

The Network

An Enslaving Virginia Publication
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The tenth issue of "The Network" contains information about the age at which males and females reached their majority, a note on the April 1999 issue of the *William and Mary Quarterly*, a bibliography on the abolition of slavery in England, and additional information on the slaves and free blacks who worked in the shops operated by Williamsburg's cabinetmakers.

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"Coming of Age in Colonial Virginia"

Linda Rowe provides information about when males and females reached their majority in eighteenth-century Virginia.

Documents from the colonial period contain a number of terms that described an individual's legal status by age. *Underage*, *minor* (or *minority*), and *infant* (or *infancy*) in England and Virginia described free persons who were under the age of twenty-one. Conversely, *of age*, *of full age*, and *majority* (or occasionally *major*) referred to free persons who had reached their twenty-first birthday and thus had come out of minority. Legally, ages of slaves of both sexes were important only for tax purposes: at sixteen years old the law required that they be added to their owners' list of tithables. Consequently, the following discussion applies only to the free population of Virginia.

At first glance then, the interesting and important question of when free women in eighteenth-century Virginia came of age has a straightforward answer. In both England and Virginia during the colonial period all persons whether male or female were regarded as underage, or legal infants, until they reached twenty-one years of age. To quote William Blackstone's *Commentaries on the Laws of England*, "**the power of a father, I say over the persons of his children ceases at the age of twenty-one.**" Two handbooks published locally for Virginia justices of the peace confirm this rule for the colony. George Webb's *The Office and Authority of a Justice of Peace* published in Williamsburg in 1736 notes the following, "**At Common Law, every Person under the Age of One and Twenty Years is an Infant.**" Richard Starke's work under the same title published in Williamsburg in 1774 contains a similar statement, "**BY an Infant, or Minor, is meant any One who is under the Age of twenty one Years.**"

Feeling a bit giddy? Come on back down to earth! Straightforward answers are rarely what they seem. A multiplicity of circumstances—sometimes expressed in law, often not very clearly or consistently—served to blur the line between minority and legal adulthood. Following directly on the statement quoted above, Blackstone added:

or that point which the law has established (as some must necessarily be established) when the empire of the father, or other guardian, gives place to the empire of reason.

Thus, while Virginia law limited minors' rights and enacted measures for their protection (especially orphans), it also permitted persons much younger than twenty-one to make certain decisions for themselves. At ten years old they could bind themselves apprentices by their own consent and agreement, at fourteen choose a guardian, and at seventeen have the "produce of their owne labours" if orphaned and not bound apprentices. Moreover, marriage and inheritance laws, common practice and criminal law must be taken into account.

The Virginia code required consent of parents or guardian when either party to a marriage "shall be under the age of one and twenty years." It is true that marriage laws singled girls out for particular attention under certain circumstances: they could marry legally as young as twelve *with permission*. It is worth noting, however, that protection of family lands and property was at least one objective of this legislation (acts "for the prevention of clandestine Marriages"). If "a Feme of Twelve, and under Sixteen Years of Age" married without consent, she lost her estate which then descended to the next heir at law, at least for the duration of that marriage. (NOTE: These laws do not constitute evidence that girls in the eighteenth-century usually or often married at twelve.)

Virginia lawmakers often held fast to legal majority at twenty-one, but they also invested minors in their late teens with certain important "adult" prerogatives. **In practical terms these laws applied to boys and unmarried girls (see discussion below regarding femes covert).** A 1727 Virginia law clarifying distribution of estates expanded minors' legal capabilities by granting them a measure of control over their estates:

any infant, above the age of eighteen years, by his or her last will and testament in writing, may dispose and bequeath the absolute right, property, and interest, of any slave or slaves where of he or she shall be possessed.

The act did not specifically mention land or personal property, but Starke noted that though the common law had not established precisely at what age an individual could will personal estate, it was generally allowed at eighteen years. Consequently it is not too unusual to see testators specify that bequests be delivered to their daughters or granddaughters at marriage or age eighteen (or some other late teen year), whichever came first. Stark also stated that at seventeen an infant (minor) could legally take administration or prove a will.

It is also true that people in every day life often equated marriage during minority with passing a twenty-first birthday. In York County wills of the 1760s and '70s, marriage was an important benchmark but the alternative was usually "reaches her majority" or "comes of age." Lawson Burfoot of Bruton Parish in 1765 stated that his children's

slaves were not to be divided until his daughter Sarah “comes of age or marries.” Many like Frederick Bryan stipulated age twenty-one unless marriage came first: His daughter Frances Bryan inherited “£ 500 current money to be paid her at day of her marriage or arrival to the age of 21 years.” James Crandall left his daughter Elizabeth £ 50, half when she turned 21, the other half at her mother’s death. After the testator’s death a legacy passed directly to the feme sole (single woman) at the appointed age where it remained under her control until she married. Unencumbered land or personal property of a feme covert (married woman) became as much her husband’s as her own, because she had no legal identity separate from his. Without her husband’s consent or participation, a wife could not give or deed away unencumbered land and personal property she brought to the marriage. (Though infrequently employed in Virginia, a premarital agreement was one way to keep a woman’s property in her own hands during her marriage.) Widowhood returned a woman to feme sole status; with it returned her ability to convey property, make a valid contract, sue or be sued, execute a deed, or make a will.

Testators usually specified age twenty-one or majority for their male legatees, too. John Wynne left his grandson Thomas Wynne 150 acres of land when he “shall arrive at the age of 21 years.” Likewise William Nelson’s will stated that should either of his sons Nathaniel or William die “before he comes of age” the survivor was to have his share. There is the occasional reference to boys in their late teens acting as agents for other people. In 1777 Messrs. Pasteur and Galt, apothecaries in Williamsburg, authorized their apprentice, eighteen year-old William Pelham, to “settle and collect their Partnership, and private accounts” and to discharge any debts of their own. (Remember, though, legally Pelham would not be eligible to serve in public office until he turned twenty-one.)

It is worth noting that Virginia law did not exempt legal infants from culpability in criminal matters. Webb minced no words when he said that anyone under twenty-one was an infant “but this holds only in Civil Causes, for in Criminal Matters the Law regards the Age of Discretion, which is 14 Years.” There are numerous exceptions to even that rule, however. (See Cathy Hellier’s article from the November 1990 issue of the *Interpreter*.)

Finally, I can find nothing to substantiate the claim that free unmarried women in colonial Virginia legally reached their majority at eighteen and men at twenty-one. If there were exceptions to the “rule of twenty-one,” they applied to both sexes alike.

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The April 1999 issue of the *William and Mary Quarterly* is a special issue on “African and American Atlantic Worlds.” In his introduction to this issue, Phil Morgan notes “The combined effect of these articles is to suggest plurality; hence, the title. The essays demonstrate, above all, variation; they present slices, segments of the Atlantic world; they concern overlapping worlds in motion. No one slavery, no unitary slave trade, no single black experience existed.”

Bibliography for "Am I Not a Man and a Brother: Abolition and Antislavery in the Early Chesapeake"

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The Cabinetmaker

Peter Scott, Anthony Hay, Edmund Dickenson, James Honey, and Yorktown's James Tyrie depended upon skilled slaves and a free man of color in their cabinetmaking businesses. It is possible that enslaved men owned and rented by Richard Booker and Benjamin Bucktrout and the slave hired by John Crump also helped to produce furniture in Williamsburg.

Peter Scott

Peter Scott was in Williamsburg by 1722 and he established his cabinetmaking business on the south side of Duke of Gloucester Street (across from Bruton Parish Church) by 1733. Scott placed the following advertisement in the *Virginia Gazette* on September 12, 1755:

Before Mr. Finnie's Door, on the 23d Day of October next, Two Lots of Ground, situate on the Back Street, near Col. Custis's in Williamsburg; on which there is a good Dwelling House, containing Six Rooms and Closets, a good dry Cellar, with all convenient Out-Houses, and a good Well: Twelve Months Credit will be allowed the Purchaser giving Bond and Security. At the same Time and Place will be sold, for Bills of Exchange or ready Money, Two Negroes, bred to the Business of a Cabinet-maker; likewise will be sold, at the Subscriber's Shop near the Church, sundry Pieces of Cabinet Work, of Mahogany and Walnut, consisting of Desks, Book-Cases, Tables of various Sorts, Tools, and some Materials. Six Months Credit will be given to those that purchase above the Value of Fifty Shillings, on their giving Bond and Security; and Five per Cent. will be allowed for ready Money.

And as I intend to go for Great-Britain the latter End of next Month, therefore I desire all Persons indebted to me, to make speedy Payment, otherwise they may expect Trouble without further Notice.¹

Scott stayed in Williamsburg and continued his cabinetmaking business. It is possible that he decided to keep the enslaved cabinetmakers to work in his shop. On November 2, 1772, Thomas Jefferson noted that he "Pd. Peter Scott in full £ 16" and "Gave negro man at Peter Scott's 2/."²

¹ *Virginia Gazette*, 12 September 1755.

² James A. Bear, Jr., and Lucia C. Stanton, eds., *Jefferson's Memorandum Books: Accounts, with Legal Records and Miscellany, 1767-1826*, 2 vols., (Princeton: Princeton University Press, 1997), I:296, 297; see also Wallace B. Gusler, *Furniture of Williamsburg and Eastern Virginia 1740-1790*, (1979; reprint, Williamsburg: Colonial Williamsburg Foundation, 1993), p. 26; and Ronald L. Hurst and Jonathan Prown, *Southern Furniture 1680-1830: The Colonial Williamsburg Collection*, (Williamsburg: Colonial Williamsburg Foundation in association with Harry N. Abrams, Inc. Publishers, 1997), pp. 370, 373n, 452, 457n.

Scott died in December 1775. The cabinetmaker lived on the James City County side of Williamsburg and it is likely that his will and inventory were recorded in that county. Alexander Craig and Robert Nicholson, the executors of Scott's estate placed information about the sale of his personal property in the January 5, 1776 issue of Purdie's *Virginia Gazette*. They announced:

*To be SOLD before Robert Nicolson's store, on Tuesday the 10th instant, A GREAT variety of cabinet-makers tools, mohogany, walnut, and pine plank, likewise new walnut book cases, desks, tables, &c. belonging to the estate of mr. Peter Scott, deceased. Six months credit will be allowed for all sums above 5 l. the purchasers giving bond with good security.*³

The fact that Craig and Nicholson did not include an enslaved cabinetmaker in the list of Scott's estate suggests that this cabinetmaker hired the slave whom Jefferson tipped in 1772, sold this slave before he died, or bequeathed the enslaved man in his will.

Anthony Hay

Anthony Hay worked as a cabinetmaker when he first arrived in Williamsburg. In November 1751 he placed an advertisement in the *Virginia Gazette* for a journeyman and a servant. Evidence indicates that Hay gained the services of two workers who saw his announcement. On the last day of 1751 the cabinetmaker purchased a pair of indentures at William Hunter's printing office. In May of the following year Hay paid Hunter for another pair of indentures. It is possible that Hay used these indentures to secure the services of a white apprentice or to purchase an enslaved laborer.⁴ Hay and Christopher Ford Junior sold carpenter's, joiner's, and cabinetmakers tools in 1755. A carver named James Wilson also worked in Hay's shop in 1755.

The cabinetmaker's household included journeymen and slaves. Hay's son, Thomas, inherited a slave woman named Elizabeth from his grandfather, Thomas Penman, in September 1759. A child named Jeremiah was baptized on January 7, 1759 and another child, Tom, was baptized on June 7, 1761. The baptism of Ben, the son of his slave woman Peg, was recorded in 1762. Hay sent Rippon, age three, to the Bray School in September of 1762. In September 1764 Hay had a slave named Wiltshire pick up a spelling book at the printing office.⁵ Two more slave children—Richard, the son of

³ *Virginia Gazette*, Purdie, ed., 5 January 1776.

⁴ *Virginia Gazette Journals, 1750-1752* (William Hunter), Alderman Library, University of Virginia; Rockefeller Library Microfilm No. M-1136, 7 November 1751, 31 December 1751, and 30 May 1752. See also Gusler, *Furniture of Williamsburg*, p. 61.

⁵ Wiltshire also ran errands to the Printing Office on June 13, 1765 and September 13, 1765.

Nanny, and Peg's daughter Lucy—were baptized in April and June of 1765, respectively. Jenny, another one of Peg's daughters, attended the Bray School in November of 1765.

Hay decided to give up his cabinetmaking business in 1767. He purchased the Raleigh Tavern and the twenty-acre parcel of land adjoining Williamsburg from William Trebell on January 1, 1767. A week later he announced these changes in the *Virginia Gazette*. Hay informed "The Gentlemen who have bespoke work of the subscriber may depend upon having it made in the best manner by Mr. Benjamin Bucktrout, to whom he has given up his business."⁶ Benjamin Bucktrout's announcement in the *Virginia Gazette* noted that Hay had moved to the Raleigh Tavern. It is possible that Hay rented his shop and his skilled slave man, Wiltshire, to Bucktrout.⁷

Anthony Hay died between November 19, 1770 and December 17, 1770. Hay left his whole estate (after the payment of his debts) to his widow, Elizabeth, for her support and for the maintenance and education of his children. After her death, all of his children (except Thomas who had been provided for by his grandfather) were to share the estate. The February 2, 1771 inventory of Hay's estate listed twenty slaves and their appraised values:

Lucy £25
 Peggy and her children Ben, Lucy, Jimmy, and Jenny £125
 Caesar £45
 Gaby £60
 Rachel £30
 Rippon £60
 Jerry £50
 Wiltshire £65
 Sarah and her child Mary £70
 Will £60
 Tom £50
 Kate £50
 Betty £50
 Nancy and her child Edmund £60

On January 17, 1771, William Trebell and Robert Nicholson, the executors of Hay's estate, announced two sales of his real and personal property. The first was to be on March 6, 1771 and included

⁶ *Virginia Gazette*, Purdie and Dixon, eds., January 8, 1767.

⁷ There is no clear statement that Wiltshire was the "very good Cabinet Maker" whom Hay owned. However, Wiltshire was the highest valued slave in the inventory of Hay's estate and it is unlikely that James Southall would have purchased a cabinetmaker at the sale of Hay's estate. Will, valued at £ 60, was probably the "good Coachman and Carter."

THAT noted and well accustomed Tavern in Williamsburg, called the RALEIGH, which has every Convenience to it, and an exceeding fine stable and Pasture adjoining. At the same Time will be sold the Stock of LIQUORS, a great Quantity of HOUSEHOLD and KITCHEN FURNITURE, some CHAIRS and HARNESS, CARTS and HORSES, CATTLE, SHEEP, &c.-----Also a very good DWELLINGHOUSE on the back street, where Mr. Hay formerly lived, with large Cabinet Maker's Shop and Timber yard, and all necessary Out houses for a Family.

The second sale was to be on May 7, 1771 before the door of the Raleigh. People would have the opportunity to buy "nineteen NEGROES belonging to the said Estate among them a very good Cabinet Maker, a good Coachman and Carter, some fine Waiting Boys, good Cooks, Washers, &c."⁸

Elizabeth Hay renounced the will of her deceased husband on March 20, 1771. She bought Lots 263 and 264 at the March 6, 1771 sale and received a deed for this property on January 18, 1772. The widow Hay also bought two slaves—Sarah and her daughter Mary—on May 7, 1771.⁹ James Southall paid £101 for a negro fellow named Will whom he purchased at the sale of Anthony Hay's estate on November 6, 1771.¹⁰ It is likely that Edmund Dickenson gained possession of Wiltshire, the cabinetmaker. However, it is not clear if Dickenson rented him from Hay's estate or purchased him.¹¹

Benjamin Bucktrout

Benjamin Bucktrout took over Anthony Hay's cabinetmaking business on January 1, 1767. It is possible that Hay hired Wiltshire to Bucktrout and that Edmund Dickenson also worked for the new master of the Hay Shop. Bucktrout operated his business at Hay's Shop until January 1771 when he relocated to the Chiswell-Bucktrout House on Francis Street. Bucktrout advertised for journeymen cabinetmakers in September 1769

⁸ *Virginia Gazette*, Purdie and Dixon, eds., January 17, 1771. William Marshman's accounts indicate that Anthony Hay had a "Black Waiting Man" (28 December 1769). It is probable that Will was the man who drove the cart that Marshman hired on February 1769.

⁹ Elizabeth Hay paid the assessment on Sarah and Mary (both over sixteen years old) in 1784 and 1786. The widow Hay's household also included Judith (under sixteen years old in 1786), Nelly (under sixteen in 1784 and over sixteen in 1786), and Sall (under sixteen in 1784 and 1786).

¹⁰ Southall Receipt Book; see also note 7 above.

¹¹ Alexander Craig, James Southall, and Blovet Pasteur noted that Hay's slaves sold for £ 1007, a sum that was £ 207 higher than the appraised value of the enslaved individuals. Unfortunately, they did not list the names of the people who purchased these slaves. York County Wills and Inventories (22) 168-172, dated 16 April 1773 and recorded 17 May 1773.

and for apprentices in February 1775. This cabinetmaker decided to sell a slave woman whom he described as “an exceeding good washer and ironer” in August of 1779.¹²

Edmund Dickenson

It is likely that Edmund Dickenson gained possession of Hay’s enslaved man Wiltshire—“a very good Cabinet Maker”—after the death of the keeper of the Raleigh Tavern in late 1770. Unfortunately, extant documents do not indicate if Dickenson purchased or hired Wiltshire. However, it is known that Dickenson opened his business in the shop formerly occupied by Hay in January 1771.

Wiltshire worked in Dickenson’s shop with James Tyrie, his owner’s apprentice. Tyrie learned the skills of a cabinetmaker from Dickenson between August 1772 and August 1777. It is likely that Dickenson employed several journeymen in his shop. Dickenson advertised for journeymen cabinetmakers in November 1771 and September of 1773. In July 1774 George Hamilton, a carver and gilder from Britain, worked out of Dickenson’s shop. There were seven workers in the cabinetmaker’s shop in 1775, the year he failed to turn in a list of his tithes.

Dickenson enlisted in the army and he received a commission as a captain in the First Virginia Regiment. Dickenson rose to the rank of a major by October 1777. He was killed at the Battle of Monmouth on June 28, 1778.¹³ The July 1778 inventory of Dickenson’s estate did not include any slaves.¹⁴ Either Wiltshire died before Dickenson or he had a new master by 1778.

James Tyrie

James Tyrie learned the skills of a cabinetmaker from Edmund Dickenson between August 1772 and August 1777. Tyrie opened a shop in Yorktown after he finished his apprenticeship. Francis Hern, a free mulatto, apprenticed himself to James Tyrie on July 19, 1785. Hern agreed to serve until his twenty-first birthday.¹⁵ Tyrie died in the spring of 1786. His inventory included five slaves: Betty valued at £40; Frank, a boy valued at £25; Milly and her child Ben valued at £60; and Prince valued at £20.

¹² *Virginia Gazette*, Dixon ed., 28 August 1779.

¹³ Gusler, *Furniture of Williamsburg*, pp. 66-67; Hurst and Prown, *Southern Furniture*, p. 305.

¹⁴ York County Wills and Inventories (22) 401, dated 28 July 1778 and recorded 17 August 1778.

¹⁵ York County Deeds (6) 274, dated and recorded 19 July 1785.

John Crump

John Crump hired one of Henry Wetherburn Nicholson's slaves from his guardian, Benjamin Weldon, in 1780. The cabinetmaker paid £11.10 for the hire of an enslaved worker. The following year Crump paid £16 for the labor of Peter and Nanny for one year. Perhaps Peter assisted Crump in his business.

Richard Booker

Richard Booker advertised for journeymen cabinetmakers in November 1773, April 1774, October 1774, January 1775 (with his partner, John Crump), and July 1776. It is possible that Booker had enslaved men who worked in his shop in the late 1780s. Booker had fourteen slaves over the age of twelve in his household in 1788.

James Honey

James Honey was a cabinetmaker who lived in Williamsburg from June 1776 until the time of his death in April 1787. In 1782 Honey gained a free mulatto apprentice after the death of his friend, Thomas Jarvis. In his will Jarvis noted

It is also my desire that my mulatto boy Billy whom I believe to be my son should be set free next session of assembly & I request that my exrs. (who I shall hereafter name) see to have it so done Likewise that the sd Billy Jarvis should be bound to James Honey of the City of Williamsburg to learn his trade & calling but that he shall be free when he arrives to 21 years of age. It is also my will & desire that my exrs. purchase two mulatto children brother & sister to the sd Billy at present the property of Nathaniel Burwell on Kings Creek & that they shall be set free in the same manner before mentioned. I give to the sd Billy Jarvis his heirs & exrs. forever my negro woman Sarah & Pat & all the ballance of my estate of what kind soever after purchasing out of the same the afore mentioned mulatto children but if the sd Nathaniel Burwell whould not agree to sell the sd children namely Franky & Johnny the whole balance after paying all my just & lawfull debts to belong to the sd Billy Jarvis.

I nominate & appoint my friends James Honey of the City of Williamsburg & Robert Goodrich of York County to be my exrs. & to see the fair & just settling of my estate. I likewise desire they may see the sd Billy Jarvis properly educated & that they have the disposal of the above estate til he arrives at 24 years of age. I likewise empower the sd James Honey & Robert Goodrich to retain all the negroes & what part of the stock of horses, cattle, hogs &c they may see proper for my plantation for this present year, then to be disposed of as they may judge most to the advantage of the sd Billy.¹⁶

¹⁶ York County Wills and Inventories (23) 537-538, dated 2 February 1781 and recorded 17 September 1782; *ibid.*, pp. 156-157, dated 24 September 1782 and recorded 21 April 1788. Nathaniel Burwell Junior

Perhaps Jarvis turned to Honey as the executor of his estate and the teacher of Billy Jarvis because the slaves whom Honey owned at his death in 1787 included a “negro man that has been brought up to the cabinet business.”¹⁷

It is possible that Robert Goodrich handled Thomas Jarvis’s estate after the death of James Honey since Billy Jarvis (born in circa 1769; see below for information on Billy Jarvis’s age) was not yet twenty-four years old. Billy Jarvis was about thirteen years old when Thomas Jarvis died and about eighteen years old when James Honey died. Billy Jarvis used the name William Jarvis as an adult and lived in York County. He registered a description of himself with the clerk of York County on December 17, 1810:

William Jarvis a bright mulatto about 41 years of age – five feet 7 ½ Inches high – bald on the top of his head a scar on the right side of his head an one on his left foot – Emancipated by the will of Thomas Jarvis decd recorded in York Ct on the [blank] day of [] 177 []

Perhaps three other free men of color with the surname of Jarvis were related to Billy/William Jarvis. Charles Jarvis was about twenty-one years old in 1814, John Jarvis was about twenty-four years old in 1826, and Thomas Jarvis was about twenty-one years old in 1822. All three men were free-born mulattos.¹⁸

was one of the three men who appraised Jarvis’s estate. The September 1782 inventory of Jarvis’s estate included three slaves: Sampson a fellow valued at £ 90, a wench named Sarah who was worth £ 30, and a second wench, Pat, appraised at £ 50. Burwell sold Franky and Johnny to Jarvis’s executors in 1782. See Lorena S. Walsh, *From Calabar to Carter’s Grove: The History of a Virginia Slave Community*, (Charlottesville and London: University Press of Virginia, 1997), p. 257.

¹⁷ *Virginia Gazette and Weekly Advertiser*, 17 May 1787.

¹⁸ York County Register of Free Negroes & Mulattoes 1798-1831.