

# Interpreter

## The Williamsburg Community and Its Courts

*David Konig, senior research fellow, is completing two years' research on colonial local courts and justice. He summarizes for interpreters some of his findings about activities and participants in local courts.*

Standing at a prominent crossroads or atop a hill, a county courthouse was a familiar sight to Virginians in the eighteenth century. Rural folk passed it on their way to other parts of the county. Even if the court was not in session, they might encounter another person on his way to conduct business. Notices tacked onto the courthouse doors told of proposed marriages, sales of property, or new laws passed by the House of Burgesses. Travelers or others carrying mail knew that they could always stop at the courthouse and find someone willing to take a letter the last few miles to the neighbor to whom it was addressed. Purely because of its central location in a scattered rural society, the county courthouse was part of the routines of colonial life.

For people living in a more urban setting such as Williamsburg or Yorktown, the courthouse was no less an important presence. Closer to it, they were all the more familiar with its power to attract people from the countryside and to transform their usually quiet villages into bustling markets. The large brick courthouse in Williamsburg, occupying an open two-acre site, stood apart from the low wooden shops and homes crowded together in town.

The county courthouse was more than a physical presence. Its meaning in the lives of colonial Virginians went beyond its physical setting, size, or appearance. Anyone walking through its doors saw familiar scenes and faces. Straight ahead, seated on a raised bench, were the justices of the peace. Flanking their bench, the sheriff's boxes stood as reminders of the physical power that supported the authority of government. In one

box the sheriff sat receiving process papers that ordered him to take the body, property, or bond of a defendant as security for appearing in court. Often the sheriff had the unpleasant duty of seizing a debtor's property in execution of a judgment. Across the courtroom, in the other sheriff's box, his deputy sat, serving as court crier.

The sheriff may have been the long arm of the law, but it was the county clerk who actually made the law function smoothly. From his small desk, set off by a railing at the  
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## The Early Courthouses of Virginia

*Carl Lounsbury, architectural historian, has been researching county courthouses since 1983 and gives us this description of the appearances of Virginia's colonial courthouses.*

For Virginians of the eighteenth century there were few occasions more important than court day. It was an experience as familiar to the lives of most free men as attending church or working in the fields. The county court was central to the organization and ordering of colonial society. All roads wound their way past farmsteads and plantations, through forests and fields to the courthouse square, and emanating from this motley collection of brick, frame, and log buildings, a web of community ties and obligations spread the length and breadth of the county. For two, three, or four days of each month, gentlemen justices presided over the legal and administrative affairs of the county while scores of inhabitants participated in a myriad of activities that occurred inside the court and on the courthouse grounds.

The county courthouse was an integral part of county life. People came to this rural forum  
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## Local Courts, *continued*

strategic center of the courtroom, he kept the proceedings from grinding to a chaotic halt. He kept some semblance of order in the court by following his "docquett" sheet, a list of cases and matters with which the justices had to deal. From his seat he could beckon to the attorneys who sat before him, crowded onto two benches inside a tiny balustraded area reserved for them between the public and the court officers. Appropriately, they faced toward the justices, but frequently they turned around to see if their clients were present among the crowd of onlookers milling about in the broad open area behind the courtroom rail.

In the small rooms off to the side of the main courtroom, deputy clerks sat at rough but functional tables sorting documents and keeping track of the many varieties of business coming to the court. Surrounded by bookpresses containing records of years past as well as law books and collections of statutes, the side rooms were becoming "offices" for the steadily increasing load of local responsibility. If the busy county clerk could not be bothered during court term, his deputies could start a petitioner on his or her way toward the proper paperwork needed to bring the matter to the court's attention.

Today, the quiet dignity of the courthouse hardly suggests the business that took place there. For colonial Virginians, government meant *local* government at their county courts. These courts met monthly and involved people and problems that spectators actually knew. Crowding into the courtroom, county residents heard matters of local gossip openly aired and settled. They heard hard-pressed planters explain how a drop in tobacco prices had left them unable to pay their bills. They saw local bullies or rowdies—perhaps men they had suffered from—whipped. But the justices did more than settle lawsuits or try criminals. Anyone seeking redress of a grievance or authority to deal with a pressing problem might have recourse to the court and its officers. The justices heard petitions from widows seeking to protect property. Orphans, petitioning through a well-disposed friend, might request the court to investigate how they were being treated by a guardian or master. Slaves were less willing participants, but they, too, found their way to court, if only to have their ages certified and recorded for tax purposes. Few problems were too minor to engage the attention of the justices. At their monthly meetings they had to order road repair and relieve the poor of their burdens.

They set rates for products and services, drawing on their familiarity with local attitudes and needs to balance the interests of merchant and consumer alike.

Ordinary Virginians did more than watch others at court. To a remarkable degree, they took an active part in the process of government, too. More than any other institution in colonial Virginia, the county court gave meaning to the idea of self-government. The courthouse was a place that common folk knew through active personal participation.

The central location of the courthouse is more than symbolic. Located at midpoint on Duke of Gloucester Street, the courthouse was a social crossroads that brought together the many different social groups that comprised colonial Williamsburg. Most obviously, the court served to resolve conflict among people, especially business disagreements or unfulfilled promises. Williamsburg was a busy trading center, with its merchants part of a transatlantic commercial network subject to all the problems of economic fluctuation and business pressures. Throughout the eighteenth century tidewater planters remained deep in debt to their European factors and to London merchants who wanted repayment for the items purchased on credit or against tobacco accounts. Lawyers representing these overseas creditors frequently appeared at the court to obtain judgment against local debtors. Because of the looming presence of the crown in Williamsburg, the city's Hustings Court acted "with the greatest dispatch" to settle such cases.

At the same time, the *local* network of debt was even more extensive. Before the age of financial institutions, anyone with cash might be a lender, and Williamsburg residents agreed to lend their money to other residents or nearby planters at current market rates. In addition, the town served as a point for the sale of imported goods, as well as a center of local manufacturing. Within this context, "credit" might involve something so elementary as a merchant's or artisan's agreement to allow a purchaser several months in which to pay for a product. Anyone willing to give such "forbearance" became a creditor, and anyone accepting it became a debtor. When such obligations fell due without repayment, the court offered one way of recovering the money owed. Williamsburg's many craftsmen, tavern keepers, and merchants were, therefore, familiar faces at the meeting of the Hustings Court and at the James City County Court, which met in the same building.

## Keeping It Fresh

Keeping an interpretation fresh and interesting is perhaps the greatest challenge interpreters face. With the welcoming of more than a million visitors each year, the Colonial Williamsburg interpreter must be one of the most tested professional communicators in the field. Bill Tramosch recently asked several outstanding C.W. interpreters how they are able to stave off burnout and to provide consistently crisp and stimulating interpretations. Here is what they said.

Willie Parker, Master, Printing Office:

"No matter how many times I give my interpretation, I must never forget that many of those listening are hearing it for the first time. I read and reread information about printing and related trades to increase my knowledge and understanding of the trade. This gives me the ability to talk on a variety of topics in the Printing Office. I make every effort to involve our guests by using the techniques of interaction interpretation.

If there is a secret, it is enjoying what you do and desiring that each guest has a pleasant and meaningful experience while visiting Williamsburg.

Don't forget to take your vacations—spaced throughout the year."

Bob Chandler, Character Interpreter:

"It would be great if there were an 'imagination pill' that we as interpreters could take. Unfortunately, there is not, so I read about and research eighteenth-century Williamsburg. This does not benefit visitors until I share this knowledge with them. I try to *listen* very carefully to visitors' questions and then include relevant information in my answers. I vary my interpretation when possible, keeping in mind that although I may answer the same question many times, it is the first time I have answered it for any particular visitor. I attempt, therefore, to keep the 'conversation' fresh and lively."

Sibley Smith, Magazine Interpreter:

"Eight years ago Gary Brumfield told me a story about an elderly interpreter who always had a new story to tell his guests and who never felt he was asked a 'dumb' question or a question previously answered—or so it seemed.

The elderly gentleman consciously created that theatrical state known as 'the illusion of

the first time.' He always found a way to weave an answer to *any* question that made it seem not only relevant, but important. If he'd answered a question and was asked the same one again, one would never have known it, for he'd respond as if the topic were new information in his answer. He ensured that his guests had a pleasant experience. He was an ideal host, the ideal interpreter.

Today when I approach interpretive burnout, I use these principles on unsuspecting guests. Their visible happiness thus generated infects me. What a cycle to begin! Thanks, Gary, for the interpreters' interpretation."

Brenda LaClair, Historical Interpreter:

"The following image has often helped stave off burnout: If I relax, release the concerns of ego, and go deep inside myself, I feel clear—somewhat like a mirror. It's as if eighteenth-century people were standing on one side of me and twentieth-century people on the other; sometimes they point and laugh hysterically at the reflected images of each other, sometimes they recoil in horror, occasionally they smile winsomely in human recognition. I smile back in pleased detachment. (As you can see, I've been relying a lot on yoga and meditation lately.)"

Karen Schlicht, Visitor Aide:

"I am simply a 'people person': I love talking with and being around people more than any other aspect of my job. Also, I keep stimulated by challenging myself—taking college classes, dancing, learning new skills, working on committees, enjoying recreational and church activities, taking a gamble on a dream. In a nutshell, expanding my horizons. It is amazing how the new experiences help freshen my perspectives and, I hope, shine through in my interpretations."

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## Summary of HAPO Programs June, July, and August 1987

- Sundays:** *Williamsburg in Black and White* 8:30 P.M. June 21–August 30 at the Lodge Auditorium
- Mondays:** *Reveille* 9:15 A.M. June 22–August 17 on Market Square  
*Junior Corps Parade* at NOON June 29–August 17  
*Virginia and the World* 8:00 P.M. June 22–August 31 at the Capitol
- Tuesdays:** *Military Review* 5:15 P.M. June 2–18 and August 25 on Market Square  
9:00 A.M. June 23–August 18  
*According to the Ladies Tour* 9:15 A.M. June 2–August 29  
*The Other Half Tour* 1:30 P.M. June 2–August 29  
*Musical Diversions* 8:00 P.M. June 23–August 25 at the Capitol
- Wednesdays:** *Morning Gun Program* 9:15 A.M. June 24–August 19 at the Magazine  
*Junior Corps Parade* at NOON June 24–August 19  
*Black Music Program* 5:00 P.M. June 24–August 28 behind the Brush-Everard House  
*The Other Half Tour* 1:30 P.M. June 3–August 29  
*According to the Ladies Tour* 9:15 A.M. June 3–August 29  
*Virginia and the World* 7:00 P.M. June 3, 10, and 17 at the Capitol  
*Eighteenth-century Play* 8:00 P.M. June 24–August 26 at the Lodge Auditorium
- Thursdays:** *Militia Muster* 9:00 A.M. July 9–August 20 on Market Square  
5:15 P.M. August 27  
*Military Review* 5:15 P.M. June 4–18  
9:00 A.M. June 25–August 18  
*The Other Half Tour* 1:30 P.M. June 4–August 29  
*Governor's Evening Music* 8:00 and 9:30 P.M. June 11 at the Palace  
*Assembly* 8:00 and 8:30 P.M. June 25–August 27 at the Capitol  
*Young Gentlemen of the College* 9:30, 10:00, and 10:30 A.M. June 25–August 20 at the Wren Building
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- Fridays:** *Reveille* 9:15 A.M. June 5–August 21 on Market Square  
*Retreat* 5:15 P.M. June 5, 12, and 19 on Market Square  
9:00 A.M. June 26–August 21  
*According to the Ladies Tour* 9:15 A.M. June 5–August 29  
*The Other Half Tour* 1:30 P.M. June 5–August 29  
*Black Music Program* 5:00 P.M. June 26–August 28 behind the Brush-Everard House  
*Capitol Evening* 7:30 and 8:30 P.M. June 26–August 28
- Saturdays:** *Morning Gun Program* 9:15 A.M. June 27–August 22 at the Magazine  
*Junior Corps Parade* at NOON June 6–August 29  
*The Other Half Tour* 1:30 P.M. June 6–August 29  
*According to the Ladies Tour* 9:15 A.M. June 6–August 29  
*Magic Show* 5:30 P.M. June 27–August 29 at the Lodge Auditorium  
*Eighteenth-century Play* 8:00 P.M. June 6–August 29 at the Lodge Auditorium

### Special Events

- July 4:** *Independence Day Program* 10:00 A.M. on Market Square  
*Tattoo and Fireworks* 9:00 P.M.  
*Palace Ball* 7:00–9:00 P.M.
- September 5 and 6:** *Publick Times*

## Courthouses, *continued*

to be informed and sometimes entertained. Spectators lingered to hear the arguments of popular cases; boys played fives (handball) against the courthouse walls much to the annoyance of those presiding inside; hawkers peddled spirituous beverages to hundreds of eager indulgers; planters and paupers gathered to watch and bet on horse races and cock-fights. When court adjourned, polite society entertained themselves in the halls of justice with music, cards, dancing, and eating. In a colony where towns were few and far between, the stores, taverns, and public buildings clustered together at a crossroads in the middle of the county literally served as a community center where both formal and more relaxed encounters could occur between men and women of all classes.

Scattered haphazardly about the courthouse grounds stood the public buildings essential to county government—the courthouse, prison, stocks and pillory, and clerk's office. There was little concern for overall site planning of this public space. The formal spatial relationships between buildings that is so characteristic today of many courthouse squares was not the product of the Georgian period but a result of Victorian aesthetics when these ancillary structures were renewed in more permanent materials in the nineteenth and early twentieth centuries. At first, this may seem somewhat surprising considering the balanced formality between the great house and its service dependencies that some magistrates sought on their own plantations. This Georgian ideal was never achieved on the courthouse square during the eighteenth century in part because so little public money was expended on public building. Most counties made do with shabby impermanent buildings for housing criminals and court papers. Colonial Virginians viewed incarceration not as the final solution for society's deviants but simply as a temporary measure. They therefore erected small one- or two-room prisons to hold suspects awaiting trial or to house a few unfortunate debtors. Most prisons were frame or log structures and, judging by the numerous entries in the county order books, in constant need of repair as a result of official neglect or from the abuse they suffered from prisoners trying to escape.

Far more useful and socially acceptable forms of punishment were the stocks, pillories, whipping posts, gibbets, and gallows that stood prominently in the courthouse yard as none too subtle emblems of judicial author-

ity. Those who had the temerity to challenge their authority received swift attention in the form of public punishment. On occasion stocks were used to subject those who would break rules or obstruct court proceedings to public contempt and ridicule. Felons convicted of slander, perjury, or counterfeiting suffered standing in the pillory with their ears nailed against the penance board and were subjected to a vigorous pelting with vegetables and abused with hard words by the crowd. Far more ominous was the fate of slaves convicted of felonies. The most lenient punishments consisted of burning the guilty in the hand or whipping a man or woman on his or her bare back at the whipping post. Murderers were hanged on gallows "as close to the courthouse as convenient," taken down, quartered, tarred, and their remains conspicuously placed in a cage or hung from a gibbet on the courthouse grounds so as "to deter others from doing the like." Court day was not for the tenderhearted, for acts of both frivolity and cruelty coexisted in a manner distinctly alien to our modern sensibilities.

Less conspicuous and in many cases altogether absent from the courthouse grounds was the clerk's office, the repository of deed, will, and order books whose written instruments legitimized the claims of landowners and legatees. Most counties treated this patrimony in what we would today consider the most casual manner. Throughout the colonial period, the county clerk kept the court's record books and loose papers at his own house, in the local tavern, or in chests and cases in jury rooms in the courthouse. Long before English and Federal troops pillaged most courthouse villages, damp cellars and ravenous rats converted many venerable documents into useless waste. Only in the last decade of the eighteenth century were county courts required to build fireproof clerks' offices.

In the center of the public space stood the courthouse. Although buildings specifically erected to house county courts had appeared in the colony by the mid-seventeenth century, these early courthouses were no more than impermanent hole-set structures barely distinguishable from neighboring farmhouses. During this period, parsimonious justices were content to levy as little money for public building as possible. When counties were large and often sparsely populated and the turnover in the membership in the magistrates' bench high, the initiative to build

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## Courthouses, *continued*

something other than that which would make do was simply not there. Like most minor English courts, there was little inside these early Virginia courthouses to inform the visitor of their public function. Occasionally the size of a courtroom may have been slightly larger than the halls of contemporary dwellings. Except for the bar that sometimes stretched across one end of the court, the tables, benches, and chairs used by court officials were no different from the type of furniture found in the houses of the wealthiest planters. Space within the courtroom was scarcely demarcated into areas of specialized use.

Gradually, this undifferentiated spatial appearance gave way to a courtroom where the form and arrangement of the fittings became specialized and fixed. By 1750 the inside of a Virginia county courtroom could be mistaken for nothing else. It was as distinct as the inside of a church or store. The same may be said about the exterior of the building as well. The growing wealth, stability, and power of the local gentry in the early eighteenth century helped transform attitudes toward public buildings. For the gentlemen justices who now dominated local politics as well as provincial society, a well-built and well-furnished brick county courthouse was as important an expression of the new social and economic order that was emerging as the parish churches and great houses they were building.

The new courthouses displayed few variations in plan. The central feature was the large open courtroom, which ranged from 20 to 24 feet in width and from 25 to 40 feet in length. What distinguished one design from another was the placement of the jury rooms. They were placed either at the opposite end of the courtroom from the justices' bench, creating an elongated rectangle, or in wings flanking the courtroom, forming a T-shaped configuration as in the building on Market Square in Williamsburg.

At the far end of the courtroom opposite the entrance, the gentlemen justices sat in session upon a paneled bench raised three or four steps above the courtroom floor. To accommodate the half-dozen or so attending magistrates, the long bench curved around the back wall to form a semi- or quarter circle with steps at either end. Enclosing this platform on the front was a banistered railing, the symbolic demarcation between the judges and the judged. In the center of this curvilinear bench sat the first in the commission, or chief magistrate, who presided over the proceedings.

Other members of the magistracy occupied seats on either side of him according to their seniority in the commission. Elevated a step above his fellow magistrates, the chief justice sat in a deep-seated armchair of imposing proportions with a canopy or pediment overhead. Centrally placed and directly above the chief magistrate's chair hung the arms of the monarch in whose name justice was carried out and to whom each justice reaffirmed his allegiance in oaths repeated at the beginning of each new commission.

The carefully devised fittings of the magistrates' bench were intended to inform court participants of the hierarchical structure of the county judicial system and to identify the source of its power. This authority was expressed as the county magistrates were figuratively and literally elevated above the rest of the courtroom participants. Such seats of honor were long familiar to English custom where rigidly defined protocol indicated that the royal throne, bishop's cathedra, speaker's chair in the House of Commons, and seat of the king's justice at the county assizes be raised above all others. Although relaxed and simplified by English standards, notions of status and rules of precedence also governed the placement and shape of courtroom fittings in colonial Virginia.

Although the most pronounced changes occurred in the magistrates' bench, the fittings for other court participants underwent similar alterations in the early eighteenth century to conform to their legal and social status. Below the seat of honor, specialized fittings were arranged in close proximity for the benefit of the clerk, sheriff, and lawyers. Simpler in detail and treatment than the magistrates' bench, the benches, chairs, tables, and railings of the jury bench, clerk's table, sheriff's box, and lawyers' bar were built to fit the needs and status of their occupants. Even in such minute details as the depth of a seat, the hierarchical system of ornamentation was at work. In the specifications for one courthouse, the judges explicitly stated that their bench was to be 16 inches in width, the jury's seat 14 inches, and the seat of the lawyers' bar 13 inches. You could measure your place in the legal system—and by extension society itself—by taking a glimpse at your furniture. It may have been a matter of inches or an extra cyma, but it was a carefully devised architectural system of order that the Virginia oligarchy maintained well into the nineteenth century.