
Questions & Answers

Vol 5, No. 1

February 1984

As interpreters we know that our interpretations are more meaningful to our visitors when we relate to their contemporary interests and concerns. During this election year many of our visitors will be thinking of themselves as voters and about the way their own communities are governed. In this issue we have consolidated some questions and answers from earlier issues which discuss the franchise for colonial Virginians and the way this community of Williamsburg was governed in the eighteenth-century.

1. What was a freeholder?

Any person who owned land, including women and persons underage.

2. Who was eligible to vote in Virginia in the eighteenth-century?

Suffrage was granted only to free white males, ages 21 and over, who met certain other qualifications. Women could not vote. Indians and Negroes, whether free or slave, were disenfranchised. The Virginia election laws did not mention religion except to require that qualified Quakers make affirmation before voting.

3. What were the other qualifications for enfranchisement?

So far as free white adult males were concerned, franchise requirements were not very exclusive. Freeholders could vote who owned (or had a lifetime lease to) a. 25 acres with house and plantation or, b. a house and part of a lot in a town. There were other avenues to the ballot box: freeholders with land which did not conform to these regulations, or men owning no land at all could vote provided they owned L50 visible property (i.e. cash or possessions). In addition, men could vote who had served a five-year apprenticeship in a trade in Norfolk or Williamsburg and who were heads of households and inhabitants in those towns following their service. All those eligible may not have exercised their right to vote, but it cannot be said that a large mass of free adult white males was disenfranchised.

4. How was the original land acquired for the development of Williamsburg after 1699? Who was authorized to buy the land and where were funds obtained for the purchasing of it?

When the Virginia Assembly passed the law which made Williamsburg the capital in 1699, the land at Middle Plantation, with the exception of the College of William and Mary, was privately owned by John Page, Henry Tyler, and others. The colonial government purchased 475 acres and entrusted 230 to a board of twelve "Feoffees or Trustees." The trustees subdivided and sold town lots. The proceeds were used to

reimburse the government. The balance of the land was used for the Capitol and the town ports. For further information see John Reys, Tidewater Towns, pp. 143-146.

5. After incorporation of Williamsburg, what was the role of the mayor and alderman in land granting?

The mayor and aldermen had no part in granting Williamsburg lots; that was the function of the feofees, as directed in the 1699 act establishing the City of Williamsburg. (The term "feofees" is synonymous with "trustee".)

6. When was Williamsburg incorporated?

On July 28, 1722, the city was granted a royal charter in the name of King George I. It should be noted that Williamsburg was functioning as the capitol of the colony from 1699 when the General Assembly passed "An Act Directing the Building the Capitoll and the City of Williamsburgh." (T.R.G. Report, p.15) From 1700 to 1704, the Assembly met at the College until the Capitol was nearly complete.

7. How was the city to be governed?

According to the charter, the officers of the city corporation included a mayor, a recorder, six aldermen, and twelve common councilmen.

8. What was the difference between an alderman and a councilman?

The first alderman were named in the charter and, when necessary, replacement aldermen were chosen by aldermen from the common council. Common councilmen were elected by the aldermen from the free inhabitants of the city. (All city officials except the mayor, elected yearly, served during good behavior.)

Aldermen, along with the mayor and recorder, held all judicial authority and exercised certain executive powers relating to law and order. Legislative and major executive powers were given collectively to the mayor, recorder, aldermen, and common council.

9. Who in government was responsible for the maintenance of the streets of Williamsburg?

The duties of the common council also included responsibility for the construction and maintenance of public facilities. Since the streets of Williamsburg were in so "ruinous a condition" in 1761 that it was "unsafe to pass in the night in any coach or other carriage," the city was authorized to spend as much of its taxes as was necessary to keep the streets and lanes in repair.

10. Were there fees placed on goods sold on market day?

Tolls were levied on livestock and goods sold at the market, the revenue from which was to be used for the city's benefit. Tolls were not to exceed 6d. on every beast, 3d. on every hog, and one-twentieth the value of any other commodity sold. Freemen of the city were required to pay only half the toll charged non-residents.

11. When were the markets and fairs held in Williamsburg?

According to the charter, the city was to have two markets a week (Wednesday and Saturday), and two fairs a year (December 12 and April 23).

12. Did Williamsburg have a night watch?

Williamsburg had no night watch until 1772, although the Virginia Gazette for several years had waged a campaign for one. The council decided in July, 1772, to appoint "four sober and discreet people to patrol the streets from ten o'clock at night until daylight...." They were to cry the hours, apprehend all disorderly persons, have charge of the fire engines, and assist in extinguishing fires. Each watchman would receive a yearly salary of L30.

Questions & Answers

Volume 5, No. 2

April 1984

The following questions and answers, we hope, will refresh your memories about Colonial Williamsburg's policies concerning the preservation of the town of Williamsburg. In addition here are a few answers to questions many of us are often asked to answer.

1. What period do we represent?

The Foundation's title, "Colonial Williamsburg", suggests that we represent the colonial period--up to 1776. The reconstructed buildings demand that our interpretation include the time when Williamsburg was the capital of colonial Virginia. The present capitol is a reconstruction of the one destroyed by fire in 1747 and the Public Records office was built after that date. The Magazine is restored to its appearance during the 1750s and across the street is the Courthouse of 1770. Because of the anachronisms present within the restored area--for example, a building that no longer existed in 1747 next to the one that was built after that date--we cannot say we represent a specific year or even a specific decade, but rather the ambience of the capital city of colonial Virginia and the quality of life of its citizens.

2. What was the Colonial Williamsburg's policy in regard to the preservation of buildings at the time of the restoration? Could you give us the ten principles of the early Colonial Williamsburg's restoration code?

The list was published in Kocher & Dearstyne, Colonial Williamsburg: Its Buildings and Gardens (Williamsburg, 1949), pp. 48-49. The ten principles were:

1. All buildings or parts of buildings in which the colonial tradition persists should be retained irrespective of their actual date.
2. Where the classical tradition persists in buildings or parts of buildings, great discretion should be exercised before destroying them.
3. Within the "restoration area" all work which no longer represents colonial or classical tradition should be demolished or removed.

4. Old buildings in Williamsburg outside the "restoration area" wherever possible should be left and if possible preserved on their original sites and restored there rather than moved within the "area."
5. No surviving old work should be rebuilt for structural reasons if any reasonable additional trouble and expense would suffice to preserve it.
6. There should be held in the minds of the architects in the treatment of buildings the distinction between "Preservation" where the object is scrupulous retention of the surviving work by ordinary repair, and "Restoration" where the object is the recovery of the old form by new work; the largest practicable number of buildings should be preserved rather than restored.
7. Such preservation and restoration work requires a slower pace than ordinary modern construction work, and a superior result should be preferred to more rapid progress.
8. In restoration the use of old materials and details of the period and character, properly recorded, is commendable when they can be secured.
9. In the securing of old materials there should be no demolition or removal of buildings where there seems a reasonable prospect that they will persist intact on their original sites.
10. Where new materials must be used, they should be of a character approximating the old as closely as possible, but no attempt should be made to "antique" them by theatrical means.

3. When is it appropriate to use the terms British and English? British flag? Englishman? English colony? Are they interchangeable?

The terms are not synonymous. An Englishman is a native of England, one of the countries of Great Britain. The others are Scotland and Wales. Every Englishman is a Britisher (or "Briton"), but not every Britisher is an Englishman because some Britons are Welshmen or Scots. There was no British flag until after 1707 and the Act of Union; before that time there was an English flag.

4. What is the derivation of the term "commonwealth"?

Originally two words--common (shared alike by all) and wealth, also weal (well-being or welfare), which together meant something on the order of "public welfare." Common weal or common wealth were used side by side with general weal, public weal, and weal-public. By the sixteenth century, commonwealth became an ordinary English term meaning the whole body of people constituting a nation or state, the body politic in which the whole people have a voice or an interest. In the seventeenth century it came to mean a state in which the supreme power is vested in the people--a republic or democratic state. Virginia, Pennsylvania, Massachusetts, and Kentucky are the only states called commonwealths today.

5. How, when, and by whom were new counties in Virginia formed?

The House of Burgesses created counties when there were enough people in an area to justify that action. The residents of a locality often petitioned for the division of a county into two or more new counties.

6. What was the value of a slave in comparison to eighteenth-century real estate values? Did this change during the eighteenth century?

Between 1765 and 1775, rural land sold for approximately £2 sterling per acre in York County and the average adult male slave was appraised at £54. At the beginning of the eighteenth century, the average price was 10 shillings an acre and an adult male slave was valued at an average of £30.

7. What was the average "life of an eighteenth-century Virginia kitchen?

There is absolutely no evidence that most kitchens lasted for only about five years. We now know that many outbuildings were less substantially built than are those that survive or have been reconstructed in Williamsburg. However, it is suspected that a kitchen that lasted only five years would have been an unfortunate deviation from the norm. Current scholarship regarding detached kitchens in the Chesapeake centers on their role in the segregation of different social groups rather than their capacity of prevent the spread of fires.

8. Who committed people to the asylum?

Three justices of the peace in the county where the prospective patient lived were summoned by the sheriff of that county to pass on the sanity of the person. Once sent to the hospital the Court of Directors apparently could refuse to admit the person if they thought him unsuitable.

9. Were taxes determined by the size of your house?

No, there was no tax on buildings during the colonial period in Virginia.

Questions & Answers

Vol. 5, No. 3

June 1984

In this issue of Questions and Answers we look at the Virginia countryside to examine the agricultural base of the colony's economy and its commercial connections. What was happening in the fields and woods of Virginia during the month of June? Consider the great number of Virginians (approximately 98%) living in that countryside working in the fields and dependent upon a productive crop.

Wayne Randolph has furnished the following answers to our questions.

1. What were the agricultural products of the Tidewater from 1710 to 1775?

Tobacco was the primary cash crop through most of the 18th century, particularly during its first half. However, during the second and third quarters wheat and corn gradually emerged as important export commodities. By the Revolution these staple grains nearly equaled tobacco exports, but by the end of the century they had virtually replaced tobacco as the leading export crops of the Tidewater region. Planters protected themselves from an unstable tobacco market by diversifying their cash crops, thus slowly changing their identity through the 18th century from planter to farmer.

2. What agricultural activities typically occurred during the month of June?

June was (and is) a growth month for most Tidewater crops and animals with one significant exception. During the third or fourth week of June a team of workers was assembled to focus its labor on the week-long critical event of harvesting wheat. Reapers using sickles or cradle scythes, gatherers and binders, loaders, carters, and stackers worked intensely, sometimes through the evening, to take the grain at or near its peak ripeness, before it fell to the ground naturally.

About two weeks prior to wheat harvest, planters and farmers had just finished transplanting or "pitching" their last tobacco seedlings into previously raised hills. Begun in May, transplanting during rainy days, and replacing failed seedlings, was quickly giving way to nursing them until established, followed by frequent weeding and worming.

Corn, like tobacco, was in its final stages of late planting, or replanting of dead hills through early June. The "forward" or April plants would receive their second weeding before "lay by" or last weeding in July.

Having regained their strength on spring forage, Tidewater cattle, hogs and sheep would continue to graze and grow on pasture, meadow or wooded lands until fall. Although relatively insignificant due to regional use of corn fodder (leaves and tops) and winter range grazing, any hay to be stored would have received its first scythe mowing by June.

3. Where did these agricultural products go after they left the plantation or farm?

As mentioned above, most of the minor items and a portion of the cash crops (except tobacco) were consumed locally, either on-site in the manner of subsistence, or through sale to neighbors or various individuals living in a nearby town such as Williamsburg. For example, we know that Carter Burwell provided various meats to Christiana Campbell, the College of William and Mary, and a number of other townspeople each Monday through the fall and winter months.

However the bulk of a planter or farmer's income was acquired through export of selected commodities to meet larger and more volatile market demands. The intercolonial export market consisted mainly of coastal and New England trade in corn, wheat, beef and pork, with the addition of lumber and ships' stores to the West Indies. Many of these products were also shipped to Portugal and the "Wine Islands" through the 18th century, in addition to Spain periodically. And from 1760 through 1770, England imported large quantities of wheat during a period of domestic grain shortage.

Questions & Answers

Vol. 5, No. 4

August 1984

This issue responds to the interpreters questions submitted to the 1984 Core Curriculum faculty. The questions illustrate the complexity of Colonial Virginia's international trade and commerce which was based on the export of tobacco and grains and the importation of English manufactured goods. Questions on shipping and the Tobacco Inspection Act as well as questions about people involved in this commercial activity--merchants, tradesmen, and workers--help us to better understand the workings of Virginia's economy. Harold Gill has provided the answers to your Core Curriculum questions. At the end of the issue are some miscellaneous questions.

1. What happened to the price of tobacco relative to the price of goods during the colonial period?

From my work, with everything expressed in Virginia currency, the retail price of imported goods remained fairly stable from 1730 to 1775 while the trend in the price of tobacco was upward.

2. What impact did the war have on the tobacco trade?

Of course, the monopoly of the British tobacco market was lost to the colonies, but trade was opened with France. Because of the British blockade of the American coast, trade was disrupted.

3. Did most people insure their cargoes and where were the insurance companies located?

Most people insured their cargoes with English insurers.

4. The Tobacco Inspection Act of 1730 was a significant event in the colony. Can you tell us some of the changes that occurred in the process of trade as a result of this act? What are some of the other ways in which the act influenced the life of the colony?

There is no single article that sums up the changes that occurred as a result of this Act. An essay would be required to give an adequate assessment of the Tobacco Inspection Act on Virginia's economy and society. The following references are suggested as they deal with some of the economic and political ramifications that occurred after 1730. Richard Morton's, Colonial Virginia, Vol. II and James Soltow's Economic Role of Williamsburg.

5. How were tobacco inspectors chosen?

Tobacco inspectors were appointed by the governor with advice from the council from a list of people recommended by the county courts.

TRADE - COMMERCE - SHIPPING - MERCHANTS - TRADESMEN

6. Did the inspector get a fee for each hogshead or only for each hogshead passed?

The inspectors received a salary ranging from £25 to £50 per year and did not receive fees for tobacco inspection. When inspected tobacco was delivered from the warehouse, the person it was delivered to paid a fee for each hogshead received. The fees were paid into the colonial treasury.

7. Did the governor receive part of the income from the inspected tobacco?

No. The money was paid into the colonial treasury and was used to pay salaries of the inspectors and rents for the warehouses.

8. Was there any reference of concern about the honesty of the tobacco inspectors?

I have seen only a few comments questioning the inspectors' honesty.

9. How large were the ships taking tobacco to England?

Tobacco ships ranged in burden from about 100 tons to about 350 tons and could carry nearly 600 hogsheads of tobacco.

10. Were ships built and owned by Virginians?

Shipbuilding was an important industry in Virginia from the seventeenth century onwards. A substantial number of ships were owned and operated by Virginians especially those engaged in the West India trade.

11. Did most tobacco ships have assigned cargo before arriving in Virginia?

It is impossible to say whether or not most ships had cargoes awaiting their arrival, but many of them certainly did.

12. What is "ballast"?

Ballast is a heavy substance used to improve the stability and control the draft of a ship. Stone was often used as a ballast. When a ship arrived "in ballast" there was no marketable cargo on board.

13. What was Virginia currency?

Virginia currency was gold and silver coins that circulated at established values. In 1755, as a result of wartime financial need, Virginia issued paper money backed by future tax receipts. The bills were legal tender for all debts except quit rents. They were essentially promissory notes issued by the government, used to pay government debts. For a discussion of Virginia currency see James H. Soltow, The Economic Role of Williamsburg (Williamsburg, 1965).

14. Were all merchants just retailers, or did some do wholesaling to other stores?

There were many merchants in Virginia who engaged in both the wholesale and retail trade.

15. Did prices differ for the same item from one store to another?

There were some variations, but prices were close in most stores.

16. Do we have evidence of how much local stores might depend on Virginia goods or would they just import from England?

Most merchants did not retail Virginia-made goods at all. They sold almost exclusively West Indian and European goods.

17. When asking for the "latest fashion" in goods from England, how did the English merchant seem to respond?

English merchants generally took it seriously with the result that the "latest fashions" were often in evidence in the colonies before they were seen in Britain outside of London.

18. Were goods produced in New England of better quality?

There is no reason to think that New Englanders produced goods of better quality than those produced elsewhere.

19. What were the advantages of buying goods from a certain merchant?

If a person had a choice of retailers to patronize--and most people did--then it was a question of which merchant had the best prices, best selection, and offered the best terms.

20. When people ordered goods from English merchants, did they generally seem satisfied?

Yes, it was to the advantage to the English merchant to keep his Virginia customers satisfied.

21. How long would Virginia merchants generally keep a debt on their books before taking it to court?

Merchants avoided taking a customer to court to collect a debt if at all possible and such a step was taken only if it became clear that the customer would not pay for some reason.

22. Did the merchant charge interest on the debt?

Generally, but not always, interest was charged after a year. If a customer made regular payments and the account was kept current, interest was not charged.

23. Was the situation different on credit when dealing with an English merchant?

Not substantially.

24. How many merchant account books for Williamsburg stores exist?

As far as I know there are no account books for Williamsburg merchants that date before the Revolution.

25. Were there many public auctions?

Public auctions seem to have been as commonly held as they are today.

26. How often did a private person keep account books?

It is impossible to determine the answer to this question.

27. Do we have many examples of household accounts?

No

28. What were some of the reasons for the labor shortage?

Virginia was a developing colony with a rapidly growing population, so the demand for goods and services was greater than the supply. In addition, agriculture was highly profitable, and many skilled workers became farmers. The shortage of skilled labor was across the board--in all trades and in all areas of the colony and remained so until the Revolution.

29. How many skilled workers were there in Williamsburg?

It is impossible to know how many skilled workers were in Williamsburg at any given time because of the destruction of so many public records. About 25% of the adult white males in the city were skilled workers.

30. Did tradesmen do more or less cash business after the Tobacco Inspection Act?

The Tobacco Inspection Act of 1730 should not have affected the amount of cash business transacted.

31. Did most tradesmen keep books?

Even though few survive, the evidence is that most tradesmen did keep books.

32. Is it true that blacksmiths made horseshoes?

While it is true that Hugh Jones wrote that horses did not need shoes because of the sandy soil, the evidence is very clear that most, if not all, horses were shod. There are numerous charges in blacksmiths' account books for shoeing horses.

33. Did tailors import the material they would use or did they use goods from local stores?

Because we have no tailors' account books, it is difficult to answer this question. However, merchants' account books show that tailors sometimes purchased supplies from them.

34. How were slaves trained to be skilled craftsmen on a plantation?

Slaves were often trained by skilled indentured servants on the plantation. Another option open to owners was to apprentice slaves to skilled artisans.

35. What did it cost to bring an indentured servant over from England?

A passage from England to Virginia cost about £11.

36. How much did a skilled slave cost?

Up to about £100 depending on skill level, age, and other factors.

37. What did it take to maintain a servant or a slave for a year?

There are so many variables associated with the question of maintenance, that I am unwilling at this time to respond to the question.

38. Were slaves paid wages?

No. However, slaves were sometimes allowed to accept tips and might be allowed to perform odd jobs for people for which they were paid. Of course, such conditions were available to only a small number of slaves.

39. How much did slaves buy?

Because they had access to very little money, slaves purchased very little. Most purchased nothing at all.

40. What did slaves make to sell?

I have found very few references that indicate slaves made objects to sell. There is evidence, however that they sold poultry and garden produce.

41. Were there any Jews in Williamsburg?

The only Jew I have been able to identify in Williamsburg before the Revolution was Dr. John de Sequeyra, a graduate of Leyden University. He arrived in Williamsburg in 1745 and died here in 1795.

42. What other nationalities were in Williamsburg?

Most of the inhabitants of Williamsburg were of British origin, however there were some of French origin such as the Pasteur, Maupin, and Marot families.

43. What religions were represented in Virginia?

Most people attended the Anglican Church--the established church in Virginia--but there were Quakers, Presbyterians and, later in the eighteenth century, Baptists and Methodists.

44. If a journeyman died, was an inventory taken of his property?

It was as likely for a journeyman's personal estate to be inventoried as anyone elses.

The following questions cannot be answered presently by research. It is doubtful that some of them could ever be answered because they require information that is usually not recorded.

1. Were prices for goods different in the Carolinas?
2. What were the accommodations for a journeyman?
3. Were many journeymen married?
4. How many businesses passed to sons?
5. What was the attitude toward black skilled slaves?
6. What standard of living did a skilled worker have?
7. Were cats at all common as pets?
8. Where were most blacks buried?
9. What were the relationships between indentured servants and slaves working together?
10. How many windmills were there in Williamsburg?

For the question about the Masonic Lodge I suggest that the questioner look at George E. Kidd, Early Freemasonry in Williamsburg, Virginia, (Richmond, 1957).

Questions & Answers

Vol. 5, No. 5

October 1984

During the last decade the legal rights of women have been examined and there has been an increase in legislation to insure more equitable rights for women under the law. In order to interpret eighteenth-century women more accurately we are using this issue of Questions and Answers to discuss some questions about their legal status.

1. What legal rights did a married woman in the eighteenth century have?

When a Virginia woman married, her legal existence was suspended or incorporated into that of her husband, who not only came into possession of her personal property and a life estate in her lands, but also took any other income that might be hers.

2. What legal rights did a widow in the eighteenth century have?

Widows and single women could sue and be sued, enter into contracts, execute deeds, dispose of their estates by will, administer the estates of deceased husbands, and serve as guardians of minors. But all women, wives, widows, and spinsters were denied participation in politics. Mrs. Hannah Corbin sounded a faint note of womens' liberation when she wrote her brother, Richard Henry Lee, that "Widows should not be taxed for their property they control, since women do not have the right to vote."

3. What is a dower right?

According to common law a widow had the right to a life interest in one third of her husband's land. He could not sell or take this right away from her during her lifetime without her express permission, nor could he will it away at his death. The widow was also entitled to outright ownership of a part of her husband's personal property. If there were more than two children in the family, the widow received a full third of the slaves but only a child's portion of the remaining personal property. Furthermore, she could not sell or give away her share of the slaves.

4. What is meant by the term femme ^qcovert?

covert

Coverture in common law referred to a married woman's being one with her husband. She was, in legal terminology, a femme covert so long as she remained married. She could not own property as an individual unless a special premarital contract had been prepared. She could not make contracts or gifts or write a will without her husband's express consent, nor could she initiate a suit at common law.

5. What is a marriage or premarital contract?

A single woman or a widow could make a premarital contract with her intended husband reserving all or a portion of the property she brought to the marriage for herself or her children. Marriage contracts that

LEGAL RIGHTS - EIGHTEENTH-CENTURY WOMEN

used third-party trusts to bypass the penalties of coverture and were enforceable in courts of equity might have permitted a married woman to control the property she brought to the marriage. A recent study shows that these were little used in Maryland for a girl's first marriage, and there is scant reason to believe that Virginia women were any more prudent.

6. If a woman made an unfortunate choice of a husband, was divorce possible?

There was no divorce, but she could be legally separated, in which case neither party was free to remarry.

7. If a woman deserted her husband how was she treated by eighteenth-century society?

A woman's desertion of her husband represented a final act of desperation, leaving the woman a social outcast.

8. Was it possible for a man to disinherit his wife at death?

No, a husband could not disinherit his wife at death, yet he could nonetheless waste her property during her lifetime.

9. Did marriage enhance a woman's status?

Yes, marriage still offered almost the only way for a woman to enhance her status and make her future secure. If she remained single, she was likely to spend most of her life as a servant to others or as a dependent in someone else's house and might well fall mercy to charity or poor relief when she could no longer support herself.

10. Describe the education that a girl in the eighteenth century received and compare it to the education that a boy received. How did it differ in the various social classes?

When parents were in a position to liberally school all their children, conceptions of "education as is suitable for women" remained limited. Fathers making provisions for minor children by will often directed that the girls spend only a year or so at school, while their brothers were often to have an additional six months to a year learning writing as well as reading. (Little or no education for women proved no severe handicap so long as many men remained unlettered and most important economic transactions were negotiated by word of mouth. In these circumstances women were usually privy to most of their husband's affairs. However, once sons began to get appreciably better educations than daughters, women found themselves at a decided disadvantage.)

In less affluent households later eighteenth-century daughters may have had little formal schooling, but they did spend more time learning the art of housekeeping--a task that was becoming more complex as families became larger and women spent more time in home care, needlework, gardening, dairying, poultry-raising, brewing, cooking, preserving, and soap-and-candle-making.

Not surprisingly, rich fathers were more likely than poorer men to provide some education for their daughters. Wealthy fathers often engaged tutors who provided some advanced learning for all their children.

In 1774 the girls of the affluent Carter family at Nomini Hall did not learn Latin like their brothers, but were reading in a variety of sources, writing, and even learning arithmetic. Time was also devoted by both sexes to the social graces--dancing, music, and polite conversation that were essential to the increasingly formalized and intricate courtship ritual.

11. Did a woman who ran a business (such as Mrs. Campbell) have to pay tithes?

Heads of households, whether male or female, were responsible for paying tithes on all males sixteen years or older (black and white) and black females sixteen years or older in their households. This would have encompassed servants, slaves, and sons. Although white women were not tithable, women like Mrs. Campbell were liable for tithes on persons in her household who were tithable.

12. In eighteenth-century England, a married woman could make a will only with her husband's consent, or if she had reserved that right in a marriage contract. If the husband gave his consent while they were married, after her death he could have the will set aside. Was there a difference between women's legal rights in England and the Colonies?

In the Chesapeake a wife could renounce the legacies given her in her husband's will and elect to take her dower rights in land and personal property (moveable property) instead. After 1693 English women could not claim dower rights in personal property, should the husband fail to will them to her.

13. In a family with only daughters and no sons to inherit the family estate, how would the estate be distributed and who would have control over it?

In a family where there were only daughters and no sons to inherit the estate, the daughters would usually get equal shares of both lands and personal property after the Mother's dower rights or legacies were deducted. Few fathers who wrote wills favored more distant relatives over their daughters. However, in some cases daughters might lose out if descent of the family land had been restricted to male heirs only.

Some single girls did manage the property they inherited, but this would have been fairly uncommon. Until the daughter reached the age of legal majority, her mother, step-father, or other guardian managed her estate. Often they continued to manage the daughter's affairs after she came of age, especially if the estate was a valuable one. Of course, once the daughter married, her husband took control.

Note:

Mary Wiseman's experimental tour "According to the Ladies" is scheduled for October 23, 25, and 30, 10:30 - 12:30 beginning at the Powell-Waller house. If you are interested in attending one of these tours, please make a reservation through the Escorted Tour Coordinator.

In November of 1984, in recognition of the importance of women's roles and experiences, an exhibition entitled, VIRGINIA WOMEN: A Cultural Heritage will open at the Virginia Museum of Fine Arts in Richmond. - November 10, 1984 through January 6, 1985.

Questions & Answers

Vol. 5, No. 6

December 1984

1. Were county courts in Virginia more responsive to the needs and will of the community than county courts in England?

Any answer to the above question must begin by noting some of the differences between the English and the colonial Virginia county courts and also differences between the sizes of county populations and the percentages of freeholders in those populations. In England, counties had often many times larger populations, but proportionately fewer freeholders than in Virginia. In England, also, several other courts such as the King's Assizes, the exchequer courts to try cases involving the King's revenue, and ecclesiastical courts, both the archdeacon's court in each diocese and the Courts of Appeal and Probate in each archdiocese (York and Canterbury) as well as of some other ecclesiastical jurisdictions, took cognizance of certain cases that in Virginia all came before the county court. The Virginia county courts, like the General Court at Williamsburg, had a wide jurisdiction, including cases that in England would not have been tried in county courts. Also, the generally much higher proportion of white freeholders in the colony made their county courts more responsive to a wider spectrum of the free white inhabitants. As generalizations, the Virginia county courts handled a greater variety of cases and answered to a greater proportion of the total free population than in England.

2. What is the significance of the fact that a much larger number of cases tried in the Virginia county courts were civil cases rather than criminal?

An overwhelming majority of cases tried in the county courts of colonial Virginia were civil cases tried by common law or chancery procedures. First, because criminal charges on conviction of which a free person might suffer the loss of life or member could be tried only in the General Court or after 1710 in twice annual Courts of Oyer and Terminer (December and June) in Williamsburg. Second, since law arises from the need to secure order and property in society and property was more widely held in Virginia than England and since the county courts in Virginia had original jurisdiction in all but the most minor disputes over property, the great majority of cases tried in the county courts were civil cases. Because the maintenance of a strong credit system was crucial in the relatively cash scarce Virginia economy, a majority of these cases were actions of one sort or another to recover debts.

BECOMING AMERICANS - COURTHOUSE 1770 - JUSTICE LEGAL SYSTEM COURTS IN COLONIAL VIRGINIA

3. Why did merchants and officials prefer to use the Hustings and York County Courts instead of the General Court for their civil cases?

Merchants and officials preferred to bring their suits in the Williamsburg Hustings Court or the York County Court rather than the General Court for two reasons: first, after 1740 the General Court's common law and chancery dockets were so crowded that suits initiated there took years to reach trial; and second, a majority of the justices (or for the Hustings Court, members of the City Corporation: Mayor, Recorder, and Aldermen) were either public officials or merchants themselves. As a result of the interminable delays in the General Court, which was made up of the Governor and Council, most of whom were planters rather than merchants or Hustings Court or the York County Court, both of which had a colony-wide reputation for deciding cases expeditiously and without the pronounced anti-creditor biases of many of the other county courts. This de facto specialization of these two courts represents ways in which the legal system of colonial Virginia became or remained responsive to the needs and wishes of powerful inhabitants of the colony. In rural counties local justices sided with interests of their planter neighbors, while in more urbanized areas, merchants were able to exercise more influence.

4. How did Virginia law and justice reflect the institution of slavery in both civil and criminal proceedings?

Because a slave was both a form of property and a human being, Virginia laws and judicial decisions, in both criminal and civil proceedings involving slaves, were more complex and different than those applicable to white freemen. In criminal matters, slave misdemeanors were for the most part settled by the master; while slaves accused of felony were tried without a jury, a right claimed by white Virginians, before a special Court of Oyer and Terminer usually comprised of senior justices of the peace in the county where the offense was committed, and if the slave was condemned and executed, the master was compensated for his loss of property by the colony. Since slaves were property, in civil litigation they were considered as valuable assets, and in Virginia after 1727 as chattels real rather than as a form of personality, or mere chattels. Because as property assets slaves formed one of the most liquid assets of a slaveholder, and with their lands the chief assets of most planters, a British Act of Parliament in 1732 made slaves and real estate in the American colonies subject to the claims of sterling creditors without a pre-existing contract or mortgage. On the other hand the Virginia courts ruled that as depreciating and perishable assets, slaves could not be entailed like other real estate; and from 1732 until the American Revolution, in order to favor local creditors and debtors, Virginia several times tried by statute to have slaves declared personal chattels real in Virginia until after independence.

Note: This represents a revised Page 2, Questions & Answers. The Page 2 issued December 11, 1984, should be canceled.

3. Why did merchants and officials prefer to use the Hustings and York County Courts instead of the General Court for their civil cases?

Merchants and officials preferred to bring their suits in the Williamsburg Hustings Court or the York County Court rather than the General Court for two reasons: first, after 1740 the General Court's common law and chancery dockets were so crowded that suits initiated there took years to reach trial; and second, a majority of the justices (or for the Hustings Court, members of the City Corporation: Mayor, Recorder, and Aldermen) were either public officials or merchants themselves. As a result of the interminable delays in the General Court, which was made up of the Governor and Council, most of whom were planters rather than merchants or officials, merchants and officials usually initiated their suits in the Hustings Court or the York County Court, both of which had a colony-wide reputation for deciding cases expeditiously and without the pronounced anti-creditor biases of many of the other county courts. This de facto specialization of these two courts represents ways in which the legal system of colonial Virginia became or remained responsive to the needs and wishes of powerful inhabitants of the colony. In rural counties local justices sided with interests of their planter neighbors, while in more urbanized areas, merchants were able to exercise more influence.

4. How did Virginia law and justice reflect the institution of slavery in both civil and criminal proceedings?

Because a slave was both a form of property and a human being, Virginia laws and judicial decisions, in both criminal and civil proceedings involving slaves, were more complex and different than those applicable to white freemen. In criminal matters, slave misdemeanors were for the most part settled by the master; while slaves accused of felony were tried without a jury, a right claimed by white Virginians, before a special Court of Oyer and Terminer usually comprised of senior justices of the peace in the county where the offense was committed, and if the slave was condemned and executed, the master was compensated for his loss of property by the colony. Since slaves were property, in civil litigation they were considered as valuable assets, and in Virginia after 1727 as chattels real rather than as a form of personalty, or mere chattels. Because as property assets slaves formed one of the most liquid assets of a slaveholder, and with their lands the chief assets of most planters, a British Act of Parliament in 1732 made slaves and real estate in the American colonies subject to the claims of sterling creditors without a pre-existing contract or mortgage. On the other hand the Virginia courts ruled that as depreciating and perishable assets, slaves could not be entailed like other real estate; and from 1732 until the American Revolution, in order to favor local creditors and debtors, Virginia several times tried by statute to have slaves declared personal property. Every such act was disallowed in England and slaves remained chattels real in Virginia until after independence.