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Virginia during the Spotswood era

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VIRGINIA DURING THE SPOTSWOOD ERA

A THESIS

PRESENTED TO THE FACULTY OF THE
UNIVERSITY OF RICHMOND IN PAR-
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MENTS FOR THE DEGREE OF MASTER
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DEPARTMENT OF HISTORY

BY

GARLAND DOUGLAS HADDOCK

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VIRGINIA DURING THE SPOTSWOOD ERA

BY

GARLAND DOUGLAS HADDOCK

PREFACE

Herein is expressed an earnest hope that this paper is a faithful presentation of the Spotswood Era and that it will move the reader to seek a deeper knowledge of that period of Virginia history. The research has afforded me much pleasure and increased my knowledge and understanding of Virginia before the Revolution.

I wish to thank Dr. Maude H. Woodfin and Dr. Ralph C. McDanel of the University of Richmond faculty for their understanding aid and many kindnesses shown me. Dr. Woodfin's suggestions of source material and treatment of the subject and Dr. McDanel's help in matters of bibliography and footnotes have been of inestimable value in the preparation of this paper. I also wish to thank my family for their sympathy and support during the more difficult moments of the work.

G. D. H.

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TABLE OF ABBREVIATIONS

Note: It has been found necessary in the writing of this paper to adopt abbreviations for certain works as a matter of convenience in saving time and effort. The special one are listed below, all others used are the standard abbreviations generally accepted.

<u>Cal. S. P., Am. and W. I.</u>	<u>Calendar of State Papers, Colonial Series, America and the West Indies.</u>
Henning	Henning, <u>Statutes-at-Large.</u>
<u>Jour. H. Burg.</u>	H. R. McIlwaine, editor, <u>Journals of the House of Burgesses of Virginia.</u>
<u>P. P. in Va.</u>	T. J. Wertenbaker, <u>Patrician and Plebian in Virginia.</u>
Spotswood <u>Letters</u>	R. A. Brock, editor, <u>The Official Letters of Governor Spotswood.</u>
<u>Va. Mag. Hist.</u>	<u>Virginia Magazine of History and Biography.</u>
<u>W. and M., (1)</u>	<u>William and Mary College Quarterly Magazine, First Series.</u>
<u>Wmsbg. Hdbk.</u>	<u>A Handbook for the Exhibition Buildings of Colonial Williamsburg.</u>

VIRGINIA
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CHAPTER I

THE GOVERNMENT AND THE GOVERNOR

An aura of romance envelopes the Spotswood era and makes this period sparkle even in the midst of the many brilliant pages of colonial Virginia history. This decade, dominated by the energetic and resourceful Alexander Spotswood, is of sufficient brilliance to compare favorably with the romance and legend surrounding John Smith and the settlement of 1607 and with the stirring patriotism of the American Revolution, the exciting opening and the dramatic closing dates of Virginia's colonial period. Its appeal is due in large measure to the character and deeds of the leading men of the time, the Governor, James Blair, William Byrd II, Robert Beverley, Philip Ludwell and many others, and to the numerous legends and beliefs that have grown up around them. Perhaps the greatest single event contributing to the prominence of this period is the romantic crossing of the Blue Ridge by Spotswood and his band of gentlemen. These "Knights of the Golden Horseshoe" have attracted an interest and have received attention out of all proportion to their importance. Their expedition has been covered with glory and glamour by every

succeeding generation until few events in history can equal it in romantic and popular appeal. To historians, however, the period is important because of its political events, not for its romantic appeal. This was a time of struggle between internal and external forces for control of the Virginia Dominion, a struggle between governor and the colonial aristocrats for the dominant position in the government, somewhat foreshadowing the later clash of interest leading to independence from Britain. But whatever the cause, the fact remains evident that the Spotswood era is outstanding in the annals of colonial Virginia.

Alexander Spotswood's is the outstanding figure of this period. His attractive personality and his evident ability combine to make him one of the more important figures of the colonial age. His stay in Virginia was filled with frequent serious difficulties, but his amelioration and settling of these situations stamp him as a capable administrator and diplomat. His restoration of both the College and Bruton Church show his interest in the cultural aspects of life; his efforts to make Williamsburg a livable town, to aid and enlighten the Indians, and his attempted reforms and adjustments in the Virginia government prove he had the interest of the colony at heart. All in all, Spotswood was one of the most popular and distinctive governors Virginia ever had. Just what gave Spotswood such a distinctive place in colonial history has been hard to determine. It was not

because of outstanding social prestige, for although Spotswood's family was of good and gentle stock and numbered among its ancestors an archbishop and chief justice of Scotland, there were other governors of less note whose families far excelled Spotswood's in social position and distinguished members. This somewhat lesser social status did not affect Spotswood's position and popularity in a time when family and social connections mattered far more than they do today. He did not gain his place because he was an officer in the famous Marlborough's army and had participated with honor in the brilliant campaigns of that general. There were other governors with more impressive military records and with more exciting adventures and daring exploits, but they are not known as is Spotswood. Wisdom cannot be called the secret of his success, for although an educated and brilliant man, Spotswood's intellectual qualities and accomplishments are not in excess of numerous others of the colonial period. If these reasons do not explain the man's superior position, then what does? Bruce says¹ that it is the great romance and appeal that has become attached to the man through the passing of time. Indeed, few characters of history possess as much romantic allure and color as does Alexander Spotswood. The mere mention of his name calls to mind his intriguing crossing of the Blue Ridge and a picture of an aristocratic society peopled with dashing "Cavaliers" and beautiful ladies,

1. Bruce, The Virginia Plutarch, v. 1, pp. 118-119.

a stereotyped, conventional, and erroneous picture true, but an interesting and popular one nevertheless. The man Spotswood has become a symbol of an age and civilization remembered for its beauty of living, but greatly idealized and changed from its original form. Yes, Spotswood's unusually distinctive place in Virginia's history is due to his personal appeal and the romantic age he represents.

2

Alexander Spotswood came to this country in June, 1710, a young man thirty-four years of age with a creditable military record and a reputation of proven ability behind him. He was deputy for George Hamilton, first Earl of Orkney, titular governor of Virginia for over thirty years. ³ Of the 2000 pounds a year salary paid the governor, Orkney received 1200 pounds and the deputy 800 pounds, ⁴ but the deputy always received additional imbursement from various sources in the colony.

The office that Alexander Spotswood was to fill so capably was one of the most difficult in the entire colonial empire of Britain. Virginia during this period was the crown's

2. Spotswood was born in Tangier, Africa, in 1676, the son of Catherine Elliott and Robert Spotswood, physician to the governor and garrison of the town, then a British possession. The family was of the small Scottish gentry class with several notable ancestors. After receiving his education in England, Spotswood became an ensign in the army in 1693. He served in the wars on the continent under the Duke of Marlborough, receiving a small wound at Blenheim and being captured at Oudenarde. He attained the rank of Lieutenant-Colonel. Dodson, Alexander Spotswood, pp. 3-5.
3. Ibid., p. 6.
4. Osgood, The American Colonies in the Eighteenth Century, v. 2, p. 161.

most important colony. Her geographical position midway between the enterprising northern and the wealthy southern provinces, her economic structure and condition, Virginia being the only British overseas domain whose revenue was figured in the Royal budget, her typical form and foremost place as a royal colony, all combined to give Virginia her preeminent spot among the English dominions.⁵ Moreover, the duties of a Virginia governor were many and varied. From the earliest days of the colony, several offices had been combined in the position of governor. He first had to perform the normal duties of a chief executive and the dignified head of the government. He was commander-in-chief of all the armed forces of the colony and in charge of its fortifications, and was also a vice-admiral in command of the Virginia seas. The governor served as chief justice in all the courts. The position carried with it responsibility for the disbursement of the king's revenue in the colony, the governor acting as a lord-treasurer. He also acted as a bishop ordinary, inducting ministers and performing other similar duties as a bishop. The governor had to possess diplomatic abilities because an important part of his job was the maintaining of peace with the Indians and mediating disputes between provinces.⁶

The government of Virginia was developed with three

5. Ibid., v. 2, p. 159.

6. Hartwell, Blair, Chilton, The Present State of Virginia and the College, pp. 21-22. Dodson, Op. Cit., pp. 7-8.

checks on the power of the governor, each check having been successfully evaded by the time of Spotswood. The first check, the king's instructions to his representative, was evaded by the governor keeping his instructions secret from the colonists until it suited his purpose to announce them. By this practice, he could better secure his goals without being subjected to the letter of his instructions by the Council and Assembly. The Council, at the outset a check on the executive, had been won over to the governor's side at an early date. This was attained by the governor's power of recommendation and filling of vacancies in the Council, by his power of suspending the Council and wording its orders to better present his side of the question, and by appointing councillors to offices of profit. The governor evaded the check of the General Assembly of Virginia by first taking away all appeals to that body. The former hampered the Assembly's right of appeal to the crown by requiring the lower body to have the consent of the Council, a consent difficult to get by reason of the governor's influence in the latter body. The governor exerted a great deal of pressure in efforts to secure the election of burgesses favorable to his policies. Also, his power of proroguing and adjourning the Assembly at will helped him to prevent their effectively checking his designs.

In most governments there are two limits on the

7. Hartwell, Blair, Chilton, Op. Cit., pp. 22-27.

executive, a need for authority and a need for money. Spotswood faced both of these problems in his administration from time to time, but was more free from their bondage than most executives. The Virginia governor possessed a certain amount of standing authority as many functions of the government were provided for by colonial law. Also, the governor possessed vice-regal powers granted him by his commission but hampered by his instructions. To partially ease his money needs, the royal governor had two funds independent of the legislature, the quit-rents, to be spent only as directed by the English treasurer, and an export duty of two shillings per hogshead of tobacco, placed at the disposal of the governor and Council. These two funds were not enough to run the government, however, and the governor had to depend on the Assembly to finance many of his projects, thus creating the inevitable conflict between executive and legislature. This conflict between governor and Assembly in Virginia became a struggle between local (Council and Assembly) and imperial forces (the governor and royal agents) over the question of the division of power within the colony. Sometimes the Assembly, with the money powers on its side, brought the governor to its will, and sometimes the governor, with the aid of the crown and royal government, held the upper hand. It was struggle of much bitterness between opposing factions,

8. Dodson, Op. Cit., pp. 9-10.

several times causing the dismissal of the chief executive. It attained tremendous importance and proportions under Spotswood, persisting through most of his administration.

The colonial royal governors enjoyed varying degrees of popularity with their subjects. Spotswood was always popular with the mass of the population but was at odds with the ruling classes most of the time he was in office. At the outset of his administration, however, he enjoyed the favor of all classes of Virginians. Among his instructions was one confirming the colonists' claim to the writ of habeas corpus. They had always claimed their right to it, saying that they were true Englishmen and included in the rights of Magna Carta as much as were the Englishmen at home. Spotswood brought confirmation of their claim and for a while was welcomed even by the Council and his natural political enemies.

Although the governor was the titular and official head of the government, he shared the executive duties with his Council. This organization was one of the most powerful political bodies ever existing on American soil and its members enjoyed a distinction and prestige equal to that of the governor. It was the Council, ever watchful of its pride and jealous for its power and political position, that made life miserable for any governor determined to rule without them or to lessen their authority. Because Spotswood's

9. Fiske, Old Virginia and Her Neighbors, v. 2, p. 370.

principle effort was to bring the Council to subserviency, he entered a struggle that was to last his entire administration and to finally cause his removal as governor. That struggle helped to develop a strong colony feeling and loyalty in the Council that had once sided with the governor on almost every question. The Council maintained its dignity and power until the Revolution introduced a new form of government.¹⁰

Perhaps the reason the Council that Spotswood faced was so obdurate and hard to work with was the fact that from the years 1706 to 1710, the Council and its president, Edmund Jennings,¹¹ had ruled the colony in the absence of a governor. This period of rule without direct control from superior authority developed in the Council a spirit of independence and belief in their own ability to rule wisely for the colony. It helped further that ideological germ slowly growing in the colony that while Virginia was a part of the British empire, she also possessed the right to rule herself for her own benefit. Therefore, when Spotswood again tried to assert and protect the royal prerogative and to place the responsibility of government back upon the crown, the Council resented his actions and prepared for a fight. The resulting fight did not end in a decisive victory for either party.

The members of the council were usually the best the colony could show in the way of wealth, intellect, and

10. Bassett, Writings of William Byrd, pp. lii-liii.

11. Dodson, Op. Cit., p. 13.

social standing. Men, even those of wealth and family, were willing to serve because of the prestige and influence the position of councillor gave them. They were appointed by the crown, but the governor's nomination usually meant the appointment was assured.¹² The number varied, twelve being considered the probable constitutional number, but there were sometimes more, sometimes less, depending upon conditions in the colony.

The members of the Council claimed and received certain privileges. They were protected from slander upon their character or actions, they were granted leaves of absence from meetings whenever necessary, and they possessed freedom from arrest while the General Assembly was in session. The councillors claimed exemption from ordinary arrest at all times, they would attend court only on a letter summons signed by the governor or secretary of the colony,¹³ truly a privilege making the office of councillor desirable to the busy business planters.

The officers of the Council were two, the president who was the councillor of seniority, and the clerk appointed by the governor. Councillors had almost all other offices in the colony except those of sheriff and burgess.¹⁴ The duties of the councillors were many and varied. They acted as advisors to the governor, legislators in the upper house of the

12. Ibid., p. 8.

13. Miller, The Legislature of the Province of Virginia, pp. 86-89, 141.

14. Ibid., pp. 136, 140.

Assembly, judges on the important courts, officers of the militia and naval commanders of the various Virginia waters, as collectors of the standing revenue, and filled the important jobs of secretary, auditor, and escheators.

The function of the Council was threefold, executive, legislative, and judicial. As executives, the councillors gave advice to the governor on difficult problems and helped to formulate the policies of the government. The legislative duty of the Council was embraced in the important function of serving as the upper house of the General Assembly. In this capacity, the councillors originated legislation and passed on bills from the House of Burgesses. The councillors fulfilled their judicial duties by serving as judges on the General Court, the highest court in the colony. This policy of combining the three functions of government into one body made the Council an all-powerful institution and created some peculiar incidents in the daily routine of government. Some councillors drew very fine lines of distinction between their various positions as judge, legislator, and advisor. It must have been very irksome (to say the least) to the governor to have the councillors approve some acts in their executive capacity and to reject them as legislators, a truly peculiar phenomenon of political science.

Regardless of the few peculiarities of the Council,

15. Hartwell, Blair, Chilton, Op. Cit., pp. 34-35.

16. Ford, Controversy of Governor and Council, pp. 24-26.

its members were powerful and important men. Their dominance of the government naturally gave them power and influence over and respect from the mass of population. The basis of the councillors' power, however, aside from their political influence, was in their large landed estates. All the councillors owned large plantations, and by the standards of the period were wealthy men. Land then was the chief factor of wealth and power and the large planters owned thousands of acres. Because of their economic position they were chosen as councillors and as councillors they had ample opportunity to better their economic position. It was a ceaseless cycle of adding power to the chosen few. The councillors exercised great influence in colonial affairs because of their superior economic, social, and political position in the colony.

The institution to which all native Virginians can point with pride is the House of Burgesses, the oldest popular Assembly in the new world. The first Virginia legislature met in the church at Jamestown on 30 June, 1619. From that time on, the House of Burgesses was an integral part of the government of the colony. As time progressed, the customs and procedures characteristic of the house developed and took form. Due to the machinations of the royal governors, the house by 1700 lost one of its original functions, that of being an effectual check on the governor. But in spite of this

17. Bassett, Op. Cit., p. liv.

18. Miller, Op. Cit., p. 20.

loss, it was still a powerful factor in the directing of the colony's affairs.

The House of Burgesses was a popularly elected body, the voter having to be a freeholder, a qualification easy to meet by reason of the availability and cheapness of land.¹⁹ There were two burgesses from each county elected by a majority of the freeholders in that county and also a burgess to represent the college.²⁰ By a law of 1699, only freeholders in the county from which the burgess was chosen could vote for that burgess. The penalty for anyone voting and not meeting the requirements was a fine of 500 pounds of tobacco. Moreover, no woman, infant, or popish recusant could vote.²¹ In 1705, every resident freeholder was required to vote. Failure to do so incurred a fine of 200 pounds of tobacco while the fine for non-qualifiers voting remained the same. The persons excepted from this compulsory voting law were femes-sole, or femes-covert, infants, those under age, or recusitant convicts.²² There was no definitely specified time for election, they occurred whenever deemed necessary by the governor or political conditions demanded them.²³

There were more officers connected with the Burgesses than with the Council. Among the officers of the house were

19. Dodson, Op. Cit., p. 9.

20. Hartwell, Blair, Chilton, Op. Cit., p. 41.

21. Henning, v. 3, p. 172.

22. Ibid., v. 3, p. 238.

23. Miller, Op. Cit., p. 66.

the speaker, the treasurer, the secretary of the colony, the clerk of the Burgesses, a sergeant-at-arms, several messengers,²⁴ doorkeepers, and after 1718, a chaplain. The House chose the speaker from among its own membership. It had chosen its clerk at the beginning, but since 1684, he had been appointed by the governor. This matter was a cause of friction between the lower house and the governor on several occasions. The standing committees of the Burgesses were those of Elections and Privileges, Claims, and Propositions and Grievances. Special committees were appointed to take care of important business as the need for them arose. The House followed the procedure established by the English House of Commons in²⁵ conducting its sessions.

The burgesses, like the councillors, possessed certain privileges and immunities. They received freedom from arrest during sessions of the General Assembly as well as for a specified number of days before and after each session. They were granted leaves of absence from meetings whenever they could present logical and reasonable excuses. Burgesses, however, had to accept any office, such as that of sheriff, to which the governor appointed them. By this means, the governor could weaken the resistance of the House to his policies by removing any burgess unfavorable to them. This practice of making appointments impossible to refuse was a handicap to both

24. Ibid., pp. 82-85.

25. Hartwell, Blair, Chilton, Op. Cit., pp. 41, 43.

the House and to individual members. It was rectified around 1730 by granting the burgesses freedom from such compulsory service.²⁶

As in all legislatures, members of the House of Burgesses sometimes became unruly and behaved in a manner unbecoming to the dignity of a member. For offending members, several types of punishment were available. One of the least drastic was that of public censure and forced apology, enacted of the offenders in minor breaches of rules. Another punishment, sometimes mild, sometimes severe, according to the offence, was that of imposing a fine. This was the most frequently used form of punishment. For the more serious infractions of behavior, the offending burgess faced the prospect of forfeiting his seat or being suspended from the House. The heaviest punishment meted out was that of expulsion and disqualification from the Assembly.²⁷

The governor's influence on legislation was great at times. The chief executive of the colony was interested in all legislation appearing before the House, especially in that pertaining to the rights and prerogatives of the crown. These the governor had to protect from encroachments of the local authorities. As the speaker of the House was in a position to direct and mould the thought of that body and to greatly influence the passage or failure of House bills, it

26. Miller, Op. Cit., pp. 86-89.

27. Ibid., p. 91.

was of utmost importance to the governor that the speaker be of a friendly or conciliatory political outlook. Therefore, the governor was habitually interested in the selection of the speaker and used all possible influence to secure the position for his candidate. If successful, the governor's wishes with regard to legislation were of more weight in the House than normally they would have been.

The governor's appointive power also enabled him to exert great influence upon the legislators in the General Assembly. The governor nominated the councillors and his nomination virtually meant appointment. By his power and practice of appointing councillors to important and munificent posts in the colonial administration, thereby increasing their influence and prestige, and by his power of suspending them from the Council at his pleasure or displeasure, the governor possessed means of controlling these powerful leaders. As the councillors exercised great influence over the burgesses, the governor gained another indirect control of legislation; as the Council served as the upper house of the General Assembly, he had direct influence upon the making of laws. If a burgess showed too great a hostility to royal measures, the governor could appoint him to the office of sheriff or something similar and remove him completely from the scene. The governor used his power of appointment to remove dangerous opponents, to placate ruffled pride, and silence resentment against the government. In this way he helped to ease and ensure the

passage of the acts necessary for the proper functioning of the colonial administration under royal control.

Sometimes the governors would secure the passage of their measures by making direct demands on the Assembly. He (the governor) would appear before the House in his greatest pomp and dignity and demand that the legislature pass certain bills as vital to the welfare and smooth functioning of the government. By sometimes using threats of prorogue and adjournment, he awed the Assembly into doing his will; sometimes by cajolery and flattery he persuaded them to acquiesce to his demands. The success of this method depended upon the power and ability of the governor and the temper of the Assembly; it could be used satisfactorily only on rare occasions.

After laws had been passed by the Virginia Assembly, they had to be sent to England for royal approval. Receiving this approval, they became true laws of the colony, otherwise they were discarded. All laws of the royal colonies were subject to veto at any time unless once they had been approved. Even laws that had been in effect for several years could receive the veto and become void of power. This situation added much to the confusion of legal conditions in the colony. The chief reason for using the royal veto was to prevent encroachment on the royal prerogative, an ill defined but sensitive attribute of government. This prerogative had to

28. Ibid., pp. 125-128.

be protected regardless of the inconvenience and trouble a
29
veto might cause to the colony.

The Virginia that Spotswood came to govern was only a hundred years old, but in that hundred years she had developed political institutions based on those of England but possessing characteristics purely colonial. She was proud of these institutions and jealous of their rights, striving continuously to preserve and enlarge them. The majority of Virginia's political privileges arose from the governor's commissions and instructions, the exceptions being a few concessions granted in the charter of 1679. These commissions and instructions were not particularly strong bases for such political privileges as the colonists claimed, for the crown could modify them at will. Nevertheless, they were revered and relied upon by the Virginians. These documents were reissued from time to time with so little modification that many provisions included in them came to be regarded as permanent heritages.

Virginia's constitutional development had been a "common law" one just as that of England had been. From the customs and procedures of past years had arisen the rules and practices governing the political life of the colony. The people did not hesitate to plead as defense in their cases "what hath been the ancient custom." This reference to custom

and constitutional law must have irked royal governors and agents bent on exercising absolute authority.³⁰

The "Glorious Revolution" of 1689 had seen the end of direct rule by the crown and the substituting of the royal power to parliament. The colonists, not seeming to greatly object to rule by the crown, appeared to resent direction and control by parliament. The colonists considered that their own assemblies and not the British parliament were the legatees of the relinquished royal power to govern them. This, of course, precipitated a quarrel that was to be settled only by the "Glorious Revolution" of 1776.

The brunt of the colonial administration devolved upon the Lords Commissioners of Trade and Plantations. This board lacked direct authority as it was only an advisory committee to the privy council and as such could only make recommendations with regard to colonial affairs. While their recommendations were usually acted upon, the speed with which such action was taken was sluggish and a constant irritation to the colonists.³¹

The government machinery that Spotswood headed from 1710 to 1722 consisted of the Council, the House of Burgesses, and various royal agents, with the Board of Trade in London exercising control over all. This combination gave Virginia an orderly, stable government, flexible enough to meet any

30. Dodson, Op. Cit., p.11.

31. Ibid., pp. 11-12.

emergencies arising. It was organized in such a manner as to develop in Virginia a colony sense and to foster a spirit of pride and loyalty in Virginians, as well as to create a resentment among the colonists at outside control over local affairs. It was this spirit of colony loyalty that Spotswood met in his attempts to reassert the rights and prerogatives of the crown. He arrived in the colony just after a period during which Virginia had been ruled by the President and Council and because he tried to lessen the Council's control of the colony, he sparked the quarrel between the Council, extremely jealous of its rights, and himself that was to be the important event of his administration.

CHAPTER II

COLONIAL ARISTOCRATS

Virginia aristocracy was not a ready made institution, it did not spring from the soil full grown and mature as did Minerva from the head of Jupiter, but its form and characteristics were developed over a long period of time. It was not an aristocracy transplanted intact to Virginia soil from England, but one that took shape and grew up in Virginia, moulded by Virginia conditions. Nor was it an aristocracy formed by members of the English nobility and gentry moved to America. Instead, it was the result of recognition by the mass of the population accorded to those individuals who by hard work and keen enterprise had risen above their neighbors to a position of security and importance. It was from this group of economically superior persons that the highly vaunted Virginia aristocracy arose.

The popular conception of colonial Virginia is of a country peopled with dashing "Cavaliers" and lovely ladies living a life of ease amid lavish splendor. Every family lived in stately, white-columned mansions surrounded by expansive, fertile acres and were waited upon by dozens of dusky servants. Every family tree indicated its noble

connections in England and showed the names of numerous Colonels and Judges in the colony. The days were spent in the delightful business of exchanging visits, of attending festive banquets and glittering balls, and participating in numerous picnics and hunts. Many gallant beaux vied for the favor of flirtatious belles (there seems to have been two or three to every mansion) and fought duels over their lady-loves whenever interests clashed. This beautiful picture, flattering to pride of family and tradition, is an erroneous one, nevertheless. It has been fostered by romantic novel writers (and more recently by motion pictures of the period) and by family genealogists trying to add distinction and prestige to their clan by connecting their ancestors with English noble families and by embellishing their lives (the ancestors') with the accoutrements of grandeur. These procedures have established an idea of colonial Virginia that cannot be proved in fact. It has persisted, and probably will continue to persist, despite all the efforts of debunking historians endeavoring to present a true picture of the state's social life.

Virginia aristocracy attained its typical form and characteristics after a process of evolution over a period of years. It emerged as the result of the combining of several forces exerting a moulding influence upon the society of the colony. These influences affected the manner in which society developed, the number of people reaching the upper strata, and the kind of life this upper class lived. Chief factors in

this evaluation were the possession of capital, the cheapness and availability of land, and the introduction of slavery to the colony.¹ The inter-relating of these three factors brought about the type of society developed in colonial Virginia.

In the uphill task of obtaining social prestige, the possession of capital was of primary importance. Without it, the planters faced a long, difficult struggle to obtain economic freedom, and ever remained a small planter with little power or social recognition. With it, the enterprising colonist could import indentured servants (an expensive proposition), an act giving him rights to increased acreage for the planting of tobacco, the chief source of wealth in Virginia. The planter with capital found it easier to gain more and to maintain his position than did the planter without it to make it and rise in station, an application of the old maxim, "It takes money to make money." In all frontier regions, the men with money have proven to be the men of power, and in Virginia, those possessing capital assumed and were accorded the places of authority and importance. This policy of placing those of superior economic status in political positions was an important step in the formation of a class-conscious social order.

Englishmen, and Virginians of the seventeenth and eighteenth centuries considered themselves Englishmen, looked upon land as the primary source of wealth. One of the custom-

1. Wright, The First Gentlemen of Virginia, pp. 43-46.

ary ways, in fact, the surest way of rising in social standing, was the purchase of a country estate and the adoption of the customs and manners of the gentry. Many found it easier to achieve success in Virginia than in England because of the availability and the cheapness of land in the colony, where there were hundreds of thousands of acres, fertile and productive, waiting to be claimed and cultivated. In the scramble to secure the best and richest acres of the tobacco land, most of eastern Virginia was patented during the colonial era. There were three ways to obtain title to land from the crown, the taking up of a patent upon survey of the new land, by petition for land lapsed, and by petition for lands escheated.² The latter method embodied the composition of two pounds of tobacco for every acre thus obtained, and the former two depended upon entry of rights. A right was the title everyone had by royal charter to fifty acres of land in his own name, and to fifty acres for his wife and every child brought to Virginia. A right could be bought by the paying of five shillings, a practice favoring the man with capital. A colonist also received fifty acres for every free servant, male or female, brought into the land,³ a policy where capital was of utmost importance. This law giving colonists fifty acres for each servant imported was flagrantly violated throughout the

2. Beverley, History and the Present State of Virginia, second edition, p. 241.

3. Henning, v. 3, p. 204.

colonial era, but few steps were ever taken to remedy its faults or to punish the violators. The few remedies attempted failed or were limited in power by the influence and connivance of the big planters whose interests would have been lessened by any change.

The plantation system of life developed early in Virginia. The numerous streams, navigable far inland by even the largest ships of colonial days, led to the dispersal of population and the scarcity of towns.⁴ This geographical factor, allowing the planters to load their tobacco at their own wharfs, hampered the growth of shipping and trading centers. There were no inducements for colonists to live in towns in a country where wealth and independence were more easily obtained by raising tobacco on one's own land. The wasteful system of agriculture in vogue in Virginia abetted the tendency toward large estates. The use of fertilizer and land restoratives were not used, if known, fields were not carefully cleared, tree stumps seldom being removed, and tobacco was a crop quickly exhausting the soil. Consequently, new acres had to be constantly opened to agriculture and planters were continually adding to their holdings. The plantation system affected the character of Virginia in that the isolation and separation of population it fostered, tended to develop aristocratic traits in the planters. The system

4. Fiske, Op. Cit., v. 2, pp. 206-210.

of plantation manufacture, where each large estate had its own skilled workers and the needs of its people were cared for on the grounds, aided in the formation of a spirit of independence and self complacency.⁵ Thus it was that the possession of land and the manner of cultivation practiced in Virginia were factors in developing aristocratic traits in the wealthy planters.

The introduction of slavery was the most important single factor affecting the growth of the colonial Virginia aristocracy. A pressing need of the tobacco growers for a number of years had been a permanent supply of cheap labor. Slavery filled this need satisfactorily and completely. The early source of cheap labor had been the indentured whites from England. Poor persons desiring to come to the colony but lacking the cost of transportation, agreed to work for a specified number of years for anyone paying their passage across the Atlantic. The large planters and men with capital secured their field hands and skilled workers by this means, but it was an expensive proposition and one that had to be repeated frequently, for the indentured servants after serving their required time became free, took up land of their own, and planted tobacco for themselves. This obliged the planters

5. Wertenbaker, Patrician and Plebian in Virginia, pp. 33-52. A list of the skilled workers on the plantation of Robert "King" Carter might help to show the self-sufficiency of a large plantation. Carter employed two house carpenters, a ship carpenter, a glazier, two tailors, a gardener, a blacksmith, two bricklayers, and two sailors, all indentured servants. Attempts to teach trades to negro slaves met with little success. Ibid., p. 49.

to bring over a new group of servants every few years until slavery, affording a new source of cheap labor, was introduced. Slaves were good workers in the tobacco fields, cost little to maintain, and served for a lifetime, not just a few years. They decreased the cost of production so that the large planters could realize a profit even with falling prices, enabling them to take up new land and buy more slaves, thus increasing their tobacco crop. Slavery, however, favored the large growers of tobacco, the small planters being gradually "squeezed out." The cost of purchase and maintenance of slaves was such that he (the small planter) could keep only a few and therefore could not compete successfully with the increased production, falling prices, and diminishing profits of the tobacco trade brought about by the introduction of slavery. This left the small planter in a position of lessened influence and of a stationary or receding financial condition, while at the same time increasing the economic security and extending the social and political influence of the large planters. Slavery with its onus on manual labor led to the formation of the "White Trash" class among the lower type of freed indentures.⁶ Both the highest and lowest classes of Virginia's white social order were influenced in their formative stages by slavery, it making an impression upon society lasting until the present time.

6. Fiske, Op. Cit., pp. 177, 181, 189. Wright, Op. Cit., pp. 45-46.

Much writing has been done and numerous researches have been made concerning the origins of Virginia's leading families. Popular conception has credited most of them with connections with the English nobility, an idea proven to be false, except in a very few instances, by the recent works of careful and thorough historians. A few of the aristocrats of Virginia were descended from the English gentry, the leading examples being Henry and William Randolph and the West and Fairfax families, but the majority of them could make no claim whatsoever to noble connections. Those who could make such claims were probably descendants of a younger son of a noble family who had married below his rank. This was a common occurrence in England as there were no sharply defined social classes in the seventeenth century. It gave numerous middle class families connections with the nobility and some Virginia aristocratic houses may be connected with these families.

Much has been written about the "Cavalier" immigration to Virginia during the years of the Commonwealth and Protectorate, and of the founding of aristocratic families by these cavaliers. The word cavalier has been taken to mean a person of high social standing, a false use of the word as the seventeenth century Cavaliers were a political party, the followers of King Charles I in his struggle with parliament, and not a social class. They were recruited from every strata of the population, from the most common laborer to the most dignified earl; the forces of parliament possessing the same

disparagement of social status in its personnel. For this reason, one could easily be descended from a "Cavalier" and still have no trace of noble blood. Virginia families have no claim to gentility because certain ancestors were "Cavaliers."

Many of the founders of upper class families were the sons of merchants and traders who by keen business ability and enterprise achieved financial success in Virginia, and through financial success, social and political success. Others were descendants of capable and ambitious members of the lower classes who reached the top through perseverance and hard work. The best of the indentured servants, very few in number, worked themselves up to places of high social position, but cases of such rise were rare and representative Virginia families are not descended from indentures of any sort, the white freedmen usually becoming overseers of white servants or slaves, or acquiring small holdings themselves.⁷ The largest part of Virginia's aristocracy came from merchant and middle-class origins with a few coming from the ranks below and above.

Gentility cannot be credited to the upper class of colonial Virginia society because certain members used the title of "Gentlemen," or had family coat armor, or possessed an old and impressive family tree. While the title "Gentleman" was used in the seventeenth and eighteenth centuries to denote persons of quality, it was easily assumed in England by social

7. Fiske, Op. Cit., p. 187. Wright, Op. Cit., pp. 40-43. Wertenbaker, P. P. in Va., pp. 3-5.

climbers, and easier still by those in Virginia. The particular significance of coat armor was that the bearer had obtained sufficient respectability and prosperity to obtain one from the College of Heralds in London. And to aid in the transformation of middle class to gentility, impressive family pedigrees could be bought just as easily then as now. ⁸ It all goes to show that things in colonial times, even as things today, are not always what they seem to be.

Colonial Virginians modeled their social life upon that of England, their ambition being to reproduce in the Virginia wilderness the country life of English gentry. The pattern the ruling class followed was an ancient heritage dependent upon possession of land with enough income to maintain a position of dignity and honor. The upper class planters were profoundly influenced by the mode of behavior of the seventeenth century English gentlemen. They followed the prescribed rules of training and conduct as far as Virginia conditions would allow, and when impossible to apply the rules to themselves, they placed their sons under them.

The gentleman of the seventeenth century was an interesting creature. He was supposed to embody the virtues of fortitude, temperance, prudence, justice, liberality, and courtesy in his makeup, an expectation that makes one wonder how many "perfect gentlemen" there were then. The most

8. Wright, Op. Cit., p. 42.

apparent characteristic of a gentleman was his attention to manners. He took pains to develop and maintain a polished speech, a grace of body and a dignity of bearing at all times, and he was ever courteous to everyone regardless of their social standing. A gentleman's accomplishments included the art of pleasing (both men and women, young and old), riding, dancing, fencing, conversational ability, and perhaps a little musical ability. Too much perfection in any of these, however, was undesirable as it gave too great a tinge of professionalism. Even the sports indulged in were expected to be in keeping with dignity, hunting being a favorite. Gentlemen did not participate in sports except with members of their own social class. Some learning was necessary but it was expected to be extensive rather than deep, to know something about several things rather than much about a few was the goal of upper class education. Gentlemen studied especially the recognized classics, the French language, and the ancient historians. This then was the model upon which the planters of colonial Virginia patterned their lives.

The most conspicuous characteristic of the colonial aristocrats was their pride. They were proud and conscious of their position, their homes, and their way of life, ever striving to maintain appropriate dignity. Pride developed easily on the Virginia plantations, the very manner of life the planters

9. Ibid., pp. 2-13.

lived being an inducement to its growth. The plantation, because of its isolation from the active life of the colony, became a little world in itself, producing and manufacturing most of its own needs. The combining of this isolation and self-sufficiency, created in the planters a spirit of independence and self-complacency, both conducive to the development of pride. The slave system and the power of life and death over his servants it gave the planter, aided in the growth of his self-esteem by creating in him a sense of and regard for authority, a feeling also fostered by the ownership of extensive lands. Thus, the growth of pride was favored by the very supports of the planter's life, the possession of large estates, slavery, and the system of plantation manufacture.¹⁰

There were few titles of distinction or honor in the colony, but the colonists were proud of those they possessed. Other than Mister and Gentleman, the only terms denoting position were those of Colonel, Major, and Captain in the militia, and that of Esquire, the highest rank attainable in Virginia, reserved exclusively for members of the Council. Nor did the colonists let pass any opportunity of informing the world of their rank. Every document recorded the standing of an individual whenever it mentioned his name, and tombstones were often engraved with the titles of the deceased. If a man had

10. Ibid., p. 57-58. Wertebaker, P. P. in Va., p. 54.

two titles, both were usually given, such as Colonel William Byrd, Esquire.¹¹ It was natural that a people striving for social advancement should be jealous of their rank and take every opportunity to emphasize it.

But regardless of their pride and desire for social recognition, early Virginia aristocrats were "working gentry." Though the planters shunned and abhorred manual labor, they took an active part in the management of their plantations. While all plantations had overseers to supervise their orderly working, it was the planter who made the final selection of seeds for planting, handled all suits and legal difficulties, did the buying and selling of necessary slaves, and transacted all the business with English merchants. The sons of the planters received training in their youth designed to enable them to perform satisfactorily the above tasks. Besides the numerous duties of their estates, many planters were actively engaged in trade, the William Byrds, I and II, with their lucrative Indian trade are the best examples of this type of merchant-planter. Trade and business were not incompatible with social aspirations in the seventeenth and early eighteenth centuries, as the "taint to trade" found in later years did not then exist, in fact, business was a necessary concomitant of plantation life.¹² While the combination of business

11. Wertenbaker, P. P. in Va., p. 55. Jones, The Present State of Virginia, p. 62.
 12. Wright, Op. Cit., pp. 57-58, 159.

endeavor and social ambition seems strange and unnatural to us, it was not so to colonial Virginians, many of whom achieved success in both fields without any apparent disturbance to mind or dignity.

Because the planters paid attention to business and looked carefully after their financial condition, they were wealthy men, perhaps not wealthy by our standards today but rich by those of yesteryear. The planters concentrated their attention on tobacco, their extensive acres and resulting large crops and the low cost of production made possible by slavery, combined with a demand for Virginia tobacco in Europe to create profits for the producers year after year. The symbols of wealth in Virginia were land and slaves, particularly land. It was necessary to have many acres because tobacco fields were exhausted in a few years and methods of restoring them unknown or not used. Therefore, efforts on the part of the leading planters to secure additional land were necessary and some tremendous estates were created. Robert "King" Carter amassed the astonishing total of 300,000 acres, William Byrd II left holdings amounting to over 179,000 acres, and the first William Fitzhugh, 54,000 acres. There were numerous others who owned estates equally as large or larger. Carter also left at his death about 1000 slaves and 10,000 pounds, a considerable fortune today and a tremendous one then. Around 1704, there were ten to thirty successful planters on each of the four great Virginia rivers,

a number increased several times during the next fifty years. 13

This possession of wealth instilled in the planters a love of luxury and show. As they attained financial independence and success, they endeavored to gather to themselves the trappings of gentility. They took pride in their homes, 14 building themselves mansions of brick and wood famous today for their beauty of structure and design, and furnishing them with expensive furniture, tapestries and silverware imported from England. Many collected books (mostly for utilitarian purposes, rarely for show) and had libraries of fair size, the largest and most complete in colonial Virginia belonging to Richard Lee of Mount Pleasant, Robert Carter of Corotoman, and William Byrd II, of Westover. Many families desired and secured a coat armor, that colorful badge of social distinction, from the College of Heralds in London. Planters collected portraits of their families and of famous persons, the halls and rooms of Shirley, Westover, and other mansions containing many beautiful and valuable paintings. These were often embellished with the family armor as was the silver plate gathered so avidly by the

13. Ibid., pp. 71, 158, 249, 346. Wertenbaker, Planters of Colonial Virginia, p. 157.

14. The earliest type of house built was one with greater width than depth, the number of rooms varying from five or six to eighteen or twenty. The rooms most frequently mentioned in documents of the time were the hall, parlor, parlor chamber, porch chamber, the room over the parlor chamber, hall room, shed room, garrets, and closets. The hall was oftentimes used as the dining room and for general purposes. Stanard, Colonial Virginia, Its people and Customs, p. 75. Fiske, Op. Cit., pp. 223-224.

planters. While material for the negroes' clothes and the children's play suits was made on the plantation, garments for the ladies and gentlemen of the family were imported from England, linens, woolens, silks, hats, leather, all being purchased abroad. Colors were gay and bright for both male and female attire, and both sexes took care to keep up with the latest London fashions. Hugh Jones in his book on Virginia spoke of the people as wearing the best of clothes according to their station, sometimes the dress exceeding the station. Jewelry was popular with the ladies; rings, watches, brooches, bracelets, necklaces, locketts, being the most common pieces and often very expensive. Planters adopted the code of the English country gentlemen as their own and tried to live their lives according to its standards. Wealth helped to speed them on their way to the physical accoutrements of gentility, but it also created within them a love of luxury and show that sometimes hampered their progress.

15

One of the more notable characteristics of the colonial Virginian, was his hospitality. Virginia has been celebrated far and wide in fact and fiction, for the bountifulness of her generosity and the freedom with which it is given. Courtesy to travelers was of prime importance to the colonial inhabitants. They shared everything with the stranger, putting the best foods before him, giving him a comfortable

15. Wright, Op. Cit., passim. Stanard, Op. Cit., p. 210.
Beverley, Op. Cit., p. 255. Jones, Op. Cit., p. 43.

bed, lending him a horse for travel, in short, everything to put him at ease and to make his stay enjoyable. The families that refused the customary courtesy to passers-by were little thought of by their neighbors, and such an action lowering the reputation so greatly that it seldom occurred. Many families when leaving for an extended trip, left orders for the servants to entertain any travelers passing by during their absence.¹⁶ Michel and Fontaine make frequent reference in their journals to the generosity of the Virginians to passing strangers.

Among the many rules and customs governing the life of the English gentry was one requiring that the gentlemen perform certain duties for the state: political, military, and religious. The Virginia colonists in adopting the gentry pattern of life as their own, accepted this requirement without complaint. The planters performed numerous and tedious tasks of service, performed them creditably and willingly. They served as sheriffs, justices of the peace, were elected to the House of Burgesses, and served by appointment on the Council. The names of all the prominent planters appear on the council rolls, William Byrd, I and II, Philip Ludwell, James Blair, Mann Page, Nathaniel Harrison, William Bassett, Robert Carter, all serving from time to time. Among the military duties expected of the gentlemen, was the serving as officers of the colonial militia, as naval officers on the Virginia rivers,

16. Beverley, Op. Cit., p. 277.

and an irksome policing duty occasionally. Their religious duties included serving as vestrymen and church wardens and appearing as models of correct conduct, enforcing the Sabbath laws and decency among the parishioners.¹⁷ The inconvenience of such duties to the upper classes seemed to have deterred none from trying to rise in the social scale.

Modern historians have recently subjected to scrutiny the literary interests and abilities of the colonial Virginia aristocracy. As a class, the Virginia planters have been much censured for their apparent lack of interest in things literary, and their failure to produce literary figures of any magnitude. But the Virginia aristocrats were not ignorant bumpkins by any means, as an examination of their library catalogues and of the books they read will show them to have been intelligent men and women. Of course, possession of a book does not mean it was read, but colonial Virginians would hardly have purchased books for ornament or display considering the cost of importing them and the exactments of life in the colony in those days. The libraries were not large, it is true, but they included works of educational and practical value to their owners.

Books found in colonial libraries usually fell into one of the following categories: religion, law, science, history, politics and government, elementary educational works (textbooks), social aspirations, rules, and customs,

17. Wright, Op. Cit., pp. 64-68.

and belles lettres. The first two classes were the most important, and the last mentioned, the least, Virginians reading mainly for personal advancement and little for pleasure. In the field of belles lettres, one finds poetry, plays, and romances. Cowley was more popular than Milton and Shakespeare is not as well represented as some minor playwrights. John Donne's poems were popular, also the poetry and romances of several writers with small claim to posterity.

Religious works formed the largest section of most libraries, chief among these works were the Bible and the Book of Common Prayer. Among the books were Lewis Bayly's The Practice of Piety and works by Calvert and other religious leaders. Law was the next most popular division. The works of Justinus, Grotius, Bacon were represented in numerous collections. The planters were frequently involved with legal matters and sought to increase their knowledge of law by reading. Colonial Virginia aristocrats owned the best works on laws to be found during that period.

The ancients were well represented as seventeenth and eighteenth century gentlemen considered a knowledge of the classics a necessary part of their education. The works of Cicero, Quintilian, Aristotle, Aelianus, Pliny, Seneca, Plutarch, Homer, Virgil, Suetonius, etc., were frequently mentioned in documents, wills and library catalogues. Historians most often read were Sir Walter Raleigh, Sir Thomas Moore, Captain John Smith, and others. Colonial gentlemen

collected scientific works by the outstanding writers of the day, they read the leading works on politics and government, they possessed many books of travel, in short, they possessed more diversified libraries than was commonly believed.

P. A. Bruce estimates the number of book owners by 1700 at 1000. This included those persons owning only one book as well as those with large libraries, but the figure still is a respectable one when all conditions are considered. The size of individual libraries did not indicate the extent of its owner's reading as books were frequently borrowed and loaned. Thus the planters exchanged titles foreign to their own collection and broadened their intellect accordingly. This generosity in lending books also gave the lesser planters, unable to purchase books of their own, an opportunity to acquire information and increase their knowledge. The general conclusion of the recent studies of the literary interest of the early Virginians seems to be that the colonial aristocrats were more interested in literature and better read than they were formerly credited to be.

18

While the Virginia aristocracy did not produce any outstanding writers, it did show several historians and a diarist of considerable ability. The histories of Robert Beverley II, Hugh Jones, and James Blair, besides being of historical value, are written in a manner pleasing to

twentieth century readers. William Byrd II wrote several interesting and entertaining accounts of travels and experiences that prove he had no little literary talent. His diary, soon to be published, will probably do for colonial Virginia what Pepy's did for Restoration London. While the number of writers is small, the quality of their work is of a caliber to ensure them of a permanent place in American literature.

Hugh Jones, writing in 1724, said the common planters led easy lives, the only exercise they admired was horse racing, the only diversion, cockfighting. Jones described the saddle horses as being hardy, strong, and fleet, not very large, but capable of pacing naturally and pleasantly at a prodigious rate.¹⁹ Horse racing was extremely popular in the middle and end of the eighteenth century, but there seems to have been no organized racing in the Spotswood era. Gentlemen matched their favorite steeds against rivals for sport and for money, the length and kind of race and the handicaps involved being determined by the individuals concerned, but there were no established race courses, no regulations, no standard meets, races, or prizes, no organization of racing as a sport at all.

Riding was listed among the necessary accomplishments of a gentleman and everyone claiming such rank was expected to have skill in horsemanship. Even the poorest planters took pride in their horses and riding ability. Riding was enjoyed

19. Jones, Op. Cit., pp. 48-49.

by all classes and all ages, the children learning while still young. Jones tells of seeing Virginians range several miles over fields and woods to catch their horses, only to ride two or three miles.

The young people were quite fond of chasing the wild horses, then fairly numerous in Virginia, a sport filled with excitement and oftentimes danger. These wild horses were not of much value if caught, but the chase was great fun even if a good mount was nearly ruined in the proceedings.

A favored pastime among men from the earliest stone age to the present time has been hunting and fishing. Hunting was the sport most favored by the country gentlemen, a hearty rather than a formal sport. With the English gentry, the use of hounds, hawks, and guns was common, these practices being imitated by the Virginia hunters. In Virginia, the opportunities offered for hunting and the amount of game available was great. One did not have to travel far to find deer, wolves, bears, wild boars, raccoons, squirrels, rabbits, many types of wild fowl, and other game.

The planters used to hunt deer by stalking them, a practice learned from the Indians. They also taught it to their horses, the planters hiding behind their horses until

20. Ibid., p. 49. Wright, Op. Cit., p. 86.

21. Hinke, W. J., translator and editor, "Report of Journey of Francis Louis Michel from Berne, Switzerland, to Virginia, October 2, 1701 - December 1, 1702," Va. Mag. Hist., v. 24, p. 298.

22. Hinke, Loc. Cit., p. 37. Wright, Op. Cit., pp. 11-12, 85.

close to the deer. Sometimes they would chop down trees in the paths of the deer and hide in the foliage until deer came near. Another practice used was to place stakes near fences that deer were accustomed to leap (deer were fond of many garden plants raised by the colonists and seem to have often entered gardens in search of food) and to remove the upper parts of the fence. Any deer jumping in such a spot was impaled upon the stakes.

Hares used to be hunted afoot and with dogs. If not caught soon by the dogs, they were eventually holed or treed and smoked out by smudge fires. At night, vermin were hunted, the vermin of colonial days being raccoons o'possums, and foxes. The hunter set out afoot with three or four small dogs. When their bark was heard, the game had been treed and the sport over.

23

Feathered game was just as abundant and varied as were the animals. There were eagles, turkeys, wild geese and ducks, snipes and numerous waterfowls, and partridges so tame

23. Beverley, Op. Cit., pp. 272-273. Foxes were hunted in colonial Virginia as vermin and pests. It was several decades before fox hunting became a social sport. Wright, Op. Cit., p. 85. Hunting of wolves was also a frequent occupation, there being many in the Virginia uplands. They were also a pest and there was a law giving rewards for all wolf heads with the ears on turned in to the proper authorities. The ears were removed when the head was produced to prevent anyone from taking advantage of the law. Jones, Op. Cit., p. 51. Sometimes, planters placed baited guns in the woods to trap wolves, the gun going off when the wolf touched the bait. Beverley, Op. Cit., p. 274.

24

as to be seen often eating with the chickens, truly enough variety to satisfy the most avaricious bird hunter.

Unlike the modern hunter, the Nimrod of this period was not restricted by many complex game laws. There was no special "hunting season," no limit to the number of quarry, no limit to the size or sex of the game, in fact, none of the regulations covering the sport today. The only law was one forbidding hunting on private land, but giving the hunter permission to follow wounded game onto another's land to secure it without fear of prosecution.

Fishing, the companion sport of hunting, likewise received the same affection from the male population. The small streams of Virginia were excellent fishing haunts and frequented by many colonial Isaac Waltons. Fish were caught by trols, seines, casting nets, settling nets, hand fishing, and by angling. The catch was plentiful and varied: trout, bass, sunfish, and perch dominating. Like its companion sport, fishing was free from any government control. No regulations existed as to the size or number of fish caught in actuality or in the telling.

There was an incredible amount of liquor consumed in colonial Virginia as drinking seems to have been a frequent and favorite pastime. There was some drunkenness among the

24. Hinke, Loc. Cit., p. 38.

25. Henning, v. 3, p. 328.

26. Beverley, Op. Cit., p. 274.

gentry but few records of any gentlemen sots. Visits, trips, or gatherings of any sort were used as excuses for drinking parties, two together being considered a sufficient number to start. Of course, all gentlemen subscribed to the principle of moderation in all things, but moderation, in drinking especially, was judged by a liberal standard.²⁷

For small drink, Virginians used wine and water, beer, milk and water, or just plain water. For strong drink, they had Madeira wine, cider, mobby punch, brandy, wine and strong beer. When the varieties of wines, beers and brandy are considered, colonial drinkers had a wide choice of beverages from which to select.

Some planters made small beer from cakes of native persimmons or with malt imported from England, little being raised in Virginia. The poorer classes also made beer from bran, molasses, potatoes, and Indian corn. Jones speaks of molasses beer as an extraordinary brisk, good-tasted liquor made at a cheap rate with little trouble in brewing.²⁸ Malt liquors were not as much regarded as were wine, sack, brandy, rum, and punch of various kinds.

The planters enjoyed sherry, Madeira, Bordeaux red wine and other French wines, Rhineland white wines, other European wines, especially port and claret, rum, cognac, cider, beer, brandy, punch, and mixed drinks. Much cider was made

27. Wright, Op. Cit., pp. 88-91.

28. Beverley, Op. Cit., p. 254. Jones, Op. Cit., p. 52.

in Virginia and apple-jack and peach brandy distilled in large quantities.²⁹

Planters took pride in keeping their cellars well stocked with good liquors and in serving them to friends and guests. Temperance was included among the cardinal virtues of a gentleman but temperance in those days meant moderation, not total abstinence as it does today. As moderation was judges by a liberal standard, Virginia gentlemen did not have to stint themselves in their drinking.

The Virginia aristocrats' propensity for gambling was notorious, but it was accepted as a respectable vice. Gamblers played cards and rolled dice, often at all night parties, and bet at the slightest opportunity on games, fights, races, or anything striking their fancy. The stakes were oft-times high, the players sometimes risking their estates, servants, jewels, crops, or other valuables. Gaming was the outstanding vice of the gentry, there being no social stigma attached to it. While the sport itself was tolerated, cheating at it, if detected, was enough to exclude the offender from decent society.³⁰ Gambling soon reached such proportions and became so grave a menace to society, that restrictions were needed. Accordingly, in 1728, there was passed an "act for preventing excessive and deceitful gaming," an act, let us

29. Beverley, Op. Cit., p. 254. Fiske, Op. Cit., pp. 229-230. Jones, Op. Cit., p. 52.

30. Wright, Op. Cit., passim.

hope, that proved effective. ³¹ As taverns and inns were the usual resorts for games and gambling, keepers of such houses were fined for allowing excessive gaming on their premises, an act with a considerable loop hole provided by the interpretation put upon the word excessive. ³² The most notorious of the colonial gentlemen gamblers was William Byrd III, scion of one of the most prominent Virginia families, socially and politically. This third Byrd by his dissipations and reckless gambling, squandered the fortune amassed by his father and grandfather, almost managing to lose even the beautiful family home, Westover. That bit of property on the James, however, was the only parcel of the 179,000 acres ³³ William Byrd III inherited that he did not lose..

Jones, in his history, called cockfighting the only diversion in which colonial planters had an interest. This was a well liked sport in Virginia, but there are not as many records of cockfights as social events in the earlier period as there are for the last half of the eighteenth century. While cockfighting was primarily a sport for gentlemen, it never became a monopoly of theirs, as any person possessing a brace of cocks could invite anyone he pleased to see them fight. These colonial cockfights were bloody affairs as ³⁴ precautions and safeguards used now were then unknown.

31. Henning, v. 4, p. 214.

32. Ibid., v. 3, p. 398.

33. Wright, Op. Cit., p. 327.

34. Jones, Op. Cit., p. 48. Wright, Op. Cit., p. 87.

Some ability in music was considered creditable and included among the accomplishments of a gentleman. Ability to sing or play an instrument was admired if the performer was not too proficient, as proficiency in any field caused the gentleman to be considered too much the professional. Stringed instruments were preferred to wind instruments as the latter puffed out the cheeks in a vulgar fashion. ³⁵ It is not known how many of the Virginia aristocracy were gifted with musical ability, but doubtless many possessed passable talents along this line.

Singing was a pleasant form of entertainment in those days, evenings in the home being often enlivened by this means. The large families of early Virginia made possible duets, trios, quartets, rounds, as well as solos and group singing. Music in the home was also a part of the art of courting. ³⁶ Congreve has said, "Music hath charms to sooth the savage breast;" cannot it also capture the hearts of loved ones? Many a courtship was brought to a successful conclusion by the magic spell of music.

Many and varied were the instruments mentioned in documents of colonial times, chief among them being the spinnet, virginal, harpsichord, and clavichord; viol, violin, violincello, bass viol, flute, fife, oboe, French horn, guitar, bugle, and trumpet; jewsharp; and bass and snare drums. The violin

35. Wright, Op. Cit., p. 10

36. Ewing, The Sports of Colonial Williamsburg, p. 19.

37

was of mor importance than all of the others together.

Dancing was the amusement most indulged in by all classes throughout the colonial era. To be ignorant of how to dance was to display a lack of good breeding, as one of the desired accomplishments of a gentleman was the ability to dance well. It was a necessary accomplishment for anyone wishing to enter at all into the social life of the colony. Therefore, instruction was given to the children of the leading families and to anyone else desiring it. One of the first dancing schools mentioned (1716) was that of William Livingston who was allowed to teach dancing at William and Mary College until his school in Williamsburg could be completed.

38

The usual dances of the time were stately minuets, marches (danced occasionally at formal balls), lively and colorful jigs and reels, and various country dances. The young people evinced great interest in learning the newest steps and the latest variations. One can hear the flatterers of both sexes, "You dance divinely."

39

The members of the council of Alexander Spotswood represent the leaders of the colony's social and political life. They were typical of the haughty, wealthy aristocracy, jealous of its position and power, that was evolving in

37. Ibid., pp. 17-18.

38. Wright, Op. Cit., p. 82. "Proceedings of the Visitors of William and Mary College, 1716," Va. Mag. Hist., v. 4, p. 169.

39. Stanard, Op. Cit., pp. 149-141.

Virginia. The leaders during the Spotswood era were men like William Byrd II, Philip Ludwell, James Blair, Mann Page I, William Bassett, Robert "King" Carter, William Fitzhugh II, Robert Beverley II, and others of equal importance. All of these men were wealthy, possessing extensive lands, owning many slaves, and dwelling in lovely houses richly furnished. They lived in the manner of the English country gentry even to the extent of modeling their behavior on the pattern of the English gentlemen, William Byrd II probably being most successful of all in aping the English manner of life. All, however, were proud of their accomplishments and conscious of their position as the social and political leaders of the Virginia colony.

By the time of Spotswood, the social strata of Virginia had become definitely marked, and society was beginning to assume the lines that were to distinguish it in later years. The aristocratic form of Virginia society proceeded from economic, social and political causes. Society was affected economically by the land and servitude systems found in Virginia. Socially, the ideals, and to some extent, the blood of the English country gentry influenced it. On the political side, it was shaped by the system of appointment to office, a system leaving little room for democracy.

40. Names from The Legislative Journals of the Council of Virginia, v. 1, passim.

41. Bassett, Op. Cit., p. ix.

From the moulding of these three causes, came the aristocracy of which Virginia is so proud.

CHAPTER III

WILLIAMSBURG AND SOCIAL LIFE

Today, mention of Williamsburg brings to mind a city of the past, but in Spotswood's day, Williamsburg was very much a city of the present, a small but active little town, the hub of things political and the center of life social. As capital of Virginia, the largest, most populous, and most important British colony at the beginning of the eighteenth century, it was of equal if not greater importance than New York or Philadelphia; it was the center of the economic, social, and political life of the wealthiest of the British-American possessions. To complete this series of paradoxes, Williamsburg in colonial days derived its recognition and position from the importance of Virginia; today, Virginia capitalizes on the fame and attraction of restored Williamsburg.

Jamestown, the first permanent English settlement in America, 1607, was also the first capital of Virginia. During its tenure as the seat of government, it had acquired a bad reputation for malaria and had had two destructive fires. After the last one, little effort was made to restore the

town and plans were started to secure the removal of the capital to a better location. Accordingly, Middle Plantation was named the new site of Virginia's capital in 1699, its name being changed to Williamsburg in honor of William III, the reigning king of England. Governor Nicholson [1690-1693; 1698-1705] planned to lay out the town in the shape of a W and M, but this plan was soon abandoned.¹ Williamsburg seems to have thrived from the first, growing steadily and gracefully in size and importance.

The Virginia General Assembly in the law providing for the establishment of the new capital, set aside 220 acres for the city and made provision for the creation of two ports for the town, one to be built on Queen's Creek flowing into the York River, and to be called Queen Mary's Port, and one on Archer's Hope Creek leading to the James River and to be called Princess Anne Port. The success of these ports must have been small for little subsequent mention is made of either of them. The law named Lewis Burwell, Philip Ludwell, Jr., Benjamin Harrison, Jr., James Whaley, Hugh Norwell, and Mongo Ingles as the first trustees of Williamsburg.

This same act also named the main street Duke of Gloucester Street and divided the land incorporated in the city into half-acre lots. It specified that all houses on the main street should front alike, none to be placed nearer

1. Fiske, Op. Cit., p. 121.

than six feet to the thoroughfare, and that all buildings should be of at least a ten foot pitch.² These restrictions were largely responsible for the orderly and uniform development of Williamsburg from its inception to the end of the colonial era.

The main thoroughfare, a "broad, noble street," ran east and west for about three quarters of a mile between the College at the western end and the Capitol at the eastern. Midway of the street was a large brick church also fronting on a wide avenue, Palace Street, leading northward to the Governor's Palace. These buildings were described by a contemporary as the best in all English America and exceeded by few of their kind in England.³ This tribute speaks well for the young town, indicating rapid strides from an insignificant village to a dignified city.

Middle Plantation became the second college town in the United States when it was chosen as the site of the College of William and Mary in 1693. The fact that it was the seat of the only institution of higher learning in the colony was one of the determining factors in its selection as the capital of Virginia. The main building of the school was the only important and imposing structure existing in the town when the government arrived in 1699.

The cornerstone of this building, first designed by

2. Henning, v. 3, pp. 422, 423, 425.

3. Jones, Op. Cit., pp. 28, 30, 31.

Wren, noted English architect, and adapted to the nature of Virginia by several competent gentlemen, was laid in 1695. The building is distinguished not solely for its dignified beauty, but because it is the only one in America credited to the work of England's famous Restoration architect, Sir Christopher Wren. This fact alone would place it in the list of America's famous buildings. This interesting structure, a brick building with a cupola, was 136 feet long in front and faced due east. A large wing with a handsome hall ran back from the north end. Answerable to this, a south wing was to be built containing a chapel and the two wings to be connected by a spacious piazza. The building was approached by a good walk leading to a grand entrance by steps. Nearby was a house for the Indian master and his scholars, together with the usual outhouses. Good courts and gardens were laid out about the buildings; there was a large pasture enclosed like a park, and about 150 acres of land adjoining for occasional uses of the College faculty and students.

The College of William and Mary is a tribute to the energy, perseverance, and foresight of the Reverend James Blair, commissary of Virginia from 1685 to 1744. This man revived the long dormant idea of a college in Virginia, and by ceaseless efforts and unconquerable spirits secured the support of leading men both in England and the colony for his project. Success came in 1693, when William III and Queen Mary granted a charter for the establishment of a college in

Virginia. Blair was named first president, to serve for life, and governor Nicholson and seventeen others were appointed by the Assembly to the Board of Trustees. A coat of arms was issued by the College of Heralds in 1694, the only one ever issued to an American college.⁴

William and Mary flourished from the start, but has been ravaged by fire and war on several occasions. The first fire destroyed the main building in 1705, the college remaining in this damaged condition until Alexander Spotswood led in its rebuilding and restoration during the early years of his administration. The faculty until 1712, consisted of the president, a grammar master, a writing master, and an usher. In the latter year, a mathematics professor was added; in 1729 there were six professors on the faculty. The first commencement was held in 1700, the exercises making a gala occasion.⁵ The College was one of the leading landmarks of Williamsburg throughout the colonial period.

At the opposite end of the Duke of Gloucester Street was the Capitol, built during the governorship of Francis Nicholson, and the first building to be so-called in America. It was a brick edifice, adorned with a cupola and a large

4. The William and Mary College coat of arms: Vert a college or edifice or, masoned ppr., in chief the rising sun or, the hemisphere of the third, or "On a green field a college building of silver with a golden sun, showing half its orb, rising above it." Tyler, Williamsburg, the Old Colonial Capital, p. 120.
5. Fiske, Op. Cit., pp. 116-124. Jones, Op. Cit., p. 26. Tyler, Op. Cit., p. 120. D.A.B., v. 2, p. 335-336.

clock, and built in the form of an H nearly, the south end of the wings being rounded. Below stairs, the secretary's office and the courtroom of the General Court occupied one wing. The middle was a handsome portico and the other wing contained the office of the clerk of the Assembly and the meeting chamber of the House of Burgesses. Each wing contained a wide handsome staircase. Over the portico was a conference room where prayers were read by the chaplain to the General Assembly. Other rooms upstairs were the council's chamber, a lobby, the office of the council clerk, several chambers for committees, and several offices for government officials. The use of fire, candles, and tobacco was prohibited in the building because of danger of fire. The Capitol, which was surrounded by a neat area enclosed by a good brick wall, was built at the expense of Queen Anne.⁶

Halfway between the College and the Capitol on the Duke of Gloucester Street, stood Bruton Church, a large piece of brickwork in the form of a cross, on a site that had been occupied by a parish church since the early years of Middle Plantation. In 1710, the vestry declared that the church was in a ruinous condition and asked aid of the Assembly in building a new one. A draft of the proposed new church was adopted in March, 1712, calling for a building 75 feet long (the governor to build 22 feet), and 28 feet wide, the church wall to be 23 feet high. The General Assembly gave two wings, 19

6. Jones, Op. Cit., pp. 28-30. Tyler, Op. Cit., p. 21.

feet by 22 feet, and the total cost of the entire building being estimated at 500 pounds or \$10,000. Under the direction of contractor James Morris, the structure was finished in 1715 and shingled in 1717.

Also in 1710, the vestry had elected James Blair, Commissary in Virginia of the Bishop of London, as minister of Bruton Church. He capably filled this post over a long span of years after being chosen from a large field of contestants for the position.

There was no church bell in the tower until 1711, when Spotswood, always interested in its welfare, presented the church with the bell from the shipwrecked English man-o'-war Garland.⁷ This bell tolled the parishioners to service and heralded important events for many years.

Northward from Bruton Church at the end of Palace Street was the Governor's Palace, a magnificent building and the residence of Virginia's royal governors until the revolution. This mansion, built at public expense, was beautified with gates, fine gardens, offices, walks, a fine canal, a pond, and orchards. The building itself was of brick, decorated plainly and with dignity, and topped with a cupola as were the other large buildings of Williamsburg. Francis Nicholson's government passed the act for building the Palace and appropriated 3000 pounds

7. Goodwin, W.A.R., An Historical Sketch of Bruton Church, pp. 27, 33-35. Jones, Op. Cit., p. 30. Tyler, Op. Cit., pp. 98-99.

for its construction. Henry Cary was appointed master builder and the work was formally finished around 1720. Spotswood on his arrival found the work well advanced, enough so that the governor could reside there, but construction at a halt. He immediately had work resumed, but it was almost the end of his term of office when it was completed.⁸ The Palace was a show place of Williamsburg until its destruction during the war for independence.

One of the old town's most interesting structures is the Powder Horn or Magazine built in 1714, again at the instigation of Governor Spotswood. It was built of brick laid in Flemish bond and had octagon sides with a roof tapering to a point, the walls being 22 inches thick. The Horn was surrounded by a brick wall ten feet high, octagonal and 21 feet distant from and parallel to the sides of the building. It was situated far from any house, except the James Town County courthouse, to prevent excessive destruction in case of explosion.⁹

Not far from the Capitol was the public prison, a large and convenient structure. There was a partition to separate the sexes and also distinct rooms for petty offenders, plus a yard for airing the prisoners. On the opposite side of this open court was a flat-roofed prison for debtors, but such prisoners were very rare as creditors were merciful and the

8. Goodwin, R., Williamsburg in Virginia, third edition, p. 23.
 Jones, Op. Cit., p. 31. Wmsb. Hdbk., pp. 68-69.

9. Tyler, Op. Cit., p. 222.

laws were favorable. This jail, also built of brick, was repaired and later enlarged during the administration of Spotswood.¹⁰

In the center of the town was a large vacant area reserved as a market place. Here were held the big trade markets of Williamsburg, fairs, and public celebrations. Near this area¹¹ were located a play house and a bowling green (after 1716), both popular amusement centers for the inhabitants.

From the above description of the town and its buildings, it would seem that Alexander Spotswood had a large share in the construction and beautification of the town. Besides rebuilding the College and Bruton Church, completing the Palace, and building the Powder Horn, he caused several ugly ravines¹² crossing Duke of Gloucester Street to be filled. Spotswood, as governor of Virginia resident in Williamsburg, was naturally the first citizen of the town, but his interest in civic affairs and his many public works prove him worthy of his distinctive position and won for him the support and adoration of the populace.

The Duke of Gloucester Street was a wide avenue traversing the entire length of the city. Parallel to it on either side were streets not as long or as broad, and at proper distances were small cross streets for communication. These streets were named after different divisions of the British empire, members of the royal family, and outstanding figures

10. Beverley, Op. Cit., p. 250. Jones, Op. Cit., p. 30.
 11. Jones, Op. Cit., p. 31.
 12. Tyler, Op. Cit., p. 24.

of the colonial government, names colorful and reminders of the inhabitants' English heritage. There was an England Street, a Scotland Street, others named for Ireland, Nassau, France; one found (and finds) a Queen Street, a Prince George Street; there was Botetourt Street and Francis and Nicholson Streets, all named for former governors; and all are suggestive of Williamsburg's past history.¹³

The town was laid out in lots or square portions sufficient for both a house and garden. This made for detachment in construction, a feature tending to increase the light and ventilation of the houses. Some of the private dwellings were built of brick, but most were of timber, a story and a half high and painted white. The houses were dry and warm in winter and cool in summer, provided there were enough windows to draw the air.

Several good families resided in the town, and many more stayed there in their own houses during public times. The Ludwell family lived in the Ludwell-Paradise house (built 1702-1711) when they came to Williamsburg. Several other aristocratic families built large town houses with several rooms on a floor, big rooms being the favorite of many. The kitchens were built apart from the house, showing an abundance of house servants; servants of those days being either English, Irish, Scotch, or Negro.

13. Jones, Op. Cit., p. 30. Williamsburg, Virginia, map.

The inhabitants lived in the same manner, dressed in the same modes, and behaved in general as did the gentry in London. Most families of any note possessed a coach, chariot, berlin, or chaise.¹⁴ The traveling of Williamsburg streets must have been enjoyable, what with stiffling dust in dry weather and clogging mud in wet. The leading citizens during the period were Colonel Nathaniel Harrison, Benjamin Harrison, William Cocks, secretary of state in the later years of Spotswood's administration, Archibald Blair, a physician, his brother James, rector of Bruton Church and president of the College, and representatives of the Burwell, Horwell, Ingles,¹⁵ and Whaley families.

The centers of Williamsburg social life, excluding the private homes, were the taverns of the town. In their congenial atmosphere were spent many hours in drink and talk, the tavern being the best place to hear and spread the latest news and gossip. Talk of the newest government crises and practical remedies for them was heard at all hours of the day or night. Less serious patrons engaged in singing and dancing from time to time. Hilarity, stimulated by the drinking and singing and fellowship, was the usual mood of the evenings.

The chief attraction of the taverns for the townspeople was the drinking. Englishmen have ever been notorious

14. Beverley, Op. Cit., pp. 250-251. Jones, Op. Cit., pp. 22-23, 32.

15. Tyler, Op. Cit., p. 24.

as heavy drinkers and as the colonists were English, there was a tremendous amount of liquor consumed. The kinds of liquors available were whiskey, rum, brandy, ale, beer, French wines, Madeira, port, claret, sherry, cider, punch, cognac, European wines and mixed drinks.¹⁶ A favorite drink of the period was the Negus, made by rubbing a small lump of sugar over a lemon until it was well flavored, putting it (the sugar) into a heavy glass, adding two teaspoons of lemon juice and pouring it all into a large wine glass of port or sherry. Next, boiling water was added to fill the glass and grated nutmeg sprinkled on top.¹⁷ People drank much in those days while talking about temperance, but temperance to them meant moderation (judged by a mighty liberal standard), rather than total abstinence.

The colonial fathers believed as we do today, that some sort of regulation of the public houses was necessary for an orderly society. Accordingly, inns were required to have a license before they could retail liquors. The penalty for not having a license was a fine of 2000 pounds of tobacco.¹⁸

The people believed in a decorous observance of the Sabbath. They did not disapprove of slight drinking on Sunday, but they penalized heavily any over-indulgence. By law, any tavern or inn could be suppressed by the oath of one reliable witness, if the keeper allowed tippling or excessive drinking

16. See above, p. 44-46.

17. Bullock, Williamsburg Art of Cookery, p. 226.

18. Henning, v. 3, p. 396.

on the Lord's day or on special religious days. And there was danger of permanent suppression of the place if the board examining the charge saw fit. The same law provided similar punishment for inn-keepers allowing excessive gaming in their establishment.¹⁹

The chief amusements of the taverns were card games, ninepins, dice, and, billiards, amusements similar to the attractions in our present day roadhouses.²⁰ The town sports and gallants possessed the same love of play and gambling as did the planter aristocracy, and the air of the tavern was often charged with the tenseness of an exciting game or the thrill of a close play. Billiards was a new game recently introduced and the people were anxious to see it and try their hand at the sport. Ninepins, often called skittles, was a transplanted English game, a favorite with the transplanted Englishmen of Williamsburg. It was similar to our modern bowling and played indoors on an alley.²¹

Tavern rates and charges were also rigidly prescribed by law. From the annual meetings of the county justices every March, came the decrees setting the schedule of prices. These schedules were made to include liquors, lodgings, fodder, provender, and pasture. The penalty for violating this law was the forfeiting and paying of 5000 pounds of tobacco. It

19. Ibid.

20. Stanard, Op. Cit., p. 148.

21. Ewing, Op. Cit., pp. 23, 25.

also required that a table of the legal rates be set up in a prominent spot in the inn so that all patrons could see it. ²²

This law helped to alleviate the curse of innkeepers overcharging for services, but the keen proprietors soon found numerous ways to evade it and get more money from their customers.

The leading and most famous innkeepers of Williamsburg during this period were Mrs. Mary Luke, Gabriel Maupin, and Jean Marot, the latter two being French Huguenot immigrants. ²³

Williamsburg really came to life and assumed an air of gaity during public celebrations. Birthdays of the royal majesty, coronation anniversaries, openings of the General Assembly, and similar events were days of great excitement and activity. Patriotic celebrations usually were accompanied by cannon firing, fire arms and shooting being the practice on such occasions. At the celebration of a coronation anniversary of George I in October, 1719, Priemus, a Palace servant, lost his right arm while firing the great guns of Williamsburg. ²⁴ One can hear Priemus now, exclaiming, "Great guns!" and worse.

During the afternoons of such days, the populace paraded the streets, passing from tavern to tavern, from drink to drink. They passed their time with the regular amusements of the town and watched the special entertainment provided,

22. Henning, v. 3, pp. 396, 399.

23. Hinke, W. J., Log. Cit., v. 24, p. 26.

24. Stanard, Op. Cit., p. 136.

usually military maneuvers and shooting matches. The people shouted and looked and drank and then repeated the cycle until evening.

As darkness came down, Williamsburg lighted up. Lanterns were hung in the Palace and Capital cupolas, serving as beacon lights to the milling throngs below, and bonfires blazed in various sections of the town. Around these gathered groups, constantly changing, singing, and cheering, The natural excitement and jubilation generated by the celebration was intensified by the custom of giving free liquor to the crowds. To many, this was just cause for celebration in itself. The liquor stands were unceasingly surrounded by a shoving, excited, and thirsty crowd.

Many public celebrations were climaxed by exhibitions of fireworks which were thoroughly enjoyed and eagerly awaited by the people. The managers of these shows, however, probably did not touch off as many fireworks as did the dispensers of
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the free liquor.

Fairs brought great stir and bustle to the little town. Considering the difficult means of communication of the period, they were likely centers for the exchange of ideas between districts and for the gathering and dispensing of news. They were frequent in early Virginia, every town and county had certain days set aside for this annual event. To prevent

25. Jones, Op. Cit., p. 31. Stposwood Letters, v. 2, p. 284.
Stanard, Op. Cit., p. 140.

conflict between the various communities, the legislature passed an act in 1705 setting specific dates for fairs in the different settlements of the colony.²⁶ This was of benefit to both population and merchants.

The governor possessed the power to determine when and where, for how long, or how many fairs were to be held in Williamsburg.²⁷ Those in the capital were doubtless held on the Market Green, where townsmen as well as crowds from the surrounding countryside were attracted by the colorful booths and stalls set up by the traders from many places. The people were eager for necessities and little luxuries and the merchants were just as eager to sell to them.

Entertainment at English fairs of this period included rope dancers, many natural curiosities on display, and several plays acted in decorated booths and there is no reason to doubt that Virginia fairs had the same type of amusements. After all, if jesters, tight rope dancers, and acrobats could be hired for private entertainments, they more than likely appeared at public gatherings.²⁸ At night there were bonfires, and at really big fairs, fireworks.

Virginians of the early eighteenth century were just as amorous as are those of the twentieth; flirtations and love affairs were just as frequent then as now. Spring

26. Henning, v. 3, pp. 416-417.

27. Ibid., p. 428.

28. Ashton, Social Life in the Reign of Queen Anne, pp. 190, 192. Wright, Op. Cit., p. 163.

(or any season) and moonlight (plus flashing, gleaming eyes and captivating smiles) played their familiar roles in early Williamsburg romances. At this time, however, Virginians could not end a happy flirtation with a quick marriage as is often done today, this being prevented by the marriage laws.

By an act of the General Assembly, no minister could marry a couple without a license or who had not had banns published three times. If the couple were from different parishes, the banns had to be publishes in both places and the minister had to have a certificate from each parish to prove their publication. If no minister were available, the banns could be published by the clerk or reader. Licenses for marriage were issued by the clerk of the court of the county where the woman had her usual residence. The minister's punishment for performing an unlawful ceremony was imprisonment for one year without bail or mainprize, and payment of 500 pounds of current Virginia money.²⁹ They were careful to see that everything was in order before performing the ritual.

The fees for ministers and clerks were also established by the same law. The clerk of the county court was paid five shillings or fifty pounds of tobacco for issuing a license. The minister received for the ceremony twenty shillings or 200 pounds of tobacco if done by license, and only five shillings or fifty pounds of tobacco if by

29. Henning, v. 3, pp. 441-442.

banns. The minister or reader for publishing and certifying the banns received one shilling, six pence or fifteen pounds of tobacco, and the former had a right to all fees in his parish, even if another were called for the ceremony, unless he neglected or refused his offers. ³⁰ Reluctance on the part of ministers to marry in parishes other than their own, is understandable after reading this law.

Boys and girls became acquainted much as they do today, at dances, while out riding or driving, on walks and in numerous other ways. The colonial proposal was a more formal matter and a much more complicated one than the same procedure today. The boy first told his father of the girl he loved, and the boy's father spoke to the girl's father. After consultations in which the two parents decided on the estates they would bestow on their respective children, the boy was given permission to ask the girl for her hand in marriage. Both lovers probably knew the final outcome before even speaking to their parents. Courting a widow was much simpler than this as she was her own advisor and eliminated the use of "middle-men." There was also a surprising amount of remarrying in the colony, many persons marrying twice, often three times, and several individuals are credited in contemporary documents with even a greater number of trips to the altar. Because of this, oldmaids or bachelors were scarce. ³¹

30. Ibid., pp. 445-446.

31. Stanard, Op. Cit., pp. 171-174.

Illegal love was also present during the colonial period. It must have soon become a menace and detriment to society, because in 1696, an act concerning fornication and adultery was passed by the legislature. This act provided severe punishment for all persons convicted of the offenses. Those proven guilty of fornication by two witnesses or confession, had to pay 500 pounds of tobacco and casque for every time thus offending. Those convicted similarly for adultery had to pay 1000 pounds of tobacco and casque. If the culprit could not pay the fine, he, or she, received 25 lashes on his, or her, bare back, or two months imprisonment without bail or mainprize.

The theater with its brilliance and glamour has always been important among man's social pleasures. The "season" of theater or opera is always a period of gaity and brightness on the social calendar. Although introduced midway of Spotswood's governorship, it did not attain much importance in Williamsburg's social activity until near the middle of the eighteenth century.

After 1716, ladies and gentlemen could enjoy plays presented by professional players. William Livingston, in November of that year, purchased three lots near the Palace, laid out a bowling alley and built a theater, the first in America. Charles and Mary Stagg and their company of actors

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were the first players. Nothing is known of the type of play preferred by the patrons of this playhouse, nor have names of plays or performers other than the Staggs, come down to us. As a practical enterprise, it was unsuccessful, Livingston in 1721 mortgaging it to Dr. Archibald Blair who³⁴ obtained complete control in 1723.

Amateur plays and pageants undoubtedly were presented before 1716. There may have been some good actors and actresses, some brilliant writers and producers in early Williamsburg, their names and works lost to us today. The earliest known play in the Virginia capital was "A Pastoral Colloquy," presented in 1702 by students of William and Mary College. It was performed before the governor, but whether³⁵ at the College or the Palace is unknown.

Bésides having an opportunity to see in Williamsburg plays acted regularly by professionals, early Virginians were readers of the drama. While plays and works on drama were infrequently found in colonial libraries, there are enough titles and authors mentioned to indicate a definite interest in the theater. The surprising scarcity of plays by Shakespeare in this period may be explained by the fact that the "Bard of Avon" was not then considered the genius he is today. The only mention of a complete "Works" of Shakespeare is found in the

33. Tyler, Op. Cit., p. 224.

34. Stanard, Op. Cit., p. 231.

35. Ibid., p. 230.

inventory of Edmund Berkley's library. The plays of Ben Jonson are often mentioned, especially his "Every Man in His Humor." The writings of Sir Robert Howard, George Farquhar, William Davenant, and Thomas Southerne are listed in several collections. Beaumont and Fletcher's Fifty Comedies and Tragedies, James Shirley's Six New Plays, and plays by Sir William Alexander and John Bank are mentioned in some catalogues. Addison's noted Cato was a popular work. Pastoral plays were also proportionately numerous, two specifically mentioned being Elknah Settle's Pastor fido and John Fletcher's La Fida Pastora. The library of William Byrd II possessed a fairly full representation of Elizabethan and restoration dramatists.

36

Governor Spotswood, among his many other civic virtues, was a patron of the first theater. He once complained (1718) of the refusal of eight opposition councillors to attend a play presented as part of an entertainment given by the governor to which all gentlemen were invited. These reactionary leaders had a party of their own in direct competition with the governor's to which they invited the populace.

37

Dancing was the most common pleasure of Williamsburg, enjoying just as much favor with its citizens as it did with the rest of the population. It was necessary for anyone desiring to participate in the town's social life to know how to dance and there were instructors to teach anyone desir-

36. Wright, Op. Cit., passim.

37. Spotswood Letters, v. 2, p. 284.

ing to learn. In 1716, the Board of Visitors of the College gave leave to William Livingston to use the lower room at the south end of the College for the teaching of dancing until his own school in the city could be finished. Williamsburgers also danced the current steps of the day, jigs, reels, country dances, and minuets. ³⁸ The capital was the scene of the biggest social dances of the colonial era, those given by the governors in the Palace.

All healthy, vigorous people love to play games and many were the games found in the old capital. There were rough and tumble affairs for the tougher element, games of skill and chance for the daring, and competitive games for individuals and teams.

Popular with the hardier citizens were cudgels and gouging. The former "game" consisted of two players, each carrying a heavy pole several feet long, pairing off and whacking each other on the arms, head, and shoulders. Gouging was even more fun, being a sort of wrestling match with no holds barred. It was as its name implies, a clutching, clawing affair with no respect for eyes or other features. The winners of these games were often in as bad a condition physically as the losers were at the end of a match. Wrestling also was a sport requiring strength and endurance with a large following and many participants. The younger gentry

38. "Proceedings of the visitors of William and Mary College, 1716," Va. Mag. Hist., v. 3, p. 169. See above, p. 49.

often engaged in wrestling, but never publicly with social inferiors, such an act being below the dignity of a gentleman. These games were the ones most frequently seen at fairs or public gatherings.³⁹

Although bears were found in the Virginia woods at this time, no mention of the English sport of bear-baiting has been found. The colonists, however, were great enthusiasts for cockfighting. As popular as the cockfights themselves was the side betting, much money being won and lost by the backers of the opposing birds.⁴⁰

The beautiful, well kept lawns of town homes and plantation manors were often arenas for games of Pall Mall, the ancestor of our modern croquet. Pall Mall was played with a mallet, a wooden ball larger than a croquet ball, and used a single wicket suspended above the ground. This game was one the ladies could enjoy because of its dignity and lack of violent exercise.⁴¹

Tennis was mostly for the upper classes. It never seems to have gained the sizeable following or great popularity that many other sports did, but it must have received a considerable amount of attention, as it is mentioned in the gaming law of 1728, along with cards, dice, and other sports as causing too heavy gambling and betting.⁴²

39. Ewing, Op. Cit., p. 23. Wright, Op. Cit., p. 87.

40. See above, p. 47.

41. Ewing, Op. Cit., p. 25.

42. Hemming, v. 4, p. 214.

Bowls was a favorite with colonial citizens for many years. Livingston built a bowling alley in Williamsburg near the Palace at the same time he built the theater. The game was played on a well kept lawn called, of all things, a bowling green. A "jackbowl" of wood or earthenware painted white was first thrown around 75 feet. Each player tried to land his bowl closest to the jackbowl and to drive others away. The individual bowls were cut from the side of a lignum vitae tree and were heavier on one side than on the other.

Very similar to bowls and skittles was a game called Four Corners. The same lop-sided lignum vitae bowl was used but the alley was much shorter than that used for bowls. At one end of the alley, four pins were set up in diamond shape, the object being to see in how few throws they could all be knocked down.

Fives was a game of action comparable to our handball. It consisted of batting a ball against a wall so that the other team would miss it. It varied from our handball in that there were five men on a team and that there was no laid off court. Fives was a fast, exciting team contest.⁴³

In the colonial period there often were field days, some proclaimed by law, given over to sports and exercises of all kinds. Most exciting of the events included on the program were the horse and foot races.⁴⁴ Racing was a sport very

43. Ewing, Op. Cit., pp. 26-27.

44. Stanard, Op. Cit., p. 257.

variable in its forms; distances, handicaps, prizes and other matters being changed at the whims of the participants and sponsors.

A most delightful and enjoyable pastime of early Virginia was eating. Dinner parties were a favorite means of entertaining, an invitation to one was an invitation to an evening of pleasant society and delicious food. They were often pretentious and elaborate affairs, Governor Spotswood once entertaining 200 at dinner.⁴⁵ Only rarely were dinners of this magnitude given, small parties made up of a few friends being preferred. Colonial cooks were also good cooks. They could prepare many delicious things in many ways and placed on their tables numerous kinds of breads, many tasty vegetable dishes made from home-grown garden stuffs, meats prepared in dozens of tempting styles, soups of superb flavor, and a wide variety of pastries, cakes, desserts, and confections. Food was plentiful and the cooks talented, so correspondingly the tables were loaded and the most fastidious diners satisfied.⁴⁶

Williamsburg throughout the Spotswood era presented a colorful and varied picture. It was a beautiful little city whose imposing public buildings and wide streets lined with attractive homes and charming gardens blended together to give a pleasing effect. The life of the town was virile, stimulated by the politics of government and the social activities usually

45. Hawthorne, Williamsburg Old and New, p. 62.

46. Bullock, Op. Cit., passim.

surrounding it. The amusements were diversified and numerous, satisfying the likes and needs of all classes and types.

Politics and criticism of officials and policy were topics discussed along with the latest gossip. With all the activity occurring on both social and political fronts, life in colonial Williamsburg could not have been dull unless one made it so.

CHAPTER IV

POLITICAL STRIFE: ARISTOCRATS VS. GOVERNOR

Beneath an apparently serene surface, the Spotswood administration simmered and boiled with controversy and agitation for its entire duration. The governor was in constant dispute with his Council and the House of Burgesses throughout most of his term in office. These disputes were waged over such matters as the collection and distribution of the quit-rent revenue, and the appointment of judges on commissions to courts of oyer and terminer, both unattractive and unappealing subjects to the layman in history. They are interesting to students of American political growth, however, mainly because of their effect on Virginia life and their influence on the development of democratic ideals in America. These disagreements over questions of authority in Virginia are the events that make the Spotswood era important.

Spotswood caused the struggle between him and his Council by his efforts to reassert the prerogatives of the crown. For several years before his coming to Virginia, the Council under President Edmund Jennings had been supreme in Virginia, ruling as it saw fit. Its confidence and belief in

its own ability and right to govern were threatened by Spotswood's vigor and determination. It saw in his attempts to reform the quit-rent system in the colony and the governor's claim to the right of appointing special judges on commissions of oyer and terminer, definite blows at its authority. The Council, angered and frightened by the prospect of losing its influence, fought these and all other measures believes harmful to its position with all the power and resources at its command. The struggle, though bitter and hard fought by both sides through most of Spotswood's administration, was inconclusively decided, the Council recognizing the validity of the governor's claims and the governor following the Council's in practice.

Alexander Spotswood's career as governor of Virginia began in a spirit of accord and cooperation that belies the turbulent years that follow. Ironically perhaps, the Governor's first night in the colony was spent at Green Spring, the lovely home of Philip Ludwell, later to become one of his most bitter personal and political enemies. He assumed office on 22 June, 1710, and for a while everything ran smoothly between the new governor and his subjects. ¹ Part of his initial popularity was due to his bringing over the writ of habeas corpus to Virginians, a right they had been claiming for a number of years and were now jubilant to receive, but in the main his

1. Dodson, Op. Cit., p. 6.

popularity was due to his own personal attractiveness.

This popularity was not long lived as he soon started on a program of reform of the land system. One of the phases of Spotswood's program he pursued most vigorously was the breaking up of the monopolizing of vast tracts of land held for speculative purposes, vast areas interfering with the proper development and settlement of the frontier. Moreover, most of these tracts were acquired by gross disregard of the land laws, the case of Colonel Ludwell of the Council being the most notorious. Ludwell, entitled to 2000 acres by virtue of forty headrights, added a cipher, thus obtaining 20,000 acres for himself. He was never punished for this violation of the law as he and his friends were too powerful in the government to be censored for such acts. Another practice contrary to law and custom was the sale and purchase of headrights for three or four shillings or a half-crown. This enabled one to secure land without meeting the full requirements of the headright regulations. Also, many estates contained "hidden" acres, additional acres over and above the number specified in the patent, added deliberately or by error in the surveying of the land. Much of the land patented had not been cultivated or seated according to law, oftentimes a hogsty being made to fill the legal requirements for the taking up of land. Spotswood's interest in these and corresponding practices was caused by their reduction of the royal revenue,

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a matter vital to the interests of the governor.

As a partial remedy for these ills, Spotswood made several adjustments in the land regulations. A law of 1710 provided for the forfeiting of all land on which the quit-rent had not been paid for over a period of three years. It also said that all applications for lapsed lands should henceforth be made to the governor, and that surplus or "hidden" land on estates and not mentioned in the patents might be patented by their discoverer. By a proclamation of 8 December, 1710, Spotswood decreed that no grant in excess of 4000 acres should be made to any individual until the governor was informed of the ability of the patentee to cultivate more.³ These laws eased the situation somewhat, but they were not a cure.

The surest means of correcting the abuses in the land system was the strict enforcement of the quit-rent laws. Such a policy would have made the holding of large estates unprofitable and curb the speculation in land. An accurate rent roll would reveal "hidden" acres and unseated, uncultivated lands. Thus, most of the land abuses could be remedied by efficiency in collecting the quit-rent revenue and therefore Spotswood decided that more business like methods were necessary. Reform was difficult as many large planters were office holders and objected to any change detrimental to their personal

2. Bond, The Quit-Rent System in the American Colonies, p. 228. Henning, v. 3, p. 101. See above, p. 24, for a discussion of patents and rights.
3. Fiske, Op. Cit., p. 221. Spotswood Letters, v. 1, p. 51.

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interests.

The quit-rent was a perpetual obligation payable every year upon all lands from the date they were first obtained. It was a customary institution of England that had been transplanted to America. Essentially, the quit-rent was a feudal due, originating from the commutation into a fixed money equivalent of the food and labor payments exacted by the lord of the manor, a commutation requiring several centuries of gradual change.⁵ Its chief importance lay in the fact that it was a means of asserting the feudal position of the crown. It symbolized the relationship between the crown and the colonies and was a constant reminder to the colonists of that relationship; the mere act of payment was recognition that the king possessed special rights and privileges over all. The quit-rent was an effectual aid in the settling of land problems: the prevention of speculation and land monopolies, the discovery of "hidden" acres, other frauds in title, and in correcting other violations of the laws. The chief value of the quit-rent to Spotswood was as a source of royal revenue. It provided a fund over which the General Assembly had no control, but one that could be spent only as directed by the English treasury.⁶ It, nevertheless, was a great benefit to the governor to have a monetary source independent of the whims of the legislature.

4. Bassett, Op. Cit., p. lv. Bond, Op. Cit., p. 228.

5. Bond, Op. Cit., p. 25. Wertebaker, Planters of Colonial Virginia, p. 50.

6. Bond, Op. Cit., pp. 439, 446.

The earliest and most successful system of quit-rents in Britain's American possessions was that in Virginia, an important reason for this being the fact that the Old Dominion's quit-rents had been under royal administration from their inception in 1625. The British government at first paid little attention to their collection, allowing the dues to come under local control, but permitting no exemptions or special rates. For a while around 1665, the Assembly controlled the quit-rents. It soon passed back into the hands of royal authorities, but only after a struggle. William Blathwayt, after being made auditor-general of the colonies, converted the quit-rent into an important source of revenue with the aid of Governors Nicholson and Spotswood. The governor and assembly protested against the appointing of any but a Virginian as auditor (for the colony) and this became the custom after 1678.

Due to the scarcity of "hard" money in Virginia during the colonial period, tobacco was the usual and most logical medium of exchange. The quit-rent throughout most of this time was a duty amounting to one shilling per every fifty acres, payable in tobacco at the rate of one penny per pound. While the tax per individual was small, the whole was a sizeable figure. This revenue was never what it should have been because of the lax method of collecting employed, a laxness Spotswood determined to erase.

7. Ibid., pp. 221, 224, 226.

The machinery for handling the quit-rent that Spotswood found on his arrival, was a loose organization with little chance to fix responsibility but much for graft. At its head was William Byrd II, filling the office of receiver-general and receiving a commission of five per cent of the revenue in addition to his regular salary. Next in authority was the deputy-auditor, also with a salary and a five per cent commission. The actual collections were made by the sheriffs who received a commission of ten per cent for their efforts. As this was only one of their (sheriffs) many duties, little attention was given the quit-rents and the collection lacked adequate supervision. The sheriffs appointed deputies to do the work, thus creating the weakest part of the entire system, the part where most of the graft occurred.

The whole set-up needed a strong director with responsibility over all to ensure efficiency. The receiver-general was appointed by the crown and the deputy-auditor by the auditor-general, with the governor having little authority over either of them and that of a doubtful status. The sheriffs held commissions from the governor and council and therefore could not be called strictly to account by either the receiver-general or deputy-auditor. The special deputies making the actual collections were not bonded and were responsible only to the sheriffs.⁸ This looseness in organi-

8. Bassett, Op. Cit., pp. lvi,lix. Bond, Op. Cit., pp. 225, 227. Wertenbaker, Planters of Colonial Virginia, p. 50.

zation gave ample opportunity for graft with little chance for detection.

A constant source of irritation with respect to quit-rents was the lack of adequate records. The sheriffs kept only accounts of the total amount paid with the names of the payers. They had no statistics on the number of taxpayers in the county, how many acres each owned, the total number of acres taxable, or the number of acres for which taxes were paid. An accurate rent roll embodying the above tables was a constant desire of both Governors Nicholson and Spotswood, but neither succeeded in securing a really satisfactory list. Such a record would have made possible the enforcing of the quit-rent and the reforming of the land system.

The method of disposal of the quit-rent tobacco was by private auction using the "inch of candle" procedure until Governor Nicholson eventually secured the adoption of public sale. The change was one for the better as the old system was easily abused by speculators and grafters. Several attempts to return to the old procedure were thwarted and public sale of the quit-rent tobacco prevailed during Spotswood's administration. Another step in the program of reform was the passage of an act (passed shortly after Spotswood

9. "Inch of Candle - a phrase used to designate a sale or auction in which persons are allowed to bid only till a small piece of candle burns out." Webster's New International Dictionary, second edition, G. and C. Merriam Company, Springfield, Massachusetts, 1937.

began his active campaign for improvement of the quit-rent) making the quit-rents payable at public warehouses in inspected tobacco. This act assured the government of a supply of tobacco of good grade rather than the trash formerly received, and greatly increased the royal revenue.¹⁰

The governor's plan to reform the method of collecting the quit-rents at first encountered the opposition of the Council, and Byrd, the receiver-general, took offence at implications of mismanagement and incompetence in the handling of the revenue. Spotswood, somewhat as a conciliatory measure, asked for the councillors' objections to reform in writing. Only Byrd replied, suggesting a substitute plan for the governor's. The main points of his plan were: the quit-rent should be collected by four deputy receivers, those who paid in tobacco were to do so before the last of March, and the deputy receivers were to account to the receiver-general and also to make sworn returns of the accounts to the auditor. These proposals were spurned by Spotswood who answered Byrd's objections so vigorously that his own scheme of reform was adopted by the Assembly in 1714. Its salient features were: (1), the sheriff should collect the quit-rent at a place appointed by the county court, (2), for all quit-rents brought to them, the sheriffs would receive only a five per cent commission and the payer would benefit by a five per cent

10. Bond, Op. Cit., pp. 229-230.

discount, (3), an eight per cent discount would be given to all paying the receiver-general in person, (4), the sheriffs would settle directly with the receiver-general in Williamsburg and file copies of their accounts with the auditor and the clerks of the county courts, (5), the quit-rent could be paid in sterling money, or foreign coins (rated with Mexican or Peruvian silver), or tobacco notes on any Virginia warehouse, and (6), on a given day, a list of all the quit-rent tobacco by parcels should be posted on the general courthouse at Williamsburg, the buyers to enter their bids opposite the parcels they wanted, and the highest bidder to get the tobacco at the end of ten days. The essential difference between the two schemes is that Byrd's called for the creation of special collectors while Spotswood's would use the existing machinery, but place more strain on the central point, the receiver-general.

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The immediate result of this change was a marked improvement in collections, Spotswood remarking in 1715 that one third of the crown lands yielded more than all did under the old system even though the people paid less. The governor believed that the improved manner of collecting was responsible for the increased revenue. This change soon aroused the opposition of the official classes, led by William Byrd and Philip Ludwell, the deputy auditor.

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11. Ibid., p. 231. Bassett, Op. Cit., lvi-lix.
 12. Bond, Op. Cit., p. 231.

In 1715, Byrd traveled to England, leaving Nathaniel Harrison as his deputy in Virginia, but keeping his resentment towards Spotswood's policy with him. The governor had secured the passage of two laws in 1714, one providing for the payment of debts in tobacco and the other creating a company with a monopoly of the Indian trade. Byrd objected to both of these laws, probably, because he was the only large trader not included in the Indian company, and lent his support and influence to the opposition, appearing before the Board of Trade in opposition to them. The laws were repealed in June, 1717, by order of the king, an action pleasing Byrd and his followers
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back home.

Back in Virginia there was an open breach between Spotswood and Ludwell, the latter resenting his superior's policy and refusing to submit his books to the governor. Spotswood asserted that Ludwell ignored the changes in collection, stirred up the people against him, encouraged the Assembly in efforts to secure complete local control of the quit-rent, and was ill-qualified to be an effective check on the accounts because of his relationship to Byrd. The governor suspended the deputy-auditor until his case could be tried in England, sending charges against Ludwell to the Board of Trade. Before they arrived, however, Blathwayt (auditor for the colonies) had removed Ludwell from office, thus averting more

serious trouble. Both Byrd and Ludwell presented defenses to Spotswood's charges to the Board in 1716, but the matter was allowed to drop as neither man was then in office, Ludwell having been removed and Byrd selling his office of receiver-general to James Roscoe for 500 pounds.

The forcing of new appointments to the positions of receiver-general (James Roscoe) and deputy-auditor (John Grymes) helped to establish the authority of the governor over these positions and aided in his securing greater control of the quit-rent. All of Spotswood's efforts to get an adequate rent roll failed and his scheme of collection practically ignored. The governor next tried to end the collection by sheriffs and secure the appointment of special agents for the work, but had to compromise on this plan also. The General Assembly's act of 1720 with respect to land and quit-rents was a compromise forced on Spotswood. It recognized local prejudices by retaining the sheriffs as collectors but it gave the governor more ample powers of supervision. The law was not any better in effect than preceding ones had been, but it ended the long struggle between Spotswood and the upper class officials.

One of the interesting sidelights of this struggle over quit-rents was the discussion over the disposition and spending of the funds created by them. Supporters of the

14. Ibid., pp. lxii-lxiii, liviii. Bond, Op. Cit., pp. 231-232.

15. Bond, Op. Cit., pp. 232-233. See Henning, v. 4, pp. 78-81.

crown said that it could be used for royal purposes anywhere in the empire deemed necessary by the king, while Virginians claimed that custom prescribed its being left in the colony and spent only for local purposes. Nathaniel Harrison while serving as receiver-general during Byrd's stay in England, had presented a memorial to the king to the effect that the Virginia quit-rent should not be taken over into the royal treasury but should be left in the colony. In 1720, the king forbade any expenditure from the quit-rent without a royal order and gave an indefinite promise to employ it only for public purposes. As a usual practice, this fund was allowed to remain in Virginia.¹⁶

This struggle in Virginia neither began nor ended during Spotswood's administration, its duration covering the entire colonial period. The skirmish occurring between 1710-1722 was of minor importance with relation to the whole, its chief value being in a temporary successful reassertion of royal control over the quit-rents. The whole conflict had an enormous effect on American political growth, inaugurating the struggle between external and internal forces won by the latter in the American Revolution. The laxness of the system in general, especially the methods of collection, fostered ideas of local freedom and weakened imperial control, often placing the governor in the power of the assembly.¹⁷ Econ-

16. Bassett, Op. Cit., p. lx. Bond, Op. Cit., p. 234.

17. Bond, Op. Cit., pp. 439, 444-445.

omically, the quit-rent system was of benefit to England, producing a sizeable revenue; politically, it was a detriment to her, engendering ideas of freedom and independence in the colonies. With a little organized and concentrated effort, the quit-rent system might have been made a bulwark of British power in the colonies; instead, it was neglected and became a force for separation.

There was one minor encounter between Spotswood and the Virginia planters that somewhat foreshadowed the future, their quarrel over the postal system England attempted to establish in America in the early eighteenth century. The British parliament in 1710/11 passed an act establishing a postal system, part of the proceeds thus obtained to be given to parliament for military purposes. It placed a postmaster in London and a deputy in America and specified the postage rates between various centers. The clause of the act affecting the Virginia planters was that requiring ship captains to deliver all letters of trade, unless they were accompanied by the goods referred to, to the postoffice of the district from which the planters could get their mail. Before this, all letters had been handled directly between planters and captains for a small fee. Spotswood favored the act but recognized that its success was hampered by the Virginia custom of using tobacco as money.

By 1717, the postal system was in partial operation in Virginia despite the resentment and protests of the people.

They claimed that the postage rate was a tax and could not be levied by parliament without the consent of the local assembly. Feeling was so bitter toward the postal system that several laws were passed that would have fined it out of existence if Spotswood had not interfered to prevent their becoming effective.

The objections raised by these early Virginians to the post were similar to those raised later to the notorious Stamp Act of 1765. Denial that parliament could tax them without their consent or regulate their lives in other ways was heard even then; and the people of the time were just as prompt to take active measures to safeguard their liberties as were those of a later date. Virginians were loyal to England as long as England refrained from interfering with local colonial affairs.

The highest court of the land during Spotswood's day was the General Court, held by the governor and Council sitting together. This position gave great power and prestige to the Council, so much that Spotswood determined to lessen it by extending the privilege of holding courts of oyer and terminer, as among his many instructions was one enabling him to appoint such courts at least once every half year. When the governor tried to carry out his intentions, the Council protested, saying that the matter was sufficiently covered by the law of

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1705. Objections raised in England over this act gave Spotswood his opportunity and he used it to secure the passage of a law (1710) recognizing the crown's right to establish courts other than the General Court and also, the royal prerogative in appointing judges on special commissions of oyer and terminer. The chief weakness of Spotswood's scheme was that the appointment of the special judges was solely in the hands of the governor, giving to one man too great an influence over the judiciary.²⁰ While the oyer and terminer law of 1710 received little notice and was considered a minor bit of legislation at the time of its passage, it later became an important support of Spotswood's arguments in the struggle over the forming of these courts.

The governor's chief justification for his act of appointing special commissioners to sit with the Council in courts of oyer and terminer was that as the law required the retirement of judges in all cases concerning relatives and the council members were so interrelated,²¹ it was desirable that

19. Session of October, 1705 - 4th Anne. The governor was given power to appoint oyer and terminer commissions for the speedy trial of slaves committing capital crimes. This law also repealed that of 1692. Henning, v. 3, p. 269.
20. Bassett, Op. Cit., p. lxviii. Ford, Op. Cit., pp. 5-8. Spotswood Letters, v. 1, p. 50.
21. An examination of the council of 1717 will serve to illustrate Spotswood's contention. James Blair and Philip Ludwell married sisters of Nathaniel Harrison, William Byrd married Ludwell's niece and William Bassett and Edmund Berkeley married half-nieces of Ludwell, thus allying six of the most powerful and influential men in Virginia. Beatty, William Byrd of Westover, p. 66.

the courts be constituted differently. The Council claimed that only its members should be appointed to such courts and naturally objected to Spotswood's contrary procedure. The latter practice soon changed opinions and eased the situation. The Council in 1711 sent an address to the queen expressing their gratitude for the benefit of the appointing of courts of oyer and terminer with their more speedy execution of justice and relief from long imprisonment. In 1712, the Council was unanimous in the opinion that oyer and terminer courts should be constantly held regardless if there was or was not a case to be tried. ²² This spirit of harmony between the governor and council lasted only a short while, the conflict being enjoined again late in 1712.

In December of the latter year, there arose the case of a man being tried for his life. As Spotswood claimed at that time that he could count on only four of the Council, he named the speaker and two burgesses to aid in holding an oyer and terminer court. The councillors objected and refused to perform their duties as councillors until their grievance was redressed. The special appointees were withdrawn and the matter dropped temporarily, the governor referring it to the Board of Trade in 1713. For the time being the problem was compromised, the Council agreeing to Spotswood's opinion of calling the courts and the governor selecting judges only from

22. Cal. S. P., Am. and W. I., 1710-1711, p. 420. Osgood, Op. Cit. pp. 243-244. Spotswood Letters, v. 2, p. 25.

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among the members of the Council.

No answer came to Spotswood's appeal for nearly three years, but when it did come in June, 1716, it sustained all of his contentions. The governor could appoint such courts if there was no colonial law to the contrary. There was none as the law of 1710 regarding this type of court had removed all legal obstacles. With this assurance of the correctness of his views, Spotswood determined to exercise this power occasionally to establish respect for the king's authority. Accordingly, when the need for the trial of some criminal cases arose (1716), he appointed four gentlemen of the country together with five of the Council to serve as a court. Only one of the councillors was willing to serve, the others refusing with no legal basis for their actions. The matter was again dropped and again reported to London authorities for advice.²⁴

This time the case went before the attorney-general and was decided for the second time in the governor's favor but with the recommendation that he make discreet use of his power. The Council acquiesced publicly after this affair due to this decision and pressure from Spotswood. Secretly, however, they sent a complaint about the governor's policy toward oyer and terminer courts to the Board of Trade and

23. Bassett, Op. Cit., p. lxix. Osgood, Op. Cit., p. 244.
Spotswood Letters, v. 2, p. 25.
24. Bassett, Op. Cit., p. lxix. Spotswood Letters, v. 2,
p. 260.

Plantations in London in 1717. Eight of the leading opponents of Governor Spotswood signed it: Robert Carter, James Blair, Philip Ludwell, John Smith, John Lewis, William Bassett, Nathaniel Harrison, and Edmund Berkeley,²⁵ their act receiving the approval of William Byrd, at this time in England. These men carried their political grudge so far that on a day of public celebration of the king's birthday, they not only refused to visit Spotswood's house or attend the play given as part of the festivities, but invited all of the disaffected burgesses to an entertainment of their own in the Burgesses' house, and the mob to a bonfire and gave them free liquor. No notice was taken of the governor at any time during the evening.²⁶

The House of Burgesses now entered the argument on the side of the Council. By unfavorable speeches and great rudeness, it tried to tempt Spotswood into returning the like, but he ignored their actions. The Assembly also seemed to try deliberately to annoy the governor, passing acts despite his known opposition, withdrawing the support from his Indian school at Christana and causing its discontinuance, and in various exasperating discussions and deeds.²⁷ Byrd in England had secured the repeal of two laws sponsored by Spotswood to further add to his humiliation. It was the policy of the

25. Cal. S. P., Am. and W. I., 1716-1717, p. 292. Osgood, Op. Cit., p. 244.

26. Spotswood Letters, v. 2, p. 284.

27. Osgood, Op. Cit., pp. 244, 247. Spotswood Letters, v. 2, p. 283.

councillors led by Byrd, Blair, and Ludwell to oppose the governor in every matter and in every way possible. Even the election occurring in 1718 was interfered with. A paper was circulated through the colony, Spotswood believed Ludwell responsible for it, advising freeholders to elect burgesses who were favorable to the Council's ideas. The paper itself failed to secure the results desired by its proponents, but they nevertheless gained a majority in the new house.²⁸

By March of 1718, Spotswood had learned of the secret address sent to the king by the eight councillors the preceeding year. On the twelfth of that month, he asked them to explain the address. As only five of the signers were present, they requested permission to give their answer the next week. On the thirty-first, when seven of the eight were present, they answered that it was improper for Spotswood to meddle with the letter without direction from them. This was not a real answer, only an evasion which had required over two weeks to prepare, a definite answer explaining the address seeming never to have been made. On the 14 May, 1718, Spotswood appeared in the Council meeting with a decision from England supporting his claims and the Council perforce agreed to them.²⁹

On 24 May, the House of Burgesses adopted an address to the king containing charges against the governor. It

28. Osgood, Op. Cit., p. 245. Spotswood Letters, V. 2, pp. 276-277.
 29. Bassett, Op. Cit., pp. lxxi-lxxii.

alleged that the governor had perverted the laws, had exceeded appropriations in his expenditures on his house, had abused the burgesses by provoking messages and speeches, and had tried to prevent the county justices from levying the salaries settled by law on the burgesses. On 27 May, they named William Byrd (already in England) as their agent and made provision for his salary. ³⁰ In November, the following instructions were sent to Byrd: lay the address of the House before the king and also the grievances against the governor, ³¹ but to handle no other matter except the above named.

But by now Byrd made little impression on the Board as that body agreed wholly with Spotswood. Byrd appealed to the king who requested the Board to give him full particulars of the affair. The reply came that the only persons in Virginia who were disturbed over the question were those who claimed the sole privileges as judges in these cases and ³² Byrd's appeal to the king came to naught.

After eight years, the struggle over the governor's right to appoint special judges on commissions of oyer and terminer came to a conclusion favorable to Spotswood. Three times the question was referred to the authorities in England for settlement, first to the Board of Trade, then to the attorney-general, and lastly, to the king, and on each

30. Jour. H. Burg., May, 1718, pp. 207, 210. Osgood, Op. Cit., p. 248.

31. Jour. H. Burg., Nov., 1718, p. 231.

32. Bassett, Op. Cit., p. lxxi.

occasion the decision handed down was adverse to the claims of the Council. Realizing that the Virginia leaders would be content only with his dismissal from office, Spotswood endeavored to break their power by removing them from the Council.

In July of 1718, he asked his superior, Orkney, to have Byrd, Blair, and Ludwell removed from their seats in the Council. Orkney appeared before the Board of Trade in August requesting investigation and dismissal of the party found guilty, but the Board postponed the matter. Spotswood appealed to the Board on two different occasions asking the removal of Byrd because of his long absence from the colony (over three years) and recommending Cole Digges as councillor in his place. Byrd, now fearful for his position, humbled himself, offering his services as mediator between governor and council and promising to use his influence to bring about harmony and peace on the governor's own plan. As if doubtful of his reception by the colonists, he requested letters explaining his purpose to the different parties in Virginia. Orkney favored this proposition and after several more months of negotiation and delay, the Board finally agreed to the plan, Byrd receiving his orders from the king continuing him in the Council in 1719. He arrived in Virginia in February, 1720, with orders for the opposing factions to make peace, thus ending the controversy over commissions of oyer and terminer.³³

33. Ibid., pp. lxxiv-lxxv.

Despite the bitterness of the quarrel and the fierceness with which it was waged, neither side gained a decisive victory. Technically, Spotswood can be said to have won as the officials of the crown upheld all of his claims and the Council agreed that he could appoint judges to the court. Actual practice, however, favored the Council, as on all subsequent courts, only councillors were appointed as judges, a tacit recognition of their power and influence in the colony.³⁴ The quarrel ended with the crown and governor theoretically stronger in Virginia but with no actual increase in power or any lessening of the importance of the planter aristocracy.

In religion, Virginia was Anglican and under the authority of the bishop of London. Because of the difficulty in contacting his charges in Virginia, the Bishop appointed James Blair his commissary in 1685. Blair possessed the power to supervise the clergy in a general way but could not ordain or confirm. He also began the custom of calling the clergy together occasionally for conferences and was influential in persuading them in 1690 to back the proposed college.³⁵ But besides performing ably his difficult religious duties, Blair was a member of the Council of Virginia, an astute politician, and an implacable political enemy of Alexander Spotswood.

34. Ibid., pp. lxxii-lxxiii.

35. D. A. B., v. 2, p. 335.

The discord between Blair and Spotswood was due to the extreme power given the governor and the confused relations of church and state. The chief dispute was over the proper induction of ministers. Both parties agreed that the governor had the right of induction but disagreed as to his manner of exercising it. Spotswood claimed he could induct a minister right away, that is, as soon as a vacancy occurred; Blair insisted that the churches chose their minister, the vestrymen presenting him to the governor for induction. As simple of solution and insignificant as this problem may appear, it nevertheless was an important one, eventually leading to the dismissal of Spotswood.³⁶

The Assembly of 1718 brought up the controversy over the governor's right to collate to benefices at the provocation of Blair and Ludwell as a means of discomforting the governor. The governor ignored the challenge at this time but brought charges against Blair at a convention of the clergy in Williamsburg in 1719. Nothing happened at the convention but both parties sent letters stating their arguments to the Bishop of London. Blair traveled to England in 1721 and while there,³⁷ scored a complete triumph over his rival. What the quarrels over the quit-rent and courts of oyer and terminer had been unable to secure, that over the induction of ministers attained,

36. D. A. B., v. 2, p. 336. Motley, Life of Commissary James Blair, pp. 52-53.

37. Motley, Op. Cit., pp. 53-54. Osgood, Op. Cit., p. 248.

the removal of Alexander Spotswood as Lieutenant-Governor of Virginia.

That the most popular of Virginia's colonial governors performed his tasks well and creditably to the betterment of his charge, is best told in the words of a contemporary, the Reverend Hugh Jones,

"..This country is.....far more advanced and improved in all Respects of late Years, since the beginning of Colonel Spotswood's Lieutenancy, than in the whole Century before his Government, which he may be said to have discharged with a commendable, just, and prudent administration...."³⁸

If Alexander Spotswood had made no attempt to assert and increase the royal authority in Virginia, his administration would have remained in obscurity; if he had made such efforts and encountered no opposition from the Virginians, it would have been equally insignificant. But Spotswood met with vigorous and powerful resistance to his measures and his administration is notable because of its many quarrels between governor and council for control of the colony.

The members of the Council were a wealthy and class-conscious group, possessing great pride in their social and political position and willing to fight to defend them. They opposed Spotswood in his attempts to lessen their power as they had opposed Andros and Nicholson before him and were to oppose others who followed. They fought even when they knew

38. Jones, Op. Cit., p. ii.

their cause was wrong and by their very persistence oftentimes gained their ends. The councillors, despite the brief existence of the colony, were Virginians first and Englishmen second.

The quarrels of the Spotswood era affected mainly the upper class of society, usually passing over the mass of the population. But this class was the most important group in Virginia, its members being the recognized leaders of colonial life in matters of finance, society, and politics. The quarrels helped to develop among the aristocrats a strong colony sense and a feeling of loyalty to Virginia and for Virginia customs. They also taught the upper class that to protect its rights and privileges, it would have to fight unitedly and consistently. Most important of all, they gave the colonial leaders valuable training and experience in leadership, attributes to stand them in good stead in the great struggle of 1776.

The major conflicts of Spotswood's decade ended in compromise. In both the quit-rent and oyer and terminer affairs, the governor received the support of the British governmental and legal authorities and the Council was forced to agree to their decisions; but in practice, the methods and procedures of former years and favored by the Council were practically unchanged. The Council was satisfied to let the governor triumph in theory if they could win in reality. By these successes, they were often tempted after losing the

decision in theory, to continue a fight in hopes of a victory in the application of the decision.

These quarrels also served to increase the planters' good opinion of themselves and their ability to direct Virginia's affairs wisely. By often securing their aims with only determination and fight as allies, they became more aware of their power and surer of their ability to gain their goals. Accordingly as time passed, the Virginians' objections to British regulation and control came to be voiced more frequently and with more insistence upon redress.

The Spotswood era is important not because of the significance of the individual events of the period but for its influence in moulding and fostering the ideas of democracy and freedom that caused the American War for Independence.

APPENDICES

APPENDIX A

OATH OF A COUNCILLOR ON TAKING HIS
1
PLACE IN THE COUNCIL

"You shall swear to be a true and faithful servant unto the King's Majesty as one of his Council of State and to be aiding and assisting to his Excellency his Majesties Lieutenant Governor of Virginia; You shall in all things to be moved treated and debated in the Council faithfully to declare your Mind and opinion, according to your heart and Conscience, and shall keep secret all matters committed and revealed unto you according to the same, and that shall be treated Secretly in the Council, until such times as by the Consent of His Majesties Lieutenant and Governor General and the full consent of the Council of State there Resident or the major part of them, Publication shall be made thereof; You shall to your utmost bear faith and Allegiance to the King's Majesty and his heirs and lawful successors, and shall assist and defend all Jurisdictions, preheminoncos and authorities granted unto His Majesty and annex unto the crown against all fforeign Princess Persons Prelates and Potentates whatsoever and Generally you shall act and doe in all things as a faithful and true subject ought to doe to his Majesty."

1. Bassett, Op. Cit., p. liii, quoting from Council Minutes, 1721-1734, miscellaneous papers in the back of the book.

APPENDIX B

THE COUNCIL'S REPRESENTATION TO THE GOV'R TOUCHING
 1
 COMMISSIONS OF OYER AND TERMINER, 1713

May it Please Your Hon'r:

As the constant civilitys yo'r Hon'r has on all occasions exprest to the Council raised in us a suitable degree of gratitude, so the Experience we have of your Justice and Moderation makes us hope you will not be displeas'd with this, our Just and necessary Representation. It was not without some uneasiness to us that were present, to find in the Last Commission of Oyer and Terminer some other persons joyn'd with the Council. But in regard no criminal was then to be try'd, and because we were unwilling to show publique disapprobation of what you had then been pleas'd to determine, we thought it most respectfull to yo'r Hon'r not to absent ourselves. However, we must now beg leave in a more decent, and, we hope, in a more agreeable manner, to make our Exceptions to such Commission, and we hope you will not think it altogether without reason. When yo'r Hon'r was pleas'd to cause her Majesty's Instructions to be read in Council relating to this matter, and after some debates had arisen about it, you were pleas'd to declare, (if those that were present remember rightly,) that you had no intention to appoint any other persons But the Council in that Commission; and if it should be otherwise, we beseech your Hon'r to reflect How much the Gen'll Court will be divested of its Jurisdiction, which is not only founded on the late Law, but also upon the constant usage of this Dominion, no instance being upon Record that any other stated Court of Judicature hath had cognizance of Life and member but the Gen'l court only, and, with humble submission, there is great reason it should be so; for it would be hard that men's lives should be try'd by more inferior judges than their Fortunes, of which the last Resort in this Country is in the Gen'll Court. Tho' we have the most entire confidence in your Hon'rs Justice, and do firmly believe

1. Spotswood Letters, v. 2, p. 221.

that in all things you will act according to the nicest Rules of integrity and honor, yet in times to come it may be our misfortune, in your stead, to have a Governor who may make a very dangerous use of this Precedent. In such a case we submit it to your Hon'rs penetration How much less security men's Lives and Libertys will be under than their Estates whenever it shall please God, for the punishment of this Country, to put it under the direction of a passionate and resenting Governor. It is possible some may object that in England other Gentlemen are frequently added to the Commissions in Oyer and Terminer in their Circuits Thro' the severall Countrys, and also that in this Country some Commissions of this Kind have been issued for Tryal of the Pirates and Indians in Extraordinary cases. To both these objections we beg leave to answer as follows:

We own the Judges in England do carry with them in their circuits Commissions of Oyer and Terminer, wherein some Gentlemen of the respective Countys are named Associates with them. But this is purely for the ease of the County, that Prisoners may be Tryed without Trouble of sending them up to the King's Bench. In the Circuits there is but one Judge to sit on the Pleas of the Crown, and therefore it may be thought necessary to Join some other Persons in Commission with him. But there is no Instance of such an addition to the Judges when they sit upon Life and Death in the King's Bench.

Those Commissions which have issued in Virg'a were sent out for the Tryal of very uncommon and enormous Crimes, but we humbly presume that such Extraordinary Courts Can't, with much reason, be compared to a settled court that hath its constant Returns Twice every year, That holds its Sessions in the Patropolis of the Colony and in the very seat of the Gen'll Court, and hath cognizance of all breaches of the Peace as well as Pleas that Concern life and member.

Since it hath been insinuated to your hon'r that the Council, in advising the Continuance of this Court, had too much regard for the allowance for that purpose, we humbly beg leave to repeat the same Explanation of our meaning That some of us made use of at the time it was Debated, to-wit, That if we were obliged to leave our affairs at

home and come to attend this Court, we had a fair claim to the Salary, but if your hon'r would please to dispatch a timely notice to us that no Criminals are to be tryed, That then, being put to no trouble, we should not Expect any pay. Upon the whole matter, we entreat your Hon'r to Observe That when we were appointed members of the Council, we found this Jurisdiction confin'd only to the Judges of the Gen'll Court, and we should be unwilling that our successors should reproach us with have willingly Departed from it; however, we don't presume to measure the prerogative of the Crown in such matters, but humbly hope That her Maj'ty will be graciously pleased to suffer such affairs to proceed in the usual method, Except where unusual accidents shall require an Extraordinary Exertion of her Royal power. However, if your hon'r shall see cause to be of a different Opinion, and shall still be pleased in those Courts to joyn other persons with the Council, we humbly beg you will have the goodness to dispence with our attendance on such occasions for the future, and shall think ourselves very unfortunate In having Sentiments in this only business opposite to your Hon'rs, being withall the duty and respect in the world,

Yo'r Hon'r's most faithfull and
most humble servants,

Jno. Custis
John Lewis
W. Byrd

Robert Carter
Phill. Ludwell
Hen. Duke
John Smith

APPENDIX C

ADDRESS OF THE HOUSE OF BURGESSES
1
TO THE KING, 1718

To the King's most Excellent Majesty The humble
Address of the House of Burgesses

Most gracious Sovereign

Wee your Majestys most Dutifull and Loyall Subjects the Burgesses of this your antient Colony and Dominion of Virginia now assembled do heartily Embrace this first opportunity humbly to Congratulate your Sacred Majesty on the Success of your Armes against those Dangerous Rebels who blinded with party fury made Such desperate Efforts for the Subversion of our Religion and Liberty's And likewise to return our unfeigned thanks for your great Care of the Trade of our Mother Country of which Wee (thô very remote) feel the happy influences, and do firmly believe the present flourishing Condition of this Country is next to the Divine Goodness owing to the wisdom of your Majestys Councells and glorious Administration.

Your great goodness displayed in the tender regard you shew for all yo^r Subjects gives us boldness at this time to approach your Sacred person and most humbly to represent That the Honble Alexander Spotswood your Majestys Lieut^r Governor pursuant to your Royall Commands hath Laid before this House your Order in Council Date at Hampton Court the 31th of July 1717. And also your Royall Instruction Dated the 27th of September last - upon consideration of which wee are humbly of Opinion That by the Said Instruction your Majestys Subjects may be deprived of the best meanes of Raising a Revenue for the Support of this your great and most antient Colony let the Emergency be never so great til your Royall Pleasure is known therein which through our natural Scituation Wee conceive may prove of dangerous Consequences to the

1. Jour. H. Burg., May, 1718, pp. 207-208.

future Safety of all your good Subjects residing here.

Wherefore Wee most humbly Implore your Majesty that you will be graciously pleased to allow us the Liberty of making Laws for the good and Support of this Colony as formerly it being often needfull Laws should take place immediately And as the Dependance we have on Trade will alwaies make us Cautious of laying unnecessary Burthens upon it So the Negative with which your Govern^r. is vested may alwaies by an Effectual Ban thereto -

Wee further begg Leave to represent to your Majesty that the Judges of your Generall Court have from the first Settlement of this Colony had Cognizance of all Criminall Cases which which Jurisdiction was granted to them by the Letters patents of your Majestys Royall Predecessors and confirmed to them by Act of Assembly -

And whereas her late Majesty Queen Ann was pleased by her Royall Instruction to appoint Two Courts of Oyer and Terminer to be held in this Colony every year with the gracious View That all persons accused of any crime might be brought to a Speedy Tryall. The Hon^{ble}. the Lieut Governour pursuant to the Said Instruction is Impowered to Appoint in the Said Courts what Judges he pleases (Exclusive of the Constant Judges above menconed). Nor doth he hold himself obligid so much as to take the advice of the Council in the nomination of the Said Judges whereby wee apprehend the Governour may have the lives and Estates of your Majesties good Subjects of this Colony very much in his power and will be able to defeat the Jurisdiction of your Majesties Said Generall Court whenever he shall think fit.

Therefore we most Earnestly pray That your Majesty out of your great goodness will direct by your Royall Instruction to your Governour That the Judges of your Generall Court (who being appointed by your Majesty out of the ablest and discreetest of your Subjects in this Colony, and holding their places during your Royall pleasure have alwaies with great Honour and Justice and to the generall Satisfaction of your People Discharged that great Trust) may be declared the only Justices of the Said Courts of Oyer and Terminer. Or that your Majesty will be pleased to restrain this Dangerous

power in Such other manner as you in your great
wisdom shall think most proper -

To you Great Sir we fly for Succour Our Safety
is bound up in yours whilst you Sit Secure on the
Throne of your Ancestors. the Oppressed can never
want a powerfull and ready Defender. And therefore
for our own and Countrys sake wee shall never cease
to Implore the Divine Protection over you That the
Almighty would effectually give you the hearts of
all your Subjects and defeat the Designs of your
Enemies and continue the Crown in your truely Pro-
testant family to all Posterity -

APPENDIX D

INSTRUCTIONS OF THE HOUSE OF BURGESSES

TO BYRD; 1718¹

The said Instructions as amended & agreed to by the House are as follows:

Instructions to William Byrd Esq^r Agent for the Colony of Virginia

1. To present to his Majesty as soon as conveniently you can the Address of this House, and at the same time to lay before his Majesty in the best manner you can, the following particulars against the Lieutenant Governor:
2. That he hath by a misconstruction of our Laws as much as in him lay perverted many of them particularly that for Settling the Titles & bounds of Lands which makes it a condition of the Patents, that they are to forfeit them if they fail three years of paying their Quitt Rents, which he hath endeavoured to extend to Lands granted before that Law, which have no Such Condition in their Patent or Grant.
3. His Construction of the Law for finishing the Governors house, whereby he lavishes the Countrys money, contrary to the intent of the Law, and even beyond what the words of the Law will bear, and hath hitherto refused any Redress therein.
4. That he endeavoured to deter the Justices of the Country from levying the Burgesses Salary Settled by Law.
5. That he hath by provoking Speeches & messages abused the House of Burgesses, and thrown undeserved Reflections upon them.

1. Jour. H. BURG., Nov., 1718, p. 231.

6. And also you are to represent to his Majesty that this Country hath no way to represent its Grievances but by an Agent; That we seldom complain but when much opprest by our Governor, in which case the Governor will hardly be prevailed with to consent to the paying an Agent for his trouble and necessary disbursements; wherefore you are to endeavour to obtain an Instruction to our Governor to consent to any such necessary payment when the House of Burgesses shall next meet.

Upon a motion

The Question was put

That it be an Additional Instruction to Mr Byrd not to represent any other matter against Lieut^t Governor, that what is contained in the sd Instructions

It passed in the negative.

APPENDIX E

THE CROSSING OF THE MOUNTAINS

It was in 1716 that the Blue Ridge mountains were first crossed by white men, Alexander Spotswood and his small band of gentlemen performing the feat and thus obtaining immortality for themselves. This journey has become the best known incident of Spotswood's career and has completely overshadowed all the other accomplishments of the man, the important deeds and acts of the governor being submerged by the romance and legend surrounding the explorer. It is the one single event of the middle colonial period that is universally known by the people of America, practically everyone at one time or another having heard of the crossing and the "Knights of the Golden Horseshoe." But the interest and attention bestowed upon the expedition belie its importance as the event possessed no great practical value, made little impression upon the life of the colony, and failed to attract the attention of colonial Virginians.

The crossing of the Blue Ridge in 1716 was very unlike other expeditions of exploration in that it was more of a pleasure excursion than anything else. It was not a matter of courage and endurance as danger and hardships were nil, enough servants and equipment, plus large quantities of food and drink, being carried to ensure comfort and protection to the gentlemen of the party.¹ The entire trip covered a period of only 28 days going, and coming, the distance traveled being 438 miles.²

Governor Spotswood, John Fontaine, and others set out from Williamsburg on 20 August, 1716, and arrived at Germanna on the 24 August, having spent one night at Robert Beverley's and the other camping out. On the 26th, the other gentlemen of the party arrived, together with two companies of forest rangers, six men and officers to each, and

1. Andrews, Virginia, the Old Dominion, p. 186.
2. Bruce, Op. Cit., p. 130.

four Meherrin Indian guides. Counting the servants of the gentlemen, the party numbered nearly fifty persons.³

From Germanna, the party proceeded westward up the south bank of the Rappahannock River to its headwaters before crossing it, spending the nights under the stars or tents according to the weather.⁴ The party reached the foothills of the Blue Ridge in early September and on the fifth began the final ascent of the mountains. At 1 P. M. of the same day they reached the top overlooking the beautiful valley of Virginia where they drank the health of King George.

On the 6th, the party descended into the valley. There they saw the tracks of elk and buffalo and watered their horses in the Shenandoah River which the explorers called the Euphrates. They also buried a bottle containing a message taking possession of the land in the name of George I. The highest mountain found was named Mount George after the king and the mountain crossed over, Mount Alexander after the governor.⁵ That evening the explorers gathered around a campfire to celebrate their success. The king's health was drunk in champagne and a volley was fired, the princess' health was drunk in burgundy followed by a volley and the entire royal family's in claret and another gunfire salute.

The most exciting adventures met by the explorers were trivial ones such as being stung by hornets, being thrown from a horse, or encountering rattlesnakes. The most remarkable thing about the expedition was not an adventure but was the large variety and surprising amount of liquor carried. The party had Virginia red and white wine, Irish usquebaugh, brandy, shrub, two kinds of rum, champagne, canary, cherry, punch, cider, etc., what the etc. standing for after such a list being a matter for conjecture.⁶

The nine gentlemen who made the trip and drank

3. Maury, Memoirs of a Huguenot Family, pp. 281-282.
4. Bruce, Op. Cit., p. 130.
5. Maury, Op. Cit., pp. 286-289.
6. Jung, "The Germans of the Valley," Va. Mag. Hist., v. 9, pp. 347, 349. Maury, Op. Cit., p. 289.

the many liquors were besides the Governor, John Fontaine, Robert Beverley, Austin Smith, Robert Brooke, Colonel George Mason, Colonel [Christopher] Robinson, Captain Jeremiah Crowder, [Thomas] Todd, and Mr. James (?) Taylor.⁷

The party arrived back in Williamsburg on 17 September, the return trip being made more rapidly than the outgoing journey. The governor presented each of the members of the expedition with a miniature golden horseshoe studded with jewels and inscribed "Sic juvat transcendere montes."⁸

Thus originated the noted order of Knights of the Golden Horseshoe, an organization that has captured the fancy of Americans in every generation. This incident (the giving of the horseshoes) was an unimpressive one, no notice being taken of it by contemporaries. In Spotswood's time little attention was given the knights and no mention of them appears in the governor's letter book, although the expedition is described.⁹ They came to their present glory and prominence only by the play of imagination through the passing years.

The expedition was celebrated in a latin poem written by Mr. Arthur Blackmoor, a professor at William and Mary College. The poem, "Ultra Montane Expedition," was presented to the governor as part of the annual offering of the College for lands given it. The poem possesses little historical or literary value.¹⁰

The journey across the Blue Ridge was connected with the problems of defense and Indian relations, Spotswood desiring to establish a Virginia settlement on Lake Erie and thus divide the main French colonies of Canada and Louisiana.¹¹ This idea of the governor was not fulfilled during his lifetime, but his suggestion of placing some frontier outposts beyond the mountains was later adopted by Virginia. One important result of the expedition was the advertising of the frontier

7. "The Ultra Montane Expedition," W. and M., (1), v. 7, p. 31

8. Ibid., p. 32.

9. Conway, Barons of the Potomac and Rappahannock, p. 20.

10. "The Ultra Montane Expedition," W. and M., (1), v. 7, p. 32.

11. Osgood, Op. Cit., p. 238.

beyond the Blue Ridge and of its suitability for settlement,¹² and settlers soon began pouring into the region thus opened.

But despite the minor importance of the Tramontane Expedition as proven by historians, it has lost none of the glamour and appeal it possessed; the expedition will continue to be the highlight of the Spotswood era.

12. Andrews, Op. Cit., p. 186.

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