conviction on one of a few "clergyable" crimes. If that was the case, you could escape the gallows by entering a claim to benefit of clergy, a type of motion in arrest of judgment. If the judges saw fit to rule in your favor on the motion, you went free, but not before a court official burned a mark into your hand with a hot iron. This would be the first and last time you could claim benefit of clergy.¹ The brand was thought to be the most effective means of keeping you from making repeated claims to benefit of clergy, although the court clerk made a record of your release as well. The brand on your hand was supposed to keep would-be felons on the straight and narrow.

Thus it was that the high courts in Virginia (General Court and Court of Oyer and Terminer) were equipped with branding irons. County courts, the venues for slave

trials, had branding irons after 1732, the year the General Assembly granted slaves limited access to benefit of clergy.

Judges and justices in England and Virginia probably viewed branding not so much a punishment as a humane alternative to the death penalty.² First-time felons likely viewed the painful and disfiguring ordeal of branding in a somewhat different light.

Benefit of Clergy in Colonial Virginia

Benefit of clergy entered the practice of law in Virginia from both the common law and the statute law of England. Royal instructions that accompanied the first Virginia charter provided that the only clergyable offense be manslaughter, a much narrower application than in England, but the same instructions provided that the death penalty be used much more sparingly than in England, confined as it was in early Virginia to mutiny and rebellion, murder, incest, rape, and adultery.³ In spite of King James's attempt to simplify the legal system by naming six capital offenses and allowing clergy only in the case of manslaughter, after Virginia became a royal colony in 1624, court practice bore a much closer resemblance to English practice.⁴ Like England, the fledgling colony limited benefit of clergy to white men who could read.

Difficult for an investigation of the application of benefit of clergy in Virginia is the small number of records of the General

Court and the Court of Oyer and Terminer that survive. These courts, the highest in Virginia, passed judgment on free people (whites, free blacks, and Indians) accused of felonies, and regularly imposed the death penalty for felony convictions. The high courts granted white felons a second chance when benefit of clergy was applicable, but free blacks and Indians were not eligible for benefit of clergy until 1732 (and even then on a more limited basis than whites). County courts had jurisdiction in slave trials, and benefit of clergy was made available to slaves in 1732. County court records, including those in which benefit of clergy was granted to slave felons, survive in much greater abundance than high court trial records.

From the meager records of the seventeenth-century General Court comes the earliest surviving case involving benefit of clergy. A fourteen-year-old boy, William Reade, was indicted, tried by a jury, and found guilty of manslaughter on January 4, 1628/9, in the death of one John Burrowes. When asked what he had to say, Reade demanded his clergy and was "delivered to the ordinary &c." The ordinary in Virginia was probably the minister of the Anglican parish in which the General Court was situated (Jamestown until 1699; then Bruton Parish in Williamsburg).⁵ Although records do not reveal what the ordinary reported following this and several other early seventeenth-century manslaughter convictions, it is clear that even without professional judges or lawyers, the court knew that manslaughter was a clergyable offense and understood the legal mechanisms involved, and that both the defendant and the local minister knew what was expected of them.⁶

In Virginia as in England, public and official sentiment gradually came to favor widening the use of benefit of clergy. As the seventeenth century wore on, benefit of clergy made its appearance in association with felonies other than manslaughter. For instance, in 1670, Alexander Phillis was convicted of larceny of goods from a store. He demanded clergy and was burned in the hand. The governor had it within his power to be merciful on occasion. In 1671, Edward

Reddish was found guilty of manslaughter "and did read and by the Governor's clemency and mercy was acquitted from burning." In 1701 (sixteen years, it should be noted, before a general transportation law was enacted in England), Evan Roberts, convicted of manslaughter, confessed that he could not read but asked for transportation out of the colony, which was granted. In the same year John Quidley and Edward Crowder, condemned for stealing goods from houses, "prayed for transportation which was granted." We are left to wonder what mitigating circumstances came to the attention of the judges.

Information about General Court and Oyer and Terminer Court cases has turned up in sources other than court records. From 1736 onward, the *Virginia Gazette* reported verdicts and sentences in the high courts, but the reports are often disappointing. They usually note only that a defendant was convicted of an unspecified "felony" for which the persons was acquitted, condemned, pardoned (infrequently), or "burnt in the hand" (court-speak for a successful claim to benefit of clergy). Similarly frustrating references have come to light in personal papers as well. For instance, councillor and General Court judge William Byrd II

noted in his diary on June 12, 1711, "I drank some cider and after staying about an hour [with the Governor] we went to court where two men were [tried] for felony and both found guilty." The next day, Byrd reported that "I . . . got my papers together and went to court where one of the prisoners was burnt in the hand and the other ordered to the whip."⁷ Both men were found guilty of a felony and both crimes evidently fell within benefit of clergy because neither was executed, but what circumstances led the judges to brand one man and whip the other?

1732: "An Act for settling doubts . . . in relation to the benefit of Clergy"

In 1732, the General Assembly enacted a bill that abolished the reading test to qualify for benefit of clergy. The law also made white women eligible for benefit of clergy on the same footing as white men. By the



same act, "any negro, mulatto, or Indian whatsoever" became eligible for benefit of clergy. Thereafter, slaves, free blacks, and Indians could claim benefit of clergy, but it is important to note that the act severely limited the types of cases in which blacks and Indians could claim clergy.

The 1732 Act for settling doubts and differences of opinion, in relation to the benefit of Clergy marked the first time that the General Assembly regulated benefit of clergy itself. That the burgesses felt this act was necessary may be good reason to think there was some doubt about whether slaves, free blacks, Indians, illiterate white men, and women were eligible to plead benefit of clergy. For instance, why was it necessary for a 1723 act, put into effect nearly a decade before the 1732 law, to state that slaves could not plead benefit of clergy if convicted of conspiring to incite an insurrection or plotting to murder any person?⁸

Branding Procedure

Benefit of clergy could not be claimed until after a guilty verdict was announced. General Court judges asked convicted felons in the seventeenth century whether they could show reason why they should not be executed, whereupon the defendants themselves asked the court to grant them clergy. Up until the reading test was abolished in 1732, the prisoner qualified himself for benefit of clergy by reading a passage from the Bible, usually the first verse of Psalm 51 ("Have mercy upon me, O God, after thy great goodness; according to the multitude of thy mercies do away mine offences").⁹ The 1732 law eliminated this step.

Since slaves were tried in the county courts (not the high courts), it was not until 1732, when an act of Assembly granted benefit of clergy to African-Americans, that county courts officially needed branding irons. In eighteenth-century slave trials in York County court, justices announced a guilty verdict, then "demanded" of the slave if he or she knew cause "why the court should not proceed to judgment & execution against him [her]." In 1753, slave Peter "prayed the benefit of the Act of Assembly in such case made to him to be allowed."¹⁰ In Richmond

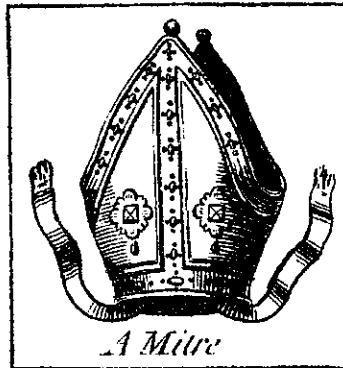
County in 1737, justices were "of opinion that [Jack] is Guilty of the Felony Mentioned in the said Indictment, within the benefit of Clergy whereupon the said Jacke pray'd the said Benefit and accordingly was burnt in the Hand at the Bar with a Hott Iron."¹¹ Presumably the same procedure obtained in the General Court and Oyer and Terminer Court for free black and Indian felons (after 1732) and white convicts. Common knowledge or advice from a court official must have prepared defendants, free and slave, to enter their pleas for clergy at the appropriate point.¹²

The duty of the public jailor to "constantly attend and execute the commands of the general court" included branding persons granted benefit of clergy. In open court, he marked the "Brawn of the left Thumb"

with an M for manslaughter or T for various forms of thievery.¹³ The granting of benefit of clergy restored to free persons full citizenship rights.¹⁴ High court judges in Virginia occasionally remitted the burning, but they also on occasion imposed a whipping or term of imprisonment in addition to branding. Just which county official administered the branding iron to slaves after 1732 is not clear. Sheriffs likely

delegated the duty to deputy sheriffs, constables, or county jailors. Justices frequently added a whipping or time in the pillory to branding.

Whether or not branding became merely symbolic as the eighteenth century wore on is open to question. In 1774, Richard Starke charged that branding was done with "an Iron Scarcely heated," which seemed to him of little use and "rather a Piece of absurd Pageantry, tending neither to the Reformation of the Offender, nor for Example to others."¹⁵ It is true that in 1739 John Oldham of Richmond County was convicted of manslaughter in the Court of Oyer and Terminer at the Capitol in Williamsburg, granted clergy, and, according to the *Virginia Gazette*, "burnt in the Hand with a cold iron." This, however, is the only such case reported in the *Gazette* and so may indicate an exception rather than a rule. A review of Richmond County court records shows that



Oldham's actions did lead to the death of John Hutchins. The court seemed satisfied that it was not Oldham's intention to kill Hutchens when he challenged him to a fight at a race ground.¹⁶ Perhaps the Oyer and Terminer Court in Williamsburg thought Oldham ought to be humiliated publicly but spared him the actual burning. Again, we are left to wonder about what the judges took into consideration when they arrived at this conclusion.

Branding with a hot iron continued after the Revolution. The procedure was mentioned in Virginia statutes in 1788, 1789, and 1792.¹⁷ In 1796, a speech before the House of Delegates in support of penal reform shows that a heated iron was still applied to the flesh (however briefly) at that time:

This benefit of clergy is the application in open court of a hot iron for the space of about one second to the brawn of the criminal's thumb. The pain of the burn may perhaps continue for five minutes and the hand may be sore for three days or a week afterwards.¹⁸

Clergyable and non-Clergyable Crimes in Virginia

The lists at the end of this section summarize the crimes that were clergyable and non-clergyable for whites, blacks, and Indians in colonial Virginia. It was not a straightforward matter to assemble these lists. For one thing, no one act of the Virginia General Assembly defined and categorized criminal acts and the legal consequences if convicted. Nor was benefit of clergy addressed by the Assembly until 1732, although it had been used in the General Court since the late 1620s, if not earlier. Nor is it always possible to account for deviations from the letter of the law taken by high court judges and county justices. Records of court proceedings often do not survive or provide incomplete information about the circumstances that judges and justices took into consideration.

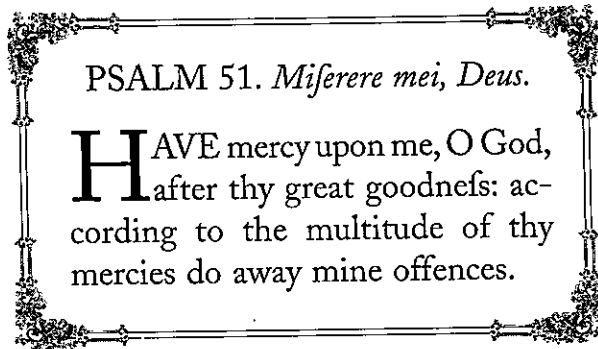
The various types of theft (burglary, larceny, robbery, etc.) were defined by specific circumstances or actions that had to be present. Distinguishing among these types in the acts of Assembly or in court records is difficult. For instance, "burglary" was usually breaking and entering in the night whether or not goods were stolen, but burglary was compounded by larceny when something was removed from the premises. However, breaking and entering in the daytime also was called burglary under certain circumstances.

Information for the lists comes from a variety of

sources ranging from court cases to legislation passed piecemeal addressing specific problems to summaries of English and Virginia legal practices included in eighteenth-century legal handbooks designed for justices of the peace. The work of historians of colonial Virginia courts and law such as Arthur Scott, Hugh Rankin, and David Konig was also essential in the construction of these lists.

The "rules" under which benefit of clergy could be claimed made it necessary to organize the lists along racial lines. Although it was necessary to group slaves, free blacks, and Indians together with regard to clergyable and non-clergyable felonies, there was one important difference among them: After 1692, slaves accused of felonies were to be tried in the county courts.¹⁹ Free blacks and Indians charged with felonies were tried in the high courts in Williamsburg (General Court or Oyer and Terminer Court) at the Capitol for which the governor and Council made up the panel of judges. But like slaves, free blacks and Indians could not escape execution by pleading benefit of clergy before 1732.

The act of 1732 that broadened the application of benefit of clergy came about at least in part as a result of the case of Mary Aggy, a slave accused of the theft of goods valued at forty shillings. When the sentence of death was passed upon her in the court of York County, the woman, a Christian, claimed "the benefit of the Statute made in the thir



and fourth years of William and Mary." York County justices forwarded the case to the General Court from whence her request was forwarded to England for resolution.²⁰ The act regulating benefit of clergy that passed two years later made it possible for non-whites to claim benefit of clergy, but it permitted the plea under much more limited circumstances than whites enjoyed:

That when any negro, mulatto, or Indian whatsoever [meaning slave, free black, or Indian], shall be convicted of any offence within the benefit of clergy, judgment of death shall not be given against him, or her, upon such conviction; but he or she, shall be burnt in the hand in open court, by the jailor, and suffer such other corporal punishment, as the court shall think fit to inflict: except [when] convicted of manslaughter, or the felonious breaking and entering any house in the night-time, or for breaking and entering, in the day-time any house, and taking from thence any goods or chattels whatsoever, to the value of five shillings sterling.²¹

In other words, white felons could claim benefit of clergy for manslaughter; slaves, free blacks, and Indians could not. This law further restricted the application of benefit of clergy for slaves, free blacks, and Indians: burglary (breaking and entering) by slaves, free blacks, and Indians was a felony and non-clergyable if the value of goods stolen was a mere five shillings; whites had to steal twenty shillings' worth before their crime was a felony and non-clergyable.

Benefit of Clergy—Background

From Canon Law to Criminal Law

The story of this curiously named plea and how it came to have a place in the criminal code of England and Virginia could be said (with a little overstatement) to have begun with the fourth century conversion of the Roman Emperor Constantine to Christianity. Over the next several centuries, the Western Church developed and refined an elaborate organizational structure including a system of jurisprudence that paralleled but was wider than royal justice. At the same time, ecclesiastical authority came to be centralized in the pope at Rome. By the twelfth century, rules and pronouncements emanating from the Church in Rome circulated in Europe; by the fourteenth, there existed a substantial body of canon (ecclesi-

astical) law.³⁰

In England before the Norman conquest (1066), bishops and sheriffs presided together over the shire (county) courts which heard both ecclesiastical and civil cases. William I the Conqueror ordered in the 1070s that ecclesiastical and lay pleas at the county level be separated, but that process probably was not complete until the end of the twelfth century. By that time, English ecclesiastical courts were part of a hierarchy of church tribunals that transcended national boundaries.³¹

Until the Protestant Reformation in the sixteenth century, all Latin-rite Christians were taken to be subject to the canon law of the Roman Catholic Church.³² Its enforcement in the temporal world, however, depended on the cooperation of temporal authority that varied from country to country.³³ How were the pope and heads-of-state to share power? What matters were spiritual and which temporal? Was canon law independent of the king's law and vice versa? As one historian of English law has put it, "two systems of equal validity which claimed to operate within the same geographical territory" spawned a jurisdictional tug-of-war³⁴; in England that tug-of-war intensified in the early Middle Ages.

The late twelfth century was the period during which Henry II (1154–1189) set about centralizing royal governance and the administration of justice in England. His efforts put him at cross purposes with the Catholic Church over the jurisdiction of ecclesiastical courts.³⁵ One aspect of the quarrel was Henry's desire to restrict a privilege members of the clergy had gradually come to expect—immunity from criminal prosecution in secular courts. The privilege of the clergy resided in the right of priests to be judged by their own superiors in church courts—not just when they breached canon law but also when they were charged with crimes such as murder, which ordinarily were tried in the king's courts.³⁶ (Clerical privilege does not appear ever to have applied in cases of high treason, or to simple misdemeanors.)

Henry's efforts to bring priests accused of serious crimes under the authority of lay courts produced a major dispute between the king and the Catholic Church in England and the pope in Rome. In 1164, Henry issued the constitutions of Clarendon in

WHITES

FELONIES (Clergyable)

- Bigamy (the only known cases in Virginia resulted in acquittals so clergy was not claimed)
- Manslaughter
- Maiming (or mayhem; to purposely cut out the tongue, slit the nose, bite or cut off a nose or lip, cut off or disable any limb of another)
- Grand larceny (stolen goods valued over twelvecence; less than that was petit larceny which was not a felony)

Illiterate white men—not eligible for benefit of clergy until 1732. (Before 1732, some illiterate convicts likely qualified for benefit of clergy by memorizing the required Bible verse)

White women—not eligible for benefit of clergy until 1732; after that, on same footing as white men

FELONIES (Non-Clergyable):

- Willful murder
- Rape
- Treason
- Arson²²
- Horse stealing
- Burglary (breaking and entering a house, church, or public building in the nighttime with the intent to kill or steal though none be killed nor anything stolen); described in 1730 as to "feloniously break" in the night or day any warehouse or storehouse and take therefrom money, goods, chattels, wares, or merchandizes, of the value of twenty shillings lawful money or more²³
- Robbery (violent taking away from a man's person or house, goods or money to any value and "putting him in Fear")
- Hog-stealing, third offense (in effect from 1751)
- Slave stealing
- Counterfeiting coins
- From 1755 onward, counterfeiting treasury notes (paper money)
- Picking pockets (grand larceny when goods stolen were worth over twelvecence but not clergyable as "regular" grand larceny was; under twelvecence was petit larceny)
- Witchcraft (obsolete by eighteenth century)
- Piracy (tried before the vice admiralty court)

which the relationship between the church and the state in England was spelled out including a statement on clerical privilege. Priests were to be arraigned on criminal charges in lay courts; if they then claimed to be clergymen and could prove it, they were handed over to church courts for trial; if a church court then convicted a priest of a serious crime, he was stripped of his clerical status and returned as a layman to the king's court for the sentencing of the death penalty since felonies were capital offenses.

This arrangement soon ran afoul of a long-running dispute between Henry II and Thomas Becket, the archbishop of Canterbury. Becket argued that the procedure amounted to double punishment for clergymen (degradation and execution). His intransigence on this and other aspects of church-state relations enraged Henry. The

matter came to a head on December 29, 1170, when some of Henry's knights, acting on ill-considered remarks made by the king, assassinated the archbishop. In the aftermath, English clerical privilege got a reprieve when Henry, forced to do public penance for Becket's murder, made several concessions to the pope and the church.

Benefit of clergy in England subsequently underwent various abridgements and qualifications. Sometimes by acts of Parliament, but just as often through interpretation by judges on the benches of secular courts, clerical privilege was gradually extended to more and more people (laymen, women, etc.). Over time, Parliament also limited the types of felony included in benefit of clergy. Ultimately, the connection between the benefit of clergy plea and ecclesiastical courts was severed entirely. What follows is a brief

SLAVES, FREE BLACKS, AND INDIANS

FELONIES (CLERGYABLE):

Under the act passed in 1732

- Maiming (mayhem)
- Grand larceny (stolen goods valued over twelvepence)

Note: Bigamy, a clergyable crime for free people, would not have applied to slaves whose marriages did not have legal standing.

By later acts

- 1748—Slaves administering medicine without permission but without ill intent or "bad consequences" (illness or death of the person taking the medicine)²⁴
- 1765—Manslaughter made clergyable for slaves but only in the death of another slave²⁵
- 1772—"breaking any house in the nighttime" without removing goods or chattel unless the same "in the case of a freeman, would be a burglary"²⁶

FELONIES (NON-CLERGYABLE):

Before 1732, all felonies were non-clergyable for this group (a few exceptions to this rule may have occurred)

As of 1732

- Willful murder
- Manslaughter
- Treason
- Rape
- Arson
- Horse stealing
- Robbery (violent taking away from a man's person or house, goods or money to any value and "putting him in Fear")
- Counterfeiting coins and, after 1755, Virginia treasury notes (paper money)
- Picking pockets
- Burglary (breaking and entering) in the daytime with the removal of goods valued at five shillings sterling or more
- Burglary (breaking and entering) in the nighttime with the removal of goods valued at five shillings sterling or more

By later acts

- 1748—Slaves administering medicine without an order from a mistress or master, especially in the event of illness or death of the person taking the medicine²⁷
- 1748—Burglary (breaking and entering) in the daytime or nighttime with the removal of goods to the value of twenty shillings current money²⁸
- 1751—Hog stealing, third offense²⁹

summary of developments that came about in a series of remarkably awkward and intricate changes over a long period.

An English statute of 1275 was interpreted to mean that a clergyman was to be *indicted* in the king's court before he could claim his privilege and be turned over to the church court for trial and punishment. During the reign of Henry VI (1422–1461), it was settled that priests be *convicted* in lay courts before they could claim clergy. After that, priests accused of serious crimes accepted jury trials in lay courts and claimed clergy only in the event of conviction (which, if allowed to stand, meant death via the gallows). A representative of the bishop, known as the ordi-

nary, was in attendance at court to "claim" clergymen for transfer to church courts.

Judges mistrusted ordinaries at first and upheld claims only if the prisoner were in clerical dress and tonsured (ritually shaved or clipped hair), or if he could read a passage from the Bible (considered a valid test in an age when few but the clergy were literate). If the court accepted the ordinary's decision that a convicted felon was indeed a priest, the prisoner was turned over to the ecclesiastical court for a new trial and, if convicted there, for punishment.³⁷

It is important to the rest of this story to remember that church courts did not impose the death penalty. Trials in ecclesiasti-

cal courts were conducted by compurgation whereby the accused took an oath to establish his innocence or guilt after which twelve persons (compurgators) swore that the accused was telling the truth. Moreover, if the church court did find that a minister was guilty and sentenced him to a term in the bishop's prison, he found himself in the medieval equivalent of a minimum security or "country club" prison of today. The time was not hard, and escape was notoriously easy.³⁸ Consequently, over time, clerical privilege came to be viewed as a means of escaping execution.

The harsh realities of the medieval period had spawned an equally harsh legal system in England: Many crimes were deemed felonious and felonies carried mandatory death sentences. In fact, mandatory death sentences were the rule for treason and all felonies, except petty larceny and mayhem (maiming), down to the year 1826!³⁹ In the late medieval period, judges in the king's courts cast about for a way to relieve the inevitability of execution following upon criminal conviction. Up to the fourteenth century, clerical privilege was limited to felonious clergymen. After that, secular courts gradually extended it first to all manner of folk affiliated with the church, including persons not strictly in orders. For instance, church assistants such as doorkeepers, readers, and sub-deacons convicted of serious crimes were granted "clergy" and turned over to church courts.⁴⁰ By the fifteenth century, judges were ignoring dress altogether and accepting as proof of eligibility a single criterium—literacy. Literacy, established when the convicted felon read a passage from the Bible, became the means by which lay judges ameliorated the sentences of more and more claimants. In effect, judges extended temporary clergy status to convicts (they became "clerks con-

vict") who had no actual clerical connection whatever. The reading test became the means by which "clergy became the massive fiction [pretending priestly status for felons who could read] that tempered in practice the harshness of the common law rule."⁴¹

The means was now available to laymen who could read to save themselves from the gallows by having their cases moved to ecclesiastical courts. But the door was also open to wholesale abuse of the system, particularly in view of the fact that common law courts developed in practice the doctrine that all felonies (except treason) were clergyable for the first offense. The possibility that heinous criminals in significant numbers could go virtually unpunished and be free to break the law again prodded Parliament to remove from benefit of clergy serious crimes such as murder, rape, arson, burglary, robbery, horse stealing, and so on.⁴²

Benefit of clergy continued to change and evolve. For instance, a statute of 1489 required that men not actually in orders who were not in fact priests be denied a second claim to clergy by means of a brand on the brawn of the thumb (M for murderer; T for various forms of theft). Clergymen were required to produce proof of ordination for a second claim. The link with ecclesiastical courts was entirely severed in 1576 when Parliament ended the requirement that the clergyed offender undergo compurgation or trial in a church court. Thereafter, following the successful pleading of clergy and the branding procedure, judges discharged prisoners immediately.⁴³ Women in England could not claim benefit of clergy on the same footing as men until 1691.⁴⁴ Parliament finally abolished the plea altogether in the late 1820s.⁴⁵ ■



End Notes

¹This means only once in a lifetime, not once for each type of clergyable felony. A 1789 Virginia law stated that the only way a person could be granted benefit of clergy more than once was if the person were admitted to benefit of clergy upon conviction of a felony, that admission did not act as a pardon or discharge for other clergyable offenses committed by the person before the current conviction, and that if those previous clergyable offenses were later discovered and resulted in convictions, the person was to be granted clergy on each and burned in the hand for each of the earlier offenses. William Waller Hening, ed., *The Statutes at Large . . .*, XIII, pp. 30–32.

²One other legal use of branding human beings in the Virginia colony has come to light. An early seventeenth-century law (1642/3) specified that servants who repeatedly ran away were to be “branded in the cheek with the letter R. and passe under the statute of incorrigible rogues.” Whether county courts ever made use of this procedure is unknown. In the revised Virginia code of 1705, the extensive “Act concerning Servants and Slaves” contains no mention of branding either servants or slaves for any reason. Hening, ed., *Statutes*, I, pp. 254–55, III, pp.447–462.

³George W. Dalzell, *Benefit of Clergy in America & Related Matters* (Winston-Salem, N. C., 1955), pp. 95–98; Arthur P. Scott, *Criminal Law in Colonial Virginia* (Chicago, 1930), p. 103.

⁴Scott, *Criminal Law*, pp. 103–104. Interestingly, none of the acts of the General Assembly of Virginia before the Revolution provides a complete listings of penal offences in Virginia.

⁵George MacLaren Brydon, *Virginia's Mother Church* (Philadelphia, 1952), II, p. 52; Dalzell, *Benefit of Clergy*, pp. 96–97. Brydon says that because there was no bishop in Virginia, the governor (as head of the church in Virginia) acted as ordinary. Dalzell says that the prisoner was turned over to “the rector of the parish” to test his literacy. Ordinaries in England were priests who represented the bishop, not the bishop himself. In Virginia, it was probably the rector of the parish in which the Court was located, rather than the governor himself, who tested the literacy of the claimants. The General Assembly abolished the reading test in 1732.

⁶Dalzell, *Benefit of Clergy*, p. 97.

⁷Louis B. Wright and Marion Tinling, eds., *The Secret Diary of William Byrd of Westover, 1709–1712* (Richmond, Va.,1941), pp. 358–359.

⁸Thad W. Tate, *The Negro in Eighteenth-Century Williamsburg* (Williamsburg, Va., 1965), pp. 94–95.

⁹Psalm 51 (Miserere mei, Deus) has a significant place in biblical history as the most famous of the penitential psalms. King David openly confesses his affair with Bathsheba and prays for the removal of personal and social disorders that his sin has brought him. (Thanks to Dave DeSimone for this insight.)

¹⁰York County, Virginia, Judgments and Orders, II, pp. 323–324.

¹¹Peter Charles Hoffer and William B. Scott, eds. *Criminal Proceedings in Colonial Virginia . . . [Richmond County, Virginia]* (Athens, Ga., 1984), p. 181.

¹²Whether judges and justices were obliged to inform defendants about benefit of clergy is another question. In any case, the plea was put in as a matter of course for eligible defendants in the eighteenth century.

¹³No references to other letter brands (such as B for bigamy) have turned up.

¹⁴Richard Starke, *Office and Authority of a Justice of the Peace Explained and Digested* (Williamsburg, Va., 1774), pp. 87–88, 91; William Blackstone, *Commentaries on the Laws of England* (Chicago, 1979), IV, p. 360. The brawn of the thumb is the fleshy area at the base of the thumb.

¹⁵Starke, *Office and Authority*, p. 88.

¹⁶Peter Charles Hoffer and William B. Scott, eds. *Criminal Trial Proceedings in Colonial Virginia*. . . [Richmond County, Virginia], (Athens, Ga., 1984), p.197.

¹⁷Hening, ed., *Statutes*, XII, p. 734, XIII, pp. 31, 434; *Calendar of Virginia State Papers*, William P. Palmer and Sherwin McCrae, 1885, Richmond, V, p. 592.

¹⁸Dalzell, *Benefit of Clergy*, p. 249.

¹⁹Hening, ed., *Statutes*, III, pp. 102–103. In a few instances, slaves charged in insurrections, probably because of the seriousness with which whites viewed slave uprisings, were brought before the General Court or the governor and Council. Mary Aggy's 1730 case in which she, a slave, claimed benefit of clergy from the York County Court was referred to the General Court as well. Philip J. Schwarz, *Twice Condemned: Slaves and the Criminal Laws of Virginia, 1705–1865* (Baton Rouge, La., 1988), pp. 19, 87.

²⁰Anne R. Willis, "The Masters' Mercy: Slave Prosecutions and Punishments in York County, Virginia, 1700 to 1780" (M. A. thesis, College of William and Mary, 1995), pp. 104, 137–148.

²¹Hening, ed., *Statutes*, IV, pp. 325–327.

²²The General Assembly described arson in an act of 1730 as malicious burning of "any tobacco-house, warehouse, or storehouse, or any house or place, where wheat, Indian corn, or other grain, shall then be kept, or any other houses whatsoever." *Ibid.*, p. 271.

²³ *Ibid.*, p. 272.

²⁴ *Ibid.*, VI, p.105.

²⁵ *Ibid.*, VIII, p.139.

²⁶ *Ibid.*, p. 522: For a discussion of slaves and benefit of clergy, see Schwarz, *Twice Condemned*, pp. 19, 21–3, 27, 75–6, 90, 123, 126, 206.

²⁷ *Ibid.*, VI, p.105.

²⁸ *Ibid.*, p.106.

²⁹ *Ibid.*, p.123.

³⁰J. H. Baker, *An Introduction to English Legal History* (London, 1990), p. 146.

³¹ *Ibid.*, p. 147.

³²By 1439, the final attempt to reunite the Eastern Orthodox Church with Rome had failed. As a result, Eastern Orthodox Christians were not subject to the laws of the Catholic Church.

³³Baker, *Introduction to English Legal History*, pp. 148–149.

³⁴*Ibid.*, p.148.

³⁵Church courts had pervasive and unquestioned jurisdiction over the lives of ordinary people in family matters such as marriage and bastardy, sexual offenses (fornication, adultery), wills and inheritance of personal property, and defamation and breach of faith (blasphemy). *Ibid.*, pp.149-50.

³⁶Based on pronouncements from Rome in the early Middle Ages such as "A Constitution of the Pope that no man should accuse the Priests of the Holy Church before a secular judge." The rule protected priests who dared rebuke rulers and noblemen who transgressed the moral law. Brydon, *Virginia's Mother Church*, II, p. 50. Brydon noted biblical precedents for the idea. St. John the Baptist was beheaded when he condemned King Herod's moral indecency. He was not be the last prophet or preacher to risk his life by rebuking temporal authority.

³⁷Baker, *Introduction to English Legal History*, p. 586-587.

³⁸Ecclesiastical courts did not impose the death penalty under the doctrine that crimes against society constituted sins against God and that God wanted not the death of a sinner but rather an amended life achieved through confession and penance. This meant that the system sometimes allowed the unrepentant priest not only to save his neck but to be freed possibly to commit another serious crime. Dalzell, *Benefit of Clergy*, p. 13.

³⁹J. M. Beattie, *Crime and the Courts in England, 1660-1800* (Princeton, N.J., 1986), p. 141; James Fitzjames Stephen, *A History of the Criminal Law of England* (New York, 1883), III p. 458.

⁴⁰Stephen, *History of Criminal Law of England*, I, pp. 457-461.

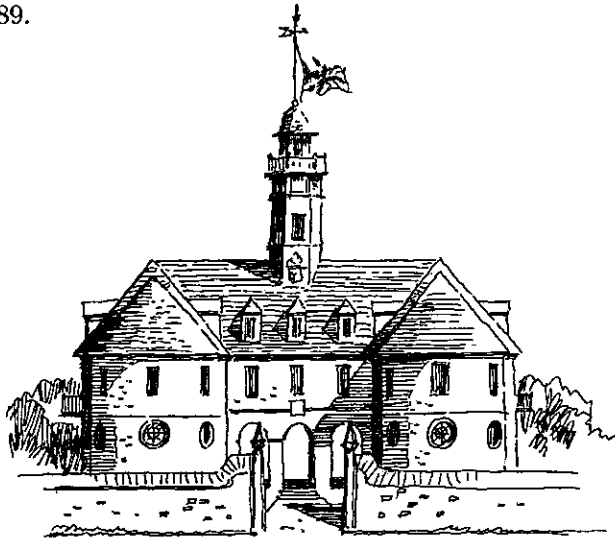
⁴¹Beattie, *Crime and the Courts*, p. 141.

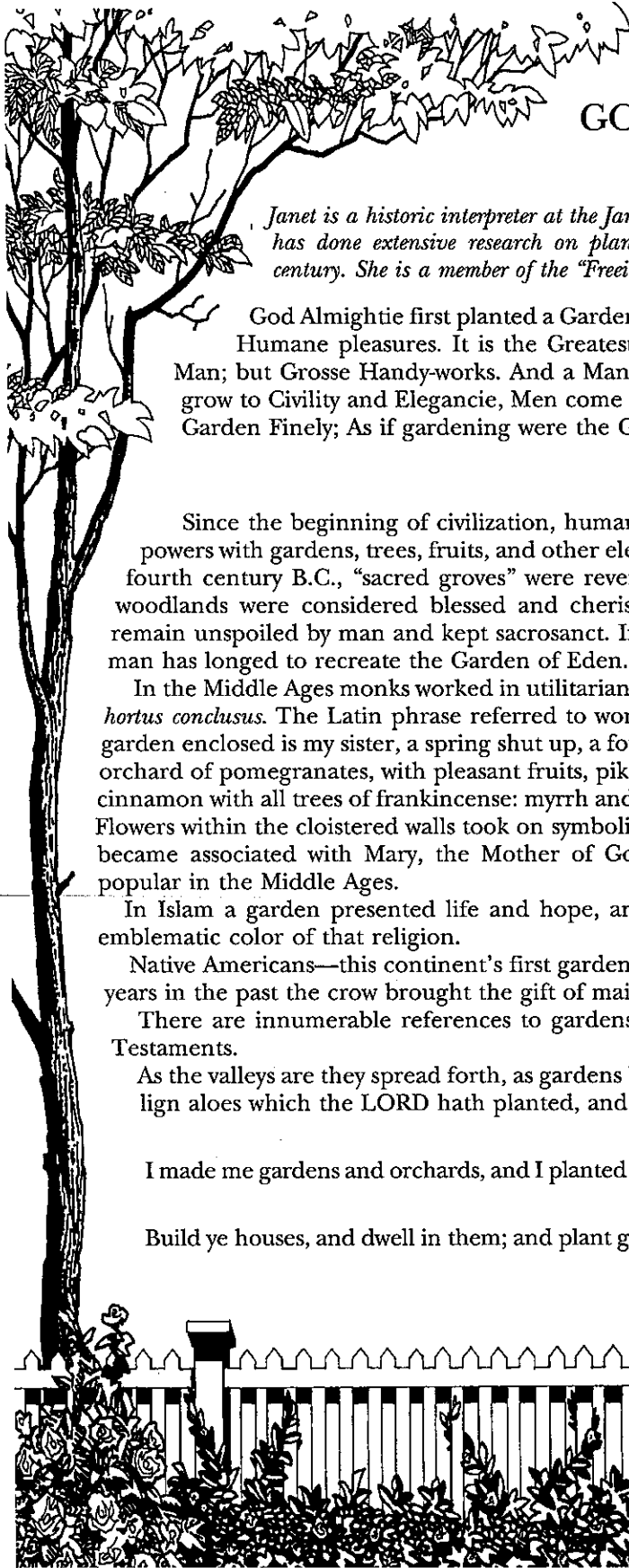
⁴²Scott, *Criminal Law*, p. 103; Stephen, *History of Criminal Law in England*, I, p. 458; Beattie, *Crime and the Courts*, p. 141.

⁴³Beattie, *Crime and the Courts*, p. 142.

⁴⁴Baker, *Introduction to English Legal History*, p. 587, n. 70.

⁴⁵Baker, *Ibid.*, p. 589.





GOD'S GARDENS

By Janet Guthrie

Janet is a historic interpreter at the James Geddy House and property and has done extensive research on plants and gardens in the eighteenth century. She is a member of the "Freeing Religion" story line team.

God Almightye first planted a Garden. And indeed, it is the Purest of Humane pleasures. It is the Greatest Refreshment to the Spirits of Man; but Grosse Handy-works. And a Man shall ever see, that when Ages grow to Civility and Elegancie, Men come to Build Stately, sooner then to Garden Finely; As if gardening were the Greater Perfection.

—Francis Bacon
Of Gardens 1625

Since the beginning of civilization, human beings have associated sacred powers with gardens, trees, fruits, and other elements of nature. As early as the fourth century B.C., "sacred groves" were revered in ancient Greece. Natural woodlands were considered blessed and cherished by the gods and were to remain unspoiled by man and kept sacrosanct. In the Judeo-Christian tradition, man has longed to recreate the Garden of Eden.

In the Middle Ages monks worked in utilitarian, enclosed monastery gardens—*hortus conclusus*. The Latin phrase referred to words in the Song of Solomon: "A garden enclosed is my sister, a spring shut up, a fountain sealed. Thy plants are an orchard of pomegranates, with pleasant fruits, pikenard and saffron, calamus and cinnamon with all trees of frankincense: myrrh and aloes, with all the chief spices." Flowers within the cloistered walls took on symbolic meaning. Some, like the rose, became associated with Mary, the Mother of God, and Mary Gardens became popular in the Middle Ages.

In Islam a garden presented life and hope, and the color green became the emblematic color of that religion.

Native Americans—this continent's first gardeners—believed that thousands of years in the past the crow brought the gift of maize from the gods to man.

There are innumerable references to gardens in both the Old and the New Testaments.

As the valleys are they spread forth, as gardens by the river's side, as the trees of lign aloes which the LORD hath planted, and as cedar trees beside the water.

—Numbers 24:6

I made me gardens and orchards, and I planted trees in them of all kind of fruits.

—Ecclesiastes 2:5

Build ye houses, and dwell in them; and plant gardens, and eat the fruit of them.

—Jeremiah 29:5

The word "apple" in Latin is *mallum*, meaning evil. This may account for the way the apple has been blamed for playing a part in man's banishment from the Garden of Eden. The apple was mistakenly identified as the fruit from the Tree of Knowledge tasted by Adam and Eve contrary to God's order. However, the Book of Genesis never identifies the forbidden fruit as the apple, and many biblical references show the apple in a very positive light:

He found him in a desert land, and in the waste howling wilderness; he led him about, he instructed him, he kept him as the apple of his eye.

—Deuteronomy 32:10

A word fitly spoken is like apples of gold in pictures of silver.

—Proverbs 25:11

As the apple tree among the trees of the wood, so is my beloved among the sons.

—Song of Solomon 2:3

Stay me with flagons, comfort me with apples: for I am sick of love.

—Song of Solomon 2:5

Certain plants, such as the pomegranate (*rimmonin*), are found in both Christian and Jewish traditions. In King Solomon's temple they were used symbolically as decorations. The High Priest wore a robe trimmed with *rimmonin*, and on the rollers of the Hebrew scrolls of law were ornamental pomegranates, fashioned of gold or silver. This fruit became symbolic of the Torah.

And beneath upon the hem of it thou shalt make pomegranates of blue, and of purple, and of scarlet round about the hem thereof, and bells of gold between them round about.

—Exodus 28:34

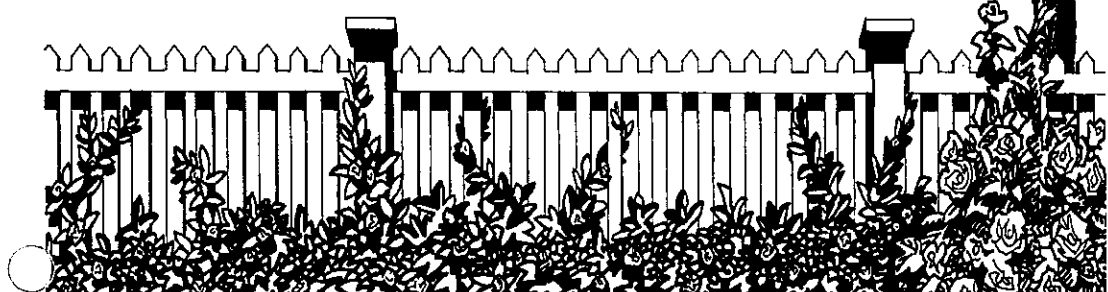
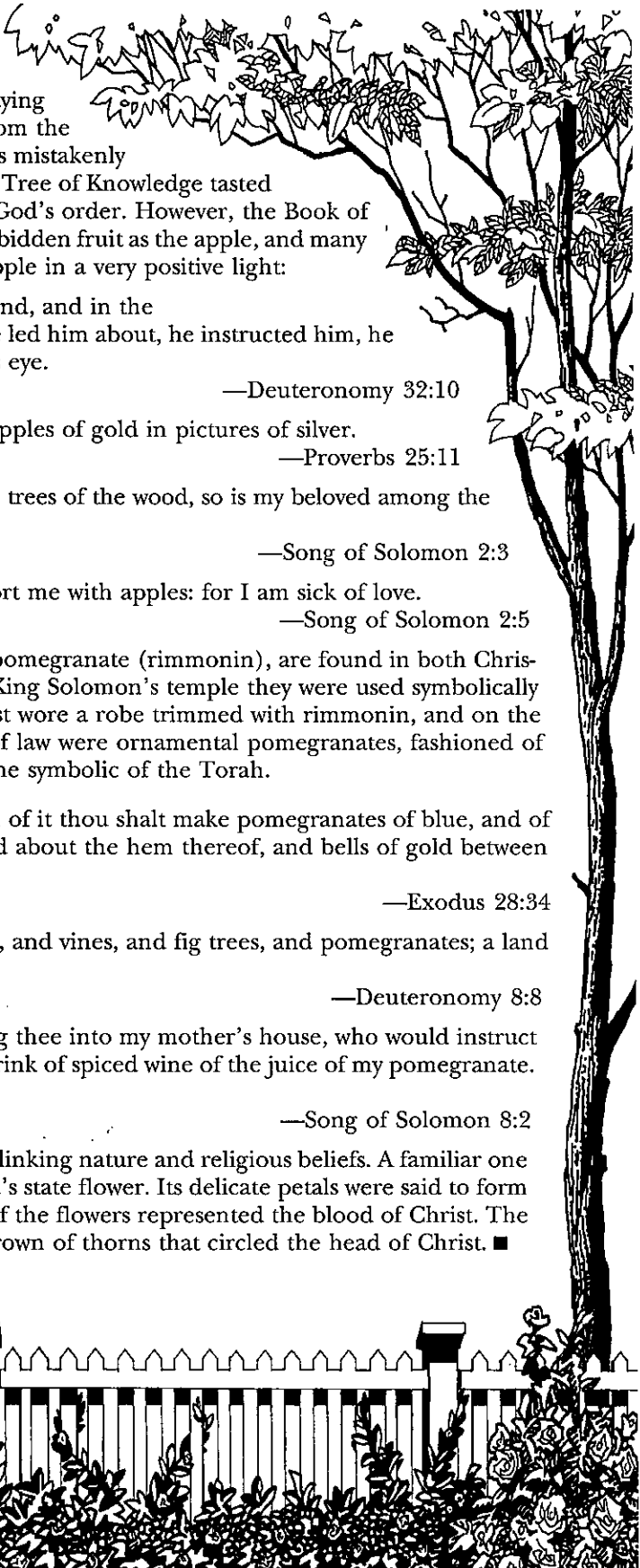
A land of wheat, and barley, and vines, and fig trees, and pomegranates; a land of oil, olive, and honey.

—Deuteronomy 8:8

I would lead thee, and bring thee into my mother's house, who would instruct me: I would cause thee to drink of spiced wine of the juice of my pomegranate.

—Song of Solomon 8:2

Legends have been created linking nature and religious beliefs. A familiar one involves the dogwood, Virginia's state flower. Its delicate petals were said to form a cross, and the tinted edges of the flowers represented the blood of Christ. The center was compared to the crown of thorns that circled the head of Christ. ■



WHY LEICESTER LONGWOOLS?

By Elaine Shirley

Elaine is a livestock husbander/interpreter in coach and livestock. She is responsible for the breeding and care of the Leicester Longwools.

The arrival of a large flock of Leicester Longwools from Tasmania, New Zealand, in 1990 was thrilling! These sheep came to Virginia from halfway around the world. But what do we say to visitors who ask, "Why Leicester Longwools—they don't look that special to me?"

Colonial Williamsburg strives for authenticity and education. We want to show twentieth-century people what eighteenth-century life was like, so we have buildings, fabrics, paintings, and even plants of eighteenth-century origin. Until recently, however, our animals were sorely lacking in authenticity. We did show animals doing the sorts of things they would have done three hundred years ago, but the colonists might not have recognized the breeds. Now the Leicester Longwools join the rare breeds program to show how one breed of sheep looked three hundred years ago.

Also known as the English Leicester, the Bakewell Leicester, or the Dishley Leicester, these sheep were the most talked about and widely praised flocks in Great Britain. Wealthy English landowner Robert Bakewell spent years working with the old, unimproved Leicester. He used modern techniques to breed for specific characteristics that resulted in superior wool and a higher quality of meat. Rams sold for huge sums. George Washington remarked



Elaine Shirley shearing Boadicea, a Leicester Longwool ewe.

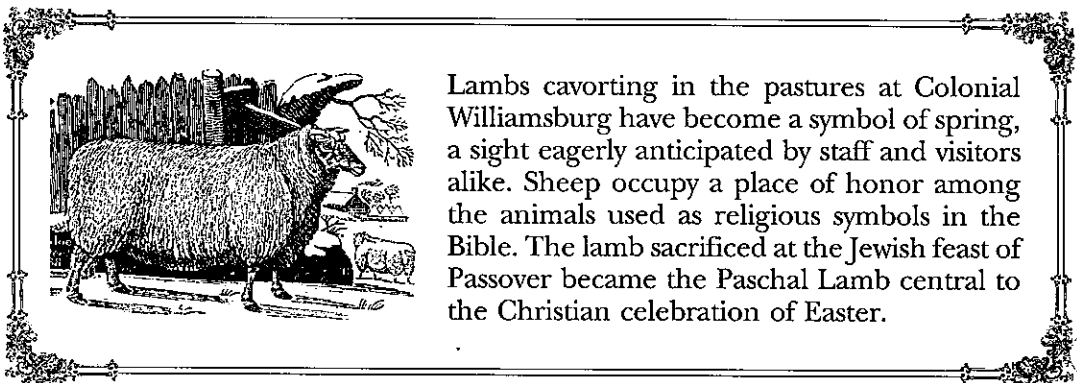
how Leicester rams had improved his large flock at Mount Vernon.

Over time, new breeds created from the Leicester were crossed with others and forced the original animal out of the market. Of New Zealand's 62 million sheep, over 70 percent are breeds created from the Leicester. The breed is rare today. The Leicester Longwools did their job too well!

This English breed helped improve flocks in colonial Virginia, and was a driving force in the English economy of the eighteenth and nineteenth centuries. The Leicesters' influence was felt in most English breeds of sheep, and an animal with that genetic potential needs to be preserved for future generations. Who is to say what the Leicesters can do for agriculture in the future? Besides, they are beautiful animals!

So this is how we respond to visitors who ask, "Why Leicester Longwools?" ■

Elaine has studied with sheep breeders in England and Australia, and shares her expertise with visitors as part of the interpretive staff for the "Animal World of Williamsburg." She is a member of the board of The American Livestock Breeds Conservancy that is the only group in the United States working to conserve breeds of farm animals. Look for future articles on Colonial Williamsburg's Milking Devons and breeds of poultry.



Lambs cavorting in the pastures at Colonial Williamsburg have become a symbol of spring, a sight eagerly anticipated by staff and visitors alike. Sheep occupy a place of honor among the animals used as religious symbols in the Bible. The lamb sacrificed at the Jewish feast of Passover became the Paschal Lamb central to the Christian celebration of Easter.



COOK'S CORNER

by Laura Arnold

Laura is a member of the interpreter planning board and is a volunteer for this publication.

Traditional Easter foods like Christian religious symbols for Easter have their roots in the Jewish celebration of Passover. The components of the Seder meal—lamb, parsley, bitter herbs, and roasted egg—are foods available in the spring in the Middle East, Europe, and North America. In colonial Virginia holiday customs evolved from those practiced in Great Britain. In the eighteenth century, the popular Lenten food, hot cross buns, was eaten only on Good Friday. James Boswell's *Life of Johnson* includes several references to baking buns that support the English superstition that it was good luck to bake on Good Friday.

On the 9th of April [1773], being Good Friday, I breakfasted With him [Johnson] on tea and cross-buns.

On April 18 (1783), being Good-Friday, I found him at breakfast, in his usual manner upon that day, drinking tea without milk, and eating a cross bun to prevent faintness: we went to St. Clement's church, as formerly.

James Boswell, *Life of Johnson*

Samuel Johnson's "cross buns" were probably a version of spice buns incised and frosted to emphasize the cross on each.

TO MAKE BUNS



Take two pounds of fine flour, a pint of good ale-yeast, put a little sack in the yeast, and three eggs beaten, knead all these together with a little warm milk, a little nutmeg, and a little salt; and lay it before the fire till it rises very light, then knead in a pound of fresh butter, a pound of rough carraway-confits, and bake them in a quick oven, in what shape you please, on floured paper.

—*The Art of Cookery Made Plain and Easy* by Hannah Glasse

Boswell provides a glimpse of Dr. Johnson's Easter dinner which shows that lamb

was included in the meal.

April 11 (1773), being Easter-Sunday . . . I repaired to Dr. Johnson's . . . We had a very good soup, a boiled leg of lamb and spinach, a veal pye, and a rice pudding.

Boswell, *Life of Johnson*

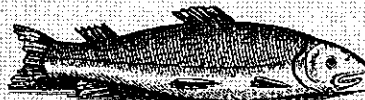
Perhaps the thought of one of our Leicester Longwool lambs ending up on the dinner table is offensive. Philip Fithian, the tutor of Robert Carter's children at Nomini Hall, left a record of an Easter feast in Virginia. Lamb was noticeably absent from the menu.

April 3, 1774, Easter Sunday . . . we had an elegant dinner; Beef & Greens; roast-Pig; fine boil'd Rock-Fish, Pudding, Cheese etc.—Drink; good Porter-Beer, Cyder, Rum & Brandy Toddy.

Journal & Letters of

Philip Vickers Fithian 1773-1774: A Plantation Tutor of the Old Dominion

Rock fish were served frequently at the Governor's Palace. Mary Randolph's method of preparing boiled rock fish is simple and delicious.



TO BOIL A ROCK FISH

The best part of the rock is the head and shoulders—clean it nicely, put it into the fish kettle with cold water and salt, boil it gently and skim it well; when done, drain off the water, lay it in the dish, and garnish with scraped horse-radish; have two boats of butter nicely melted with chopped parsley, or for a change, you may have anchovy butter; the roe and liver should be fried and served in separate dishes. If any of the rock be left, it will make a delicious dish next day;—pick it in small pieces, put it in a stew pan with a gill of water, a good lump of butter, some salt, a large spoonful of lemon pickle, and one of pepper vinegar—shake it over the fire till perfectly hot, and serve it up. It is almost equal to stewed crab.

—*The Virginia Housewife*
by Mary Randolph, 1824

The puddings eaten by Dr. Johnson and the Carter family were eighteenth-century versions of a twentieth-century one-crust pie. Fruit puddings were popular when cherries, apples, peaches, and plums were in season, but bread puddings and rice puddings could be prepared any time of the year. The ingredients in Mary Randolph's rice pudding guarantee a dish that will surprise those skeptics who have childhood memories of an unappetizing dessert.

RICE PUDDING

Boil half a pound of rice in milk, until it is quite tender; beat it well with a wooden spoon to mash the grains; add three quarters of a pound of sugar, and the same of melted butter; half a nutmeg, six eggs, a gill of wine, and some grated lemon peel; put a paste in the dish, and bake it. For a change, it may be boiled, and eaten with butter, sugar, and wine.



—*The Virginia Housewife*
by Mary Randolph, 1824

The next time you dye hard-boiled eggs at Easter, remember that this secular tradition is linked to the roasted egg in the Passover Seder. Cooks today can disguise their leftover eggs with a cream sauce which also uses parsley from the festive meal.

SAUCE A-LA-CRÈME, FOR THE EGGS

Put a quarter of a pound of butter, with a large tablespoon of flour rubbed into it in a sauce pan; add some chopped parsley, a little onion, salt, pepper, nutmeg, and a gill of cream; stir it over the fire until it begins to boil, then pour it over the eggs. Place sliced, hard cooked eggs in a deep dish, cover with sauce, and top with buttered bread crumbs.

—*The Virginia Housewife*
by Mary Randolph, 1824



NOTE:

"Gill" is a liquid measure equal to one-fourth of a pint.

"Paste" is dough made from flour moistened with water or milk and kneaded. Usually butter, lard, suet, or the like are added to the dough, which is used to make pastry.

—*The Oxford English Dictionary*

"Sack" is sherry wine.

"Confits" refer to the sugared caraway seeds in the "bun" receipt.

Information for this article was provided by Dennis Cotner and Wendy Howell of Historic Foodways.



BRUTON HEIGHTS UPDATE:

*An Exploration of Resources at the
John D. Rockefeller, Jr. Library*

by Gail Greve



Special Collections

Three rare books have been added to the Special Collections Library at the John D. Rockefeller, Jr. Library due to the generosity of Dr. Henry Spencer. All three are important for their color plates and rarity. They include *Windsor Castle*, written by Joseph Nash in 1848, *Vie Politique et Militaire de Napoleon*, written by A. Z. Arnault in 1826, and *Sporting Incidents*, with text by H. Milford Steele and illustrations by W. S. Vanderbilt Allen in 1893.

The current Library exhibition "Coins of Colonial America" that features the Lasser Collection will be taken down in April. We encourage you to stop by and see this unique exhibition before it is too late! The Lasser coin collection will be placed in storage in Special Collections at the Rockefeller Library. The collection will be accessible by appointment at the Library from 10 A.M. to 3 P.M., Monday through Friday. Call Gail Greve at ext. 8521.

New Publications

Colonial Williamsburg staff curators have published three new books that are of interest to Historic Area interpreters. These new titles are available at the John D. Rockefeller, Jr. Library and can be purchased at the Visitor Center bookstore with your employee discount.

Southern Furniture 1660-1830: The Colonial Williamsburg Collection, by Ronald L. Hurst and Jonathan Prown, Colonial Williamsburg in association with Harry N. Abrams, 1997.

Ronald L. Hurst and Jonathan Prown have written a comprehensive book on furniture from the South in the Colonial Williamsburg collection. *Southern Furniture* includes more than 830 color and black-and-white illustrations and highlights the cabinet-making traditions and diversity of construction and form of furniture produced in the

Chesapeake, the Low Country, and the backcountry.

Eighteenth-Century Woodworking Tools: Papers Presented at a Tool Symposium, May 19-22, 1994, Colonial Williamsburg Historic Trades, Vol. III, published by the Colonial Williamsburg Foundation, 1997.

Edited by James M. Gaynor, this special issue of the Historic Trades Journal is composed of papers delivered at a symposium on eighteenth-century woodworking tools hosted by Colonial Williamsburg in May 1994. The essays are divided thematically into three sections: "The Development, Manufacture, and Marketing of Woodworking Tools in England and America," "Planemaking: A Case Study," and "The Relationship of Tools to Work and Products."

Harold B. Gill, Jr., Jan K. Gilliam, Nancy L. Hagedorn, David Harvey, Roy Underhill, and John R. Watson, current or past staff members at Colonial Williamsburg, contributed to this new book.

In the Neatest Manner: The Making of the Virginia Sampler Tradition, by Kimberly Smith Ivey, published by Curious Works Press and the Colonial Williamsburg Foundation, 1997.

Curator Kimberly Smith Ivey has written a catalog to accompany the new "Virginia Samplers" exhibition at the DeWitt Wallace Decorative Arts Gallery. Using newly discovered information about Virginia samplers and their makers, Ivey analyzes the larger context of American sampler making from the seventeenth through the nineteenth centuries. In addition to describing sampler styles and the young women who made them, Ivey explores "the larger forces at work in the making of a sampler: namely religion, fashion trends, consumerism, and westward expansion." ■

HISTORICAL RESEARCH



by Linda Rowe

York County Project Revisited

Once the focus of banner headlines, the York County Project today enjoys a quiet reputation as a valuable behind-the-scenes resource for Foundation interpreters, archaeologists, curators, and historians. This treasure trove of raw material also attracts a steady stream of visiting scholars, museum professionals, and family history buffs. What, you may ask, have they come to see and do?

The main attraction is the Master Biographical File (MBF), thousands of index cards arranged alphabetically by the names of every individual mentioned in the York County records from about 1633 to around 1815. The transcripts of court records from which the name file was derived are nearly as popular.

For the staff at Colonial Williamsburg, "York County Project" does not exactly have the ring of relevance. Recall, though, that the line between York County and James City County more or less ran down Duke of Gloucester Street in the eighteenth century. The north side of Williamsburg was in York County, while James City County covered the south. Because the records of James City County and Williamsburg have not survived, York County court documents have always been a valuable source of information about the colonial capital. When time came to put a name to the project reexamining those records, York County Project (YCP) seemed a natural.

Funded in part by the National Endowment for the Humanities, the YCP sought to analyze the conditions that existed in seventeenth-century York County prior to the formation of Williamsburg and Yorktown, the two towns within its borders. More to the point for Colonial Williamsburg, however, was a new look at the social and economic characteristics of Williamsburg from its

founding in 1699 to the Revolution.

Analysis was to be based on the "collected biographies" of colonial residents of York County, Williamsburg, and Yorktown. That determined the first step, the transcription of nearly two hundred years of court records. If that were not grueling enough, the labor-intensive task of cross-referencing all those transcripts for every name mentioned therein—men, women, children, slaves, free blacks, servants, whomever—took a large staff of historians and project assistants several years to complete. As the YCP officially drew to a close, reports were written, grant-funded staff departed, microfilm went back into the drawers, typewriters fell silent (PCs where were ye?). But the Master Biographical File and the notebooks of typed transcripts continue to provide a wealth of detail about Williamsburg and its eighteenth-century residents. (Of course, the thousands of people who lived in nearby rural areas are there, too.)

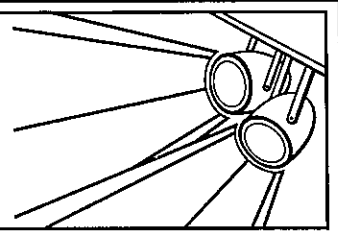
Maybe it is time for you to come on over to the Department of Historical Research in Bruton Heights School and have a look for yourself. Whether you are developing a character, peopling a shop or house, or looking for details about carpenters, local burgesses, or free blacks, there is a good chance you will find information about the topics in the YCP files.

The best approach is to come armed with a name or list of names you'd like to look up. You can set to work immediately. Access to the YCP files by subjects (for example, hoes, spinning wheels, blacksmith, orphans, burglary) is not as straightforward as the names approach, but there are ways to do that, too.

If you'd like to give it a try, make an appointment by calling Linda Rowe, ext. 7443. ■

SPOTLIGHT ON *Collections*

by Jennifer Zemanek



Jennifer is a Getty Intern in the Department of Conservation

Hair Jewelry

Sentimental jewelry of the seventeenth, eighteenth, and nineteenth centuries featured the use of hair to ornament objects such as lockets, rings, and bracelets. Hair jewelry memorialized the departed or was exchanged as a token of affection between lovers, friends, or relatives. Common symbols in amatory miniatures included Cupid's bow and arrows for earthly love, turtledoves for constancy, and doves carrying sprigs in their beaks for good tidings. A grieving woman leaning on a funeral urn was often depicted on mourning jewelry.

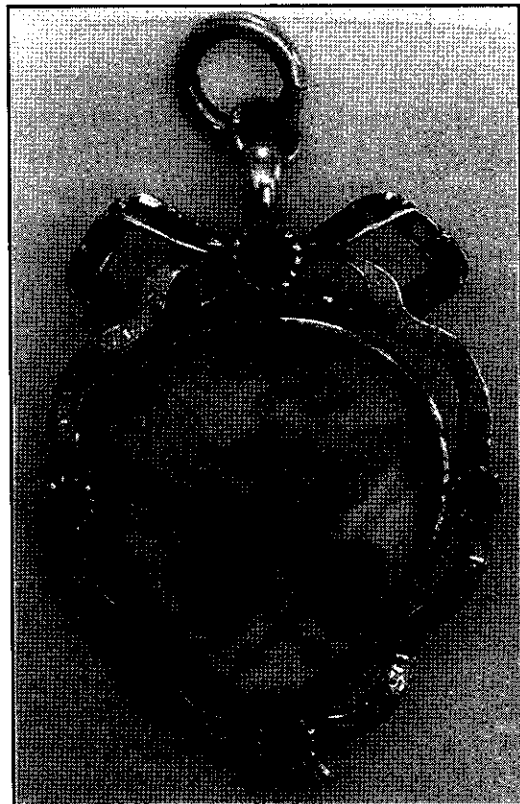
Two types of hair jewelry were produced. Locks of hair could be braided and clasped to make bracelets and necklaces. Hair could also be braided, knotted, or woven and positioned into lockets or rings. The second type entailed cutting hair into little pieces and adding them to a pigment/gum solution to create miniature images on ivory or glass wafers.

Initially, hair jewelry was custom made. Queen Victoria appreciated this kind of sentimental jewelry and commissioned a number of pieces made with her own hair, which she gave away to close friends and relatives. The growing popularity of hair jewelry in the Victorian Era resulted in the mass production of this jewelry from readily available bulk hair. This led to suspicions about the origin of the hair being used in the shops. As a result, women began to make hair jewelry at home to ensure the authenticity of the hair.

A heart-shaped locket made of gilt-copper (1954-612), is an outstanding example of eighteenth-century hair jewelry in the Colonial Williamsburg collection. The heart is framed in enameled gilt-copper ribbon, set with glass pastes, and bears the following inscription in gold lettering: "JOIN'D BY FRIENDSHIP, CROWN'D BY LOVE." An

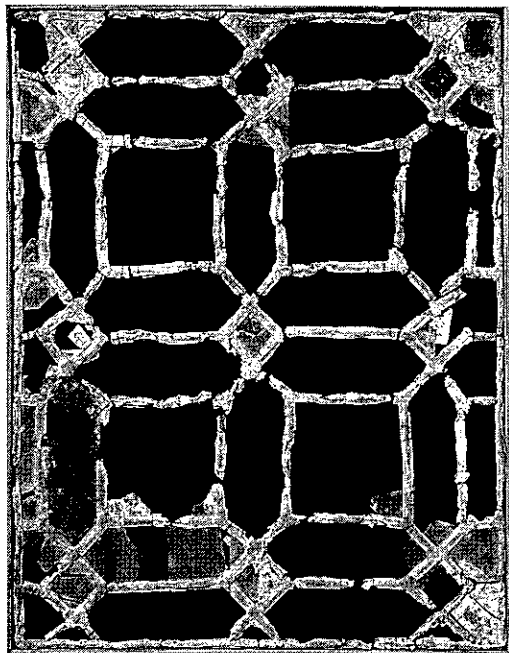
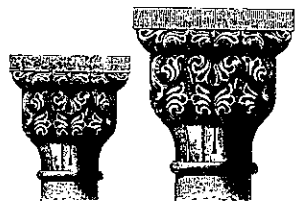
ivory wafer within the frame contains an image depicting a bird with a sprig in its mouth. The sprig is attached to a floral wreath that connects two pierced hearts.

Examining this locket under a low power microscope revealed that the image was executed by scratching the design onto the surface of the ivory and applying a pigment to the incised areas. Then fragments of different colored hair were positioned and adhered, probably with a gum solution, following the lines of the scratch pattern to create the image. The locket is 0.839 x 1.419 inches, and the pieces of hair range in size from 0.016 to 0.029 inches. The hair was positively identified by reflected and polarized light microscopy. This locket will be back on display in the Golden Ball Silversmith Shop this year. ■



DEPARTMENT OF *Archaeological Research*

by Kelly Ladd



A leaded casement window constructed from fragments found in the cellar of a Williamsburg house on Nassau Street.

Archaeological Evidence for Casement Windows in Williamsburg

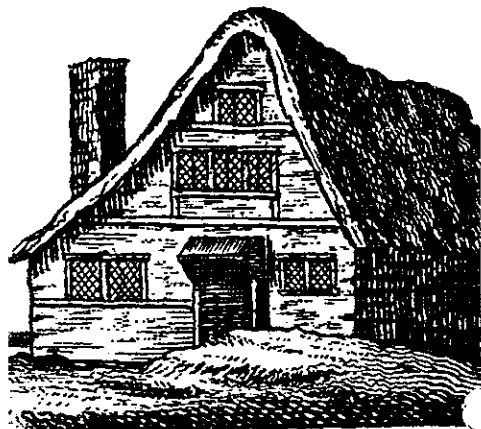
In September 1997, research on the use of turned window leads in casement windows was begun by the departments of Archaeological Research and Archaeological Conservation and the Governor's School of Virginia. Turned window leads were used from the sixteenth century until the early twentieth century to retain the glass panes, or quarrels, in casement windows. These pieces were created by feeding a strip of cast lead, called a came, through a glazier's vise to form an H-sectioned length. The wheel of the vise bore the date the leads were manufactured and often the initials of the glazier. In the late 1970s, while cleaning leads from the seventeenth-century Martin's Hundred site, Colonial Williamsburg conservator Peter Barlow discovered

these inscriptions on the interior central bars of the leads. The inscriptions are invaluable for dating archaeological sites on which turned window leads are excavated.

For many years, the consensus has been that casement windows were confined to the seventeenth century, and sash windows, as evidenced in the Historic Area, were from the eighteenth century. Questions have often been raised about the validity of this interpretation, however, most recently in Ivor Noël Hume's article "A Window on Williamsburg" in the *Colonial Williamsburg Journal*. Archaeological evidence gathered thus far indicates that casement windows may have been much more common in Williamsburg than previously thought.

The current project will gather and treat unopened leads that have sound associations with the Historic Area as well as from outside sites contemporaneous with Williamsburg. At present, the latest dated window—1774—found in the Historic Area is from the Armistead site. Other leads found in Williamsburg range from the mid-seventeenth century to 1777 from the Richneck site off Jamestown Road. The date for the existence of casement windows has pushed towards the eve of the Revolution and possibly a very different architectural appearance for the colonial capital. ■

Kelly is assistant curator for archaeological collections.





EDITOR'S NOTES . . .



Thank you to Anne Schone and the "Re-defining Family" story line team for all your help in generating ideas and articles for the 1997 *interpreter*. Your hard work paid off with some new and interesting insights into family life in eighteenth-century Virginia. Well done!

We welcome two new *interpreter* planning board members, David Harvey, Department of Conservation, and John Turner, Department of Religious Studies and Programs. Thank you for your willingness to be on yet another committee!

A big THANK YOU to Planning Board member Laura Arnold for her help with this issue. Laura recently retired as an interpreter in Historic Buildings, but agreed to stay on as a volunteer for this publication.

Footnotes: because of space limitations we are unable to include most footnotes/endnotes with articles in this publication. Anyone interested in these references, feel free to contact the editor or assistant editor.



The Colonial Williamsburg interpreter is a quarterly publication of the Education Division.

Editor: Nancy Milton

Assistant Editor: Mary Jamerson

Copy Editor: Donna Sheppard

Editorial Board: Steve Elliott and Emma L. Powers

Planning Board: Laura Arnold, John Caramia,
Jan Gilliam, David Harvey, Linda Rowe,
John Turner, Ron Warren

Production: Bertie Byrd and Deanne Bailey

© 1998 by The Colonial Williamsburg Foundation

ISSN 0883-2749



Spring